

Item 6.**Development Application: 2 Edward Street, Pyrmont - D/2019/726**

File No.: D/2019/726

Summary**Date of Submission:** 10 July 2019**Applicant:** Mirvac Real Estate Pty LtdD**Architect** Gray Puksand**Owner:** Mirvac Funds Limited**Cost of Works:** \$5,295,400**Zoning:** The proposed internal and facade works to an existing commercial building are permissible within the B3 Commercial Core zone.**Proposal Summary:** The subject application seeks consent for internal and external works to an existing commercial building known as the Bay Centre Building.

Internal works include an expansion to existing end of journey facilities and the fitout of an existing entry lobby at Pirrama Road including the relocation and fitout of an existing food and drink premises (cafe).

External works include upgrades to the existing facade facing Pirrama Road, the replacement of an existing footpath awning and the installation of building and business identification signage.

The original proposal and subsequent amendments have been notified 3 times. 26 submissions were received following an initial 14 day notification period, which was between 23 July 2019 and 7 August 2019.

Amended drawings and supporting documents were twice re-notified, between 22 October 2019 and 6 November 2019 (16 submissions) and then between 6 December 2019 and 11 January 2020 (7 submissions).

Given that greater than 25 unique submissions (26) were received following the public notification of the proposal, the application is considered to be contentious development in accordance with Schedule 3 of the Local Planning Panel Direction. The application is required to be determined by the City's Local Planning Panel.

Public submissions raised issues in relation to the operational safety of proposed end of journey facilities that are located adjacent to an existing shared driveway. The driveway is shared between the subject commercial Bay Centre Building and the neighbouring residential Gateway Building. The 2 buildings were constructed together, however, the residential Gateway Building has subsequently been Strata subdivided.

The applicant has submitted amended drawings and supporting documents in response to issues raised by assessing officers and in submissions. The safety of the end of journey users of the driveway has been addressed by the amended drawings and in this report.

Amended facade details have been provided in relation to the Pirrama Road frontage of the site. Amended facade details show the reinstatement of vertical building elements and sun shading devices that were proposed to be removed and show that the proposed footpath awning is consistent with neighbouring awnings.

The application has been amended to include the installation of mechanical ventilation to service the ground level food and drink premises. The mechanical ventilation unit will utilise existing exhaust ducts that are located at the roof level of the building and that were constructed during base building works. The amended proposal has been re-notified to neighbouring properties.

The proposal complies with the Sydney Local Environment Plan 2012 development standards for maximum height of buildings, floor space ratio and the maximum parking provisions. Subject to recommended conditions, the proposal is consistent with the relevant planning controls of the Sydney Development Control Plan 2012 in relation to public domain, commercial premises and transport.

Summary Recommendation: The development application is recommended for approval, subject to conditions.

Development Controls:

- (i) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)
- (ii) State Environmental Planning Policy No. 64 – Advertising and Signage
- (iii) State Environmental Planning Policy (Infrastructure) 2007
- (iv) Sydney Local Environmental Plan 2012 (Gazetted 14 December 2012, as amended)
- (v) Sydney Development Control Plan 2012 (in force on 14 December 2012, as amended)
- (vi) Sydney Harbour Foreshores and Waterways Areas DCP 2005
- (vii) City of Sydney Development Contributions Plan 2015
- (viii) Revised City West Affordable Housing Program

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Supplementary Traffic and Parking Statement and Draft Loading Dock Management Plan

Recommendation

It is resolved that consent be granted to Development Application No. D/2019/726 subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposal is consistent with the aims and objectives of Clause 3 of State Environmental Planning Policy 64 and with the provisions of the State Environmental Planning Policy (Infrastructure) 2007;
- (B) The proposal complies with the relevant provisions of the Sydney Local Environmental Plan 2012 with regard to the aims of the Plan and in relation to the objectives of the B3 Commercial Core zone and the B4 Mixed Use zone;
- (C) Having considered the matters in Clause 6.21(4) of the Sydney Local Environmental Plan 2012 and subject to recommended conditions of consent, the proposal is considered to display design excellence;
- (D) The proposal is considered to be acceptable with regard to the relevant provisions of the Sydney Development Control Plan 2012 in relation to public domain, commercial premises and transport; and
- (E) Suitable conditions of consent are recommended and the development is considered to be in the public interest.

Background

1. The proposal is considered to be contentious development in accordance with the definition provided by the Local Planning Panel Direction - Development Applications (Schedule 3). Greater than 25 or more unique submissions by way of objection were received following the notification of the original proposal (refer to further detail in the submissions section below).
2. As such, the development application is to be determined by the City's Local Planning Panel on behalf of Council.

The Site and Surrounding Development

3. The site is legally described as Lot 1 in DP 1000905. The site is registered as 2 Edward Street on Council's records, but is generally known as 65 Pirrama Road, Pyrmont.
4. The site is an irregular shape, with an area of approximately 4,385sqm. A 6 storey commercial office building, known as the Bay Centre Building is contained within the site (Figures 1 - 4).
5. The site has a primary street frontage to Pirrama Road and a secondary street frontage to Edward Street. Vehicular access is provided to the site via a shared driveway from Edward Street (Figure 5).
6. The Bay Centre has a full height entry lobby facing Pirrama Road. The entry lobby contains a food and drink premises (cafe) and a public art installation. Car parking, a loading dock and end of journey facilities are located at the rear of the ground level and within the basement levels.
7. To the east of the site is located a 7 storey residential building known as the Gateway Building (Figures 1 and 2). The Bay Centre and Gateway buildings were constructed simultaneously and share a common driveway with an entry from Edward Street.
8. The common driveway extends beneath the Bay Centre Building and provides vehicular access to both buildings. The Gateway Building has a right of access across the shared driveway from Edward Street. The right of access extends beneath the Bay Centre Building and into the car park of the Gateway Building.
9. The Light Rail line is located within the subject site and is visible as it crosses Edward Street (Figure 5).
10. The surrounding area has a mixed character, comprising residential, civic and commercial land uses. To the west and east of the site are located the Star Casino and the Australian National Maritime museum. Commercial office buildings are located to the south of the site.
11. The site is not a heritage item and is not located within a conservation area.

- 12. A site visit was carried out by Council's Planner on 23 July 2019. Photos of the site and surrounds are provided below:



Figure 1: Aerial image of subject site and surrounding area (looking north).



Figure 2: Aerial image of subject site and surrounding area (looking south).



Figure 3: The Bay Centre (the site), viewed from Pirrama Road, looking south-west.



Figure 4: Facade works are proposed to the northern elevation of the Bay Centre.

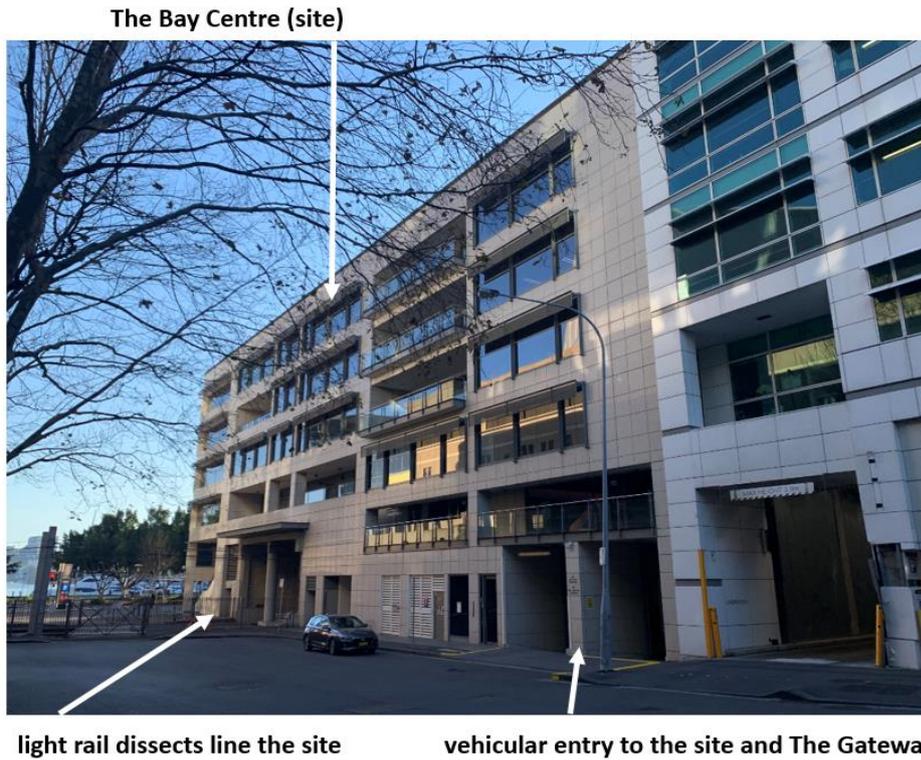


Figure 5: The Bay Centre (site), viewed from Edward Street, looking north-east. Light rail can be seen entering the site (left of picture) and existing vehicular entry to the Bay Centre and Gateway buildings (right of picture).

