

Item 5.**Modification Application: 58-78 and 82-106 Oxford Street, Darlinghurst - D/2020/1071/C****File No.:** D/2020/1071/C**Summary****Date of Submission:** 10 February 2023, further information was supplied 26 May 2023 and 2 August 2023**Applicant:** Daniel Litchfield**Architect/Designer:** FJMT Studio**Owner:** The Council of the City of Sydney**Planning Consultant:** Jethro Yuen - Ethos Urban**Heritage Consultant:** Paul Davies Pty Ltd**Cost of Works:** \$44,085,318**Zoning:** The site is located in the E1 Local Centre zone.

The proposal includes modifications to a mixed-use development, comprising office premises, retail premises, food and drink premises and a community facility, all of which are permissible with development consent in the zone.

Proposal Summary: The application seeks consent for a section 4.55(2) modification to the approved mixed-use development currently under construction at 82-106 Oxford Street, Darlinghurst.

The proposed changes include internal amendments comprising floor level adjustments, layout reconfiguration and redistribution of floor space, shopfront modifications, a minor roof change to accommodate a new internal lift core, and new and modified external openings, including deletion of an approved loading dock door. Resultant changes to select conditions are also proposed.

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 proposed modifications do not result in any change to the previously approved height of the building (24.95 metres) and the development maintains compliance with the alternative maximum height control of 25 metres under Clause 6.60D of the Sydney Local Environmental Plan 2012.

The proposed modifications include a redistribution of a portion of approved end of journey floor space and storage space to retail floor space. The amended proposal results in an overall floor space ratio of 4.29:1, including 0.18:1 end of journey floor space, which complies with the alternative floor space ratio (FSR) standard of 4.5:1 under Clause 6.60D of the Sydney Local Environmental Plan 2012.

It is noted that the requirements of Clause 6.60D, to dedicate an additional 10% of the floor area resulting from the development to cultural and creative purposes, have been fulfilled by the granting of development consent D/2020/1071 by the Local Planning Panel. The proposed modification continues to maintain an additional 10% of the floor space for cultural and creative purposes.

The modification application was notified between 23 March 2023 and 7 April 2023. One (1) submission was received which raised concerns regarding impacts from the originally approved building design including heritage impacts, overshadowing and noise.

Following a preliminary assessment of the application, further information was requested regarding changes to the heritage ceiling and the proposed removal of the loading dock.

Amended information, including a heritage statement relating to the heritage ceilings, an amended ceiling drawing and a Traffic Engineering Analysis Letter was provided by the applicant on 26 May 2023 to address the matters raised above. Additional information and plans were provided on 2 August 2023 to provide further clarification regarding floor space distribution.

Subject to the amended conditions, the proposed modified development is substantially the same as previously approved and comprise a satisfactory response to the site conditions and locality.

The modifications are generally acceptable with regard to the applicable planning controls of the Sydney Local

Environmental Plan 2012 and the Sydney Development Control Plan 2012.

The conditioned proposal results in an overall form and scale that achieves the desired future character of the area and exhibits design excellence.

Summary Recommendation: The modification 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) State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)
 - (iii) State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP)
 - (iv) State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)
 - (v) Sydney Local Environmental Plan 2012 (Sydney LEP 2012)
 - (vi) Sydney Development Control Plan 2012 (Sydney DCP 2012)
 - (vii) City of Sydney Guidelines for Waste Management in New Developments
 - (viii) City of Sydney Development Contributions Plan 2015
 - (ix) City of Sydney Community Engagement Strategy and Participation Plan

- Attachments:**
- A. Recommended Conditions of Consent
 - B. Selected Drawings

Recommendation

It is resolved that consent be granted to Section 4.55 Application Number D/2020/1071/C subject to the amendment of the conditions in Attachment A (with modifications shown in ***bold italics*** (additions) and ~~striketrough~~ (deletions)).

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The development, as modified, is substantially the same development as that originally approved and is consistent with Section 4.55(2)(a) of the Environmental Planning and Assessment Act, 1979.
- (B) The proposal is consistent with the aims, objectives and relevant provisions of the Sydney Local Environmental Plan 2012 and the Sydney Development Control plan 2012 for the reasons set out in the report.
- (C) The modified development is consistent with the objectives of the E1 Local Centre zone.
- (D) The development, as modified, is consistent with the reasons given for the development as originally approved in accordance with Section 4.55(3) of the Environmental Planning and Assessment Act, 1979.
- (E) The development, as modified, is in the public interest.

Background

The Site and Surrounding Development

1. The overall development site comprises two building groups on the northern side of Oxford Street in Darlinghurst, between Oxford Square and Palmer Street in Darlinghurst. The buildings are identified as Group 1 (56-78 Oxford Street) and Group 2 (82 - 106 Oxford Street).
2. 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 circa 1909. The subject buildings are an example of Federation Freestyle architecture and make an important contribution to the streetscape and locality. The buildings are owned by the City of Sydney Council but are part of a 99 year lease until the year 2118.
3. The subject modification relates to the Group 2 building site, which has a legal description of Lot 1 DP 815188, and is known as 82 - 106 Oxford Street, Darlinghurst. The site is irregular in shape, with an area of approximately 1,668 square metres and comprises an entire block bound by Foley Street to the north, Palmer Street to the east, Oxford Street to the south and Crown Street to the west.
4. The Group 2 site contains a part three storey, part four storey brick building which was constructed between 1912 and 1914. New works to the building are currently being undertaken in accordance with development consent D/2020/1071, as modified.
5. The surrounding area is characterised by a mixture of land uses, primarily being commercial and residential.
6. To the north-west of the site, across Foley Street is a three-storey mixed use building with the Shady Pines bar on the ground floor. To the north-east of the site, at 265 Palmer Street, is a six-storey residential flat building.
7. To the east of the site is Sydney Wattle Hotel at 108 Oxford Street, which is a three-storey boutique hotel.
8. To the south of the site is a row of two to four storey retail and commercial buildings on the southern side of Oxford Street. Further to the south are existing terrace houses.
9. To the west of the site, across Crown Street is 78 Oxford Street, which is a three-storey triangular corner lot mixed use building. Further to the east is Group 1.
10. The site is a local heritage item I392 known as 'Former Oxford Street Municipal Chambers including interior'. It is located within the Oxford Street heritage conservation area (C17). The site is identified as a contributing building.
11. The site is located within the Oxford Street, Darlinghurst locality and is identified as being subject to flooding.
12. Site visits were carried out on the 26 April 2023. Photos of the site and surrounds are provided below:



Figure 1: Aerial view of the site and surrounds



Figure 2: The site viewed from Oxford Street



Figure 3: The site viewed from the corner of Palmer Street and Oxford Street



Figure 4: The site viewed from the corner of Crown Street and Oxford Street



Figure 5: View towards the site from Foley Street



Figure 6: Internal view of level 2 of the subject building looking north-west



Figure 7: View west across Crown Street towards 80 Oxford Street and Group 1 beyond



Figure 8: View east from Crown Street towards adjoining mixed use building at 256 Crown Street

History Relevant to the Development Application

Development Applications

13. The following applications are relevant to the current modification proposal:
- **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 for mixed use development and associated signage strategy. The proposed uses include retail premises, food and drink premises, and tenancies for cultural and creative uses on the lower ground and ground levels, and commercial offices on the levels above. The deferred commencement conditions were satisfied on 24 August 2022 and the consent was activated.
 - **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.
 - **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.
 - **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.
 - **D/2020/1071/D** – A Section 4.55(1) modification application was approved under staff delegation subject to conditions on 10 July 2023. The approved modification included internal amendments and reconfiguration, shopfront modifications, new and modified external openings and minor amendments to roof plant of the Group 1 buildings.

Amendments

14. Following a preliminary assessment of the proposed development by Council Officers, a request for additional information was sent to the applicant on 18 April 2023. Further information was requested regarding changes to the heritage ceiling and the proposed removal of the loading dock.
15. The applicant responded to the request on 26 May 2023, and submitted a heritage statement relating to the proposed change to the heritage ceilings, an amended ceiling drawing and a Traffic Engineering Analysis Letter relating to the removal of the loading dock.

Proposed Development

16. The proposed modifications to the building design are generally summarised as follows:
 - Relocation of lift shafts to retain the adjacent existing brickwork dividing / party walls previously approved to be demolished.
 - Relocation of the majority of fire stair shafts to retain the adjacent existing brickwork dividing / party walls that were previously approved to be demolished.
 - Rearrangement of services and amenities to enable the lift and fire stair shaft relocations.
 - Removal of the previously approved loading dock and dock door along Foley Street and conversion of this space to a receiving dock.
 - Modification of heritage ceilings to enable the lift and fire stair shaft relocation and incorporate heritage elements found following investigative demolition.
 - Modification of Oxford Street shopfront alignments to reinstate heritage shopfronts based on evidence of the original alignments and detailing found following investigative demolition.
 - Modification of Foley Street shopfronts to provide the operability of fold up glazed windows of the original design without encroaching over the site boundary.
 - Modification of end of journey amenities, including use of some double-stacked bicycle storage and the addition of five additional staff bicycle parking spaces and six additional visitor bicycle parking spaces.
 - Redistribution of floor space from previously approved end of journey floor space and storage to retail floor space and reallocation of cultural and creative floor space.
 - Retention of some original Level 2 corridor north and south wall panels for reuse in subsequent tenancy fit outs.
 - Modification of openings in Level 1 walls to accommodate access to the required accessible platform lift.
 - Minor modifications to the building structure as a result of design development.
 - Minor adjustments to services shafts as a result of design development.
17. The proposed modifications to the approved conditions are summarised as follows:
 - Modification of deferred commencement Condition 2(a) Cultural and Creative Floor Space to reduce the amount of approved additional cultural and creative floor space by 0.9 square metres, from 717 square metres to 716.1 square metres (to reflect 10% of the amended overall gross floor area of the building).

- Modification of Condition 7(a) Floor Space Ratio - All Other Areas to decrease the gross floor area (GFA) by 11 square metres from 4.3:1 to 4.29:1 FSR, and from 7,172 square metres to 7,161 square metres GFA.
- Modification of Condition 8 Restriction of End of Journey Floor Space to reduce the area of approved end of journey floor space from 500.4 square metres to 293.48 square metres.
- Deletion of Condition 35 (b) External Design Modifications - Windows - Group 2 to allow the proposed replacement of the existing steel-framed windows to Crown Street.
- Deletion of Conditions 46(a)(i)a and 46(a)(i)e Interior Design Modifications - Lightwells - Group 2 to reflect the removal of lightwell nibs.
- Modification of Condition 47(a)(iv) Interior Design Modifications - Level 1 Corridor - Group 2 to add the words 'except for the timber partitions to the east of gridlines 5 and 6'.
- Modification of Condition 88 Bicycle Parking and End of Trip Facilities to increase the number of staff bicycle parking spaces by five and the number of visitor spaces by six.
- Deletion of conditions relating to the loading dock including Condition 85 Allocation of parking, Condition 94 On-site loading operation, Condition 86 Car parking design, and Condition 87 Vehicle access.
- Modify Condition 56 Design Details and Condition 95 Loading dock use and operation to replace reference to 'loading dock' with 'receiver dock'.

