Local Planning Panel 22 September 2021

D/2020/1071 - 58-76, 82-106 Oxford Street, Darlinghurst

D/2020/1072 - 110-122 Oxford Street, Darlinghurst

Applicant: AM Darlinghurst Investment Pty Ltd c/o TOGA Project

Services Pty Ltd

Owner: City of Sydney – 99 year lease to AM Darlinghurst (2019-2118)

Architect: FJMT

proposal - D/2020/1071

- alterations and additions to Group 1 and Group 2 as mixed use development
- two storey additions
- retail, food & drink, cultural & creative uses at lower ground & ground level and commercial offices above
- public benefit offer for Foley Street shared zone adjacent Group 2 (D/2020/1071) and Group 3 (D/2020/1072)

recommendation

deferred commencement approval

proposal – D/2020/1072

- alterations and additions to Group 3 as mixed use development
- two storey additions
- retail, food & drink, cultural & creative uses at lower ground & ground level and 75-room hotel above
- public benefit offer for Foley Street shared zone adjacent Group 2 (D/2020/1071) and Group 3 (D/2020/1072)

recommendation

deferred commencement approval

sites





Oxford Street Planning Proposal

Oxford Street Cultural and Creative Precinct

- on exhibition 10 September to 4 November 2021
- reviews planning controls applying to Oxford Street
- responds to high level of retail vacancy, noisy road environment, underused public spaces and impact of lockout laws and pandemic
- allows additional height where:
 - cultural and creative floor space is maintained and enhanced
 - heritage fabric is retained

notification information

- exhibition 12 November to 11 December 2020
- 1448 owners and occupiers notified
- D/2020/1071 29 submissions received
- 1 in support, 28 objections
- D/2020/1072 31 submissions received
- 1 in support, 30 objections

submissions

- height
- heritage
- design
- amenity impacts
- conflict of interest
- contamination
- use
- waste

- traffic and parking
- construction impacts

submissions





subject sites





Group 1 viewed from the SW corner of Riley St & Oxford St



Group 1 viewed from the SW corner of Riley Street & Oxford Street



Group 1 shopfronts, and neighbouring Zink & Sons





Group 1 – View of Foley Street from Oxford Square



Group 1 – View of Foley Street from Crown Street



Group 1 – evidence of original interiors and interpretive timber truss



building to the north of Group 1



Group 2 viewed from the western side of Crown Street



western portion of Group 2 viewed from Oxford Street



eastern portion of Group 2 viewed from Oxford Street



shopfronts of Group 2 viewed from Oxford Street



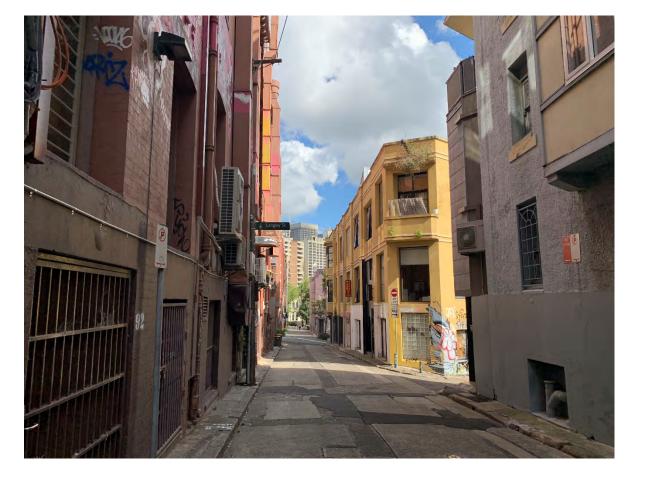
Group 2 viewed from the eastern side of Palmer Street



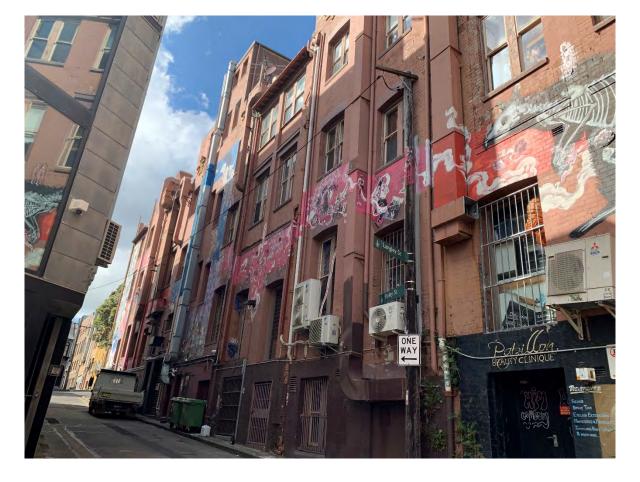
Group 2 and 265 Palmer St viewed from the eastern side of Palmer Street



Group 2 – Foley St viewed from Palmer Street



Group 2 – Foley Street looking west near junction with Langley Street



Group 2 – Foley St elevation viewed from Langley Street



Group 2 – view of Langley Street from Foley Street

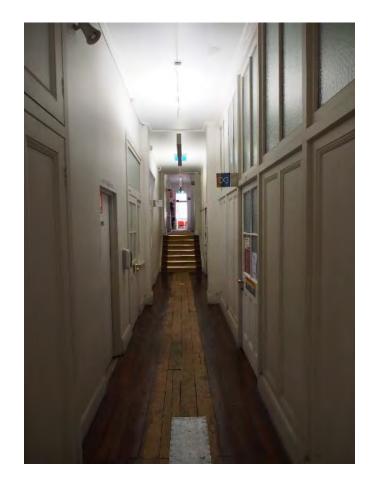


Group 2 – entrance hall





Group 2 -entrance hall and lift





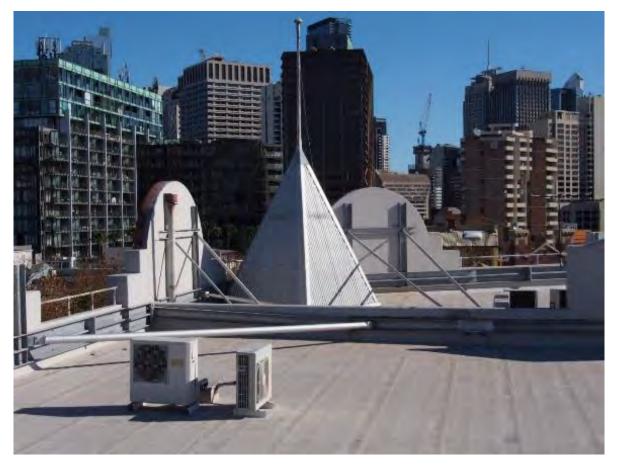
Group 2 –L1 and L2 corridors



Group 2 – tenancy example



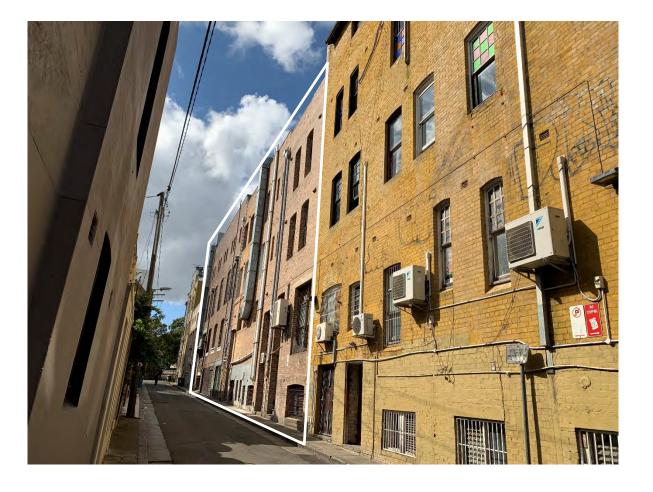
Group 2 – original ceilings



Group 2 – pyramidal spire to flag pole



Group 3 – viewed from Oxford Street



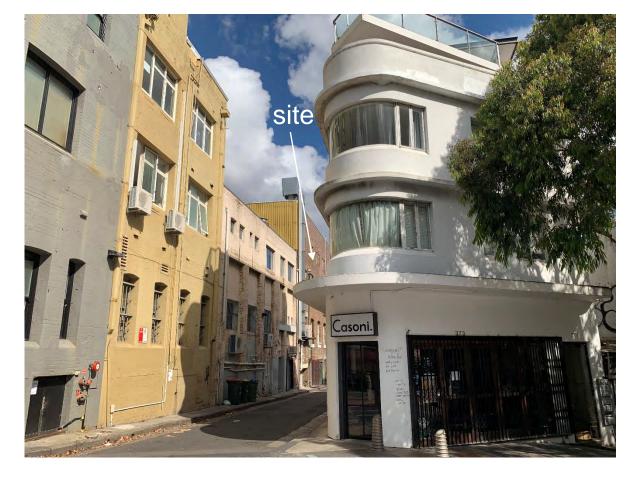
Group 3 – Foley Street elevation from the intersection with Palmer Street



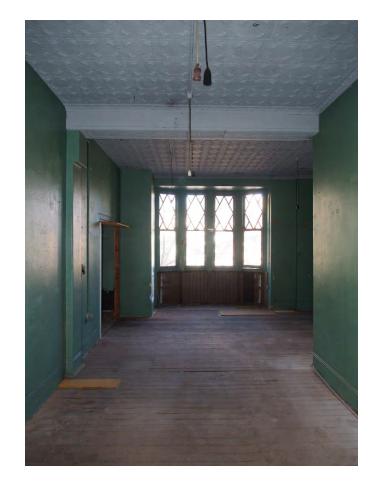
Group 3 – terraces to the north on Foley Street



