

CENTRAL SYDNEY PLANNING COMMITTEE

THURSDAY 19 JULY 2001

Meeting No 256

MINUTES of the Meeting of the Central Sydney Planning Committee held in the Council Chamber, Sydney Town Hall, on Thursday 19 July 2001 commencing at 6.05 pm.

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PRESENT

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

Mr Neil Bird, Councillor Robert Ho, Mr Chris Johnson, Ms Antoinette le Marchant and Councillor Lucy Turnbull.

The Director City Development was also present.

The Lord Mayor arrived at the meeting of the Central Sydney Planning Committee at 6.09 pm during discussion on Item 5, which had been brought forward. The Lord Mayor assumed the Chair at the conclusion of discussion on Item 5.

ELECTION OF CHAIR

In the temporary absence of the Lord Mayor, Councillor Frank Sartor, an election for the position of Chairman was held in accordance with Clause 14(1) of Schedule 1 of the City of Sydney Act 1988. Nominations for the position of Chairman were called. One nomination was received and accepted by the candidate, as follows:

Councillor Lucy Turnbull - nominated by Ms le Marchant, seconded by Mr Bird.

Councillor Turnbull was declared elected and took the chair at 6.05 pm.

APOLOGIES

An apology was received from Ms Sue Holliday, Director-General, Department of Urban Affairs and Planning, who was unable to attend the meeting as she was away from Sydney.

An apology was received from Dr Deborah Dearing, alternate member for Ms Holliday, as she was away from Sydney.

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

That the apologies from Ms Holliday and Dr Dearing 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:

4. Development Application: 98 Goulburn Street, Sydney
5. 255-259 Pitt Street and 482-496 George Street, Sydney (Hilton Hotel and Capital Centre): Opportunity Site
3. Stage 1 Development Application: Kindersley House - 20-26 O'Connell Street and 33-35 Bligh Street, Sydney
1. Confirmation of Minutes
2. Matters Arising from the Minutes
6. Presentations by Applicants and Preliminary Advice
7. New Development Application Lodgements and Delegated Items
8. General Business

ITEM 1. CONFIRMATION OF MINUTES (S010833)

Resolved on the motion of the Chairman (the Lord Mayor), seconded by Mr Johnson -

That the Minutes of the Central Sydney Planning Committee of 12 July 2001 be taken as read and confirmed, subject to the following correction on page 605, Item 4. Central Sydney Local Environmental Plan 1996 - Draft Amendment No. 12: KENS site - after the words "subject report" in the fifth line of clause (A) the following words be added "regarding an appropriate bulk control for the site".

ITEM 2. MATTERS ARISING FROM THE MINUTES (S010833)

There were no matters arising from the Minutes of the meeting of the Central Sydney Planning Committee held on 12 July 2001.

ITEM 3. STAGE 1 DEVELOPMENT APPLICATION: KINDERSLEY HOUSE - 20-26 O'CONNELL STREET AND 33-35 BLIGH STREET, SYDNEY (D2001/00317)

Mr John Daubney of Rice Daubney 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 Acting Manager Development to the Central Sydney Planning Committee on 19 July 2001, 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 Tower Holdings Pty Ltd for the site at 20-26 O'Connell Street and 33-35 Bligh Street, Sydney for demolition of the existing building 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 imply 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) demolition of the building, known as Kindersley House, upon approval of Stage 2 development application and the associated Construction Certificate;
 - (2) a development envelope as identified on plans numbered figure A and figure B as annotated dated June 2001 and representing a maximum floor space area of 25,475qm (Floor Space Ratio of 12.5:1);
 - (3) the use of buildings within the envelopes defined on the approved plans as commercial/retail subject to the following conditions;
 - (4) a vehicular access (entry and exit) located on O'Connell Street accommodating combined vehicular access for cars, service vehicles, motorcycles and bicycles to the basement car park levels;
 - (5) pedestrian access providing cross-site movement between O'Connell and Bligh Street; and
 - (6) bulk excavation of the site to a maximum finished floor depth of RL5.50 to accommodate three levels of basement parking for a maximum of 41 cars,

subject to the following conditions:-

Schedule 1 - 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. D2001/00317 dated May 2001 and Statement to accompany Stage 1 Development Application - proposed commercial development at 33-35 Bligh Street, Sydney prepared by Byrnes and Associates Pty Ltd dated May 2001 and additional information prepared by Byrnes and Associates Pty Ltd dated June 2001 and drawing attached to that documentation known as Fig A and B and as amended by the following conditions:

COMPETITIVE DESIGN PROCESS

- (2) 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. The brief for the competitive process must require participating architects to also consider options that do not involve a void of the height and scale contained in previous schemes (that is, to consider more conventional schemes).

