

**Item 3.****Development Application: 56-78 Oxford Street, Darlinghurst - D/2022/969**

File No.: D/2022/969

**Summary****Date of Submission:** 23 September 2022, amended 5 June 2023**Applicant:** The Lune Co Pty Ltd**Architect:** Ewert Leaf**Developer:** The Lune Co Pty Ltd**Owner:** The Council of the City of Sydney**Planning Consultant:** Ethos Urban**Heritage Consultant:** Urbis**Cost of Works:** \$2,255,000**Zoning:** The site is located in the E1 Local Centre zone.

The proposed development is for cafe, retail and bakery uses, with associated alterations, signage and ancillary office, end of journey and meeting room areas, which are all permissible with consent in the zone under the Sydney Local Environmental Plan 2012.

**Proposal Summary:** The application seeks development consent for the fit out and use of parts of the lower ground floor level of the building at 56-78 Oxford Street, Darlinghurst, for cafe, retail and bakery uses, with associated alterations, signage and ancillary office, end of journey and meeting room areas.

The proposal is an Integrated Development Application, as the GA Zink & Sons Building at 56 Oxford Street, Darlinghurst, is listed on the State Heritage Register as an item of state heritage significance and approval is required from Heritage NSW, as delegate for the Heritage Council of New South Wales under the Heritage Act, 1977.

General Terms of Approval to the proposal were granted by Heritage NSW on 7 March 2023, and updated on 21 July 2023 to reflect the amended application received by the City on 5 June 2023.

The application is referred to the Local Planning Panel for determination as the landowner is the City of Sydney, noting however that the site is subject to a 99-year lease with AM Darlinghurst until 2118.

The application relies on the development consent granted by the City of Sydney Local Planning Panel on 18 May 2022 under development application D/2020/1071 (as modified). Conditions are included in Attachment A to this effect.

The proposed height of development complies with the maximum height control of 15 metres under Clause 4.3 of the Sydney Local Environmental Plan 2012.

The proposed density of development complies with the alternate maximum floor space ratio (FSR) control of 4.5:1 under Clause 6.60D of the Sydney Local Environmental Plan 2012, noting that the requirements of the clause have been fulfilled by the granting of development consent D/2020/1071 by the Local Planning Panel.

The application was notified between 28 September 2022 and 27 October 2022 in accordance with Schedule 1 of the Environmental Planning and Assessment Act, 1979. The City did not receive any submissions in relation to the proposal, either during or after the notification period.

The amended proposal received by the City on 5 June 2023 was not required to be notified under Schedule 1 of the Environmental Planning and Assessment Act, 1979, or the City of Sydney Community Participation Plan, given the amendments do not result in significant additional environmental impacts.

As a result of the modifications made to the proposed development and subject to conditions, the amended proposal presents an improved outcome and comprises a satisfactory response to the conditions of the site and locality. It is generally acceptable with regard to the applicable planning controls, results in a form and scale that achieves the desired future character of the area and exhibits design excellence.

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

- Development Controls:**
- (i) Environmental Planning and Assessment Act, 1979 and Environmental Planning and Assessment Regulation, 2000
  - (ii) Heritage Act, 1977 and Heritage Regulation, 2012
  - (iii) Roads Act, 1993 and Roads Regulation, 2018
  - (iv) State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)
  - (v) State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP)
  - (vi) State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)
  - (vii) Sydney Local Environmental Plan 2012 (Sydney LEP 2012)
  - (viii) Sydney Development Control Plan 2012 (Sydney DCP 2012)
  - (ix) City of Sydney Guidelines for Waste Management in New Developments
  - (x) City of Sydney Development Contributions Plan 2015
  - (xi) City of Sydney Community Participation Plan

- Attachments:**
- A. Recommended Conditions of Consent
  - B. Selected Drawings
  - C. General Terms of Approval

## Recommendation

It is resolved that consent be granted to Development Application Number D/2022/969 subject to the conditions set out in Attachment A to the subject report.

## Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act 1979, in that, subject to the imposition of conditions as recommended, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Local Planning Panel.
- (B) General Terms of Approval have been granted to the proposal by Heritage NSW, as delegate for the Heritage Council of NSW, in accordance with Section 4.47 of the Environmental Planning and Assessment Act, 1979.
- (C) The proposal generally satisfies the applicable objectives and provisions of Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (D) The proposal is consistent with the objectives of the E1 Local Centre zone.
- (E) The proposal complies with the maximum height of buildings development standard in Clause 4.3 of the Sydney Local Environmental Plan 2012.
- (F) The proposal complies with the maximum alternate floor space ratio development standard in Clause 6.60D of the Sydney Local Environmental Plan 2012, subject to conditions.
- (G) The proposal is consistent with the desired future character for the Oxford Street, Darlinghurst locality, while also conserving the GA Zink & Sons building, contributory building, and significance of the Oxford Street heritage conservation area, in accordance with Clause 5.10 of the Sydney Local Environmental Plan 2012, Section 2.4.10, and Sections 3.9.5, 3.9.6 and 3.9.7 of the Sydney Development Control Plan 2012.
- (H) The design and materiality of the proposal combine to exhibit design excellence in accordance with the relevant provisions and matters for consideration in Clause 6.21C of the Sydney Local Environmental Plan 2012.
- (I) Subject to the recommended conditions of consent, the proposed development achieves acceptable amenity for the existing and future occupants of the subject and adjoining sites.
- (J) The proposed land use does not result in any significant adverse environmental or amenity impacts on the subject or surrounding properties, the public domain and the broader suburb of Darlinghurst, subject to the recommended conditions of consent.
- (K) The public interest is served by the approval of the proposal, as amendments to the development application have addressed the matters raised by the City. This is subject to the recommended conditions of consent imposed relating to the appropriate management of the potential environmental impacts associated with the development.

## Background

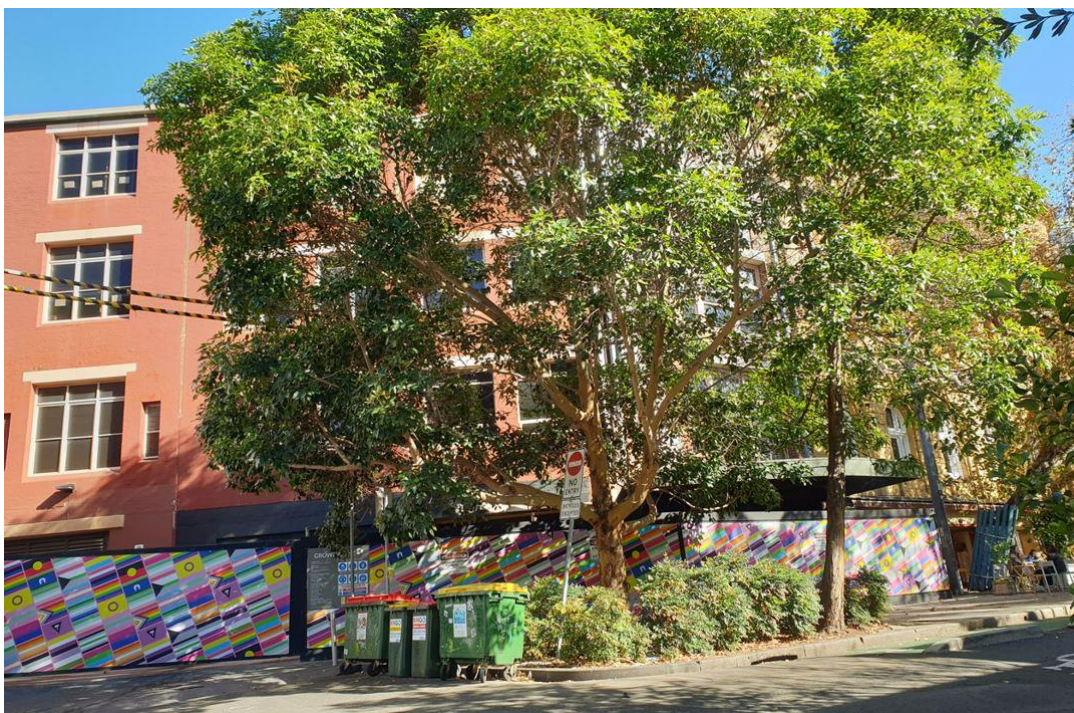
### The Site and Surrounding Development

1. The site has a legal description of Lots 2 to 12 inclusive in Deposited Plan 6520, and is commonly known as 56-78 Oxford Street, Darlinghurst.
2. It is approximately rectangular in shape, with a chamfered north-western corner, and has an overall site area of approximately 1,348 square metres.
3. It has a primary street frontage to Oxford Street, with secondary street frontages to Burton Street and Foley Street. At the rear of the site, Foley Street has the character of a service lane, rather than a street. The site is located close to the intersection of Crown Street and Oxford Street.
4. Levels on the site fall by approximately 2.3 metres along the Oxford Street frontage of the site from the south-east to the north-west and by approximately 3 metres from Oxford Street down to Foley Street.
5. The site contains six separate buildings of masonry construction, presenting as three storeys in height to Oxford Street and four storeys in height to Foley Street. Some of the buildings are interconnected on the lower ground floor, level 1, and level 2.
6. The buildings are part of an architecturally consistent group of buildings constructed as the result of the resumption of the land by Council and widening of Oxford Street between Whitlam Square and Taylor Square, which commenced circa 1909.
7. Each building has a distinct and individual appearance but collectively they present as a cohesive streetscape, comprise a fine example of Federation Freestyle architecture, and make an important contribution to the streetscape.
8. The six buildings were constructed circa 1911 and 1912, and are individually listed State and locally significant heritage items, described on the State Heritage Register and in Schedule 5 of the Sydney LEP 2012 as follows:
  - (a) The commercial building "GA Zink & Sons", including interior, at 56 Oxford Street, Darlinghurst, State Heritage Register Number 658 and Sydney LEP 2012 Item Number I384.
  - (b) The commercial building, including interior, at 58-60 Oxford Street, Darlinghurst, Sydney LEP 2012 Item Number I385.
  - (c) The commercial building, including interior, at 62-66 Oxford Street, Darlinghurst, Sydney LEP 2012 Item Number I386.
  - (d) The commercial building "Daniel's", including interior, at 68-70 Oxford Street, Darlinghurst, Sydney LEP 2012 Item Number I387.
  - (e) The commercial building "Nelson Leong", including interior, at 72-72A Oxford Street, Darlinghurst, Sydney LEP 2012 Item Number I388.
  - (f) The commercial building, including interior, at 74-78 Oxford Street, Darlinghurst, Sydney LEP 2012 Item Number I389.
9. The buildings are owned by the City, but are part of a 99-year lease until the year 2118.

