

CENTRAL SYDNEY PLANNING COMMITTEE

THURSDAY 15 FEBRUARY 2001

Meeting No 248

MINUTES of the Meeting of the Central Sydney Planning Committee held in the Council Chamber, Sydney Town Hall, on Thursday 15 February 2001 commencing at 5.25pm.

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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.

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:

5. Stage 1 Integrated Development Application: 30-38 Hickson Road, 125A Kent Street and 1 High Street, Millers Point
6. Development Application: Goulburn Lane Substation, 70-72 Commonwealth Street, Surry Hills
3. Integrated Development Application: Palisade Hotel, 35-37 Bettington Street, Millers Point
4. Section 96 (2) Application: David Jones City Stores, 84-110 Castlereagh Street and 65-77 Market Street, Sydney
7. Development Application: 485-503 George Street, 101-109 Bathurst Street and 486-494 Kent Street, Sydney
1. Confirmation of Minutes
2. Matters Arising from the Minutes
8. Policy Matters and Referrals
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10. New Development Application Lodgements and Delegated Items
11. Progress Report on Development Applications and Annual Summary for 2000
12. General Business

ITEM 1. CONFIRMATION OF MINUTES (S010833)

Resolved on the motion of the Chairman (the Lord Mayor), seconded by Councillor Turnbull -

That the Minutes of the Central Sydney Planning Committee of 21 December 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 held on 21 December 2000.

ITEM 3. INTEGRATED DEVELOPMENT APPLICATION: PALISADE HOTEL, 35-37 BETTINGTON STREET, MILLERS POINT (D/2000/00660)

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

Ms Shirley Ball - Millers Point Residents Action Group

Mr Ray Newey - resident

Ms Cathy Farley - resident

Mr Claudius Wilms - the Applicant

Ms Cathy Trelesse - architect for the Applicant

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 15 February 2001, in relation to Integrated Development Application D/2000/660 made by Palisade Properties Pty Ltd for the site at 33-35 Bettington Street, Millers Point, for alterations and additions to the existing building, it be resolved that:-

(A) consideration of this matter be deferred -

(1) to enable the application to be referred to the Heritage Council;

(2) for City of Sydney staff to address the issues raised at the meeting of the Central Sydney Planning Committee; and

(B) subject to (A) (1) and (2), authority be delegated to the Lord Mayor to determine the application.

ITEM 4. SECTION 96 (2) APPLICATION: DAVID JONES CITY STORES, 84-110 CASTLEREAGH STREET AND 65-77 MARKET STREET, SYDNEY (D2000/00377)

Mr Robert Foster SC, addressed the meeting of the Central Sydney Planning Committee on this matter.

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 15 February 2001, in relation to the Section 96 (2) Application made by Crone Associates Pty Ltd for the David Jones City Stores at 84-110 Castlereagh Street and 65-77 Market Street, Sydney, seeking to modify the development consent for D2000/00377, it be resolved that:-

(A) the application be approved and the development consent modified as follows:-

(1) Addition of the following new Condition 42A (Elizabeth Street store):

“In addition to the hours of construction detailed in Condition 42 above, extended hours of construction and work on the development are permissible for a trial period of four weeks from the date of commencement of the extended hours, as follows:

- (a) *All external works, including the use of cranes, and loading and unloading of vehicles, must only be carried out between -*
 - (i) *the hours of 7.00am and 7.00pm on Mondays to Saturdays inclusive, with no external work permitted on Sundays or public holidays; and*
 - (ii) *limited external works may be carried out between the hours of 7.00pm and 9.00pm Mondays to Saturdays inclusive provided the works are limited to minor restoration of awnings, painting and cleaning of the façade, and other works that do not have generate undue noise, and subject to the satisfaction of the Director City Development.*
- (b) *All internal works may be undertaken on a 24 hour, 7 days a week basis, subject to compliance with the noise criteria in Council’s “Code of Practice for Construction Hours/Noise within the Central Business District 1992”.*
- (c) *Prior to the commencement of the extended hours, the applicant shall lodge a performance bond with Council in accordance with Part II of the “Code of Practice for Construction Hours/Noise within the Central Business District 1992”, for the construction hours as outlined above.*

The bond required to be lodged is \$378,860 being calculated at 1% of the value of the works to be undertaken. The bond shall be lodged prior to the commencement of extended working hours.

