

Various site amendments to Sydney LEP 2012

Proposal Title : **Various site amendments to Sydney LEP 2012**

Proposal Summary : **Amend Sydney Local Environmental Plan 2012 as it applies to various sites to achieve the following outcomes:**

1. 287 - 289 Crown Street, Surry Hills - increase height control from 15 to 18 metres and FSR control from 2.5:1 to 3.25:1 to enable the redevelopment of the site for residential purposes.

2. 119 - 123 Cooper Street and 48 - 50 Adelaide Street, Surry Hills - rezone the land from R1 General Residential to RE1 Public Recreation to reflect the current use of both sites as parks/open space.

3. 72 - 90 Telopea Street, Redfern and 72-90A Telopea Street, Redfern - correct an error which meant that no FSR control was applied to this land on the FSR map by introducing a FSR control of 1.25:1.

4. Properties identified within the Alexandria Park neighbourhood bound by Buckland, Fountain, McEvoy and Wyndham Streets - rezone the properties from R1 General Residential to B4 Mixed Uses.

PP Number : **PP_2012_SYDNE_007_00**

Dop File No :

12/18285

Proposal Details

Date Planning
Proposal Received : **14-Nov-2012**

LGA covered : **Sydney**

Region : **Sydney Region East**

RPA : **Council of the City of Sydney**

State Electorate : **HEFFRON
SYDNEY**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **287 - 289 Crown Street**

Suburb : **Surry Hills**

City : **Sydney**

Postcode : **2010**

Land Parcel : **Lot 1 DP 513205**

Street : **119 - 123 Cooper Street**

Suburb : **Surry Hills**

City : **Sydney**

Postcode : **2010**

Land Parcel : **Lot 1 DP 135754, Lot 1 DP 1150032, Lot 2 DP 1150032, Lot 3 DP 1150032, Lot 4 DP 1150032**

Street : **48-50 Adelaide Street**

Suburb : **Surry Hills**

City : **Sydney**

Postcode : **2010**

Land Parcel : **Lot 1 DP 71208, Lot 1 DP 52930**

Street : **72-90 Telopea Street**

Suburb : **Redfern**

City : **Sydney**

Postcode : **2016**

Land Parcel : **Lot 1 DP 33786, Lot 2 DP 33786, Lot 3 DP 33786, Lot 4 DP 33786, Lot 5 DP 33786, Lot 6 DP 33786, Lot 7 DP 33786, Lot 8 DP 33786, Lot 9 DP 33786, Lot 10 DP 33786**

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Street :	72-90A Telopea Street		
Suburb :	Redfern	City :	Sydney
		Postcode :	2016
Land Parcel :	Lot 22 DP 33786		
Street :	59-99 Belmont Street		
Suburb :	Alexandria	City :	Sydney
		Postcode :	2015
Land Parcel :	Lot 1 DP 232912, Lot 2 DP 232912, Lot 3 DP 232912, Lot 4, DP 232912, Lot 5 DP 232912, Lot 6 DP 232912, Lot 1 DP 84566		
Street :	60-72 Belmont Street		
Suburb :	Alexandria	City :	Sydney
		Postcode :	2015
Land Parcel :	Lot 1 DP 743915, Lot 1 DP 996759		
Street :	92-94 Buckland Street		
Suburb :	Alexandria	City :	Sydney
		Postcode :	2015
Land Parcel :	Lot 10 DP 615964		
Street :	15-17 Fountain Street		
Suburb :	Alexandria	City :	Sydney
		Postcode :	2015
Land Parcel :	Lot 1 DP 229062		
Street :	105-109 McEvoy Street		
Suburb :	Alexandria	City :	Sydney
		Postcode :	2015
Land Parcel :	Lot B DP 388055		
Street :	119-133 McEvoy Street		
Suburb :	Alexandria	City :	Sydney
		Postcode :	2015
Land Parcel :	Lot 1 DP 224348, Lots 1-14 SP 33308		
Street :	135-139 McEvoy Street		
Suburb :	Alexandria	City :	Sydney
		Postcode :	2015
Land Parcel :	Lot 1 DP 346555		
Street :	141-143 McEvoy Street		
Suburb :	Alexandria	City :	Sydney
		Postcode :	2015
Land Parcel :	Lot D DP 109038		
Street :	145 McEvoy Street		
Suburb :	Alexandria	City :	Sydney
		Postcode :	2015
Land Parcel :	Lot 2 DP 229062		
Street :	3-7 Power Ave		
Suburb :	Alexandria	City :	Sydney
		Postcode :	2015
Land Parcel :	Lot C DP 154945, Lot B DP 154945, Lot A DP 154945		
Street :	9 Power Ave		
Suburb :	Alexandria	City :	Sydney
		Postcode :	2015
Land Parcel :	Lot 2 DP 803580		
Street :	117 Wyndham Street		
Suburb :	Alexandria	City :	Sydney
		Postcode :	2015
Land Parcel :	Lot 2 DP 997104, Lot 1 DP 997104		

