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**PUBLIC HEARING OUTCOMES REPORT –
RECLASSIFICATION 1A NEWCOMBE
STREET PADDINGTON**

straight Talk



hear every voice, know where you stand

Public hearing outcomes report
Reclassification of 1A Newcombe Street,
Paddington from 'Community' to 'Operational'
land

22 May 2015

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1 Introduction

The public hearing

The City of Sydney Council (Council) arranged a public hearing on the proposed reclassification of a parcel of land at 1A Newcombe Street Paddington from Community to Operational land.

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), in accordance with Clause 40 of the *Local Government Act 1993*. The hearing was independently chaired by Straight Talk in accordance with the requirements of the *Local Government Act 1993* and the *Environmental Planning and Assessment Act 1979*.

The public hearing was attended by 32 community members, of which five made verbal submissions during the hearing. A number of participants asked questions, raised concerns and made comment but did not make a verbal submission.

The following Council officers attended the hearing to provide background information and answer questions:

- Ben Pechey, Manager Planning Policy
- Erin Johnston, Design Manager
- Adam Fowler, Principal Design Manager
- Jamie Ferguson, Community Engagement Co-ordinator
- Kristin Gabriel, Senior Community Engagement Co-ordinator.

The meeting was chaired by Ms Nicola Wass, an independent facilitator from Straight Talk. For the record, Ms Wass has never been an employee of the City of Sydney Council nor held the position of Councillor of the City of Sydney Council. Mr Joshua Brydges, also from Straight Talk, attended the hearing and took notes.

Mr Ben Pechey and Ms Erin Johnston from the City of Sydney gave an overview of Council's proposal to reclassify the land.

It was noted that Ms Wass would prepare a report to document the issues raised at the public hearing and that the report would be provided to inform Council's decision about the proposed reclassification of land. It was also noted that the report would be publically available.

Legislative context

'Public land' is any land vested in, or under the control of, council. Pursuant to Section 25 of the *Local Government Act 1993*, all public land must be classified. There are two classifications for public land – Community and Operational. The classification or reclassification of land may be undertaken via resolution of a council under Section 27(2) of the *Local Government Act 1993* or by a Local Environment Plan (LEP) under the *Environmental Planning and Assessment Act 1979* through Section 27(1) of the *Local Government Act 1993*.

Section 29 of the *Local Government Act 1993* states that a council must arrange a public hearing where it is proposed to reclassify Community to Operational land. To ensure the council and the community have sufficient time to consider relevant matters associated with the proposed change, the public

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hearing must be held after the close of the exhibition period for an LEP under Section 57 of the *Environment Planning and Assessment Act 1979* and the NSW Department of Planning and Environment's 'A guide to preparing local environmental plans'.

The proposal to reclassify 1A Newcombe Street from 'Community' to 'Operational' was publically exhibited from 10 March until 10 April 2015.

Residents were notified of the public hearing in the following ways:

- Posted on the City of Sydney website: SydneyYourSay.com.au
- Newspapers circulated widely within the local area (The Sydney Morning Herald and Central on 14 April 2015, and the Wentworth Courier on 15 April 2015)
- In writing to the adjoining landowners, community groups, relevant public authorities
- Displayed at Town Hall House (456 Kent Street, Sydney) and the Kings Cross Customer Service Centre (50-52 Darlinghurst Road, Kings Cross)

Community members also had an opportunity to submit a written submission about the proposed land reclassification during the public exhibition period. A total of 49 written submissions and one petition, of 147 signatures, were received.

2 Consideration of the site

1A Newcombe Street

Reasons for reclassification and proposed future use of the land

This site is located between Oxford Street and Gordon Street and is currently designated as Community land. The proposal aims to change this classification from Community to Operational land. The site is currently used as a public plaza bordering Oxford Street. The site has an area of approximately 595.7sqm and is owned by the City of Sydney Council.

