

Resolution of Council

11 April 2022

Item 8.3

Post Exhibition - Planning Proposal - Oxford Street Creative and Cultural Precinct - Sydney Local Environmental Plan 2012 and Draft Sydney Development Control Plan 2012 - Public Exhibition - Draft LGBTIQ+ Oxford Street Social and Cultural Place Stra

It is resolved that:

- (A) Council note matters raised in response to the public exhibition of the Amended Planning Proposal: Oxford Street Cultural and Creative Precinct and draft Sydney Development Control Plan 2012: Oxford Street Cultural and Creative Precinct as described in this report and as shown in Attachment G to the subject report;
- (B) Council approve the Planning Proposal: Oxford Street Cultural and Creative Precinct as shown at Attachment A to the subject report and amended in response to submissions, and request that the Department of Planning and Environment make it as a local environmental plan under Section 3.36 of the Environmental Planning and Assessment Act 1979, subject to the following amendments:
 - (a) ***Amendment of AHOB_022 and AFSR_022 maps to include a FSR of 4:1 and HOB of 23m at 265-267 Oxford Street (the Beacham Hotel).***
 - (b) Amendment of Explanation of Provisions and Appendix 2 drafting instructions (3)(vi) and Example Clause (10) relating to the ARQ sites to allow the total permitted gross floor area to be distributed across an amalgamated site as follows:
 - (vi) Drafting Instructions: Additional height and floor space is ~~not~~ available under this clause to a building on 4-6 Flinders Street, Darlinghurst (Lot 100 DP 746537), 10-16 Flinders Street, Darlinghurst (Lot 1 DP 9347), 18- 26 Flinders Street Darlinghurst (Lot 2 DP 9347). 4-6 Taylor Street, Darlinghurst (Lot 3 DP 9347), 8-10 Taylor Street, Darlinghurst (Lot 4 DP 9347) and 2 Sturt Street, Darlinghurst (Lot 5 DP 9347 and Lot 1 DP 819569), ~~unless the building is on land with a site area of more than 1,500 square metres and do not exceed 3.3:1 FSR~~ ***if the total gross floor area***

of development does not exceed the combined floor space ratio for the site;

Example Clause: (10) Development consent ~~must not be~~ **may** be granted under subsection (3) for development on any of the following sites: 4-6 Flinders Street, Darlinghurst (Lot 100 DP 746537), 10-16 Flinders Street, Darlinghurst (Lot 1 DP 9347), 18- 26 Flinders Street Darlinghurst (Lot 2 DP 9347). 4-6 Taylor Street, Darlinghurst (Lot 3 DP 9347), 8-10 Taylor Street, Darlinghurst (Lot 4 DP 9347) and 2 Sturt Street, Darlinghurst (Lot 5 DP 9347 and Lot 1 DP 819569), ~~unless the building is on land with a site area of more than 1,500 square metres and do not exceed 3.3:1 FSR~~ **if the total gross floor area of development does not exceed the combined floor space ratio for the site.**

- (c) **Amendment of AFSR_022 map to include a FSR of 3.75:1 at 203-209 Oxford Street (the Bookshop sites).**
 - (d) **Amendment of AFSR_015 and AHOB_015 maps to include a FSR of 3.8:1 and HOB of 24 metres at 1-5 Flinders Street (the former T2 building).**
 - (e) **Amendment to the AFSR_015 and AHOB_015 maps to include a FSR of 3.75:1 and height of building control of 18 metres at 163-169 Oxford Street.**
 - (f) **Amendment to AHOB_015 maps to include a height of building control of 18 metres at 171 Oxford Street.**
 - (g) **Amendment of Appendix 2 Drafting Instructions (1) and Example Clause (2) to remove all addresses listed after the National Art School at 156 Forbes Street.**
 - (h) **Amendment of Appendix 2 Drafting Instruction and Example Clause to clarify that development in the precinct which does not seek use the additional height or FSR under the alternative planning provisions:**
 - (i) **can continue to utilise LEP clause 4.6 Exceptions to Development Standards, and**
 - (ii) **can access the provision that allows for up to 0.8:1 FSR for live entertainment and cinema uses in a basement;**
- (C) Council approve the draft Sydney Development Control Plan 2012: Oxford Street Cultural and Creative Precinct as shown at Attachment B to the subject report and amended in response to submissions, noting that it will come into effect on the date of publication of the subject local environmental plan, in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000, subject to the following amendments:
- (a) **amendment of the alternative height in storeys maps 015 and 022 to show 5 storeys at 197-199, 203--215 Oxford Street;**
 - (b) **amendment of the alternative height in storeys maps 015 to show 6 storeys at 381 and 379 Bourke Street (Kinselas);**

- (c) **amendment of the alternative height in storeys maps 015 and 022 to show 5 storeys at 1-5 Flinders Street (T2) and insert a control for a required setback at level 3 only;**
- (d) **amendment of the alternative height in storeys map 022 to show 5 storeys at 265-267 Oxford Street (the Beacham Hotel); and**
- (e) **amendment of the alternative height in storeys maps 015 to show 4 storeys at 163-169 & 171 Oxford Street and insert a site specific control for a 6.5 metre setback above the existing buildings at 163-169 & 171 Oxford Street;**
- (D) Council approve the Draft LGBTIQ+ Social and Cultural Place Strategy as shown at Attachment C to the subject report for public exhibition;
- (E) Council note the Transport Study - Oxford Street Cultural and Creative precinct shown at Attachment D to the subject report;
- (F) Council note the matters raised in response to the early consultation on options for taller buildings at Taylor Square as detailed in Attachment H to the subject report, and that these proposals will not proceed at this time; and
- (G) authority be delegated to the Chief Executive Officer to make any minor amendments to the Planning Proposal: Oxford Street Cultural and Creative Precinct and draft Sydney Development Control Plan 2012: Oxford Street Cultural and Creative Precinct to correct any minor errors or omissions prior to finalisation.

The motion was carried on the following show of hands –

Ayes (9) The Chair (the Lord Mayor), Councillors Chan, Davis, Gannon, Jarrett, Kok, Scott, Scully and Weldon

Noes (1) Councillor Ellsmore.

Substantive motion carried.

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