

**Item 6.**

**Development Application: 136 Oxford Street and 4080 Bourke Street,  
Darlinghurst NSW 2010 - D/2025/386**

**File Number:** D/2025/386

**Summary**

**Date of Submission:** 6 May 2025

Final amendment received 26 August 2025

**Applicant:** Choulartons Australia Pty Limited

**Owner:** City of Sydney

**Cost of Works:** \$0.00

**Zoning:** R1 General Residential; SP2 Classified. The proposed organic food market is permissible with consent in the zones.

**Proposal Summary:** Use of Taylor Square to operate organic food markets on Friday between 5.00pm and 10.00pm and Saturday between 8.00am and 2.00pm. Bump-in and out times are two hours before and after trading hours.

The application is Integrated Development requiring the approval of Heritage NSW under the Heritage Act 1977.

The application is referred to the LPP for determination due to conflict of interest resulting from the development being on land owned by the Council.

The application was notified between 19 June 2025 and 18 July 2025. A total of 8 submissions were received. Of these submissions, 3 were in support, 4 were comments and 1 is an objection.

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

**Development Controls:**

- (i) Heritage Act 1977
- (ii) SEPP (Transport and Infrastructure) 2021

- (iii) SEPP (Biodiversity and Conservation) 2021
- (iv) Sydney Local Environmental Plan 2012
- (v) Sydney Development Control Plan 2012

**Attachments:**

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Plans of Management and Traffic Management Plan
- D. Submissions

**Recommendation**

It is resolved that consent be granted to Development Application Number D/2025/386 subject to the conditions set out in Attachment A to the subject report.

**Reasons for Recommendation**

The application is recommended for approval for the following reasons:

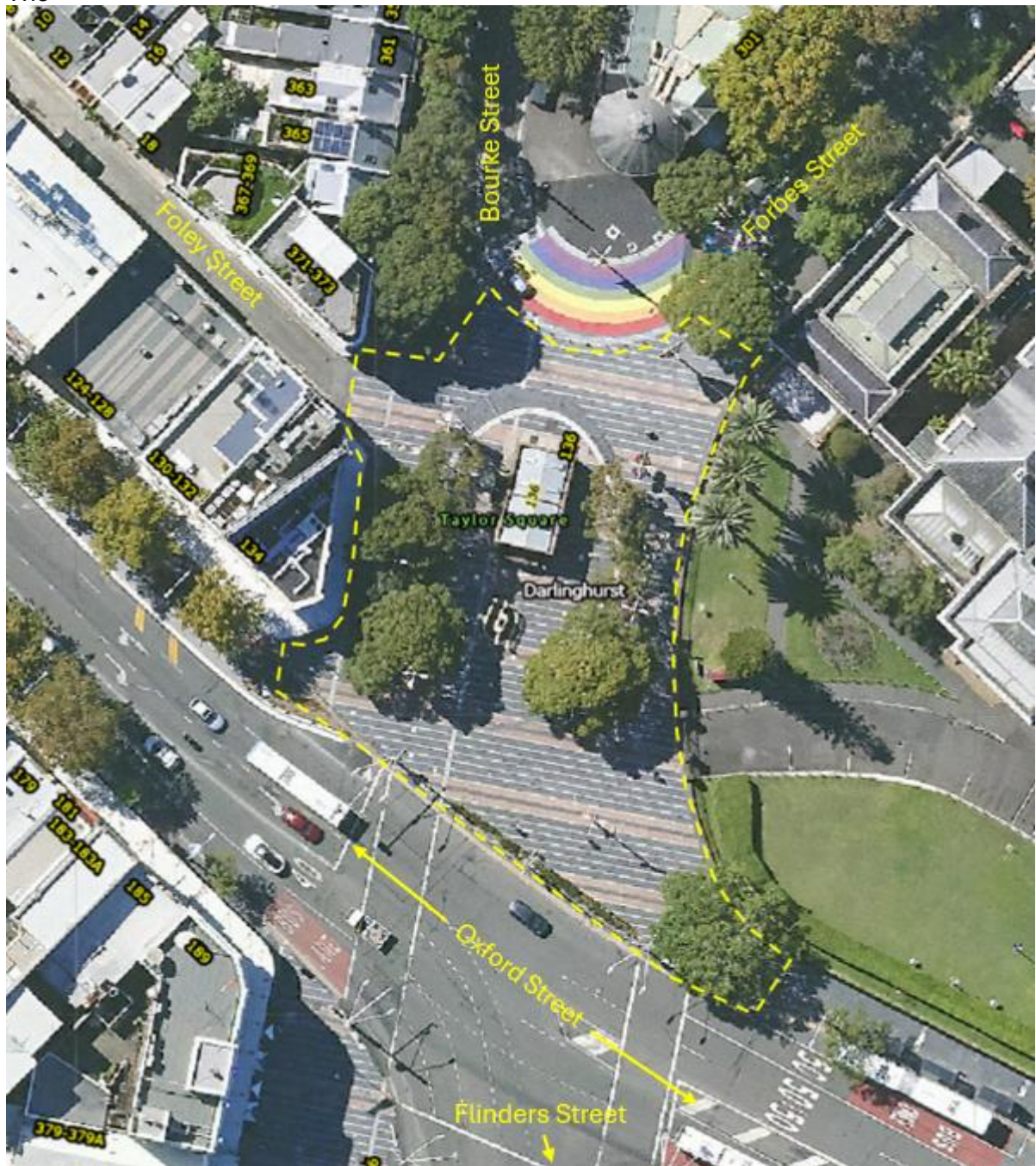
- (A) The proposal has been assessed against the aims and objectives of the relevant planning controls including the Sydney Local Environmental Plan 2012 (LEP), the Sydney Development Control Plan 2012 (DCP), and the applicable Environmental Planning Instruments, and complies.
- (B) The development is permissible with consent in the R1 General Residential Zone and SP2 Classified Zone. The proposal is consistent with previous uses of the site for markets, events and public exhibitions.
- (C) The proposal will not detrimentally impact on the heritage significance of the heritage items known as 'Former Electrical substation (No.6) including interior' (I400) and 'Underground lavatory including interior' (I401).
- (D) The development is considered consistent with the character of the Taylor Square and Darlinghurst Civic Precinct locality, and the East Sydney and Oxford Street heritage conservation areas.
- (E) Suitable conditions of consent are recommended to address any impacts.

