

Item 4.**Development Application: 4-22 Wentworth Avenue, Surry Hills - D/2025/942****File Number: D/2025/942****Summary**

Date of Submission:	3 October 2025 Amended plans and information submitted 15 February, 6 March and 1 April 2026
Applicant:	Wentworth Avenue Surry Hills Development Pty Ltd
Architect:	DKO and Aileen Sage
Developer:	Willow Development Group
Owner:	Pongrass Properties Pty Ltd
Planning Consultant:	Planning & Co
Heritage Consultant:	Jean Rice Architect
DAP	4 December 2025
Cost of Works:	\$71,915,857.20
Zoning:	The site is zoned MU1 - Mixed Use under the Sydney Local Environmental Plan (Sydney LEP) 2012. The proposed uses are commercial office and ancillary retail premises, which are permissible with consent in this zone.

Proposal Summary:

Approval is sought for the adaptive reuse of the existing locally listed heritage buildings at 4-22 Wentworth Avenue, and substantial alterations and additions, with the construction of a 13-storey tower addition atop 4-6, and parts of 8 and 10-12 Wentworth Avenue, and a 2-storey podium addition extending above 10-12 and 16-22 Wentworth Avenue.

The mixed-use development comprises ground floor retail (food and drink) uses, commercial office space on upper levels, and a basement/lower ground level incorporating a loading dock, parking, waste areas, end-of-journey facilities and mechanical services. The proposal also includes site amalgamation of the 5 existing lots into a single lot.

This application is referred to the Central Sydney Planning Committee (CSPC) as the cost of works exceeds \$50 million and constitutes a "major development" for the purposes of the City of Sydney Act 1988.

The site is subject to site-specific provisions under the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012. The proposal complies with key development standards including maximum height, floor space ratio and land use. The proposal generally follows the maximum planning envelope, with minor encroachments due to building fenestration and a rooftop balustrade. Despite these minor exceedances, the proposal does not result in any significantly adverse impacts to surrounding development and maintains solar access to nearby residential apartment buildings.

The development has been the subject of a competitive design alternatives process, with the winning scheme a collaboration between DKO and Allen Sage. The proposal is generally consistent with the winning scheme and has adequately addressed the recommendations of the competition selection panel and the City's Design Advisory Panel.

The development achieves a high standard of architectural design with an appropriate bulk and scale that responds positively to the heritage listed warehouse row in terms of materials and detailing, and by allowing the buildings to maintain their legibility and prominence in the streetscape. Sufficient building separation is provided to neighbouring heritage and mixed-use sites. The tower results in acceptable environmental impacts and overall achieves a sufficient standard of sustainable design. The development provides sufficient landscaping on podium which will contribute to local biodiversity and visual amenity. The development therefore achieves design excellence in accordance with Clause 6.21(4) of the Sydney LEP 2012.

The application was notified for a period of 28 days between 13 October 2025 and 11 November 2025. As a result of the notification there were 29 submissions received, with 1 in support, 8 individual submissions and 20 pro-forma submissions. Concerns raised include, heritage impacts, overshadowing, privacy, construction and traffic impacts, bulk and scale, noise, light spill and community benefit.

The application has also been amended, and additional information submitted, to address issues identified by City staff and the Design Advisory Panel during assessment and raised in the submissions received. The key issues relate to:

- Introduction of vertical fins, glazed bays and angular framing to the podium additions to better relate to the warehouse buildings below.
- Retention of the podium parapet and reinstatement of the 'Swallow Building' sign.
- A structural response in relation to supporting the new additions.
- An amended carbon emissions model and NABERS benchmark of 5.5-stars.
- Updated heritage conservation schedule, landscape plans, wind modelling testing, public art plan, waste management plan, stormwater information, and facade reflectivity details.

Subject to conditions, the proposal is generally compliant with the relevant planning provisions contained in the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012. Any non-compliances have been assessed as having merit in the context of the site and are addressed in this report.

Overall, the proposal responds satisfactorily to surrounding development and its context and exhibits a high standard of architectural design, materials and detailing. It is a high-quality outcome and is an appropriate response to the collective sites' heritage value.

Summary Recommendation: The development application is recommended for approval, subject to conditions.

Development Controls:

- (i) Environmental Planning and Assessment Act, 1979 and Environmental Planning and Assessment Regulation 2021
- (ii) City of Sydney Act 1988 and City of Sydney Regulation 2016
- (iii) Sydney Water Act 1994
- (iv) State Environmental Planning Policy (Biodiversity and Conservation) 2021
- (v) State Environmental Planning Policy (Resilience and Hazards) 2021
- (vi) State Environmental Planning Policy (Housing) 2021
- (vii) State Environmental Planning Policy (Transport and Infrastructure) 2021
- (viii) State Environmental Planning Policy (Sustainable Buildings) 2022
- (ix) State Sydney Local Environmental Plan 2012
- (x) Sydney Development Control Plan 2012
- (xi) Central Sydney Development Contributions Plan 2020
- (xii) City of Sydney Affordable Housing Program 2023

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Design Competition Report
- D. Submissions

Recommendation

It is resolved that consent be granted to Development Application Number D/2025/942 subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act, 1979, in that, subject to the imposition of conditions as recommended, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Central Sydney Planning Committee.
- (B) The applicant has undertaken a competitive design process in accordance with the City's policy, to which the proposed development is generally consistent. The applicant has adequately responded to the recommendations of the competition jury.
- (C) The development complies with the site-specific height and floor space ratio controls contained in Clause 6.55 of the Sydney Local Environmental Plan 2012 and provides commercial office and retail (food and drink) uses. The development is generally consistent with the site-specific provisions of Section 6.3.20 of the Sydney Development Control Plan 2012 and has been designed to maintain solar access to nearby residential properties.
- (D) The proposal is consistent with the objectives and provisions of the MU1 Mixed-Use zone and the City Edge Locality Area.
- (E) The development demonstrates design excellence, consistent with the provisions of Clause 6.21C of the Sydney Local Environmental Plan 2012. The tower and podium addition design and materiality read as contemporary structures, whilst being sensitive to the base heritage listed warehouse buildings. Sufficient separation is provided to maintain a good standard of amenity for adjoining properties and the public domain. The additions result in acceptable environmental impacts and achieve a good standard of environmental performance. The development provides landscaping on podiums which will contribute to local biodiversity and visual amenity. The overall adaptive re-use of the heritage buildings allows for the repair and conservation of significant fabric, and the additions are appropriately located to allow the legibility of the heritage listed group to be retained.
- (F) Subject to the recommended conditions of consent, the proposed development achieves acceptable amenity for the existing and future occupants of the subject and neighbouring sites.
- (G) The public interest is served by the approval of the proposed development subject to recommended conditions imposed relating to the appropriate management of associated potential environmental impacts.

Background

The Site and Surrounding Development

1. The site comprises five separate lots, being:
 - (a) Lots 42 and 43 DP 6534, known as 4-6 Wentworth Avenue;
 - (b) Lot 44 DP 6534, known as 8 Wentworth Avenue;
 - (c) Lots 45 and 46 DP 6534, known as 10-12 Wentworth Avenue;
 - (d) Lot 47 DP 6534, known as 14 Wentworth Avenue; and
 - (e) Lots 48, 49, 50 and 51 DP 6534, known as 16-22 Wentworth Avenue.
2. The site is collectively known as 4-22 Wentworth Avenue, Surry Hills. It has an irregular in shape with a combined area of approximately 1,222.4sqm. It has a primary street frontage of 65m to Wentworth Avenue, and secondary frontages to Wemyss Lane, being 21m to the north and 60m to the east. Levels on the site fall by approximately 4.5m from north to south, and 0.5-1m from Wentworth Avenue to Weymss Lane.
3. The collective site contains five Federation and inter-war buildings, constructed in the late 1910s. There is a 7-storey hotel at 4-6 Wentworth Avenue known as 'Hotel Stellar'. The other four buildings are generally 3 to 4 storey former warehouses that accommodate a range of uses, including educational premises, a health studio and a nightclub.
4. The subject warehouses at 4-22 Wentworth Avenue, and 24-44 Wentworth Avenue are identified as a local heritage item under the Sydney Local Environmental Plan 2012 as the 'Former warehouse group including interiors' (I2271). The site is not located within a heritage conservation area. The site also just falls outside of the designated Central Sydney area.
5. The surrounding area is characterised by a mixture of land uses, primarily being commercial office, residential and tourist and visitor accommodation. Directly north of the site (across Wemyss Lane) is the 24-storey 'Memocorp' commercial building. To the north-west, across Wentworth Avenue and at the corner of Liverpool Street, is the 30-storey Connaught building, a mixed-use residential development.
6. To the south along Wentworth Avenue are various mixed-use buildings of a similar scale that form part of the subject heritage listed group, containing commercial, retail and indoor recreation uses, and 'Hotel Harry's', a pub on the corner of Wentworth Avenue and Goulburn Street.
7. To the east and south east, across Wemyss Lane are 3 to 6 storey warehouse buildings, built to the boundary and used as commercial office premises. Directly opposite 16-22 Wentworth Avenue is a part 4, part 6-storey mixed use residential development known as 'Meta Apartments'.
8. Directly opposite the site to the west, is the 14-storey residential Wentworth Tower at 17-25 Wentworth Avenue. A tourist and visitor accommodation building, known as the 'Song Hotel' is located at 5-11 Wentworth Avenue.

9. Photos of the site and surrounds are provided below.



Figure 1: Aerial view of site and surrounds



Figure 2: Subject row of warehouse buildings viewed from Wentworth Avenue, looking south-east. Site is outlined in white.



Figure 3: Subject row of warehouse buildings viewed from Wentworth Avenue, looking north-east



Figure 4: Heritage listed warehouses 24-44 Wentworth Avenue (directly south of the subject site), looking south-east



Figure 5: 40-44 Wentworth Avenue, and Wentworth Avenue streetscape, looking north



Figure 6: Wentworth Avenue development directly opposite the site, looking north-west



Figure 7: Weymss Lane looking south



Figure 8: Weymss Lane looking north, from Goulburn Street



Figure 9: 'Meta' Apartments on the corner of Weymss Lane and Goulburn Street



Figure 10: 'Belvedere' Apartments on the corner of Goulburn Street and Brisbane Street

History Relevant to the Development Application

Planning Proposal

10. In June 2018, the proponent and landowner requested site-specific amendments to the Sydney Local Environmental Plan 2012 (Sydney LEP 2012) and the Sydney Development Control Plan 2012 (Sydney DCP 2012) for the five adjoining sites at 4-22 Wentworth Avenue, Surry Hills. The request sought to increase the height and floor space ratio for the primary use of hotel or motel accommodation only.
11. In August 2019, Council deferred the determination of the planning proposal to investigate an amended planning proposal and draft development control plan for the whole street block of 4-44 Wentworth Avenue.
12. The planning proposal for 4-22 Wentworth Avenue was endorsed by Council and the CSPC in December 2019. This included the southern half of the block at 24-44 Wentworth Avenue as part of a revised planning proposal. For 24-44 Wentworth Avenue, the proposal sought to increase the maximum height in the Sydney LEP 2012 for the purpose of commercial premises, health services facilities, educational establishments, hotel accommodation, entertainment premises, light industry or information and education facilities.
13. The proposal was granted Gateway determination on 22 June 2020. The planning proposal, draft DCP and other supporting documents were then publicly exhibited from 24 November 2020 to 29 January 2021. During public consultation, the proponent made a submission requesting a broadening of the incentivised uses for 4-22 Wentworth Avenue to match those incentivised for 24-44 Wentworth Avenue.
14. In March 2021, the amended planning proposal was approved, broadening the mix of permissible uses for the subject site to include alternative commercial uses of the upper levels.
15. The site-specific controls, with amendments to the Sydney LEP 2012 and Sydney DCP 2012, came into effect on 30 June 2021.
16. A detailed assessment of compliance against the site-specific controls is provided below in this report.

Competitive Design Alternatives Process

17. Following the Planning Proposal, the applicant commissioned a competitive design alternatives process for the site. Four architectural firms were invited to submit a design proposal in March 2025. The four selected architectural firms were:
 - (a) DKO & Aileen Sage (partnership);
 - (b) Lippmann Partnership;
 - (c) SJB; and
 - (d) Warren and Mahoney.
18. The design teams gave presentations to the Selection Panel on 2 May 2025. The Selection Panel resolved that the scheme prepared by DKO & Aileen Sage was preferred and was capable of achieving design excellence.

19. A copy of the competitive design alternatives report, including the selection panel recommendations, is provided at attachment C. A photomontage of the winning scheme presented during the competitive design process is provided below:



Figure 11: Photomontage of the winning design competition scheme by DKO & Aileen Sage, viewed from Wentworth Avenue, looking north-east

Design Amendments

20. Following an assessment of the proposed development by Council Officers, a request for additional information and amendments was sent to the applicant on 24 December 2025 and 27 February 2026. The applicant responded on 15 February, 6 March and 1 April 2026 as follows:
- Introduction of vertical fins and flat panelling at 10-12 Wentworth Avenue across the podium addition and a glazed corner box to the northern-most bay. Angular framing is proposed to the podium addition of 16-22 Wentworth Avenue.
 - Retention of the podium parapet and reinstatement of the 'Swallow Building' sign, with a reduction in height by approximately 500mm.
 - A structural response indicating the use of new steel columns adjacent to heritage columns to provide vertical support whilst limiting impact to heritage fabric.
 - Detailed drawings of the heritage shopfronts and windows at ground floor level.

- Updated landscape plans to address soil depth behind the building parapet for green roof areas.
- Confirmation from a façade engineer that the tower glazing will limit light reflectivity and solar heat gain as currently proposed.
- A heritage conservation schedule of works has been prepared, detailing high significance fabric (principal facades, masonry, structural wall, columns) are to be retained and conserved.
- An updated waste management plan detailing waste collection via a wheel-in, wheel-out method.
- Wind modelling testing.
- Updated Public Art Plan indicating a budget of 1% of the total construction cost.
- Updated stormwater information, levels and gradients.
- Updated construction management plan that relocates all temporary structures away from existing street trees.
- Amended carbon emissions model and report, a NABERS benchmark of 5.5 stars.

