

ITEM 10. POST EXHIBITION: PLANNING PROPOSAL TO RECLASSIFY LAND AT 1A NEWCOMBE STREET PADDINGTON**FILE NO: S091888****SUMMARY**

On 14 May 2012, Council approved the development application for 1 Newcombe Street, Paddington proposing 20 residential apartments, retail premises and associated car parking, subject to deferred commencement and conditions of consent.

The conditions of development consent require the applicant to relocate the Gordon Street vehicle access to the proposed private lane off Newcombe Street, near Oxford Street. The applicant is also required to obtain the approval of Roads and Maritime Services for vehicular access to the site to be provided from Oxford Street via Newcombe Street.

Newcombe Street runs perpendicular to Oxford Street and is adjacent to the Paddington Uniting Church, the location of the popular weekend Paddington markets. At the southern end, the street is currently a two way no-through road off Gordon Street. The northern portion of Newcombe Street, where it intersects with Oxford Street, was closed as a public road in the 1980s and is currently a paved plaza space.

Relocating the vehicle access requires the re-opening of the northern end of Newcombe Street (known as 1A Newcombe Street) and the closure of the southern end of Newcombe Street at the Gordon Street intersection. On 14 May 2012, Council resolved to endorse the proposal to relocate the road closure in Newcombe Street and construct both the re-opening of Newcombe Street at its intersection with Oxford Street, along with the closing and embellishment of Newcombe Street near Gordon Street.

The changes to Newcombe Street require a number of steps including closing the southern section of Newcombe Street near Gordon Street under the *Roads Act 1993*, reclassifying 1A Newcombe Street from 'community' to 'operational land', opening the northern section of Newcombe Street and preparing a concept design for the new road and plaza.

This report seeks the Central Sydney Planning Committee's approval of a planning proposal to make a local environmental plan that will reclassify 1A Newcombe Street. 1A Newcombe Street is classified 'community' land under the *Local Government Act 1993* and needs to be reclassified as 'operational' land before it can be reopened as a road. The reclassification of land is carried out through an amendment to a local environmental plan under the *Environmental Planning and Assessment Act 1979*.

The Planning Proposal to reclassify the land was exhibited from March to April 2015. A public hearing was held on 12 May 2015 at Paddington Public School in accordance with the requirements of the *Local Government Act 1993*. The concept design for the plaza was exhibited alongside the planning proposal. Feedback was received on the Planning Proposal, road closure and concept design. Council Planning and Development Committee considered a single report on the planning proposal and concept design on 23 June 2015.

The majority of feedback from submissions and public hearing expressed support for the reclassification proposal on the basis that it would provide a better outcome in terms of safety, traffic and amenity.

RECOMMENDATION

It is resolved that the Central Sydney Planning Committee:

- (A) note the matters raised in response to the public exhibition of “Planning Proposal to Reclassify 1A Newcombe Street, Paddington from ‘Community Land’ to ‘Operational Land’”, as shown at Attachments B and C to the subject report;
- (B) approve the “Planning Proposal to Reclassify 1A Newcombe Street, Paddington from ‘Community Land’ to ‘Operational Land’”, as shown at Attachment A 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 23 June 2015 that authority be delegated to the Chief Executive Officer to make any minor changes to “Planning Proposal to Reclassify 1A Newcombe Street, Paddington from Community Land to ‘Operational Land’” to correct drafting errors prior to finalisation of the local environmental plan.

ATTACHMENTS

- Attachment A:** Planning Proposal to Reclassify 1A Newcombe Street, Paddington from ‘Community Land’ to ‘Operational Land’
- Attachment B:** Consultation Report - Concept Design and Planning Proposal
- Attachment C:** Public Hearing Outcomes Report – Reclassification 1A Newcombe Street Paddington
- Attachment D:** Concept Design - Exhibition Boards

