

Draft Sydney Development Control Plan 2012 – Oxford Street Cultural and Creative Precinct



The purpose of this draft Development Control Plan

The purpose of this draft development control plan (DCP) is to amend the *Sydney Development Control Plan 2012*, adopted by Council on 14 May 2012 and which came into effect on 14 December 2012.

This DCP seeks to insert precinct specific provisions to guide future development within the Oxford Street Cultural and Creative Precinct.

Citation

This plan may be referred to as Draft Sydney Development Control Plan 2012 – Oxford Street Cultural and Creative Precinct.

Land covered by this plan

This plan applies to all land identified on the Sydney Local Environmental Plan 2012 Locality and Site Identification Map as the 'Oxford Street cultural and creative precinct' (the precinct). This land is shown in Figure 1 below.

This plan applies to all land identified in the Oxford Street cultural and creative precinct (the precinct). This land is shown on Figure 1 below.

Relationship of this plan to Sydney Development Control Plan 2012

This plan amends the Sydney Development Control Plan 2012 as detailed below.

Amendment to Sydney Development Control Plan 2012

This plan amends the Sydney Development Control Plan 2012 by:

- (1) Inserting a new section 5.X, at the end of section 5 – 'Draft Sydney Development Control Plan 2012 – Oxford Street Cultural and Creative Precinct'.
- (2) Inserting a new Schedule X to outline guidance on the design of cultural and creative spaces as shown at Appendix A.
- (3) Amending Figure 5.1 Specific areas map, to identify the Oxford Street Cultural and Creative Precinct as shown at Appendix B.
- (4) Amending Sydney Development Control Plan 2012 Building Contributions Map 015, 022 and 023 as shown at Appendix B.
- (5) Inserting new Sydney Development Control Plan 2012 Alternative Height in Storeys maps 015, 022 and 023.
- (6) Inserting new Sydney Development Control Plan 2012 Through Site Link maps 015, 022 and 023.
- (7) Updating figure numbers under Section 5 of the Sydney Development Control Plan 2012 as required.

Locality Statement

5.X OXFORD STREET CULTURAL AND CREATIVE PRECINCT

This Section applies to the land identified in Figure 5.1 Specific areas map as the Oxford Street Cultural and Creative Precinct.

5.X.1 Locality Statement

This locality includes the Oxford Street corridor between Whitlam Square and Greens Road in Paddington, with lots fronting Oxford Street and Whitlam, Oxford, Taylor and Three Saints Squares. It incorporates the National Art School, Darlinghurst Court House and former Gaol and the UNSW Art and Design Campus. The land shown in Figure 1 is identified as the Oxford Street cultural and creative precinct.

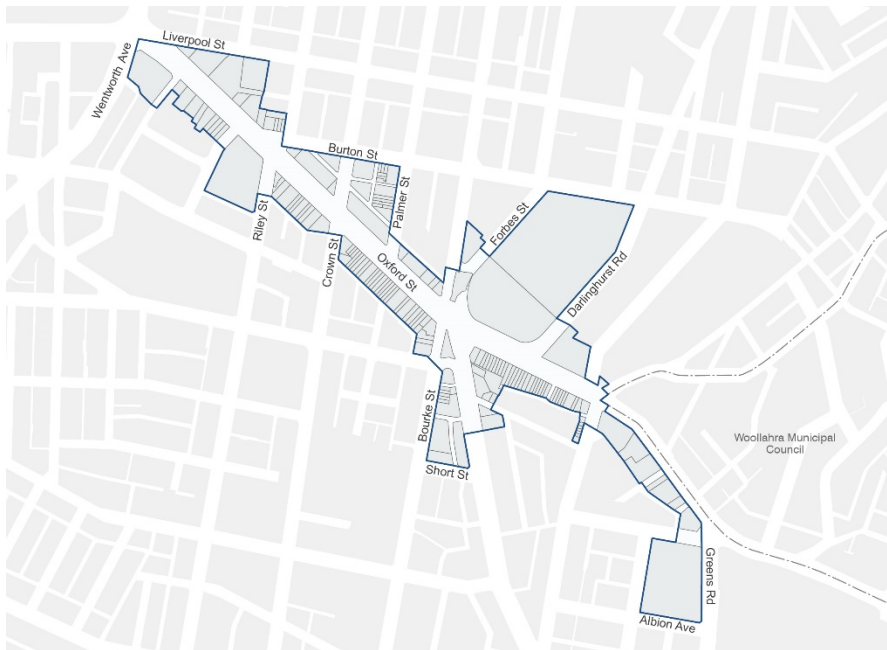


Figure 1: Oxford Street Cultural and Creative Precinct

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 path used by the Gadigal people of the Eora Nation and is one of Sydney's earliest main streets, characterised by Edwardian, Victorian, Art Deco, Inter-War and Federation style architecture. It is an important high street and a focus for community activity and provides for the daily needs and services of residents. Oxford Street is an important place for the LBBTIQ community. 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. Oxford Street is to continue to be a rich and diverse neighbourhood and high street with high quality public domain, a range of fine grain shops, galleries and venues. It provides a focus for infrastructure and the daily needs and services of residents in Darlinghurst and Paddington.

New development will reposition Oxford Street and its role in the Eastern Creative precinct by encouraging culture as a driver of creativity and enterprise, a source of job creation, and potential for place-making. It will build upon existing and emerging employment clusters within the area and

capitalise on the area's proximity to long term establishments including the National Art School and UNSW Art and Design Campus.

Through alternative height and FSR controls, future redevelopment of sites within the precinct will increase the provision of cultural and creative floor space and stimulate activity, encourage mixed uses, increase employment and pedestrian activity and contribute to the overall revitalisation of the local area.

Basements provide ideal and unique spaces for late night trading uses, such clubs and performance spaces, helping to activate a more diverse night-time economy on Oxford Street.

Temporary uses along Oxford Street are also encouraged to activate vacant spaces, stimulate activity and visual interest and improve amenity while permanent uses or development solutions are being sought. Temporary uses could mean the additional use of a premises for art installations or exhibitions, pop-up shops, events, performance, seminars, talks and the like. Some of these activities may be those permitted as exempt development in clause X of Sydney LEP 2012 or the State Environmental Planning Policy Exempt and Complying Development Code.

Development will conserve the heritage significance and character of the existing built form and streetscape and at a minimum retain the existing quantum of cultural and creative floor space. New development will increase the on-site provision of cultural and creative floor space, and encourage diverse and activated street frontages and lanes which contribute to the vibrancy of the day and night-time economies and the cultural and creative offering of this regionally significant precinct.

Principles

Development must achieve and satisfy the outcomes expressed in the locality statement and supporting principles below. Where there is an inconsistency between Section 5 and Section 2 of this DCP, Section 5 applies to the extent of the inconsistency.

Development is to:

- (1) Support the realisation of the Oxford Street Cultural and Creative Precinct Urban Strategy shown at Figure 2a and 2b.
- (2) Respond to and reinforce the role of Oxford Street as a local centre and activity street.
- (3) Ensure that the retention and conservation of significant heritage fabric (including significant interiors), and structural stability of buildings, determines the extent of alterations and additions to heritage items and contributory buildings.
- (4) Retain existing and increase cultural and creative floor space.
- (5) Ensure that vertical additions to certain heritage items and contributory buildings:
 - (a) facilitate an increase in cultural and creative floor space;
 - (b) encourage uses that support Oxford Street's role as a local centre;
 - (c) respond to and complement the character of heritage items, contributory buildings and buildings constructed as a group;
 - (d) are subject to agreed heritage principles from the outset
 - (e) respond to and complement streetscapes and lanes; and
 - (f) minimise overshadowing to neighbouring residential properties.
- (6) Reinforce the individuality of buildings, fine-grain pattern of tenancies, buildings constructed as a group, and different areas that characterise the precinct.
- (7) Increase public pedestrian access to, and activation of, the National Art School, UNSW Art and Design Campus and the Darlinghurst Court House.
- (8) Provide through-site links in long blocks to increase public access.

- (9) Align buildings with and activate streets and lanes at the ground level.
- (10) Retain and conserve shop fronts with heritage significance. The design of new shopfronts should take their cues from traditional shopfronts.
- (11) Encourage cafes and restaurants in buildings on streets, corner sites and laneways to provide outdoor dining where footpath width permits.
- (12) Enhance the local area's night-time offering.
- (13) Encourage late night entertainment uses in new and existing basement levels.
- (14) Provide awnings to the footpath, where appropriate.
- (15) Locate land uses with consideration to:
 - (a) the ability to activate the public domain;
 - (b) access and servicing requirements; and
 - (c) the potential for sound from cultural, creative and night-time uses and other land use conflicts.

Avoid residential development in locations fronting Oxford Street due to low amenity associated with the main road and the potential conflict with desirable land uses that promote activity and the night-time economy.

