

PLANNING PROPOSAL

37 to 61 Nickson Street, Surry Hills;

39 Pine Street, Newtown; and

Land required for classified road purposes in Alexandria,
Waterloo, Zetland and Rosebery

November 2012

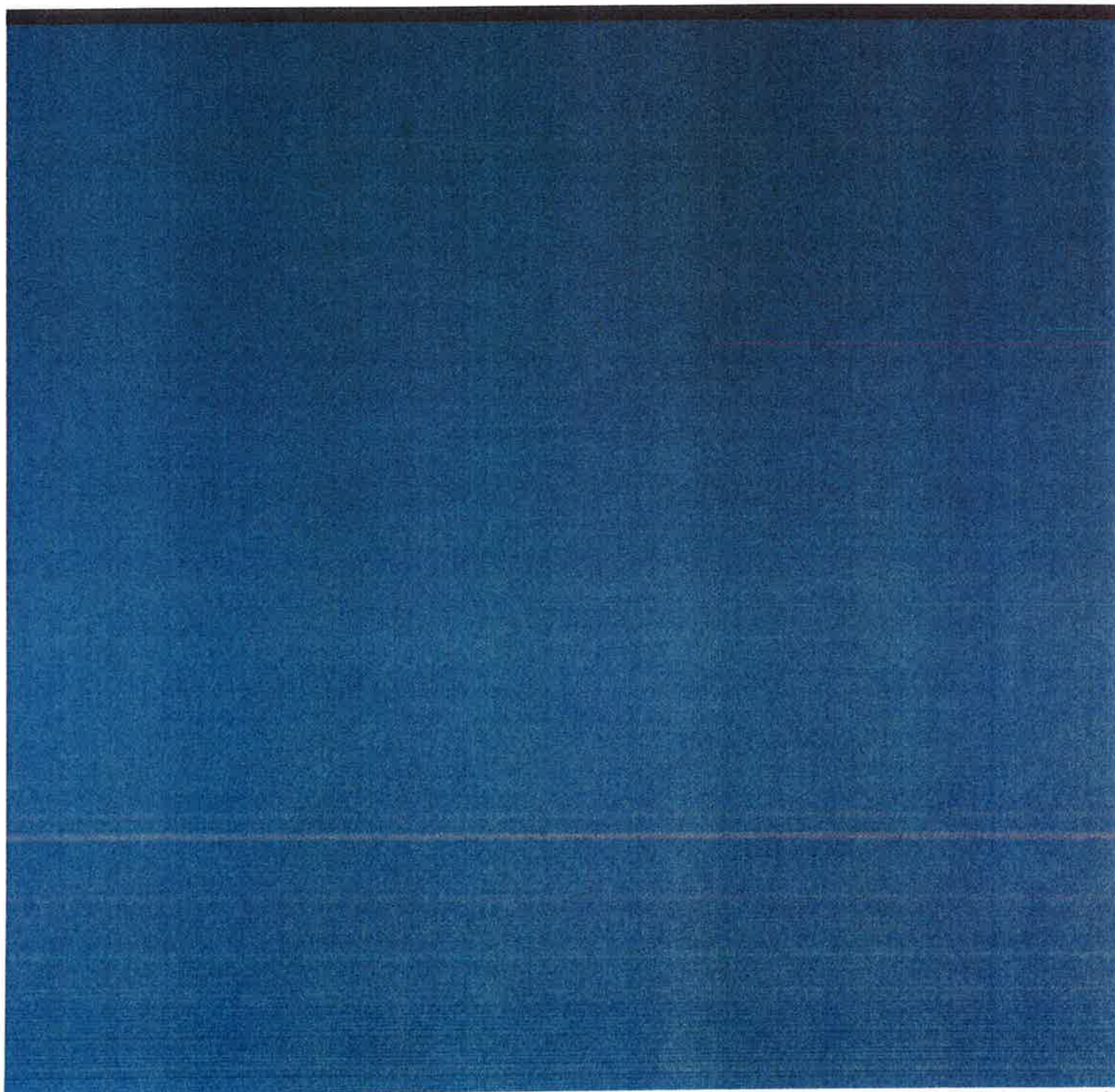


TABLE OF CONTENTS

INTRODUCTION	3
SITE IDENTIFICATION	3
Land at Surry Hills proposed to be zoned R1 General Residential	3
Location of Three Proud People mural	4
Land required for classified road purposes	4
PART 1 – OBJECTIVES / INTENDED OUTCOMES	4
PART 2 – EXPLANATION OF PROVISIONS	5
PART 3 – JUSTIFICATION	5
Section A: Need for a planning proposal	5
Section B: Relationship to Strategic Planning Framework	12
Section C: Environmental, social and economic impact	18
Section D: State and Commonwealth interests	19
PART 4 – MAPPING	19
PART 5 – DETAILS OF THE COMMUNITY CONSULTATION THAT IS TO BE UNDERTAKEN ON THE PLANNING PROPOSAL.	20
PART 6 – PROJECT TIMELINE	20

ATTACHMENTS:

ATTACHMENT A:	Proposed Zoning Map
ATTACHMENT B:	Proposed Heritage Map
ATTACHMENT C:	Proposed Land Reservation Acquisition Map
ATTACHMENT D:	Council and CSPC Resolutions – March 2012
ATTACHMENT E:	Heritage assessment of Three Proud People mural

Location of Three Proud People mural

The “Three Proud People” mural is located on the eastern (Leamington Lane) façade of the terrace house at 39 Pine Street, Newtown. It faces onto Leamington Lane and the main western railway line.



Figure 2: Location of Three Proud People mural (shown as a red line). The Macdonaldtown Station railway platform extends diagonally across the lower section of this photograph.

Land required for classified road purposes

The proposed road reservations comprise portions of the following parcels of land:

- (a) northern side of Henderson Road, corner of Wyndham Street, Alexandria (Lot 1000 DP 1092450, Lots 1-47 SP 78596);
- (b) eastern side of Botany Road, corner of John Street, Waterloo (Lot 1 DP 229389);
- (c) land at McEvoy Street, opposite Harley Street, Alexandria (DP243107 SP 2506);
- (d) land adjoining 377-497 Botany Road, Zetland (Lot 1 DP 628547); and
- (e) 583 Botany Rd, Rosebery (Lot 11 DP 604322);

PART 1 – OBJECTIVES / INTENDED OUTCOMES

The objectives or intended outcomes of the planning proposal are to:

- (a) Maintain the residential character of the Nickson Road, Surry Hills locality;
