

Local Planning Panel

5 April 2023

Application details

191-195, 197-199, 201 Oxford Street, Darlinghurst

D/2022/327

Applicant/Architect: Neeson Murcutt + Neille

Owner: Save the Robots Trust

Consultants: Mersonn Pty Ltd

Proposal

- alterations and additions to 191-195 Oxford Street
- partial demolition, excavation and construction of a 6 storey building at 197-199, 201 Oxford St
- comprises a hotel, a basement hospitality tenancy, ground floor cafe and restaurant, art gallery spaces, and rooftop bar

Recommendation

Refusal

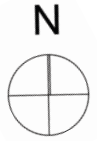
Notification

- exhibition period 1 June to 30 June 2022
- 199 owners and occupiers notified
- 22 submissions received

Submissions

- fails to respond to the existing or desired character for the locality
- height exceedance would set an undesirable precedent
- view impacts
- rights to rely on the private laneway for access and servicing
- failure to remove existing billboard
- failure to consult with and retain existing LGBTQIA+ premises
- potential impact to Busby's Bore

Site





site viewed from Oxford Street



site viewed from Taylor Square





Darlinghurst Courthouse

opposite side of Oxford Street to the north



corner of Oxford Street and Flinders Street



'T2' building



Courthouse Hotel and Kinselas Hotel

opposite side of Taylor Square to west



Oxford Hotel

opposite side of Oxford Street/Taylor Square to north west



site viewed from Flinders Street



adjoining buildings to south

Proposal





