

## Item 4.

### **Public Exhibition – Planning Proposal – Oxford Street Creative and Cultural Precinct – Sydney Local Environmental Plan 2012 and Draft Sydney Development Control Plan 2012**

**File No: X026153**

#### **Summary**

Oxford Street and its surrounding area is one of Sydney's iconic places and has long been appreciated as a creative and cultural precinct both locally and internationally. It follows an ancient pathway used by the Gadigal people of the Eora Nation and is one of Sydney's earliest main streets. It is an important high street and a focus for community activity and provides for the daily needs and services of residents. For many years, Oxford Street has been an iconic destination for nightlife and shopping and is home to the annual Mardi Gras Festival and parade.

Oxford Street's character is built on its diverse use, activities, heritage and building forms. It hosts a mix of fine grain businesses, educational institutions, health facilities, and spaces for residents, workers, visitors and festivals. The growth of larger shopping centres, increased online spending and the impacts of a noisy road environment, underused public spaces, lockout laws have contributed to retail vacancies, fewer people and lower amenity on Oxford Street. The impact of the Covid-19 pandemic now presents businesses on Oxford Street with more challenges, particularly in the lead up to hosting World Pride in 2023.

The City has positioned Oxford Street as a cultural centre within the Eastern Creative precinct in Local Strategic Planning Statement. In this precinct the City is encouraging cultural uses as a driver of creativity and enterprise, a source of job creation and potential for place-making. It builds upon existing and emerging employment and creative business clusters within the area and capitalises on the proximity of the area to long term establishments including the National Art School and UNSW Art and Design Campus.

This place-based approach to cultural activity is an extension of the City's planning reforms to help realise our creative city vision, as space for cultural activities and production, particularly those at small business and community level, becomes harder to find as an unintended effect of rapid urban change. Internationally, cities similar to Sydney are putting their efforts into making space for culture, and the planning framework is an important lever.

The City's approach to land use planning can positively contribute to the evolution and revitalisation of Oxford Street as a cultural precinct. This proposal seeks changes to the Sydney Local Environmental Plan 2012 (the LEP) and Sydney Development Control Plan 2012 (the DCP). The changes are the result of a strategic review of planning controls applying to land identified within the Oxford Street corridor between Whitlam Square and Greens Road in Darlinghurst, to be known as the Oxford Street cultural and creative precinct. The proposals fit within a broad context for change proposed for Oxford Street by the City to address the public domain and improve conditions for walking, cycling and the enjoyment of the street.

The proposals are informed by extensive consultation with community undertaken between October and December 2020. This consultation demonstrates significant support for reviews of planning approaches, including additions to heritage buildings and the creation of a more pleasant street environment and affordable creative space. The planning proposal represents the first step in responding to issues raised in this consultation.

Consultant studies addressing Floor Space Supply and Demand, Cultural Activity and Urban Design and Heritage also inform the review. These studies identify the need to incentivise and create diverse and affordable cultural and creative floor space and activity in the precinct with minimal impacts on heritage and local amenity.

The planning proposal is to amend Sydney LEP 2012 to:

- ensure no additional loss of existing entertainment, creative and cultural floor space within the precinct
- incentivise the growth of creative and cultural floor space by permitting additional floor space and height
- incentivise uses that support Oxford Street's role as a local centre
- incentivise entertainment floor space at basement level
- protect heritage fabric and the structural integrity of heritage items by ensuring growth and growth scope is contingent on heritage considerations
- allow additional permitted uses at the National Art School to diversify its supporting commercial and entertainment activities
- provide a floor space ratio increase from 0.9:1 to 1:1 at the National Art School to support its redevelopment
- promote uses at street level that attract pedestrian traffic balanced with the need to appropriately service sites
- expand the Oxford Street Heritage Conservation Area to include 276-278 Crown Street.

The planning proposal provides the potential to unlock the redevelopment of sites within the precinct, which may be constrained by the existing height controls, and increase cultural and creative floor space. It does this by enabling buildings within the precinct to redevelop to an increased alternative height and floor space control. This redevelopment may only be triggered if 10 per cent of the building's floor area will be used for cultural and creative uses. Redevelopment will stimulate activity, increase employment and pedestrian activity and contribute to the overall revitalisation of the area.

It is calculated that the proposed controls could create more than 11,000sqm of new creative and cultural floor space in a strategically appropriate location. They will encourage diverse and active streets and lanes which contribute to the cultural and creative offering and vibrancy of the day and night-time economies. The controls also conserving the heritage significance and respect the character of the buildings and streetscape.

The City has prepared the draft DCP to help ensure the objectives and intended outcomes of this planning proposal are achieved. The draft DCP controls relate to the built form, urban grain, architectural character, design of cultural and creative floor space, laneway activation, building setbacks and highly visible sites. New building contributions to the heritage conservation areas are also proposed.

The draft DCP proposes new requirements for heritage buildings on Oxford Street. It introduces the requirement for a Statement of Heritage Principles to be endorsed by the City prior to the submission of an application to be a central consideration informing the design of vertical additions. It also requires a Heritage Structural Impact Statement to accompany development applications, to ensure that the structural stability of heritage buildings is not endangered.

This report seeks the Central Sydney Planning Committee's approval to submit a planning proposal to amend Sydney Local Environmental Plan 2012, as it applies to the precinct to the Department of Planning, Infrastructure and Environment for Gateway Determination. Approval is also sought to publicly exhibit the planning proposal in accordance with the Gateway Determination alongside an associated draft amendment to Sydney Development Control Plan 2012.

## Recommendation

It is resolved that:

- (A) the Central Sydney Planning Committee 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) the Central Sydney Planning Committee 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) the Central Sydney Planning Committee 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) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 10 May 2021 that 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; and
- (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.

## Attachments

<b>Attachment A.</b>	Planning Proposal – Oxford Street Creative and Cultural Precinct
Attachment A1.	Oxford Street Strategic Review Early Consultation Engagement Report
Attachment A2.	Oxford Street Urban Design Study
Attachment A3.	Oxford Street Heritage Study
Attachment A4.	Oxford Street Cultural Activity Study
Attachment A5.	Oxford Street Floor Space Supply and Demand Study
<b>Attachment B.</b>	Draft Development Control Plan – Oxford Street Creative and Cultural Precinct

## Background

### The proposal repositions Oxford Street as a vibrant cultural and creative precinct

1. Oxford Street is loved for its rich and varied cultural history. It is an ancient walking track of the Gadigal people of the Eora nation. It is a focus for community infrastructure and the daily needs and services of residents and for many years, it has been an iconic destination for nightlife and shopping. It is home to the annual Mardi Gras Festival and parade, and in 2023, it will host Sydney WorldPride.
2. The City has identified Oxford Street as a centrepiece of the Eastern Creative Precinct in the *Local Strategic Planning Statement*. It aims to support existing and emerging clusters of creative businesses within the area and capitalise on presence of long-term establishments including the National Art School and University of NSW Art and Design. The City's land use planning approach for Oxford Street can help realise the creative and cultural vision for this important place. It will encourage culture as a driver of creativity and enterprise, a source of job creation, and potential for place-making.
3. This purpose of this report is to seek the Central Sydney Planning Committee's approval of the Planning Proposal for the Oxford Street Cultural and Creative Precinct (the Planning Proposal), at Attachment A1-A5, for submission to the Department of Planning, Infrastructure and Environment with a request for a Gateway Determination, and to proceed to public exhibition. The Central Sydney Planning Committee is asked to note Council's approval is sought for the public exhibition of the draft Sydney Development Control Plan 2012: Oxford Street Cultural and Creative Precinct (draft DCP) at Attachment B.
4. The planning proposal amends the planning controls applying to land identified within the Oxford Street corridor between Whitlam Square and Greens Road in Darlinghurst. The land subject is to be known as the Oxford Street cultural and creative precinct and is shown in Figure 1 below.
5. The planning proposal provides alternative planning controls to unlock the redevelopment of sites within the precinct and encourage its positive transformation. This is on the basis that a proportion of cultural and creative floor space is provided in redevelopment to stimulate activity, increase employment and pedestrian activity and contribute to the overall revitalisation of the local area. The proposals contribute to the long-term evolution and improvement of Oxford Street proposed by the City to address the public domain and improve conditions for walking and cycling and the enjoyment of the street.
6. The review of planning controls aims to respond to the current conditions of Oxford Street. These include the high level of retail vacancy, the impact of a noisy road environment, underused public spaces, now repealed lockout laws and the effect of the Covid-19 pandemic, all of which have affected the patronage of Oxford Street.

