

**ITEM 7. POST EXHIBITION: PLANNING PROPOSAL - VARIOUS SITES AMENDMENT TO SYDNEY LOCAL ENVIRONMENTAL PLAN 2012****FILE NO: S105194****SUMMARY**

In March 2012, Council and the Central Sydney Planning Committee endorsed draft *Sydney Local Environmental Plan 2011* following consideration of a report on the submissions received during public exhibition. The report noted that a number of submissions requested changes that, although considered to have potential merit and be consistent with Council's policy objectives, would result in significant departures from the exhibited Local Environmental Plan. Council and the Central Sydney Planning Committee resolved to address these requested changes through further investigation and, where justified, separate planning proposals so as to allow further public consultation.

In October 2012, Council and the Central Sydney Planning Committee approved for public exhibition a Planning Proposal to amend the controls in *Sydney Local Environmental Plan (LEP) 2012* for the following sites:

- (a) 287-289 Crown Street, Surry Hills - proposed amendment to the height and Floor Space Ratio (FSR) controls;
- (b) 72-90 and 72-90A Telopea Street, Redfern – proposed amendment to correct a mapping error on the FSR map;
- (c) 119-123 Cooper Street and 48-50 Adelaide Street, Surry Hills – proposed amendment to rezone two existing parks from R1 General Residential zone to RE1 Public Recreation; and
- (d) various properties identified within the Alexandria Park locality bound by Buckland, Fountain, McEvoy and Wyndham Streets – proposed amendment to rezone the properties from the R1 General Residential zone to B4 Mixed Uses zone.

The resolution of Council of 15 October 2012 and the resolution of the Central Sydney Planning Committee of 11 October 2012 are shown at **Attachment A**.

The Planning Proposal was submitted to the Department of Planning and Infrastructure, with a request for a Gateway Determination in accordance with section 56(1) of the *Environmental Planning and Assessment Act 1979*. The Gateway Determination to proceed with the public exhibition of the Planning Proposal was issued on 8 December 2012.

The Planning Proposal and accompanying development control plan amendment were publicly exhibited from 14 January 2013 to 11 February 2013. The exhibition generated 19 community submissions and one public agency submission which are summarised in this report.

This report seeks the Central Sydney Planning Committee's approval of the Planning Proposal, shown at **Attachment B**. It also asks that the accompanying *draft Sydney Development Control Plan 2012 - Amendment No. 3*, shown at **Attachment C**, be noted.

Noting that the Minister has authorised Council to exercise its delegation to make the local environmental plan, it is recommended that the Planning Proposal at **Attachment B** be approved by the Central Sydney Planning Committee to be made as a local environmental plan.

## RECOMMENDATION

It is resolved that the Central Sydney Planning Committee:

- (A) note the submissions received in response to the public exhibition of the Planning Proposal: Various Sites Amendment to *Sydney Local Environmental Plan 2012*, and *draft Sydney Development Control Plan 2012 – Amendment No. 3*, as summarised at **Attachment D** to the subject report;
- (B) under section 39(1) of the *City of Sydney Act 1988*, approve the Planning Proposal, shown at **Attachment B** to the subject report, to be made as a local environmental plan under section 59 of the *Environmental Planning and Assessment Act 1979*; and
- (C) note the recommendation to Council's Planning and Development Committee on 12 November 2013 that Council approve the *draft Sydney Development Control Plan 2012 – Amendment No. 3*, shown at **Attachment C** to the subject report.

## ATTACHMENTS

**Attachment A:** Resolution of Council of 15 October 2012 and resolution of the Central Sydney Planning Committee of 11 October 2012

