

Attachment A

**Planning Proposal
Stables Theatre
10 and 12 Nimrod Street, Darlinghurst**

Stables Theatre 10 and 12 Nimrod Street, Darlinghurst



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Executive Summary

This planning proposal explains the objectives and justification for proposed amendments to the *Sydney Local Environmental Plan 2012* (Sydney LEP 2012) to apply to land at 10 and 12 Nimrod Street, Darlinghurst.

10 Nimrod Street is the location of the Stables Theatre, which is home to the Griffin Theatre Company. The neighbouring terrace house at 12 Nimrod Street is under the same ownership and is proposed to be incorporated into the theatre as part of a future expansion.

The Griffin Theatre Company is an innovative company focussed on Australian drama and has been in residence at the Stables Theatre for over four decades. This proposal will enable future redevelopment of the theatre to allow for service and facilities upgrades and a moderate expansion in capacity. Improvements to the theatre will deliver long-term performance and rehearsal spaces on the fringe of the Eastern Creative Precinct, contributing to actions in the City's Local Strategic Planning Statement, and to directions in Sustainable Sydney 2030-2050: Continuing the Vision, and the Eastern City District Plan. These actions and directions seek to create healthy, creative, culturally rich and socially connected communities and provide services and social infrastructure to meet the changing needs of the community.

This planning proposal has been prepared in accordance with section 3.33 of the Environmental Planning and Assessment Act 1979 (the Act) and the Department of Planning and Environment (DPE) Local Environmental Plan Making Guideline.

The proposal seeks to amend Sydney LEP 2012 as it applies to 10 and 12 Nimrod Street, Darlinghurst to allow:

- The use of the land as an entertainment facility, notwithstanding the prohibition in the R1 'General Residential' Zone.
- An increase in the maximum floor space ratio (FSR) from 1.75:1 to 2:1.
- An increase in the maximum height of buildings from 9m to 11m.

The proposed additional FSR and height will be subject to the consent authority being satisfied that:

- Any new building constructed on the site will be used for the purpose of a theatre; and
- The design and use of the new building will not result in unacceptable impacts to residential amenity.

1. Background

1.1 The Stables Theatre and the Griffin Theatre Company

Although it is unclear when the building at 10 Nimrod Street was constructed, it is evident that by 1891 a stable constructed of brick and iron existed on the site. The first official record describing the site as a two-storey triangular building which resembles the footprint of the existing theatre building is dated 1948. Records show the building has been used as a stable, Sunday school, gymnasium, the headquarters of a cab company, and a silk screen printing studio.

In 1968, while remaining in use primarily as a printing studio, the building also began to be used as a theatre and children's theatre workshop. The building came into full time use as a theatre in 1970, first known as the Nimrod Theatre, and becoming the Stables Theatre in 1975.

The site was purchased in 1986 by the present owner, the Seaborn, Broughton and Walford Foundation, who have allowed the Griffin Theatre Company to use the space rent-free to the present day. Griffin Theatre Company plays a significant role in the Australian theatre landscape, exclusively producing new Australian works, and employing around 30 staff, not including actors and performers.

The theatre was most recently refurbished in 2014.

The Seaborn, Broughton and Walford Foundation purchased 12 Nimrod Street in December 2020. 12 Nimrod Street is a three-bedroom attached dwelling house, directly adjoining the Stables Theatre to the south-east. The building was constructed around 1880 as a two-storey weatherboard house. In 1979-1980 the weatherboard frontage was removed and replaced with the brick facade that exists today. The interior of the building has also been substantially altered.

In July 2022 the NSW Government announced the provision of \$5 million from the Creative Capitol program for the Stables Theatre expansion. In August 2022, the Griffin Theatre Company was provided with philanthropic funds to buy both buildings. At the time of writing this report, the transfer of the land was understood to be in the final stages.

Any consequential redevelopment of the theatre arising from this planning proposal would be the subject of a future development application.

1.3 Site location

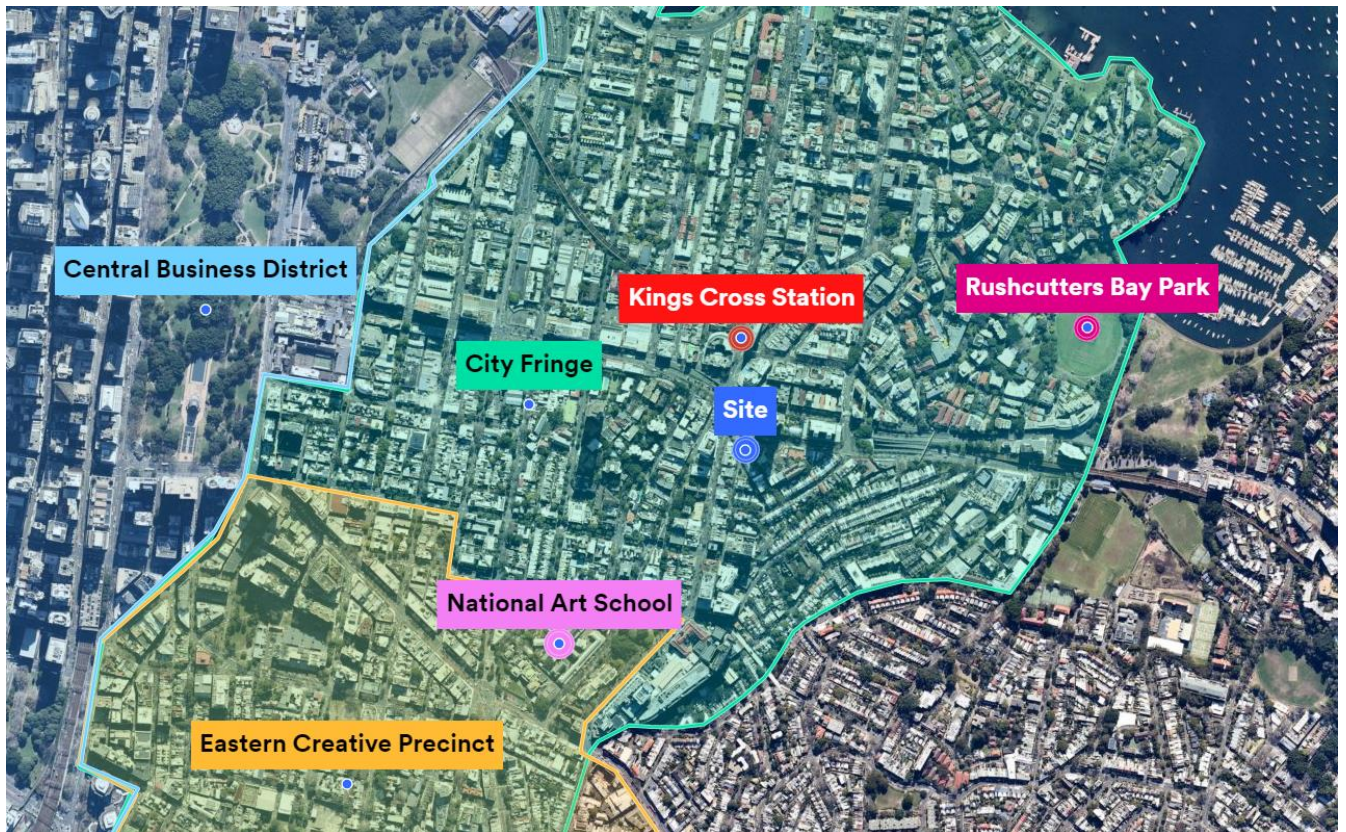
10 and 12 Nimrod Street (the site) are in the eastern part of the City of Sydney Local Government Area within the suburb of Darlinghurst.

The site lies approximately 760m east of Central Sydney, 200m south of Kings Cross Railway Station, and 550m south-west of Rushcutters Bay Park. It sits at the north-western edge of a locality that is predominantly characterised by two storey Victorian, Federation and Inter-War residential development. Medium scale, predominantly mixed-use development, adjoins the locality to the west and north, fronting Victoria Street and Craigend Streets respectively.

The site is located on the south-eastern fringe of the Kings Cross late night entertainment precinct and within the City's Oxford Street village. It is within the City Fringe area identified in the City's Local Strategic Planning Statement City Plan 2036, adjacent to the Eastern Creative Precinct.

