

Minutes of the Transport, Heritage and Planning Committee - 9 December 2024

Members Lord Mayor - Councillor Clover Moore AO (Chair), Deputy Lord Mayor - Councillor Zann Maxwell, Councillor Sylvie Ellsmore, Councillor Lyndon Gannon, Councillor Robert Kok, Councillor Jess Miller (Deputy Chair), Councillor Matthew Thompson, Councillor Yvonne Weldon AM, Councillor Mitch Wilson and Councillor Adam Worling.

At the commencement of business at 4.24pm those present were -

The Lord Mayor, Councillors Ellsmore, Gannon, Kok, Maxwell, Miller Thompson, Weldon, Wilson and Worling.

Councillor Gannon left the meeting of the Transport, Heritage and Planning Committee at 4.26pm, prior to discussion on Item 3, and returned at 4.56pm, after the vote on Item 3. Councillor Gannon was not present at, or in sight of, the meeting during discussion or voting on Item 3.

Councillor Wilson left the meeting of the Transport, Heritage and Planning Committee at 4.26pm, prior to discussion on Item 3, and returned at 4.56pm, after the vote on Item 3. Councillor Wilson was not present at, or in sight of, the meeting during discussion or voting on Item 3.

The meeting of the Transport, Heritage and Planning Committee concluded at 5.16pm.

Item 1

Confirmation of Minutes

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

That the Minutes of the meeting of the Transport, Heritage and Planning Committee of Monday 11 November 2024, as circulated to Councillors, be confirmed.

Carried unanimously.

Item 2

Statement of Ethical Obligations and Disclosures of Interest

Councillor Lyndon Gannon disclosed a significant non-pecuniary interest in Item 3 on the agenda, in that he is a resident within 41-49 Roslyn Gardens, Elizabeth Bay (Bayview), which is one of the buildings listed in the planning proposal.

Councillor Gannon stated that he would not be voting on this matter.

Councillor Mitch Wilson disclosed a significant non-pecuniary interest in Item 3 on the agenda, in that their former employer at Sydney WorldPride, former CEO Kate Wickett, and a close personal friend, Jess Hill, both own apartments in buildings subject to the planning proposal.

Councillor Wilson stated that they would not be voting on this matter.

Councillor Zann Maxwell made the following disclosures:

- a less than significant non-pecuniary interest in Item 3 on the agenda, in that Elizabeth Elenius, a registered speaker on this item, was a supporter of the Sydney Labor Campaign and has campaigned on the issue of the Powerhouse Museum. Councillor Maxwell considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because Elizabeth was a volunteer in a general way on the campaign and he has not met with her to discuss this specific issue.
- a less than significant non-pecuniary interest in Item 3 on the agenda, in that Skye Tito was a supporter of the Sydney Labor Campaign and lives within one of the buildings included in the Modern Residential Flat Buildings in the report. Councillor Maxwell considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because Skye did not approach him in relation to this matter and was unaware it was coming to Council, and Councillor Maxwell did not receive representations from her in relation to this issue.

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.

Item 3

Public Exhibition - Planning Proposal - Modern Residential Flat Buildings, Powerhouse Museum and Oxford Street LGBTIQA+ Heritage Items - Sydney Local Environmental Plan 2012 Amendments

The Transport, Heritage and Planning Committee decided that consideration of this matter shall be deferred to the meeting of Council on 16 December 2024.

Officer's Recommendation

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

It is resolved that:

- (A) Council approve the Planning Proposal - Modern Residential Flat Buildings Heritage Items, shown at Attachment A to the subject report, for submission to the Department of Planning, Housing and Infrastructure with a request for a gateway determination;
- (B) Council approve the Planning Proposal - Modern Residential Flat Buildings Heritage Items 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, Housing and Infrastructure 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 - Modern Residential Flat Buildings Heritage Items;
- (D) authority be delegated to the Chief Executive Officer to make any minor variations to the Planning Proposal - Modern Residential Flat Buildings Heritage Items to correct any drafting errors or to ensure consistency with the gateway determination;
- (E) Council approve the Planning Proposal - Oxford Street LGBTIQA+ Heritage Items, shown at Attachment B, to the subject report, for submission to the of Planning, Housing and Infrastructure with a request for a gateway determination;
- (F) Council approve the Planning Proposal - Oxford Street LGBTIQA+ Heritage Items as shown at Attachment B for public authority consultation and public exhibition in accordance with any conditions imposed under the gateway determination;
- (G) Council seek authority from the Department of Planning, Housing and Infrastructure 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 - Oxford Street LGBTIQA+ Heritage Items;
- (H) authority be delegated to the Chief Executive Officer to make any minor variations to the Planning Proposal - Oxford Street LGBTIQA+ Heritage Items to correct any drafting errors or to ensure consistency with the gateway determination;
- (I) Council approve the Planning Proposal - Powerhouse Museum Heritage Item Amendment, shown at Attachment C to the subject report, for submission to the Department of Planning, Housing and Infrastructure with a request for a gateway determination;
- (J) Council approve the Planning Proposal - Powerhouse Museum Heritage Item Amendment as shown at Attachment C for public authority consultation and public exhibition in accordance with any conditions imposed under the gateway determination;

- (K) Council seek authority from the Department of Planning, Housing and Infrastructure 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 - Powerhouse Museum Heritage Item Amendment; and
- (L) authority be delegated to the Chief Executive Officer to make any minor variations to the Planning Proposal - Powerhouse Museum Heritage Item Amendment 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 3 on the agenda for the meeting of the Transport, Heritage and Planning Committee on 9 December 2024.

