

Item 3.**Development Application: 58-76, 82-106, 110-122 Oxford Street, Darlinghurst - D/2021/1550****File No.:** D/2021/1550**Summary**

Date of Submission:	4 January 2022 Amended plans and information submitted in March 2022
Applicant:	AM Darlinghurst Investment Pty Ltd c/o TOGA Project Services Pty Ltd
Architect:	Place Studio
Developer:	AM Darlinghurst Investment Pty Ltd c/o TOGA Project Services Pty Ltd
Owner:	City of Sydney Council, and is subject to a 99-year lease with AM Darlinghurst (2019-2118)
Planning Consultant:	Ethos Urban
Heritage Consultant:	Urbis
Cost of Works:	\$7,582,241
Zoning:	The site is located in the B2 Local Centre zone. The existing land use is commercial premises which is permissible. No change in land use is proposed.
Proposal Summary:	Development approval is sought for restoration works to existing buildings at 58-78 Oxford Street (Group 1), 82-106 Oxford Street (Group 2), and 110-122 Oxford Street (Group 3). The proposed development does not change the floor space ratio (FSR) or height of the existing buildings.

The sites are heritage items and the proposal was amended to address concerns from Council's Heritage Specialist. The revised design is satisfactory subject to conditions ensuring the retention of significant heritage fabric.

The application was notified and advertised for 28 days, and the amended application was re-notified for 14 days. A total of 16 submissions were received during the initial notification period (13 objections, 2 in support and 1 comment). Five submissions of objection were received during re-notification of the amended application. The issues raised in the objections include process and timing, heritage, amenity impacts, conflict of interest, traffic and construction impacts.

The application is referred to the Local Planning Panel for determination due to a conflict of interest, being a development for which the land owner is the council (although it is noted that the site is subject to a 99-year lease with AM Darlinghurst until 2118) and which proposes external works to a heritage item.

Summary Recommendation: The development application is recommended for approval, subject to conditions.

Development Controls:

- (i) Environmental Planning and Assessment Act 1979
- (ii) State Environmental Planning Policy No 55 - Remediation of Land
- (iii) State Environmental Planning Policy (Infrastructure) 2007
- (iv) Sydney Local Environmental Plan 2012
- (v) Planning Proposal: Oxford Street Cultural and Creative Precinct
- (vi) Sydney Development Control Plan 2012

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings - Group 1
- C. Selected Drawings - Group 2
- D. Selected Drawings - Group 3
- E. Heritage Committee Report for D/2020/1071 and D/2020/1072

Recommendation

It is resolved that consent be granted to Development Application No. D/2021/1550 subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The amended application is recommended for approval for the following reasons:

- (A) The development, subject to conditions, is consistent with the objectives of the B2 Local Centre zone pursuant to Sydney Local Environmental Plan 2012.
- (B) The development conserves the heritage significance of the heritage items on site and satisfies Clause 5.10 of Sydney Local Environmental Plan 2012.
- (C) The development exhibits design excellence to satisfy Clause 6.21 of Sydney Local Environmental Plan 2012.
- (D) The development is consistent with the character and principles identified in the locality statement for Oxford Street Darlinghurst.
- (E) The development will not result in unacceptable amenity impacts on surrounding properties and public domain and does not unreasonably impact upon any significant view corridors.

Background

The Site and Surrounding Development

1. The site comprises three building groups on the northern side of Oxford Street, between Oxford Square and Taylor Square identified as Group 1, Group 2, and Group 3. The buildings are part of an architecturally consistent group of buildings constructed as the result of the resumption of land by the Council at the time and the widening of Oxford Street between Whitlam Square and Taylor Square in c1909. These buildings are a fine example of Federation Freestyle architecture and make an important contribution to the streetscape. The buildings are owned by the City, but part of a 99-year lease until the year 2118.
2. Group 1 is part of the block bounded by Foley Street, Crown Street, Oxford Street and Oxford Square. It comprises Lots 3-12 in DP6520, commonly known as 58-78 Oxford Street, Darlinghurst, and has a site area of 1,234sqm. It excludes:
 - (a) the two lots at either end of the block
 - (b) the Zink Tailors building (Lot 2 in DP 6520) at 56 Oxford Street Darlinghurst, which is also owned by the City and part of the same 99-year lease.
3. Group 2 is an entire street block bounded by Foley Street, Palmer Street, Oxford Street and Crown Street. It has a legal description of Lot 1 in DP 815188, commonly known as 82-106 Oxford Street, Darlinghurst, and has a site area of 1,668sqm.
4. Group 3 is part of the block bounded by Foley Street, Palmer Street, Oxford Street and Taylor Square. It comprises Lots 2 in DP815188, commonly known as 110-122 Oxford Street, Darlinghurst, and has a site area of 604 square metres.
5. The site is located within the Oxford Street heritage conservation area (C17).
6. The three building groups are identified in the aerial image below.
7. Site visits were carried out in February 2022.



Figure 1: Aerial image of subject site and surrounding area

Group 1 (58-76 Oxford Street)

8. Group 1 comprises five separate brick buildings and presents as three storeys to Oxford Street and four storeys to Foley Street. The buildings are interconnected on the lower ground floor, level 1 and level 2. Each building has a distinct and individual appearance but collectively they present as a cohesive streetscape of federation style.
9. The five buildings were constructed c1911-12, and are individually listed local heritage items, as follows:
 - (a) 58-60 Oxford Street – (item number I385) commercial building including interior
 - (b) 62-66 Oxford Street – (item number I386) commercial building including interior
 - (c) 68-70 Oxford Street – (item number I387) commercial building "Daniel's" including interior
 - (d) 72-72A Oxford Street – (item number I388) commercial building "Nelson Leong" including interior
 - (e) 74-78 Oxford Street – (item number I389) commercial building including interior
10. There are some retail tenancies to Foley Street, which is a shared zone between Burton Street and Crown Street.

11. To the west, at 56 Oxford Street, is a three-storey brick commercial building known as “GA Zink & Sons”. That building is both a state heritage item (SHR 00658) and local heritage item (I384). Further to the west, at 52-54 Oxford Street, is a three-storey triangular brick building which is a local heritage item. It accommodates a cafe and a cocktail bar on the ground and lower ground levels, and residential above.
12. To the east, at 80 Oxford Street, is a three-storey brick and sandstone corner building that is a local heritage item (I390) known as the ‘Former Kelso’s Hotel’. It accommodates retail uses on the lower levels, and residential uses above.
13. To the north is a four-storey mixed use building on the opposite side of Foley Street, with ground floor retail and residential above.
14. To the south, on the opposite side of Oxford Street, is a row of three to four storey retail and commercial buildings.
15. Photos of Group 1 and surrounds are provided below:



Figure 2: Group 1 as viewed from Oxford Street



Figure 3: Group 1 as viewed from Foley Street



Figure 4: The site looking south east along Foley Street from Oxford Square



Figure 5: The neighbouring property 80 Oxford Street in foreground (not part of this DA), and the Foley Street frontage of the site in the background



Figure 6: Group 1 shopfronts along Oxford Street and 56 Oxford Street (GA Zink & Sons), which is not part of the DA, shown in the foreground



Figure 7: Original shopfront configuration (84 Oxford Street)



Figure 8: Evidence of original interiors within 74 and 76 Oxford Street and interpretive timber truss

Group 2 (82-106 Oxford Street)

