

TO: Sydney Central City Planning Panel

SUBJECT: 224 - 240 Pitt Street Merrylands.

APPLICATION No: MOD2022/0211 (PPSSCC-377).

Addendum Report for Panel consideration

The Section 4.55(2) Modification application to an approved mixed use development including the alteration of floor levels, height of the buildings, revised apartment layout, reduction in the number of apartments from 365 to 363, provision of additional commercial floor space, revised plant and service areas, revised basement layout and alterations to facade treatment and communal open space areas was presented to the Sydney Central City Planning Panel for determination on Thursday 3 November and again on Thursday 10 November 2022.

Following the Panel meeting and deliberations of the application in relation to building height and loss of the rooftop common open space of Tower Building A at the most recent meeting, Council officers provides the following for Panel consideration:

1. A statement below addressing the impacts of the removal of the rooftop common open space of Tower Building A.
2. A modified condition set for Panel consideration.

Removal of the rooftop common open space on Tower Building A

The applicant has submitted to the Council and the Panel, a revised plan set showing the proposed rooftop common area of Tower Building A being removed. Council has reviewed this and advises the Panel that the removal of the rooftop common area of Tower Building A should not be supported.

As demonstrated within the assessment report, the common areas as shown are compliant with the requirements of the Apartment Design Guide at Part 3D-1. The size of the common areas are as follows:

Common area location	Size	Main Features
Roof level of building block A.	530 square metres.	BBQ facility, seating.
Level 10 of building block B.	330.48 square metres.	BBQ facility and seating.
Level 4 of building block C and D	513.4 square metres.	Swimming pool.
Total area	1,373.8 square metres and equivalent to 26.4% of the site.	

The Apartment Design Guide at Part 3D-1 requires at least a minimum area equal to 25% of the site to be provided as common open space. At the present time, this is complied with although all the areas are situated across the rooftop of buildings.

It is also advised that the figures stated above excludes the internal open courtyard area situated across the ground floor podium level. This decision is made because the internal courtyard has been redesigned and no longer functions as common open space for residents. Instead, this area comprising of:

- Planter boxes for small trees.
- Pedestrian thoroughfares.
- Seating areas for the public / residents.
- Access to shops.

Is being treated as public space and not space for residents to enjoy.

The removal of 530 square metres of common open space will be detrimental to the entire development as follows:

1. The overall development would be left with 843.8 square metres of common open space or 16.3% which in turn would result in a significant variation to Part 3D-1 of the Apartment Design Guide. The variation would be calculated at 453.45 square metres or 34.9%.
2. The loss of amenity for the residents of Tower Building A would be significant as the residents would have no direct access to common space. This outcome is possible given that each tower block within the complex could potentially in future be subdivided into four separate Strata Title blocks each governed by a separate Strata Body Corporate managing each building.

The rooftop common area of Tower Building A which incorporates:

- Seating.
- Two BBQ facilities.
- Shade structures and turf areas.
- Landscaping.

Is performing a crucial function for the building and should not be removed from the overall design. For this reason, Council officers do not support the removal of this area.

Removal of rooftop common area (Building A)

It is identified that the initial building was approved with a rooftop common open space however this was removed as part of the approval of Modification Application 2015/220/4 and an additional residential floor area was included into the modification.

It is noted that the modification consent issued does not require its reinstatement.

The applicant justified the removal of the common open space in their statement of environmental effects as follows.

<i>"3D Communal Open Space"</i>	<i>"1 Communal open space has a minimum area equal to 25% of the site (Site</i>	<i>"The extent of communal open space will reduce as a result of the modification</i>
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	<p>area 5,1136 m2 = minimum COS 1284 M2)"</p>	<p>application following removal of the roof top open space above building A. Following feedback from the marketing and sales for the development the rooftop area to Building A was considered surplus to the needs of the site given the broad range of communal open space provided elsewhere within the development. In addition, the surplus space contributes to an increased burden for ongoing maintenance and efficient management of the building strata, which future residents would prefer to avoid as it increases strata levies. The roof top space above, Building A contributed to 787 m2 to the overall communal open space provision within the site. However, the original proposal significantly exceeded the minimum requirement and the revised proposal will continue to provide multiple areas of communal open space which exceeds 25% of the site area. The areas include:</p> <p>Central ground floor (857 m2). Pool level (Building C roof top 587 m2). Mixed use space (Building B rooftop 595 m2).</p> <p>Each area is of a size and configuration that will contribute to the active</p>
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		<i>and passive recreational activities within the site. The total area of communal open space is 2,039 m2 which equates to 39.7% of the site area."</i>
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The modification application now before the Panel reinstates the common open space across the rooftop of the tower and is supported by Council given that it performs a crucial function to the building and for the residents for the reasons articulated earlier in the report.

A modified condition set is attached with modified conditions provided for Panel consideration requiring the building to be lowered in height by reducing the proposed floor to floor heights of the residential floors from 3.1 metres to 3 metres and generally consistent with the consent issued. This in turn will lower the height of Tower Building A by 1.8 metres and reduce the overall height of the building from 71.05 metres to 69.25 metres from the natural ground level to the highest point being the rooftop lift overrun.

RECOMMENDATION

1. The Modification Application 2022/0211 being a Section 4.55(2) application for an alteration of floor levels, height of the building, revised apartment layout, reduction in the number of apartments from 365 to 363, provision of additional commercial floor space, revised plant and service areas, revised basement layout and alterations to facade treatment and communal open space areas on land at 224 to 240 Pitt Street Merrylands be approved subject to conditions as recommended in the modified attachment provided.
2. Persons whom have lodged a submission in respect to the application be notified of the determination of the application.