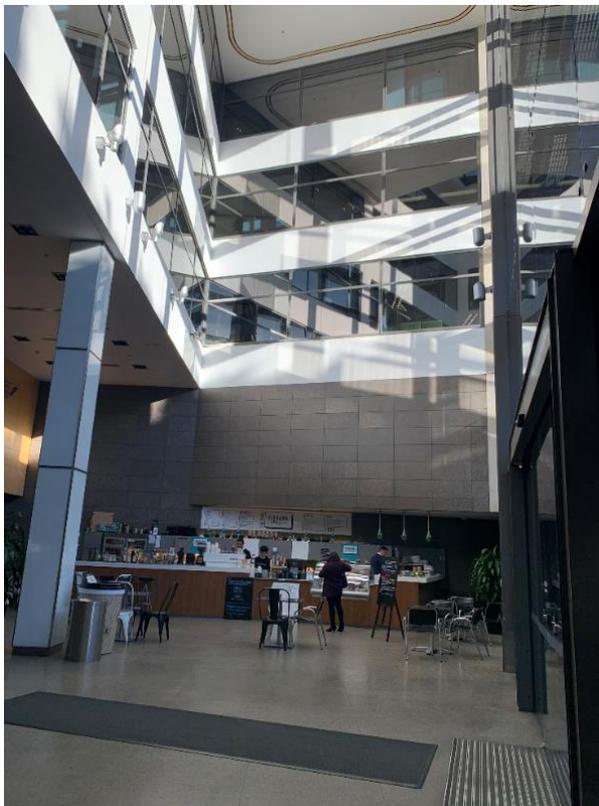


Figure 6: Existing ground level entry lobby and cafe, with entry from Pirrama Road.



Figure 7: Sun shading devices on the northern elevation viewed from the entry lobby facing Pirrama Road. The sun shading devices are proposed to be removed and replaced.

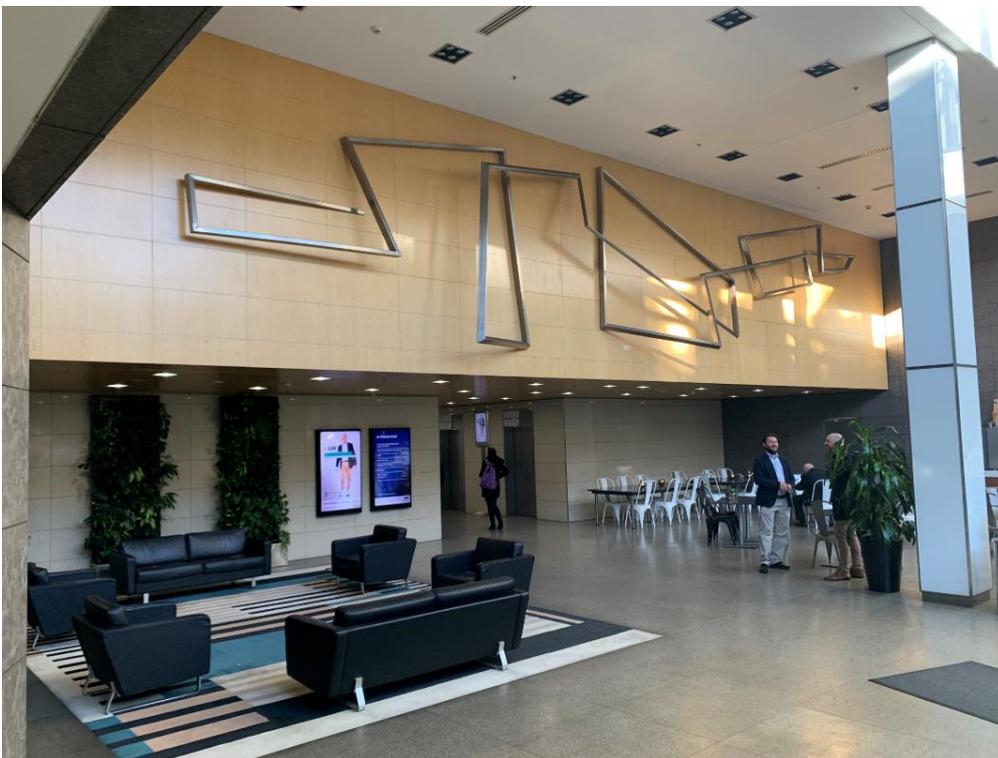


Figure 8: Existing ground level entry lobby. An existing public art installation is proposed to be removed (see Issues section).



Figure 9: Shared driveway within the Bay Centre Building. Residents of the Gateway Building have right of access via the shared driveway.



Figure 10: Existing car parking within the Bay Centre Building is proposed to be replaced by end of journey facilities. Looking west towards entry gates from Edward Street.



Figure 11: An existing waste holding room is proposed to be relocated within the ground level driveway area.

Proposal

13. The subject application seeks consent for internal and external works to an existing commercial building, known as the Bay Centre Building.
14. Internal works include an expansion to existing end of journey facilities, the fitout of an existing entry lobby from Pirrama Road and alterations to an existing food and drink premises (cafe). External works include upgrades to the existing facade facing Pirrama Road and the replacement of an existing awning, building signage and business identification signage.
15. The application has twice been re-notified following the submission to Council of amended plans and supporting documents. The proposal has been amended during assessment as follows:
 - (a) the end of journey facilities have been redesigned. A single point of entry is provided for cyclists and users of the facilities at the western end of the facilities where previously there were 3 x entry doors located onto the shared driveway (which provides vehicular access to the adjoining residential 'Gateway Building') (refer to Figures 19 and 20 in the issues section below);
 - (b) supplementary Traffic and Parking Statements have been provided, outlining the operation of the end of journey facilities and service areas adjoining the shared driveway;

- (c) Amended drawings have been provided that show the width of the driveway being increased (from 6m to 6.1m) at the eastern end of the driveway at the entry to the residential Gateway Building. Swept path diagrams have been provided that demonstrate service vehicles can continue to safely enter and service the residential Gateway Building;
 - (d) the Pirrama Road facade has been amended to retain vertical elements and sun shading devices and to replace existing louvres. The design and materiality of the footpath awning have been further refined; and
 - (e) mechanical ventilation is proposed to be provided to the ground level cafe. The mechanical ventilation will use existing service risers and roof level vents that were constructed as part of the base building.
16. The amended proposal includes the following works:
- (a) End of journey facilities - entry via driveway from Edward Street**
 - (i) existing ground level end of journey facilities are proposed to be expanded in area. A total of 68 x bicycle parking spaces are proposed as well as 10 x showers, lockers and W.C. facilities. The end of journey facilities are proposed to be constructed with perforated mesh sides to increase visibility and awareness of vehicles using the parking adjoining parking areas;
 - (ii) a new internal stair case is proposed to provide users of end of journey facilities direct access to the lift cores via basement level 1;
 - (iii) line marking is proposed within the shared driveway indicating an internal 'shared zone' for pedestrian, bike and vehicle areas; and
 - (iv) works to reconfigure existing ground level facilities including:
 - (i) relocation and expansion of existing waste bin holding room;
 - (ii) reconfiguration of loading dock/courier space;
 - (iii) new cleaners' store; and
 - (iv) repositioned fire escape corridor.
 - (b) Ground level entry lobby/cafe from Pirrama Road:**
 - (i) relocation of an existing food and drink premises (cafe) to south-eastern corner of the lobby, the relocation of a lounge area and mail room;
 - (ii) installation of mechanical ventilation utilising existing service risers through the building to roof level;
 - (iii) removal of an existing public art installation (Figure 8);
 - (iv) installation of meeting and lounge areas; and
 - (v) proposed hours of operation for the food and drink premises (cafe) are between:
 - (i) 7.00am and 5.00pm, Monday to Wednesdays;
 - (ii) 7.00am and 10.00pm Thursdays and Fridays; and
 - (iii) Closed Saturdays, Sundays and public holidays.

