

**ITEM 9. REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE -
12 FEBRUARY 2018****ITEM 9.1****DISCLOSURES OF INTEREST****(a) Section 451 of the Local Government Act 1993**

Councillor Philip Thalys disclosed a less than significant, non-pecuniary interest in Item 9.3 on the agenda (City of Sydney Local Planning Panel – Appointment of Expert and Community Representatives) as he holds a Fractional Professorship at the University of New South Wales and two of the nominees also hold positions at the University of New South Wales. Councillor Thalys confirmed that he has not been contacted by the nominees about this item.

No other 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

RELEVANT PLANNING AUTHORITY FOR PLANNING PROPOSAL - 4-6 BLIGH STREET, SYDNEY (X011838)

It is resolved that Council accept the role of the relevant planning authority to prepare a planning proposal.

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

ITEM 9.3**CITY OF SYDNEY LOCAL PLANNING PANEL – APPOINTMENT OF EXPERT AND COMMUNITY REPRESENTATIVES (S083226.006)**

The Transport, Heritage and Planning Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 19 February 2018.

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 Council:

- (A) endorse the Minister's nomination of Richard Pearson as the Chair of the City of Sydney Local Planning Panel and Abigail Goldberg and Steven Layman as alternate chairs to the City of Sydney Local Planning Panel for a period of three years;
- (B) endorse the appointment of two expert members and at least two alternate members from the Minister's pool of experts to the City of Sydney Local Planning Panel: Shaun Carter (member), Helen Lochhead (member), Steve Kennedy (alternate member) and Peter Romey (alternate member) for a period of three years;
- (C) endorse the appointment of one community representative to the City of Sydney Local Planning Panel: Amelia Thorpe (member) and John McInerney AM (alternate member) for a period of three years;
- (D) note the legislative and draft operational procedures developed by the Department of Planning and Environment for the City of Sydney Local Planning Panel;
- (E) rename the Planning and Development Committee to be the Transport, Heritage and Planning Committee and endorse the revised Terms of Reference for that Committee as shown at Attachment E to the subject report; and
- (F) in accordance with the requirements of the Environmental Planning and Assessment Act 1979, delegates its functions as a consent authority in relation to matters other than those required to be dealt with by either the Central Sydney Planning Committee or the City of Sydney Local Planning Panel to 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 and Development Committee on 12 February 2018 - Volume 7.

(Note – this matter was dealt with by the Planning and Development Committee as follows -

Moved by Councillor Thalys, seconded by Councillor Kok –

That the recommendation contained in the officer's report to the Planning and Development Committee be adopted.

Following discussion, the motion was withdrawn, and the Transport, Heritage and Planning Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 19 February 2018.)

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

ITEM 9.4

FIRE SAFETY REPORTS (S105001.002)

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 K to the subject report;
- (C) exercise its power to issue an Order 6 as recommended by Council's Investigation Officer to address the identified fire safety deficiencies in 102 Erskineville Road, Erskineville, 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 Investigation Officer in 163-169 Oxford Street, Darlinghurst, 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 Investigation Officer in 174-178 King Street, Newtown, as detailed in Attachment D;
- (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 Investigation Officer in 68-70 Dixon Street, Haymarket, as detailed in Attachment E;
- (G) not exercise its power to issue an Order 6 at this time but note the compliance action taken and as recommended by Council's Investigation Officer in 157 King Street, Newtown, as detailed in Attachment F;
- (H) not exercise its power to issue an Order 6 at this time but note the compliance action taken and as recommended by Council's Investigation Officer in 326 King Street, Newtown, as detailed in Attachment G;
- (I) not exercise its power to issue an Order 6 at this time but note the compliance action taken and as recommended by Council's Investigation Officer in 783-787 George Street, Haymarket, as detailed in Attachment H;
- (J) exercise its power to issue an Order 6 as recommended by Council's Investigation Officer to address the identified fire safety deficiencies in 145 King Street, Newtown, as detailed in Attachment I;
- (K) not exercise its power to issue an Order 6 at this time but note the compliance action taken and as recommended by Council's Investigation Officer in 537-551 George Street, Sydney, as detailed in Attachment J; and
- (L) not exercise its power to issue an Order 6 at this time but note the compliance action taken and as recommended by Council's Investigation Officer in 71 York Street, Sydney, as detailed in Attachment K.

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

ITEM 9.5**DEVELOPMENT APPLICATION: 9 DOODY STREET ALEXANDRIA (D/2017/469)**

The Major Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 19 February 2018.

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 consent be granted to Development Application No. D/2017/469, subject to the conditions as detailed in Attachment A to the subject report.

Officer's Report

The officer's report on this matter can be found at Item 5 of the agenda paper for the meeting of the Planning and Development Committee on 12 February 2018 - Volume 2.

Speakers

Mr Gavin Elterman and Mr Paul Manning addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.5.

(Note – this matter was dealt with by the Planning and Development Committee as follows -

Moved by Councillor Kok, seconded by Councillor Thalís –

That the recommendation contained in the officer's report to the Planning and Development Committee be adopted.

Following discussion, the motion was withdrawn, and the Major Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 19 February 2018.)

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

ITEM 9.6

DEVELOPMENT APPLICATION: 74 CROWN STREET WOOLLOOMOOLOO

It is resolved that consent be granted to Development Application No. D/2017/534, subject to the conditions as detailed in Attachment A to the subject report.

(Note – At the meeting of the Planning and Development Committee, this recommendation was moved by Councillor Kok, seconded by Councillor Scott, and carried unanimously – as part of an in globo motion.)

