



Submission to the City of Sydney Council: Planning controls for the Oxford Street cultural and creative precinct

Woollahra Council welcomes the opportunity to provide feedback on the draft planning controls for the Oxford Street cultural and creative precinct. We note that due to the deadline, this is an officer submission, which has not been ratified by Council.

Woollahra Council strongly supports the objective to revitalise Oxford Street that has suffered from the impacts of larger shopping centres, increased online spending, high traffic volumes and speeds creating a noisy road environment, inadequate priority for pedestrians, lockout laws and most recently the impact of the Covid-19 pandemic.

We support the objective to make Oxford Street a cultural centre. However, we are concerned that the path to the revitalisation of Oxford Street relies too heavily on incentivising uplift to deliver spaces for creative businesses, rather than a broader integrated package of initiatives.

Our greatest concern with the planning controls is the potential impact on the heritage significance of heritage conservation areas and particularly the large number of heritage items. The planning controls create a significant potential for impact on the street façades, heritage fabric and significant streetscape quality that characterise this street's heritage. Despite the relevant controls that could be in place, there is still concern that development will result in 'facadism'. We are also concerned about the significant change in character that major redevelopment will have on the street, which is a key aspect of what people find attractive about the precinct. We do not support any changes that could make the precincts less popular with the general population and with creative communities.

Woollahra Council questions the need for substantial uplift to revitalise Oxford Street, which threatens the heritage significance and streetscape character of Oxford Street. Successful revitalisation is occurring along Oxford Street within the Woollahra local government area, without such uplift and associated risk to heritage and character. We are fully committed to the conservation of our heritage and do not support this path for the revitalisation of Oxford Street.

There is also a risk that while uplift will contribute space for cultural and creative use, the process of undertaking major redevelopment of the building, will lead to increase in the rental rates for retail, commercial and cultural/creative uses. This could create further pressure on affordability for the more creative and lower income generating sectors, which may have the opposite effect of more rapidly displacing them out of Oxford Street and this area of Sydney.

Achieving cultural and creative precinct objective and broader revitalisation of Oxford Street

Woollahra Council supports the objective to make Oxford Street a cultural centre. It supports encouraging cultural uses as a driver of creativity and enterprise, a source of job creation and potential for place-making. This can build upon existing and emerging employment and creative business clusters. We agree there is great potential for the area to capitalise on the proximity of the area to long term establishments, including the National Art School and UNSW Art and Design Campus.

However, we question the approach of the path to revitalisation being primarily limited to incentivising uplift to deliver affordable spaces for creative businesses. While some uplift and

redevelopment may be appropriate, this should be part of a broader integrated package of initiatives. In particular, this could include the adjustment to the road function and investment in sustainable transport; public domain enhancement; retail and business initiatives and other broader focus initiatives, reflecting the natural evolution of the centres and precincts. A renew or activate program that lowers the rental price barriers for entry into space could be introduced, which could attract interesting high quality tenants and short term creative use. There are many evidence based examples of these programs working across NSW and Australian. These other initiatives are also critical to revitalising Oxford Street.

The 10 May 2021 City of Sydney Transport, Heritage and Planning Committee report notes that this planning proposal is the first step and 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. These are integral to the success of revitalisation and need to be progressed and presented concurrently to enable full understanding of how that proposal might achieve its stated aims.

Heritage

Our main concern with the proposed planning controls is the potential for impacts on the heritage significance of the Oxford Street and Paddington Urban Heritage Conservation Areas as a whole, on the contributory buildings and the impact on the large number of heritage items. We are concerned about the impact on the appearance of the street façades, the impact the two storey additions will have on the integrity of the heritage fabric and the loss of significant streetscape quality, which characterises this street's heritage.

Woollahra Council strongly supports the intention to retain and protect the heritage fabric in proposed section 5.X.4.1(3) of the draft development control plan (DCP):

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.*

We support the proposal for a Statement of Heritage Principles in section 5.X.4.2 of the draft DCP, which 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.

We also support the requirement for a Heritage Structural Impact Statement in section 5.X.4.3 of the draft DCP, to 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.

However, we are concerned that such a broad application of an additional two storeys (above the existing three storey and also many two storey buildings) will detrimentally alter the heritage significance of the Oxford Street built form. In particular we are concerned about the impacts on heritage items by altering the form and proportion of facades. Many heritage buildings in Oxford

Street include elaborate parapet forms and detail that provides a fine top to the heritage buildings. We are concerned that the two storey additions would diminish the appearance of the detail shapes and profile in the broader streetscape. Over scaled development will overwhelm the small scale fabric of the streetscape that provides such good quality to Oxford Street and Taylor Square. Additionally, there are many intact roof forms and chimneys that are important elements of individual buildings and contribute to the streetscape, which would be completely lost with the permitted additions. Furthermore, there needs to be a consideration of groups of contributory items (terraces) on different titles. Controls should ensure new development maintains and enhances the different groups' distinction.

