

Relevant Information for Council

FILE: X026153 **DATE:** 14 May 2021

TO: Lord Mayor and Councillors

FROM: Graham Jahn, Director City Planning, Development and Transport

SUBJECT: Information Relevant To Item 9.2 – Public Exhibition - Planning Proposal - Oxford Street Creative and Cultural Precinct - Sydney Local Environmental Plan 2012 and Draft Sydney Development Control Plan 2012

Alternative Recommendation

It is resolved that:

- (A) Council approve the Planning Proposal – Oxford Street Creative and Cultural Precinct, shown at Attachment A to the subject report, for submission to the Department of Planning, Industry and Environment with a request for a Gateway Determination;
- (B) Council approve the Planning Proposal – Oxford Street Creative and Cultural Precinct, shown at Attachment A to the subject report for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) Council seek authority from the Department of Planning, Industry and Environment to exercise the delegation of all functions under the relevant local plan making authority under Section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and put into effect the Planning Proposal – Oxford Street Creative and Cultural Precinct;
- (D) Council approve the draft Development Control Plan – Oxford Street Creative and Cultural Precinct, shown at Attachment B to the subject report for public authority consultation and public exhibition together with the Planning Proposal **subject to the following amendments:**
 - (i) Insert after section 5.X.2 the following text:

5.X.3 Built form and high quality design on Taylor Square and other public spaces on Oxford Street

Taylor Square is an important public place, and is historically, visually and physically connected to the Darlinghurst Courthouse and former Darlinghurst Police station across Oxford street to the north. It is a complex public space extending from the courthouse buildings across Oxford Street, edged by heritage buildings on Flinders, Campbell, Bourke and Oxford Streets and the Rainbow Crossing. The angle at which Oxford Street bisects the grid creates a number of triangular or irregular shaped sites and public spaces at Oxford Square, Whitlam Square, Three Saints Square and Taylor Square. New buildings and additions to heritage buildings in these spaces must provide strong visual and physical edges to the public space through high-quality architecture and construction. Their architectural expression must complement the historical context and allow opportunities for contemporary design. Buildings must strongly define and enhance the quality of the space and provide opportunities for ground level activation.

Objectives

- (a) Establish an appropriate scale, massing and modulation for new development facing onto the public spaces listed at (i)-(iv) below, which frame, respect and respond to the place, architectural character, rhythm and grain of the existing built fabric of the high street.**
 - (i) Taylor Square**
 - (ii) Oxford Square**
 - (iii) Whitlam Square**
 - (iv) Three Saints Square – corner of Oxford Street, Barcom Street and Victoria Street.**
- (b) Achieve a street wall height that reinforces the scale and framing of the public spaces listed in (a) and protect the view corridor along Oxford Street towards Hyde Park and the City skyline.**

Provisions

- (1) Development is to reinforce the significant view corridor along Oxford Street and views to buildings framing Taylor Square and street intersections and define corner sites through appropriate massing and façade design.**
- (2) Despite any other provision of the DCP, a reduced upper level setback, which may result in a nil upper level setback on heritage listed and contributory buildings facing Taylor Square, Oxford Square, Whitlam Square, and Three Saints Square may be considered where the Consent Authority is satisfied that the design outcome will be of the highest standard in the following areas:**
 - (a) the relationship between the architectural language of the existing building and the addition, which is to enhance and emphasise the qualities of both the existing and new parts of the building; and**

(b) the design and construction quality of the façades, including exposed side walls and expression of the roof.

- (ii) Amend (as per the bold italic) including any consequential renumbering, subsection 5.X.4.3 Building alignment, setbacks and street frontage heights, to read as follows:
- (1) *Street frontage heights are not to exceed the maximum height on the Street Frontage Height maps. Above the street wall, additional storeys **on heritage listed and contributory buildings** are to be set back a minimum of 3 metres (Figure 5). Note that the maximum number of storeys shown on Map XX: Height in storeys includes attics and mezzanines.*
 - (2) *A greater minimum setback than that detailed in 5.X.4.3(1) may be required if identified as part of a Conservation Management Plan or Statement of Heritage Principles.*
 - (3) *A reduced setback, **which may include a nil setback on heritage listed and contributory buildings facing the squares referred to in 5.X.3, noted in Objectives (a)** may only be considered where the Consent Authority is satisfied that the design outcome will be of the highest standard in the following areas:*
 - (a) *the relationship between the architectural language of the existing building and the addition, which is to be complementary and enhance and emphasize the qualities of both the existing and new parts of the building;*
 - (b) *the design and construction quality of the façades, including exposed side walls and expression of the roof.; ~~and~~*
 - (c) *~~the sustainability of the development.~~*
- (E) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal – Oxford Street Creative and Cultural Precinct and draft Development Control Plan – Oxford Street Creative and Cultural Precinct, to correct any drafting errors or to ensure consistency with any Gateway Determination; and
- (F) ***the Chief Executive Officer be requested to:***
- (i) ***prepare further options for increased scale of buildings for sites south of Oxford Street along Flinders street and facing Taylor Square within the study boundary to:***
 - (a) ***integrate any forthcoming urban ideas from the Sustainable Sydney 2050 project;***
 - (b) ***consider issues raised by Councillors and speakers about the design of the built form and its relationship to public space at the Transport, Heritage and Planning Committee on 10 May 2021;***
 - (ii) ***seek public feedback on those options alongside the public exhibition of the Oxford Street cultural and creative precinct planning proposal and draft DCP; and***

- (iii) ***report the options and feedback to Council and the Central Sydney Planning Committee with any recommended amendments to the proposed planning controls.***

Background

Discussion at the meeting of the Transport, Heritage and Planning Committee on 10 May 2021 addressed the relationship between high quality architecture and public space. It raised the need for the draft DCP for the Oxford Street cultural and creative precinct to better emphasise the opportunity to establish a distinctive built form on sites fronting key public spaces, including Taylor Square.

