

10 February 2025

At the conclusion of the Community Services and Facilities
Committee

Transport, Heritage and Planning Committee

Agenda

- 1. Confirmation of Minutes**
- 2. Statement of Ethical Obligations and Disclosures of Interest**
- 3. Post Exhibition - Planning Proposal - 8-24 Kippax Street, Surry Hills - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment**
- 4. Fire Safety Reports**

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1. Register to speak by calling Secretariat on 9265 9702 or emailing secretariat@cityofsydney.nsw.gov.au before 10.00am on the day of the meeting.
2. Check the recommendation in the Committee report before speaking, as it may address your concerns so that you just need to indicate your support for the recommendation.
3. Note that there is a three minute time limit for each speaker (with a warning bell at two minutes) and prepare your presentation to cover your major points within that time.
4. Avoid repeating what previous speakers have said and focus on issues and information that the Committee may not already know.
5. If there is a large number of people interested in the same item as you, try to nominate three representatives to speak on your behalf and to indicate how many people they are representing.

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Committee reports are available at www.cityofsydney.nsw.gov.au

Item 1.

Confirmation of Minutes

Minutes of the following meetings of the Transport, Heritage and Planning Committee are submitted for confirmation:

Meeting of 9 December 2024

Item 2.

Statement of Ethical Obligations

In accordance with section 233A of the Local Government Act 1993, the Lord Mayor and Councillors are bound by the Oath or Affirmation of Office made at the start of the Council term to undertake their civic duties in the best interests of the people of the City of Sydney and the City of Sydney Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act, to the best of their ability and judgement.

Disclosures of Interest

Pursuant to the provisions of the Local Government Act 1993, the City of Sydney Code of Meeting Practice and the City of Sydney Code of Conduct, Councillors are required to disclose and manage both pecuniary and non-pecuniary interests in any matter on the agenda for this meeting.

In both cases, the nature of the interest must be disclosed.

This includes receipt of reportable political donations over the previous four years.

Item 3.

Post Exhibition - Planning Proposal - 8-24 Kippax Street, Surry Hills - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

File No: X101286

Summary

The western edge of Surry Hills near Central Station continues to build on its reputation as an attractive location for creative and tech companies, strengthening its competitiveness and economic potential, which will help embed and grow these targeted industry sectors. Supporting development and new investment for innovative and diverse business clusters in City Fringe is a key action of City Plan 2036, the City's local strategic planning statement, and the Greater Sydney Region Plan.

This report recommends approving without amendment the planning proposal recently exhibited for 8-24 Kippax Street, Surry Hills. The planning proposal has been prepared following a request from the landowner to increase the building height and floor space ratio controls for the site to facilitate the adaptive reuse of the existing building with two new rooftop levels, improved high-end office space, improved sustainability outcomes and embodied carbon benefits through the retention of the building structure. The proposed controls were approved by Council and the Central Sydney Planning Committee (CSPC) in June 2024 and the NSW Government issued a gateway determination in October 2024.

This report details the outcomes of the public consultation of the planning proposal and draft development control plan (DCP) for the site, which were exhibited from 4 November to 2 December 2024. A total of 7 submissions were received: 3 were supportive, 3 raised concerns and one provided feedback without a position on the proposal. Four submissions from government agencies were also received, which did not object to the proposal. Key matters raised in submissions included concerns that the proposal is inconsistent with the building's existing character and that of the surrounding area, overshadowing of nearby buildings, adverse noise and amenity impacts and additional parking, traffic and public transport congestion.

The planning proposal facilitates the refurbishment and adaptive reuse of an ageing commercial building, bringing it in line with contemporary building standards. The proposed controls require the additions to be setback, visually recessive and responsive to the building's character and its context. These controls also limit additional overshadowing ensuring that surrounding buildings and public domain still maintain generous direct solar access. By removing all on-site car parking and conversion to an end of journey facility, the proposal will encourage sustainable travel, taking advantage of transport connections including recent capacity increases to the light rail and Sydney Metro and public domain upgrades.

A summary of submissions and the City's response is provided at Attachment C, and key issues are also discussed in this report. Following consideration of submissions, no amendment to the exhibited planning proposal or draft DCP is proposed.

This report recommends Council approve the planning proposal and draft development control plan.

Recommendation

It is resolved that:

- (A) Council note the matters raised in response to the public exhibition of Planning Proposal - 8-24 Kippax Street, Surry Hills and the draft Sydney Development Control Plan 2012 - 8-24 Kippax Street, Surry Hills, as shown in Attachment C to the subject report;
- (B) Council approve Planning Proposal - 8-24 Kippax Street, Surry Hills, as shown at Attachment A to the subject report, and request the relevant local plan making authority make as a Local Environmental Plan under section 3.36 of the Environmental Planning and Assessment Act 1979;
- (C) Council approve the draft Sydney Development Control Plan 2012 - 8-24 Kippax Street, as shown at Attachment B to the subject report, noting the approved Development Control Plan will come into effect on the date of publication of the subject Local Environmental Plan; and
- (D) authority be delegated to the Chief Executive Officer to make any minor amendments to the Planning Proposal - 8-24 Kippax Street, Surry Hills and the draft Sydney Development Control Plan 2012 - 8-24 Kippax Street, Surry Hills, to correct any minor errors or omissions prior to finalisation.

Attachments

- Attachment A.** Planning Proposal - 8-24 Kippax Street, Surry Hills
- Attachment B.** Draft Sydney Development Control Plan 2012 - 8-24 Kippax Street, Surry Hills
- Attachment C.** Summary of submissions
- Attachment D.** Resolutions of Council and Central Sydney Planning Committee
- Attachment E.** Gateway determination - dated 3 October 2024

Background

1. Following comprehensive pre-lodgement advice, the landowner, Canva, submitted a request to prepare a planning proposal for 8-24 Kippax Street, Surry Hills ('the site') in December 2023. The site is shown in Figure 1.



Figure 1: Land affected by this planning proposal

2. The subject site has an area of 1,032 square metres. It has street frontages to Kippax and Terry Street and shares a common boundary with an adjoining residential building. Existing development on the site consists of a ten-storey commercial building constructed in the late 1960s. It features ground floor retail and small office and commercial suites on the upper floors. A photo of the subject site and existing development is at Figure 2.
3. The building has an existing height of 30 metres (RL 53m) and an FSR of 9.1:1, exceeding the mapped development controls of 27m and 3.5:1 FSR.
4. A development application was lodged concurrently with the planning proposal request for preliminary structural works and refurbishment. It was approved by the Central Sydney Planning Committee in May 2024. The approved works include the internal reconfiguration of the building, including relocation of the lift core and stairs for an open plan office space. Work relating to this consent has recently commenced.



Figure 2: 8-24 Kippax Street, viewed from the south-east outlined in red

Proponent requested changes to height and floor space controls to enable the adaptive reuse of the existing building with a two-storey addition

5. The proponent has requested a planning proposal to facilitate the adaptive reuse of the existing building for:
 - (a) a 12-storey office building, comprising two new rooftop levels, to a maximum height of RL 67.06 metres (44 metres above street level)
 - (b) approximately 10,500 square metres of refreshed work space, comprising up to 1,130 square metres of new floor space, to a maximum floor space ratio of 10.2:1 and
 - (c) removal of all on-site car parking to be replaced with retail and meeting space, basement end-of-journey facilities and two loading spaces.
6. Photomontages of the indicative scheme are provided at Figures 3 and 4.



Figure 3: Photomontage of the planning proposal concept development viewed from the north



Figure 4: Photomontage of the planning proposal concept development viewed from the south

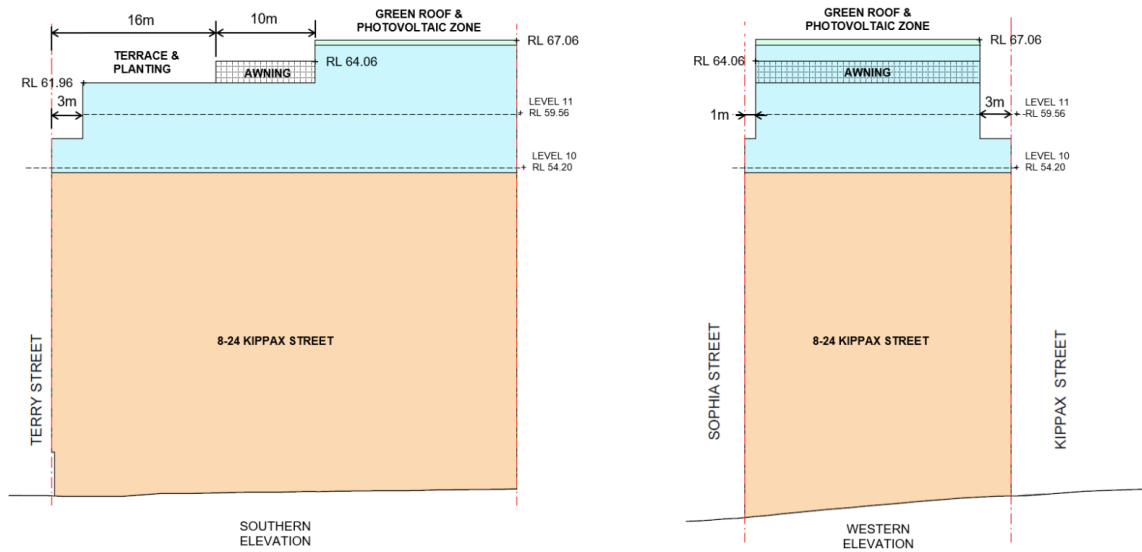


Figure 5: Elevations of the proposed building envelope, new additions facilitated by this planning proposal shown in blue

The City prepared a planning proposal to increase the height and floor space controls for a commercial development.

7. The planning proposal details the proposed amendments to the Sydney Local Environmental Plan 2012 (Sydney LEP 2012) by inserting new site-specific provisions to incentivise commercial floor space. The provisions are to:
 - (a) permit a maximum building height of RL 67.06 metres (44 metres), an increase from the current control of 22 metres (which is currently below the height of the existing building at 30m)
 - (b) increase the maximum floor space ratio control from 4:1 to 10.2:1 inclusive of end of journey floor space (existing building 9.1:1). Design excellence additional floor space or height is not applicable in this instance
 - (c) ensure development consent may only be provided subject to the following:
 - (i) the resultant building will not be used for residential or serviced apartments
 - (ii) the provision of end of journey facilities and
 - (iii) does not include any car parking spaces except for a minimum of two loading spaces for servicing of the building
 - (d) ensure the existing building is retained and
 - (e) waive the requirements for a competitive design process under clause 6.21D of the LEP.
8. Further explanation of the provisions can be found in Section 3 of the Planning Proposal at Attachment A to this report.

A site-specific Development Control Plan was prepared to ensure the additions fit the surrounding area

9. A draft site-specific development control plan (draft DCP) is at Attachment B and provides detailed guidance for development facilitated by this planning proposal to ensure future development supports a high-quality built form. The key provisions in the draft DCP include:
 - (a) maximum building envelope dimensions including upper-level setbacks, street wall heights and maximum height (as shown at Figure 5)
 - (b) controls relating to active street frontages along Kippax Street and Sophia Street at the rear
 - (c) controls relating to the layout and landscaping of the external terrace and green roof and
 - (d) off-street loading, servicing and access provisions.
10. The draft DCP amendment was exhibited with this planning proposal.

The planning proposal received gateway determination and was placed on public exhibition

11. The planning proposal was approved to be submitted to the Minister for Planning and Public Spaces for gateway determination by the Central Sydney Planning Committee on 20 June 2024 and by Council on 24 June 2024. The Council also approved the draft DCP for public exhibition with the planning proposal.
12. The Planning Proposal was sent to the Department of Planning, Housing and Infrastructure for a gateway determination on 1 July 2024. Gateway determination was received from the Department on 3 October 2024, and is at Attachment E. The gateway determination required consultation with relevant government agencies.
13. The planning proposal was on public exhibition from 4 November to 2 December 2024.

Key Implications**We received 7 responses to the public exhibition of the Planning Proposal**

14. The following activities were undertaken to support the public exhibition:
 - (a) a webpage and survey were created for people to review the planning proposal and supporting documentation, and provide their feedback
 - (b) 905 notification letters were sent to property owners and occupiers within a 75-metre radius of the site boundary
 - (c) the project was included in the November edition of the Sydney Your Say eNews and
 - (d) the planning proposal was referred to: Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts; Sydney Airport; Civil Aviation Safety Authority; Airservices Australia; and Utility Providers, including Sydney Water.

15. Seven submissions were received in response to the exhibition. Three submissions were supportive, 3 opposed and 1 provided feedback without a position. Heritage NSW, Sydney Water, Sydney Airport and the Civil Aviation Safety Authority also provided comment but did not object to the proposal.
16. The City's response to the issues raised in submissions are broadly discussed below and in more detail in the summary of submissions at Attachment C.

Submissions supported the delivery of additional commercial floor space

17. The City received 3 submissions which were supportive of the proposal. They noted the importance of locating corporate headquarters in Surry Hills, as the area is capable of accommodating additional density, delivering further opportunities for active transport, pedestrian activation and improved amenities.

Submissions raised concerns regarding the impact of the proposal on the surrounding character

18. Four submissions expressed concern that the proposal is not consistent with the existing neighbourhood character of Surry Hills. The owners and residents at 8 Cooper Street, Surry Hills, identified in Figure 6, raised concern that the proposal would change the skyline of Surry Hills and impact views of nature and the open sky.

Response:

19. The existing building and commercial use will be retained and upgraded in a manner that is sympathetic to its character and surrounding context. The proposal seeks to adaptively reuse the building to accommodate innovation work space, including a two-storey addition. No significant external change will be made to the existing building. New additions will be setback from the upper parapet and visually recessive, delivering additional employment floor space in a manner that is sensitive to the building and surrounding area.
20. The proposed addition is a modest increase to the built form which historically exceeds the maximum building height control. The site-specific DCP details the building envelope for the additions to ensure an appropriate built form that does not contribute unnecessary visual bulk and scale. The proposal will not adversely impact existing biodiversity as it does not propose to increase the footprint of the building and will not impact any street trees. The proposed concept design includes significant landscaping on the upper terraces and a green roof, helping deliver positive ecological outcomes and reducing adverse urban heat impacts.



Figure 6: Location of 8 Cooper Street, Surry Hills (blue) in relation to the subject site (red)

Submissions raised concern regarding building height

21. The City received 2 submissions that raised concern with the height increase, suggesting that the existing building should be retained and restored in its current form. There was concern that the proposed additions are a significant increase in building height, making it one of the highest office buildings in the area.

Response:

22. The concept design retains the existing building structure and proposes a two-storey rooftop addition. The proposed addition is a modest increase to the built form, consistent with typology for work space on the edge of Central Sydney. The proposed additions will be setback from the building's parapet, which will help ensure any adverse visual impact is minimised.

A submission from Icon Apartments raised concerns about overshadowing and light capacity

23. A submission from the owners and residents of Icon Apartments at 8 Cooper Street raised concerns that the proposal would result in additional overshadowing. There was also concern that it would have a negative impact on light capacity and make surrounding streets darker.

Response:

24. The proposed building envelope results in limited additional overshadowing. There are two residential developments to the south of the site, being the Icon building at 8 Cooper Street and Calibre at 10-14 Cooper Street. Figure 7 details the overshadowing resulting from the proposed additions at 10am and 12pm at the winter solstice. The streets and public domain to the north of both buildings will continue to receive generous direct solar access and the proposed additions will not result in any additional overshadowing to these apartment buildings.