Proposed Development

21. Development approval is sought for the adaptive reuse of the existing heritage buildings at 4-22 Wentworth Avenue and substantial alterations and additions, with the construction of a 13-storey tower addition atop 4-6, and parts of 8 and 10-12 Wentworth Avenue, and a 2-storey podium addition extending above 10-12 and 16-22 Wentworth Avenue.
22. The mixed-use development comprises ground floor food and beverage uses, commercial office space on upper levels, and a basement/lower ground level incorporating a loading dock, parking, waste areas, end-of-journey facilities and mechanical services.
23. The proposal also includes site amalgamation of the 5 existing lots into a single lot.
24. A description of works is provided below as follows:
 - Internal and external demolition of walls, floors, stairs, windows, parapets and the roof within all existing heritage buildings, removal of existing rooftop plant. Retention of principal facades, masonry, structural walls, columns, timber/steel elements and reinstatement of original features;

Lower ground

- Excavation to provide additional basement levels at 8 and 14 Wentworth Avenue, matching the depth of existing basements in the heritage row. The basements are to contain waste, storage, plant and services, end-of-journey facilities, loading areas with turntable, lobby area, OSD tank, and car park containing 12 car spaces (including 2 loading spaces) and 1 motorcycle space. Vehicular access is proposed to Wemyss Lane;

Ground floor

- 3x food and beverage premises with associated services and kitchen exhaust;
- Substation to the rear of 10-12 Wentworth Avenue, and waste collection points to Wemyss Lane;
- Lobbies associated with upper level commercial offices;
- Internal landscaping;
- Continuous awnings to 4-6, 8, 10-12 and 14 Wentworth Avenue, with smaller awnings to the entries of 16-22 Wentworth Avenue;

Mezzanine

- Sanitary facilities and services to part of 4-6, 8, 10-12 and 14 Wentworth Avenue;
- New mezzanine floor to 16-22 Wentworth Avenue to contain office space;

Levels 1-2

- Office space;

Levels 3-4

- 2-storey podium addition to 10-12, 14 and 16-22 Wentworth Avenue, with deep soil planting at both levels;

Level 5

- New parapet to podium addition, with deep soil planting, rooftop terrace, photovoltaic panels;
- Office space to tower addition atop 4-6, 8 and part of 10-12 Wentworth Avenue;

Levels 6-12

- Office space, with landscaping/terrace areas on levels 7 and 12;

- Services, plant areas.

25. The development has a maximum height of RL86.20 for 4-12 Wentworth Avenue, and a maximum height of RL 50 for 14-22 Wentworth Avenue. An FSR of 5.8:1 (7,089sqm) is proposed.
26. Plans and elevations of the proposed development are provided below.

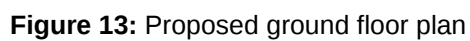
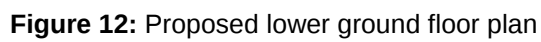




