

Local Planning Panel

18 May 2022

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

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

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

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

Architect: FJMT

proposal – D/2020/1071

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

recommendation

deferred commencement approval

proposal – D/2020/1072

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

recommendation

deferred commencement approval

sites



background - Oxford Street

- following road widening the north side of Oxford Street was rebuilt in the early 20th century
- City ownership of three main commercial properties – subject to these DA's
- City's Economic Development Strategy recognised the floor space and strategic location under Council ownership can be a catalyst for revitalising lower Oxford Street
- sites now subject to a 99-year lease to AM Darlinghurst
- planning proposal – Oxford Street Cultural and Creative Precinct
- proposed cycleway on Oxford and Liverpool Street was exhibited 2021

Background - Oxford Street Planning Proposal

Oxford Street Cultural and Creative Precinct

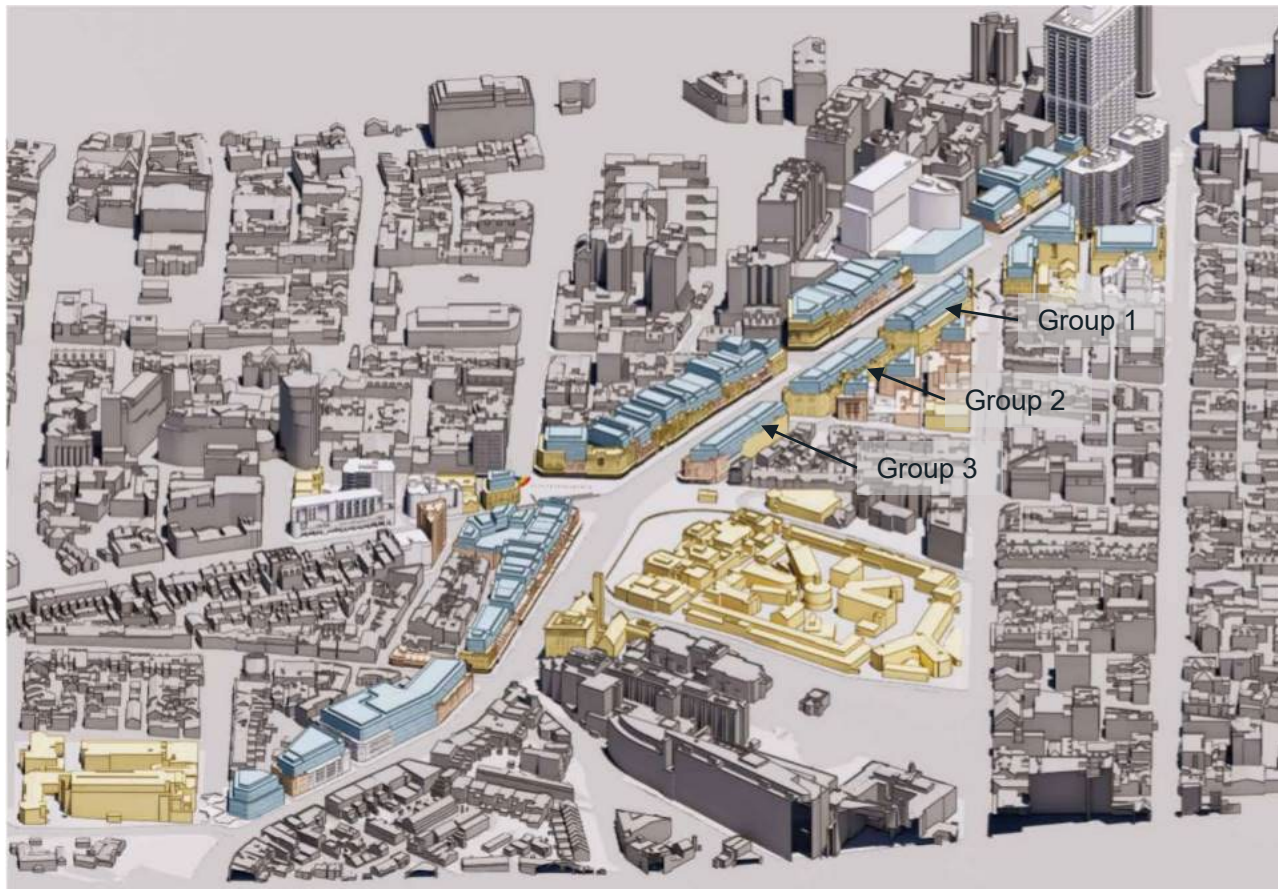
- planning controls review applying to Oxford Street & surrounds
- responds to high level of retail vacancy, noisy road environment, underused public spaces and impact of lockout laws and pandemic
- majority of precinct within a heritage conservation area
- 52 heritage items
- 132 contributory buildings



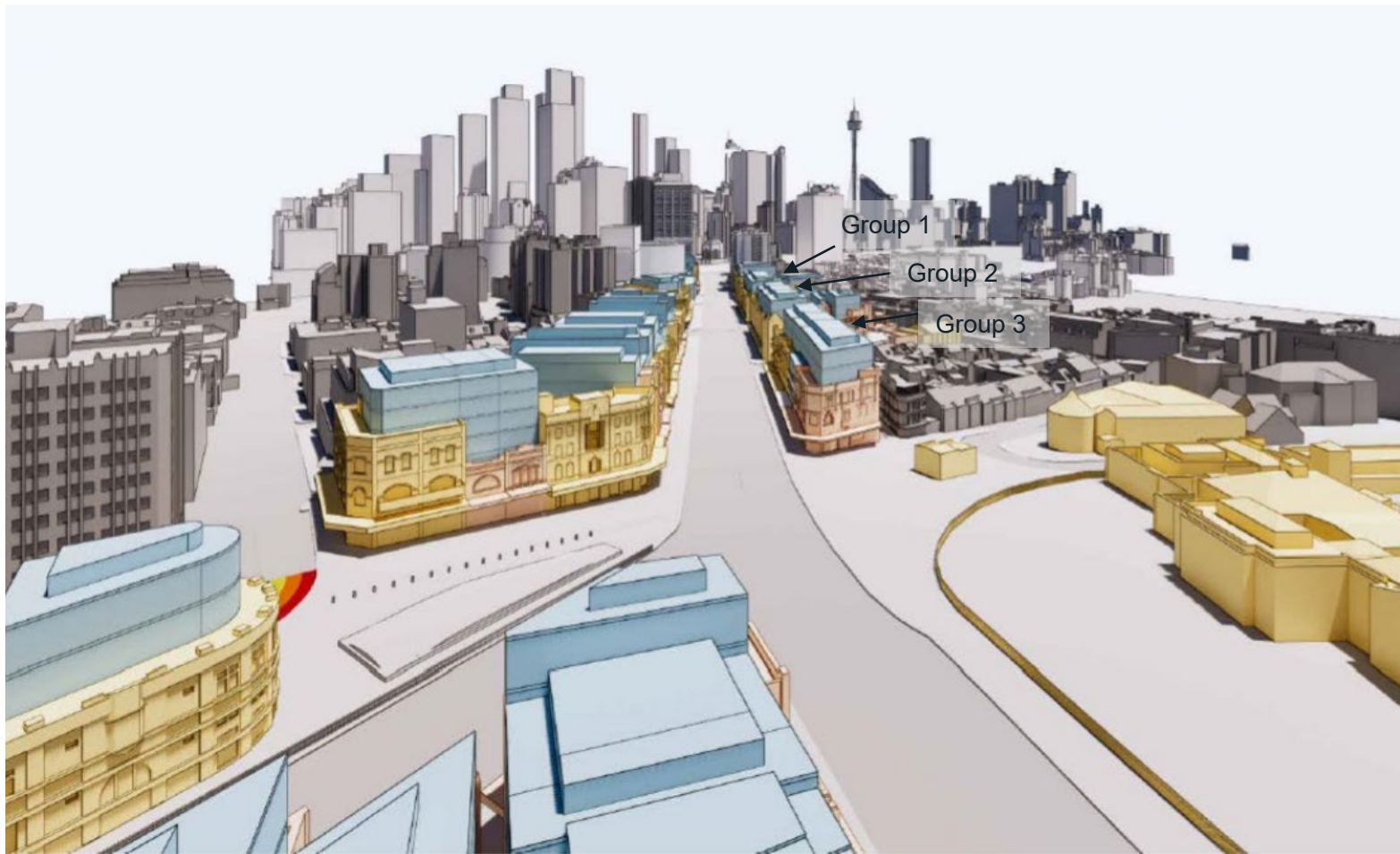
Planning Proposal area

Oxford Street Planning Proposal

- Approved by CSPC and Council
- Referred to DPE – certain and imminent
- allows additional height where the proposal:
 - maintains existing cultural and creative floor space and provides additional 10% of the total GFA of the development
 - does not undermine the heritage significance of the heritage item, conservation area, or endanger the structural stability of the existing building



Planning proposal - proposed building envelopes



Planning proposal - indicative massing between Taylor Square and the city

DA deferral

D/2020/1071 and 1072 were considered by LPP on 22 September 2021

The Panel deferred consideration of the DA's until a subsequent meeting of the Local Planning Panel to enable further consideration of issues raised by the Design Advisory Panel and the Heritage Committee, particularly in relation to variety of roof forms, streetscape, setbacks in particular the benefit of observing a 3m setback behind the Oxford Street parapets, amenity, privacy, outlook, and environmental performance

DA amendments

D/2020/1071 - Group 1

- adjustments to heights of rooftop additions to achieve stepping relevant to the Oxford St facade
- reduction in extent of glazed skylights, with new metal mesh interlayer
- zinc roof sheeting to vary across the buildings
- realign southern facade to achieve a 3m average setback to Oxford St
- increase floor space on Level 4 and reconfigure plant rooms
- retention of further original building fabric

DA amendments

D/2020/1071 - Group 2

- levelling of heights to rooftop addition
- reduction in extent of glazed skylights, with new metal mesh interlayer
- roof sheeting to be natural zinc finish
- realign southern facade to achieve a 3m average setback to Oxford St
- increase floor space on Level 4 and reconfigure plant rooms
- retention of further original building fabric

DA amendments

D/2020/1072 - Group 3

- adjustments to heights of rooftop additions to achieve stepping relevant to the Oxford St facade
- copper coloured zinc roof sheeting
- skylight strips removed from roof/facade junction
- relocated ground level residential bin room
- retention of further original building fabric

restoration works DA

consent granted by LPP in April for:

- restoration works to three groups of buildings
- facade paint stripping, repointing and repair of stonework and brickwork
- removal and new openings in some lightweight partitions, internal walls
- removal of some non-original ceilings, wall, floor linings
- replace fire stairs, lift cores, new footings, seismic strengthening works
- restoration or removal and replacement of shopfronts
- removal of redundant services

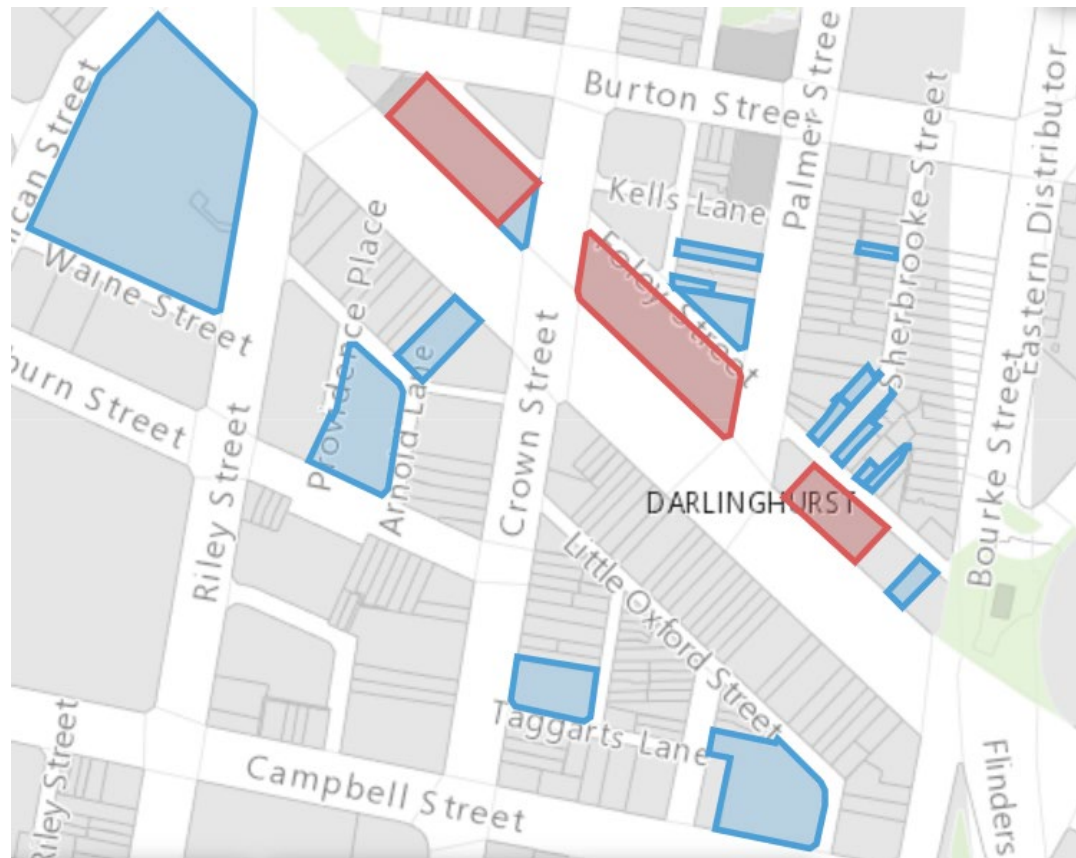
DA notification information



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

submissions

- height
- heritage
- design
- amenity impacts
- view loss
- privacy
- noise
- conflict of interest
- contamination
- use
- waste
- traffic and parking
- construction impacts

submissions



-  subject sites
-  submitters



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



Group 1 shopfronts, and neighbouring Zink & Sons



Group 1 – View of Foley Street from Oxford Square



Group 2 viewed from the western side of Crown Street



western portion of Group 2 viewed from Oxford Street



eastern portion of Group 2 viewed from Oxford Street



shopfronts of Group 2 viewed from Oxford Street



Group 2 viewed from the eastern side of Palmer Street



Group 2 – Foley St viewed from Palmer Street



Group 2 – entrance hall



Group 2 – entrance hall and lift



Group 2 – L1 and L2 corridors



Group 2 – tenancy example



Group 3 – viewed from Oxford Street



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



Group 3 – interiors

original proposal

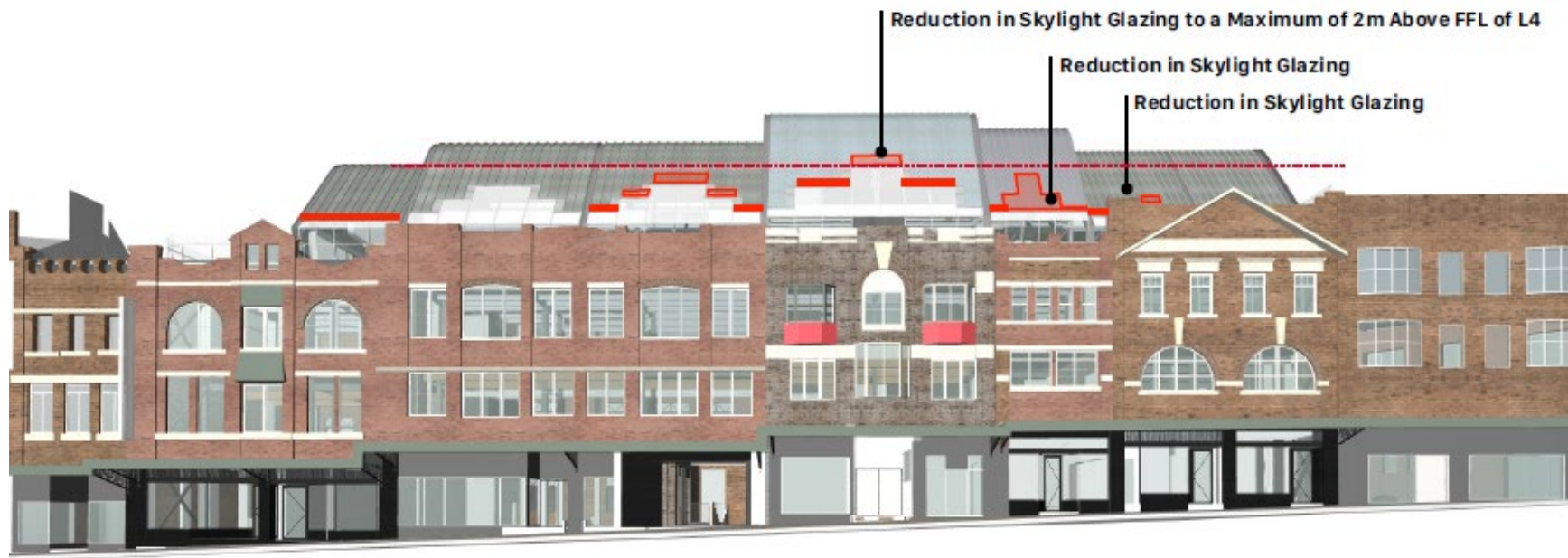




/DA Proposal



/Amended Proposal





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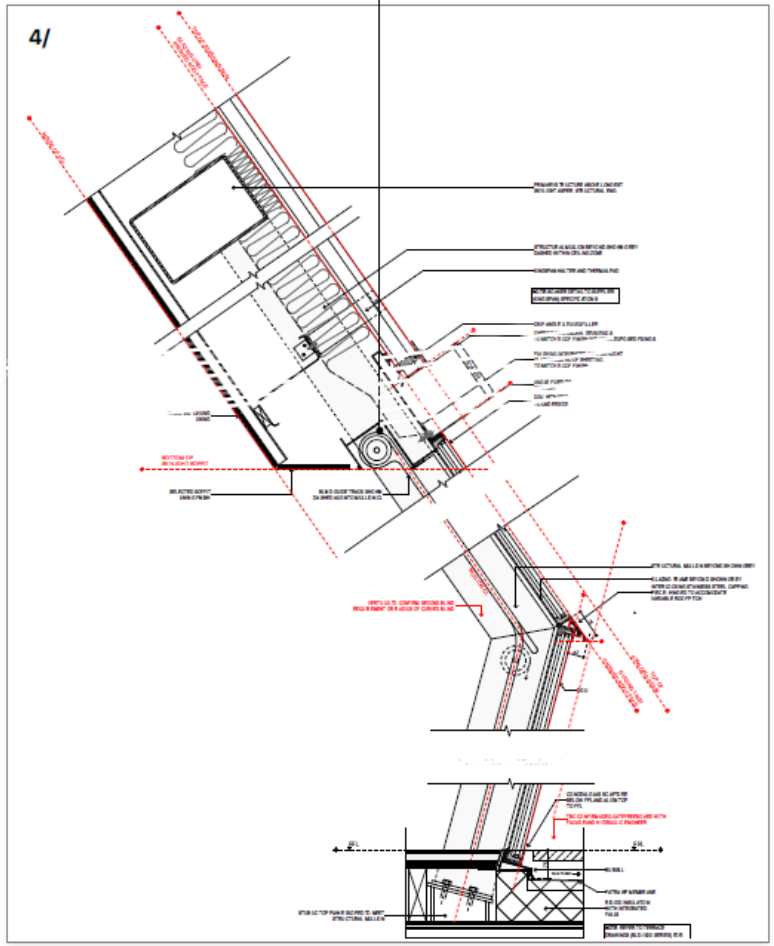




