



IRF25/883

Gateway determination report – PP-2025-165

Oxford Street LGBTQIA+ Heritage Items

May 25

Published by NSW Department of Planning, Housing and Infrastructure

dpie.nsw.gov.au

Title: Gateway determination report – PP-2025-165

Subtitle: Oxford Street LGBTQIA+ Heritage Items

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

| Relevant reports and plans |
|---|
| Attachment A – Planning Proposal (City of Sydney) |
| Attachment B – CSPC Resolution (City of Sydney) |
| Attachment C – Council Resolution – Public Exhibition (City of Sydney) |
| Attachment D – Heritage Assessment Report (TDK Architects) |
| Attachment E – Draft Inventory Sheet – 134 Oxford Street Darlinghurst – Oxford Hotel |
| Attachment F – Draft Inventory Sheet – 124 part of 124-128 Oxford Street Darlinghurst |
| Attachment G – Draft Inventory Sheet – 85-91 Oxford Street Darlinghurst - Universal |

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

| | |
|---------------------------------|---|
| LGA | City of Sydney |
| PPA | City of Sydney |
| NAME | Oxford Street LGBTIQA+ Heritage Items |
| NUMBER | PP-2025-165 |
| LEP TO BE AMENDED | Sydney Local Environmental Plan 2012 |
| ADDRESS | 134 Oxford Street, Darlinghurst 124 (part of 124-128 Oxford Street) Oxford Street, Darlinghurst 85-91 Oxford Street, Darlinghurst |
| DESCRIPTION | Lot 1 DP 107573 Lot 1 DP 900900 Lot 1 DP 816233 |
| RECEIVED | 28/01/2025 |
| FILE NO. | IRF25/883 |
| POLITICAL DONATIONS | There are no donations or gifts to disclose and a political donation disclosure is not required |
| LOBBYIST CODE OF CONDUCT | There have been no meetings or communications with registered lobbyists with respect to this proposal |

1.2 Objectives of planning proposal

The planning proposal contains the following objectives and intended outcomes:

- Recognise and protect the significance of three buildings in Oxford Street Darlinghurst by listing them as individual heritage items under Schedule 5, Part 1 of the Sydney Local Environmental Plan 2012

The objectives and intended outcomes of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Sydney Local Environmental Plan LEP 2012 to insert the following items as shown in **Table 3** under Part 1 (Heritage Items) of Schedule 5 (Environmental Heritage) and identify on the LEP heritage map.

Table 3 Proposed heritage items

| Locality | Item Name | Address | Property Description | Significance | Item no. |
|--------------|--------------|-------------------------------------|----------------------|--------------|----------|
| Darlinghurst | Oxford Hotel | 134 Oxford Street | Lot 1 DP 107573 | Local | I12328 |
| Darlinghurst | Palms | 124 (part of 124-128 Oxford Street) | Lot 1 DP 900900 | Local | I12329 |
| Darlinghurst | Universal | 85-91 Oxford Street | Lot 1 DP 816233 | Local | I12330 |

The planning proposal (**Attachment A**) contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved when read together with Section 5 of the planning proposal (Mapping).

1.4 Site description and surrounding area

The planning proposal relates to three sites on Oxford Street in Darlinghurst as shown in **Figure 1**, all within the Sydney LGA. The sites are located within the Oxford Street Heritage Conservation Area which contains many existing individually listed heritage items (refer **Figure 5**).

