

Item 8

Report of the Transport, Heritage and Planning Committee - 11 May 2020

Item 8.1

Disclosures of Interest

Councillor Jess Scully declared a less than significant, non-pecuniary interest in Item 8.6 on the agenda, as she worked on this project in its early stages but has not had any involvement with the project for a long time.

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.

Local Government and Planning Legislation Amendment (Political Donations) Act 2008

No disclosures were made by any members of the public at this meeting of the Transport, Heritage and Planning Committee.

The Committee recommends the following:-

Item 8.2

Public Exhibition – Planning Proposal – 55 Pitt Street, Sydney - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

It is resolved that:

- (A) Council approve Planning Proposal - 55 Pitt Street, Sydney, 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 - 55 Pitt Street, Sydney 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 of 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 - 55 Pitt Street, Sydney;
- (D) Council approve the draft Sydney Development Control Plan 2012 - 55 Pitt Street, Sydney, 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 minor variations to Planning Proposal - 55 Pitt Street, Sydney, following receipt of the gateway determination;
- (F) authority be delegated to the Chief Executive Officer to make any minor variations to Draft Sydney Development Control Plan 2012 - 55 Pitt Street, Sydney to correct any drafting errors or ensure it is consistent with the Planning Proposal following the gateway determination; and
- (G) authority be delegated to the Chief Executive Officer to prepare a draft planning agreement in accordance with the letter of offer dated 2 April 2020 at Attachment C to the subject report, and the requirements of the Environmental Planning and Assessment Act 1979, to be exhibited concurrently with the Planning Proposal and draft Development Control Plan for the site.

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

X027614

The Committee recommends the following:-

Item 8.3

Un-Deferral of Planning Controls - 6-12 O'Riordan Street, 320-322 Botany Road and 324 Botany Road Alexandria (Green Square Town Centre) and Public Exhibition of Draft Planning Agreement

It is resolved that:

- (A) Council note that Toga, the landowner of 6-12 O'Riordan Street and 324 Botany Road, Alexandria, and the future landowner of 320-322 Botany Road, has made an offer to enter into a planning agreement to deliver the following public benefits:
- (i) monetary contribution of \$6,165,059 as at December 2019 (value to be indexed to CPI) towards essential infrastructure, less the cost of public domain works delivered by the developer;
 - (ii) dedication of approximately 583 square metres of land for the future Transport Place around the Green Square train station;
 - (iii) dedication of approximately 24 square metres of land to facilitate a 1.4 metre setback to Botany Road;
 - (iv) dedication of approximately 126 square metres of land to facilitate a 2.4 metre setback to O'Riordan Street;
 - (v) developer's works to construct future footpaths and embellishment of land for Transport Place; and
 - (vi) design and construction of any proposed building to meet the City's Green Infrastructure requirements for recycled water, energy efficiency and air conditioning refrigerant;
- (B) Council note the final terms of the planning agreement are currently being negotiated and, once terms are finalised, the Chief Executive Officer will prepare, publicly exhibit, enter into and register on the title of land a planning agreement in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979; and
- (C) Council request the Minister for Planning and Public Spaces un-defer the land at 6-12 O'Riordan Street, 320-322 Botany Road and 324 Botany Road, Alexandria, from *Sydney Local Environmental Plan (Green Square Town Centre - Stage 2) 2013* and give effect to *Planning Proposal: Sydney Local Environmental Plan 2010 (Green Square Town Centre) - Sites 301 Botany Road, 501 Botany Road, 509 Botany Road, 3 Joynton Avenue, 511-515 Botany Road, 97-115 Portman Street, 811 Elizabeth Street, Zetland; 312-318 Botany Road, 320-322 Botany Road, 324 Botany Road, 318A Botany Road, 6-12 O'Riordan Street and 2A Bourke Road, Alexandria*, to the extent that it applies to the subject land, subject to execution of a planning agreement consistent with the terms detailed in (A), and following the registration of the planning agreement on the title of the land.

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

Speakers

Mr Paul Shaw addressed the meeting of the Transport, Heritage and Planning Committee on Item 8.3.

