Item 7.

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

File No: X026153

Summary

Oxford Street and its surrounding area is one of Sydney's iconic places and has been appreciated as a creative and cultural precinct both locally and internationally. Previously named South Head Road, it follows an ancient pathway used by the Gadigal people of the Eora Nation and is one of Sydney's earliest main streets to the east. It is an important high street and a focus for community activity and provides for the daily needs and services of residents. Oxford Street has been an iconic destination for nightlife and shopping and is home to the annual Mardi Gras Festival and street parade. It has a strong history of change including significant intervention by the Council in the early 20th century to resume the northern side and widen the street.

The City's long-term vision for Oxford Street is for a greener street with slowed traffic, improved pedestrian activity and cycling, more and better public spaces, a celebration of LGBTIQA+ culture and community, a destination and workplace for culture and creatives, with more businesses and local services in buildings that showcase the street's heritage. To achieve this vision we are delivering a cycleway with streetscape improvements, and are working with the LGBTIQA+ community on a place strategy. However, investment is also needed from the private sector in their buildings, spaces and activities as history has shown council-led public domain improvements and programs are not sufficient to revitalise Oxford Street on their own.

The City's planning framework is essential to achieving a key part of this vision. It is the tool for encouraging building owner investment in buildings to attract tenants, workers and visitors and providing the type of space for the activities we want to see. This planning proposal provides an incentive for many building owners to invest in their properties and bring cultural and creative activity and other uses that support Oxford Street as a cultural centre and local high street. It does this through an alternative set of planning controls that provide certain buildings additional height and floor space only if heritage fabric is protected, at least 10 per cent of the floor area is used for cultural and creative purposes and use of the other space contributes to Oxford Street's activity and role as a local centre.

Research and extensive community consultation on the Oxford Street cultural and creative precinct has been undertaken since early 2020 when Council adopted the Local Strategic Planning Statement City Plan 2036, identifying Oxford Street as a cultural and creative precinct and the centrepiece of the Eastern Creative Precinct.

The City's vision and planning approach for Oxford Street was informed by almost 1,800 separate pieces of community feedback from workshops, surveys, submissions, love letters, walking tours and student events from October to December 2020 (refer Attachment I). The responses supported investigations into additional height and floor space, additions to heritage buildings, targeting creative uses and creating a more pleasant street environment.

The resulting planning framework was endorsed by Council and the Central Sydney Planning Committee for exhibition in May 2021.

The planning proposal and supporting draft development control plan (DCP) were publicly exhibited from 10 September 2021 to 5 November 2021. Feedback on options for higher buildings on Taylor Square was also sought as required by Council's resolution. In response to the public exhibition of the precinct controls, 190 submissions were received from individuals, residents, LGBTIQA+ community, heritage groups, National Art School, landowners, Woollahra Council and public agencies. A summary of the submissions is at Attachment G.

Submitters provided strong support for the revitalisation of Oxford Street, including more art, culture, creative activity, retail, outdoor dining, open spaces, nightlife and basement live entertainment. Other submissions supported more businesses and cultural organisations, improved buildings and street environment and the unlocking of additional development.

Submitters key concerns are the need for increased development given the high level of vacancy; heritage impacts to significant interiors, views of parapets against the sky, roofscapes and the fine grain shopfronts; impacts on residential amenity at Foley Street, Taylor Square, Sturt Street and Forbes Street; increased traffic and parking demand; and impacts from more activity at the National Art School. Other issues not directly related to the planning framework include improvements to the public domain, impacts on the LGBTIQA+ character of Oxford Street and the affordability and management of the cultural and creative floor space.

The proposed controls have been amended in response to the heritage and amenity issues raised and will strengthen the heritage character of the street while still incentivising the much-needed investment, activity and creative uses. The result is a more tailored approach to the southern side of Oxford Street, with more sensitive heritage buildings and those causing overshadowing of dwellings to the south, no longer proposed to receive the two additional storeys. 24 contributory buildings, seven heritage items and two heritage items for amenity reasons will be excluded from the proposals for additional development. Part of 56-78 Oxford Street above the GA Zink and Sons building will be excluded on recommendation of Heritage NSW.

Other changes to address submissions include an incentive for cinemas in basements, allowing floor space to be distributed across consolidated sites and introducing a five storey podium at 1-19 Oxford Street on Whitlam Square to activate and define the corner and manage existing wind conditions.

Changes to the draft DCP will enhance recognition of Indigenous connections to Oxford Street; strengthen references to LGBTIQA+ history, culture and identity; encourage retention of LGBTIQA+ businesses and require diversity and inclusion training for staff of late-night trading premises through future conditions of consent. Further recommended changes protect significant roofscapes; remove a through-site link from Taylor Street to Oxford Street to protect residential amenity; and encourage consolidated servicing and access in laneways.

It is recommended that no further work be carried out at this time on increasing heights at Taylor Square above those in the planning proposal given the issues raised in the wider precinct and the lack of strong support. The exhibition of alternative heights drew 454 survey responses and 12 submissions with 50 per cent of surveys supportive of increased height, 13 per cent somewhat supportive and 37 per cent not supportive. Eight of 12 submissions objected. A summary of the submissions is at Attachment H.

Similar to the findings from the initial consultation, the Lord Mayor's Minute from 18 October 2021 requested the City prepare an LGBTIQA+ Cultural and Social Place Strategy for Oxford Street (the Draft Place Strategy), similar to those developed in other cities, in consultation with WorldPride 2023, Sydney Gay and Lesbian Mardi Gras, Pride History Group, QTopia, BuildingPride and other LGBTIQA+ community organisations. The City also received submissions to the proposed planning controls seeking greater recognition of the LGBTIQA+ community in the planning controls, access to the cultural and creative space and concerns about gentrification.

The City has prepared a draft strategy, in addition to the recommended planning controls, following consultation with key groups, and includes actions which celebrate the social and cultural history of Oxford Street, identifies opportunities to increase LGBTIQA+ businesses, visibility and cultural space, improve the public domain through public art and murals and create safe spaces and access to support services and programs.

The planning controls and the draft strategy are complementary but are able to progress independently of each other. While the planning controls incentivise uses, activities and the creation of space, they cannot restrict who may run a business, what they sell or who their clientele might be unless the distinction is covered by NSW legislation (such as under age drinkers). The Draft Place Strategy includes actions which specifically target and support the community take up the opportunities created through the recommended planning controls. A matching service will be explored to link LGBTIQA+, Indigenous and other cultural and creative groups with the new cultural and creative spaces created by the planning proposal.

This report recommends the Central Sydney Planning Committee approve the amended planning proposal at Attachment A and note the DCP at Attachment B. It also recommends the Central Sydney Planning Committee note the draft LGBTIQA+ Social and Cultural Place Strategy for the precinct be placed on public exhibition for further consultation and input by the community. The outcomes of exhibition of the draft LGBTIQA+ Strategy will be reported back to Council later in the year.

Recommendation

It is resolved that:

(A) the Central Sydney Planning Committee note matters raised in response to the public exhibition of the Amended Planning Proposal: Oxford Street Cultural and Creative Precinct and draft Sydney Development Control Plan 2012: Oxford Street Cultural and Creative Precinct as described in this report and as shown in Attachment G to the subject report

(B) the Central Sydney Planning Committee approve the Planning Proposal: Oxford Street Cultural and Creative Precinct a as shown at Attachment A to the subject report and amended in response to submissions, and request that the Department of Planning and Environment make it as a local environmental plan under Section 3.36 of the Environmental Planning and Assessment Act 1979;

(C) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage, Environment and Planning Committee on 4 April 2022 that Council approve the draft Sydney Development Control Plan 2012: Oxford Street Cultural and Creative Precinct as shown at Attachment B to the subject report and amended in response to submissions, noting that it will come into effect on the date of publication of the subject local environmental plan, in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000;

(D) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage, Environment and Planning Committee on 4 April 2022 that Council approve the Draft LGBTIQA+ Social and Cultural Place Strategy as shown at Attachment C to the subject report for public exhibition;

(E) the Central Sydney Planning Committee note the Transport Study - Oxford Street Cultural and Creative precinct shown at Attachment D to the subject report;

(F) the Central Sydney Planning Committee note the matters raised in response to the early consultation on options for taller buildings at Taylor Square as detailed in Attachment H to the subject report, and that these proposals will not proceed at this time; and

(G) authority be delegated to the Chief Executive Officer to make any minor amendments to the Planning Proposal: Oxford Street Cultural and Creative Precinct and draft Sydney Development Control Plan 2012: Oxford Street Cultural and Creative Precinct to correct any minor errors or omissions prior to finalisation.

Attachments

Attachment A.	Amended Planning Proposal Sydney Local Environmental Plan 2012: Oxford Street Creative and Cultural Precinct
Attachment B.	Draft Sydney Development Control Plan: Oxford Street Creative and Cultural Precinct
Attachment C.	Draft Oxford Street LGBTIQA+ Social and Cultural Place Strategy
Attachment D.	Transport Study - Oxford Street Cultural and Creative Precinct
Attachment E.	Resolutions of Council and Central Sydney Planning Committee
Attachment F.	Altered and Original Gateway Determinations
Attachment G.	Summary of and Responses to Matters raised in Submissions
Attachment H.	Engagement Report on Early Consultation on Alternative Heights for Sites Facing Taylor Square
Attachment I.	Oxford Street Early Consultation Engagement Report

Background

1. Oxford Street is loved for its rich and varied cultural history. It is an ancient walking track of the Gadigal people of the Eora nation. It is a focus for community infrastructure and the daily needs and services of residents and for many years, it has been an iconic destination for nightlife and shopping. It is home to the annual Mardi Gras Festival and street parade, and in 2023, it will host Sydney WorldPride.

2. Oxford Street has a strong history of change, evolving over time from the walking track for the Gadigal, an early route from British encampments to the Coast, then a military road and a place for parades before evolving into a commercial strip. Significant Council intervention following the 1908 Royal Commission widened the road, re-imagining it as a premier retail strip and a major transport connection to the east. As the City grew, new migrant populations gathered around it, and as the 20th century progressed it became a site of counter-culture and protest. It is synonymous with the LGBTIQA+ community in Sydney, and recently been known for its nightlife.

3. Recent large retail developments at either end, coupled with heavy traffic, clearways and the poor pedestrian environment has contributed to a noticeable decline. While Oxford Street faces many challenges in re-establishing its original retail presence, there are opportunities to build on its character and its fine-grain built heritage to pivot towards an 'experience' destination for retail, tourism, nightlife, cafes and restaurants, and as a centre for cultural and creative uses and activities including galleries, maker-spaces and studios.

The future of Oxford Street will be greener and better for walking and cycling with inviting public spaces and a destination for culture, creatives and business with the celebration of the LGBTIQA+ community and the street's heritage character

4. The City's long-term vision for Oxford Street is for a greener tree lined street with less traffic, improved pedestrian and cycling, more and better public spaces, a celebration of LGBTIQA+ culture and community, a destination for culture and creatives, as well as more businesses and local services in buildings that showcase the street's heritage.

5. The City identified Oxford Street as a centrepiece of the Eastern Creative Precinct in City Plan 2036, the City’s 2020 Local Strategic Planning Statement. It aims to support existing and emerging clusters of creative businesses within the area and capitalise on presence of long-term establishments including the National Art School and University of NSW Art and Design.

The City's vision and planning framework has been informed by early consultation, technical studies and design advice

6. The City undertook extensive early consultation on ideas to revitalise Oxford Street from October to December 2020. Invitations to participate were sent to over 11,000 owners and occupiers and emailed to over 150 stakeholders across Sydney. Footpath decals, posters and flyers also promoted the consultation (refer Attachment I).

7. The consultation included an online survey (over 1,700 responses), a self-guided walking tour (23), the writing of love letters to Oxford Street (22), submissions via email (28) and an ideas chalkboard at the National Arts School. This consultation received the Stakeholder Engagement Award at the recent Planning Institute of Australia NSW Awards for Planning Excellence 2021. The consultation outcomes strongly supported a cultural and creative precinct:

    - 93% supported making Oxford Street a creative and cultural precinct.

- 80% said Oxford Street held social and cultural importance to them.
- 83% identified the importance of the LGBTIQ identity of Oxford Street.
- 88% supported reviews of planning approaches, including additions to heritage buildings, floor space and height.

8. To achieve the community's aspirations, the consultation found that Oxford Street needs to be a cultural destination with events, to celebrate the LGBTIQ community and have First Nations cultures and stories visible, a mix of work spaces including affordable spaces, the right mix of businesses, a pleasant street environment and strong community connections.

9. In February 2021, Council and Central Sydney Planning Committee (CSPC) resolved to set up a working group to assist City staff in reviewing studies and preparing updates to the City's LEP and DCP. In March 2021, the proposals were presented to the Planning Control Update Working Group which included City Councillors and NSW Government CSPC representatives from the Department of Planning Industry and Environment and Government Architect NSW. The proposals as finalised received general support. The Department of Planning Industry and Environment noted the need for the temporary activation of vacant spaces on Oxford Street and Government Architect NSW reinforced the need for heritage and public domain opportunities around Oxford Street to inform the proposals.

The City and others will improve Oxford Street through transport, public space, community engagement, land use planning and private investment

10. To achieve this vision the City is delivering an eastern separated cycleway with streetscape improvements and is working with the LGBTIQA+ community on a place strategy.

11. However, much investment is also needed from the private sector in the buildings, spaces and activities, as history has shown council-led public domain improvements and programs are not sufficient to revitalise Oxford Street on their own.

12. The City's planning framework is essential to achieving this vision. It is the tool for encouraging investment in buildings to attract revitalised tenants, workers and visitors and providing the type of space for the activities we want to see. The proposed planning controls incentive building owners to invest in their properties and bring cultural and creative activity and other uses that support Oxford Street as a cultural centre and local high street while promoting the heritage character of buildings.