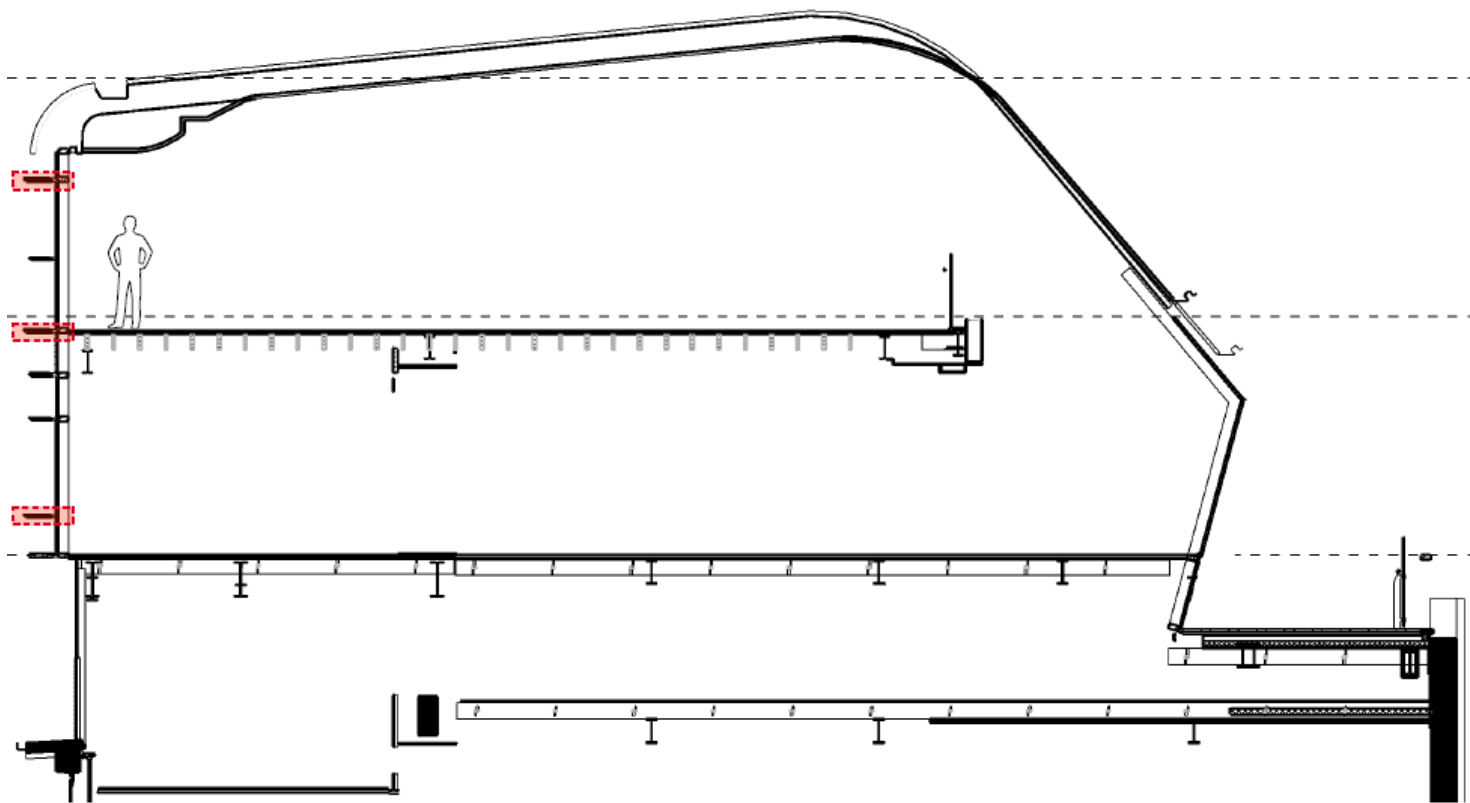
/Original DA Proposal



/Amended DA Proposal



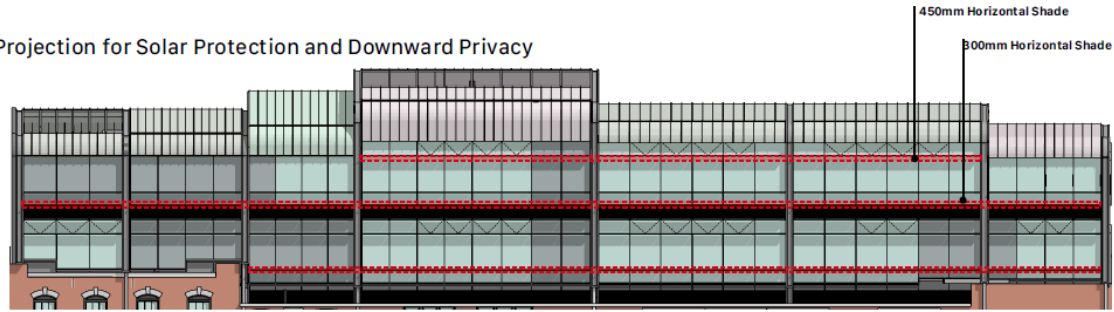
metal shading screens and operable blinds



external louvres

/Buildings 1_2_3

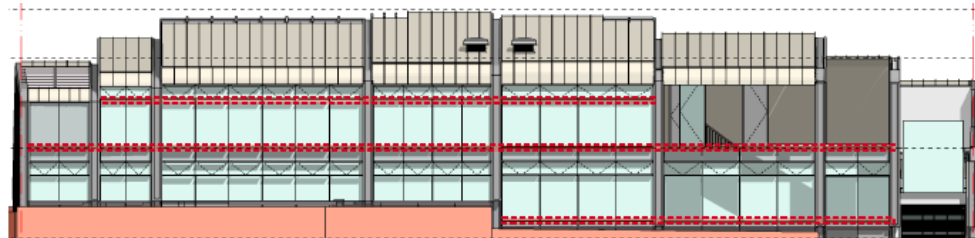
- ----- 450 Louvre Projection for Solar Protection and Downward Privacy



