

# Planning Proposal – 4-44 Wentworth Avenue, Surry Hills

Amendment to Sydney Local Environmental Plan 2012

September 2020

# Contents

|                                     |    |
|-------------------------------------|----|
| Executive summary                   | 3  |
| 1. Site identification              | 6  |
| 2. Existing planning controls       | 19 |
| 3. Objectives and intended outcomes | 24 |
| 4. Explanation of provisions        | 25 |
| 5. Justification                    | 26 |

# Executive summary

The City of Sydney (the City) has prepared this Planning Proposal to change the planning controls for the land at 4-44 Wentworth Avenue, Surry Hills (the site).

This Planning Proposal explains the intent of and justification for proposed amendments to the Sydney Local Environmental Plan 2012 (LEP) as it applies to the site. This Planning Proposal has been prepared by the City in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 and the Department of Planning and Environment's 'A guide to preparing planning proposals' and 'A guide to preparing local environmental plans.'

The site consists of a whole street block of 11 lots totalling approximately 2,739 square metres in area. The street block is bounded by Wentworth Avenue to the west, Wemyss Lane to the north and east, and Goulburn Street to the south. Existing development on the site includes a hotel, convenience store, nightclub, commercial offices, business and retail premises, a gym and a pub.

Much of the site belongs to a group heritage listing under Schedule 5 of the LEP, known as 'former warehouse group including interiors' (I2271). The listing includes nine warehouse buildings at 4-34 Wentworth Avenue, Surry Hills. Part of 40-44 Wentworth Avenue, Surry Hills, is also a locally listed heritage item (I1647) known as 'Macquarie Hotel including interior'. The only individual lot in the street block that is not heritage listed is number 36-38 Wentworth Avenue, Surry Hills.

Under existing LEP controls, the site is zoned B4 Mixed Use. No. 4-6 Wentworth Avenue has a maximum building height of 22m and a maximum floor space ratio (FSR) of 6:1. No's 8-44 Wentworth Avenue have a maximum building height of 18m and a maximum FSR of 5:1. The site's B4 Mixed Use zone permits hotel and commercial uses on the site.

The intent of the Planning Proposal is to encourage development of hotel and motel accommodation at 4-22 Wentworth Avenue and a broader set of productive employment uses at 24-44 Wentworth Avenue. This split in strategic intent is reflective of how the site's planning proposal history has evolved (see Section 2.6). The proposed built form envelope responds to heritage and neighbouring amenity by redistributing existing permitted floor space plus providing an incentive for design excellence with additional floor space.

For 4-22 Wentworth Avenue, the Planning Proposal is to amend the LEP to:

- Insert provisions in Division 5 Site Specific Provisions to increase the maximum building height controls from 22m at 4-6 Wentworth Avenue to a maximum RL 92.59 (or around 62m) and from 18m at 8-22 Wentworth Avenue to RL 50.00 (or around 24m) if the entire site is developed for 'hotel or motel accommodation'.
- Insert provisions in Division 5 Site Specific Provisions to increase the maximum FSR control from 6:1 and 5:1 (5.22:1 average) to 5.6:1 across 4-22 Wentworth Avenue for 'hotel or motel accommodation' only, in spite of Clause 4.4 of the LEP. The proposal may be eligible for up to 10% additional floor space subject to achieving design excellence. This represents a maximum FSR of 6.15:1.
- Insert a new site-specific subclause in clause 6.21 specifying that development on the site demonstrating design excellence cannot obtain additional height.
- Insert a new site-specific subclause in clause 4.6 specifying that the clause does not allow development on the site to contravene the maximum building height development standard.

For 24-44 Wentworth Avenue, the Planning Proposal is to amend the LEP to:

- Insert provisions in Division 5 Site Specific Provisions to increase the maximum building height controls from 18m at 24, 26-28, 30-32, 34 and 36-38 Wentworth Avenue to RL 50 (between 24.5m and 28m as the site slopes down from north to south) and from 18m at 40 Wentworth Avenue (part of 40-44 Wentworth Avenue) to RL 44.26 (around 22m) if the sites are developed for commercial premises, health services facilities, educational establishments, hotel accommodation, entertainment premises, light industry and information and education facilities in spite of Clause 4.3 of the LEP.
- Insert a new site-specific subclause in clause 4.6 specifying that the clause does not allow development on the site to contravene the maximum building height development standard.

The Planning Proposal does not seek to change building height or FSR controls for 4-22 Wentworth Avenue for types of development other than hotel or motel accommodation. The Planning Proposal does not seek to change building height controls for 24-44 Wentworth Avenue, other than for uses listed above. The existing zoning for the street block will be retained.

Development envisaged for 4-22 Wentworth Avenue under the Planning Proposal is for a hotel development comprising about 7,500 square metres of gross floor area dedicated to a hotel or motel accommodation use, with a restaurant at ground floor as well as a basement level featuring bicycle and motorbike parking and end of trip facilities.

The Planning Proposal to increase the maximum building height across the street block allows for the existing permitted floor space to be achieved and the increase to the maximum floor space ratio for the northern half of the block facilitates hotel or motel accommodation to meet strategic needs. Encouraging the hotel use through the provision of additional height and floor space is consistent with the City's 'Visitor Accommodation Action Plan' (2015). The Plan seeks to enhance tourism infrastructure, including facilitating new hotels and accommodation opportunities.

The Planning Proposal assists the City in achieving the objectives of the NSW Government's Eastern City District Plan. In particular, the Planning Proposal will allow the provision of a new hotel development that will assist with diversifying the hotel market and meeting visitor demand. The proposal is consistent with Planning Priority E7 – 'Growing a stronger and more competitive Harbour CBD' and Planning Priority E13 – 'Supporting growth of targeted industry sectors' of the Eastern City District Plan, as it supports the Harbour CBD's entertainment, cultural, tourist and conference assets and status as one of the world's premier tourism and major events destinations through the delivery of a new hotel development, directly contributing to Sydney's visitor economy which attract millions of domestic and international visitors each year. The Planning Proposal facilitates the supply of new tourist and visitor accommodation which will result in additional full time employment opportunities (from 62 to 118 jobs), as well as increasing Sydney's accommodation stock.

Development envisaged for 24-44 Wentworth Avenue under the Planning Proposal aims to encourage development that will revitalise the area and support the city fringe precinct. The proposed increased building height will provide an appropriate transition in height from the tower at the northernmost end of the site, down to the heritage listed pub at the southernmost end of the site, whilst encouraging a suite of strategic uses. The proposed controls allow for architectural flexibility and the adaptive reuse of heritage items whilst minimising overshadowing impacts to nearby residential properties. The increased building height for the southern half of the street block allows the sites at 24-44 Wentworth Avenue to unlock and achieve existing floor space available under current FSR controls.



## Planning Proposal – 4-44 Wentworth Avenue, Surry Hills

The City has prepared a draft site-specific amendment to Sydney Development Control Plan 2012 (the draft DCP) to help ensure the objectives and intended outcomes of this Planning Proposal are achieved. The draft DCP controls create site-specific controls relating to the built form of the proposed development, heritage conservation, design excellence, amenity requirements and sustainability.

The City intends to publicly exhibit this Planning Proposal concurrently with the draft DCP.

# 1. Site identification

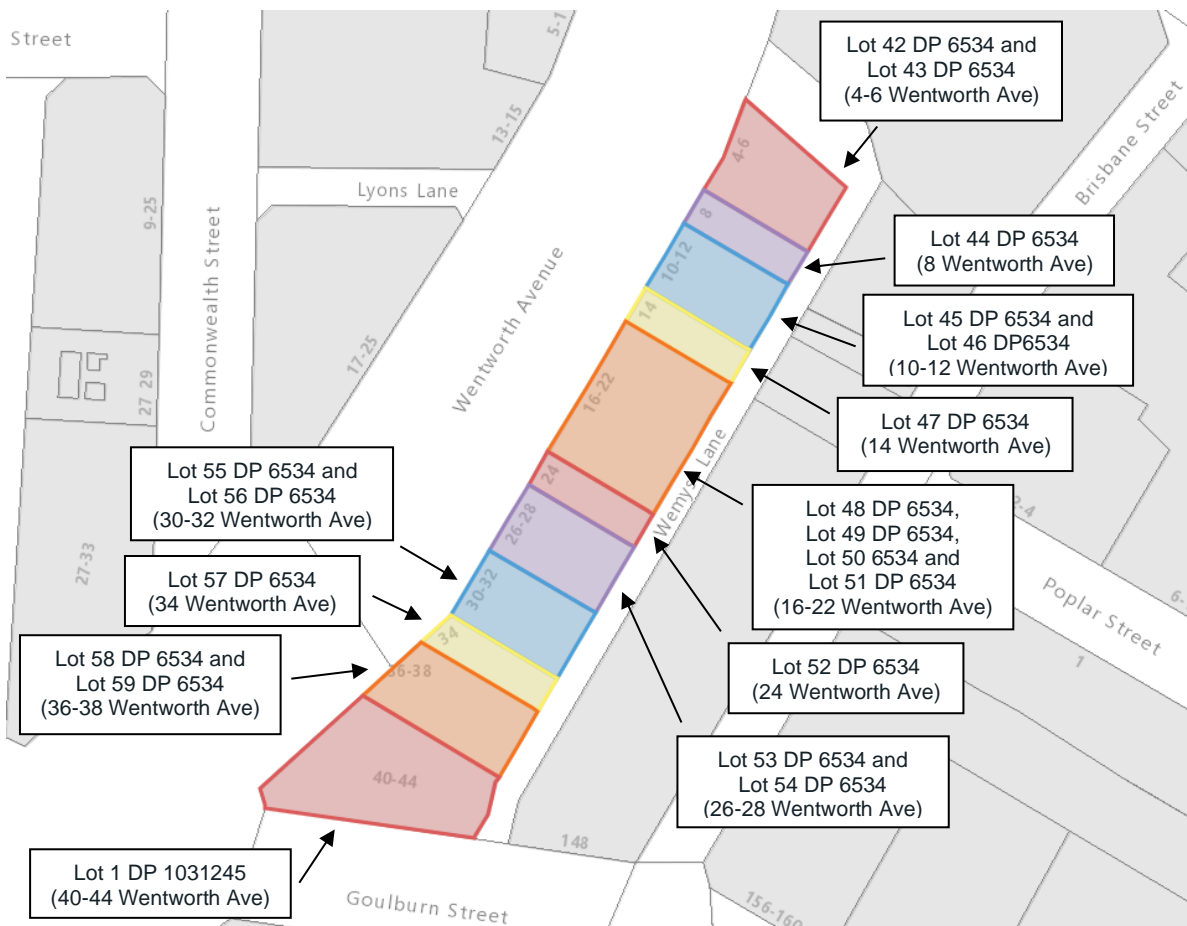
## 1.1. Site identification

The site comprises eleven separate lots as follows:

- Lot 42 DP 6534 and Lot 43 DP 6534, known as 4-6 Wentworth Avenue
- Lot 44 DP 6534, known as 8 Wentworth Avenue
- Lot 45 DP 6534 and Lot 46 DP 6534, known as 10-12 Wentworth Avenue
- Lot 47 DP 6534, known as 14 Wentworth Avenue
- Lot 48 DP 6534, Lot 49 DP 6534, Lot 50 DP 6534 and Lot 51 DP 6534, known as 16-22 Wentworth Avenue
- Lot 52 DP 6534, known as 24 Wentworth Avenue
- Lot 53 DP 6534 and Lot 54 DP 6534, known as 26-28 Wentworth Avenue
- Lot 55 DP 6534 and Lot 56 DP 6534, known as 30-32 Wentworth Avenue
- Lot 57 DP 6534, known as 34 Wentworth Avenue
- Lot 58 DP 6534 and Lot 59 DP 6534, known as 36-38 Wentworth Avenue and
- Lot 1 DP 1031245, known as 40-44 Wentworth Avenue, Surry Hills.

The lots are shown at Figure 1.

**Figure 1: Land affected by this Planning Proposal**



## 1.2. Site location

The site is located in Surry Hills in the City of Sydney. Museum station is about 200m west of the site, and Central station is about 650m south-west of the site. Hyde Park is less than 100m to the north of the site with Harmony Park less than 100m to the south of the site. The site is located across the road from the designated Central Sydney area. The site is located close to the intersection between Liverpool Street and Wentworth Avenue to the north, with Oxford Street to the north-east, and is on the intersection between Goulburn Street and Wentworth Avenue to the south.

The site has four road frontages: Wentworth Avenue to the west, Wemyss Lane to the north and east and Goulburn Street to the south. A site location plan and aerial photo of the site are shown at Figures 2 and 3.

**Figure 2: Site location**

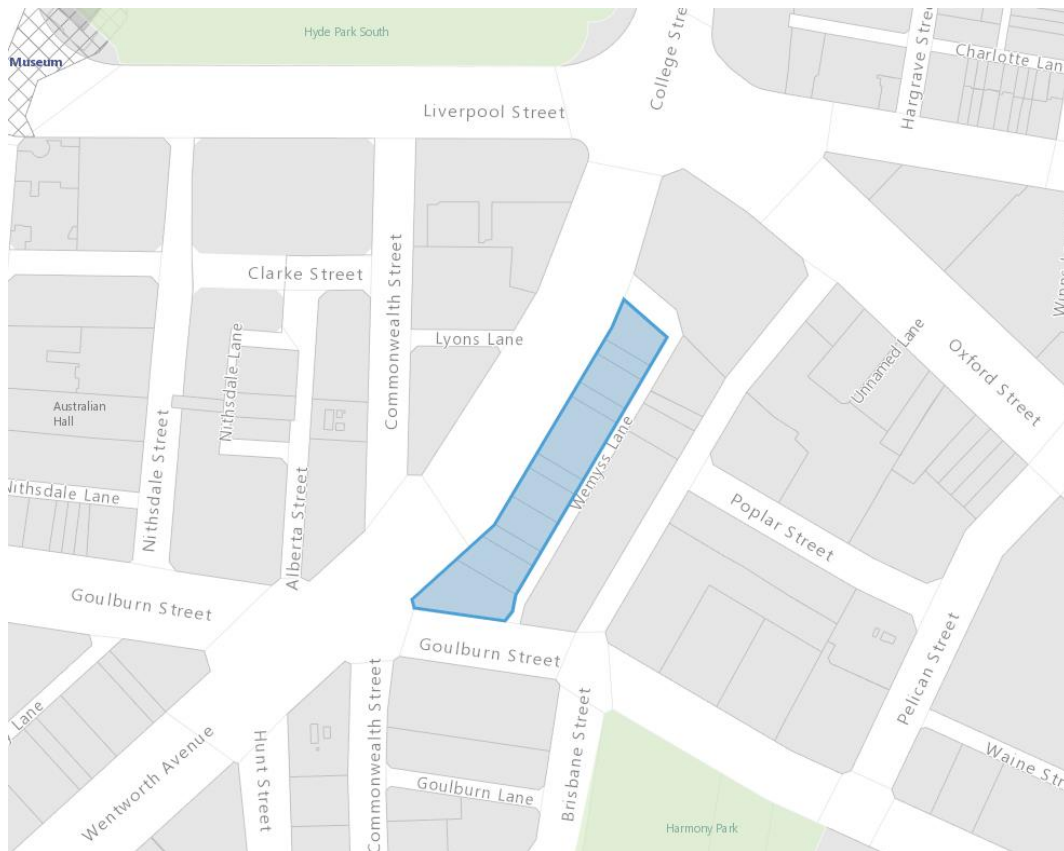
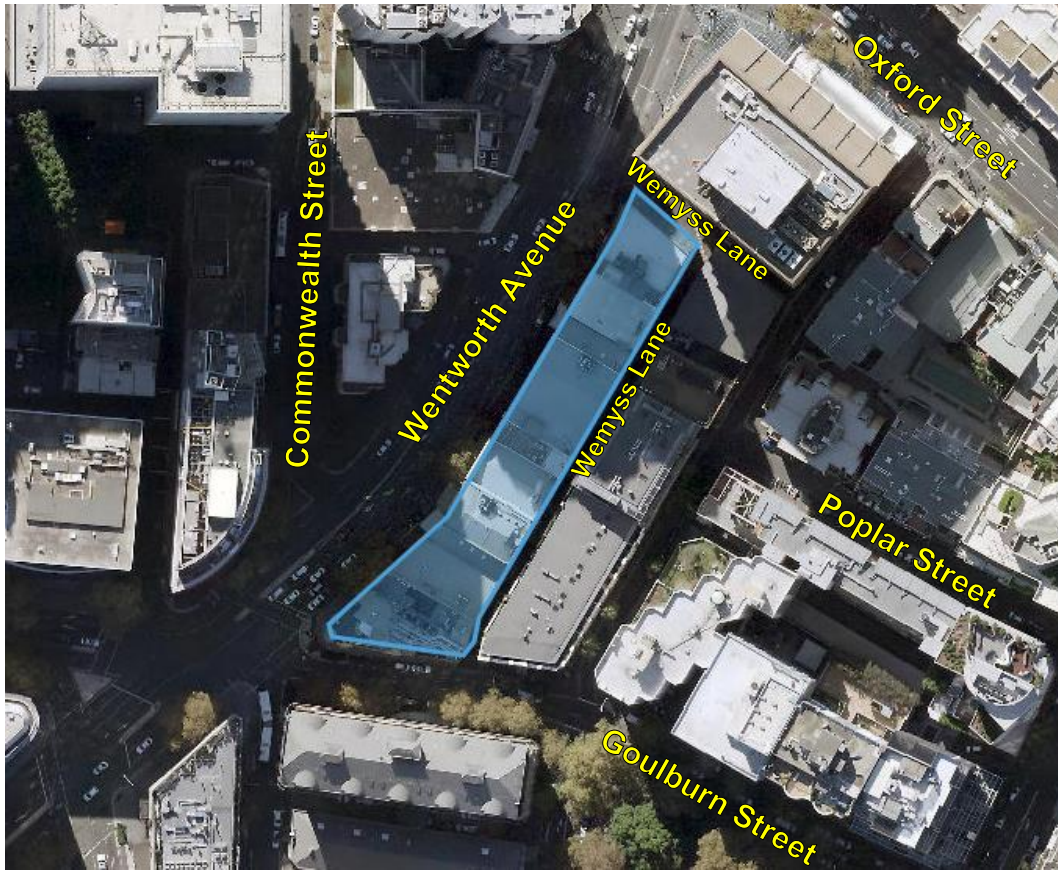


Figure 3: Aerial photo of the site



### 1.3. Site characteristics and context

The site is generally rectangular in shape. It follows the curve in Wentworth Avenue, with a wider and more triangular end to the southern corner, at the intersection of Wentworth Avenue and Goulburn Street. The site has a total area of 2,739sqm. The site's western boundary fronts Wentworth Avenue and is about 136m long. The site's northern and eastern boundaries face Wemyss Lane, which wraps around the street block, with a 21m frontage to the north and a 120m frontage to the east. The site's southern boundary to Goulburn street is 34m.

Existing development on site consists of 11 buildings constructed between 1915 and 1921, ranging in height from 3 storeys to 7 storeys. Most buildings in the street block belong to a local group heritage item under the LEP known as 'former warehouse group including interiors' (I2271).

The southernmost site in the street block, at 40-44 Wentworth Avenue, is an individually listed local heritage item known as 'Macquarie Hotel including interior' (I1647). The curtilage of the heritage listing includes No's 42-44, but does not extend to no. 40, Wentworth Avenue.

The site is not located in a Heritage Conservation Area.

- 4-6 Wentworth Avenue is a 7 storey painted brick Federation building with basement currently occupied by a hotel use known as 'Hotel Stellar', and was constructed in 1918, with additional storeys added to the building in 1925. The site has a gross floor area (GFA) of 1,791m<sup>2</sup>.
- 8 Wentworth Avenue is a four storey brick building with basement constructed in 1917 and is currently used in association with the neighbouring hotel. The site has a GFA of 404m<sup>2</sup>.



- 10-12 Wentworth Avenue is a 3 storey building with basement in the inter-war Chicagoesque style constructed between 1919 and 1921. It comprises a mix of commercial uses, including a convenience store at ground floor and a private college on the floors above. The site has a GFA of 730m<sup>2</sup>.
- 14 Wentworth Avenue is a 3 storey Federation warehouse style building built between 1915 and 1917 currently used for commercial purposes. The site has a GFA of 303m<sup>2</sup>.
- 16-22 Wentworth Avenue is a four storey rendered brick warehouse constructed in 1916 in the inter-war Chicagoesque style. The ground floor is occupied by a nightclub known as 'The Soda Factory'. Upper floors are occupied by a private college. The site has a GFA of 1,879m<sup>2</sup>.
- 24 Wentworth Avenue is a 4 storey rendered brick warehouse constructed in 1915-16 in the Federation style, with typical decorative detailing. The entire building is occupied by the Gemmological Association of Australia. The site has a GFA of approximately 401m<sup>2</sup>.
- 26-28 Wentworth Avenue is a 3 storey rendered warehouse built in 1916-17 in the inter-war free classical style and houses commercial office space. The site has a GFA of approximately 1,046m<sup>2</sup>.
- 30-32 Wentworth Avenue is a 5 storey face brick Federation warehouse built in 1919 and is currently occupied by the Real Estate Institute of NSW. The site has a GFA of approximately 883m<sup>2</sup>.
- 34 Wentworth Avenue is a 3 storey face brick late Federation warehouse built in 1915. The building is occupied by a motorcycle accessories retail store. The site has a GFA of approximately 373m<sup>2</sup>.
- 36-38 Wentworth Avenue is a 3 storey concrete rendered building. It is not heritage listed. The ground floor is occupied by the motorcycle accessories retail store (which extends into No's 30-32). The first and second floors are occupied by a gym. The site has a GFA of approximately 890m<sup>2</sup>.
- 40-44 Wentworth Avenue is a 4 storey painted brick and sandstone building constructed in 1912 in the Federation free style. The building has always been occupied by a pub, originally called The Macquarie Hotel. The pub is currently known as Hotel Harry. The site has a GFA of approximately 1,147m<sup>2</sup>.

The total gross floor area for existing development is 9,143m<sup>2</sup>. The site is fully built out with some parking accessed off Wemyss Lane, and no vegetation. The site slopes downwards from north to south with a fall of about 9m.