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Street :	119 Wyndham Street			
Suburb :	Alexandria	City :	Sydney	Postcode : 2015
Land Parcel :	Lot 1 DP 997105			
Street :	121 Wyndham Street			
Suburb :	Alexandria	City :	Sydney	Postcode : 2015
Land Parcel :	lot 1 DP 997106			
Street :	123-129 Wyndham Street			
Suburb :	Alexandria	City :	Sydney	Postcode : 2015
Land Parcel :	Lot A DP 388055			
Street :	131 Wyndham Street			
Suburb :	Alexandria	City :	Sydney	Postcode : 2015
Land Parcel :	Lot 1 DP 84097			
Street :	121A Wyndham Street			
Suburb :	Alexandria	City :	Sydney	Postcode : 2015
Land Parcel :	Lot 1 DP 194363			
Street :	46-58 Belmont Street			
Suburb :	Alexandria	City :	Sydney	Postcode : 2015
Land Parcel :	Lots 1 - 47 SP 63031, Lot 100 DP 1012983			
Street :	100 - 102 Buckland Street			
Suburb :	Alexandria	City :	Sydney	Postcode : 2015
Land Parcel :	Lot 1 DP 226123, Lots 1 -24 SP 64637			
Street :	52 Mitchell Road			
Suburb :	Alexandria	City :	Sydney	Postcode : 2015
Land Parcel :	Lot 100 DP 1026327			
Street :	11 - 15 Power Avenue			
Suburb :	Alexandria	City :	Sydney	Postcode : 2015
Land Parcel :	Lots 1-134 SP 67235, Lot 1 DP 1037152			
Street :	76 Mitchell Road			
Suburb :	Alexandria	City :	Sydney	Postcode : 2015
Land Parcel :	Lot 101 DP 1040294			
Street :	74 Mitchell Road			
Suburb :	Alexandria	City :	Sydney	Postcode : 2015
Land Parcel :	Lot 100 DP 1040294			
Street :	111-117 McEvoy Street			
Suburb :	Alexandria	City :	Sydney	Postcode : 2015
Land Parcel :	Lots 1 - 80 SP 69357, Lot 120 DP 1048809			
Street :	96-98 Buckland Street			
Suburb :	Alexandria	City :	Sydney	Postcode : 2015
Land Parcel :	Lots 1 - 7 SP 70284, Lot 100 DP 1056353			

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :
 Contact Number :
 Contact Email :

Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :	Metro Sydney City subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government **Yes**
 Lobbyists Code of
 Conduct has been
 complied with :

If No, comment :

Have there been **No**
 meetings or
 communications with
 registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting
 Notes :

External Supporting
 Notes : **During the public exhibition of Sydney LEP 2012, Council received a number of
 submissions highlighting errors or requesting changes to planning controls.**

**Where these changes required significant departures from the exhibited LEP and were
 supported by Council, Council resolved to prepare a planning proposal to address them
 rather than change the draft LEP which may have required it to be re-exhibited. This
 proposal gives effect to Council's resolution.**

Various site amendments to Sydney LEP 2012

The planning proposal is to amend Sydney LEP 2012 as it applies to the following land:

1. 287 - 289 Crown Street, Surry Hills - increase the height control applying to the site from 15 to 18 metres and the FSR control from 2.5:1 to 3.25:1 to promote the redevelopment of the site for residential purposes.

2. 119 - 123 Cooper Street and 48 - 50 Adelaide Street, Surry Hills - rezone the land from R1 General Residential to RE1 Public Recreation to reflect the current use of both sites as parks/open space.

3. 72 - 90 Telopea Street, Redfern and 72-90A Telopea Street, Redfern - correct an error which meant that no FSR control was applied to this land on the FSR map by introducing a FSR control of 1.25:1.

4. Properties identified within the Alexandria Park neighbourhood bound by Buckland, Fountain, McEvoy and Wyndham Streets - rezone the properties from R1 General Residential to B4 Mixed Use.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : Council advises that the objective of this planning proposal is to amend Sydney LEP 2012 as it applies to the following sites:

(1) 287-289 Crown Street, Surry Hills - increase height and FSR controls to enable the redevelopment of the site for residential purposes.

(2) 119-123 Cooper Street and 48-50 Adelaide Street, Surry Hills – proposed rezoning to reflect the current use of both sites as parks/open space.