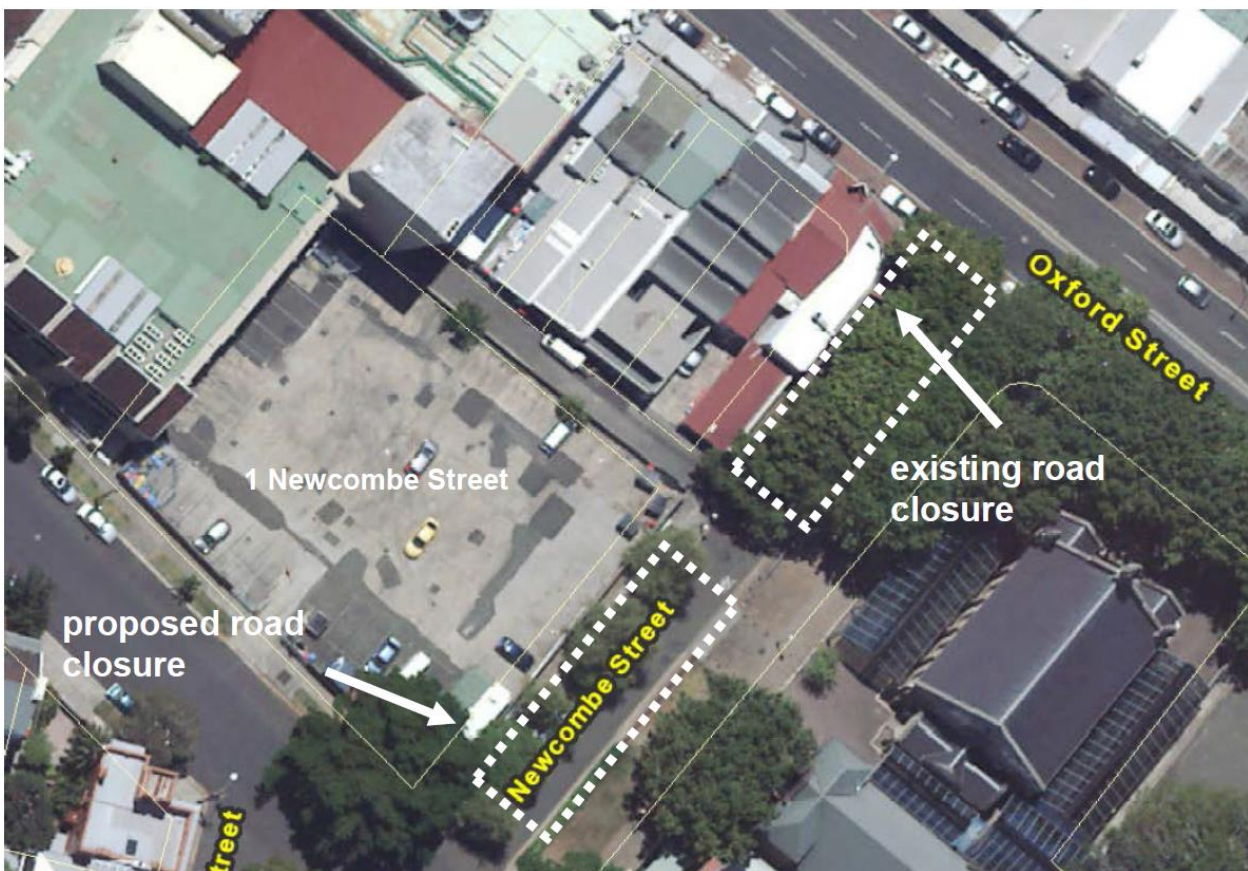


Figure 1 Aerial photo

The site is additionally used as the location of weekly market stalls on Saturdays, as part of the 'Paddington Markets' which are held at the adjoining Uniting Church.

In 2012 Council approved a development at 1 Newcombe Street for residential units and retail. As a condition of consent the development was to be redesigned so vehicle access to Newcombe Street is via Oxford Street rather than Gordon Street.