Group 3 – terraces to the north on Foley Street



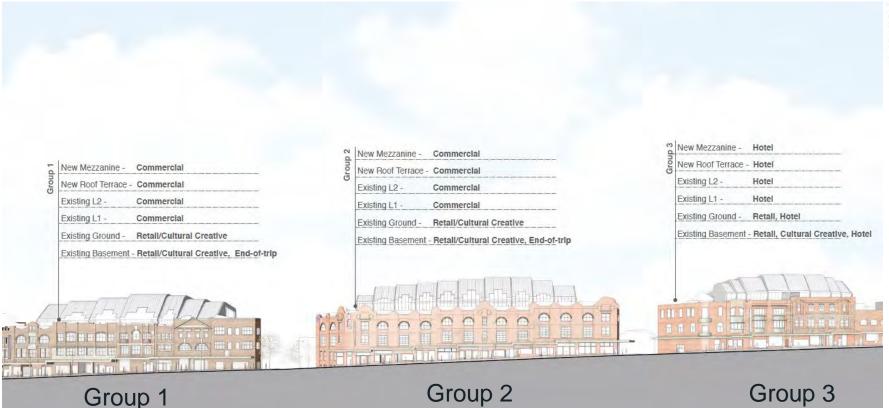
Group 3 – Foley Street viewed from Taylor Square





