

CENTRAL SYDNEY PLANNING COMMITTEE

Meeting No 394
Thursday 25 July 2013
Notice Date 19 July 2013

minutes

city of villages

INDEX TO MINUTES

ITEM	PAGE NO
1. DISCLOSURES OF INTEREST	187
2. CONFIRMATION OF MINUTES.....	187
3. MATTERS ARISING FROM THE MINUTES.....	187
4. DEVELOPMENT APPLICATION: 2-6 ELGER STREET - 83 BAY STREET - 1-3 ELGER STREET AND 5010 STIRLING STREET GLEBE.....	187
5. AMENDMENTS UNDER SECTION 73A TO SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 TO CORRECT MINOR ERRORS.....	193
6. POST EXHIBITION - PLANNING PROPOSAL: AMENDMENT TO SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 - SYDNEY FISH MARKET - 56-60 PYRMONT BRIDGE ROAD PYRMONT	194
7. POST-EXHIBITION: 87 BAY STREET GLEBE - PLANNING PROPOSAL - DRAFT DEVELOPMENT CONTROL PLAN AND DRAFT PLANNING AGREEMENT	192
8. DELEGATION OF MINISTER'S PLAN MAKING FUNCTIONS TO CHIEF EXECUTIVE OFFICER	194

PRESENT

The Right Hon The Lord Mayor Councillor Clover Moore (Chair)

Members - The Hon. Craig Knowles, Councillor Robert Kok, Councillor John Mant, Mr Neil McGaffin (Alternate Member to Mr Richard Pearson, Deputy Director General Planning Operations and Regional Delivery, NSW Department of Planning and Infrastructure), Mr Peter Poulet and the Hon. Robert Webster

At the commencement of business at 5.20pm, those present were -

The Lord Mayor, Mr Knowles, Councillor Kok, Councillor Mant, Mr McGaffin, Mr Poulet and Mr Webster.

The Director Legal and Governance and Director City Planning, Development and Transport were also present.

Apologies

Mr Pearson extended his apologies for his inability to attend the meeting of the Central Sydney Planning Committee.

Moved by the Chair (the Lord Mayor), seconded by Councillor Kok -

That the apology from Mr Pearson be received and leave of absence from the meeting be granted.

Carried.

ITEM 1 DISCLOSURES OF INTEREST

(a) Section 451 of the Local Government Act 1993

No Members disclosed any pecuniary or non-pecuniary interests in any matter on the agenda for this meeting of the Central Sydney Planning Committee.

(b) Local Government and Planning Legislation Amendment (Political Donations) Act 2008

No disclosures were made by any members of the public at this meeting of the Central Sydney Planning Committee.

ITEM 2 CONFIRMATION OF MINUTES (S106508)

Moved by Councillor Kok, seconded by Mr Knowles -

That the minutes of the meeting of the Central Sydney Planning Committee of 20 June 2013, as circulated to Members, be confirmed.

Carried unanimously.

ITEM 3 MATTERS ARISING FROM THE MINUTES (S106508)

There were no matters arising from the minutes of the meeting of the Central Sydney Planning Committee of 20 June 2013.

ITEM 4 DEVELOPMENT APPLICATION: 2-6 ELGER STREET - 83 BAY STREET - 1-3 ELGER STREET AND 5010 STIRLING STREET GLEBE (D/2013/412)

The following persons addressed the meeting of the Central Sydney Planning Committee on this matter - Ms Suzanna Nicholson, Mr Jeffrey Quinn, Ms Stephanie Hall, Ms Sigi Leferink, Mr Chris Jewell, Ms Michele Fraser, Mr Neil Macindoe and Mr Denis Doherty.

Moved by Mr Webster, seconded by Mr Knowles -

It is resolved that consent be granted to Development Application No. D/2013/412, subject to the following conditions:

SCHEDULE 1

(1) APPROVED DEVELOPMENT

(a) Stage 1 development consent is granted only for:

- (i) building envelopes for the four development blocks - Block A, Block B, Block C and Block D;
- (ii) basement car parking;
- (iii) relocation of Stirling Street; and
- (iv) a park to the south of Elger Street

as detailed in the following drawings prepared by DEM and submitted with Development Application D/2013/412 dated 1 April 2013

Drawing Number	Title	Architect	Date
Arsk 0001 (Rev A01)	Housing Type Distribution Diagram	DEM	13 March 2013
Arsk 0002 (Rev B01)	GFA Distribution Diagram	DEM	13 March 2013
Arsk 1308	Maximum Number of Storeys	DEM	13 March 2013

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

(2) NOT APPROVED

Consent is not granted for the following:

- (a) The layout and number of residential units and car parking spaces;
- (b) The design of building exteriors including facades or roof;
- (c) Public domain and the landscape design; and
- (d) The precise floor space.

