

Relevant Information for Central Sydney Planning Committee

FILE: D/2023/97 **DATE:** 28 March 2024

TO: The Central Sydney Planning Committee

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

SUBJECT: Information Relevant To Item 5 – Development Application: 12A and 14-26 Wattle Street, Pyrmont – D/2023/97

Alternative Recommendation

It is resolved that:

- (A) the variation requested to the 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 No D/2023/97, subject to the conditions detailed in Attachment B 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 ~~strike through~~):

(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</i> (Oriental Plane)	On-site
6	<i>Lagerstomia indica</i> (Crepe myrtle)	On-site
7	<i>Celtis sinensis</i> (Chinese Hackberry)	On-site
8 - 11	<i>Platanus orientalis</i> (Oriental Plane)	On-site
12-14	<i>Celtis sinensis</i> (Chinese Hackberry)	On-site
15	<i>Ficus rubiginosa</i> (Port Jackson Fig)	On-site
16 - 21	<i>Celtis sinensis</i> (Chinese Hackberry)	On-site
22	<i>Pittosperum undulatum</i> (Sweet Pittosperum)	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
56	<i>Koelreutaria paniculata</i> (Golden Rain Tree)	Rail Corridor

Tree No	Species:	Location
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>Tristaniaopsis laurina</i> (Water Gum)	Rail Corridor
60	<i>Koelreutaria paniculata</i> (Golden Rain Tree)	Rail Corridor
61	<i>Tristaniaopsis laurina</i> (Water Gum)	Rail Corridor
62	<i>Koelreutaria paniculata</i> (Golden Rain Tree)	Rail Corridor

Tree No	Species:	Location
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
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Tree No	Species:	Location
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.

Background

Design Modifications – Condition 2(a) and Building Height – Condition 3

On 26 March 2024, the applicant met with the City to request deletion of Condition 2(a) – Design Modifications after reviewing the recommended draft conditions of consent contained in Attachment B to the Central Sydney Planning Committee Report (Item 5).

Condition 2(a) requires a reduction in height of 2 metres to the plant room equipment and parapet zone of Building C, as the parapet height is inconsistent with the design competition winning scheme. Building C is 42.46m in height (RL 45.55 (AHD)). The effect of Condition 2(a) will result in a height of 40.46m (RL43.55 (AHD)).

The applicant has advised that the rooftop of Building C (being over 25m in height) is required to house a number of mechanical essential services (contained in Attachment A of this memo), including:

- a stair pressurisation system for each fire stairs core at a height of at least 2.5m;
- lobby relief (smoke exhaust) system at a height of at least 2.5m and separated from the stair pressurisation system at a minimum distance of 6m; and
- the air conditioning system/plant (5x off air cooled chillers) for the entire development at 3.2m in height.

All three types of mechanical systems are required to be open to the air, and the extrusion of the architecture to create a parapet zone, as currently proposed, acts to conceal the rooftop plant area. A 2m reduction of the parapet zone would expose the plant area. Further, relocation of the air conditioning system to the other buildings, particularly Jones Street, will result in visual impact.

It is noted that in requesting deletion of Condition 2(a) of the draft conditions of consent, Condition 3(c)(i) – Building Height will need to be updated to reflect the proposed plant room equipment and parapet zone height of Building C.

Should the Central Sydney Planning Committee be of a mind to support the amendment, Conditions 2 and 3 are to be modified as follows:

(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
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- (e) Building E - Fig Street:
 - (i) RL 37.950 (AHD) to the top of plant and lift overrun
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- (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.

Section 7.11 Contributions Payable - Contribution Towards Public Amenities – City Of Sydney Development Contributions Plan 2015 – West Precinct – Condition 11

On 26 March 2024, correspondence was received from the applicant requesting amendments to the calculation of Section 7.11 contributions (Condition 11 in the recommended conditions of consent contained in Attachment B accompanying the Independent Assessment Report).

The applicant has requested a recalculation of Section 7.11 contributions payable, as the final amount inadvertently included the gross floor area of the proposed child care centre (426sqm), which is to be owned and operated by the City.

Section 1.3 of the *City of Sydney Development Contributions Plan 2015* excludes “development undertaken by or on behalf of Council” from the need to pay a contribution.

Should the Central Sydney Planning Committee be of a mind to support the amendment, Condition 11 is to be modified as follows:

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

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<u>Contribution Category</u>	<u>Amount</u>
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Reason

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

Conditions 44 – Trees Approved for Removal, 45 – Trees That Must Be Retained and 141 – Compliance with Arborist's Report

On 27 March 2024, correspondence was received from the applicant requesting that Tree 40, a *Platanus orientalis* Oriental Plane Street tree, on Fig Street, be approved for removal as the retention of this tree is an error (Conditions 44 – Trees Approved for Removal and 45 – Trees That Must Be Retained of Attachment B to the Central Sydney Planning Committee Report). The applicant has stated that Tree 40 is approved for removal in the concept development consent D/2019/649 (as amended).

Refer to Figure 1 below depicting the location Tree 40.