Group 3 – interiors

proposal



Group 1



Aerial looking north – Group 1, 2 and 3





existing



proposed





perspective of Group 1 viewed from Oxford Street



existing



proposed

perspective of Group 1 viewed from Oxford Street



perspective of Group 1 viewed from Crown Street



photomontage of Group 2 viewed from Oxford Street



existing



proposed

perspective of Group 2 viewed from Oxford Street



perspective of Group 3 viewed from Oxford Street



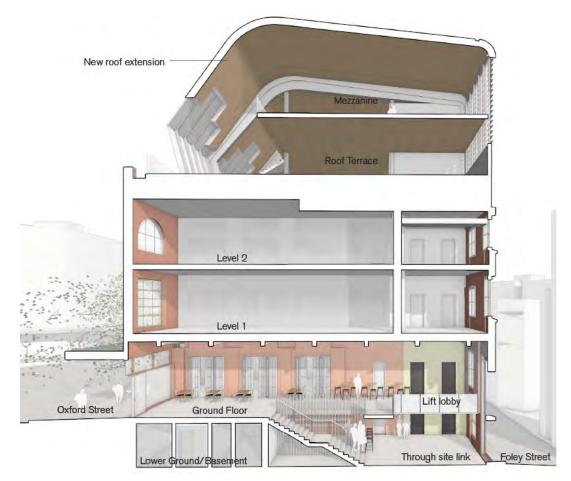
existing



proposed

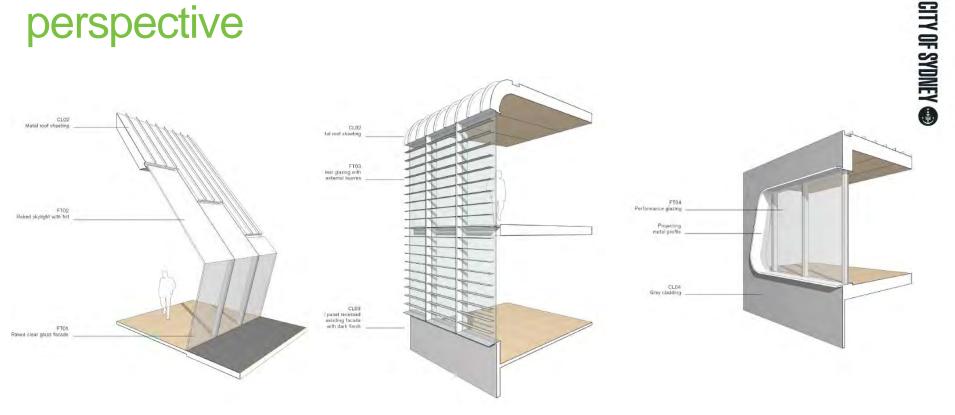


section through Group 1



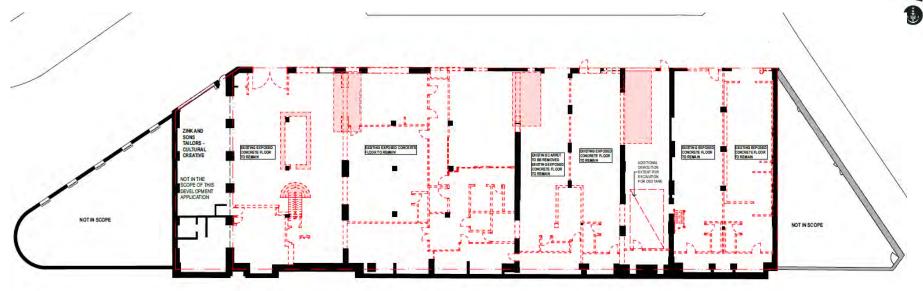
section through Group 2

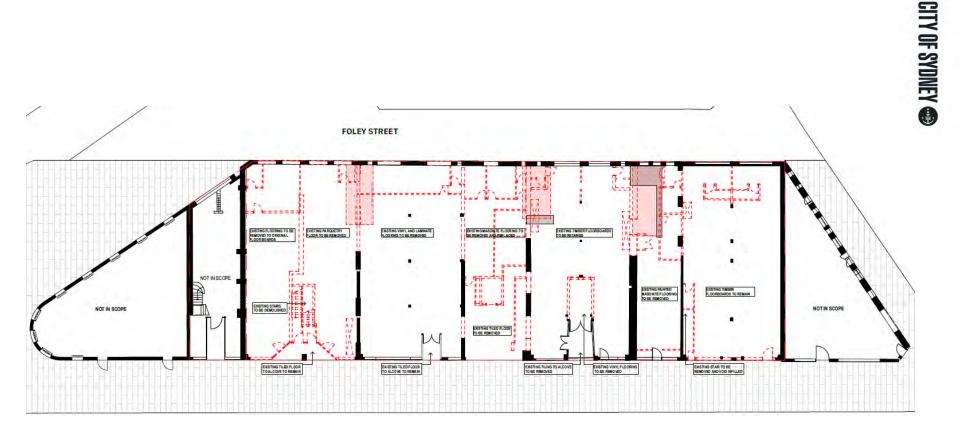
perspective



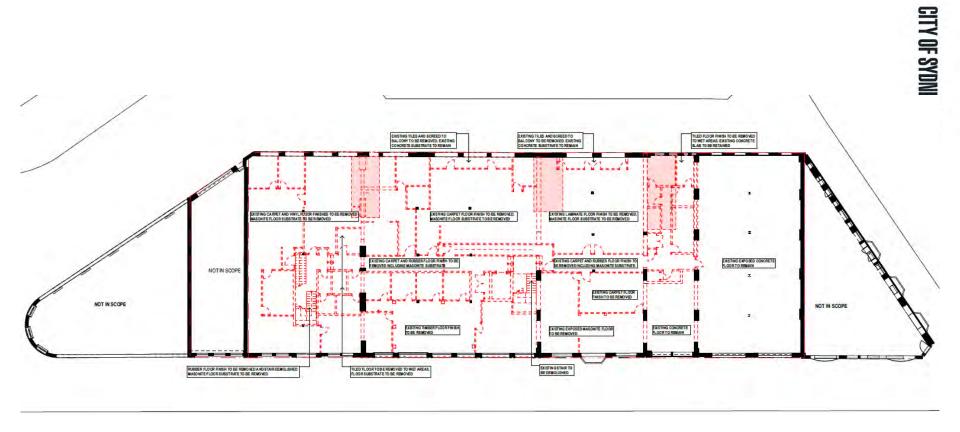
facade system detail

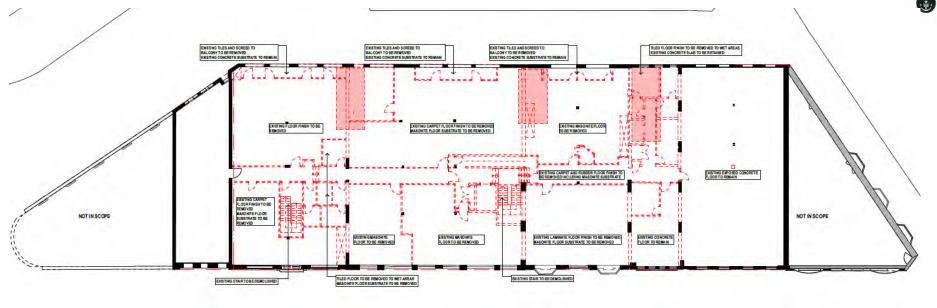
Demolition - Group 1

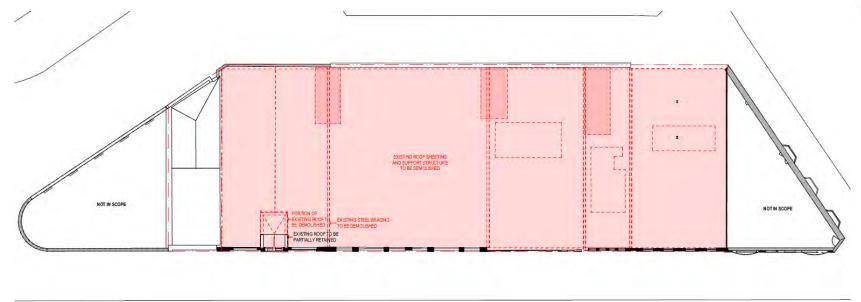




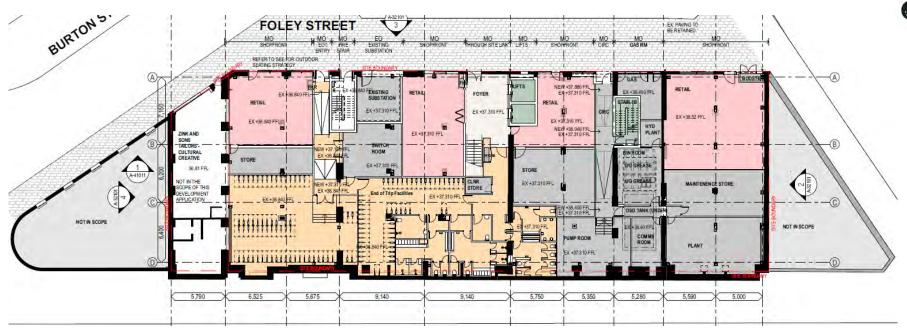
Group 1 – ground

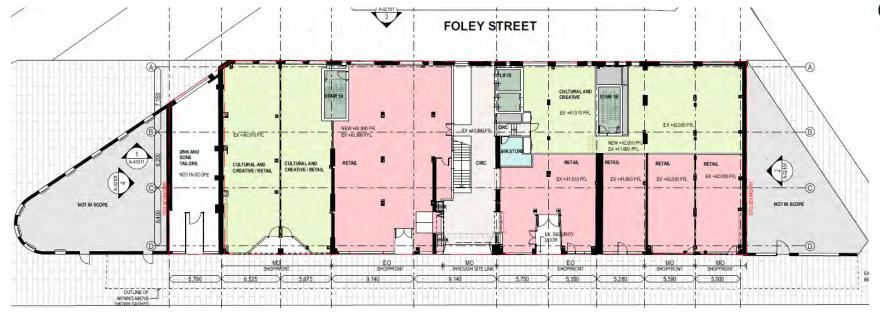




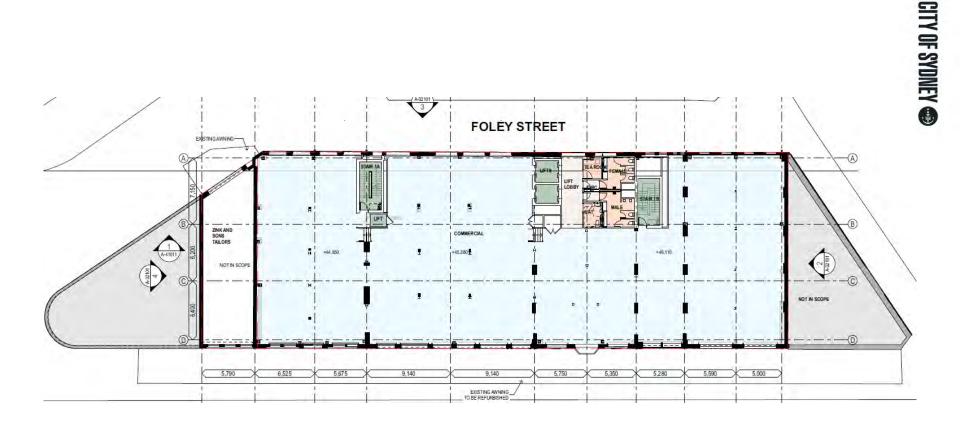


Group 1 – roof

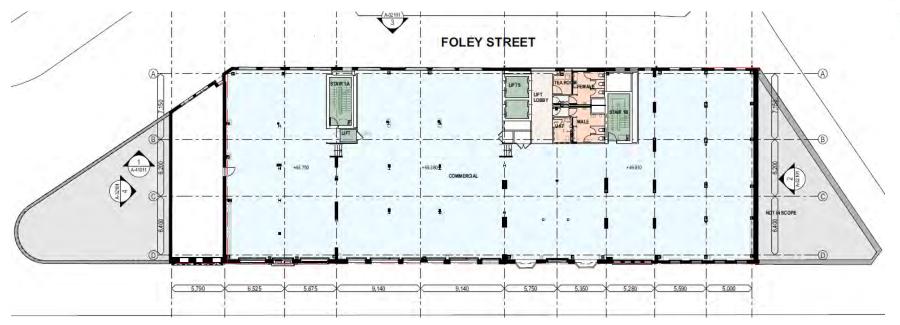


