

Sydney Local Environmental Plan - Amendment relating to sites in:- Nickson Street, Surry Hills; Pine Street, Newtown; and various sites in Alexandria, Waterloo, Rosebery and Zetland

Proposal Title :	Sydney Local Environmental Plan - Amendment relating to sites in:- Nickson Street, Surry Hills; Pine Street, Newtown; and various sites in Alexandria, Waterloo, Rosebery and Zetland		
Proposal Summary :	Amend Sydney LEP 2012 to: 1. Rezone 37 to 61 Nickson Street, Surry Hills from Zone B4 Mixed Use to Zone R1 General Residential; 2. List "The Three Proud People" mural at 39 Pine Street, Newtown in schedule 5 - Environmental Heritage - as an item of local heritage significance; and 3. Identify five small parcels of land in Alexandria, Waterloo, Zetland and Rosebery as being required by the Roads and Maritime Authority for classified road purposes.		
PP Number :	PP_2012_SYDNE_008_00	Dop File No :	13/01143

Proposal Details

Date Planning Proposal Received :	18-Dec-2012	LGA covered :	Sydney
Region :	Sydney Region East	RPA :	Council of the City of Sydney
State Electorate :	HEFFRON MARRICKVILLE SYDNEY	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	37-61 Nickson Street		
Suburb :	Surry Hills	City :	Sydney
Land Parcel :		Postcode :	2010
Street :	39 Pine Street		
Suburb :	Newtown	City :	Sydney
Land Parcel :	Lot 117 DP 2070 and Lot 1 DP 103950	Postcode :	2042
Street :	Henderson Road		
Suburb :	Alexandria	City :	Sydney
Land Parcel :	Lot 1000 DP1092450	Postcode :	2015
Street :	Botany Road		
Suburb :	Waterloo	City :	Sydney
Land Parcel :	Lot 1 DP229389	Postcode :	2017
Street :	McEvoy Street		
Suburb :	Alexandria	City :	Sydney
Land Parcel :	Lot 1 & 5 DP243107 and Lot 1 DP230727	Postcode :	2015

Sydney Local Environmental Plan - Amendment relating to sites in:- Nickson Street, Surry Hills; Pine Street, Newtown; and various sites in Alexandria, Waterloo, Rosebery and Zetland

Street : 377-497 Botany Road

Suburb : Zetland

City : Sydney

Postcode : 2017

Land Parcel : Lot 1 DP 628547

Street : 583 Botany Road

Suburb : Rosebery

City : Sydney

Postcode : 2018

Land Parcel : Lot 11 DP 604322

DoP Planning Officer Contact Details

Contact Name : Daniel Cutler

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RPA Contact Details

Contact Name : Glenda Goldberg

Contact Number : 0292659366

Contact Email : ggolbber@cityofsydney.nsw.gov.au

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : N/A

Release Area Name : N/A

Regional / Sub
Regional Strategy : Metro Sydney City subregion

Consistent with Strategy : Yes

MDP Number : NA

Date of Release :

Area of Release (Ha) 0.00

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 Lobbyists Code of
Conduct has been
complied with : Yes

If No, comment :

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

If Yes, comment :

Sydney Local Environmental Plan - Amendment relating to sites in:- Nickson Street, Surry Hills; Pine Street, Newtown; and various sites in Alexandria, Waterloo, Rosebery and Zetland

Supporting notes

Internal Supporting
Notes :

BACKGROUND

Sydney LEP 2012 was published on 14 December 2012. During the LEP process it was recognised that a number of changes to the LEP were required. Rather than risk the possibility of re-exhibition of the draft LEP it was agreed that Council would prepare planning proposals to effect these amendments.

CODE OF CONDUCT

At this point in time, to the best of the Regional Team's knowledge, this Planning Proposal is compliant with the Department of Planning and Infrastructure's Code of Practice in relation to communications and meetings with lobbyists.

POLITICAL DONATIONS DISCLOSURE STATEMENT

The political donation disclosure laws commenced on 1 October 2008. The legislation requires public disclosure of donations or gifts for certain circumstances relating to the Planning system.

The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning means:

"A formal request to the Minister, a council or the Director-General to initiate the making of an environmental planning instrument..."

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Director General is required to disclose all reportable political donations (if any).

No disclosures were provided for this planning proposal.

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 and is to amend Sydney LEP 2012 as it applies to the following subject land that is

1. 37-61 Nickson Street, Surry Hills;
2. 39 Pine Street, Newtown; and
3. Various sites in Alexandria, Waterloo, Zetland and Rosebery.

The planning proposal aims to ensure that the residential character of Nickson Street, Surry Hills is maintained and to protect the heritage significance of the "Three Proud People" which is located at 39 Pine Street, Newtown. The planning proposal also reserves land for future acquisition by the Roads and Maritime Services.

