

# CENTRAL SYDNEY PLANNING COMMITTEE

Meeting No 393  
Thursday 20 June 2013  
Notice Date 14 June 2013

*minutes*

*city of villages*

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### PRESENT

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

Members - The Hon. Craig Knowles, Councillor Robert Kok, Councillor John Mant, Mr Richard Pearson, Deputy Director-General - Development Assessment and Systems Performance, NSW Department of Planning and Infrastructure, Mr Peter Poulet and Mr Colin Rockliff (Alternate Member to the Hon. Robert Webster)

At the commencement of business at 5.12pm, those present were -

The Lord Mayor, Mr Knowles, Councillor Kok, Councillor Mant, Mr Pearson, Mr Poulet and Mr Rockliff.

The Director City Planning, Development and Transport was also present.

### Apologies

Mr Webster 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 Mant -

That the apology from Mr Webster 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**

Moved by Mr Knowles, seconded by Councillor Mant -

That the minutes of the meeting of the Central Sydney Planning Committee of 9 May 2013, as circulated to Members, be confirmed.

Carried unanimously.

**ITEM 3 MATTERS ARISING FROM THE MINUTES**

There were no matters arising from the minutes of the meeting of the Central Sydney Planning Committee of 9 May 2013.

**ITEM 4 PLANNING PROPOSAL - SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 - AMP CIRCULAR QUAY PRECINCT (S088527)**

The following persons addressed the meeting of the Central Sydney Planning Committee on this matter - Mr John Freeman, Mr Jeff Peers.

Moved by Councillor Mant, seconded by Councillor Kok -

It is resolved that:

- (A) the Central Sydney Planning Committee approve the Planning Proposal: AMP Circular Quay Precinct, shown at Attachment A to the subject report, for submission to the Minister for Planning and Infrastructure with a request for a Gateway determination;
- (B) the Central Sydney Planning Committee approve the Planning Proposal: AMP Circular Quay Precinct for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway determination;
- (C) authority be delegated to the Chief Executive Officer to make any minor variations to the Planning Proposal: AMP Circular Quay Precinct following receipt of the Gateway determination;

- (D) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 17 June 2013, to approve the amendment to draft Sydney Development Control Plan 2012 - AMP Circular Quay Precinct, shown at Attachment B to the subject report, for public authority consultation and public exhibition in parallel with the draft Planning Proposal and draft Planning Agreement, and in accordance with the Gateway determination;
- (E) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 17 June 2013, that Council, following receipt of a Gateway determination, authorise the Chief Executive Officer to prepare a draft voluntary Planning Agreement with the Developer and relevant Landowner in accordance with the Environmental Planning and Assessment Act 1979, to be exhibited concurrently with the Planning Proposal and Development Control Plan amendment for the site, to deliver:
- (i) a monetary contribution equal to one per cent of the Capital Investment Value of the development. The monetary contribution, which is to be provided in addition to any contributions that will be payable to Council under Section 61 of the City of Sydney Act 1988, is to be used, subject to any deductions being made for any offsets (if any) allowed under the terms of the Planning Agreement, for urban design upgrades
    - (a) on land bordered by Loftus, Alfred, Bridge and Phillip Streets, including civic spaces in front of Customs House and 33 Alfred Street;
    - (b) on publicly owned land within the section of Alfred Street, between George and Loftus Streets; and
    - (c) on Macquarie Place Park and Jessie Street Gardens;
    - (d) and includes public art up to the value of \$2 million, with the balance of those monies not expended on public art to be used to improve the public domain;

at no cost to Council:

- (ii) dedication of an air stratum space over the Young and Loftus Street Block to Council with associated rights of access and easements to be provided for the relevant building owners so that they can access the roof areas and maintain light and air to their buildings;
- (iii) easements and restrictions as to use on title (as the case may be) for:
  - (a) public access and use of a civic space consisting of an area of 60 square metres at the junction of Loftus Lane and the Young Street arcade; and
  - (b) public access to through site links;
- (iv) covenants to protect the fine grain of street level premises in new and existing buildings and laneways network in the Young and Loftus Street Block;
- (v) heritage conservation works to all listed heritage items within the AMP Circular Quay Precinct in accordance with approved conservation management plans; and

- (vi) a minimum of 40 per cent of the total Gross Floor Area of all buildings within the Young and Loftus Street Block to be provided as non-residential uses to ensure a lively mixed-use precinct;
- (F) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 17 June 2013, that authority be delegated to the Chief Executive Officer to make any minor variations to the Planning Agreement after its exhibition and to subsequently enter into the agreement on behalf of Council with the Developer and the relevant Landowners;
- (G) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 17 June 2013, that Council seek authority from the Director General of the Department of Planning and Infrastructure to exercise the delegation of the Minister for Planning and Infrastructure of all his functions under section 59 of the Environmental Planning and Assessment Act 1979 to make the AMP Circular Quay Precinct local environmental plan;
- (H) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 17 June 2013, that Council endorse the draft *Amendment to the City of Sydney Competitive Design Policy*, shown at Attachment D to the subject report, for exhibition with the Planning Proposal;
- (I) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 17 June 2013, that authority be delegated to the Chief Executive Officer to make any minor variations to the Planning Proposal: AMP Circular Quay Precinct and/or the draft Sydney Development Control Plan 2012 - AMP Circular Quay Precinct and/or the draft Amendment to the City of Sydney Competitive Design Policy following receipt of the Gateway determination; and
- (J) the Central Sydney Planning Committee note that a draft policy for planning agreements will be prepared and reported to Council for its consideration.

Carried unanimously.

