

# Planning Proposal – 8-24 Kippax Street, Surry Hills



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## Executive Summary

This planning proposal has been prepared by the City of Sydney (the City) for 8-24 Kippax Street, Surry Hills (the site), in response to a request from the landowner, Canva, for the City to prepare a planning proposal for the site.

This planning proposal details the intent and justification for the proposed amendments to the Sydney Local Environmental Plan 2012 (LEP) as it applies to the site. This planning proposal has been prepared by the City in accordance with section 3.33 of the Environmental Planning and Assessment Act 1979 and the Department of Planning, Housing and Infrastructure's Local Environmental Plan Making Guideline dated August 2023.

The planning proposal will facilitate the adaptive reuse of the existing commercial building to permit a two-storey addition and deliver additional premium-grade office space, consistent with City Plan 2036, the City's local strategic planning statement and the Greater Sydney Region Plan.

The site is approximately 1,037m<sup>2</sup> in area, bound by Kippax Street, Sophia Street and Terry Street. Existing development is a c1960s 10 storey commercial building with ground floor retail and small-scale office and commercial suites on the upper floors. The building has not been significantly refurbished since the 1990s and is not up to date with current standards. Surrounding development is generally similar in character comprising a mixture of residential, commercial and office uses.

Under the existing LEP controls, the site is zoned MU1 Mixed Use, has a maximum height of building control of 22 metres and a maximum floor space ratio of 3.5:1. The existing building has a height of 30 metres to the parapet and a floor space ratio of 9.1:1, both of which exceed the mapped development control and constraint the adaptive reuse of the building.

The City has prepared this planning proposal following a detailed review of the proponent's planning proposal request and accompanying documentation.

This proposal seeks to increase the maximum building height and floor space ratio for the site to support future redevelopment delivering the following key benefits:

- new premium-grade office space in Surry Hills, helping to foster and further develop targeted employment clusters and industries in a strategic location supported by infrastructure;
- supporting development and investment within the Innovation Corridor, City Fringe, Eastern Creative District and Camperdown-Ultimo Collaboration Area, an area identified as an existing employment cluster, supporting employment uses particularly in knowledge-intensive sectors such as health, education, creative industries, professional services and information media.

This planning proposal seeks to insert a new site-specific clause in Division 5 of the LEP to:

- set a maximum building height of RL 67.06 metres (44m) for two additional setback storeys;
- set a maximum floor space ratio of 10.2:1 inclusive of end of journey floor space;
- waive the requirements for a competitive design process;
- ensure development consent may only be provided subject to the following:
  - the building will not be used for residential accommodation or serviced apartments;
  - provision of active street frontages and end of journey facilities; and
  - does not include any car parking spaces except for a minimum of two loading spaces for servicing of the building; and
- ensure these provisions do not apply to the erection of a new building.

The City has prepared a draft site-specific amendment to the Sydney Development Control Plan 2012 (draft DCP) to help ensure the objectives and intended outcomes of this planning proposal are achieved. The draft DCP includes controls relating to the built form, setbacks, servicing and loading, active frontages and amenity. The draft DCP amendment will be publicly exhibited with this planning proposal.

# 1. Background

## 1.1 Site identification

This planning proposal relates to the property 8-24 Kippax Street, Surry Hills, otherwise referred to as “the site”. The legal description and basic qualities of the subject site is detailed below in Table 1 and a map of the site, outlined in red is shown at Figure 1.

Address	Legal description	Area m <sup>2</sup>	Existing development
8-24 Kippax Street	Lot 3 DP 547558	1,032m <sup>2</sup>	10 storey commercial building c1960s

Table 1. Legal description and basic qualities of the subject site



Figure 1. Land affected by this planning proposal

## 1.2 Site location

The subject site is located in Surry Hills, adjacent to the Central Business District (CBD) which comprises Central Sydney and Haymarket. The site has frontages to Kippax Street along its front boundary, Sophia Street to the north and Terry Street to the west. It shares a common boundary with a five storey residential building to the east.

Centrally and well located, the subject site is close to both residential and employment centres in the CBD and Surry Hills and the emerging Western Gateway precinct.

The site is 100m away from Central Railway Station with intercity, suburban and light rail connections. Bus stops are located nearby on Chalmers Street, Foveaux Street and on Elizabeth Street close to the intersection with Kippax Street. Cycling connections run along Chalmers Street and through Prince Alfred Park approximately 250m to the south west of the site.



## 1.3 Site characteristics

The primary street frontage to Kippax Street is approximately 36 metres, the frontage to Sophia Street at the rear is 40 metres and eastern frontage to Terry Street is approximately 24 metres in length. The common boundary with the adjoining site to the east is 24 metres.

Existing development on the site comprises a 10 storey commercial building originally constructed in the 1960s. The building consists of ground floor retail and small-scale office and commercial suites on the upper floors. The building has not been significantly refurbished since the late 1990s and is not compliant with contemporary building codes and standards. Photos of the subject site as shown below in Figures 2 – 5.

Surrounding development consists of a mixture of residential, commercial and office development. Adjoining the subject site to the east is a five storey residential apartment building with ground floor retail. On the southern side of Kippax Street is a six storey office building that houses News Corp Australia's offices and at-grade car park. Fronting Elizabeth Street to the south-west of the site is a seven storey commercial building comprising small-scale retail and creative suites. The Aurora Hotel fronts Elizabeth Street to the west of the site and is directly adjoined by a row of two storey residential terraces that front Terry Street. A four storey commercial building fronts Foveaux Street to the north of the site and houses an education facility. Photos of the surrounding area are shown below in Figures 6 – 7.



Figure 2. Looking towards the Kippax Street frontage of the site





Figure 3. Looking towards the site as viewed along Terry Street



Figure 4. Looking towards the site along Sophia Street





Figure 5. Corner of Sophia Street and Terry Street looking towards the site



Figure 6. Surrounding area – looking west towards Elizabeth Street





Figure 7. Surrounding area – looking east along Kippax Street

## 1.4 Landowner request and development application

Canva, the landowner, submitted this planning proposal request through the NSW Planning Portal in December 2023. This request was accompanied by a number of technical reports including a Design Report and Indicative Reference Scheme Drawings prepared by Cox Architecture as well as a Traffic and Parking Assessment, Sustainability Statement and Structural Statement detailing the alteration and strengthening works required to support the proposed additions.

