

ITEM 10. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 8 DECEMBER 2008**ITEM 10.1****DISCLOSURES OF INTEREST****(a) Section 451 of the Local Government Act 1993**

Councillor Shayne Mallard declared a non-pecuniary interest in Item 7 on the agenda in that, whilst the applicant has not made a donation, a representative of the applicant has donated to the Liberal Party a reportable amount in the specified period. Councillor Mallard further declared that whilst legally it is not clear if he needed to make this declaration, he was doing so in the interests of full transparency to the Council.

Councillor Mallard took part in discussion and voting on this matter.

No other Councillors disclosed any pecuniary or non-pecuniary interests in any matter on the agenda for this meeting of the Planning Development and Transport 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 Planning Development and Transport Committee.

The Planning Policy Sub-Committee recommends the following:

ITEM 10.2

SURRY HILLS PEDESTRIAN, CYCLING AND TRAFFIC CALMING SCHEME (S057852)

It is resolved that:

- (A) Council endorse the draft Surry Hills Pedestrian, Cycling and Traffic Calming Study, as shown at Attachment B to the subject report, including the treatments and priorities, as shown at Attachments D and E to the subject report;
- (B) Council note that the Study reports on investigations into reverting Foveaux and Albion Streets to one-way;
- (C) Council strongly support the reversion to two way traffic on Foveaux and Albion Streets to improve amenity and safety, and request the Chief Executive Officer to further investigate and report back to Council on how this might be achieved;
- (D) authority be delegated to the Chief Executive Officer to vary the detail of the treatments, project funding and priorities as may be required;
- (E) Council ask the Roads and Traffic Authority to install a 40km/h speed limit on all local roads within the Study area; and
- (F) Council ask the Roads and Traffic Authority to investigate issues raised on classified roads within the Study area that are the Authority's responsibility.

Speakers

Mr John Bushell addressed the meeting of the Planning Development and Transport Committee (Planning Policy Sub-Committee) on Item 10.2.

(Note – At the meeting of the Planning Development and Transport Committee, this recommendation was moved by Councillor McInerney, seconded by the Chair (the Lord Mayor) and carried unanimously.

ITEM 10.3**BOURKE STREET CYCLEWAY UPGRADE TREATMENTS – DEVELOPED DESIGN (S049659)**

The Planning Policy Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 15 December 2008.

Officer's Recommendation

The officer's recommendation to the Planning Development and Transport Committee (Planning Policy Sub-Committee) was as follows –

It is resolved that:

- (A) Council endorse the Developed Design for Precincts 1 to 4 for the Bourke Street cycleway, as described in the subject report, for construction documentation and implementation;
- (B) Council note that Precinct 1 Bourke Street, from Cowper Wharf Road to William Street, will be constructed first; and
- (C) Attachment G to the subject report remain confidential until determined otherwise by the Chief Executive Officer.

Officer's Report

The officer's report on this matter can be found at Item 3 of the agenda paper for the meeting of the Planning Development and Transport Committee on 8 December 2008 - Volume 2, page 153.

Speakers

Mr Michael Bechara, Professor Chris Rissel, Mr Con Bousgas, Mr Alex Unwin, Ms Claudette Roy, Mr Michael Frankel, Mr David Potts, Ms Tabitha Carvan, Dr Rosemary Sheehy, Ms Chloe Mason, Mrs Flor Martinez, Mr Mike Salon, Mr Robin Bean, Ms Brenda Bailey, Mr Guy Ollivier, Ms Janet Chappell, Mr Andrew Boldorini, Mr Michael Luvio, Mr Harold Scruby, Mr Marcus Wilson, Mr Chris Cooper, Mr Adrian Boss, Ms Jo Holder, Mr John Carrick, Ms Marie Atkinson, Mr Tomer Gurantz, Ms Claire Pamerter, Mr Neil Burley, Ms Janet Bryan, Ms Lisa Maddocks, Ms Rebecca Irving and Ms Sue Pynenburg addressed the meeting of the Planning Development and Transport Committee (Planning Policy Sub-Committee) on Item 10.3.

ITEM 10.4**COLLEGE STREET SHARED PEDESTRIAN AND CYCLE PATH – DESIGN SCOPE (S065969)**

The Planning Policy Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 15 December 2008.

Officer's Recommendation

The officer's recommendation to the Planning Development and Transport Committee (Planning Policy Sub-Committee) was as follows –

It is resolved that:

- (A) Council endorse the design for the shared pathway on the western side of College Street for documentation and tender and note that additional funds may be required for construction;
- (B) Council approve lodgement of the Development Application for the changes to improve specific access points along the Hyde Park boundary wall; and
- (C) Attachment C to the subject report remain confidential until determined otherwise by the Chief Executive Officer.

