

PLANNING PROPOSAL

10 & 12 NIMROD STREET, DARLINGHURST

4 August 2022



PREPARED BY

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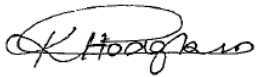
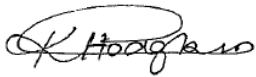
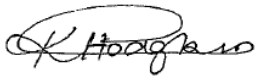
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Site Address	10 & 12 Nimrod Street, Darlinghurst
Document Name	Planning Proposal

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EXECUTIVE SUMMARY

This planning proposal applies to 10 & 12 Nimrod Street, Darlinghurst (the sites) and seeks to amend Sydney Local Environmental Plan 2012 (the SLEP).

The intent of this planning proposal is to:

- permit the use of the sites as an entertainment facility
- amend the permitted height of buildings on the land from 9.5m to 11m, excluding plant and equipment, with a total maximum height of 12.5m
- amend the permitted floor space ratio from 1.75:1 to 2:1.

The proposed changes to the planning controls will support the strategic vision of Griffin Theatre Company (Griffin) by facilitating the continued use of 10 Nimrod Street and the expansion into 12 Nimrod Street, as a theatre to facilitate the much-needed expansion of the existing Griffin, along with addressing important accessibility and compliance issues. This outcome will continue the use of the sites for social and cultural benefits within the locality, while remaining respectful of the neighbouring land uses and enhancing the social fabric of this location, so close to the hub of Darlinghurst and Kings Cross.

The Griffin's long-term sustainability, the recent funding security provided by being part of the National Performing Arts Partnership Framework, and the company's strong history of philanthropic support, means that the company is in a favourable position to secure substantial capital investment which, in turn, will provide a significant contribution to the culture and arts industry within Darlinghurst and the CoS as a whole, hence the basis for this planning proposal.

The purpose of this investment by the Griffin will enable the use to be expanded for the following purposes:

- increase the capacity of the theatre,
- provide a much-needed rehearsal space for the Griffin,
- greater public access and usability of multi-purpose spaces for artists and audiences,
- disability access with the installation of a lift which is not possible in the current venue,
- an enhanced audience experience,
- day-time visitation, including a significantly increased public and community program,
- increased capacity for night-time activation resulting in a strong night-time economy, and
- ultimately, greater delivery and support of professional theatre productions and presentations.

All these elements will have a significant benefit to the local economy and enhance the wider cultural precincts of Kings Cross and Darlinghurst.

The objectives of this planning proposal are therefore to:



- continue to provide performance spaces that are integral to the social and cultural fabric of Darlinghurst and the inner-city area
- facilitate the opportunity to provide contemporary performance spaces that retain the use of entertainment facilities within the Sydney local government area
- ensure that the built form is reflective of the fine grain urban fabric that is evident within the immediate vicinity of the sites
- ensure that the continued and expanded use of the sites can exist harmoniously within the residential and mixed-use precinct in which these are located
- continue to provide localised employment opportunities in accessible locations to public transport, walking and cycling facilities.

This planning proposal request has been the subject of a pre-planning proposal lodgement meeting with City of Sydney Council and the Proponent, including their consultant team.

Review of the City of Sydney Council files reflects that the SBW Stables Theatre has historically operated as a theatre and utilised for theatre-based purposes since the 1970's. Prior to that time, 10 Nimrod Street was used for various purposes including as a stable, Sunday School, gymnasium and the headquarters of a cab company. Therefore, the planning proposal will continue to retain the existing use of the site and enhance the opportunities that this brings to the precinct.

It is proposed that the use is permitted *via* Schedule 1 of the Sydney Local Environmental Plan (SLEP) 2012 and that the additional height and floor space is amended on the relevant maps.

Having regard to this opportunity, this planning proposal makes good strategic planning sense and is consistent with the intentions of the relevant planning instruments, such that this should be supported by City of Sydney Council.



1. BACKGROUND

1.1 Introduction

This planning proposal applies to 10 & 12 Nimrod Street, Darlinghurst (the sites) and seeks to amend Sydney Local Environmental Plan 2012 (the SLEP).

The intent of this planning proposal is to:

- permit the use of the sites as an entertainment facility
- amend the permitted height of buildings on the land from 9.5m to 11m
- amend the permitted floor space ratio from 1.75:1 to 2:1.

The proposed changes to the planning controls will support the strategic vision of Griffin Theatre Company (Griffin) by facilitating the continued use of 10 Nimrod Street and the expansion into 12 Nimrod Street, as a theatre to facilitate the much-needed expansion of the existing Griffin, along with addressing important accessibility and compliance issues. This outcome will continue the use of the sites for social and cultural benefits within the locality, while remaining respectful of the neighbouring land uses and enhancing the social fabric of this location, so close to the hub of Darlinghurst and Kings Cross.

This planning proposal has been prepared having regard to 'A Guide to preparing planning proposals' published by the Department of Planning, Industry & Environment (DPIE).

1.2 Proponent

The Proponent for this Planning Proposal is Griffin Theatre Company (ACN 001 991 153) (Proponent).

1.3 Planning Proposal Request

This planning proposal request has been the subject of a pre-planning proposal lodgement meeting with City of Sydney Council and the Proponent, including their consultant team.

A preliminary letter was provided to City of Sydney Council (the Council) dated 9 July 2021 which sought to amend the use of 12 Nimrod Street pursuant to Schedule 1 of the SLEP, which addresses Additional Permitted Uses. This is provided at Annexure 1.

A meeting was subsequently held with the Council on 12 August 2021 which provided in-principal support for the amendment to Schedule 1, to permit use of 12 Nimrod Street as an entertainment facility, namely a theatre. The Council did encourage, as part of that meeting, that any other changes required to facilitate the use should be included as part of the planning proposal.

Subsequent upon that meeting, the Proponent, through its consultant team, has developed the design for the future use of the land and, in doing so, the need has arisen to amend the development standards for height of buildings and floor space ratio for the site. In addition, in the interests of sound strategic



planning, it is also proposed that the Schedule 1 amendment include 10 Nimrod Street to create planning certainty as to the permitted use across the sites.

1.4 The Sites

1.4.1 Site identification

The sites are located at 10 & 12 Nimrod Street Darlinghurst.

The sites are legally described as Lots 27, 28 and 29 in Deposited Plan 81.

The sites are shown at Figure 1 and the survey plan is provided at Annexure 2.