The wider locality makes a significant contribution to Sydney's creative arts culture. The City's major art and design schools, art galleries, and numerous small-scale theatres are within walking distance to the site.

Figure 1. Context of the Stables Theatre



Site boundaries

This Planning Proposal relates to four parcels of land, with a collective site area of approximately 239sqm.

Lots 27 and 28 in Deposited Plan 81 are collectively known as 10 Nimrod Street, Darlinghurst. The site area is approximately 139sqm, triangular in shape, and is occupied by a two-storey building that accommodates the existing Stables Theatre.

Lot 29 in Deposited Plan 81 and Lot 1 in Deposited Plan 921218 are collectively known as 12 Nimrod Street, Darlinghurst. The site area is approximately 100sqm, irregular in shape, and is occupied by a two-storey attached dwelling house.

The site is bound by Nimrod Street to the west, a private laneway to the north-east known as 8A Nimrod Street, and 10 Caldwell Street to the south-east.

Figure 2. Site Boundaries



1.4 Site characteristics

Heritage

The site does not contain any heritage items; however, both buildings at 10 and 12 Nimrod Street are identified in Sydney Development Control Plan (DCP) 2012 as neutral in the Barcom Avenue Heritage Conservation Area (HCA) (C11).

Built form character and context

10 Nimrod Street is a two-storey triangular face-brick building, originally built for the purpose of a stable, and converted for use as a theatre. It has been subject to numerous external modifications over time, including alterations to the roof, and minor alterations to the fenestration and ground floor openings.

Figure 3. 10 Nimrod Street, viewed from the north-west



Figure 4. 10 Nimrod Street, viewed from the west



12 Nimrod Street is a two-storey terrace house with a single storey rear wing. It was originally constructed with a weatherboard frontage; however, this was replaced with brick in 1979-1980. Several internal alterations were also made at this time, removing original fabric. The building is anomalous to the adjoining terraces on Caldwell Street, which are typically taller terrace houses with a balcony on the first-floor level.

Figure 5. 10 and 12 Nimrod Street viewed from the south-west



1.5 Surrounding development

Immediately surrounding land uses are primarily small scale residential on Nimrod Street and Caldwell Street to the south, and Craigend Street to the north-east.

To the west are several mixed-use buildings of varied scale containing retail, residential, licensed premises, and hotels, most of which have a primary frontage to Victoria Street. The western side of Nimrod Street is characteristic of a lane, accommodating rear garages, entrances to car parks, rear service entries and the like.

Figure 6. 12 Nimrod Street and adjoining development to the south-east, viewed from south-west



Figure 7. Opposite side of Nimrod St, viewed from site looking south-west



Figure 8. Opposite side of Nimrod St, viewed from site looking north-west



Figure 9. Development to the north of the adjoining laneway at 13 Craigend Street

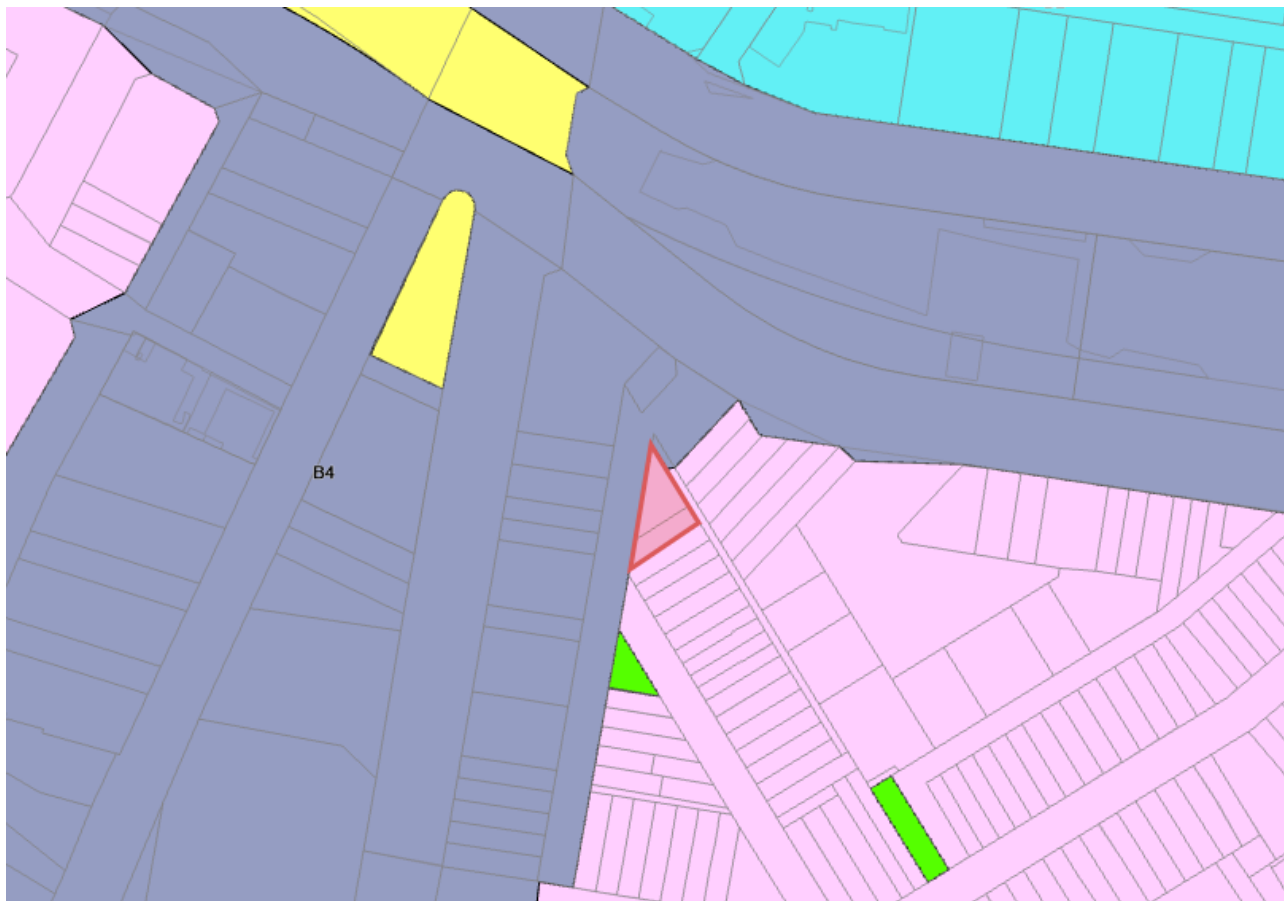


2. Current planning controls

2.1 Zoning

The Sydney LEP 2012 contains the zoning and principal development standards for the precinct. The Land Use zones are shown in Figure 6 and are discussed below.

Figure 10. Extract from Sydney LEP 2012 zoning map



Legend

| | | | |
|-----------|---------------------|------------|--------------------|
| B2 | Local Centre | RE1 | Public Recreation |
| B4 | Mixed Use | SP1 | Special Activities |
| B8 | Metropolitan Centre | SP2 | Infrastructure |
| R1 | General Residential | | |