Figure 14: Proposed mezzanine floor plan

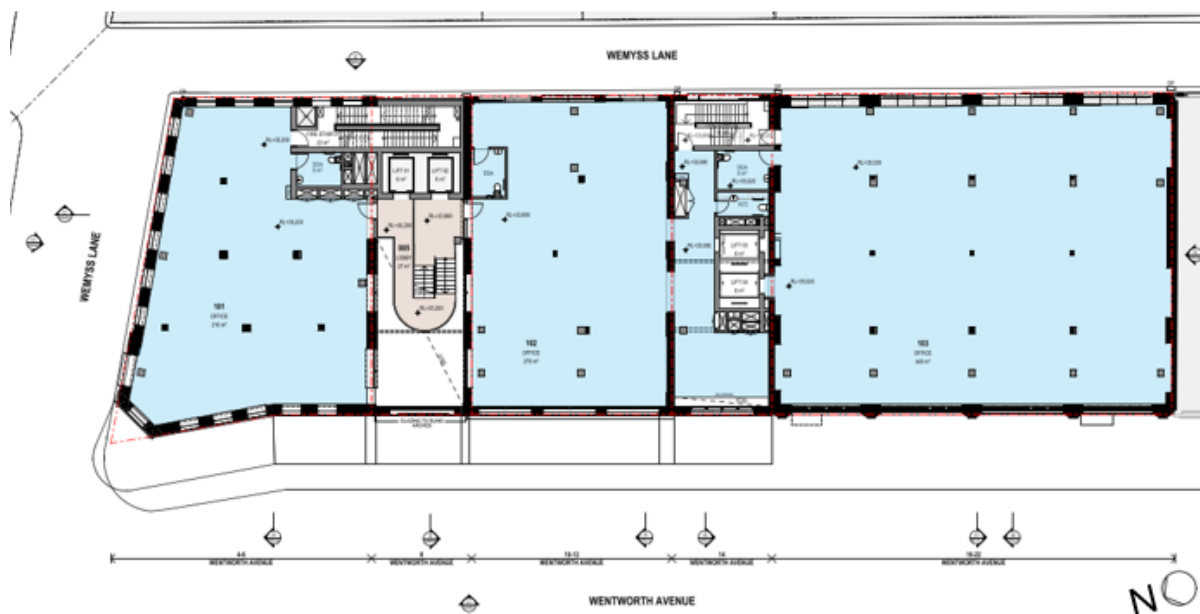


Figure 15: Typical podium floor plan

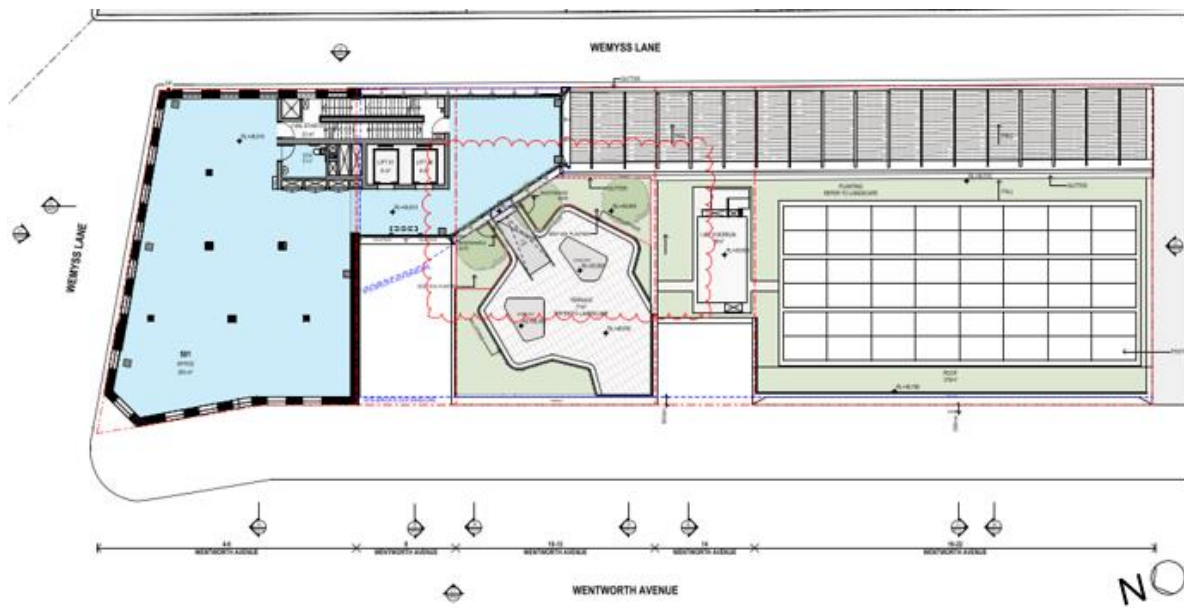


Figure 16: Proposed podium rooftop plan / level 5 of tower

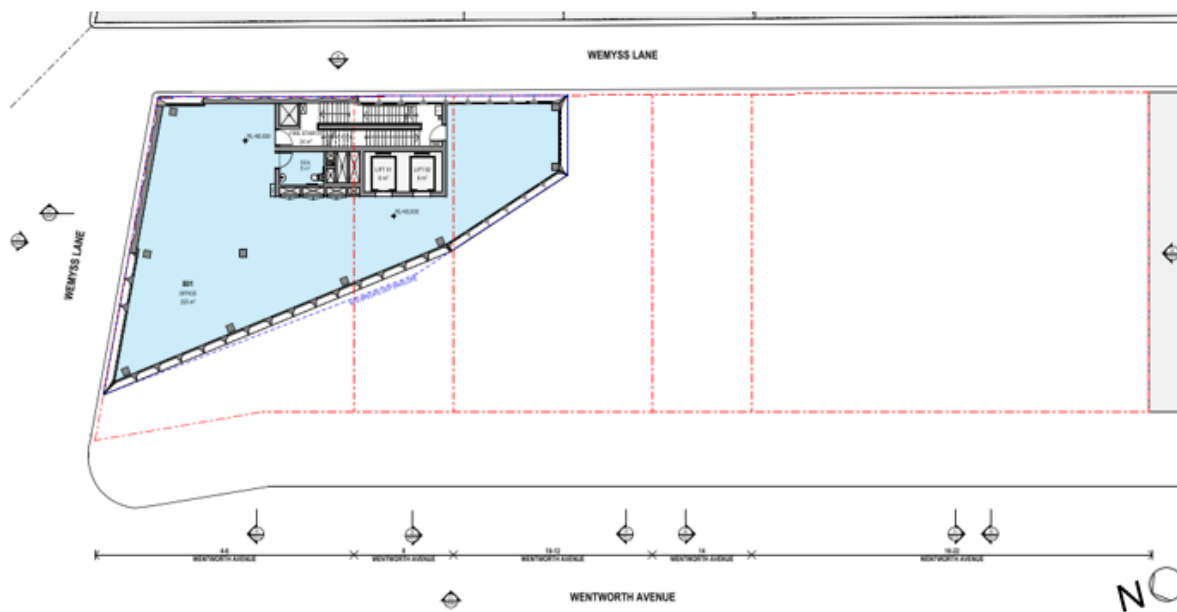


Figure 17: Typical tower floor plan

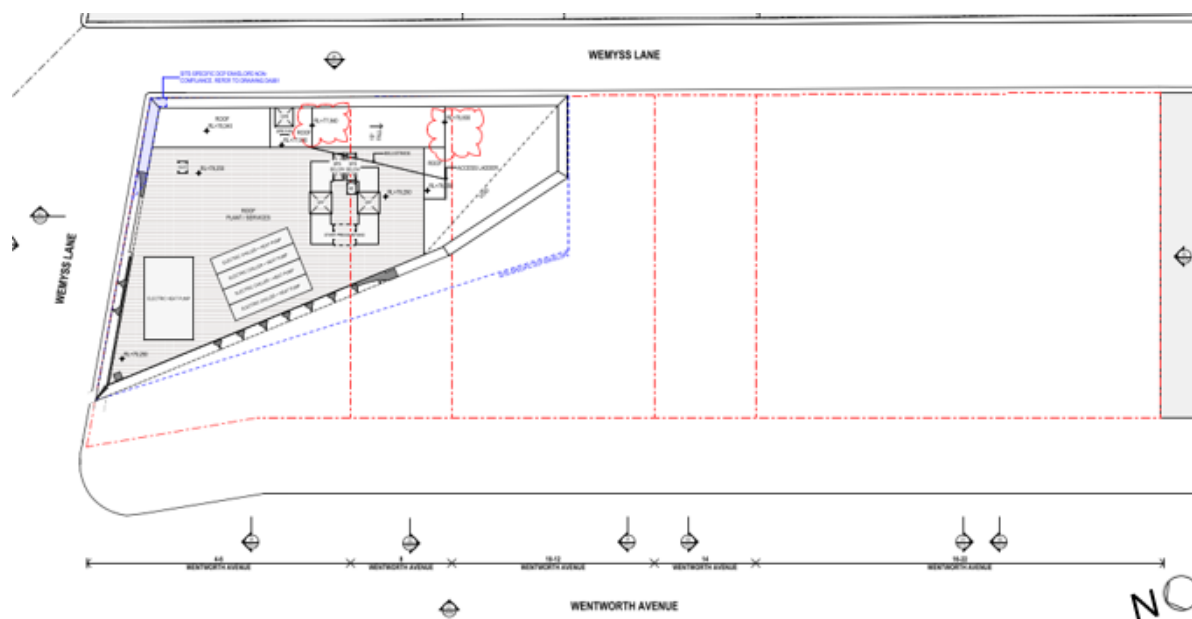


Figure 18: Proposed level 13 floor plan

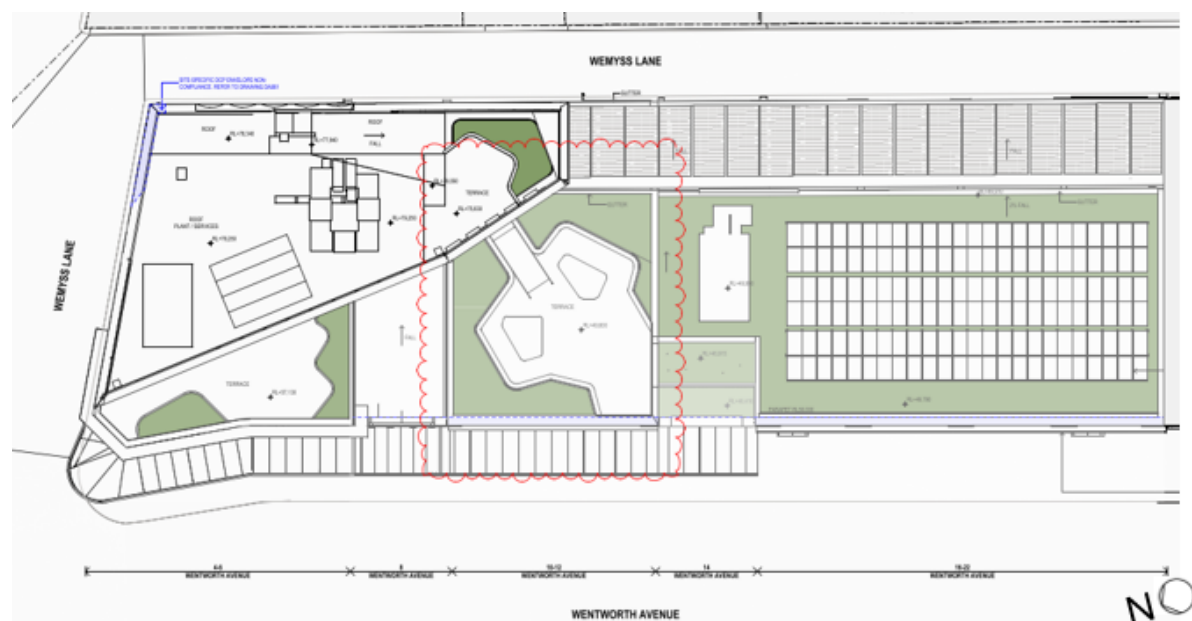


Figure 19: Proposed rooftop plan

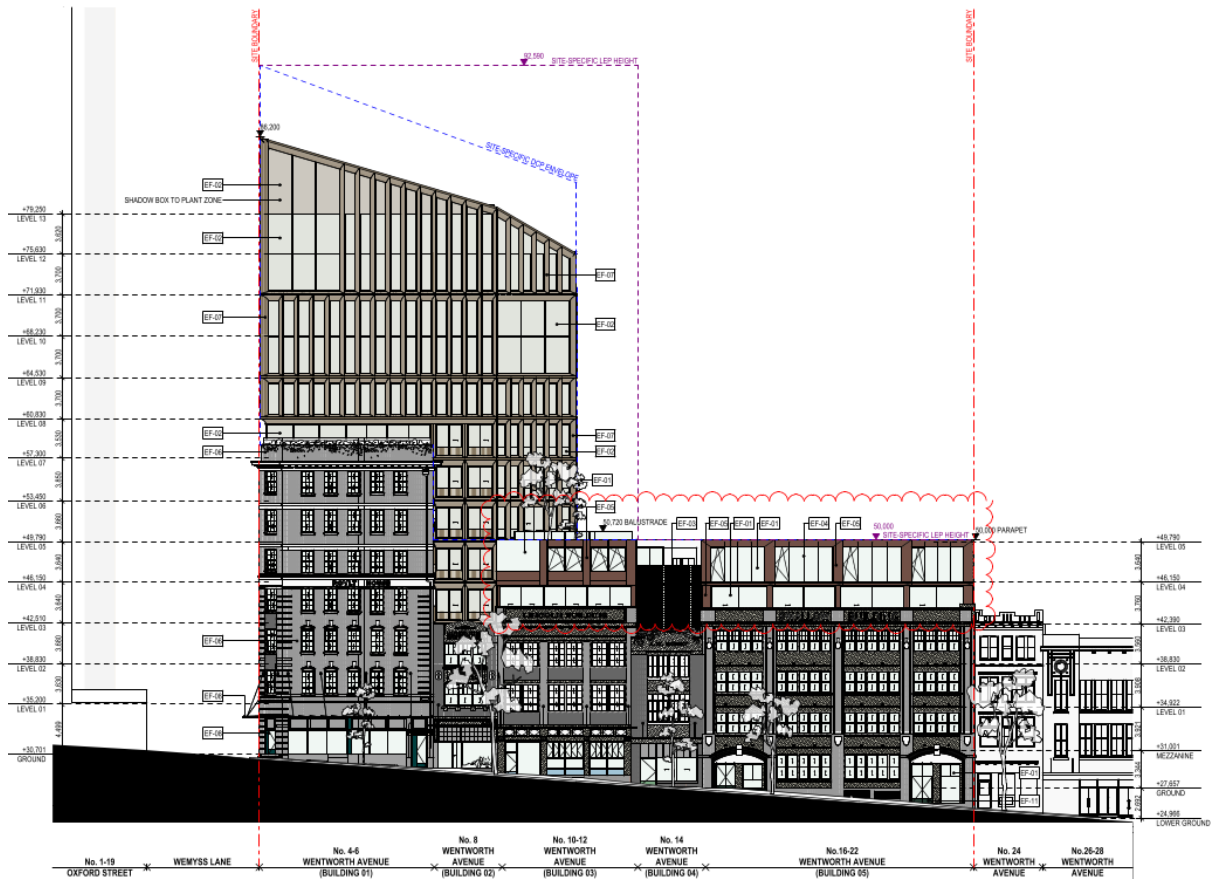


Figure 20: Proposed west (Wentworth Avenue) elevation

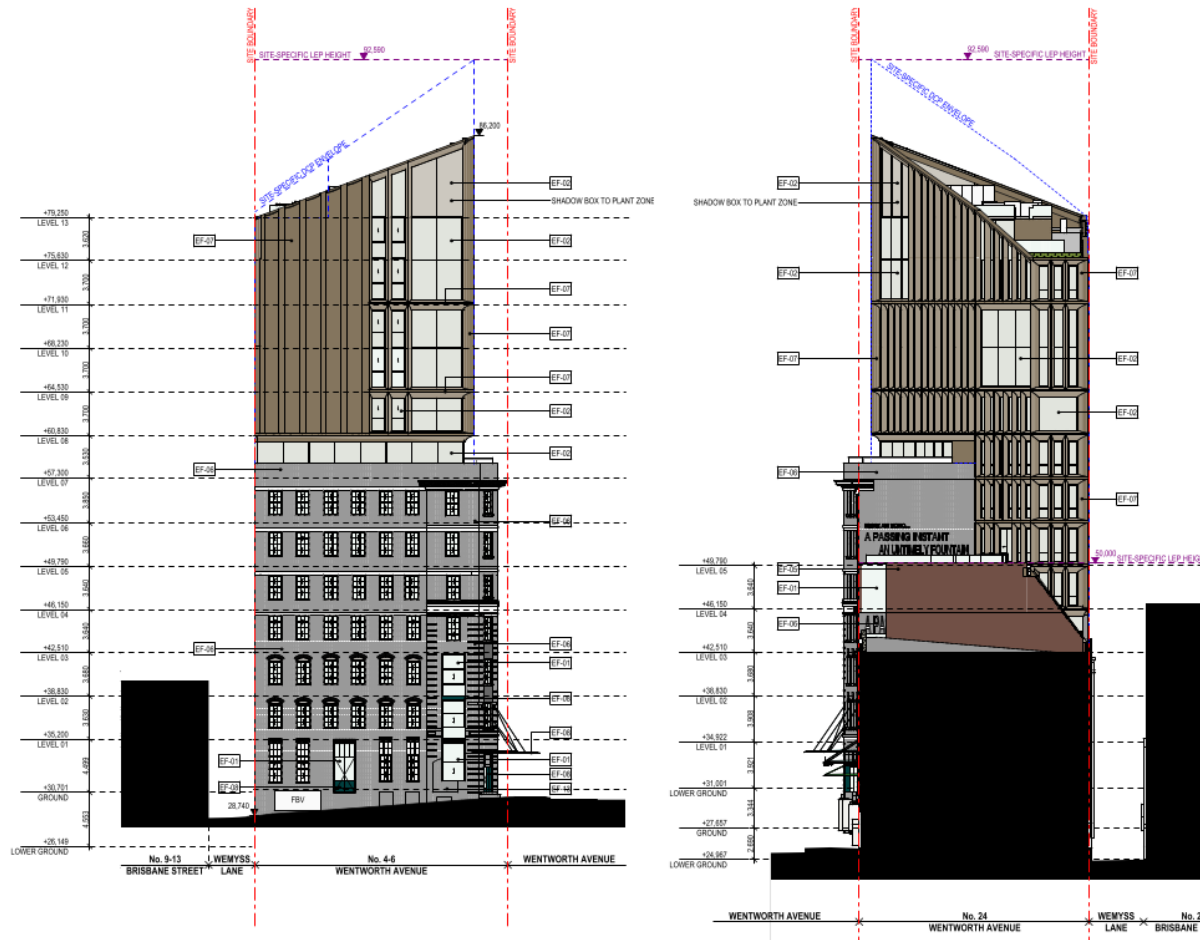


Figure 21: Proposed north (left) and south (right) elevations

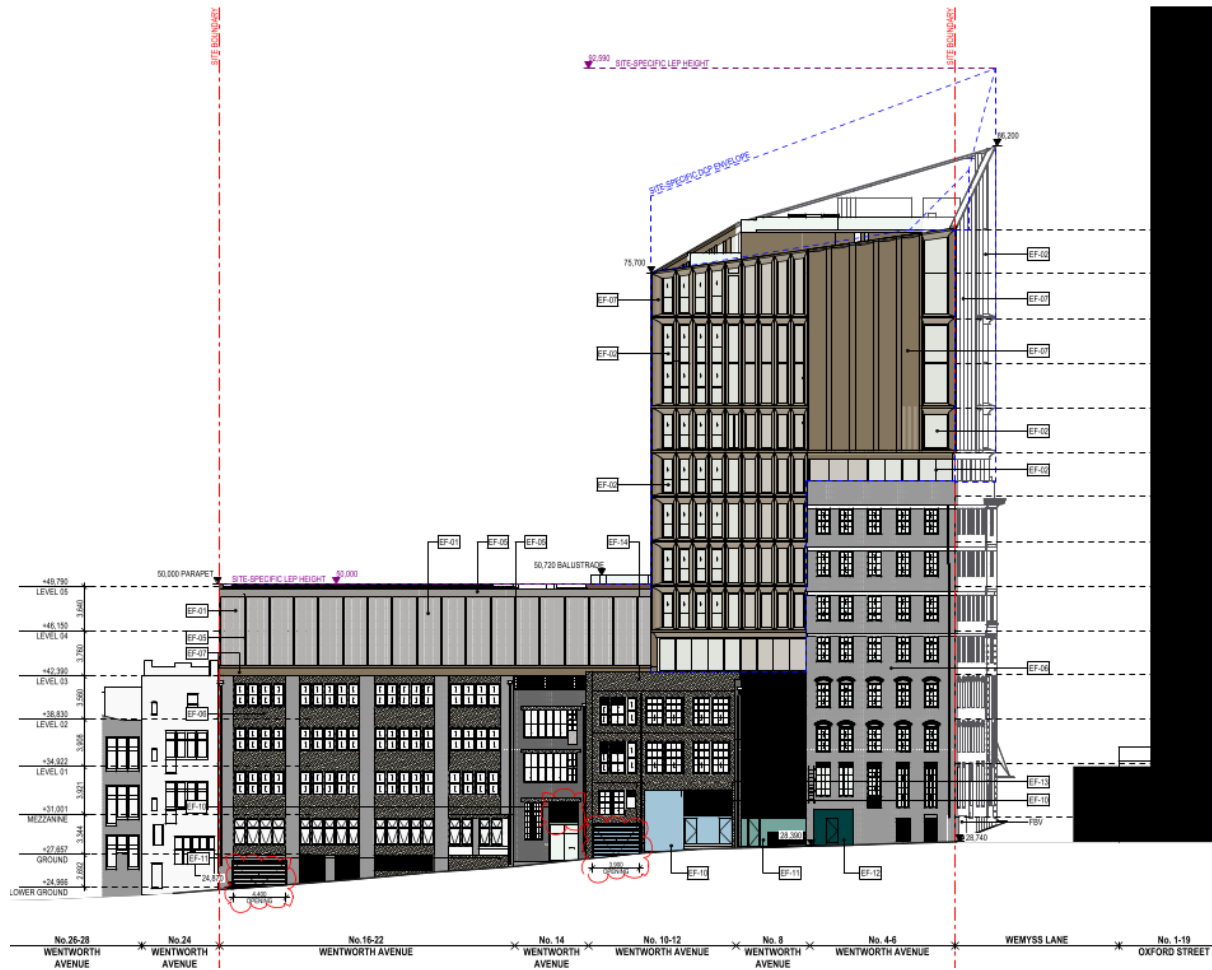


Figure 22: Proposed east (Wemyss Lane) elevation



Figure 23: Photomontage of the proposed development - Wentworth Avenue elevation, looking south-east



Figure 24: Photomontage of the proposed development - Wentworth Avenue elevation, looking north-east

Assessment

27. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

State Environmental Planning Policies

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4

Remediation of Land

32. Some excavation is to occur beneath 8 and 14 Wentworth Avenue to provide a connection between the basement levels across all 5 buildings.
33. The existing heritage buildings are used for commercial purposes, and the redevelopment of the site will not involve a change of use that results in a more sensitive land use.
34. The applicant has advised that the Statement of Heritage Impact and the Historical Archaeological Assessment for the development do not identify any former uses that are listed in Table 1 of the Managing Land Contamination Planning Guidelines (under the former SEPP 55 Remediation of Land). Further to this, the site is not identified by the Environmental Protection Authority as a contaminated site. Council records also do not indicate that there is any site contamination from previous uses.

35. In light of the above, the Council's Health Unit is satisfied that, subject to conditions, the site can be made suitable for the proposed use.

State Environmental Planning Policy (Transport and Infrastructure) 2021

36. The provisions of SEPP (Transport and Infrastructure) 2021 have been considered in the assessment of the development application.

Division 5, Subdivision 2: Development likely to affect an electricity transmission or distribution network

Clause 2.48 Determination of development applications – other development

37. Pursuant to Section 2.48, the proposed development includes the installation of a substation and involves the penetration of ground within 2m of an electricity distribution pole. As such, the application was referred to Ausgrid for comment. Ausgrid responded on 31 March 2026 raising no objection, and the recommended conditions are included in Attachment A.

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6 Water Catchments

38. The site is within the Sydney Harbour Catchment but is not located in the Foreshores Waterways Area or adjacent to a waterway. The proposed development satisfies the requirements of Division 2 of the Biodiversity and Conservation SEPP as it will have negligible impacts to the water quality and quantity.

State Environmental Planning Policy (Sustainable Buildings) 2022

39. The proposed development is subject to Chapter 3 of the Sustainable Buildings SEPP as it involves the alterations of an existing commercial building with an estimated development cost of more than \$10 million and is defined as a 'large commercial development'. The development is also subject to Clause 7.33 of the Sydney LEP 2012, Section 3.6.1 and Section 6.3.20.3 of the Sydney DCP 2012 with regard to sustainability.
40. The submitted ESD Report, being a completed City of Sydney Design for Environmental Performance template, adequately address the requirements of Section 3.2(1) of the Sustainable Buildings SEPP by demonstrating that the proposed development:
- (a) Will target 90% recovery of construction and demolition waste, noting that the proposal is seeking to retain and adaptively reuse existing heritage buildings;
 - (b) Will reduce peak electricity demand through the use of energy efficient technology;
 - (c) Has been designed to reduce the reliance on artificial lighting and mechanical heating and cooling through passive design;
 - (d) Will incorporate a Building Management Control System (BMCS) to monitor and manage building services and energy use. A comprehensive metering and sub-metering strategy will be implemented to track end-use energy consumption across major loads, including HVAC, lighting, domestic hot water, and tenant areas; and

- (e) includes an on-site rainwater storage tank with a total capacity of 20 kL, intended for non-potable uses such as toilet flushing and irrigation.
41. A NABERS embodied energy form prepared by an appropriately qualified person as required by the regulations has also been submitted to adequately quantify the embodied emissions attributable to the development, satisfying Section 3.2(2) of the Sustainable Buildings SEPP.
 42. A net zero statement has been submitted to confirm that base building services will be electrically powered with on-site renewable energy generation, satisfying Section 3.3(1) of the Sustainable Buildings SEPP.
 43. In relation to water use standards, the submitted ESD Report commits to attaining a minimum 3-star NABERS Water Rating as required by Section 3.3(2) of the Sustainable Buildings SEPP.
 44. In relation to energy use standards, Section 3.3(4) of the Sustainable Buildings SEPP defers to Clause 7.33 of the Sydney LEP 2012, which requires the proposed development to be designed to optimise energy efficiency and the use of renewable energy generated on-site, while Section 3.6.1 of the Sydney DCP 2012 establishes the requirements for a 5.5-Star NABERS rating plus 25%.
 45. The site, however, is subject to more stringent NABERS criteria under the site-specific controls contained in Section 6.3.20 of the Sydney DCP 2012, with a 6-star rating prescribed for Energy and 4-star rating for Water. This is not achievable given the heritage significance of the buildings. Noting the SEPP prevails over the site-specific controls in this instance, the 3-star Water rating is acceptable. The ESD report commits to a 5.5-star NABERS energy commitment agreement, which the City accepts. See DCP table for Section 6.3.20 for further discussion regarding Energy targets.
 46. Notwithstanding, conditions of consent are recommended to ensure that the proposed development will achieve the relevant water and energy use standards.