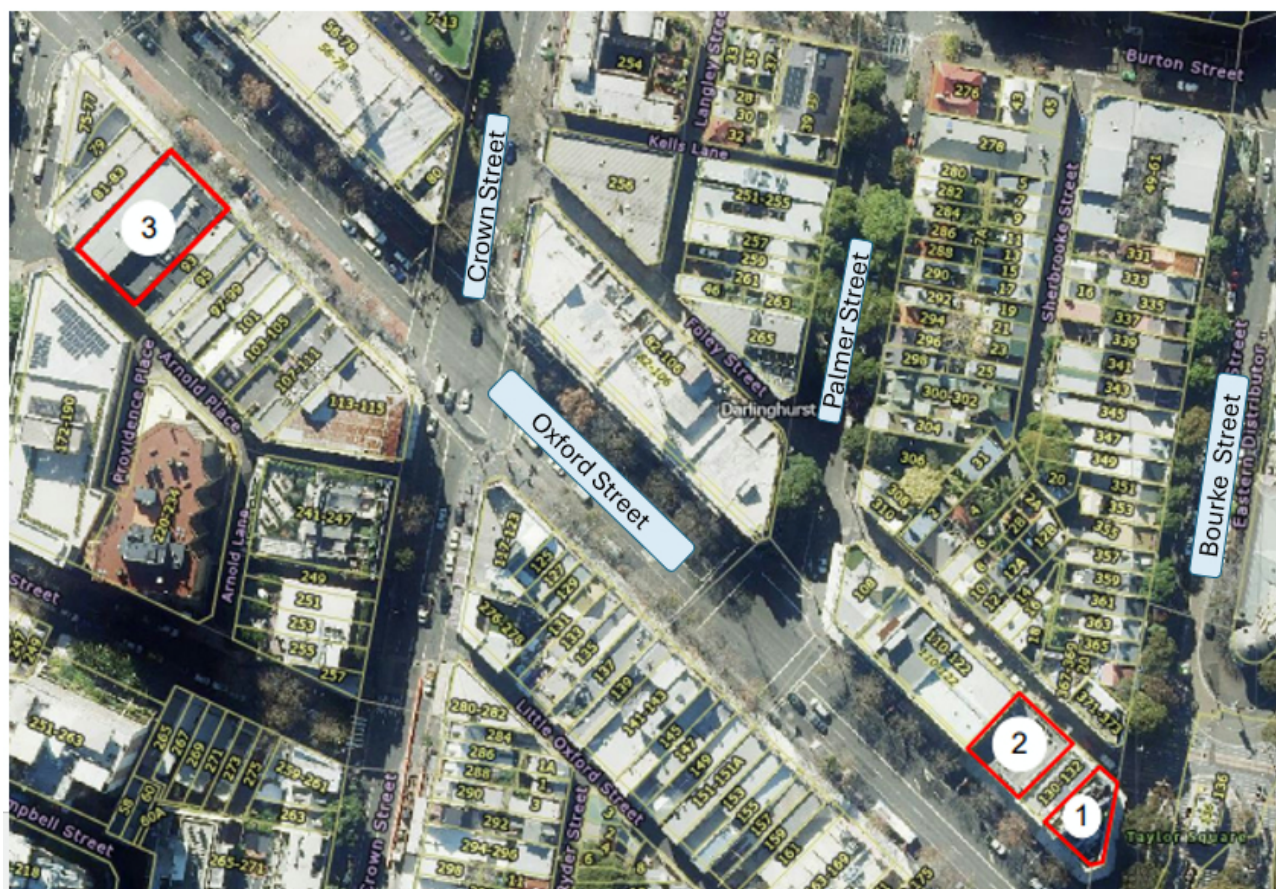




Figure 1 Subject site (source: Planning Proposal)

| Site 1 – ‘Oxford Hotel’ | |
|--|---|
| Address | 134 Oxford Street, Darlinghurst |
| Site description and photo | <p>The planning proposal describes the Oxford Hotel as a three-storey building with basement level which occupies a prominent corner position on Oxford Street.</p> <p>The proposal notes it is of brick and stone construction influenced by the Federation Free style with Classical details.</p>  <p>Figure 2 Oxford Hotel (source: Planning Proposal)</p> |
| Existing controls | <p>Zone – E1 – Local Centre</p> <p>Maximum floor space ratio (FSR): 4:1</p> <p>Maximum Height of Building: 15m</p> |
| Bonus controls (Oxford Street social and cultural place strategy) | <p>Alternative Maximum FSR: 4:5</p> <p>Alternative Maximum Height of Building: 24m</p> |
| | |