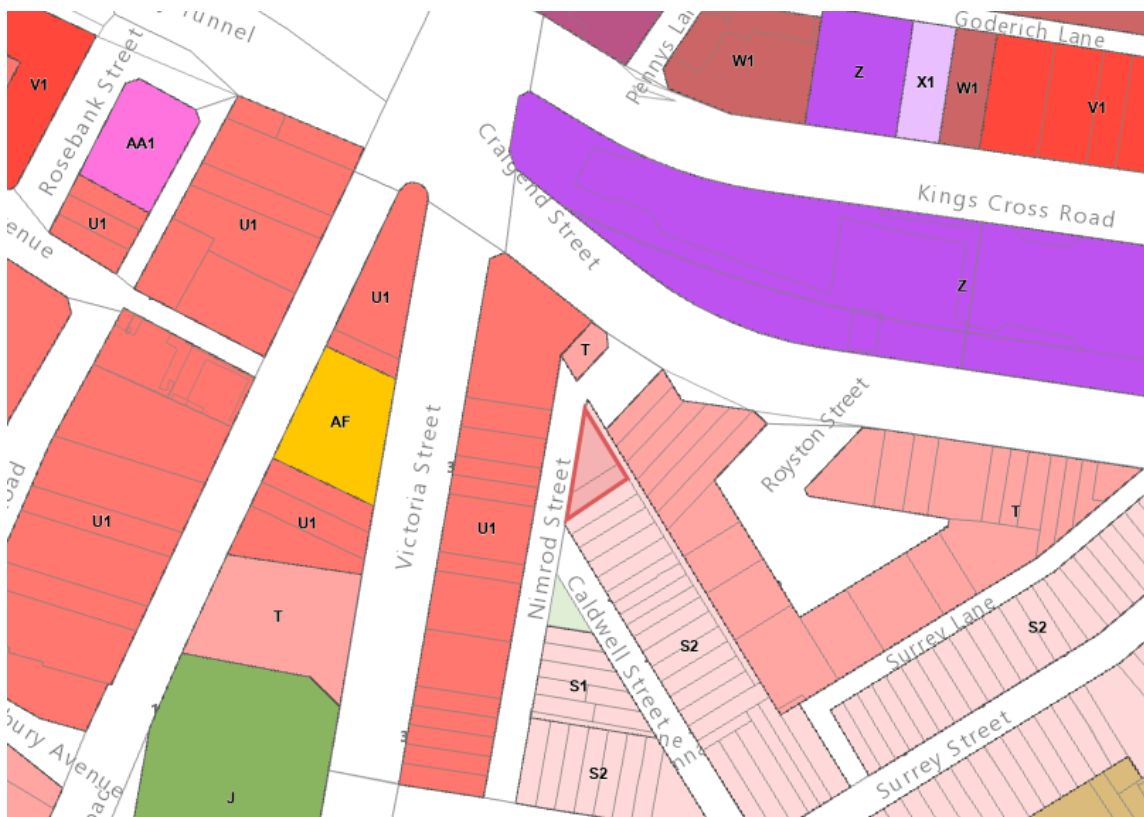
The subject site is located within the R1 'General Residential' Zone.

2.2 Floor space ratio

Maximum floor space ratio controls are shown in the Floor Space Ratio (FSR) Maps referred to in clause 4.4 of the Sydney LEP 2012.

The current maximum floor space ratio permitted is 1.75:1.

Figure 11. Extract from the Sydney LEP 2012 Floor Space Ratio Map



Maximum Floor Space Ratio (n:1)

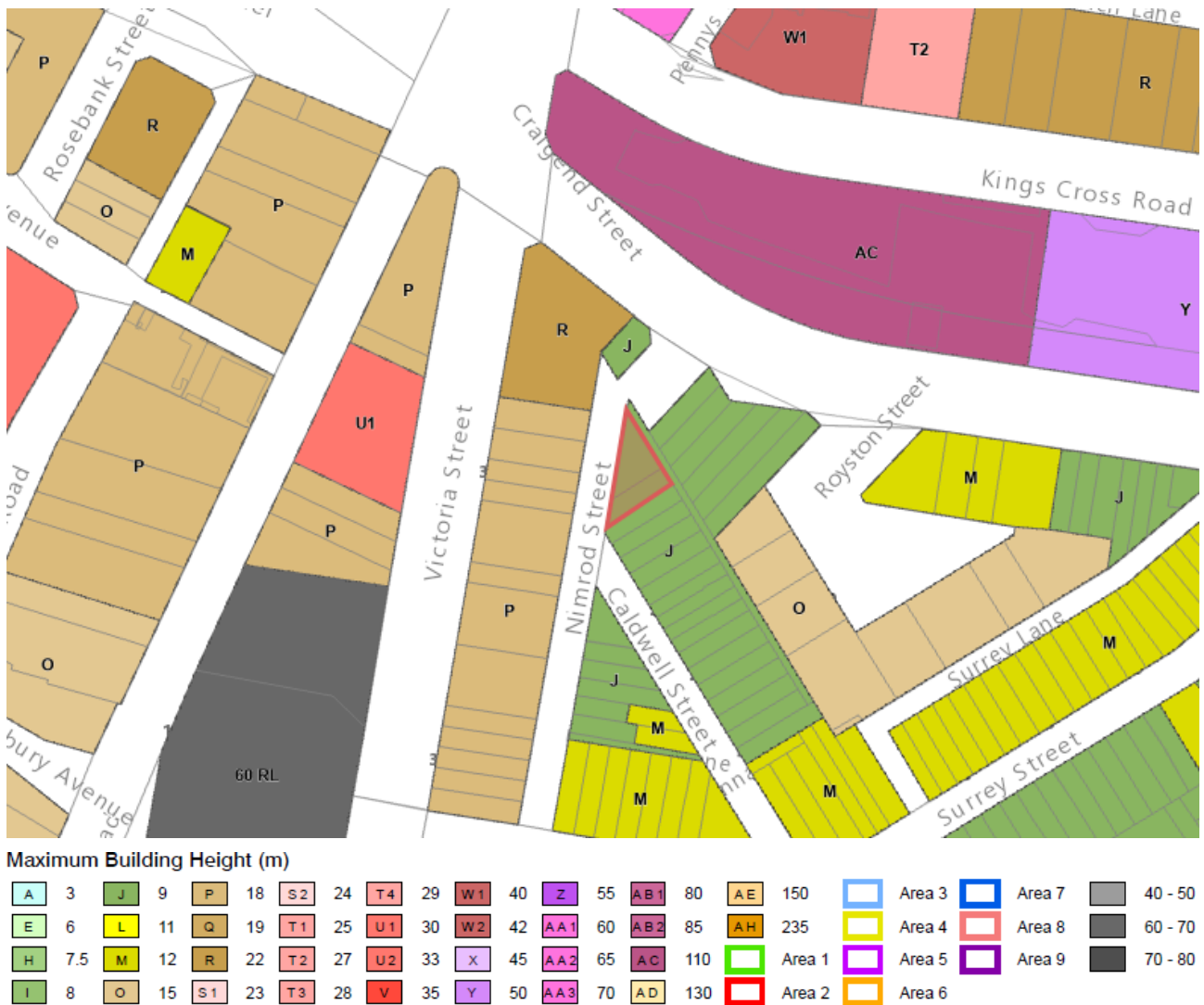
| | | | | | | | | | | | | | |
|---|------|----|------|----|------|----|------|-----|-----|-----|-----|----|----|
| A | 0.35 | L | 0.9 | S2 | 1.75 | V1 | 3 | X | 4 | AA2 | 6.5 | AD | 9 |
| F | 0.6 | N | 1 | T | 2 | V2 | 3.25 | Y | 4.5 | AB1 | 7 | AE | 10 |
| H | 0.7 | P | 1.25 | U1 | 2.5 | W1 | 3.5 | Z | 5 | AB2 | 7.5 | AF | 11 |
| J | 0.8 | S1 | 1.5 | U2 | 2.75 | W2 | 3.75 | AA1 | 6 | AC | 8 | | |

2.3 Building height

Maximum building height is shown on the Height of Buildings Maps referred to in clause 4.3 of the Sydney LEP 2012.

The current maximum building height permitted is 9m, indicated by a 'J' on the map in Figure 12.

