

# CENTRAL SYDNEY PLANNING COMMITTEE

THURSDAY 8 NOVEMBER 2001

Meeting No 262

**MINUTES** of the Meeting of the Central Sydney Planning Committee held in the Council Chamber, Sydney Town Hall, on Thursday 8 November 2001 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 of Department of Urban Affairs and Planning), Mr Chris Johnson, Ms Antoinette le Marchant and Councillor Lucy Turnbull.

The Acting General Manager and Acting Director City Development were also present.

Note - The Chairman (the Lord Mayor) left the meeting of the Central Sydney Planning Committee at 5.42pm at the conclusion of discussion on Item 8 (which was dealt with first) and returned at 5.47pm. In his absence, and with the concurrence of CSPC members, Councillor Turnbull took the Chair during the Lord Mayor's brief absence.

Note - Ms Holliday left the meeting at 6.20pm during discussion on Item 3. Ms Holliday returned to the meeting at 6.25pm during discussion on Item 6 which was dealt with following Item 3.

## **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:

8. Design Competition: 531-551 George Street, 518-524 Kent Street and 1-9 Albion Place, Sydney - Presentation by Applicant
3. Stage 1 Development Application: Tower 101 known as the former Regent Theatre Site, 487-503 George Street, 101-109 Bathurst Street and 486-494 Kent Street, Sydney
6. Department of Urban Affairs and Planning Referral: Development Application - Saunders Street Development Site, 1-3 Quarry Master Drive, Pymont
7. Review of the City of Sydney Outdoor Café Policy
4. Development Application: Lobana House, 90-100 Bathurst Street and 323-327 Pitt Street, Sydney
1. Confirmation of Minutes
2. Matters Arising from the Minutes
5. Department of Urban Affairs and Planning Referral: Stage 1 Development Application - Sites 1, 2 and 6, Wharves 9 and 10, King Street, Sydney
9. Pre-Stage 2 Development Application: 124 Philip Street, Sydney - Presentation by Applicant
10. Progress Report on Development Applications
11. New Development Application Lodgements and Delegated Items
12. General Business

## **ITEM 1. CONFIRMATION OF MINUTES (S010833)**

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

That the Minutes of the meeting of the Central Sydney Planning Committee held on 18 October 2001 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 held on 18 October 2001.

**ITEM 3. STAGE 1 DEVELOPMENT APPLICATION: TOWER 101 KNOWN AS THE FORMER REGENT THEATRE SITE, 487-503 GEORGE STREET, 101-109 BATHURST STREET AND 486-494 KENT STREET SYDNEY (D2001/00382)****Declaration of Interest**

The Chairman (the Lord Mayor) declared an interest in this matter in that he had previously purchased property from a development company which has, as a director and shareholder (amongst others), Nonda Katsalidis. Mr Katsalidis is also a partner in Nation Fender Katsalidis, architects for the applicant.

In seeking advice on this matter previously from the Director of Corporate and Legal Services, he was advised that he does not have a Pecuniary Interest in this matter.

The Chairman (the Lord Mayor) took part in discussion on this matter.

**Declaration of Interest**

Ms le Marchant declared an interest in that she is a member of a committee that advises the Minister for Transport on matters relating to valuation of property.

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

Mr Nick Lucas - Grocon Pty Ltd

Mr Steve Czeref - on behalf of Grosvenor Freeholds Pty Ltd

Mr Richard West - on behalf of Grosvenor Freeholds Pty Ltd

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

That arising from consideration of a report by the Acting General Manager to the Central Sydney Planning Committee on 8 November 2001, in relation to Development Application D2001/00382 made by City Plan Services Pty Ltd for the former Regent Theatre site, being 487-503 George Street, 101-109 Bathurst Street and 486-494 Kent Street, Sydney for a Stage 1 consent for a 33 storey commercial tower, 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 35 concerning the site's maximum floor space ratio control of 12.5:1 under the provisions of Central Sydney Local Environmental Plan 1996 is not supported.

