

ASSESSMENT REPORT

PADDINGTON MARKETS 86/0459 MOD 1

1. BACKGROUND

This report is an assessment of a request to modify development consent 86/0459 for the Paddington Markets located in Paddington in the City of Sydney local government area.

The request has been lodged by The Uniting Church of Australia (the applicant) pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval to amend the car parking arrangements for the Paddington Markets.

2. THE SITE

The Paddington Markets currently operate every Saturday in the grounds of the Paddington Uniting Church and the Paddington Public School at No. 395 Oxford Street, Paddington and includes an associated car park at Nos. 24-28 Gordon Street, Paddington, also known as No.1 Newcombe Street (refer to **Figure 1**).

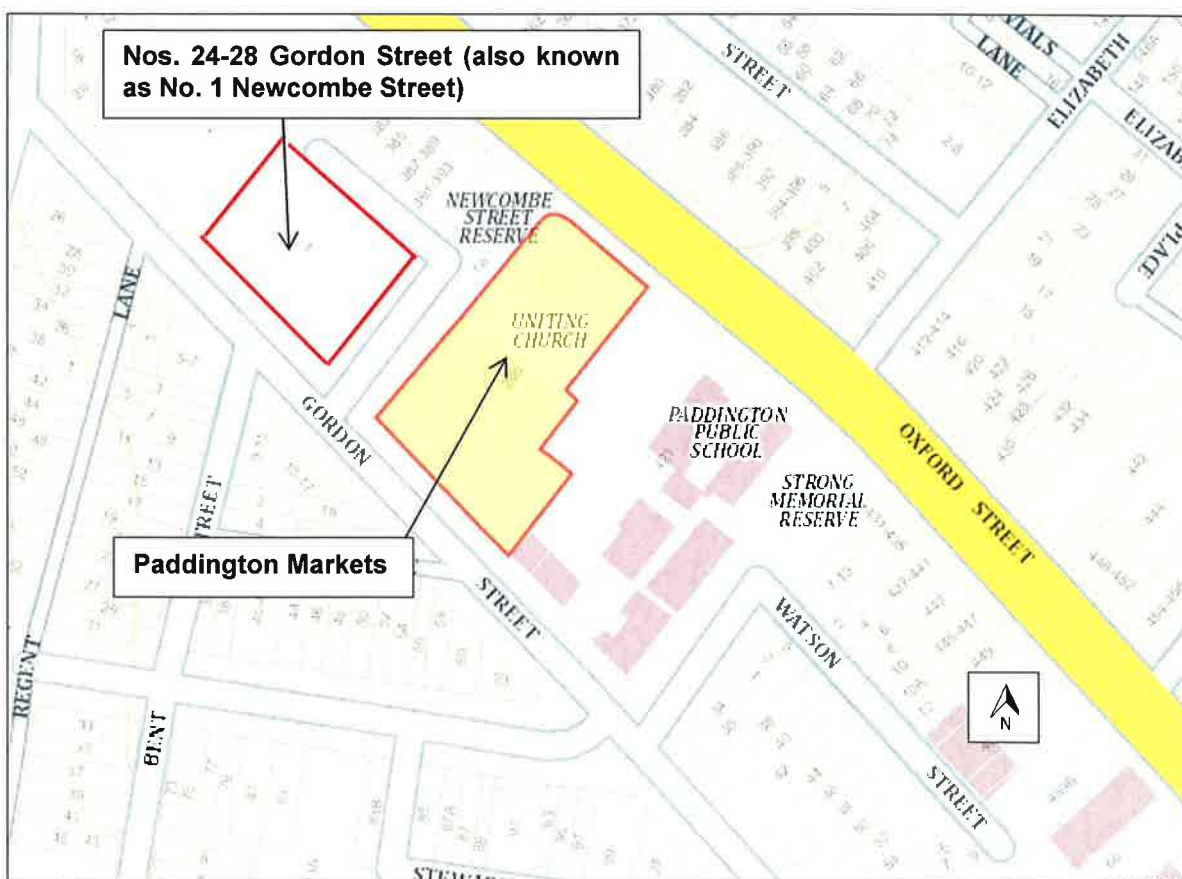


Figure 1: Site Location

2. APPROVAL HISTORY

On 30 December 1987, the then Minister for Planning granted development consent 86/0459 for a retail market on the subject site. Condition 2 of the consent requires 79 associated car parking spaces at Nos. 24-28 Gordon Street (No.1 Newcombe Street) to be available at all times for stallholders or traders of the market. If the car park is not made available, then the markets would need to cease operation in accordance with Condition 4 of the consent.

On 14 May 2012, the City of Sydney (Council) granted deferred commencement consent (DA 2010/1932) for a mixed use development on the existing car park at No.1 Newcombe Street. The new development makes provision for 79 on-site parking spaces within the basement for use by Paddington Market stall holders. The terms of the consent also require the separate approval of an alternative car park for the markets in the event that parking cannot be provided on the site (i.e. during construction), and the original development consent modified accordingly, otherwise the markets would cease operation in accordance with the original development consent.