Local Environmental Plans

Sydney Local Environmental Plan 2012

47. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located in the MU1 Mixed Use zone. The proposed development is defined as a commercial office premises with ancillary retail (food and drink) premises and is permissible with consent in the zone. The proposal generally meets the objectives of the zone.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	Yes	The site is subject to site-specific height controls. See Clause 6.55. within the LEP table.
4.4 Floor space ratio	Yes	The site is subject to a site-specific floor space ratio (FSR) control. See Clause 6.55. within the LEP table.

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	The site contains five Federation and inter-war buildings, constructed in the late 1910s. These warehouses, and 24-44 Wentworth Avenue, are identified as a local heritage item under the Sydney Local Environmental Plan 2012 as the 'Former warehouse group including interiors' (I2271). The application proposes the adaptive reuse of the warehouse buildings, as well as construction of tower and podium additions. The new tower is at the northern end of the site (4-6, 8 and part of 10-12 Wentworth Avenue), as the existing interior fabric is of less heritage significance. The 2-storey podium additions atop 10-12, 14 and 16-22 Wentworth Avenue, is designed with lightweight structures that respond to the heritage buildings, with the reinstatement of remnant signage found on the existing parapet. The design of the tower addition responds to, yet is appropriately distinctive from, the warehouse group and the facades that are being retained. It generally follows the site-specific building envelope, which maintains the visual prominence of the retained buildings and creates a sympathetic visual relationship between the warehouses and the commercial tower. Overall, the proposal is designed to respect the heritage significance of the

Provision	Compliance	Comment
		buildings, whilst allowing for vertical additions that will maintain the structural integrity of the existing warehouses. See Discussion section below.
5.21 Flood planning	Yes	The subject site is affected by Probable Maximum Flood (PMF) conditions along Wemyss Lane. The submitted flood report appropriately considers the impacts of climate change on flood levels, with flood planning levels recommended. The City's Public Domain Unit reviewed the submitted information and has accepted the recommended flood planning levels. The flood assessment demonstrates that the development is able to comply with the City's Interim Floodplain Management Policy and satisfies the provisions of the standard.

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 4 Design excellence		
6.21C Design excellence 6.21D Competitive design process	Yes	The proposal utilises the additional 10% floor space bonus contained in Clause 6.21D(3)(b). The proposal was the winner of a competitive design alternatives process and has retained the key elements of the winning proposal while addressing recommendations made by the selection panel for improvements. These recommendations are detailed further in the Discussion section of this report. The proposal responds appropriately to the site-specific controls, and the built form is compatible with the heritage significance of the subject buildings by maintaining the structural integrity of these warehouses, whilst retaining their historic building features.

Provision	Compliance	Comment
		The upper-level setbacks of the tower provide a suitable transition in scale, and allow the heritage listed buildings to maintain their legibility in the streetscape. The proposed development is of a high standard and uses materials and detailing which are compatible with the existing development along the street and will contribute positively to the character of the area. The development achieves the principle of ecologically sustainable development and has an acceptable environmental impact with regard to the amenity of the surrounding area and future occupants. The development therefore achieves design excellence.
Division 5 Site specific provisions		
6.55 4-22 Wentworth Avenue, Surry Hills	Yes	The subject site, 4-22 Wentworth Avenue, is subject to the site-specific controls identified in this clause.
6.55(2) - The consent authority may grant development consent to alterations or additions to an existing building on the land to which this clause applies that will result in a building— (a) on Lots 42–46, DP 6534, 4–12 Wentworth Avenue—with a maximum building height of RL 92.59 metres, and (b) on Lots 47–51, DP 6534, 14–22 Wentworth Avenue—with a maximum building height of RL 50 metres, and (c) with a maximum floor space ratio of 5.7:1.	Yes	The proposed development has a maximum height of RL86.2 for 4-12 Wentworth Avenue, and a maximum height of RL 50 for 14-22 Wentworth Avenue. The proposal complies with the height development standards. As identified above, the proposed development was the subject of a competitive design excellence alternatives process and may be awarded up to an additional 10% floor space ratio if the proposal is considered design excellence, as per Clause 6.21D(3)(b) of the Sydney LEP 2012. Therefore, the site is eligible for a maximum FSR of 6.27:1. The proposal has an FSR of 5.8:1 (7,089sqm), which complies.

Provision	Compliance	Comment
6.55(3) Development consent must not be granted under this clause unless the consent authority is satisfied that the building will be used only for the following purposes— (a) commercial premises, (b) educational establishments, (c) entertainment facilities, (d) health services facilities, (e) hotel or motel accommodation, (f) information or education facilities, (g) light industries.	Yes	The proposal is for a commercial office development with ancillary retail (food and drink) premises, which complies.
6.55(4) Clause 6.21D(3)(a) does not apply to a building on the land to which this clause applies.	Yes	The proposed development does not seek to utilise any additional height as a result of the competitive design excellence alternatives process.

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
7.6 Office premises and business premises 7.7 Retail premises	Yes	A maximum of 24 car parking spaces are permitted. The proposed development includes 12 car parking spaces and complies with the relevant development standards.
Division 3 Affordable housing		
7.13 Contribution for purpose of affordable housing	Yes	The site is subject to affordable housing contributions under Clause 7.13. A condition of consent has been recommended that requires the payment of affordable housing contributions prior

Provision	Compliance	Comment
		to any construction certificate. See Financial Contributions below.
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	The site is located on land with class 5 Acid Sulfate Soils. The application does not propose works requiring the preparation of an Acid Sulfate Soils Management Plan.
7.20 Development requiring or authorising preparation of a development control plan	Yes	The site is subject to site-specific controls contained in Clause 6.55 of the Sydney LEP 2012 and Section 6.3.20 of the Sydney DCP 2012, addressing the requirements of Clause 7.20. The site-specific controls relate to height, floor space ratio, land use mix, overshadowing, building envelopes, heritage and sustainability. A detailed assessment of compliance against the site-specific controls is provided below.
7.33 Sustainability requirements for certain large commercial development	Yes	The development satisfies the sustainability requirements for large commercial development. Refer to SEPP (Sustainable Buildings), and the DCP table, Sections 3.6 and 6.3.20 for further discussion.

Development Control Plans

Sydney Development Control Plan 2012

48. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

Section 2 – Locality Statements

49. The site is located within the City Edge locality. The proposed development is in keeping with the unique character and the design principles of the City Edge locality.

50. The proposal retains and reinforces the development scale and bulk around Wentworth Avenue by continuing the warehousing typology along the row. The new tower addition being sited to the north, along with the lightweight design and appearance of the podium additions, allow the heritage listed buildings to maintain their legibility in the streetscape.

Section 3 – General Provisions

Provision	Compliance	Comment
3.1.5 Public Art	Yes	The proposal is accompanied by a Preliminary Public Art Plan, identifying locations for public art, including an atrium within the warehouse buildings and ghost/heritage signs across the facade. The proposed opportunities have been reviewed by the City's Public Art Unit and are supported. A condition is recommended in Attachment A, requiring a detailed public art plan to be submitted to the City for approval prior to any Construction Certificate for above ground works.
3.2. Defining the Public Domain	Yes	The proposed development will have no additional overshadowing to public open spaces between 9am and 3pm in midwinter or impacts on views to public places or heritage buildings and monuments. In particular, the proposal does not result in impacts to Harmony Park, which is located approximately 100m to the south-east of the site. The development will maintain an active frontage, with multiple ground floor entries to the street, which have been designed to comply with flood planning levels. A continuous awning will be provided along 4-6, 8, 10-12 and 14 Wentworth Avenue, with smaller awnings to the entries of 16-22 Wentworth Avenue. This is considered acceptable in light of the heritage significance of the buildings, and is discussed in further detail below. A wind assessment, confirms that the majority of the upper-level communal outdoor areas meet wind comfort standards for standing, with the public domain around the site maintaining standards for walking. A condition is recommended to ensure that the

Provision	Compliance	Comment
		communal outdoor areas do not contain lightweight furniture unless it is securely attached to the balcony floor slab. A reflectivity report has been submitted confirming that building materials used on the facade will not exceed 20%.
3.3 Design Excellence and Competitive Design Processes	Yes	A competitive design process for the site was conducted to select the project architect. The selection panel deemed the entry of DKO and Aileen Sage as the design most capable of achieving design excellence.
3.5 Urban Ecology	Yes	The proposed development does not involve the removal of any trees. Appropriate conditions are recommended to protect surrounding street trees during construction. It is noted that an amended Construction Management Plan (dated 11 February 2026) outlines that all temporary structures are to be relocated during construction to significantly reduce any requirements for pruning to street trees in front of the collective site. A condition is also recommended for amended stormwater plans to be submitted prior to any construction certificate to ensure that pipework near Tree 3 (14 Wentworth Avenue) will not have any adverse impacts on tree health and stability. Trees are proposed within the outdoor communal areas of the development. A condition is recommended in Attachment A requesting a change of species selection (as some may not reach the required dimensions of the DCP to be classified as a tree). The development otherwise provides the required 15% canopy coverage.
3.6 Ecologically Sustainable Development	Partial compliance	Table 3.5 of Section 3.6.1 requires a commercial office building to achieve a 5.5-star NABERS Energy rating, plus 25%. The site is subject to more stringent NABERS criteria under the site-specific controls contained in Section 6.3.20 of

Provision	Compliance	Comment
		the Sydney DCP 2012, with a 6-star rating prescribed. This is not achievable given the heritage significance of the buildings, and as such, the 5.5-star commitment is accepted. See DCP table for Section 6.3.20 for further discussion.
3.7 Water and Flood Management	Yes	The site is identified as being on flood prone land. See discussion under the LEP table, Clause 5.2 above.
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	The proposed development involves lot consolidation of the five properties that are to be redeveloped. The application was referred to Council's Specialist Surveyor, who supported the proposal, subject to conditions, as recommended in Attachment A.
3.9 Heritage 3.10 Significant Architectural Building Types - Warehouses and industrial building older than 50 years	Yes	The subject warehouses at 4-22 Wentworth Avenue, and 24-44 Wentworth Avenue, are identified as a local heritage item under the Sydney Local Environmental Plan 2012 as the 'Former warehouse group including interiors' (I2271). The proposal is accompanied by a Statement of Heritage Impact that addresses the requirements of the endorsed Conservation Management Plan (CMP) for the collective group of warehouses, and a structural strategy, and schedule of conservation works. Overall, the proposal has been designed to respect the heritage significance of the buildings, whilst allowing for a vertical addition that will maintain the structural integrity of the existing warehouses. See Discussion section.
3.11 Transport and Parking	Yes	The development proposes vehicular access to the site via existing driveways to Weymss Lane. B85 access will be accommodated via 10-12 Wentworth

Provision	Compliance	Comment
		Avenue, and B99 vehicles will be able to access 16-22 Wentworth Avenue. The existing lower ground level provides 8 parking spaces, including 4 designated loading spaces. The proposal will provide 12 car spaces, including 2 loading spaces. One loading space for a B85 is proposed at 10–12 Wentworth Avenue with a turntable, and one loading space for a B99 is proposed at 16–22 Wentworth Avenue. The traffic report accompanying the proposal anticipates average trip generation rates of 31 in the AM and 47 in the PM, It is also expected that 10% of all vehicle trips will use Weymss Lane. Overall, the proposed development is not expected to result in a significant increase in traffic compared to current conditions. It is noted that the site is located in close proximity to public transport within a 400m catchment, including bus services (Oxford Street, Liverpool Street and Wentworth Avenue), and train services at Museum Station. Central Station is (comprising bus, light rail, train and metro services) is approximately 660m away. The existing vehicle ramp at 10-12 Wentworth Avenue is proposed to be retained in its current configuration, which does not fully comply with the relevant Australian Standard. The submitted vertical swept path analysis indicates that some vehicle scraping may occur. The traffic report notes that these localised clearance issues can be addressed once refined survey information of the ramp geometry is available. It is expected that works will involve minor feathering and tolerance adjustments, without altering ramp gradients or the functional layout of the access point. A standard condition in Attachment A is recommended to ensure these design refinements are achieved.

Provision	Compliance	Comment
		The proposed development provides appropriate end of journey facilities, including 65 bicycle parking spaces in the basement, with 50 lockers and 6 showers. The proposal will be dependent on detailed management plans for conducting loading, servicing and waste collection and is to be conditioned accordingly. Waste collection is discussed in Section 3.14 below.
3.12 Accessible Design	Yes	An accessibility report is submitted to confirm the proposed development is capable of complying with the accessibility requirements of the NCC and DDA standards.
3.13 Social and Environmental Responsibilities	Yes	The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.
3.14 Waste	Yes	The waste management plan for the proposal indicates bins will be transported from waste rooms at basement/lower ground to waste awaiting collection points within the development, then wheeled out to collection points within Wemyss Lane when ready. Section 3.11.13 of the DCP deals with the design and location of waste collection points, and allows for a "less preferable option" if off street collection is unreasonable. The City's Cleansing and Waste Unit originally requested that consideration be given to a roller door at the rear of 14 Wentworth Avenue, where a waste room is proposed to be relocated. However, the City's Heritage Specialist advised that the warehouse is fairly intact, and a roller door would have an adverse impact on the heritage significance of the building. As an alternative to the above, it has been suggested that waste and

Provision	Compliance	Comment
		recycling be collected via the dedicated 2 service/loading spaces, with a collection holding point within 10-12 Wentworth Avenue, so that a waste collection vehicle is able to pull up within the laneway and move the bins up and down the driveway ramp. This option is supported given the heritage constraints of the site. Waste collection is to be carefully managed via an updated waste management plan, a loading dock management plan and imposition of waste collection times in accordance with the City's Waste Guidelines (to limit disruption to surrounding neighbours). Appropriate conditions encapsulating the above, as well as to delete the collection points within the laneway are recommended in Attachment A. Other standard waste conditions are recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.
3.16 Signage and Advertising	Yes	Section 3.16.1 of the DCP requires a signage strategy to be prepared for sites involving a heritage item. Although the proposal includes the reinstatement of the parapet sign 'Swallows Building', a formal signage strategy has not been provided. Noting there are also food and drink tenancies at ground floor that will likely require individual signage, a condition is recommended in Attachment A for a signage strategy to be prepared.

