

ITEM 10. PLANNING PROPOSAL: SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 – HERITAGE LISTING OF 119-127 KIPPAX STREET, SURRY HILLS**FILE NO: 108625****SUMMARY**

Sydney's historic industrial and warehouse buildings are under increasing pressure for redevelopment. Consequently, Council at its meeting held on 14 May 2012 resolved to commence a 'heritage review study for industrial and warehouse buildings throughout the local government area'.

In July 2013, the City of Sydney engaged City Plan Heritage Pty Ltd to carry out the Industrial and Warehouse Buildings Heritage Study to identify potential items for heritage listing. The draft Study, which will soon be finalised, identifies 119-127 Kippax Street, Surry Hills as a potential heritage item. The site is not currently listed as a heritage item nor is it located within a heritage conservation area.

119-127 Kippax Street contains a five storey Federation warehouse built in 1913 and designed by the well-known architectural firm, Robertson & Marks. The warehouse was built for Ford Sherington Limited as a factory for the manufacture of goods especially trunks, and bags including the famous Globite brand of school cases. A western addition to the building was constructed in 1923, designed by prominent architect Gordon Keesing, to match the original section by Robertson & Marks.

In November 2013, Council officers held discussions with a number of interested parties regarding potential redevelopment options for the site. The owner of the site was seeking expressions of interest for the purchase of the building. Council officers considered the building could be worthy of potential listing as the building appeared intact.

To provide certainty and clarity regarding Council's policy position, the heritage assessment has been brought forward prior to the finalisation of the Study.

In December 2013, the City of Sydney engaged TKD Architects Pty Ltd to undertake a thorough heritage assessment of the building. The assessment provides further independent advice as to whether the site has sufficient heritage significance to warrant a heritage listing. The assessment report concludes the Federation warehouse has sufficient heritage significance to warrant retention and listing as a local item, and subsequently a heritage inventory sheet for the building has been prepared.

It is recommended that the Central Sydney Planning Committee support this Planning Proposal to identify 119-127 Kippax Street, Surry Hills as a heritage item of local significance, ensuring the heritage values of the building are protected in a timely manner.

It is noted that should the property be under threat of demolition or harm, an interim heritage order may be made to provide immediate protection. The interim heritage order process provides protection in the short term while the consent authority can commence listing. In July 2013, the Minister for Heritage authorised all NSW local councils to make Interim Heritage Orders under Section 25 of the *Heritage Act 1977*. Under current Council delegations, the Chief Executive Officer has this delegation.

RECOMMENDATION

It is resolved that:

- (A) the Central Sydney Planning Committee approve the *Planning Proposal: Heritage Listing of 119-127 Kippax Street, Surry Hills to amend Sydney Local Environmental Plan 2012*, shown at Attachment A to the subject report, for submission to the Minister for Planning and Infrastructure with a request for a Gateway determination;
- (B) the Central Sydney Planning Committee approve the *Planning Proposal: Heritage Listing of 119-127 Kippax Street, Surry Hills to amend Sydney Local Environmental Plan 2012*, for public exhibition;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 18 February 2014 that authority be delegated to the Chief Executive Officer to make any minor variations to the Planning Proposal following receipt of the Gateway determination;
- (D) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 18 February 2014 that Council seek authority from the Director General of the Department of Planning and Infrastructure to exercise the delegation of the Minister for Planning and Infrastructure of all his functions under section 59 of the *Environmental Planning and Assessment Act 1979* to make an amendment to Sydney Local Environmental Plan to list 119-127 Kippax Street, Surry Hills as a heritage item; and
- (E) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 18 February 2014 that the Chief Executive Officer currently has delegation to issue an Interim Heritage Order under Section 25 of the *Heritage Act 1977*.

ATTACHMENTS

Attachment A: *Planning Proposal: Heritage Listing of 119-127 Kippax Street, Surry Hills to amend Sydney Local Environmental Plan 2012*

Attachment B: *Letter advising the Minister for Heritage has authorised Council to make Interim Heritage Orders under Section 25 of the Heritage Act 1977.*

BACKGROUND

1. 119-127 Kippax Street, Surry Hills is located on the southern side of Kippax Street, with its eastern site boundary along Lacey Street as illustrated in Figure 1. It has an approximate site area of 1549m² and is identified as Lot 11 DP 582591.



Figure 1: Aerial Photograph showing location of 119-127 Kippax Street, Surry Hills

2. The site is not currently listed as a heritage item in Sydney LEP 2012 nor is it within a heritage conservation area. The site is occupied by a Federation warehouse building separated into commercial tenancies. A street view of the building is provided in Figure 2.
3. Council at its meeting held on 14 May 2012 resolved to commence a 'heritage review study for industrial and warehouse buildings throughout the local government area'. There was an identified need for further Heritage work to respond to emerging needs and development pressure.
4. In July 2013, the City of Sydney engaged City Plan Heritage Pty Ltd to undertake the Industrial and Warehouse Buildings Heritage Study (the draft Study). The purpose of the heritage study is to improve the understanding of the City's historic industrial and warehouse resources which reflect Sydney's historic industrial past so that changes to these resources are managed and their heritage significance is appropriately protected. A key outcome is the identification of potential items for heritage listing.

