

## Item 5

### Matters for Tabling

#### 5.1 Disclosures of Interest

Disclosure of Interest returns that have been lodged in accordance with the City of Sydney Code of Conduct are being received and collated by staff.

#### Recommendation

It is resolved that Council note that Disclosures of Interest returns will be received and noted following the resumption of in-person meetings.

#### 5.2 Petitions

##### (a) Oxford Street Planning Proposal for a Creative and Cultural Precinct

Councillor Vithoukias gives notice that, at the meeting of Council on Monday, 15 November 2021, she will table and speak to a petition (with 342 signatures) with the following terms:

Artists, art students, architects, musicians, writers and actors have had a long association with Oxford Street from the mid-nineteenth century. As residents, lessees, frequenters and visitors with a working interest in the Oxford Street area, we support the aims and objectives, but not the formula applied in the City of Sydney Council Draft Proposal, to provide creative floorspace and support creative enterprise in a Creative and Cultural Precinct.

We are not persuaded that the Local Environment Plan controls for Oxford Street should be dramatically revised to promote commercial redevelopment in the name of a Creative and Cultural Precinct. We do not believe a token 10% allocation for Creative Space justifies the addition of 10 metres in height for two storeys of commercial floorspace to all buildings in a Heritage Conservation Zone. We believe the target of +42,500 square metres of floorspace can only be gained at the cost of the character of Oxford Street and will not result in the retention or creation of affordable Creative floorspace, nor in the revitalisation of Oxford Street businesses. The business revival of Oxford Street will depend on market conditions for ground-floor shopfront businesses and accessible first-floor or basement floorspace, not additional rooftop uses.

We do not believe that the economic, cultural, creative and heritage rationale for the Masterplan in its current form can withstand scrutiny. The case for the Masterplan is not supported by evidence of many studies commissioned by Council for this purpose.

“Given the relatively low level of demand expected, large scale changes to planning controls to facilitate new development are not required. Instead, consideration could be given to how to best utilise existing floorspace within the precinct to cater to different types of demand, and to target redevelopments to deliver new capacity while respecting the precinct’s heritage and character.”

- Oxford Street Floor Space Supply and Demand Study on Demand for Creative Floorspace, p 49, ‘SGS Economics and Planning’ March 2021. Prepared for City of Sydney.

We therefore call on Council:

- to suspend ratification of the Draft Proposals for a Creative and Cultural Precinct;
- to review the Draft Local Environment Plan controls, to revise the +10m formula and diminish the height of proposed additions by one storey, depending on development context;
- to exempt heritage-listed buildings, and those recommended for listing as heritage items by the Heritage Study, from the 10m additions under the Alternative controls;
- to support the incentive for heritage conservation with direct grants;
- to bring the heritage provisions of the Draft Development Control Plan (DCP) into line with the 2006 Heritage DCP;
- to review the proportion of Creative Space from 10% to 50% in order to qualify for additions under the Alternative controls; and
- to increase the incentive for provisions of Creative Space with rate subsidies including affordable combined studio / living spaces for artists.

**(b) Petition for the City of Sydney to Employ the Band Mojito Joe at the Saturday's King Cross Organic Food Markets**

Councillor Scully gives notice that, at the meeting of Council on Monday, 15 November 2021, she will table and speak to a petition (with 42 signatures) with the following terms:

Each band member is excellent in their own field, being a singer, saxophonist and guitarist. The band's presence at the Saturday's Markets in Fitzroy Gardens attracts a larger number of people. We believe that this is a great addition to the cultural life of the area. The band is a great drawcard for tourists and for residents of other areas. This band creates a climate of joy, harmony and community, which is very welcome in these difficult times.

We believe that if the City engages the services of this band on a more permanent basis it would be of a cultural and commercial benefit to the Potts Point community.

**(c) Petition by the Residents of Rainford Street Surry Hills to Calm the Traffic on our Street**

Councillor Scott gives notice that, at the meeting of Council on Monday, 15 November 2021, she will table and speak to a petition (with 41 signatures) with the following terms:

Since the construction of the Eastern suburbs light rail, traffic volume within Surry Hills has increased substantially. Local one-way streets such as Rainford Street are now being used as a short cut or 'rat run', to avoid traffic lights and traffic congestion. Petitioners request the City of Sydney investigate traffic calming measures for Rainford Street.

