

Resolution of Central Sydney Planning Committee

28 March 2024

Item 5

Development Application: 12A and 14-26 Wattle Street, Pyrmont - D/2023/97

Moved by the Chair (the Lord Mayor), seconded by Councillor Worling –

It is resolved that:

- (A) the variation requested to clause 4.3 'Height of buildings' development standard in accordance with clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld, noting that the Central Sydney Planning Committee has considered the additional information and plans relating to the rooftop plant and parapet zone of Building C; and
- (B) consent be granted to Development Application Number D/2023/97 subject to the conditions set out in Attachment A to the subject report to the Central Sydney Planning Committee on 28 March 2024, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- ~~(a) Building C – Courtyard: The Plant Room Equipment and Parapet Zone height (and any other structures at Level 13 of Building C – Courtyard) is to be reduced by at least 2m (to a maximum of RL 43.55 (AHD)).~~
- (a) Child care centre (simulated outdoor space): Vegetable gardens or gardening tubs are to be included within the simulated outdoor spaces.

The modifications are to be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of a Construction Certificate.

Reason

To require amendments to the approved plans and supporting documentation following assessment of the development.

(3) BUILDING HEIGHT

The height of each building must not exceed the following RLs (AHD):

- (a) Building A – Retail Pavilion:
 - (i) RL 10.75 (AHD) to the roof
 - (ii) RL 11.05 (AHD) to the parapet wall
- (b) Building B - Jones Street:
 - (i) RL 37.100 (AHD) to the PV array on top of plant and lift overrun
 - (ii) RL 36.600 (AHD) and RL 36.800 (AHD) to the top of plant and lift overrun
 - (iii) RL 35.10 (AHD) to the Level 10 roof
- (c) Building C - Courtyard:
 - (i) RL ~~43.55~~ **45.55** (AHD) to the Plant Room Equipment and Parapet Zone
 - (ii) RL 42.35 (AHD) to the Level 12 roof
 - (iii) RL 39.45 (AHD) to the Level 09 parapet
- (d) Building D - Wattle Street:
 - (i) RL 36.450 (AHD) to the PV array
 - (ii) RL 36.250 (AHD) to the Level 11 roof parapet
 - (iii) RL 32.750 (AHD) to the Level 10 roof
 - (iv) RL 30.850 (AHD) to the Level 09 balustrade/planter zone
 - (v) RL 29.550 (AHD) to the Level 09 roof
- (e) Building E - Fig Street:
 - (i) RL 37.950 (AHD) to the top of plant and lift overrun
 - (ii) RL 36.350 (AHD) to the Level 10 roof
 - (iii) RL 32.350 (AHD) to the Level 09 roof and RL (AHD) 33.550 to the Level 09 parapet

- (iv) RL 29.150 (AHD) to the Level 08 roof and RL (AHD) 29.950 to the Level 08 parapet

Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

Reason

To ensure the constructed development complies with the approved height.

(11) SECTION 7.11 CONTRIBUTIONS PAYABLE - CONTRIBUTION TOWARDS PUBLIC AMENITIES – CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2015 – WEST PRECINCT

Council has identified the development will increase demand for public amenities and facilities. Pursuant to Section 7.11 of the Environmental Planning and Assessment Act, 1979 (as amended), and the City of Sydney Development Contributions Plan 2015 the following monetary contributions are required towards the cost of public amenities.

<u>Contribution Category</u>	<u>Amount</u>
Open Space	\$4,799,539.18 \$4,715,612.78
Community Facilities	\$1,464,509.68 \$1,442,913.18
Traffic and Transport	\$27,142.56 \$26,062.73
Stormwater Drainage	nil
Total	\$6,291,191.42 \$6,184,588.69

The City of Sydney will index the above contribution for inflation at the time of payment using the following formula.

$$C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$$

Where:

C_{payment} = Is the contribution at time of payment;

C_{consent} = Is the contribution at the time of consent, as shown above;

CPI_{payment} = Is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment; and

CPI_{consent} = Is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being – 136.4 for the December 2023.

The contribution must be paid prior to the issue of any Construction Certificate in relation to this development.