Section 4 – Development Types

4.2 Residential Flat, Commercial and Mixed-Use Developments

Provision	Compliance	Comment
4.2.1 Building height 4.2.1.2 Floor to ceiling heights and floor to floor heights	Yes	The proposed development maintains the existing floor-to-floor heights of the basement and warehouse buildings. While the ground floor does not achieve a consistent 4.5m floor-to-floor height across the warehouses, it is acceptable as the development will still allow for a high level of daylight access into the interiors with the introduction of void areas. Upper levels are provided with 3.6m floor-to-floor heights, which complies.
4.2.4 Fine grain, architectural diversity and articulation	Yes	The proposed development provides a frontage length of 65m. By adaptively reusing and extending the heritage warehouses, the proposal maintains a finely articulated presentation to Wentworth Avenue that is appropriate for the streetscape.

Section 6.3.20 – 4-44 Wentworth Avenue, Surry Hills

51. An assessment against the relevant site-specific provisions as they apply to 4-22 Wentworth Avenue, Surry Hills is provided in the table below.

Provision	Compliance	Comment
6.3.20.1 Overshadowing of neighbouring residential properties during mid-winter	Yes	The building envelope for the site prescribed by Section 6.3.20 has been determined by overshadowing requirements. The proposal is accompanied by shadow diagrams and eye of the sun diagrams between 9am and 3pm at the winter solstice, demonstrating that whilst there is some additional overshadowing, residential properties that do not currently receive the required hours of solar access will not have their solar access reduced by more than 20%. See Discussion section below.

Provision	Compliance	Comment
6.3.20.2 Heritage conservation	Yes	In accordance with the provisions, the development: • Will maintain the structural and architectural integrity of the heritage group as it pertains to 4-22 Wentworth Avenue, by strengthening existing columns to support the new additions. See Discussion for further details. • Allows for the retention of significant building fabric and spaces, both internally and externally. The majority of the intrusive works to support the tower (such as the core, services and the like) are confined to 8 Wentworth Avenue as it is of less significance (with little heritage fabric left intact). • Includes a schedule of conservation works, with a retain-and-repair approach, as well as the reinstatement of timber windows to match original, paint finishes and materials, and the original exposed brick finish of the facade of No. 14 Wentworth Avenue. • Seeks to retain and expose internal historic features. The Statement of Heritage Impact notes that there is some uncertainty regarding the survival of original internal fabric as most are concealed by suspended ceilings and partitions. Investigative works are proposed to be conducted prior to construction works being carried out, which is supported. • Has been designed so that the podium additions present as discrete, lightweight additions that respond to the individual buildings within the heritage group. The additions play into the distinctive existing streetscape presentation,

Provision	Compliance	Comment
		by continuing the vertical rhythm of the heritage buildings (expressed as the vertical fins), providing visual interest with the introduction of a glass box, whilst also providing different fenestration between the additions above 10-12, 14 and 16-22 Wentworth Avenue. However, during assessment minor refinements to the presentation of the addition above 10-12 Wentworth Avenue were required. This is detailed in the Discussion section below. • Responds to and reflects the varying heights of the buildings in the row that form part of this proposal. The tower addition is located where it is more appropriate, above the existing 7-storey hotel at 4-6; with the more intact heritage items (10-12, 14 and 16-22) supporting a 2-storey podium addition that responds the scale of the rest of the heritage row. • Maintains individual entries to each building, with internal openings to allow for connection of internal spaces within the warehouses. • Retains the opening of the original loading dock of 10-12 Wentworth Avenue to Weymss Lane. • Maintains existing floor levels within each building. • Does not include any internal walls, floors or ceilings that are built across existing windows.
6.3.20.3 Sustainability	Partial compliance	Any development for the purposes of commercial office must have a commitment agreement of 6-stars NABERS Energy for the base building, as well as 4-star NABERS for water.

Provision	Compliance	Comment
		Due to heritage constraints, the development has targeted 5.5-star NABERS Energy and 3-star NABERS Water As discussed elsewhere in this report, Section 3.3(2) of the Sustainable Buildings SEPP prescribes a 3-star NABERS Water rating, of which the development meets. Noting the SEPP prevails over the site-specific controls, the 3-star Water rating is acceptable. In relation to energy use standards, Section 3.3(4) of the Sustainable Buildings SEPP defers to Clause 7.33 of the Sydney LEP 2012, which prescribes requirements that are specified in Section 3.6.1 of the Sydney DCP 2012. In this instance, a commercial office building should meet a NABERS Energy target of 5.5-stars, plus 25%. Whilst not meeting Energy targets of the DCP, the development is considered to achieve an acceptable sustainability target given the heritage significance of the site and retention of large portions of the heritage façade. The proposal will deliver a new commercial office premises with significantly better environmental performance than the existing buildings and is therefore considered to meet the intent of controls and sustainability objectives for the site, as outlined in Section 6.3.20. The proposal has been reviewed by the City's Environmental Sustainability Advisor, who accepts the proposed Energy target. Standard conditions are recommended in Attachment A to ensure the water and energy targets are achieved through a NABERS commitment.
6.3.20.4 Public domain and site servicing	Yes	The proposal will retain existing street trees, and conditions are recommended to ensure they will be protected during construction. Building services (including the substation) and vehicular access have

Provision	Compliance	Comment
		been consolidated and located on Wemyss Lane.
6.3.20.5 Awnings	Yes	Continuous steel plate awnings are proposed along 4-6, 8, 10-12 and 14 Wentworth Avenue, and smaller entry canopies are to be installed the two entries of 16-22 Wentworth Avenue. The awnings across the adjacent warehouses do not continue across 16-22 Wentworth Avenue, to respond to the original intent of the design and to showcase the facade detailing.
6.3.20.6 Built form - 4-22 Wentworth Avenue, Surry Hills	Partial compliance	The proposal is generally designed so that it is contained within the maximum planning envelope set by Figure 6.181 and Figure 6.182 of this section. There are minor exceedances, related to fenestration/facade thickness across the tower (north-east corner) and the podium addition (west elevation), and a rooftop balustrade contained within the podium addition. These projections are largely devoid of gross floor area. These exceedances do not breach the maximum height development standard contained in Clause 6.55 of the Sydney LEP 2012 and have no impact on overshadowing, as detailed elsewhere in this report. The building design is otherwise appropriately massed within the permitted envelope and has reduced the podium setback to zero which is available as part of the competitive design process. See Discussion section.
6.3.20.7 Design excellence strategy - 4-22 Wentworth Avenue, Surry Hills	Yes	A competitive design alternatives process has been undertaken for 4-22 Wentworth Avenue as required by this clause. The proposal is seeking additional floor space in accordance with the design excellence provisions of Clause 6.21D(3)(b) of the Sydney LEP 2012.

Provision	Compliance	Comment
		The additional floor space is generally contained within the prescribed building envelope and is assessed as satisfactory. See Discussion section below.

Discussion

Compliance with the site-specific controls

52. Site-specific controls for 4-22 and 24-40 Wentworth Avenue, with amendments to the Sydney LEP 2012 and the Sydney DCP 2012, came into effect on 30 June 2021.
53. For 4-22 Wentworth Avenue, the site-specific controls enable an uplift of height and floor space ratio within a maximum planning envelope, provided the entire site is developed for commercial uses.
54. The development is consistent with the LEP site-specific controls, namely the maximum height and floor space ratio development standards.
55. The site-specific DCP controls set the maximum planning envelope, which has been governed by, amongst other things, solar access and amenity to nearby residential apartment buildings to the south-east. The development proposes minor exceedances to the maximum planning envelope, and concerns have been raised in submissions about overshadowing. The maximum planning envelope and overshadowing controls are discussed below.

Maximum planning envelope

56. Section 6.3.20.6(1) of the Sydney DCP 2012 specifies the maximum planning envelope for the redevelopment of 4-22 Wentworth Avenue, taking into consideration an appropriately massed building that would be subject to additional floor space ratio if undertaking a competitive design process.
57. Figures 6.181 and 6.182 of the DCP provide an envelope plan and axonometric view that a final building design must follow. The DCP envelope allows for additional built form subject to meeting the requirement of Section 6.3.20.6 whereby a competitive design process has been carried out.
58. The DCP prescribed plan and axonometric view, along with additional design excellence built form, are provided below.

Figure 6.181
4-22 Wentworth Avenue
– Maximum planning
envelope plan
Note: design excellence
shown in darker blue



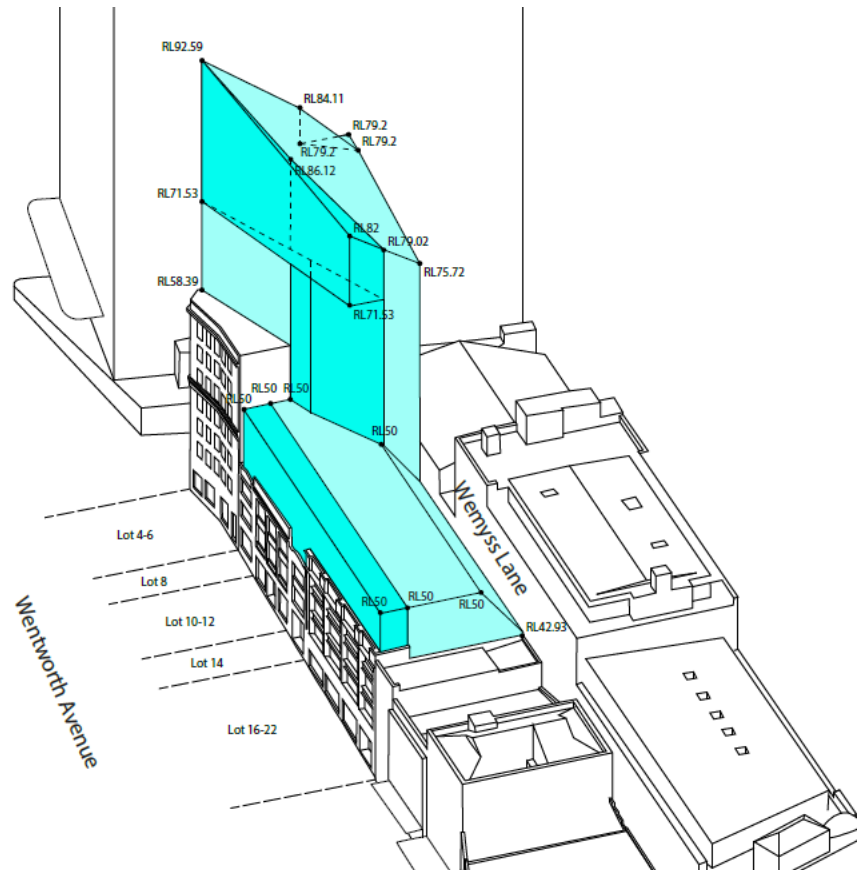
This plan should be read in conjunction with figure 'Axonometric RL heights'.

- 4-22 Wentworth Avenue indicative existing building fabric outline
- Outline of proposed built form
- Outline of additional design excellence built form
- Kerbline
- Surrounding context, existing property outlines

RL
RL
RL
↓
low

Figure 25: Figure 6.181 maximum planning envelope plan excerpt from the Sydney DCP 2012

Figure 6.182
4-22 Wentworth
Avenue: Maximum
planning envelope –
axonometric view
Note: design excellence
shown in darker blue



Axonometric with RL heights

- Outline of proposed built form
- Outline of additional design excellence built form
- Outline of additional design excellence built form beyond
- RL height

Figure 26: Figure 6.182 maximum planning envelope axonometric view excerpt from the Sydney DCP 2012

59. The proposal seeks to utilise the additional built for the podium but does not occupy the cantilevered portion of the tower (see Figure 27 below). The proposal also contains minor exceedances, related to fenestration/facade thickness across the tower (north-east corner) and the podium addition (west elevation), and a rooftop balustrade contained within the podium addition.