## Background

### The Site and Surrounding Development

1. The site has a legal description of Lot 1 and 2 DP 1008763, known as 136 Oxford Street, Darlinghurst. The subject site also includes 4080 Bourke Street, Darlinghurst, which is identified as an intersection street segment. It is irregular in shape with a combined area of approximately 8,406sqm. It should be noted that the area which is proposed to be used by this application is limited to Taylor Square north of Oxford Street which has an area of approximately 718sqm.
2. The site contains a public space known as Taylor Square North which is bound by Oxford Street to the south, and Bourke Street and Forbes Street to the north. Foley Street provides laneway access to Taylor Square North from the northwest.
3. The surrounding area is characterised by a mixture of land uses, primarily being medium density commercial and residential dwellings. The Oxford Hotel fronts Taylor Square to the west whilst Darlinghurst Courthouse is located to the east of the site. Opposite the Bourke and Forbes Street frontage and rainbow crossing is QTOPIA Sydney, the home of queer history and culture. QTOPIA Sydney occupies the former Darlinghurst Police Station at 301 Forbes Street, Darlinghurst. The building served as a police station until the late 1980s and later as a community health and administration space. QTOPIA includes exhibition spaces, a theatre, and a memorial, and opened in February 2024.
4. The site contains 2 state heritage items identified as 'Former Electrical substation (No. 6) including interior' (I400) and 'Underground lavatory including interior' (I401) under Schedule 5 of the Sydney LEP 2012. These items are identified by the State Heritage Register as 'Taylor Square Substation No.6 and Underground Public Conveniences' (item 01700). The underground public toilets no longer operate as toilets and are used as exhibition space for the adjacent QTOPIA Sydney. The substation has been adapted for an exhibition space and occasional performance for QTOPIA.
5. These items are located in the East Sydney (C13) and Oxford Street (C17) heritage conservation areas and are identified as contributing items under Section 3.9 of the Sydney DCP 2012. The site is located predominantly within the Oxford Street HCA and is also part of the 'Sydney Mardi Gras Parade Route' (item 2068).
6. The site is located within the Darlinghurst Civic Precinct locality.
7. A site visit was carried out on 28 July 2025. Photos of the site and surrounds are provided below:
8. Photos of the site and surrounds are provided below.

The



**Figure 1:** Aerial view of site and surrounds - proposed market footprint outlined in yellow.



**Figure 2:** Taylor Square North viewed in a northerly direction towards the substation and decommissioned underground toilets



**Figure 3:** North-eastern part of site leading to Bourke Street (left) and Forbes Street (right). Existing bollards and proposed vehicle egress point.



**Figure 4:** Site viewed facing south-west



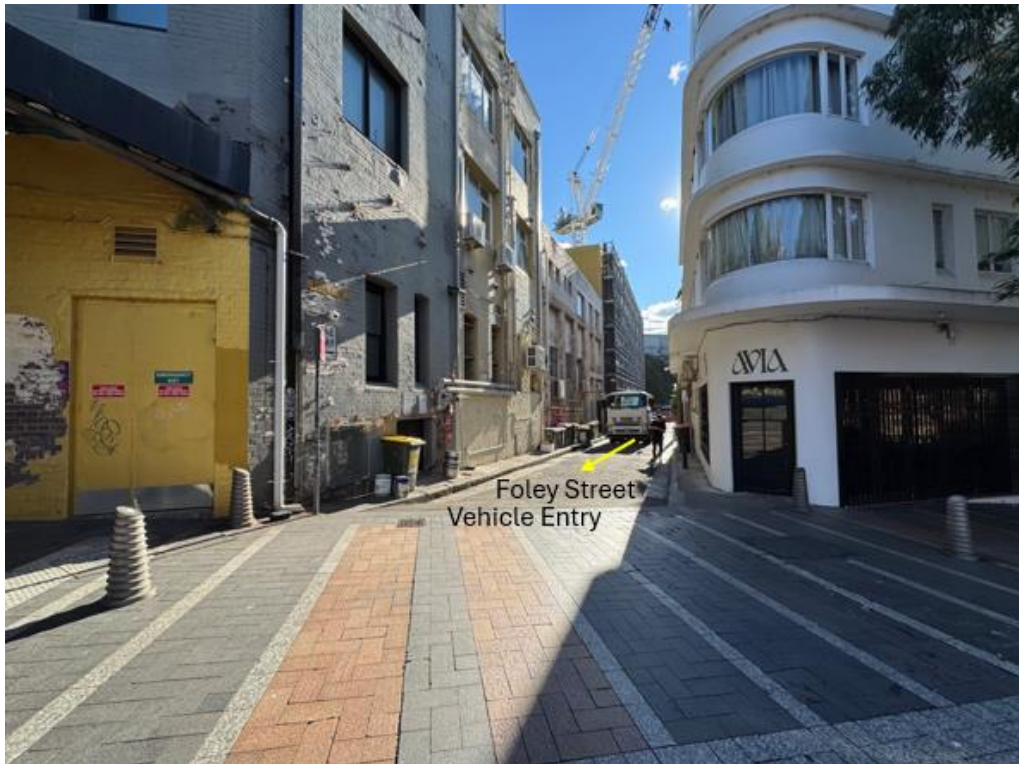
**Figure 5:** Site viewed in a southerly direction. Darlinghurst Court House (left) and Oxford Hotel (right)