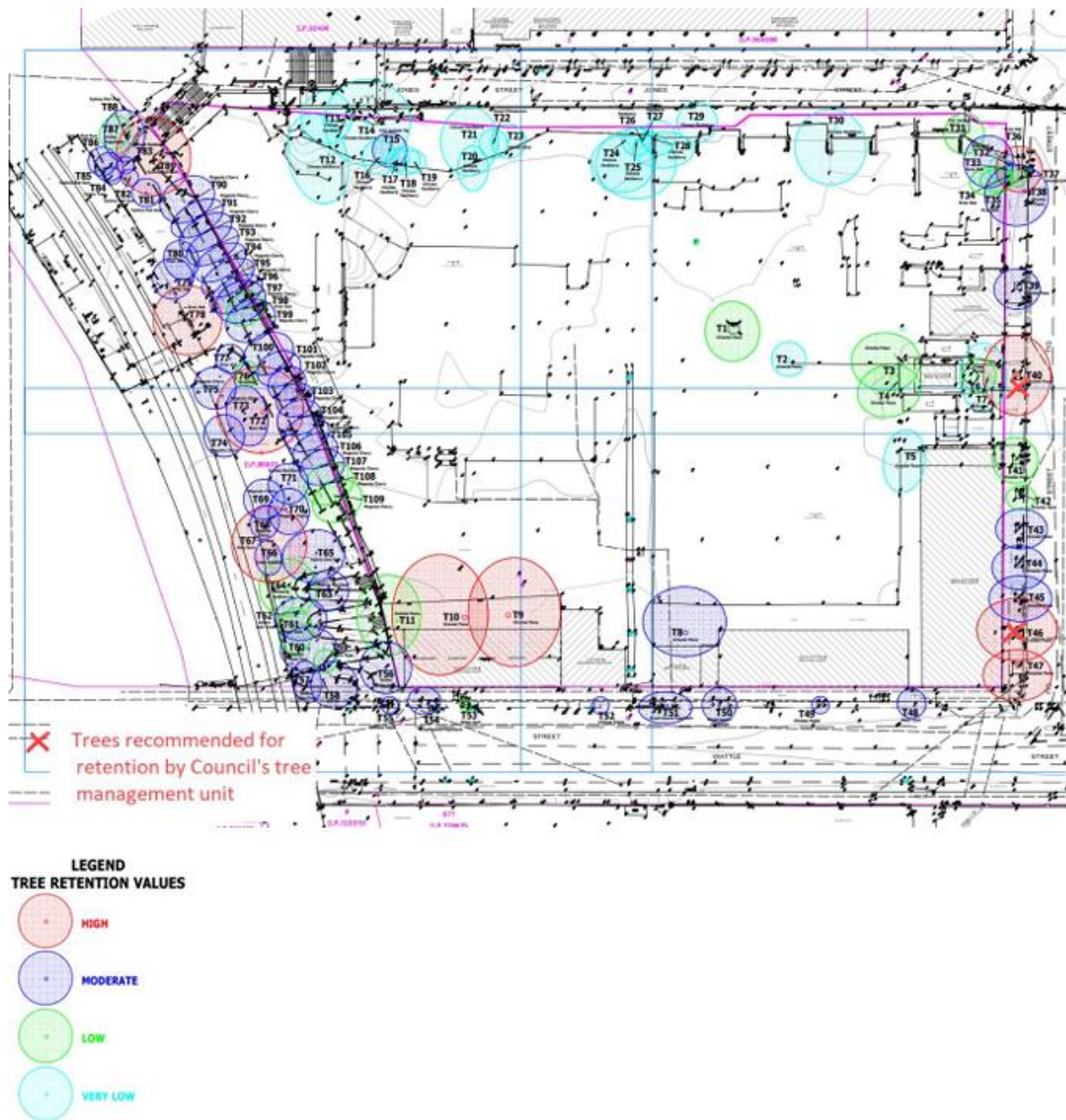


Figure 1: Tree retention value plan showing trees recommended for retention by the City's Tree Management Unit

The City's Tree Management Unit advised during the assessment of the development application that Tree 40 is part of a group of street trees on Fig Street that are considered to be prominent landscape elements.

However, Condition 31 – Street Trees and Detailed Design Application of D/2019/649 (the Concept Approval) approved the Arboricultural Impact Assessment Report prepared by Earthscape Horticultural Services, dated 3 September 2019, which recommended the removal of Tree 40. Further to this, subsequent Arborist reports provided by the applicant for D/2023/97 support the original recommendation to remove Tree 40.

Should the Central Sydney Planning Committee be of a mind to support the amendment, Conditions 44, 45 and 141 are to be modified as follows:

(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</i> (Oriental Plane)	On-site
6	<i>Lagerstomia indica</i> (Crepe myrtle)	On-site
7	<i>Celtis sinensis</i> (Chinese Hackberry)	On-site
8 - 11	<i>Platanus orientalis</i> (Oriental Plane)	On-site
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23	<i>Olea europaea</i> (African Olive)	On-site
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32-36	<i>Casuarina cunninghamii</i> (River Oak)	Road Reserve – Fig St
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Tree No	Species:	Location
38 – 39, 40	<i>Platanus orientalis</i> (Oriental Plane)	Road Reserve – Fig St
48	<i>Tristaniopsis laurina</i> (Water Gum)	Road Reserve – Wattle St
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97	<i>Syzygium paniculatum</i> (Magenta Cherry)	Rail Corridor
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- (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
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Reason

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

(46) 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)~~

(b) 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.

Attachments

Attachment A. Correspondence and Plans for the Rooftop Plant Area and Parapet Zone of Building C and Tree 40

Attachment B. Arboricultural Impact Assessment Report prepared by Earthscape Horticultural Services - dated 3 September 2019

Approved



Graham Jahn AM

Director City Planning, Development and Transport