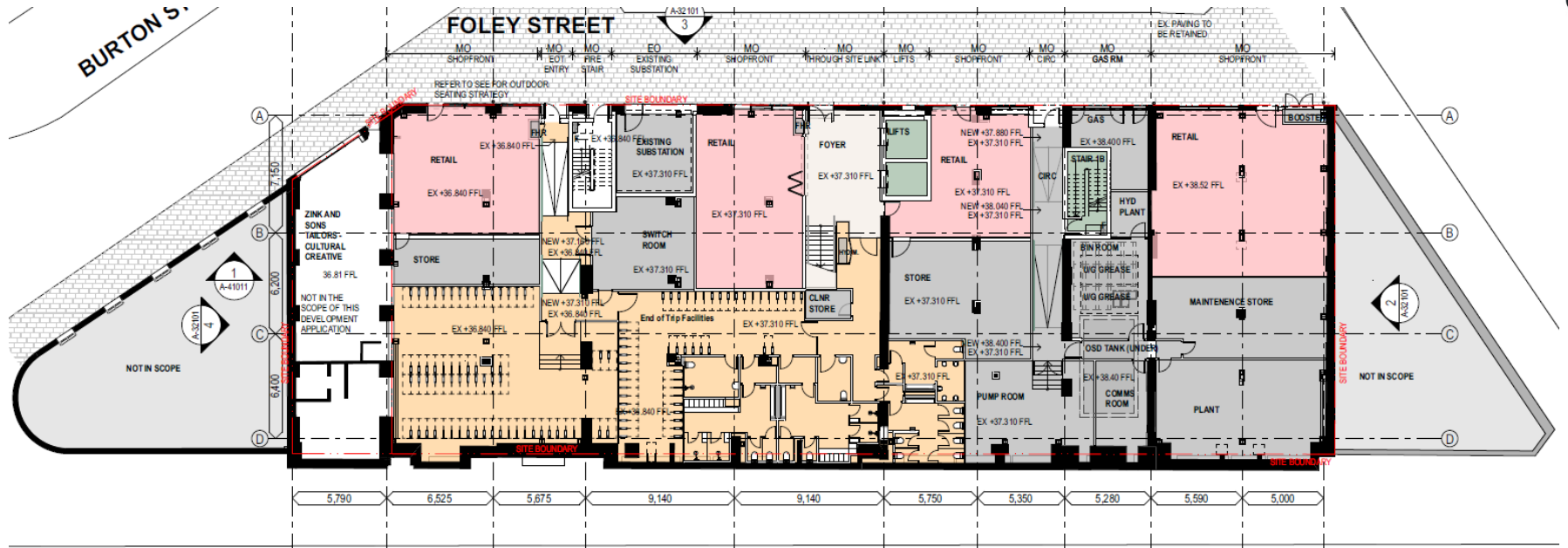
- Building 1



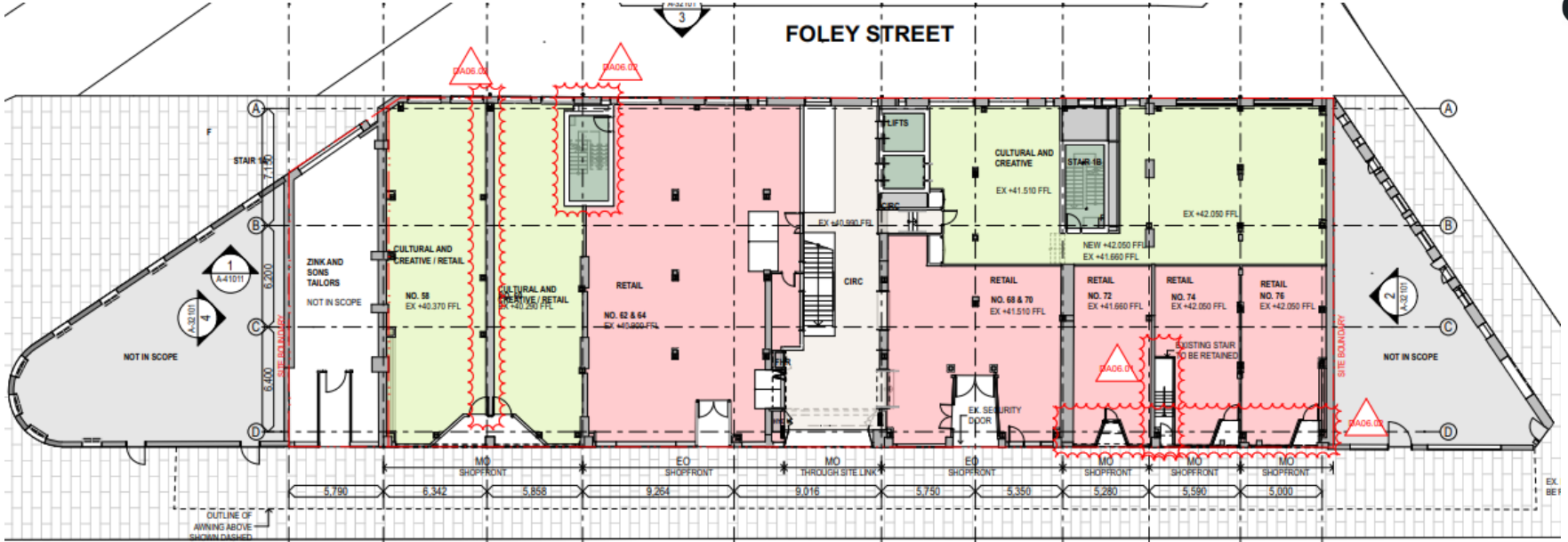
- Building 2



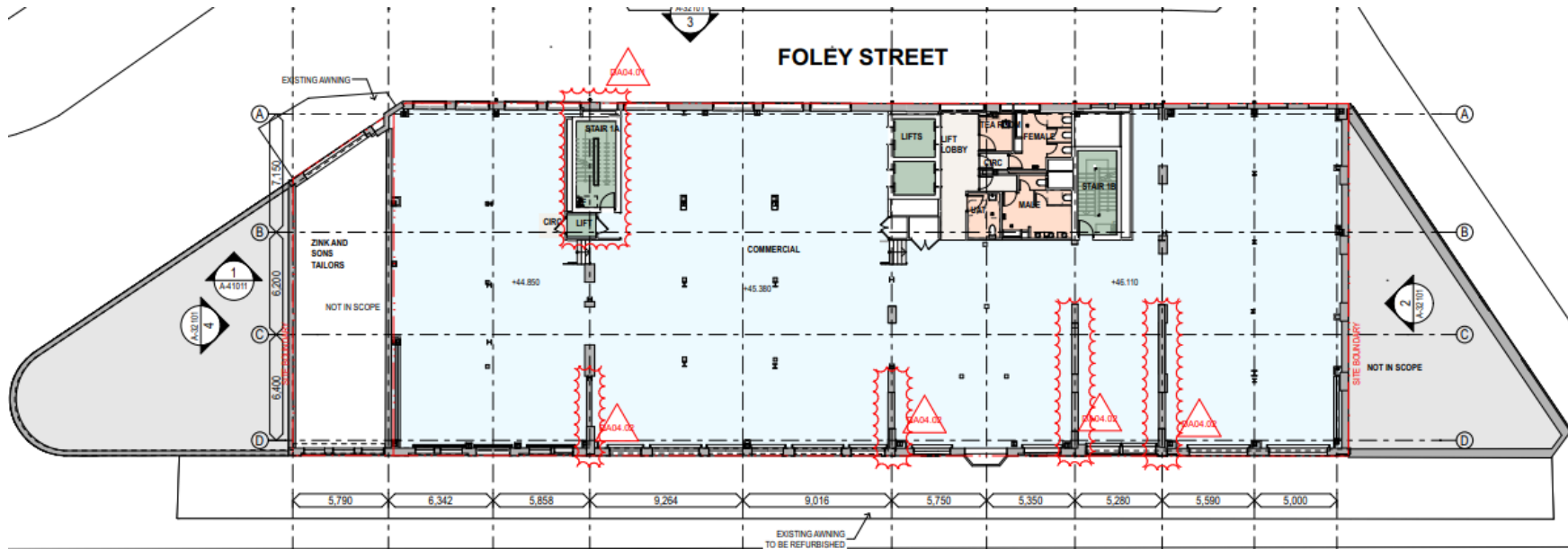
Plans – Group 1



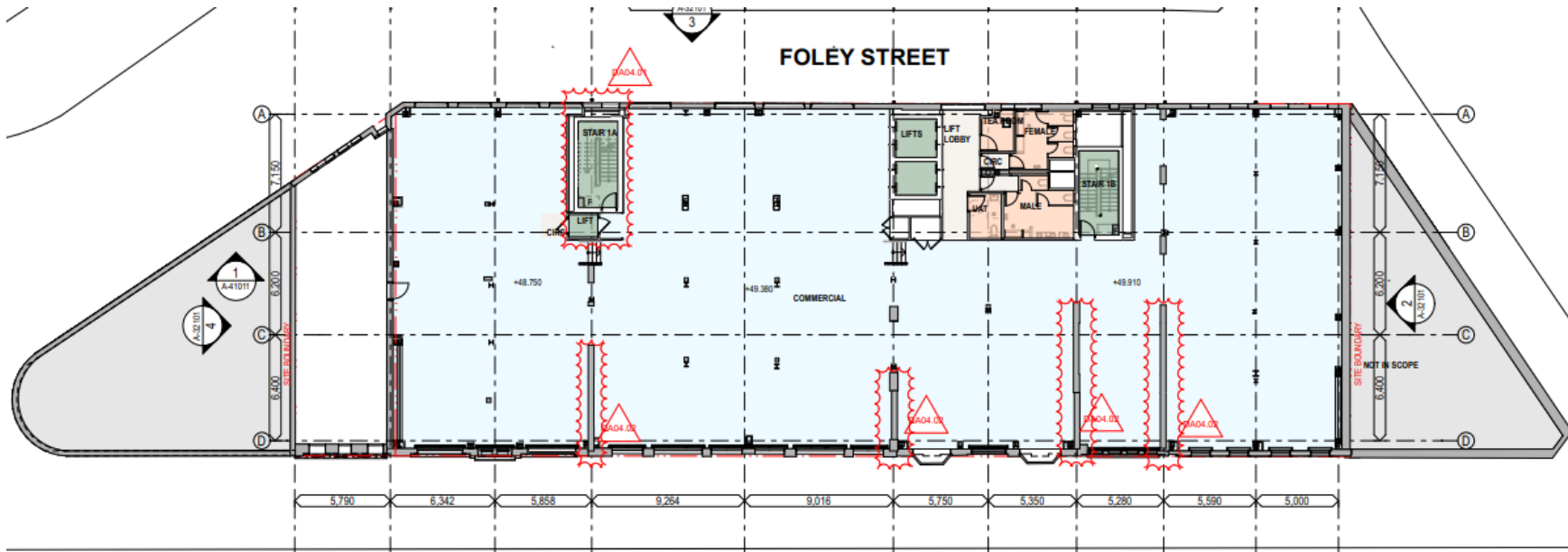
Group 1 – lower ground



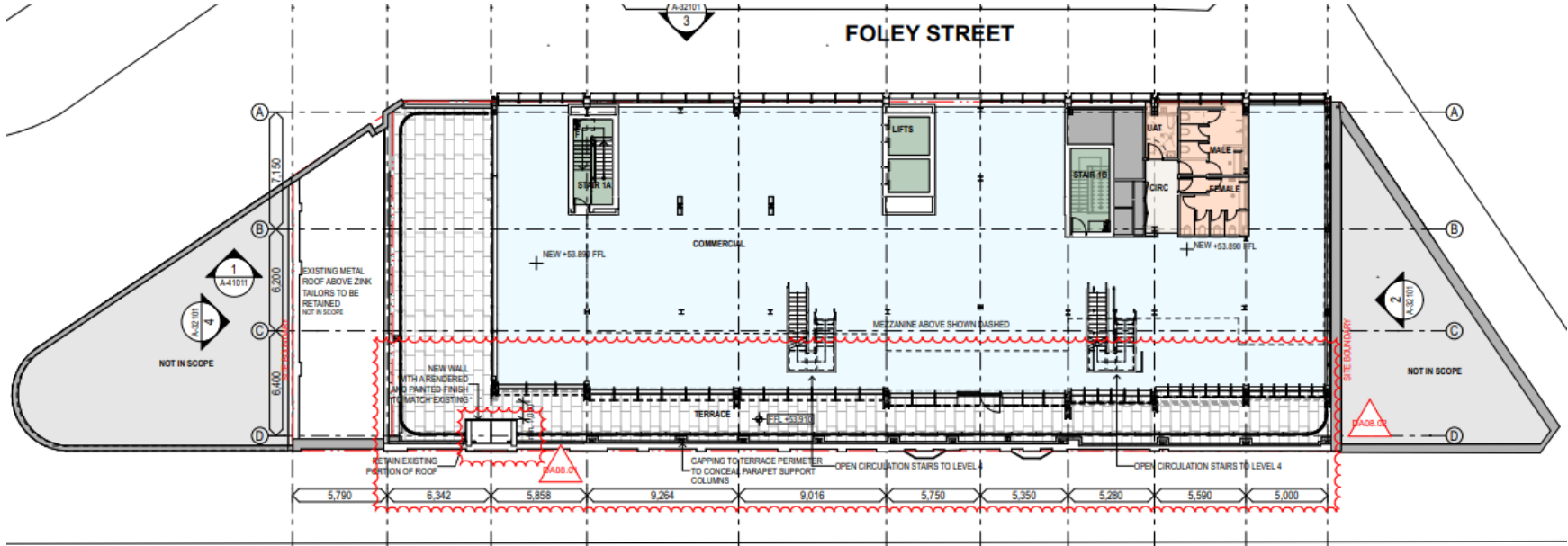
Group 1 – ground



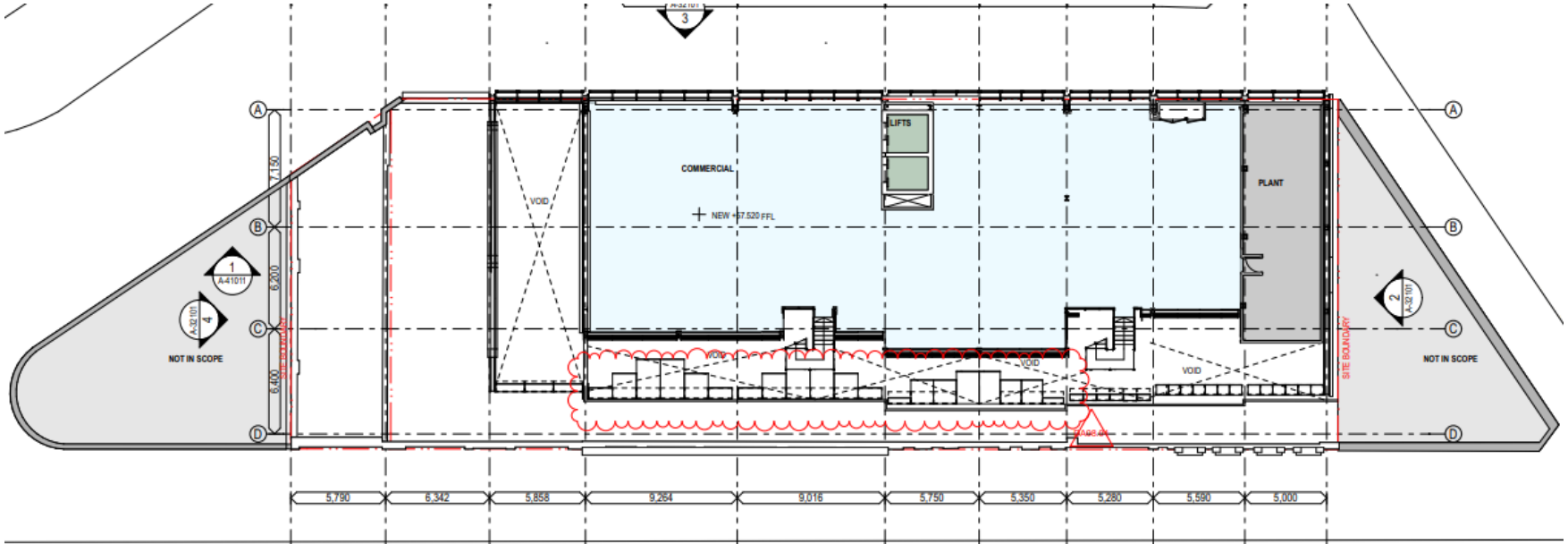
Group 1 – level 1



Group 1 – level 2



Group 1 – level 3



Group 1 – level 4



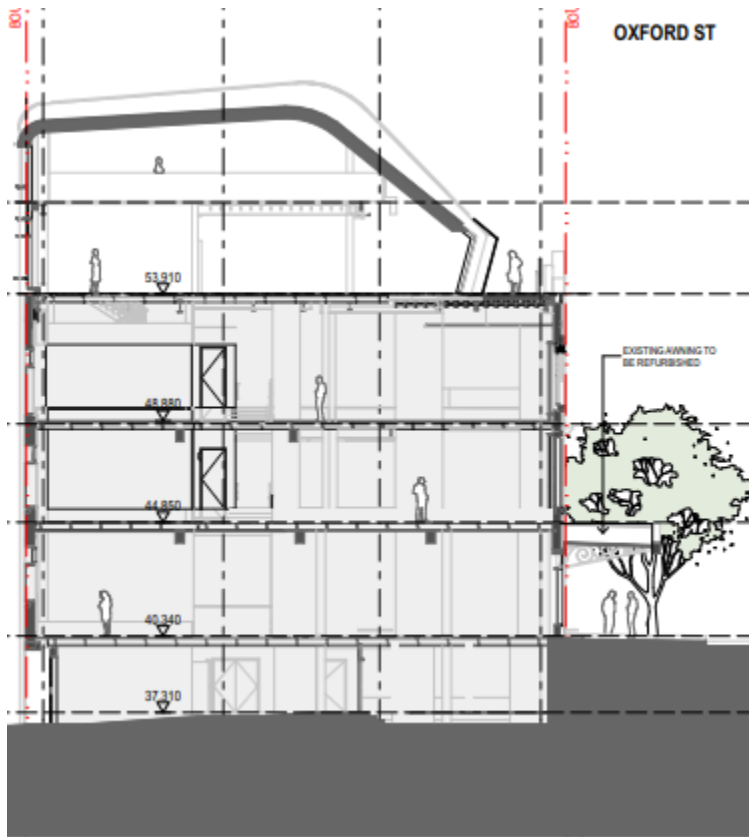
Group 1 – Oxford Street elevation



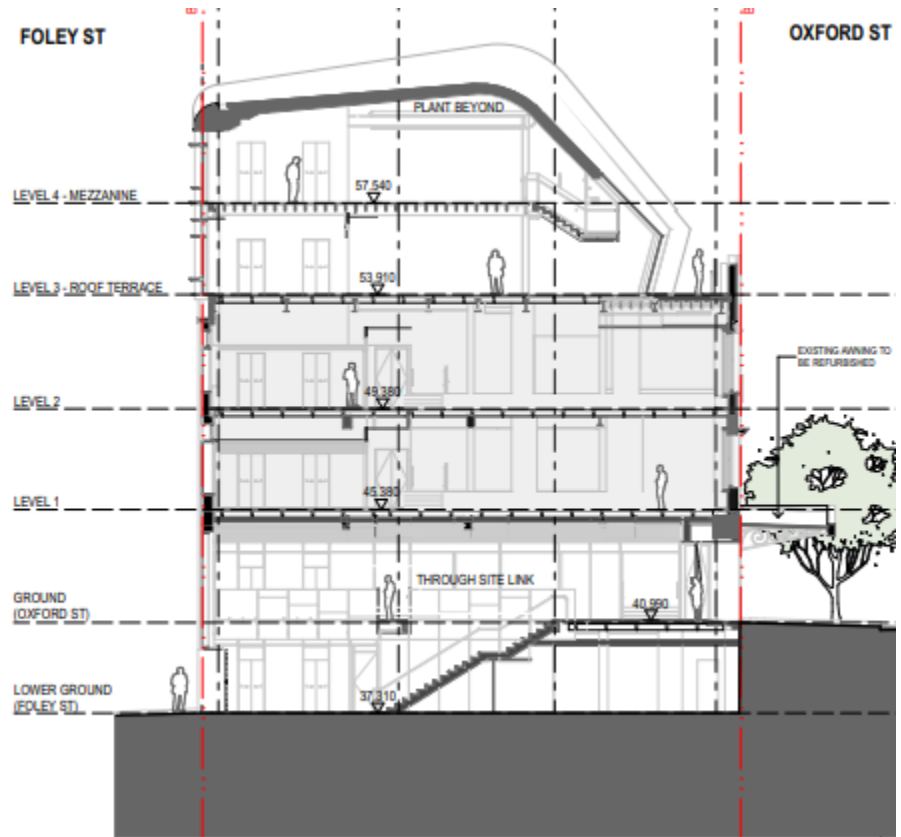
Group 1 – Foley Street elevation



Group 1 – long section