- (d) *In addition, the applicant shall enter into a deed with Council which requires the applicant to rescind the consent for Category 2, 3 and 4 hours, if so requested by Council. The deed shall be prepared by Council's Solicitor upon receipt of a written request from the applicant. Such deed shall be prepared at full cost to the applicant and is required to be executed prior to the commencement of extended working hours at the site.*
- (e) *Continuous noise monitoring shall be undertaken by the applicant during the construction period in accordance with the “Code of Practice for Construction Hours/Noise within the Central Business District 1992”, and reports provided to Council at monthly intervals. Should the noise criteria specified in the “Code of Practice for Construction Hours/Noise within the Central Business District 1992” be breached, the Council will review the approved hours with a view to restricting the extended hours of construction.*

- (f) *The applicant shall ensure that the recommendations of the report “David Jones, Elizabeth and Market Street Stores - Work Out of Hours” prepared by PKA Acoustic Consulting, dated November 2000, are complied with, as amended by this condition.*
- (g) *The applicant shall ensure that any internal or external lighting of the site, whilst any work is undertaken outside of the standard hours of construction, is such that at no time the intensity, hours of illumination or location of the lighting to cause injury to the amenity of the neighbourhood. If, in the opinion of Council, injury is likely to be caused, the intensity, hours of illumination and location of the lighting, shall be altered at the direction of the Council.*
- (h) *The applicant shall prepare and submit to Council a Management Plan which addresses the orderly construction of the premises. In particular, the following issues shall be addressed in the Plan:*
 - (i) *A consultative process involving the operators of 137 Elizabeth Street (The Queen’s Club) and 161 Elizabeth Street (Sheraton on the Park Hotel), and the occupants of 70 Market Street (The Tower Apartments), including the establishment and maintenance of a Neighbourhood Consultative Committee, to ensure that construction related impacts (including aural and visual nuisance, shift times and movement of construction workers, and security management) from the premises are satisfactory.*
 - (ii) *Compliance with Council’s “Code of Practice for Construction Hours/Noise within the Central Business District 1992”.*
 - (iii) *Compliance with all conditions of development consent relating to the premises.*

The extended hours of construction shall not commence until the above mentioned Management Plan is finalised and submitted to Council, and the prior written approval of the Director City Development obtained.”

- (2) Addition of the following new Condition 100A (Market Street store):

“In addition to the hours of construction detailed in Condition 100 above, extended hours of construction and work on the development are permissible for a trial period of four weeks from the date of commencement of the extended hours as follows:

- (a) *All external works, including the use of cranes, and loading and unloading of vehicles, must only be carried out -*
 - (i) *between the hours of 7.00am and 7.00pm on Mondays to Saturdays inclusive, with no external work permitted on Sundays or public holidays; and*

- (ii) *limited external works may be carried out between the hours of 7.00pm and 9.00pm Mondays to Saturdays inclusive provided the works are limited to minor restoration of awnings, painting and cleaning of the façade, and other works that do not have generate undue noise, and subject to the satisfaction of the Director City Development.*
- (b) *All internal works may be undertaken on a 24 hour, 7 days a week basis, subject to compliance with the noise criteria in Council's "Code of Practice for Construction Hours/Noise within the Central Business District 1992".*
- (c) *Prior to the commencement of the extended hours, the applicant shall lodge a performance bond with Council in accordance with Part II of the "Code of Practice for Construction Hours/Noise within the Central Business District 1992", for the construction hours as outlined above.*

The bond required to be lodged is \$378,860 being calculated at 1% of the value of the works to be undertaken. The bond shall be lodged prior to the commencement of extended working hours.