### Making space for culture on Oxford Street contributes to a creative city vision

7. Globally, an increasing number of cities are struggling to maintain their distinctive cultures in the face of rapid urban change. The fast pace of development, growing populations and increased property prices have had unintended impacts on cultural spaces like live music venues, small theatres, galleries, studios and rehearsal spaces. Redevelopment of industrial areas has reduced workspace for industries such as fashion, craft, media and design. Moreover, rising housing costs have shaped the cultural workforce along socio-economic lines, limiting creativity to those who can afford the rent.

8. Internationally, cities similar to Sydney are trying to address the issue and make space for culture. The substantial gap in the supply of cultural space or infrastructure, particularly for creation and production, will take collaboration and partnerships to close.
9. The City continues to use its planning framework to support cultural and creative activities and space. We created precincts for late night activity and encourage venues to host performances in the Late Night Trading DCP. We reduced regulation for small-scale cultural activities to use existing spaces and have proposed sound management planning controls to protect live music and performance venues.
10. The proposed changes to the planning framework for Oxford Street seek to achieve the City's vision for a strong cultural life, a diverse and safe night-time economy and a thriving live music and performance industry, as established in the OPEN Sydney Strategy, Creative City cultural policy and Live Music and Performance action plans. The proposed controls will protect existing cultural space, incentivise new cultural space and basement entertainment space and support the key institutions that anchor cultural activity in the area. These measures combined will help build a cultural precinct and create the opportunity for economic and creative benefits of clustering cultural and creative sector.
11. The planning proposal addresses actions included in these plans to investigate improvements to the planning and regulatory framework to support to encourage a diversity of cultural activities, clusters and hubs and the night-time economy. It facilitates Action 1.30 of the Creative City cultural policy which proposes the culture-led revitalisation of the Oxford Street precinct including curated creative retailing, affordable creative spaces, cultural and community events, pop-up retail, public art and open studios.
12. The proposals strengthen the city's cultural life and night-time economy in and around Oxford Street and assist in addressing the significant challenges that creative and cultural businesses face and from Covid-19. Creative and cultural industries in the city now face significant challenges as a result of the pandemic, with businesses forced to close and others struggling to survive. This is particularly concerning for an industry with a critical role to play in supporting wellbeing during and after the pandemic.
13. The review of planning controls is informed by the outcomes of extensive early consultation with community undertaken between October and December 2020. It is also supported by consultant studies addressing Urban Design and Heritage, Floor Space Supply and Demand and Cultural Activity.
14. The proposed changes represent a first step in responding to issues raised by the community in early consultation about the future vision, character and experience of Oxford Street.

**The land use, heritage and built form diversity of the area contributes significantly to its character**

15. The boundary of the precinct is shown in Figure 2 below. It contains 139,965 sqm of the Oxford Street corridor extending 1.3 km southeast between Whitlam Square to the east and Greens Road to the west.



Figure 1 the boundaries of the Oxford Street cultural and creative precinct

16. As one of Sydney's earliest main streets of the 1840s, the street is characterised by Edwardian, Victorian, Art Deco, Inter-War and Federation style architecture, including institutional buildings, theatres, commercial buildings, council reclamations, public conveniences and open spaces including Taylor Square. The largely consistent and intact streetscape comprises buildings with robust materiality, elegant proportions and fine detailing. The northern end of the precinct at Whitlam Square is located 180 metres from the ANZAC memorial in Hyde Park.
17. Oxford Street runs along a ridge line from Hyde Park to Taylor Square. This geography creates a clearly framed view corridor down the street towards Hyde Park and the city skyline beyond. The lots on the north side of the street, especially at their upper levels, are afforded views toward Sydney Harbour, as Darlinghurst falls away to the north.
18. The southern side of Oxford Street is predominantly a lower scale, with taller buildings located to the west near Whitlam Square reflecting the building scale of Central Sydney. Aside from the taller buildings to the west of the precinct, Oxford Street is generally lined by three storey buildings, located on sites with narrow frontages, in buildings serviced by rear lanes and with generally consistent facades and street awnings.
19. The key land uses in the precinct include higher education facilities such as the NAS and UNSW campuses, University of Notre Dame and Charles Sturt University, and tourist based and entertainment uses, food and drink establishment and retail and creative industries. In 2017 the precinct included 183,171 sqm of employment floor space, including 50,664sqm for higher education, 26,875sqm of tourist, cultural and leisure floor space and 24,794sqm for government uses. 9,268 sqm was in use by creative industries and 29,924sqm is vacant.
20. Key cultural, creative educational, tourist and leisure uses in and around the precinct include the Council-run Eternity Playhouse, East Sydney Community and Arts Centre, various commercial galleries and the Sydney Jewish Museum, National Art School, UNSW Art and Design Campus, the Whitehouse School of Design and entertainment facilities including the Palace Verona Cinema and the Oxford Art Factory.

**The precinct includes significant public domain and spaces**

21. Oxford Street is a key movement corridor, but also a place with open spaces with character and significance.
22. It is a key vehicular and pedestrian path to and from Central Sydney, classified as a regional road between College Street and Crown Street, and a classified State controlled road east of Crown Street. It accommodates six lanes of traffic, including bus lanes with major key intersections at Crown, Bourke, Riley, Flinders and South Dowling Streets.
23. Public spaces along Oxford Street include:
  - Whitlam Square, at the intersection of Oxford Street, Liverpool Street, College Street and Wentworth Avenue;
  - Oxford Square, an open space on two levels leading into Burton Street, Riley Street and Foley Lane;
  - Taylor Square, a complex public space and pathway edged by heritage buildings and the Rainbow Crossing, which is historically, visually and physically connected to the Darlinghurst Courthouse and the Darlinghurst Police station across the street to the north;
  - Three Saints Square, an area at the intersections of South Dowling and Victoria Streets, and which includes a small space with seating outside St Vincent's hospital; and
  - a small space with seating outside UNSW Art and Design campus shaded by large fig trees.

**The precinct is surrounded by mixed use development**

24. The precinct is surrounded by mixed use development, including institutional buildings and pockets of fine grain residential.
  - North of the precinct is comprised of mix of commercial and residential properties ranging in two-five storeys height. There are pockets of fine grain residential and apartment blocks located between Burton and Forbes Streets near the National Art School. St Vincent's Hospital is located further northeast of the precinct occupying large blocks and creating an institutional character
  - East of the precinct is comprised of two storey commercial and residential terraces in Paddington in the Woollahra LGA and the Victoria Barracks
  - South of the precinct is comprised of mix of commercial and residential properties ranging two to three storeys in height. Pockets of residential terraces are located immediately behind commercial premises on Oxford Street behind the Flinders to South Dowling Street blocks and the block between South Dowling Street to Greens Road. Sturt Street is a small lane to the rear of commercial premises on Oxford Street, including two storey fine grain residential terraces
  - West of the precinct is Hyde Park and the commercial development comprising taller towers and buildings of Central Sydney.



