

CENTRAL SYDNEY PLANNING COMMITTEE

THURSDAY 8 AUGUST 2002

Meeting No. 272

MINUTES of the Meeting of the Central Sydney Planning Committee held in the Council Chamber, Sydney Town Hall, on Thursday 8 August 2002 commencing at 5.20pm.

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PRESENT

Ms Sue Holliday, Director-General, Department of Planning
(Chair)

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

The Director City Development was also present.

ELECTION OF CHAIR

An apology was received from the Lord Mayor, Councillor Frank Sartor, who was unable to attend the meeting as he was overseas. An election for the position of Chair was held in accordance with Clause 14(1) of Schedule 1 of the City of Sydney Act 1988.

Nominations for the position of Chair were called. One nomination was received and accepted by the candidate, as follows:

Ms Sue Holliday - nominated by Ms le Marchant, seconded by Councillor Turnbull.

Ms Holliday was declared elected and took the chair at 5.21pm.

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:

3. Development Application: The Mint - 10 Macquarie Street, Sydney
4. Section 96(2) Modification: 646 Harris Street and 2-10 Ultimo Road, Ultimo
5. Section 96(1A) Application: Former Regent Theatre Site - 485-503 George Street, 101-109 Bathurst Street and 486-494 Kent Street, Sydney
6. Planning NSW Referral: Development Application for Australia's Animal World - Sydney Aquarium, Darling Harbour
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ITEM 1. CONFIRMATION OF MINUTES (S010833)

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

That the Minutes of the meeting of the Central Sydney Planning Committee held on 18 July 2002 be taken as read and confirmed.

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 18 July 2002.

ITEM 3. DEVELOPMENT APPLICATION - THE MINT, 10 MACQUARIE STREET, SYDNEY (D2002/00243)

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

Mr Peter Watts - Historic Houses Trust of New South Wales
Mr Richard Francis-Jones - MGT Architects

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 8 August 2002, in relation to Development Application D2002/00243 made by the Historic Houses Trust of New South Wales for the site at 10 Macquarie Street, Sydney, for alterations, additions, conservation and refurbishment of The Mint, it be resolved that:-

- (A) the subject report be received and noted; and
- (B) authority be delegated to the Lord Mayor to determine the Development Application following conclusion of the public exhibition period and full consideration of the proposal and any public submissions received.

Note - The members of the Central Sydney Planning Committee requested that they be circulated with a copy of the Lord Mayor's determination.

Note - The members of the Central Sydney Planning Committee requested that their appreciation be recorded of all involved in the achievement of a successful outcome for this development.

ITEM 4. SECTION 96(2) MODIFICATION: 646 HARRIS STREET AND 2-10 ULTIMO ROAD, ULTIMO (D1997/00899)

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

Mr Robert Albon - Planning Workshop, planning consultants for the applicant
Mr Joshua Farkash - Joshua Farkash & Associates Pty Ltd, architect for the applicant

Resolved on the motion of Councillor Turnbull, seconded by Councillor Ho -

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 8 August 2002, in relation to the Section 96 Application to modify Development Application D1997/00899 made by Metro Apartments (Ultimo) Pty Ltd for the site at 646 Harris Street, Ultimo for demolition of the existing building and erection of a part nine, part ten residential/commercial building with three and a half levels of basement parking, it be resolved that the application be approved as follows:-

- (A) That the description of the development be modified as follows:-

“Demolition of existing buildings and erection of a part nine, part ten level **residential/commercial** building with three and a half levels of basement parking”.

- (B) That Schedule 1 details of approved development be modified as follows:-

Building Height (SREP 26 Definition)	32m
Building Height (RL AHD)	36m
Site Area	565.7m ²
Component Floor Space Area:	
Business	350 m ² 322.8 m ²
Residential	3463.4 m ² 3,473.4 m ²
Gross Floor Area (SREP 26 Definition)	3,813.4 m ² 3,796.23 m ²
Total Gross Floor Area (including residential)	3,813.4 m ² 3,796.23 m ²
Total Floor Area (for Affordable Housing Contribution)	4,368.6m ²
Floor Space Ratio (SREP 26 Definition) (business)	0.62:1 0.57:1
Unit Mix Residential Units:	
Bedsit/studio	0
One bedroom	27
Two bedroom	13 12
Three bedroom	8 9
Total Residential Units	48
Number of Car Parking Spaces:	
Business	2
Residential	18
Visitor	5
Total Parking Spaces (maximum)	25
Other Vehicle Spaces:	
Disabled	2
Bicycle	29
Service Vehicle	1

