

ATTACHMENT A

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**RESOLUTION OF COUNCIL OF
24 JUNE 2013**

AND

**RESOLUTION OF THE CENTRAL SYDNEY
PLANNING COMMITTEE OF 20 JUNE 2013**

Resolution of Council

24 JUNE 2013

ITEM 9.5

PLANNING PROPOSAL – SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 – AMP CIRCULAR QUAY PRECINCT

(S088527)

Moved by Councillor Mant, seconded by Councillor Kemmis –

It is resolved that:

- (A) Council 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) Council 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) Council 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;
- (D) 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:

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- (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;
- (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;
- (E) 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;
- (F) 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;
- (G) 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;

- (H) 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
- (I) Council note that a draft policy for planning agreements will be prepared and reported to Council for its consideration.

Carried unanimously.

Resolution of Central Sydney Planning Committee

20 JUNE 2013

ITEM 4

PLANNING PROPOSAL - SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 - AMP CIRCULAR QUAY PRECINCT

(S088527)

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.