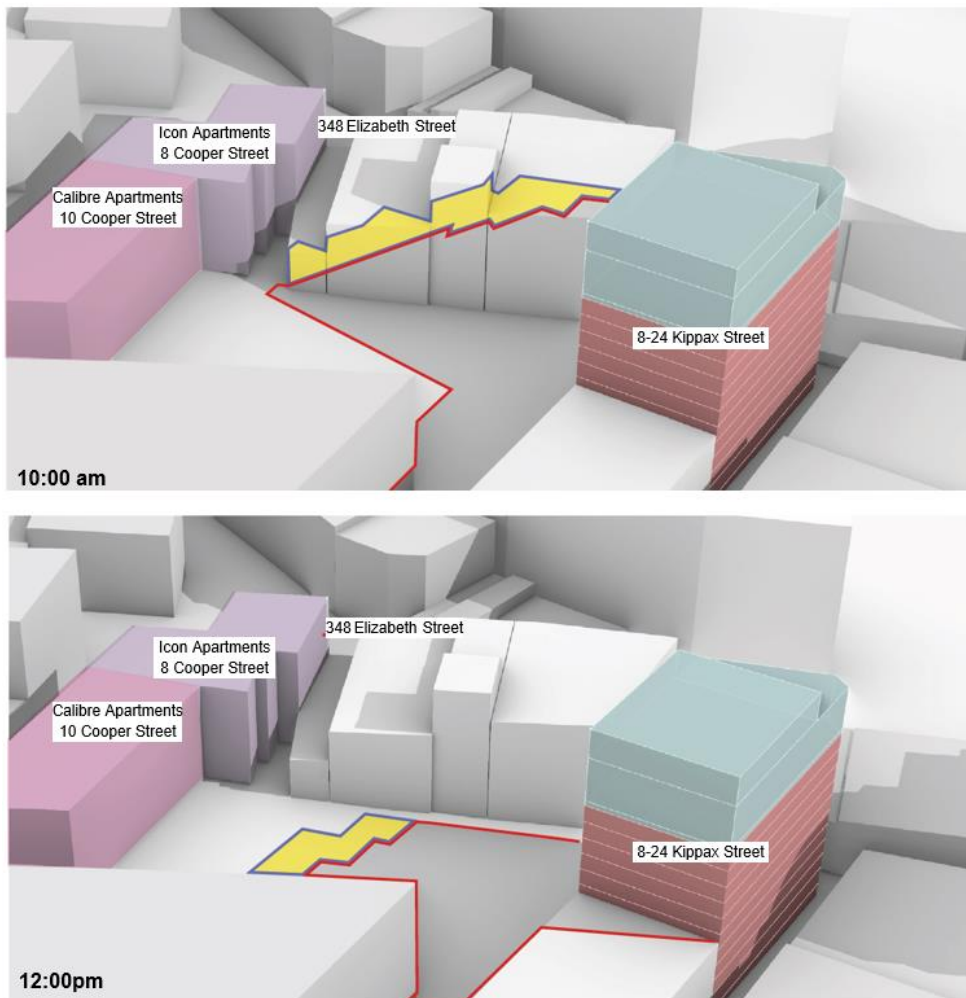


Figure 7: Overshadowing analysis of the proposed additions at 10am and 12pm during winter solstice with additional shadow shown in yellow

A submission raised concerns with overshadowing impacts

25. A submission suggested that the proposal should not result in a significant increase in overshadowing in the surrounding area.

Response:

26. The buildings to the southwest of the site currently experience some overshadowing from the existing building as well as the proposed additions. It is noted that 328-344 Elizabeth Street is a commercial building, however 348-354 Elizabeth Street is a hostel that provides short-term temporary residential accommodation. Figures 7 and 8 detail the overshadowing impacts on the surrounding area at midwinter, showing the buildings fronting Elizabeth Street will receive direct solar access by midday. To the east at 26-44 Kippax Street the site is adjoined by a residential apartment building. No apartment in the building will experience any loss of solar access as a result of the additions.

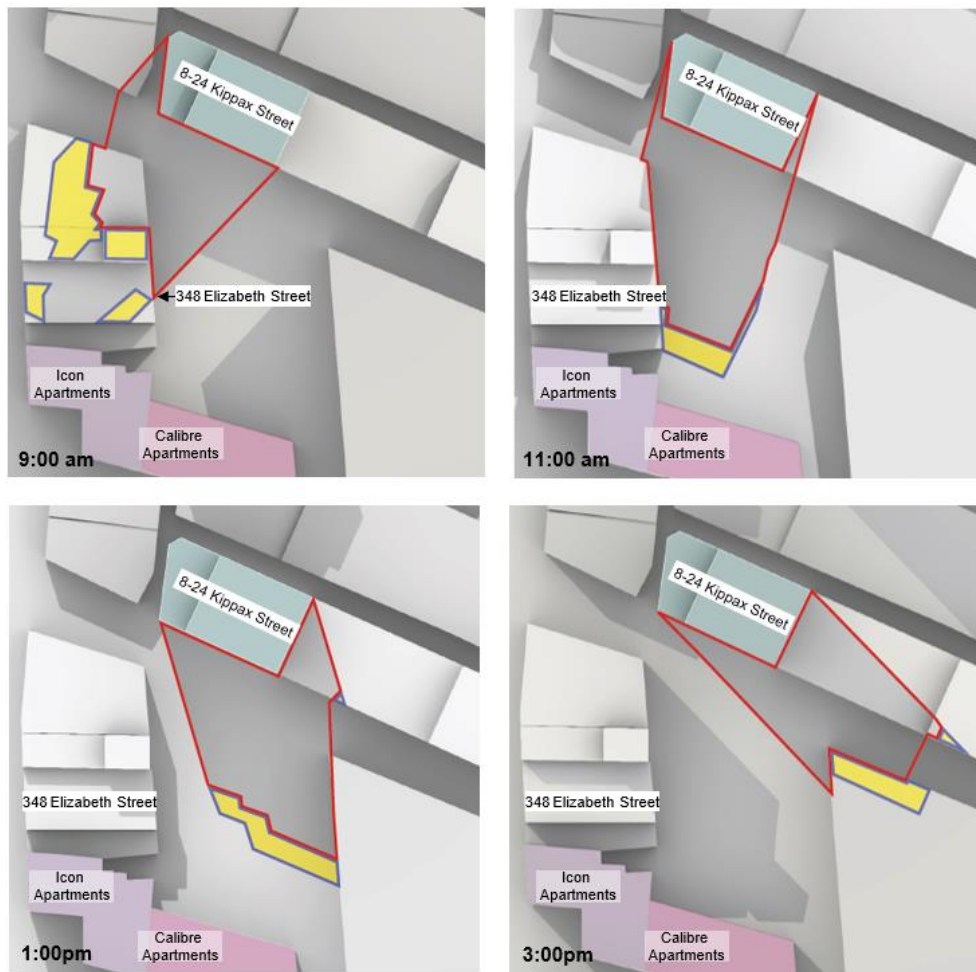


Figure 8: Overshadowing analysis of the proposed additions at 9am, 11am, 1pm and 2pm during winter solstice with additional overshadow shown in yellow

Submissions raised concerns that the proposal would worsen public transport congestion and traffic and parking issues

27. Three submissions raised concerns that the proposal would increase traffic congestion, worsen existing parking issues and public transport congestion. It was also suggested that that efforts should be made to mitigate traffic noise levels.

Response

28. The proposal delivers additional jobs in a highly accessible location and presents an opportunity for a strategically located site to maximise usage of active and public transport networks. Future workers and visitors to the site are able to take advantage of recent investment in public transport infrastructure, which significantly increased the available capacity to many parts of Greater Sydney. This includes light rail connections in the inner city and the newly opened Sydney Metro, which has delivered significantly increased capacity and service frequency through the CBD and on to the North Shore.

29. The proposal discourages private vehicle use through the removal of all on-site car parking spaces. Most trips generated by the future development are anticipated to be by active and public transport. Any increase in vehicle traffic is unlikely to result in additional congestion or impact to on-street parking. A minimum of 2 off-street servicing and loading spaces from Sophia Street are to be provided to ensure all servicing is accommodated internally and will not impact on-street parking.

Submissions suggested that the proposal should deliver improved pedestrian accessibility and encourage active transport

30. Three submissions suggested the proposal should deliver improved pedestrian accessibility in the public domain surrounding the site through pedestrian prioritisation and safety measures to encourage increased active and public transport use.

Response

31. The proposal will deliver an improved urban design and pedestrian experience at ground level through the delivery of new fine grain retail space and active uses fronting the public domain. This will support future public domain strategies, providing passive surveillance and contributing towards a more inviting public domain for pedestrians. The proposal also includes new retail tenancies fronting the rear laneway, delivering an improved and attractive street life.
32. The proposal will also encourage greater walking, cycling and public transport use through the removal of all on-site parking and delivering new end of trip facilities and bicycle parking. Utilising the site's close location to public and active transport, including nearby cycleways network to encourage greater use.

Planning proposal is consistent with the City's strategic vision

33. The City's local strategic planning statement, City Plan 2036, sets out the 20-year vision for land use planning in the city and the planning priorities and actions needed to achieve the vision.
34. A key priority of the plan is to align development and growth with supporting infrastructure. The proposal will support the delivery of employment floorspace that is well located, close to public transport infrastructure including Central Railway Station, Sydney Metro, bus routes and is supported by cycling infrastructure.
35. A key priority of the plan is to develop innovative and diverse business clusters in the City Fringe. The proposal will deliver enhanced employment floor space to help generate additional jobs in the existing employment cluster and strengthen the tech industry presence in the area.
36. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This planning proposal is aligned with the following strategic directions and objectives:
- (a) Direction 2 – A leading environmental performer – the proposal will minimise embodied carbon through the adaptive reuse of the existing building and will deliver a smart building design including on-site solar photovoltaic systems to reduce grid demand.

- (b) Direction 5 – A city for walking, cycling and public transport - the proposal is strategically located in close proximity to existing transport infrastructure including rail, metro, light rail and nearby cycleways. The delivery of end of trip facilities, bicycle parking and the removal of on-site parking will encourage active and public transport use.
 - (c) Direction 9 – A transformed and innovative economy – this planning proposal supports the City Fringe area as a competitive destination for business, investment and talent.
37. Further information regarding the alignment of the Planning Proposal with the strategic planning framework can be found at section 5.2 of the planning proposal.

Risks

38. City staff have undertaken a thorough assessment of the planning proposal and found that it demonstrates strategic and site-specific merit in accordance with NSW Government guidelines. The NSW Government also assessed and issued a Gateway Determination. The planning proposal is consistent with Sustainable Sydney 2030-2050 Continuing the Vision.
39. Progressing with the planning proposal is within the City's risk tolerance and appetite.
40. The planning proposal has demonstrated that development will be capable of complying with relevant environmental and planning laws, regulations and industry standards and is within the City's minimal appetite for non-compliance with environmental laws, regulations and industry standards.
41. Proceeding with the planning proposal will meet the City's minimal appetite for disruption to our regulatory functions as decisions will be within the timeframes set in the NSW Government's Statement of Expectations Order 2024.

Relevant Legislation

42. Environmental Planning and Assessment Act 1979.
43. Environmental Planning and Assessment Regulation 2021.

Critical Dates / Time Frames

44. The gateway determination requires the amendments to the Sydney LEP 2012 be completed by 29 July 2025.
45. The gateway determination authorises Council to exercise its delegation and liaise with directly with Parliamentary Counsel to draft and make the local environmental plan. If the planning proposal is approved by the Central Sydney Planning Committee and Council, the City will commence this process. Once this process is complete and the plan is made, the amendments to the Sydney LEP 2012 will come into effect when published on the NSW Legislation website.
46. If approved by Council, the draft DCP will come into effect on the same day as the amendment to the Sydney LEP 2012.

GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development and Transport

Daniel Thorpe, Specialist Planner

Kristina Argiropoulos, Cadet Planner

Attachment A

**Planning Proposal -
8-24 Kippax Street, Surry Hills**

Planning Proposal – 8-24 Kippax Street, Surry Hills



Contents

1.	Background	4
2.	Current planning controls	10
3.	Objectives and intended outcomes	13
4.	Explanation of provisions	14
5.	Justification	16
6.	Mapping	27
7.	Community consultation	28
8.	Project timeline	29
	Appendix 1	30

List of figures

Figure 1.	Land affected by this planning proposal	4
Figure 2.	Looking towards the Kippax Street frontage of the site	5
Figure 3.	Looking towards the site as viewed along Terry Street	6
Figure 4.	Looking towards the site along Sophia Street	6
Figure 5.	Corner of Sophia Street and Terry Street looking towards the site	7
Figure 6.	Surrounding area – looking west towards Elizabeth Street	7
Figure 7.	Surrounding area – looking east along Kippax Street	8
Figure 8.	Photomontage of the planning proposal concept development plan	9
Figure 9.	Extract from the Zoning map in Sydney LEP 2012	10
Figure 10.	Extract from the Height of building map in Sydney LEP 2012	11
Figure 11.	Extract from the Floor space ratio map in Sydney LEP 2012	11
Figure 12.	Extract from the Heritage map in Sydney LEP 2012	12
Figure 13.	Proposed building envelope with rooftop additions	23
Figure 14.	Overshadowing analysis of the proposed additions at winter equinox	24

List of tables

Table 1:	Legal description and basic qualities of the subject site	4
Table 2:	Consistency with State Environmental Planning Policies	19
Table 3:	Consistency with Ministerial Directions	20

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 1,037m² 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 ²	Existing development
8-24 Kippax Street	Lot 3 DP 547558	1,032m ²	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

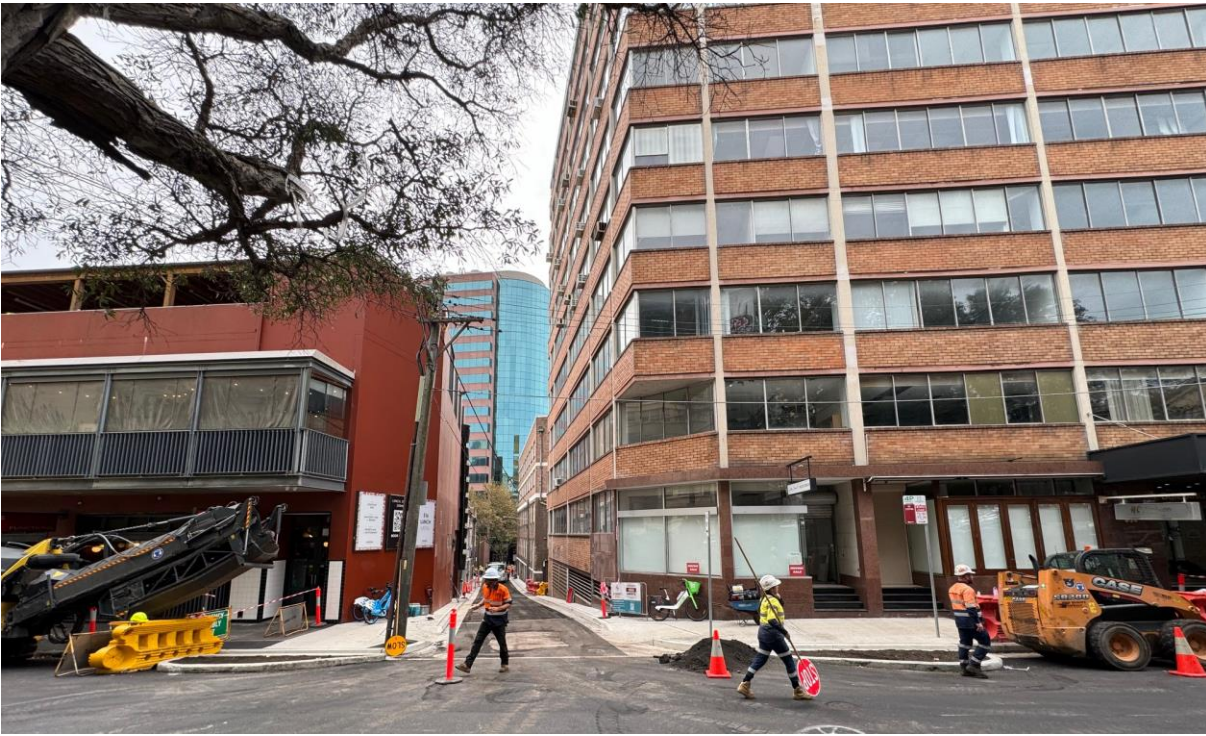


Figure 3. Looking towards the site as viewed along Terry Street



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.