Section 5.X.3(1) of the draft DCP requires development 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. Under Section 5.X.3 (2) it allows for 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, where the Consent Authority is satisfied that the design outcome will be of the highest standard. While two storey additions to heritage building with a zero setback may achieve a strong street form from an urban design perspective, from a heritage perspective, regardless of the quality of the architecture, it is our view that nil setback would dominate the existing buildings. This is especially the case from oblique views down streets and at intersections, where the prominence of the original building and the profile of parapet shapes against the sky would be significantly and irreversibly altered. This would impact on the heritage significance, particularly the loss of significant streetscape quality that characterises this street's heritage.

Also, despite the draft DCP controls to protect the fabric and inclusion of a Statement of Heritage Principles and Council and Heritage Structural Impact Statement, we are concerned that the permissible FSR and DCP envelope controls with 3m or nil setback for upper level additions will lead to 'facadism'. In the justification to achieve a feasible development with the contribution of the required cultural and creative space, only the façade may be entirely retained with demolition or significant change to the remaining fabric. Facadism causes irreversible loss of fabric and erodes the integrity of heritage conservation to significant buildings. Over time as development occurs it will diminish the heritage significance of the overall heritage conservation areas. Facadism is not heritage best practice and is not considered acceptable or supported by Woollahra Council.

In reality, additional commercial levels will be required to provide equitable access, lifts and fire isolated stairs new entries, lobbies, services and meet fire requirements. Therefore to be compliant and functional, a development is likely to require major service cores which will be inserted through the whole building to the foundations. Also, these '100' year old structures often do not have sufficient structural capacity to accept structural loading of additional floors and will need multiple fire rated structures integrated through the floors to the foundations. It is therefore unlikely that the building would be able to accommodate the 'lightweight additions' as intended under section 5.X.4.1 (4) of the draft DCP. We anticipate that this will impact on the integrity of the heritage fabric, the heritage significance of contributing buildings and particularly on heritage items.

Also it is noted that these control initiatives as a DCPs are only a guiding document and the DCP controls can only 'encourage' the applicant to submit a Statement of Heritage Principles to be agreed with the City of Sydney through a pre-DA process. There is no certainty that heritage fabric could be retained as required and a refusal due to loss of fabric, where compliant with development standards, would be upheld in an appeal by the Land and Environment Court.

Accordingly, unless carefully controlled, the objective and focus of supporting Oxford Street as a cultural and creative precinct by gaining space for a cultural and creative uses through a development uplift incentive, may diminish the key qualities that Oxford Street already possesses.

Given the heritage significance of the precinct and high number of heritage items, we recommend taking a more nuanced, fine-grain approach, which considers the buildings and heritage significance on a site by site and block by block approach. This should consider where proposed additions will have potential impacts on important facades; structural integrity; significant interiors and other aspects. Most importantly this should be considered for heritage items. We suggest that uplift should be focused on fewer sites that have less character/heritage significance and will have less visual impact from the additional bulk. This could include a combination of two additional storeys, one additional storey and no additional uplift.

It is also recommended that a more precautionary approach to heritage conservation is taken, focusing on protecting the structural integrity of the building and significant heritage fabric. This should include restricting new structures with greater setbacks behind the principal building form, such as shown in the urban design report where it is back behind the pitched roof (approximately 9m). At the very least, it should be behind the first structural wall which is usually at 5-6m.

Guidance, oversight, flexibility, affordability and perpetuity of provision of cultural/creative space

More guidance, oversight and flexibility is required for the process of creating cultural and creative space, to ensure it contributes to the objective to make Oxford Street a cultural centre. This could help ensure the spaces provided are fit for purposes for cultural and creative uses. It will be of no benefit if the private sector simply provides a space as a trade-off for achieving other profitable development, if these spaces remain empty as they are not fit for purpose. If the space remains empty there will pressure to remove the proposed restrictions to enable general retail, commercial and residential use.

It is recommended that the developer should be required to demonstrate partnership with a cultural and creative user, or where there is no end use identified the space could be required to be managed by a suitable body for the ongoing leasing and management. In this regard, the City of Sydney should assist forging partnerships, including with key NSW Government and Non-Government Organisations in the cultural and creative sector, to facilitate supply of space to meet demand. Whether by Council or an external place management entity, there needs to ongoing programming of spaces. Ongoing vacancy causes the reputational damage of a place or precinct.

