

**ITEM 9. REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE -
19 JULY 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.

At a later stage of the meeting, at the commencement of the Development Assessment Sub-Committee, Councillor Angela Vithoukas disclosed a less than significant, non-pecuniary interest in item 9.13 on the agenda in that she works opposite the site, the subject of the development.

(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

**TRAFFIC TREATMENT – STREETSCAPE IMPROVEMENTS – MISSENDEN ROAD
CAMPERDOWN (S123169.005)**

It is resolved that Council approve the traffic treatments and streetscape improvements proposed for Missenden Road between King Street, Newtown and Parramatta Road, Camperdown.

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

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

ITEM 9.3

**TRAFFIC TREATMENT – PERMANENT ROAD CLOSURE – ASHMORE STREET
ERSKINEVILLE (S061476)**

It is resolved that Council approve the permanent road closure to vehicles of the one-way eastbound section of Ashmore Street, Erskineville, between the points 0 metres and 20.7 metres east of Binning Street.

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

ITEM 9.4**THE CENTRAL SYDNEY PLANNING STRATEGY - PLANNING PROPOSAL TO AMEND SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 – AMENDMENTS TO SYDNEY DEVELOPMENT CONTROL PLAN 2012 (S064204)**

The Transport, Heritage and Planning Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 25 July 2016.

Officer's Recommendation

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

It is resolved that:

- (A) Council endorse the Central Sydney Planning Strategy, shown at Attachment A to the subject report;
- (B) authority be delegated to the Chief Executive Officer to prepare a draft Guideline to Preparing Site-Specific Planning Proposal Requests in Central Sydney document in accordance with the following principles to:
 - (i) provide opportunities for strategic floor space on appropriate sites that serve the workforce, visitors and wider community;
 - (ii) provide opportunities on Strategic Opportunity Sites for additional height where significant public benefit can be demonstrated;
 - (iii) ensure planning proposals align with the aims, objectives and actions of the Central Sydney Planning Strategy and have planning and architectural merit;
 - (iv) ensure that planning proposals commit to achieving sustainable development above minimum requirements;
 - (v) provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure, particularly public transport, open space and pedestrian infrastructure;
 - (vi) describe the City's priorities for public infrastructure needed to support growth;
 - (vii) provide a transparent and consistent approach to the evaluation of planning proposals in Central Sydney; and
 - (viii) describe the process for preparing site-specific planning proposals, including required supporting documentation, and the decision making process;
- (C) Council endorse the nine aims in Section 1 of the Central Sydney Planning Strategy as matters to be addressed in any Planning Proposal for a site in Central Sydney which seeks to amend Sydney Local Environmental Plan 2012;
- (D) Council approve the Planning Proposal: Central Sydney, shown at Attachment B to the subject report, for submission to the Greater Sydney Commission with a request for a Gateway determination;

- (E) Council approve the Planning Proposal: Central Sydney, shown at Attachment B, for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway determination;
- (F) Council seek authority from the Greater Sydney Commission to exercise delegation of the Greater Sydney Commission of all the functions under section 59 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan to put into effect Planning Proposal: Central Sydney amendments to Sydney Local Environmental Plan 2012;
- (G) Council approve for public exhibition the amendments to Sydney Development Control Plan 2012, shown at Attachment C to the subject report, concurrently with the Planning Proposal: Central Sydney;
- (H) Council note that the Central Sydney Planning Strategy, shown at Attachment A, will be made available for public comment concurrently with the public exhibition of Planning Proposal: Central Sydney and amendments to Sydney Development Control Plan 2012;
- (I) authority be delegated to the Chief Executive Officer to make any minor changes and any changes required by the Greater Sydney Commission to the Planning Proposal: Central Sydney, or Sydney Development Control Plan 2012 following receipt of the Gateway Determination prior to the exhibition;
- (J) authority be delegated to the Chief Executive Officer to exhibit a draft Guideline to Preparing Site-Specific Planning Proposal Requests in Central Sydney document at the same time as the Planning Proposal: Central Sydney;
- (K) Council approve the Draft Central Sydney Affordable Housing Program, shown at Attachment D to the subject report, for public exhibition with Planning Proposal: Central Sydney;
- (L) authority be delegated to the Chief Executive Officer to make minor changes to the Draft Central Sydney Affordable Housing Program, shown at Attachment D, prior to public exhibition; and
- (M) authority be delegated to the Chief Executive Officer to write to the Secretary of the Department of Planning and Environment requesting the Department of Planning and Environment and the City work together to:
 - (i) prepare a new section 117 Direction from the Minister for Planning limiting any new additional floor space in Central Sydney to employment generating floor space;
 - (ii) streamline the Gateway process for planning proposals consistent with the Central Sydney Planning Strategy and Guideline;
 - (iii) monitor the ongoing net growth of employment floor space in conjunction with the Central Sydney Planning Committee;
 - (iv) expand the application of the Central Sydney provisions of the Sydney Local Environmental Plan 2012 to The Rocks, Central Station, Darling Harbour and Central Park;

- (v) revise State-Significant cost thresholds for the City of Sydney; and
- (vi) investigate how changes in strata or ownership models can enable the renewal of buildings as they approach the end of their economic life.