16. Group 2 is a brick commercial building with a basement level and presents as three storeys to Oxford Street and four storeys to Foley Street. The building was constructed c1912 and is a local heritage item known as the 'former Oxford Street Municipal Chambers' (I392). The building was refurbished in c1940 in an interwar functionalist style. The original lobby, stairs, and lift remain highly intact. The ground floor accommodates retail and food and drink premises, and the upper levels are used as commercial offices.
17. To the north, on the opposite side of Foley Street, is a three-storey mixed use commercial/residential building fronting Crown Street and a five-storey residential building fronting Palmer Street. A part-six part-seven storey residential building is located further north along Crown Street, while a row of two-storey terraces and a two-to three-storey residential building are along Palmer Street.
18. To the east, at 108 Oxford Street, is a three-storey hotel with a bottle shop on the ground floor. Further east is a related development application (D/2020/1072) at 110-122 Oxford Street.
19. To the south, on the other side of Oxford Street, is a row of two to four storey retail and commercial buildings.
20. Photos of the Group 2 and surrounds are provided below:



Figure 9: Group 2 as viewed from Crown Street



Figure 10: Group 2 as viewed from the corner of Oxford Street and Crown Street



Figure 11: Group 2 as viewed from the corner of Oxford Street and Palmer Street



Figure 12: Group 2 as viewed from Palmer Street



Figure 13: Shopfronts of Group 2



Figure 14: Group 2 as viewed from Foley Street



Figure 15: Looking north-west along Foley Street as viewed from Palmer Street, with Group 2 on the left and 265 Palmer Street on the right



Figure 16: Original entry and letterboxes of Group 2



Figure 17: Original entrance hall of Group 2



Figure 18: Original lift shaft and stairs of Group 2



Figure 19: Original hallway of Group 2 (Level 1)



Figure 20: Hallway of Group 2 (Level 2)



Figure 21: Example of a Group 2 tenancy



Figure 22: Original ceilings within Group 2



Figure 23: Feature pyramidal base to flagpole on Group 2 roof

Group 3 (110-122 Oxford Street)

21. Group 3 comprises three separate brick buildings and presents as three storeys to Oxford Street and four storeys to Foley Street. Each building has a distinct and individual appearance but collectively they present as a cohesive streetscape of federation style.
22. The buildings were constructed c1911-12, and are local heritage items including one individually listed building and a building group, as follows:
 - (a) 110 Oxford Street – LEP no. I396 Commercial Building including interior
 - (b) 112-122 Oxford Street – LEP no. I397 Commercial Building Group including interior
23. To the west, at 108 Oxford Street, is a three-storey local heritage item (I395) known as 'former Crecy Hotel'. Further to the west, at 82-106 Oxford Street, is Group 2 of the associated development application D/2020/1071. To the east, are a series of two and three storey commercial buildings that form the remainder of the street block.
24. To the north on the opposite side of Foley Street is residential terrace housing of predominantly two storeys in height.
25. To the south, on the opposite side of Oxford Street, is a row of two to three storey retail and commercial buildings.
26. Photos of Group 3 and surrounds are provided below:



Figure 24: The site viewed from Oxford Street



Figure 25: The site viewed from Foley Street



Figure 26: Residential dwellings located on the opposite side of Foley Street



Figure 27: Residential dwellings located on the opposite side of Foley Street



Figure 28: Foley Street as viewed from Taylor Square



Figure 29: Interiors of 112-114 Oxford Street.



Figure 30: Interiors of 116-122 Oxford Street.



Figure 31: View from existing roof level to residential terraces on Foley Street

History Relevant to the Development Application

History of Oxford Street

27. The north side of Oxford Street was rebuilt in the early 20th century following resumptions and road widening by the Council. This major public work resulted in a fundamental change to the nature and scale of Oxford street. The architectural cohesiveness of this side of the street is a direct result of the rebuilding of the streetscape on the northern side of Oxford Street over a relatively short period of time in the contemporary free classical architectural style using a unified palette of local brick and sandstone.

Development Applications

28. There are two other current development applications for these sites that are currently under assessment.
29. A development application (D/2020/1071) for the alterations and additions to existing buildings at 58-78 Oxford Street (Group 1) and 82-106 Oxford Street (Group 2) for mixed use development was lodged on 15 October 2020. The proposed uses include retail premises, food and drink premises, and tenancies for cultural and creative uses on the lower ground and ground levels, and commercial offices above.
30. A development application (D/2020/1072) for 110-122 Oxford Street was lodged on 15 October 2020 for use of the existing building as a mixed use development and associated alterations and additions with a signage strategy. The proposed uses

include a 75-room hotel, retail premises, food and drink premises, and tenancies for cultural and creative uses on the lower ground and ground levels.

31. Development applications D/2020/1071 and D/2020/1072 were considered by the Local Planning Panel on 22 September 2021. The Planning Reports submitted to the panel recommended a deferred commencement approval.
32. The Panel deferred determination of the development application and provided the following comments:
 - (a) The Panel deferred consideration of Development Application No. D/2020/1071 and D/2020/1072 until a subsequent meeting of the Local Planning Panel to enable further consideration of issues raised by the Design Advisory Panel and the Heritage Committee, particularly in relation to variety of roof forms, streetscape, setbacks in particular the benefit of observing a 3m setback behind the Oxford Street parapets, amenity, privacy, outlook, and environmental performance.
33. These development applications will be reported back to the Local Planning Panel at a later date.
34. There is an extensive development application history for retail and commercial uses for the subject site. These applications are not relevant to the subject DA.

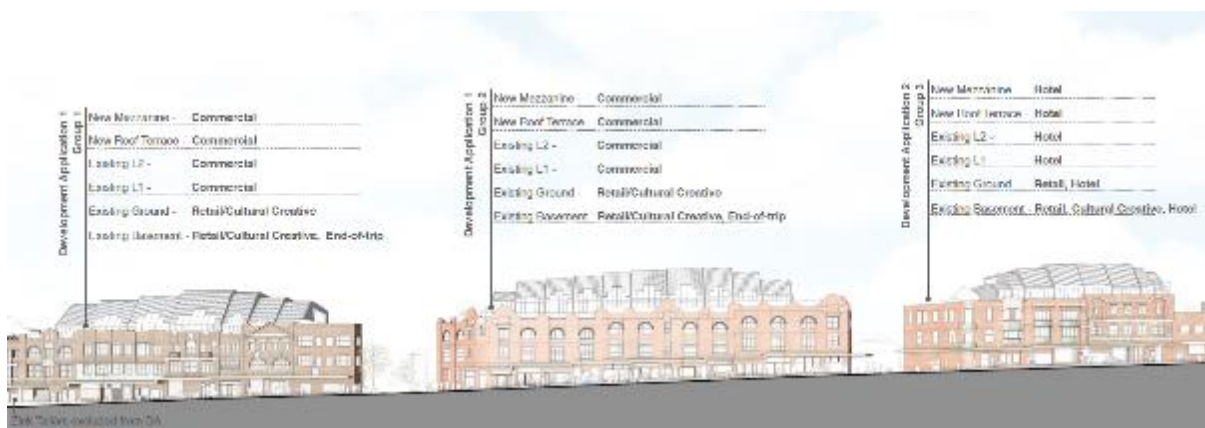


Figure 32: Groups 1, Group 2 (both D/2020/1071) and Group 3 (D/2020/1072) viewed from Oxford Street, as reported to the September LPP 2021 meeting



Figure 33: An aerial view of Group 1, Group 2 and Group 3 viewed from the south-west, as reported to the September 2021 LPP meeting

Oxford Street Cultural and Creative Precinct - Planning Proposal

35. The Oxford Street Cultural and Creative Precinct planning proposal is the result of a review of planning controls applying to Oxford Street. The review responds to the high level of retail vacancy, noisy road environment, underused public spaces and the impact of the now repealed lockout laws and the Covid-19 pandemic on the land use and patronage of Oxford Street. The Planning Proposal complements the Locality Statement for Oxford Street Darlinghurst of the Sydney DCP 2012 which characterises Oxford Street as a regionally significant retail and entertainment street and a local business centre for surrounding neighbourhoods.