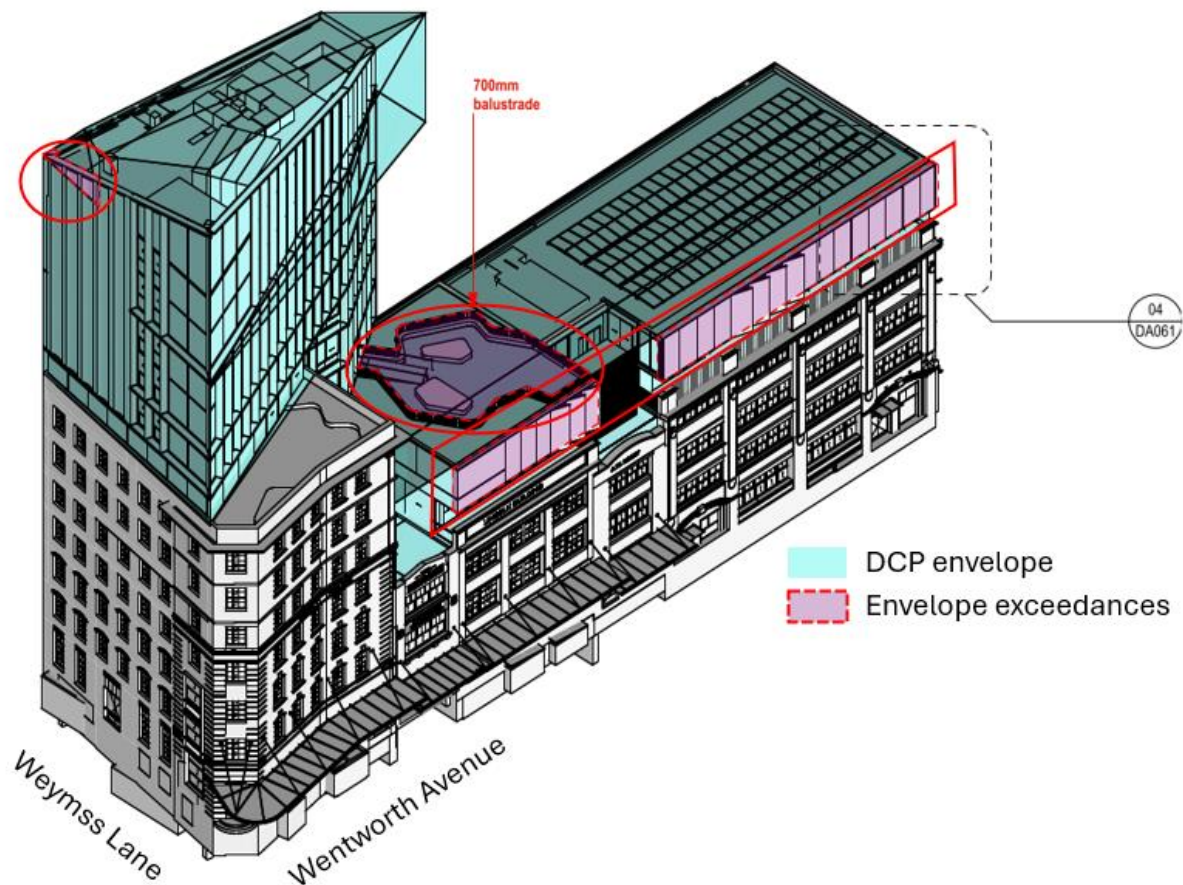


Figure 27: Axonometric view of proposal, with DCP envelope and envelope exceedances indicated

60. The exceedances range from 500mm in depth (the Wentworth Avenue facade) to the 700mm high balustrade above 10-12 Wentworth Avenue. These projections are largely devoid of gross floor area. These projections do not breach the maximum height development standard contained in Clause 6.55 of the Sydney LEP 2012, with the balustrade above 10-12 Wentworth Avenue being excluded from the measurement of building height. The minor exceedances have minimal impact on overshadowing, given their location. See overshadowing discussion below.
61. As the proposal is utilising the additional built form available for the podium, there are a number of objectives that the development is required to meet. The design of the podium, along with the minor encroachments, satisfy the objectives of Section 6.3.20.6 'Built form - 4-22 Wentworth Avenue, Surry Hills' as:
 - (a) A competitive design process occurred, and the development is considered to achieve design excellence in accordance with Clause 6.21C of the Sydney LEP 2012;
 - (b) Significant features of the heritage buildings are to be retained, with some elements, such as the building parapet sign, timber framed windows, original floors and ceilings, as well as existing brickwork being reinstated and/or exposed;

- (c) The tower and podium additions have been designed to ensure a finely articulated junction with the existing form. Both the tower and podium forms contain a band of glazing that is setback from the heritage buildings to allow for a seamless connection between contemporary and heritage features;
 - (d) The additions use high quality materials. The tower features a curtain wall system incorporating high-performance glazing, extruded aluminium fins in a light bronze powder-coated finish. The podium additions utilise recycled brick, metal and glass to acknowledge the original form, material and colour of the heritage warehouses, rather than copying or reproducing the host building form;
 - (e) The podium additions in particular reference the proportioning and detailing of the warehouses at 10-12, 14 and 16-22 Wentworth Avenue. The additions follow the banding of the heritage buildings, with each section broken down into a series of built forms that are differentiated by subtle material, textural and colour variations. In doing this, the design acknowledges the fine grain of the streetscape. The fenestration that exceeds the building envelope contributes to the sympathetic relationship between the podium additions and the heritage buildings below;
 - (f) The design clearly reads as a contemporary structure, whilst being sensitive to the base heritage buildings. The prism shaped tower reads as a separate yet complementary volume to the existing 7-storey building. The podium additions are designed as lightweight structures that are subservient to the lower scale heritage warehouses;
 - (g) The majority of intrusive works, such as floor and wall removal, core location and the like, are confined to areas of less significance such as 8 Wentworth Avenue. This is to ensure the additions do not diminish the overall quality of interior spaces within the heritage buildings; and
 - (h) The proposed solid to glazed ratio of the development is 55% to 45%, limiting the predominant use of glazing.
62. Overall, the design respects the architectural integrity and character of the heritage group and positively contributes to the site and surrounding streetscape. It delivers a high-quality built form that is of an appropriate bulk and scale for its location whilst minimising amenity impacts to surrounding properties. The proposal achieves design excellence and effectively utilises the additional built form for the podium addition. In this context, the minor exceedances to the maximum building envelope are therefore considered acceptable.

Overshadowing

63. The envisaged built form for the site prescribed by Section 6.3.20 has been largely determined by overshadowing requirements, with the tower form sloping from north-west to south-east based on the angle of the sun on 21 June (winter solstice).
64. Section 6.3.20.1 of the Sydney DCP 2012 stipulates that where a nearby residential property does not currently receive a minimum of 2 hours of solar access, the proposed development must ensure existing solar access to the neighbouring residential property is not reduced by more than 20% in time. The number of neighbouring residential properties that receive no direct sun (less than 15 minutes) must also not increase. This is in line with key solar access requirements of the Apartment Design Guide (ADG), Objectives 3B-2 and 4A-1.

65. The site is located in close proximity to residential developments, as follows:
- Meta Apartments at 148 Goulburn Street/21 Brisbane Street (on the corner of Weymss Lane, Goulburn Street and Brisbane Street, directly south-east from 16-22 Wentworth Avenue);
 - Belvedere Apartments at 156-160 Goulburn Street (on the corner of Goulburn Street and Brisbane Street and approximately 34m east of the site);



Figure 28: Aerial map of the subject site and residential apartment buildings

66. For both residential apartment buildings, less than 70% of apartments currently achieve at least 2 hours of direct sunlight between 9am and 3pm at mid-winter.
67. The solar modelling for the planning proposal envelope (which is the same as that adopted by Section 6.3.20.6) indicates 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.
68. See Figure 29 and Table 1 for Meta and Figure 31 and Table 2 for the Belvedere.

69. 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 29: Western elevation of Meta Apartments, with affected properties outlined in yellow (Source: Lippman Partnership Urban Design Report)

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 30: Table 1: Reduction in solar access to Meta Apartments (Source: Lippman Partnership Urban Design Report)



Figure 31: Western elevation of the Belvedere Apartment building, with affected properties outlined in yellow (Source: Lippman Partnership Urban Design Report)

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%

Figure 32: Table 2: Reduction in solar access to the Belvedere Apartments (Source: Lippman Partnership Urban Design Report)

70. The proposal is contained within the maximum height development standards and maximum planning envelope, except for minor encroachments where identified above that do not affected these residential buildings.

71. The diagrams submitted with this development application do not depict any additional impacts to either Meta Apartments or Belvedere Apartments beyond that demonstrated by the solar modelling at planning proposal stage. The proposal therefore complies with Section 6.3.20.1 of the Sydney DCP 2012.

Design excellence

72. The applicant undertook a competitive design process in March 2025 to May 2025, with the preferred design by DKO and Aileen Sage being chosen. In the opinion of the panel, this scheme was most capable of achieving design excellence, meeting clause 6.21C of the Sydney LEP 2012 and the competition brief requirements.
73. The selection panel identified a range of matters that needed to be resolved during the design development phase in order to achieve Design Excellence while maintaining the original design intent.
74. The proposal was also considered by the City's Design Advisory Panel (DAP) as part of the assessment process on 4 December 2025.
75. The following is an outline of the recommendations of both the selection panel and DAP, and the proposed design response.

Competitive Design Process Panel Recommendations

Selection Panel Recommendation	Response
The Panel recommends that the architectural language of the two-storey podium addition is reconsidered. It currently comprises a series of disparate architectural elements and the Panel recommends that the architectural language is reconsidered to provide conceptual clarity.	The proposal has been amended to address this recommendation and the DAP's advice. The amended response is generally acceptable, subject to conditions. See DAP discussion below.
Reconsider the inclusion of the parti-wall on Level 3 between 8 Wentworth Avenue and 10-12 Wentworth Avenue. The Panel notes that whilst there will be structural columns on the party-wall line of the existing building below, the new floor can be supported without the need for a wall in this location.	The internal wall between 8 and 10-12 Wentworth Avenue has been removed.
Investigate the opportunity to remove a small portion of the 16-22 Wentworth Avenue parapet to improve the internal amenity and outlook of the commercial space. The majority of the parapet must be retained including any façade signage that is confirmed to be original fabric or proposed to be reinstated.	The parapet is retained and the 'Swallow Building' sign reinstated. The height of the parapet has been reduced in height by approximately 500mm, with capping stone/cornice being reinstated. The lower parapet height will allow more of the soffit of the addition to be seen. As such, the preference is that the soffit is the same cladding material as the

Selection Panel Recommendation	Response
	external walls; that is, dark bronze powder-coated aluminium. It is recommended that a 1:20 detailed section be provided of the cornice/capping on top of the brick parapet to ensure rainwater is shed off the facade of the building, with additional details regarding the soffit material. See Attachment A.
The locations and size of the plant and services ducts and risers needs to be resolved through design development without detracting from the clarity of the planning	Ducts and risers are co-located with the core, with plant rooms in the basement and on the roof of the tower. There are no plant areas at roof level of the podium addition across 14-22 Wentworth Avenue. A condition is recommended prohibiting any plant being located above RL50 for 14-22 Wentworth Avenue in order to ensure compliance with the maximum building height control. There is also a fire hydrant booster located on the northern part of Wemyss Lane and documentation submitted with the development application suggests that its location will be reviewed as the project develops. A condition is to be imposed specifying that the hydrant booster cannot be located along the Wentworth Avenue facade as it will disrupt the active frontages and design of the shopfronts. See Attachment A for the recommended conditions.
Investigate the opportunity to: - provide a link through the basement level that connects the basements - understand swept path implications	Additional basements are proposed to 8 and 14 Wentworth Avenue to provide a link between the basements of each building. Swept paths have been provided for the existing driveways associated with 10-12 and 16-22 Wentworth Avenue. As discussed elsewhere in this report, some minor works will likely be required to ensure the vehicle ramp for 10-12 Wentworth Avenue can comply with the relevant Australian Standard. A condition

Selection Panel Recommendation	Response
	is recommended in Attachment A to address this.
Ensure parking access and circulation is feasible.	The proposal is accompanied by swept paths and a traffic report confirming that the proposed car parking and loading access and circulation can operate efficiently.
Explore the opportunity to open the tower corner without reducing the architectural elegance of the design winning scheme.	The proposal has followed the prescribed building envelope control, rather than open the tower corner as recommended. This is considered acceptable from an urban design outcome as the development is still generally consistent with the design winning scheme.
Review the location of the wet areas as part of design development.	Toilet facilities associated with the commercial floors are generally co-located with the core.
Open the roof garden on level 4 to street views.	The roof garden on level 4 has been replaced with a smaller area of deep soil/landscaping to the west elevation. This area, however, has been opened up to Wentworth Avenue views as recommended by the Selection panel.

Design Advisory Panel (DAP) Recommendations

Panel Recommendation	Response
The large panes of glass on the western and southern facades of the tower pose sustainability and reflectivity issues. Fine detailing on the large panes, consistent with the concept, is recommended to improve solar protection and reduce reflectivity.	The proposal has not addressed the DAP's recommendation and no additional fine grained passive solar shading to the large areas of glass that faces the west and south-west facade. The proposal, rather, relies largely on the high performance of the glazing, with a reflectivity report confirming that the development will meet the 20% reflective facade requirement of the DCP.

Panel Recommendation	Response
	Noting that the building expression is very similar to that which won the design competition, it is recommended that the vertical fins across the tower facade be extended in depth to 450mm to provide solar shading, with the larger 'picture' to have their own design for external solar shading and glare control which may incorporate triple glazing. The extension of the fins will sit outside of the DCP envelope in some parts, but this is acceptable noting that these are minor architectural elements. See Figure 33 below, outlining fins to be conditioned. An appropriate condition is included in Attachment A.
Generally, the Panel recommends maximising passive energy measures to minimise energy consumption.	The application proposes the installation of solar PV cells above the podium addition and has committed to a 5.5-star NABERS Energy rating.
The Panel supports the proposition and form of the two floating podium elements. However, they appear to be excessively bland and do not have a strong relationship with the heritage buildings below. Further refinement is recommended for light and playful podium elements that respond to the rhythm of the buildings below.	The podium addition has been amended so that the vertical rhythm of the host buildings is expressed as vertical fins, aligning with the different proportions of 10-12 and 16-22 Wentworth Avenue. This, along with the bronze powder-coated framing of the additions provide more consistency across the two podium elements. Within this framework the 'playfulness' is expressed with different fenestration and the northern-most module (above 10-12) being expressed as a glass box. It is recommended that the bays above 10-12 Wentworth Avenue be redesigned to align more appropriately with the DAP's advice. See image and further discussion below.

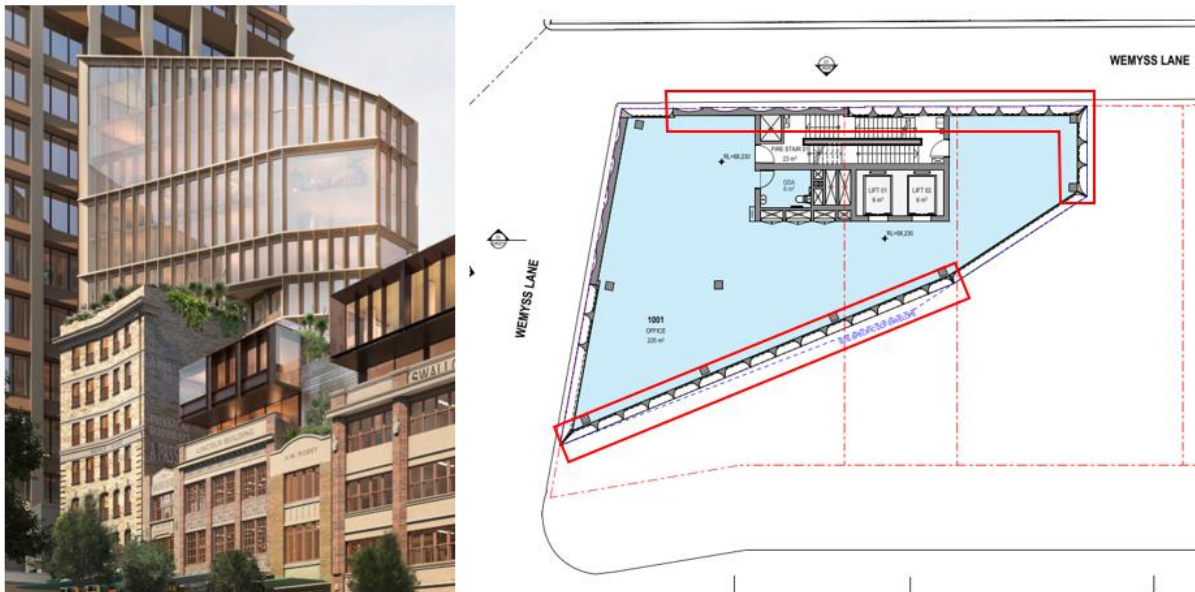


Figure 33: Proposed photomontage of the tower addition, depicting the large picture windows and vertical fins (left) and level 10 floor plan of the tower with fins outlined in red to be increased in depth to provide shading



Figure 34: Amended Development Application submission, depicting the podium additions. The addition above 10-12 Wentworth Avenue outlined in red is recommended for redesign.

