Attachment B

Draft Sydney Development Control Plan 2012: 1-11 Oxford Street, Paddington

Draft Sydney Development Control Plan 2012

City of Sydney
Town Hall House
456 Kent Street
Sydney NSW 2000

1-11 Oxford Street, Paddington

Sydney2030/Green/Global/Connected
city of villages

CITYOFSYDNEY 2030

The purpose of the 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 provisions guide future development of land known as 1-11 Oxford Street, Paddington when development is subject to Clause 6.XX - 1-11 Oxford Street, Paddington of *Sydney Local Environmental Plan 2012* (Sydney LEP 2012).

Clause 6.XX - 1-11 Oxford Street, Paddington of Sydney LEP 2012 allows additional height and floor space above ground to a prescribed amount, provided:

- the site is developed predominantly for hotel or motel accommodation
- a minimum of 300 square metres entertainment facility and 400 square metres health services facility are provided at basement level
- the development will not endanger the structural stability of 1-11 Oxford Street, Paddington or State-significant Busby's Bore heritage item running under the site, and
- that the development will not be used for the purpose of residential accommodation or serviced apartments.

This DCP amendment does not apply to development on land to which Clause 6.XX does not apply.

This DCP amendment is to be read in conjunction with draft Planning Proposal: 1-11 Oxford Street, Paddington.

Citation

This amendment may be referred to as *Sydney Development Control Plan 2012 – 1-11 Oxford Street, Paddington amendment*

Land covered by this plan

This plan applies to the land identified as 1-11 Oxford Street, Paddington – which is Lots 1 & 2 in DP130269 and Lot A in DP377984.

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.

Schedule 1: Amendment to Sydney Development Control Plan 2012

Figure 6.1

Amend Figure 6.1: Specific Sites Map to include 1-11 Oxford Street, Paddington

Section 6.3 Specific site controls prepared as part of a Planning Proposal

At the end of this section insert new Section 6.3.X and figures 6.XX-6.XX as follows:

Section 6.3.X 1-11 Oxford Street, Paddington

The following objectives and provisions apply to 1-11 Oxford Street, Paddington, as shown in Figure 6.1 Specific Sites Map, where relevant site specific provisions of the Sydney Local Environmental Plan 2012 (Sydney LEP 2012) are implemented.

Clause X (new clause) of *Sydney LEP 2012* enables development to exceed the height and floor space above ground to a prescribed amount, provided:

- the site is developed predominantly for hotel or motel accommodation
- a minimum of 300 square metres entertainment facility and 400 square metres health services facility are provided at basement level
- the development will not endanger the structural stability of 1-11 Oxford Street, Paddington or State-significant Busby's Bore heritage item running under the site, and
- that the development will not be used for the purpose of residential accommodation or serviced apartments.

If a development proposed at 1-11 Oxford Street, Paddington, seeks to utilise additional height or floor space permitted by Clause X (new clause), then the provisions in this section also apply to the assessment of the proposed development and override other provisions in this DCP where there is an inconsistency.

Objectives

(a) Facilitate the provision of hotel or motel accommodation, entertainment facility and health services facility uses.

(b) Conserve and enhance the heritage significance of the contributory building within the Paddington Urban Heritage Conservation Area by retaining significant elements of the building and restoring or reconstructing altered or missing fabric.

(c) Ensure that the scale, massing and modulation of the building form is appropriate in response to its context within the Paddington Urban Heritage Conservation Area; the setting of the surrounding heritage items; the streetscapes of Oxford Street, South Dowling Street, Victoria Street and Barcom Avenue; and the surrounding low scale residential development.

(d) Define a maximum building envelope, including heights, setbacks and envelope planes, to deliver a high-quality built form that respects the contributory building and local context and minimises amenity impacts, including overshadowing, visual privacy and noise.

(e) Activate Oxford Street and South Dowling Street through appropriate uses and design.