without existing street trees



with existing street trees

photomontage - Oxford Street

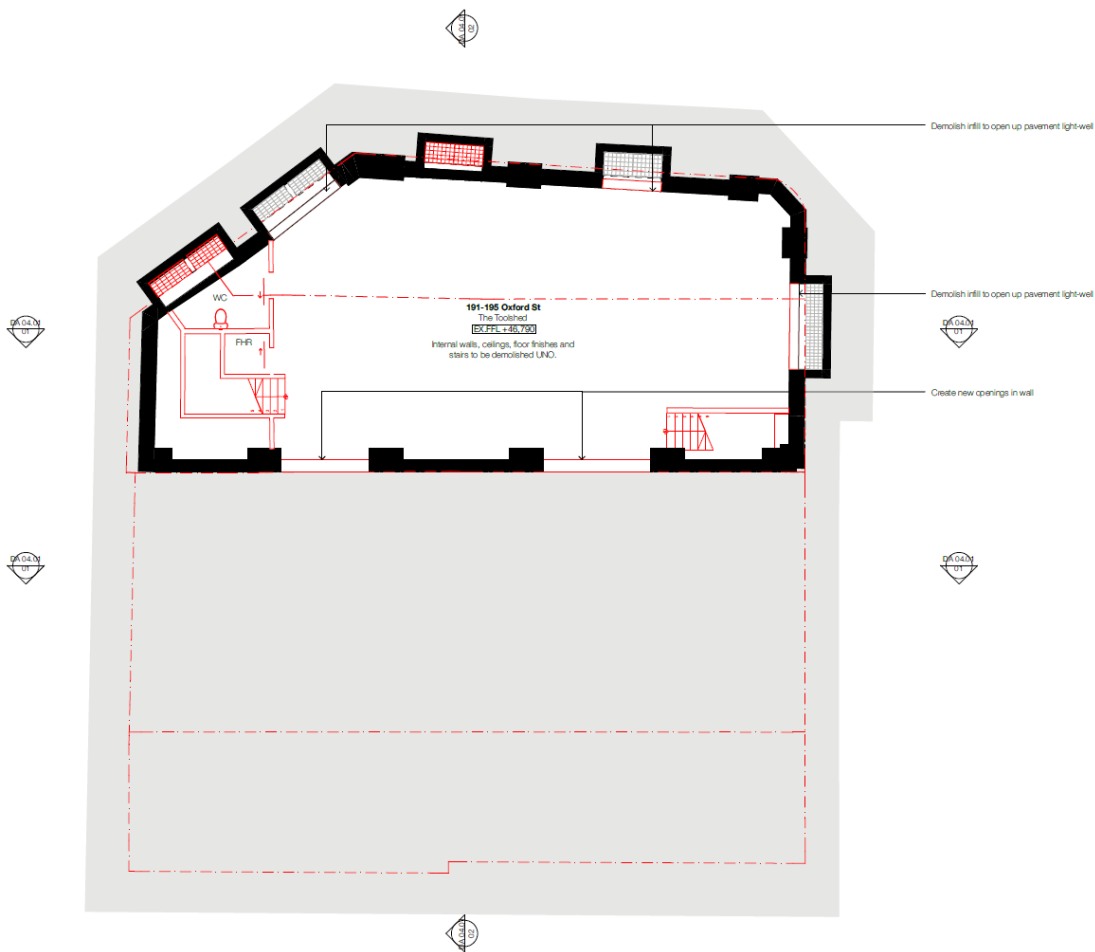


without existing street trees

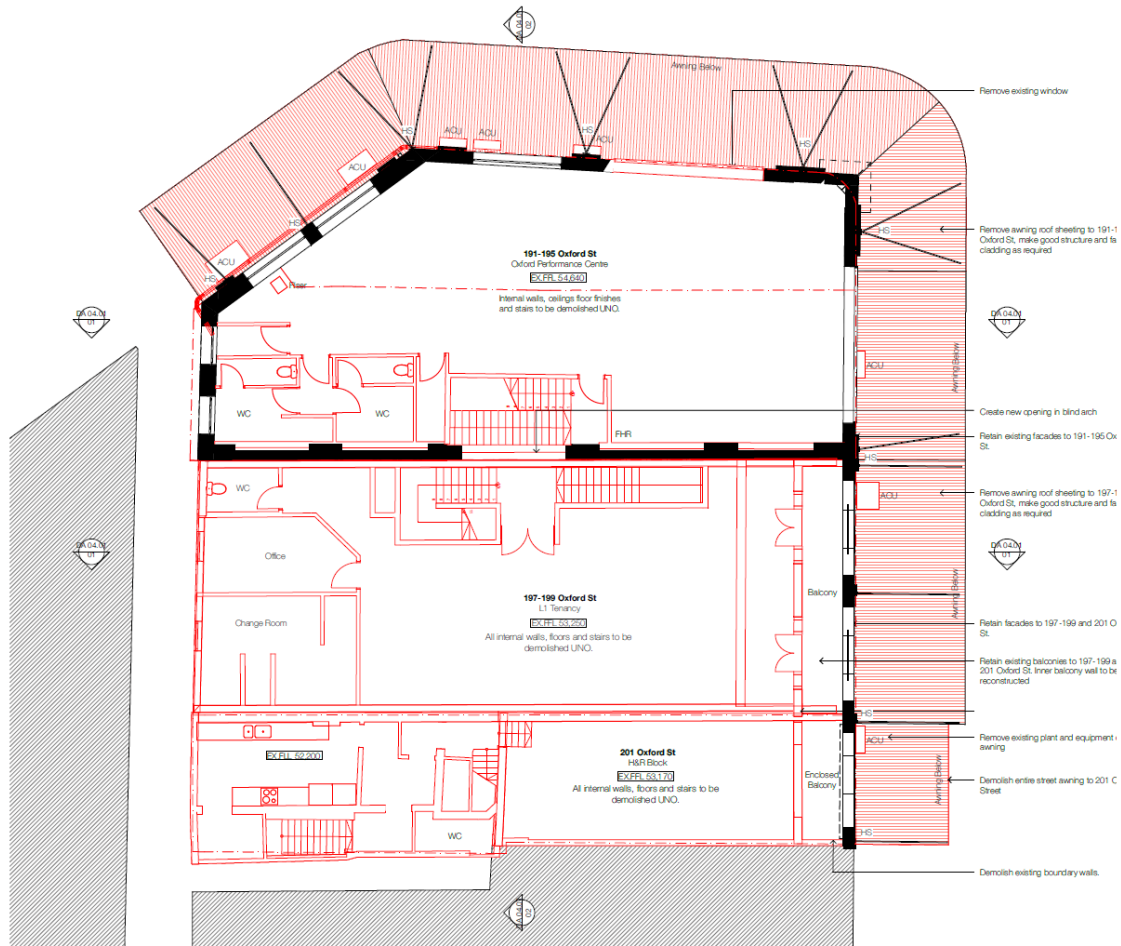


with existing street trees

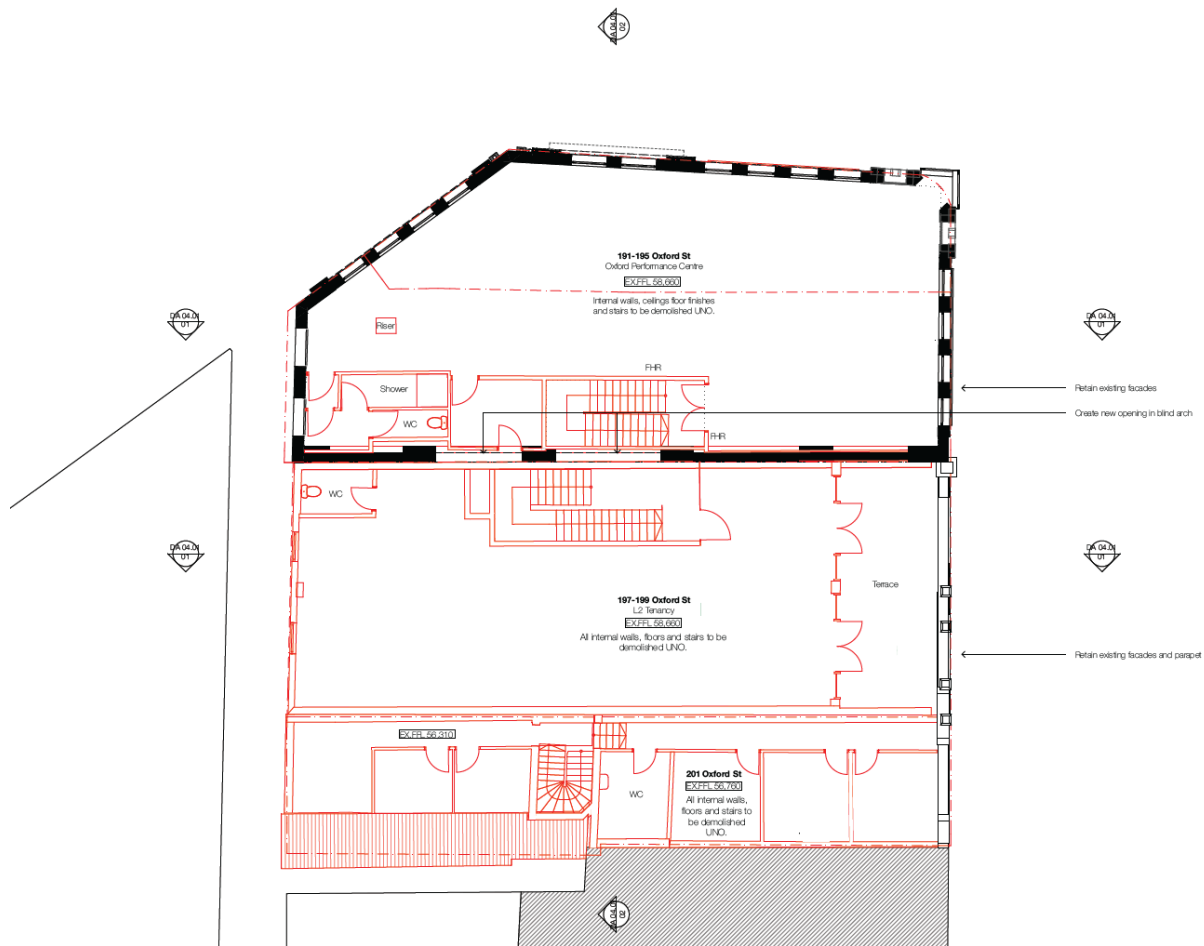
photomontage - Flinders Street



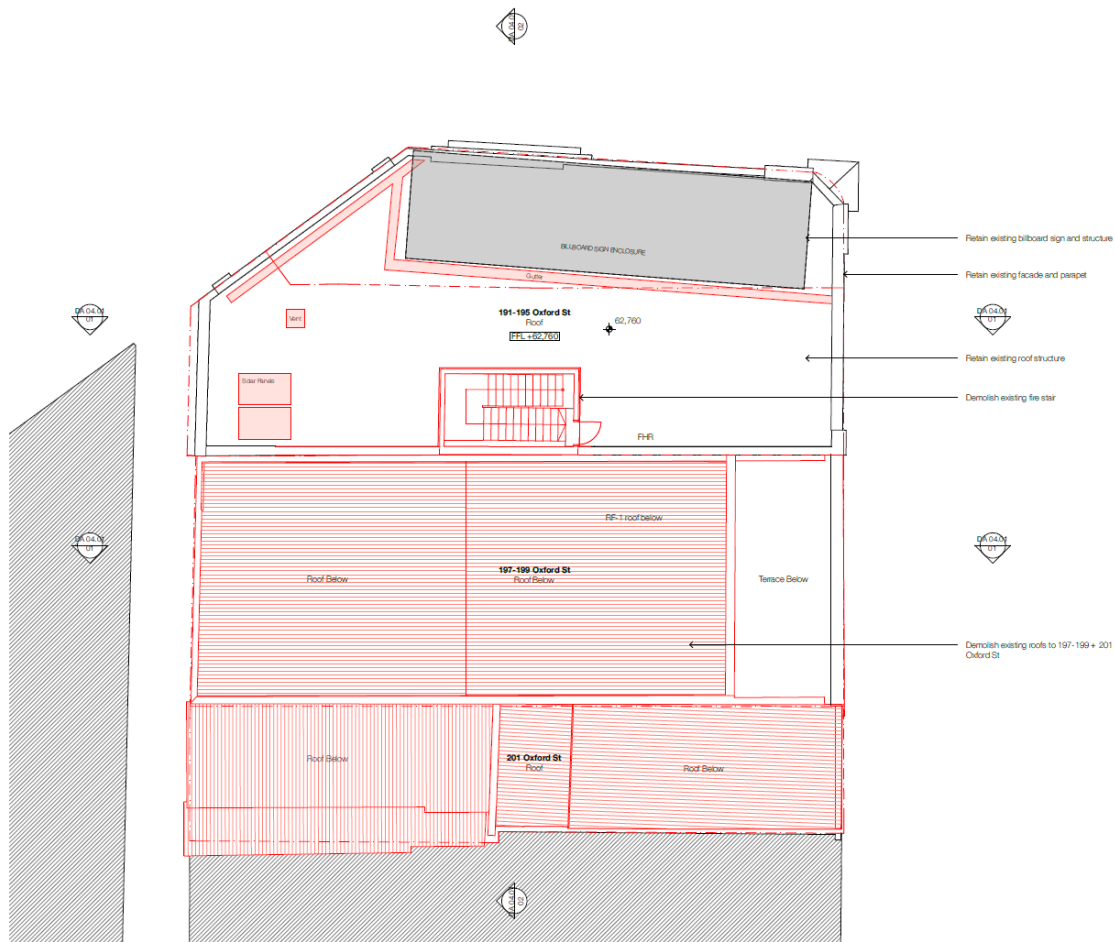
demolition - basement



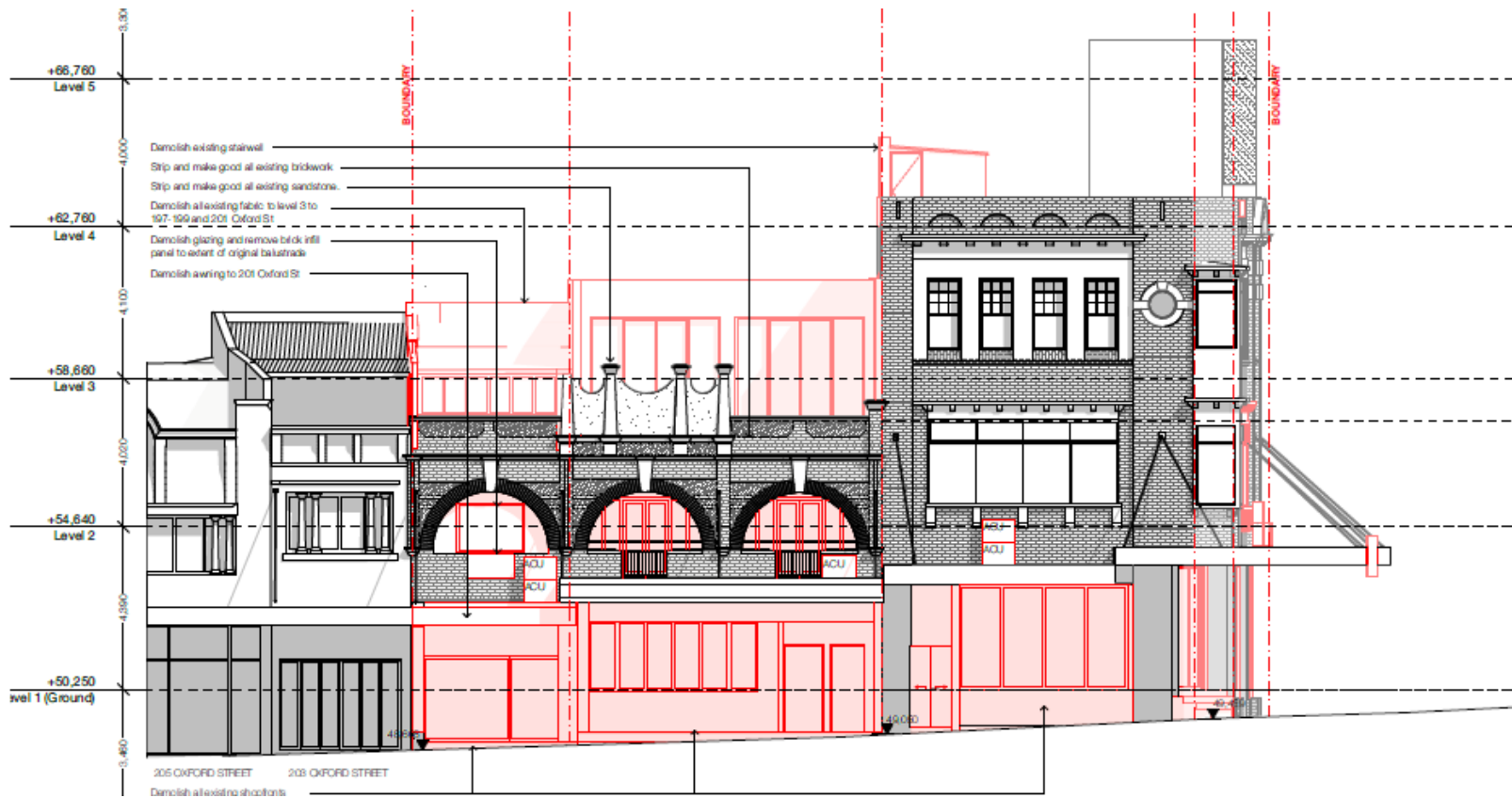
demolition - level 2



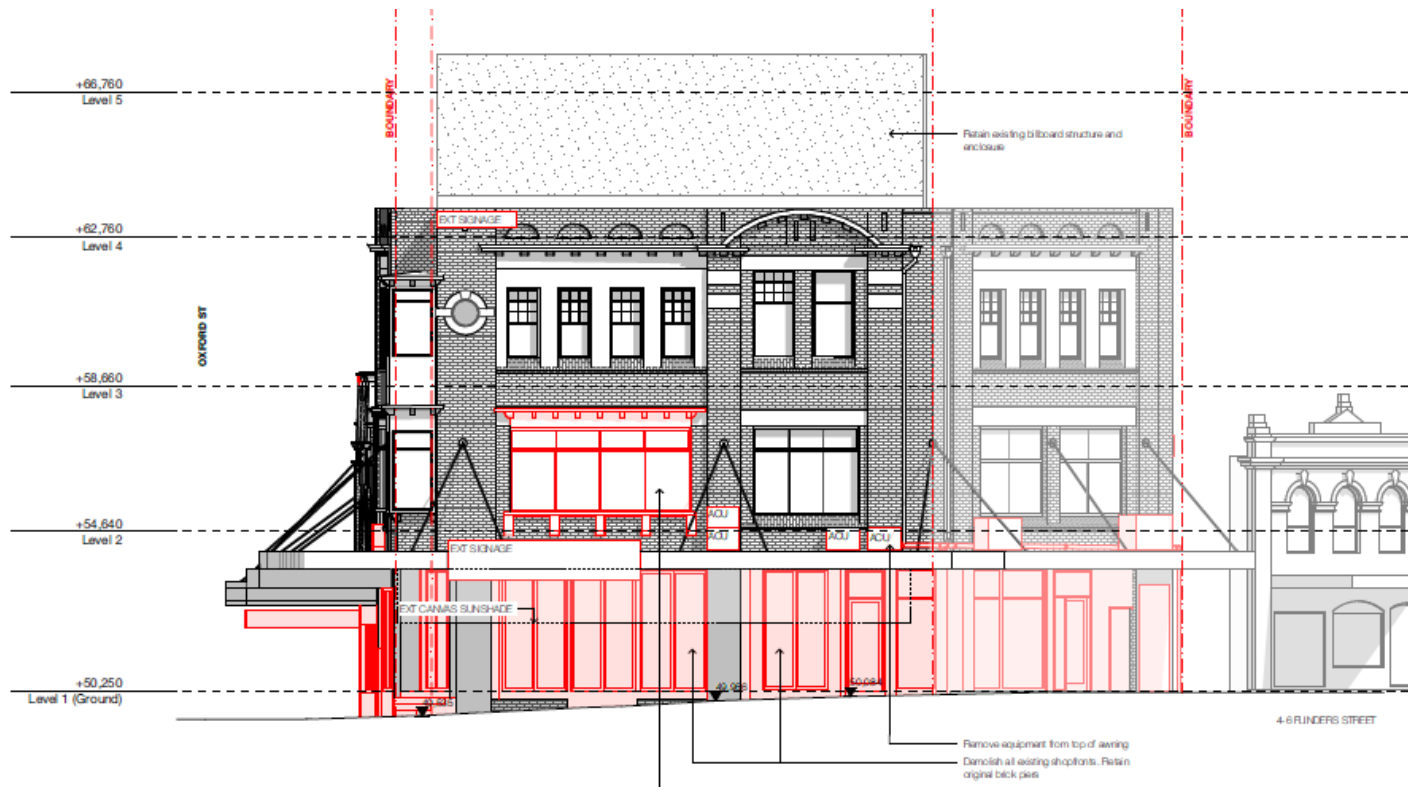
demolition - level 3