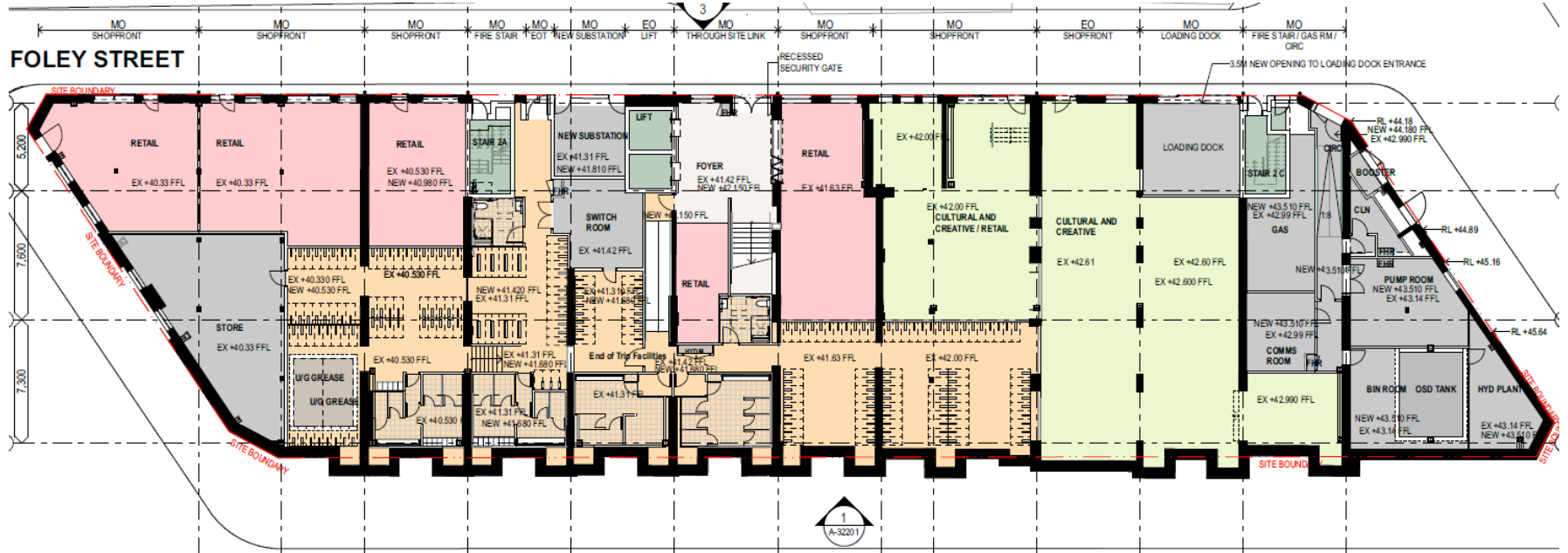
between gridlines 3 & 4



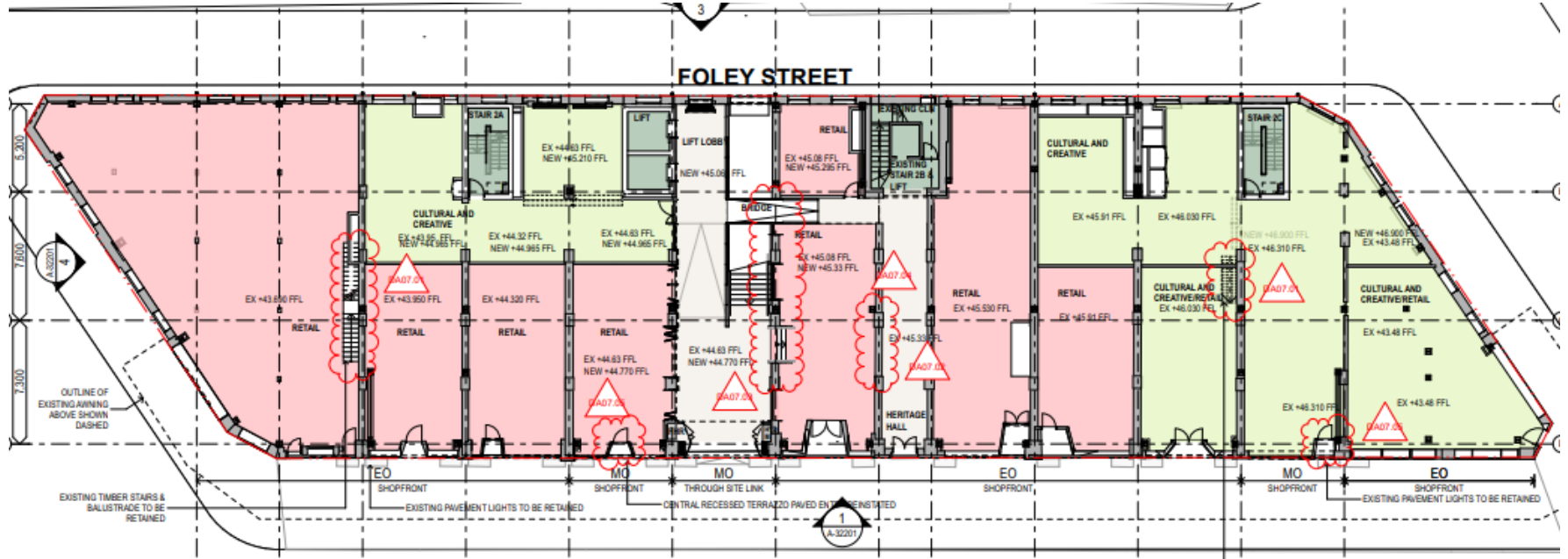
between gridlines 5 & 6

Group 1 – short section

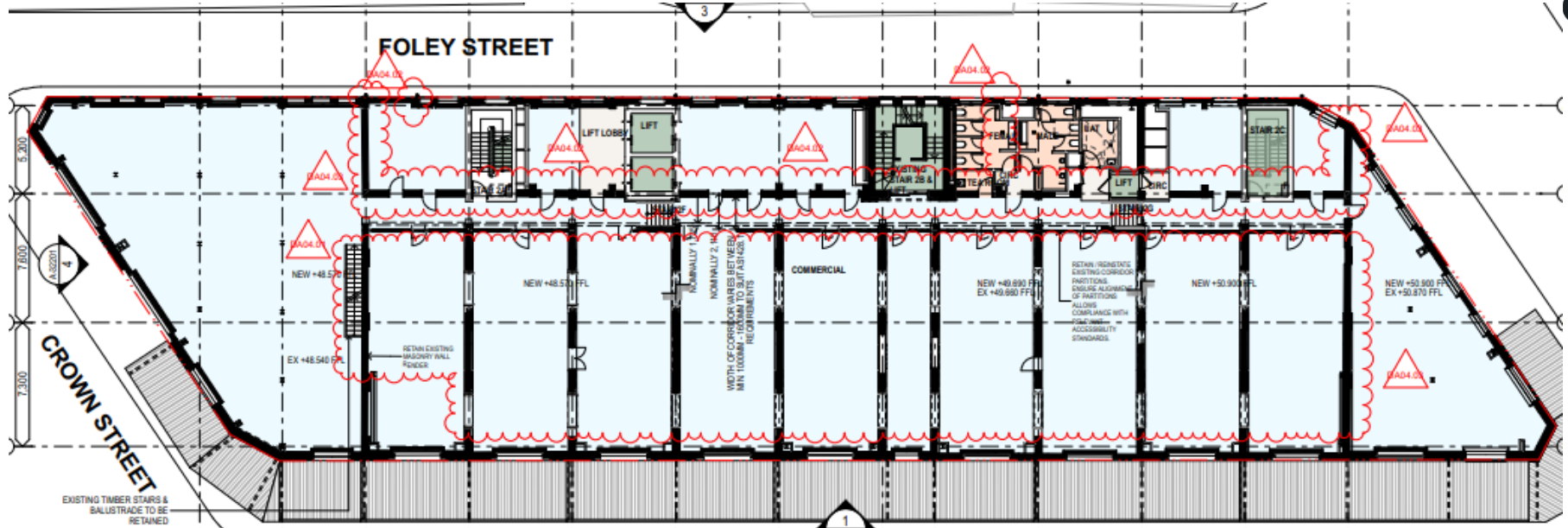
Plans - Group 2



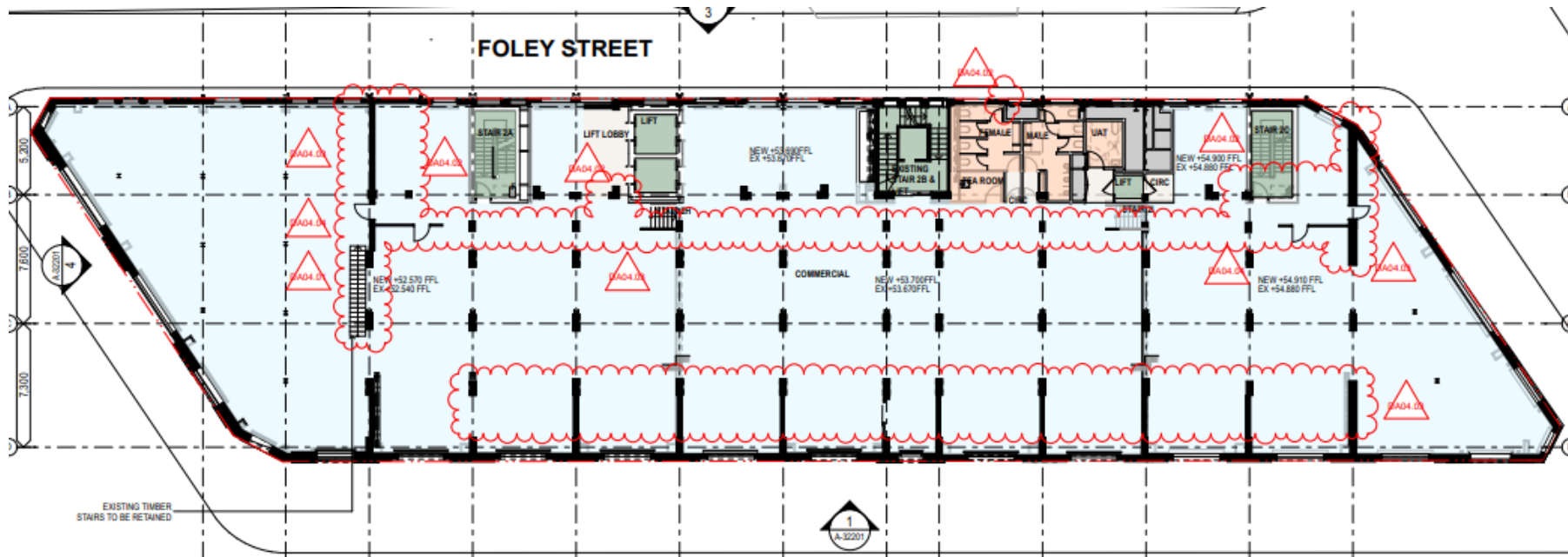
Group 2 – lower ground



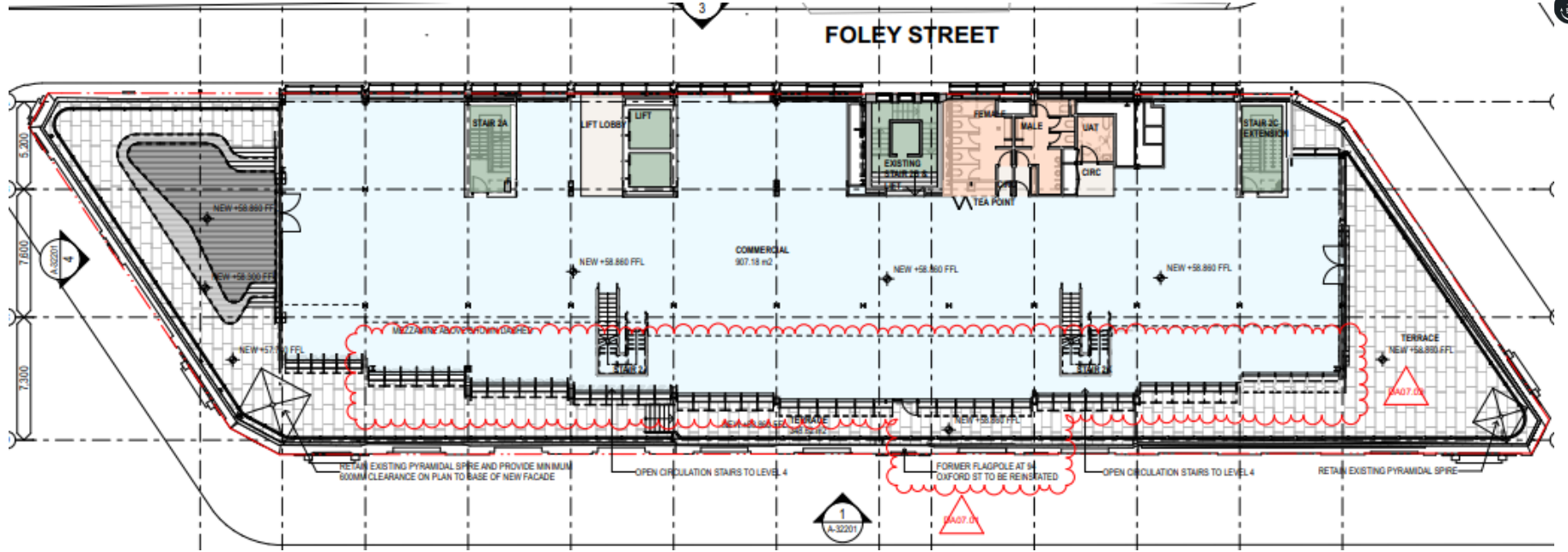
Group 2 – ground



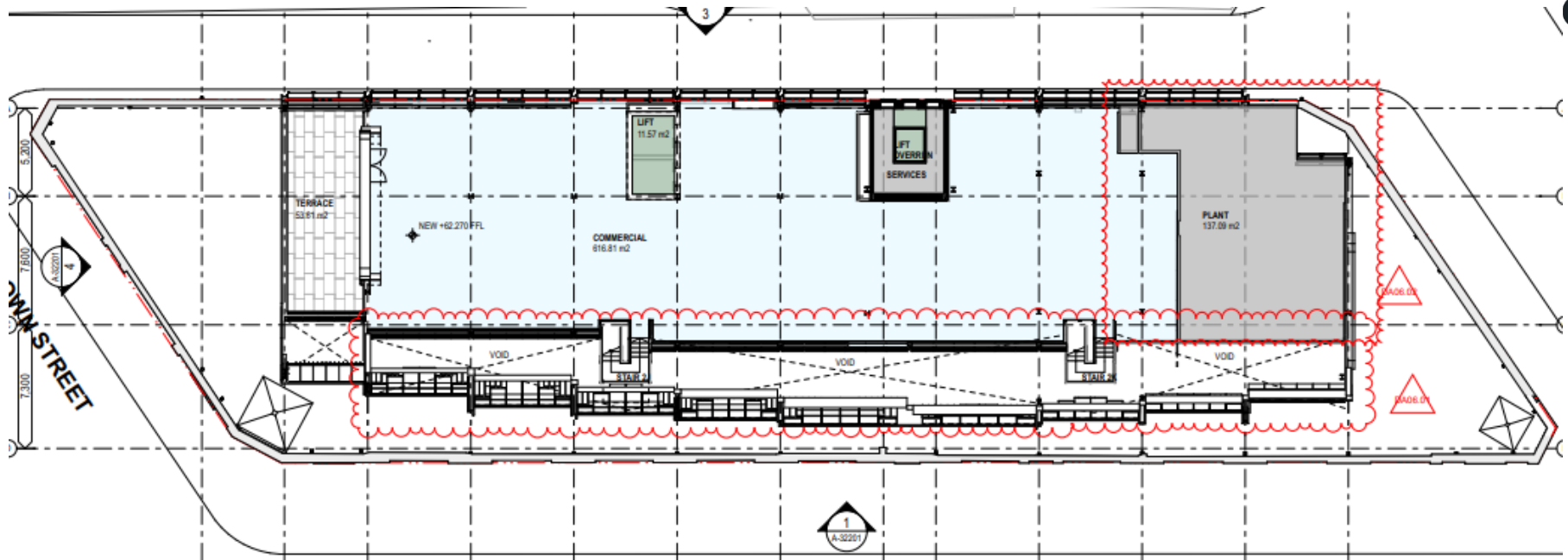
Group 2 – level 1



Group 2 – level 2



Group 2 – level 3



Group 2 – level 4



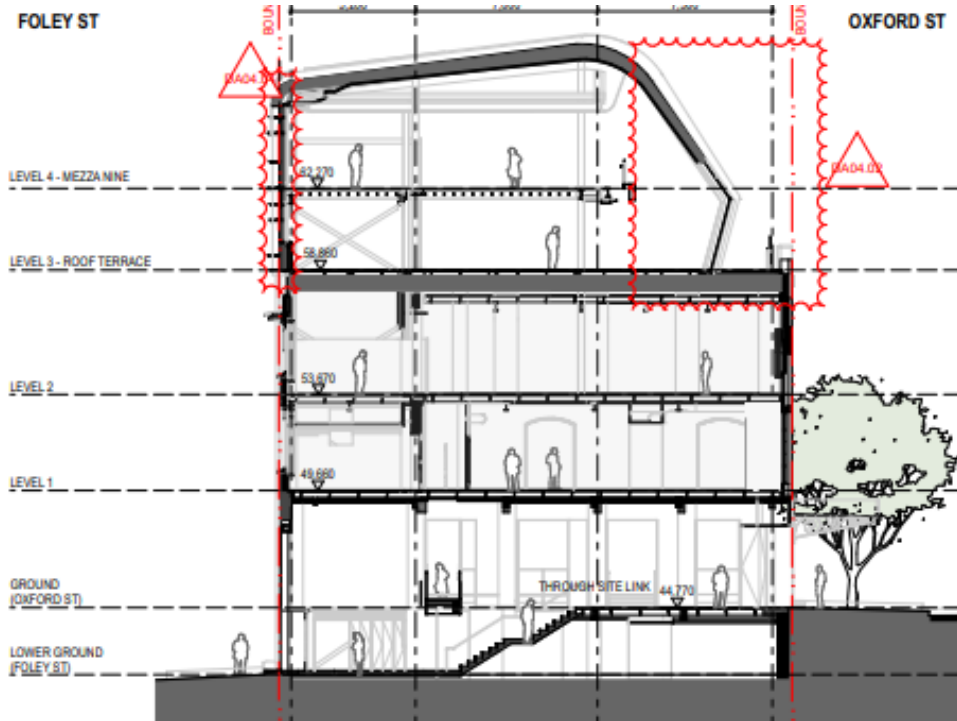
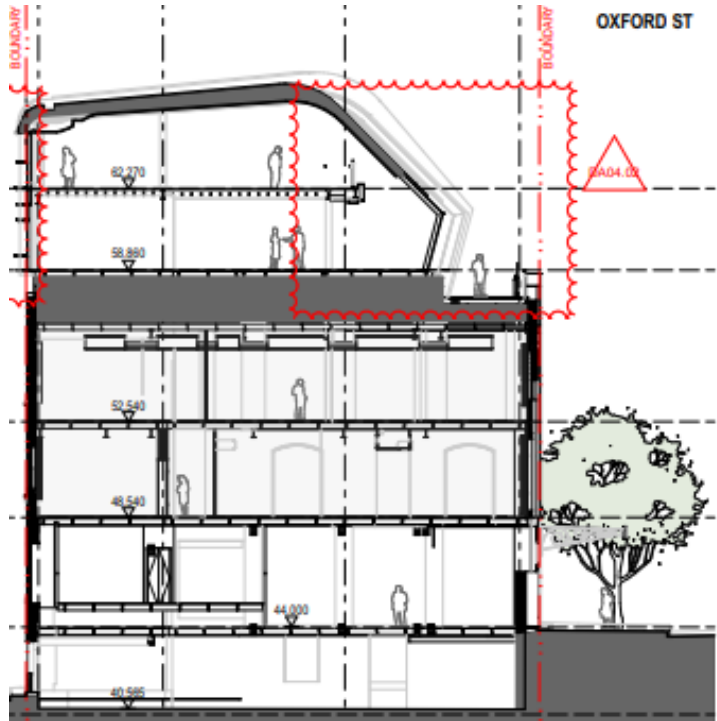
Group 2 – Oxford Street elevation