Concurrently, a development application was lodged with the City for structural works and refurbishment of the existing building. Approved by the Central Sydney Planning Committee in May 2024, the approved works include relocation of the lift core and stairs, new rooftop plant and equipment and internal reconfiguration for open plan office space.

Works to the lower ground floor and basement levels fronting Sophia Street includes the removal of all on-site parking and the demolition of existing driveways and vehicle ramps and reconfiguration of basement and lower ground to provide end of trip facilities and bicycle parking. Ground floor works include a new glazed frontage to Kippax Street to a refurbished ground floor lobby and town hall meeting space, a new retail space located at the corner of Sophia Street and Terry Street and demolition of an existing loading dock at Kippax Street and replacement with a two car space loading dock at the Sophia Street frontage.

If the LEP is amended by this planning proposal, the proponent intends to modify this development consent to accommodate the two storey rooftop addition as detailed in the indicative scheme supporting this planning proposal.

Both the planning proposal and development application have been assessed to ensure alignment and consistency between the two applications.

The City has prepared this planning proposal following detailed review and assessment of the proposed development concept. An amendment to the Sydney Development Control Plan 2012 (DCP), to be exhibited with this planning proposal, contains more detailed site-specific planning provisions.





Figure 8. Photomontage of the planning proposal concept development

## 2. Current planning controls

### 2.1 Zoning

The site is zoned MU1 Mixed Use in Sydney LEP 2012 as shown in Figure 8. A broad range of uses are permitted within this zone, including commercial premises, residential, community facilities, education facilities and visitor accommodation.

The MU1 zone objectives include providing for a mixture of land uses in accessible locations to ensure these uses support the vitality of centres. This planning proposal will not change the site's zoning.

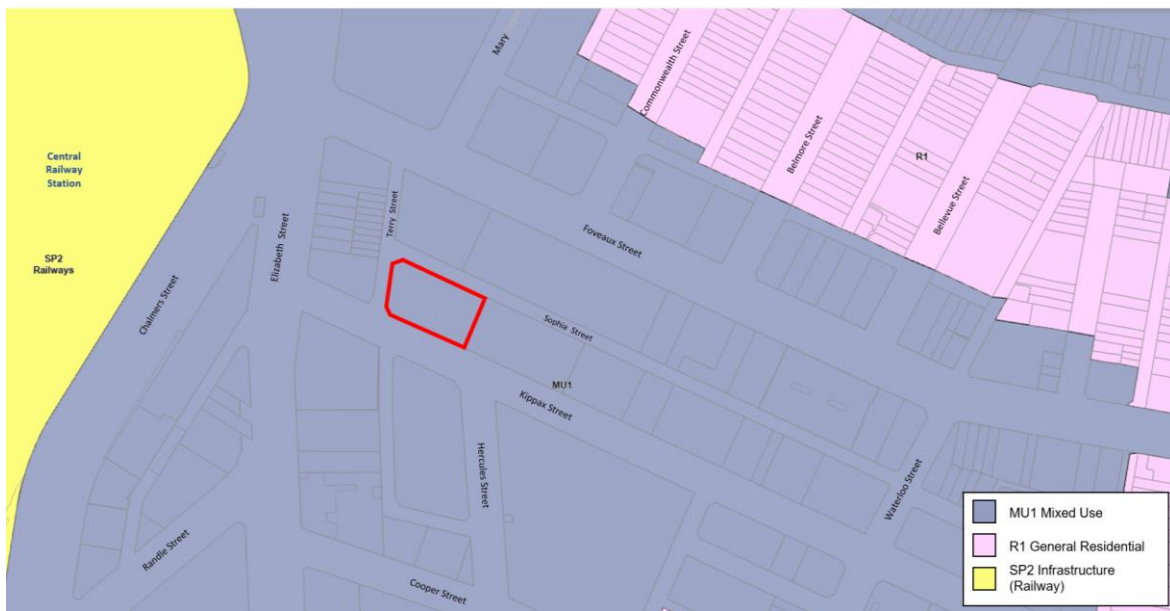


Figure 9. Extract from the Zoning map in Sydney LEP 2012



## 2.2 Development controls

### Maximum height of building

The site is subject to a maximum height of building control of 22m in Sydney LEP 2012, as shown in Figure 9. This is the same height as the adjoining sites to the east and north. Adjacent sites to the west and south are subject to a building height of 27 metres.



Figure 10. Extract from the Height of building map in Sydney LEP 2012

### Floor space ratio

The maximum floor space ratio for the site is 3.5:1 as shown in Figure 10. Sites to the east and north have the same FSR. Sites to the west and south are subject to a mapped FSR of 4:1.



Figure 11. Extract from the Floor space ratio map in Sydney LEP 2012

## 2.3 Heritage

The site is not heritage listed or located within a heritage conservation area. There are however a number of heritage items within the vicinity. Figure 11 shows the location of these heritage items in relation to the subject site, including:

- I1469 – Dental Hospital including interior – 2-18 Chalmers Street, Surry Hills
- I1533 – “Hibernian House” including interior – 328-344 Elizabeth Street, Surry Hills
- I2267 – Former Farleigh Nettheim & Co Ltd warehouse including interiors – 1-15 Foveaux Street, Surry Hills

