

Minutes of the Transport, Heritage, Environment and Planning Committee - 14 November 2022

Members Lord Mayor - Councillor Clover Moore (Chair), Deputy Lord Mayor - Councillor Sylvie Ellsmore, Councillor HY William Chan (Deputy Chair), Councillor (Waskam) Emelda Davis, Councillor Lyndon Gannon, Councillor Shauna Jarrett, Councillor Robert Kok, Councillor Linda Scott, Councillor Jess Scully and Councillor Yvonne Weldon.

At the commencement of business at 3.08pm those present were -

The Lord Mayor, Councillors Chan, Davis, Ellsmore, Gannon, Kok, Scully and Weldon.

The Chair (the Lord Mayor) left the meeting of the Transport, Heritage, Environment and Planning Committee at 4.45pm, prior to the vote on Item 10.6, and returned at 4.57pm, after the vote on Item 10.6. The Chair (the Lord Mayor) was not present at, or in sight of, the meeting of the Transport, Heritage, Environment and Planning Committee during voting on Item 10.6.

Apologies

Councillor Shauna Jarrett extended her apologies for her inability to attend the meeting of the Transport, Heritage, Environment and Planning Committee.

Councillor Linda Scott extended her apologies for her inability to attend the meeting of the Transport, Heritage, Environment and Planning Committee.

Moved by Councillor Chan, seconded by the Chair (the Lord Mayor) –

That the apologies of Councillors Jarrett and Scott be accepted and leave of absence from the meeting of the Transport, Heritage, Environment and Planning Committee be granted.

Carried unanimously.

Adjournment

At 4.01pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Chan –

That the meeting of the Transport, Heritage, Environment and Planning Committee be adjourned for approximately 10 minutes.

Carried unanimously.

At the resumption of the meeting of the Transport, Heritage, Environment and Planning Committee at 4.17pm, those present were:

The Lord Mayor, Councillors Chan, Davis, Ellsmore, Gannon, Kok, Scully and Weldon.

The meeting of the Transport, Heritage, Environment and Planning Committee concluded at 5.03pm.

Item 1

Confirmation of Minutes

Moved by Councillor Chan, seconded by Councillor Gannon –

That the minutes of the meeting of the Transport, Heritage, Environment and Planning Committee of Monday 17 October 2022, as circulated to Councillors, be confirmed.

Carried unanimously.

Item 2

Statement of Ethical Obligations and Disclosures of Interest

The Lord Mayor (Councillor Clover Moore) disclosed a pecuniary interest in Item 5 on the agenda, in that her husband owns shares in Woolworths Group, the landowner for the site in the Planning Proposal.

The Lord Mayor stated that she would not be voting on this matter.

No other Councillors disclosed any pecuniary or non-pecuniary interests in any matter on the agenda for this meeting of the Transport, Heritage, Environment and Planning Committee.

The Transport, Heritage, Environment and Planning Committee recommends the following:

Item 3

Grants and Sponsorship - Environmental Grants

It is resolved that:

- (A) Council approve the cash recommendations for the Green Building Grant program as shown at Attachment A to the subject report;
- (B) Council note the applicants who were not recommended in obtaining a cash grant for the Green Building Grant program as shown at Attachment B to the subject report;
- (C) Council note that all grant amounts are exclusive of GST;
- (D) authority be delegated to the Chief Executive Officer to negotiate, execute and administer agreements with any organisation approved for a grant or sponsorship under terms consistent with this resolution and the Grants and Sponsorship Policy; and
- (E) authority be delegated to the Chief Executive Officer to correct minor errors to the matters set out in this report, noting that the identity of the recipient will not change, and a CEO Update will be provided to Council advising of any changes made in accordance with this resolution.

(Note – at the meeting of the Transport, Heritage, Environment Committee, this recommendation was moved by Councillor Chan, seconded by the Chair (the Lord Mayor), and carried unanimously.)

S117676

Item 4

Project Definition and Scope - Dixon Street Improvements

The Transport, Heritage, Environment and Planning Committee decided that consideration of this matter shall be deferred to the meeting of Council on 21 November 2022.

Officer's Recommendation

The officer's recommendation to the Transport, Heritage, Environment and Planning Committee was as follows -

It is resolved that Council:

- (A) endorse the initial scope proposed for Dixon Street as described in the subject report for progression to design development which will include further engagement through the process;
- (B) note that prior to progression to construction of the works, a Dixon Street concept design and detailed scoping report with financial implications will be prepared for Council approval; and
- (C) note an updated Chinatown Public Domain Plan informed by the Haymarket consultation process with project priorities and opportunities for the Chinatown/Haymarket area will be prepared for Council approval.