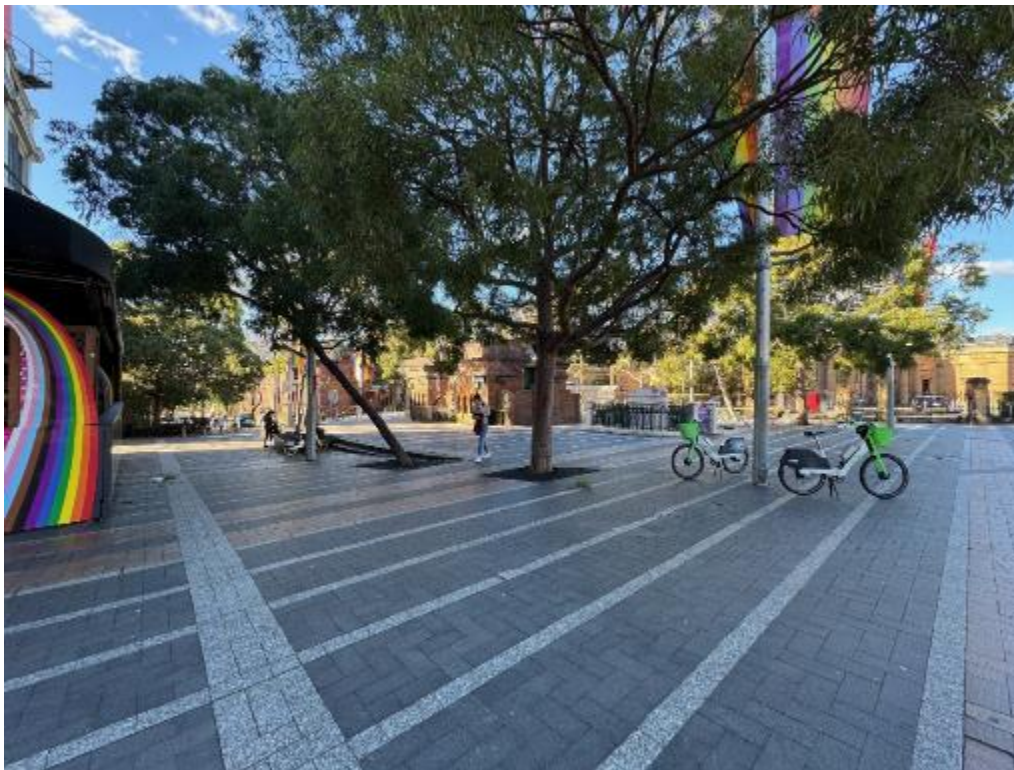
**Figure 6:** Site viewed in a south easterly direction



**Figure 7:** Site viewed in a south easterly direction



**Figure 8:** Foley Street viewed in a north westerly direction. Proposed loading vehicle ingress at western section of site.



**Figure 9:** Site viewed in a north easterly direction

## History Relevant to the Development Application

### Development Applications

9. Taylor Square North has previously been used for a Farmer's Market under the following applications:
  - **D/2010/175** – Development consent was granted on 21 April 2010 for use of Taylor Square North and part of Forbes and Bourke Streets for a Farmer's Market. Approved operating hours were between 8.00am and 1.00pm on Saturdays. The approved use was restricted to a period of one year from the date of approval, with a subsequent application to be lodged for any proposed extension. Several submissions were received for this application and subsequent modifications, with the large majority being in support.
  - **Modifications (A - D)** - Modifications to this application were granted between 21 October 2010 - 10 July 2014, extending the trading hours and temporary use of Taylor Square North to 10 July 2017.
  - **D/2023/25** – Development consent was granted on 19 July 2023 by the Local Planning Panel for use of Taylor Square North to operate a weekly Farmers Market & Eco Design Market on Saturdays between 8.00am and 1.00pm. The approved use was restricted to a period of one year from 19 August 2023. Two submissions were received in support of this application.
10. Taylor Square has a long history of being used as an event space. There are several applications from 2009 - 2023 which have approved temporary use of Taylor Square for exhibitions, public art and temporary structures.
11. The Taylor Square substation and underground amenities were approved for use on a one-year period as an ancillary exhibition space for Qtopia Sydney between 14 March 2024 - 2025. In this regard, the following application is currently under assessment:
  - **D/2025/316** – Development consent is sought for use of the Taylor Square Substation and Underground Amenities as an ancillary exhibition and performance space for Qtopia for a 5-year period, including associated internal works to the substation building. This application is Integrated Development under the Heritage Act 1977.

### Compliance Action

12. The previous use of Taylor Square North for markets did not generate any recorded complaints from the public and there are no documented compliance issues.