BUILDING ENVELOPE

- (3) The building envelope is only approved on the basis that the ultimate building design will be smaller than the envelope 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 and the Central Sydney Heritage LEP 2000.
- (4) 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 AND HERITAGE

- (5) The Stage 2 development application must provide full details in relation to the following urban design and heritage issues to the satisfaction of Council;
 - (a) Any through site link must:
 - (i) address the impact on the adjoining significant heritage fabric;
 - (ii) be designed to integrate with the design for Richard Johnson Square.

- (b) The design, layout and materials of Richard Johnson Square to ensure its contiguity and integration with the streetscape and the approved development.

Note:

The applicant is advised to liaise with Council officers in this regard prior to submission of a Stage 2 development application.

- (6) The development envelope be amended to ensure that the top of the podium on Bligh Street aligns with the top of the parapet of the adjacent NSW Club building.

FLOOR SPACE RATIO

- (7) The precise Floor Space Ratio is not approved as part of this consent and is to be determined at the Stage 2 development application but shall not exceed 12.5:1.

DEMOLITION/SITE RECTIFICATION

- (8) 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
- (9) 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 tenable 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

(10)

- (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.

VEHICULAR ENTRY

- (11) The principle of one vehicular from O'Connell 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

- (12) 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.

PARKING

- (13) 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

- (14) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL190 (AHD).

PUBLIC ART

- (15) 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

- (16) 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; and
 - (f) Special attention must be paid to the treatment of landscaping above a slab.

PUBLIC DOMAIN PLAN

- (17) 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.
 - (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

- (18) The development must accommodate an electricity substation. Details of the size, design and location of the substation shall be included in the Stage 2 development application to the satisfaction of Energy Australia and shall be incorporated within the building envelope.

PUBLIC TELEPHONES

- (19) The Stage 2 development application must provide:
 - (a) Details that two public telephones will be provided in the development free of cost, (similar to the Telstra Blue Phone), in consultation with the applicant's preferred provider.
 - (i) The telephones should be located at footpath level and two square metres should be allowed for each telephone.
 - (ii) 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.
 - (b) The telephones must be available for public use during the normal opening hours of the building.

TOILETS AVAILABLE FOR USE BY PUBLIC

- (20) Provision shall be made for the inclusion of toilet facilities at ground floor level of the building. Such facilities shall be located adjacent to the entrance foyer or lift lobby and shall remain available for public use during the normal opening hours of the building. The facilities shall be signposted. Details shall be provided with the Stage 2 development application.

RECEPTACLES FOR CIGARETTE BUTTS

- (21) Provision must be made on the site, adjacent to the entrance/s to the building, for an adequate number of receptacles for the disposal of cigarette butts. The following details shall be provided with the Stage 2 development application. The receptacle/s must:-
- (a) be located entirely on private property and must not be located on or over Council's footpath;
 - (b) not obstruct any required means of egress or path of travel from the building required by the Building Code of Australia;
 - (c) not obstruct any required access/egress path for people with disabilities;
 - (d) be appropriately secured to the building;
 - (e) the emptying and maintenance of the receptacle/s is the responsibility of the building owner/manager and will not be undertaken by Council; and
 - (f) emptying of receptacle/s must be carried out on a daily basis.

SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

- (22)
- (a) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, written confirmation that you have obtained a Notice of Requirements under Part 6, Division 9 of the Sydney Water Act 1994 must be submitted to the Certifying Authority (Council or a private accredited certifier).
 - (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a (Developer) Compliance Certificate under section 73 of the Sydney Water Act 1994 must be submitted to the Principal Certifying Authority (Council or a private accredited certifier).
 - (c) Note:

- (i) Sydney Water may require you to construct works and/or pay developer charges, details of which will be provided in the Notice of Requirements. Early advice from Sydney Water will avoid problems in providing water and sewer services to your development and adverse impacts on building design and site layout.
- (ii) The approved plans will also need to be submitted to Sydney Water to determine whether the development will affect sewer and water mains, stormwater drains and/or easements. If the development complies with the requirements, the approved plans will be appropriately stamped by Sydney Water.
- (iii) Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site www.sydneywater.com.au or telephone 132092.