- (b) Protect the heritage significance of the Three Proud People mural at 39 Pine Street, Newtown;

INTRODUCTION

In 2011 the City of Sydney exhibited *Draft Sydney Local Environmental Plan 2011*, a Standard Instrument comprehensive LEP. In considering submissions received in response to that exhibition, the City identified a number of matters which warranted changes to the draft LEP, subject to further community consultation. This planning proposal is intended to allow for community consultation on some of those matters, namely:

- (a) The proposed zoning of land at 37 to 61 Nickson Street, Surry Hills to Zone R1 General Residential;
- (b) Identification of the “Three Proud People” mural at 39 Pine Street, Newtown as a heritage item;
- (c) Identification of five small parcels of land as being required by the Roads and Maritime Authority for classified road purposes.

This planning proposal is intended to amend *Sydney Local Environmental Plan 2012* which is the plan resulting from the 2011 exhibition.

SITE IDENTIFICATION

Land at Surry Hills proposed to be zoned R1 General Residential



Figure 1: Location of 37 to 61 Nickson Street, Surry Hills (hatched red)

The properties at 37 to 61 Nickson Street, Surry Hills are on the western side of Nickson Street, between Cartmore Street and the site of a residential flat building at 628-634 Crown Street. They are located in a residential area which adjoins business uses to the west on Crown Street and to the south on Cleveland Street.

At meetings on 12 and 8 March 2012 respectively, the Council and Central Sydney Planning Committee adopted the exhibited controls in *Draft Sydney Local Environmental Plan 2011* for the sites that are the subject of this planning proposal. At the same time the Council and CSPC resolved to prepare and exhibit a planning proposal to allow for community consultation on proposed changes to the controls for these sites (see resolutions at Attachment D). This approach, taken with the agreement of the Department of Planning and Infrastructure, enabled *Draft Sydney Local Environmental Plan 2011* to proceed to introduce updated controls for the wider Council area while community consultation is undertaken on the revised controls proposed in this planning proposal.