(c) Facade and street awning upgrade for Pirrama Road frontage:

- (i) relocation of the existing pedestrian entry point, installation of a revolving door, a sliding door, vertical bi-fold doors and replacement of existing ground level metal louvres with glazed louvres;
- (ii) installation of vertically oriented zinc cladding with horizontal sun shading devices retained; and
- (iii) installation of a continuous glass footpath awning over the building entrance.

(d) Installation of building and business identification signage

- (i) building identification signs using backlit brass letters pin-fixed to tiled wall faces including the street address of the site; and
- (ii) business identification wall sign at the entry to the premises from Pirrama Road using the same materials as the business identification sign.

17. Plans of the proposed development are provided below.

Fitout for end of journey facilities and foyer

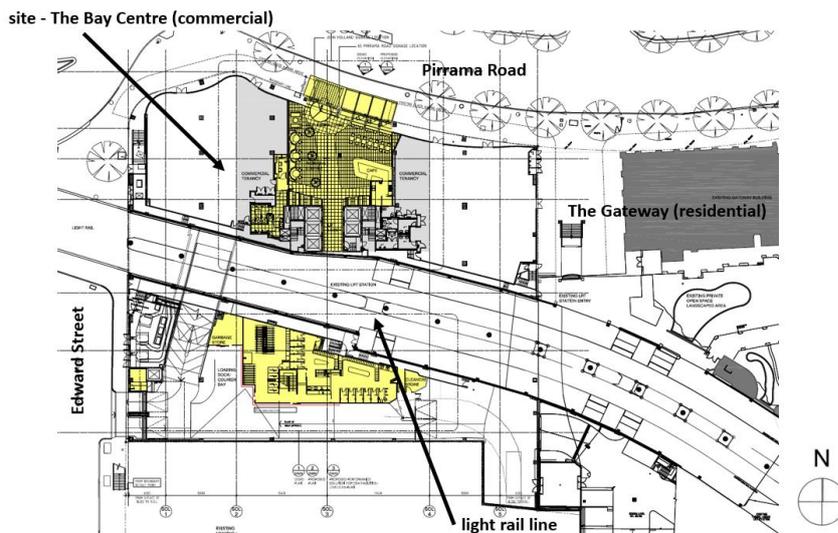


Figure 12: Proposed end of journey facilities (southern end) and entry foyer plans (northern end). The light rail line is shown beneath and intersecting the site.

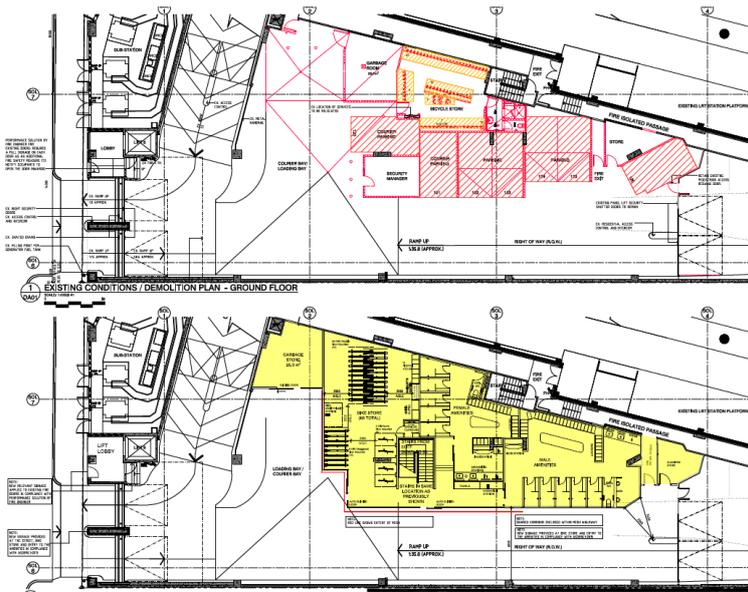


Figure 13: Existing and proposed end of journey facilities.

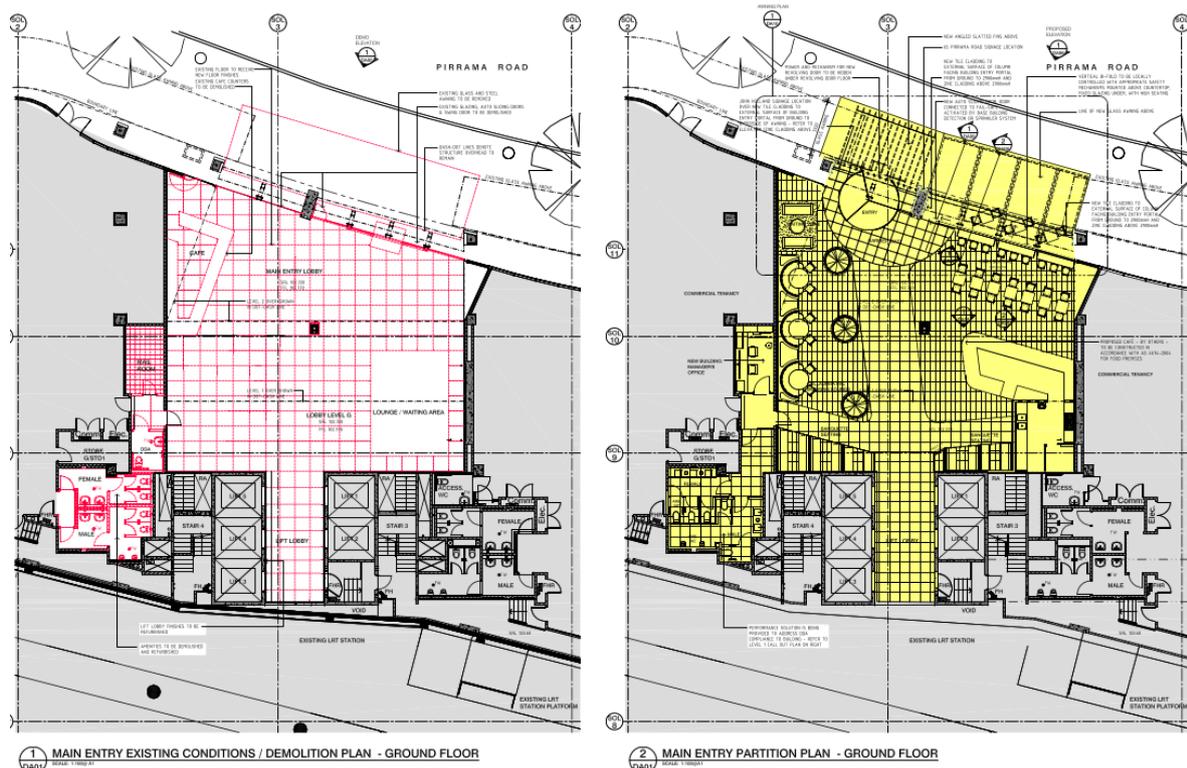


Figure 14: Existing and proposed food and drink premises (cafe) facing Pirrama Road.



Figure 15: Render of the proposed food and drink premises fitout in the entry lobby.

Facade changes - Pirrama Road



Figure 16: Extract from submitted drawings, showing horizontal elements within the building facade, sun shading devices and modified street awning.



Figure 17: North elevation plan.

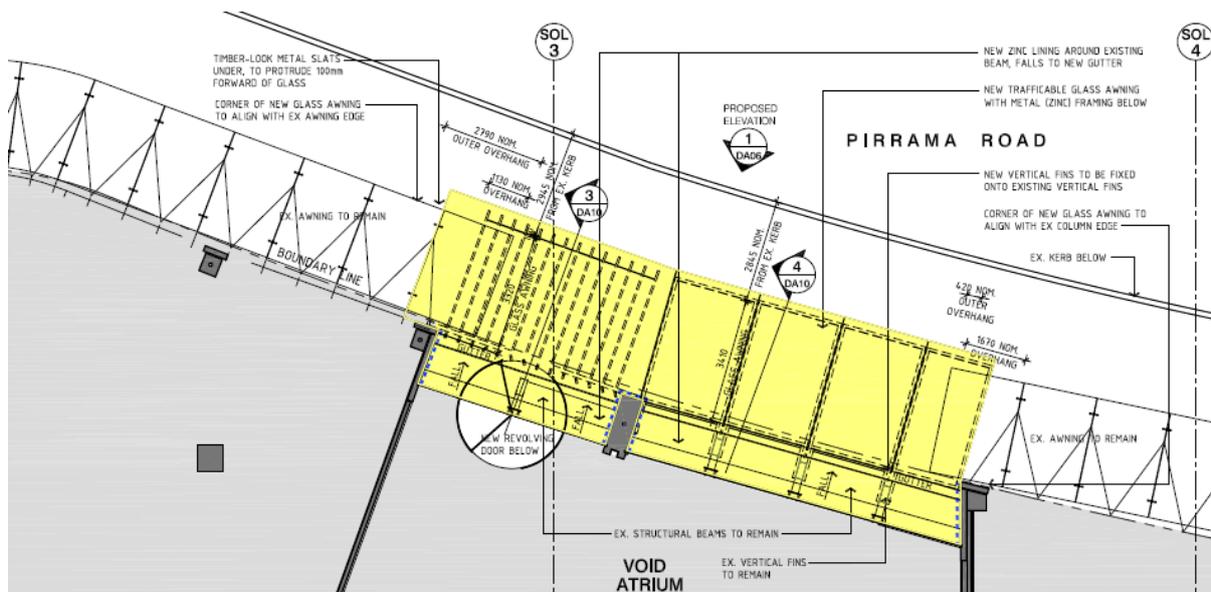


Figure 18: Footpath awning design.