5. The draft Study, which will soon be finalised, identifies the Federation warehouse at 119-127 Kippax Street, Surry Hills as a potential heritage item of local level significance in terms of its historic, aesthetic and representative values.



Figure 2: View of existing building from corner Kippax and Lacey Streets

6. In November 2013, Council officers held discussions with a number of interested parties about potential redevelopment options for the site. The owner of the site was seeking expressions of interest for the purchase of the building. Council officers considered the building could be worthy of potential listing as the building appeared intact.
7. Given that the site has been identified as a potential item in the draft Study, and that the advertising material for the sale of the building indicate that it is a potential redevelopment site, it is necessary to progress the listing of this building as a heritage item ahead of finalisation of the Industrial and Warehouse Study.

8. In December 2013, the City of Sydney engaged TKD Architects Pty Ltd to carry out a thorough and independent assessment of the building, and to advise whether it has sufficient heritage significance to warrant a heritage listing. The assessment report concludes the Federation warehouse has sufficient heritage significance to warrant retention and listing as a local item. A copy of the Heritage Assessment Report is at Appendix 1 in **Attachment A**.

Assessment of Heritage Significance

9. The subject Federation warehouse was built for Ford Sherington, a manufacturer of luggage trunks and cases, in 1912-13 to the design of well-known firm Robertson & Marks. It was designed in the Federation warehouse style. A western addition to the building was constructed in 1923. The addition was designed by prominent architect Gordon Keesing to match the original section by Robertson & Marks.
10. The statement of significance prepared by TKD Architects Pty Ltd in Appendix 1 in **Attachment A** states:

119-127 Kippax Street is associated with the firm of Ford Sherington, which was a major manufacturer of luggage and other items from the end of the nineteenth century through to the second half of the twentieth century. The building is amongst the earlier twentieth century industrial buildings in Surry Hills and provides evidence of the major incursion of industry into the suburb during the first three decades of the twentieth century. It has been associated with manufacturing from 1913, initially with the products of Ford Sherington and from the second half of the 1960s with those of the clothing trade.

The original section of 119-127 Kippax Street was designed in 1912 by the major twentieth century architectural practice Robertson and Marks, while the 1923 addition was designed by prominent architect Gordon Keesing to match the original section by Robertson & Marks. The building is a late and representative example of the Federation warehouse style, which provides an important contribution to the streetscape in this section of Surry Hills. It is also important as part of the group of Federation era and post World War I warehouse buildings in Surry Hills, which play an important role in defining the architectural character of the locality. 119-127 Kippax Street has retained a relatively large amount of original and early building fabric, which enables its significant characteristics to be understood and interpreted.

11. The NSW Heritage Manual outlines seven criteria for the assessment of cultural values in determining an item of heritage significance. The site has been assessed against the seven criteria and meets the threshold for an item of local heritage significance. An assessment against each criterion, undertaken by TKD Architects Pty Ltd, is provided below.
 - (a) Criterion A: An item is important in the course, or pattern, of Sydney's cultural or natural history.

The site was associated with manufacturing from 1913, initially the products of Ford Sherington and from the second half of the 1960s, clothing. The building is amongst the earlier twentieth century industrial buildings in Surry Hills and provides evidence of the major incursion of industry into the suburb during the first three decades of the twentieth century.

- (b) Criterion B: An item has strong or special association with the life of a person, or group of persons, of importance in the cultural or natural history of Sydney.

119-127 Kippax Street is associated with the firm of Ford Sherington, a large manufacturer of luggage and other items from the end of the nineteenth century through to the second half of the twentieth century and was represented in all state capitals. Its products, such as the Globite suitcase, reached a wide national market.

The original section of the building is an example of the work of Robertson and Marks, a major twentieth century architectural practice that designed a large number of buildings with high architectural quality during the first half of the twentieth century. The 1923 addition is an example of the work of prominent architect Gordon Keesing, which was designed to match the original section by Robertson & Marks.

- (c) Criterion C: An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in Sydney

119-127 Kippax Street is a late example of the Federation Warehouse style, of which Robertson & Marks were major practitioners. The style accompanied the revival of business activity after the depression of the early 1890s and endured until World War I.

It provides an important contribution to the streetscape in this section of Surry Hills, which is now characterised by many buildings constructed after World War II. It is also important as part of the collection of Federation era warehouse buildings in Surry Hills, which play an important role in defining the architectural character of the locality.

- (d) Criterion D: An item has strong or special association with a particular community or cultural group in Sydney for social, cultural or spiritual reasons

The building is not considered to have social significance.

- (e) Criterion E: An item has potential to yield information that will contribute to an understanding of Sydney's cultural or natural history

The few fragmentary relics that may survive on the site are unlikely to contain information that could be found or has not been found on other sites in the locality. Any archaeological evidence is likely to be fragmented and poorly preserved.

- (f) Criterion F: An item possesses uncommon, rare or endangered aspects of Sydney's cultural or natural history

119-127 Kippax Street is not rare, but has significance as part of a group of buildings in Surry Hills. The building is potentially under threat, which may affect its contribution to the group and its individual character.