**Key existing planning controls address height, floor space and heritage conservation**

25. The key LEP controls that currently apply to the precinct include:
- (a) A B2 Local Centre zone which applies to most of the precinct. This zone permits a broad range of uses, prioritising retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area while also allowing residential that supports the vitality of the centre. The Open and Creative planning reforms approved by Council in March 2020 will allow light industry as a use permitted with consent. When published, this LEP change will facilitate creative production spaces, such as makerspaces in this zone.
  - (b) A B4 Mixed Use zone on the south side of Oxford Street between Wentworth Avenue and Crown Street, and north of Foley Street
  - (c) A SP2 Infrastructure (Education) zone which applies to the National Art School and the UNSW Art and Design Campus
  - (d) Heritage conservation areas including the Oxford Street and Victoria Street (C12), East Sydney (C13), Oxford Street (C17), Paddington Urban (C50) and Victoria Barracks (C59). While almost all of the precinct is in a heritage conservation area, exceptions include 1 Oxford Street and the Monument Apartment Building at 20 Pelican Street and 276-278 Crown Street. The precinct includes the state listed National Art School site and 52 buildings which are locally listed in the Sydney LEP 2012
  - (e) Maximum floor space ratios between 2.5:1 - 4:1, with 4:1 generally permitted to the north and 3:1 to the south. The National Art School has an FSR of 0.9:1. The UNSW Art and Design Campus has an FSR of 1.75:1 and
  - (f) Maximum permissible building heights which range from 9-80m. The predominant height control is 12-15m, with 15m generally on the north side and 12m on the south. Maximum building heights of 45m, 50m and 80m are permitted to the west of the precinct. A maximum building height of 15m is permitted at the Darlinghurst Courthouse, National Art School and UNSW Art and Design Campus.
26. The current DCP contains site specific built form, land use and public domain controls, addressing:
- height in storeys with 2-3 storey heights through most of the precinct and 5, 12 and 15 storeys in the western part of the precinct
  - active frontages from Hyde Park to Taylor Square, and on the south side of Oxford Street up to South Dowling Street
  - building contributions including 132 contributory buildings
  - late night management, city living and local centre late night trading areas
  - footpath awnings and colonnades, pedestrian priority and signage controls.

**Consumer behaviour, vacancy, lockout laws, noise and Covid-19 have affected patronage and amenity**

27. Oxford Street has a long history as a hub of creativity and culture, with long standing associations as a commercial shopping precinct, an iconic destination for nightlife and home to the annual Mardi Gras Festival and parade. Historically, the land use and built form diversity of the area has contributed significantly to its character, hosting a mix of fine grain businesses, educational institutions, health facilities, and spaces for residents, workers, visitors and festivals.
28. However over recent years, a high level of retail vacancy has occurred on Oxford street, the result of the loss of flagship stores and other retail outlets since the opening of larger shopping centres and increased trends in online spending.
29. This, alongside the impact of a noisy road environment, underused public spaces and repealed lockout laws have led to a decrease in patronage of Oxford Street. The impact of the COVID-19 pandemic now presents businesses on Oxford Street with more challenges, particularly in the lead up to hosting World Pride in 2023.

**Oxford Street presents a significant opportunity**

30. Despite these challenges, the Oxford Street precinct with significant built form, infrastructure and character, provides an opportunity for change and re-vitalisation. The precinct retains:
  - Its role as a historical main street, identified as the focal point of the Eastern Creative precinct and an activity street in the City's Local Strategic Planning Statement.
  - Infrastructure which has supported the traditional creative and night-time hubs and festivals.
  - Strong heritage character from its heritage properties, fine grain retail tenancies and character laneways
  - Significant public domain, such as Taylor Square and Oxford Square and laneways such as Arnold Place, Little Oxford Street and Foley Street.
  - The National Art School and the UNSW Art and Design Campus which offer the potential to anchor the precinct and foster creativity and innovation in the area.
  - Potential to accommodate more efficient transport to increase space for people and improve amenity by encouraging cycling, rerouting traffic and reducing speed.
  - A focus for investment as the City receives DAs and requests to change the planning controls in the precinct, with the scheduling for World Pride in 2023 motivating some developments.
31. The review provides the opportunity to better align the planning controls for Oxford Street with strategic objectives and desired future character for the precinct as expressed in the early consultation.

**The City is working to improve Oxford Street through planning, transport and public domain**

32. The review of the planning controls is the first strategic move proposed for Oxford Street. The City is also 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.
33. More efficient transport and reduced traffic speeds on Oxford Street will free up space for people, improve amenity and conditions for walking, increase safety and decrease noise. This will make Oxford Street a more inviting and comfortable place.
34. The City is changing traffic by developing cycleways. Proposals for a separated centre-running cycleway running west of Taylor Square were exhibited from 18 November to 18 December 2020. City staff are currently considering feedback on the design of the cycleway, the impact on businesses, Mardi Gras and connections to other cycleways in the city.
35. To further improve the amenity of Oxford Street the City is also advocating for the consolidation of the buses, electrification of the bus fleet and re-rerouting of traffic to purpose built arterial roads.

**Cultural and creative uses are a strategic need in the city**

36. The creative sector is vital to Sydney's future. Small art galleries, creative production and performance spaces and music venues, as well as start-ups and social enterprises, are incubators for Sydney's creative life. They diversify both the day and night-time economy, attract tourists and provide places for people to produce and engage with local culture.
37. The City's Local Strategic Planning Statement (the Planning Statement) supports amending planning controls to include cultural uses as a strategic need and overcome the challenges of providing cultural and creative industry space in the city. Action L1.4 of the Planning Statement requires that the City investigate approaches for no net loss of creative, arts and cultural floor space.
38. The Planning Statement includes an action to strengthen the economic and cultural role of the Eastern Creative Precinct by protecting and enhancing the entertainment, arts, performance and cultural role of areas and high streets within the precinct, including through the provision of space for cultural performance and production. The first step in addressing the Eastern Creative precinct is outlined in Action L1.5 of the Planning Statement, to investigate planning approaches to support a creative and cultural precinct around Oxford Street and Taylor Square in collaboration with institutions, businesses and other stakeholders in the precinct.
39. In 2020, the City commissioned a Cultural Activity Study and a Floor Space Supply and Demand Study for the Oxford Street precinct to determine the locational and operational needs of creative businesses and the demand for floor space. These studies are included at Attachments A4 and A5.

40. Both studies conclude that rents for cultural and creative uses in city fringe locations like Oxford Street can be unsustainable for most creative operators to afford. Further, that despite a high level of vacancy (16 per cent of total employment floor space in 2017), existing floor space available on Oxford Street is not necessarily fit for purpose for different types of creative and cultural uses. Many of the premises along Oxford Street at the ground level are designed as shopfronts, which can only accommodate certain types of creative activity.
41. Creative manufacturing uses where producers make artworks or rehearse performances may require spaces that are more like warehouses with larger floorplates and higher ceilings. The types of creative uses which can utilise office spaces is also limited, and the retrofitting of existing built forms to better meet these needs can also be expensive, and out of reach for many potential creative tenants. The studies conclude that more diverse and affordable models of creative space should be incentivised in the precinct and ways of reworking existing vacant space explored.