### Amendments

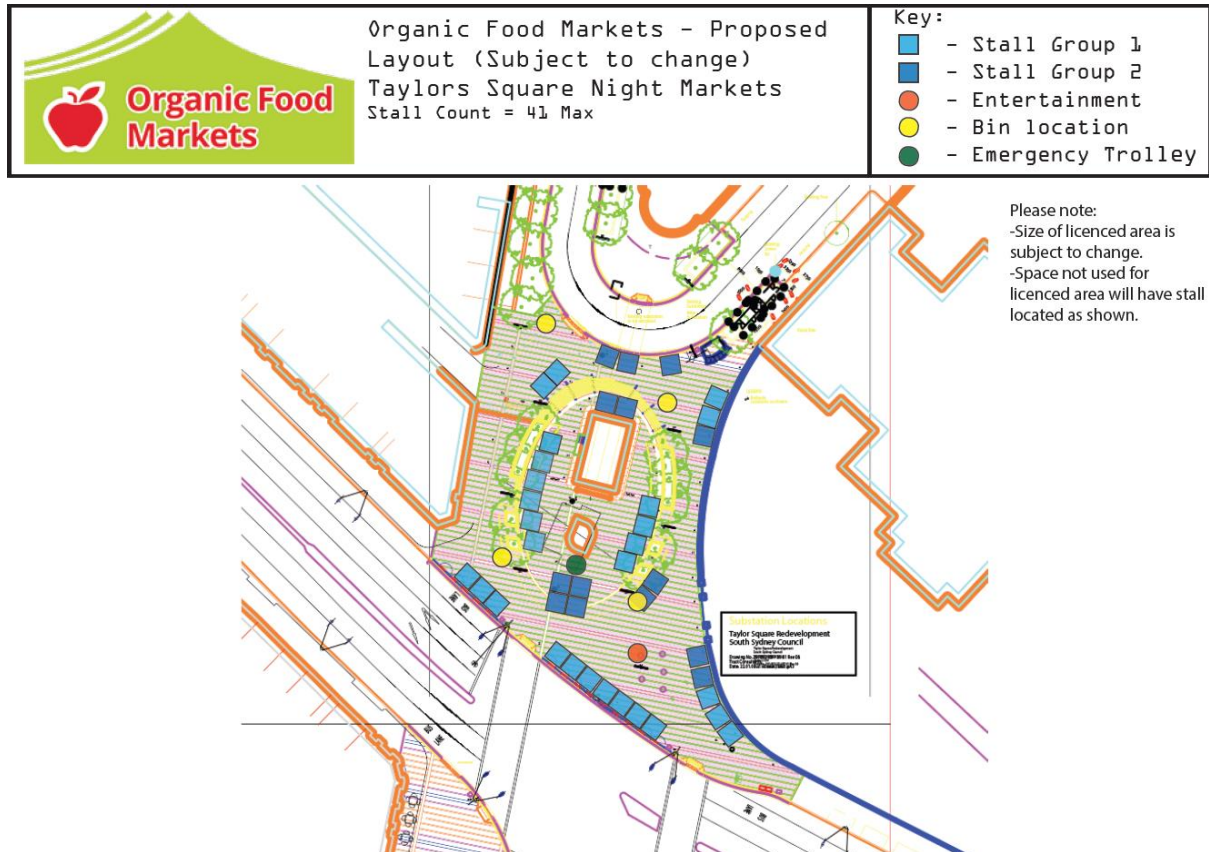
13. Following a preliminary assessment of the proposed development by Council Officers, a request for additional information and amendments was sent to the applicant on 21 May and 22 July 2025.

14. The applicant responded to the request on 21 June and 22 July 2025, confirming the proposed approval period, hours of operation, nature of temporary structures, that no signage was included in the proposal, nature of market offerings, provision of amplified music, waste management details, seating areas, licensed area and position of information point. On 26 August 2025, a seating area was deleted and stall relocated to address safe pedestrian movement.