3. PROPOSED MODIFICATION

The modification request seeks approval to amend the car parking arrangements for the Paddington Markets by providing:

- temporary off-site parking for market stall holders at Sydney Boys High School during the construction of the mixed use development at 1 Newcombe Street; and
- permanent parking for market stall holders within the basement of the approved mixed use development at 1 Newcombe Street.

This proposed modification establishes the alternative parking arrangements to enable the continued operation of the markets.

4. STATUTORY CONSIDERATION

4.1 Section 75W

The development was originally approved by the then Minister for Planning pursuant to the former sections 100A and 101 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) on 18 December 1987. Under clause 8J(8) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), a development consent granted by the Minister under Sections 100A or 101 of the EP&A Act is taken to be approval granted under Part 3A of the Act, and therefore Section 75W applies to any modification of such a consent. Although Part 3A was repealed on 11 October 2011, transitional arrangements were inserted. Schedule 6A of the EP&A Act, specifically provides that Section 75W continues to apply to modifications of the development consents referred to in clause 8J(8) of the EP&A Regulation, and therefore any modification to this approval must be made under the former Section 75W of the Act.

The Department is satisfied that the proposed changes are within the scope of section 75W of the EP&A Act, and do not constitute a new application.

4.2 Approval Authority

The Minister for Planning is the approval authority for the application. However, under the Minister's delegation dated 16 February 2015, the Acting Director, Regional Assessments may determine the application as:

- Council has not made an objection; and
- a political donation disclosure statement has not been made; and
- no public submissions were received objecting to the proposed modification.

5. CONSULTATION

The Department made the modification application publicly available on its website, placed public notices in the Sydney Morning Herald and the Daily Telegraph, notified surrounding neighbouring properties and consulted with City of Sydney Council (Council) and Woollahra Council on the proposed modification.

Council raised no objection to the proposed modification. Council suggested conditions to ensure the temporary car parking arrangements are time limited, and to ensure stallholders adhere to the existing parking restrictions whilst loading/unloading their vehicles.

Woollahra Council also raised no objection to the proposed modification.

There were no public submissions received on the proposal.

6. ASSESSMENT

The Department considers the key assessment issues for the proposed modification are:

- parking; and
- servicing.

6.1 Parking

The temporary and permanent parking arrangement for the Paddington Markets is a key assessment issue, particularly in relation to minimising parking congestion on local the streets during market days.

Temporary parking arrangement (during construction)

There is currently an at-grade car park for 79 vehicles in an informal tandem arrangement for market stallholders on the site at No.1 Newcombe Street. These existing parking spaces will be displaced during the construction of the mixed use development, which has been approved on this part of the site.

The Department notes the applicant has signed a formal agreement with Sydney Boys High School to use their off-site car park in Moore Park as an alternative parking arrangement for market stallholders during the construction period. The stallholders would unload/load their market items at the designated loading zones adjacent to the market, and then drive to the car park in Moore Park where they would be collected by a free-of-charge shuttle bus, and transferred back to the market. The same system would operate at the end of the market day but in reverse.

The alternative off-site car park in Moore Park has the capacity for 400 vehicles, which is sufficient to accommodate the loss of parking at the markets, and is approximately seven minutes by car from the markets. The shuttle bus has a capacity of 21 persons, and based on a ten minute service timetable schedule, there would be three buses making four round trips each to service the markets.

A temporary bus pick up point would be provided on Gordon Street, which is away from the on-street loading areas on Oxford Street, but close to the markets. The applicant submitted an example of a bus timetable for transferring stallholders between the off-site car park and the markets with the modification application. Despite the likelihood of a higher number of bus trips and increased street loading, Council has indicated it is comfortable with this alternative parking arrangement.

The Department is satisfied that the alternative car park provides sufficient parking for stallholders to accommodate the parking demand during the construction period, and the transfer of stallholders between the off-site car park and the markets can be appropriately

managed to minimise any potential impacts on the local streets. The Department considers the parking arrangement to be an appropriate alternative for the displacement of parking during basement construction.

Council suggested a condition restricting the duration of the temporary parking arrangement, and that it cease within 18 months of the modified consent, or upon issue of an Occupation Certificate that enables the use of the basement of 1 Newcombe Street, whichever occurs later. The Department considers that a restriction on the duration of the temporary parking arrangement is reasonable, and a condition to this effect is recommended in the modified consent.

Permanent parking arrangement

The mixed use development approved at No.1 Newcombe Street provides 79 car spaces for market stallholders through a stacked parking regime in its basement car park, which is the equivalent number of car spaces currently provided on the site. The Department notes that Council has approved the opening of Newcombe Street at Oxford Street, and closing the carriageway at Gordon Street, thereby reversing the existing cul-de-sac arrangement. The stallholders would therefore unload their market items at the designated on-street loading spaces in Oxford Street, and proceed to park in the basement of the building via Newcombe Street without impacting the local streets namely Gordon Street.