### **The proposals are supported by the outcomes of early consultation**

42. The planning proposal has been informed by early consultation which was undertaken from 6 October until 1 December 2020. The aims of the early consultation were to obtain the views of community, business and landowners about their current and future priorities, the planning controls, appetite for change and the changes desired on Oxford Street.
43. The consultation program targeted residents, businesses, visitors, cultural and creative businesses and associations, licensed premises operators, entertainment venues, advocacy groups and industry and government representatives in and around Oxford Street and across Sydney. An invitation to participate in the early consultation was sent to over 11,000 owners and occupiers and emailed over 150 stakeholders across Sydney. Footpath decals, posters and flyers were also installed and distributed to promote the consultation.
44. Consultation activities included:
  - (a) An online survey conducted on Sydney Your Say between 6 October and 3 November 2020 which received 1,742 responses. The survey was open to anyone who was interested in the future of Oxford Street. The survey sought to capture views on the future vision, character and experience of the Oxford Street corridor. 68 per cent of survey respondents were male and 29 per cent were female. One per cent identified as non-binary/third gender or transgender. There was a spread of age ranges with the highest proportion of respondents aged between 30 -39 years (30%), closely followed by 40-49 years (27%).
  - (b) A self-guided walking tour available via a mobile phone app which received 119 responses. The tour described places of special social, historical or architectural significance in and around Oxford Street and posed questions about the future use, look and feel of spaces and places around Oxford Street.
  - (c) An invitation to write an online love letter to Oxford Street which received 22 responses. The love letters captured the community's hopes and aspirations for a future Oxford Street.
  - (d) A chalkboard of ideas at the National Art School, where students were asked about the changes needed to make Oxford Street more of a cultural and creative precinct and what the precinct should look and feel like in the future.

- (e) Submissions from residents, visitors, individuals, business associations, business owners and landowners. 41 (32 and nine late) submissions were received about built form, amenity, planning controls, public domain, transport and movement and street improvements.
- (f) Four online workshops held between 23 November and 1 December 2020 which were attended by 48 individuals. The workshops asked questions about the attributes required for a successful creative and cultural precinct and options for creating more floor space.
45. The consultation outcomes from each of these activities are described in Attachment A1. Responses to the online survey reflected strong support for Oxford Street as a cultural and creative precinct now and in the future:
- 93% supported making Oxford Street a creative and cultural precinct.
  - 80% said Oxford Street held social and cultural importance to them.
  - 83% identified the importance of the LGBTIQ identity of Oxford Street.
  - 88% supported reviews of planning approaches, including additions to heritage buildings, floor space and height.
46. To achieve the community's aspiration to be a cultural and creative place, the consultation found that Oxford Street needs:
- (a) cultural events and to be a destination
  - (b) to celebrate the LGBTIQ community
  - (c) visibility of First Nations cultures and stories of the place
  - (d) culture and creativity in streets and public spaces
  - (e) affordable creative spaces and spaces for creative business
  - (f) the right mix of businesses
  - (g) a pleasant street environment
  - (h) to build community connections.
47. Submissions from residents, resident associations, individuals, visitors, businesses, business associations, landowners, and Woollahra Council raised:
- uplift of FSR and height on certain sites and additions on heritage buildings
  - reimagining of the Aboriginal track and street greening and landscaping
  - removal of clearways, electrification of the bus fleet and improvement of crossings to increase pedestrian amenity
  - more connected cycleways with better amenity and reduced traffic speeds
  - impacts of night-time economy on residents and provision of spaces for families

- reuse of the toilet block at Taylor Square, removal of the fence from courthouse and open as a park, activation of Taylor Square with outdoor dining, street furniture and colour and markets
  - removal of restrictive planning controls and road closures to provide activation
  - use of billboard structures, bicycle lanes, furniture and shopfronts for public art
  - redevelopment of the Flinders to South Dowling Street block to accommodate a restaurant and small bar area
  - activation of vacant premises, capping of rents and upgrading of built form
  - residential laneway controls on Sturt Street
  - upgrade public domain and provide a LGTIQ community centre for World Pride.
48. This planning proposal is the first step in addressing matters raised in the early consultation relating to affordable spaces for creative businesses, the right mix of businesses and a more pleasant street environment. Other issues raised in consultation, including public domain improvements and operational issues will be addressed later through other avenues and projects undertaken by the City.

#### **Consultation with City Panels has also informed the proposals**

49. In March 2021, the City's Design Advisory Panel formed a sub-committee to review the City's Urban Design Study which tested the townscape and amenity impacts of scenarios for changing the built form of the precinct. The DAP sub-committee recommended:
- an increase of two storeys on buildings within the precinct up to a maximum height to protect character and prevent disproportionate additions and amalgamations which could erode heritage character
  - a 3 metre upper level setback from the front of sites to prevent the damage or loss of parapets
  - protection of existing street trees
  - the activation of laneways and protection through sun access planes
  - further work in relation to Whitlam Square and Taylor Square to reinforce their role as framing this entry corridor to the city and increasing pedestrian amenity
  - special conditions relating to the form of redevelopment at 1-19 Oxford Street (corner of Wentworth Avenue and Oxford Street), 115 Oxford Street (the former Arnold and Co Department Store) and 55-73 Oxford Street (Oxford Village) and 59 Oxford Street, Paddington (service station).
50. In May and August 2020, the review of planning controls for Oxford Street were presented to the City's Nightlife and Creative Sector Panel where they have received general support.

51. Woollahra Council made a submission to the early consultation in December 2020 supporting the role of Oxford Street as a place for people and collaboration with the City on programs to remove clearways, add cycleways, improve crossings, slow traffic and beautify the street.
52. In February 2021 Council and Central Sydney Planning Committee (CSPC) resolved to set up the working group to assist City staff in preparing updates to the City's LEP and DCP. In March 2021 the proposals were presented to the Planning Control Update Working Group which included City Councillors and NSW Government CSPC representatives from the Department of Planning Industry and Environment and Government Architect NSW. The proposals received general support. The Department of Planning Industry and Environment noted the need for the temporary activation of vacant uses on Oxford Street and Government Architect NSW reinforced the need for heritage and public domain opportunities around Oxford Street to inform the proposals.

**The proposal will allow increased height and floor space in the precinct**

53. The planning proposal takes a place-based approach to providing cultural and creative activity and activating the Oxford Street corridor. It does this by enabling buildings within the precinct to redevelop to an increased alternative height and FSR. This redevelopment may only be triggered if cultural and creative uses, are provided in a specified proportion of the GFA of a building.
54. A scale and massing of development is proposed which is appropriate to protect the heritage and built form character and public domain of Oxford Street and provide the quantum of floor space required to encourage redevelopment and the provision of creative and cultural floor space in the precinct.
55. With the exception of the National Art School and the Courthouse Hotel on Taylor Square, the proposal applies to all buildings within the precinct and does not aim to consolidate redevelopment at any particular location or site.
56. The planning proposal includes a separate amendment to the floor space for the National Art School to support its ongoing use and contribution to the precinct while accounting for its unique heritage qualities. The Courthouse Hotel at 189 Oxford Street, is a heritage item which is not considered appropriate for vertical additions due to its heritage significance. In the instance that this site is amalgamated with the Kinselas Hotel site, uplift will be consolidated to part of the site.
57. New building heights will vary on each block in the precinct, and will range from 18 to 29 metres, equivalent to two storeys, to a maximum height unique to each site. Special conditions relating to the form and the vertical location of additions apply to 1-19, 115 and 55-73 Oxford Street Darlinghurst and 59 Oxford Street, Paddington and are addressed in the draft DCP. New building heights are measured from the upper ceiling height of the existing top floor of a building.
58. The City's proposed building envelopes are shown in Figures 2 and 3 below.