(f) Designate acceptable vehicle access point, loading and servicing facilities and required public domain improvements.

(g) Establish benchmarks to achieve ecologically sustainable development.

(h) Protect the subterranean Busby's Bore, a state heritage item.

Provisions
6.3.x.x Built Form

(1) Development is not to exceed the envelope shown in ‘Figure 6.xx: 1-11 Oxford Street, Paddington – Maximum building envelope plan’, ‘Figure 6.xx: 1-11 Oxford Street, Paddington – Maximum building envelope axonometric – view 1’, ‘Figure 6.xx: 1-11 Oxford Street, Paddington – Maximum building envelope axonometric – view 2’ and ‘Figure 6.xx: 1-11 Oxford Street, Paddington – Maximum building envelope section’.

(2) Development shall retain and continue floor levels established by the existing building, relating to the floor space between the main auditorium wall and the street facade fronting Oxford Street and South Dowling Street marked ‘Existing building fabric to be retained’, shown in ‘Figure 6.xx: 1-11 Oxford Street, Paddington – Maximum building envelope section’, and shall not exceed 6 storeys above ground and 2 basement levels below ground.

(3) A maximum of two lift overruns, each with a maximum area of 9 square metres and a maximum height of RL 68.655 m AHD, may be permitted within Hatch area 1, shown in ‘Figure 6.xx: 1-11 Oxford Street, Paddington – Maximum building envelope plan’, ‘Figure 6.xx: 1-11 Oxford Street, Paddington – Maximum building envelope axonometric – view 1’, ‘Figure 6.xx: 1-11 Oxford Street, Paddington – Maximum building envelope axonometric – view 2’ and as noted in ‘Figure 6.xx: 1-11 Oxford Street, Paddington – Maximum building envelope section’. The design of lift overruns are to be integrated into the overall design, minimise the visual bulk and not be visually dominant or detract from the heritage significance of the retained building, the Paddington Urban Heritage Conservation Area and surrounding streetscapes.

(4) One additional storey potentially may be permitted within Hatch area 2, shown in ‘Figure 6.xx: 1-11 Oxford Street, Paddington – Maximum building envelope plan’, ‘Figure 6.xx: 1-11 Oxford Street, Paddington – Maximum building envelope axonometric – view 1’ and ‘Figure 6.xx: 1-11 Oxford Street, Paddington – Maximum building envelope axonometric – view 2’, provided the built form:

(a) is below the existing stepped parapet where the form abuts the parapet on the splay corner of Oxford and South Dowling Streets and does not alter the parapet profile from the surrounding streetscapes; and

(b) is not visually dominant or detract from the heritage significance of the retained building, the Paddington Urban Heritage Conservation Area and surrounding streetscapes.

(5) Penetration of the envelope for dormer windows may be permitted within Hatch area 3, shown in ‘Figure 6.xx: 1-11 Oxford Street, Paddington – Maximum building envelope plan’, ‘Figure 6.xx: 1-11 Oxford Street, Paddington – Maximum building envelope axonometric – view 1’ and ‘Figure 6.xx: 1-11 Oxford Street, Paddington – Maximum building envelope axonometric – view 2’, provided:

(a) The dormers relate to the proportion and spacing of original windows on the Oxford Street facade and where possible align with the windows below

(b) The width of any dormer is not more than 1.3m

(c) The apex of the gable or top of the dormer roof is to be at least 200mm below RL 64.755 to allow the roof plane to be clearly discerned

(d) The dormers must not include windows or skylights to the side walls or within the apex of the gable

