

Item 8**Report of the Transport, Heritage, Environment and Planning Committee - 4 April 2022****Item 8.1****Disclosures of Interest**

Councillor Linda Scott made the following disclosures:

- a less than significant, non-pecuniary interest in Item 8.3 on the agenda, in that the Kings Cross Branch of the Australian Labor Party (ALP) has made a submission on this item and she is a member of the ALP and has attended meetings at this branch. In addition, members of the Kings Cross Branch of the ALP have volunteered for her in her most recent campaign.

Councillor Scott stated that she considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because this submission is only a minor element in this Item and she considers it unlikely to influence her judgement in this matter.

- a less than significant, non-pecuniary interest in Item 8.3 on the agenda, in that Dan Skehan, a member of the ALP, donated \$240 to her campaign and is a resident of Palmer Street. Palmer Street will be impacted by the Foley Street laneway in the Riley-Bourke Streets sub-precinct.

Councillor Scott stated that she considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because the impact caused by the Foley Street laneway is a very minor element in the proposal.

- a less than significant, non-pecuniary interest in Item 8.3 on the agenda, in that Brendan Lunergan donated \$150 to her campaign in 2016, and he lives on Palmer Street which is likely to be impacted by the Foley Street laneway in the sub-precinct.

Councillor Scott stated that she considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because the Foley Street Laneway is unlikely to cause a major impact to the residents of Palmer Street.

- a less than significant, non-pecuniary interest in Item 8.3 on the agenda, in that Luther Weate is a resident of Pelican Street and donated \$765 to her campaign in 2018, and Pelican Street is likely to be impacted by the planning proposal.

Councillor Scott stated that she considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because the impact on Pelican Street from this proposal is unlikely to be significant.

- a less than significant, non-pecuniary interest in Item 8.3 on the agenda, in that within the paper for this item, South Dowling Street is mentioned on page 13 as an area with submitters who did not agree with the proposals and stated that the proposals did not reconcile with recommendations of the heritage study.

Councillor Scott has previously received a donation of \$140 from Daniel Richardson, who lives on South Dowling Street and is also a member of the ALP. Councillor Scott stated that she considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because it is unlikely to influence her judgement, and she provided this disclosure out of an abundance of caution as the paper did not disclose all community members and groups who provided submissions on this planning proposal and South Dowling Street is within the vicinity of the impacted area.

- a less than significant, non-pecuniary interest in Item 8.3 on the agenda, in that she is a member of the Paddington Society, who made a submission on this matter.

Councillor Scott stated that she considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because the Paddington Society's submission was only a small component of the Committee's deliberations and she did not take part in the formation of the submission. Councillor Scott also stated that she understands the submission by the Paddington Society, and associated advocacy, has been delivered to all Councillors equally.

Councillor Sylvie Ellsmore made the following disclosures:

- a less than significant, non-pecuniary interest in Item 8.2 on the agenda, in that she is a member of the Coordinating Committee of the resident actions group, Redfern Everleigh Darlington Waterloo Watch or REDWatch. REDwatch advocates for community input into planning decisions and has made a submission to Councillors for Item 8.2.

Councillor Ellsmore stated that she considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because as an active member of her community, being part of the local residents action group helps inform the decisions she makes on Council. Councillor Ellsmore also stated that she is informed but not bound or directed in any way by her involvement in the group, and her interest is non-pecuniary as she is a member of REDWatch as a volunteer.

- a less than significant, non-pecuniary interest in Item 8.2 on the agenda, in that she previously worked for an Indigenous consultancy, Cox Inall Ridgeway, which undertook a heritage and historical study connecting to the area of the Waterloo South planning proposal.

Councillor HY William Chan disclosed a less than significant, non-pecuniary interest in Item 8.2 on the agenda, in that he is a former employee of Cox Architecture and previously worked on the following Cox Architecture projects:

- former Urban Growth NSW's Growth and Context: The Opportunity at Waterloo (2015);
- Transport for NSW's Sydney Metro City and Southwest, Urban Design: Master Planning Strategies (2015); and
- design development that involved the NSW Communities Plus social housing model, excluding the Waterloo Housing Estate (2019).

Councillor Chan 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 is no longer an employee of Cox Architecture since 2020 and has no relevant relationship to the aforementioned architecture and urban design projects or clients.