The Oxford Street cycleway promotes active transport and improves amenity for people

13. Council approved the Oxford Street cycleway proposals at its meeting on 21 February 2022. The Oxford and Liverpool Street cycleway is part of the City's broader Cycling Strategy and Action Plan, the NSW Government's Principal Bicycle Network and a strategic cycleway network route in the NSW Government's Sydney City Centre Access Strategy. The Oxford Street cycleway proposal comprises a separated bi-directional cycleway along the northern kerb of Oxford Street between Flinders Street and College Street and reduces the number of westbound traffic lanes from three to two.

14. The proposal aligns with a well-used bike commuter route between the city centre and eastern suburbs. The majority of the proposed cycleway will be a separated cycleway, with a section at Taylor Square remaining as a shared path. The project will provide a series of streetscape and footpath amenity improvements that will improve safety, connectivity and comfort for people walking, sitting at cafés and restaurants, and visiting local business with a more liveable and green street environment.

The draft LGBTIQA+ Social and Cultural Place Strategy for Oxford Street will recognise the significant LGBTIQA+ connection with Oxford Street

15. Consistent with consultation feedback, an 18 October 2021 Lord Mayor Minute requested the investigation of a LGBTIQA+ Cultural and Social Place Strategy for Oxford Street (the Draft Place Strategy), in consultation with WorldPride 2023, Sydney Gay and Lesbian Mardi Gras, Pride History Group and other LGBTIQA+ community organisations which recognises the significance of Oxford Street for the LGBTIQA+ communities, identifies important LGBTIQA+ places in the Oxford Street neighbourhood and aims to strengthen Oxford Street's LGBTIQA+ cultural identity and importance.

16. The Draft Place Strategy is proposed to build on the extensive work already undertaken by the City of Sydney in support of the LGBTIQA+ community and the Oxford Street neighbourhood and sets out opportunities for the City of Sydney, community organisations and the private sector to support and promote the Oxford Street's LGBTIQA+ cultural identity and importance. The Draft Place Strategy includes actions to address concerns raised in submissions to the planning proposal about LGBTIQA+ access to floorspace, visibility and cultural identity, which are beyond the scope of the planning controls. It includes specific actions to target and support the LGBTIQA+ community which are beyond the scope and independent of the planning controls.

17. As requested by the Lord Mayor, early consultation with specific groups has informed the draft Place Strategy. The City held two online forums with LGBTIQA+ community stakeholders including WorldPride 2023, Sydney Gay and Lesbian Mardi Gras, Twenty10, BuildingPride, ACON, Pride History Group and Darlinghurst Business Partnership. It has also included one on one consultations with Indigenous members of the LGBTIQA+ community.

18. Stakeholders were asked to consider ideas on how the City may retain local character and strengthen and evolve the LGBTIQA+ social and cultural identity of the neighbourhood. The ideas generated in these workshops have led to the action areas proposed for consideration including to:

    (a) Recognise and celebrate significant social, cultural and historical LGBTIQA+ places and spaces through updates to the heritage inventories for important sites and the Oxford Street Heritage Conservation Area as a whole.

    (b) Undertake cataloguing of a trove of community photography within the City's archives to provide a public resource for dynamic heritage interpretation and celebration in the area.

    (c) Develop an Oxford Street Precinct Business Charter that will outline local approaches to maintaining and strengthening the LGBTIQA+ character and culture of the venues and businesses operating in the precinct.

    (d) Explore opportunities to increase social and cultural spaces within the Precinct, including an LGBTIQA+ museum, a Pride Centre, or the equivalent.

(e) Increase LGBTIQA+ visibility within the Precinct through street art murals, hoarding artworks, and updating the Rainbow Crossing to reflect the Progress Pride Flag design.

(f) Support a safe and welcoming neighbourhood through an Oxford Street Precinct Safety Plan.

(g) Improve access and connection with support service and programs for the LGBTIQA+ community and outreach services for vulnerable communities within the Precinct.

19. The Draft Place Strategy aims to recognise, preserve, and promote the significant connection the LGBTIQA+ community has with Oxford Street. It outlines work already underway by the City in the lead-up to World Pride 2023, as well as other actions the City will lead or support over a three-year time period.

20. The Draft Place Strategy outlines actions grouped under 5 priority areas:

(a) Recognising and celebrating historic LGBTIQA+ events and places

(b) Reflecting the contemporary LGBTIQA+ community within local businesses and venues

(c) Increasing LGBTIQA+ cultural and social spaces

(d) Increasing LGBTIQA+ the visibility and identity throughout the precinct

(e) Ensuring the local community is safe and supported

21. Some of the proposed actions can be delivered by the City within current resources and programs, however actions to explore an Oxford Street LGBTIQA+ Business Charter, signage, wayfinding, public art and murals and the archiving, a matching service to link the new floorspace and cultural operators, updates to the Rainbow Crossing and research into dynamic heritage interpretation would require additional resources and funding in the order of $575,0000.

22. Some actions outlined in the draft Place Strategy would be delivered by community organisations with the support of the City.

23. The report recommends that the draft LGBTIQA+ Cultural and Social Place Strategy for Oxford Street included at Attachment C be exhibited for community feedback for a period of at least 28 days.

The planning proposal and draft development control plan proposed planning controls to encourage private sector investment towards the City's vision for Oxford Street

24. Council and the Central Sydney Planning Committee endorsed draft planning controls for public exhibition in May 2021. The exhibited controls promote investment in the precinct, protect heritage fabric and encourage its positive transformation. Additional height and floor space is provided to some sites as long as a proportion of cultural and creative floor space is provided and heritage is conserved and respected. The intent of the proposal is to increase employment, stimulate activity and contribute to the long-term evolution and improvement of Oxford Street.

25. The exhibited changes to the LEP included a new site-specific clause for the precinct, excluding the National Art School and the Courthouse Hotel. The site-specific clause was to allow an alternative maximum floor space ratio and building height or both, provided that development:

    (a) Is for one or more of an entertainment facility, health services facility, information and education facilities, hotel and motel accommodation, community facility, education facility, light industry or commercial premises;

    (b) Includes a minimum of 10 per cent of the total GFA within the development for a creative purpose that involves live entertainment, performing arts, fine arts and craft, design (fashion, industrial or graphic), media, film and television, photography or publishing, or museums and archives dedicated to these purposes;

    (c) Does not undermine heritage significance or character or endanger the structural stability of the existing building or any heritage items on or under the land; and

    (d) Promotes uses in the precinct that attract pedestrian traffic along certain ground floor frontages onto public space and side streets.

26. An additional clause allows development to be spread across a number of consolidated sites of a minimum size for the Courthouse and Kinselas sites to access the alternative height and floor space.

27. Exhibited clauses:

    (a) Allow development to be spread across the Courthouse Hotel and Kinselas sites to access the alternative height and floor space, avoiding an addition on the Courthouse Hotel

    (b) Permit additional floor space of up to 0.8:1 below ground level if it is used for live entertainment and has a frontage to Oxford or Flinders Streets

    (c) Require development in the precinct under the alternative controls to retain the amount of existing creative and cultural floor space as well as providing the additional 10 per cent creative and cultural floor space

    (d) Increase the maximum permissible FSR for the National Art School from 0.9:1 to 1:1

    (e) Amend Schedule 1 to allow additional permitted uses for 'entertainment facilities, community facilities, function centres, offices, information and education facilities, market retail, recreation, filming, shops and food and drink premises where it supports the ongoing education and cultural use of the site' for the National Art School

    (f) Amend the Heritage Conservation maps to include 276-278 Crown Street in the Oxford Street Heritage Conservation Area.

28. The exhibited amendments to the DCP at Attachment B provide detailed design guidance for the precinct. These provisions include a new locality statement and guidance for built form, urban grain, architectural character, design of cultural/ creative floor space, laneway activation and upper level setbacks. The draft DCP proposes new requirements to assess heritage impacts on heritage buildings. Map amendments include the height in storeys, building street frontage heights, building contributions to the heritage conservation areas and through-site links maps.

29. On the 17 May 2021, Council also resolved to place on consultation alongside the Oxford Street precinct controls, further options for higher buildings on sites south of Oxford Street and along Flinders Street and facing Taylor Square. This was the result of discussions about the relationship between high quality architecture and public space and the opportunity to establish a distinctive built form on sites fronting key public spaces, including Taylor Square. Feedback was sought from 10 September to 5 November 2021 alongside consultation on the planning proposal for Oxford Street cultural and creative precinct.

The planning proposal and draft DCP were exhibited for community feedback for an extended period from September to November 2021

30. At the meetings on 13 and 17 May 2021, CSPC and Council endorsed the Oxford Street Creative and Cultural Precinct Planning Proposal and Draft Sydney Development Control Plan 2012 for public exhibition. The planning proposal, draft DCP and background studies were placed on public extended exhibition from 10 September to 5 November 2021. A separate consultation on alternative height options at Taylor Square was also open for feedback alongside the precinct controls. Six public agencies were consulted as required by the Gateway determination, including NSW Heritage, Transport for NSW, NSW Department of Education, Sydney Water, Ausgrid and NSW Create.

31. To encourage participation, the City distributed over 12,000 notification letters to the owners and occupiers in and around Oxford Street and 1,132 email invitations to key stakeholders in the precinct and across Sydney. An extensive social media campaign was undertaken on Facebook, Instagram and LinkedIn and 7,300 E-News items were sent to Sydney Your Say subscribers. The Sydney Your Say webpage for the precinct proposals received 3,287 visits, with 1,881 document downloads. The Sydney Morning Herald reported the proposals on the front page on 20 May 2021.

32. During exhibition, the City held three online briefings and Q&A sessions for cultural and creative operators, businesses and residents that were attended by 56 people. City staff also held online briefings and Q&A sessions with Woollahra Council, Sydney Gay and Lesbian Mardi Gras, The National Trust and the Paddington Society. Staff met with one group of residents to hear their concerns plus a follow up meeting with their consultant architect. City staff also met with landowners about the potential application of the new controls to six key sites in the precinct.

33. In response to the public exhibition of the precinct controls, 190 submissions from individuals, residents, LGBTIQA+ community, heritage groups, National Art School and landowners and public agencies. Submissions were received from NSW Heritage, Transport for NSW, NSW Department of Education, Sydney Water, Ausgrid and NSW Create and Woollahra Council. A summary of the submissions and responses is at Attachment G.

34. At the same time, a brief Sydney Your Say survey sought views from community and business on alternative heights for sites facing Taylor Square. The City received 454 surveys and 12 submissions in response. Of the online survey responses, 50 per cent were in support of increased height options, with a 13 per cent registering as somewhat supportive. A summary of submissions is at Attachment H.

35. The following sections of the report describe the outcomes of public exhibition and the changes made to the planning proposal and draft DCP in response to submissions.

Submitters are in strong support of the revitalisation of Oxford Street

36. Most submitters strongly support the revitalisation of the Oxford Street corridor. Submitters express concern about the decline of the area and the need to return it to a lively, vibrant, social and creative neighbourhood and night-time area.

> *'I am excited by the renewed vision for Oxford Street. Advancing its role as an important LGBTQI+ community hub and gathering place, whilst also allowing business (particularly creative, cultural and entertainment businesses) more opportunity to thrive, strikes the right balance to renew the precinct and enhance its enjoyment for all. The focus on the night-time economy is particularly important as this has been the traditional strength of the precinct and an important role it plays in the city. I look forward to Oxford St being accessible, vibrant and a major visitor attraction in Sydney.'*

37. Many submitters support more art culture and nightlife, outdoor dining and entertainment, reuse of vacant space, businesses and improved buildings and street environment. They support proposals which will make Oxford Street a place to linger, through increased pedestrianisation, outdoor dining, green space and reduced traffic lanes.

> *..'thank you for planning to revitalise this important part of Sydney. Increasing height of buildings and better use of this space is essential. Just as important is making it a destination in terms of a place for people to linger. As a major thoroughfare into the city the traffic can be unbearable, especially when dining/drinking streetwise. Reducing the number of lanes further (while retaining a bus lane) should encourage less private vehicles to use this corridor which would make it better for all residents and visitors'*

38. Woollahra Council supports the revitalisation of Oxford Street and the objective to make Oxford Street a cultural centre, however is concerned that the emphasis is on incentivising uplift to deliver cultural spaces rather than an integrated package of incentives that would include public domain works, road and sustainable transport improvements, and retail and business initiatives.

39. Public agencies including NSW Department of Education and NSW Create support the proposals. The Department of Education support the proposals for the National Art School and notes that both the Art School and the UNSW Art and Design Campus welcome the incentivising of cultural and creative uses in the precinct. The NSW Heritage Council, Ausgrid and Sydney Water do not object to the proposals.

40. Submissions on behalf of landowners support the intent and vision of the proposals and the unlocking of development potential on sites previously constrained by the planning controls.

Response:

41. The support is noted. The planning proposal has been developed in conjunction with a draft LGBTIQA+ Social and Cultural Place Strategy which will promote the area as a focal point for LGBTIQA+ culture and the City's is delivering more better transport in Oxford Street through a separated cycleway. Overall, these proposals will stimulate investment, increase business activity and pedestrian enjoyment and encourage the positive transformation of Oxford Street. Council regularly plans for the upgrade of the public domain through its capital works projects. Upgrades to the public domain are not delivered through the planning controls.

Submitters have raised concerns about the impacts to the heritage significance and character of the Oxford Street, heritage items, and building elements such as roofscapes and interiors with some suggesting a more tailored approach

42. Concern about heritage impacts on Oxford Street has been the most commonly raised issue. While 32 submissions supported the City's approach for two-storey additions to buildings including heritage items ,45 submissions expressed concern at the proposal for additional height including for its potential detrimental impacts on the heritage character of Oxford Street, and on the significant fabric of individual heritage items. These concerns are addressed in detail in the following sections of the report.

In response, the opportunity for additions could take a more nuanced approach, specific to the significance of Oxford Street and its buildings.