- (d) *In addition, the applicant shall enter into a deed with Council which requires the applicant to rescind the consent for Category 2, 3 and 4 hours, if so requested by Council. The deed shall be prepared by Council's Solicitor upon receipt of a written request from the applicant. Such deed shall be prepared at full cost to the applicant and is required to be executed prior to the commencement of extended working hours at the site.*
- (e) *Continuous noise monitoring shall be undertaken by the applicant during the construction period in accordance with the "Code of Practice for Construction Hours/Noise within the Central Business District 1992", and reports provided to Council at monthly intervals. Should the noise criteria specified in the "Code of Practice for Construction Hours/Noise within the Central Business District 1992" be breached, the Council will review the approved hours with a view to restricting the extended hours of construction.*
- (f) *The applicant shall ensure that the recommendations of the report "David Jones, Elizabeth and Market Street Stores - Work Out of Hours" prepared by PKA Acoustic Consulting, dated November 2000, are complied with, as amended by this condition.*
- (g) *The applicant shall ensure that any internal or external lighting of the site, whilst any work is undertaken outside of the standard hours of construction, is such that at no time the intensity, hours of illumination or location of the lighting to cause injury to the amenity of the neighbourhood. If, in the opinion of Council, injury is likely to be caused, the intensity, hours of illumination and location of the lighting, shall be altered at the direction of the Council.*

- (h) *The applicant shall prepare and submit to Council a Management Plan which addresses the orderly construction of the premises. In particular, the following issues shall be addressed in the Plan:*
- (i) *A consultative process involving the operators of 137 Elizabeth Street (The Queen's Club) and 161 Elizabeth Street (Sheraton on the Park Hotel), and the occupants of 70 Market Street (The Tower Apartments), including the establishment and maintenance of a Neighbourhood Consultative Committee, to ensure that construction related impacts (including aural and visual nuisance, shift times and movement of construction workers, and security management) from the premises are satisfactory.*
 - (ii) *Compliance with Council's "Code of Practice for Construction Hours/Noise within the Central Business District 1992".*
 - (iii) *Compliance with all conditions of development consent relating to the premises.*

The extended hours of construction shall not commence until the above mentioned Management Plan is finalised and submitted to Council, and the prior written approval of the Director City Development obtained."

- (B) Upon completion of the four week trial period, and subject to compliance with the "Code of Practice for Construction Hours/Noise within the Central Business District 1992", compliance with the report "David Jones, Elizabeth and Market Street Stores - Work Out of Hours" prepared by PKA Acoustic Consulting, dated November 2000, and consideration of any valid complaints received by Council, delegation be granted to the Director City Development to determine the application to maintain the extended working hours detailed in Conditions 42A and 100A, on a monthly basis providing the performance standards are met to the satisfaction of the Director City Development.

ITEM 5. STAGE 1 INTEGRATED DEVELOPMENT APPLICATION: 30-38 HICKSON ROAD, 125A KENT STREET AND 1 HIGH STREET, MILLERS POINT (D2000/00809)

Declaration of Interest

Mr Johnson declared that whilst one section of the Department of Public Works and Services had been involved in the sale of the subject land, the office of the Government Architect had not been involved in any way.

The Lord Mayor pointed out that he had received advice from the Director Legal and Secretariat that no member of the Central Sydney Planning Committee had a pecuniary interest in this matter and no member would be prevented from participating in consideration or discussion of this matter, or voting on any question relating to this matter.

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

Mr Harold Kerr - representing the Owners Corporation, Highgate Apartments
 Ms Helen Hill - resident
 Mr Ian Stapleton - representing Stamford Apartments
 Councillor Kathryn Greiner
 Mr Ray Newey - Chair of Body Corporate, Highgate Apartments
 Mr José de la Vega - Delmo No. 2 Pty Limited
 Mr David Logan - heritage consultant to Delmo No. 2 Pty Limited

Moved by the Chairman (the Lord Mayor), seconded by Mr Bird -

That arising from consideration of a report by the Director City Development to the Central Sydney Planning Committee on 15 February 2001, in relation to the Stage 1 Integrated Development Application under the provisions of section 80(4) of the Environmental Planning and Assessment Act 1979 (D2000/00809) made by Delmo No. 2 Pty Ltd for the site at 30-38 Hickson Road, 1 High Street and 125A Kent Street, Millers Point for demolition of selected buildings and construction of two residential/commercial buildings with basement car parking, it be resolved that:-