**Attachment B:** Planning Proposal – Various Sites Amendment to Sydney Local Environmental Plan 2012

**Attachment C:** Draft Sydney Development Control Plan 2012 – Amendment No. 3

**Attachment D:** Summary of submissions

**Attachment E:** Changes to the Alexandria Park locality statement in *Sydney Development Control Plan 2012*

**BACKGROUND**

1. *Draft Sydney Local Environmental Plan (LEP) 2011* was exhibited from 2 February 2011 to 4 April 2011, together with *Draft Sydney Development Control Plan (DCP) 2010*, the *draft Green Square Affordable Housing Program* and the *draft City of Sydney Competitive Design Policy*. The exhibition generated over 1,000 submissions.
2. In March 2012, Council and the Central Sydney Planning Committee endorsed the draft Local Environmental Plan following consideration of a report on the submissions. The report noted that a number of submissions requested changes to the draft that, although considered to have merit and be consistent with Council's policy objectives, would result in significant departures from the exhibited Local Environmental Plan. Council and the Central Sydney Planning Committee resolved to address these requested changes through separate planning proposals, so as to allow further public consultation and minimise the risk of legal challenge.
3. On 15 October 2012 and 11 October 2012 respectively, Council and the Central Sydney Planning Committee resolved to request a Gateway Determination from the Department of Planning and Infrastructure to allow public exhibition of a Planning Proposal to amend *Sydney Local Environmental Plan (LEP) 2012*, along with accompanying *Sydney Development Control Plan (DCP) 2012* amendments, for the following:
  - (a) 287-289 Crown Street, Surry Hills – proposed amendment to the height and Floor Space Ratio (FSR) controls from 15m to 18m and from 2.5:1 to 3.25:1;
  - (b) 119-123 Cooper Street and 48-50 Adelaide Street, Surry Hills – proposed amendment to the land use zoning from R1 General Residential to RE1 Public Recreation;
  - (c) Nos. 72-90 and 72-90A Telopea Street, Redfern – proposed amendment to the FSR map to include previously omitted FSR controls of 1.25:1 for each property; and
  - (d) various sites within the Alexandria Park locality in Green Square – proposed amendment to the land use zoning from R1 General Residential to B4 Mixed Uses for each identified property.
4. Although initially reported as amendments to *draft Sydney LEP 2011* and *draft Sydney DCP 2011*, the amendments will now be progressed as amendments to *Sydney LEP 2012* and *Sydney DCP 2012*, as these have both come into force since the report to Council in October 2012.
5. The proposed amendments to the *Sydney LEP 2012* and *Sydney DCP 2012* are described in further detail under separate headings below for each of the sites.
6. This report details the outcome of that public exhibition and public agency consultation, and recommends that the Central Sydney Planning Committee approve the Planning Proposal for making as a local environmental plan, and notes the amendments to *Sydney DCP 2012*.

**Public exhibition and consultation**

7. A Gateway Determination was issued on 8 December 2012 from the Department of Planning and Infrastructure to allow consultation to take place. Owing to the Christmas and New Year and school holiday period, the public exhibition was delayed until mid-January 2013.
8. Public agency consultation was undertaken in accordance with the Gateway Determination, with one agency response from NSW Roads and Maritime Services.
9. The Planning Proposal was publicly exhibited between 14 January 2013 and 11 February 2013. Exhibition materials were made available for viewing on the City's website, at the One Stop Shop, and at the Green Square, Redfern, and Kings Cross Neighbourhood Centres. The exhibition was notified by way of advertisements in The Sydney Morning Herald and local newspapers, and via letters mailed to affected property owners.
10. The exhibition generated a total of 19 community submissions. Eighteen (18) submissions were specifically related to the proposed changes in the Alexandria Park locality and one submission related to the proposed changes for 287-289 Crown Street, Surry Hills. No submissions made comment on the proposed amendments for Telopea Street Redfern, or for the Cooper Street and Adelaide Street Surry Hills amendment.
11. The submissions are dealt with in detail at the relevant section of this report and at **Attachment D**.
12. There are no changes recommended to either the Planning Proposal or development control plan as a result of consideration of the matters raised in submissions.
13. One minor change to the Planning Proposal is recommended, to amend the zoning applying to the roads adjacent to the rezoned properties in the Alexandria Park locality, so as to match the zoning of the adjacent properties. This will ensure consistency with the practice followed elsewhere in *Sydney LEP 2012*, and does not alter the operation of the affected roads nor impact on any private property interests.