43. Woollahra Council, the National Trust, the Paddington Society, Paddington-Darlinghurst Community Group, Sturt Street Creative Collective and other submitters seek a more nuanced, fine-grain approach, which considers the potential for additional development on a site by site and block by block approach. They consider that uplift should be focused on fewer sites that have less character and heritage significance and will have less visual impact from the additional bulk. This could include a combination of two additional storeys, one additional storey and no additional uplift.

Submitters consider that the block on the south side of Oxford Street between South Dowling Street and Flinders Street (block 12) cannot sustain the proposals due to the presence of 38 contributory buildings and state that the proposals do not reconcile with the recommendations of the heritage study which proposes to list 23 heritage items in this block. They refer to impacts on residential amenity of Sturt Street and seek that this block be removed from the planning proposal.

Response:

44. The City has reviewed the points raised in submissions, responds, and proposes amendments to the planning proposal. The amendments provide for a more tailored approach to additional development on the southern blocks of Oxford Street where development is more constrained by potential impacts on heritage streetscape, heritage fabric, interiors and roofscapes. The focus is on the south side, where there are earlier buildings, some with nineteenth century decorative detail, and which were not developed as groups and have a different form and roofscape that should be retained. With the exception of 56 Oxford Street, changes are not proposed to the north side of Oxford Street where buildings were developed as more uniform groups and are more able to absorb change.

45. Figure 1 shows the sites that will be excluded from additional development under this planning proposal:

    (a) Of 19 heritage-listed buildings on the south side of Oxford Street between the City and Taylor Square, 6 will no longer have additional development under this planning proposal. These are shown in green in Figure 1.

    (b) A group of buildings immediately to the north of Sturt Street will be excluded due to their potential to cause unacceptable overshadowing to the residences at Sturt Street. These buildings are at 217 to 243 Oxford Street and shown in light blue on Figure 1.

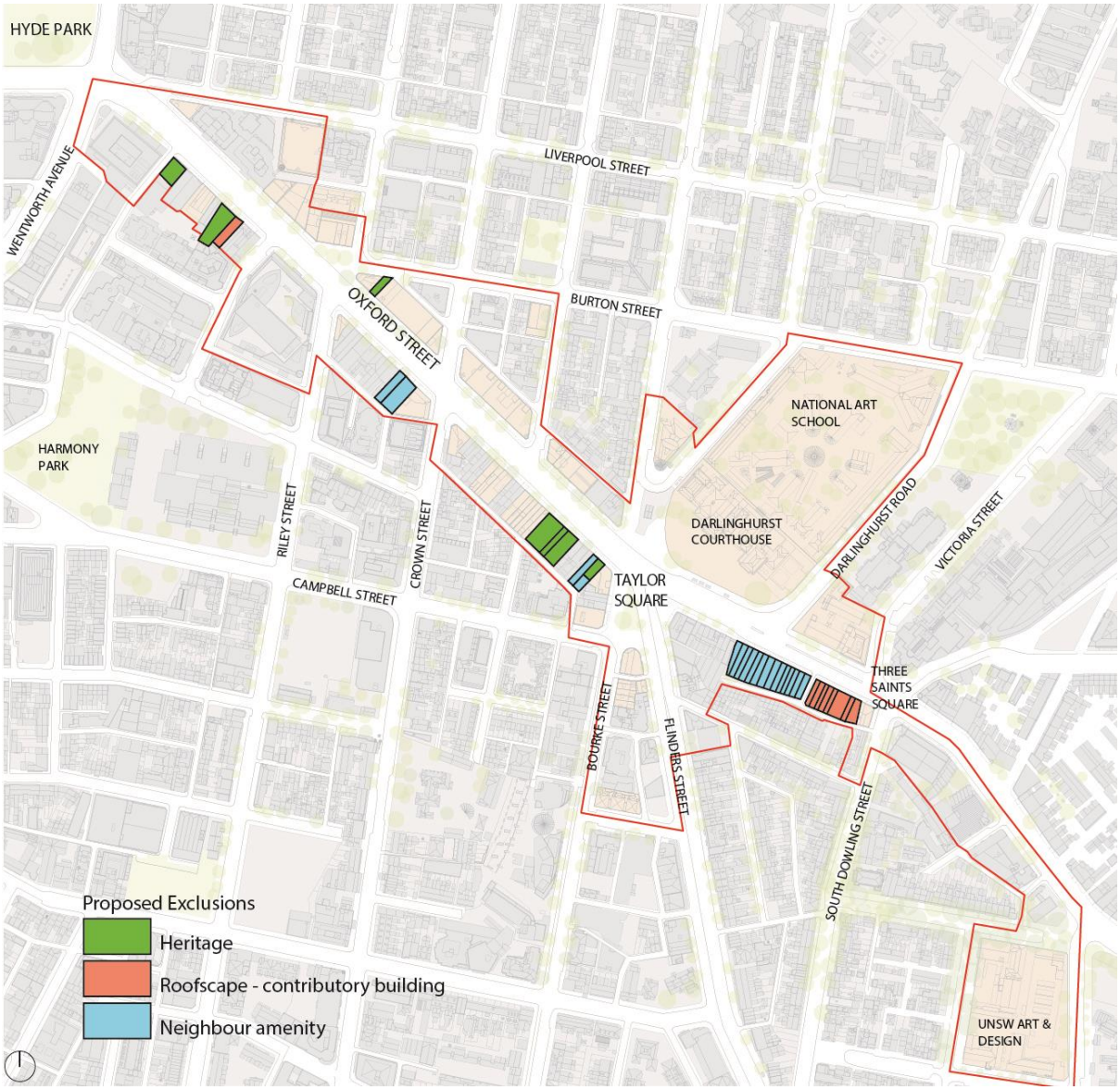
    (c) Two buildings at 103-105 and 107-111 Oxford Street will be excluded due to their potential to cause unacceptable overshadowing to a residential flat building at 220-234 Goulburn Street and are also shown in blue on Figure 1. These two buildings are also heritage-listed.

    (d) Two buildings at 48 Little Oxford Street and 183-183A Oxford Street will be excluded due to their potential to cause unacceptable overshadowing to a residential flat building at 200 Campbell Street and are also shown in blue on Figure 1.

    (e) A group of buildings at 245 to 263 Oxford Street which are identified as contributory elements within the conservation area and which have an intact Victorian roofscape visible against the sky will also be excluded. This group is shown in Figure 1 in orange. A building at 43 Oxford Street is also excluded because it has a roof form which should be retained.

    (f) The Zink and Sons building at 56 Oxford Street, which is a state listed heritage item, will not have additional height or FSR under this proposal on the recommendation of Heritage NSW.

Figure 1 - buildings excluded from the planning proposal



46. Other post-exhibition changes include a reduction in the proposed additional development for the Beacham Hotel at 265-267 Oxford Street. The exhibited proposal identified a 23 metre height limit and an FSR of 4:1 for this site. This will be reduced to 18 metres building height and 3.25:1 FSR, allowing some additional development to create a strong element to the corner of Oxford and South Dowling Streets, to match the former Olympia Theatre on the opposite side of South Dowling Street. This will allow an additional storey, providing an effective transition to the two storey forms elsewhere on this block.

47. The site at 113-115 Oxford Street (south west corner with Crown Street) will also have reduced additional development under the amended proposal. The exhibited proposal allowed an FSR of 5:1, and this is recommended to be reduced to 4.5:1, and the height in storeys control reduced from 6 to 5 storeys. This is consistent with the advice of the City's Design Advisory Panel for this site which states that a two storey addition should be measured from the third storey not the unsympathetic fourth storey addition. The reduction in FSR corresponds with the reduction in height.

Concerns about universally adding two storeys across the precinct

48. Some submitters feel that a universal addition of two-storeys across the precinct will be highly visible and will result in the erosion of the fine detailing at roof level that contributes to and defines the character of Oxford Street. This detailing includes parapets, chimneys and gables and allows Oxford Street to be understood as a collection of styles that have evolved over time.

49. The exhibited proposal did not apply a universal two-storey height increase across the precinct. Several sites already have enough FSR or height capacity to accommodate a two-storey addition within the existing controls. Where increased FSR and/or height has been awarded it has been calculated considering the form of the existing building on a site. The increased height has not been added to the existing height control but measured from the ceiling of the top floor of the existing building. In addition, the proposed controls have been amended as described previously to exclude some heritage buildings, buildings with distinctive roofscape features and those that have an amenity impact.

Recommendations for additional setbacks on buildings fronting public spaces and protection of roofscape features

50. Some submitters would like additions to be further setback above the existing building as this would be a more sensitive response to the predominantly small scale and fine grain of the heritage and contributory buildings. They do not support nil upper level setback on heritage listed and contributory buildings facing Taylor Square, Oxford Square, Whitlam Square, and Three Saints Square, because they consider the prominence of the original building and the profile of parapet shapes against the sky would be significantly and irreversibly altered.

51. Development facing public spaces can create strong visual and physical edges with high-quality architecture which complements the historical fabric while allowing opportunities for contemporary design and activation. The draft DCP heritage requirements allow development facing identified public squares to potentially reduce upper level setbacks on heritage listed and contributory buildings to nil setback, only if it satisfies criteria and demonstrates a high-quality design outcome while maintaining heritage values of the buildings. If this cannot be demonstrated, a nil setback will not be supported.

52. The City has undertaken a review of roofscape features which are important to the conservation area or heritage items and which can be seen from Oxford Street. A post-exhibition change is recommended to the draft DCP which identifies 6 roofscape features across the precinct which must be retained in any redevelopment. The retention of these features will allow open to the sky views of parapets on these buildings. Any redevelopment that occurs on these sites will need to be setback from the parapets and the identified features on these buildings. This is in addition to the exclusion of buildings at 245-263 Oxford Street from the planning proposal to preserve the roofscape and parapet features of this fine grain block. For other sites, a 3m upper level setback required by the draft DCP will ensure parapets and roof details are protected with a visual setting. A greater setback may be required if identified in a Conservation Management Plan or Statement of Heritage Principles.

Protection of significant interiors and avoiding facadism

53. Woollahra Council, the National Trust, the Paddington Society and other submitters state that despite the new heritage controls there is a risk of promoting facadism.

54. The draft controls are intended to avoid facadism, which is the demolition of the majority of a building apart from its facade. Heritage provisions for heritage items and contributory buildings in the draft DCP require the retention of main structural walls, external openings, floor structure and inter-floor height, pressed metal ceilings and other elements identified in a CMP. The allowable two storey additions can generally be carried out with lighter weight structures that do not need the wholesale demolition of interiors. To further strengthen the existing and proposed heritage provisions, a post exhibition change includes a new DCP provision which defines facadism and states that it is not an appropriate approach to conservation of the significance of a heritage item, or contributory building.

Concerns about the Oxford Street Heritage Study

55. Some submissions suggest that the Oxford Street Heritage Study did not undertake a full assessment of cumulative impacts of the proposal on heritage character and significance of Oxford Street, and that a new study should be undertaken. Submissions also consider that the City's proposal has not followed the findings of the study, which recommended that there could be a number of additional heritage listings in the precinct.

Response:

56. The Oxford Street Heritage Study was commissioned to inform the City's approach to Oxford Street. It was not intended to be a full assessment of heritage significance, rather a review of heritage values and an analysis of the capacity to absorb change. The findings of the heritage study have been balanced against other considerations including the need for investment in private buildings, feedback to early consultation which indicated support for additions to heritage buildings, additional urban design considerations and the capacity of buildings to absorb change while maintaining integrity of significant heritage elements.

57. The City has carefully considered heritage impacts as part of formulating the proposals. The heritage study noted (Volume 2, conclusion, p277) that 'setback, low-scale additions are generally acceptable across the study area' providing that the visual and physical impacts on heritage values are considered and managed. The City has introduced detailed guidance in its DCP to manage potential heritage impacts such as the early agreement of heritage principles, a structural analysis, the limit on size of additions to avoid major structural intervention and the requirement for setbacks to upper level additions. Earthquake strengthening is a consideration for some buildings to preserve physical fabric and human life.

58. There is a new requirement for a Statement of Heritage Principles to inform any consideration of vertical additions to heritage items. There is an additional requirement for a Heritage Structural Impact Statement to ensure that the structural stability of heritage buildings is not endangered. Other DCP guidance requires development to respect the prevailing scale, character and form of the street, as defined by the Victorian, Federation and Inter-war heritage buildings, retain significant shop fronts and ensure the existing heritage items be given an appropriate visual and physical setting that retains its significance.

Heritage NSW submission on state heritage items

59. The NSW Heritage Council states that the planning proposal must avoid impacts on State listed Taylor Square Substation, No.6 and Underground Public Conveniences, Darlinghurst Court House and Residence, National Art School / Former Darlinghurst Gaol / Former East Sydney Technical College, and GA Zink and Sons Building at 56 Oxford Street. The Heritage Council states that impacts must be mitigated where they are unavoidable.

60. State heritage listed items generally did not receive any development uplift under the exhibited proposal. The exhibition included uplift at the GA Zink and Sons site at 56 Oxford Street, and a post-exhibition recommendation removes this additional building height and FSR.

South Dowling Street to Greens Road (Block 14)

61. It is claimed that the proposals on the block on the north side of Oxford Street from South Dowling Street to Greens Road, submissions consider that the exhibited proposal would further alter the scale of development when compared to the lower buildings on the southern side of Oxford Street compared with that on the northern side of Oxford Street located within the municipality of Woollahra. The scale is already disproportionately greater on the southern side. This will further exacerbate the discrepancy eroding the coherence of this locality.

62. This block includes large sites with no heritage listed buildings. If these sites are redeveloped they offer the potential to deliver significant cultural and creative floor space and will be required to satisfy the design and amenity provisions of the draft DCP and the overshadowing and amenity provisions of the Sydney DCP 2012 to ensure that residential development is not adversely impacted.

63. The scale of the southern block as stated by the submitter is currently in contrast with the northern block located in Woollahra. This block also differs from the northern block including coarse grain development and larger sites such as such as the Palace Verona and Art Hotel which are not heritage items. The two-storey uplift in this part of Oxford Street, unlike the blocks further east in Paddington in Woollahra is proportionate to the scale and the width of the street.