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment :

Council advises that the objectives of the planning proposal are to:

- (a) Maintain the residential character of the Nickson Road, Surry Hills locality;

Sydney Local Environmental Plan - Amendment relating to sites in:- Nickson Street, Surry Hills; Pine Street, Newtown; and various sites in Alexandria, Waterloo, Rosebery and Zetland

(b) Protect the heritage significance of the "Three Proud People" mural at 39 Pine Street, Newtown; and

(c) Reserve land for future acquisition by the Roads and Maritime Service (RMS), for the purpose of classified roads, and enable affected landowners to require the RMS to acquire that land under the owner-initiated acquisition provisions of the Land Acquisition (Just Terms Compensation) Act 1991.

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

Is an explanation of provisions provided? Yes

Comment : Council advises that the provisions of the planning proposal include:-

(1) Amending the Sydney LEP 2012 Land Zoning Maps LZN_010 and LZN_016 (attachment A to the report), to adopt:-

(a) Zone R1 General Residential for the land at 37 to 61 Nickson Street, Surry Hills; and

(b) Zone SP2 Infrastructure (Classified Road) for two parcels of land to be reserved for classified road purposes.

(2) Amending the Sydney LEP 2012 Heritage Schedule and Heritage Map (map as shown on sheet HER_010 at attachment B) to include the "Three Proud People" mural on the Leamington Lane façade of the terrace house at 39 Pine Street, Newtown (Lot 117 DP 2070 and Lot 1 DP 103950) as a heritage item of local significance.

(3) Amending the Sydney LEP 2012 Land Reservation Acquisition Map, as shown on sheets LRA_010 and LRA_018 (Attachment C), to identify the following parcels of land as being reserved for classified road purposes:-

(a) northern side of Henderson Road, corner of Wyndham Street (Part of Lot 1000 DP1092450);

(b) eastern side of Botany Road, corner of John Street (Part of Lot 1 DP229389);

(c) land at McEvoy Street, opposite Harley Street (Parts of Lots 1 & 5 DP243107 and Lot 1 DP230727);

(d) land adjoining 377-497 Botany Road, Zetland (Lot 1 DP 628547); and

(e) land adjoining 583 Botany Road Rosebery (Lot 11 DP 604322).

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

1.1 Business and Industrial Zones

2.1 Environment Protection Zones

2.3 Heritage Conservation

2.4 Recreation Vehicle Areas

3.1 Residential Zones

3.2 Caravan Parks and Manufactured Home Estates

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

Sydney Local Environmental Plan - Amendment relating to sites in:- Nickson Street, Surry Hills; Pine Street, Newtown; and various sites in Alexandria, Waterloo, Rosebery and Zetland

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?

SEPP No 4—Development Without Consent and Miscellaneous Exempt and Complying Development

SEPP No 6—Number of Storeys in a Building

SEPP No 19—Bushland in Urban Areas

SEPP No 21—Caravan Parks

SEPP No 22—Shops and Commercial Premises

SEPP No 30—Intensive Agriculture

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 33—Hazardous and Offensive Development

SEPP No 50—Canal Estate Development

SEPP No 55—Remediation of Land

SEPP No 60—Exempt and Complying Development

SEPP No 62—Sustainable Aquaculture

SEPP No 64—Advertising and Signage

SEPP No 65—Design Quality of Residential Flat Development

SEPP No 70—Affordable Housing (Revised Schemes)

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Housing for Seniors or People with a Disability) 2004

SEPP (Infrastructure) 2007

SEPP (Major Projects) 2005

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

SEPP (Temporary Structures and Places of Public Entertainment) 2007

SREP (Sydney Harbour Catchment) 2005

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

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

If No, explain :

Rezoning the land at 37-61 Nickson Street, Surry Hills from B4 Mixed Use to R1 General Residential is inconsistent with the provisions of s117 Direction 1.1 Business and Industrial Zones as it reduces the potential floor space for employment uses.

This inconsistency is considered minor because the affected properties are occupied by terrace housing that is unlikely to be replaced with a business use in the short to medium term. The properties were zoned residential under South Sydney LEP 1998 which was in force until December 2012 when Sydney LEP 2012 was made.

It is recommended that the Director General approve the inconsistency with s117 Direction 1.1 on the basis that the inconsistency is minor.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Council has provided proposed land use zoning and land reservation acquisition maps.

Council has also provided maps identifying the location of properties affected by this proposal.

Sydney Local Environmental Plan - Amendment relating to sites in:- Nickson Street, Surry Hills; Pine Street, Newtown; and various sites in Alexandria, Waterloo, Rosebery and Zetland

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council proposes to exhibit the planning proposal for public comment and to directly invite comments from the owners of the affected land at:

- (a) 37-61 Nickson St, Surry Hills (private landowners);
- (b) 43 Wyndham Street corner of Henderson Road, Alexandria (Owners Corporation, SP 78596);
- (c) 1 John St, Waterloo (private landowner)
- (d) 146 and 148 McEvoy St, Alexandria (jointly owned by a private landowner)
- (e) 6 Euston Rd Alexandria (Sydney Water)
- (f) 377-497 Botany Road, Zetland (Minister for Public Works and Landcom)
- (g) 583 Botany Rd (private landowner)
- (h) 39 Pine Street, Newtown (private landowner)

The planning proposal is considered to be a low impact proposal that warrants a 14 day exhibition.

