

Minutes of the Transport, Heritage, Environment and Planning Committee - 8 May 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 and Councillor Yvonne Weldon.

At the commencement of business at 6.23pm, those present were –

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

Councillor Chan left the meeting of the Transport, Heritage, Environment and Planning Committee at 6.25pm, prior to the vote on Item 8.4, and returned at 6.53pm, after the vote on Item 8.4. Councillor Chan was not present at the meeting during voting on Item 8.4.

The meeting of the Transport, Heritage, Environment and Planning Committee concluded at 7.10pm.

Item 1

Confirmation of Minutes

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

That the Minutes of the meeting of the Transport, Heritage, Environment and Planning Committee of Monday 27 March 2023, as circulated to Councillors, be confirmed.

Carried unanimously.

Item 2

Statement of Ethical Obligations and Disclosures of Interest

Councillor HY William Chan made the following disclosures:

- a pecuniary interest in Item 4 on the agenda, in that he is an employee of University of Sydney. Councillor Chan stated that he would not be voting on this matter.
- a less than significant, non-pecuniary in Item 6 on the agenda, in that he previously working on Transport for NSW's Sydney Metro West urban design and master planning, including for Hunter Street station. Councillor Chan considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because his involvement was for the Metro stations only, and he was not involved in the over station developments relevant to this item.

Councillor Shauna Jarrett disclosed a less than significant, non-pecuniary interest in Item 3 on the agenda, in that her husband, the Hon. Greg Pearce, is a Director of Venues NSW.

Councillor Jarrett considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because this has already been declared.

No other 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

Review of Environmental Factors - Pop-Up Cycleways - Moore Park Road and Fitzroy Street - Time Extension

The Transport, Heritage, Environment and Planning Committee decided that consideration of this matter shall be deferred to the meeting of Council on 15 May 2023.

Officer's Recommendation

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

It is resolved that Council:

- (A) note that on 17 May 2021, Council endorsed a Review of Environmental Factors and approved the operation and use of the Moore Park Road and Fitzroy Street pop-up cycleways until May 2023;
- (B) note the Review of Environmental Factors for the continued operation and use of the Moore Park Road and Fitzroy Street pop-up cycleways, as shown in Attachment B to the subject report;
- (C) approve the continued operation and use of the Moore Park Road and Fitzroy Street pop-up cycleway for a period of three years until 31 May 2026 or until the permanent Oxford Street Cycleway between Taylor Square and Centennial Park (constructed by the NSW Government) is operational, whichever comes first; and
- (D) approve the Chief Executive Officer signing the determination associated with the exhibited Review of Environmental Factors for continued operation and use of the Moore Park Road and Fitzroy Street pop-up cycleways for the following reasons:
 - (i) the City is the self-assessment authority for the projects and holds the authority to assess and grant approval to activities under Part 5 of the Environmental Planning and Assessment Act 1979;
 - (ii) the proposed projects identified in the Review of Environmental Factors is an "activity" under Division 17 (Road infrastructure facilities) within State Environmental Planning Policy (Transport and Infrastructure) 2021. The activity constitutes in part "exempt development" and in part activities that are "development that is permissible without consent" and therefore Part 5 of the Environmental Planning and Assessment Act 1979 applies;
 - (iii) the Review of Environmental Factors has been carried out for the proposed activity to address the environmental impacts of the temporary retention of the pop-up cycleway in accordance with Clause 171 of the Environmental Planning and Assessment Regulation 2021; and
 - (iv) subject to compliance with the mitigation measures outlined in the Review of Environmental Factors, the proposed activity will not result in a significant impact on the environment and may be approved under Part 5 of the Environmental Planning and Assessment Act 1979.

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 8 May 2023.

X020922.035

Speakers

Adrian Boss (Cycling Without Age), Eric Winton, Francis O'Neill (Bicycle NSW), Tony Paykel, John Young, Theo Onisforou, Mark Duff, Brenton Moore, Andrew Moss (BIKEast) and Victor Zeigler addressed the meeting of the Transport, Heritage, Environment and Planning Committee on Item 3.