UNSW Art and Design Campus (Block 15)

64. Submitters request the removal of Block 15 the UNSW Art and Design Campus from the planning proposal due to the potential impacts on a mature fig tree in the pocket park outside the campus.

65. Block 15 includes only the UNSW Art and Design Campus, which has not been afforded any uplift under the alternative planning controls. It is included in the precinct as an anchor cultural and creative education facility.

66. The mature fig tree raised by submitters is located in the Napier Street reserve in front of the UNSW Art and Design campus. The UNSW Art and Design Campus will not be able to redevelop to an additional two storeys or reduce solar access to the pocket park or the mature fig tree as part of this proposal.

67. The fig tree is more likely to be affected by possible development on the service station site on the South Dowling to Greens Road block (Block 14). The recently rebuilt service station is on a concrete slab and there are no fig tree roots penetrating or under the slab. Any development on the service station site would need to be configured to protect the fig tree.

68. Submitters ask for an Oxford Street Restoration Plan funded by Council rates and proceeds from the sale of the Council owned properties for priority rescue of stonework on heritage facades and other features requiring restoration and conservation.

69. The City's proposal promotes private investment in the buildings along Oxford Street. Building facades can be renewed and maintained as part of this private investment and gradual improvement of the building stock.

Concerns that the background studies have not informed the proposals

70. Many submissions express concerns that the planning proposal has not followed the conclusions of its background studies, particularly the limited need for new floor space to meet projected total demand cited in the SGS Floorspace Supply and Demand Study. Submissions particularly note the SGS Floorspace Supply and Demand Study states that:

> 'there is not likely to be a significant need for additional floorspace in the precinct to meet projected total demand, but a small amount of additional office and creative floorspace capacity over this period is likely to be needed. 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.'

Response:

71. Three key findings of the SGS Study have informed the proposed planning controls:

- Targeted uses: The City should consider how to best use existing floor space to cater to different types of demand, while targeting redevelopment to deliver new capacity which respects heritage. The study also notes an expected increase in demand for office and creative spaces in City Fringe areas, of which Oxford Street is a part.

- Fit for purpose space: Despite the high levels of vacant space in the precinct, the character of demand needs to be considered, particularly whether the existing floor space is fit for occupancy or purpose, or able to be made so, for particular uses. The study suggests that poorly maintained buildings and heritage constraints are a barrier to tenant take-up of spaces.

- Moderate increases: Large scale changes to the planning controls will not be required, with a small additional amount of office and creative floor space needed to satisfy demand to 2036.

72. The planning controls target uses that will position Oxford Street as a cultural centre over time and attract activity and investment by incentivising the delivery of a critical mass of creative and cultural space as well as local business, services, office and tourism uses.

73. By incentivising investment and adaptation of buildings existing vacant space will be upgraded to attract and support creative uses, businesses and other activities which do not find the existing space fit for purpose. This is especially so for the creative sector which spans a variety of uses with different needs. When investing in new capacity, building owners will be able to adapt existing floor space to better meet the needs of new tenants and a diversity of new uses.

74. The planning proposal enables modest additions within the context of the whole precinct and will retain the character of the heritage streetscape and significant buildings. The height increase of two storeys and FSR increases on some sites, is at the lower range of the increases contemplated in the City's Urban Design Study. The City has made changes to address heritage concerns, by excluding from the proposals those buildings which are less able to absorb change and so are less suitable to take additions.

75. After the amendments to address heritage concerns have been factored in, the revised planning proposal makes available an additional 33,865sqm of potential floor space over time. This is approximately 16% of the 200,000sqm of estimated existing floor space precinct and represents a modest increase when delivered over a 15 year timeframe.

Concerns that vacant floor space should be reused instead of building more

76. Many submitters recommend reworking and reusing existing private vacant space rather than adding to existing buildings. They consider that options for addressing the need for affordable, appropriate space for creative industry must be considered within the existing private vacant buildings before proposals to increase development are progressed, especially where heritage buildings are concerned.

77. Submitters have questioned the need for new development, noting that there is significant vacant space. Other submitters state that instead of redevelopment, a "Renew Newcastle" scheme should be implemented instead of redevelopment to activate the temporary space on Oxford Street as a major catalyst for renewal.

Response:

78. There is existing private vacant space in the precinct available for use and the current planning controls allow for the use and adaption of that space. However, tenants are choosing not to occupy that space and owners are not upgrading the space to attract new tenants.

79. The City's research and the SGS study found vacancies have been driven by lock-out laws and their knock-on impacts on retail and other businesses, a general decline in 'bricks and mortar' retail, building condition, heritage and building controls which restrict tenant options for the use of space, an insufficient local catchment to underpin businesses on the strip, and high rents, particularly for creative businesses which do not receive subsidies.

80. An overall lack of activity in the buildings leads to low pedestrian foot traffic and an unwillingness on the part of businesses to invest in an Oxford Street location, which in turn exacerbates the vacancy levels.

81. The intent of the planning proposal is break this cycle and encourage investment into the precinct through measured additions to buildings that promote the existing heritage character and will generate uses that attract activity and uniquely position the precinct as a cultural centre.

82. Buildings that undergo some renewal and investment will become occupied and increase activity and pedestrian foot traffic, which will underpin other new businesses and investment. As this process occurs, it will become more attractive to invest in and use other buildings in the precinct, including those that do not have additional development.

83. The planning proposal also requires space for cultural and creative uses to diversify activity, shift the balance away from vulnerable retail sectors and uniquely position Oxford Street as a creative and cultural destination. These uses will be secured through consent conditions and an appropriate covenant before any part of a redeveloped building can be occupied. While landlords will set the rents for these spaces, the City expects this requirement will promote rents that a renewed retail, creative and cultural sector are willing to pay.

There is an absence and lack of priority for public domain proposals in the precinct

84. Woollahra Council, the National Trust, the Paddington Society and other submitters consider that the first strategic move on Oxford Street should not be the planning proposal but one which addresses the public domain of Oxford Street. They state that the planning proposal for Oxford Street must involve works to upgrade the actual street and improve conditions for people who use it. They state that the cooperation of the State Government which controls Oxford Street must be sought.

85. Submitters seek public spaces which have more greening and beautification rather than taller buildings which may overshadow street level spaces. They raise the need for footpath and street widening to accommodate more outdoor spaces and dining and through-site links to increase access through long blocks. Submitters express a desire for Oxford Street to be a pedestrian-friendly green boulevard.

86. Some submitters reference the underutilised green space outside the Courthouse and the reference in the Cultural Activity Report to this being the natural 'front door' of the National Art School (NAS). Greater consideration should be undertaken as to how this forecourt may facilitate a variety of uses, such as markets, or NAS art shows. Others reference the existing heritage Substation 6 in the middle of Taylor Square and suggest this building and the adjacent space be reactivated for a pop-up gallery, artist in residence, and other adaptive reuse.

Response:

87. Traffic needs to be calmed, but the City is not in control of Oxford Street. Traffic on Oxford and Flinders streets could in time and with support of the State, be reduced to single traffic lanes in each direction with adjacent kerbside lanes used for timed parking, loading, bus stops and turning. A two-way bike lane will connect the city centre and Hyde Park to Centennial Park and the eastern suburbs. Footpaths can be widened by up to 6m in some places, creating more space for trees, outdoor dining, entertainment, people and public life. In the shorter term, improvement the new Oxford Street cycleway will provide streetscape and footpath amenity improvements for safety, connectivity and comfort for people walking, sitting at cafés and restaurants, and visiting local business with a more liveable, and green street environment.

88. The Draft LGBTIQA+ Social and Cultural Place Strategy includes actions to explore improvements to the public domain including signage and wayfinding, heritage interpretation plaques and artworks and public art and murals.

89. Many proposals have been considered for the repurposing of the substation 6 in Taylor Square. This is a state listed heritage item with significant heritage constraints, which have prevented its redevelopment. The City will investigate opportunities for these underground heritage sites at Taylor Square through the draft LBGTIQA+ Place Strategy.

The street and buildings should be improved and maintained rather than redeveloped

90. Submitters suggest Council should focus attention on repairing, cleaning and elevating the street level appeal on Oxford Street, rather than encouraging development which could remove heritage fabric, features and character. They express concern that DAs for existing shops do not require upkeep of buildings and that the City does not require improvements to the appearance of buildings and the streetscape.

Response:

91. Council cannot require works to buildings through a development application unless those works are included in an application. Council can only condition the works proposed to be undertaken in a certain way, is reasonable, and has nexus. The City's approach is to encourage improvements to buildings with modest additions and controls to guide good design and heritage outcomes rather than spend limited ratepayer money on poorly kept privately owned buildings. The City focuses its investment on public space and transport initiatives such as the cycleway.

Concerns about the assessment of impacts on the transport network

92. Transport for NSW recognises Council's work in revisioning Oxford Street's public domain and movement function with the aim of improving amenity and conditions for active transport as well as opportunities to improve existing high frequency bus operations along the corridor. However, it is concerned that the planning proposal may impact the existing transport network from pedestrians, cyclists, bus operations and additional vehicular traffic in the precinct. They request a transport assessment be undertaken, including looking at the potential increase in traffic to serve and facilitate the 11,346 m2 of creative and cultural floor space.

93. Other submitters state that a transport study should assess the impacts of the proposals which they consider will exacerbate transport congestion on Oxford Street. They are concerned that apart from the proposed cycle way, the proposal is not part of an integrated plan with Transport NSW to revise traffic management and traffic impacts on Oxford Street.

Response:

94. Development in the creative and cultural precinct will take advantage of future separated cycleway, public domain improvements and good access to public transport. The City's planning framework discourages unnecessary car use and the proposal located in the City Fringe, on an active transport corridor with good public transport accessibility and a movement function which is currently under significant review in conjunction with NSW Transport.

95. A Transport Study has been prepared to support the planning proposals and the establishment of 42,500sqm of proposed employment floorspace, including the 11,000sqm of floorspace for a cultural and creative purpose. The cultural and creative floor space will comprise galleries, maker spaces, small event and entertainment spaces and so has been assessed within the overall development context rather than separately. This Study assesses a worst-case scenario as post-exhibition changes have reduced the total additional floor space to approximately 33,865sqm. The Transport Study is at Attachment D.

96. The Study recognises that the planning proposal is developed in parallel with local planning strategies Sustainable Sydney 2030 and NSW Future Transport 2056 to encourage active and public transport use in the Oxford Street City Fringe area. It concludes that the additional trip demand generated by the planning proposal is 1,392 trips in the morning and afternoon peaks, the majority of which use public transport and can be accommodated within the capacity of the existing transport network.

97. The planning proposal is forecast to generate an additional 70 trips by car in both the am and pm peaks. This is considered insignificant when set against the heavy regional traffic carried by Oxford Street and is not expected to have any material effect on intersection level of service. The Study suggests that over time there may need to be an augmentation of bus services, which can happen as part of normal monitoring and review of bus operations.

98. As confirmed by the Transport Study, the impacts of the proposals will be managed under the current traffic conditions on Oxford Street and future improvements which aim to prioritise place and improve conditions for walking. The planning proposal and draft DCP do not propose additional controls to address traffic, transport and parking as they are not considered necessary. Traffic, transport and parking impacts of individual developments will be subject to assessment through DAs on a case by case. The City continues to work with Transport NSW to improve the Oxford Street public domain and movement function.

Concerns about servicing and access on laneways, increased traffic and the need for more parking

99. Submitters state that significant increases in vehicle movements, on side streets such as Foley Street, including regular and overnight delivery trucks and garbage trucks, will dramatically increase noise and nuisance for residents. They state that servicing will not be possible from Sturt Street with additional residential traffic from newly approved developments and traffic conditions on a street without footpaths.

100. Other submitters raise the need for additional parking facilities to accommodate increased patronage of the area and state that parking is a long-term problem for residents in the precinct from Taylor Square to Greens Road.

101. Woollahra Council advises that entrance locations for upper level tenancies for properties with narrow separate lots / retail widths could be located on Oxford Street and could undermine the reactivation of Oxford Street. They recommend that access should be required from the rear lane unless an amalgamation of properties creates a frontage greater than a certain width.

Response:

102. Oxford Street is a historical entertainment precinct and is located on an active transport corridor with good access to high frequency bus and train services. The proposals allow a two-storey uplift on business zoned land where commercial premises currently operate and where they have historically been serviced from rear lanes and side streets.

103. The City's planning framework will continue to encourage public transport options and imposes maximum parking rates to suppress parking demand which will in turn minimise traffic demand. Servicing and access of commercial properties from Oxford Street is not possible and cannot be encouraged due to the location of bus lanes and clearways.

104. A post-exhibition change proposes a new DCP guidance which encourages a consolidated approach to servicing and access on laneways in the precinct to minimise impacts on residential amenity. The guidance will require a transport management plan to be submitted with a development application which demonstrates a single building approach to loading, access and servicing and minimises the number of trips and parking on rear lanes.

105. The potential for entries, lobbies and other services to dominate otherwise active frontages is noted. The location of lobbies and entries will be subject to specific site circumstances and should be considered on a case by case basis through applications for development consent, rather than a blanket DCP provision. In terms of servicing, most of the sites in the corridor have rear lane access, because businesses cannot undertake servicing from this part of Oxford Street.

The DA for Council-owned properties at 56-76, 82-106 and 110-122 Oxford Street is a separate process to the planning proposal

106. Submitters express concerns about the progression of a development application (DA) for the Council-owned properties at 56-76, 82-106 and 110-122 Oxford Street which exceeds the existing height controls, alongside the planning proposal. They consider that the proposals for these sites will result in undesirable development, with many adverse impacts on heritage and adjacent residents. They call for consideration of the DA to cease prior to the consideration of the planning proposal.