BACKGROUND

1. On 14 May 2012, Council approved the development application for 1 Newcombe Street, Paddington proposing 20 residential apartments, retail premises and associated car parking, subject to deferred commencement and conditions of consent.
2. In response to concerns about vehicular access and traffic impacts in surrounding residential streets, Council endorsed the proposal to reopen Newcombe Street at the Oxford Street end, so vehicles can access the site from Oxford Street, and to close Newcombe Street, near Gordon Street.
3. The conditions of development consent require the applicant to relocate the Gordon Street vehicle access to the proposed private lane off Newcombe Street, near Oxford Street. The applicant is also required to obtain the approval of Roads and Maritime Services for vehicular access to the site to be provided from Oxford Street via Newcombe Street. Relocating the vehicle access requires the re-opening of the northern end of Newcombe Street (known as 1A Newcombe Street) and the closure of the southern end of Newcombe Street at the Gordon Street intersection. On 14 May 2012, Council resolved to endorse the proposal to relocate the road closure in Newcombe Street and construct the re-opening of part of Newcombe and the embellishment of Newcombe Street near Gordon Street. Figure 1 shows the approximate sections of Newcombe Street to be opened and closed and the development site at 1A Newcombe Street.

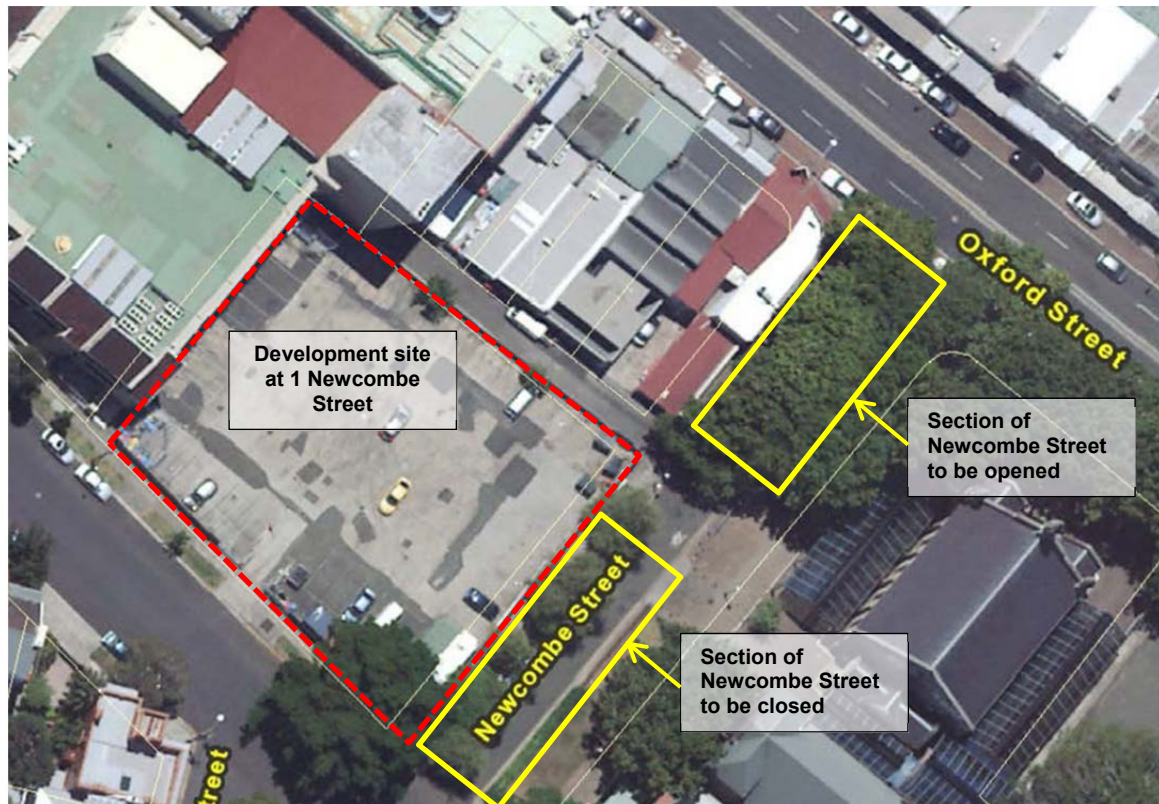


Figure 1: Aerial showing 1 Newcombe Street development site (dashed red) and the sections of Newcombe Street to be opened and closed