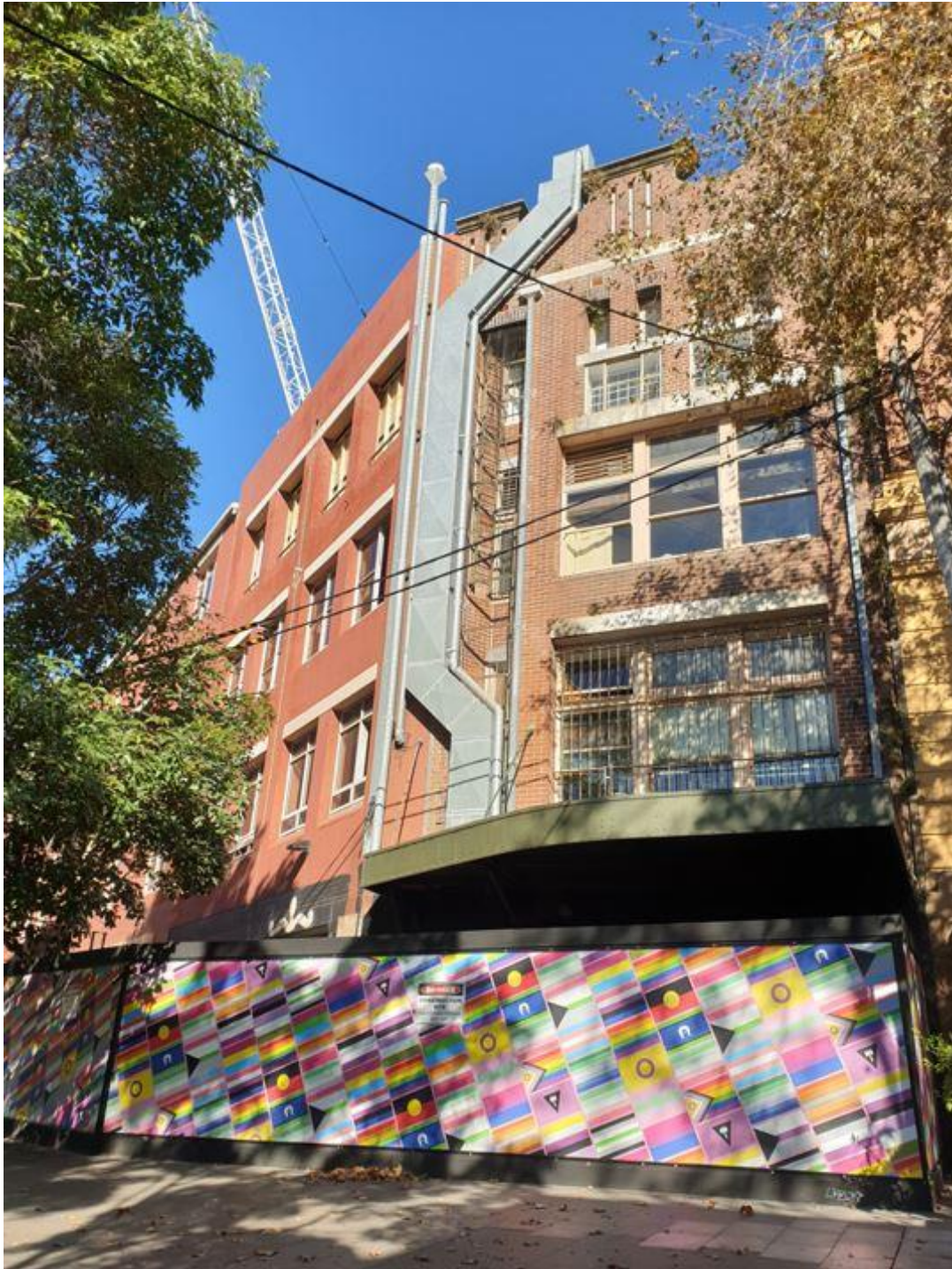
10. The site is currently under construction in accordance with development consent D/2020/1071, as modified, which is discussed below under the 'History Relevant to the Development Application' section of this report.
11. The surrounding area is characterised by a mixture of land uses, primarily being a mixture of commercial premises, mixed-use developments, and residential land uses.
12. To the west of the site at 52-54 Oxford Street, Darlinghurst is a three-storey triangular brick building, which is a local heritage item described as a former commercial building "London Chambers" including interior in Schedule 5 of the Sydney LEP 2012 (Item Number I383). It accommodates a cafe and a cocktail bar on the ground and lower ground levels, and residential uses above.
13. To the east, at 80 Oxford Street, Darlinghurst, is a three-storey brick and sandstone corner building, which is a local heritage item described as the former "Kelso's Hotel" including interior in Schedule 5 of the Sydney Local Environmental Plan 2012 (Item Number I390). It accommodates retail premises on the lower levels, and residential uses above.
14. To the north-west is a four-storey mixed use building on the opposite side of Foley Street, with ground floor retail premises and residential uses above.
15. To the north along the opposite side of Burton Street, are a number of two and three storey residential and commercial buildings.
16. To the south, on the opposite side of Oxford Street, is a row of three to four storey retail and commercial buildings.
17. The site is identified on the Heritage Map in the Sydney LEP 2012 as being located within the Oxford Street heritage conservation area (Map reference C17). The site is identified as containing contributory buildings on the Building contributions map in the Sydney DCP 2012, in accordance with Section 3.9.7 of the Sydney DCP 2012.
18. The site is identified in Section 2.4.10 of the Sydney DCP 2012 as being located within the Oxford Street, Darlinghurst locality, and is identified as being subject to flooding along its frontage along Oxford Street.
19. A site visit was carried out on 15 June 2023.
20. Photographs of the subject site and surroundings are reproduced in the figures provided below.



**Figure 1:** Aerial photographic view of the overall site area (shown shaded in blue), the buildings at 56 and 58-60 Oxford Street, Darlinghurst (shown shaded in red), and the site surroundings



**Figure 2:** The northern Burton Street elevation (left) and north-eastern Foley Street elevation (right) of the lower ground floor level of the buildings at 56 and 58-60 Oxford Street, Darlinghurst respectively, viewed from the northern side of Burton Street, looking south



**Figure 3:** The northern Burton Street elevation of the lower ground floor level of the building at 56 Oxford Street, Darlington, viewed from the northern side of Burton Street, looking south





**Figure 4:** The northern Burton Street elevation of the building at 52-54 Oxford Street, Darlinghurst, viewed from the northern side of Burton Street, looking south-west



**Figure 5:** Oxford Square, viewed from the northern side of Burton Street, looking west



**Figure 6:** Existing commercial development along the northern side of Burton Street, viewed from the southern side of Burton Street adjacent to the subject site, looking north-west



**Figure 7:** Existing residential development along the northern side of Burton Street, viewed from the southern side of Burton Street adjacent to the subject site, looking north



**Figure 8:** Existing residential and commercial development along the northern side of Burton Street, viewed from the southern side of Burton Street adjacent to the subject site, looking north-east



**Figure 9:** Existing mixed use building at 7-13 Burton Street, Darlinghurst viewed from the northern side of Burton Street adjacent, looking south-east



**Figure 10:** The eastern Oxford Square elevation of the building at 52-54 Oxford Street, Darlinghurst, viewed from the northern side of Oxford Street, looking east



**Figure 11:** The south-western Oxford Street elevation of the building at 52-54 Oxford Street, Darlinghurst, viewed from the southern side of Oxford Street, looking north-east



**Figure 12:** "GA Zink & Sons" building at 56 Oxford Street, Darlington, viewed from the south-western side of Oxford Street, looking north-east





**Figure 13:** The buildings at 58-78 Oxford Street, Darlinghurst, viewed from the south-western side of Oxford Street, looking east



**Figure 14:** The buildings opposite the site, viewed from the northern side of Oxford Street, looking south-east



**Figure 15:** Buildings opposite the site at the intersection of Riley Street with Oxford Street, viewed from the northern side of Oxford Street, looking south

## History Relevant to the Development Application

### Development Applications

21. The following applications are relevant to the current proposal:

- (a) **D/2020/1071** – Deferred commencement consent was granted by the City of Sydney Local Planning Panel subject to conditions on 18 May 2022.

The consent was for alterations and additions to two groups of existing buildings at 58-78 Oxford Street, Darlinghurst and 82-106 Oxford Street, Darlinghurst, for a mixed-use development and associated signage strategy.

The approved uses include retail premises, food and drink premises, and tenancies for cultural and creative uses on the lower ground and ground levels, and commercial offices on the levels above.

The deferred commencement conditions were satisfied on 24 August 2022 and the consent was activated.

It must be noted that the "GA Zink & Sons" building at 56 Oxford Street, Darlinghurst is not subject to this development consent.

- (b) **VPA/2021/9** – A voluntary planning agreement between the Council of the City of Sydney and AM Darlinghurst Investment Pty Ltd for the upgrade of Foley Street to a shared zone was executed in November 2021, with guarantees provided to Council on 7 July 2022, and the agreement registered on title by the New South Wales Land Registry Services on 28 July 2022.
- (c) **PDA/2022/147** – A request for pre-lodgement advice was made by the applicant to the City on 7 July 2022 for the fit out of the site for a food and drink premises known as Lune Croissanterie.

Pre-lodgement advice was provided on 17 August 2022 advising that, given that conditions of consent of D/2020/1071 (as modified) relating to the signage strategy and strategy for future tenancies for the site had not been satisfied, the request was considered premature.

Given that the approved signage strategy and approved tenancy strategy were intended to act as the foundations from which any future fit out works in the building were to be conceptualised and designed, they would have to be satisfied to provide meaningful and accurate advice in relation to the pre-lodgement request.

- (d) **D/2020/1071/A** – A Section 4.55(1A) modification application was approved under staff delegation subject to conditions on 19 August 2022.