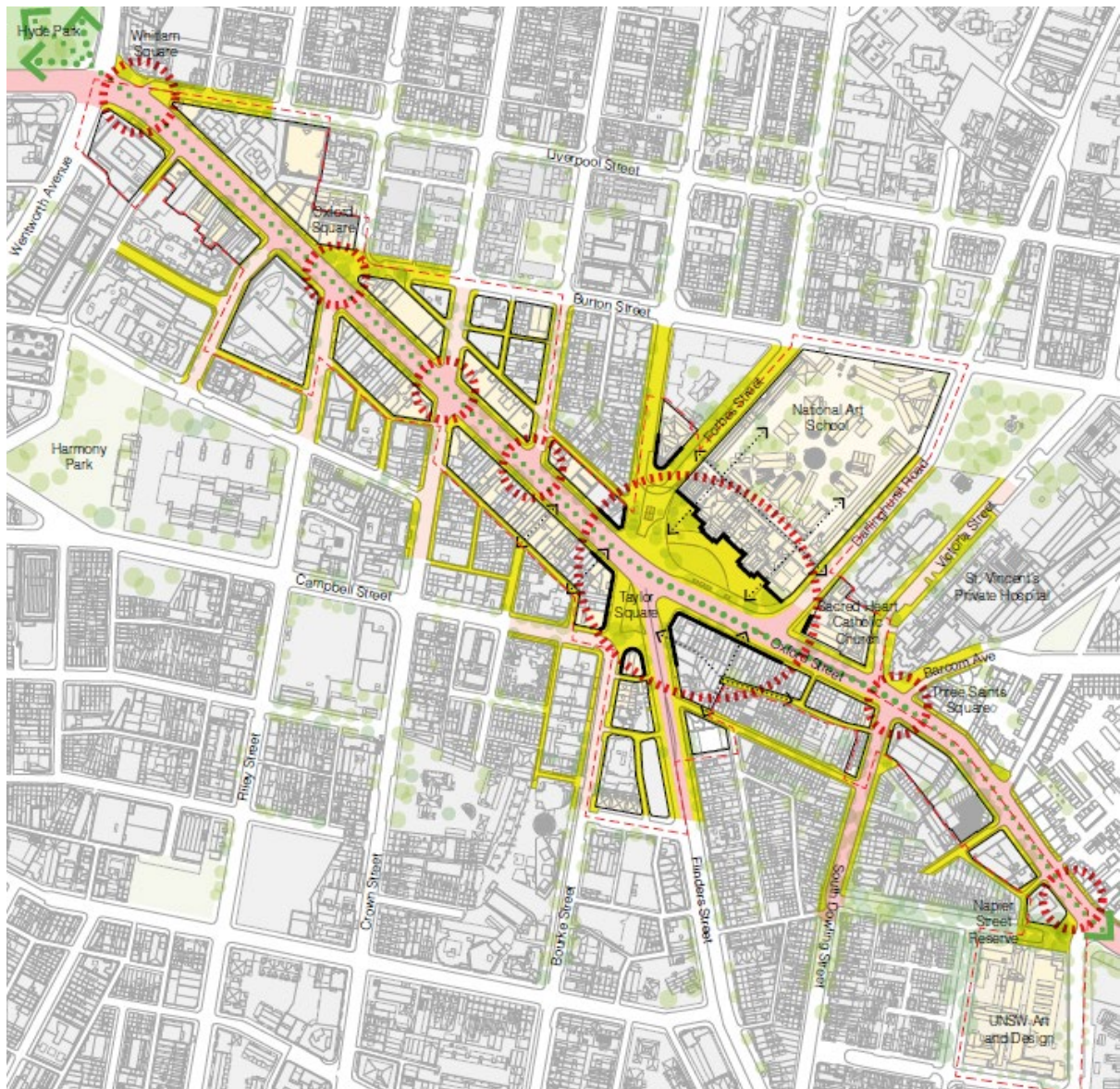


Figure 2a: Oxford Street cultural and creative precinct structure plan

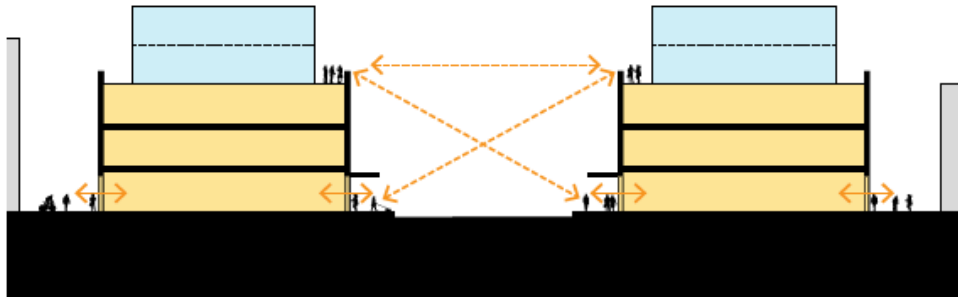


Figure 2b: Typical section illustrating how development can respond to and reinforce the role of Oxford Street as an activity street, including active uses at street level, rear laneway activation and roof terraces above the street wall

Definitions

Development for a creative purpose is defined in clause X of the Sydney LEP 2012 and means development 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.

Cultural and creative purposes include facilities for

- live entertainment, including the presentation or rehearsal of music, film, theatre, cabaret/drag shows, spoken word, comedy or dance
- the on-site display, production and sale of an artwork, craft, design, media, film, technology, image or immersive technology, including meet-the-maker style retail spaces and creative enterprises
- training, teaching or discussion of art, craft and design.

Live entertainment is defined in clause X of Sydney LEP 2012 and section 3.15 of the Sydney DCP 2012 and 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. Live entertainment does not include that associated with sex industry or adult entertainment uses.

5.X.2 Cultural and creative spaces

Art galleries, creative production and performance spaces and music venues, as well as creative 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. Oxford Street is identified as a precinct where the entertainment, arts, performance and cultural role, and the provision of space for cultural performance and production is to be strengthened and the loss of arts, creative and cultural floor space prevented.

Objectives

- (a) Prevent the loss of existing cultural and creative floor space in the precinct as a result of redevelopment in the precinct.

- (b) Require new cultural and creative floor space to be provided and existing cultural and creative floor space to be retained in redevelopment seeking additional height and floor space.
- (c) Encourage the provision of creative spaces for which there is a strategic need.
- (d) Ensure that new cultural and creative floor space will have minimal impact on the amenity of neighbouring or sensitive land uses.
- (e) Ensure that the design of new cultural and creative floor space meets appropriate locational and operational requirements.
- (f) Provide a diversity of types and sizes of cultural and creative space in the precinct.

Provisions

- (1) As required by clause XX of Sydney LEP 2012, all development in the precinct is to maintain or increase the quantum of cultural and creative floor space that existed on a single or amalgamated site on [insert date of the commencement of public exhibition of DCP].
- (2) Development accessing the alternative floor space and height permitted by clause XX of Sydney LEP 2012 is to provide a minimum of 10 per cent of the total proposed GFA on the site for a cultural and creative purpose and retain the quantum of cultural and creative floor space that existed on a single or amalgamated site on [insert date of the commencement of public exhibition of the DCP].
- (3) The approved floor space for a cultural and creative purpose is to be maintained during the life of the consent or while the additional height and floor space is in existence and is not to be subject to a change of use except to other cultural and creative activities.
- (4) The following types of cultural and creative spaces are sought as a priority in the precinct:
 - (a) Performance spaces – 200–500 person capacity
 - (b) Light industrial creative manufacturing, including ceramics, glass, plastics and metalwork
 - (c) Visual arts studios including “wet space”
 - (d) Large rehearsal spaces
 - (e) Music production and recording studios
 - (f) Film, television and new media studios
 - (g) Multi-purpose collaboration and education space
- (5) Notwithstanding subsection (4), a variety of sizes of creative spaces should be provided within each development, as follows, or in accordance with the Creative Spaces guideline in Schedule X:
 - (a) Small – 0-200 square metres
 - (b) Medium – 200-1000 square metres
 - (c) Large – 1000 square metres or more.
- (6) Cultural and creative space may be located on any floor of a building provided that it:
 - (a) is designed so that the operation of the cultural and creative activity will minimise impact on neighbouring uses, including noise, vibration, odour, fumes, smoke, vapour, steam or dust;
 - (b) is orientated within the building to locate activities that may generate impacts on amenity towards the Oxford Street frontage and away from rear lanes or residential development on streets other than Oxford Street;
 - (c) accommodates spatial arrangements which are:
 - (i) appropriate to the specific type of space, or
 - (ii) are in accordance with the Creative Spaces guideline in Schedule X;
 - (d) includes floor to ceiling heights which:
 - (i) for creative production spaces exceed requirements for commercial use, or

- (ii) are in accordance with the heights outlined in the Creative Spaces guideline in Schedule X; and
- (e) accommodates access and servicing requirements which are:
 - (i) appropriate to the specific type of creative space, or
 - (ii) in accordance with the Creative Spaces guidelines in Schedule X.

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.

5.X.4 Heritage Conservation

Development within the Oxford Street precinct takes place within one of Sydney's earliest main streets, characterised by largely intact Victorian, Federation and Inter-War style architecture. The precinct is also almost entirely located in heritage conservation areas and includes 52 locally listed buildings and 132 contributory buildings.

The DCP requires proposals for development on individual sites to demonstrate that heritage significance, retention of fabric and the structural stability on individual sites are a central consideration informing the design of additions and alterations to heritage buildings. The presumption for development is that all significant fabric and spatial arrangements of heritage items and contributory buildings must be conserved.

Objectives

- (a) Ensure development in the precinct conserves and enhances the heritage significance, character, fabric and features of heritage listed buildings in the precinct.
- (b) Ensure that heritage significance of the contributory buildings within Oxford Street and Victoria Street, East Sydney, Oxford Street, Paddington Urban and Victoria Barracks Heritage Conservation Areas is conserved and enhanced by retaining significant elements of the building and restoring or reconstructing altered or missing fabric.
- (c) Ensure that the massing and modulation of the building form is appropriate in response to its context within the Oxford Street and Victoria Street, East Sydney, Oxford Street, Paddington Urban and Victoria Barracks Heritage Conservation Areas, setting of the surrounding heritage items, streetscapes of Oxford Street; Crown Street, Palmer Street, Riley Street, South Dowling Street; Victoria Street; and the surrounding low scale residential context.
- (d) Ensure that the conservation of heritage significance, fabric and features is considered early in the design of additions to heritage listed and contributory buildings in the precinct.
- (e) Ensure that the structural stability of heritage listed and contributory items is considered early in the design process and maintained throughout the design of proposals.
- (f) Ensure that the significance and original character of the heritage listed Courthouse Hotel is retained and enhanced.

Provisions

5.X.4.1 Heritage conservation

- (1) Heritage facades are to be conserved. Alterations to heritage items affecting their original façade or parapet wall are to be limited to:
 - (a) restoration of significant features; and
 - (b) discrete, sympathetic or reversible additions that are compatible with and do not dominate the original or early architectural expression of the heritage item.
- (2) No new openings are permitted in original parapet walls or blank arches of heritage listed or contributory buildings.
- (3) Development affecting heritage items and contributory buildings is to retain:
 - (a) the main structural walls of the entire building;
 - (b) existing external openings;
 - (c) the floor structure and the inter-floor height with new floor plates and walls not to intersect significant openings;
 - (d) any surviving pressed metal ceiling(s) within existing shops and awnings;

- (e) any further elements identified in a Conservation Management Plan applying to the building.
- (4) Vertical additions to contributory buildings are not to visually dominate or compete with the original building form. They are to be designed to present as a recessive, light-weight addition, including roof form, which is set back in accordance with the provisions in Section 5.X.4.3, except where a design outcome of the highest standard can be achieved in accordance with provision 5.X.4.3(3) in this DCP.
- (5) Any change to a ground floor Oxford Street façade is to respect and respond to the fine-grain nature of the street's architectural scale, character, form, detailing and arrangement of traditional shopfronts.
- (6) Retain and conserve significant shop fronts with heritage significance.

5.X.4.2 Statement of Heritage Principles

- (1) Prior to the submission of a development application that affects a heritage item or contributory building in the precinct, a Statement of Heritage Principles should be prepared by a suitably qualified heritage consultant to inform the design development. The Statement of Heritage Principles should be agreed with the City through a pre-DA process. Any existing CMPs are to be updated with these agreed principles as required.
- (2) The Statement of Heritage Principles is to:
 - (a) address the heritage significance of the place, site and building and the contribution of the site and/or building to the conservation area;
 - (b) identify the specific heritage arrangement and features of the building, including the grading of fabric, elements, and spaces and which elements are to be conserved;
 - (c) detail the physical structure of the building and propose methods to ensure that its stability is maintained with minimal impact on heritage fabric and spaces; and
 - (d) set out principles to guide the design of the development so that the significance is conserved.

5.X.4.3 Heritage Structural Impact Statement

- (1) For development affecting a heritage item or contributory building in the precinct, a Heritage Structural Impact Statement is to form part of the Heritage Impact Assessment to be submitted with any development application.
- (2) The Heritage Structural Impact Statement is to address:
 - (a) the consistency of the proposals with the Statement of Heritage Principles;
 - (b) the method for retaining significant fabric on site during the demolition and construction stages and for enabling the structural stability of the building and heritage features for their long-term retention; and
 - (c) the method for minimising any impact on the significant heritage features and the integrity of adjoining structures.
- (3) The Heritage Structural Impact Statement is to be prepared with input from a suitably qualified structural engineer experienced with heritage properties.