demolition - roof



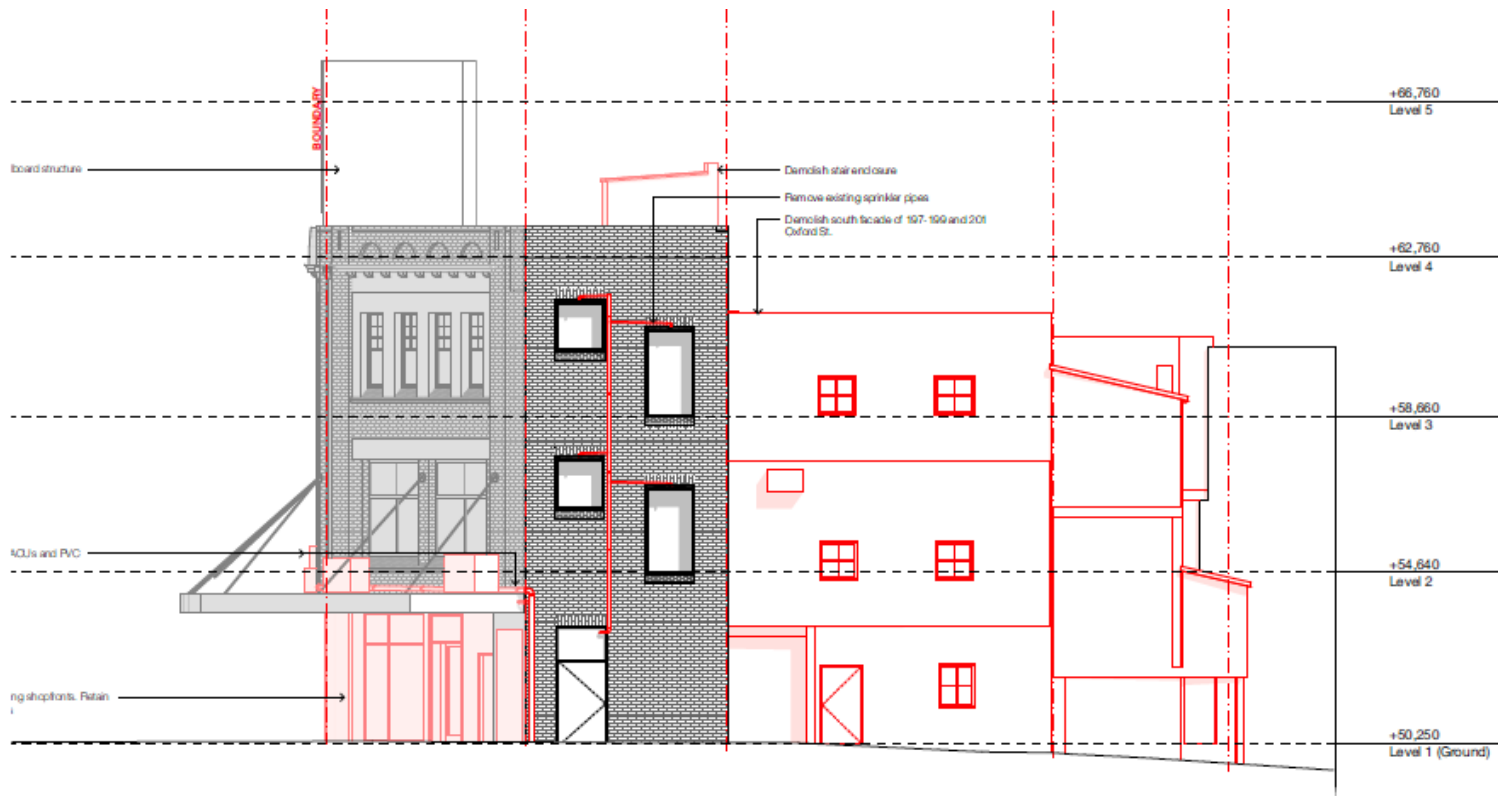
demolition - north elevation



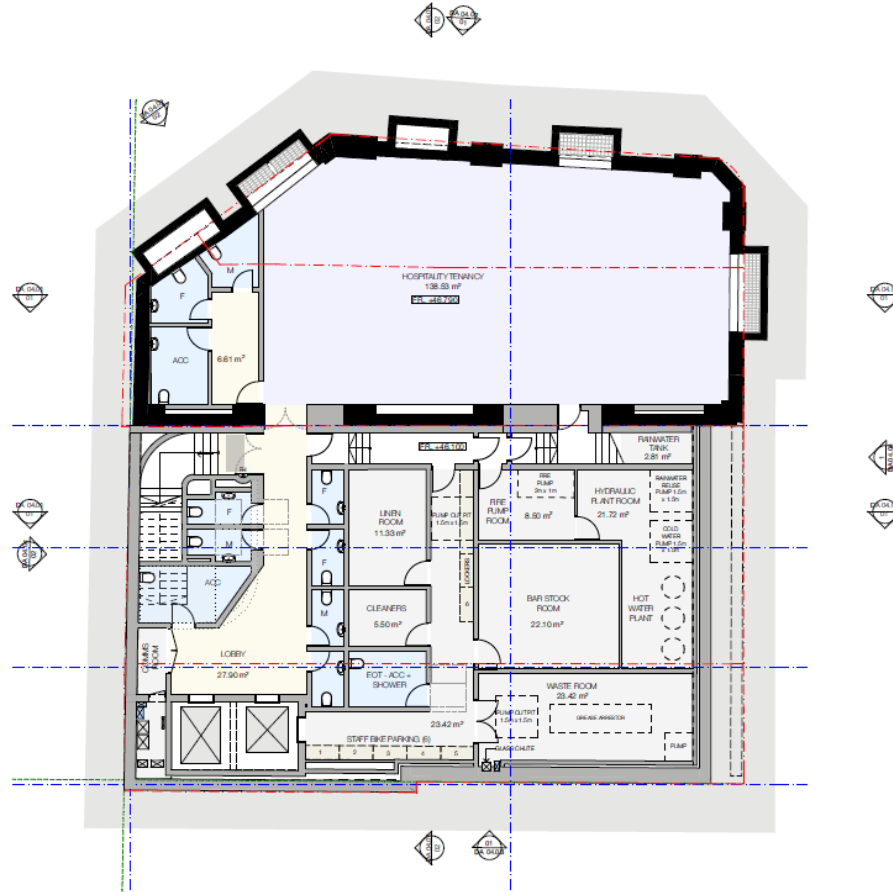
demolition - north-west elevation



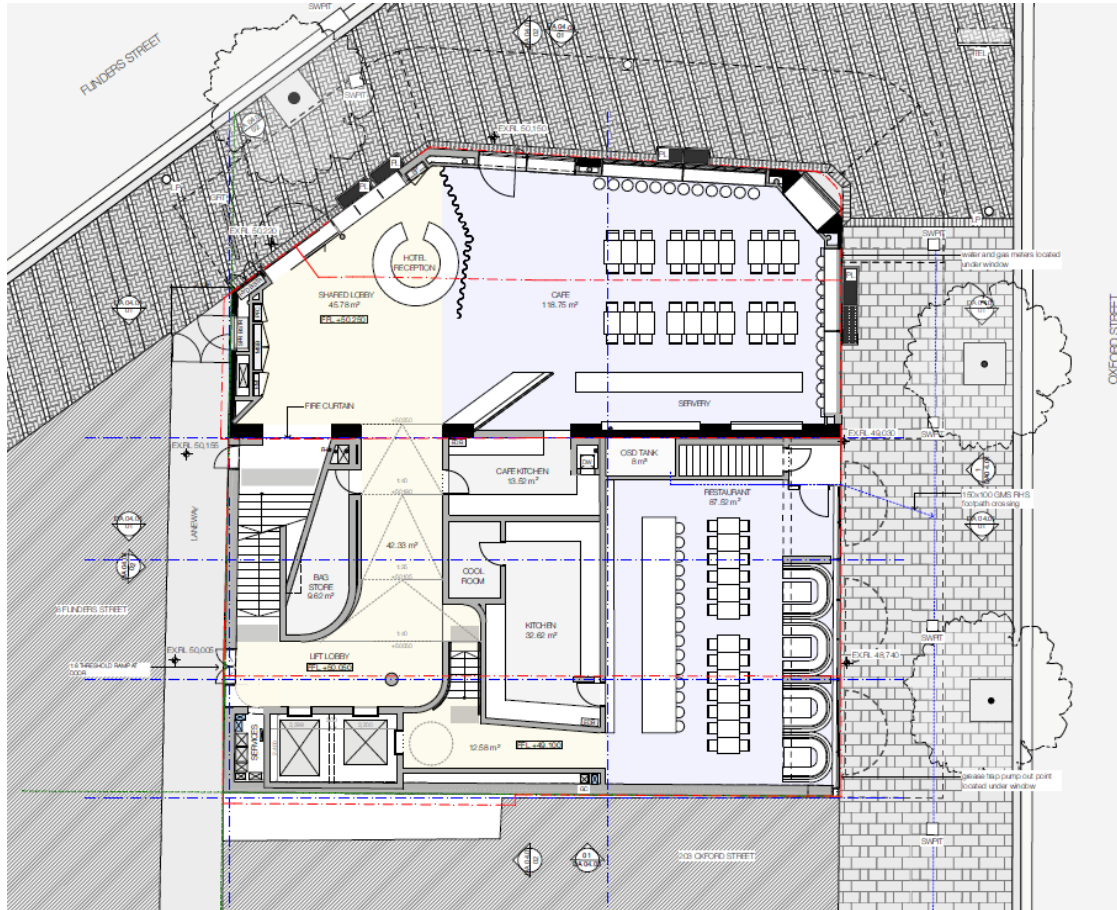
demolition - west elevation



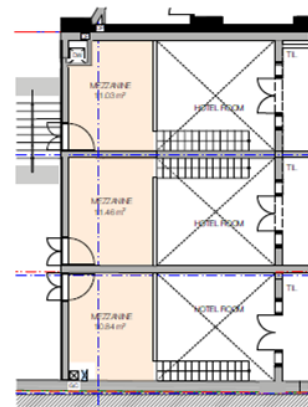
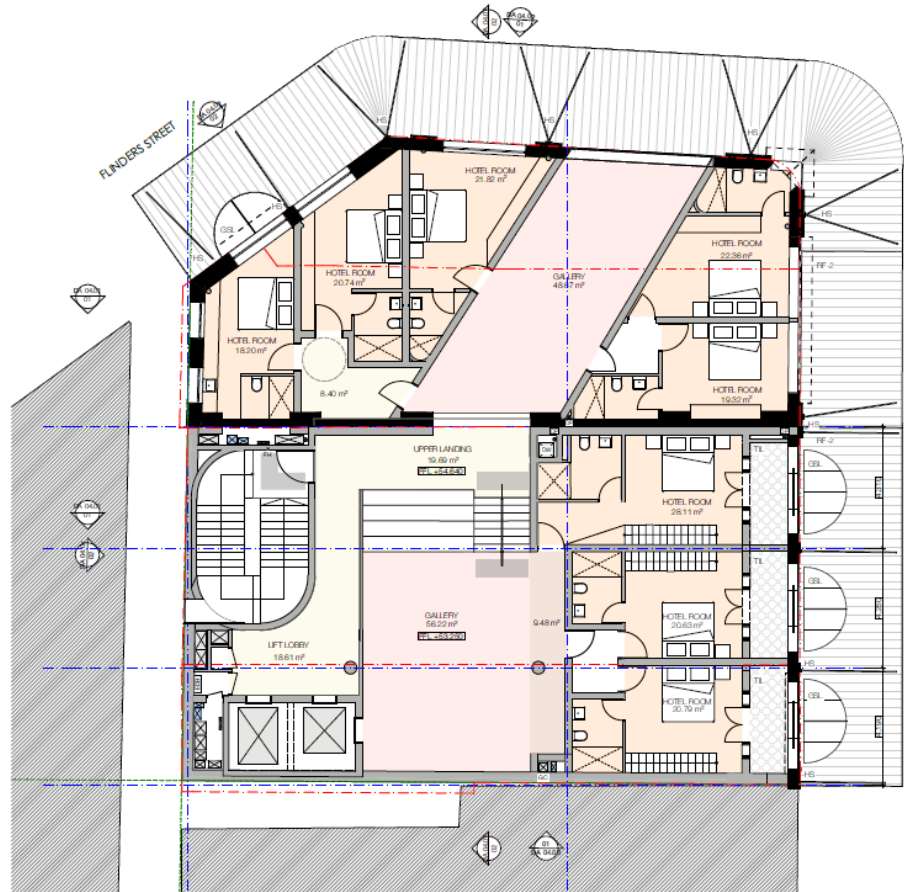
demolition - south elevation



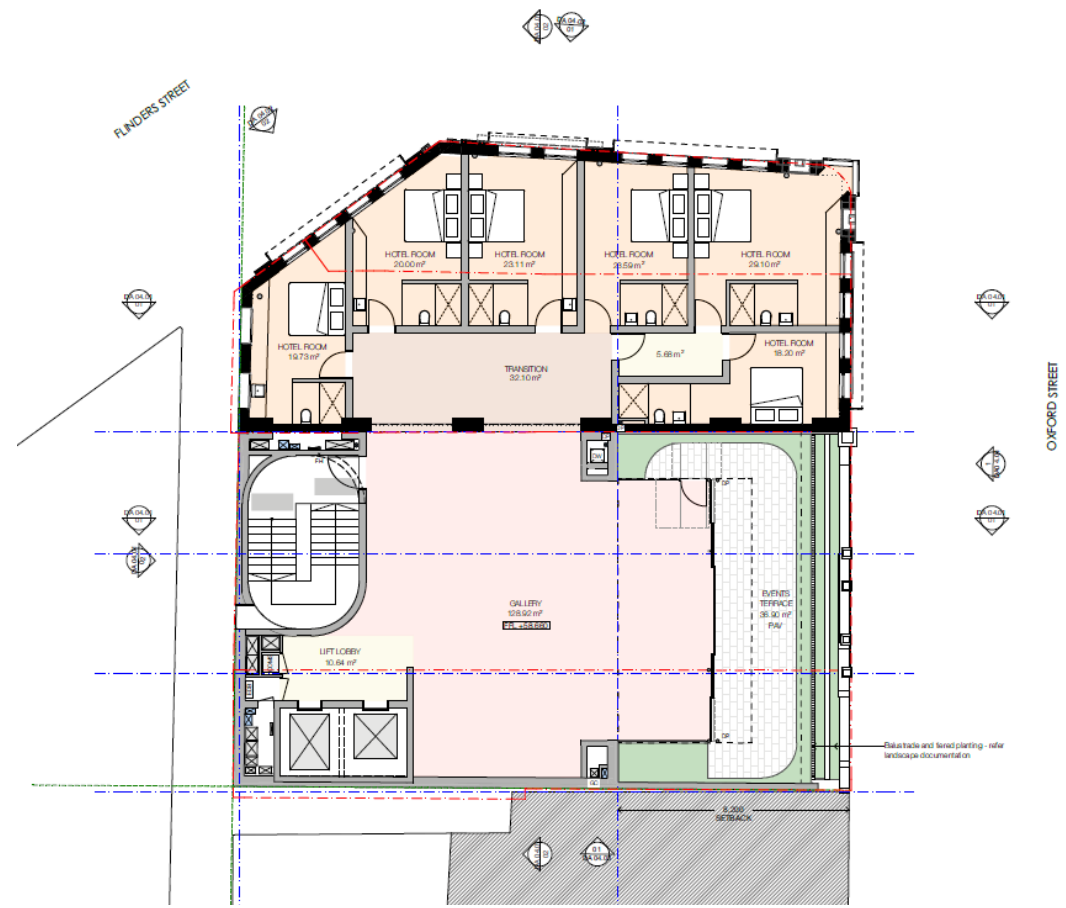
proposed - basement



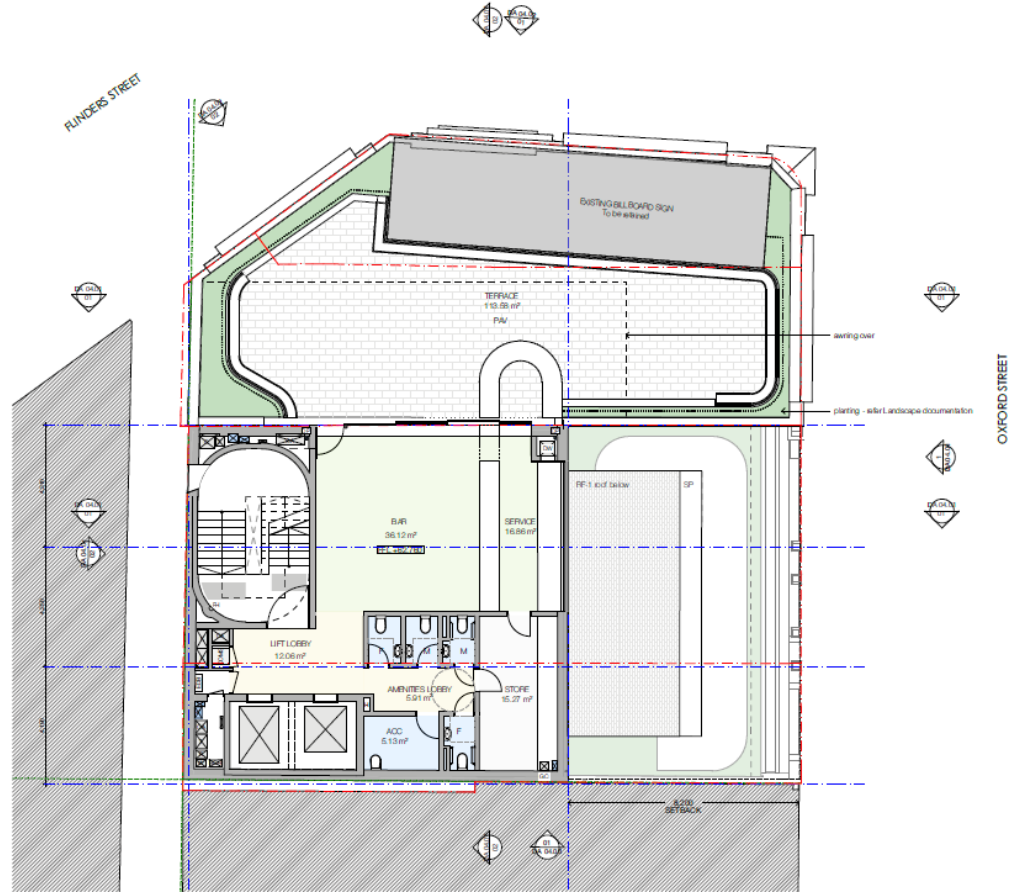
proposed - level 1 (ground)