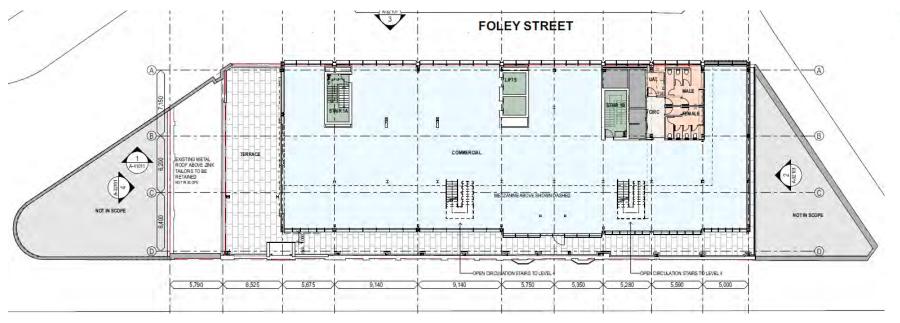


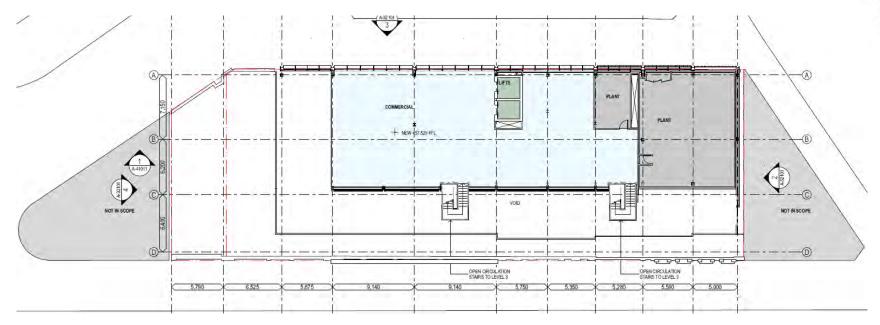
Group 1 – ground



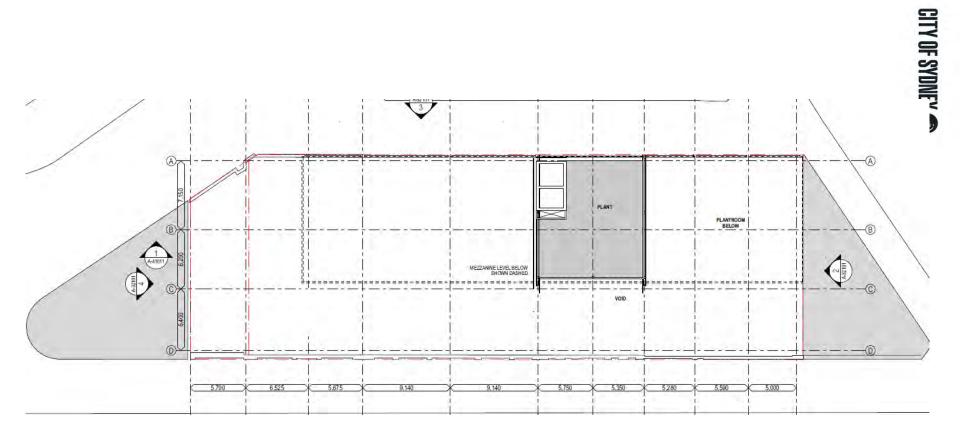
Group 1 – level 1



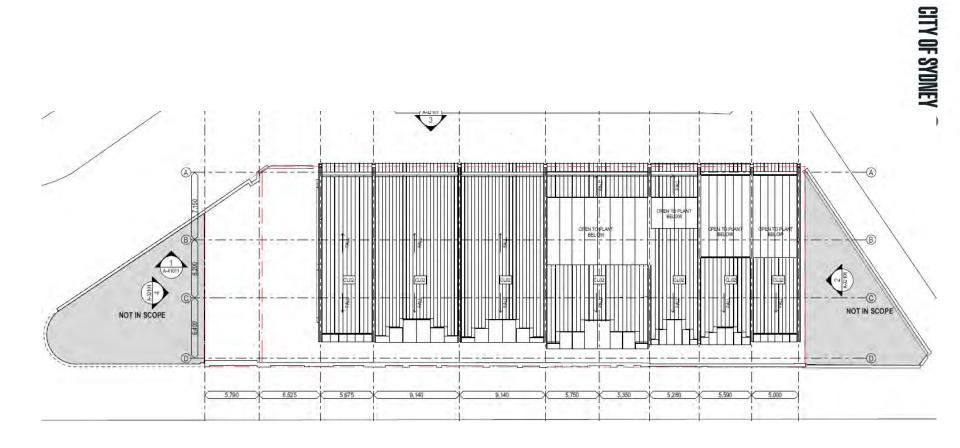




Group 1 – level 4



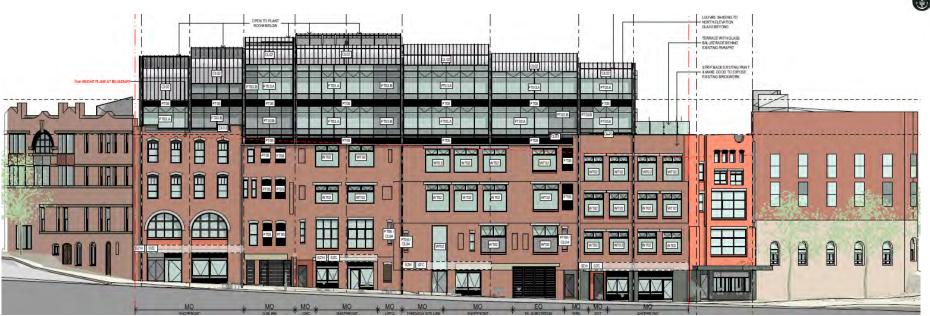
Group 1 – plant



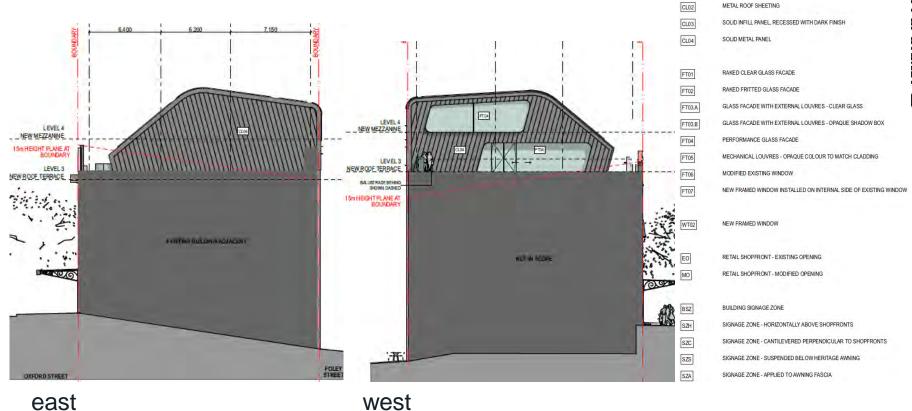
Group 1 – roof



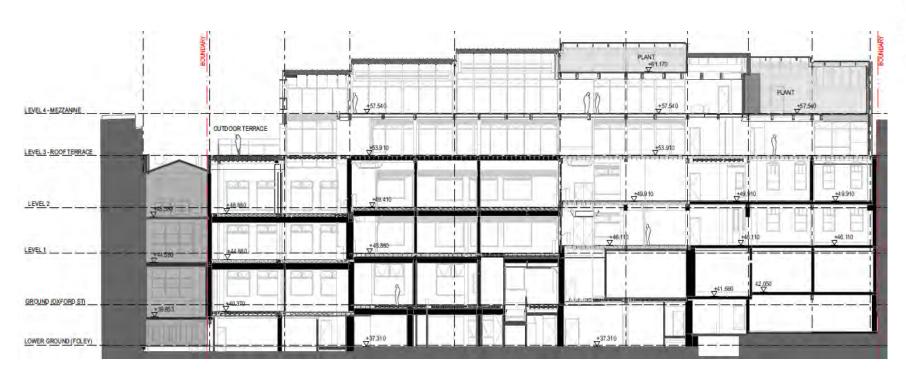
Group 1 – Oxford Street elevation



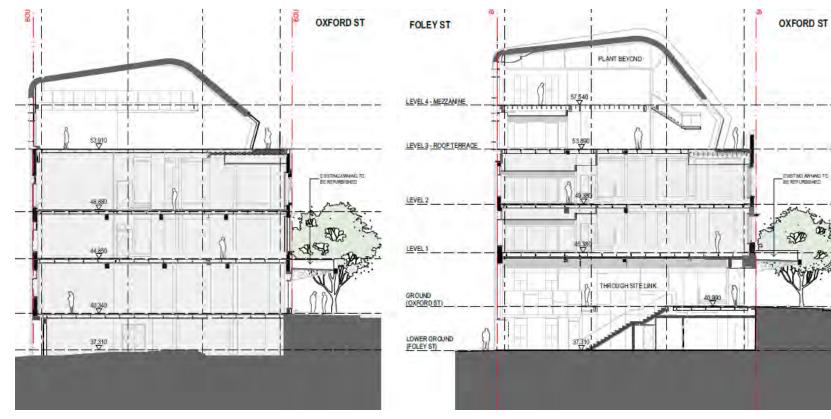
Group 1 – Foley Street elevation



Group 1 – east and west elevation



Group 1 – long section

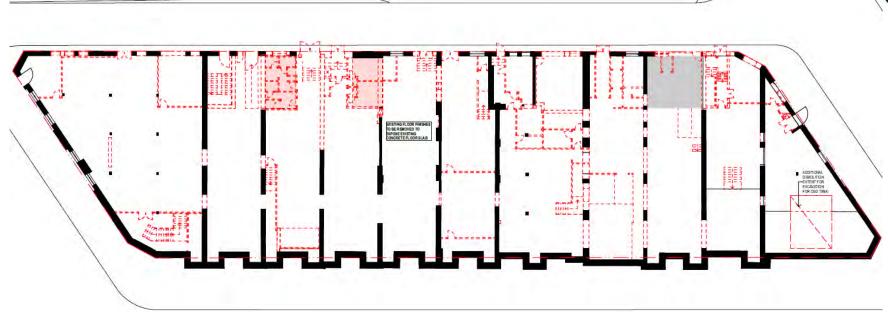


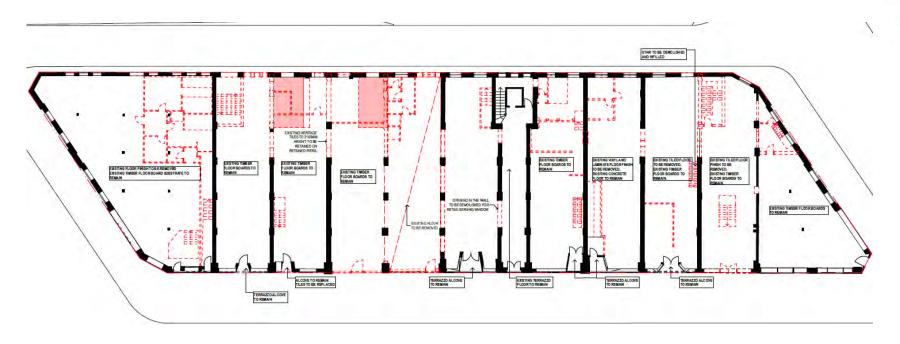
between gridlines 3 & 4

between gridlines 5 & 6

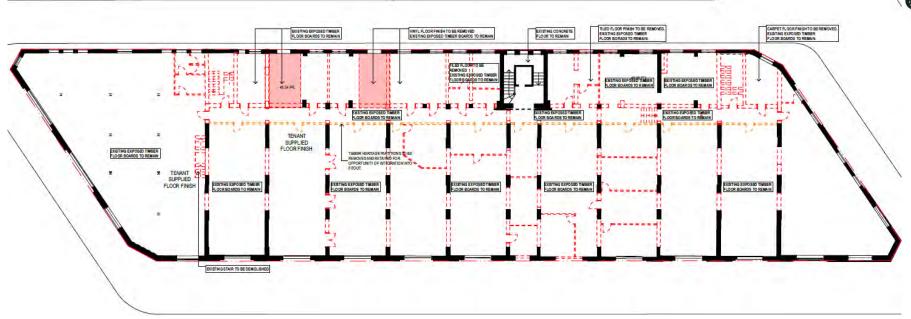
Group 1 – short section

Demolition - Group 2

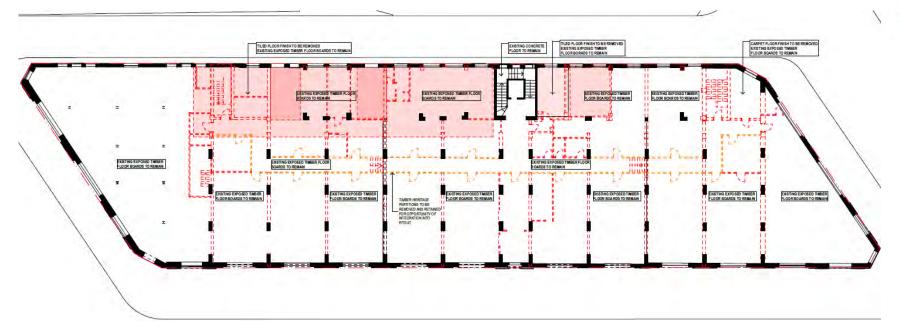




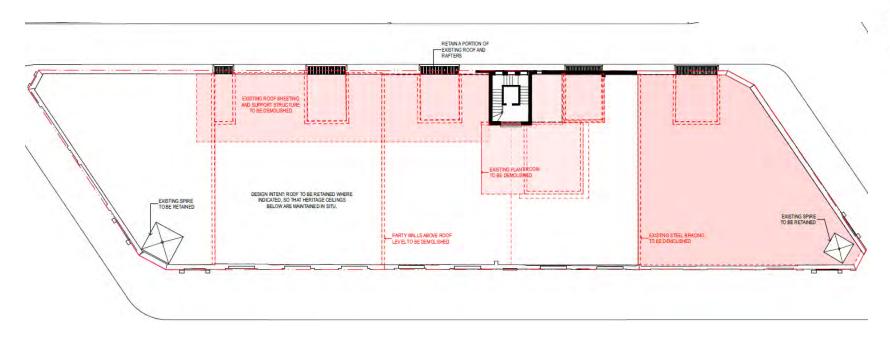
Group 2 – ground



Group 2 - level 1

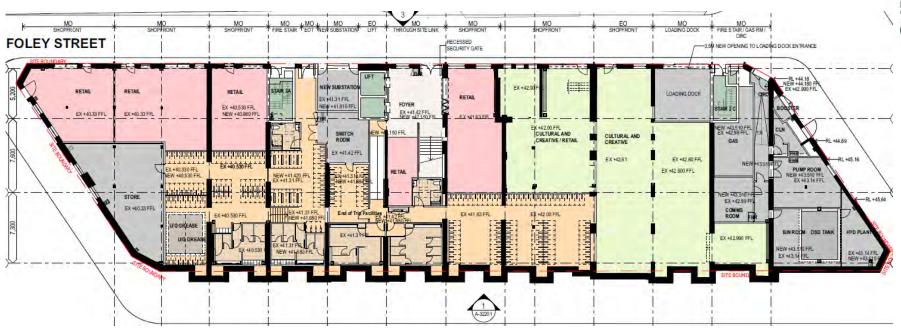


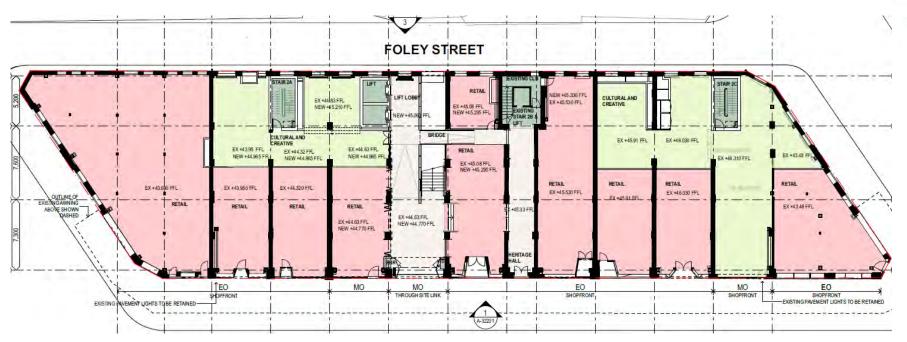
Group 2 – level 2



Group 2 – roof

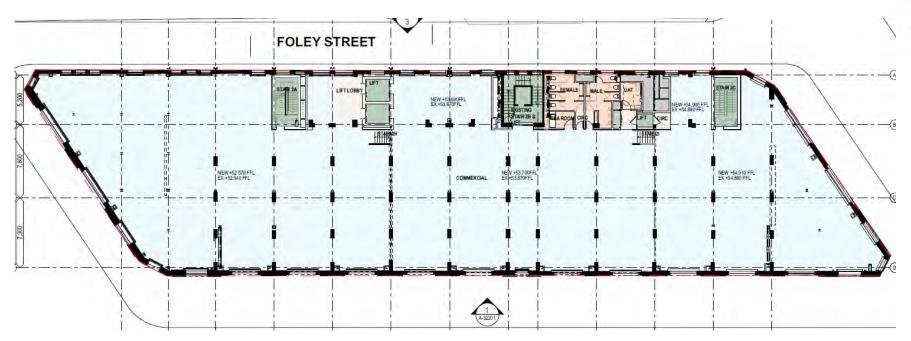
Plans - Group 2



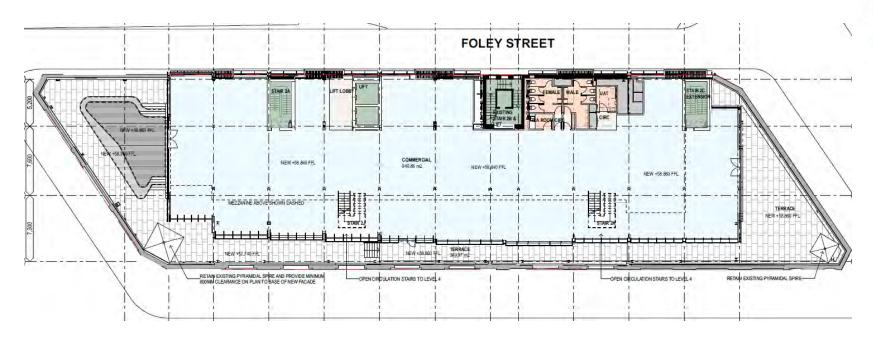