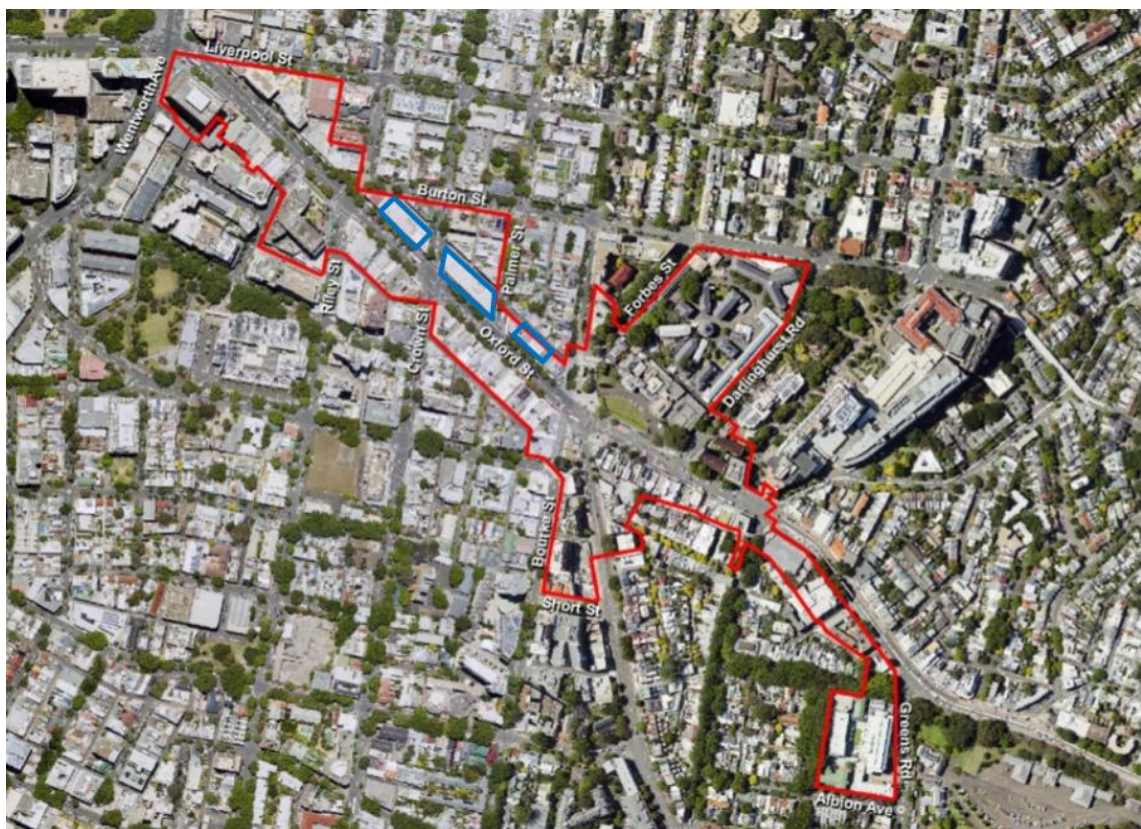


Figure 34: The Oxford Street Cultural and Creative Precinct (red) and sites (blue)

36. The 'Oxford Street Cultural and Creative Precinct' planning proposal was exhibited between 10 September and 4 November 2021. The outcomes of the consultation and any post-exhibition amendments are scheduled to be reported to Council and the Central Sydney Planning Committee in April 2022. The planning proposal will then be referred to the Department of Planning, Industry and Environment should it be approved by Council and the Central Sydney Planning Committee.
37. The proposed instrument is a matter for consideration Clause 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979.
38. The proposed planning instrument provides an alternative height of building development standard, which increases in the height control from 15m under the current Sydney LEP 2012 development standard, to a range of heights between 23m and 25m for Group 1, 25m for Group 2, and 24m for Group 3. There is no additional height sought by this development application.

Amendments

39. Following a preliminary assessment of the proposed development by Council staff, a request for additional information and amendments was sent to the applicant on 15 February 2022. The scheme, as lodged, proposed 'preparatory early demolition works' however the scope of works was not supported as some of the proposed works relied upon the future approval of D/2020/1071 and D/2020/1072. For example, the application originally proposed the demolition of non-original shopfronts, but no replacement shopfronts.
40. Amended plans and additional information were received on 1 March 2022 and re-notified. The amended scope of works is consistent with the planning controls and ensures that the development application stands alone as restoration works to each building group. The amended proposal includes, conservation, restoration or new replacement shopfronts based on assessment of each individual shopfront. This is discussed further under the 'Discussion' heading below.

Proposed Development

41. The amended application seeks consent for the following:
 - Facade paint stripping of all existing painted finishes from the buildings' exteriors.
 - Repointing, repair and replacement of stonework and brickwork.
 - Hazardous material removal, including lead-based paint.
 - Internal demolition of non-load bearing walls, existing fire stairs and lift cores.
 - Removal of non-significant lightweight partitions in Buildings 1 and 3. Heritage significant lightweight partitions in Building 2 to be retained.
 - Removal of some non-original and non-significant ceiling, wall, and floor linings throughout the buildings such as acoustic ceilings, carpet and vinyl flooring.

- Removal of redundant internal and external services, whilst retaining operational occupant safety systems, plumbing and electrical supply. Services to be removed such as; mechanical plant, condensers, exhaust fans, ductwork, fan coil units and ceiling diffusers.
 - Removal of select sections of masonry walls throughout the buildings.
 - Conservation of original and/or significant joinery, including repair and like-for-like replacement of joinery.
 - Minor excavation at basement levels to introduce new footings and underpinning.
 - Construction of newly-located building cores including fire stairs and lifts to suit fire and access compliance requirements.
 - Installation of new structural components such as plywood diaphragms, and concrete lift and stair bases, to improve seismic strengthening.
 - Restoration or removal and replacement of existing ground floor shopfronts and replacement of some upper storey windows.
 - Erection of hoarding and scaffold around all three buildings to carry out detailed heritage and investigatory surveys and cataloguing of existing external building fabric such as windows, bricks, sandstone etc.
 - The resulting buildings to remain secure, watertight and habitable subject to occupant fitouts.
42. Upper storey windows are proposed to be removed and replaced at the following locations in Group 1 (as shown in Figure 35 below):
- 72 Oxford Street, Level 1 on the southern elevation – detailing of new windows proposed to be consistent with historical evidence.
 - 74-76 Oxford Street, Levels 1 and 2 on the northern elevation – new double-hung timber framed windows consistent with original windows of the corresponding Oxford Street façade.