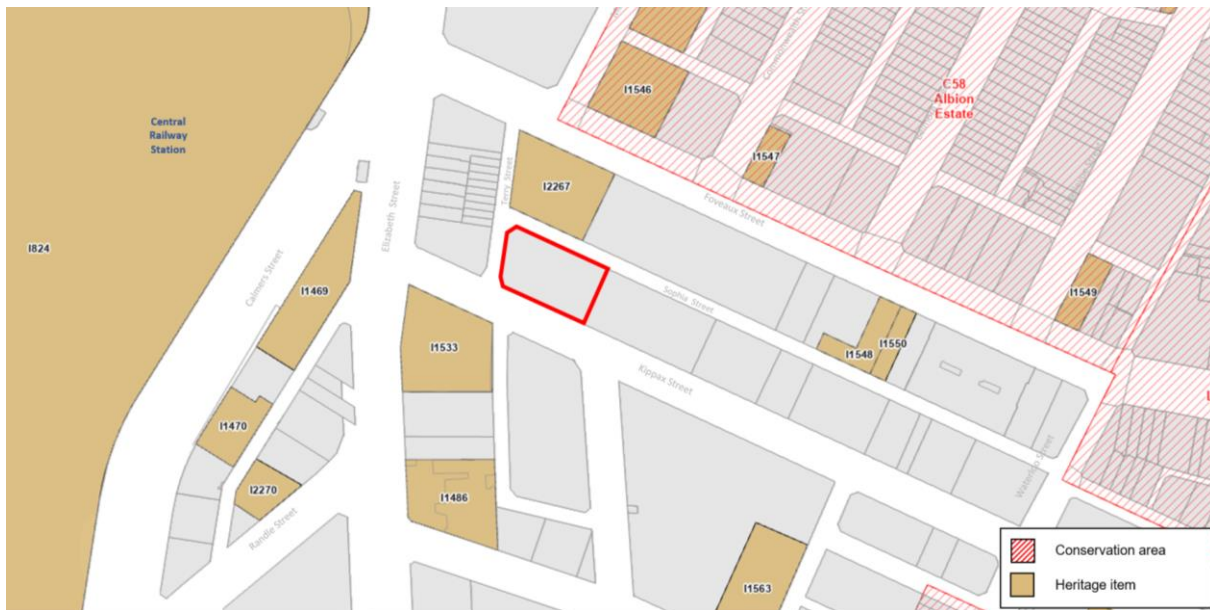


Figure 12. Extract from the Heritage map in Sydney LEP 2012



### 3. Objectives and intended outcomes

The objective of this planning proposal is to amend the Sydney Local Environmental Plan 2012 to provide additional building height and floor space ratio for 8-24 Kippax Street, Surry Hills to enable upgrades to the existing building comprising two additional floors and deliver improved office space.

The intended outcomes of this proposed amendment to the planning controls for the site are as follows:

- Facilitate high-quality office space in a well-located, strategic location, delivering new jobs in the City Fringe and Eastern Creative Precinct and maximising the site's location in Surry Hills close to Central Sydney;
- Encouraging greater walking, cycling and public transport usage through the removal of all on-site parking, utilising the site's location close to Central Railway Station and other public and active transport networks;
- Ensures the existing building is substantially retained and upgraded sympathetically;
- An upgraded built form that delivers an improved urban design and pedestrian experience at ground level through greater street activation;
- Additional building height and floor space to support new additions that are respectful, recessive and responds to the surrounding context and existing building's character;
- Realise the full development potential of the site by delivering new office floor space in the commercial precinct of Surry Hills; and
- Deliver an improved built form that delivers acceptable sustainability outcomes.

Draft site-specific amendments to the Sydney DCP 2012 accompany this planning proposal and provides more detailed design guidance for the future redevelopment of the site.

## 4. Explanation of provisions

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### 4.1 Sydney Local Environmental Plan 2012

To achieve the intended outcomes, this planning proposal seeks to amend the Sydney Local Environmental Plan 2012 by inserting new site-specific provisions for the subject site, 8-24 Kippax Street, Surry Hills under Division 5 Site specific provisions to:

- incentivise the delivery of employment uses;
- allow a maximum building height of RL 67.06 metres;
- permit a maximum FSR of 10.2:1, inclusive of additional floor space and end of journey floor space;
- ensure development consent may only be provided subject to the following:
  - the building will not be used for residential accommodation or serviced apartments;
  - street frontages are activated by retail premises;
  - the provision of end of journey facilities; and
  - does not include any car parking spaces except for a minimum of two loading spaces for servicing of the building; and
- ensure this clause does not apply to the erection of a new building.
- waive the requirements for a competitive design process under clause 6.21D of the LEP, excluding bonus floor space and building height for design excellence.

#### Maximum building height

The current maximum building height for the site pursuant to clause 4.3 of the LEP is 22 metres, which is consistent with the adjoining sites to the north and east. While nearby sites fronting Elizabeth Street have a mapped height of 27 metres and 30 metres fronting Kippax Street to the east of the site.

The building on site has an existing height of 30 metres (RL 53m) to the parapet and 40 metres (RL 63m) to the top of the plant equipment, which already exceeds the mapped height control.

This planning proposal seeks to insert new site specific provisions with a maximum building height of RL 67.06 metres for the uses proposed. The indicative plans prepared by Cox Architecture detail the proposed two-storey building additions and external terrace include upper level setbacks to reduce their visual prominence. No additional height can be achieved through a design excellence competition, in this instance.

#### Floor space ratio

The mapped floor space ratio for the site pursuant to clause 4.4 of the LEP is 3.5:1, consistent with adjoining sites to the east along Kippax Street, while nearby sites to the south and along Elizabeth Street have a mapped FSR of 4:1.

Future development may also be subject to 0.3:1 end of journey floor space and design excellence additional floor space of up to 10% resulting in a maximum eligible floor space of 4.8:1.

Notwithstanding the above, the existing building on site has a gross floor area of 9,374m<sup>2</sup> which equates to an FSR of 9.1:1.

This planning proposal introduces new site specific provisions with maximum floor space ratio for the subject site of 10.2:1, inclusive of end of journey floor space. Design excellence additional floor space is not applicable in this instance.



### Non-residential uses

To facilitate the delivery of additional commercial office floor space in this strategic location, only non-residential uses will be eligible for the additional building height and floor space site-specific provisions delivered as part of this planning proposal. As such, residential or serviced apartment uses are excluded from the proposed provisions.

This planning proposal will not change the MU1 Mixed Use zoning for the site, which permits a range of uses including retail, commercial and residential uses. Any future redevelopment of the site to include residential or serviced apartment uses will however be limited to the existing building height and floor space ratio controls.

### Design excellence

The future development detailed in the reference scheme triggers the design excellence provisions pursuant to clause 6.21D of the LEP. Notwithstanding, the competitive design process requirements are considered unnecessary in this instance and will not be applicable for the site-specific provisions of this planning proposal.

The development concept has been prepared to ensure a high-quality outcome that will minimise any adverse impacts to the surrounding area and is appropriate to the building type. The site-specific DCP provisions detail the upper level setbacks to ensure the additions are recessive in nature with the bulk and scale minimised.

