

Attachment A

**Planning Proposal - Proposed heritage
items, Potts Point**

Planning Proposal

– Proposed heritage items,

Potts Point:

**Kingsley Hall, 1A Elizabeth Bay Road;
The Bourbon Hotel, 22-24 Darlinghurst Road;
The Empire Hotel, 32-32A Darlinghurst Road.**

August 2018



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Introduction

This planning proposal explains the intent of, and justification for, the proposed amendment to Sydney Local Environmental Plan 2012 (SLEP 2012). The amendment will identify three heritage items for inclusion in Schedule 5 located in Potts Point.

The proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 (the Act) and the relevant Department of Planning guidelines, including 'A Guide to Preparing Local Environmental Plans' and 'A Guide to Preparing Planning Proposals'.

Background

Site identification

This planning proposal relates to the following places within Potts Point, as described in Part 3 and mapped in Part 5:

- Kingsley Hall, 1A Elizabeth Bay Road - Lot 1 DP 191425
- The Bourbon Hotel, (formerly The Bourbon and Beefsteak), (part) 22-24 Darlinghurst Road – part of Lot 1 DP 1097710
- The Empire Hotel, 32-32A Darlinghurst Road - Lot 1 DP 510235

Kingsley Hall is privately owned by various parties under Strata Plan No 10070. It comprises a ten-storey Art Deco apartment block, constructed with a concrete frame and clad in distinctive red face textured brickwork with Aztec motifs incorporated within the detailing of the brick parapets.

The Bourbon Hotel is privately owned by Piccadilly Freehold Pty Limited. It comprises two early 20th century mansion-style terrace houses, with Italianate detailing, plus a 1950s extension which have been incorporated into entertainment facility.

The Empire Hotel is also privately owned by Piccadilly Freehold Pty Limited. It is a three-storey commercial/entertainment building constructed in 1962.

Planning background

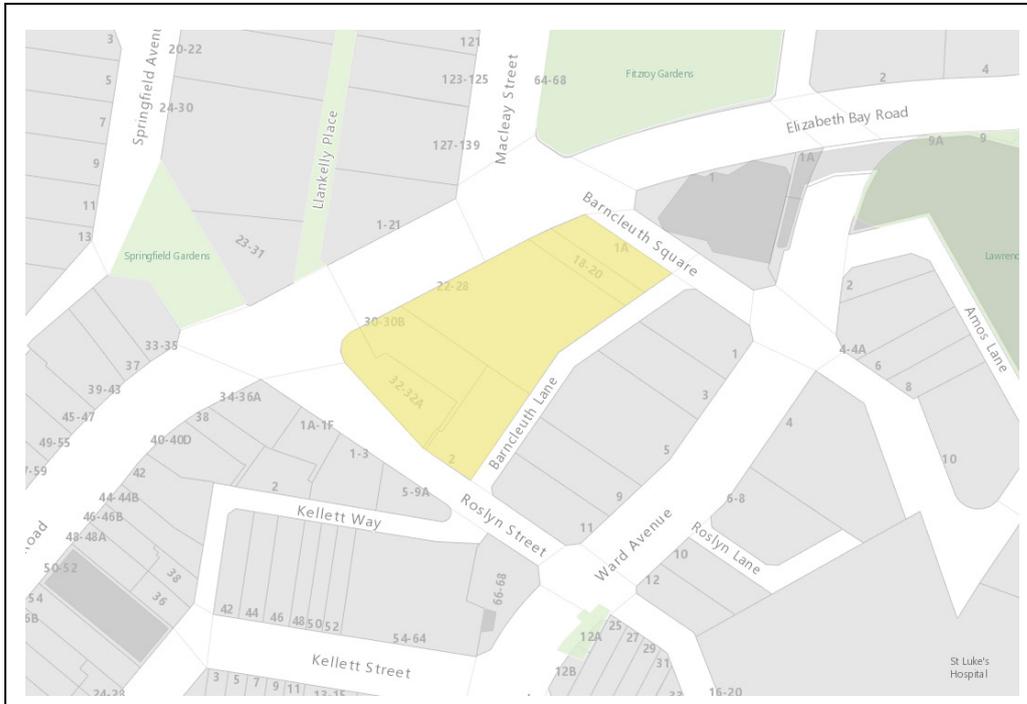
Following a recent development application submitted for 18-32 Darlinghurst Road, Potts Point (D2017/1705) involving demolition of the majority of structures in this location, and the subsequent community response to this proposal, the City of Sydney commissioned a heritage assessment of 18-32A Darlinghurst Road, 1A Elizabeth Bay Road and 2 Roslyn Street. The primary purpose of this heritage study is to confirm which properties on these sites should be considered for heritage listing.