76. To provide more consistency between the 3 bays above 10-12 Wentworth Avenue, whilst still achieving the light and playful expression that the DAP is seeking, it is recommended that all 3 bays have a consistent architectural expression rather than the single glass box. An appropriate condition is recommended. Refer to Attachment A.
77. The amended proposal, subject to conditions requiring minor refinement of the facades, is considered to have satisfactorily addressed comments and concerns raised by the Selection Panel and DAP as outlined above and retains to the design integrity and key aspects of the winning scheme. The proposal satisfies the provisions of clause 6.21D of the Sydney LEP 2012 and accordingly is eligible for 10% additional floor space ratio pursuant to subclause 3(b).

Heritage

78. The site contains five Federation and inter-war buildings, constructed in the late 1910s. These warehouses, and 24-44 Wentworth Avenue, are identified as a local heritage item under the Sydney Local Environmental Plan 2012 as the 'Former warehouse group including interiors' (I2271).
79. The site is also located close to local heritage items, including 'Meta Apartments, a former warehouse at 142-148 Goulburn Street / 21 Brisbane Street (I1455) and the former ANZ Bank at 21 Oxford Street (I1581).
80. The Statement of Significance for the site, describes the buildings in the group as representing "good examples of the Federation warehouse and interwar Chicago-Esque architectural styles." The Wentworth Avenue warehouses have local heritage significance in terms of their historic, aesthetic and representative value.
81. The buildings have a moderate to high degree of interior and exterior heritage significance, but some buildings and elements have been significantly modified. Notably 8 Wentworth Avenue, where internal structures have been entirely replaced. The ground floor facades of all the buildings have been considerably altered, and upper levels of the warehouses generally feature commercial fit-outs. Number 4-6 Wentworth Avenue has a historic pattern of additions, whilst the warehouse at 10-12 is a largely intact building, with most changes occurring at ground floor to the shopfront. The ground floor facade of number 14 has been considerably altered, however internally, the building retains a number of original features. Number 16-22 features a well-preserved facade, with less intervention than neighbouring warehouse buildings.
82. The planning proposal (and subsequent site-specific controls) assessed that there were suitable opportunities for intervention within the warehouse row, confined to areas where fabric is of lower significance. Upper setbacks for the tower, and provisions for a lightweight podium addition have been included in the site-specific controls to allow the heritage listed buildings to maintain their legibility and prominence in the streetscape.
83. As discussed elsewhere in this report, the proposal generally follows the maximum building envelope and complies with the maximum permitted height and FSR controls for the site. The additions have been designed to respond sympathetically to the existing heritage buildings whilst being clearly read as contemporary structures.
84. Therefore, the key heritage issues relate to the structural strategy for the site, fire engineering and schedule of conservation works.

Structural strategy for the development

85. The new 13-storey tower is to be located at the northern end of the site (4-6, 8 and part of 10-12 Wentworth Avenue). Number 8 Wentworth Avenue will contain the majority of services to support the new tower addition (the tower lift and fire stairs in particular) given it is the least intact. A secondary core is also proposed to 14 Wentworth Avenue, which similarly is considered to have the least impact as much of the fabric on the upper levels (with the exception of the steel beams) has been replaced due to a fire. This will allow much of the floors to remain in 4-6 and 10-12 Wentworth Avenue, which are original.
86. There will also be some excavation at basement/lower-ground level for the provision of connecting basements between the buildings.

87. The demolition, excavation and construction sequence has been informed by the submission of a geotechnical report and structural strategy and submitted with the development application.
88. The structural report proposes two strategies for vertical structural support to accommodate the proposed tower:
- (a) New steel columns adjacent to the existing heritage columns; and
 - (b) Strengthening of the existing columns.
89. It is not clear if both strategies will be used in the building. Nonetheless, the option of strengthening the existing columns is preferred as it allows the original columns to remain legible, as recommended by the City's Heritage Specialist. However, the report notes that more information on which columns will be strengthened is to be provided as the design develops.
90. A lightweight strengthening strategy has been proposed to address the retention of existing heritage timber floors throughout the development. The floors are to be upgraded using two layers of plywood fixed over the timber joists for the retention of timber floors. The methodology has been reviewed by the City's Heritage Specialist and is supported.
91. It is recommended that a condition be imposed requiring detailed drawings and supporting information on the structural strengthening system for existing columns. See Attachment A.

Fire engineering methodology

92. Number 14 Wentworth Avenue is to contain new floors that do not meet the existing facade, however there is no information provided on the fire engineering solution. See the affected junctions below, circled in red:

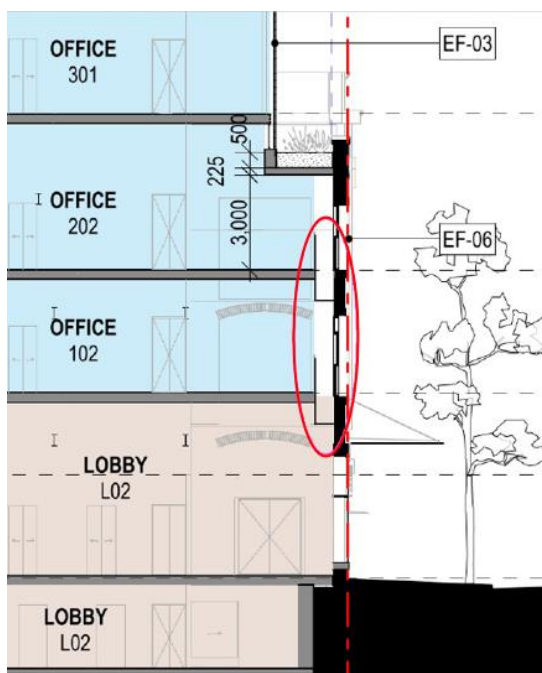


Figure 35: Proposed section through 14 Wentworth Avenue, with floors that do not meet the existing facade circled in red

93. The fire engineering solution will need to be determined prior to construction being carried out, to ensure that the impact to the ground level heritage fabric and shopfronts is minimised. A condition is recommended for any works to comply with the National Construction Code, whilst also minimising damage to existing fabric and heritage features. If any upgrading works to address the fire engineering solution are required, details are to be submitted to Council for approval prior to the issue of any Construction Certificate. An appropriate condition is recommended in Attachment A.

Schedule of Conservation Works

94. An extensive Preliminary Schedule of Conservation Works has been prepared as part of the proposal, adopting a retain-and-repair methodology, in order to enable the adaptive re-use and additions, whilst protecting heritage significance. The preliminary schedule notes:
- (a) High-significance fabric including principal facades, masonry, structural walls, columns and surviving timber/steel elements will be retained and conserved, with removal of paint and reinstatement of original finishes subject to investigation.
 - (b) Intrusive or low-significance items such as later shopfronts, services, partitions and non-original windows are generally proposed for removal or replacement with sympathetic contemporary insertions.
 - (c) Five different hues of blue and green have been chosen as part of the proposed colour scheme for new steel elements to be located along Wentworth Avenue and Weymss Lane facades, and internal feature stairs/atriums. Each colour is designated to a warehouse so that each building retains a distinct colour identity. Further investigation on site during strip out and through paint scrape analysis may reveal further information about the original colour schemes of the 4 warehouses. If found, the proposed palette would be revised to incorporate those into the colour interpretation.
 - (d) With regard to the shopfronts, the proposed works seek to remove the modern elements and replace them with high-quality, contemporary interpretations of original design intent based on drawings and evidence, consistent with advice in the Conservation Management Plan. The ground floor of 16-22 Wentworth Avenue (the most intact facade) is to be limited to the original bounds of the openings, with replacement of current doors and windows with a design more strongly related to the original.
 - (e) Pavement lights in front of 10-12 Wentworth Avenue are to be reinstated.
 - (f) A staged approach is proposed whereby demolition/strip-out will expose concealed fabric, findings will be reviewed with the heritage consultant, and any refinements to scope will be formalised during the Construction Certificate phase. The preliminary Construction Management Plan submitted with the proposal similarly includes heritage investigation works in the first stage of the program.
95. The Preliminary Schedule of Conservation Works was reviewed by the City's Heritage Specialist and is supported. Appropriate conditions are recommended, including investigative works being conducted prior to construction being carried out. See Attachment A.

Privacy

96. Submissions have raised concerns with privacy between the subject site and Meta Apartments, which is located across Weymss Lane at 148 Goulburn Street/21 Brisbane Street.
97. Whilst the Apartment Design Guide (ADG) does not apply to the subject proposal, it does state that for residential buildings next to commercial buildings, separation distances to commercial office buildings should be measured as per habitable rooms (Objective 3F-1). Number 21 Brisbane Street is approximately 6-7 storeys high to Weymss Lane. Separation should be between 6m to the warehouses and 9m to the new additions.
98. With the above separation distances in mind, the proposal will not result in any unreasonably adverse amenity impacts, as:
 - (a) No new openings are proposed nor are existing openings being enlarged to the existing warehouse buildings as they face Weymss Lane;
 - (b) Levels 3 and 4 are contained within an angled roof to the Weymss Lane elevation. The roof has a nil setback at the floor level 3, however this increases up to 9.4m at the top. The sloping of the roof limits the usability of the area behind. It is noted that in section and elevation, the roof has been designed with louvres to limit privacy impacts to the apartment building, but this has been left off the material schedule. A condition is recommended to ensure the louvres are installed and angled so that direct sightlines to the apartment building are limited. See Figure 36 below.

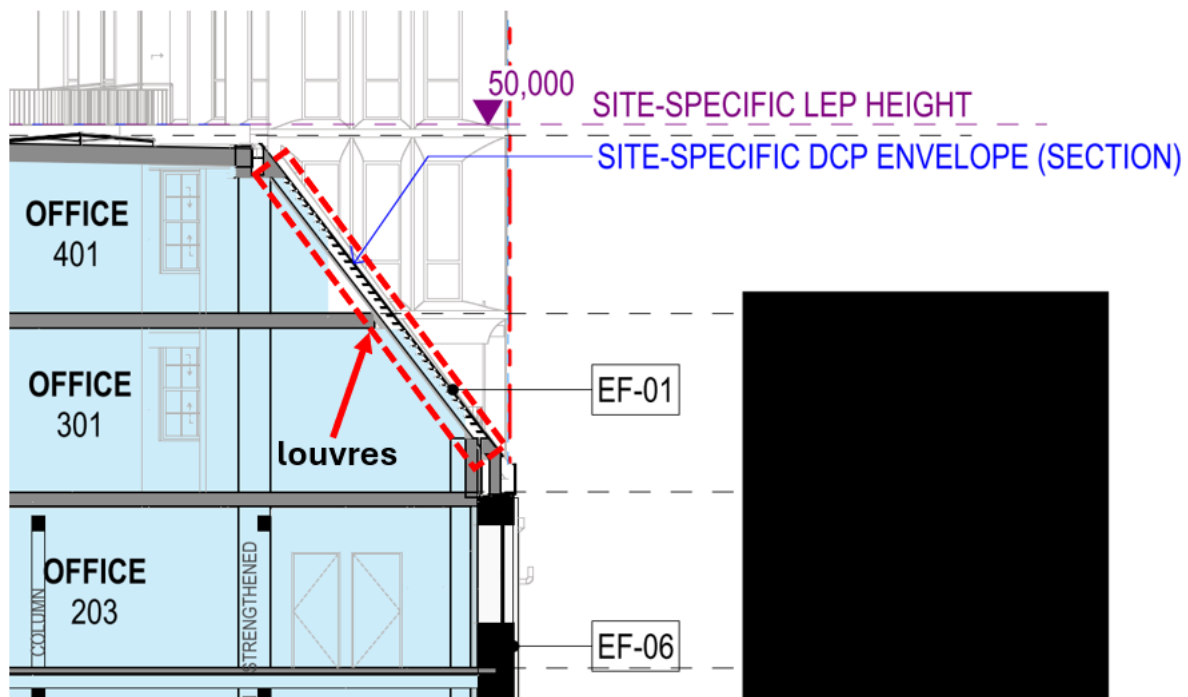


Figure 36: Proposed section through warehouse podium addition. Louvres are indicated by red dashed lines.

- (c) At rooftop level of the podium additions, the terrace area is oriented so that it faces Wentworth Avenue, with no break-out area facing the laneway.

- (d) The tower has been designed so that the faceted corner (south elevation) contains vertical fins at levels 5-7, limiting views out towards 21 Brisbane Street, which is approximately 13.7m away. Levels 8 and above sit higher than the residential apartment building, with little to no direct views. The separation distances in this location comply with the ADG. See level 5 plan below (levels 6-7 and similar for tower separation).