### Drafting instructions

Appendix 1 of this planning proposal provides some example clauses of the proposed controls for the subject site to provide clear guidance of the outcomes this this planning proposal aims to achieve.

The final version of the clauses to be inserted into the LEP would be subject to drafting and agreement with the NSW Parliamentary Counsel's Office.

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## 4.2 Sydney Development Control Plan 2012

To ensure future development is consistent with the objectives of the planning proposal, site-specific provisions for the DCP will be drafted to ensure a high-quality built form and public domain. These provisions include the maximum building envelope dimensions, controls relating to street activation, the use of the external terrace and servicing and access provisions.

A draft of the new site-specific provisions for the DCP can be found at as an attachment to this planning proposal.

## 5. Justification

The purpose of this planning proposal is to incentivise additional height of building and floor space controls to facilitate the adaptive reuse of this commercial building and bring it in line with current building standards for office space. No change to the land use zoning is proposed, nor would the future use of the building change significantly from its existing use.

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### 5.1 Need for the planning proposal

#### **Is the planning proposal a result of an endorsed LSPS, strategic study or report?**

This planning proposal has been prepared following a request from the landowner to change the planning controls that relate to the site.

The landowner has provided a Planning Proposal Report prepared by Ethos Urban and a number of technical reports to support their request, including an Urban Design Report and Indicative Reference Scheme Drawings prepared by Cox Architecture. These reports detail how the proposal demonstrates strategic and site specific merit and is capable of supporting additional density and additional employment generating floor space without unacceptable public domain and amenity impacts.

The supporting documentation submitted by with landowner to support their request accompany this planning proposal as follows:

- Attachment A – Urban Design Report – Cox Architecture
- Attachment B – Indicative Reference Scheme – Cox Architecture
- Attachment C – Landscape Report – Arcadia
- Attachment D – Survey Plan – C & A Surveyors
- Attachment E – Draft Sydney Development Control Plan 2012 Amendment – Ethos Urban
- Attachment F – Public Benefit Offer Letter – Ethos Urban
- Attachment G – Public Art Strategy – UAP
- Attachment H – Noise Impact Assessment – Pulse White Noise Acoustics
- Attachment I – Traffic and Parking Assessment – Transport and Traffic Planning Associates
- Attachment J – Sustainability Statement – E-LAB Consulting
- Attachment K – Structural Statement – Meinhardt
- Attachment L – Civil Engineering Report – Enstruct

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

This planning proposal seeks to insert new site-specific provisions into Division 5 of Sydney LEP 2012 for the subject site. The proposed envelope has been assessed to ensure future development is appropriate to its context and does not result in any unacceptable impacts on adjoining properties or the public domain. The amended controls facilitate additional employment generating floor space consistent with the Local Strategic Planning Statement.

## 5.2 Relationship to the strategic planning framework

### **Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?**

This planning proposal is consistent with the relevant actions and objectives of the applicable regional and district plans, as summarised below.

#### *Greater Sydney Region Plan*

A Metropolis of Three Cities – The Greater Sydney Region Plan is the NSW Government's overarching strategic plan for growth and change in Sydney.

The Plan outlines how Greater Sydney will manage and deliver growth and guide infrastructure delivery. This planning proposal gives effect to the Plan, as follows:

- **Infrastructure** – the future redevelopment of the site will support recent infrastructure investment as the site is well-positioned to maximise rail, light rail, bus, and future metro usage.
- **Liveability** – future development will contribute towards the public domain surrounding the site through new fine grain retail, greater activation and passive surveillance.
- **Productivity** – the proposal will deliver additional employment generating floor space for the digital and creative industry within the identified innovation corridor.
- **Sustainability** – future redevelopment of the site will deliver an upgraded building with improved sustainability outcomes, as well as embodied carbon benefits through the retention of the building structure.

#### *Eastern City District Plan*

The Eastern City District Plan sets out the vision, priorities and actions for the Eastern District of the Greater Sydney area, which includes the City of Sydney.

This planning proposal is consistent with the following priorities from the Plan:

- **Planning Priority E1 – Planning for a city supported by infrastructure** – this planning proposal will deliver additional employment generating floor space on a site close to existing and planned transport infrastructure, helping maximise existing and future service capacity.
- **Planning Priority E6 – Creating and renewing great places and local centres, respecting the District's heritage** – this planning proposal includes the adaptive reuse of the existing building to include fine-grain retail and greater street level activation. This will help support future public domain strategies.
- **Planning Priority E7 – Growing a stronger and more competitive Harbour CBD** – the subject site lies at the core of the Harbour CBD. This Planning Proposal delivers additional employment floor space, maximising the site's location close to Central railway station.
- **Planning Priority E10 – Delivering integrated land use and transport planning for a 30 minute city** – the future development scheme satisfies the 30 minute city objective as it will deliver additional employment floor space close to existing and future public transport connections, which includes direct train connections to many parts of Greater Sydney within 30 minutes.
- **Planning Priority E11 – Growing investment, business opportunities and jobs in strategic centres** – future development on site will deliver additional employment floor space, contributing to the Harbour CBD, City Fringe and Innovation Corridor economies.
- **Planning Priority E13 – Supporting growth of targeted industry sectors** – this planning proposal will deliver new floor space for digital and creative industries, which are targeted by the City and NSW government.
- **Planning Priority E19 – Reducing carbon emissions and managing energy, water and waste efficiently** – the proposed development scheme will deliver a new commercial building with significantly improved sustainability outcomes. Future development on the site is to achieve ambitious ecological sustainable development targets.



**Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy of strategic plan?**

*City Plan 2036 – Local Strategic Planning Statement*

City of Sydney's endorsed local strategic planning statement, City Plan 2036 sets the land use planning context, vision and planning priorities to positively guide development. The planning statement outlines how the City will plan for and manage change. This planning proposal gives effect to the following priorities of the Statement:

**Infrastructure**

- **I1. Movement for walkable neighbourhoods and a connected city** – this planning proposal will contribute towards more walkable neighbourhoods with greater street activation and additional jobs in an accessible location, close to places for shopping, socialising and essential services.
- **I2. Align development and growth with supporting infrastructure** – the subject site is well located to take advantage of nearby existing and future transport infrastructure, including the light rail and the imminent Sydney Metro extension through the CBD, both projects will increase the public transport capacity supporting additional employment capacity.