Response:

107. The DA for Council-owned properties at 56-76, 82-106 and 110-122 Oxford Street has not been determined and is a separate process to the planning proposals. It is beyond the scope of the planning proposal and draft DCP to address comments on any specific DA.

There has been no Indigenous consultation and the proposals need to acknowledge Indigenous cultural and creative floor space

108. The Kings Cross Branch of the Labor Party requests that Indigenous communities be fully consulted. This submitter requests that subject to consultation with Indigenous communities, the proportion of floor space for a cultural and creative purpose should be increased to 20% to include an additional 10% for Indigenous cultural/creative activity. Another submitter states that Oxford Street should incorporate information on its history and Aboriginal connection. This could be simply done by plaques, sign boards, a history walk and Aboriginal art.

Response:

109. The City is in the process establishing its Designing for Country Framework which will be a Council-wide process of responding to Aboriginal cultural connections to Country in the public domain. In lieu of this framework, during the early consultation and the public exhibition of the planning proposal the City invited a range of Indigenous organisations to participate.

110. Post-exhibition changes to the draft DCP are proposed which draw from work in the Botany Road corridor which has been the subject of significant consultation with Indigenous communities. The changes require proponents to consider opportunities for acknowledging and continuing the social and cultural significance of Oxford Street as a sacred walking track of the Gadigal people of the Eora Nation and promote the presence, visibility and celebration of First Nations organisations, businesses and cultures through art, performance, architecture, landscaping and other creative expression involving the engagement of suitably qualified Indigenous practitioners.

111. Another post-exhibition change to the draft DCP will be to require Plans of Management for late night trading premises through future conditions of consent to require diversity and inclusion training for staff, which will address but not be limited to Indigenous and LGBTIQA+ issues.

112. Indigenous cultural activity is a cultural and creative purpose and will have access the cultural and creative space delivered through the planning proposal. This definition includes a range of business types that could be taken up by Indigenous groups or businesses. However, the NSW planning system does not allow planning controls to require (or the courts to uphold) space for specific people or groups.

113. It is not recommended to increase the incentive provision to 20% of floor space in a new redevelopment. The incentive provision of 10% of floor space for a cultural and creative purpose was determined based on a reasonable amount of floor space within the buildings and recognising that other uses will subsidise the cultural and creative uses provided at a below market rent.

114. Consultation with members of the Indigenous LGBTIQA+ community has informed the draft LGBTIQA+ Place Strategy. One of the actions of the Strategy is to explore opportunities to acknowledge, recognise and reflect the culture of local Aboriginal and Torres Strait Islander people within the precinct, particularly in the public domain and explore opportunities for dedicated LGBTIQA+ and First Nations space in the NAS redevelopment.

The LGBTIQA+ community has highlighted the need to recognise the social significance of Oxford Street and promote LGBTIQA+ businesses, culture and identity

115. The LGBTIQA+ community has provided significant feedback to the exhibition of the draft planning controls.

Concerns that redevelopment will result in the loss of LGBTIQA+ businesses, character and identity

116. Sydney Gay and Lesbian Mardi Gras states that Oxford Street has been home to Mardi Gras Parade for 43 years and despite the decline of the area is the spiritual home of the LGBTIQA+ community. The submission states that the planning proposal should be supported by a clear strategy to ensure LGBTIQA+ character and visibility is retained and that LGBTIQA+ businesses and services will find a new home in the new development.

117. Sydney Gay and Lesbian Mardi Gras notes that it has had to relocate from the City owned properties at 94 Oxford Street and are now paying significantly higher rents to maintain a presence on Oxford Street. They advise that not all LGBTIQA+ businesses can afford these rents and have had to close like Daily Male, SAX, Green Park Hotel and ARQ nightclub. Submitters believe that the loss of these businesses and the potential redevelopment of Oxford Street poses a significant risk to the survival of the LGBTIQA+ precinct and to its preparation for World Pride in 2023.

Response:

118. The City has prepared a Draft Place Strategy for Oxford Street to recognise, preserve, and promote the significant connection the LGBTIQA+ community has with Oxford Street. The Draft Place Strategy at Attachment C is detailed at paragraphs 15-22 of this report and is recommended for public exhibition for community feedback for a period of 28 days.

119. The Draft Place Strategy outlines actions grouped under 5 priority areas:

    (i) Recognising historic LGBTIQA+ places and spaces

    (ii) Reflecting the contemporary LGBTIQA+ community within local businesses and venues

    (iii) Increasing LGBTIQA+ cultural and social spaces

    (iv) Increasing LGBTIQA+ the visibility and identity throughout the precinct

    (v) Ensuring the local community is safe and supported

120. The proposed planning controls promote the provision of new cultural and creative floor space, and the maintaining of existing space. The Draft Place Strategy will look at establishing a "matching service" to connect cultural operators, including LGBTIQA+ operators, with this new floor space. This will support the maintenance of a strong LGBTIQA+ business presence and identity on Oxford Street.

121. The Draft Place Strategy will investigate a LGBTIQA+ Precinct Business Charter for Oxford Street. The Charter may include initiatives to increase employment opportunities for LGBTIQA+ people, a commitment to providing inclusion and diversity training to venue staff and security, the provision of non-gendered bathrooms and other inclusive facilities, coordinated efforts to address and reduce anti-LGBTIQA+ behaviour or sentiment

122. The need for LGBTIQA+ communities to remain visible on Oxford Street is recognised in the draft Place Strategy and includes actions to:

    (i) Continue to fly the Progress Pride Flag at Taylor Square and Sydney Town Hall.

    (ii) Continue to fly the Progress Pride Flag City banners across the Precinct during key events and at key times throughout the year.

    (iii) Update the Rainbow Crossing at Taylor Square to reflect the Progress Pride Flag design.

(iv) Through the Art and About Program, commission local artists to deliver street murals that celebrate local LGBTIQA+ icons.

(v) Ensure that hoarding treatments throughout the Precinct reflect LGBTIQA+ history and artists, including as a priority the 2022 Site Works suite of hoardings artworks.

(vi) Through the development application process, explore opportunities for public art to be produced by LGBTIQA+ identified artists.

123. In addition to actions in the Draft Place Strategy, the City will make post-exhibition changes to the draft DCP to support diversity and inclusion in the precinct including:

(i) Change to the Locality Statement for Oxford Street to further recognise LGBTIQA+ character and its historical connection to LGBTIQA+ culture and identity including bars, clubs, restaurants, saunas, sex industry and adult entertainment venues and shops,

(ii) A new principle to guide development that seeks to retain existing and provide new LGBTIQA+ businesses, organisations and venues,

(iii) A new principle to guide development that identifies and respects buildings and places of social and heritage significance to the LGBTIQA+ community, and

(iv) A requirement for inclusion guidelines for late trading premises to address the needs of the LGBTIQA+ community.

Concerns about how the history of Oxford Street as a LGBTIQA+ precinct will be celebrated

124. Submissions state that LGBTIQA+ history and other history and heritage must be preserved in the revitalisation of Oxford Street. They are concerned that there are no statues, sculptures, plaques or other markers in the precinct that tell the history of the street to visitors and residents. One submitter suggests Oxford Street could incorporate plaques similar to those in Kings Cross to tell the stories and provide information about the people and places that belong to Oxford Street's history.

125. The NSW Heritage Council encourages opportunities to conserve and celebrate the LBGTQIA+ history of the Oxford Street precinct. They advise that on 31 August the Heritage Council resolved to progress a State Heritage listing for Taylor Square in consultation with the City of Sydney which tells the story and evolution of Sydney's Mardi Gras.

Response:

126. Celebrating the strong associations that LGBTIQA+ community is a cornerstone of the City's long-term vision for Oxford Street. The support of NSW Heritage in progressing a state listing to recognise the LGBTIQA+ significance of Taylor Square is welcomed.

127. The Draft Place Strategy includes actions to recognise significant social, cultural and historical LGBTIQA+ places and space in the precinct. Some of these actions will be progressed through the City's planning controls once the draft Place Strategy has been finalised and the actions confirmed. Actions are proposed to:

    (i) Identify places and spaces of LGBTIQA+ social, cultural and historical significance currently not listed as heritage items. Conduct heritage assessments and where appropriate, propose the places and spaces for inclusion in the LEP as additional heritage items.

    (ii) Review and update the inventory sheet for the Oxford Street Heritage Conservation Area including the Statement of Significance to include buildings identified as socially, culturally and/or historically significant to the LGBTIQA+ community.

    (iii) Review and update the inventory sheets for identified heritage items to include or strengthen references to LGBTIQA+ social significance in their Statements of Significance.

    (iv) Collaborate with the NSW Heritage Council State Heritage Register LGBTIQA+ Working Group to progress a State Heritage listing at Taylor Square which tells the story and evolution of Sydney's Mardi Gras, including a section of Oxford Street and the former Darlinghurst Police Station.

    (v) Provide a publicly accessible catalogue of photographs documenting the gay and lesbian rights movement, queer arts and activism, and other LGBTIQA+ histories across the Precinct.

    (vi) Require new developments to deliver heritage interpretation which acknowledges significant LGBTIQA+ places and spaces, for example through interpretative artworks, plaques on buildings or in the pavement.

    (vii) Continue to collect and share oral histories and stories related to LGBTIQA+ places and spaces within the Precinct.

    (viii) Explore opportunities to connect these oral histories to physical locations within the precinct through on-site promotion of online content.

    (ix) Review and update the City of Sydney's Culture Walks walking tours to include LGBTIQA+ content, especially around the Precinct.

    (x) Explore options for signage and wayfinding that connects the AIDS memorial in Green Park to Oxford Street, including promotion of online content relating to the memorial.

The proposal should promote more LGBTIQA+ spaces and places in the precinct in preparation for WorldPride

128. Submitters state that WorldPride in 2023 provides the opportunity to showcase a vibrant LGBTIQA+ precinct and that work to support LGBTIQA+ businesses and venues should commence and be set as a legacy for the future of the city. They say that the LGBTIQA+ community supports the City and NSW Government leading work to revitalise the precinct, which could include the provision of permanent artwork recognising the nature of the area, safe spaces, a LGBTIQA+ museum and a Pride Centre.

Response:

129. The Draft Place Strategy includes the work the City is undertaking under existing programs to prepare for WorldPride 2023 and outlines additional actions to establish safe LGBTIQA+ places and spaces in the precinct. Actions are included to:

    (i) Explore opportunities to deliver a LGBTIQA+ Cultural Centre or Museum in the Precinct.

    (ii) Explore opportunities to re-purpose the toilet block and substation on Taylor Square (North) for social and/or cultural use.

    (iii) Explore a Cultural Spaces Start-Up Grant to assist new LGBTIQA+ cultural and creative businesses to establish in the Precinct.

    (iv) Continue to connect outreach services and programs to vulnerable communities within the Precinct, including people sleeping rough, people experiencing mental ill-health and people experiencing substance abuse.

    (v) Identify opportunities to advocate for diverse housing and accommodation options for young LGBTIQA+ people in the Precinct.

    (vi) Explore opportunities to increase services and programs within the Precinct that support Transgender and gender diverse people, and older members of the LGBTIQA+ community.

    (vii) Develop an Oxford Street Precinct Safety Plan in collaboration with Surry Hills LAC and NSW Police to increase awareness of safety issues for LGBTIQA+ people and improve safety in the area, at day and night.

    (viii) Explore opportunities to implement LGBTIQA+ inclusive and supportive messaging across the Precinct, through City owned street furniture, signage, and creative lighting or artworks.

Concerns that sex industry or adult entertainment uses with strong associations with LGBTIQA+ culture will be removed by redevelopment

130. Some submitters express concerns that sex industry and adult entertainment uses have traditionally existed in the precinct and had strong associations with LGBTIQA+ culture and identity. They consider that these uses should be considered as cultural space under the new planning controls so that they can be retained.

Response:

131. Sex industry and adult entertainment premises have traditional links to Oxford Street and form an important part of its character. These premises have historical and current links to LGBTIQA+ culture and community. A post exhibition change to the draft DCP Locality Statement acknowledges the LGBTIQA+ association with sex industry uses. The Locality Statement defines the character of the precinct and is considered in applications for development consent. It will acknowledge that Oxford Street has historically accommodated LGBTIQA+ bars, clubs, restaurants, saunas, sex industry and adult entertainment venues and shops.

132. The draft planning proposal does not include sex industry and adult entertainment premises within the definition of cultural and creative uses. These uses are permissible under the controls that apply to the precinct but are not incentivised through additional height and floor space.

Concerns about the oversight, operation and affordability of cultural and creative floor space

133. Woollahra Council and other submitters suggested that cultural and creative space should be dedicated to Council to manage or the developer should be required to demonstrate partnership with a cultural and creative user. They suggest that if there is no end use identified the space could be required to be managed by a suitable body for the ongoing leasing and management.

134. The National Art School (NAS) supports the planning proposal and considers that it is best placed to assist in the implementation of the planning controls through a 'stewardship approach.' NAS would then be able to facilitate the use of these spaces depending on the needs of the individual or group.

135. NSW Create, NAS, Woollahra Council and other submitters state that the City should ensure that cultural and creative floor space is affordable. They seek incentives for developers to offer the 10% creative space provision at a lower than market rent to arts and culture practitioners or creatives.

136. Other submitters express concern that cultural and creative floor space may be tenanted and then fall away to other types of uses as spaces become vacant. They consider that a change of use through exempt and complying development to other non-creative uses could easily occur.

Response:

137. The planning proposal seeks to incentivise the provision of new cultural and creative floor space in private buildings as part of a new development. The planning proposal aims to attract investment, increase cultural and creative space, and revitalise the precinct. The approach sets aside cultural and creative space for the market and is not led by the Council. The City will continue to work with Create NSW and the National Art School to make space for culture in the Oxford Street precinct.

138. The stewardship process that the NAS proposes is not possible under the NSW planning system. Under the planning controls the City cannot authorise the transfer of private property to a third party including NAS. The submitter proposes a system similar to the provision of social/affordable housing. The NSW legislated system allows the City to do this for affordable housing, through Community Housing Providers, however there is no such system or provider for any other types of space.