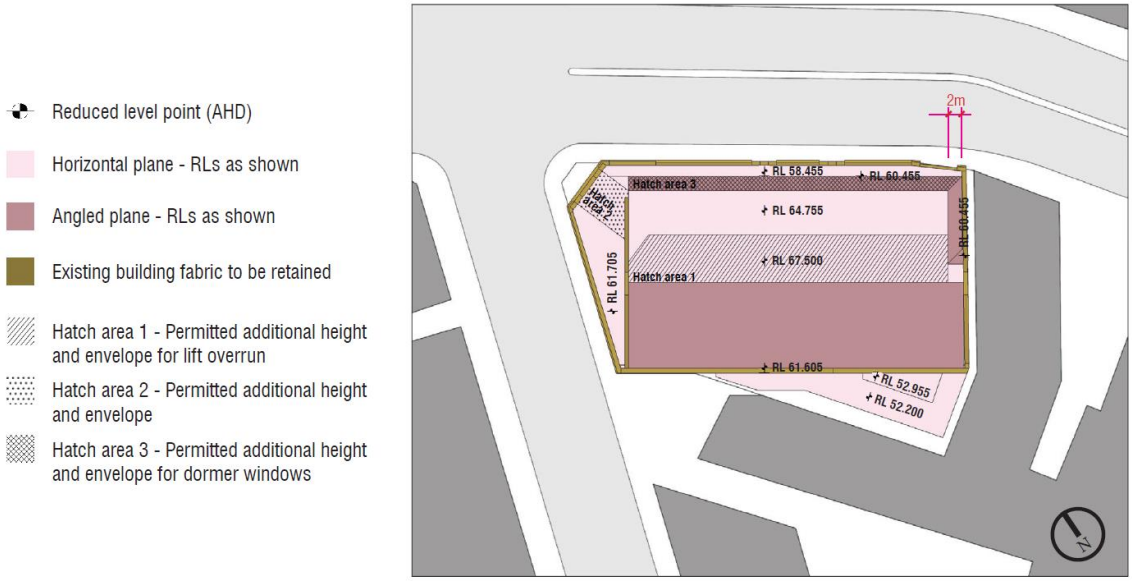

Figure 6.xx: 1-11 Oxford Street, Paddington – Maximum building envelope plan

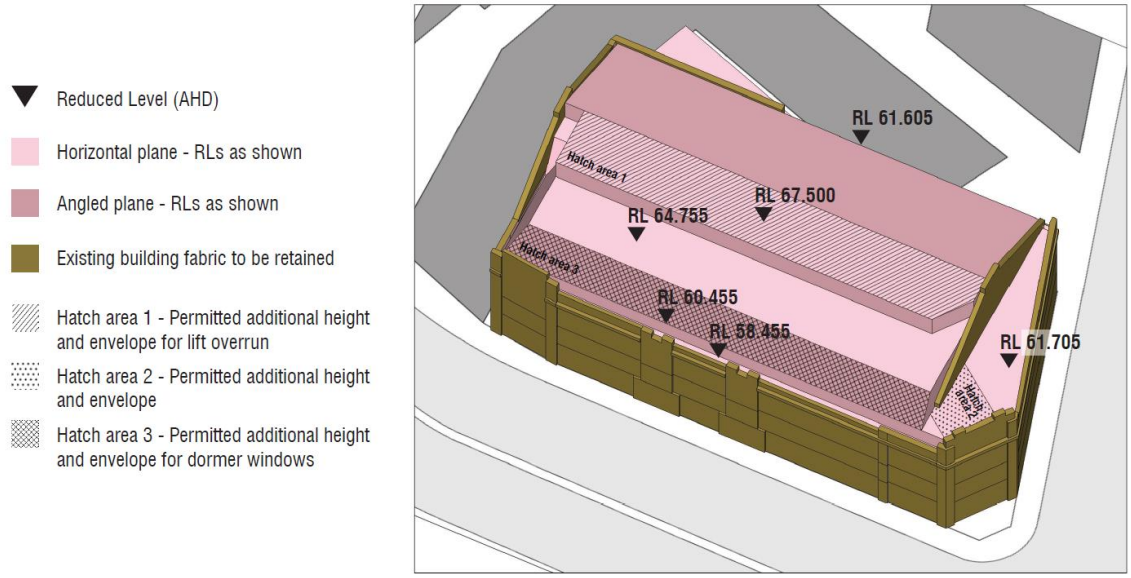

Figure 6.xx: 1-11 Oxford Street, Paddington – Maximum building envelope axonometric – view 1