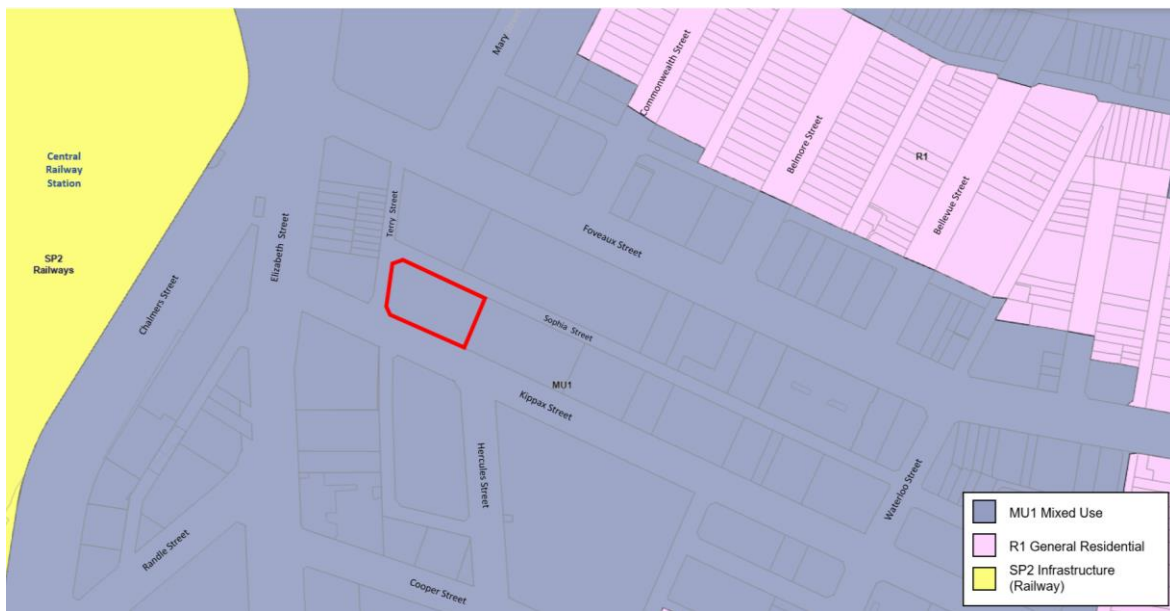


Figure 9. Extract from the Zoning map in Sydney LEP 2012

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

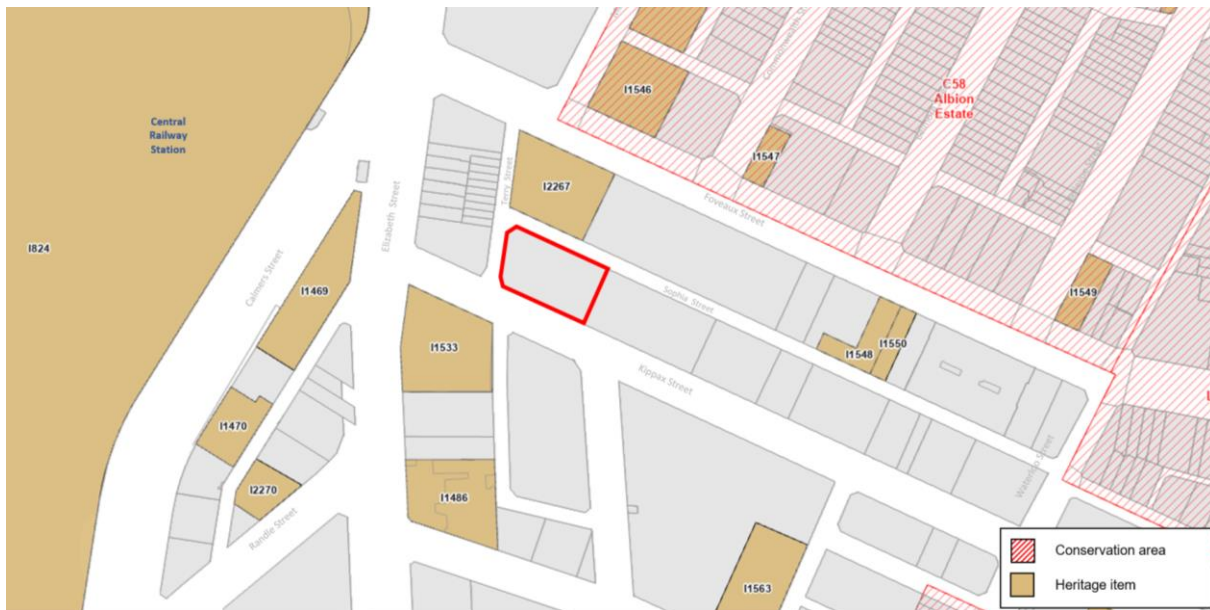


Figure 12. Extract from the Heritage map in Sydney LEP 2012

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

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 9,374m² 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.

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.

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	This planning proposal is consistent. The site is located within the Sydney Harbour Catchment Area, but not within the Foreshores and Waterways Area. 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.
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	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.
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
Focus area 1: Planning Systems	
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.
Focus area 3: Biodiversity and Conservation	
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.
Focus area 4: Resilience and Hazards	
4.1 Flooding	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. The LEP amendments will not inhibit future development from complying with flood planning requirements, nor result in adverse impacts to other properties.
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.
Focus area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	Consistent – the subject site is well-located close to key public transport connections including Central Railway Station.
Focus area 6: Housing	
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
Focus area 7: Industry and Employment	
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.

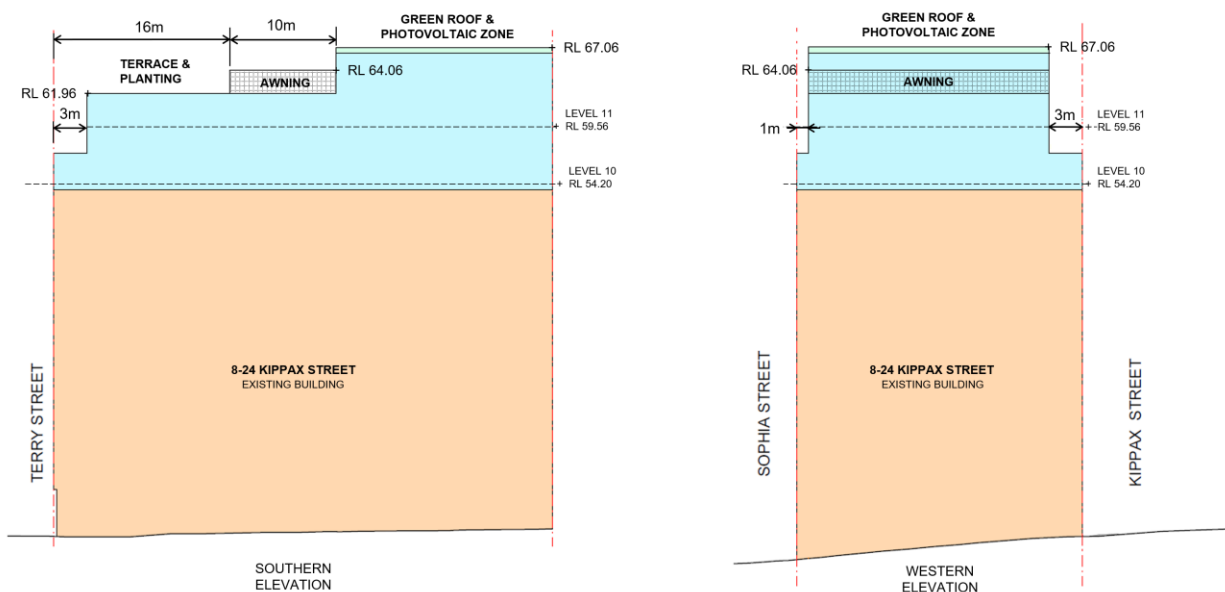


Figure 13. Proposed building envelope with rooftop additions

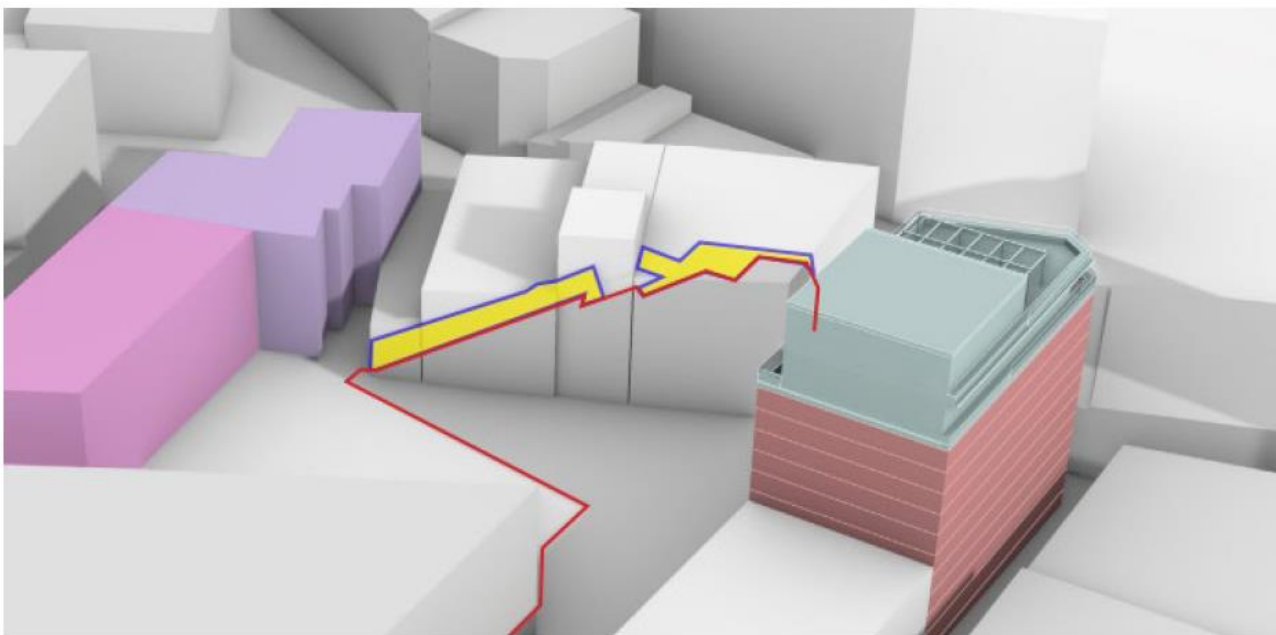
Overshadowing

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 10,000m² of refreshed office space including approximately 1,000m² 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.

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.

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.

Attachment B

**Draft Sydney Development Control Plan 2012
– 8-24 Kippax Street, Surry Hills**

Development Control Plan – 8-24 Kippax Street, Surry Hills



Purpose of this Development Control Plan

The purpose of this Development Control Plan (DCP) is to amend *Sydney Development Control Plan 2012*, which was adopted by Council on 14 May 2012 and came into effect on 14 December 2012.

The amendment provides objectives and provisions to inform future development at 8-24 Kippax Street, Surry Hills.

This plan is to be read in conjunction with draft Planning Proposal – 8-24 Kippax Street, Surry Hills.

Citation

This amendment may be referred to as *Sydney Development Control Plan 2012 – 8-24 Kippax Street, Surry Hills*.

Land covered by this plan

This plan applies to that land identified as 8-24 Kippax Street, Surry Hills – which is Lot 3 DP 547558.

Relationship of this plan to Sydney Development Control Plan 2012

This plan amends the Sydney Development Control Plan 2012 in the manner set out in Schedule 1 below.

Amendments to Sydney Development Control Plan 2012

This plan amends Sydney Development Control Plan 2012 by:

1. Amending Figure 6.1 Specific maps to include 8-24 Kippax Street, Surry Hills
2. Inserting a new section 6.3.X 8-24 Kippax Street, Surry Hills
3. Updating figure numbers as required.

Schedule 1 – Amendment to Sydney Development Control Plan 2012

Figure 6.1 Specific sites map

Amend Figure 6.1: Specific sites map to include 8-24 Kippax Street, Surry Hills.

Amendment to Section 6.3

6.3.# 8-24 Kippax Street, Surry Hills

If a development at 8-24 Kippax Street, Surry Hills (as shown in Figure 6.1 Specific sites map) seeks to utilise additional height or floor space ratio permitted by clause 6.## of the LEP, then the provisions in this section also apply to the proposed development and override other provisions in the DCP where there is an inconsistency.

Objectives

- a. Deliver a high-quality urban form that:
 - i. ensures the existing building is retained and appropriately adapted;
 - ii. comprises accessible rooftop spaces for occupants and to support landscaping, planting and canopy coverage;
 - iii. includes active uses at street level to provide increased passive surveillance of the public domain; and
 - iv. provides for on-site loading and servicing and does not include any on-site private vehicle parking; and
- b. Define the building envelope, including heights, setbacks and external terraces that respects the local context and minimises amenity, overshadowing and acoustic impacts.

Provisions

6.3.X.1 Built form

1. Building massing, height, footprint and minimum setbacks are to be consistent with the following:
 - a. 'Figure 6.xx 8-24 Kippax Street, Surry Hills – envelope elevations'; and
 - b. 'Figure 6.xx 8-24 Kippax Street, Surry Hills – envelope setbacks'.
2. The building is to include photovoltaic systems and a rainwater harvesting and storage system.
3. The existing building is to be retained and adapted.

6.3.X.2 Public domain, servicing and access

1. Section 3.2.3 Active Frontages applies to all street frontages.
2. Incorporate high quality public art in publicly accessible areas on site to contribute to the identity and amenity of the place.
3. Vehicle access, site servicing, loading and delivery shall be as follows:
 - a. no private vehicle parking is to be provided, due to the site's high level of accessibility by public transport services and active transport.
 - b. with the exception of waste collection, all site servicing, loading and delivery shall be accommodated wholly within the site:

- i. a minimum of two (2) loading vehicle spaces provided;
- ii. no vehicle access from Kippax Street is permitted
- c. waste collection may take place from Sophia Street directly adjacent to the waste storage room; and
- d. a transport management plan incorporating all operations and servicing shall be submitted with the future development application.

6.3.X.3 External terraces and landscaping

1. New additions to the building shall feature landscaping and planting as follows:
 - a. in the locations indicated in Figure 6.xx 8-24 Kippax Street, Surry Hills – Indicative envelope setbacks'
 - b. a perimeter zone of planting of at least 1m width is required on Level 10;
 - c. planting to the Level 11 external terrace is to have a canopy of not less than 10% of the site area and may exceed the maximum building height control once mature;
 - d. a green roof is to be incorporated to the rooftop, including beneath any photovoltaic cells; and
 - e. any landscaping must be designed so as to be capable of maintenance from within the site.
2. The proposed upper level external terraces are not to be enclosed or serve as an extension of the building envelope, with the exception of an awning as shown in 'Figure 6.xx 8-24 Kippax Street, Surry Hills – Indicative envelope elevations' and 'Figure 6.xx 8-24 Kippax Street, Surry Hills – Indicative envelope setbacks'.