- (B) The objection made under State Environmental Planning Policy No 1 - Development Standards, in respect of the development's non-compliance with the 55 metre height control for the Bathurst Street frontage of the site under clause 32 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 reason:
- (1) That the amended scheme received on 5 September 2001 provides for adequate setbacks to Bathurst Street that achieve the objective of the 55 metre height control and an appropriate setback to the adjoining MBF building located at 97-99 Bathurst Street, Sydney.
- (C) Consent be granted to a Stage 1 Development Application, under Section 80(4) of the Environmental Planning and Assessment Act 1979, subject to the following conditions:-

## **APPROVED DEVELOPMENT**

### **BUILDING ENVELOPE**

- (1) The building envelope is only approved on the basis that the ultimate building Stage 1 design will be wholly contained within the envelope of this approval and provide an appropriate relationship with neighbouring buildings. 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.
- (2) The Stage 2 development application must be in accordance with Stage 1 Development Application No. D2001/00382 dated 27 June 2001 and Statement of Environmental Effects (including amended material received on 5 September 2001) prepared by City Plan Services Pty Ltd, and drawings dated 3 September 2001 numbered:-

DA1/02

DA1/03

DA1/04

DA1/05

DA1/06

DA1/07

DA1/08

DA1/09

DA1/10

DA1/11

DA1/12

DA1/13

DA1/14

DA1/15 as amended at the meeting of the Central Sydney Planning Committee

DA1/16 as amended at the meeting of the Central Sydney Planning Committee

DA1/17 as amended at the meeting of the Central Sydney Planning Committee

DA1/18

DA1/19

DA1/20

DA1/21  
 DA1/22  
 DA1/23  
 DA1/24

prepared by Nation Fender Katsalidis Architects Pty Ltd received 5 September 2001 and as amended by the following conditions.

- (3) This approval will be valid for a period of two years from the date of the approval.
- (4) No 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.

#### **COMPETITIVE DESIGN PROCESS**

- (5) Prior to the submission of the Stage 2 development application, the applicant shall conduct a competitive process that facilitates design excellence in accordance with the provisions of Clause 28D of the Central Sydney Local Environmental Plan 1996. The competitive process shall concern the external architecture and form of the proposed building and the matters outlined in the below conditions of consent.

#### **MATERIALS AND FINISHES**

- (6) The design details of the proposed building's facade treatments including all external finishes and colours, including glazing must be submitted with the Stage 2 development application.

#### **CAR PARKING**

- (7) The number of car parking spaces is not supported at this stage. In this regard:-
  - (a) The number of commercial tenant car parking spaces shall be a maximum of 85 spaces.
  - (b) Based on the proposed size of the cinema complex at 2,500 seats, the maximum cinema car parking shall be 160 spaces, subject to justification on environmental considerations and the heads of considerations for parking in Central Sydney Local Environmental Plan 1996 to be provided in the Stage 2 development application. If the number of seats in the cinema complex is modified, the maximum number of car spaces is to be modified accordingly.
  - (c) In the event that subsequent to the construction of the development, the cinemas cease operation, the design of the basement shall be such that facilitates adaptive re-use of the cinemas and cinema car parking spaces to a non-floor space area use (as identified in Central Sydney Local Environmental Plan 1996 or the then current environmental planning instrument). In this regard:-

- (i) The minimum clear floor to ceiling height shall be no less than 3 metres.
  - (ii) Provision should be made for retrofitting of the basement for air conditioning and other services.
- (8) A legal agreement between the City of Sydney and the owner of the site shall be executed to ensure that if the cinemas cease operation, that the cinema car park use shall cease to operate and that the cinema car park, together with the cinemas, are converted to a non-floor space area use (as identified in Central Sydney local Environmental Plan 1996 or the then current environmental planning instrument).

### **FLOOR SPACE RATIO**

- (9) The following applies to Floor Space Ratio:-
- (a) 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 52,837.5 sqm.
  - (b) An allocation of heritage floor space will apply to the development (the exact quantum to be determined prior to determination of the Stage 2 development application).

### **BUILDING HEIGHT**

- (10) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL171.49 (AHD).

### **NO FURTHER EXCAVATION**

- (11) No further excavation is permitted and the level of excavation on the site shall be restricted to the existing excavated hole, that being to RL -7.0 metres. This requirement does not apply to excavation for the purpose of structural supports, foundations and the like as considered necessary by the Director of City Development.

