

Planning Services

Gateway Determination Report

LGA	Sydney
PPA	City of Sydney
NAME	Planning proposal to list three new heritage items in Potts Point (0 homes, 0 jobs)
NUMBER	PP_2018_SYDNE_006_00
LEP TO BE AMENDED	Sydney Local Environmental Plan 2012
ADDRESS	Kingsley Hall, 1A Elizabeth Bay Road, Potts Point The Bourbon Hotel, 22-24 Darlinghurst Road, Potts Point The Empire Hotel, 32-32A Darlinghurst Road, Potts Point
DESCRIPTION	The heritage items are located on the following parcels: <ul style="list-style-type: none"> • Lot 1 DP 191425 • Part of Lot 1 DP 1097710 • Lot 1 DP 510235
RECEIVED	27 September 2018
FILE NO.	IRF18/5714
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required OR a political donation disclosure statement has been provided
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

INTRODUCTION

Description of planning proposal

The planning proposal seeks to amend the Sydney Local Environment Plan 2012 (SLEP 2012) to list the following properties as heritage items of local significance (see **Figure 1**):

- part of the Bourbon Hotel (22-24 Darlinghurst Road, Potts Point) including the front façade to a depth of 8 metres (m);
- The Empire Hotel (32-32A Darlinghurst Road, Potts Point); and
- Kingsley Hall (1A Elizabeth Bay Road, Potts Point).

Site description

The subject properties are located within a city block that is located on the east side of Darlinghurst Road, Potts Point and is bound by Barnacleuth Square and Fitzroy Gardens to the north, Roslyn Street to the south and Barnacleuth Lane to the east (see **Figure 1**).

The Bourbon Hotel (22-24 Darlinghurst Road, Potts Point) is a privately-owned hotel which consists of 2-3 storey mansion terrace and is currently used for entertainment purposes (see **Figure 2**).

The Empire Hotel, 32-32A Darlinghurst Road, Potts Point is a privately-owned hotel which consists of a three-storey building used for commercial and entertainment purposes (see **Figure 3**).

Kingsley Hall (1A Elizabeth Bay Road, Potts Point) comprises of a ten-storey art deco residential apartment building (see **Figure 4**).