| Site 2 – Palms | |
|---|--|
| Address | 124 Oxford Street, Darlinghurst |
| Site description and photo | <p>The planning proposal notes that 124 Oxford Street is a simply detailed, two storey flat roofed commercial building with basement level.</p> <p>The proposal notes that it was originally built in 1913 it was significantly modified in the 1970s. The proposal also notes that the face brickwork on the front of the building facing Oxford Street is now painted in a rainbow colour scheme, with unpainted brickwork to the rear.</p>  <p>Figure 3 Palms (source: Planning Proposal)</p> |
| Existing controls | <p>Zone – E1 – Local Centre</p> <p>Maximum FSR: 4:1</p> <p>Maximum Height of Building: 15m</p> |
| <p>Bonus controls</p> <p>(Oxford Street social and cultural place strategy)</p> | <p>Alternative Maximum FSR: NA</p> <p>Alternative Maximum Height of Building: 24m</p> |

| Site 3 – Universal | |
|---|---|
| Address | 85-91 Oxford Street, Darlinghurst |
| Site description and photo | <p>The planning proposal describes 85-91 Oxford Street as a pair of two storey commercial buildings that have been extensively modified internally and externally.</p> <p>The proposal notes that 85-87 Oxford Street was designed in the Inter War Free Classical style, while 89-91 Oxford Street was designed in the Federation Free style. The proposal also notes that the original features of the first floor of both buildings are largely intact.</p>  <p>Figure 4 Universal (source: Planning Proposal)</p> |
| Existing controls | <p>Zone – E1 – Local Centre</p> <p>Maximum FSR: 3:1</p> <p>Maximum Height of Building: 12m</p> |
| <p>Bonus controls</p> <p>(Oxford Street social and cultural place strategy)</p> | <p>FSR: 3.25:1</p> <p>Alternative Maximum Height of Buildings: 22m</p> |

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Heritage maps, which are suitable for community consultation.



Figure 5 Proposed zoning map with new sites outlined in red (Planning Proposal 2025)

1.6 Background

The below is a summary of the history outlined in Council's planning proposal:

- City of Sydney Council conducted a review of planning controls for the Oxford Street precinct in 2022. The review intended to help facilitate the growth of cultural and creative sectors, protect local character and heritage, and support day and nighttime economies in the area.
- Community consultation during the review revealed a popular desire to recognise and protect the social and cultural heritage of the Oxford Street precinct, particularly its strong connection to the LGBTIQA+ community.
- City of Sydney council engaged TKD architects to conduct a heritage study investigating sites within the Oxford Street precinct. The study was focused on sites with historic and contemporary ties to the LGBTIQA+ community.
- Recommendations from the TKD study included the revision of heritage inventory sheets for 14 existing heritage items and the Oxford Street Heritage Conservation Area to include information about the LGBTIQA+ community which has been completed.
- The study also recommended the inclusion of additional sites within Schedule 5, Part 1 of the SLEP 2012 which includes the three buildings outlined in this proposal.

2 Need for the planning proposal

Q1. Is the planning proposal a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?

The planning proposal is the result of a heritage assessment conducted by TKD Architects (**Attachment D**). The assessment was conducted in response to the Oxford Street LGBTIQA+ Social and Cultural Place strategy. The heritage assessment recommended that the three sites met the threshold for inclusion as a local heritage item in the Sydney LEP 2012.

2.1 Proposed local heritage items

The proposed items were assessed by TKD architects against the seven criteria required by NSW Heritage Office Guidelines. As per the guidelines an item is deemed to meet the threshold for significance if it meets at least one of the seven criteria and retains the integrity of its key attributes. The key findings of this assessment are summarised in **Table 5**.

Table 5: Summary of heritage review – proposed heritage items

| Site | (a) Historic Significance | (b) Historical Association | (c) Aesthetic, creative, or technical achievement | (d) Social, cultural, or spiritual significance | (e) Research potential. | (f) Rarity | (g) Representative |
|--------------------------------------|---------------------------------|----------------------------------|---|---|-------------------------------|---------------|-----------------------|
| 134 Oxford Street, Darlinghurst | ✓ | ✓ | ✓ | ✓ | ✗ | ✗ | ✓ |
| 124 Oxford Street, Darlinghurst | ✓ | ✗ | ✗ | ✓ | ✗ | ✓ | ✗ |
| 85-91 Oxford Street, Darlinghurst | ✓ | ✓ | ✓ | ✓ | ✗ | ✓ | ✓ |

2.1.1 134 Oxford Street, Darlinghurst (Oxford Hotel)

Criterion (a) Historical significance

Council's heritage assessment concludes the site has significance at a local level under this criterion. The site has been continuously occupied by a hotel, with continuous licensing, since the late 1850s. The site has historic association with both local LGBTIQA+ community and the Sydney rock music scene of the late 1970s.