### **RAIL CORPORATION AND ROADS AND TRAFFIC AUTHORITY ADVICE**

- (12) The applicant shall obtain the written advice of the Department of Transport, the Rail Infrastructure Corporation and Roads and Traffic Authority and reflect this advice in the design and configuration of the Stage 2 development. The advice sought from the Rail Infrastructure Corporation and the Roads and Traffic Authority is in respect to the following matters only:-
- (a) The Rail Infrastructure Corporation shall confine its advice to the proposal's impacts on existing rail infrastructure and the Metrowest rail corridor.

- (b) The Roads and Traffic Authority shall confine its advice to the proposal's impacts on the proposed Cross City Tunnel and the matters to be considered under State Environmental Planning Policy No. 63 - Major Transport Projects.

### **PUBLIC INFRASTRUCTURE (RAIL) REQUIREMENTS**

- (13) The Stage 2 application shall address the following matters:-
  - (a) As part of the engineering design for the building, the applicant must take into account the future construction of the Metrowest Rail Link.
  - (b) Prior to commencement of the engineering design of the building, the applicant must consult the Rail Infrastructure Corporation (RIC) and obtain details of the location of the Metrowest Rail Link that is proposed to be built adjacent to the site.
  - (c) Pre-reinforcement of the rock pillar between the proposed development and the Metrowest Rail Link must be carried out using chemically anchored fiberglass bolts installed from RL 4.0 to the base of the excavation over the length of excavation along the Kent Street boundary.
  - (d) The exact length and spacing of the bolts is to be determined by the RIC on provision of structural drawings of the development by the Applicant (as specified below) prior to commencement of construction.
  - (e) The RIC may inspect the site and works to confirm that the foundations and pre-reinforcement are built in accordance with RIC's requirements.
  - (f) Correspondence must be addressed to the Strategic Business Development Manager, Asset Management Division, Rail Infrastructure Corporation, Level 15, 55 Market Street, Sydney NSW 2000 (or such other person as may be nominated in writing by the RIC).

### **RELATIONSHIP TO MBF BUILDING**

- (14) With regard to the relationship of the proposed building envelope detailed in the amended plans to the adjoining MBF building, the following requirements apply:-
  - (a) the building envelope is set back a minimum of 15m from the Bathurst Street alignment on levels 9 (ground floor) to 21 adjacent to the east elevation of the MBF building;
  - (b) the 15m setback has a minimum depth of 9m to level 22 (RL79.190) from the eastern boundary of the MBF building site;
  - (c) at level 22 (RL79.190), 23 and 24 of the tower the building envelope includes a recessed void area which has a minimum depth of 6m from the eastern boundary of the MBF building site;

- (d) the void area referred to above is nominated as a balcony/terrace area; and
- (e) the building envelope to the south of the MBF building is restricted to a height of RL44.

#### **MATTERS TO BE ADDRESSED IN THE STAGE 2 APPLICATION**

- (15) The following matters shall be provided for in the design of the Stage 2 application of the subject building to the satisfaction of the Council.
- (a) The provision of a pedestrian connection to Town Hall Station unless the Central Sydney Planning Committee resolves otherwise.
  - (b) Active uses to the site's Kent Street frontage in accordance with clause 2.5 of Central Sydney Development Control Plan 1996.
  - (c) The protection and enhancement of significant views as identified in Figure 2.39 of Central Sydney Development Control Plan 1996.
  - (d) Awnings to be provided to the development as required by clause 3.5 of Central Sydney Development Control Plan 1996 (the applicant is also encouraged to provide a suitable awning to the site's Kent Street frontage, giving consideration to the awning of adjoining heritage items to the south of the site).
  - (e) The provision of loading facilities provided in accordance with clause 5.4 of Central Sydney Development Control Plan 1996.
  - (f) Bicycle and motor cycle parking in accordance with clause 5.5 and 5.6 of Central Sydney Development Control Plan 1996.
  - (g) Details of the passive and active measures proposed in the building to address Council's energy efficiency requirements in accordance with clause 4.3 of Central Sydney Development Control Plan 1996.

#### **PUBLIC DOMAIN PLAN**

- (16) The following requirements apply:-
- (a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect and shall be approved by Council with the Stage 2 development application.
  - (b) 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.
- (c) 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.

The Public Domain Plan shall provide the following details:-

- (d) 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**

- (17) An electricity substation is required within the development. The owner must liaise with Energy Australia and the size, design and location of the substation shall be included in the Stage 2 development application to the satisfaction of Energy Australia.

