

Item 4.**Section 4.56 Application: 14-26 Wattle Street, Pyrmont - D/2019/649/C****File Number:** D/2019/649/C**Summary**

Date of Submission:	8 November 2024 Amended plans and additional information received 20 March 2025, 30 April 2025, 6 May 2025 and 23 May 2025
Applicant:	The Trustees for Landream Pyrmont Unit Trust
Architect/Designer:	BVN
Developer:	The Trustees for Landream Pyrmont Unit Trust
Owner:	Council of the City of Sydney
Planning Consultant:	Gyde Consulting
Heritage Consultant:	Paul Davies Pty Ltd
DAP	27 March 2025
DAPRS:	1 April 2025
Cost of Works:	\$331,337,277
Zoning:	Most of the site (12,361m ²) is in Zone MU1 - Mixed-Use pursuant to Sydney Local Environmental Plan 2012 (Sydney LEP 2012). The proposed development to be modified comprises residential accommodation, hotel accommodation and retail 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 - Public Recreation (20m ²). The proposed modifications are not located on land in Zone RE1.

Proposal Summary:

Concept approval D/2019/649 was granted by the Land and Environment Court (by agreement) for building envelopes with indicative land uses for a mixed use development comprising residential, commercial, retail, child care and recreation uses.

This section 4.56 modification application seeks a change of use of the Fig Street building envelope from commercial/retail premises to hotel accommodation, residential apartments and retail premises. Changes to the building footprint are also proposed, with an increase in height to 35.64m and modified setbacks.

A separate and concurrent section 4.55(2) modification application to the detailed design approval (D/2023/97/A) is being presented to the Central Sydney Planning Committee (CSPC) recommending approval. This section 4.56 application to modify the concept consent will allow both applications to 'align' as required under Section 4.24 of the Environmental Planning and Assessment Act, 1979 (EPA Act).

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 section 4.56 modification application is referred to the CSPC for determination as it relates section 4.55(2) modification D/2023/97/A, which is considered to be "major development" for the purposes of the City of Sydney Act 1988, being a significant modification to a consent granted by the CSPC.

The assessment of the application by the independent planner concludes that as amended and subject to conditions, the proposed modifications are considered to result in a development that is substantially the same as the concept consent and is recommended for approval.

Summary Recommendation:

It is recommended that the assessment report prepared by the independent external planning consultant for D/2019/649/C, 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) State Environmental Planning Policy (SEPP) (Biodiversity and Conservation) 2021
- (iv) SEPP (Housing) 2021
- (v) SEPP (Resilience and Hazards) 2021
- (vi) SEPP (Transport and Infrastructure) 2021
- (vii) SEPP (Precincts – Eastern Harbour City) 2021
- (viii) Sydney Local Environmental Plan 2012
- (ix) Sydney Development Control Plan 2012
- (x) City of Sydney Community Engagement Strategy and Participation Plan 2024 Update

Attachments:

- A. Independent Assessment Report
- B. Amended Conditions of Consent
- C. Amended Building Envelope Drawings
- D. Concept Approval - Land and Environment Court Judgement
- E. Submissions

Recommendation

It is resolved that consent be granted to Section 4.56 Application Number D/2019/649/C subject to the amendment of the following conditions (with additions shown in ***bold italics*** and deletions shown in ~~strikethrough~~), as follows:

Approved Development Description

Concept development application for a building envelope with maximum height of ~~33.08m~~ ***42.6m***. Indicative land uses include residential, commercial, retail, ***hotel***, childcare and recreational facilities.

(2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2019/649 dated 21 June 2019 and the following drawings prepared by BVN:

- (a1) As amended by the following drawings prepared by BVN that relate to the Fig Street Building only (including the southern side of the through site link and area beneath Jones Street through site link stairs):***

<i>Drawing Number</i>	<i>Drawing Name</i>	<i>Revision</i>	<i>Date</i>
<i>AR-DA-MOD-0001-COM</i>	<i>CONCEPT ENVELOPE 3D WEST</i>	<i>01</i>	<i>22/05/2025</i>
<i>AR-DA-MOD-0002-COM</i>	<i>CONCEPT ENVELOPE 3D EAST</i>	<i>01</i>	<i>22/05/2025</i>
<i>AR-DA-MOD-1001-COM</i>	<i>GENERAL ARRANGEMENT PLAN - LEVEL 00</i>	<i>01</i>	<i>22/05/2025</i>
<i>AR-DA-MOD-1002-COM</i>	<i>GENERAL ARRANGEMENT PLAN - LEVEL 01</i>	<i>01</i>	<i>22/05/2025</i>
<i>AR-DA-MOD-1003-COM</i>	<i>GENERAL ARRANGEMENT PLAN - LEVEL 02</i>	<i>01</i>	<i>22/05/2025</i>
<i>AR-DA-MOD-1004-COM</i>	<i>GENERAL ARRANGEMENT</i>	<i>01</i>	<i>22/05/2025</i>