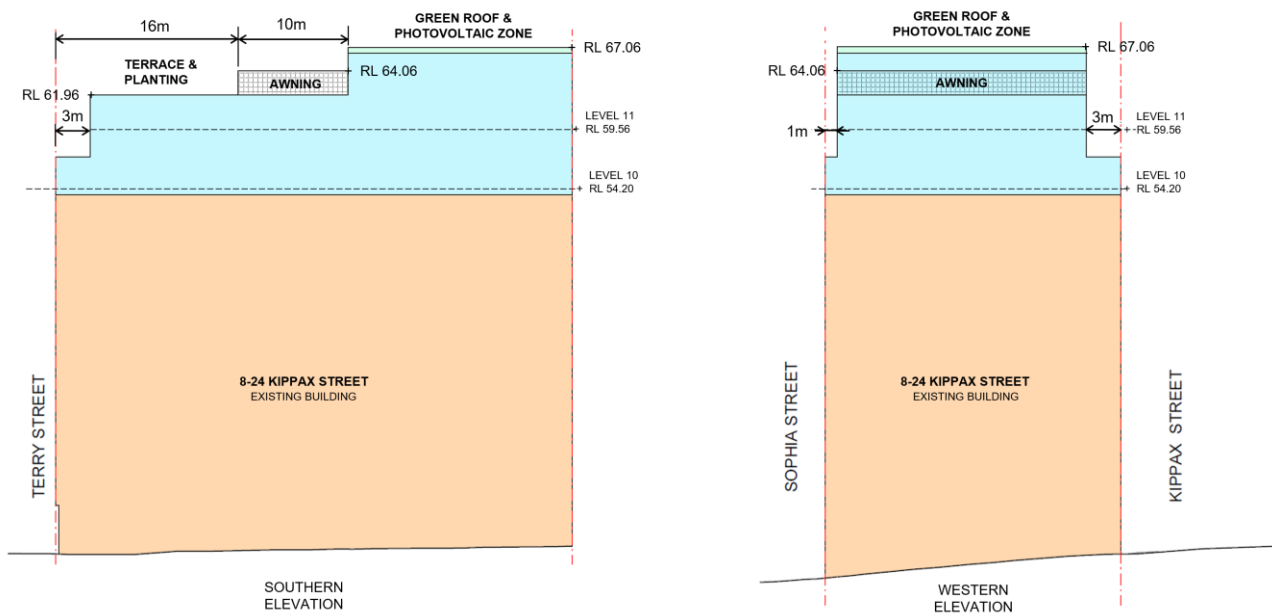


Figure 6.xx 8-24 Kippax Street, Surry Hills – envelope elevations

Insert new figure: 8-24 Kippax Street, Surry Hills – envelope elevations

Development Control Plan – 8-24 Kippax Street, Surry Hills

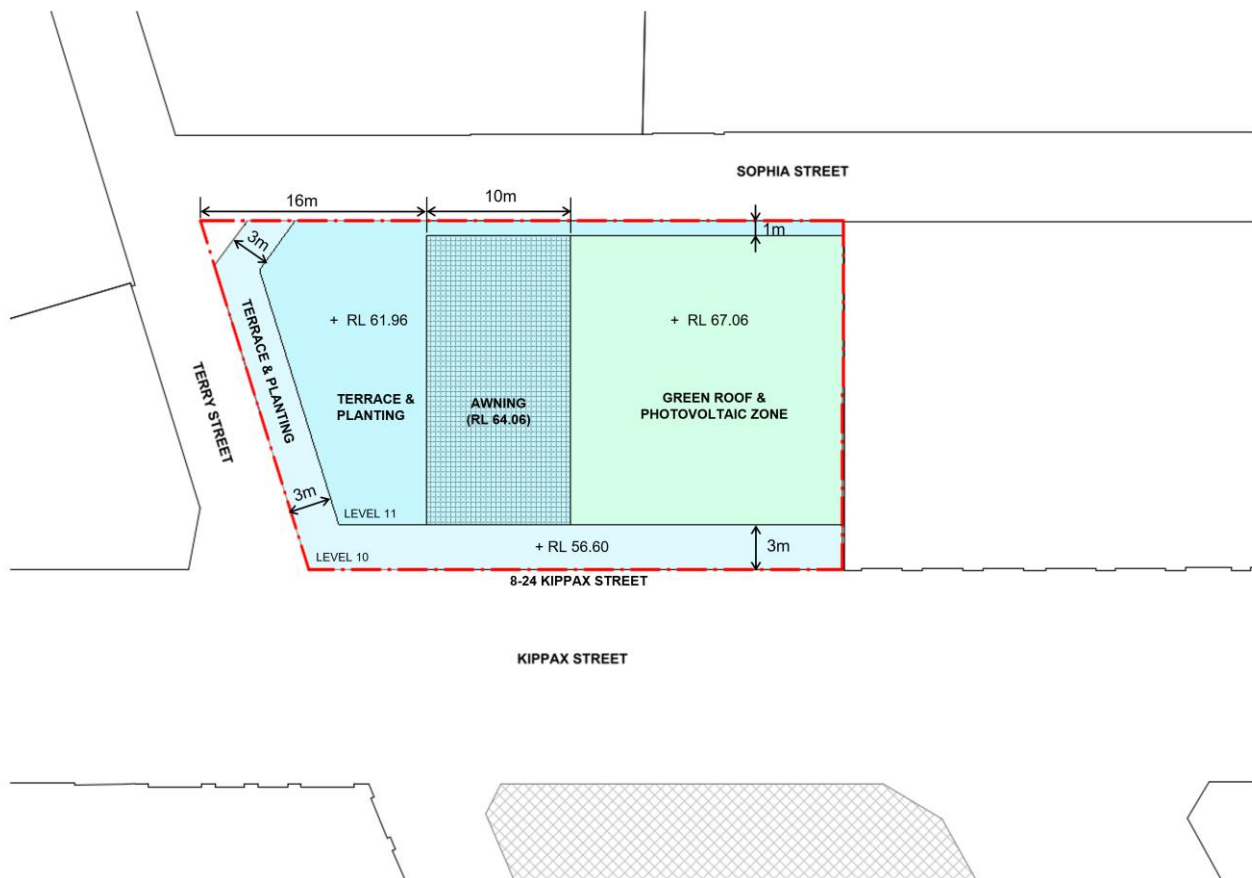


Figure 6.xx 8-24 Kippax Street, Surry Hills – envelope setbacks

Insert new figure: 8-24 Kippax Street, Surry Hills – envelope setbacks

Attachment C

Summary of submissions

Summary of submissions: 8-24 Kippax Street, Surry Hills



Activities to support the consultation

On 20 June and 24 June 2024, the Central Sydney Planning Committee and Council respectively, approved the Planning Proposal – 8-24 Kippax Street, Surry Hills for public authority consultation and public exhibition.

The consultation period ran from 4 November to 2 December 2024. The following activities were undertaken to support the consultation:

- A webpage and survey were created for people to review the planning proposal and supporting documentation and provide their feedback. The webpage can be accessed at <https://www.cityofsydney.nsw.gov.au/policy-planning-changes/your-say-proposed-planning-control-changes-8-24-kippax-street-surry-hills>. The survey was open for feedback from 4 November to 2 December 2024. There were 256 unique page views and 120 document downloads during this period.
- A notification letter was letterbox dropped to property owners and occupiers within a 75-metre radius of the site boundary, informing them of the planning proposal. 905 letters were sent. An example of the notification letter can be found at Appendix A.
- The project was included in the November edition of the Sydney Your Say eNews sent on 11 November 2024 to 5,136 subscribers. This provided a link to the webpage and survey. An image of the post can be found at Appendix B.
- The Planning Proposal was referred to Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts, Sydney Airport, Civil Aviation Safety Authority (CASA) and Sydney Water for agency consultation and comment.

What the community told us

We received a total of 7 responses. Five responses via the online survey and 2 by email, and the 2 government agency responses via the NSW Planning Portal.

Of the 7 responses from community members, 3 were supportive and 3 were opposed, and one provided feedback without a position. One submission which was opposed to the proposal was made from the strata committee of a nearby building.

Issues raised in submissions are summarised below.

Table 1 Responses from government agencies

Agency	Submission	City response
Heritage NSW	The response from Heritage NSW notes that the site is not identified in any heritage mapping.	Submission is noted. The site does not contain any heritage items and is not mapped as being in a heritage conservation area.
Sydney Water	The response from Sydney Water noted that water servicing should be available for the proposed development and that amplifications, adjustments, deviations and/or minor extensions may be required. Sydney Water also provided additional information to be passed on to the applicant including the <i>Sydney Water Planning Proposal Information Sheet (for proponent)</i>.	Submission is noted, information regarding the <i>Sydney Water Planning Proposal Information Sheet (for proponent)</i> will be forwarded to the proponent.
CASA	CASA raised no issue with the planning proposal noting that the building will not need to be assessed under the Airports (Protection of Airspace) regulations.	Submission is noted.
Sydney Airport	Sydney Airport raised no issue with the planning proposal noting that approval to operate construction equipment should be obtained prior to any commitment to construct.	Submission is noted. Approvals to operate construction equipment will be considered as part of any future Development Application (DA) for the site.

Table 2 Responses from individual submitters

Issue	Key themes	City response
Support 3 submissions	Submissions supported the proposal noting that the city needed more density and the importance of retaining corporate headquarters through supporting the delivery of commercial floor space. It was noted that the area was suitable to increase the presence of tech companies. There was also support for measures that supported pedestrian activation.	Support for the proposal is noted.
Local character impacts	Submissions raised concerns that the proposal is not consistent with	The existing building and commercial use will be retained and upgraded in a manner that it

Summary of submissions: 8-24 Kippax Street,
Surry Hills

Issue	Key themes	City response
4 submissions	The existing neighbourhood character of Surry Hills. There was also concern that the proposal would change the skyline of Surry Hills and impact views of nature and the open sky. It was also suggested that canopy cover should be increased in the area.	The proposal seeks to adaptively reuse the building with significant alterations and additions to accommodate innovation work space, including a two-storey addition. No significant external change will be made to the existing building, with the new additions setback from the upper parapet and visually recessive, delivering additional employment floor space in a manner that is sensitive to the building and surrounding area. Additionally, the site-specific DCP includes provisions relating to built form and setbacks. This ensures that the alterations do not contribute unnecessary visual bulk and scale. This will deliver a built form that is contextually appropriate to the surrounding area. The proposal will have no impact on street trees as it does not propose to increase the footprint of the building. Existing trees will be kept in accordance with the City's controls. Additionally, the proposed concept design includes rooftop landscaping which will deliver positive ecological outcomes and reduce urban heat impacts.
Traffic & parking concerns 3 submissions	Submissions raised concerns that the proposal would worsen traffic congestion and worsen existing parking issues. It was also suggested that measures should be taken to mitigate traffic noise levels.	The proposal will deliver jobs in a highly accessible location and presents an opportunity for a strategically located site to maximise usage of active and public transport networks. The proposal discourages private vehicle use through the reduction in onsite parking from 55 to 0 carparking spaces. This will encourage the use of public transport infrastructure. The site is strategically located in close proximity to Central Railway Station, metro station, light rail and is well serviced by key bus routes supporting the uptake of public transport use. Additionally, the proposal includes the provision of end of trip facilities and bicycle transport to support the uptake of active transport. It is close to cycleways. Most trips generated by the future development are anticipated to be by active and public transport. The proposal does not reduce on-street parking. As a result, the potential traffic and parking issues generated from the proposal is expected to be minimal. The proposal will also deliver a minimum of two onsite loading spaces for building servicing, accessed from Sophia Street, at the rear of the site. Waste collection will also continue to be collected from Sophia Street. The proposal moves the waste storage

Summary of submissions: 8-24 Kippax Street,
Surry Hills

Issue	Key themes	City response
		room to the Sophia Street frontage to minimise disruptions to Kippax Street.
Public transport congestion 2 submissions	Submissions raised concerns that the proposal would increase public transport congestion.	The site is located close to existing public transport infrastructure and is well placed to take advantage of recent public transport investment which has led to significant increases in capacity. This includes light rail connections and metro with the Central Station including Metro in close proximity.
Building height Two submissions	Submissions raised concerns with the height increase, suggesting that the building envelope should be retained and the building restored. There was concern that the proposed addition will make it one of the highest office buildings in the area and that it represents a 47% increase to the building height.	The proposal retains the existing building structure and seeks to adaptively reuse the building following alterations and additions, including a two-storey addition. The addition is a modest increase to the existing built form which already exceeds the maximum building height. It will remain generally consistent with taller buildings in the area. The proposal is also supported by site-specific DCP provisions which provide setbacks for the upper level to ensure the additions are recessive in nature with the bulk and scale minimised. This will ensure the proposal delivers a quality outcome that minimises any adverse impacts to the surrounding area and is appropriate to the building height.
Overshadowing impacts 2 submissions	Submissions raised concerns that the proposal would result in additional overshadowing to the surrounding area. There was also concern that the proposal would reduce natural light and make surrounding streets darker.	The proposed building envelope results in limited additional overshadowing. The proposal will not result in any additional overshadowing to the nearest residential building fronting Cooper Street or to any of the apartments within the adjoining apartment building on Kippax Street. It is noted that no apartments in this building will lose solar access as a result of the proposed additions. To the south of the site is a carpark, analysis showed that if the site was hypothetically redeveloped into residential apartments, the proposed additions would not impact the site's ability to achieve adequate sunlight. The site results in minimal additional overshadowing to the street west of the site from 11:00am to 2:00pm during the winter solstice. It is a minor increase from the overshadowing impact resulting from the existing building. The buildings to the southwest of the site that front Elizabeth Street experience some

Summary of submissions: 8-24 Kippax Street,
Surry Hills

Issue	Key themes	City response
		overshadowing from the existing building. During the winter solstice, between 9am until 11am the proposed additions result in some additional overshadowing to the buildings. It is noted that 328-344 Elizabeth Street is a commercial building while 348-354 Elizabeth Street is a hostel, providing residential crisis accommodation. Both buildings receive direct solar access by midday.
Construction impacts One submission	Submissions raised concerns that the proposal would extend the construction timeframe.	The proposal will not impact the construction timeframe. A development application was approved by the Central Sydney Planning Committee in May 2024 for structural works and refurbishment of the existing building. As part of the development application, construction impacts have been considered and a Construction Management Plan has been prepared to minimise construction impacts. If the planning proposal is approved, the proponent intends to modify the development consent to accommodate the two-storey rooftop addition. The Construction Management Plan may also be modified if necessary to manage to minimise any further construction impacts.
Noise impacts on residents One submission	Submission raised concerns that rooftop terrace would increase noise pollution.	Concurrent with this planning proposal, is a development application that was lodged for structural works and refurbishment of the existing building. The development application includes a management plan for the use of the terrace in accordance with section 4.2.3.11 Acoustic privacy of the DCP. A Noise Impact Assessment has been prepared to support the plan of management which recommends measures to ensure sound impacts are mitigated for sensitive noise receivers such as surrounding residential buildings. The roof terrace will include an acoustic screen at the edges of the building to minimise acoustic impacts. It also has restricted hours of operation between 7:00am and 10:00pm daily and may operate between 10:00pm and 12:00 midnight, daily for a trial period of 1 year. It also includes a maximum of 260 patrons using the roof area at any one time. The assessment finds that the entertainment noise emission from the proposed use of the rooftop area will comply with the City's

Summary of submissions: 8-24 Kippax Street,
Surry Hills

Issue	Key themes	City response
Pedestrian & active transport measures 3 submissions	Submissions suggested that the proposal should increase pedestrian accessibility and encourage active transport.	entertainment noise criteria adopted for the assessment. It is considered that noise impacts generated from the terrace would be minimal.
		The proposal will deliver an improved pedestrian experience at ground level with greater street activation. The proposal includes fine grain retail space on rear lanes to support active ground uses delivering passive surveillance and contributing to an enhanced public domain. The proposal also includes the provision of end of trip facilities and bicycle parking to support active transport. This will take advantage of the nearby cycleway network including on Chalmers Street, Devonshire Street and Bourke Street.

Appendix A



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4 November 2024

Our Ref: X101286

Proposed changes to planning controls for 8-24 Kippax Street, Surry Hills

We invite your feedback on proposed changes to the planning controls for 8-24 Kippax Street, Surry Hills.

The proposal is to increase the maximum height to 44m and the floor space ratio to 10.2:1. This is an additional 14m in building height and 1,130sqm of commercial floor space.

These changes will allow 2 levels to be added to the existing 10-storey commercial building and support its adaptive reuse as high-end office space.

We invite your feedback on the planning proposal to amend the Sydney Local Environmental Plan 2012 and a draft development control plan from 4 November to 2 December 2024.

The results of your feedback will be reported to Council and the Central Sydney Planning Committee.

If Council approves this planning proposal, it can amend the Sydney Local Environmental Plan 2012 on behalf of the Minister for Planning and Public Spaces.

You can view the proposal and give your feedback at sydneyyoursay.com.au by **5pm on Monday 2 December 2024**.

Feedback can be made online, by email or post to Project Officer, City Engagement, City of Sydney, Town Hall House, Level 7, 456 Kent Street, Sydney NSW 2000.

Feedback should quote 'Reference X101286 – 8-24 Kippax Street, Surry Hills'.

For more information or any queries about this project, contact Daniel Thorpe, specialist planner on 02 9268 9333 or sydneyyoursay@cityofsydney.nsw.gov.au.

Your sincerely

A handwritten signature in dark ink, appearing to read "Sally Peters".

Sally Peters
A/Executive Manager, Strategic Planning and Urban Design
City Planning | Development | Transport

Appendix B



Image: Cox Architecture

Proposed planning control changes for 8-24 Kippax Street, Surry Hills

The proposed changes include increasing the building height and floor space ratio to add 2 levels to the existing commercial building, supporting its adaptive reuse as high-end office space.

Share your view by Monday 2 December.

[Read more](#)

Attachment D

Resolutions of Council and Central Sydney Planning Committee
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Resolution of Council

24 June 2024

Item 11.5

**Public Exhibition - Planning Proposal - 8-24 Kippax Street, Surry Hills -
Sydney Local Environmental Plan 2012 and Sydney Development Control Plan
2012 Amendments**

It is resolved that:

- (A) Council approve Planning Proposal – 8-24 Kippax Street, Surry Hills, as shown at Attachment A to the subject report, to be submitted to the Minister for Planning and Public Spaces with a request for Gateway Determination;
- (B) Council approve Planning Proposal – 8-24 Kippax Street, Surry Hills, as shown at Attachment A to the subject report for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) Council seek authority from the Minister for Planning and Public Spaces to exercise the delegation of all the functions under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and to put into effect Planning Proposal – 8-24 Kippax Street, Surry Hills;
- (D) Council approve the Draft Sydney Development Control Plan 2012 – 8-24 Kippax Street, Surry Hills, shown at Attachment B to the subject report for public authority consultation and public exhibition concurrent with the Planning Proposal;
- (E) authority be delegated to the Chief Executive Officer to make any variations to Planning Proposal – 8-24 Kippax Street, Surry Hills, to correct any drafting errors or to ensure consistency with the Gateway Determination; and
- (F) authority be delegated to the Chief Executive Officer to make any variations to Draft Sydney Development Control Plan 2012 – 8-24 Kippax Street, Surry Hills, to correct any drafting errors or ensure it is consistent with the Planning Proposal following the Gateway Determination.

Carried unanimously.