### **WIND ASSESSMENT**

- (18) The Stage 2 development application is to provide 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**

- (19) 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.

### **SIGNAGE STRATEGY**

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

### **EXTERNAL LIGHTING**

- (21) Details shall be provided with the Stage 2 development application which identifies the number, type, size, design luminosity and location of lighting in relation to the exterior of the building and public spaces.

## **TRAFFIC AND ACCESS REQUIREMENTS**

- (22) The Stage 2 development application shall provide easy access including adequate turning areas for the largest vehicle (such as garbage trucks and delivery trucks) likely to enter the site.
- (23) The Stage 2 development application shall ensure that all vehicles using the site must be able to enter and leave the site in a forward direction.
- (24) The Stage 2 development application must demonstrate that the layout of the car park and service vehicle parking area conform with AS 2890.1-1993 and AS 2890.2-1989.
- (25) The Stage 2 development application shall ensure that the design of the building and the method 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.
- (26) All costs of traffic management measures associated with the development shall be borne by the developer.

## **SECTION 61 CONTRIBUTION**

- (27) A contribution under Section 61 of the City of Sydney Act 1988 shall be paid in accordance with the following (after the approval of a Stage 2 development application):
  - (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.

**DEMOLITION/SITE RECTIFICATION**

(28) The following conditions apply to the development:-

- (a) Demolition or excavation must not commence until a Stage 2 Development Application and 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 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 \$1,500,000 dollars as security for the costs of such works provided that:-
    - a. the maximum liability under the Deed shall not exceed \$1,500,000 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. the structure has commenced to be erected;
    - b. 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:
    - c. make the building safe and attractive at ground level;

- d. allow the ground level to be landscaped and made attractive from any public vantage point; or
  - e. for the hole to be covered to allow it to be landscaped and made attractive from any public vantage point; or
  - f. 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;
  - g. 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.

## Schedule 2

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

### **ITEM 4. DEVELOPMENT APPLICATION: LOBANA HOUSE - 90-100 BATHURST STREET AND 323-327 PITT STREET, SYDNEY (D/01/00545)**

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

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

That arising from consideration of a report by the Area Planning Manager to the Central Sydney Planning Committee on 8 November 2001, in relation to Development Application D2001/00545 made by Meriton Apartments Pty Ltd for the site at 90-100 Bathurst Street and 323-327 Pitt Street, Sydney for the change of use of the approved podium from residential apartments to commercial offices, it be resolved that:-

- (A) the State Environmental Planning Policy No.1 Objection in respect of the development's non-compliance with the maximum Floor Space Ratio standard contained in the Local Environmental Plan 1996 is accepted as being well founded on the basis that the proposed development is consistent with the objectives of the zone; the change of use will not result in any changes to the bulk, form or external appearance of the approved building; the change of use of the podium will result in the deletion of apartments that have a lower level of amenity; the resulting unit mix of the building will improve; the proposal complies with the car parking standard; and the change of use will not result in any significantly adverse environmental impacts;
- (B) consent be granted subject to the following conditions:-

### **APPROVED DEVELOPMENT**

- (1) This consent shall be implemented in conjunction with the implementation of development consent D/97/00711, approved 25 February 1998, and all conditions of consent D/97/00711, except as modified by the following conditions.
- (2) This consent amends the previous consent D/97/00711 in so far as the above approved plans, the approved Floor Space Ratio of the development and the allocation of car parking spaces.
- (3) Development must be in accordance with Development Application No. D/01/00545 dated 27 August 2001 and information and drawings numbered:

DA02	Level 2 to 9	Dated 23/08/01
DA 03	Level 10	Dated 01/01/01
DA 04	Level 11	Dated 23/08/01
DA 05	Level 12 Plan	Dated 23/08/01
DA07	Level 13 Plan	Dated 23/08/01
DA08	Level 14 Plan	Dated 23/08/01
DA09	Level 15 Plan	Dated 23/08/01
DA10	Level 16 Plan	Dated 23/08/01
DA11	Level 17 Plan	Dated 23/08/01
DA12	Level 18 Plan	Dated 23/08/01
AR01	Lobana Area Plans Levels 10-13	Dated 23/08/01
AR02	Lobana Area Plans Levels 14-17	Dated 23/08/01
AR03	Lobana Area Plans Levels 18-39	Dated 23/08/01
AR04	Lobana Area Plans Levels 40-52	Dated 23/08/01

all prepared by Meriton Apartments Pty Ltd and as amended by the following conditions.