Surrounding context varies in land use and form. The 24-storey 'Memocorp' building is located immediately to the north across Wemyss Lane. Buildings located to the east of the site across Wemyss Lane include a three storey warehouse building used as a liquor store/distribution centre, a two storey terrace used as a restaurant, a six storey building owned and used by the Philatelic Association of NSW, and a part four, part six storey residential flat building known as Meta apartments. The rear facades of these buildings face the subject site.

A 9 storey residential flat building, Sydney Mansion, is located to the south of the street block, across Goulburn Street. The building is a local heritage item known as "Former warehouse facades 'Mark Foy's'" (I1554). The western side of Wentworth Avenue features a mix of commercial and residential buildings varying between four storeys and 14 storeys. A 30 storey residential apartment building is located on the corner of Liverpool Street and Wentworth Avenue, opposite the Memocorp building.

Surrounding development is mixed, including commercial office and business uses, hotel and tourist and visitor accommodation, food and drinks premises, pubs and clubs and residential. The site is located just outside the Central Sydney boundary, which runs the length of Wentworth Avenue. The bottom of Oxford Street is about 70m to the north of the site, which is known for bars and clubs, eateries, shopping, and diversity of businesses.

The site also borders Sydney's CBD, and is positioned between the City's villages of Darlinghurst and Surry Hills.

The area features a variety of existing tourist and visitor accommodation, including hostels, serviced apartments and a range of hotels. The existing hotel on site at 4-6 and 8 Wentworth Avenue is known as 'Hotel Stellar' and comprises 36 rooms. The street block contains a diversity of other commercial uses including a night club, a convenience store, private colleges, office premises, a retail store, a gym and a pub

Museum train station is about 200m west of the site. Sydney's Central train station is about 600m to the south-west of the site. The area is well serviced by bus routes running along Elizabeth Street and Castlereagh Street, along Oxford Street, and through Surry Hills.

Figures 4 to 15 show existing development on the site. The surrounding area is shown in Figures 16 and 17.

**Figure 4: Site viewed from intersection of Wentworth Avenue and Goulburn Street, looking north – site shown outlined in red**



Figure 5: Site viewed from Liverpool Street, looking south down Wentworth Avenue





Figure 6: No's 4-6 and 8 Wentworth Avenue, looking east





Figure 7: No's 8, 10-12 and 14 Wentworth Avenue, looking east



Figure 8: No's 14, 16-22, and 24 Wentworth Avenue, looking east

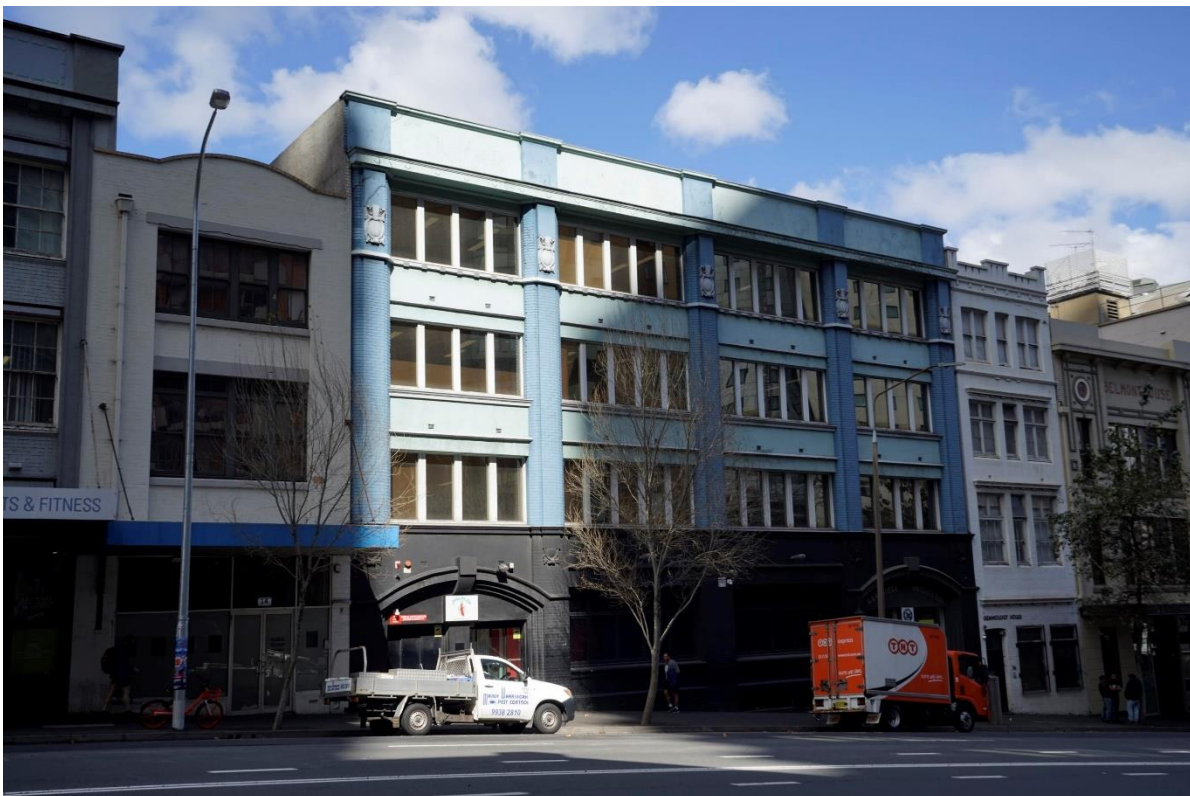




Figure 9: No's 26-28, 30-32 and 34 Wentworth Avenue, looking south-east



Figure 10: No's 34, 36-38 and part of 40-44 Wentworth Avenue, looking south-east





Figure 11: Part of No 36-38 and 40-44 Wentworth Avenue, looking south-east



Figure 12: 40-44 Wentworth Avenue, viewed from Goulburn Street, looking north-east





Figure 13: Wemyss Lane, viewed from Goulburn Street, looking north

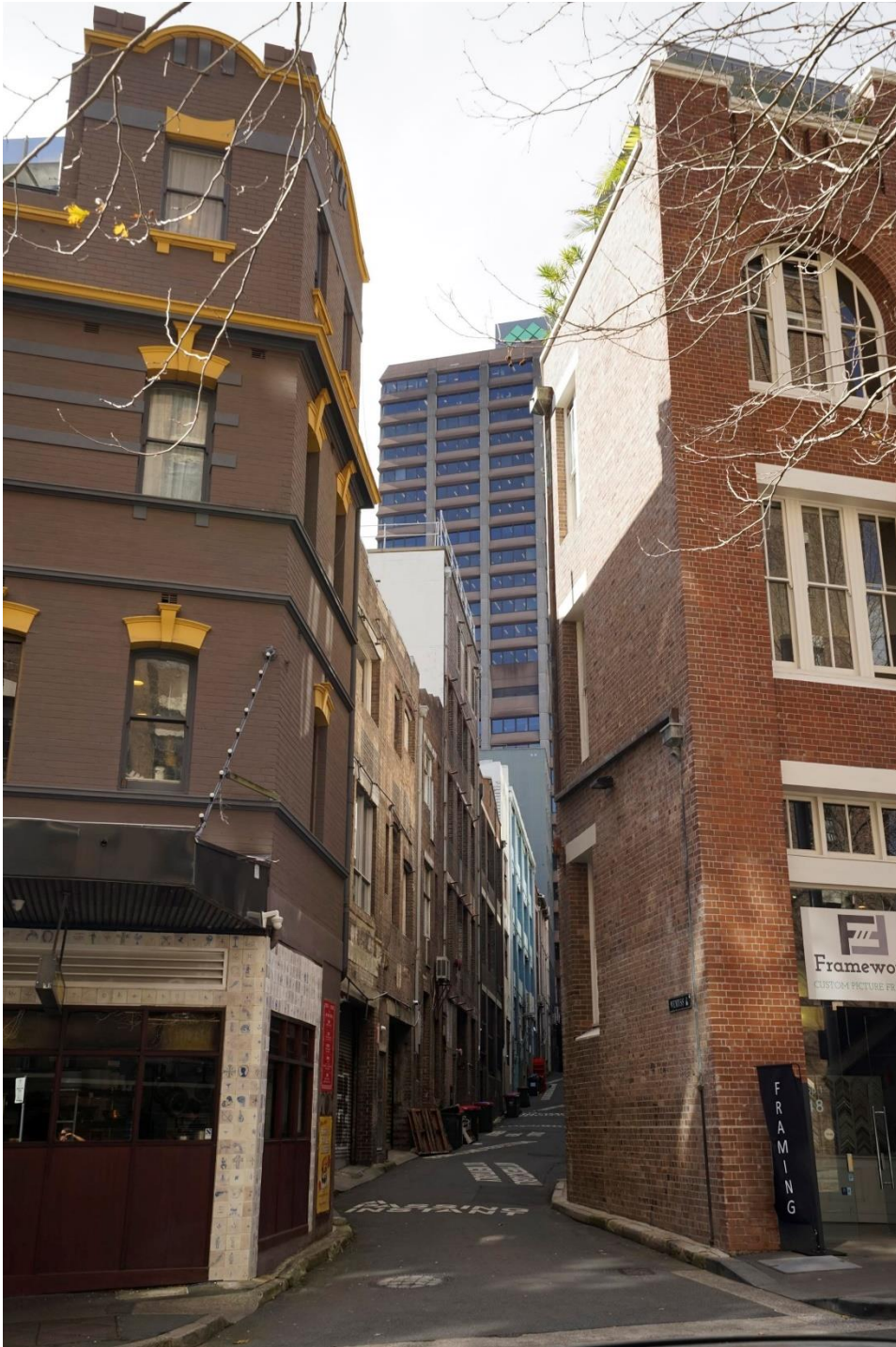




Figure 14: Wemyss Lane, rear of street block, looking north



Figure 15: Wemyss Lane, looking south

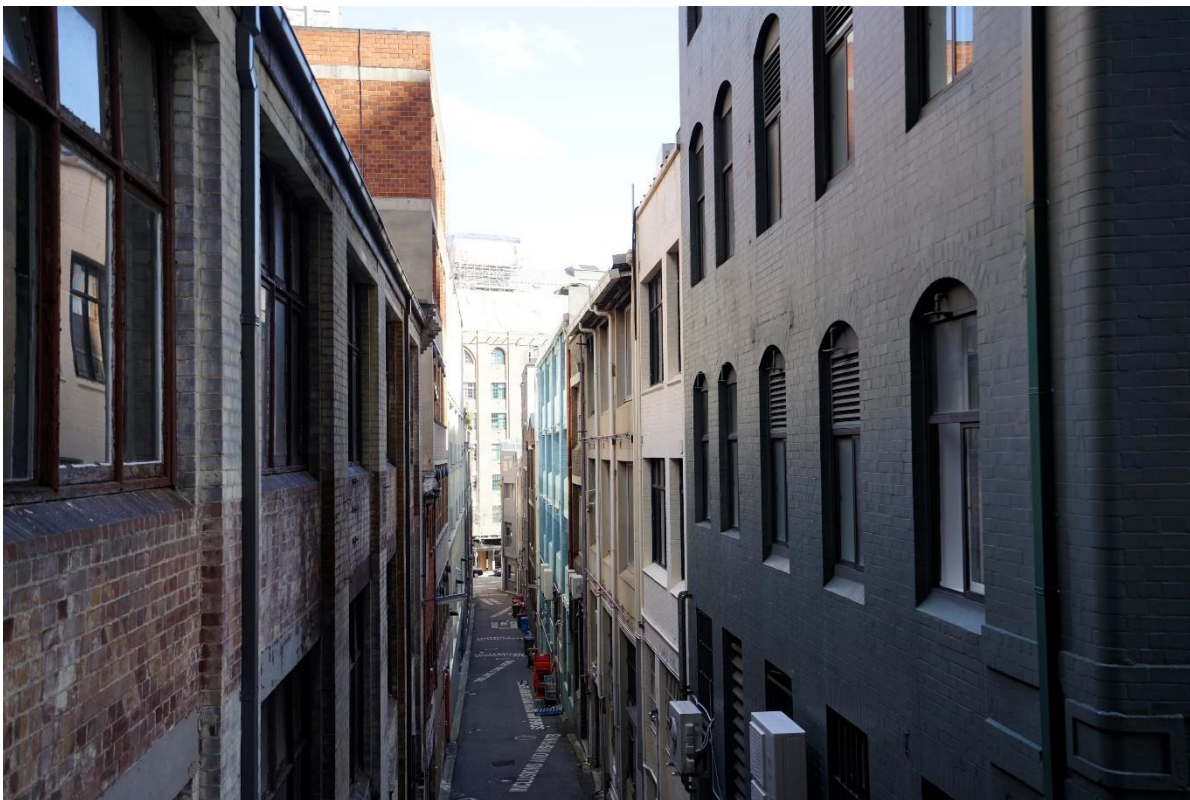




Figure 16: Wentworth Avenue, looking south to Central station



Figure 17: Wentworth Avenue, looking north



## 2. Existing planning controls

The LEP contains zoning and principal development standards for the site. These are discussed below.

### 2.1. Zoning

Zoning is shown in the Land Zoning Maps referred to in clause 2.2 of the LEP. The site is zoned B4 Mixed Use, as shown in the extract at Figure 18. The objectives of the zone include providing a mixture of compatible land uses, integrating suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling and to ensure uses support the viability of centres. The zoning permits a broad range of uses including the existing uses and tourist and visitor accommodation. This Planning Proposal does not seek to change the site's existing zoning.

**Figure 18: Extract from Sydney LEP 2012 Zoning Map**



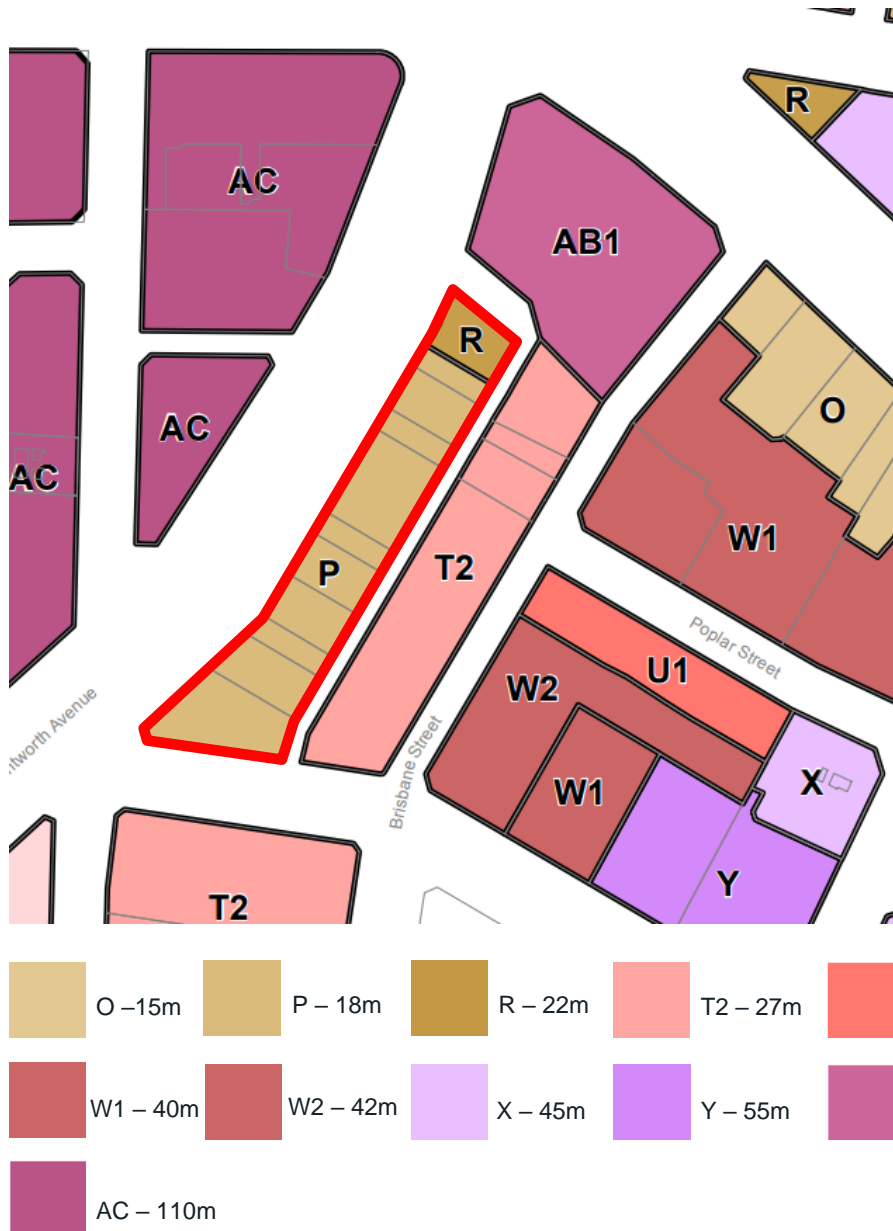


## 2.2. Building height

Maximum height controls are shown in the Height of Building Maps referred to in clause 4.3 of the LEP. The site has a maximum building height control of 22m at 4-6 Wentworth Avenue and 18m at 8-44 Wentworth Avenue.

This Planning Proposal is to amend the building height for hotel or motel accommodation use only through a site specific clause in the LEP. An extract of the relevant Height of Buildings Map from the LEP is shown in Figure 19.

Figure 19: Extract from Sydney LEP 2012 Building Height Map



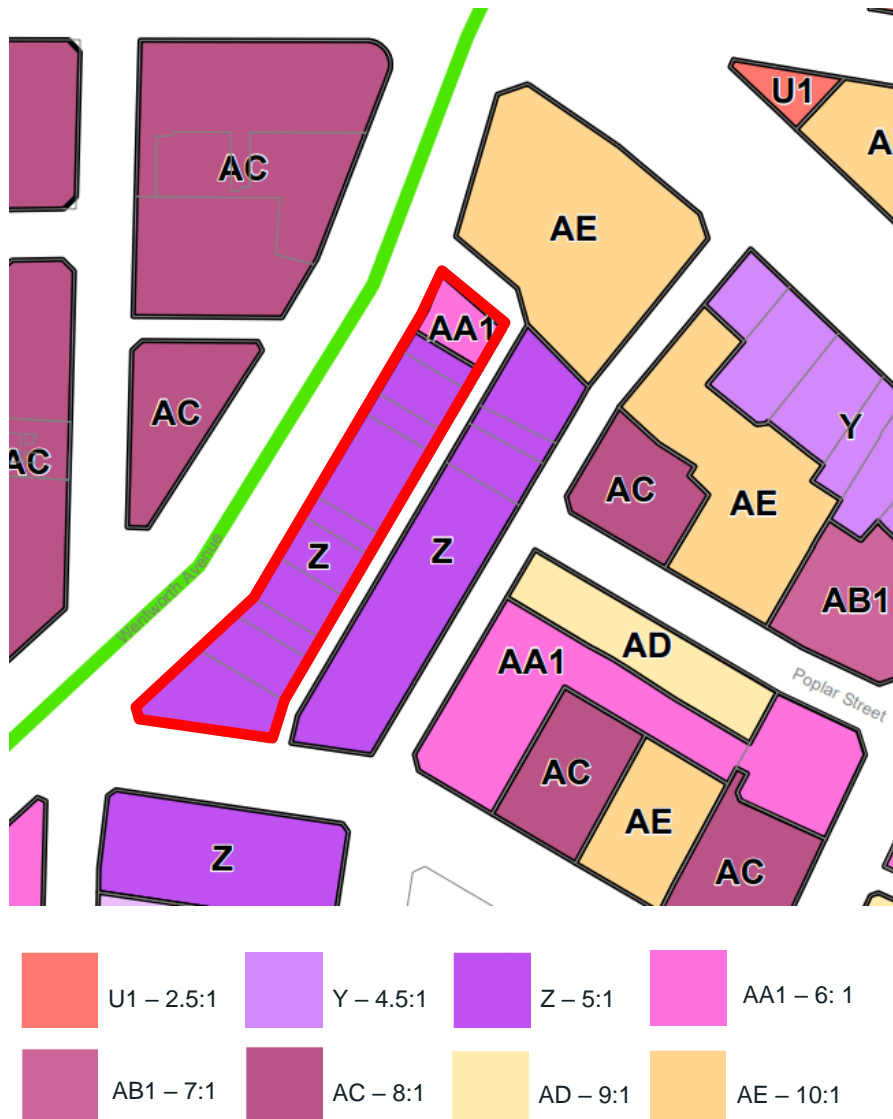
## 2.3. Floor Space Ratio

Maximum floor space ratio controls are shown in the Floor Space Ratio Maps referred to in clause 4.4 of the LEP. The site has a maximum floor space ratio control of 6:1 at 4-6 Wentworth Avenue, and 5:1 at 8-44 Wentworth Avenue.



This Planning Proposal is to amend the FSR for hotel or motel accommodation use only at 4-22 Wentworth Avenue through a site specific clause in the LEP. An extract of the relevant Floor Space Ratio Map from the LEP is shown in Figure 20.

**Figure 20: Extract from Sydney LEP 2012 Floor Space Ratio Map**



## 2.4. Heritage

Most buildings in the street block belong to a local group heritage item under the LEP known as ‘former warehouse group including interiors’ (I2271) at 4-34 Wentworth Avenue, Surry Hills.

The southernmost site in the street block, at 40-44 Wentworth Avenue, is an individually listed local heritage item known as ‘Macquarie Hotel including interior’ (I1647). The curtilage of the heritage listing includes No’s 42-44, but does not extend to no. 40, Wentworth Avenue.

Three heritage listed items are located nearby including a ‘former warehouse (142-148 Goulburn Street) including interior’ (I1455) to the east of the site, ‘former warehouse facades “Mark Foy’s”’ at 133 Goulburn Street (I1554) to the south of the site and “Griffith’s Building” including interior’ at 46-52 Wentworth Avenue (I1648) to the south-east of the site.

The subject site is not within a Heritage Conservation Area. An extract of the relevant Heritage Map from the LEP is shown in Figure 21.