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 Transport, Heritage, Environment and Planning Committee recommends the following:

Item 8.2

Public Exhibition - Draft Waterloo Estate (South) Development Control Plan and Submission - Waterloo Estate (South) Planning Proposal and Draft Waterloo Estate (South) Design Guide

It is resolved that:

- (A) Council note the Department of Planning and Environment has placed the Waterloo Estate (South) Planning Proposal and draft Waterloo Estate (South) Design Guide on public exhibition for the period between 3 March 2022 and 29 April 2022;
- (B) Council endorse the draft City of Sydney submission to the public exhibition of the Waterloo Estate (South) Planning Proposal and draft Waterloo Estate (South) Design Guide, provided at Attachment A to the subject report, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strike through~~);

2.1 Social housing and affordable housing:

Recommendations

- Restore the requirement in the publicly exhibited planning proposal that 30% of gross residential floor space on LAHC owned land be for social housing and 20% be for affordable housing.
- Ensure that the minimum % requirement for social and affordable housing applies to all residential floor space in Waterloo Estate (South), including any design excellence floor space.
- Develop innovative funding and procurement models to allow for direct dealings with Community Housing Providers to support the increase of social and affordable housing in Waterloo Estate (South) and in later stages of the redevelopment in Waterloo Estate (North) and Waterloo Estate (Central).
- ***Ensure the Department of Communities and Justice develops and implements the Human Services Plan including the delivery of services to existing residents, during the relocation of residents and all future residents.***

2.2 Aboriginal and Torres Strait Islander housing

The City's draft design guide included provisions to encourage LAHC, and any future community housing providers, to:

- deliver in excess of 10 per cent or more of the affordable housing for Aboriginal and Torres Strait Islander people;
- maintain or increase the current proportion of social housing provided to Aboriginal and Torres Strait Islander people; and
- ensure Aboriginal and Torres Strait Islander housing is culturally appropriate housing and developed in consultation with Aboriginal and Torres Strait Islander people.

Notwithstanding the above, the City acknowledges the Department for maintaining the requirements in the publicly exhibited draft design guide ***recommends allocating 10 per cent or more of the total number of dwellings to be provided for Aboriginal and Torres Strait Islander housing***, noting there is much work to be done to achieve the outcomes aspired to in the draft design guide.

- (C) Council note that the City of Sydney submission recommends:
- (i) restoring the requirement in the publicly exhibited proposal that 30% of gross residential floor space on LAHC owned land be for social housing and 20% be for affordable housing;
 - (ii) targeted funding by the NSW Government to increase the amount of social and affordable housing in Waterloo Estate (South) and in later stages in Waterloo Estate (North) and Waterloo Estate (Central); and
 - (iii) development of innovative funding models and procurement models to allow for direct dealings with Community Housing Providers to support the increase of social and affordable housing in Waterloo Estate (South) and in later stages of the redevelopment in Waterloo Estate (North) and Waterloo Estate (Central);
- (D) Council note additional technical advice may be submitted to the Department of Planning and Environment, prior to the close of the public exhibition period on 29 April 2022, should additional issues be identified or further information be requested by the Department;
- (E) Council approve the draft Sydney Development Control Plan - Waterloo Estate (South), shown at Attachment B to the subject report, for public exhibition for a period of 28 days;
- (F) authority be delegated to the Chief Executive Officer to make any minor variations to the Sydney Development Control Plan - Waterloo Estate (South), shown at Attachment B to the subject report, to correct any drafting errors or inconsistencies, or to ensure consistency with the Waterloo Estate (South) Planning Proposal and draft Waterloo Estate (South) Design Guide;
- (G) authority be delegated to the Chief Executive Officer to adopt the Sydney Development Control Plan - Waterloo Estate (South), shown at Attachment B to the subject report, following public exhibition, if no significant public submissions are received; and
- (H) Council does not give the concurrence required under Regulation 10 of the Environmental Planning and Assessment Regulation 2000 to the reservation of any land under this planning proposal and instructs the Chief Executive Officer to communicate this to the Department of Planning and Environment.

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

The varied recommendation was carried on the following show of hands:

Ayes (8): The Chair (the Lord Mayor), Councillors Chan, Davis, Ellsmore, Kok, Scott, Scully and Weldon

Noes (2): Councillors Gannon* and Jarrett*

Note – Councillors Gannon and Jarrett abstained from voting on this matter. Pursuant to the provisions of clause 9.4 of the Code of Meeting Practice, Councillors Gannon and Jarrett are taken to have voted against the motion.

Motion carried.)

Item 8.3**Post Exhibition - Planning Proposal - Oxford Street Creative and Cultural Precinct - Sydney Local Environmental Plan 2012 and Draft Sydney Development Control Plan 2012 - Public Exhibition - Draft LGBTIQ+ Oxford Street Social and Cultural Place Strategy**

The Transport, Heritage, Environment and Planning Committee decided that consideration of this matter shall be deferred to the meeting of Council on 11 April 2022.