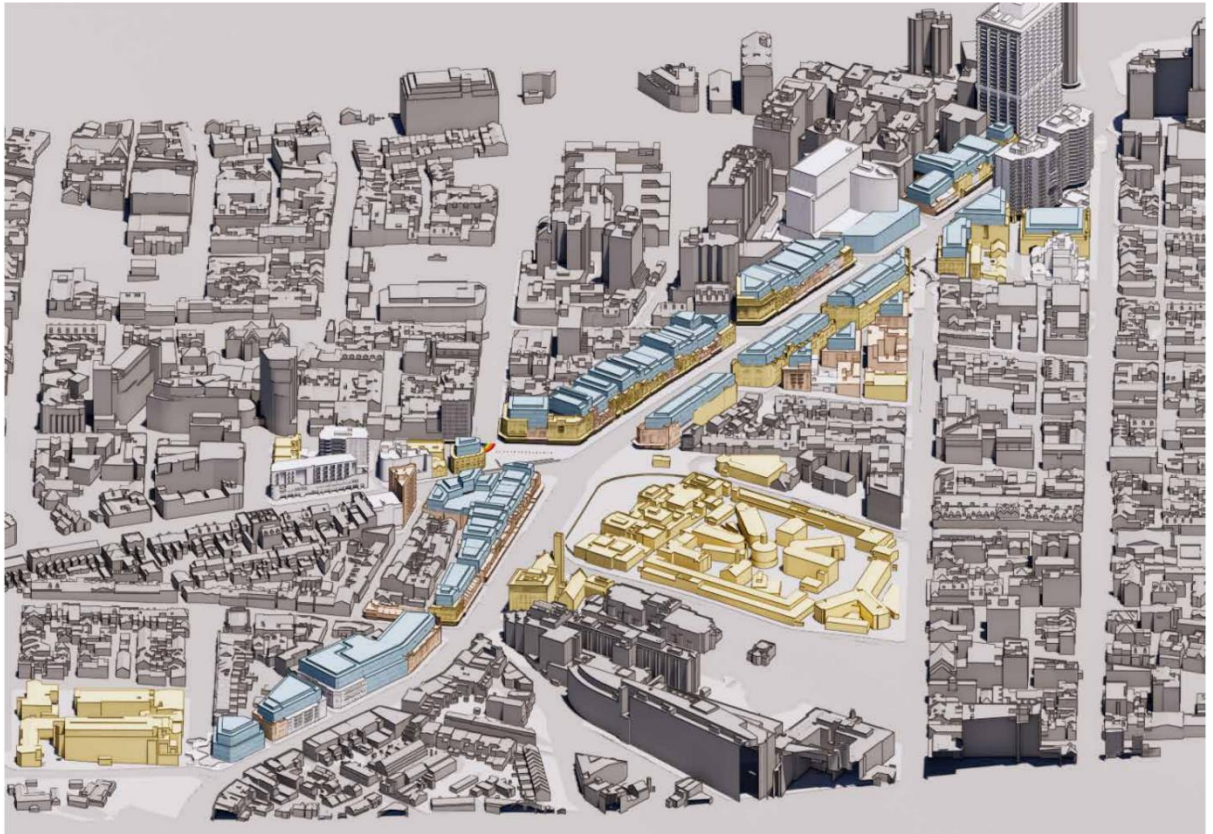


Figure 2 Proposed building envelopes viewed from the north-east

59. The impacts of this proposal have been subject to analysis and testing through an urban design and heritage study included at Attachments A2 and A3. The massing of development onto rear laneways, will be required to be designed to ensure that laneways receive sunlight and that overshadowing is minimised through the solar access controls in the Sydney DCP 2012. To limit any impact on laneways and residential areas abutting these laneways most of the proposed built form will be massed to the Oxford Street side with only minor increase in height at the rear.
60. The proposed changes to the built form will deliver 42,540sqm of new floor space throughout the precinct. This floor space will be able to be approved provided heritage is managed, cultural and creative floor space is retained, a portion of the new development is provided for cultural and creative uses and the development includes uses that support the local centre, such as entertainment facility, health services facility, information and education facilities, hotel and motel accommodation, community facility, education facility, light industry and commercial premises. The proposed controls will facilitate 11,346 sqm of creative and cultural floor space in the precinct which could almost double the existing cultural and creative space in the precinct.



**The proposal is to change the LEP to encourage development sympathetic to the heritage character and incentivise cultural and creative uses**

61. It is proposed to amend the LEP as follows:

- (a) Include a new site-specific clause applicable to land in the precinct, excluding the National Art School and the Courthouse Hotel. The site-specific clause will allow an alternative maximum floor space ratio and building height or both, provided that development:
  - (i) Is for one or more of an entertainment facility, health services facility, information and education facilities, hotel and motel accommodation, community facility, education facility, light industry or commercial premises;
  - (ii) Includes a minimum of 10 per cent of the total GFA within the development for a creative purpose that involves live entertainment, performing arts, fine arts and craft, design (fashion, industrial or graphic), media, film and television, photography or publishing, or museums and archives dedicated to these purposes;
  - (iii) Does not undermine heritage significance or character or endanger the structural stability of the existing building or any heritage items on or under the land;
  - (iv) Require a consolidated development site of a minimum size for the Courthouse and Kinselas sites to access the alternative height and floor space; and

The clause will enable:

- (v) Floor space of up to 0.8:1 below ground level to be awarded if it is used for live entertainment and has a frontage to Oxford or Flinders Streets;
  - (vi) Consistent with section 102 of the Liquor Act Regulations, live entertainment means an event at which one or more persons are engaged to play or perform live or pre-recorded music, or a performance at which the performers (or at least some of them) are present in person; and
  - (vii) Live entertainment does not include that associated with sex industry or adult entertainment uses.
- (b) Promote uses in the precinct that attract pedestrian traffic along certain ground floor frontages onto public space and side streets
  - (c) Create new alternative Height of Building and Floor Space Ratio maps providing for a two storey increase in height and increased floor space as shown in table 1;
  - (d) Require development in the precinct to retain the amount of existing creative and cultural floor space with development that receives the additional height and floor space required to both retain existing and provide the additional 10 per cent creative and cultural floor space;
  - (e) Amend the FSR maps to increase the maximum permissible floor space ratio for the National Art School from 0.9:1 to 1:1;

- (f) Amend Schedule 1 to allow additional permitted uses for 'entertainment facilities, community facilities, function centres, offices, information and education facilities, market retail, recreation, filming, shops and food and drink premises where it supports the ongoing education and cultural use of the site' with consent under Schedule 1 applying to National Art School (156 Forbes Street, Darlinghurst, being Lot 1 DP 568755);
- (g) Amend the Heritage Conservation maps to include 276-278 Crown Street in the Oxford Street Heritage Conservation Area.

**The proposals include changes to the DCP to guide good design, heritage and amenity outcomes from the development encouraged by the LEP changes**

62. It is proposed to amend the DCP as follows:

- (a) Site specific provisions, contained in the draft DCP at Attachment B, provide detailed design guidance. The provisions are proposed in a new site-specific section at 'Section 5 – Specific Areas' of Sydney DCP 2012. These provisions provide a new locality statement and relate to the built form, urban grain, architectural character, design of cultural/ creative floor space, laneway activation, upper level setbacks and highly visible sites. The draft DCP proposes new requirements to assess impacts on heritage significance for heritage buildings on Oxford Street.
- (b) Maps: New maps showing height in storeys building street frontage heights and building contributions to the heritage conservation areas are proposed.

