

**Minutes of the Transport, Heritage and Planning Committee - 4 December 2023**

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

At the commencement of business at 4.07pm, those present were –

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

Councillor Weldon left the meeting of the Transport, Heritage and Planning Committee at 4.28pm during discussion and before the vote on Item 3, and did not return.

Councillor Scott left the meeting of the Transport, Heritage and Planning Committee at 6.15pm, prior to discussion on Item 7, and returned at 6.40pm, after the vote on Item 7. Councillor Scott was not present at, or in sight of, the meeting during discussion or voting on Item 7.

**Hybrid Meeting Arrangements**

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

**Extension of Time**

At 4.33pm, during discussion on Item 3, pursuant to the provisions of clause 9.29 of the Code of Meeting Practice, it was –

Moved by Councillor Kok, seconded by Councillor Gannon –

That Ms Daphne Lowe-Kelley be granted an extension of time to speak on this matter.

**Apologies**

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

Moved by Councillor Chan, seconded by Councillor Gannon –

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

Carried unanimously.

The meeting of the Transport, Heritage and Planning Committee concluded at 6.42pm.

## Item 1

### Confirmation of Minutes

Moved by Councillor Chan, seconded by Councillor Kok –

That the Minutes of the meeting of the Transport, Heritage and Planning Committee of Monday 6 November 2023, as circulated to Councillors, be confirmed.

Carried unanimously.

## Item 2

### Statement of Ethical Obligations and Disclosures of Interest

The Lord Mayor (Councillor Clover Moore) made the following disclosures:

- a less than significant, non-pecuniary interest in Item 6 on the agenda, in that she owns property within one of the heritage conservation areas being considered in this item.

The Lord Mayor considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because there is no reasonable likelihood or expectation of appreciable financial gain or loss as a result as per clause 4.1 of the Code of Conduct.

- a less than significant, non-pecuniary interest in Item 7 on the agenda, in that she owns property within the Local Government Area that is the subject of this planning proposal.

The Lord Mayor considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because there is no reasonable likelihood or expectation of appreciable financial gain or loss as a result as per Clause 4.1 of the Code of Conduct.

Councillor Linda Scott made the following disclosures:

- a less than significant, non-pecuniary interest in Item 6 on the agenda, in that her home, which is jointly owned with her bank and husband, is in a heritage conservation area.

Councillor Scott considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because, as the plan states, the item applies to all of the City, and her property is not impacted by any boundary changes.

- a less than significant, non-pecuniary interest in Item 7 on the agenda, in that she is the Chair and a Director of CareSuper, an industry superannuation fund run only to benefit members. She is also a member of this fund, on the same terms as all members, and notes that all other working Australians are members of superannuation funds. CareSuper's Annual Report states that they have an investment in Charter Hall, who sent a speaker to make representations to the Committee on this item.

Councillor Scott stated that she would not be voting on this matter, due to an abundance of caution.

Councillor Adam Worling made the following disclosures:

- a less than significant, non-pecuniary interest in Item 6 on the agenda, in that he owns property within one of the heritage conservation areas being considered in this item.

Councillor Worling considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because there is no reasonable likelihood or expectation of appreciable financial gain or loss as a result as per Clause 4.1 of the Code of Conduct.

- a less than significant, non-pecuniary interest in Item 7 on the agenda, in that he owns property within the Local Government Area that is subject to this planning proposal.

Councillor Worling considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because there is no reasonable likelihood or expectation of appreciable financial gain or loss as a result as per Clause 4.1 of the Code of Conduct.

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

The Transport, Heritage and Planning Committee recommended the following:

### **Item 3**

#### **Post Exhibition - Haymarket and Chinatown Revitalisation Strategy**

It is resolved that:

- (A) Council note the findings from the public exhibition of the draft Haymarket and Chinatown Revitalisation Strategy as described in Attachment B to the subject report, and the City's response to the submissions in Attachment C to the subject report;
- (B) Council adopt the revised Haymarket and Chinatown Revitalisation Strategy as shown at Attachment A to the subject report;
- (C) Council note the budget implications as described in this report and that items will be incorporated into future budgets for public exhibition and endorsement by Council;
- (D) Council note that if the revised Strategy is endorsed, further reports will be brought back to Council for any new grant programs and for any items to be heritage listed; and
- (E) authority be delegated to the Chief Executive Officer to make minor amendments to the revised Haymarket and Chinatown Revitalisation Strategy 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 and Planning Committee, this recommendation was moved by Councillor Chan, seconded by Councillor Kok, and carried unanimously.)

X098596

#### **Speakers**

Aura Kwan Muang, Justin Yat Kwan Chan (Director, Goon Yee Tong), Catherine Chung and Daphne Lowe-Kelley addressed the meeting of the Transport, Heritage and Planning Committee on Item 3.

