

ATTACHMENT C

**RESOLUTION OF COUNCIL
OF 14 MAY 2012
IN RELATION TO MEMORANDUM BY
THE CHIEF EXECUTIVE OFFICER –
NEWCOMBE STREET PADDINGTON –
PARTIAL ROAD OPENING AND CLOSURE**

Resolution of Council

14 MAY 2012

**ITEM 4.3 NEWCOMBE STREET PADDINGTON – PARTIAL ROAD OPENING
AND CLOSURE**

FILE NO: D/2010/1932

MEMORANDUM BY THE CHIEF EXECUTIVE OFFICER

To Council:

At the meeting of the Planning Development and Transport Committee on 7 May 2012, the Lord Mayor and Councillors expressed support to relocate an embellished road closure from the Oxford Street end of Newcombe Street to the Gordon Street end.

This is to reduce traffic impacts from the redevelopment of the Uniting Church land at 1 Newcombe Street, and give that site direct access to Oxford Street so that vehicles do not have to use Gordon Street.

The works have two components: the re-opening of the former road near the intersection of Oxford Street, and the closing of the road near the intersection of Gordon Street. The former will require the park and landscaping to be removed, with a road, kerb and footpaths reinstated and a bus shelter moved. The road closure will involve the land being embellished with trees, landscaping and paving, with new leases for the market stallholders on Saturday.

This memo provides Council with information on the steps, process, costing and time frames for this to occur. The two components are shown separately below, but are likely to occur simultaneously.

Most of the steps require some form of public consultation and exhibition, with a means of receiving and considering submissions. It is recommended that all the public consultation occur simultaneously, if this is possible. Not only would this be time-effective, but would also allow the community to understand the complete scope of works, given that the existing open space in Newcombe Street will be replaced with a road.

A: REOPENING OF NEWCOMBE STREET NEAR OXFORD STREET

STEP 1:

Obtain concurrence from Roads and Maritime Services (RMS) to open Newcombe Street onto Oxford Street. Oxford Street is a classified State Road and any new opening onto a State Road requires RMS approval under the Roads Act.

RMS has indicated that it would be happy to work with Council on this matter and support it in principle.

STEP 2:

The closed part of Newcombe Street is held in fee simple by Council and is classified "community" under the Local Government Act. The land must be reclassified from "community" to "operational" to permit construction and subsequent dedication as road.

The reclassification is done through an amendment to the Draft Sydney LEP 2011. Clause 5.2 of the Draft instrument refers to a schedule which contains a list of operational and community classified land. It is this list that would be amended.

City staff will seek resolutions from Council and the Central Sydney Planning Committee (CSPC) to commence a process to amend the LEP and endorse a Planning Proposal for submission to the Minister with a request for a Gateway determination.

CSPC approval is required under Section 39 of the City of Sydney Act 1988.

Once the Minister grants a Gateway determination, the Planning Proposal is put on public exhibition. After the exhibition period, a public hearing is held by an independent facilitator, with public notice given for the hearing.

Staff will then review any submissions received and amend the Planning Proposal as relevant. A report will go back to Council and the CSPC advising of the submissions and seeking an endorsement of the final Planning Proposal which, if endorsed, will then be submitted to the Minister to make the LEP amendment.

This process is likely to take in the order of 10 - 12 months.

Only the Draft Sydney LEP 2011 would need to be amended because of the timeframe involved.

The zoning within the Draft LEP is not required to be amended as both the park and road will be permissible in the relevant zones.

STEP 3:

City staff will outline detailed works to be carried out, including a footway extension, relocate bus shelter, new road, kerbs and footpaths.

The works would be "Development Without Consent" under the Infrastructure SEPP 2007, which requires the City to carry out a Part 5 assessment. A separate approval under the Roads Act from the RMS is required.

This process could take 4-6 weeks, but could occur concurrently with Step 2 above.

STEP 4:

Council currently leases the closed land to stallholders for the Paddington Markets on Saturdays. Consultation with lease holders regarding relocation will occur prior to the works commencing.

STEP 5:

Carry out the works. This process could take up to four months, but can only occur after the LEP amendment has been approved. Therefore, this step occurs after the steps above.

B: CLOSING OF NEWCOMBE STREET NEAR GORDON STREET**STEP 1:**

Closing the part of Newcombe Street near Gordon Street would require Council to obtain a permanent road closure under Section 34 of the Roads Act from the RMS.

While awaiting the Minister's approval, the City can temporarily close the road under Section 116 of the Roads Act. This would allow the road to be permanently closed off to vehicles in a relatively short time frame, with a view to providing the required landscaping and infrastructure works in the longer term. The processes for obtaining temporary and permanent road closures could occur simultaneously.

Concurrence from the Local Pedestrian, Cycling and Traffic Calming Committee is required. A Road Closure Application is then lodged with the Crown Lands Division of the Department of Primary Industries for approval. All relevant easements for utilities under a Section 88B Instrument are to be drawn up and all relevant certificates obtained (water, subdivision etc).

This process is likely to take 1-2 years and could occur concurrently with the reopening process.

STEP 2:

City staff will outline the scope of detailed works including specifications, materials and planting. This design requires advertising to the community and stakeholders.

STEP 3:

Carry out the works. This process could take up to four months.

STEP 4:

The closed road will become a separate Lot and have to be classified as either "community" or "operational" land under the Local Government Act. This would require a Council resolution and incorporation into a Generic Plan of Management.

COSTING AND SCOPE OF WORKS:

The works are expected to cost approximately \$630,000.

The land which is to be re-opened has brick pavers, no kerbs, stormwater drainage, about 12 mature trees which require removal, tree roots affecting whatever remains of the original road pavement, electric light poles which will need to be removed and street sign removal. The land also contains an awning over the area leased to Paddington Market stallholders. This awning would need to be removed.

There is a bus stop on Oxford Street which will have to be repositioned away from the new intersection and a bus shelter relocated. This will involve consultation with the State Transit Authority, RMS and local businesses. The final proposal would be referred to the Traffic Committee for endorsement.

No detailed scheme for the proposed road closure and embellishment has been decided yet. In the interim, this could involve bollards to close the road, with more enhanced embellishment later. The costing is based on an enhanced embellishment. This part of Newcombe Street also contains a driveway into the church and school site.

OVERALL TIMING

Overall, the timing for everything to occur is likely to be 1-2 years. Some of the steps above could occur concurrently, rather than sequentially; however, the LEP amendment and permanent road closure are steps that are inherently longer and need to be completed before the works are carried out.

RECOMMENDATION

It is resolved that Council:

- (A) endorse the proposal to relocate the road closure in Newcombe Street and construct both the re-opening of Newcombe Street, near the intersection of Oxford Street, along with the closing and embellishment of Newcombe Street, near the intersection of Gordon Street;
- (B) commence the process to amend the Draft Sydney Local Environmental Plan 2011, in accordance with Section 55 of the Environmental Planning and Assessment Act 1979; and
- (C) resolve to proceed with the road closure process under Section 34 of the Roads Act 1993.

MONICA BARONE
Chief Executive Officer

Moved by the Chair (the Lord Mayor), seconded by Councillor Harris –

That the Memorandum by the Chief Executive Officer be endorsed and adopted.

Carried unanimously.