### **FLOOR SPACE RATIO**

- (4) The following applies to Floor Space Ratio:-

- (a) The Floor Space Ratio of the proposal must not exceed 15.47:1 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 21,053.57 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, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).
- (c) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, documentary evidence (ie. a Heritage Floor Space Allocation Certificate issued by Council) must be produced and acknowledged by Council that 381sqm of heritage floor space was allocated (purchased and transferred) to the development, being that floor space equivalent to the additional non compliance with the maximum permissible Floor Space Ratio allowed by the Central Sydney Local Environmental Plan 1996 resulting from the proposed development.

#### **VEHICULAR SPACES**

- (5) The following car parking requirements apply:-
  - (a) The approved vehicle spaces shall be allocated on the development site as follows:
    - (i) 174 residential spaces; and
    - (ii) Six business/commercial premises spaces.

All spaces must be allocated and marked according to this requirement. If the development is to be strata subdivided, the carpark layout must respect the above allocation.

#### **ITEM 5. DEPARTMENT OF URBAN AFFAIRS AND PLANNING REFERRAL: STAGE 1 DEVELOPMENT APPLICATION - SITES 1, 2 AND 6, WHARVES 9 AND 10, KING STREET, SYDNEY**

Note - No report was provided in relation to this matter, and the matter was not discussed.

**ITEM 6. DEPARTMENT OF URBAN AFFAIRS AND PLANNING REFERRAL:  
DEVELOPMENT APPLICATION - SAUNDERS STREET  
DEVELOPMENT SITE, 1-3 QUARRY MASTER DRIVE, PYRMONT  
(O/01/00061)**

**Declaration of Interest**

Ms Holliday declared an interest in this matter as she will be providing advice to the Minister for Urban Affairs and Planning who is the consent authority.

Mr Satish Thosar, a resident, addressed the meeting of the Central Sydney Planning Committee on this matter.

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

That arising from consideration of a report by the Assistant Specialist Planner to the Central Sydney Planning Committee on 8 November 2001, in relation to Development Application referral No. 247-09-01 from the Department of Urban Affairs and Planning for the erection of a 5-storey residential flat building consisting 25 units, at 1-3 Quarry Master Drive, Pyrmont, it be resolved that:-

- (A) the subject report be received and noted;
- (B) the submission shown at Attachment A to the subject report be amended to take into account matters raised at the meeting of the Central Sydney Planning Committee, including -
  - (1) the retention of additional trees on the northern and eastern parts of the site;
  - (2) the need for an investigation as to whether requirement in the Master Plan for 3,500m<sup>2</sup> of open space has been met;
  - (3) compliance with the Urban Development Plan requirement for open space by reducing the building footprint at the northern and eastern boundaries as a means to create additional open space at ground level. This would also have the advantage of preserving additional trees that are clustered at this end of the site;
  - (4) concerns relating to over development of the site and the obscuring vistas to the cliff face; and
- (C) the amended submission be forwarded to the Department of Urban Affairs and Planning for its consideration in the determination of the Development Application.

**ITEM 7. REVIEW OF THE CITY OF SYDNEY OUTDOOR CAFÉ POLICY  
(D02-01138)**

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



Mr G E Priest AM - Returned Services League of Australia  
Mr Kevin Eadie

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

That arising from consideration of a report by the Manager Strategic Planning and Research to the Central Sydney Planning Committee on 8 November 2001, on the Review of the City of Sydney Outdoor Café Policy, it be resolved that:-

- (A) the draft revised City of Sydney Café Policy (as shown at Attachment A to the subject report) be adopted subject to the following amendments:
- (1) clause 2.2 “Unsuitable locations” be amended by the addition at the end of the second sentence of the words “and no consent shall be given until such guidelines have been prepared and approved by Council and the Central Sydney Planning Committee”.  
  
