Relevant Information for the Central Sydney Planning Committee

FILE: D/2018/1014  DATE: 14 June 2019

TO: The Central Sydney Planning Committee

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


Alternative Recommendation

It is resolved that:

(A) the requirement of Section 51N of the City of Sydney Act 1988 to consult with the Central Sydney Traffic and Transport Committee not apply in this instance as the proposal does not require, or that might reasonably be expected to require, the carrying out of road works or traffic control works that are likely to have a significant impact on traffic and transport in the Sydney CBD;

(B) consent be granted to Development Application No. D/2018/1014, subject to the conditions as detailed at Attachment A to the subject report to the Central Sydney Planning Committee on 7 March 2019, amended as follows (additions shown in bold italics, deletions shown in strikethrough):

(2) APPROVED DEVELOPMENT

(a) Development must be in accordance with Development Application No. D/2018/1014 dated 30 August 2018 and the following drawings prepared by FJMT Studio:
<table>
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<tr>
<th>Drawing Number</th>
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<tbody>
<tr>
<td>201 (Revision E)</td>
<td>Proposed Envelope Diagrams</td>
<td>8 April 2019</td>
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<tr>
<td>202 (Revision E)</td>
<td>Proposed Envelope Diagrams</td>
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<td>203 (Revision E)</td>
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<tr>
<td>301 (Revision E)</td>
<td>Kent Street Envelope Elevation – Proposed Envelope</td>
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<td>302 (Revision E)</td>
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<td>404 (Revision E)</td>
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<td>304-C</td>
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<td>305-C</td>
<td>Envelope Diagrams</td>
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<td>503-C</td>
<td>Site Elevations – Complying Envelope – Kent Street</td>
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<tr>
<td>504-C</td>
<td>Site Elevations – Complying Envelope – Jenkins Lane</td>
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<td>512-C</td>
<td>Section – towards Stamford on Kent South</td>
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and as amended by the conditions of this consent.

(b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail; and

(C) the Design Excellence Strategy prepared by Ethos Urban dated 23 August 2018 be endorsed.
Reasons for Recommendation

The application is recommended for approval for the following reasons:

(A) The proposed building envelope complies with the maximum height and floor space ratio development standards pursuant to Clauses 4.3 and 4.4 of the Sydney Local Environmental Plan 2012.

(B) The indicative floor plans demonstrate that the building envelope is able to accommodate residential apartments in accordance with the provisions of the State Environmental Planning Policy No. 65 and the Apartment Design Guide.

(C) The proposed building envelope does not result in any adverse environmental or amenity impacts on surrounding properties.

(D) Subject to compliance with the design excellence strategy and undertaking a competitive design process, the development is able to achieve design excellence in accordance with Clause 6.21 of the Sydney Local Environmental Plan 2012.

(E) Subject to conditions requiring additional information to accompany the detailed design application, the development can accommodate the proposed uses without any adverse impacts on traffic and parking, and residential amenity.

(F) For the reasons above, the development is in the public interest.

Background

At the meeting of the Central Sydney Planning Committee on 7 March 2019, it was resolved to defer the determination of the development application to enable the applicant to amend the proposal and include a pedestrian through site link from Kent Street to Jenkins Street.

Amended Proposal

On 11 April 2019, the applicant submitted amended drawings proposing an 80m building envelope with a 6m wide and 4 storey high pedestrian through site link from Kent Street to Jenkins Street. The proposal also sought to amend the building envelope to comprise of two towers above the pedestrian through site link. The amended building envelope comprises of the following:

- 2.5m eastern setback to the northern tower from Levels 2 to 23 (Kent Street frontage)
- zero setback to the southern tower (Kent Street frontage)
- increase articulation zone on the southern facade of the northern tower
- new articulation zone along the western facade of the southern tower
- indicative bridge link at Level 4 between northern and southern towers
- increase footprint of northern tower towards Kent Street boundary from Levels 16-23
Selected drawings of the amended proposal are below:

**Figure 1.** Proposed ground floor plan (pedestrian through site link shown in red hatch)

**Figure 2.** Proposed Level 4 plan (indicative link between towers shown in red hatch)
Figure 3: Proposed Level 16 plan

Figure 4: Proposed Level 23 plan
Figure 5: Proposed building envelope on Kent Street

Figure 6: Proposed building envelope on Jenkins Street
Figure 7: 3D perspective of amended proposal (Kent Street)

Figure 8: 3D perspective of amended proposal (Jenkins Street)
The amended proposal maintains building separation to adjoining properties as per the original proposal. The proposal seeks to remove the originally proposed 48m podium fronting Kent Street and introduce a zero setback for the full height of the southern tower.

