

ITEM 5. POST EXHIBITION: PLANNING PROPOSAL - AMENDMENT TO SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 - HERITAGE LISTING OF 119-127 KIPPAX STREET SURRY HILLS

FILE NO: S108625

SUMMARY

On 20 and 24 February 2014, respectively, the Central Sydney Planning Committee and Council resolved to approve and exhibit a planning proposal to amend *Sydney Local Environmental Plan 2012* (SLEP 2012) to heritage list 119-127 Kippax Street, Surry Hills.

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 received on 30 April 2014.

Council also delegated authority to the Chief Executive Officer to make minor variations to the Planning Proposal following receipt of the Gateway Determination. The Planning Proposal, as approved, did not make it explicit that the interior of the Federation warehouse is proposed to be listed, although this was the intent. To ensure no ambiguity and to be consistent with the naming of heritage items in the heritage schedule of SLEP 2012, the words "including interior" were added to the proposed item name prior to public exhibition.

The Planning Proposal was publically exhibited from 14 May 2014 to 28 May 2014. The exhibition generated three public submissions, one on behalf of the owner, another on behalf of the body corporation of an adjoining property and an individual submission from the same adjoining property. All submissions support the heritage listing and are further described in this report. In addition, the Heritage Council of NSW was consulted as a public authority and supports the listing.

This report recommends no change to the Planning Proposal as a consequence of public exhibition. It recommends the Central Sydney Planning Committee approve the Planning Proposal, shown at **Attachment A**.

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 A** be approved by the Central Sydney Planning Committee, to be made a local environmental plan.

RECOMMENDATION

It is resolved that:

- (A) the Central Sydney Planning Committee note the three submissions received to the public exhibition of the '*Planning Proposal: Amendment to the Sydney Local Environmental Plan 2012 – Heritage Listing of 119-127 Kippax Street, Surry Hills*;

- (B) the Central Sydney Planning Committee approve the Planning Proposal, as shown at **Attachment A** to the subject report, for finalisation and making as a local environmental plan under section 59 of the *Environmental Planning and Assessment Act 1979*; and
- (C) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 22 July 2014 that authority be delegated to the Chief Executive Officer to make any minor amendments to the Planning Proposal, to correct any minor drafting errors prior to finalisation and making of the Local Environmental Plan.

ATTACHMENTS

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

Attachment B: Summary of issues raised in submissions

BACKGROUND

1. On 14 May 2012, Council resolved to request the Chief Executive Officer 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.
2. 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.
3. 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.
4. 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.
5. Given that the site has been identified as a potential item in the draft Study and the advertising material for the sale of the building indicates that it is a potential redevelopment site, it was necessary to progress the listing of this building as a heritage item ahead of finalisation of the Industrial and Warehouse Study.
6. 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.

Planning Proposal

7. The Planning Proposal is for the heritage listing of 119-127 Kippax Street, Surry Hills. The Federation warehouse 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.
8. 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.

9. On 20 and 24 February 2014, respectively, the Central Sydney Planning Committee and Council resolved to approve and exhibit a planning proposal to amend Sydney Local Environmental Plan 2012 to heritage list 119-127 Kippax Street, Surry Hills.
10. 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 received on 30 April 2014.
11. Under Council's delegated authority, the Chief Executive Officer made a minor variation to the Planning Proposal following receipt of the Gateway determination. The Planning Proposal, as approved, did not make it explicit that the interior of the Federation warehouse is proposed to be listed, although this was the intent. To ensure no ambiguity and to be consistent with the naming of heritage items in the heritage schedule of SLEP 2012, the words "including interior" were added to the proposed item name.
12. The Planning Proposal is at **Attachment A** and includes the resolutions of the Central Sydney Planning Committee and Council from 20 and 24 February 2014, respectively, and the heritage assessment.

Public Exhibition

13. Public agency consultation was undertaken in accordance with the Gateway Determination. The Heritage Council of NSW supports the listing.
14. The Planning Proposal was publically exhibited from 14 May 2014 to 28 May 2014, consistent with the Gateway Determination. Notices were placed in the Central Newspaper and the Wentworth Courier at the beginning of the exhibition. Copies of the Planning Proposal were available online and at the One Stop Shop.

Submissions

15. Three submissions were received during the public exhibition, one on behalf of the owner, another on behalf of the body corporation of an adjoining property and an individual submission from the same adjoining property. All submissions support the heritage listing. A summary of the issues raised in the submissions including public agency consultation is at **Attachment B**.
16. The owners, who recently purchased the property, were aware of the impending Planning Proposal on advice from Council officers. The submission supported the Planning Proposal; however matters were raised on the recommendations contained in the Heritage Data Form that supports the listing nomination: The matters related to further inclusions and clarifications being provided in the heritage data form are provided in Attachment B. These matters will be considered as part of the development application process, rather than specified in the heritage inventory form.
17. The submissions received from the body corporation and an individual of the adjoining property at 82-92 Cooper Street advised full support of the proposed heritage listing.

18. No changes are recommended to either the Planning Proposal, heritage data form or the local environmental plan as a result of consideration of the matters raised in submissions.

Next Steps

19. As the Minister has authorised Council to exercise its delegation to make the local environmental plan, it is recommended that the Planning Proposal at **Attachment A** be approved by the Central Sydney Planning Committee to be made as a local environmental plan.
20. Gateway Determination requires the amendment to the Local Environmental Plan be completed within 6 months of the Gateway Determination, being 30 October 2014.

KEY IMPLICATIONS

Strategic Alignment - Sustainable Sydney 2030 Vision

21. *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

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

GRAHAM JAHN, AM

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