## **Key Implications**

### **The proposals have strategic and site-specific merit**

- 63. The planning proposal demonstrates strategic merit. It will recognise in the Sydney LEP 2012 and Sydney DCP 2012 a cultural and creative precinct in and around Oxford Street. This will support the proposed Eastern Creative Precinct, which is located within the Eastern District Plan's Harbour CBD strategic centre.
- 64. The planning proposal provides incentives to support creative and cultural, night-time and other supporting commercial activity in the Oxford Street B2 Local Centre and activity street. The proposal will encourage a creative, and culturally rich and socially connected city and the provision of services and social infrastructure to meet the changing needs of the community.

### **Cultural and creative uses will be incentivised in the precinct**

- 65. Cultural and creative uses are a strategic need and incentivised in the precinct. They include those with a creative purpose and involve:

*live entertainment, performing arts, fine arts and craft, design (fashion, industrial or graphic), media, film and television, photography or publishing, or museums and archives dedicated to these purposes*

66. These uses focus on creative and production purposes. They could include live entertainment, including the presentation or rehearsal of music, film, theatre, spoken word, comedy or dance, or the on-site display, production and sale of an artwork, craft, design or media, film, technology, image, and meet-the-maker style retail spaces and creative enterprises. They could also include facilities for the training and teaching of art, craft and design.
67. The proposals to increase the provision of creative and production uses in the precinct could encourage other related businesses associated with the creative industry to locate in or around the precinct but are not being incentivised. These other business uses could benefit from co-locating in the vicinity of creative and production uses and support and expand the creative precinct. These supporting uses could include for example, architecture, advertising and web and software design firms.
68. The proposed controls require 10 per cent of total gross floor area in a new development that uses the two-storey uplift must be for cultural and creative floor space. This percentage is based on a reasonable proportion of the development given the increased height and/or floor space and provide for a diversity of creative spaces. To maximise and encourage entertainment uses, floor space below ground level of Oxford Street is excluded from the calculation of gross floor area of new development.
69. The approved floor space for cultural and creative uses will be retained by the applicant during the life of the consent and will not become subject to applications to change the use, unless it is for other cultural and creative uses.
70. Cultural and creative floor space will be located within the new development and encouraged in ground floor locations where they may activate street frontages and attract pedestrian traffic. Cultural production floor space, for maker spaces or performance venues may not need to locate at street level and will be permitted anywhere in the redevelopment.
71. The redevelopment of buildings including cultural and creative uses that satisfy the City's definition for increased height and/or floor space will be required to provide an additional 10 per cent of the total proposed GFA as new cultural and creative floorspace.

### **The Draft DCP will guide the provision and design of cultural and creative space**

72. The Draft DCP provides guidance relating to how the provision of cultural and creative floor space should be designed so it's fit for purpose and outline the types of creative spaces the City is seeking in the precinct. Creative space sought as a priority within the Oxford Street precinct includes performance spaces with 200–500 person capacity, creative manufacturing spaces (ceramics, glass, plastics and metalwork), visual arts studios, large rehearsal spaces, music production, film, TV and recording studios and multi-purpose collaboration and education space.
73. The draft DCP addresses the design of cultural and creative floor space and outlines specific operational requirements of the space and its location in the building. It will also encourage the development and use of basements for performance uses and encourage the activation of vacant space in the precinct.
74. It is anticipated that the proposed controls could facilitate more than 11,000 sqm of cultural and creative floor space in the precinct in spaces ranging between 20sqm workshop/studio spaces, 100 to 300sqm performance and rehearsal spaces and 400 to 700 sqm gallery and live music spaces. This could almost double the current provision of creative space in the precinct.

**Building heights and envelopes vary for each site to respect the heritage, diversity and fine grain character**

75. The planning proposal allows a two storey increase in height up to a maximum height and massing which is acceptable within the scale of the streetscape. It will maintain the contribution of buildings in the precinct to the significance of the conservation area. The draft DCP establishes the building envelope and setbacks to retain the prominence of the original facades and corner elements.
76. The alternative height and FSR is measured in respect of the existing built form on a site, so as a result the alternative FSR and height controls are varied and specific to individual sites.
77. Individual sites in the precinct will be eligible for either:
- An increase in height and FSR, or;
  - Only a height increase, because the current FSR already exceeds the proposed uplift for the site, or;
  - No increase in height or FSR, because the two-storey addition is within the existing capacity of the current height and floor space controls.
78. Table 1 below shows the range of alternative heights and FSR for those sites in the precinct which receive uplift.

<b>Block</b>	<b>Alternative heights in metres for sites which receive uplift</b>	<b>Alternative FSR for sites which receive uplift</b>
<b>Whitlam Square to Riley Street</b>	18-29m	3.25:1-6:1
<b>Riley Street to Flinders Street</b>	18-25m	3.25:1-5:1
<b>Flinders Street to South Dowling Street</b>	18-23m	3.5:1-4:1
<b>South Dowling Street to Greens Road</b>	20m	3.25:1-3.5:1

Table:1 The general range of proposed alternative height and FSR across the precinct

79. If redevelopment in the precinct triggers the design excellence requirements of Clause 6.21 of Sydney LEP 2012 a competitive design process must be carried out. Additional floor space or height will not be awarded in the precinct as a result of a competitive design process.

80. The Courthouse Hotel at 189 Oxford Street on the corner of Taylor Square and Oxford Street is a heritage listed building with shallow foundations and a courtyard to the rear. Vertical additions to this building would result in unacceptable impacts on its heritage significance and structure. As, the equivalent increase that may have been afforded to the Courthouse Hotel can be consolidated onto 379-381 Bourke Street, bringing the total additional height on that site to four storeys. The minimum site area control ensures a consolidated development site for the Courthouse Hotel, Kinselas and buildings in between to achieve the desired built form subject to agreed heritage principles and heritage outcomes.
81. The massing of development onto rear laneways, such as Sturt Street, will be required to be designed to ensure that laneways and adjacent development receive sunlight and that overshadowing is minimised. Development will be required to comply with the Sydney DCP requirement to ensure that adequate solar access is provided to public space and adjoining dwellings.

**The proposed controls ensure the heritage qualities of buildings and their structural stability is protected when redeveloped**

82. The proposal will ensure that development is to respond to and complement heritage items and contributory buildings, including streetscapes and lanes. It will recognise the existing character of a site and ensure that disproportionate additions and amalgamations are not encouraged on buildings within the precinct which will erode heritage character. The two-storey additions will be measured from the upper ceiling levels of the existing buildings to respect character and continue the diversity in building heights across the precinct. The draft DCP also requires a 3m upper level setback from the front of sites as shown in Figure 4 below to preserve heritage character and prevent the loss or damage of parapets.

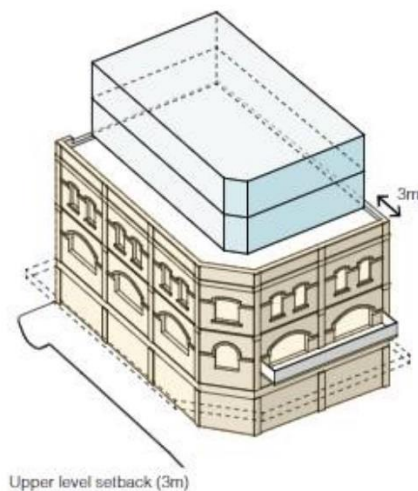


Figure 3 Example of 3m upper level setback

83. The draft DCP requires development proposals for heritage and contributory buildings to provide a:
- *Statement of Heritage Principles* which should be agreed with the City as part of a pre-DA process prior to the submission of a development application. This document will address (1) specific heritage arrangement and features, including the grading of elements to be preserved, (2) detailed physical structure and methods to ensure stability of this structure and (3) set heritage principles to guide the design of the development; and
  - *Heritage Structural Impact Statement* accompanies the Heritage Impact Statement in applications for development consent. This document will outline the consistency of the application proposals with the Statement of Heritage Principles and the method for: (1) retaining all significant fabric on the site during the demolition and construction stage, (2) enabling the structural stability for the long term retention and (3) minimising any impact on the heritage features and adjoining structures.
84. Other DCP guidance requires development to respect the prevailing scale, character and form of the street, as defined by the Victorian, Federation and Inter-war heritage buildings, retain significant shop fronts and ensure the existing heritage items be given an appropriate visual and physical setting that retains its significance.
85. New building contributions to the heritage conservation areas in the precinct are proposed which are supported by the Heritage Study at Attachment A3.