**Alexandria Park locality**

14. The various properties located within the Alexandria Park locality are currently zoned R1 General Residential, and have been since the publication of *Sydney LEP 2012* in December 2012. Prior to that, the properties in the Alexandria Park locality were zoned Mixed Use 10(b) in *South Sydney LEP 1998*. The 10(b) zone is primarily a residential zone that allows non-residential land uses up to a maximum of 25% of the total floor space for the site.
15. There is no equivalent Standard Instrument zone for the Mixed Use 10(b) zone, and so this zone was translated into *Sydney LEP 2012* as the R1 General Residential zone as the closest fit. Of the other lands previously zoned Mixed Uses 10(b), some retained a mixed use zoning and some were converted to a residential zone. Those lands converted to a residential zone are generally further along in their transition from employment based uses to a residential precinct.

16. Two submissions to the exhibition of the draft *Sydney LEP 2011* pointed out that the proposed General Residential R1 zone is more restrictive than the Mixed Use 10 (b) zone. In the report to Council on the *draft Sydney LEP 2011*, Council officers recommended that Council note consideration is being given to whether a planning proposal should be prepared in the future to rezone the land in Alexandria Park, shown as Zone R1 General Residential on the draft Land Zoning map.
17. The purpose of this Planning Proposal is to rezone the subject properties in the Alexandria Park locality zoned R1 General Residential to B4 Mixed Uses to reflect the current uses of the land, and to accommodate the transitional character of the area. Figure 1 below illustrates the proposed amendment to the Land Use Zoning map in *Sydney LEP 2012*, with the area to be rezoned to B4 Mixed Uses shown outlined in red.
18. In *Sydney LEP 2012*, road reservations have a land use zoning, consistent with the zoning of the adjacent land. The exhibited version of the Planning Proposal did not propose to change the zoning of any road reservations in the Alexandria Park locality.
19. To ensure consistency with *Sydney LEP 2012*, it is intended that, as a consequence of this Planning Proposal, Power Avenue, Brennan Street, Loveridge Street, and the section of Belmont Street to the north of Fountain Street, would also be rezoned B4 Mixed Uses. The change to the zoning of the road reservation is administrative in nature, and will not affect the operation of the road, nor any private property interests.

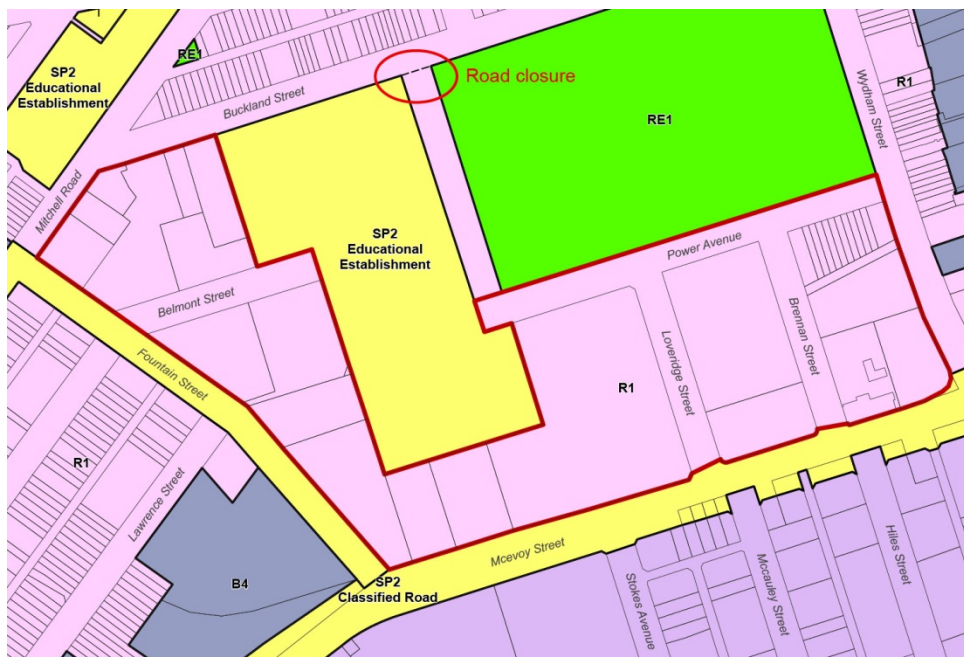


Figure 1: Extract from zoning map of *Sydney Local Environmental Plan 2012*, with the area to be rezoned to B4 Mixed Uses shown outlined in red. The location of the closure of Park Road is also shown.

