

1 April 2019

At the conclusion of the Cultural and Community Committee



Transport, Heritage and Planning Committee

Sydney 2030 / Green / Global / Connected

Agenda

- 1. Disclosures of Interest**
- 2. Post Exhibition - Draft Sydney Development Control Plan 2012 - Darlinghurst Road, Potts Point**
- 3. City of Sydney Local Planning Panel - Appointment of Additional Expert Members**
- 4. Fire Safety Reports**

Guidelines for Speakers at Council Committees



As part of our democratic process, the City invites members of the community to speak directly to Councillors during Committee meetings about items on the agenda.

To enable the Committee to hear a wide range of views and concerns within the limited time available, we encourage people interested in speaking at Committee to:

1. Register to speak by calling Council's Secretariat on 9265 9310 before 12.00 noon on the day of the meeting.
2. Check the recommendation in the Committee report before speaking, as it may address your concerns so that you just need to indicate your support for the recommendation.
3. Note that there is a three minute time limit for each speaker (with a warning bell at two minutes) and prepare your presentation to cover your major points within that time
4. Avoid repeating what previous speakers have said and focus on issues and information that the Committee may not already know.
5. If there is a large number of people interested in the same item as you, try to nominate three representatives to speak on your behalf and to indicate how many people they are representing.
6. Before speaking, turn on the microphone by pressing the button next to it and speak clearly so that everyone in the Council Chamber can hear.
7. Be prepared to quickly return to the microphone and respond briefly to any questions from Councillors, after all speakers on an item have made their presentations.

Committee meetings can continue until very late, particularly when there is a long agenda and a large number of speakers. This impacts on speakers who have to wait until very late, as well as Council staff and Councillors who are required to remain focused and alert until very late. At the start of each Committee meeting, the Committee Chair may reorder agenda items so that those items with speakers can be dealt with first.

Committee reports are on line at www.cityofsydney.nsw.gov.au, with printed copies available at Sydney Town Hall immediately prior to the meeting. Council staff are also available prior to the meeting to assist.

Item 1.

Disclosures of Interest

(a) Section 451 of the Local Government Act 1993

Pursuant to the provisions of section 451 of the Local Government Act 1993, Councillors are required to disclose pecuniary interests in any matter on the agenda for this meeting of the Transport, Heritage and Planning Committee.

Councillors are also required to disclose any non-pecuniary interests in any matter on the agenda for this meeting of the Transport, Heritage and Planning Committee in accordance with the relevant clauses of the Code of Conduct – February 2016.

This will include receipt of reportable political donations over the previous four years.

In both cases, the nature of the interest must be disclosed.

Written disclosures of interest received by the Chief Executive Officer in relation to items for consideration at this meeting will be laid on the table.

(b) Local Government and Planning Legislation Amendment (Political Donations) Act 2008

The Local Government and Planning Legislation Amendment (Political Donations) Act 2008 (“the Act”) requires the disclosure of relevant political donations or gifts when planning applications are made to minimise any perception of undue influence. The amendments to the Act require disclosure to the Electoral Funding Authority of:

- a **reportable political donation** as defined in the Election Funding and Disclosures Act 1981 (a donation of \$1000 or more made to or for the benefit of the party, elected member, group or candidate or made by a major political donor to or for the benefit of a party, elected member, group or candidate, or made to the major political donor), or
- a **gift** (as defined in the Election Funding and Disclosures Act 1981) to any local councillor or council employee (and includes a disposition of property or a gift of money or the provision of other valuable or service for no consideration or for inadequate consideration) when a relevant planning application is made to a council.

A donation of less than \$1000 can be a reportable political donation if the aggregated total of such donations was made by an entity or person to the same party, elected member, group or candidate or person.

Item 2.

Post Exhibition – Draft Sydney Development Control Plan 2012 – Darlinghurst Road, Potts Point

File No: X018038

Summary

Sustainable Sydney 2030 envisions an engaging and innovative global city comprised of equitable, liveable and resilient communities with good access to local services, amenities and employment opportunities. The City of Sydney's villages and their thriving main streets play an important economic and social role in the inner city. They create a local centre that provides jobs, community facilities, opportunities for creative and cultural uses and entertainment, leisure and public open space, and services for the day to day needs of residents and visitors alike. Streets like Darlinghurst Road and their local economies allow people to live, meet, shop, play, learn and work.

Darlinghurst Road is Potts Point's high street. It features a variety of retail and commercial uses, bars, cafes and restaurants, health services, community facilities and tourist and visitor accommodation and is used by residents, workers and visitors. Previously recognised as a popular late night trading precinct, the area is undergoing a period of incremental change. Interest in residential development in the area is increasing due to improving amenity, changes to licensing regulations and other market factors.

The proposed site-specific Development Control Plan seeks to ensure that the special character, heritage and main street function of Darlinghurst Road is protected into the future through good design outcomes for new development. The Development Control Plan achieves this by protecting a proportion of non-residential uses, enabling appropriate residential development conserving the distinctive cultural and architectural character of Darlinghurst Road through a series of land use and design guidance developed specifically for the area.

The Development Control Plan is being prepared in two stages. The stages are area related and are based on different levels of investigation into the character and built form of Darlinghurst Road.

Stage 1, which is the subject of this report, is made up of two components:

- (a) General provisions for Darlinghurst Road from Bayswater Road to Macleay Street precinct; and
- (b) Specific built form controls for the Bourbon site at 18-32A Darlinghurst Road.

Stage 2, which has commenced, will be the subject of a separate report and will provide built form controls for the remainder of the street. A map of the precinct (outlined in red) and the site (outlined in blue) is at Figure 1.

Investigation for the first stage has been completed. This includes a heritage assessment, urban design study, Design Advisory Panel advice, and community and landowner consultation sessions. The general and site-specific provisions contained in the draft DCP are the result of this research.

Investigation for the second stage is underway. This work will recommend specific built form controls for the remaining precinct (outlined in red in Figure 1). The draft Development Control Plan will be revised accordingly and the results of this work will be reported to Council.

On 10 September 2018, Council resolved to exhibit the Draft Development Control Plan - Darlinghurst Road, Potts Point (draft DCP). A copy of the resolution of Council is at Attachment B. This report describes the exhibition outcomes and recommends Council approve the controls with some minor changes. The controls recommended for adoption are at Attachment A.

The Draft DCP was exhibited from 19 September to 8 November 2018. One hundred and three (103) submissions were received from a range of submitters, including 89 submissions from local residents, two submissions from community interest groups and 12 submissions from or on behalf of landowners in the area.

Issues raised include building heights, land use mix, heritage, local character, transport and vehicular access, local social issues, the building envelope for 18-32A Darlinghurst Road, amenity, public domain and process. These are discussed in the body of the report and a full summary is at Attachment C.

A number of changes have been made to the draft DCP, in response to submissions and further review by staff.

This report recommends that Council approve the revised Draft DCP at Attachment A. Key changes to the DCP include:

- Changes to the land use mix provision. The provision provides greater flexibility for development that achieves full compliance with amenity requirements, where non-residential uses are only required at the ground and first floor.
- Changes to how much of the Commodore at 30-30B Darlinghurst Road is required to be retained. Previously, the draft DCP required the whole building to be retained for heritage conservation. The control has been amended so that the form, external fabric and floor levels of the building are to be conserved to a depth of at least 8m. This is to ensure the facade is retained and continues to contribute to the streetscape and Heritage Conservation Area, as well as contributing to the variety of development on the 18-32A Darlinghurst Road block.
- Clarification of the tenancy size provision. Existing ground floor tenancies that are larger than 300sqm are not required to be reduced in size. The provision only applies to new tenancies at street level. The control does not apply to tenancies or part-tenancies on other levels. This allows flexibility for existing commercial tenancies in buildings with heritage significance. It also allows larger tenancies at upper and lower ground levels, whilst ensuring development achieves fine grain at street level.
- Changes to the built form and setbacks provision to allow greater flexibility. The provisions have been modified so that setbacks are determined by the requirement to minimise overshadowing to surrounding buildings.

The report also notes the City is undertaking further investigation into the Darlinghurst Road precinct to further refine the site-specific DCP, with further detailed built form provisions for the rest of the street to be developed. The second stage of the heritage assessment for the high street is currently underway with the urban design study for the rest of the area to follow shortly. This ongoing work will provide the public with further opportunities to review proposed planning controls and to provide Council with feedback.

Recommendation

It is resolved that:

- (A) Council note the matters raised in response to the public exhibition and public authority consultation of Draft Sydney Development Control Plan 2012 - Darlinghurst Road, Potts Point;
- (B) Council approve the revised Draft Sydney Development Control Plan 2012 - Darlinghurst Road, Potts Point as shown at Attachment A to the subject report;
- (C) authority be delegated to the Chief Executive Officer to make any minor variations to Draft Sydney Development Control Plan 2012 - Darlinghurst Road, Potts Point to correct drafting errors prior to the finalisation of the site specific Development Control Plan; and
- (D) Council note that the current review of planning controls for Darlinghurst Road does not contemplate increasing the height and floor space ratio controls in Sydney Local Environmental Plan 2012 and that Division 3.4 of the Environmental Planning and Assessment Act 1979 provides landowners the opportunity to submit a request to prepare a planning proposal to amend the height and floor space ratio controls for Council's consideration.

Attachments

- Attachment A.** Draft Sydney Development Control Plan 2012 - Darlinghurst Road, Potts Point (Note: a summary of DCP amendments is included in this attachment).
- Attachment B.** Resolution of Council - 17 September 2018.
- Attachment C.** Draft Sydney Development Control Plan 2012 - Darlinghurst Road, Potts Point - Summary of Submissions.
- Attachment D.** Landowners Consultation Report.

Background

1. The purpose of this report is to seek Council approval of Draft Sydney Development Control Plan 2012 - Darlinghurst Road, Potts Point (draft DCP) at Attachment A. It is noted that the draft DCP has recommended amendments following public exhibition and consideration of submissions.
2. Council approved the draft DCP for public exhibition on 17 September 2018. The draft DCP was exhibited from 19 September to 8 November 2018. The Council resolution for the draft DCP is at Attachment B.
3. The draft DCP is the result of a withdrawn development application lodged for a mixed use building at 18-32A Darlinghurst Road. In response to the non-compliant DA, on 19 February 2018, Council resolved to commission an urban design study and heritage assessment and involve the City's Design Advisory Panel in a full review of the current planning controls. Community consultation centring on a workshop and survey was also carried out in mid-2018 and with landowners in February 2019.
4. The exhibition of a planning proposal related to the draft DCP was also approved by Council on 17 September 2018 and by the Central Sydney Planning Committee (CSPC) on 13 September 2018. The planning proposal seeks the heritage listing of 1 Elizabeth Bay Road, Potts Point, 22-24 Darlinghurst Road, Potts Point and 32-32A Darlinghurst Road. The planning proposal received gateway determination from the Department of Planning on 26 October 2018 and is currently on public exhibition. The exhibition period is due to close on 25 March 2019. The planning proposal is progressing on a different timeline due to the requirement for a request for a Gateway determination.
5. In response to the exhibition of the draft DCP, the City received 103 submissions made up of 89 individual resident submissions, 12 submissions from local landowners and their representatives, and two submissions from local interest groups. A summary of all submissions and the City's response is at Attachment C. Key issues are discussed later in this report.
6. A number of changes are recommended to the draft DCP which respond to submissions and further internal review. These changes are discussed in this report.

Site and context

7. The Darlinghurst Road precinct encompasses 49 properties.
8. The DCP is being prepared in two stages. The stages are area related and are based on different levels of investigation into the character and built form of Darlinghurst Road.
9. Stage 1, which is the subject of this report, is made up of two components:
 - (a) General provisions for Darlinghurst Road from Bayswater Road to Macleay Street; and
 - (b) Specific built form controls for the Bourbon site at 18-32A Darlinghurst Road.
10. Stage 2, which has commenced and will be the subject of a separate report, will provide built form controls for the remainder of the street. A map of the precinct (outlined in red) and the site (outlined in blue) is at Figure 1.

11. Investigation for the first stage has been completed. This includes a heritage assessment, urban design study, Design Advisory Panel advice, and community and landowner consultation sessions. The general and site-specific provisions contained in the draft DCP are the result of this research.
12. Investigation for the second stage is underway. This work will recommend specific built form controls for the remaining precinct (outlined in red in Figure 1). The draft DCP will be revised accordingly and the results of this work will be reported to Council.



Figure 1: Darlinghurst Road precinct outlined in red with 18-32A Darlinghurst Road outlined in blue.



Figure 2: Aerial image and site location of 18-32A Darlinghurst Road

13. Darlinghurst Road is zoned B2 - Local centre and is the primary business, service and entertainment area for the surrounding residential community. The precinct is characterised by mostly small scale, fine grain commercial buildings of around 3 to 4 storeys interspersed with some larger sites and taller buildings. These include The Bourbon, The Empire, Wintergarden, Kings Cross Library and most significantly, the development known as 'Omnia', located at the intersection of Darlinghurst Road, Bayswater Road and Victoria Street. Surrounding development is mixed in scale and form, varying from two storey Victorian terraces to multi-storey residential flat buildings.

Exhibited controls - draft DCP

14. The DCP seeks to maintain the vibrant, active nature of the street, and to ensure that new development respects and responds to the existing built form of Darlinghurst Road through the use of appropriate materials and architectural articulation, heritage conservation, street wall heights and upper level setbacks, and improvements to the public domain. This is also consistent with the objectives of the B2 - Local centre zone which applies to all of the City's village high streets. The controls include:

- (a) A land use mix provision that stipulates a minimum of 50% of floor space must consist of non-residential uses;
- (b) Urban grain and active street frontage provisions that are consistent with the existing subdivision pattern of Darlinghurst Road, the individually distinctive architectural language of buildings, maximum ground floor tenancy sizes and widths, and other tenancy frontage requirements;
- (c) Architectural character provisions relating to building facades, openings, materials, awnings and parapets;
- (d) Access, public domain, and residential amenity; and
- (e) Specific provisions for 18-32A Darlinghurst Road, including heritage conservation, built form and setbacks, urban grain, and a design excellence strategy for development of the site.

Public exhibition

- 15. The draft DCP was exhibited from 19 September to 8 November 2018.
- 16. Relevant documents were made available on the 'Sydney Your Say' website and at the Kings Cross Neighbourhood Service Centre. The City sent over 12,000 letters to landowners and residents to notify them of the public exhibition. Letters were sent to all property owners within the precinct affected by the draft DCP.
- 17. The exhibition was also advertised in the Sydney Morning Herald and the Wentworth Courier, and through the City's website and the 'Sydney Your Say' e-newsletter. City of Sydney staff also attended the weekly markets in Fitzroy Gardens to publicise the exhibition of the draft DCP.
- 18. A total of 103 submissions were received. These comprise 89 individual submissions, 12 submissions from local landowners and their representatives, and two submissions from local interest groups.
- 19. Issues raised in submissions and the City's response are summarised at Attachment C, with discussion of key issues below.

Landowner engagement

- 20. Of the 103 submissions received by the City, 12 were made by or on behalf of landowners within the Darlinghurst Road precinct. Issues most commonly raised by these stakeholders include the land use mix, residential development and redevelopment, Macleay Street, social issues, consultation process, the restrictive nature of the controls and the changing character of Kings Cross.
- 21. At their request, a meeting was held between City of Sydney staff and local landowners on 22 November 2018 to discuss the Darlinghurst Road draft DCP, the consultation process and the concerns raised in submissions. In response to this feedback, the City held an engagement workshop with Darlinghurst Road landowners on 26 February 2019. Twelve landowners and their representatives attended the workshop. An online survey based on local character issues and questions was also re-opened which targeted landowners between 6 February and 5 March 2019. The consultation followed the same format as the July 2018 workshop and survey conducted with the wider community. A report on the landowners consultation is at Attachment D.

22. The issues discussed on the day were generally consistent with those raised in the landowners' submissions. The key issues emerging from the consultation are:
- (a) Concerns regarding overly prescriptive DCP controls;
 - (b) Social issues and prevalence of drug use, specifically identifying the Medically Supervised Injecting Centre as an issue;
 - (c) Commercial vacancies along Darlinghurst Road and a lack of people and vitality, causing the area to feel boring, unsafe and unattractive;
 - (d) The Omnia building as a positive change for the area, and a precedent for future development;
 - (e) A desire to see much taller 'iconic' buildings along Darlinghurst Road;
 - (f) A willingness to preserve some heritage facades and buildings within the locality; and
 - (g) A strong preference for more residential dwellings for Darlinghurst Road.
23. Council is continuing work on the remaining street blocks for the second stage of the Darlinghurst Road DCP. The work involves a heritage assessment to consider potential heritage listings and an urban design study to develop specific setback and built form controls. Stage two of the draft DCP will be reported to Council when complete and then publicly exhibited. Feedback provided from landowners through the exhibition and consultation will help inform stage two of the DCP.
24. Through the consultation and submissions, a number of landowners raised the desire for additional height and density along Darlinghurst Road. They noted that additional residential development was needed to revitalise Darlinghurst Road, that the scale and form of development along Macleay Street (up to 12-15 storeys) provided a good model for future development and that redevelopment could provide through site links, publically accessible private open space and other public benefits.
25. The urban design study and draft DCP respond to Council's resolution from 19 February 2018. Council resolved to 'commission an urban design study to identify design principles for the site, including an indicative design strategy to provide an illustration of how good design can achieve better outcomes within the current controls' [emphasis added]. The resolution also noted that the proposed development for the Bourbon site exceeded the height control and was of 'a scale and building morphology that does not fit within the context of the heritage conservation area in and around Kings Cross.' Therefore the urban design study does not contemplate increasing the height and floor space ratio controls under Sydney Local Environmental Plan 2012. Under Division 3.4 of the Environmental Planning and Assessment Act 1979 proponents may request Council prepare a planning proposal to change the controls in the LEP. The City would then be required to consider the strategic and environmental merit of any request.

Key issues raised

26. A review of the draft DCP was undertaken following submissions and further internal consideration. A summary of the key issues and recommended changes to the draft DCP are discussed below. The changes to the draft DCP are shown in Attachment A, with new text underlined and deleted text as strikethrough. All other issues raised are discussed in detail in the summary of submissions at Attachment C.

Residential development

27. A number of submissions by residents and landowners raise the quantity of residential development as a key issue. Some submitters wrote in support of higher residential density and more apartments, whilst others opposed increased population due to adverse impacts such as reduced amenity, increased congestion and erosion of quality of life.
28. Submitters in support of additional residential development generally identify the proximity of Darlinghurst Road to Kings Cross train station and the Sydney CBD, as well as the positive impacts that bringing more people into the area would have on Darlinghurst Road as reasons for increasing the quantity of residential uses.
29. Darlinghurst Road is located within the B2 Local Centre zone. It is the high street for the surrounding high density residential communities. Its role is to provide the services, shops, community facilities in an accessible and attractive location for the community and visitors. Although Kings Cross has played a broader role as a night time centre, it is undergoing a period of change and the community has expressed a strong desire to retain elements of Darlinghurst Road's existing character. The desired future character centres on the area being an attractive retail and commercial main street that provides a balance and diversity of activities and experiences. This is proposed to be achieved through the protection of heritage buildings, the preservation of a quantum of non-residential floor space, and through design guidelines that ensure new development is varied, is of a human scale, and is highly detailed.
30. The draft DCP does not preclude residential uses within the Darlinghurst Road precinct. Rather, the DCP seeks to preserve a proportion of commercial floor space to provide local services, businesses, office space, food and drink and employment opportunities for both residents and visitors. This approach is consistent with the objectives of the B2 zone.

Land use

31. Clause 6.2.12.1 of the draft DCP stipulates that in the B2 zone, a minimum of 50% of the total gross floor area for each development must be for uses other than residential accommodation or tourist and visitor accommodation.
32. Submissions by and on behalf of landowners are critical of the proposed land use provision. They cite a current oversupply of commercial floor space in the area and Potts Point's historically residential nature as reasons for deleting the control, or substantially decreasing the amount of non-residential floor space required by the control. It was also submitted that the land use control would result in previously residential floor space becoming commercial floor space when a property is redeveloped.
33. The provisions and intent of the draft DCP are consistent with the objectives of the precinct's B2 Local Centre zoning. The objectives of the B2 zone are:
 - (a) To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area;
 - (b) Encourage employment opportunities in accessible locations;
 - (c) Maximise public transport patronage and encourage walking and cycling; and
 - (d) Allow appropriate residential uses so as to support the vitality of local centres.

34. The DCP will allow an appropriate combination of residential and non-residential development in order to achieve the objectives of the business zone. This means providing a balance of residential uses that support Darlinghurst Road's predominantly commercial role in order to continue its function as a high street, and to ensure the surrounding community has an accessible and diverse local centre.
35. This objective is supported by data gathered in the 2007, 2012, and 2017 Floor Space Employment Survey (FES). The data indicates that the area is dominated by buildings that are primarily commercial in nature, where 82% of floor space in Darlinghurst Road is occupied by non-residential uses. The proposed 50% land use control represents a reduction in the proportion of existing commercial floor space.
36. It is expected that future demand for commercial floor space on Darlinghurst Road will still continue to grow from a high base over the next two decades, driven partly by moderate population growth in the area. Australian Bureau of Statistics data indicates an increase in the number of jobs in the Potts Point-Woolloomooloo area, up from 11,500 in 2011 to 15,000 in 2016.
37. Potts Point and Woolloomooloo also have a high proportion of local workers who are also local residents, at 15%, which is higher than other comparable centres such as Newtown, Surry Hills, Redfern and Pyrmont. These indicators point to a continued increase in the demand for commercial floor space in the area, which the DCP seeks to cater for.
38. The land use control is also consistent with the objectives of the Eastern City District Plan, which outlines principles for centres. The Plan states that additional housing within close proximity of transport is desirable, however housing should not compromise a centre's primary role to provide goods and services and the opportunity for the centre's employment function to grow and change over time. Being one of Australia's most dense residential areas, there is considerable housing in close proximity to transport and the centre and it's essential that space for local business, services and shops is retained. This is so that it can continue to adapt and respond to community and visitor needs.
39. The significant loss of floor space for businesses, services and shops would have a negative impact on the high density local community. It would likely force people to travel greater distances and take more trips, reduce the amenity and activity in the area and encourage private vehicle rather walking, cycling and public transport travel.
40. In response to the submissions and upon further internal review, it is recommended that the land use mix provision be amended to allow for additional flexibility for fully compliant, high quality development. The recommended changes are:
 - (a) The DCP now considers tourist and visitor accommodation (except for serviced apartments) a non-residential use which can contribute to the 50% requirement;
 - (b) It may be considered acceptable for non-residential uses to be located on the ground and first floor only where residential accommodation achieves full compliance with amenity requirements; and
 - (c) If a site is being redeveloped, it may retain its existing quantum of residential floor space (that is, quantity of residential floor space in square metres) provided the amenity requirements can be met.

41. It has been noted that where the combined proportion of residential accommodation and tourist and visitor accommodation exceed 50% of the total GFA of a site (either existing or proposed), compliance with setbacks, modulation, and overshadowing requirements may not be feasible. In this instance, variation from the provision will not be considered acceptable.
42. A submission made by a landowner proposes an alternative scheme for 18-32A Darlinghurst Road to that detailed in the draft DCP. The submission demonstrates that a development that complies with the relevant height, FSR, and amenity controls under SEPP 65 can be achieved with a higher proportion of residential use to commercial use than the scheme outlined in the DCP. It is noted that the proposed scheme has a mix of 62% residential to 38% commercial uses across ground and first floors and is largely comprised of split-level apartments.
43. The scheme achieves solar access and cross-ventilation requirements whilst providing a greater proportion of residential floor space on what is a constrained site. However, building designs featuring split level apartments rarely progress at development application stage due to what is argued to be market demands. If a future application does not include split level apartments and cannot meet the amenity requirements, the 50% non-residential floor space requirement will need to be achieved. The abovementioned changes to the provisions are considered to provide adequate flexibility in the land use mix while still achieving the strategic intent for the local centre.

Medically supervised injecting centre

44. Several submissions raised the Kings Cross medically supervised injecting centre as a point of concern, citing unsociable behaviour and other negative impacts such as creating an unsafe environment. These matters are outside the scope of the DCP.

Macleay Street

45. Macleay Street was described as a pleasant and liveable area with medium rise apartments, a mix of old and new buildings. Several submissions recommended Darlinghurst Road be developed similarly to improve Kings Cross.
46. Macleay Street is located within the Potts Point locality area, which is distinct from Kings Cross. Most of Macleay Street is within a B4 – Mixed Use zone which is intended to provide a mixture of suitable uses that support the viability of nearby centres, such as Darlinghurst Road.
47. Macleay Street provides a handful of small scale commercial uses in an otherwise predominantly residential area. The east side of Macleay Street also features a variety of mid-rise interwar apartment buildings and some high-rise development along the ridge ranging from 8 to 21 storeys, which is unique to that part of Potts Point and different to the predominant four storey scale of Darlinghurst Road.
48. Darlinghurst Road serves as a vital local centre to Potts Point. As detailed above in discussion under 'residential development' and 'land use', the DCP seeks to ensure development in Kings Cross continues to activate the high street through appropriate building design and land uses.
49. Encouraging development similar to Macleay Street on Darlinghurst Road would not achieve the strategic objectives of the B2 – Local Centre zone, would result in the loss of a local, accessible commercial centre which would negatively affect the community, businesses and visitors and is not in keeping with the community's expectations or desires for the future character of Darlinghurst Road.

Building height

50. Building height is one of the most common issues identified by submitters and has been raised by local residents, landowners, and community groups alike. Views vary greatly, from those who believe the area is already overdeveloped and no additional height should be considered, to those who believe Darlinghurst Road should see more mixed use buildings of 12-15 storeys, or even taller.
51. The site-specific DCP cannot and does not seek to change or increase any of the existing height controls specified in the LEP and Council's resolution from February 2018 required consideration of design outcomes within the existing controls. Any changes to the existing height controls would require a planning proposal to amend height controls in the LEP.
52. The existing LEP controls allow for mid-rise development along Darlinghurst Road through a maximum building height of 22m or around 6 storeys. Darlinghurst Road is also within a heritage conservation area under the LEP with the intent to conserve the built form and fabric of the area.
53. The existing height controls in the LEP are considered appropriate. Darlinghurst Road serves an important commercial, service and transport function in Potts Point. Contextually appropriate redevelopment is possible under the controls and will assist the City in achieving broader planning targets, is in keeping with the area's heritage character and ensures the bulk and scale of new development transitions to surrounding mid and low-scale housing stock. The existing height controls generally allow solar access to surrounding residential development that provides reasonable amenity.

Heritage

54. Residents and community groups are concerned that the proposed controls ignore the heritage values of Darlinghurst Road, do not protect local heritage fabric and that the proposed controls for 18-32A Darlinghurst Road will result in development that is not compatible with the existing streetscape, and potentially, facadism. Of particular concern is the proposed height of the Lowestoft building at 18-20 Darlinghurst Road and the amenity impacts this may have on Kingsley Hall at 1A Elizabeth Bay Road, to the north, as well as the retention of The Empire in full.
55. The proposed controls focus considerably on the heritage significance and values of Darlinghurst Road. The City of Sydney has recommended the heritage listing of three items including Kingsley Hall, the facade of The Bourbon, and the site of The Empire (for social significance) based on the heritage assessment of the street block consultation in July 2018. The results of the survey and workshop carried out by Council indicate that local residents and visitors to Kings Cross highly value the heritage aesthetic and character of Darlinghurst Road.
56. The DCP will ensure future development is sympathetic to and in keeping with Darlinghurst Road's unique character through architectural articulation and materials controls, urban grain provisions, the retention of heritage significant facades and building elements at The Bourbon (22-24 Darlinghurst Road), Lowestoft (18-20 Darlinghurst Road) and the Commodore (30-30B Darlinghurst Road) and specific built form controls for 18-32A Darlinghurst Road.

57. Listing of the Bourbon is limited to the facade and front rooms due to the fact that much of the internal fabric has been substantially altered and is now of very little heritage value. Similarly, the retention of the first 8m of the Commodore which is identified as a contributory building in SDCP 2012 ensures its contribution to the heritage area is retained, as its contribution is in its streetscape presence, primarily through its Darlinghurst Road facade.
58. The height of the Lowestoft building at 18-20 Darlinghurst Road is outside the scope of the subject proposal and cannot be changed by the DCP. The 30m height limit allows for a 10 storey building. The Lowestoft is adjacent to a 10 storey art deco flat building at 1A Elizabeth Bay Road, known as Kingsley Hall. The existing height control for the Lowestoft responds to the height of Kingsley Hall to the north. The proposed provisions in the draft DCP show how appropriately designed development at 18-32A Darlinghurst Road can preserve amenity to Kingsley Hall by protecting the light well to the south of the building.
59. A heritage assessment of the Empire demonstrates it has considerable social significance, which is supported through the consultation. The heritage significance of the Empire stems primarily from the community's connection to its former use as the Les Girls nightclub, rather than its physical fabric which has been substantially modified over time and is not recognised for its aesthetic value. The draft DCP proposes to allow the building to be demolished under clause 6.2.12.8. The controls then require any new building to interpret the significance of the site as the original Les Girls venue through architectural interpretation of the building's curved corner form, floor and parapet levels, ground floor awning, first and second floor balconies and the corner sign reading 'Les Girls'. The recommendations of the report have been considered by the City's Design Advisory Panel, an urban design study, and City urban design and heritage staff.
60. Submissions on behalf of landowners raise concerns about the heritage listing of The Empire. The submissions identify inconsistencies between the draft heritage inventory sheets of the planning proposal which indicate the existing building should be retained for its heritage significant fabric, and the proposed draft DCP controls which permit demolition of the building on site. Landowners are also concerned about the proposal to retain the entirety of The Commodore at 30-30B Darlinghurst Road, and the requirement for a 3m setback above the Lowestoft.
61. The draft heritage inventory sheets for The Empire are being progressed with the heritage planning proposal and will be updated when the planning proposal is reported back to Council to note that the significance is related to the social associations rather than the physical fabric and that demolition is possible.
62. Recommended changes to the DCP no longer require the full retention of The Commodore at 30-30B Darlinghurst Road. The control has been modified to require the retention of the front of the building to a depth of 8m, to ensure the facade is retained and continues to contribute to the streetscape and Heritage Conservation Area, as well as contributing to the variety of development on the 18-32A Darlinghurst Road block.
63. The requirement for a 3m setback requirement above the Lowestoft in Clause 6.2.12.8(2) relates only to the level immediately above the existing building. Development above can be built to street alignment as shown in Figure 4 in the DCP, which has been updated for clarity and is shown below (Figure 3). This is the minimal setback possible to differentiate between the existing building and new development above. No change to the control is recommended.

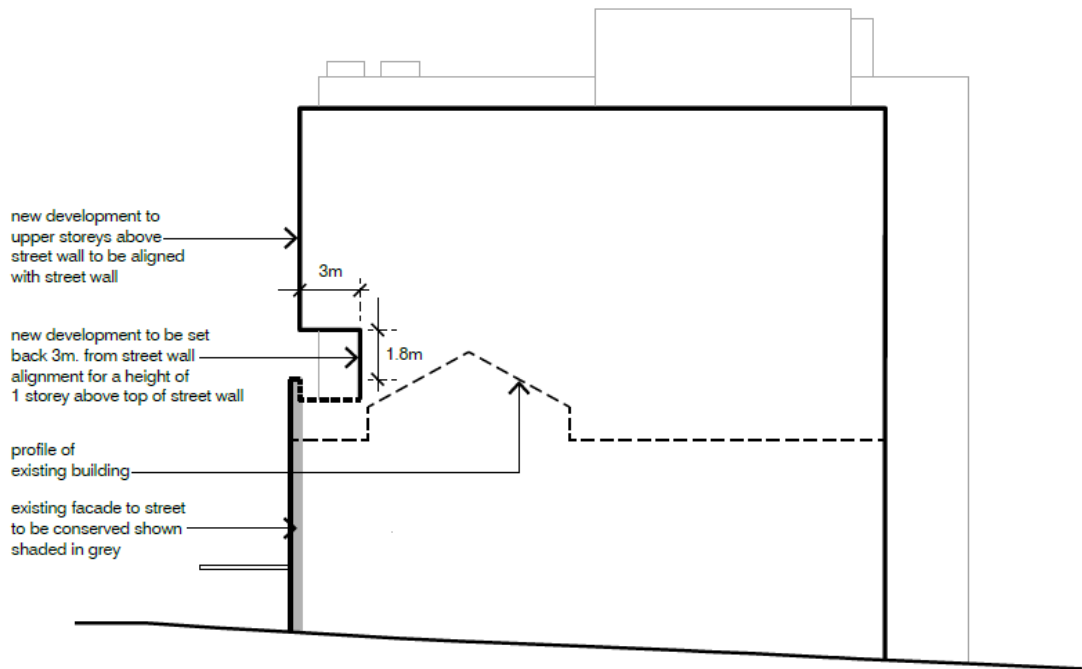


Figure 3: 3m setback above 18-20 Darlinghurst Road for height of 1 storey above top of street wall, built to street alignment above

Building envelope for 18-32A Darlinghurst Road and amenity impacts

64. Several submissions raise issues with the proposed building envelope and reference scheme for 18-32A Darlinghurst Road. Residents objected on the grounds that the proposed scheme would result in reduced amenity to surrounding properties. The landowner objected on the basis that the envelope and its setbacks were too prescriptive, did not allow for creative design and did not allow floor space to be arranged in the most efficient or effective manner.
65. The reference scheme for 18-32A Darlinghurst Road contained in the draft DCP has been designed to comply with the height, FSR and solar access controls for the site. The reference scheme is only an example of how floor space can be distributed and how buildings could be designed. The EPA Act requires any DCP to be applied with flexibility which enables an alternative scheme that complies with the relevant height, FSR, solar access and acoustic and visual privacy controls to be put forward and assessed.
66. After further consideration, and in response to concerns raised by landowners, changes to Clause 6.2.12.9 Built form and setbacks are recommended to explain the intent of the setbacks and the control has been modified so that side and rear setbacks are determined by preservation of solar access to properties on Roslyn Street and Barncleuth Lane. Figure 6a is also updated to reflect these changes.

67. The provisions contain a 6m setback above the Bourbon façade which runs parallel to the boundary. The 6m requirement varies from heritage advice and has been reduced to provide greater flexibility for the built form and architecture and enable residential development to comply with amenity requirements whilst still respecting the heritage significant fabric below. The side setbacks to the Empire allow the reinterpretation of the original building form and protect solar access to properties on Roslyn Street. No changes are proposed to the Bourbon and Empire setbacks.
68. Minor changes have been made to Clause 6.2.12.9 Built form and setbacks and Figure 6a. The changes allow development to vary the setbacks prescribed by the control when development minimises overshadowing to buildings on the south side of Barncleuth Lane and is consistent with the requirements of the ADG, as shown below at Figure 4.

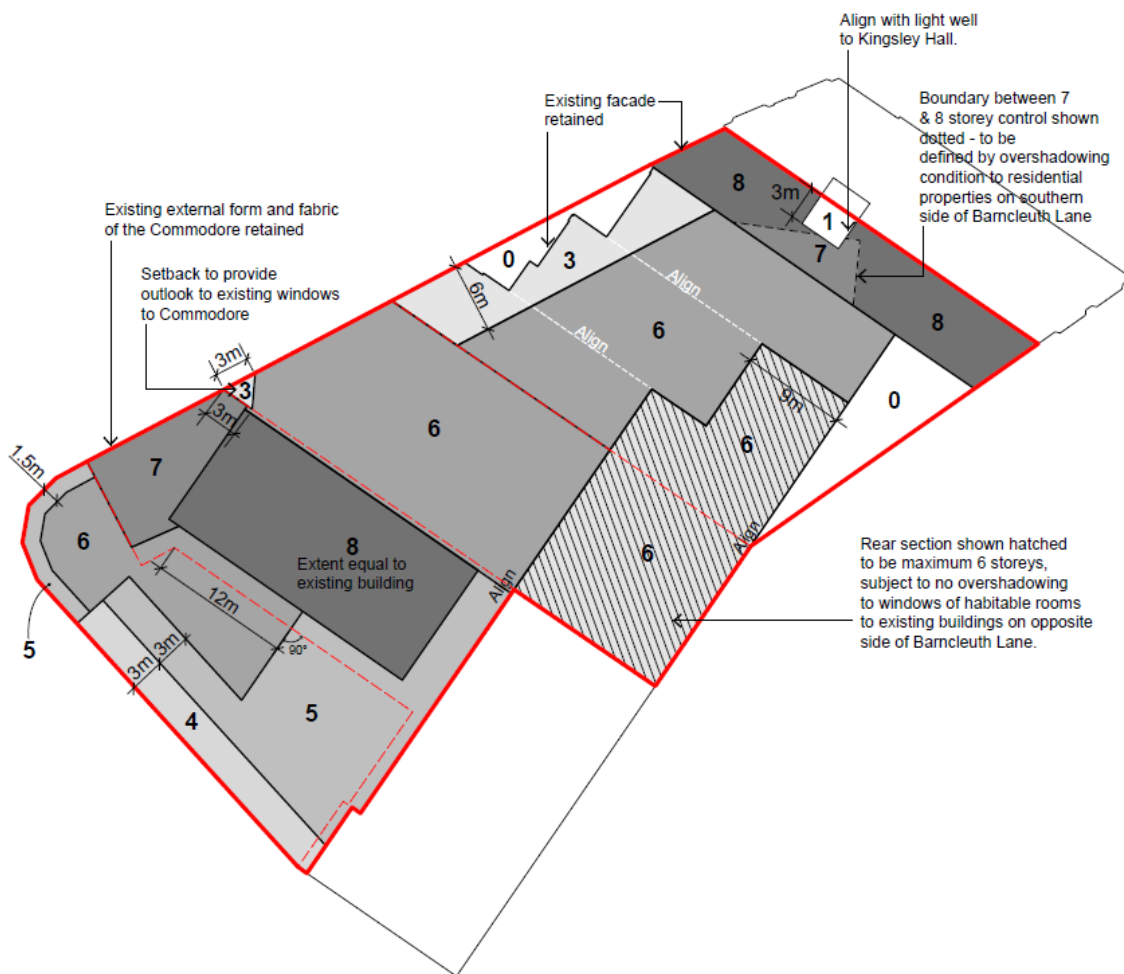


Figure 4: Revised built form and setbacks diagram. The diagram reflects changes to the rear setback control, which are based on solar access requirements.

Prescriptive controls, urban grain controls

69. Submitters are concerned the Draft DCP is too prescriptive and this would restrict innovative and creative architectural design that could make positive contribution to Darlinghurst Road and its urban environment. This is a key issue raised in submissions made by landowners in particular.

70. Council's resolution to develop design guidelines for Darlinghurst Road from February 2018 identified significant concerns related to the grain and architecture of the development application for the Bourbon site, specifically:
- (iii) lacks the frequency and graciousness of the ground floor lobbies found throughout the area;
 - (iv) has large retail footprints at ground level, destroying the fine-grain retail pattern that exists along Darlinghurst Road;
 - (vi) has an unsatisfactory interface with Barncleuth Lane, particularly the lack of activation and amenity, and the dominance of loading and serviced functions; and
 - (vii) provides an undesirable site amalgamation that will detrimentally affect the character of the area's streets and lanes due to the significant inactive frontage required by loading dock areas, and access and egress for car parks and fire stairs;
71. The Draft DCP was developed through community consultation, a heritage assessment, an extensive urban design study, and in consultation with the City's Design Advisory Panel. It is clear that Darlinghurst Road's fine urban grain, sense of community, heritage (both built and socio-cultural) and mix of building styles are of particular value as they significantly contribute to the area's local character.
72. The draft DCP features a variety of urban grain, active frontage, architectural character and articulation and public domain provisions. The provisions seek to ensure development along Darlinghurst Road is sympathetic to and consistent with the existing architectural and heritage character of the area.
73. The draft DCP provides guidelines for future development that are consistent with what the community values and would like to see. The controls are also consistent with advice provided by the City's Design Advisory Panel and address the concerns raised by the Council. The provisions encourage facades that are predominantly masonry rather than glazed, windows that reflect the existing pattern of openings on the street and restrict large, glazed projecting buildings that are not in keeping with buildings in the area.
74. The provisions also require development to feature fine grain retail tenancies that support small business, as well as separate entrances and circulation cores for separate and distinctive buildings rather than monotonous additions or street block-sized building with only one lobby. The requirement of the EPA Act to apply DCP controls with flexibility means that alternative designs and can be proposed and approved where they meet the objectives of the provisions.

Changing character of Kings Cross

75. Submitters raise the issue of the changing character of Kings Cross. Residents, landowners and community groups described various changes in the area. Some submitters note that people used to come to Kings Cross looking for entertainment, bars, nightclubs and live music but this is no longer the case. Some people identified the sex industry and other local issues, such as a prevalence of drug use, as continuing to detract from the area and make it feel unsafe. One submission suggested major new shopping centres and more apartments are what Darlinghurst Road needs.

76. That Kings Cross is undergoing a period of change is clear. In response, Council has undertaken considerable research, analysis and community consultation to identify and capture the valued qualities of Darlinghurst Road and what is important to retain or change through the planning system as Darlinghurst Road continues to evolve. The draft DCP will manage this change and guide the land use and architectural form and character of development.
77. With regard to major shopping centres on Darlinghurst Road, through consultation the community told the City they value the fine urban grain of Darlinghurst Road. This includes smaller shops, a diversity of businesses and services, and detailed architectural facades. The DCP encourages a mix of business and residential uses that are in keeping with the community's desired future character.

Floor Space Employment Survey data

78. Submissions raise concerns with Floor space Employment Survey (FES) data used in the urban design study, stating data was inaccurate and shouldn't be relied on.
79. The FES is used to show trends in floor space use and employment across an area and over time. It aggregates data across an area and is not intended to be an analysis of specific individual properties. In analysing the floor space and use along Darlinghurst Road the urban design study used preliminary FES data from the 2017 survey. The final floor space and employment survey data has been reviewed. Aggregated across the Darlinghurst Road precinct, the FES continues to show a high proportion of the allowable floor space is used for non-residential purposes which reflects the local centre role and is different to the precincts to the south and north, which are more mixed use. It also shows the amount of non-residential floor space has generally remained constant over the last 10 years except for two large hotel conversions.