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 and Development Committee on 19 July 2016 - Volume 7.

Speakers

Mr Chris Johnson, Mr Steven De Pasquale, Mr Eamon Waterford, Mr Tim Blythe and Ms Jeanette Brokman addressed the meeting of the Planning and Development Committee (Transport, Heritage and Planning Sub-Committee) on Item 9.4.

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

ITEM 9.5

POST EXHIBITION – 45 MURRAY STREET PYRMONT – PLANNING PROPOSAL AND SYDNEY DEVELOPMENT CONTROL PLAN 2012 AMENDMENT (X001126)

It is resolved that:

- (A) Council note the matters raised in response to the public exhibition of the Planning Proposal: Sydney Local Environmental Plan 2012 – 45 Murray Street, Pyrmont, in the subject report;
- (B) Council approve the Planning Proposal: Sydney Local Environmental Plan 2012 – 45 Murray Street, Pyrmont, shown at Attachment A to the subject report, to be made as a local environmental plan under section 59 of the Environmental Planning and Assessment Act 1979;
- (C) Council approve the Draft Sydney Development Control Plan 2012: 45 Murray Street, Pyrmont, shown at Attachment B to the subject report, specifying the date of publication of the subject local environmental plan as the date the approved development control plan comes into effect, in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000; and
- (D) authority be delegated to the Chief Executive Officer to make any minor changes to Planning Proposal: Sydney Local Environmental Plan 2012 – 45 Murray Street, Pyrmont, and Draft Sydney Development Control Plan 2012: 45 Murray Street, Pyrmont Amendment to correct drafting errors prior to finalisation of the local environmental plan and draft development control plan amendment.

Speakers

Mr Mark Constantine addressed the meeting of the Planning and Development Committee (Transport, Heritage and Planning Sub-Committee) on Item 9.5.

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

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

ITEM 9.6

POST EXHIBITION – REVISED PLANNING PROPOSAL, DEVELOPMENT CONTROL PLAN AND VOLUNTARY PLANNING AGREEMENT - LEND LEASE CIRCULAR QUAY SITE - ALFRED PITT DALLEY AND GEORGE STREET BLOCK (S108395)

It is resolved that:

- (A) Council note matters raised in response to the public exhibition of Planning Proposal – APDG Site Block 4 and the draft Sydney Development Control Plan 2012 – APDG Site Block 4, as shown at Attachment A to the subject report;
- (B) Council approve the revised Planning Proposal - APDG Site Block 4, 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;
- (C) Council approve the revised Draft Sydney Development Control Plan 2012 - APDG Site Block 4, as shown at Attachment C to the subject report, specifying the date of publication of the subject Local Environmental Plan as the date the approved Development Control Plan comes into effect, in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000;
- (D) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal - APDG Site Block 4 and Draft Sydney Development Control Plan 2012 - APDG Site Block 4 to correct drafting errors prior to finalisation of the Local Environmental Plan;
- (E) Council note that the Planning Agreement, as shown at Attachment D to the subject report, is to be executed on behalf of Council with Lend Lease in accordance with the Environmental Planning and Assessment Act 1979;
- (F) Council note that the Local Environmental Plan will not be made until the Planning Agreement, as shown at Attachment D, has been entered into by the Council and the relevant proponents, and registered on title of the relevant properties; and
- (G) Council approve the transfer of the 'Mirvac Triangle', being Lots 2 and 3, DP 1213767, to Lend Lease in accordance with the Planning Agreement.

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

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

ITEM 9.7

PUBLIC EXHIBITION – PLANNING PROPOSAL – AMENDMENT TO SYDNEY LOCAL ENVIRONMENTAL PLAN 2013 - GREEN SQUARE TOWN CENTRE - MIRVAC GREEN SQUARE AND URBANGROWTH NSW (X005215)

It is resolved that:

- (A) Council approve Planning Proposal: Green Square Town Centre – Sites 355 Botany Road, 377-497 Botany Road and 956-960 Bourke Street, Zetland, shown at Attachment A to the subject report, for submission to the Greater Sydney Commission with a request for a Gateway Determination;
- (B) Council approve Planning Proposal: Green Square Town Centre – Sites 355 Botany Road, 377-497 Botany Road and 956-960 Bourke Street, Zetland for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) Council seek authority from the Greater Sydney Commission to exercise the delegation of the Greater Sydney Commission of all the functions under section 59 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan to put into effect Planning Proposal: Green Square Town Centre – Sites 355 Botany Road, 377-497 Botany Road and 956-960 Bourke Street, Zetland; and
- (D) authority be delegated to the Chief Executive Officer to make any minor changes and any changes required by the Greater Sydney Commission to Planning Proposal: Green Square Town Centre – Sites 355 Botany Road, 377-497 Botany Road and 956-960 Bourke Street, Zetland following receipt of the Gateway Determination prior to the exhibition.