Figure 35: The proposed Foley Street facade of Group 1

43. Restoration works are proposed to all existing ground floor shopfronts, which will either be removed/replaced, interpreted, reinstated or conserved, as outlined below:

Address	Type of Shopfront
Building 1 (58-76 Oxford Street)	
58-60 Oxford Street	Interpreted
62-64 Oxford Street	Conserved
66 Oxford Street	New
68-70 Oxford Street	Interpreted
72 Oxford Street	Reinstated
74-76 Oxford Street	Interpreted



Figure 36: Proposed shopfronts for Group 1

Building 2 (82-106 Oxford Street)	
82 Oxford Street	Conserve
84 Oxford Street	Conserved
86 Oxford Street	Reinstated
88 Oxford Street	Reinstated
90 Oxford Street	New
92 Oxford Street	Conserved
94 Oxford Street	Reinstated
96 Oxford Street	Reinstated
98 Oxford Street	Conserved
100 Oxford Street	Reinstated
102 Oxford Street	Interpreted
104-106 Oxford Street	Interpreted

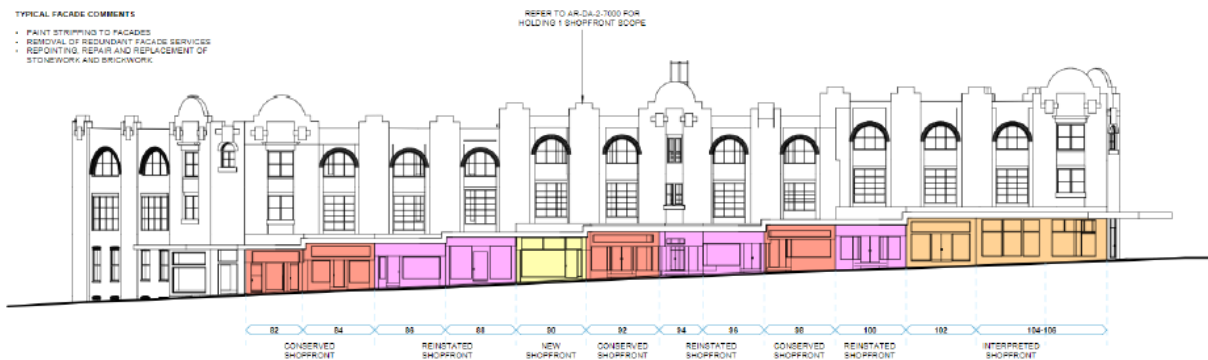


Figure 37: Proposed shopfronts for Group 2

Building 3 (110-122 Oxford Street)	
110 Oxford Street	New
112 Oxford Street	Interpreted
114 Oxford Street	Interpreted
116 Oxford Street	New
118 Oxford Street	Conserved
120 Oxford Street	No works proposed
122 Oxford Street	New



Figure 38: Proposed shopfronts for Group 3

Assessment

- 44. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

State Environmental Planning Policies

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4

- 45. The aim of Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards) 2021 is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.
- 46. The buildings in Group 1 and Group 3 are currently used for commercial uses, and the proposed development will not increase the land use sensitivity. The submitted Preliminary Contamination Assessment was reviewed by the City’s Environmental Health Unit.
- 47. Group 2 is currently used for retail and commercial uses. However, preliminary investigation identified the potential of contamination from a historic dry-cleaning business. A Detailed Site Investigation and Remedial Action Plan (RAP) was submitted.

48. The Council's Health Unit has reviewed the information provided, recommending conditions of consent to ensure compliance with the recommended remediation measures, and for Council to be notified should there be any changes to the strategy for remediation.
49. The Council's Health Unit is satisfied that, subject to conditions, the site can be made suitable for the proposed use.

State Environmental Planning Policy (Housing) 2021 - Part 3 Retention of existing affordable rental housing 2021, Chapter 2

50. Part 3 of Chapter 2 of the Housing SEPP deals with the retention of existing affordable housing and applies to the Sydney region.
51. Part 3 only applies to boarding houses or residential flat buildings that were lawfully used as low rental dwellings within the 5 years before the development application was lodged.
52. Group 3 has a history of low cost accommodation however the site has not been used as a boarding house or for low rental dwellings within 5 years before the development application was lodged, therefore Part 3 does not apply.
53. Conditions requiring contributions for the loss of affordable housing can only be imposed on development applications which are subject to Part 3. As Part 3 does not apply to the site, it is not possible to impose conditions requiring contributions for the loss of affordable housing.

State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 2

54. The provisions of Chapter 2 of the SEPP (Transport and Infrastructure) 2021 are considered in the assessment of the development application.

Division 5, Subdivision 2: Development likely to affect an electricity transmission or distribution network

Section 2.48 Determination of development applications – other development

55. The application is subject to Section 2.48 of the SEPP as the development will be carried out immediately adjacent to an electricity substation.
56. As such, the application was referred to Ausgrid for a period of 21 days and no objection was raised.

Division 17, Subdivision 2: Development in or adjacent to road corridors and road reservations

Section 2.118 – Development with frontage to classified road

57. The application is subject to Section 2.118 of the SEPP as the site has frontage to Oxford Street which is a classified road.
58. The proposed development satisfies the provisions of Section 2.118 subject to conditions of consent, as vehicle access to the site is not provided from the classified road and the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development, subject to the recommended conditions of consent.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 10 Sydney Harbour Catchment

59. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of Chapter 10 of the above SEPP. The SEPP requires the Sydney Harbour Catchment Planning Principles to be considered in the carrying out of development within the catchment.
60. The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, except for the objective of improved water quality, the objectives of the SEPP are not applicable to the proposal. The development is consistent with the controls contained within the SEPP.

Local Environmental Plans

Sydney Local Environmental Plan 2012

61. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located in the B2 Local Centre zone. The existing land use is commercial premises which is permissible. No change in land use is proposed. The proposal generally meets the objectives of the zone.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	Yes	A maximum building height of 15m is permitted. The existing height of the building is not changed, and no additions are proposed above the height limit. The proposed development complies with the maximum height of buildings development standard.
4.4 Floor space ratio	Yes	A maximum floor space ratio of 4:1 is permitted for the site as per clause 4.4 of the Sydney LEP 2012.

Provision	Compliance	Comment
		<p>The existing floor space ratio of each building group is below the maximum 4:1 FSR control and is not increased by the proposal.</p> <p>The proposed development complies with the maximum floor space ratio development standard.</p>

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	<p>Group 1 comprises 5 locally listed heritage items pursuant to Schedule 5 of the Sydney LEP 2012, being:</p> <p>58-60 Oxford Street – (item number I385) commercial building including interior</p> <p>62-66 Oxford Street – (item number I386) commercial building including interior</p> <p>68-70 Oxford Street – (item number I387) being commercial building "Daniel's" including interior</p> <p>72-72A Oxford Street – (item number I388) commercial building "Nelson Leong" including interior</p> <p>74-78 Oxford Street – (item number I389) commercial building including interior</p> <p>Group 2 is a locally listed heritage item pursuant to Schedule 5 of Sydney LEP 2012 (item number I392), being the former Oxford Street Municipal Chambers including interior.</p> <p>Group 3 comprises 2 locally listed heritage items pursuant to Schedule 5 of the Sydney LEP 2012, being:</p> <p>110 Oxford Street – LEP no. I396 Commercial Building including interior</p>

Provision	Compliance	Comment
		<p>112-122 Oxford Street – LEP no. I397 Commercial Building Group including interior</p> <p>The site is located within the Oxford Street heritage conservation area (C17).</p> <p>Group 1 is adjacent to a state listed heritage item at 56 Oxford Street (SHR item number 00658, LEP item number I384), being commercial building "GA Zink & Sons including interior.</p> <p>Group 1 is also adjacent to two locally listed heritage items at 52-54 Oxford Street (item number I383) being former commercial building "London Chamber" including interior, and at 80 Oxford Street (item number I391) being former Kelso's Hotel including interior.</p> <p>Group 3 is adjacent to a locally listed heritage item at 108 Oxford Street (I395), being the 'former Crecy Hotel including interior'.</p> <p>Subject to the carrying out of conservation works, and subject to conditions, the proposed development has acceptable impacts on the heritage significance of the heritage conservation area and the heritage items.</p> <p>This is discussed further in the 'discussion' section below.</p>

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 4 Design excellence		
6.21C Design excellence	Yes	The external works including changes to shopfronts uses materials and detailing which are compatible with the existing development along the street and will contribute positively to the character of the area.