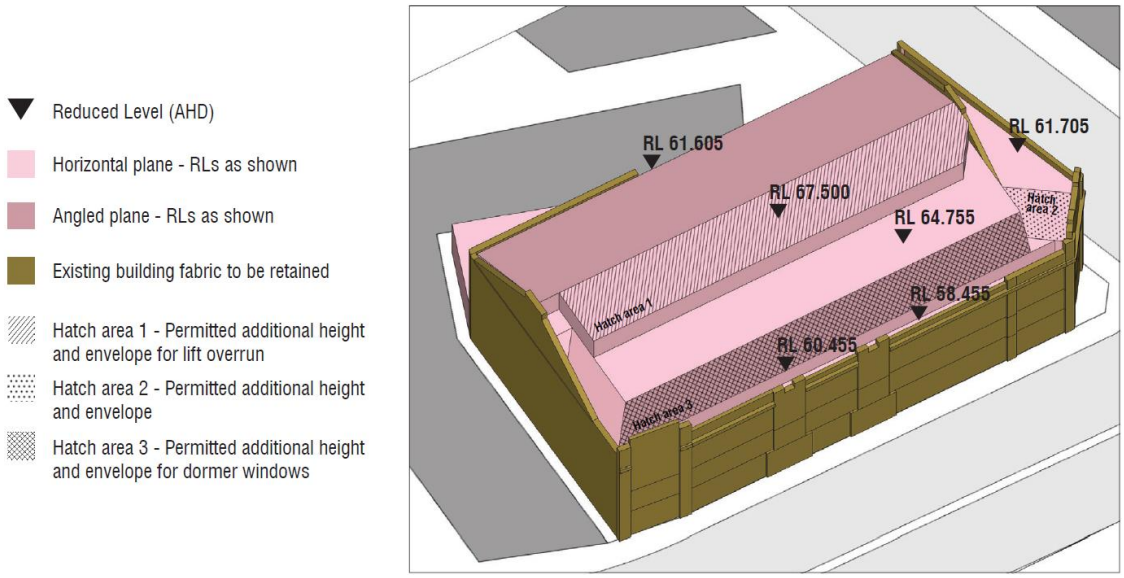

Figure 6.xx: 1-11 Oxford Street, Paddington – Maximum building envelope axonometric – view 2