Zoning of Land at Surry Hills

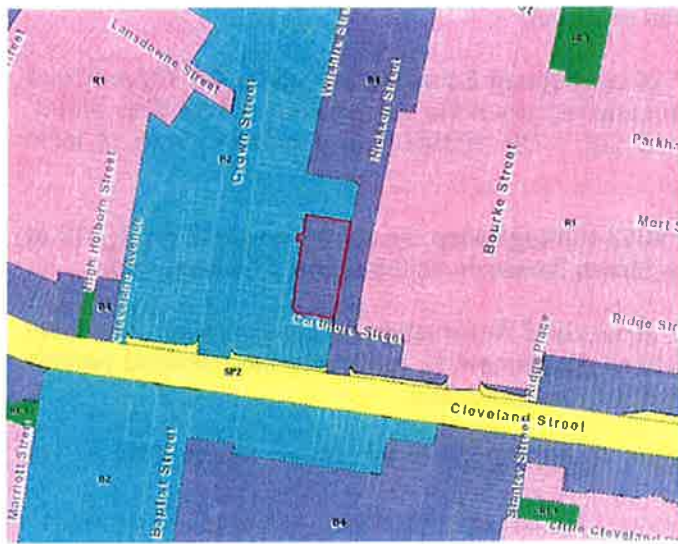


Figure 3: Zoning of 37-61 Nickson Street Surry Hills (outlined in red) under draft Sydney LEP 2011

The properties at 37-61 Nickson Street, Surry Hills were exhibited with a B4 Mixed Use zoning in Draft Sydney LEP 2011. These sites are currently zoned 2(b) Residential (Medium Density) under South Sydney LEP 1998 and were included in the area of the Surry Hills Urban Design Study undertaken by the City in 2006. Although the study recommended retention of the residential zoning for these properties, an internal review of the land use zoning in this vicinity recommended a B4 Mixed Use zoning given the proximity of the land to the commercial areas of Cleveland and Crown Streets, Surry Hills.

In response to submissions from five landowners, a further review of the appropriateness of the B4 Mixed Use zone was undertaken. It concluded that Zone R1 General Residential should be applied to the properties at 37-61 Nickson Street, Surry Hills given that they comprise terrace houses that are predominantly used for residential purposes.

It is also proposed to rationalise the zoning in this locality by applying the R1 Residential Zone to the Nickson Street roadway adjoining the subject properties.

- (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*.

PART 2 – EXPLANATION OF PROVISIONS

Amendment of the Sydney LEP 2012 Land Zoning Map, as shown on sheets LZN_010 and LZN_016 at Attachment A, 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.

Amendment of the Sydney LEP 2012 Heritage Schedule 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.

Amendment of the Sydney LEP 2012 Heritage Map, as shown on sheet HER_010 at Attachment B, to identify 39 Pine Street, Newtown as the site of a heritage item.

Amendment of the Sydney LEP 2012 Land Reservation Acquisition Map, as shown on sheets LRA_010 and LRA_018 at 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).

PART 3 - JUSTIFICATION

This section of the planning proposal provides the rationale for changing the controls and responds to questions set out in the document entitled *A guide to preparing planning proposals*, published by the Department of Planning and Infrastructure in October 2012.

Section A: Need for a planning proposal

Is the planning proposal a result of any strategic study or report?

Partly. The planning proposal arises from consideration of submissions in response to the exhibition of *Draft Sydney Local Environmental Plan 2011* and from a heritage assessment of the Three Proud People mural.

Heritage Listing of Three Proud People Mural

The Three Proud People mural is a reproduction of a famous photo of the 1968 Olympic Black Power Salute at the Olympic Stadium in Mexico, a noted black power protest and one of the most overtly political statements in the 110-year history of the modern Olympic Games. The mural, which was painted just before the Sydney 2000 Olympics, was originally visible from the platform at Macdonaldtown Railway Station and from trains travelling between the City and Western Metropolitan areas along the Inner West, Bankstown, Cumberland, Northern and Western Lines. It has since been largely obscured by the erection of a sound barrier along Leamington Avenue.

The Three Proud People mural came to the attention of the City in the course of an ultimately successful campaign to save homes in Leamington Avenue and Pine Street, Newtown (including 39 Pine Street) from resumption by RailCorp for the construction of a city “relief line” from Eveleigh to Wynyard. In 2011, the City engaged City Plan Heritage to undertake a heritage assessment of the mural. The assessment, at Attachment E, concluded that the mural warranted heritage listing as an item of local heritage significance.