X101286

Resolution of Central Sydney Planning Committee

20 June 2024

Item 6

Public Exhibition - Planning Proposal - 8-24 Kippax Street, Surry Hills - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendments

Moved by the Chair (the Lord Mayor), seconded by Councillor Worling –

It is resolved that:

- (A) the Central Sydney Planning Committee approve Planning Proposal – 8-24 Kippax Street, Surry Hills, as shown at Attachment A to the subject report, to be submitted to the Minister for Planning and Public Spaces with a request for Gateway Determination;
- (B) the Central Sydney Planning Committee approve Planning Proposal – 8-24 Kippax Street, Surry Hills, as shown at Attachment A to the subject report for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 17 June 2024, that Council seek authority from the Minister for Planning and Public Spaces to exercise the delegation of all the functions under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and to put into effect Planning Proposal – 8-24 Kippax Street, Surry Hills;
- (D) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 17 June 2024, that Council approve the Draft Sydney Development Control Plan 2012 – 8-24 Kippax Street, Surry Hills, shown at Attachment B to the subject report for public authority consultation and public exhibition concurrent with the Planning Proposal;
- (E) authority be delegated to the Chief Executive Officer to make any variations to Planning Proposal – 8-24 Kippax Street, Surry Hills, to correct any drafting errors or to ensure consistency with the Gateway Determination; and

- (F) authority be delegated to the Chief Executive Officer to make any variations to Draft Sydney Development Control Plan 2012 – 8-24 Kippax Street, Surry Hills, to correct any drafting errors or ensure it is consistent with the Planning Proposal following the Gateway Determination.

Carried unanimously.

X101286

Attachment E

Gateway determination, dated 3 October 2024

Gateway Determination

Planning proposal (Department Ref: PP-2023-2802): To amend the Sydney Local Environmental Plan 2012 (Sydney LEP 2012) to enable an increased floor space ratio (FSR) and increased maximum building height for development at 8-24 Kippax Street, Surry Hills to facilitate the adaptive reuse of the existing commercial building and permit a two-storey addition.

I, the Director, Local Planning (North, East and Central Coast) at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Sydney Local Environmental Plan 2012 to enable an increased floor space ratio (FSR) and increased maximum building height for employment uses.

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 29 July 2025.

Gateway Conditions

1. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
2. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
 - Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts

- Sydney Airport
- Civil Aviation Safety Authority
- Airservices Australia
- Utility Providers, including Sydney Water

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

2. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 3 October 2024



Jazmin van Veen
Director, Local Planning (North, East and
Central Coast)
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces

Item 4.

Fire Safety Reports

File No: S105001.002

Summary

The City of Sydney (the City) regularly receives building reports from Fire and Rescue NSW in relation to inspections carried out by Fire and Rescue NSW Authorised Officers. These inspection reports are to be reported to Council and Council is required to determine whether to exercise its power to issue fire safety orders under Division 9.3 and Schedule 5 of the Environmental Planning and Assessment Act 1979 (the Act).

In response to Fire and Rescue NSW reports City staff undertake inspections to ensure fire safety measures are in full operation and that building exits are clear and unimpeded. Fire and Rescue NSW inspections revealed fire safety concerns that require Council as the appropriate regulatory authority to use its discretion and address the concerns observed at the time of the inspection.

Fire and Rescue NSW has powers under the Act to carry out inspections of buildings and it is required to forward its findings to the City.

Fire and Rescue NSW reports received by the City are required to be tabled before Council. Attached are details of three reports received by the City from Fire and Rescue NSW. The attachments deal with three properties and include the Fire and Rescue NSW report and the findings (preliminary or final) by the City's Officer, along with other documentation relevant to that property.

Recommendation

It is resolved that Council note:

- (A) the contents of the Fire Safety Reports Summary Sheet, as shown at Attachment A to the subject report;
- (B) the inspection reports by Fire and Rescue NSW, as shown at Attachments B to D of the subject report;
- (C) the contents of Attachment B and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 146-150 Henderson Road, Alexandria at this time;
- (D) the contents of Attachment C and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 412-416 Crown Street, Surry Hills; and
- (E) the contents of Attachment D and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 280 Jones Street, Pyrmont at this time.

Attachments

- Attachment A.** Fire Safety Reports Summary Sheet
- Attachment B.** Inspection Report - 146-150 Henderson Road, Alexandria
- Attachment C.** Inspection Report - 412-416 Crown Street, Surry Hills
- Attachment D.** Inspection Report - 280 Jones Street, Pyrmont

Background

1. The City receives inspection reports and recommendations from Fire and Rescue NSW in relation to inspections carried out on buildings located within the City's local government area.
2. Under the Environmental Planning and Assessment Act 1979, (the Act), Fire and Rescue NSW has the power to carry out inspections of buildings to determine if the building has adequate provision for fire safety and/or is compliant with legislation.
3. On average, the City receives approximately 50 such reports each year. They can arise from any Fire and Rescue NSW inspection of a property, including reactive inspections where a third party has reported a concern relating to fire safety in a building.
4. When Fire and Rescue NSW carries out such an inspection, a report and any recommendations must be provided to the City.
5. Under the Act, Council is then required to table the report and make a determination as to whether it will exercise its power to issue a Fire Safety Order 1 or 2 in Schedule 5, Part 2 of the Act.
 - (a) Fire Safety Order 1 requires a person to do or stop doing certain specified things to improve fire safety.
 - (b) Fire Safety Order 2 requires a person to cease conducting an activity on premises where that activity constitutes, or is likely to constitute, a life-threatening hazard or a threat to public health or public safety.
6. Attached are the details of 3 reports received from Fire and Rescue NSW, including recommendations for further action, relating to 3 properties. The properties have also been reviewed by a City Officer.

Risks

7. This approach is within the City's risk appetite, which states:
 - We are committed to conducting our activities in full compliance with applicable laws, regulations and relevant industry standards.

Relevant Legislation

8. Environmental Planning and Assessment Act 1979.

GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development and Transport

Andrew Thomas, Executive Manager Planning and Development

Attachment A

Fire Safety Reports Summary Sheet
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Fire Safety Reports Summary Sheet
Cl.17, Schedule 5 of the Environmental Planning and Assessment Act 1979, reports to Council, S105001.002

Total number of properties tabled: 3

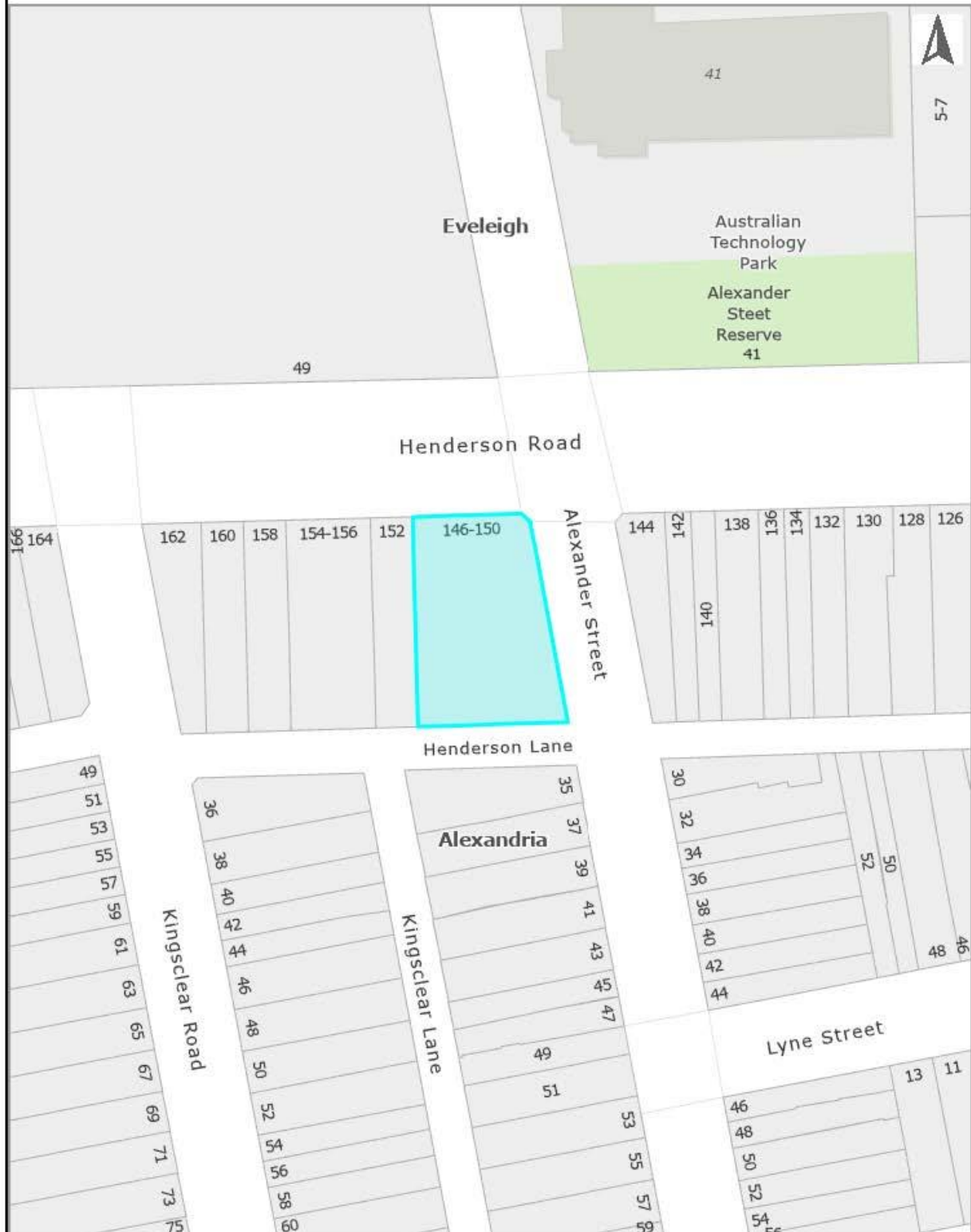
Report – February 2025

Summary table

Att. (A-D)	Premises Specifics	Actions/ Recommendation
A	Not applicable – Summary Sheet	Summary of clause 17, Schedule 5 matters tabled at Council meeting.
B	146 -150 Henderson Road, Alexandria	Premises inspected; owners have been issued with a Fire Safety Order; follow up compliance site inspections are to be undertaken to ensure fire safety works are satisfactorily completed.
C	412 - 416 Crown Street, Surry Hills	Premises inspected; owners have been issued with a Notice of Intention to give a Fire Safety Order; follow up compliance site inspections are to be undertaken to ensure fire safety works are satisfactorily completed.
D ^{or}	280 Jones Street, Pyrmont	Premises inspected; owners have been issued with compliance letter of instruction; follow up compliance site inspections are to be undertaken to ensure fire safety works are satisfactorily completed.

Attachment B

**Inspection Report
146-150 Henderson Road, Alexandria**



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Notes

901/2025

**City of Sydney Investigation Officer Inspection and Recommendation Report
Clause 17(2), Part 8 of Schedule 5, of the Environmental Planning and Assessment
Act 1979 (the Act)**

File: CSM 3248896

Officer: Tanya O'Casey

Date: 20 December 2024

Premises: 146-150 Henderson Road, Alexandria NSW 2015

Executive Summary:

On 1 November 2024, the City of Sydney ('the City') received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) regarding fire safety concerns at the Camelia Grove Hotel. This three-storey mixed-use development includes a hotel, restaurant, and short-term residential accommodation.

The premises has development consent to merge 146-150 Henderson Road with the adjacent residential property at 152 Henderson Road. However, the related construction work was carried out without the necessary construction certificate and is defective. In response to these unauthorised works, the City issued a Notice of Intention to give an Order (NOI) on 31 October 2024 requiring a Fire Safety Audit for the whole building. The potentially unlawful use of 152 Henderson Road was referred to the City's Building Compliance team for investigation.

An inspection by an investigation officer on 25 November 2024, accompanied by the Building Manager, revealed ongoing deficiencies in fire safety and egress provisions, specifically in the following areas:

1. Inadequate fire detection and alarm systems.
2. Insufficient firefighting facilities.
3. Lack of fire-resistant construction to prevent the spread of fire.
4. Unsafe and undignified emergency egress for occupants.
5. Poor fire safety management systems.

Observation of the external features of the building did not identify the existence of any combustible composite cladding on the façade of the building.

No representations were received in response to the NOI dated 31 October 2024, and the subsequent Fire Safety Order (Order) was issued on 13 January 2025. The Order requires the submission of a Fire Safety Audit for the whole building be submitted by 13 May 2025. Depending on the findings of the Audit, the City will require the building to be upgraded as appropriate.

Chronology:

Date	Event
14 June 2024	Initial property inspection to investigate unauthorised works between 146-150 and 152 Henderson Road, Alexandria.
01 September 2024	FRNSW received concerns regarding the adequacy of the provision for fire safety in connection with 'the premises'. Specifically, that a fire exit door was being blocked by milk crates and other objects.
10 September 2024	FRNSW inspected the premises.
31 October 2024	The City issued a Notice of Intention (NOI) to issue a fire safety order requiring an audit of the building.
01 November 2024	The City received FRNSW correspondence regarding premises 146-150 Henderson Road, Alexandria
25 November 2024	An inspection of the subject premises was undertaken by a Council officer. The inspection revealed that generally the fire services within the building were being maintained. Non-compliant items are subject of the NOI issued 31 October 2024.
13 January 2025	Fire Safety Order issued in accordance with the NOI.

FIRE AND RESCUE NSW REPORT:

References:

File Ref. No: FRN24/2709 - BFS24/5644 – 8000037777; 2024/127324

Fire and Rescue NSW conducted an inspection of the subject premises on 10 September 2024 after receiving an enquiry about a milk crate consistently being located within an exit, potentially obstructing egress in a fire event.

The report from FRNSW detailed a number of issues, in particular noting:

Ref.	Issue	City response
1	Essential Fire Safety Measures	
1A	Annual Fire Safety Statement (AFSS) - Clause 89(4)(b) of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (DCFS Regulation) states that the AFSS must be prominently displayed in the building. At the time of the inspection the AFSS could not be located.	The Annual Fire Safety Statement, prominently displayed in the building, was observed during the inspection on 25 November 2024, addressing this issue.
1B	System Monitoring – The premises has a Class 3 part located more than 2 storeys above ground level however the automatic smoke detection and alarm system is not connected to a fire alarm monitoring system connected to a fire station or a fire station	During the inspection on 21 November 2024, the City was informed that system monitoring has not yet been addressed.

Ref.	Issue	City response
	dispatch centre, contrary to the requirements of Specification NSW S20C8(a) of the NCC.	The Order issued on 13 January 2025 requires a comprehensive audit of the entire building, including system monitoring. Following this audit, and where appropriate, the City may issue an additional NOI and Order to mandate the necessary upgrade works which will address this issue.
1C	Sprinkler System - The block plan associated with the sprinkler system does not specify a standard of performance and an AFSS was not available on site indicating the standard of performance. As such, the following items are of concern to FRNSW - noting that the system may be installed to the requirements of AS2118.1 or AS2118.4.	The Annual Fire Safety Statement, prominently displayed in the building, was observed during the inspection on 25 November 2024, addressing this issue.
i.	Alarm Signalling Equipment connected to a fire station, or a fire station dispatch centre has not been provided, contrary to the requirements of Clause 5.7 & 5.8 of AS2118.4 or Clause 3.2 of AS2118.1-1999 and Specification NSW S18C3 (as applicable) of the NCC.	During the inspection on 25 November 2024, the City was informed that alarm signalling equipment has not yet been connected. The Order issued on 13 January 2025 requires a comprehensive audit of the entire building, including alarm signalling equipment. Following this audit, and where appropriate, the City may issue an additional NOI and Order to mandate the necessary upgrade works which will address this issue.
ii.	A sign marked with the words 'SPRINKLER BOOSTER CONNECTION' in letters not less than 50mm high, in a colour contrasting with the background and marked with the maximum allowable inlet pressure at the connection was not provided at the booster connection, contrary to the requirements of Clause 3.8 of AS 2118.4-2012 or Clause 4.4.3 of AS2118.1-1999.	During the inspection on 25 November 2024, the City was informed that signage has not yet been addressed. The Order issued on 13 January 2025 requires a comprehensive audit of the entire building, including system signage. Following this audit, and where appropriate, the City may issue an

Ref.	Issue	City response
		additional NOI and Order to mandate the necessary upgrade works which will address this issue.
iii.	A location plate has not been fixed to the external wall, near to the main stop valve, contrary to the requirements of Clause 8.4 of AS2118.1-1999.	The Order issued on 13 January 2025 requires a comprehensive audit of the entire building. Following this audit, and where appropriate, the City may issue an additional NOI and Order to mandate the necessary upgrade works which will address this issue.
iv.	The plan of risk (block plan) provided adjacent to the sprinkler valves did not include all the relevant information as required by Clause 8.3 of AS 2118.1–1999.	The Order issued on 13 January 2025 requires a comprehensive audit of the entire building. Following this audit, and where appropriate, the City may issue an additional NOI and Order to mandate the necessary upgrade works which will address this issue.
v	Stop valves were not secured open by a padlocked chain or riveted strap, in accordance with the requirements of Clause 5.2.6 of AS 2118.4-2012 or Clause 8.2 of AS 2118.1–1999.	The Order issued on 13 January 2025 requires a comprehensive audit of the entire building. Following this audit, and where appropriate, the City may issue an additional NOI and Order to mandate the necessary upgrade works which will address this issue.
vi.	The metal door to the booster connection was damaged and difficult to open.	The Order issued on 13 January 2025 requires a comprehensive audit of the entire building. Following this audit, and where appropriate, the City may issue an additional NOI and Order to mandate the necessary upgrade works which will address this issue.
1D	Exit Signs – An exit sign at the beer garden was not illuminated and the pictorial element was not properly attached to the body of the unit, contrary to the requirements of Clause E4D8 of the NCC and Section 3 of AS 2293.1–2005.	The Order issued on 13 January 2025 requires a comprehensive audit of the entire building. Following this audit, and where appropriate, the City may issue an additional NOI and Order