5.X.5 Built form and design

Careful consideration of the impact of development on the unique built form character of Oxford Street must be demonstrated in all proposals for redevelopment. Oxford Street bisects the predominant street grid and features a series of unusually proportioned and shaped blocks, with

many narrow and deep lots, and some which have been consolidated. The buildings fronting Oxford Street have a high quality and continuous fine grain built form with a strong heritage character which flanks the street and creates a clearly framed view corridor down the street towards Hyde Park and the city skyline beyond.

Additions to these buildings are to be predominantly lightweight, simply designed and recessive secondary forms except where they are of exceptional design quality and achieve a strong and complementary relationship with the existing building.

5.X.5.1 Additional building height

The built form on Oxford Street is characterised by a varied and stepped expression of heights which have evolved on the street and create continuous and fine-grain frontages. The existing pattern of stepped heights and the vertical articulation and rhythms along the street is to be reflected in vertical additions that are complementary to existing heritage character.

Objectives

- (a) Define maximum building envelopes for future development to deliver a high-quality built form which ensures an appropriate level of amenity within the site and to surrounding properties.
- (b) Establish an appropriate scale for new development which respects the existing built form of the high street, compatible with heritage items and contributory buildings in the surrounding context.

Provisions

- (1) Development is not to exceed the maximum number of storeys as shown in Map XX: Height in storeys.
- (2) On sites which are awarded additional floor space under Clause XX of Sydney LEP 2012, that floor space is to be accommodated within the maximum number of storeys shown in Map XX: Height in storeys.
- (3) Additions of more than two storeys are not permitted except for buildings in Block X, as defined in Map XX: Alternative Building Height in Storeys, which are to be in accordance with those figures.
- (4) One and two storey additions to existing buildings, roofs, plant, lifts, stairs and associated overruns and equipment are to be no more than 10 metres higher than the uppermost ceiling height of the existing built form as at 1 January 2021. They must not exceed the maximum height plane shown in Alternative Height of Buildings control in Sydney LEP 2012.
- (5) The cumulative impacts on views from additional storeys in accordance with the Alternative Height of Buildings control in Sydney LEP 2012 is acceptable (indicatively shown at Figure 3).

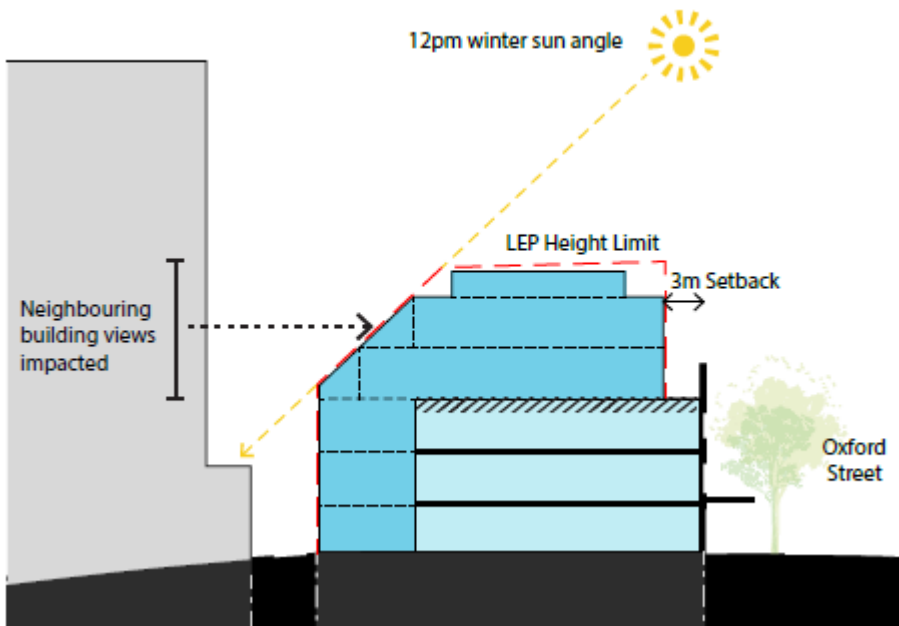


Figure 3: Typical indicative section illustrating acceptable view impact from vertical additions

5.X.5.2 Architectural detail and materials

Oxford Street is a high street with a diversity of built form with rich architectural styles and detailing, characteristic of the Victorian, Federation and Inter-War periods. Architectural detailing can reinforce the lot pattern, fine grain and individuality of buildings. The detailing and choice of material in new development provides an important opportunity to reflect heritage elements, connect buildings constructed as a group and differentiate and reinforce the distinctive attributes of the built form in the precinct.

Objectives

- (a) Ensure building proportion, facade articulation, materials, and architectural detailing that contributes, reinforces and responds to the highest quality heritage and contributory buildings in the surrounding context.
- (b) Ensure that new development fits in with the existing fine-grain pattern of Oxford Street, surrounding streets and laneways, and reflects the historical subdivision pattern.
- (c) Provide visual interest and activation through a fine grain and individually distinctive architectural details.
- (d) Prevent the damage or removal of building parapets on buildings fronting Oxford Street.

Provisions

- (1) Every building on Oxford Street is to have an individually distinctive massing, expression of floor levels, architectural language and fine grain tenancies. (Figure 4)
- (2) The design of both the street wall and setback is to reflect the existing pattern of building arrangement and subdivision of Oxford Street. Additions may reflect the original phase of development where groups of buildings were developed as a set and then subdivided.
- (3) Additions may reflect the original phase of development where groups of buildings were developed as a set and then subdivided.

- (4) Building facades are to be characterised by vertical proportions over the full height of the building. Facade elements and window openings above ground floor level are to be vertically proportioned.
- (5) Window openings above any existing or required awning are to be limited to between 20% and 40% of the facade wall area.
- (6) Additions above and behind existing parapets are to be articulated from existing retained façade elements.
- (7) The architectural detail and materials to be used in any additions and new development are to be at least equal in quality and level of detail to the highest quality found in neighbouring contributory buildings. While additions and new buildings are to have a contemporary character, their materials and design detailing must respond to (but not copy) elements and details observed in surrounding buildings, such as face brickwork, decorative string courses, brick bonds, rendered/painted banding and other masonry work. Design detail is to be demonstrated through a comparative analysis of an existing building elevation and the proposed development, documented with 1:50 elevations and 1:10 details.
- (8) All new additions must include climate responsive design including but not limited to natural ventilation and external sun shading to block 80% of direct sun to glazing in summer (Dec-Feb).

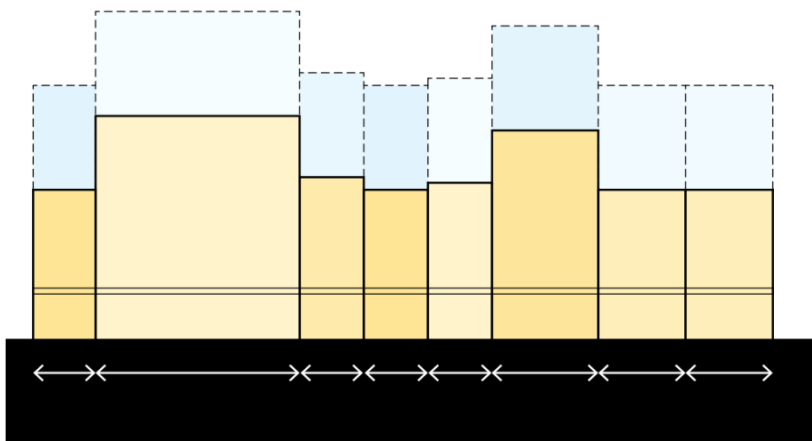


Figure 4: Additions are to reflect the individually distinctive massing on Oxford Street 5.X.4.2(1)

5.X.5.3 Building alignment, setbacks and street frontage heights

Oxford Street is characterised by a predominantly low scale built form, with a consistent building alignment and strong street edge. Street frontage heights will create the scale and type of built form required to maintain light to the street and manage its character and amenity.

Upper storey additions should be recessive, secondary forms which protect the heritage character of the precinct and reinforce the vista from Taylor Square to Hyde Park. Upper level setbacks will ensure that traditional parapet walls, often ornately detailed and an important heritage element, are protected and retained. They will ensure that new built form provides adequate solar access to neighbouring properties.

Objectives

- (a) Establish an appropriate scale, massing and modulation for new development which respects and responds to the architectural character, rhythm and grain of the existing built fabric of the high street.

- (b) Achieve a street wall height that reinforces the human scale in the public domain and protects the view corridor along Oxford Street towards Hyde Park and the City skyline.
- (c) Reduce the visual dominance of upper storey additions and protect the integrity of traditional parapets.
- (d) Ensure any upper storey additions which seek a reduced setback display exceptional design quality which results in a complementary relationship with the architectural language of the existing building.
- (e) Protect solar access in neighbouring residential properties with appropriate building setbacks from all boundaries.

Provisions

- (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.
- (4) Development is to reinforce the significant view corridor along Oxford Street and views to buildings framing street intersections and define corner sites through appropriate massing and façade design.
- (5) Subject to appropriate design which protects the integrity of the parapet, the 3 metre upper front setback of a building with frontages onto Oxford Street may be used to provide rooftop balcony space.
- (6) Above the street wall on the southern side of Foley Street, additional storeys are not required to be setback from the street frontage (Figure 6).
- (7) Notwithstanding any other provision in this section, building massing to side and rear boundaries is to ensure solar access to the windows of any dwelling, including ground floor habitable rooms, in accordance with the requirements of this DCP (Figure 7).