Officer's Report

The officer's report on this matter can be found at Item 4 of the agenda paper for the meeting of the Planning Development and Transport Committee on 8 December 2008 - Volume 2, page 297.

ITEM 10.5

GENERAL BUSINESS (S054963)

No items of General Business were raised at the meeting of the Planning Development and Transport Committee.

The Major Development Assessment Sub-Committee recommends the following:

ITEM 10.6

DEVELOPMENT APPLICATION: 30-36 O'DEA AVENUE WATERLOO (D/2008/531)

It is resolved that:

- (A) in accordance with the provisions of Clause 27C and Clause 28 of the South Sydney Local Environmental Plan 1998, the consent authority waive the requirement for a masterplan, as there is no planning or urban design advantage in a "masterplanning" exercise given that the proposal complies with the development controls in *South Sydney Local Environmental Plan 1998*, and core planning controls, including floor space ratio and height variation provisions contained in *South Sydney Development Control Plan 1997*, in particular, *Part G: Special Precinct No.9 Green Square*;
- (B) authority be delegated to the Chief Executive Officer to determine the application, in consultation with the Lord Mayor, having regard to the contents of the subject report;
- (C) determination of the application, in accordance with clause (B) above, is to only occur following:
 - (1) the resolution of any public submissions to the draft Voluntary Planning Agreement related to the development site which is to be placed on public exhibition; and
- (D) in determining the application the Chief Executive Officer may have regard to the draft conditions, as shown at Attachment A to the subject report.

Speakers

Mr Bob Moffat and Mr James Harrison addressed the meeting of the Planning Development and Transport Committee (Major Development Assessment Sub-Committee) on Item 10.6.

(Note – At the meeting of the Planning Development and Transport Committee, this recommendation was moved by Councillor McInerney, seconded by Councillor Hoff and carried unanimously.

ITEM 10.7**DEVELOPMENT APPLICATION: 2 DOWLING STREET WOOLLOOMOOLOO (D/2007/1934)**

The Major Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 15 December 2008.

Officer's Recommendation

The officer's recommendation to the Planning Development and Transport Committee (Major Development Assessment Sub-Committee) was as follows –

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer to determine the application having regard to the contents of the subject report and the draft conditions of consent, shown at Attachment A to the subject report; and
- (B) determination of the application, in accordance with clause (A) above, is to only occur following the resolution of any public submissions to the draft Voluntary Planning Agreement related to the development site, which is currently on public exhibition.

Officer's Report

The officer's report on this matter can be found at Item 7 of the agenda paper for the meeting of the Planning Development and Transport Committee on 8 December 2008 - Volume 4, page 417.

Speakers

Dr Caitlin Richards, Mr James Lagudi, Ms Barbara McGregor, Ms Judith Parker, Mr Peter Fayers, Ms Jo Holder, Mr Bruce Eeles and Mr David Thomas addressed the meeting of the Planning Development and Transport Committee (Major Development Assessment Sub-Committee) on Item 10.7.

Extension of Time

During discussion on this matter, pursuant to the provisions of Clause 250(3) of the Local Government (General) Regulation 2005, it was –

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

That Mr Eeles be granted an extension of time to speak on this matter.

Carried.

ITEM 10.8**DEVELOPMENT APPLICATION: 5-11 PYRMONT BRIDGE ROAD CAMPERDOWN (D/2007/2545)**

The Major Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 15 December 2008.

Officer's Recommendation

The officer's recommendation to the Planning Development and Transport Committee (Major Development Assessment Sub-Committee) was as follows –

It is resolved that consent be granted subject to the conditions as detailed in the subject report.

Officer's Report

The officer's report on this matter can be found at Item 8 of the agenda paper for the meeting of the Planning Development and Transport Committee on 8 December 2008 - Volume 4, page 509.

Speakers

Ms Erika Roka, Ms Yi Zhuang and Mr Ian Kolln addressed the meeting of the Planning Development and Transport Committee (Major Development Assessment Sub-Committee) on Item 10.8.