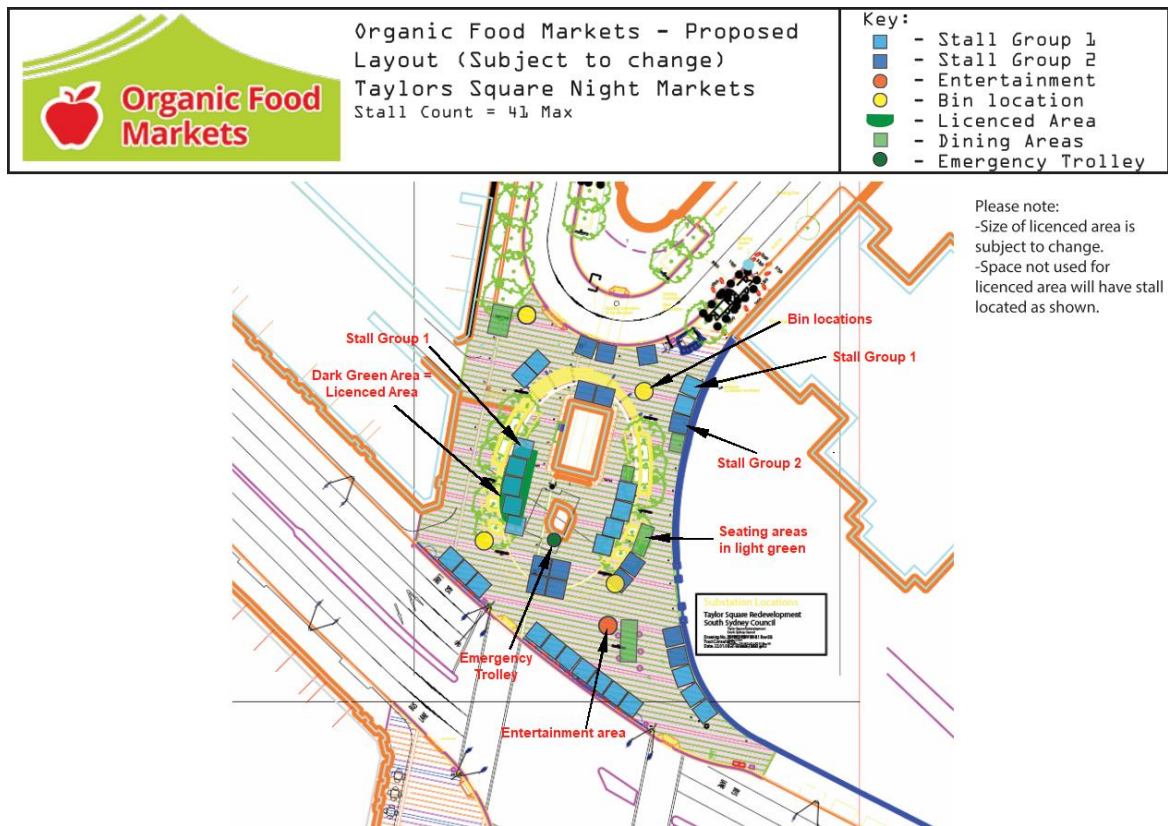
### **Proposed Development**

15. The application seeks consent for use of Taylor Square North for a weekly Market on:
  - (a) Fridays between 5.00pm and 10.00pm, and
  - (b) Saturdays between 8.00am and 2.00pm.
    - Bump in and out is proposed to occur 2 hours before and after market operating hours.
16. Approval is sought for an open-ended period or a minimum of 5-years with opportunity to extend by modification prior to expiry.
17. The Friday Night Organic Food Market offerings include:
  - Hot food cooked, non-alcoholic beverages, wholesale producer license-holders, fresh food and produce, a licensed area provided by the Oxford Hotel and non-food stalls including flowers, homewares, independent artists and designers and fashion.
  - Bump in/out: Market managers (1-2 people) arrive at 2.00pm and remain available on-site throughout the duration of bump in/out and trading hours. Commence bump in at 3.00pm. Bump out to commence at 10.00pm and conclude by 12.00am (midnight).
18. The Saturday Morning Organic Food Market offerings include:
  - Hot food cooked, non-alcoholic beverages, wholesale producer license-holders, fresh produce, groceries, weekly food essentials and non-food stalls such as flowers, homewares and fashion.
  - Bump in/out: Market managers (1-2 people) arrive at 6.00am and remain available on-site throughout the duration of bump in/out and trading hours. Commence bump-in at 7.00am. Bump out to commence at 2.00pm and conclude by 4.00pm.
19. A maximum of 41 stalls for each day are proposed using temporary 3m x 3m pop-up gazebo structures including a limited number of small food trucks/trailers. All equipment and rubbish would be taken home by the stallholder and no temporary structures would remain on-site outside of market hours.
20. Amplified background music would be provided on both days during market hours and typically provided by live artists with efforts to recruit local performers in a pre-determined location.

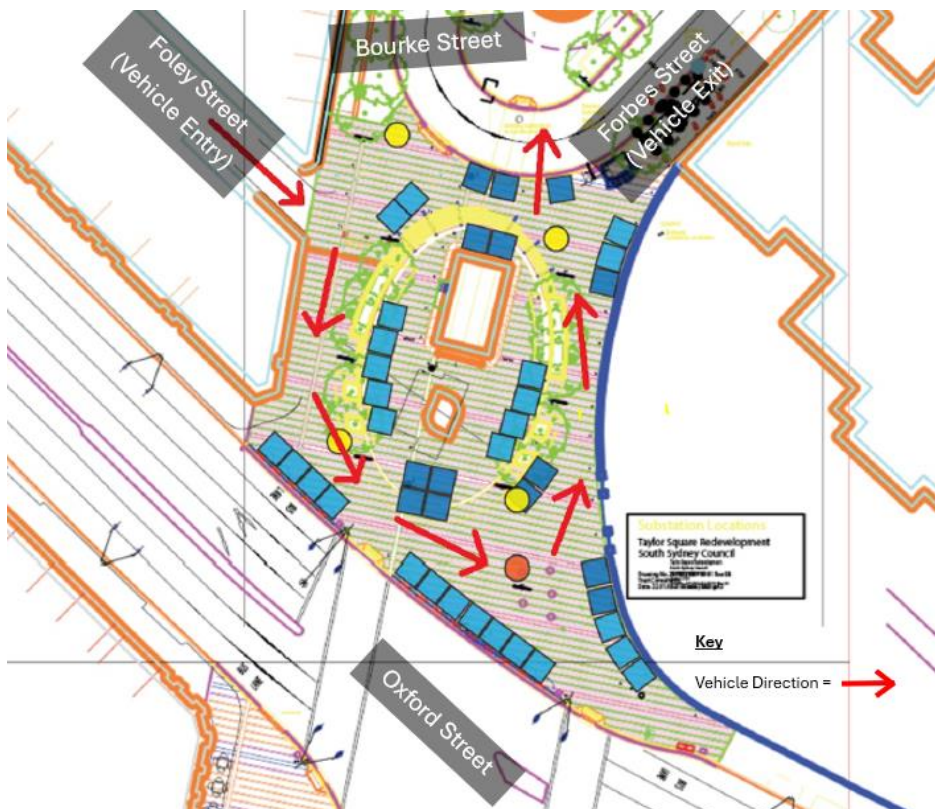
21. During bump in/out, vehicle movement on site in accordance with the Traffic Management Plan would be limited to 10 stallholder vehicles arriving in any one group from Foley Street and exited through Forbes Street with no reverse movement. Aside from food trucks/trailers, no vehicles would be permitted to park on-site.
22. No bunting or signage is included as part of the proposal. Any signage to be provided would be in accordance with Subdivision 11, Temporary event signs, of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
23. Plans and elevations of the proposed development are provided below.



**Figure 10:** Proposed Saturday Morning Market Site Plan



**Figure 11:** Proposed Friday Night Market Site Plan (note addition of licensed area and dining area compared to Figure 11 above)



**Figure 12:** Proposed Traffic Management Plan

## Assessment

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

## Heritage Act 1977

25. The subject site is listed as an item known as 'Taylor Square Substation No.6 and Underground Public Conveniences' (item 01700) on the State Heritage Register under the Heritage Act 1977. The site is also part of the 'Sydney Mardi Gras Parade Route' (item 2068).
26. As Integrated Development requiring approval under the Heritage Act 1977, a copy of the application was referred to Council's Heritage Specialist as the delegate for the Heritage Council on 19 June 2025 in accordance with Clause 42 of the Environmental Planning and Assessment Regulation 2021.
27. In correspondence dated 18 July 2025, the delegate was advised that the exhibition period had been completed, and 7 submissions were received.
28. On 21 July 2025, the delegate issued General Terms of Approval subject to recommended conditions which are included in the recommended conditions of consent (Attachment A).