4. Newcombe Street is bound by Oxford Street to the north, Gordon Street to the south, the Uniting Church, George Smith Memorial Hall and the Paddington Children's Centre to the east and a private car park and retail buildings to the west. The surrounding area is characterised by a mixture of 2-3 storey residential terraces, community buildings and businesses associated with Paddington village. Newcombe Street is a small two-lane street, one lane of which is used for street parking.
5. Newcombe Street is part of the Paddington South Heritage Conservation Area, an area defined by Oxford Street and Moore Park Road. The area is significant because of the early Colonial and Victorian buildings, including the Paddington Uniting Church (1877) and The Parsonage (Paddington Children's Centre) 1880s.
6. The northern portion of Newcombe Street, where it intersects with Oxford Street, was closed as a public road in the 1980s. The Paddington Markets are a defining feature of the Newcombe Street area. On market days, approximately 13 stall holders currently use the paved plaza space on Newcombe Street. The western side of the paved plaza area is approved for café seating associated with a café fronting Oxford Street. The lawn area is used as a shaded sitting spot.
7. Currently vehicles enter Newcombe Street from Gordon Street and either park or access the unnamed private lane to gain entry to the rear of the properties along Oxford Street. There are four car parking spaces on Newcombe Street and four off peak car parking spaces on Oxford Street.

PLANNING PROPOSAL TO RECLASSIFY LAND

8. In order for Newcombe Street to be reopened at the Oxford Street end, the land must be reclassified under the *Local Government Act 1993*. 1A Newcombe Street is currently classified as 'community land' and must be reclassified 'operational land' before it can be made a road. The process for reclassifying land from 'community' to 'operational' is given effect through an amendment to a Local Environmental Plan (LEP). The land proposed to be reclassified is shown in Figure 2.
9. On 26 July 2012, the Central Sydney Planning Committee resolved to approve the "Planning Proposal to reclassify 1A Newcombe Street, Paddington from 'Community Land' to 'Operational Land'" ("Planning Proposal") for submission to the Department of Planning and Infrastructure, now known as Department of Planning & Environment, with a request for a gateway determination. The Planning Proposal is at Attachment A. The Department of Planning and Infrastructure issued a gateway determination to proceed with the Planning Proposal on 17 September 2012. The Planning Proposal was exhibited in accordance with the gateway determination and a public hearing was held.
10. The Planning Proposal has been revised to include the public hearing and refer to the current LEP and to provide additional information in the relevant clause for reclassification. The Planning Proposal shows insertions as underlined and deletions as ~~striketrough~~. The land is proposed to be identified under part 2 of schedule 4 of the LEP meaning it will cease to be a public reserve so that it can be dedicated as a road. The Planning Proposal did not propose removing any interests on the land. The existing easements for electricity purposes and water mains have been added to the Planning Proposal so they are not extinguished on making of the plan.