Key Implications

Strategic Alignment - Eastern City District Plan

80. The District Plans set out how the Greater Sydney Region Plan applies to local areas. The City of Sydney is in the Eastern City District. The draft Eastern City District Plan includes 20 year targets for housing and jobs, specifically:
 - (a) a short term (5 years) housing target of 18,300 dwellings to be delivered in the City of Sydney;
 - (b) a 2036 target for 157,500 dwellings for the district, with the City of Sydney target to be developed with community and State government contribution; and
 - (c) a 2036 lower end 'baseline' target for 662,000 jobs and an upper end 'higher' aspirational target of 732,000 jobs, respectively.
81. The district plan sets priorities and actions for "Liveability", "Productivity" and "Sustainability", which will directly inform the planning, growth and development of Sydney over the next 20 years.

82. The draft DCP supports the targets for the Eastern City District. At a local scale, the draft DCP satisfies the objective of a 30-minute city, as it will ensure access to local employment opportunities, retail shops and public open space areas. Darlinghurst Road is within the District Plan's Harbour CBD strategic centre and the draft DCP's retention of space for services and businesses is consistent with Action 24(b) to strengthen the competitiveness and vibrancy of the Harbour CBD by 'providing residential development without compromising commercial development.' The DCP allows for an appropriate level of residential development that will contribute to the City achieving its housing targets.
83. This draft DCP responds to the priorities and actions of the District Plan by providing a land use mix that protects retail and commercial floor space and facilitates an appropriate amount of residential development that will support the vitality of the B2 Local Centre zone. It will also contribute towards the creation and renewal of a great place, as well as provide a well-designed built environment, social infrastructure and opportunity, fine grain urban form, and enhanced local walking and cycling connections. A variety of design and activation requirements are included in the DCP, together with measures that seek to retain and enhance the unique character of the area and improve the streetscape and amenity.

Strategic Alignment - Sustainable Sydney 2030 Vision

84. 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 draft DCP is aligned with the following strategic directions and objectives:
- (a) Direction 1 - A Globally Competitive and Innovative City - the proposed controls are designed to ensure the city maintains its critical economic role and continues to provide opportunities for business, workers, residents, visitors and the wider Sydney community.
 - (b) Direction 3 - Integrated Transport for a Connected City - future development along Darlinghurst Road will benefit from current transport services. The area is well located within walking and cycling distance of the Sydney CBD, approximately 1.6km to the west of Potts Point. Kings Cross train station provides regular train services. Bus services also operating along Bayswater Road and Darlinghurst Road, with destinations that include the City, Millers Point and Walsh Bay, and Chatswood.
 - (c) Direction 6 - Vibrant Local Communities and Economies - the proposed controls intend to ensure new development on Darlinghurst Road sustains and enhances the local economy, and continues to provide high quality facilities and services for the existing community, future residents, workers, and visitors.
 - (d) Direction 7 - A Cultural and Creative City - the proposed controls support the cultural life and diversity of Potts Point through the retention and promotion of uses with social and historic significance as well as allowing for night-time and creative uses.
 - (e) Direction 9 - Sustainable Development, Renewal, and Design - the proposed planning controls are based on principles for sustainable development, including ensuring that built form delivers high levels of amenity for future residents. The design excellence provisions of Sydney LEP 2012 will continue to apply to the site, ensuring a high quality architectural outcome.

Social / Cultural / Community

85. The Draft DCP responds to issues and concerns identified and raised by the local community. It establishes controls that aim to maintain the commercial character of the precinct, as well as facilitate future commercial uses to continue to service the local community and visitors alike.

Economic

86. The continued provision of non-residential uses within the Darlinghurst Road precinct is integral to preserving the diverse, vibrant character and commercial nature of the precinct.

Relevant Legislation

87. Environmental Planning and Assessment Act 1979.
88. Environmental Planning and Assessment Regulation 2000.

Public Consultation

89. The draft DCP was publicly exhibited from 19 September until 8 November 2018, which exceeds the 28 day requirement set by the Environmental Planning and Assessment Act 1979. Exhibition documents were made available for viewing on the City of Sydney website, with select documents available at the One Stop Shop at Town Hall House and the Kings Cross Neighbourhood Service Centre.
90. Written notification was distributed to residents and landowners in the area, which provided information on how to view the relevant documentation. Over 12,000 letters were distributed to owners and occupants in Potts Point. Council also invited local landowners to meet to discuss the DCP and sent out over 300 invitations to the landowner consultation workshop held in February 2019.
91. A community engagement workshop was held with local landowners on 26 February 2019. The consultation report is at Attachment D.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

Anna Kaskanlian, Planner

Attachment A

**Draft Sydney Development Control Plan
2012 – Darlinghurst Road, Potts Point**

Draft Development Control Plan

City of Sydney
Town Hall House
456 Kent Street
Sydney NSW 2000

Darlinghurst Road, Potts Point



The purpose of this Development Control Plan

The purpose of this plan is to amend Sydney Development Control Plan 2012 to insert site specific provisions to guide future development along Darlinghurst Road, Potts Point.

Citation

This plan may be referred to as the *Darlinghurst Road, Potts Point Amendment*.

Land covered by this plan

This plan applies to the land marked in red on Figure 1.



Figure 1: Precinct boundary of Darlinghurst Road high street shown as red dotted line, boundary of site specific controls to 18-32A Darlinghurst Road shown blue dotted line

Relationship of this plan to Sydney Development Control Plan 2012

This plan amends Sydney Development Control Plan 2012 in the manner set out below.

Amendments to Sydney Development Control Plan 2012

This plan amends the *Sydney Development Control Plan 2012* by:

- Inserting a new section 6.2.12 *Darlinghurst Road, Potts Point*, at the end of section 6.2 – ‘Sites identified through urban design studies’, as shown at Appendix A.
- Include site specific controls for sites at 18-32A Darlinghurst Road, Potts Point as part of the new section 6.2.12
- Amending section 2.4.7 – ‘Kings Cross’ locality statement to reflect desired outcomes, as shown at Appendix B.
- Amending ‘Specific Sites Map’ of Sydney DCP 2012 to include the Darlinghurst Road precinct, and amend DCP map books in accordance with Appendix C.
- Updating figure numbers under Section 6 of the Sydney Development Control Plan 2012 as required.

APPENDIX A

6.2.12 Development controls: Darlinghurst Road, Potts Point

The following objectives and provisions apply to the extent of Darlinghurst Road, Potts Point, as shown in Figure 6.1.

All other relevant provisions in this DCP apply, except where they are inconsistent with these provisions. The provisions of this section prevail in the event of any inconsistency.

Objectives

- (a) Ensure development achieves the objectives of the B2 Local Centre zone and contributes to the role of Darlinghurst Road and environs as a local centre by:
 - (i) providing a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area; and
 - (ii) including appropriate residential uses so as to support the economic and business vitality of the high street and local centre **and ensure development takes place within the height and floor space ratio development standards set by Sydney LEP 2012.**
- (b) Ensure that new development maintains the diverse and active street frontages that contribute to the vibrancy, diversity and function of the high street and local centre.
- (c) Ensure that new development fits in with the existing fine-grain pattern of Darlinghurst Road, surrounding streets and laneways and reflects the historical subdivision pattern.
- (d) Ensure new development responds to and contributes to heritage and contributory items and conserves their significance and the significance of the conservation area.
- (e) Ensure new development reinforces the architectural character of and is compatible with the existing built form of Darlinghurst Road, and respects heritage items and contributory buildings at 18-32A Darlinghurst Road and in the immediate context of the site through:
 - (i) Appropriate scale, massing, and modulation that respects the existing built fabric of the high street;
 - (ii) Defining maximum building envelopes for future development at 18-32A Darlinghurst Road to deliver a high quality built form that ensures an appropriate level of amenity within the site and to surrounding properties; and
 - (iii) Facade articulation, materials, and architectural detailing that contribute and respond to the highest quality heritage and contributory buildings in the surrounding context.
- (f) Provide publicly accessible open space to complement the public domain and enhance amenity.
- (g) Ensure the architectural character of development at 18-32A Darlinghurst Road is compatible with original fabric retained on the site and responds to the existing development at Kingsley Hall at 1A Elizabeth Bay Road, the Lowestoft at 18-20 Darlinghurst Road, the facade of The Bourbon at 22-24 Darlinghurst Road, and the Commodore at 30-30B Darlinghurst Road.

- (h) Establish a design excellence strategy for a competitive design process in accordance with Sydney LEP 2012 and the City of Sydney Competitive Design Policy.

Provisions – Darlinghurst Road

The following provisions apply to the land identified in red in Figure 1 above.

6.2.12.1 Land use

The area surrounding Kings Cross has a very high residential amenity and density. The local centre at Darlinghurst Road and its retail, commercial and business uses play an important role in supporting the existing significant population, including regional visitors. New development must provide floor space appropriate for business and services that support this population.

- ~~(1) In the B2 zone, a minimum of 50% of the total gross floor area for each development must be for uses other than residential accommodation or tourist and visitor accommodation.~~
- ~~(2) Residential accommodation and tourist and visitor accommodation is not to be located at ground and first floor levels, except for entrances, lobbies and back-of-house and service facilities.~~
- (1) Residential accommodation and serviced apartments are not to be located at ground and first floor levels, except for entrances, lobbies and service facilities.
- (2) A minimum of 50% of the total gross floor area for each development in the B2 zone must be for uses other than residential accommodation or serviced apartments for all development where a significant addition of floor space, a substantial change in the building envelope or a substantial change in land use is proposed.
- (3) The proportion of residential accommodation may exceed 50% if development achieves full compliance with the Apartment Design Guide design criteria relating to solar access, cross-ventilation and visual and acoustic privacy requirements, and all other provisions in this section of the DCP.

Notes:

Where the combined proportion of residential accommodation and tourist and visitor accommodation uses exceed 50% of the total gross floor area of a site (either existing or proposed), compliance with setbacks, modulation and overshadowing provisions may not be possible.

Where a site with over 50% existing residential floor space is redeveloped, the site may retain its existing quantum of residential floor space provided the development complies with the provisions above.

Clause (3) should not be read to imply that all design criteria and objectives of the ADG are not required to be achieved and addressed.

6.2.12.2 Urban grain and active street frontages

- (1) New development including the building frontage above the street wall is to reflect the existing pattern of building arrangement and subdivision of Darlinghurst Road.
- (2) An entry to upper levels and vertical circulation core is to be provided for each existing building regardless of any amalgamation of lots.

- (3) Each building on Darlinghurst Road is to have an individually distinctive architectural language, expression of floor levels and fine grain tenancies.
- (4) The maximum average width of street level tenancies is to be 5m. The maximum width of any one tenancy at the street frontage is 8m. Longer tenancy widths at the street frontage may be considered where they reflect existing tenancies in heritage items and contributory buildings.
- (5) ~~All tenancies at street level are to have a maximum floor area of 300sqm. A tenancy or part of a tenancy at street level is to have a maximum floor area of 300sqm at that level. The restriction does not apply to tenancies on other levels. Larger tenancies may be considered where they reflect existing tenancies in heritage items and contributory buildings.~~

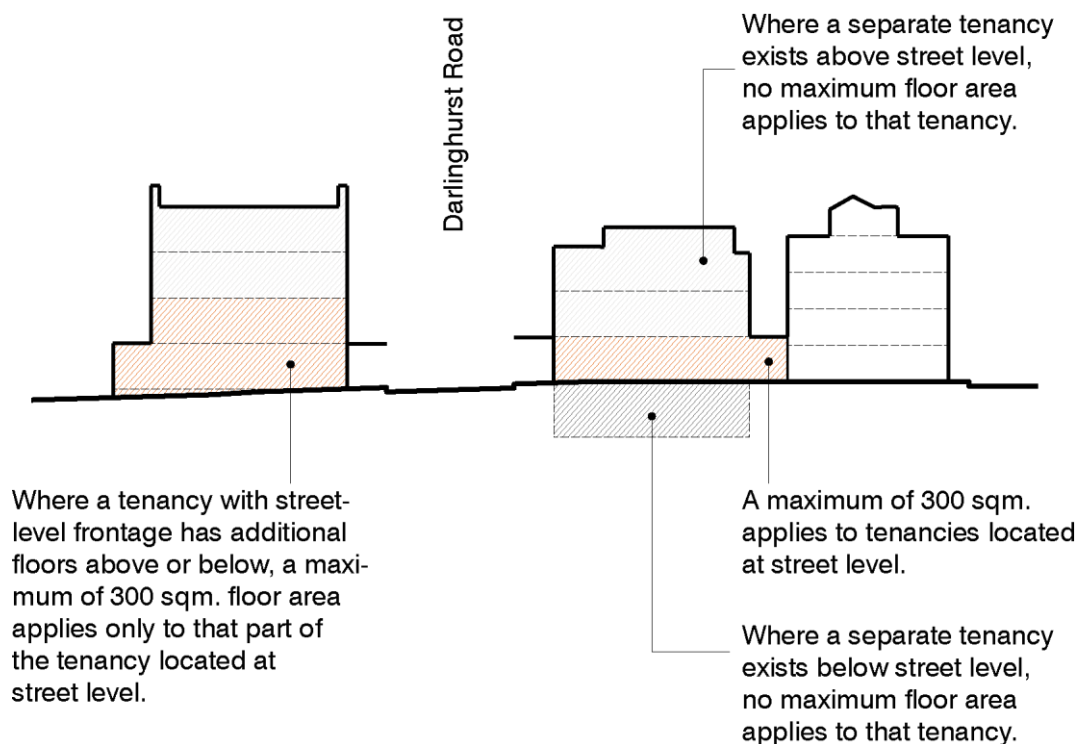


Figure 2: Maximum tenancy size

- (6) Each ground floor tenancy is to have its own entry from Darlinghurst Road or a side street.
- (7) Self-contained lower ground or basement tenancies are to have **separate and** direct street access.
- (8) Ground level tenancies and foyers are to support an active street edge with a maximum of 25% solid wall to the facade area and 75% glazing or opening with visibility into the spaces within.
- (9) Ground level tenancies are to have at least 35% of their area at the level of the footpath.

6.2.12.3 Architectural character, articulation and materials

- (1) Building facades should be characterised by vertical proportions over the full height of the building.
- (2) Facade elements and window openings above ground floor level are to be vertically proportioned.

- (3) Window openings above any existing or required awning are to be limited to between 20 and 40% of the facade wall area.
- (4) Materials and architectural detail is to be at least equal in quality to the highest quality found in neighbouring contributory buildings and should include materials and design detailing used in surrounding buildings, such as face brickwork, decorative stringer lines, bonds, rendered/painted banding and other compatible masonry work. This is to be demonstrated through a comparative analysis of an existing building elevation and the proposed development, documented with 1:50 elevations and 1:10 details.
- (5) Parapets are to be articulated.
- (6) All plant and other mechanical equipment is to be fully architecturally integrated in the building roof form.

6.2.12.4 Awnings

- (1) All residential entry foyers may have an awning.
- (2) Contributory buildings must maintain or reinstate contributory awnings.
- (3) Where an awning is not compatible with the heritage significance of a contributory building, the existing awning should be removed, and new awnings should not be constructed, with the exception of (1) above.
- (4) Generally, footpath awnings are to be provided for new development on Darlinghurst Road.

6.2.12.5 Public domain

- (1) Sites adjoining public spaces such as Fitzroy Gardens, Llanckelly Place, Springfield Avenue, Roslyn Street and the corner of Bayswater Road and Darlinghurst Road should provide active land uses at ground floor (such as food and drink premises) that contribute to the activity of the public domain.

6.2.12.6 Amenity of residential development

- (1) Where the construction of balconies is limited by heritage and adaptive reuse constraints or significant noise impacts, Juliet balconies or bay windows may be appropriate, subject to the provision of other amenity benefits.
- (2) Balconies should not project from the facade. Balconies or loggias must be recessed and have solid balustrades of the same materiality as the facade construction.

6.2.12.7 Access

- (1) Vehicular access, building services and the like are to be consolidated to minimise impact on public places.
- (2) Vehicular access is not permitted in any location subject to an active frontage control as shown on the Active Frontages Map.

Note: *Section 3.2.3 Active Frontages* applies to development on Darlinghurst Road.

Provisions – 18-32A Darlinghurst Road

The following provisions apply to the land identified in blue in Figure 1 above and detailed in Figure 2 below.

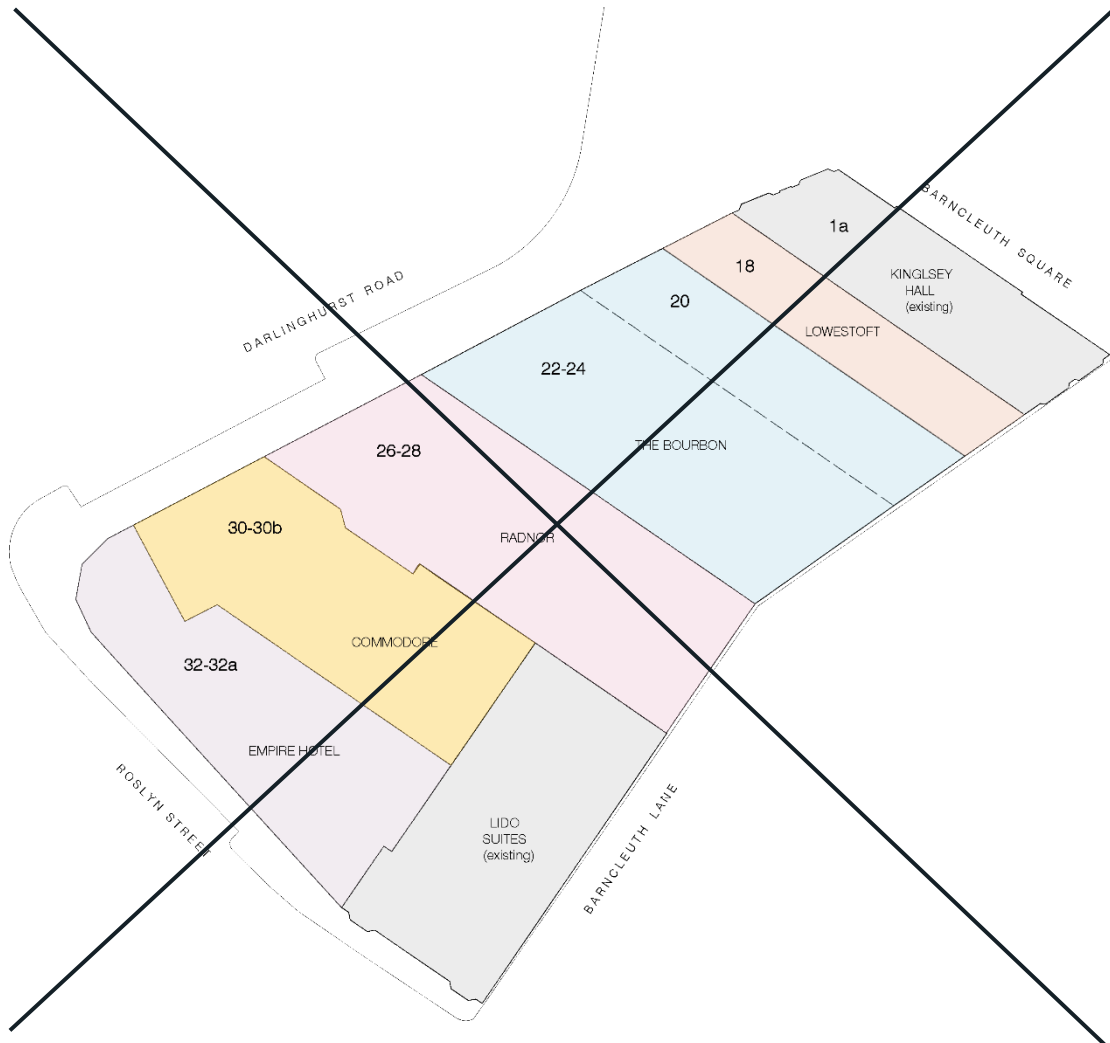




Figure 2 3: Site plan showing street addresses and building names of the component lots

6.2.12.8 Heritage conservation

- (1) New development is to respect the Inter War art deco character of Kingsley Hall at 1A Elizabeth Bay Road through height, scale, materials and detail.
- (2) The facade of 18-20 Darlinghurst Road (The Lowestoft) is to be conserved. The level immediately above the existing parapet is to be setback by 3m. The remaining new development **above** may be built to street alignment, as shown in Figure 3.

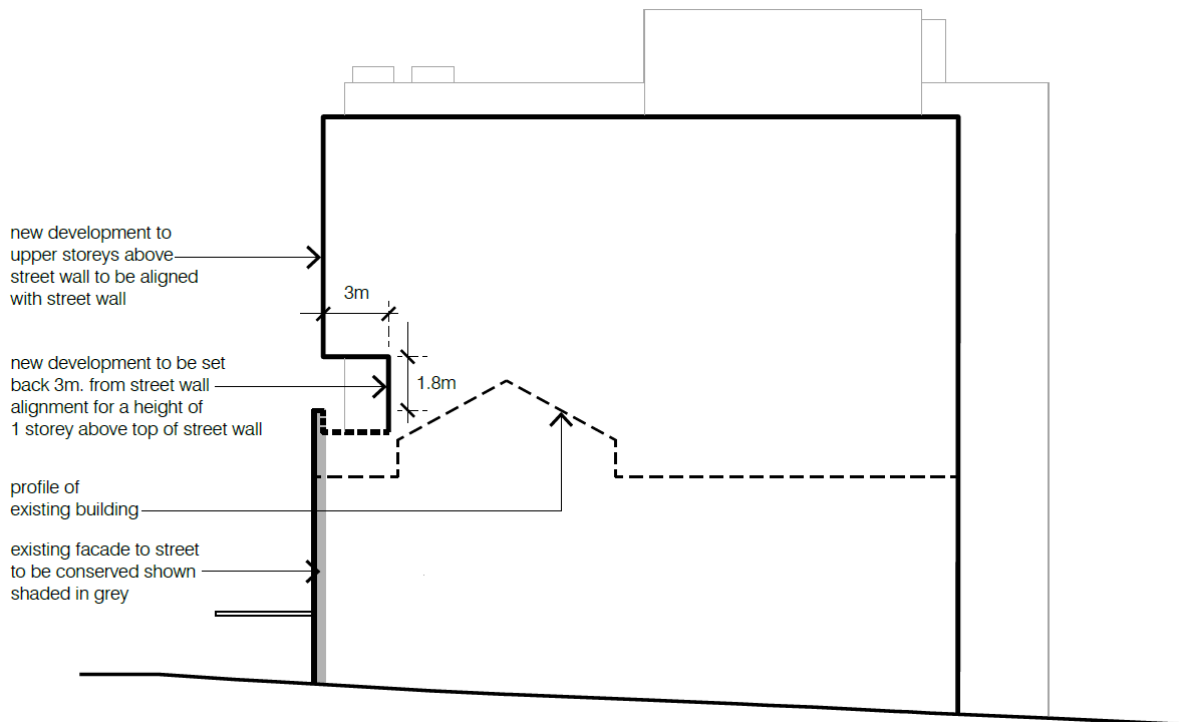
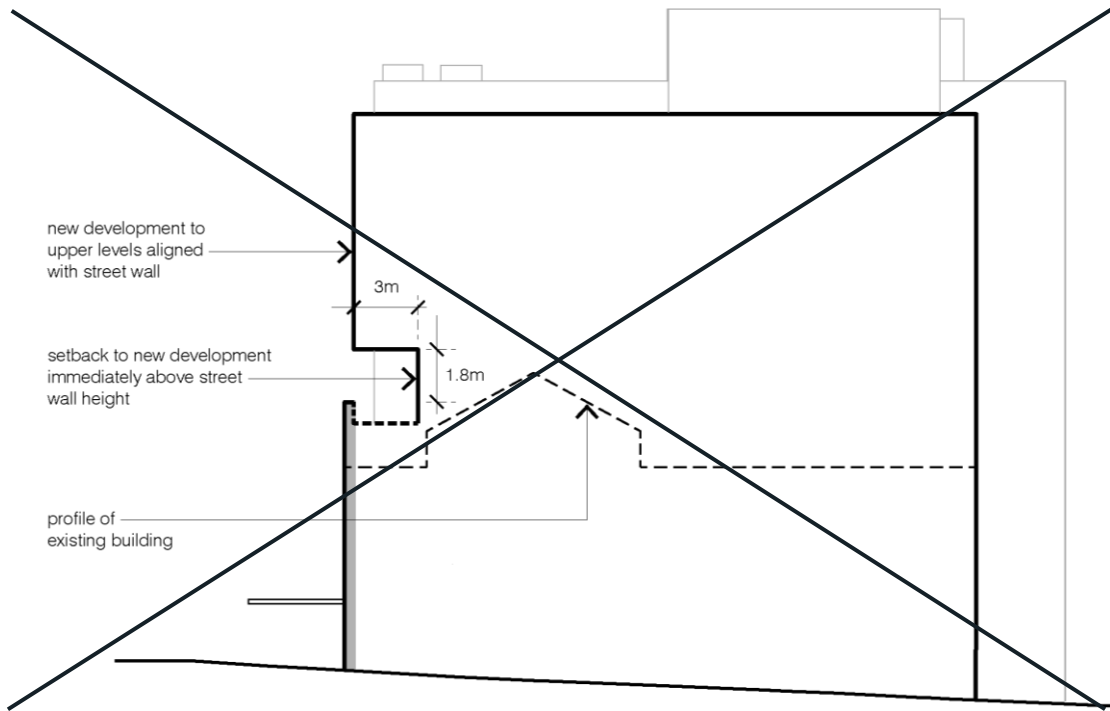
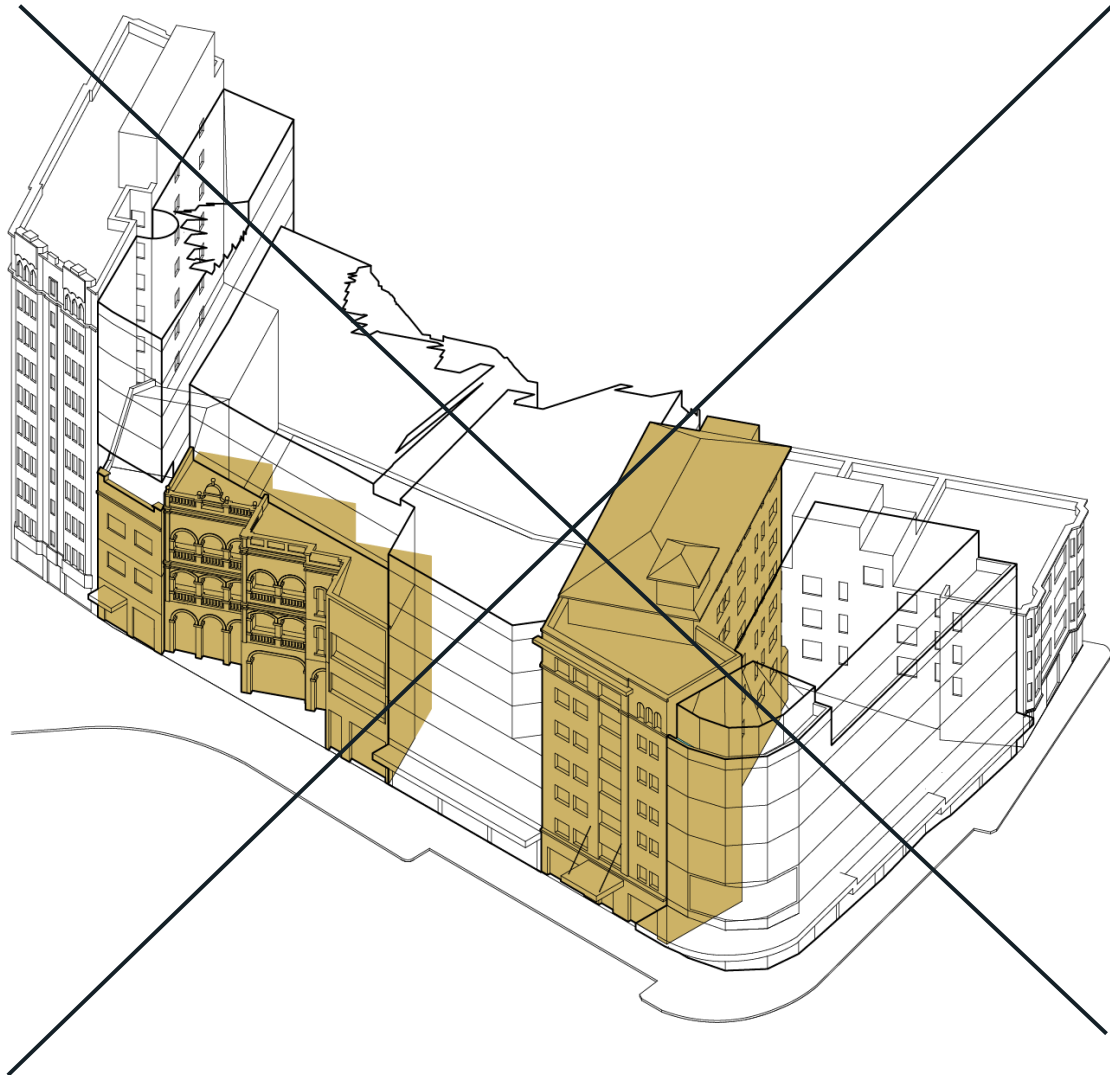


Figure 3 4: First level setback requirement for 18-20 Darlinghurst Road



Figure 4 5a: Ground level plan of the Bourbon showing the extent of existing facade and internal fabric to floors and walls to be retained in dotted black outline, shaded in red

- (3) New development at 22-28 Darlinghurst Road (The Bourbon) is to conserve the existing facade to the depth shown in Figure 4a. The ground floor additions at Darlinghurst Road are to be removed. The space is to be designed as an extension of the footpath.
- (4) The form, external fabric and floor levels of 30-30B Darlinghurst Road (The Commodore) are to be conserved **for the depth of the wing that comprises the street wall frontage to Darlinghurst Rad (approximately 8.7m), as shown in Figure 4b. Any demolition and rebuilding of the hipped roof form of The Commodore must interpret the existing built form.**
- (5) The Empire Hotel at 32-32A Darlinghurst Road may be demolished and the site redeveloped. Any new building is to interpret the social and historical significance of the site as the original Les Girls venue through an architectural interpretation of the building between 1962-1980s, including the curved corner form, floor and parapet levels, ground level awning, the first and second floor balconies and the corner sign reading "Les Girls".
- (6) To reflect the historical and social significance of The Empire Hotel at 32-32A Darlinghurst Road the ground level and first floor should have commercial food and drink or entertainment uses.



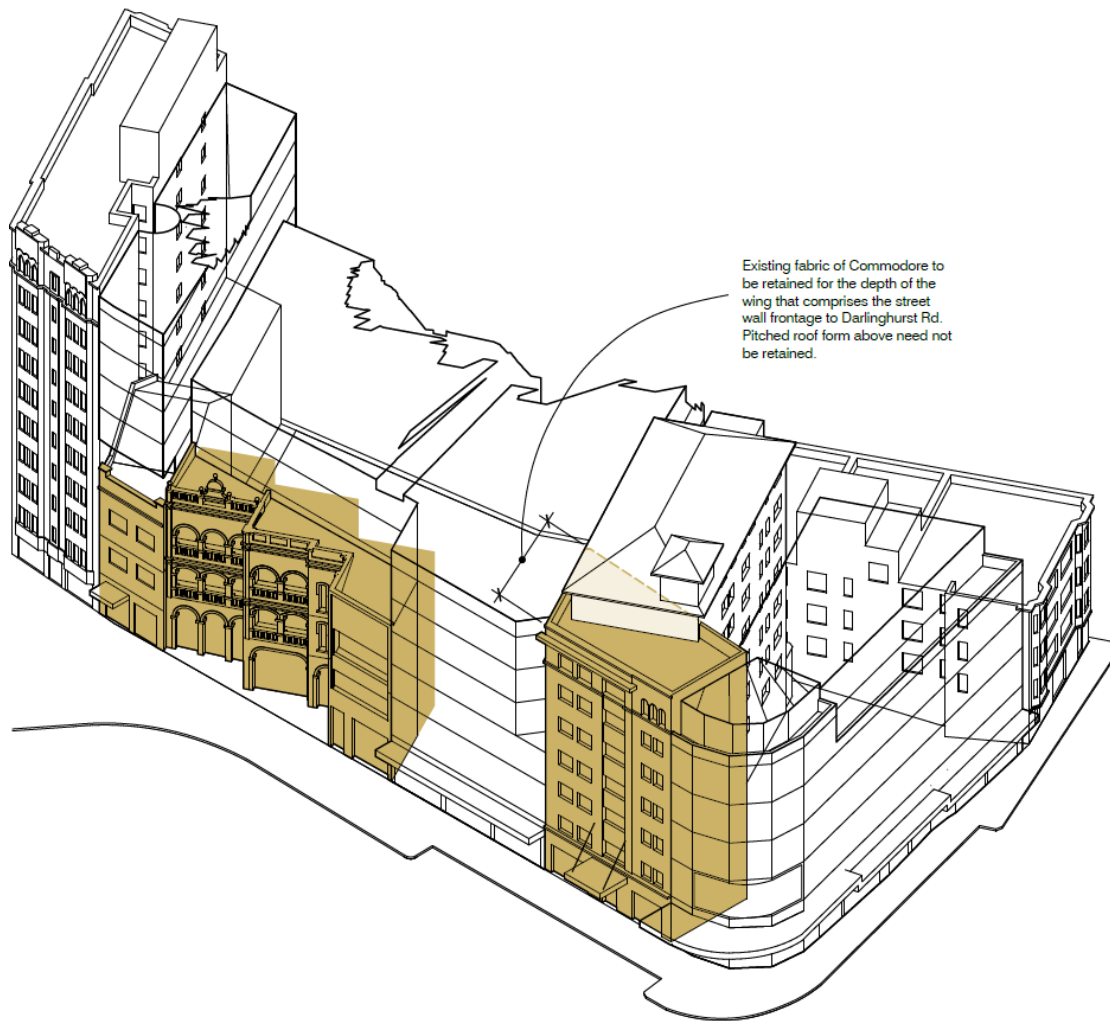


Figure 4 5b: Axonometric illustration of heritage and contributory fabric to be retained

6.2.12.9 Built form and setbacks

- (1) Development must not exceed the maximum building envelopes described by 'Figure 6a: Building heights and setbacks plan'.
- (2) The envelopes described by Figure 6a is the maximum permissible extent of the built form and the final building designs must be appropriately massed within the envelope.

Note: The maximum number of storeys noted in Figure 6a includes all mezzanine and attic levels.

- (3) Setbacks above the street wall height should be provided in accordance with 'Figure 6a: Building heights and setbacks plan.'

(4) The objectives of the setbacks described in Figure 6a: Building heights and setbacks plan are to ensure development:

- (a) has a strongly varied massing;**
- (b) reflects the historic subdivision pattern;**
- (c) does not increase overshadowing to surrounding residential properties;**

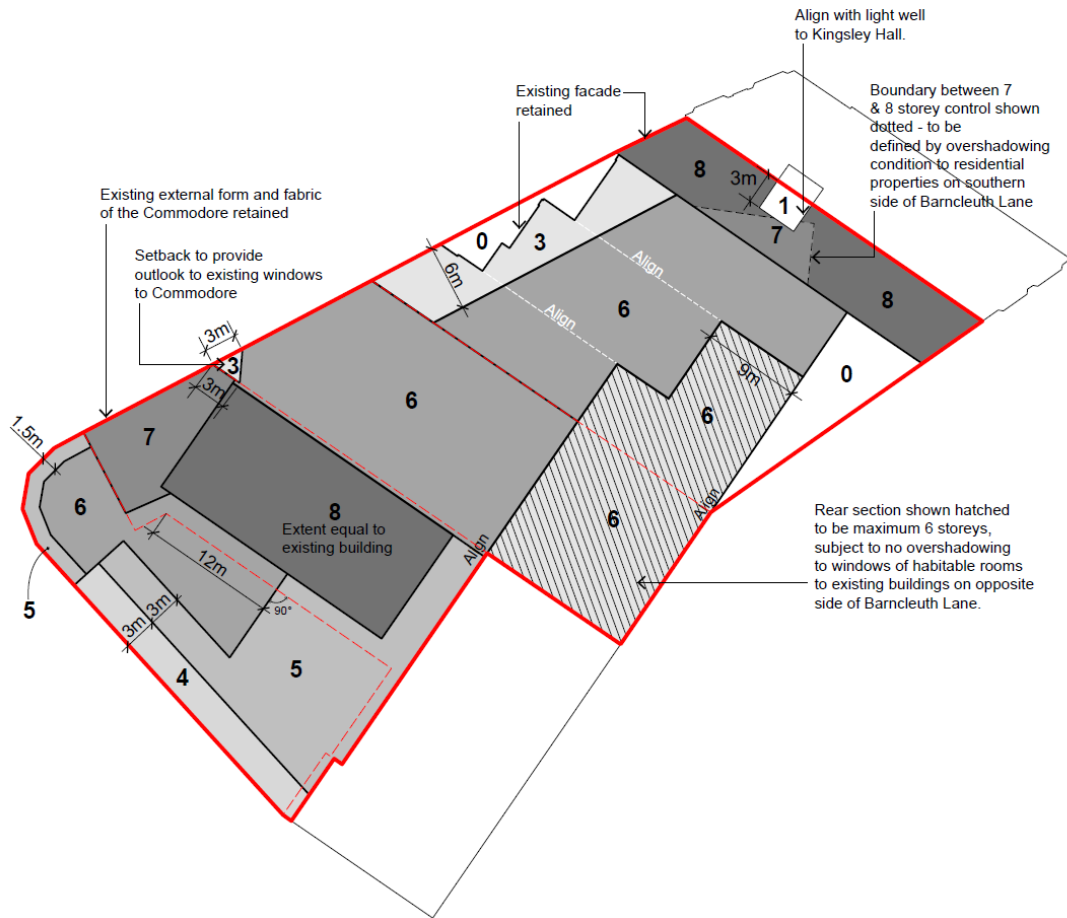


Figure 6a: Building heights and setbacks plan (maximum heights noted in storeys)

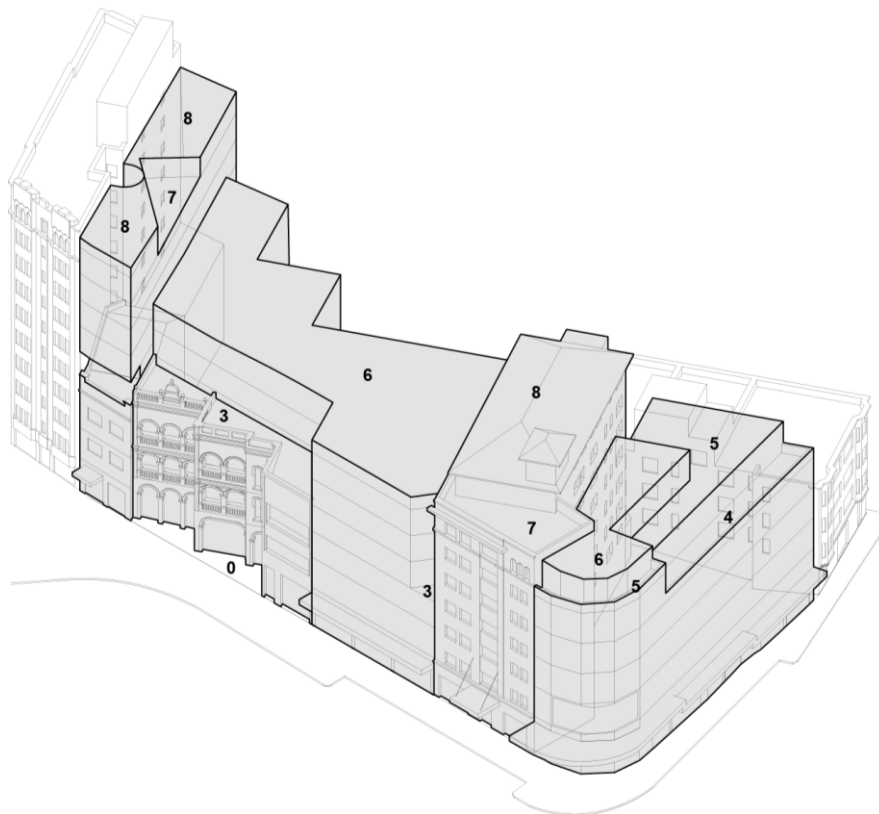


Figure 6b: Indicative axonometric of the building heights and setbacks plan (viewed from the west)

6.2.12.10 Urban grain

- (1) Development at 18-32A Darlinghurst Road is to be designed as five distinct buildings as shown in Figures 7a & 7b, each of which must be able to be distinguished by its distinct architectural language, expression of floor levels and fine grain tenancies. Figure 7b shows an alternative arrangement for architectural expression that alludes to the historical development patterns of nos. 18 and 20 Darlinghurst Road.
- (2) Each of the five buildings is to have multiple ground level tenancies and an entry foyer for upper level tenancies as shown in Figure 8 below. There must be at least 9 ground level tenancy entries and 4 entry foyers to upper levels fronting onto Darlinghurst Road. Street activation along Roslyn Street and Barncleuth Lane is to be consistent with that shown in Figure 8.

