

Item 4.**Development Application: 42 Pirrama Road, Pyrmont - D/2021/1058****File No.:** D/2021/1058**Summary**

Date of Submission:	22 September 2021
Amended:	Amended plans received on 23 June 2022, 31 August 2022 and 13 October 2022
Applicant:	Google Australia Pty Ltd
Architect/Designer:	Warren and Mahoney
Developer:	Google Australia Pty Ltd
Owner:	Google Australia Pty Ltd
Planning Consultant:	Ethos Urban
Heritage Consultant:	GBA Heritage
DAP:	25 November 2021
Cost of Works:	\$71,919,532.00
Zoning:	The site is located in the B4 Mixed Use zone. The proposed development is defined as a 'commercial premises' and is permissible with consent in the zone.
Proposal Summary:	<p>Approval is sought for the adaptive re-use of the existing REVY A and B buildings (State and Local Heritage Items) as a commercial premises, including associated demolition works. Four new additions are proposed which adjoin the existing REVY A and B buildings and include:</p> <ul style="list-style-type: none">• Building F - a new part two, part three storey building (plus basement) located between the REVY A and B buildings, adjacent to the foreshore. Building F is linked to the REVY buildings by a glazed atrium, with three sets of bridges connecting to REVY A and B.

- Mechanical Plant Pavilion - a one and a half storey building located at the corner of Darling Island Road and Pirrama Road.
- Tech Pavilion - a two storey building multi-function presentation space located partly above-ground and partly below-ground fronting Darling Island Road.
- Hot Water Plant Pavilion - a single storey building fronting Pirrama Road.

Vehicular access/egress to the site will be provided from the existing driveway on Pirrama Road to a single loading dock.

The application is Integrated Development, requiring approval of Heritage Council of NSW under the Heritage Act 1977 and approval of Water NSW under the Water Management Act 2000.

The application is being referred to the Central Sydney Planning Committee as the cost of development exceeds \$50 million.

The proposed height of new development at 11.85m complies with the maximum height control of 25m permitted under Clause 4.3 of the Sydney LEP 2012.

The proposed floor space ratio (FSR) of 1.8:1 complies with the maximum permitted FSR permitted (2:1) under Clause 4.4 of the Sydney LEP 2012.

The size of the site is 4,964sqm and as such, there is no requirement for a site-specific development control plan (DCP) or a competitive design process to be undertaken pursuant to Clause 7.20(2)(a) and Clause 6.21(5)(a)(i) of the Sydney LEP 2012, respectively.

The proposal was notified for 28 days between 1 October 2021 and 30 October 2021. Five submissions were received, and the following issues were raised: construction noise and vibration impacts, use of the café, roof terrace hours of operation, provision of foreshore access, landscaping, CCTV, salvage of heritage fabric and lighting design.

The proposal was amended on 23 June 2022 and 14 October 2022 in response to various issues raised by Council officers during the assessment. Amendments and additional information have been provided in relation to contamination, acid sulfate soils, landscaping, flooding, stormwater, heritage, sustainability, setbacks, façade details, bicycle parking, waste and services. The amended proposal was not required to be re-notified or advertised under Schedule 1 of the Environmental Planning and

Assessment Act 1979, or the City of Sydney Community Participation Plan, given the amendments did not result in significant additional environmental impacts.

Subject to conditions, the revised proposal is considered to demonstrate design excellence in accordance with Clause 6.21C of the Sydney Local Environment Plan 2012, and generally complies with the various other applicable controls, including the relevant provisions of the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.

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

Development Controls:

- (i) Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021
- (ii) Heritage Act 1977
- (iii) Sydney Water Act 1994 and Sydney Water Regulation 2017
- (iv) State Environmental Planning Policy (Transport and Infrastructure) 2021
- (v) State Environmental Planning Policy (Resilience and Hazards) 2021
- (vi) Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021
- (vii) Sydney Local Environmental Plan 2012
- (viii) Sydney Development Control Plan 2012

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings

Recommendation

It is resolved that consent be granted to Development Application No. D/2021/1058 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 has been assessed against Section 4.15 of the Environmental Planning and Assessment Act 1979, and it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Central Sydney Planning Committee.
- (B) The proposal generally satisfies the objectives and provisions of Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (C) The proposal is consistent with the objectives of the B4 Mixed Use zone.
- (D) The proposal complies with the maximum height of buildings development standard in Clause 4.3 of the Sydney Local Environmental Plan 2012.
- (E) The proposal complies with the maximum floor space ratio development standard in Clause 4.4 of the Sydney Local Environmental Plan 2012.
- (F) The proposal exhibits design excellence in accordance with Part 6, Division 4 of the Sydney Local Environmental Plan 2012.
- (G) The proposal has a height and form suitable for the site and its context and results in a positive heritage response in accordance with Clause 5.10 of the Sydney Local Environmental Plan 2012.
- (H) Subject to the recommended conditions of consent, the proposed development achieves acceptable amenity for the existing and future occupants of the subject and adjoining sites.
- (I) The proposed land uses do not result in any significant adverse environmental or amenity impacts on the subject or surrounding properties and the public domain, subject to the recommended conditions.

Background

The Site and Surrounding Development

1. The site has a legal description of Lot 5 in DP1277311, known as 42 Pirrama Road, Pyrmont. It is irregular in shape with area of approximately 4,964sqm. It has a primary street frontage of 73.98m to Darling Island Road and 67.12m to Pirrama Road. Levels on the site's Pirrama Road frontage fall from RL5.6 in the southern corner to RL3.0 in the north-western corner. Along Darling Island Road, levels fall from RL5.6 in the southern corner to RL2.4 in the north-eastern corner. The remainder of the site and the existing buildings are set down from street (between RL2.4 and RL2.6).
2. The site comprises part of the former Royal Edward Victualling Yard (REVY) site built between 1904 and 1912 to service the Royal Australian Navy. The subject site includes the following structures:
 - REVY A - a five storey brick and tile building with an approximately eleven storey tower;
 - REVY B - a six storey brick and tile building;
 - A contemporary glass and steel entrance lobby fronting Pirrama Road at the connection of REVY A and B; and
 - A concrete coolant chamber culvert adjacent to the sea wall to Jones Bay.
3. There is a triangular-shaped forecourt between the REVY A and REVY B buildings that fronts Jones Bay, and this area is paved and currently used for vehicle parking. A narrow space between the eastern facade of REVY A and the eastern boundary fence of the site to Darling Island Road is also used for vehicle parking. The site has been used as an office premises since the early 1990s and housed the Seven television network. The subject site is currently vacant.
4. The site is situated within the Darling Island precinct which has been redeveloped from its historic ship building and victualling uses to residential and commercial purposes over the last twenty years. The applicant, Google Australia, currently occupies three buildings within the precinct and the wider Pyrmont waterfront area including 48 Pirrama Road, 1 Darling Island Road and 58 Pirrama Road. The locations of Google's existing offices are provided in Figure 13.
5. The adjacent uses are described below:
 - (a) **North** - To the north of the site is Jones Bay, beyond which is Jones Bay Finger Wharf and heritage listed wharf buildings used for commercial and function centre uses.
 - (b) **Northeast** - To the northeast of the site is a vacant single storey metal building surrounded by a paved car parking area known as 6 Darling Island Road and referred to as "Site E". Site E forms part of the curtilage of the subject site's state heritage listing and is owned by Google Australia. Beyond this is REVY C (also known as 8 Darling Island Road), an eight storey building formerly used for victualling purposes and converted for residential use. This building also forms part of the curtilage of the subject site's state heritage listing.

- (c) **East** - To the east of the site, beyond Darling Island Road, is Metcalfe Park. To the north of the park is a part five, part six storey commercial building known as 1 Darling Island Road which is currently occupied by Google.
 - (d) **Southeast** - To the southeast is a five storey mixed-used use building comprising offices, café, restaurant and function centre uses known as 48 Pirrama Road and is currently occupied by Google.
 - (e) **South** - To the south, beyond Pirrama Road is The Star Casino.
 - (f) **Southwest** - To the southwest, beyond Pirrama Road is a four storey mixed use building comprising commercial and residential uses known as 8 Jones Bay Road.
 - (g) **West** - To the west of the site, beyond Pirrama Road is the James Watkinson Reserve and a number of residential apartment buildings.
 - (h) **Northwest** - To the northwest of the site is 38 Pirrama Road (also known as Site D) which comprises a two storey commercial building and forms part of the curtilage of the subject site's state heritage listing. This site is owned by Google Australia. Beyond this building is the Arrow Marine building, a single storey former warehouse building identified as a local heritage item and currently used as a food and drink premises.
6. The site is a state heritage item (01855) and a local heritage item (I1251). The site is not located within a heritage conservation area.
 7. The site is located within the Pyrmont Point locality and is identified as being subject to flooding.
 8. A site visit was carried out on 29 April 2022. Photos of the site and surrounds are provided below.

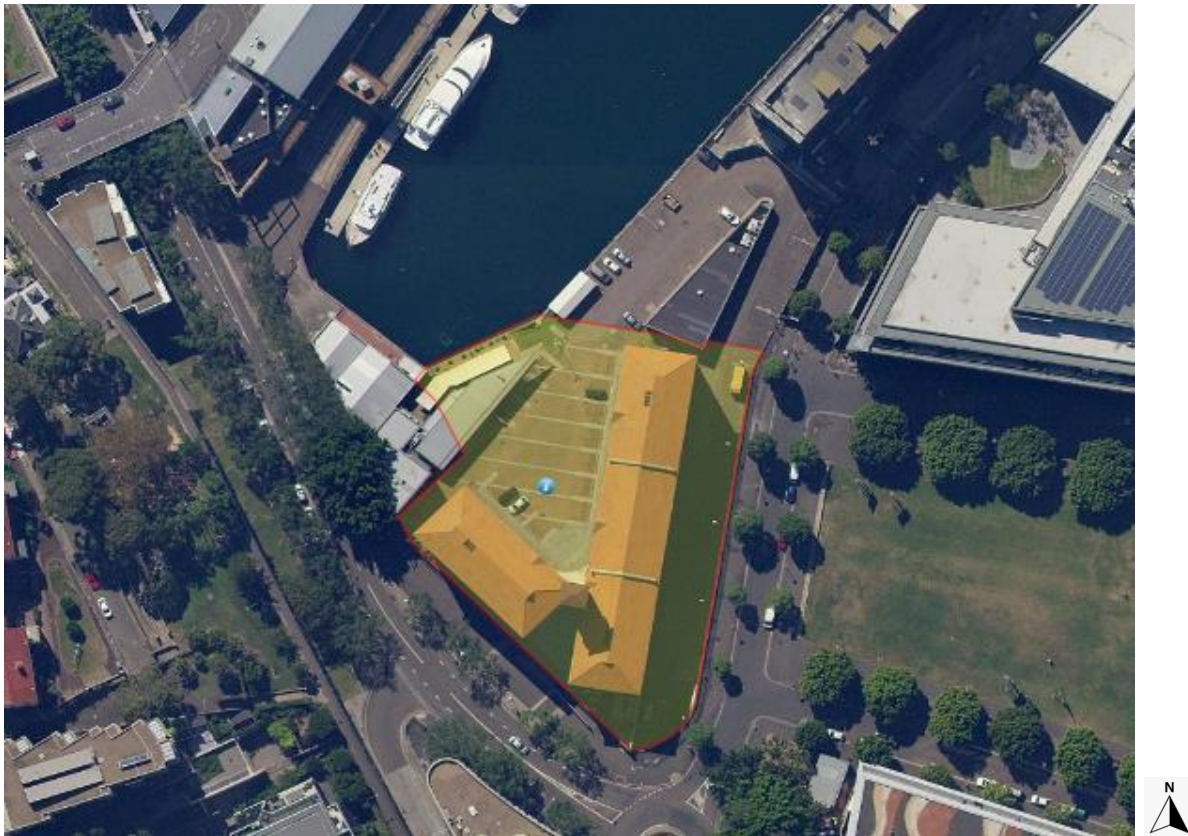


Figure 1: Aerial view of site and surrounds (Source: Six Maps)



Figure 2: 3D view of site looking south



Figure 3: 3D view of site looking north



Figure 4: 3D view of site looking northeast



Figure 5: Site viewed from the corner of Pirrama Road and Darling Island Road



Figure 6: Pirrama Road elevation, noting principal building entrance is currently provided along this frontage



Figure 7: Pirrama Road building entrance (proposed for demolition)



Figure 8: Darling Island Road elevation



Figure 9: Darling Island Road internal view from Site E



Figure 10: View towards subject site from Site E looking west towards Pirrama Road



Figure 11: Site viewed across Jones Bay Wharf

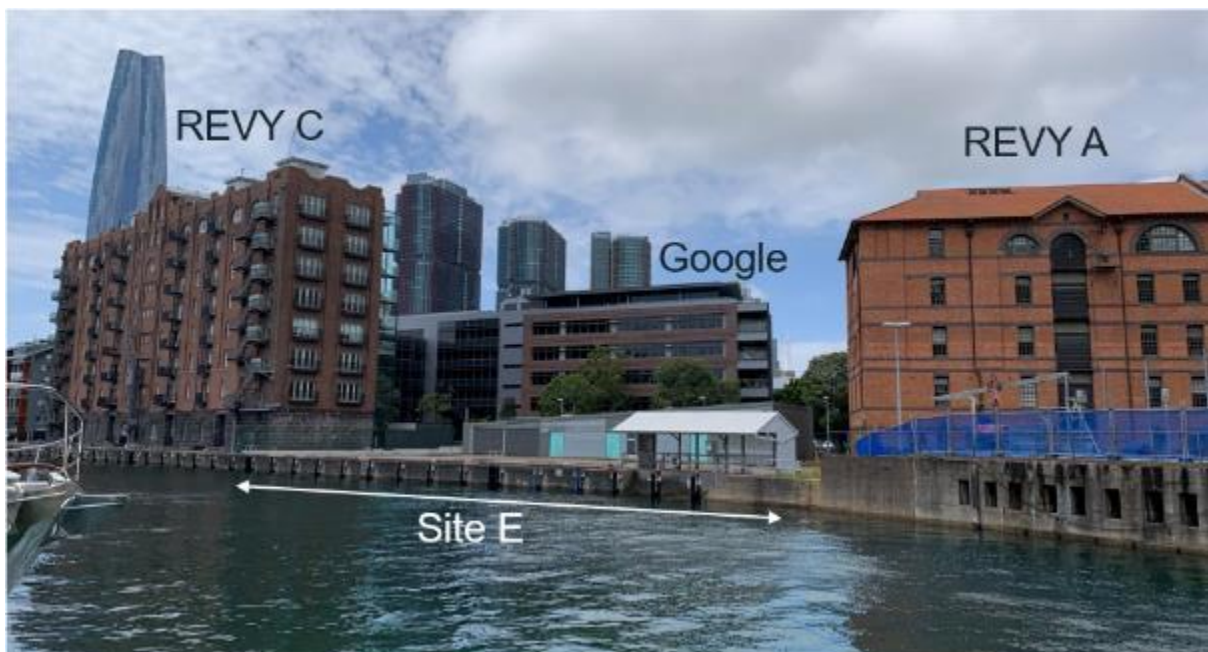


Figure 12: View looking south from Jones Bay Wharf

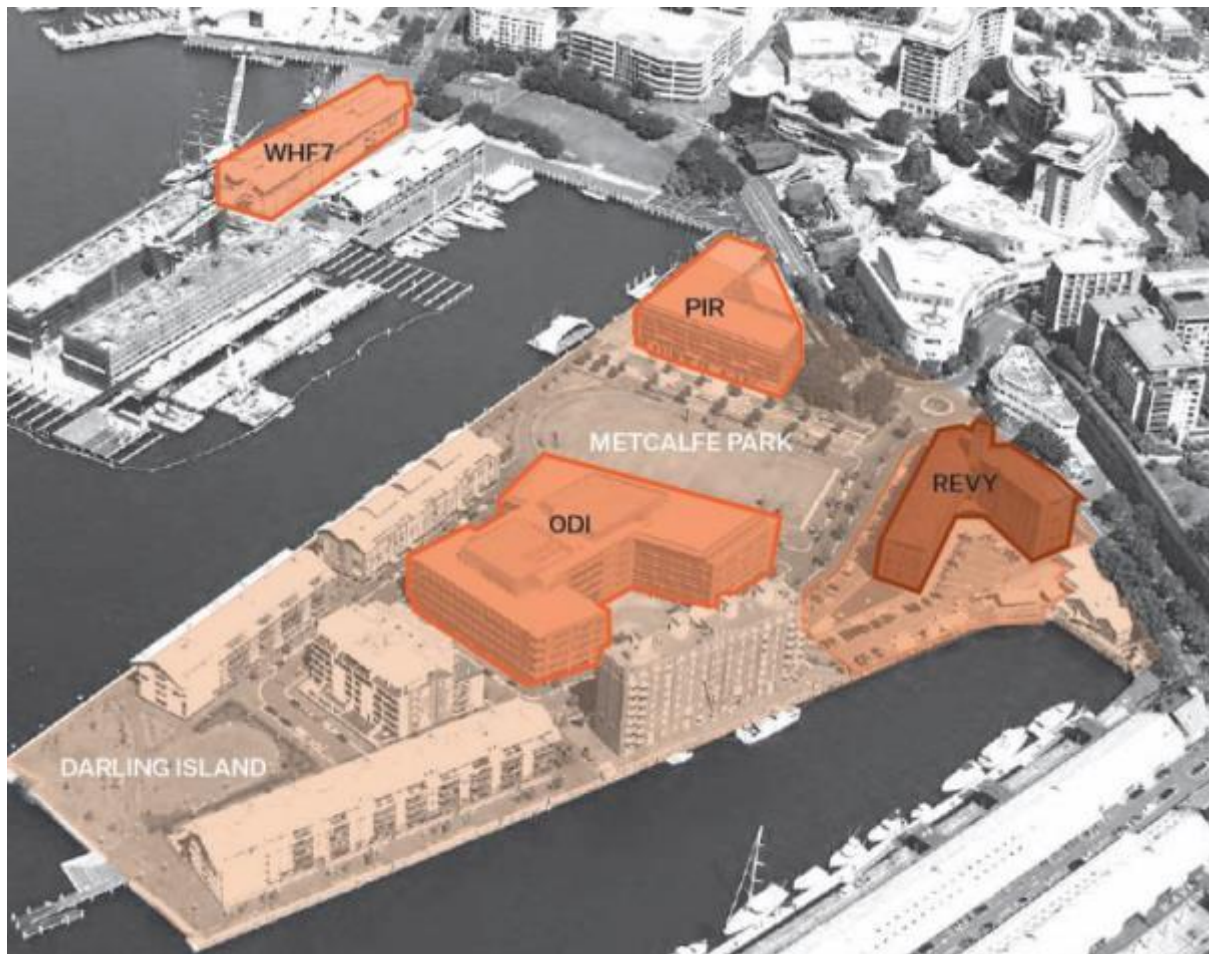


Figure 13: The Google Campus in Pyrmont (Source: Warren and Mahoney)

History Relevant to the Development Application

Historic Development Applications

9. The following applications are relevant to the current proposal:

- **D/2008/597** - Development consent was granted on 15 December 2008 for:
 - Refurbishment of REVY C for a commercial use including additional mezzanine and roof levels, new services and new additional balcony areas.
 - Demolition of Building D and Stage 1 concept approval for a five storey replacement building with basement car parking for commercial use.
 - Demolition of Building E and Stage 1 concept approval for a five storey replacement building with basement car parking for commercial use and extension of the public access along the waterfront.