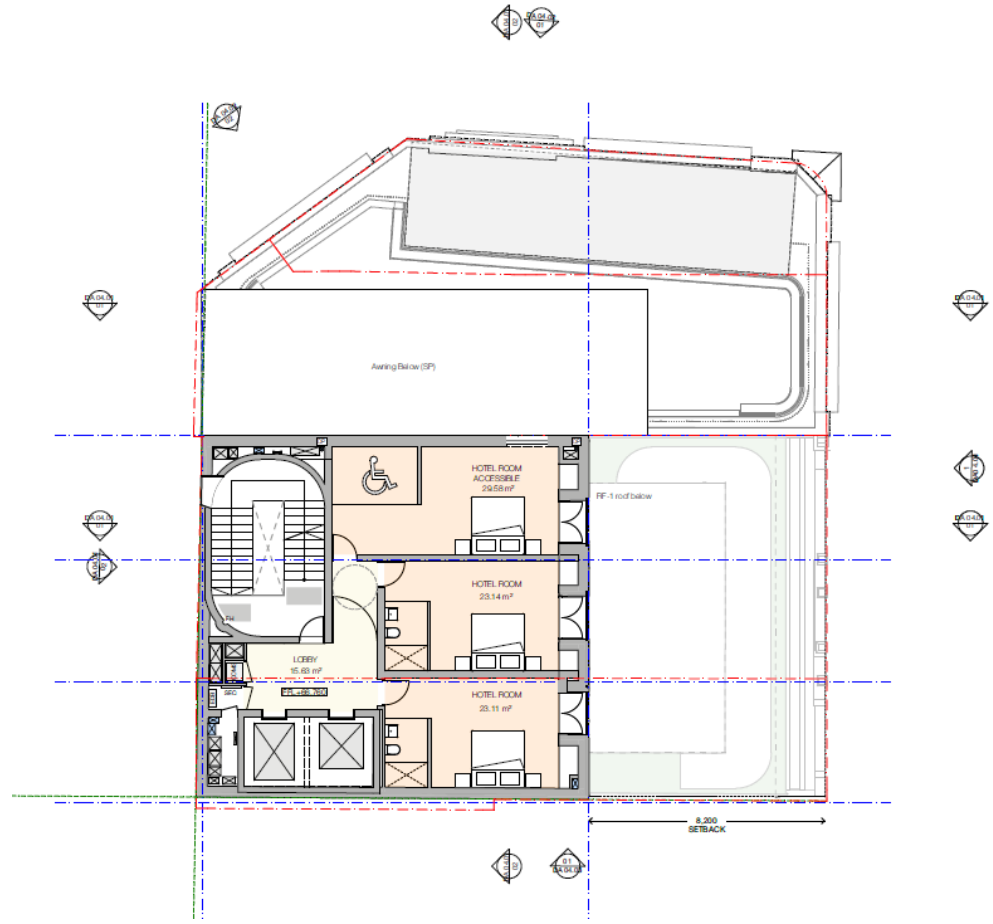
proposed - level 2



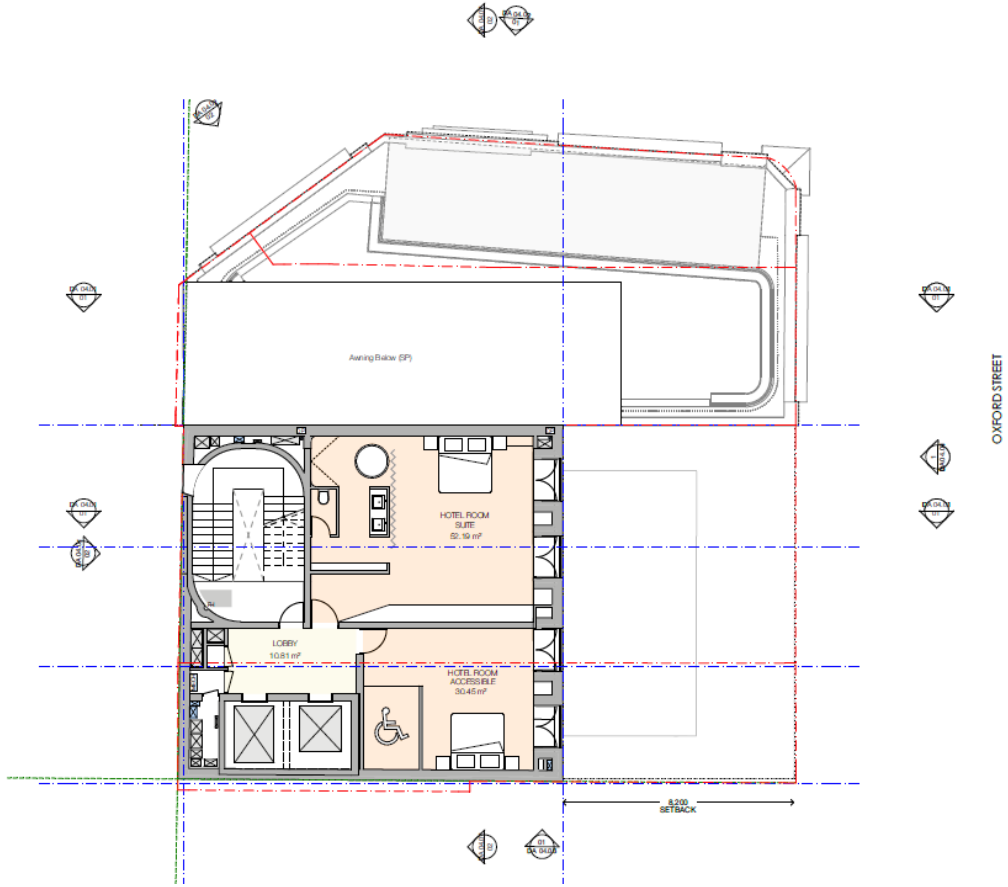
proposed - level 3



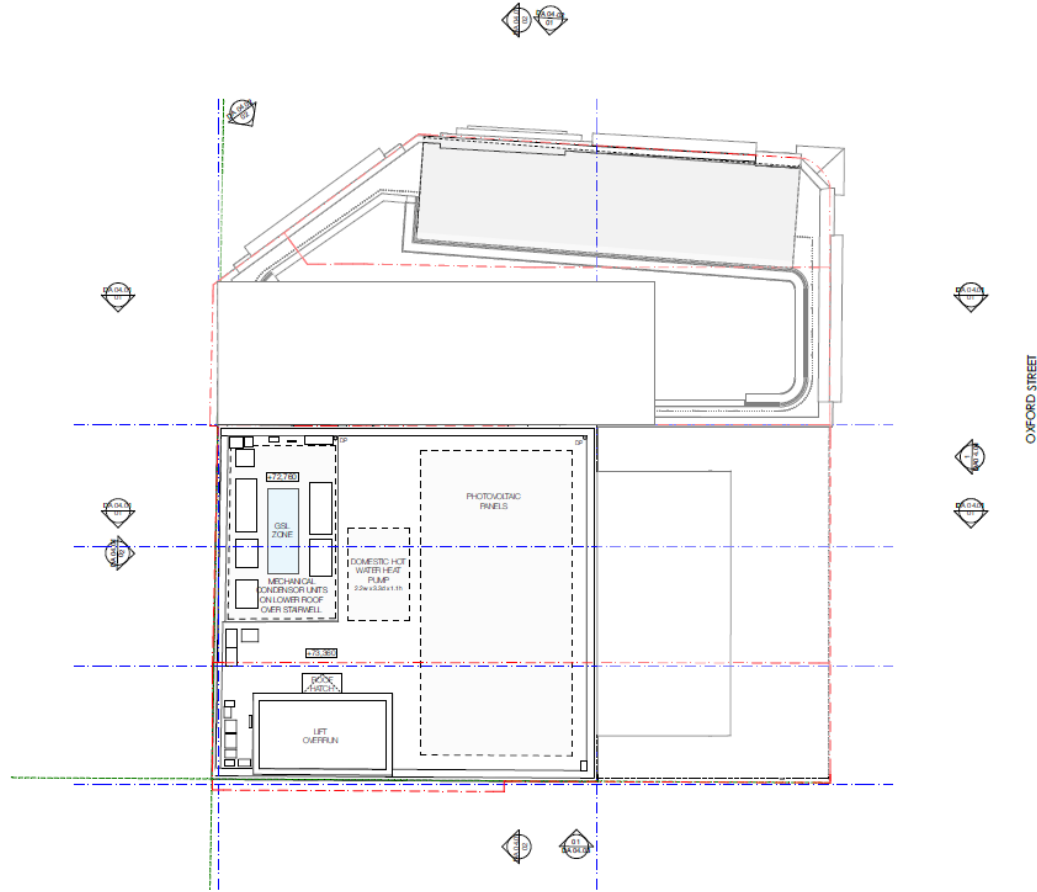
proposed - level 4



proposed - level 5



proposed - level 6



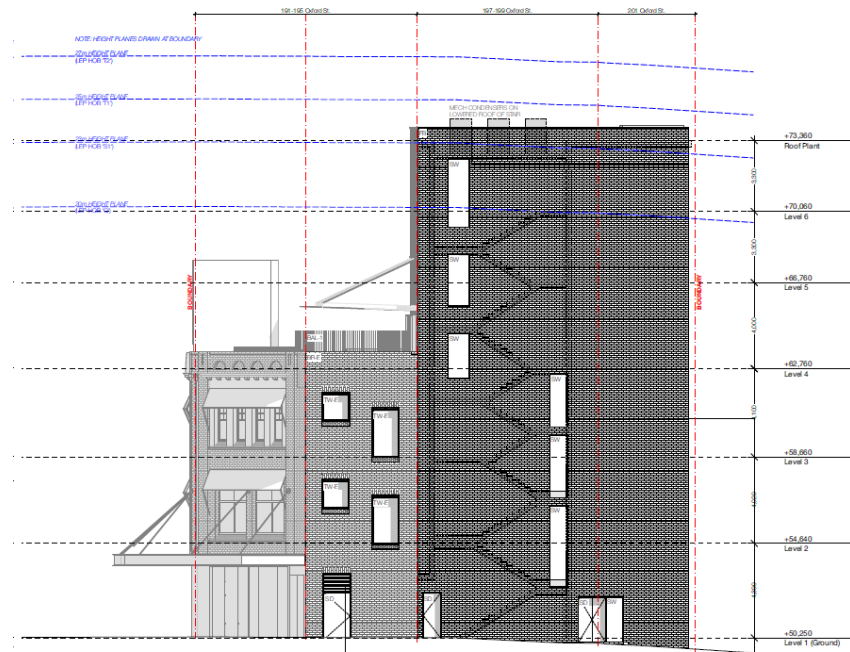
OXFORD STREET



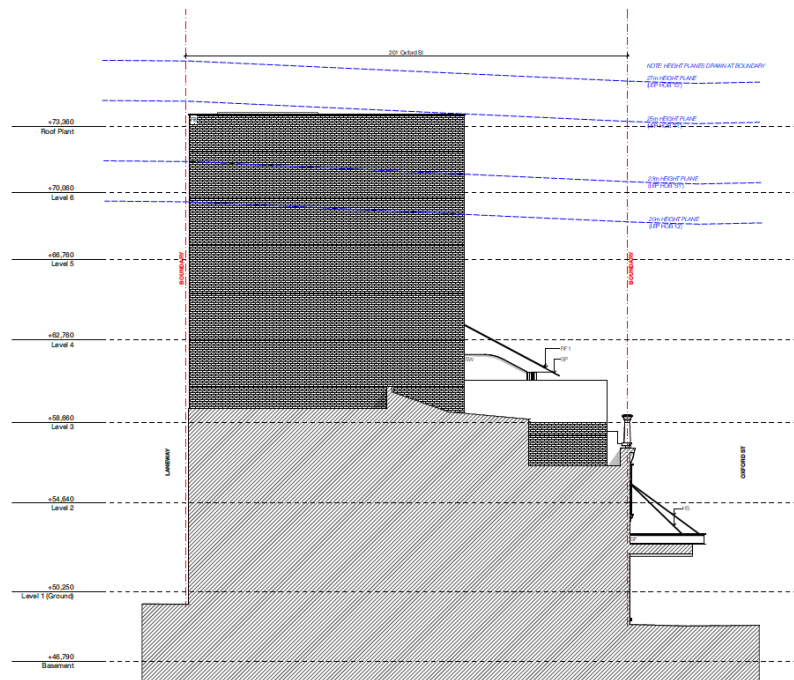
proposed - roof plant



proposed – north-west elevation

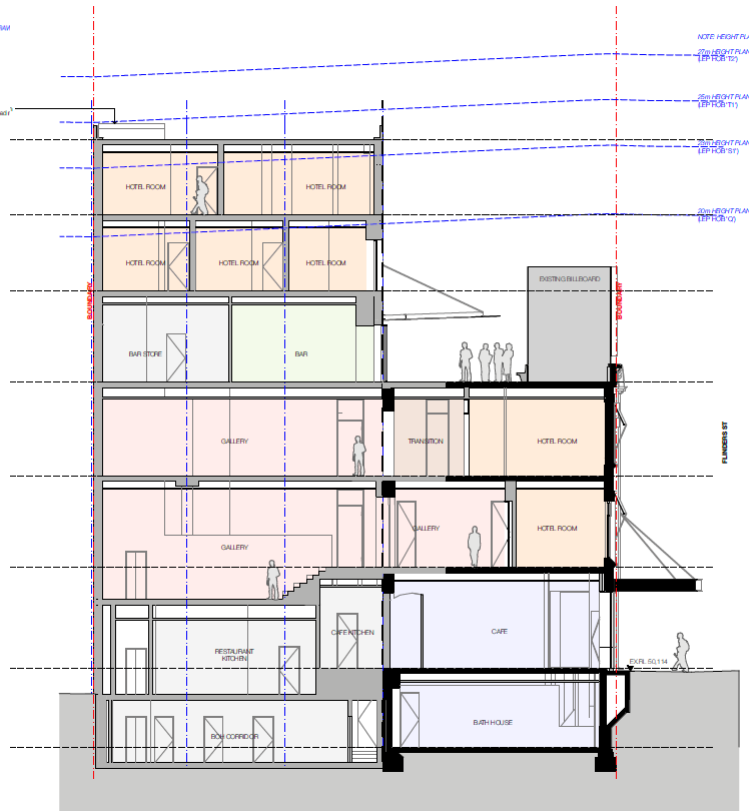