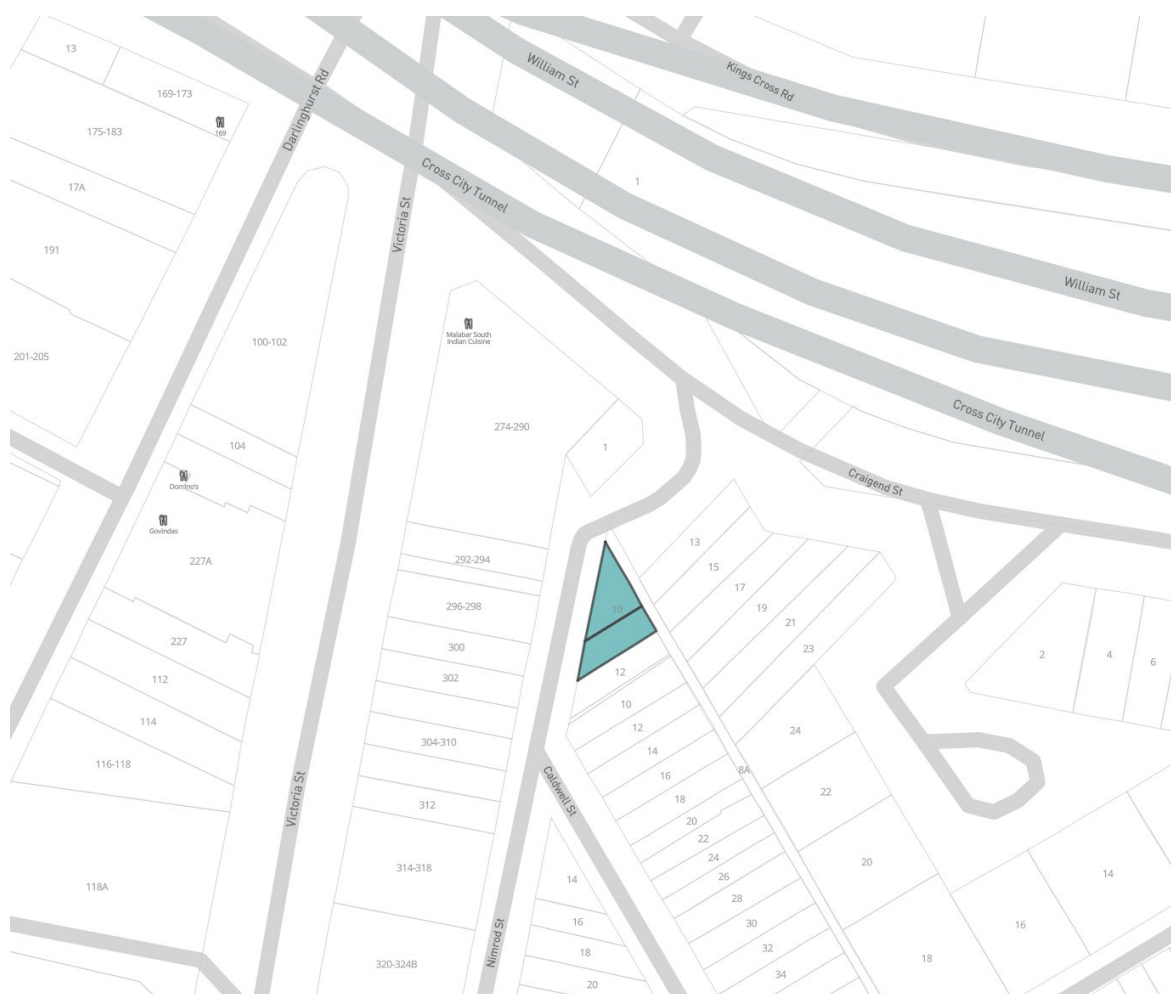


Figure 1: Sites identification at 10 & 12 Nimrod Street (Source: Archistar)

1.4.2 History of the Griffin Theatre Company

The Griffin Theatre Company is located in the historic SBW Stables Theatre, nestled in the heart of Kings Cross. The Griffin was founded in 1978 and is the only theatre company in the country that is entirely devoted to new Australian plays. The Griffin's contribution to Australia's arts and cultural heritage was recently recognised by being invited into the National Performing Arts Partnerships Framework, a state and federal government initiative that provides financial security and recognition to a select number of major

performing arts companies across the country. Griffin has produced some of the country's most esteemed playwrights, actors and directors and has made the SBW Stables Theatre its home for over 40 years.

Further information may be found in the Heritage Impact Statement prepared by TZG Heritage accompanying this Planning Proposal.

1.4.3 Historical Use of the Site

Review of the City of Sydney Council files reflects that the SBW Stables Theatre has historically operated as a theatre and utilised for theatre-based purposes since the 1970's. Prior to that time, 10 Nimrod Street was used for various purposes including as a stable, Sunday School, gymnasium and the headquarters of a cab company.

The assessment report for works to the premises in 2010 reflect that the use of the site was in accordance with the term of use as a 'place of assembly', under the, then, South Sydney Local Environmental Plan 1998. A 'place of assembly' was defined as:

*... a public hall, **theatre**, cinema, music hall, concert hall, dance hall, nightclub, open air theatre, drive-in theatre, music bowl or any other building used for a similar purpose, whether used for the purpose of gain or not, but (in Part 3) does not include a place of public worship, an institution or an educational establishment. **[Our emphasis]***

A 'place of assembly' was a permitted use in the Residential (Medium Density) zone and is the basis on which the Griffin has historically operated.

As it relates to a theatre, the term 'place of assembly' was replaced by an 'entertainment facility' in the Definitions to the SLEP, when gazetted in 2012. This is defined as:

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

An 'entertainment facility' is prohibited in the R1 General Residential zone.

However, as the use has, at no point, ceased for a period of more than twelve (12) months, the site benefits from existing use rights in accordance with s.4.65 of the Environmental Planning & Assessment Act 1979 (EP & A Act) as a use that became prohibited upon gazettal of the **SLEP**.

No 12 has been previously used for residential purposes and does not benefit from existing use rights.



1.4.4 Location and context of the site

The sites are located to the eastern side of Nimrod Street, just south of Craigend Street and one block to the east of Victoria Street, where the Victoria Street retail precinct is located and stretches as far south as the St Vincent's Hospital precinct (Refer to UD006).

The sites are positioned at the interface between the retail and commercial uses to the west and north, including aligning the western side of Nimrod Street, transitioning to residential land uses proliferating to the east, which generally comprise terrace buildings, two storeys in height that are immediately proximate to the subject site. There are, however, a number of significantly high buildings within the vicinity of the site which benefit from regional views across the precinct (Refer to UD003).

The sites are walking distance to Kings Cross Railway Station, which is located on the Eastern Suburbs/Illawarra Line, and provides regular services to the Sydney Central Business District. The sites are also within walking distance of regular bus routes located along Victoria Street and Darlinghurst Road (Refer to UD005).

The pedestrian network within the vicinity of the sites is highly utilised and benefits from significant opportunities for passive surveillance.

The sites are not listed as heritage items at Schedule 5 of the SLEP; however, they are located in the Barcom Avenue Heritage Conservation Area (HCA) (Refer to UD010). Further details in relation to heritage are contained in the Heritage Impact Statement prepared by TZG Heritage (Annexure 3).

1.4.5 Site characteristics

The sites have a combined area of 238m², with a frontage to Nimrod Street of 31.525m (Annexure 2).

The site has a fall from east to west, towards Nimrod Street.

10 Nimrod Street is occupied by a two-storey building that follows the corner position on which it is located.

The building is generally constructed of brick, with a partly flat and partly curved roof form, the latter of which is mainly visible when looking south, towards the site. The principal entry to the building is along the western face, with a separate egress point for fire safety egress is on the northern corner of the triangulated section of the building form. Timber frame windows present to the street frontages.

12 Nimrod Street is also a two-storey building enclosed by a metal post fence at the ground level. The building comprises a rectangular form to the streetscape, but is set on an angle to the boundary, to create a small landscaped area between the building form and the property boundary to Nimrod Street. There is a



triangulated roof form facing the street along with the *ad hoc* positioning of downpipes and an air conditioning unit, both of which compromise the street frontage.