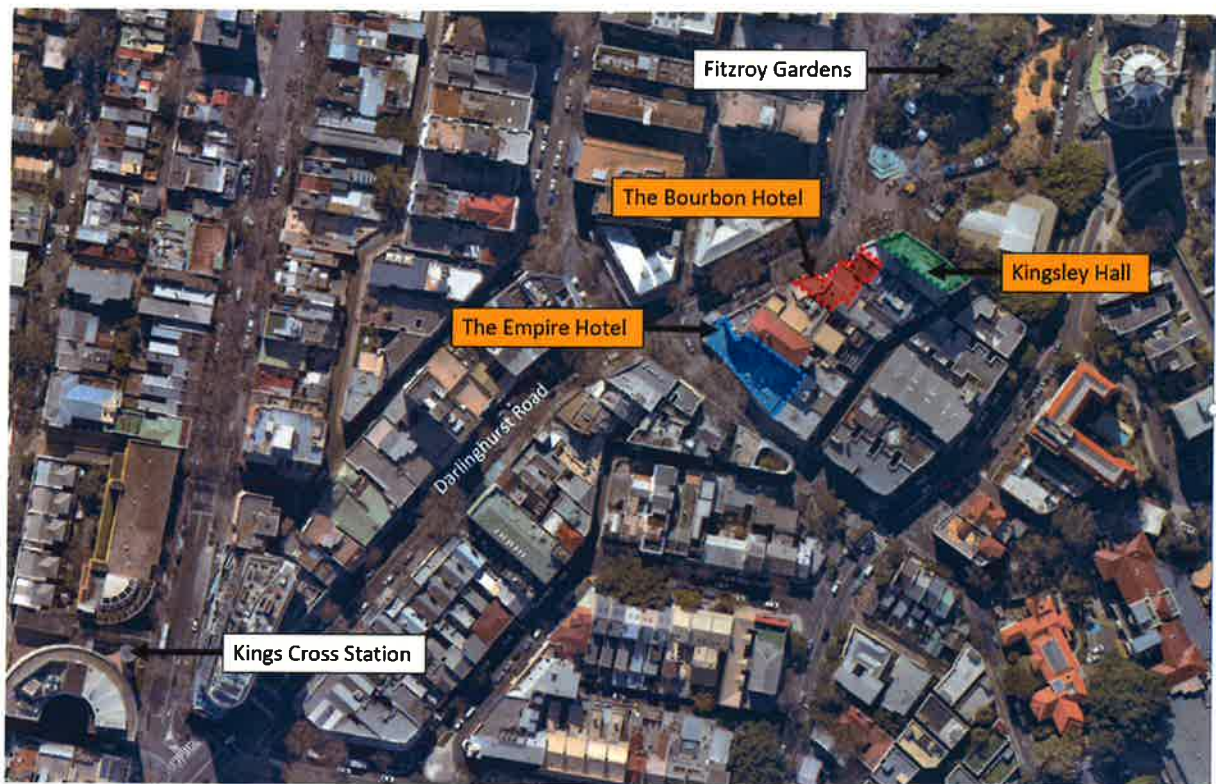


Figure 1: Existing Site Layout



Figure 2: The façade of Bourbon at 22-24 Darlinghurst Road, Potts Point



Figure 3: The Empire at 32-32A Darlinghurst Road, Potts Point



Figure 4: Kingsley Hall at 1A Elizabeth Bay Road, Potts Point

Existing planning controls

All three properties are zoned B2 Local Centre under SLEP 2012 (see **Figure 5**) and have a maximum permitted building height of 22 m, a maximum permitted Floor Space Ratio (FSR) of 3.1:1 and are all included in the Potts Point Heritage Conservation Area (C51).

No amendments to the zoning, building height or FSR are proposed for these properties.

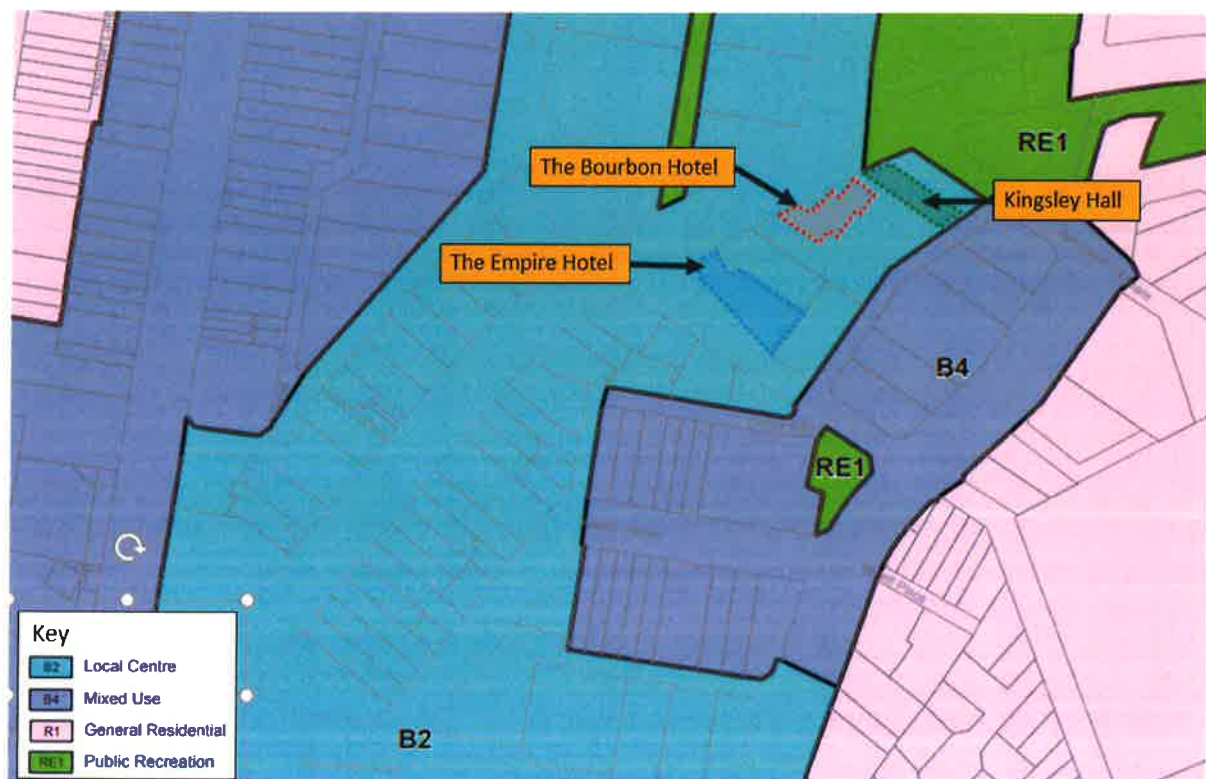


Figure 5: Existing Zoning

Surrounding area

The Kings Cross Precinct along Darlinghurst Road has previously been recognised as a popular late-night trading precinct. Retail, commercial businesses, bars, restaurants, health facilities and tourist accommodation dominate Darlinghurst Road.

The three buildings that are proposed to be heritage listed items under the planning proposal, are located on a city block along Darlinghurst Road, Potts Point. This city block contains a mix of two to ten storey buildings which consist of retail, hospitality, residential flats and tourist accommodation uses.