18. Plans and elevations of the proposed development are provided below.

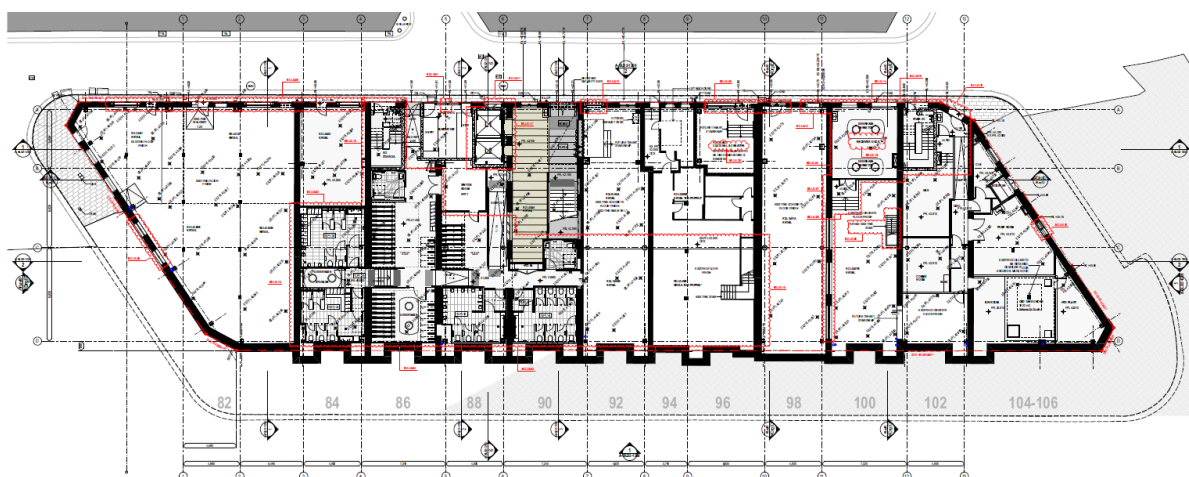


Figure 9: Proposed lower ground floor plan

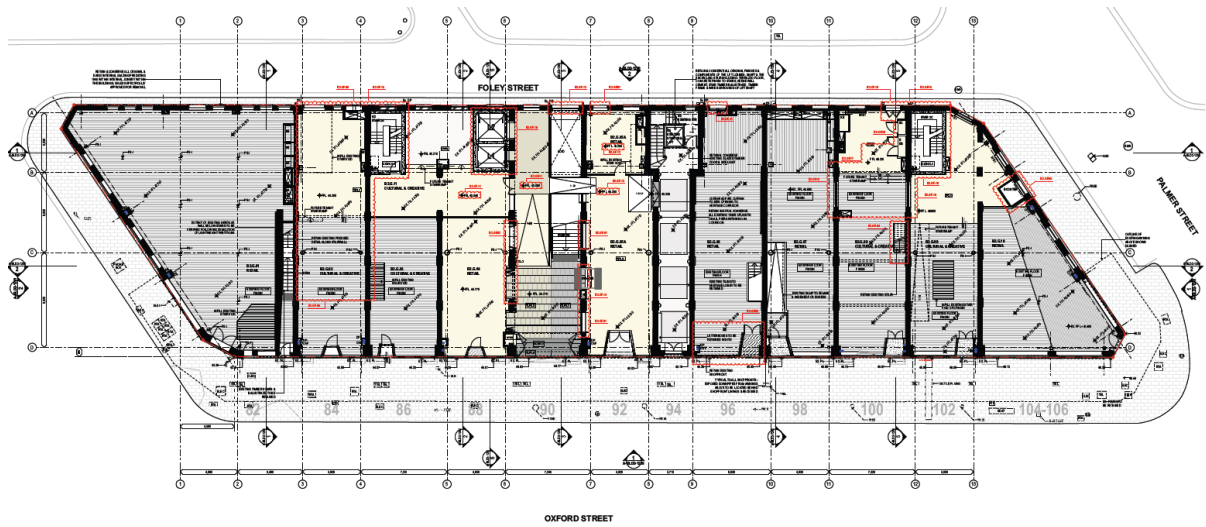


Figure 10: Proposed ground floor plan

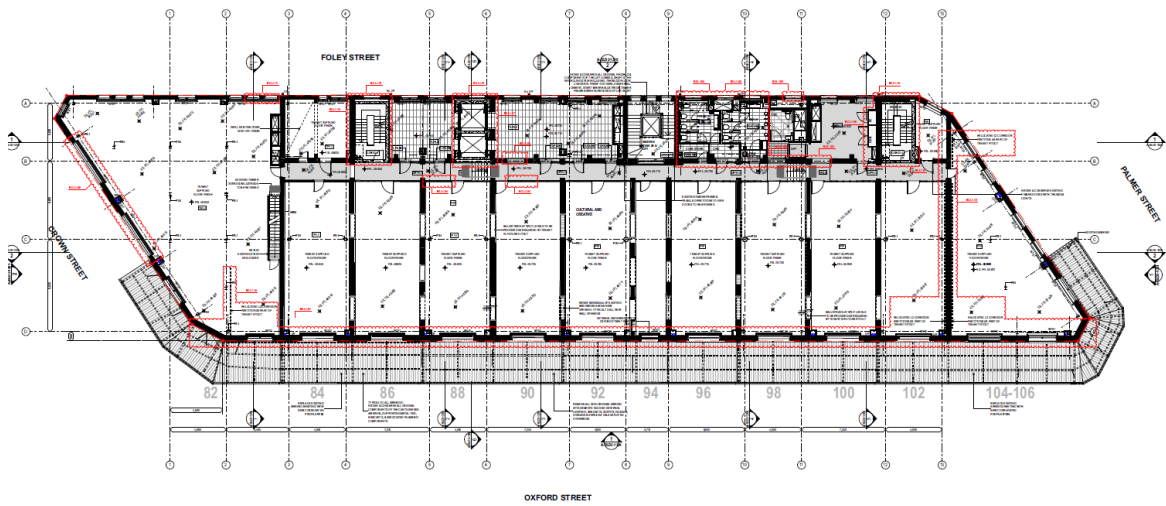


Figure 11: Proposed level 1 floor plan



Figure 12: Proposed level 2 floor plan



Figure 13: Proposed level 3 - terrace floor plan

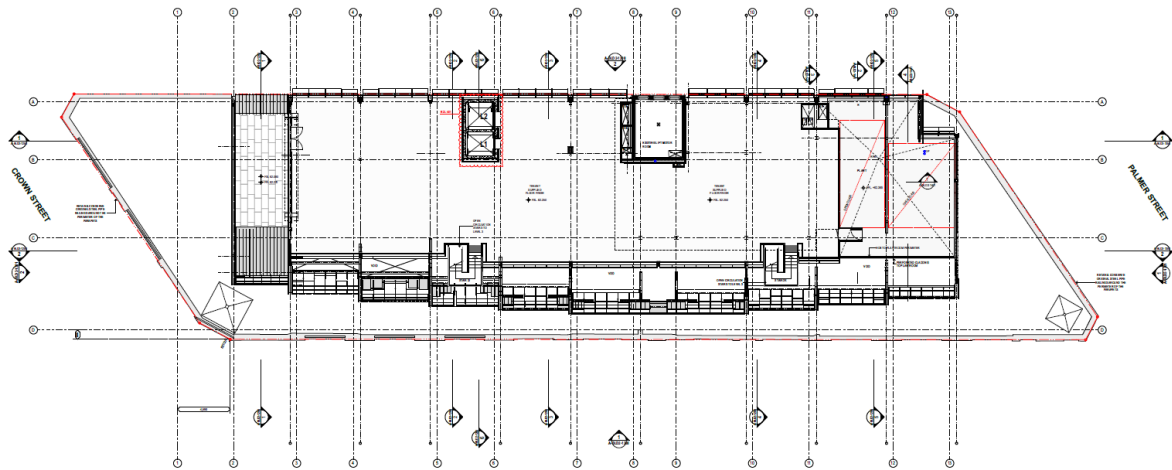


Figure 14: Proposed level 4 - mezzanine floor plan

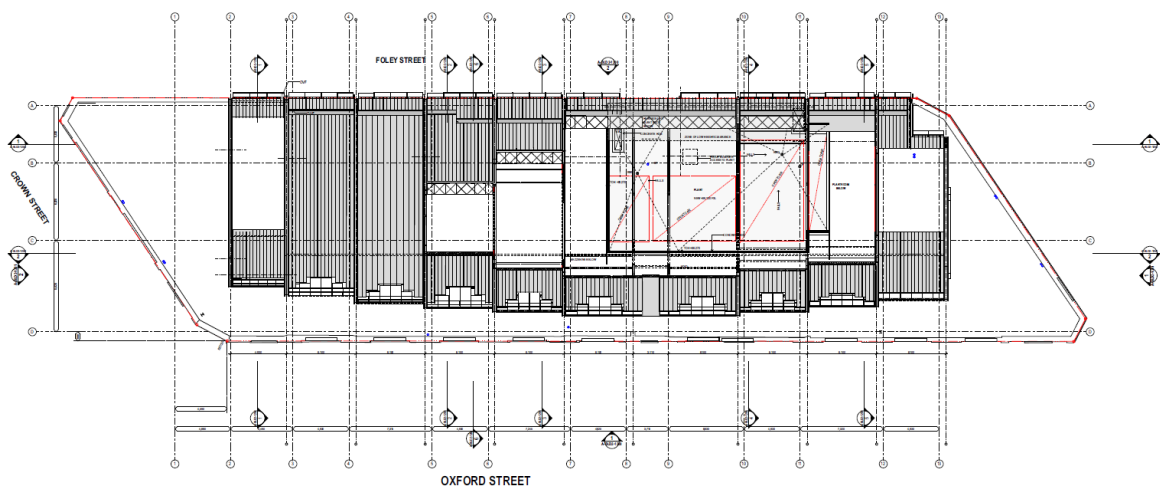


Figure 15: Proposed plant plan

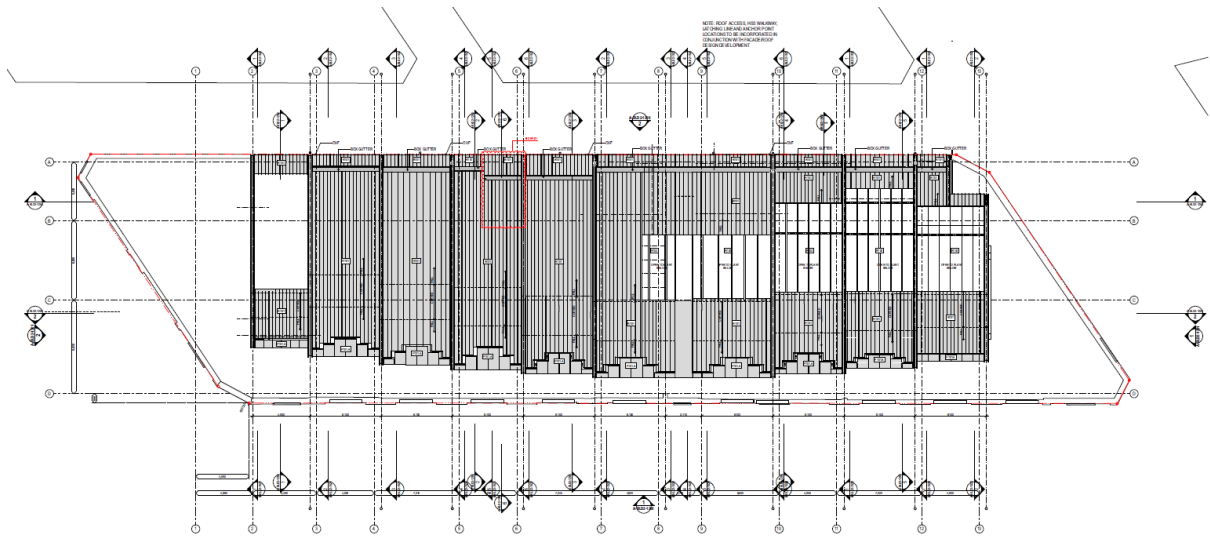


Figure 16: Proposed roof plan



Figure 17: Proposed ground floor reflected ceiling plan

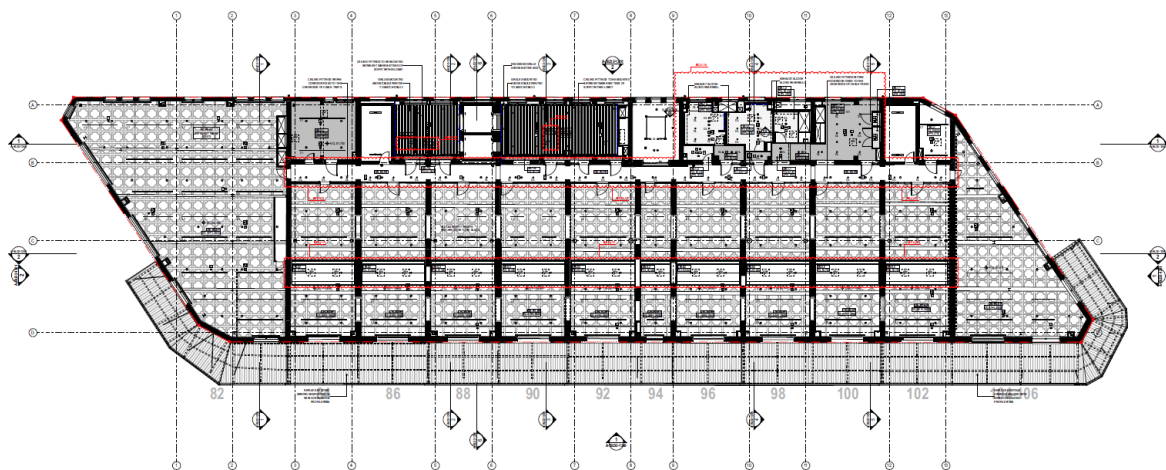


Figure 18: Proposed level 1 reflected ceiling plan

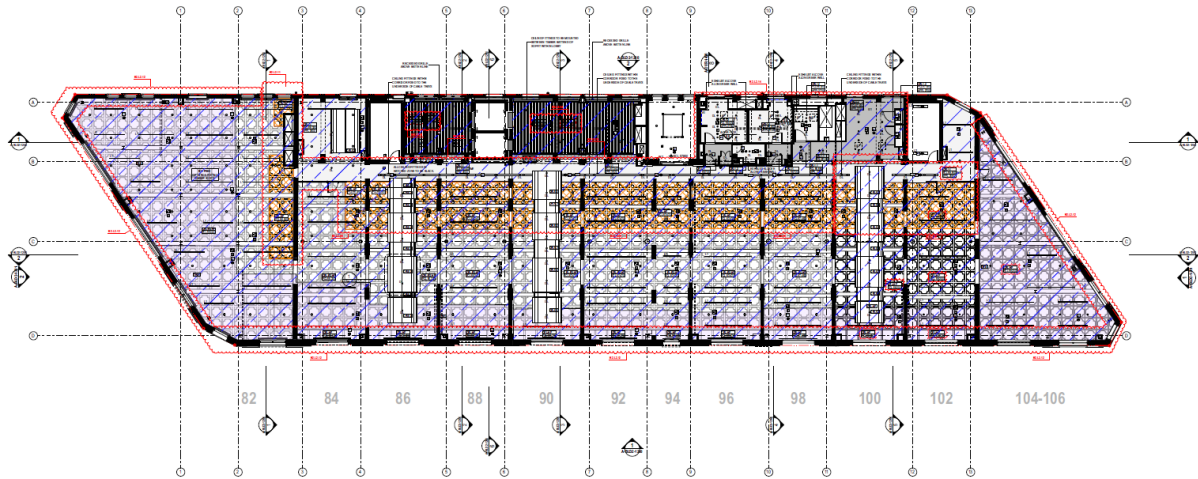


Figure 19: Proposed level 2 reflected ceiling plan

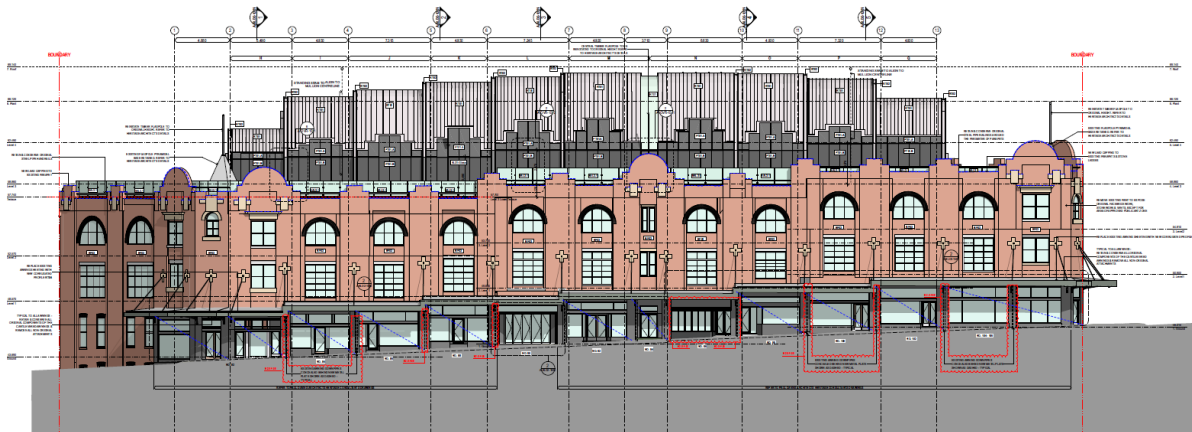


Figure 20: Proposed Oxford Street elevation



Figure 21: Proposed Foley Street elevation

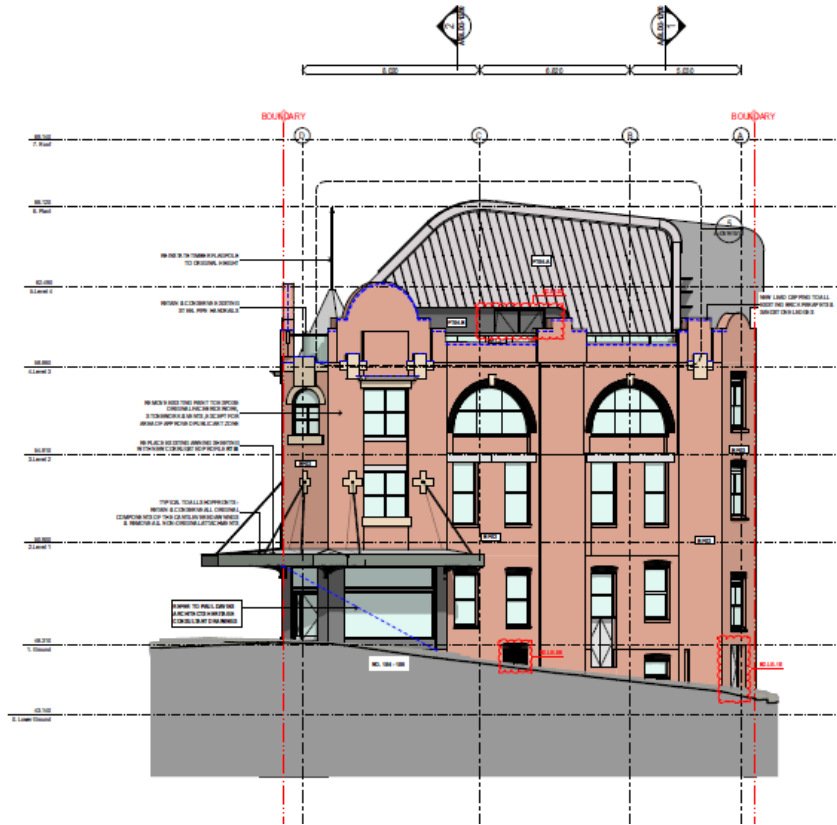


Figure 22: Proposed Palmer Street elevation

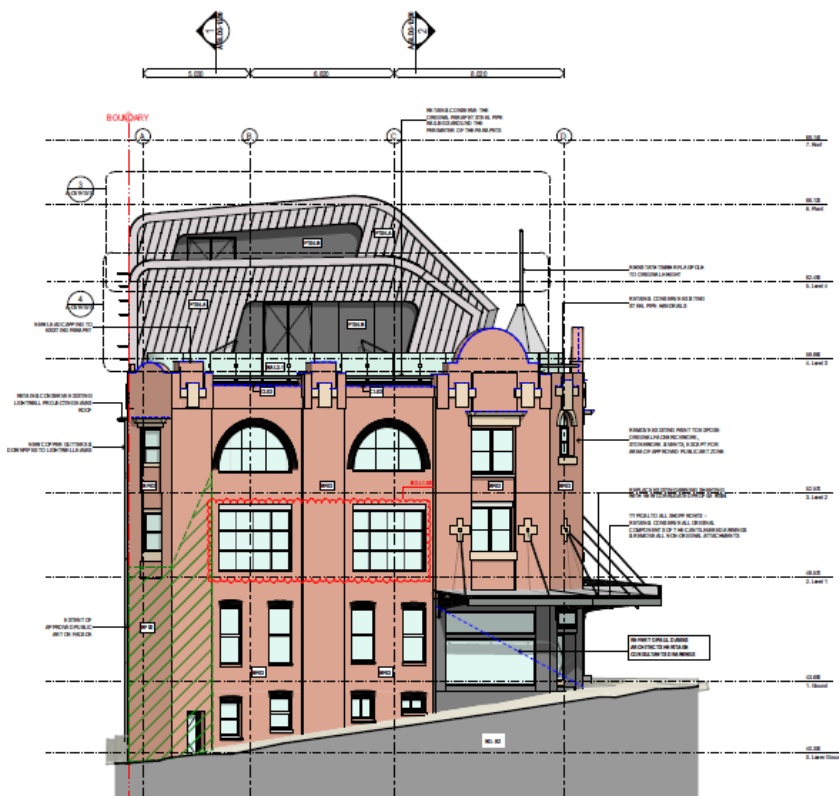


Figure 23: Proposed Crown Street elevation



Figure 24: Proposed Oxford Street window elevation



Figure 25: Proposed Foley Street window elevation

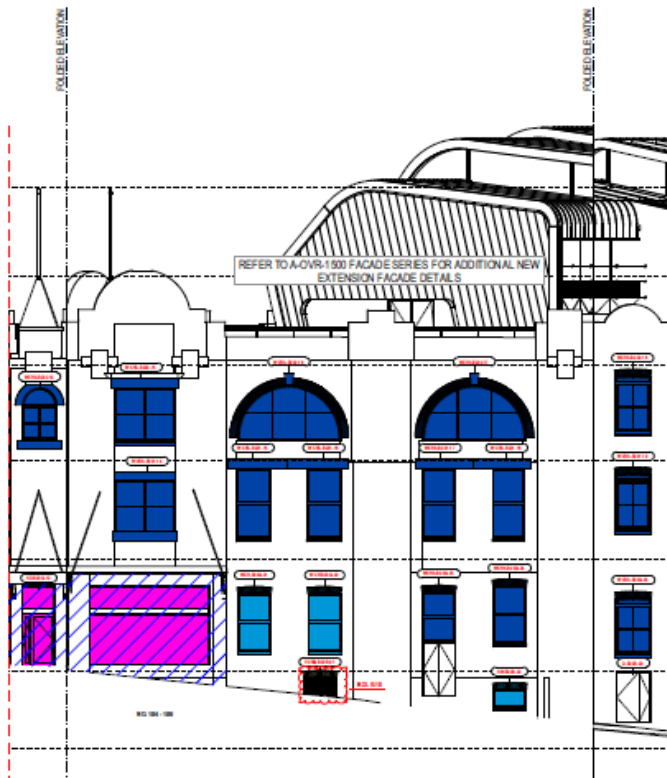


Figure 26: Proposed east folded window elevation