20. It is also recommended that Section 2.5.1 Alexandria Park locality statement, within Section 2 Locality Statements in the *Sydney DCP 2012*, is amended, as shown at **Attachment E**, to reflect the intent of the changes to the proposed land use zoning controls.

### Submissions – amenity and residential character of the locality

21. Some submissions express concern that a Mixed Use B4 zone would lead to a loss of the residential character of the Alexandria Park locality, with the potential for non-compatible uses.
22. The area was zoned for Mixed Use under *South Sydney LEP 1998*, and remained so until the *Sydney LEP 2012* came into force in December 2012, a period of 14 years. The General Residential R1 zoning has been in place for approximately 10 months.
23. The character of the Alexandria Park locality is a mix of older light industrial and employment uses, some recent low and medium density residential development, commercial and retail uses, particularly along McEvoy Street; and the dominant park and school. This character reflects its historical Mixed Use zoning and its ongoing transition from an employment area to a residential one.
24. Retaining the R1 General Residential zone would mean significantly less flexibility to continue the existing employment uses whose impacts are either not significant or manageable. It would also mean fewer opportunities to activate the ground floor of McEvoy Street properties with appropriate retail or commercial uses.
25. The Alexandria Park locality partly overlaps with the area identified as the Alexandria Park Conservation Area in *Sydney LEP 2012*. The two areas are shown in Figure 2. The Alexandria Park Conservation Area is a residential area dominated by terraced housing and wide tree-lined streets encompassing Buckland Street, Garden Street, Gerrard Street, Phillip Street, Anderson Street, and Alexandria Park itself. Many of the community submissions received were from residents in this area. The proposal does not rezone any properties in the Alexandria Park Conservation Area.



Figure 2: The area around Alexandria Park (green), showing the conservation area in red and the properties to be rezoned in blue.

26. The proposed Mixed Use B4 zoning is a reflection of the land uses in the Alexandria Park locality. It is not expected to precipitate land use change in the area, but it will allow for its ongoing transition. For these reasons, it is not expected that there will be a significant impact on the character of the Alexandria Park locality, or of the adjoining Alexandria Park Conservation Area.

#### **Submissions - transport, traffic and parking**

27. Some submissions raised issues, including the lack of transport infrastructure and on-street parking to cope with traffic resulting from increased commercial activity in the rezoned area. One submission encouraged improvements to cycling and pedestrian infrastructure in the rezoned area.
28. The Planning Proposal does not increase building heights or the FSR in the Alexandria Park locality. The change of zone in itself is not expected to intensify development significantly, as it is a reflection of current land uses.
29. The Alexandria Park locality is part of the wider Green Square Urban Renewal Area. The Green Square Transport Management and Accessibility Plan (TMAP) is being undertaken, in conjunction with Transport NSW, to establish a comprehensive transport model and plan to cater for the redevelopment of Green Square over time, achieving a high level of public transport use throughout the area and reducing car dependence.
30. The NSW Roads and Maritime Services have stated that they are satisfied that the Planning Proposal will not lead to significant traffic generation in the area. Traffic impacts of development are able to be addressed through the requirements of *Sydney DCP 2012* and through the ongoing Transport Management and Accessibility Plan being prepared for the Green Square Urban Renewal Area.

#### **Submissions – Park Road**

31. Many submissions expressed concern over perceived changes to the operation of Park Road within the locality. Park Road is a cul-de-sac, with a road closure in place at its intersection with Buckland Street, as indicated by the red circle in Figure 1. The effect of this road closure is to limit rat-running between Buckland Street and McEvoy Street.
32. In the Planning Proposal, the figure indicating the subject properties in the Alexandria Park locality did not show the road closure. This is an oversight, but was interpreted by some as signalling the removal of the road closure. The Planning Proposal does not remove the road closure or in any other way seek to change the operation of Park Road.
33. Other submissions were concerned that it was proposed to extend Park Road through to McEvoy Street, and were opposed to such a move. Two submissions suggested that any references to the extension of Park Road to McEvoy Street should be removed from the locality statement in the Development Control Plan.