A Section 4.55(1) modification (Mod A) was approved on 10 March 2010 to amend the lapse date to be after 5 years from the date of development consent

The development consent was not enacted and has subsequently lapsed.

- **D/2010/630** - Development consent was granted on 6 May 2010 for the removal of a rendered brick wall and security door and replacement with a new steel fence on a plinth to match existing.
- **D/2012/573** - Development consent was granted by the CSPC on 11 October 2012 for the adaptive reuse of REVY C as a residential flat building comprising 16 units, demolition of a single storey services building and the construction of an eight storey residential flat building comprising 32 units on the land identified as Site E. The development also included the dedication of a 3 metre strip immediately adjacent to the foreshore edge. Photomontages of the approved development are provided below.



Figure 14: Photomontage view of the approved development

The development consent has been subsequently modified (Modifications A-H).

As the works to convert REVY C to a residential development have been constructed and the building is now occupied, the development consent is operational, although the further approved works for Site E have not commenced and that site remains vacant.

During the assessment of the subject application, the applicant advised this consent would not be surrendered. As such, the consent for the approved eight storey residential flat building on Site E will not lapse and could be built at a future date.

- **D/2013/863** - Development consent was granted on 11 October 2013 for the subdivision of the site into four lots. A Section 4.55(1) modification application was approved on 19 November 2013 for minor amendments to conditions.

- **D/2020/464** - Development consent was granted on 24 August 2020 for the demolition of the existing canteen structure and the subdivision of the site into two lots with one lot comprising the existing two-storey office warehouse building (known as Site D) 348sqm in size and the other lot comprises the subject site. Two subsequent Section 4.55(1) modification applications have been approved to correct minor errors in the consent.

The subdivision has been subsequently registered with the NSW Land Registry Services.

Concurrent Development Applications

10. Concurrently with the subject application, the applicant has submitted three development applications. The figure below identifies the adjoining sites which are the subject of these separate development applications.

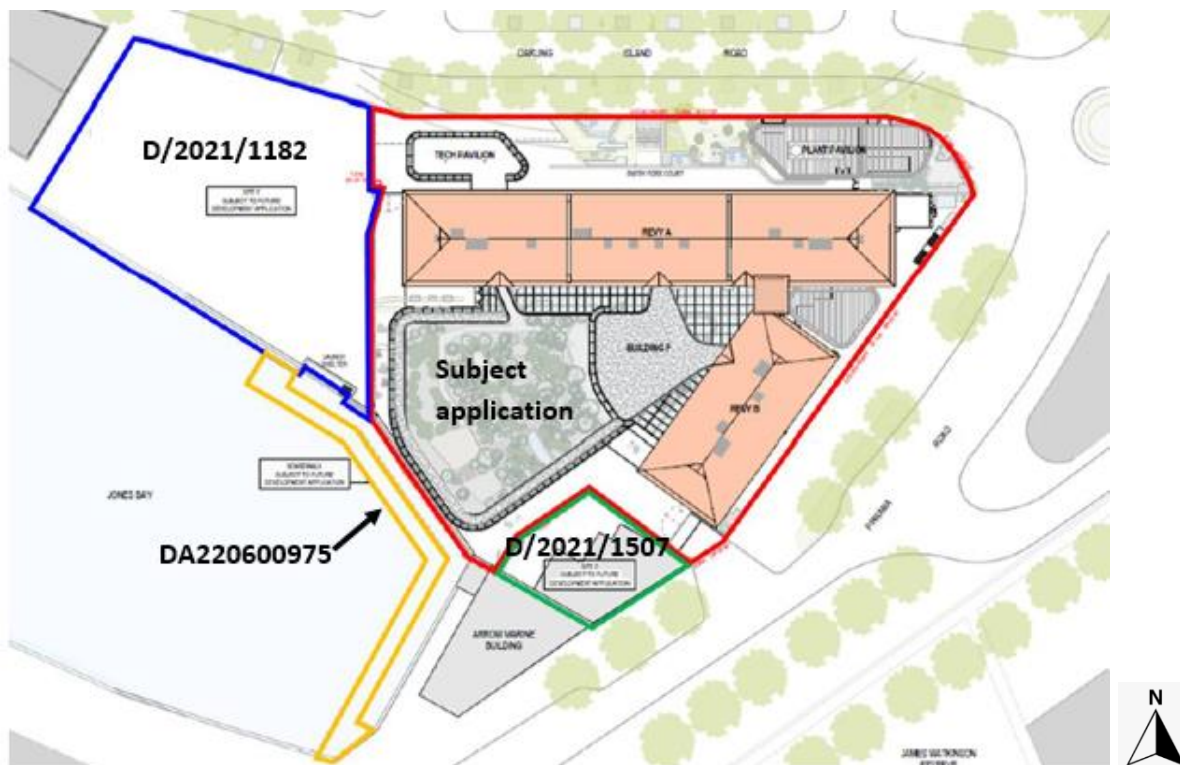


Figure 15: Applications submitted concurrently with the subject development application

- **D/2021/1507** - The application relates to the site known as Site D (outlined in green on the figure above). The application seeks consent for the demolition of the existing two-storey gatehouse building and the construction of a two storey pavilion building comprising end of trip facilities, work spaces and plant and services. Whilst located on a separate lot, the building will be used in conjunction with the development proposed on the subject site. A photomontage of Building D is provided below.

The assessment of the application is largely complete and this application will be determined by City officers under delegation.



Figure 16: Photomontage showing proposed Building D viewed from Pirrama Road

- **D/2021/1182** - The application relates to the site known as Site E (outlined in blue on Figure 15 above). The application seeks consent for the demolition of the existing single storey structure, landscaping for the use of Google employees and visitors and the extension of the public foreshore access.

The assessment of the application is largely complete and this application will be determined by City officers under delegation.

A perspective of the landscaping works within Site E is shown below.



Figure 17: Indicative perspective looking south along the waterfront

- DA220600975** - The application has been approved by Transport for NSW (TfNSW) for the construction of a public boardwalk approximately 75 metres long by 3 metres wide on Jones Bay providing public access for pedestrians connecting 6 Darling Island Road (Site E) and 26-28 Pirrama Road. The location of the proposed boardwalk is shown in red on the figure below.

The eastern end of the public boardwalk will connect to a 3-metre-wide public foreshore access easement proposed under D/2021/1182 (Site E) that in turn connects to an existing 3m wide public foreshore access easement alongside REVY C, completing the missing link in the foreshore walk around Darling Island.

The western end of the public boardwalk will connect to an existing public access easement at 26-28 Pirrama Road.

A Public Access Foreshore Plan and photomontages of the proposed boardwalk are provided in the figures below.



Figure 18: Public Access Foreshore Plan (Source: Ethos Urban)



Figure 19: View of boardwalk and proposed development looking south towards the subject site



Figure 20: View of boardwalk and proposed development looking east towards the subject site

Pre-Development Application Chronology

11. The applicant has undertaken extensive pre-development application consultation with the City and the Heritage NSW Council Approvals Committee (HCAC). The below provides an overview of the pre-development application chronology. Please note, further detail regarding the evolution of the design at pre-development application stage is discussed in the section titled "Design Evolution" in the discussion section of this report.

- **14 September 2020** - An initial pre-development meeting took place virtually with representatives from the City and the applicant's team in attendance. The purpose of the meeting was for the applicant to present the preliminary scheme and for initial feedback to be provided by City officers. A photomontage of the preliminary scheme is provided below.



Figure 21: Photomontage of preliminary scheme viewed from Jones Bay

- **23 September 2020** - A meeting took place virtually with representatives from the City, Heritage NSW and the applicant's design team in attendance.
- **27 November 2020** - A Heritage Council Approvals Committee (HCAC) subcommittee was formed by the Heritage Council of NSW, and the first workshop was held. The subcommittee comprised of members from the HCAC and its purpose was to guide the design development of the preliminary scheme (City officers were not invited to the meetings with the HCAC).
- **3 December 2020** - The applicant met with the Heritage Council of NSW (City officers did not attend this meeting).
- **18 December 2020** - A second HCAC subcommittee workshop was held (City officers did not attend this meeting).
- **23 February 2021** - A second pre-development application meeting took place virtually on 23 February 2021 with representatives from the City and the applicant's team in attendance. The purpose of the meeting was for the applicant to present the amended preliminary scheme which had been developed following feedback from the HCAC subcommittee. A photomontage of the amended preliminary scheme is provided below.



Figure 22: Photomontage of amended preliminary scheme viewed from Jones Bay

- **6 April 2021** - The applicant met with the HCAC (city officers did not attend this meeting).
- **23 April 2021** - The applicant met with the HCAC on site for a workshop (city officers did not attend this meeting) .
- **12 May 2021** - A third HCAC subcommittee workshop was held (city officers did not attend this meeting).
- **1 June 2021** - The applicant met with the HCAC who provided in principle support to the amended scheme, subject to development of design details including:
 - Atrium to Building F to be reduced in height.
 - Roof terrace design to be uncluttered.
 - On-site public accessway along the waterfront to Pirrama Road should be provided.
 - Archaeological assessment should be undertaken prior to finalising the detailed design.
 - Application should be accompanied by a detailed interpretation plan to reflect the evolution of the site and its structures, its history from Aboriginal occupation to present times and its significance. Interpretation at the ground level of the former yard should be explored further.
- **8 July 2021**- A third pre-development application meeting took place virtually with representatives from the City and the applicant's team in attendance. A photomontage of the final preliminary scheme is provided below.



Figure 23: Photomontage of final preliminary scheme viewed from Jones Bay

- **2 August 2021** - The applicant presented the final preliminary scheme to the HCAC subcommittee (city officers did not attend this meeting).

Application Chronology

12. The below provides an overview of the application chronology:

- **1 October 2021 - 30 October 2021** - The application was notified for a period of 28 days.
- **2 November 2021** - A request for additional information was issued requiring additional contamination documentation to be submitted in the form of a Detailed Environmental Site Investigation (DESI) and if required, a Remediation Action Plan (RAP) and section B Site Audit Statement or a letter of interim advice from the Site Auditor certifying that the RAP is practical and the site will be suitable after remediation for the proposed use.

In addition, an Acid Sulfate Soils Management Plan (ASSMP) and owner's consent from Place Management NSW for works to Darling Island Road were requested.

- **25 November 2021** - The application was reviewed by the City's Design Advisory Panel (DAP).
- **13 December 2021** - Owner's consent from Place Management NSW was received.
- **31 January 2022** - A request for additional information was issued to the applicant requesting justification be provided regarding the final design and location of the proposed additions, the temporary landscaping and the absence of a masterplan. In addition, comments from Water NSW were included requiring the applicant to provide confirmation whether the proposed basement construction is water-tight (i.e., tanked).
- **7 February 2022** - Applicant provided a RAP, Interim Audit Advice and ASSMP.

- **23 February 2022** - Applicant provided a response to the RFI dated 31 January 2022 including a response confirming that Google are committed to delivering the entirety of the project (i.e., all DAs currently under assessment) and that conditions of consent can be appropriately included to provide certainty that the entirety of the proposal will be delivered. An update on the status of the boardwalk was provided, as well as a response to the comments made by Water NSW.
- **11 March 2022** - Applicant provided a response to the DAP comments.
- **12 April 2022** - A further request for additional information and amendments was issued which included the following matters to be resolved:
 - Flood gates - Use of flood gates and recommended that an alternative solution be provided to ensure compliance with Clause 5.21 of the Sydney LEP 2012 and the City's Interim Floodplain Management Policy.
 - Servicing of the site - SDCP 2012 requires at least five spaces for servicing of the site and the application proposes one. Further details are requested to justify the non-compliance.
 - Design for environmental performance - Clarification sought regarding the sizes and locations of the water tanks.
- **3 May 2022** - Application was reviewed by the HCAC and GTAs were granted by Heritage NSW.
- **1 and 15 June 2022** - Applicant provided a Geotechnical Report and an updated Fire Safety Strategy Report and Heritage Commentary, a Site Hydrogeology Report and Preliminary Groundwater Screening Report.
- **23 June 2022** - GTAs were issued by Water NSW.
- **23 June 2022** - Applicant submitted a response to the RFI dated 12 April 2022 and submitted the following documents:
 - Amended architectural plans. and landscape plans
 - Addendum to the Flooding Statement.
 - Updated Design for Environmental Performance Template.
 - Updated Stormwater and Flooding Report.
 - Supplementary Statement of Heritage Impact.
 - Updated Operational Waste Management Plan.
 - Updated Services Report.
 - Request for amendments to the GTAs issued by Heritage NSW.

- **27 June 2022** - A further request for additional information was issued requesting the applicant provide information to demonstrate that the easements that currently burden the site can be properly managed in parallel with the carrying out of the development.
- **4 July 2022** - The application was re-referred to Heritage NSW based on the amended plans and applicant's requested changes to the GTAs.
- **11 July 2022** - An initial response from the applicant was provided in relation to the easements that burden the site. The applicant was subsequently advised that further information would be required.
- **14 July 2022** - Amended shadow diagrams were provided by the applicant.
- **3 August 2022** - An online meeting was held between the applicant, Heritage NSW and City officers to discuss the proposed amendments to the GTAs issued by Heritage NSW.
- **31 August 2022** - Amended plans were received to address the comments raised by Heritage NSW at the meeting on 3 August 2022.
- **9 September 2022** - A further request for amendments was issued by the City requesting:
 - Clarification regarding the size of the Mechanical Plant Pavilion.
 - Consideration to providing a level one setback to Building F.
 - Details of the proposed sea wall, including demolition plans.
 - Confirmed location of the substation.
 - Additional bicycle parking to be provided.
 - Canopy plan to be provided that demonstrates 15 per cent canopy coverage on the site within 10 years from the completion of development.
 - Clarification of how foreshore access will be maintained in the event that the boardwalk development application is not approved or delivered.
- **15 September 2022** - The subdivision of the site was registered.
- **29 September 2022** - Amended GTAs received from Heritage NSW.
- **14 October 2022** - Applicant submitted a response to the RFI dated 27 June 2022 and 9 September 2022 and submitted the following documents:
 - Amended architectural plans detailing additional bicycle parking.
 - Updated tree canopy plan.
 - Document identifying the status of all easements across the site and demonstrating that the applicant is undertaking reasonable steps to resolve the easements which burden the site.

- **27 October 2022** - A further request for information and clarification was issued by City officers requesting:
 - Additional facade plans, amended sections and elevations and amended GFA and TFA plans.
 - Confirmation whether a 5.5 Star NABERS Office Energy Commitment agreement could be achieved for Building F.
- **4 November 2022** - Applicant submitted a response providing the above information.
- **7 November 2022** - Amended GTAs were issued by Heritage NSW.
- **13 November 2022** - Applicant submitted existing GFA plans and additional façade plans.