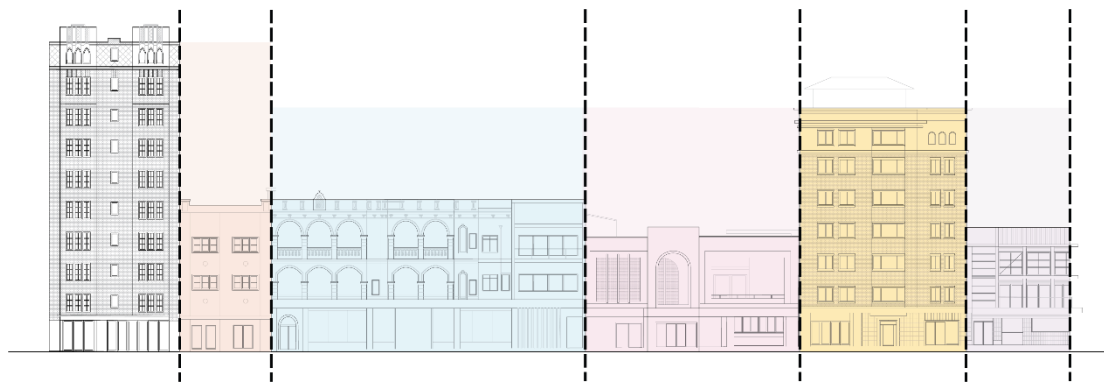


Figure 7a: Streetscape massing showing scheme for distinct articulation to building facades. Note: with regard to architectural expression, this scheme shows new development above existing street wall responds to existing fabric immediately below

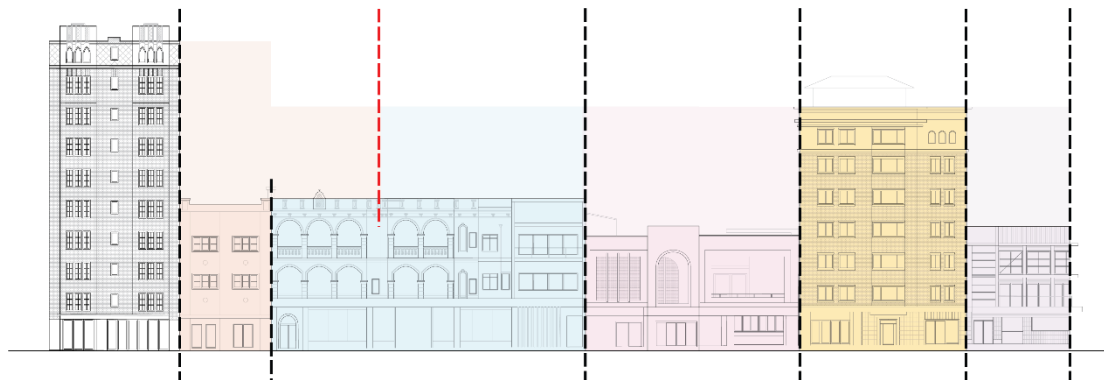


Figure 7b: Streetscape massing showing alternative scheme for articulation to building facades. Note: with regard to architectural expression and core arrangement, this scheme shows new development above existing fabric to 20 Darlinghurst Road may relate to 18 Darlinghurst Road

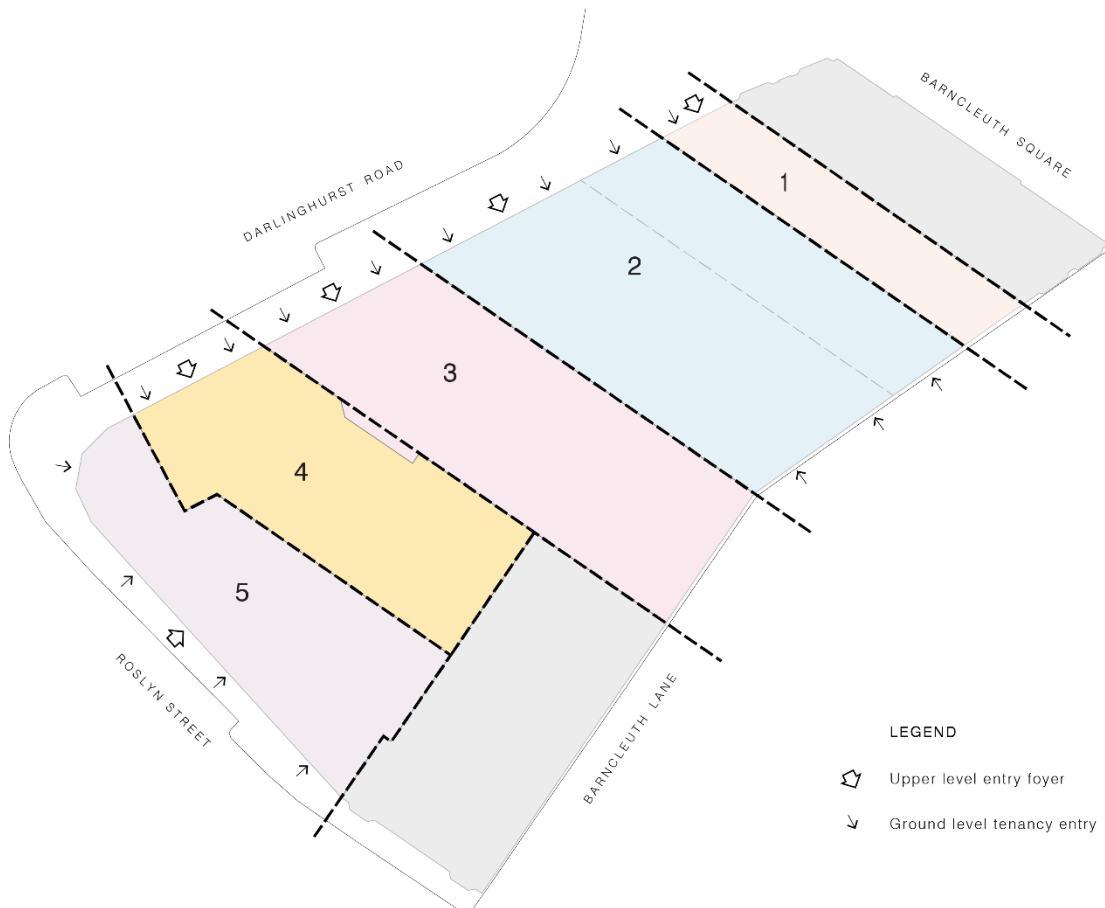


Figure 8: The block is to be composed of 5 distinct buildings, each with their own street-level entry, core, architectural language and expression

6.2.12.11 Architectural character and articulation

- (1) The width of the structural bays for new upper level development at the Lowestoft at 18-20 Darlinghurst Road and the Bourbon at 22-24 Darlinghurst Road are to follow the width of the structural bays of the original facade fabric on lower levels.
- (2) New development at the Radnor (shown as 3 in Figure 8) at 26-28 Darlinghurst Road is to respond to the vertical proportions, floor levels, and architectural elements of the facade of the Commodore.

6.2.12.12 Public domain

- (1) The design and use of ground floor tenancies at 22-24 Darlinghurst Road are to contribute to the public domain directly in front of those tenancies. The publicly accessible open space at Darlinghurst Road should be used for outdoor dining or trading as shown in Figure 9 below. Materials, finishes and levels must be consistent with the adjacent footpath.
- (2) Development at 18-32A Darlinghurst Road is to provide publicly accessible open space and deliver improvements to the public domain along Barncleuth Lane (where applicable), including landscaping, public artwork, and the widening and pedestrianisation of the lane as shown in Figure 9. ***The configuration of the public space is to be useable, consolidated and visible along the length of the lane.***



Figure 9: Plan of the development block showing areas within the site to be redesigned as extensions and enhancements to the adjacent public domain (shaded in red/black dotted line)

6.2.12.13 Access

- (1) Building services and vehicular access are to be consolidated, are not to be located on Darlinghurst Road and Roslyn Street and are to be designed to support the provisions for public domain in the above clauses. Refer to Figure 9 for preferred options for consolidated access location.

6.2.12.14 Awnings

- (1) Awnings are to be consistent with Figure 10 below.
- (2) A continuous footpath awning is to be provided to Roslyn Street.
- (3) Lightweight and retractable awnings for food and drink premises at The Bourbon may be considered.



Figure 10: Elevation of the development block showing sections of street façade where entry awnings or interpretations thereof are appropriate (red dotted line)

6.2.12.15 Design excellence strategy

- (1) A competitive design process is to be undertaken in accordance with Clause 6.21 of Sydney LEP 2012 for 18-20 Darlinghurst Road and may at the proponent's discretion cover the whole site (22-32A Darlinghurst Road).

Note: It is desirable that a competitive process is undertaken at the whole site of 18-32A Darlinghurst Road in order to reduce the risk that the design excellence requirements of Sydney LEP 2012 clause 6.21 are not met.

- (2) The competitive design process is to comprise an invited competitive design alternatives process involving no less than four architectural firms ranging from emerging, emerged and established architectural firms, with demonstrated experience designing high quality fine grain mixed use infill buildings in conservation areas.
- (3) Any additional floor space that may be awarded in relation to any competitive process(es) as per clause 6.21(7) of Sydney LEP 2012 is to be located at lower ground level (basement). No additional building height is to be awarded under Clause 6.21(7).
- (4) The setbacks from Darlinghurst Road and Roslyn Street detailed in section 6.2.12.9 may be varied provided a competitive design process has been carried out and the consent authority is satisfied that improved heritage and amenity outcomes are achieved, and the development is consistent with the objectives of this section of the DCP.

Note: Setbacks to Barncleuth Lane are determined by overshadowing requirements and may not be able to be varied.

6.2.12.16 Satisfaction of Clause 7.20(4) under Sydney LEP 2012

- (5) This section of the DCP and the following sections of Sydney DCP 2012 address the requirements of SLEP 2012 Clause 7.20(4) for 18-32A Darlinghurst Road:
 - (i) 3.2 Defining the Public Domain
 - (ii) 3.6 Ecologically Sustainable Development
 - (iii) 4.2 Residential Flat, Commercial and Mixed Use Developments.

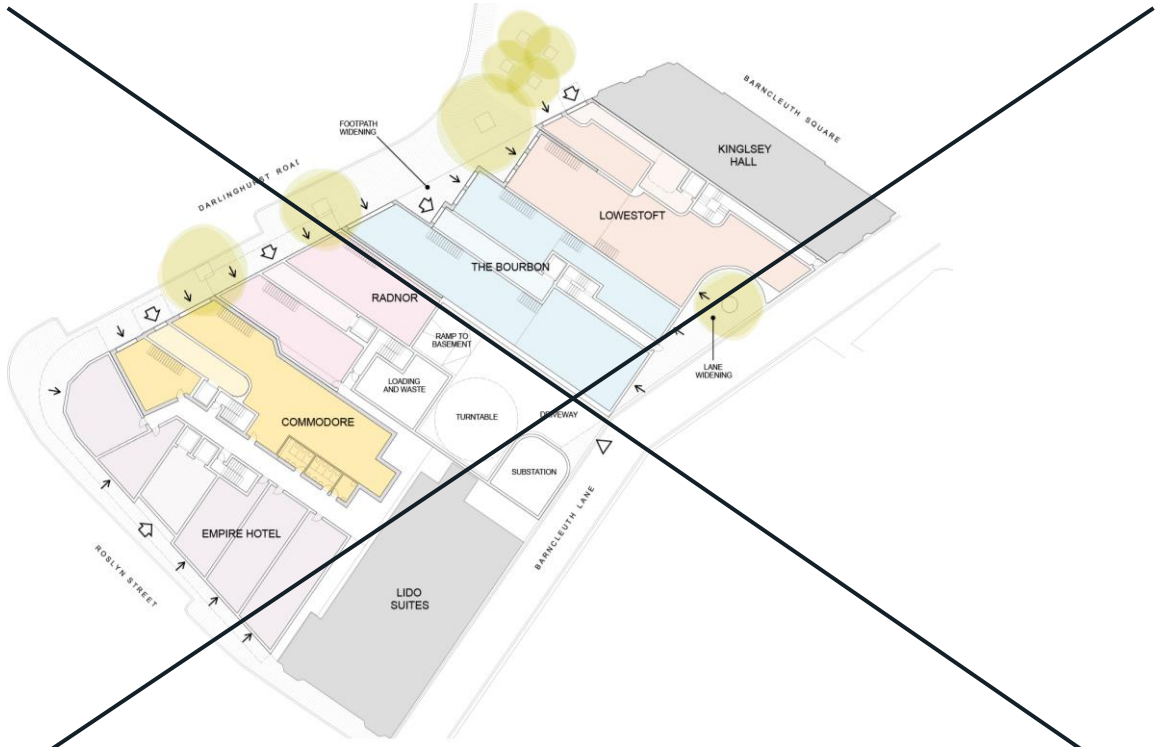


Figure 11: Concept ground level plan showing how variety of fine grain ground level retail tenancies, separate entry foyers and compact vehicular access can be achieved. [figure 11 for information only – to be removed post-exhibition]



Figure 12: Concept typical upper level plan (of a predominantly residential level) showing how fine urban grain, retention of heritage fabric and variety of architectural characters can be achieved [figure 12 for information only – to be removed post-exhibition]

APPENDIX B

Appendix B contains the amended locality statement for Kings Cross at section 2.4.7 of the DCP:

2.4.7 Kings Cross

This locality is bounded by the Victoria Street/Brougham Street cliff edge to the west; Darlinghurst Road / Victoria Street intersection to the south-west; Craigend Street exit from New South Head Road to the south; Hughes Street and the rear of lots along Greenknowe to the north; and Roslyn Street, Roslyn Lane and lots along Elizabeth Bay Road to the east.

The well recognised Kings Cross skyline which includes the iconic Coca-Cola sign are significant features of William Street. Heritage items such as the Kings Cross Hotel have a landmark presence to the street. Any significant redevelopment is to enhance the existing pedestrian network to improve pedestrian amenity.

Kings Cross has long been recognised as an international and regional destination for tourism and entertainment, with international, regional, and local roles to play. Darlinghurst Road forms the area's lively, bohemian main street. The unique character of Darlinghurst Road is typified by its rich history and heritage, eclectic mix of buildings from different periods, architectural character and diversity, an inclusive community and a wide variety of businesses. With a mixture of shops, bars, restaurants, accommodation, and services for local needs, Darlinghurst Road is vital to the local community, as well as serving visitors from Sydney and further afield.

Development along Darlinghurst Road will contribute to and enhance the area's fun, vibrant and eccentric identity by appropriately responding to its existing 'human scale', including the fine grain and established built form patterns of the street. Development should also achieve a balance and diversity of activities and experiences to support the liveliness and vitality of Darlinghurst Road, which is to continue to fulfil its key economic, social, and cultural role within the locality.

The area's role as a centre is to be strengthened by capitalising on its proximity to public transport, and by providing commercial and retail services for existing and future residents and visitors alike. The centre is to be consolidated with Orwell Street promoting active retail and commercial uses to improve the link between Darlinghurst Road, Macleay Street, Lankelly Place and Victoria Street.

Principles

- (a) Development must achieve and satisfy the outcomes expressed in the character statement and supporting principles.
- (b) Development is to respond to and complement subdivision, heritage items and contributory buildings within heritage conservation areas, including streetscapes and lanes.
- (c) Maintain the built form structure of the neighbourhood with taller buildings located predominantly along the ridge line and at the crossing of Victoria Street and Darlinghurst Road.
- (d) Maintain the unique skyline of buildings located along the western side of Springfield Avenue.
- (e) Maintain view corridors along Orwell Street and over terraces along Victoria Street towards the city skyline.

- (f) Design development on the eastern corner of Darlinghurst Road and Bayswater Road to respond to its highly visible corner location.
- (g) Introduce upper level setbacks for new developments to respect the existing streetwall heights to Darlinghurst Road, where appropriate.
- (h) Retain the unique skyline elements of existing buildings that exceed the height context however these buildings do not set the precedent for future building heights.
- (i) Maintain the small lot subdivision and predominant terrace building type along Victoria Street.
- (j) Preserve the Kings Cross Hotel building as an important building for Kings Cross.
- (k) Retain Darlinghurst Road and Bayswater Road as a precinct which supports a mix of daytime and night time commercial and retail uses.
- (l) Encourage active retail and commercial uses on Orwell Street to improve the link between activities along Darlinghurst Road, Macleay Street, Llinkelly Place and Victoria Street and the activity and surveillance of the pocket park on Orwell Street.
- (m) Encourage development with active edges and outdoor eating along Springfield Avenue and Springfield Plaza.
- (n) Encourage outdoor eating in Llinkelly Places to expand the existing laneway character.
- (o) Encourage employment opportunities and provide a range of non-residential uses on Darlinghurst Road that support the existing high population density of Kings Cross and serve its international, regional, and local function including retail, business, entertainment, food and drink, cultural, and community uses.
- (p) Reinforce the urban form of Darlinghurst Road including its fine grain, varied, high quality architectural character, and avoid building design that reduces diversity and grain.
- (q) Increase uses that provide all day activity, particularly those that serve the broader community's social, cultural, and entertainment needs.
- (r) Encourage interesting development that references the socio-historic significance of Darlinghurst Road and supports community diversity and harmony.

APPENDIX C

Amend the following DCP maps relating to the block bounded by Darlinghurst Road, Barncleuth Square, Barncleuth Lane, and Roslyn Street as follows:

- Building contributions map – Sheet 022
 - 22-28 Darlinghurst Road, Potts Point becomes contributory
- Building height in storeys map – Sheet 022
 - Remove all controls from 18-32A Darlinghurst Road, Potts Point
- ~~Building setback and alignment map – Sheet 022~~
 - ~~Remove all controls from 18-32A Darlinghurst Road, Potts Point~~
- Building street frontage height in storeys map – Sheet 022
 - Remove all controls from 18-32A Darlinghurst Road, Potts Point
- Footpath, awnings and colonnades map – Sheet 022
 - Remove control to 18-32A Darlinghurst Road, Potts Point, along the Darlinghurst Road frontage only.

Attachment B

Resolution of Council - 17 September 2018

Resolution of Council

17 September 2018

Item 9.3

Public Exhibition – Planning Proposal and Draft Development Control Plan - Darlinghurst Road, Potts Point

It is resolved that:

- (A) Council approve Planning Proposal: Darlinghurst Road, Potts Point, shown at Attachment A to the subject report, for submission to the relevant local plan-making authority with a request for Gateway Determination;
- (B) Council approve Planning Proposal: Darlinghurst Road, Potts Point for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) Council approve the Draft Sydney Development Control Plan 2012: Darlinghurst Road, Potts Point, shown at Attachment B to the subject report, for public authority consultation and public exhibition together with Planning Proposal: Darlinghurst Road, Potts Point;
- (D) Council seek authority from the relevant local plan making authority, to exercise the delegation of the relevant local plan making authority of all their functions under Section 3.31 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan as amended by Planning Proposal: Darlinghurst Road, Potts Point; and
- (E) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal: Darlinghurst Road, Potts Point and Draft Sydney Development Control Plan 2012: Darlinghurst Road, Potts Point following receipt of the Gateway Determination.

Carried unanimously.

X018038

Attachment C

**Draft Sydney Development Control Plan
2012 - Darlinghurst Road, Potts Point -
Summary of Submissions**

Draft Development Control Plan – Darlinghurst Road, Potts Point: Summary of submissions and City of Sydney response

Darlinghurst Road Draft DCP – Potts Point

Publicly exhibited from 19 September 2018 to 8 November 2018

Glossary of terms

FSR – Floor Space Ratio

LGA – Local Government Area

SDCP 2012 – Sydney Development Control Plan 2012

DCP – Draft Development Control Plan for Darlinghurst Road

SLEP 2012 – Sydney Local Environmental Plan 2012

ADG – Apartment Design Guide

Summary of matter raised in submission	Officer's response
<p>Local residents' submissions Including 89 individual submissions. Five submissions were nearly identical in phrasing and points raised.</p>	
<p><u>Residential development</u> (issue raised in 18 submissions) Potts Point is already high density. Increased population will have adverse impacts, increase congestion, and erode quality of life.</p> <p>The DCP should encourage and support more residential development along Darlinghurst Road to bring in more people to the centre of Kings Cross and house them near public transport.</p> <p>Suburbs like Zetland and Green Square have been reinvented with the introduction of more residential buildings. There is no vision in the DCP to encourage landlords to improve the area.</p>	<p>Existing height and floor space controls are not affected by and will not change as a result of the subject DCP. Density will not increase over and above what is currently permitted.</p> <p>In response to increasing congestion, Kings Cross is located only 1.6km from Sydney's CBD and is well-served by public transport, pedestrian routes, and cycle-ways. Additionally, the residential and commercial components of any future development application will need to satisfy parking and amenity requirements under SLEP 2012 and SDCP 2012.</p> <p>The Darlinghurst Road precinct is a B2 – Local Centre zone. The objectives of the B2 zone are:</p> <ul style="list-style-type: none"> • To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area • Encourage employment opportunities in accessible locations • Maximise public transport patronage and encourage walking and cycling

Summary of matter raised in submission	Officer's response
<p>Residential development will make the area safer and stimulate the local economy. Improvement of infrastructure and shops will make Kings Cross a safer community and will attract more residents.</p>	<ul style="list-style-type: none"> • Allow appropriate residential uses so as to support the vitality of local centres. <p>The DCP seeks to ensure an appropriate level of residential development to achieve the objectives of the business zone. This means providing a balance of residential uses that support the local centre whilst preserving Darlinghurst Road's predominantly commercial nature, to ensure it continues to function as a high street that adequately services local residents and visitors from further afield.</p> <p>Green Square and all the other city villages have local centres that prioritise services for the surrounding community. The local community would be significantly disadvantaged if they didn't have a central, accessible place for services, shops and social places.</p> <p>Notwithstanding, Council has amended the land use control to provide some additional flexibility for residential uses where full compliance with amenity requirements is achieved.</p> <p>Clause 6.2.12.1 – Land use has been amended. See discussion in report.</p>
<p><u>Injecting centre</u> (issue raised in 18 submissions)</p> <p>"Darlinghurst Road is a cesspool filled with undesirables." Suggest Council invest in cleaning up the area by relocating the injecting centre as it attracts the wrong people and creates an unsafe environment.</p> <p>The opening of the supervised medical injecting premises was the best thing to happen to clean up the area at the time.</p>	<p>Medical centres are permissible uses within the B2 – Local centre zone.</p> <p>The medically supervised injecting centre is a privately owned clinic, which is funded by the state government. It is not within Council's remit.</p> <p>Noted.</p> <p>No change to the exhibited controls is recommended.</p>

Summary of matter raised in submission	Officer's response
<p><u>Macleay Street</u> (issue raised in 16 submissions)</p> <p>Macleay Street is pleasant and liveable with medium rise apartments and residents, and a mix of old and new buildings. Darlinghurst Road should be developed similarly to improve Kings Cross.</p>	<p>Macleay Street is located within the Potts Point locality area, which is distinct from Kings Cross. Most of Macleay Street is within a B4 – Mixed Use zone which is intended to provide a mixture of suitable uses that support the viability of nearby centres.</p> <p>Macleay Street provides a handful of primarily small scale commercial uses in an otherwise predominantly residential area. The east side of Macleay Street also features a variety of mid-rise interwar apartment buildings and some high-rise development along the ridge, which is unique to that part of Potts Point.</p> <p>Darlinghurst Road serves as a vital local centre to Potts Point. The DCP seeks to ensure development on Darlinghurst Road is continues to support its role as a local centre and activate the high street through appropriate building design and land uses.</p> <p>Encouraging development similar to Macleay Street on Darlinghurst Road would not achieve the strategic objectives of the B2 – Local Centre zone, would result in the loss of an accessible local centre that can provide services to the surrounding suburbs, and is not in keeping with the community's expectations or desires for the future character of Darlinghurst Road.</p> <p>No change to the exhibited controls is recommended.</p>
<p><u>Land use mix</u> (issue raised in 15 submissions)</p> <p>Kings Cross and the immediate surrounding area has been historically residential in nature, long before evolving as an entertainment precinct.</p>	<p>Potts Point features a combination of residential and commercial uses. The commercial uses are largely concentrated along Darlinghurst Road, with residential uses generally confined to the surrounding streets.</p> <p>Kings Cross has experienced considerable change over the course of the twentieth century. In recent decades, it has been a renowned late-night/entertainment precinct, contributing to Sydney's cultural and historic diversity as well as its economy, and serving a high street function for the surrounding residential area.</p>

Summary of matter raised in submission	Officer's response
<p>There is an oversupply of commercial floor space in Potts Point.</p> <p>The land use control will result in fewer residents and less accommodation for visitors. Existing residential space will become commercial space when a property is redeveloped.</p> <p>The land use control reflects poor town and social planning.</p>	<p>The DCP seeks to retain a degree of commercial floor space, provide local services, businesses, office space, food and drink/entertainment premises, and employment opportunities for both residents and visitors. The loss of a local, accessible commercial centre would negatively affect the community in the surrounding suburbs.</p> <p>Data gathered from the 2007, 2012 and preliminary 2017 Floorspace Employment Survey (FES) indicates that on average, each property in the precinct has 77% of its maximum GFA occupied by non-residential uses. This indicates that the Darlinghurst Road precinct is dominated by buildings that are primarily commercial in nature.</p> <p>The proposed land use control requires a minimum of 50% of floor space to be non-residential. This is a significant reduction in the quantity and proportion of existing commercial floor space.</p> <p>The intention of the land use mix control is to strike a balance between residential and commercial uses in the area and to retain Darlinghurst Road's primary function as a main street that serves local residents, workers, and visitors.</p> <p>The control aligns with Council's strategic policy and direction for resilient communities within a globally competitive and innovative city. Specifically, Sydney 2030 objective 6.1 speaks to local neighbourhoods being places where people can work, shop and conduct business close to where they live, as well as places where people can come together, socialise and take part in community, civic and cultural life.</p> <p>Clause 6.2.12.1 – Land use has been amended. See discussion in report.</p>
<p><u>Building height</u> (issue raised in 15 submissions)</p> <p>High-rise development should not be permitted. The area is overdeveloped, existing height limits should be retained.</p>	<p>The site-specific DCP cannot and does not seek to change or increase any of the existing height limits specified in SLEP 2012. SLEP 2012 would need to be amended to change heights.</p>

Summary of matter raised in submission	Officer's response
<p>Taller buildings cause overshadowing and wind tunnels, and are not conducive to the amenity of a suburban street.</p>	<p>The existing planning controls under SLEP 2012 allow for mid-rise development along Darlinghurst Road. For most properties within the precinct identified in this site-specific DCP, the existing planning controls allow for a maximum building height of 22m, with an existing maximum height of building (storeys) control of 6 storeys under the SDCP 2012.</p> <p>The consequences of further increasing building heights along Darlinghurst Road would result in the loss of an accessible centre that services the surrounding area, and significant detrimental heritage impacts.</p> <p>The draft DCP ensures the bulk, massing and modulation of buildings at 18-32A Darlinghurst Road, with a maximum building height of 22m for most properties which is about 6 storeys. Most buildings are able to increase their height under current controls.</p> <p>The draft DCP ensures respond to surrounding development and its heritage character. This is achieved through appropriate street wall heights and setbacks at upper levels, and through the retention of various heritage significant elements of the site. These controls reduce the sense of building bulk experienced at street level and maintain solar access to nearby residential properties. Specific building envelope and setback controls will be developed for the remainder of the street after further heritage and urban design investigations are carried out.</p> <p>The required building setbacks will help manage wind impacts. Further analysis and assessment at the development assessment stage will ensure wind impacts are mitigated.</p>

Summary of matter raised in submission	Officer's response
<p>No precedent for the Lowestoft building to be increased from 3 to 10 storeys.</p> <p>The DCP should provide for more mixed use buildings of 12-15 storeys to attract residents and improve vitality of the area.</p> <p>6-8 storeys along Darlinghurst Road is not too high.</p>	<p>The existing height control for the Lowestoft, at 18-20 Darlinghurst Road, is 30m and cannot be changed by this DCP. This allows for a 10 storey height in building control, as detailed in the SDCP 2012. The site is adjacent to a 10 storey art deco flat building at 1A Elizabeth Bay Road, known as Kingsley Hall. The existing height control for the Lowestoft responds to the height of Kingsley Hall to the north.</p> <p>The DCP cannot change the height control in the LEP. The existing height control for the majority of sites within the Darlinghurst Road precinct is 22m, or 6 storeys. Existing height controls can only be varied by amending the LEP via a planning proposal.</p> <p>No change to the exhibited controls is recommended.</p>
<p><u>Heritage</u> (issue raised in 14 submissions)</p> <p>The heritage listing of Kingsley Hall is positive as it is a prominent art deco building. Council's undertakings to preserve the unique architectural heritage of the precinct are positive.</p> <p>The proposed height of the Lowestoft is excessive and will negatively impact the amenity of Kingsley Hall and its residents.</p> <p>The Commodore should not be retained as it has been altered significantly over time.</p> <p>The Empire facade should be retained given the site's history.</p>	<p>Noted.</p> <p>The existing height control for the Lowestoft at 18-20 Darlinghurst Road is 30m as above. Appropriately designed development at 18-32A Darlinghurst Road can preserve amenity to Kingsley Hall, for example by protecting the light well to the south of the building.</p> <p>The provisions of the draft DCP have been amended. Clause 6.2.12.8 and Figure 5b have been modified to require the retention of the Commodore to a depth of approx. 8m. The rear portion of the building can be demolished.</p> <p>A heritage assessment has been carried out for the block at 18-32A Darlinghurst Road. The recommendations of the report have been considered by the City's Design Advisory Panel, an urban design study, and City urban design and heritage staff. Community consultation has also been carried out, and it is clear the community</p>

Summary of matter raised in submission	Officer's response
<p>The Empire should not be permitted to be demolished.</p> <p>It is intellectually corrupt to retain building forms when they represent such spurious heritage attachment.</p> <p>The proposed heritage provisions do not adequately address or protect the heritage of the area, and appear to encourage facadism.</p>	<p>clearly values the social significance of The Empire. It is considered the heritage significance of the Empire stems primarily from its role as the site of the former Les Girls nightclub, rather than its physical fabric which has been modified over time and is not recognised for its aesthetic value.</p> <p>As noted above, a heritage assessment by qualified heritage specialists has been carried out on behalf of Council. The assessment has been reviewed by the City's heritage specialists, urban designers, and the Design Advisory Panel. Experts and the community alike value Darlinghurst Road's distinctive built form and significant architectural heritage, some of which dates back to the late-nineteenth century. The heritage character and significance of many buildings on Darlinghurst Road is something the community and Council acknowledge, appreciate, and seek to protect through this DCP.</p> <p>A planning proposal for the heritage listing of three items (Kingsley Hall, the front rooms of The Bourbon, and The Empire for social significance) is currently in progress. As the proposal is underway, the heritage significance of those items must be considered in any Development Application. Once the planning proposal is complete, the sites will be locally listed heritage items under SLEP 2012.</p> <p>The draft DCP controls including upper level setbacks for 18-32A Darlinghurst Road have been designed to respect the aforementioned heritage items, and ensure new bulk is appropriately recessed and massed. Similarly, controls call for the heritage interpretation of the built form of The Empire, as well as a suitable ground and first floor use that reflects the site's history as a food and drink/entertainment premises.</p> <p>Regarding facadism, the retention of the Bourbon facade only is due to the fact that the much of the internal heritage significant fabric has been substantially altered over time, and is now of very little value. Similarly, the retention of the first 8m of the Commodore which is identified as a</p>

Summary of matter raised in submission	Officer's response
<p>The community doesn't want to see Kings Cross' charming historic buildings destroyed and replaced with conglomerations of generic blocks. Darlinghurst Road has history and heritage, streetscapes should be preserved, buildings can be restored.</p> <p>Kings Cross heritage is more than Darlinghurst villas and art deco apartment blocks.</p>	<p>contributory building in SDCP 2012 ensures its contribution to the heritage area is retained.</p> <p>Noted. The DCP seeks to conserve the area's character through a number of provisions, including heritage conservation, architectural character, articulation and materials, awnings, and public domain.</p> <p>Noted.</p> <p>Clause 6.2.12.8 – Heritage conservation has been amended. See discussion in report.</p>
<p><u>Redevelopment</u> (issue raised in 11 submissions)</p> <p>The proposal is overkill and represents high density development. The area should not be redeveloped at all.</p> <p>There has been no planning of transport infrastructure. Developers should be required to contribute to upgrading sewage, water drainage, parking, parks and public space.</p> <p>Council needs to pressure and/or incentivise landlords to improve their properties.</p> <p>The new generation needs to be planned for. Development is not inherently negative, as long as high quality units are constructed.</p>	<p>The existing height and floor space controls are not affected by and will not change as a result of the DCP. Density will not increase over and above what is currently permitted.</p> <p>Developers are required to pay contributions towards infrastructure when a Development Application that results in additional residents, workers or overnight visitors is approved. Developers are required to contribute an amount to Council for the provision of open space, community facilities, traffic and transport, and stormwater drainage.</p> <p>Council has put together the draft DCP for Darlinghurst Road to guide future development and secure a positive outcome for the area and its community. Council cannot force landowners to improve or develop their properties.</p> <p>Noted.</p>
<p><u>Omnia</u> (issue raised in 10 submissions)</p> <p>Darlinghurst Road needs more buildings with good architecture and height like Omnia, which is stunning with its curves and colour.</p>	<p>Noted.</p> <p>No change to the exhibited controls is recommended.</p>

Summary of matter raised in submission	Officer's response
<p><u>Social issues</u> (issue raised in 7 submissions)</p> <p>Development and investment should be encouraged to overcome the sex and drug industry which dominates local culture.</p> <p>Injecting clinic clientele, strip clubs and commercial vacancies make Darlinghurst Road a scary place, day and night. The DCP will contribute to vacancy rates. The area feels unsafe. Council needs to clean it up.</p>	<p>The DCP provides guidelines to ensure new development provides an adequate amount of commercial space for services, community facilities, retail, business, food and drink, and entertainment uses with active frontages for local residents and visitors.</p> <p>No change to the exhibited controls is recommended.</p>
<p><u>Process</u> (issue raised in 7 submissions)</p> <p>The DCP is a knee jerk reaction to the DA lodged for the Bourbon site.</p> <p>The community consultation workshop held for the DCP was the best the attendee had participated in.</p> <p>The DCP is inconsistent with the consultation workshop that was held. Residents are disappointed the DCP does not address the whole of Darlinghurst Road. The DCP is specific to the Bourbon block and does not address many concerns raised by residents during consultation.</p>	<p>The urban design study, heritage assessment, community consultation including an online survey and workshop and Draft DCP were conducted. The study of Darlinghurst Road has been carried out in anticipation of, and the DCP put together to shape future development.</p> <p>Darlinghurst Road is undergoing change due to changes in laws, drive for inner city living, safety and social issues, and loss of character. Revising and preparing planning controls is an appropriate response to the change.</p> <p>Noted.</p> <p>The DCP contains controls that apply to the whole of Darlinghurst Road, including land use, urban grain and active street frontages, architectural character, awnings, public domain, amenity of residential development and access.</p> <p>The DCP also contains more specific provisions for 18-32A Darlinghurst Road including heritage conservation, built form and setbacks, and a design excellence strategy. This is due to the fact that a detailed heritage assessment and urban design study for the Bourbon block has been carried out, enabling the City to put together a building envelope for the site.</p>

Summary of matter raised in submission	Officer's response
<p>The DCP fails to deal with the future of Kings Cross in the broader social and cultural context of changing demographics. There has been no research on need and demand for further non-residential opportunities along Darlinghurst Road. This is a major limitation which impacts on the credibility of the draft DCP.</p>	<p>Specific built form and setback controls for the two outstanding street blocks will be formulated following the completion of the second stage of the heritage assessment and urban design study which extends to the remainder of the street.</p> <p>The community consultation workshop that was conducted focused on Darlinghurst Road's local character. Generally, feedback centred on preserving the architectural character and heritage of the strip, ensuring it is still a diverse and inclusive community, ensuring it is still a unique and interesting place, protecting the area from negative impacts of new development, ensuring new development is well designed and varied, and improving safety. In the future, participants want to see more arts and cultural spaces, more places to eat and drink, better nightlife, and different shops and businesses.</p> <p>The DCP has sought to explicitly address concerns raised in community consultation by providing a land use mix control, heritage conservation provisions, and unique and site and area-specific design controls that reflect comments and suggestions made by the community.</p> <p>The urban design study conducted for the DCP reviewed 2007, 2012, and preliminary 2017 Floor Space Employment Survey data to understand the previous and existing nature of land uses in the area, and to inform controls for desired future land uses in the area.</p> <p>The areas surrounding Darlinghurst Road are some of the densest in Australia. These communities need an accessible local commercial centre and would be disadvantaged if local service, retail and recreation uses were dispersed throughout the area or to other areas. An analysis of commercial floor space demand and supply has identified the need to protect commercial floor space in Darlinghurst Road.</p> <p>It also noted that Darlinghurst Road is zoned B2-Local Centre zone. As discussed in detail above under 'residential development', the objectives of the B2 zone centre on providing a range of</p>

Summary of matter raised in submission	Officer's response
<p>The recommendations and principles in the Kings Cross locality statement have not been the focus of public consultation. They need to be amended accordingly, and further consultation initiated prior to the locality statement being adopted.</p> <p>Other streets in the area such as Orwell, Hughes, Llankelly, and Kellett should be included in the DCP as they form part of local village life, as should Fitzroy Gardens.</p>	<p>commercial uses that serve the people who live in, work in and visit the local area, and allowing appropriate residential uses so as to support the vitality of local centres.</p> <p>The DCP seeks to preserve a certain proportion of commercial floor space to ensure that Darlington Road continues to fulfil its role as a local centre for existing and future residents and visitors.</p> <p>The recommendations and principles in the revised Kings Cross locality statement are partly based on the public consultation that took place in mid-2018. The locality statement and principles form part of the draft DCP and have been publicly exhibited.</p> <p>Noted. Whilst the surrounding streets of Kings Cross contribute to the atmosphere of the area, the focus of the DCP centres on the core retail and commercial strip of Darlington Road as it is currently experiencing change most acutely. This is due to licensing law and market factors, which have spurred an interest in development in the precinct.</p> <p>No change to the exhibited controls is recommended.</p>
<p><u>Design and architectural character</u> (issue raised in 5 submissions)</p> <p>The DCP should encourage more creative architecture to attract more residents and visitors, rather than preserving rundown, ordinary buildings.</p>	<p>The Department of Planning Local Character and Place Guideline describes local character as “what makes a neighbourhood distinctive and is the identity of a place” which is created by a combination of people, the built environment, history and culture. Places which develop in response to an identified local character and agreed desired future character are likely to be more sustainable, contribute to good quality of life and attract investment.</p> <p>The draft DCP contains a series of controls that guide future development based on the local character of Darlington Road. These controls are based on community feedback, as well as the heritage assessment and urban design study,</p>

Summary of matter raised in submission	Officer's response
<p>The 'Green Square' look of new developments is awful.</p>	<p>which have identified existing building patterns and features, their unique architectural characteristics and materials, and the nature of facades as valued elements in the area.</p> <p>The DCP allows considerable scope for creative architecture, and contains a clause for a design excellence strategy for the site at 18-32A Darlinghurst Road. Should a developer choose to opt in to the competitive design process, it would involve conducting a design competition for architectural firms experienced in the design of high quality buildings.</p> <p>Noted.</p> <p>No change to the exhibited controls is recommended.</p>
<p><u>Building envelope: 18-32A Darlinghurst Rd</u> (issue raised in 5 submissions)</p> <p>The reference scheme is improved to that submitted with the Development Application (of Dec 2017), as the streetscape is less changed.</p> <p>The proposed building heights for 18-32A Darlinghurst Road are not that tall, and the scheme contains ground floor shops for services.</p> <p>The DCP results in a solid block at the Bourbon site and exceeds current height restrictions. The proposed height and scale will result in overshadowing to neighbouring properties and will destroy the sense of village and community resulting from human scale.</p>	<p>Noted.</p> <p>Noted.</p> <p>The reference scheme detailed in the draft DCP consists of five separate buildings at the Bourbon site, all of which comply with their respective height controls. The building envelope and setbacks described in the draft DCP are designed specifically to protect solar access to nearby properties. Similarly, the upper level setbacks reduce the overall bulk of the addition and provide a built form scale that is sensitive to local characteristics.</p>

Summary of matter raised in submission	Officer's response
<p>The Plan does not address ventilation, parking, access, or privacy concerns. Barncleuth Lane is narrow – the DCP does not allow for privacy or amenity of existing residents who back onto the lane.</p> <p>Height, setback, alignment and street frontage controls for 18-32A Darlinghurst Road should not be removed.</p> <p>The DCP is using the block at 18-32A Darlinghurst Road as a template for the whole street's land use mix, setbacks, height limits, parking and so on.</p>	<p>The draft DCP contains provisions relating to access. Clause 6.2.12.7, which applies to the whole precinct, stipulates vehicular access, building services and the like are to be consolidated, and that vehicular access is not permitted in any location subject to an active frontage control. Clause 6.2.12.13, which applies to 18-32A Darlinghurst Road, precludes building services and vehicular access from being located on Darlinghurst Road and Roslyn Street, and should be designed to support the provisions for public domain for the block.</p> <p>The amenity of properties and residents located across Barncleuth Lane has been a primary concern in the formulation of the subject site-specific DCP. Ventilation, parking, and privacy will be assessed at development application stage. The DCP has been prepared to enable those requirements to be met with good design.</p> <p>Appendix C of the DCP identifies the removal of height, setback and street alignment controls from existing DCP mapping as very specific street-wall, setback and building height controls are provided in the site-specific DCP. These controls are detailed in the built form envelope. This ensures consistency between the site-specific DCP and the SDCP 2012. It does not mean that controls are being removed, rather they're being replaced with tailored controls.</p> <p>The land use mix applies to the whole high street as the entire Darlinghurst Road precinct subject to the site-specific DCP controls is zoned B2 – local centre, and because detailed floor space analysis has been carried out for the area.</p> <p>So far, specific built form and setback controls have only been applied to 18-32A Darlinghurst Road as additional urban design and heritage analysis needs to be carried out for the remainder of Darlinghurst Road. The draft DCP does not and cannot propose changes to height controls. Existing parking controls are unaffected by the subject draft DCP.</p>