**Liveability**

- **L2. Creating great places** – future development on the subject site comprises the adaptive reuse of the existing building delivering greater street activation through new ground floor uses and fine-grain retail space on the rear lanes, delivering improved street life.

**Productivity**

- **P2. Developing innovative and diverse business clusters in City Fringe** – this planning proposal facilitates additional office space in an existing employment cluster, supporting jobs in the knowledge-intensive technology sector. This will further support the wider tech industry cluster in the City Fringe, building on the nearby Western Gateway precinct.

**Sustainability**

- **S2. Creating better buildings and places to reduce emissions and water and use water efficiently** – development facilitated through this planning proposal includes measures to reduce emissions, including the retention of embodied carbon retained in the existing structure, passive design controls and a bio solar green roof to reduce energy consumption.

*Sustainable Sydney 2030-2050: Continuing the vision*

Sustainable Sydney 2030-2050 is the vision for a city that is green, global and connected achieved through sustainable growth, creativity and innovation. It sets targets, objectives and actions to achieve this vision. This planning proposal is aligned with the following strategic directions:

- **Direction 2: A leading environmental performer** – future development facilitated by this planning proposal will implement sustainability measures including a passive control and smart building system, which with photovoltaic systems will help place less demand on electricity networks.
- **Direction 5: A city for walking, cycling and public transport** – the site is well positioned to take advantage of existing transport infrastructure, including rail, light rail and bus connections as well as nearby cycleways. The removal of all on-site parking reduces the demand for private vehicle trips and encourages walking and public transport use.
- **Direction 9: A transformed and innovative economy** – this planning proposal supports further employment growth in the City Fringe, building on its strong locational advantage for an expanding cluster of high-tech creative industries in the area, and as a destination for business, investment and talent.

**Is the planning proposal consistent with any other applicable State and regional studies or strategies?**

*Camperdown-Ultimo Collaboration Area Place Strategy*

This planning proposal gives effect to the following priorities of the Place Strategy:

- **Priority 5: Foster healthy, creative, culturally rich, socially connected and welcoming communities** – Future development on the subject site will include greater street activation through new fine-grain retail space and active ground floor uses delivering passive surveillance and contributing towards a more welcoming public domain.
- **Priority 7: Cultivate an internationally competitive health, education, research and innovation area** – This planning proposal would facilitate the delivery of new office space in Surry Hills, close to Central railway station, supporting convergence, the further development of the cluster, attracting investment and driving jobs growth.

### Is the planning proposal consistent with applicable State Environmental Planning Policies?

This planning proposal is consistent with all applicable State Environmental Planning Policies (SEPPs), as summarised in Table 2

**Table 2: Consistency with State Environmental Planning Policies**

State Environmental Planning Policy	Comment
SEPP (Biodiversity and Conservation) 2021	<p>This planning proposal is consistent. The site is located within the Sydney Harbour Catchment Area, but not within the Foreshores and Waterways Area.</p> <p>The proposed indicative scheme includes the adaptive reuse of the existing building on site and does not propose any significant excavation or change to the stormwater network adjacent to the site that would result in impacts to the groundwater, flood impacts or pollution. Further, the indicative scheme and approved development demonstrate that the proposal complies.</p>
SEPP (Exempt and Complying Development Codes) 2008	Consistent
SEPP (Housing) 2021	Consistent
SEPP (Industry and Employment) 2021	Consistent
SEPP (Planning Systems) 2021	Consistent
SEPP (Precincts–Eastern Harbour City) 2021	Consistent
SEPP (Resilience and Hazards) 2021	<p>This planning proposal is consistent. Proposed development facilitated by this planning proposal seeks to retain the existing building for alterations and additions and will not result in adverse additional impacts. Further investigation regarding potential contamination and remediation will be undertaken as part of any future development application process. The site is not located within the Coastal Environment Area nor the Coastal Use Area.</p>
SEPP (Resources and Energy) 2021	Consistent

State Environmental Planning Policy	Comment
SEPP (Sustainable Buildings) 2022	Consistent
SEPP (Transport and Infrastructure) 2021	Consistent – this planning proposal seeks to remove all on-site car parking to encourage greater public transport patronage, delivering efficient use of new and existing infrastructure.

The following SEPPs are not applicable to this planning proposal:

- SEPP (Precincts – Central River City) 2021, SEPP (Precincts – Regional) 2021, SEPP (Precincts – Western Parkland City) 2021, SEPP (Primary Production) 2021

### **Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?**

This planning proposal is consistent with all Ministerial Directions issued under section 9.1 of the Environmental Planning and Assessment Act 1979, as summarised in Table 3.

**Table 3: Consistency with Ministerial Directions**

Ministerial Direction	Comment
<b>Focus area 1: Planning Systems</b>	
1.1 Implementation of Regional Plans	Consistent – this proposal gives effect to the Greater Sydney Region Plan as detailed above.
1.3 Approval and Referral Requirements	Consistent – no provision includes concurrence, consultation or referral provisions, or identifies any designated development.
1.4 Site Specific Provisions	Consistent – this proposal does not restrict the permitted uses on the land. This planning proposal provides an uplift for commercial development, consistent with local, district and State strategies. Other uses remain permissible on the site pursuant to its zoning.
1.4A Exclusion of Development Standards from Variation	Consistent – this planning proposal does not propose to exclude a development standard from variation under clause 4.6.
<b>Focus area 3: Biodiversity and Conservation</b>	
3.1 Conservation Zone	Consistent – no amendment in this proposal hinders the application of this Direction
3.2 Heritage Conservation	Consistent – the site is not a heritage item or in conservation area, however it is adjacent to a number of heritage items. This planning proposal does not alter heritage controls applicable to the site. Any future development application will be assessed on impacts to nearby heritage.