STORMWATER AND DRAINAGE

(23) The following stormwater details shall be submitted:-

- (a) Details of the proposed stormwater disposal and drainage of the development are to be submitted for approval by Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (b) Any proposed connection to Council's underground drainage system will require the owner to enter into a deed of Agreement with Council and obtain registration on Title of a Positive Covenant prior to the commencement of any work within the public way, at no cost to Council.
- (c) The requirements of Sydney Water (currently the Urban Development Central East Group, Rockdale Regional Office) with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

UTILITY SERVICES

(24) To ensure that utility authorities are advised of the development:-

- (a) A survey is to be carried out of all utility services within the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
- (b) Prior to commencement of work the applicant is to negotiate with the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the

underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

STORAGE AND WASTE HANDLING

- (25) The following requirements apply to storage and waste handling:
- (a) The design of the building and the methods of storage and handling of waste and recyclable material must 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).
 - (b) Certification of compliance with the design and constructional requirements of the Code including the associated Waste Management Plans and with the Conditions of Development Application consent relating to waste must be submitted to and approved by the Certifying Authority in the attached form W1 prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. Such Certification must be given by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
 - (c) The Certified Plans and Specifications must address compliance with the Waste Code including details of the following, where applicable:-
 - (i) The location, design and construction of the garbage room, recycling rooms, bin washing areas and collection areas.
 - (ii) The natural or mechanical ventilation, in accordance with the Building Code of Australia and Australian Standard 1668.
 - (iii) The location and design of any garbage chutes or compaction units required by Council's Code.
 - (iv) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.

Note:

- (d) Certification will also be required on completion of the building, prior to issue of a Certificate.

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 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.

DETAILS OF ACCESS FOR PEOPLE WITH DISABILITIES

- (28) 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

- (29) The following requirements apply to telecommunication facilities in the building:-
- (a) Appropriate access and space within the plant area of the building shall be provided for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery.
 - (b) Appropriate ducting shall be provided for a minimum of three telecommunication carriers or other providers for telecommunication access and broad-band cabling to each apartment of the building.
 - (c) The details of (a) and (b) above shall be submitted for the approval of the certifying authority, prior to issue of a construction certificate for the building under the Environmental Planning and Assessment Act 1979.
- (30) A separate DA must be submitted at the appropriate time for 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

- (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.

TRANSPORT AND ACCESS

- (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 O'Connell 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 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.
- (37) Any trucks associated with the development should not stand on the surrounding street system.
- (38) 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.
- (39) The ramp grade for the first 6m into the car park from the building alignment shall be 1 in 20 maximum.
- (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.

Schedule 2

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

(C) All other matters including architectural design and detailing are to be determined as part of the Stage 2 development application.

ITEM 4. DEVELOPMENT APPLICATION: 98 GOULBURN STREET, SYDNEY (D2001/00293)

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

That arising from consideration of a report by the Area Planning Manager to the Central Sydney Planning Committee on 19 July 2001, in relation to Development Application D2001/00293 made by Universal Land (Goulburn) Pty Ltd for the site at 98 Goulburn Street, Sydney for demolition of the existing building and construction of a new 33 level residential tower building containing 45 residential apartments with a retail unit at the ground floor and basement level parking for 28 cars, it be resolved that:-