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	<p>Clause 6.2.12.9 – Built form and setbacks and Figure 6a have been amended. See discussion in report.</p>
<p><u>Amenity</u> (issue raised in 4 submissions)</p> <p>Development along Darlinghurst Road will overshadow surrounding residences and change the atmosphere of the village.</p> <p>Buildings shouldn't exceed 3 storeys otherwise they create wind tunnels.</p> <p>The DCP proposes controls which will assist in maintaining the character and amenity of the area. Height restrictions are important to allow solar access.</p>	<p>The building envelope in the DCP has been prepared to meet overshadowing requirements. Development along Darlinghurst Road is subject to a variety of local and state controls that dictate the height and density of buildings and their overshadowing impacts. Any future development along Darlinghurst Road will be required to comply with overshadowing controls that exist in the SDCP 2012, as well as solar access controls contained in the Apartment Design Guide (ADG).</p> <p>The existing height limit for most buildings along Darlinghurst Road is 22m, or 6 storeys. Building setbacks will help manage wind impacts. Further analysis and assessment of more detailed plans at the development assessment stage will provide further opportunity to mitigate potential wind impacts.</p> <p>Noted.</p> <p>No change to the exhibited controls is recommended.</p>
<p><u>Public domain</u> (issue raised in 4 submissions)</p> <p>The public domain should be improved with more greenery on wider footpaths, and public art should be considered.</p>	<p>Clause 6.2.12.12 – Public Domain makes provisions for improvements to the public domain at 18-32A Darlinghurst Road. This includes providing publicly accessible open space, landscaping, public artwork, and the widening and pedestrianisation of the Barncleuth Lane in places.</p> <p>The second stage of the urban design study will identify further opportunities for public domain improvements in the remainder of the Darlinghurst Road precinct. When this is complete, the DCP will be revised accordingly.</p>

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<p><u>Parking</u> (issue raised in 3 submissions) The proposal represents a loss of on-street parking, with no off-street parking provided.</p> <p>The DCP does not address parking explicitly.</p> <p>Council has been over-zealous with green transport initiatives such as share-car parking.</p>	<p>No change to the exhibited controls is recommended.</p> <p>The DCP does not propose any changes to the existing parking arrangement on Darlinghurst Road or the surrounding streets. Off-street parking is a consideration at Development Application stage.</p> <p>SLEP 2012 identifies the maximum number of off-street parking spaces that may be provided. The DCP cannot and does not seek to amend the control which governs the maximum number of parking spaces for development.</p> <p>Noted. The use of green transport initiatives aligns with Council's overarching Sustainable Sydney 2030 policy and the objectives of a green, global, and connected city.</p> <p>No change to the exhibited controls is recommended.</p>
<p><u>Accommodation and tourism</u> (issue raised in 3 submissions) No more backpackers' hostels, there are too many in the area already.</p> <p>Darlinghurst Road is a tourist attraction however is below standard. It needs the capacity to accommodate people, provide entertainment, and restaurants and bars. The area needs to be a destination again.</p>	<p>Noted. Council must appropriately assess development applications for uses where they are permissible and comply with relevant planning and land use controls.</p> <p>Noted. The land use control seeks to ensure a quantity of commercial floor space is retained on Darlinghurst Road to allow for the entertainment uses and restaurants and bars that will attract local, regional and international visitors to the area again. Additionally, Clause 6.2.12.1 – Land use has been modified to allow tourist and visitor accommodation at the ground and first floor.</p> <p>Clause 6.2.12.1 – Land use has been amended. See discussion in report.</p>

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<p><u>Social/affordable housing</u> (issue raised in 2 submissions) Issue of disadvantage in Kings Cross has not been acknowledged or addressed. Development guidelines should include a 10% requirement for social housing. Darlinghurst Road needs affordable housing.</p>	<p>The City of Sydney is committed to working with other governments to address the chronic shortage of affordable housing in the local area. The City's Affordable Housing Review proposal is currently being finalised by State Government. It will expand contribution requirements for affordable housing when land is being developed. No change to the exhibited controls is recommended.</p>
<p><u>Signage</u> (issue raised in 2 submissions) There are too many signs at Woolworths at the Omnia building. This should be avoided along Darlinghurst Road. Why does the DCP propose to reinstate the 'Les Girls' sign? Indicates Darlinghurst Road is back to sleaze.</p>	<p>Noted. It is also noted the area belongs to the Darlinghurst Road Kings Cross signage precinct, as per Clause 3.16.12.10 of the SDCP 2012, which includes tailored signage controls for the area in addition to the standard signage controls contained in the DCP. Les Girls nightclub was an important part of the cosmopolitan life of Kings Cross in the 1960s and 1970s, and is of particular importance to the LGBTQI+ community. The proposed reinstatement of the 'Les Girls' sign is intended to pay homage to The Empire's social, cultural and historical significance. No change to the exhibited controls is recommended.</p>
<p><u>General</u> Darlinghurst Road needs innovation, not NIMBYism. The DCP should encourage gentrification, moving into the future by paying tribute to the past.</p>	<p>Noted. Local residents have told Council they would like to see Darlinghurst Road's unique, diverse, socially inclusive community maintained. The DCP seeks to strike a balance between the existing local character of the area and future redevelopment by conserving local heritage, providing design guidelines for new development and preserving commercial floor space for a variety of non-residential uses for future residents, workers, and visitors.</p>

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<p>Consider Brisbane, where they have medium and high rise residential and a vibrant restaurant precinct all thriving off surrounding residential areas.</p>	<p>Noted. The Potts Point area is one of the densest areas in Australia. Darlinghurst Road is the local centre that can serve the business, recreational and day to day needs of the surrounding community.</p> <p>No change to the exhibited controls is recommended.</p>
<p>Local landowners' submissions Including 11 individual submissions, 5 of which submitted the same supplementary document in addition to their comments.</p>	
<p><u>Land use mix</u> (issue raised in 6 individual submissions and the supplementary document)</p> <p>There is no demand for commercial floor space. The proposed controls will increase commercial floor space in an area with over 25% non-residential vacancy.</p> <p>The proposed changes will mean current residents, including the old, frail, infirm, and people with young families, will be evicted to achieve the proposed land use mix.</p> <p>The requirement for 50% of the total GFA to be for uses other than residential and tourist and visitor accommodation should be deleted or significantly reduced as the land use mix control will not revitalise Darlinghurst Road.</p> <p>There needs to be greater flexibility in the proportion of residential accommodation that can be achieved on the site, with a potential variation of up to 10-15%.</p>	<p>Analysis of the FES data indicates 82% of floor space in Darlinghurst Road is occupied by commercial uses. The DCP seeks to preserve a proportion of non-residential floor space to protect the local character and high street function of Darlinghurst Road and ensure the surrounding community has an accessible local centre. The proposed 50% land use control represents a reduction in the proportion of existing commercial floor space.</p> <p>The requirement for a minimum 50% of GFA to be non-residential is triggered when major redevelopment is proposed and does not affect existing buildings that are intended to remain as affordable accommodation for existing residents. Clause 6.2.12.1 – Land use has been amended to allows a site to retain its existing quantum of residential floor space (i.e. retain the existing quantity of residential floor space in square metres).</p> <p>Previously, the control required a minimum 50% of the total GFA to be for non-residential uses. In most instances, redevelopment would require non-residential uses at the ground, first and part of either the second floor, or at lower ground.</p> <p>The control has been amended so that where residential accommodation achieves full compliance with the design criteria of the ADG, it may be considered acceptable for non-residential</p>

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<p>Premises occupied by hostels, serviced apartments, hotels, and other types of visitor and tourist accommodation are identified as having a very high percentage of non-residential uses at present/in the Urban Design Study. Conversely, the 50% cap proposed in the draft DCP includes both residential uses, and tourist and visitor accommodation.</p>	<p>uses to be located on the ground and first floor only.</p> <p>The land use control has been modified and restructured for greater clarity and flexibility. The control previously required a minimum of 50% of the total GFA for development to be for uses other than residential accommodation and tourist and visitor accommodation. Tourist and visitor accommodation (except serviced apartments) has been deleted from the clause. This allows tourist and visitor accommodation to be categorised as a non-residential use and located accordingly.</p> <p>Clause 6.2.12.1 – Land use has been amended. See discussion in report.</p>
<p><u>Residential development</u> (issue raised in 4 individual submissions)</p> <p>Council should encourage residential development on Darlinghurst Road due to its proximity to Kings Cross train station, and access to other infrastructure and facilities such as buses, bike lanes and services. It is a sought after residential area that needs high quality residential development and accommodation.</p>	<p>See response above under 'Residential development'.</p> <p>Clause 6.2.12.1 – Land use has been amended. See discussion in report.</p>
<p><u>Macleay Street</u> (issue raised in 3 individual submissions)</p> <p>Macleay Street should be used as a model for Darlinghurst Road, as it is lively and attractive because of its high quantity of residential development and residents.</p>	<p>See response above under 'Macleay Street.'</p> <p>No change to the exhibited controls is recommended.</p>
<p><u>Process</u> (issue raised in 2 individual submissions and in the supplementary document)</p> <p>The planning process has been corrupt. Landowners have been excluded from the consultation process. Statistics and calculations have been misrepresented to improve Council's agenda. There are incorrect figures, analysis and data in the urban design study on which the DCP relies. The DCP has been rushed.</p>	<p>The DCP has been prepared and exhibited in accordance with legislated requirements. The City distributed 16,721 letters to occupants of the Potts Point area in June 2018 notifying them of the community consultation workshop and online survey. The workshop and survey were both advertised online and on social media and through a media release. City staff also attended the Kings Cross markets on 30 June and 14 July 2018. The survey was open between 25 June 2018 and 22 July 2018. 252 responses to the survey were</p>

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	<p>received, and 76 people attended the workshop on 5 July 2018.</p> <p>The draft DCP was exhibited from 19 September to 8 November 2018. The City distributed over 12,000 letters to owners and occupants in Potts Point, advertised the exhibition online, provided hard copies of select exhibition documents at the Town Hall House One Stop Shop and Kings Cross Neighbourhood Centre, and Council staff once again attended Kings Cross markets on 6 October 2018 to promote awareness of the exhibition of the draft DCP.</p> <p>The City held meetings with a group of landowners in August and November 2018 to discuss the proposed DCP controls. The City also held meetings with the landowner of 18-32A Darlinghurst Road, in December 2018 and February 2019. In addition to the community consultation and exhibition of the draft DCP, the City also conducted a landowner's workshop on 26 February 2019, after a request from a Darlinghurst Road property owner who did attend the community consultation session in July 2018.</p> <p>The Floor space and Employment Survey data has been reviewed. The conclusions drawn concerning future demand for commercial floor space, and the appropriateness of preserving non-residential uses in the precinct remain valid.</p> <p>No change to the exhibited controls is recommended.</p>
<p><u>Prescriptive controls</u> (issue raised in 2 individual submissions and in the supplementary document)</p> <p>The proposed heavily restrictive controls will inhibit innovative design and prevent iconic development. The controls will stamp out innovative design and architecture. The iconic architecture of Antoni Gaudi, Norman Foster (like London's Gherkin building), or Jorn Utzon would not be permitted under the draft DCP.</p>	<p>The proposed controls were developed through community consultation, a heritage assessment, an extensive urban design study, and in consultation with the City's Design Advisory Panel. The controls seek to ensure development along Darlinghurst Road is sympathetic to and consistent with the existing architectural and heritage character of the area.</p> <p>The controls provide guidelines for future development that are consistent with what the community values and would like to see. The controls are also consistent with advice provided by the City's Design Advisory Panel. This includes</p>

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<p>Prohibiting projecting balconies is inconsistent with the area, which features on certain buildings in the area. Insisting on vertically proportioned windows, and windows that are limited to 20-40% of the facade wall area, will straitjacket design innovation, and represents slavish adherence to arbitrary design rules. The controls pertaining to urban grain including minimum tenancy sizes and widths and the requirement for individual foyers and lift cores should be deleted.</p>	<p>facades that are predominantly masonry, rather than glazed, windows that reflect the existing pattern of openings on the street, fine grain retail tenancies that support small business, separate entrances and circulation cores for separate and distinctive buildings rather than monotonous additions or street block-sized building with only one lobby, and restricting large, glazed, projecting balconies that are not in keeping with buildings in the area.</p> <p>No change to the exhibited controls is recommended.</p>
<p><u>Building envelope for 18-32A Darlinghurst Rd</u> (issue raised in 1 individual submission)</p> <p>The site specific building envelopes be revisited and explored further to address issues such as monotony in height and bulk, and consideration for more height to the Empire site as a bookend to Kingsley Hall.</p> <p>The precise dimensioned plan for storeys and setbacks (Fig. 6a) is overly prescriptive. Performance based controls could be established relating to sensitive streetscape design and acknowledgement of heritage items, shadowing impacts, appropriate design of the corner building to Darlinghurst Rd and Roslyn Street, and best fit for good apartment design and ADG compliance.</p>	<p>The existing building height of the Empire cannot be amended via the DCP. The building envelope and setbacks for 18-32A Darlinghurst Road can be modified subject to compliance with overshadowing and amenity requirements as per the ADG. This has been clarified in the controls and in <i>Figure 6a</i>.</p> <p>The envelope has been developed with the City's Design Advisory Panel. The parallel-to-boundary setback for development above the Bourbon respects the heritage significance of the facade, whilst the shadow line above the Lowestoft allows the original built form to be legible and distinct from the future addition. The setbacks to the Empire allow for the reinterpretation of the building and protect solar access to properties on Roslyn Street.</p> <p>As noted above, controls contained in <i>Clause 6.2.12.9 – Built form and setbacks</i> have been revised and <i>Figure 6a</i> has been amended accordingly. See discussion in report.</p>
<p><u>Heritage</u> (issue raised in 1 individual submission and in the supplementary document)</p> <p>The Empire site should not be listed as a heritage item, rather its historical and social significance should be recognised through the DCP. If it is listed, the inventory sheets</p>	<p>The Empire is proposed to be listed for its social significance only. The heritage listing inventory sheets will be updated to reflect this, permitting the demolition of the building.</p>

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<p>should be updated to align with the DCP, which permits the building's demolition.</p> <p>The rear portion of The Commodore should be allowed to be demolished, with only the front facade and front section of the L-shaped part of the building required to be retained to a depth of 8m.</p> <p>The control requiring a 3m setback above the facade of the Lowestoft is overly prescriptive and is inconsistent with the findings of the DAP subcommittee. There is a need for greater scope to consider alternatives to a 3m setback on merit.</p>	<p>Noted. Clause 6.2.12.8(4) – Heritage conservation and Figure 5b have been reworded and updated accordingly. Retaining the front section of the Commodore is sufficient to retain the building's contribution to the conservation area.</p> <p>The subject 3m setback requirement at Clause 6.2.12.8(2) relates only to the level immediately above the existing building, with the remaining new development being able to be built to street alignment, as demonstrated in Figure 3. Figure 3 has been updated for clarity.</p> <p>Minor changes to Clause 6.2.12.8 – Heritage conservation and Figure 5b have been made. See discussion in report.</p>
<p><u>Changing character of Kings Cross</u> (issue raised in 1 individual submission)</p> <p>People used to come to Kings Cross looking for entertainment, bars, nightclubs and live music – however this no longer exists.</p> <p>The community wants the sleaze gone. Remove the injecting centre as it attracts terrible people who make the area feel unsafe. Remove the sex industry and drug dealers.</p> <p>Major new shopping centres and more apartments are what Darlington Road need.</p>	<p>Kings Cross is undergoing a period of change. The draft DCP seeks to suitably manage this change through preserving commercial floor space at the ground and first floor, to allow for uses such as food and drinks premises, entertainment, retail and business, office spaces, small bars and so on.</p> <p>As detailed above under 'Injecting centre', the medically supervised clinic is not within Council's control. Additionally, Council cannot prevent sex service premises from operating in areas where the use is permissible and has appropriate development consent.</p> <p>Through consultation the community told the City they value the fine urban grain of Darlington Road, with smaller shops, a diversity of businesses and services, and detailed architectural facades. The DCP encourages a mix of business and residential uses that are in keeping with the community's desired future character.</p> <p>No change to the exhibited controls is recommended.</p>

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<p><u>Accommodation and tourism</u> (issue raised in 1 individual submission) Kings Cross boasts high quality nearby hospitals with state specialists, with people travelling long distances and requiring accommodation. The DCP should provide for this.</p>	<p>Noted. <i>Clause 6.2.12.1 – Land use</i> has been amended to allow tourist and visitor accommodation (excluding serviced apartments) to be included within the minimum 50% business uses. <i>Clause 6.2.12.1 – Land use has been amended accordingly. See discussion in report.</i></p>
<p><u>Building height</u> (issue raised in 1 individual submission and in the supplementary document) Tall buildings set a precedent in the area and characterise the streetscape. The buildings on the eastern side of Darlinghurst Road should be permitted to rise to the height of the Omnia building, or at least to the height of the Woolworths building at 50-52 Darlinghurst Road. This would be in keeping with development type in Potts Point.</p>	<p>See discussion under 'building height' above. The DCP is not the correct mechanism for considering or implementing changes to existing building height standards.</p> <p>Of the 49 properties on Darlinghurst Road, 35 properties are 3-4 storeys. Eleven buildings are over that. The predominant scale is low to mid-rise. Nevertheless the current controls allow buildings up to 22m or around 6 storeys enabling renewal and revitalisation of the area with a range of uses.</p> <p>The site of the Omnia building has a height control of 55m, largely due to the fact that the previous building on site was 54m. The previous building's structure was retained during redevelopment.</p> <p>Additionally, development in surrounding streets is predominantly residential. New development along Darlinghurst Road is required to achieve certain amenity standards, such as preserving solar access to nearby residential properties. As mentioned above, increasing building heights along Darlinghurst Road would likely result in unacceptable overshadowing impacts to the surrounding area.</p> <p>The site at 50-52 Darlinghurst Road is subject to the same 22m or 6 storey height control as most buildings within the Darlinghurst Road precinct.</p> <p>No change to the exhibited controls is recommended.</p>

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<p><u>Uplift</u> (issue raised in 1 individual submission)</p> <p>Darlinghurst Road is not proposed to receive FSR or height uplift like other properties in the city, like 225-279 Broadway, Glebe, 4-6 Bligh St, Sydney, and 102-106 Dunning Ave, Rosebery. Council is prepared to consider uplift in other areas but not in Kings Cross, where it is needed.</p>	<p>A planning proposal is currently underway for the three sites mentioned. All three planning proposals were instigated by external proponents seeking to change planning controls.</p> <ul style="list-style-type: none"> • The Broadway planning proposal proposes an increase to the maximum building height and FSR to encourage the development of student accommodation and non-residential uses only. The uplift does not apply in the case of residential development. • The Bligh Street planning proposal proposes an increase in the maximum FSR to enable a new mixed use commercial and hotel development only. The uplift does not apply in the case of residential development. • The Dunning Avenue planning proposal proposes rezoning from B7 – Business Park to B4 – Mixed Use, an increase to the maximum building height and an increase in FSR to allow the future development of around 120 units and commercial and retail spaces, on the proviso that the development will deliver onsite affordable housing. The planning proposal is consistent with the Guideline to Planning Proposals in the City of Sydney Employment Lands Investigation Areas. This guideline has now been revoked to align with the Greater Sydney Commissions' direction to protect employment lands. <p>The City assesses planning proposal requests on their strategic and environmental merit.</p> <p>No change to the exhibited controls is recommended.</p>
<p><u>Environmental impact</u> (issue raised in 1 individual submission and in the supplementary document)</p> <p>The proposed DCP will result in increased greenhouse emissions. Residents will be pushed out from Darlinghurst Road, shifting the burden elsewhere of an increasing population. This will increase traffic congestion and emissions.</p>	<p>The proposed DCP will not result in the eviction or relocation of existing residents. The draft DCP supports an appropriate level of residential development in a desirable location, proximate to the city and to a variety of public transport options. The retention of non-residential floor space is needed to support the surrounding community's service, retail and recreational needs.</p> <p>No change to the exhibited controls is recommended.</p>

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<p><u>Kings Cross locality principles</u> (issue raised in 1 individual submission and in the supplementary document) The locality statement is anachronistic.</p> <p>The market is a better and more responsive barometer to what works and what doesn't than the proposed principles for the locality.</p> <p>It is not clear what is meant by "Darlinghurst Road... is to continue to fulfil its key economic, social, and cultural role within the locality."</p>	<p>The locality statement outlines and reinforces the desired character of the Kings Cross area.</p> <p>The market alone will not provide desirable planning or development outcomes and does not provide certainty for Council or the community.</p> <p>Darlinghurst Road is located within a B2 – Local centre zone. It functions as the primary high street for the Potts Point area, providing services, community facilities, shops and retail, commercial and office uses, transport options, food and drinks premises, healthcare, and other diverse uses that attract residents and visitors to the area.</p> <p>The draft DCP seeks to ensure Darlinghurst Road continues to fulfil this role in the area.</p> <p>No change to the exhibited controls is recommended.</p>
<p><u>Design excellence strategy</u> (issue raised in 1 individual submission) Under SLEP 2012, bonus FSR or height can be awarded where a competitive design process has been undertaken. The DCP cannot preclude the opportunity to pursue a height bonus on this site when the SLEP allows it.</p> <p>The establishment of a separate design excellence process for the site is unnecessary given the design excellence provisions of the SLEP 2012 and the City of Sydney competitive policy. If the height is limited to 25m (the usual trigger for a design excellence competition), a competition is not required. This would mean not occupying the portion of the envelope that allows for 30m at 18-20 Darlinghurst Rd.</p> <p>The maximum FSR does not utilise the full building envelope. The bonus should not be restricted to basement levels. The site should continue to be eligible for either a</p>	<p>The design excellence height bonus can be pursued by lodging a concept development application. The DCP does not preclude pursuing a height bonus under design excellence.</p> <p>The DCP does not establish a separate process. The DCP sets out a design excellence strategy that enables the proponent to progress to a Stage 2 Development Application, without having to undertake a Stage 1 DA.</p> <p>The constrained nature of the site and high density of surrounding development means additional height is unlikely to be awarded. Consequently, the control stipulates additional FSR is to be located at lower ground. Should an applicant seek an alternative height or FSR bonus,</p>

Summary of matter raised in submission	Officer's response
<p>10% height or FSR bonus where a competitive design process is undertaken.</p>	<p>compliance with relevant controls would need to be demonstrated through a Stage 1 DA.</p> <p>No change to the exhibited controls is recommended.</p>
<p><u>Urban grain controls</u> (issue raised in 1 individual submission)</p> <p>Vertical circulation cores for each lot is not an efficient way to access apartments. The cores should be shared to utilise less floor space beyond the line of the Darlinghurst Road facades.</p> <p>With the retention of 3 out of 5 of the facades at the Bourbon site, the Darlinghurst Road elevation will appear as 5 separate lots. The wording of Cl. 6.2.12.10(1) could be amended to read <i>'to appear as five distinct buildings.'</i> The benefits for amalgamation behind the Darlinghurst Rd facade in courtyards, circulation and servicing should not be restricted.</p> <p>The requirement for at least four residential lobbies is overly prescriptive. The lobbies depicted in the reference scheme are substandard. Larger, consolidated lobbies compliant with the ADG should be the benchmark.</p> <p>Fine grain should be achieved with the retention of significant facades and architectural expression. Tenancy sizes and widths are commercial considerations that should be determined by the development application.</p>	<p>The requirement for individual vertical circulation cores for each building is a key recommendation to emerge from the Design Advisory Panel. The purpose of the control is to ensure the design and development of five genuinely separate and distinct buildings at the Bourbon site, rather than just an appearance of different buildings. This is in keeping with the pattern of development in the area, especially existing mid-rise apartment buildings.</p> <p>The ADG does not ascribe minimum size or dimension requirements for lobbies. The requirement for a minimum number of lobbies (as with the requirement for separate cores) is to ensure new development results in the design of separate buildings, as the community and DAP have raised strong concerns about large, monotonous, amalgamated development blocks without building separation or distinctiveness.</p> <p>The urban design study conducted a street elevation analysis of Darlinghurst Road's existing building tenancies and facades. The UDS found that generally, properties on the north west side of Darlinghurst road have street frontage widths of 9-11m, with properties on the south east side of Darlinghurst Road have street frontage widths of 7-8m. The DA submitted for the Bourbon site had a combined frontage of 74.9m. This is not a desirable planning outcome for Council or the community.</p>

Summary of matter raised in submission	Officer's response
	<p>The control seeks to ensure that any redevelopment of properties along Darlinghurst Road retains the varied and fine grain nature of existing commercial tenancies and ensures a diversity of businesses that can cater to local needs.</p> <p>Minor changes to <i>Clause 6.2.12.2 – Urban grain and active street frontages</i> and <i>Clause 6.2.12.10 – Urban grain</i> have been made for clarity. See discussion in report.</p>
<p><u>Public domain</u> (issue raised in 1 individual submission) Improvements to the public domain of Barncleuth Lane are supported, however an area allocation for this space is preferred, rather than the proposed prescriptive configuration and design.</p>	<p>An area allocation may result in a sub-standard space. The control has been amended to allow some flexibility, by allowing for the quality of the public domain to Barncleuth Lane to be equal to or better than the arrangement described in Figure 9.</p> <p>Clause 6.2.12.12 – Public domain has been amended accordingly. See discussion in report.</p>
<p>Group submissions Including 2 individual submissions</p>	
<p><u>Heritage</u> (issue raised in both submissions) The DCP ignores the heritage values of Darlinghurst Road. Council should insist development is sympathetic to the architecture and village culture of the important historical area. The strip has a harmonious inter-war style: consistency should be considered, as should the heritage listing of the streetscape. The City should restore lost historic facades.</p>	<p>As a result of the heritage assessment of the Bourbon and Beefsteak street block (including 1A Elizabeth Bay Road, 18-32A Darlinghurst Road, and 2 Roslyn Street) commissioned by Council, the City of Sydney has recommended the heritage listing of three items including Kingsley Hall, the façade of The Bourbon, and the site of The Empire (for social significance).</p> <p>Similarly, community consultation was undertaken in mid-2018. The results of the survey and workshop carried out by Council indicates that local residents and visitors to Kings Cross highly value the heritage aesthetic and character of Darlinghurst Road.</p> <p>The DCP has sought to ensure future development is sympathetic to and in keeping with Darlinghurst Road's unique character through architectural articulation and materials controls, urban grain controls, the retention of heritage significant facades at The Bourbon (22-24 Darlinghurst Road)</p>

Summary of matter raised in submission	Officer's response
	<p>and the Commodore (30-30B Darlinghurst Road) and specific built form controls for 18-32A Darlinghurst Road, with more refined building envelope controls for the remainder of the street to be established after further research is undertaken.</p> <p>It is also noted the precinct is located within the Potts Point/Elizabeth Bay Heritage Conservation Area (C51). Any external changes to properties within the area are subject to Development Approval by Council.</p> <p>Minor changes to <i>Clause 6.2.12.8 – Heritage conservation and Figure 5b</i> have been made. See discussion in report.</p>
<p><u>Clarity, application of controls</u> (issue raised in both submissions)</p> <p>The controls are ambiguous. It is unclear whether similar provisions will be applied to the rest of Darlinghurst Road, and there are concerns the controls for the Bourbon site will be used as a precedent for the rest of the street.</p>	<p>The DCP is being prepared in two stages. The stages are area related and are based on different levels of investigation into the character and built form of Darlinghurst Road.</p> <p>Stage 1, which is the subject of this report, is made up of two components:</p> <ul style="list-style-type: none"> i. General provisions for Darlinghurst Road from Bayswater Road to Macleay Street; and ii. Specific built form controls for the Bourbon site at 18-32A Darlinghurst Road. <p>Stage 2, which has commenced and will be the subject of a separate report, will provide built form controls for the remainder of the street. A map of the precinct (outlined in red) and the site (outlined in blue) is at Figure 1.</p> <p>Investigation for the first stage has been completed. This includes a heritage assessment, urban design study, Design Advisory Panel advice, and community and landowner consultation sessions. The general and site-specific provisions contained in the draft DCP are the result of this research.</p>

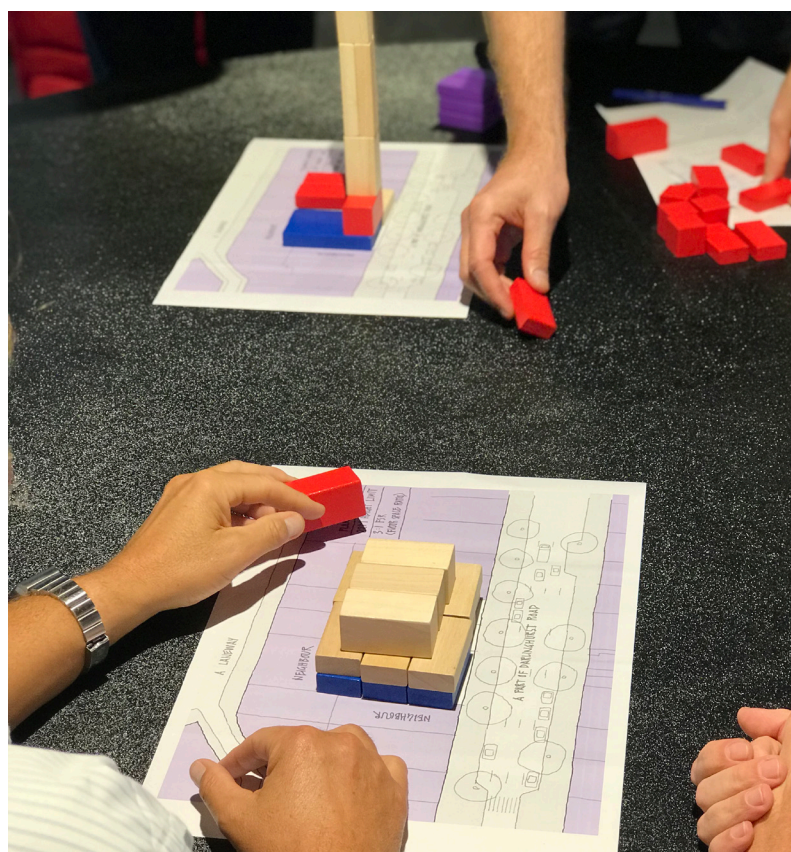
Summary of matter raised in submission	Officer's response
	<p>Investigation for the second stage is underway. This work will recommend specific built form controls for the remaining precinct (outlined in red in Figure 1). The draft DCP will be revised accordingly and the results of this work will be reported to Council.</p> <p>No change to the exhibited controls is recommended.</p>
<p><u>Building height</u> (issue raised in both submissions) The draft DCP seems to suggest taller buildings will be allowed, licensing developers to build 10-storeys or more. The DCP removes height, setback, and street alignment controls.</p>	<p>The subject DCP does not propose to change or increase any of the existing building height controls. The only mechanism that can seek to change existing height standards is a Planning Proposal to amend the SLEP 2012.</p> <p>Appendix C of the DCP identifies the removal of height, setback and street alignment controls from existing DCP mapping as very specific street-wall, setback and building height controls are provided in the site-specific DCP. These controls are detailed in the built form envelope. This ensures consistency between the site-specific DCP and the SDCP 2012. It does not mean that controls are being removed, rather they're being replaced with tailored controls.</p> <p>No change to the exhibited controls is recommended.</p>
<p><u>Parking</u> (issue raised in both submissions) The draft DCP does not refer to any car parking despite increased numbers of residents and workers.</p>	<p>The SLEP 2012 sets out parking rates for commercial and residential development in the LGA, identifying the maximum number of off-street parking spaces that may be provided. The SDCP 2012 contains provisions relating to car parking, car share schemes, bicycle parking, and other transport related requirements.</p> <p>No change to the exhibited controls is recommended.</p>

Summary of matter raised in submission	Officer's response
<p><u>Public domain</u> (issue raised in both submissions)</p> <p>Council needs to commit resources to developing a pedestrian network and expanding parks. The DCP lacks anything concerning open space, when Council should continue to develop Springfield Gardens and Llankelly Place.</p>	<p>The DCP proposes public domain improvements. Clause 6.2.12.5 stipulates that sites adjoining existing public spaces should provide active land uses at the ground floor that contribute to the activity of the public domain.</p> <p>Similarly, Clause 6.2.12.12 requires development at 18-32A Darlinghurst Road to provide publicly accessible open space and deliver improvements to the public domain at Barncleuth Lane and in front of the Bourbon at 22-24 Darlinghurst Road.</p> <p>Clause 6.2.12.12 – Public domain has been amended accordingly. See discussion in report.</p>
<p><u>Community consultation</u> (issue raised in 1 individual submission)</p> <p>The DCP fails to address community concerns such as protecting heritage buildings, human scale buildings, and the distinct architectural character of the area.</p>	<p>The DCP directly addresses community concerns raised in online survey submissions received between 25 June and 22 July 2018 and at the engagement workshop held in July 2018. As a result of the community engagement that was conducted, paired with the heritage assessment and urban design study commissioned by the City of Sydney, a planning proposal is currently underway to heritage list 3 items at the Bourbon and Beefsteak street block.</p> <p>Similarly, in response to issues raised by the community regarding bland architecture, overuse of glazing, projecting balconies, and other design concerns, specific controls pertaining to urban grain, architectural character, articulation, and materials have been incorporated into the DCP. These controls are intended to guide future development in the area, to ensure it is responsive to existing buildings, and to retain the distinct architectural character of the area.</p> <p>No change to the exhibited controls is recommended.</p>

Summary of matter raised in submission	Officer's response
<p><u>Amenity</u> (issue raised in 1 individual submission) Buildings should provide sunlight and ventilation. The DCP makes little mention of these principles. The proposed building envelope is likely to result in wind shaft and sound tunnel.</p>	<p>Development within the City of Sydney LGA is subject to the policies and controls detailed in the SDCP 2012, and for residential development, the Apartment Design Guide also applies. Both the SDCP 2012 and ADG contain numerous controls that relate to amenity, including solar access, overshadowing, natural and cross ventilation, wind effects, and other requirements.</p> <p>These requirements are applicable to development on Darlinghurst Road and are not required to be re-stated in the site-specific DCP. These considerations will be dealt with at Development Application stage.</p> <p>No change to the exhibited controls is recommended.</p>

Attachment D

Landowners Consultation Report



CITY OF SYDNEY

**LANDOWNERS WORKSHOP
OUTCOMES SUMMARY**

REPORT:

*DARLINGHURST ROAD, KINGS
CROSS URBAN DESIGN STUDY*

16 March 2019



Cred
CONSULTING



Report Title: Landowners workshop
outcomes summary report: Darlinghurst
Road, Kings Cross Urban Design Study

Client: City of Sydney

Version: Final

Date: 16 March 2019

Images throughout report:
Andy Baker Photography

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INTRODUCTION

In response to increased development interest and activity along Darlinghurst Road, Kings Cross, the City of Sydney (Council) is reviewing some parts of the planning framework that guide local character and development along Darlinghurst Road.

As part of this review, Council engaged Cred Consulting and People, Place and Partnership to undertake an online survey, community workshop and workshop with Kings Cross landowners to better understand their views around the character, built form and experience along Darlinghurst Road, both currently and in the future.

This report provides a summary of the King Cross landowners workshop outcomes and a summary of the additional online survey responses.

PROJECT BACKGROUND

Kings Cross is an internationally renowned precinct with a long and rich history, and unique cultural identity and character.

The Darlinghurst Road, Kings Cross area is currently in a transition phase, with increased interest in redevelopment due to its changing amenity, decreased late-night activity, access to public transport and proximity to the Sydney CBD.

In 2017, a Development Application was received by Council for the 'Bourbon' site located at 18-28 Darlinghurst Road. This proposal was unpopular amongst residents and business owners. A community meeting held on 18 January 2018 was attended by more than 200 local stakeholders who expressed their concerns about the scale of the development and its potential impact on local heritage values, amenity and cultural identity.

The consultation outcomes reflected in this report will provide Council with community directions for strategic local planning to preserve or guide the character of the Darlinghurst Road, Kings Cross area through its current transition.

Council resolution

On 19 February 2018, Council unanimously supported the motion to:

- Commission an urban design study to identify design principles for the site, including an indicative design strategy to provide an illustration of how good design can achieve better outcomes within the current controls;
- Establish a Design Advisory Panel sub-committee to set the parameters of the urban design study and closely monitor progress; and
- Audit the current planning controls for improvements that could be considered and consulted with the community during the current review of the Late-night Development Control Plan and upcoming review of the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.

About the urban design study

Council is working closely with the Design Advisory Panel to prepare an urban design study that will identify and illustrate good design principles within the current controls for the study area (shown in Figure 1) as well as the site of 18-28 Darlinghurst Road. The focus is on better guidance for good design and appropriate land uses, without changing population density targets for the area as set by the State Government.



ENGAGEMENT FOCUS

The focus of the Kings Cross landowners workshop was to gain an understanding of community views on the current and future built form, character and experience along Darlinghurst Road, Kings Cross.

PREVIOUS ENGAGEMENT ACTIVITIES

Over 300 people formally engaged in two community engagement opportunities:

- **Online survey:** 253 people completed the online survey that was open between 25 June 2018 - 22 July 2018 via the Sydney Your Say website.
- **Community workshop:** 76 community members attended the workshop held on 5 July 2018 (this report).

The activities were promoted through Council's Sydney Your Say page, a letter to local residents and stakeholders, Council media release, and at two pop-up stalls at Kings Cross markets held from 12pm to 2pm on Saturday 30 June and Saturday 14 July 2018.

PURPOSE OF THIS REPORT

This report provides a summary of the King Cross landowners workshop and additional survey responses.

The workshop provided an opportunity for landowners and their representatives within the Darlinghurst Road Precinct to explore urban design and planning concepts and experiences as well as providing the opportunity to consider and inform prospective changes to local planning controls as a result of the detailed urban design study.

Note: The findings in this report represent the views of the workshop participants only, which do not necessarily reflect the views of the whole community.

This report should also be read in conjunction with the previous reports providing a summary of the community workshop (Cred Consulting) and online survey (Micromex) that have been prepared.

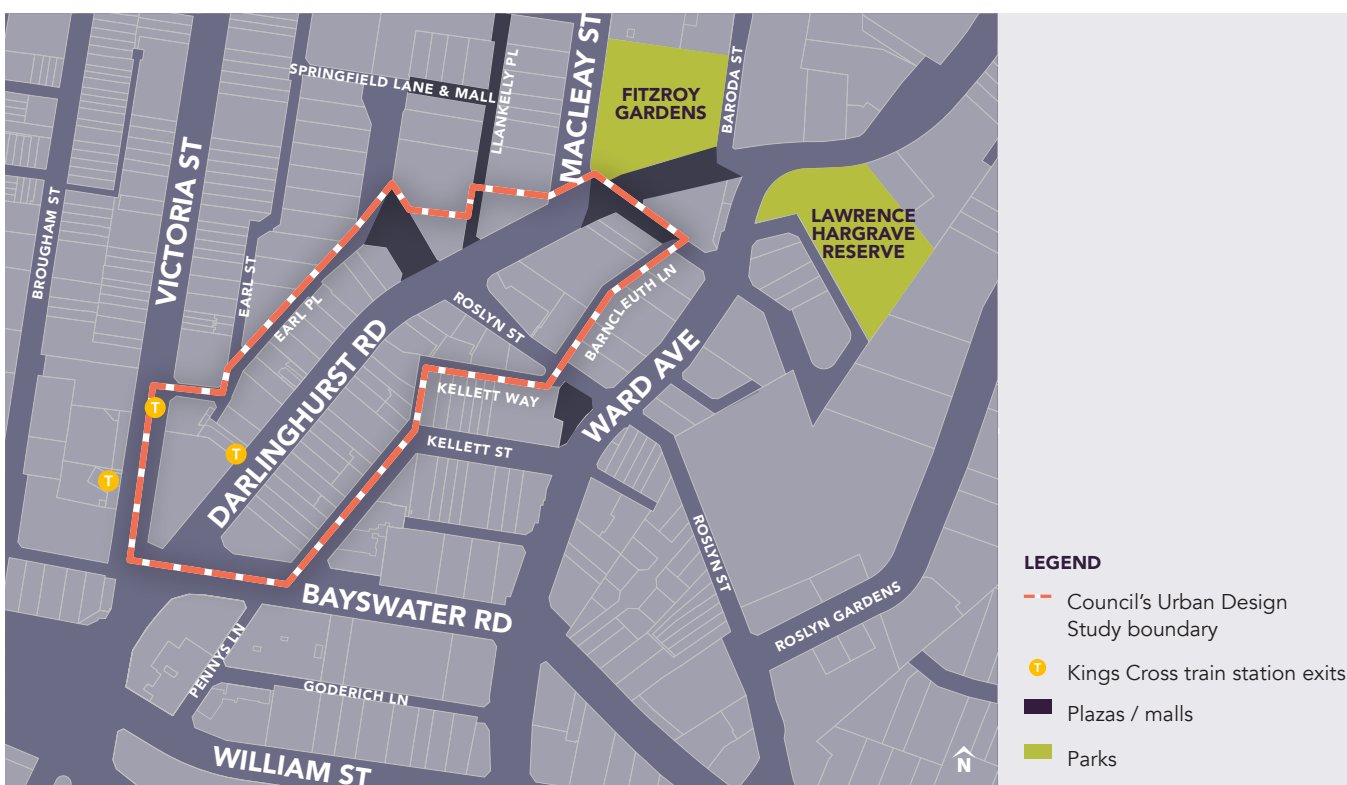


Figure 1: Location map: Urban Design Study Area - Darlinghurst Road, Kings Cross

WORKSHOP OVERVIEW

The focus of the workshop was to gain an understanding of the views of landowners within the Darlinghurst Road Precinct on the built form, character and experience along Darlinghurst Road, Kings Cross currently and in the future.

It also provided the opportunity for landowners to consider and discuss prospective changes to local planning controls. The approach to the workshop was based on design thinking theory, experiential learning and collaboration.

