

Minutes of the Transport, Heritage, Environment and Planning Committee - 14 August 2023

Members Lord Mayor - Councillor Clover Moore AO (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 Yvonne Weldon AM and Councillor Adam Worling.

At the commencement of business at 3.47pm those present were -

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

The Chair (the Lord Mayor) left the meeting of the Transport, Heritage, Environment and Planning Committee at 5.22pm before discussion and voting on Item 10, and did not return. The Chair (the Lord Mayor) was not present for discussion and voting on Items 9 to 12.

Following the departure of the Lord Mayor, Deputy Lord Mayor Councillor Sylvie Ellsmore chaired the remainder of the meeting.

Hybrid Meeting Arrangements

The Chair (the Lord Mayor) advised that Councillor Weldon 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.

Order of Business

Following Item 8, at 4.46pm, the Transport, Heritage, Environment and Planning Committee agreed, for the convenience of the public present, that the Order of Business be altered such that the Resilient Communities Committee be brought forward and dealt with before Item 9 of the Transport, Heritage, Environment and Planning Committee. Following the conclusion of the Resilient Communities Committee and resumption of the Transport, Heritage, Environment and Planning Committee at 5.24pm, the meeting further agreed, for the convenience of the public present, that the Order of Business be altered such that Item 10 be brought forward and dealt with before Item 9.

Procedural Motion

Following discussion on Item 6, it was moved by Councillor Chan, seconded by the Chair (the Lord Mayor) and carried unanimously that the motion be withdrawn. Councillor Chan then moved Items 6, 7 and 8 in globo (seconded by the Chair (the Lord Mayor), carried unanimously.)

The meeting of the Transport, Heritage, Environment and Planning Committee concluded at 5.57pm.

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 19 June 2023, as circulated to Councillors, be confirmed.

Carried on the following show of hands:

Ayes (9) The Chair (the Lord Mayor), Councillors Chan, Davis, Ellsmore, Gannon, Jarrett, Kok, Scott and Worling.

Noes (1) Councillor Weldon

Carried.

Item 2

Statement of Ethical Obligations and Disclosures of Interest

Councillor Robert Kok disclosed a significant non-pecuniary interest in Item 11 on the agenda, in that he has had a recent close professional relationship with Jess Miller and this item recommends she be appointed to the Local Planning Panel as a community representative. Jess Miller was a Councillor elected in 2016 as a member of the Clover Moore Independent Team and was a Clover Moore Independent Team candidate at the 2021 Council election.

Councillor Kok stated that he would not be voting on this item.

Councillor Emelda Davis disclosed a significant non-pecuniary interest in Item 11 on the agenda, in that Jess Miller was a Councillor elected in 2016 as a member of the Clover Moore Independent Team and was a Clover Moore Independent Team candidate at the 2021 Council election.

Councillor Davis stated that given this professional relationship with Jess Miller she would not be voting on this item.

Councillor Adam Worling made the following disclosures:

- a significant non-pecuniary interest in Item 11 on the agenda, in that Jess Miller was a Councillor elected in 2016 as a member of the Clover Moore Independent Team and was a Clover Moore Independent Team candidate at the 2021 Council election.

Councillor Worling stated that given this professional relationship with Jess Miller he would not be voting on this item.

- a less than significant, non-pecuniary interest in Item 11 on the agenda, in that he sits on the Sydney Football Stadium Consultative Community with Julie Armour, who is recommended for appointment to the Local Planning Panel as a community representative. Councillor Worling stated that he considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because outside of this voluntary committee he does not have a professional relationship with Julie and has not spoken to her about her appointment on the Local Planning Panel.
- a less than significant, non-pecuniary interest in Item 11 on the agenda, in that since being elected a Councillor in May 2023, he has met with Peter Tzannes, who is recommended for appointment to the Local Planning Panel as a community representative, to discuss community matters because of his position on the Centennial Park Residents' Association.

Councillor Worling stated that he considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because he has not spoken to Mr Tzannes about the appointment on the Local Planning Panel.

The Chair (the Lord Mayor) made the following disclosures:

- a pecuniary interest in Item 10 on the agenda, in that her husband owns shares in Woolworths Group, which is the landowner for the site in this planning proposal.