34. The extension of Park Road to McEvoy Street was one of the suggested locations for a new 20m wide local street identified in the Green Square Built Form Review (2007). This was translated into the relevant maps in *Sydney DCP 2012*, as shown in Figure 3. Proposed streets are shown in Council's preferred location with the intent of breaking up large blocks and increasing accessibility in the neighbourhood. If a future proposal is put forward to extend Park Road, it would be subject to a separate public exhibition and consultation process and a traffic study.



Figure 3: The location of the suggested new local road, as shown in *Sydney Development Control Plan 2012*, indicated by the red oval.

35. This Planning Proposal and Development Control Plan do not propose to extend Park Road.

### **287-289 Crown Street, Surry Hills**

36. 287-289 Crown Street, Surry Hills, is located on the south west corner of Crown Street and Reservoir Street. The property is part of a mixed use area at the northern end of Crown Street and adjoins residential areas to the south on Crown Street and to the west on Reservoir Street.
37. The current three storey building on-site operates as the City Crown Motel, a budget style motel. A café operates from the ground floor at the Crown Street frontage. The building is in need of refurbishment and detracts from the overall character of the area.
38. During the exhibition of draft *Sydney LEP 2011*, the landowner made a submission requesting an increase in height to 22m and Floor Space Ratio to 4:1, with the intention of redeveloping the site for residential accommodation. This was not supported, as analysis indicated that the resulting built form would be incompatible with that of the surrounding area.



39. The Planning Proposal recommends an increase in permissible height from 15m to 18m and an increase in FSR from 2.5:1 to 3.25:1. Urban design analysis has indicated that these increases will have acceptable impact on adjacent properties and would be consistent with the area's mixed use character. A Development Control Plan accompanies the Planning Proposal and provides further guidance on detailed design.
40. The proposal meets the objectives of the City's Sustainable Sydney 2030 plan to increase housing supply in well-connected existing centres. The proposal also aligns with key strategic directions at a State Government level in that it will result in greater housing choice focussed around an existing accessible and well-serviced centre.

### **Development Application**

41. A Development Application (D/2013/1305) has been lodged for the site in anticipation of Council making a decision on the merits of the Planning Proposal and Development Control Plan after consideration of issues raised during the exhibition.
42. The Development Application is for a strata-titled serviced apartment building, with a maximum height of 18 metres (6/7 storeys) and a calculated FSR of 3.24:1. The building would have 45 serviced apartments, 10 basement parking spaces and a café/retail tenancy on the ground floor fronting Crown Street.
43. Compliance with the proposed controls will be considered in the assessment of the Development Application.

### **Submissions – height and scale of development**

44. The one submission on the Planning Proposal relating to this site expressed concern that the resulting bulk and scale of the building would be disproportionate in relation to its surroundings, and would dwarf the adjacent heritage cottages, which lie downhill from the site across Reservoir Lane. The submission was also concerned about the impacts on the character of the village streetscape.
45. The site presents an opportunity to provide additional housing or visitor accommodation in an established urban area with excellent access to jobs, transport and services. The proposed increase in the height and FSR controls will allow for a redevelopment that contributes to the vibrancy of the area, at a scale that is appropriate to its context.
46. The Development Control Plan gives additional guidance for the distribution of building heights across the site to ensure compatibility with the Crown Street streetscape and an appropriate transition to the lower scale residential buildings on Reservoir Street.
47. Measures include a setback from the existing 1 and 2 storey dwellings across Reservoir Lane, as well as further limitations on the extent of the upper floors to reduce the visual bulk of the building and minimise overshadowing. Figure 4 demonstrates how a maximum height of 5 storeys can be achieved on the subject site with minimal impact to properties on Reservoir Street.