The City commissioned PTW Architects to carry out this heritage assessment, and to subsequently prepare inventory sheets for any potential heritage items. The heritage assessment is included at Appendix 1. This report identifies 3 buildings as potential heritage. Draft inventory sheets for these items are attached at Appendix 2. This planning proposal is to include these items into Schedule 5 of Sydney Local Environmental Plan 2012.

Study area and scope

The heritage study investigates the heritage significance of the block bounded by Darlinghurst Road, Roslyn Street, Barncleuth Lane and Elizabeth Bay Road (Barncleuth Square) in Potts Point. This is shown in Figure 1.

Figure 1: Study area shaded yellow



Study findings

The heritage study report is included at **Appendix 1**. This study concludes that of the sites investigated, three have a high degree of heritage significance that warrants their potential listing as heritage items on Sydney Local Environmental Plan 2012.

Assessment of significance for listing

The Heritage Council of NSW guideline outlines seven criteria of local heritage significance to determine whether an item warrants local listing. Only one of these seven criteria needs to be satisfied at the local level for local heritage listing. The proposed sites satisfy one or more of these Heritage Council criteria of local heritage significance for local listing. It is noted some may also be state significant, however this comparative level of importance is determined by the Heritage Council of NSW, and is not required for local listing.

Progressing local heritage listing for the proposed heritage items will ensure the local heritage significance of these properties is appropriately considered and maintained as part of future plans or redevelopment.

Part 1 – Objectives or intended outcomes

The objective of the planning proposal is to recognise and protect the heritage significance of these buildings in Potts Point, as identified in Part 2.

The intended outcomes to achieve these objectives are to:

- List buildings or complexes in Potts Point as heritage items in Schedule 5 of Sydney Local Environmental Plan 2012 (SLEP2012) as follows:
 - Kingsley Hall, 1A Elizabeth Bay Road - Lot 1 DP 191425
 - The Bourbon Hotel, (formerly The Bourbon and Beefsteak), (part) 22-24 Darlinghurst Road – part of Lot 1 DP 1097710
 - The Empire Hotel, 32-32A Darlinghurst Road - Lot 1 DP 510235

Part 2 – Explanation of the provisions

The final clauses in Sydney Local Environmental Plan 2012 would be subject to drafting and agreement by Parliamentary Counsel's Office but may be written as follows to achieve the intended outcomes

Heritage schedule amendments

The planning proposal seeks to amend the SLEP 2012 Schedule 5 heritage schedule by inserting or altering the following items as shown below in **Table 1**. Text to insert is shown as **bold underline**. Text to omit is shown as **~~bold strikethrough~~**.

Table 1 – Proposed amendments to Schedule 5, Environmental heritage, Part 1, heritage items

Locality	Item name	Address	Property description	Significance	Item no.
<u>Potts Point</u>	<u>Kingsley Hall including interiors</u>	<u>1A Elizabeth Bay Road</u>	<u>Lot 1 DP 191425</u>	<u>Local</u>	<u>I2289</u>
<u>Potts Point</u>	<u>(part) The Bourbon Hotel including front facade to depth of 8 metres from front facade</u>	<u>22-24 Darlinghurst Road</u>	<u>part of Lot 1 DP 1097710</u>	<u>Local</u>	<u>I2290</u>
<u>Potts Point</u>	<u>The Empire Hotel</u>	<u>32-32A Darlinghurst Road</u>	<u>Lot 1 DP 510235</u>	<u>Local</u>	<u>I2291</u>

The heritage item naming convention conforms with existing listings in Schedule 5, which include building interiors. This is in accordance with the directions contained in the Standard Instrument (Local Environmental Plans) Order 2006, which require the item name to briefly describe significant features.