Figure 12. Extract from the Sydney LEP 2012 Height of Buildings Map

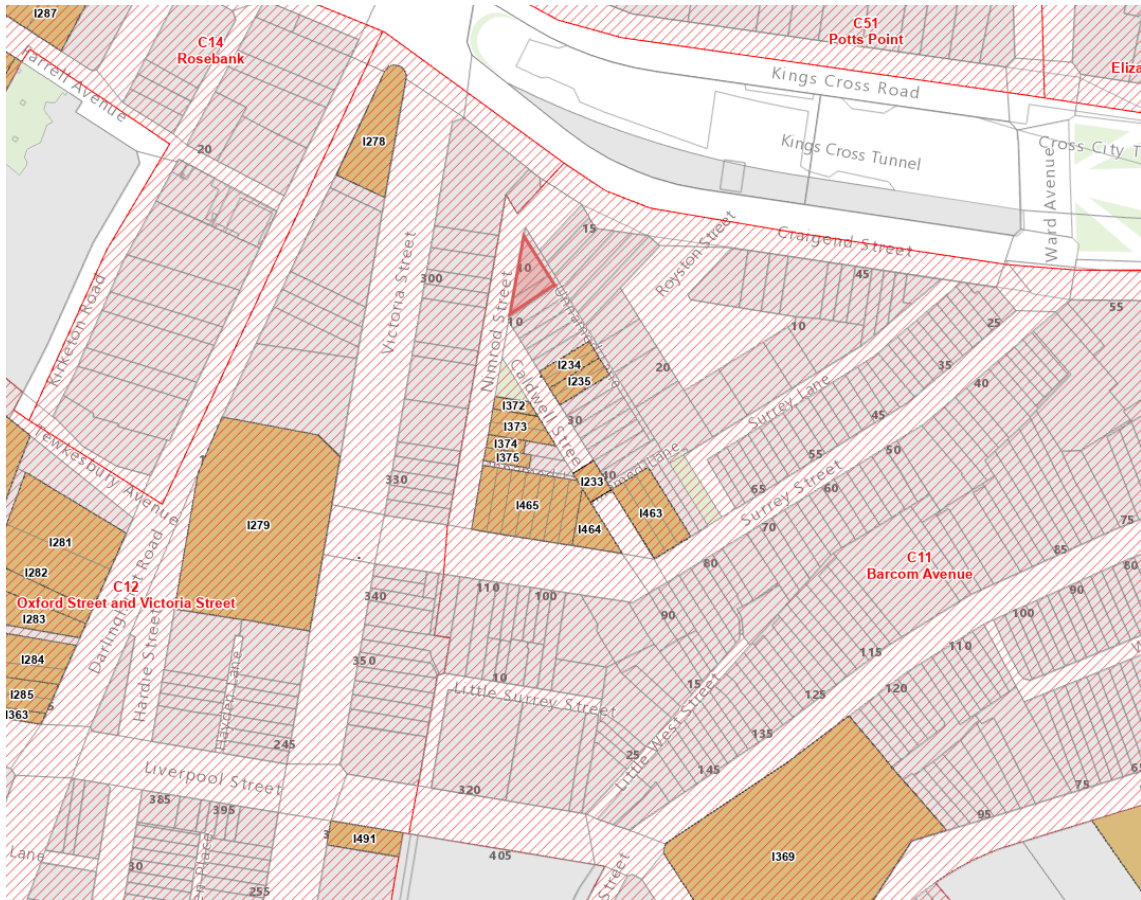


2.4 Heritage Conservation



The site does not contain any heritage items; however, the buildings are located within the Barcom Avenue HCA (C11).

Sydney DCP 2012 identifies both 10 and 12 Nimrod Street as 'neutral' buildings in the conservation area.

Figure 13. Extract from the Sydney LEP 2012 Heritage Map



Heritage

-  Conservation Area - General
-  Heritage items - General

3. Objectives and intended outcomes

3.1 Objectives

The objective of the planning proposal is to amend Sydney LEP 2012 to allow for a continuation of the theatre use at 10 Nimrod Street, its expansion into the adjoining site at 12 Nimrod Street, and for the theatre's redevelopment to allow a moderate expansion and an update to its facilities and services.

3.1.1 Land use

The site is located within the R1 'General Residential' zone. Theatres are a type of entertainment facility, which are prohibited development within the zone.

The use of the site as a theatre was permissible prior to the adoption of the Sydney LEP 2012, however the use at that time was defined as a 'place of assembly'. This was the case under the South Sydney LEP 1998 and the City of Sydney Planning Scheme Ordinance 1971.

The reclassification of a theatre from a 'place of assembly' to an 'entertainment facility' was a result of the Sydney LEP 2012 being required to have land use definitions that were consistent with the *Standard Instrument 2006*, which defines an entertainment facility as follows:

entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

The South Sydney LEP 1998 contained few land use prohibitions, and none within Zone (2) (b) the Residential (Medium Density) Zone (as previously applied to the site). Rather, development consent could not be granted unless the consent authority was satisfied that the proposal was consistent with the objectives of the zone.

When the site was rezoned R1 'General Residential', the prohibition of entertainment facilities protected the amenity of the adjoining predominantly residential area by prohibiting intense forms of entertainment facility, such as a dance hall, for example. However, as a result, the existing theatre use on the site was also now a prohibited use. The planning controls are required to be amended to facilitate the ongoing historic use as a theatre, and its expansion into 12 Nimrod Street.

3.1.2 Height

The current maximum building height permitted is 9m. It is proposed to increase the height to 11m.

The reference scheme submitted with the application, shown in the Urban Context Report submitted with the planning proposal request, demonstrates that additional building height would improve the auditorium experience, including improving audience sightlines to the stage which can currently be obstructed by theatre lighting and rigging.

3.1.3 Floor Space Ratio

The current maximum FSR is 1.75:1. It is proposed to increase the maximum FSR to 2:1.

The reference scheme submitted with the planning proposal request demonstrates that additional floor space equivalent to an FSR of 1.95:1 would allow for improved back of house facilities, rehearsal space, improved access for people with disability, and a modest increase the number of seats in the auditorium.

3.2 Intended outcomes

In response to the objectives outlined above, the intended outcomes of the planning proposal are to:

- Allow the use of the sites as an entertainment facility (specifically a theatre).
- Increase the maximum permitted building height from 9m to 11m.
- Increase the maximum permitted FSR from 1.75:1 to 2:1.

4. Explanation of provisions

4.1 Amendment to Sydney LEP 2012

This proposal puts forward site-specific planning controls in Division 5 of the Sydney Local Environmental Plan 2012 relating to use, maximum height of buildings, and FSR.

It is proposed the provisions will apply to 10 and 12 Nimrod Street Darlinghurst being Lots 27, 28 and 29 in Deposited Plan 81 and Lot 1 in Deposited Plan 921218.

To achieve the objectives and intended outcomes the planning proposal seeks to amend Sydney LEP 2012 Division 5 to include new site-specific provisions as follows:

- Apply to 10 and 12 Nimrod Street Darlinghurst.
- Increase the maximum permitted FSR 1.75: to 2:1 for a building proposed to be used as a theatre.
- Increase the maximum permitted height from 9m to 11m for a building proposed to be used as a theatre.

The planning proposal seeks to add the following to Schedule 1 – additional permitted uses:

- The use of the land at 10-12 Nimrod Street for the purposes of an entertainment facility.

5. Justification

5.1 Strategic Merit

The planning proposal demonstrates strategic merit.

It will allow for Griffin Theatre Company to continue the longstanding use of 10 Nimrod Street as a theatre, and its future expansion into 12 Nimrod Street. Incorporating 12 Nimrod Street will allow the theatre to redevelop and secure its long-term viability. Improvements to the theatre following redevelopment will include:

- Increased space to allow for improved accessibility including the installation of a lift.
- An increase in audience capacity from 115 to 165.
- An integrated rehearsal space.
- Additional capacity for storage, lighting and other technology for the production of plays.
- Improved sightlines from audience seats to the stage.
- Larger areas for food and beverage service.

The long-term viability of the Stables Theatre would make an important contribution to the City's strategic priorities.

The theatre is located within the City Fringe area in City Plan 2036. The City Fringe area is identified for future growth in innovation and creative sectors and as a home for cultural activity. This proposal will allow for important cultural activity at the Stables Theatre to be maintained and eventually increased as the theatre expands. While the site is located outside the Eastern Creative Precinct and Oxford Street Cultural and Creative Precinct, it is an integral part of the local creative industry ecosystem, and its long-term viability will strengthen both the Oxford Street Precinct and the Eastern Creative Precinct in general.

City Plan 2036

The planning proposal contributes to Liveability Action L1.4 "*Prioritise the preservation of and investigate approaches for no net loss of creative, arts and cultural floor space, including production and performance spaces*". It supports Productivity Action P2.6, which focuses on performance spaces in the Eastern Creative Precinct.

The City's Floorspace and Employment Survey has measured a 117,000sqm decline in floorspace used by cultural and creative industries in the Local Government Area in the decade up to 2017. This includes a significant reduction in performance spaces and the facilities used by the theatre industry such as rehearsal spaces, prop and set manufacturing workshops, costume and wig making studios, etc.

The number of people working in cultural and creative jobs in the city rose by only 1.84%, well behind overall jobs growth, of 29.19%.

City Plan 2036 identifies Kings Cross as an area where increased performing arts facilities should be prioritised. Extensive advocacy from the Night-time Industries Association and the Committee for Sydney recommends a live performance led revitalisation of the Kings Cross night-time economy. This proposal is consistent with such a vision for Kings Cross and will support a diverse night-time economy.

