

# Draft Sydney Development Control Plan 2012

4-44 Wentworth Avenue, Surry Hills

September 2020

## **Draft Sydney Development Control Plan 2012**

### **The purpose of this Development Control Plan**

The purpose of this plan is to amend Sydney Development Control Plan 2012 to insert site specific provisions to guide future development at 4-44 Wentworth Avenue, Surry Hills.

### **Citation**

This plan may be referred to as *Draft Sydney Development Control Plan 2012: 4-22 Wentworth Avenue, Surry Hills*.

### **Land covered by this plan**

This plan applies to land identified as 4-38 Wentworth Avenue, Surry Hills, Lots 42-59 Deposited Plan 6534, and 40-44 Wentworth Avenue, Surry Hills, Lot 1, Deposited Plan 20131245.

### **Relationship of this plan to Sydney Development Control Plan 2012**

This plan amends Sydney Development Control Plan 2012 in the manner set out below.

### **Amendments to Sydney Development Control Plan 2012**

This plan amends the *Sydney Development Control Plan 2012* by:

- Inserting a new section 6.3.X *4-44 Wentworth Avenue, Surry Hills*, at the end of section 6.3 – ‘Specific site controls prepared as part of a Planning Proposal’, as shown at Appendix A.
- Updating figure numbers under Section 6 of the Sydney Development Control Plan 2012 as required.

## Appendix A

### 6.3.X Development controls: 4-44 Wentworth Avenue, Surry Hills

The following objectives and provisions apply to the site 4-44 Wentworth Avenue, Surry Hills, as shown in Figure 6.1, where relevant site specific provisions of the Sydney Local Environmental Plan 2012 (Sydney LEP 2012) are implemented.

For 4-22 Wentworth Avenue, Clause 6.XX (new clause) of Sydney LEP 2012 enables development to exceed the height and floor space ratio shown in the height in metres and floor space ratio maps up to a prescribed amount, provided the entire site is developed for hotel or motel accommodation with ancillary commercial premises at the ground level.

For 24-44 Wentworth Avenue, Clause 6.XX (new clause) of Sydney LEP 2012 enables development to exceed the height shown in the height in metres map up to a prescribed amount, provided the sites are developed for commercial uses (including health services facilities, educational establishments, hotel accommodation, entertainment premises, light industry and information and education facilities).

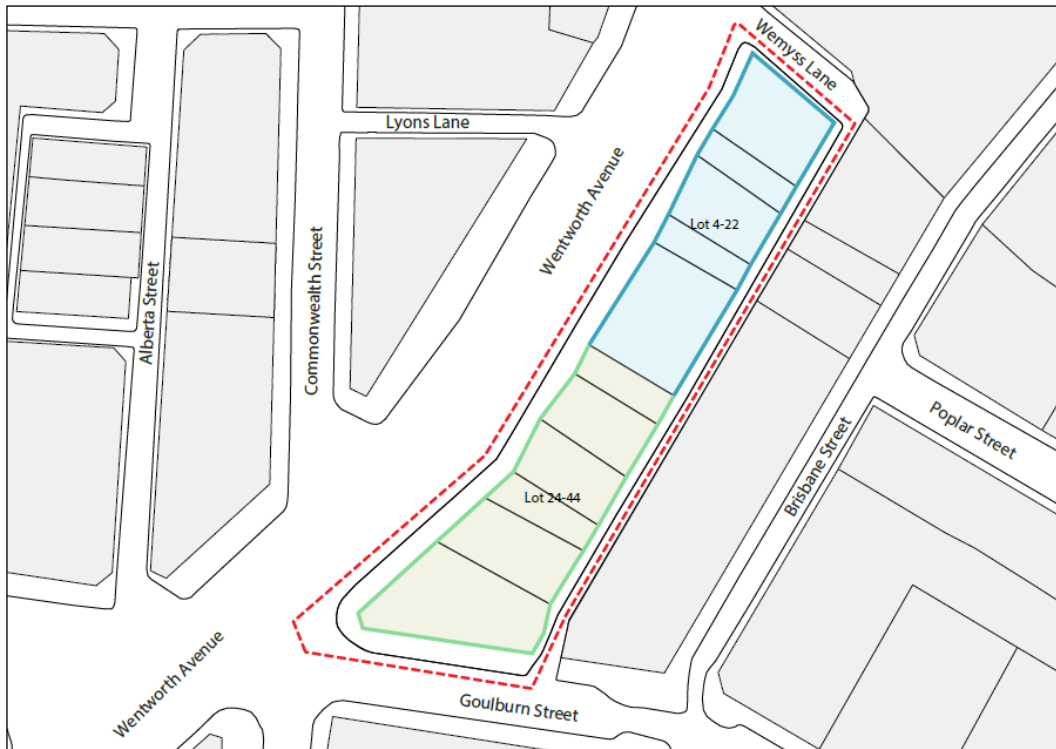
All other relevant provisions in the DCP apply, except where they are inconsistent with these provisions. The provisions of this section prevail in the event of any inconsistency.

#### Objectives

- (a) Facilitate the provision of new tourist and visitor accommodation in an appropriate location.
- (b) Facilitate the provision of commercial development in a central, easily accessible location that is close to Sydney's CBD and a variety of public transport links.
- (c) Define the maximum building envelope to deliver a high quality built form that is of appropriate bulk and scale for its location whilst minimising amenity impacts to surrounding properties.
- (d) Conserve the group heritage item of former warehouses at 4-34 Wentworth Avenue, and the individual heritage item known as the former Macquarie Hotel at 40-44 Wentworth Avenue, Surry Hills.
- (e) Ensure that the quality of design and setbacks are appropriate to and respect the architectural integrity and heritage character of the group heritage item in its setting;
- (f) Ensure new development and additions are compatible with the heritage items and positively contribute to the site and surrounding streetscape.
- (g) Activate Wentworth Avenue through appropriate uses and design.
- (h) Establish benchmarks to achieve ecologically sustainable development.
- (i) Establish a design excellence strategy for a competitive design process in accordance with Sydney LEP 2012 and the City of Sydney Competitive Design Policy.

#### Provisions – 4-44 Wentworth Avenue

The following provisions apply to 4-44 Wentworth Avenue, Surry Hills, as shown in Figure 6.XX below.



**Figure 6.xxx: Boundary of 4-44 Wentworth Avenue as shown in red dotted line – boundary of site specific controls for 4-22 shown in blue, boundary of site specific controls for 24-44 Wentworth Avenue shown in green.**

#### 6.3.X.1 Overshadowing of neighbouring residential properties during mid-winter

- (1) Proposed development must minimise overshadowing of neighbouring residential properties during mid-winter, including, where a nearby residential property does not currently receive a minimum of 2 hours of solar access, the proposed development must ensure existing solar access to neighbouring residential properties is not reduced by more than 20% in time.
- (2) Proposed development must not increase the number of neighbouring residential properties that receive no direct sun (less than 15 minutes).