**There is a minor extension to the conservation area in the LEP to include 276-278 Crown Street**

86. A minor extension to the Oxford Street Conservation Area (C17) is proposed to include the site at 276-278 Crown Street. This building is a three storey, early twentieth century brick commercial building, consistent with the character of the surrounding built form of the conservation area. The exclusion of this site from the Oxford Street Conservation Area is an anomaly which should be addressed to protect character and ensure a consistent built form, particularly if the site is amalgamated as a result of redevelopment proposals.

**The proposals will activate the public domain and laneways**

87. The proposal encourages the activation of the public domain by requiring active ground floor uses and continuous awnings above retail units.
88. The proposal includes DCP controls which require street level tenancies with a frontage to public places to encourage food and drink uses. This will be applied to frontages onto Taylor Square, Oxford Square and identified corner sites in the precinct.
89. The proposal includes new DCP controls to encourage the activation of laneways in the precinct, such as Arnold Place, Foley Street, Iona Lane, Verona Street, Rosebud Lane or Little Oxford Street.

90. While the activation of the laneways in the precinct is broadly encouraged, it is acknowledged that many of these lanes provide an important servicing and access function for the adjacent business and residential tenancies. As a result, the requirement in the draft DCP to activate laneways is only applied to large sites, where wider frontages will enable the incorporation of a small tenancy as well as providing for servicing and access.
91. On sites with a 6m wide frontage onto these laneways, the draft DCP requires the site to:
  - (a) activate the laneway with small scale tenancies and spaces at ground level to promote activities such as retail, food and drink, service and community facilities that contribute to the enjoyment of lane way; and
  - (b) promote and create the opportunity for the inclusion of art, landscaping, street furniture and activity spaces; and
  - (c) improve the pedestrian amenity of the laneway through the use of materials, lighting and designated areas for pedestrians and vehicles.
92. Development fronting onto a laneway is encouraged to respond to the fine grain pattern, create visual interest and vertical articulation, not impede pedestrian movement and orientate windows and balconies to overlook lane ways.

#### **Changes to the controls for the National Art School will help activate the precinct**

93. The National Art School (the NAS) is Australia's leading independent fine art school and has been operating on the site of the former Darlinghurst Gaol at the corner of Burton and Forbes Street, Darlinghurst since 1922. The site is a state listed heritage item and includes heritage buildings forming part of the original circular prison (a panopticon) including the Cell Block Theatre, the Chapel and Governor's residence.
94. The NAS forms part of a growing and vibrant arts and education precinct. In early 2019, the Arts Minister announced a 45-year lease over the site for NAS, guaranteeing the future of the school and ending ongoing uncertainty around its tenure. NAS is now recognised as a State Significant Organisation in NSW, attaining the same status and funding category as Carriageworks and the Museum of Contemporary Art. The evolution of NAS can contribute to the City's creative precinct vision for Oxford Street.
95. The School is working in close partnership with the Create NSW on a masterplan for the site, to ensure the commercial viability of the school and capitalise on the opportunities of the site.
96. The NAS site is 20,256 sqm in area and located on land zoned SP2 Infrastructure - Educational. The surrounding area features local centre, mixed use, infrastructure and residential zones. This infrastructure zoning does not include flexibility for the art school to hold cultural and creative events, functions, markets, theatres, cafes and performance space. The FSR on the site is currently 0.9:1 and the height control is 15m.
97. The NAS seeks to have appropriate additional uses permitted with consent and increase the FSR on the site to ensure the ongoing viability of the school and support the school's role as a cultural destination, increase public access and provide the opportunity to extend their programs to the community. These outcomes will strongly contribute to the Oxford Street creative precinct.

**Additional uses permitted with consent will allow more cultural and creative uses and events**

98. The NAS has in the past operated an unlimited number of events and exhibitions on site, some in connection with NAS operations, and some income earning, third party events. Examples include well-established community events such as VIVID and Mardi Gras, corporate events, cultural and arts events, fundraising events, and weddings.
99. In recent years the City has required the NAS to regularise the use of the site for additional events. Recent approvals have enabled a limited number of events (up to 52 per year) to take place within the Cell Block Theatre of building 20 on the site. The infrastructure zoning constrains a wider events program that could support the school and contribute to the precinct. The proposed change to the LEP will enable development applications to be lodged and assessed for a wider events program and other supporting uses.
100. The additional uses sought on the site include: commercial events, commercial hire of office space, artist studios and rehearsal space, corporate functions, venue hire for private functions, including weddings, arts and cultural festivals, public art events, charity events, filming on site, weekend markets, community gardens, food and beverage offerings, performing arts events and site activation and exhibition.
101. The proposal will also attract creative uses and audiences to the precinct and recognise the NAS as an accessible community and creative and cultural facility. Cultural and creative facilities on the site will provide spaces for professional artistic development, cultural participation and expression by the general public. The proposal will enable NAS to host events and workshops for the broader community, rather than only enrolled students.
102. The additional uses at NAS will generate further direct and indirect employment opportunities, generating visitation and workers associated with additional activities and events to the site. These ongoing jobs will generate additional economic output, including significant contributions from industry sectors such as creative and performing arts services.
103. The NAS has undertaken consultation with neighbouring residents and groups undertaking letterbox drops, a meeting with residents from the Dominion apartments and a webinar. Issues raised have included appropriateness of the proposed events and acoustic, traffic and security impacts.
104. To minimise the impact of increased activity on local residents, the NAS is currently considering the provision of access to site and these events through an alternative access from Darlinghurst Road where there are less residential uses.
105. The impacts of these additional permitted uses for entertainment facilities, community facilities, function centres, offices, information and education facilities, filming, market retail, recreation area, shops and food and drink premises will be assessed through applications for development consent, where the community will have the opportunity to comment. Each event will be required through conditions of consent to occur within prescribed hours and to mitigate noise and other potential impacts on local amenity.
106. The proposal to increase the range of events and uses that could be approved at the NAS will support the objectives of the Oxford Street cultural and creative precinct. These uses will include only those which will support the educational and cultural use of the site.



107. Many of these activities occur on other tertiary education sites in the LGA and are acceptable in the given the location of the NAS in the precinct and close to Oxford Street. Allowing additional permitted uses for this site which support the educational and cultural use of the site, will provide certainty for the School and respond to issues raised in the City's Oxford Street early consultation about better activating the site.