The proposal will maintain and increase the capacity and increase the long-term viability of an existing theatre, encouraging a creative, culturally rich, and socially connected city.

Moreover, the Griffin Theatre Company is the only theatre company in the Australia exclusively devoted to the development and staging of new Australian writing. Therefore, this Planning Proposal not only supports a specific cultural space within the City of Sydney, but also a wider creative industry of national importance.

Eastern City District Plan

Consistent with the planning priorities of the Eastern City District Plan, this Planning Proposal contributes to the following Planning Priorities:

- Planning Priority E4: Fostering healthy, creative, culturally rich and socially connected communities.
- Planning Priority E6: Creating and renewing great places and local centres and respecting the district's heritage.
- Planning Priority E7: Growing a strong and more competitive Harbour CBD.
- Planning Priority E8: Growing and investing in health and education precincts and the Innovation Corridor.
- Productivity Priority E13: Supporting growth of targeted industry sectors.

This is further expanded upon in Section B below.

Sustainable Sydney 2030-2050

Sustainable Sydney 2030-2050: Continuing the Vision, the City's Cultural Policy, and Live Music and Performance Action Plan all support an increased supply of performance and rehearsal spaces in the City area. The City has set a target to achieve an additional 40,000sqm of cultural floorspace prior to 2036. This proposal will contribute to reaching that target and is consistent with strategic priorities.

The planning proposal may result in flow-on benefits for the local performing arts industry and businesses operating in the adjacent precinct and the local community. The City of Sydney has commissioned research into the cultural, social and economic returns of small theatres and found these venues to generate a benefit to cost return of 3.10:1.

Site-specific merit

The planning proposal request has been supported with a reference scheme which indicates a potential development outcome under the proposed planning controls. The reference scheme is used as the basis for the Urban Context Report at Attachment B to this planning proposal. The reference scheme is indicative only and used to understand the likely range of impacts of redevelopment. Any future redevelopment would be subject to a development application assessed on its merits.

Need for redevelopment

The Stables Theatre and the Griffin Theatre Company play a significant role in the Australian performing arts scene. The Griffin Theatre Company is the only theatre company in Australia exclusively devoted to the development and staging of new Australian writing. Several Australian

actors of national or international repute began their careers at the Stables Theatre, and many films, television shows, and larger stage productions began as plays produced by the Griffin Theatre Company.

Notwithstanding the achievements made at the site, the operational conditions within the building are challenging. In particular:

- The dressing room is also used as a costume storage space.
- Access to the stage from the dressing room is through a toilet.
- The control booth is extremely cramped and is unable to accommodate all the necessary equipment.
- The height of the auditorium results in many views to the stage being impeded by stage lighting.
- The auditorium is not accessible to every person with a disability.
- There is no separate rehearsal space.
- The theatre is not adequately acoustically treated.

The proposed expansion into 12 Nimrod Street largely seeks to solve these problems. It is expected that the stage will remain similar in size to the existing, and that the number of additional patrons expected to be accommodated is modest increasing from 115 to around 165. This will help secure the ongoing viability of the theatre.

Height and building envelope

The planning proposal seeks to increase the maximum permissible height from 9m to 11m. It is noted that the reference plans include a lift overrun and plant zone that is to a maximum height of 12.75m.

An 11m maximum height of buildings development standard is acceptable given the site context. Specifically, the site is located on a corner and the additional height allows for the design of a landmark building, appropriate to the cultural significance of the site. Furthermore, development on the opposite side of Nimrod Street is subject to a height control of 18m, meaning the proposed 11m height on the subject site provides a smoother transition to the lower scale residential areas adjoining. Massing perspectives are provided in Figures 14 and 15 below.

Figure 14. Reference scheme view from Craigend Street looking south

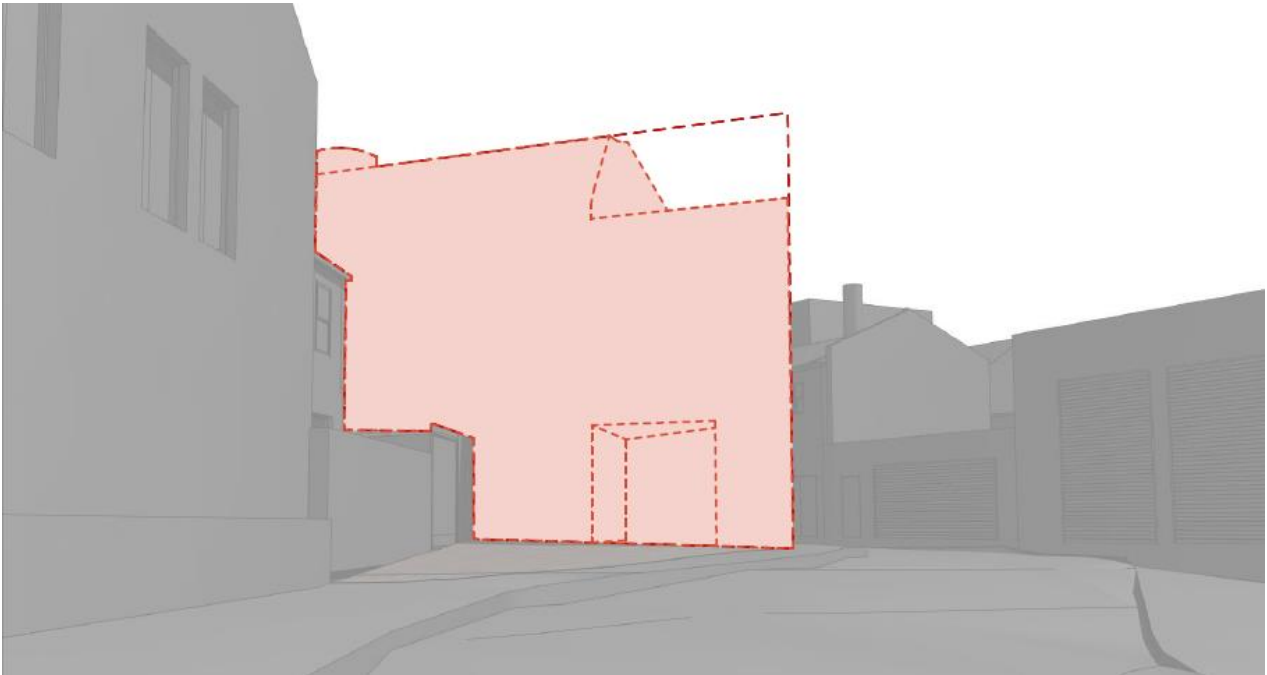
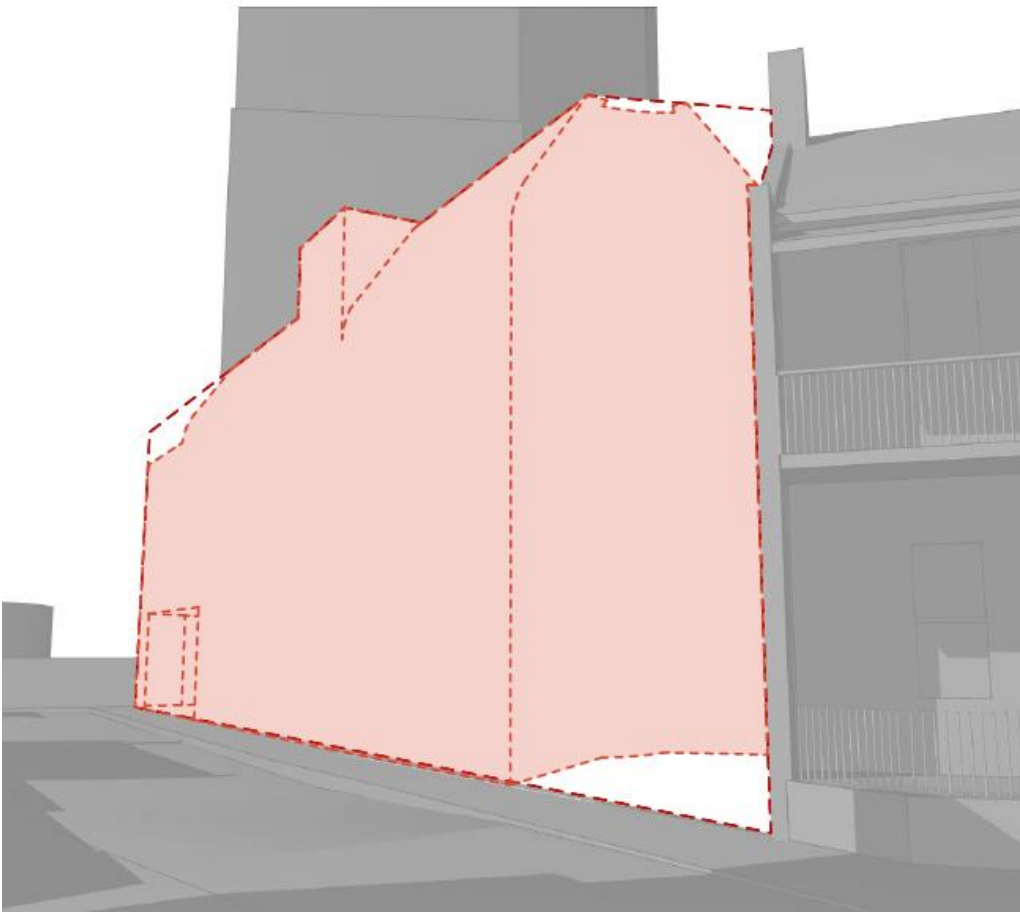