The approved modifications included amendments to change the timing and staging of the submission of information to satisfy a wide range of internal and external design modification, heritage, ventilation and public domain conditions.

- (e) **D/2020/1071/B** – A Section 4.55(1) modification application was approved under staff delegation subject to conditions on 22 August 2022.

The approved modification included the correction of an error relating to a reference to a stair between the ground floor and lower ground floor levels.

- (f) **D/2020/1071/C** – A Section 4.55(2) modification application was lodged with Council on 10 February 2023 to amend the design of the alterations and additions to the group of existing buildings at 82-106 Oxford Street, Darlinghurst.

The proposed modifications include internal amendments including floor level adjustments and reconfiguration, shopfront modifications, minor roof change to accommodate a new internal lift core, and new and modified external openings, including deletion of an approved loading dock door.

This application is currently under assessment by Council staff.

- (g) **D/2020/1071/D** – A Section 4.55(1A) modification application was approved under staff delegation subject to conditions on 10 July 2023.

The approved modifications included internal amendments and reconfiguration, shopfront modifications, new and modified external openings and minor amendments to roof plant.

### Compliance Action

22. The subject site is not subject to any compliance action or investigation.

## Amendments

23. Following a preliminary assessment of the proposed development by Council staff, a letter requesting the withdrawal of the application was sent to the applicant on 10 November 2022.
24. The request reiterated the advice provided to the applicant on 17 August 2022 that the application had been made prematurely, given that conditions of consent in D/2020/1071 (as modified) relating to the signage strategy and strategy for future tenancies for the site at 58-78 Oxford Street, Darlinghurst had not been satisfied.
25. It was advised that the proposed development must be consistent with, and respond to the requirements of this development consent, in order to prepare the building for future use, and to ensure the conservation of the significance of the heritage items.
26. On 30 November 2022, Heritage NSW requested that City staff seek clarification from the applicant in relation to the significance grading of heritage building fabric, and regarding the extent of proposed demolition work. This request was sent to the applicant on 1 December 2022.
27. The applicant responded on 9 December 2022, providing detail on the two matters outlined above, which was sent by City staff to Heritage NSW on that date.
28. On 23 January 2023, Heritage NSW made a further request for clarification in relation to the extent of proposed demolition work. This request was sent to the applicant on that date.
29. The applicant provided a further response to Heritage NSW on 27 January 2023, which was sent by City staff to Heritage NSW on 28 January 2023.
30. Following completion of the assessment of the proposal by City staff, a second request for withdrawal of the application was sent to the applicant on 24 January 2023. This request reiterated the matters raised in the previous request for withdrawal, and raised additional concerns in relation to the following matters:
  - (a) Removal of bicycle parking approved under D/2020/1071 (as modified).
  - (b) Inadequate assessment of the creation of additional gross floor area (GFA) and floor space ratio (FSR).
  - (c) Unclear waste management measures.
31. The applicant responded to this request on 22 February 2023 advising that the application would not be withdrawn, and:
  - (a) Advised that a signage strategy and strategy for future tenancies had been submitted to the City for approval.
  - (b) Advised that Section 4.55(1A) modification application D/2020/1071/D had been submitted to the City to resolve the issues raised in relation to bicycle parking, GFA and FSR.
  - (c) Provided clarification regarding waste management measures approved under D/2020/1071, and proposed under the subject development application.

32. The conditions of consent in D/2020/1071 (as modified) relating to the signage strategy and strategy for future tenancies for the site at 58-78 Oxford Street, Darlinghurst were satisfied on 31 March 2023.
33. A letter requesting additional information and amendments was sent to the applicant on 9 May 2023, raising the following matters:
  - (a) Concern that the proposed shopfront design was inconsistent with the shopfront designs approved under D/2020/1071 (as modified).
  - (b) Clarification in relation to the proposed signage and its consistency with the approved signage strategy.
  - (c) Colour and material detail for the interior of the subject premises.
34. A meeting was held between Council staff, the developer and builder of the site at 58-78 Oxford Street, Darlinghurst and the applicant's planning consultant on 15 May 2023 to discuss the concerns raised in relation to the consistency of the proposed shopfront design with that approved under D/2020/1071 (as modified).
35. The applicant responded to the request on 5 June 2023 lodging amended drawings through the NSW Planning Portal in accordance with Section 37 and 38 of the Environmental Planning and Assessment Regulation, 2021, revising the design of the proposed shopfront, deleting a proposed sign, and providing an interior colour and material scheme.
36. The assessment provided in this report is based on the amended application received on 5 June 2023 and the additional information outlined above.

### **Proposed Development**

37. The subject development application, as amended, seeks development consent for the fit out and use of parts of the lower ground floor level of the building at 56-78 Oxford Street, Darlinghurst, for cafe, retail and bakery uses, with associated alterations, signage and ancillary office, end of journey and meeting room areas.
38. Specifically, the proposal involves the following:
  - (a) Demolition of existing internal walls.
  - (b) Demolition of portions of existing external walls and bi-fold windows.
  - (c) Demolition of existing external doors, window openings and mechanical ducting.
  - (d) Construction of new door and window openings with bronze shrouding and cladding.
  - (e) Painting of the existing awning.
  - (f) Installation of new sliding servery window joinery with bronze shrouding and cladding, and concrete bench.
  - (g) Installation of new air louvres above the windows to Foley Street with a powdercoat finish.

- (h) Construction, fit out and use of an area within the lower ground level of the buildings at 56 and 58-60 Oxford Street, Darlinghurst, trading as "Lune Croissanterie" and including:
    - (i) A retail and coffee sales area.
    - (ii) Bakery areas.
    - (iii) Back of house area.
    - (iv) Sanitary facilities.
    - (v) Store-rooms.
    - (vi) Coolroom.
  - (i) Fit out and use of an area within the lower ground floor level of the building at 74-78 Oxford Street, Darlinghurst as an ancillary:
    - (i) Staff meeting room.
    - (ii) End of journey facility.
    - (iii) Office.
  - (j) Signage including a:
    - (i) Square internally illuminated projecting wall sign measuring 400 millimetres by 400 millimetres, with black steel backing and white text and logo with the word 'LUNE', located adjacent to the entry door to the premises.
    - (ii) Rectangular external film window sign in gold foil finish, with the text and logo 'LUNE', opening hours and payment details text, measuring 225 millimetres in height by 450 millimetres in width, located on the entry door to the premises.
  - (k) Hours of operation between 5am and 3pm, Monday to Sunday inclusive.
  - (l) Trading hours between:
    - (i) 7.30am and 3pm, Monday to Friday inclusive.
    - (ii) 8am and 3pm, Saturday and Sunday.
39. Demolition, plan, elevation, section, three-dimensional render, interior finish palette, signage plan and detail, and window and door schedule drawing extracts of the proposed development are reproduced in the figures provided below.
40. A set of selected architectural drawings is included at Attachment B to this assessment report.