- (A) the applicant shall 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;
- (B) consent be granted under the provisions of section 80(4)(A) of the Environmental Planning and Assessment Act 1979 solely for the -
 - (1) amalgamation of the application site;
 - (2) demolition of all existing buildings except those buildings known as the MSB Stores complex and identified on plan No. IDA 103 October 2000 as Heritage Building A, B, C and D and 125A Kent Street;
 - (3) a development envelope as identified on plans numbered IDA 103 and IDA 104 and IDA 106 dated October 2000 and as amended and annotated;
 - (4) the use of buildings within the envelopes defined on the approved plans as residential/commercial subject to the following conditions; and
 - (5) all other matters including floorspace, bulk excavation, carparking, pedestrian access, unit mix, unit size, amenity and architectural design are to be determined as part of the Stage 2 development application.

Schedule 1

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

CONSENT TO LAPSE

- (1) This development consent will lapse two years after the date of this consent.

APPROVED DEVELOPMENT

- (2) The Stage 2 development application must be in accordance with the Stage 1 Development Application No. D2000/00809 dated 1 September 2000 and generally in accordance with the Staged Development Application Statement of Environmental Effects prepared by Peddle Thorp & Walker/APT Peddle Thorp dated October 2000 and indicative plans numbered:

IDA 103 Oct 2000
 IDA 104 Oct 2000
 IDA 106 Oct 2000
 DA 107 Sept 2000
 DA 108 Sept 2000
 DA 112 Sept 2000
 DA 113 Sept 2000
 DA 115 Sept 2000
 IDA 116 Oct 2000
 IDA 116a Oct 2000
 IDA 117 Oct 2000
 IDA 118 Oct 2000
 IDA 119 Oct 2000
 IDA 120 Oct 2000
 DA 121 Sept 2000
 DA 121a Sept 2000
 DA 121b Sept 2000
 DA 122 Sept 2000
 DA 122a Sept 2000
 DA 123 Sept 2000
 DA 124 Sept 2000
 DA 124a Sept 2000
 DA 125 Sept 2000
 IDA 126 Oct 2000
 S101 Sept 2000
 S102 Sept 2000
 S103 Sept 2000
 S104 Sept 2000
 S105 Sept 2000
 S106 Sept 2000

and as amended by the following conditions:

COMPETITIVE DESIGN PROCESS

- (3) The applicant must undertake a competitive design process prior to the submission of the Stage 2 development application in accordance with the provisions of the Central Sydney Local Environmental Plan and Development Control Plan 1996.

BUILDING ENVELOPE

- (4) The building envelope is approved on the basis that:-
- (a) The height of Building 2 (the southernmost building) is reduced to a height of 33m above Hickson Road with the potential for an additional storey to a maximum height of 36m above Hickson Road, provided that the addition is setback in the following manner:
 - (i) 3m from the eastern and western building elevations;
 - (ii) 7m from the southern elevation; and
 - (iii) maintaining the proposed setbacks from the northern elevation subject to a minimum setback of 3m at the eastern end, (as indicated on plan numbers IDA 103 and 106, October 2000);
 - (b) The envelope of Building 2 is modified to provide a 3m minimum setback from the heritage buildings known as MSB Stores complex in a manner which reflects the 1839 heritage curtilage of the buildings (as indicated on plan number IDA 103 October 2000);
 - (c) The basement does not extend underneath the buildings identified as heritage building A, B, C and D and as indicated on the amended and annotated plan No. IDA 104 and IDA 126 dated October 2000;
 - (d) In determining this envelope, the Central Sydney Planning Committee has had particular regard to the strong urban form established by Millers Point Special Area, the sandstone escarpments to the north, the scale of the Grafton Bond Store to the south and the scale of the maritime edge which requires sensitive treatment in planning for the future of the area;
 - (e) The applicant be advised that in preparing a Stage 2 development application particular consideration should be given to the impact of the development on the residential amenity of occupiers in the south western corner of the building known as "Highgate".

