

# CENTRAL SYDNEY PLANNING COMMITTEE

THURSDAY 20 MARCH 2003

Meeting No 280

**MINUTES** of the Meeting of the Central Sydney Planning Committee held in the Council Chamber, Sydney Town Hall, on Thursday 20 March 2003, commencing at 5.21pm.

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## **PRESENT**

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

Mr Neil Bird, Councillor Robert Ho, Ms Antoinette le Marchant, Mr Peter Mould (Alternate Member for Mr Chris Johnson) and Councillor Lucy Turnbull.

The Director City Development and Projects, and Manager Development were also present.

Note - The Chairman (the Lord Mayor) left the meeting of the Central Sydney Planning Committee at 5.29pm, at the conclusion of discussion on Item 3, and did not return. With the concurrence of CSPC members, Councillor Turnbull took the chair at 5.30pm.

## **APOLOGY**

An apology was received from Ms Sue Holliday, Director-General, Department of Planning, who was unable to attend the meeting owing to an urgent commitment.

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

That the apology from Ms Holliday be received and leave of absence granted.

**Note** - Mr Chris Johnson, who had been on a leave of absence from the Central Sydney Planning Committee, was in the Council Chamber for part of this meeting.

## **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. Former Regent Theatre Site: 485-503 George Street, 101-109 Bathurst Street and 486-494 Kent Street, Sydney - Design Competition Report
3. Section 96(1A) Application: David Jones Stores, 84-110 Castlereagh Street and 65-77 Market Street, Sydney
1. Confirmation of Minutes
2. Matters Arising from the Minutes
5. Policy Matters and Referrals
6. Presentations by Applicants and Preliminary Advice
7. Progress Report on Development Applications
8. New Development Application Lodgements and Delegated Items
9. General Business

## **ITEM 1. CONFIRMATION OF MINUTES (S023330)**

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

That the minutes of the meeting of the Central Sydney Planning Committee held on 27 February 2003 be taken as read and confirmed.

## **ITEM 2. MATTERS ARISING FROM THE MINUTES (S023330)**

There were no matters arising from the Minutes of the meeting of the Central Sydney Planning Committee held on 27 February 2003.

**ITEM 3. SECTION 96(1A) APPLICATION: DAVID JONES STORES, 84-110 CASTLEREAGH STREET AND 65-77 MARKET STREET, SYDNEY (D2000/00377)**

Mr Clive Chandler of McLachlan Lister Pty Ltd, 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 Specialist Planner to the Central Sydney Planning Committee on 20 March 2003, in relation to the Section 96(1A) Application to modify Development Application D2000/00377 made by Crone Nation Architects for the David Jones City Stores at 84-110 Castlereagh Street and 65-77 Market Street, Sydney, proposing to modify Conditions 4 and 62 by increasing the number of construction phases from 5 to 10 and the subsequent apportionment of heritage floor space to each of the 10 phases, it be resolved that consent be granted subject to the following conditions:-

(A) Condition 4 (Elizabeth Street Store) be modified as follows (modification shown in **bold italics** or with a ~~strikethrough~~):

(4) The owner may be awarded a maximum of 14,132sqm of heritage floor space under the provisions of the Central Sydney Local Environmental Plan 1996, if the elements set out in the following clauses are satisfied:

(a)

(i) 7,771sqm of heritage floor space may be awarded after completion of the Stage 1 conservation and refurbishment works proposed in the current application, to the satisfaction of Council.

(ii) The balance of the heritage floor space may be awarded after:

a. lodgement and determination of further development applications pursuant to Section 80 (4) of the Environmental Planning and Assessment Act 1979 which provide full documentation of the proposed refurbishment and conservations works for the respective stages. However, should the consent authority determine that the proposed refurbishment and conservation works proposed for the individual stages are not adequate for the award of heritage floor space, no award shall be granted.

b. completion of the conservation and refurbishment works for the respective staged development applications, to the satisfaction of Council.