The Chair (the Lord Mayor) stated that she would not be voting on this matter.

- a significant non-pecuniary interest in Item 11 on the agenda, in that she has had a recent close professional relationship with Jess Miller and this item recommends she be appointed to the Local Planning Panel as a community representative. Jess Miller was a Councillor elected in 2016 as a member of the Clover Moore Independent Team and was a Clover Moore Independent Team candidate at the 2021 Council election.

The Chair (the Lord Mayor) stated that she would not be voting on this item.

Councillor HY William Chan disclosed a significant non-pecuniary interest in Item 11 on the agenda, in that he has had a recent close professional relationship with Jess Miller and this item recommends she be appointed to the Local Planning Panel as a community representative. Jess Miller was a Councillor elected in 2016 as a member of the Clover Moore Independent Team and was a Clover Moore Independent Team candidate at the 2021 Council election.

Councillor Chan stated that he would not be voting on this item.

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

Project Scope - O'Dea Avenue Cycling Connection

It is resolved that Council:

- (A) approve the concept design for O'Dea Avenue cycleway as shown in Attachment B to the subject report for detailed documentation and construction tender;
- (B) endorse undertaking additional investigations with Transport for NSW on retaining the right turn at Joynton Avenue, in response to community feedback;
- (C) note the estimated project costs as detailed in Confidential Attachment D to the subject report; and
- (D) note that the City will be applying for construction phase funding from the NSW Government.

(Note – at the meeting of the Transport, Heritage, Environment and Planning Committee, this recommendation was moved by Councillor Chan, seconded by Councillor Davis, and carried on the following show of hands:

Ayes (9) The Chair (the Lord Mayor), Councillors Chan, Davis, Ellsmore, Gannon, Jarrett, Kok, Scott and Worling

Noes (1) Councillor Weldon*.

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

X090338.003

Speaker

David Mateparae addressed the meeting of the Transport, Heritage, Environment and Planning Committee on Item 3.

Item 4

Project Scope - Ultimo to Surry Hills Cycleway

It is resolved that Council:

- (A) approve the concept design for the Ultimo to Surry Hills Cycleway as shown in Attachment B to the subject report for detailed documentation and construction tender;
- (B) note the estimated project costs as detailed in Confidential Attachment D to the subject report; and
- (C) note that the City will be applying for construction phase funding from the NSW Government.

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

X034650.002

Item 5

Project Scope - Wellington Street Bike Network Link

It is resolved that Council:

- (A) approve the concept design for the Wellington Street cycleway between George Street and Cope Street as shown in Attachment B to the subject report, for progression to detailed design and construction;
- (B) note the estimated project costs as detailed in Confidential Attachment D to the subject report; and
- (C) note that the City will be applying for construction phase funding from the NSW Government.

(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.)

X034652

Item 6**Public Exhibition - Haymarket and Chinatown Revitalisation Strategy**

It is resolved that:

- (A) Council note the 9 March 2020 Resolution of Council - Supporting Haymarket and Other Businesses put forward via a Lord Mayoral Minute requesting that the Chief Executive Officer further investigate street attractions and activations, including changes to signage, streetscape and traffic movements in Haymarket to reinvigorate the area and increase foot traffic and the 21 November 2022 Resolution of Council endorsing the Project Definition and Scope for the Dixon Street Improvements;
- (B) Council note the findings of the Haymarket Visioning Engagement Outcomes Report as shown at Attachment B to the subject report, Community Vision for Haymarket as shown at Attachment C to the subject report, Haymarket and Chinatown Economic and Land Use Study as shown at Attachment D to the subject report, and Chinatown Thematic History as shown at Attachment E to the subject report;
- (C) Council approve the public exhibition of the draft Haymarket and Chinatown Revitalisation Strategy as shown at Attachment A to the subject report, for a minimum period of 28 days;
- (D) Council note that the Haymarket and Chinatown Revitalisation Strategy including any recommended changes will be brought back to Council for adoption following the exhibition period;
- (E) Council note that further reports will be brought back to Council following heritage assessment of any further items for heritage listing;
- (F) Council note that following the exhibition period if it is confirmed that the Dixon Street frontage upgrade program and the Haymarket activation grants are endorsed by Council, additional budget of an estimated \$900,000 over three years to co-fund the Dixon Street frontage upgrade program and an estimated \$600,000 over three years for additional Haymarket activation grants will be required. In this eventuality a further report will be brought back to Council for consideration and public exhibition of the new programs as required;
- (G) Council note following the exhibition period, if it is confirmed that significant implementation activities are endorsed by Council, funding will be required for an additional Full Time Equivalent (FTE) position for a Haymarket Coordinator and this will be required to be incorporated into future budgets for public exhibition and endorsement by Council; and
- (H) authority be delegated to the Chief Executive Officer to make minor amendments to the draft Haymarket and Chinatown Revitalisation Strategy for clarity or correction of drafting errors prior to public exhibition.