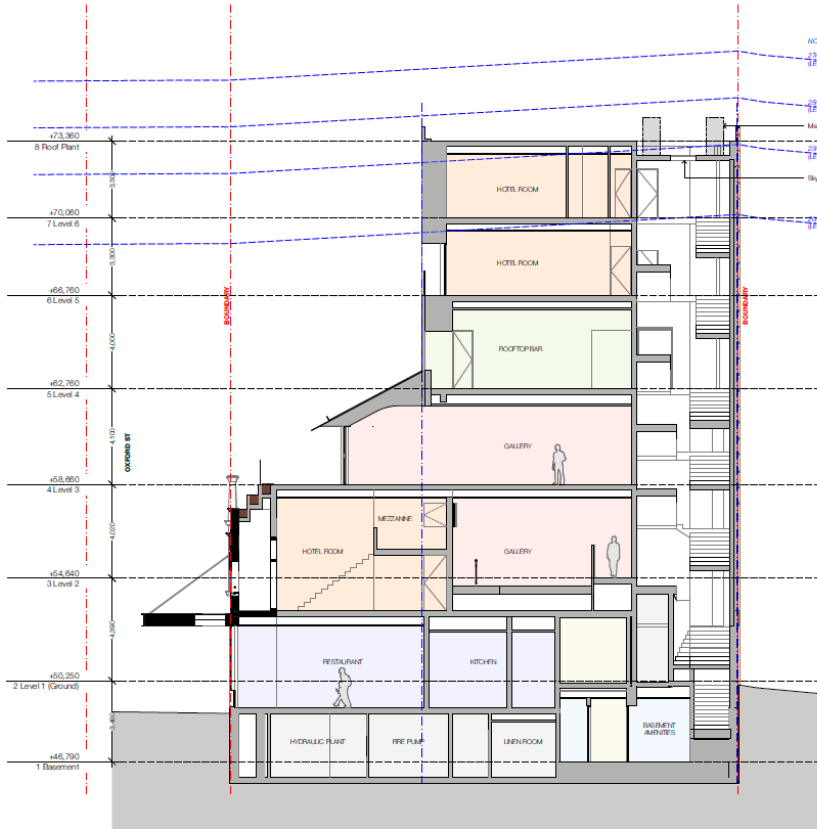


south

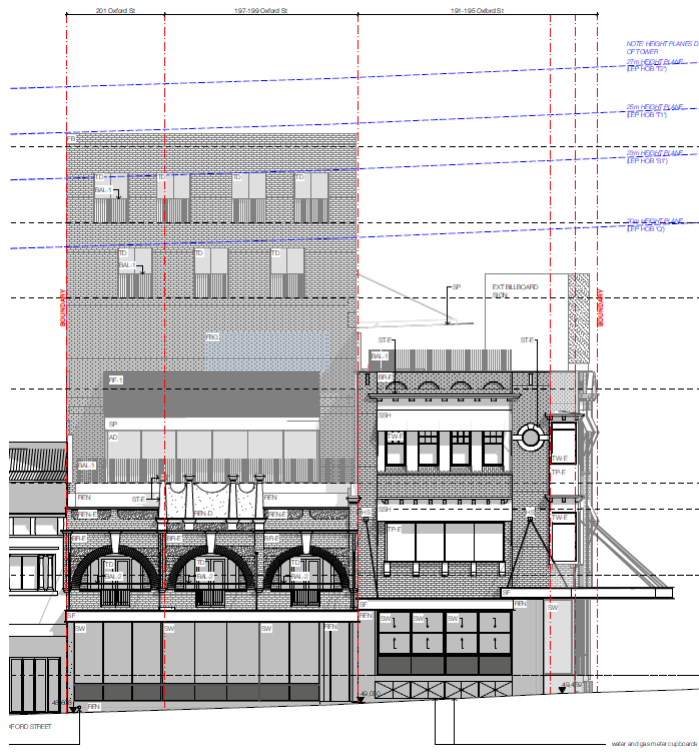


east

proposed - south and east elevations



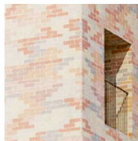
sections



BR-E
Brickwork - existing
Existing paint stripped
Location: Existing facades



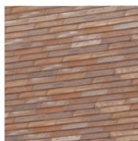
ST-E
Sandstone - existing
Restored & refurbished
Location: Existing facade ornamentation