“Council will regularly check that compliance with this policy has been adhered to and that non-compliance will be enforced by way of a fine”.
  - (2) clause 2.3 “Assessment Criteria/Circulation, safety and convenience” be amended by the addition of the following words “In high traffic areas such as the retail core, it is likely that more than the minimum width will be required”; and
- (B) the policy be forwarded to the Sydney Harbour Foreshore Authority and the Department of Urban Affairs and Planning and these organisations be requested to adopt the City of Sydney Café Policy for the assessment and determination of applications for outdoor cafes.

**ITEM 8. DESIGN COMPETITION: 531-551 GEORGE STREET, 518-524 KENT STREET AND 1-9 ALBION PLACE, SYDNEY - PRESENTATION BY APPLICANT (FILE NO: D1998/00195)**

Mr Harry Seidler AC OBE addressed the meeting of the Central Sydney Planning Committee on this matter. -

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

That arising from consideration of a report by the Area Planning Manager to the Central Sydney Planning Committee on 8 November 2001, in relation to the Design Competition held in respect of the proposed mixed use development at 537-543 George Street (the former Village Cinema), 531-535 George Street, 1-9 Albion Place and 518-524 Kent Street, Sydney which has been subject to a Stage 1 development consent (D98/00195), it be resolved that: -

- (A) the Central Sydney Planning Committee (CSPC) endorse the competition process;

- (B) the CSPC support the findings and concerns of the competition jury with regard to the podium design, its relationship to all street frontages and its relationship to adjoining heritage buildings, and the design of the roof feature;
- (C) the applicant be informed that:
- (1) The competition process is endorsed;
  - (2) The podium design and the roof feature are not supported;
  - (3) The podium should be redesigned as part of the Stage 2 development application submission to address in full the objectives of DCP 1996 and the Design Competition Brief regarding its relationship to all street frontages and its integration with adjoining heritage buildings;
  - (4) The areas of non-compliance with LEP 1996 and DCP 1996 identified in the report to the CSPC meeting on 8 November 2001 be thoroughly addressed as part of the Stage 2 development application submission;
  - (5) Where there is an inconsistency between the Stage 1 DA consent and the proposed Stage 2 development, the Stage 1 DA consent will need to be modified by a separate Section 96 application(s) as appropriate; and
  - (6) A detailed assessment of the design against the requirements of the Central Sydney LEP 1996, Central Sydney Heritage LEP 2000, Central Sydney DCP 1996, and the Building Code of Australia and associated Australian Standards, has not been conducted. In this regard:
    - (a) the advice is non-binding and does not fetter the discretion of the consent authority;
    - (b) the consent authority must conduct a thorough and objective assessment of the Stage 2 development application as required by the Environmental Planning and Assessment Act 1979, including an assessment of any public submissions received as a result of the advertising and notification of the application; and
    - (c) the consent authority incurs no liability for any expense borne by the owner/applicant as a result of reliance upon this pre-development application advice.

**ITEM 9. PRE-STAGE 2 DEVELOPMENT APPLICATION: 124 PHILIP STREET, SYDNEY - PRESENTATION BY APPLICANT**

Note - As the applicant was unable to attend the meeting of the Central Sydney Planning Committee, no presentation was given on this matter.

**ITEM 10. PROGRESS REPORT ON DEVELOPMENT APPLICATIONS**

There was no progress report on development applications for this meeting of the Central Sydney Planning Committee.

**ITEM 11. NEW DEVELOPMENT APPLICATION LODGEMENTS AND DELEGATED ITEMS**

There were no new development application lodgements and delegated items for this meeting of the Central Sydney Planning Committee.

**ITEM 12. GENERAL BUSINESS**

**12.1 Bicycle use in the Central Business District**

Ms Holliday raised the matter of use of bicycles in the CBD. The Lord Mayor requested that members of the Central Sydney Planning Committee be briefed, at an appropriate time, on any proposals for a Bike Plan.

**12.2 Disabled Parking Permits**

The Lord Mayor raised an issue of concern about the level of abuse of disabled parking permits issued by the RTA, stating that more research was needed.

**12.3 State Environmental Planning Policy 64**

The Lord Mayor raised the matter of the effect of SEPP 64 on the City of Sydney LEP and DCP.

The meeting concluded at 7.33 pm.

CHAIRMAN

The next meeting of the Central Sydney Planning Committee is scheduled for 29 November 2001.