The features noted in the above item names are described further in the supporting information contained in the heritage inventories included at **Appendix 2**. The non-statutory heritage inventories can continue to be updated as new information becomes available, such as through completion of a conservation management plan.

Part 3 – Justification

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

Yes. The planning proposal is a result of a heritage assessment block bounded by Darlinghurst Road, Roslyn Street, Barncleuth Lane and Elizabeth Bay Road (Barncleuth Square) in Potts Point, prepared by PTW architects completed in August 2018. The City of Sydney commissioned this strategic study in response to a development application for part of this site.

The items identified in this planning proposal are recommended for investigation for listing in this study, with supporting draft heritage inventories. These establish that these recommended heritage items meet at least one of the Heritage Council criteria for local listing for their local heritage significance.

The heritage study is included in **Appendix 1**. The draft heritage inventories are included at **Appendix 2**.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. Appropriate heritage protection for these three sites is best achieved through identification as a local heritage item in an environmental planning instrument. .

City of Sydney has authorisation to make interim heritage orders for unlisted buildings under the Heritage Act 1977, however these items are included within an existing Conservation Area, preventing the City's ability to make an interim heritage order. A more strategic approach is preferred as recommended in this planning proposal. No immediate threat to these buildings is known to warrant any emergency form of heritage protection.

Progressing local heritage listing for these proposed heritage items will ensure the local heritage significance of these sites are appropriately considered and maintained as part of future plans or redevelopment. It will also ensure prior formal consultation with the land owners and broader community. These outcomes are only achieved in the longer term through the proposed listing.

Section B – Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Yes. See comments below.

Greater Sydney Region Plan: A Metropolis of Three Cities

The Greater Sydney Region Plan, completed in March 2018, is the Greater Sydney Commission's vision for a Greater Sydney of three cities where most residents live within 30 minutes of their jobs and services. City of Sydney is situated within the "Eastern Harbour City".

This plan sets a 40-year vision (to 2056) and establishes a 20-year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters. This sets out how the State Government's 10 directions for a Greater Sydney are to be implemented through integrated planning. These 10 directions, with 40 supporting objectives, address infrastructure, liveability, productivity and sustainability. This planning proposal is consistent with these high level directions and objectives. In particular it addresses the liveability great places direction objective:

Objective 13: Environmental heritage is identified conserved and enhanced

By proposing to consult the community for listing these new heritage items, this planning proposal will fulfil this object.

Eastern City District Plan

The Eastern City District Plan completed by the Greater Sydney Commission in March 2018 is a 20-year plan to manage growth in the context of economic, social and environmental matters. The district plan identifies 22 planning priorities and associated actions that support a liveable, productive and sustainable future for the district. This planning proposal gives effect to the following key planning priority and actions:

Liveability Planning Priority E6 – Creating and renewing great places and local centres, and respecting the District's heritage

Action 26 - Identify, conserve and enhance environmental heritage by:

- (a) engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place*
- (b) applying adaptive re-use and interpreting heritage to foster distinctive local places*
- (c) managing and monitoring the cumulative impact of development on the heritage values and character of places.*

This priority seeks to enhance the district's liveability by identifying, conserving and enhancing the heritage place-makers in local centres and neighbourhoods. It notes that heritage buildings contribute to an area's sense of place, its distinctive character, and diversity of built form and uses, and bring people together. Conserved heritage buildings are some of the attributes of liveable great places acknowledged in this plan, which attract residents, workers, visitors, enterprise and investment into centres.

In proposing to consult the community to identify these sites of assessed local heritage significance, this planning proposal will address the district plan by encouraging the retention and continued use of these place-makers, as part of the distinctive identity of central Sydney.