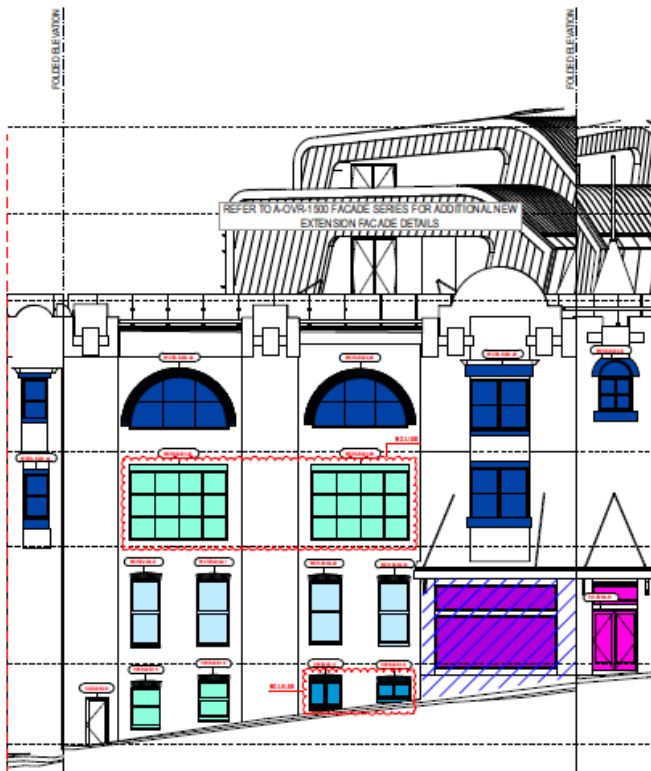


Figure 27: Proposed west folded window elevation



Figure 28: Proposed Foley Street shopfront details elevation

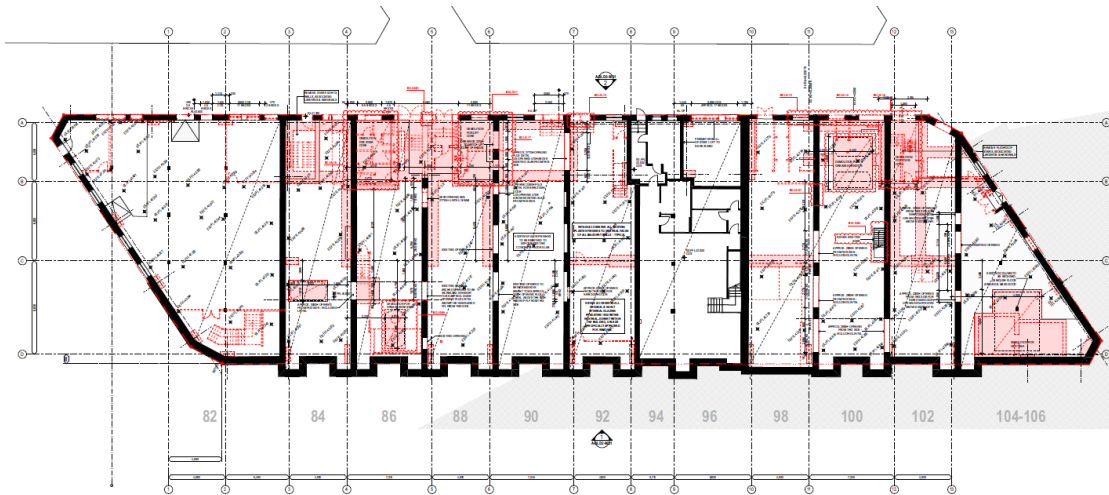


Figure 29: Proposed lower ground demolition plan

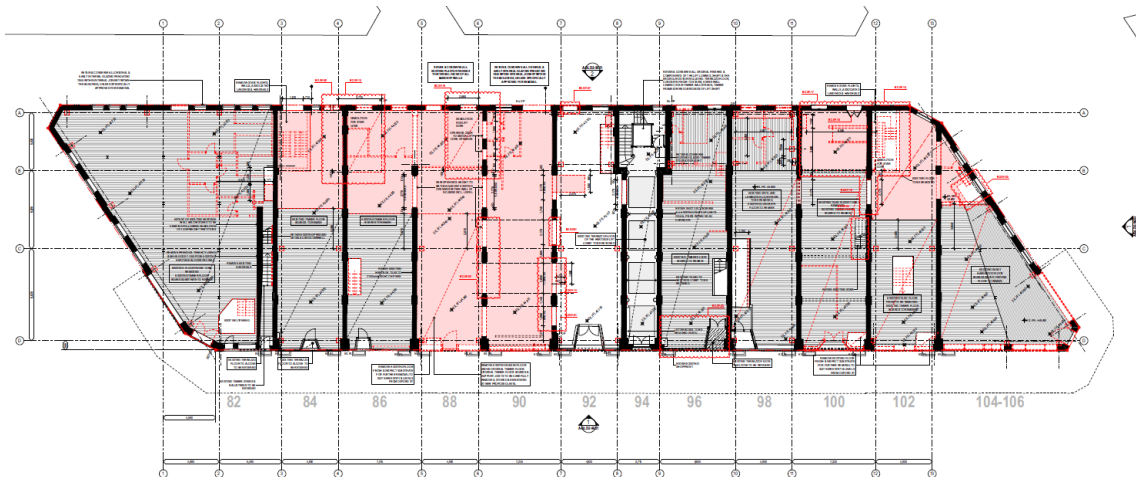


Figure 30: Proposed ground floor demolition plan

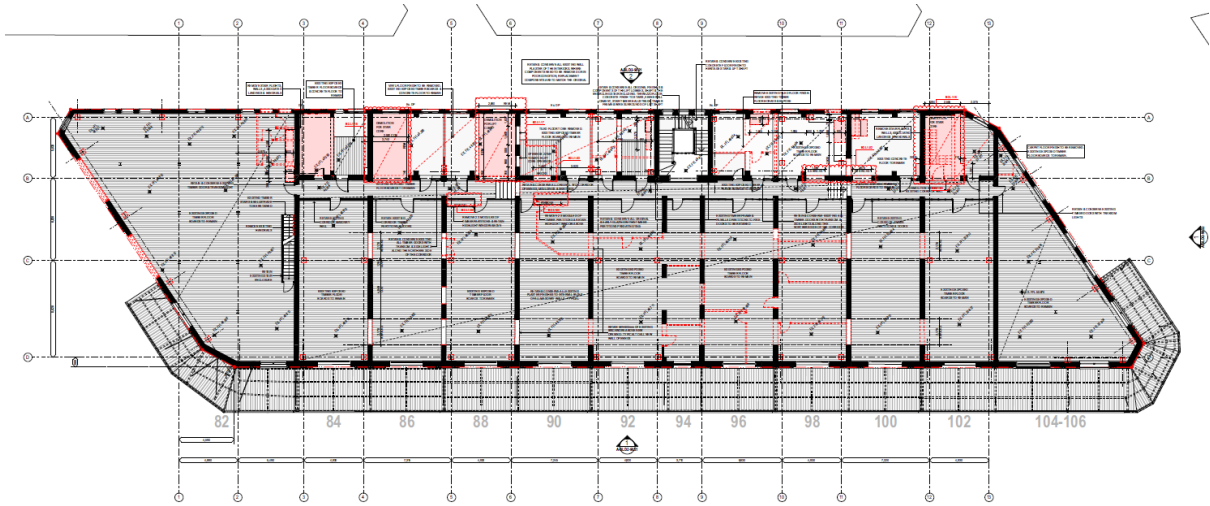


Figure 31: Proposed level 1 demolition plan

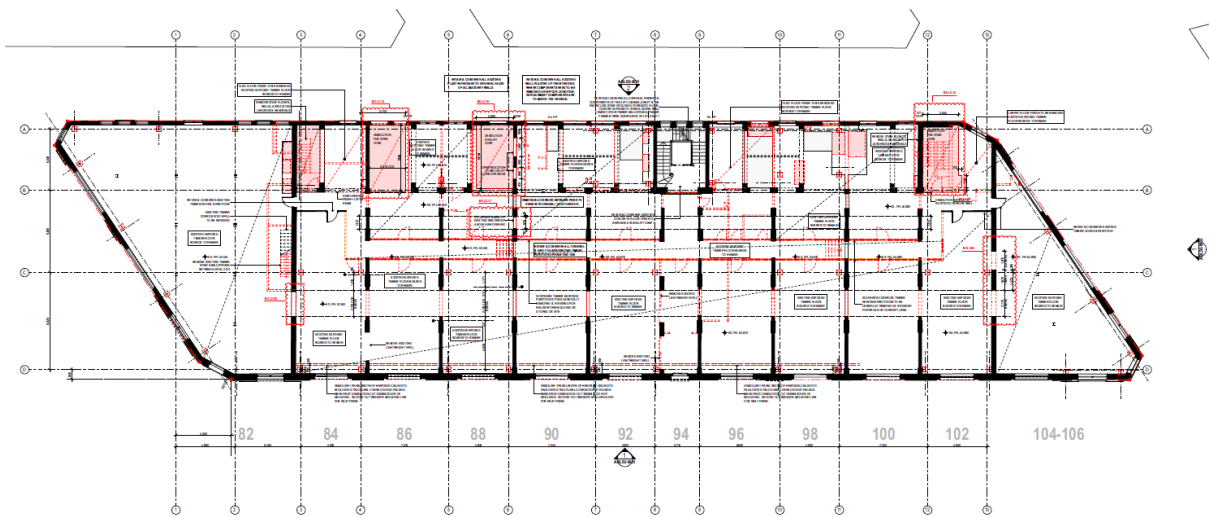


Figure 32: Proposed level 2 demolition plan

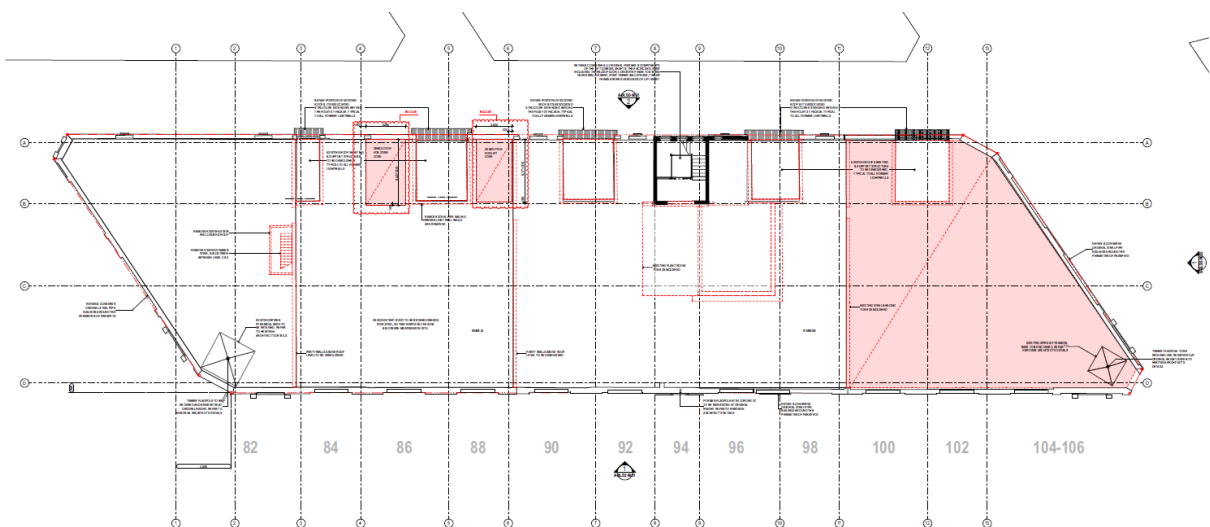


Figure 33: Proposed level 3 demolition plan - terrace

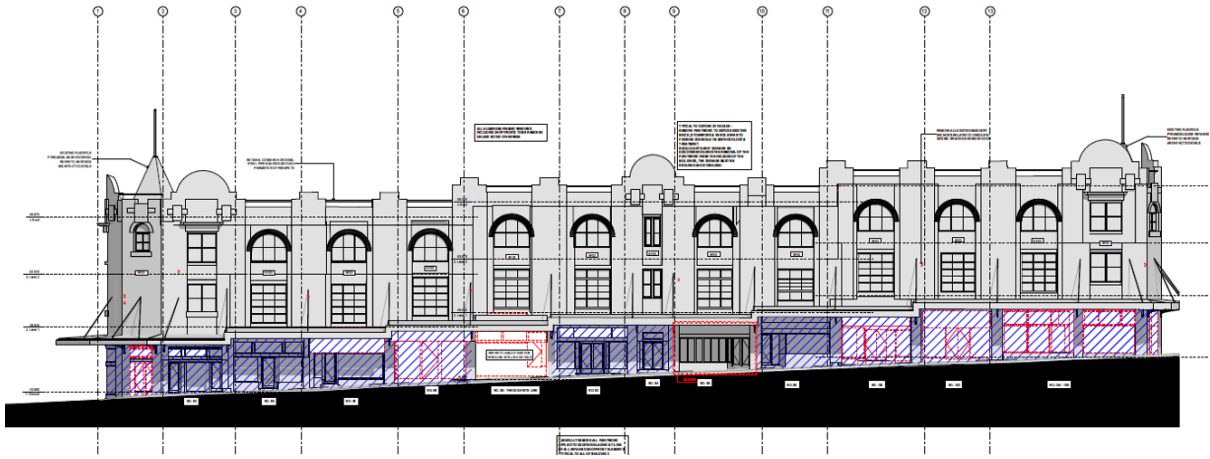


Figure 34: Proposed Oxford Street demolition elevation



Figure 35: Proposed Foley Street demolition elevation

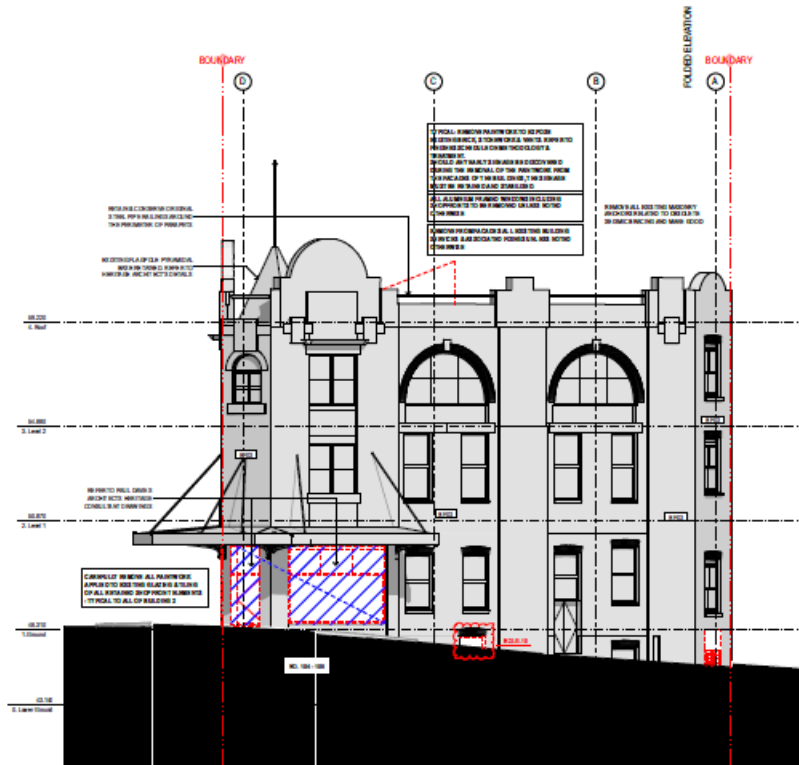


Figure 36: Proposed Palmer Street demolition elevation

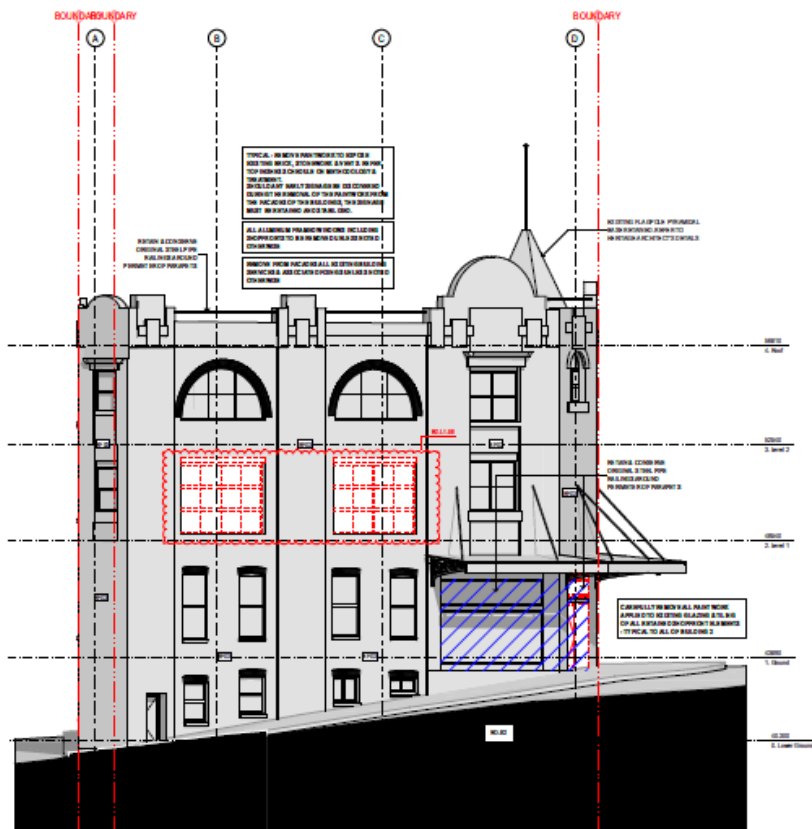


Figure 37: Proposed Crown Street demolition elevation

Assessment

- 19. Comparison diagram extracts demonstrating the differences between the approved development (shown with a green outline) and the proposed modifications (shown clouded in red with red labels) are reproduced in the figures provided below.

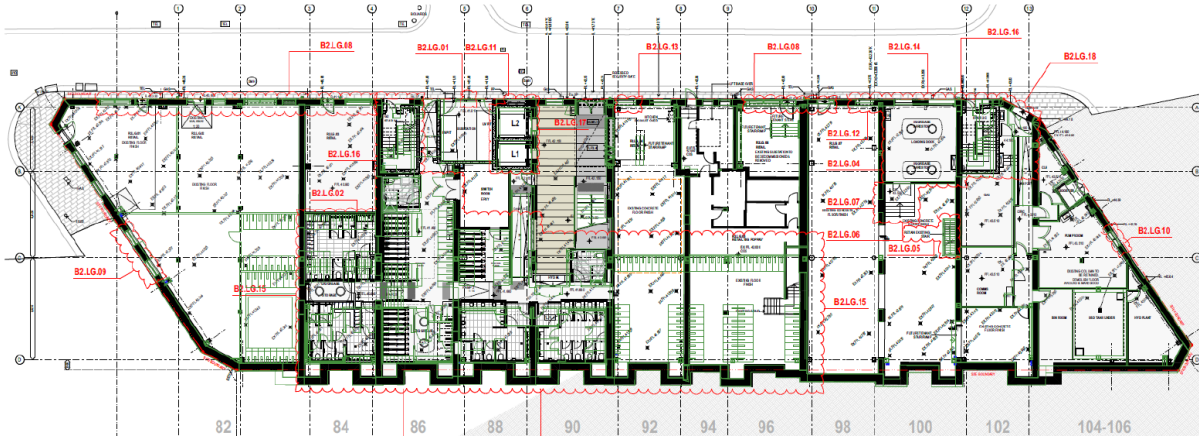