History Relevant to the Development Application

- Development Application number DA 175-05-00 was approved by then NSW Minister of Urban Affairs and Planning on 27 October 2000 for the construction of a 6 storey commercial office building.

19. A subsequent Section 96(1A) modification (now known as a Section 4.55 modification) was approved on 28 September 2001. The approved modifications included the fitout of a cafe within the entry foyer, modifications to the external atrium (glass and steel structures) and the extension of the approved street awning.

Economic/Social/Environmental Impacts

20. The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:
 - (a) Environmental Planning Instruments and DCPs.

State Environmental Planning Policy No 64—Advertising and Signage

21. There is currently no signage provided at the northern facade of the commercial Bay Centre Building fronting Pirrama Road.
22. The application proposes the installation of 2 signs at street level facing Pirrama Road. The signs are to be located on either side of the proposed revolving entry door. The signs are simple in their materiality and are proposed to be constructed using high quality materials consisting of backlit brass letters pin fixed to tiled wall faces.
23. The signs include:
 - (a) a north-facing building identification sign to the east of the revolving door that provides the street address (65 Pirrama Road); and
 - (b) an east-facing a business identification sign to the western side of the revolving door that provides the name of a commercial tenant (John Holland).
24. SEPP 64 was gazetted on 16 March 2001 and aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.
25. Clause 8 of SEPP 64 states the following:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

 - (a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and
 - (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.
26. The following table outlines the manner in which the proposed signage addresses the assessment criteria of Schedule 1 of SEPP 64:

Consideration	Comment
Character of the area	The application involves the installation of 2 x wall signs that are consistent with the 'low scale' character of signage observed to commercial premises within the locality.
Special areas	The signage is not considered to detract from the amenity or visual quality of the area.
Views and vistas	The signage does not obscure or compromise any important views, nor does it propose to penetrate into the skyline or obstruct a vista or views to other advertisers.
Streetscape, setting or landscape	The proposed signage responds to the commercial context of Pirrama Road.
Site and building	The scale, proportion and positioning of the signs are acceptable and the materiality is compatible with the finishes and colours of the building.
Associated devices	The signs consist of backlit brass lettering, pin fixed to tiled wall faces.
Illumination	Signs are proposed to be illuminated with backlighting, however the degree of illumination will not impact upon the streetscape and subject building.
Safety	Signs will not flash, strobe or otherwise reduce public safety for pedestrians or road users.

27. The proposed signage is consistent with the aims and objectives of Clause 3 of SEPP64 and as such, is supported.

State Environmental Planning Policy (Infrastructure) 2007

28. The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.
29. The application is subject to Clause 85 of the SEPP as the development is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of a railway (light rail).
30. The application was referred to Transport for NSW (TfNSW) and Sydney Trains on 23 July 2019 for a period of 21 days.
31. In correspondence, dated 8 August 2019, TfNSW advised that no objection was raised to the proposal subject to recommended conditions. These have been included in the draft notice of determination.

32. The amended plans were forwarded to Transport for NSW on 6 December 2019. A further response was received dated 6 January 2020 advising that the amended proposal was reviewed and that the previous advice dated 8 August 2019 remains applicable.
33. Sydney Trains provided a response to the amended plans in correspondence dated 23 December 2019, and requested the imposition of conditions of consent. These have been included in the draft notice of determination.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)

34. The site is located within the foreshore and waterways area within the designated hydrological catchment of Sydney Harbour, and is subject to the provisions of the above SREP.
35. The Sydney Harbour Catchment Planning Principles must be considered in the carrying out of development within the catchment. The key relevant principles include:
 - (a) protect and improve hydrological, ecological and geomorphologic processes;
 - (b) consider cumulative impacts of development within the catchment;
 - (c) improve water quality of urban runoff and reduce quantity and frequency of urban run-off; and
 - (d) protect and rehabilitate riparian corridors and remnant vegetation.
36. The proposal involves minor structural and non-structural internal and exterior alterations to the existing building and signage. As such, the works are considered to constitute minor development in accordance with Schedule 3 of the SREP.
37. The proposed works are minor and are not listed in Schedule 2 of the SEPP. As such, the development application is not required to be referred to the Advisory Committee for comment, prior to determination.
38. The development is consistent with the controls contained with the deemed SEPP. The matters to be taken into consideration in relation to the maintenance, protection and enhancement of the scenic quality of foreshores and waterways are as follows:
 - (a) the scale, form and design of the subject proposal is considered appropriate with regard for analysis of:
 - (i) the land on which it is to be erected;
 - (ii) the adjoining land; and
 - (iii) the future character of the locality.
 - (b) the development maintains, protects and enhances the unique visual qualities of Sydney Harbour and its foreshores and tributaries; and
 - (c) the proposal will not have any significant cumulative impacts of water-based development should not detract from the character of the waterways and adjoining foreshores.

Sydney Local Environmental Plan 2012

39. The subject Bay Centre Building is located within the B3 Commercial Core zone, noting that a small sliver of the site (that is below ground level) at the eastern edge of the site is located within the B4 Mixed Use zone. The proposed works are associated with and are ancillary to the operation of an existing commercial office building and are permissible within the B3 and B4 zones.
40. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

Compliance Tables

Development Control	Compliance	Comment
4.3 Height of Buildings	Yes	<p>A maximum height of 24m is permitted.</p> <p>Proposed works have a maximum height above existing ground levels of 21m.</p>
4.4 Floor Space Ratio	Yes	<p>A maximum FSR of 4:1 is permitted (maximum GFA: 17,540sqm).</p> <p>The building has a current GFA of 16,893sqm. This equates to an FSR of 3.85:1.</p> <p>Existing ground level facilities within the carpark area (including end of journey facilities, security manager's room and store rooms) have an area of approximately 99sqm.</p> <p>The proposal involves reconfiguring the ground level car parking area, resulting in an increase to GFA of 187.8sqm. Existing car parking spaces are proposed to be removed and replaced by an expanded area for end of journey facilities. A waste store room and cleaners store room are proposed to be retained although altered in size.</p> <p>The proposed works at ground level increase the GFA of the site by 187.8sqm, resulting in a total GFA for the site of 17,080sqm and a FSR of 3.89:1.</p>

Part 6 Local Provisions - Height and Floor Space	Compliance	Comment
<p>Division 2 Additional floor space outside Central Sydney</p> <p>6.13 End of journey floor space</p>	Yes	<p>The applicant is eligible for an amount of additional floor space (end of journey floor space) equal to the floor space occupied by those facilities.</p> <p>The amount of end of journey floor space cannot be more than the amount of floor space that can be achieved by applying a floor space ratio of 0.3:1 to the building (1,316sqm). Proposed end of journey facilities have an area of 205sqm.</p> <p>The proposed FSR for the site (3.89:1) does not exceed 4.3:1. As such, the development complies with the development standards for FSR set out at clause 4.4 and 6.13 of SLEP2012.</p>
6.21 Design excellence	Yes	<p>The proposed works will achieve a high standard of architectural design and the proposed materials and detailing are considered to be appropriate to the building type and location. The works will not detrimentally affect the external appearance of the existing dwelling and will not have any significant impacts on the quality of the public domain. The proposed bulk, massing and modulation of the subject building is considered acceptable.</p> <p>The pedestrian, cycle, vehicular, service access and circulation requirements have been considered and are acceptable, subject to a recommended condition of consent. See discussion below in Issues section.</p>

Part 7 Local Provisions - General	Compliance	Comment
Division 1 Car parking ancillary to other development 7.6 Office premises and business premises	Yes	A maximum of 91 car parking spaces are permitted. There are 91 existing car parking spaces. 7 are proposed to be removed, resulting in a remnant 84 spaces.
7.13 Affordable housing	Yes	The site is located within Ultimo-Pyrmont locality under the SLEP 2012. As such, the provisions of Clause 7.13 of the SLEP 2012 and the Revised City West Affordable Housing Program apply. As the proposed development results in the creation of greater than 60 square metres of gross floor area for commercial purposes, an affordable housing levy contribution is payable in accordance with clause 7.13 of SLEP2012.
7.14 Acid Sulphate Soils	Yes	Whilst the site is identified as containing class 1 Acid Sulphate Soil, the proposed works are to be carried out to an existing ground level concrete slab. No site excavation is involved and as such, an acid sulphate management plan is not required in this instance.
7.15 Flood planning	Yes	The site is identified by Council as being flood prone. However, no works are proposed that would affect the existing condition or overland flow. Council's public domain specialists have reviewed the application and have not required additional information to be submitted in relation to flood levels.