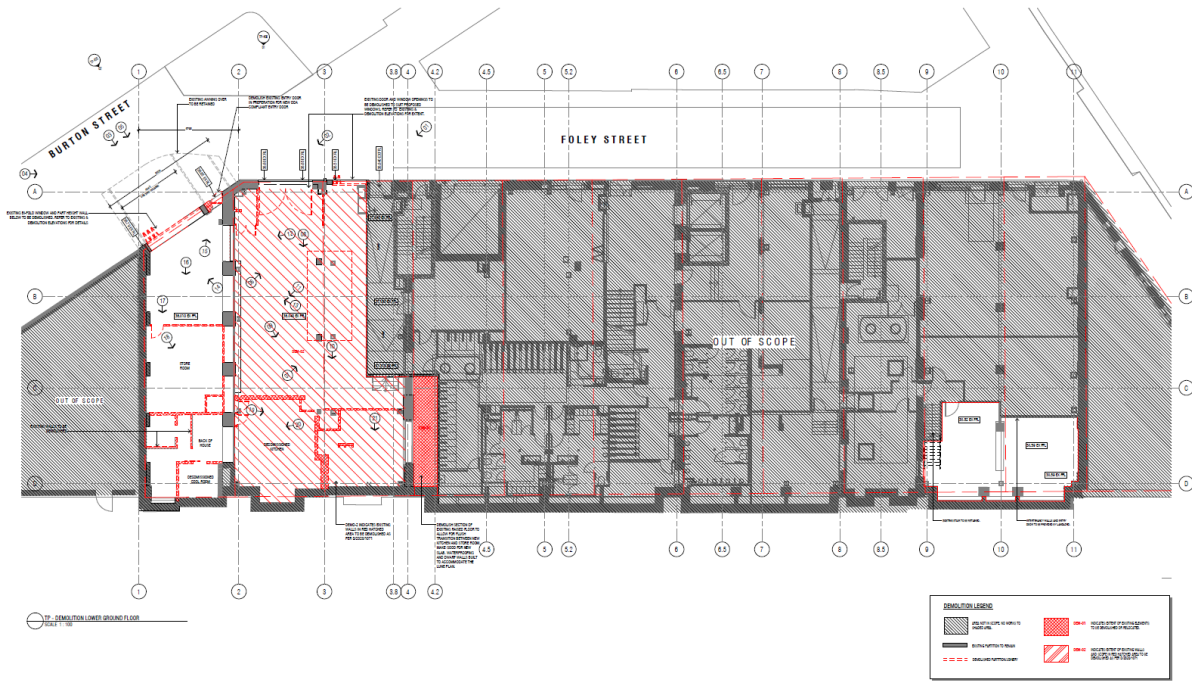


Figure 16: Proposed lower ground floor demolition plan

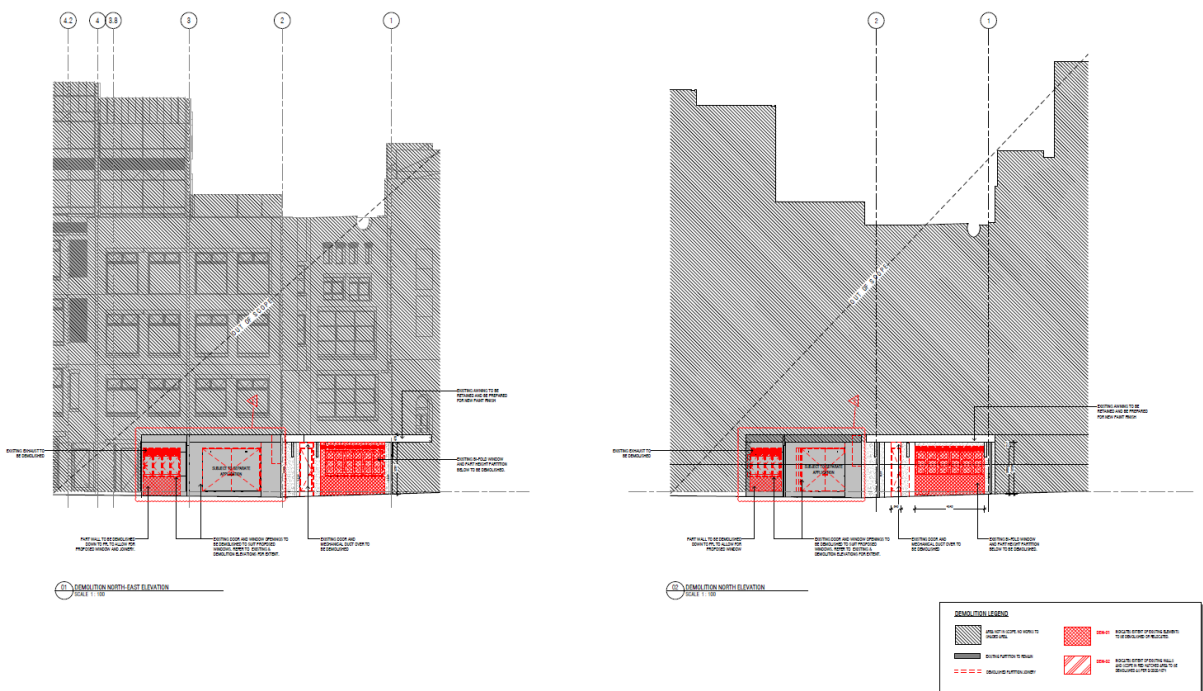


Figure 17: Proposed north-east Foley Street (left) and north Burton Street (right) demolition elevations

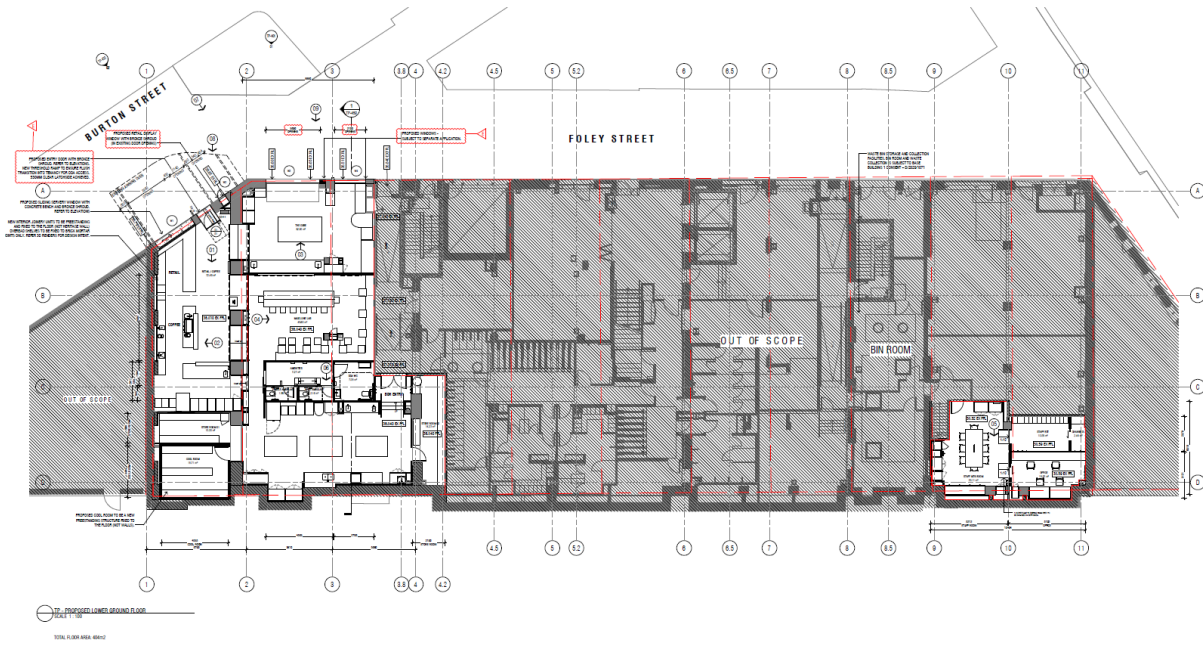


Figure 18: Proposed lower ground floor plan

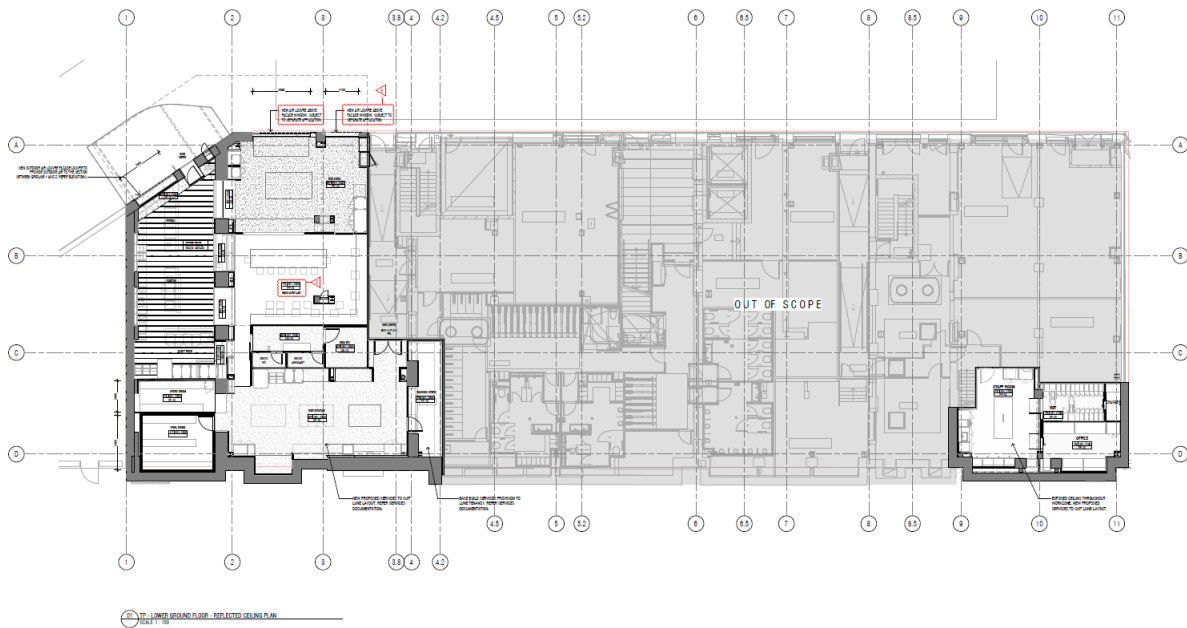


Figure 19: Proposed lower ground reflected ceiling plan



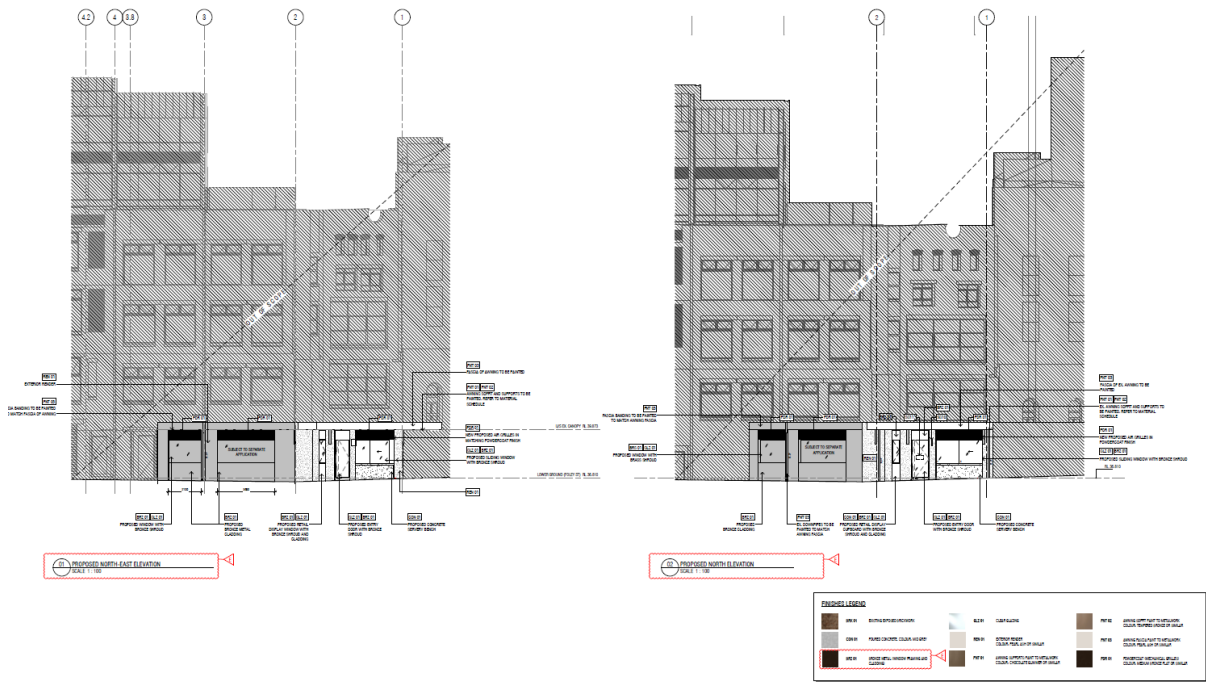


Figure 20: Proposed north-east Foley Street (left) and north Burton Street (right) elevations