(3) SUBSEQUENT STAGES TO BE CONTAINED WITHIN THE APPROVED ENVELOPE

The detailed designs developed as part of subsequent future development applications, including balconies, shall be contained within the building footprints and envelopes approved as part of this consent. Any modification of the envelopes must be fully justified with all relevant planning controls.

(4) BUILDING HEIGHT

- (a) The height of the building, with the exception of lift overruns and communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like, must not exceed RLs of the block as detailed in the table below. Lift overruns are not to exceed the RLs detailed in the table below by more than 600mm:

	RL to the top of the building
Block A1/A3	RL 28.7
Block A2	RL 33.9
Block B1/B2	RL 24.85 north (central) portion facing Wentworth Street RL 34.0 southern portion facing Bay Street RL 34.0 north-east corner at intersection Wentworth Street and Bay Street RL 34.0 north-west corner at intersection Wentworth Street and Stirling Street
Block B3	RL 28.75 south-west portion at intersection of Stirling Street and Elger Street RL 24.55 southern portion to north of Elger Street RL 22.0 eastern end to north of Elger Street
Block C1/C2	RL 26.65 south-western portion facing Cowper Street RL 32.75 northern portion to the south of Elger Street RL 20.7 southern portion of western block adjacent to southern boundary RL 26.65 to the eastern and western ends to the south of Elger Street

	RL to the top of the building
Block D1/D2	RL 24.8 south-east portion to the south of Elger Street RL 26.9 southern portion to south of Elger Street RL 28.4 central block to south of Elger Street RL 29.5 south-west end block to the south of Elger Street RL 30.9 south-east end block to west of Bay Street RL 37.0 north-east block at intersection of Bay and Elger Streets

- (b) All roof top plant and associated equipment must be integrated into the building design.

(5) PUBLIC DOMAIN PLAN

A Public Domain Plan shall be submitted with the subsequent future development applications referencing the Sydney Street Design Code, including details of, but not limited to, surface treatment, kerbs and furnishings including street lighting, seating and bins.

(6) ELECTRICITY SUBSTATION

If the applicable energy supplier requires an electricity substation to be installed on the site, the details of the substation, eg. size and location etc. and any associated proposed land dedication, are to be submitted with subsequent future detailed Development Applications for approval.

(7) LANDSCAPING OF THE SITE

A detailed landscape plan, drawn to scale by a qualified landscape architect or landscape designer, must be submitted as part of future detailed Development Applications. 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; and
- (e) details of drainage and watering systems.

(8) AFFORDABLE HOUSING

The affordable housing component will be managed by City West Housing or a registered community housing provider under a social housing tenancy agreement.

(9) REUSE OF EXISTING SANDSTONE KERBING

The sandstone kerbing from the original alignment of Stirling Street is to be re-used in the kerbing of the modified alignment of the street and shown on the landscape plans required to be submitted as part of any future detailed Development Applications.

(10) HERITAGE INTERPRETATION STRATEGY

- (a) A heritage interpretation strategy for the site must be submitted to and approved by Council as part of a Stage 2 Development Application for the site.
- (b) It is to be prepared by a suitably qualified and experienced heritage consultant.
- (c) The interpretation strategy must detail how information on the history, development and significance of the site will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design and the display of selected artefacts are some of the means that can be used. The strategy is to include incorporation of the foundation plaques of the buildings that were on the site.

(11) SURRENDER OF EXISTING CONSENT

The existing development consent D/2011/1245 shall be surrendered, in writing, prior to the lodgement of any subsequent future detailed development applications.

SCHEDULE 2

The prescribed conditions in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000 apply to the development.

Carried unanimously.

Note: The Committee expressed the view that, due to the significance of the proposed redevelopment, the achievement of design excellence may be facilitated by the Applicant through the initiation of an appropriate design excellence process, such as a competition.

Order of Business

At this stage of the meeting, the Central Sydney Planning Committee agreed, for the convenience of the public present, that the Order of Business be altered such that Item 7 be brought forward and dealt with before Item 5.

ITEM 7 POST-EXHIBITION: 87 BAY STREET GLEBE - PLANNING PROPOSAL - DRAFT DEVELOPMENT CONTROL PLAN AND DRAFT PLANNING AGREEMENT (S091122)

Note - A memo from the Director City Planning, Development and Transport to the Central Sydney Planning Committee Relevant to Item 7, dated 25 July 2013, was circulated to members prior to the meeting of the Central Sydney Planning Committee.

The following persons addressed the meeting of the Central Sydney Planning Committee on this matter - Mr Denis Doherty and Ms Michele Fraser.