URBAN DESIGN AND HERITAGE

- (5) The Stage 2 development application must have regard to the following urban design issues:

- (a) Modulation and articulation of the Hickson Road façade. The design shall ensure a representative massing and morphology which is typical of the prevalent 'warehouse' development in the vicinity. In this regard a significant increase in the height of the 'opening' central to Building 1 is required to achieve the objective of separating the massing and increasing view sharing from east to west.
- (b) The northern elevation of Building 1 shall be designed to ensure the privacy of the residents of 3-9 High Street is respected whilst providing excellence in design and external appearance.
- (c) The final design shall incorporate provision for the continuation of the public pedestrian network from Jenkins Street to the pocket park at 1 High Street. In this regard such a pedestrian link shall be so designed as to preserve the amenity of existing and future residents and provide a safe and secure pedestrian environment. A strategy for the future implementation of such a proposal shall be secured prior to determination of the Stage 2 development application.
- (d) The Hickson Road/Jenkins Street pedestrian public stair shall be straightened to ensure that its use is not compromised by its design and that pedestrians will be aware of the link through the site and feel safe and secure in its use.
- (e) The design needs to reflect and respond to the disparate surrounding elements providing a transitional zone from north to south and east to west. In this regard, attention must be given to:
 - (i) the strong lineal elements of the sandstone rock face along Hickson Road to the north of the site;
 - (ii) the massing and modulation of the Grafton Bond Stores to the south of the site;
 - (iii) the detailing and character of the Millers Point Special Area to the north of the site; and
 - (iv) the provision of a sufficiently strong base to the backdrop of high rise city buildings to the east.
- (6) The Stage 2 development application must have full regard to the general terms of approval of the Heritage Council.

HERITAGE INTERPRETATION STRATEGY

- (7) A preliminary interpretation strategy shall be provided with the Stage 2 development application which considers and determines the need for retention of archaeological relics in-situ.

ARCHAEOLOGICAL INVESTIGATION

(8)

- (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.

LOT CONSOLIDATION

- (9) 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

- (10) 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.
- (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 tenatable stage;
 - j. AND to call on such bank guarantee to cover the cost thereof.
- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in an unattractive building site appearance, then the Council will have the readily enforceable rights to:
- (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (ii)e. - h. to take place on the site; and
 - (ii) in the event of default, shall have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.

FLOOR SPACE RATIO

- (12) The Floor Space Ratio is to be determined at the Stage 2 development application.

VEHICULAR ENTRY

- (13) The principle of one vehicular entry located at the northern end of the Hickson Road frontage 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

- (14) 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.

- (15) The primary pedestrian access for occupants and visitors shall be from Hickson Road.

THROUGH SITE LINK

- (16) The Stage 2 development application shall provide for the accommodation of a link from Jenkins Street to the site of 1 High Street.

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 and any other relevant provisions.

BUILDING HEIGHT

- (18) The height of buildings on the site must be distributed in accordance with Plan No. IDA 106, dated October 2000 and shall be as follows:-

- (a) Building 1 must be stepped and shall not exceed RL 32.6, RL 35.6 and RL 38.6 (AHD); and
- (b) The height of Building 2 must not exceed RL 38.6 (AHD).

PUBLIC ART

- (19) 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

- (20) 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) Details of drainage and run-off with particular regard to the cliff face and adjoining apartments;
 - (d) Location, numbers and type of plant species;
 - (e) Details of planting procedure and maintenance;

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

PUBLIC DOMAIN PLAN

(21) 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 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; and
 - (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; and
- (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

- (22) The stage 2 development application must incorporate the provision of an electricity sub-station to the satisfaction of Energy Australia and of a size location and design which integrates successfully with the development and has no detrimental impact on the amenity of future occupiers or existing tenants/residents.

PUBLIC TELEPHONES

- (23) 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; and
 - (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

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

RECEPTACLES FOR CIGARETTE BUTTS

- (25) 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

- (26) 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 parks and buildings and places of heritage significance.

WIND ASSESSMENT

- (27) 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.

TRAFFIC REPORT

- (28) The Stage 2 development application is to provide a full traffic and parking assessment relevant to the final proposal.