Land proposed to be reserved for classified road purposes

The City consulted the former Roads and Traffic Authority in the preparation of the Land Reservation Acquisition (LRA) Map in *Draft Sydney Local Environmental Plan 2011*. However, a submission from the Roads and Maritime Authority in response to the exhibition of the draft LEP sought various changes to the LRA map, including the identification of road reservations on the following parcels of land:

- (a) northern side of Henderson Road, corner of Wyndham Street, Redfern (Part of Lot 1000 DP1092450);
- (b) eastern side of Botany Road, corner of John Street, Waterloo (Part of Lot 1 DP229389);
- (c) land at McEvoy Street, opposite Harley Street, Alexandria (Parts of Lots 1 & 5 DP243107 and Lot 1 DP230727);
- (d) land adjoining 377-497 Botany Road, Zetland (Lot 1 DP 628547);
- (e) land adjoining 583 Botany Road, Rosebery (Lot 11 DP 604322).



Figure 4: Location of proposed road reservation, cnr Henderson Road and Wyndham Street, Alexandria



Figure 5: Location of proposed road reservation, cnr John Street and Botany Road, Waterloo

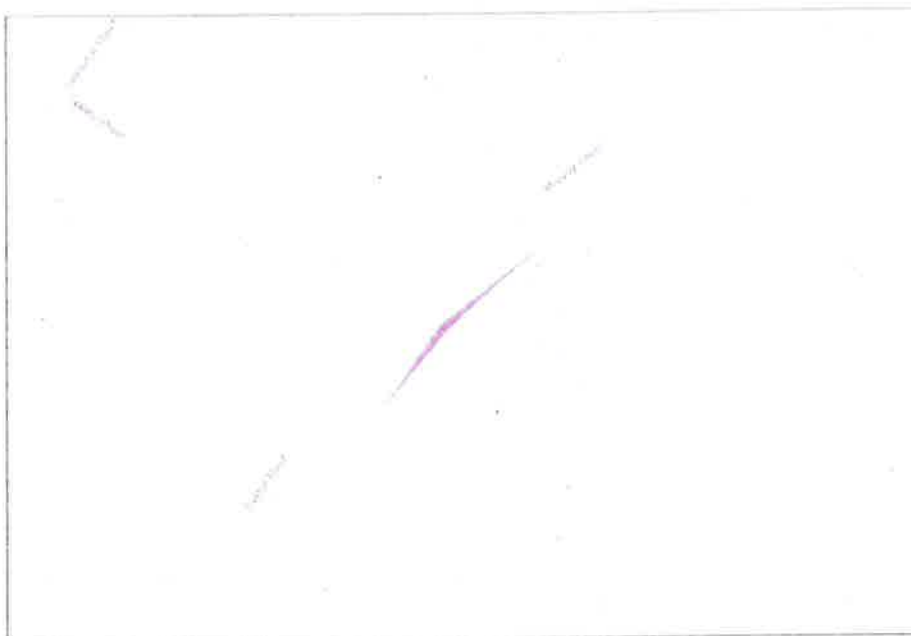


Figure 6: Location of proposed road reservation, McEvoy Street, Alexandria

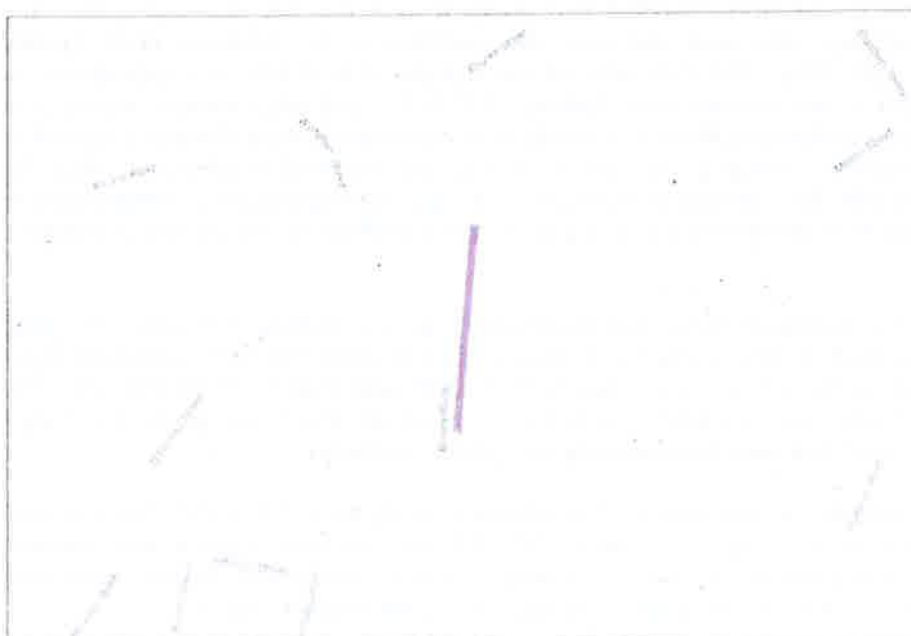


Figure 7: Location of proposed road reservation adjoining 377-497 Botany Road, Zetland



Figure 8: Location of proposed road reservation adjoining 583 Botany Road, Rosebery

The five parcels of land identified in Figures 4 to 8 are not reserved under any existing planning instrument and were not identified in the exhibited draft Sydney LEP 2011 LRA Map. The City was of the opinion that it was not appropriate to include them in the revised draft Sydney LEP 2011 LRA Map without appropriate community consultation. Officers of Roads and Maritime Services therefore agreed to these reservations being addressed in a separate planning proposal to allow for consultation with the affected landowners. Subsequent investigation revealed that 4, and possibly all 5, of these road reservations are identified on relevant survey plans / land titles.

In addition to identifying these road reservations on the Sydney LEP 2012 LRA Map in, it is proposed to amend the Land Zoning Map to apply the SP2 Classified Road Zone to two of them (Part of Lot 1000 DP1092450 and Part Lot 1 DP230727). The remaining three are already zoned SP2 Classified Road owing to the City's erroneous belief that they were already part of the roadway.

Two of the parcels of land straddle the boundary of Sydney LEP 2012. Only the land that is within the boundary of Sydney LEP 2012 is to be addressed in this planning proposal. Identification of the remaining portions will need to be separately addressed in future planning proposals applying to the adjoining land.