#### 6.3.X.2 Heritage conservation

- (1) Development of the site must maintain the structural and architectural integrity of the group heritage item at 4-34 Wentworth Avenue and the individual heritage item at 40-44 Wentworth Avenue, Surry Hills.
- (2) New uses and new works to the group heritage item shall retain the industrial character of the buildings. New uses and works to all heritage items shall maximise retention and exposure of significant building fabric and spaces, internally and externally.
- (3) Development of the site shall include conservation works to the heritage items, such as the repair and making good of any damage to existing original fabric, reinstatement of original features including original timber windows, laneway basement windows, finishes, removal of air conditioning units from the facades, removal and replacement of later aluminium windows with timber windows and removal of all existing façade mounted plumbing and services. Exposed brick finish of the facade of no. 14 Wentworth Avenue (which is currently painted) shall be reinstated.
- (4) For heritage items, investigate and adopt alternative solutions to the Building Code of Australia performance requirements, with the aim of retaining and exposing the existing timber beams and columns and other historic features.



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- (5) Locate building services for new uses, such as loading, plant rooms, fire egress and lifts, within modern fabric, new spaces or fabric of lower significance where possible, to minimise impacts on the significant fabric of the buildings.
- 1. The podium addition at 4-22 Wentworth Avenue and any addition above 24-44 Wentworth Avenue shall be designed to present as a discrete, light-weight addition with an articulated southern side wall, to minimise the visual bulk of additions and presentation of a blank side wall to the public domain to sites to the south.
- (6) A heritage interpretation strategy shall be prepared and implemented for this site as part of any development.
- (7) Development must maintain the individuality and distinction of each building, internally and externally, within the group of this heritage item, including retention of significant floors and floor levels, interpretation of significant spaces, separate existing entries to the buildings and the party walls of the buildings. Single openings may be created within the party wall for flow of space provided they are set away from street frontages and are not highly visible from the streets.
- 2. Development must not detract from the group's distinctive streetscape presentation.
- 3. Development must be architecturally designed to respond to the individual buildings within the group heritage item and the separately listed heritage item at 40-44 Wentworth Avenue.
- (8) Vertical additions above the group heritage item must respond to and reflect the varying heights of buildings.
- (9) Alterations to building facades should be limited to maintenance, reinstating original features or removing non-significant features.
- (10) Any existing openings to the basement on the laneway shall be retained and where possible, not be amalgamated or extended.
- (11) Later non-original awnings may be removed or replaced with a sympathetic awning characteristic of the period of the building.
- (12) Significant internal and external architectural features of the original buildings should be retained, including, but not limited to, original/significant facade detailing, timber framed windows, timber joinery and internal timber structure.
- (13) Any existing exposed brickwork and stonework must not be rendered or painted.
- (14) The opening of the original loading dock of 10-12 Wentworth Avenue at the rear lane must be retained.
- (15) Existing floor levels within each building must be maintained.
- (16) New internal walls, floors and ceilings shall not be built across existing windows.

### 6.3.X.3 Sustainability

#### Hotel use

- (1) Any hotel development is to be designed to achieve 5 star or higher Green Star Design & As Built certification, exceeding the minimum mandatory energy and water credits, or equivalent certification.
- (2) The owner of the hotel development must execute a Commitment Agreement of 4.5 stars National Australian Built Environment Rating System (NABERS) Energy for the whole hotel building with the NSW Office of Environment.
- (3) The hotel development is to achieve 4 star NABERS water whole building rating, as evidenced by hydraulic engineer's report at detailed design stage.

#### Commercial office use

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- (4) Any development for the purposes of commercial office use must execute a Commitment Agreement of 6 stars National Australian Built Environment Rating System (NABERS) Energy for the base building with the NSW Office of Environment.
- (5) The commercial office development is to achieve 4 star NABERS water whole building rating, as evidenced by hydraulic engineer's report at detailed design stage.

### 6.3.X.4 Public domain and site servicing

- (1) Existing street trees are to be retained/maintained.
- (2) Building services and vehicular access are to be consolidated and are to be located on Wemyss Lane.
- (3) For any hotel development, a transport management plan incorporating hotel operations and servicing shall be submitted with the development application, setting out management strategies to provide for:
  - (a) Pick up and drop off on Wemyss Lane;
  - (b) Details of bus/coach parking including location and use; and
  - (c) Pedestrian safety.

### 6.3.X.5 Awnings

- (1) Awnings may be permitted to Wentworth Avenue but only where they considered to be appropriate for and sympathetic to the heritage significant facades of the buildings.

### Provisions – 4-24 Wentworth Avenue

The following provisions apply to 4-24 Wentworth Avenue, Surry Hills, as shown in Figure 6.XX below.

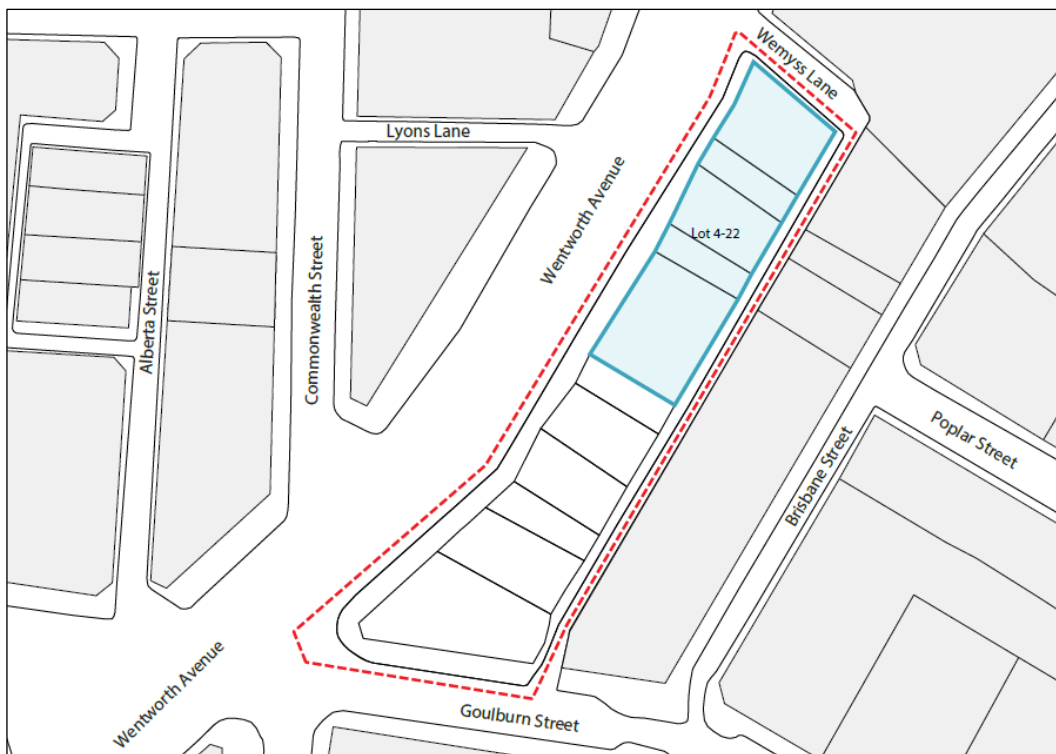


Figure 6.xxx: Boundary of site specific controls for 4-22 Wentworth Avenue shown in blue.