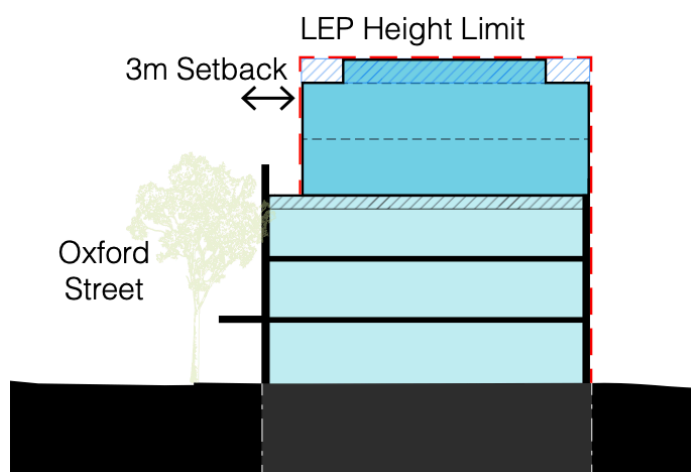


Figure 5: Above the street wall on Oxford Street, additional storeys are to be set back a minimum of 3 metres 5.X.4.3(1)

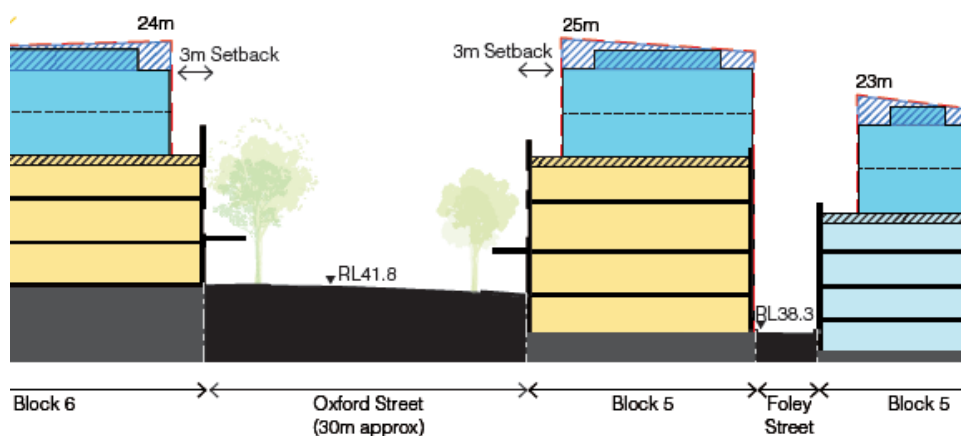


Figure 6: Above the street wall on the southern side of Foley Street, additional storeys are not required to be set back from the street frontage 5.X.4.3(6)

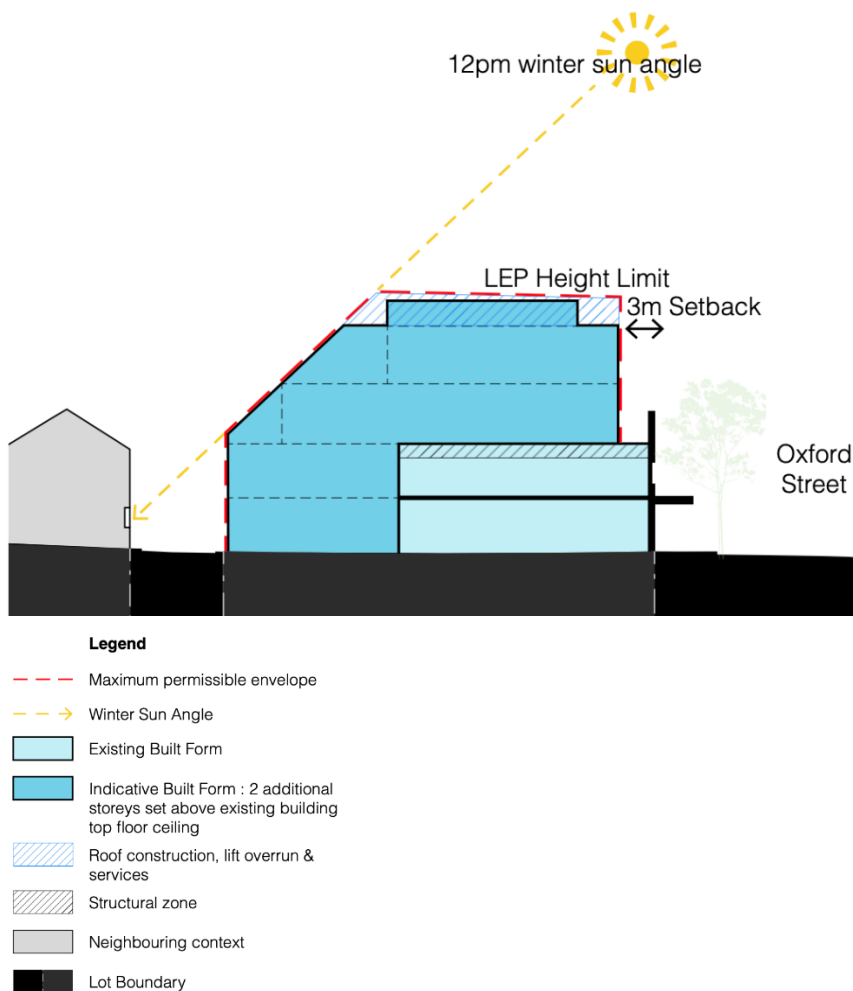


Figure 7: Building massing to rear boundaries is to ensure solar access to the windows of any dwelling, 5.X.4.3(7)

5.X.5.4 Awnings

Awnings located at ground level along the street frontage characterise Oxford Street. They define and shelter pedestrian space and have been characteristic of shops, cafes, hotels and other buildings reliant on pedestrian interaction from Sydney's earliest days. This is reflected in their historical association with the busiest pedestrian and commercial streets. Awnings also reduce the perceived scale of tall buildings and focus pedestrian views on street frontages and ground level activities, visually separating street level activity from less active uses above. Their location and design should respond to the surrounding uses and heritage context.

Objectives

- Provide awnings for pedestrian comfort and amenity along active frontages.
- Locate awnings to minimise sunlight, rainfall and wind impacts at building and tenancy entry points.
- Ensure awnings respond and contribute to heritage and contributory items and conserve their significance.

Provisions

- Footpath awnings are to be provided to all buildings on Oxford Street that had awnings on [insert date of publication of DCP].

- (2) Continuous awnings are to be provided above retail uses and over entries for commercial uses.
- (3) Contributory buildings must maintain or reinstate awnings which are associated with contributory buildings.
- (4) New awnings are to integrate with and achieve a high degree of compatibility with existing adjacent awnings.
- (5) Where an awning is not compatible with the heritage significance of a contributory building, the existing awning is to be removed and not replaced.

5.X.5.5 Specific sites

Objectives

- (a) Provide guidance for development on specific sites.

Provisions

- (1) Special conditions apply to development proposals for four sites in the precinct as below:
 - (a) **1-19 Oxford Street, Darlinghurst (corner of Wentworth Avenue and Oxford Street)** – Development may incorporate a podium up to five storeys high to align with the Old Bank Building at 21 Oxford Street, Darlinghurst on corner of Brisbane Street.
 - (b) **115 Oxford Street, Darlinghurst (the former Arnold and Co Department Store)** – Development which seeks a two-storey addition should ensure that the addition is above the original cornice line and not the more recent partial additions.
 - (c) **55-73 Oxford Street (Oxford Village), Darlinghurst** – Development which seeks a two-storey addition should be built on the street boundary with no setback. Development is encouraged to create a more vertical rhythm, including predominantly masonry materials in line with the predominant morphology of the blocks to the east and west.
 - (d) **59 Oxford Street, Paddington (service station)** – Development of this site is to ensure that upper level setbacks protect and do not reduce the canopies of the existing large Fig trees located to the east of the site and adjacent to the UNSW Art and Design Campus. Consideration is to be given to incorporating these Fig trees into open space associated with a redevelopment proposal, preferably allowing UNSW Art and Design to front Oxford Street with a new public space.

5.X.6 Active frontages and street level tenancy design

The public quality of Oxford Street is strongly linked to the continuous, fine grain activity and visual interest provided by street level tenancies and numerous entries to tenancies at, above and below street level. All development is required to provide active frontages to all streets and lanes and to minimise the frontage occupied by services, loading and parking access.

Through site links which increase the permeability of large blocks can also be activated by fine grain tenancies. Making building edges or tenancies “active” to the street adds interest and life and vitality to the public realm and could include the facades with windows, doors, bays or porches and lively internal uses visible from or extending into the street.

Objectives

- (a) Maximise the fine grain activation of the public domain through use, size and design of street level tenancies.

- (b) Activate important spaces and corner sites with food and drink premises with associated outdoor dining.
- (c) Provide individual street level entries for tenancies above and below street level.

Provisions

- (1) Street level tenancies on frontages mapped on the Active Frontages Map of the Sydney DCP 2012 are to accommodate uses that maximise pedestrian activity on the adjacent streets and lanes including shops, food and drink premises, customer service areas and activities, including cultural and creative uses, that provide visual interest and interaction with pedestrians.
- (2) Food and drink premises are encouraged in street level tenancies with a frontage to the following public places or on listed properties:
 - (a) Taylor Square
 - (b) Oxford Square
 - (c) 55-73 Oxford Street, Surry Hills (north-west corner)
 - (d) 75-77 Oxford Street, Darlinghurst
 - (e) 117-123 Oxford Street, Darlinghurst
 - (f) 108 Oxford Street, Darlinghurst
 - (g) 134 Oxford Street, Darlinghurst
- (3) The maximum average width of street level tenancies is to be 5 metres, with the maximum width of any one tenancy at the street frontage being 8 metres. Longer tenancy widths at the street frontage may be considered by the Consent Authority in heritage items and contributory buildings where they reflect existing or significant historic tenancies in the building.
- (4) A tenancy or part of a tenancy at street level is to have a maximum floor area of 300sqm at that level with the exception of tenancies provided as cultural and creative floor space. Tenancies on other levels may exceed 300sqm. Larger tenancies at street level may be considered by the Consent Authority in heritage items and contributory buildings where they reflect existing or significant historic tenancies in the building.
- (5) Each street level tenancy is to have its own entry from the street.
- (6) Self-contained lower ground or basement tenancies are to have separate and direct access from the street.
- (7) An entry to upper levels, with vertical circulation core, is to be retained or provided for every building even if lots are amalgamated.
- (8) Street level tenancies and foyers are to support an active street edge with a maximum of 25% opaque surfaces to the facade area and 75% transparent glazing or opening providing visibility to at least 6m into the spaces within.
- (9) Street level tenancies are to have at least 35% of their floor area at the level of the footpath.
- (10) Street level tenancies should achieve a fine grain, shop front design that includes elements of:
 - (a) a stall riser;
 - (b) pilasters; and
 - (c) clerestory window.
- (11) Sites in the block bounded by Oxford, Crown, Campbell and Little Oxford Streets between numbers 147 and 175, with a street frontage length of more than 12m are to provide a through-site link or arcade.
- (12) Sites shown with a black dashed arrow on Figure 2a are encouraged to provide a through-site link or arcade.
- (13) Through-site links or arcades are to have a clear width of 3 to 6 metres and arcades are to have a minimum clear height of 1.5 times the width or 6 metres, whichever is less.

- (14) If a through-site link or arcade exists in a street block then no other through-site link or arcade is required in that street block.

5.X.7 Development fronting laneways

The Oxford Street precinct includes lanes that provide for service access to properties fronting Oxford Street. With careful management these lanes can be transformed into characterful areas that support the activity of Oxford Street, including cafes, small bars, community and exhibition spaces, galleries and shops while continuing their service function.

Objectives

- (a) Provide fine grain activation of laneways on larger development sites.
- (b) Maintain and enhance the intimate environment of lanes and ensure a sense of openness that reinforces a human scale.
- (c) Minimise laneway frontage occupied by vehicular access, loading and services while ensuring servicing needs are managed.
- (d) Ensure building massing on the north side of lanes provides solar access to residential windows on the south side of the lane.