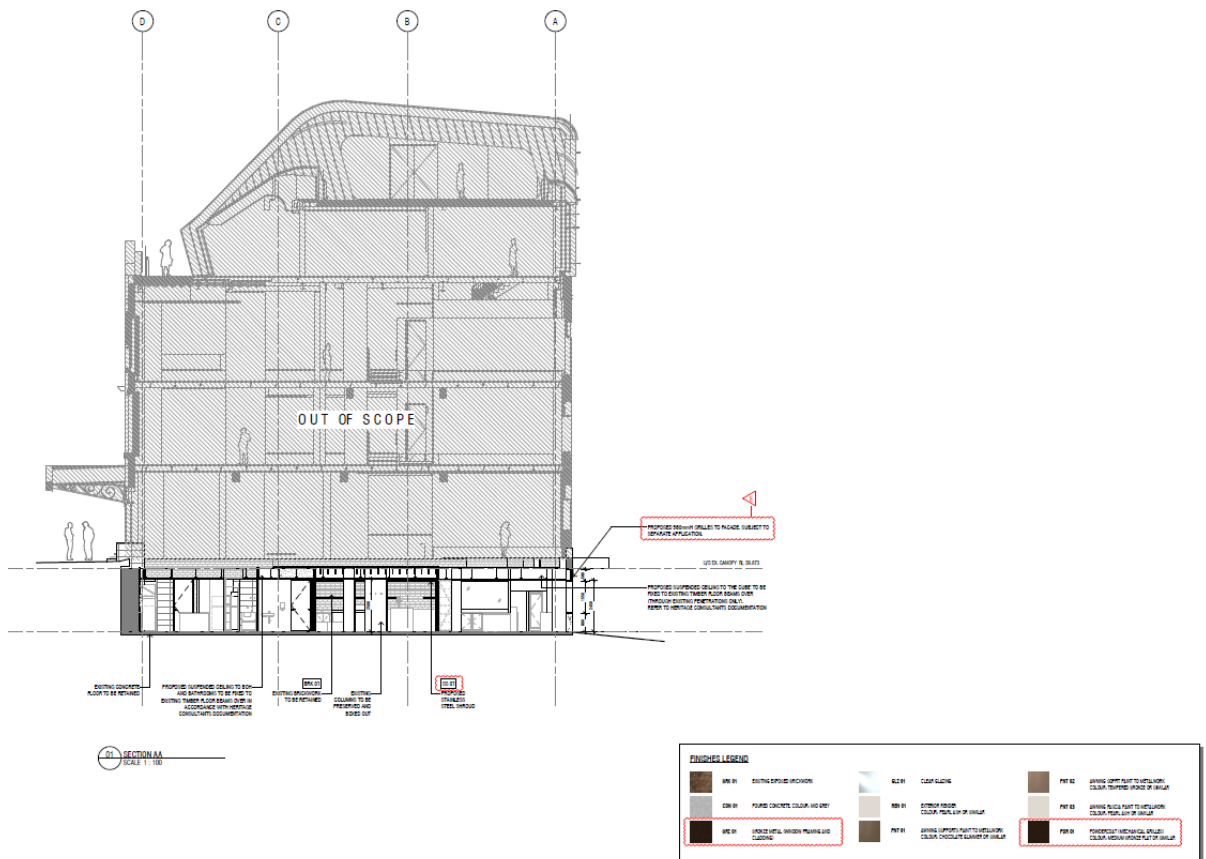


Figure 21: Proposed section

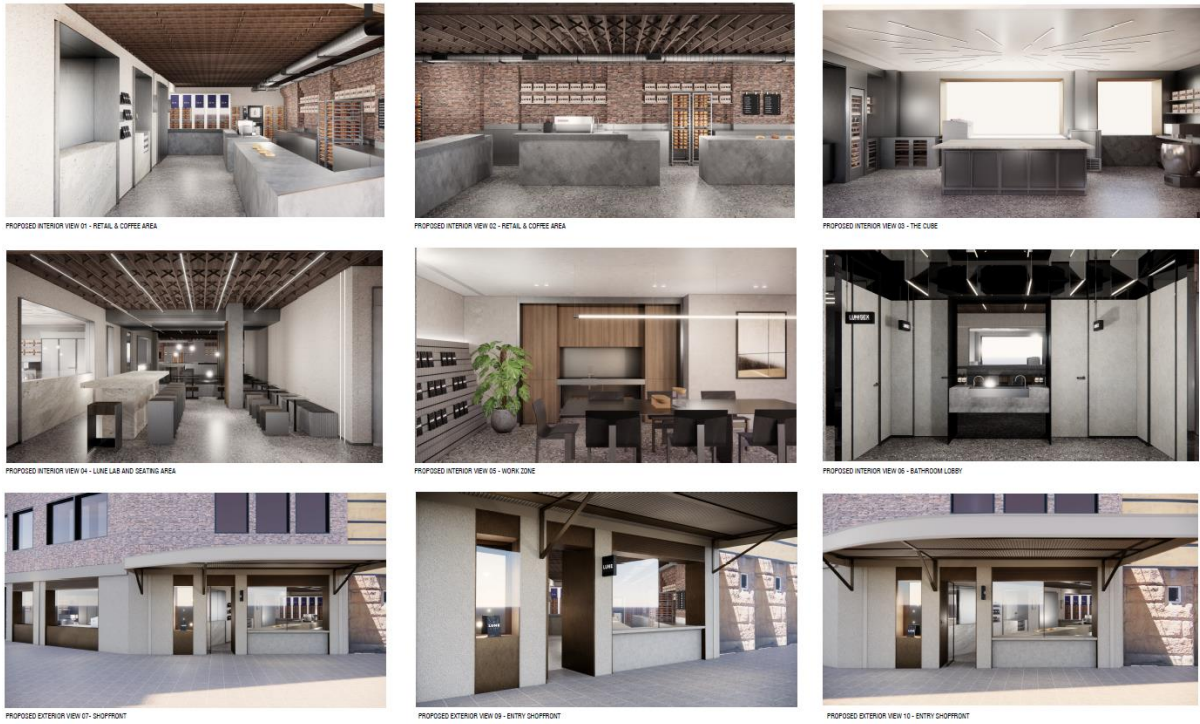


Figure 22: Proposed three dimensional renders

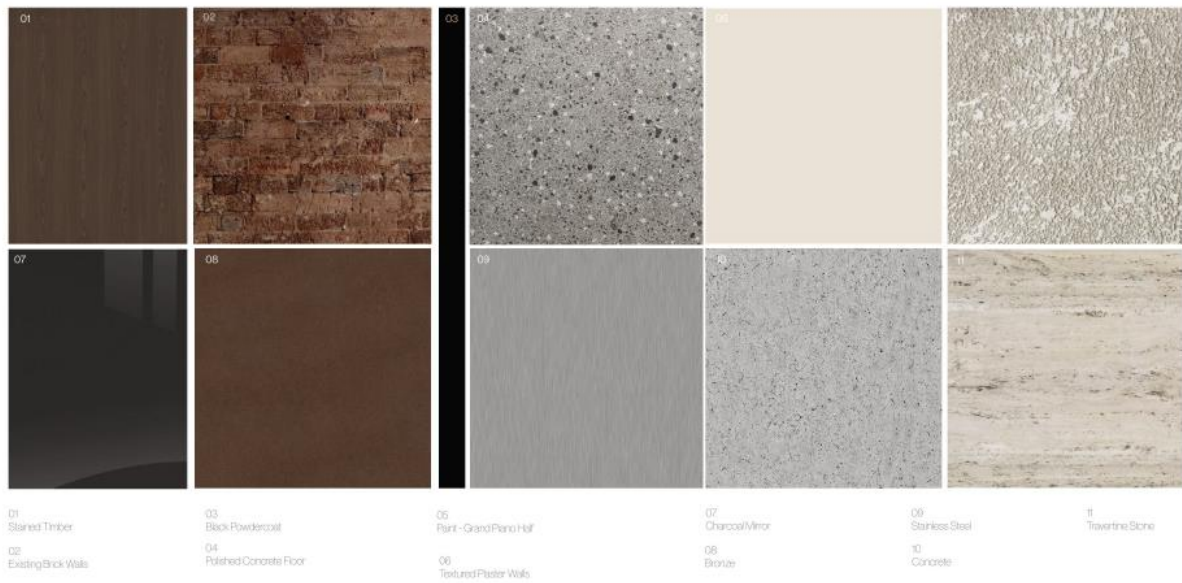


Figure 23: Proposed interior finishes palette

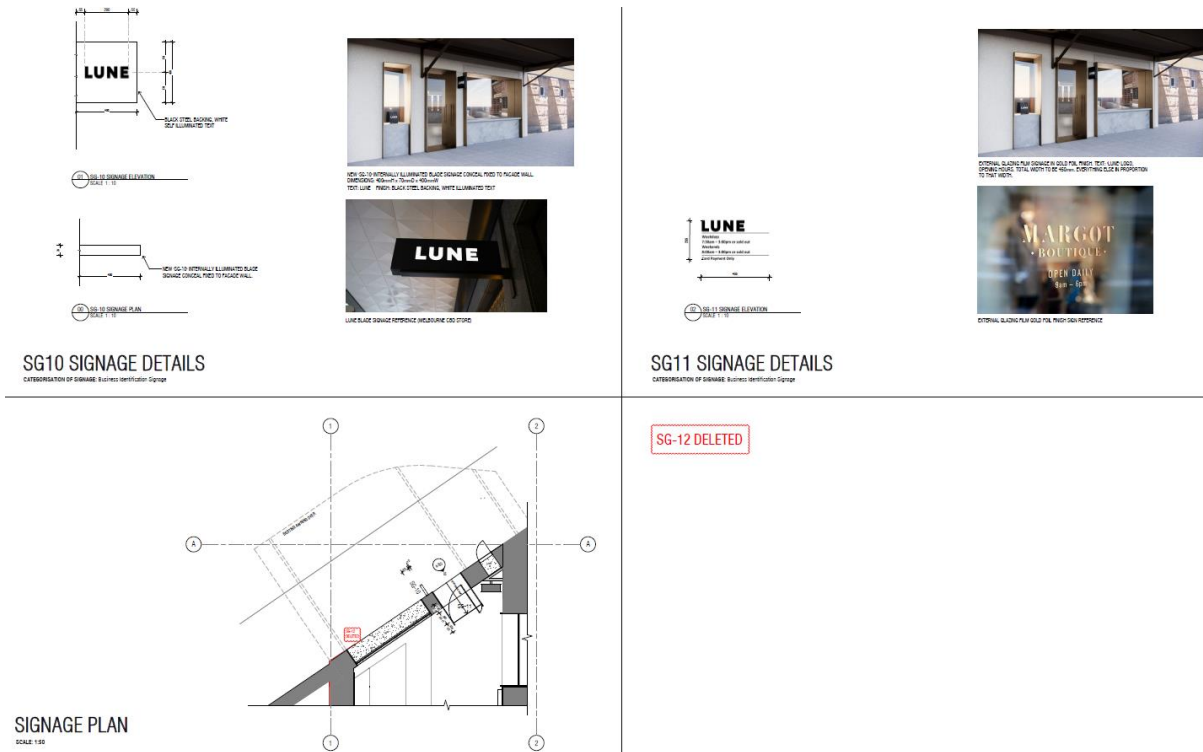


Figure 24: Proposed signage details and plan

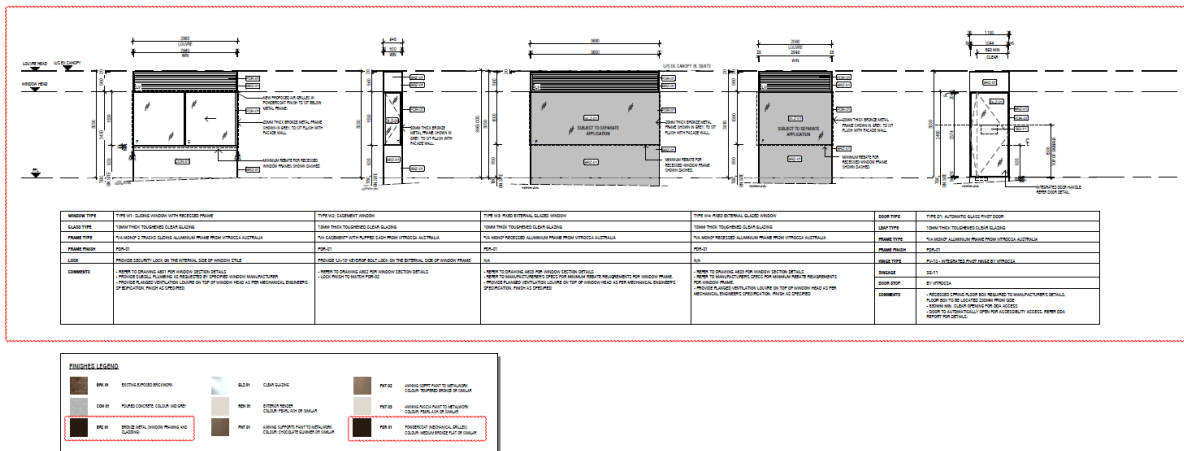


Figure 25: Proposed window and door schedule

Assessment

41. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act, 1979.

Heritage Act 1977

42. The subject site contains the GA Zink & Sons Building, which is listed on the State Heritage Register as an item of State heritage significance under the Heritage Act, 1977 (SHR Item Number 00658).

43. A Conservation Management Plan (CMP) for the site was prepared by Urbis as part of development application D/2020/1071. The proposed development is generally consistent with the policies set out in the CMP.
44. As Integrated Development requiring approval under the Heritage Act, 1977, a copy of the application was referred to Heritage NSW as delegate for the Heritage Council of NSW on 27 September 2022, in accordance with Section 42 of the Environmental Planning and Assessment Regulation, 2021.
45. In correspondence dated 28 October 2022, Heritage NSW, as delegate for the Heritage Council of NSW, was advised that the public exhibition of the application had been completed and that no submissions had been received by the City.
46. In accordance with Section 4.47 of the Environmental Planning and Assessment Act 1979, Heritage NSW, acting as the delegate for the Heritage Council of NSW granted General Terms of Approval to the proposed development on 7 March 2023.
47. The amended application received by the City on 5 June 2023 was sent to Heritage NSW, who updated the General Terms of Approval on 21 July 2023.
48. The General Terms of Approval received from Heritage NSW, as updated on 21 July 2023, are included in Schedule 3 of Attachment A.

### **State Environmental Planning Policies**

#### **Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)**

49. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of Chapter 10 of the Biodiversity and Conservation SEPP.
50. The SEPP requires the Sydney Harbour Catchment Planning Principles to be considered in the carrying out of development within the catchment.
51. The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour.
52. The site is not located in the Foreshores Waterways Area or adjacent to a waterway however and, with the exception of the objective of improved water quality, the objectives of the Biodiversity and Conservation SEPP are not applicable to the proposed development.
53. Subject to conditions included in Attachment A, the proposed development satisfies the SEPP objective relating to improved water quality.

#### **State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP)**

54. The aim of Chapter 3 of the Industry and Employment SEPP is to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.

55. The proposed signage, as described under the 'Proposed Development' heading and depicted in Figure 24 above, has been considered against the objectives of the policy.
56. An assessment against the provisions within the assessment criteria set out in Schedule 5 of the Industry and Employment SEPP is provided in the table below.

Provision	Compliance	Comment
1. Character of the area	Yes	The proposed signage is generally consistent with the character of the area, subject to the signage conditions included in Attachment A.
2. Special areas	Yes	The proposed signage does not detract from the amenity or visual quality of the locality or the Oxford Street heritage conservation area, subject to the signage conditions included in Attachment A.
3. Views and vistas	Yes	The proposed signage does not obscure or compromise any important views. It does not dominate the skyline and has no impact on the viewing rights of other advertisers.
4. Streetscape, setting or landscape	Yes	The proposed signage is of an appropriate scale, proportion and form, and provides a positive contribution to the streetscape and setting of the area.
5. Site and building	Yes	The scale, proportion and positioning of the proposed signage is acceptable, and the materiality is compatible with the finishes and colours of the building.
6. Associated devices and logos	Yes	The proposed illumination and 'Lune' logo has been designed as an integral part of the projecting wall sign on which it is to be displayed.
7. Illumination	Yes	Appropriate conditions are included in Attachment A to ensure that the illumination does not result in unacceptable glare, affect safety or detract from the amenity of any nearby residential accommodation.

Provision	Compliance	Comment
8. Safety	Yes	The proposed signage will not reduce the safety for pedestrians, cyclists or vehicles on public roads or areas.

57. The proposed signage is consistent with the objectives set out in Section 3.1 of Chapter 3 and satisfies the assessment criteria set out in Schedule 5 of the Industry and Employment SEPP, as outlined in the table provided above.

### State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)

58. The aim of Chapter 4 of the Resilience and Hazards SEPP is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
59. In this instance, the proposed use does not comprise a more sensitive use than the previous use of the lower ground floor level of the building at 56 Oxford Street, Darlinghurst, as a food and drink premises (cafe), or the approved use of the lower ground floor level of the buildings at 58-60 and 74-78 Oxford Street, Darlinghurst, as retail premises and office premises respectively.