Secretary's Note - The Chair (the Lord Mayor) commended the work of all parties involved in this matter. Consequential to discussions on this matter, the Director City Planning, Development and Transport advised that he would consider the need (or otherwise) for incorporation of supplementary information to the Planning Proposal: AMP Circular Quay Precinct and/or the draft Sydney Development Control Plan 2012 - AMP Circular Quay Precinct and/or the draft Amendment to the City of Sydney Competitive Design Policy following receipt of the Gateway determination, as appropriate.

**ITEM 5 PLANNING PROPOSAL - SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 - DESIGN EXCELLENCE INCENTIVE (S116203)**

Moved by Mr Knowles, seconded by Mr Rockliff -

It is resolved that:

- (A) the Central Sydney Planning Committee endorse Planning Proposal: Sydney Local Environmental Plan 2012 Design Excellence Incentive, shown at Attachment A to the subject report, for submission to the Minister for Planning and Infrastructure with a request for a Gateway Determination;
- (B) authority be delegated to the Chief Executive Officer to make any minor variations to the Planning Proposal following receipt of the Gateway Determination, to enable commencement of public exhibition;
- (C) the Central Sydney Planning Committee approve Planning Proposal: Sydney Local Environmental Plan 2012 Design Excellence Incentive for public exhibition of at least 14 days, in accordance with the Gateway Determination; and
- (D) the Central Sydney Planning Committee note that following consideration of any submissions, and refinements as necessary, Planning Proposal: Sydney Local Environmental Plan 2012 Design Excellence Incentive will be reported back to Council and the Central Sydney Planning Committee for final approval.

Carried unanimously.

**ITEM 6 501-509 BOTANY ROAD ZETLAND - ESSENTIAL TERMS FOR DRAFT VOLUNTARY PLANNING AGREEMENT FOR PUBLIC EXHIBITION AND UNDEFERRAL (S106837)**

Moved by Mr Knowles, seconded by Mr Pearson -

It is resolved that the Central Sydney and Planning Committee:

- (A) note that the report to the Planning and Development Committee on 17 June 2013 recommends that authority be delegated to the Chief Executive Officer to prepare and publicly exhibit a draft voluntary Planning Agreement, in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979, that will require the landowner to deliver the following public benefits:
  - (i) the dedication to Council of 82 square metres of land in stratum for the widening of the Botany Road footpath and the subsequent construction of the new footpath;
  - (ii) the dedication to Council of 416 square metres of land in stratum for the purpose of a public road being part provision of Hinchcliffe Street, the extension of Emanuel Lane and the subsequent construction of both;
  - (iii) the construction of a nine metre wide publicly accessible through-site link from Sonny Leonard Street to Botany Road;

- (iv) the payment to Council of a cash contribution for 'essential infrastructure' in accordance with the 'Development Rights Scheme' in the Green Square Town Centre Infrastructure Strategy (2006), less the cost of any works-in-kind delivered for public domain; and
  - (v) the design and construction of any proposed building to be capable of being connected to the Green Infrastructure that is to be provided by Council to the boundary of the site;
- (B) note that the report to the Planning and Development Committee on 17 June 2013 recommends that, following public exhibition of the draft voluntary Planning Agreement, authority be delegated to the Chief Executive Officer to make any minor changes to the draft voluntary Planning Agreement to finalise matters raised during public exhibition and execute the voluntary Planning Agreement, subject to the voluntary Planning Agreement remaining consistent with the terms detailed in clause (A) above;
- (C) note that the report to the Planning and Development Committee on 17 June 2013 recommends that authority be delegated to the Chief Executive Officer to negotiate with the landowner and prepare a draft Green Infrastructure Deed that includes:
- (i) provision to allow the Council and the land owner to ensure that there is adequate notice provided to each party with regard to the delivery of the Green Infrastructure. The provisions are to allow for the consideration of contingencies with regard to the design of the buildings in the event that the green infrastructure cannot be delivered within specified time periods; and
  - (ii) provisions to enable the parties to the Deed to agree to alternative arrangements in the event that the Green Infrastructure cannot be delivered within the specified time periods;
- (D) note that the report to the Planning and Development Committee on 17 June 2013 recommends that following public exhibition of the draft voluntary Planning Agreement, authority be delegated to the Chief Executive Officer to make any minor changes to and execute the draft Green Infrastructure Deed, subject to the terms of the Green Infrastructure Deed being consistent with the terms detailed in clause (C) above;
- (E) approve the un-deferral of land at 501-509 Botany Road, Zetland from the local environmental plan made to give effect to Planning Proposal: Sydney Local Environmental Plan 2010 (Green Square Town Centre) - Sites 301 Botany Road, 501 Botany Road, 509 Botany Road, 3 Joynton Avenue, 511-515 Botany Road, 97-115 Portman Street, 811 Elizabeth Street, Zetland; 312-318 Botany Road, 320-322 Botany Road, 324 Botany Road, 318A Botany Road, 6-12 O'Riordan Street and 2A Bourke Road, Alexandria, subject to execution of the voluntary Planning Agreement by the Chief Executive Officer and the landowner in accordance with the terms detailed in clause (A) above; and

- (F) note that the report to the Planning and Development Committee on 17 June 2013 recommends that Council request the Minister for Planning and Infrastructure un-defer land at 501-509 Botany Road, Zetland in accordance with Section 59 of the Environmental Planning and Assessment Act 1979, subject to execution of the voluntary Planning Agreement by the Chief Executive Officer and the landowner in accordance with the terms detailed in clause (A) above.

Carried unanimously.

The meeting of the Central Sydney Planning Committee concluded at 5.40pm.

CHAIR