Figure 15. Reference scheme from Nimrod Street looking north-east



It should be noted that the planning proposal does not seek to set the additional requested height of 12.75m for plant within the controls for the following reasons:

- Additional height across the entirety of the site may result in unacceptable outcomes in terms of the streetscape, character of the heritage conservation area, and residential amenity.
- An additional 1.75m height for plant is excessive, and the reference design could be amended to accommodate this within an envelope subject to maximum height of buildings development standard of 11m.

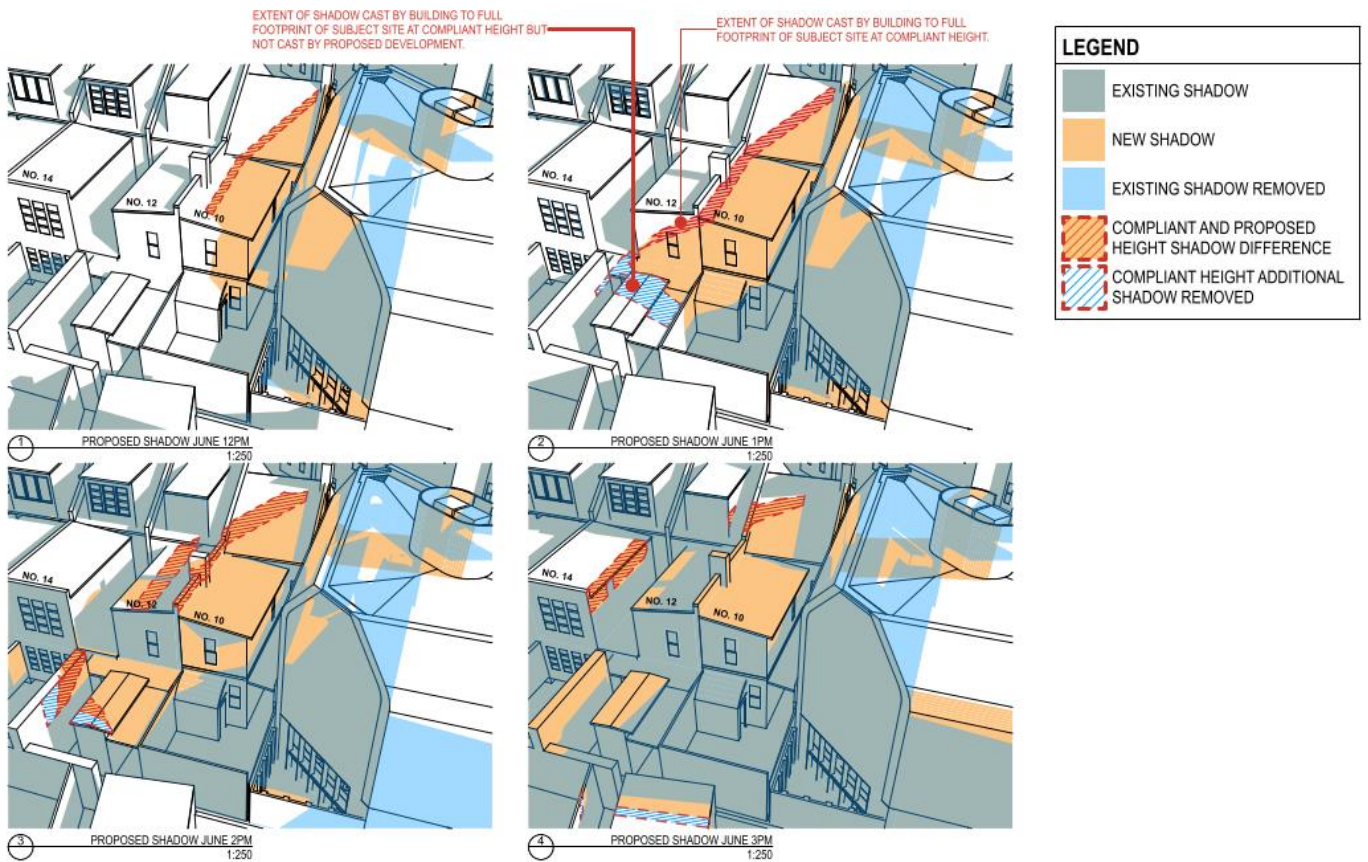
Solar access

The Solar Access Study submitted with the planning proposal request and shown at Figure 16 indicate that the following properties would be affected by additional overshadowing at midwinter, if the site was to be developed in accordance with the reference scheme:

- 10 Caldwell Street to the upper-level rear bedroom window between 12 noon and 3pm, and the ground floor kitchen around 12 noon.
- 12 Caldwell Street to the upper-level rear bedroom window around 1pm.

There is no additional overshadowing of concern prior to 12 noon.

Figure 16. Overshadowing analysis of the reference scheme, 12 noon to 3pm



The additional overshadowing does not impact living room windows or areas of private open space. Accordingly, the proponent has demonstrated that the site is capable of being developed in a way that overshadowing impacts would be acceptable. Detailed design at the development application stage will allow for moderation of the building envelope to ensure overshadowing is minimised.

Protection of heritage conservation and character

The subject site does not contain any heritage items; however, the existing buildings are neutral in the Barcom Avenue Heritage Conservation Area (C11). The proponent has submitted a Heritage Impact Assessment.

Sydney DCP 2012 defines neutral buildings as those that do not contribute nor detract from the significant character of the heritage conservation area. The buildings are neutral as they are from a significant historical period but altered in form and unlikely to be reversed.

Both buildings have been subject to change that has affected the contribution the buildings may have made to the heritage significance of the HCA. Furthermore, the presence of the theatre in this location for over 50 years is a very important aspect of the building's significance, and changes to the building to accommodate that ongoing use may be acceptable.

It is noted that the reference scheme included in the Urban Context Report submitted with the planning proposal request suggests the full demolition of the buildings; however, the reference scheme is not being approved as part of this planning proposal. Opportunities to expand the theatre may be possible while retaining more fabric of the stables building. Further assessment of impacts on the heritage conservation area will be required at the development application stage.

Site access

The laneway to the immediate north of the site, known as 8A Nimrod Street, is in private ownership of a deceased estate. The subject sites do not benefit from an easement for a right of way that would permit access from the northern boundary. Accordingly, lawful access to the site is only available via Nimrod Street at the time of writing this report.

Figure 17. Site and adjacent laneway



Traffic and transport

The site is well served by public and active transport. Kings Cross Railway Station is located approximately 200m to the north and there are bus services available from Craighend Street, William Street, Darlinghurst Road and Victoria Street. There is a cycleway on Craighend Street which connects to the wider network. In addition, there is a taxi rank 200m to the north of the site on Baywater Road.

It is expected that parking will not be provided on site consistent with the existing situation. This is acceptable in principle given the alternatives to private vehicles available.

The proponent has submitted a Traffic and Transport Study.