Sydney Harbour Foreshores and Waterways Areas DCP 2005

General Provisions	Compliance	Comment
4.5 Built Form	Yes	The existing building is of the same scale and of a design that is sympathetic to its surroundings. Proposed colours and materials are sympathetic with their surrounds.

General Provisions	Compliance	Comment
4.6 Signage	Yes	A consistent series of signs is provided, using a unified graphic style and high quality materials and construction. Signs are well placed and consistent with the commercial identity of the premises.

Sydney Development Control Plan 2012

41. The relevant matters to be considered under Sydney Development Control Plan 2012 for the proposed development are outlined below.

2. Locality Statements – Ultimo/Pyrmont

The subject site is located in the Ultimo/Pyrmont locality. The proposal is considered to be in keeping with the unique character of the area and design principles in that it maintains the existing character created by the built form, maintains an active ground floor use and maintains the amenity of the public domain. The proposal provides and maintains a small scale retail use, mixed with a larger scale commercial use. The proposal maintains a cafe use that has the capacity to offer street dining in the future.

3. General Provisions	Compliance	Comment
3.1 Public Domain Elements 3.1.2.1 Bike network 3.1.2.2 Through-site links 3.1.5 Public art	Yes	<p>The proposed development will make a positive contribution to the public domain and provides uses that prioritise pedestrian, cycling and transit uses. The proposal supports the City's Cycle Strategy and Action Plan 2007-2017 and will maintain an existing through site link at the eastern edge of the site.</p> <p>The proposal involves the removal of an existing public art installation from the Ground Floor Entry Lobby of the commercial building. See discussion below in Issues section.</p>
3.2 Defining the Public Domain 3.2.2 Addressing the street and public domain 3.2.3 Active frontages	Yes	<p>The proposed works, including the upgrade of the facade and street awning, will contribute to the activity, safety, amenity and quality of the streetscape and the public domain. The proposal is acceptable in terms of its scale and proposed finishes will contribute to the architectural character of the subject site and surrounds.</p>

3. General Provisions	Compliance	Comment
		<p>The works will maintain a legible and accessible entry to the site from the public domain. The proposal allows for and maintains an active frontage in accordance with the SDCP2012 controls and provides elements of visual interest including a revolving door to access the site.</p> <p>Proposed vertical-fold doors provide a flexible configuration to the facade and are consistent with the controls of Section 3.2.3 (7) specifying that enclosed glazed shopfronts are preferred to open shopfronts, except for food and drink premises which are encouraged to provide open shopfronts.</p>
3.2.4 Footpath awnings	Yes	<p>A continuous awning is required in accordance with the footpath awning and colonnades map.</p> <p>The existing footpath awning is supported by structural struts anchored to the northern facade of the building (Figure 4 above). The proposal involves replacing the existing awning with a cantilevered awning. The design has been amended during assessment at the request of Council's urban design specialists. The amended awning design is acceptable in that it more closely resembles the regular geometry of adjoining awnings.</p> <p>The amended awning design is compatible with the scale and architectural features of the host building. The footpath awning has a height of 3.25m and complies with the DCP control that awning heights may vary between 3.2m and 4.2m above the footpath.</p>

3. General Provisions	Compliance	Comment
		The height of the awning ensures general continuity in appearance with adjacent awnings and in relation to the entry foyer of the building. Whilst the awning will be 'trafficable' for maintenance purposes only, a condition is recommended that it not be accessible for the purposes of a trafficable verandah or balcony.
3.2.7 Reflectivity	Yes	A Reflectivity Report was lodged with the application that confirms solar glare from the proposed building design will not have any significant impacts and will not exceed 20%.
3.5 Urban Ecology	Yes	Proposed facade and awning works will not require street tree pruning, however are within close proximity to the canopy of street trees on Pirrama Road frontage of the site. Suitable conditions are recommended to ensure existing street trees are protected.
3.6 Ecologically Sustainable Development	Yes	The proposal has been amended during the course of assessment to retain sun shading elements at the Pirrama Road frontage of the site.
3.7 Water and Flood Management	Yes	The site is identified by Council as being flood prone. See discussion above.
3.11 Transport and Parking	No	<p>The proposal expands the area of existing end of journey facilities, relocates/removes existing car parking and delivery spaces and relocates an existing waste bin holding area.</p> <p>The applicant has submitted an amended Traffic and Parking Statement outlining the extent of proposed signalisation both within the driveway and end of journey facilities. The statement has been reviewed and amendments are required to increase the safety of pedestrians and cyclists using the shared driveway.</p> <p>See discussion below in Issues section.</p>

3. General Provisions	Compliance	Comment
3.12 Accessible Design	Yes	<p>The proposal provides accessible entry to the building lobby via a sliding door at the entry to the building from Pirrama Road.</p> <p>Notwithstanding this, a condition has been recommended for the proposed development to provide appropriate access and facilities for persons with disabilities in accordance with the DCP and the BCA.</p>
3.13 Social and Environmental Responsibilities	Yes	<p>The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.</p>
3.14 Waste	Yes	<p>The applicant has provided supplementary documentation in relation to the size of bins required to service the building and has demonstrated by swept path diagrams that a 7m waste truck can continue to service the loading area of the building. Council's waste specialists have reviewed the amended drawings and raise no objections to the proposal in relation to waste services being maintained. A condition has been recommended for the proposed development to comply with the relevant provisions of the City's Waste Management Guidelines.</p>
3.15 Late Night Trading Management	Yes	<p>The proposed hours of operation for the ground level food and drink premises (cafe) are between 7.00am and 5.00pm, Monday to Wednesdays and between 7.00am and 10.00pm Thursdays and Fridays, closed on Saturdays, Sundays and public holidays.</p>

3. General Provisions	Compliance	Comment
		<p>The hours of operation are consistent with those specified for 'complying development' in accordance with Schedule 8 of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, which are between 7.00am and 10.00pm Monday to Saturday and 7.00 am to 8.00 pm on a Sunday or a public holiday.</p>
<p>3.16 Signage and Advertising</p> <p>3.16.5 Building identification signs</p> <p>3.16.6.1 Business identification signs - General requirements</p> <p>3.16.6.3 Flat mounted wall signs</p>	<p>Yes</p>	<p>Two new signs are proposed as outlined above (refer to SEPP 64 discussion). No signage is proposed for the food and drink premises under this application.</p> <p>Proposed signage satisfies the general requirements for signage in accordance with part 3.16.3 of SDCP2012 in that the signage is compatible with the architecture, materials, finishes and colours of the building and will not contribute to visual clutter.</p> <p>The proposed building identification sign is located at or near the major pedestrian entry to a building and has been designed to fit within the architectural elements of a building.</p> <p>The proposed business identification sign does not provide visual clutter to the street and building elevation and does not cover architectural elements of a building. The sign is to be installed below the height of the ground level awning.</p> <p>The proposed flat mounted wall sign (business identification sign) is compatible with the elevation of the building and does not contribute to sign clutter. The flat mounted wall sign does not exceed 4.5m (3.25m).</p>

3. General Provisions	Compliance	Comment
3.16.1 Signage Strategy	Yes	<p>There are 2 x business premises located within the building, these being the food and drink premises located within the ground level foyer and the primary tenant for the office premises as indicated by the proposed business identification signage at the building entry. No signage is proposed for the cafe under this application.</p> <p>Given there are no more than 2 business premises within the building, there is no requirement for a signage strategy to be prepared under the subject application.</p>