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 : However, it is noted that the project timeline proposed in the planning proposal has an anticipated commencement date of 8 December 2012. The Department did not receive the planning proposal until mid December 2012 and therefore the anticipated commencement date and all following dates should be amended to reflect a gateway determination towards the end of January 2013.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : City of Sydney Council's principal LEP, Sydney LEP 2012, was notified on 14 December 2012.

Assessment Criteria

Need for planning proposal : This proposal responds to submissions raised during the public exhibition of Sydney LEP 2012.

In order to rezone the land at 37-61 Nickson Street, Surry Hills and list "The Three Proud People" mural at 39 Pine Street, Newtown as a local heritage item an amendment to Sydney LEP 2012 is needed.

Reservation of land for classified roads can be achieved by other means, such as notification by the Roads and Maritime Services. However, the Roads and Maritime Services has requested that the Council identify the proposed road reservations in a local environmental plan because it is the most transparent means of reserving land and ensures that prospective purchasers of affected land are informed of the road reservation

Sydney Local Environmental Plan - Amendment relating to sites in:- Nickson Street, Surry Hills; Pine Street, Newtown; and various sites in Alexandria, Waterloo, Rosebery and Zetland

when they obtain a certificate under section 149 of the Environmental Planning and Assessment Act 1979.

Consistency with strategic planning framework :

The planning proposal is generally consistent with draft Sydney City Subregional Strategy and the Metropolitan Plan.

The proposal is consistent with Council's strategic plan "Sustainable Sydney 2030".

Environmental social economic impacts :

The proposed amendments are relatively minor and are unlikely to result in development creating any environmental impacts.

Rezoning of the Nickson Street land to R1 General Residential represents a down-zoning and possible loss of land value. However, the proposed rezoning arises from representations from the Surry Hills community. Public exhibition of the planning proposal and consultation with affected landowners will allow the views of affected landowners to be considered.

Identification of the proposed road reservations will contribute towards future improvements to the road network which, in turn, will ultimately deliver economic and social benefits to the community. Inclusion of the proposed road reservations in the LEP will also enable an affected landowner to require the RMS to acquire that land under the owner-initiated acquisition provisions of the Land Acquisition (Just Terms Compensation) Act 1991. This ensures compensation for an affected landowner if the reservation causes hardship.

Identification of the "Three Proud People" mural as a heritage item offers social benefits by facilitating the conservation of an item that has social significance for the local community.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	14 Days
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Timeframe to make LEP :	6 Month	Delegation :	DG
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Public Authority Consultation - 56(2)(d) :	Office of Environment and Heritage Transport for NSW - RailCorp Transport for NSW - Roads and Maritime Services
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Is Public Hearing by the PAC required? **No**

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Sydney Local Environmental Plan - Amendment relating to sites in:- Nickson Street, Surry Hills; Pine Street, Newtown; and various sites in Alexandria, Waterloo, Rosebery and Zetland

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
Sydney LEP_Amendments to Nickson St, Pine St and others_Cover_letter.pdf	Proposal Covering Letter	Yes
Sydney LEP_Amendments to Nickson St, Pine St and others_Planning_Proposal_November_2012.pdf	Proposal	Yes
Sydney LEP_Amendments to Nickson St, Pine St and others_Maps.pdf	Map	Yes
Sydney LEP_Amendments to Nickson St, Pine St and others_Council_Resolution.pdf	Proposal	Yes
Sydney LEP_Amendments to Nickson St, Pine St and others_Heritage_Assessment.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 2.4 Recreation Vehicle Areas
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 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. That the Director General approve the inconsistency with s117 direction 1.1 Business and Industrial Zones on the basis that the inconsistency is minor.
- 2. The planning proposal be publicly exhibited for a period of not less than 14 days.
- 3. The planning proposal is to be finalised within 6 months from the date of the gateway determination.
- 4. Council amends the project timeline of the planning proposal in accordance with the anticipated commencement date occurring towards the end of January 2013.
- 5. Council is to consult with Transport for NSW (Railcorp and Roads and Maritime Services) and the Office of Environment and Heritage. This can be undertaken during public exhibition.

Supporting Reasons :

The planning proposal will allow for community consultation on proposed amendments to

Sydney Local Environmental Plan - Amendment relating to sites in:- Nickson Street, Surry Hills; Pine Street, Newtown; and various sites in Alexandria, Waterloo, Rosebery and Zetland

the planning controls for the subject sites. The Sydney LEP was made with controls as exhibited in order to avoid the need for re-exhibition thereby expediting the progress of the then draft LEP.

It is considered that the proposed amendments will have little or no impact to surrounding development and serve to clarify Council's intention for the relevant sites.

Furthermore, the proposed changes to controls for the affected sites respond to submissions made to Sydney LEP 2012.

Signature:



Printed Name:

TIM ARCHER

Date:

10 / 1 / 13