Figure 2: Aerial photograph of sites at 10 & 12 Nimrod Street, Darlinghurst (Source: Archistar)



Photograph 1: Western facade of 10 Nimrod Street, showing the existing Stables Theatre, which is leased to Griffin Theatre Company (Source: TZG Architects)



Photograph 2: Northern facade of the existing Stables Theatre, looking south (Source: TZG Architects)

SUBJECT SITE	
10 NIMROD ST	12 NIMROD ST



Photograph 3: The existing site encompassing 10 & 12 Nimrod Street (Source: TZG Architects)

2. EXISTING PLANNING CONTROLS

The SLEP contains zoning and development standards for the sites. These are discussed below.

2.1 Zoning

The zoning of the sites is shown on the Land Zoning Map Sheet 22 in the SLEP.

The sites are zoned R1 General Residential (Figure 3). The objectives of this zone are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To maintain the existing land use pattern of predominantly residential uses.

The zoning permits a range of residential uses, as well as other uses including child care facilities, community facilities, food and drink premises; neighbourhood shops and shop top housing.

A theatre is classified as an 'entertainment facility', which is defined in the Dictionary to the SLEP as:

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

An **entertainment facility** is an expressly prohibited use in the zone.

This planning proposal does not seek to change the zoning of the land; it does, however, seek to allow use of the site for the purpose of an 'entertainment facility' as an Additional permitted use contained in Schedule 1 of the SLEP.

2.2 Floor space ratio

Maximum floor space ratio controls are shown on Floor Space Ratio Map Sheet 22 (Figure 3). The mapped floor space ratio shown for the sites is 1.75:1.

2.3 Height of buildings

Maximum height of buildings controls are shown on the Height of Buildings Map Sheet 22 (Figure 5). The mapped height of buildings for the sites is 9m.

2.4 Heritage

The sites are not listed as heritage items (Figure 6). The sites are located in the Barcom Avenue HCA and are in the vicinity of a number of heritage items listed within Schedule 3 of the SLEP.



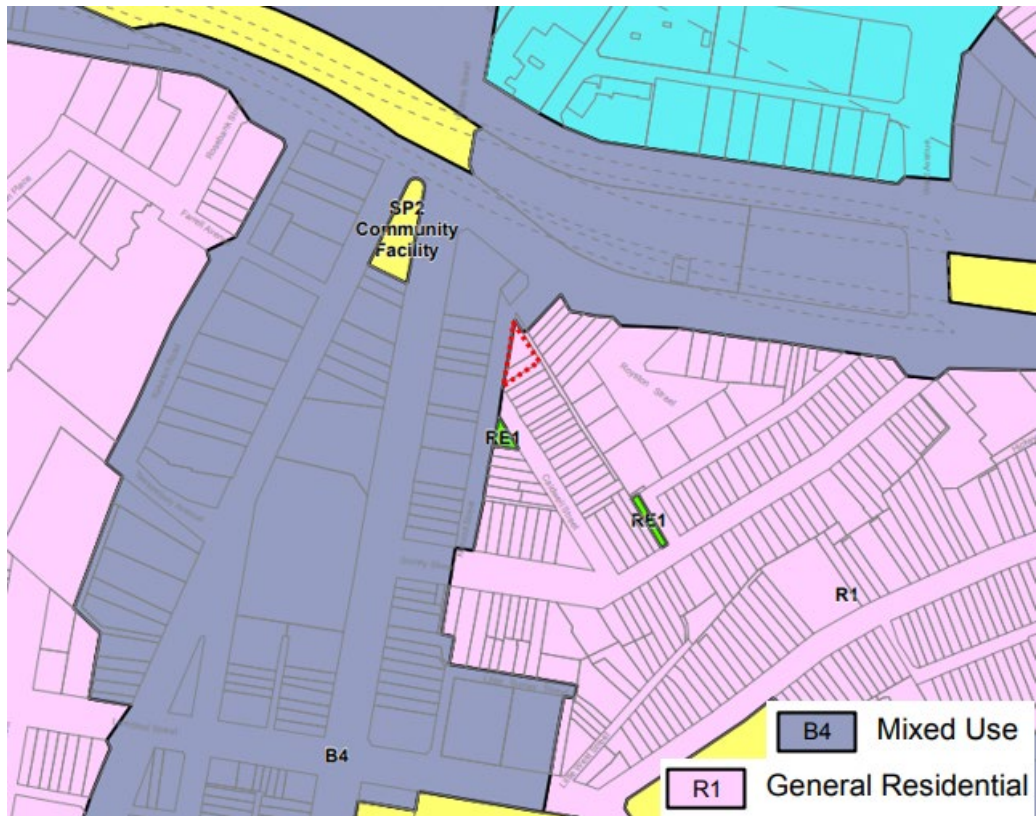
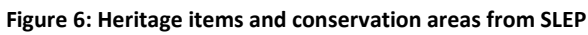


Figure 3: Zoning map from SLEP



Figure 4: Floor space ratio map from SLEP



2.5 Site-Specific Controls

There are no site-specific controls contained in the SLEP or the SDCP for the sites.



3. OBJECTIVES

This planning proposal will facilitate the continued use of 10 Nimrod Street, Darlinghurst as an entertainment facility (theatre) and enable the use to be expanded into 12 Nimrod Street, Darlinghurst. The planning proposal will also allow for the redevelopment of these sites to provide a contemporary cultural facility to the locality that is commensurate with modern day performance spaces to continue to form part of the social and urban fabric of Darlinghurst.

The Griffin's long-term sustainability, the recent funding security provided by being part of the National Performing Arts Partnership Framework, and the company's strong history of philanthropic support, means that the company is in a favourable position to secure substantial capital investment which, in turn, will provide a significant contribution to the culture and arts industry within Darlinghurst and the CoS as a whole.

The purpose of this investment by the Griffin will enable the use to be expanded for the following purposes:

- increase the capacity of the theatre,
- a much-needed rehearsal space for the Griffin,
- greater public access and usability of multi-purpose spaces for artists and audiences,
- disability access with the installation of a lift which is not possible in the current venue,
- an enhanced audience experience,
- day-time visitation, including a significantly increased public and community program,
- increased capacity for night-time activation resulting in a strong night-time economy, and
- ultimately, greater delivery and support of professional theatre productions and presentations.

All these elements will have a significant benefit to the local economy and enhance the wider cultural precincts of Kings Cross and Darlinghurst.

The objectives of this planning proposal are therefore to:

- continue to provide performance spaces that are integral to the social and cultural fabric of Darlinghurst and the inner-city area
- facilitate the opportunity to provide contemporary performance spaces that retain the use of entertainment facilities within the Sydney local government area
- ensure that the built form is reflective of the fine grain urban fabric that is evident within the immediate vicinity of the sites
- ensure that the continued and expanded use of the sites can exist harmoniously within the residential and mixed-use precinct in which these are located



- continue to provide localised employment opportunities in accessible locations to public transport, walking and cycling facilities.



4. EXPLANATION OF PROVISIONS

4.1 Proposed amendments to Sydney Local Environmental Plan 2012

The drafting instructions to amend the SLEP are provided below.

4.1.1 Drafting instructions

To achieve the intended outcomes, this planning proposal seeks to amend the SLEP as follows:

1. Amend the Height of Buildings Map Sheet 22 as shown in Part 6 of this planning proposal to increase the height to 11m, with a further allowance for plant and equipment up to 12.75m.
2. Amend the Floor Space Ratio Map Sheet 22 as shown in Part 6 of this planning proposal to increase the floor space ratio to 2:1.
3. Amend Schedule 1 to the effect that the clause applies to the land at 10 & 12 Nimrod Street, Darlinghurst, and permits the use of these sites for the purpose of an entertainment facility.