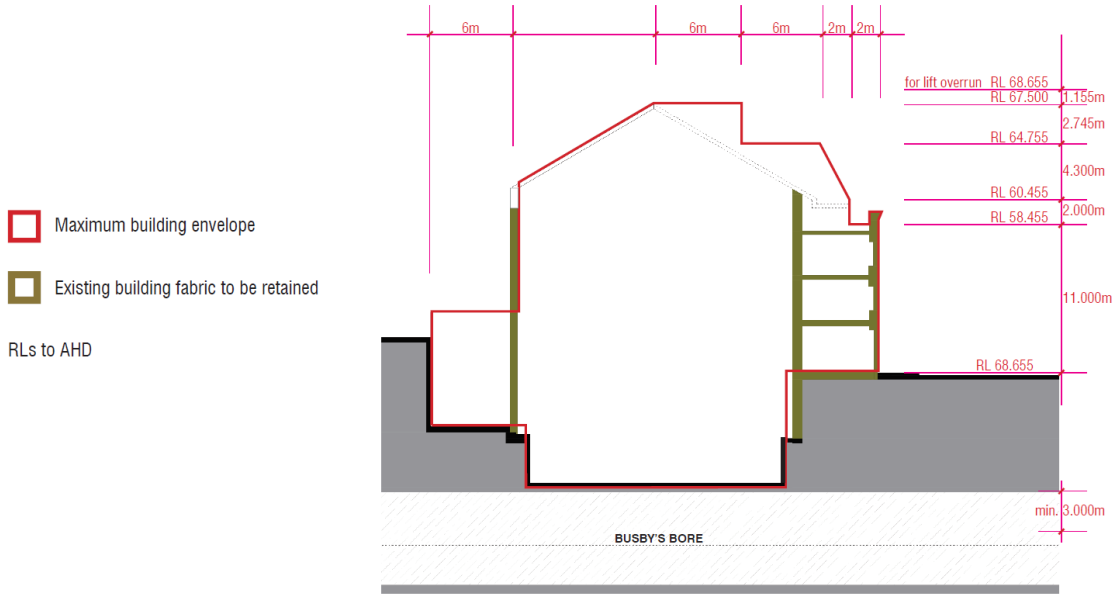

Figure 6.xx: 1-11 Oxford Street, Paddington – Maximum building envelope section

6.3.x.x Heritage conservation

(1) Alterations to original facades, in particular on the north-west corner and along the parapet walls, are limited to restoration of significant features, and discrete, sympathetic or reversible additions that are compatible with and do not dominate the original or early architectural expression of the former cinema.

(2) No new openings are permitted in original parapet walls or blank arches, in particular on most prominent Oxford Street and faceted corner facades.

(3) New window openings are permitted at first floor level on the South Dowling Street facade provided the windows relate to the proportion and spacing of the original windows at second floor level on the South Dowling Street facade and where possible align with the windows above

(4) A Conservation Management Strategy, to include conservation policies and a schedule of conservation works, and heritage impact statement must be prepared by a suitably qualified heritage consultant and submitted for approval by the consent authority with any development application. The conservation works must include, but not be limited to, conservation of windows and rendered facade features and the reinstatement of the semicircular corner portico based on documentary and physical evidence.

(5) New development is to retain:

(a) the Federation facades of the existing building, fronting Oxford Street and South Dowling Street

(b) the main structural walls of the whole building (including the extension of walls becoming gables at the eastern and western ends of the auditorium part of the existing building)

(c) the floor structure of the ground, first, and second floors, and

(d) any surviving pressed metal ceilings within the existing shops

as marked ‘Existing building fabric required to be retained’, shown in ‘Figure 6.XX: 1-11 Oxford Street, Paddington – Required building retention and permitted excavation plan’, ‘Figure 6.XX: 1-11 Oxford Street, Paddington – Required building retention and permitted excavation long-section’ and ‘Figure 6.XX: 1-11 Oxford Street, Paddington – Required building retention and permitted excavation cross-section’.

(6) Vertical additions to the contributory building shall not visually dominate or compete with the original building form, and shall be designed to present as a recessive light-weight addition and roof form.

(7) Any changes to the ground floor street facades are to respect, and be sympathetic to the fine grained nature of their Federation style.

(8) Surviving pressed metal ceilings within the existing shops are to be retained and conserved.

(9) Excavation of the site is restricted to within the area marked ‘Permitted excavation’, shown in ‘Figure 6.XX: 1-11 Oxford Street, Paddington – Required building retention and permitted excavation plan’, ‘Figure 6.XX: 1-11 Oxford Street, Paddington – Required building retention and permitted excavation long-section’ and ‘Figure 6.XX: 1-11 Oxford Street, Paddington – Required building retention and permitted excavation cross-section’, to a depth of a maximum of two basement levels subject to being wholly outside of the 3m curtilage protection zone around the State-significant Busby’s Bore heritage item (SHR00568) running under the site.

(10) The position and depth of the State-significant Busby's Bore heritage item (SHR00568) running under the site and 3m curtilage around the structure is to be accurately surveyed across the whole site. Any encroachments on Busby's Bore SHR curtilage are likely to require either a Section 57 Exemption Notification or a Section 60 Permit Application with the NSW Heritage Council.