Figure 38: Comparison between the approved lower ground floor level and the proposed lower ground level showing reconfigured End of Journey and bicycle parking, removal of loading dock door, removal of storage area, window modifications and new lift core location

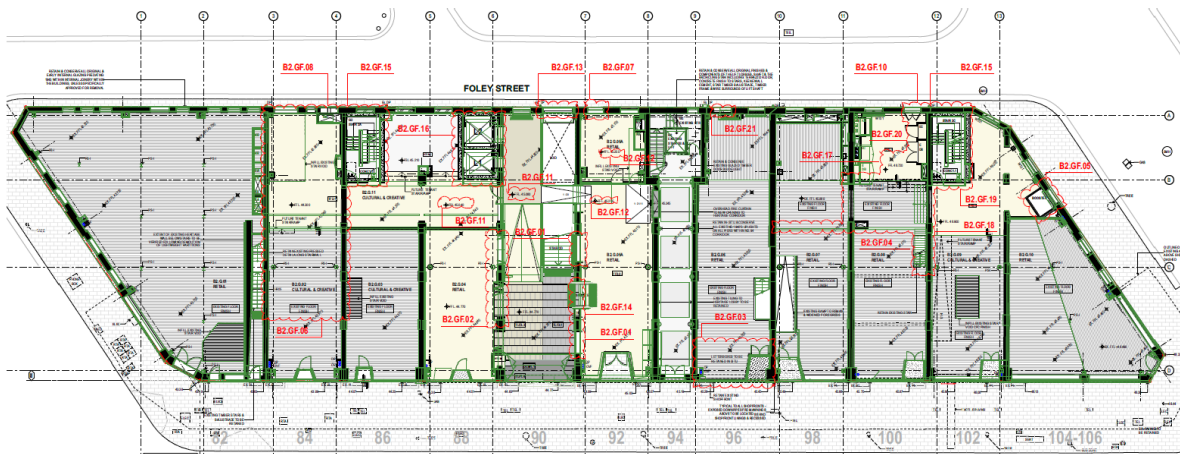


Figure 39: Comparison between the approved ground floor level and the proposed ground level showing booster to Palmer Street, new lift core location, reconfigured cultural and creative space and window modifications

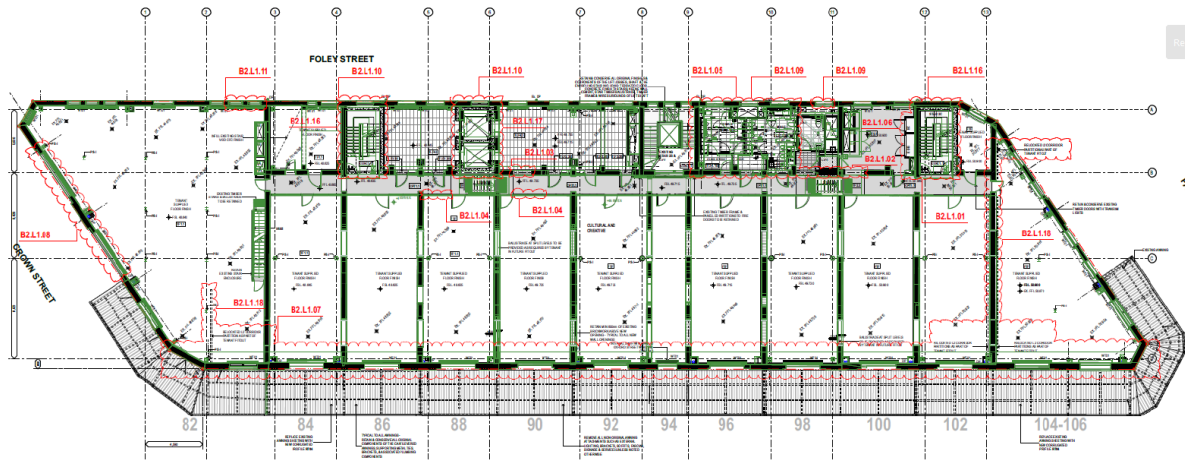


Figure 40: Comparison between the approved level 1 floor plan and the proposed level 1 floor plan showing removal of eastern lightwell ribs, new internal openings, revised bathroom layout, retention of stair 2A and 2C and new lift core location

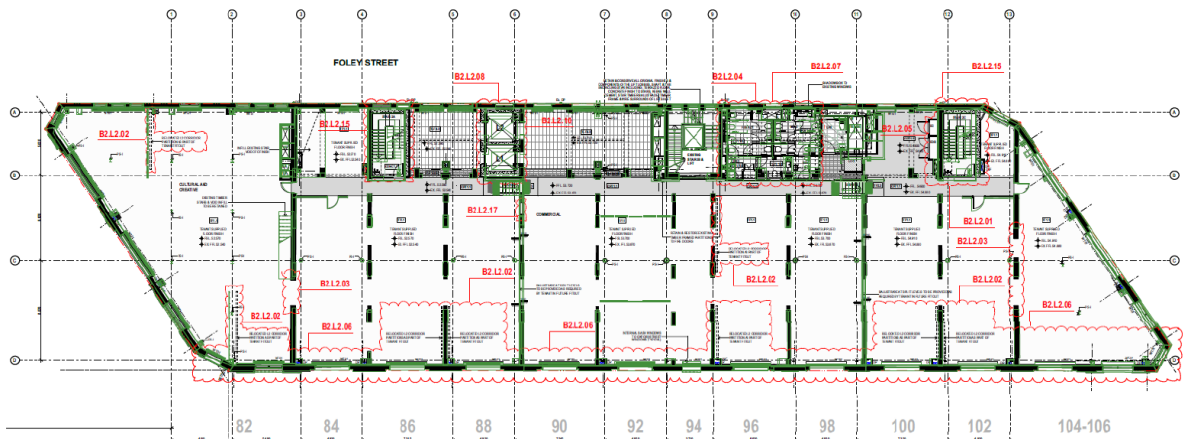


Figure 41: Comparison between the approved level 2 floor plan and the proposed level 2 floor plan showing removal of eastern lightwell ribs, new internal openings, window modifications and new lift core location

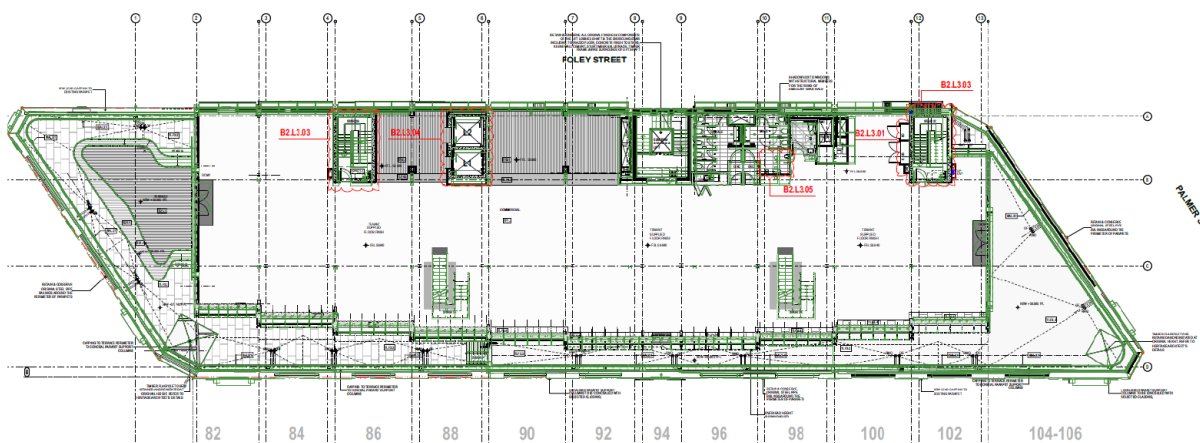


Figure 42: Comparison between the approved level 3 floor plan and the proposed level 3 floor plan showing change to external slab, revised bathroom layout and new lift core location

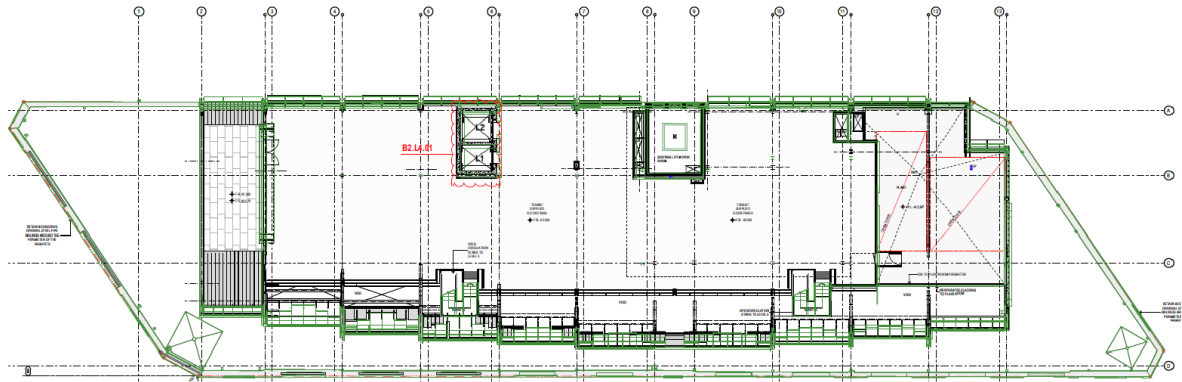


Figure 43: Comparison between the approved level 4 floor plan and the proposed level 4 floor plan showing the adjusted dimension and location of the new lift core in line with the levels below