(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 unanimously.)

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

ITEM 9.8

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 and C 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 213 Cleveland Street, Redfern, as detailed in Attachment B; and
- (D) exercise its power to issue an Order 6 as recommended by Council's Building Officer to address the identified fire safety deficiencies in 161-163 Glebe Point Road, Glebe, as detailed in Attachment C.

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

ITEM 9.9**DEVELOPMENT APPLICATION: 26-34 HUTCHINSON STREET SURRY HILLS (D/2015/1372)**

The Major Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 25 July 2016, to enable a site inspection to be undertaken of the subject site.

Officer's Recommendation

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

It is resolved that:

- (A) Council support the variation sought to Clause 4.3 'Height of Buildings' in accordance with Clause 4.6 of the Sydney Local Environmental Plan 2012; and
- (B) consent be granted to Development Application No. D/2015/1372, 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 9 of the agenda paper for the meeting of the Planning and Development Committee on 19 July 2016 - Volume 4.

Speakers

Ms Nika Malek and Mr Adam Haddow addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.9.

The Development Assessment Sub-Committee recommends the following:-

ITEM 9.10

DEVELOPMENT APPLICATION: 23 NORTON STREET SURRY HILLS (D/2015/1504)

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/2015/1504, 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 Kok, and carried unanimously.)

The Development Assessment Sub-Committee recommends the following:-

ITEM 9.11

DEVELOPMENT APPLICATION: 53-55 BALFOUR STREET CHIPPENDALE (D/2016/615)

It is resolved that

- (A) Council support the variation sought to Clause 4.3 'Building Height' in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (B) consent be granted to Development Application No. D/2016/615, pursuant to Section 80(1) of the Environmental Planning and Assessment Act 1979, subject to the conditions as detailed in the subject report.

Speakers

Ms Jeanette Brokman addressed the meeting of the Planning and Development Committee (Development Assessment Sub-Committee) on Item 9.11.

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

The Development Assessment Sub-Committee recommends the following:-

ITEM 9.12

DEVELOPMENT APPLICATION: 10 SHELLEY STREET SYDNEY (D/2015/1898)

It is resolved that:

- (A) 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 be supported in this instance; and
- (B) consent be granted to Development Application No. D/2015/1898, subject to the conditions as detailed in the subject report.

Speakers

Ms Audrey Chee addressed the meeting of the Planning and Development Committee (Development Assessment Sub-Committee) on Item 9.12.

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

The Development Assessment Sub-Committee recommends the following:-

ITEM 9.13

DEVELOPMENT APPLICATION: 345-355 AND 357-363 GEORGE STREET AND 22-26 YORK STREET SYDNEY (D/2015/1191)

It is resolved that:

- (A) the variation sought to Clause 4.4 'Floor Space Ratio' in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be supported in this instance; and
- (B) consent be granted to Development Application No. D/2015/1191, 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 Green, and carried unanimously.)

The Development Assessment Sub-Committee recommends the following:-

ITEM 9.14

DEVELOPMENT APPLICATION: 87-93 ABERCROMBIE STREET CHIPPENDALE (D/2016/229)

It is resolved that:

- (A) Council support the variations sought to Clause 4.4 'Floor space ratio' in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (B) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2016/229, subject to the following:

PART A – DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

(1) THIS CONSENT SHALL NOT OPERATE UNTIL SUCH TIME AS:

- (a) The works already carried out without consent have been certified as being compliant with the Building Code of Australia in accordance with Section 149A of the Environmental Planning and Assessment Act, 1979; and
- (b) The design of the rear roof extension is modified as follows:
 - (i) set down a minimum of 200mm below the ridge line as measured along the roof slope from the ridge;
 - (ii) set back a minimum of 200mm from the rear wall as measured along the roof slope from the outer face of the wall;
 - (iii) must have a minimum 5 degree pitch, and slope down from the ridge towards the rear elevation of the property; and
 - (iv) the external walls of the extension must be clad with weatherboards, corrugated steel or a similar profiled material.

Details of certification of the unauthorised works and details of all design amendments are to be submitted to and approved by Council's Area Planning Manager.

- (C) 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 by 19 January 2017;
- (D) 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; and

- (E) 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.

Speakers

Ms Jeanette Brokman addressed the meeting of the Planning and Development Committee (Development Assessment Sub-Committee) on Item 9.14.

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

The Development Assessment Sub-Committee recommends the following:-

ITEM 9.15

DEVELOPMENT APPLICATION: 61-63 MYRTLE STREET CHIPPENDALE (D/2015/1717)

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; and
- (B) pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979, consent be granted to Development Application No. D/2015/1717, subject to the conditions of consent 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 Kok, and carried unanimously.)