Table 1 summarises the land description and zoning of each of the proposed road reservations and provides specific comments where relevant.

Table 1: Details of each of the proposed road reservations.

Site	Land description	Zoning under SLEP 2012	Comment
Cnr Henderson Rd and Wyndham St, Alexandria	Part of Lot 1000 DP1092450	B4 Mixed Use	Road reservation identified on relevant survey plan
Cnr Botany Rd and John St, Waterloo	Part of Lot 1 DP229389	SP2 Classified road.	
McEvoy St, opposite Harley St, Alexandria	Part Lot 1 DP230727	SP2 Sewerage System.	The northern section of this proposed road reservation (ie parts of Lots 1 & 5 DP243107) is outside the area of SLEP2012. It falls within the area that continues to be subject to South Sydney LEP 1998.
377-497 Botany Road, Zetland (5m strip of land adjoining Lot 1 DP 628547)	Unknown. The proposed road reservation is identified as Lot 2 DP 628547 on a relevant survey plan but does not appear to have been registered as such.	SP2 Classified road	The northern section of this proposed road reservation is outside the area of SLEP2012, being within the Green Square Town Centre.
583 Botany Road, Rosebery	Lot 11 DP 604322	SP2 Classified road.	

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. Rezoning is necessary to limit the use of the Surry Hills sites to uses that are consistent with the residential nature of that area. Appropriate heritage protection for the Three Proud People mural may only be achieved via its identification as a heritage item in an environmental planning instrument.

Reservation of land for classified roads can be achieved by other means, such as notification by the Roads and Maritime Authority. However, the Roads and Maritime Authority 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 when they obtain a certificate under section 149 of the *Environmental Planning and Assessment Act 1979*.

Is there a net community benefit?

The matters addressed by the planning proposal represent relatively minor adjustments to the planning controls in the exhibited *Draft Sydney Local Environmental Plan 2011*. The main driver for the preparation of the planning proposal is the need for community consultation on these changes.

It is considered that the planning proposal will provide a net positive community benefit in that it:

- (a) allows for community consultation on matters that affect landowners' property rights;
- (b) will provide appropriate protection to an artwork that has social and cultural significance for the community; and
- (c) reserves land for a public purpose.