Figure 21: Extract from Sydney LEP 2012 Heritage Map



## 2.5. Planning proposal request

In October 2013, Pongrass Properties Pty Ltd, the landowner of the subject site, approached the City to initiate discussions to change the planning controls on site to facilitate a hotel development.

The City has worked extensively with the landowner and their consultant team to explore potential built form outcomes.

In July 2018, the landowner submitted a Planning Proposal request to the City of Sydney. The request included a Planning Justification Report, and an Urban Design Report shown at Appendix A1. The City has prepared this Planning Proposal following consideration of the request.

The request sought to amend the Sydney LEP 2012 to increase the maximum building height control from the current 18 metres and 22 metres to a height of RL 100.57, or around 70m, and to increase the maximum floor space ratio to 6.3:1 for the site for the purpose of hotel or motel accommodation only.

The City prepared this Planning Proposal following detailed review and assessment of the proponent's proposed development concept. Through collaboration between the City and the proponent, the proposed changes to the height and FSR standards have been revised in response to overshadowing and heritage concerns.

The Planning Proposal seeks to increase the maximum building height control to RL 92.59 and to increase the maximum FSR to 5.7:1 across the site for hotel or motel accommodation only.

It is noted that Clause 6.21 of Sydney LEP 2012 specifies that an additional 10 per cent height or FSR (not both) may be awarded where design excellence is demonstrated through a competitive design process.

The proposed controls facilitate a 7,500sqm gross floor area hotel development with ancillary food and drink premises at the ground floor and end of trip facilities in the basement.

An amendment to Sydney DCP 2012, to be exhibited concurrently with this Planning Proposal, contains more detailed site-specific planning provisions.

The Planning Proposal and draft DCP addresses the issues arising from the assessment of the proponent's Planning Proposal request.

## 2.6. Resolution of Council

In August 2019, consideration of the previous iteration of the subject planning proposal was deferred by Council, to enable the preparation of an amended planning proposal and draft development control plan to take into account the whole street block length for 4 to 44 Wentworth Avenue.

An urban design analysis of the street block has been conducted and the planning proposal amended accordingly.

# 3. Objectives and intended outcomes

## 4-22 Wentworth Avenue, Surry Hills

The Planning Proposal is to incentivise the redevelopment of 4-22 Wentworth Avenue, Surry Hills, for hotel or motel accommodation development that:

- contributes to and enhances Sydney's diverse hotel accommodation market that caters to changing visitor demand, consistent with the City's Visitor Accommodation Action Plan (2015) and the Eastern City District Plan's tourism and industry objectives.

## 24-44 Wentworth Avenue, Surry Hills

The Planning Proposal is to incentivise the redevelopment of 24-44 Wentworth Avenue, Surry Hills, for strategic land uses including commercial premises, health services facilities, educational establishments, hotel accommodation, entertainment premises, light industry and information and education facilities development that:

- contributes to the diversity of uses in, provides a mixture of compatible land uses and supports the viability of centres in the City fringe area, consistent with zoning objectives and the Eastern City District Plan's objectives related to strengthening the competitiveness of the harbour CBD, providing health and education services, and growing investment, business opportunities and jobs.

## Whole street block

The Planning Proposal is to incentivise the redevelopment of 4-44 Wentworth Avenue, Surry Hills, for development described above that:

- is in an area with good access to public transport, the Sydney CBD and its attractions and its nearby villages
- achieves design excellence and improves the site's amenity and contribution to the surrounding area
- is sympathetic to the surrounding built form context, including height and bulk and scale, resulting in a building that is compatible with both the group heritage item and individual heritage item on site whilst limiting impacts on surrounding development
- activates and revitalises the street block through a holistic approach
- appropriately conserves and enhances the significance of the heritage fabric on site, and
- preserves adequate solar access to existing neighbouring properties.



## 4. Explanation of provisions

### 4-22 Wentworth Avenue, Surry Hills

To achieve the intended outcomes this Planning Proposal seeks to amend Sydney Local Environmental Plan 2012 as follows:

- Introduce a new clause under Division 5 Site Specific Provisions to enable additional height, above that shown in the Height of Buildings Map, and floor space greater than shown in the Floor Space Ratio Map, if the entire site is developed for ‘hotel or motel accommodation’ use, with ancillary uses at ground floor.
- Enable Council to award a design excellence bonus for additional floor space only, excluding additional height, based on the FSR contained in this clause instead of the mapped FSR.
- Amend clause 4.6(8) so that the maximum building height for the site cannot be varied beyond that considered in this planning proposal.
- Amend Division 5 Site Specific Provisions to include a site-specific clause specifying that a building demonstrating design excellence on the site may be awarded an increase to the maximum floor space ratio under clause 6.21 but not an increase to the maximum building height beyond that considered under this Planning Proposal.

The site-specific provisions establish the maximum height and base floor space ratio to achieve intended outcomes. This clause is intended to allow for additional floor space awarded through a competitive design process to be accommodated within the specified maximum height and building envelope established in the accompanying site-specific DCP. The amendments do not permit further increases to the development standards through clause 4.6 or conversion of a building using these standards to residential accommodation or serviced apartments.

### 24-44 Wentworth Avenue, Surry Hills

To achieve the intended outcomes this Planning Proposal seeks to amend Sydney Local Environmental Plan 2012 as follows:

- Introduce a new clause under Division 5 Site Specific Provisions to enable additional height up to:
  - RL 50 at 24, 26-28, 30-32, 34 and 36-38 Wentworth Avenue and
  - RL 44.26 at 40 Wentworth Avenue (but not 42-44 Wentworth Avenue, which are part of the same site);if the sites are developed for commercial premises, health services facilities, educational establishments, hotel accommodation, entertainment premises, light industry and information and education facilities.
- Amend clause 4.6(8) so that the maximum building height for the site cannot be varied beyond that considered in this planning proposal.

The site-specific provisions establish the maximum height to achieve intended outcomes. This clause is intended to allow for additional maximum height to be accommodated within the building envelope established in the accompanying site-specific DCP. The amendments do not permit further increases to the building height through clause 4.6 or conversion of buildings using these standards to residential accommodation or serviced apartments.

## 5. Justification

This section is structured as follows:

- 5.1 – Description of the proposed development concept
- 5.2 – Proposed changes to, benefits of and managing impacts of increasing building height and floor space ratio controls
- 5.3 – Draft development control plan
- 5.4 – Need for the planning proposal
- 5.5 – Relationship to strategic planning framework
- 5.6 – Environmental, social and economic impact
- 5.7 – State and Commonwealth interests

### 5.1. Description of the proposed development concept

#### **4-22 Wentworth Avenue, Surry Hills**

The City's vision for the development of 4-22 Wentworth Avenue is based on an assessment of the proponent's concept, which the City has amended to address issues and achieve improved outcomes.

The Planning Proposal will facilitate a hotel development to be constructed above existing heritage listed buildings on site whilst enabling the structures to be retained and conserved. New building heights will range from 20m to around 62 metres (RL 92.59).

The proposed development concept consists of two main elements: an 8 to 10 storey addition above 4-6 Wentworth Avenue, which partially extends over 8 and 10-12 Wentworth Avenue; and a two storey addition above 8, 10-12, 14 and 16-22 Wentworth Avenue.

The maximum building envelope for the subject proposal has been determined by overshadowing requirements. Due to solar access constraints, the taller portion of the envelope is angular in shape, with a setback of between 2.7m and 7m immediately above the 7 storey building at 4-6 Wentworth Avenue. The southern wing of the envelope is well set back from the Wentworth Avenue boundary, transitioning out from 2m to 7m above number 4-6, then to 14.6m, north to south. See Figures below. The maximum height of the envelope, at around 62m, represents an increase to the height control at 4-6 Wentworth Avenue of 40m. The roof plane of the tower also slopes from north-west to south-east, based on the angle of the sun on 21 June (winter solstice).

The maximum building envelope features a simple cantilevered form at upper levels, as shown in Figures below. The cantilevered section of the tower features a setback along Wentworth Avenue which begins at 1m immediately above the northernmost corner and increases to 10m north to south from the front elevation of the existing buildings. Achieving the cantilever form is subject to the future detailed design of the building responding appropriately to the heritage listed warehouse buildings below, and exhibiting design excellence. Additional FSR (up to 10%) is required to be awarded to achieve the projecting upper form.

Figure 22: Setbacks plan

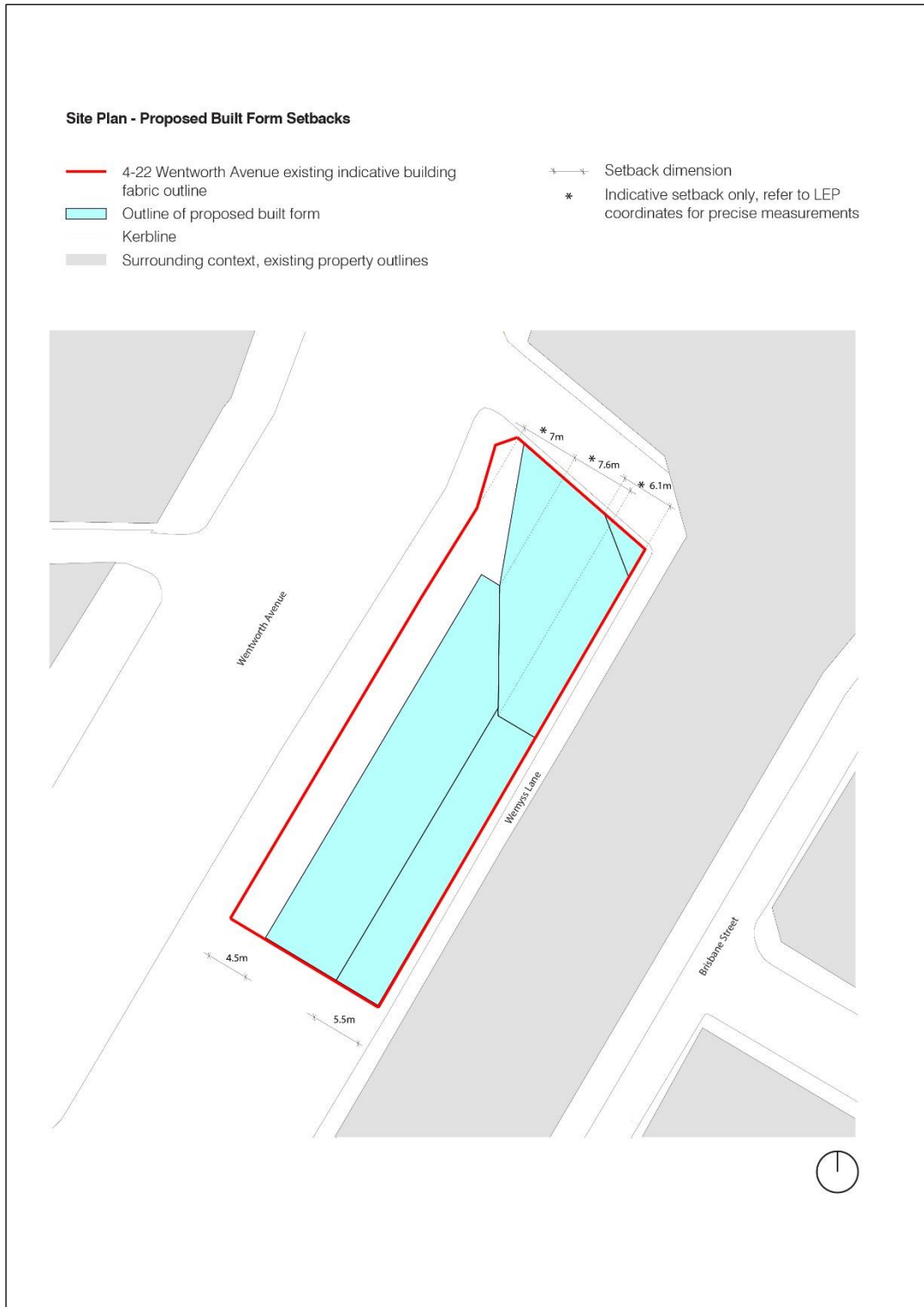


Figure 23: Reduced setbacks plan – subject to design excellence

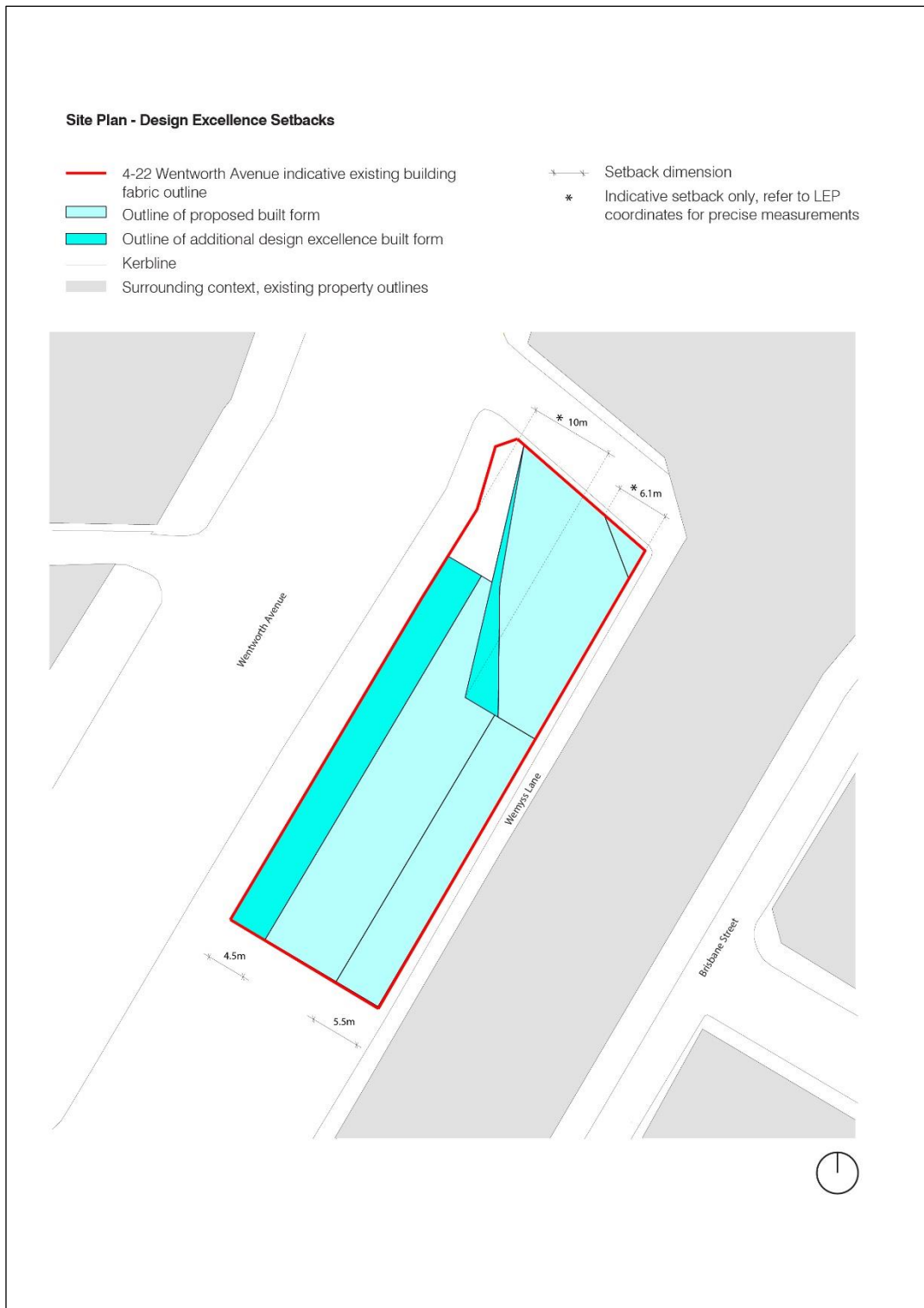




Figure 24: Proposed planning envelope – without design excellence (looking north-east)

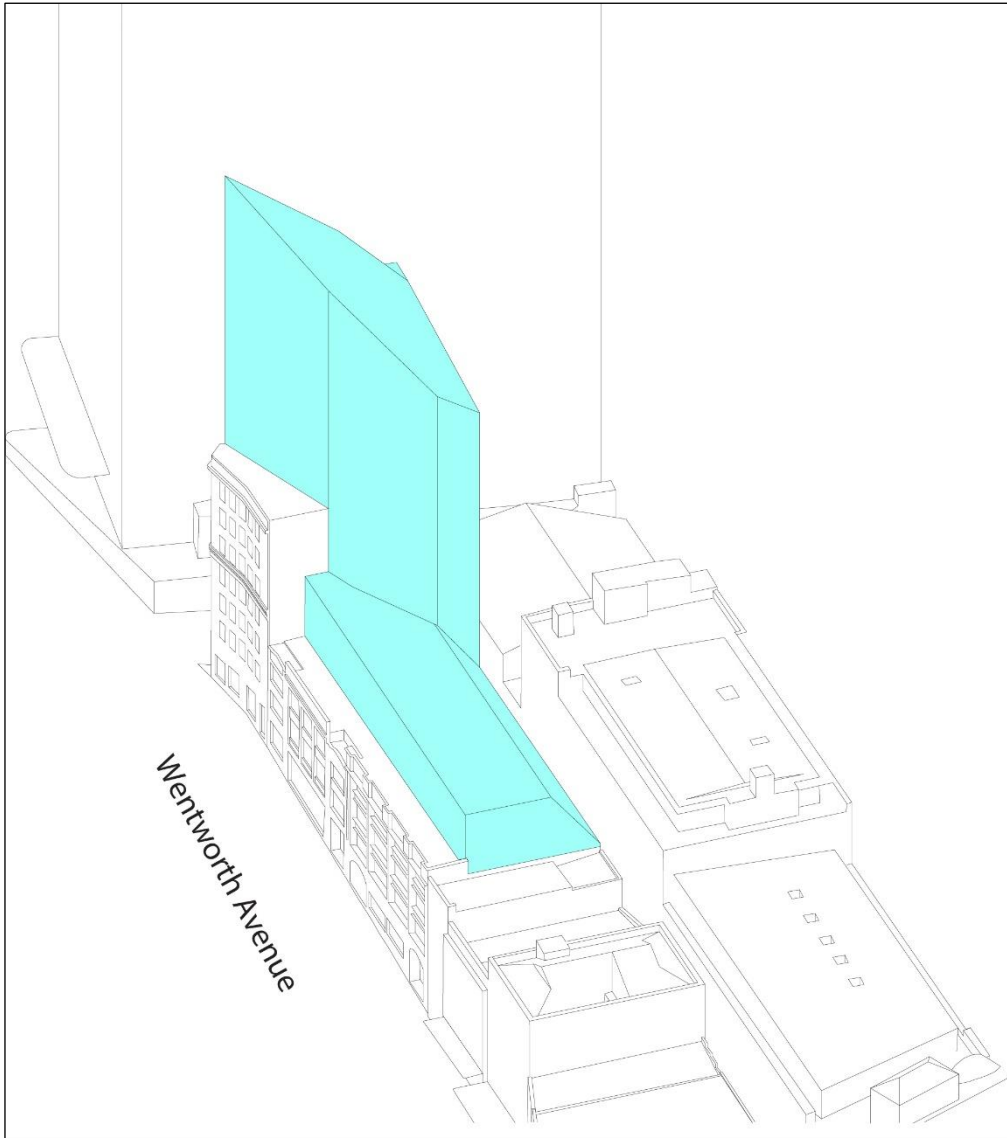
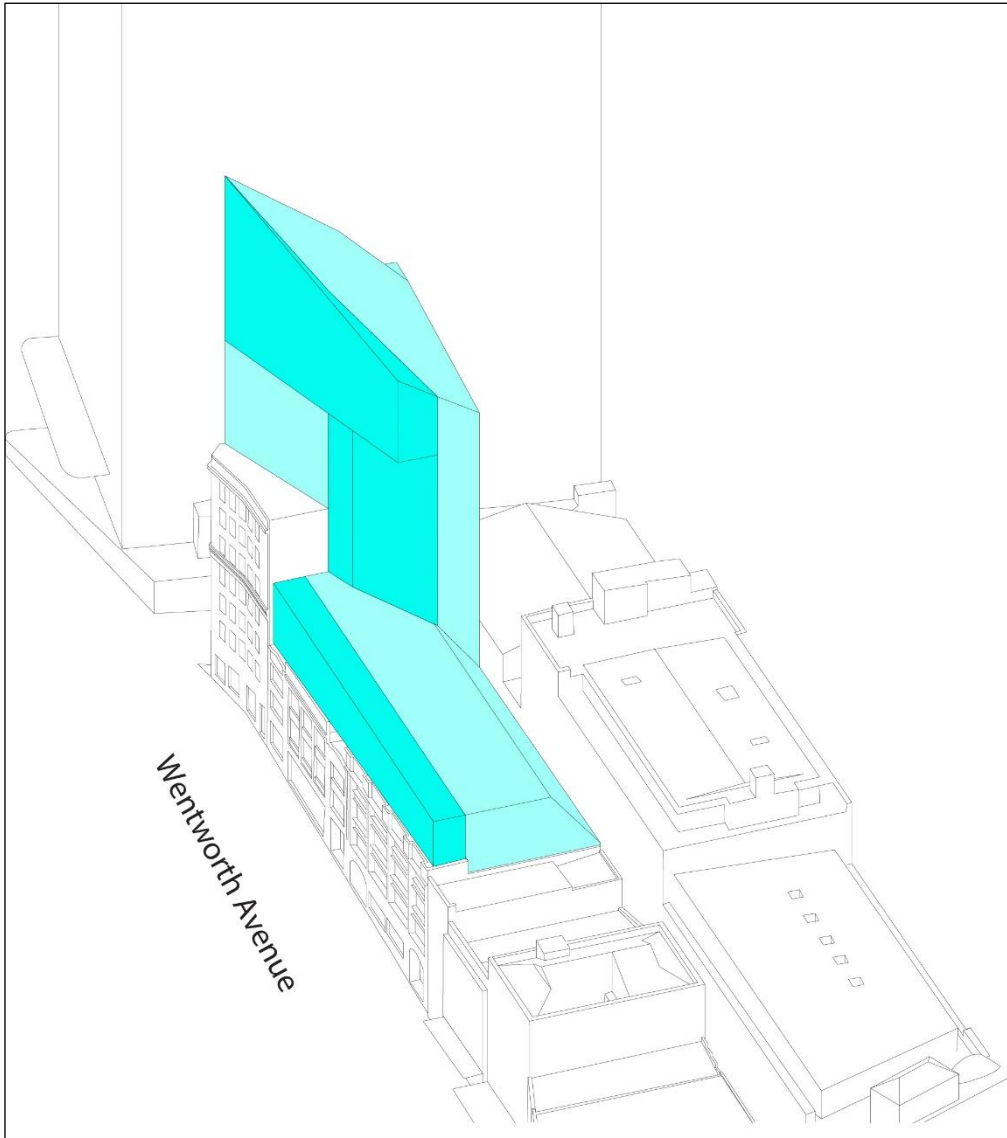
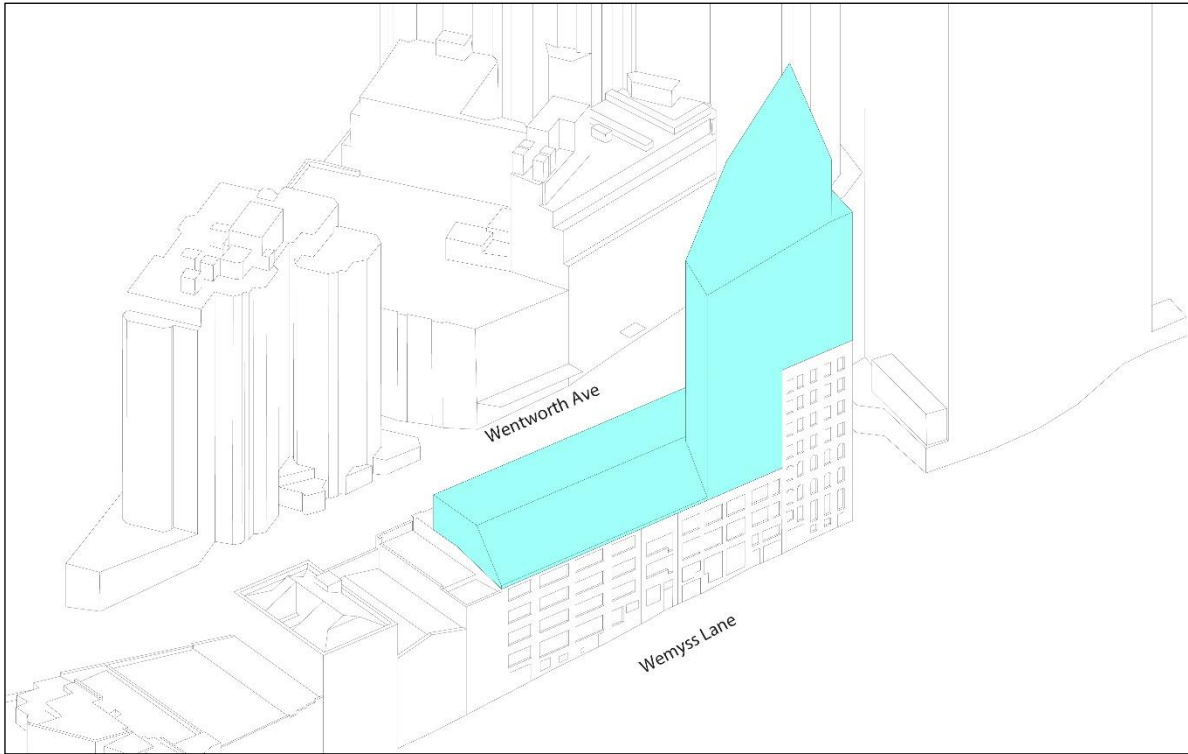


