

Item 11

Report of the Transport, Heritage, Environment and Planning Committee - 20 June 2022

Item 11.1

Disclosures of Interest

Councillor (Waskam) Emelda Davis made the following disclosures:

- a less than significant, non-pecuniary interest in Item 11.2 on the agenda, in that she has an existing relationship with various faculties at the University of Sydney, hosting social justice symposiums over the years, such as the Macleay Museum / Faculty of Law (2010, 2013, 2014, 2016), presenting, hosting and participating in ASSI/Pacific forums; in 2018 ASSIPJ were hired to participate and cater for the Business School Justice Through Treaty Workshop, and more recently, as a guest Councillor to the 2022 30th Anniversary of Mabo Decision.
- a less than significant, non-pecuniary interest in Item 11.2 on the agenda, in that as Chair of ASSIPJ, they are currently a Partner Investigator on an Australian Research Council Grant with the University of NSW School of Humanities and Languages. The grant is yet to be received in 2023/24.

Councillor Davis stated that she considers that these non-pecuniary conflicts of interest are not significant and do not require further action in the circumstances because they are of a relationship and historical basis, and they do not impede the objectiveness of her decision-making and do not render personal beneficiary benefits.

Councillor Sylvie Ellsmore made the following disclosures:

- a less than significant, non-pecuniary interest in Item 11.5 on the agenda, in that she is a member of her local residents action group Redfern Eveleigh Darlington and Waterloo, or REDWatch, where she is an elected member. REDWatch has previously provided submissions to Council and been consulted by Council on this item.
- a less than significant, non-pecuniary interest in Item 11.5 on the agenda, in that she was formerly employed by Indigenous consultancy Cox Inall Ridgeway to undertake a cultural heritage study for the Botany Road precinct, which was independent advice provided to the Council a couple of years ago.

Councillor Ellsmore stated that she considers that both of these non-pecuniary conflicts of interest are not significant and do not require her to absent herself from the discussion. She is no longer employed by Cox Inall Ridegway, and with REDWatch she is an unpaid volunteer, and she considers that her former roles and current roles inform her understanding of this item but do not bind her in any particular way in relation to decision-making.

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

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

Item 11.2

Grants and Sponsorship - Environmental Grants

It is resolved that:

- (A) Council approve the cash recommendations for the Environmental Performance - Innovation Grant Program as shown at Attachment A to the subject report;
- (B) Council note the applicants who were not successful in obtaining a cash grant for the Environmental Performance - Innovation Grant Program as shown at Attachment B to the subject report;
- (C) Council approve the cash recommendations for the Environmental Performance - Ratings and Assessment Grant Program as shown at Attachment C to the subject report;
- (D) Council note the applicants who were not successful in obtaining a cash grant for the Environmental Performance - Ratings and Assessment Grant Program as shown at Attachment D to the subject report;
- (E) Council note that all grants amounts are exclusive of GST;
- (F) authority be delegated to the Chief Executive Officer to negotiate, execute and administer agreements with any organisation approved for a grant or sponsorship under terms consistent with this resolution and the Grants and Sponsorship Policy; and
- (G) authority be delegated to the Chief Executive Officer to correct minor errors to the matters set out in this report, noting that the identity of the recipient will not change, and a CEO Update will be provided to Council advising of any changes made in accordance with this resolution.

(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 on the following show of hands:

Ayes (7) The Chair (the Lord Mayor), Councillors Chan, Davis, Gannon, Kok, Scully and Weldon

Noes (1) Councillor Ellsmore*

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

S117676

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

Item 11.3

Project Scope - Castlereagh Street Cycleway

It is resolved that Council:

- (A) approve the concept design for the Castlereagh Street cycleway and footpath widening as shown in Attachment B to the subject report for finalising detailed documentation and construction tender; and
- (B) note the estimated project costs as detailed in Confidential Attachment D to the subject report.

(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.)

X026113

Speakers

Paul Brasch (Castlereagh Boutique Hotel and NSW Masonic Club), Jed Finnane, Mark Rossiter (Five at Heart), Nick Bonich (Bike Sydney) and Francis O'Neill (Bicycle NSW) addressed the meeting of the Transport, Heritage, Environment and Planning Committee on Item 11.3.

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

Item 11.4

Project Scope - Loftus Street, Reiby Place and Customs House Lane Upgrade

It is resolved that Council:

- (A) endorse the scope of works for the Loftus Street, Reiby Place and Customs House Lane Upgrade as described in the subject report for progression to detailed design, documentation and construction of works; and
- (B) note that the required traffic changes and permanent closure of the road to vehicular traffic (service and loading provided) will be consulted with the community and approvals obtained in accordance with the Roads Act 1993.

(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.)

X084582

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

Item 11.5

Post Exhibition - Planning Proposal – Botany Road Precinct – 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: Botany Road Precinct and Draft Sydney Development Control Plan 2012 - Botany Road Precinct as shown in Attachment A to the subject report;
- (B) Council approve Planning Proposal: Botany Road Corridor, as shown at Attachment B to the subject report and amended in response to submissions, to be made 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 - Botany Road Precinct, as shown in Attachment C to the subject report, as amended in response to submissions, noting that the approved development control plan will come into effect on the date of publication of the subject local environmental plan; and
- (D) authority be delegated to the Chief Executive Officer to make minor variations to Planning Proposal: Botany Road Precinct and Draft Sydney Development Control Plan 2012 - Botany Road Precinct to correct any minor errors prior to finalisation.