Section B: Relationship to Strategic Planning Framework**Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?**

Table 2 – Consistency with draft Sydney City Subregional Strategy Key Directions

Key Direction	Statement of Consistency
Reinforce global competitiveness and strengthen links to the regional economy.	Not inconsistent. The planning proposal will have negligible impact on the regional economy.
Ensure adequate capacity for new office and hotel developments.	Not inconsistent. The planning proposal will have negligible impact on capacity for office and hotel developments.
Plan for sustainable development of major urban renewal projects.	Justifiably inconsistent. The proposed rezoning of land in Surry Hills from B4 Mixed Use to R1 General Residential is not consistent with including potential for commercial development in city fringe areas (SC B3.4.2). However, the loss of capacity for commercial purposes is negligible given that the land proposed to be zoned R1 General Residential is already developed for residential purposes and has long been zoned for residential purposes under South Sydney LEP 1998.
Plan for housing choice	Not inconsistent. The planning proposal will have negligible impact on housing choice, given that the land proposed to be zoned R1 General Residential is already developed for residential uses.
Develop an improved and increasingly integrated transport system that meets the City's multiple transport needs.	Consistent. The planning proposal provides for future upgrading of road infrastructure by reserving land for classified road purposes.

Improve the quality of the built environment and aim to decrease the subregion's ecological footprint.	Not inconsistent. The planning proposal will have negligible impact on the quality of the built environment and the subregion's ecological footprint.
Enhance the City's prominence as a diverse global & cultural centre.	Consistent. The proposed heritage listing of the Three Proud People mural recognises the cultural significance of this artefact.

Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Sustainable Sydney 2030 (SS2030) outlines the City's vision for a 'green', 'global' and 'connected' City of Sydney and sets targets, objectives and actions to achieve that vision. Three of the ten strategic directions of SS2030 relate to the planning proposal, namely

- 3 Integrated transport for a connected City
- 9 Sustainable development, renewal and design
- 10 Effective governance and partnerships

The planning proposal is consistent with SS2030 in that it implements the following SS2030 actions:

- 3.4.1 Develop a road hierarchy and management plan for major corridors
- 9.4.1 Regularly review and streamline development controls
- 10.2.1 Maintain and extend community roles in decision-making and in current consultation, engagement, education and information procedures

Is the planning proposal consistent with applicable state environmental planning policies?

Table 3: State Environmental Planning Policies (SEPPs)

Note: Unless stated otherwise, in this table "consistent" means that the planning proposal does not contradict or hinder application of the relevant SEPP

No.	SEPP	Consistency of planning proposal
1	Development Standards	Not applicable
4	Development Without Consent and Miscellaneous Exempt and Complying Development	Consistent
6	Number of Storeys in a Building	Consistent
14	Coastal Wetlands	Not applicable
15	Rural Landsharing Communities	Not applicable
19	Bushland in Urban Areas	Consistent.
21	Caravan Parks	Consistent
22	Shops and Commercial Premises	Consistent
26	Littoral Rainforests	Not applicable
29	Western Sydney Recreation Area	Not applicable
30	Intensive Agriculture	Consistent
32	Urban Consolidation (Redevelopment of Urban Land)	Consistent

No.	SEPP	Consistency of planning proposal
33	Hazardous and Offensive Development	Consistent
36	Manufactured Home Estates	Not applicable
39	Spit Island Bird Habitat	Not applicable
41	Casino Entertainment Complex	Not applicable – to be repealed by Sydney LEP 2012
44	Koala Habitat Protection	Not applicable
47	Moore Park Showground	Not applicable
50	Canal Estate Development	Consistent
52	Farm Dams and other works in Land and water Management Plan Areas	Not applicable
55	Remediation of Land	Consistent
59	Central Western Sydney Regional Open Space and Residential	Not applicable
60	Exempt and Complying Development	Consistent
62	Sustainable Aquaculture	Consistent
64	Advertising and Signage	Consistent
65	Design Quality of Residential Flat Development	Consistent
70	Affordable Housing (Revised Schemes)	Consistent
71	Coastal Protection	Not applicable
	SEPP (Building Sustainability Index: BASIX) 2004	Consistent.
	SEPP (Housing for Seniors or People with a Disability) 2004	Consistent.
	SEPP (Major Development) 2005	Consistent
	SEPP (Sydney Region Growth Centres) 2006	Not applicable
	SEPP (Infrastructure) 2007	Consistent
	SEPP (Kosciuszko National Park-Alpine Resorts) 2007	Not applicable
	SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Consistent
	SEPP (Temporary Structures) 2007	Consistent.
	SEPP (Exempt and Complying Development Codes) 2008	Consistent
	SEPP (Rural Lands) 2008	Not applicable
	SEPP (Western Sydney Parklands) 2009	Not applicable
	SEPP (Affordable Rental Housing) 2009	Not applicable
	State Environmental Planning Policy (Western Sydney Employment Area) 2009	Not applicable
	State Environmental Planning Policy (Kurnell Peninsula) 1989	Not applicable
	State Environmental Planning Policy (Penrith Lakes Scheme) 1989	Not applicable
	State Environmental Planning Policy (Urban Renewal) 2010	Not applicable
	State Environmental Planning Policy (SEPP 53 Transitional Provisions) 2011	Not applicable
	State Environmental Planning Policy (State and Regional Development) 2011	Consistent
	State Environmental Planning Policy (Sydney	Not applicable