Officer's Report

The officer's report on this matter can be found at Item 4 on the agenda of the Transport, Heritage, Environment and Planning Committee on 14 November 2022.

Speakers

Kevin Cheng (Soul of Chinatown), Eddie Ma (Vigilanti) and Catherine Chung (Posei) addressed the meeting of the Transport, Heritage, Environment and Planning Committee on Item 10.4.

X090157

The Transport, Heritage, Environment and Planning Committee recommends the following:

Item 5

Public Exhibition - Planning Proposal - Green Square and Southern Areas Retail Review - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

It is resolved that:

- (A) Council approve Planning Proposal - Green Square and Southern Areas Retail Review, shown at Attachment A to the subject report, for submission to the Department of Planning and Environment with a request for a Gateway Determination;
- (B) Council approve Planning Proposal - Green Square and Southern Areas Retail Review, for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) Council approve the draft Sydney Development Control Plan 2012: Retail Review of Southern Sydney Amendment, shown at Attachment B of the subject report, for public exhibition concurrent with the planning proposal;

- (D) Council seek authority from the Department of Planning and Environment to exercise its delegation under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the amending Local Environmental Plan; and
- (E) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal - Green Square and Southern Areas Retail Review and draft Sydney Development Control Plan 2012: Retail Review of Southern Sydney Amendment to correct any drafting errors or inconsistencies, or to ensure consistency with any condition of the Gateway Determination.

(Note - at the meeting of the Transport, Heritage, Environment and Planning Committee, this recommendation was moved by Councillor Chan, seconded by the Chair (the Lord Mayor), and carried unanimously.)

X084812

The Transport, Heritage, Environment and Planning Committee recommends the following:

Item 6

Public Exhibition - Planning Proposal - 923-935 Bourke Street, Waterloo - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

It is resolved that:

- (A) Council approve Planning Proposal - 923-935 Bourke Street, Waterloo, as shown at Attachment A to the subject report, for submission to the Department of Planning and Environment with a request for Gateway Determination, subject to the following amendment (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):
 - (i) Drafting instruction on page 42: notwithstanding Clause 7.23 – Large retail development outside of Green Square Town Centre and other planned centres, allow development consent to be granted to development for the purposes of ***a*** shops with a gross floor area not greater than 3,200 square metres;
- (B) Council approve Planning Proposal - 923-935 Bourke Street, Waterloo, as shown at Attachment A to the subject report, for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination, subject to the following amendment (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):
 - (i) Drafting instruction on page 42: notwithstanding Clause 7.23 – Large retail development outside of Green Square Town Centre and other planned centres, allow development consent to be granted to development for the purposes of ***a*** shops with a gross floor area not greater than 3,200 square metres;
- (C) Council seek authority from the Department of Planning and Environment to exercise the delegation of all the functions under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and to put into effect Planning Proposal - 923-935 Bourke Street, Waterloo;
- (D) Council approve draft Development Control Plan - 923-935 Bourke Street, Waterloo Amendment, shown at Attachment B to the subject report, for public authority consultation and public exhibition concurrent with the Planning Proposal, subject to the following amendment (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):
 - (i) On page 10: (2) Any dedication of land to Council is required to secure an appropriate remediation outcome that is endorsed by Council to confirm the land is fit for purpose ~~and is not constrained by a long term Environmental Management Plan;~~

- (E) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal - 923-935 Bourke Street, Waterloo and Draft Sydney Development Control Plan 2012 - 923-935 Bourke Street, Waterloo Amendment to correct any drafting errors or to ensure consistency with the Gateway Determination; and
- (F) authority be delegated to the Chief Executive Officer to prepare and exhibit a draft planning agreement in accordance with the letter of offer dated 11 November 2022 as shown at Attachment A to the subject Information Relevant to Memorandum – Item 6 – Transport, Heritage, Environment and Planning Committee meeting on 14 November 2022 and the requirements of the Environmental Planning and Assessment Act 1979.

(Note - at the meeting of the Transport, Heritage, Environment and Planning Committee, this alternative recommendation was moved by Councillor Chan, seconded by the Chair (the Lord Mayor), and carried unanimously.)

