

**ATTACHMENT B**

**PLANNING PROPOSAL: SOUTH SYDNEY  
LOCAL ENVIRONMENTAL PLAN  
(AMENDMENT NO. 22) –  
91-99 EVELEIGH STREET AND  
119-121 EVELEIGH STREET, REDFERN,  
DATED APRIL 2012**

## PLANNING PROPOSAL

Amendment to South Sydney Local Environmental Plan  
1998 – 91-99 Eveleigh Street and 119-121 Eveleigh  
Street, Redfern

~~July 2011~~

**April 2012**

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# ATTACHMENT B

PLANNING PROPOSAL: Amendment to South Sydney LEP 1998 – 91-99 and 119-121 Eveleigh Street, Redfern

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## Introduction

This Planning Proposal explains the intent of, and justification for, the proposed amendment of *South Sydney Local Environmental Plan 1998* (South Sydney LEP 1998) as it applies to the land known as 91-99 Eveleigh Street and 119-121 Eveleigh Street (the sites).

The proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* (the Act) and the relevant Department of Planning Guidelines, including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

It is proposed to reclassify Council owned land from “Community” to “Operational” land and discharge any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land.

## Background

### The site

This Planning Proposal relates to seven parcels of land at 91-99 and 119-121 Eveleigh Street, Redfern and is shown at Figure 1. The site has an area of approximately 534 sqm and is owned by the Council of the City of Sydney (the proponent).



**Figure 1** – The sites: 91-99 Eveleigh Street and 119-121 Eveleigh Street, Redfern

The sites are currently used as open space and form part of Pemulwuy Park and the Eveleigh Street playground.

The sites are located between Eveleigh Street and the Redfern railway corridor and are located within the Redfern-Waterloo operational area **as defined by the *State Environmental Planning Policy (Major Development) 2005***.

The seven parcels of land at 91-99 and 119-121 Eveleigh Street, Redfern were progressively acquired by the former South Sydney City Council from May 1988 to October 1994 at a total cost of \$193,500. The properties were acquired for the purpose of establishing a children's playground and landscaped open space area.

The land is currently classified "Community" land under the *Local Government Act 1993*.

### **The Planning Controls**

The sites are identified under *State Environmental Planning Policy (Major Development) 2005*, as a Redfern-Waterloo Authority site. ***The Redfern-Waterloo Authority is no longer operational and its functions have been assumed by the Sydney Metropolitan Development Authority***. The SEPP sets out planning provisions for the sites including zoning, height and floor space ratio.

The sites are currently zoned Business – Mixed Use under the State Environmental Planning Policy (Major Development) 2005.

### **The Pemulwuy Project**

On 30 June 2009, the Aboriginal Housing Company, as the majority landowner in Eveleigh Street, obtained approval from the Department of Planning for a Concept Plan (Approval No. 06\_0101) to redevelop the area known as "The Block" in Redfern.

This Project, known as the "Pemulwuy Project", proposes to revitalise the area and develop housing and services for the Aboriginal community as well as a community centre, health and fitness facility, health and respite centre and public open space. As the development has a capital investment value greater than \$5 million, it is a project to which Part 3A of the Act applies.

The approved Concept Plan proposes to incorporate the sites for the development of a three storey building along the railway corridor for commercial development, including an art gallery, gymnasium and fitness centre.

On 26 July 2010, Council resolved to reclassify the sites to the Aboriginal Housing Company in order for the project to proceed.

On 30 September 2010, a Director General's Requirements for the environmental assessment was issued for a modification of the approved concept plan that allows development of a four storey building along the railway corridor for commercial offices and art gallery.

## Part 1 – Objectives or Intended Outcomes

To enable the transfer of land to the Aboriginal Housing Company for the Pemulwuy Project in Redfern.

## Part 2 – Explanation of the Provisions

The Planning Proposal ~~for the site~~ only seeks to reclassify seven parcels of land owned by the City of Sydney from “Community” to “Operational” and discharge any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land.

