

## Relevant Information for Council

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**FILE:** X018846 **DATE:** 6 December 2019

**TO:** Lord Mayor and Councillors

**FROM:** Graham Jahn, Director City Planning, Development and

**SUBJECT:** Information Relevant To Item 9.3 – Public Exhibition - Planning Proposal - 4-22 Wentworth Avenue, Surry Hills

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### Second Alternative Recommendation

It is resolved that:

- (A) Council approve Planning Proposal – 4-22 Wentworth Avenue, Surry Hills, shown at Attachments C1-C4 to the subject report, for submission to the Department of Planning, Industry and Environment with a request for a Gateway Determination;
- (B) Council approve the Planning Proposal – 4-22 Wentworth Avenue, Surry Hills, shown at Attachments C1-C4 for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) Council seek authority from the Department of Planning, Industry and Environment to exercise the delegation of all functions under the relevant local plan making authority of all the functions under Section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan to put into effect Planning Proposal – 4-22 Wentworth Avenue, Surry Hills;
- (D) Council approve Draft Sydney Development Control Plan 2012 – 4-22 Wentworth Avenue, Surry Hills shown at Attachment D to the subject report for public authority consultation and public exhibition together with the Planning Proposal;
- (E) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal – 4-22 Wentworth Avenue, Surry Hills, following receipt of the Gateway Determination; ~~and~~
- (F) authority be delegated to the Chief Executive Officer to make any minor variations to Draft Sydney Development Control Plan 2012 – 4-22 Wentworth Avenue, Surry Hills, to correct any drafting errors or to ensure it is consistent with the Planning Proposal following the Gateway Determination; **and**

- (G) ***authority be delegated to the Chief Executive Officer to amend the planning proposal at Attachments C1-C4 of the subject report to incorporate the following changes:***
- (i) ***amend the objectives and intended outcomes to refer to supporting strategic employment and enterprises uses in the District Plan's Harbour CBD strategic centre;***
  - (ii) ***amend the 'Explanation of Provisions' to:***
    - (a) ***incorporate a maximum building height control of RL50 across 24, 26-28, 30-32, 34 and 36-38 Wentworth Avenue***
    - (b) ***incorporate a maximum building height control of RL44.26 at 40 Wentworth Avenue***
    - (c) ***require that the maximum height for 24-44 Wentworth Avenue under the clause may only be achieved if the development is for commercial premises, health services facilities, educational establishments, hotel accommodation, entertainment premises, light industry or information and education facilities; and***
  - (iii) ***amend other sections to incorporate the proposed controls for 24-44 Wentworth Avenue including their justification in accordance with the subject report.***

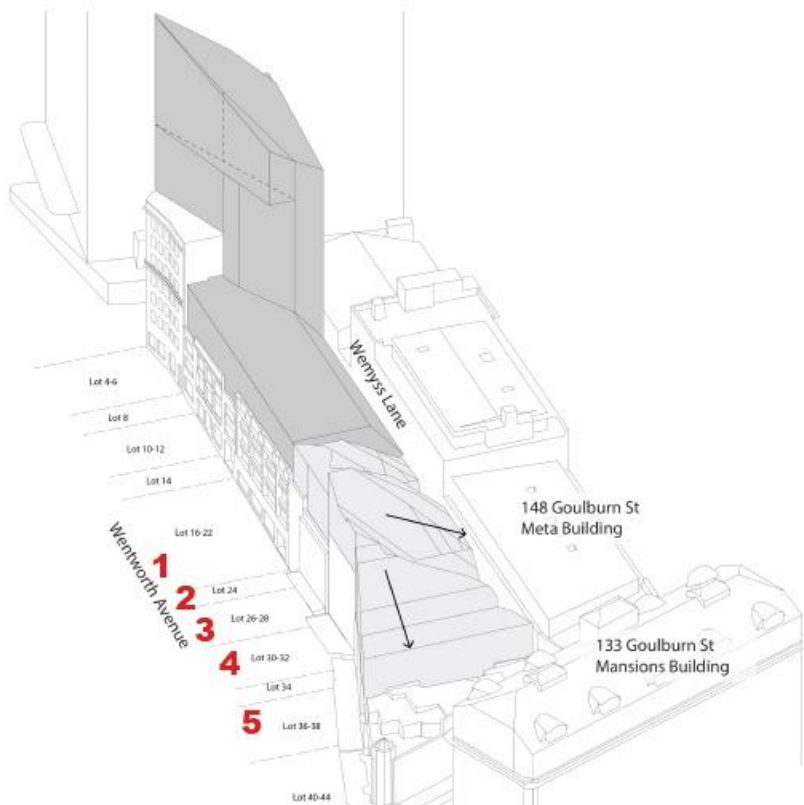
## **Background**

The subject report seeks approval of a Planning Proposal and Draft Development Control Plan (the draft planning controls) to request a Gateway Determination and publicly exhibit. The draft planning controls will provide for additional hotel accommodation supply in a highly central and accessible location in line with Sustainable Sydney 2030 and the City's Visitor Accommodation Action Plan (2015).