To make this possible Council is:

- Opening the northern end of Newcombe Street to Oxford Street
- Closing the southern end of Newcombe Street to Gordon Street
- Landscaping the southern end of Newcombe Street

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- Changing the classification of the northern end of Newcombe Street from ‘Community land’ to ‘Operational land’.

Council views this proposal as compatible with all relevant strategic and community plans implemented for the area, and has found that the proposal will increase the amount of usable land available to the local community.

Questions and comments

Following a presentation on the proposed reclassification, attendees were offered the chance to ask questions regarding the proposal. These questions and comments are summarised below and have been categorised according to the issue they relate to.

Please note that the wording of questions has been adjusted for ease of reading, and avoidance of repetition.

(Q = Question, A = Answer from Council representative, C = General comment)

Question Topic	Question/Comment
<u>Construction</u> <u>Staging</u>	Q: What is the basis for the staging decisions, particularly conducting road construction after completion of major works at 1 Newcombe Street?
	A: Any construction at 1A Newcombe is dependent on the developer initiating construction at 1 Newcombe prior. (Ben Pechey)
	Q: Did the original consent require construction vehicles to have access via Oxford Street.
	A: The consent required redesign of the development to have access from Oxford Street via Newcombe Street and to gain RMS approval for the access. (Ben Pechey)
	C: If development consent for 1 Newcombe is contingent on 1A Newcombe being in place, then development at 1 Newcombe should not begin prior to the construction of the proposed changes to Newcombe Street.
	C: The presence of construction equipment on Gordon street rather than on a reworked Newcombe Street is a safety concern due to the number of children walking to school along Gordon Street.
<u>Parking</u> <u>Concerns</u>	Q: Why are market stall vendors being catered to with an exclusive parking within 1 Newcombe, when there is parking congestion already on Gordon Street?
	A: Council approved development application at 1 Newcombe with requirement for market vendor parking. (Ben Pechey)
	C: Concerns about reserved parking spaces for market vendors at 1 Newcombe Street and how/if they would be utilised on non-market days.
<u>Effects on</u> <u>Commercial</u>	C: As with roadworks on Oxford Street itself, construction at 1A Newcombe has the potential to negatively impact businesses during construction. Would like money invested in improving the appearance of Oxford street, which is seen as looking

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<u>Businesses</u>	dilapidated. C: The current state of the plaza, is undesirable with issues relating to homelessness and anti-social behaviour. If this can be addressed this will positively affect local business.
<u>Cost</u>	C: As Council is paying for this roadway change, it appears as if Council is using public money to allow a private development to go ahead. C: The developer should pay for roadworks, which would address the issue of conducting roadworks prior to development construction.
<u>Non-Approval Outcomes</u>	Q: What would happen with 1 Newcombe Street development if reclassification is rejected? A: Developer could apply to Council to amend the approval. If refused they could then appeal to the NSW Land and Environment Court. (Ben Pechey)
<u>Miscellaneous</u>	Q: Is the newly posted Development Application on Oxford Street related to reclassification of 1A Newcombe? A: No, it is unrelated. (Ben Pechey) Q: Please clarify the number of units to be built at 1 Newcombe A: Original plan was 20 units, has been changed to 19. (Ben Pechey)

Formal representations

Following this question and comment period, attendees were given the opportunity to provide formal representation of their views about the reclassification.