Criterion (b) Historical association

Council's heritage assessment concludes the site has local significance under this criterion. The building has strong associations with the architect Ernest Lindsay Thompson, a prominent

designer of hotels in metropolitan Sydney.

Criterion (c) Aesthetic / creative / technical achievement

Council's heritage assessment concludes the site has local significance under this criterion. The site is a prominent element in the streetscape. Despite modifications it demonstrates characteristics of the Federation Free Style.

Criterion (d) Social, cultural, and spiritual

Council's heritage assessment concludes the site has local significance under this criterion. The Oxford Hotel is significant due to its association with the Sydney gay community for over 40 years. The site also has some associations with the rock music scene in Sydney in the late 1970s.

Criterion (e) Research potential

Council's heritage assessment does not consider the site to have significance under this criterion.

Criterion (f) Rarity

Council's heritage assessment does not consider the site to have significance under this criterion.

Criterion (g) Representativeness

Council's heritage assessment concludes the site has local significance under this criterion. The site's exterior is considered representative of the Federation Free Style.

Council's heritage assessment concluded that 134 Oxford Street Darlinghurst meets the threshold for local heritage significance and warrants potential listing as a heritage item in the Sydney LEP 2012. A minor error is noted in heritage inventory sheet for Criterion D.

2.1.2124 Oxford Street, Darlinghurst (Palms)

Criterion (a) Historical significance

Council's heritage assessment concludes the site has local significance under this criterion. The site provides evidence of the widening and reconstruction of Oxford Street from 1909 to 1914. The site is also evidence of LGBTIQ+ commercial and social activity from the end of the 1970s.

Criterion (b) Historical association

Council's heritage assessment does not consider the site to have significance under this criterion.

Criterion (c) Aesthetic / creative / technical achievement

Council's heritage assessment does not consider the site to have significance under this criterion.

Criterion (d) Social, cultural, and spiritual

Council's heritage assessment concludes the site has local significance under this criterion. The site has been associated with the Sydney LGBTIQ+, particularly the gay male section since the opening of the original Palms Nightclub circa 1977.

Criterion (e) Research potential

Council's heritage assessment does not consider the site to have significance under this criterion.

Criterion (f) Rarity

Council's heritage assessment concludes the site has local significance under this criterion. The building at 124 Oxford Street is not considered rare, however it is a rare example of a LGBTIQ+ nightclub that has operated almost continuously since the 1970s.

Criterion (g) Representativeness

Council's heritage assessment does not consider the site to have significance under this criterion.

Council's heritage assessment concluded that 124 Oxford Street Darlinghurst meets the threshold for local heritage significance and warrants potential listing as a heritage item in the Sydney LEP 2012.

2.1.385-91 Oxford Street, Darlinghurst (Universal)

Criterion (a) Historical significance

Council's heritage assessment concludes the site has local significance under this criterion. The building provides evidence of the consolidation and development of Oxford Street in the period before and after World War I.

As the site of Tropicana, Midnight Shift and now Universal the buildings are evidence of the development of LGBTIQA+ activity on Oxford Street since 1978.

Criterion (b) Historical association

Council's heritage assessment concludes the site has local significance under this criterion. 85-87 Oxford Street is associated with the architectural firm Morrow and De Putron (later Morrow & Gordon) known for Grace Brothers Broadway and the Grace Building in York Street.

85-87 Oxford Street is also associated with William Berkman a prominent Jeweller and shoemaker in the Jewish community at Newtown who commissioned the building.

89-91 is associated with a little-known Sydney architect A W Warden who practised between 1895-1948.

Criterion (c) Aesthetic / creative / technical achievement

Council's heritage assessment concludes the site has local significance under this criterion. The buildings at 89-91 Oxford Street have undergone extensive internally and external modifications.

The first floor of 89-91 has retained aesthetic significance as an example of Federation Free style commercial architecture. The first floor of 85-87 is a distinctive example of Inter war free classical commercial architecture.