Please contact Council's Planning Administration staff at planningsystemsadmin@cityofsydney.nsw.gov.au to request a letter confirming the indexed contribution amount payable.

Once the letter confirming the indexed contribution is obtained, payment may be made at any of the City's Neighbourhood Service Centres or the One Stop Shop at Town Hall House. Acceptable payment methods are EFTPOS (debit card only), cash (up to 10K only), Credit Card (up to 50K only) or a bank cheque made payable to the City of Sydney. Personal or company cheques will not be accepted.

Reason

To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development.

(44) TREES APPROVED FOR REMOVAL

- (a) All trees detailed in Table 1 below are approved for removal. Tree removal must not occur until the Construction Certificate has been issued.

Table 1 – Tree Removal:

Tree No	Species:	Location
1 - 5	<i>Platanus orientalis (Oriental Plane)</i>	On-site
6	<i>Lagerstomia indica (Crepe myrtle)</i>	On-site
7	<i>Celtis sinensis (Chinese Hackberry)</i>	On-site
8 - 11	<i>Platanus orientalis (Oriental Plane)</i>	On-site
12-14	<i>Celtis sinensis (Chinese Hackberry)</i>	On-site
15	<i>Ficus rubiginosa (Port Jackson Fig)</i>	On-site
16 - 21	<i>Celtis sinensis (Chinese Hackberry)</i>	On-site
22	<i>Pittosperum undulatum (Sweet Pittosperum)</i>	On-site

Tree No	Species:	Location
23	<i>Olea europaea</i> (African Olive)	On-site
24 - 30	<i>Celtis sinensis</i> (Chinese Hackberry)	On-site
31	<i>Ficus rubiginosa</i> (Port Jackson Fig)	On-site
32-36	<i>Casaurina cunninghamii</i> (River Oak)	Road Reserve – Fig St
37	<i>Casuarina glauca</i> (Swamp Oak)	Road Reserve – Fig St
38 – 39, 40	<i>Platanus orientalis</i> (Oriental Plane)	Road Reserve – Fig St
48	<i>Tristaniopsis laurina</i> (Water Gum)	Road Reserve – Wattle St
49	<i>Populus simonii</i> (Chinese Poplar)	Road Reserve – Wattle St
50 -51	<i>Melaleuca quinquenervia</i> (Broadleaved Paperbark)	Road Reserve – Wattle St
52	<i>Populus simonii</i> (Chinese Poplar)	Road Reserve – Wattle St
53	<i>Tristaniopsis laurina</i> (Water Gum)	Road Reserve – Wattle St
54	<i>Melaleuca quinquenervia</i> (Broadleaved Paperbark)	Road Reserve – Wattle St
55	<i>Populus simonii</i> (Chinese Poplar)	Road Reserve – Wattle St

Tree No	Species:	Location
56	<i>Koelreutaria paniculata</i> (Golden Rain Tree)	Rail Corridor
97	<i>Syzygium paniculatum</i> (Magenta Cherry)	Rail Corridor
99	<i>Syzygium paniculatum</i> (Magenta Cherry)	Rail Corridor

- (b) All tree removal works must be carried out by an arborist with a minimum AWF Level 3 qualification in arboriculture in accordance with SafeWork's Code of Practice – Amenity Tree Industry.

Reason

To identify the trees that can be removed.

(45) TREES THAT MUST BE RETAINED

The existing trees detailed in Table 2 below be retained and protected in accordance with the conditions throughout construction and development.

Table 2 – Tree Retention:

Approval is NOT granted for the removal of the following trees, which Council has determined to be prominent landscape elements.

Tree No	Species:	Location
40 41 - 47	<i>Platanus orientalis</i> (Oriental Plane)	Road Reserve – Fig St
57 - 58	<i>Koelreutaria paniculata</i> (Golden Rain Tree)	Rail Corridor
59	<i>Tristaniopsis laurina</i> (Water Gum)	Rail Corridor
60	<i>Koelreutaria paniculata</i> (Golden Rain Tree)	Rail Corridor
61	<i>Tristaniopsis laurina</i> (Water Gum)	Rail Corridor