Ministerial Direction	Comment
3.5 Recreation Vehicle Areas	Consistent – no amendment in this proposal hinders the application of this Direction
3.7 Public Bushland	Consistent – no amendment in this proposal hinders the application of this Direction
3.9 Sydney Harbour Foreshores and Waterways Area	Consistent – the site is outside the Foreshores and Waterways Area and will not impact the application of this Direction or the SEPP.
<b>Focus area 4: Resilience and Hazards</b>	
4.1 Flooding	<p>Consistent – the street at the rear of the site has an identified flood risk. The indicative scheme and approved development application demonstrate that the proposal is able to comply with the City's Interim Floodplain Management Policy meeting the requirements of this Direction.</p> <p>The LEP amendments will not inhibit future development from complying with flood planning requirements, nor result in adverse impacts to other properties.</p>
4.2 Coastal Management	Consistent – the subject site is within a coastal zone as defined under the Coastal Management Act 2016. No provision contained in this planning proposal hinders the application of this Act.
4.4 Remediation of Contaminated Land	Consistent – this proposal seeks to adaptively reuse the existing commercial building on site for office use and does not include any excavation. If needed a detailed contamination assessment can be carried out at development application stage.
4.5 Acid Sulfate Soils	Consistent – the site is located on Class 5 Acid Sulfate Soils identified land as per the LEP. The nearest Class 2 land is 686m to the west in Haymarket. The proposal does not include any change of use or excavation and will not result in the disturbance or impact to sensitive uses.
<b>Focus area 5: Transport and Infrastructure</b>	
5.1 Integrating Land Use and Transport	Consistent – the subject site is well-located close to key public transport connections including Central Railway Station.
<b>Focus area 6: Housing</b>	
6.1 Residential Zones	Consistent – the site's zoning permits residential use. This planning proposal seeks to encourage commercial uses in a particular development outcome and will not prohibit any residential use.

Ministerial Direction	Comment
6.2 Caravan Parks and Manufactured Home Estates	Consistent – no amendment in this proposal hinders the application of this Direction
<b>Focus area 7: Industry and Employment</b>	
7.1 Employment Zones	Consistent – this planning proposal will deliver employment growth in a suitable location, helping protect and support the viability of this area.

The following Directions are not applicable to this planning proposal:

- 1.2 Development of Aboriginal Land Council Land, 1.5 Parramatta Road Urban Transformation Strategy, 1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan, 1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan, 1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan, 1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor, 1.10 Implementation of the Western Sydney Aerotropolis Plan, 1.11 Implementation of Bayside West Precincts 2036 Plan, 1.12 Implementation of Planning Principles for the Cooks Cove Precinct, 1.13 Implementation of St Leonards and Crows Nest 2036 Plan, 1.14 Implementation of Greater Macarthur 2040, 1.15 Implementation of the Pyrmont Peninsula Place Strategy, 1.16 North West Rail Link Corridor Strategy, 1.17 Implementation of the Bays West Place Strategy, 1.18 Implementation of the Macquarie Park Innovation Precinct, 1.19 Implementation of the Westmead Place Strategy, 1.20 Implementation of the Camellia-Rosehill Place Strategy, 1.21 Implementation of the South West Growth Area Structure Plan, 1.22 Implementation of the Cherrybrook Station Place Strategy, 3.3 Sydney Drinking Water Catchments, 3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs, 3.6 Strategic Conservation Planning, 3.8 Willandra Lakes Region, 3.10 Water Catchment Protection, 4.3 Planning for Bushfire Protection, 4.6 Mine Subsidence and Unstable Land, 5.2 Reserving Land for Public Purpose, 5.3 Development Near Regulated Airports and Defence Airfields, 5.4 Shooting Ranges, 7.2 Reduction in non-hosted short-term accommodation period, 7.3 Commercial and Retail Development along the Pacific Highway, North Coast, 8.1 Mining, Petroleum Production and Extractive Industries, 9.1 Rural Zones, 9.2 Rural Lands, 9.3 Oyster Aquaculture, 9.4 Farmland of State Regional Significance on the NSW Far North Coast.

## 5.3 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 because of the proposal?**

The planning proposal is unlikely to adversely affect any critical habitat or threatened species, populations or ecological communities of their habitats. The subject site is located in Surry Hills at the centre of the Harbour CBD, which does not contain any critical habitats or threatened species, populations or ecological communities.

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

The additional building height and floor space ratio facilitated by this planning proposal will provide for the adaptive reuse of the existing ageing commercial building to accommodate premium-grade office space.

The proposed amendments are unlikely to result in any adverse amenity impacts that cannot be controlled. Existing policies, regulations and standards are in place to ensure environmental impacts are mitigated during the construction phase and eventual use of the development.

The proposed scheme has been developed in collaboration with the proponent with any environmental impacts resulting from the proposal having been identified and resolved during assessment.

The key environmental consideration arising from the planning proposal, particularly in relation to urban amenity, are discussed below.

### Building envelope and tower setbacks

This planning proposal inserts site-specific provisions in the LEP. The increase in the maximum building height from 30m to 44m (RL 67.06m) provides for a building envelope that will accommodate the increase to the floor space ratio, from 9.1:1 to 10.2:1, inclusive of end of journey floor space. Bonus floor space for design excellence is not applicable in this instance. There is no change to the mapped building height or floor space ratio controls for the site.

The site-specific provisions will facilitate the refurbishment and adaptive reuse of the existing ageing commercial building on the site comprising premium-grade office space and retail use on the ground floor. To achieve the proposed development concept, the site-specific provisions will restrict the additional building height to non-residential accommodation and non-serviced apartment uses only.

The proposed concept design includes the retention of the existing 10 storey commercial building with a new two storey rooftop addition. No significant external change will be made to the existing building and the new built elements shall be designed to be recessive in nature and setback from the parapet of the existing building. Provisions in the site-specific DCP will detail the required building height and setbacks to ensure an appropriate built form. The planning envelope, building height and setbacks are detailed in Figure 13.

The proposed provisions will ensure the rooftop additions will be recessive in nature through the use of materials and setbacks. This will ensure the additions will not contribute unnecessary visual bulk and scale impacting the surrounding area and provides for a sensitive redevelopment of the site and delivering much needed additional employment floor space in the precinct.