Criterion (d) Social, cultural, and spiritual

Council's heritage assessment concludes the site has local significance under this criterion. The buildings at 85-91 Oxford Street have been associated with the Sydney LGBTIQA+ community since the opening of Tropicana in 1978 and the further prominence as the Midnight Shift from 1980-2017. It has operated as Universal since 2018.

Criterion (e) Research potential

Council's heritage assessment does not consider the site to have significance under this criterion.

Criterion (f) Rarity

Council's heritage assessment concludes the site has local significance under this criterion. The physical buildings are not considered rare examples of commercial buildings from this era. It is however a rare example of almost continuous use as a LGBTIQA+ nightclub since 1978.

Criterion (g) Representativeness

Council's heritage assessment concludes the site has local significance under this criterion. The upper sections of 85-91 Oxford Street are representative of suburban commercial architecture from the early twentieth century.

Council's heritage assessment concluded that 85-91 Oxford Street Darlinghurst meets the threshold for local heritage significance and warrants potential listing as a heritage item in the

Sydney LEP 2012.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The objective of the planning proposal is to provide statutory protection for the three sites by listing them as local heritage items in the Sydney LEP 2012. A planning proposal is the required pathway to amend the Sydney LEP 2012 to include the items.

3 Strategic assessment

3.1 Regional Plan

The Greater Sydney Region Plan – A Metropolis of Three Cities (the Region Plan), released in 2018, integrates land use, transport and infrastructure planning and sets a 40-year vision for Greater Sydney. The Plan contains objectives, strategies and actions which provide the strategic direction to manage growth and change across Greater Sydney over the next 20 years.

Under section 3.8 of the Environmental Planning and Assessment Act 1979 (EP&A Act) a planning proposal is to give effect to the relevant District Plan. By giving effect to the District Plan, the proposal is also consistent with the Regional Plan. Consistency with the District Plan is assessed in section 3.2 below.

3.2 District Plan

The site is within the Eastern City District and the Greater Sydney Commission released the Eastern City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic, and environmental assets.

The planning proposal is consistent with the priorities in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 5 District Plan assessment

| District Plan Priorities | Justification |
|--|--|
| Planning Priority E6: Creating and renewing great places and local centres and respecting the district's heritage. | <p>The planning proposal is consistent with planning priority E6.</p> <p>The heritage assessments have determined the three sites meet the threshold for listing as local heritage items in the Sydney LEP.</p> <p>The proposal states it is consistent with Action 26 in the District Plan which is 'Identifying, conserving and enhancing the environmental heritage of the local area.' [Action 20]</p> <p>The proposal seeks to conserve the history of the local area by providing statutory protection to the items.</p> |

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is

also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

| Local Strategies | Justification |
|---|--|
| Local Strategic Planning Statement (City Plan 2036) | <p>The City Plan 2036 was completed in March 2020. The plan provides the 20-year vision for land-use planning in the city. It aims to link the NSW Government's strategic plans and Council's community strategic plan. The City Plan highlights the unique heritage character of Sydney as a strong focus for local communities.</p> <p>The City Plan 2036 has an objective under L2 for conserving and maintaining heritage and an action (2.9) for studying and listing heritage areas and places in response to community expectations.</p> <p>The planning proposal has identified heritage items in Oxford Street following community engagement on the broader strategy for the area. The proposal to list these items allows for future generations to understand the historic development and use of the area. The planning proposal seeks to ensure future development considers and maintains the heritage significance of the three sites.</p> |
| Sustainable Sydney 2030-2050 | <p>The City of Sydney's Sustainable Sydney 2030 Strategic Plan (Council's Community Strategic Plan) is the vision for the sustainable development of the city to 2050 and beyond. It includes 10 strategic directions to guide the future of the city as well as 10 key targets against which to measure progress.</p> <p>The planning proposal is consistent with the directions of Sustainable Sydney 2030-2050, particularly Direction 4 'Design excellence and sustainable development' as listing the three buildings respects and conserves the diverse heritage of the Oxford Street.</p> <p>Specifically, the proposal relates to sub-direction '4.1 The city's liveability will be enhanced through well planned and designed development' which states that: <i>"The character of distinctive neighbourhoods and heritage and iconic places valued by communities is protected and preserved"</i></p> |