(3) 72-90 Telopea Street, Redfern and 72-90A Telopea Street, Redfern – to introduce floor space ratio controls which were erroneously omitted from the Sydney Local Environmental Plan 2012.

(4) Properties identified within the Alexandria Park neighbourhood bounded by Buckland, Fountain, McEvoy and Wyndham Streets – proposed amendment to rezone the properties from R1 General Residential zone to B4 Mixed Uses zone.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : Council advises that the planning proposal is to amend Sydney LEP 2012 by:

1. In relation to 287-289 Crown Street, Surry Hills, amending the FSR map to increase the FSR control from 2.5:1 to 3.25:1 and the height of building map to increase the height control from 15 metres to 18 metres.

2. Amending the land zoning map to change the land use zone applying to 119-123 Cooper Street, Surry Hills from R1 General residential to RE1 Public recreation.

3. Amending the land zoning map to change the land use zone applying to 48-50 Adelaide Street, Surry Hills from R1 General residential to RE1 Public recreation.

4. Amending the FSR map to introduce a FSR control of 1.25:1 to the land at 72-90 and 72-90A Telopea Street, Redfern.

5. Amending the land zoning map to change the land use zone applying to the land bounded by Buckland, Fountain, McEvoy, and Wyndham Streets from R1 General residential to B4 Mixed use.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

2.3 Heritage Conservation

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **N/A**

e) List any other matters that need to be considered :

Section 117 Directions:

1.1 Business and industrial zones

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary). Further, while the proposal is increasing the business activity on some sites, this increase has not been identified in a strategy endorsed by the Director-General and as such the proposal is inconsistent with this s117 direction. However, as the increase is minor, the inconsistency is justified.

The planning proposal states that this direction is not applicable to this proposal. Council should be requested to revise the planning proposal to include the above information.

3.1 Residential Zones

A key objective of S.117 Direction 3.1 is to encourage a variety and choice of housing types to provide for existing and future housing needs. While the proposal facilitates the rezoning of various sites within the Alexandria Park neighbourhood from R1 to B4, resulting in the net loss of land zoned residential within the LGA, only three of the 27 properties are used primarily for residential purposes. The B4 zone would not inhibit the future use of these sites for residential development and therefore the planning proposal is justifiably inconsistent with S.117 Direction 3.1.

The proposed rezoning of 119-123 Cooper St and 48 - 50 Adelaide St (two existing council owned parks) from R1 to RE1 also results in the loss of land zoned residential within the LGA. However, these sites are not currently used for residential purposes nor are they intended to be in the future. The rezoning of this land is justifiably inconsistent with direction 3.1.

3.4 Integrating Land Use and Transport

The proposal does not contradict or hinder achievement of Improving Transport Choice - Guidelines for planning and development (DUAP 2001), and The Right Place for Business and Services - Planning Policy (DUAP 2001).

6.2 Reserving Land for Public Purposes

The proposed rezoning of 119-123 Cooper St and 48-50 Adelaide St (two existing Council owned parks) from R1 to RE1 recognises the current use of both sites as public parks.

7.1 Implementation of the Metropolitan Strategy

The proposal is consistent with the Metropolitan Plan for Sydney 2036.

SEPPs

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Council has not identified the planning proposal's consistency or otherwise with any SEPPs. The Department considers the proposal to be consistent with all SEPPs.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Sydney Local Environmental Plan 2012 Maps provided as follows:**

- Height of Buildings Map
- FSR Map
- Land Zoning Map

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council advises:**
The proposal will be exhibited for a period of not less than 14 days. Notification of public exhibition will be on the City of Sydney website and in newspapers that circulate widely in the area.

Information relating to the proposal will be on display at the CBD, Kings Cross, Redfern and Green Square customer service centres.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **December 2012**

Comments in relation to Principal LEP : **On 20 November 2012, the Parliamentary Counsel's Office issued an Opinion that draft Sydney LEP 2012 could be legally made.**

It is anticipated that the draft LEP will be finalised by the end of November or early December 2012.

As such, this planning proposal will be an amendment to the soon-to-be made Principal LEP.

Assessment Criteria

Need for planning proposal : **During the public exhibition of draft Sydney LEP 2012, Council received a number of submissions highlighting errors or requesting changes to planning controls. Where these changes required significant departures from the exhibited LEP and were supported by Council, Council resolved to prepare a planning proposal to address them rather than change the draft LEP which may have required it to be re-exhibited.**

Consistency with strategic planning framework :

Council's approach is supported by the Department. Making the changes subject to this proposal as post exhibition amendments to the draft LEP may have caused significant delays or exposed it to legal challenge.

