

T.C.1188/69.

15th January, 1971.

City of Sydney Planning Scheme Ordinance - Determination of interim policy for floor space ratio.

THE TOWN CLERK.

Council on the 26th October, 1970, resolved:-

"That in view of the advice furnished by the Minister for Local Government in letter dated 31st August, 1970, that having regard to the Council's view that the control of floor space ratio will form an integral part of the Strategic Master Plan for Sydney, now in course of preparation, and on the assumption that there will be no delay in finalising the matter, he has decided to proceed immediately to prescribe the City of Sydney Planning Scheme, omitting from the Ordinance, Clause 45 dealing with floor area ratios and Clause 46 dealing with the control of the Height of buildings within the County Centre, provisions for which could be incorporated in the City of Sydney Planning Scheme by way of a varying scheme upon completion of the Strategic Master Plan, and in the meantime, the control of development in the City, including the question of permissible floor area ratios of buildings and the height of buildings will be left to the discretion of Council, subject to the other provisions of the Scheme Ordinance, the Council's officers be requested to submit a report and recommendations for the adoption of an interim policy for the regulation of floor area ratios of buildings within the various zonings under the relevant Scheme taking into consideration Council's previous decisions in this regard."

With respect to Council's resolution, the following report sets out:-

1. A comparison of the initial provisions of the Minister's Ordinance as exhibited in 1964 with the policy adopted by the present Council.
2. Comments on various matters which are considered relevant to the question.
3. The final recommendations of this Department.

1. The Minister's Ordinance as exhibited in 1964 provided for:-

- (1) Four Residential zonings, namely:-
Residential A 2(a),
Residential B 2(b),
Residential (Special) 2(c), and
Residential (Redevelopment) 2 (d).
- (2) Five Business zonings, namely:-
General Business 3 (a),
Business (Special) 3(b),
Neighbourhood Business 3(c),
Neighbourhood Business (Redevelopment) 3 (d), and
County Centre 3(e).
- (3) Six Industrial zonings, namely:-
General Industrial 4(a),
Light Industrial 4(b),
Local Industrial 4(c),
General Industrial (Reserved) 4(d),
Light Industrial (Reserved) 4(e), and
Industrial (Waterfront) 4(f),

- (4) Two Special Uses zonings,
- (5) Two Open Space zonings,
- (6) One zoning for Comprehensive Redevelopment Areas.

Clause 45 of the Ordinance limited floor area ratios within zones 2(b), 2(c), 2(d), 3(a), 3(b), 3(c), 3(d) and 3(e) and the following table indicates the provisions of Clause 45 of the Ordinance in its original form and the policy which has been adopted in dealing with development applications since exhibition of the Ordinance and particularly during the term of office of the present Council:-

<u>Zone</u>	<u>Original Provision</u>	<u>Policy</u>
2(b)	2:1 but specified only in respect to flats and private hotels	2:1 applied to all buildings together with the provisions of Schedule Seven to the Act which is still mandatory.
2(c)	2:1	Policy of recent date has been a basic index of 4:1 with bonuses for site amalgamation as provided for in the Woolloomooloo Comprehensive Plan and with a maximum of 6:1.
2(d)	2:1	2:1
3(a) and 3(b)	2:1 with an increase of up to 3:1 where at least 50% of the building is for residential occupation.	Not many applications for complete redevelopment have been received in these zonings but the policy has been generally to have regard to the original provisions of the Ordinance.
3(c) and 3(d)	$\frac{1}{2}$: 1 with bonuses up to a maximum of $2\frac{1}{2}$:1 where at least 50% of the building is for residential occupancy	
3(e)	10:1 rising to 12:1 where satisfactory provision was made for movement of pedestrians at ground level with the further proviso that in the area west of Kent Street the basic ratio was 5:1 rising to 8:1 under the same conditions.	The policy has been as provided for in the original provisions with the exception that in the area west of Kent Street it has been general to allow the same ratio as in the County centre generally but ratios above 10:1 have only been granted for very considerable site amalgamation.