4. Development Types 4.2 Commercial and mixed use developments	Compliance	Comment
4.2.1 Building height	No	<p>The existing building exceeds the 5 storey height control provided by the Building height in storeys map. Notwithstanding this, the proposed works will not increase the height of the existing building.</p>
4.2.2 Building setbacks	Yes	<p>Proposed works will not alter the height and envelope of the existing building that has a consistent street frontage height and setback as compared to neighbouring buildings.</p>
4.2.3 Amenity 4.2.3.3 Internal common areas 4.2.3.4 Design features to manage solar access	Yes	<p>The internal common entry lobby has to daylight and an outlook.</p> <p>Fixed shading devices are to be retained as part of the amended proposal. The fixed devices will reduce the need to rely on high performance glazing and air-conditioning and will reduce glare and heat intake.</p>

4. Development Types 4.2 Commercial and mixed use developments	Compliance	Comment
4.2.3.11 Acoustic privacy		A Noise Impact Assessment is not required in this instance, noting that the mechanical ventilation points associated with the food and drink premises are located 40m to the west of residential apartments located within the residential Gateway Building. Further, the proposed hours of operation for the food and drink premises are to be limited as outlined above.
4.2.4 Fine grain, architectural diversity and articulation	Yes	The proposal has been amended to retain horizontal elements that contribute to the subject building and its presence within the streetscape. The scale, modulation and facade articulation respond to the context of the site and are acceptable.
4.2.6 Waste and Recycling Management	Yes	<p>The applicant has provided supplementary documentation in relation to the size of bins required to service the building and has demonstrated by swept path diagrams that a 7m waste truck can continue to service the loading area of the commercial Bay Centre building. Council's waste specialists have reviewed the amended drawings and raise no objections to the proposal in relation to waste services being maintained.</p> <p>Notwithstanding this, a condition has been recommended for the proposed development to comply with the relevant provisions of the City's Waste Management Guidelines.</p>
4.2.7 Heating and Cooling Infrastructure	Yes	No additional heating or cooling infrastructure is proposed.

Issues

Transport and parking

42. The proposal significantly expands the floor area of existing end of journey facilities located within the ground level car park of the Bay Centre Building. The proposal also relocates existing service/delivery spaces and relocates an existing waste bin holding area within the ground level of the Bay Centre building (Figure 11).
43. The City's transport specialists and objectors raised issues in relation to the original configuration of the end of trip facilities. In particular:
 - (a) that users of the end of journey facilities would be required to use the existing shared driveway in order to circulate between the bike store, showers and the new stair case that provides access to the office levels above; and
 - (b) that the use of the existing driveway, that is shared with the residents of the adjoining residential Gateway Building, for pedestrian circulation resulted in inherent safety issues that were proposed to be mitigated by the installation and use of flashing warning lights that alerted users of the facilities that vehicles were approaching.
44. In response, the applicant has submitted amended drawings for the end of journey facilities, an updated Traffic and parking Statement (Attachment C) and a loading dock management plan (Figures 19 and 20 below).
45. The amended drawings show that aside from an emergency egress door at the southern edge of the facilities, there will be a single point of entry for cyclists using the end of journey facilities. The single point of entry is to be located at the western end of the facilities.
46. The amended drawings and Traffic and parking statement show that:
 - (a) users of the end of journey facilities are no longer required to use the narrow shared driveway to access the 3 previously proposed doors to the facilities. Entry will be provided via a single automatic door located at the western end of the facilities, within the wider driveway area that has good visibility;
 - (b) the width of the shared driveway that provides entry to the Gateway building is maintained at between 6m and 6.1m, which exceeds the 5.85m width specified by the terms of the right of access (see further discussion in the submissions section below);
 - (c) swept path diagrams have been provided, which demonstrate that medium rigid service vehicles can safely enter the Gateway Building (see Figure 22 below); and
 - (d) the installation of signage and line marking is recommended within the shared zones located in the driveway area (Figure 21 below).
47. The amended drawings and supporting documents provide a suitable layout for the end of journey facilities with regard for the safety of their users and vehicles using the shared driveway to access the residential Gateway Building. Council's transport specialists consider the amended approach to be acceptable.

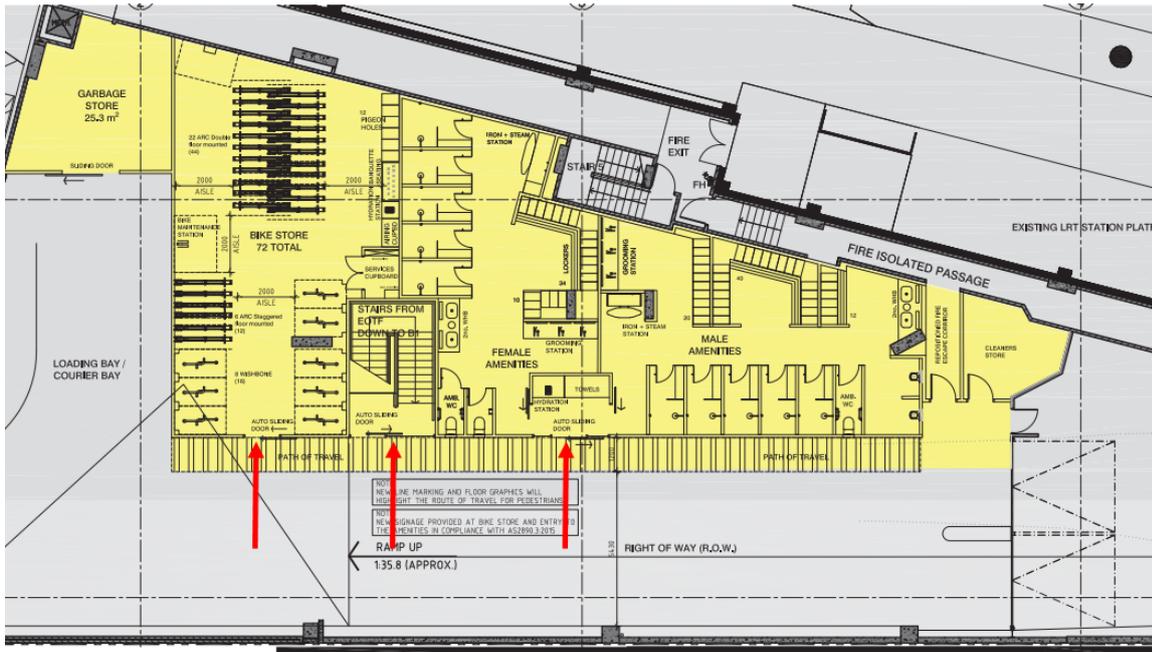


Figure 19: Plans lodged with the application show that users of the end of journey facilities were required to use the shared driveway for multiple pedestrian movements, between the bike store, showers and internal stairs that provide access to the offices above (red arrows).