60. Irrespective of this however, as outlined in the 'Discussion' section of this assessment report, the proposal relies on development consent D/2020/1071 (as modified), which includes a range of conditions requiring matters relating to contamination, remediation and management of hazardous materials.
61. Subject to a condition included in Attachment A requiring compliance with these conditions, the site can be made suitable for the proposed mix of land uses, in accordance with Clause 4.6 of the Resilience and Hazards SEPP and the associated guidelines.

### Local Environmental Plans

#### Sydney Local Environmental Plan 2012 (Sydney LEP 2012)

62. An assessment of the proposed development against the relevant provisions of the Sydney LEP 2012 is provided under the following headings and table sections.

#### Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located in the E1 Local Centre zone.  The proposed development is defined as a 'food and drink premises', and is permissible with consent in the zone.

Provision	Compliance	Comment
		The proposal generally meets the objectives of the zone.

#### Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	Yes	<p>A maximum building height of 15 metres is permitted.</p> <p>A height of 3.063 metres is proposed.</p> <p>The proposed development complies with the maximum height of buildings development standard.</p>
<p>4.4 Floor space ratio (FSR)</p> <p>4.5 Calculation of floor space ratio and site area</p> <p>(6.60D Oxford Street Cultural and Creative Precinct)</p>	Yes	<p>A maximum FSR of 4:1 is permitted for the building at 56 Oxford Street, Darlinghurst.</p> <p>A maximum FSR of 4.5:1 is permitted for the buildings at 58-78 Oxford Street, Darlinghurst, when considering the cultural and creative floor space approved under development consent D/2020/1071 (as modified) in accordance with Clause 6.60D of the Sydney LEP 2012.</p> <p>An FSR of 3.93:1 is proposed to the building at 56 Oxford Street, Darlinghurst.</p> <p>An FSR of 4.38:1 has been approved for the buildings at 58-78 Oxford Street, Darlinghurst under development consent D/2020/1071 (as modified). All GFA associated with the subject development application is contained within the previously approved building alterations and additions, and the proposal does not alter the FSR approved under D/2020/1071.</p> <p>The proposed development complies with the maximum FSR development standards applicable to the site.</p>

**Part 5 Miscellaneous provisions**

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	<p>The site contains both local and State significant heritage items, is located adjacent to local heritage items, and is located in a heritage conservation area.</p> <p>The proposed development will not have a detrimental impact on the heritage significance of the subject heritage items, adjoining heritage items, or the surrounding heritage conservation area.</p> <p>Refer to the further assessment provided below in the 'Discussion' section of this report.</p>

**Part 6 Local provisions – height and floor space**

Provision	Compliance	Comment
Division 2 Additional floor space outside Central Sydney		
6.12 Additional floor space outside Central Sydney	Yes	<p>The entirety of the site is used for commercial premises and is eligible for an additional FSR of up to 0.3:1.</p> <p>The proposed development includes approximately 10 square metres of end of journey floor space, or an additional FSR of 0.007:1, and complies.</p>
6.13 End of journey floor space		
Division 4 Design excellence		
6.21C Design excellence	Yes	<p>The proposed development is suitable for the site and demonstrates a high standard of architectural design, materials and detailing appropriate to the building type and location.</p> <p>It is compatible with existing development along the street and will contribute positively to the character of the area.</p> <p>The proposal does not result in any view impacts and responds positively to both the public domain, adjoining development and heritage items and the surrounding land uses.</p>



Provision	Compliance	Comment
		<p>It achieves the principle of ecologically sustainable development and provides a suitable interface with Foley Street. The proposal has an acceptable environmental impact with regards to the amenity of the surrounding area and future occupants.</p> <p>The proposed development exhibits design excellence.</p>

### Part 7 Local provisions – general

Provision	Compliance	Comment
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils (ASS)	Yes	<p>The site is located on land with class 5 ASS.</p> <p>The application does not propose any works requiring the preparation of an ASS Management Plan.</p>
7.15 Flood planning	Yes	<p>The site is identified as being subject to flooding along Oxford Street frontage of the site.</p> <p>Given the proposed development does not have a frontage to Oxford Street, and the levels to this part of the site have been approved under development consent D/2020/1071 (as modified), the proposal is acceptable with regard to floor planning considerations.</p>
7.19 Demolition must not result in long term adverse visual impact	Yes	<p>While the proposal includes demolition of parts of the existing buildings on the site, it also includes construction of alterations and additions to the subject buildings under the same application.</p> <p>Council planning assessment staff are satisfied that the site will be comprehensively redeveloped under the subject development application.</p>

## Development Control Plans

### Sydney Development Control Plan 2012 (Sydney DCP 2012)

63. An assessment of the proposed development against the relevant provisions within the Sydney DCP 2012 is provided under the following headings and table sections.