Group 2 – Foley Street elevation

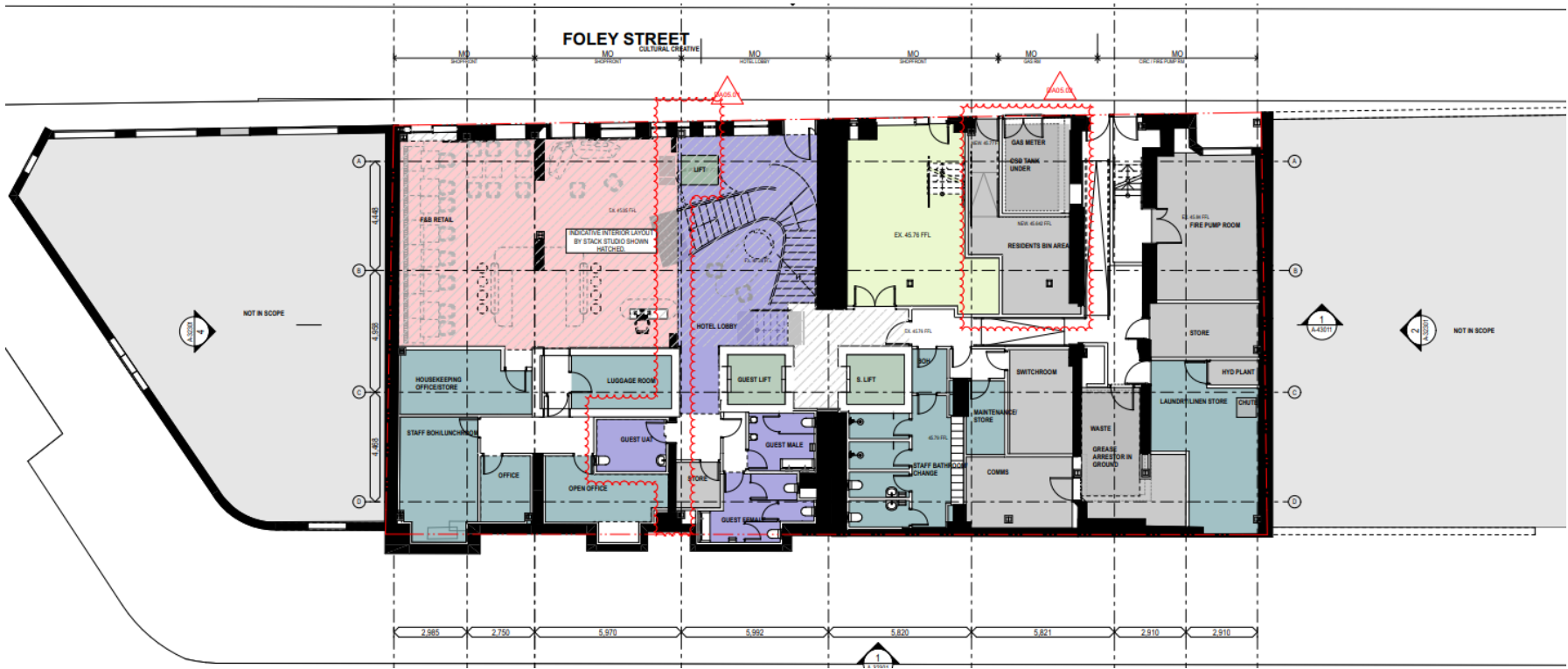


Group 2 – long section

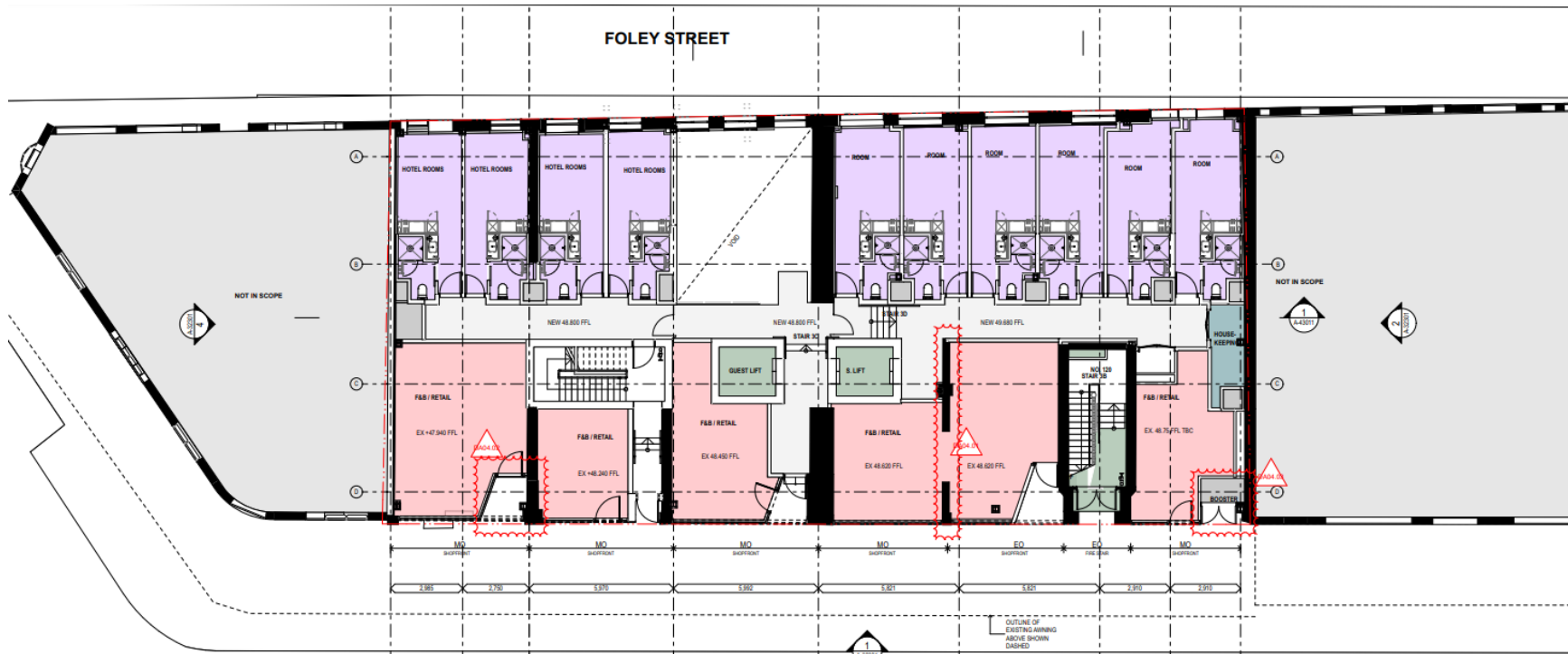


Group 2 – short sections

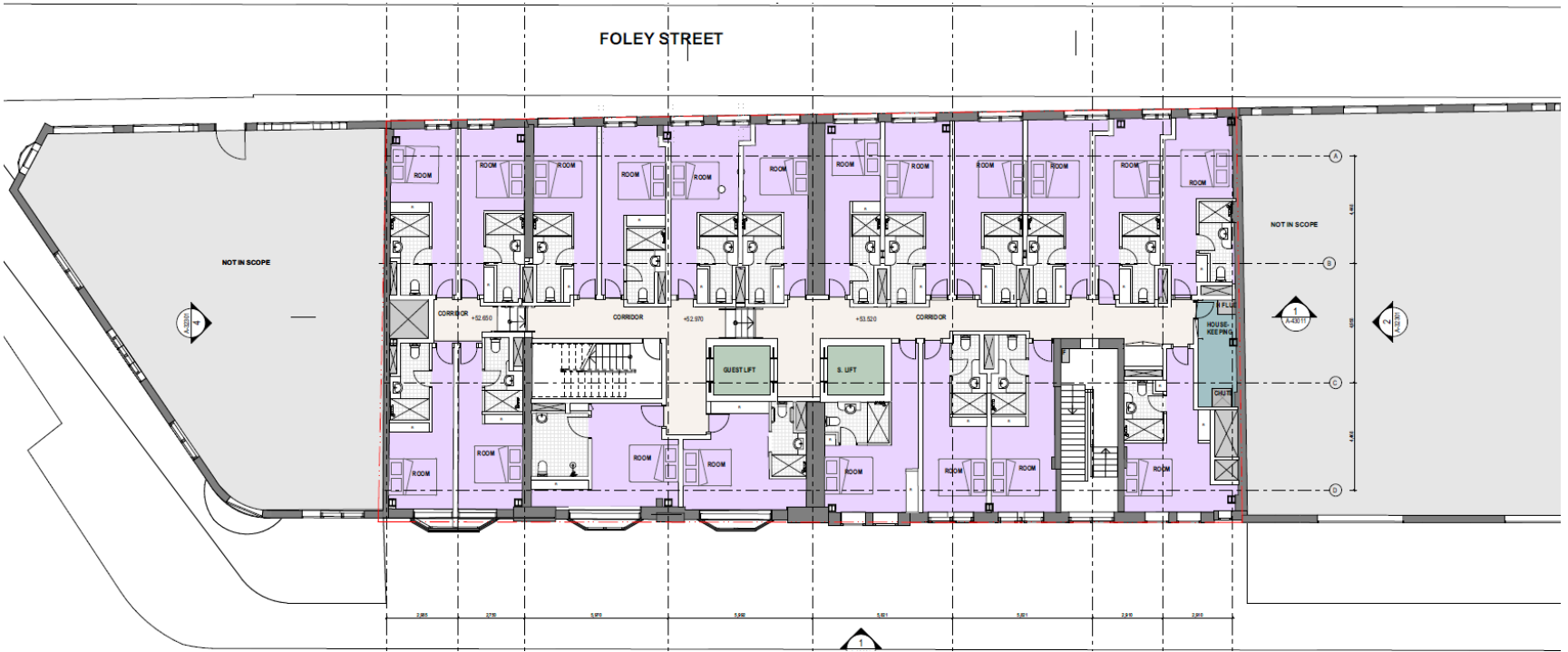
Plans - Group 3



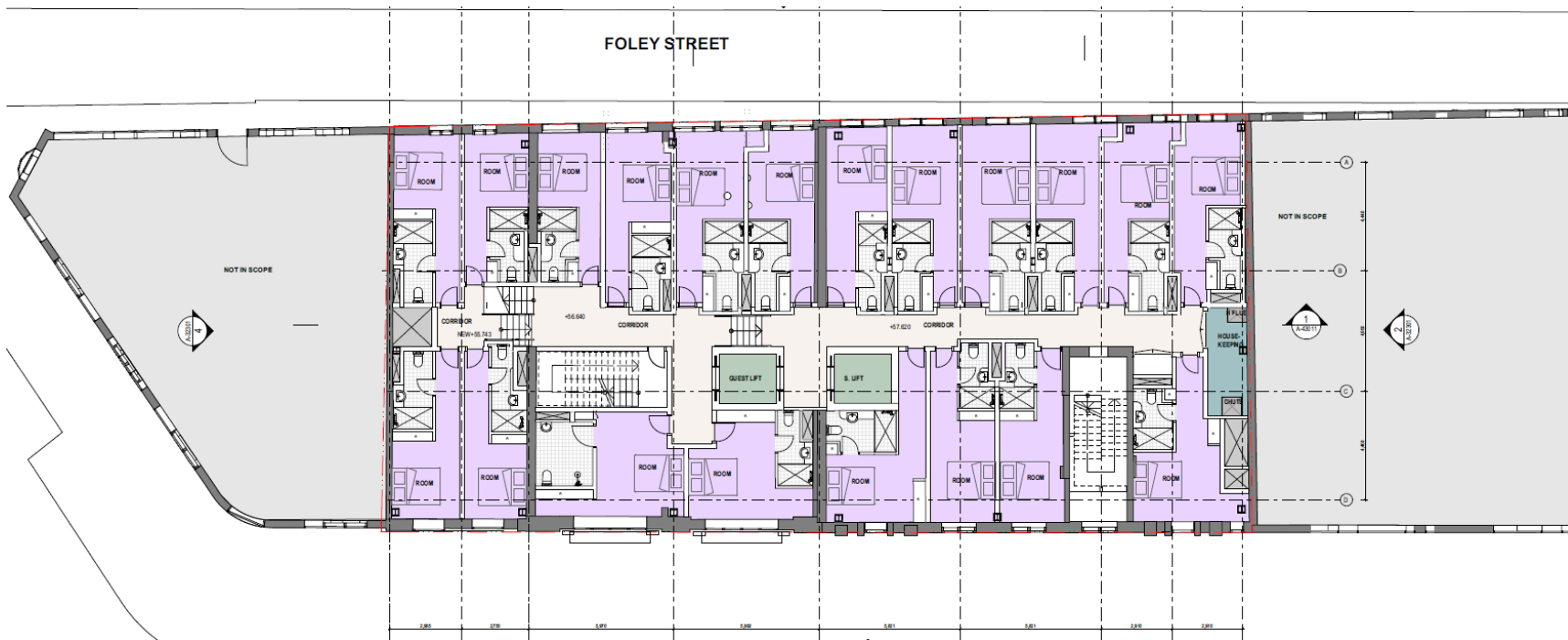
Group 3 – lower ground



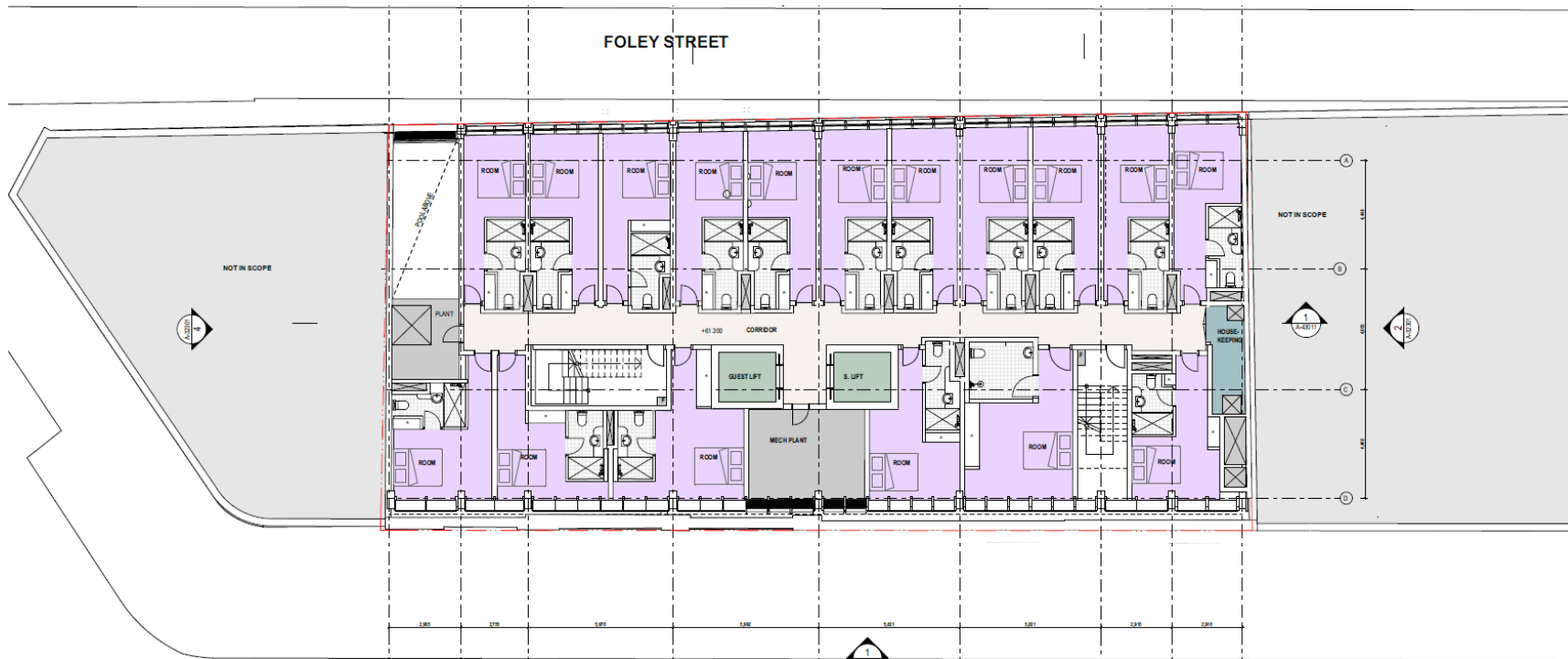
Group 3 – ground



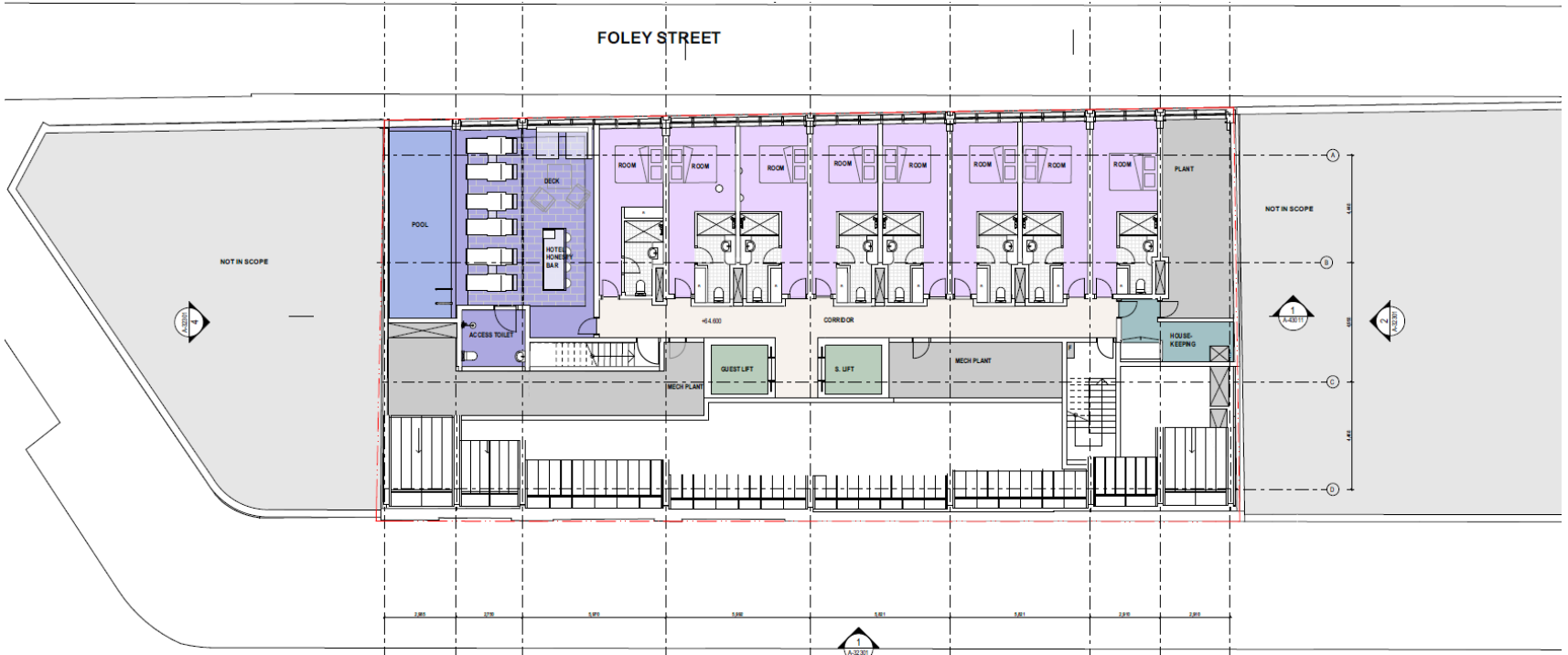
Group 3 – level 1



Group 3 – level 2



Group 3 – level 3



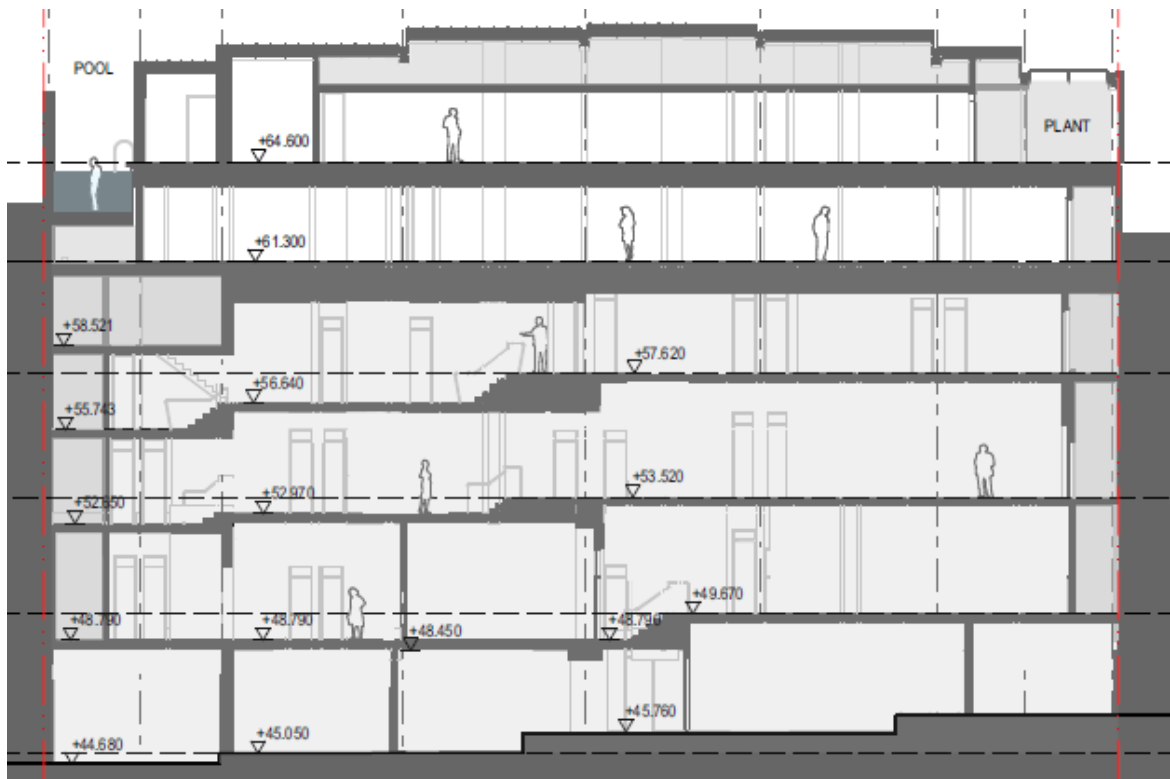
Group 3 – level 4



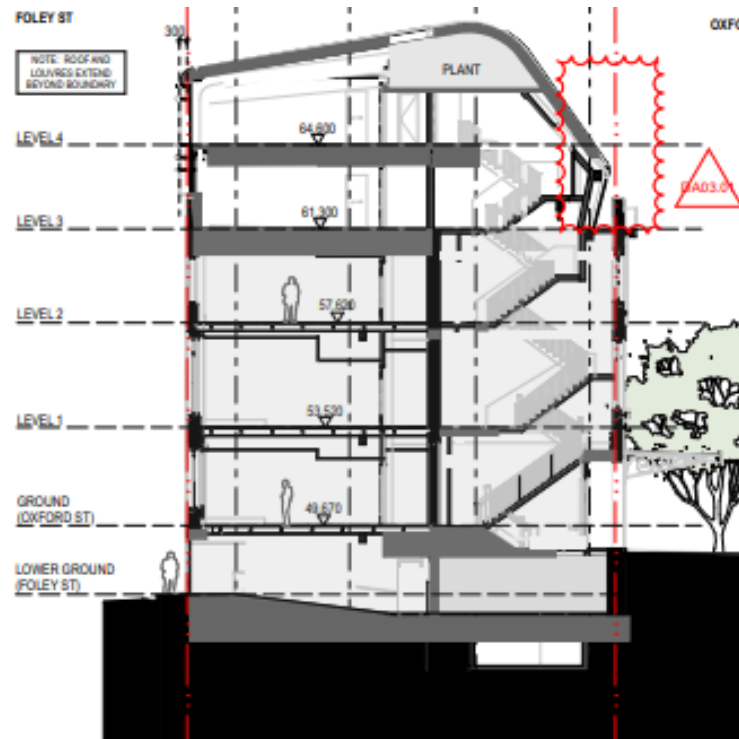
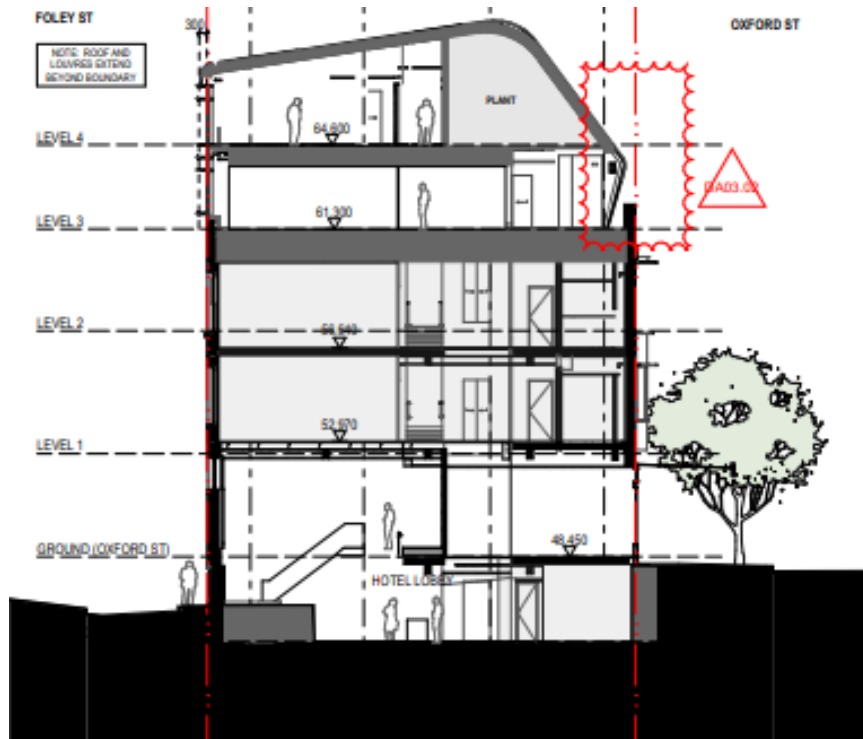
Group 3 – Oxford Street elevation



Group 3 – Foley Street elevation



Group 3 – long section



Group 3 – short sections

compliance with key LEP standards

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

compliance with key LEP standards

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

hours of operation

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

discussion

- Design Advisory Panel
- Heritage Committee
- planning proposal
- height - Clause 4.6 request
- cultural and creative floor space
- setbacks and Draft DCP control
- impacts to Foley Street
- view sharing
- voluntary planning agreement

Design Advisory Panel

DAP reviewed the applications in November 2020. The Panel:

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

Design Advisory Panel

roof forms

- amended proposal reflects stepped height of Oxford Street facade
- different tones of zinc across each building group
- reduction in extend of glazing and skylight windows to increase solidity
- three distinct roof forms across three building groups



/DA Proposal



/Amended Proposal



/DA-Proposal



/Amended Proposal



/Original DA Proposal

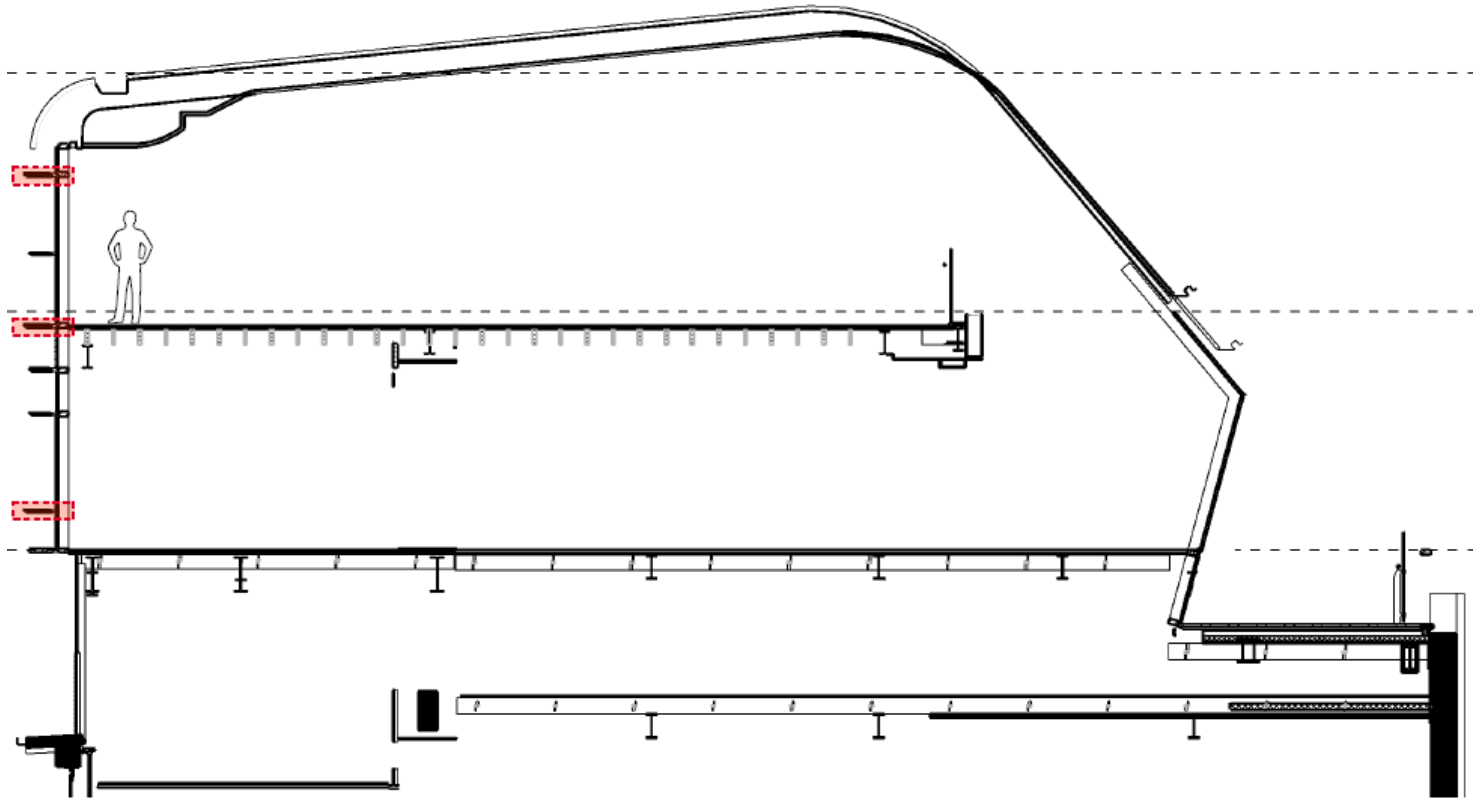


/Amended DA Proposal

Design Advisory Panel

environmental performance

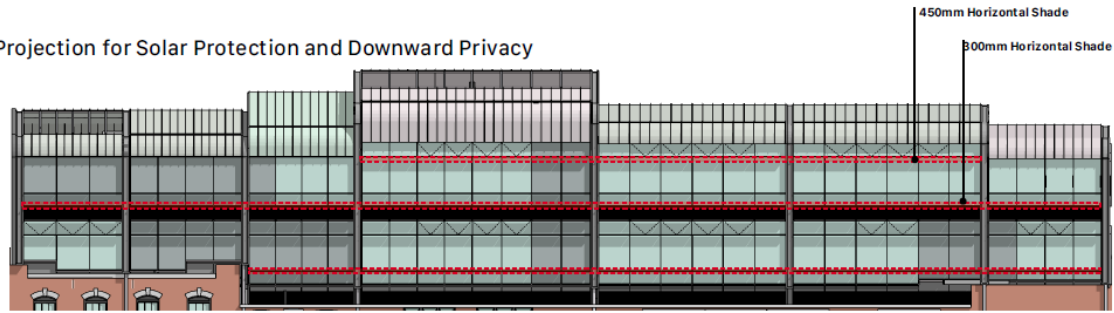
- amended proposal:
 - increased sun shading on northern facade to 450mm louvres
 - reduced roof glazing
 - metal mesh interlayer in roof glazing
- 4.5 star (offices) and 4 star (hotel) NABERS rating proposed
- 5 star not achievable due to heritage constraints
- louvres provide additional screening and privacy to neighbouring properties



external louvres

/Buildings 1_2_3

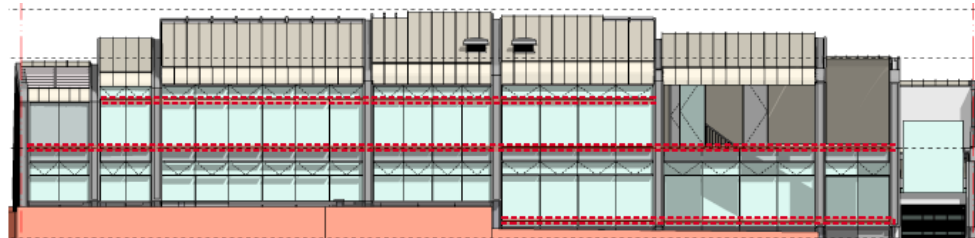
- ----- 450 Louvre Projection for Solar Protection and Downward Privacy



- Building 1