### 6.3.X.6 Built form – 4-22 Wentworth Avenue, Surry Hills

- (1) Development is not to exceed the maximum planning envelope described by 'Figure 6.xxx: 4-22 Wentworth Avenue – Maximum planning envelope plan', 'Figure 6.xxx: 4-22

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Wentworth Avenue – Maximum planning envelope – axonometric view 1’ and ‘Figure 6.xxx: 4-22 Wentworth Avenue – Maximum planning envelope – axonometric view 2’ and ‘Figure 6.xxx: 4-22 Wentworth Avenue – Maximum planning envelope section’.

The envelope is the maximum permissible extent of the built form and the final building design must be appropriately massed within the envelope. Refer to Table 1 for relevant geographic coordinates of the maximum height plane.

Location	Coordinate
<b>Lots 42 and 43, DP6534</b>	X=334635.65 Y=6249982.84
<b>Lot 44, DP6534</b>	X=334631.96 Y=6249967.04
<b>Lots 45 and 46, DP6534</b>	X=334630.53 Y=6249960.91
<b>Lot 47, DP6534</b>	X=334617.50 Y=6249954.32
<b>Lots 48, 49, 50, 51, DP6534</b>	X=334601.99 Y=6249928.24

**Table 1: 4-22 Wentworth Avenue – Geographic coordinates**

4. Despite 6.3.X.1 (1) above, development may only be permitted within the cantilevered portion of the tower form and within the reduced setback to the rooftop podium addition (both shown in darker blue) as per ‘Figure 6.xxx: 4-22 Wentworth Avenue – Maximum planning envelope plan’, ‘Figure 6.xxx: 4-22 Wentworth Avenue – Maximum planning envelope – axonometric view 1’ and ‘Figure 6.xxx: 4-22 Wentworth Avenue – Maximum planning envelope – axonometric view 2’ and ‘Figure 6.xxx: 4-22 Wentworth Avenue – Maximum planning envelope section’, provided:
  1. A competitive design process has been carried out for the whole site and the development is considered to achieve design excellence in accordance with Clause 6.21 of Sydney LEP 2012; and
  2. The consent authority is satisfied that the podium addition has been designed:
    1. To ensure three dimensional features of host buildings or adjacent buildings can be retained (e.g. cornicing, turrets, side return walls);
    2. To ensure a finely articulated junction with the existing form;
    3. To a high standard, using high quality materials;
    4. To reference the proportioning and detailing of the host building (without copying or reproducing those details);
    5. To ensure its proportioning achieves a harmonious bulk and form relationship with the host building;
    6. To ensure its architectural detail clearly reads as a contemporary structure;
    7. To be clearly articulated from the host building through a horizontal separation or similar architectural device;

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8. To acknowledge the fine grain of the streetscape;
9. To ensure its structure does not diminish the quality of interior spaces within the host building; and
10. Without the predominant use of glazing.

### Site Plan - Design Excellence Setbacks








-  4-22 Wentworth Avenue indicative existing building fabric outline
-  Outline of proposed built form
-  Outline of additional design excellence built form
-  Kerblines
-  Surrounding context, existing property outlines
-  Setback dimension
-  \* Indicative setback only, refer to LEP coordinates for precise measurements