ACOUSTIC ASSESSMENT

- (29) The Stage 2 development application is to provide a full acoustic assessment. The report shall consider the impact of Port and Road traffic noise on the amenity of future occupiers and the impact of internal traffic and plant on the amenity of future occupiers. The report shall demonstrate full compliance with the LEP and DCP provisions.

ESD ASSESSMENT

- (30) The Stage 2 development application is to provide an Ecologically Sustainable Development report. The report shall be prepared in consultation with the Sustainable Energy Development Authority (SEDA) and demonstrate a development which is at the forefront of sustainable design.

DAYLIGHT ASSESSMENT REPORT

- (31) A daylight assessment report shall be submitted providing analysis of the daylight levels to the proposed and existing affected residential or serviced apartments in the vicinity. The design shall be amended to ensure appropriate daylight standards are achieved.

DETAILS OF ACCESS FOR PEOPLE WITH DISABILITIES

- (32) 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.

TELECOMMUNICATIONS PROVISIONS

- (33) Appropriate ducting and areas within the plant room shall be provided for a minimum of three telecommunication carriers or other providers to provide telecommunication access and broadband cabling to each apartment of the building. Details shall be submitted with the Stage 2 development application.

EXTERNAL RECEIVING EQUIPMENT

- (34) A separate development application must be submitted at the appropriate time for the installation and use of any external receiving device proposed to be installed. For each form of transmitter, there shall be only one common receiving device installed on the subject development.

SIGNAGE STRATEGY

- (35) 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

- (36) 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.

TRAFFIC CONDITIONS

- (37) The width of the driveway off Hickson Road is to be able to accommodate the largest truck likely to be servicing the loading dock. Height clearance will also need to be considered in the ramp section leading to the loading dock area.
- (38) Loading dock facilities/truck manoeuvring areas to Council's satisfaction. All trucks servicing the site should be able to enter and leave in a forward direction.
- (39) Design layout of the parking area is to conform with AS 2890.1 - 1993 and AS 2890.2 - 1989.

- (40) The exit ramp leading onto Hickson Road should contain a minimum 6 metre transition length of near flat grade commencing from just behind the footpath to ensure satisfactory sight distance from exiting drivers to passing pedestrians.
- (41) A traffic assessment shall be submitted to ascertain the necessary traffic management measures/control in Hickson Road to accommodate the additional traffic movements associated with the development taking into account the following:
- (a) The projected traffic generated from/attracted to major developments with vehicular access off Hickson Road that are either under construction (eg Walsh Bay development and King Street Wharves) or approved (eg KENS site); and
 - (b) The effect of the existing queuing spaces in the Middle of Hickson Road for trucks waiting to enter the wharves;
 - (c) The compliance of the parking, access, layout and manoeuvring space with the CSLEP 1996 and DCP 1996.
- (42) All loading, unloading and other construction activities shall be accommodated on site except that:
- (a) If, during excavation, it is not feasible for loading and unloading to take place on site, the provision of a works zone may be considered by Council;
 - (b) In addition to any approved works zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level;
 - (c) If a works zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a works zone may be given for a specified period and certain hours of the day to reflect the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of construction activities; and
 - (d) All costs of traffic management measures associated with the development shall be borne by the developer.
- (43) The Stage 2 development application shall ensure that the design of the buildings 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

(44) 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.