No.	SEPP	Consistency of planning proposal
	Drinking Water Catchment) 2011	

Table 4: Regional Environmental Plans (REPs) – Deemed SEPPs

Note: Former REPs which have been repealed are not included in this Table.

No.	REP Title	Consistency of LEP
5	Chatswood Town Centre	Not applicable
8	Central Coast Plateau Areas	Not applicable
9	Extractive Industry (No 2-1995)	Not applicable
16	Walsh Bay	Not applicable
18	Public Transport Corridors	Not applicable
19	Rouse Hill Development Area	Not applicable
20	Hawkesbury–Nepean River (No. 2-1997)	Not applicable
24	Homebush Bay Area	Not applicable
25	Orchard Hills	Not applicable
26	City West	Not applicable
28	Parramatta	Not applicable
30	St Marys	Not applicable
33	Cooks Cove	Not applicable
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	Consistent. The planning proposal does not contradict or hinder application of Sydney Harbour REP
	Darling Harbour Development Plan No. 1	Not applicable

Is the planning proposal consistent with applicable Ministerial Directions (s. 117 directions)?

Table 5: Review of consistency of draft Sydney LEP 2011 (Amendment No. 1) with the Ministerial Directions for LEPs under s. 117 of the Environmental Planning & Assessment Act 1979.

1. Employment and Resources

No.	Title	Comment
1.1	Business and Industrial Zones	Justifiably inconsistent. The planning proposal is intended to rezone certain land in Surry Hills from B4 Mixed Uses under Sydney LEP 2012 to R1 General Residential. The land at 37-61 Nickson Street Surry Hills is predominantly developed for terrace housing and was zoned Residential 2(b) under South Sydney LEP 1998.

No.	Title	Comment
		The proposed rezoning is considered of minor significance given the amount of land involved (0.16ha), its existing residential use and its long-standing residential zoning under South Sydney LEP 1998
1.2	Rural Rural Zones	Not applicable
1.3	Mining, Petroleum Production and Extractive Industries	Not applicable
1.4	Oyster Aquaculture	Not applicable
1.5	Rural Lands	Not applicable

2. Environment and Heritage

No.	Title	Comment
2.1	Environmental Protection Zones	Consistent. The planning proposal does not apply to land in an environmental protection zone.
2.2	Coastal protection	Not applicable
2.3	Heritage Conservation	Consistent An intended outcome of the planning proposal is to protect the heritage significance of the Three Proud People mural.
2.4	Recreation Vehicle Areas	Consistent. The planning proposal does not include provisions relating to recreation vehicle areas.

3. Housing, Infrastructure and Urban Development

No.	Title	Comment
3.1	Residential Zones	Consistent The planning proposal provides for the rezoning of land at Nickson Street Surry Hills from B4 Mixed Uses to R1 General Residential. This land is in an established area where its continued use for residential development contributes to the efficient use of existing infrastructure and services.
3.2	Caravan parks and Manufactured Home Estates	Consistent. The planning proposal does not include provisions relating to caravan park or manufactured home estates.
3.3	Home Occupations	Consistent.