Proposed Development

13. The application seeks consent for the following:

- Adaptive re-use of the existing REVY A and B buildings as a commercial premises.
- Associated demolition works within the REVY A and B buildings including timber flooring, timber windows, brickwork, timber loading bay doors, concrete roof and parts of the walls, contemporary louvres and glazing in external openings, roof tiles, contemporary lifts, WCs, partitions, services, boundary walls and fencing, paving and steel and glass entrance structure to Pirrama Road.
- New building entrance from Darling Island Road located on the eastern side of REVY A supported by landscaping.
- Construction of a new part two, part three storey building (plus basement) known as Building F located between the REVY A and B buildings, adjacent to the foreshore. Building F is linked to the REVY buildings by a glazed atrium, with three sets of bridges connecting to REVY A and B.
- Construction of a two storey building fronting Darling Island Road and adjoining REVY A known as the Tech Pavilion. The building is located partly above-ground and partly below-ground. The applicant has advised that the Tech Pavilion will be used as a multi-function presentation space (capacity for approximately 55 persons), with invited guests attending the pavilion for presentations. It is intended that there will approximately one event a week.
- Construction of a one and a half storey building known as the Mechanical Plant Pavilion located at the corner of Darling Island Road and Pirrama Road adjoining REVY A.
- Construction of a single storey building known as the Hot Water Plant Pavilion located between REVY A and B fronting Pirrama Road.

- Vehicular access/egress will be retained from the existing driveway on Pirrama Road and will provide access to the loading dock area.

14. Specifically, the works comprise:

Basement

- Tech Pavilion - Plant and services
- Building F - Waste room, kitchen, lockers, WC, plant and services

Ground

- REVY A - Main entrance from Darling Island Road, WCs, plant, services, visitor suite, reception, café and ancillary spaces
- REVY B - Meeting rooms, WCs, plant and services
- Building F - Café, kitchen and plant
- Tech Pavilion - Presentation space and lift
- Mechanical Plant Pavilion - Plant and substation
- Hot Water Plant Pavilion - Hot water plant
- External works - Repositioned building entry from Darling Island Road and associated terrace landscaping, retention of vehicular access from Pirrama Road to single loading dock with vehicle turning circle, provision of 12 bicycle racks adjacent to Site D and four visitor bicycle spaces adjacent to the building's entry on Darling Island Road and pedestrian foreshore access adjacent to Jones Bay.

First Floor

- REVY A - Workspaces and meeting rooms
- REVY B - Workspaces, meeting rooms, WCs and lift core
- Building F - Workspaces, meeting rooms, kitchen, plant and bridge connections to REVY A and B
- Mechanical Plant Pavilion - Generator and plant

Second Floor

- REVY A - Workspaces and meeting rooms
- REVY B - Workspaces, meeting rooms, WCs and lift core
- Building F - Roof terrace, indoor garden space, kitchen, plant and bridge connections to REVY A and B

Third Floor

- REVY A - Workspaces and meeting rooms
- REVY B - Workspaces, meeting rooms, WCs and lift core
- Building F - Plant

Fourth Floor

- REVY A - Workspaces, kitchen and meeting rooms
- REVY B - Workspaces, meeting rooms, WCs and lift core

Fifth Floor

- REVY B - Workspaces, meeting rooms, WCs and lift core

15. It is noted that the proposal seeks the use of the building as a commercial premises, with the fit out works to be the subject of a separate development application.
16. Plans and elevations of the proposed development are provided below.

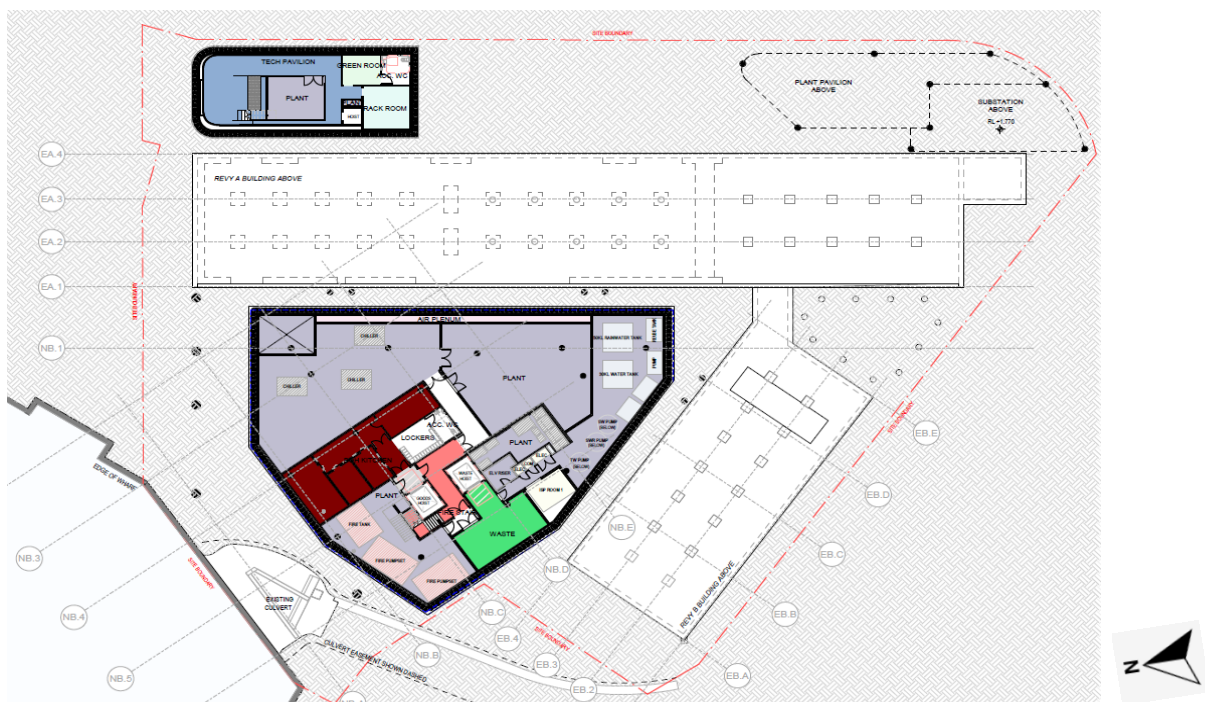


Figure 24: Proposed basement

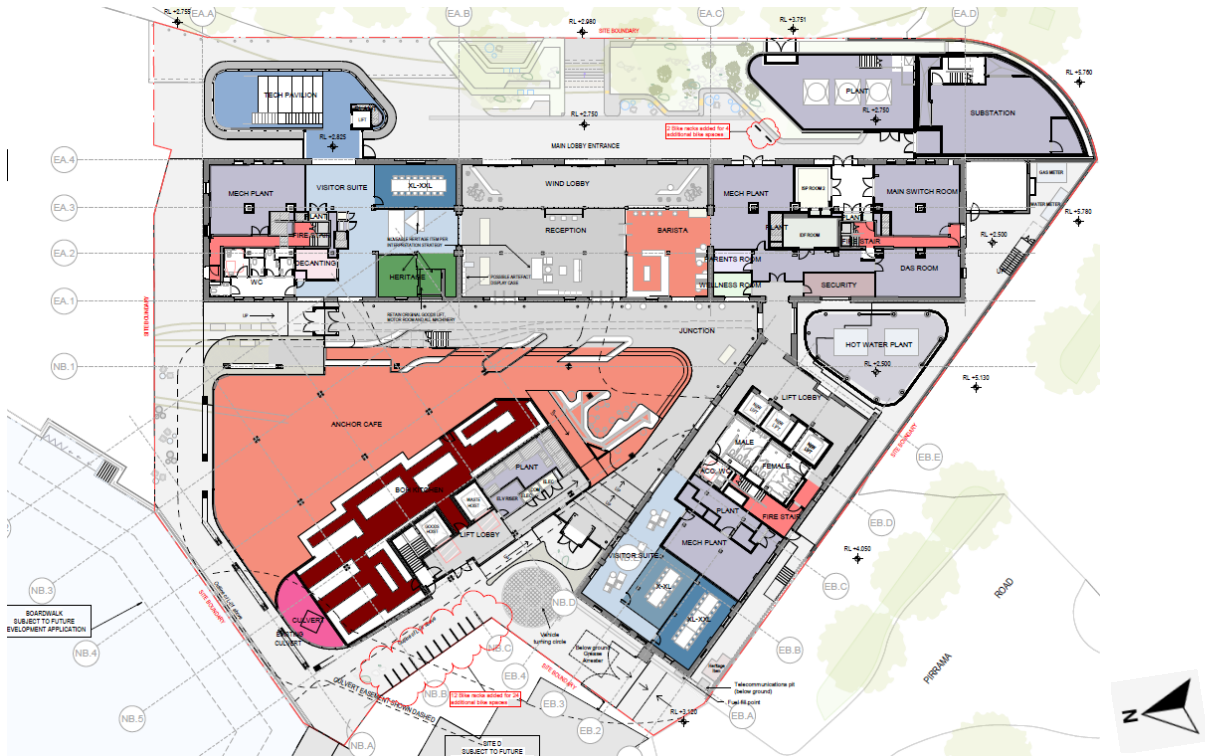


Figure 25: Proposed Ground Floor



Figure 26: Proposed first floor plan



Figure 27: Proposed second floor plan



Figure 28: Proposed third floor plan



Figure 29: Proposed fourth floor plan

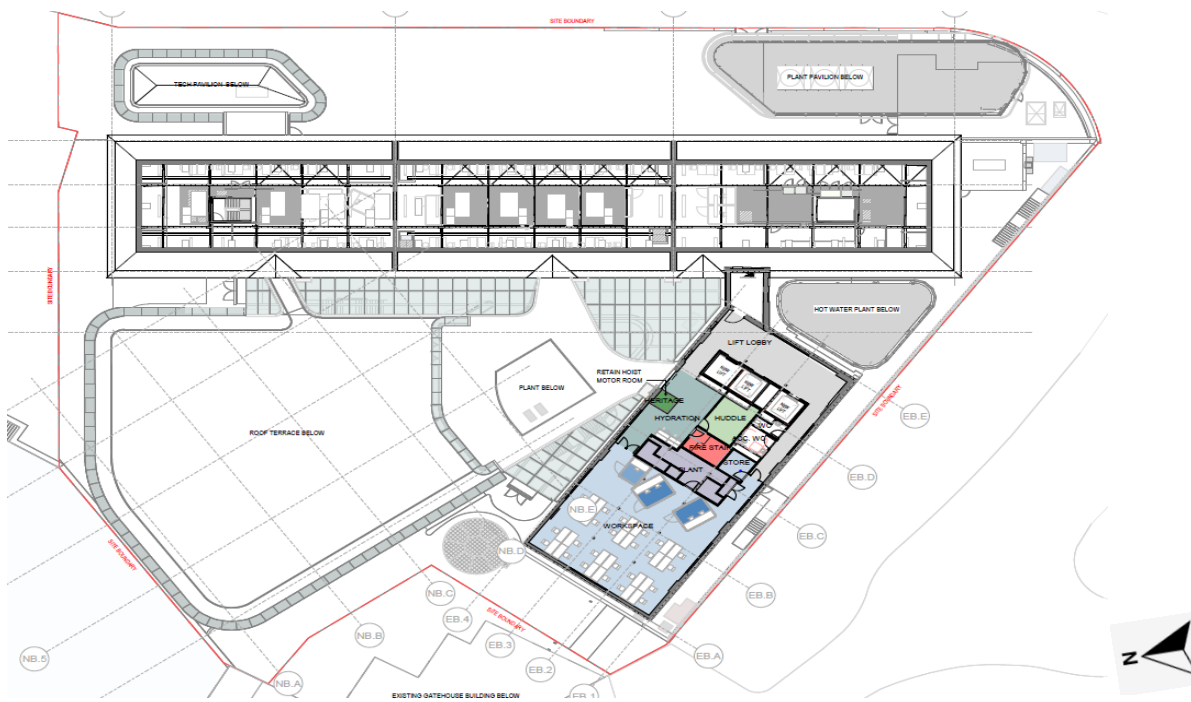


Figure 30: Proposed fifth floor plan

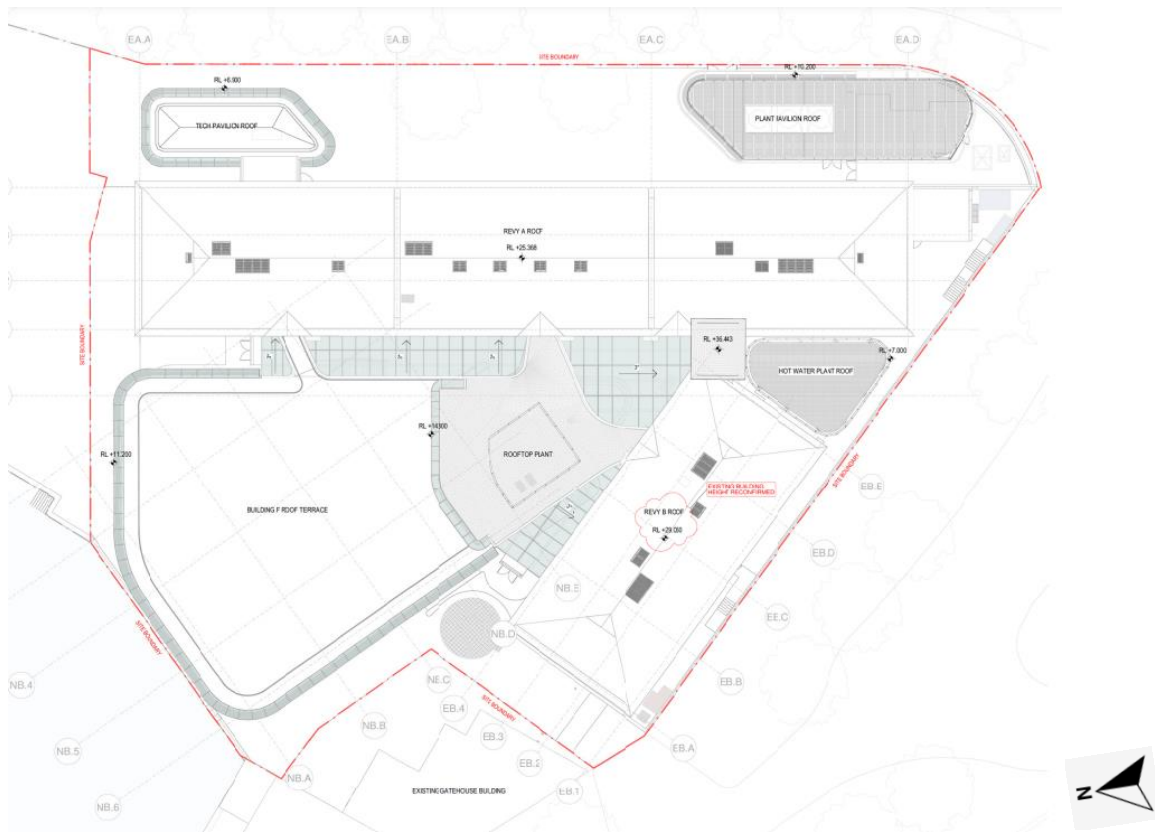


Figure 31: Proposed roof plan

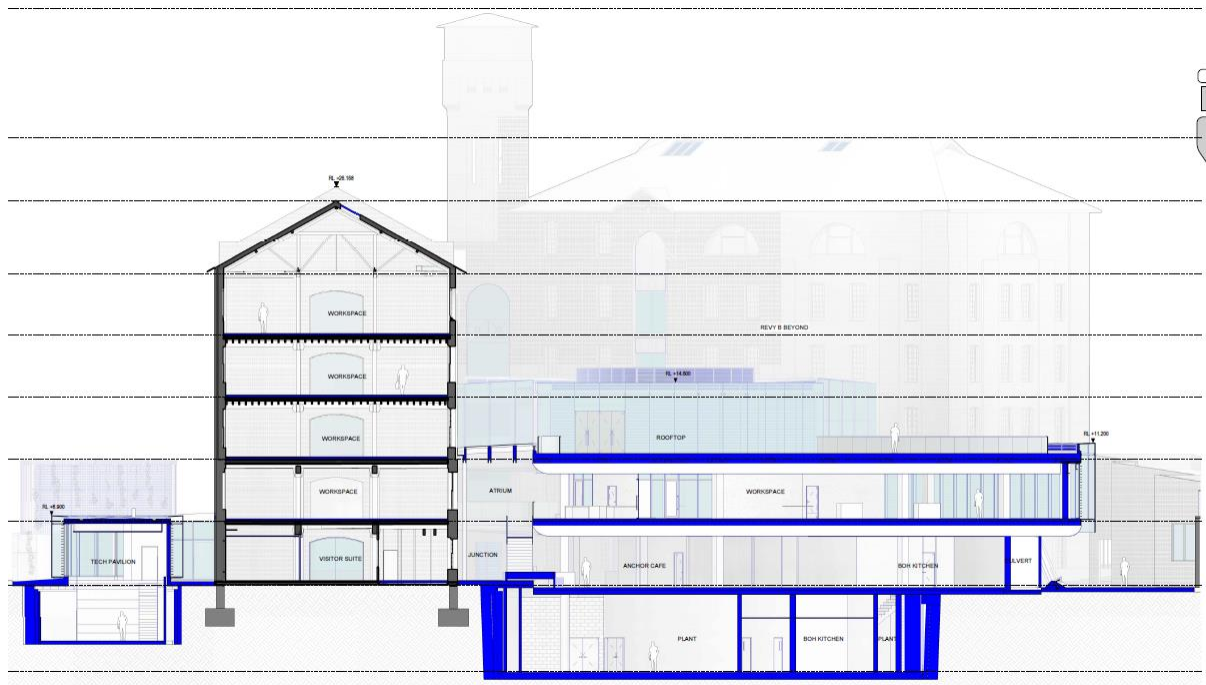


Figure 32: Section plan through REVY A and Building F (new works shown in blue)