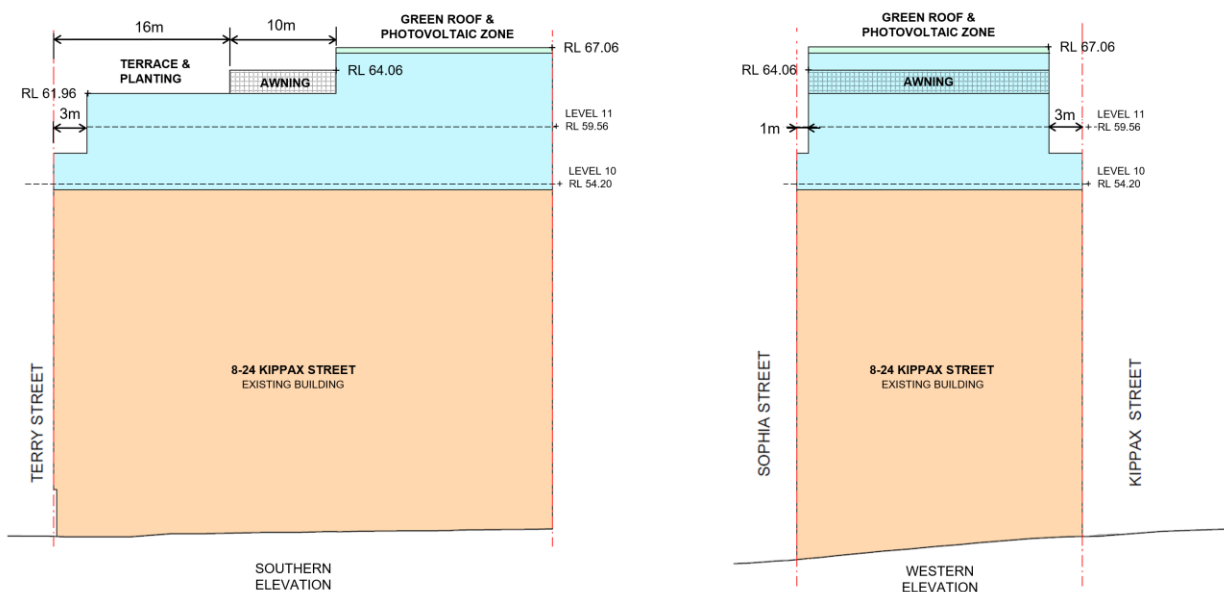


Figure 13. Proposed building envelope with rooftop additions



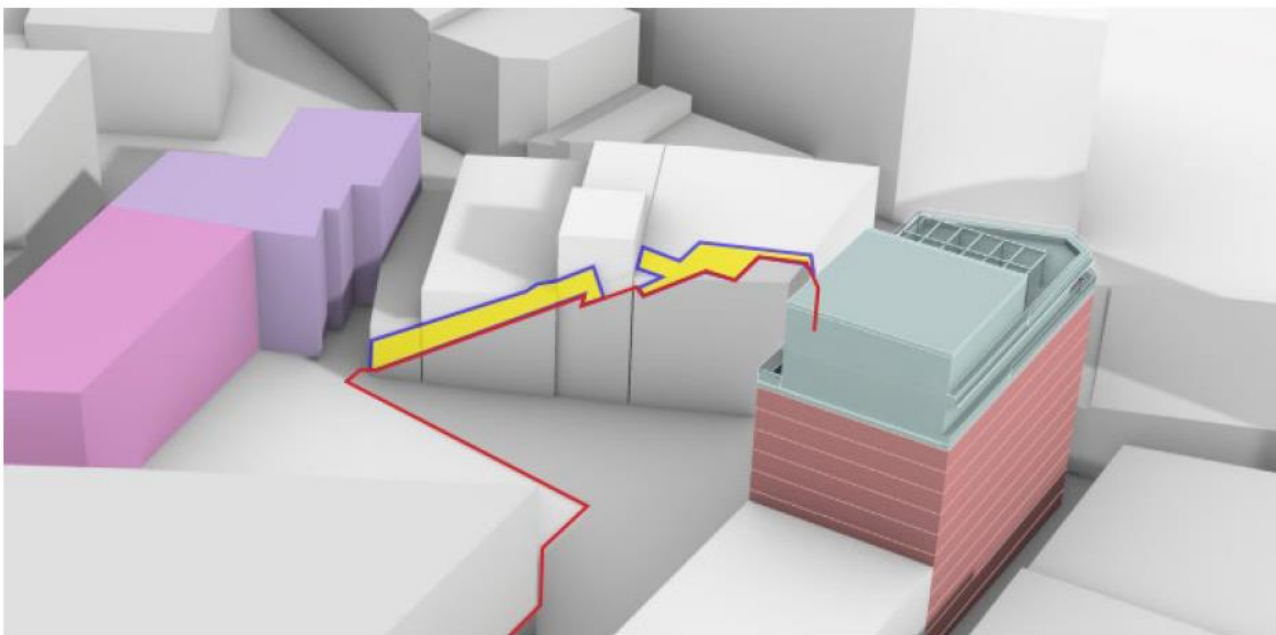
### Overshadowing

An overshadowing analysis prepared by Cox Architecture accompanies this planning proposal detailing overshadowing impacts of adjacent buildings and public domain from the proposed additions.

The buildings to the south west of the site that front Elizabeth Street experience overshadowing from the existing building as well as the proposed additions until 11.00am at the winter solstice as shown in Figure 14 below. It is noted that these buildings do not include residential uses. The nearest residential buildings which front Cooper Street (as shown in pink and purple below) are not impacted by the proposal.

An analysis was also undertaken on a hypothetical future redevelopment of the carpark to the south of the site into residential apartments, finding that the proposed additions would not impact the site's ability to achieve adequate direct sunlight.

The proposed envelope will not result in any additional overshadowing or significant amenity to the any of the apartments within the adjoining apartment building on Kippax Street.



10:00am

Figure 14. Overshadowing analysis of the proposed additions at winter equinox

### Transport and servicing

The redeveloped building will not include any on-site car parking, resulting in fewer private vehicle trips and less traffic congestion. The proposed future redevelopment retains employment uses on the site, close to Central Railway Station and public and active transport infrastructure. The proposal presents an opportunity for the strategically located site to maximise its connections to these networks.

End of journey facilities shall be accommodated within the basement, accessed from Sophia Street, with bicycle parking in accordance with section 3.11.3 of the Sydney DCP.

A minimum of two off-street servicing and loading spaces are to be provided at the rear of the subject site accessed from Sophia Street. This will ensure that the servicing and loading demands of the building can be accommodated internally within the site alleviating pressure from the on-street parking network and help make the surrounding area more pedestrian friendly.