(C) That Condition (1) be amended to include the submitted plans as follows:-

“CC 04A, 05A, 06A, 07A, 08A, 09A, 10C, 11B, 15A prepared by Joshua Farkash & Associates Pty Ltd and as amended by the following conditions:”

(D) That Condition (4) be modified as follows:-

FLOOR SPACE RATIO

- (4) The following applies to Floor Space Ratio:-
- (a) The Floor Space Ratio for the Business use must not exceed ~~0.62:1~~ **0.57:1** calculated in accordance with Sydney Regional Environmental Plan No. 26 - City West. For the purposes of the calculation of FSR, the Gross Floor Area of the Business Component is ~~350~~ **322.8 m²**, and the total Gross Floor Area is ~~3,813.4~~ **3,796.23 m²**.
 - (b) Prior to issue of Certificate of Classification of the development, a Registered Surveyor shall provide certification of the total and component Gross Floor Area (by use) of the development.

(E) That Condition (7) be modified as follows:-

SECTION 94 CONTRIBUTION

(7) A contribution under section 94 of the Act shall be paid in accordance with the following:

(a) **Cash Contribution Required**

In accordance with the adopted "Ultimo Pymont Contributions Plan 1994" a cash contribution shall be paid to Council in accordance with this condition.

(b) **Amount of Contribution**

The amount of the contribution shall be ~~\$284,793.07~~ **\$286,935.18** (~~S96B~~ **\$2,142.11**).

Note:

The contribution will be indexed annually, see paragraph (e) below.

(c) **Purposes for which Contribution Required**

The contribution is required, and shall be held and applied in accordance with the Act and the "Ultimo Pymont Contributions Plan 1994", for the purposes, and in the proportions, set out as follows:-

- (i) Open Space - 64%
- (ii) Community Facilities - 9.5%
- (iii) Roads and Associated Infrastructure - 26.2%
- (iv) Administration - 0.3%

(d) Timing of Payment

The contribution shall be paid prior to the release of the building approval under Section 68 of the Local Government Act 1993 for the construction of the development. Payment shall be made payable to the City of Sydney by bank cheque. (Personal or company cheques will not be accepted).

(e) Indexing

The contribution rate in “Ultimo Pymont Section 94 Contributions Plan 1994” will be adjusted in accordance with clause 19 of the Plan being not less than annually.

If the contribution rate is adjusted between the date on which this consent is granted and payment of the contribution, then the figure in paragraph (b) to this condition will be indexed and calculated according to the then current contribution rate.

(F) That new Condition (16) (f) be inserted as follows:-

(16)

- (f) The V-shaped roof elements to the building shall be modified to provide a more appropriate integrated design solution to reinforce the building presence to the streetscape particularly the corner of Harris Street and Ultimo Road. The amendments shall be submitted for the approval of the Director of City Development prior to the issue of a Construction Certificate for the upper floors under the Environmental Planning and Assessment Act 1979.**

(G) That new Condition (46) (a) be inserted as follows:-

NOISE ATTENUATION**(46)**

- (a) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an acoustic assessment report must be submitted to and approved by Council or the private certifying authority addressing the requirements of clause 7.4 of the Urban Development Plan for Ultimo-Pymont 1999 Update. The report shall address the noise impacts from traffic and the light rail. The approved drawings and specifications for construction are to be in accordance with the following:**
- (i) The L_{10} (20 minute) noise level in the unit with windows and external facade doors closed shall be less than 40dB(A);**

- (ii) The L_{10} (20 minute) noise level in the unit with windows and facade doors open, taking an aggregate opening or opening size not less than 5% of the floor area of the room (as required as the minimum standard for natural ventilation under clause F4.6 of the BCA), shall be less than 50dB(A). The assessment shall be between the hours of 6.00 p.m. to 8.00 p.m.
- (iii) The requirements in (i) and (ii) above shall apply to all habitable rooms and should be met by provision of natural ventilation. If the requirement in (ii) cannot be met then a special acoustic design and an energy efficient mechanical system may be considered.
- (iv) All residential building and serviced apartments are to be designed and constructed in accordance with the above criteria. The completed work must comply with the above conditions prior to issuing an Occupation Certificate (see condition (46) (b) of this consent).