Schedule 2

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

Schedule 3

Heritage Council General Terms of Approval

- (45) This approval is limited to the first stage of the development included in the master plan.
- (46) Conservation and adaptive reuse of the heritage buildings on the site listed on the State Heritage Register must form part of the overall development. Approval for this conservation and adaptive reuse work must be sought prior to or as part of any further development application for the proposed buildings. This work must be completed prior to the occupation of the proposed buildings.
- (47) Conservation or demolition of Building D is to be subject to a separate development application.
- (48) Detailed schedules of materials and colours of the proposed new buildings are to be submitted with the stage two development application to erect the buildings which, in particular, demonstrate compatibility with, and respect for, their heritage context. Details of the proposed facade treatments facing the heritage forecourt are also to be submitted demonstrating that they do not compete with the character of the heritage buildings and forecourt.
- (49) Public access in a form satisfactory to the Sydney City Council is to be provided through the site via the proposed stair from Hickson Road to Jenkins Street.
- (50) The proposed stair construction against the northern facade of heritage Building A is to be designed to prevent adverse impact on the fabric of the building and provide clearance to the windows on its northern elevation.
- (51) The floor plan of the south eastern corner of Building 1 at levels 3 and 4 is to be modified to improve the visibility of the sandstone wall from the stair landing (RL 14.6) by increasing the setback from the wall.
- (52) The balconies on the south western corner of Building 1 at levels 1 and 2 are to be deleted or redesigned to be less intrusive on the heritage forecourt.
- (53) An unexcavated zone is to be provided adjacent to the face of the walls of the heritage buildings at least 1 metre wide.
- (54) The proposed archaeological works are approved subject to the conditions contained in Annexure E (of the Heritage Council excavation permit approval), as follows:

For the purpose of these conditions, 'relic' is defined in Section 4 of the Heritage Act, as Amended, as 'any deposit, object or material evidence relating to the settlement of the area that comprises NSW, not being Aboriginal settlement and is 50 or more years old'. This definition also includes the archaeological terms 'artefact', 'feature' and 'structure' and includes relics in land covered by water.

- (a) This permit does not cover the removal of any State significant relics or remains.
- (b) The archaeological excavation, analysis and recording must be undertaken in strict accordance with the recommendations specified in the "Development Application Stage 1 Masterplan Archaeological Research Design" prepared by Godden Mackay Logan, October 2000.
- (c) The archaeological recommendations outlined in section 6.6 of the "Development Application Stage 1 Masterplan Heritage Impact Statement", prepared by Godden Mackay Logan, October 2000, must be implemented.
- (d) Should intact remains of the annuli be discovered, then work must cease in the affected area(s) and the Heritage Office contacted for advice. Insitu retention and interpretation of select remnants of the annuli may be required.
- (e) Should substantial intact archaeological deposits or features not identified in the Archaeological Assessment be discovered, work must cease in the affected area(s) and the Heritage Office contacted for advice. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.
- (f) The archaeologist must remain present during the course of all excavation works in the archaeologically sensitive areas of the proposed development.
- (g) The archaeologist must be allowed access to archaeological deposits at all times during mechanical excavation and mechanical excavation must cease at the request of the archaeologist, to allow for investigation of archaeological remains.
- (h) At the completion of archaeological works an interpretation strategy for the site must be prepared and implemented to the satisfaction of the NSW Heritage Council. The strategy should help the public understand the history and significance of the site and must include recommendations regarding the insitu retention, interpretation and display of selected artefacts and/or other relevant material to help achieve this.
- (i) This permit is valid for three years from the date of approval. Requests for extensions after this time will only be considered in writing.

- (j) This permit is valid only while the approved excavation is being carried out under the direction of the nominated Excavation Director.
- (k) The Excavation Director must carry out the excavation in accordance with the approved research design and methodology. Any substantial deviations from the approved research design (including extent and techniques of excavations) must be approved by the Director, Heritage Office.
- (l) The Excavation Director must take adequate steps to record relics, structures and features discovered on the site during the excavation in accordance with current best practice guidelines and the approved research design.
- (m) The Applicant must endeavour to ensure that the unexcavated artefacts, structures and features are not subject to deterioration, damage or destruction.
- (n) The Applicant shall be responsible for the safe-keeping of all relics recovered from the site.
- (o) The Excavation Director shall be responsible for ensuring that the artefacts are cleaned, stabilised, identified, labelled, catalogued and stored in a way that allows them to be retrieved according to both type and provenance.
- (p) The Heritage Council and the Heritage Office reserve the right to inspect the site and records at all times and access any relics recovered from the site.
- (q) The Applicant shall ensure that the final report is prepared, to publication standard, within one (1) year of the conclusion of the project unless an extension of time is approved by the Heritage Council. Two copies of this report must be submitted to the Heritage Office. A further copy must be lodged in the local library or another appropriate local repository in the area in which the site is located.
- (r) The final report shall include:
 - (i) an executive summary;
 - (ii) due credit to the client paying for the excavation on the title page;
 - (iii) an accurate site location and site plan;
 - (iv) historical research, references, and bibliography;
 - (v) detailed information on the excavation including the aim, the context for the excavation, procedures, analysis, treatment of artefacts (cleaning, conserving, sorting, cataloguing, labelling, scale drawings, photographs, repository);