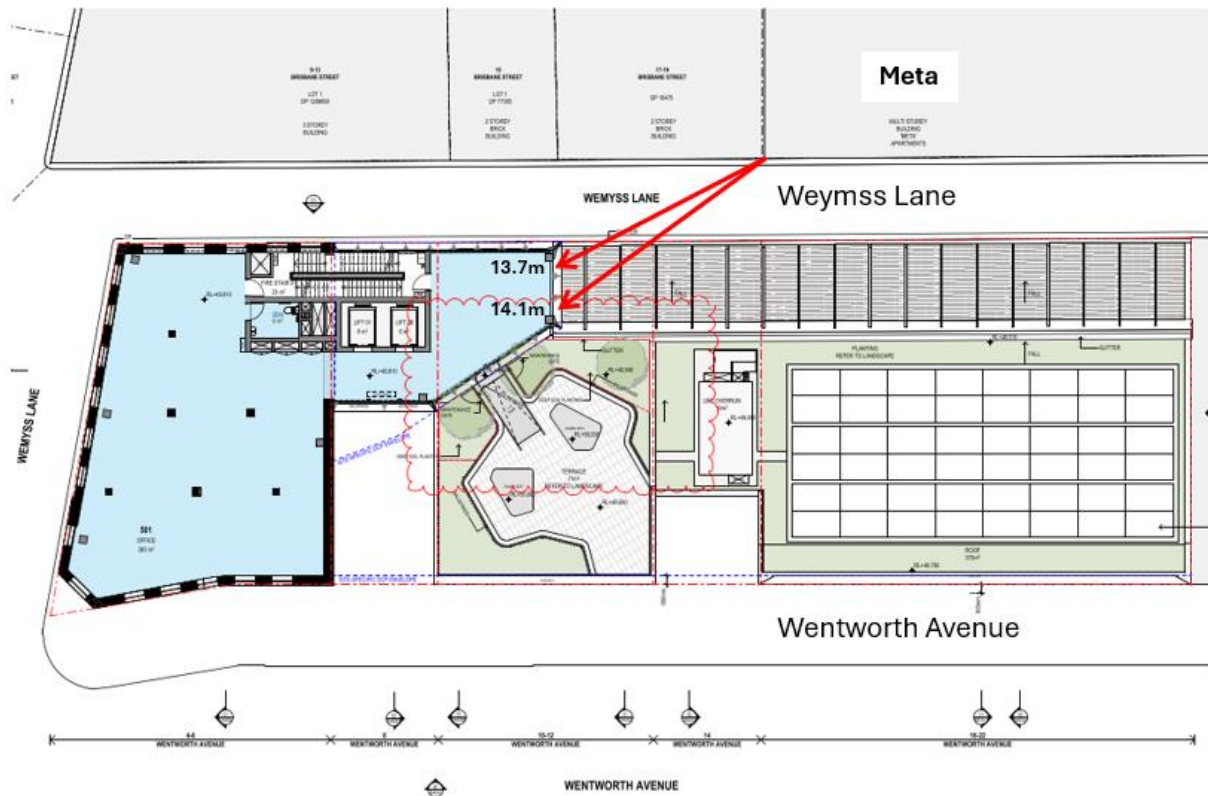


Figure 37: Proposed level 5 plan. Separation distances between Meta Apartments and the tower are indicated.

99. On balance, the proposed proximity of commercial development to the existing residential apartments is acceptable, subject to conditions.

Consultation

Internal Referrals

100. The application was discussed with Council's:

- (a) Environmental Health Unit;
- (b) Heritage and Urban Design Unit;
- (c) Public Domain Unit;
- (d) Specialist Surveyor;
- (e) Transport and Access Unit;

- (f) Tree Management Unit;
- (g) Landscape Specialist
- (h) Environmental Sustainability Advisor; and
- (i) Waste Management Unit.

101. The above advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Recommended Conditions of Consent.

External Referrals

Sydney Water

102. The application was referred to Sydney Water for comment. Sydney Water responded on 31 October 2025 raising no objection, and the recommended conditions are included in Attachment A.

Advertising and Notification

103. In accordance with the City of Sydney Community Engagement Strategy and Community Participation Plan 2025-2030, the proposed development was notified and advertised for a period of 28 days between 13 October 2025 and 11 November 2025. A total of 1129 properties were notified and 29 submissions were received, comprising 1 in support of the application, 8 individual submissions and 20 pro-forma submissions.

104. The submission in support of the application noted that the proposed development will enhance the amenity of the local area.

105. The submissions raised the following issues:

- (a) **Issue:** Heritage impacts to the development and surrounding heritage items.
 - (i) The proposed additions contravene the State Heritage Inventory for NSW Sheet, which states that any additions should not detrimentally impact the group's overall scale, architectural features and proportions and the group's distinctive streetscape presentation.
 - (ii) The Heritage Impact Assessment does not assess the impact on 142-148 Goulburn Street which is a heritage item, including the building's setting and visual character, or loss of heritage character in Weymss Lane
 - (iii) People assumed they would be protected from such a large development due to the heritage classification.

Response: The site-specific controls have been developed after investigative work of the heritage significance of the warehouse buildings and extensive urban design studies regarding an appropriate building form.

The majority of the additional bulk and scale is located at the northern end of the site, where other towers are located in close proximity. The building envelope steps down to provide an appropriate response to the existing surrounding mid-scale buildings to the east and south of the site.

The general presentation of the warehouse buildings remains largely unchanged to Weymss Lane, with the additions following the site-specific envelope to limit any significantly adverse amenity impacts to 142-148 Goulburn Street.

(b) **Issue:** Overshadowing

- (i) Proposal will block morning sun for the buildings on the other side of Wentworth Avenue. For east facing residential units, this is the only sun they will get all day.
- (ii) Direct sunlight is limited and we object to any further impact.
- (iii) No compliant shadow diagrams for mid-winter (21 June) are provided, and there is no assessment of sunlight loss to apartments.

Response: The site-specific built form controls for the site have been largely determined by overshadowing requirements, with solar access to Meta apartment Building and the Belvedere apartment building being a priority. As discussed in this report, the proposal generally follows the site-specific building envelope and maintains solar access to both developments in accordance with the planning controls.

(c) **Issue:** Bulk and scale

- (i) The height and bulk of the proposed addition above the existing 4 Wentworth Avenue building is inconsistent with the scale and character of its surroundings.
- (ii) The addition is disruptive to the heritage skyline.
- (iii) The rooftop additions have little to no setback, which compromises the façade.

Response: There are site specific controls in place that govern the appropriate height, bulk and scale of new additions, whilst facilitating the adaptive reuse of the heritage warehouse row. The proposal has been designed to comply with the site-specific LEP and DCP controls, including height, floor space ratio and setbacks.

(d) **Issue:** Privacy

- (i) Upper-level additions will overlook our apartments. No privacy impact assessment, sightline diagrams, or mitigation measures are provided.

Response: The proposal is considered to have satisfactorily addressed privacy impacts, as discussed within this report. A condition is recommended to confirm that louvres are to be installed to the Weymss Lane elevation of the podium addition.

- (e) **Issue:** Construction, traffic and waste impacts
- (i) Council should impose strict construction hours, noise monitoring, and dust suppression requirements, as well as an on-site community contact officer during active works.
 - (ii) The Wentworth Avenue / Goulburn Street intersection already experiences significant congestion, pedestrian traffic, and bus activity. The additional vehicle and delivery movements during construction and ongoing servicing will exacerbate local congestion.
 - (iii) Given the narrow street network and acoustic character of this area, these works will likely cause prolonged noise, dust, and vibration impacts on nearby residential buildings.
 - (iv) The Waste Management Plan does not explain collection frequency, truck sizes, turning capacity in the lane, or noise/odour impacts. Daily commercial waste trucks will block resident access and create unacceptable noise.
 - (v) The CTMP does not include swept path diagrams proving trucks can enter, turn and exit, nor number of truck movements per day/week, construction hours.
 - (vi) There is no vibration impact assessment for the heritage apartment building.
 - (vii) The cumulative scale of excavation, height, and construction activity will have a substantial adverse impact on the amenity, quiet enjoyment, and visual outlook of existing residents on Goulburn Street.

Response: Conditions are recommended to address and mitigate any anticipated impacts of the proposed demolition, excavation and construction of the proposed development. Conditions include:

- preparation of a construction traffic management plan
- preparation of construction environmental management plan
- compliance with the City's hours of construction requirements, with no additional out of hours work permitted
- preparation of a construction noise and vibration management plan – which will recommend respite periods and other noise control measures
- compliance with standard noise and traffic management conditions
- preparation of a dilapidation report for surrounding sites pre and post demolition / excavation
- Construction liaison committee requirements to coordinate with affected neighbours

With regard to traffic generation, the proposal is accompanied by a traffic report demonstrating that the proposed car park and loading dock will have a similar impact to the current arrangement on site. Conditions are recommended to update the waste management plan to ensure that there will be no waste bins located within Weymss Lane to limit any disruption to laneway traffic. Waste collection and deliveries are to be addressed by the implementation of a loading dock management plan.

(f) **Issue:** Amenity impacts - noise, light spill, reflectivity

- (i) Concerns about acoustic and vibration impacts from extensive mechanical plant proposed.
- (ii) Acoustic report contains numerous mitigation measures demonstrating that it will only meet noise limits if all recommended measures are implemented perfectly.
- (iii) The introduction of a tall commercial tower in what is largely a residential and low-rise area raises concerns about light pollution.
- (iv) 20% reflectivity is still moderately reflective.

Response: The proposal is accompanied by an acoustic report that demonstrates that the operation of the commercial office use and mechanical plant is able to comply with the relevant noise criteria, subject to recommendations. These recommendations are to be complied with and have been conditioned. Additionally, noise and other management conditions are to be imposed to address any adverse amenity impacts to surrounding development.

The applicant has confirmed that the proposed facade materials comply with reflectivity requirements (i.e. not exceeding 20%) of Section 3.2.7 of the Sydney DCP 2012 as discussed within this report.

Light from the commercial use/s of the site are to comply with the relevant Australian Standard with regard to the control of light in the environment. Conditions addressing reflectivity and light spill have also been imposed.

(g) **Issue:** Community benefit

- (i) There is no tangible benefit of this proposal to the community. No substantial public benefits or contributions to offset its impacts.
- (ii) Lack of residential units when housing is desperately needed. Office vacancy rates are at high levels.

Response: The proposal will result in additional full time employment opportunities, meeting the objectives of the NSW Government's Eastern City District Plan, particularly E7 - 'Growing a stronger and more competitive Harbour CBD'. Notwithstanding, the development is required to pay local and state contributions, including Section 7.12 contributions towards local infrastructure, Clause 7.13 contributions towards affordable housing and a Housing and Productivity Contribution, as detailed under 'Financial Contributions'.

Whilst residential accommodation is permitted within the MU1 - Mixed Use zone; the site-specific controls allow for an uplift for commercial uses only to limit adverse amenity impacts to the site and surrounding development.

- (h) **Issue:** Essential information is missing from the development application.

Response: The proposal is accompanied by adequate information to undertake a detailed assessment of its potential impacts, as demonstrated by this assessment report. Where additional information was required, this was sought and provided prior to finalising assessment.

- (i) **Issue:** There was short notice of a significant development.

Response: The proposal was notified and advertised for a period of 28 days in accordance with the City's Community Participation Plan.

Financial Contributions

Levy under Section 7.12 of the Environmental Planning and Assessment Regulation 2000

106. The Central Sydney Development Contributions Plan 2020 applies to the site. The cost of the development is over \$250,000. The development is therefore subject to a s7.12 contribution under this Plan. A condition relating to this contribution has been included in the recommended conditions. The condition requires the contribution to be paid prior to the issue of any construction certificate.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

107. The site is located within the Residual Lands affordable housing contribution area. As the proposed development includes additional floor space, a contribution is required at a rate of \$11,223.28 per square metre of total non-residential floor area (being 9,122sqm), totalling \$1,023,787.60. A condition of consent is recommended requiring payment prior to the issue of any construction certificate.
108. Section 7.32 of the Act outlines that the consent authority may grant consent to a development application subject to a condition requiring dedication of part of the land for the purpose of providing affordable housing, or payment of a monetary contribution to be used for the purpose of providing affordable housing where the section of the Act applies.
109. The Act applies with respect to a development application for consent to carry out development within an area if a State Environmental Planning Policy identifies that there is a need for affordable housing within the area. Clause 14 of the Housing SEPP identifies that there is a need for affordable housing within each area of the State.
110. An affordable housing condition may be reasonably imposed under Section 7.32(3) of the Act subject to consideration of the following:
- (a) the condition complies with all relevant requirements made by a State environmental planning policy with respect to the imposition of conditions under this section, and

- (b) the condition is authorised to be imposed by a local environmental plan, and is in accordance with a scheme for dedications or contributions set out in or adopted by such a plan, and
- (c) the condition requires a reasonable dedication or contribution, having regard to the following -
 - (i) any other dedication or contribution required to be made by the applicant under this section or section 7.11.

111. Having regard to the provisions of Section 7.32 of the Act, the imposition of an affordable housing contribution is reasonable. A condition of consent is recommended requiring the payment of an affordable housing contribution prior to the issue of any construction certificate.

Housing and Productivity Contribution

112. The development is subject to a Housing and Productivity Contribution (Base component) under the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.
113. The site is located within the Greater Sydney region, the development is a type of commercial development to which the Housing and Productivity Contribution applies, and the development is not of a type that is exempt from paying a contribution.
114. A condition relating to the Housing and Productivity Contribution has been included in the recommended conditions of consent.

Relevant Legislation

115. Environmental Planning and Assessment Act 1979.
116. City of Sydney Act 1988.
117. Sydney Water Act 1994.

Conclusion

118. Development approval is sought for the adaptive reuse of the existing locally listed heritage buildings at 4-22 Wentworth Avenue, and alterations and additions, including the retention and refurbishment of the existing heritage podium, construction of a new 13 storey tower and podium addition comprising commercial office and retail uses as well as excavation and site amalgamation.
119. The proposal complies with key site-specific development standards applicable to the site, including the site-specific controls pertaining to height, floor space ratio and use under Clause 6.55 of Sydney LEP 2012. The development is generally consistent with the site-specific provisions of Section 6.3.20 of the Sydney Development Control Plan 2012 and has been designed to maintain solar access to nearby residential properties.
120. The proposed development is of an appropriate bulk and scale that responds positively to the heritage listed warehouse row in terms of materials and detailing, and by allowing the buildings to maintain their legibility and prominence in the streetscape.

121. The proposal is generally consistent with other applicable planning provisions, including the relevant State Environmental Planning Policies, and the Sydney Development Control Plan 2012. Where non-compliances arise, they have either been considered as having merit in the circumstances of the site, or addressed by conditions recommended in Attachment A.
122. The proposed development is consistent with the design intent of the preferred scheme of a required competitive design process, held in accordance with the City of Sydney Competitive Design Policy.
123. The proposed development in its design, materiality, environmental performance and contribution to the public domain is consistent with the desired future character of the City Edge locality area and exhibits design excellence to satisfy Clause 6.21C of the Sydney Local Environmental Plan 2012.
124. Subject to the recommendations of this report, and the imposition of the conditions in Attachment A, the proposed development will not result in any unreasonable impacts on the existing or likely future developments on neighbouring properties or the surrounding public domain and responds appropriately to the site's constraints.
125. The proposed development is therefore in the public interest and is recommended for approval by the Central Sydney Planning Committee.

GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development and Transport

Jessica Symons, Senior Planner