Flexibility is needed to be incorporated into the planning controls to create the size of cultural/creative spaces needed. For example, several smaller sites may be jointly owned but developed separately and a better outcome may be to consolidate the required cultural/creative space within one property to provide for a specific purpose, rather than several small spaces that are not as useful.

As no mechanism is created to control the initial and ongoing price of the cultural / creative space, concern is raised about the affordability for this business sector. A much better structure would be to require the space be dedicated to Council for better control and management – to be operated by an interest group, in the same way as affordable housing is managed by a community housing provider.

It is also critical that the planning controls require the designated space to be put on the property title as a restrictive covenant, so it remains in perpetuity and it is transparent for any prospective purchaser of the property of the restriction on the title.

Demand for cultural and creative live/work spaces

While the predominance of commercial development in the uplift is supported to encourage commercial activation and jobs creation, the Oxford Street Cultural Activity Study identified a strong need for genuine live/work spaces for the cultural and creative sector. It identifies a large barrier for practitioners of the arts and other cultural sectors is accessing both affordable rental working and housing space, which they would otherwise likely be priced out of areas such as Oxford Street. Enabling practitioners to live alongside their work spaces, rather than often having to commute from afar in more affordable accommodation locations will make it more viable to retain and attract this sector. This is a particular issue given Sydney's escalating housing prices, which typically has displaced this sector to more affordable housing locations. In return they can contribute to the creative and cultural vibrancy of the area. Provision of collaborative affordable live/work spaces could add dynamism to the cultural and creative objectives by having residence in the areas and it could establish communities to exchange cultural and creative ideas.

The City of Sydney could explore opportunities to add a proportion of the uplift allowed (in addition to the 10% required for cultural and creative space) to allow residential, but only as live/work spaces managed in perpetuity by a housing provider or another suitable body, similar to other affordable housing provision.

Clearer definition of proposed gross floor area (GFA) that 10 percent is required for a cultural/creative space

It is unclear in the planning proposal if the required 10% of the proposed GFA to be provided for cultural and creative floor space onsite to gain the proposed FSR uplift relates to the whole proposed GFA on a site, or only the proposed GFA from the FSR uplift. If the former, in the case of a complete infill redevelopment, the whole development would be proposed GFA, whereas an alteration and addition to an existing building the proposed GFA would be a much smaller amount. This would result in a different required percentage for a cultural/creative space. Accordingly, this control needs to be very clear and equitable. We recommend that the proposed LEP controls specifically references the requirement to be the percentage of the gross floor area above the current FSR development standard.

Controls for entrance location to protect retail/business space fronting Oxford Street

An important issue is the entrance location for upper level tenancies for properties with narrow separate lots / retail widths. If not carefully controlled, major redevelopment with new entries, lobbies, lift cores, stairs and other services related to upper levels could be a significant threat to the reactivation of Oxford Street. This could particularly be an issue in the block on the southern side of Oxford Street, from Crown Street to Taylor Square and also the block from Taylor Square to South Dowling Street. These blocks have fewer ground entries to the streets, and access to the upper levels is mostly from the rear. To ensure activation or reactivation occurs, it is critical not to impact retail/business exposure. Therefore, if substantial uplift and redevelopment is progressed, it is recommended that controls be included to require access from the rear lane unless an amalgamation of properties creates a frontage greater than a certain width. For reference, the Marrickville DCP 2011 addressed the same issue by including a control to require rear access for

sites with less than a 12m frontage to the street. This also provides opportunities for the greater activation of laneways. This should be the first priority over any additional retail activation of laneways, to first protect the primary street front retail/business activation.

Supporting traffic calming and public domain enhancement

A key issue with Oxford Street is the dual role it serves, as a high volume transit corridor and a series of place and activity destinations. These include opportunities for food and drink, shopping, entertainment, public gathering and markets and cultural events. As described in Woollahra Council's *Oxford Street & Paddington Place plan 2020-2023*, our vision is for Oxford Street to be

Calm and accessible to all, best enjoyed on foot, where locals and visitors can enjoy the sights and participate in the experiences offered.

We encourage the City in its progression of initiatives to support Oxford Street being prioritised for its 'place' role. This should involve giving more space and creating a safer public domain for pedestrian use, calming of traffic, provision of cycling infrastructure and advocacy for removal of clearways and enhanced public transport to support mode shift from private cars. It also should involve beautification of the public domains and provision of public art, including drawing on its importance as the cultural heart of the LBGTQI community.