- Building 2



heritage committee

site within conservation area and buildings are heritage items

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

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

Planning Proposal requires:

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



Group 1 - 1982





Group 3 – 1980s

heritage committee

DCP requires the consent authority to:

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

heritage committee

Committee raised concerns with:

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

heritage committee

Committee continued:

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

heritage committee

- Committee provided their report on 12 March 2021
- significant amount of work undertaken to document heritage fabric
- amended proposal retains additional fabric
- amended roof forms adopt a closer relationship to the individual buildings
- D/2021/1550 approved by LPP relating to restoration works
- planning proposal approved by CSPP and Council

heritage committee

- a very high quality of heritage conservation is required, consistent with LEP, DCP controls and the planning proposal
- amended proposal maintains the heritage significance of the buildings
- conditions recommended to ensure vertical additions do not result in loss of significant internal fabric or undermine structural stability

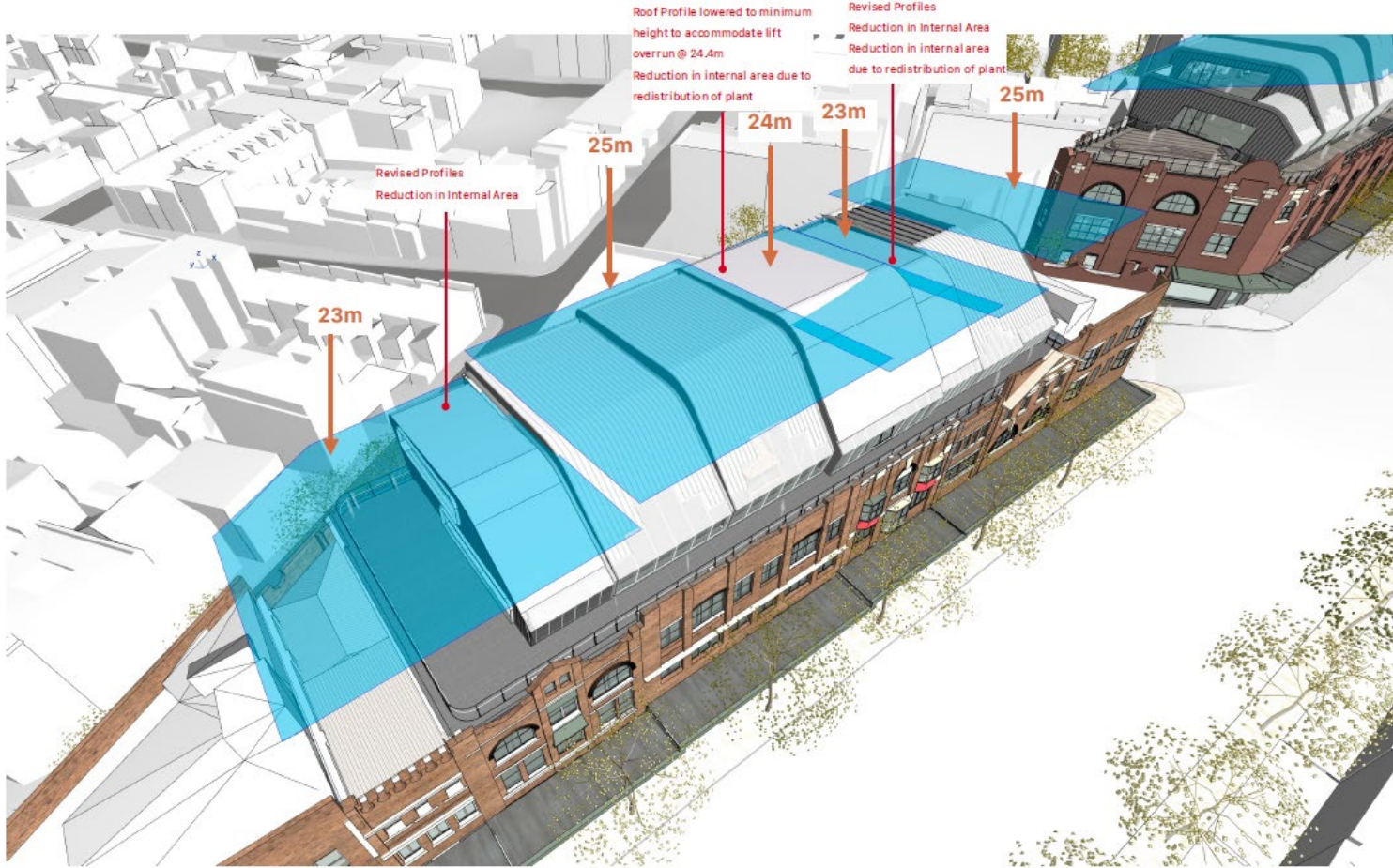
Oxford Street Planning Proposal

- approved by CSPC and Council
- referred to DPE – certain and imminent
- allows additional height where the proposal:
 - maintains existing cultural and creative floor space and provides additional 10% of the total GFA of the development
 - does not undermine the heritage significance of the heritage item, conservation area, or endanger the structural stability of the existing building

Planning Proposal - height

- part of Group 1 exceeds 24m Planning Proposal height by 0.4m
- Groups 2 and 3 comply with Planning Proposal height

Planning Proposal height control	compliance
Group 1 – 23, 24, 25m	24.4m for lift overrun at 24m height limit
Group 2 – 25m	yes
Group 3 – 24m	yes



Group 1 – planning proposal height

Height – Clause 4.6

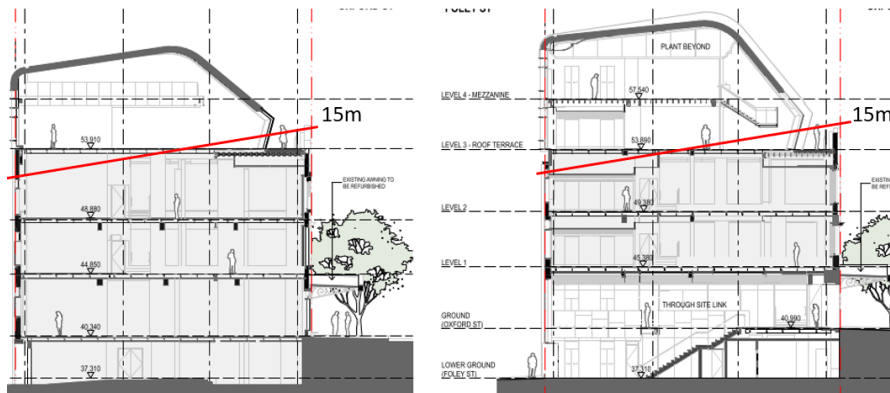


15m height control – Oxford Street



15m height control – Foley Street

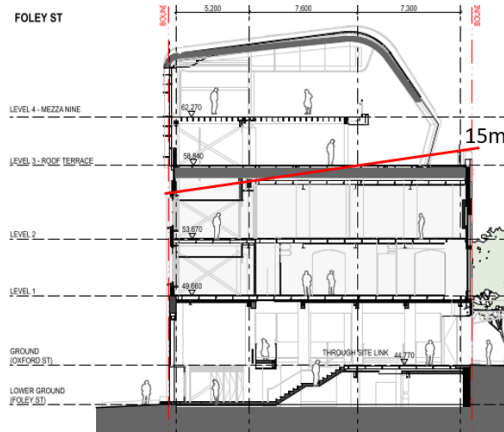
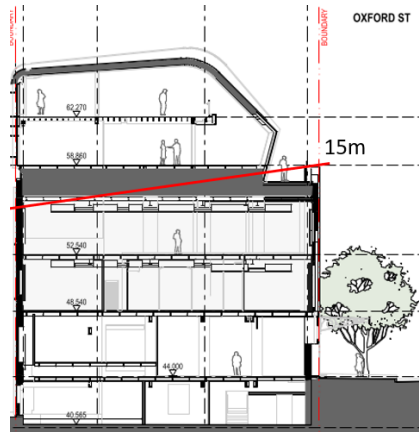
Max Building Height 24.4m