(11) The method for retaining all original fabric retained on the site during the demolition and construction stage and to enable the structural stability for the long term retention and method to minimise any impact on the State-significant Busby's Bore heritage item (SHR00568) running underneath the site, is to be undertaken in accordance with a detailed structural report prepared by a suitably qualified structural engineer with experience in the retention and protection of heritage fabric, and reference the Structural Peer Review (Reference No. 1817702cRE Issued 04/07/2019), prepared by Shreeji Consultant. This is to be submitted with any future development application.

(12) A Heritage Interpretation Plan, prepared by a suitably qualified and experienced heritage consultant, must be prepared and submitted with any future development application. It is to address the history and significance of the site, particularly in relation to the purpose built picture theatre built on the site in 1911 and subsequent changes that reflect the changes to, and operation of cinemas over time.

(13) Based on the findings of the Baseline Archaeological Assessment, prepared by AMC dated November 2018, a Research Design and Excavation Methodology to guide the works will need to be prepared prior to any demolition or excavation and form part of a Section 140 Excavation Permit Application with the Heritage Council. This Methodology is to outline an archaeological programme to manage relics on site.

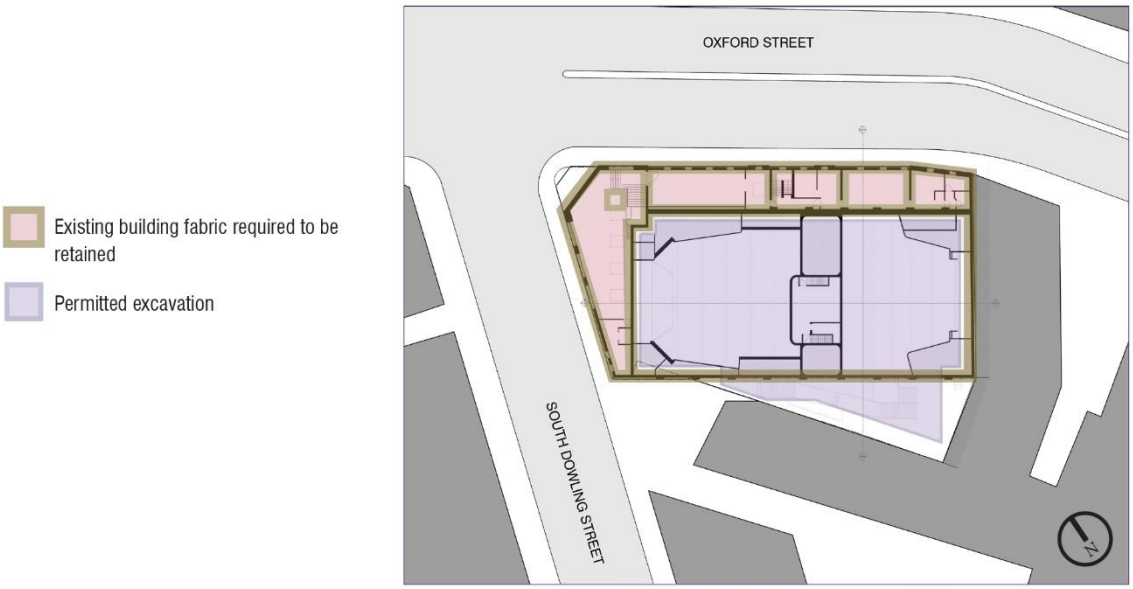

Figure 6.XX: 1-11 Oxford Street, Paddington – Required building retention and permitted excavation plan