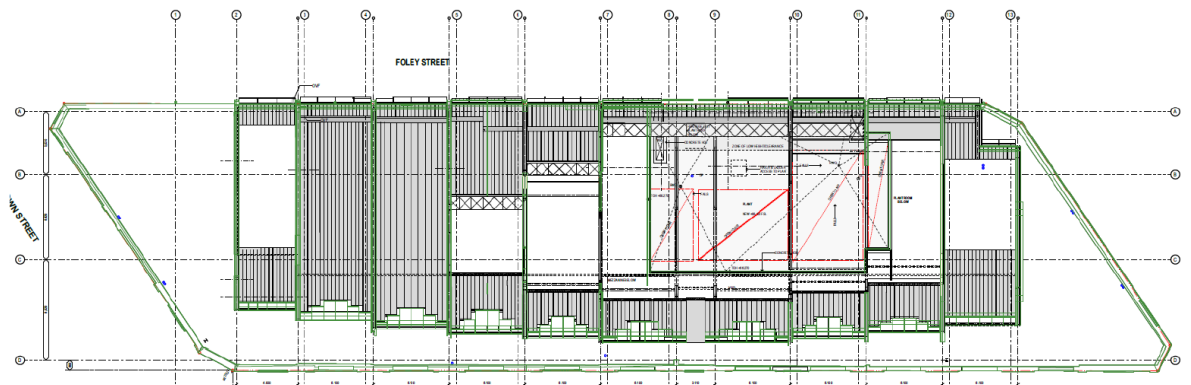


Figure 44: Comparison between the approved plant level and the proposed plant level showing adjustments as a result of the new lift core location

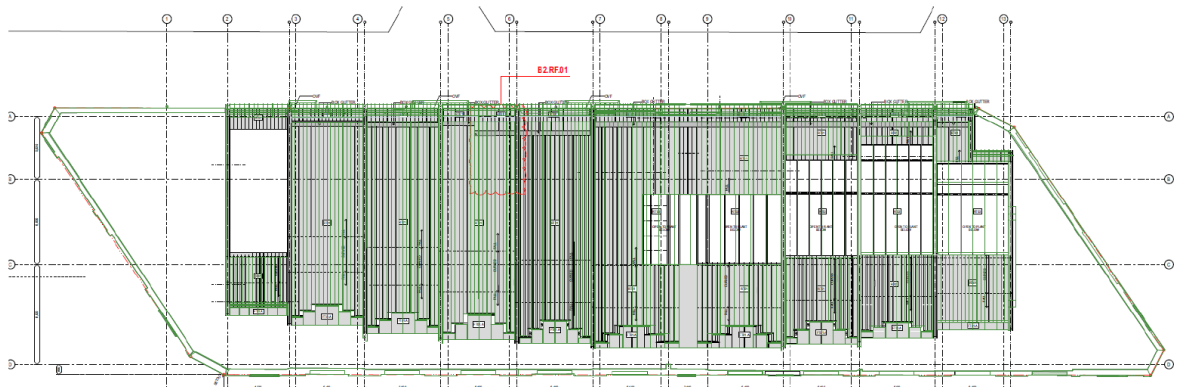


Figure 45: Comparison between the approved roof plan and the proposed roof plan showing the changed form as a result of the new lift core location

20. A detailed assessment of all proposed modifications is provided in the table and sections below.

Drawing references and condition amendments	Proposed modifications and applicant's submission	Assessment
Lower ground		
B2.LG.01	Remove the existing pier at gridline 5 on the Foley Street elevation to meet Ausgrid substation requirements.	This change has been reviewed by the City's Heritage Specialist who advised that the removal of the pier will have a minor heritage impact and is acceptable.
B2.LG.02	Reduction of end of journey floor area with some efficiencies achieved through double-stacked bicycle parking.	<p>The reduction in end of journey floor area and reconfiguration of the bicycle parking facilities are supported, as there are no planning, transport or heritage impacts arising as a result of the modifications.</p> <p>Five additional staff bicycle parking spaces and six additional visitor bicycle parking spaces have been added.</p> <p>The City's Transport Specialist reviewed the proposed modification and advised that the proposed bicycle parking provision is compliant with the requirements in Section 3.11.3 of the Sydney Development Control Plan 2012.</p>
B2.LG.03	The public bathrooms are proposed to be reconfigured.	The change to the bathroom is a reconfiguration of previously approved new fabric. The change is supported, as there are no planning or heritage issues arising as a result of the modification.
B2.LG.04	Grease arrestors are proposed to be relocated.	The change to the location of the grease arrestor is supported as it involves reconfiguration of previously approved new fabric. There are no planning or heritage issues arising as a result of the modification.
B2.LG.05	The existing stairs between the ground floor and lower	This change will allow for the reinstatement of the original

Drawing references and condition amendments	Proposed modifications and applicant's submission	Assessment
	ground within 100 Oxford Street are proposed to be reopened.	circulation path through this part of the building, with no changes to original building fabric (except for make good / refurbishment works). The proposed modification will have a positive heritage impact and is supported.
B2.LG.06	New internal access to the loading dock is proposed to be provided from 100 Oxford Street.	This new internal access to the loading dock is supported as it does not result in any detrimental heritage impacts.
B2.LG.07	The previously approved door opening in the existing masonry wall between 98 and 100 Oxford Street along gridline 11 is proposed to be deleted. New lightweight fire rated infill walls are proposed for the remaining approved openings.	This change to delete this previously approved opening is supported as it will enable the retention of a higher degree of original building fabric and retain legibility of the original layout of this part of the building which is a positive heritage outcome.
B2.LG.08	The shopfront designs for No 82, 84, 96 and 98 Foley Street are proposed to be modified.	<p>The proposed shopfront modifications to Foley Street are supported as no change is proposed to the approved shopfront opening sizes or materiality.</p> <p>The proposed modifications have been reviewed by the City's Heritage Specialist and are supported. There are no planning or heritage issues arising as a result of the modifications.</p>
B2.LG.09	The existing windows SW.B20B.17 and SW.B20B.18 on the lower ground floor of Crown Street are proposed to be retained, conserved and resealed as they have been found to be early or original windows.	The proposal is supported as it results in retention, conservation and resealing of an existing heritage window. The proposed modification results in the retention of original fabric and is a positive heritage impact.

Drawing references and condition amendments	Proposed modifications and applicant's submission	Assessment
B2.LG.10	The existing window VXHM.B20B.01 on the basement level of Palmer Street is proposed to be removed and replaced with a new steel frame and metal louvres for mechanical intake.	The modification to window VXHM.B20B.01 is supported as it allows for mechanical ventilation of the building using existing window openings and is reversible. The modification has a minor heritage impact.
B2.LG.11	An existing opening to Foley Street, SW.B20B.10, was uncovered during site investigations. An opening (type WT04) is now proposed as it is located within the Substation blast zone and to the rear of the new lift core.	The modification to retain the existing opening is supported. Noting that the opening has been previously enclosed and that it is also located within the Substation blast zone, the new steel-framed blind opening is considered appropriate as it will provide a suitable contrast to the existing, early timber windows which are to be retained and will therefore not impact the character or legibility of this part of the building.
B2.LG.12	The existing non-original window SW.B20B.03 is proposed to be removed and replaced with a steel framed fixed shopfront detailed to match the other new basement shopfronts to Foley Street.	The proposed modification is supported as window SW.B20B.03 is a non-original window and is heavily altered. The proposed change was reviewed by Council's Heritage Specialist who confirmed the change does not result in impacts to original heritage fabric and is acceptable.
B2.LG.13	The approved Architectural Drawings show an existing window at the opening of SW.B20B.08. However, following site investigations, this existing window was not located. Therefore, a new shopfront window is proposed within this existing opening.	The modification is supported as it will not change the existing approved opening dimension or location and will not have any heritage impacts.
B2.LG.14	The Loading Dock is proposed to be changed to a receiving dock to conserve	The proposed removal of the on-site loading zone is supported in this instance as it results in

Drawing references and condition amendments	Proposed modifications and applicant's submission	Assessment
	and stabilise the existing brick façade, as constructing a loading dock would require extensive demolition of heritage fabric and additional structural strengthening intervention to heritage fabric.	reduced impacts to heritage fabric of the building and is in accordance with Section 5.11.7(4) of the Sydney Development Control Plan 2012. This control states that loading and servicing facilities are not required to be accommodated on site where there is an adjacent laneway. See further details in the Discussion section below in this report.
B2.LG.15	A portion of end of journey and storage space is proposed to be converted to retail floor space.	<p>The proposed extension of the retail space into the previously approved end of journey and storage space is supported as the development will still maintain compliance with the alternative floor space ratio control (4.5:1) for the site under the Sydney Local Environmental Plan 2012.</p> <p>See further details regarding the proposed redistribution of floor space in the Discussion section below.</p>
B2.LG.16	Stair 2A and 2C which were previously proposed for full demolition, are proposed to be relocated off the existing party wall near gridlines 4 and 12, respectively. A new core is proposed comprised of a retained existing party wall on one side and new concrete walls to the other three sides.	The proposed relocation of stair 2A and 2C is supported as it results in reduced demolition of original fabric, less stabilising works and is a positive heritage outcome.
B2.LG.17	The new lift core is proposed to be relocated east of the existing party wall on gridline 6 which was previously proposed for full demolition. New openings for access to the lift are proposed. The location of the substation is proposed	The lift core relocation is supported as it will reduce vertical cuts through the existing cross bracing walls and will result in the retention of more original heritage fabric. The new openings will not impact the ability for the space to be interpreted.

Drawing references and condition amendments	Proposed modifications and applicant's submission	Assessment
	to shift in accordance with the proposed layout of the lift core.	
B2.LG.18	The gas metre room is proposed to be reconfigured due to the shift in location of Stair 2C. The access to this room is proposed changed from the previously approved door to new gates.	The change to the gas metre room is supported as it results in reconfiguration of previously approved new fabric. The change is supported, as there are no planning or heritage issues arising as a result of the modification.
B2.LG.19	Change to replace reference to 'loading dock' with 'receiving dock'.	The proposed removal of the loading dock reference is supported as the removal of the loading dock is supported. See further details within the Discussion section of this report under the heading 'Removal of Loading Dock'.
B2.LG.20	Tenancy at 96 Oxford Street fronting Foley Street now identified as Cultural and Creative floor space.	The reconfiguration of cultural and creative floor space is supported as the proposal continues to maintain an additional 10% of the floor space for cultural and creative purposes in accordance with clause 6.60D of the Sydney LEP 2012 and the original conditions of consent.
Ground floor		
B2.GF.01	Two additional 2170mm wide openings are proposed in the wall immediately west of gridline 7.	The proposed change is supported as it is a minor change to enhance circulation within the new tenancy. The changes will not adversely impact legibility of the existing original intertenancy walls within the space. The heritage impacts are therefore acceptable.
B2.GF.02	The existing opening dimensions and nibs are proposed to be retained.	The modification is supported as it results in the retention of more heritage fabric than previously

Drawing references and condition amendments	Proposed modifications and applicant's submission	Assessment
		approved and is a positive heritage outcome.
B2.GF.03	The shopfront of the existing Big Poppa's tenancy at 96 Oxford Street is proposed to be retained	The shopfront change is supported as it will not change existing fabric and will have no heritage impacts.
B2.GF.04	The existing stairs between the ground floor and lower ground within 100 Oxford Street are proposed to be reopened.	The reopening of the existing stair is supported as it will allow for the reinstatement of the original circulation path through this part of the building, with no changes to original building fabric (except for make good / refurbishment works). The proposed modification will have a positive heritage impact.
B2.GF.05	The location of the booster enclosure on Palmer Street is proposed to be adjusted based on existing site conditions and access constraints on Palmer Street.	The location of the new booster enclosure on Palmer Street is supported as it will not impact the existing opening proportions or presentation to this secondary frontage.
B2.GF.06	The cultural and creative tenancy at 84 Oxford Street, which is currently split between a front and rear tenancy, is proposed to be amalgamated.	The tenancy amalgamation is supported as it results in a removal of a non-original partition and will have no heritage impact.
B2.GF.07	The non-original window WXHA.B20G.12 is proposed to be removed and replaced with a new steel framed fixed glazed shopfront with a new sloped square edge brick sill to match the sloping brick sill of the adjacent window, WXHA.B20G.11.	Proposal is to remove and replace window WXHA.B20G.12 is supported as the existing window is non-original and has been heavily altered. The use of a square brick sill rather than a bullnose brick sill will distinguish the modern opening from the original openings.
B2.GF.08	Windows WXH.B20G.31 and WXH.B20G.32 and the	The modification to windows WXH.B20G.31 and WXH.B20G.32

Drawing references and condition amendments	Proposed modifications and applicant's submission	Assessment
	brickwork between are proposed to be removed for installation of new mechanical intake louvres to achieve compliance with the BCA and improve amenity for users of the building.	is supported as it allows for mechanical ventilation of the building using existing window openings and will not impact the heritage fabric of the building. Additionally, existing window WXH.B20G.33 is proposed to be retained in-situ.
B2.GF.09	Metal plates over the existing awning downpipe locations along the Oxford Street shopfronts are proposed. These plates are proposed to sit flush with the finished façade and can provide future access. These are to be painted to match the finished façade.	The proposed modification to use metal plates over downpipes is supported as it will allow easy access to the pipes for maintenance and is a designed solution that does not involve any loss of heritage value. Council's Heritage Specialist advised that the proposal was acceptable from a heritage perspective.
B2.GF.10	The existing timber doors behind window WXM.B20G.06 are proposed to be retained.	The modification to retain existing timber doors, which are likely early doors, is supported as it is a positive heritage impact and will not have any planning implications.
B2.GF.11	The floor levels to the rear Cultural Creative space and Lift Lobby on the Architectural Drawings are proposed to be revised following the latest site surveys.	The proposed floor level change from 44.965 FFL to 45.040 and 45.060 is supported as it is a minor change as a result of design development and will have no heritage or planning implications.
B2.GF.12	The floor levels of 92 Oxford Street the Architectural Drawings are proposed to be revised following the latest site surveys.	The proposed floor level change from 44.965 FFL to 45.255 is supported as it is a minor change as a result of design development and will have no heritage or planning implications.
B2.GF.13	The fixed glazed window above the through-site link is proposed to be revised to contain an operable louvred window to allow for direct	The proposed change to include window louvres is supported as it will not impact original/ significant fabric and will not change the

Drawing references and condition amendments	Proposed modifications and applicant's submission	Assessment
	outside air into internal spaces to achieve compliance with the BCA and improve amenity for users of the building.	visual presentation of the approved through-site link. The change will ensure the building achieves compliance with the BCA, improves amenity for users of the building and will have no heritage or planning implications.
B2.GF.14	The approved opening on gridline 7 immediately south of gridline C is proposed to be extended to the south to match the opposite existing opening on gridline 6.	The extended opening is supported as it is necessary to accommodate fire safety requirements. The change will not adversely impact the overall legibility of the tenancy and there are no planning or heritage issues arising as a result of the modification.
B2.GF.15	Stair 2A and 2C which were previously proposed for full demolition, are proposed to be relocated off the existing party wall near gridlines 4 and 12, respectively. A new core is proposed comprised of a retained existing party wall on one side and new concrete walls to the other three sides.	The proposed relocation of stair 2A and 2C is supported as it results in reduced demolition of original fabric, less stabilising works and is a positive heritage outcome.
B2.GF.16	The new lift core is proposed to be relocated east of the existing party wall on gridline 6 which was previously proposed for full demolition. New openings for access to the lift are proposed.	The lift core relocation is supported as it will reduce vertical cuts through the existing cross bracing walls and will result in the retention of more original heritage fabric.
B2.GF.17	The floor level to the rear of 100 Oxford Street is proposed to be revised to achieve compliant loading	The proposed floor level change to FFL 46.720 is supported as it is a minor change as a result of design development, will allow for compliant loading/receiving dock

Drawing references and condition amendments	Proposed modifications and applicant's submission	Assessment
	dock head height requirements.	head height and will have no heritage or planning implications.
B2.GF.18	The configuration of cultural and creative spaces to the rear of 100 and 102 Oxford Street are proposed to be revised.	The reconfiguration of cultural and creative floor space is supported as the proposal continues to maintain an additional 10% of the floor space for cultural and creative purposes in accordance with clause 6.60D of the Sydney LEP 2012 and the original conditions of consent.
B2.GF.19	The egress to Stair 2C on the ground floor is proposed to be removed.	The change to the egress of stair 2 is supported as it is a minor change to non-original fabric and will have no heritage or planning implications.
B2.GF.20	Electrical services are proposed to be relocated.	The repositioning of the electrical services is supported as it is a minor change to non-original fabric and will have no heritage or planning implications.
B2.GF.21	For alterations to WXH.B20G.09, it is proposed to retain the existing timber frame, sashes and glazed louvres on eastern side, and remove the glazed louvres on western side and replaced with new fixed glazing.	The proposed changes to window WXH.B20G.09 are supported as they do not result in a change to the size and location of the existing window. The change will have minimal heritage and planning implications.
B2.GF.22	The extent of the reinstated heritage ceiling is proposed to be amended.	The proposal to amend the extent of reinstated ceiling is supported as it is a minor change which is a result of the repositioned stair and lift cores (noted elsewhere in this table). The proposed change has been reviewed by the City's Heritage Specialist and is acceptable from a heritage perspective.