- (g) Criterion G: An item is important in demonstrating the principal characteristics of a class of Sydney's cultural or natural places; or cultural or natural environments

119-127 Kippax Street is a representative example of a Federation warehouse. Although it has been subjected to change of use and fabric has been modified, it has sufficient integrity for it to demonstrate the principal characteristics of its building typology and architectural style.

12. The Federation warehouse at 119-127 Kippax Street is an example of a relatively large number of Federation and Inter-War era warehouses and stores in the area. In Surry Hills, this was a result of rezoning and redevelopment opportunities to provide more land for commercial use.
13. As detailed in the assessment report, the Federation warehouse building has sufficient heritage significance to warrant retention and listing as a local item. By including the Federation warehouse building as a heritage item in Sydney Local Environmental Plan 2012, it will protect and ensure any future development of the site considers the heritage value and significance of the site.

Planning Proposal

14. A planning proposal, provided at **Attachment A**, has been prepared on that basis. It is recommended that the heritage listing of 119-127 Kippax Street, Surry Hills proceed in a Planning Proposal for public exhibition following receipt of a Gateway determination by the Department of Planning and Infrastructure.
15. The purpose of this Planning Proposal is to amend Sydney LEP 2012 by identifying 119-127 Kippax Street, Surry Hills as a heritage item of local significance in Part 1, Schedule 5.
16. Should the Central Sydney Planning Committee (CSPC) endorse the attached Planning Proposal for exhibition and consultation, it will be forwarded to the Minister for Planning and Infrastructure in accordance with Section 56 of the *Environmental Planning and Assessment Act 1979*. The Minister will then provide a Gateway determination to either proceed – with or without variation – to consultation, or to resubmit the Planning Proposal.
17. Public exhibition of the Planning Proposal would then commence. The outcomes of the public exhibition would then be reported to Council and CSPC.

Delegation of Minister's Plan Making Functions

18. In October 2012, the Minister for Planning and Infrastructure delegated his planmaking functions to councils to improve the local plan-making process. In December 2012, Council resolved to accept the delegation.
19. Council needs to receive an authorisation on a case by case basis to exercise the delegation. The authorisation is given through the Gateway Process and may be for spot rezonings consistent with surrounding zones and matters of local significance. Exercising the delegation means a faster plan-making process with less involvement of the Department of Planning and Infrastructure.

20. The report to Council's Planning and Development Committee on 17 February 2014 recommends that Council seek authority to exercise the delegation of the Minister for Planning and Infrastructure of all his functions under section 59 of the Environmental Planning and Assessment Act 1979 to make an amendment to Sydney Local Environmental Plan to list 119-127 Kippax Street, Surry Hills as a heritage item.

Interim Heritage Orders

21. In July 2013, the Minister for Heritage authorised all NSW local councils to make Interim Heritage Orders under Section 25 of the *Heritage Act 1977*. Under current Council's delegations, the Chief Executive Officer has this delegation.
22. The intent of an interim heritage order is to provide Council with time so that an informed decision on whether a place should be formally considered for listing can be made. While it is unlikely an interim heritage order would be required, it is an option that is available to the City. The City has not made any interim heritage orders to date under the new authorisation.
23. A number of conditions must be satisfied to make an interim heritage order, most notably that the site is likely to be harmed or destroyed. The conditions are outlined in the Government Gazette accompanying the letter advising that the Minister for Heritage has authorised Council to make interim heritage orders at **Attachment B**.

KEY IMPLICATIONS

Strategic Alignment - Sustainable Sydney 2030 Vision

24. *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. The planning proposal is aligned with the following SS2030 strategic directions and objectives:
 - (a) Direction 7 – A Cultural and Creative City. The Planning Proposal identifies the former factory/federation warehouse as a heritage item, allowing the building to be retained and help in understanding the history of development in Surry Hills and in particular the former industrial use. The identification will ensure any future development of the site considers the heritage value and significance of the site.

RELEVANT LEGISLATION

25. The *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*; and *Heritage Act 1977*.

CRITICAL DATES / TIME FRAMES

26. The Gateway notice issued by the Department of Planning and Infrastructure will determine the length of time for public exhibition, and the timeframe for the completion of the Local Environmental Plan amendment process.

PUBLIC CONSULTATION

27. The public authority consultation and exhibition process for the Planning Proposal will be subject to the conditions on the Gateway Determination issued by the Department of Planning and Infrastructure. The consultation will take place in accordance with the Gateway determination under s.56 of the *Environmental Planning and Assessment Act 1979* and the relevant provisions of the *Environmental Planning and Assessment Regulation 2000*.
28. The planning proposal is considered to be a low impact proposal that would normally warrant a 14 day exhibition with notification:
 - (a) on the City of Sydney website;
 - (b) in newspapers that circulate widely in the City of Sydney Local Government Area; and
 - (c) in writing to the owners, the adjoining landowners, relevant community groups, and the surrounding community in the immediate vicinity of the sites.
29. Following any public authority consultation and public exhibition, the outcomes would be reported to Council and the Central Sydney Planning Committee.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

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