Group 2 – ground

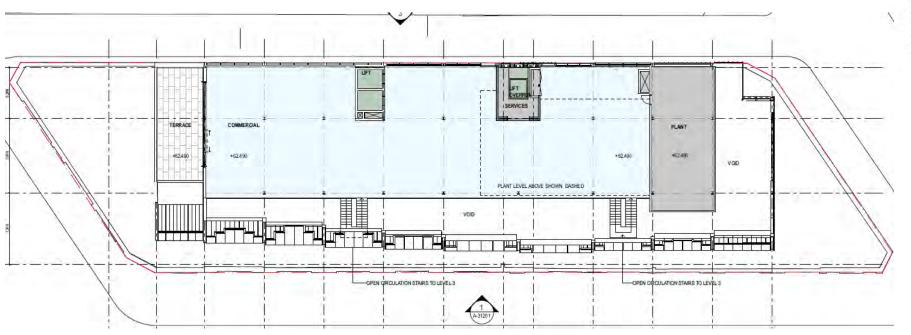
Group 2 – level 1



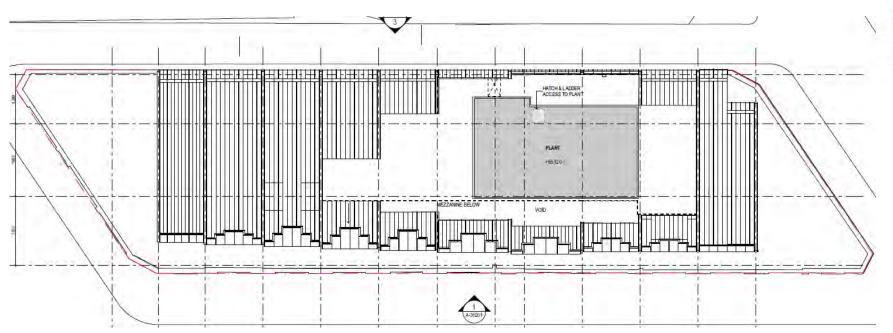
Group 2 – level 2



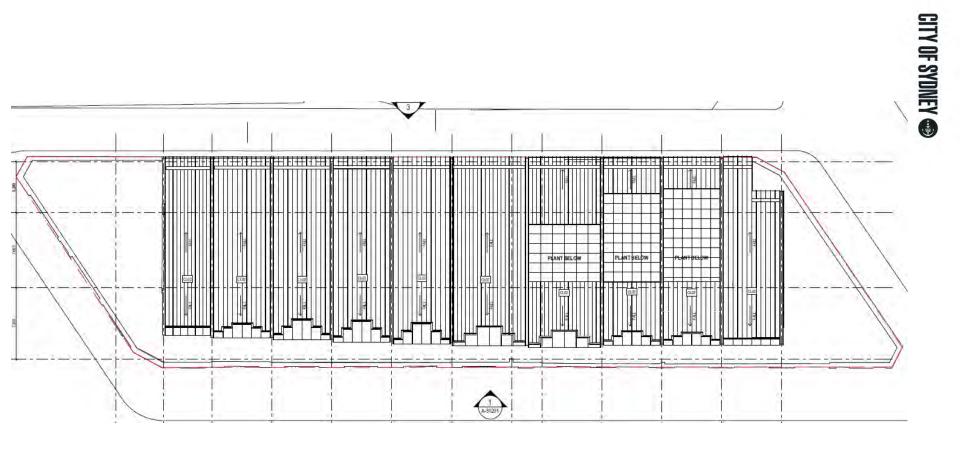
Group 2 – level 3



Group 2 – level 4



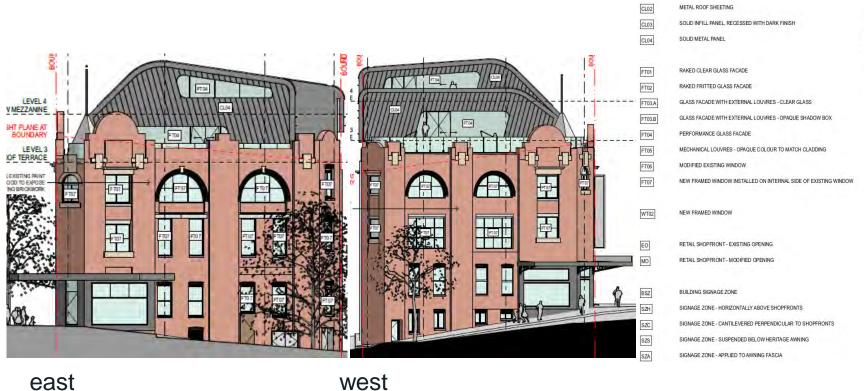
Group 2 – plant



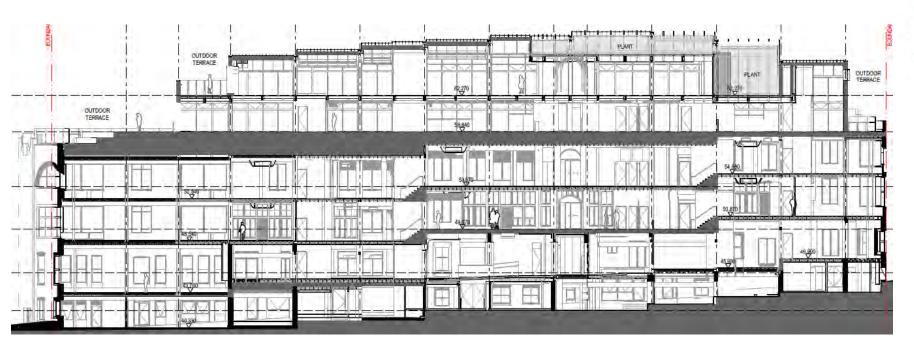
Group 2 – roof

Group 2 – Oxford Street elevation

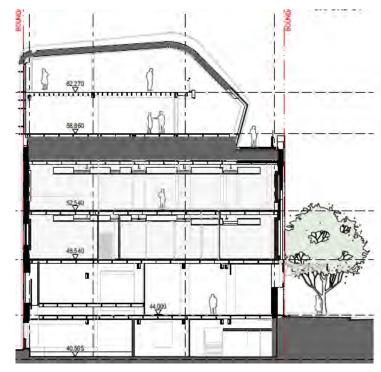
Group 2 – Foley Street elevation



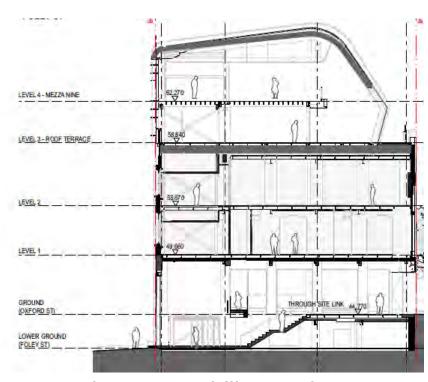
Group 2 – east and west elevations



Group 2 – long section



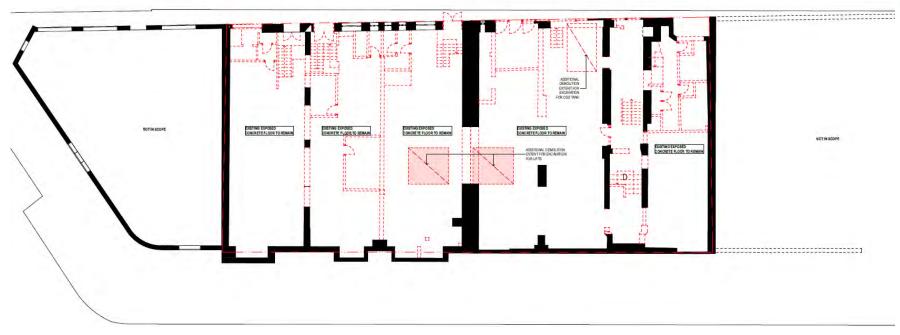
between gridlines 3 & 4

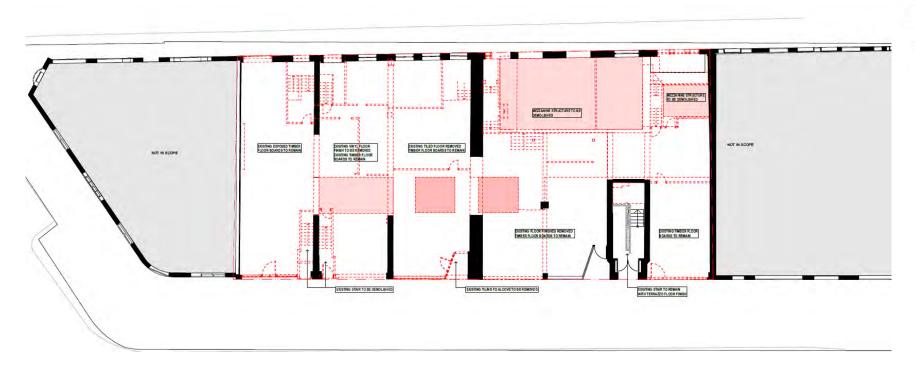


between gridlines 6 & 7

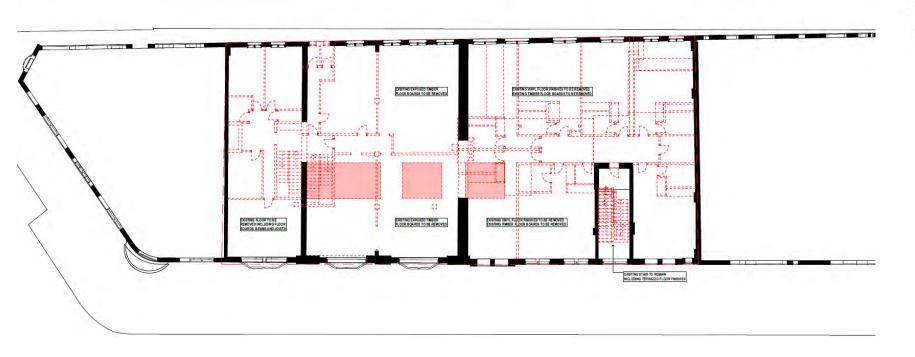
Group 2 – short sections

Demolition - Group 3

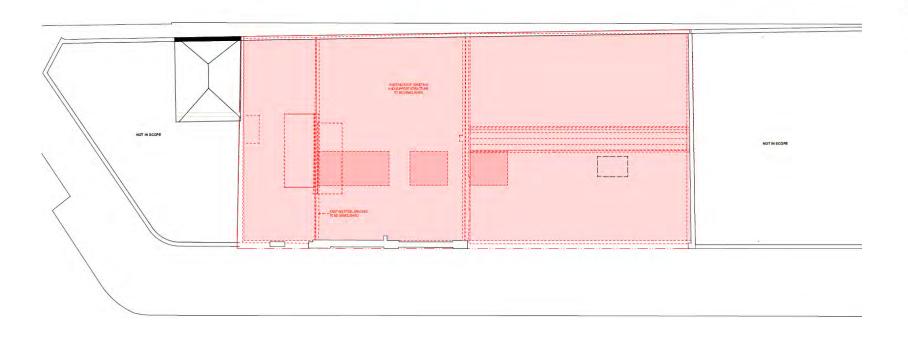




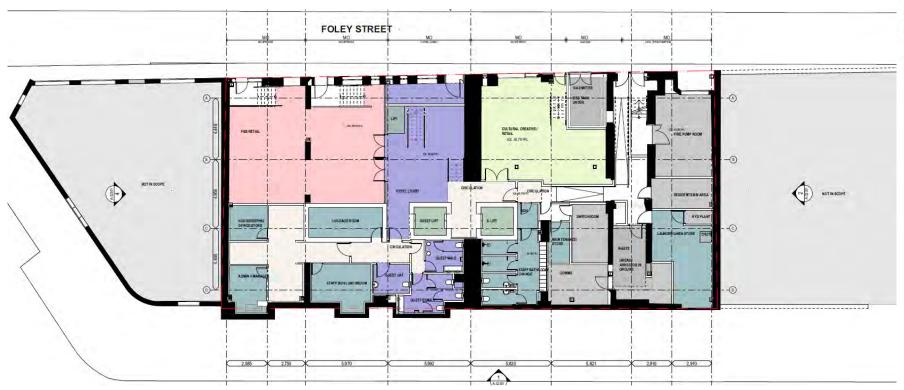
Group 3 – ground







Plans - Group 3

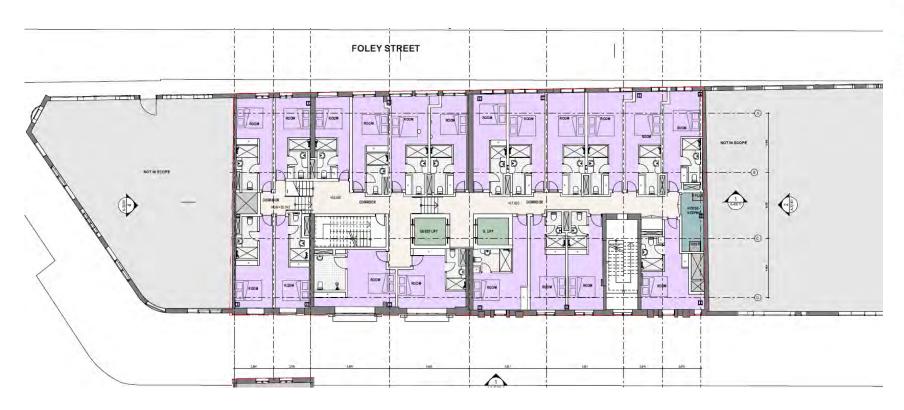




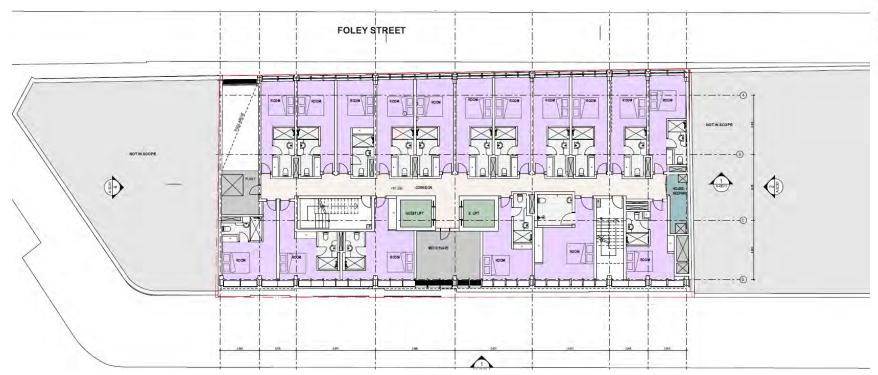
Group 3 – ground



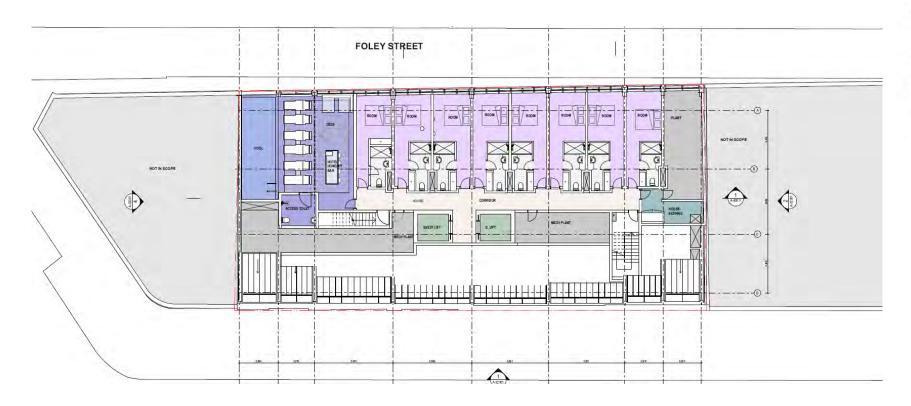
Group 3 – level 1

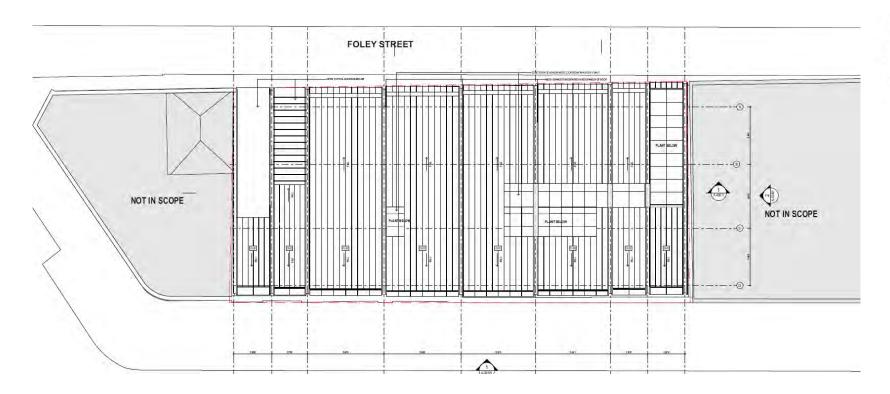


Group 3 – level 2