Waste collection will continue to be collected from Sophia Street at the rear of the site in accordance with existing arrangements. The reconfiguration of the lower-ground floor moves the waste storage room to the Sophia Street frontage to speed up collection times and minimise any disruption.

It is intended that the site-specific LEP provisions facilitated by this planning proposal will ensure that development consent may only be granted to a building that includes end of journey facilities and does not include any car parking spaces except for a minimum of two loading spaces for servicing of the building.

### Flooding

The Darling Harbour Catchment Floodplain Risk Management Plan prepared by the City identifies the subject site as being flood-affected. The proposal removes the basement car park and converts the area into retail and meeting spaces as well as other land uses, which may have the effect of exposing users to flood risk.

A Stormwater Management Plan has been prepared by Enstruct L which sets the application of flood planning levels in accordance with the relevant requirements of City's Interim Floodplain Management Policy and details measures to mitigating the impacts of flooding on the site.

### Sustainability

The proposed redevelopment of the subject site facilitated by this planning proposal shall be subject to the sustainability requirements outlined in Sydney LEP 2012 and Sydney DCP 2012.

The planning proposal request was accompanied by a Sustainable Statement that outlined the sustainability commitments of the proposal and demonstrating that future development is capable of achieving the ESD objectives and controls of the Sydney DCP 2012, therefore meeting LEP requirements and the energy and water standards and provisions of the Sustainable Buildings SEPP. Particularly delivering embodied carbon benefits through the retention and adaptive reuse of the existing building.

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

This planning proposal provides an opportunity for the adaptive reuse of the existing building on site to accommodate additional employment generating floor space and serve as the new national headquarters for a technology company in Surry Hills. Redevelopment will provide the following positive economic and social effects:

- delivering more than 10,000m<sup>2</sup> of refreshed office space including approximately 1,000m<sup>2</sup> of additional employment generating floor space which will strengthen and contribute towards the viability of the Innovation Corridor;
- creating an estimated 110 additional jobs;
- revitalisation of an ageing commercial building further contributing to the regeneration of the surrounding area; and
- improved activation of the adjoining public domain, delivering improved amenity and safety for the public.

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## 5.4 Infrastructure (Local, State and Commonwealth)

#### **Is there adequate public infrastructure for the planning proposal?**

There is adequate public infrastructure to support this planning proposal. The subject site is 100m from Central Railway Station and close to Central Sydney and Haymarket. As such, the site is well served by a full range of public utilities including electricity, telecommunications, water, sewer and stormwater. It is expected these services will be upgraded where required by the land owner.

Furthermore, the site is also well served by existing public and active transport infrastructure as well as nearby parks and social infrastructure. In particular, the site is located 250m from Prince Alfred Park and pool to the south, 250m from Belmore Park to the north and 400m to Surry Hills Library on Crown Street to the east.

The detailed development application will be subject to statutory development contributions, which will contribute towards local infrastructure and public domain improvements, in line with the City's endorsed strategies and planned upgrades for the precinct.

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## 5.5 State and Commonwealth interests

### **What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?**

The gateway determination will advise the public authorities to be consulted as part of this planning proposal process. Issues raised will be incorporated into this planning proposal following the consultation in the public exhibition period.



## 6. Mapping

This planning proposal does not include any amendments to maps.

No change will be made to any maps contained in the LEP, instead alternative building height and floor space ratio development controls are proposed through a new site-specific provision under Division 5 of the LEP.

The draft DCP that accompanies this planning proposal includes detailed figures and diagrams to reflect the proposed future development concept as discussed in this planning proposal.

## 7. Community consultation

This planning proposal shall be exhibited in accordance with the requirements of the gateway determination once issued by the Department of Planning, Housing and Infrastructure.

It is anticipated that the gateway determination will require public exhibition for a period of not less than 20 working days in accordance with the Environmental Planning and Assessment Act 1979 and Local Environmental Plan Making Guideline dated August 2023.

Notification of the public exhibition will be consistent with the gateway determination and the City's Community Participation Plan. This will include publication on the City of Sydney website and notification to surrounding landowners and occupiers via letter.

Consultation with the necessary state and federal agencies, authorities, other relevant organisations and stakeholders will be undertaken in accordance with the conditions contained in the gateway determination.

## 8. Project timeline

This planning proposal is categorised as a Principal planning proposal as per the Local Environmental Plan Making Guidelines dated August 2023, the anticipated timeframe for the completion of the planning proposal is as follows:

Stage	Timeframe
Commencement / gateway determination	August 2024
Government agency consultation	September-October 2024
Public exhibition	September-October 2024
Review of issues raised in submissions	November-December 2024
Post-exhibition reporting	February 2025
LEP drafting	March 2025
LEP made	April 2025
LEP notification	April 2025



# Appendix 1

## Example provisions

The final version of the site-specific provisions to be inserted into the LEP are subject to drafting and agreement with NSW Parliamentary Counsel's Office, but may be as follows:

### **Part 6 Local provisions – height and floor space**

#### **Division 5 Site specific provisions**

##### **6.XX 8-24 Kippax Street, Surry Hills**

(1) The objective of this clause is to provide for additional building height and floor space to be granted as an incentive for the adaptive reuse of the building on land to which the clause applies.

(2) This clause applies to 8-24 Kippax Street, Surry Hills, being Lot 3 in DP 547558.

(3) A building on land to which this clause applies may have—

(a) maximum building height of RL 67.06 metres.

(b) maximum floor space ratio of 10.2:1

(4) Development consent must not be granted under this clause unless the consent authority is satisfied that the resulting building—

(a) will not be used for the purposes of residential accommodation or serviced apartments, and

(b) the development will result in business premises or retail premises at street level, and

(c) the building will include end of journey facilities, and

(d) does not include any car parking spaces except for a minimum of two loading spaces for servicing of the building

(5) A building on land to which this clause applies is not entitled to any other additional floor space permitted by this plan except as provided by this clause.

(6) This clause does not apply to the erection of a new building on land to which this clause applies.

(7) Clause 6.21D(1) and (3)(a) and (b) do not apply to a building on the land to which this clause applies.

(8) In this clause—

**end of journey facilities** means all of the following facilities together in one area of the building—

(a) showers,

(b) change rooms,

(c) lockers,

(d) bicycle storage areas.