#### Section 2 – Locality Statements

##### Section 2.4.10 – Oxford Street, Darlinghurst

64. The site is located within the Oxford Street, Darlinghurst locality as identified in Section 2.4.10 of the Sydney DCP 2012.

65. The proposed development is in keeping with the character and the design principles for the locality in the following manner:

- (a) It assists in maintaining the role of the locality as a regionally significant retail street and local business centre for surrounding neighbourhoods.
- (b) It conserves and complements the significant fabric of the subject heritage items on the site, and responds well to the existing urban context of contributory buildings within the surrounding heritage conservation area.
- (c) It reinforces the established heritage character of narrow shop frontages and maintains the existing footpath awning to Burton Street.
- (d) It assists in maintaining the mix of uses within the locality that contribute to the locality as a retail precinct.
- (e) It maintains a retail premises use at the lower ground floor level of the site.

#### Section 3 – General Provisions

Provision	Compliance	Comment
3.2. Defining the Public Domain 3.2.1 Improving the public domain	Yes	The proposal does not result in any overshadowing impacts to publicly accessible spaces, or impede any views from the public domain to highly utilised public places, parks, Sydney Harbour or heritage buildings and monuments.
3.2.2 Addressing the street and public domain	Yes	The proposed development fronts both Burton Street and Foley Street, maintaining and enhancing the existing points of access into the site, and providing activity to the site's street edges.
3.2.3 Active frontages	Yes	The Burton Street frontage of the site is identified as being required to provide an active frontage on the Active frontages map in the Sydney DCP 2012.

Provision	Compliance	Comment
		The proposed development provides an active frontage to Burton Street in accordance with these requirements.
3.2.4 Footpath awnings	Yes	<p>The site is not mapped on the Footpath awnings and colonnades map in the Sydney DCP 2012 as being required to provide a footpath awning.</p> <p>The proposal maintains the existing footpath awning to the Burton Street frontage of the site.</p>
3.2.7 Reflectivity	Yes	A condition is recommended to ensure that light reflectivity from the proposed development does not exceed 20%.
3.2.8 External lighting	Yes	<p>No external lighting is proposed.</p> <p>Appropriate conditions are included in Attachment A to:</p> <ul style="list-style-type: none"> <li>• Require any under awning illumination to comply with the relevant Australian Standard.</li> <li>• Require future external lighting to be the subject of a separate application.</li> </ul>
3.5 Urban Ecology	Yes	The proposal does not involve the removal of any trees and will not have any significantly adverse impacts on the local urban ecology.
3.6 Ecologically Sustainable Development (ESD)	Yes	Conditions are recommended to ensure that the proposal incorporates appropriate ESD measures.
3.7 Water and Flood Management	Yes	<p>The site is identified as subject to flooding along its frontage to Oxford Street.</p> <p>Refer to the discussion provided in the table section above in relation to Clause 7.15 of the Sydney LEP 2012.</p>

Provision	Compliance	Comment
3.9 Heritage	Yes	<p>The site contains both local and State significant heritage items, is located adjacent to local heritage items, and is located in a heritage conservation area.</p> <p>The buildings on and adjoining the site are identified as contributory buildings on the Building contributions map in the Sydney DCP 2012.</p> <p>The proposed development will not have a detrimental impact on the heritage significance of the subject heritage items, adjoining heritage items, the surrounding heritage conservation area, or the subject and adjoining contributory buildings.</p> <p>Refer to the further assessment provided below in the 'Discussion' section of this report.</p>
3.11 Transport and Parking 3.11.3 Bike parking and associated facilities	Yes	<p>The proposal relies on the bicycle parking facility approved under development consent D/2020/1071 (as modified).</p> <p>A condition is recommended to ensure that any development consent granted by the Local Planning Panel relies upon and is read in conjunction with this consent.</p> <p>The proposal provides end of journey facilities in accordance with the requirements set out in Section 3.11.3 of the Sydney DCP 2012.</p>
3.11.6 Service vehicle parking	Yes	<p>The proposal relies on the servicing and loading arrangements approved under development consent D/2020/1071 (as modified).</p> <p>A condition is recommended to ensure that any development consent granted by the Local Planning Panel relies upon and is read in conjunction with this consent.</p>

Provision	Compliance	Comment
3.12 Accessible Design	Yes	The proposal provides an appropriate level of access and facilities for persons with disabilities.
3.13 Social and Environmental Responsibilities	Yes	<p>The safety and security of the public domain is enhanced by the proposed increase in activity within the site and casual surveillance of the surrounding streets from the development.</p> <p>The proposed development provides adequate passive surveillance and is generally designed in accordance with the 'Crime Prevention Through Environmental Design' (CPTED) principles, and is acceptable on this basis.</p> <p>Subject to a condition included in Attachment A relating to queuing management, the proposed development is acceptable with regard to considerations relating to social and environmental responsibilities.</p>
3.14 Waste	Yes	<p>The proposal relies on the waste management arrangements approved under development consent D/2020/1071 (as modified).</p> <p>A condition is recommended to ensure that any development consent granted by the Local Planning Panel relies upon and is read in conjunction with this consent.</p> <p>Conditions are also recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.</p>
3.15 Late Night Trading Management	Yes	<p>The premises is located in a Late Night Management Area and the use is defined as a category C premises.</p> <p>The proposed hours of operation are between 5am and 3pm, Monday to Sunday inclusive.</p>

Provision	Compliance	Comment
		Category C premises in Late Night Management Areas are permitted base hours of operation, 24 hours per day.
3.16 Signage and Advertising 3.16.1 Signage strategy	Yes	The proposed development includes a projecting wall and window sign.  The proposed signage is consistent with the signage strategy approved under development consent D/2020/1071 (as modified).
3.16.3 General requirements for signage	Yes	The proposed signage is: <ul style="list-style-type: none"> <li>• Compatible with the architecture, materials, finishes and colours of the building and the streetscape.</li> <li>• Positioned in appropriate locations.</li> <li>• Will not detract from the amenity or visual quality of the subject or adjoining heritage items, or surrounding heritage conservation area.</li> <li>• Will not create unacceptable visual clutter.</li> <li>• Will not contain significantly reflective materials, colours or finishes.</li> <li>• Will not incorporate any emissions, whether by sound, vibration or odour.</li> </ul>
3.16.4 Illuminated signage	Yes	A condition is recommended to ensure that the proposed signage is in accordance with the requirements set out in Section 3.16.4 of the Sydney DCP 2012.
3.16.6 Business identification signs and on-premises advertisements 3.16.1 General requirements	Yes	The proposed signage: <ul style="list-style-type: none"> <li>• Is located beneath the height of the footpath awning to the Burton Street frontage of the site.</li> </ul>

Provision	Compliance	Comment
		<ul style="list-style-type: none"> <li>Does not add clutter to the street and building elevation of the site.</li> <li>Is compatible with the architectural elements of the buildings on the site.</li> <li>Has a corporate colour scheme which is compatible with the streetscape and will not detract from the appearance of the buildings.</li> </ul>
3.16.6.4 Projecting wall signs	Acceptable	The proposed projecting wall sign achieves design excellence, is not more than 5 metres above ground level, and is less than 0.5 square metres in area.
3.16.6.8 Window signs and top hamper signs	Yes	The proposed window sign does not interfere with views into and out of the premises, and does not occupy more than a third of the area of the door and window openings of the premises.
3.16.11 Signage related to heritage items and conservation areas	Yes	The design, style, materials, colours, images and lettering of the proposed signage is of high quality and consistent with the heritage style of the subject buildings.

## Section 4 – Development Types

### 4.2 Residential Flat, Commercial and Mixed-Use Developments

Provision	Compliance	Comment
4.2.3 Amenity 4.2.3.11 Acoustic privacy	Yes	<p>The application was referred to the City's Health and Building Unit.</p> <p>The advice provided is that the proposal is acceptable with regard to acoustic privacy considerations, subject to conditions to ensure that appropriate noise control measures are implemented in accordance with those approved under development consent D/2020/1071 (as modified).</p>

Provision	Compliance	Comment
4.2.4 Fine grain, architectural diversity and articulation	Yes	The proposal provides for appropriate fine grain detail and articulation to the premises, which complements the architecture of the group of buildings on the overall site.
4.2.6 Waste and recycling Management	Yes	Conditions are recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.