Provision	Compliance	Comment
		The development adheres to Clause 6.21 of Sydney LEP 2012 and therefore achieves design excellence subject to the recommended conditions.

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
7.6 Office premises and business premises	Yes	<p>Development consent must not be granted to development that includes car parking spaces if the total number of car parking spaces provided on the site would be greater than the maximum set out in this Division.</p> <p>No office car parking spaces are proposed, and the proposal complies with the relevant development standards.</p>
7.7 Retail premises	Yes	<p>Development consent must not be granted to development that includes car parking spaces if the total number of car parking spaces provided on the site would be greater than the maximum set out in this Division.</p> <p>No retail car parking spaces are proposed, and the proposal complies with the relevant development standards.</p>
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	The site is located on land with class 5 Acid Sulfate Soils. The application does not propose works requiring the preparation of an Acid Sulfate Soils Management Plan.
7.15 Flood planning	Yes	The site is identified as being subject to flooding. The existing floor levels at the ground and lower ground floors are not proposing to change. The current floor levels are acceptable for the existing uses on the street facing floors.

Development Control Plans

Sydney Development Control Plan 2012

62. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

Section 2 – Locality Statements

63. The site is located within the Oxford Street Darlinghurst locality. The locality statement says:
- (a) Oxford Street, Darlinghurst is to continue to provide uses that reflect its role as a regionally significant retail and entertainment street and a local business centre for surrounding neighbourhoods. The area has a range of day-time and night-time activities.
 - (b) There are a number of strategies developed by the City of Sydney which focus on strengthening Oxford Street as a 24 hour entertainment, tourism and retail precinct. The Oxford Street Cultural Quarter Plan prepared in 2009, builds on and responds to these broader strategies and policies to maintain and develop a healthy and competitive economy, a vibrant community, support the local economy and integrate with overarching Council strategies.
 - (c) New development will conserve and complement the context established by the heritage fabric and ensure new development while not mimicking heritage styles, but responds to the urban context and contributes to the established built form patterns of the street.
 - (d) Future development along Oxford Street is to reinforce the established heritage character of narrow shop frontages and consistent awnings.
64. The principles are as follows:
- (a) Development must achieve and satisfy the outcomes expressed in the character statement and supporting principles.
 - (b) Development is to respond to and complement heritage items and contributory buildings within heritage conservation areas, including streetscapes and lanes.
 - (c) Retain and enhance the existing heritage buildings along Oxford Street.
 - (d) Development is to respect the prevailing scale, character and form of the street, as defined by the Victorian, Federation and Inter-war heritage buildings.
 - (e) Ensure that new development reinforces the individuality of different precincts that characterise Oxford Street.
 - (f) Significant shop fronts are to be retained and conserved. The design of new shopfronts should take their cues from traditional shopfronts.
 - (g) Maintain the mix of uses that contribute to Oxford Street as entertainment, tourism and retail precinct.
 - (h) Maintain Oxford Streets retail, commercial, entertainment and tourism uses and encourage these uses to occur both at and above the street level.

65. The proposed development is in keeping with the unique character and the design principles of the Oxford Street Darlinghurst locality in that the restoration of the buildings will contribute towards the revitalisation of Oxford Street as an entertainment, tourism and retail precinct, and local business centre.

Section 3 – General Provisions

Provision	Compliance	Comment
3.2. Defining the Public Domain		
3.2.2 Addressing the street and public domain	Yes	The proposal maintains or enhances the interfaces with the public domain at ground floor and lower ground floor. The detail, design quality and signage strategy are addressed by conditions.
3.2.3 Active frontages	Yes	The site is subject to an active street frontage control along Oxford Street, as well as along the Crown and Palmer Street frontages of Group 2. The existing fine grain retail tenancy pattern is retained to contribute to the vibrancy of Oxford Street.
3.2.4 Footpath awnings	Yes	The existing continuous awnings of Group 1, Group 2 and Group 3 are maintained and are satisfactory subject to recommended conditions for the retention of heritage fabric.
3.5 Urban Ecology	Yes	The proposal will not affect existing street trees on Oxford Street. Conditions are recommended relating to tree protection and pruning.
3.7 Water and Flood Management	Yes	The site is identified as being subject to flooding. The existing floor levels at ground and lower ground floor are not proposing to change, which is acceptable for retail use.
3.9 Heritage		
3.9.1 Heritage impacts statements	Yes	A Heritage Impact Statement (HIS) was submitted by a suitably qualified heritage consultant following the HNSW guidelines. The HIS has addressed relevant matters required by the provision.

Provision	Compliance	Comment
3.9.4 Development of sites of State heritage significance or containing more than one heritage item	N/A	The control requires that a Heritage Committee be appointed to examine and advise on the merits of the proposal if certain thresholds are met in relation to the extent of demolition and new additions. The development application does not trigger the requirements for a Heritage Committee to be appointed. Notwithstanding, there has been a previous heritage committee for these sites and an assessment of the subject DA against the recommendations of that committee are provided under the 'Discussion' heading.
3.9.5 Heritage items	Yes	<p>The controls require that development affecting a heritage item is to minimise the extent of change to significant fabric, elements or spaces.</p> <p>Development is to be consistent with an appropriate Heritage Conservation Management Plan for the item.</p> <p>Development should enhance the heritage item by removing unsympathetic alterations and additions and reinstating missing details.</p> <p>This is discussed further under the 'discussion' heading below.</p>
3.9.6 Heritage conservation areas	Yes	The proposed development responds sympathetically to the heritage conservation area.
3.9.10 Building materials for heritage items and buildings within heritage conservation areas	Yes	The proposed materiality of the existing buildings is generally maintained and enhanced.
3.9.11 Conservation of public domain features in heritage conservation areas	Yes	Features like stone kerbing, guttering and paving will be retained along all street frontages.

Provision	Compliance	Comment
3.10.4 Significant shopfronts	Yes	The application proposes to retain and preserve existing significant shopfronts, and reinstate shopfronts based on evidence of the original style and detailing.
3.12 Accessible Design	Yes	The development is able to comply with the relevant Australian Standards and the BCA.
3.13 Social and Environmental Responsibilities	Yes	<p>The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.</p> <p>The application does not propose a type of development that requires a Social Impact Assessment Report under the DCP criteria.</p>
3.14 Waste	Yes	A condition is recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.
3.15 Late Night Trading Management	Yes	Late night trading is not proposed.
3.16 Signage and Advertising	Able to comply	<p>A signage strategy has been submitted with the development application.</p> <p>A condition is recommended that a revised signage strategy is to be provided that interprets traditional forms of signage according to the period and style of the buildings. The condition specifies how each signage zone should be amended to reflect and appropriate heritage outcome, and that the vertical building signage zone is not approved.</p>

Section 4 – Development Types

4.2 Residential Flat, Commercial and Mixed Use Developments

Provision	Compliance	Comment
4.2.1 Building height		
4.2.1.1 Height in storeys and street frontage height in storeys	No change	<p>The site is permitted a maximum building height of 3 storeys.</p> <p>There is no specific street frontage height control for the site.</p> <p>The development maintains the existing number of storeys of 3 to Oxford Street and 4 when viewed from Foley Street.</p>
4.2.1.2 Floor to ceiling heights and floor to floor heights	No change	The proposed development maintains the existing floor to ceiling heights at lower ground, ground, first and second floor levels.
4.2.2 Building setbacks	No change	The existing building setbacks are maintained.
4.2.3 Amenity		
4.2.3.1 Solar access	Yes	<p>The controls require 2 hours of solar access to private open space and living room windows of neighbouring residential properties.</p> <p>The proposal maintains the existing building envelope and there is no increase in impact on the direct solar access to windows or private open space areas of these neighbours.</p>
4.2.3.6 Deep Soil	No change	The sites are currently built boundary to boundary with no deep soil. In this context, the proposal is acceptable.
4.2.6 Waste and recycling Management	Yes	A condition is recommended ensuring the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.