PURPOSE OF WORKSHOP

The purpose of this workshop was to:

- Assist Council to more deeply understand the views of landowners in relation to the development, character and experience of Darlinghurst Road, Kings Cross currently and in the future.
- Enable landowners to explore the urban design study that has been prepared and to discuss the range of perspectives about the area.
- Enable landowners to consider current planning controls and what development might hypothetically be achieved with different heights, FSR and setbacks.
- Outcomes of the workshop will be considered in the review of planning controls and the locality statement for the Darlinghurst Road, Kings Cross precinct.

WORKSHOP ATTENDEES

A total of 12 landowners and/or their representatives from the Darlinghurst Road Precinct attended the workshop. Council sent 347 invitations to landowners to attend the workshop.

There was also a number of other people observing and facilitating the workshop these including:

- Jo Kelly, People, Place and Partnership - lead facilitator
- Two Cred Consulting staff - support facilitators
- Rob Harper, RDO, Architect - support facilitator
- Three Council staff - from the planning and urban design teams.



WORKSHOP ACTIVITIES

The Kings Cross landowners workshop was built around five activities.

Individual worksheet: Reflection on change

- "Thinking about Darlinghurst Road, Kings Cross, what has changed for the better, stayed the same or changed for the worse?"
- Some participants shared to the whole room.

Activity station 1: Character (chairs)

- "Choose a chair that represents your ideal future character of Darlinghurst Road, Kings Cross and tell us why."

Activity station 2: Planning controls (blocks)

- Facilitators demonstrated with wooden blocks and a scale plan possible development under current planning controls. Informal discussions around height, FSR, form and setbacks.

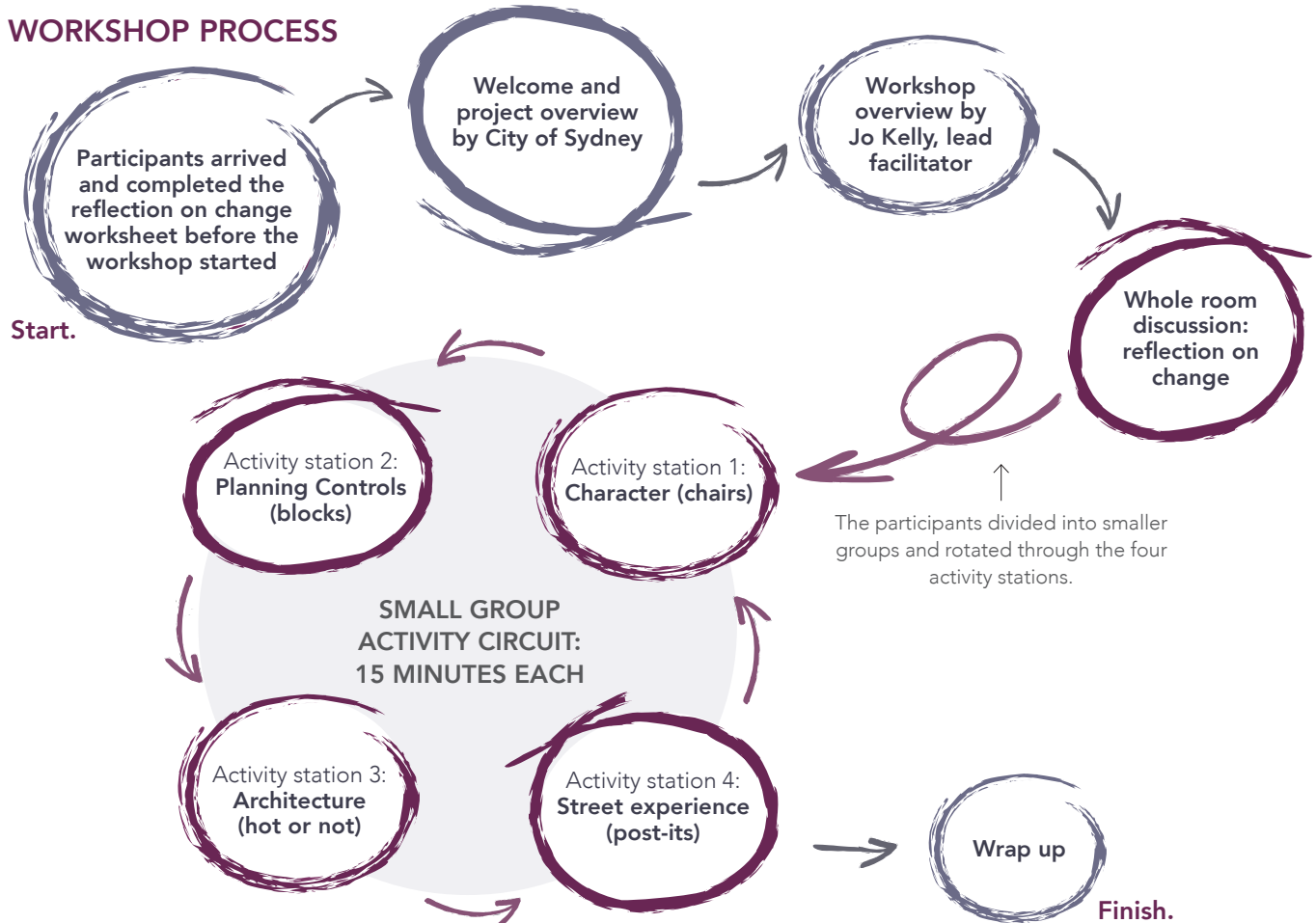
Activity station 3 : Architecture (hot or not)

- Participants were shown a set of 50 images of buildings within and outside of the study area and sorted them into three groups: 'hot,' 'not' and 'unsure' in response to the question: "Which buildings do you like in the context of Darlinghurst Road, Kings Cross?"
- A discussion of common attributes between the images in each pile.

Activity station 4: Street experience (post-its)

- Participants were asked to look at photos of Darlinghurst Road and were asked to write on post-it notes: "What do you like? What don't you like? and what would you like to change?"
- Participants stuck comments on specific buildings, and made general comments about the study area.

WORKSHOP PROCESS



EXECUTIVE SUMMARY: WHAT WE HEARD

The workshop explored four key aspects of Darlington Road, Kings Cross: perceptions of how the area has changed, preferred future character, local offer (land use & activities) and appropriate architecture.

PERCEPTIONS OF CHANGE

Data source - Activity 1: Reflection on change (individual worksheets)

Landowners held a range of views on how Darlington Road has stayed the same or changed for the better or worse, particularly around issues relating to impact on business, lack on investment, alcohol and drug use and abuse, and loss of activity and people in the area. A lot of workshop participants felt that things have not changed for the better.

What has changed for the better?

The new developments reflected the potential for revitalisation in the area and that this would also bring new people and a new life into Kings Cross.

What has stayed the same?

The lack of change was seen as being negative and participants attributed this to the restrictive regulations and planning policies that apply to the area. The uncertainty due to a lack of clarity about the future of the area and lock out laws were identified as being reasons for the lack of investment by landowners and tenants.

What has changed for the worse?

The most comments provided were about how the area has changed for the worse. The vacant shops and the negative impacts that a variety of factors have had on businesses as well as there being less people in the area were the most common themes for why landowners felt that the area has changed for the worse

LOCAL CHARACTER

Data source - Activity 2: Personality Activity Station (Chairs)

The desired future character of Darlington Road is multi-dimensional and complex. Landowners want to see the area as modern, with that art deco elegance - a mix of the old and new - that is well designed and 'has style'. At the same time, they want it to be a place that is funky and edgy, that is laid back, relaxed and family friendly.

Retaining the strong history (both built form and social/cultural) of the area and long standing connections in the community was important. They also expressed a desire for Darlington Road to have activity, movement, texture and full of character and not wanting to sterilise the area - "it has to be usable for everyone, eclectic and tolerant"

APPROPRIATE ARCHITECTURE

Data source - Activity 3: 'Hot or not' (building images)

In the context of appropriate architecture for Darlington Road:

What was hot?

- Buildings with closed in or no balconies
- Detailed building facades with strong vertical elements were seen as "creative"
- Red brick, detail-rich facades, closed in bay windows, in keeping with the heritage character in the area
- Contemporary buildings, if they had a curved facade and displayed craftsmanship
- Buildings that were of a bulk and scale in keeping with the existing character of the area
- Majority of styles chosen were of 6-storeys and above
- Four of the five architectural styles that landowners thought were "hot" were also strongly supported by participants at the previous workshop

What was not?

Generally, participants disliked buildings that were characterised as being:

- Generic or homogeneous
- Boring
- Buildings that were 'not moving with the times'
- Feeling like suburbia

What attracted mixed opinions?

Some groups held differing opinions on whether or not the following were hot or not:

- Contemporary buildings that combine multiple different types of materials, elements and colour
- Unconventional breaking up of linear forms
- Use of laser cut screens to articulate the building facade
- Type of curves on some of the buildings
- Some people liked the pronounced curves and white buildings, while others thought they are not appropriate for the area.
- Green elements softening the facade of the building

LOOK, FEEL & STREET EXPERIENCE

Data source - Activity 4 and 5

What do people like and dislike about Darlinghurst Road now, and what do they want in the future?

Current

Landowners like existing buildings that are tall and the areas along the street that have street life and activity. Heritage facades were architectural aspects that landowners liked as well as facades that provided an interesting design, and had colour. The mix of heights that currently exist in some blocks were appreciated as being a positive attribute of the existing streetscape.

Buildings that looked old and 'run-down' or were deemed to be of a poor architecture quality were not liked by the landowners. The absence of people or an openness to the street was also identified as something that landowners didn't like.

Future

More height in general but also in specific locations along the street was overwhelmingly the most desired change for the future in the area. Participants agreed that large massing is not an appropriate character for the precinct, but that stand-alone tall towers are appropriate.

Specifically, 'pencil towers' were identified as being appropriate to the character of Kings Cross. A number of landowners felt that pencil towers are iconic, and given Kings Cross is also an 'iconic' place, this particular type of building would be in keeping with that character and desired identity.

The future design and architecture of the precinct are critical to achieve the desired character for Darlinghurst Road. Landowners felt that this design aesthetic should be playful, modern, eclectic, be something that people like to look at and talk about and one of its kind - like Kings Cross has always been - and continue to reflect the stories of Kings Cross. Setbacks were also seen as important and should be encouraged to create better street amenity.

There was also strong agreement that the Medically Supervised Injecting Centre at 64-66A Darlinghurst Road should be removed from this location and be closer to the hospital.

SURVEY

Data source -Online survey

In total, the online survey was completed by 24 respondents, of which:

- 100% (24) own a property in Kings Cross
- 46% (11) visit Kings Cross for entertainment, to catch up with family/friends, etc
- 42% (10) work in Kings Cross
- 13% (3) live in Kings Cross

Perception and aspiration for Darlinghurst Road

The most commonly selected words were 'unsafe' and 'boring/dull' but also that the area is changing and that the historical elements are important. The most commonly selected words that reflected the aspiration for what the area would be were 'lively' and 'safe', which is the inverse of the current perception.

The character of Kings Cross.

The most common aspects respondents identified as being important to the character of Kings Cross were:

- The public spaces (streets and plazas)
- The amount of activity in the area
- Places for people to live

However, the majority of respondents felt that Kings Cross has become a place for nobody - that it isn't a place for locals, Sydneysiders or even visitors. In terms of future land uses, some respondents would like to see a lot less non-residential uses along Darlinghurst Road while others felt that maintaining the same amount of non-residential uses was good.

ACTIVITY 1: REFLECTION ON CHANGE

The first workshop activity invited participants to reflect on how Darlinghurst Road, Kings Cross has changed over time. Upon arrival at the workshop, each participant was asked to individually complete a worksheet with the following questions:

- How has Darlinghurst Road, Kings Cross changed for the better?
- How has Darlinghurst Road, Kings Cross stayed the same?
- How has Darlinghurst Road, Kings Cross changed for the worse?

Participants were then given an opportunity to share their responses to the group, prompting a discussion about the changing character of Darlinghurst Road.

Nine people completed and returned the worksheet. Common themes across responses are outlined over the following pages.

CHANGED FOR THE BETTER

The first question on the worksheet prompted participants to think about how Darlinghurst Road has changed for the better.

New building reflecting a change for the area (4 comments)

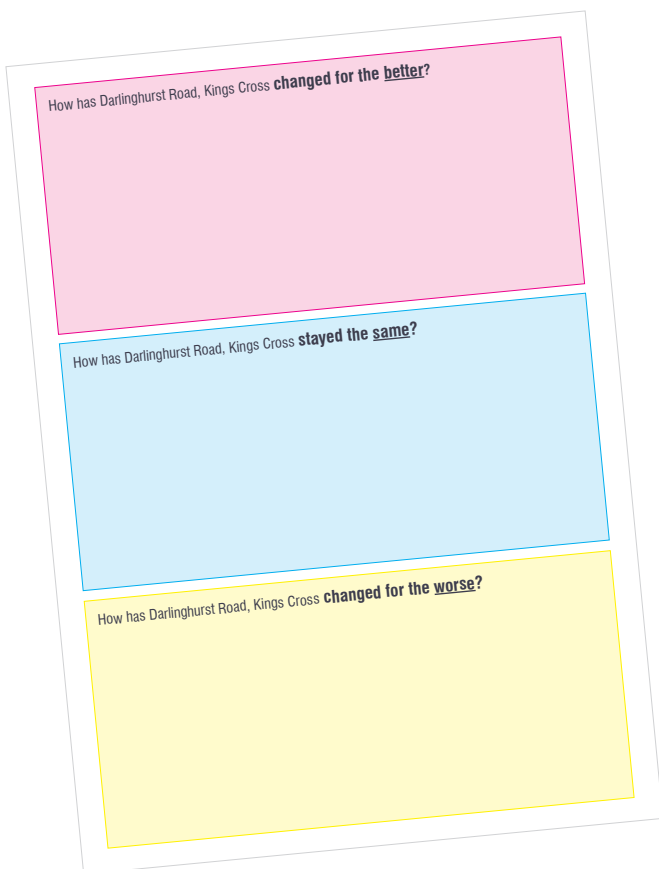
Participants specifically identified OMINA (109 Darlinghurst Road) as representing a positive change for the area and a demonstration of a confidence and potential for the future of the area.

It hasn't changed for the better (4 comments)

Comments that some felt that the area has not changed for the better at all.

Less night clubs (1 comments)

The reduction of the number of night clubs is a positive



Reflection on change worksheet

STAYED THE SAME

The second question on the worksheet prompted participants to think about how Darlinghurst Road has stayed the same.

Restrictive regulations (3 comments)

Participants indicated that the regulations and planning policies for the area are restrictive and this has resulted in little change occurring.

Uncertain future (2 comments)

Participants highlighted the uncertainty for landowners about the future of the area has resulted in a lack of investment or change. This also extended to tenants struggling with uncertainty created by lock out laws.

Darlinghurst Road is still gritty / sleazy / seedy (3 comments)

Participants feel that Darlinghurst Road is still gritty / sleazy / seedy, that drug use is still prevalent in the area and the area is sad and run down.

CHANGED FOR THE WORSE

The third question on the worksheet prompted participants to think about how Darlinghurst Road has changed for the worse.

Impact on business (7 comments)

Participants commented on the vacant shops, with some highlighting that small businesses have been negatively impacted by a downturn in visitation since the implementation of the lock-out laws, or that high rental prices are a challenge for small business owners.

Less people (6 comments)

Participants lamented that fewer people were coming into the area and this means less street life, makes the street feel less safe and attractive and a general loss of vitality.

Run down and lack of investment (2 comments)

Participants expressed concerns about the lack of investment in the buildings and this combined with the empty shops, cleanliness of the street and less people makes the area feel 'rundown'. Participants also commented that the lack of investment by landowners was due to uncertainty of the future.

Impact of drugs and alcohol (2 comments)

Participants identified that in some sections drugs (and specifically noted the Medically Supervised Injecting Centre) are still a problem for the area.

ACTIVITY 2: FUTURE CHARACTER

The purpose of this activity was to generate a set of character words that participants would use to describe their 'ideal' Darlinghurst Road, Kings Cross in the future.

These character words will help inform a review of policy documents that define the local character of Darlinghurst Road, such as the Kings Cross Locality Statement.

Activity overview

Looking at a set of 50 chair picture cards, each group was asked to "imagine 10 years from now, you are hosting an intimate dinner party for 4 people. You have an option of using 4 different chairs to represent your neighbourhood. Which chairs would you use at the table to best represent the future personality of Darlinghurst Road? Tell us about the chair you have chosen and what personality trait it represents."

The page opposite provides a diagrammatic summary of the chairs and character words chosen by the 2 groups.

KEY FINDINGS

The desired future character of Darlinghurst Road is multi-dimensional and complex. Landowners want to see the area as modern, with that art deco elegance - a mix of the old and new - that is well designed and 'has style'. At the same time, they want it to be a place that is funky and edgy, that is laid back, relaxed and family friendly.

Retaining the strong history (both built form and social/cultural) of the area and long standing connections in the community was important. They also expressed a desire for Darlinghurst Road to have activity, movement, texture and full of character and not wanting to sterilise the area - "it has to be usable for everyone, eclectic and tolerant"



Visual summary - future personality words

MOST POPULAR



- Modern
- Classic
- **Sophisticated**
- Has style to it
- Well designed
- **Elegant**

- History
- Luxury
- **Elegant**
- Durability
- Affluent
- Comfortable
- Presents well

GROUP 1



GROUP 2



GROUP 2

- Characterful
- Texture
- Social fabric & history
- Different people & backgrounds
- Long standing connections

- Funky
- Cool
- Clean, but edgy
- Mix of old & new

GROUP 1/2



GROUP 2

- Edgy
- Laid back
- Casual
- Relaxed

- Family
- Movement
- Activity
- Life

GROUP 1



GROUP 2

- Presents well
- Clean lines
- Clean place
- New

OTHER PERSONALITY TRAITS DISCUSSED:



GROUP 1

- **Inclusive**
- Accommodating many people



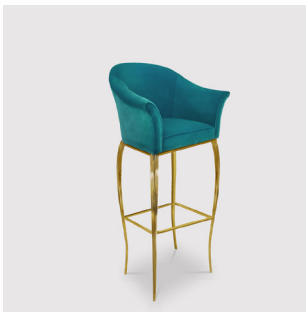
GROUP 2

- Lots of people sitting
- Busy



GROUP 2

- Tolerant
- Open
- Belong, irrespective of money



GROUP 2

- Delicate
- Balanced
- Tolerant
- Not too posh
- Not overdone

ACTIVITY 3: HOT OR NOT

The purpose of this activity was to gain insight into the landowners views on what type of buildings and architectural styles are and are not appropriate for Darlinghurst Road, Kings Cross.

Activity Overview

Participants were asked to yell out “hot” or “not” (accompanied by a thumbs up or down) as the facilitator flicked through 50 images of different buildings. If there wasn’t a clear vote, the image would go into an ‘undecided’ pile.

The image set captured a range of building styles, eras, land uses, shapes, materials and interfaces. More than half of the images depicted existing buildings in the local area. The remaining images were a mix of contemporary architecture in Australia and overseas.

Once the images were sorted into “hot” “not” and “unsure” piles, participants discussed the following:

- What are the commonalities between the ‘hot’?
- What are the commonalities between the ‘not’?
- Why was this image an ‘unsure’ for you?

Notes on methodology

Participants were asked to consider the images as ‘hot or not’ in the context of what they think is an appropriate look and feel for Darlinghurst Road – not whether the architecture is universally good or bad. There are a number of award winning buildings in the pack that were not selected as ‘hot’ for the study area – this is not a reflection on their design, quality or merit.

KEY FINDINGS

This exercise identified a number of clear architectural preferences amongst workshop participants.

What was hot?

Five of the 50 images cards were chosen by participants as being architectural styles that were “hot”.

- Buildings with closed in or no balconies
- Detailed building facades with strong vertical elements were seen as “creative”
- Red brick, detail-rich facades, closed in bay windows, in keeping with the heritage character in the area
- Contemporary buildings, if they had a curved facade and displayed craftsmanship
- Buildings that were of a bulk and scale in keeping with the existing character of the area
- Majority of styles chosen were of 6-storeys and above
- Four of the five architectural styles that landowners thought were “hot” were also strongly supported by participants at the previous workshop

What was not?

Thirty-six of the 50 image cards were selected as ‘not hot’ by both groups. Generally participants characterised the designs and architectural styles as being:

- Generic or homogeneous
- Boring
- Buildings that were ‘not moving with the times’
- Feeling like suburbia
- Kings Cross is an iconic high rise area. If not new high rise, the [buildings] need to be iconic.

What attracted mixed opinions?

Participants had mixed opinions about the architectural styles of nine of the 50 image cards.

- Contemporary buildings that combine multiple different types of materials, elements and colour
- Unconventional breaking up of linear forms
- Use of laser cut screens to articulate the building facade
- Type of curves on some of the buildings
- Some people liked the pronounced curves and white buildings, while others thought they are not appropriate for the area.
- Green elements softening the facade of buildings.

Below provides a visual summary of “hot” and “mixed opinion” images chosen by the two groups:

HOT



- Creative
- Innovative
- Scale



- Streetscape
- Promenade



- Balconies
- Bulk is right
- Nice old building
- Vertical elements, break up building

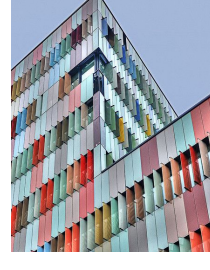
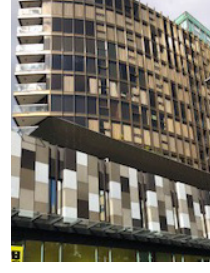
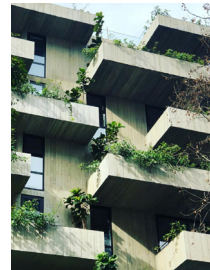


- Creative architecture



- Bulk
- Curves

MIXED OPINION



ACTIVITY 4: PLANNING CONTROLS

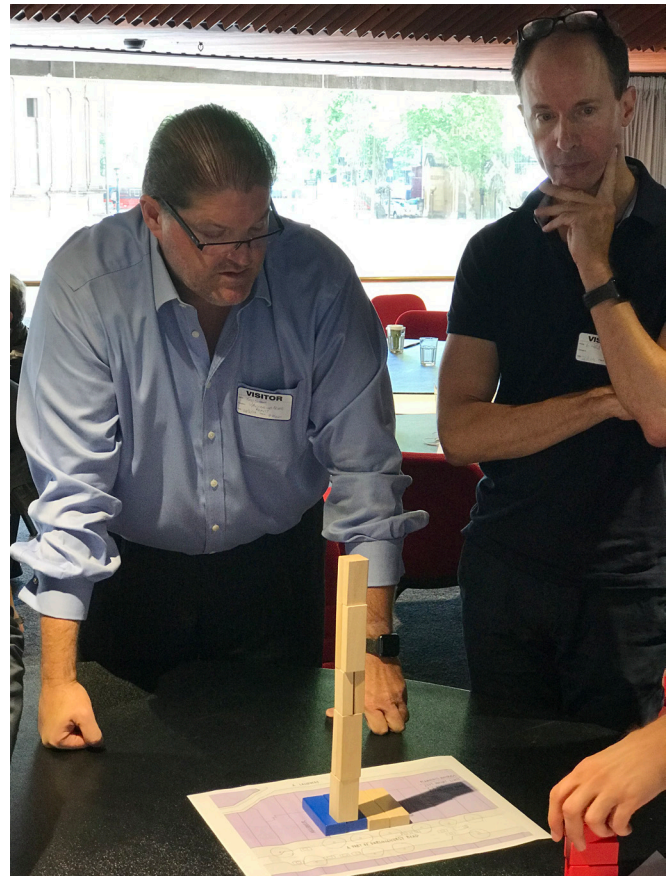
ACTIVITY OVERVIEW

This workshop activity aimed to help participants understand and explore current planning controls around built form volume along Darlinghurst Road, Kings Cross and how they would like to see controls change in the future, if at all.

Groups were presented with a scale plan of a part of Darlinghurst Road and a set of wooden blocks. After explaining current height limits and Floor Space Ratio (FSR), a planner or designer worked with the group to maneuver the blocks to demonstrate the scale, proportionality, shape and height of buildings, as well as the impact of land use (e.g. requirements around residential vs commercial land uses). Participants discussed what worked well, what didn't work, and what kind of development should be allowed in the study area in the future.

Rather than reach a consensus on preferred building form or controls, this workshop activity aimed to facilitate a discussion between community members and City of Sydney planners and designers. Some of the topics revealed polar opposite views amongst the group members and ignited robust conversations around each viewpoint.

Activity was run across two groups of approximately seven in each, with two models for each group. Model shapes led to discussion about setbacks, light, sun access and air, privacy and through site links. Models quickly turned to tall skinny buildings for both groups.



KEY DISCUSSION TOPICS INCLUDED:

ARCHITECTURE

Participants discussed that the character and design of what is built in the future is critical. In design terms, they identified that built form:

- Needs to be playful;
- Should be modern and eclectic;
- Should be something that people like to look at and talk about;
- Be a brilliant design - needs to be one of its kind - like Kings Cross has always been - pushing boundaries but excelling in the outcome;
- Modern but classic should be the benchmark design;
- Should not be boxes;
- Should not be "normal" or be 'typical' buildings;
- New buildings need reflect the stories of Kings Cross;
- Should have small balconies, or no balconies at all.

When the discussion was specific to residential land uses, the amenity requirements and the micro climate considerations increased in importance. Design issues such as orientation, sun access, overshadowing, siting, address to the street and character all become critical to in this context.

HEIGHT/FSR

Overall, the groups had a very good understanding of FSR. One group raised the issue that FSR was not a good control and in particular was inappropriate for this area. Given the choice, consensus was that it is more important to vary the height controls rather than the floorspace and suggested that Council to look more carefully at the 'doubled-edged sword' that is FSR and height together.

The group agreed that large massing is not an appropriate character for the precinct, but that stand-alone tall towers are appropriate. Specifically, 'pencil towers' were identified as being appropriate to the character of Kings Cross. A number of landowners felt that pencil towers are iconic, and given Kings Cross is also an 'iconic' place, this particular type of building would be in keeping with that character and desired identity.

Other comments about height and FSR included:

- Groups felt that additional height was appropriate if the tower was skinny
- Shouldn't have a height limit - manage the controls differently
- Thinner and higher will potentially yield better results by minimising overshadowing and protecting the integrity of the street to remain intact

- Taller buildings would activate the views as historically Kings Cross buildings took advantage of the ridge line and creating wonderful views back to the city & harbour
- Would create iconic buildings
- Ensure that the street frontage and ground level can be activated

Discussion digressed to actual, specific sites on Darlinghurst Road, and those sites should be treated specially and perhaps allowed additional floor area. Facilitator emphasised that the activity was generic, and that special conditions probably did exist in real world. Participants discussed that every site had special conditions.

TRADE OFFS

Groups felt that bonus blocks were appropriate if a community use (or community benefit) was included. Discussion that bonus blocks would be appropriate if open space at ground level was provided. The groups felt that a bonus would be appropriate for hotel use; hotels give a more 'international' feel.

There was also discussion within the groups about whether some uses mean that we 'give into' the overshadowing if the use was 'good' (examples cited were cinema and boutique hotel) the reward would be additional height. Participants also felt that bonus blocks and additional height was appropriate if an international architect was used.

SET BACKS

Overall, participants felt that setbacks should be encouraged as they create better street amenity. There was also discussion that public space could be located on ground, for example, setbacks from street, passages from Darlinghurst Road to rear lane. Participants were reminded that the hypothetical site did not extend from Road to Lane, purposefully, however they felt that Lane sites could/should be consolidated to Road sites. Participants discussed that most actual sites on Darlinghurst Road do extend from Road to rear Lane.

ACTIVITY 5: STREET EXPERIENCE

The purpose of this activity was to understand what people like to see and do along Darlinghurst Road, Kings Cross currently, and what they think is missing and would like to see and do in the future.

Activity Overview

Using large photos of the existing streetscape, participants were asked 3 consecutive questions:

- What they liked?
- What they didn't like?
- What they would like to change?

The individual comments have been captured on the following pages to the building that they correspond with.

KEY FINDINGS

What we like?

The height of the existing tall buildings, street activation and some of the smaller heritage facades were aspects of the Darlinghurst Road streetscape that landowners identified as things they liked.

A mix of design, colour and height were also elements that are appreciated as being a positive aspect of the existing streetscape.

What we didn't like?

Buildings that looked old and 'run-down' or were deemed to be of a poor architecture quality were aspects not liked by the landowners. The absence of people or street activity was also identified as something that landowners didn't like. It was noted that the street frontage of 109 Darlinghurst Road could be more open.

What would we change?

Overwhelmingly, landowners wanted more height in specific locations, such as 22-28 Darlinghurst Road (Bourbon site); 40-46B Darlinghurst Road; 33-35 Darlinghurst Road (Potts Point Hotel) fronting Springfield Plaza and 68-80 Darlinghurst Road, noting its location across from the station entrance.

There was strong agreement that the Medically Supervised Injecting Centre at 64-66A Darlinghurst Road should be moved from this location and closer to the hospital.

Other comments included a new link to Kellett Street with open space, that future site amalgamation creates opportunities and Springfield Plaza needs to be cleaner.

Frequently liked buildings were:

- 1A Barncleuth Sq – love the architecture and height
- 34-36A Darlinghurst Road - street activation
- 54/ 56-56B Darlinghurst Road – like the street life and activation
- 68-68A Darlinghurst Road – like the facades, history and the scale as an entry point into the area

Frequently disliked buildings:

- 38A Darlinghurst Road – don't like the architecture and badly maintained
- 40-40D Darlinghurst Road (slanted roof) – don't like the architecture
- 50-52 Darlinghurst Road - don't like the use of the building
- 58-60B Darlinghurst Road - don't like the architecture
- 62--62B Darlinghurst Road - don't like the architecture
- 95-105 Darlinghurst Road – don't like the architecture

Mixed opinions

- 109 Darlinghurst Road (Omnia) – mixed opinions on the architecture and height.



1A Barncleuth Sq

What we like:

- High rise (x3)
- Height and design (x2)
- Differentiation - not all high but a mix up [of height]
- Georgios downstairs

What we would like to change:

- More height (50 levels)

18-21 Darlinghurst Rd

22-28 Darlinghurst Rd

What we like:

- Facade should stay

What we would like to change:

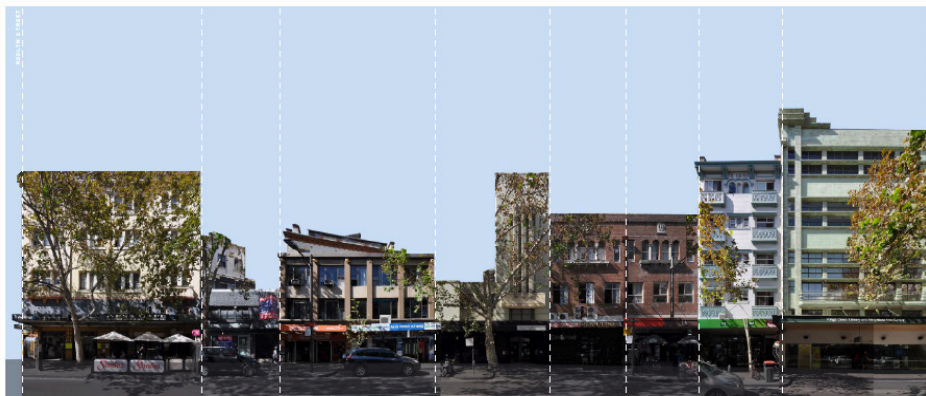
- High rise behind (x2)

30-30B Darlinghurst Rd

32-32A Darlinghurst Rd

What we would like to change:

- Pull Empire down and take [new] facade design from the original



34-36A Darlinghurst Rd

What we like:

- Street activation
- Retail
- Food

38A Darlinghurst Rd

What we don't like:

- Bad architecture
- Badly developed and ill maintained

40-40D Darlinghurst Rd

What we don't like:

- Dagggy and old, need to go
- Badly developed and ill maintained

What we would want to change:

- More height to get views

42 Darlinghurst Rd

What we would want to change:

- More height

44-46B Darlinghurst Rd

What we don't like:

- No people

What we would want to change:

- More height

48-48B Darlinghurst Rd

50-52 Darlinghurst Rd

What we like:

- Rooftop community centre

What we don't like:

- This is not a good use of this building



54 Darlinghurst Rd

56-56B Darlinghurst Rd

58-60B Darlinghurst Rd

62-62B Darlinghurst Rd

64 - 66A Darlinghurst Rd

68 - 68A Darlinghurst Rd

70 - 80 Darlinghurst Rd

What we like:

- Street activation with food, open space and retail

What we don't like:

- Second rate architecture
- Lifeless: no people

What we don't like:

- Boring architecture

What we like:

- The facades
- History of the facades
- It's a good scale as an entry into the area

What we would want to change:

- Need to link to Kellett Street with open space
- More height, major hotel employment

What we would want to change:

- Need height

What we would want to change:

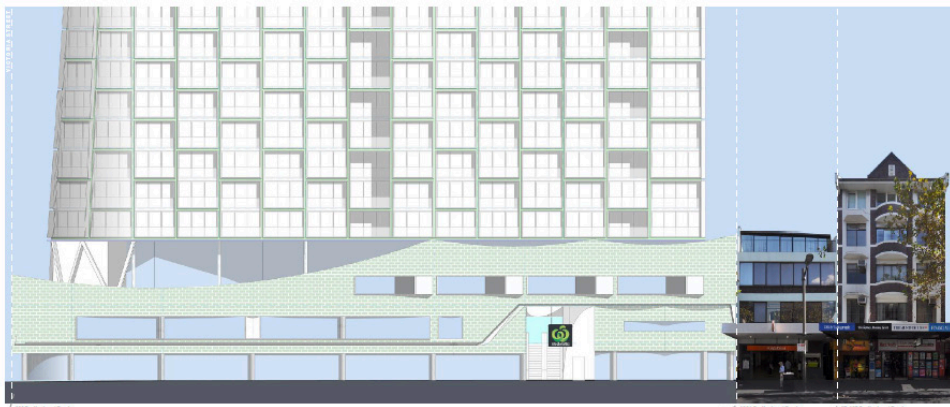
- Amalgamate sites creates opportunity

What we would want to change:

- Injecting room must go (x6)
- Injecting room moved to hospital (x3)
- See in the future a hotel to bring tourism

What we would want to change:

- More height
- Open views and more height (50 levels) for major hotels
- Opposite station, needs high rise



109 Darlinghurst Rd

What we like:

- Modern look
- Height (x2)
- Design
- Iconic (x2)
- Density

What we don't like:

- Facade design
- Streetscape should be more open

What we would want to change:

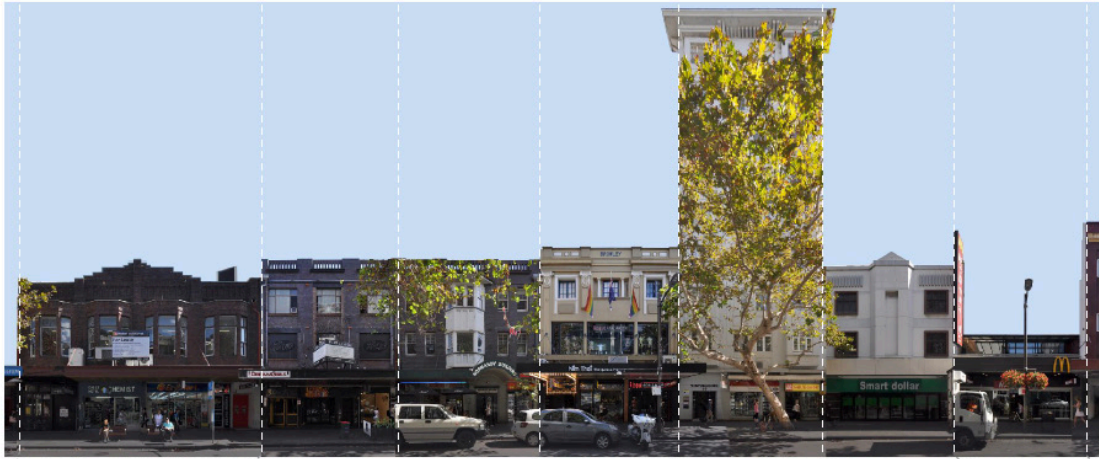
- More height (x2)
- street frontage

109A Darlinghurst Rd

95-105 Darlinghurst Rd

What we don't like:

- Bad architecture



83-97 Darlinghurst Rd

75-81 Darlinghurst Rd
67-73 Darlinghurst Rd

61-65 Darlinghurst Rd

57-59 Darlinghurst Rd

49-55 Darlinghurst Rd

45-47 Darlinghurst Rd

What we like:

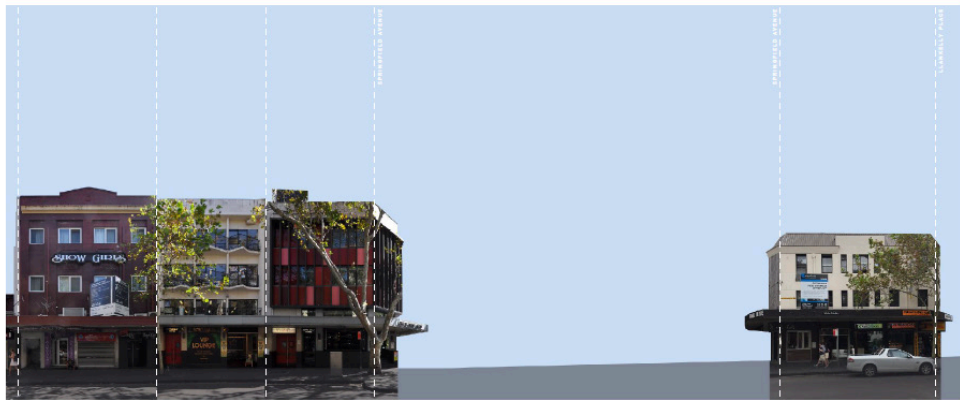
- Eclectic small commercial frontage (x2)

What we don't like:

- Dagggy, old [building], time to go

What we like:

- High rise



439-43 Darlinghurst Rd

37 Darlinghurst Rd

33-35 Darlinghurst Rd

Springfield Avenue

28-31 Darlinghurst Rd

What we don't like:

- No more showgirls

What we would want to change:

- Amalgamate site (x2)
- Incorporating pub on the corner with plenty of height

What we like:

- Good colour eclectic
- Best pub

What we would want to change:

- More height to bookend the block

What we would want to change:

- Plaza need to be more cleaner



1-21 Darlinghurst Road

1-21 Darlinghurst Rd

1-21 (1A-3A) Darlinghurst Rd

What we don't like:

- Daggly and old building, time to go

ONLINE SURVEY FINDINGS

The online survey was available to landowners between 5 February and 5 March 2019. This section provides an overview of findings from the survey.

RESPONDENT PROFILE

- In total, the online survey was completed by 24 respondents, of which:
 - 100% (24) own a property in Kings Cross
 - 46% (11) visit Kings Cross for entertainment, to catch up with family/friends, etc
 - 42% (10) work in Kings Cross
 - 13% (3) live in Kings Cross.
- Please note that questions were not required and not all respondents answered all questions. The number of respondents per question is indicated in each table.
- The majority of respondents were male (83%), while 17% identified as female.
- Respondents ranged across age groups:
 - 25 to 29 years (11%, 2 respondents)
 - 30 to 39 years (11%, 2 respondents)
 - 40 to 49 years (32%, 6 respondents)
 - 50 to 59 years (11%, 2 respondents)
 - 60 to 69 years (16%, 3 respondents)
 - 70+ years (11%, 2 respondents)
 - Prefer not to say (11%, 2 respondents).
- Respondents currently use Darlinghurst Road in a range of ways, including:
 - I walk through Darlinghurst Road to get somewhere else (53%, 10 respondents)
 - I visit the cafes and/or restaurants in Darlinghurst Road (79%, 15 respondents)
 - I visit the pubs and/or clubs in Darlinghurst Road (21%, 4 respondents)
 - I go to Darlinghurst Road to use services (e.g. gym, medical, shops, transport) (47%, 9 respondents), and
 - None of the above – I’m never in Darlinghurst Road, Kings Cross (5%, 1 respondent)

SURVEY FINDINGS

Describing the current character/personality of Darlinghurst Road

Respondents were asked to select words from a list that they would use to describe the current character/personality of Darlinghurst Road. The most commonly selected words were **'unsafe'** (46%, 11 respondents) and **'boring/dull'** (42%, 10 respondents).

Table 1 Which, if any of the following words would you use to describe the current character/personality of Darlinghurst Road, Kings Cross? (24 responses)

Word	#	%
Unsafe	11	46%
Boring/dull	10	42%
Changing	8	33%
Historical	5	21%
Iconic	5	21%
Gritty/grungy	4	17%
Interesting/intriguing	4	17%
Diverse	3	13%
Lively	2	8%
Community minded	2	8%
Quiet	2	8%
Bold	2	8%
Bohemian	1	4%
Provocative/promiscuous	1	4%
Beautiful	1	4%
Fun	1	4%
Safe	1	4%

Other words used include sad, dirty, rundown, ugly, trashy, smelly, and community minded.

Describing the future character/personality of Darlinghurst Road

Respondents were asked to select words from a list that they would use to describe the future character/personality of Darlinghurst Road. The most commonly selected words were **'lively'** (58%, 14 respondents) and **'safe'** (58%, 14 respondents).

Table 2 Which of the following words would you use to describe your preferred future character/personality for Darlinghurst Road in the next ten years or so? (24 responses)

Word	#	%
Lively	14	58%
Safe	14	58%
Fun	8	33%
Iconic	8	33%
Interesting/ intriguing	5	21%
Beautiful	4	17%
Historical	4	17%
Diverse	4	17%
Bohemian	3	13%
Community minded	3	13%
Bold	3	13%
Quiet	2	8%
Provocative/ promiscuous	1	4%
Gritty/grungy	0	0%
Boring/dull	0	0%
Changing	0	0%
Unsafe	0	0%

Other words used to describe the desired future character/personality were: a place with vitality; enjoyable place to live, work and visit; a place with lots of people (like an attractive restaurant); spectacular; 24hrs; secure; fancy.