It is noted that there is no prescribed height control under the SLEP of 12.75m; there is, however, a permitted height of buildings of 12m. At the time of writing the Applicant has shown the building height being 12m; the additional provision of a further 0.75m is open to being subject to a further amendment at Schedule 1, a separate colour to be included on the Height of Buildings Map, or achieved through a clause 4.6 Exceptions to Development Standards request. Further discussion is likely required with Council on this matter.

4.1.2 Proposed drafting

The following provides recommend wording to amend the SLEP:

Schedule 1 Additional permitted uses
<p>[Insert Cl. No] Use of certain land at 10 & 12 Nimrod Street, Darlinghurst</p> <p>(1) This clause applies to land at 12 Nimrod Street, Darlinghurst, being Lots 27, 28 and 29 in DP 81.</p> <p>(2) Development for the purposes of an entertainment facility is permitted with development consent.</p>

4.2 Site-specific DCP

This planning proposal does not warrant the preparation of a site-specific DCP.



5. JUSTIFICATION

5.1 Built form

The Urban Design Principles Report accompanying this planning proposal, prepared by TZG, sets out the design principles that have informed the new built form that would be intended for the site. These principles include consideration for the following matters:

- upholding the legacy of the theatrical use of the site
- reuse of the existing brickwork and interpreting the significant elements of the existing form and fixtures, such as the Stable doors
- use of materiality that enables the Stables narrative to be expressed, particularly through elements such as recycled brickwork and concrete
- implementation of elements that allow the building to be designed based on current best practice relating to lift accessibility, fire stairs, plant and equipment
- ensuring that the scale of the building retains the intimate spaces that are achieved within the existing theatre, while retaining opposing seating and stage configuration that provides equitable audience access to performances
- providing flexible foyer spaces that enable localised connection with the street frontages and the community, including external paving that enables connection with the external areas surrounding the site
- designing spaces that enhance and celebrate the arrival and progression of visiting the Griffin
- articulating the external form of the building to ensure that the three corners of the site connect with the urban context, linked by the foyer space
- ensuring that the built form is visually compatible in its residential setting
- including environmentally sustainable technology through photovoltaic roof panels and battery storage
- ensuring that the layout of the building allows for additional rehearsal space, as well as ancillary aspects such as office space and amenities (laundry, storage, etc).

Further details may be found in the Urban Context Report at Annexure 3.

5.2 Need for the Planning Proposal

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

This planning proposal is a result of a request from the Proponent to change the planning controls that relate to the subject sites. The Proponent has undertaken a detailed urban design analysis and heritage study to justify the need for an amendment to the planning controls. Matters relating to noise mitigation have also been considered as part of this analysis to ensure that the amenity of the locality is not adversely impacted by the planning proposal



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

The only way of achieving the intended outcomes of this planning proposal is to amend Schedule 1 of the LEP.

The alternative means would be to amend the uses permitted in the R1 General Residential zone, which would otherwise permit an entertainment facility to be permitted in that zone across the whole of the local government area.

As that is not the intention of this planning proposal, the only means for achieving the outcome is to amend Schedule 1.

Amending the height and floor space ratio maps with a planning proposal will enable the intended use to be accommodated on the site and allow for an improved urban design and economic outcome for delivery of the site-specific entertainment facility that could not otherwise be achieved under the current height of buildings and floor space ratio maps, having regard to the needs of the intended use.

Aside from altering the zoning provisions and development standards pertaining to the property, the Griffin has considered alternative options by way of:

- continuing at the existing premises and looking for partnership opportunities at other locations to enable rehearsal space, as well as places to present works (Option 1)
- relocation to a new premises under a lease arrangement (Option 2)
- relocation to a new premises by purchasing a property that is fit for purpose (Option 3).

These alternatives have been discounted for the following reasons:

- For the purpose of Option 1, by remaining in the existing premises, in their current form, does not meet the objectives of the Griffin as the existing facilities are not fit-for-purpose and any attempt to achieve this would be cost prohibitive, without providing opportunities for economic growth. Growth of the theatre is limited by:
 - patron capacity, which would remain static
 - the size of the existing space being insufficient for the types of programs that the Griffin offers and proposes to offer
 - limited opportunity for digital reach through limited spaces available for accommodating technology
 - a shortage in space that would not enable the Griffin to host touring shows, currently capped at two per year



- high-cost levels associated with hiring external spaces, making this a generally cost-prohibitive option
- tenure arrangements would remain tenuous, such that committing to significant capital investment could not be justified.

In addition to Option 1 being limited by the above, the theatre would remain inaccessible to many. Advice taken by the Griffin as part of the previous renovation in 2014 indicated that while some level of accessibility could be accommodated for patron seating, equitable access for artists could not be made available to spaces such as bathrooms, dressing rooms, stage entrances, etc. The implementation of this for patrons would also result in reduced seating capacity for both the performing area and seating bank, thus undermining the economic viability of the theatre.

For Option 2, the following are the predominant limiting factors:

- while the size of a space may be sufficient, the additional investment that is required to bring a leased venue to the necessary standard and ensure that the Griffin offers an accessible and flexible venue that is open to all audiences will be challenging from a cost perspective, without longer term tenure
- the sourcing of leased premises on terms that are both suitable and financially sustainable to the Griffin is likely to be very difficult without philanthropic or other underwriting
- sourcing premises in close proximity to the existing site and in local areas is likely to be very challenging given ongoing urban regeneration of the inner-city area and applies to a purchase or lease arrangement
- the logistics required for additional resourcing to secure a venue, relocate and re-launch in a new venue, while maintaining the Griffin's identity and loyal audiences would be challenging
- the opportunity to source a property and align this with significant donors at the same time to achieve the required threshold for capital investments makes purchase of a property challenging.

Therefore, the best means of achieving the objective of this planning proposal and to enable the Griffin to achieve its long-term objectives is as set out above.

5.3 Relationship to the strategic planning framework

Is the planning proposal consistent with council's local strategy or other local strategic plans?

Yes. This planning proposal is consistent with relevant local strategies and plans as summarised below.



5.3.1 Greater Sydney Region Plan

A Metropolis of Three Cities – The Greater Sydney Region Plan is the Greater Sydney Commission’s strategic plan for Greater Sydney. It is a 20-year plan with a 40-year vision, seeking to transform Greater Sydney into a metropolis of three distinct, but connected, cities: the Eastern Harbour City, the Central River City and the Western Parkland City.

The key principles of this strategy are:

- liveability
- productivity
- sustainability
- infrastructure and collaboration.

For the purpose of this planning proposal, the most important principle is that of liveability. The expansion of the Griffin will be facilitated through a well-designed built form outcome that is provided with flexibility, but designed such that it is more accessible over the current circumstances, thus being more inclusive to the broader community. This will also enhance local experiences and social interaction in the local community. The fine grain urban form that dominates this section of Darlinghurst will be reinforced through the building design, with a strong approach to human scale that is able to benefit from nearby land uses of a residential and business nature.

The location is proximate to public transport and in a location that is walkable within its contexts, again reinforcing the opportunity for use of this space, through strong connections established with pedestrian treatment. The outdoor courtyard adjacent the theatre also provides an inviting space for social interaction in a pedestrianised context.