Group 3 – level 3





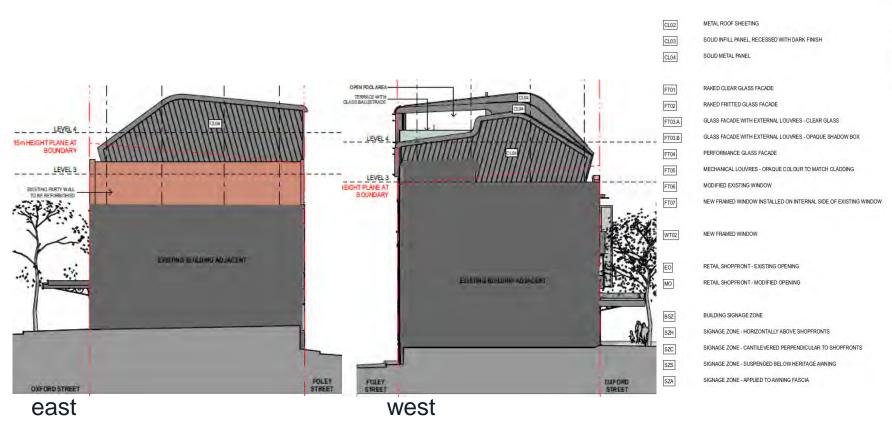
Group 3 – roof



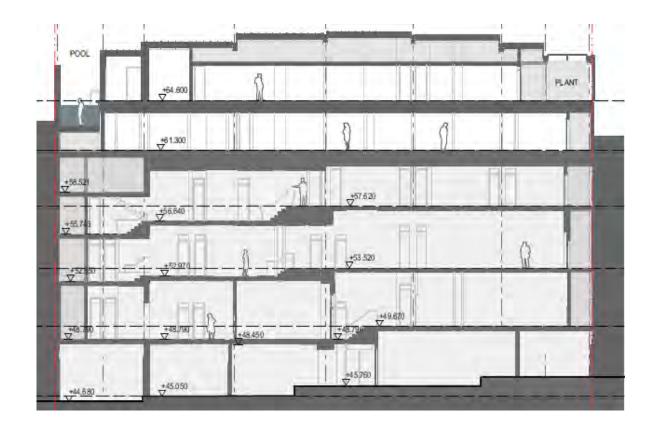
Group 3 – Oxford Street elevation



Group 3 – Foley Street elevation



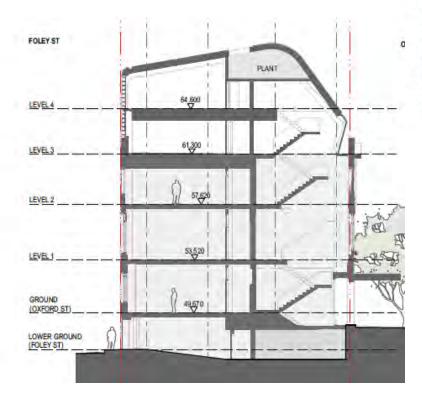
Group 3 – east and west elevations



Group 3 – long section



between gridlines 4 & 5



between gridlines 6 & 7

Group 3 – short sections

compliance with key LEP standards

	control	proposed	compliance
height	15m	Group 1 – 24.4m	no (62.6%)
		Group 2 – 24.95m	no (66.3%)
		Group 3 – 21.9m	no (46%)
planning proposal	Group 1 – 23-25m	Group 1 – 24.4m	0.4m non-compliance
	Group 2 – 25m	Group 2 – 24.95m	yes
	Group 3 – 24m	Group 3 – 21.9m	yes

compliance with key LEP standards

	control	proposed	compliance
floor space ratio	4:1	Group 1 – 4.3:1	yes
	0.3:1 (end of journey floor space)	Group 2 – 4.3:1	
		Group 3 – 4:1	

compliance with DCP controls

	control	proposed	compliance
height in storeys	3	5 (Oxford Street)	no
		6 (Foley Street)	

hours of operation

	DCP	proposed hours	recommended hours
retail/ cultural creative	6am to 2am (restaurants/cafes) 24 hours (unlicensed retail uses)	7am to 10pm	7am to 10pm