The Major Development Assessment Sub-Committee recommends the following:

ITEM 10.9

DEVELOPMENT APPLICATION: 863-871 BOURKE STREET WATERLOO - VALIANT HIRE SITE (D/2006/1387)

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer to determine the application, in consultation with the Lord Mayor, having regard to the contents of the subject report, including the draft conditions of consent contained in Attachment A to the subject report; and
- (B) determination of the application, in accordance with clause (A) above, is to only occur following:
 - (i) submission of design modifications to, amongst other things, address the “masterplanning” provisions within South Sydney Local Environmental Plan 1998, as follows:
 - (a) redesign of the Phillip Street building such that it is no higher than the street wall height of the adjacent building at 189 Phillip Street, and the building setback from the street is a minimum of 4 metres;
 - (b) reduction in the volume of the colonnade ‘portal’ area of the Phillip Street building to achieve a better relationship with the residential scale of surrounding development;
 - (c) modification of the Bourke Street elevation by the introduction of visual relief so that the apparent maximum horizontal dimension of street walls to Bourke Street is no more than 40 metres;
 - (d) modification of the northern elevation of the main building, with attention to the potential amenity impact on the future redevelopment of the neighbouring service station site, but also having regard to the prominence of the elevation as part of the northern gateway to the Green Square area. Full-height louvre screens may be utilised that are capable of being fixed into position in the event that the service station site is redeveloped; and
 - (e) modification of all apartments to ensure compliance with the provisions of State Environmental Planning Policy No. 65 and the Section 6.1 of the Central Sydney Development Control Plan (DCP) 1996. In particular, the one bedroom apartments are to be no smaller than 55m² in area and corridor widths are to be no less than 2m;
 - (ii) submission of a site specific flood study to determine the 100 year ARI flood level for the critical storm event for the development site and subsequently set the Flood Planning Levels for the development in accordance with the relevant DCP requirements.

It should be noted that any resultant changes in floor levels shall be contained within the overall building envelope, as modified by (i) above; and

- (iii) submission of a revised public benefit offer that is consistent with the revised development resulting from (i) and (ii) above, and finalisation of a Voluntary Planning Agreement. It is noted that finalisation of a Voluntary Planning Agreement includes resolution of any public submissions to the draft Agreement received as a result of the public exhibition of the draft Agreement; and
- (C) should the matters in clause (B) not be completed by 16 March 2009, the Chief Executive Officer may determine the application based on the information submitted to date.

(Note – At the meeting of the Planning Development and Transport Committee, this recommendation was moved by Councillor McInerney, seconded by Councillor Black and carried.

ITEM 10.10**DEVELOPMENT APPLICATION: 245-247 RILEY STREET SURRY HILLS (D/2008/1505)**

The Major Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 15 December 2008, to enable a site inspection to be undertaken of the subject site.

Officer's Recommendation

The officer's recommendation to the Planning Development and Transport Committee (Major Development Assessment Sub-Committee) was as follows –

It is resolved that consent be refused for the following reasons:

- (1) The form, scale and architectural character of the proposed rear dwelling will have a detrimental impact on the heritage conservation area and is contrary to Clause 23A of the South Sydney Local Environment Plan 1998.
- (2) The proposal will result in overdevelopment of the site and does not comply with the following performance criteria and controls of the *South Sydney Urban Design Development Control Plan 1997*:
 - (a) The proposal does not comply with the 135m² minimum site area requirement of Part F, Section 1.1, with 124.7m² and 108.2m² proposed.
 - (b) The proposal does not comply with the minimum separation distance of 12m between the new and the existing dwelling required by Part G, Section 2.2, with 9.4m proposed, resulting in adverse privacy effects.
 - (c) The proposed height, bulk and scale are inappropriate within the streetscape and are contrary to Part E, Section 2.1 and 2.3 and Part G section 2.5.
 - (d) The location, height and bulk of the proposed dwelling on Little Riley Street will result in adverse amenity effects on the neighbouring property to the south, contrary to Part F, Section 1.2.2.
 - (e) The proposed rear dwelling does not meet the requirements of Part G, Section 2.5, which provides a maximum height limit of 5.4m.
- (3) The application due to the proposed design, bulk, form and scale is contrary to Clause 10 of the *Heritage Development Control Plan 2006*, which requires development on rear lanes to be subsidiary than the development fronting the main street.
- (4) The proposed development, due to the excavation for the pool and pruning for the new dwelling will result in adverse impacts to the existing Brush Box tree at 245 Riley Street, which is unacceptable.
- (5) The proposed development does not respect the historical subdivision layout of the locality and does not make a positive contribution to its surroundings, which is contrary to Part E, Sections 1.1 and 1.2 of the *South Sydney Development Control Plan 1998*.

- (6) The proposed conversion of the two terrace dwellings into one is contrary to the objectives of the City of Sydney Heritage Development Control Plan 2006, particularly Part 4, which encourages the restoration and conservation of heritage buildings.

Officer's Report

The officer's report on this matter can be found at Item 10 of the agenda paper for the meeting of the Planning Development and Transport Committee on 8 December 2008 - Volume 5, page 635.