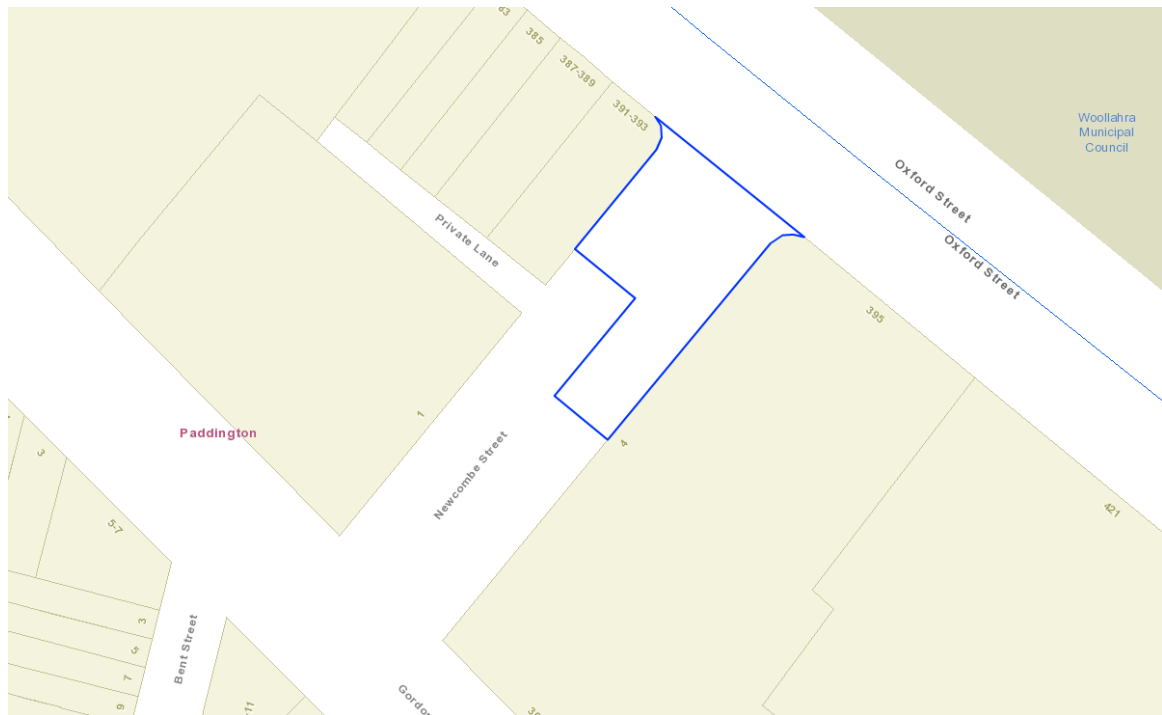


Figure 2: Land to be reclassified at 1A Newcombe Street shown outlined in blue

11. The issues relevant to the reclassification arising from submissions and the public hearing are considered in this report. The majority of feedback from submissions and the hearing expressed support for the proposal, including all but one attendee at the public hearing into the reclassification. The reclassification was generally supported on the basis that it would provide a better outcome in terms of safety, traffic and amenity. It is recommended that the reclassification of 1A Newcombe Street proceed and that the Central Sydney Planning Committee approve the Planning Proposal to be made as local environmental plan.

CONCEPT DESIGN

12. A concept design for the renewal Newcombe Street, including the reopened road and new plaza was prepared by the City and exhibited with the Planning Proposal. The project aims to improve amenity and mitigate potential traffic impacts to the residential streets brought about by the 1 Newcombe Street development. The proposal opens the northern end of Newcombe Street to traffic via Oxford Street. The southern end will become a high-quality public space with a paved plaza, new trees and planting, a grassed area and space for stalls as part of Paddington Market. The exhibition boards describing the concept design are shown at Attachment D.

PUBLIC CONSULTATION

13. Public consultation was undertaken for 28 days between 13 March and 10 April 2015 with a public hearing on 12 May 2015. The exhibition included the concept designs and the planning proposal. Consultation activities included a range of online consultation and print approaches to communicate and obtain community and stakeholder feedback:

- (a) Letter distributed to 700 residents and businesses around the Paddington Plaza and Newcombe Street including details of the public hearing;
 - (b) Public notice advertisements published in the Sydney Morning Herald, Wentworth Courier and Sydney Central Courier for the exhibition and public hearing;
 - (c) A consultation stand at the Paddington Markets on 28 March 2015;
 - (d) 3000 subscribers to the City's online consultation hub sydneyyoursay.com.au were notified through an email newsletter;
 - (e) A unique webpage for the consultation was created on sydneyyoursay.com.au displaying the consultation material including the Planning Proposal and linked to the City's corporate website;
 - (f) Concept designs and the Planning Proposal were available for viewing and comment in the One Stop Shop and Kings Cross Neighbourhood Service Centre;
 - (g) Drop-in/door-knocks with key stakeholders; and
 - (h) Public Hearing facilitated by an independent facilitator.
14. The Sydney Your Say webpage was visited by 332 individuals with 83 visitors viewing the explanatory documents. Feedback was also acquired at the Paddington Markets consultation. In total, 48 written submissions were received by the City demonstrating interest and awareness of the proposal. A petition was also received containing 147 signatures expressing support for the design changes.
15. From the 48 submissions received 33 expressed support for the proposal. Nine of the submissions supporting the proposal made a suggestion on an aspect of the proposal. 12 submissions were opposed. Three submissions made a suggestion or raised a concern without supporting or objecting to the proposal.
16. The petition from business and residents stated support for the opening of Newcombe Street at Oxford Street and the closing off Newcombe Street onto Gordon Street. There were 147 signatures.
17. A comprehensive report on the outcomes of consultation is at Attachment B. The key issues related to the reclassification of 1A Newcombe Street are addressed below. The issues related to the detail of the concept design were considered by Council's Planning and Development on 23 June 2015.