Discussion

Relationship with other current Development Applications for the site

66. There are two other current development applications for these sites that are currently under assessment, being D/2020/1071 for Groups 1 and 2 and D/2020/1072 for Group 3. Both of these applications include new additions to each building group, which respond to the alternative height controls under the Oxford Street Cultural and Creative Planning Proposal.
67. Development applications D/2020/1071 and D/2020/1072 were considered by the Local Planning Panel on 22 September 2021. The Planning Reports submitted to the panel recommended a deferred commencement approval.
68. The Panel deferred determination of the development application and provided the following comments:

The Panel deferred consideration of Development Application No. D/2020/1071 and D/2020/1072 until a subsequent meeting of the Local Planning Panel to enable further consideration of issues raised by the Design Advisory Panel and the Heritage Committee, particularly in relation to variety of roof forms, streetscape, setbacks in particular the benefit of observing a 3m setback behind the Oxford Street parapets, amenity, privacy, outlook, and environmental performance.
69. Additionally, during the exhibition period of the planning proposal between 10 September and 4 November 2021 there were 180 submissions received. The development applications D/2020/1071 and D/2020/1072 will be reported back to the Local Planning Panel once the Planning Proposal has considered these submissions and been reported to Council and Central Sydney Planning Committee.
70. The subject development application D/2021/1550 was lodged on 4 January 2022. The scheme, as lodged, proposed 'preparatory early demolition works' however the scope of works was not supported as some of the proposed works relied upon the future approval of D/2020/1071 and D/2020/1072. For example, the application originally proposed the demolition of non-original shopfronts, but no replacement shopfronts.
71. Amended plans were received on 1 March 2022 and re-notified. The amended scope of works is consistent with the planning controls and ensures that the development application stands alone as restoration works to each building group. The amended proposal includes conservation, restoration or new replacement shopfronts based on assessment of each individual shopfront.
72. The subject development application can be implemented regardless of whether D/2020/1071 and D/2020/1072 are approved at a later date. The future fitout and use of each tenancy will be subject to separate development applications.

Heritage

73. The buildings were constructed c1911-1912. All existing buildings are subject to heritage controls under the Sydney LEP 2012 and Sydney DCP 2012. The sites are heritage items and are located within a heritage conservation area (as shown in the figure below).



Figure 39: SLEP 2012 Heritage Map (Sites in blue)



Figure 40: Archival photo of Group 1 taken in 1982



Figure 41: Archival photo of Group 2 taken in 1920



Figure 42: Archival photo of Group 3 taken in the 1980s

74. The site is subject to heritage controls in the Sydney LEP 2012 and Sydney DCP 2012, and as discussed in the tables above, the proposal is consistent with these controls subject to conditions.
75. The development application does not trigger the requirements under Section 3.9.4 of the Sydney DCP 2012 for a heritage committee to be appointed, as these triggers relate to a reduction or increase in the size of the building envelope. However, it is noted that a heritage committee was appointed in association with development applications D/2020/1071 and D/2020/1072, which remain under assessment.
76. The Committee provided a report on 12 March 2021. The Committee did not support the proposals for D/2020/1071 and D/2020/1072 as lodged, and provided a number of recommendations, which are outlined in the table below. An assessment of the scope of works that form part of the subject development application against these recommendations, where relevant, is also provided in the table.

Heritage Committee Recommendations for D/2020/1071 and D/2020/1072	Response in relation to D/2021/1550
<p>The development applications D/2020/1071 and D/2020/1072 for the redevelopment of the three blocks at 58-76, 82-106 and 110-122 Oxford Street should be rejected.</p>	<p>The amended scope of works subject to this development application has been reviewed by Council's Heritage Specialists and is acceptable, as outlined in response to each recommendation below.</p>
<p>The Conservation Management Plan prepared by Urbis in December 2020 should be extensively revised with input from a skilled team of heritage professionals, including a Heritage Architect, structural engineer with heritage experience, archaeologist, and historian. The Conservation Management Plan should include:</p> <ul style="list-style-type: none"> - All relevant information from the CMP prepared for all three sites by Rod Howard and Associates in 2008. Where the updated CMP seeks to deviate from the earlier CMP, a thorough discussion and justification must be provided; - Thorough and accurate fabric analysis (room by room, element by element) which records all original and significant building elements and later modifications (it should be noted that some non-original fabric may form part of a significant phase of development and may have heritage significance); - Original architectural drawings as well as drawings detailing later additions; 	<p>The Conservation Management Plan (CMP) by Urbis dated December 2020 was amended and resubmitted with this development application.</p> <p>The amended CMP's have been restructured into separate reports to pertain to each group of buildings and have substantially addressed the issues raised by the Heritage Committee.</p> <p>Council's Heritage Specialists have carried out a number of site inspections and undertaken a comparative assessment with the previous Conservation Management Plan by Rod Howard and Associates Pty Limited, commissioned and adopted by Council in 2008. These identified that opportunities remain to improve upon the level of information contained within the CMP's and to more accurately value various components of the fabric of the buildings.</p> <p>Therefore, a condition is recommended requiring further amendments to ensure the CMP's document the heritage significance of the buildings, including:</p>

Heritage Committee Recommendations for D/2020/1071 and D/2020/1072	Response in relation to D/2021/1550
<p>- A thorough condition assessment of the building fabric and structure, including identification of conservation and maintenance issues;</p> <p>- Thorough significance assessment of the spaces, fabric and structure that comprise each of the buildings on the subject site. The significance gradings should follow the NSW Heritage Office criteria whereby original intact fabric is considered to be of at least High heritage significance;</p> <p>- Analysis of opportunities and constraints for the site, including constraints arising out of the statutory heritage listing of the buildings. This should address the recommended management that forms part of the statutory heritage listing of the buildings;</p> <p>- Detailed conservation policies, including policies for the conservation and maintenance of original fabric, policies for the integration of new work into the buildings, archaeology, signage, services, and interpretation.</p> <p>This document should be reviewed by the City of Sydney and finalised prior to the planning of any development works on the site.</p>	<ul style="list-style-type: none"> • The historical evidence should include high resolution reproductions of the original and early plans of the buildings. • The physical evidence should include results of site investigations to document where significant fabric, such as original or early fabric, remains. • The assessment of significance under the NSW Heritage Council criteria, the gradings of significance and the statement of significance must be re-evaluated in consultation with Council's heritage specialist. • A number of the conservation policies are to be revised based upon a revised assessment of significance, as discussed above.
<p>Any future development proposals for the site should be developed with greater consideration of the heritage buildings on the site. In general, all building fabric which is of moderate, high or exceptional significance should be retained and conserved. Based on the heritage committee's inspection of the site, the following fabric is either original or early and contributes to the significance of the site (note: this is NOT an exhaustive list. Further detailed fabric analysis and significance assessment is required):</p> <p>- External and internal building structure</p>	<p>The interiors of Group 1 and Group 3 have been modified over time, however existing heritage fabric includes party and dividing walls, timber posts and beams, original floors, some pressed metal ceiling systems, bullnose brick piers, plaster finishes, joinery trim, and timber stairs.</p> <p>The interiors of Group 2 are remarkably intact and have the original entrance foyer with all interior finishes including original lift and stair. The commercial office floors on the first and second floors are also remarkably intact with Kauri pine floorboards, pressed metal and decorative plaster ceilings, masonry dividing walls and Edwardian period timber partitions defining the corridor.</p>