The Fitzroy Gardens is located to the north of the site and provides passive recreation facilities including an outdoor playground. The gardens contain two heritage items, the El Alamein Fountain (heritage item ref: I593A) and Fitzroy Gardens including landscaping (heritage item ref: I593). These heritage items are of local and State significance.

The entire local area of Potts Point is listed as a conservation area.

Summary of recommendation

It is recommended that the planning proposal proceed, subject to conditions because:

- it is supported by a heritage assessment that identifies the sites as having a high degree of local heritage significance that warrants their listing;
- it is consistent with the objectives and directions of applicable strategic and statutory planning frameworks; and
- it will allow for better conservation management of the properties which has been identified to be of local heritage significance.

PROPOSAL

Objectives or intended outcomes

The planning proposal documentation states that the proposal intends to amend SLEP 2012 to include the following as local heritage items:

- part of the Bourbon Hotel, including front façade to a depth of 8m from the façade front (22-24 Darlinghurst Road, Potts Point);
- the Empire Hotel (32-32A Darlinghurst Road, Potts Point); and
- Kingsley Hall (1A Elizabeth Bay Road, Potts Point).

This is consistent with the findings of the heritage assessment undertaken by PTW Architects submitted with the planning proposal.

Explanation of provisions

The planning proposal states that it seeks to insert the following new items into Schedule 5, Part 1 of the SLEP 2012:

Locality	Item Name	Address	Property Description	Significance	Item No.
Potts Point	Kingsley Hall including interiors	1A Elizabeth Bay Road	Lot 1 DP 191425	Local	I2289
Potts Point	Part the Bourbon Hotel including front façade to a depth of 8 m from the front facade	22-24 Darlinghurst Road	Part of Lot 1 DP 1097710	Local	I2290
Potts Point	The Empire Hotel	32-32A Darlinghurst Road	Lot 1 DP 510235	Local	I2291

Amendments to the SLEP 2012 Heritage Map are also proposed to identify the site as a heritage item.

Mapping

The planning proposal seeks to amend the Heritage Map to include the abovementioned heritage items. The Department considers the mapping to be adequate for public exhibition.

NEED FOR THE PLANNING PROPOSAL

The planning proposal states that the need to amend the SLEP 2012 has arisen as a result of a heritage assessment prepared by PTW Architects, dated August 2018. Council commissioned an urban design study, heritage assessment and undertook community consultation in response to a development application which involved the demolition of the majority of structures at 18-32A Darlinghurst Road, Potts Point. The community consultation indicated that there was support for acknowledging the local significance of the subject buildings.

The heritage assessment notes that the proposed heritage items have a high degree of local heritage significance for the following reasons:

- the Bourbon Hotel façade has had multiple uses including a mansion, boarding house, private hospital and night club the façade demonstrates post war modernism designed by architect Frank Kolos;
- the Empire Hotel hosted the former Les Girls night club and provides social significance to the LGBTQI community and the city's culture and character; and
- Kingsley Hall is an apartment block from the interwar period and demonstrates construction methods from the 1930's.

The planning proposal intends to recognise the significance of the culturally significant heritage items which is supported by the heritage assessment. A planning proposal is the only means to alter Schedule 5 of SLEP 2012 to reflect the heritage significance of the items and allow for appropriate provisions for conservation management.

STRATEGIC ASSESSMENT

State

In March 2018, the Greater Sydney Commission released the Greater Sydney Regional Plan - A Metropolis of Three Cities (The Region Plan), which aims to coordinate and manage growth in Sydney. The Region Plan contains specific objectives for the region over the next 40 years and informs the actions and directions of the District Plans.

Of relevance in the plan is 'Objective 13: Environmental heritage is identified conserved and enhanced'. This objective seeks to protect environmental heritage for its social, aesthetic, economic, historic and environmental values.

The objective also identified a strategy that comprises three components:

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

The proposal is consistent with the Region Plan as it seeks to protect and conserve the three buildings have been identified as being of local heritage significance. The Council has conducted community consultation in relation to the heritage significance of the three buildings which indicated community support in acknowledging the local significance of these buildings. The community will also have the opportunity to further comment on the heritage significance of the three items when the planning proposal goes to public exhibition.

The heritage listing of the buildings will allow for the future application of adaptive re-use if considered appropriate and will assist in maintaining the building's contribution to the streetscape and Sydney's identity and culture.

As such, the proposal is considered to be consistent in relation to the Greater Sydney Region Plan.

Regional / District

Eastern City District Plan

The Eastern City District Plan operates as a bridge between regional and district planning as it allows for the concentrated implementation of the Region Plan at the District level. The Eastern City District Plan encompasses the Sydney Local Government Area.