Provisions

- (1) New development on sites with a frontage to Arnold Place, Foley Street, Iona Lane, Verona Street, Rosebud Lane or Little Oxford Street (referred to as a laneway in provisions 1-5) is to:
 - (a) on sites with a laneway frontage greater than 6 metres wide – include small scale retail, food and drink, service and community facilities tenancies and spaces at laneway level with entries from the lane and visual surveillance of it;
 - (b) promote and create the opportunity for the inclusion of art, landscaping, street furniture and activity spaces;
 - (c) improve the pedestrian amenity of the laneway, small street or place through the use of materials, lighting and designated areas for pedestrians and vehicles;
 - (d) provide facades that create visual interest, equivalent to the existing buildings fronting Oxford Street that exhibit higher levels of detail at lower levels.
- (2) All development fronting a laneway should orientate windows and balconies to overlook and provide passive surveillance.
- (3) Development and public domain upgrades at ground level are to facilitate and respond to the design and operation of laneways as shared zones, providing for safe and accessible pedestrian movements, compatible site servicing, and laneway activation.
- (4) Loading and servicing facilities are not required to be accommodated on site where there is an adjacent laneway. Loading and servicing vehicles may park temporarily in the laneway providing they can do so without blocking pedestrian access.
- (5) Where this is not possible, or where the length of laneway frontage allows for both servicing and activation, design of new development is to minimise the length of laneway frontage occupied by vehicular access, loading, servicing, building services and the like.

APPENDIX A

Schedule X: Oxford Street Cultural and Creative Precinct – spatial requirements of specific creative spaces

	Description	Operational	Floor space	Capacity	Special requirements	Office /Admin	Communal areas	Ceiling heights	Loading bay
Performance space	A purpose-built space for use for theatre and music performance with a large flat stage area, wing space, fixed tier seating, high level of lighting and audio equipment	Dressing rooms, loading docks, backstage storage and workshop areas. Also, audience circulation areas such as foyers, box office, food and beverage service areas	600sqm+	500+ with fixed tier seating over a single area or multiple balconies	Orchestra pit and fly tower	Reception box office 20m2	Floor area of front of house equal to seating area to allow for circulation	10.5m above stage to lighting (12m to top of ceiling)	To suit 43sqm2 box truck
Performance spaces multipurpose	A flexible performance space with no fixed performance or seating area, with a high level of lighting and audio equipment	Dressing rooms, loading docks, backstage storage and workshop areas. Also, audience circulation areas such as foyers, box office, food and beverage service areas. Flexible for other events such as large-scale workshops, networking and presentations	300sqm+	300-500 people in retractable seating	Sprung floor to allow for dance performance, stage should be 10m deep by 13m wide	Reception box office 20m2		10.5m above stage to lighting (12m to top of ceiling)	Good rear access for 3tonne truck, roller door and access into venue, double door access

Draft Sydney Development Control Plan 2012 – Oxford Street Cultural and Creative Precinct

	Description	Operational	Floor space	Capacity	Special requirements	Office /Admin	Communal areas	Ceiling heights	Loading bay
Performance spaces rehearsal areas	Large lockable sound attenuated space for dance, theatre and music rehearsals. Ventilated with access to natural light. Easily accessible after hours and in weekends	No fixed seating, toilets, facilities, dressing rooms and storage	100-300sqm	100-200 people	Sprung floors, wall to ceiling mirrors				22m3 box truck
Gallery spaces - large	Space for large scale exhibitions as one large space or separable with temporary walls. Uninterrupted walls, high ceilings and natural light	Public areas and collection storage, loading docks, handling and production spaces, workshop areas, foyer, box office, gift shops, customer amenities and office accommodation for staff. An onsite café and light kitchen	1000-5000sqm	1000 people		Reception 20m2	Front of house should be 10-20% of exhibition area	10.5m	43m3 box truck
Gallery spaces – small to medium	Space for small to medium scale exhibitions ideally at ground floor with open space, uninterrupted walls, high ceilings and no direct sunlight on exhibitions	Storage, handling and production space, light customer amenities and office accommodation and a café.	80-1000m2	300 people		Office 15-50m2	Kitchen meeting room	6m	9m2

Draft Sydney Development Control Plan 2012 – Oxford Street Cultural and Creative Precinct

	Description	Operational	Floor space	Capacity	Special requirements	Office /Admin	Communal areas	Ceiling heights	Loading bay
Studio space - generic	Large lockable area alone or part of a larger collective for a group of artists	Walls for hanging and lockable skip or larger bins	20-40m ²	3-4 people	Wash-up space 2x1m			3m	Drop off parking
Studio messy	For large art practices that involve noise and mess with hard wearing floors, roller door access and large ventilated spaces	Full height walls for dust and noise containment, high roller doors for loading, concrete floor for easy washing along with a sink in each studio.	200-100m ²	3-4 people	Wash-up space 2x1m			9m	Truck access to one loading area
Workshop spaces - ceramic	Studio space around sharing tools needed for ceramic work	Pugmill, small kiln, large electric kiln, electric wheel, tabletop slab roller and drying racks	20-40m ²	Clusters of 8-10 studios	Optional studio space 10-20m ² or storage space 5m ² , washup space 2m ²	Site manager desk	Kitchen dining table couch	3m	22m ³ box truck
Workshop printmaking	Studio space around sharing tools needed for printmaking	Etching press of different sizes, large sinks for soaking paper, drying racks and a guillotine	20-40m ²	3-10 people	Washup space 2x1m ²		Kitchen dining table couch	3m	Drop off parking
Workshop textile/fashion	Group studio space for working but open to public for sales or client appointments	Large space for cutting, pattern marking table, industrial sewing machines and irons. Sanding tables and shared larger tools	40-100m ²	3-10 people	Washup space 2x1m ²		Kitchen dining table couch	3m	Drop off parking

Draft Sydney Development Control Plan 2012 – Oxford Street Cultural and Creative Precinct

	Description	Operational	Floor space	Capacity	Special requirements	Office /Admin	Communal areas	Ceiling heights	Loading bay
Workshop – sound recording	Contains a tracking room and control room in order to record and mix music. These spaces can be hired casually and be provided with or without equipment	Soundproofed glass window between the two rooms, with noise cancellation, mixing desk and backline gear (microphones, piano, amps, drum kits) to hire	30m2 tracking room, 20m2 control room	5 people recording, 3-5 people editing	Optional 15m2 room for filming	Kitchenette		3m	Crop off parking and unloading
Workshop – Photoshoot	Large room with good day lighting and continual backdrops	Backdrops for photoshoot spaces. Equipment for hire., including lights, clamps and screens	25-100m2		Site manager desk	Kitchenette		3m	9m2 to suit van
Workshop – Film recording	Sound attenuated space with continuous backdrop for filming sound and visuals.	Two sides drop down blue and green screens and white cyclorama	50-90m2	Soundproof voice over recording room 2m2, editing room 15m2		Kitchenette		3m	9m2
Workshop – light manufacturing	Large warehouse space for the manufacture of large items, such as set buildings and furniture. In a noise tolerant area.	Roller doors at end of warehouse, walls and power to each space.	30-50 m2	40 studios			Wash up space	9m	Drive through 5x5m roller doors and corridor for truck

Draft Sydney Development Control Plan 2012 – Oxford Street Cultural and Creative Precinct

	Description	Operational	Floor space	Capacity	Special requirements	Office /Admin	Communal areas	Ceiling heights	Loading bay
Live music spaces	Space for a musical experience with audiences. It should accommodate a variety of performance, such as intimate gigs, major event, classical recital or community brass band	Supported by additional space rehearsal spaces, green room/dressing room with toilet and shower Facilities, recording studios, food and beverage areas and box office. It should have a flat stage area and floor.	200-800m2	500-800 people			Communal area for audience circulation	5m	22m2 box truck

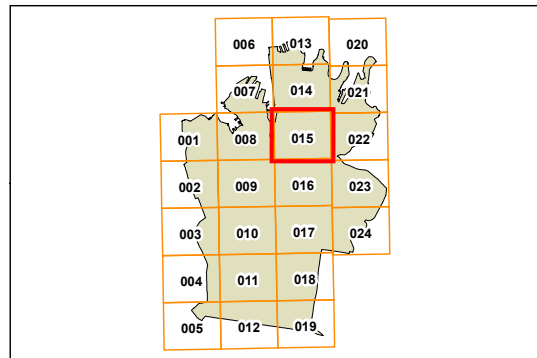
APPENDIX B - Maps

Sydney Development Control Plan 2012

Alternative building height in storeys map Sheet 015

Legend

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- 4 Storeys
- 5 Storeys
- 6 Storeys
- 7 Storeys
- Refer to DCP Clause 5.X.4.1 (4)
- Land excluded from this DCP



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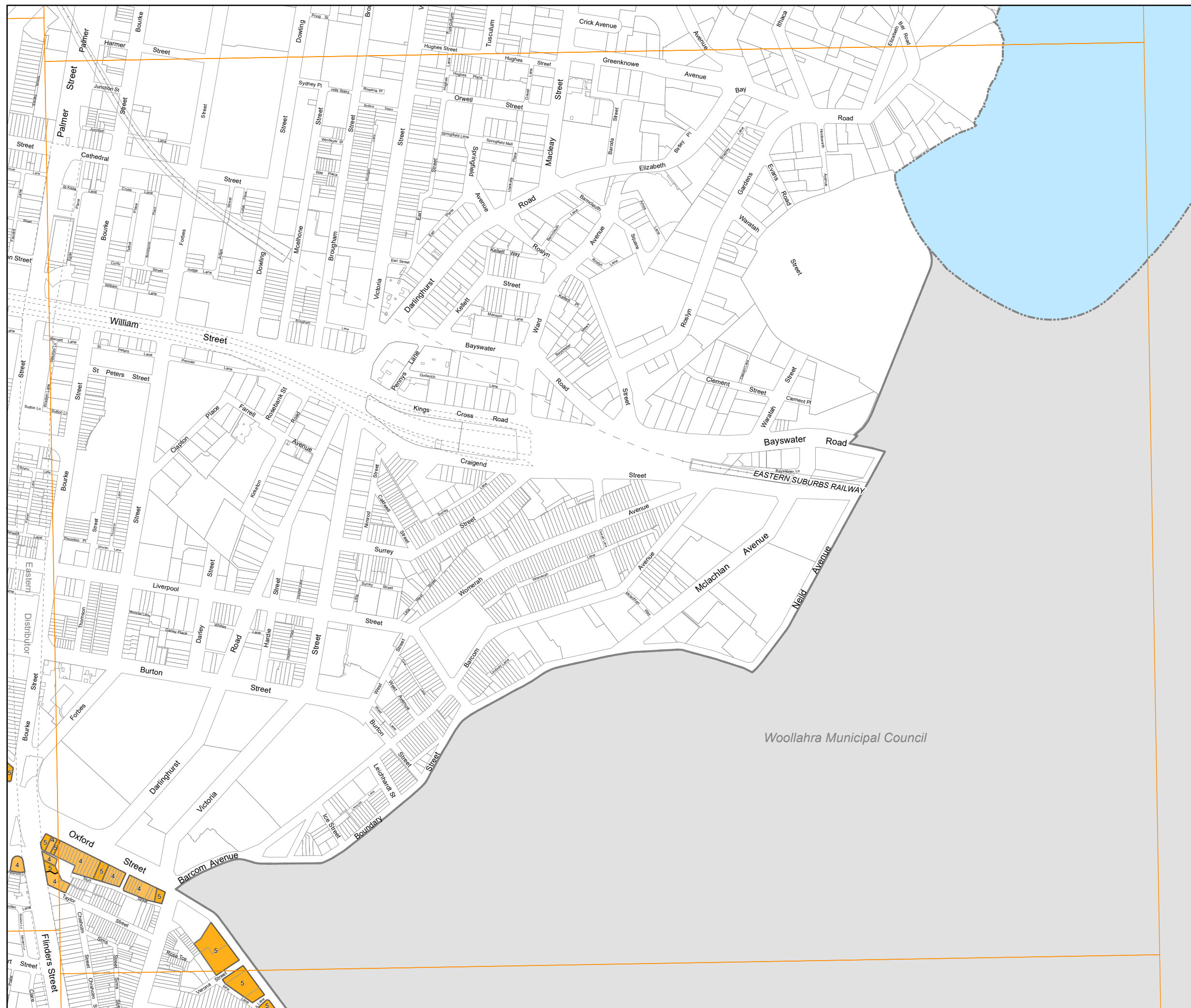
Legend