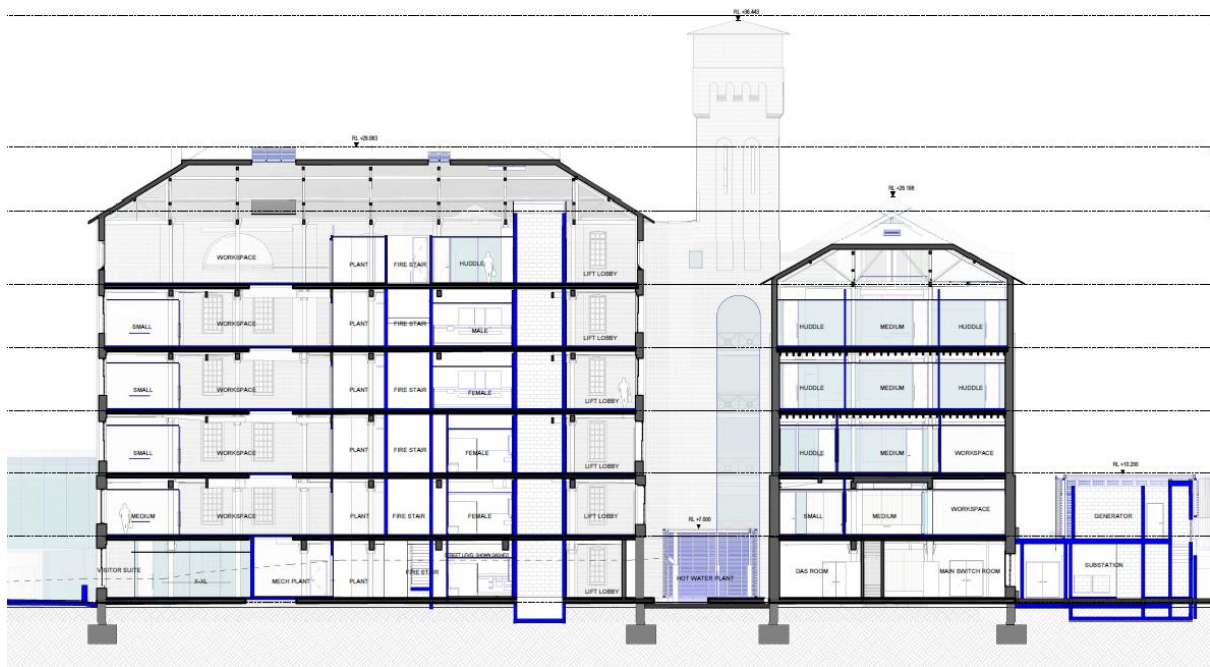


Figure 33: Section plan through REVY A and B (new works shown in blue)

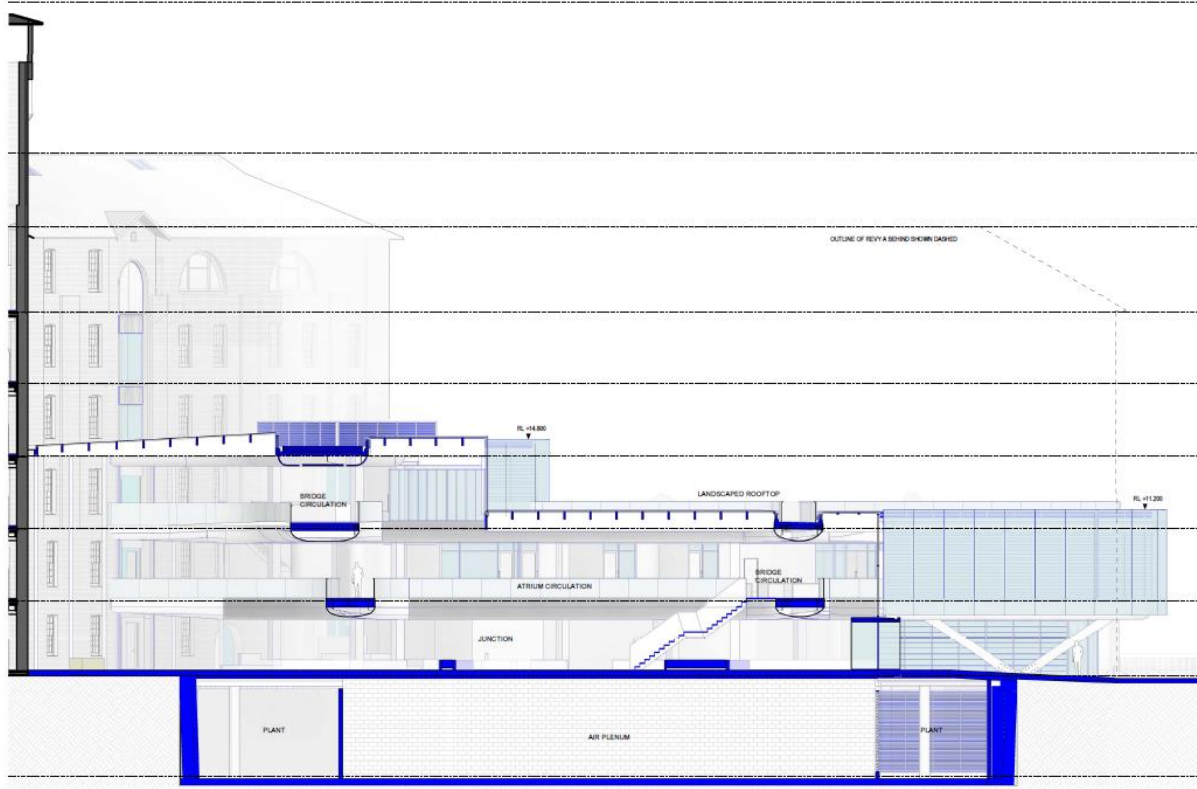


Figure 34: Section plan through REVY B and Building F (new works shown in blue)

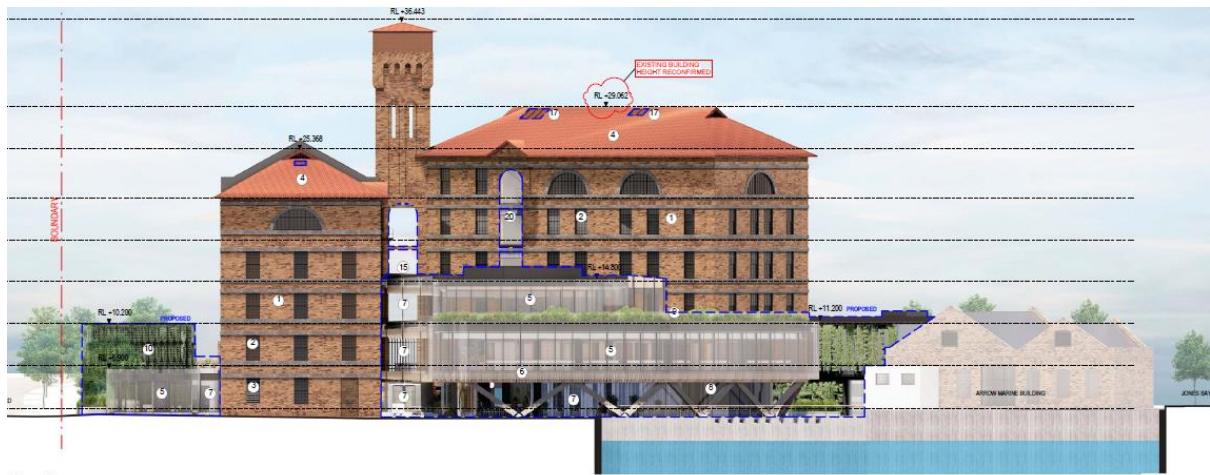


Figure 35: Proposed north elevation, including proposed works to Building D (D/2021/1507)

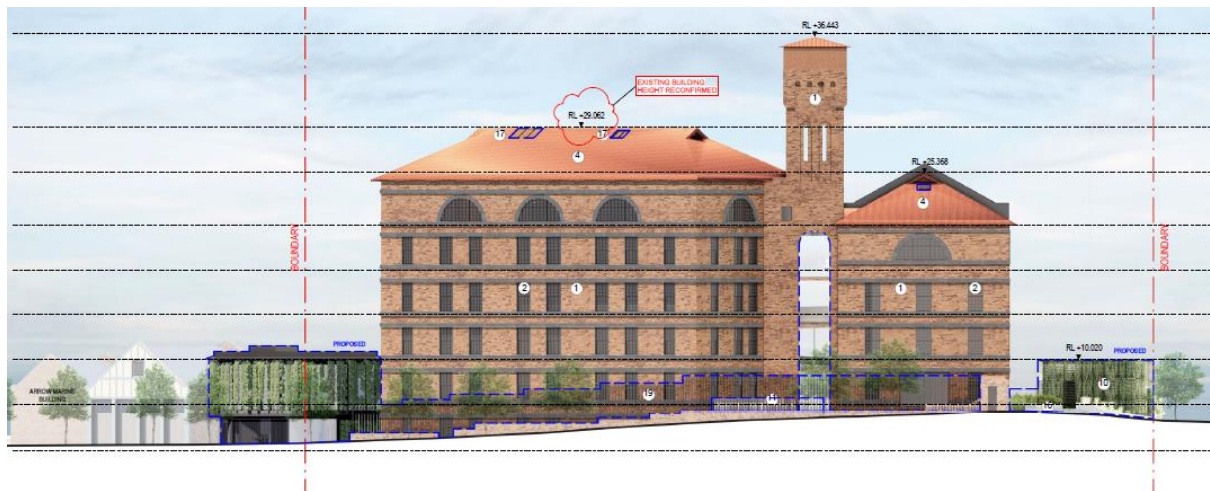


Figure 36: Proposed south elevation, including proposed works to Building D (D/2021/1507)

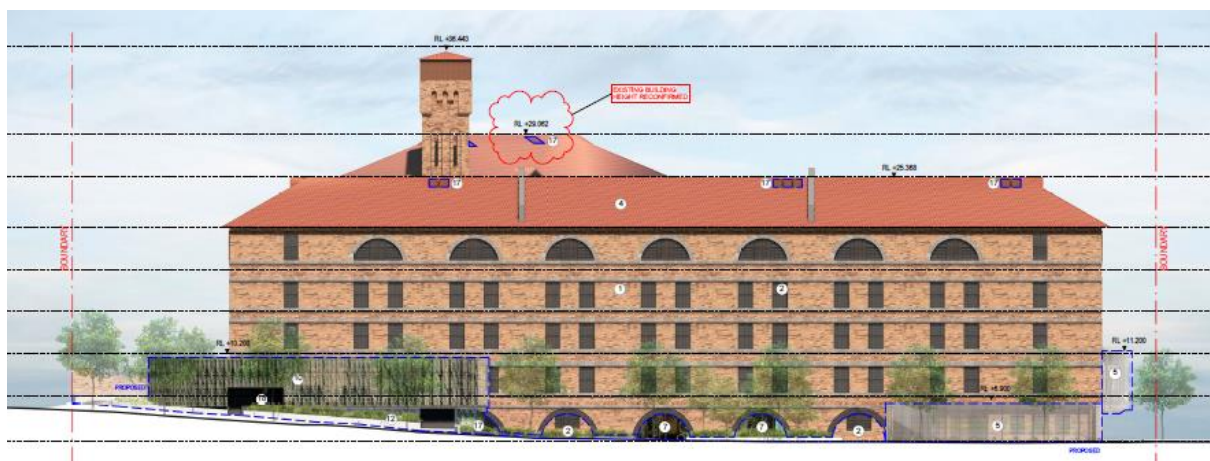


Figure 37: Proposed east elevation

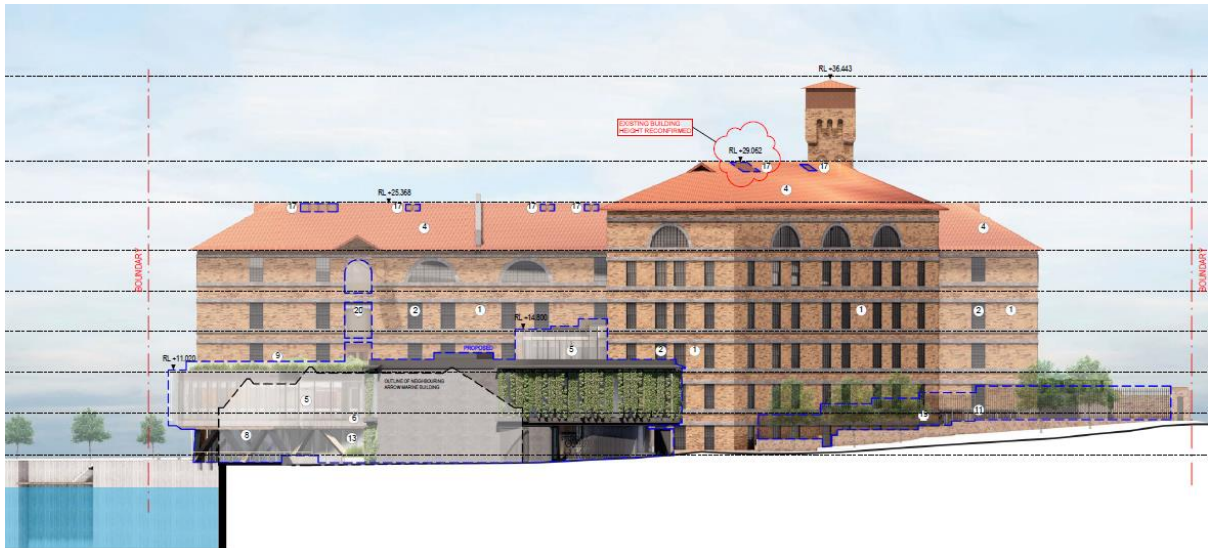


Figure 38: Proposed west elevation, including proposed works to Building D (D/2021/1507)



Figure 39: Photomontage along Darling Island Road showing new entrance and Mechanical Plant Pavilion (left) and Tech Pavilion (right)



Figure 40: Photomontage looking east across to the subject site from Jones Bay Wharf



Figure 41: Photomontage looking south towards the subject site from Jones Bay, note the boardwalk has been approved separately to this development application



Figure 42: Photomontage looking east towards the subject site from the boardwalk



Figure 43: Photomontage showing the atrium space between the REVY A building and Building F



Figure 44: Photomontage showing the bridge connections between Building F and the existing REVY A building



Figure 45: Section plan through Tech Pavilion

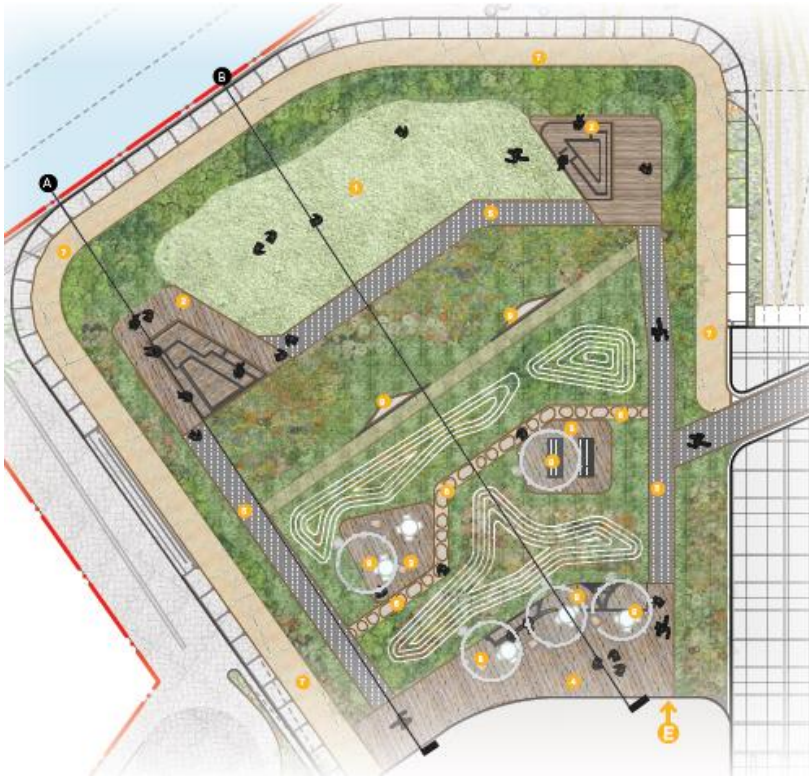


Figure 46: Proposed landscape plan of rooftop terrace on Building F

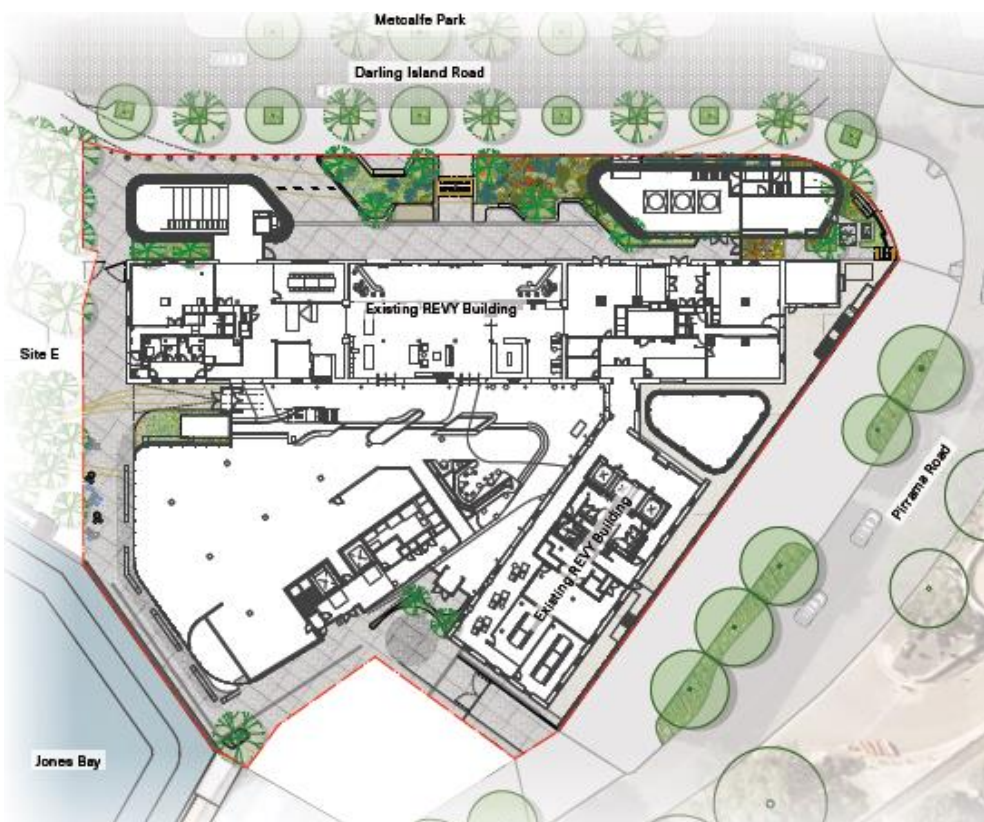


Figure 47: Indicative at grade landscape plan

Assessment

17. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Heritage Act 1977

18. The subject site is listed as an item known as the Royal Edward Victualling Yard on the State Heritage Register under the Heritage Act 1977 (01855).
19. As an Integrated Development Application (IDA) requiring approval under the Heritage Act 1977, a copy of the application was referred to Heritage NSW on 1 October 2021 in accordance with Section 42 of the Environmental Planning and Assessment Regulation 2021. In correspondence dated 1 November 2021, the Heritage NSW was advised that the exhibition period had been completed and five submissions were received.
20. On 3 May 2022, the Heritage NSW issued the General Terms of Approval (GTAs). Following the receipt of amended plans, amended GTAs were received on 29 September 2022 and 7 November 2022. The GTAs are subject to recommended conditions which are included in the Notice of Determination.