139. The Draft LGBTIQA+ Place Strategy includes an action to explore a matching service for the new cultural and creative floor space for developers wishing to tenant this space. This means that if a developer cannot find a tenant the City could offer to link them with registered cultural and creative operators seeking to locate in the precinct.

140. It will be in the economic interest and the responsibility of the landowner to tenant these spaces, and one that will be acknowledged from the outset of development. The new floor space will be secured by planning conditions and restrictive covenants, which means it cannot be tenanted for another purpose. If this floor space is not tenanted, the landowner will be in contravention of the consent and will not be able to occupy the building.

141. A proposed post exhibition change, required by the Gateway Determination, provides some flexibility for cultural and creative floor space that existed from 10 September 2021 and has not used the increased height and floor space controls. If this existing cultural and creative floor space cannot be tenanted after a period of appropriate and active marketing, then it may be tenanted for a broader range of cultural and creative activities.

142. A post-exhibition change to the planning proposal clarifies that the City will place restrictive covenants on the floor space to ensure that it is not subject to a change in use without the Council's consent.

10 per cent of the total floor space will not deliver the cultural and creative spaces needed

143. Submitters question why the proportion of floor space for cultural and creative purpose is only 10 per cent and call for a larger proportion, up to 50 per cent. Submitters state that given the fine grain of development that the provision of large, raw spaces suitable for creative industries, artistic production or fringe performance cannot be accommodated in the precinct.

144. Woollahra Council states that flexibility is needed to be incorporated into the planning controls to create the size of cultural and creative spaces needed within one property to provide for a specific purpose, rather than several small spaces that are not as useful.

Response:

145. The provision of 10 per cent of floor space for a cultural and creative purpose was determined based on a reasonable proportion of space compared to the existing floor space in each building in the precinct. If the required amount of cultural and creative space is set too high, then development and the provision of the space will not result as there would be insufficient other uses to subsidise the creative space.

146. The Cultural Activity Study provided context for the proposals but did not recommend a specific proportion of floor space. While the City has priorities for medium to large cultural and creative floor space, it is seeking a diversity of spaces within the precinct. Floor space for a cultural and creative purpose can be located anywhere in a building and is not limited to the ground floor. The Cultural Activity Study notes that a diversity of spaces is required, including around 50sqm, 100sqm, 200qm and greater in size. Larger spaces may come forward on sites with no heritage constraints, where it is considered acceptable and where the consolidation of the 10 per cent provision could occur through amalgamation of sites. Overall the proposal has the potential to deliver 10,554 sqm cultural and creative floor space, sufficient to satisfy projected demand to 2036.

There is a need to clarify basement floor space incentives

147. A submitter seeks the provision of further guidance on how the 10 per cent of floor space for a cultural and creative purpose is calculated for basement entertainment uses. They also seek further guidance to applicants on how to calculate the 'existing' cultural and creative uses on site. The submitter states that the range of strategic land uses that can benefit from the 0.8:1 floor space incentive for uses in basement areas fronting Oxford Street should be extended to include cinemas. They state that broader multi-function spaces align with Council's objectives for the precinct and should also be included as eligible for the basement incentive provision.

Response:

148. A post exhibition change is proposed to the Draft DCP which clarifies that basement spaces which include entertainment facilities for live entertainment and meet heritage requirements may contribute to the requirement to provide 10 per cent of the total GFA of a proposed redevelopment cultural and creative floor space. It clarifies that below ground floor space is not to be counted as part of the total GFA of a development.

149. An entertainment facility is defined in the Sydney LEP 2012 as a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club. Cinemas are entertainment facilities and are consistent with the objectives for the cultural and creative precinct. A post exhibition change is proposed which states that cinemas can access the basement incentive provision. Multi-function spaces are not eligible for the basement incentive provision because they do not satisfy the definition of an entertainment facility and may be re-purposed for spaces that do not provide for live entertainment.

150. Similarly, the calculation of existing cultural and creative floor space should be further clarified to address whether ancillary areas are included. A post exhibition change is proposed which confirms that existing cultural and creative space in a building is calculated excluding space for ancillary uses and common servicing, such as, service areas, corridors, offices, retail and sanitary facilities.

The proposals should provide residential or live/work in conjunction with floor space for a cultural and creative purpose

151. The NAS request that the definition of creative and cultural space is extended to include ‘ancillary residential accommodation’ to allow for the inclusion of studio-style living space to be incorporated into these creative and cultural spaces. Alternatively, they suggest that in larger scale developments, the 10 per cent of space could be implemented with the provision of accommodation for the user groups of the cultural and creative industry, through NAS.

152. Woollahra Council and other submitters raise the potential for live/work which could be incentivised in areas surrounding the precinct. Some submitters suggest a rate subsidy for affordable combined studio and living spaces for artists.

153. Some submitters suggest that redevelopment will be for high end residential and adversely impact the night-time economy. Others consider that redevelopment should be residential-led to create demand for local services and business in the area.

Response:

154. The City's intention is to incentivise uses which build on the local centre function of Oxford Street and its potential as a cultural and creative hub. A secondary consideration is to minimise conflicts between night time economy uses and other sensitive development including residential uses. The alternative planning controls do not incentivise residential development of any kind in the corridor to minimise conflicts and prioritise local centre and cultural and creative uses.

155. The extension of residential development onto Oxford Street would replace active frontages on the street with lobbies and entrances, reduce the frequency of footfall and activity and undermine the revitalisation of the precinct. A post-exhibition change provides further clarity that no additional height or floor space is provided for development that includes residential. Residential development is permissible in the land use zones of the precinct, however it can only be undertaken under the existing planning controls, without the two storey height increase.

156. Live/work uses are possible within the existing planning controls. The City is prioritising the local centre and creative uses that will attract people to the area and encourage activity. A live/work space such as a combined studio and dwelling would displace those more active uses and attract fewer people.

Residents have concerns about noise, overshadowing and view loss

Noise impacts from late night trading and rooftops

157. Residents located in or around Foley Street, Taylor Square, Arnold Place and Sturt Street are concerned about the impacts of noise and activity on their local amenity.

Response:

158. Oxford Street is a long established late night trading area reinforced by the City's late-night trading DCP which allows premises in specific areas on Oxford Street to operate up to 24 hours subject to successful trials and good management. Noise from late night trading is addressed through development consent conditions, plans of management and enforcement.

159. The City's entertainment sound management planning controls will be reported later in the year and will improve the fair management of entertainment sound and ensure that any new venues locating in Oxford Street mitigate their sound impacts.

160. Rooftop bars are not specifically incentivised through the proposed planning controls. Rooftop bars will be assessed through development applications on a case by case basis against local amenity, heritage and design requirements and outdoor trading hours that are more restrictive than for indoor venues.

Overshadowing and noise at Sturt Street

161. Sturt Streets residents state that the proposed uplift to the commercial block to the north of the street will cause them to lose solar access to the front of their properties. They also seek the removal of a north-south through-site link from Taylor Street to Oxford Street, which will provide access to Sturt Street, and increase access, noise and night time activity in their street.

Response:

162. Sturt Street includes a terrace of north facing two storey residences which are potentially the most impacted by the proposals. Sturt Street is south of Oxford Street on a narrow street with lane dimensions and would be potentially subject to overshadowing from development under the planning proposal. After consideration of submissions and described elsewhere in this report, the buildings at 217-263 Oxford Street, located directly to the north of Sturt Street, are recommended to be excluded from the planning proposal. Development may however still occur on these sites under the existing planning controls which have existing FSRs ranging from 2.5:1 to 3:1.

163. Another post-exhibition change will remove the requirement for a through site link from Taylor Street to Oxford Street.

Overshadowing at Arnold Place

164. A submitter from Arnold Place raised concerns about the loss of solar access.

Response:

165. A post exhibition changes excludes buildings at 107-111 and 103-105 Oxford Street, Darlinghurst from the proposals. This will remove any potential additional overshadowing to residential development in the vicinity of Arnold Place.

Overshadowing and views at Taylor Square

166. Submitters from the St Margaret's complex on Bourke Street and 200 Campbell Street raise the loss of views over heritage buildings. Residents at 200 Campbell Street and Belgenny Apartments at 391 Bourke Street also raised overshadowing.

Response:

167. The apartment buildings at 200 Campbell Street and Belgenny Apartments at 391 Bourke Street are located immediately to the south and south west of Taylor Square. The St Margaret's complex is located outside the precinct about 280m from Oxford Street.

168. For 200 Campbell there will be some loss of private views to the east. View loss has been minimised by not allowing development above the Courthouse Hotel and placing most new development above 381 and 379 Bourke Street between Kinselas and the Courthouse Hotel. A post-exhibition change has excluded a number of buildings north of 200 Campbell from the alternative provisions. These changes have reduced the potential of impact to views or solar access to the residential building at 200 Campbell Street. Notwithstanding, the City's planning controls do not protect private views.

169. Solar analysis undertaken for the urban design study show the north and west elevations of 200 Campbell achieving good levels of sun access and some loss of sun to the eastern elevation in the early morning. A future development is likely to be capable of complying with current overshadowing controls using good design.

170. The proposed alternative height controls for Taylor Square aim to minimise impacts on the Belgenny Apartments directly south of Kinselas. The north elevation of Belgenny achieves excellent levels of sun access with the additional two storeys to Kinselas causing some loss of sun to the lowest residential level from the morning to the early afternoon. Future development is required to meet the solar access provisions of the DCP. With good design a development is likely to comply with the solar access requirements of the DCP.

171. There is considered to be minimal view impact and no over shadowing impact on the St Margaret's complex given its distance from Taylor Square.

Noise and the inclusion of sites on Liverpool Street

172. A submitter expressed concern that the Hub co-working space at 223 Liverpool Street will become a rooftop venue and impact the neighbourhood. The submitter states that 223 Liverpool Street Darlinghurst should not be included in the Oxford Street Cultural and Creative Precinct because it is not located on Oxford Street.

Response:

173. The Hub site at 223 Liverpool Street has been included in the precinct as it is within the B2 Local Centre zone. It is not a requirement for a business to have a frontage to Oxford Street to be included in the precinct. Rooftop venues are not specifically incentivised under the proposed controls and any development application would be assessed against Council's late night trading and noise controls.

Overshadowing and noise at Foley Street

174. Residents in and around Foley Street state that they will lose afternoon sun and be subject to noise from rooftop terrace and bars. The submission continues that Foley Street is a very narrow street and is not ideal for commercial use. The apartments and terraces on Foley Street have to deal with the loud garbage trucks and other big trucks now and having this small street used as a commercial street will be detrimental to the residents from increase traffic and noise.

Response:

175. Foley Street residents will not be overshadowed by development on Oxford Street, which is to their south. Properties between Oxford Street and Foley Lane are zoned B2 Local Centre which encourages commercial and business uses. Commercial uses are permitted under the current planning controls. Impacts from vehicle movements and noise will be assessed and managed through any development application for the site against Council's current planning controls.

176. A post-exhibition change proposes new DCP guidance which encourages a consolidated approach to servicing and access on laneways in the precinct to minimise impacts on residential amenity. The guidance will require a transport management plan to be submitted with a development application which demonstrates a single building approach to loading, access and servicing and minimises the number of trips parking and noise on rear lanes.

Concerns about the effect of amalgamations in the precinct

177. Some submissions express concerns that the need to provide 10 per cent of a building’s floor area for cultural and creative space will lead to amalgamations that will erode the “fine grain” nature of Oxford Street, particularly to the rear elevations.

178. Other submitters representing development interests state that improved development outcomes could be delivered in some circumstances through amalgamation of sites.

Response:

179. The draft DCP includes provisions which protect the fine grain character and form of heritage items and contributory buildings.

180. Some sites have no heritage listing or little heritage fabric and could be amalgamated where the desired planning outcomes and significant cultural and creative space could be delivered. On these sites a minimum site area provision will facilitate amalgamation by allowing FSR to be spread across a number of sites within an amalgamated development block.

Submissions were received from landowners requesting changes to the proposal

181. Some submissions from landowners have supported the proposed planning controls but requested changes to accommodate alternative proposals. Many of these development proposals seek to increase the number of storeys permitted by the draft DCP or seek to spread the FSR and height across amalgamated sites. Others seek minor increases to the LEP maximum height and FSR controls. Figure 2 below shows the location of the sites to which these submissions refer.