**(d) Sexualised Advertising**

Councillor Scott gives notice that, at the meeting of Council on Monday, 15 November 2021, she will table and speak to a petition (with 25 signatures) with the following terms:

Our beautiful residential suburbs of Glebe and Forest Lodge are being impacted by a one size fits all Compliant Development Certificate that allows an 'adult only' retail chain to blast sexualised advertisements within our residential City neighbourhoods.

Development in residential areas of the City of Sydney should protect our beautiful residential suburbs from companies seeking to profit off sexualised and violent images.

Sign this important community petition to call on the City of Sydney to act on enacting planning policies that remove this advertising wherever possible, and where necessary advocate to the NSW State Government to prevent sexualised and violent advertising in our residential neighbourhoods.

**(e) Creatives Submission on the Oxford Street Planning Proposal**

Councillor Scott gives notice that, at the meeting of Council on Monday, 15 November 2021, she will table and speak to a petition (with 59 signatures) with the following terms:

The following submission details are concerns for heritage protection of Oxford Street, with the following considerations:

- Oxford Street remains a unique Heritage Conservation area that should be defended and protected by Council.
- An inclusive definition of “Heritage” should be incorporated in the “Oxford Street Heritage, Culture and Creative Precinct” and refer to LGBTQI identities informing the character, cultural and creative presence of Oxford Street.
- The marginal 10% provision and protection for creative space cannot justify the sacrifice of heritage listed buildings to become platforms for commercial redevelopment. There are no creative benefits to the sale of heritage values.
- The incentive of additional floorspace for developers irreparably compromises the integrity and conservation of heritage buildings.
- The cost of the proposed redevelopment will not yield affordable creative rental floorspace, nor commercially viable floorspace in the upper storeys without extensive internal and external modifications of fragile heritage buildings. (Lightweight timber construction for the commercial uses envisaged for roof-top additions is questionable; concrete and steel reinforcement of floors, new lift-shafts, and roof-spaces are more likely. Both will require high rental returns per sqm).
- Currently proposed safeguards in the Masterplan Development Control Plan (DCP) to assess conservation plans by developers do not prevent demolition of floors and heritage fabric behind facades or offer sufficient protection to heritage listed buildings.
- The restoration and conservation of heritage buildings should be supported by grants from Council and the NSW Government, and form the core of any plans to revitalise Oxford Street.

We do not believe that the economic, cultural, creative and heritage rationale for the Masterplan in its current form can withstand scrutiny. The case for the Planning Proposal controls is not supported by evidence of many studies commissioned by Council for this purpose.

“Given the relatively low level of demand expected, large scale changes to planning controls to facilitate new development are not required. Instead, consideration could be given to how to best utilise existing floorspace within the precinct to cater to different types of demand, and to target redevelopments to deliver new capacity while respecting the precinct’s heritage and character.”

- Oxford Street Floor Space Supply and Demand Study on Demand for Creative Floorspace, p 49, ‘SGS Economics and Planning’ March 2021. Prepared for City of Sydney.

We therefore call on Council to:

- suspend ratification of the Draft Proposal until recommendations in the Oxford Street Heritage Study, including proposed heritage listing on the Local Environment Plan (LEP), at local and State level, of Oxford Street buildings have been reviewed by an independent Heritage Committee, and a credible Oxford Street Precinct Heritage Management Plan is devised for a revised Masterplan.
- exempt heritage-listed buildings from consideration for floorspace additions under new Masterplan controls.
- review the Local Environment Plan controls and DCP provisions for contributory heritage buildings with consideration to heritage features, streetscape, amenity and capacity for additions on a case-by-case basis.
- revise the formula for +10 additions in terms of possible variations in the application provision for floorspace additions, based on heritage assessment of buildings and streetscape.
- review the criteria for Additions to Heritage buildings in the Masterplan DCP (5.X4.1) and bring these into line with the 2006 Heritage DCP. (Retain Heritage Objectives and Provisions 5.X.3.1)
- publish any redevelopment plans for the Darlinghurst Goal site of the National Art School, before endorsing any redevelopment on the site.
- devise an immediate Oxford Street Restoration Plan, funded by Council rates and proceeds from Ashe Morgan for priority rescue of stonework on heritage facades, and other features requiring immediate restoration and conservation.
- broaden the applicable definitions of Heritage character beyond architecture and streetscape to include the changing social and cultural use of buildings.