The following amendments to the draft DCP for the Oxford Street cultural and creative precinct are proposed to further address the role of high quality design in framing key public spaces in the precinct.

Additional DCP provision for the built form and high quality design of sites facing Taylor Square and public spaces on Oxford Street

Taylor Square is an important and complex public space and pathway extending from the Darlinghurst Courthouse buildings across Oxford Street, edged by heritage buildings on Flinders Street, Campbell Street, Bourke Street, Oxford Street and the Rainbow Crossing. Other triangular public spaces are located where Oxford Street bisects the street grid at Oxford Square, Whitlam Square and Three Saints Square.

In addition to the proposals to change the planning controls applying to the Oxford Street cultural and creative precinct, Council is continuing to explore the form and function of Taylor Square and the surrounding public domain through the Sustainable Sydney 2050 project.

The draft DCP for the Oxford Street precinct currently includes provisions which address the design, activation and arrangement of the proposed two-storey built form uplift. These provisions apply across the precinct including to sites fronting public spaces. Sustainable Sydney 2050 ideas and investigations on the future of Oxford Street provides opportunities to build on the special significance of Taylor Square. To ensure development consider these opportunities it is proposed to insert a new DCP provision to further emphasise the contribution the built form can make towards creating high quality public spaces.

The new provision includes the requirement to provide strong visual and physical edges to the public space through high-quality architecture which complements the historical fabric while also allowing opportunities for contemporary design. Development facing these public spaces can potentially reduce upper level setbacks on heritage listed and contributory buildings, to nil setback, but only if it satisfies criteria and demonstrates a high quality design outcome while maintaining heritage values of the buildings. It also requires development proposing increased height for sites facing onto Taylor Square, Oxford Square, Whitlam Square and Three Saints Square to reinforce the significant view corridor along Oxford Street and define corner sites through appropriate massing and façade design.

Amendment to the DCP requirement for a 3 metre upper level setback across the precinct

The draft DCP currently requires all development accessing alternative height and floor space in the precinct to provide a minimum 3 metre upper level setback. It allows setbacks to be reduced where a high quality design outcome can be demonstrated.

A 3 metre upper level setback may not be reasonable or necessary on all sites in the precinct, such as those buildings which are identified as neutral or detracting to the Conservation Area. Contemporary buildings and those which make no contribution to the Conservation Area are located towards the east of the precinct. In these cases, it will be appropriate for vertical additions to be built to the street alignment with nil setback along the upper level street frontage, and this requirement does not need to apply.

Where these sites adjoin heritage or contributory buildings which may have a 3 metre upper level setback, a possible variation in street frontage setbacks may result. This upper level variation is acceptable in the context of the Conservation Area and consistent with the advice by the City's Design Advisory Panel.

It is proposed to amend the draft DCP provision to apply the 3 metre upper level setback requirement only to heritage listed and contributory buildings in the precinct, meaning all new buildings or additions to neutral and detracting items can have a nil setback. Variations to setbacks for heritage items and contributory buildings facing squares are possible as described previously. Further the requirement for variations to the setback to be assessed against the sustainability of the building has been removed as sustainability and climate responsive design is addressed elsewhere in the draft DCP in provision 5.X.4.2(8).

Feedback to be sought on further height and massing options for Taylor Square

Discussions at Committee on 10 May 2021 addressed the possibility of greater scale on sites fronting Taylor Square given its scale as a public space, the opportunity for high quality architecture and the City's long term vision for Taylor Square. High quality architectural proposals could achieve greater height than the proposed two and four storey uplift and help form high quality public space at Taylor Square without eroding amenity and heritage character.

The City's Design Advisory Panel, while supporting the two storey option, advised that further studies (and possibly design competitions) for both Whitlam Square and Taylor Square could be undertaken to reinforce their role in framing the entry to the city and increasing pedestrian amenity. The Panel stated that this could include the idea of significant urban markers within the space, and traffic calming such as removal of slip lanes.

In the future Sustainable Sydney 2050 project, staff are considering the long-term improvement of public domain on Oxford Street including a strategic revisioning of the street's public domain and reconsideration of the street's movement functions to improve amenity and conditions for walking and cycling. The future 2050 proposals may provide context and support a case for greater scale in Taylor Square.

In view of the work the City is undertaking for Sustainable Sydney 2050 in relation to Oxford Street and which is soon to be reported to Council and the discussion at Committee on 10 May 2021, there is scope to reconsider the appropriate scale and massing of certain sites facing Taylor Square on Oxford, Flinders, Bourke and Campbell Streets.

Prior to the public exhibition of the planning proposal and Draft DCP for the entire precinct, new height and massing options for Taylor Square will be prepared. These options will integrate the ideas from Sustainable Sydney 2050 and outline increased heights and building massing for sites facing Taylor Square.

Public feedback will be sought on the additional height options alongside the formal exhibition of the planning proposal and draft DCP.

Any further options will be reported to Council and the Central Sydney Planning Committee after the exhibition. If a further option is supported by Council and the Central Sydney Planning Committee the planning proposal and Draft DCP for sites within the study area and directly facing Taylor Square can be modified and formally re-exhibited later in the year. The proposed planning controls for the remainder of the Oxford Street can progress separately after exhibition.

Memo from Graham Jahn, Director City Planning, Development and Transport

Prepared by: Julie Prentice, Specialist Planner

Approved



GRAHAM JAHN AM

Director City Planning, Development and
Transport