Figure 25: Proposed maximum planning envelope – with design excellence (looking north-east)



**Figure 26: Proposed planning envelope – without design excellence (looking north-west)**



**Figure 27: Proposed maximum planning envelope – with design excellence (looking north-west)**

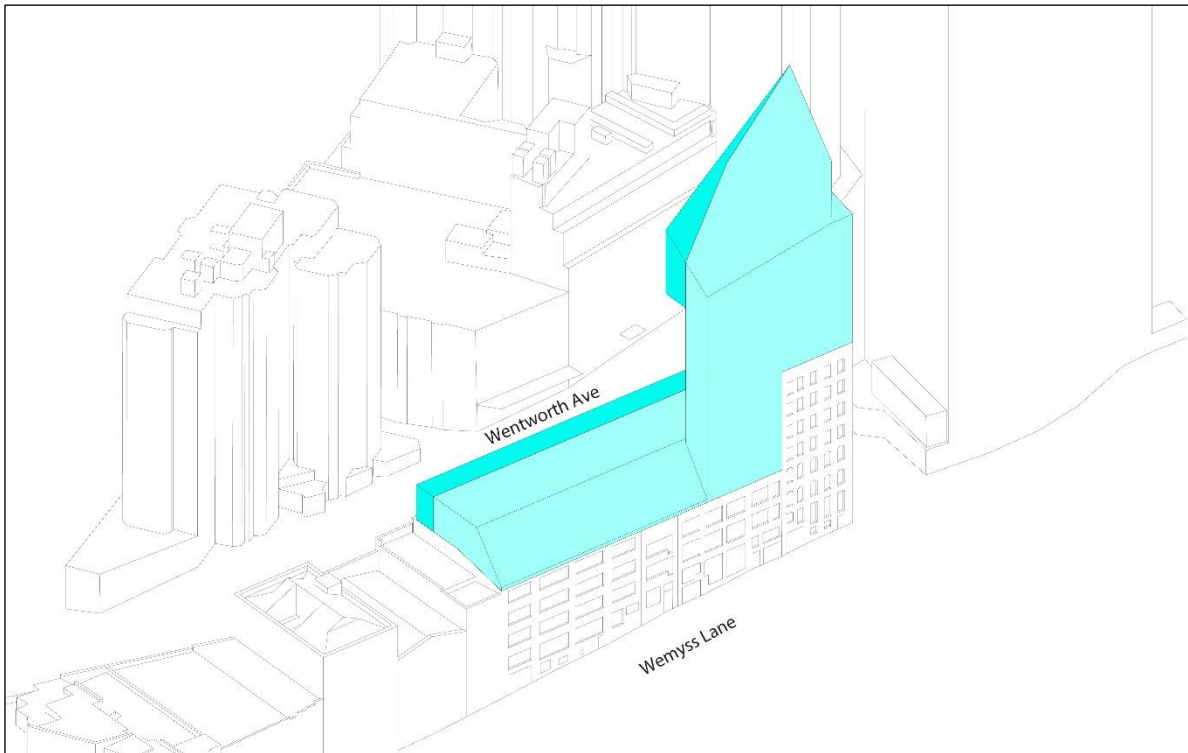




Figure 28: Proposed maximum planning envelope – with design excellence (view east)

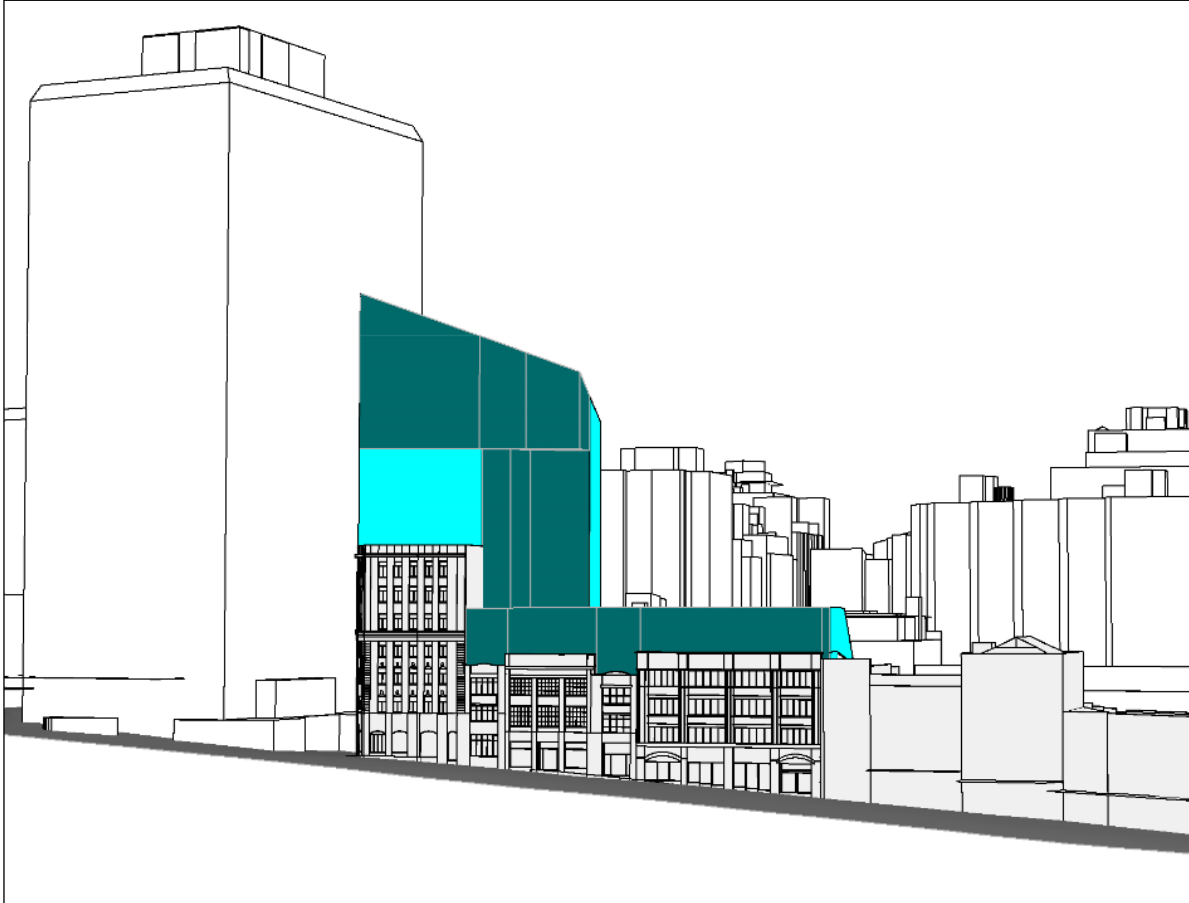


Figure 29: Proposed maximum planning envelope – with design excellence (view north)

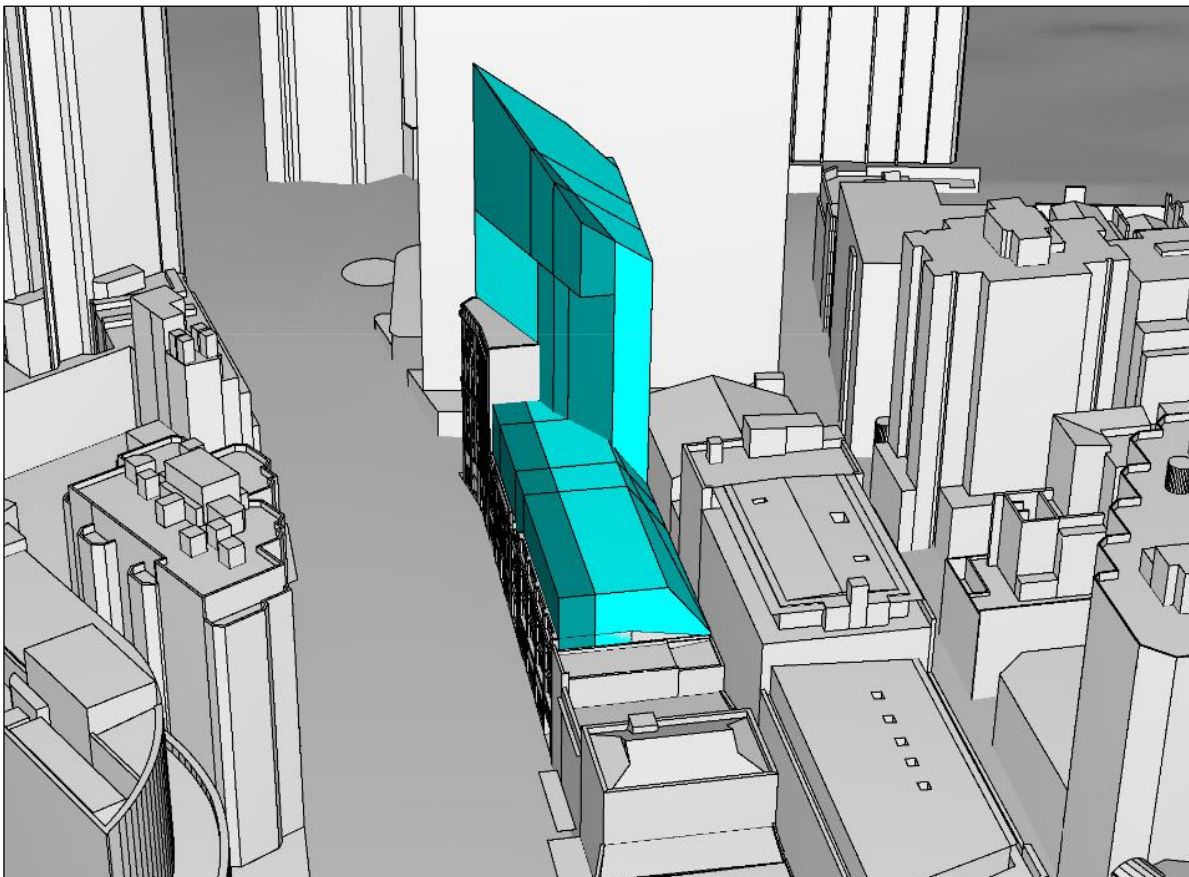


Figure 30: Proposed maximum planning envelope – with design excellence (view north-west)

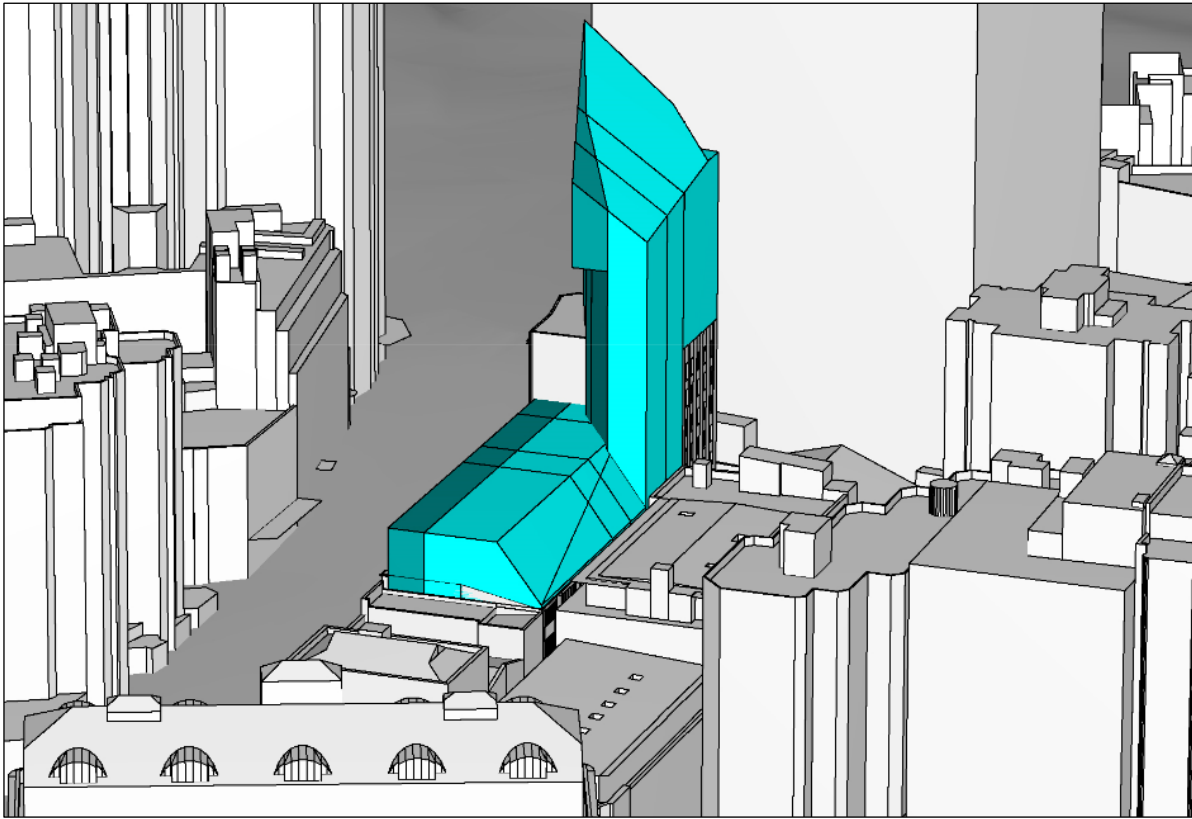
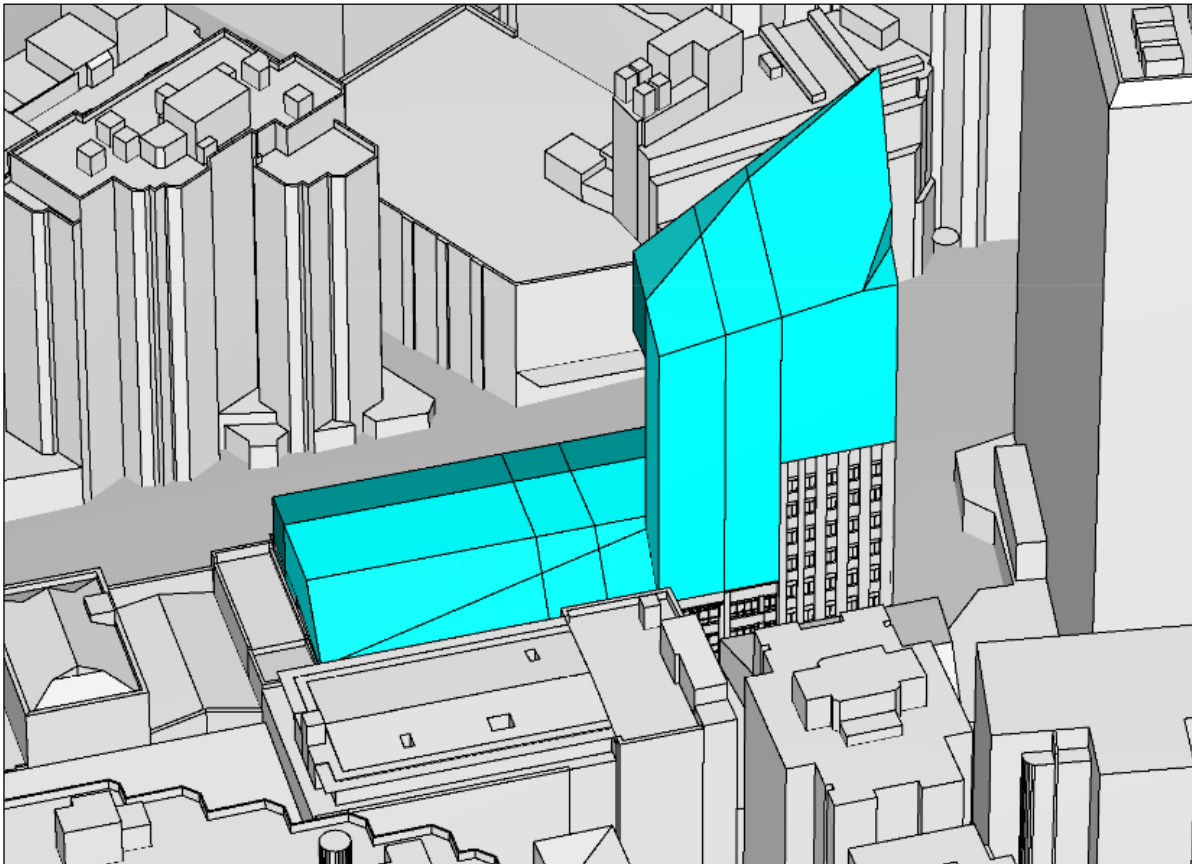
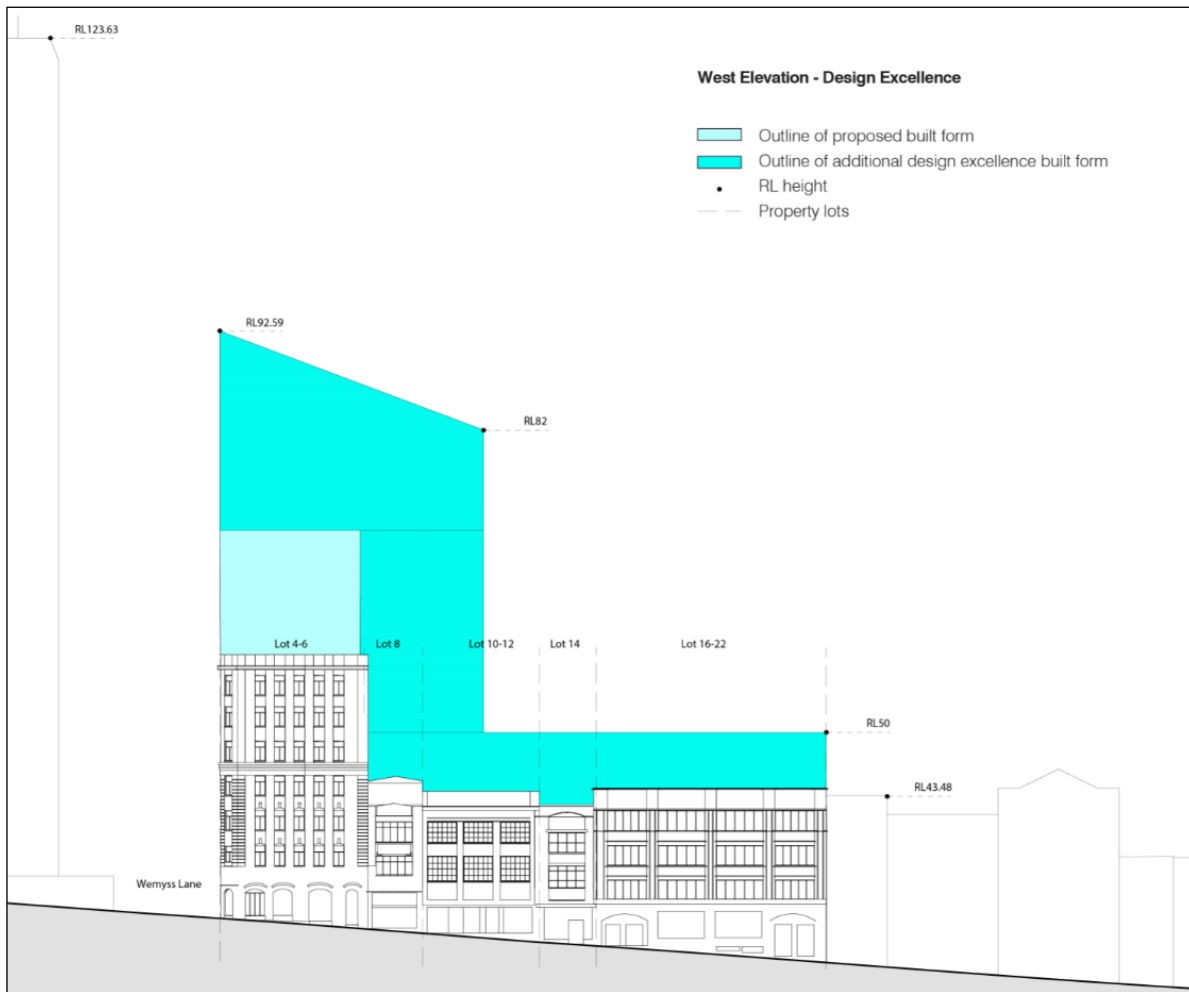


Figure 31: Proposed maximum planning envelope – with design excellence (view west)



**Figure 32: Street wall heights with design excellence**



Clause 6.21(7) of the LEP permits developments that exhibit design excellence to be awarded an additional height or FSR bonus of up to 10%. The planning envelope for 4-22 Wentworth Avenue has been carefully considered and revised to ensure acceptable solar access impacts to nearby residential development. Additional height beyond that in this planning proposal to either the tower or podium will result in adverse overshadowing impacts to surrounding apartment buildings. As such, a clause has been inserted to the site specific provisions prohibiting additional height beyond that detailed in this planning proposal.

