

Item 9

Report of the Transport, Heritage and Planning Committee - 16 February 2026

Item 9.1

Confirmation of Minutes

Moved by Councillor Miller, seconded by Councillor Worling –

That the Minutes of the meeting of the Transport, Heritage and Planning Committee of Monday 8 December 2025, as circulated to Councillors, be confirmed.

Carried unanimously.

Item 9.2**Statement of Ethical Obligations and Disclosures of Interest**

Councillor Olly Arkins disclosed a less than significant non-pecuniary interest in Item 9.5 on the agenda, in that there are residents in 12 Ithica Road, Elizabeth Bay, 2 Roslyn Street, Potts Point, and 39 Dangar Place, Chippendale, who are members of the Labor Party.

Councillor Arkins considers that this less than significant non pecuniary interest is not significant and does not require further action in the circumstances as she was not contacted by the residents regarding 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 and Planning Committee.

The Transport, Heritage and Planning Committee recommends the following:

Item 9.3

Public Exhibition - Planning Proposal - City Architect and City Landscape Architect Heritage Items - Sydney Local Environmental Plan 2012 Amendment

It is resolved that:

- (A) Council approve the Planning Proposal - City Architect and City Landscape Architect 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 - City Architect and City Landscape Architect 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 Planning Proposal - City Architect and City Landscape Architect Heritage Items; and
- (D) authority be delegated to the Chief Executive Officer to make any minor variations to the Planning Proposal - City Architect and City Landscape Architect Heritage Items to correct any drafting errors or to ensure consistency with the gateway determination.

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

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Speaker at Public Forum

Kris Leveson addressed the public forum on Item 9.3 of the Transport, Heritage and Planning Committee.

The Transport, Heritage and Planning Committee recommends the following:

Item 9.4

Public Exhibition - Planning Proposal - 41-49 Mountain Street, Ultimo - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

It is resolved that:

- (A) Council approve Planning Proposal - 41-49 Mountain Street, Ultimo, as shown at Attachment A to the subject report, to be submitted to the Minister for Planning and Public Spaces with a request for Gateway Determination;
- (B) Council approve Planning Proposal - 41-49 Mountain Street, Ultimo, as 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 Minister for Planning and Public Spaces 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 Proposal - 41-49 Mountain Street, Ultimo;
- (D) Council approve the Draft Sydney Development Control Plan 41-49 Mountain Street, Ultimo, shown at Attachment B to the subject report for public authority consultation and public exhibition concurrent with the Planning Proposal;
- (E) authority be delegated to the Chief Executive Officer to make any variations to Planning Proposal - 41-49 Mountain Street, Ultimo, to correct any drafting errors or to ensure consistency with the Gateway Determination;
- (F) authority be delegated to the Chief Executive Officer to make any variations to Draft Sydney Development Control Plan 2012 - 41-49 Mountain Street, Ultimo, to correct any drafting errors or ensure it is consistent with the Planning Proposal following the Gateway Determination;
- (G) Council note the Chief Executive Officer will prepare a draft planning agreement in accordance with the letter of offer dated 10 November 2025 at Attachment C to the subject report, and the requirements of the Environmental Planning and Assessment Act 1979, to be exhibited in accordance with the Act; and
- (H) Council note that the Central Sydney Planning Committee, as consent authority in relation to a development application, is recommended to approve the design excellence strategy in principle for 41-49 Mountain Street, Ultimo, as shown at Attachment D.

(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.)

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Speakers at Public Forum

Stewart Doran (Urbis) and Matt Carolan (Apt.Residential) addressed the public forum on Item 9.4 of the Transport, Heritage and Planning Committee.

The Transport, Heritage and Planning Committee recommends the following:

Item 9.5

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 M to 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 12 Ithaca Road, Eizabeth Bay 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 68-68A Darlinghurst Road, Potts Point 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 44-44B Darlinghurst Road, Potts Point 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 2 Roslyn Street, Potts Point;
- (G) note the contents of Attachment F and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 1 Martin Place, Sydney at this time;
- (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 60-70 Elizabeth Street, Sydney at this time;
- (I) note the contents of Attachment H and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 78-80 George Street, Redfern at this time;
- (J) note the contents of Attachment I and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 49-53 Regent Street, Chippendale at this time;
- (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 2-4 Cunningham Street, Haymarket 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 398-402 Sussex Street, Haymarket 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 14-18 Lee Street, Haymarket at this time; and
- (N) note the contents of Attachment M and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 39 Dangar Place, Chippendale.

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

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