It is proposed to amend the *South Sydney Local Environmental Plan 1998*, by inserting a new clause and Schedule as follows:

### 57 Classification and reclassification of public land as operational land

- (1) The public land described in Schedule 6 is classified, or reclassified, as operational land for the purposes of the Local Government Act 1993, subject to this clause.
- (2) Land described in Columns 1 and 2 of Schedule 6, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land except those (if any) specified opposite the land in Column 3 of Part 3 of Schedule 6.
- (3) In this clause, **the relevant amending plan**, in relation to land described in Part 3 of Schedule 6, means this plan or, if the description of the land is inserted in that Part by another local environmental plan, that plan.
- (4) Before the relevant amending plan inserted the description of land into Schedule 6, the Governor approved of subclause (2) applying to the land.

### Schedule 6 Land classified, or reclassified, under amended section 30 of Local Government Act 1993—interests changed

Column 1 Locality	Column 2 Description	Column 3 Trusts etc not discharged
<b>Redfern</b>		
91 Eveleigh Street, Redfern	Lot 1 DP 779120,	Nil
93 Eveleigh Street, Redfern	Lot A DP 439127	
95 Eveleigh Street, Redfern	Lot B DP 439127	
97 Eveleigh Street, Redfern	Lot 1 DP 797845	
99, Eveleigh Street, Redfern	Lot 1 DP 194785	
119 Eveleigh Street, Redfern	Lot 5 DP 230305	
121 Eveleigh Street, Redfern	Lot 1 DP 995857	

Note: There are affectation as per the certificate of title

The Planning Proposal does not seek to amend any other controls in the *South Sydney LEP 1998*.

## Part 3 – Justification

### Section A – Is the planning proposal the result of any strategic study or report

The proposed LEP amendment does not represent a departure from the planning strategies or objectives for the Redfern Waterloo area. The proposed LEP does not involve rezoning or amending any other planning instrument. Relevant development controls are contained in the State Environmental Planning Policy (SEPP) (Major Development) 2005.

The LEP proposed amendment will assist the Aboriginal Housing Company in the realisation of the Pemulwuy Project Concept Plan approved by the Department of Planning (Approval No. 06\_0101).

### Section B – Is the planning proposal consistent with the local council's community plan, or other local strategic plan

The City recognises Sydney's Aboriginal heritage and contemporary culture, and respects Aboriginal culture and supports Aboriginal initiatives in the area. The Pemulwuy Project is supported as it is proposed on behalf of the community and is sensitive to local needs.

Sustainable Sydney 2030 Strategic Plan – Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. The reclassification of the sites, as part of the Pemulwuy Project provides opportunities for the realisation of many aspects of Sustainable Sydney 2030. Of these, the following Directions are relevant to the redevelopment.

Direction	Comment	Compatible ✓/x
Direction 6 - <i>Vibrant Local Community and Economies</i> recognises and seeks to build on our diverse City communities with diverse lifestyles, interests and needs. Objectives include creating a network of Activity Hubs as places for meeting, shopping, creating, learning and working for local communities.	The project is proposed to revitalise a part of Redfern and provide housing and services for the Aboriginal community. The Project also proposes community and office floor space.  <b>This Planning Proposal will contribute to these outcomes.</b>	✓
Direction 7 - A Cultural and Creative City which recognises the arts and cultural activities as fundamental to liveability, diversity, and quality of life in our cities, as well as their contribution to economic development.	The Project has the ability to encourage the development of Aboriginal and Torres Strait Islander cultural heritage and supporting cultural activities and be incorporated into the "Eora Journey" concept.  <b>This Planning Proposal will contribute to these outcomes.</b>	✓



<p>Direction 8 - <i>Housing for a Diverse Population</i> recognises that housing affordability is an increasing challenge in inner Sydney. Objectives include facilitating the supply of housing by the private market; ensuring that housing developments provide a diversity of housing opportunities for different lifestyle choices and household types; ensuring that a substantial proportion of housing is aimed at the lower end of the market; facilitating and promoting growth in the 'affordable housing' sector including by Not-for Profit (NFP) and other housing providers.</p>	<p>The Project proposes to provide housing for the Aboriginal community as well as provide housing for Aboriginal and non-Aboriginal students.</p> <p><b>This Planning Proposal will contribute to these outcomes.</b></p>	<p>✓</p>
<p>Direction 9 - <i>Sustainable Development, Renewal and Design</i> includes objectives to ensure renewal areas make major contributions to the sustainability of the City; planning for a beautiful City and promoting design excellence; and ensuring new development is integrated with the diversity and 'grain' of the surrounding City.</p>	<p>The redevelopment has the ability to major contributions to the sustainability of the City including onsite power generation; defining and improving the City's streets, squares, parks and open space, and enhancing their role for pedestrians and in public life.</p> <p><b>This Planning Proposal will contribute to these outcomes.</b></p>	<p>✓</p>