The applicant submitted a Parking Management Plan (PMP) with the modification application, which is intended to ensure market stallholders understand the operation of the permanent car park arrangements. The key aspects of the PMP are:

- a parking warden (employed by the markets) to be located at the entry to allocate parking spaces;
- parking spaces to be numbered and colour coded;
- parking spaces which do not form part of the parking layout to be identified with a dashed line;
- stallholders required to have an identification card in the windscreen of their vehicle, including the name of the vendor, number of stall and mobile number should a vehicle need to be moved during market operation;
- the car park is not accessible by the public during market days and the boom gates will be placed in the open position; and
- a parking warden will observe stall owners ID card upon entry to ensure a steady flow, and avoid vehicles queuing on Newcombe /Oxford Street.

The Department is satisfied that with the implementation of the Plan of Management, the permanent parking arrangement in the basement of the approved mixed use development can be appropriately managed to minimise potential traffic impacts in the surrounding streets and potential conflicts with future occupants of the building. A condition to this effect is recommended in the modified consent.

6.2 Servicing

A key assessment issue relates to servicing arrangements for market stallholders and the potential impact on the local streets. The Department notes that a maximum of 250 stalls are permitted at the markets in accordance with the original development consent. The applicant's parking analysis submitted with the modification application indicates that 79 market stallholders unload/load in the car park, and the remaining 171 market stallholders utilise the existing 6 off-street and 17 on-street loading spaces adjacent to the markets in Oxford Street, during a two hour period in the morning between 7.30 am to 9.00 am and between 4.00 pm to 6.00 pm. At present the on-street loading time is restricted to 15 minutes per space, and based on the parking analysis submitted with the modification application, market vehicles are on average staying for shorter periods of about 11 minutes.

The temporary removal of the on-site car park would place additional demand on the existing on-street loading spaces during the construction period. However, the applicant's parking analysis indicates that if the loading timeslots are restricted to 11 minutes per vehicle, no additional loading facilities would be required, if all stallholders arrive (i.e. 250 vehicles) in a two hour period. The applicant's parking analysis concludes that the unloading/loading timeslots would need to be allocated and staggered for this arrangement to work effectively.

The Department is satisfied the existing on-street loading spaces can accommodate the additional temporary demand, subject to the Parking Plan of Management being implemented, which allocates and staggers the arrival timeslots for stallholders. A condition to this effect is recommended in the modified consent.

6.3 Other Issues

Table 1: Other Assessment Issues

Issue	Consideration	Recommendation
<i>Traffic Generation</i>	<ul style="list-style-type: none"> The use of an alternative site for parking during the construction period would change the current traffic arrangements however, these would only be temporary while the building is under construction. The traffic generated by the new parking arrangement would not result in any additional traffic impacts or congestion on the local streets because the equivalent number of parking spaces would be provided within the basement of the new development compared to the existing situation. 	No additional conditions or amendments necessary.
<i>Acoustic Impacts</i>	<ul style="list-style-type: none"> The noise impacts associated with vehicular movements are likely to be less as a result of the temporary parking arrangement as market stallholders would park at a remote location from the site. The noise impacts associated with vehicular movements are also likely to be less during the permanent parking arrangement given parking would be in an enclosed basement, and not an open air at-grade car park as currently exists. The Department is satisfied that the approval of the mixed use development at No. 1 Newcombe Street contains noise conditions, which would appropriately mitigate and manage potential noise impacts, and the hours of operation of the basement car park on market days. 	No additional conditions or amendments necessary.
<i>Pedestrian Safety</i>	<ul style="list-style-type: none"> The Department considers that pedestrian safety is likely to improve with the implementation of a PMP, and relocation of vehicular access to the permanent car park via Oxford Street and Newcombe Street, which is away from the local streets to the west. 	The provision of a PMP is recommended in the instrument of consent. No other additional conditions or amendments are necessary.

7. CONCLUSION

The Department has reviewed the modification request and consulted with Council. All relevant environmental issues associated with the modification have been assessed. The Department considers that the proposed modification is generally consistent with the original approval.

The Department's assessment concludes the proposed modification is appropriate on the basis that:

- it provides an appropriate temporary parking arrangement to offset the displacement of parking for market stallholders during the construction of the mixed use development on the site (1 Newcombe Street);
- it provides a permanent parking arrangement on the site, which can be appropriately managed to minimise potential traffic impacts in the surrounding streets and potential conflicts with future occupants of the building;
- the permanent parking arrangements on the site, would not result in any additional traffic or noise impacts compared to the existing situation; and
- it is in the public interest as it would ensure the continued operation of a community based market, which supports a range of local traders.

Consequently, it is recommended that the modification be approved subject to the recommended conditions.

8. RECOMMENDATION

It is recommended that the Acting Director, Regional Assessments:

- (a) consider the findings and recommendations of this report;
- (b) approve the modification under delegated authority, subject to conditions; and
- (c) sign the attached Instrument of Modification for 86/0459 MOD 1 (Appendix A).

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Approved by:



16.07.15

Natasha Harras
Team Leader
Regional Assessments



16/7/15

Anthony Witherdin
Acting Director
Regional Assessments

APPENDIX A: NOTICE OF MODIFICATION

The Notice of Modification can be found on the Department of Planning and Environment's website at the following address:

1. Notice of Modification

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=86_0459

APPENDIX B: SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

2. Modification request

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=86_0459

3. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=86_0459