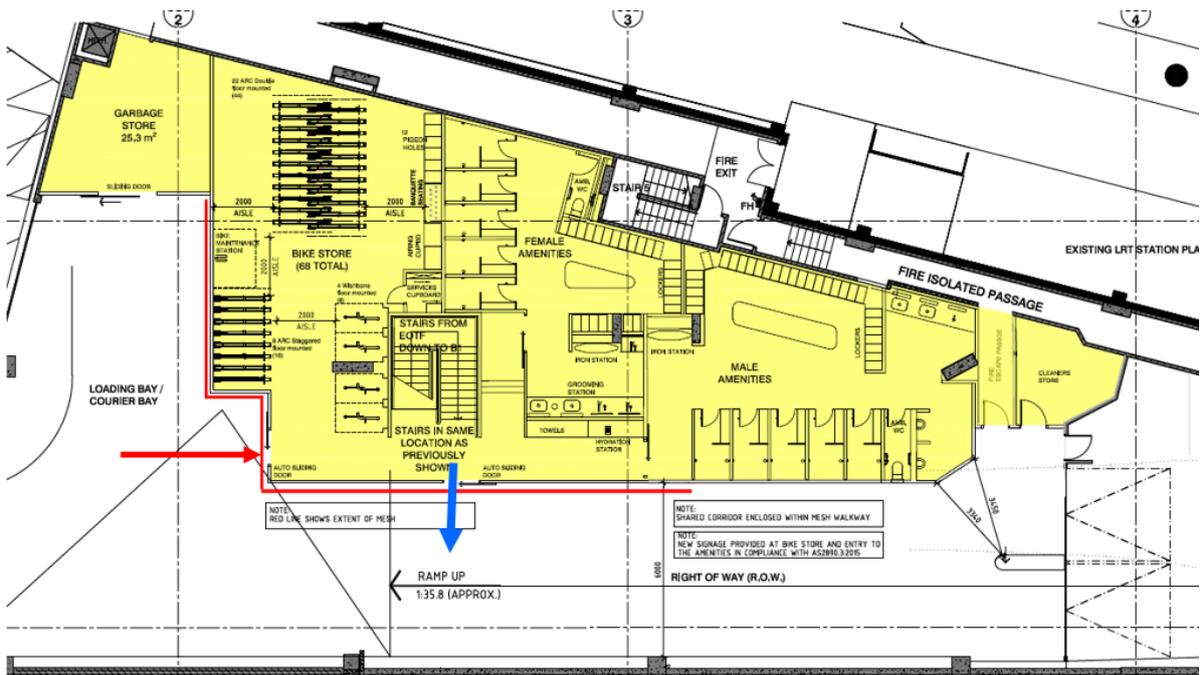


Figure 20: Amended drawings showing that users of the end of journey facilities access the facilities and the staircase to enter the building via a single automatic door that is not located within the shared driveway area (red arrow). An emergency egress door is located at the southern end of the facilities (blue arrow).

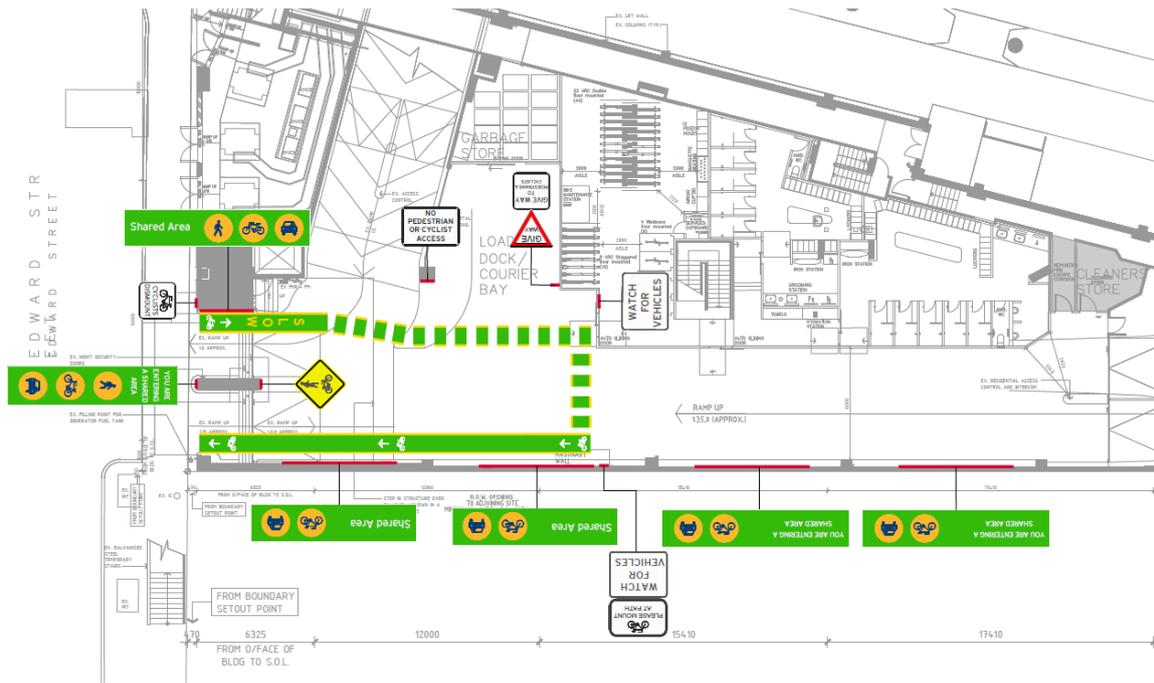


Figure 21: Extract from the amended Traffic and parking Statement showing proposed line marking and signage within the shared zone.

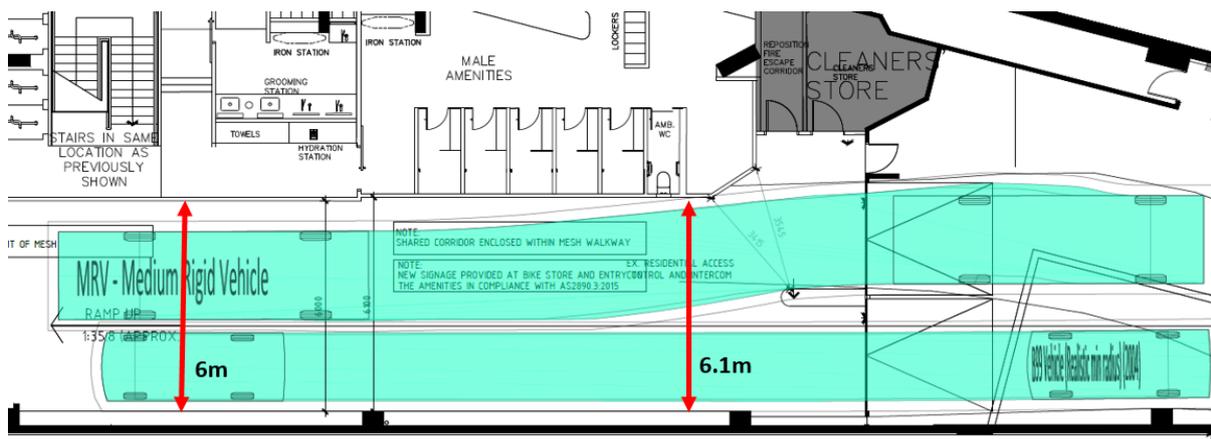


Figure 22: Swept path diagram demonstrating that a medium rigid service vehicle can safely enter the Gateway Building. Note: drawings have been amended to widen the shared driveway at the eastern end from 6m to 6.1m.

Removal of art installation

- 48. The proposal to remove an existing art installation (Figure 8 above) from within the ground level entry lobby has been considered during the assessment of the proposal and discussed with the City's public art specialists.
- 49. The applicant states that they do not wish to retain the existing artwork as it clashes with the proposed acoustic battens on the internal walls of the lobby and that the installation will not sit well architecturally within the refurbished foyer area.

50. The applicant has provided evidence that they have attempted to contact the original artist to discuss removing or relocating the installation via Linked In and via North Sydney Council, which commissioned the artist some years ago. No response has been received following the applicant's attempts to contact the artist. Council's assessing officers have also attempted to contact the artist by the same method and have received no response.
51. Given that the artist cannot be located after carrying out reasonable inquiries, the removal of the installation can be supported. The installation of the public art work was not a requirement of the original consent and it appears the installation was commissioned and installed at the discretion of the building owner. There is no trigger in the planning controls for public art to be provided within the refurbished foyer.

Other Impacts of the Development

52. The proposed development is capable of complying with the BCA.
53. It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

Suitability of the site for the Development

54. The proposal is of a nature in keeping with the overall function of the site. The premises are in a commercial and residential surrounding and amongst similar uses to that proposed.

Consultation

Notification, Advertising and Delegation

55. In accordance with Schedule 1 the Sydney DCP 2012, the proposed development is required to be notified. As such, the application was originally notified for a period of 14 days between 23 July 2019 and 7 August 2019. A total of 153 properties were notified and 26 submissions were received.
56. Amended drawings and supporting documents were re-notified between 22 October 2019 and 6 November 2019. 16 submissions were received.
57. A further amended set of drawings and supporting documents were re-notified between 6 December 2019 and 11 January 2020. Seven (7) submissions were received. It is these drawings that the subject of assessment of this report.
58. The following issues were raised by the submissions in all three of the notification periods:
 - (a) The applicant has not consulted with the owners of the Gateway Building prior to lodging the application.
 - (b) The deposited plan should be amended prior to the commencement of use.
 - (c) The right of access for residents must be maintained at all times including during construction.

Response - The applicant is not required to consult with the owners of the Gateway Building prior to lodging a development application. Notwithstanding this, owners and residents of the Gateway Building have been notified of the original proposal and all subsequent amendments in accordance with SDCP2012 requirements.

Both of the existing easements in their current form are capable of accommodating the existing and proposed traffic movements, without contravening the terms of either easement. As such, it is not considered necessary to amend the deposited plan prior to the commencement of use.