Ref.	Issue	City response
		to mandate the necessary upgrade works which will address this issue.
2.	Access and Egress	
2A.	Fire Exits & Fire Doors – Clause 109 of the DCFS Regulation requires that each fire exit area for the building is kept clear of anything that may obstruct the free passage of persons and that the operation of a fire exit door is not interfered with or obstructed. At the time of the inspection the following was noted.	Noted. No action required to address this comment.
i.	A milk crate was observed at the fire exit door recess to the rear lane which caused an impediment to the operation of the door. The crate was subsequently removed, and the manager of the premises was requested to inform staff of the issue and ensure that the exit door remains free from impediments.	The inspection undertaken on 25 November 2024 verified that the milkcrate had been removed, addressing this issue.
ii.	Pot plants were observed in the stair from the upper floor to the ground floor beer garden which may cause an impediment.	The Order issued on 13 January 2025 requires a comprehensive audit of the entire building. Following this audit, and where appropriate, the City may issue an additional NOI and Order to mandate the necessary upgrade works which will address this issue.
iii.	Part of the panic bar mechanism to the fire exit door to the rear lane was damaged which may interfere with the operation of the door.	The Order issued on 13 January 2025 requires a comprehensive audit of the entire building. Following this audit, and where appropriate, the City may issue an additional NOI and Order to mandate the necessary upgrade works which will address this issue.
2B	Swinging Doors – The final exit door from the accommodation to Alexander Street opens against the direction of egress and does not appear to be fitted with a device for holding it in the open position, contrary to the requirements of Clause D3D25 of the NCC.	The Order issued on 13 January 2025 requires a comprehensive audit of the entire building. Following this audit, and where appropriate, the City may issue an additional NOI and Order to mandate the necessary upgrade works which will address this issue.
3	Compartmentation	
3A	Bounding Construction – With regard to the first & second floor sole-occupancy units (SOUs) and Clause NSW C4D12 of the NCC, the following is	The Order issued on 13 January 2025 requires a comprehensive audit of the entire building.

Ref.	Issue	City response
	noted, assuming Type A construction is required as per the requirements of Table C2D2 of the NCC:	Following this audit, and where appropriate, the City may issue an additional NOI and Order to mandate the necessary upgrade works which will address this issue.
i.	Transom windows are located in bounding construction required to have a FRL, above the doorways providing access from the SOUs to the internal stairway, contrary to the requirements of Clause C4D12(6) of the NCC.	The Order issued on 13 January 2025 requires a comprehensive audit of the entire building. Following this audit, and where appropriate, the City may issue an additional NOI and Order to mandate the necessary upgrade works which will address this issue.
ii	The entry doors to the SOUs have not been provided with self-closing -/60/30 fire doors, contrary to the requirements of Clause C4D12(1) & C4D12(4) of the NCC.	The Order issued on 13 January 2025 requires a comprehensive audit of the entire building. Following this audit, and where appropriate, the City may issue an additional NOI and Order to mandate the necessary upgrade works which will address this issue.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

FRNSW Recommendations

FRNSW recommends that Council:

- A. Review items 1 to 3 of this report and conduct an inspection.
- B. Address any other deficiencies identified on the premises.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the Environmental Planning and Assessment Act 1979.

Issue Order (NOI)	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	Continue to undertake compliance action in response to issued Council correspondence	Continue with compliance actions under the current Council Order	Other (to specify)

As a result of a site inspection undertaken by Council's investigation officer the premises was issued a Fire Safety Order, following a NOI and consideration of the representations made. The Order requires the submission of a Fire Safety Audit for the whole building. Dependent on the findings of the Audit, the City may require the building to be upgraded as appropriate.

If a further order is issued, City staff will undertake follow up compliance site inspections to ensure fire safety works are satisfactorily completed.

It is recommended that the Commissioner of FRNSW be advised of Council's actions and determination.

OFFICIAL



File Ref. No: FRN24/2709 - BFS24/5644 - 8000037777
TRIM Ref. No: D2024/127324
Contact: Conor Hackett

1 November 2024

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT
CAMELIA GROVE HOTEL
146 HENDERSON RD, ALEXANDRIA NSW 2015 ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 1 September 2024 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

Fire exit door blocked by milk crates and other objects .these are in an alcove outside the door meaning they can't be cleared in an emergency and will block the door from opening

I have previously raised this with the manager ,but the issue keeps happening .

Pursuant to Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW inspected 'the premises' on 10 September 2024.

On behalf of the Commissioner of FRNSW, the comments in this report are provided under Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

The items listed in the comments of this report are based on the following limitations:

Fire and Rescue NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
Community Safety Directorate	1 Amarina Ave	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre NSW 2190	F (02) 9742 7483
www.fire.nsw.gov.au		Page 1 of 4

OFFICIAL

OFFICIAL

- A general overview of the building was obtained without using the development consent conditions or approved floor plans as a reference.
- Details of the Provisions for Fire Safety and Fire Fighting Equipment are limited to a visual inspection of the parts in the building accessed and the fire safety measures observed at the time.

COMMENTS

This report is limited to observations and sections of the building accessed at the time of the inspection. As such, this report lists potential deviations from the National Construction Code 2022 Building Code of Australia – Volume One (NCC) or applicable Australian Standards.

Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed may relate to the building's age or contradict development consent approval. In this regard, it is at council's discretion as the appropriate regulatory authority to consider the most appropriate action and determine whether an investigation is required.

The following items were identified during the inspection:

1. Essential Fire Safety Measures

- 1A. Annual Fire Safety Statement (AFSS) - Clause 89(4)(b) of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (DCFS Regulation) states that the AFSS must be prominently displayed in the building. At the time of the inspection the AFSS could not be located.
- 1B. System Monitoring – The premises has a Class 3 part located more than 2 storeys above ground level however the automatic smoke detection and alarm system is not connected to a fire alarm monitoring system connected to a fire station or a fire station dispatch centre, contrary to the requirements of Specification NSW S20C8(a) of the NCC.
- 1C. Sprinkler System - The block plan associated with the sprinkler system does not specify a standard of performance and an AFSS was not available on site indicating the standard of performance. As such, the following items are of concern to FRNSW - noting that the system may be installed to the requirements of AS2118.1 or AS2118.4.
 - i. Alarm Signalling Equipment connected to a fire station or a fire station dispatch centre has not been provided, contrary to the requirements of Clause 5.7 & 5.8 of AS2118.4 or Clause 3.2 of AS2118.1-1999 and Specification NSW S18C3 (as applicable) of the NCC.
 - ii. A sign marked with the words 'SPRINKLER BOOSTER CONNECTION' in letters not less than 50mm high, in a colour

contrasting with the background and marked with the maximum allowable inlet pressure at the connection was not provided at the booster connection, contrary to the requirements of Clause 3.8 of AS 2118.4-2012 or Clause 4.4.3 of AS2118.1-1999.

- iii. A location plate has not been fixed to the external wall, near to the main stop valve, contrary to the requirements of Clause 8.4 of AS2118.1-1999.
 - iv. The plan of risk (block plan) provided adjacent to the sprinkler valves did not include all the relevant information as required by Clause 8.3 of AS 2118.1-1999.
 - v. Stop valves were not secured open by a padlocked chain or riveted strap, in accordance with the requirements of Clause 5.2.6 of AS 2118.4-2012 or Clause 8.2 of AS 2118.1-1999.
 - vi. The metal door to the booster connection was damaged and difficult to open.
- 1D. Exit Signs – An exit sign at the beer garden was not illuminated and the pictorial element was not properly attached to the body of the unit, contrary to the requirements of Clause E4D8 of the NCC and Section 3 of AS 2293.1-2005.

2. Access & Egress

- 2A. Fire Exits & Fire Doors - Clause 109 of the DCFS Regulation requires that each fire exit area for the building is kept clear of anything that may obstruct the free passage of persons and that the operation of a fire exit door is not interfered with or obstructed. At the time of the inspection the following was noted:
- i. A milk crate was observed at the fire exit door recess to the rear lane which caused an impediment to the operation of the door. The crate was subsequently removed and the manager of the premises was requested to inform staff of the issue and ensure that the exit door remains free from impediments.
 - ii. Pot plants were observed in the stair from the upper floor to the ground floor beer garden which may cause an impediment.
 - iii. Part of the panic bar mechanism to the fire exit door to the rear lane was damaged which may interfere with the operation of the door.
- 2B. Swinging Doors - The final exit door from the accommodation to Alexander Street opens against the direction of egress and does not appear to be fitted with a device for holding it in the open position, contrary to the requirements of Clause D3D25 of the NCC.

3. Compartmentation

- 3A. Bounding Construction – With regard to the first & second floor sole-occupancy units (SOUs) and Clause NSW C4D12 of the NCC, the following is noted, assuming Type A construction is required as per the requirements of Table C2D2 of the NCC:
- i. Transom windows are located in bounding construction required to have a FRL, above the doorways providing access from the SOUs to the internal stairway, contrary to the requirements of Clause C4D12(6) of the NCC.
 - ii. The entry doors to the SOUs have not been provided with self-closing -/60/30 fire doors, contrary to the requirements of Clause C4D12(1) & C4D12(4) of the NCC.

FRNSW believes that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 to 3 of this report and conduct an inspection.
- b. Address any other deficiencies identified on “the premises”.

Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting. This matter is referred to Council as the appropriate regulatory authority. FRNSW awaits the Council's advice regarding its determination under Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Please do not hesitate to contact Conor Hackett of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call (02) 9742 7434 if there are any questions or concerns about the above matters. Please refer to file reference FRN24/2709 - BFS24/5644 - 8000037777 regarding any correspondence concerning this matter.

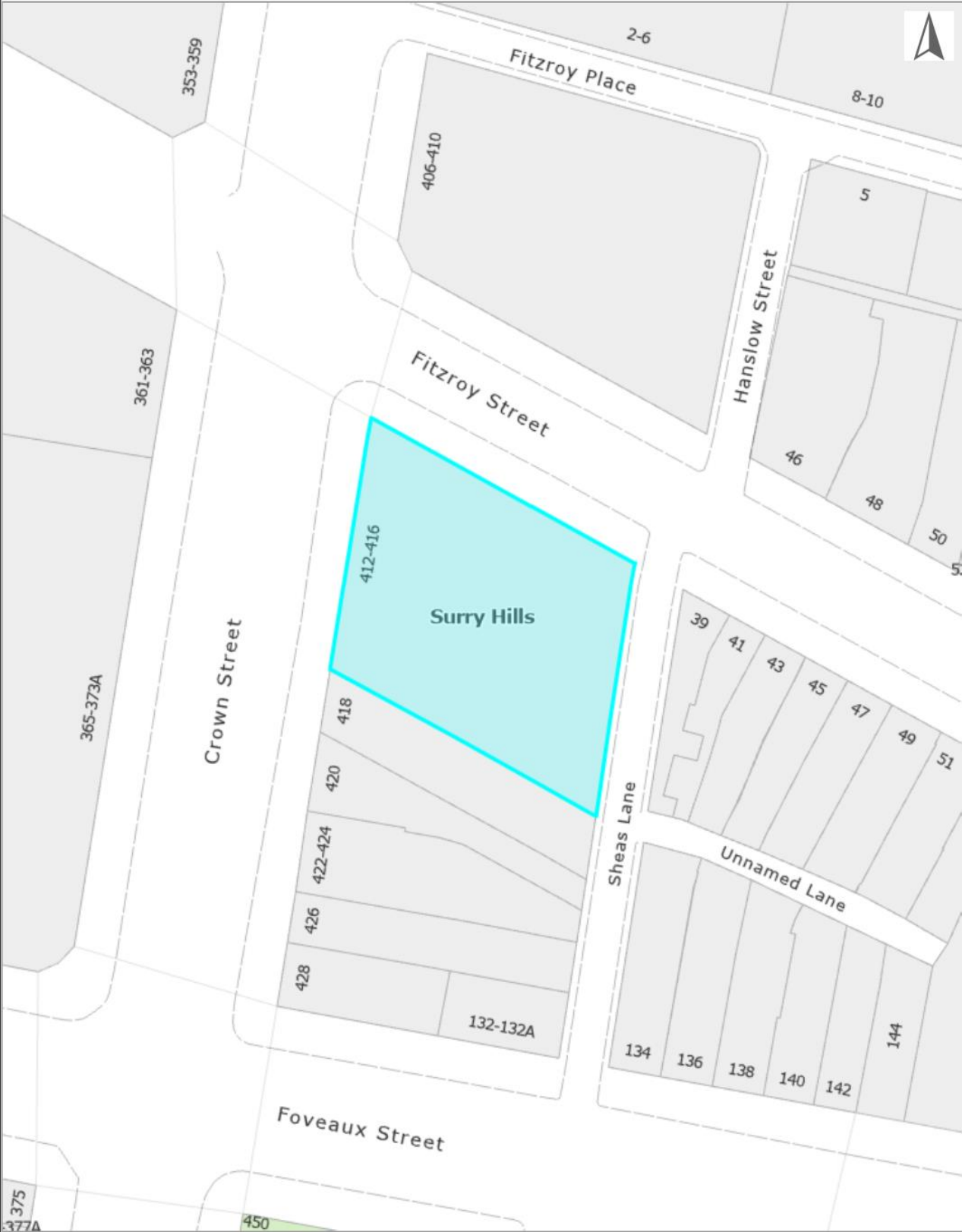
Yours faithfully



Conor Hackett
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment C

**Inspection Report
412-416 Crown Street, Surry Hills**



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Notes

4/12/2024

**City of Sydney Investigation Officer Inspection and Recommendation Report
Clause 17(2), Part 8 of Schedule 5, of the Environmental Planning and Assessment
Act 1979 (the Act)**

File: CSM 3255086

Officer: Arfan Chaudhary

Date: 2 January 2025

Premises: 412-416 Crown Street, Surry Hills NSW 2010

Executive Summary:

The City of Sydney ('the City') received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 15 November 2024 with respect to matters of fire safety.

The premises consists of a three-storey building known as the Dolphin Hotel. The hotel is contained within the site which originally consisted of 412-414 Crown Street, however the hotel expanded during 1995 and acquired 416 Crown Street. The three-storey inter war free classical style building located at 412-414 Crown Street is a listed heritage item located within the Bourke Street North Conservation Area and the Crown Street heritage streetscape.

The hotel contains a gaming room, bottle shop, pool room, restaurant, bar and storage areas at ground level. A dining area, kitchen and staff offices are located at mezzanine level. A bar, lounge and terrace are located on the first floor. The terrace fronts Crown Street and a void is in the centre of the first floor. A function room and toilets are located at the second level. There are four public entrances to the hotel, three on Crown Street and one via Fitzroy Street.

An inspection of the premises undertaken by the City's investigation officer on 3 December 2024 in the presence of the hotel manager and director of the premises revealed that the premises are deficient in fire safety and egress provisions in the following areas:

1. A lack of adequate facilities for firefighting.
2. Suitable fire resisting construction to prevent the spread of fire.
3. Safe and dignified emergency egress for occupants to safely evacuate the building in the event of a fire.

As the City's investigations have revealed that the premises are deficient in the provisions for fire safety, a Notice of Intention to issue a fire safety order was issued on 8 January 2025 under Schedule 5 of the Environmental Planning and Assessment Act, 1979. This will ensure and promote adequate facilities for fire safety and fire safety awareness.

Observation of the external features of the building did not identify the existence of any combustible composite cladding on the façade of the building.