Since the original exhibition of the Minister's Ordinance in 1964 several developments have taken place. These are:-

- (a) the exhibition in 1967 by the Minister of his determination of objections to the previously exhibited scheme and which abolished some zones and produced a new table of land uses and some new definitions;
- (b) the creation of the new residential zone of Residential (Redevelopment) 2 (e) following the adoption by the Minister of the Kings Cross Tunnel proposals of the Department of Main Roads;
- (c) the completion and display of the proposed Comprehensive Redevelopment Plan for the Woolloomooloo area;

- (d) the reduction in the size of the City following the passage and implementation of the City of Sydney Boundaries Act 1967.

The effect of these factors has been:-

- (i) The Business (Special) 3(b) zoning has been eliminated. While this does not affect the question under consideration, it does bring to mind the provisions set out in the Ordinance with regard to the business zonings generally. It is the opinion of this Department that, having regard to the area of the City remaining after the implementation of the City of Sydney Boundaries Act, the General Business 3(a) zoning and particularly the Neighbourhood Business 3(c) zoning are anachronisms in as much as they apply more to town planning considerations governing outer areas than the Metropolitan centre. The planning principles on which the Neighbourhood Business zoning is based are not considered relevant to the City area. Consequently it will be recommended that for the Business zonings 3(a), 3(c), and 3(d) a basic index of 4:1 with an extra bonus of 2:1 where the development incorporates residential development of appropriate magnitude be allowed as this is more in keeping with the nature of such areas within the City of Sydney.
- (ii) Industrial zonings have been reduced to three, namely, General Industrial 4(a), Light Industrial 4(b) and Waterfront Industrial 4(f) but the table of land uses has been amended to now permit the erection of buildings and the use of buildings for commercial purposes in the Light Industrial 4(b) zoning. As a result there have been a number of applications for the erection of commercial buildings within such areas and, furthermore, recent trends have shown that, particularly in the Surry Hills area, considerable emphasis will be placed on the erection of multi-storey buildings for the housing of small industries. Consequently it is considered necessary that some policy be formulated for the control of development within the Light Industrial 4(b) zoning although this was not provided for by the State Planning Authority in the original Ordinance.
- (iii) Within the Woolloomooloo Comprehensive Redevelopment Area and the Residential Redevelopment area 2(e) the policy has been adopted of providing for bonuses for site amalgamation and for the provision of open space in addition to a basic index which is somewhat lower than for the County Centre generally. This policy is considered reasonable but in respect of the Residential zonings 2(c) and 2(e) to which it will be recommended that it be applied it is considered that any bonus in respect of the provision of open space should only apply to open space over and above that which must be provided to comply with relevant building regulations and foreshore codes.
- (iv) The reduction in the size of the City as referred to above has meant that many zonings, although not completely eliminated from the area of the City as now existing, have been greatly reduced in size and therefore in importance in the formulation of planning policy. Most of the Residential (Redevelopment) 2(d) zonings were located in areas which have now been transferred to other Councils. The bulk of the General Industrial 4(a) zoning is within the area of the South Sydney Council and the Neighbourhood Business 3(c) areas are now located in other Municipalities.

Further comments which this Department considers necessary are that:-

- (v) The definition of floor space ratio which was technically incorrect in the Ordinance as originally exhibited should be redrafted and at the same time suitable amendments made to it. It is suggested that floor area be defined as including all wall thicknesses, ducts, vents, corridors, staircases and lifts but does not include any area or space set aside for the parking of vehicles or the unloading of goods including access ramps thereto or for the accommodation of plans, nor including in residential buildings any balcony for the sole use of the occupants of a residential unit provided such balcony is unenclosed above a height of 4 feet.
- (vi) In view of the Minister's advice that the Ordinance to be prescribed would contain no reference to floor area ratio it will be necessary in order to set aside the provisions of Schedule Seven to the Act for a Proclamation under the provisions of Section 314A of the Act to be issued repealing the application of such Schedule to the City of Sydney in as much as it refers to total floor plan area of the building.
- (vii) The current development of the City has shown that because of high land values and because of the demand for office space, redevelopment would provide for large scale office accommodation to the detriment of retail shopping and what could be referred to as small tenants. In this latter regard Council on the 9th November, 1970 (reference T.C. 3435/70) resolved:-