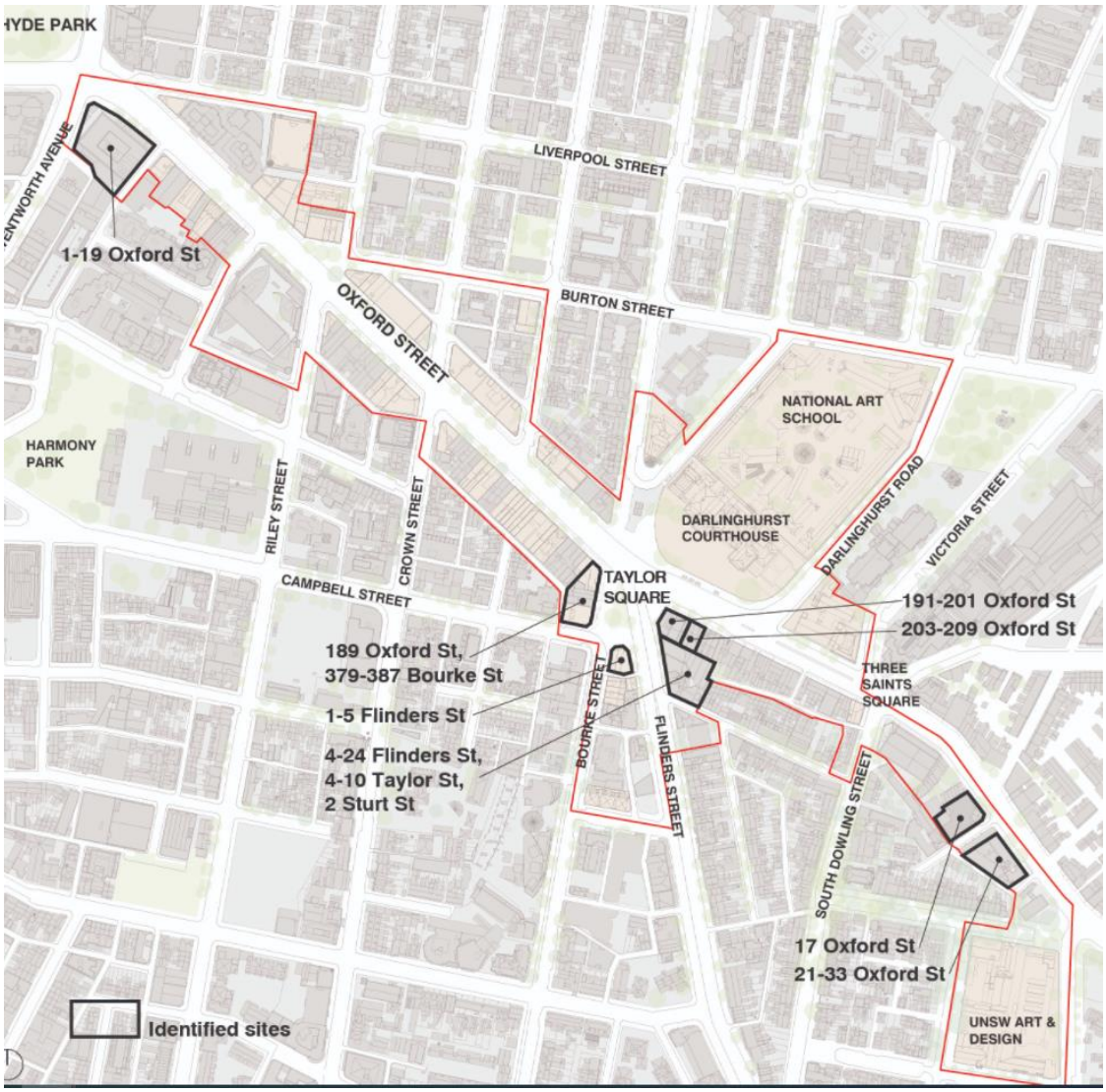


Figure 2 Sites where submissions from landowners were received

More FSR and height is requested at 379-379A, 383-387 and 381 Bourke Street (Kinselas and adjacent sites)

182. The exhibited proposals allowed a minimum site area control to facilitate the redistribution of the built form and maximum heights of 24m and 18m, translating to 5 storeys and 4 storeys in the draft DCP.

183. The landowner requests that the FSR be spread over 4 sites with a minor overall increase to a total of 4.84:1, an increase in height from 18 metres to 24 metres for a small part of the site to accommodate the proposed orientation of the upper storeys, another small height increase beyond 24 metres to accommodate the lift overrun, and an increase in the permitted development storeys to 7 storeys.

Response:

184. The buildings at 189 Oxford Street and 389 Bourke Street are contributory buildings in the heritage conservation area. This site benefits from a minimum site provision which consolidates development on 389 Bourke Street and Kinselas so that the Courthouse Hotel is free from development, bringing the total height to four storeys.

185. The extension of the 24 metres to a small portion of the site at the northern end of 379-379A Bourke Street is supported because it has minimal to no additional overshadowing to 200 Campbell Street compared to the exhibited built form due to the north easterly alignment of the boundary.

186. The increased height to accommodate a lift overrun is not supported. The exhibited proposals included an LEP height increase of 10 metres, sufficient to accommodate a two storey addition and lift overrun. The increase in height in storeys to 7 storeys is not supported because it is not consistent with the aims of the proposal to provide a generous (10m) uplift for a two storey additions to preserve upper level ceilings, accommodate lift overruns and plant structures and provide for a range of commercial land uses. It is not to provide the opportunity for increased height in storeys.

187. A minor post exhibition change is proposed which extends the 24m height to a small portion of the site to follow the site boundary.

Redistribution of FSR and height is requested across the sites at 4-6 Flinders, 10-24 Flinders and 2 Sturt Street (the ARQ sites)

188. The landowner submission requests that FSR be spread across 6 amalgamated sites to allow for a future development that can deliver significant cultural and creative performance floor space and retail, hotel, function and recreation space and a nightclub. The submission also requests an increase in the height of building controls to 22m and 5 storeys at 4-6 Flinders Street, 10-28 Flinders Street and 2 Sturt Street, and a single FSR of 3.5:1 across all sites (an additional 303sqm of GFA) with a minimum site area provision of 1500sqm. The submission notes a new control would be needed to include a boarding house in a proposal under the alternative controls.

189. A five storey height in storeys control is sought at 4-6 Flinders, 10-28 Flinders and 2 Sturt Street. The proposals submission showed demonstrate that solar access will be retained to surrounding development and will not increase impacts over the exhibited proposals.

Response:

190. The exhibited controls were for 18m and 22m height in building controls with a maximum 4 and 5 storeys and FSRs of 3.5:1 and 2.75:1. The buildings at 4-6 and 10-24 Flinders Street are contributory buildings in the heritage conservation area. Council did not exhibit increased height or FSR on the central portion of the site at 2 Sturt Street, which is not built to the maximum FSR of 3.5:1. The draft DCP proposes to include 4-6 and 8-10 Taylor Street as contributory buildings in the heritage conservation area.

191. This site presents an opportunity for sensitive redevelopment and the delivery of significant cultural and creative floor space in the heart of the precinct at Taylor Square with the retention of elements of contributory buildings that are important to the conservation area and streetscape.

192. The request for a post-exhibition change to allow the FSR to be spread across the 6 sites is supported. The amended LEP will include a minimum site area of 1500sqm to access a total of 3.3:1 FSR. However, the request for an increase in FSR over the sites is not supported, as it is likely to require an increase in building heights to accommodate the extra floor area.

193. The request to raise the maximum building height in the LEP is not supported. The 18m and 22m maximum height of building control is appropriate given the height of existing buildings on the site and the heights proposed at Taylor Square which range from 20-24m. The request for an increase in the number of storeys permitted within the overall maximum height is supported. This will allow the development to be placed further from nearby residences and minimise the potential for overshadowing. The site at 4-6 Flinders Street will change from the exhibited 4 storeys to 5 storeys.

194. Residential accommodation, including boarding houses or co-living, is not incentivised under the alternative provisions. If the existing boarding houses are removed a low cost rental housing contribution will be required through the DA. A site specific provision is not supported as new non-rent capped co-living housing already receives a 10 per cent FSR bonus and rent capped boarding houses run by a Community Housing Provider can receive a 25 per cent FSR bonus under NSW Government planning controls.

More floor space and additional height in storeys and a combined approach to redevelopment is requested at 203-209 Oxford Street (the Bookshop site near Taylor Square)

195. The landowner requests an increase in FSR over the four sites to 3.75:1 (an additional 346.5sqm of GFA) and a 5 storey height in storeys control. The additional storey is sought on the basis that only one additional storey has been permitted rather than two, because the site has three storey structures on the site.

Response:

196. The exhibited proposal allowed for a two storey increase across the sites, measured from the upper ceiling of the top storey facing the street. This is an increase from two to four storeys.

197. The request for an additional storey is not supported, as it is based on a misreading of the proposal. The request for additional FSR is not supported as it cannot be accommodated within the four storeys.

More height is requested for the Verona site at 17 Oxford Street, Paddington

198. The landowner submission requests an increase in height to 25 metres, in part so as to minimise impacts on surrounding development and create a better street presentation and internal amenity outcomes for a commercial office development. It is stated that the existing building partly exceeds the current 20m height limit. The submission includes a development option which complies with the exhibited 20m height in building control.

Response:

199. The exhibited proposal was for an FSR of 3.5:1 and a height 20m and 5 storeys. The building is not subject to any heritage listing and is relatively unconstrained. It contains the Palace Verona Cinema, an important cultural and creative venue.

200. The request for additional height is not supported. It is not necessary to increase the height when the allowable FSR can be accommodated within the exhibited height control. A separate post-exhibition change clarifies that cinemas are able to access the basement floor space incentive.

More floor space, additional height in storeys and a combined approach to redevelopment is requested at 21-25 Oxford Street and 27-33 Oxford Street (Art Hotel and the Rose, Shamrock and Thistle)

201. The landowner submission requests an increase in FSR of 3.5:1 over an amalgamated site at the Rose, Shamrock and Thistle Hotel and Art Hotel sites to support multiple uses such as hotel, commercial and rooftop/basement bars and creative uses. The submission also requests an increase in height in storeys to 6 storeys to accommodate the additional FSR.

202. The submission also requests that a multi-purpose basement space, capable of being used as a market hall as well as for entertainment be allowed to access the basement entertainment space incentive.

Response:

203. The exhibited proposal was for a 20m and 5 storey height with FSRs of 3.5:1 and 3.25:1. The Art Hotel is a detracting building in the heritage conservation area. The Rose, Shamrock and Thistle is a contributory building in the heritage conservation area.

204. The request for additional storeys is not supported, as it is not consistent with the intent of the proposal to allow two-storey additions and provide a generous (10m) uplift for a two storey additions to preserve upper level ceilings, accommodate lift overruns and plant structures and provide for a range of commercial land uses. It is not to provide the opportunity for increased height in storeys.

205. . The additional FSR is not supported, as it may not be accommodated within the permitted five storeys. The multi-purpose basement space will not be able to access the basement entertainment incentive as the City is incentivising permanent entertainment facilities.

206. The request to allow the FSR to be spread across the site is supported. A post exhibition change is proposed which sets a minimum site provision of 1,142.5sqm with a FSR of 3.44:1 across the two sites.

More height and floor space are requested or the T2 Building at 1-5 Flinders Street

207. The landowner requests an increase in the FSR to 3.8:1 and the height to 24m and 5 storeys. This is requested on the basis that the proposed controls when applied to the site are not viable given the existing levels and configuration of the building, the heritage significance and need for maintenance and refurbishment on the site.

208. The request is based on a reference scheme that includes a five storey plus roof terrace building, basement nightclub, with a nil setback for the addition. A rooftop terrace reflects a DA approved by Council in 2015 for a proposal for a bike hub. The two options provide for hotel or commercial uses, with both options showing basement space for a nightclub.

Response:

209. The exhibited proposal was for an FSR of 3.25:1 with a 20 metre and 4 storey height. The T2 Building is heritage listed and a contributory building in the heritage conservation area. It is a robust building with an iconic presence in the precinct.

210. The increases in FSR, maximum building height and height in storeys are not supported. The intent of the exhibited proposal was for a two storey increase generally within the precinct on identified buildings. Two storeys allows for an addition that does not overwhelm the scale of the original building, and which will require minimal structural intervention to support, with the least disruption to the heritage fabric and structural integrity of the heritage building.

An increase to building height is requested at 191-195 Oxford Street (Taylor Square billboard site)

211. The landowner requests a height increase to 27m and 6 storeys for the part of the site furthest from the corner at Taylor Square. The submission states that this would be to allow the heritage street frontage to be reinstated.

Response:

212. The exhibited proposal was for an FSR of 4:1 and 3.75:1 and a height of 20m and 4 and 5 storeys. The building on this site is not heritage listed, however is a contributory building in the heritage conservation area.

213. The submission request is not supported. This site occupies a prominent position on the corner of Oxford and Flinders Street at Taylor Square. A strong corner presentation to Taylor Square is preferred and is one of the principles underpinning the exhibited proposal. The request would erode that corner and weaken the overall presentation to Taylor Square.

More height and floor space is requested at 1-19 Oxford Street

214. The owner of the commercial tower at 1-19 Oxford made a submission objecting to the uplift proposed at the adjacent 21 Oxford Street because it will result in view loss and noise impacts. The submission seeks additional height and FSR for 1-19 Oxford Street site to allow a rooftop bar and other additions.

Response:

215. The exhibited proposals provided no uplift for the building at 1-19 Oxford Street, but the draft DCP included potential for a podium form to provide wind protection for pedestrians and better address its prominent corner.

216. The 1-19 Oxford Street site currently benefits from a 10:1 FSR and 80m height limit and is located in a Central Sydney special character area. The existing building currently exceeds the current controls with a FSR of 12:1 and is 97m in height. It was not identified for additional development in the exhibited planning proposal. The request for additional development in the submission is not supported.

217. A post-exhibition change to the LEP recommends parameters for floor space be allowed in the podium to 1,825 sqm, subject to the provision of 10% of the space as floorspace for a cultural and creative purpose and limits this to the Oxford Street and Wentworth Avenue frontages to maximise the potential for placemaking and ground floor activation.

Increased activity and floor space at the National Art School (NAS)

218. Create NSW supports the planning proposal because it provides clarity about the uses permitted at the National Art School that will complement its existing and future use and increase educational floor space. The NSW Department of Education also supports the proposal to allow additional uses and increase to the floor space ratio at the National Art School to facilitate its growth. Other submitters support the proposals to increase the use of the NAS as an arts venue, including the Cell Block Theatre, on the basis that it is not converted to purely commercial uses.

219. Submitters from Forbes Street raise concern about impacts on residential amenity from noise and traffic from large crowds of up to 10,000 people for unlimited times per year on the NAS site. They request a Plan of Management, a noise management plan, a heritage impact statement for NAS and a Conservation Management plan to manage the impact of large crowds before the planning proposal can be approved.

220. Residents claim that the proposal does not assess the potential for increased patrons, or the hours or operation. They are also concerned rooftop bars and late-night activities will be located within 200m or less from balconies, living rooms and bedrooms of south facing residences at 299 Forbes Street.

221. A submitter states that there should be alternative access to the site from Darlinghurst Road for large events, and that NAS and the City should provide in-principle support for this change.