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

X098596

Speakers

Kevin Cheng (Soul of Chinatown), Brad Chan (Banna Property Group), Vincent Lim (Haymarket Chamber of Commerce), the Hon Henry Tsang and King Fong addressed the meeting of the Transport, Heritage, Environment and Planning Committee on Items 6, 7 and 8.

Item 7**Public Exhibition - Haymarket Public Domain Plan**

It is resolved that:

- (A) Council approve for public exhibition the draft Haymarket Public Domain Plan, as shown at Attachment B to the subject report, for a minimum period of 28 days;
- (B) Council note that the Haymarket Public Domain Plan including any recommended changes and a project implementation plan, will be reported to Council for adoption following the exhibition period;
- (C) Council note that further stakeholder engagement and feasibility assessments will be required to develop a more refined scope for individual projects and guide the City's long term planning and capital works programming; and
- (D) authority be delegated to the Chief Executive Officer to make minor amendments to the draft Haymarket Public Domain Plan for clarity or correction of drafting errors prior to public exhibition.

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

X004285.004

Speakers

Kevin Cheng (Soul of Chinatown), Brad Chan (Banna Property Group), Vincent Lim (Haymarket Chamber of Commerce), the Hon Henry Tsang and King Fong addressed the meeting of the Transport, Heritage, Environment and Planning Committee on Items 6, 7 and 8.

Item 8**Public Exhibition - Planning Proposal - Heritage Item - Chinatown Ceremonial Gates, Haymarket - Sydney Local Environmental Plan 2012 Amendment**

It is resolved that:

- (A) Council approve the Planning Proposal - Heritage Item - Chinatown - Ceremonial Gates, Haymarket as shown at Attachment A to the subject report for submission to the Department of Planning and Environment with a request for Gateway Determination;
- (B) Council approve the Planning Proposal - Heritage Item - Chinatown Ceremonial Gates, Haymarket, as shown at Attachment A for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (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 the planning proposal; and
- (D) authority be delegated to the Chief Executive Officer to make any minor variations to the Planning Proposal - Heritage Item - Chinatown Ceremonial Gates to correct any drafting errors or to ensure consistency with the Gateway Determination.

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

X098658

Speakers

Kevin Cheng (Soul of Chinatown), Brad Chan (Banna Property Group), Vincent Lim (Haymarket Chamber of Commerce), The Hon Henry Tsang and King Fong addressed the meeting of the Transport, Heritage, Environment and Planning Committee on Items 6, 7 and 8.

Item 9

Post Exhibition - Planning Proposal - Retail Review and Retail Parking - Sydney Local Environmental Plan 2012, Sydney Development Control Plan 2012 Amendment

It is resolved that:

- (A) Council note the requirements of the Gateway Determination issued by the Department of Planning and Environment to amend the contents of Planning Proposal: Retail Review and Retail Parking, prior to public exhibition, as shown at Attachment C to the subject report;
- (B) Council note the matters raised in response to the public exhibition of Planning Proposal: Retail Review and Retail Parking and draft Sydney Development Control Plan 2012: Retail Review of Southern Sydney Amendment, as described in this report and shown at Attachments D to the subject report;
- (C) Council approve the Planning Proposal: Retail Review and Retail Parking, following consideration of submissions as shown at Attachment A to the subject report, to be sent to the Department of Planning and Environment to be made as a local environmental plan under Section 3.36 of the Environmental Planning and Assessment Act 1979;
- (D) Council approve Sydney Development Control Plan 2012: Retail Review of Southern Sydney Amendment, following consideration of submissions, as shown at Attachment B to the subject report, noting that it will come into effect on the date of publication of the subject local environmental plan, in accordance with Clause 20 of the Environmental Planning and Assessment Regulation 2021; and
- (E) authority be delegated to the Chief Executive Officer to make minor amendments to Planning Proposal: Retail Review and Retail Parking and Sydney Development Control Plan 2012: Retail Review of Southern Sydney Amendment to correct any minor errors, or omissions or ensure consistency with legal drafting 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 Worling, and carried unanimously.)

X084812

Item 10**Post 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 note the matters raised in response to the public exhibition of Planning Proposal: 923-935 Bourke Street, Waterloo and Draft Sydney Development Control Plan 2012: 923-935 Bourke Street, Waterloo as shown in Attachment A to the subject report;
- (B) Council note the draft Planning Agreement as shown at Attachment D to the subject report is currently on public exhibition;
- (C) subject to the execution of the draft Planning Agreement as shown at Attachment D to the subject report, Council approve Planning Proposal: 923-935 Bourke Street, Waterloo, shown at Attachment B to the subject report, as amended following public exhibition, to be made as a local environmental plan under Section 3.36 of the Environmental Planning and Assessment Act 1979;
- (D) Council approve Draft Sydney Development Control Plan 2012: 923-935 Bourke Street, Waterloo, shown at Attachment C to the subject report, as amended following public exhibition, noting the development control plan will come into effect on the date of publication of the subject local environmental plan, in accordance with Clause 20 of the Environmental Planning and Assessment Regulation 2021;
- (E) authority be delegated to the Chief Executive Officer to make minor variations to Planning Proposal: 923-935 Bourke Street, Waterloo and Draft Sydney Development Control Plan 2012: 923-935 Bourke Street, Waterloo to correct any minor errors prior to finalisation; and
- (F) Council note that the planning agreement will be executed by the Chief Executive Officer under existing delegations.

(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.)

X083066

Speakers

Ronald Smith and Daniel Howard (Ethos Urban) addressed the meeting of the Transport, Heritage, Environment and Planning Committee on Item 10.

Item 11

Local Planning Panel - Appointment of Members

The Transport, Heritage, Environment and Planning Committee decided that consideration of this matter shall be deferred to the meeting of Council on 21 August 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) endorse the reappointment of four existing expert members beyond 29 February 2024 to the City of Sydney Local Planning Panel, being Megan Jones, Brendan Randles, Marcus Trimble and Annelise Tuor, for a further period of three years;
- (B) endorse the reappointment of four existing expert members beyond 29 February 2024 to the City of Sydney Local Planning Panel, being Paul Berkemeier, Tony Caro, Helena Miller and Penny Murray until 8 April 2025;
- (C) endorse the appointment of six additional expert members from the Minister for Planning's pool of experts to the City of Sydney Local Planning Panel, being Melonie Bayl-Smith, John Bilmon, Michael Harrison, Vanessa Holtham, Jocelyn Jackson and Stephen Pearse, for a period of three years from the date of appointment;
- (D) endorse the appointment of four additional community representatives to the City of Sydney Local Planning Panel, being Julie Armour; Jayden Bregu; Jess Miller and Peter Tzannes, for a period of three years from the date of appointment; and
- (E) endorse the use of the appointed expert members and community representatives for the independent role on Council's Review of Determinations Panel, subject to their acceptance of the invitation.

Officer's Report

The officer's report on this matter can be found at Item 11 on the agenda of the meeting of the Transport, Heritage, Environment and Planning Committee on 14 August 2023.

X095150

Item 12

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 252-258 Sussex Street, Sydney 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 243-247 Cleveland Street, Redfern 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 issue a Fire Safety Order at 464-480 Kent Street, Sydney 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 Ellsmore, and carried unanimously.)

S105001.002