In relation to environmental heritage, the sites are not listed as heritage items, but are located in a heritage conservation area. The Heritage Impact Statement reflects that the works that would be undertaken as part of a development application will not compromise the heritage characteristics of the locality and that demolition of the existing built form is acceptable, having regard to the benefits that will accrue as a result of this planning proposal.

5.3.2 Eastern City District Plan

This planning proposal will reinforce the more specific principles of the Eastern City District Plan in relation to Liveability as follows:

- Planning Priority E3 – Providing services and social infrastructure to meet people’s changing needs – the planning proposal seeks to enhance social infrastructure that is provided to the community with the expansion of the Griffin on a more accessible basis, through both



increased capacity and building improvements such that it provides a greater degree of accessibility. Specifically, other social benefits that result from the expansion of the Griffin include:

- Increased community engagement by providing space and programs that support connection to creative experiences, including Griffin’s highly successful Ambassadors program for high school students, free community performances, and other programs developed as a result of the redevelopment, which includes accommodating more than 150 high school students under the Ambassador’s program
- assisting more than 20 community organisations, particularly those that operate on a not-for-profit basis, as well as CALD and First Nations communities.
- Planning Priority E4 – the continued use and expansion by the Griffin will further enhance the creative and culturally rich precinct of Darlinghurst and further social interaction within the community, particularly by increasing the opportunity to utilise the venue through improvements to equitable access, while providing direct access for more than 100 residents located in the direct vicinity of the site

5.3.3 Sustainable Sydney 2030

Sustainable Sydney 2030 is the vision for sustainable development of the City of Sydney to 2030 and beyond and includes ten strategic directions to guide the future of the City. The plan outlines the City’s vision for a green, global and connected city and sets targets, objectives and actions to achieve this vision.

Of the ten strategic directions for a Sustainable Sydney, the following are relevant to this planning proposal:

- A globally competitive and innovative city – this planning proposal will enable the continued use of the site, with the expansion of this for both employment and cultural purposes that contributes to the well-being of all, while ensuring that there is an appropriate balance between public and private use. This will be reinforced with Sydney being promoted as a destination for cultural opportunities as a result of significant investment in the theatrical and performing arts sector.
- Integrated transport and a city for walking and cycling – this planning proposal is not designed to alter site accessibility and will retain its approach as a car free environment, thus encouraging other means of transport to the site, through walking, cycling and public transport. The use of this space will also assist in enhancing passive surveillance over the public domain. Transport information will also be provided to users of the site to enhance accessibility, to ensure that alternative transport modes are the first choice of transport to and from the site.



- Resilient and inclusive local communities – the on-going and expanded use of the site, in this location, is part of the village of Darlinghurst and provides a meeting space for social interaction, as well as employment and creativity. The intimate size of the theatre space, both existing and proposed, provides a welcoming environment for the local community to enjoy and stay connected in, while meeting the needs of that same community as both a contributor and a spectator, to ensure that social and emotional needs are being supported in day-to-day life. The acquisition of 12 Nimrod Street demonstrates the resilience of the Proponent to expand its capacity, with that confidence derived from the local community that supports cultural, performance and community space of this nature.
- A cultural and creative city – this planning proposal allows for a modest expansion of the cultural sector associated with the theatre, as a creative industry that enhances its sustainability, productivity and innovation.

5.3.4 City Plan 2036: Local Strategic Planning Statement

The City of Sydney Local Strategic Planning Statement (planning statement) adopted by Council in March 2020 identifies the land use planning context, 20-year vision and planning priorities to positively guide change towards the City's vision for a green, global and connected City. The planning statement explains how the planning system will manage that change to achieve the desired outcomes and guides future changes to controls.

In giving effect to the planning statement, this planning proposal deliveries on the following priorities and actions:

- Priority I1 – Movement for walkable neighbourhoods and a connected city – the planning proposal reinforces the role that the Griffin plays as part of the local community network for social and community purposes, that is walkable and does not rely upon on-site carparking, reinforcing the sense of connection within the community
- Priority I3 – Supporting community wellbeing with social infrastructure – this planning proposal will support social and community infrastructure by enabling the expansion of the existing theatre, which provides a dynamic offering to the locality in which it is located that will assist to reinforce the wellbeing of the local community.
- Priority L1 – A creative and socially connected city – this planning proposal will enhance opportunities for social connection while facilitating additional capacity within the locality that will enhance the cultural pursuits of the Griffin in a more contemporary and creative context over the existing situation, which has the current theatre physically constrained due to limitations on the existing site. By advancing this planning proposal will lead to greater opportunities for artists and production companies associated with touring works



- Priority L2 – Creating great places – this planning proposal will continue the existing use and expand upon this as part of the local community in which it is located, while being responsive to its neighbours, with care and control implemented in relation to operational practices, so as not to compromise the high quality of amenity that is enjoyed by the residential and business communities that are proximate to the site. The redeveloped theatre will also create a cultural space for the benefit of interstate and international tourists as well as the local, community market, which comprises more than 500,000 audiences in rural and regional NSW, and audiences of 15,000 annually.
- Priority P2 – Developing innovative and diverse business clusters in City Fringe – this planning proposal will continue the existing use and expand upon this to further facilitate creative industry and allow the Griffin to interact and connect with local businesses and institutions that are proximate to the site. Further, the continuation of the Griffin provides a more affordable form of access to cultural space both from a production and performance perspective, as well as reaching a different price point to larger theatres, which will enhance the on-going growth of this sector. The Griffin employs more than twenty direct employees and retains more than 200 artists per annum which, with the redevelopment, will be increased as will additional art workers and freelance artists, from 200, to more than 250, people. The use can continue to exist without compromising the diversified character of the area, nor the amenity of adjoining properties, particularly those of a residential nature. The continued, and expanded, use of this space will also assist continued employment in the Eastern Creative precinct.

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

This planning proposal is consistent with all applicable State Environmental Planning Policies (SEPPs), as summarised in Table 1.

Table 1: State Environmental Planning Policies

Local Planning Direction	Comment
State Environmental Planning Policy (Biodiversity & Conservation) 2021	Not applicable
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	This policy does not apply to the type of development proposed.
State Environmental Planning Policy (Exempt & Complying Development Codes) 2008	Not applicable



Local Planning Direction	Comment
State Environmental Planning Policy (Housing) 2021	Not applicable
State Environmental Planning Policy (Industry and Employment) 2021	Not applicable
State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development	Not applicable
State Environmental Planning Policy (Planning Systems) 2021	Not applicable
State Environmental Planning Policy (Precincts – Central River City) 2021	Not applicable
State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021	Not applicable
State Environmental Planning Policy (Precincts – Regional) 2021	Not applicable
State Environmental Planning Policy (Precincts – Western Parkland City) 2021	Not applicable
State Environmental Planning Policy (Primary Production) 2021	Not applicable
State Environmental Planning Policy (Resilience and Hazards) 2021	Not applicable
State Environmental Planning Policy (Resources and Energy) 2021	Not applicable
State Environmental Planning Policy (Transport and Infrastructure) 2021	Division 5 Electricity transmission or distribution, at cl. 2.48, will apply to future development as there is an exposed overhead electricity power line within 5m of the subject site, in accordance with cl. (1)(b)(iii). The application will be referred to the electricity supply authority in accordance with (2). This matter has no bearing on this planning proposal.