## State Environmental Planning Policies

### State Environmental Planning Policy (Transport and Infrastructure) 2021

29. The provisions of SEPP (Transport Infrastructure) 2021 have been considered in the assessment of the development application.

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

#### Clause 2.119 - Development with frontage to classified road

30. The application is subject to Clause 2.119 of the SEPP as the site has frontage to Oxford Street which is a classified road.
31. The proposed development satisfies the provisions of Clause 2.119 subject to conditions of consent, as access to the site is not provided from the classified road and the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development.

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

32. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SEPP. The SEPP requires the Sydney Harbour Catchment Planning Principles to be considered in the carrying out of development within the catchment.

33. The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SEPP are not applicable to the proposed development.
34. Per the waste management plan, the operator will engage the City's Waste Management Services to provide bins and collections for the Friday and Saturday events. Stallholders will be responsible for their own waste and site supervisors will undertake regular patrols including pre and post site patrols for litter and other waste.

## Local Environmental Plans

### Sydney Local Environmental Plan 2012

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

#### Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	<p>The site is located in the R1 General Residential zone. The proposed development is defined as 'food and drink premises' and is permissible with consent in the zone.</p> <p>A portion of the subject site is also located in the SP2 Classified zone. The Land Use Table in the LEP states that the purpose shown on the Land Zoning Map is permitted with consent, including development that is ordinarily incidental or ancillary to development for that purpose. Temporary use of the road reserve for markets when no permanent works are carried out can be considered ordinarily incidental or ancillary to the primary use as a road and is therefore permissible.</p>

#### Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	<p>The site is a state heritage item known as 'Former Electrical substation (No. 6) including interior' (I400) and 'Underground lavatory including interior' (I401) under Schedule 5 of the Sydney LEP.</p>

Provision	Compliance	Comment
		<p>These state items are located in the C13 East Sydney and C17 Oxford Street heritage conservation areas and are identified as contributing items under section 3.9 of the Sydney DCP 2012. It is noted that the site predominantly lies within the Oxford Street HCA, including both state heritage items.</p> <p>The proposed development will not have detrimental impact on the heritage significance of the heritage conservation area or the heritage items because the proposal does not include any permanent structures or require any construction. The markets comprise of temporary gazebo structures, loose furniture and small food trucks/trailers.</p> <p>The proposal has also been reviewed by Council's heritage specialist as delegate for the Heritage Council and has been approved under the Heritage Act, subject to the Terms of Approval in Schedule 3 of the Notice of Determination.</p>

## Development Control Plans

### Sydney Development Control Plan 2012

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

### Section 2 – Locality Statements

37. The site is located within the Taylor Square and Darlinghurst Civic Precinct locality. The proposed development is in keeping with the unique character and the design principles of the locality.

### Section 3 – General Provisions

Provision	Compliance	Comment
3.9 Heritage	Yes	Refer to assessment of LEP section 5.10 above.
3.11 Transport and Parking	Yes	The proposal does not include any permanent physical works and will not result in any significant increase to traffic. It is anticipated that patrons will

Provision	Compliance	Comment
		<p>predominantly access the site either on foot, bicycle or by public transport.</p> <p>The application has been accompanied by a Traffic Management Plan which details access arrangements for stall operators and market managers.</p> <p>Further information can be found in the 'discussion' section below.</p>
3.12 Accessible Design	Yes	The subject site is a public space which provides equitable access. The proposal will not result in any permanent changes to the public domain and the market will maintain equitable access.
3.14 Waste	Yes	<p>A waste management plan is submitted with the application. The operator intends to engage the City of Sydney's waste management services to provide 240 litre bins and collections for the markets.</p> <p>Site managers will clean the site during bump in and out and stallholders will be responsible for their own waste. The bins provided by the City for the market are intended for public use only and stallholders will be required to remove all waste from the site upon closure of the markets. Market managers will also undertake regular patrols of the site to ensure that any litter is placed in the appropriate bin which is reinforced in the Plan of Management.</p> <p>A condition is recommended to ensure the proposed development complies with the waste management practices detailed in the waste management plan.</p>
3.16 Signage and Advertising	N/A	<p>The applicant has confirmed that the subject application does not propose any signage. Bunting/market signs will be restricted to banners complying with Subdivision 11, Temporary event signs, of the Statement Environment Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p>In this regard, it is recommended that a condition be included to require that a development application be lodged for any signage that would not be</p>

Provision	Compliance	Comment
		considered exempt, and that any on-site signage only be displayed during the operation of the market.

### Section 5 – Specific Areas

Provision	Compliance	Comment
5.11 Oxford Street Cultural and Creative Precinct	Yes	<p>The proposed market will be located in the Oxford Street Cultural and Creative Precinct at Taylor Square North.</p> <p>The proposed use of Taylor Square North will reinforce the role of Oxford Street as a locality activity street and will enhance the social and cultural significance of Oxford Street and Taylor Square, while resulting in no impact on the heritage significance of the site.</p>

## Discussion

### Access to the site during bump in and bump out

38. Vehicles will enter the site from Foley Street where entry will be staggered by site managers to no more than 10 stallholder vehicles arriving in any one group. Vehicles will be guided to their allocated area and once fully unloaded will be guided to exit through Forbes Street. Access arrangements have been confirmed with the City's Events Team for 2 removeable bollards on the northern side of the site, allowing egress onto Forbes Street. Traffic on-site will operate in a one-way system, avoiding the need to reverse at any point as outlined in Figure 12 above.
39. The following rules will be enforced by site managers whilst operating vehicles during bump in/out:
  - Car head lights to be on if it is dark;
  - All movement is to be supervised by the market management;
  - Hazard lights are to be turned on at all times while moving around the market;
  - 5kph speed limit;
  - Radio/music must be turned off; and
  - Front windows must be open.
40. City's Access and Transport Unit raise no objections to the application subject to conditions. Concerns were raised in relation to potential road closures and larger scale events but these do not form part of the current proposal and would be subject to separate assessment in the instances where such is being proposed.