## Section 5 – Specific Areas

### Section 5.11 – Oxford Street Cultural and Creative Precinct

Provision	Compliance	Comment
5.11.1 Locality statement	Yes	<p>The proposed development achieves and satisfies the outcomes expressed in the locality statement and supporting principles of the precinct in the following manner:</p> <ul style="list-style-type: none"> <li>• It ensures that significant heritage fabric is retained and conserved, and the structural stability of the existing building is maintained.</li> <li>• It reinforces the fine grain pattern of tenancies within the subject set of buildings constructed as a group.</li> <li>• It will activate the public domain along Burton Street and Foley Street, and maintain the existing footpath awning.</li> </ul>
5.11.2 Cultural and creative space	Yes	<p>The proposed development maintains the quantum of cultural and creative floor space approved under D/2020/1071 (as modified).</p> <p>It does not seek to rely upon either the alternative floor space or height available under Clause 6.60D of the Sydney LEP 2012.</p>



Provision	Compliance	Comment
		As such, there is no requirement for the proposal to provide any GFA for a cultural or creative purpose.
5.11.4 Heritage conservation	Yes	<p>The proposal:</p> <ul style="list-style-type: none"> <li>• Retains important structural and heritage significant building fabric.</li> <li>• Has been accompanied by heritage documentation which addresses compliance with the applicable CMP policies.</li> <li>• Relies on development consent D/2020/1071 (as modified), which contains a range of conditions requiring structural engineering solutions to ensure retention of the subject heritage items.</li> </ul> <p>Conditions are recommended to require additional structural certification for the works to the "GA Zink &amp; Sons" building, and to ensure compliance with the conditions of development consent D/2020/1071 (as modified).</p> <p>Refer to the further assessment provided below in the 'Discussion' section of this report.</p>
5.11.5 Built form and design 5.11.5.2 Architectural detail and materials	Yes	<p>The proposed development:</p> <ul style="list-style-type: none"> <li>• Provides high quality materials and fine grain detailing to the subject premises.</li> <li>• Proposes openings which are of an acceptable size within the facade wall areas.</li> </ul>
5.11.5.4 Awnings	Yes	The proposal retains the existing footpath awning to the Burton Street frontage of the site. Conditions are recommended to ensure that it its maintained into the future and to control under awning illumination.

Provision	Compliance	Comment
5.11.6 Active frontages and street level tenancy design	Acceptable	<p>Although the proposal has street frontages exceeding 8 metres to Burton Street and Foley Street, this is acceptable given that this is due to the existing width of the buildings on the site to each street frontage.</p> <p>The proposed floor area of the premises is 404 square metres, which exceeds the maximum area of 300 square metres. This is acceptable however in accordance with the provisions of the applicable control, as the tenancy is within heritage items on the subject site, and at the lower ground floor level, rather than at the main frontage of the site to Oxford Street.</p> <p>The premises provides separate and direct access to Burton Street in accordance with the controls.</p>
5.11.7 Development fronting laneways	Yes	<p>The proposed development has frontage to Foley Street, which is referred to as a 'laneway' in Section 5.11 of the Sydney DCP 2012.</p> <p>The proposal involves a small-scale retail and food and drink premises, which will provide activation to Foley Street.</p> <p>It also includes window openings which will provide for casual surveillance of the public domain along Foley Street.</p>
5.11.8 Servicing and access	Yes	<p>The proposal relies on the servicing and loading arrangements approved under development consent D/2020/1071 (as modified).</p> <p>A condition is recommended to ensure that any development consent granted by the Local Planning Panel relies upon and is read in conjunction with this consent.</p>

## Discussion

### Reliance on development consent D/2020/1071

66. The proposed development relies on development consent D/2020/1071 (as modified) for a range of construction and operational conditions.
67. These conditions include matters relating to:
  - (a) Floor Space Ratio.
  - (b) Deliveries.
  - (c) Bicycle parking.
  - (d) Loading and servicing.
  - (e) Construction management.
  - (f) Heritage conservation.
  - (g) Tree protection.
  - (h) Contamination and the management of hazardous materials.
  - (i) Waste management.
68. A condition is included in Attachment A (Schedule 1, Part A, condition number 2) to ensure that it is clear that a development consent granted by the Local Planning Panel for the proposal is reliant on, must be read in conjunction with, and must comply with the relevant conditions of the above-mentioned development consent.

### Heritage conservation

69. The proposal:
  - (a) Involves works to buildings on the subject site which are identified as items of State and local heritage significance.
  - (b) Is located adjacent to and within proximity to other items of State and local heritage significance.
  - (c) Is located within the Oxford Street heritage conservation area.
70. As such, the proposal is subject to heritage controls under the Heritage Act, 1977, the Sydney LEP 2012 and the Sydney DCP 2012.
71. As discussed elsewhere in this assessment report, General Terms of Approval for the works proposed to the "GA Zink & Sons" building have been received by the City from Heritage NSW, as delegate for the Heritage Council of NSW.
72. The proposed development:
  - (a) Is sympathetic to the existing building forms, respectful of significant heritage fabric and incorporates existing remnant heritage elements.

- (b) Involves relatively minor demolition works limited to fabric of low heritage significance.
  - (c) Retains and conserves all fabric of high and moderate significance, as identified in the CMP, with no significant interventions to remnant intertenancy walls.
  - (d) Exposes existing brick and timber ceiling structure, which is well integrated and celebrated in the proposed internal fit out.
  - (e) Retains all face brick to the Burton Street and Foley Street elevations.
  - (f) Incorporates new contemporary glazing to the facade, including large format windows and a servery, with the existing awning retained.
  - (g) Uses concrete in a contemporary way and internal colours, materials and finishes which are considered to be high quality.
  - (h) Involves works to the facades which facilitate a rationalised entrance to the tenancy, which does not detract from or affect the heritage significance of the buildings.
  - (i) Reactivates the street-level entrance to the lower ground floor level, which ensures fine grain activity is retained on the site.
  - (j) Provides for a compatible use, consistent with the building's significance as part of the broader commercial centre along Oxford Street.
73. The original and amended applications have been reviewed by Council's Heritage Specialist, who supports the proposal subject to the heritage conditions included in Attachment A.
74. The proposal is therefore considered to be acceptable with regard to heritage conservation considerations.

## Consultation

### Internal Referrals

75. The application, as amended on 5 June 2023, was discussed with the City's:
- (a) Building Certification Unit.
  - (b) Cleansing and Waste Unit.
  - (c) Health and Building Unit.
  - (d) Heritage and Urban Design Unit.
  - (e) Transport Planning Unit.
76. The above Units provided advice that the proposal is acceptable, subject to conditions.
77. Where appropriate, these conditions are included in Attachment A.

## External Referrals

### NSW Heritage Council

78. Pursuant to Section 42 of the Environmental Planning and Assessment Regulation, 2021, the application was referred to Heritage NSW on 27 September 2022.
79. In accordance with Section 4.47 of the Environmental Planning and Assessment Act, 1979, General Terms of Approval to the proposal were granted by Heritage NSW (as delegate for the Heritage Council of NSW) on 7 March 2023.
80. These terms were updated on 21 July 2023 to reflect the amended application received by the City on 5 June 2023, and have been included in Schedule 3 of Attachment A.

## Advertising and Notification

81. The application is integrated development, and the application was placed on public exhibition between 28 September 2022 and 27 October 2022, in accordance with Schedule 1 of the Environmental Planning and Assessment Act, 1979.
82. A total of 1,109 properties were notified of the proposed development.
83. No submissions were received by the City in relation to the application, either during or after the period of public exhibition.
84. The amended application received on 5 June 2023 was not required to be placed on public exhibition under the provisions of Schedule 1 of the Environmental Planning and Assessment Act, 1979, or under the relevant provisions of the City of Sydney Community Participation Plan, given that the amendments do not result in significant additional environmental impacts.

## Financial Contributions

### Contribution under Section 7.11 of the Environmental Planning and Assessment, Act 1979

85. The development is subject to a Section 7.11 development contribution of \$3,414.04 under the provisions of the City of Sydney Development Contributions Plan 2015.
86. The calculation for the contribution is based on the 88.2 square metres of food and drink premises gross floor area proposed to the lower ground floor level of the building at 56 Oxford Street, Darlinghurst.
87. Credits have been applied for the 65 square metres of gross floor area for the most recent approved use of the lower ground floor level of the building at 56 Oxford Street, Darlinghurst as a food and drink premises (cafe).
88. A condition relating to this development contribution has been included in the conditions of consent in Attachment A.
89. The condition requires the contribution to be paid prior to the issue of a construction certificate.

90. It should be noted that a Section 7.11 contribution is required to be paid under development consent D/2020/1071 (as modified) for the use of the lower ground floor level of the building at 58-60 Oxford Street, Darlinghurst for the subject development.
91. These contributions may be offset in accordance with the terms of the Voluntary Planning Agreement between the Council of the City of Sydney and AM Darlinghurst Investment Pty Ltd.

### **Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012**

92. The site is located on residual land and involves alterations to an existing building that will result in the creation of less than 60 square metres of gross floor area that is intended to be used for a purpose other than residential accommodation.
93. Section 7.13 of the Sydney LEP 2012 does not apply to the proposed development as a result.

### **Relevant Legislation**

94. Environmental Planning and Assessment Act 1979.
95. Heritage Act 1977.

### **Conclusion**

96. The application seeks consent for the fit out and use of parts of the lower ground floor level of the building at 56-78 Oxford Street, Darlinghurst, for cafe, retail and bakery uses, with associated alterations, signage and ancillary office, end of journey and meeting room areas.
97. The proposal was amended to address Heritage NSW and Council's concerns relating to the significance grading of heritage building fabric, the extent of demolition, changes to bicycle parking facilities, gross floor area, waste management, shopfront and signage design, and tenancy fit out details.
98. The proposal, as amended and subject to conditions, is appropriate in its setting and is generally compliant with the relevant planning controls in the Sydney LEP 2012 and the Sydney DCP 2012.
99. The proposed development is compliant with the applicable building height and floor space ratio controls. Further, the potential impacts on the heritage significance of the subject and adjoining heritage items and the Oxford Street heritage conservation area are generally acceptable, subject to conditions.
100. The proposal will improve the interface between the private and public domain and exhibits design excellence in accordance with Clause 6.21 of the Sydney LEP 2012. The development does not pose any significant or unreasonable impacts upon the existing or likely future development surrounding the site.
101. The proposal will provide for a new retail premises land use on a site which is accessible to existing and planned employment, services, public transport infrastructure and community facilities.

102. Subject to the recommendation of this report, and the imposition of the conditions in Attachment A, the proposal responds appropriately to the site constraints and contributes positively to the existing and desired future character of the locality.

**ANDREW THOMAS**

Executive Manager Planning and Development

David Reynolds, Area Coordinator