Public Space

18. The proposal was generally viewed as beneficial for the area and a good design. The concept design was amended to address suggestions about the grassed area, bike racks and seating.

Safety

19. Safety was of significant concern to the community. The majority of feedback states the proposal improves pedestrian safety particularly for school children using Gordon Street. There were some concerns raised for pedestrians using Oxford Street and the new section of Newcombe Street. Suggestions for zebra crossings and a shared zone were considered. The design, width and length of the road have addressed pedestrian safety issues.

Traffic/Road

20. The proposed traffic change was generally regarded as a good solution. Some concerns were raised about the impacts on the flow of traffic on Oxford Street and vehicle access into Newcombe Street. Moving of traffic lights on Oxford Street was also requested.
21. Traffic on Oxford Street will be increased as a result of opening Newcombe Street and some delays may occur in Newcombe Street, due to the high traffic volumes along Oxford Street during the peak periods. The impacts to the kerbside bus lane during the AM peak times is predicted to be minimal, as the turning vehicles are anticipated to be less than 1 per minute during any peak hour.
22. The relocation of the traffic lights crossing would detrimentally affect pedestrians using Elizabeth Street. In addition, the existing location ties well into access points for Paddington Public School. It is unlikely that Roads and Maritime Services would support the creation of a signalised intersection at Newcombe Street (all turning movements). Traffic travelling east will circuit around Moore Park Road to Oxford Street or via New South Head Road and Ocean Street to Oxford Street.

Parking

23. Various comments were made about impact on parking in the vicinity of Newcombe Street. The proposed design maintains provision for four car parking spaces on Newcombe Street, with the four off-peak car parking spaces lost on Oxford Street. Four permanent car parking spaces will be gained on Gordon Street. Parking and access during construction will be carefully managed to ensure the needs of residents and families using the pre-school are considered. The Paddington Markets development consent stipulates that 79 car spaces must be provided for market stall holders when the markets occur, every Saturday. These spaces will be provided in the 1 Newcombe Street basement car park along with residential and some retail parking.

Construction

24. In order to prevent construction traffic using Gordon Street, requests were made at the public hearing to complete the Newcombe Street works before the No. 1 Newcombe Street development construction commenced and the development be staged for the road closure and associated reopening.

25. The development consent for the 1 Newcombe Street development did not require Newcombe Street access to be provided prior to construction. The deferred commencement conditions required Roads and Maritime Services agreement for access from Oxford Street and redesign of the development to relocate the driveway from Gordon Street to the rear lane (Newcombe Street). The conditions related only to the development site and not to the Newcombe Street roadway. Roads and Maritime Services has given their agreement. At the time of writing a section 96 application to modify the original development consent was being assessed by the City. This application proposes vehicle access from Newcombe Street, via Oxford Street to address the deferred commencement condition.
26. Once conditions are satisfied and a construction certificate is issued construction can commence. Council cannot influence the timing of a development.
27. Due to the complexity and extent of process to enable the Newcombe Street works to proceed and the extent of change proposed, it is not possible to implement works ahead of the developer's program. According to the developer's current program, the City's works will be finished prior to the completion of the development at 1 Newcombe Street. The projects will be constructed concurrently.
28. Construction of Newcombe Street will begin at the Oxford Street. The southern end will remain open to provide access to the 1 Newcombe Street basement car park and private lane. After the road opening, the traffic will access Newcombe Street from Oxford Street and the Gordon Street entry will be closed for construction of the plaza area.
29. The development consent for 1 Newcombe Street requires a construction traffic management plan to be approved by council staff prior to a construction certificate being issued.