**Length of consent to use space for markets**

41. The application seeks consent for permanent use of Taylor Square for markets. The applicant has requested that if permanent use is not granted that a minimum 5-year period be considered as the alternative.
42. Taylor Square is primarily a civic space with an extensive history of temporary use for the purposes of markets, public exhibitions and events. In the interest of maintaining Taylor Square as a quality public space to meet community needs which are likely to change over time, permanent approval is not considered appropriate.
43. The longest approval for use of Taylor Square was issued for a 3 year period between 10 July 2014-2017 under D/2010/175/D. This modification was granted after 4 years of approved extensions and was issued after continued demonstration of good management practice. In this regard, extended use of Taylor Square for markets can be supported on a renewable trial basis.
44. Provisions for the granting of trial periods in relation to Late Night Trading premises can be found under Section 3.15 of the DCP. Although the proposal does not qualify as a 'Late Night Trading Premises' it is considered appropriate that the provisions be used as guidance to establish a suitable length of approval.
45. As Taylor Square has been used for markets previously, it is recommended that a 5-year trial period be granted. Subject to demonstrated good management over the trial period in terms of compliance with the relevant conditions of consent, approved traffic and waste management plans and review of any impacts on the surrounding amenity, a further modification could be lodged to extend or renew the approved use period.
46. It should be noted that separate approval is required under the Roads Act 1993 for use of the site. Approvals in this context under the Roads Act 1993 are granted on a temporary renewable term of up to 7 years. In this regard, a time-limited consent is consistent with a Roads Act approval and the provisions for trial periods in the DCP.

**Amplified live music**

47. The provision of amplified live music on both days is to typically comprise of solo and duo artists. The application states it will be background music and only played during market trading hours. The site plan identifies that entertainment will be provided from one position in the south-eastern section of the site close to Oxford Street.
48. The application was referred to Council's Environmental Health Unit who advised that the provision of amplified music in this context is reasonably low risk and raised no objection to the inclusion of a condition to manage potential noise impacts.
49. The existing noise levels in Taylor Square are generated from regular traffic on Oxford Street, surrounding late night trading venues and general use as a civic space. In this regard, it is considered that amplified music from solo or duo artists would be generally consistent with existing noise levels, including that generated by market patrons, and therefore appropriately low risk in nature.
50. The City of Sydney Event Guidelines establishes that event noise levels must not exceed LAeq 15 minute ≤ 65 dB(A) when measured at the nearest affected receiver. To protect the surrounding amenity, it is recommended that a condition be included to this effect. This condition in conjunction with the provisions of the Protection of the Environment Operations (Noise Control) Regulation 2017, are considered sufficient in managing potential noise impacts from the provision of amplified music.

**Noise impacts from Saturday markets**

51. There is the potential for noise impacts to result from the commencement and bump in of the Saturday markets. The Saturday morning market is proposed to bump in between 6.00am to 8.00am, to operate between 8.00am to 2.00pm and to bump out from 2.00pm to 4.00pm.
52. The noise to occur during bump in and out would comprise of operating stallholder vehicles and the setting up / down of temporary pop-up stalls. The traffic management plan as discussed above includes rules for the operation of vehicles during the bump-in and out of the event. These rules will be enforced by site managers who will ensure that radios/music are switched off and that stallholders arrive in staggered intervals of 10 vehicles at a time, with no parking provided on site, excepting some holders operating directly from food trucks/trailers. To this effect, conditions are included to require compliance with the approved traffic management plan and as discussed in the 'amplified live music' section, conditions have been included to manage the noise generated by the event.
53. In consideration of the existing usual background noise levels and the potential noise to result from the set up of the Saturday event, subject to conditions, it is not anticipated that the operations during bump or trading would result in unreasonable noise or amenity impacts.

**Consultation****Internal Referrals**

54. The application was discussed with Council's Environmental Health Unit, City Access and Transport Unit, Cleansing and Waste Unit and Venue Management Unit.
55. Environmental Health and City Access and Transport Units advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the recommended conditions of consent.
56. Cleansing and Waste and Venue Management Units advised that the proposal is generally acceptable and that further detail would be assessed against the separate Roads Act 1993 application.

**External Referrals****NSW Police**

57. The application was referred to NSW Police for comment and no response was received.

**NSW Heritage Council**

58. The development is integrated development. The application was referred to Council's Heritage Specialist as delegate for the Heritage Council on 19 June 2025.
59. Copies of public submissions made to the City of Sydney during the notification period were forwarded to Council's Heritage Specialist on 18 July 2025.

60. General Terms of Approval were issued by Council's Heritage Specialist as delegate for the Heritage Council on 21 July 2025 and has been included in the schedules within the recommended conditions of consent.

### Advertising and Notification

61. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified for a period of 28 days between 19 June 2025 and 18 July 2025. A total of 681 properties were notified and 8 submissions were received. 4 were comments, 3 were in support and 1 was an objection.

62. The submissions raised the following issues:

- (a) **Issue:** The setup starting as early as 6am and the market opening at 8am could disrupt of the sleep of people in the area. There should be a later start time to minimize early-morning noise,

**Response:** The noise generated by the event is not anticipated result in unreasonable noise impacts. Site managers will arrive on site from 6am to perform pre-site checks and stallholder vehicles will arrive between 7am to 8.00pm. Vehicles will arrive on-site, staggered to 10 vehicles at a time, managed in accordance with the traffic management plan. Noise during this time will be limited to that generated by vehicles and the set-up of pop-up gazebos and stalls. No construction would occur as part of the process. Amplified music will be provided during the event trading hours. Conditions have been included to ensure that amplified music generated from the event is limited to not exceed LAeq 15 minute  $\leq 65$  dB(A) when measured at the nearest affected receiver and the operators will be subject to the provisions of the Protection of the Environment Operations (Noise Control) Regulation 2017. This is discussed in further detail above between points 48 - 54.