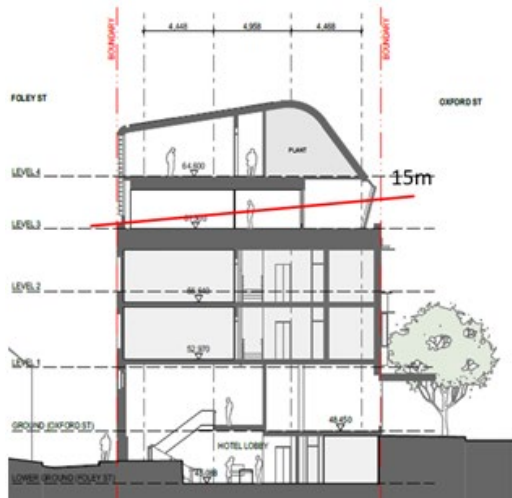
Group 1 - height non compliance

Max Building Height 24.95m

15m Height Plane



Group 2 - height non compliance



Group 3 - height non compliance

height

Clause 4.6 request supported:

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

cultural and creative floor space

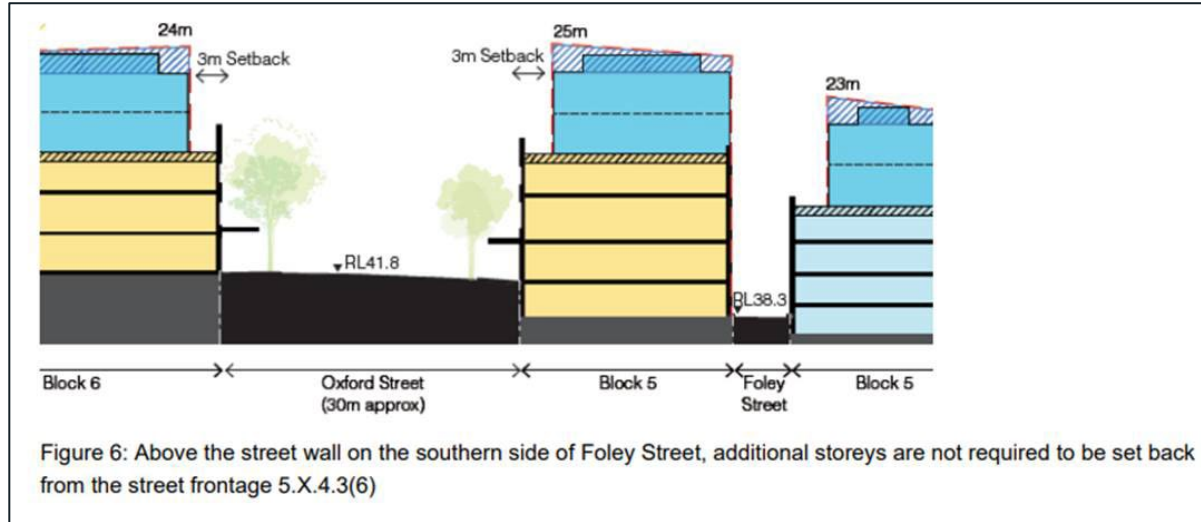
- planning proposal provides that attainment of additional height:
 - requires existing cultural and creative uses be maintained and provision of an addition 10% of the total GFA be provided
- 3,055sqm existing cultural and creatives floor space across Group 1 and 2
- conditions recommended to ensure:
 - existing cultural and creative floor space is maintained
 - 10% of total GFA provided as cultural and creatives floor space

cultural and creative floor space

	Existing	10% required	Total Required
Group 1	1,553sqm	531sqm	2,084sqm
Group 2	1,502sqm	717sqm	2,219sqm
Group 3	0sqm	242sqm	242sqm
Total	3,055sqm	1,490sqm	4,545sqm

setbacks and draft DCP

- Draft DCP requires 3m setback from Oxford Street and a nil setback to Foley Street



Draft DCP
setback diagram

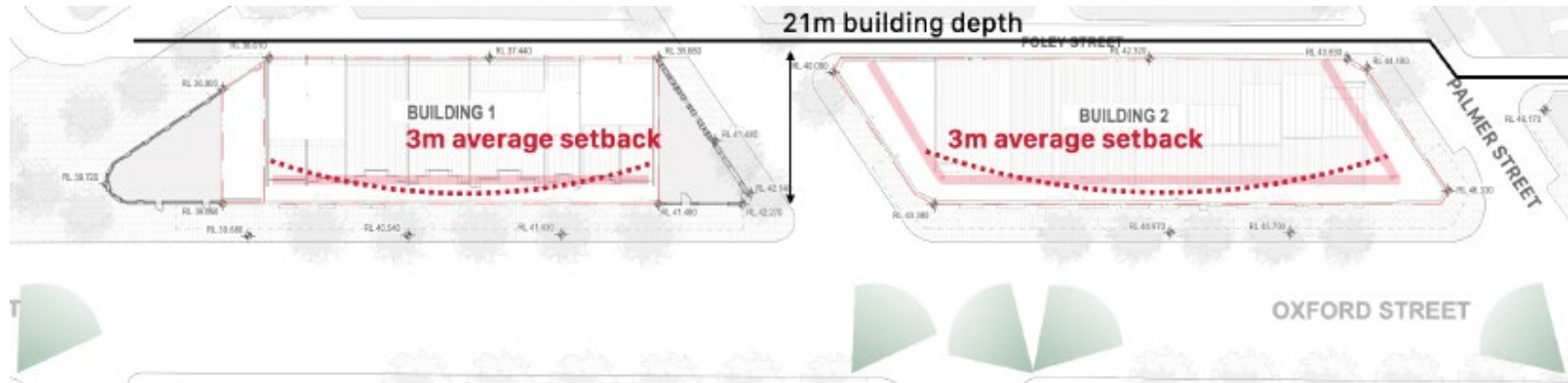
setbacks and draft DCP

the objectives include:

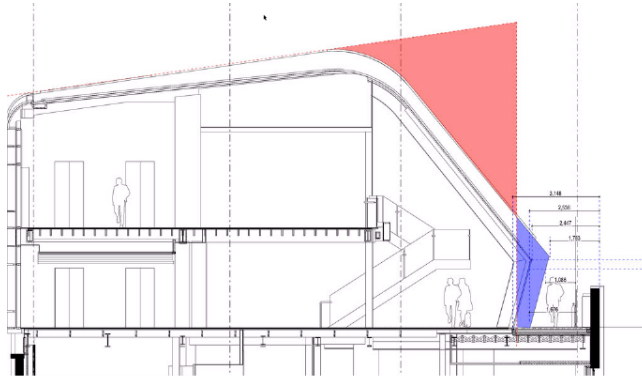
- Establish an appropriate scale, massing and modulation for new development which respects and responds to the architectural character, rhythm and grain of the existing built fabric of the high street
- Achieve a street wall height that reinforces the human scale in the public domain and protects the view corridor along Oxford Street towards Hyde Park and the City skyline
- Reduce the visual dominance of upper storey additions and protect the integrity of traditional parapets
- Ensure any upper storey additions which seek a reduced setback display exceptional design quality which results in a complementary relationship with the architectural language of the existing building
- Protect solar access in neighbouring residential properties with appropriate building setbacks from all boundaries

setbacks and draft DCP

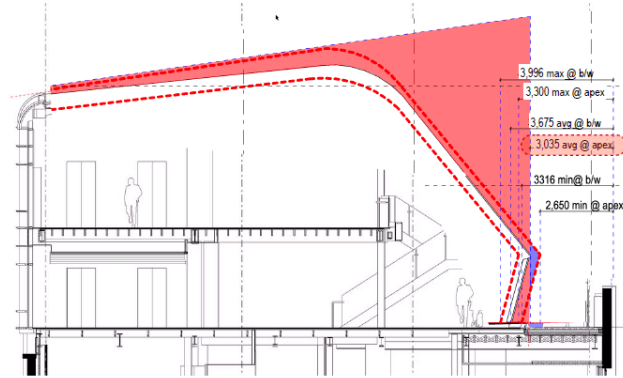
- setback increased by 500mm, resulting in an average 3m setback to Group 1 and Group 2
- setbacks to the apex are:
 - Group 1 - 3.3m (western end), 2.65m (centre), 3.3m (eastern end)
 - Group 2 - 4.7m (western end), 2.14m (centre), 3.6m (eastern end)



setbacks and draft DCP

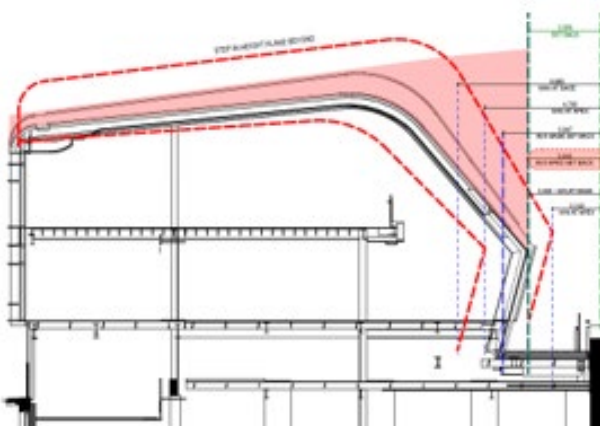
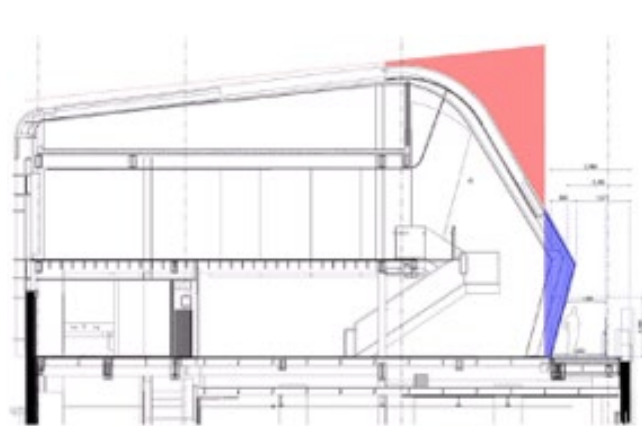


Original DA design



Amended DA Design

Group 1



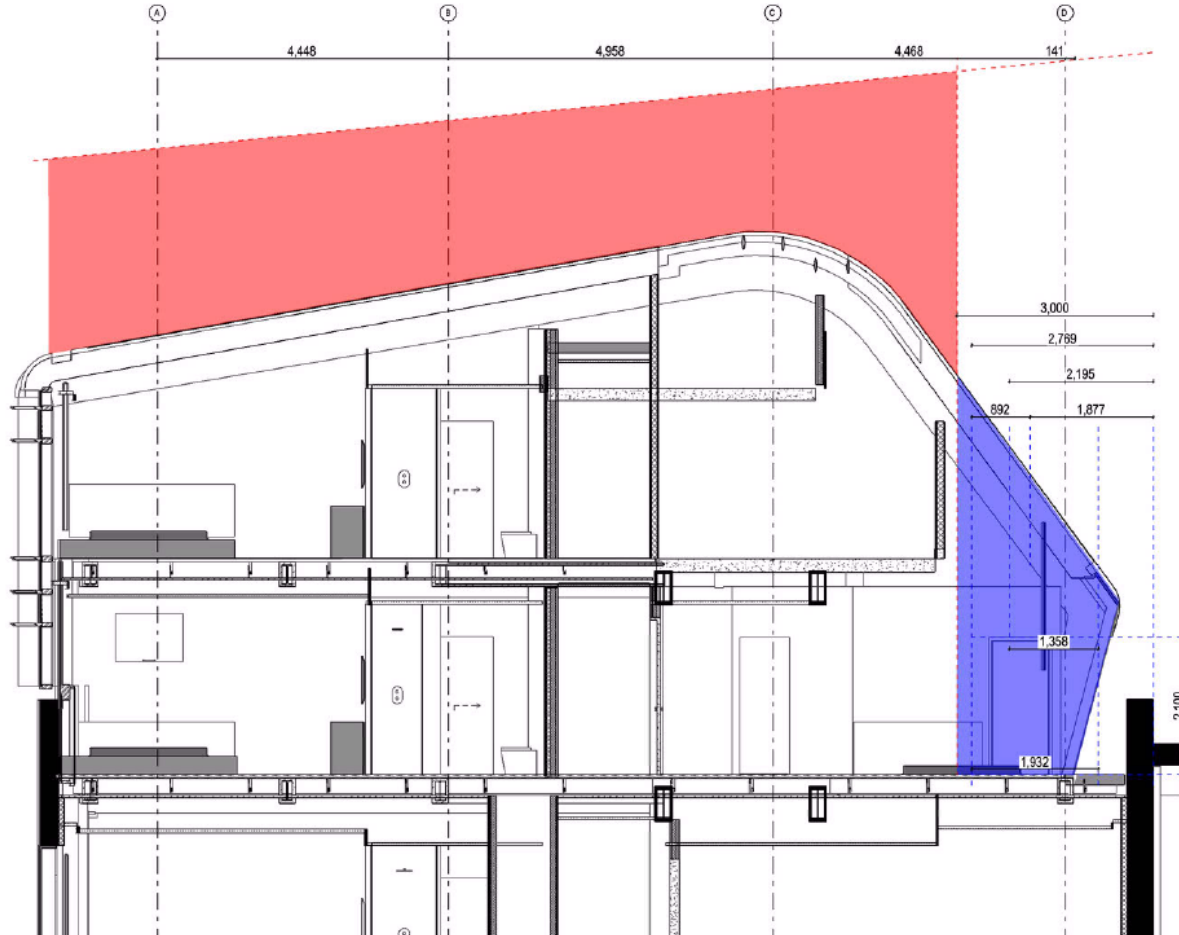
Group 2

original and proposed setbacks

setbacks and draft DCP

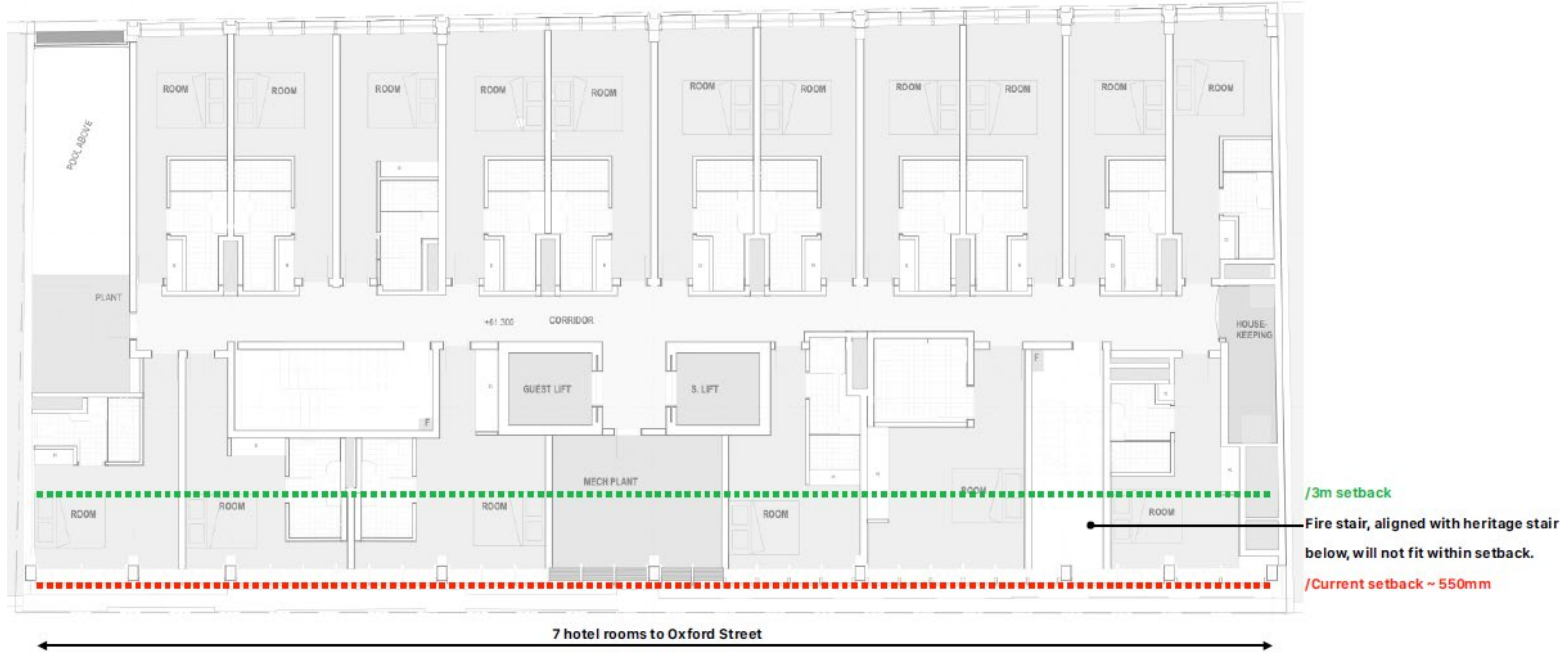
- Group 3 proposes a 500-550mm setback
- the proposed height is 21.9m within a 24m draft height control
- a compliant built form, that increases the height, results in an undesirable streetscape outcome
- the proposal is a superior design strategy
- consistent with objectives of the setback control