Early informal engagement with the community on proposed planning controls for the block indicated support for acknowledging local significance of these buildings and the function over the years.

Subsequent community consultation has been conducted as part of Council's review of the existing planning framework. CRED Consulting and Micromex Research and People, Place and Partnership were commissioned to undertake an online survey and workshop with the local community to better understand views concerning character, built form and experience along Darlinghurst Road, both now and in the future.

The consultation asked specific questions about the social, cultural or historical value or significance of The Bourbon and The Empire Hotel with a large number of responses noting that these sites were important to them, with particular focus on their iconic nature, historic, architectural and aesthetic significance, contribution to local character and streetscape, and in the case of The Empire Hotel, how it is considered significant to the LGBTIQ+ community.

The community consultation has provided Council with insight into the values and concerns of the local community and has directly informed the proposed planning controls.

Q4. Is the planning proposal consistent with council's local strategy or other local strategic plan?

Yes. See comments below.

Sustainable Sydney 2030 Strategic Plan

The City's Sustainable Sydney 2030 Strategic Plan is the 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. This planning proposal is consistent with the key directions of Sustainable Sydney 2030, particular Direction 7 for 'A Cultural and Creative City.

The planning proposal identifies these sites in Potts Point as heritage items, thereby providing for their conservation, a diversity of building stock in their vicinity and allowing future generations to understand the historic development of Kings Cross. The listing will ensure future development considers and maintains the heritage significance of these sites.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

Yes. The planning proposal is consistent with and does not contradict or hinder application of the following applicable State Environmental Planning Policies (SEPPs):

- SEPP No 1—Development Standards
- SEPP No 33—Hazardous and Offensive Development
- SEPP No 64—Advertising and Signage
- SEPP No 65—Design Quality of Residential Flat Development
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Educational Establishments and Child Care Facilities) 2017
- SEPP (Infrastructure) 2007
- SEPP (Miscellaneous Consent Provisions) 2007
- SEPP (State and Regional Development) 2011

The planning proposal is consistent with and does not contradict or hinder application of the following applicable with former Regional Environmental Plan (REP) for the Sydney and Greater Metropolitan Regions, which is deemed to have the weight of SEPPs:

- Sydney REP (Sydney Harbour Catchment) 2005

Q6. Is the planning proposal consistent with applicable ministerial directions (s.117 directions)?

The planning proposal has been assessed against each Section 117 direction. The consistency of the planning proposal with these directions is shown in the table below.

Table 2 – Consistency of the planning proposal with ministerial directions

No	Ministerial direction	Comment
1.1	Business and Industrial Zones	Consistent. The planning proposal will not reduce the total potential floor space area for employment uses and related public services in business zones.
1.2	Rural Zones	Not applicable
1.3	Mining, Petroleum Production and Extractive Industries	Not applicable
1.4	Oyster Aquaculture	Not applicable
1.5	Rural Lands	Not applicable
2.1	Environment Protection Zones	Not applicable
2.2	Coastal Protection	Not applicable
2.3	Heritage Conservation	Consistent. This planning proposal provides for the conservation of heritage items.
2.4	Recreation Vehicle Areas	Not applicable
3.1	Residential Zones	Not applicable
3.2	Caravan Parks and Manufactured Home Estates	Not applicable
3.3	Home Occupations	Not applicable
3.4	Integrating Land Use and Transport	Consistent.
3.5	Development Near Licensed Aerodromes	Not applicable
3.6	Shooting Ranges	Not applicable