Respondent name	Respondent location	Issue raised
██████████	Local resident	<p>Opposes reclassification</p> <p>Council has not been clear regarding the usage of car parking spaces within 1 Newcombe Street.</p> <p>Would like there to be a full traffic model study on the impact of 1 Newcombe Street, or to be able to view one if completed.</p> <p>Based upon the identified parking spaces to be constructed at 1 Newcombe Street, believes there would not in fact be a significant impact on Gordon Street traffic and that the reclassification and construction of Oxford Street access is unnecessary.</p>

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Respondent name	Respondent location	Issue raised
[REDACTED]	Local resident	<p>Supports reclassification</p> <p>Concerned about construction traffic along Gordon Street should no changes be made to staging plan, Particularly in regards to the issue of children’s safety during this period.</p> <p>As Gordon Street is only one block removed from Oxford Street there is no reason to have large trucks being routed along suburban Gordon Street in order to deliver to/service the development at 1 Newcombe Street.</p> <p>Amenity of Gordon Street Residents would be destroyed without reclassification.</p> <p>Reclassification would show support for the local community.</p>
[REDACTED]	Local resident	<p>Supports reclassification</p> <p>Despite support for the proposal, still has identified issues regarding the staging of construction of 1A Newcombe Street in relation to the timing of the development at 1 Newcombe Street.</p> <p>Would prefer that construction of 1A Newcombe Street is completed prior to construction beginning at 1 Newcombe Street to avoid construction vehicles using Gordon Street.</p> <p>Preferred staging stems from issues relating to safety of residents, particularly children. As well as ensuring that the development at 1 Newcombe will go ahead in the manner that the community had initially petitioned for.</p>
[REDACTED]	Local resident	<p>Supports reclassification</p> <p>Initial proposal implied that a large scale grocer would be a primary tenant at 1 Newcombe. If this were to be the case, ensuring that large delivery trucks are not routed along Gordon Street is a key reason for supporting reclassification.</p> <p>Based on personal experience with similar developments along Oxford Street, is concerned that the current staging will result in significant impacts for Gordon Street during construction of 1 Newcombe.</p> <p>Would prefer staging of 1A be adjusted to ensure construction vehicles for 1 Newcombe Street utilise the new Oxford Street connection.</p>

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Respondent name	Respondent location	Issue raised
[REDACTED] [REDACTED]	Local resident	<p>Supports reclassification</p> <p>Personal experiences with the business community along Oxford Street indicates widespread support and belief that reclassification will draw future customers onto Oxford street.</p> <p>Would like to see Section 94 funds from 1 Newcombe Street be utilised in construction of 1A Newcombe street.</p>

3 Conclusion and recommendations

The City of Sydney Council is proposing to reclassify the parcel of land 1A Newcombe Street Paddington from Community to Operational land in order to facilitate opening the northern end of Newcombe Street at Oxford Street.

32 community members attended the public hearing, of which five made formal verbal submissions and a number of others raised questions or made comment. In all but one case attendees supported the reclassification of the land, although some had reservations which were predominately related to the scheduling of construction works at 1A Newcombe Street and at 1 Newcombe Street.

The hearing was held following the close of the exhibition period and advertised appropriately in local newspapers, on Council's website and at Council service centres, and via postal notifications to the adjoining land owners, community groups and relevant authorities.

49 written submissions and one petition of 147 signatures were received and have been responded to by Council.

In respect of the subject lands proposed to be reclassified and having considered the submissions heard, Nicola Wass, as the independent chair of the hearing, is of the view that reclassification of 1A Newcombe Street Paddington is appropriate having regard to the circumstances of the site.

In conclusion it is recommended that:

- Council proceed with the proposal to reclassify 1A Newcombe Street Paddington as Operational land.

Within four days of receiving this report, Council is required under the *Local Government Act 1993* to make a copy of this report available for inspection by the public. It is recommended that Council:

- Place an electronic copy of the public hearing report on Council's website
- Keep a copy of the public hearing report for inspection at its administration centre and libraries
- Email those who attended the public hearing and/or made a written submission notifying them that an electronic copy of the public hearing report is available on Council's website.

In light of the concerns raised at the hearing in relation to the staging of construction of 1 Newcombe Street and the use of Gordon Street by construction vehicles, it is also recommended that:

- Council consider how the impact of construction vehicles on the local community can be best managed.