Water Management Act 2000

21. The application is an IDA requiring approval under the Water Management Act 2000 as the proposal involves dewatering of groundwater during construction works.
22. As an IDA, a copy of the application was referred to Water NSW on 1 October 2021 in accordance with Section 42 of the Environmental Planning and Assessment Regulation 2021. In correspondence dated 1 November 2021, Water NSW was advised that the exhibition period had been completed and five submissions were received.
23. On 23 June 2022, Water NSW issued the GTAs.

State Environmental Planning Policies

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4

Remediation of Land

32. The aim of SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
33. Site investigations have identified the following contaminants as present on the site:
 - Lead
 - Copper
 - Zinc

34. A RAP for the site, accompanied by a letter of interim advice has been submitted with the development application.
35. The proposed remediation of the site is excavation and off-site disposal of any fill that is surplus to the project, followed by capping and containment of remaining impacted fill. This approach, if adopted, will require the implementation of a long-term Environmental Management Plan. The accompanying letter of interim advice confirms the above approach is appropriate.
36. The City's Health Unit has reviewed the information provided and has recommended conditions of consent to ensure compliance with the remediation measures outlined, and for Council to be notified should there be any changes to the strategy for remediation. This includes the requirement that a covenant be registered on the title to bind the owner and future owners with the responsibility for ongoing maintenance works as stipulated by the long term Environmental Management Plan.
37. The City's Health Unit is satisfied that, subject to conditions, the site can be made suitable for the proposed use.

State Environmental Planning Policy (Transport and Infrastructure) 2021

38. The provisions of SEPP (Transport and Infrastructure) 2021 have been considered in the assessment of the development application.

Division 5, Subdivision 2: Development likely to affect an electricity transmission or distribution network

Clause 2.48 Determination of development applications – other development

39. The application is subject to Clause 2.48 of the SEPP as the development involves the penetration of ground within 2m of an underground electricity power line.
40. As such, the application was referred to Ausgrid for a period of 21 days and no objection was raised.

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 2 (Vegetation in Non Rural Areas) 2017

41. The site is devoid of vegetation and as such, the SEPP does not apply.

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 10 Sydney Harbour Catchment

42. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SEPP. The SEPP requires the Sydney Harbour Catchment Planning Principles to be considered in the carrying out of development within the catchment.
43. The site is within the Sydney Harbour Catchment and eventually drains into the Harbour. The site is also located within the Foreshores and Waterways Area. The objectives of the SEPP are therefore also applicable to the proposed development.

- 44. The application was referred to the Foreshores and Waterways Planning and Development Advisory Committee on 1 October 2021 in accordance with Section 10.28 of the SEPP. On 2 February 2022, written confirmation was provided by the Chair of the Committee advising that the Committee raises no specific issues in relation to the proposed development and provides no comment.
- 45. The matters to be considered under the SEPP, as relevant to the proposed development, are outlined below.

Compliance Table - matters for consideration		
Development Control	Compliance	Comment
10.10 Sydney Harbour Catchment	Yes	<p>The proposed development will have a negligible environmental impact on the hydrological, ecological and geomorphological processes or health of the catchment.</p> <p>The proposed development will be visible from the foreshore and will maintain, protect and enhance the unique visual qualities of Sydney Harbour.</p>
10.11 Foreshores and Waterways Area	Yes	<p>The proposed development will not have a negative impact on any natural assets or the unique environmental or visual qualities of Sydney Harbour and its foreshores.</p> <p>The site does not currently provide public foreshore access.</p> <p>A separate development application has been approved by TfNSW for the provision of a public timber boardwalk approximately 75m long by 3m wide which provides public access for pedestrians between 6 Darling Island Road (Site E) and 26-28 Pirrama Road. Public access via the boardwalk will be provided 24 hours a day, seven days a week.</p> <p>In the event that this boardwalk is not delivered by the landowner, a condition has been recommended requiring an easement for public access (3 metres wide) is provided within the subject site. Public access can be accommodated within the site's north-western boundary, adjacent to Jones Bay, between Site E</p>

Compliance Table - matters for consideration		
		<p>and Site D. The ground floor of the building is appropriately setback from Jones Bay to accommodate the required 3m width for public access.</p> <p>Conditions are recommended for both D/2021/1507 (Site D) and D/2021/1182 (Site E) to similarly provide a 3 metre wide public foreshore access easement to enable continuous foreshore access in the event that the boardwalk is not delivered.</p> <p>In the event that the boardwalk is delivered, the easement for public access through the subject site will not be required. The condition is appropriately worded to allow for flexibility in either circumstance.</p>
10.12 Heritage conservation	Yes	<p>The proposed development seeks to refurbish the existing state heritage listed REVY A and B buildings and provide four contemporary additions within the site. The heritage significance of the site will be retained by:</p> <ul style="list-style-type: none"> • Location of new structures away from REVY A and B buildings connecting them to lightly, reversibly and where possible, through existing openings. • The carrying out of minimal alterations to the existing fabric, spaces and character of the REVY A and B buildings. • Designing the new structures to be low scale, sympathetic and visually uncompetitive. • The intrusive 1994 entrance structure will be removed, re-exposing the original REVY A and B tower to public view.
10.19 Biodiversity, ecology and environment protection	Yes	<p>The proposed development will have a neutral impact on the quality of water entering Jones Bay and will not impact</p>

Compliance Table - matters for consideration		
		any terrestrial or aquatic species of ecological communities.
10.20 Public access to, and use of, foreshores and waterways	Yes	As discussed above, the development has been designed with the capacity to provide public access along the foreshore in the event that the boardwalk cannot be delivered. A condition is recommended accordingly.
10.22 Interrelationship of waterway and foreshore uses	Yes	The proposed development will not affect equitable use of Jones Bay. It is noted that the intention to construct the boardwalk will improve public foreshore access.
10.23 Foreshore and waterways scenic quality	Yes	The scale, form and design of Building F located between REVY A and B has been carefully designed to maintain upper level views to the REVY buildings which form a key part of the scenic quality of Jones Bay.
10.24 Maintenance, protection and enhancement of views	Yes	<p>The scale of the new additions is considered appropriate within the site's context.</p> <p>The proposed development maintains views to and from Jones Bay. All views identified as having a high significance within the site's Heritage Conservation Management Plan (CMP) will be retained, as well as most views identified as having a moderate significance.</p> <p>The REVY setting will be maintained and the REVY A and B tower will continue to form a landmark from key viewpoints.</p>

Sydney Harbour Foreshores and Waterways Area DCP 2005

46. The Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005 contains guidelines that are to be applied to all land-based developments. Consideration against the relevant guidelines for land-based developments is provided below.

Compliance Table - matters for consideration		
Development Control	Compliance	Comment
5.2 Foreshore Access	Yes	The development has been designed with the capacity to provide public access along the foreshore in the event that the boardwalk cannot be delivered. A condition has been recommended accordingly.
5.3 Siting of Buildings and Structures	Yes	<p>Three of the new additions (two plant pavilions and the Tech Pavilion) are located along the site's frontages to Pirrama Road and Darling Island Road. The proposed structures are sympathetic to the existing REVY buildings through a combination of their low scale, lightness, transparency and reference to original materiality.</p> <p>Building F is located within a more prominent location, on the northern extent of REVY A and B and will be visible from Jones Bay and the wider Sydney Harbour. The design of Building F addresses the waterway and is subservient in its scale and height when compared to the heritage warehouse buildings.</p> <p>The building will not obstruct any views and vistas from public places to the waterway.</p>
5.4 Built Form	Yes	The design of the proposed development, including the four new additions, is sympathetic to existing REVY A and B buildings and wider locality of Darling Island. The proposed new structures are of a low scale and will not dominate the existing buildings.

Compliance Table - matters for consideration		
		The new additions include a combination of transparent, sympathetic materials and green walls to minimise the competition with and obstruction of the REVY A and B facades.
5.5 Signage	Yes	Signage is not proposed as part of this application.
5.6 Planting	Yes	The application is accompanied with a landscape plan which proposes predominantly native planting species. Additional street trees are proposed in the public domain, consistent with the City's Street Tree Masterplan.

Local Environmental Plans

Sydney Local Environmental Plan 2012

47. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
1.9A Suspension of covenants, agreements and instruments	Yes	<p>The site is burdened by a number of easements with beneficiaries including REVY C, the Star Casino, Sydney Water. These easements will need to be extinguished or resolved between the parties prior to the commencement of development (i.e., prior to a Construction Certificate). This is a private property matter which will need to be resolved separately to this development application.</p> <p>A condition has been included requiring that evidence of the resolution of all easements that burden the site is submitted to the principal certifying authority prior to the issue of a Construction Certificate.</p>
2.3 Zone objectives and Land Use Table	Yes	The site is located in the B4 Mixed Use zone. The proposed development is defined as a commercial premises and

Provision	Compliance	Comment
		is permissible with consent in the zone. The proposal generally meets the objectives of the zone.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	Yes	<p>A maximum building height of 25m is permitted.</p> <p>The following heights are proposed:</p> <ul style="list-style-type: none"> • REYV A (no change to existing height) - 22.82m • REYV B (no change to existing height. Minor works are proposed above the height control comprising new louvred openings to roof) - 26.57m • REYV tower (no change to existing height and no works proposed above height control) - 34.22m • Building F - 11.85m • Tech Pavilion - 4.40m • Mechanical Plant Pavilion - 7.70m • Hot Water Plant Pavilion - 5m <p>With the exception of the works to REYV B, all works comply with the maximum height of buildings development standard.</p> <p>The works to REYV B are above the 25m height of buildings control and comprise new louvred openings to the roof. Consistent with the judgement in Landcorp Australia Pty Ltd v The Council of the City of Sydney [2020] NSWLEC 174, the proposed works do not contribute to or alter the height of the existing building. As such, there is no requirement for a Clause 4.6 to vary the height of buildings development standard.</p>

Provision	Compliance	Comment
4.4 Floor space ratio	Yes	<p>A maximum floor space ratio of 2:1 or 9,928sqm is permitted.</p> <p>A floor space ratio of 1.80:1 or 8,939sqm is proposed.</p> <p>The proposed development complies with the maximum floor space ratio development standard.</p>

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	<p>The site is a state heritage item (01855) and a local heritage item (I1251). The site is not located within a heritage conservation area.</p> <p>Due to the nature of the application being an IDA under the Heritage Act 1977, the applicant has undertaken extensive pre-development application consultation with the Heritage NSW in developing the design. The design of the proposal responds to pre-development application feedback provided by City officers, the HCAC and the HCAC subcommittee formed to guide the design development of the proposal.</p> <p>The proposed development is acceptable from a heritage perspective for the following reasons:</p> <ul style="list-style-type: none"> • The proposed new structures stand away from REVY A and B, contacting and linking to them minimally, lightly and reversibly and allowing their original forms, facades and arrangement to continue to be appreciated. • The original significant fabric of REVY A and B is retained almost entirely, with only minor removal as necessary to facilitate adaptive reuse. • While identifiably contemporary, all proposed new structures have

Provision	Compliance	Comment
		<p>been designed to be respectful of the site's significance in scale, form, height and materiality.</p> <ul style="list-style-type: none"> • All views graded as having High significance and most views with Moderate significance are retained. The REVY setting will be maintained and REVY A and B and the tower will continue to form a landmark from key viewpoints. • The intrusive 1994 entrance structure will be removed, re-exposing the original REVY tower to public view. • The proposed layouts within REVY A and B will retain their original open character. The timber and cast iron post-and-beam structure will be fully retained and generally remain exposed to view. Partitioning and services have been designed to minimise physical and visual impact. • The Ground level of proposed Building F has been designed as a largely open space with glass walls, maximising the ability to appreciate the nature and role of the central yard and its connection to the wharf, and provide opportunities for its interpretation. <p>The proposed development results in a positive heritage response to the site and the surrounds in accordance with Clause 5.10.</p> <p>In addition to the GTAs provided by Heritage NSW, the City's Heritage Specialist supports the proposed development and has provided conditions which are included in Attachment A.</p>
5.21 Flood planning	Yes	The site is flood affected and a site-specific flood study accompanies the development application.

Provision	Compliance	Comment
		<p>The City's model indicates that the site is affected by the 1 per cent Annual Exceedance Probability (AEP). However, the site-specific flood study prepared for the site has identified that the boundary levels on the site's perimeter roads (Pirrama Road and Darling Island Road) are located above the Probable Maximum Flood (PMF) level. This has been reviewed by the City's Public Domain Unit and is considered acceptable.</p> <p>The flood study identifies that adequate protection is provided to the PMF and that the proposed levels of the development (including the existing retrofitted floor levels of REVY A and B as well as the new additions) integrate with the City's Interim floodplain management policy for commercial and retail sites.</p> <p>The proposal complies with the City's Interim floodplain management policy without relying on floodgates. However, the proposal includes the provision of internal flood gates to provide additional protection from flooding. The applicant has advised that floodgates form part of the proposal based on the following scenarios:</p> <p>Google wish to have a higher level of protection to their assets.</p> <p>Crest levels or external flood behaviour may be altered as part of any public domain works which is outside the applicant's control. Having floodgates approved provides a mechanism for additional protection in this instance.</p> <p>The proposed floodgates are supported in this instance. It is noted that the City's Public Domain Unit and Water Asset team do not object to the use of flood gates in this instance as they are wholly within the property boundary, all surrounding levels are compliant with the City's policy and note that the on-</p>

Provision	Compliance	Comment
		going responsibility for its maintenance will be with the owner/developer.