	PLAN - LEVEL 03		
AR-DA-MOD- 1005-COM	GENERAL ARRANGEMENT PLAN - LEVEL 03 & LEVEL 04	01	22/05/2025
AR-DA-MOD- 1006-COM	GENERAL ARRANGEMENT PLAN - LEVEL 04 & LEVEL 05	01	22/05/2025
AR-DA-MOD- 1007-COM	GENERAL ARRANGEMENT PLAN - LEVEL 05 & LEVEL 06	01	22/05/2025
AR-DA-MOD- 1008-COM	GENERAL ARRANGEMENT PLAN - LEVEL 06 & LEVEL 07	01	22/05/2025
AR-DA-MOD- 1009-COM	GENERAL ARRANGEMENT PLAN - LEVEL 07 & LEVEL 08	01	22/05/2025
AR-DA-MOD- 1010-COM	GENERAL ARRANGEMENT PLAN - LEVEL 08 & LEVEL 09	01	22/05/2025
AR-DA-MOD- 1011-COM	GENERAL ARRANGEMENT PLAN - LEVEL 09 & LEVEL 10	01	22/05/2025
AR-DA-MOD- 1012-COM	GENERAL ARRANGEMENT PLAN - LEVEL 10 & LEVEL 11	01	22/05/2025
AR-DA-MOD- 1013-COM	GENERAL ARRANGEMENT PLAN - LEVEL 11 & LEVEL 12	01	22/05/2025

AR-DA-MOD-1014-COM	GENERAL ARRANGEMENT PLAN - LEVEL 13	01	22/05/2025
AR-DA-MOD-1015-COM	GENERAL ARRANGEMENT PLAN - LEVEL ROOF	01	22/05/2025
AR-DA-MOD-2001-COM	JONES ST ELEVATION	01	22/05/2025
AR-DA-MOD-2002-COM	FIG ST ELEVATION	01	22/05/2025
AR-DA-MOD-2003-COM	WATTLE ST ELEVATION	01	22/05/2025
AR-DA-MOD-2004-COM	LIGHT RAIL ELEVATION	01	22/05/2025
AR-DA-MOD-2005-COM	STREETSCAPE ELEVATION	01	22/05/2025
AR-DA-MOD-3001-COM	SECTION A	01	22/05/2025
AR-DA-MOD-3002-COM	SECTION B	01	22/05/2025
AR-DA-MOD-3003-COM	SECTION C	01	22/05/2025
AR-DA-MOD-3004-COM	SECTION D	01	22/05/2025
AR-DA-MOD-3005-COM	SECTION E	01	22/05/2025
AR-DA-MOD-3006-COM	SECTION F	01	22/05/2025

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved concept development plans and other supplementary documentation, the approved concept development plans will prevail.

(Condition amended – 28 March 2024)

(Condition amended – 19 June 2025)

(7) BUILDING HEIGHT

The maximum heights of the building envelopes, as defined in Sydney Local Environmental Plan 2012, are:

- (e) Building E - Fig Street **Building**:
- (i) RL ~~37.950~~ **38.450** (AHD) to the top of plant and lift overrun **room**
 - (ii) RL ~~36.350~~ **35.850** (AHD) to the Level ~~10~~ **11** roof **and RL 36.255 to the Level 11 parapet**
 - (iii) RL ~~32.350~~ **32.150** (AHD) to the Level ~~09~~ **10** roof and RL **33.640** (AHD) ~~33.550 to the Level 09 parapet~~ **10 top of balustrade**
 - (iv) RL ~~29.150~~ **28.950** (AHD) to the Level ~~08~~ **09** roof and RL (AHD) ~~29.950 to the Level 08 parapet~~

The maximum heights shown above are inclusive of additional height approved pursuant to the provisions of Clause 6.21D(3) of Sydney Local Environmental Plan 2012. The development is not eligible for any additional height under any circumstances.

Notwithstanding clause (a) and (b) above, the Jones Block and Fig Block may be eligible for up to 10% additional height pursuant to the provisions of Clause 6.21(7) of Sydney Local Environmental Plan 2012 if the consent authority is satisfied that the resulting detailed design development application exhibits design excellence and is the result of a competitive design process.

(Condition amended – 28 March 2024)

(Condition amended – 19 June 2025)

(9) ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Details are to be provided with the subsequent development application for the detailed design of the building to confirm that the building has adopted the following proposed ESD targets reflected in the Design Excellence Strategy referred to in Condition 4:

- (a) 4 Star Green Star Design and As-Built or GreenStar Buildings Rating using the most contemporary version of the Green Star rating tool that applies at the time of DA lodgement.
- ~~(b) 5.5 Star NABERS Office Energy Base Building Rating if the development contains 1,000sqm or more of commercial office net lettable area~~

- (c) Exceed the relevant BASIX Energy Target (defined by number of storeys of residential development) by 10 BASIX points
- (d) Inclusion of on-site renewable energy generation via roof top photovoltaic system(s) and/or solar or heat pump service for domestic water heating
- ~~(e) Property Council of Australia (PCA) Office Quality Grade B~~

The ESD targets are to be carried through the competition phase, design development, construction, and through to completion of the project.

(Condition amended – 19 June 2025)

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The modified development is substantially the same as the development originally approved and is therefore consistent with the requirements of section 4.56(1)(a) of the EP&A Act.
- (B) Modification of the consent is not inconsistent with the reasons given by the consent authority (the Land and Environmental Court) for the grant of the Original Consent and is consistent with the requirements of section 4.56(1A) of the EP&A Act.
- (C) Subject to conditions, the modified development reflects the architectural design competition winning scheme and will not adversely impact the amenity of the surrounding area.
- (D) The modified development proposes a building envelope which is capable of accommodated a building exhibiting design excellence in accordance with clause 6.21C of the Sydney LEP 2012.
- (E) The modified development is generally consistent with the aims and objectives of the relevant planning controls including the SEPP Housing, 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.
- (F) The modified development 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

Chief Planner / Executive Director City Planning, Development and Transport

Jessica Symons, Senior Planner