### *Creative Space Provisions*

We support the Objectives and Provisions for Creative and Cultural Space in the Masterplan DCP (5.X.2). Our concerns regarding the Creative Space objectives of the Masterplan are as follows:

- The Floor Space Demand and Supply Study concludes that the projected demand for commercial floorspace is not sufficient to justify revision of planning controls for heritage buildings in order to increase supply.

- Many artists continue to rent floorspace in heritage properties on Oxford Street that the Masterplan is slating for commercial redevelopment (eg. Oxford House no 103-105 Oxford Street). Several occupants in Oxford House have migrated to the south side of Oxford Street, following poor management and Council's 99-year lease of its northside properties to Ashe Morgan. Others have left as a consequence of recent redevelopment (eg. 1-11 Oxford Street).
- In addition to those that have already been displaced from existing Creative floorspace, many more will not survive proposed redevelopment under Masterplan controls despite Provision 5.X2.1 of the DCP.
- The Ashe Morgan development does not provide a replicable model for commercial redevelopment that justifies the 10m to be permitted for two additional rooftop storeys on the southside.
- Replacing Creative floorspace formerly subsidised by Council, the Ashe Morgan development on the north side of Oxford Street can however serve as a commercial stimulus to small scale development on the south side that respects the heritage character of the existing streetscape.
- Capital intensive redevelopment requiring extensive consolidation of existing terrace properties will not yield outcomes consistent with small scale creative enterprise and marginal culture business within.
- Demand for Creative floorspace is cost-sensitive and mobile. Since demand for commercial floorspace will take a considerable time to recover following the impact of Covid in the CBD and adjacent areas, floorspace rental cost per sqm will remain relatively affordable to emergent creative enterprise, if the incentive for capital intensive redevelopment is restrained within requisite planning controls.
- Securing 10% for "Creative" space with long-term contracts for specified use in exchange for 90% additional commercial floorspace is not a realistic development model for a cultural precinct.
- The need for affordable combined studio / living spaces should be considered in addition to the proposed provisions for Creative Space in Oxford Street and the Neighbourhood.
- Recent Council approvals of DAs for major buildings on Oxford Street under the 2012 LEP confirm that Heritage is not a negative constraint on restoration and refurbishment of existing buildings that might justify a dramatic revision of planning controls envisaged by the Masterplan (see D/2016/217 for 113-115 Oxford Street; D/2020/1070 for 163-9 Oxford Street).
- A dual system of Controls will add to planning uncertainty and undermine existing approvals protecting heritage under the 2012 LEP.
- Planning controls (Height and FSR) are an extremely blunt tool to channel creative use of floorspace. Rate subsidies are a much more directly responsive and transparent mechanism.

Our opposition to the terms of Oxford Street LEP Planning Controls should not be misconstrued as lack of support for a Masterplan that effectively underwrites the development of creative space and enterprise on Oxford Street.

- Substantially increasing the percentage from 10% to say, 50%, is one approach to increase and change use of floorspace under Alternative controls for non-heritage listed Oxford Street buildings.
- Alternative mechanisms such as rate subsidies can more effectively target existing or additional floorspace for creative use, requiring an annual audit to monitor compliance.

We have further suggestions on measures that can be undertaken by Council to encourage creative use of existing, or additional floorspace on Oxford Street, and add to the character of a Cultural Precinct. We look forward to the opportunity of sharing our views and suggestions with Council.

### **Recommendation**

It is resolved that the Petitions be received and noted.