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 4 Design excellence		
6.21C Design excellence	Yes	<p>The proposed design seeks to provide a high standard of functionality and amenity for site users while respecting the heritage values of the site. The new structures are low-scale, subservient and visually sympathetic to the existing warehouse buildings in form, materiality and colour.</p> <p>The new structures share a clearly contemporary design language featuring glass and curved forms, providing a clear distinction between new and old, allowing the original buildings to retain their separate character, identity and significance.</p> <p>Building F is located within the central yard between REVY A and B and comprises a part two, part three storey (plus basement) structure with a third storey comprising a small circulation lobby. Building F is visually separate from the heritage buildings and linked to the existing heritage buildings by a glazed atrium in order to maximise transparency and views to the original REVY buildings. The height of Building F remains subservient to the existing heritage building and the use of contemporary materials ensures that the new addition is visually differentiated and does not dominate either REVY A or B.</p> <p>To maintain views to the upper levels of the REVY buildings, a condition has been proposed by Heritage NSW requiring that the design of shading devices proposed at rooftop level is submitted for approval to Heritage NSW</p>

Provision	Compliance	Comment
		<p>to ensure the roof design remains uncluttered and minimises visual impact.</p> <p>The Tech Pavilion is located on the Darling Island Road frontage of REVY A and connects to the existing building via a low, light steel and glass link, accessing the original building through an opened existing archway. The pavilion will have minimal impact on the REVY A facade.</p> <p>The Mechanical Plant Pavilion is one and half storeys in height but will appear as one storey in height due to the slope of the site. The Mechanical Plant Pavilion has been designed to be subservient to the REVY buildings and will have a green facade to ensure the building does not dominate the existing heritage buildings.</p> <p>The Hot Water Plant Pavilion will replace the modern, obtrusive building entrance in Pirrama Road. The pavilion will be partially concealed due to the ground level of the site being sunken from the street level. The single storey pavilion respects the street frontage height of the REVY A and B buildings and does not result in any perceived additional built form or height along this street frontage.</p> <p>Along Darling Island Road, the removal of the existing at-grade car parking and security fence and replacement with landscaping and a new entry, will transform and activate the public domain. The relocation of the building entry to this frontage is considered a significantly improved outcome, noting the existing site is disconnected from the public domain. The building's entrance will be supported with landscaping and seating to provide a useable and inviting space (remaining in private ownership) which will help extend the public domain into the site.</p> <p>The proposed development is considered to demonstrate design</p>

Provision	Compliance	Comment
		excellence in accordance with Clause 6.21C of the Sydney LEP.
6.21D Competitive Design Process	N/A	<p>The development does not meet the triggers of this clause, specifically:</p> <ul style="list-style-type: none"> The development does not have a height above ground level (existing) greater than 25 metres The development does not have a capital investment value of more than \$100,000,000 A development control plan (as required under Clause 7.20 of the Sydney LEP 2012) is not required for the site as the site has an area less than 5,000sqm and a height less than 25 metres

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
7.6 Office premises and business premises	Yes	The proposed development does not include any car parking provision and complies with the relevant development standards.
Division 2 Foreshore development		
7.10 Foreshore building line	N/A	The site is not located within the foreshore area identified in the LEP.
7.11 Development on the foreshore must ensure access	N/A	
Division 3 Affordable housing		
7.13 Contribution for purpose of affordable housing	Yes	The proposal comprises the erection of a new building which is more than 200sqm and comprises alterations to an existing building that will result in the creation of more than 60sqm of GFA that is intended to be used for a purpose other than residential accommodation. A condition requiring payment of an

Provision	Compliance	Comment
		affordable housing contribution is recommended.
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	The site is located on land with class 1 Acid Sulfate Soils. The application is accompanied by an ASSMP. A recommended condition has been included requiring that all recommendations detailed in the ASSMP are implemented.
7.20 Development requiring or authorising preparation of a development control plan	Yes	This clause does not apply because the site area is 4,964sqm (less than 5,000 square metres) and the development will not result in a building with a height greater than 25 metres above ground level (existing).

Development Control Plans

Sydney Development Control Plan 2012

48. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

Section 2 – Locality Statements

49. The site is located within the 2.12.1 Pymont Point locality. The proposed development is in keeping with the unique character and the design principles of the Pymont Point locality. The proposed development seeks to maintain Pymont's mixed use character and provide additional commercial floorspace by retaining and adaptively reusing the existing warehouse buildings located on the site.
50. The design of the proposed contemporary additions respects the existing warehouse buildings and has been designed to be subservient to the existing built form on the site in order to ensure that existing views and vistas within and beyond the neighbourhood are maintained, particularly from the public domain.

Section 3 – General Provisions

Provision	Compliance	Comment
3.1.5 Public Art	Yes	A condition is recommended requiring a Preliminary Public Art Plan is prepared for approval to the City prior to the issue of any construction certificate and that a Detailed Public Art Plan is approved by the City prior to the issue of any Construction Certificate for above ground works.
3.2. Defining the Public Domain	Yes	<p>The proposal will contribute to the activity, safety, amenity and quality of the adjoining streets and public domain.</p> <p>The proposal seeks to relocate the building entry from Pirrama Road to Darling Island Road. The relocated building entry will be legible and accessible from the street and will be supported by a terraced landscaped forecourt with areas for people to sit, to encourage activation along the site's remodelled entrance.</p> <p>The proposal introduces three new additions along the site's frontages to Pirrama Road and Darling Island Road. These new additions have been designed as low-scale, contemporary additions to maintain public views to the REVY buildings from the adjoining public domain. At the rear of the site, Building F has been designed as a subservient addition both in terms of height and scale to protect public views of the REVY buildings when viewed from the Jones Bay foreshore.</p>
3.5 Urban Ecology	Yes	<p>The existing site is currently devoid of trees and vegetation. As such, the proposal will not have an adverse impact on the local urban ecology.</p> <p>During the assessment of the application the applicant provided amended landscape plans demonstrating that 15 per cent canopy coverage could be achieved within the site. However, Heritage NSW subsequently advised</p>

Provision	Compliance	Comment
		<p>that additional tree planting within the site was not supported.</p> <p>The concerns of Heritage NSW principally relate to the visual impacts upon the setting and views of the REVY buildings, noting that the site is an industrial heritage site with trees and landscaping not being a characteristic element. Heritage NSW also raised concerns with the potential for the trees to impact upon significant heritage fabric (including foundations).</p> <p>A condition within the GTAs has been provided by Heritage NSW which requires amended landscape plans to be submitted with the Section 60 documentation. A similar condition requiring amended landscape plans to be provided to the City for approval is recommended by the City's Landscape Specialist.</p> <p>It is noted that a separate development application has been lodged for landscaping works on Site E (D/2021/1182). The proposal is for extensive landscaping works for the use of Google employees and visitors. The submitted landscape plans for the development application demonstrate approximately 580sqm of canopy coverage (equating to 30 per cent of its site area). The additional canopy coverage on Site E is considered to assist in offsetting the non-compliance on the subject site.</p>
3.6 Ecologically Sustainable Development	Yes	<p>A distinct NABERS Commitment Agreement and subsequent NABERS rating cannot be pursued for the new portions of the building only. Should a NABERS rating be pursued it would need to do so for the entire project (heritage and new components combined).</p> <p>The modifications required to enter in to a NABERS Commitment Agreement, including replacing windows and retrofitting insulation would significantly</p>

Provision	Compliance	Comment
		<p>impact the existing heritage fabric. As such, there is no requirement for a 5 Star NABERS Energy Commitment Agreement to be entered in to because the works would significantly impact the heritage fabric and heritage significance of the REVY buildings.</p> <p>Notwithstanding, the project includes energy efficiency measures including:</p> <p>Double skin facade system with automated shading control to minimised peak cooling loads in summer.</p> <p>High performance glazing system.</p> <p>All electric design with heat pumps.</p> <p>Energy efficient active chilled beam solution.</p> <p>High efficiency LED lighting and smart lighting controls.</p> <p>These measures are further outlined in the accompanying Design for Environmental Performance Report. A condition has been recommended requiring compliance with the commitments specified in this report.</p>
3.7 Water and Flood Management	Yes	The site is identified as being on flood prone land. See discussion under response to Clause 7.15 above.
3.9 Heritage	Yes	Refer to discussion section below.
3.10 Significant Architectural Building Types	Yes	<p>The REVY A and B buildings comprise two Federation style warehouse buildings.</p> <p>The proposed development seeks to conserve both buildings and undertake a range of sympathetic alterations to allow the buildings to be upgraded for use as a modern and functional commercial office.</p> <p>The proposed alterations minimise alterations and visual obstruction of, or contact with, the original heritage fabric</p>

Provision	Compliance	Comment
		<p>and where possible, retain open internal spaces. It is noted that some of the original floorboards, joists and struts will be removed for the new lift/service core, however these will remain largely intact and will preserve the original warehouse character.</p> <p>Where possible, new enclosures are in the form of 'pods' with separate ceilings, set on a visibly different grid to that of the original structure. Where conventional partitioning is proposed it retains the legibility of the original structure and layout, minimises obstruction of internal views and is reversible and identifiably contemporary. The interior character and layout of REVY A and B will remain legible and substantially intact.</p> <p>Externally, the building's significant fabric and key building elements are retained. This includes the retention of the majority of existing windows, archway brickwork and external machinery. A small number of original timber windows located in the ground level archway in REVY A's east facade will be removed to create the proposed new entrance from Darling Island Road.</p> <p>The proposal will enable the adaptive re-use of the existing buildings and heritage fabric. The original fabric is generally retained across the site, with minor works proposed to facilitate the adaptive re-use of the existing buildings.</p>
3.11.3 Bike Parking and Associated Facilities	No, but considered acceptable	Refer to discussion below.
3.11.6 Service Vehicle Parking	Yes	The proposal seeks to retain the existing vehicular access driveway from Pirrama Road to provide access to a single loading dock with a turntable at the rear. All site servicing and refuse collection will be undertaken from this loading dock.

Provision	Compliance	Comment
		<p>A condition has been recommended requiring that on-site loading and unloading occurs only within the site. A further condition has been recommended requiring the submission of a Loading and Servicing Management Plan to the City for approval.</p>
<p>3.11.13 Design and Location of Waste Collection Points and Loading Areas</p>	<p>Yes</p>	<p>Waste storage for the development is located at basement level. The waste storage area is sufficiently sized for the scale of development proposed.</p> <p>All bins for the respective stream will be brought up to ground level via the dedicated waste lift. Waste collection will occur from the loading dock and the turntable will allow the waste truck to enter and exit the site in a forward direction.</p> <p>A condition is recommended requiring the submission of an updated Operational Waste and Recycling Management Plan.</p>
<p>3.12 Accessible Design</p>	<p>Yes</p>	<p>The application is accompanied by a BCA Report and Fire Safety Strategy. The applicant is seeking concessions to full compliance with the BCA due to the heritage constraints of the building (specifically fire protection measures). The applicant has advised that the building cannot be brought into full conformity with the BCA without removal, destruction or significant compromise to existing heritage fabric.</p> <p>The concessions sought are for fire resistance level provision of 90 minutes in lieu of 120 minutes, the use of existing combustible structure (heritage timber column and beams) in lieu of being non-combustible and the use of combustible external walls elements (heritage timber window frames, timber panelling above the loading dock areas) in lieu of being non-combustible.</p>

Provision	Compliance	Comment
		The City's Senior Building Surveyor has reviewed the accompanying documentation and advised the proposal can be supported, subject to recommended conditions.
3.13 Social and Environmental Responsibilities	Yes	The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.
3.14 Waste	Yes	A condition is recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.
3.16 Signage and Advertising	N/A	Signage is not proposed as part of this application.

Section 4 – Development Types

4.2 Residential Flat, Commercial and Mixed Use Developments

Provision	Compliance	Comment
4.2.1 Building height		
4.2.1.1 Height in storeys and street frontage height in storeys	Yes	<p>The site is permitted a maximum building height of five storeys and two storeys adjacent to the Jones Bay foreshore.</p> <p>The proposed development is compliant with the height in storeys control.</p>
4.2.1.2 Floor to ceiling heights and floor to floor heights	No, but considered acceptable	<p>The DCP requires a minimum floor to floor height of 4.5m for the ground floor and 3.6m on the commercial floors above.</p> <p>A floor to floor height of 3.84m is proposed for the ground floor and a varying height between 3.68m - 3.66m is proposed on the upper levels.</p> <p>The floor to floor heights relate to the existing floor to floor heights of the REVY A and B buildings. Building F provides a consistent floor to floor height</p>

Provision	Compliance	Comment
		<p>to enable level access between the new building and the existing REVY buildings.</p> <p>Given the heritage constraints of the site, the minor non-compliance at ground floor is considered acceptable.</p>
4.2.2 Building setbacks	Yes	<p>Along the Pirrama Road and Darling Island Road frontages, the new additions maintain the setting of the adjacent heritage items and are viewed as subservient, low scale additions.</p> <p>Building F provides the following setbacks to Jones Bay:</p> <ul style="list-style-type: none"> a 4.4m setback at ground level to Jones Bay a zero setback at first floor level a 30.4m setback at second floor level <p>The ground level setback is considered appropriate as it enables separation between the Jones Bay foreshore and allows for pedestrian access adjacent to the foreshore. The setback is sufficient to enable the opportunity for foreshore access (3 metres wide) in the event that the boardwalk is not delivered.</p> <p>At first floor level a zero setback is provided to Jones Bay. There is no consistent setback provided at 38 and 34 Pirrama Road, with existing buildings built to the edge of the foreshore. The provision of a zero setback at this level is considered acceptable, noting the glazed materiality of Building F is light weight and does not dominate with the REVY buildings.</p> <p>At second floor level, the built form is considerably set back from the boundary to maximise view retention to the upper levels of the REVY buildings when viewed from Jones Bay.</p>

Provision	Compliance	Comment
4.2.3 Amenity		
4.2.3.1 Solar access	Yes	<p>The application is accompanied by shadow diagrams taken at 9am, 12pm and 3pm on 21 June. The shadow diagrams indicate the following shadow impacts:</p> <p>At 9am - all additional shadows cast fall within the subject site and to the roof of the building located within Site D.</p> <p>At 12pm - all additional shadows cast fall within the subject site and to a small portion of the footpath located at the intersection of Pirrama Road and Darling Island Road.</p> <p>At 3pm - all additional shadows cast fall within the subject site and to a small portion of the footpath on Darling Island Road.</p> <p>The proposal maintains solar access to all adjoining residential dwellings.</p>
4.2.3.3 Internal common areas	Yes	All internal common areas, corridors and lift lobbies have access to daylight and an outlook.
4.2.3.4 Design features to manage solar access	Yes	<p>The existing heritage buildings located to the east and west of Building F provide passive shading to the facade of Building F.</p> <p>In addition, the facade of Building F comprises a glazed double skin ventilated cavity which includes a motorised shading device in the form of venetian blinds situated between the outer layer of the glazing and the inner facade of the building. The blinds will be motorised and controlled by sensors on the facade and will be deployed when solar gains reach a certain threshold which will act to reduce peak cooling loads and reduce overall heating and cooling energy.</p>

Provision	Compliance	Comment
4.2.3.5 Landscaping	Yes	<p>The application includes landscaping to its remodelled Darling Island Road frontage, as well as landscaping to the roof terrace located above Building F.</p> <p>A design modification condition has been recommended requiring the submission of amended architectural plans and an engineering report that makes allowance for the proposed green landscaped roof terrace, including the proposed structures, balustrade design and location of storage areas for loose furniture.</p> <p>Further conditions are recommended requiring amended landscape plans to be submitted to the City for approval detailing the works to the Darling Island Road frontage, as well as the Level 2 roof terrace.</p> <p>Heritage NSW has requested amended landscape drawings are submitted with the Section 60 documentation. The condition requires the applicant to ensure co-ordination with the City's requirements for additional landscape documentation to ensure there are no inconsistencies.</p>
4.2.3.6 Deep Soil	No, but considered acceptable	<p>The proposal provides 3 per cent deep soil provision.</p> <p>Given the lack of existing deep soil provision provided at the site due to the site's historical industrial use, non-compliance with the 10 per cent deep soil control of the SDCP 2012 is supportable in the circumstances of the site.</p> <p>Additional deep soil provision is provided on Site E (D/2021/1182) which is considered to assist in offsetting the non-compliance on the subject site.</p>

Provision	Compliance	Comment
4.2.3.11 Acoustic privacy	Yes	<p>The application is accompanied by an acoustic report. It is noted that there are a number of residential receivers within proximity of the site.</p> <p>Likely emissions from the proposed development include noise from rooftop plant, the Mechanical Plant Pavilion fronting Darling Island Road and Pirrama Road, construction noise and noise associated with the commercial use of the building, including from the roof terrace.</p> <p>A condition is recommended requiring that all relevant performance parameters in the accompanying acoustic report are implemented in the development prior to the commencement of its use. The condition also requires that a written Acoustic Verification Report is provided prior to the issue of any Occupation Certificate.</p> <p>At this stage, plant equipment has not been selected. A condition is recommended requiring the noise from any commercial plant to not exceed the relevant requirements of the NSW EPA Noise Policy for Industry 2017 (NPfI).</p> <p>In relation to construction noise, recommended conditions have been provided.</p> <p>Regarding the use of the roof terrace, a condition is recommended limiting the use of the roof terrace between the hours of 7am and 8pm, Monday to Saturday in order to protect the amenity of nearby noise sensitive receivers.</p>
4.2.6 Waste and recycling Management	Yes	<p>A condition is recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.</p>


Provision	Compliance	Comment
4.2.9 Non-residential development in the B4 Mixed Uses Zone	Yes	Subject to conditions, the development will not adversely impact the amenity of neighbouring residential properties.

Discussion

Pymont Peninsula Place Strategy

51. The site is located within the area covered by the Pymont Peninsula Place Strategy (PPPS) and is identified within the Darling Island sub-precinct. The PPPS was endorsed by the Minister for Planning and Public Spaces in December 2020. It is a framework to guide growth and change across the Pymont Peninsula (peninsula) over the next 20 years and aims to balance new development with the area's character, amenity and heritage.
52. It is understood that as a result of the PPPS, a review of the LEP provisions and controls that apply to this site will occur. At the time of assessment, these strategic reviews do not have any statutory weight in the consideration of this development application. Any amendments to the planning controls resulting from the PPPS are not yet in a proposed public instrument that is, or have been, the subject of public consultation and notified. As such, any subsequent future changes to the planning controls that may arise from this review cannot be considered a matter for consideration at this time under Section 4.15(1)(a)(ii) of the EP&A Act.
53. Notwithstanding, an assessment against the relevant provisions of the Darling Island Place Priorities within the PPPS is undertaken below.