- (b) **Issue:** Bump in and out will be problematic if vehicles approach from the Campbell and Bourke Street sides. When special events occur, trucks and vans use all the surrounding loading zones and parking spaces for long periods of time, preventing customers and suppliers from accessing businesses. This negatively impacts surrounding businesses and impacts our ability to provide essential health services.

**Response:** The event is proposed to occur within the footprint of Taylor Square North only. Campbell and Bourke Street as described in this submission are adjacent to Taylor Square South which is located on the opposite side of Oxford Street. As per the traffic management plan bump in will occur from Foley Street and egress through Forbes Street in a one-way direction. There are no proposed changes to any surrounding parking provisions and once vehicles have unloaded, they will be directed to surrounding car parks. It is anticipated that patrons will commute to the market by foot, cycle or public transportation as the primary modes. In this regard, the bump in/out of the event is not considered to result in any unreasonable, long-term impacts on the surrounding availability of parking.

- (c) **Issue:** The market proposal is not ambitious enough for what Sydney currently needs. The event area should be extended with blocked off pedestrian areas, music, food, drinks, markets and entertainment throughout the weekend and provide opportunities for emerging talent.

**Response:** The assessment report is based on the information provided with the application. This comment is noted.

- (d) **Issue:** This DA conflicts with the LGBTIQA+ Oxford Street Strategy as there is no evidence of the applicants having actively worked with the LGBTIQA+ community. The LGBTIQA+ community is under pressure from non-LGBTIQA+ operators and visitors. This community is being pushed out of Oxford Street and this DA would negatively impact the community and its preservation.

**Response:** The application has been accompanied by letters of support from QTOPIA and the Rainbow Precinct. The documentation states that offerings from the market including entertainment will seek to collaborate and source locally, encouraging engagement with the surrounding community. In this regard, the provision of a market is considered consistent with the historical uses of Taylor Square and the intended uses of Taylor Square, aligning with principles and objectives of the Oxford Street Cultural and Creative Precinct. The proposal will contribute towards allowing Oxford Street to continue to be a rich and diverse neighbourhood with high quality public domain, servicing the daily needs of residents and visitors.

- (e) **Issue:** There is a significant lack of due diligence in the documentation. There is no risk assessment for rain and subsequent flooding due to lack of drainage in the whole north side of Taylor Square. The provision of entertainment would be drowned out by the noise from the Oxford Hotel balcony. This amongst other elements would result in the operations of the market to not proceed as expected, causing confusion and frustration on the day which will likely damage the reputation of the markets. If this market fails as previous markets have, this could poison the sites reputation when further activation attempts are made.

**Response:** The markets are comprised of temporary structures only. In cases where the site may experience flooding, it is considered that this can be adequately managed and therefore the proposal does not require a flood risk assessment. The provision of entertainment is an ancillary component to the primary use which is the provision of markets. Entertainment provided by the markets is limited in this aspect and is anticipated to blend with the existing noise levels, in respect of the surrounding amenity. The application is proposed to be supported on a temporary basis, in conjunction with a separate Roads Act application. This will allow for the ongoing review by Council of the operation of Taylor Square for the purposes of markets.

- (f) **Issue:** The planned number of stalls is not correct as there are several obstacles, including the new bike lane and bollards delineating the shared car/bike/pedestrian area between Foley and Bourke Streets, which have not been considered in the map provided. This would mean that projected income would be decreased, and the project may become financially unviable. The provision of food offerings on the Friday night will compete with the existing food and bar outlets on Oxford Street, reducing their income and potential north side food outlets.

**Response:** The proposed configuration and number of stalls adequately addresses the existing site constraints. As initially submitted the stall closest to the bicycle lane has been relocated to allow for sufficient clearance for safe pedestrian navigation and is reflected in the layout under consideration. The financial viability of the markets is not a relevant consideration for this assessment and is a matter for the operator. The proposed use of Taylor Square for markets to include food and drink offerings is permissible in the space and is consistent with the objectives of the area.

- (g) **Issue:** There is no documented evidence of a plan to facilitate the QTOPIA use of the substation during the market operating hours, which is required by Council when two authorised users of a Council owned property are using it at the same time.

**Response:** The proposal does not include any ticketing or limitation for access to the site. The proposal ensures that the site will remain an accessible and traversable public space. Conditions are recommended which require that pedestrian movement is maintained. Sufficient clearances are provided to enable access to the QTOPIA substation use in conjunction with the market during operating hours. It is also noted that QTOPIA are in support of the proposal.

## Financial Contributions

63. The proposal is not subject to any financial contributions.

## Relevant Legislation

64. Environmental Planning and Assessment Act 1979.  
65. Heritage Act 1977.

## Conclusion

66. The application seeks consent for weekly use of Taylor Square North, primarily as an organic food market, which will have an overall positive impact on the QTOPIA precinct and serve to activate the public domain by encouraging community interaction.
67. The application is reported to the Local Planning Panel for determination due to conflict of interest resulting from development on Council owned land.
68. The issues raised during notification and by City staff during the assessment have been addressed through this report and conditions have been included to address potential impacts. These issues relate to amplified noise, traffic management, length of approval and pedestrian safety.
69. The proposed development complies with the relevant controls and provisions of the Sydney LEP 2012 and Sydney DCP 2012.

70. The proposal is in the public interest and is recommended for approval subject to conditions. The time-limited consent will provide Council with the flexibility to review and assess the ongoing management of the markets and any potential impact on the surrounding amenity.

**ANDREW THOMAS**

Executive Manager Planning and Development

Isaac Toledano, Planner