X109515, X098649, X091578

Speakers

Elizabeth Elenius (Pymont Action Inc), Brenan Liston (Roslyn Gardens), Jim Carroll (Ithica Gardens) and Philip Thalys (Hill Thalys) addressed the meeting of the Transport, Heritage and Planning Committee on Item 3.

Extension of Time

During discussion on this matter, pursuant to the provisions of clause 9.29 of the Code of Meeting Practice, it was –

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

That Elizabeth Elenius be granted an extension of time to speak on this matter.

Carried unanimously.

Item 4

Public Exhibition - Draft Local Approvals Policy for Hoisting and Construction Activities On and Above Roads

It is resolved that:

- (A) Council approve the draft Local Approvals Policy for Hoisting and Construction Activities on and above Roads as shown at Attachment A to the subject report for public exhibition for a period of 42 days in accordance with the requirements of the Local Government Act 1993;
- (B) Council note that the supporting technical controls, the draft Code of Practice for Hoisting and Construction Activities on and above Roads will be available for public comment together with the Local Approvals Policy;
- (C) Council note that the Local Approvals Policy for Hoisting and Construction Activities on and above Roads, including any recommended changes, will be reported to Council for adoption following the exhibition period; and
- (D) authority be delegated to the Chief Executive Officer to undertake minor editorial amendments for clarity or correction of drafting errors prior to the exhibition of the draft Local Approvals Policy for Hoisting and Construction Activities on and above Roads

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

S129097

Item 5**Public Exhibition - Draft Local Approvals Policy for Construction-Related Temporary Structures On and Above Roads**

It is resolved that:

- (A) Council approve the draft Local Approvals Policy for Construction-Related Temporary Structures On and Above Roads as shown at Attachment A to the subject report for public exhibition for a period of 42 days in accordance with the requirements of the Local Government Act 1993;
- (B) Council note that the supporting technical controls, the draft Code of Practice for Construction-Related Temporary Structures On and Above Roads will be available for comment during the exhibition period;
- (C) Council note that the Draft Local Approvals Policy, including any recommended changes, will be reported to Council to seek adoption following the exhibition period; and
- (D) authority be delegated to the Chief Executive Officer to undertake minor editorial amendments for clarity or correction of drafting errors prior to the exhibition of the draft Local Approvals Policy for Construction-Related Temporary Structures On and Above Roads

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

X102443

Item 6**Post Exhibition - Outdoor Dining Guidelines Amendment**

It is resolved that:

- (A) Council note the findings from the public exhibition of the draft amendment to the Outdoor Dining Guidelines as described in Attachment B to the subject report, including the City's responses;
- (B) Council adopt the Outdoor Dining Guidelines as shown at Attachment A to the subject report; and
- (C) authority be delegated to the Chief Executive Officer to undertake minor editorial amendments for clarity or correction of 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 Miller, seconded by the Chair (the Lord Mayor), and carried unanimously.)

S060627-02.023

Item 7**Post Exhibition - Planning Proposal - 232-240 Elizabeth Street, Surry Hills - 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 - 232-240 Elizabeth Street, Surry Hills, the draft Sydney Development Control Plan 2012 - 232-240 Elizabeth Street, Surry Hills, and draft Voluntary Planning Agreement, as shown in Attachment D to the subject report;
- (B) Council approve Planning Proposal - 232-240 Elizabeth Street, Surry Hills, as shown at Attachment A to the subject report, and request the relevant local plan making authority make the planning proposal 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 - 232-240 Elizabeth Street, Surry Hills, as shown at Attachment B 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 - 232-240 Elizabeth Street, Surry Hills and the draft Sydney Development Control Plan 2012 - 232-240 Elizabeth Street, Surry Hills, to correct any minor errors or omissions prior to finalisation; and
- (E) Council note the draft Voluntary Planning Agreement, as shown at Attachment C 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 and Planning Committee, this recommendation was moved by Councillor Miller, seconded by Councillor Worling, and carried unanimously.)

X094617

Item 8**Adoption - Council-Related Development Applications Policy**

It is resolved that:

- (A) Council adopt the updated Council-related development applications policy as set out at Attachment A to the subject report; and
- (B) authority be delegated to the Chief Executive Officer to make amendments to the Council-related development applications policy 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 Miller, seconded by Councillor Worling, and carried unanimously.)

X112762

Item 9

Fire Safety Reports

It is resolved that Council:

- (A) note the contents of the Fire Safety Reports 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 to the subject report;
- (C) note the contents of Attachment B and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 5 and 7 Potter Street and 2-4 and 6 Lachlan Street, Waterloo;
- (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 10-14 Hunter Street, Sydney 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 2 York Street, Sydney at this time.

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

S105001.002