		The planning proposal does not contradict or hinder application of the home occupation provisions in Draft Sydney LEP 2011.
3.4	Integrating Land Use and Transport	Consistent The planning proposal does not contradict or hinder achievement of the aims, objectives and principles of <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).
3.5	Development Near Licensed Aerodromes	Not applicable
3.6	Shooting Ranges	Not applicable

4. Hazard and Risk

No.	Title	Comment
4.1	Acid Sulfate Soils	Consistent. The planning proposal does not contradict or hinder application of the acid sulfate soils provisions in Draft Sydney LEP 2011.
4.2	Mine Subsidence and Unstable Land	Not applicable
4.3	Flood Prone Land	Consistent. The planning proposal does not contradict or hinder application of the flood prone land provisions in Draft Sydney LEP 2011.
4.4	Planning for Bushfire Protection	Not applicable

5. Regional Planning

No.	Title	Comment
5.1	Implementation of Regional Strategies	Not applicable
5.2	Sydney Drinking Water Catchments	Not applicable
5.3	Farmland of State and Regional Significance - NSW Far North Coast	Not applicable
5.4	Commercial and Retail Development along the Pacific Highway	Not applicable
5.8	Second Sydney Airport – Badgerys Creek	Not applicable

6. Local Plan Making

No.	Title	Comment
6.1	Approval and Referral Requirements	Consistent The planning proposal does not include concurrence, consultation or referral provisions. The planning proposal does not identify any development as designated development.
6.2	Reserving Land for Public Purposes	Consistent. The planning proposal reserves certain land for the purpose of classified roads, in response to a requested by the Roads and Maritime Authority (RMA) in their submission on the exhibited Draft Sydney LEP 2011. Officers of the Department of Planning and Infrastructure have indicated support for the preparation of a planning proposal to reserve the subject land.
6.3	Site Specific Provisions	Not applicable

7. Metropolitan Planning

No.	Title	Comment
7.1	Implementation of the Metropolitan Strategy	Consistent The planning proposal does not contradict or hinder application of the NSW Government's Metropolitan Plan for Sydney 2036, published in December 2010.

Section C: Environmental, social and economic impact.

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The planning proposal is unlikely to adversely affect any critical habitat or threatened species, populations or ecological communities, or their habitats.

Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

No - it is unlikely that the proposed amendments to SLEP 2012 will result in development creating any environmental effects that cannot readily be controlled.

How has the planning proposal adequately addressed any social and economic effects?

Rezoning of the Nickson Street land to R1 General Residential represents a down-zoning and possible loss of land-value. 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.

Section D: State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

Yes. The land proposed to be zoned R1 General Residential is well located in relation to existing public transport infrastructure, utility services, roads and essential services.

What are the views of State and Commonwealth public authorities consulted in the gateway determination?

The Roads and Maritime Services (RMS) requested the City to amend the Sydney LEP 2012 LRA map to identify the proposed road reservations. The RMS has been consulted in the preparation of this planning proposal, particularly in relation to the accurate identification of affected land.

The proposed road reservations include land owned by State public authorities, namely Sydney Water, Landcom and the Minister for Public Works. Their views are to be sought when other affected landowners are consulted.

PART 4 – MAPPING

The map sheets at Attachments A, B and C show the existing controls under SLEP 2012 and the alternative controls set out in this planning proposal. No other substantive changes to SLEP 2012 are proposed.

Rezoning of two of the proposed road reservations may necessitate consequential amendments to other maps (eg Height of Buildings and FSR) to align those controls

with the boundary of the proposed road reservation. Such changes are considered to be minor refinements which, if necessary, will be prepared following public consultation.

PART 5 – DETAILS OF THE COMMUNITY CONSULTATION THAT IS TO BE UNDERTAKEN ON THE PLANNING PROPOSAL.

It is proposed 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 would normally warrant only a 14 day exhibition. However, if the exhibition commences during the summer holiday period (mid-December to mid-January), a 28 day exhibition is considered appropriate to allow for proper consultation with the community and affected landowners.

PART 6 – PROJECT TIMELINE

The anticipated timeframe for the completion of the planning proposal is as follows:

Action	Anticipated Date
Commencement / Gateway determination	8 December 2012
Pre-exhibition government agency consultation	8 December 2012 to 15 January 2013
Public Exhibition	29 January 2013 to 11 February 2013
Consideration of submissions	11 February 2013 to 28 February 2013
Post exhibition consideration of proposal	18 April 2013 (CSPC) 22 April 2013 (Council)
Submission to Department	29 April 2013