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

ITEM 9.7

DEVELOPMENT APPLICATION: 98-104 GOULBURN STREET SYDNEY (D/2017/956)

It is resolved that:

- (A) pursuant to the provisions of Clause 6.21 (5) of Sydney Local Environmental Plan 2012, a competitive design process is considered to be unreasonable and unnecessary in this instance;
- (B) pursuant to the provisions of Clause 7.20(3) of Sydney Local Environmental Plan 2012, the preparation of a site specific development control plan is considered to be unreasonable and unnecessary in this instance; and
- (C) consent be granted to Development Application No. D/2017/956, subject to the conditions as detailed in Attachment A to the subject report.

(Note – At the meeting of the Planning and Development Committee, this recommendation was moved by Councillor Kok, seconded by Councillor Scott, and carried unanimously – as part of an in globo motion.)

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

ITEM 9.8

DEVELOPMENT APPLICATION: 1-73 BROADWAY ULTIMO (D/2017/1591)

It is resolved that:

- (A) the requirement for a competitive design process for the proposal in accordance with Clause 6.21(5)(ii) of the Sydney Local Environmental Plan 2015 is unnecessary in the circumstances of this application;
- (B) the request to vary the requirements of Clause 4.4 floor space ratio in accordance with Clause 4.6 of the Sydney Local Environmental Plan 2015 is supported in the circumstances of this application; and
- (C) consent be granted to Development Application No. D/2017/1591, subject to the conditions as detailed in Attachment A to the subject report.

(Note – At the meeting of the Planning and Development Committee, this recommendation was moved by Councillor Kok, seconded by Councillor Scott, and carried unanimously – as part of an in globo motion.)

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

ITEM 9.9

DEVELOPMENT APPLICATION: 10-18 WILLIAM STREET BEACONSFIELD (D/2017/922)

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer (CEO) to determine Development Application No. D/2017/922 after the draft Voluntary Planning Agreement, in accordance with the public benefit offer made by Ponvera Pty Limited dated 24 January 2018, has been publicly exhibited and any submissions considered; and
- (B) if the CEO determines to approve the application, 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 conditions as detailed in Attachment A to the subject report.

(Note – At the meeting of the Planning and Development Committee, this recommendation was moved by Councillor Kok, seconded by Councillor Scott, and carried unanimously – as part of an in globo motion.)

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

ITEM 9.10

DEVELOPMENT APPLICATION: 41-45 ERSKINE STREET SYDNEY (D/2017/1167)

It is resolved that pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2017/1167, subject to the conditions as detailed in Attachment A to the subject report.

(Note – At the meeting of the Planning and Development Committee, this recommendation was moved by Councillor Kok, seconded by Councillor Scott, and carried unanimously – as part of an in globo motion.)

ITEM 9.11**DEVELOPMENT APPLICATION: 161 CASTLEREAGH STREET SYDNEY (D/2017/725)**

The Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 19 February 2018.

Officer's Recommendation

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

It is resolved that consent be granted to Development Application No. D/2017/725, subject to the conditions as detailed in Attachment A to the subject report.

Officer's Report

The officer's report on this matter can be found at Item 11 of the agenda paper for the meeting of the Planning and Development Committee on 12 February 2018 - Volume 5.

Speakers

Mr Paul Brasch, Mr Ben McBeath, Mr Simon Tilley, Mr Ben White, Mr Peter Knowland and Mr David Rippingill addressed the meeting of the Planning and Development Committee (Development Assessment Sub-Committee) on Item 9.11.

ITEM 9.12**DEVELOPMENT APPLICATION: 4 CIRCULAR QUAY EAST, SYDNEY (D/2017/745)**

Note – At the request of the applicant, by correspondence received by Council on 12 February 2018, this Development Application was withdrawn. Pursuant to clause 52 of the Environmental Planning and Assessment Regulation 2000, as the application has been withdrawn, it is taken for the purposes of the Act never to have been made. Subsequently, this matter was not considered at the meeting of the Planning and Development Committee.

ITEM 9.13**DEVELOPMENT APPLICATION: 63-65 EVELEIGH STREET REDFERN (D/2017/591)**

The Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 19 February 2018.

Officer's Recommendation

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

It is resolved that:

- (A) the variation sought to Clause 21 - Floor to Space Ratio of Schedule 5 of State Environmental Planning Policy (State Significant Precincts) 2005 pursuant to State Environmental Planning Policy No.1 – Development Standards be supported in this instance; and
- (B) deferred commencement consent be granted to Development Application No. D/2017/591, subject to the conditions as detailed in 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 and Development Committee on 12 February 2018 - Volume 6.

Speakers

Mr Rodney Molesworth addressed the meeting of the Planning and Development Committee (Development Assessment Sub-Committee) on Item 9.13.

The Development Assessment Sub-Committee recommends the following:-

ITEM 9.14

DEVELOPMENT APPLICATION: 71 EVELEIGH STREET REDFERN (D/2017/618)

It is resolved that:

- (A) the variation sought to Clause 21 - Floor to Space Ratio of Schedule 5 of State Environmental Planning Policy (State Significant Precincts) 2005 pursuant to State Environmental Planning Policy No.1 – Development Standards be supported in this instance; and
- (B) consent be granted to Development Application No. D/2017/618, subject to the conditions as detailed in Attachment A to the subject report.

Speakers

Mr Rodney Molesworth 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 Councillor Thalys, seconded by Councillor Scott, and carried.)