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

Item 4

Public Exhibition - Planning Proposal - 2, 2A-8 Arundel Street and 6-12 Parramatta Road, Forest Lodge, 90 and 100-104 Brougham Street, Potts Point, and 85-93 Commonwealth Street, Surry Hills - Sydney Local Environmental Plan 2012 Amendment

It is resolved that:

- (A) Council approve the Planning Proposal - 2, 2A-8 Arundel Street and 6-12 Parramatta Road, Forest Lodge as shown at Attachment A to the subject report:
 - (i) for submission to the Department of Planning and Environment with a request for Gateway Determination; and
 - (ii) for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (B) Council approve the Planning Proposal - 90 and 100-104 Brougham Street, Potts Point as shown at Attachment B to the subject report:
 - (i) for submission to the Department of Planning and Environment with a request for Gateway Determination; and
 - (ii) for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) Council approve the Planning Proposal - 85-93 Commonwealth Street, Surry Hills, as shown at Attachment C to the subject report:
 - (i) for submission to the Department of Planning and Environment with a request for Gateway Determination; and
 - (ii) for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (D) 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 Proposals: 2, 2A-8 Arundel Street and 6-12 Parramatta Road, Forest Lodge; 90 and 100-104 Brougham Street, Potts Point; and 85-93 Commonwealth Street, Surry Hills; and

- (E) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposals: 2, 2A-8 Arundel Street and 6-12 Parramatta Road, Forest Lodge; 90 and 100-104 Brougham Street, Potts Point; and 85-93 Commonwealth Street, Surry Hills, to correct any drafting errors or to ensure consistency with the Gateway Determination.

Procedural Motion

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

That Item 4 be considered in seriatum, Part 1 comprising clause (A), with consideration of (A) being deferred to the meeting of Council on 15 May 2023 and Part 2 comprising clauses (B) to (E).

Carried unanimously.

(Note – at the meeting of the Transport, Heritage, Environment and Planning Committee, Part 2 was moved by the Chair (the Lord Mayor), seconded by Councillor Kok and carried unanimously.)

X082392

Speakers

Christian Watts (Sydney University), Stephane Kerr (Sydney University) and Phil George (PG Capital) addressed the meeting of the Transport, Heritage, Environment and Planning Committee on Item 4.

Item 5**Post Exhibition - Planning Proposal - Stables Theatre 10 and 12 Nimrod Street, Darlinghurst - Sydney Local Environmental Plan 2012 Amendment**

It is resolved that:

- (A) Council note the issues raised in the Summary of Submissions as shown at Attachment A to the subject report;
- (B) Council approve the Planning Proposal - Stables Theatre, 10 and 12 Nimrod Street, Darlinghurst (as amended) at Attachment B to the subject report to be made as a local environmental plan under s3.36 of the Environmental Planning and Assessment Act 1979; and
- (C) authority be delegated to the Chief Executive Officer to make minor variations to the Planning Proposal - Stables Theatre, 10 and 12 Nimrod Street, Darlinghurst (as amended) to correct any minor errors prior to finalisation.

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

X083757

Speakers

Julianne Campbell (Griffin Theatre) addressed the meeting of the Transport, Heritage, Environment and Planning Committee on Item 5.

Item 6**Post Exhibition - Planning Proposal - Sydney Metro West Hunter Street Station Sites, Sydney - Sydney Local Environmental Plan 2012 Amendment**

It is resolved that:

- (A) Council note the matters raised in response to the public exhibition of Planning Proposal - Sydney Metro West Hunter Street Station sites, Sydney, draft Design Guidelines - Sydney Metro West Hunter Street Station sites, Sydney and the draft Planning Agreements for the east and west sites as shown in Attachment A to the subject report;
- (B) Council approve Planning Proposal - Sydney Metro West Hunter Street Station sites, Sydney, shown at Attachment B to the subject report, to be sent to the Department of Planning and Environment to be made as a local environmental plan;
- (C) Council approve the draft Design Guidelines - Sydney Metro West Hunter Street Station sites, as amended, shown at Attachment C to the subject report, noting the design guidelines will be endorsed by the Planning Secretary and 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 - Sydney Metro West Hunter Street Station sites, Sydney and draft Design Guidelines - Sydney Metro West Hunter Street Station sites, Sydney to correct any minor errors, omissions or inconsistencies prior to finalisation; and
- (E) Council note the draft Voluntary Planning Agreements for the east and west sites, 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 the Chair (the Lord Mayor), and carried unanimously.)

X089148

Speakers

John Preston (CBDAM) addressed the meeting of the Transport, Heritage, Environment and Planning Committee on Item 6.

Item 8.7**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 J 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 420-426 Pitt Street, Haymarket 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 22 Talbot Place, Woolloomooloo at this time;
- (E) note the contents of Attachment D and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 65 Tumbalong Boulevard, Haymarket at this time;
- (F) note the contents of Attachment E and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 57-67 Liverpool Street, Sydney;
- (G) note the contents of Attachment F and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 17-19 Goulburn Street, Haymarket;
- (H) note the contents of Attachment G and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 117-123 Pitt Street, Sydney at this time;
- (I) note the contents of Attachment H and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 8-14 Wharf Crescent, Pyrmont;
- (J) note the contents of Attachment I and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 232-236A Elizabeth Street, Surry Hills; and
- (K) note the contents of Attachment J and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 238 Elizabeth Street, Surry Hills.

(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.)

S105001.002