A condition is recommended that the right of access for residents must be maintained at all times including during construction.

- (d) The proposal will contradict the terms of the right of access by narrowing the shared driveway below the required 5.85m width.
- (e) Bollards are not shown outside the emergency egress door.

Response - The proposal does not involve the relocation of the existing right of access to the Gateway Building and provides a width of between 6m and 6.1m from the face of the concrete columns along the southern boundary of Lot 21 and the proposed end of trip facilities. Clause 20.4 of the terms of the easement numbered 21 (right of access AM) defines access way as an area "at least 5.85m wide". As such, the proposal does not contravene this requirement.

Given that the sliding door on the southern boundary of the end of journey facilities will only be used during emergencies and that the sides of the facilities will be constructed using perforated mesh that will provide audible signals of approaching vehicles, there is no requirement for a bollard to be provided outside of the emergency egress door.

- (f) The driveway is used by cars and trucks servicing the Gateway Building. Swept path diagrams have not been provided to illustrate that 7m long vehicles entering the roller doors to the Gateway Building.

Response - Amended drawings and swept path diagrams demonstrate that the width of a shared driveway that provides access for medium rigid service vehicles to the Gateway Building is satisfactory. Refer to discussion above and Figure 22.

- (g) Drawings lodged with the application show 2 x exit points from the building at the Edward Street frontage where the existing condition is one entry and one exit driveway. The direction of entry and exit driveways is being reversed.

Response - Drawings lodged with the application contained an error in that they showed both of the 2 existing driveways at Edward Street as exit driveways with no entry driveways. Amended drawings show that the left (northern) driveway will perform as the exit driveway and that the right (southern) driveway will perform as the entry driveway to the building. This is opposite to the existing condition whereby vehicles enter via the northern driveway and exit via the southern driveway.

The proposed layout has implications in relation to safety in that cyclists are expected to use the southern driveway to exit the building, which is the same driveway as vehicles will be entering the site. A condition is recommended that requires the existing condition to be maintained, whereby vehicles enter via the northern driveway and exit via the southern driveway.

- (h) The proposed changes to the driveway area create an unsafe environment for cyclists, particularly if the proposed flashing light signals fail. Cyclists should be required to dismount prior to entering the shared zone.
- (i) The proposed emergency exit onto the shared driveway should be alarmed so that it is only used during emergencies.

Response - The applicant has amended drawings and supporting documents to increase the safety of the existing driveway areas. Flashing light signals are no longer required to alert cyclists of approaching vehicles as they will now enter and exit the facilities using an automatic door that is isolated from the shared driveway.

The end of journey facilities are proposed to be constructed using perforated mesh sides that will allow visibility and sound of vehicles to be discerned prior to exit. Details have been provided in relation to signage that is proposed to be installed, that indicates paths of travel.

The proposed emergency exit is required under the BCA and will operate only as an alternative egress point. There is no incentive for cyclists to use the exit other than during emergencies, as they are provided with direct access into the building via an internal stair case. A sliding door at the western end of the facilities facilitates pedestrian exit towards the Edward Street.

- (j) The existing end of journey facilities are adequate, noting there are currently 70 existing bicycle parking spaces.
- (k) The end of journey facilities should only be used by tenants of the building and not used by the general public.

Response - The proposal reduces the number of bicycle parking spaces from 70 existing to 68 proposed. Notwithstanding this, the existing facilities have a lower amenity for their users compared to the proposed facilities that provide showers, lockers and change rooms that are in line with the SDCP2012 controls.

The provisions of section 3.11.3 of SDCP2012 would require that 153 bicycle parking spaces be provided if a commercial development the size of the Bay Centre Building were to be assessed and constructed under the current controls. Given there is insufficient space for 153 spaces to be provided, the proposed quantum of 68 spaces can be supported in this instance.

The proposal provides amenities that are suitable in relation to the scale of the existing commercial Bay Centre building. The number of bicycle parking spaces that are to be provided is not above those required by the current DCP controls and as such, the proposal does not lend itself to the facilities being leased out to third parties.

Internal Referrals

59. The conditions of other sections of Council have been included in the proposed conditions. The application was discussed with the City's specialists, including:
- (a) Transport and Access;
 - (b) Surveyors;
 - (c) Urban Design Specialists;

- (d) Building Services Unit;
- (e) Environmental Health and Licenced Premises;
- (f) Public Domain unit; and
- (g) Waste Management specialists;

who advised that the proposal is acceptable subject to the recommended conditions.

60. Amended drawings were submitted to the satisfaction of Council's transport specialists. Recommended conditions of consent that have been included in the notice of determination.
61. The City's Transport and Access specialist has advised that:
- (a) Amended drawings are satisfactory in relation to providing suitable end of journey facilities; and
 - (b) Swept path diagrams demonstrate that medium rigid service vehicles can continue to enter and service the adjoining Gateway Building.
62. The City's Surveyor has advised that:
- (a) The proposal does not involve the relocation of the right of access (AM), or the relocation of the physical structure of the access way;
 - (b) The easement for garbage collection purposes (AF) is limited to the entire area between the southern boundary of Lot 21 DP 1000905 and the southern boundary of the light rail tunnel (Lot 4 DP 868728). As such, both easements in their current form are capable of accommodating the existing and proposed traffic movements, without contravening the terms of either easement; and
 - (c) The proposal shows a distance of 6.00 metres from the face of the concrete columns along the southern boundary of Lot 21 and the proposed end of trip facilities. Clause 20.4 of the terms of the easement numbered 21 (right of access AM) defines access way as an area "at least 5.85m wide".
63. Amended drawings were submitted to the satisfaction of Council's Urban Design Specialists. The drawings provide for:
- (a) an appropriate building articulation including the retention of horizontal building elements and sunshades at the northern elevation;
 - (b) the retention of vertical fins that use a simple materiality that are coloured to be consistent with the sunshades; and
 - (c) a continuous awning that creates a sense of enclosure, defines the public domain interface and that matches the regular design of adjoining awnings.
64. The City's Environmental Health and Licenced Premises specialists have recommended conditions in relation to cooking that requires mechanical ventilation within the food and drink premises.

65. Council's public domain specialists have recommended conditions of consent relating to:
- (a) public domain dilapidation and public domain damage;
 - (b) alignment levels required to verify the public domain levels; and
 - (c) stormwater drainage discharge arrangements.
66. Council's waste specialist advised that the proposal is supported subject to recommended conditions of consent.

External Referrals

67. The original proposal and amended drawings were referred to Transport for NSW (TfNSW) due to the existence of the light rail line within the subject building. Refer to discussion above in State Environmental Planning Policy (Infrastructure) 2007 section.

Public Interest

68. It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

S7.11 Contribution

69. The development is subject to a S7.11 contribution under the provisions of the City of Sydney Development Contributions Plan 2015. This contribution is calculated on the basis of the development's net increase in worker population. Credits have been applied for the most recent past use(s) of the site, based on the existing and proposed gross floor area of the site.
70. The following monetary contribution is required towards the cost of public amenities:
- | | |
|-----------------------------|-------------|
| (i) Open Space | \$13,401.01 |
| (ii) Community Facilities | \$3,448.44 |
| (iii) Traffic and Transport | \$172.42 |
| (iv) Stormwater Drainage | \$0.00 |
| (v) Total | \$17,021.87 |
71. A condition relating to this development contribution has been included in the attached Decision Notice. The contribution is to be paid prior to the issue of a Construction Certificate.
72. The site is located within Ultimo-Pyrmont locality. An affordable housing levy contribution is payable in accordance with clause 7.13 of SLEP2012.

Relevant Legislation

73. Environmental Planning and Assessment Act 1979.

Conclusion

74. The proposal is consistent with the aims and objectives of the relevant State Environmental Planning Policies and with the relevant provisions of the Sydney Local Environmental Plan 2012.
75. Having considered the matters in Clause 6.21(4) of the Sydney Local Environmental Plan 2012, the proposal is considered to display design excellence.
76. The proposal is considered to be acceptable with regard to the relevant provisions of the Sydney Development Control Plan 2012 in relation to public domain, commercial premises and transport.
77. The proposal is considered to be acceptable with regard to the relevant provisions of the Sydney Harbour Foreshores and Waterways Areas DCP 2005.
78. The proposal has been amended in response to issues raised by Council's assessing officers. Suitable conditions of consent have been applied and the development is considered to be in the public interest.

ANDREW THOMAS

Acting Director City Planning, Development and Transport

Adrian McKeown, Senior Planner