Is the planning proposal consistent with applicable Section 9.1 Ministerial Directions?

This planning proposal is consistent with all Local Planning Directions issued under section 9.1 of the EP & A Act, as summarised in Table 2.

Table 2: Local planning directions

Local Planning Direction	Comment
Focus Area 1: Planning Systems	
1.1 Implementation of Regional Plans	This planning proposal is consistent with this Direction and meets its objectives by achieving the overall intent of the Regional Plan. Further this planning proposal does not undermine the achievement of the vision, land use strategy, goals, directions or actions of the Regional Plan.
1.2 Development of Aboriginal Land Council and	Not applicable
1.3 Approval and Referral Requirements	This planning proposal does not seek to include any additional approval or referral requirements.
1.4 Site Specific Provisions	This planning proposal seeks to allow the use of the land for an entertainment facility in the R1 General Residential zone at 10 and 12 Nimrod Street, Darlinghurst and seeks to alter the height of buildings and floor space ratio standards that apply to the land. This is consistent with Direction 1.4(1)(a) and (c). The imposition of these provisions is of minor significance and without impact.
Focus Area 2: Design & Place	Not applicable
Focus Area 3: Biodiversity and Conservation	
3.1 Conservation Zones	Not applicable
3.2 Heritage Conservation	This planning proposal does not compromise the role of the sites in the heritage conservation area. The sites are not listed as items of environmental heritage.
3.3 Sydney Drinking Water Catchments	Not applicable
3.4 Application of C2 and C3 Zones and	Not applicable

Local Planning Direction	Comment
Environmental Overlays in Far North Coast LEPs	
Focus Area 4: Resilience and Hazards	
4.1 Flooding	Not applicable
4.2 Coastal Management	Not applicable
4.3 Planning for Bushfire Protection	Not applicable
4.4 Remediation of Contaminated Land	Not applicable
4.5 Acid Sulfate Soils	Not applicable
4.6 Mine Subsidence and Unstable Land	Not applicable
Focus Area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	This planning proposal has no effect on the objectives of this local planning direction, with public transport being the key focus for access to this site.
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	This planning proposal will marginally reduce the available land for residential purposes, through the use of 12 Nimrod Street; 10 Nimrod Street has not played any significant role for residential purposes for a number of years (Refer to Heritage Impact Statement). This planning proposal is of minor significance having regard to the objectives.
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	



Local Planning Direction	Comment
8.1 Mining, Petroleum Production and Extractive Industries	Not applicable
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 and Regional Significance on the NSW Far North Coast	Not applicable

5.4 Environmental, social and economic impact

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. It is unlikely that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of this planning proposal.

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

Solar Access

One of the potential impacts associated with development on the site to the extent proposed is pertaining to solar access enjoyed by neighbouring properties proximate to the site.

A detailed shadow and sun analysis has been undertaken to determine the impact of the proposal on such properties. The analysis demonstrates that the proposal will have no impact on the second floor window of No. 12 Caldwell Street, nor any impact on No. 14 Caldwell Street.

For the property at No. 10 Caldwell Street there will be a reduction to the living room window at the ground floor and the bedroom window at Level 1. The former will receive one hour of sunlight and the latter 0.25 hours of sunlight. For No. 12, the ground floor living room window will also experience a reduction in solar access by one hour.

While the building form will result in a reduction over the existing situation, the design of the development provides more solar enjoyment than if a development were pursued that complies with the development standards. This has been achieved by employing the following principles in designing the building envelope:

- The walls of the future building form that are above 9m in height are folded back from the principal building form to minimise the shadows that are cast
- The rear corner of the proposed building form is also chamfered to significantly reduce the potential shadow impact
- The location of plant and equipment is centred on the roof and does not cast any additional shadow.

Therefore, the proposed built form, while resulting in some level of impact in terms of solar enjoyment to a limited number of properties, this is not considered significantly detrimental, such that the building form should not be supported. Further, given that the outcome provides a more compliant solution than a development that complies with the development standards, this should be deemed as an appropriate response. The impact that would result at mid-winter is extremely modest and limited and, given the extent of improvements that will be achieved by allowing for the theatre expansion, which will add to the cultural dynamic of the community and thus enhance the public interest, should be supported.

Further, s. 4.1.3.1 of the DCP deals with Solar access. The building envelope as proposed is considered below having regard to these provisions.

	Comment	Capable of Compliance at DA Stage
Objectives		
(a) Buildings are to be designed and sited to provide solar access to:		
(i) private open space within the site and of adjoining dwellings;	The shadow diagrams demonstrate that there is no additional solar access impact to the private open space areas of neighbouring properties before 1:30pm in the afternoon. At that point, there is a minor additional impact to 12 Caldwell Avenue.	Yes
(ii) habitable rooms within the development and in adjoining developments;	Refer to discussion above.	Yes
(iii) public open space including bushland reserves; and	The building envelope will not impact on the key public open space area, directly east of the site, with no additional shadow impact to accrue to this area.	Yes
(iv) solar collectors of adjoining development.	There are no solar collectors evident that will be impacted by the building envelope.	Yes

Provisions		
(1) Development sites and neighbouring dwellings are to achieve a minimum of 2 hours direct sunlight between 9am and 3pm on 21 June onto at least 1sqm of living room windows and at least 50% of the minimum amount of private open space.	Refer to discussion above.	No, but complies on merit and compliance would not achieve the requisite solar access
(2) New development must not create any additional overshadowing where solar access is less than two hours between 9am and 3pm on 21 June. This control does not apply to windows on a side boundary or windows only separated from a side boundary or passageway	There is one window, referred to as 10B1 at 10 Caldwell Street, which is a bedroom window. The existing enjoyment is 1.25 hours and the building envelope will reduce this to 0.25 hours; the solar access that will be enjoyed, as a result of the building design is greater than is a complying development envelope was applied to the site and thus should be supported. Windows along a side boundary have not been considered in the assessment.	No, but complies on merit and compliance would not achieve the requisite solar access
(3) The development application is to include diagrams in plan and elevation that show the shadow impact of the proposal at 9am, 12 noon, and 3pm at midwinter	While not the subject of a development application, this analysis accompanies the planning proposal.	Yes
(5) Overshadowing of windows along side boundaries by new development is permissible, except in the circumstances within provision (6) below	Refer to discussions above.	Yes
6) Daylight access is to be addressed where:		
(a) the side windows of an adjoining dwelling are facing and/or perpendicular to the boundary and are less than 1.5m from the side boundary; and	The affected windows are not to an adjoining dwelling but one on the opposing side of the street.	Yes
(b) the side windows in (a) are the only windows to the primary living area of a neighbouring dwelling;		Not applicable
then the proposed development is to be set back by a minimum of 900mm (inclusive of gutters and eaves) from the boundary opposite these windows extending for a minimum distance of 2.4m to either side of these windows. Refer to Figure 4.6.		



Traffic, Parking & Loading

In relation to servicing and loading arrangements, the existing theatre does not make provision for on-site loading facilities, which otherwise occur from the surrounding street network. This is a typical arrangement for the size and scale of the premises within the City of Sydney.