- (vi) nominated repository for the items;
 - (vii) detailed response to research questions; and
 - (viii) details of how this information about this excavation has been publicly disseminated.
- (s) Should any Aboriginal relics be uncovered, excavation or disturbance of the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

The motion was carried on the following show of hands -

Ayes (5) - The Chairman (the Lord Mayor), Mr Bird, Ms Holliday, Mr Johnson and Ms le Marchant.

Noes (2) - Councillors Ho and Turnbull.

Motion carried.

**ITEM 6. DEVELOPMENT APPLICATION: GOULBURN LANE
SUBSTATION, 70-72 COMMONWEALTH STREET, SURRY HILLS**

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

Ms Clover Moore MP
 Mr Greg Clark - resident
 Ms Caroline Quaine - Norman & Quaine
 Mr Sam Christie - Longrain Restaurant
 Mr Mervyn Davies - Energy Australia

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

That arising from consideration of a report by the Assistant Specialist Planner to the Central Sydney Planning Committee on 15 February 2001 in relation to Development Application D/00/00820 made by Energy Australia for the site at 70-72 Commonwealth Street, Surry Hills, to demolish the existing two-storey warehouse building and to construct a 132kv/11kv zone electricity substation with associated building identification signage, it be resolved that consideration of this matter be deferred to the next regular meeting of the Central Sydney Planning Committee.

ITEM 7. DEVELOPMENT APPLICATION: 485-503 GEORGE STREET, 101-109 BATHURST STREET AND 486-494 KENT STREET, SYDNEY (D98/00406)

Mr Michael Goldrick, representing the applicant, addressed the meeting of the Central Sydney Planning Committee on this matter.

Resolved on the motion of the Chairman (the Lord Mayor), seconded by Ms le Marchant:

That arising from consideration of a report by the Director City Development to the Central Sydney Planning Committee on 15 February 2001, in relation to the extension of Development Consent D98/00406 made by Genting Australia Holdings Pty Ltd for the development of land at 485-503 George Street, 101-109 Bathurst Street and 486-494 Kent Street, Sydney, and approved on 15 March 1999 under authority delegated to the Lord Mayor by the Central Sydney Planning Committee, it be resolved that the development consent not be extended.

ITEM 8. POLICY MATTERS AND REFERRALS (S010833)

There were no policy matters or referrals at this meeting of the Central Sydney Planning Committee.

ITEM 9. PRESENTATIONS BY APPLICANTS AND PRELIMINARY ADVICE (S010833)

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

ITEM 10. NEW DEVELOPMENT APPLICATION LODGEMENTS AND DELEGATED ITEMS (S00-2287)

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

That arising from consideration of a report by the Manager Development to the Central Sydney Planning Committee on 15 February 2001, in regard to the report on new development application lodgements and delegated items, it be resolved that the report be received and noted.

ITEM 11. PROGRESS REPORT ON DEVELOPMENT APPLICATIONS AND ANNUAL SUMMARY FOR 2000 (A03-00138/1)

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

That arising from consideration of a report by the Manager Development to the Central Sydney Planning Committee on 15 February 2001, in regard to the progress report for the month of December 2000, it be resolved that the report be received and noted.

ITEM 12. GENERAL BUSINESS

1. Central Sydney Local Environmental Plan and Development Control Plan 1996 - Draft Amendment - KENS site

The Lord Mayor raised the matter of the KENS site. Members agreed that a special meeting of the Central Sydney Planning Committee would be held on 22 February 2001 to discuss this matter.

The meeting concluded at 8.05pm.

CHAIRMAN

The next meeting of the Central Sydney Planning Committee is scheduled for 15 March 2001.