Importance of different characteristics of Kings Cross

Respondents were asked to rate how important various characteristics are to the character of Kings Cross. The most important characteristics were seen to be:

- The public spaces (streets and plazas (42% important or very important)
- The amount of activity in the area (38% important or very important), and
- Places for people to live (38% important or very important).

Table 3 In your opinion, how important, if at all, are the following to the character of Kings Cross? (18 responses)

	Not at all important	Not very important	Somewhat important	Important	Very Important	Can't Say
Places for people to live	0%	0%	8%	13%	25%	0%
Places for businesses	0%	0%	4%	4%	13%	0%
Places for community activities	0%	0%	4%	13%	13%	0%
People who live in the area	0%	0%	0%	13%	17%	8%
People who visit the area	6%	4%	4%	4%	29%	0%
The amount of activity in the area	0%	4%	0%	8%	29%	4%
The scale and size of the buildings	0%	0%	4%	8%	13%	4%
The age of the buildings	0%	13%	4%	8%	13%	4%
The architecture and materials						
Design of the buildings	0%	13%	17%	4%	0%	0%
The public spaces (streets and plazas)	0%	17%	17%	17%	25%	0%

Agreement with statements about Darlinghurst Road

Respondents were asked whether they agreed or disagreed with statements about Darlinghurst Road as shown in table 4 below. The majority of respondents did not agree with any of the statements.

Table 4 Which, if any, of the following statements do you agree with? "Darlinghurst Road is important today as..." (17 responses)

Darlinghurst Road, Kings Cross is important today as...	# agree	# disagree
A place for locals	24%	76%
A place for all Sydneysiders	24%	76%
A place for visitors from across Australia	12%	88%
A place for international visitors	12%	88%
None of these	71%	29%

Land use options

Respondents were asked whether they would like to see the same, more, or a lot more of various land uses in the future in Darlinghurst Road. The top land use options that respondents would like to see **more** of were:

- Late-opening restaurants and cafes (94% more or a lot more), and
- Residential dwellings (73% more or a lot more).

The top land uses that respondents would like to see **less** of were:

- Supported housing / shelters (89% less or a lot less)
- Subsidised community office space (78% less or a lot less)

Table 5 Would you like to see a lot less, less, the same, more or a lot more [of the following] land use options? (Responses indicated in table)

	A lot less	Less	The same	More	A lot more	Can't Say	Total #
Theatre and performing arts venues	0%	0%	67%	22%	0%	0%	18
Creative arts spaces (galleries, studios)	6%	6%	67%	11%	0%	0%	18
Community facilities (library, community centre)	0%	33%	56%	6%	0%	0%	18
Subsidised community office space	50%	28%	11%	0%	6%	6%	18
Day-time restaurants and cafes	0%	0%	22%	78%	0%	0%	18
Shops specialist (eg. fashion, furniture, books, kids etc)	6%	0%	44%	50%	0%	0%	18
Shops and services – convenience	-	-	-	-	-	-	-
(supermarkets, corner store, bank, chemist, post office, etc.	0%	11%	11%	22%	56%	0%	18
Fresh food (eg. Butcher, baker, fruit)	0%	0%	11%	22%	67%	0%	18
Business/office space	17%	17%	11%	33%	22%	0%	18
Take-away food places	6%	11%	17%	44%	22%	0%	18
Health and fitness clubs (gyms)	6%	6%	72%	6%	6%	0%	18
Medical centres	0%	0%	75%	12.5%	12.5%	0%	16
Live music venues	0%	6%	11%	22%	61%	0%	18
Small bars	6%	0%	17%	17%	61%	0%	18
Nightclubs	11%	22%	17%	50%	0%	0%	18
Pubs	12%	0%	71%	12%	6%	0%	17
Late-opening restaurants and cafes	0%	0%	6%	22%	72%	0%	18
Strip clubs	0%	0%	0%	0%	0%	0%	17
Residential dwellings	0%	6%	22%	0%	73%	0%	18
Backpackers accommodation	28%	0%	17%	11%	44%	0%	18
Hotels / motels / serviced apartments	0%	6%	11%	11%	44%	0%	18
Supported housing / shelters	67%	22%	6%	0%	6%	0%	18

Residential uses and non-residential uses

While 44% (8) of respondents would like the same amount of non-residential uses on Darlinghurst Road, 33% (6) would like to see a lot less non-residential uses.

Table 6 In comparison to the amount of non-residential uses on Darlinghurst Road now, would you like to see...? (18 responses)

	#	%
A shift to more non-residential uses and away from residential uses	0	0%
A lot less non-residential uses	6	33%
Less non-residential uses	1	6%
The same amount of non-residential uses	8	44%
More non-residential uses	3	17%
Many more non-residential uses	0	0%
Can't say	0	0%

Respondents gave a range of reasons for their choice, including:

- Current high vacancy rates for non-residential spaces. More residential uses means greater activity along Darlinghurst Road
- Would like to see more non-residential uses that are "classy" (e.g. not strip clubs and night clubs)
- It is good to have a mix of business and residential uses
- The character of Kings Cross is underpinned by non-residential activity which has supported diversity and inclusion, while providing services and supporting visitation to the area
- Would like to see more night-life uses
- There is already enough non-residential uses, however they could be utilised better.

The Bourbon / former Bourbon & Beefsteak Hotel

There was a fairly even split between respondents who indicated that The Bourbon / former Bourbon & Beefsteak Hotel is significant or very significant to them (27%) and respondents who indicated it is not very significant or not at all significant to them (26%).

Table 7 What level of social, cultural or historical value or significance, if any, does The Bourbon/former Bourbon & Beefsteak Hotel have to you? (19 responses)

	#	%
Very significant/valuable	3	16%
Significant/valuable	2	11%
Somewhat significant/valuable	11	58%
Not very significant/valuable	3	26%
Not at all significant/valuable	0	0%

Respondents that indicated that the Bourbon / former Bourbon & Beefsteak Hotel is significant or very significant gave as reasons its architectural and historical value, the stories and memories, and its aesthetic value.

The Empire / former venue of Les Girls

While 42% of respondents indicated that they think the Empire / former venue of Les Girls is somewhat significant to them, a large proportion of respondents indicated that it is not or not at all significant to them (43%).

Table 8 What level of social, cultural or historical value or significance, if any, does The Empire / former venue of Les Girls have to you? (19 responses)

	#	%
Very significant/valuable	1	6%
Significant/valuable	2	11%
Somewhat significant/valuable	8	42%
Not very significant/valuable	2	11%
Not at all significant/valuable	6	32%

Respondents that indicated that the Empire / former venue of Les Girls is significant or very significant gave as reasons its historical significance as a LGBTI+ venue.

Other significant uses, business or places

Respondents identified other significant uses, businesses or places within the study area including:

- The Omnia Building
- Wintergarden building
- The Coke sign
- Minton House
- Fire station
- Mcleay streetscape
- Council building
- The Astor
- Woolworths building
- Kings Cross hotel
- The Pussy Cat
- Dreamgirls
- The Claremont
- The Mandalay
- Tonic
- Fountain Café / former CJs.

The look of Darlinghurst Road

Respondents indicated that they like the following things about the look of the buildings in Darlinghurst Road:

- Tall buildings (8 comments)
- The modulation of heights and styles (1 comment)
- Low buildings (1 comment)
- The character, the slightly crumbly nature, the seedy top levels (1 comment).

Respondents indicated that they dislike the following things about the look of the buildings in Darlinghurst Road:

- Run down buildings / poorly maintained (8 comments)
- Needs more tall residential buildings (4 comments)
- New renovations are stripping the character of the street (1 comment).

Change over time

The majority of respondents (83%) indicated that they think Darlinghurst Road has changed for the worse compared with 10 to 20 years ago.

Table 9 Compared with 10 to 20 years ago, which one statement below do you think best describes Darlinghurst Road, Kings Cross now?

	#	%
Darlinghurst Road has changed for the better	3	17%
Darlinghurst Road has stayed the same	0	0%
Darlinghurst Road has changed for the worse	15	83%
I don't know	0	0%
Not at all significant/valuable	0	0%
Many more non-residential uses	0	0%
Can't say	0	0%

Respondents gave as reasons:

- Darlinghurst Road has an appearance of neglect (e.g. vacant shops and empty commercial space)
- It is not perceived to be safe (e.g. drug use, poor security of streets, aggressive policing)
- Businesses have closed and moved out
- Lock-out laws have led to loss of character as a night-time precinct
- It is safer for residents at night
- Lack of amenity
- Poor security of streets
- Gentrification leading to noise complaints from newer residents

Item 3.

City of Sydney Local Planning Panel - Appointment of Additional Expert Members

Document to Follow

Item 4.

Fire Safety Reports

File No: S105001.002

Summary

The City has received inspection reports with recommendations from Fire and Rescue NSW in relation to inspections carried out on buildings located within the City's local government area.

Fire and Rescue NSW has powers under the Environmental Planning and Assessment Act 1979 (the Act) to carry out inspections of buildings and it is required to forward its findings to the City.

Fire and Rescue NSW reports received by the City are required to be tabled before Council. Council is then required to determine whether or not to exercise its power to issue a fire safety order under Division 9.3 and Schedule 5 of the Act (previously section 121B of the Act).

This determination may be made at the next meeting of Council held after the tabling of the Fire and Rescue NSW reports.

Attached are details of the reports received by the City from Fire and Rescue NSW that are required to be tabled.

The attachments deal with a specific property and include the Fire and Rescue NSW report and the findings (preliminary or final) by the City's Investigation Officer, along with other documentation relevant to that property.

A recommendation is made in the attachment setting out the action that is recommended to be the most appropriate to take in the circumstances.

Recommendation

It is resolved that Council:

- (A) note the contents of the Fire Safety Report Summary Sheet, as shown at Attachment A to the subject report;
- (B) note the inspection reports by Fire and Rescue NSW, as shown at Attachments B to N of the subject report;
- (C) exercise its power to issue a Fire Safety Order on the owners of 15-17 Hunter Street, Sydney, as detailed in Attachment B;
- (D) exercise its power to issue a Fire Safety Order on the owners of 64 Clarence Street, Sydney, as detailed in Attachment C;
- (E) not exercise its power to issue a Fire Safety Order at this time but note the compliance action taken as recommended by the City's Investigation Officer in 275 Pitt Street, Sydney, as detailed in Attachment D;
- (F) not exercise its power to issue a Fire Safety Order at this time but note the compliance action taken as recommended by the City's Investigation Officer in 284-292 Pitt Street, Sydney, as detailed in Attachment E;
- (G) not exercise its power to issue a Fire Safety Order at this time but note the compliance action taken as recommended by the City's Investigation Officer in 77-83 William Street, Darlinghurst, as detailed in Attachment F;
- (H) not exercise its power to issue a Fire Safety Order at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 10-24 Flinders Street, Darlinghurst, as detailed in Attachment G;
- (I) not exercise its power to issue a Fire Safety Order at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 228 William Street, Woolloomooloo, as detailed in Attachment H;
- (J) not exercise its power to issue a Fire Safety Order at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 320 George Street, Sydney, as detailed in Attachment I;
- (K) not exercise its power to issue a Fire Safety Order at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 1 Dixon Street, Sydney, as detailed in Attachment J;
- (L) exercise its power to issue a Fire Safety Order on the owners of 5-11 Egan Street, Newtown as recommended by the City's Investigation Officer, as detailed in Attachment K;
- (M) not exercise its power to issue a Fire Safety Order at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 296-298 Botany Road (aka 280 Wyndham Street), Alexandria as detailed in Attachment L;

- (N) not exercise its power to issue a Fire Safety Order at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 339-347 Kent Street, Sydney, as detailed in Attachment M; and
- (O) not exercise its power to issue a Fire Safety Order at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 17-27 Wheat Road, Sydney, as detailed in Attachment N.

Attachments

- Attachment A.** Fire Safety Report Summary Sheet
- Attachment B.** Inspection Report - 15-17 Hunter Street, Sydney
- Attachment C.** Inspection Report - 64 Clarence Street, Sydney
- Attachment D.** Inspection Report - 275 Pitt Street, Sydney
- Attachment E.** Inspection Report - 284-292 Pitt Street, Sydney
- Attachment F.** Inspection Report - 77-83 William Street, Darlinghurst
- Attachment G.** Inspection Report - 10-24 Flinders Street, Darlinghurst,
- Attachment H.** Inspection Report - 228 William Street, Woolloomooloo
- Attachment I.** Inspection Report - 320 George Street, Sydney
- Attachment J.** Inspection Report - 1 Dixon Street, Sydney
- Attachment K.** Inspection Report - 5-11 Egan Street, Newtown
- Attachment L.** Inspection Report - 296-298 Botany Road, Alexandria
- Attachment M.** Inspection Report - 339-347 Kent Street, Sydney
- Attachment N.** Inspection Report - 17-27 Wheat Road, Sydney

Background

1. The City receives inspection reports and recommendations from Fire and Rescue NSW in relation to inspections carried out on buildings located within the City's local government area.
2. Under the Environmental Planning and Assessment Act 1979 (the Act), Fire and Rescue NSW has the power to carry out inspections of certain buildings to determine if the building has adequate provision for fire safety and/or is compliant with legislation.
3. On average, the City receives approximately 50 or more such reports each year. They can be prompted by reports from the Police or other people who have a concern relating to fire safety in a building.
4. When Fire and Rescue NSW carries out such an inspection, a report and any recommendations must be provided to the City.
5. Under the Act, Council is then required to table the report and make a determination as to whether it will exercise its power to issue a Fire Safety Order 1 or 2 in Schedule 5, Part 2 of the Act. Fire Safety Order 1 requires a person to do, or stop doing, certain specified things to improve fire safety; Fire Safety Order 2 requires a person to cease conducting an activity on premises where that activity constitutes, or is likely to constitute, a life-threatening hazard or a threat to public health or public safety.
6. Attached are the details of the reports received from Fire and Rescue NSW, including recommendations for further action. The properties have also been reviewed by the City's Health and Building Unit.
7. Personal information has been redacted from these reports in accordance with the Privacy and Personal Information Protection Act 1998.

Relevant Legislation

8. Environmental Planning and Assessment Act 1979.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

Luke Farrell, Fire Safety and Essential Services Specialist

Attachment A

Fire Safety Report Summary Sheet

Fire Safety Report Summary Sheet
Cl.17, Schedule 5 of the Environmental Planning and Assessment Act 1979, reports to Council, S105001.002

Total number of properties tabled: 13

Report- April 2019

Summary table

Att. (A-N)	Premises Specifics (predominate building use)	Actions/ Recommendation
A	Not applicable – Summary Sheet	Summary of clause 17, Schedule 5 matters tabled at Council meeting.
B	15-17 Hunter Street, Sydney, Residential Hotel	Premises inspected, a notice of intention to issue a fire safety order is being prepared to remedy identified fire safety deficiencies.
C	64 Clarence Street, Sydney, Licenced Premises	Premises inspected, a notice of intention to issue a fire safety order is being prepared to remedy identified fire safety deficiencies.
D	275 Pitt Street, Sydney, Adult Entertainment Venue	Premises inspected, owners have been issued with corrective action correspondence; follow up compliance site inspections are to be undertaken to ensure fire safety works are satisfactorily completed.
E	284-292 Pitt Street, Sydney, Licenced Premises "Arthouse"	Premises inspected, owners will be issued with corrective action correspondence; follow up compliance site inspections are to be undertaken to ensure fire safety works are satisfactorily completed.
F	77-83 William Street, Darlinghurst, Nightclub	Inspection undertaken by a Council investigation officer. It is recommended that the Owners continue to comply with the previously issued fire safety order under Schedule 5 of the Environmental Planning and Assessment Act, 1979.
G	10-24 Flinders Street, Darlinghurst, Boarding House	Premises inspected, no significant fire safety issues identified; fire safety certification current and compliant. Report to be noted. No further action required
H	228 William Street, Woolloomooloo, Licenced Premises "O' Malley's"	Inspections undertaken by a Council Investigation Officer revealed that the corrective action fire safety works previously required and inspected by Council are compliant.
I	320 George Street, Sydney, Licenced Premises "Ivy"	Premises inspected, owners have been issued with corrective action correspondence; follow up compliance site inspections are to be undertaken to ensure fire safety works are satisfactorily completed.

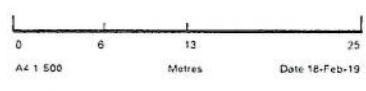
J	1 Dixon Street, Sydney, Licenced Premises	Premises inspected. The owners have been served with an Order under the requirements of the Environmental Planning and Assessment Act, 1979 which, once deemed compliant will provide the occupants of the premise with adequate provisions for fire safety.
K	5-11 Egan Street, Newtown, Boarding House	Premises inspected, and a fire safety order under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979 is being prepared to ensure and promote adequate facilities for fire safety/fire safety awareness.
L	296-298 Botany Road (aka 280 Wyndham Street), Alexandria, Factory	Premises inspected. The building will be vacated within the next six (6) weeks as the site is due to be redeveloped. On that basis, the site is it is not considered that further action is warranted in this instance.
M	339-347 Kent Street, Sydney, Bar/Restaurant	An inspection has revealed the overall fire safety systems within the premises are considered adequate in the circumstances.
N	17-27 Wheat Road, Sydney, "Home Nightclub"	Premises inspected, owners will be issued with corrective action correspondence; follow up compliance site inspections are to be undertaken to ensure fire safety works are satisfactorily completed.

Attachment B

**Inspection Report - 15-17 Hunter
Street, Sydney**



city of sydney



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**Council investigation officer Inspection and Recommendation Report
Clause 17(2) of Schedule 5, of the Environmental Planning and Assessment Act
1979 (the Act)**

File: CSM 2027742

Officer: Hieu Van Luu

Date: 18 February 2019

Premises: 15-17 Hunter Street Sydney

Executive Summary

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises at 15-17 Hunter Street, Sydney with respect to matters of fire safety.

The site is located fronting Hunter Street between George Street and Pitt Street Sydney. It consists of a four storey building. The ground floor building consists of two shops with boarding houses accommodation occupy the floors above.

An inspection of the premises undertaken by a Council investigation officer in the presence of the Assistance Manager revealed that the premises are deficient in fire safety and egress provisions in the following areas:

- 1) The aluminium composite panelling attached to the internal non-fire isolated exit stairway providing egress for City Lodge hotel; and
- 2) The maintenance issue of exit signages;

Council investigations have revealed that whilst the overall fire safety systems provided within the subject premises were being maintained and the annual fire safety certification is current and compliant and is on display, the above fire safety deficiencies are required to be addressed.

The premises are deficient in the provisions for fire safety especially the use of combustible aluminium composite panelling and a fire safety order is being prepared to be issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 so as to ensure and promote adequate facilities for fire safety/fire safety awareness.

Other fire safety issues identified by FRNSW (such as location of sprinkler system booster assembly and exit travel distances) are noted. No further action will be taken with these issues as they were previously satisfactory dealt with under appropriate applications.

Chronology:

Date	Event
31/1/2019	FRNSW correspondence of 24 January 2019 received regarding premises 15-17 Hunter Street, Sydney
18/2/2019	An inspection of the subject premises was undertaken by a Council officer in attendance of the boarding-house Assistance Manager. The inspection confirmed the issues raised by FRNSW. The issues associate with fire doors of laundry and store rooms being choked open have been rectified. The Fire Indicator Panel was clear of all faults and isolation.

FIRE AND RESCUE NSW REPORT:

References: [BFS18/3700 (5808); D19/3070; Trim 2019/079142]

Fire and Rescue NSW conducted an inspection of the subject premises in relation to a fire incident (11 December 2018) and after receiving a correspondence in relation to the adequacy of the provision for fire safety in connection with the premises.

Issues

The report from FRNSW detailed a number of issues, in particular noting that;

1. The maintenance issues associate with the Fire Indicator Panel (FIP) for the Smoke Detection and Alarm System;
2. Possible obstruction issue with the current location of the sprinkler system booster assembly;
3. The maintenance issue of exit signages;
4. The exit travel distances of levels 1 & 2 of City Lodge Hotel;
5. The issues associate with fire doors of laundry and store rooms being choked open; and
6. The aluminium composite panelling attached to the internal non-fire isolated exit stairway providing egress for City Lodge hotel.

FRNSW Recommendations

FRNSW have recommended that Council to inspect and take action to have the identified fire safety issues appropriately addressed and to inspect and address any other fire deficiencies identified on the premises.

FRNSW have also requested that as soon as practical after the above report has been tabled and considered, that notice of any determination in relation to the report and recommendations is forwarded to them in accordance with clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order(NOI)	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	Continue to undertake compliance action in response to issued Council correspondence	Continue with compliance actions under the current Council Order	Other (to specify)
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As a result of a site inspection undertaken by Council investigation officers it is recommended that Council exercise its powers to give a notice of intention (NOI) for a fire safety order to be issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 to address the fire safety deficiencies identified by FRNSW and Council's building officer.

The issue of a fire safety order will ensure that suitable fire safety systems are in position throughout the building to provide improved and adequate provisions for fire safety

That the Commissioner of FRNSW be advised of Council's actions and determination.

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/079142-01
A2.	Locality Plan	2019/079142-02
A3	Attachment cover sheet	2019/079142-03

Trim Reference: 2019/079142

CSM reference No#: 2027742



File Ref. No: BFS18/3700 (5808)
TRIM Ref. No: D19/3070
Contact: [REDACTED]

24 January 2019

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT
CITY LODGE HOTEL
15-17 HUNTER STREET, SYDNEY ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 12 December 2018, in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated, in part, that:

As a result of a concealed space fire which took place at 12:24pm on 11 December 2018 (sprinkler operated to control the fire prior to FRNSW arrival and full extinguishment) [REDACTED] spoke with me about an egress issue of the premises. The City Lodge Hotel is a two level building (RIS = 3), is sprinkler protected and has smoke detection.

I visited the premises on 12 December and spoke with the part time Manager and a member of staff regarding a few fire safety issues that FRNSW Officers had discussed that morning. The hotel can accommodate a maximum of 50 people within 20 rooms. 19 are 2 people rooms however an additional bed can be provided if available. The other room accommodates 4, with a similar option for an additional bed. There is only one exit/egress path.

Currently, the FIP is located at the street side of the stairwell entry/exit doorway. The sprinkler booster is within the same very small entry enclosure situated off

Hunter Street. The hotel glass door opens out towards Hunter Street directly onto the FIP door and Sprinkler enclosure door if they are open. Additionally, should the sprinkler system require boosting, the exit/egress path would be even further compromised.

At the time of my visit to speak with the Manager, the FIP had two zones in isolate. There was only eight zones within the conventional system. This was explained to the manager as being of a high concern which required rectification. She showed me a business card of a fire contractor who was scheduled to attend the site to look into the system issues.

I believe a visit to this premises would be worthwhile to ensure fire safety is maintained with only a single exit serving the property. Thank you.

Pursuant to the provisions of Section 9.32 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 14 December 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32 (4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

COMMENTS

Please note, that this report is limited to observations and sections of the building accessed at the time of the inspection. As such, this report lists potential deviations from the National Construction Code 2016 Building Code of Australia - Volume 1 Amendment 1 (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed outline concerns that may contradict development consent approval or correlate to the building's age. In this regard, it is council's discretion as the appropriate regulatory authority to conduct its own investigation and consider the most appropriate action.

The premises consists of two (2) shops on the ground floor ('Salad Works' and 'Little Vietnam Restaurant') with accommodation ('City Lodge Hotel') occupying the floors above. The following items were identified as concerns during the inspection:

1. Essential Fire Safety Measures

1A. Smoke Detection and Alarm System

- A. An isolation and fault were displayed on the Fire Indicator Panel (FIP), which were associated with level 2 of the City Lodge Hotel.

A re-inspection of the premises on 18 December 2018, revealed that the FIP was clear of all faults and isolations.

- B. The covering door to the FIP sits flush with the wall and does not have a handle to open the door, which made it difficult to open and access the FIP.

1B. Sprinkler System

- A. The booster assembly is located within the area of the entry foyer to the City Lodge Hotel. At a time when firefighting hoses are connected to the booster assembly, occupant egress from the City Lodge Hotel would be compromised as the hoses could cause an obstruction.

1C. Exit Sign

- A. Some exit signage was not illuminated and not maintained contrary to the requirements of Clause E4.8 of the NCC, Section 6 of Australian Standard (AS) 2293.1-2005 and Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

2. Access and Egress

- 2A. The travel distances from the entry doors of sole occupancy units room no. 203 on level 1 and room no. 403 on level 2 appears to exceed 6m to an exit or a point of choice to two exits, contrary to the requirements of Clause D1.4 of the NCC.

3. Compartmentation

- 3A. Door chocks were holding open the fire door of the laundry and the fire door of the store room on level 1, prohibiting the doors from self-closing, contrary to the requirements of Clause 3.4 and Specification C3.4 – Clause 3 of the NCC.

4. Generally

- 4A. A visual inspection of the internal non-fire isolated stairway, providing egress from the accommodation area to Hunter Street, revealed that the wall lining appears to consist of aluminium composite panelling. It could not be determined if the wall lining complies with Clause C1.10 of the NCC.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 4 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/3700 (5808) for any future correspondence in relation to this matter.

Yours faithfully



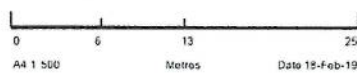
[REDACTED]
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment C

**Inspection Report – 64 Clarence Street,
Sydney**



city of villages



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**Council Investigation Officer Inspection and Recommendation Report
Clause 17(2) of Schedule 5, of the Environmental Planning and Assessment Act
1979 (the Act)**

File: CSM 2027746

Officer: Hieu Van Luu

Date: 21 February 2019

Premises: 64 Clarence Street, SYDNEY – Velvet Underground Sydney

Executive Summary

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises at 64 Clarence Street, Sydney with respect to matters of fire safety.

The site is located on the corner of Clarence Street, Erskine Street and York Lane Sydney with the specific tenancy being located on the basement level, access from the corner of Erskine Street and York Lane.

The premises consists of a seven storey building and a basement. A convenience store is located on ground floor level with offices on the upper floors.

Council investigations have revealed that the premises are deficient in fire safety and egress provisions in the following areas:-

- 1) A number of heat detectors provided within the premises in lieu of smoke detectors;
- 2) Issues associate with the maintenance of the existing fire hydrant system;
- 3) The space beneath the non-fire-isolated stair was enclosed to form an office/reception area.

Council investigations have revealed that whilst the overall fire safety systems provided within the subject premises were being maintained and the annual fire safety certification is current and compliant and is on display, the above fire safety deficiencies are required to be addressed.

The premises are deficient in the provisions for fire safety and a fire safety order is being prepared to be issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 so as to ensure and promote adequate facilities for fire safety/fire safety awareness.

Observation of the external features of the building did not identify the existence of metal composite cladding.

Chronology:

Date	Event
31/1/2019	FRNSW correspondence of 24 January 2019 received regarding premises 64 Clarence Street, Sydney
18/2/2019	An inspection of the subject premises was undertaken by a Council officer but full access was not allowed due to the Manger was not presented at the premises.
22/2/2019	The premises was reinspected in attendance of the manager. The inspection confirmed the issues raised by FRNSW. The issues associate with the operation of the main entry fire doors have been rectified. All portable fire extinguishers were accessible.

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/079415-01
A2.	Locality Plan	2019/079415-02
A3	Attachment cover sheet	2019/079415-03

Trim Reference: 2019/079415

CSM reference No#: 2027746



File Ref. No: BFS18/3692 (5802)
TRIM Ref. No: D19/4345
Contact: [REDACTED]

24 January 2019

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT
'VELVET UNDERGROUND SYDNEY'
64 CLARENCE STREET, SYDNEY ("the premises")**

Pursuant to the provisions of Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 8 December 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW). The inspection was also conducted in the company of Officers from the NSW Police Force.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the 'Velvet Underground Sydney', where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

COMMENTS

Please note, that this report is limited to observations and sections of the building accessed at the time of the inspection. As such, this report lists potential deviations from the National Construction Code 2016 Building Code of Australia - Volume 1 Amendment 1 (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed outline concerns that may contradict development consent approval or correlate to the building's age. In this regard, it is council's discretion as the appropriate regulatory authority to conduct its own investigation and consider the most appropriate action.

The following items were identified as concerns during the inspection:

1. Essential Fire Safety Measures
 - 1A. Smoke Detection and Alarm System
 - A. There were a number of heat detectors within the premises, in lieu of smoke detectors, contrary to the requirements of Specification E2.2a of the NCC.
 - 1B. Fire Hydrant System
 - A. Boost pressure and test pressure signage has not been provided in a prominent position adjacent to the fire brigade booster assembly, contrary to the requirements of Clause 7.10.1 of Australian Standard (AS) 2419.1-2005.
 - B. Isolating valves were not secured or locked in the open position, contrary to the requirements of Clause 8.5.8 of AS 2419.1-2005.
 - 1C. Fire Doors
 - A. The main entry fire doors which separate the reception foyer from the main area of the premises, are held open by magnetic hold open devices. The test button, when pressed, failed to release the magnetic hold of the door to return the door to the fully closed position, contrary to the requirements of Clause C3.4 of the NCC.
 - 1D. Portable Fire Extinguishers (PFE)
 - A. A PFE located in the south-western corner of the premises was not readily accessible, as there were items stored in front of it, contrary to the requirements of Clause 3.2 of AS 2444-2001.
2. Access and Egress
 - 2A. Space under stairs – A space beneath the non-fire-isolated stair, providing access/egress from the 'premises' was enclosed and used as

an office / reception area, contrary to the requirements of Clause D2.8(b) of the NCC.

3. Generally

3A. Fire Hydrant System

It appears that the fire hydrant system may have been installed in accordance with the provisions of Ordinance 70, however, the block plan states the system was installed to AS2419 (1994), with the year of installation nominated as 2002.

In light of this, FRNSW brings to your attention a position statement published by FRNSW on 8 January 2019. The statement is shown below:

Fire hydrant system in existing premises

When the consent authority (e.g. local Council) is assessing the adequacy of an existing fire hydrant system installed in accordance with the provisions of Ordinance 70 and Ministerial Specification 10 (or earlier), FRNSW recommend that the system be upgraded to meet the requirements of the current Australian Standard AS 2419.1 to facilitate the operational needs of FRNSW.

It may be appropriate for a partial upgrade of the existing fire hydrant system be undertaken. A partial upgrade may be proposed to address deficiencies in the design and/or performance of the existing fire hydrant system, when assessed against the requirements of Australian Standard AS 2419.1, so that the upgraded fire hydrant system will meet the operational needs of FRNSW. Where a hybrid fire hydrant system is proposed, which incorporates the design and performance requirements from two different standards, the proponent should consult with FRNSW on the requirements for the fire hydrant system.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 2 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17(4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/3692 (5802) for any future correspondence in relation to this matter.

Yours faithfully



[REDACTED]
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment D

**Inspection Report – 275 Pitt Street,
Sydney**



**Council Investigation Officer Inspection and Recommendation Report
Clause 17(2) of Schedule 5, of the Environmental Planning and Assessment Act
1979 (the Act)**

File: CSM 2034307

Officer: Michael Merlino

Date: 20 February 2019

Premises: 275 Pitt Street, Sydney "Arthouse Hotel"

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 8 February 2019 with respect to matters of fire safety.

The premises known as the "Arthouse Hotel" consists of a 3 storey building with a mezzanine level used as a pub with gaming room, bar and a restaurant/function areas. The building is configured as follows:

- Ground floor level – Pub and gaming room
- Mezzanine level – Amenities
- First floor level – Restaurant
- Second floor level – bar/function area

An inspection of the premises undertaken by a Council investigation officer in the presence of the business owner have revealed that there were no significant fire safety issues occurring within the building.

The premises are equipped with numerous fire safety systems (both active and passive) that would provide adequate provision for fire safety for occupants in the event of a fire. The annual fire safety certification is current and compliant in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

Council investigations have revealed that whilst there remains several minor fire safety "maintenance and management" works to attend to including an additional exit sign and repairs/maintenance to existing exit signage, the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

It is considered that the above fire safety works are of a degree which can be addressed by routine preventative and corrective maintenance actions undertaken by the owner's fire service contractor through written instruction from Council.

Observation of the external features of the building did not identify the existence of metallic sheet cladding on the façade of the building.

Chronology:

Date	Event
11/2/2019	FRNSW correspondence received regarding premises "Arthouse Hotel" 275 Pitt Street, Sydney.
19/2/2019	An initial desktop review of the subject building revealed that the building has a fire safety schedule and is required to submit annual fire safety statements to Council and FRNSW. The building has a current compliant annual fire safety statement, with the next one due by 28 September 2019.

19/2/2019	An inspection of the subject premises was undertaken by a Council officer which revealed the following: 1. One exit sign was not illuminated and required repairs; 2. Artificial vegetation was blocking view of directional exit signage; 3. Additional exit sign is required adjacent to second floor exit door.
20/2/2019	Corrective action correspondence issued to the business owner of the premises requiring the abovementioned matters to be satisfactorily addressed.

FIRE AND RESCUE NSW REPORT:

References: [BFS18/3689 (5799), D19/8227, 2019/066685]

Fire and Rescue NSW conducted an inspection of the subject premises in conjunction with the NSW police force on 9 December 2018:

Issues

The report from FRNSW detailed a number of issues, in particular noting

1. Faults and isolations to the fire indicator panel which were later confirmed did not relate to the premises being Arthouse hotel,
2. Multiple exit signs were not illuminated,
3. Inadequate directional exit signs to the second floor level.

FRNSW Recommendations

FRNSW have made a number of recommendations within their report. In general FRNSW have requested that Council:

1. Inspect the subject premises and take action to have the identified fire safety issues appropriately addressed;
2. Advise them in writing of its determination in relation to this matter in accordance with the provisions of clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order(NOI)	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	Undertake compliance action in response to issued Council correspondence	Continue with compliance actions under the current Council Order	Other (to specify)

As a result of the above site inspection undertaken by Council investigation officers it is recommended that the owners of the building continue to comply with the written fire safety compliance instructions as issued to rectify the identified fire safety deficiencies noted by FRNSW.

Follow-up compliance inspections are currently being undertaken, and will continue to be undertaken by a Council investigation officer to ensure already identified fire safety matters are suitably addressed and that compliance with the terms of Councils correspondence and the recommendations of FRNSW occur.

It is recommended that Council not exercise its powers to give a fire safety order at this time.

That the Commissioner of FRNSW be advised of Council's actions and outcomes

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/085242-01
A2.	Locality Plan	2019/085242-03
A3	Attachment cover sheet	2019/085242-02

Trim Reference: 2019/085242

CSM reference No#: 2034307



Project completion tasks

- Specialist will advise you of council resolution (email)
- FRNSW response to be sent (see template in wdrive-point 12 above)
- Continue with your recommendations/actions (issue NOI/other compliance actions-*2 week deadline to fulfil resolution*)
- Input compliance recording (csm notes/update spreadsheet in trim/other)
- Complete your csm **only** if your compliance actions have been satisfactorily completed.



File Ref. No: BFS18/3689 (5799)
TRIM Ref. No: D19/8227
Contact: [REDACTED]

8 February 2019

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

Re: **INSPECTION REPORT**
"THE ARTHOUSE HOTEL"
275 PITT STREET, SYDNEY ("the premises")

Pursuant to the provisions of Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 9 December 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW). The inspection was also conducted in the company of Officers from the NSW Police Force.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures within "The ArtHouse Hotel – 275 Pitt Street" only, as identified in this report.
- A conceptual overview of the "The ArtHouse Hotel – 275 Pitt Street", where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

COMMENTS

It is noted that "The ArtHouse Hotel" forms part of 'The Galleries' shopping centre (500 George Street) and the inspection was limited to "The ArtHouse Hotel" portion only.

The following items were identified as concerns at the time of inspection:

1. Essential Fire Safety Measures

1A. The Automatic Fire Detection and Alarm System:

- a) Mimic Panel located in the ArtHouse Hotel: The automatic smoke detection and alarm system did not appear to be capable of operating to the standard of performance from when it was first designed and installed in contravention with the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation). The following issues were identified as concerns at the time of inspection.
 - i. The Mimic Panel was displaying eight (x8) faults.
 - ii. The Mimic Panel was displaying three (x3) isolations

Discussions with the Operations Manager from Vicinity Centres (), following the inspection revealed that the detection system for 'The ArtHouse Hotel' forms part of a shared service between 'The Galleries' shopping centre (which includes 'The ArtHouse Hotel') and the Citigroup Centre (2-26 Park Street).

Correspondence received on 12 December 2018 from (), following a review of the detection system by the fire services contractor, revealed that none of the faults or isolations were associated with 'The ArtHouse Hotel' and the 3 isolations and 3 of the 8 faults were associated with Citigroup Centre building, with the remaining 5 faults being attributed to the current fit-out and maintenance works associated within 'The Galleries' shopping centre. Furthermore, it was advised that Citigroup property managers were made aware of the isolations and faults associated with their part of the system/building, whom indicated the issues would be investigated and repaired.

1B. Exit signs – The following issues were identified as concerns at the time of inspection:

- a) Multiple exit signs throughout 'the premises' were not illuminated and had not maintained, contrary to the requirements of Clause 182 of the EP&A Regulation.

- b) Where an exit is not readily apparent to the persons occupying or visiting the building, directional exit signs shall be installed in appropriate positions to indicate the direction to a required exit in accordance with Clause NSW E4.6 and Clause E4.8 of the NCC. In this regard, inadequate directional exit signage was provided throughout the second-floor level to direct the occupants to the exits.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1A through to item no. 1B of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17(4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/3689 (5799) for any future correspondence in relation to this matter.

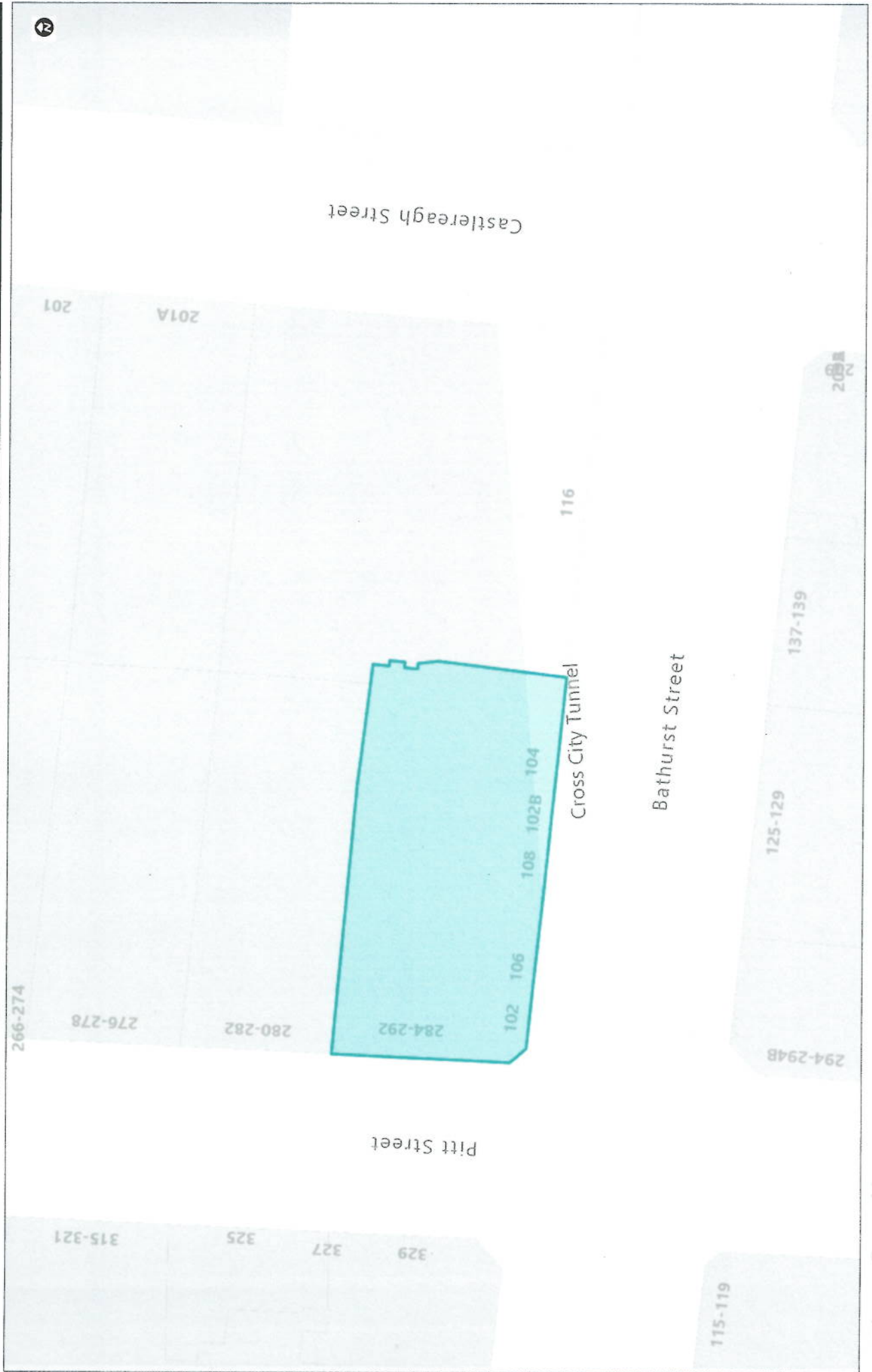
Yours faithfully



[REDACTED]
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment E

**Inspection Report – 284-292 Pitt Street,
Sydney**



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Date: 06-Feb-19
At 1:500

Meters

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city of sydney

**Council Investigation Officer Inspection and Recommendation Report
 Clause 17(2) of Schedule 5, of the Environmental Planning and Assessment Act
 1979 (the Act)**

File: 2019/080822

Officer: Andrew Porter

Date: 18 February 2019

Premises: 284-292 Pitt Street Sydney 'AKA 104 Bathurst Street Sydney'

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises with respect to matters of fire safety.

The correspondence from FRNSW related to matters of fire safety concerning the 'Gala KTV Club' situated within the basement level of the building.