setbacks and draft DCP



Group 3 setback

setbacks and draft DCP



setback analysis level 3

setbacks and draft DCP



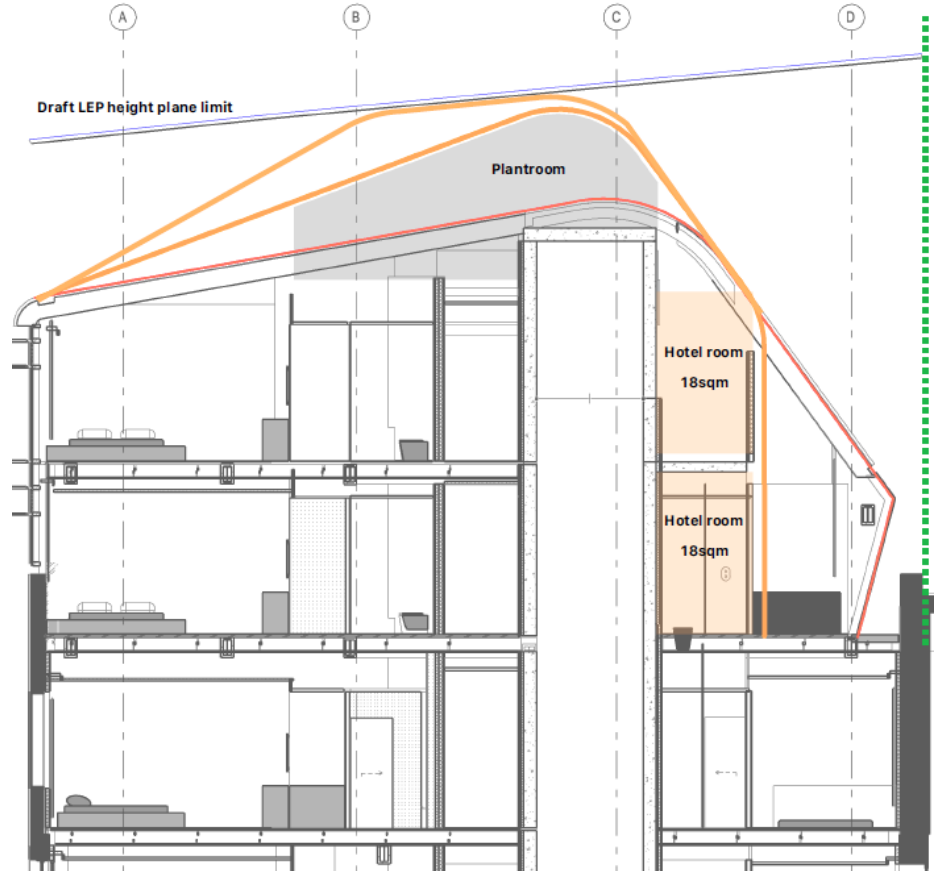
setback analysis
level 3 alternate

setbacks and draft DCP



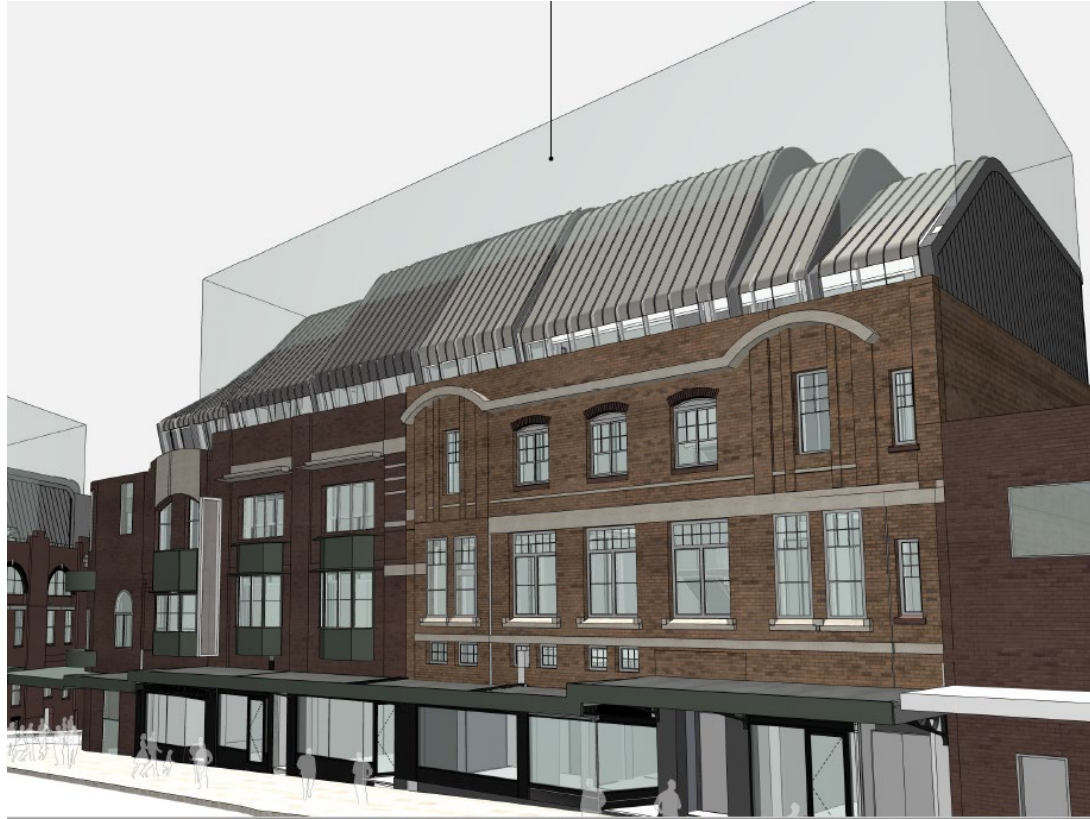
setback analysis
level 4 alternate

setbacks and draft DCP



setback analysis

setbacks and draft DCP



current proposal

setbacks and draft DCP



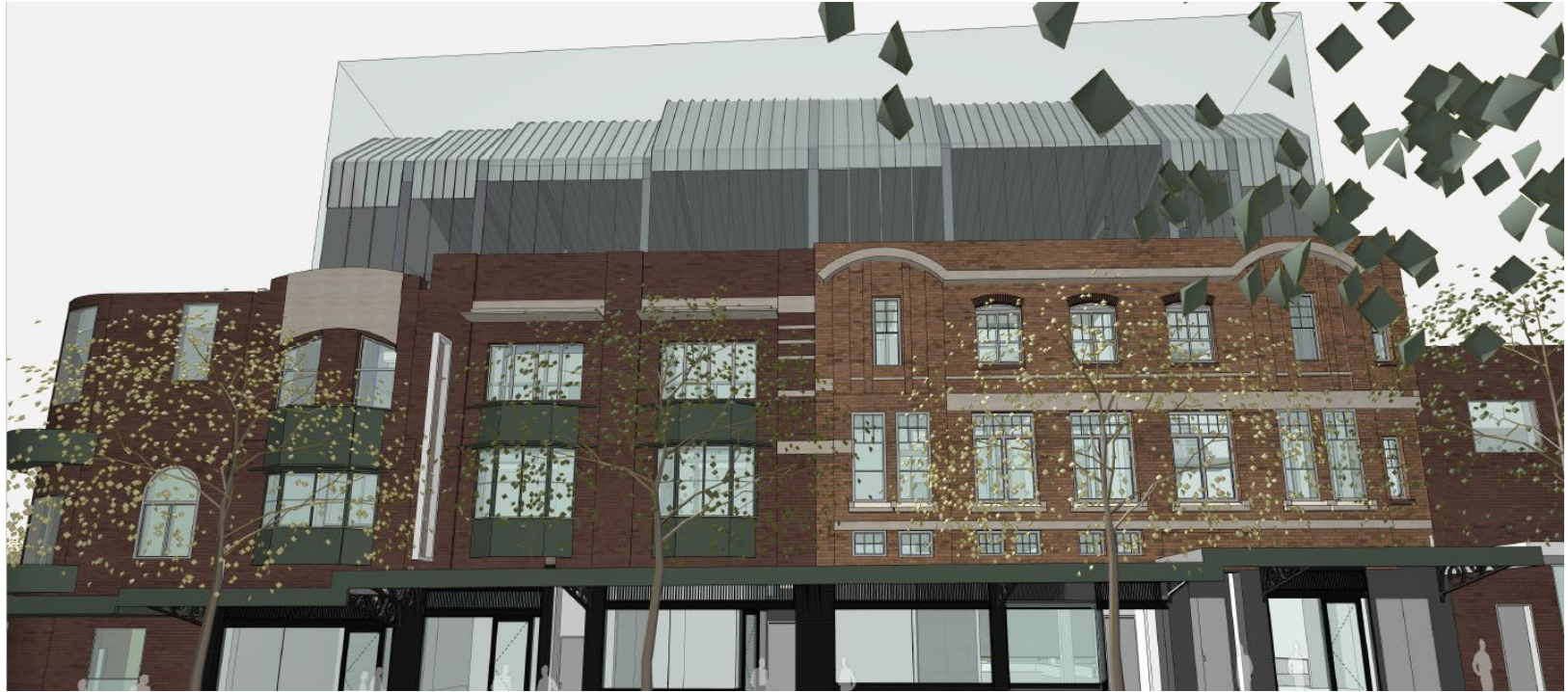
alternate proposal

setbacks and draft DCP



current proposal

setbacks and draft DCP



alternate proposal

impacts to Foley Street

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

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

view sharing



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

modelling prepared by applicant

view sharing

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

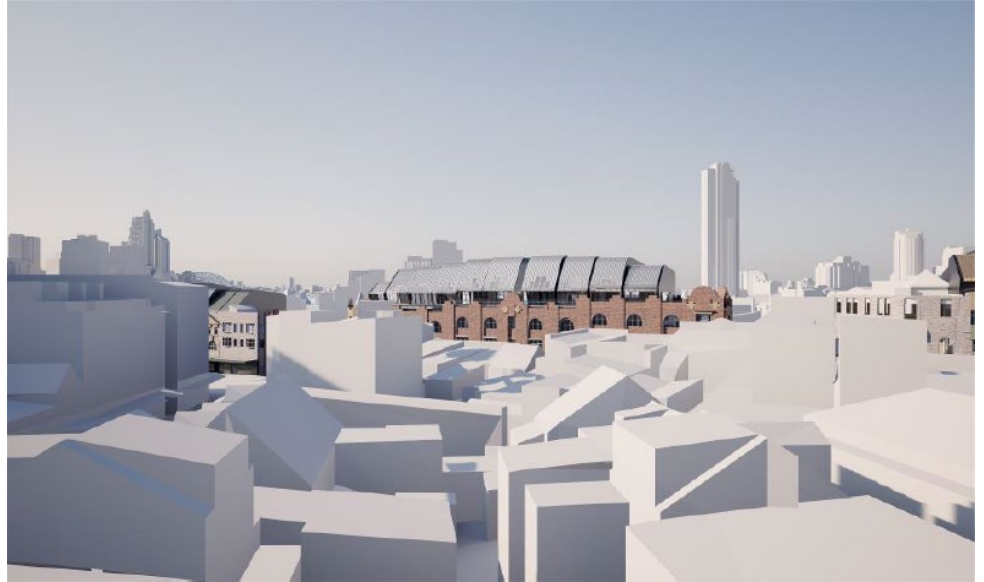
view sharing



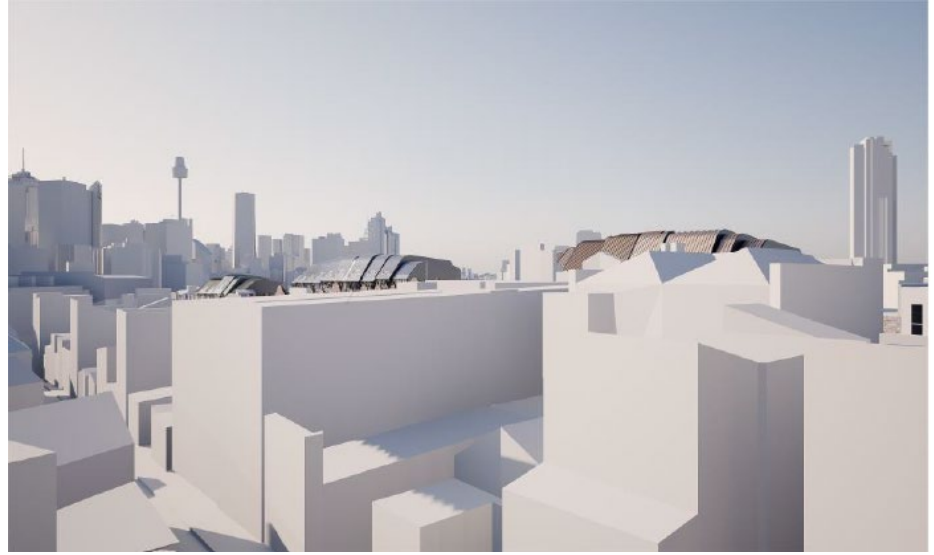
80 Oxford Street – roof terrace



107-111 Oxford Street – upper level apartment



302 Crown Street – north facing apartments



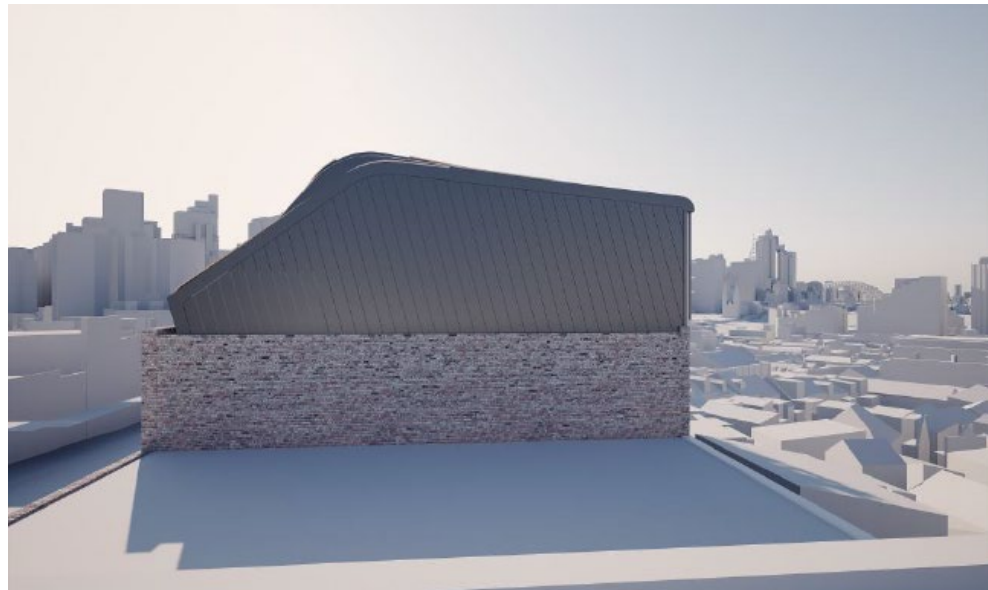
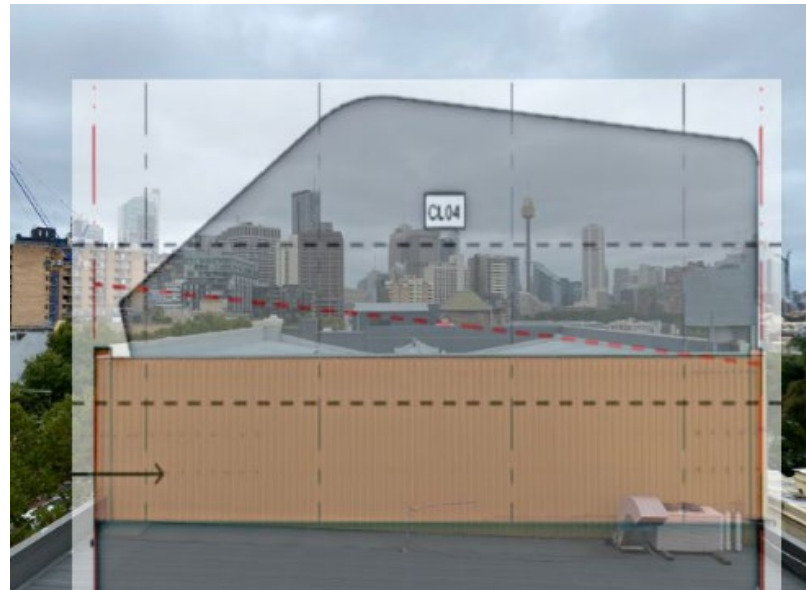
Level 4, 200 Campbell Street – north facing apartments



Level 6, 200 Campbell Street – north facing apartments



Level 6, 200 Campbell Street – north facing apartments



130-132 Oxford Street – roof terrace

view sharing

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

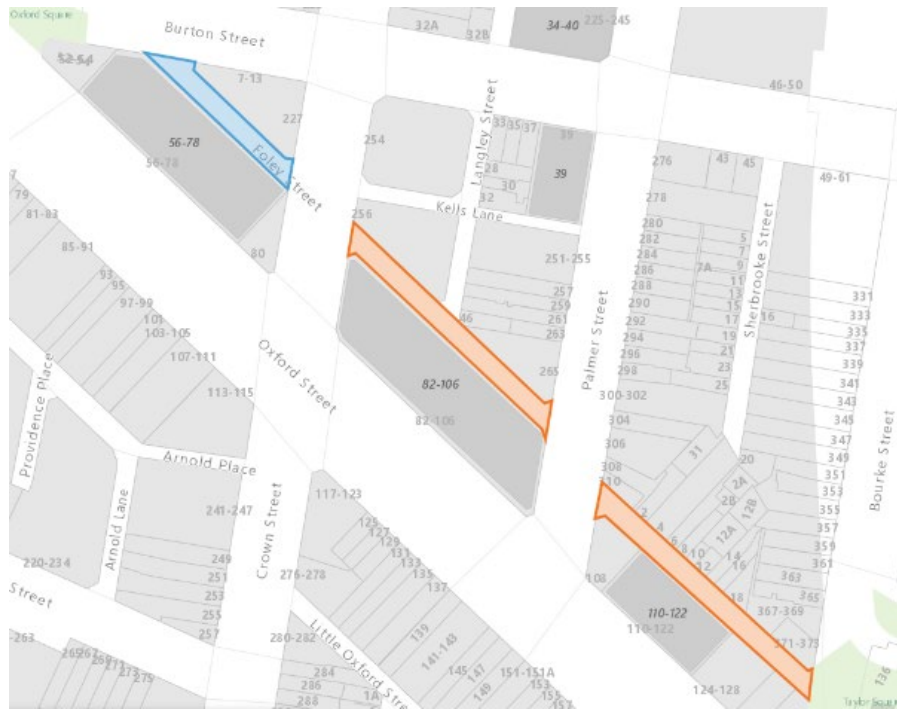
Voluntary Planning Agreement



Foley Street shared zone adjacent
Group 1 completed in 2013

Public benefit offer for shared zone
adjacent Group 2 & 3

Voluntary Planning Agreement



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

Voluntary Planning Agreement

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

recommendation

- deferred commencement approval subject to conditions