Heritage Committee Recommendations for D/2020/1071 and D/2020/1072	Response in relation to D/2021/1550
<ul style="list-style-type: none"> - Original face-brick and stonework on facades - Original/early shopfront details - Original windows and glazing - Original foyer, stairs, lifts (note – the entrance and foyer at 82-106 Oxford Street, including tiled walls, terrazzo floor, timber letterboxes, ceiling, lift and stairs is highly intact and significant) - Corridors with early panelling and highlight windows (present in all floors at 82-106 Oxford Street) - Any original/early toilet features (early toilet partitioning present at 82-106 Oxford Street) - Original or early timber floor structure and floorboards (175mm Kauri floorboards present at 82-106 Oxford Street) - Pressed metal ceilings - Inter War light fittings - Pavement lights - Light wells (group 1 and 3 buildings) - In addition, the consistency of awnings along Oxford Street is significant to the streetscape and should be retained. 	<p>The amount of internal demolition first proposed under D/2020/1071 and D/2020/1072 that was assessed by the Heritage Committee would have resulted in the loss of internal spatial configuration, structural integrity, internal character and loss of components of high significance. Consequently, the result would have diminished the heritage significance of the heritage items.</p> <p>The extent of internal works, including demolition of existing building fabric has been reduced and the scope of works under the subject DA ensures the retention of significant building fabric.</p> <p>Appropriate consent conditions are recommended to ensure appropriate detailed resolution of works.</p>
<p>The form and fabric of original/early shopfronts and building entrances should be retained and conserved. Where possible, early shopfronts should be reinstated based on documentary evidence.</p>	<p>The buildings were originally designed with shopfronts comprising shopfront glazing above a stallboard, a recessed entry and highlight glazing above a transom rail extending up to the underside of the beam supporting the facade above. The design of new shopfronts and conservation of early shopfronts are generally supported. Opportunities to reconstruct and to reinterpret earlier shopfronts and to reinvigorate the streetscape will further enhance the viability of the retail tenancies.</p>

Heritage Committee Recommendations for D/2020/1071 and D/2020/1072	Response in relation to D/2021/1550
	<p>Plans and a scope of work have been submitted which have identified the works to be carried out to each shopfront, and outlines where shopfronts are to be conserved, reinstated, interpreted, or new as outlined in Figures 36, 37 and 38 of this report. The proposed scope of works is acceptable and a condition is recommended that detailed plans at a scale of 1:50 are provided that reflects the scope of works.</p>
<p>As a general rule, no vertical additions should be made to the buildings. The external form and presentation, including the original facades parapets and trafficable roofs are of high significance. Any visible addition above roof level is not considered to be appropriate. Detailed visual modelling giving consideration to views from all surrounding streets, as well as the long views along Oxford Street, would be required to ascertain whether or not a roof addition could be accommodated above any of the buildings on blocks 1, 2 or 3 without being visible from the surrounding streets. Furthermore, the extent of the impact of any additions on the structure of the building, as well as fire safety, access and services requirements, would need to be thoroughly understood. Any rooftop addition should not impact, or cause changes to, significant fabric on the floors below.</p>	<p>The subject development application does not propose vertical additions to the buildings.</p>
<p>If further development of the site is considered, it should be done in a manner that recognises that the buildings are individual and separate (both externally and internally). Any proposal to consolidate floor space internally must provide thorough consideration of fire safety and structural issues.</p>	<p>Group 1 comprises of five different buildings and Group 3 comprises of three different buildings, whilst Group 2 is one building.</p> <p>The upper levels of Group 1 were previously consolidated.</p> <p>The proposed plans retain more building fabric than originally proposed under D/2020/1071 and D/2020/1072 including a reduction in internal cross wall demolition. The proposed works and the recommended conditions ensure the retention of additional building fabric so that each individual building can be recognised internally.</p>

Heritage Committee Recommendations for D/2020/1071 and D/2020/1072	Response in relation to D/2021/1550
	A condition is recommended that ensures that requires the final structural design and solution to be submitted, and the condition specifies that this can not result in additional demolition to what is proposed.
The applicant should consider a range of options for the redevelopment of the site, including the option of maintaining the existing buildings, their external and internal form, existing uses, and all significant fabric. If this option is not possible, considerable justification should be provided to support the proposed changes to the building.	The option in this proposal maintains the existing buildings and envelopes.
A long term costed maintenance plan should be prepared for all the buildings across all three sites, including a detailed analysis of fabric, room by room. The plan should be prepared with input from a heritage architect, structural engineer and quantity surveyor. The minimum long-term cycle would be 25 years (i.e. next cycle for re-scaffolding building). The maintenance plan should include catch-up maintenance, cyclical maintenance and preventative maintenance for both heritage fabric and new elements including services.	A condition is recommended requiring a costed heritage asset maintenance plan to be provided prior to the issue of an Occupation Certificate.
Any future development applications should incorporate the conservation and restoration of the heritage elements to be retained and this work should be fully documented as part of the DA. For example, the façades of 82-106 Oxford Street was originally face-brick. The paint should be removed from the brickwork and the façade should be restored (note- this is one example of conservation work only. Conservation works should be undertaken in accordance with a long term costed maintenance plan).	A Schedule of Conservation Works was provided for each group. These are generally acceptable subject to a condition requiring the submission of further detailed schedules prior to the issue of a Construction Certificate.

Heritage Committee Recommendations for D/2020/1071 and D/2020/1072	Response in relation to D/2021/1550
<p>Documentation in support of a revised proposal for the site should include:</p> <ul style="list-style-type: none"> - An updated Conservation Management Plan; - accurate site survey and scaled measured drawings of all the existing buildings in their current form; - Documentation and analysis of various options for the proposed works which considers the significant aspects of the site (both exteriors and interiors) and ways that these aspects can be retained. The best option is the one which retains the significance aspects the buildings whilst allowing for the ongoing use - Documentation of conservation works to be undertaken as part of the proposal; - A heritage impact statement; - A heritage interpretation strategy. 	<p>The following heritage documentation has been submitted with the subject application:</p> <ul style="list-style-type: none"> • Updated Conservation Management Plans for each building group • Proposed plans, elevations sections and reflected ceiling plans. • Schedule of Conservation Works for each building group • Heritage Impact Statement • Heritage Interpretation Strategy

77. The proposed scope of works under the subject DA addresses the recommendations of the Heritage Committee and is recommended for approval. In summary, given the heritage significance of the buildings within the context of Oxford Street, and the controls and objectives of the LEP and DCP, a very high quality of heritage conservation is required. Appropriate consent conditions are recommended to ensure appropriate detailed resolution.

Consultation

Internal Referrals

78. The application was discussed with the following units within Council:
- (a) Building Services Unit;
 - (b) Environmental Health Unit;
 - (c) Heritage and Urban Design Unit;
 - (d) Public Domain Unit;
 - (e) Environmental Advisor;
 - (f) Surveyors;
 - (g) Transport and Access Unit;
 - (h) Tree Management Unit; and
 - (i) Waste Management Unit.
79. The above generally advised that the proposal is acceptable subject to conditions. Where concerns were raised with the proposed development these are discussed in the 'Discussion' section above.

External Referrals

Ausgrid

80. Pursuant to Section 2.48 of the SEPP (Transport and Infrastructure) 2021, the application was referred to Ausgrid for comment.
81. A response was received raising no objections to the proposed development, subject to conditions.