(iii) The maximum amount of heritage floor space that may be awarded for the subsequent ~~four~~ **nine** stages are as follows:

a. Stage 2 - ~~915~~ **zero** sqm of heritage floor space;

- b. Stage 3 - ~~230~~ *zero* sqm of heritage floor space;
- c. Stage 4 - ~~2,608~~ *1,360* sqm of heritage floor space;
- d. Stage 5 - ~~2,608~~ *680* sqm of heritage floor space;
- e. *Stage 6 - 340 sqm of heritage floor space;*
- f. *Stage 7 - 1,360 sqm of heritage floor space;*
- g. *Stage 8 - 680 sqm of heritage floor space;*
- h. *Stage 9 - 340 sqm of heritage floor space; and*
- i. *Stage 10 - 1,601 sqm of heritage floor space.*

*(Modified ... March 2003)*

- (b) The owner shall enter into a deed with Council and register any required covenants on the title of the land on the completion of the conservation works to:
    - (i) ensure the continued conservation and maintenance of the building; and
    - (ii) limit any future development of the site to the total area of the conserved building.
  - (c) All legal documentation shall be prepared by Council's solicitor. The cost of preparation and registration of all documentation must be borne by the owner.
  - (d) The owner will only be registered as the owner of heritage floor space following the completion of paragraphs (a) to (b) of this condition, to the satisfaction of Council.
  - (e) On the satisfactory completion of (a) to (b) above, and on application to Council, the owner will be issued with a letter of registration of heritage floor space;
- (B) Condition 62 (Market Street Store) be modified as follows (modification shown in ***bold italics*** or with a ~~strikethrough~~):
- (62) The owner may be awarded 10,112sqm of heritage floor space under the provisions of the Central Sydney Local Environmental Plan 1996, if the elements set out in the following clauses are satisfied:
- (a)
    - (i) 5,814sqm of heritage floor space may be awarded after completion of the Stage 1 conservation and refurbishment works proposed in the current application, to the satisfaction of Council.

- (ii) The balance of the heritage floor space may be awarded after:
- a. Lodgement and determination of further development applications pursuant to Section 80 (4) of the Environmental Planning and Assessment Act 1979 which provide full documentation of the proposed refurbishment and conservations works for the respective stages.

However, should the consent authority determine that the proposed refurbishment and conservation works proposed for the individual stages are not adequate for the award of heritage floor space, no award shall be granted.

- b. Completion of the conservation and refurbishment works for the respective staged development applications, to the satisfaction of Council.
- (iii) The maximum amount of heritage floor space that may be awarded for the subsequent ~~four~~ **nine** stages are as follows:

- a. Stage 2 - ~~794~~ **250** sqm of heritage floor space;
- b. Stage 3 - ~~1,410~~ **250** sqm of heritage floor space;
- c. Stage 4 - ~~794~~ **zero** sqm of heritage floor space;
- d. Stage 5 - ~~1,300~~ **750** sqm of heritage floor space;
- e. **Stage 6 - zero sqm of heritage floor space;**
- f. **Stage 7 - 250 sqm of heritage floor space;**
- g. **Stage 8 - 750 sqm of heritage floor space;**
- h. **Stage 9 - zero sqm of heritage floor space; and**
- i. **Stage 10 - 2,048 sqm of heritage floor space.**

*(Modified ... March 2003)*

- (b) The owner shall enter into a deed with Council and register any required covenants on the title of the land on the completion of the conservation works to:
- (i) ensure the continued conservation and maintenance of the building; and
  - (ii) limit any future development of the site to the total area of the conserved building.

- (c) All legal documentation shall be prepared by Council's solicitor. The cost of preparation and registration of all documentation must be borne by the owner.
  - (d) The owner will only be registered as the owner of heritage floor space following the completion of paragraphs (a) to (b) of this condition, to the satisfaction of Council.
  - (e) On the satisfactory completion of (a) to (b) above, and on application to Council, the owner will be issued with a letter of registration of heritage floor space; and
- (C) Authority be delegated to the General Manager, in consultation with the Chairman of the Central Sydney Planning Committee, to determine any future Section 96 applications relating to Development Application D2000/00377 that seek to modify the approved construction phases and the apportionment of heritage floor space to reflect the modified phases, subject to:
- (1) there being no reduction in the total scope of works approved over all construction phases;
  - (2) there being no change to the total quantum of heritage floor space over all construction phases; and
  - (3) the final construction phase having a disproportionately large heritage floor space award as an incentive to complete the works.

**ITEM 4. FORMER REGENT THEATRE SITE: 485-503 GEORGE STREET, 101-109 BATHURST STREET AND 486-494 KENT STREET, SYDNEY- DESIGN COMPETITION REPORT (D1998/00406)**

Mr Andrew Duggan of Greencliff (CPL) Developments Pty Ltd, the applicant, addressed the meeting of the Central Sydney Planning Committee on this matter.