Response:

222. The exhibited proposal allows for additional uses and a small increase in floor space at NAS. This recognises the key role that NAS plays as a major creative and cultural institution and anchor for the future of Oxford Street as a cultural and creative hub. Support for the ongoing success of NAS will be critical in the evolution of Oxford Street.

223. The planning proposal supports NAS by providing clarity around the uses that can occur as part of its educational and institutional role. The additional permitted uses clauses enables a development application to be submitted and assessed for a range of uses including entertainment facilities, community facilities, function centres, offices, information and education facilities, market retail, recreation, filming, shops and food and drink premises which support the ongoing education and cultural and creative use of the NAS.

224. Making the uses permissible with consent on the NAS site is appropriate given the surrounding zones to the north east, east, south and west are zoned B4 mixed use and B2 Local Centre which also permit these uses. These uses are typically permitted on tertiary sites elsewhere in the LGA. Oxford Street is also identified as a late night trading precinct with trading up to 24 hours.

225. The uses support the viability of the school and its role as a cultural destination and enables better public access to their cultural programs and events. This also supports cultural and creative precinct and enables NAS to anchor and attractor for Oxford Street.

226. The impacts of these additional permitted uses will be assessed through development applications with relevant documents able to be reviewed at that time. Each event will be required through conditions of consent to occur within prescribed hours and to mitigate noise and other potential impacts on local amenity. Issues relating to hours of operation, noise, traffic management and operational issues such as security can be addressed through existing controls, conditions and plans of management.

227. To further minimise the impact of activity on local residents, NAS is currently investigating the provision of access to and egress from the site during events from Darlinghurst Road where there will be less impacts on residential amenity.

Consultation on increased height and massing options at Taylor Square

228. On the 17 May 2021 Council resolved to place on consultation alongside the Oxford Street precinct controls further options for higher buildings on sites south of Oxford Street and along Flinders Street and facing Taylor Square. This was the result of discussions about the relationship between high quality architecture and public space and the opportunity to establish a distinctive built form on sites fronting key public spaces, including Taylor Square.

229. Feedback was sought from 10 September to 5 November 2021 alongside consultation on the planning proposal for Oxford Street cultural and creative precinct.

230. A Sydney Your Say page was created which included an image gallery showing alternatives to the planning proposal and an online survey and people were notified in in the letters and emails for the Oxford Street precinct controls.

231. Participants had the opportunity to complete a brief online survey and submit a written submission. The survey asked about the importance of more cultural and creative activity, high quality design, protecting heritage and 10 storey maximum heights and activated public spaces. Height options showing massing in the centre of blocks or on the corners were provided to illustrate increased height up to 10 storeys. These images showed examples of how increased height in Taylor Square could be accommodated to provide more floor space for commercial, health, education, entertainment, community or light industry use and more floor space for cultural and creative activity.

Consultation outcomes

232. 454 surveys and 12 written submissions were received. Of the survey participants, 50 per cent were very supportive or supportive of increased height at Taylor Square, and a further 13 per cent per cent were somewhat support. 37 per cent of participants were not supportive.

Survey

233. Survey results indicated clear support for the City's intention to revitalise Taylor Square and Oxford Street. There were mixed opinions on whether increasing the height of buildings facing Taylor Square will achieve this outcome.

234. Respondents who were supportive or very supportive of increasing the height of some buildings facing Taylor Square cited the desire to revitalise the area as the key reason. Some people expressed general support for improving the area, and some expressed specific support for creating opportunities for employment, culture, hospitality and retail by increasing the floor space and attracting more people to the precinct.

235. Concern over losing light and a sense of open space in Taylor Square was the reason most cited by respondents who were somewhat or not supportive. This concern was also raised by people who are supportive of increasing building heights.

236. Respondents who were not supportive are concerned that increasing height will benefit developers and building owners rather than the community. They are not confident that increasing building heights will activate the precinct on a street level and would prefer to see improvements to existing buildings.

237. Respondents who are somewhat supportive or supportive are open to increased heights for some buildings if the heritage character and the general character of the area are retained, and if spaces for the LGBTIQA+ community are protected.

Submissions

238. Submissions from landowners at Taylor Square included development options ranging from 6 to 8 storeys for sites at 1-5 Flinders Street, 18 and 10-24 Flinders Street, 4-10 Taylor Street and 2 Sturt Street Flinders Street, 191-195 Oxford Street and 189 Oxford Street and 389 Bourke Street.

239. Concerns raised in other submissions relate to the need for council oversight and affordability of cultural and creative spaces, view and sunlight impacts, impacts of nightlife on residential amenity and public domain proposals. Other submissions supported the concept of increased height options, stating the need for upper level setbacks, increased laneway activation, strong building lines and built form to increase the sense of arrival and enclosure at Taylor Square.

Recommendation

240. In response to the planning proposal, significant concerns have been registered by the community to a two-storey uplift on Oxford Street. Following exhibition, the planning proposal proposes a more tailored approach to heritage and amenity while still encouraging investment and desirable uses.

241. The height and floor space uplift under the planning proposal precinct controls will provide sufficient development potential for Taylor Square. Given the mixed support for further increases to height at Taylor Square and concerns about the increased height within the precinct, it is not recommended to develop further changes to the planning controls for Taylor Square at this time.

Other amendments

242. The planning proposal will be amended to address other matters including some raised in the Gateway Determination and will:

- Incorporate a list of existing floor spaces used for a cultural and creative purpose as of 10 September 2021. This list provides clarity as to the cultural and creative space which must be retained in all redevelopment whether or not development uses the alternative height and floor space controls.

- An exception to the retention of existing floor space used for a cultural and creative purpose. This exception is available where a landowner is not accessing the alternative floor space and height and they can demonstrate that the space has been marketed for a cultural and creative tenant. If a tenant cannot be found the floor space may be tenanted for a broader creative purpose.

243. The draft DCP will amend the maps to remove street wall heights from non-contributory buildings where the 3m upper level setback is not required.

Key Implications

Strategic Alignment – Planning

244. The Greater Sydney Commission's Greater Sydney Region Plan and Eastern City District Plan are used to shape strategic planning and infrastructure in metropolitan Sydney and align planning from the broadest regional area down to the local area. The City's Local Strategic Planning Statement sets the land use planning strategy for the city which is required to align with the Region and District Plans. The City's planning controls are then required to give effect to the strategic plans.

245. The Region Plan, District Plan and Local Strategic Planning Statement adopt planning priorities of similar themes, being infrastructure, liveability, productivity, sustainability and governance. How this proposal gives effect to these priorities is discussed in detail in the planning proposal and summarised below:

- Infrastructure – the proposal for the future growth of Oxford Street positions the City well to work with the NSW Government to plan for the transition of Oxford Street and its side streets to 'people first' places. It will allow the City to apply the NSW Government's Movement and Place framework so that the streets are healthier, quieter, cleaner and greener with increased footpath capacity. The proposal also facilitates the ability for the City to work with landowners and institutions to increase public walking connections across the precinct through proposed DCP provisions. The proposal assists in giving effect to Priority I1 'Movement for walkable neighbourhoods and a connected city' of the Local Strategic Planning Statement.

- Liveability – The proposal gives effect to Priority L1 'A creative and socially connected city' of the Local Strategic Planning Statement and the Eastern District Plan's Planning Priorities E4: Fostering healthy, creative, culturally rich and socially connected communities and Planning Priority E6: Creating and renewing great places and local centres and respecting the District's heritage. It will deliver healthy, safe and inclusive places by providing walkable places at a human scale with active street life. It will encourage the provision of cultural and creative floor space in new redevelopments and facilitate opportunities for creative and artistic expression and participation, including arts enterprises and facilities. It will support this action also by promoting creative industries and the night-time economy. The Draft LGBTIQA+ Place Strategy will support LGBTIQA+ businesses by exploring opportunities to increase LGBTIQA+ cultural space in the precinct, business venue charters and start-up grants and improvements to the public domain. The draft Place Strategy will support LGBTIQA+ culture and creativity through art and murals and increase the visibility in the precinct of the LGBTIQA+ community.

- Productivity – The proposal will support Planning Priorities E7: Growing a stronger and more competitive Harbour CBD, E8: Growing and investing in health and education precincts and the Innovation Corridor and E13 Supporting the Growth of targeted industry sectors. The precinct is on the boundary of the Harbour CBD, one of Sydney's three metropolitan centres. The planning proposal will give effect to action 24 to provide a wide range of cultural, entertainment, arts and leisure activities and a diverse and vibrant night-time economy, in a way that responds to potential negative impacts. It will also give effect to Action 25 and will grow vibrancy through tourism and entertainment facilities, supporting a night-time economy and contributing to the job targets for the Harbour CBD. The Draft LGBTIQA+ Place Strategy will explore opportunities to raise the visibility of the LGBTIQA+ community and increase cultural space in the precinct in the lead up to WorldPride 2023.

Strategic Alignment - Sustainable Sydney 2030

246. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This planning proposal is aligned with the following strategic directions and objectives:

- Direction 1 - A Globally Competitive and Innovative City - The proposal will facilitate cultural and creative uses, retail, education and entertainment facilities. This will support Sydney's tourist industry, which is a sector of critical importance to Sydney's economy and contributes to making Sydney attractive to global investors.

- Direction 3 - Integrated Transport for a Connected City - The future creative and cultural precinct will take advantage of future cycleway proposals and good access to public transport, on a high capacity bus route connecting the area to Central Sydney, Bondi Junction and eastern Sydney beaches.

- Direction 4 - A City for Walking and Cycling - The planning proposal seeks to provide walkable places at a human scale with active street life. It aims to co-locate a range of cultural, creative and entertainment uses, and other supporting retail, office and education uses to encourage pedestrian activity.

- Direction 5 - A Lively and Engaging City Centre - Redevelopment in the precinct will provide active uses, including entertainment, community and education facilities, office, retail and other employment uses in a city fringe location accessible from the city centre. This will continue long-term activation on the precinct and for the eastern part of Oxford Street.

- Direction 6 - Vibrant Local Communities and Economies - The planning proposal will increase diversity in the area, providing more cultural and creative uses and entertainment, community and education facilities, and office, retail and other employment uses. This will continue long-term activation on the precinct and for the eastern part of Oxford Street, contributing to the day and night-time economies.

- Direction 7 - A Cultural and Creative City - The planning proposal will serve as the focal point of the Eastern Creative precinct. It will strengthen the economic and cultural role and character of the Eastern Creative Precinct, enhancing the entertainment, arts, performance and cultural role of areas and high streets by requiring development to providing cultural and creative floor space. This may assist in meeting the identified shortage of small to medium sized performance and rehearsal space venues.

- Direction 9 - Sustainable Development, Renewal and Design - The planning proposal is consistent with the principle of transit-oriented development by co-locating employment opportunities in an accessible location.

Organisational Impact

247. If supported by Council post exhibition, the draft LGBTIQA+ Place Strategy will explore a matching service proposed to link the potential cultural and creative tenants including Indigenous and LGBTIQA+ groups or individuals to the new floor space created by the planning proposal. This would be an ongoing program of work which could be undertaken by an external provider or resourced and provided in-house.

Social / Cultural / Community

248. The draft LGBTIQA+ Social and Cultural Place Strategy aims to recognise, preserve, and promote the significant connection the LGBTIQA+ community has with Oxford Street. It includes actions to celebrate the social and cultural history of the Oxford Street Precinct, identify opportunities to improve increase LGBTIQA+ visibility and cultural space in the precinct and create improved public domain, safe spaces and access to support services and programs.

249. The planning proposal will retain and increase floorspace for a cultural and creative purpose in the precinct. The LGBTIQA+ Strategy proposes a matching service to link the new floorspace with creative and cultural tenants, which may create the opportunity for the new floorspace to be accessed by Indigenous communities and groups and LGBTIQA+ businesses.

Economic

250. It is calculated that the amended proposed controls could create 10,554sqm new creative and cultural floor space and 33,865sqm new employment space in a strategically appropriate location. They will encourage diverse and active streets and lanes which contribute to the cultural and creative offering and vibrancy of the day and night-time economies. Redevelopment will stimulate activity, increase employment and pedestrian activity and contribute to the overall revitalisation of the area.

251. The LGBTIQA+ Place Strategy includes actions such as start-up grants and a Business Venue Charter which encourage LGBTIQA+ businesses in the Oxford Street Precinct to celebrate and support the LGBTIQA+ community and culture. The draft Place Strategy will explore a matching service to link LGBTIQA+, Indigenous and other cultural and creative groups with the new cultural and creative spaces created by the planning proposal.

Financial Implications

252. The draft LGBTIQA+ Social and Cultural Place Strategy includes actions, that if adopted, after public consultation will have budget implications for the City. Actions to explore an Oxford Street LGBTIQA+ Business Charter, signage, wayfinding, public art and murals and the archiving, a matching service to link the new floorspace and cultural operators, updates to the Rainbow Crossing and research into dynamic heritage interpretation would require additional resources and funding in the order of $575,0000.

Relevant Legislation

253. Environmental Planning and Assessment Act 1979

254. Environmental Planning and Assessment Regulation 2000

Critical Dates / Time Frames

255. The Gateway Determination of 6 July 2021 requires that the amendment to Sydney LEP 2012 is completed within 12 months and is required to be sent to the Department of Planning and Environment for finalisation eight weeks prior to the deadline being 11 May 2022.

256. If approved by Council, the planning proposal will be forwarded to the Department of Planning and Environment with a request to draft and publish the LEP. The amendment to Sydney DCP 2012 will come into effect on the same day as the amendment to Sydney LEP 2012.

Public consultation of the draft LGBTIQA+ Place Strategy

257. The public exhibition of the draft Place Strategy will be in accordance with City's Engagement Strategy. Public exhibition will be for a minimum of 28 days, with notification on the City's Sydney Your Say website. The public exhibition will involve a series of consultation activities such as community workshops, targeted briefings and meetings with key stakeholders, online survey and written submissions.

GRAHAM JAHN AM

Director City Planning, Development and Transport

Julie Prentice, Senior Specialist Planner