Transport for NSW

82. Pursuant to Section 2.118 of the the SEPP (Transport and Infrastructure) 2021, the application was referred to Transport for NSW (TfNSW) for comment.
83. Comments were received on 20 January 2022. Conditions of consent were recommended which are included in the Notice of Determination.

Advertising and Notification

84. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified and advertised for a period of 28 days between 6 January 2022 and 8 February 2022. A total of 1,476 surrounding owners and occupiers were notified and 16 submissions were received, with 13 objections, two in support and one comment.

85. The amended proposal was re-notified for a period of 14 days between 7 March 22 March 2022 and five submissions were received.

86. The submissions raised the following issues:

- (a) Issue: The development application for 'preparatory demolition works' would compromise the potential outcomes of the development application process for other applications D/2020/1071 and D/2020/1072.

Response: As outlined under the 'Discussion' heading above, the subject DA is a standalone application for removal on non-significant fabric, structural and access upgrade works and restoration works that are separate from and do not rely upon the future approval of D/2020/1071 and D/2020/1072

- (b) Issue: Restoration works including to shopfronts and removal of unsympathetic additions and old services should be supported.

Response: The restoration of shopfronts and removal of old services is proposed and supported.

- (c) Issue: This development application should be considered collectively with the development applications D/2020/1071 and D/2020/1072. The proposed construction works should not proceed until final design for the sites (under D/2020/1071 and D/2020/1072) is assessed.

Response: As outlined under the 'Amendments' and 'Discussion' headings above, the subject DA does not rely on D/2020/1071 and D/2020/1072 and is able to proceed regardless of the outcomes of these applications.

- (d) Issue: Heritage impacts, including demolition of internal fabric.

Response: The heritage impacts of the proposal are acceptable, and this is discussed in detail under the 'Discussion' heading above. Subject to the recommended conditions the proposal results in a number of positive heritage outcomes for the buildings.

- (e) Issue: Traffic impacts, including impact on buses and cyclists

Response: There is no parking provided on site and the proposed works will not result in an increase in traffic movements as a result of the final development. A construction traffic management plan is to be submitted prior to the issue of a Construction Certificate to address impacts during construction. This will need to consider impacts to the street.

- (f) Issue: Impacts on residential amenity.

Response: The proposed works will not result in any unreasonable impacts to the amenity of surrounding residential uses. The proposed works are contained within the existing building envelopes and result in the restoration of the existing buildings.

- (g) Issue: The improvement works should be to both Oxford Street and Foley Street frontages, rather than just Oxford Street

Response: Works to the Foley Street façade include paint stripping, removal of redundant facade services, repointing, repair and replacement (where necessary) of stonework and brickwork, and replacement of some windows to Group 1.

- (h) Issue: The number of trees in Oxford Street should be increased.

Response: There are a number of existing trees along Oxford Street and these are all proposed to be retained. Conditions are recommended to ensure that these trees are protected during construction. There is no requirement to increase the number of street trees in accordance with Council's Street Tree Master Plan.

- (i) Issue: Impacts on the structural integrity of the buildings.

Response: The proposed works will ensure that the structural integrity of each group of buildings is maintained. Structural drawings have been submitted and the scope of structural works for seismic strengthening is considered to be acceptable. A condition is recommended requiring that the final structural design and solution be submitted prior to the issue of a Construction Certificate and that no additional demolition is permitted as a result of structural works.

- (j) Issue: Climate change.

Response: The proposed works are consistent with the relevant planning controls and will not result in an unreasonable impact upon climate change.

- (k) Issue: Hazardous material removal

Response: Conditions are recommended to ensure that asbestos and hazardous material is removed in accordance with the relevant safety standards.

- (l) Issue: Consultation with local residents

Response: The development application was notified and the amended proposal re-notified in accordance with the City's Community Consultation Plan.

- (m) Issue: There is a potential conflict of interest as these sites are owned by City of Sydney

Response: The development application is reported to the Local Planning Panel for determination as the properties are owned by Council, consistent with State Government requirements to manage conflicts of interest.

- (n) Issue: The proposal should comply with the current LEP and DCP controls

Response: As discussed in the tables in this report the proposal is consistent with the provisions and objectives of the Sydney LEP 2012 and Sydney DCP 2012.

- (o) Issue: The duration of construction works, including potential impacts of construction during the World Pride Festival in 2023

Response: A condition cannot be imposed that requires the construction works to be completed within a specific timeframe. If consent is granted then the

applicant has a 5 year period within which to commence the works, however there is no restriction imposed by the DA as to when the works must be completed.

- (p) Issue: The development application is homophobic and does not reference the LGBTQI+ aspects of Oxford Street.

Response: The proposal is for the restoration of the existing heritage buildings. The proposal is assessed within the context of the Council's Oxford Street LGBTQI Social and Cultural Strategy as well as the Oxford Street Cultural and Creative Planning Proposal and requirements in the accompanying DCP. The DCP will require late night trading premises to submit plans of management that include diversity and inclusion principals, guidelines and staff training. The planning proposal acknowledges and celebrates the diverse community in and around Oxford Street. There are no aspects to the DA that show a dislike of or prejudice against people from the LGBTQI+ community.

- (q) Issue: The development application is racist by allowing construction work on the Sabbath, the Lunar New Year and Greek Orthodox holy days, and First Nations days of significance, and ANZAC day

Response: A condition is recommended that Council's standard hours of construction be imposed. Construction work is not permitted on public holidays.

- (r) Issue: Issues with the Construction Management Plan. Access during construction to the Foley Street access doors of 108 Oxford Street

Response: The Construction Management Plan submitted with the development application is not approved as part of this development consent. A condition is recommended that a Construction Management Plan be approved prior to the issue of a Construction Certificate. Access to adjoining properties will need to be maintained during construction.

- (s) Issue: Construction impacts including dust and dirt and impact to air quality for air-conditioning units to 108 Oxford Street.

Response: Conditions have been recommended to minimise the impacts during construction to surrounding properties.

- (t) Issue: Impact of hoardings, cranes and scaffolding on footpath widths and tree canopies.

Response: Permits will be required for the use of hoardings, cranes, and scaffolding. Conditions are recommended relating to tree protection measures for the existing street trees.

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

87. The development is not subject to a Section 7.11 development contribution as the development does not include an increase in gross floor area or a change of land use.

Relevant Legislation

88. Environmental Planning and Assessment Act 1979.

Conclusion

89. Development approval is sought for restoration works to existing buildings at 58-78 Oxford Street (Group 1), 82-106 Oxford Street (Group 2), and 110-122 Oxford Street (Group 3).
90. The proposed development does not change the floor space ratio (FSR) or height of the existing buildings.
91. The development application, as lodged, proposed 'preparatory early demolition works' however the scope of works was not supported as some of the proposed works relied upon the future approval of D/2020/1071 and D/2020/1072. For example, the application originally proposed the demolition of non-original shopfronts, but no replacement shopfronts. Amended plans were received and re-notified. The amended scope of works is consistent with the planning controls and ensures that the development application stands alone as restoration works to each building group. The amended proposal includes, conservation, restoration or new replacement shopfronts based on assessment of each individual shopfront.
92. The subject development application can be implemented regardless of whether D/2020/1071 and D/2020/1072 are approved at a later date. The future detailed fitout and use of each tenancy will be subject to separate development applications.
93. The sites are heritage items and the proposal was amended to address concerns from Council's Heritage Specialist. The revised design is satisfactory subject to conditions ensuring the retention of significant heritage fabric.
94. The proposed development is considered to respond appropriately to the desired future character of the area and is considered to achieve a satisfactory design outcome.

ANDREW THOMAS

Executive Manager Planning and Development

Matthew Girvan, Area Coordinator