The amended proposal does not comply with the 45m street frontage height control under Section 5.1.1 of Sydney Development Control Plan 2012. Notwithstanding the numerical non-compliance, the proposed building envelope responds appropriately to the form and setbacks of immediately adjoining developments along Kent Street and will not detract from the character of the streetscape. In addition, a wind tunnel study has been completed and demonstrates that the amended proposal will not have any adverse environmental or amenity impacts to the public domain. In this instance, a building envelope without a 45m podium is contextually appropriate and is acceptable.

The amended proposal provides a 5.4m separation between the northern and southern towers. Although the separation between the towers do not achieve the minimum building separation between habitable rooms/non-habitable rooms under Section 2F of the Apartment Design Guide, the indicative floor plans demonstrate that orientation of apartments, internal layout of rooms and external privacy treatments can minimise amenity impacts between apartments. The design detail to ensure adequate acoustic and visual privacy for apartments will form part of a Stage 2 Development Application.

Shadow Diagrams

The amended drawings include revised shadow diagrams between 9.00am and 3.00pm on 21 June. The amended proposal will have some additional overshadowing to properties to the west and public open space to the east and south-east. The additional shadows do not result in excessive overshadowing of adjacent properties, does not impact residential developments and will not detract from the amenity of the public domain.

The amended proposal will not have any adverse impact on the amenity of surrounding properties and is acceptable.

A full set of amended drawings and addendum to the Statement of Environmental Effects are at Attachments A and B.

Wind Tunnel Testing

On 3 June 2019, a Pedestrian Wind Environment Study prepared by Windtech Consultants Pty Ltd was submitted for consideration (refer Attachment C). The wind tunnel testing measured wind speeds and compared existing wind conditions at the subject premises and immediately surrounding areas to the original proposed building envelope and the amended proposal.

The wind tunnel testing compared results to the criteria for wind safety standard and comfort standards for walking, sitting and standing under draft Sydney Development Control Plan 2012 – Central Sydney Planning Strategy Amendment. The criteria are as follows:

**Wind Safety Standard** is an annual maximum peak 0.5 second gust wind speed in one hour measured between 6am and 10pm Eastern Standard Time of 24 metres per second.

**Wind Comfort Standard for Walking** is an hourly mean wind speed, or gust equivalent mean wind speed, whichever is greater for each wind direction, for no more than 292 hours per annum measured between 6 am and 10 pm Eastern Standard Time (i.e. 5% of those hours) of 8 metres per second.
Wind Comfort Standards for Sitting and Standing is hourly mean wind speed, or gust equivalent mean wind speed, whichever is greater for each wind direction, for no more than 292 hours per annum measured between 6 am and 10 pm Eastern Standard Time of; 4 metres per second for sitting; and 6 metres per second for standing.

The study shows that the amended proposal will result in changes to wind conditions to the east and south of the site on Kent Street, within the right of way and on Jenkins Street and at 201 Kent Street. Data was collected from 16 points within and surrounding the subject site.

Figure 9: Location of wind study points for amended proposal (Pedestrian Wind Environment Study prepared by Windtech Consultants Pty Ltd)
The wind speeds for the amended proposal differ from the wind speeds of the originally proposed building envelope by 1 to 2 metres per second at 8 points (Points 6, 9-13). Notwithstanding the change in wind speeds, the amended proposal does not result in an exceedance of the 24 metres per second criteria and satisfies the wind safety standard under draft Sydney Development Control Plan 2012 – Central Sydney Planning Strategy Amendment.

The remaining 6 points (Points 1-5, 7-8, 14-16) recorded no changes to wind conditions between the original proposal and amended proposal.

The study concluded that the amended proposal is comparable to the originally proposal and is able to satisfy wind comfort and safety standards under the Sydney DCP 2012 and the draft Sydney Development Control Plan 2012 – Central Sydney Planning Strategy Amendment. Having regard to the findings of the wind tunnel testing, the amended proposed building envelope will not have any adverse impact on pedestrian amenity impacts or the public domain, subject to detail design as part of a Stage 2 DA.