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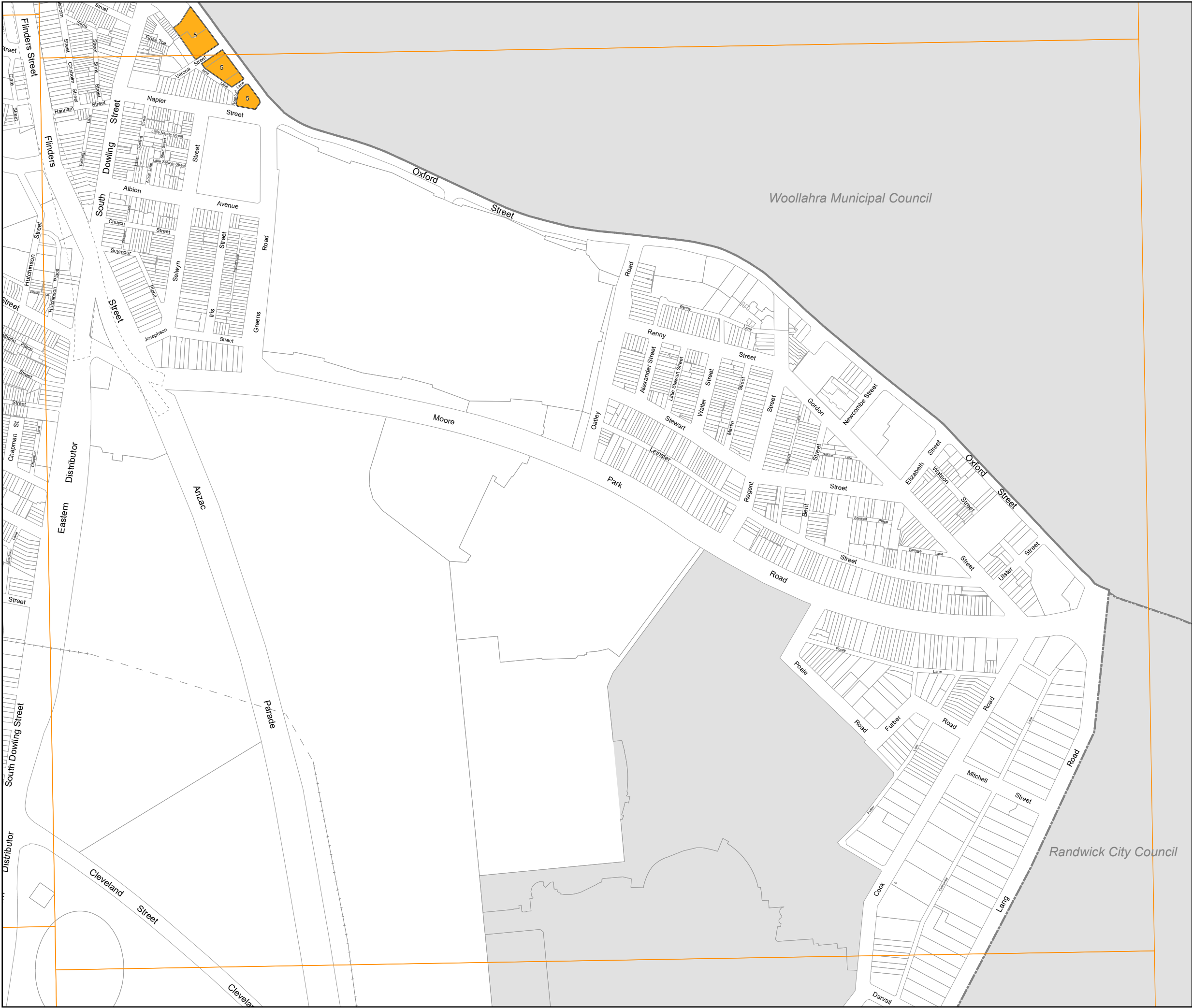
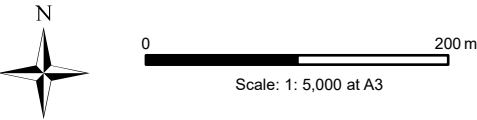
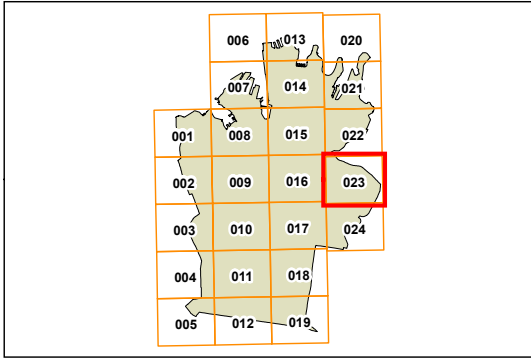
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Alternative building height in
storeys map
Sheet 023

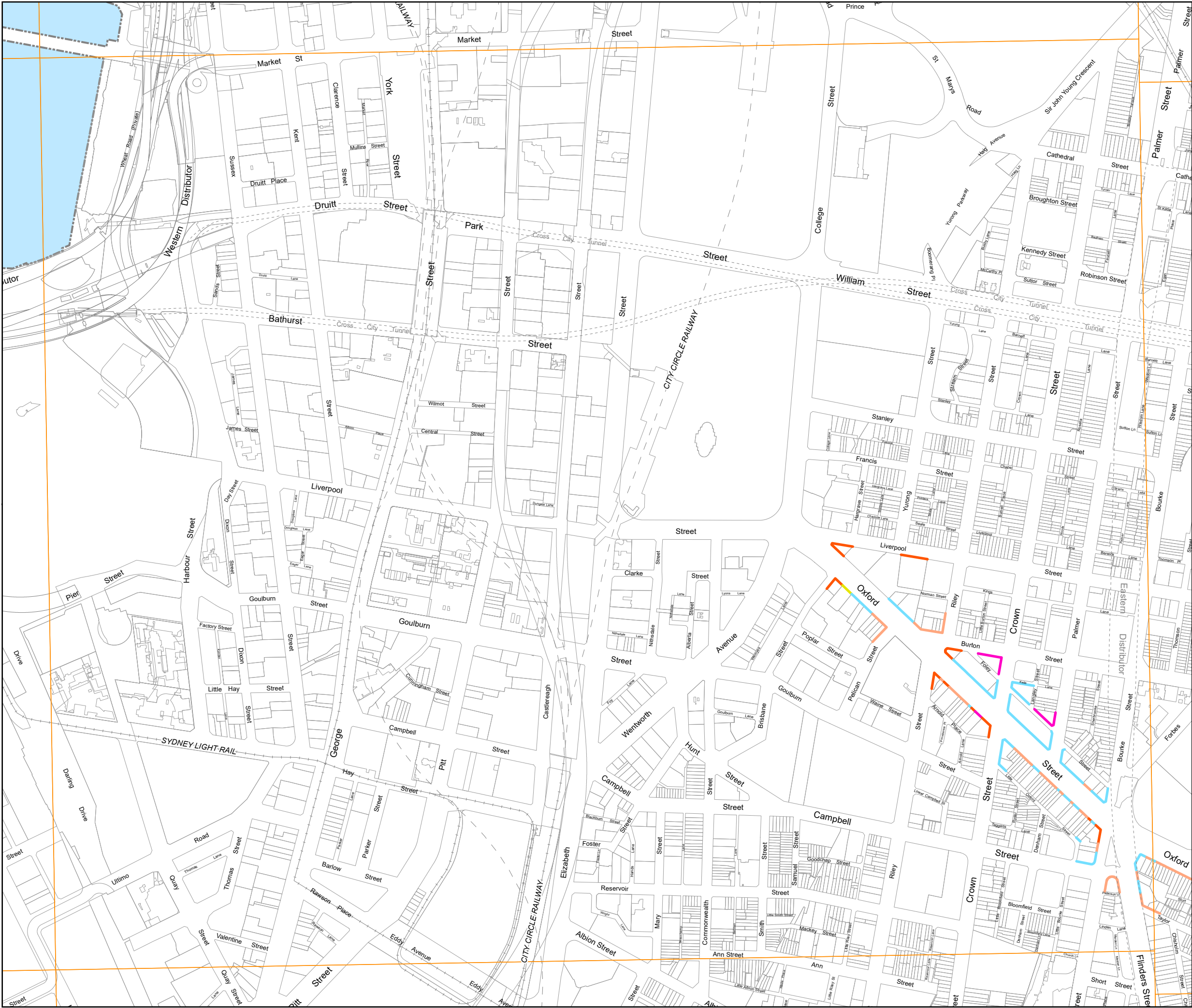
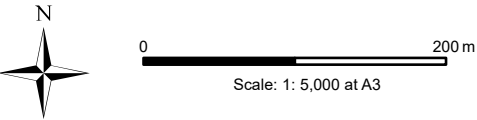
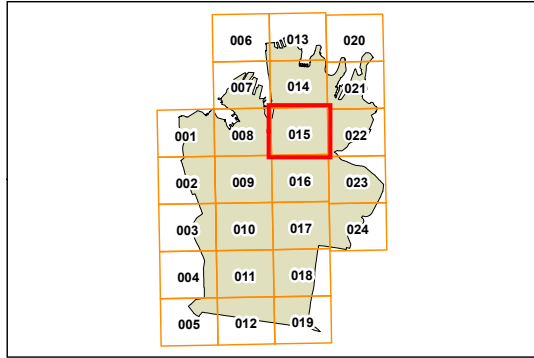
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 - Land excluded from this DCP



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Alternative building street frontage height in storeys map Sheet 015

- Legend**
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 - 2 Storeys
 - 3 Storeys
 - 4 Storeys
 - 5 Storeys
 - 6 Storeys
 - Land excluded from this DCP