Tree No	Species:	Location
62	<i>Koelreutaria paniculata</i> (Golden Rain Tree)	Rail Corridor
63	<i>Angophora costata</i> (Sydney Red Gum)	Rail Corridor
64	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Rail Corridor
65	<i>Angophora costata</i> (Sydney Red Gum)	Rail Corridor
66	<i>Banksia integrifolia</i> (Coast Banksia)	Rail Corridor
67	<i>Eucalyptus punctata</i> (Grey Gum)	Rail Corridor
68 - 70	<i>Syzygium paniculatum</i> (Magenta Cherry)	Rail Corridor
71	<i>Angophora costata</i> (Sydney Red Gum)	Rail Corridor
72	<i>Casuarina cunninghamiana</i> (River Oak)	Rail Corridor
73 - 75	<i>Syzygium paniculatum</i> (Magenta Cherry)	Rail Corridor
76	<i>Lophostemon confertus</i> (Brushbox)	Rail Corridor
77 - 80	<i>Casuarina cunninghamiana</i> (River Oak)	Rail Corridor
81 - 82	<i>Angophora costata</i> (Sydney Red Gum)	Rail Corridor
83	<i>Banksia integrifolia</i> (Coast Banksia)	Rail Corridor

Tree No	Species:	Location
84	<i>Polyscias elegans</i> (Celery Tree)	Rail Corridor
85 - 86	<i>Angophora costata</i> (Sydney Red Gum)	Rail Corridor
87	<i>Melaleuca styphelioides</i> (Prickly Paperbark)	Rail Corridor
88 - 89	<i>Angophora costata</i> (Sydney Red Gum)	Rail Corridor
90 - 109	<i>Syzygium paniculatum</i> (Magenta Cherry)	Rail Corridor

Reason

To identify the trees that cannot be removed, must be retained and protected.

(141) COMPLIANCE WITH ARBORIST'S REPORT

All recommendations Tree Protection Plans and Methodology Statements contained in the approved Arboricultural Impact Assessment Report prepared by Arboricultural Impact Assessment Report prepared by 'Earthscape Horticultural Services' (Report No. 22-069, Version 11, dated 6th February 2023), Addendum [1] (dated 11 October 2023) and Addendum 2 dated 14 February 2024, must be implemented during the demolition, construction and use of the development subject to the following amendment:

~~(a) Retain Tree 40 (Oriental Plane Tree)~~

(a) Retain Tree 46 (London Plane tree).

During the erection of scaffolding for Tree 40 and Tree 46, Council's Tree Management Officer and the Project Arborist are to inspect the trees prior to any pruning taking place to provide reach joint agreement on specific branches to be pruned and the points that the branches should be reduced to.

Reason

To ensure that works affecting trees are carried out in an appropriate manner and in accordance with the approved arborist's report.

Reasons for Decision

The application is approved by the independent external planning consultant for the following reasons:

- (A) The applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Sydney LEP 2012, being that compliance with the height of buildings development standard is unreasonable or unnecessary, there are sufficient planning grounds to justify contravening clause 4.3 of Sydney LEP 2012 and it is in the public interest because it is consistent with the objectives of Zone MU1 - Mixed Use and the height of buildings development standard.
- (B) It has been assessed against the aims and objectives of the relevant planning controls including SEPP 65, Sydney LEP 2012 and Sydney DCP 2012. Where non-compliances exist, they have been demonstrated to be acceptable in the circumstances of the case or can be resolved by the recommended conditions of consent.
- (C) It is consistent with the modified concept consent for the site, being D/2019/649/B, satisfying section 4.24 of the Environmental Planning and Assessment Act, 1979 (EPA Act).
- (D) It is generally consistent with the design intent of the winning scheme of a competitive design process. The scale, form, articulation, materiality and architectural contribution of the proposed development is consistent with Sydney DCP 2012 and the proposed development is consistent with the desired future character of the locality. The development satisfies design excellence provisions pursuant to clause 6.21D of Sydney LEP 2012.
- (E) It is appropriate within its setting and is a mixed-use development comprising compatible uses that will support the vitality of the area, consistent with the desired future character for the locality.

Carried unanimously.

D/2023/97

Speaker

Stephen Kerr (Gyde) addressed the meeting of the Central Sydney Planning Committee on Item 5.