Figure 6.xxx: 4-22 Wentworth Avenue – Maximum planning envelope plan

Note: design excellence shown in darker blue

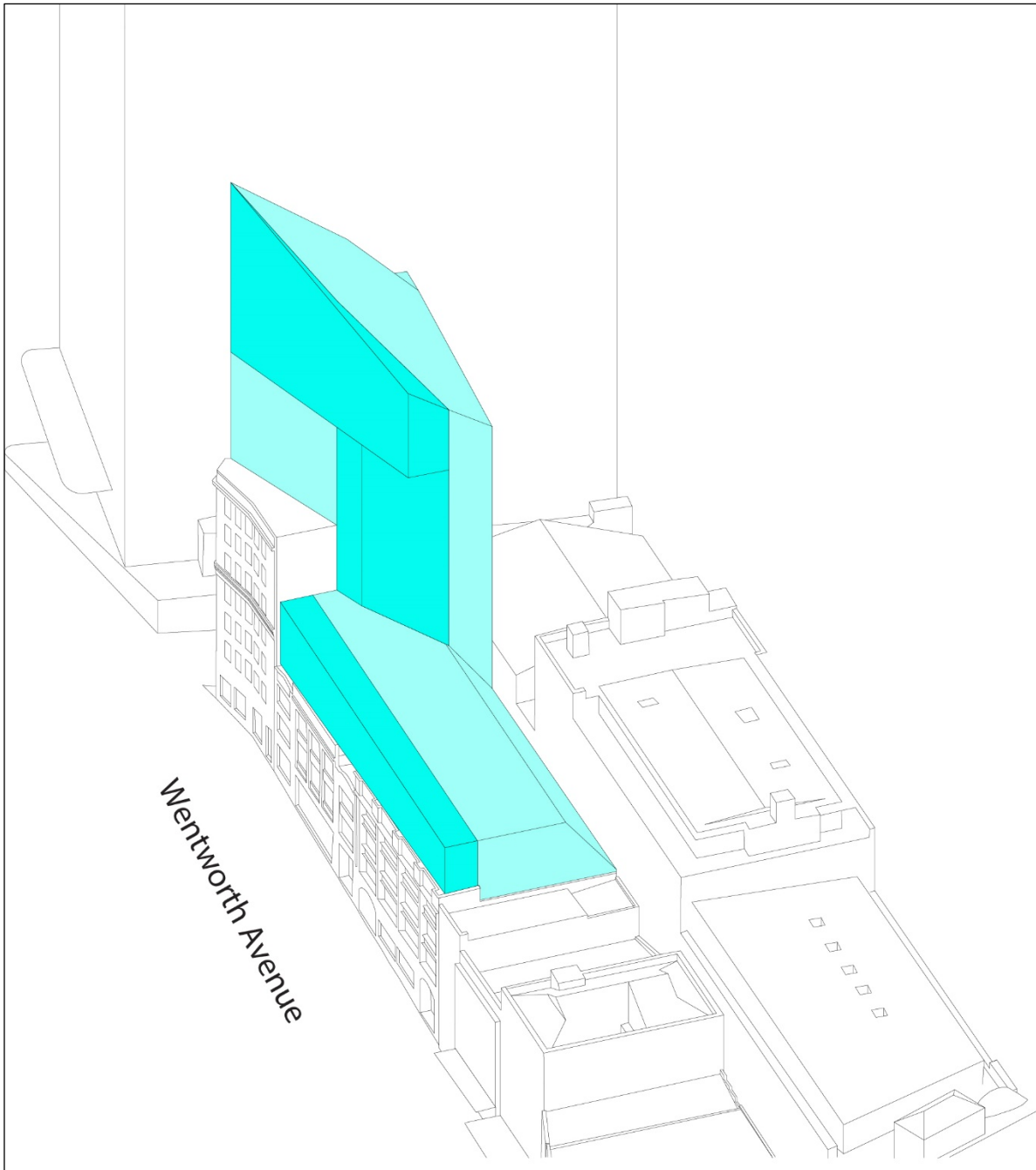
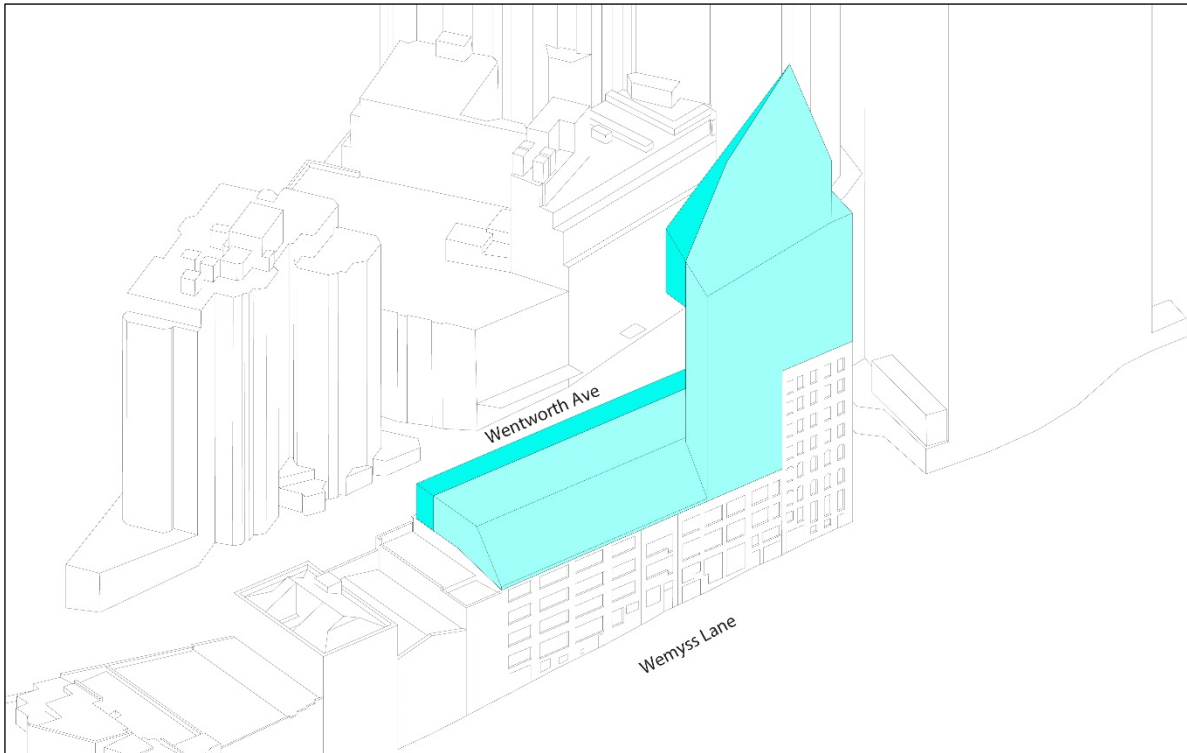
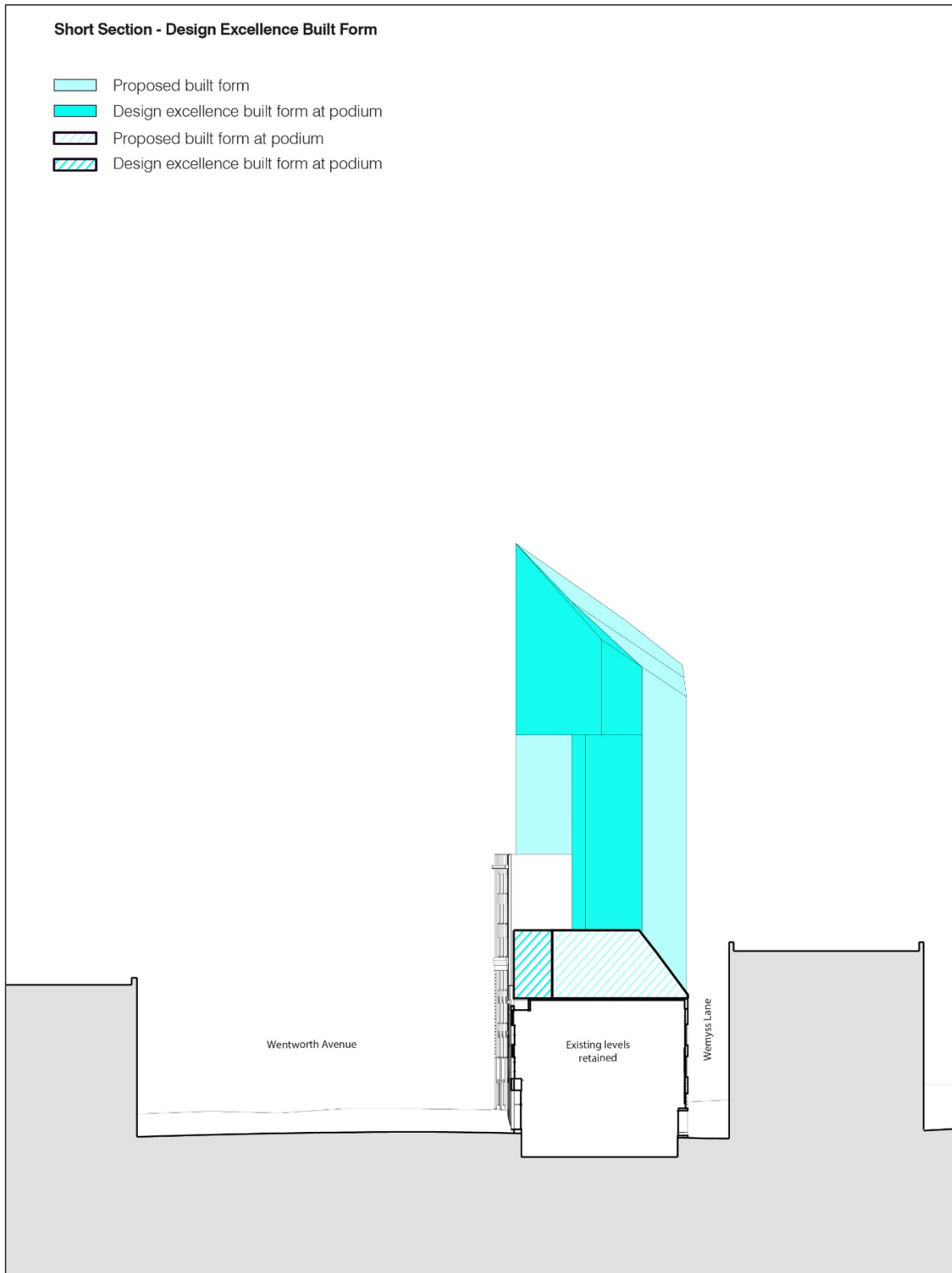