The premises is located within a seven storey building which is located on the corner of, Pitt Street and Bathurst Street, Sydney. The building contains a mixture of uses comprising of offices and retail inclusive of the license premises 'Karaoke bar' subject of this matter.

The premises are equipped with numerous fire safety systems (both active and passive) that would provide adequate provision for fire safety for occupants in the event of a fire. It is determined that the smoke detectors referred to in FRNSW correspondence are installed to initiate automatic shutdown of the air handling system within the premises. The smoke detection is installed in compliance with the Australian Standard for air handling systems rather than as required by the Australian Standard for fire detection and alarm systems quoted in FRNSW correspondence. The building is provided with an automatic fire suppression (sprinkler) system throughout and therefore is not required to have an automatic fire detection and alarm system complying with the Australian Standard for fire detection and alarm systems installed within.

Council investigations have revealed that whilst there remains several minor fire safety "maintenance and management" works to attend to, the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

It is considered that the required fire safety works are of a degree which can be addressed by routine preventative and corrective maintenance actions undertaken by the owner's fire service contractor(s) through written instruction from Council.

Observation of the external features of the building did not identify metallic sheet cladding.

Chronology:

Date	Event
11/02/2019	FRNSW correspondence received regarding premises 'Gala KTV Club' at 104 Bathurst Street, Sydney.
18/02/2019	An inspection of the subject premises was undertaken by a Council officer which identified a number of fire safety management and maintenance issues to attend to including: <ul style="list-style-type: none"> ➤ A single emergency exit sign not illuminated; ➤ Defective exit door hardware (knob type action rather than a single handed downward device); ➤ Annual fire safety statement not prominently displayed within the building; ➤ The combined fire hydrant and sprinkler booster assembly cupboard at the front of the premises was not accessible by a FRNSW compatible lockset;

FIRE AND RESCUE NSW REPORT:

References: BFS18/3685; TRIM D19/8347

Fire and Rescue NSW conducted a joint inspection of the subject premises on 8 December 2018. The inspection report relevant to this inspection is dated 11 February 2019.

Issues: The report from FRNSW detailed the following issues within the building:

- The smoke detectors within the 'Gala KTV Club' appear to be scattered and contrary to the requirements of the Australian Standard with smoke detectors provided to common corridors only and not within each individual room;
- The combined hydrant and sprinkler booster assembly and pumphouse were not accessible by a FRNSW compatible lockset in contravention of the applicable Australian Standard;
- Exit signs within the tenancy were not illuminated and had not been maintained contrary to the regulations;
- The annual fire safety statement was not prominently displayed within the building;

FRNSW Recommendations: FRNSW have made several recommendations within their report. In general FRNSW have requested that:

1. Council in its capacity as the regulatory authority, inspect and address any other deficiencies identified on the premises and require items identified by the report to be addressed appropriately.
2. Council advise FRNSW of its determination in relation to this matter in accordance with the provisions of clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order (NOI)	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	Continue to undertake compliance action in response to issued Council correspondence	Continue with compliance actions under the current Council Order	Other (to specify)

As a result of site inspection undertaken by Council investigation officers it is recommended that the owners of the building be issued with written instructions to rectify the identified fire safety deficiencies noted by Council.

The above proposed correspondence will request that the building management:

- Carry out maintenance to the exit sign identified during the inspection as being non-operational;
- Carry out maintenance to and replace non-compliant fire exit door hardware;
- Prominently display the annual fire safety statement within the building;

Follow-up compliance inspections are currently being undertaken, and will continue to be undertaken by a Council investigation officer to ensure identified fire safety matters are suitably addressed and that compliance with the terms of Councils correspondence occur.

It is recommended that Council not exercise its powers to give an Order at this time.

That the Commissioner of FRNSW be advised of Council's actions and outcomes

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/080822-02
A2.	Locality Plan	2019/080822-01
A3	Attachment cover sheet	2019/080822-03

Trim Reference: 2019/080822

CSM reference No#: 2034314



File Ref. No: BFS18/3685 (5794)
TRIM Ref. No: D19/8347
Contact: [REDACTED]

11 February 2019

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

Re: **INSPECTION REPORT
"GALA KTV CLUB"
104 BATHURST STREET, SYDNEY ("the premises")**

Pursuant to the provisions of Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 8 December 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW). The inspection was also conducted in the company of Officers from the NSW Police Force.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures within "The Gala KTV Club – Basement Level" along with the Fire Indicator Panel in the ground floor lobby of 'International House' only, as identified in this report.
- A conceptual overview of the "The Gala KTV Club – Basement Level", where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

COMMENTS

The following items were identified as concerns at the time of inspection:

Fire and Rescue NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
Community Safety Directorate Fire Safety Compliance Unit	1 Amarina Ave Greenacre NSW 2190	T (02) 9742 7437 F (02) 9742 7483
www.fire.nsw.gov.au		Page 1 of 2

1. Essential Fire Safety Measures

- 1A. The Automatic Fire Detection and Alarm System – the smoke detectors throughout the "Gala KTV" tenancy in the basement level appeared scattered and contrary to the requirements of AS1670.1. In this regard, smoke detectors are provided in the common corridors only and not within each individual room.
- 1B. Combined hydrant and sprinkler booster assembly and pumphouse - the doors to the booster assembly cupboard and the pumphouse were not fitted with a 003-lock compatible with FRNSW access key, contrary to the requirements of Clause 7.9 of AS2419.1-2005, therefore access was not available at the time of inspection.
- 1C. Exit signs – The exit sign in the rear fire passageway was not illuminated and had not been maintained, contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).
- 1D. Annual Fire Safety Statement (AFSS) – a copy of the current AFSS was not prominently displayed within the building in accordance with Clause 177 of the EP&A Regulation.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17(4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/3685 (5794) for any future correspondence in relation to this matter.

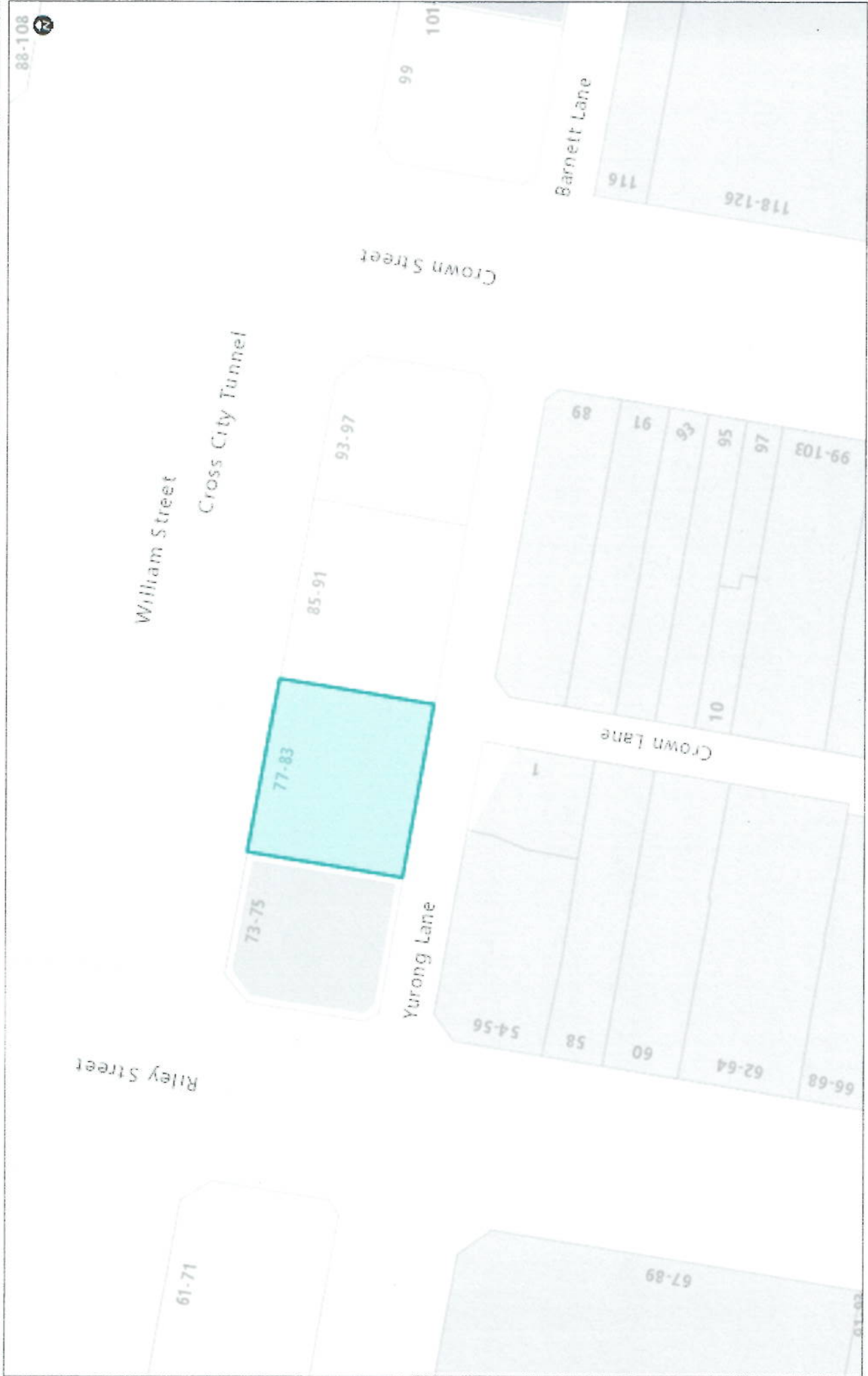
Yours faithfully

[REDACTED]

[REDACTED]
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment F

**Inspection Report – 77-83 William
Street, Darlinghurst**



city of sydney

**Council Investigation Officer Inspection and Recommendation Report
Clause 17(2) of Schedule 5, of the Environmental Planning and Assessment Act
1979 (the Act)**

File: CSM 2034349

Officer: Chad Grant

Date: 20 February 2019

Premises: 77 - 83 William Street, Darlinghurst

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 11 February 2019 with respect to matters of fire safety.

The premises consist of a five storey building used for mixed commercial purposes. The building is configured as follows:

- Basement Level – "Club 77".
- Ground Level – Massage shop, convenience store and tattoo shop.
- First Level – Interior design office, art studio.
- Second level – Martial arts school, Architecture office.
- Third level – Insurance office, art studio.

An inspection of the premises undertaken by a Council investigation officer revealed that there were no new fire safety issues occurring within the building that Council were not already aware of.

Prior to receiving correspondence from FRNSW, it had been determined and agreed by Council that a fire safety order under Schedule 5 of the Environmental Planning and Assessment Act, 1979, be issued so as to address the fire safety deficiencies identified by Council's investigation officer.

The above Order is still in progress and will ensure and promote adequate facilities for fire safety and fire safety awareness. The Order addresses those outstanding issues raised by FRNSW.

Observation of the external features of the building did not identify the existence of metallic sheet cladding on the façade of the building.

Chronology:

Date	Event
11/02/2019	FRNSW correspondence received regarding premises 77-83 William Street, Darlinghurst NSW 2010. An initial desktop review of the subject building revealed that the building has a fire safety schedule and is required to submit annual fire safety statements to Council and FRNSW. The building has a current compliant annual fire safety statement, with the next one pending the outcome of the fire safety order which was issued on 7 December 2018.
14/02/2019 & 20/02/2019	Inspections of the subject premises were undertaken by a Council investigation officer which identified that the fire safety order works to upgrade the fire safety standard of the building are still in progress.

FIRE AND RESCUE NSW REPORT:

References: BFS19/198 (6100) and D19/4482.

Fire and Rescue NSW conducted an inspection of the subject premises in conjunction with the NSW police force on 19 January 2019.

Issues

The report from FRNSW detailed certain issues, in particular noting:

1. There was a 'line fault' to the building occupant warning system and the evacuation control switch was in the 'off' position. A reinspection by FRNSW found that the system was clear of line faults and the evacuation control switch was in the 'auto' position.
2. A fire hose reel was detached from the hose guide and nozzle interlocking device.
3. Certain stairways did not contain handrails.

FRNSW Recommendations

FRNSW have made a number of recommendations within their report. In general FRNSW have requested that Council:

1. Inspect and address any other deficiencies identified on the premises and require abovementioned items to be addressed appropriately.
2. FRNSW has referred the matter to Council as the regulatory authority to have the abovementioned items appropriately addressed.
3. Advise them in writing of its determination in relation to this matter in accordance with the provisions of clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order (NOI)	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	Continue to undertake compliance action in response to issued Council correspondence	Continue with compliance actions under the current Council Order	Other (to specify)

As a result of a site inspection undertaken by a Council investigation officer it is recommended that the Owners continue to comply with the previously issued fire safety order under Schedule 5 of the Environmental Planning and Assessment Act, 1979.

The issue of the fire safety order will ensure that suitable fire safety systems are in position throughout the building to provide improved and adequate provisions for fire safety.

That the Commissioner of FRNSW be advised of Council's actions and determination.

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/085427-01
A2.	Locality Plan	2019/085427-02
A3.	Attachment cover sheet	2019/085427-03

Trim Reference: 2019/085427

CSM reference No#: 2034349



File Ref. No: BFS19/198 (6100)
TRIM Ref. No: D19/4482
Contact: [REDACTED]

1 February 2019

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT
77 NIGHTCLUB
77-83 WILLIAM STREET, DARLINGHURST ("the premises")**

Pursuant to the provisions of Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 19 January 2019 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW). The inspection was also conducted in the company of Officers from the NSW Police Force.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the '77 Nightclub', where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

COMMENTS

Please note, that this report is limited to observations and sections of the building accessed at the time of the inspection. As such, this report lists potential deviations from the National Construction Code 2016 Building Code of Australia - Volume 1 Amendment 1 (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed outline concerns that may contradict development consent approval or correlate to the building's age. In this regard, it is council's discretion as the appropriate regulatory authority to conduct its own investigation and consider the most appropriate action.

The following items were identified as concerns during the inspection:

1. Essential Fire Safety Measures

1A. Smoke Detection and Alarm System

- A. There was a 'line fault' to the building occupant warning system and the evacuation control switch was in the 'off' position, contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000.

A re-inspection of the premises was conducted on 21 January 2019, which found that the occupant warning system was clear of faults and the evacuation control switch was in the 'auto' position.

1B. Fire Hose Reel (FHR)

- A. The FHR within the premises was detached from the hose guide and nozzle interlocking device, contrary to the requirements of Australian Standard (AS) 2441-2005 and Clause 2.2.7.2 of AS1221-1997.

2. Access and Egress

- 2A. Handrails – The following stairways do not contain a handrail, contrary to the requirements of Clause D2.17 of the NCC:

- A. The main entry stairway.
- B. The stairway forming part of the exit leading to Yurong Lane.

3. Generally

- 3A. Reference is made to FRNSW Inspection Report (file ref. no: BFS17/3009), dated 17 October 2018, with specific regard to item no. 1.1A.B regarding heat detectors within the nightclub, which stated, in part, that:

Many detectors within the 77 Nightclub were heat detectors, in lieu of smoke detectors...

It is noted that at the time of the inspection on 19 January 2019, the nightclub now contains both heat and smoke detectors.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 3 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17(4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS19/198 (6100) for any future correspondence in relation to this matter.

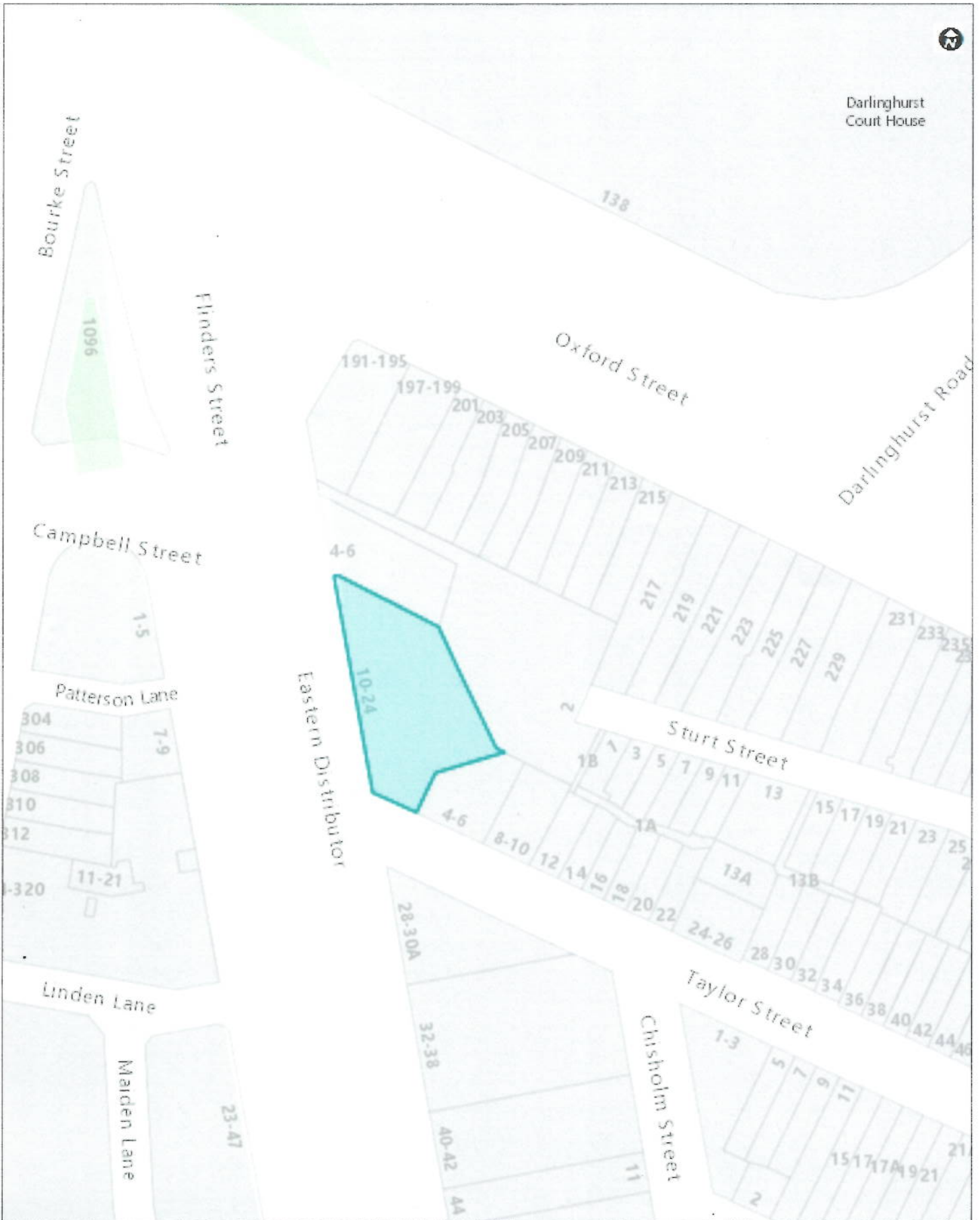
Yours faithfully



[REDACTED]
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment G

**Inspection Report - 10-24 Flinders Street,
Darlinghurst**



**Council investigation officer Inspection and Recommendation Report
Clause 17(2) of Schedule 5, of the Environmental Planning and Assessment Act
1979 (the Act)**

File: CSM 2034338

Officer: Joe Kalgovas

Date: 21/02/2019

Premises: 10-24 Flinders Street, Darlinghurst

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises and more specifically the Boarding House at 10 Flinders Street Darlinghurst with respect to matters of fire safety.

The premises consists of a three storey building known as 'Albion House' which in use for as retail, night club and residential (boarding house) accommodation.

The ground floor use comprises a retail shops and nightclub with the second and third floor levels used for boarding type residential accommodation.

An inspection of the premises undertaken by a Council investigation officer in the presence of the owner of the premises revealed that there were no significant fire safety issues occurring within the building.

The premises are equipped with numerous fire safety systems (both active and passive) that will provide adequate provision for fire safety for occupants in the event of a fire.

The annual fire safety certification is current, compliant and is on display within the building in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

It should be noted that the building was subject of a fire safety order issued by Council on 29 August 2013 which required among other things certification of and remedial works to be carried out to installed essential fire safety measures and to furnish the Council with a final fire safety certificate on completion of the order.

The order was subsequently completed and a final fire safety certificate given to the satisfaction of Council on 26 April 2016.

Chronology:

Date	Event
11/02/2019	FRNSW correspondence received regarding premises 10 Flinders Street Darlinghurst known to the City as 10-24 Flinders Street Darlinghurst
21/02/2019	An inspection of the subject premises was undertaken by a Council officer with the building manager which found the matters identified by FRNSW had been rectified.

FIRE AND RESCUE NSW REPORT:

References: [D19/362, 2019/066696]

Fire and Rescue NSW conducted an inspection of the subject premises on 12 December 2018 after receiving an enquiry about a set of stairs at the rear on level 1 being blocked by the storage of bags and boxes.

Issues:

The report from FRNSW detailed a number of issues;

1. Essential Fire Safety Measures

(I) Automatic Fire Detection and Alarm System – Alarms, isolations and fault were displayed on the Fire Indicator Panel (FIP).

(II) Smoke Detector - the smoke detector in the common area between Rooms 10 and 13 was observed with duct tape covering the vents.

2. Access & Egress

Items were stored in the first floor corridor adjacent to Room 8 that caused an n impediment to the free passage of persons.

3. Compartmentation

The underside of the flight of stairs from the ground floor to the first floor contained a storage cupboard.

FRNSW issued an Order with regard to item 1. (I) above, have conducted further inspections, found the measure to be complaint and do not require the City to take action in relation to this item.

FRNSW Recommendations:

FRNSW have made one recommendation within their report. In general FRNSW have requested that Council;

1. ***Inspect the subject premises for deficiencies and take action to have the identified fire safety issues appropriately addressed;***
2. ***FRNSW have also requested that as soon as practical after the above recommendations have been tabled and considered that notice of any determination in respect of the recommendations is forwarded to them in accordance with Section 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979.***

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order(NOI)	Issue emergency Order	Issue a compliance letter of instruction	<i>Cited Matters rectified</i>	Continue to undertake compliance action in response to issued Council correspondence	Continue with compliance actions under the current Council Order	Other (to specify)

Inspections undertaken by a Council investigation officer in company with the manager of the premises revealed that the above recommendations of FRNSW have been complied with.

It is recommended that Council not exercise its powers to give a fire safety order at this time.

That the Commissioner of FRNSW be advised of Council's actions and determination.

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/070668-01
A2.	Locality Plan	2019/070668-02
A3	Attachment cover sheet	2019/070668-03

Trim Reference: 2019/070668

CSM reference No#: 2034338



File Ref. No: BFS18/2223 (4408)
TRIM Ref. No: D19/362
Contact: [REDACTED]

1 February 2019

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT
ALBION HOUSE
10 FLINDERS STREET DARLINGHURST ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 7 August 2018, in relation to the adequacy of the provision for fire safety in or in connection with 'the premises'.

The correspondence stated that:

Upon attending an AFA call to the above premises, it was noticed that a set of stairs at the rear on level 1 was blocked by the storage of bags and boxes, making safe egress impossible.

Pursuant to the provisions of Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 12 December 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

COMMENTS

This report is limited to observations and sections of the building accessed at the time of the inspection. As such, this report lists potential deviations from the National Construction Code 2016 Building Code of Australia – Volume One Amendment 1 (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed may relate to the building's age or contradict development consent approval. In this regard, it is at council's discretion as the appropriate regulatory authority to consider the most appropriate action and determine whether an investigation is required.

The following items were identified as concerns at the time of the inspection:

1. Essential Fire Safety Measures

1A. Maintenance – Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) requires that an Essential Fire Safety Measure must be maintained to a standard no less than when it was first installed. The following essential services were identified as concerns:

- i. Automatic Fire Detection and Alarm System – Alarms, isolations and a fault were displayed on the Fire Indicator Panel (FIP), which were associated with the Automatic Fire Detection and Alarm System. The FIP displayed the following:
 - First Floor South – Alarm & Isolate
 - Roof Space – Alarm & Isolate
 - Second Floor South - Fault
- ii. Smoke Detector – At the time of the inspection the smoke detector, in the common area between Rooms 10 and 13, was observed with duct tape covering the vents. The manager advised that the detector was covered due to current maintenance works and would be removed.

2. Access & Egress

2A. Items were stored in the first-floor corridor, adjacent to Room 8, that caused an impediment to the free passage of persons, in contravention of Clause 184 and 186 of the EP&A Regulation. The manager advised that the items were located in the corridor due to current maintenance works and would be removed.

3. Compartmentation

- 3A. Stair Storage – The underside of the flight of stairs from the ground floor to the first floor contained a storage cupboard. A visual inspection could not confirm that the enclosure complies with the National Construction Code, Volume 1 (NCC), Clause D2.8 'Enclosure of space under stairs and ramps'.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

FIRE SAFETY ORDER NO. 1

The inspecting Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW issued an Order No. 1, dated 6 December 2018, in accordance with the provisions of Section 9.34 of the EP&A Act, to have item no. 1Ai of this report rectified.

In accordance with the provisions of Schedule 5, Part 6, Section 12 of the EP&A Act, a copy of the Order is attached for your information. FRNSW has conducted further inspections of the building to assess compliance with the terms of this Order.

In this regard, FRNSW does not consider Council is required to take action in relation to item no. 1Ai of this report.

RE-INSPECTION

Pursuant to the provisions of Section 9.32(1)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Clause 189(a) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), an inspection of 'the premises' on 14 December 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

At the time of the inspection, the terms of 'the order' issued on 'the premises' were compliant. Please be advised that 'the order' is not an exhaustive list of non-compliances, it is at Council's discretion to inspect and address any other deficiencies identified on 'the premises'.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address item no. 1 through to item no. 3 of this report and any other deficiencies identified on 'the premises'.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Unclassified

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/2223 (4408) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

[REDACTED]
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment: [Appendix 1 – 2 pages]



Emergency Fire Safety Order ORDER No. 1

Under the *Environmental Planning and Assessment Act 1979 (EP&A Act)*
Part 9 Implementation and Enforcement – Division 9.3 Development Control Orders
Fire Safety Orders in accordance with the table to Part 2 - Schedule 5.
Issue an Order in accordance with Section 9.34(1)(b)
Issue the Order as an Emergency Order Pursuant to Schedule 5, Part 8, Section 16

Property:

'ALBION HOUSE'
10-24 FLINDERS STREET, DARLINGHURST ("the premises")
(name/address of premises to which Order is served)

Emergency Situation / Serious Risk to Safety:

At approximately 12:05 pm on Wednesday 5 December 2018, the following was observed at 'the premises':

- 1. Alarms, faults and isolations were displayed on the Fire Indicator Panel, which were associated with the Automatic Fire Detection and Alarm System.

Authorised Fire Officer:

I, [REDACTED] **Building Surveyor** **905798**
(name) (rank) (number)

being an Authorised Fire Officer in accordance with Schedule 5, Part 8, Section 16 of the *Environmental Planning and Assessment Act 1979*, and duly authorised for the purpose.

Hereby order:

[REDACTED] **Owner**
(name of person whom Order is served) (position) i.e. owner, building manager)

To do, or refrain from doing, the following things:

- 1. Ensure the Automatic Fire Detection and Alarm System installed in 'the premises' is fully operational, by repairing the alarms, faults and isolations displayed on the Fire Indicator Panel.

Fire and Rescue NSW ABN 12 593 473 110 www.fire.nsw.gov.au
Community Safety Directorate 1 Amara Ave T (02) 9742 7434
Fire Safety Compliance Unit Greenacre NSW 2150 F (02) 9742 7543
www.fire.nsw.gov.au Page 3 of 4

The reasons for the issue of this Order are:

- a. To ensure that the Automatic Fire Detection and Alarm System is capable of operating in accordance with the standard of performance it was designed and installed to.
- b. To ensure the Automatic Fire Detection and Alarm System is fully operational so the occupants are provided with early notification of a fire within 'the premises' so that they may safely evacuate 'the premises' in the event of a fire

The terms of the Order are to be complied with:

By no later than close of business on the 13 December 2018.

Considerations for Emergency Order:

Pursuant to Schedule 5, Part 8, Section (16) of the EP&A Act, this Order has been given as an Emergency Order as there are circumstances which the authorised fire officer believes constitute an emergency or a serious risk to safety.

Appeals

Pursuant to Section 8.18(2) of the EP&A Act, a person may not appeal against a fire safety order given by an authorised fire officer (other than an order that prevents a person using or entering the premises).

Non-Compliance with the Order

A person that fails to comply with this Order may be guilty of an offence under Section 9.37 of the EP&A Act. A person that fails to comply with this Order by a particular specified time, or within a particular specified period, continues never-the-less to be obliged to comply with the Order and therefore must comply with the Order or they may be guilty of an offence under Section 9.50 of the EP&A Act.

Signed:

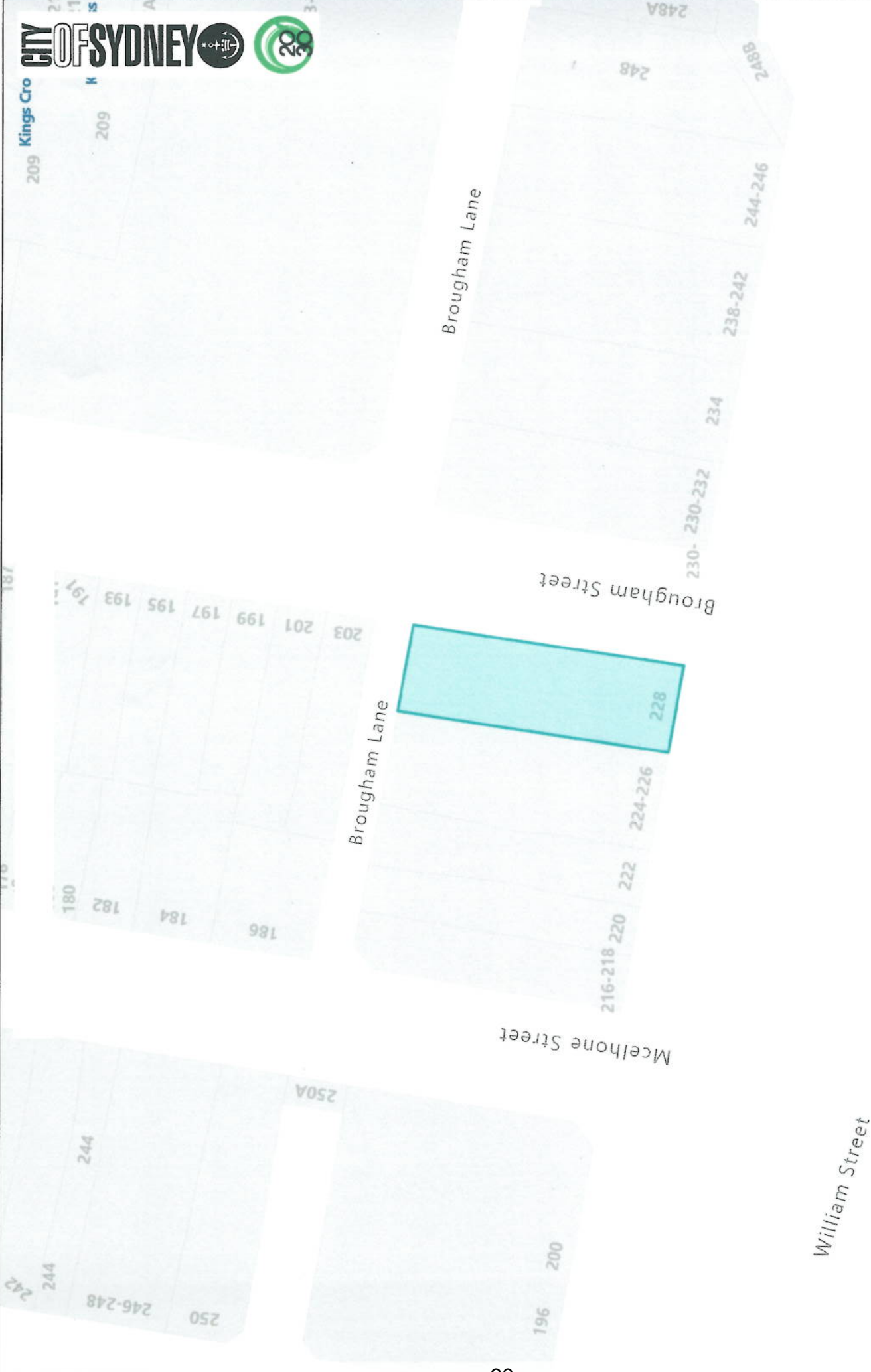


Building Surveyor
Fire Safety Compliance Unit

This Emergency Fire Safety Order No. 1 was hand delivered on 6 December 2018.

Attachment H

**Inspection Report – 228 William Street,
Woolloomooloo**



Meters

50

25

13

1:500 at A4
22/10/2018

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Council investigation officer Inspection and Recommendation Report
Clause 17(2) of Schedule 5, of the Environmental Planning and Assessment Act
1979 (the Act)

File: CSM 2034335

Officer: Craig Hann

Date: 26 February 2019

Premises: 228 William Street, Woolloomooloo (O'Malley's Hotel)

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises with respect to matters of fire safety.

Council at its meeting held on 10 December 2018 considered FRNSW's previous report dated 17 October 2018 in Council Investigation Officer's report (Attachment G) dated 30 October 2018 (2018/546488) and resolved *not exercise its power to issue a Fire Safety Order at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 228 William Street, Woolloomooloo, as detailed in Attachment G.* The required minor fire safety works were considered to be of a "maintenance and management" type that could be dealt with by way of written corrective action instructions to the owner. Corrective action instructions had been issued to the owner by Council on 24 October 2018 (2018/546395).

The premises is located at 228 William Street Woolloomooloo and is known as O'Malley's Hotel.

The building comprises of a five storey building located on the corner of William Street, Brougham Street and Brougham Lane and is configured as follows:

- A basement level containing a cellar, storage areas and patron sanitary facilities.
- A ground floor level containing a public bar and gaming room accessible from William Street and Brougham Street.
- A first and second floor level containing offices and hotel accommodation.
- A third floor level containing two hotel rooms and a laundry.

Observation of the external features of the building did not identify the existence of metallic sheet cladding on the facade of the building.

The premises are equipped with numerous fire safety systems (both active and passive) that would provide adequate provision for fire safety for occupants in the event of a fire. The building has a current annual fire safety statement which was on display within the premises at the time of inspection. The building is also listed on Council's essential services register and is currently compliant.

Inspections undertaken by a Council Investigation Officer in company with the owner and manager of the premises revealed that the corrective action fire safety works previously required and inspected by Council are compliant.

It is recommended that Council not exercise its powers to give a fire safety order at this time.

Chronology:

Date	Event
11/2/2019	FRNSW correspondence received regarding premises O'Malley's Hotel, 228 William Street, Woolloomooloo.
18/2/2019 and 22/2/2019	<p>Inspections of the subject premises were undertaken by a Council officer to review the status of the required corrective action "maintenance and management" works that were previously recommended and determined.</p> <p>Follow up compliance inspections had previously been conducted on 29 and 31 October 2018. These inspections revealed that the required corrective action "maintenance and management" works had been completed in a compliant manner.</p> <p>During re-inspections on 18 and 22 February 2019 the previously completed corrective action "maintenance and management" works were compliant.</p> <p>The Council Investigation Officer's report dated 30 October 2018 (2018/546488) assessed the relevant FRNSW report and made appropriate recommendations that have been actioned.</p>

FIRE AND RESCUE NSW REPORT:

References: [BFS19/199, D19/4940; 2019/066691]

Fire and Rescue NSW in the presence of the NSW Police conducted an inspection of the subject premises on 19 January 2019 as a part of a proactive joint inspection program of licenced premises.

Issues

The report from FRNSW detailed a number of issues, in particular noting concerns with:

1. The buildings smoke detection and alarm system which was in part provided with thermal detector heads on the ground floor and first floor in lieu of required smoke detector heads.
2. The buildings fire hydrants not being provided with compatible FRNSW hose connection points.
3. A fire hose reel located on the third floor that necessitates passing through a fire door which is not permitted.
4. Exit and directional signage that was not illuminated and was not being maintained.
5. Whether fire hydrant coverage is provided to the topmost level of the building, and the suitability of the buildings existing fire hydrant system.

FRNSW Recommendations

FRNSW have made recommendations within their report. In general FRNSW have requested that Council:

1. Inspect the subject premises and appropriately address noted (and other) deficiencies identified within their report and require them to be appropriately addressed;
2. In its capacity as the regulatory authority take action to have the abovementioned items appropriately addressed.

FRNSW have also requested that as soon as practical after the above recommendations have been tabled and considered that notice of any determination in respect of the recommendations is forwarded to them in accordance with clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order (NOI)	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	Continue to undertake compliance action in response to issued Council correspondence	Continue with compliance actions under the current Council Order	Other (to specify)

Inspections undertaken by a Council investigation officer in company with the owner and manager of the premises revealed that the fire safety works required by Council have been complied with.

It is recommended that Council not exercise its powers to give a fire safety order at this time.

That the Commissioner of FRNSW be advised of Council's actions and determination.

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/066691
A2.	Locality Plan	2018/546488-02
A3.	Attachment cover sheet	2019/066691-01
A4.	Council Investigation Officer Inspection and Recommendation Report to Council Meeting held on 10 December 2018	2018/546488
A5.	Council corrective action instruction correspondence to owner dated 24 October 2018	2018/546395

Trim Reference: 2019/072862

CSM reference No#: 2034335



File Ref. No: BFS19/199 (6101)
TRIM Ref. No: D19/4940
Contact: [REDACTED]

6 February 2019

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT
O'MALLEY'S HOTEL
228 WILLIAM STREET, WOOLLOOMOOLOO ("the premises")**

Pursuant to the provisions of Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 19 January 2019 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW). The inspection was also conducted in the company of Officers from the NSW Police Force.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

COMMENTS

1. FRNSW conducted a previous inspection of the premises which identified items of concern as detailed in a FRNSW Inspection Report to Council, dated 17 October 2018, File Ref. No. BFS17/3010 (8000002254) (see Appendix 1). The inspection on 19 January 2019, identified the same items of concern.

As such, FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building, with reference made to FRNSW Inspection Report dated 17 October 2018 (see Appendix 1)

RECOMMENDATIONS

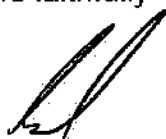
FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17(4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS19/199 (6101) for any future correspondence in relation to this matter.

Yours faithfully



[REDACTED]
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment: [Appendix 1 – FRNSW Inspection Report dated 17 October 2018]

Appendix 1 – FRNSW Inspection Report



File Ref. No: BFS17/3010 (8000002254)
TRIM Ref. No: D18/71064
Contact: [REDACTED]

17 October 2018

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

Re: **INSPECTION REPORT
O'MALLEY'S HOTEL
228 WILLIAM STREET, WOOLLOOMOOLOO ("the premises")**

Pursuant to the provisions of Section 119T(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 9 December 2017 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW). The inspection was also conducted in the company of Officers from the NSW Police Force and City of Sydney Council.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

Please be advised that the inspection of 'the premises' was conducted prior to the amendments of the EP&A Act on 1 March 2018. As such, all references to the relevant sections in this report are provided prior to the amendments of the EP&A Act.

FIRE AND RESCUE NSW
Community Safety Directorate
Fire Safety Compliance Unit
firesafety@fire.nsw.gov.au

ABN 12 593 473 110
1 Annalissa Ave,
Greensacre NSW 2150
Unclassified

www.fire.nsw.gov.au
T (02) 9742 7434
F (02) 9742 7483
Page 1 of 3



On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 119T(4) and Section 121ZD(1) of the EP&A Act. Please be advised that Section 121ZD(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

COMMENTS

Please note, that this report is limited to observations and sections of the building accessed at the time of the inspection. As such, this report lists potential deviations from the National Construction Code 2016 Building Code of Australia - Volume 1 (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed outline concerns that may contradict development consent approval or correlate to the building's age. In this regard, it is council's discretion as the appropriate regulatory authority to conduct its own investigation and consider the most appropriate action.

The following items were identified as concerns during the inspection:

1. Essential Fire Safety Measures

1A. Smoke Detection and Alarm System

- A. A Zone Block Plan of the installation was not securely mounted adjacent to the FIP, contrary to the requirements of Clause 3.10 of AS1670.1-2015.
- B. Most of the detectors within the ground floor pub are heat detectors, in lieu of a smoke detector, contrary to the requirements of Specification E2.2a of the NCC.
- C. There is a heat detector located within the first-floor corridor, in lieu of a smoke detector, contrary to the requirements of Specification E2.2a of the NCC.

1B. Fire Hydrant System

- A. Storz couplings, compatible with FRNSW firefighting hose connections were not provided to all fire hydrant valves throughout the premises, contrary to the requirements of Clauses 3.1 and 8.5.11.1 of AS2419.1-2005, Clauses 1.2 and 3.4 of AS2419.2-2009 and Clauses 1.2 and 3.5 of AS2419.3-2012, as detailed in 'FRNSW Fire safety guideline, Technical information – FRNSW Compatible hose connections – Document no. D15/45534 – Version 07 – Issued 12 June 2018'.

1C. Fire Hose Reel (FHR)

- A. FHR coverage on the third floor, relies upon the FHR passing through a doorway fitted with a fire door, contrary to the requirements of Clause E1.4(f) of the NCC.

1D. Exit signs

- A. Some exit signage was not illuminated and not maintained, contrary to the requirements of Clause E4.8 of the NCC, Section 6 of AS 2293.1-2005 and Clause 182 of the Environmental Planning and Assessment Regulation 2000.

FIRE AND RESCUE NSW	ABN 12 533 473 110	www.fire.nsw.gov.au
Community Safety Directorate Fire Safety Compliance Unit	1 Amarina Ave, Greenacre NSW 2190	T (02) 9742 7434 F (02) 9742 7453
firesafety@fire.nsw.gov.au	Unclassified	Page 2 of 3



- B. An exit sign located in the corridor on the second floor was missing the pictorial element.