Place Priority	Comment	Compliance
3. Create new or adapt space in older buildings for new workplaces and look to diversify Darling Island's tourism and visitor offerings.	The proposed development adaptively reuses the REVY buildings as office space, while also creating new additions that will provide high quality workspaces and opportunities for public engagement.	Yes
4. Protect views to and from the harbour and from higher points such as Harris Street and Distillery Hill, including from public areas.	The height, bulk and scale of the new additions are lower than REVY A and B and they do not obstruct views to the harbour from higher points or views from the harbour to the upper levels of the REVY buildings. The proposed additions have been designed to maintain the visual prominence of REVY A and B.	Yes

Place Priority	Comment	Compliance
<p>5. Create a continuous harbour foreshore walk, including the section around Jones Bay Wharf, and include clear wayfinding.</p>	<p>The below figure is taken from the PPPS and identifies the desire for the final links of the Sydney Harbour foreshore link to be secured across the site.</p> <p>As discussed earlier in this report, the site does not currently provide public foreshore access, however a boardwalk has been approved by TfNSW which will provide foreshore access across Jones Bay.</p> <p>In the event that the approved boardwalk is not delivered, a condition has been recommended requiring that public access is provided within the subject site and is secured via an easement for public access.</p> <p>Similarly worded conditions (which require a 3 metre wide easement for public access) are recommended for the development applications for Site E (D/2021/1182) and Site D (D/2021/1507). This will enable continuous foreshore access to be provided in the event that the boardwalk is not delivered.</p> <p>In the event that the boardwalk is delivered, the easement for public access through the subject site will not be required. The condition is appropriately worded to allow for flexibility in either circumstance.</p>  <p>Figure 48: Map showing location of final links within the harbour foreshore walk (red star in approximate location of the site)</p>	<p>Yes</p>

Discussion

Design Evolution

54. Prior to the lodgement of the application, the applicant undertook extensive pre-development application consultation with the City, Heritage Council Approvals Committee (HCAC) and the HCAC subcommittee which was formed to guide the design development. The below section discusses the evolution of the design at pre-development application stage in response to this feedback.

Initial preliminary scheme

55. Photomontages of the initial preliminary scheme are provided below.



Figure 49: Preliminary scheme - view from Jones Bay Wharf



Figure 50: Preliminary scheme - view from Jones Bay Wharf



Figure 51: Preliminary scheme - view from Darling Island Road

56. At the initial pre-development application meeting City officers raised concerns with the design of the preliminary scheme which obscures the principal elevation of the existing REVY A and B buildings from the foreshore as well as the size of the pavilions along the site's Darling Island Road and Pirrama Road frontages.
57. City officers requested the design team explore other options to situate the additional built form, including locating the new addition within Site E, adjacent to the REVY A building. The applicant confirmed that additional built form on Site E had not been considered as they do not wish to surrender the extant development consent on Site E (which approves an eight storey residential flat building development).

Amended preliminary scheme

58. The amended preliminary scheme (shown below) was developed following feedback from the City, the HCAC and the HCAC subcommittee.



Figure 52: Amended preliminary scheme - view from Jones Bay Wharf

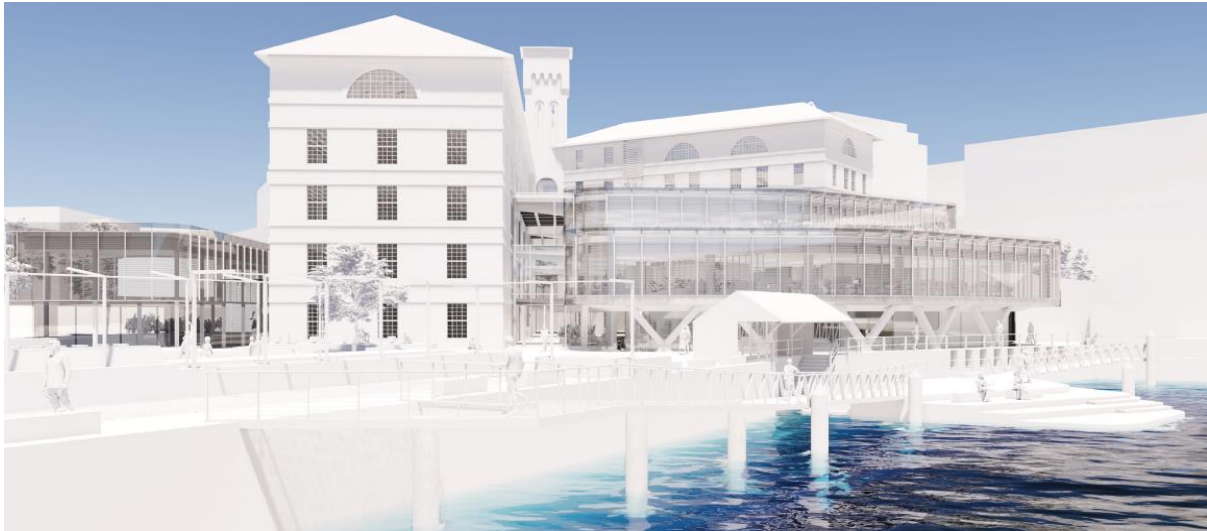


Figure 53: Amended preliminary scheme - view from Jones Bay



Figure 54: Amended preliminary scheme showing massing of pavilion additions on Darling Island Road

59. The amended preliminary scheme identifies Building F as a more soft, simple addition which provides for increased permeability at ground floor. The change in materiality and reduced height of Building F allows for an increased visibility of the REVY buildings behind.
60. At the second pre-development application meeting City officers acknowledged the amended scheme is an improvement from the initial preliminary scheme and appears less bulky, with less visual impact. Officers raised concerns about external passive sun control measures and the inclusion of additional ad-hoc pergolas at roof level to provide shade cover.

Final preliminary scheme

61. The further amended preliminary scheme (shown below) was developed following additional feedback from the City, the HCAC and the HCAC subcommittee. When presenting this scheme, the applicant advised that the HCAC had provided full, in principle support, subject to minor development of design details.



Figure 55: Final preliminary scheme (with massing of the amended preliminary scheme identified in red) - view from Jones Bay Wharf

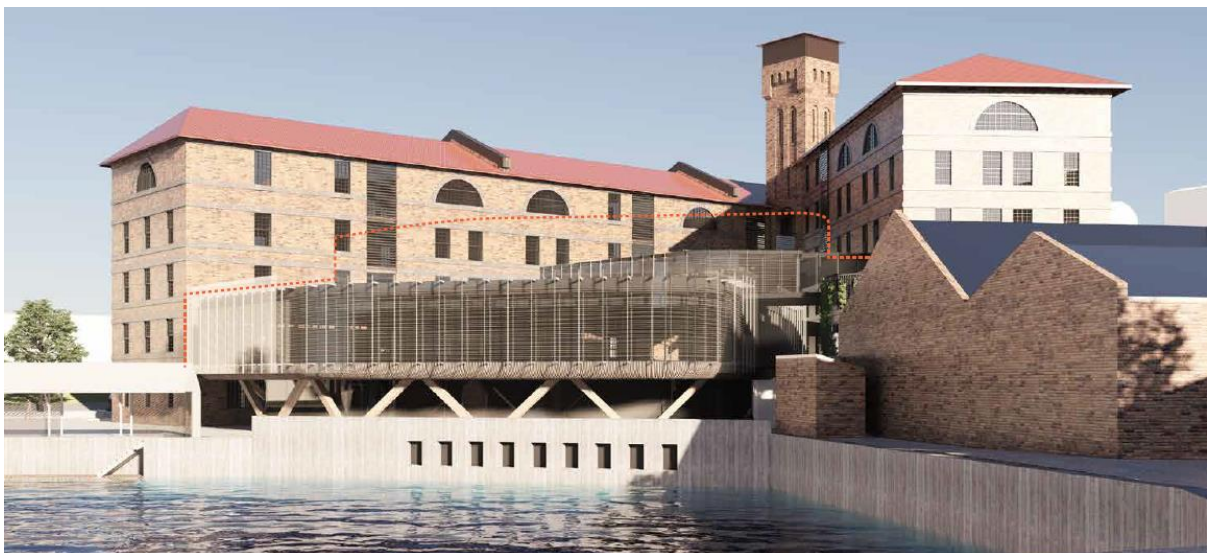


Figure 56: Final preliminary scheme (with massing of the amended preliminary scheme identified in red) - view from Jones Bay Wharf



Figure 57: Final preliminary scheme showing massing of pavilion additions on Darling Island Road

62. The principal changes in this scheme include:
- Building F incorporates three levels, with the third storey provided with a reduced footprint.
 - The scale of the pavilions has been reduced and the Tech Pavilion has been partially submerged into the ground.
 - The Tech Pavilion is highly glazed to allow views into the REVY A building.
 - The Mechanical Plant Pavilion has a green aesthetic.
63. The proposed development the subject of this development application is generally consistent with the final preliminary scheme detailed in the figures above.

Design Advisory Panel

64. The application was reviewed by the City's DAP on 25 November 2021. The panel did not support the proposal. It should be noted that under its Terms of Reference the purpose of the panel is to provide advice to inform the assessment process.
65. A response to the DAP's comments is provided below.

- (a) *The Panel were unanimous in rejecting the proposal. It has fundamental design issues and does not respect the heritage buildings or the significance of the site on the harbour front.***

Response: The applicant facilitated a number of pre-development application discussions with the Heritage NSW (the responsible heritage authority for State listed sites) and the City which included over 14 separate meetings, site visits and workshops and several design iterations. As further detailed in the section above, compared with the initial pre-development application scheme, the building scale and mass has been substantially reduced to ensure the proposed additions are subservient and respectful of the existing REVY buildings.

The following design iterations were tested and refined during the pre-development application process:

- The height and scale of Building F was reviewed and it was agreed by Heritage NSW that a maximum two-storey frontage along the Jones Bay frontage was appropriate and supportable.
- The roofscape of Building F was considered and it was agreed that a significantly setback third storey was appropriate while supporting workplace connectivity requirements.
- To reduce the impact on significant views from the foreshore, plant and equipment was relocated from the rooftop of Building F to the Mechanical Plant Pavilion located on the corner of Pirrama Road and Darling Island Road.
- During discussions with Heritage NSW, the two storey Tech Pavilion was reduced in size and has been sunken into the ground to reduce the visual impact on the REVY A building.

The architectural composition of the new buildings was discussed with the Heritage NSW and the City at pre-development application stage. Initial design responses were considered to be unnecessarily provocative in form and materiality. Direction was provided by the Heritage NSW to adopt a more subservient and modest relationship through the simplification of the geometry and the adoption of a more transparent, lightweight and contrasting expression. At the encouragement of Heritage NSW, the new building adopts an elevated, sculptural, and highly glazed expression as a clear counterpoint to the rectilinear materiality of the heritage buildings.

In its current form, the proposal is considered to be sympathetic to the site and existing buildings. Specifically:

- The proposed additions do not dominate or compete with buildings A and B; the additions are all subservient in scale, design, and materiality.
- Building F is primarily a two-storey light timber and glass structure located between the existing buildings. It presents as an elevated form above the central yard, supported on structural V-columns echoing the industrial heritage of the wharf and the structure of the REVY buildings.
- The building internally is opened out to enhance appreciation of the yard's extent, character, and use. The former trolley tracks are interpreted in both external paving and internal flooring.
- The Tech Pavilion is partly subterranean to reduce height, with a highly transparent flat-roofed structure above ground.
- The Mechanical Plant Pavilion is presented with a green screen that softens its appearance to the REVY buildings behind.

(b) *The Panel believes the planning and expression of the new building to be unsympathetic to this important heritage building, and questions infilling the space between the two arms of the Revy Building.*

Response: The applicant has stated that the rationale for the preferred location of the additional floorplate elements between the two arms of REVY A and B is driven by spatial requirements and connectivity outcomes to meet the needs of the contemporary workplace, but also relate to the ability to create connectivity through existing openings in the heritage facade.

Locating the addition on Site E was considered by the applicant, however was rejected due to poor connectivity and flow between the buildings which was not considered to meet the requirements of a contemporary workplace. Refer to the figures below which depict the connectivity opportunities presented with the location of the additional built form within the centre of the site, compared with locating the building on Site E.

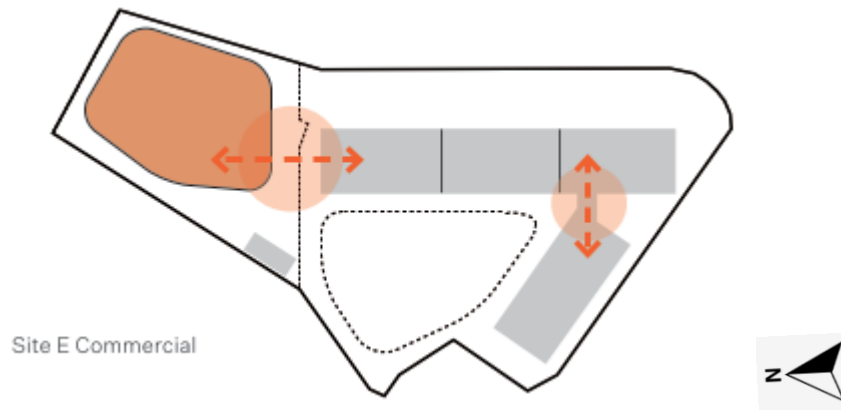


Figure 58: Connectivity across the site with the additional built form located on Site E

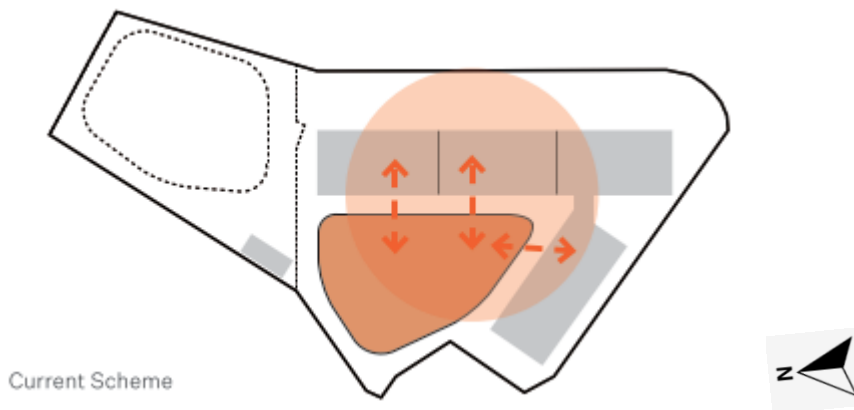


Figure 59: Siting of Building F in its proposed location enables enhanced connectivity across the site and between the buildings

In terms of the impact of the siting Building F within this centralised location, it is acknowledged that the original relationship of the REVY buildings to the foreshore was indirect due to the presence of the 'cooperage' building formerly located along the site's edge which reduced the extent of the harbour shoreline (refer figure below).

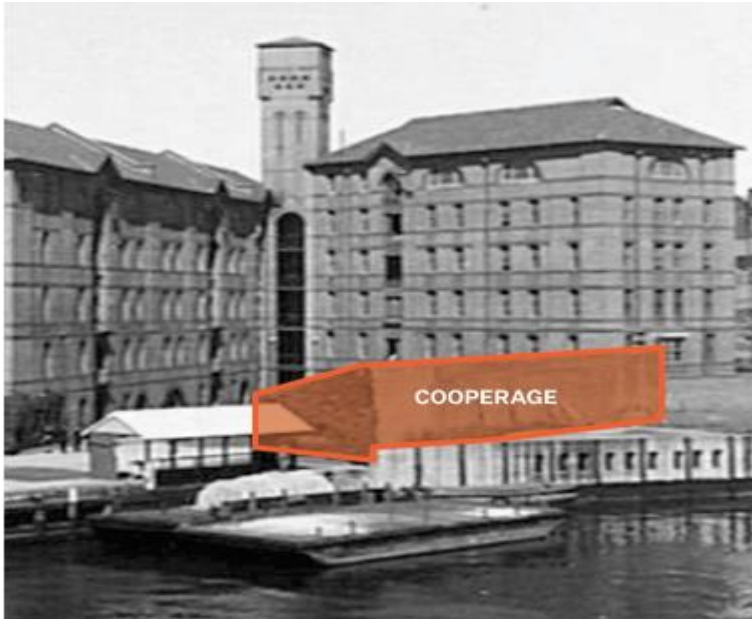


Figure 60: Historical view of REYV from Jones Bay showing the cooperage building

The historical central yard was primarily used as an internal working yard, with no direct relationship to the water's edge. Since the cessation of the industrial use of the site, the building functioned as an office space, with the central yard used as a parking lot.

The proposal seeks to infill this area with Building F. Building F has been designed as a translucent, contemporary and visually elevated structure which is subservient to the original buildings. Building F seeks to refer to the REYV buildings through colour and the use of timber in the form of V-columns with steel bases, echoing the internal warehouse structure. The design expression of Building F is considered appropriate and sympathetic to the heritage character and significance of the site and existing buildings.

Further, it is acknowledged that the Heritage Council of NSW formed a subcommittee to work through the proposal, have supported the amended proposal, and have granted General Terms of Approval for the subject application, as well as for the applications on Site D (D/2021/1507) and Site E (D/2021/1182).

- (c) ***The ambition to create a world class workplace is supported but the proposal in its current form does not demonstrate design excellence or provide the innovative workspaces that should be expected of Google.***

Response: A discussion regarding design excellence is provided in the response to Clause 6.21C of the Sydney LEP 2012. In summary, the proposed development is considered to demonstrate design excellence.