Officer's Recommendation

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

It is resolved that:

- (A) Council note matters raised in response to the public exhibition of the Amended Planning Proposal: Oxford Street Cultural and Creative Precinct and draft Sydney Development Control Plan 2012: Oxford Street Cultural and Creative Precinct as described in this report and as shown in Attachment G to the subject report
- (B) Council approve the Planning Proposal: Oxford Street Cultural and Creative Precinct as shown at Attachment A to the subject report and amended in response to submissions, and request that the Department of Planning and Environment make it 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: Oxford Street Cultural and Creative Precinct as shown at Attachment B to the subject report and amended in response to submissions, 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;
- (D) Council approve the Draft LGBTIQ+ Social and Cultural Place Strategy as shown at Attachment C to the subject report for public exhibition;
- (E) Council note the Transport Study - Oxford Street Cultural and Creative precinct shown at Attachment D to the subject report;
- (F) Council note the matters raised in response to the early consultation on options for taller buildings at Taylor Square as detailed in Attachment H to the subject report, and that these proposals will not proceed at this time; and
- (G) authority be delegated to the Chief Executive Officer to make any minor amendments to the Planning Proposal: Oxford Street Cultural and Creative Precinct and draft Sydney Development Control Plan 2012: Oxford Street Cultural and Creative Precinct to correct any minor errors or omissions prior to finalisation.

Officer's Report

The officer's report on this matter can be found at Item 3 on the agenda of the meeting of the Transport, Heritage, Environment and Planning Committee on 4 April 2022.

X026153

Speakers

Stephan Gyory (Darlinghurst Business Partnership), Vi Hermens (Motorik Records), Mark Crees (Create NSW), Ben Mulcahy, Steven Alderton (National Art School), Greg Fisher (Qtopia Sydney), Mathew Yovich (Precinct Retail), Dan Brady (MA Hotel Management), Anthony Egizii, Michiel Dolk, Luise Elsing (Woollahra Council), Matthew Roberston (Woollahra Council), Stephen Gouge (Ethos Urban), Nick Prilis (Archon Property Pty Ltd), Anthony Kiliass (Urbis), Claude Bereny (The Beacham Hotel), Susan Ritchie (Three Saints Square / The Beacham Hotel), Maximilian Bereny (The Beacham Hotel), Johnny Allen AM, Stephen Davies (Urbis), Vince Squillace (Squillace Architects), George Karageorge (Stasia Property), Steve Pate, Linda Gosling (The Paddington Society), Nathan Larkings (Heaven Nightclub), Daniel Litchfield (Growthbuilt), Brendan Hoskins (Ethos Urban), Joshua Watts (Karbon Property) and Philip Thaliss addressed the meeting of the Transport, Heritage, Environment and Planning Committee on Item 8.3.

The Transport, Heritage, Environment and Planning Committee recommends the following:

Item 8.4

Post Exhibition - Planning Proposal – Green Square Town Centre: 377 - 495 Botany Road and 960A Bourke Street, Zetland – Sydney Local Environmental Plan (Green Square Town Centre) 2013 and Green Square Town Centre Sydney Development Control Plan 2012 Amendment

It is resolved that:

- (A) Council note that no matters were raised in response to the public exhibition of Planning Proposal – Green Square Town Centre: 377 - 495 Botany Road and 960A Bourke Street, Zetland and draft Development Control Plan - Green Square Town Centre: 377 - 495 Botany Road and 960A Bourke Street, Zetland;
- (B) Council approve Planning Proposal – Green Square Town Centre: 377 - 495 Botany Road and 960A Bourke Street, Zetland shown at Attachment A to the subject report to be made as a local environmental plan under Section 3.36 of the Environmental Planning and Assessment Act 1979;
- (C) Council approve draft Development Control Plan - Green Square Town Centre: 377 - 495 Botany Road and 960A Bourke Street, Zetland shown at Attachment B to the subject report, noting that the approved development control plan will come into effect on the date of publication of the subject local environmental plan;
- (D) Council approve the Design Excellence Strategy for 377-495 Botany Road, Zetland (also known as site 8A and 8B), version 3.0, prepared by Ethos Urban Pty Ltd and dated 11 March 2022, as shown in Attachment E to the subject report, pursuant to Section 6.1 of the Green Square Town Centre Development Control Plan 2012 and Section 1.2 of the Competitive Design Policy; and
- (E) authority be delegated to the Chief Executive Officer to make minor variations to Planning Proposal – Green Square Town Centre: 377 - 495 Botany Road and 960A Bourke Street, Zetland and draft Development Control Plan - Green Square Town Centre: 377 - 495 Botany Road and 960A Bourke Street, Zetland to correct any minor drafting errors prior to finalisation.

(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.)

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The Transport, Heritage, Environment and Planning Committee recommends the following:

Item 8.5

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 39-43 Darlinghurst Road, Potts Point;
- (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 7-9 Wilmot Street, Sydney;
- (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 389-393 Bourke Street, Surry Hills.

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

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