Figure 6xxx: 4-22 Wentworth Avenue: Maximum planning envelope – axonometric view 1

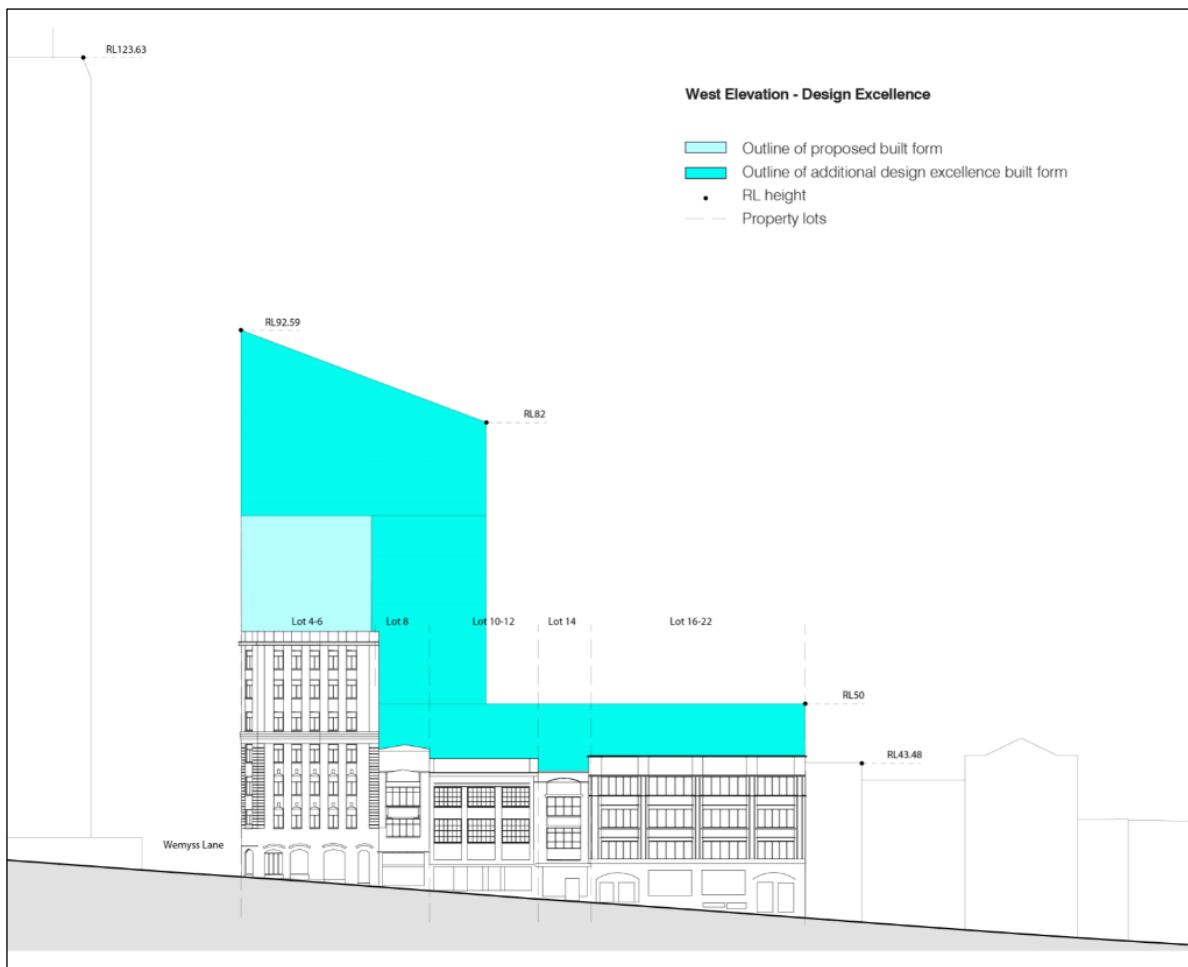
Note: design excellence shown in darker blue



**Figure 6xxx: 4-22 Wentworth Avenue: Maximum planning envelope – axonometric view 2**  
**Note: design excellence shown in darker blue**



**Figure 6.xxx: 4-22 Wentworth Avenue – Maximum planning envelope section**  
**Note: design excellence shown in darker blue**



**Figure 6.xxx: 4-22 Wentworth Avenue – Maximum street wall heights**

## 6.3.X.7 Design excellence strategy – 4-22 Wentworth Avenue, Surry Hills

- (1) The competitive design process is to be undertaken in accordance with clause 6.21 of Sydney LEP 2012 and is to apply to the entire site. The competitive design process is to comprise an invited competitive design alternatives process involving no less than four architectural firms ranging from emerging, emerged and established architectural firms, with demonstrated experience designing high quality heritage infill buildings.
- (2) The selection panel is to comprise a total of four (4) members. The proponent is to nominate two (2) panel members and the City of Sydney is to nominate two (2) panel members.
- (3) A building demonstrating design excellence is eligible for an amount of additional floor space in accordance with the design excellence provisions of Sydney LEP 2012. No additional height is to be awarded as a result of the competitive design process.
- (4) Any additional floor space that may be awarded in relation to any competitive process(es) as per clause 6.21(7) of Sydney LEP 2012 is to be accommodated within the proposed planning envelope as shown in 'Figure 6.xxx: 4-22 Wentworth Avenue – Maximum planning envelope plan', 'Figure 6.xxx: 4-22 Wentworth Avenue – Maximum planning envelope – axonometric view 1' and 'Figure 6.xxx: 4-22 Wentworth Avenue – Maximum planning envelope – axonometric view 2' and 'Figure 6.xxx: 4-22 Wentworth Avenue – Maximum planning envelope section'.