**An increase in floor space will upgrade, improve the offer of education and cultural activities and support the future of the NAS**

108. The NAS currently occupies 13,385 sqm of floor space on their site, which has a size of 20,256 sqm. The current FSR of 0.9:1 permits 18,230 sqm of floor space. As a result of master planning for the site, the NAS is proposing redevelopment to address failing infrastructure and provide additional educational floor space. To unlock the sensitive redevelopment of the state listed heritage site, the NAS is seeking to increase and redistribute floor space to achieve a total of 19,600 sqm of educational floor space on the site. To enable this, it is proposed to increase the current FSR from 0.9:1 to 1:1, which would allow a total of 20,256 sqm.
109. The master planning seeks:
- To restore original heritage fabric of the site where possible
  - Building height increases from two storeys to the original three storey form
  - Removal of inefficient additions and structures that will improve the amenity of the site
  - New buildings which respond to the panopticon design on the site; and
  - Increased functionality of the existing buildings, such as the Cell Block Theatre with contemporary back of house facilities and multi-purpose spaces to allow flexibility alongside purpose-built artform studios.
110. This increase in floor space across the site is considered minimal given the size and location of the site. The impact of the specific built form proposals on the state listed heritage site and the surrounding development will be addressed at the development application stage.
111. The proposals are acceptable as they are consistent with the objectives of the local strategic planning statement and Eastern Creative Precinct and will increase the capacity of this educational institutional to anchor the precinct and support the growth of creative arts and cultural uses. The increase in floor space will contribute to Sydney's day and night-time arts and cultural economies and assist with the regeneration and repositioning of the Oxford Street cultural and creative precinct.

**Strategic Alignment – Planning**

112. The Greater Sydney Commission's Greater Sydney Region Plan and Eastern City District Plan are used to shape strategic planning and infrastructure in metropolitan Sydney and align planning from the broadest regional area down to the local area. The City's Local Strategic Planning Statement sets the land use planning strategy for the city which is required to align with the Region and District Plans. The City's planning controls are then required to give effect to the strategic plans.

113. The Region Plan, District Plan and Local Strategic Planning Statement adopt planning priorities of similar themes, being infrastructure, liveability, productivity, sustainability and governance. How this proposal gives effect to these priorities is discussed in detail in the planning proposal and summarised below:

- (a) **Infrastructure** – the proposal for the future growth of Oxford Street positions the City well to work with the NSW Government to plan for the transition of Oxford Street and its side streets to 'people first' places. It will allow the City to apply the NSW Government's Movement and Place framework so that the streets are healthier, quieter, cleaner and greener with increased footpath capacity. The proposal also facilitates the ability for the City to work with landowners and institutions to increase public walking connections across the precinct through proposed DCP provisions. The proposal assists in giving effect to Priority I1 'Movement for walkable neighbourhoods and a connected city' of the Local Strategic Planning Statement.
- (b) **Liveability** – The proposal seeks to secure the precinct's creative and cultural future. It incentivises the delivery of cultural infrastructure and creative workspaces into new developments, and secures no net loss of creative, arts and cultural floor space, including production and performance spaces.

The proposal gives effect to Priority L1 'A creative and socially connected city' of the Local Strategic Planning Statement and the Eastern District Plan's Planning Priority E4: Fostering healthy, creative, culturally rich and socially connected communities. It will deliver healthy, safe and inclusive places by providing walkable places at a human scale with active street life. It will encourage the provision of cultural and creative floor space in new redevelopments and facilitate opportunities for creative and artistic expression and participation, including arts enterprises and facilities. It will support this action also by promoting creative industries and the night-time economy.

The proposal supports Planning Priority E6: Creating and renewing great places and local centres and respecting the District's heritage, and will support cultural and creative, food and drink and entertainment activities providing night-time businesses, creative uses and performance venues to contribute to a vibrant Oxford Street precinct. It will also protect the heritage significance of the site by including heritage conservation considerations in the site specific LEP clause and heritage conservation controls in the site specific DCP amendment.

- (c) **Productivity** – The proposal will support Planning Priority E7: Growing a strong and more competitive Harbour CBD – The precinct is on the boundary of the Harbour CBD, one of Sydney's three metropolitan centres. The planning proposal will give effect to action 24 to provide a wide range of cultural, entertainment, arts and leisure activities and a diverse and vibrant night-time economy, in a way that responds to potential negative impacts. It will also give effect to Action 25 and will grow vibrancy through tourism and entertainment facilities, supporting a night-time economy and contributing to the job targets for the Harbour CBD.

The proposal will support Planning Priority E8: Growing and investing in health and education precincts and the Innovation Corridor by incentivising the provision of arts and culture as well as education floor space. It will support the Eastern District Plan's Productivity Priority E13 and develop places for artistic and cultural activities and the appropriate growth of the night-time economy while protecting heritage. The precinct's location on the CBD fringe and in walking distance of the City of Sydney villages of Paddington, Surry Hills and Darlinghurst will support the use of public transport and the needs of tourists and other visitors.

### **Strategic Alignment - Sustainable Sydney 2030**

114. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This planning proposal is aligned with the following strategic directions and objectives:
- (a) Direction 1 - A Globally Competitive and Innovative City - The proposal will facilitate cultural and creative uses, retail, education and entertainment facilities. This will support Sydney's tourist industry, which is a sector of critical importance to Sydney's economy and contributes to making Sydney attractive to global investors.
  - (b) Direction 3 - Integrated Transport for a Connected City - The future creative and cultural precinct will take advantage of future cycleway proposals and good proximity to public transport links, on a high capacity bus routes running along Oxford Street, connecting the area to Central Sydney, Bondi Junction and eastern Sydney beaches.
  - (c) Direction 4 - A City for Walking and Cycling - The planning proposal seeks to provide walkable places at a human scale with active street life. It aims to co-locate a range of cultural, creative and entertainment uses, and other supporting retail, office and education uses to encourage pedestrian activity.
  - (d) Direction 5 - A Lively and Engaging City Centre - Redevelopment in the precinct will provide active uses, including entertainment, community and education facilities, office, retail and other employment uses in a city fringe location accessible from the city centre. This will continue long-term activation on the precinct and for the eastern part of Oxford Street.
  - (e) Direction 6 - Vibrant Local Communities and Economies - The planning proposal will increase diversity in the area, providing more cultural and creative uses and entertainment, community and education facilities, and office, retail and other employment uses. This will continue long-term activation on the precinct and for the eastern part of Oxford Street, contributing to the day and night-time economies.
  - (f) Direction 7 - A Cultural and Creative City - The planning proposal will serve as the focal point of the Eastern Creative precinct. It will strengthen the economic and cultural role and character of the Eastern Creative Precinct, enhancing the entertainment, arts, performance and cultural role of areas and high streets by requiring development to providing cultural and creative floor space. This may assist in meeting the identified shortage of small to medium sized performance and rehearsal space venues.

- (g) Direction 9 - Sustainable Development, Renewal and Design - The planning proposal is consistent with the principle of transit-oriented development by co-locating employment opportunities in an accessible location.

### **Relevant Legislation**

- 115. Environmental Planning and Assessment Act 1979
- 116. Environmental Planning and Assessment Regulation 2000

### **Public Consultation**

- 117. The minimum public exhibition process for this planning proposal will be determined by the Department of Planning, Industry and Environment. It is proposed that the public exhibition of the planning proposal and draft DCP will run concurrently. The consultation will be in accordance with the requirements of:
  - (a) the Gateway determination issued by the Department of Planning, Industry and Environment under section 3.34 of the Act;
  - (b) the Environmental Planning and Assessment Regulation 2000; and
  - (c) the City of Sydney Community Participation Plan 2019.
- 118. Public exhibition would be a minimum of 28 days, with notification on the City's Sydney Your Say website.
- 119. The planning proposal and draft DCP will be publicly exhibited online on the City of Sydney website in accordance with the Environmental Planning and Assessment Regulation 2000.

### **GRAHAM JAHN, AM**

Director City Planning, Development and Transport

Julie Prentice, Specialist Planner