FB
Face Brick
Natural Brick Co - Lutyens Brick
Colour: 7x colours
Location: New tower cladding



FBG
Face Brick with Glass Bricks
Location: Behind level 4 bar



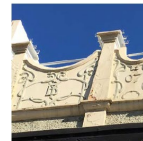
RF-1
Roof Cladding type 1
Brick Splits
Natural Brick Co - Lutyens
Colour: 7x colours to match tower facade
Location: Events Terrace Awning Roof



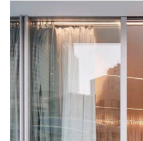
BAL-1
Steel Palisade Balustrade
Paint Finish - protective coating
Location: Level 5 + 6 balconies and rooftop terraces



REN-E
Render - existing
Repaired & painted
Location: Existing facade ornamentation



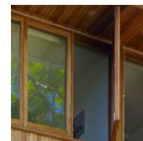
REN-D
Render - decorative mould (existing)
Repaired & painted
Location: 197-199 + 201 facade ornamentation



AD
Aluminium framed Doors
Clear glass
Location: Sliding doors on Level 3 & 4 terraces



SP
Steel Plate
Paint Finish
Location: Rooftop bar awning



TD / TW
Timber framed doors / windows
Clear finish with clear glass
Location: Hotel room balconies



SW
Steel framed window
Clear glass
Location: Windows to fire stair (sprinklered)

Compliance with key LEP standards

	control	proposed	compliance
height	191-195 standard: 15m alternative: 23m	18.7m	yes
	197- 201 standard: 12m alternative: 20m	24.8m	no* - clause 4.6 not supported

*clause 4.6 does not allow a variation to the alternative control

Compliance with key LEP standards

	control	proposed	compliance
floor space ratio	191-195 standard: 3:1 alternative: 4:1	3.41:1	yes
	197-201 standard: 3:1 alternative: 3.75:1	3.5:1	yes

Issues

- Compliance with Oxford Street Cultural and Creative Precinct controls
- height non compliance
- design excellence
- heritage
- contamination
- flooding
- other issues – inadequate information

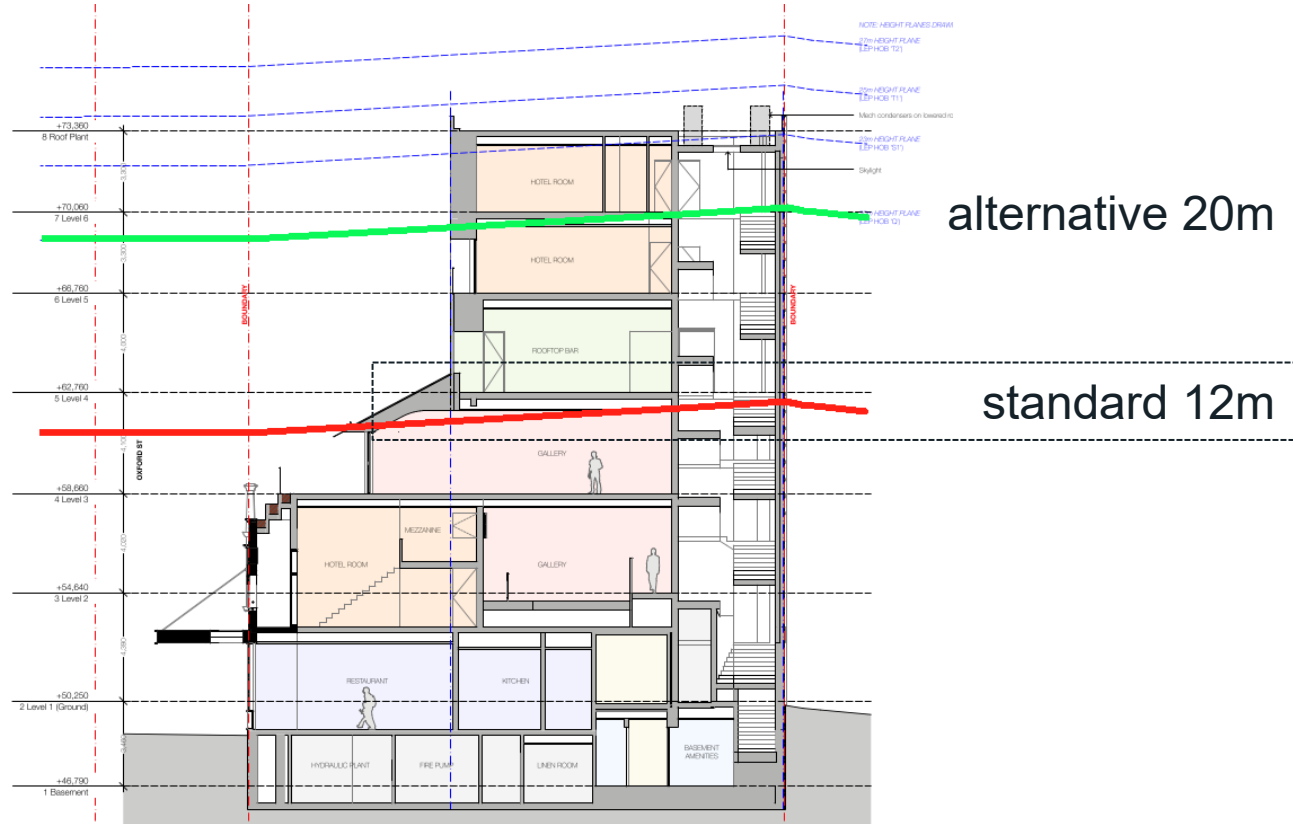
Oxford Street Cultural and Creative Precinct

- aims to encourage redevelopment to provide cultural and creative floor space by allowing additional height and FSR
- supported by detailed built form controls to achieve the desired character
- proposed built form is contrary to the desired character and exceeds maximum building heights
- essentially the development seeks to benefit from the controls whilst not complying with them

Height - 197- 201 Oxford Street

- standard maximum height: 12m
- alternative maximum height: 20m
- proposed height of 24.8m
- clause 4.6 does not allow variation to the alternative height
- therefore 12.8m (106.7%) variation to the standard height
- clause 4.6 variation request not supported
- fails to demonstrate that compliance is unreasonable or unnecessary and that there are sufficient environmental planning grounds

Height



Design Excellence

- proposed built form is contrary to the intent of the controls for the newly created Oxford Street Cultural and Creative Precinct
- Design Advisory Panel does not consider the proposal to exhibit design excellence - erodes the corner presentation, weakens the definition of Taylor Square, architectural language inappropriate
- consent cannot be granted as per section 6.21C(1) of the LEP

Heritage

- site within heritage conservation area – all buildings contributory items
- significant amount of demolition proposed - inadequate structural statement provided
- proposal includes inappropriate elements that result in adverse impacts on contributory buildings
- failure to remove detracting elements, i.e. existing billboard

Contamination

- preliminary site investigation confirms a detailed site investigation (DESI) is required
- a DESI has not been submitted
- applicant has failed to demonstrate the site can be made suitable for the proposed development
- consent cannot be granted as per section 4.6 of the SEPP (Resilience and Hazards) 2021

Flooding

- site is identified as flood-affected
- a site specific flood report has not been provided
- applicant has failed to demonstrate the development adequately addresses flooding
- consent cannot be granted as per section 5.21(2) of the LEP

Other issues – inadequate information

- application does not identify the nature, capacity, operating hours, and operational management of each of the premises
- inadequate acoustic report to consider the cumulative impact of the development
- inadequate Plan of Management, including the lack of Diversity and Inclusion principles and guidelines (as required by Oxford Street Cultural and Creative Precinct controls)
- inadequate waste management plan
- no provision of public art

Recommendation

- Clause 4.6 variation request to non compliance with height limit not supported
- Refusal