### Provisions – 24-44 Wentworth Avenue

The following provisions apply to 24-44 Wentworth Avenue, Surry Hills, as shown in Figure 6.XX below.

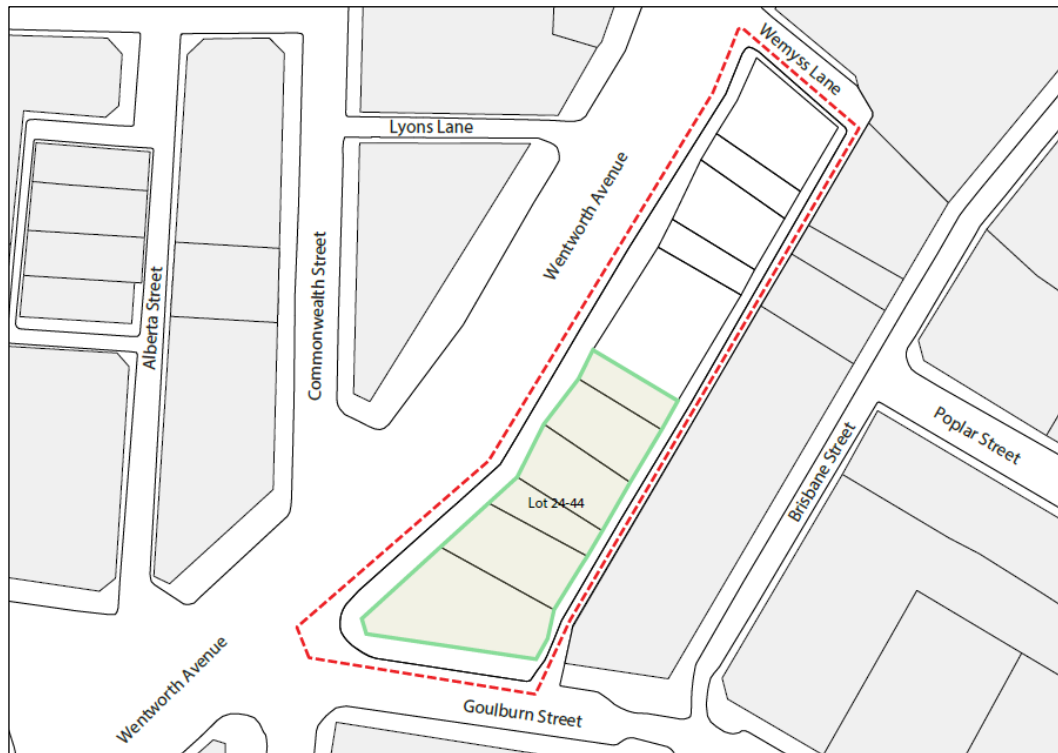


Figure 6.xxx: Boundary of site specific controls for 24-44 Wentworth Avenue shown in green.

#### 6.3.X.8 Built form – 24-44 Wentworth Avenue, Surry Hills

- (1) Development is not to exceed the maximum planning envelope described by 'Figure 6.xxx: 24-44 Wentworth Avenue – Maximum planning envelope plan', 'Figure 6.xxx: 24-44 Wentworth Avenue – Maximum planning envelope – axonometric view 1' and 'Figure 6.xxx: 24-44 Wentworth Avenue – Maximum planning envelope – axonometric view 2.'

The envelope is the maximum permissible extent of the built form and the final building design must be appropriately massed within the envelope.

5. Despite 6.3.X.1 (1) above, development may exceed the permissible FSR by up to 10% provided:
3. A competitive design process has been carried out for the whole site and the development is considered to achieve design excellence in accordance with Clause 6.21 of Sydney LEP 2012; and
  4. The consent authority is satisfied that the addition has been designed:
    11. To ensure three dimensional features of host buildings or adjacent buildings can be retained (e.g. cornicing, turrets, side return walls);
    12. To ensure a finely articulated junction with the existing form;
    13. To a high standard, using high quality materials;
    14. To reference the proportioning and detailing of the host building (without copying or reproducing those details);
    15. To ensure its proportioning achieves a harmonious bulk and form relationship with the host building;
    16. To ensure its architectural detail clearly reads as a contemporary structure;



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17. To be clearly articulated from the host building through a horizontal separation or similar architectural device;
18. To acknowledge the fine grain of the streetscape;
19. To ensure its structure does not diminish the quality of interior spaces within the host building; and
20. Without the predominant use of glazing.