Servicing and loading

The constrained nature of the site requires servicing and loading to take place on the street, and this is anticipated to continue. Productions at the theatre typically involve minimal sets due to the size of the stage, and it is noted that the stage is not anticipated to significantly increase.

Any future development application will be required to address this issue through a Plan of Management.

Noise

Theatre uses can result in:

- Operational noise, particularly when performances involve amplified music or sound effects.
- Noise from mechanical plant.
- Noise from patrons and operation of the foyer / bar area.

The existing use pre-dates the Act, and the existing operations are not adequately regulated through conditions of consent. Redevelopment of the site, facilitated through this planning proposal, would result in a building that is appropriately acoustically treated, and the use being subject to a contemporary Plan of Management that will be enforceable through conditions of consent.

The proponent has submitted an Acoustic Report. Any future development application will be required to address this through a Noise Impact Assessment.

Section A – Need for the planning proposal

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

Yes, the planning proposal aligns with City Plan 2036, the City's Local Strategic Planning Statement and Sustainable Sydney 2030-2050 which seek to address the loss of creative floor space across the City of Sydney.

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

Yes, the planning proposal is the only way of amending the development standards as they apply to the site. Amending the development standards is necessary to allow for modernisation and expansion of the theatre.

Section B – Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and the exhibited draft strategies)?

Greater Sydney Region Plan: A Metropolis of Three Cities

The Greater Sydney Region Plan is a NSW Government strategic document that outlines a 40 year vision and 20 year plan for Greater Sydney. It identifies key challenges facing Sydney including a population increase of 3.3 million by 2056, 817,000 new jobs by 2036 and a requirement for 725,000 new homes over the next 20 years.

In responding to these and other challenges, the plan sets out four goals and ten directions:

- Infrastructure and collaboration – securing 'a city supported by infrastructure' and 'a collaborative city'
- Liveability – achieving 'a city for people', 'housing the city' and 'a city of green places'
- Productivity – creating 'a well-connected city' and 'jobs and skills for the city'
- Sustainability – delivering 'a city in its landscape', 'an efficient city' and 'a resilient city'

To achieve these goals and directions, the plan proposes 40 objectives, with 15 associated actions. Objectives of relevance to this planning proposal include:

Objective 4: Infrastructure use is optimised

Objective 9: Greater Sydney celebrates the arts and supports creative industries and innovation

Objective 14: Integrated land use and transport creates walkable and 30-minute cities

Objective 18: Harbour CBD is stronger and more competitive

Objective 21: Internationally competitive health, education, research and innovation precincts

Objective 22: Investment and business activity in centres

Objective 24: Economic sectors are targeted for success.

Eastern City District

The NSW Government has prepared plans for each of the five districts that comprise the Greater Sydney area. The City of Sydney is in the Eastern City District. The District Plans set out how the Greater Sydney Region Plan will apply to local areas. They will influence the delivery of housing supply, inform and influence planning for business and jobs growth, particularly in strategic centres and inform the decision making for infrastructure planning.

The Eastern City District Plan, completed in March 2018, identifies 22 planning priorities and associated actions that are important to achieving a liveable, productive and sustainable future for the district, including the alignment of infrastructure with growth.

This planning proposal is consistent with the following planning priorities of the Eastern City District Plan:

- Planning Priority E4: Fostering healthy, creative, culturally rich and socially connected communities – This planning proposal will support action 10 and will deliver a healthy, safe and inclusive place, in a walkable precinct, at a human scale and with active street life. It will give effect to action 14 by encouraging increased cultural and creative floor space and facilitating opportunities for creative and artistic expression and participation, including arts enterprises and facilities. It will support this action also by promoting creative industries and the night-time economy.
- Planning Priority E6: Creating and renewing great places and local centres and respecting the district's heritage – This planning proposal will support cultural and creative industries and entertainment activities providing for ongoing creative uses and a performance venue to contribute to a vibrant night-time economy.
- Planning Priority E7: Growing a strong and more competitive Harbour CBD – The precinct is on the boundary of the Harbour CBD, one of Sydney's three metropolitan centres. The planning proposal will give effect to action 24 to provide a wide range of cultural, entertainment, arts and leisure activities and a diverse and vibrant night-time economy, in a way that responds to potential negative impacts. It will also give effect to action 25 to grow the vibrancy through tourism and entertainment facilities, supporting a night-time economy and contributing to the Harbour CBDs job targets.
- Planning Priority E8: Growing and investing in health and education precincts and the Innovation Corridor – This planning proposal incentivises the provision of arts and culture as well as education floor space and will as a result support the needs of the education sector.

- Productivity Priority E13: Supporting growth of targeted industry sectors – the planning proposal will give effect to action 54 and will support the development of places for artistic and cultural activities, supporting appropriate growth of the night-time economy. The precinct's location on the CBD fringe and in walking distance of the City of Sydney villages of Kings Cross and Darlinghurst will support the use of public transport and the needs of tourists and other visitors.

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

Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. The planning proposal is aligned with the following Sustainable Sydney 2030 strategic directions and objectives:

- Direction 1 - A Globally Competitive and Innovative City - The proposed amendments to planning controls for the site will facilitate cultural and creative uses and preserve and expand an existing entertainment facility. This will support Sydney's tourist, leisure and cultural sector, which are sectors of critical importance to Sydney's economy and contribute to making Sydney attractive to global investors.
- Direction 3 - Integrated Transport for a Connected City - The future expanded Stables Theatre will take advantage of future cycleway proposals and good proximity to public transport links, on a high-capacity bus routes connecting the area to Central Sydney, Bondi Junction and beyond.
- Direction 5 - A Lively and Engaging City Centre - Redevelopment in the precinct will provide entertainment uses in a city fringe location and accessible from the city centre.
- Direction 6 - Vibrant Local Communities and Economies - The planning proposal facilitates redevelopment in the precinct, which will provide more floor space for cultural and creative purposes and entertainment. This will continue long-term activation of the site, contributing to the day and night-time economies.
- Direction 7 - A Cultural and Creative City - The planning proposal will strengthen the economic and cultural role and character of the Eastern Creative Precinct, enhancing the entertainment, arts, performance and cultural role of areas and helping to meet the identified shortage of small to medium sized performance and rehearsal space venues.
- Direction 9 - Sustainable Development, Renewal and Design - The planning proposal is consistent with the principle of transit-oriented development by co-locating employment opportunities in an accessible location.

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

The consistency of this planning proposal with current State Environmental Planning Policies (SEPPs) and former Regional Environmental Plans (REPs) is outlined in the table below. SEPPs and SREPs which have been repealed or were not finalised are not included in this table.

Table 1: Consistency with State Environmental Planning Policies

| State Environmental Planning Policy | Comment |
|---|---------------------------------------|
| SEPP (Biodiversity and Conservation) 2021 | This planning proposal is consistent. |
| SEPP (Building Sustainability Index: BASIX) 2004 | Not applicable to this proposal. |
| SEPP (Exempt and Complying Development Codes) 2008 | This planning proposal is consistent. |
| SEPP (Housing) 2021 | This planning proposal is consistent. |
| SEPP (Industry and Employment) 2021 | This planning proposal is consistent. |
| SEPP (Planning Systems) 2021 | This planning proposal is consistent. |
| SEPP (Precincts–Central River City) 2021 | Not applicable to this proposal. |
| SEPP (Precincts–Eastern Harbour City) 2021 | This planning proposal is consistent. |
| SEPP (Precincts–Regional) 2021 | Not applicable to this proposal. |
| SEPP (Precincts–Western Parkland City) 2021 | Not applicable to this proposal. |
| SEPP (Primary Production) 2021 | Not applicable to this proposal |
| SEPP (Resilience and Hazards) 2021 | This planning proposal is consistent. |
| SEPP (Resources and Energy) 2021 | This planning proposal is consistent |
| SEPP No 65 - Design Quality of Residential Flat Development | Not applicable to this proposal. |
| SEPP (Transport and Infrastructure) 2021 | This planning proposal is consistent |

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

This planning proposal has been assessed against each Section 9.1 direction. Consistency with these directions is shown in the table below.