**Item 4****Post Exhibition - Haymarket and Chinatown Public Domain Plan**

It is resolved that:

- (A) Council adopt the Haymarket and Chinatown Public Domain Plan 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 the public domain projects outlined in the current long term financial plan, including Dixon Street, Sussex Street, Belmore Park, Harbour Street, Quay Street, Goulburn Street and Creative Lighting, and that in the review of the long-term financial plan, consider the inclusion of Campbell Street and Ultimo Road;
- (C) Council rescind the Chinatown Public Domain Plan 2010 and 2015 and Chinatown Public Art Plan 2010 and 2015, which are replaced by the Haymarket and Chinatown Public Domain Plan;
- (D) Council note that the next review of the ten year long term financial plan will need to consider the revised priorities from the community feedback and the affordability of delivering all identified projects in the Haymarket and Chinatown Public Domain Plan within that period; and
- (E) authority be delegated to the Chief Executive Officer to make amendments to the Haymarket and Chinatown 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 and Planning Committee, this recommendation was moved by Councillor Chan, seconded by the Chair (the Lord Mayor), and carried unanimously.)

X004285

**Speakers**

Aura Kwan Muang, Justin Yat Kwan Chan (Director, Goon Yee Tong), Catherine Chung and Daphne Lowe-Kelley addressed the meeting of the Transport, Heritage and Planning Committee on Item 4.

**Item 5****Public Exhibition - Planning Framework - Ultimo Pymont – Sydney Local Environmental Plan 2012, Ultimo Pymont Local Infrastructure Contributions Plan, Sydney Development Control Plan 2012 Amendment and Central Sydney Development Contributions Plan Amendment**

The Transport, Heritage and Planning Committee decided that consideration of this matter shall be deferred to the meeting of Council on 11 December 2023.

**Officer's Recommendation**

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

It is resolved that:

- (A) Council approve Planning Proposal – Ultimo Pymont, shown at Attachment A to the subject report, for submission to the Department of Planning and Environment with a request for a Gateway Determination, subject to the NSW Government recommitment to the timely delivery and opening of a new metro station in Pymont as part of the Sydney Metro West project;
- (B) Council approve Planning Proposal – Ultimo Pymont, 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;
- (C) Council seek authority from the Department of Planning and Environment to exercise the delegation of all functions under the relevant local plan making authority under Section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and put into effect the Planning Proposal – Ultimo Pymont;
- (D) Council approve draft Sydney Development Control Plan – Ultimo Pymont, shown at Attachment B to the subject report, for public authority consultation and public exhibition together with the planning proposal;
- (E) Council approve the draft Ultimo Pymont Local Infrastructure Contributions Plan 2023, shown at Attachment C to the subject report for public authority consultation and public exhibition together with the Planning Proposal;
- (F) Council approve the draft amendments to the Central Sydney Development Contributions Plan 2020 shown in Attachment D to the subject report for public authority consultation and public exhibition for a period of at least 28 days;
- (G) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal – Ultimo Pymont, draft Development Control Plan – Ultimo Pymont and to update the urban design study to ensure maximum clarity for the purposes of public consultation, correct any drafting errors or to ensure consistency with the Gateway Determination;
- (H) authority be delegated to the Chief Executive Officer to make minor amendments to the draft Ultimo Pymont Local Infrastructure Contributions Plan 2023 and the proposed amendments to the Central Sydney Development Contributions Plan 2020 before their exhibition, including to correct any drafting errors; and
- (I) Council note that commencement of Planning Proposal – Ultimo Pymont, shown at Attachment A to the subject report and draft Sydney Development Control Plan – Ultimo Pymont, shown at Attachment B to the subject report, will be deferred until the NSW Government commits to the timely delivery and opening of a new metro station in Pymont as part of the Sydney Metro West project.

**Officer's Report**

The officer's report on this matter can be found at Item 5 on the agenda of the meeting of the Transport, Heritage and Planning Committee on 4 December 2023.

X101016

**Speakers**

Zena Vaassen, Alex Fois (Chair, Strata Committee at 122 Saunders Street), Ken Loudon, Nick Couloumbis (Founder, Toohey Hiller), Elizabeth Elenius (Pymont Action Inc.), Nick Juradowitch (Director, Ingham Planning) and Robert Boakes (Pymont Action Group) addressed the meeting of the Transport, Heritage and Planning Committee on Item 5.

**Item 6****Public Exhibition - Planning Proposal - Conservation Areas Review - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment**

The Transport, Heritage and Planning Committee decided that consideration of this matter shall be deferred to the meeting of Council on 11 December 2023.