"That arising from consideration of a letter dated 13th October, 1970, from the President, The Australian Chiropody Association, requesting that consideration be given by the Council to the question of areas suitable for "small tenants", such as doctors, dentists, chiropodists, hairdressers, etc., being provided in connection with commercial development in the City, and as the Council is of the opinion that facilities for such persons are essential to the life of this City, the Council's officers be requested to investigate the matter and submit a report and recommendations with regard to the action which might be taken by the Council to encourage developers to provide suitable facilities for professional men and women and small businesses, and, that in this regard, consideration be given to the possibility of a developer being granted a floor space ratio bonus for providing such facilities."

While the original City of Sydney Planning Scheme, as submitted by Council to the Minister in December, 1958, provided in the Central Business District for two distinct zonings of Business Centre and Shopping Centre, such distinction was eliminated in the Plan as amended and exhibited by the Minister and the broad zoning of County Centre replaced those two distinct zones. If the current trend to develop for large scale office occupancy is not arrested by restrictive zoning and this appears unlikely in view of the decisions of the State Planning Authority and the Minister, then it is suggested that encouragement to developers to provide for retail shopping and for small tenancies could be made by allowing suitable bonuses in floor area ratio for such provision. This factor will undoubtedly be reported upon by Council's Consultants who are preparing the Strategic Master Plan for the City area but it is raised at this stage for Council's consideration in the formulation of any interim policy.

3. The following table therefore indicates the recommendations of this Department as an interim policy for the control of floor area ratio within the relevant zonings.

<u>Zone</u>	<u>Recommendation</u>
2(b) 2(c)	2:1 A basic ratio of 4:1 with bonuses on the usual basis for site amalgamation and for open space in excess of that required under other regulations up to 2:1 and a maximum index of <u>6:1</u> .
2(d)	2:1
2(e)	A basic index of 4:1 with bonuses as indicated for 2(c) above.
3(a), 3(c) & 3(d)	A basic index of 4:1 plus a bonus of 2:1 where the development provides for not less than 50% in residential Flat accommodation.
3(e)	A basic index of 10:1 rising to 12:1 under the usual conditions of provisions for pedestrian movement with the further clarification that in the western part of the County Centre the maximum figure of <u>12:1</u> will be granted only where the development involves considerable site amalgamation.
4(b)	A basic index of 4:1 for sites up to 10,000 sq.ft. in area with an additional bonus of 1:1 for every additional 10,000 sq.ft. of site area plus a bonus of four times the open space provided for pedestrian use at ground floor level with a maximum of 2:1 for this bonus and an absolute maximum of <u>10:1</u> .

RECOMMENDATION:

It is recommended that the above matters be submitted to Council for consideration and that

- (i) Council adopt as an interim policy the figures suggested by this Department in the second table given above,
- (ii) the question of provision of any bonus in respect of small tenant or retail shopping occupancy be submitted for the consideration of Council;
- (iii) an application be submitted to the Minister for Local Government that concurrent with the prescription of the City of Sydney Planning Scheme he issue a Proclamation under the provisions of Section 314A of the Act rescinding the application of Schedule Seven to the area of the City of Sydney in as much as such Schedule restricts the total floor plan of any Residential Flat Building and in lieu thereof stipulating that the floor plan area of any building shall be in accordance with the policy of the Council. (This policy will have to be stated in detail).

(Sgd) J.J. DORAN
CITY BUILDING SURVEYOR.