

## **Minutes of the Transport, Heritage, Environment and Planning Committee - 6 March 2023**

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 2.06pm, those present were –

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

### **Hybrid Meeting Arrangements**

The Chair (the Lord Mayor) advised that Councillor Ellsmore was attending the meeting of the Transport, Heritage, Environment and Planning Committee remotely, via audio visual link, pursuant to the provisions of clause 4.20 of the Code of Meeting Practice.

### **Apologies**

Councillor Scully 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 apology of Councillor Scully be accepted and leave of absence from the meeting of the Transport, Heritage, Environment and Planning Committee be granted.

Carried unanimously.

The meeting of the Transport, Heritage, Environment and Planning Committee concluded at 2.59pm.

## **Item 1**

### **Confirmation of Minutes**

Moved by Councillor Chan, seconded by Councillor Kok –

That the Minutes of the Meeting of the Transport, Heritage, Environment and Planning Committee of Monday 13 February 2023, as circulated to Councillors, be confirmed.

Carried unanimously.

## **Item 2**

### **Statement of Ethical Obligations and Disclosures of Interest**

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

**Item 3****Extension of Temporary Use of Road Space for Outdoor Dining**

The Transport, Heritage, Environment and Planning Committee decided that consideration of this matter shall be deferred to the meeting of Council on 13 March 2023.

**Officer's Recommendation**

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

It is resolved that:

- (A) Council continue the temporary use of road space for existing on-street Outdoor Dining approvals until 31 December 2024;
- (B) authority be delegated to the Chief Executive Officer to extend existing on-street footway approvals to cover the notification and assessment period where the operator has lodged a new footway application prior to 30 April 2023;
- (C) authority be delegated to the Chief Executive Officer to amend Appendix 1 of the Outdoor Dining Guidelines to replace the words '30 April 2023' with '31 December 2024';
- (D) the Chief Executive Officer include in the next draft budget to be submitted to Council for endorsement to go on public exhibition funding for the extension of the current program until 31 December 2024, at a cost of approximately \$3.8 million in expenses and revenue foregone as set out in this report;
- (E) Council note that these costs are in addition to the proposed extension of the fee waiver for outdoor dining permits to be included in the draft budget in accordance with Council's resolution of 21 November 2022; and
- (F) Council note that a review of the Outdoor Dining Guidelines will be carried out in relation to applications on or near parks and other public spaces to ensure equitable and accessible use of the parks and other public space spaces and that any amendments will be reported to Council for its consideration and public exhibition.

**Officer's Report**

The officer's report on this matter can be found at Item 3 on the agenda of the meeting of the Transport, Heritage, Environment and Planning Committee on 6 March 2023.

S060627-02

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

#### **Item 4**

##### **Post Exhibition - City North Public Domain Plan**

It is resolved that:

- (A) Council adopt the City North Public Domain Plain with amendments, as shown at Attachment A to the subject report, as a guiding document to inform capital works planning, negotiations with government and developers, planning proposals and development applications;
- (B) Council note that project opportunities require further advocacy, consultation, testing, feasibility assessment and design development in collaboration with key stakeholders including property owners and Transport NSW / Sydney Metro, to inform future capital works budgets and future scoping reports to be considered by Council; and
- (C) authority be delegated to the Chief Executive Officer to make amendments to the City North Public Domain Plan 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 the Councillor Kok, and carried unanimously.)

S121925

#### **Speaker**

Heather Loewenthal addressed the meeting of the Transport, Heritage, Environment and Planning Committee on Item 4.

#### **Item 5**

##### **Post Exhibition - Planning Proposal - 757-763 George Street, Haymarket - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment**

It is resolved that:

- (A) Council note the matters raised in response to the public exhibition of Planning Proposal – 757-763 George Street, Haymarket, the draft Sydney Development Control Plan 2012 – 757-763 George Street, Haymarket amendment, and draft Voluntary Planning Agreement, as shown in Attachment A to the subject report;
- (B) Council approve Planning Proposal – 757-763 George Street, Haymarket, as shown at Attachment B to the subject report, and request the relevant local plan making authority as a Local Environmental Plan under section 3.36 of the Environmental Planning and Assessment Act 1979;
- (C) Council approve the draft Sydney Development Control Plan 2012 - 757-763 George Street, Haymarket amendment, as amended following public exhibition and shown at Attachment C to the subject report, noting the approved Development Control Plan will come into effect on the date of publication of the subject Local Environmental Plan;

- (D) authority be delegated to the Chief Executive Officer to make any minor amendments to the Planning Proposal 757-763 George Street, Haymarket and draft Sydney Development Control Plan - 757-763 George Street, Haymarket amendment to correct any minor errors or omissions prior to finalisation; and
- (E) Council note the draft Voluntary Planning Agreement, as shown at Attachment D to the subject report, will be executed under delegation of Council in accordance with the Environmental Planning and Assessment Act 1979.

(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 on the following show of hands –

Ayes (8)            The Chair (the Lord Mayor), Councillors Chan, Davis, Gannon, Jarrett, Kok, Scott and Weldon

Noes (1)            Councillor Ellsmore\*

\*Note – Councillor Ellsmore abstained from voting on this matter. Pursuant to the provisions of clause 10.4 of the Code of Meeting Practice, Councillor Ellsmore is taken to have voted against the motion.)

X038464

## Speaker

Tom Cook (Mecone) addressed the meeting of the Transport, Heritage, Environment and Planning Committee on Item 5.

## Item 6

### 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 reports by Fire and Rescue NSW, as shown at Attachments B to D 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 33 Euston Road, Alexandria at this time;
- (D) note the contents of Attachment C and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 10-18 Gadigal Avenue, Waterloo at this time; and
- (E) note the contents of Attachment D and not exercise its power under the Environmental Planning and Assessment Act 1979 to issues a Fire Safety Order at 241-243 Commonwealth Street, Surry Hills at this time.

(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.)

S105001.002

## Item 7

### **Approved Variations to Development Standards Reported to the Department of Planning and Environment**

It is resolved that the subject report be received and noted.

(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.)

S040864