As part of the proposed development, the size of props, equipment and so forth will remain generally small and the size of the stage will remain the same. The likely element of change is food and drink deliveries as a result of additional patrons attending the site. In terms of potential impact, the Traffic and Parking Assessment Report provides the following:

The proposed nett increase of 50 seats may, however, result in additional food & drink deliveries for the bar, plus additional waste generation. This will not result in larger service vehicles, but a potential minor increase in additional movements by the current service vehicles (i.e. vans, utes, wagons and small trucks).

In real terms, this may result in two waste truck movements per week (compared to the current one movement per week) and say, six bar supplies deliveries per week (compared to the current three movements per week).

As such, the proposed redevelopment and expansion of the Griffin Theatre is not expected to result in any unacceptable loading or servicing implications

Privacy

The proposed openings to the building envelope are limited to ensure that there is no intrusion of privacy on neighbouring properties. The only openings at an interfacing boundary are to the east, with the shared laneway., enclosing a basement seating area at the ground floor. While not directly opening to a residential boundary, the proponent is also cognisant of being a good neighbour and these openings may be restricted as determined appropriate by the Council.

There are no adverse privacy impacts that will otherwise result based on the envelope as presented.

There are no other likely environmental effects as a result of the planning proposal.

From a positive impact perspective, the planning proposal will provide cost savings for the Griffin through employing environmentally sustainable building technology, incorporating energy efficient technology. The Griffin will also employ a low carbon emissions policy and a zero waste policy as part of the operation of the development, upon completion.



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

Yes. This planning proposal addresses the social and economic effect of the proposed changes above and will provide the following positive outcomes:

- enhanced performance spaces to benefit the theatrical community, which expands on a well-known existing use making this more accessible to the community
- enhanced spaces for community interaction, starting with more than 100 local residents within the immediate vicinity of the site
- continued employment opportunities for both actors and staff of the theatre, providing for more than twenty direct employees and more than 200 artists annually
- continued and increased localised spending within the broader Darlinghurst Precinct by those attending productions, thus supporting local businesses
- providing a social and cultural space that advances equitable access to the premises and is more inclusive with the local community
- expansion of the Griffin's Ambassador program which accommodate more than 150 high school students across Sydney, along with supporting for more than twenty community organisations in the local Kings Cross area, in particular, the not-for-profit sector
- increased opportunities for arts workers and freelance artists, from the existing 200 to more than 250 per annum.

These economic and social impacts are considered positive and favourable to the Griffin itself and the local community that heavily relies upon this land use for creative pursuits.

5.5 State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

Yes. This planning proposal does not increase the demand for public infrastructure.

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

To be determined in further consultation with public authorities following Gateway determination.



Planning Proposal – 10 & 12 Nimrod Street | Darlinghurst

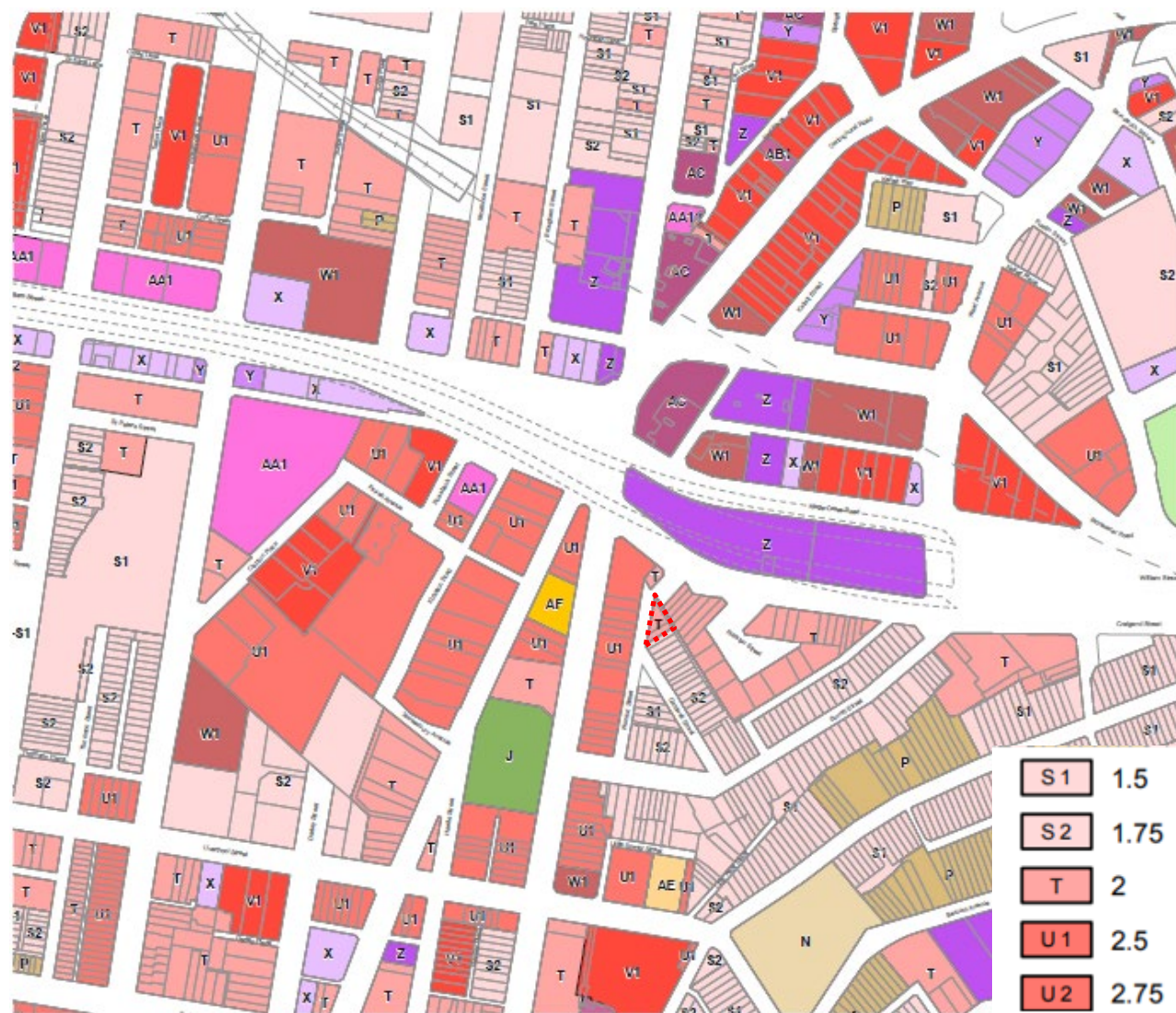
The mapping changes are shown in Figure 7 and Figure 8.

- Height of buildings
- Floor space ratio.

The mapping changes are shown in Figure 7 and Figure 8.



PROPOSED AMENDMENT TO
SLEP 2012 HEIGHT OF BUILDINGS MAP - SHEET HOB_022



PROPOSED AMENDMENT TO SLEP 2012 FLOOR SPACE RATIO MAP - SHEET FSR 022

Figure 8: Amended Floor Space Ratio Map

7. COMMUNITY CONSULTATION

Public consultation will be undertaken in accordance with the requirements of the Gateway determination.

It is proposed that, at a minimum, this will involve the notification of the public exhibition of this planning proposal on the City of Sydney website and in writing to the owners and occupiers of adjoining and nearby properties and relevant community groups.

It is expected this planning proposal will be publicly exhibited for at least 28 days.

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.

In addition to the above, Read Property & Advisory have been adopted to prepare a community engagement strategy to engage with relevant stakeholders associated with the project. While not all of the below stakeholders may be relevant to the project, the table below demonstrates the extent to which consultation is proposed to ensure that adequate feedback is achieved in association with this project.