Public Hearing

30. The *Local Government Act 1993* requires a council to hold a public hearing into a planning proposal to reclassify community land as operational land. The hearing is required to be held after the close of the public exhibition of the planning proposal.
31. The public hearing was held on Tuesday 12 May 2015 from 6:30pm until approximately 8:00pm at the Paddington Public School (399-435 Oxford Street, Paddington). The hearing was publicly notified in local papers on 14 and 15 April 2015, more than 21 days prior to the public hearing. The hearing was independently chaired by Straight Talk who also produced the report of the hearing at Attachment C. The report was made available on Sydney Your Say webpage within four days of receiving it from Straight Talk.
32. The public hearing was attended by 32 community members, of which five made formal verbal submissions and a number of others raised questions or made comment. All but one attendee supported the reclassification of the land. The reclassification was generally supported on the basis that it would provide a better outcome in terms of safety, traffic and amenity. Some had reservations predominately related to the scheduling of construction works at 1A Newcombe Street and at 1 Newcombe Street. Another raised the possibility of using developer contributions from 1 Newcombe Street to fund the works. The construction timing and traffic issues have been addressed above. The Newcombe Street works will not be funded from developer contributions as those contributions are required to be used towards works identified in a contributions plan.

33. The independent chair of the hearing was of the view that reclassification of 1A Newcombe Street, Paddington is appropriate having regard to the circumstances of the site and the submissions heard. While not directly related to the reclassification, the facilitator recommended the City consider how the impact of construction vehicles can be best managed.

KEY IMPLICATIONS

Strategic Alignment

34. 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. This Scoping Report is aligned with the following SS2030 strategic directions and objectives:
 - (a) Direction 6 - Vibrant Local Communities and Economies: The change in access arrangements provides the opportunity to renew Newcombe Street Paddington and improve the local area. A new paved plaza with trees, planting and a larger grassed area will be created at the southern end. The northern end will become a slow speed street opening to Oxford Street, providing access to the development from Newcombe Street via Oxford Street. These two spaces will be unified by a high quality palette of paving, lighting and urban furniture.

Risks

35. 391-393 Oxford Street at the corner of Oxford and Newcombe Streets has development consent to construct a new building. The construction program for this development is likely to coincide with construction of Newcombe Street and 1 Newcombe Street. This risk will be mitigated through careful construction coordination.
36. Market stalls occupying the Newcombe Street plaza area will be relocated during construction to the church and school grounds.

Social / Cultural / Community

37. The closure of Newcombe Street at the Gordon Street end will create four permanent car parking spaces on Gordon Street. The opening of Newcombe Street at the Oxford Street end will remove four off-peak car parking spaces. As the new Gordon Street spaces will not be limited to off peak times of the day, parking is effectively increased. This will benefit carers dropping off/picking up children attending the childcare centre and primary school as well as businesses.
38. The Paddington community will benefit from the public domain improvements to their centre.

Environmental

39. The project integrates sustainability initiatives to improve the environmental performance of Newcombe Street. The key elements include:

- (a) removal of impermeable paving and addition of soft landscape on deep soil;
- (b) introduction of permeable paving into the new carriageway and parking bays;
- (c) increased planted areas and opportunities for habitat creation;
- (d) new low energy lights; and
- (e) use of recycled sandstone material for the stone seat and edging.

Economic

40. The construction period impacts will be disruptive on businesses in the area but will be carefully managed by the City. In the long term, businesses are likely to benefit from the upgrade as the outcome will be a more attractive and inviting public space.

RELEVANT LEGISLATION

41. The *Local Government Act 1993* and the *Environmental Planning and Assessment Act 1979* set out the process for reclassifying land through an amendment to a local environmental plan.

CRITICAL DATES / TIME FRAMES

42. The program for the project is:

Design Development	May 2015 – June 2016
Road Closure Application - Section 116 (temporary)	May 2016 – February 2016
Road Closure Application - Section 34 (permanent)	February 2015 – October 2016
Land Reclassification (LEP Amendment)	March 2015 – September 2015
Documentation	July – October 2015
Tender Period	November 2015 – January 2016
Construction	April - November 2016

43. It is estimated that, subject to approval from the Central Sydney Planning Committee and Council, the local environmental plan to reclassify 1A Newcombe Street will be made by September 2015. This timing will enable Council's works to Newcombe Street so the road opening is complete for the development at 1 Newcombe Street.

PUBLIC CONSULTATION

44. The Planning Proposal was exhibited in accordance with the Gateway Determination for 28 days between 13 March and 10 April 2015. A public hearing was held on 12 May 2015 as required by the *Local Government Act 1993*. The feedback from the exhibition period and public hearing are included at Attachments B and C and the issues relevant to the reclassification have been addressed in this report.

GRAHAM JAHN, AM

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