No	Ministerial direction	Comment
4.1	Acid Sulphate Soils	Consistent. This planning proposal does not contradict or hinder application of acid sulphate soils provisions in Sydney LEP 2012.
4.2	Mine Subsidence and Unstable Land	Not applicable
4.3	Flood Prone Land	Not applicable
4.4	Planning for Bushfire Protection	Not applicable
5.1	Implementation of Regional Strategies	Consistent. This planning proposal is consistent with key strategic goals and directions within the Greater Sydney Region Plan and the District as outlined above.
5.2	Sydney Drinking Water Catchments	Not applicable
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.8	Second Sydney Airport, Badgerys Creek	Not applicable
5.9	North West Rail Link Corridor Strategy	Not applicable
5.10	Implementation of Regional Plans	Consistent. As addressed above.
6.1	Approval and Referral Requirements	Consistent. This planning proposal does not include any concurrence, consultation or referral provisions nor does it identify any development as designated development.
6.2	Reserving Land for Public Purposes	Consistent. This planning proposal will not affect any land reserved for public purposes.
6.3	Site Specific Provisions	Consistent. This planning proposal does not introduce unnecessarily restrictive site specific controls.
7.1	Implementation of A Plan for Growing Sydney	Consistent. This planning proposal is consistent with this direction and does not hinder implementation of A Plan for Growing Sydney or the Greater Sydney Region Plan
7.2	Implementation of Greater Macarthur Land Release Investigation	Not applicable
7.3	Parramatta Road Corridor Urban Transformation Strategy	Not applicable

No	Ministerial direction	Comment
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable

Section C – Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The planning proposal is unlikely to adversely affect any critical habitat or threatened species, populations or ecological communities or their habitats.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. It is unlikely that the proposed amendment to the heritage schedule of SLEP 2012 will result in development creating any environmental effects that cannot readily be controlled.

Q9. How has the planning proposal adequately addressed any social and economic effects?

Identification of these heritage items in Potts Point will facilitate retention of buildings that may have significance to community. No changes to the zoning are proposed. The merit-based heritage provisions provide capacity for Council and any proponent to take into account these matters when development is proposed. Listing may activate conservation incentives for listed buildings, including flexible uses.

Section D: State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

Yes. The proposed properties to be identified as heritage items are well located in relation to existing public transport infrastructure, utility services, roads and essential services.

Q11. What are the views of State and Commonwealth public authorities consulted in the gateway determination?

The Heritage Council of NSW will be consulted during the public exhibition. The identification of these heritage items, based on a comprehensive heritage assessment, is consistent with Heritage Council standards.

It is not considered necessary to consult with other public authorities as the planning proposal relates to the listing of local heritage items that are privately owned.

Local heritage listing will identify heritage impacts as a consideration if public works are proposed for the identified sites, however will not constrain Crown development.

Part 4 – Mapping

The heritage map tiles HER_022 will be updated to shade in brown the location of the new heritage items. The heritage map extract at **Figure 2** show the new heritage items.

Figure 2: Kingsley Hall, The Bourbon Hotel & The Empire Hotel, items 2289-2291



Part 5 – Community consultation

Public Exhibition

The public authority consultation and exhibition process for the planning proposal will be subject to the conditions on the gateway determination issued by the Greater Sydney Commission. The consultation will take place in accordance with the gateway determination under section 3.34 of the Environmental Planning and Assessment Act 1979 and the relevant provisions of the Environmental Planning and Assessment Regulation 2000.

A 28-day public exhibition is recommended with notification:

- on the City of Sydney website;
- in newspapers that circulate widely in the City of Sydney Local Government Area; and

- in writing to the owners, the adjoining landowners, relevant community groups, and the surrounding community in the immediate vicinity of the sites.

Part 6 – Project timeline

The anticipated timeframe for the completion of the planning proposal is as follows:

Table 3 – Anticipated timeframe for planning proposal

Action	Anticipated date
Commencement / gateway determination	October 2018
Public exhibition & government agency consultation	November 2018
Consideration of submissions	December 2018 – January 2019
Post exhibition consideration of proposal	February 2019
Draft and finalise LEP	February 2019
LEP made (if delegated)	March 2019
Plan forwarded to DoPE for notification	March 2019

Appendices

- 1. Heritage Assessment: 18-32A Darlinghurst Road, 2 Roslyn Street, Potts Point, 22 June 2018.**
- 2. Draft Heritage inventories for recommended heritage items**