(H) That new Condition (46) (b) be inserted as follows:-

COMPLIANCE CERTIFICATE FOR NOISE ATTENUATION

(46)

- (b) Prior to issue of an Occupation Certificate, a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) must be submitted to the satisfaction of the Principal Certifying Authority (Council or a private accredited certifier) certifying compliance with the Noise Reduction conditions in Condition (46) (a) of this consent, being the requirements in Clause 7.4 of the Urban Development Plan for Ultimo-Pyrmont 1999 Update. A copy of the Certificate shall be submitted to Council if it was not the PCA.

ITEM 5. SECTION 96(1A) APPLICATION: FORMER REGENT THEATRE SITE, 485-503 GEORGE STREET, 101-109 BATHURST STREET AND 486-494 KENT STREET, SYDNEY (D1998/00406)

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

Mr Brendan Bennett - City Plan Services
Mr Michael Goldrick - Genting Australia Pty Ltd

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 8 August 2002, in relation to Development Application 1998/00406 made by Genting Australia Investments Holdings Pty Ltd for the former Regent Theatre site, that being 485-503 George Street, 101-109 Bathurst Street and 486-494 Kent Street, Sydney, to modify various conditions of consent under Section 96(1A) of the Environmental Planning and Assessment Act 1979 to stage satisfaction of various conditions of consent to facilitate staging of the Construction Certificates for the subject development, it be resolved that consent be refused for the following reasons:-

- (A) the application is not considered to have “minimal environmental impacts” and it can not be dealt with under Section 96(1A) of the Environmental Planning and Assessment Act, 1979;
- (B) the proposal does not comply with the objectives of the Environmental Planning and Assessment Act 1979 or Central Sydney Local Environmental Plan 1996 concerning the orderly development of land;
- (C) the staging process proposed would likely diminish the design quality of the building and the ability of the City to ensure a high quality building is developed on the site;
- (D) the proposed modifications would lead to unreasonable uncertainty in respect to the satisfaction of various conditions of consent, the completion of the subject consent and the consent authority for building application(s); and
- (E) the proposal is not considered to be in the public interest.

ITEM 6. PLANNING NSW REFERRAL: DEVELOPMENT APPLICATION FOR AUSTRALIA’S ANIMAL WORLD - SYDNEY AQUARIUM, DARLING HARBOUR (O2002/00034)

Note - A report prepared by Mr Tom Geczy, Chairman, Owners Corporation of The Chelsea Apartments, was circulated to members during the meeting of the Central Sydney Planning Committee.

Note - The Chair (Ms Holliday) requested that the minutes record that neither Misho and Associates, the applicant, nor the Sydney Harbour Foreshore Authority were represented at the meeting of the Central Sydney Planning Committee.

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

Mr Tom Geczy - Chairman, Owners Corporation, The Chelsea Apartments
 Mr Bruce Crowe - Secretary, Owners Corporation, The Chelsea Apartments
 Ms Carmelina De Lorenzo-Crowe - resident, The Chelsea Apartments
 Mr Wayne Buckingham - The Four Points Hotel, Darling Harbour

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 8 August 2002, in relation to the Planning NSW referral for a Development Application made by Misho and Associates for the proposed Australia's Animal World facility to the north of the existing Aquarium building, it be resolved that:-

- (A) authority be delegated to the Deputy Lord Mayor, Councillor Turnbull, to review and finalise the submission to Planning NSW, as shown at Attachment A to the subject report, taking into account the issues raised by members at the meeting of the Central Sydney Planning Committee; and
- (B) a copy of the final submission be forwarded to members of the CSPC and to Mr Tom Geczy.

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

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

ITEM 8. PROGRESS REPORT ON DEVELOPMENT APPLICATIONS (A03-00138/1)

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

That arising from consideration of a report by the Manager Development to the Central Sydney Planning Committee on 8 August 2002, in regard to the progress report for the month of June 2002, it be resolved that the report be received and noted.

ITEM 9. NEW DEVELOPMENT APPLICATION LODGEMENTS AND DELEGATED ITEMS (S00-2287)

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

That arising from consideration of a report by the Manager Development to the Central Sydney Planning Committee on 8 August 2002, in regard to the report on new development application lodgements and delegated items, it be resolved that the report be received and noted.

ITEM 10. GENERAL BUSINESS

10.1 Leave of Absence - Ms Antoinette le Marchant

The Central Sydney Planning Committee noted Ms le Marchant's request for leave of absence from 15 August 2002 until 11 September 2002. It was noted that Dr Anna Lyth-Gollner, alternate member for Ms le Marchant, would attend meetings during this period.

The meeting concluded at 6.11pm.

CHAIRMAN

The next meeting of the Central Sydney Planning Committee is scheduled for 29 August 2002.