The FSR has been increased marginally across the site to a maximum of 5.7:1, to accommodate this expanded hotel use. The site is eligible for up to an additional 10% FSR, should a development proposal exhibit design excellence. This would take the site's FSR to a maximum of 6.3:1.

Ancillary uses operating as part of the hotel will be located on the ground floor of the development. Indicative uses include a coffee shop and restaurant.

### **24-44 Wentworth Avenue, Surry Hills**

The City's vision for the development of 24-44 Wentworth Avenue is based on an urban design analysis carried out by the City to ensure a holistic and equitable outcome for the street block.

The Planning Proposal will facilitate around 1,600sqm of additional commercial development above 24-44 Wentworth Avenue through changes to the maximum building height. The sites in the southern half of the street block include heritage listed warehouse buildings at 24-34 Wentworth Avenue (which belong to the same group listing as no's 4-22 Wentworth Avenue) and a partial individual heritage listing at 40-44 Wentworth Avenue.



The increased maximum building height across the southern half of the street block will allow for additional commercial floor space that is largely in line with existing FSR permissible on site to be achieved, whilst enabling the structures to be retained and conserved.

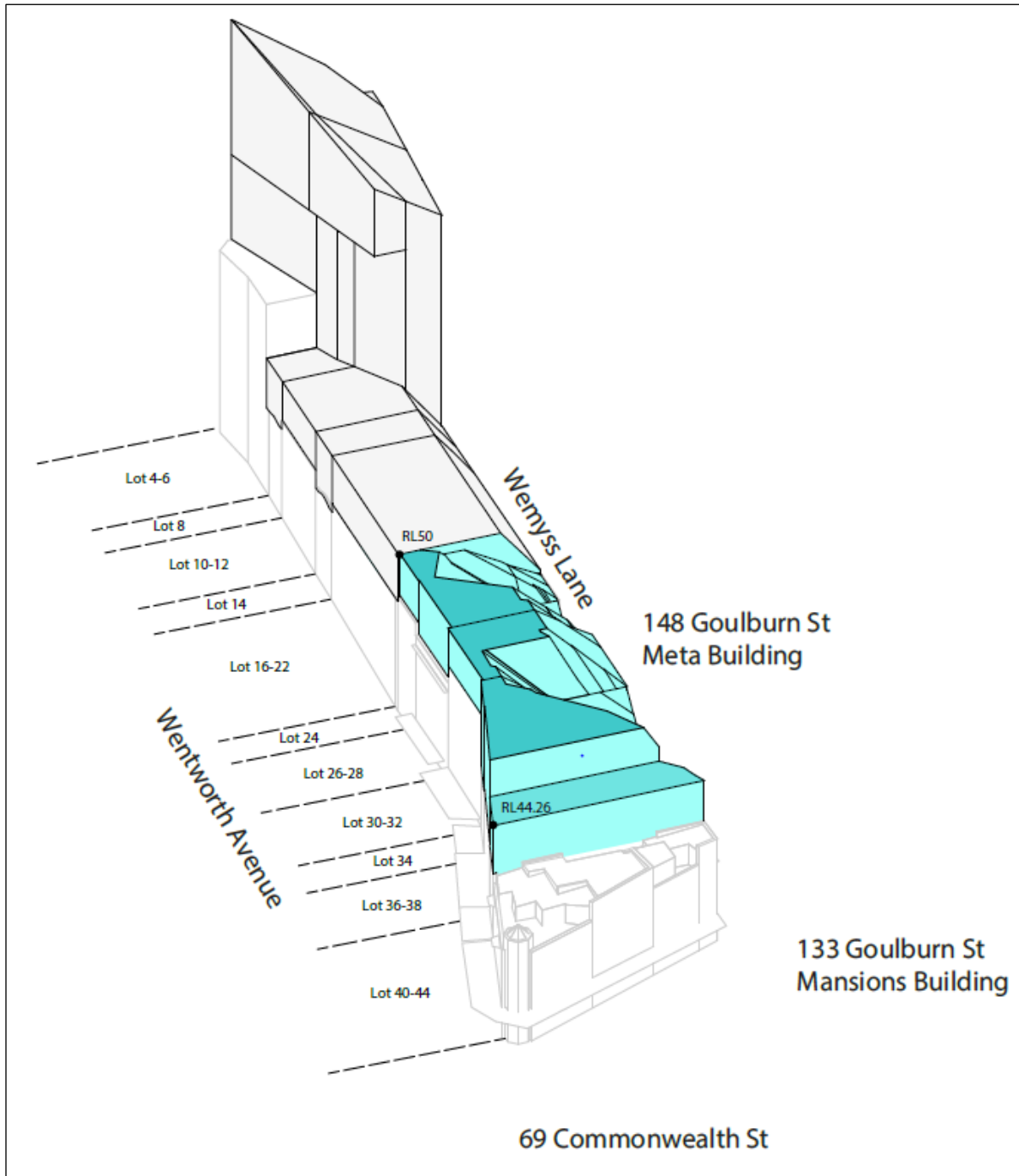
The maximum height of the envelope varies between 26.5m and 21.5m due to the slope of the site. This represents an increase to the height control at 24-44 Wentworth Avenue of between 3.5m and 8.5m. The maximum building height has been determined by overshadowing requirements. The rear portion the maximum building envelope for each site has been sculpted due to solar access constraints. The roof plane of the additions slopes from west to east based on the angle of the sun on 21 June (winter solstice). This results in a chamfered rear to 24-40 Wentworth Avenue, with 24 Wentworth Avenue being most affected, as shown in the figures below.

No setback to Wentworth Avenue is proposed for sites in the southern half of the street block, as a setback would inhibit development above the sites as envisioned by this planning proposal. A zero setback also provides consistency with changes proposed to 4-22 Wentworth Avenue, and allows flexibility in responding to heritage items within the southern half of the street block.

Figure 33: Site plan for 24-44 Wentworth Avenue

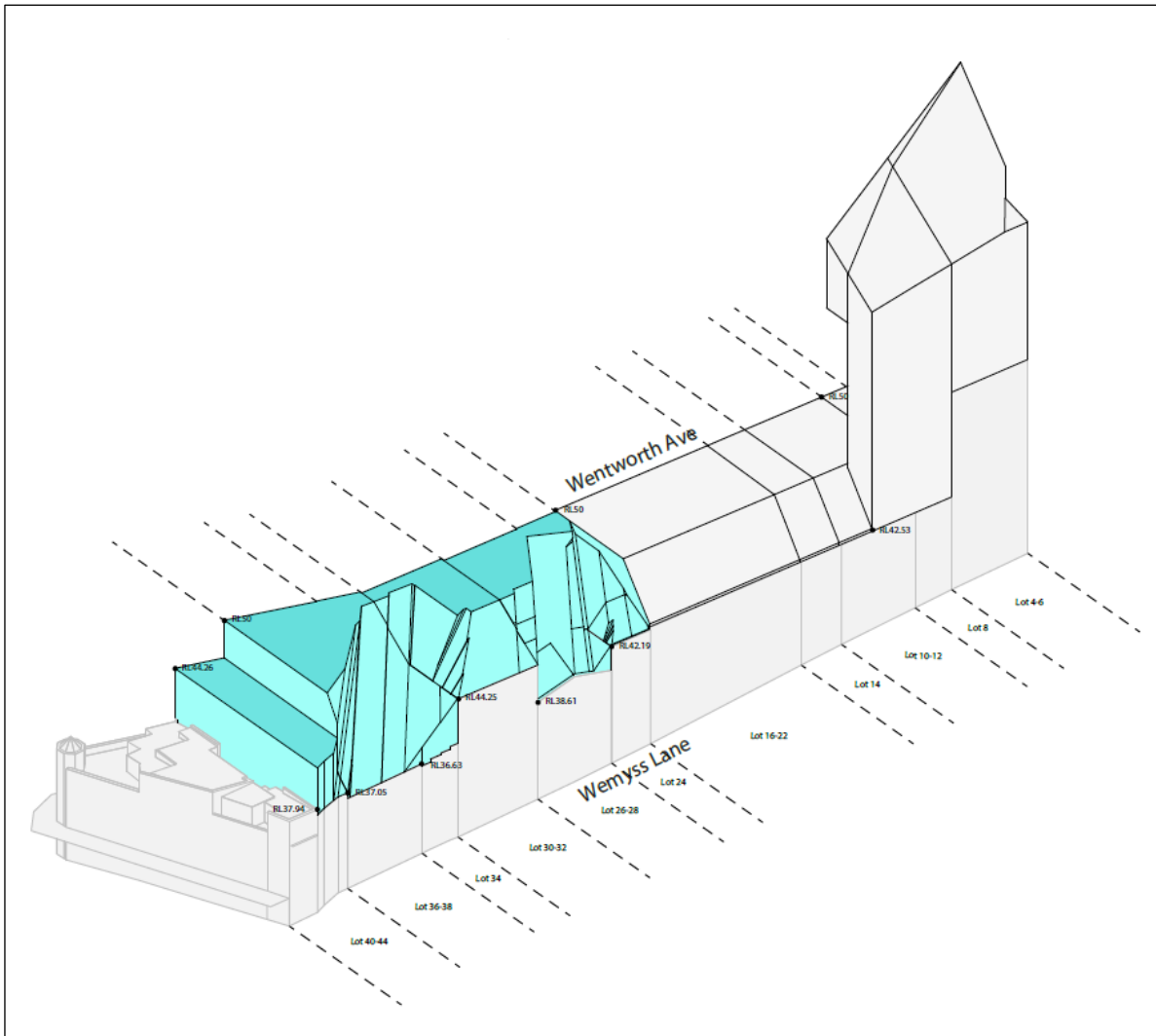


Figure 34: Maximum planning envelope – 24-44 Wentworth Avenue, view north





**Figure 35: Maximum planning envelope for 24-44 Wentworth Avenue, view west**



The planning envelope for 24-44 Wentworth Avenue has been carefully considered to ensure acceptable solar access impacts to nearby residential development. Additional height beyond that in this planning proposal to additions above the southern half of the street block will result in adverse overshadowing impacts to surrounding apartment buildings. As such, a clause has been inserted to the site specific provisions prohibiting additional height beyond that detailed in this planning proposal.

## 5.2. Proposed changes to, benefits and management of increasing controls

This Planning Proposal is to provide alternate maximum building height and maximum floor space ratio (FSR) controls to encourage hotel or motel accommodation in an acceptable built form at 4-22 Wentworth Avenue, and to provide alternate maximum building height controls to encourage specific commercial uses in an acceptable built form at 24-44 Wentworth Avenue, Surry Hills.

### 4-22 Wentworth Avenue, Surry Hills

#### Hotel use

Sydney's tourism industry makes a significant contribution to the local and state economy. During the 2017/18 financial year over 6 million international and domestic overnight visitors

stayed in commercial accommodation located in the City of Sydney LGA. Analysis by the City of Sydney in 2013 found that a sustainable supply of visitor accommodation is needed to support projected tourism growth. The City's Sustainable Sydney 2030, Tourism Action Plan (2013) and Visitor Accommodation Action Plan (2015) aim to facilitate development of additional visitor accommodation. The Eastern City District Plan seeks to strengthen and grow a more competitive Harbour CBD through the growth of targeted industry sectors, including tourist and visitor accommodation. This planning proposal will provide for an expanded mid-range hotel use in a highly accessible and central location, contributing to the City's accommodation supply. The proposal to increase the maximum building height and FSR for hotel or motel accommodation use only will facilitate a new hotel development consistent with local and state strategic plans.

### Height and FSR changes

This Planning Proposal seeks to increase height and FSR controls to facilitate hotel or motel accommodation at 4-22 Wentworth Avenue, Surry Hills. Table 1 shows existing and proposed maximum building height controls across 4-22 Wentworth Avenue and the maximum height plane.

**Table 1: Existing and proposed maximum building height controls – 4-22 Wentworth Avenue**

| Location (refer Figure 36)         | Existing control | Proposed control |
|------------------------------------|------------------|------------------|
| <b>Lots 42 and 43, DP6534</b>      | 22m<br>7 storeys | RL 92.59         |
| <b>Lot 44, DP6534</b>              | 18m<br>3 storeys | RL 92.59         |
| <b>Lots 45 and 46, DP6534</b>      | 18m<br>3 storeys | RL 92.59         |
| <b>Lot 47, DP6534</b>              | 18m<br>3 storeys | RL 50.00         |
| <b>Lots 48, 49, 50, 51, DP6534</b> | 18m<br>4 storeys | RL 50.00         |

The existing maximum FSR controls are 6:1 at 4-6 Wentworth Avenue, and 5:1 at 8, 10-12, 14 and 16-22 Wentworth Avenue, Surry Hills. The proposal seeks to increase this to 5.7:1 across the site with up to 6.3:1 if design excellence is awarded.

The current height controls across 4-22 Wentworth Avenue cannot accommodate the current permissible FSR. The planning proposal enables the existing permitted FSR to be achieved with a marginal further increase to facilitate a strategic hotel use. Table 2 below details the existing GFA on site, as well as the proposed increase.

**Table 2: GFA change with and without design excellence**

| Site       | Area                | Control | GFA                   | Built GFA           | Built FSR | Prop. FSR | Prop. GFA w/o DE      | Prop GFA w/DE         |
|------------|---------------------|---------|-----------------------|---------------------|-----------|-----------|-----------------------|-----------------------|
| <b>4-6</b> | 272.6m <sup>2</sup> | 6:1     | 1,635.6m <sup>2</sup> | 1,719m <sup>2</sup> | 6:1       |           | 1,553.8m <sup>2</sup> | 1,717.4m <sup>2</sup> |

Planning Proposal – 4-44 Wentworth Avenue, Surry Hills

|              |                       |        |                       |                     |        |              |                       |                       |
|--------------|-----------------------|--------|-----------------------|---------------------|--------|--------------|-----------------------|-----------------------|
| <b>8</b>     | 115.1m <sup>2</sup>   | 5:1    | 575.5m <sup>2</sup>   | 404m <sup>2</sup>   | 3.5:1  |              | 656m <sup>2</sup>     | 725.1m <sup>2</sup>   |
| <b>10-12</b> | 238m <sup>2</sup>     | 5:1    | 1,190m <sup>2</sup>   | 730m <sup>2</sup>   | 3.06:1 | w/o<br>DE    | 1,356.6m <sup>2</sup> | 1,499.4m <sup>2</sup> |
| <b>14</b>    | 119.3m <sup>2</sup>   | 5:1    | 596.5m <sup>2</sup>   | 303m <sup>2</sup>   | 2.53:1 | 5.7:1        | 680m <sup>2</sup>     | 751.6m <sup>2</sup>   |
| <b>16-22</b> | 473.6m <sup>2</sup>   | 5:1    | 2,368m <sup>2</sup>   | 1,879m <sup>2</sup> | 3.96:1 | w/DE         | 2,699.5m <sup>2</sup> | 2,983.7m <sup>2</sup> |
| <b>Total</b> | 1,218.6m <sup>2</sup> | 5.22:1 | 6,365.6m <sup>2</sup> | 5,107m <sup>2</sup> | 4.2:1  | <b>6.3:1</b> | 6,946m <sup>2</sup>   | 7,677.2m <sup>2</sup> |

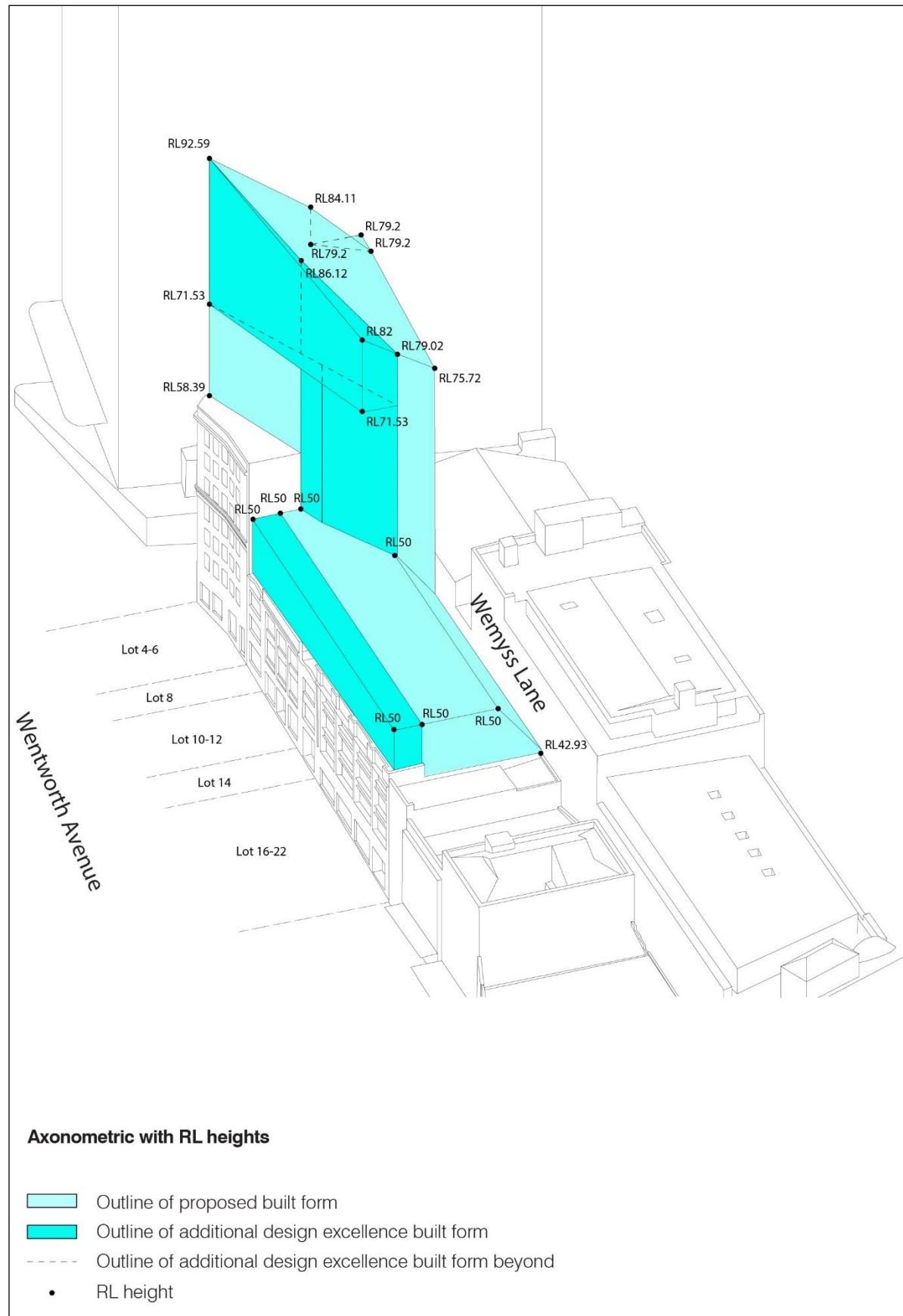
The Planning Proposal request submitted by the proponent sought an FSR increase of 6.3:1 across the site, with a maximum possible FSR of 7:1 subject to additional floor space being awarded through the design excellence process.

GFA has been calculated and the FSR increase adjusted over the course of the assessment process. Calculations based on the proponent's indicative scheme indicated a base FSR of 6:1 with a maximum possible FSR of 6.6:1 with design excellence.

These figures have been adjusted to ensure that the relationship between the FSR and the proposed maximum envelope is less restrictive, consistent with advice provided by the Design Advisory Panel. This will allow for room for external shading, particularly given the subject site's long west-facing facade, as well as improved opportunities for more nuanced architectural articulation and expression through the design competition.