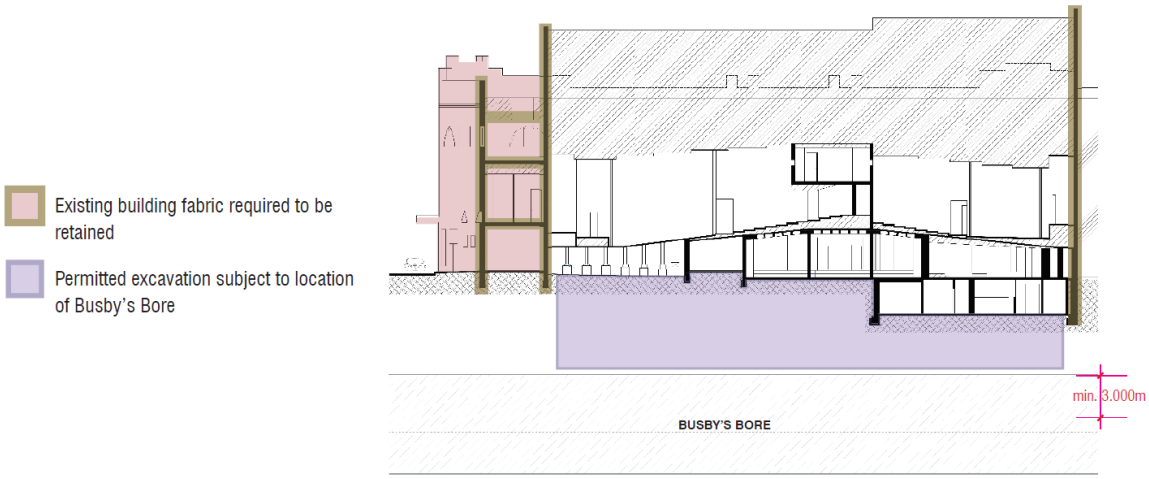

Figure 6.XX: 1-11 Oxford Street, Paddington – Required building retention and permitted excavation long-section

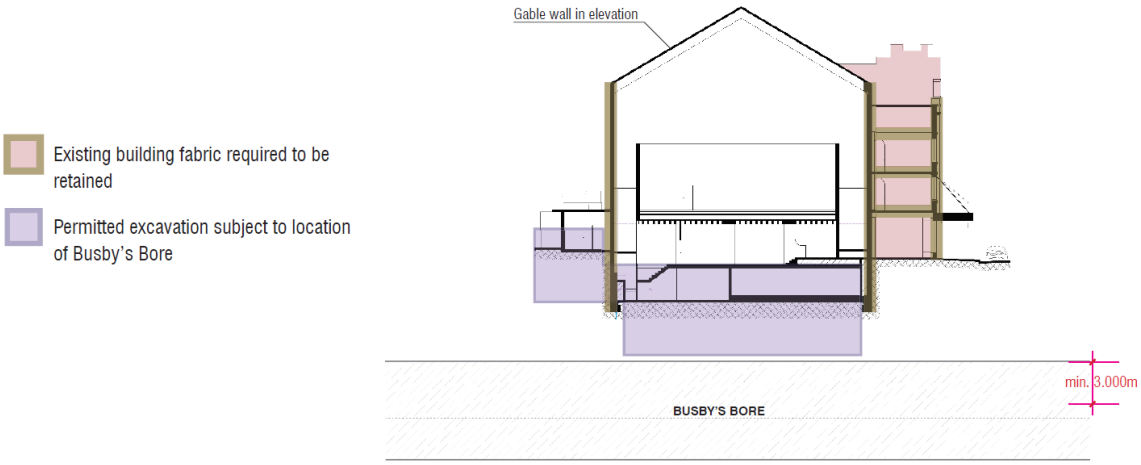

Figure 6.XX: 1-11 Oxford Street, Paddington – Required building retention and permitted excavation cross-section

6.3.x.x Public domain, loading, servicing and access

(1) Active uses and frontages should be provided on the ground level fronting Oxford Street and splay on the corner of Oxford and South Dowling Streets.

(2) Four new trees are to be provided on Oxford Street, allowing the replacement of the continuous awning with entry awnings, as shown in 'Figure 6.xx: 1-11 Oxford Street, Paddington – Public domain, loading, servicing and access'.