Drawing references and condition amendments	Proposed modifications and applicant's submission	Assessment
Level 1		
B2.L1.01	The eastern lightwell nibs are proposed to be removed for the new fire stairs to meet BCA and structural requirements.	The proposed removal of the lightwell nibs is supported. This change is required to ensure building code compliance of the new fire-isolated stairs and supporting information has been submitted to demonstrate that the removal of the wall nibs will not generate adverse structural impacts. The former lightwell will remain readily interpretable and the change will have a minimal impact on heritage fabric.
B2.L1.02	New openings to the existing masonry wall adjacent to gridline 11 are proposed to provide a compliant access path to the platform lift.	The proposed new openings to the wall along gridline 11 are supported as they will ensure a compliant access path to the platform lift. The proposed openings will result in the removal of a small amount of brickwork, however they will not adversely affect the legibility of the retained corridor.
B2.L1.03	New openings to the existing masonry wall adjacent to gridline 11 are proposed to provide a compliant access path to the main lift lobby.	The proposed new opening from the main lift to the lobby is supported as it will ensure a compliant access path from the main lift. The proposed opening will result in the removal of a small amount of brickwork, however it will not adversely affect the legibility of the retained corridor.
B2.L1.04	It is proposed to remove two modules within the heritage timber panels from the floor to head height on the southern alignment of the east west corridor immediately east of gridlines 5 and 6 to allow access from	<p>The modification to create two new openings to allow more direct movement from lifts and stairs to the floor plates is supported.</p> <p>The corridor form remains and most of the partitions remain as already approved. The upper level glazed elements that are clear to view also remain with the</p>

Drawing references and condition amendments	Proposed modifications and applicant's submission	Assessment
	the lift areas to the main commercial office space.	openings in the lower section of the solid partition. The modification is considered to result in an acceptable heritage outcome.
B2.L1.05	The bathroom layout is proposed to be revised.	The change to the bathroom is a reconfiguration of previously approved new fabric. The change is supported, as there are no planning or heritage issues arising as a result of the modification.
B2.L1.06	Electrical services are proposed to be relocated.	The repositioning of the electrical services is supported as it is a minor change to non-original fabric and will have no heritage or planning implications.
B2.L1.07	The original floorboard perimeter that is exposed along Oxford Street is proposed to be covered by a new structural plywood floor strengthening diaphragm.	The proposed modification for a new structural plywood floor strengthening diaphragm is supported. The method is considered acceptable by Council's Heritage Specialist as it retains the original floorboards in situ and avoids damage to them caused by lifting.
B2.L1.08	The existing steel-framed windows to Crown Street are proposed to be replaced with new matching steel-framed windows for safety reasons as they have been found to be in a poor state of repair.	The proposed replacement of the windows to Crown Street is supported as it results in the like for like replacement of the deteriorated non-original windows and will not have a detrimental heritage impact.
B2.L1.09	It is proposed to modify window VXHM.B201.01 for mechanical intake and VXHM.B201.02 for general and toilet exhaust discharge. The existing timber window frames and sashes are proposed to be	This change is supported as the appearance of the original/early pair of double hung windows will be preserved to the exterior. The proposed change results in only a minor heritage impact.

Drawing references and condition amendments	Proposed modifications and applicant's submission	Assessment
	retained and the glazing replaced with metal louvres.	
B2.L1.10	Windows, WXH.B201.31 and WXH.B201.34 back onto the new lift core and new stair core, respectively. It is proposed to replace the glazing on window WXH.B201.31 with colour backed (black) strengthened glass to prevent glass from shattering when the cavity between the existing façade and new lift core is subject to high heat.	The proposed change to window WXH.B201.31 is acceptable as it is minor work required for safety purposes, which will not adversely affect the legibility of the retained timber sash frame, the existing opening proportion, or the arched brick header. The modification will have no unreasonable heritage impacts and is easily reversible.
B2.L1.11	The non-original windows WXHA.B201.37 and WXHA.B201.38 are proposed to be removed and replaced with new timber single double hung windows to match the original timber single double hung window WXHA.B201.39.	The replacement of non-original windows with timber windows is supported as they will match the original single timber double hung window WXHA.B201.39 which is a positive heritage outcome.
B2.L1.12	The fixed central east-west bulkhead between gridlines C and D is proposed to be replaced with a suspended decorative ceiling services shroud.	The proposal to replace the approved bulkhead with a suspended decorative ceiling services shroud is supported as it involves the removal of a new element and replacement with another new element and will not have an impact on any heritage fabric.
B2.L1.13	The plain plaster ceiling above the central corridor is proposed to be removed and reinstated with a new plain plaster ceiling matching the existing level and detailing in order to facilitate access to spaces	The replacement of the plain plaster ceiling is supported as it facilitates removal of fabric of little relative significance, in order to facilitate access during construction works. Replacement with like-for-like will allow for retained legibility of this part of the

Drawing references and condition amendments	Proposed modifications and applicant's submission	Assessment
	above the ceiling during construction.	building. This modification will have no adverse heritage impacts.
B2.L1.14	The proposed ceiling fittings have been included in the amended Architectural Drawings. The finished ceiling levels are also proposed to be revised to suit the reconfigured spaces and new survey information.	The reconfiguration of previously approved modifications to the ceilings to accommodate required new services is supported. The proposed changes are necessary, minor and on the whole will not adversely impact the legibility of the reinstated, original moulded plaster ceilings.
B2.L1.15	The plain plaster heritage ceiling panels along the perimeter are proposed to be removed to allow for the installation of structural members to the existing façade for seismic strengthening. New ceiling panels are proposed to be installed to match the existing plain plaster heritage ceiling panels.	The replacement of the plain plaster ceiling is supported as it facilitates removal of fabric of little relative significance, in order to allow for structural works. Replacement with like-for-like will allow for retained legibility of this part of the building. This modification will have no adverse heritage impacts.
B2.L1.16	Stair 2A and 2C which were previously proposed for full demolition, are proposed to be relocated off the existing party wall near gridlines 4 and 12, respectively. A new core is proposed comprised of a retained existing party wall on one side and new concrete walls to the other three sides.	The proposed relocation of stair 2A and 2C is supported as it results in reduced demolition of original fabric, less stabilising works and is a positive heritage outcome.
B2.L1.17	The new lift core is proposed to be relocated east of the existing party wall on gridline 6 which was previously proposed for full demolition. New openings for access to the lift are proposed	The lift core relocation is supported as it will reduce vertical cuts through the existing cross bracing walls and will result in the retention of more original heritage fabric.

Drawing references and condition amendments	Proposed modifications and applicant's submission	Assessment
B2.L1.18	The Level 2 heritage timber partitions are proposed to be reused at various locations across Level 1.	The retention and reuse of the heritage timber partitions is supported as it is a positive heritage outcome.
Level 2		
B2.L2.01	The eastern lightwell nibs are proposed to be removed for the new fire stairs to meet BCA and structural requirements.	The proposed removal of the lightwell nibs is supported. This change is required to ensure building code compliance of the new fire-isolated stairs and supporting information has been submitted to demonstrate that the removal of the wall nibs will not generate adverse structural impacts. The former lightwell will remain readily interpretable and the change will have a minimal impact on heritage fabric.
B2.L2.02	The heritage timber partitions are proposed to be removed and reused on Level 1 (subject to a separate application).	The retention and reuse of the heritage timber partitions is supported as it is a positive heritage outcome. This element is subject to separate tenancy fit out application D/2023/228 which is currently under assessment.
B2.L2.03	New openings with a maximum width of 2170mm are proposed to the masonry walls along gridline 3 and 13.	The proposed change is supported as it is a minor change to enhance circulation within the new tenancy. The changes will not adversely impact legibility of the existing original intertenancy walls within the space. The heritage impacts are therefore acceptable.
B2.L2.04	The bathroom layout is proposed to be revised.	The change to the bathroom is a reconfiguration of previously approved new fabric. The change is supported, as there are no planning or heritage issues arising as a result of the modification.

Drawing references and condition amendments	Proposed modifications and applicant's submission	Assessment
B2.L2.05	Electrical services are proposed to be relocated.	The repositioning of the electrical services is supported as it is a minor change to non-original fabric and will have no heritage or planning implications.
B2.L2.06	The original floorboard perimeter that is exposed along Oxford Street is proposed to be covered by a new structural plywood floor strengthening diaphragm.	The proposed modification for a new structural plywood floor strengthening diaphragm is supported. The method is considered acceptable by Council's Heritage Specialist as it retains the original floorboards in situ and avoids damage to them caused by lifting.
B2.L2.07	It is proposed to modify window VXHM.B202.02 for mechanical intake. The existing timber window frames and sashes are proposed to be retained and the glazing replaced with metal louvres.	The modification to window VXHM.B202.02 is supported as it allows for mechanical ventilation of the building using existing window openings and is reversible. The modification has a minor heritage impact.
B2.L2.08	Windows WXH.B202.30 backs onto the new lift core. It is proposed to replace the glazing on window WXH.B202.30 with colour backed (black) strengthened glass to prevent glass from shattering when the cavity between the existing façade and new lift core is subject to high heat.	The proposed change to window WXH.B202.30 is acceptable as it is minor work required for safety purposes, which will not adversely affect the legibility of the retained timber sash frame, the existing opening proportion, or of the arched brick header. The modification will have no unreasonable heritage impacts and is easily reversible.
B2.L2.09	It is proposed to remove the section of plain ceiling above the non-original corridor to Level 2 and install a new decorative panelled plaster ceiling to match the existing decorative panelled plaster	This modification to install a new decorative panelled plaster ceiling is supported as it is a positive heritage outcome that will unify the heritage ceilings within each space.

Drawing references and condition amendments	Proposed modifications and applicant's submission	Assessment
	ceiling in the main space of the level.	
B2.L2.10	It is proposed to remove the roof and ceiling between gridlines 11 and 13 to allow for construction of new services, the level 3 structure, and to meet fire-rating requirements. It is also proposed to reconstruct a new plaster ceiling using the same patterns and layout as the existing ceiling.	The replacement of the plaster ceiling is supported as it facilitates removal of fabric of little relative significance, in order to allow for construction of new services and compliance with fire rating requirements. Replacement with like-for-like will allow for retained legibility of this part of the building. This modification will have no adverse heritage impacts.
B2.L2.11	The existing introduced patterned ceiling between gridlines 2 and 3 is proposed to be replaced with a new patterned ceiling which matches the pattern of the adjacent 1912 ceiling panels.	The replacement of this portion of ceiling is supported as it will enable enhanced legibility of original building detailing within this section of the building and is therefore considered a positive heritage outcome.
B2.L2.12	The existing plain plaster heritage ceiling panels along the perimeter of the Level 2 ceiling are proposed to be removed to allow for installation of structural members to the existing façade for seismic strengthening. New ceiling panels that match the existing plain plaster panels are proposed to be reinstated.	The proposed removal and replacement of this portion of ceiling is supported as new structural fabric is required to be installed in this location to facilitate construction of the approved new roof-level addition. While this will result in loss of a relatively minor amount of original fabric, it is considered that the reinstatement of original detailing is an appropriate mitigative measure which will generate a neutral heritage impact.
B2.L2.13	The plain plaster ceiling above the central corridor is proposed to be removed and reinstated with a new plain plaster ceiling matching the existing RL and detailing in order to	The replacement of the plain plaster ceiling in this location is supported as it will be replaced like-for-like to allow for retained legibility of this part of the building (especially when considered in conjunction with the reinstated

Drawing references and condition amendments	Proposed modifications and applicant's submission	Assessment
	facilitate access to spaces above the ceiling during construction.	ceiling linings which will enable future legibility of the original corridor alignment). The work will result in neutral heritage impacts.
B2.L2.14	The proposed ceiling fittings have been included in the amended Architectural Drawings. The finished ceiling levels are also proposed to be revised to suit the reconfigured spaces and new survey information.	The reconfiguration of previously approved modifications to the ceilings to accommodate required new services is supported. The proposed changes are necessary, minor and on the whole will not adversely impact the legibility of the reinstated, original moulded plaster ceilings.
B2.L2.15	Stair 2A and 2C which were previously proposed for full demolition, are proposed to be relocated off the existing party wall near gridlines 4 and 12, respectively. A new core is proposed comprised of a retained existing party wall on one side and new concrete walls to the other three sides.	The proposed relocation of stair 2A and 2C is supported as it results in reduced demolition of original fabric, less stabilising works and is a positive heritage outcome.
B2.L2.16	The new lift core is proposed to be relocated east of the existing party wall on gridline 6 which was previously proposed for full demolition. New openings for access to the lift are proposed	The lift core relocation is supported as it will reduce vertical cuts through the existing cross bracing walls and will result in the retention of more original heritage fabric.
B2.L2.17	A new 970mm-wide opening is proposed in the existing masonry wall at gridline 6.	The proposed 970mm-wide opening is supported as it is a minor change to enhance circulation within the new tenancy. The changes will not adversely impact legibility of the existing original intertenancy walls within the space. The heritage impacts are therefore acceptable.

Drawing references and condition amendments	Proposed modifications and applicant's submission	Assessment
Level 3		
B2.L3.01	The electrical cupboards are proposed to be relocated.	The repositioning of the electrical services is supported as it is a minor change to non-original fabric and will have no heritage or planning implications.
B2.L3.02	The external terrace slab is proposed to be changed to Bondek material.	The proposed change to include Bondek material for the external terrace is supported as it is replacement of a non-original element and will not impact the visual presentation of the approved addition.
B2.L3.03	The dimensions and location of Stairs 2A and 2C are proposed to be adjusted in accordance with the proposed changes to Stairs 2A and 2C on the levels below.	The proposed change to the stair dimensions is a result of the relocation of stair 2A and 2C on the levels below and is supported. As discussed above, the proposed relocation of stair 2A and 2C is supported as it results in reduced demolition of original fabric, less stabilising works and is a positive heritage outcome.
B2.L3.04	The dimensions and location new lift core is proposed to be adjusted in accordance with the proposed changes to the lift core on the levels below.	The lift core relocation is supported as it will reduce vertical cuts through the existing cross bracing walls and will result in the retention of more original heritage fabric.
B2.L3.05	The layout of the bathrooms is proposed to be revised.	The change to the bathroom is a reconfiguration of previously approved new fabric. The change is supported, as there are no planning or heritage issues arising as a result of the modification.
B2.L3.06	The demolition extents required for Stairs 2A and 2C and the new lift core are revised.	The proposed amendment to the extent of demolition to facilitate the relocation of Stairs 2A and 2C and the new lift core are supported. As discussed above, the proposed

Drawing references and condition amendments	Proposed modifications and applicant's submission	Assessment
		relocation of Stair 2A and 2C and the new lift core is supported as it results in reduced demolition of original fabric, less stabilising works and is a positive heritage outcome.
Level 4		
B2.L4.01	The dimensions and location of the new lift core are proposed to be adjusted in accordance with the proposed changes to the lift core on the levels below.	The lift core relocation is supported as it will reduce vertical cuts through the existing cross bracing walls and will result in the retention of more original heritage fabric.
Roof level		
B2.RF.01	The form and set out of the roof are proposed to be adjusted in accordance with the shift in the lift core location on the levels below.	The minor change to the form and set out of this portion of roof is supported as it is a proposed change to a new material (non-original fabric and is required to facilitate the shift in the lift core location. The proposed change remains compliant with the Sydney LEP 2012 alternative height control of 25 metres.
Condition amendments		
Deferred Commencement Condition 2(a) Cultural and Creative Floor Space	Amend the amount of approved additional cultural floor space by 0.9 square metres from 717 square metres to 716.1 square metres to reflect 10% of the amended overall gross floor area of the building.	The proposed condition amendment is supported, as it is required to reflect the accurate quantum of cultural and creative floor space required under the development consent, as proposed to be modified. As the deferred commencement conditions have been satisfied, Condition 2 (a) has been duplicated within the body of the Notice of Determination for completeness.