(A) consent be refused for the following reasons:-

- (1) The proposed development is subject to the requirement for a development plan under the provisions of Clause 28B of the Central Sydney Local Environmental Plan 1996 (LEP 1996). As there is no development plan in force in relation to the subject site, the consent authority must not grant development consent for the proposed development as provided by Clause 28B (2) of LEP 1996.
- (2) The proposed development exceeds the maximum permissible floor space ratio (FSR) for the site with a FSR of 14.45:1. The applicant has failed to submit an objection to the compliance with this standard as required by the provisions of State Environmental Planning Policy No 1 - Development Standards, and has failed to demonstrate that compliance with the standard is unreasonable or unnecessary in the circumstances of the case.
- (3) The proposed development is inconsistent with the aims, objectives and provisions of the Central Sydney Local Environmental Plan 1996, the Central Sydney Development Control Plan 1996 and the City of Sydney Heritage Local Environmental Plan 2000 which seek to ensure that the design of a new building constitutes design excellence and presents an appropriate design response to adjacent and surrounding development, safeguards the significance of heritage items and contributes to the streetscape.
- (4) The development will adversely impact on the heritage qualities of adjoining and surrounding Schedule 1 heritage items and the heritage streetscape of which it forms part. In particular:-
 - (a) The development will result in a massive and inappropriate change in scale from the existing heritage buildings on Goulburn Street. In this regard the proposed treatments to the western elevation will not overcome the fact that this elevation will be an overbearing and visually dominant element within the streetscape; also
 - (b) The detailed design of the lower levels of the building fails to integrate with that of the adjoining heritage streetscape.
- (5) The development constitutes an over development of the site particularly in that:-

- (a) It will adversely impact on the heritage qualities of adjoining heritage items and the heritage streetscape within which it is located;
 - (b) It exceeds the maximum permissible FSR;
 - (c) The design of the tower fails to incorporate adequate setbacks.
- (6) The design of the tower fails to incorporate adequate setbacks. The wind levels within the proposed sky gardens of up to 22m/s are excessive and incompatible with their intended use.
 - (7) The development fails to fully comply with the provisions of the Building Code of Australia particularly in regard to the provision of adequate means of emergency egress. Compliance with these requirements is likely to require alteration to the design of the building which in turn is likely to impact on the built form and internal layout of the building of the building.
 - (8) The development fails to provide adequate on site servicing provision or space for vehicles queuing to use the car stacker.
 - (9) The development fails to incorporate appropriate internal access for persons with disabilities between the entrance to the car stacker and the residential foyer.
 - (10) Approval of the proposed development in its current form would not be in the public interest; and
- (B) the City of Sydney be requested to carry out a review of the height and floor space ratio standards contained in the Central Sydney Local Environmental Plan 1996 (LEP 1996) applicable to the application site, and the surrounding locality (in particular including the adjoining and surrounding heritage buildings to the west and north of the site), as part of the current review of LEP 1996.

Carried unanimously.

ITEM 5. 255-259 PITT STREET AND 482-496 GEORGE STREET, SYDNEY (HILTON HOTEL AND CAPITAL CENTRE): OPPORTUNITY SITE (D2001/00267)

Resolved on the motion of the Lord Mayor, Councillor Sartor, seconded by Mr Johnson -

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 19 July 2001, in relation to the Hilton Hotel/Capital Centre at 255-259 Pitt Street and 482-496 George Street, Sydney being acknowledged as an "Opportunity Site" pursuant to the provisions of the Central Sydney Local Environmental Plan 1996, it be resolved that:-

- (A) the CSPC acknowledges that the existing building on the site does not contribute in a positive manner to the public domain both in Pitt and George Streets, and that the current configuration of vehicular ramps and the circuitous pedestrian movement through the site degrades the amenity of pedestrians, the street and the public environment;
- (B) the CSPC is satisfied that the subject site meets the criteria for inclusion as an Opportunity Site under the provisions Central Sydney Local Environmental Plan 1996 and should be considered as an 'Opportunity Site';
- (C) as part of the next 5-yearly review of the Central Sydney Local Environmental Plan, as required by Clause 5 of the Plan, the subject site be considered for inclusion in Schedule 7 as an "Opportunity Site";
- (D) as part of the review detailed in (C) above, consideration be given to a review of Clause 42 of the Plan to ensure consistency with the allocation of heritage floor space; and
- (E) as an interim policy, until the Central Sydney Local Environmental Plan can be amended, any development application for the site should be considered against the Opportunity Site provisions.

Carried unanimously.

ITEM 6. PRESENTATIONS BY APPLICANTS AND PRELIMINARY ADVICE (S010833)

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

ITEM 7. NEW DEVELOPMENT APPLICATION LODGEMENTS AND DELEGATED ITEMS (S010833)

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

ITEM 8. GENERAL BUSINESS

There were no items of general business raised at the meeting of the Central Sydney Planning Committee on 19 July 2001.

The meeting concluded at 6. 20 pm.

CHAIRMAN

The next meeting of the Central Sydney Planning Committee is scheduled for 26 July 2001.