3.4Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

| Directions | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency |
|---------------------------|----------------------------|--|
| 3.2 Heritage Conservation | Yes | <p>The objective of Direction 3.2 is to conserve items, areas and places of environmental heritage significance and indigenous significance.</p> <p>The proposal is consistent with the objectives as it will facilitate the conservation of places identified as having local heritage value by a formal heritage assessment.</p> |
| 6.1 Residential Zones | Yes | <p>The objective of Direction 6.1 is to encourage a variety of housing types, make efficient use of existing infrastructure and minimise the impact of</p> |

| | | |
|----------------------|-----|---|
| | | residential development on environmental and resource lands. The proposal is consistent with the objectives as it does not seek to alter existing development standards or the residential density currently applicable to the site. |
| 7.1 Employment Zones | Yes | Direction 7.1 aims to encourage employment growth and protect industrial and employment lands. The proposal is consistent with the direction as it does not alter existing development standards or reduce potential employment floor space. |

3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

| SEPPs | Requirement | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency |
|---------------------------|--|----------------------------------|--|
| SEPP Housing (2021) | The SEPP contains provision to enable the development of diverse housing | Yes | The proposal does not contain any provision which would contravene the application of the SEPP |

4 Site-specific assessment

4.1 Environmental

The listing of the three sites as heritage items as outlined in the proposal will not adversely impact local critical habitats, threatened species, populations or ecological communities, or their habitats.

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 10 Social and economic impact assessment

| Social and Economic Impact | Assessment |
|-------------------------------|---|
| Social | The heritage assessments concluded that the three sites met the threshold for social, cultural, and spiritual significance. Therefore, it is likely that providing heritage protection to the sites will provide positive social impacts. |

| | |
|----------|---|
| | The required community consultation process will enable the wider community to discuss the social and cultural value of the site and raise any unforeseen impacts. |
| Economic | <p>There are potential economic effects related to heritage listing individual sites:</p> <ul style="list-style-type: none"> • Costs associated with heritage management documents and future potential development assessment with heritage considerations. • Heritage listing a property has the potential to effect redevelopment opportunities for the site leading to potential economic impacts. <p>Costs associated with managing a heritage item are likely to be minimal in nature. The three sites are already covered by a Heritage Conservation Area meaning there are existing heritage considerations for development. Overall economic effects are expected to be minimal.</p> |

4.3 Infrastructure

There is no significant infrastructural demand that will result from the planning proposal.

5 Consultation

5.1 Community

Council proposes a community consultation period of 20 days.

The proposal is considered a 'basic' planning proposal under the LEP Making Guidelines (August 2023) as it involves the listing of a heritage item and is consistent with the District Plan and the LSPS. The recommended period of public exhibition for a basic planning proposal in the LEP Making Guidelines is a minimum of 10 working days.

As Council's proposed consultation period of 20 days exceeds the minimum in the LEP Making Guidelines for a basic proposal the Department has conditioned the gateway determination accordingly.

5.2 Agencies

Council has nominated Heritage NSW to be consulted about the planning proposal.

The Department has not conditioned consultation with agencies for this planning proposal, however this does not preclude Council from seeking feedback from Heritage NSW and other agencies.

6 Timeframe

Council proposes a ten-month timeframe to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a basic.

The Department recommends an LEP completion date of 14 November 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark

timeframes.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

As the planning proposal is consistent with the District Plan, the endorsed LSPS, applicable SEPPs and Section 9.1 Directions, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It is supported by heritage assessments prepared by qualified heritage consultants in accordance with the NSW Government's Assessing heritage significance (2023) and the Australia ICOMOS Charter for places of Cultural Significance, 2013 (the Burra Charter) (**Attachment D**).
- The heritage assessments recommend the three sites are listed as local heritage items in the Sydney LEP 2012.
- It is consistent with the District Plan and Council's Local Strategic Planning Statement.
- It is consistent with relevant Section 9.1 Directions.
- Amending the Sydney LEP 2012 is the best method of achieving the objectives of the planning proposal.

9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

- The planning proposal should be made available for community consultation for a minimum of 20 working days.

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 14 November 2025 be included on the Gateway.

The timeframe for the LEP to be completed is on or before 14 November 2025



2 May 2025

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