Drawing references and condition amendments	Proposed modifications and applicant's submission	Assessment
Condition 7(a) Floor Space Ratio - All Other Areas	Amend the overall amount of gross floor area (GFA) by 11 square metres from 4.3:1 to 4.29:1 FSR, and from 7,172 square metres to 7,161 square metres GFA.	The proposed condition amendment is supported as it is required to reflect the accurate quantum of gross floor area and floor space ratio, as proposed to be modified. See further details in the Discussion section of this report.
Condition 8 Restriction of End of Journey Floor Space	Amendment to reduce the area of approved end of journey floor space 500.4 square metres to 293.48 square metres.	The proposed condition amendment is supported, as it is required to reflect the accurate quantum of end of journey floor space proposed under the subject modification. The amended area still allows for the provision of compliant bicycle facilities in accordance with Section 3.11.3 of the Sydney Development Control Plan 2012.
Condition 35(b) External Design Modifications - Windows - Group 2	Delete Condition 35(b) in accordance with modification B2.L1.08 to replace the existing steel-framed window with new matching steel framed windows.	Deleting this condition is supported. As discussed above, the proposed replacement of the windows to Crown Street is supported as it results in the like for like replacement of the deteriorated non-original windows and will not have a detrimental heritage impact.
Condition 46(a)(i)a. Interior Design Modifications - Lightwells - Group 2	Amend Condition 46(a)(i)a. in accordance with modifications B2.L1.01 and B2.L2.01 to reflect the removal of the northern lightwell nibs to accommodate the new fire-isolated stair.	The proposed condition amendment is supported. As discussed above, the proposed removal of the lightwell nibs in the eastern corner is supported. This change is required to ensure building code compliance of the new fire-isolated stairs and supporting information has been submitted to demonstrate that the removal of the wall nibs will not generate adverse structural impacts. The former lightwell will remain readily interpretable and

Drawing references and condition amendments	Proposed modifications and applicant's submission	Assessment
		the change will have a minimal impact on heritage fabric.
Condition 46(a)(i)e. Interior Design Modifications - Lightwells - Group 2	Amend Condition 46(a)(i)e. in accordance with modifications B2.L1.01 and B2.L2.01 to reflect the removal of the southern lightwell nibs to accommodate the new fire-isolated stair.	The proposed condition amendment is supported. As discussed above, the proposed removal of the lightwell nibs in the eastern corner is supported. This change is required to ensure building code compliance of the new fire-isolated stairs and supporting information has been submitted to demonstrate that the removal of the wall nibs will not generate adverse structural impacts. The former lightwell will remain readily interpretable and the change will have a minimal impact on heritage fabric.
Condition 47(a)(iv) Interior Design Modifications - Level 1 Corridor Group 2	Amend Condition 47(a)(iv) to include the words 'except for the timber partitions to the east of gridlines 5 and 6 in accordance with modification B2.L1.04 to allow removal of two modules within heritage timber.	<p>The proposed condition amendment is supported. As discussed above, the modification to create two new openings to allow more direct movement from lifts and stairs to the floor plates is supported.</p> <p>The corridor form remains and most of the partitions remain as already approved. The upper-level glazed elements that are clear to view also remain with the openings in the lower section of the solid partition. The modification is considered to result in an acceptable heritage outcome.</p>
Condition 88 Bicycle Parking and End of Trip Facilities	Amend condition to increase the number of staff bicycle parking spaces by five and the number of visitor spaces by six as a result of the proposed increase in floor space. An amendment to delete reference to End of Trip Facilities for Group 3 is	The proposed condition amendment is supported, as it is required to reflect the requirement for increased visitor bicycle parking arising as a result of the increased retail premises gross floor area. The proposed increase in bicycle parking complies with the requirements of Section 3.11.3

Drawing references and condition amendments	Proposed modifications and applicant's submission	Assessment
	also proposed as bicycle parking has been provided in Group 3 under amending DA D/2022/810.	of the Sydney Development Control Plan 2012. The deletion of reference to Group 3 bicycle parking is supported as adequate bicycle parking has been provided in Group 3 under amending DA D/2022/810.
Condition 85 Allocation of parking Condition 86 Car parking design Condition 87 Vehicle access Condition 94 On-site loading operation	Delete conditions to remove reference to and requirement for the loading dock.	The proposed deletions are supported, as the proposed removal of the loading dock is supported. See further details within the Discussion section of this report under the heading 'Removal of Loading Dock'.
Condition 56 Design Details Condition 95 Loading dock use and operation	Amended condition to remove references to loading dock and replace with reference to receiving dock.	The proposed amendments are supported, as the proposed removal of the loading dock is supported. See further details within the Discussion section of this report under the heading 'Removal of Loading Dock'.

Local Environmental Plans

Sydney Local Environmental Plan 2012

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

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located in the E1 Local Centre zone. The proposal includes modifications to a mixed-use development, comprising office premises, retail premises, food and drink premises and a community facility, all of which are permissible with development consent in the zone.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	See Clause 6.60D below	A maximum building height of 15 metres is permitted under clause 4.3. While clause 4.3 applies to the site, an alternate maximum height of buildings development standard also applies to the site under Clause 6.60D, which is discussed below.
4.4 Floor space ratio	See Clause 6.60D below	A maximum floor space ratio of 4:1 or 6,672 sqm is permitted under clause 4.4. While clause 4.4 applies to the site, an alternate floor space ratio development standard also applies to the site under Clause 6.60D, which is discussed below.

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	The site is identified as local heritage item I292 known as 'Former Oxford Street Municipal Chambers including interior'. It is also located within the Oxford Street heritage conservation area (C17). The proposed modifications will not adversely impact the established heritage significance or presentation of Group 2 and are in keeping with the applicable heritage objectives of and provisions of the Sydney LEP 2012. See

Provision	Compliance	Comment
		further details under the Discussion heading below.
5.21 Flood Planning	Yes	The site is identified as being flood affected on the Oxford Street frontage in the 1% Annual Exceedance Probability (AEP) and Probable Maximum Flood (PMF) events. 1% AEP depths are approximately 200mm. The approved lower ground level ground floor levels are not proposed to change and there are some modifications to increase ground floor levels. The proposed levels are acceptable for retail uses and comply with the City of Sydney Interim Floodplain Management Policy.

Part 6 Local provisions - height and floor space

Provision	Compliance	Comment
Division 1 Additional floor space (other than land in Central Sydney)		
6.13 End of journey floor space	Yes	<p>The proposed development is eligible for 0.3:1 of end of journey floor space.</p> <p>The proposed modification seeks to reconfigure the approved end of journey facilities and bicycle parking with some efficiencies achieved through double-stacked bicycle parking. The proposal reduces the end of journey floor space to 293.48sqm (0.18:1). The proposed modification remains compliant with clause 6.13.</p>
Division 4 Design excellence		
6.21 Design excellence		The proposed modifications will ensure that the development continues to be of a high standard and uses materials and detailing which are compatible with the existing development along the street and will contribute positively to the character of the area.
Division 5 Site specific provisions		

Provision	Compliance	Comment
6.60D Oxford Street Cultural and Creative Precinct	Yes	<p>It is noted that the requirements of Clause 6.60D, to dedicate an additional 10% of the floor area resulting from the development to cultural and creative purposes, have been fulfilled by the granting of development consent D/2020/1071 by the Local Planning Panel.</p> <p>The proposed modification continues to maintain an additional 10% of the floor space for cultural and creative purposes.</p> <p>An alternative maximum height of 25 metres applies to the development. The proposed modifications do not result in any change to the previously approved height of the building (24.95 metres) and the development maintains compliance with the alternative maximum height control.</p> <p>An alternative maximum floor space ratio of 4.5:1 or 7,506 square metres applies to the development. The proposed modifications maintain compliance with the alternative floor space ratio standard, providing a maximum 4.29:1 floor space ratio, including 0.18:1 end of journey floor space. See further details under the Discussion heading below.</p>

Development Control Plans

Sydney Development Control Plan 2012

22. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.
23. The site is located within the Oxford Street, Darlinghurst locality. The proposed development is in keeping with the design principles of the locality as the modified development continues to respond to and complements the heritage building and the surrounding heritage conservation area.

Section 3 – General Provisions

Provision	Compliance	Comment
3.9 Heritage	Yes	<p>The site is identified as local heritage item I292 known as 'Former Oxford Street Municipal Chambers including interior'. It is also located within the Oxford Street heritage conservation area (C17) and the existing building is identified as being contributory.</p> <p>The proposed modifications are in keeping with the heritage objectives and provisions of the Sydney Development Control Plan 2012. See further details under the Discussion heading below.</p>
3.11 Transport and parking 3.11.3 Bike parking and associated facilities	Yes	<p>The modification proposes five additional staff bicycle parking spaces and six additional visitor bicycle parking spaces. The proposed end of trip facilities and bicycle parking continues to comply with the requirements of Section 3.11.3 of the Sydney DCP 2012.</p>

Section 5 – Specific Areas

Provision	Compliance	Comment
5.11.2 Cultural and creative spaces	Yes	<p>The proposed modifications do not affect the retention of cultural and creative space and provision of additional cultural and creative space up to 10% of the GFA of the site. A variety of sizes for cultural and creative space is continued to be provided.</p>
5.11.4 Heritage conservation	Yes	<p>The site is identified as local heritage item I292 known as 'Former Oxford Street Municipal Chambers including interior'. It is also located within the Oxford Street heritage conservation area (C17) and the existing building is identified as being contributory.</p> <p>The proposed modifications will not adversely impact the established heritage significance or presentation of Group 2 and are in keeping with the</p>

Provision	Compliance	Comment
		heritage objectives and provisions of Sydney DCP 2012.
5.11.5 Built form and design	Yes	The proposed modifications will not materially affect the overall built form of the approved development. They do not increase building height, result in a change the architectural detail or materials, building alignment, setbacks, street frontage heights or awnings. The proposed changes to gross floor area are contained internally within the existing approved building envelope.
5.11.6 Active frontages and street level tenancy design	Yes	The proposed modifications do not change the approved active uses for the tenancies fronting Oxford Street.
5.11.7 Development fronting laneways	Yes	<p>The proposed modifications to the building shopfronts do not affect the approved fine grain activation of Foley Street.</p> <p>The proposal involves removal of the previously approved on-site vehicle loading dock.</p> <p>Section 5.11.7(4) of the Sydney DCP 2012 states that loading and servicing facilities are not required to be accommodated on site where there is an adjacent laneway. The proposed modification complies with this provision. See further details under the Discussion heading below in this report.</p>
5.11.8 Servicing and access	Yes	The proposed modification involves removal of the previously approved on-site vehicle loading dock. Loading is proposed be undertaken via a new loading zone on Foley Street. See further details under the Discussion heading below in this report.

Discussion

Floor Space Ratio

24. The Group 2 site has an area of 1,668 square metres.

25. The site has a maximum floor space ratio (FSR) of 4:1 or 6,672 square metres gross floor area (GFA) under clause 4.4 of the Sydney Local Environmental Plan (LEP) 2012.
26. The site is located within the boundaries of the Oxford Street Cultural and Creative Precinct pursuant to the Sydney LEP 2012. Under clause 6.60D of the Sydney LEP 2012, the site is eligible for an alternative maximum floor space ratio of 4.5:1 or 7,506 square metres GFA, where the development retains existing cultural and creative uses in operation immediately before the development is carried out and also dedicates an additional 10% of the floor area, resulting from the development, to cultural and creative purposes.
27. The development is also eligible for an additional 0.3:1 of end of journey floor space pursuant to clause 6.13 of the Sydney LEP 2012.
28. The requirements of clause 6.60D of the Sydney LEP 2012, have been fulfilled by the granting of development consent D/2020/1071 by the Local Planning Panel, as modified.
29. Condition 7 Floor Space Ratio of the original consent stated the FSR for the building must not exceed 4.3:1 or a gross floor area of 7,172 square metres. Condition 8 Restriction of End of Journey Floor Space approved 500.4 square metres of the Group 2 floor space as end of journey floor space.
30. The original consent required that the development to incorporate 1,502 square metres of existing cultural and creative space and an additional 10% (717 square metres) of cultural and creative floor space, with a total of 2,219 square metres of floor area dedicated to cultural and creative purposes.
31. The building design approved at satisfaction of the Deferred Commencement conditions for Group 2 under D/2020/1071 (and subsequent modifications A, B, and D) had a FSR of 4.26:1 or 7,113.2 square metres, which included 0.28:1 or 461.9 square metres of end of journey floor space.
32. A redistribution of floor space and an increase of overall gross floor area is proposed as part of this modification which includes:
 - (a) Reduction of end of journey floor area by 168.42 square metres from 461.9 square metres (0.28:1) to 293.48 square metres (0.18:1), with some efficiencies achieved through double-stacked bicycle parking. The 168.42 square metre area previously approved as end of journey is proposed to become retail floor space (refer to Figure 46 and 47 below).
 - (b) Amending the overall gross floor area of each level due to design development and inclusion of a previously approved storage area as retail floor space (refer to Figure 46 and 47 below). This results in an overall increase of 47.8 square metres of gross floor area. The resultant overall gross floor area excluding end of journey is 6,867.52 square metres (4.12:1) and 7,161 square metres (4.29:1) including end of journey floor space.
 - (c) Reconfigure cultural and creative floor space locations and amend the original cultural and creative floor space condition to ensure the required 10% floor space is commensurate with the revised overall gross floor area of the development. As the deferred commencement conditions have been satisfied,

Condition 2 (a) has been duplicated within the body of the Notice of Determination for completeness.

- 33. Figure 46 below is an extract of the originally approved lower ground level showing the approved end of journey floor space in orange and the approved storage area in grey to the left of the end of journey facilities.

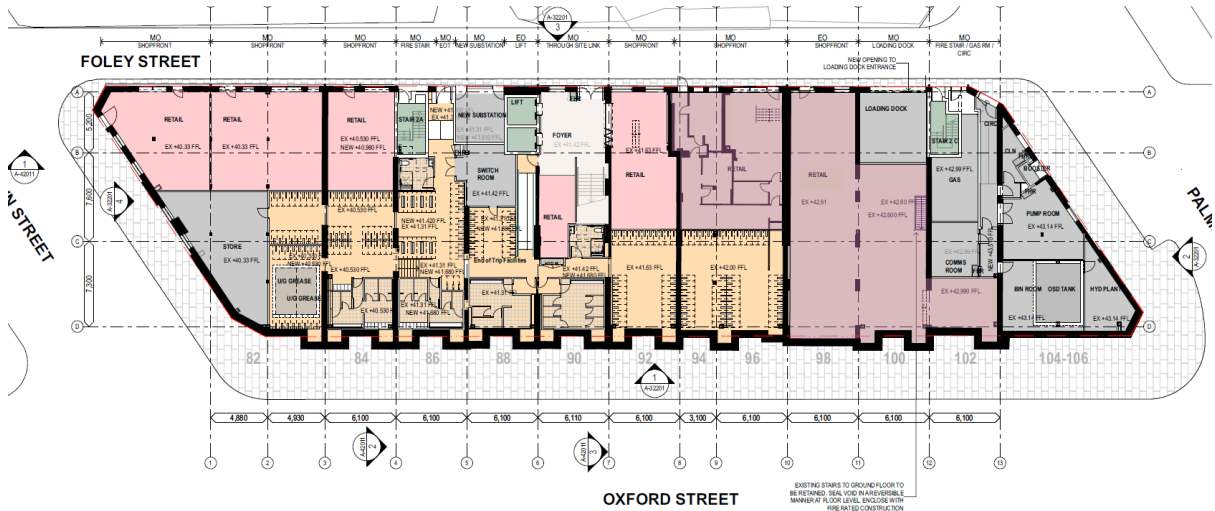


Figure 46: Extract of approved lower ground level. End of journey facilities are shown in orange and existing approved storage/ plant areas are shown in grey

- 34. Figure 47 below is an extract of the proposed lower ground level. The reduced end of journey area is highlighted in orange and the storage area, proposed to become retail space, is highlighted in blue.