2. Generally

2A. Fire Hydrant System

- A. FRNSW has concerns that fire hydrant coverage may not be provided to serve the third floor, in accordance with the requirements of Clause E1.3 of the NCC and AS 2419.1-2005.
- B. The fire hydrant system appears to be installed in accordance with Ordinance 70 and Ministerial Specification No.10. FRNSW recommends any fire hydrant system installed in accordance with the provisions of Ordinance 70 and Ministerial Specification 10 (or earlier) should be upgraded to meet the requirements of the current Australian Standard (AS)2419.1 for an equivalent new building, as these older fire hydrant systems no longer meet the operational needs of FRNSW.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

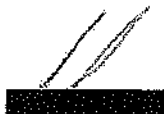
FRNSW recommends that Council:

- a. inspect and address any other deficiencies identified on 'the premises', and require items no. 1 and 2 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Section 121ZD(4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [redacted] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS17/3010 (8000002254) for any future correspondence in relation to this matter.

Yours faithfully



Building Surveyor
Fire Safety Compliance Unit

FIRE AND RESCUE NSW	ABN 12 593 473 119	www.fire.nsw.gov.au
Community Safety Directorate Fire Safety Compliance Unit	7 Amaranth Ave. Greenacre NSW 2180	T (02) 9742 7434 F (02) 9742 7483
firesafety@fire.nsw.gov.au	Unclassified	Page 3 of 3

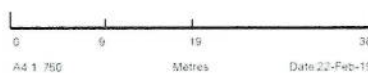


Attachment I

**Inspection Report – 320 George Street,
Sydney**



city of villages



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city of villages



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**Council Investigation Officer Inspection and Recommendation Report
Clause 17(2) of Schedule 5, of the Environmental Planning and Assessment Act
1979 (the Act)**

File: CSM 2035002

Officer: Michael Merlino

Date: 22 February 2019

Premises: 320-330 George Street, Sydney "IVY"

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 11 February 2019 with respect to matters of fire safety.

The premises known as the "Ivy" and consists 2 multi storey buildings being 320 George Street Sydney (11 storeys) and 330 George Street Sydney (6 storeys). The buildings are used as used as a bar, function rooms, nightclub, hotel penthouses, offices, retail, restaurants and cafes.

A general inspection of the premises undertaken by a Council investigation officer in the presence of the fire services contractors and the facilities manager for the venue revealed that there were no significant fire safety issues occurring within the building.

The premises 320 George Street Sydney was issued with a Council fire safety order on 14 August 2013 which was subsequently finalised by Council on 10 September 2013.

The premises are equipped with numerous fire safety systems (both active and passive) that would provide adequate provision for fire safety for occupants in the event of a fire. The annual fire safety certification is current and compliant in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

Council investigations have revealed that whilst there remains several minor fire safety "maintenance and management" works to attend to including an fire hose reel signage, obstruction to sprinkler coverage, internal hydrant clearance issues, and repairs/maintenance to existing identified FIP faults, the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

It is considered that the above fire safety works are of a degree which can be addressed by routine preventative and corrective maintenance actions undertaken by the owner's fire service contractor through written instruction from Council.

Observation of the external features of the building did not identify the existence of metallic sheet cladding on the façade of the building.

Chronology:

Date	Event
11/2/2019	FRNSW correspondence received regarding premises 320-330 George Street, Sydney
20/2/2019	An initial desktop review of the subject building revealed that the building has a fire safety schedule and is required to submit annual fire safety statements to Council and FRNSW. The building has a current compliant annual fire safety statement, with the next one due by 20 April 2019. The premises 320 George Street Sydney was issued with a Council fire safety order on 14 August 2013 which was subsequently finalised by Council on 10 September 2013.

21/2/2019	<p>An inspection of the subject premises was undertaken by a Council officer which revealed the following:</p> <ol style="list-style-type: none"> 1. A full copy of the buildings AFSS must be displayed at both buildings; 2. Missing fire hose reel signage to level 3 hose reel cupboard; 3. Inadequate sprinkler coverage over level 1 bar areas due to installed intermediate roofing over bars; 4. Inadequate clearances to hydrant landing valves in a fire stair; 5. 2 faults displayed on the Fire Indicator Panel located in level 4 Restaurant and Level 5 Penthouse at 320 George Street that are currently being addressed by the owners by their fire contractor.
22/2/2019	<p>Corrective action correspondence issued to the owner of the premises requiring the abovementioned matters to be satisfactorily addressed.</p>

FIRE AND RESCUE NSW REPORT:

References: [BFS18/3688(5800), D19/8052, 2019/092174-01]

Fire and Rescue NSW conducted an inspection of the subject premises in conjunction with the NSW police force on 9 December 2019.

Issues

The report from FRNSW detailed a number of issues, in particular noting:

1. Faults and isolations displayed on the buildings Fire Indicator Panel (FIP);
2. Isolations were found to be in accordance with the approved fire engineering procedure for isolations during certain functions/events;
3. Fault to the sound system and intercom system for emergency purposes;
4. Annual fire safety statement was not prominently displayed in the building;
5. They also noted the combined fire hydrant and sprinkler booster assembly at the time was obstructed by construction barricades/hoardings for the light rail system on George Street, and note a general lack of access along George Street.

FRNSW Recommendations

FRNSW have made a number of recommendations within their report. In general FRNSW have requested that Council:

1. Inspect the subject premises and take action to have the identified fire safety issues appropriately addressed;
2. Advise them in writing of its determination in relation to this matter in accordance with the provisions of clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order (NOI)	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	Undertake compliance action in response to issued Council correspondence	Continue with compliance actions under the current Council Order	Other (to specify)

As a result of the above site inspection undertaken by Council investigation officers it is recommended that the owners of the building continue to comply with the written fire safety compliance instructions as issued to rectify the identified fire safety deficiencies noted by FRNSW.

Follow-up compliance inspections are currently being undertaken, and will continue to be undertaken by a Council investigation officer to ensure already identified fire safety matters are suitably addressed and that compliance with the terms of Councils correspondence and the recommendations of FRNSW occur.

Discussions were also undertaken with senior management of the importance to strictly follow the approved fire engineering procedure for isolations during certain functions/events.

The matter relating to George Street light rail barriers is beyond the control of the building owners and is referred back to FRNSW for them to correspond directly with the relevant State Government Authority involved in the light rail construction project.

It is recommended that Council not exercise its powers to give a fire safety order at this time.

That the Commissioner of FRNSW be advised of Council's actions and outcomes

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/092174-01
A2.	Locality Plan	2019/092174-03 and 2019/092174-04
A3	Attachment cover sheet	2019/092174-02

Trim Reference: 2019/092174

CSM reference No#: CSM 2035002



File Ref. No: BFS18/3688 (5800)
TRIM Ref. No: D19/8052
Contact: [REDACTED]

11 February 2019

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

Re: **INSPECTION REPORT
'IVY'
320-330 GEORGE STREET, SYDNEY ("the premises")**

Pursuant to the provisions of Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 9 December 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW). The inspection was also conducted in the company of Officers from the NSW Police Force.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

COMMENTS

The following items were identified as concerns at the time of inspection:

1. Essential Fire Safety Measures

1A. The Automatic Fire Detection and Alarm System:

- a) Fire Indicator Panel (FIP): The automatic smoke detection and alarm system did not appear to be capable of operating to the standard of performance from when it was first designed and installed, contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation). The following issues were identified as concerns at the time of inspection.
 - i. The FIP was displaying three (x3) faults.
 - ii. The FIP was displaying twenty-eight (x28) isolations
- b) Isolations – It is noted that 'the premises' has implemented an approved a 'Smoke Detection Isolation Procedure', Reference 20131129-SY130401, Revision 1.4, prepared by [REDACTED] dated 29th November 2013, to permit the isolation of the Automatic Smoke Detection System for events.

The isolations displayed on the FIP at the time of the inspection appeared consistent with the limitations/extents within the approved procedures.

It is however noted, that the Operations Manager ([REDACTED]) did not appear to be aware of the isolation procedures at the time of the inspection and it is unclear whether the requirements within Section 8 of the approved procedures had been implemented, including but not limited to:

- i. External notifications to FRNSW, City of Sydney (Licensing and/or building regulation) and Merivale's insurers;
- ii. Maintaining a log book which indicates the time and date of notification of authorities; and
- iii. Maintaining a log book which records the time, date, location and duration of the smoke detector isolation;

as log books were not available for viewing at the time of the inspection.

- c) Faults - A re-inspection of the premises on 14 December 2018 found that that one (x1) fault remained on the system. Discussion with the Senior Manager of 'The Ivy' at the time of the inspection revealed he was aware of the fault and he advised FRNSW that a work order had been placed to investigate and repair the fault.

- 1B. Sound System and Intercom System for Emergency Purposes - The evacuation system panel displayed an amplifier/speaker fault associated with 'Stage 2 Level 4'.

A re-inspection on 14 December 2018 found the fault remained on the system. Discussion with the Senior Manager of 'The Ivy' at the time of the inspection revealed he was aware of the fault and he advised FRNSW that a work order had been placed to repair the fault.

- 1C. Annual Fire Safety Statement (AFSS) – A copy of the current AFSS was not prominently displayed within the building in accordance with Clause 177 of the EP&A Regulation.

2. Generally

- 2A. Combined Fire Hydrant and Sprinkler Booster – It is noted that due to the current works in George Street for the light rail system, Fire Brigade access to the booster assembly (which incorporates large bore suction connection for the water storage tank) is obstructed, by the erection of construction barriers/hoarding and general lack of access along George Street. In this regard, FRNSW would have difficulties/delays in undertaking fire fighting activities, should a fire incident occur at 'the premises'.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 2 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17(4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/3688 (5800) for any future correspondence in relation to this matter.

Yours faithfully



[REDACTED]
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment J

**Inspection Report – 1 Dixon Street,
Sydney**

**Council Investigation Officer Inspection and Recommendation Report
Clause 17(2) of Schedule 5, of the Environmental Planning and Assessment Act
1979 (the Act)**

File: CSM 2035004

Officer: Andrew Porter

Date: 13 February 2019

Premises: 1 Dixon Street Sydney

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises with respect to matters of fire safety.

Specifically the correspondence from FRNSW related to matters of fire safety concerning the 'CEO Karaoke' on one of the basement levels within the building and faults and isolations upon the building fire indicator panel noted during FRNSW inspection.

The premises is located within a high rise nineteen storey building which bounds, Harbour Street, Liverpool Street, Dixon Street and Goulburn Street, Sydney. The building contains a mixture of uses and comprises of residential apartments, hotel accommodation, retail inclusive of a number of license premises and car parking.

FRNSW further inspected the premises on 14 December 2018 and noted within the report to Council that the faults and isolations had been removed from the building fire indicator panel and the system returned to normal.

The premises are equipped with numerous fire safety systems (both active and passive) that would provide adequate provision for fire safety for occupants in the event of a fire.

The subject premises is affected by a fire safety order (issued 9 May 2017 and modified 17 January 2019) which is currently in the latter stages of compliance.

An inspection of the premises undertaken by a Council investigation officer in the presence of the building manager revealed that there were two additional faults upon the buildings fire indicator panel. The dates the faults were registered by the panel were 4 February 2019 and 7 February 2019 respectively. Other than the faults identified there are no new (additional) significant fire safety issues that would lie outside the scope of the present order.

It is considered that the items identified by FRNSW have been addressed by the scope of works specified under the fire safety order.

Observation of the external features of the building did not identify metallic sheet cladding.

Chronology:

Date	Event
12/02/2019	FRNSW correspondence received regarding premises 'CEO Karaoke' at 1 Dixon Street, Sydney.
13/02/2019	An inspection of the subject premises was undertaken by a Council officer who found that there was two additional faults registered on the buildings fire indicator panel, and the other issues raised by FRNSW are subject of the current fire safety order with the major portion of those works completed.

FIRE AND RESCUE NSW REPORT:

References: BFS18/3694; TRIM D19/8485

Fire and Rescue NSW conducted an inspection of the subject premises on 8 December 2018. The inspection report relevant to this inspection is dated 11 February 2019 and was provided to the City on 12 February 2019.

Issues: The report from FRNSW detailed the following issues within the building:

- The buildings fire indicator panel had 19 faults and 20 isolations;
- Statutory exit signage was not provided in accordance with the Regulations;
- Portable fire extinguishers were obstructed and one extinguisher was missing from its mounting;
- Fire hose reels were found to be wound incorrectly;
- The annual fire safety statement was not prominently displayed within the building;

FRNSW Recommendations: FRNSW have made several recommendations within their report. In general FRNSW have requested that:

1. Council in its capacity as the regulatory authority, inspect and address any other deficiencies identified on the premises and require items identified by the report to be addressed appropriately.
2. Council advise FRNSW of its determination in relation to this matter in accordance with the provisions of clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order(NOI)	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	Continue to undertake compliance action in response to issued Council correspondence	Continue with compliance actions under the current Council Order	Other (to specify)
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That Council note that the owners of the building have already been served with an Order under the requirements of the Environmental Planning and Assessment Act, 1979.

The issued fire safety order once deemed compliant will provide the occupants of the premise with adequate provisions for fire safety.

Follow-up compliance activities are being undertaken by a Council officer to ensure identified fire safety matters are suitably addressed and that compliance with the terms of Council's Order are met.

It is recommended that Council not exercise its powers to give an order at this time, having regard to the existing Order mentioned in this report.

That the Commissioner of FRNSW be advised of Council's actions and determination.

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/080884-01
A2.	Locality Plan	2019/080884-02
A3	Attachment cover sheet	2019/080884-03

Trim Reference: 2019/080884

CSM reference No#: 2035004



File Ref. No: BFS18/3694
TRIM Ref. No: D19/8485
Contact: [REDACTED]

11 February 2019

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT
'CEO KARAOKE'
1 DIXON STREET SYDNEY ("the premises")**

Pursuant to the provisions of Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 8 December 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW). The inspection was conducted in the company of Officers from the NSW Police Force.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

COMMENTS

This report is limited to observations and sections of the building accessed at the time of the inspection. As such, this report lists potential deviations from the National Construction Code 2016 Building Code of Australia – Volume One Amendment 1 (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed may relate to the building's age or contradict development consent approval. In this regard, it is at council's discretion as the appropriate regulatory authority to consider the most appropriate action and determine whether an investigation is required.

The following items were identified as concerns during the inspection:

1. Essential Fire Safety Measures

- 1A. Automatic Fire Detection and Alarm System – The main Fire Indicator Panel (FIP), located in the Fire Control Room at Harbour Street, was inspected. The FIP indicated that the system had 9 faults and 20 isolations associated with the Automatic Fire Detection and Alarm System, contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

Following the inspection, the management company responsible for the building, PJM Building Management, were advised of the issue with the FIP and agreed to engage a service technician to rectify the faults and isolations.

On 14 December 2018, a follow up inspection of the premises was carried out. At the time of the inspection the faults and isolations had been removed and the system returned to normal.

At the time of the follow up inspection, a fault was noted at the Emergency Warning and Intercommunication System, relating to a Break Glass Alarm at level 18. The Operations Manager (Towers Building and Property Management) was aware of the fault and had already undertaken arrangements to repair the fault.

- 1B. Fire Door – The double doorset between the back of house area and corridor (adjacent to room 11) includes self-closing devices and door seals and appears to be a fire door, however no signage has been installed on the door contrary to the requirements of D2.23 of the NCC. Furthermore, the metal tag to the edge of the doorframe has been painted over, contrary to the requirements of Clause 6.1 of AS 1905.1-2015.

1C. Portable Fire Extinguishers (PFE)

- i. The PFE located adjacent to the bar area was obstructed by a fridge and beer taps and was not readily accessible at the time of the inspection, contrary to the requirements of Clause 3.2 of AS 2444-2001.

- ii. A sign for a PFE has been installed adjacent to the double doorset within the back of house area however no PFE or mounting hook was visible within the immediate vicinity of the sign.
 - 1D. Fire Hose Reel (FHR) – A number of FHRs were observed to be wound incorrectly, which may prevent occupants from being able to freely run out the fire hose reel when subject to horizontal pull without experiencing any difficulties, contrary to the requirements of AS 2441–2005.
 - 1E. Exit Signs – The exit sign above the door providing direct egress from the back of house area into the corridor, is missing the pictorial element from the sign and was not illuminated, contrary to the requirements of Clause E4.5 of the NCC and Clause 182 of the EP&A Regulation.
2. Generally
- 2A. Annual Fire Safety Statement (AFSS) – Clause 177(3)(b) of the EP&A Regulation states that the AFSS must be prominently displayed in the building. At the time of the inspection the AFSS was not prominently displayed.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 2 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17(4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/3694 for any future correspondence in relation to this matter.

Yours faithfully



[REDACTED]
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment K

**Inspection Report – 5-11 Egan Street,
Newtown**



**Council Investigation Officer Inspection and Recommendation Report
Clause 17(2) of Schedule 5, of the Environmental Planning and Assessment Act
1979 (the Act)**

CSM: 2034964

Officer: Tracey McCann

Date: 22 February 2019

Premises: 5-11 Egan Street, Newtown (Billabong Gardens)

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises with respect to matters of fire safety.

The subject premises was constructed pre 1990's and was subject to Ordinance 70 building regulations. The building consists of two (2) stories used for boarding house accommodation and is located off Egan Street in Newtown.

The ground floor comprises of a reception area/ office, ancillary carpark, swimming pool, communal kitchen and bedrooms. The second floor area contains additional communal bedrooms and common areas such as television / gaming rooms.

Council investigations have revealed that the premises are deficient in fire safety and egress provisions in the following areas:

- (i) Inadequate fire detection and alarm systems;
- (ii) Suitable fire resisting construction to prevent the spread of fire;
- (iii) Safe and dignified emergency egress for occupants to safely evacuate the building in the event of a fire &;
- (iv) Poor fire safety management systems in place – the lack of display of required location signage for essential fire safety measures.

As such, it is recommended that a fire safety order under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979 be issued so as to ensure and promote adequate facilities for fire safety/fire safety awareness.

It should also be noted, no external cladding was identified anywhere on the facade of the building during the time of inspection.

Chronology:

Date	Event
11/02/2019	FRNSW correspondence received regarding premises [5-11 Egan Street, Newtown – Billabong Gardens]
13/02/2019	An initial desktop review of the subject building revealed that it has a fire safety schedule and is required to submit annual fire safety statements to Council and FRNSW. The building has a current compliant annual fire safety statement, with the next one due on 11 May 2019.

14/02/2019	<p>An inspection of the subject premises was undertaken by a Council officer in the presence of the duty manager on 14 February 2019 during this inspection it was identified that the building was constructed to a previous building regulation, being, Ordinance 70, additionally the inspection revealed that there were several fire safety deficiencies throughout the building as follows;</p> <ol style="list-style-type: none"> I. The emergency lighting throughout the building does not appear to be maintained and is deficient in areas; II. Solid core doors to the communal bedrooms are being held open with miscellaneous goods; III. Level one (1) contains a stairway with two risers and requires a handrail to be installed to one side; IV. Combustible goods are being stored in the fire rated electrical distribution cupboards; V. The communal kitchen contains two (2) fire blankets and a portable fire extinguisher but no location signage has been installed; VI. A directional exit sign on level one (1) is not illuminated; VII. The storage of goods was noted under required egress stairways; VIII. Heat detectors installed in areas not permitted by legislation applicable to the building at the time of construction; IX. A portable fire extinguisher is obstructed with the storage of goods within the carpark; X. There is inadequate fire separation between the carpark area & the boarding house accommodation.
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FIRE AND RESCUE NSW REPORT:

References: [BFS18/3477 (5599); 2019/066708]

Fire and Rescue NSW conducted an inspection of the subject premises on 05 December 2018 after receiving correspondence on 23 November 2018 in relation to the adequacy of the provision for fire safety at the subject premises.

Issues

The report from FRNSW detailed a number of issues, in particular noting;

1. The Fire Indicator Panel (FIP) was displaying a fault and isolation. Council's inspection of the premise determined this to have been addressed at a prior date as no faults or isolations were identified on the fire indicator panel during Council's inspection;
2. The log books relating to Fire Indicator Panel confirms that management at the premises isolate the FIP on a frequent basis; FRNSW, notified management on the day of inspection and on 06 December 2018, FRNSW were sent evidence showing the fault and isolation had since been addressed. Noted, no further action from Council taken;

3. The final exit door to Egan Street does not swing in the direction of egress to the road. Council noted this defect during the inspection and it will be addressed via the issuance of a fire safety order;
4. The egress stairway serving rooms numbered 17-21 has a width of less than 1 metre ~ (850mm); Council acknowledges this defect, however, considers the reduced width to not have a significant impact upon the egress requirements required for the relatively small population of this area;
5. It is unknown whether the walls separating the accommodation and carpark area are adequately fire separated. Council assessed this defect during the inspection and it will be addressed via the issuance of a fire safety order.

FRNSW Recommendations

FRNSW have made a number of recommendations within their report. In general FRNSW have requested that Council;

1. Inspect the subject premises and take action to have the identified fire safety issues appropriately addressed;
2. Advise them in writing of its determination in relation to this matter in accordance with the provisions of clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order(NOI)	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	Continue to undertake compliance action in response to issued Council correspondence	Other (to specify)

As a result of a site inspection undertaken by Council investigation officers it is recommended that Council exercise its powers to give a notice of intention (NOI) for an Order 2, under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979 to address the fire safety deficiencies identified by FRNSW and Council's building officer.

The issue of a fire safety order will ensure that suitable fire safety systems are in position throughout the building to provide improved and adequate provisions for fire safety

That the Commissioner of FRNSW be advised of Council's actions and outcomes.

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/076435-01
A2.	Locality Plan	2019/076435-02
A3	Attachment cover sheet	2019/076435-03

Trim Reference: 2019/076435

CSM reference No#: 2034964



File Ref. No: BFS18/3477 (5599)
TRIM Ref. No: D19/2335
Contact: [REDACTED]

1 February 2019

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT
BILLABONG GARDENS
5-11 EGAN STREET NEWTOWN ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 23 November 2018, in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

Deeply concerned about an accommodation in Newtown. They are a fire hazard

- 1. No overnight managers on site, and residents are not told where fire extinguishers are.*
- 2. Fire plan not shown to residents and they are not visible anywhere.*
- 3. Unsure if smoke alarms are in all the rooms.*
- 4. Most rooms are high up and would be a hazard to jump from wooden balconies into hard pavement and which all have flammable plants right underneath them.*
- 5. Many gas cookers in the kitchen and one fire blanket.*

I think this place is a disaster waiting to happen

Pursuant to the provisions of Section 9.32 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 5 December 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32 (4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

COMMENTS

This report is limited to observations and sections of the building accessed at the time of the inspection. As such, this report lists potential deviations from the National Construction Code 2016 Building Code of Australia – Volume One Amendment 1 (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed may relate to the building's age or contradict development consent approval. In this regard, it is at council's discretion as the appropriate regulatory authority to consider the most appropriate action and determine whether an investigation is required.

The following items were identified as concerns during the inspection:

1. Essential Fire Safety Measures

1A. Maintenance – Clause 182 of the Environmental Planning and Assessment Regulation 2000 requires that an Essential Fire Safety Measure must be maintained to a standard no less than when it was first installed. The following essential services were identified as concerns:

- A. Automatic Fire Detection and Alarm System – An isolation and a fault were displayed on the Fire Indicator Panel (FIP), which were associated with the Automatic Fire Detection and Alarm System. The FIP indicated that the first floor was in fault and isolated.
- B. Maintenance Log Books – The log book associated with the FIP indicates that the Automatic Fire Detection and Alarm System of the premises has a history of been isolated by management on a regular basis.

At the time of the inspection, management were advised of the issue with the FIP and agreed to engage a Service Technician to rectify the fault and isolation. On 6 December 2018 an email, including photographic evidence, was received from the General Manager of the premises confirming that the fault and isolation had been removed from the system.

- 1B. Automatic Fire Detection and Alarm System - The detection system throughout the premises appeared to be a combination of smoke and thermal detectors. It is unclear whether approval has been given to permit thermal detectors in areas where smoke detectors would generally be required. An investigation may be required by council, to confirm whether the automatic smoke detection and alarm system has been installed to the standard to which it was approved.

2. Access & Egress

- 2A. Door swing – The final exit door to Egan Street (adjacent to room No 7) swings against the direction of egress, contrary to the requirements of Clause D2.20 of the NCC.
- 2B. Path of Travel - The path of travel from the first-floor rooms numbered 17 - 21, to the ground floor exit, includes stairs which have an unobstructed width of less than 1m, contrary to the requirements of Clause D1.6(b) of the NCC.

3. Compartmentation

- 3A. Separation of Classifications – At the time of the inspection, it could not be determined whether the separating walls between the accommodation area (and ancillary office) and the carpark are fire separated in accordance with the requirements of Clause C2.8 and Specification C1.1 of the NCC.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 3 of this report be addressed appropriately.

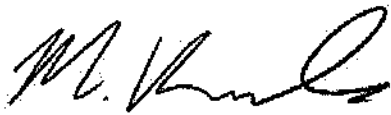
This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02)

Unclassified

9742 7434. Please ensure that you refer to file reference BFS18/3477 for any future correspondence in relation to this matter.

Yours faithfully




Senior Building Surveyor
Fire Safety Compliance Unit

Attachment L

**Inspection Report – 296-298 Botany
Road, Alexandria**



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Date: Feb-19
 A4 1:1,000



city of sydney

**Council Investigation Officer Inspection and Recommendation Report
Clause 17(2) of Schedule 5, of the Environmental Planning and Assessment Act
1979 (the Act)**

File: CSM 2034451

Officer: Ashley Host

Date: 26 February 2019

Premises: 280 Wyndham Street, Alexandria (aka 296-298 Botany Road)

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises with respect to matters of fire safety.

The premises consists of a two (2) storey commercial factory building currently used for the assembly of prefabricated valve systems associated with the New South Wales Government extensions to the M4 and M5 Motorway.

An inspection of the premises undertaken by a Council Building Surveyor revealed that there were no significant fire safety issues occurring within the building. The issue originally referred to by FRNSW was addressed prior to the matter being referred to the City.

The premises are equipped with active fire safety systems consisting of external hydrants and portable fire extinguishers that would provide adequate provision for fire safety for occupants in the event of a fire. Adequate provision for egress is also provided. There is an e-licence for these premises E/2004/1669.

The current tenant is due to vacate the building within the next six (6) weeks as the site is due to be redeveloped.

Development consent D/2012/1021 has been granted for *“demolition of the existing buildings, amalgamation of the 2 lots and construction of a 3-4 storey retail and commercial development containing 25,682sqm of gross floor area (14,949sqm of retail and 10,733sqm of commercial floor area) and with 3 levels of basement parking accommodating 614 spaces”*. The consent has been activated by construction certificate (P/2018/2398) dated 14 November 2018.

On the basis that the site is being prepared for redevelopment it is not considered that further action is warranted in this instance.

Chronology:

Date	Event
08/02/2019	FRNSW correspondence received regarding premises located at 280 Wyndham Street, Alexandria
22/02/2019	An inspection of the subject premises was undertaken by a Council Building Surveyor

FIRE AND RESCUE NSW REPORT:

References: BFS18/2977 (5130), D19/8039, 2019/067718

Fire and Rescue NSW received correspondence in relation to the adequacy of the provision for fire safety in connection with the premises.

The correspondence stated in that *“a large tarpaulin was blocking access to the Fire Brigade booster at the front of the premises. The occupant to the premises was asked to remove the item but choose to ignore the request.”*

Issues

The report from FRNSW does not detail any issues with respect to the building located at 280 Wyndham Street, Alexandria.

With regard to the tarpaulin blocking access to the Fire Brigade booster at the front of the premises, FRNSW provides in their correspondence that "...the tarpaulin was removed whilst FRNSW was on site".

FRNSW Recommendations

FRNSW have made no recommendations within their report other than legislative notification.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order (NOI)	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	Continue to undertake compliance action in response to issued Council correspondence	Continue with compliance actions under the current Council Order	Other (to specify)

It is recommended that Council not exercise its powers to give a fire safety order under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979 at this point in time.

That the Commissioner of FRNSW be advised of Council's actions and outcomes.

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/101305-01
A2.	Locality Plan	2019/101305-02
A3	Attachment cover sheet	2019/101305-03

Trim Reference: 2019/101305

CSM reference No#: 2034451



File Ref. No: BFS18/2977 (5130)
TRIM Ref. No: D19/8039
Contact: Senior Firefighter [REDACTED]

8 February 2019

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir/Madam,

**Re: INSPECTION REPORT
280 WYNDHAM ST ALEXANDRIA ("THE PREMISES")**

Fire & Rescue NSW (FRNSW) received correspondence on 15 October 2018, in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *A large tarpaulin was blocking access to the Fire Brigade booster at the front of the premises. The occupant to the premises was asked to remove the item but choose to ignore the request.*

Pursuant to the provisions of Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 30 January 2019 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW).

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

Please be advised that details of this inspection have been provided in accordance with Section 9.32(4) of the EP&A Act. Therefore, on behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Schedule 5, Part 8, Section 17(1)(a) of the EP&A Act.

COMMENTS

The following items were identified during the inspection:

1. Essential Fire Safety Measure
 - 1A. Fire Hydrant Installation – At the time of inspection a tarpaulin was found at the front of the fire hydrant booster assembly preventing its use. The tarpaulin was removed whilst FRNSW was on site.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Senior Firefighter [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/2977 (5130) for any future correspondence in relation to this matter.

Yours faithfully



[REDACTED]
Team Leader Fire Safety Compliance
Fire Safety Compliance Unit

Attachment M

**Inspection Report – 339-347 Kent
Street, Sydney**



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Date: 8-Feb-19
A4 1:500

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city of villages

**Council Investigation Officer Inspection and Recommendation Report
 Clause 17(2) of Schedule 5, of the Environmental Planning and Assessment Act
 1979 (the Act)**

File: CSM 2037731

Officer: Andrew Porter

Date: 19 February 2019

Premises: 339-347 Kent Street Sydney

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises with respect to matters of fire safety.

Specifically the correspondence from FRNSW related to matters of fire safety concerning 'Mr Tippy's' a licensed premises within the building.

The premises is located within a high rise twenty two storey building which is located on the corner of, Kent Street and King Street, Sydney. The building contains a mixture of uses and comprises of offices, and retail premises inclusive of the license premises subject of FRNSW correspondence.

The premises are equipped with numerous fire safety systems (both active and passive) that would provide adequate provision for fire safety for occupants in the event of a fire.

Council investigations have revealed that whilst there remains several minor fire safety "maintenance and management" works to attend to, the overall fire safety systems provided within the subject premises are considered adequate in the circumstances. The terrace to the rear of the premises which was also subject in FRNSW correspondence in relation to blocked egress was closed at the time of inspection with consented alterations and additions being undertaken.

Observation of the external features of the building did not identify metallic sheet cladding.

Chronology:

Date	Event
15/02/2019	FRNSW correspondence received regarding premises 'Mr Tippy's' at 347 Kent Street, Sydney.
19/02/2019	An inspection of the subject premises was undertaken by a Council officer which identified a number of fire safety management and maintenance issues to attend to including: <ul style="list-style-type: none"> ➤ Installation of signage identifying the location of the hydrant valve outlet; ➤ Remove stored items from the hydrant, hose reel and extinguisher cabinet; ➤ Replace the non-compliant door with a fire door to the enclosed space (cupboard) under the internal required non-fire isolated stairway within the premises;

FIRE AND RESCUE NSW REPORT:

References: BFS18/3687 (5798); TRIM D19/8896

Fire and Rescue NSW conducted an inspection of the subject premises on 8 December 2018. The inspection report relevant to this inspection is dated 15 February 2019.

Issues: The report from FRNSW detailed the following issues within the building:

- The cupboard containing the fire hydrant valve outlet did not have statutory signage affixed and contains non-fire related equipment and electrical cables within contrary to the applicable Australian Standard;
- The cupboard beneath the internal non-fire isolated stair may not be enclosed in the appropriate fire rated construction;
- Path of travel to the rear exit via the terrace was obstructed by lattice barriers in contravention of the regulations;

FRNSW Recommendations: FRNSW have made several recommendations within their report. In general FRNSW have requested that:

1. Council in its capacity as the regulatory authority, inspect and address any other deficiencies identified on the premises and require items identified by the report to be addressed appropriately.
2. Council advise FRNSW of its determination in relation to this matter in accordance with the provisions of clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order (NOI)	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	Continue to undertake compliance action in response to issued Council correspondence	Continue with compliance actions under the current Council Order	Other (to specify)
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As a result of site inspection undertaken by Council investigation officers it is recommended that the owner of the building be issued with written instructions to rectify the identified fire safety deficiencies noted by Council.

The written instructions will request that the building owner:

- Install the required statutory signage to the cupboard door which contains the hydrant valve outlet;
- Remove stored items from within the hydrant, hose reel and fire extinguisher cupboard;
- Provide a compliant fire door to the enclosed space which forms a cupboard underneath the internal required non-fire isolated stairway;

Follow-up compliance inspections are currently being undertaken, and will continue to be undertaken by a Council investigation officer to ensure identified fire safety matters are suitably addressed and that compliance with the terms of Councils correspondence occur.

It is recommended that Council not exercise its powers to give an Order at this time.

That the Commissioner of FRNSW be advised of Council's actions and outcomes

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/080912-01
A2.	Locality Plan	2019/080912-02
A3	Attachment cover sheet	2019/080912-03

Trim Reference: 2019/080912

CSM reference No#: 2037731



File Ref. No: BFS18/3687 (5798)
TRIM Ref. No: D19/8896
Contact: [REDACTED]

15 February 2019

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT
"MR TIPPLY'S"
347 KENT STREET, SYDNEY ("the premises")**

Pursuant to the provisions of Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 8 December 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW). The inspection was also conducted in the company of Officers from the NSW Police Force.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures within "Mr Tipples" – only, as identified in this report.
- A conceptual overview of the "Mr Tipples", where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

COMMENTS

It is noted that "Mr Tippy's" forms part of 'ANZ' building at 347 Kent Street and the inspection was limited to "Mr Tippy's" hotel/pub portion only.

The following items were identified as concerns at the time of inspection:

1. Essential Fire Safety Measures

1A. Fire hydrant and fire hose reel enclosures –

- a) The cupboard containing the fire hydrant valve outlet (adjacent to the electrical switch cupboard), does not contain signage on the door 'FIRE HYDRANT' to identify the hydrant valve within, contrary to the requirements of Clause 3.6.2 of AS 2419.1-2005.
- b) The cupboards containing the fire hydrant valve outlets and the fire hose reels, contain non-fire related equipment and electrical cables within, contrary to the requirements of Clause 3.6 of AS2419-2005 and Clause 10.4.4 of AS 2441-2005.

2. Access and Egress

2A. Enclosure of space under stairs – the space beneath the internal non fire-isolated stair on the ground floor was enclosed to form a cupboard and it is unclear whether the enclosing walls and ceiling achieve an FRL of not less than 60/60/60 and whether the opening is fitted with a self-closing -/60/30 fire door, in accordance with the requirements of Clause D2.8(b) of the National Construction Code Volume One Building Code of Australia 2016 (NCC).

2B. Path of travel to exits – Access to the rear exit via the terrace was obstructed by lattice barriers, impeded the free passage of persons along the path of travel to the required exits, contrary to the requirements of Clause 186 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation). The barriers were moved at the time of the inspection.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 2 of this report be addressed appropriately.

Unclassified

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17(4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/3687 (5798) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

[REDACTED]
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment N

**Inspection Report – 17-27 Wheat Road,
Sydney**



**Council Investigation Officer Inspection and Recommendation Report
Clause 17(2) of Schedule 5, of the Environmental Planning and Assessment Act
1979 (the Act)**

File: CSM 2040038

Officer: Michael Merlino

Date: 22 February 2019

Premises: 17-27 Wheat Road, SYDNEY NSW 2000 "Home Nightclub"

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 13 February 2019 with respect to matters of fire safety.

The premises known as the "Home Nightclub" consists of a 3 storey building used as a nightclub on all 3 levels. The premises forms part of the Cockle Bay Wharf building and is located on the most Southerly part of the building.

An inspection of the premises undertaken by a Council investigation officer in the presence of the business owner and the building and retail managers have revealed that there were no significant fire safety issues occurring within the building.

The premises are equipped with numerous fire safety systems (both active and passive) that would provide adequate provision for fire safety for occupants in the event of a fire. The annual fire safety certification is current and compliant in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

Council investigations have revealed that whilst there remains several minor fire safety "maintenance and management" works to attend to including obstruction to an exit sign, maintenance to a fire hose reel, additional smoke detectors to a room and a fault displayed on the buildings Fire Indicator Panel located elsewhere in the main building, the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

It is considered that the above fire safety works are of a degree which can be addressed by routine preventative and corrective maintenance actions undertaken by the owner's fire service contractor through written instruction from Council.

Observation of the external features of the building did not identify the existence of metallic sheet cladding on the façade of the building

Chronology:

Date	Event
13/2/2019	FRNSW correspondence received regarding premises 1-5 Wheat Road, Darling Harbour "Home Nightclub". It is noted that the correct address for the building is 17-27 Wheat Road, Sydney which was confirmed with an officer of FRNSW.
21/2/2019	An initial desktop review of the subject building revealed that the building has a fire safety schedule and is required to submit annual fire safety statements to Council and FRNSW. The building has a current compliant annual fire safety statement, with the next one due by 29 November 2019.
22/2/2019	An inspection of the subject premises was undertaken by a Council officer which revealed the following items to be addressed by the building owners: 1. A full copy of the buildings Annual Fire Safety Statement is to be displayed at the building security office;

	<ol style="list-style-type: none"> 2. A current isolation was displayed on the buildings Fire Indicator Panel (FIP) relating to the Blackbird Café; 3. Vegetation was overgrown on the western balcony that was obstructing an exit sign; 4. A fire hose reel valve was not functioning correctly and requires servicing; 5. Additional smoke detectors are required to be provided to level 2 mezzanine area.
22/2/2019	Corrective action correspondence issued to the owner and building manager of the premises requiring the abovementioned matters to be satisfactorily addressed.

FIRE AND RESCUE NSW REPORT:

References: [BFS18/3695, D19/7990; 2019/083070]

Fire and Rescue NSW conducted an inspection of the subject premises in conjunction with the NSW police force on 9 February 2019.

Issues

The report from FRNSW detailed a number of issues, in particular noting

1. A fault was displayed on the fire indicator panel;
2. Smoke detection was not visible on level 2 "Mezz lounge" and additional detection may be required to this area;
3. A fire hose reel nozzle failed to open;
4. Concerns regarding the swing of certain doors;
5. An evacuation diagram was not indicative of the actual location in the building.

FRNSW Recommendations

FRNSW have made a number of recommendations within their report. In general FRNSW have requested that Council:

1. Inspect the subject premises and take action to have the identified fire safety issues appropriately addressed;
2. Advise them in writing of its determination in relation to this matter in accordance with the provisions of clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue order(NOI)	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	Undertake compliance action in response to issued Council correspondence	Continue with compliance actions under the current Council Order	Other (to specify)

As a result of the above site inspection undertaken by Council investigation officers it is recommended that the owners of the building continue to comply with the written fire safety compliance instructions as issued to rectify the identified fire safety deficiencies noted by FRNSW.

Follow-up compliance inspections are currently being undertaken, and will continue to be undertaken by a Council investigation officer to ensure already identified fire safety matters are suitably addressed and that compliance with the terms of Councils correspondence and the recommendations of FRNSW occur.

It is recommended that Council not exercise its powers to give a fire safety order at this time.

That the Commissioner of FRNSW be advised of Council's actions and outcomes

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/093010-01
A2.	Locality Plan	2019/093010-02
A3	Attachment cover sheet	2019/093010-03

Trim Reference: 2019/093010

CSM reference No#: 2040038

Pin's:

Pin not issued, minor maintenance works required, owners committed to rectifying issues.



File Ref. No: BFS18/3695
TRIM Ref. No: D19/7990
Contact: [REDACTED]

13 February 2019

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT
'HOME NIGHTCLUB'
1-5 WHEAT ROAD DARLING HARBOUR ("the premises")**

Pursuant to the provisions of Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 9 February 2019 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW). The inspection was also conducted in the company of Officers from the NSW Police Force.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

COMMENTS

This report is limited to observations and sections of the building accessed at the time of the inspection. As such, this report lists potential deviations from the National Construction Code 2016 Building Code of Australia – Volume One Amendment 1 (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed may relate to the building's age or contradict development consent approval. In this regard, it is at council's discretion as the appropriate regulatory authority to consider the most appropriate action and determine whether an investigation is required.

The following items were identified as concerns during the inspection:

1. Essential Fire Safety Measures

- 1A. Automatic Smoke Detection and Alarm System – There was a fault displayed at the main Fire Indicator Panel (FIP), contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

The maintenance log book in the fire control room indicates that the fire services contractors were aware of the issue which related to a duct detector. Club management were made aware of the issue and agreed to address as necessary.

- 1B. Smoke Detection – No smoke detectors were visible on the ceiling of the 'Mezz Lounge' on level 2. In that regard the 'Mezz Lounge' area may not comply with the requirements of Section 5 of Australian Standard (AS) 1670.1–2004. A review of Council's records and investigation may be required.

- 1C. Fire Hose Reel (FHR) – At the time of inspection, the nozzle of the FHR on level 2, adjacent to the southern fire stair, failed to open, contrary to the requirements of AS 2441–2005 and Clause 182 of the EP&A Regulation.

2. Access & Egress

- 2A. Door swing – The designated exit door from the level 2 office/staff area to the nightclub area, swings against the direction of egress, contrary to the requirements of Clause D2.20 of the NCC.

3. Generally

- 3A. Evacuation Diagram. – The evacuation diagram adjacent to the northern fire stair at level 2, was not indicative of the actual location, showing the layout of level 1. Management were informed and agreed to install the correct diagram.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 3 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17(4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/3695 for any future correspondence in relation to this matter.

Yours faithfully



[REDACTED]
Building Surveyor
Fire Safety Compliance Unit