Figure 36: Maximum building height and plane of proposed tower and podium



### Design excellence and competitive design process

This Planning Proposal to increase the maximum height limit to over 25m requires development of 4-22 Wentworth Avenue to be carried out through the City of Sydney's competitive design process. The site-specific DCP for this planning proposal includes design excellence strategy provisions which stipulate the competitive design process must involve no less than four architectural firms ranging from emerging, emerged and established, with demonstrated experience designing high quality heritage infill buildings. Achieving design excellence is incentivised through the potential for an additional 10% FSR. This will ensure redevelopment of the site will be undertaken via a robust competitive process, which will result in a high quality building and design excellence outcome.

### Heritage conservation

The site at 4-22 Wentworth Avenue consists of five buildings that are part of a group listing of nine former commercial warehouse buildings from 4 to 34 Wentworth Avenue. Providing for the conservation of the buildings, including any internal heritage significant fabric, is a priority for this planning proposal and site-specific DCP.

The five warehouse buildings are heritage listed as part of a group. They represent physical evidence of the local council's early twentieth century street planning, slum clearances and land resumptions for improving Sydney city, as well as the growth of industry in Surry Hills in the early twentieth century, however are less valuable individually.

The proposal retains the significance of the group of period buildings through conserving external fabric such as significant facade detailing and timber joinery and fenestration, providing a suitable adaptive reuse for the warehouses and enhancing interiors – particularly at the ground floor of 10-22 Wentworth Avenue, where original timber structures which have been covered up will be re-exposed.

As part of preparations for the subject planning proposal, investigative work has been carried out by the proponent and their heritage consultants, including a site visit which City of Sydney heritage and planning staff attended. The site visit found that the buildings had a moderate to high degree of interior and exterior heritage significance, but that some buildings and elements had been significantly modified – most notably at Number 8 where internal structures had been entirely replaced. The ground floor facades of all the buildings have been considerably altered, and upper levels of the warehouses generally feature commercial fitouts.

The planning proposal includes an eight to 10 storey tower addition above number 4-6, which partly extends south over numbers 8-12, and a two storey podium addition above the lower scale warehouses at 8-22 Wentworth Avenue. Upper level additions to heritage significant buildings in Central Sydney are not uncommon and design excellent outcomes can be achieved through appropriate setbacks, material choices, architectural articulation, design of new building elements and suitable adaptive uses. Additions above buildings with heritage significant fabric which demonstrate good outcomes include Legion House at 161-163 Castlereagh Street, Sydney, 50-58 Kensington Street, Chippendale and the tri-generation plant at Brewery Yard, Central Park.

To achieve the allowable floor space and encourage design excellence and new hotel accommodation, the buildings have been assessed for suitable opportunities for intervention, where fabric is of lower significance. Number 4-6, at the northernmost corner, has a historic pattern of additions. The building was originally built in 1918, with another three levels added in 1925, featuring a simpler design to the original construction. The internal floors have also been fire separated, and any original fabric cannot be exposed. The proposal seeks to conserve the primary internal layouts, dividing walls and stairs, with a 10 storey tower addition to be constructed above and supported by new concrete columns inserted within the existing structure. The tower is set back above the parapet to allow the legibility of the building and group to be retained.

Number 8 is a relatively simple warehouse building with lower significance, and is unlikely to have been heritage listed separately to the group. Its interiors have been heavily modified over time, with original floors having been replaced with concrete. The planning proposal presents an opportunity to undertake conservation works to the exterior, and to provide the building with an improved structure by replacing floor levels with new levels to match those at 4-6. Part of the proposed tower will be set back above number 8 by roughly 10m.

Number 10-12 is a largely intact building. Most changes have occurred at the ground floor, with new openings to the facade, and commercial fitouts to upper floors. Original timber beams and iron bark columns survive at the ground floor, with the structure concealed on upper levels. The planning proposal retains an appropriate setback to the two storey podium addition behind the prominent parapet, conserving the building's external significance. Provisions have been included in the DCP to ensure significant internal fabric is retained.

The ground floor facade of number 14 has been considerably altered, however internally, the building retains a number of original features. These include the load bearing external brick walls with blind arches, steel beams, timber joists and floors. The proposal seeks to retain the facade. Provisions have been included in the DCP to ensure significant internal fabric is retained.

Number 16-22 features a well-preserved facade, with less intervention than neighbouring warehouse buildings. Internally, the building retains original timber beams, columns, and connecting brackets, including timber floor boards on the first floor. The proposal seeks to conserve the existing facade, as well as the interior floor structure.

Provisions have been included in the DCP to ensure existing floors and floor levels are retained where possible, with particular regard to the lower scale warehouses at 10-22 Wentworth Avenue. Further heritage considerations include retaining the individuality and distinction of each building within the group heritage item, as well as impacts on neighbouring heritage listed warehouses to the site, which belong to the same listing as 4-22 Wentworth Avenue.

Upper level setbacks immediately above the 7 storey building at 4-6 Wentworth Avenue, the podium setback at 8-22 Wentworth Avenue and a street wall height control consistent with the height of the existing building facades will allow the heritage listed buildings to maintain their legibility and prominence in the streetscape.

A control allowing the podium addition setback to be reduced to zero has been inserted subject to the proposed building design achieving design excellence through a design competition. Whilst setbacks are often employed in the treatment of additions above heritage items, zero setbacks to heritage buildings can provide a contemporary design opportunity to reference the proportion, detailing and articulation of the existing fabric. A zero podium setback to Wentworth Avenue is appropriate where design excellence is achieved and acknowledges the fine grain of the streetscape and achieves a harmonious bulk and form relationship with the host building.

Conservation and restoration of the buildings' facades and significant interiors will enhance the significance of the group. The site-specific DCP includes extensive provisions to maintain and conserve the structural and architectural integrity of the heritage item and guide compatible new works above the buildings, and to their interiors. The DCP provisions clarify the intended outcomes of this planning proposal, giving direction for the detailed design to be resolved at subsequent stages through the design and development process.

With these measures in place, it is considered that the changes to the development standards will allow for a positive development outcome for the heritage item, including its interiors and setting.



### Built form

4-22 Wentworth Avenue is in a prominent corner location, occupying half a street block. The buildings on site are visible from the intersection of Wentworth Avenue and Liverpool Street. The key urban design issue is the visual impact of the bulk and scale of the increased height, and the southern side wall presentation to surrounding streetscapes.

The majority of the additional bulk and scale envisioned as part of this planning proposal is located at the northern end of the site, above 4-6 and 8 Wentworth Avenue, where a 90m, 24-storey building is situated immediately to the north across Wemyss Lane.

The proposed tower has a maximum height of around 62m. This has been generated through the creation of a solar access plane to ensure the proposal is capable of complying with overshadowing requirements for neighbouring residential apartments. Any building proposed will be required to be accommodated within the proposed building envelope.

The proposed building envelope steps down across the sloping site and provides an appropriate response to the existing surrounding mid-scale buildings of three to four storeys to the east and south of the site. The podium addition of two storeys, with its minimum setback of 4.5m will maintain the legibility and prominence of the lower-scale heritage warehouses at 8-22 Wentworth Avenue, and ensures the buildings adjacent to the south are not dominated by the addition, or detracted from.

A clause has been inserted into the design excellence strategy for 4-22 Wentworth Avenue which permits the setback of the podium addition to be reduced to zero, subject to development exhibiting design excellence. This requires the rooftop podium addition to be designed to be minimal, lightweight and recessive. In this regard, it is noted that the subject site is located on a narrow and constrained block, with a depth of approximately 20m. At around 30m, Wentworth Avenue is one of the CBD's wider streets. The considerable width of Wentworth Avenue, paired with the shallow depth of the site generally preclude development above the parapet line from being completely invisible when viewed from the public domain.

The proposal responds to the heights of buildings in the area which being on the edge of Central Sydney is a mix of very tall towers and medium rise buildings. The tallest part of the proposal is up to 17 storeys which is consistent with other buildings nearby including 1 Oxford Street (24 storeys), 185 Liverpool Street (31 storeys), 2-4 Poplar Street (15 storeys), 156-160 Goulburn Street (13 storeys), 17-25 Wentworth Avenue (15 storeys) and 27-33 Wentworth Avenue (17 storeys). The proposal transitions from the neighbouring building at 1 Oxford Street down to the rooftop podium addition above 8-22 Wentworth Avenue, where the maximum height will be around 23m or 6 storeys. The envelope steps down across the site and provides an appropriate response to the existing surrounding mid-scale buildings to the east and south of the site.

As existing development in the surrounding area is densely developed, the subject building envelope has been carefully considered to ensure acceptable solar access impacts to nearby residential development. Additional height beyond that proposed in the City's concept plan, to either the tower or podium component of the proposal, will result in adverse overshadowing impacts to surrounding apartment buildings. Therefore, a clause has been inserted to the site specific provisions prohibiting additional height beyond that detailed in this planning proposal.

The Draft DCP that accompanies this planning proposal includes site-specific provisions relating to the building envelope, setbacks, heritage conservation and the design excellence process which will guide the detailed design of the proposal at later stages.

### Solar access and overshadowing

4-22 Wentworth Avenue is located in a densely developed pocket of the city fringe, with several residential apartment buildings and mixed use developments in its vicinity.

The submitted shadow diagrams show that the proposed building envelope will cause minor additional overshadowing to two residential apartment buildings located to the east of the site. The proposal has been extensively reviewed and revised considerably to ensure the additional overshadowing complies with the criteria of the Apartment Design Guide.

The solar access requirements of the NSW Department of Planning and Environment's

'Apartment Design Guide' (ADG) have been used as the benchmark for maintaining adequate levels of solar access to surrounding residential properties. Although it is less onerous than the current DCP controls, the ADG is considered appropriate for the site and the precinct given the context within a dense and highly urbanised precinct, that residential units in the area have generally not been built to current overshadowing requirements, the site is adjacent to Central Sydney, there is a need to prioritise strategically productive land uses in this precinct and changes in height are needed to unlock the existing permitted floor space. Key solar access requirements of the ADG are summarised below:

- Objective 4A-1 requires that at least 70% of apartments in a building receive at least 2 hours of direct sunlight between 9am and 3pm at mid-winter in the Sydney metropolitan area. This is counted as 1sqm of direct sunlight, measured at 1m above floor level, for at least 15 minutes.
- Objective 3B-2 requires that if an adjoining property does not currently receive the required hours of access, the new development must ensure solar access to neighbouring properties is not reduced by more than 20% (in terms of length of time).

In comparison, Clause 4.1.3.1(2) of the Sydney DCP 2012 specifies that new development must not create any additional overshadowing to the private open space and living rooms of residential development where solar access is less than two hours between 9am and 3pm on 21 June.

The proposed building envelope ensures acceptable solar access to neighbouring properties based on the requirements of the ADG. See maximum building envelope at Figure 33.

Two nearby residential apartment buildings are affected by the subject planning proposal: the Belvedere apartments (156-160 Goulburn Street) and the Meta apartments (148 Goulburn Street). Solar access impacts of the proposed maximum building envelope to the western elevation of both buildings are shown in section 5 of Lippman Partnership's urban design report, at Appendix A1. The modelling indicates that for both buildings, less than 70% of apartments currently receive at least 2 hours of direct sunlight between 9am and 3pm at mid-winter. Therefore, objective 3B-2 of the ADG, which requires the proposed development to ensure that where a neighbouring property does not currently receive the required hours of solar access, its solar access is not reduced by more than 20%, applies to the subject proposal.

The submitted diagrams indicate five apartments at the Belvedere will lose between 1 minute and 7 minutes of sunlight to habitable spaces at mid-winter, and that seven apartments at Meta will lose between 3 minutes and 9 minutes. These figures represent between 2% and 19% of the total duration of sunlight received. See Figure 30 and Table 3 for Meta, and Figure 31 and Table 4 for the Belvedere.

The remaining apartments in both buildings either receive less than 15 minutes of sun (classified as 'no direct sun' under the ADG), between 15 minutes and 2 hours and are unaffected by this proposal, or over 2 hours.

Figure 37: Western elevation of Meta and affected apartments

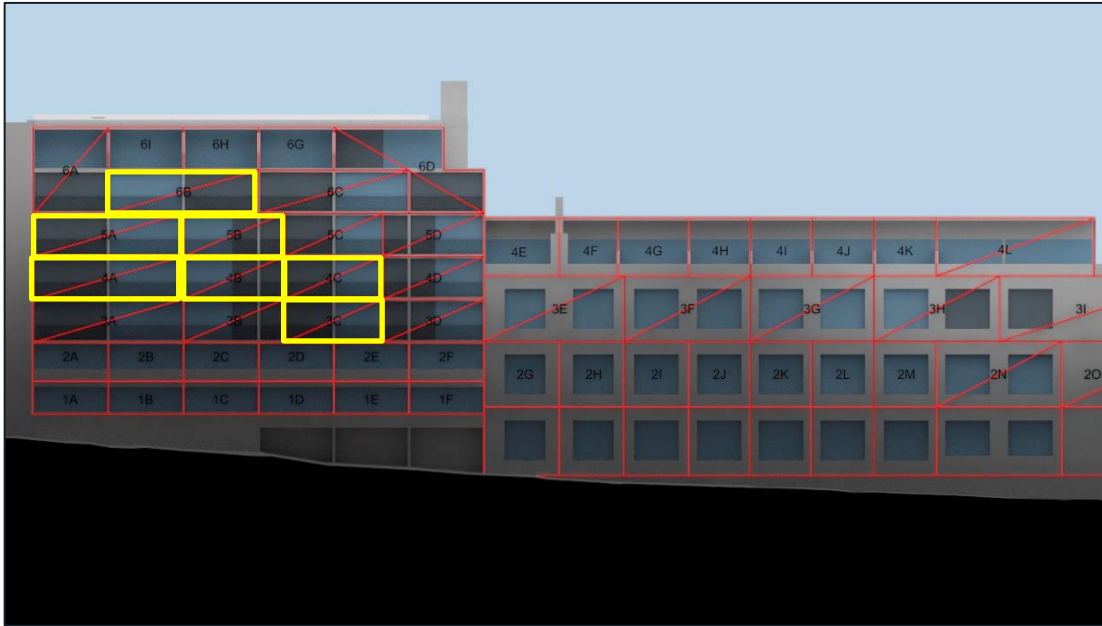
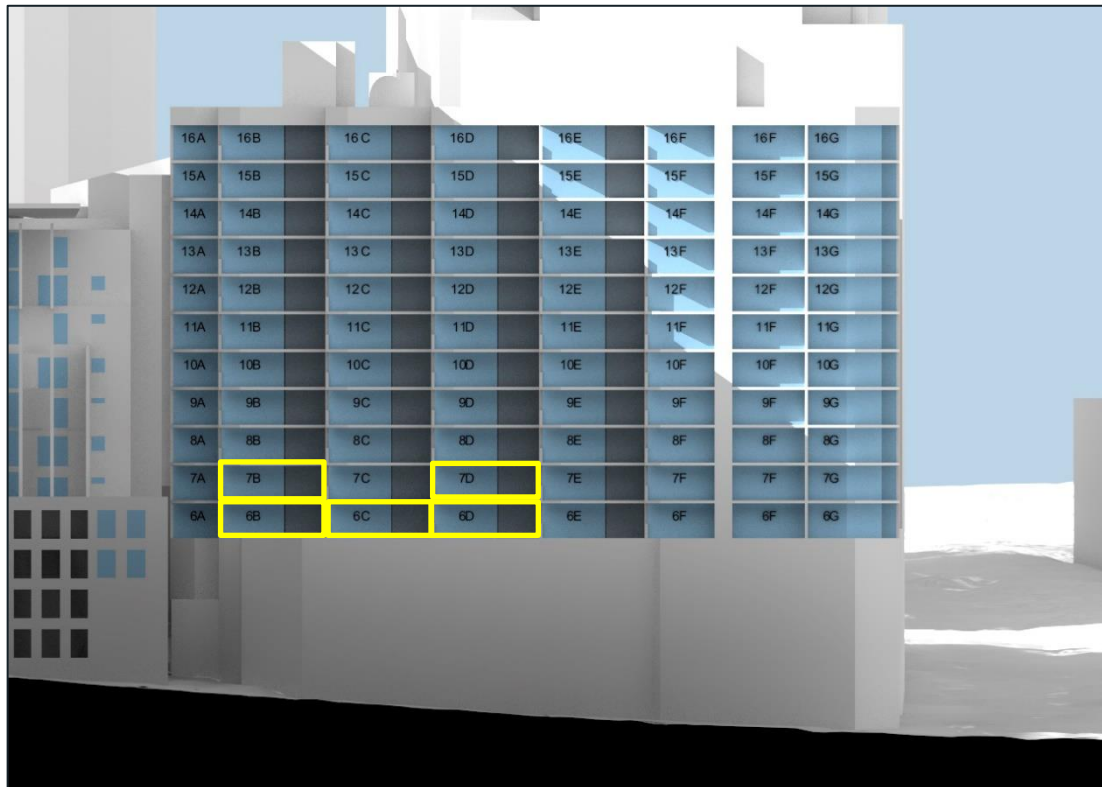


Table 3: Reduction in solar access to Meta

| Apt No. | Current sun |          | Total | Proposed sun |          | Total | -mins | -%  |
|---------|-------------|----------|-------|--------------|----------|-------|-------|-----|
|         | Starts      | Finishes |       | Starts       | Finishes |       |       |     |
| 3C      | 11.12am     | 11.35am  | 23"   | 11.15am      | 11.35am  | 20"   | 3"    | 13% |
| 4A      | 11.26am     | 12.15pm  | 49"   | 11.29am      | 12.10pm  | 41"   | 8"    | 16% |
| 4B      | 11.22am     | 12.09pm  | 47"   | 11.28am      | 12.08pm  | 40"   | 7"    | 15% |
| 4C      | 11.12am     | 11.59am  | 47"   | 11.21am      | 11.56am  | 38"   | 9"    | 19% |
| 5A      | 11.26am     | 12.15pm  | 49"   | 11.34am      | 12.15pm  | 41"   | 8"    | 16% |
| 5B      | 11.22am     | 12.09pm  | 47"   | 11.29am      | 12.09pm  | 40"   | 7"    | 15% |
| 6B      | 11.26am     | 12.15pm  | 49"   | 11.35am      | 12.15pm  | 40"   | 9"    | 18% |



**Figure 38: Western elevation of the Belvedere and affected apartments**



**Table 4: Reduction in solar access to the Belvedere**

| Apt No. | Current sun |          | Total | Proposed sun |          | Total | -mins | -%  |
|---------|-------------|----------|-------|--------------|----------|-------|-------|-----|
|         | Starts      | Finishes |       | Starts       | Finishes |       |       |     |
| 6B      | 12.34pm     | 1.02pm   | 28"   | 12.34pm      | 12.57pm  | 23"   | 5"    | 18% |
| 6C      | 12.20pm     | 12.57pm  | 37"   | 12.20pm      | 12.50pm  | 30"   | 7"    | 19% |
| 6D      | 12.07pm     | 12.46pm  | 39"   | 12.07pm      | 12.40pm  | 33"   | 6"    | 15% |
| 7B      | 12.34pm     | 1.08pm   | 47"   | 12.34pm      | 1.07pm   | 33"   | 1"    | 3%  |
| 7D      | 12.07pm     | 12.50pm  | 43"   | 12.07pm      | 12.49pm  | 42"   | 1"    | 2%  |

The proposal has been extensively assessed and revised to ensure the maximum building envelope minimises overshadowing to neighbouring properties. Specifically, the envelope ensures that, in accordance with Objective 3B-2 of the ADG, neighbouring properties that do not currently receive the required hours of solar access do not have their solar access reduced by more than 20%. The impact of the proposed maximum building envelope on surrounding properties' solar access is therefore considered to be within acceptable limits and the Department of Planning and Environment's standards for residential development.

### Sustainability

Target benchmarks for sustainability of the hotel development are established in the DCP. These include achieving certification for a 5-star Green Star for the design, and 4.5-stars NABERS energy accreditation after construction.

The site-specific DCP includes provisions for the development to specify design measures and targets for energy, water and waste. Combined with the positive sustainability benefit from reusing the existing buildings 4-22 Wentworth Avenue, these are considered reasonable sustainability standards.

## 24-44 Wentworth Avenue, Surry Hills

### Commercial uses

The street block at 4-44 Wentworth Avenue currently contains a wide variety of commercial uses, including a hotel, convenience store, night club, private colleges, gym and pub. Being located within the B4 Mixed Use zone, and immediately adjacent to the Central Sydney area, the site is well located in terms of public transport and proximity to the CBD.

This planning proposal will allow for height uplift at 24-44 Wentworth Avenue that generally aligns with existing FSR controls to permit additional commercial development on a street block that is already home to a diversity of uses. The increase in height is available to development where commercial uses such as commercial premises, health services facilities, educational establishments, hotel accommodation, entertainment premises, light industry and information and education facilities are proposed. It is not proposed to vary the height standard for residential or serviced apartment development.

The City's Sustainable Sydney 2030 plan seeks to ensure the city economy is competitive, prosperous, inclusive, resilient, strong and diverse to underpin sustainable growth. The Eastern City District Plan seeks to create conditions for a stronger economy through strengthening and growing a more competitive Harbour CBD and growing investment, business opportunities and jobs in strategic centres. This planning proposal allows for a change to height controls only, thereby unlocking floor space that is not currently achievable under existing controls. The proposal to increase the maximum building height for commercial uses will provide additional commercial floor space in a highly accessible and central location, consistent with local and state strategic plans.

### Height changes

This Planning Proposal seeks to increase height controls to facilitate commercial development at 24-44 Wentworth Avenue. Table 5 shows existing and proposed maximum height controls across the site.