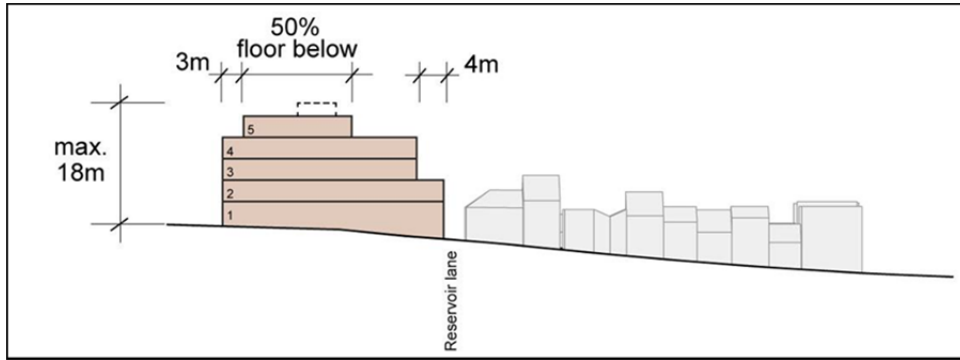


Figure 4: Reservoir Street elevation illustrating transition in height

**Submissions – traffic and noise impacts**

- 48. The submission expressed concern that there will be further increases in traffic and noise impacts, which will impact negatively on surrounding residents.
- 49. The Planning Proposal would allow development to replace a 3-storey motel and café with serviced apartments and a café. The proposal is not likely to create significant additional traffic or noise and is considered appropriate in that context. Specific impacts can be addressed through the requirements of *Sydney DCP 2012*.

**Teloepa Street Redfern**

- 50. The properties from number 72 to number 90 Teloepa Street, Redfern are two storey terraces located within a predominantly residential neighbourhood. 72-90A Teloepa Street (the laneway) is a narrow strip of land that runs behind the terraces. It is owned by the City of Sydney and appears to be a former night soil lane. No public access is available to this laneway.
- 51. The properties are zoned R1 General Residential zone under the *Sydney LEP 2012*, have a height limit of 9 metres, and are within the Baptist Street Conservation Area. However, the FSR controls for the properties were erroneously omitted from the maps, as shown in Figure 5.

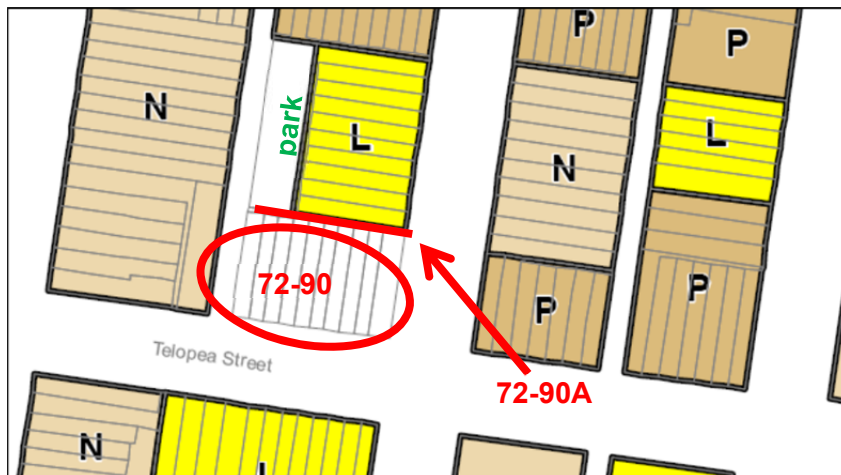


Figure 5: Extract from *Sydney Local Environmental Plan 2012* Floor Space Ratio map showing properties at 72-90 and 72-90A Teloepa Street without the applicable controls.

52. The Planning Proposal recommended that a floor space ratio of 1.25:1 (indicated by the letter P on the FSR map) be ascribed to the sites through amending the Floor Space Ratio map. This reflects the recommendations of the Redfern-Waterloo Urban Design Study and is consistent with the FSRs applied to the neighbouring terraced housing lots.
53. No submissions were received in relation to this proposed amendment.