The planning proposal is consistent with the Metropolitan Plan for Sydney 2036. In particular, by providing increased FSR controls for the Crown Street site the proposal promotes redevelopment for higher density residential accommodation in a well connected and highly accessible existing centre.

The proposal is consistent with the following key directions of the draft Sydney City Subregional Strategy (SCSS):

- plan for housing choice;
- improve the quality of the built environment; and
- aim to decrease the subregion's ecological footprint.

Redevelopment of 287-289 Crown Street will result in a more environmentally sustainable building which improves the built environment.

The proposed B4 Mixed Use Zone for properties within the Alexandria Park neighbourhood is consistent with the Metropolitan Plan for Sydney 2036 which seeks to promote sustainable growth and the clustering of activity in areas to help reduce urban sprawl and locate similar businesses together for productivity benefits. The B4 Zone in this location will allow commercial development in addition to residential and retail uses.

This proposal also relates to three key directions of the draft SCSS ie:-

- Reinforce global competitiveness and strengthen links to the regional economy;
- Plan for sustainable development of major urban renewal projects; and
- Plan for housing choice.

The objective of the B4 Zone is to provide for a mixture of compatible land uses and integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport usage and encourage walking and cycling. The proposed zoning change will enable adaptive re-use of the existing buildings for mixed-used development and encourage uses that will promote the type of ground floor activation envisaged to enliven the area.

Both the proposed amendments mentioned above also relate to the key Directions of the City of Sydney's Sustainable Sydney 2030 Strategic Plan:

- Vibrant Local Community and Economies
- Housing for a Diverse Population and
- Sustainable Development, Renewal and Design.

Environmental social economic impacts :

The proposal identifies the following environmental and social impacts:

- uplift in height and FSR controls for 287 - 289 Crown Street will facilitate the orderly and economic use of the land; Analysis undertaken by Council suggests that the increase in development controls for this site will not have any significant adverse impacts on the amenity of surrounding development.
- rezoning of Council owned parks at Cooper Street and Adelaide Street from R1 to RE1 will ensure that the intent of the use of the land is clear to the community;
- application of FSR controls for sites at 79-90A Telopea Street is consistent with development standards in the Sydney LEP 2012; and
- rezoning of properties within the Alexandria Park Neighbourhood to B4 Mixed Uses will recognise approximately 80% of the properties within the area being used for non-residential purposes prohibited under the R1 Zone. The B4 Mixed Uses zone will also assist with the redevelopment of underdeveloped sites in the neighbourhood.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 Month** Delegation : **DG**

Public Authority : **Transport for NSW**
 Consultation - 56(2)(d) : **Transport for NSW - Roads and Maritime Services**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **While Council has only asked for a 6 month timeframe to complete the planning proposal, a 9 month timeframe is considered more realistic because of the approach of the Christmas break.**

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :
No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
City of Sydney planning proposal - various sites.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Additional Information : **It is recommended that the planning proposal proceed, subject to the following conditions:**

1. The planning proposal shall be amended to explain what impact, if any, the

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application of an FSR control of 1.25:1 to the land at 72-90A Telopea Street, Redfern will have on the Baptist Street Heritage Conservation Area.

2. The planning proposal shall be amended to include a discussion on the applicability and justifiable inconsistency with s117 direction 1.1 Business and industrial zones.

3. That the Director General approve the inconsistencies with s117 direction 1.1 Business and industrial zones and 3.1 Residential Zones on the basis that the inconsistencies are minor.

4. The planning proposal shall be amended to include a discussion on the proposals consistency with State Environmental Planning Policies.

5. The planning proposal be publicly exhibited for a period of not less than 14 days;

6. Council is to consult with Transport for NSW. This can be undertaken during public exhibition.

7. The planning proposal is to be finalised within 9 months from the date of gateway determination.

Supporting Reasons :

The planning proposal rectifies a number of errors that were identified after draft Sydney LEP 2012 was exhibited. These will have little or no impact to surrounding development and serve to clarify Council's intention for the relevant sites.

The rezoning of the land bounded by Buckland, Fountain, McEvoy and Wyndham Streets in Alexandria from R1 General residential to B4 Mixed use more accurately reflects the existing uses on the site and allows for its orderly redevelopment.

The proposed increase to the height and FSR controls applying to the land at 287-289 Crown Street, Surry Hills has undergone extensive urban design analysis by Council which found that the increase would not have a detrimental impact on surrounding development. Additionally, the increased controls will promote the redevelopment of the site for increased housing in an accessible location close to jobs and amenities.

The changes to controls for both the Alexandria and Surry Hills sites respond to submissions made to Sydney LEP 2012.

Signature:



Printed Name:

DAVID PITNEY

Date:

23/11/12