Speakers

Mr Anthony Betros, Mr Peter Lonergan, Mr Torsten Grimme and Mr Tony Dos Santos addressed the meeting of the Planning Development and Transport Committee (Major Development Assessment Sub-Committee) on Item 10.10.

The Major Development Assessment Sub-Committee recommends the following:

ITEM 10.11

DEVELOPMENT APPLICATION: 81-91 QUAY STREET HAYMARKET (D/2005/2103)

It is resolved that consent be granted subject to the conditions as detailed in the subject report.

(Note – At the meeting of the Planning Development and Transport Committee, this recommendation was moved by Councillor McInerney, seconded by Councillor Doutney and carried.)

The Major Development Assessment Sub-Committee recommends the following:

ITEM 10.12

DEVELOPMENT APPLICATION: 38 - 42 PIRRAMA ROAD PYRMONT - REVY DEVELOPMENT (D/2008/597)

It is resolved that:

- (A) consent be granted subject to the conditions as detailed in the subject report;
- (B) the Sydney Harbour Foreshore Authority be requested to prepare a pedestrian, cycling and traffic calming scheme, in consultation with the City, which addresses the issues raised by residents at the meeting of the Planning Development and Transport Committee on 8 December 2008; and
- (C) the applicant be requested to investigate opportunities to achieve as high a Greenstar rating as possible for the new buildings.

Speakers

Mr Rick Bayley, Mr David Crane, Ms Philippa Jacks and Mr Mark Tait addressed the meeting of the Planning Development and Transport Committee (Major Development Assessment Sub-Committee) on Item 10.12.

(Note – At the meeting of the Planning Development and Transport Committee, this recommendation was moved by Councillor Tornai, seconded by Councillor Hoff and carried unanimously.

ITEM 10.13**DEVELOPMENT APPLICATION: 90-96 BOURKE ROAD AND 94A COLLINS STREET ALEXANDRIA (D2008/682)**

The Major Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 15 December 2008.

Officer's Recommendation

The officer's recommendation to the Planning Development and Transport Committee (Major Development Assessment Sub-Committee) was as follows –

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer to determine the development application, having regard to the contents of the subject report;
- (B) determination of the application, in accordance with clause (A) above, is only to occur following:
 - (1) The resolution of any public submissions to the draft Voluntary Planning Agreement related to the development site which is currently on public exhibition; and
- (C) in determining the application the Chief Executive Officer may have regard to draft conditions of consent, as shown at Attachment A to the subject report.

Officer's Report

The officer's report on this matter can be found at Item 13 of the agenda paper for the meeting of the Planning Development and Transport Committee on 8 December 2008 - Volume 7, page 941.

Speakers

Mr John Codouraris addressed the meeting of the Planning Development and Transport Committee (Major Development Assessment Sub-Committee) on Item 10.13.

The Development Assessment Sub-Committee recommends the following:

ITEM 10.14

DEVELOPMENT APPLICATION: PEDESTRIAN BRIDGES - CASTLEREAGH AND MARKET STREETS SYDNEY (D/2008/1298)

It is resolved that consideration of this matter be deferred to enable discussions, as determined by the Lord Mayor and the Chief Executive Officer, to be held with the applicant.

Speakers

Mr Greg Miles, Ms Patricia Forsythe, Mr Mark McInnes, Mr John Daveney, Ms Anne-Marie Elias, Ms Liz Foy and Mr Clinton Ostwald addressed the meeting of the Planning Development and Transport Committee (Development Assessment Sub-Committee) on Item 10.14.

(Note – At the meeting of the Planning Development and Transport Committee, this recommendation was moved by Councillor McInerney, seconded by Councillor Harris and carried on the following show of hands –

Ayes (8) The Lord Mayor, Councillors Black, Burgmann, Doutney, Harris, Hoff, McInerney and Tornai

Noes (1) Councillor Mallard.)

Extension of Time

During discussion on this matter, pursuant to the provisions of Clause 250(3) of the Local Government (General) Regulation 2005, it was –

Moved by the Chair (the Lord Mayor), seconded by Councillor Black –

That Mr Miles be granted an extension of time to speak on this matter.

Carried.

The Development Assessment Sub-Committee recommends the following:

ITEM 10.15

**DEVELOPMENT APPLICATION: 48-58 DRUITT STREET SYDNEY - FORMER
CENTRAL AGENCY BUILDING (D/2008/1479)**

It is resolved that consent be granted subject to the conditions as detailed in the subject report.

(Note – At the meeting of the Planning Development and Transport Committee, this recommendation was moved by Councillor Black, seconded by Councillor Hoff and carried.)