#### **119-123 Cooper Street Surry Hills and 48-50 Adelaide Street**

54. 119-123 Cooper Street, Surry Hills is known as the Cooper Street Reserve and is located at the eastern-most end of Cooper Street, at the intersection with Little Riley Street. 48-50 Adelaide Street, Surry Hills is known as the Adelaide Street Reserve and is located at the eastern-most end of Adelaide Street, at the intersection with Little Riley Street. The location of the sites is shown in Figure 6 below.
55. Both sites are owned by the City of Sydney and are parks. Under the *South Sydney LEP 1998*, the sites were zoned 2(b) Residential (Medium Density). This was translated directly into the *Sydney LEP 2012* to the R1 General Residential zone. However, as both sites are Council-owned parks, it is appropriate to rezone them to RE1 Public Recreation, consistent with the zoning of the adjacent Cooper Street street closure. Zoning Council-owned parks RE1 Public Recreation is consistent with the approach undertaken across the whole Local Government Area.
56. No submissions were received relating to the rezoning of these two sites.



Figure 6: Aerial photograph showing location of Cooper Street Reserve and Adelaide Street Reserve, Surry Hills

**KEY IMPLICATIONS****Strategic Alignment - Sustainable Sydney 2030 Vision**

57. *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, of which the following are most relevant to the Proposal:

- (a) Direction 6 - Vibrant Local Communities and Economies - The Planning Proposal will facilitate the redevelopment of the site at 287-289 Crown Street, Surry Hills. Such a redevelopment will contribute to the vibrancy of the local community and allow for the orderly and economic use and development of the land.

The Planning Proposal will also facilitate the orderly and economic use and development of properties within the Alexandria Park locality. The permissible uses under the B4 Mixed Uses zone will encourage development that will complement the planned Major Green Square Town Centre and local village at Ashmore Estate. The change in zone will also promote appropriate retail opportunities along McEvoy Street. This is also in line with the recommendations of the Green Square and Southern Areas Retail Study 2008.

The B4 Mixed Uses zone will also encourage a vibrant mixed use area and uses that will promote the type of ground floor activation envisaged to enliven the area.

- (b) Direction 8 - Housing for a Diverse Population. The Planning Proposal for 287-289 Crown Street, Surry Hills will enable an increase in residential development within the established urban footprint, in an area well serviced with infrastructure, including public transport, shops, parks and employment opportunities. This residential growth is consistent with the broader strategic housing strategies of the Metropolitan Strategy, draft Sydney Subregional Strategy and Ministerial Directions. Introducing residential uses on site would complement existing residential developments in the area.

A B4 Mixed Uses zone in the Alexandria Park area will allow residential uses, mixed with retail and commercial uses for the Alexandria Park neighbourhood.

- (c) Direction 9 - Sustainable Development, Renewal and Design - The Planning Proposal for 287-289 Crown Street, Surry Hills will allow for the redevelopment of the existing building to optimise the site and revitalise the area through increased height and FSR controls. Site-specific controls for height in storeys, setbacks and building envelope controls are contained in the proposed amendment to the *Sydney Development Control Plan 2012*.

Any future residential development on the site would also be required to comply with *State Environmental Planning Policy 65 - Design Quality of Residential Flat Development*, to ensure any overshadowing and overlooking is minimised. A residential development would also be required to comply with the provisions of BASIX in order to improve its environmental performance. This proposal will enable an increase in residential in an area well connected to transport, shops and employment.

The underdeveloped sites (and buildings) located within the Alexandria Park locality represent a good opportunity for adaptive re-use and to introduce a mix of uses.

#### **BUDGET IMPLICATIONS**

58. There are no budget implications.

#### **RELEVANT LEGISLATION**

59. *Environmental Planning and Assessment Act 1979; Environmental Planning and Assessment Regulation 2000.*

#### **CRITICAL DATES / TIME FRAMES**

60. The Gateway determination requires the Local Environmental Plan to be completed by September 2013.
61. The Council is required to provide public notification of any approval of a new Development Control Plan within 28 days of its adoption.

#### **GRAHAM JAHN, AM**

Director City Planning, Development and Transport

(David Fitzpatrick, Specialist Planner)