**Table 5: Existing and proposed maximum building height controls – 24-44 Wentworth Avenue**

| Location (refer Figure 39)  | Existing control | Proposed control                 |
|---|------------------|----------------------------------|
| <b>24 Wentworth Ave</b><br>Lot 52, DP6534   | 18m              | RL 50.00 24.54m                  |
| <b>26-28 Wentworth Ave</b><br>Lots 53 and 54, DP6534                              | 18m              | RL 50.00 25.44m                  |
| <b>30-32 Wentworth Ave</b><br>Lots 55 and 56, DP6534                              | 18m              | RL 50.00 26.26m                  |
| <b>34 Wentworth Ave</b><br>Lot 57, DP6534   | 18m              | RL 50.00 26.63m                  |
| <b>36-38 Wentworth Ave</b><br>Lots 58 and 59, DP6534                              | 18m              | RL 50.00 27.32m                  |
| <b>40-44 Wentworth Ave</b><br><b>(40 Wentworth Ave only)</b><br>Lot 1, DP 1031245 | 18m              | RL 44.26<br>(no. 40 only) 27.70m |

The existing maximum FSR controls across 24-44 Wentworth Ave are 5:1. The proposal does not seek to change the FSR control.

The current height controls across 24-44 Wentworth Avenue cannot accommodate the current permissible FSR. The planning proposal enables the existing permitted FSR to be achieved for commercial uses.

Table 6 below details the existing GFA and FSR on site at 24-44 Wentworth Avenue and illustrates the amount of GFA that remains available to each site under existing FSR controls.

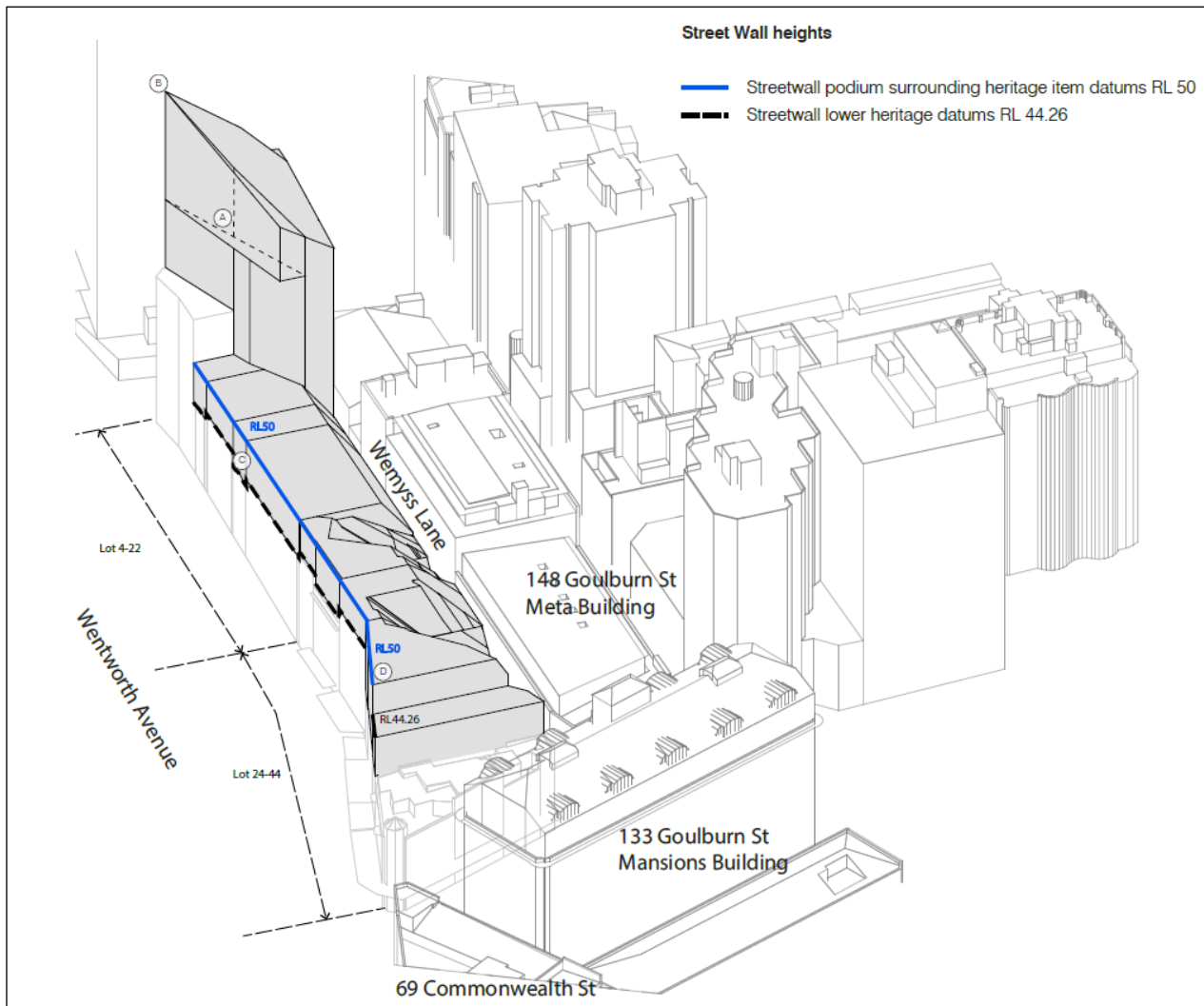
**Table 6: GFA for 24-44 Wentworth Avenue**

| Site         | Area              | Control | Max. GFA            | Built GFA           | Built FSR | Available GFA         |
|--------------|-------------------|---------|---------------------|---------------------|-----------|-----------------------|
| <b>24</b>    | 120m <sup>2</sup> | 5:1     | 600m <sup>2</sup>   | 401m <sup>2</sup>   | 3.35:1    | 199m <sup>2</sup>     |
| <b>26-28</b> | 240m <sup>2</sup> |         | 1,200m <sup>2</sup> | 1,046m <sup>2</sup> | 4.36:1    | 154m <sup>2</sup>     |
| <b>30-32</b> | 240m <sup>2</sup> |         | 1,200m <sup>2</sup> | 883m <sup>2</sup>   | 3.68:1    | 317m <sup>2</sup>     |
| <b>34</b>    | 126m <sup>2</sup> |         | 630m <sup>2</sup>   | 373m <sup>2</sup>   | 2.96:1    | 257m <sup>2</sup>     |
| <b>36-38</b> | 288m <sup>2</sup> |         | 1,440m <sup>2</sup> | 890m <sup>2</sup>   | 3.09:1    | 550m <sup>2</sup>     |
| <b>40-44</b> | 506m <sup>2</sup> |         | 2,530m <sup>2</sup> | 1,147m <sup>2</sup> | 2.27:1    | 1,383m <sup>2</sup> * |

\*40-44 Wentworth Avenue is an individually listed heritage item (a pub) with a decorative parapet and cupola. Additional development above two thirds of the lot is not possible due to the heritage significant nature of the building. It is noted that it is highly unlikely the full 1,383m<sup>2</sup> of available floor space can be achieved.



**Figure 39: Maximum building height for 24-44 Wentworth Avenue**



### Design excellence

This Planning Proposal to increase the maximum height limit to over 25m requires development of the individual sites at 26-44 Wentworth Avenue to be carried out through the City of Sydney's competitive design process. The site-specific DCP for this planning proposal include design excellence strategy provisions which stipulate the competitive design process must involve no less than three architectural firms ranging from emerging, emerged and established, with demonstrated experience designing high quality heritage infill buildings. Achieving design excellence is incentivised through the potential for up to 10% additional FSR. This will ensure redevelopment of the site will be undertaken via a robust competitive process, which will result in a high quality building and design excellence outcome.

### Heritage conservation

24-44 Wentworth Avenue consists of six buildings. Four buildings, including numbers 24-34 belong to the same group listing of nine former commercial warehouses as numbers 4-22 Wentworth Avenue. Number 40-44 Wentworth Avenue is an individual heritage item, the heritage curtilage of which covers numbers 42-44. Providing for the conservation of the buildings, including any internal heritage significant fabric, is a priority for this planning proposal and site-specific DCP.

The four warehouse buildings are heritage listed as part of a group. The proposal retains the significance of the group of period buildings through conserving external fabric and providing a suitable adaptive reuse for the warehouses.

The planning proposal includes a one storey addition to 24 Wentworth Avenue and additions of roughly two storeys to 26-34 and 40 Wentworth Avenue. It is noted that 36-38 Wentworth Avenue is not heritage listed and as such demolition and redevelopment is possible. Additional development at 40-44 Wentworth Avenue is only permitted at the northern portion of the site (number 40), which is not heritage listed due to extensive alterations over time.

Upper level additions to heritage significant buildings in Central Sydney are not uncommon and design excellent outcomes can be achieved through material choices, architectural articulation, design of new building elements and suitable adaptive reuses. The additions above 24-40 Wentworth Avenue are not required to be set back, as development potential above the existing buildings is already limited by overshadowing constraints (discussed below).

The additions above 24-40 Wentworth Avenue transition in height, stepping down at number 40 to meet the lower scale heritage listed pub on the southern corner. The proposed height increase reflects the slope of the street, from north to south, and provides an appropriate response to the heritage listed pub. Detailed provisions have been included in the site-specific DCP to ensure that any addition above the group heritage listed warehouses or any addition to 40 Wentworth Avenue is minimal, lightweight and unobtrusive.

To achieve the allowable floor space and encourage design excellence, and maintain and conserve the structural and architectural integrity of the group heritage item and the individual heritage item at the southern end of the block, extensive provisions have been included in the site-specific DCP. Conservation and restoration of the buildings' facades and significant interiors will enhance the significance of the group and individual item. The DCP provisions clarify the intended outcomes of this planning proposal, giving direction for the detailed design to be resolved at subsequent stages through the design and development processes.

### Built form

24-44 Wentworth Avenue occupies the southern half of the street block subject to this planning proposal. The buildings are visible from the intersection of Wentworth Avenue and Goulburn Street. The key urban design issue is the visual impact of the bulk and scale of the increased height and the relationship between the proposed additions and the buildings below.

Additional height above the southern half of the street block has been determined largely by the proposed podium height at 4-22 Wentworth Avenue, overshadowing impacts to the Meta building to the east and the heritage listed pub at the southern end of the block.

The proposed building envelope steps down across the sloping site and provides an appropriate response to the existing surrounding mid-scale buildings of three to four storeys to the east and south of the site. The transition down to the pub maintains the corner building's legibility and prominence, ensuring any additions to the north do not dominate or detract from the heritage item.

Additional height above 24-44 Wentworth Avenue is not required to feature a setback, as provisions have been included to ensure development above the sites is minimal, lightweight and recessive. In this regard, it is noted that the subject site is located on a narrow and constrained block, with a depth of approximately 20m. At around 30m, Wentworth Avenue is one of the CBD's wider streets. The considerable width of Wentworth Avenue, paired with the shallow depth of the site generally preclude development above the parapet line from being completely invisible when viewed from the public domain. The narrowness of the street bloc and the objective of preserving adequate levels of solar access to nearby residential properties also restricts the depth to which the proposed additional height can be developed.

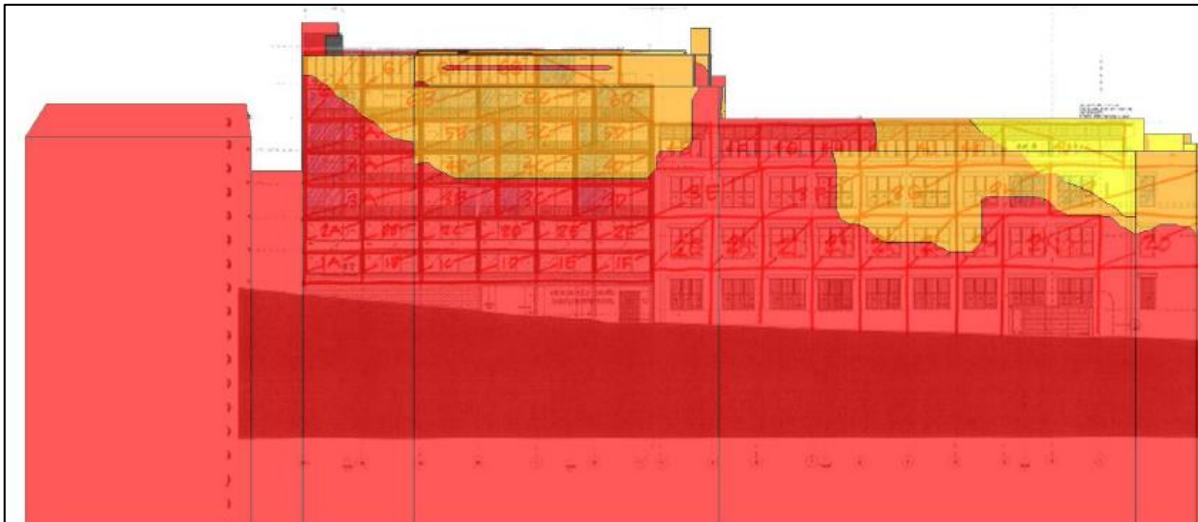
Additional height beyond that proposed in the City's concept plan will result in adverse overshadowing impacts to surrounding apartment buildings. Therefore, a clause has been inserted to the site specific provisions prohibiting additional height beyond that detailed in this planning proposal. The Draft DCP that accompanies this planning proposal includes site-specific provisions relating to the building envelope, setbacks, heritage conservation and the design excellence process which will guide the detailed design of the proposal at later stages.

#### Solar access and overshadowing

The subject site is located in a densely developed pocket of the city fringe, with several residential apartment buildings and mixed use developments in its vicinity. Solar access requirements of the ADG are detailed above in discussion concerning 4-22 Wentworth Avenue.

The residential apartment building known as Meta to the east of the site, at 148 Goulburn Street, currently receives limited solar access. This is demonstrated by Figure 40 below (where yellow is over 2 hours of sun, orange is between 15 minutes and 2 hours, and red is zero).

**Figure 40: Existing solar access to Meta apartment building (148 Goulburn Street) – western elevation**



The residential apartment building known as Sydney Mansions to the south of the site, at 133 Goulburn Street, receives an amount of solar access generally in line with the requirements of the ADG. The proposed additional height results in a negligible impact to the Sydney Mansions building, as demonstrated by Figures 41 and 42 below (where yellow is over 2 hours of sun, orange is between 15 minutes and 2 hours, and red is zero).



Figure 41: Existing solar access to Sydney Mansions building (133 Goulburn Street) – northern elevation

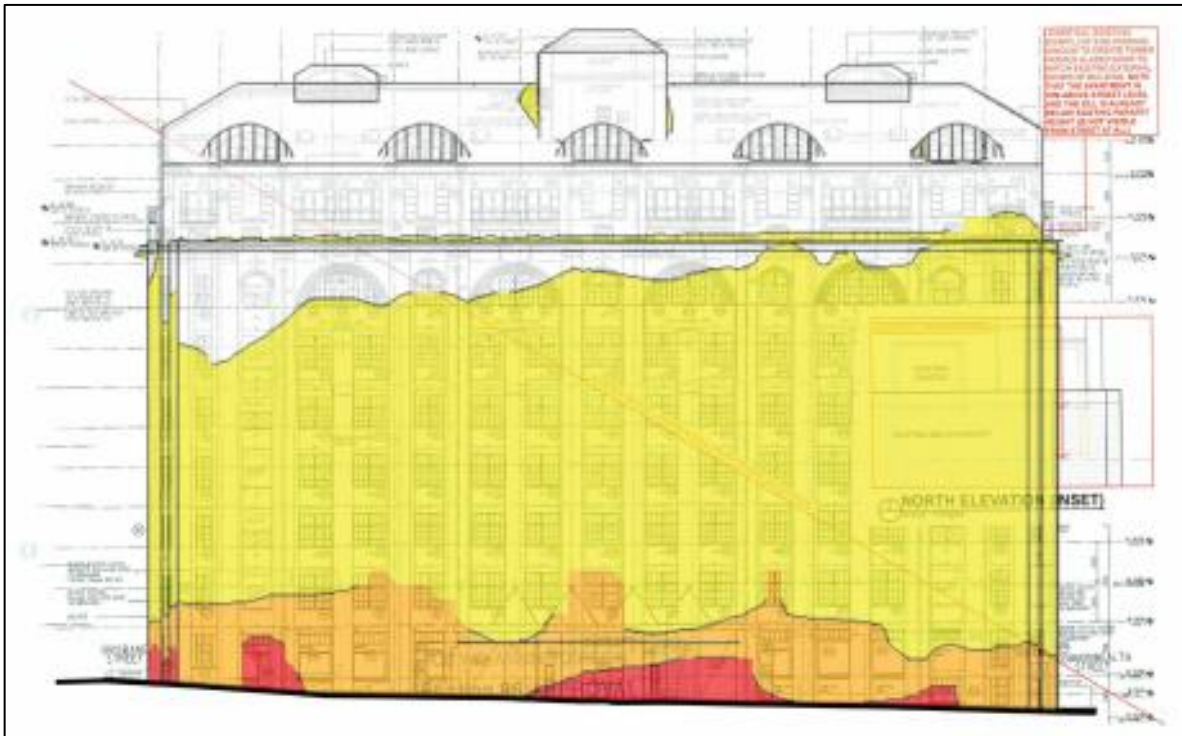
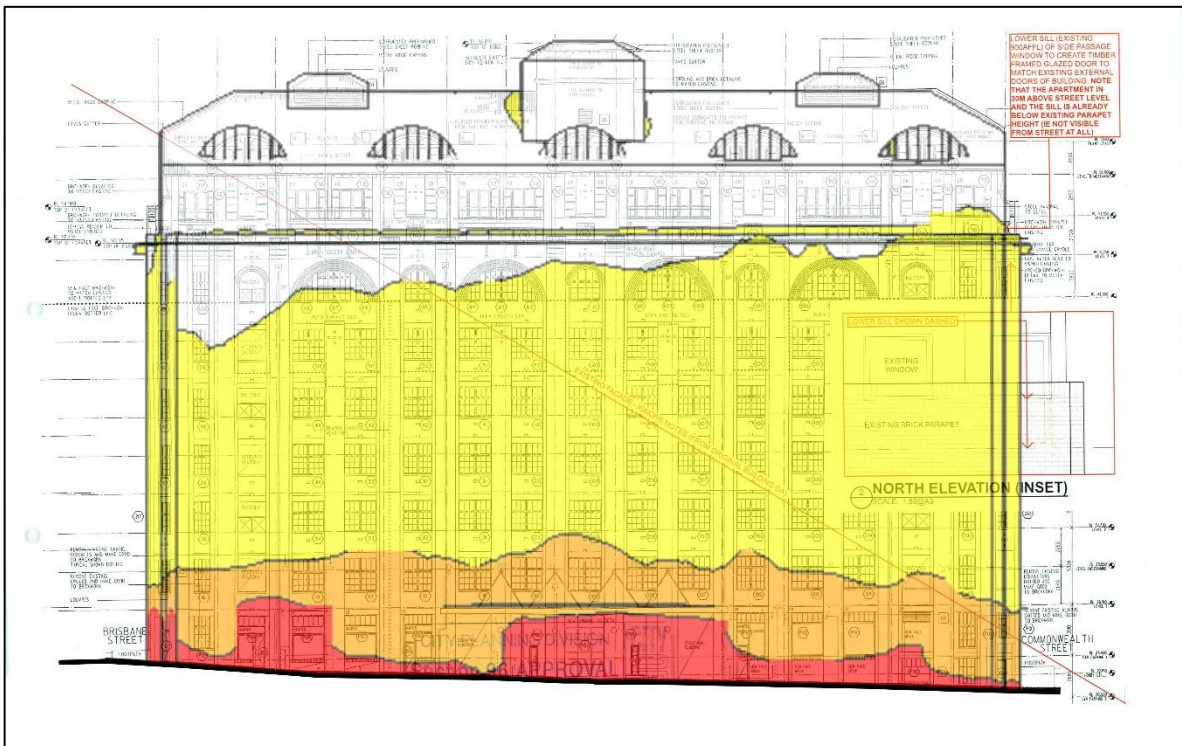


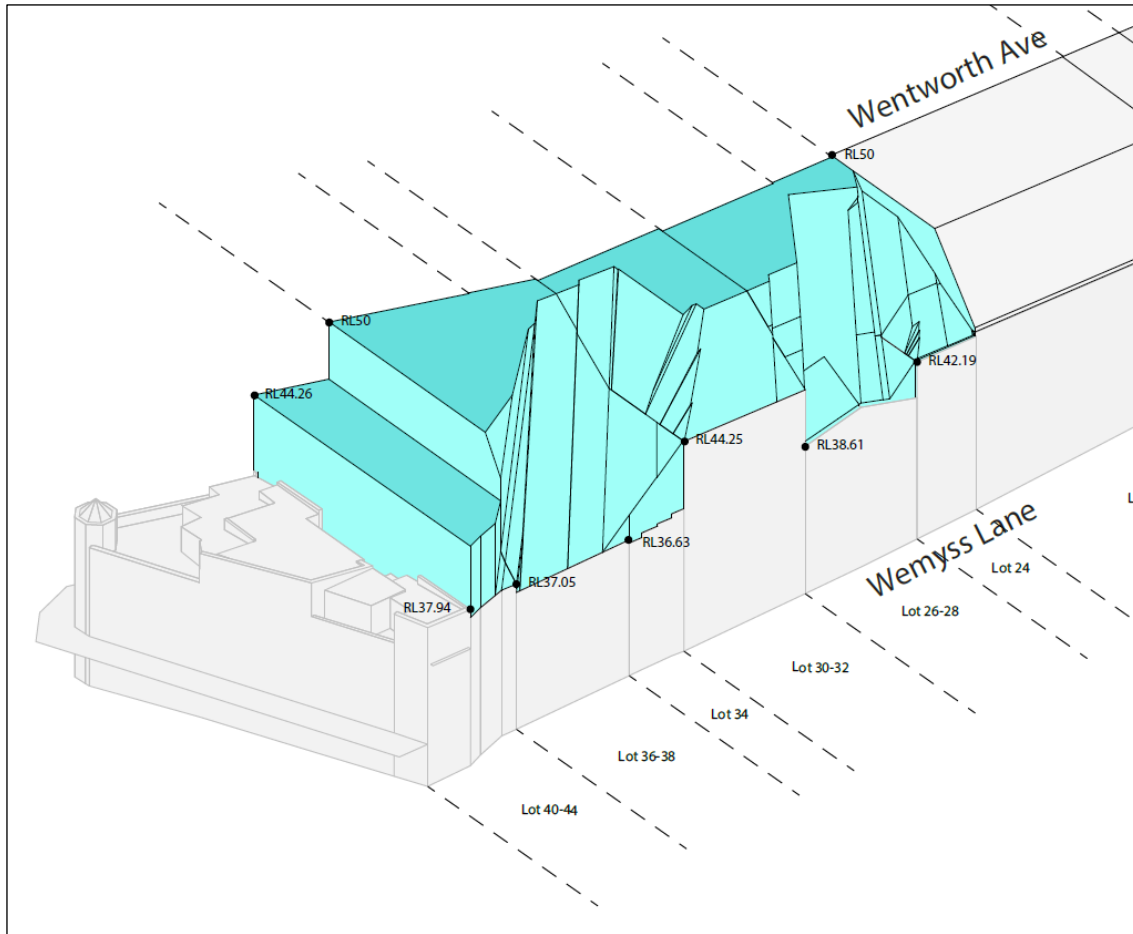
Figure 42: Solar access as a result of the proposed height increase to 24-44 Wentworth Avenue



Solar testing by the City has determined the maximum extent of the building envelope that will preserve existing solar access levels to Meta and have a minor impact on Sydney Mansions. The resulting maximum proposed planning envelope is shown at Figure 43 below. The impact of the proposal on surrounding properties' solar access is considered to be acceptable.