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

That arising from consideration of a report by the Area Planning Manager to the Central Sydney Planning Committee on 20 March 2003, in relation to the design competition for the proposed redevelopment of the former Regent Theatre site, that being 485-503 George Street, 101-109 Bathurst Street and 486-494 Kent Street, Sydney, it be resolved that:-

- (A) the subject report be received and noted;
- (B) the Central Sydney Planning Committee endorse the Competitive Design Process as allowed for in Section 12 Design Excellence and Competitive Processes of Central Sydney Development Control Plan 1996 and notes the selection of the Foster and Partners submission to form the basis of a future development application; however, this does not imply approval of such a future application;

- (C) the Central Sydney Planning Committee support the findings and concerns of the competition jury with regard to the detailed resolution of the tower façade system, the detail of the podium and related matters;
- (D) the applicant be informed that:
- (1) The Central Sydney Planning Committee share the concerns of the competition jury with regard to the detailed resolution of the tower facade system, the detail of the podium and related matters;
  - (2) Areas of non-compliance with Central Sydney Local Environmental Plan 1996 (CSLEP 96), Central Sydney Development Control Plan 1996 (CSDCP 96) and the approved Stage 1 consent identified in the subject report are to be fully considered in the design development of the scheme to a Stage 2 development application; and if still proposed, be thoroughly addressed and justified as part of the Stage 2 development application submission; and
  - (3) A detailed assessment of the design against the requirements of the CSLEP 96), Central Sydney Heritage Local Environmental Plan 2000, CSDCP 96, the Draft Central Sydney Local Environmental Plan 2002, State Environmental Planning Policy 65 and the Building Code of Australia and associated Australian Standards, has not been conducted, nor has it been possible based on the submitted schematic plans. In this regard:
    - (a) the advice is non-binding and does not fetter the discretion of the consent authority,
    - (b) the consent authority must conduct a thorough and objective assessment of the Stage 2 development application, as required by the Environmental Planning and Assessment Act 1979, including an assessment of any public submissions received as a result of the advertising and notification of the application,
    - (c) the consent authority incurs no liability for any expense borne by the owner/applicant as a result of reliance upon this pre-development application advice; and
- (E) a design reference group be established comprising:
- Councillor Lucy Turnbull
  - Mr Neil Bird
  - Mr Chris Johnson
  - The Director-General, Department of Planning or her nominee, (if required)
  - The Hon. Paul J Keating (if available)
  - Mr Richard Francis-Jones
- (the latter two being members of the design competition jury),  
to meet prior to the Stage 2 development application being lodged.

**ITEM 5. POLICY MATTERS AND REFERRALS (S023330)**

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

**ITEM 6. PRESENTATIONS BY APPLICANTS AND PRELIMINARY ADVICE (S023330)**

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

**ITEM 7. PROGRESS REPORT ON DEVELOPMENT APPLICATIONS (A03-00138/1)**

**Resolved** on the motion of Mr Mould, seconded by Mr Bird -

That arising from consideration of a report by the Manager Development to the Central Sydney Planning Committee on 20 March 2003, in regard to the progress report for the month of February 2003, it be resolved that the report be received and noted.

**ITEM 8. NEW DEVELOPMENT APPLICATION LODGEMENTS AND DELEGATED ITEMS (S00-2287)**

**Resolved** on the motion of Councillor Ho, seconded by Mr Mould -

That arising from consideration of a report by the Manager Development to the Central Sydney Planning Committee on 20 March 2003, in regard to the report on new development application lodgements and delegated items, it be resolved that the report be received and noted.

**ITEM 9. GENERAL BUSINESS**

**9.1 Appreciation to the Lord Mayor, Councillor Frank Sartor AO**

The Central Sydney Planning Committee conveyed its appreciation to the Lord Mayor for over 11 years of dedicated and excellent service to the City and the Central Sydney Planning Committee during his term of office, and wished him well for the future.

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

That the Lord Mayor, Councillor Frank Sartor, be congratulated for his dedication to and achievements for the City.

All CSPC members supported this recommendation and the motion was carried unanimously.

The meeting concluded at 5.36pm.

CHAIRMAN

The next meeting of the Central Sydney Planning Committee is scheduled for 10 April 2003.