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

X031159

Speakers

Geoffrey Long, Diarmuid Maguire, Robert Court, Lisa Sorrentino (City West Housing), Simon Steggels, Karen Parouchais, Adrian Kotzen, Polina Oussova, Jean-Baptiste Aubrun, Devorah Friedman, Dickon Boyles, Craig Ware, Andrew Balint, Rich Long, Sue Kang, Minette Shuen, Kai Shuen, Constance Zhang, Rosie Baker, Ashleigh Ryan (Urbis), Daniel Howard (Ethos Urban), Michael Rowe (Ethos Urban), Nick Smith (Kippax Property), Stephen Gouge (Ethos Urban), Stephen Jamison (Kann Finch), Daniel Sekers (Bluestone), and Lucas Comino addressed the meeting of the Transport, Heritage, Environment and Planning Committee on Item 11.5.

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

Item 11.6

Public Exhibition - Managing Waste in Public Places Local Approvals Policy

It is resolved that:

- (A) Council approve the draft Managing Waste in Public Places Local Approvals Policy 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 draft Managing Waste in Public Places Local Approvals Policy, including any recommended changes, will be reported to Council for adoption following the exhibition period; and
- (C) authority be delegated to the Chief Executive Officer to undertake minor editorial corrections prior to the exhibition of the draft Managing Waste in Public Places Local Approvals Policy.

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

X006529.004

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

Item 11.7

Public Exhibition - Mobile Food Vending Vehicles Local Approvals Policy

It is resolved that:

- (A) Council approve the draft Mobile Food Vending Vehicle Local Approvals Policy, as shown at Attachment A to the subject report, for public exhibition; and
- (B) authority be delegated to the Chief Executive Officer to undertake minor editorial corrections prior to the exhibition of the draft Mobile Food Vending Vehicle Local Approvals Policy.

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

X087518

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

Item 11.8

Public Exhibition - Contaminated Land Policy

It is resolved that:

- (A) Council approve the draft Contaminated Land Policy, as shown at Attachment A to the subject report, for public exhibition; and
- (B) authority be delegated to the Chief Executive Officer to undertake minor editorial corrections prior to the exhibition of the draft Contaminated Land Policy.

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

S111706

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

Item 11.9

Public Exhibition - Outdoor Dining Policy, Outdoor Dining Guidelines, and Display of Goods on the Footway Local Approvals Policy

It is resolved that:

- (A) Council approve for public exhibition:
 - (i) the draft Outdoor Dining Policy shown at Attachment A to the subject report;
 - (ii) the draft Outdoor Dining Guidelines shown at Attachment B to the subject report; and
 - (iii) the draft Display of Goods on the Footway Local Approvals Policy shown at Attachment C to the subject report;
- (B) Council approve the draft Display of Goods on the Footway Local Approvals Policy shown at Attachment C for submission to the Office of Local Government with a request for the consent of the Departmental Chief Executive for the adoption of the Policy in accordance with section 162 of the Local Government Act 1993;
- (C) authority be delegated to the Chief Executive Officer to amend the Outdoor Dining Guidelines to remove Appendix 1 'Road area reallocated to outdoor dining' at such time as applications for on-street outdoor dining are no longer accepted;
- (D) the Chief Executive Officer be requested to write to Liquor and Gaming NSW to request that barriers not be included in the license conditions of premises in alcohol free zones on George Street and Martin Place; and
- (E) authority continue to be delegated to the Chief Executive Officer to, by notice on the City's website, approve the use of roads, footways and public open spaces for outdoor dining, extension of foyer space, performance space and other permitted uses under Part 12 of the Liquor Act 2007 in accordance with the requirements of that Act, with the delegation to apply until 11 December 2023.

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

S060627-02

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

Item 11.10

Public Exhibition - Planning Proposal - Pitt and Hunter Streets, Sydney - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

It is resolved that:

- (A) Council approve Planning Proposal – 15-25 Hunter Street and 105-107 Pitt Street, Sydney, 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 – 15-25 Hunter Street and 105-107 Pitt Street, as shown at Attachment A to the subject report to 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 Homes 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 – 15-25 Hunter Street and 105-107 Pitt Street, Sydney;
- (D) Council approve the Draft Sydney Development Control Plan 2012 – 15-25 Hunter Street and 105-107 Pitt Street, Sydney Amendment, 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 – 15-25 Hunter Street and 105-107 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 – 15-25 Hunter Street and 105-107 Pitt Street, Sydney Amendment 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 and exhibit a draft planning agreement in accordance with the letter of offer dated 1 April 2022 at Attachment C to the subject report and the requirements of the Environmental Planning and Assessment Act 1979.

(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.)

X038757

Speakers

James Milligan (Milligan Group) addressed the meeting of the Transport, Heritage, Environment and Planning Committee on Item 11.10.

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

Item 11.11

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, Environment and Planning Committee, this recommendation was moved by Councillor Chan, seconded by the Chair (the Lord Mayor), and carried unanimously.)

S040864

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

Item 11.12

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 and C 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 81-81A Foveaux Street, Surry Hills; and
- (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 33 Ultimo Road, Haymarket.

(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.)

S105001.002