**Figure 43: Maximum building envelope, 24-44 Wentworth Ave, as determined by overshadowing impacts**



## Sustainability

Target benchmarks for sustainability of commercial office development or a hotel use at 24-44 Wentworth Avenue are established in the DCP. These include:

- Commercial use: executing a Commitment Agreement of 6 star NABERS Energy for the base building with the NSW Office of the Environment, and achieving 4 star NABERS water whole building rating;
- Hotel use: achieving certification for a 5-star Green Star for the design, and 4.5-stars NABERS energy accreditation after construction.

The site-specific DCP includes provisions for the development to specify design measures and targets for energy, water and waste should the sites be redeveloped for commercial office space or for a hotel use. Combined with the positive sustainability benefit from reusing the existing buildings at 24-44 Wentworth Avenue (with the exception of 36-38 Wentworth Avenue which is not heritage listed and as such, may be demolished), these are considered reasonable sustainability standards.

## 5.3. Draft development control plan

This Planning Proposal is to amend the LEP to increase the maximum building height control and FSR control to encourage the provision of hotel or motel accommodation at 4-22 Wentworth Avenue, and to change the height control for commercial development at 24-44 Wentworth Avenue.

Site-specific controls have also been included in the draft DCP to help guide the design for the street block. These controls address built form, heritage conservation, site servicing,

sustainability and a design excellence strategy. These controls will help to ensure the benefits of the increased maximum building height and FSR are realised and impacts are appropriately managed.

## 5.4. Need for the planning proposal

### Q1. Is the Planning Proposal the result of any strategic study or report?

#### 4-22 Wentworth Avenue

When Sydney LEP 2012 was adopted, Council and the Central Sydney Planning Committee noted that consideration was being given to a planning proposal for the site as a change in height and FSR had possible merit. This Planning Proposal also delivers on the City's Visitor Accommodation Action Plan (2015). The proposed increased building height and increased floor space ratio will encourage development of the site for a hotel or motel use only, which is consistent with the objectives of the City's Visitor Accommodation Action Plan (2015).

The proposed increase to both the maximum building height and maximum floor space ratio for 4-22 Wentworth Avenue will ensure resultant development creates an effective building envelope for the proposed hotel use, with most additional height located at the northern end of the site, close to the 24 storey Memocorp building across Wemyss Lane. The proposal steps down considerably at the southern portion of the site, from around 58m to 25m, producing a building envelope that transitions and responds appropriately to neighbouring 3 to 5 storey warehouse buildings as well as nearby residential development. The building envelope has been specifically designed to ensure adequate solar access is maintained to residential properties.

The proposal also allows for an appropriate setback above the existing heritage listed commercial warehouse on the corner, at 4-6 Wentworth Avenue. A 4.5m setback is required for the podium addition, which can be reduced to a zero setback where a scheme is considered to achieve design excellence.

The proposal delivers improved streetscape amenity and activation at ground floor frontages. Proposed changes to the maximum building height and floor space ratio controls result in a building envelope that is sensitive to existing heritage buildings on site and adjacent to the site, as well as surrounding residential uses.

The proposed land use is consistent with strategic outcomes envisioned in the Visitor and Accommodation Action Plan 2015 which aims to encourage and facilitate more mid-range hotel development across the Local Government Area, particularly in and around the Sydney CBD.

#### 24-44 Wentworth Avenue

The proposed changes to the southern half of the street block are the result of a resolution of Council. An urban design investigation of the buildings at 24-44 Wentworth Avenue determined some additional height can be accommodated above the existing buildings without detrimentally affecting the significance of the heritage listed sites or causing undue overshadowing impacts to nearby residential properties.

The proposed land use, being commercial development, is consistent with strategic outcomes envisioned in Sydney 2030 which aims to encourage a strong and diverse economy.

This planning proposal, which encompasses 4-44 Wentworth Avenue, presents a holistic approach to an underutilised street block that is immediately adjacent to the Central Sydney area, close to the City of Sydney villages of Surry Hills and Darlinghurst and has great public transport links.

**Q2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

**4-22 Wentworth Avenue**

The objectives for the site are to encourage the provision of a new hotel or motel development to support Sydney's tourism sector, improve the diversity and increase the quantity of tourist and visitor accommodation in the LGA, achieve design excellence, improve the site's amenity and contribution to the surrounding area, respond appropriately to the built form context, conserve and enhance heritage significant fabric on site, and ensure the development limits impacts on neighbouring properties.

The current controls permit a building height to 22m and a FSR of 6:1 at 4-6 Wentworth Avenue, and up to 18m and 5:1 at 8, 10-12, 14, and 16-22 Wentworth Avenue.

As the site is located on the fringe of the CBD, is close to public transport and features an existing, operating hotel, it is appropriate to facilitate an expanded hotel development on this site. Changing the height control to redistribute the permitted floor space plus marginally increasing the FSR control for a hotel or motel accommodation use will result in better aligned development standards that can facilitate a use that is in high demand, contributing to the local and state economy.

Varying the existing maximum building height control or maximum FSR control through a development application is not an appropriate way to achieve the objectives. Under Clause 4.6 of the LEP, development consent may be granted for development which exceeds the height and/or FSR as set out in the relevant maps. However, the height and FSR of the proposed scheme are substantially greater than the existing controls. Approval of a development application that substantially exceeds the height control would set an undesirable precedent, undermine the LEP height and FSR controls and prevent broader strategic considerations of allowing additional height at the site.

**24-44 Wentworth Avenue**

The objectives for the site are to encourage the provision of additional commercial floor space for commercial premises, health services facilities, educational establishments, hotel accommodation, entertainment premises, light industry and information and education facilities.

The current controls permit a building height to 18m and a FSR of 5:1 at 24-44 Wentworth Avenue. As detailed above, the site is proximate to the CBD with good public transport links. Varying the existing maximum building height control for commercial uses only unlocks the existing floor space permissible across the sites, with the exception of the heritage listed pub at 40-44 Wentworth Avenue.

An incentive for specific uses is the best means of supporting strategic outcomes, zone objectives and ensuring development manages the environmental conditions of the area.

## 5.5. Relationship to strategic planning framework

**Q3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and the exhibited draft strategies)?**

*A Metropolis of Three Cities – the Greater Sydney Regional Plan*

A Metropolis for Three Cities – the Greater Sydney Regional Plan is the NSW State Government's overarching strategic plan that outlines a 40-year vision and sets out a 20-year plan to manage growth and change for Sydney. It identifies key challenges facing Sydney including a population increase of 1.7 million, and a requirement for 725,000 new

homes by 2036. The Plan also refers to a whole-of-government agenda to create 1 million new jobs in NSW by 2036.

In responding to these and other challenges, the plan sets out four categories and 10 directions, with associated objectives. These are:

1. Infrastructure and collaboration: a city supported by infrastructure, and a collaborative city;
2. Liveability: a city for people, housing the city and a city of great places;
3. Productivity: a well-connected city and jobs and skills for the city; and
4. Sustainability: a city in its landscape, an efficient city and a resilient city.

Strategies of particular relevance to this Planning Proposal include:

- 13.1 – identify, conserve and enhance environmental heritage;
- 22.1 – provide access to jobs, goods and services in centres;
- 24.2 – consider encouraging the development of a range of well-designed and located tourism and visitation facilities and developing industry skills critical to growing the visitor economy; and
- 33.1 – support initiatives that contribute to the aspirational objective of achieving net-zero emissions by 2050.

The Planning Proposal is consistent with several relevant directions, objectives and strategies of the plan. Specifically it will:

- Revitalise a site with heritage-listed buildings;
- Promote urban renewal of a site which is well situated close to public transport; and
- Provide supply of new tourist and visitor accommodation which will result in additional employment opportunities (from 62 to 118 jobs), as well as increasing Sydney's accommodation stock.

### *Eastern City District Plan*

The Eastern City District Plan sets out the NSW Government's vision, priorities and actions for the Eastern District, including the City of Sydney. It establishes a 20 year vision for the Eastern District to be a global sustainability leader, managing growth while maintaining and enhancing liveability, productivity and attractiveness for residents and visitors. Priorities and associated actions for productivity, liveability and sustainability seek to deliver this vision.

This Planning Proposal is consistent with the following priorities from the Plan:

- [Productivity Priority E7: Growing a stronger and more competitive Harbour CBD](#) and [Productivity Priority E13: Supporting growth of targeted industry sectors](#) – The site is within the Harbour CBD, one of the Sydney Region's three metropolitan centres and on the boundary of Central Sydney. The District Plan recognises the importance of tourism in the Harbour CBD. This Planning Proposal will support and contribute to the visitor economy by facilitating the redevelopment of the northern half of the site for a hotel use in the under-supplied mid-range market. Its location on the CBD fringe and in walking distance of the City of Sydney villages of Darlinghurst and Surry Hills will support to the use of public transport. The retention and conservation of the heritage listed commercial warehouse buildings adds to the visitor experience of the hotel and Surry Hills. This Planning Proposal will also contribute to and grow Sydney's economy by incentivising commercial development at the southern half of the street block.
- [Sustainability Priority E19: Reducing carbon emissions and managing energy, water and waste efficiently](#) – This Planning Proposal and site-specific draft DCP will ensure sustainability benchmarks for hotel or motel accommodation use are achieved.



**Q4. Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?**

*Sustainable Sydney 2030* is Council's vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City and 10 targets against which to measure progress. This Planning Proposal is aligned with the following relevant strategic directions and objectives:

- Direction 1 – A globally competitive and innovative city – The planning proposal is consistent with the City's adopted Tourism Action Plan (2013) and Visitor Accommodation Action Plan (2015). This planning proposal will facilitate redevelopment of 4-22 Wentworth Avenue for a future hotel, delivering needed mid-range visitor accommodation and supporting Sydney's tourism economy. It will also offer employment opportunities. This investment in the site will contribute to making Sydney attractive to global visitors and investors. The planning proposal also encourages the redevelopment 24-44 Wentworth Avenue for commercial purposes, which is consistent with local and state policy directions, as well as zone objectives.
- Direction 2 provides a road map for the City to become a Leading Environmental performer – Redevelopment of the site, facilitated by this Planning Proposal and through the design excellence process, will deliver new building stock with significantly better environmental performance than the current development through extensive sustainability provisions detailed in the attached DCP.
- Direction 3 – Integrated transport for a connected City – The site is close to bus services providing connections to Central Sydney and other areas in the Sydney metropolitan area. It is also close to the future South East Light Rail Line, expected to be completed in 2019. A new light rail stop will be located about 500 metres to the north of the site. This new light rail line will connect Circular Quay to Randwick and Kingsford.

**Q5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies (SEPPs)?**

The Planning Proposal is consistent with applicable State Environmental Planning Policies (SEPPs) as outlined in Table 7. SEPPs not mentioned are not applicable to the subject proposal.

**Table 7: Consistency with SEPPs**

| SEPP   | Comment   |
|--|---|
| SEPP No 55 – Remediation of Land                   | Consistent. There is no proposed change to the zoning. This Planning Proposal does not contradict or hinder application of this SEPP. |
| SEPP (Exempt and Complying Development Codes) 2008 | Consistent. This Planning Proposal does not contradict or hinder application of this SEPP.  |
| SEPP (Miscellaneous Consent Provisions) 2007       | Consistent. This Planning Proposal does not contradict or hinder application of this SEPP.  |

No Regional Environmental Plans (REPs) for the Sydney and Greater Metropolitan regions, which are deemed SEPPs, apply to the subject Planning Proposal.

**Q6. Is the Planning Proposal consistent with applicable section 117 Ministerial directions?**

The Planning Proposal's consistency with applicable section 117 Ministerial directions is outlined in Table 8. Directions which are not applicable are not included.

Table 8: Consistency with Ministerial directions

| No.  | Direction                          | Comment  |
|--|------------------------------------|--|
| <b>1. Employment and Resources</b>                     |                                    |  |
| 1.1  | Business and Industrial zones      | Consistent. The subject site is zoned B4 Mixed Use under the LEP. The zone permits commercial, retail and residential uses with development consent. This planning proposal does not propose to change the site's existing zoning. The planning proposal is consistent with the objectives and requirements of this direction as the proposed development concept will increase the provision of an expanded commercial use, enhance the vitality of the area and provide an increased amount of employment opportunities in the community. The new development is centrally located and will maximise use of sustainable transport measures.  |
| <b>2. Environment and Heritage</b>                     |                                    |  |
| 2.3  | Heritage conservation              | Consistent. This planning proposal provides for the conservation and re-use of the heritage listed warehouse buildings on site.  |
| <b>3. Housing Infrastructure and Urban Development</b> |                                    |  |
| 3.4  | Integrating land use and transport | Consistent. The objective of this direction is to ensure building forms, land use locations, development designs, subdivision and street layouts improve access to housing, jobs and services by reducing the dependence on cars. The subject site is centrally located, and the proposed hotel development will encourage the use of public transport including the existing bus and train services by visitors and workers. This planning proposal is consistent with the aims, objectives and principle of <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001)</i> , and <i>The Right Place for Business and Services – Planning Policy (DUAP 2001)</i> . |
| <b>4. Hazard and Risk</b>                              |                                    |  |
| 4.1  | Acid sulphate soils                | Consistent. This planning proposal does not contradict or hinder application of acid sulphate soils provisions in the Sydney LEP 2012.   |
| <b>5. Regional Planning</b>                            |                                    |  |
| 5.10   | Implementation of regional plans   | Consistent. This direction requires planning proposals to give effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans. This planning   |

proposal supports the implementation of the Eastern City District Plan as discussed in section 5.6 of this Planning Proposal.

## 6. Local Plan Making

|     |                                    |   |
|-----|------------------------------------|---|
| 6.1 | Approval and referral requirements | Consistent. This direction ensures that LEP provisions encourage the efficient and appropriate assessment of development. This planning proposal does not include any concurrence, consultation or referral provisions. Additionally, it does not identify any development as designated development. |
|-----|------------------------------------|---|

|     |                          |   |
|-----|--------------------------|---|
| 6.3 | Site-specific provisions | <p>Inconsistent. Justification provided as below.</p> <p>Division 5 of the LEP contains site-specific provisions for various sites across the City. This planning proposal involves introducing site-specific controls into the LEP to ensure that increases to the height and FSR controls for 4-22 Wentworth Avenue are permissible for hotel or motel accommodation only, and increases to the height control for 24-44 Wentworth Avenue are permissible for commercial uses only.</p> |
|-----|--------------------------|---|

The site-specific provisions will specify that additional floor space but not height can be achieved through design excellence under clause 6.21 of the LEP for 4-22 Wentworth Avenue. Controls will also be prepared to ensure no additional height can be pursued through a Clause 4.6 variation under the LEP for the whole street block (4-44 Wentworth Avenue). These site-specific provisions ensure the proposed development does not result in adverse amenity impacts to surrounding properties.

To ensure unnecessarily restrictive site-specific controls, the maximum building height has been amended to reflect its equivalent Reduced Levels. Additionally, geographic coordinates to determine the height plane have been transferred to the Site Specific DCP to make the height control less prescriptive.

## 7. Metropolitan Planning

|     |   |  |
|-----|---|--|
| 7.1 | Implementation of A Plan for Growing Sydney | Consistent. The aim of this direction is to give legal effect to the principles, directions and priorities contained in A Planning for Growing Sydney, which has been replaced |
|-----|---|--|

by the Greater Sydney Region Plan – a Metropolis of Three Cities. Section 5.5 of this Planning Proposal discusses how the proposal is consistent with a Metropolis of Three Cities.

---

## 5.6. Environmental, social and economic impact

### **Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Planning Proposal?**

The subject site is located in an urbanised area and does not contain any known critical habitat or threatened species, populations, ecological communities or habitats.

As part of any future redevelopment of the site resulting from this Planning Proposal, the City will consider environmental impacts that may be generated by the development.

### **Q8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?**

This Planning Proposal is to amend the maximum building height control and maximum floor space ratio control applicable to the site under the LEP to incentivise the development of hotel or motel accommodation only, in a manner that ensures the heritage item on site is appropriately retained and conserved, and mitigates other impacts.

Further proposed provisions in the site-specific DCP establish sufficient measures to ensure the new building envelope will provide for appropriate heritage, urban design and public domain outcomes when the detailed design is resolved at subsequent design excellence competition and development application stages.

The proposed scheme has been developed in collaboration with the proponent, with any environmental effects resulting from the proposal having been identified and resolved during assessment. Design principles to ensure environmental effects such as overshadowing are appropriately managed have been incorporated into the draft DCP. Environmental impacts are discussed in section 5.4 of this Planning Proposal.

### **Q9. Has the Planning Proposal adequately addressed any social and economic effects?**

This planning proposal provides an opportunity to redevelop the site for commercial purposes including visitor accommodation to support Sydney's tourism industry, which makes a significant contribution to the local and state economy. During the 2017/18 financial year, 6.09 million international and domestic overnight visitors stayed in commercial accommodation located in the City of Sydney LGA. The Australian government's tourism strategy set ambitious national targets to double visitor spending by 2020 to \$140 billion.

2013 analysis by the City of Sydney found that a sustainable supply of visitor accommodation is needed to support projected tourism growth. It calculated a need for 5,759 additional rooms between 2013 and 2021, plus a further 5,499 rooms between 2022 and 2030, particularly in the 3 star range.

City of Sydney's Sustainable Sydney 2030 and 2013 Tourism Action Plan established objectives to encourage and facilitate additional visitor accommodation development within the council area. Approaches such as this planning proposal deliver on this objective.



This planning proposal is likely to have positive economic effects by encouraging the revitalisation of the block and supporting key industry sectors including commercial, education, health, tourism and cultural uses.

Redevelopment of the site also offers social benefits of greater public access and enjoyment of the local heritage items at 4-34 Wentworth Avenue and 40-44 Wentworth Avenue and revitalised uses. In terms of economic benefits, it will contribute to the diversification of Sydney's hotel stock, increased commercial floor space close to Central Sydney and provide additional employment opportunities.

## 5.7. State and Commonwealth interests

### **Q10. Is there adequate public infrastructure for the planning proposal?**

The site is located in an area that is well serviced by public transport. Frequent major bus and train services are located within walking distance of the site. These public transport services provide access to various destinations in the Sydney metropolitan area, including the CBD, the eastern and inner western suburbs, and beyond.

The traffic assessment prepared by ARUP Pty Ltd found there are no traffic or transport issues that would prevent the proposed scheme for 4-22 Wentworth Avenue from being approved.

The Planning Proposal for 4-22 Wentworth Avenue will increase the amount of development floor space permitted under the existing floor space ratio control by around 0.48:1 for hotel or motel accommodation only, or about 0.56:1 should the development achieve design excellence. The site is centrally and suitably located, and the increase in worker and visitor population generated as a result of the proposal is not anticipated to result in excessive or undue density impacts.

The draft DCP proposes site-specific controls to appropriately manage traffic impacts including location of vehicle entries and servicing.

All utility services including electricity, telecommunications, water, sewer and stormwater are currently available on the site. If the site is redeveloped it is expected the developer will upgrade these services to support the proposed development.

### **Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?**

The Gateway Determination will advise the public authorities to be consulted as part of the Planning Proposal process. Any issues raised will be incorporated into this Planning Proposal following consultation in the public exhibition period.

## 6. Mapping

The planning proposal does not seek to amend any maps contained in Sydney LEP 2012. Instead, additional building height and an increased floor space ratio are proposed to be allowed through insertion of a new clause in Sydney LEP 2012, as discussed earlier in this report.

## 7. Community consultation

Public consultation will be undertaken in accordance with the requirements of the Gateway Determination.

It is proposed that, at a minimum, this will involve the notification of the public exhibition of the Planning Proposal on the City of Sydney website, relevant local newspaper(s) circulating widely and in writing to the owners and occupiers of adjoining and nearby properties and relevant community groups.

It is expected the Planning Proposal will be publicly exhibited for at least 28 days in accordance with section 5.5.2 of 'A guide to preparing local environmental plans'.

It is proposed that exhibition material will be made available on the City of Sydney website and at Town Hall House at 456 Kent Street, Sydney.

Consultation with relevant NSW agencies and authorities and other relevant organisations will be undertaken in accordance with the Gateway Determination.

## 8. Project timeline

The anticipated timeframe for the completion of the planning proposal is as follows:

**Table 9: Proposed project timeline**

| Stage   | Timeframe                     |
|---|-------------------------------|
| Commencement / Gateway Determination  | <b>June 2020</b>              |
| Government agency consultation  | <b>October 2020</b>           |
| Public exhibition   | <b>October 2020</b>           |
| Consideration of submissions  | <b>November/December 2020</b> |
| Post exhibition consideration of proposal   | <b>January 2021</b>           |
| Draft and finalise LEP  | <b>February 2021</b>          |
| LEP made  | <b>March 2021</b>             |
| Plan forwarded to Department of Planning, Industry and Environment for notification | <b>March 2021</b>             |



## Appendix A1: Proponent's urban design report

## Appendix A2: Proponent's indicative plans

## Appendix A3: Proponent's heritage impact statement