X083066

Speakers

Pierre Abrahamse (Woolworths Property Group) and Daniel Howard (Ethos Urban) addressed the meeting of the Transport, Heritage, Environment and Planning Committee on Item 10.6.

The Transport, Heritage, Environment and Planning Committee recommends the following:

Item 7

Post Exhibition - Outdoor Dining Policy, Outdoor Dining Guidelines, and Display of Goods on the Footway Local Approvals Policy

It is resolved that:

- (A) Council note the matters raised in response to the public exhibition of the draft Outdoor Dining Policy, draft Outdoor Dining Guidelines and draft Display of Goods on the Footway Local Approvals Policy, as shown in the Summary of Submissions at Attachment A to the subject report;
- (B) Council adopt the Outdoor Dining Policy and Outdoor Dining Guidelines, as shown at Attachments B and C to the subject report;
- (C) Council endorse the Display of Goods on the Footway Local Approvals Policy, as shown at Attachment D to the subject report, for submission to the Office of Local Government with a request for the consent of the Departmental Chief Executive for the adoption of the Policy in accordance with section 162 of the Local Government Act 1993;
- (D) authority be delegated to the Chief Executive Officer to adopt the Display of Goods on the Footway Local Approvals Policy, as shown at Attachment D subject to consent of the Departmental Chief Executive under section 162 of the Local Government Act 1993; and
- (E) authority be delegated to the Chief Executive Officer to make minor variations to the draft Outdoor Dining Policy, draft Outdoor Dining Guidelines, and draft Display of Goods on the Footway Local Approvals Policy to correct any minor errors prior to finalisation or address requirements of the Office of Local Government in granting their consent under section 162 of the Local Government Act 1993.

(Note - at the meeting of the Transport, Heritage, Environment and Planning Committee, this recommendation was moved by Councillor Chan, seconded by the Chair (the Lord Mayor), and carried unanimously.)

S060627-02

The Transport, Heritage, Environment and Planning Committee recommends the following:

Item 8

Post Exhibition - Hoardings and Scaffolding Local Approvals Policy

It is resolved that:

- (A) Council adopt the Local Approvals Policy for Hoardings and Scaffolding as shown at Attachment A to the subject report;
- (B) Council approve the supporting Guidelines for Hoardings and Scaffolding as shown at Attachment B to the subject report; and
- (C) authority be delegated to the Chief Executive Officer to make minor amendments to the Local Approvals Policy for Hoardings and Scaffolding and Guidelines for Hoardings and Scaffolding to correct any drafting errors and finalise design, artwork and accessible formats for publication.

(Note - at the meeting of the Transport, Heritage, Environment and Planning Committee, this recommendation was moved by Councillor Chan, seconded by the Chair (the Lord Mayor), and carried unanimously.)

X08769

The Transport, Heritage, Environment and Planning Committee recommends the following:

Item 9

Post Exhibition - Mobile Food Vending Vehicles Local Approvals Policy

It is resolved that:

- (A) Council adopt the Mobile Food Vending Vehicles Local Approvals Policy as shown at Attachment A to the subject report; and
- (B) authority be delegated to the Chief Executive Officer to make amendments to the Mobile Food Vending Vehicles Local Approvals Policy in order to correct any minor drafting errors and finalise design, artwork and accessible formats for publication.

(Note - at the meeting of the Transport, Heritage, Environment and Planning Committee, this recommendation was moved by Councillor Chan, seconded by Councillor Kok, and carried unanimously.)

X087518

The Transport, Heritage, Environment and Planning Committee recommends the following:

Item 10

Post Exhibition - Contaminated Land Policy

It is resolved that:

- (A) Council adopt the Contaminated Land Policy, as shown at Attachment A to the subject report; and
- (B) authority be delegated to the Chief Executive Officer to make amendments to the Contaminated Land Policy in order to correct any minor drafting errors and finalise design, artwork and accessible formats for publication.

(Note - at the meeting of the Transport, Heritage, Environment and Planning Committee, this recommendation was moved by Councillor Chan, seconded by Councillor Kok, and carried unanimously.)

S111706

The Transport, Heritage, Environment and Planning Committee recommends the following:

Item 11

Fire Safety Reports

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 report by Fire and Rescue NSW, as shown at Attachment B of the subject report;
- (C) note the contents of Attachment B and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 89 Bay Street, Glebe.

(Note - at the meeting of the Transport, Heritage, Environment and Planning Committee, this recommendation was moved by Councillor Chan, seconded by Councillor Gannon, and carried unanimously.)

S105001.002