Table 2: Consistency with Ministerial Directions

| Local Planning Direction | Applicability and consistency |
|---------------------------------------|---|
| Focus Area 1: Planning Systems | |
| 1.1 Implementation of Regional Plans | Consistent. This Planning Proposal gives effect to objectives in the Greater Sydney Region Plan |

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| | as detailed in response to Question 3 above. The planning proposal is not inconsistent with any objectives in the Greater Sydney Region Plan, nor does it undermine the achievement of the vision, land use strategy, goals, directions, or actions in the Region Plan. |
| 1.2 Development of Aboriginal Land Council Land | Not applicable. |
| 1.3 Approval and Referral Requirements | Consistent. The planning proposal does not include provisions that require the concurrence, consultation, or referral of any future development application to a Minister or public authority. Future development for the purpose of a theatre will not be designated development. |
| 1.4 Site Specific Provisions | <p>Consistent. The Planning Proposal allows the site to be developed for the purpose of an entertainment facility, subject to additional development standards. These standards are:</p> <ul style="list-style-type: none"> • Any new building constructed on the site will be used for the purpose of a theatre; and • The design and use of the new building will not result in unacceptable impacts to residential amenity. • An increase in both Maximum Height of buildings and Floor Space Ratio. <p>The proposed development standards are less restrictive than those currently applying to the site. They will allow development for the identified use to have a greater building height and more floor space than the current development standards.</p> |
| 1.5 Parramatta Road Urban Transformation Strategy | Not applicable. |
| 1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan | Not applicable. |
| 1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan | Not applicable. |
| 1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan | Not applicable. |
| 1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor | Not applicable. |
| 1.10 Implementation of the Western Sydney Aerotropolis Plan | Not applicable. |

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|---|---|
| 1.11 Implementation of Bayside West Precincts 2036 Plan | Not applicable. |
| 1.12 Implementation of Planning Principles for the Cooks Cove Precinct | Not applicable. |
| 1.13 Implementation of St Leonards and Crows Nest 2036 Plan | Not applicable. |
| 1.14 Implementation of Greater Macarthur 2040 | Not applicable. |
| 1.15 Implementation of the Pyrmont Peninsula Place Strategy | Not applicable. |
| 1.16 North West Rail Link Corridor Strategy | Not applicable. |
| 1.17 Implementation of the Bays West Place Strategy | Not applicable. |
| 1.18 Implementation of the Macquarie Park Innovation Precinct | Not applicable. |
| 1.19 Implementation of the Westmead Place Strategy | Not applicable. |
| Focus Area 2: Design & Place | |
| Focus Area 3: Biodiversity and Conservation | |
| 3.1 Conservation Zones | Not applicable. |
| 3.2 Heritage Conservation | Consistent. The planning proposal does not alter the heritage status of the buildings or the Barcom Avenue C11 Conservation Area. Any future development application will include an assessment of heritage significance against the existing applicable planning controls. |
| 3.3 Sydney Drinking Water Catchments | Not applicable. |
| 3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs | Not applicable. |
| 3.5 Recreation Vehicle Area | Not applicable. |
| 3.6 Strategic Conservation Planning | Not applicable. |
| Focus Area 4: Resilience and Hazards | |
| 4.1 Flooding | Consistent. The site is not identified as being flood affected. |
| 4.2 Coastal Management | Not applicable. |
| 4.3 Planning for Bushfire Protection | Not applicable. |
| 4.4 Remediation of Contaminated Land | Consistent. The former use of the site as a silk screen printing studio presents a minor risk that contaminants may be present at 10 Nimrod Street. The use of 10 Nimrod Street as a theatre |

is existing, the Planning Proposal merely seeks to formalise it as a permitted use. A detailed consideration of any site contamination will be undertaken at the development application stage.

4.5 Acid Sulfate Soils

Consistent. The land is identified as containing Class 5 Acid Sulfate Soils and any future development application will not require development consent under Clause 7.14 Acid Sulfate Soils of the Sydney LEP 2012.

4.6 Mine Subsidence and Unstable Land

Not applicable.

Focus Area 5: Transport and Infrastructure

5.1 Integrating Land Use and Transport

Consistent. The proposal may facilitate additional jobs on a site with excellent access to walking, cycling and public transport infrastructure. Existing Provisions of the Sydney LEP 2012 are such that any future DA is required to minimise on-site parking, reducing travel demand by car.

5.2 Reserving Land for Public Purpose

Not applicable.

5.3 Development Near regulated Airports and Defence Airfields

Not applicable.

5.4 Shooting Ranges

Not applicable.

Focus Area 6: Housing

6.1 Residential Zones

Consistent. While the planning proposal will facilitate the use of the existing dwelling at 12 Nimrod Street, Darlinghurst for the purpose of a theatre, it is proposed to retain the R1 'General Residential zone'. Therefore, the planning proposal does not contain provisions which will reduce the permissible residential development of land.

6.2 Caravan Parks and Manufactured Home Estates

Not applicable.

Focus Area 7: Industry and Employment

7.1 Business and Industrial Zones

Not applicable.

7.2 Reduction in non-hosted short-term rental accommodation period

Not applicable.

7.3 Commercial and Retail Development along the Pacific Highway, North Coast

Not applicable.

Focus Area 8: Resources and Energy

8.1 Mining, Petroleum Production and

Not applicable.

| | |
|--|-----------------|
| Extractive Industries | |
| Focus Area:9 Primary Production | |
| 9.1 Rural Zones | Not applicable. |
| 9.2 Rural Lands | Not applicable. |
| 9.3 Oyster Aquaculture | Not applicable. |
| 9.4 Farmland of State Regional Significance on the NSW Far North Coast | 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?

The subject site is currently occupied by a theatre building and a dwelling built up to their boundaries. It does not contain any known critical habitat or threatened species, populations or ecological communities or habitats.

As part of a future detailed DAs, the City will consider environmental impacts that may be generated by the development incentivised by the proposal.

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

This planning proposal seeks to increase height and FSR controls for the site under Sydney LEP 2012 and in doing so facilitate floor space for cultural and creative purposes with strategic merit for the area. In preparing this planning proposal, environmental considerations were assessed.

The proposed changes will help deliver a development that is consistent with the surrounding streetscape and heritage conservation area. Potential environmental impacts will be considered further as part of any future development application.

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

The planning proposal demonstrates social and economic strategic merit. It will support the entertainment and tourism industry and will strengthen the economic and cultural role and character of the proposed Eastern Creative Precinct. The social and economic benefits of the proposal are discussed in detail in this Planning Proposal.

Section D – State and Commonwealth interests

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

The creative, cultural, entertainment use, will take advantage of good proximity to public transport links, on a high-capacity bus routes connecting the area to central Sydney, Bondi Junction and beyond.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

The Gateway Determination will identify the public authorities to be consulted as part of the planning proposal process and any views expressed will be included in this planning proposal following consultation. Formal consultation has not yet been undertaken.

6. Mapping

The Planning Proposal does not require map amendments.

7. Community consultation

Public consultation will be undertaken consistent with the requirements of the Gateway Determination. It is proposed that, at a minimum, this will involve the notification of the public exhibition of the planning proposal on the City of Sydney website and in writing to the owners and occupiers of adjoining and nearby properties.

It is anticipated that the planning proposal will be publicly exhibited for a period of not less than 20 working days in accordance with the Local Environmental Plan Making Guideline.

It is proposed that exhibition material will be made available on the City of Sydney Website.

Consultation with relevant NSW agencies and authorities and other relevant organisations will be undertaken in accordance with the Gateway Determination.

8. Project timeline

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

| Action | Anticipated Date |
|--|------------------|
| Gateway Request | December 2022 |
| Gateway Determination | February 2023 |
| Government agency consultation and public exhibition | March 2023 |
| Post exhibition consideration of proposal | May-July 2023 |
| Draft and finalise LEP | August 2023 |
| LEP made | September 2023 |

9. Appendices

Attachment A1: Proponent's Planning Proposal Request prepared by Hamptons Property Services

Attachment A2: Urban Context Report prepared by Tonkin Zulaikha Greer Architects

Attachment A3: Reference Scheme prepared by Tonkin Zulaikha Greer Architects

Attachment A4: Solar Access Study prepared by Tonkin Zulaikha Greer Architects

Attachment A5: Heritage Impact Statement prepared by Tonkin Zulaikha Greer Architects

Attachment A6: Traffic and Parking Report prepared by CJP Consulting Engineers

Attachment A7: Acoustic Report prepared by Acoustic Studio