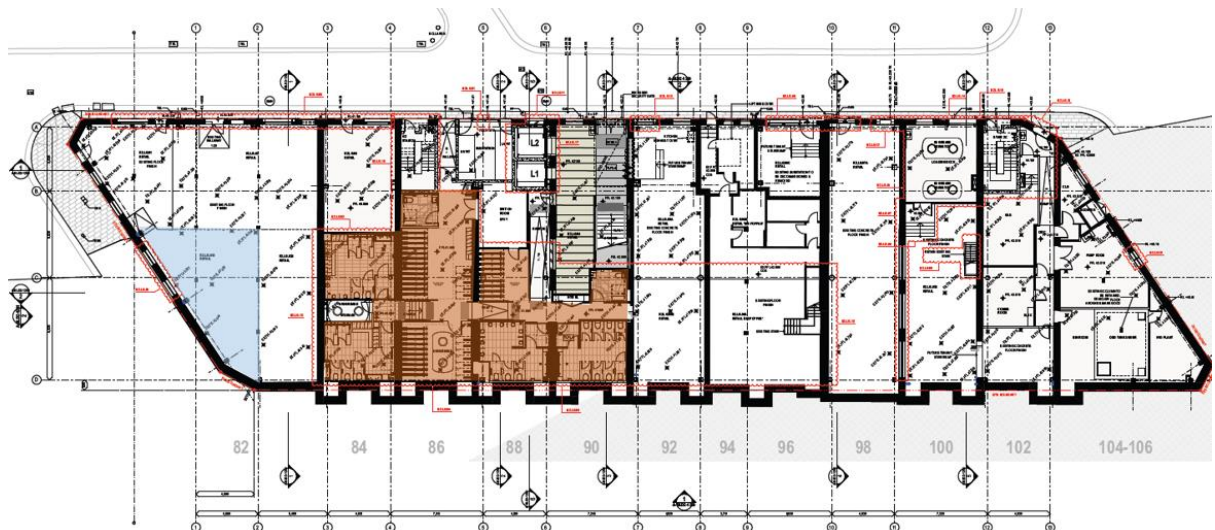


Figure 47: Extract of proposed lower ground level. The proposed reconfigured end of journey facilities are shown in orange and the approved storage area which is proposed to become retail floor space is highlighted in blue

35. The below table is a comparison between the approved (conditioned) floor space, the approved (actual) floor space and the proposed modified floor space distribution.

Floor space component	Approved (conditioned) floor space (Group 2)	Approved (actual) floor space (Group 2)	Proposed modification floor space (Group 2)
GFA (excluding end of journey)	6,672sqm (4:1)	6,651.3 (3.98:1)	6,867.25sqm (4.12:1)
End of journey floor space	500.4sqm (0.3:1)	461.9sqm (0.28:1)	293.48sqm (0.18:1)
Total GFA (including end of journey)	7,172sqm	7,113.2sqm	7,161sqm
Total FSR (including end of journey)	4.3:1	4.26:1	4.29:1
Cultural and Creative floor space	2,219sqm - 1,502sqm existing and 717sqm (10% required)	2,239.8sqm	2,227.8 sqm proposed (exceeds required amount). Total required: Existing 1,502sqm plus 10% (716.1sqm) = 2,218.1

36. The redistribution of floor space within the building is supported for the following reasons:
- The change to gross floor area does not result in any change to the bulk and scale of the development;
 - The development continues to maintain adequate on-site end of journey facilities and bicycle parking for the development within the reduced end of journey area;
 - The overall FSR of the development remains compliant with the alternative maximum FSR development standard 4.5:1 under clause 6.60D of the Sydney LEP 2012; and
 - The modification continues to maintain an additional 10% of the overall floor space area for cultural and creative purposes.

Heritage

37. The site is identified as local heritage item I292 known as 'Former Oxford Street Municipal Chambers including interior'. It is also located within the Oxford Street heritage conservation area (map C17) and the existing building is identified as being contributory.

38. As detailed within the modification assessment table above in this report, the proposed modifications to the heritage fabric of the building generally relate to minor changes to the extent of internal demolition and the facade treatment.
39. The changes to the Foley Street shop fronts do not involve modifications to the approved opening sized and it is not proposed to change the approved materiality of the shopfronts. Condition 34(a) of the original consent requires that the new Foley Street shopfronts be 'fitted with high quality framing materials such as steel or timber framed glazed assemblies. No aluminium framed assemblies must be installed. New shopfronts must be sympathetic in design to the period and style of the buildings and incorporate. The glass line must be inset within the brick reveals to accord with the location of original joinery and glazing'.
40. The proposed modified design is generally consistent with this condition. High quality framing materials are still proposed and although fixed glazing is not inset, the glass line of the proposed operable windows along the shopfront are still proposed to be inset within the brick reveals.
41. A heritage statement of support prepared by the project heritage architect, a heritage impact statement prepared by the project heritage consultant, and a structural engineering statement, were submitted in support of the proposed modifications. All of these reports conclude that there will be no adverse impacts on the established heritage significance or presentation of the Group 2 building, including its structural integrity.
42. Council's Heritage Specialist has reviewed the submitted drawings and supporting material and supports the proposed modifications to the building, advising that there are no unacceptable heritage impacts arising from the proposed changes.
43. For the above reasons, the proposed modifications are in keeping with the heritage objectives and provisions of the Sydney Local Environmental Plan 2012, the Sydney Development Control Plan 2012 and relevant conservation policies contained within the Conservation Management Plan for the site and are acceptable.

Removal of Loading Dock

44. A loading dock for the whole development was originally approved on the southern end of the lower ground level of Group 2 along Foley Street (refer to Figure 48).

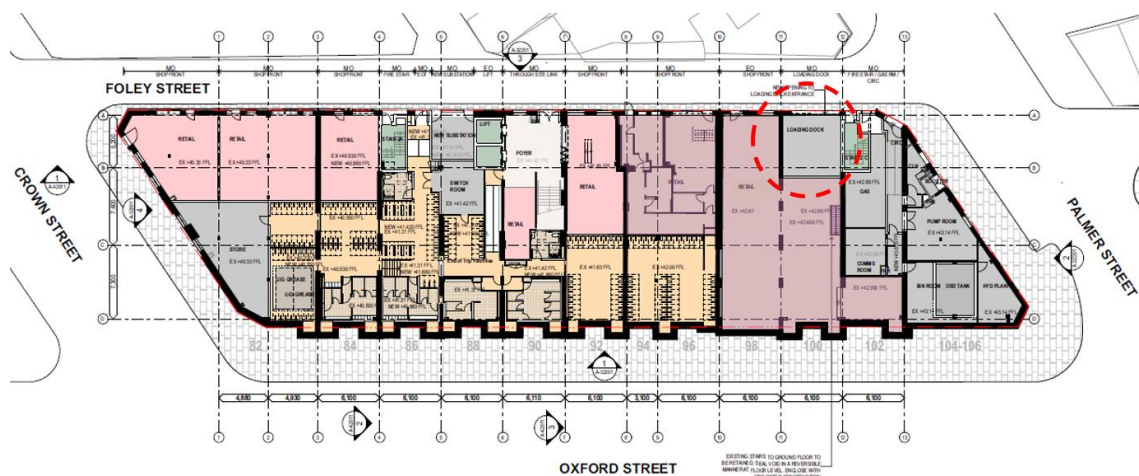


Figure 48: Extract of approved lower ground level showing the location of the approved loading dock circled in red

45. Figure 49 below shows the existing door along Foley Street which was originally approved to be amended for the loading dock.



Figure 49: Existing door opening along Foley Street, originally approved as location of loading dock

46. The applicant has provided documentation which shows that constructing the entrance to the loading dock would involve widening the existing 2190mm door to 2800mm to allow for a compliant opening for a B99 vehicle. A further 170mm of width would be required for the installation of a roller door to facilitate a functioning loading dock.
47. The documentation demonstrates that this widening would result in impacts to heritage fabric, structural deficiencies and subsequent structural interventions that would further affect heritage fabric. These impacts are summarised as follows:
- (a) Widening the opening will result in demolition of the current lintel beam and replacing it with a significantly larger steel lintel beam that is approximately two and a half times the height and additional needling beams. This would subsequently require cutting into a portion of the ground floor heritage doors and potentially affect the ground floor windowsills and flashings.
 - (b) Widening the opening will result in only 270 mm brick pier at the western end of the new opening which will not be structurally adequate to support the lintel beam. This will result in demolition of the pier and installing a significantly large steel post as the support of the lintel and therefore, damaging the heritage fabric of the façade.

48. In order to minimise structural impacts and impacts to heritage fabric, it is proposed to delete the on-site vehicle loading dock and dock door to Foley Street and convert it to a 'receiving dock' only.
49. It is proposed that Group 2 is serviced by a loading zone on Foley Street, adjacent to the location of the proposed 'receiving dock'.
50. Council's Transport Specialist originally raised concerns with the proposed removal of the loading dock and servicing arrangement. Following Council's request for further information regarding the loading dock, the applicant provided an additional Traffic Engineering Analysis letter which provided a further analysis of existing on-street loading bays and the proposal for a new on-street loading zone on Foley Street.
51. The proposed removal of the loading dock is supported in this instance due to the following:
 - (a) The removal of the loading dock will preserve the heritage façade and structural integrity of the existing heritage listed building;
 - (b) In principle support has been received by Council's traffic operations team and Council's public domain team regarding the proposal for a new on-street loading zone along Foley Street to accommodate B99 vehicles (5.2 metre vehicle). The applicant will be required to lodge an application to the Local Pedestrian, Cycling and Traffic Calming Committee for the proposed changes to kerb side parking on Foley Street. Existing condition 89 of the Notice of Determination requires this separate submission for changes to kerb side parking;
 - (c) The supporting traffic letters and swept path analysis submitted with the application demonstrates that the proposed loading zone on Foley Street could accommodate two B99 vehicles without impeding the movement on Foley Street, including a typical City of Sydney refuse vehicle. Existing condition 93 'Service vehicle size limit' restricts the size of vehicles servicing the property to not exceed 5.2 metres in length (B99 vehicle) and this condition is proposed to remain;
 - (d) The proposed on-street servicing arrangement complies with Section 5.11.7(4) of the Sydney Development Control Plan (DCP) 2012 in relation to servicing arrangements in the Oxford Street Precinct. This control states that loading and servicing facilities are not required to be accommodated on site within the Precinct, where there is an adjacent laneway where loading and servicing vehicles can park temporarily for servicing;
 - (e) The submitted documentation demonstrates that impacts on residential amenity of nearby sites can be minimised, in accordance with the requirements of Section 5.11.8 of the Sydney DCP 2012, where loading activities are restricted to daytime hours (8am to 6pm Monday to Friday and 8am to 1pm Saturday). Condition 84 'Delivery Vehicles' of the existing approval has therefore been amended to reflect these recommended hours for deliveries and servicing.

Substantially the same development

52. The proposed modified development is substantially the same as the approved development for the following reasons:
- (a) It does not give rise to any new environmental impacts compared to the approved development in terms of relevant matters for consideration at Section 4.15 of the Environmental Planning and Assessment Act, 1979.
 - (b) The development retains the same land uses as the approved development, continuing to provide commercial office, retail and cultural and creative space within the E1 Local Centre zone.
 - (c) The modifications do not change the built form, architectural expression or general building layout of the development.
 - (d) The development does not change the approach to heritage conservation and does not give rise to any additional unreasonable heritage impacts.
 - (e) The development, as modified, will continue to meet key objectives of the site's redevelopment, that is to provide high quality and activated retail, commercial and cultural and creative space to breathe new life into the Oxford Street precinct.
 - (f) The modifications do not alter the approved development's level of compliance with the applicable environmental planning instruments and policies.

Consideration of the reasons for the giving of the original consent

53. The proposed modified development is consistent with the original reasons given by the City of Sydney Local Planning Panel for the granting of consent to development application D/2020/1071:
- (a) The development, as proposed to be modified, continues to be consistent with the objectives of the E1 Local Centre zone as it will provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit Oxford Street, encourage employment opportunities in an accessible location and promote use of public and active transport.
 - (b) The proposed development is compliant with the alternate maximum height of buildings development standard under Clause 6.60D of the Sydney Local Environmental Plan 2012, and does not propose to contravene any applicable development standard.
 - (c) The proposed modifications do not change the approved built form, height or scale and therefore remain consistent with the objectives of the E1 Local Centre zone and the maximum height of buildings development standard.
 - (d) The proposed modifications continue to conserve the heritage significance of the heritage items on the site in accordance with clause 5.10 of the Sydney Local Environmental Plan 2012.
 - (e) There is no significant change to the built form or architectural expression of the proposed development, and it continues to exhibit design excellence.

- (f) The development, as proposed to be modified, remains consistent with the character and principles identified in the locality statement for Oxford Street under Section 2.4.10 of the Sydney Development Control Plan 2012 in that it:
 - (i) continues to conserve the existing heritage fabric, retains and enhances the existing heritage buildings through refurbishments.
 - (ii) does not propose any significant changes to the form, scale or materiality of the contemporary addition that complements the existing scale and urban context by setting back from the street frontage height and reflecting the fine grain subdivision pattern of the buildings facing Oxford Street.
 - (iii) the built form and design refinement of the development continues to reflect the vibrant and creative culture that characterises Oxford Street continues to retain and conserve the form of the existing heritage shopfronts maintains the use of Oxford Street for retail and cultural and creative purposes both at basement and ground level.
 - (iv) The proposed modifications will not result in any significant additional amenity, public domain or view impacts.

Consultation

Internal Referrals

- 54. The application was discussed with Council's;
 - (a) Heritage Unit;
 - (b) Public Domain Unit;
 - (c) Transport and Access Unit.
- 55. The Heritage and Public Domain Unit advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Notice of Determination.
- 56. As discussed, Council's Transport and Access Unit raised concerns with the removal of the loading dock. See further details under the sub-heading Removal of Loading Dock in the 'Discussion' section above.

Advertising and Notification

- 57. In accordance with the City of Sydney Community Engagement Strategy and Participation Plan, the proposed development was notified for a period of 14 days between 23 March 2023 and 7 April 2023. A total of 855 properties were notified and one (1) submission was received.
- 58. The submission raised the following issues:
 - (a) **Issue:** The construction of a new two storey addition with roof top plant is not in keeping with the heritage of the building and will cause shadowing and excess noise for neighbours.

Response: Deferred Commencement consent for the new upper floor addition to the Group 2 building was approved by the Local Planning Panel on 18 May 2022 (application D/2020/1071). The submitted modifications do not alter the bulk, scale or height of the approved addition to the building.

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

59. As the modified gross floor area and floor space ratio of the building (7,161sqm and 4.29:1) is not increasing above the originally conditioned gross floor area and floor space ratio (7,172sqm and 4.3:1), the modification does not change the development contributions required under the approved development, as modified.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

60. The site is located within the Residual Lands affordable housing contribution area.
61. As the original application D/2020/1071 was lodged before 1 July 2021, no affordable housing contribution applied to the development pursuant to clause 1.8A(4) of the Sydney Local Environmental Plan 2012.
62. No affordable housing contributions have therefore been levied as a result of this modification.

Relevant Legislation

63. Environmental Planning and Assessment Act 1979.

Conclusion

64. The proposal includes modifications to a mixed-use development, comprising office premises, retail premises, food and drink premises and a community facility, all of which are permissible with development consent in the E1 Local Centre zone.
65. The proposed modifications do not result in any change to the previously approved height of the building (24.95 metres) and the development maintains compliance with the alternative maximum height control of 25 metres under Clause 6.60D of the Sydney Local Environmental Plan 2012.
66. The amended proposal results in a floor space ratio of 4.29:1, including 0.18:1 end of journey floor space, which complies with the alternative floor space ratio (FSR) standard of 4.5:1 under Clause 6.60D of the Sydney Local Environmental Plan 2012.
67. The proposed modification continues to maintain an additional 10% of the floor space for cultural and creative purposes in accordance with 6.60D of the Sydney Local Environmental Plan 2012.
68. The development does not give rise to any additional unreasonable heritage impacts.

69. Having regards to all of the above matters, the proposed modification will not result in any adverse impacts on both the natural and built environment and the locality and is suitable for the site, subject to appropriate conditions of consent being imposed.
70. The proposed modification generally satisfies the relevant provisions of the applicable State Environmental Planning Instruments including the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012.
71. The development, as modified is considered to be substantially the same as that originally approved.
72. The application is recommended for approval, subject to conditions.

ANDREW THOMAS

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Julia Errington, Specialist Planner