Re-notification of amended proposal

In accordance with Sydney Development Control Plan 2012, the proposal was renotified for a period of 14 days between 11 April and 26 April 2019 to surrounding property owners and occupiers. As a result of this notification, there were two submissions received.

Further to the submissions received relating to the original proposal which have been addressed in the report to the CSPC on 7 March 2019, the issues raised relating to the amended proposal are addressed below.

(a) The proposed pedestrian through site link has a 4 storey void which seeks to provide visual permeability from Kent Street to Barangaroo. The proposal does not take into consideration that 201 Kent Street has a permitted building height control of 30m immediately to the west of the subject site and any development of 201 Kent Street that complies with the height control will obscure views towards Barangaroo.

Response – The 4 storey void above the proposed pedestrian through site link is compliant with relevant planning controls under the Sydney DCP 2012. Within the existing context of the site, the proposed void will provide views to the west, however, if future development occurs to the west the public benefit of the pedestrian through site link will be retained and is acceptable.

(b) The amended proposal provides a pedestrian through site link to Jenkins Street and is immediately adjacent to land owned by 201 Kent Street. Works to 201 Kent Street will be required to accommodate pedestrian traffic. Owners consent from 201 Kent Street has not been sought for the amended plans for future works that will be required.

Response – The amended proposal is wholly contained within the subject site and does not alter the existing rights of access from the subject site to Jenkins Street.
A proposed development at 201 Kent Street is being prepared for a concept building of 30m in height and pedestrian access (via lifts) between Jenkins Street and Hickson Road. The concept proposal cannot provide pedestrian access that aligns with the location of the proposed pedestrian through site link.

**Response** – Although it is desirable for a pedestrian through site link to extend from Kent Street to Hickson Street, a link from Jenkins Street and Hickson Road is outside the scope of the subject application and will be subject to a separate development application.

At the time of preparing this memo, an application seeking consent for the development of 201 Kent Street has not been lodged. The merits of the concept plan for 201 Kent Street cannot be assessed at this stage.

Views from lower level residential apartments fronting Jenkins Street will be affected by future development of 201 Kent Street within permitted planning controls. Given the proximity of the proposed building envelope and 201 Kent Street, it is unreasonable for the proposal to compromise development potential of 201 Kent Street.

**Response** – Given site constraints and the location of adjacent properties, the proposed building envelope provides appropriate building separation to enable reasonable development of the site and adjacent properties.

Measures must be imposed to mitigate damage and amenity impacts to adjacent apartments during demolition, excavation and construction stages of works.

**Response** – Demolition and construction works are not approved as part of this Development Application. Conditions relating to construction works and amenity impacts on surrounding properties will be considered as part of a Stage 2 Development Application.

On 8 May 2019, Transport for NSW provided a submission raising no objection to the amended proposal, subject to the recommended conditions provided in its submission dated 20 October 2018.

On 17 May 2019, the applicant provided a response to the submissions received raising concerns to the amended proposal. The applicant submits the following:

- The concept proposal for 201 Kent Street has not been lodged. The draft concept proposal includes a pedestrian through site link between Jenkin Street and Hickson Road adjacent to the heritage listed Grafton Bond building and sandstone wall. The draft concept proposal is likely to have significant heritage impacts.

- A pedestrian through site link with equitable access, as recommended by the CSPC, has substantial public benefits. In the event that a future proposal to develop 201 Kent Street is approved and views of the sky and Barangaroo through the pedestrian through site link are reduced, the public benefit of a pedestrian through site link will remain.

- An existing easement for access at 201 Kent Street that benefits the subject site enables the operation of the pedestrian through site link. Details of any required physical works will form part of a Stage 2 Development Application.
- Visual privacy between the lower level apartments fronting Jenkins Street and future potential development at 201 Kent Street will be addressed as part of a Stage 2 DA.

- Amenity impacts on existing adjacent residential apartments during demolition and construction will be addressed as part of a Stage 2 Development Application.

Prepared by: Peggy Wong, Specialist Planner

Attachments

Attachment A. Amended Drawings
Attachment B. Addendum to Statement of Environmental Effects
Attachment C. Pedestrian Wind Environment Study

Approved

Graham Jahn AM
Director City Planning, Development and Transport