**Officer's Recommendation**

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

It is resolved that:

- (A) Council approve Planning Proposal – Conservation Areas 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 – Conservation Areas Review, 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;
- (C) Council seek authority from the Department of Planning and Environment to exercise the delegation of all functions as the relevant local plan making authority under Section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and put into effect the Planning Proposal – Conservation Areas Review;
- (D) Council approve draft Sydney Development Control Plan 2012 Amendment – Conservation Areas Review, shown at Attachment C to the subject report, for public authority consultation and public exhibition together with the planning proposal; and
- (E) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal – Conservation Areas Review and draft Sydney Development Control Plan 2012 Amendment – Conservation Areas Review, to correct any drafting errors or to ensure consistency with the Gateway Determination.

**Officer's Report**

The officer's report on this matter can be found at Item 6 on the agenda of the meeting of the Transport, Heritage and Planning Committee on 4 December 2023.

X031159

**Item 7****Public Exhibition - Planning Proposal - Sydney Local Environmental Plan and Development Control Plan - Policy and Housekeeping Amendments (LEP/DCP Update)**

It is resolved that:

- (A) Council approve Planning Proposal – Sydney Local Environmental Plans - Policy and Housekeeping Amendments 2023, shown at Attachments A, A1 and A2 to the subject report for submission to the Department of Planning and Environment with a request for a Gateway Determination and public consultation and exhibition in accordance with any conditions imposed under the Gateway Determination;
- (B) Council seek authority from the Department of Planning and Environment to exercise the delegation of all 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 – Sydney Local Environmental Plans - Policy and Housekeeping Amendments 2023;
- (C) Council approve Planning Proposal - Sydney Local Environmental Plans – Dwelling Retention shown at Attachment B to the subject report for submission to the Department of Planning and Environment with a request for Gateway Determination and public consultation and 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 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 – Sydney Local Environmental Plan 2012 - Dwelling Retention;
- (E) Council approve draft Sydney Development Control Plan 2012 - Policy and Housekeeping Amendments 2023 at Attachments C, C1 and C2 to the subject report for public exhibition with the Planning Proposal – Sydney Local Environmental Plans - Policy and Housekeeping Amendments 2023;
- (F) Council approve updates to City of Sydney Competitive Design Policy, Guidelines for Waste Management in New Developments, and Landscape Code shown at Attachments D, E and F to the subject report for public exhibition with the Planning Proposal – Sydney Local Environmental Plans - Policy and Housekeeping Amendments 2023 and draft development control plan;
- (G) Council rescind the Green Roofs and Wall Policy as shown at Attachment G to the subject report;
- (H) authority be delegated to the Chief Executive Officer to make any minor amendments to Planning Proposal – Policy and Housekeeping Amendments 2023 shown at Attachments A, A1 and A2 to the subject report prior to public exhibition to correct any drafting errors or to ensure consistency with the Gateway Determination;
- (I) authority be delegated to the Chief Executive Officer to make any minor amendments to Planning Proposal – Dwelling Retention shown at Attachment B to the subject report prior to public exhibition to correct any drafting errors or to ensure consistency with the Gateway Determination; and

- (J) authority be delegated to the Chief Executive Officer to make any minor amendments to the draft Sydney Development Control Plan 2012 - Policy and Housekeeping Amendments 2023 and other development guidelines, codes and policies shown at Attachments C - F to the subject report, prior to public exhibition to correct any drafting errors or ensure consistency with the Planning Proposal – Sydney Local Environmental Plans - Policy and Housekeeping Amendments 2023.

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

X039444

### **Speakers**

Mark Stante (Charter Hall), Ashleigh Ryan (Urbis), Angela Buckley (Mirvac) and Andrew Harvey (Urbis) addressed the meeting of the Transport, Heritage and Planning Committee on Item 7.

## **Item 8**

### **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 M 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 151-241 Goulburn Street, Surry Hills at this time;
- (D) note the contents of Attachment C and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 11 Ward Avenue, Potts Point;
- (E) note the contents of Attachment D and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 68 Sir John Young Crescent, Woolloomooloo;
- (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 34 Wentworth Street, Glebe;
- (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 47 Cooper Street, Surry Hills;
- (H) note the contents of Attachment G and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 790 George Street, Haymarket;
- (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 177-219 Mitchell Road, Erskineville;
- (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 3-19 Missenden Road, Camperdown;



- (K) note the contents of Attachment J and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 333 Bulwara Road, Ultimo at this time;
- (L) note the contents of Attachment K and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 460-482 Jones Street, Ultimo at this time;
- (M) note the contents of Attachment L and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 827-837 George Street, Haymarket at this time; and
- (N) note the contents of Attachment M and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 23-25 Pyrmont Bridge Road, Camperdown at this time.

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

S105001.002

## **Item 9**

### **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 and Planning Committee, this recommendation was moved by Councillor Chan, seconded by Councillor Worling, and carried unanimously.)

S040864