hotel	n/a	24 hours	access via Oxford Street between 10pm to 7am

issues

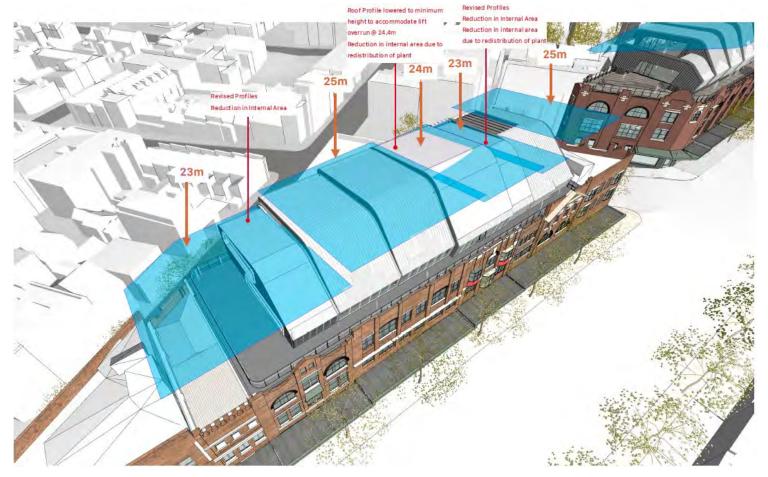
- planning proposal
- height Clause 4.6 request
- cultural and creative floor space
- heritage
- design excellence
- impacts to Foley Street
- view sharing
- voluntary planning agreement
- staged construction

Oxford Street Planning Proposal

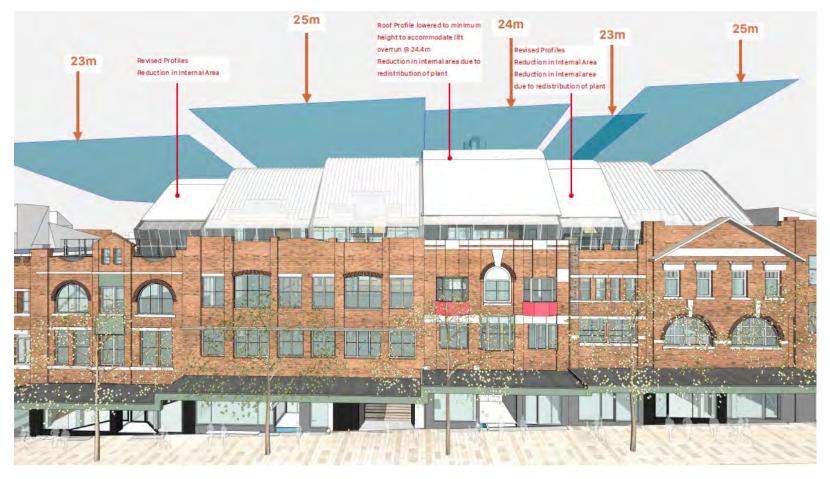
- exhibition 10 September to 4 November 2021
- a matter for consideration under Clause 4.15(1)(a)(ii) of the EP&A
 Act
- allows additional height where the proposal:
 - maintains existing cultural and creative floor space and provides additional 10% of the total GFA of the development
 - does not undermine the heritage significance of the heritage item, conservation area, or endanger the structural stability of the existing building

Planning Proposal - height

- Part of Group 1 exceeds 24m Planning Proposal height
- Groups 2 and 3 comply with Planning proposal height
 - Group 1 23-25m 24.4m for lift overrun at 24m height limit
 - Group 2 25m complies
 - Group 3 24m complies