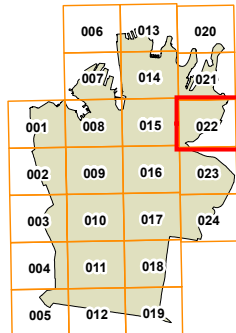


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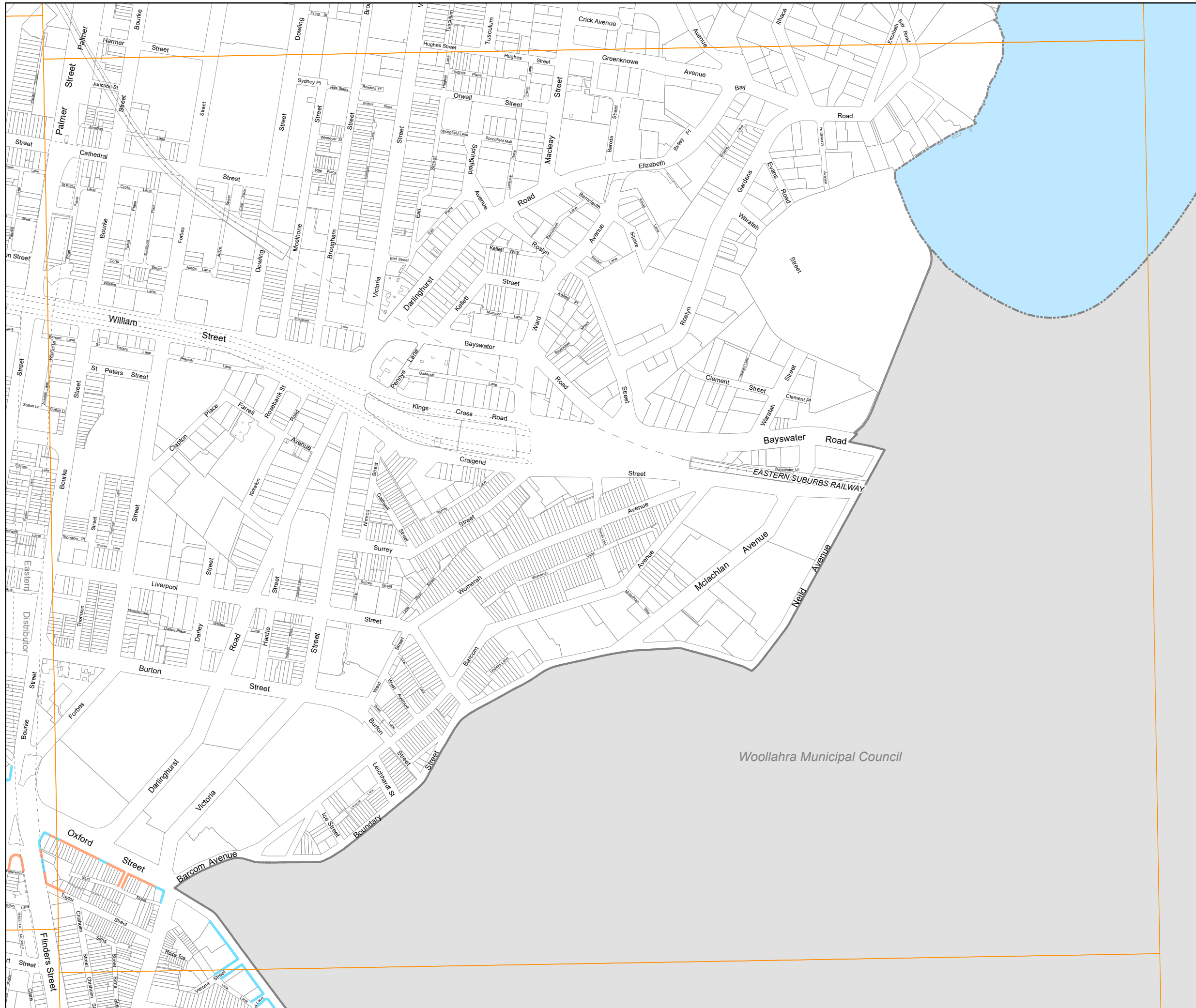
Alternative building street frontage height in storeys map Sheet 022

Legend

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- 6 Storeys
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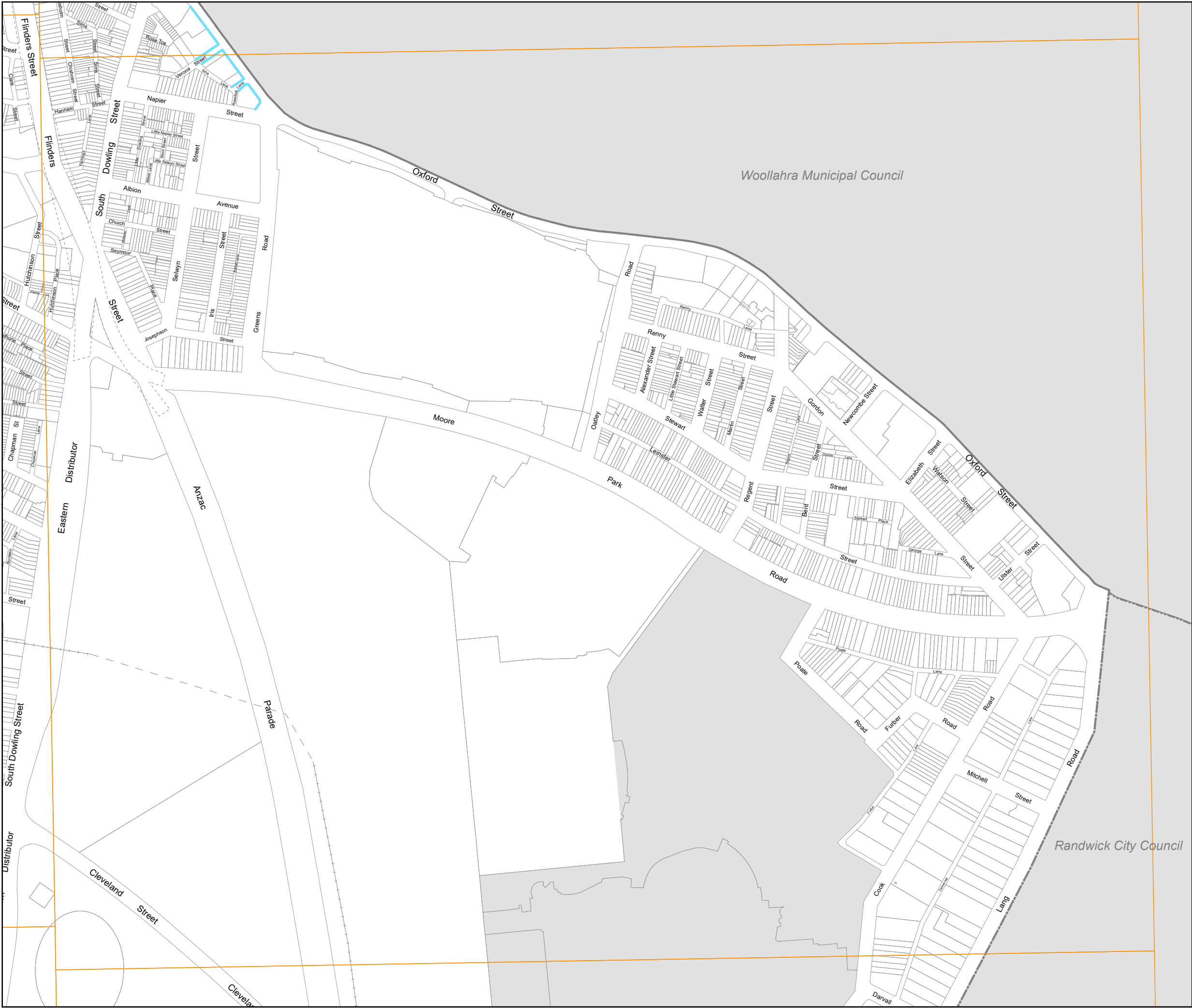
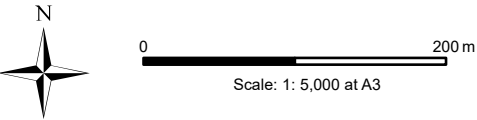
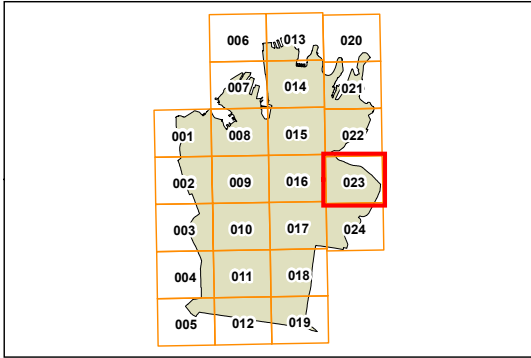
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Alternative building street frontage
height in storeys map
Sheet 023

- Legend
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 - 2 Storeys
 - 3 Storeys
 - 4 Storeys
 - 5 Storeys
 - 6 Storeys
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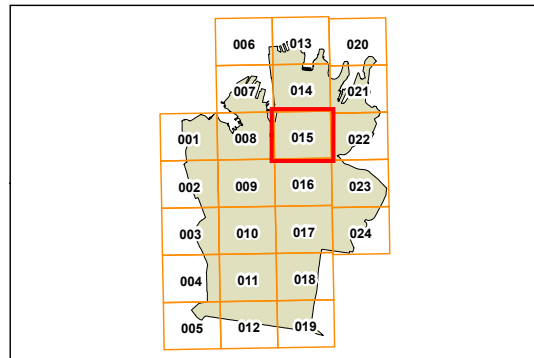