Chronology:

Date	Event
15 November 2024	FRNSW correspondence received regarding premises 412-416 Crown Street, Surry Hills. The correspondence was initiated by a complainant concerning fire safety and a FRNSW inspection on 6 November 2024. The correspondence stated, <i>"The correspondence identified in part, concerns with inadequate emergency exits and emergency management of the venue."</i>
3 December 2024	An inspection of the subject premises was undertaken by a City investigation officer on 3 December 2024, with the hotel manager and director. The following items were noted: 1. The internal doors providing access to pumproom was not fitted with a lock compatible with FRNSW access key (003 key). 2. A location plate to identify the location of the sprinkler control valve was not fixed on the outside wall near the sprinkler valve room. 3. Signage stating "Fire Panel" to identify the location of the Fire Brigade Panel (FBP) was not provided on the room doors. 4. The FBP was in a room containing the sprinkler pump/control valves, contrary to AS1670.1-2018. 5. At the time of the inspection, the paths of travel leading to the fire exits, along with the fire exits and fire exit doors were all clear and unobstructed. 6. A space beneath the non-fire-isolated stair on the ground floor was enclosed to form a cupboard and did not appear to consist of fire rated walls and ceiling. 7. The unobstructed width of the stairway connecting levels 1 & 2 did not appear to achieve a width of 1m. 8. A non-continuous handrail installed to the stairway connecting levels 1 & 2 was not compliant with the requirements of the current NCC. 9. Level 2 of the building is not provided with a stairway which provides a continuous means of travel by its own flights and landings to the level providing egress to a road or open space. 10. The ground floor bar area contains fabric cloth and foam which has been wrapped around columns and fixed to the walls and ceilings. It is not known if the installation of the cloth has been appropriately assessed under any development approval for fit out works to the premises. 11. The fire indicator panel (FIP) did not show any faults. 12. The building occupant warning system did not display any fault. 13. The building contains a code compliant automatic fire suppression system (sprinklers) which can be used by occupants of the building to fight a potential fire in the building.

Date	Event
	14. The fire safety statement displayed at the premises was last year's annual statement and needs to be replaced by the latest certified annual statement. 15. Other fire safety measures in the building appeared to be adequately maintained. Issues specifically raised by FRNSW and responses to those issues, are summarised in the following table.
8 January 2025	A Notice of Intention (NOI) to give a Fire Safety Order has been issued. File Number: FIRE/2025/1

FIRE AND RESCUE NSW REPORT:

References: FRN24/2892 BFS24/6192 - 8000038257; 2024/672382

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry concerning the adequacy of the provision for fire safety in connection with "the premises".

The report from FRNSW detailed a number of issues, in particular noting:

Ref.	Issue	City response
	Essential Fire Safety Measures	
	Fire Sprinkler System	
1.	The sprinkler pumphouse contains the sprinkler pumpset, control valve, booster connection and fire brigade panel (FBP).	Noted. No action required to address this comment.
A.	The internal doors providing access to pumphouse was not fitted with a lock compatible with FRNSW access key (003 key).	This issue has been addressed by the NOI issued on 8 January 2025.
B.	Signage to identify the location of the sprinkler control valve is not provided, contrary to the requirements of Clause 8.4 of AS 2118.1-2017	This issue has been addressed by the NOI issued on 8 January 2025.
C.	Signage stating "Fire Panel" to identify the location of the FBP has not been provided on the room doors, contrary to the requirements of Clause 3.9.2 of AS 1670.1-2018.	This issue has been addressed by the NOI issued on 8 January 2025.
D.	The FBP is located in a room containing the sprinkler pump/control valves, contrary to Clause 3.9.1 of AS1670.1-2018.	The fire indicator panel installed in the sprinkler valve room is in accordance with AS 1670.1 – 1995 (Trim: 2011/182690). However, a mimic panel was not installed within the main entrance area. This issue has been addressed by the NOI issued on 8 January 2025.
	Exits	
2.	The exit door adjacent to the main bar was blocked by furniture and obstructing access to the fire exit, contrary to the requirements of Section 109 of the EPAR 2021. In this regard, the exit was cleared by the Bar Manager at the time of the inspection.	At the time of inspection, the main bar area was not blocked, addressing this issue.

Ref.	Issue	City response
	Furthermore, Authorised Officers of FRNSW discussed with the Bar Manager their responsibility to ensure paths of travel to exits and fire exits remain clear at all times.	
3.	Exit doors discharging at ground level were observed containing lockable pad bolts and slide bolts capable of interfering with the operations of the exit door, contrary to the Section 109 of the EPAR 2021.	This issue has been addressed by the NOI issued on 8 January 2025.
4.	A space beneath the non-fire-isolated stair on the ground floor was enclosed to form a cupboard and did not appear to consist of enclosing walls and ceiling achieving an FRL of not less than 60/60/60 and a self-closing -/60/30 fire door, contrary to the requirements of Clause D3D9(2) of the NCC.	This issue has been addressed by the NOI issued on 8 January 2025.
5.	The unobstructed width of the stairway connecting levels 1 & 2 appears to achieve a width of less than 1m, contrary to the requirements of Clause D2D8 of the NCC.	P/2013/2232 (Construction Certificate) refers that the building has two stairways connecting level 1 and 2, and 4 exits at ground floor. An automatic fire suppression (sprinkler) system is also installed in the building, which greatly reducing risk of fire spread. Considering the current exit layout and provision of a sprinkler system, the building occupants will have sufficient means to exit the building without delay in a fire situation, addressing this issue.
6.	A non-continuous handrail is installed to the stairway connecting levels 1 & 2, contrary to the requirements of Clause D3D22 (1)(e) of the NCC.	This issue has been addressed by the NOI issued on 8 January 2025.
7.	Level 2 of the building is not provided with a stairway which provides a continuous means of travel by its own flights and landings to the level providing egress to a road or open space, contrary to the requirements of Clause D2D14 of the NCC.	P/2013/2232 (Construction Certificate) refers that the building has two stairways connecting level 1 and 2, and 4 exits at ground floor. Considering the current exit numbers and provided sprinkler system, the building occupants will have sufficient means to exit the building without delay in a fire situation, addressing this issue
	General	
8.	The ground floor bar area contains fabric cloth and foam which has been wrapped around columns and fixed to the walls and ceilings. It is not known if the installation of the cloth has been appropriately assessed under any development approval for fit out works to the premises. In this regard, further investigation may be required to determine if the fabric cloth, foam and attachment method meets the requirements of Clause C2D11 and Specification 7 of the NCC with respect to their fire hazard properties.	The extensive installation of fabric cloth in the ground floor area has the potential to create a fire hazard. The NOI issued on 8 January 2025 has requested the owners demonstrate the cloth does not create a hazard. If this cannot be demonstrated, the owners will be required to remove the cloth.

Ref.	Issue	City response
	Furthermore, the fabric cloth has the potential to hinder the operation of the sprinkler heads and emergency lighting in the main bar area.	

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

FRNSW recommends that Council review items 1 to 8 of this report, conduct an inspection, and address any other deficiencies identified on “the premises”.

OFFICER RECOMMENDATIONS:

Issue Order	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	Continue to undertake compliance action in response to issue The City correspondence	Continue with compliance actions under the current Order	Other (to specify)
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As a result of the investigation undertaken by the City’s investigation officer it was determined that concern for public safety required the giving of a NOI to issue a fire safety order under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979.

The NOI was issued on 8 January 2025. It is recommended that the City exercise its power to issue a Fire Safety Order following the expiry of the representation period of the NOI, and consideration of any representations received, to ensure suitable fire safety systems are in place throughout the building to provide improved and adequate provisions for fire safety.

It is recommended that the Commissioner of FRNSW be advised of the City’s actions and determination.

OFFICIAL



File Ref. No: FRN24/2892 BFS24/6192 - 8000038257
TRIM Ref. No: D2024/134854
Contact: Matthew Warbrick

15 November 2024

General Manager
Council of the City of Sydney
GPO Box 1591
Sydney NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir Madam,

**Re: 9.32 INSPECTION REPORT
THE DOLPHIN HOTEL
412 – 416 CROWN STREET SURRY HILLS ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 23 September 2023 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence identified in part, concerns with inadequate emergency exits and emergency management of the venue.

Pursuant to Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW inspected 'the premises' on 6 November 2024.

On behalf of the Commissioner of FRNSW, the comments in this report are provided under Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

The items listed in the comments of this report are based on the following limitations:

- A general overview of the building was obtained without using the development consent conditions or approved building plans as a reference.
- Details of the Provisions for Fire Safety and Fire Fighting Equipment are limited to a visual inspection of the parts in the building accessed at the time of the inspection.

Fire and Rescue NSW

ABN 12 593 473 110

www.fire.nsw.gov.au

Community Safety Directorate
Fire Safety Compliance Unit

1 Amarina Ave
Greenacre NSW 2190

T (02) 9742 7434
F (02) 9742 7483

www.fire.nsw.gov.au

Page 1 of 3

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COMMENTS

Items identified in this report relate to the National Construction Code 2022, Volume 1 Building Code of Australia (NCC), provisions for fire safety and fire safety equipment. The items are not an exhaustive list of non-compliances.

FRNSW acknowledges that the differences observed at the time may contradict development consent approval, form part of a management in use policy/procedure that is approved by council or relate to the building's age. Therefore, it's the Council's discretion as the appropriate regulatory authority to consider the most appropriate action.

Fire Sprinkler System

1. The sprinkler pumproom contains the sprinkler pumpset, control valve, booster connection and fire brigade panel (FBP). In this regard, the following was observed:
 - a. The internal doors providing access to pumproom was not fitted with a lock compatible with FRNSW access key (003 key).
 - b. Signage to identify the location of the sprinkler control valve is not provided, contrary to the requirements of Clause 8.4 of AS 2118.1-2017
 - c. Signage stating "Fire Panel" to identify the location of the FBP has not been provided on the room doors, contrary to the requirements of Clause 3.9.2 of AS 1670.1-2018.
 - d. The FBP is located in a room containing the sprinkler pump/control valves, contrary to Clause 3.9.1 of AS1670.1-2018.

Exits

2. The exit door adjacent to the main bar was blocked by furniture and obstructing access to the fire exit, contrary to the requirements of Section 109 of the EPAR 2021. In this regard, the exit was cleared by the Bar Manager at the time of the inspection.

Furthermore, Authorised Officers of FRNSW discussed with the Bar Manager their responsibility to ensure paths off travel to exits and fire exits remain clear at all times.

3. Exit doors discharging at ground level were observed containing lockable pad bolts and slide bolts capable of interfering with the operations of the exit door, contrary to the Section 109 of the EPAR 2021.
4. A space beneath the non-fire-isolated stair on the ground floor was enclosed to form a cupboard and did not appear to consist of enclosing walls and ceiling achieving an FRL of not less than 60/60/60 and a self-closing -/60/30 fire door, contrary to the requirements of Clause D3D9(2) of the NCC.

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5. The unobstructed width of the stairway connecting levels 1 & 2 appears to achieve a width of less than 1m, contrary to the requirements of Clause D2D8 of the NCC.
6. A non-continuous handrail is installed to the stairway connecting levels 1 & 2, contrary to the requirements of Clause D3D22 (1)(e) of the NCC.
7. Level 2 of the building is not provided with a stairway which provides a continuous means of travel by its own flights and landings to the level providing egress to a road or open space, contrary to the requirements of Clause D2D14 of the NCC.

General

8. The ground floor bar area contains fabric cloth and foam which has been wrapped around columns and fixed to the walls and ceilings. It is not known if the installation of the cloth has been appropriately assessed under any development approval for fit out works to the premises.

In this regard, further investigation may be required to determine if the fabric cloth, foam and attachment method meets the requirements of Clause C2D11 and Specification 7 of the NCC with respect to their fire hazard properties. Furthermore, the fabric cloth has the potential to hinder the operation of the sprinkler heads and emergency lighting in the main bar area.

FRNSW believes that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council review items 1 to 8 of this report, conduct an inspection, and address any other deficiencies identified on "the premises". Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting. This matter is referred to Council as the appropriate regulatory authority. FRNSW awaits the Council's advice regarding its determination under Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Please do not hesitate to contact Matthew Warbrick of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call (02) 9742 7434 if there are any questions or concerns about the above matters. Please refer to file reference FRN24/2892 BFS24/6192 - 8000038257 regarding any correspondence concerning this matter.

Yours faithfully



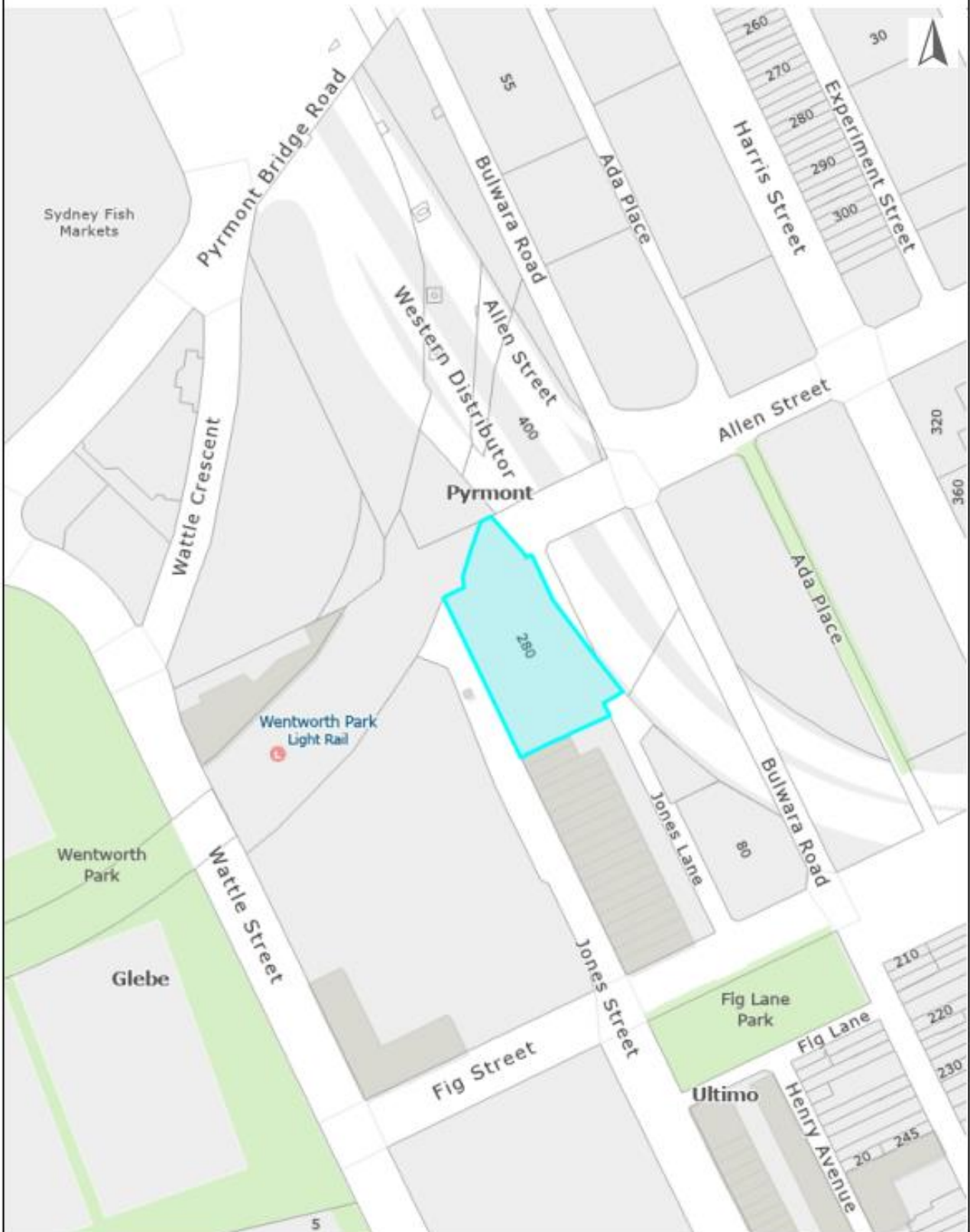
Conor Hackett
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment D

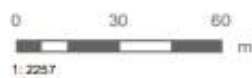
**Inspection Report
280 Jones Street, Pymont**

Locality Map

CITY OF SYDNEY 



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Notes

280 Jones Street Pymont

13/01/2025

**City of Sydney Investigation Officer Inspection and Recommendation Report
Clause 17(2), Part 8 of Schedule 5, of the Environmental Planning and Assessment
Act 1979 (the Act)**

File: CSM 3261771 **Officer:** Bilal Badyari

Date: 13 January 2025

Premises: 280 Jones Street, PYRMONT NSW 2009

Executive Summary:

The City of Sydney (the City) received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) on 3 December 2024. The correspondence was in response to the Project Remediate programme being undertaken by the NSW Department of Customer Service, to remove high-risk combustible cladding on residential apartment buildings, which involved FRNSW undertaking an inspection of the premises on 5 August 2024 and 21 August 2024.

The premises consists of a ten (10) storey building, used primarily for residential accommodation with basement parking and ground floor commercial office. Records indicate the building was constructed in 2013.

An inspection of the premises undertaken by a City investigation officer on 13 January 2025, in the presence of the building manager, revealed no significant fire safety issues occurring within the premises.

The premises are equipped with numerous fire safety systems, both active and passive, that provide adequate provision for fire safety for occupants in the event of a fire.