Table 3: Stakeholder engagement required to facilitate the Griffin Theatre Project, prepared by Read Property & Advisory

Who	Why	What	How	When
City of Sydney	<ul style="list-style-type: none"> - Planning approval authority - Local Council - Assistance with space needs while SBW Stables is under construction - Cultural impact - Aligns with cultural policies 	<ul style="list-style-type: none"> - Documentation for Planning Proposal and Development Application - Detailed regarding Griffin's space needs during SBW Stables construction - Consultation during design phase regarding programming and activation plans 	<ul style="list-style-type: none"> - Planning Proposal and DA through CoS portal - Space needs discussed in meetings and via email correspondence - Quarterly meetings with CoS cultural team regarding cultural, community and economic impact and alignment 	<ul style="list-style-type: none"> - Planning Proposal submitted - DA will be submitted XXX - Space needs discussed 18 months before construction commences - Discussions with cultural team are ongoing

Who	Why	What	How	When
Create NSW	<ul style="list-style-type: none"> - Primary Funding body 	<ul style="list-style-type: none"> - Impacts of redevelopment to KPIs under current NPAPF Agreement - Changes to programming during period while Griffin in out of SBW Stables - 'Dark' period just prior to Opening 	<ul style="list-style-type: none"> - Quarterly Financial Reporting required under NPAPF - Updates to Strategic Plan, provided annually - Annual Acquittal - Regular meetings with Client Manager and Senior Staff 	<ul style="list-style-type: none"> - 31 Jan, 30 Apr, 31 Jul, 15 Oct, annually - 30 April, annually
Create Infrastructure	<ul style="list-style-type: none"> - Primary project funder - Project oversight 	Project Status Report Project Acquittal and Financial Certification Final Project Status Report Ongoing Reporting Requirements	<ul style="list-style-type: none"> - Regular meetings of Project Control Group - Reporting templates provided through SmartyGrants 	<ul style="list-style-type: none"> - Key milestones trigger Project Status Report and payments or as requested - Within 3mths of project completion - Within 3mths of project completion - For up to 3yrs post project completion
Australia Council for the Arts	<ul style="list-style-type: none"> - Primary Funding body 	<ul style="list-style-type: none"> - Impacts of redevelopment to KPIs under current NPAPF Agreement - Changes to programming during period while Griffin in out of SBW Stables - 'Dark' period just prior to Opening 	<ul style="list-style-type: none"> - Quarterly Financial Reporting required under NPAPF - Updates to Strategic Plan, provided annually - Annual Acquittal - Regular meetings with Client Manager and Senior Staff 	<ul style="list-style-type: none"> - 31 Jan, 30 Apr, 31 Jul, 15 Oct, annually - 30 April, annually



Who	Why	What	How	When
SBW Foundation	<ul style="list-style-type: none"> - Land owner - Long-term benefactor 	<ul style="list-style-type: none"> - Risk management in relation to key property assets - Involvement in key decisions as part of governance framework - Recognition of long-term relationship and philanthropic support 	<ul style="list-style-type: none"> - Regular meetings of Project Control Group - Direct communication (phone and email) between Chairs of Building Committees of both Boards - Regular reporting in line with Griffin's Project Management responsibilities 	<p>At Project Control Group meetings</p> <p>Minimum quarterly updates via email</p> <p>When key milestones are achieved</p>
Donors	<ul style="list-style-type: none"> - Funding partners - Historical association 	<ul style="list-style-type: none"> - Regular updates regarding key milestones in Capital Campaign and Project - Involvement and communication regarding redevelopment - Loss of heritage/character of existing theatre - Historical association 	<ul style="list-style-type: none"> - Initial engagement through Capital Campaign meetings and cultivation events (see Capital Campaign Plan for details) - Reporting and updates in person and via email (depending on level of support) - Updates through general donor communications 	<ul style="list-style-type: none"> - Minimum quarterly updates via email - When key milestones are achieved
Subscribers /audience	<ul style="list-style-type: none"> - Primary customer for Griffin - Historical association - Strong sense of loyalty and connection to Griffin and the Stables 	<ul style="list-style-type: none"> - Changes to Season program including alternate locations during construction - Involvement and communication regarding redevelopment - Regular updates regarding key Project milestones - Loss of heritage/ character of existing theatre - Historical association 	<p>Updates through letter, open forums, targeted EDMs and in the foyer</p> <p>Updates through marketing channels (i.e. e-newsletter and social media)</p>	<ul style="list-style-type: none"> - When key milestones are achieved - Updates through fortnightly EDMs and social media



Who	Why	What	How	When
Residents and Neighbours	Primary stakeholder for Griffin Historical association - Strong sense of local community and pride in connection to the Stables	Engagement and briefing on Project vision, timelines, Impact from construction activities Loss of current building character - Increase in use/noise impact	- Initial door-to-door communication and engagement - Consultation through Planning Process with Council - Updates through letters and open forums - Updates through marketing channels (i.e. e-newsletter and social media)	- Mid-Year 2022 through to end of 2022 as part of Planning Process - Bi-annual meetings to provide updates, in particular prior to construction - Quarterly newsletter via post
Local Businesses	Primary stakeholder for Griffin - Part of local economy and connected to local community. Many are small businesses.	Impact from construction activities Loss of current building character - Increase in use/noise impact	- Initial door-to-door communication and engagement Consultation through Planning Process with Council Updates through letters and open forums	Mid-Year 2022 through to end of 2022 as part of Planning Process Bi-annual meetings to provide updates, in particular prior to construction - Quarterly newsletter via post
Competing Theatres	- Strong peer community - Share many artists and audiences	- Impact on operations - Changes to programming - Partnership opportunities	- One-on-one meetings - Email updates - Industry events, panels and forums - Enews and social media	- Prior to application through Letters of Support - Announcement of Creative Capital Fund - Regular meetings mid-Year 2022 and onwards



Who	Why	What	How	When
Griffin artistic community	<ul style="list-style-type: none"> - Employees, contractors - Individual artists' practice informs and is informed by Griffin's program and activities 	<ul style="list-style-type: none"> - changes to programming and related impacts on work/employment - opportunities as well as challenges during construction period 	<ul style="list-style-type: none"> - Artist community consultations - Direct EDMs to artist community 	<p>Through Letters of Support</p> <p>Announcement of Creative Capital Fund</p> <p>Regular meetings mid-Year 2022 and onwards</p>



8. PROJECT TIMELINE

The estimated timeline for completion of this planning proposal is as set out in Table 3, below.

Table 4: Estimated project timeline

Stage	Timeframe
Gateway determination	July 2022
Public exhibition and government agency consultation	August – September 2022
Consideration of submissions	October 2022
Post exhibition consideration of proposal by Council/CSPC	December 2022
Drafting of LEP provisions	February 2023
Finalisation of LEP	March 2023

ANNEXURE 1: PRELODGEEMENT REPORT PROVIDED TO CITY OF SYDNEY



ANNEXURE 2: SITE SURVEY



ANNEXURE 3: URBAN CONTEXT REPORT



ANNEXURE 4: ARCHITECTURAL DRAWINGS



ANNEXURE 5: HERITAGE IMPACT STATEMENT



ANNEXURE 6: ACOUSTIC IMPACT ASSESSMENT