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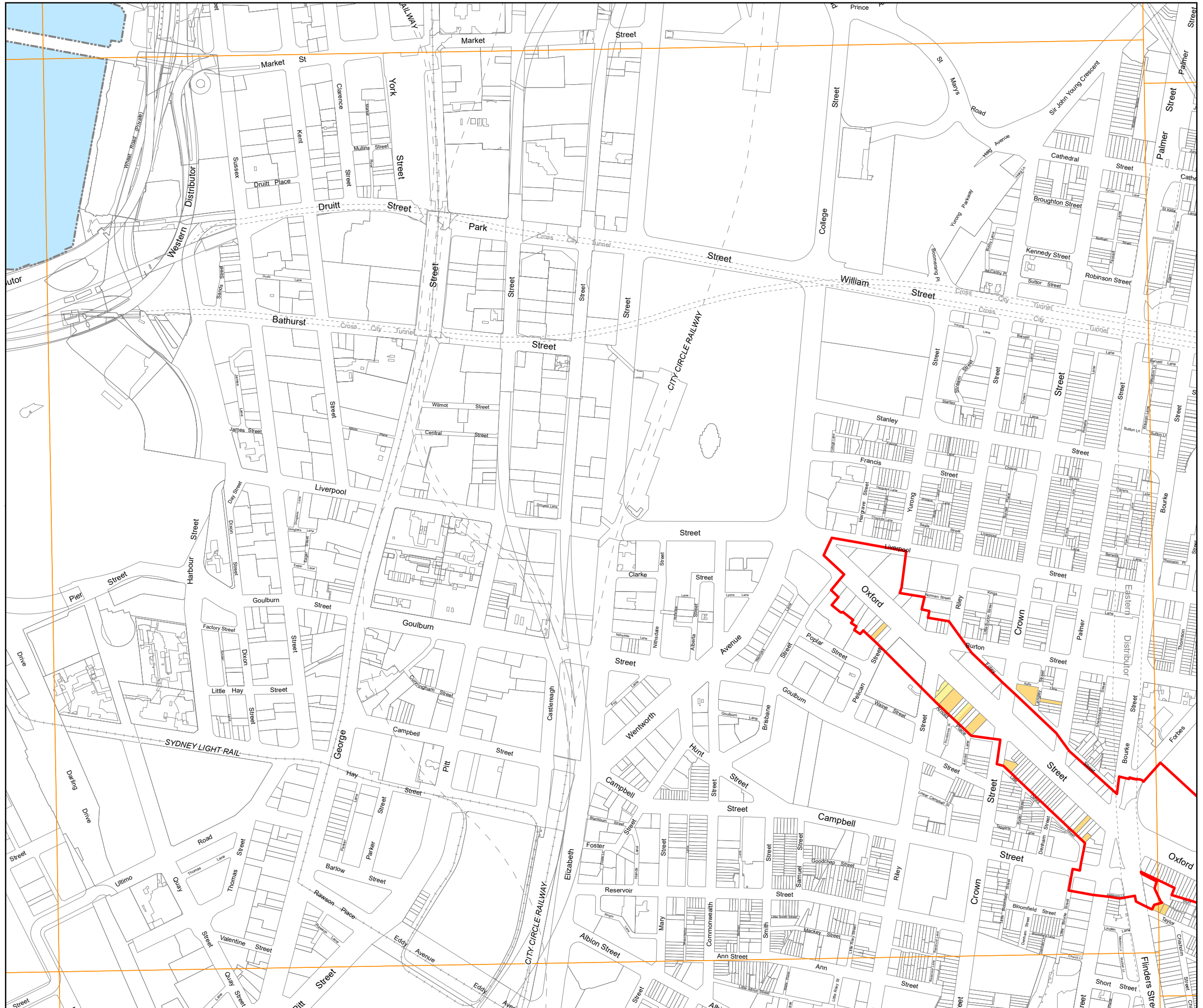
Building contributions map Sheet 015

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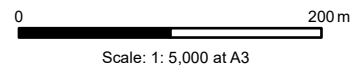


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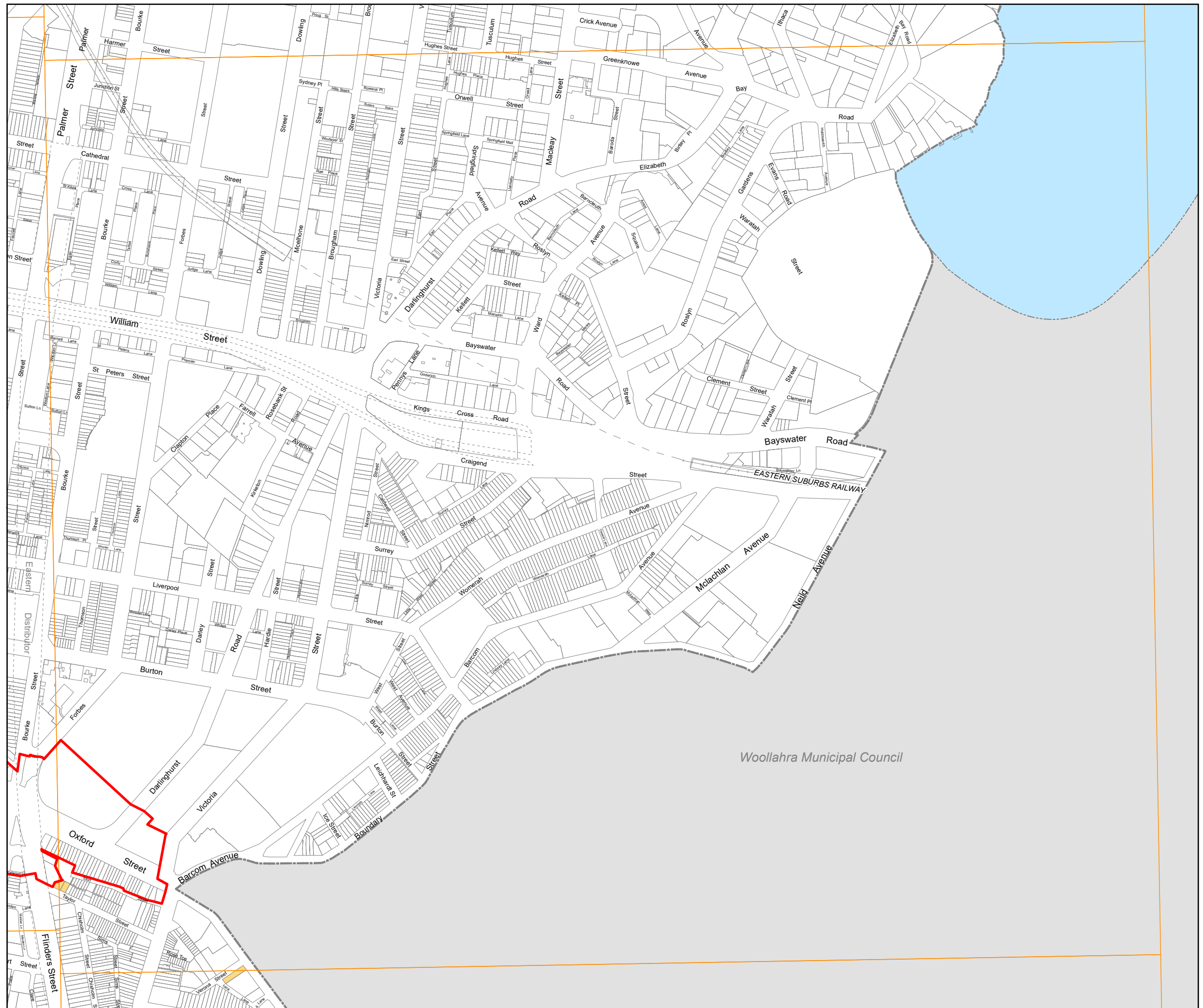


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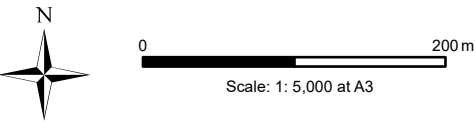
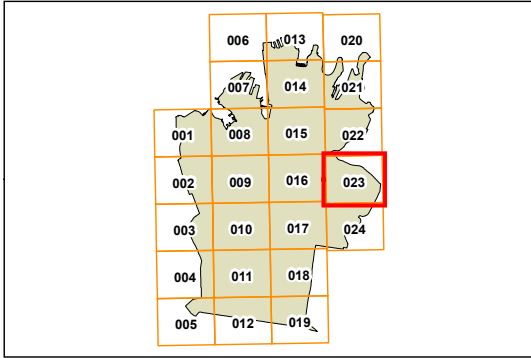
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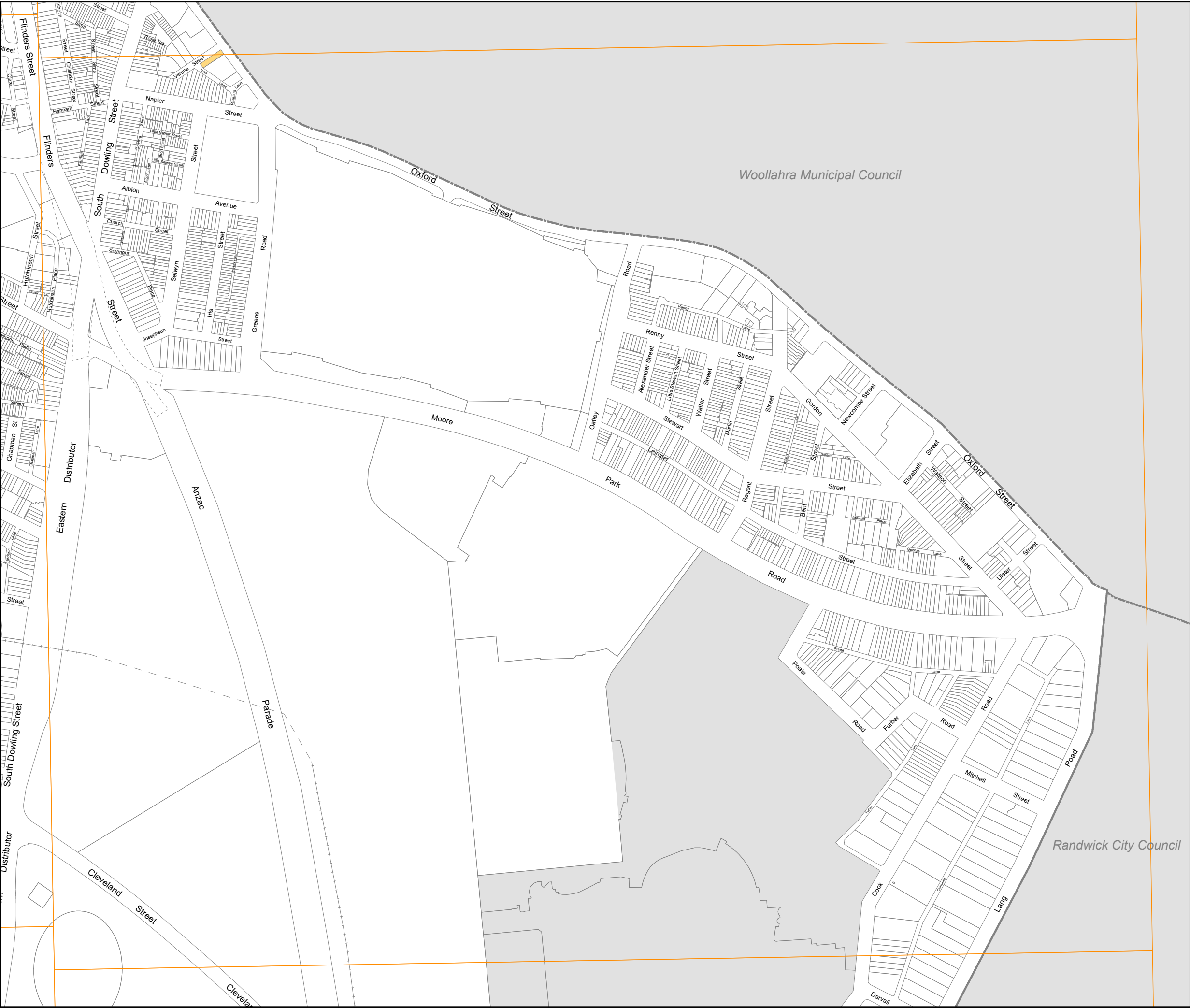
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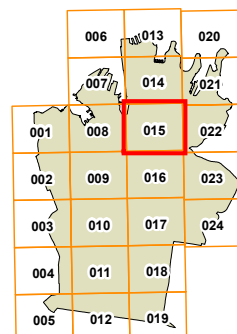
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Legend

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Through site links map
Sheet 022

Legend
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