

**Item 5.****Development Application: 12A and 14-26 Wattle Street, Pyrmont - D/2023/97**

File No.: D/2023/97

**Summary**

<b>Date of Submission:</b>	16 February 2023 Amended plans submitted on 21 and 22 February 2024
<b>Applicant:</b>	The Trustees for Landream Pyrmont Unit Trust
<b>Architect/Designer:</b>	BVN
<b>Developer:</b>	The Trustees for Landream Pyrmont Unit Trust
<b>Owner:</b>	Council of the City of Sydney Transport Asset Holding Entity
<b>DAP:</b>	15 June 2023
<b>Cost of Works:</b>	\$221,892,000
<b>Zoning:</b>	Majority of the site (12,381sqm) is located within Zone MU1 - Mixed Use under the Sydney LEP 2012. The development comprises residential, commercial, retail, child care and indoor recreation centre uses and is permitted with consent within Zone MU1.  A small portion of the Jones Street road reserve (to be acquired by the applicant and included in the site area) is in Zone RE1 (20m <sup>2</sup> ). The modified building envelopes are not located on land in Zone RE1.
<b>Proposal Summary:</b>	Approval is sought for the demolition of existing structures, remediation, removal of trees, excavation and construction of a mixed use development comprising residential, commercial, retail, childcare and indoor recreation centre across five (5) buildings, basement car parking, landscaping, public domain and civil works and stratum subdivision.

A through-site link is also proposed within the development, connecting Wattle and Jones Streets, and a pedestrian connection to the Wentworth Park Light Rail station.

A separate and concurrent section 4.56 modification application (D/2019/649/B) has been submitted to Council to align the Court approved concept consent with this detailed design development application. The section 4.56 modification application is concurrently reported to the CSPC and is recommended for approval.

The application has been assessed by an independent external planning consultant (as the City of Sydney is the land owner).

The independent assessment report is provided at Attachment A.

The development application is referred to the CSPC for determination as the cost of works exceeds \$50 million.

The assessment of the application by the independent planner concludes that as amended and subject to conditions, the proposal exhibits design excellence, and is recommended for approval.

**Summary Recommendation:** It is recommended that the assessment report prepared by the independent external planning consultant, shown at Attachment A and recommended conditions shown at Attachment B to the subject report, be considered for approval by the Central Sydney Planning Committee.

**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) SEPP (Precincts – Eastern Harbour City) 2021
- (iv) SEPP (Resilience and Hazards) 2021
- (v) SEPP No. 65 - Design Quality of Residential Apartment Development and the NSW Apartment Design Guide
- (vi) SEPP (Housing) 2021
- (vii) SEPP (Transport and Infrastructure) 2021
- (viii) SEPP (Biodiversity and Conservation) 2021

- (ix) SEPP (Building Sustainability: BASIX) 2004
- (x) Sydney Local Environmental Plan 2012
- (xi) Sydney Development Control Plan 2012
- (xii) City of Sydney Development Contributions Plan 2015
- (xiii) City of Sydney Interim Floodplain Management Policy 2023
- (xiv) City of Sydney Public Art Policy 2011 and City of Sydney Public Art Strategy 2011
- (xv) City of Sydney Community Engagement Strategy and Participation Plan 2022

**Attachments:**

- A. Independent Assessment Report
- B. Recommended Conditions of Consent
- C. Selected Drawings
- D. Clause 4.6 Written Request - Height of Buildings
- E. Submissions

## Recommendation

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; 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.

## Reasons for Recommendation

The application is recommended for approval 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.

**GRAHAM JAHN, AM**

Director City Planning, Development and Transport