Moved by Mr Knowles, seconded by Mr Webster -

It is resolved that the Central Sydney Planning Committee:

- (A) note the matters raised in response to the public exhibition of the 'Planning Proposal: Sydney Local Environmental Plan 2012 - 87 Bay Street Glebe', 'Sydney Development Control Plan 2012 - 87 Bay Street Glebe' and 'Planning Agreement - 87 Bay Street Glebe', as shown at Attachment A to the subject report;
- (B) note the 'Planning Agreement - 87 Bay Street Glebe' as shown at Attachment D to the subject report is to be amended by mutual consent by the deletion of Clauses 16.1 "Obligations if relevant legal challenge" and 16.2 "Re-transfer of land and release of covenants"; and by the dedication of an appropriate number of car parking spaces to the Affordable Housing Lot (these amendments are scheduled in Attachment A to the memo dated 25 July 2013 from the Director City Planning, Development and Transport circulated to members prior to the meeting of the Central Sydney Planning Committee);
- (C) under section 39(1) of the City of Sydney Act 1988, approve 'Planning Proposal: Sydney Local Environmental Plan 2012 - 87 Bay Street Glebe', as shown at Attachment B to the subject report, to be made as a local environmental plan under section 59 of the Environmental Planning and Assessment Act 1979;
- (D) note that the local environmental plan will not be made until the Planning Agreement referred to in clause (B) has been entered into by the Chief Executive Officer, on behalf of Council, and the site owner, and lodged for registration on title at the same time; and
- (E) note the Draft Development Control Plan, as amended and shown at Attachment C to the subject report, and with the following further amendments:
 - (i) The Height in Storeys map at Figure 6.32 of the draft Development Control Plan be amended as shown at Attachment B to the memo dated 25 July 2013 from the Director City Planning, Development and Transport circulated to members prior to the meeting of the Central Sydney Planning Committee;

- (ii) An additional provision be inserted at the end of the existing Section 6.1.10.1 of the draft Development Control Plan to read:

“Provide a development mix that ensures the envelope described in this Development Control Plan is not exceeded.

Note: As the controls permit a variable development mix, the building envelopes prevail and must guide the mix to achieve compliance with the building envelopes.”

Carried unanimously.

At this stage of the meeting, it having been agreed that these matters be dealt with together, it was moved by Mr Knowles, seconded by Mr Webster -

That the officers' recommendations for Items 5, 6 and 8, as follows, be adopted.

Carried unanimously.

ITEM 5 AMENDMENTS UNDER SECTION 73A TO SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 TO CORRECT MINOR ERRORS (S111882)

It is resolved that the Central Sydney Planning Committee:

- (A) approve Sydney Local Environmental Plan 2012 (Amendment No 2) shown at Attachment A to the subject report for making;
- (B) note the recommendation to the Planning and Development Committee on 22 July 2013 that Council will make Sydney Local Environmental Plan 2012 (Amendment No 2), exercising the Minister for Planning and Infrastructure's delegated plan-making functions under Section 59 of the Environmental Planning and Assessment Act 1979; and
- (C) note the recommendation to the Planning and Development Committee on 22 July 2013 that Council will submit Sydney Local Environmental Plan 2012 (Amendment No 2) to the Department of Planning and Infrastructure to request notification of the Plan on the New South Wales Legislation website by the Office of Parliamentary Counsel.

Carried unanimously.

ITEM 6 POST EXHIBITION - PLANNING PROPOSAL: AMENDMENT TO SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 - SYDNEY FISH MARKET - 56-60 PYRMONT BRIDGE ROAD PYRMONT (S110701)

It is resolved that:

- (A) the Central Sydney Planning Committee note one submission was received in response to the public exhibition of the Planning Proposal: Amendment to Sydney Local Environmental Plan 2012 - Sydney Fish Market - 56-60 Pyrmont Bridge Road, Pyrmont, as outlined in the subject report;
- (B) the Central Sydney Planning Committee approve the revised Planning Proposal, shown at Attachment A to the subject report, incorporating minor amendments to the recently exhibited Planning Proposal: Amendment to Sydney Local Environmental Plan 2012 - Sydney Fish Market - 56-60 Pyrmont Bridge Road in accordance with Section 39(1) of the City of Sydney Act 1988, to be made as a local environmental plan under section 59 of the Environmental Planning and Assessment Act 1979; and
- (C) authority be delegated to the Chief Executive Officer to make any minor amendments to the revised Planning Proposal, as shown at Attachment A, to correct any minor drafting errors before submitting it to Parliamentary Counsel.

Carried unanimously.

Note: Item 7 was dealt with at an earlier stage of the meeting (see page 192).

ITEM 8 DELEGATION OF MINISTER'S PLAN MAKING FUNCTIONS TO CHIEF EXECUTIVE OFFICER (S093891)

It is resolved that the subject report be received and noted.

Carried unanimously.

The meeting of the Central Sydney Planning Committee concluded at 6.40pm.

CHAIR