

**ITEM 9. REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE - 5
APRIL 2016**

ITEM 9.1

DISCLOSURES OF INTEREST

(a) Section 451 of the Local Government Act 1993

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

The Transport, Heritage and Planning Sub-Committee recommends the following:-

ITEM 9.2

BARANGAROO UPDATE (S084857)

It is resolved that Council receive and note the subject report.

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

The Transport, Heritage and Planning Sub-Committee recommends the following:-

ITEM 9.3

GREEN SQUARE UPDATE (S100167)

It is resolved that Council note:

- (A) completion of 104 affordable housing units in the Green Square Town Centre, bringing the total number of affordable housing units in the wider Green Square area to 206;
- (B) that the City's Green Square projects, including the Library and Plaza, Gunyama Park Aquatic Recreation Centre, other community facilities, parks and streetscapes are progressing;
- (C) the progress of private development across the Green Square Renewal Area; and
- (D) the progress of community development and place making activities for Green Square.

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

The Transport, Heritage and Planning Sub-Committee recommends the following:-

ITEM 9.4

FIRE SAFETY REPORTS (S105001)

It is resolved that Council:

- (A) note the contents of the Fire Safety Report Summary Sheet, as shown at Attachment A to the subject report;
- (B) note the inspection reports by Fire and Rescue NSW, as shown at Attachments B to E to the subject report;
- (C) exercise its power to issue an Order 6 as recommended by Council's Building Officer to address the identified fire safety deficiencies in 361 and 363 Sussex Street, Sydney, as detailed in Attachment B;
- (D) not exercise its power to issue an Order 6 at this time, but note the compliance action taken and as recommended by Council's Building Officer in 35-39 Ultimo Road, Haymarket, as detailed in Attachment C;
- (E) not exercise its power to issue an Order 6 at this time, but note the compliance action taken and as recommended by Council's Building Officer in 40-50 Belvoir Street, Surry Hills, as detailed in Attachment D; and
- (F) not exercise its power to issue an Order 6 at this time, but note the compliance action taken and as recommended by Council's Building Officer in 173-179 Pitt Street, Sydney, as detailed in Attachment E.

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

The Major Development Assessment Sub-Committee recommends the following:-

ITEM 9.5

DEVELOPMENT APPLICATION: 895-901 BOURKE STREET WATERLOO (D/2015/941)

It is resolved that:

- (A) Council support the variation sought to Clause 4.3 Building Height in accordance with Clause 4.6 of Sydney Local Environmental Plan 2012 (Sydney LEP 2012);
- (B) authority be delegated to the Chief Executive Officer (CEO) to determine Development Application No. D/2015/941, subject to the public exhibition of a Voluntary Planning Agreement prepared in accordance with Clause 6.14 of the Sydney LEP 2012 and with any submissions considered; and
- (C) if the CEO determines to approve Development Application No. D/2015/941, then consideration be given to granting a deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, subject to the draft conditions set out in Part A below and Part B – Conditions of Consent (Once the Consent is in Operation) of the subject report;

PART A – DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

(1) VOLUNTARY PLANNING AGREEMENT

- (a) That a Voluntary Planning Agreement in accordance with an appropriate Public Benefit Offer submitted by City West Housing Pty Ltd dated 12 January 2016 be executed and submitted to Council.
 - (b) The guarantee must be provided to Council in accordance with the Voluntary Planning Agreement.
 - (c) The Voluntary Planning Agreement, as executed, must be registered on the title of land in accordance with the Voluntary Planning Agreement.
 - (d) The payment of the monetary contribution must be provided to Council in accordance with the Voluntary Planning Agreement.
- Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within **24 months** of the date of this deferred commencement consent, failing which this deferred commencement will lapse pursuant to Section 95(6) of the Environmental Planning and Assessment Act 1979.
 - The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.

- Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent as detailed in Part B – Conditions of Consent (Once the Consent is in Operation) of the subject report and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions.

(Note – At the meeting of the Planning and Development Committee, this recommendation was moved by Councillor Kok, seconded by Councillor Mant, and carried unanimously.)

The Development Assessment Sub-Committee recommends the following:-

ITEM 9.6

DEVELOPMENT APPLICATION: 1 SEYMOUR PLACE PADDINGTON (D/2015/1616)

It is resolved that:

- (A) Council support the variation sought to Clause 4.3 “Height of Buildings” in accordance with Clause 4.6 “Exceptions to development standards” in Sydney Local Environmental Plan 2012; and
- (B) consent be granted to Development Application No. D/2015/1616, subject to the conditions as detailed in the subject report, subject to the amendment of Condition (2) such that it read as follows:

(2) DESIGN MODIFICATIONS

- (a) The eastern boundary wall adjacent to the two (2) trees within the neighbour’s property must be retained *in situ* in order to properly protect the two trees.
- (b) The space between the glass balustrade and the existing parapet is to be built as a continuous planter for improved privacy.

Speakers

Mr Michael Baker addressed the meeting of the Planning and Development Committee (Development Assessment Sub-Committee) on Item 9.6.

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

The Development Assessment Sub-Committee recommends the following:-

ITEM 9.7

DEVELOPMENT APPLICATION: 20 LYNDBURST STREET GLEBE (D/2015/1104)

It is resolved that:

- (A) the variation sought under Clause 4.6 (Exceptions to Development Standards) to Clause 4.4 (Floor Space Ratio) of the Sydney Local Environmental Plan 2012 be supported in this instance; and
- (B) consent be granted to Development Application No. D/2015/1104, subject to the conditions as detailed in the subject report.

Speakers

Mr Simon Mullumby and Mr Derek Allan addressed the meeting of the Planning and Development Committee (Development Assessment Sub-Committee) on Item 9.7.

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

The Development Assessment Sub-Committee recommends the following:-

ITEM 9.8

DEVELOPMENT APPLICATION: 68-72 WENTWORTH AVENUE SURRY HILLS - BALLARAT HOUSE (D/2015/1896)

It is resolved that:

- (A) Council support the variations sought to Clause 4.3 'Height of buildings' and Clause 4.4 'Floor space ratio' in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012;
- (B) Council waive the requirement for the preparation of a development control plan under Clause 7.20(2) in accordance with Clause 7.20(3) of the Sydney Local Environmental Plan 2012;
- (C) Council waive the requirement for a competitive design process under Clause 6.21(5) in accordance with Clause 6.21(6) of the Sydney Local Environmental Plan 2012; and
- (D) pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979, consent be granted to Development Application No. D/2015/1896, subject to the conditions as detailed in the subject report.

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

The Development Assessment Sub-Committee recommends the following:-

ITEM 9.9

DEVELOPMENT APPLICATION: 69-75 KING STREET SYDNEY - REID HOUSE (D/2015/1588)

It is resolved that consent be granted to Development Application No. D/2015/1588, subject to the conditions as detailed in the subject report.

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