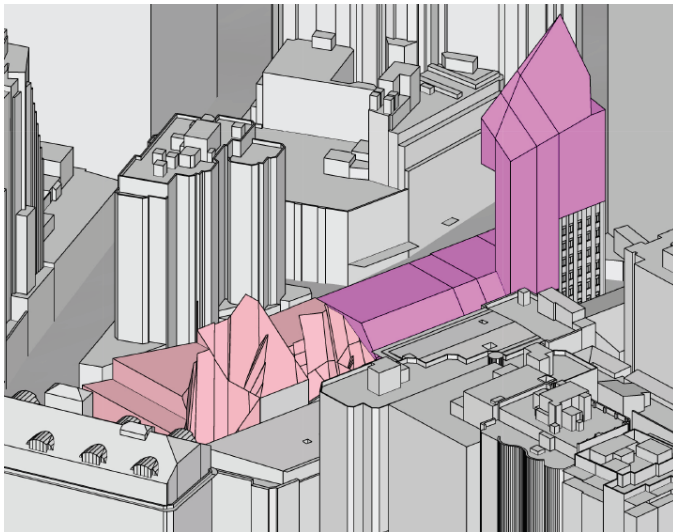
This memo provides additional information to Council following the Transport, Heritage and Planning Committee meeting on 2 December 2019 and Central Sydney Planning Committee (CSPC) meeting on 5 December 2019. The memo summarises a second alternative recommendation supported by the CSPC for the consideration of Council and addresses a submission from the proponent of 4-22 Wentworth Avenue related to the proposed floor space ratio.

### **1. Second Alternative Recommendation: solar compliant envelope**

The second alternative recommendation is to proceed with a solar shaped envelope on the southern half of the block which protects solar access but provides limited additional development opportunity. The solar shaped envelope is shown below in Figures 1 and 2. The envelope complies with the solar access provisions of both the ADG and DCP, maintaining existing levels of solar access to neighbouring residential properties whilst allowing for some additional height on a limited floor plate above 24-44 Wentworth Avenue.



**Figure 1:** Solar compliant envelope above 24-44 Wentworth (light grey) looking north-east



**Figure 2:** Solar compliant envelope looking north-west (4-22 Wentworth shown purple, 24-44 Wentworth 24-44 shown pink)

The second alternate recommendation has been prepared should Council wish to pursue the solar compliant envelope. The CSPC supported the second alternate recommendation at its meeting 5 December 2019. The solar compliant recommendation proposes:

- an RL of 50 across most of the southern half of the street block (including no's 24, 26-28, 30-32, 34, and 36-38 Wentworth Avenue);

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This option preserves solar access to the neighbouring residential apartment buildings at 148 Goulburn Street whilst allowing for an increase in height for most properties in the southern half of the street block, better aligning potential building heights with the site's existing FSR control of 5:1.

The exception in this case is 30-32 Wentworth, which is an existing 5 storey building. As demonstrated by the built form testing carried out by the City, meaningful or developable additional height above 30-32 Wentworth cannot be provided without resulting in overshadowing impacts to nearby residential properties.

As depicted in Figures 1 and 2, the solar compliant envelope is impractical and irregular. Should Council wish to pursue the solar compliant form, the envelope for the southern half of the street block will need to be refined in the draft development control plan to precisely identify the full extent of development potential above 24-44 Wentworth Avenue. It is unlikely that additional development will extend across the full site area of any of the sites except for 40 Wentworth Avenue.

## 2. Proposed floor space ratio for 4-22 Wentworth Avenue

At the Transport, Heritage and Planning Committee meeting on 2 December 2019, the proponent's architect queried the FSR calculations for the planning proposal, stating a FSR higher than that being proposed could be achieved within the proposed building envelope. Committee members sought further information regarding the calculation of the FSR. As part of the planning proposal, the City has recommended an increase in FSR to 5.7:1 across 4-22 Wentworth Avenue, with the potential for it to be increased to 6.3:1 should the proposed scheme exhibit design excellence.

The maximum FSR has been calculated based on the indicative design scheme submitted by the applicant. The City measured the gross floor area before adjusting it to ensure the relationship between the FSR and the envelope allows for flexibility, external shading and room for architectural articulation. The resulting maximum FSR of 6.3:1 includes:

- a 600mm external sun shading zone on the western facade, and
- a low range reduction of the envelope for building articulation of 15% (where the Central Sydney Planning Strategy nominates a range of 15-30%).

The proponent has suggested a higher FSR of 6.4 or 6.5:1 is achievable within the envelope through a reduced western solar protection zone. After consideration of the information provided by the proponent, a higher FSR is not supported at this stage.

The City's approach to the relationship between the proposed building envelope and FSR accommodates solar facade fenestration and promotes a meaningful design competition process.

Prepared by: Tim Wise, Acting Manager Planning Policy

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Approved



**GRAHAM JAHN AM**

Director City Planning, Development and transport