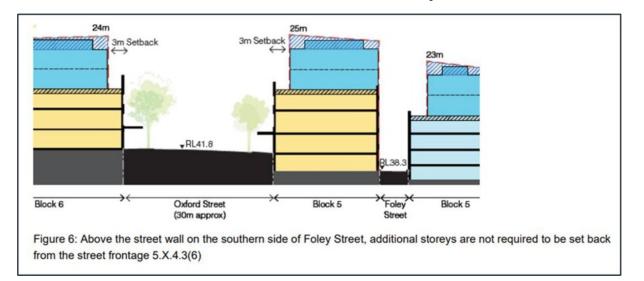
Group 1 – planning proposal height



Group 1 – planning proposal height

Planning Proposal – draft DCP

- Draft DCP requires 3m setback from Oxford Street and a nil setback to Foley Street
- the nose of the additions are within 3m of the Oxford Street frontage
- the curved roof form achieves the objectives of the DCP



Draft DCP setback diagram

Height – Clause 4.6

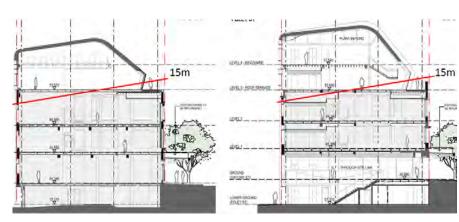


15m height control – Oxford Street



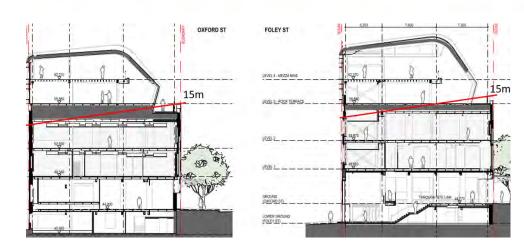
15m height control – Foley Street





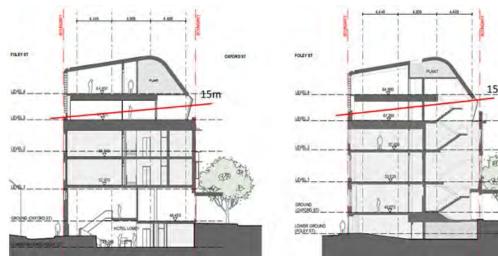
Group 1 - height non compliance





Group 2 - height non compliance





Group 3 - height non compliance

height

Clause 4.6 request supported:

- consistent with objectives of B2 Local Centre zone
- consistent with objectives of height of buildings development standard
- applicants written request addresses the matters to be considered under CI
 4.6
- Height generally consistent with planning proposal
- compliance unreasonable and unnecessary in the circumstances of the case
- sufficient environmental planning grounds to justify contravening the standard

cultural and creative floor space

- planning proposal provides that attainment of additional height:
 - requires existing cultural and creative uses be maintained and provision of an addition 10% of the total GFA be provided
- applicant not demonstrated compliance
- proposed cultural and creative space per site ranges from 2.95%-10.65%
- 2017 survey suggests shortfall in provision
- deferred commencement condition recommended requiring new survey and existing cultural and creative space be retained plus an additional 10%

cultural and creative floor space

	Existing (2017)	Proposed	Required
Group 1	1,53sqm	432.75sqm (8.31%)	1,553sqm + 520.4 (10%) = 2,073.4sqm (39.8%)
Group 2	1,502sqm	763.92sqm (10.65%)	1,502sqm + 717.2 (10%) = 2,219.2sqm (30.9%)
Group 3	280sqm	63.4sqm (2.95%)	280sqm + 241.6 (10%) = 521.6sqm (21.5%)
Total	3,335sqm	1,260.07sqm	4,814.2sqm

heritage

Site within conservation area and buildings are heritage items.

Buildings constructed c1911-1912 as part of Oxford Street road widening

- Group 1 5 heritage items
- Group 2 1 heritage item
- Group 3 2 heritage items

Planning Proposal requires

"not undermine heritage significance of any heritage item or of the heritage conservation area, or endanger the structural stability of the existing heritage building..."



Group 1 - 1982



Group 2 – 1920



Group 3 – 1980s

Heritage committee

DCP requires the consent authority to:

- appoint a committee that includes heritage professionals to examine and advise on the merits of the proposal
- be satisfied that that committee has followed an appropriate public process for the purpose of that examination
- Consent authority to consider the advice of the committee (but is not bound by the advice of the committee)

Heritage committee

The Committee raised concerns with:

- the Conservation Management Plans
- Considered that all building fabric of moderate, high or exceptional significance should be retained and conserved
- original/early shopfronts and building entrances should be retained and conserved and early shopfronts should be re-instated
- visible additions above the roof level not considered appropriate
- impact of any additions on structure, fire safety, access and service requirements requires thorough understanding, so that any addition does not impact significant fabric on the floors below

Heritage committee

Committee continued:

- development should recognise that the buildings are individual and separate (both externally and internally)
- the applicant should consider a range of options for the redevelopment, including the option of maintaining the existing buildings
- a long term costed maintenance plan should be prepared
- the conservation and restoration of the heritage elements to be retained should be fully documented

heritage

- amended plans and information submitted
- heritage and structural consultants were appointed to review the information
- a very high quality of heritage conservation is required, consistent with LEP, DCP controls and the planning proposal
- it is considered that the proposal's can maintain the heritage significance of the buildings subject to a number of conditions

heritage – vertical additions

- conditions recommended to ensure vertical additions do not result in loss of significant internal fabric or undermine structural stability
- deferred commencement condition requiring structural solution to be further developed
- proposal was reviewed by the Design Advisory Panel who provided their support in principal
- vertical additions are generally consistent with the alternative height of buildings control of the Planning Proposal
- acceptable in that context

heritage

Conditions require:

- structural solution to be further developed
- some roof features and pyramidal spires to be retained (Group 1 and 2)
- retention of some internal fabric e.g. wall tiling to entrance (Group 2, various internal stairs, decorative plaster ceilings (Group 2)
- Group 1 party walls to retain front portion to first pier
- Group 2 Level 1 exceptionally intact and is to remain
- Group 2 Level 2 to retain front portion of walls to first pier
- reinstatement of original shop fronts

heritage

Conservation Management Plans:

- were amended to split into 3 groups
- conditioned to include original drawings, results of site investigations, and conservation policies

Design Advisory Panel

Design Advisory Panel reviewed the applications in November 2020. The Panel:

- noted their support in principle due to the significant and positive contribution it could make to Oxford Street
- raised concern with:
 - lack of variety of the roof form across the three blocks
 - material and detailing of the roof and the need for it to be high quality
 - environmental performance
 - need for enduring dedication of cultural and creative space

design excellence

- the proposal is considered capable of achieving design excellence, subject to conditions
- the stepped form is appropriate to topography and they interpret the subdivision pattern of buildings
- condition recommends 'metal' roof be with a natural zinc finish
- 4.5 star (offices) and 4 star (hotel) NABERS rating proposed
- 5 star not achievable due to heritage constraints
- conditions address passive solar gain
- cultural and creative space secured via conditions

impacts to Foley Street

Conditions recommended to minimise impacts on amenity of buildings on the opposite side of Foley Street:

- curtains/blinds to existing windows to minimise overlooking
- external louvres to upper level facade for privacy and passive solar gain
- Foley Street shared zone adjacent to Groups 2 and 3 to improve pedestrian amenity (secured by VPA)
- loading and waste collection management plans
- hotel access to be from Oxford Street only between 10pm and 7am
- residential bin room within Group 3 for the benefit of residential terrace houses



submissions from 5 buildings concerned with loss of views to city skyline, Harbour Bridge and Opera House

modelling prepared by applicant

- objectives of the building height "to promote the sharing of views"
- design excellence "whether the development detrimentally impacts on view corridors"
- principles of view sharing Tenacity Consulting v Warringah Council:
 - first step assessment of views to be affected
 - second step what part of the property the views are obtained
 - third step assess the extent of the impact
 - fourth step assess the reasonableness of the proposal that is causing the impact









107-111 Oxford Street – upper level apartment





302 Crown Street – north facing apartments





200 Campbell Street – north facing apartments



130-132 Oxford Street – roof terrace

- proposal maintains view to top level of 302 Crown St and top two levels of 200 Campbell St
- properties retain views from other vantage points, 80 Oxford St to Harbour, 107-111 Oxford St to city skyline, 130-132 Oxford St to harbour and bridge
- only partial views of the Sydney Harbour Bridge and Opera House are currently achieved, with the nearest objector being 2.35km from the Opera House and 2.75km from the Sydney Harbour Bridge
- opportunities for a more skilful design to reduce the view impact may result in other impacts, such as streetscape and heritage impacts

Voluntary Planning Agreement



Foley Street shared zone adjacent Group 1 completed in 2013

Public benefit offer for shared zone adjacent Group 2 & 3

Voluntary Planning Agreement



Public benefit offer for Foley Street shared zone adjacent to Group 2 & 3

Voluntary Planning Agreement

- Works in kind valued to offset Section 7.11 contributions
- Group 1 and 2 (D/2020/1071): \$581,541.51
- Group 3 (D/2020/1072): \$510,989.12,
- Total: \$1,092,530.63
- Public Benefit Offer valued at \$1,479,000
- Draft VPA to be exhibited for 28 days
- Deferred commencement condition recommended to allow the drafting, exhibition, execution and registration on title

staged construction

Stage	Works
1	Site Establishment
	Demolition
	Hazardous material removal
	Structure associated with demolition
2	In ground services
	Excavation and footings, including OSD tanks and underpinning
3	Structure
4	Services above ground
	Remainder of works (main architectural works)
5	Public Domain

construction proposed over 5 stages conditions structured accordingly

recommendation

• deferred commencement approval subject to conditions