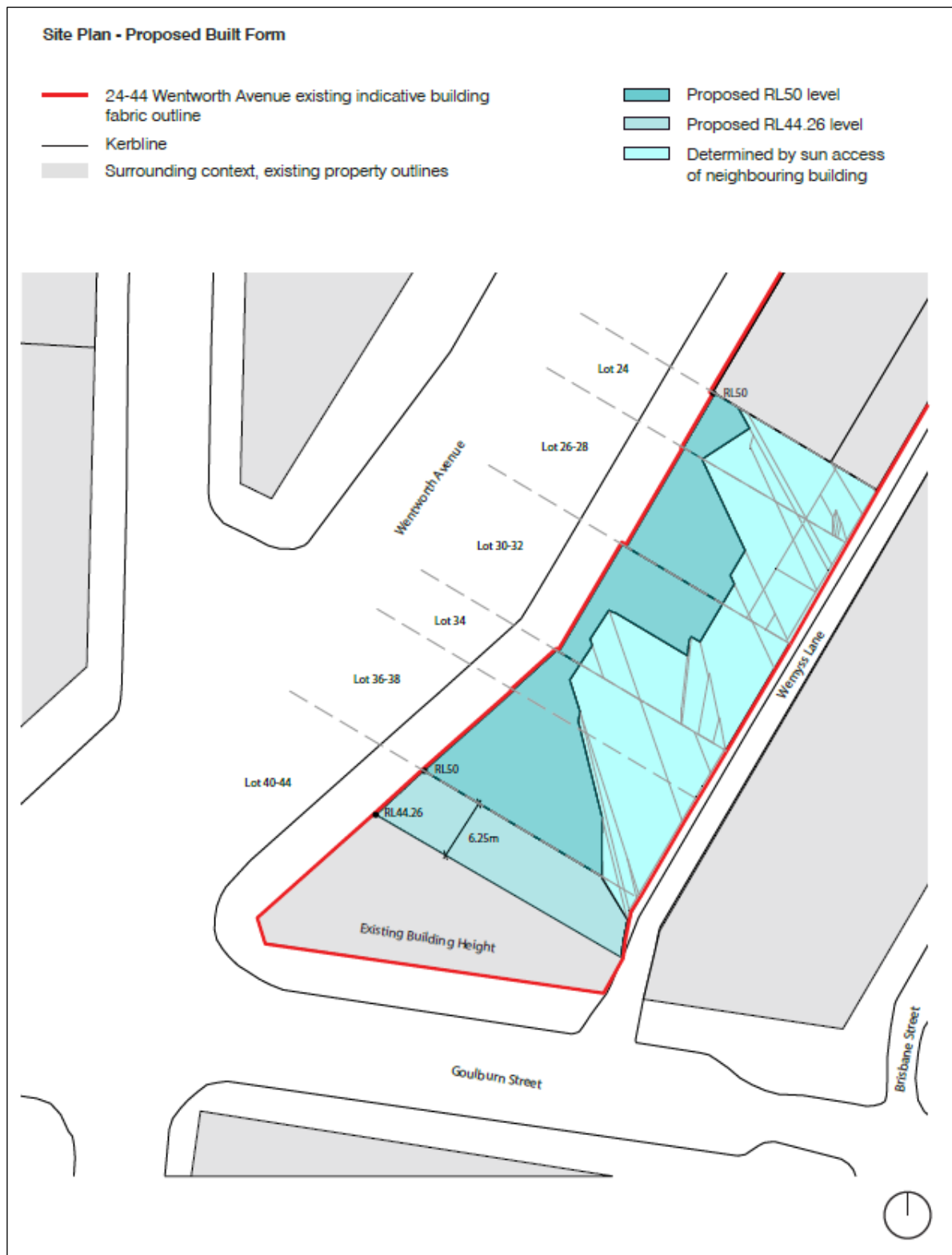


Figure 6.xxx: 24-44 Wentworth Avenue – Maximum planning envelope plan

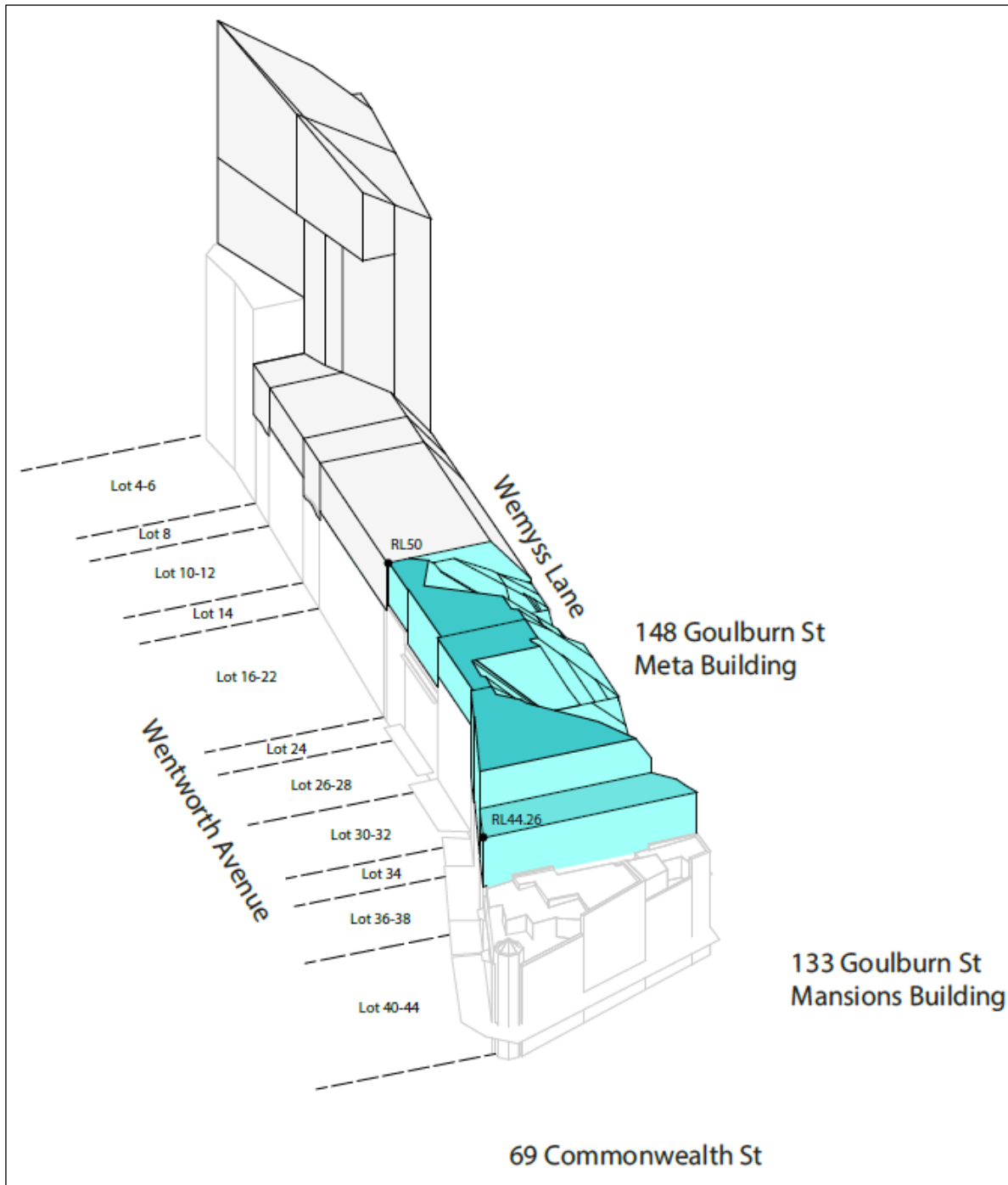


Figure 6xxx: 24-44 Wentworth Avenue: Maximum planning envelope – axonometric view 1