**Section C – If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished**

There is a covenant and cross easement on the titles of 93 Eveleigh Street, being Lot A and 95 Eveleigh Street being Lot B in Deposited Plan 439127. The covenant and cross easement relates to a party wall between the two lots. A previous owner created the covenant and cross easement as a result of subdividing the land to support the common wall of two terraces. However, in more recent years, the terraces have been demolished and the sites are now vacant. The covenant and cross easement are therefore, no longer ~~relevant~~. **required.**

**Section D – The concurrence of the landowner, where the land is not owned by the relevant planning authority**

The seven parcels of land are owned by ~~the relevant planning authority being~~ the Council of the City of Sydney **and concurrence has been provided through the resolution of Council on 26 July 2010 to support the transfer of the land to the Aboriginal Housing Company.**

**Section E – Whether the planning proposal will comply with the relevant directions under Section 117 of the Environmental Planning and Assessment Act 1979**

The Planning Proposal is consistent with all relevant Ministerial Directions under Section 117 of the *Environmental Planning and Assessment Act 1979*, as demonstrated below:

Section 117 Direction	Comment	Compatible ✓/✗
1.1 Business and Industrial Zones	The planning proposal is consistent with the existing Business - Mixed Use zoning of the site by reclassifying land from "community" to "operational"	✓
3.1 Residential Zones	The Planning Proposal supports dwellings in a location which is close to existing transport infrastructure and to proposed future infrastructure.	✓
6.2 Reserving Land for Public Purpose	The planning proposal may be inconsistent, as it proposes to reduce land at 91-99 Eveleigh Street and 119-121 Eveleigh Street, Redfern used for a public purpose, as a park. The planning proposal however is consistent with the zoning of the land being Business – Mixed Use and the inconsistency with this direction is considered minor.	✗
6.3 Site specific provisions	The planning proposal supports the existing Business - Mixed Use zoning for the site by reclassifying land from "community" to "operational"	✓
7.1 Implementation of the Metropolitan Strategy	The planning proposal is compatible with the implementation fo the Metropolitan Strategy.	✓

## Part 4 – Community Consultation

### Public Exhibition

This Planning Proposal ~~was is to be~~ exhibited ~~for a period of not less than 28 days~~ **from 9 August to 12 September 2011** in accordance with section 4.5 of *A Guide to preparing LEPs*.

Notification of the public exhibition ~~will be~~ **was**:

- on the City of Sydney website;
- in newspapers that circulate widely in the area (The Sydney Morning Herald and relevant local newspaper); and
- in writing to the adjoining landowners, community groups and the surrounding community in the immediate vicinity of the site.

Information relating to the Planning Proposal ~~will be~~ **was** on display at:

- Council locations at Town Hall House (456 Kent Street, Sydney) and the Redfern Customer Service Centre (158 Redfern Street, Redfern).

### Public Hearing

As the planning proposal is to reclassify land from "Community" to "Operational", a public hearing ~~must be~~ **was** undertaken in accordance with Section 29 of the *Local Government Act 1993*.

Notification of the public hearing ~~will be~~ **was** issued at least 21 days before the start of the hearing:

- on the City of Sydney website;
- in newspapers that circulate widely in the area (The Sydney Morning Herald and relevant local newspaper); and
- in writing to the adjoining landowners, community groups and the surrounding community in the immediate vicinity of the site.

Information relating to the Planning Proposal ~~will be~~ **was** on display at:

Council locations at Town Hall House (456 Kent Street, Sydney) and the Redfern Customer Service Centre (158 Redfern Street, Redfern).

***The public hearing was conducted on Wednesday 14 March 2012 at the Redfern Town Hall in accordance with the requirements of the Local Government Act 1993. In accordance with the Environmental Planning and Assessment Act 1979, the public hearing was facilitated by an independent party who also produced a report.***