The proposal is consistent with the outcomes and directions outlines in the plan, particularly those associated with heritage. Planning Priority E6 requires *"creating and renewing great places and local centres and respecting the District's heritage"*

There are also three actions contained in "Action 20" of the District plan, which reiterates those described above in relation to the Region Plan.

The proposal is considered consistent with the Priority E6 and Action 20 of the District Plan as it seeks to provide the statutory mechanisms required to protect the three heritage buildings and provide appropriate provisions for conservation management.

Local

The Council'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. The planning proposal is consistent with the key directions of the plan, in particular Direction 7 'A cultural and creative city'.

The planning proposal is consistent with this action as it provides for the protection of the heritage items thereby providing their conservation, a diversity of building stock and allowing future generations to understand the historic development of Kings Cross and Sydney's culture.

Section 9.1 Ministerial Directions

The proposal is consistent with the following relevant Section 9.1 Ministerial Direction:

2.3 Heritage conservation

This direction applies to the planning proposal as it affects three buildings found to be of heritage significance. The direction requires that a planning proposal contain provisions that facilitate the conservations of items identified in a study of the environmental heritage of the area.

The proposal is consistent with this direction as it proposes to amend Schedule 5 of SLEP 2012 to reflect the heritage significance of the three buildings.

Part 4(a) of the direction requires that a planning proposal contains provisions that facilitate the conservation of heritage items in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item. The heritage assessment includes an assessment of significance, which has addressed the significance of the items in relation to these categories.

State environmental planning policies

The planning proposal is considered to be consistent with all relevant State Environmental Planning Policies (SEPP).

SITE-SPECIFIC ASSESSMENT

Social and Economic

Conserving the three buildings for heritage significance will allow residents to have a positive understanding and connection with the area's unique and rich history.

Additionally, the public exhibition of the planning proposal will provide opportunity for the owners of the properties and the wider community to determine whether the listing is appropriate.

The community have indicated support for acknowledging the local significance of these buildings. Listing the buildings as heritage items will provide the community with greater certainty about the heritage significance of the area and therefore help to conserve its heritage significance.

Where works have the potential to affect the significance of the heritage items on the site, a development application would need to be lodged with Council (as opposed to a complying development certificate application).

Listing the buildings as items of local heritage significance will provide a suitable balance between protecting the heritage items and providing the appropriate level of assessment within the development application process.

Environmental

The need for the planning proposal has arisen from a development application that was lodged with Council, which involved the demolition of the majority of structures at 18-32A Darlinghurst Road, Potts Point. This DA has subsequently been withdrawn.

The Council commissioned an urban design study, heritage assessment and undertook community consultation in response to the development application. The local community has indicated that the area is highly valued for its heritage, unique diversity of buildings and places and culture and should be protected.

The heritage assessment prepared by PTW Architects recommended that each of the sites be individually listed as a heritage item in Schedule 5 of the SLEP 2012 as the items meet the NSW Heritage Assessment criteria.

As discussed in relation to Section 9.1 Direction 2.3 Heritage Conservation, the planning proposal includes a heritage assessment which demonstrates it is consistent with Direction 2.3 Heritage Conservation.

The heritage assessment submitted with the planning proposal will also allow the community to have a clear understanding of the heritage significance of the items during the public exhibition period.

While it is considered that the proposed heritage listing will facilitate the conservation of the heritage item, consultation with the Office of Environment and Heritage will be required in relation to this matter.

CONSULTATION

Community

Council has proposed a public exhibition period of 28 days. This period is considered to be appropriate as reflected in the Gateway conditions.

It is also recommended that the affected land owner be given notice of the proposal and public exhibition.

Agencies

The Office of Environment and Heritage should be consulted during public exhibition as the proposal relates to a heritage item.

TIME FRAME

Council has proposed a timeframe for completion of the LEP in six months. Given the nature of the plan, a nine month timeframe is considered appropriate to allow sufficient time for community consultation. This does not preclude Council from completing the plan within their projected 6 month timeframe.

LOCAL PLAN-MAKING AUTHORITY

Council has requested to be the local plan-making authority. Given that the planning proposal is a result of a development application, it is considered that Council should not be made the plan-making authority.

CONCLUSION

The proposal is supported to proceed with conditions, as it:

- is supported by a heritage assessment that identified the subject site as being of heritage significance;
- is consistent with the objectives and directions of applicable strategic and statutory planning frameworks; and
- will allow for better conservation management of three buildings which has been identified to be of local heritage significance.

RECOMMENDATION

It is recommended that the delegate of the Greater Sydney Commission, determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days and the affected land owner is to be given notice of the proposal and public exhibition.
2. Consultation is required with Office of Environment and Heritage.
3. The time frame for completing the LEP is to be 9 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should not be authorised to be the local plan making authority to make this plan.



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