The Committee recommends the following:-

Item 8.4

Post Exhibition - Planning Proposal – 1-11 Oxford Street, Paddington – Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

It is resolved that:

- (A) Council note matters raised in response to the public exhibition of the Planning Proposal: 1-11 Oxford Street, Paddington and draft Sydney Development Control Plan 2012: 1-11 Oxford Street, Paddington, as detailed in this report and as shown in Attachment E to the subject report;
- (B) Council approve the Planning Proposal: 1-11 Oxford Street, Paddington, as shown at Attachment A, to be made as a local environmental plan under S3.36 of the Environmental Planning and Assessment Act 1979;
- (C) Council approve the draft Sydney Development Control Plan 2012: 1-11 Oxford Street, Paddington, as shown at Attachment B, noting that it will come into effect on the date of publication of the subject local environmental plan, in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000; and
- (D) authority be delegated to the Chief Executive Officer to make any minor amendments to Planning Proposal: 1-11 Oxford Street, Paddington and draft Sydney Development Control Plan 2012: 1-11 Oxford Street, Paddington to correct any minor errors or omissions prior to finalisation.

(Note – At the meeting of the Transport, Heritage and Planning Committee, this recommendation was moved by Councillor Thalís, seconded by Councillor Scully, and carried on the following show of hands –

Ayes (8) The Chair (the Lord Mayor), Councillors Chung, Kok, Miller, Scott, Scully, Thalís and Vithoulkas

Noes (1) Councillor Phelps.

Note – Councillor Phelps abstained from voting on this matter. Pursuant to the provisions of clause 9.4 of the Code of Meeting Practice, Councillor Phelps is taken to have voted against the recommendation.

Carried.)

Speakers

Mr Tim Greer and Mr Giovanni Cirillo addressed the meeting of the Transport, Heritage and Planning Committee on Item 8.4.

X021737

The Committee recommends the following:-

Item 8.5

Award of Heritage Floor Space - Queen Victoria Building

It is resolved that:

- (A) Council approve the Queen Victoria Building Conservation Management Plan, prepared by Urbis Pty Ltd, dated 8 August 2019, as required by the Sydney Local Environmental Plan 2012 and provided at Attachment C to the subject report;
- (B) Council approve the award of 21,238.80 square metres of heritage floor space subject to:
 - (i) placing covenants on the title, as required Clause 6.10 of the Sydney Local Environmental Plan 2012, to ensure that no development will occur on the site that either:
 - (a) increases the total floor area of the building; or
 - (b) increases the height of the building;
 - (ii) placing covenants on title that ensure the continued maintenance and conservation of the building in accordance with the policies of the Queen Victoria Building Conservation Management Plan, prepared by Urbis Pty Ltd, dated 8 August 2019. This covenant must include a requirement for the ongoing provision of adequate insurance and funding for ongoing maintenance as required by the Sydney Development Control Plan 2012; and
- (C) authority be delegated to the Chief Executive Officer to confirm the calculation of the final award and finalise the deed and required covenants in accordance with (B) above.

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

X025781

The Committee recommends the following:-

Item 8.6**Traffic Treatment - Proposed Permanent Road Closure - Loftus Lane, Sydney**

It is resolved that Council approve the permanent road closure of Loftus Lane, Sydney, between Custom House Lane and Loftus Lane (South), to vehicular traffic.

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

S120932

The Committee recommends the following:-

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 H of the subject report;
- (C) exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order as recommended by the City's Investigation Officer to address the identified fire safety deficiencies in 13-19 Glebe Street, Glebe, as detailed in Attachment B;
- (D) not exercise its power to issue a Fire Safety Order under the Environmental Planning and Assessment Act 1979 at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 165 Pitt Street, Sydney, as detailed in Attachment C;
- (E) not exercise its power to issue a Fire Safety Order under the Environmental Planning and Assessment Act 1979 at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 123-129 Clarence Street, Sydney, as detailed in Attachment D;
- (F) not exercise its power to issue a Fire Safety Order under the Environmental Planning and Assessment Act 1979 at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 55 Pirrama Road, Pyrmont, as detailed in Attachment E;
- (G) exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order as recommended by the City's Investigation Officer to address the identified fire safety deficiencies in 12 Darling Drive, Sydney, as detailed in Attachment F;
- (H) exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order as recommended by the City's Investigation Officer to address the identified fire safety deficiencies in 61-63 Market Street, Sydney, as detailed in Attachment G; and
- (I) not exercise its power to issue a Fire Safety Order under the Environmental Planning and Assessment Act 1979 at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 122-124 Flinders Street, Darlinghurst, as detailed in Attachment H;

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

S105001.002