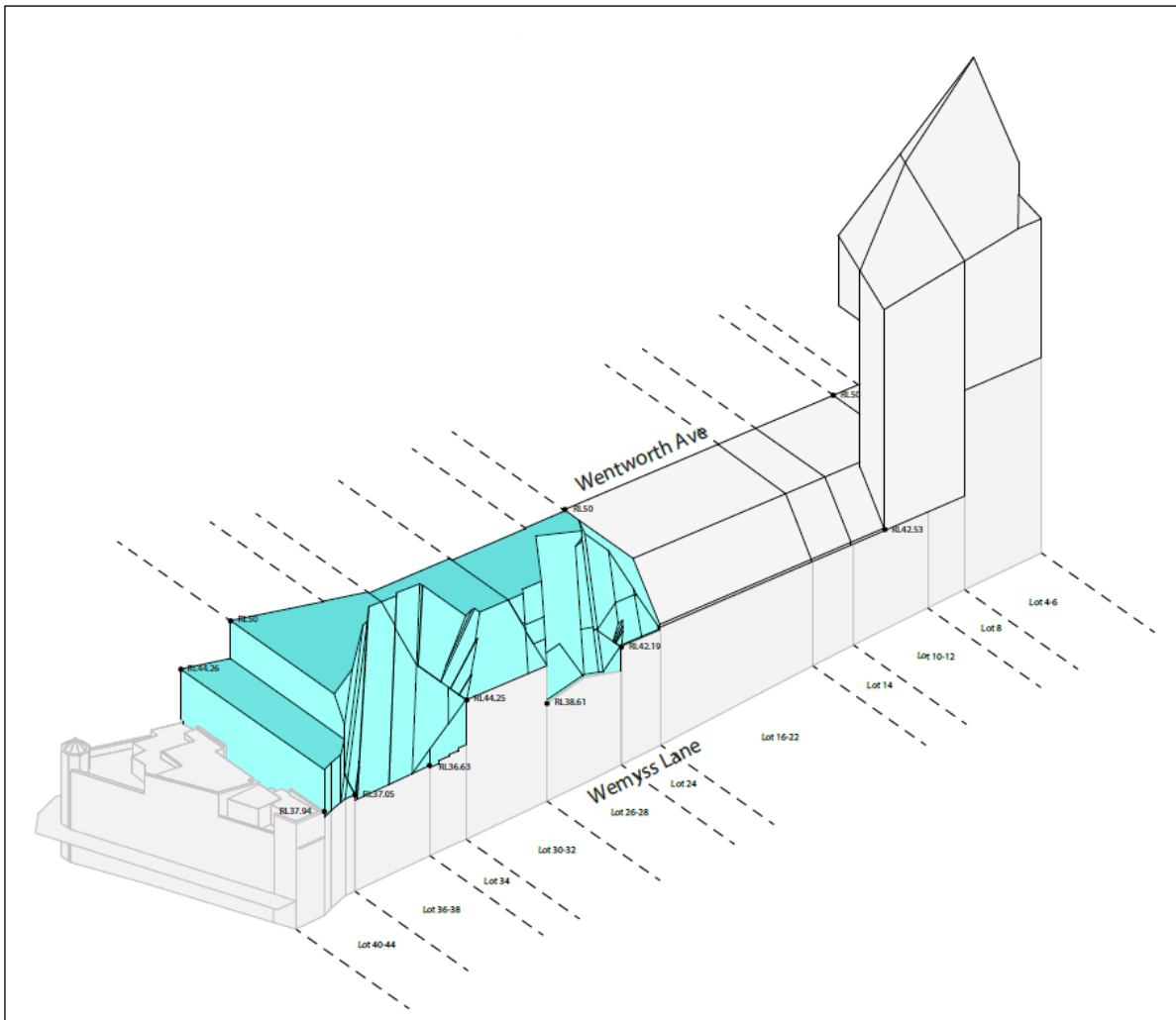


Figure 6xxx: 24-44 Wentworth Avenue: Maximum planning envelope – axonometric view 2

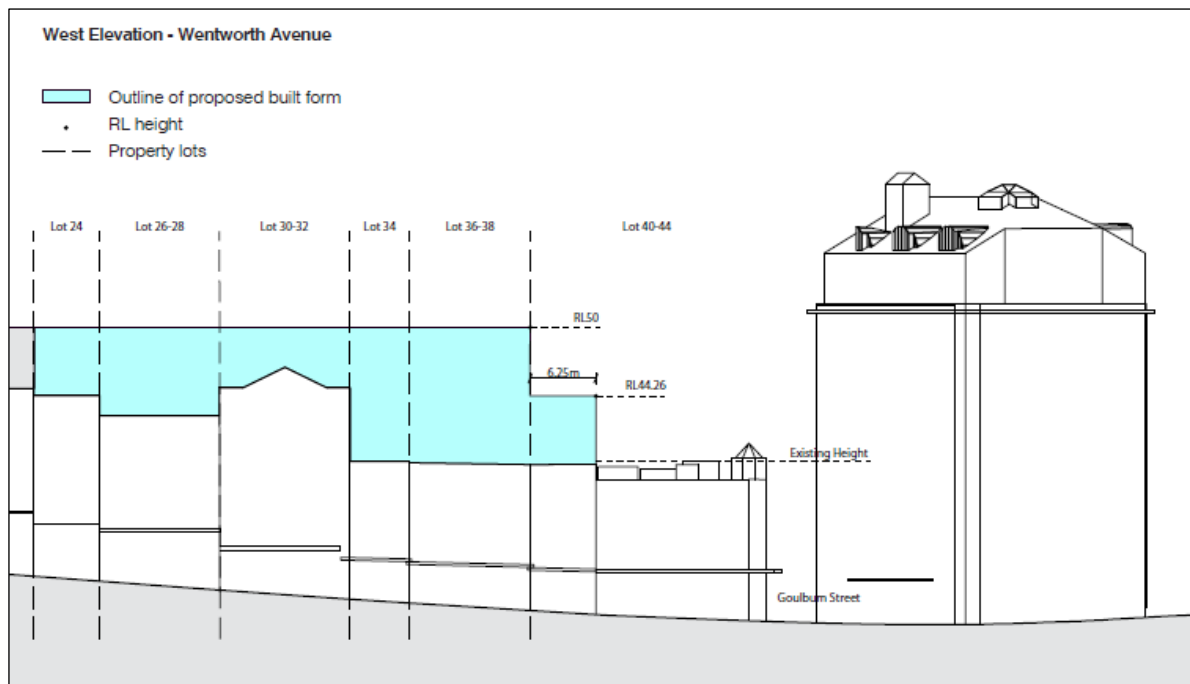


Figure 6.xxx: 24-44 Wentworth Avenue – Maximum street wall heights

**6.3.X.9 Design excellence strategy – 26-44 Wentworth Avenue, Surry Hills**

**Note: this provision does not apply to 24 Wentworth Avenue, as the increase in building height is below 25m.**

- (1) The competitive design process is to be undertaken in accordance with clause 6.21 of Sydney LEP 2012 and is to apply to the entire site. The competitive design process is to comprise an invited competitive design alternatives process involving no less than three architectural firms ranging from emerging, emerged and established architectural firms, with demonstrated experience designing high quality heritage infill buildings.
- (2) The selection panel is to comprise a total of four (4) members. The proponent is to nominate two (2) panel members and the City of Sydney is to nominate two (2) panel members.
- (3) A building demonstrating design excellence is eligible for an amount of additional floor space in accordance with the design excellence provisions of Sydney LEP 2012. No additional height is to be awarded as a result of the competitive design process.
- (4) Any additional floor space that may be awarded in relation to any competitive process(es) as per clause 6.21(7) of Sydney LEP 2012 is to be accommodated within the proposed planning envelope as shown in 'Figure 6.xxx: 4-22 Wentworth Avenue – Maximum planning envelope plan', 'Figure 6.xxx: 4-22 Wentworth Avenue – Maximum planning envelope – axonometric view 1' and 'Figure 6.xxx: 4-22 Wentworth Avenue – Maximum planning envelope – axonometric view 2.'