(3) A single vehicular driveway crossover off South Dowling Street is permitted to allow access into the south-western corner of the building, accommodating no greater than a small rigid vehicle, positioned and dimensioned to limit the removal of only one tree and minimise the impact on the two adjoining trees, as shown in 'Figure 6.xx: 1-11 Oxford Street, Paddington – Public domain, loading, servicing and access'.

(4) Loading and servicing spaces are to be provided on-site to meet the servicing needs of all uses and are to be sized to accommodate vehicles that no greater than a small rigid vehicle to ensure vehicles can enter and exit the site in a forward direction.

(5) A transport management plan incorporating all operations and servicing on the site shall be submitted with the development application

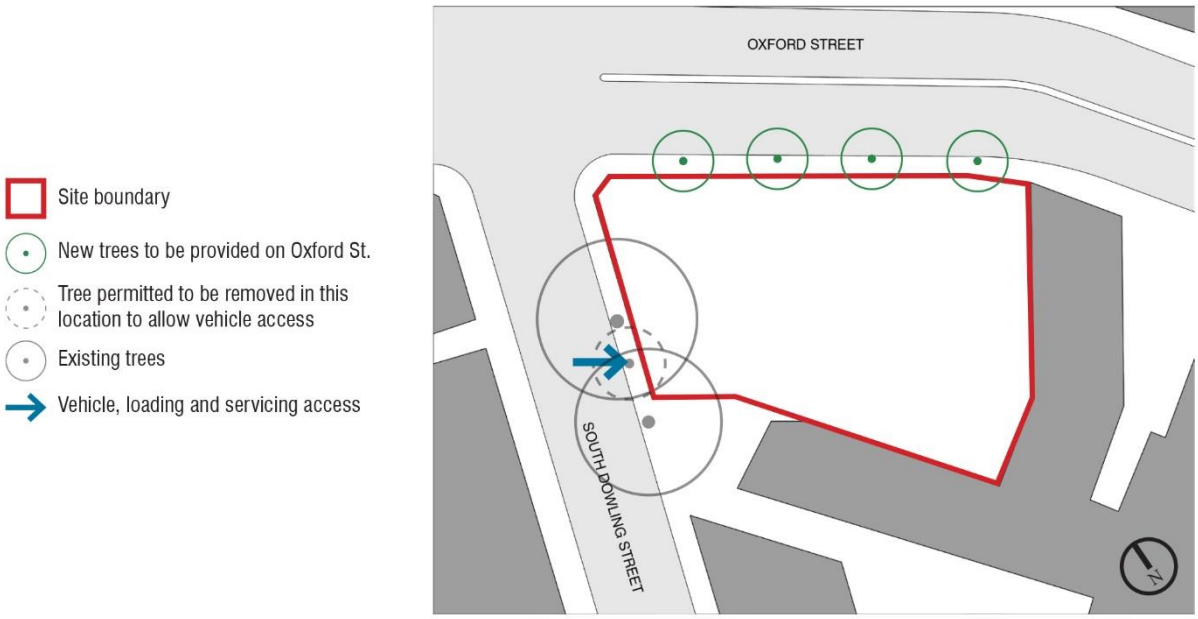

Figure 6.xx: 1-11 Oxford Street, Paddington – Public domain, loading, servicing and access

6.3.x.x Sustainability

(1) The hotel development is to achieve 5 star Green Star Design & As Built certification, exceeding the minimum energy and water credits.

(2) The owner of the hotel development must execute a Commitment Agreement of 4.5 stars National Australian Built Environment Rating System (NABERS) Energy for the whole hotel building with the NSW Office of Environment.

(3) The hotel development is to achieve 4 star NABERS Water whole building rating, as evidenced by hydraulic engineers report at detailed design stage.

(4) Tree planting in the internal courtyard is to provide tree canopy cover to 15 per cent of the site area.