The City's records indicate that a fire safety order was issued on the owners of the building on 9 March 2023 requiring the owners to remove the combustible cladding and replace the combustible cladding with non-combustible cladding. The City's dedicated Cladding Team is continuing to compliance manage this Order, with the first stage of the Order nearly completed.

Chronology:

Date	Event
30 August 2024	Fire Safety Order issued by FRNSW requiring certification that the diesel pumps for the hydrant and sprinkler system are operational in accordance with their design and installation standard.
29 October 2024	FRNSW correspondence dated 28 October 2024 was received by the City identifying a number of fire safety maintenance issues.
3 December 2024	A review of the City's records was undertaken which identified that a Fire Safety Order had been issued for cladding removal and replacement. This Order is being compliance managed by the Dedicated Cladding Team.
13 January 2025	An inspection of the subject premises was undertaken by a City investigation officer, it was noted that: 1. Building equipped with several fire safety measures noted, including building occupant warning system, emergency lighting/Automatic fire suppression system and automatic alarm and smoke detection system. 2. Smoke and heat detectors provided. 3. Clear signage displayed on the cupboard reading fire indicator panel. 4. No faults in the panel at the time. 5. An Annual Fire Safety Statement dated 10/11/2023, was displayed in prominent area. 6. Service record book report dated 9 December 2024 stated 2 failed items for pump set number 1.

Date	Event
	7. Service record book report dated 9 December 2024 stated all items pass, however in the comments read fuel level 100%, please follow report for outstanding defects for pump set number 2.
14 January 2025	The City issued a compliance letter of instruction requiring owners to rectify minor fire safety issues by 4 February 2025.

FIRE AND RESCUE NSW REPORT:

References: FRN13/5214-BFS22/2071; D24/115580

Fire and Rescue NSW conducted an inspection 5 August and 21 August 2024 of the subject premises in response to the project remediate programme being undertaken by the NSW department of customer service to remove high risk combustible cladding on residential apartment buildings. The report from FRNSW detailed a number of issues, including:

Ref.	Issue	City response
5 August 2024 FRNSW Inspection		
1. Essential Fire Safety Measures		
1A.	Automatic Fire Detection and Alarm System	
A.	The Fire Indicator Panel (FIP) was displaying: i. Two (x2) 'Faults' identified as: o Zone 6 - Ground Floor South - Fire Door West o Zone 1701 - Site Fire Panel – 3rd Loop Load ii. One (x1) 'Disablement' identified as: o Zone 19 Part Disabled – Level 4 North – L5 Lift Lobby	No faults observed during the City's inspection dated 13 January 2025, addressing this issue.
1B.	Combined Fire Hydrant and Sprinkler System	
A.	Pumpsets – The Service Records (logbooks) for the diesel pumps identified the following defects. i. Primary Pump 1 noted: "Exhaust leakage" and "Please follow report for defects". ii. Secondary Pump 2 noted: "Failed to Start Auto & Manual" and "Outstanding defects need to be rectified".	The City's inspection on 13 January 2025 revealed that the defects noted in the logbooks have not been rectified. A compliance letter of instruction was issued on 14 January 2025, addressing this issue.
1C.	Annual Fire Safety Statement (AFSS):	
A.	A copy of the current AFSS was not prominently displayed within the building in accordance with Clause 89 of the EPAR 2021	The City's inspection on 13 January 2025 revealed that the AFSS was not on display. A compliance letter of instruction on 14 January 2025, addressing this issue.
21 August 2024 FRNSW Inspection		
2. Essential Fire Safety Measures		
2A.	Automatic Fire Detection and Alarm System	
A.	The Fire Indicator Panel (FIP) – At the time of the inspection there were no system faults or other issues observed, and the system appeared normal operation.	No faults observed during City's inspection dated 13 January 2025, addressing this issue.
2B.	Combined Fire Hydrant and Sprinkler System	
A.	Pumpsets i. Primary Pump 1 was running for no apparent reason.	No faults observed during City's inspection dated 13 January 2025. The

Ref.	Issue	City response
	ii. Exhaust was filling the pumproom due to the pump running. iii. The onsite Building Manager was unaware the pump was running and the period of time the pump had been running.	building manager advised that fire contractors were called and defect was rectified, addressing this issue.

FRNSW is therefore of the opinion that the fire safety provisions prescribed for the purposes of 9.32(1)(b) of the EP&A Act, have not been complied with.

FRNSW Recommendations

FRNSW have not made any recommendations in relation to this matter.

They advise the defects identified in the FRNSW Order issued on 30 August 2024 have been addressed and are compliant. In this regard, Council is not required to act on item no. 1.1B and 2.2B of this report. It is the Council's discretion to inspect and address any other deficiencies identified on the premises.

CITY INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order (NOI)	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	Continue to undertake compliance action in response to issued Council correspondence	Continue with compliance actions under the current Council Order	Other (to specify)

As a result of site inspection undertaken by the City's investigation officer it was determined to issue the owners of the building a compliance letter of instruction to rectify the identified fire safety deficiencies noted by the City and FRNSW.

The above correspondence has requested that building management attend to the following by 4 February 2025.

1. Ensure all the service logbooks are maintained accurately.
2. Ensure there is adequate level of fuel in the diesel pump sets.
3. Ensure all the outstanding defects identified by your fire contractor in the service logbook report are rectified immediately.
4. Ensure complaint annual fire safety statement is submitted to Council within 21 days from the date of this letter.
5. Ensure current complaint annual fire safety statement is displayed in the prominent area of the building.

The building will be reinspected after 4 February 2025 to ensure the above fire safety issues are suitably addressed.

It is recommended that the City not exercise its powers to give a fire safety order at this time, and that the Commissioner of FRNSW be advised of the City's actions and determination.

OFFICIAL



File Ref. No: FRN13/5214 - BFS22/2071 - 8000021122
TRIM Ref. No: D24/115580
Contact: Mark Knowles

28 October 2024

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance / Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT
280 JONES STREET, PYRMONT ("the premises")**

In response to the Project Remediate programme being undertaken by the NSW Department of Customer Service, to remove high-risk combustible cladding on residential apartment buildings in NSW, an inspections of 'the premises' on 5 August 2024 and 21 August 2024 were conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW), pursuant to the provisions of Section 9.32(1)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

In this instance, the inspection revealed fire safety concerns that may require Council as the appropriate regulatory authority to use its discretion and address the concerns observed at the time of the inspection.

In this regard, the inspection was limited to the following:

- A general overview of the building was obtained without using the development consent conditions or approved floor plans as reference.
- Details of the Provisions for Fire Safety and Fire Fighting Equipment are limited to a visual inspection of the parts in the building accessed and the fire safety measures observed at the time.

Fire and Rescue NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
Community Safety Directorate	1 Amarina Ave	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre NSW 2190	F (02) 9742 7483
www.fire.nsw.gov.au		Page 1 of 8

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On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

COMMENTS

Please be advised that this report is not an exhaustive list of non-compliances. The proceeding items outline concerns in general terms, deviations from the fire safety provisions prescribed in Section 9.32(1)(b) of the EP&A Act and Clause 112 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021).

The following was observed at the time of the inspection on 5 August 2024:

1. Essential Fire Safety Measures

1A. Automatic Fire Detection and Alarm System:

A. The Fire Indicator Panel (FIP) was displaying:

- i. Two (x2) 'Faults' identified as:
 - Zone 6 - Ground Floor South - Fire Door West
 - Zone 1701 - Site Fire Panel – 3rd Loop Load
- ii. One (x1) 'Disablement' identified as:
 - Zone 19 Part Disabled – Level 4 North – L5 Lift Lobby

1B. Combined Fire Hydrant and Sprinkler System:

A. Pumpsets – The Service Records (logbooks) for the diesel pumps identified the following defects.

- i. Primary Pump 1 noted: "Exhaust leakage" and "Please follow report for defects".
- ii. Secondary Pump 2 noted: "Failed to Start Auto & Manual" and "Outstanding defects need to be rectified".

1C. Annual Fire Safety Statement (AFSS):

- A. A copy of the current AFSS was not prominently displayed within the building in accordance with Clause 89 of the EPAR 2021.

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The following was observed at the time of the inspection on 21 August 2024:

2. Essential Fire Safety Measures

2A. Automatic Fire Detection and Alarm System:

- A. The Fire Indicator Panel (FIP) – At the time of the inspection there were no system faults or other issues observed and the system appeared normal operation.

2B. Combined Fire Hydrant and Sprinkler System:

A. Pumpsets:

- i. Primary Pump 1 was running for no apparent reason.
- ii. Exhaust was filling the pumproom due to the pump running.
- iii. The onsite Building Manager was unaware the pump was running and the period of time the pump had been running.

FRNSW is therefore of the opinion that the fire safety provisions prescribed for the purposes of 9.32(1)(b) of the EP&A Act, have not been complied with.

FIRE SAFETY ORDER NO. 1

The inspecting Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW issued an Order No. 1, dated 30 August 2023, in accordance with the provisions of Section 9.34 of the EP&A Act, to have item no. 1.1B and 2.2B of this report rectified.

In accordance with the provisions of Schedule 5, Part 6, Section 12 of the EP&A Act, a copy of the Order is attached for your information (Appendix 1).

OUTCOME

FRNSW received correspondence on 20 September 2024 from the Building Manager/Fire Safety Contractor advising that *'the inspection has been carried out and both pumps are operational'*. A Certificate of Inspection was provided with the email correspondence and has been attached for your information (Appendix 2).

On that basis, the terms of 'the Order' issued on the premises were compliant. In this regard, Council is not required to act on item no. 1.1B and 2.2B of this report. It is the Council's discretion to inspect and address any other deficiencies identified on the premises.

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Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Mark Knowles of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference FRN13/5214 - BFS22/2071 - 8000021122 for any future correspondence in relation to this matter.

Yours faithfully



Mark Knowles
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment: [Appendix 1 – FRNSW Fire Safety Order Ref: D24/105025 dated 30/08/2024]
[Appendix 2 – Certificate of Inspection prepared by Resource Risk
Management dated 20/09/2024]

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Appendix 1 – FRNSW Fire Safety Order No. 1 Ref: D24/105025 dated 30 August 2024

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File Ref. No: FRN13/5214 - BFS22/2071 - 8000021122
TRIM Ref. No: D24/105025
Contact: Mark Knowles

30 August 2024

The Owners of Strata Plan No 92496
C/- Jamesons Strata Management
PO Box 2001
SPIT JUNCTION NSW 2088

Dear Owners of Strata Plan No. 92496

**Re: FIRE SAFETY ORDER – ORDER NO.1
280 JONES STREET, PYRMONT ("the premises")**

Following the Notice of Intention to give a Proposed Fire Safety Order – Order No.1 ("the Notice"), dated 22 August 2024 issued on "the premises", Fire and Rescue NSW (FRNSW) has yet to receive representations in response to the Notice.

Given the circumstances of the fire safety concern and under Schedule 5, Part 7 (Section 14 and Section 15) of the *Environmental Planning & Assessment Act 1979 (EP&A Act)*, FRNSW has determined to issue the Fire Safety Order – Order No.1 based on the information available. I have attached a copy of the FRNSW **Fire Safety Order – Order No.1 ("the Order")** under Section 9.34 of the EP&A Act.

A copy of **the Order** will be forwarded to City of Sydney Council, under Schedule 5, Part 6, Section 12 of the EP&A Act. Authorised Fire Officers will conduct inspections to assess compliance with **the Order**.

Please do not hesitate to contact Mark Knowles of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call (02) 9742 7434 if there are any questions or concerns about the above matters. Please ensure that you refer to file reference FRN13/5214 - BFS22/2071 - 8000021122 regarding any correspondence concerning this matter.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'M. Knowles'.

Mark Knowles
Senior Building Surveyor
Fire Safety Compliance Unit

CC Email: Jamesons Strata Management
Attention: Nathan Frear
nathanf@jamesons.com.au
certifications@jamesons.com.au

Fire and Rescue NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
Community Safety Directorate	1 Amarina Ave	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre NSW 2190	F (02) 9742 7843
www.fire.nsw.gov.au		Page 1 of 3

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Fire Safety Order ORDER No. 1

Under the *Environmental Planning and Assessment Act 1979 (EP&A Act)*
Part 9 Implementation and Enforcement – Division 9.3 Development Control Orders
Fire Safety Orders in accordance with the table to Part 2 - Schedule 5.
Give an Order in accordance with Section 9.34(1)(b)

I, **Mark Knowles** **Senior Building Surveyor** **904279**
(name) (rank) (number)

being an authorised Fire Officer within the meaning of Schedule 5, Part 8, Section 16
of the *Environmental Planning and Assessment Act 1979*, and duly authorised for the
purpose, hereby order you

The Owners of Strata Plan No. 92496 **Owner**
(name of the person whom Order is served) (position, i.e. owner, building manager)

with respect to the premise

280 JONES STREET, PYRMONT ("the premises")
(name/address of premises to which Order is served)

to do, or refrain from doing, the following things:

1. Provide certification from the fire safety contractor confirming that the primary and secondary diesel pumps for the combined fire hydrant and sprinkler system are fully operational in accordance with their design and installation standard.

The reasons for the issue of this Fire Safety Order - Order No.1 are:

- a. At the time of the inspection on 5 August 2024, the Service Records (logbooks) for the diesel pumps identified a number of defects.
 - i. Primary Pump 1 noted "Exhaust leakage" and "Please follow report for defects".
 - ii. Secondary Pump 2 noted "Failed to Start Auto & Manual" and "Outstanding defects need to be rectified".
- b. At the time of the inspection on 21 August 2024:
 - i. Primary Pump 1 was running for no apparent reason.

Fire and Rescue NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
Community Safety Directorate	1 Amarina Ave	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre NSW 2190	F (02) 9742 7843
www.fire.nsw.gov.au		Page 2 of 3

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- ii. Exhaust was filling the pumproom due to the pump running.
- iii. The onsite Building Manager was unaware the pump was running and the period of time the pump had been running.
- c. Given points "a" and "b" above, it cannot be confirmed whether the pumps will operate to the required standard of performance.
- d. Ensuring the correct operation of the combined fire hydrant and sprinkler system pumps will likely safeguard occupants from injury and help to suppress fire by assisting Fire and Rescue NSW in undertaking firefighting operations.
- e. To ensure that the combined fire hydrant and sprinkler system is capable to operating in accordance with the standard of performance it was designed and installed to.
- f. To ensure compliance with the requirements of Section 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.
- g. To do or refrain from doing such things specified in the Order to ensure or promote adequate fire safety or awareness.

The terms of this Fire Safety Order - Order No.1 are to be complied with:

By no later than **5.00 pm** on the **13 September 2024**.

Appeals

Pursuant to Section 8.18 of the Environmental Planning & Assessment Act 1979 (EP&A Act), there is no right of appeal to the Court against this Fire Safety Order - Order No.1 other than an order that prevents a person from using or entering premises.

Non-Compliance with Fire Safety Order – Order No.1

Failure to comply with this Fire Safety Order - Order No.1 may result in further Orders and/or fines being issued.

Substantial penalties may also be imposed under Section 9.37 of the EP&A Act for failure to comply with a Fire Safety Order - Order No.1.



Mark Knowles
Senior Building Surveyor
Fire Safety Compliance Unit

This Fire Safety Order - Order No. 1 was mailed on **30 August 2024**.

Appendix 2 – Certificate of Inspection: Resource Risk Management dated 20 September 2024



20th September, 2024



Sydney Office
Suite 70, Level 4
89-97 Jones Street
Ultimo NSW 2007
ABN 46 067 115 035

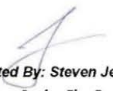
Phone + 61 2 9571 7551
Fax + 61 2 9571 7551
Email admin@rrm.com.au
Web www.rrm.com.au

Certificate of Inspection

Issued under the Building Code of Australia – Evidence of Suitability A2.2 (a) (iii)

Project Address:	280 Jones Street, Pyrmont, NSW
Inspection Certification Scope of Work:	Inspection and Rectification of the existing fire sprinkler pump within the pump room at the above address.
Inspection Certification:	I, Steven Jeffs of Resource Risk Management inspected that: • Primary Sprinkler Pump 1 and Secondary Pump 2, with newly installed batteries operated under fire mode and manual control. • Pump 1 & Pump 2 exhaust have been inspected and rectify to minimize fume leakage. • The Sprinkler Pump has been accessed by a person (chosen by me) who was properly qualified to do so and was found when it was inspected. To have been in accordance with the design requirements to meet at least the minimum applicable Building Code of Australia requirements and/or the relevant Australian Standards and can perform to a standard not less than required. • Inspections and testing have been carried out and to the best of our knowledge the systems are operational

The information contained in this certificate is, to the best of my knowledge and belief, true and accurate.


Inspected By: Steven Jeffs
Director – Senior Fire Engineer
Accreditation number: F053754A