(d) *The proposed floodgates are not acceptable.*

Response: The application has provided a site-specific flood assessment which advises that the boundary levels along both the street frontages to the site are above the PMF level. Notwithstanding, the applicant wishes to retain the proposal for flood gates for additional protection. The proposed flood gates are within the property boundary. The City's Public Domain and Water Assets team support the proposed use of floodgates, noting the proposed development complies with the City's flood planning policies without relying on floodgates.

On this basis, the provision of floodgates for additional protection is supported.

(e) *The Panel recommended developing a masterplan which includes the other sites (including sites D and E). The development of the masterplan should include careful analysis of the site and respect for the heritage / architectural quality of the buildings.*

Response: The City has no recourse to require the applicant to develop a masterplan for the sites. The applicant is entitled to lodge the development applications separately, noting there is no requirement for a DCP / Concept development application to be submitted given the size of each site is less than 5,000sqm.

As discussed above, the applicant has engaged in extensive pre-development application consultation with the City, the HCAC and Heritage NSW itself. At pre-development application stage, the applicant was clear in confirming that there would be separate applications lodged for the various parts of the site.

To ensure the proposed works on Site D (D/2021/1507) and Site E (D/2021/1182) are delivered concurrently with this application, a condition is recommended requiring that works associated with these development applications are substantially completed prior to the issue of any Occupation Certificate for the subject application. This condition will ensure that the public benefits of the proposal as a whole is guaranteed by linking the three separate development applications.

(f) *The Panel noted the importance of maintaining a continuous publicly accessible harbour foreshore as articulated in the PPPS. Public easement should be preserved. Privatisation of the foreshore contravenes the Planning Minister's public statements on the provision of a continuous public harbour foreshore walk.*

As discussed earlier, a separate development application has been approved by TfNSW in relation to the provision of a boardwalk to provide continuous foreshore access across the wider site, as anticipated in the PPPS.

Appropriately worded conditions of consent are recommended requiring an easement for public access is provided within the subject site in the event that the boardwalk is not delivered.

Bicycle Parking and End of Trip Facilities

66. Bicycle parking and end of trip facilities for the proposed development is to be provided principally within the future building on Site D (D/2021/1507).

- 67. The requirement for bicycle parking and end of trip facilities for the combined development (the subject application and D/2021/1507) is 63 staff spaces, 24 visitor spaces, 9 showers / change cubicles and 86 personal lockers.
- 68. A breakdown of the proposed split of the bicycle parking and end of trip facilities across both the subject site and Site D is provided in the table below.

	Sydney DCP Requirement	Subject Site (D/2021/1058)	Site D (D/2021/1507)	Total	Shortfall
Employee bicycle parking	63	24	32	56	7
Visitor bicycle parking	24	4	0	4	20
Shower and change cubicles	9	0	5	5	4
Lockers	87	0	30	30	57

- 69. The figure below identifies the location of bicycle parking across the subject site. The employee spaces are adjacent to Building D and will be accessible via Building D, from Pirrama Road. The four visitor spaces are accessible from Darling Island Road.

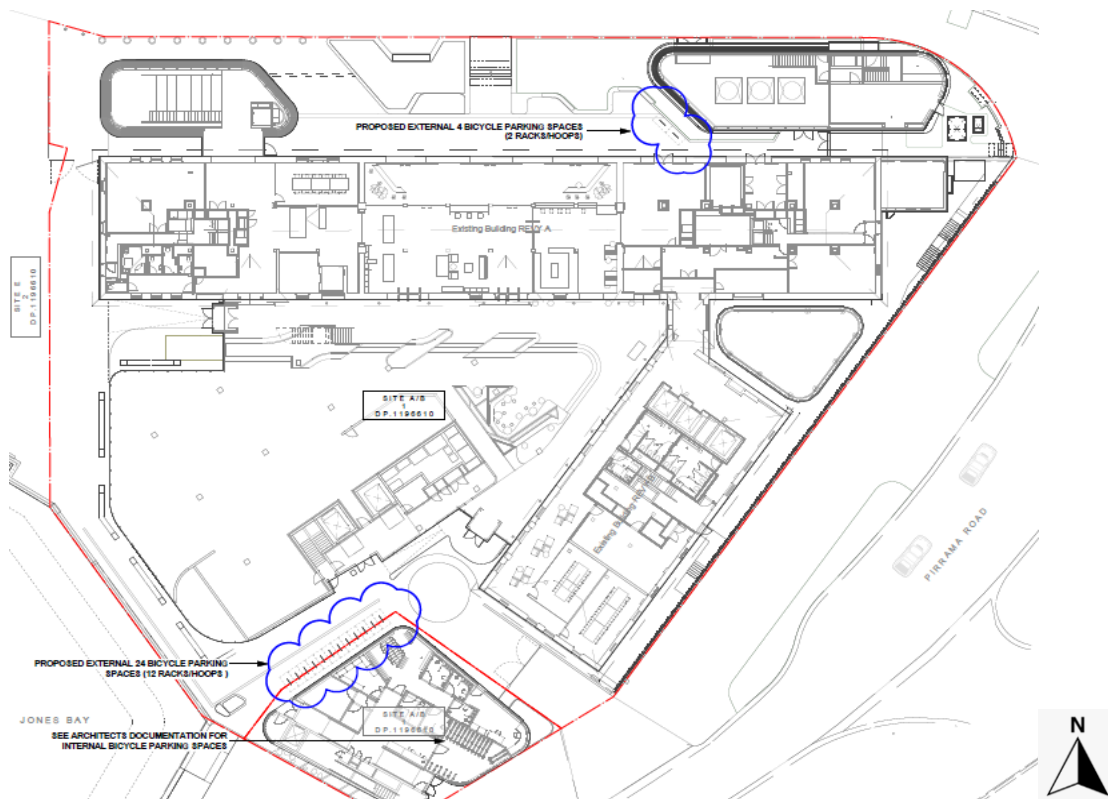


Figure 61: External bicycle parking plan

70. The proposed ground floor plan of Building D is provided in the figure below and identifies the location of the end of trip facilities, lockers and additional bicycle parking spaces.



Figure 62: Proposed ground floor plan of Site D

71. During the assessment of the application the applicant was requested to provide additional bicycle parking spaces within the subject site to enable full compliance with the DCP. Amended plans were received which subsequently increased the bicycle provision within the subject site, but full compliance with the DCP has not been achieved.
72. A condition is recommended requiring that an additional seven bicycle spaces are provided within the subject site to enable a fully compliant quantum of employee bicycle parking spaces to be provided across both the subject site and Site D (i.e., a total of 63 spaces). The condition requires the additional spaces are located within close proximity of Site D to enable ease of access to the end of trip facilities.
73. In addition, a further condition is recommended for D/2021/1507 requiring that a minimum of 63 lockers are provided within Building D. This will allow provision of a locker for every employee bicycle space.

74. Consequently, the proposal results in a shortfall of 20 visitor bicycle spaces, 24 lockers and four shower/ change cubicles. The shortfall across the subject site and Site D is considered acceptable for the following reasons:
- Due to the heritage constraints of the site, there is limited availability to provide additional visitor bicycle parking within an accessible location, near to the proposed building's entry.
 - The provision of lockers is commensurate with the quantum of employee bicycle spaces provided (i.e., 63 spaces). Additional lockers for visitors are not considered appropriate given access into the designated locker room within Site D will be restricted to Google employees only.
 - Similarly, the provision of shower / change cubicles is aligned with the quantum of employee bicycle parking spaces. The five shower cubicles proposed equates to a cubicle provided for every 11 employee bicycle spaces (noting the DCP requires a shower / change cubicle for every 10 bicycle parking spaces). The minor non-compliance is considered acceptable in this instance.

Consultation

Internal Referrals

75. The application was discussed with Council's:
- (a) Building Services Unit;
 - (b) Environmental Health Unit;
 - (c) Licenced Premises Unit;
 - (d) Heritage and Urban Design Unit;
 - (e) Public Domain Unit;
 - (f) Safe City Unit;
 - (g) Surveyors;
 - (h) Transport and Access Unit;
 - (i) Tree Management Unit; and
 - (j) Waste Management Unit.
76. The above advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Notice of Determination.

External Referrals

Department of Planning and Environment

77. Pursuant to Section 10.28 of SEPP (Biodiversity and Conservation) 2021, the application was referred to the Foreshores and Waterways Planning and Development Advisory Committee on 1 October 2021.
78. On 2 February 2022, written confirmation was provided by the Chair of the Committee advising that the Committee raises no specific issues in relation to the proposed development and provides no comment.

Ausgrid

79. Pursuant to Section 2.48 of the SEPP (Transport and Infrastructure) 2021, the application was referred to Ausgrid for comment on 1 October 2021.
80. A response was received raising no objections to the proposed development.

Heritage NSW

81. Pursuant to the Heritage Act 1977, the application was referred to Heritage NSW on 1 October 2021 for concurrence.
82. Copies of public submissions made to the City of Sydney during the notification period were forwarded to the Heritage NSW on 1 November 2021.
83. Final General Terms of Approval were issued by Heritage NSW on 7 November 2022 and have been included in the schedules within the recommended conditions of consent.

Water NSW

84. Pursuant to Section 90(2) of the Water Management Act 2000, the application was referred to Water NSW for concurrence on 1 October 2021.
85. Copies of public submissions made to the City of Sydney during the notification period were forwarded to Water NSW on 01 November 2021.
86. General Terms of Approval were issued by Water NSW on 23 June 2022 and have been included in the schedules within the recommended conditions of consent.

Sydney Water Corporation

87. Pursuant to Section 78 of the Sydney Water Act 1994, the application was referred to Sydney Water Corporation for comment on 1 October 2021.
88. A response was received on 9 November 2021 raising no objections to the proposed development, subject to recommended conditions.

Advertising and Notification

89. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified for a period of 28 days between 1 October 2021 and 30 October 2022. A total of 572 properties were notified and five submissions were received.

90. The submissions raised the following issues:

- (a) **Issue:** Potential noise impact from the Mechanical Plant Pavilion which will impact amenity of near residential receivers.

Response: A condition is recommended requiring that all relevant performance parameters in the accompanying acoustic report are implemented in the development prior to the commencement of its use. The condition also requires that a written Acoustic Verification Report is provided prior to the issue of any Occupation Certificate.

At this stage, plant equipment has not been selected. A condition is recommended requiring the noise from any commercial plant to not exceed the relevant requirements of the NSW EPA Noise Policy for Industry 2017 (NPfI).

- (b) **Issue:** Vibration associated with the excavation of the planned basement and all construction works associated with the new building should minimise vibration.

Response: A condition is recommended requiring that the works comply with the recommendations on vibration impacts discussed in the accompanying acoustic report. In addition, the applicant has advised that a Construction Noise and Vibration Management Plan will be developed and implemented during construction works.

- (c) **Issue:** Trucks associated with construction should primarily use Pirrama Road and not Darling Island Road for their entry and exit to reduce vibration and amenity impacts on residents within the REVY C building.

Response: A condition is recommended requiring that a Construction Traffic and Pedestrian Management Plan must be submitted to and approved by the City. A review of the proposed location of construction driveways and access routes will be undertaken at this stage.

- (d) **Issue:** There should be an attempt to minimise dust during construction works, as well as asbestos.

Response: Conditions of consent are recommended relating to vehicle cleansing, the covering of loads and asbestos removal works.

- (e) **Issue:** Any building works are to occur within the approved hours of operation and these should be clearly marked around the site, as well as to whom any complaints should be directed.

Response: A condition is recommended requiring adherence to the City's standard hours of construction and work which is limited to between 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on workdays, and no work to be carried out on Sundays or public holidays.

A site board will need to be erected during demolition and construction works and will identify the principal contractor and their contact details.

- (f) **Issue:** The café is to be used by Google staff and not for use as a public café. This is supported and any change should require a separate DA to be submitted.

Response: The applicant has confirmed that the ground floor café is to be used for Google employees and invited visitors only. A recommended condition of consent is recommended restricting the use of the café to employees and invited visitors only.

- (g) **Issue:** The roof terrace is to be used by staff and should not be used for functions which would generate unacceptable noise. This should be a condition of approval.

Response: A recommended condition of consent has been include limiting the hours of operation of the roof terrace between 7am and 8pm, Monday - Saturday and restricting access to staff members and invited visitors only.

- (h) **Issue:** Installation of an electric vehicle facility should be provided within Darling Island Road for visitors to the site.

Response: There is no requirement for the installation of an electric vehicle facility within Darling Island Road. The site is within a highly accessible location, nearby to a range of public transport, pedestrian and cycling connections. It is expected that employees and visitors to the site would travel by public transport, on foot or via bicycle.

- (i) **Issue:** The proposed development provides limited opportunities to access the foreshore in the event that the boardwalk is not approved. It is unclear how the general public will be able to access the waterfront if the boardwalk if not constructed.

Response: As discussed in the report, a separate development application has been approved by TfNSW in relation to the provision of a boardwalk to provide continuous foreshore access across the wider site, as anticipated in the PPPS.

Appropriately worded conditions of consent are recommended requiring an easement for public access is provided within the subject site in the event that the boardwalk is not delivered.

- (j) **Issue:** The use of exotic species in the landscaping of the site, the pavement and the rooftop garden of Building F is not supported. Additional large canopy trees should be planted. The use of artificial grass as an infill material is not supported on the basis that it incorporates a range of contaminants that can leach into rainwater runoff. The use of concrete for paths should be kept to a minimum and gravel and other permeable materials be used to encourage the infiltration of water. This pertains also to the rooftop garden paths.

Response: The landscape documentation submitted with the application is not approved and conditions of consent are recommended requiring additional landscape documentation to be submitted to both the City and Heritage NSW. The comments regarding artificial grass and permeable paving are noted. Due to the heritage constraints of the site, the planting of additional large canopy trees is not supported.

- (k) **Issue:** Google should liaise with the City of Sydney and the Local Area Command with regard to providing the optical communications infrastructure required to support the installation of exterior CCTV within the site, close to the Arrow Marine Building to assist in the monitoring of the behaviour of guests emanating from outside the venues operated by Doltone House.

Response: It is considered unnecessary and onerous to require the applicant to provide CCTV monitoring to the adjoining venues operated by Doltone House. This is beyond the scope of the subject application.

- (l) **Issue:** Remnant heritage fabric should be re-used / salvaged. If not re-purposed for Google buildings, then a third-party should be investigated and proposed to conserve and reuse these elements.

Response: A condition has been included by Heritage NSW as part of their GTAs requiring that a salvage schedule is provided which lists the heritage fabric proposed for removal. The schedule is to be provided with the Section 60 application for approval by Heritage NSW.

- (m) **Issue:** Lighting design should not light up any mature trees after dark for bird and bat night habitat and nesting.

Response: The Lighting Strategy prepared by Arup identifies low level lighting to plants on the roof terrace. It not proposed to illuminate up any mature trees.

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

91. The development is subject to a Section 7.11 development contribution under the provisions of the City of Sydney Development Contributions Plan 2015.
92. Credits have been applied for the most recent approved use of the site which relates to a commercial office premises.
93. A condition relating to this development contribution has been included in the recommended conditions of consent in the Notice of Determination. The condition requires the contribution to be paid prior to the issue of a construction certificate.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

94. The site is located within the Ultimo/Pymont affordable housing contribution area. As the proposed development includes additional floor space, a contribution is required at a rate of \$49.73 per square metre of total non-residential floor area (4000sqm) totalling \$198,920. A condition of consent is recommended requiring payment prior to the issue of a construction certificate.

Contribution under Environmental Planning and Assessment (Special Infrastructure Contribution - Pymont Peninsula Metro) Determination 2022

95. The site is located within the Pymont Peninsula Special Contributions Area and is identified as an urban intensification site.

96. A condition of consent has been included requiring the payment of the Special Infrastructure Contribution. The condition requires that a person must, in connection with an application for a construction certificate relating to development the subject of this development consent, provide the certifier with written evidence from the Department of Planning and Environment that the special infrastructure contribution for the development (or that part of the development for which the certificate is sought) has been paid.

Relevant Legislation

97. Environmental Planning and Assessment Act 1979.
98. Heritage Act 1977.

Conclusion

99. The application seeks consent for the adaptive re-use of the existing REVY A and B buildings as a commercial premises and the construction of four new additions which adjoin the REVY buildings.
100. The development has been the subject of extensive pre-development application consultation with the City and Heritage NSW which has included 14 separate meetings, site visits and workshops and several design iterations. As a result of feedback provided at pre-development application stage by City officers, the HCAC and the HCAC subcommittee (which was formed to guide the design of the development), the proposed scale and mass of the development was substantially reduced to ensure the proposed additions are subservient and respectful of the existing REVY buildings.
101. The application comprises Integrated Development, requiring approval of Heritage NSW under the Heritage Act 1977 and approval of Water NSW under the Water Management Act 2000. General Terms of Approval have been issued by Heritage NSW and Water NSW and form part of the recommended conditions in Attachment A.
102. The proposal is consistent with the permitted height and FSR controls outlined in the Sydney LEP 2012 and does not result in significant adverse amenity impacts in terms of amenity to the existing developments in the vicinity. The proposal demonstrates design excellence as required by Clause 6.21C of the Sydney LEP 2012.
103. The proposed development is generally compliant with the relevant planning controls in the Sydney DCP 2012. Proposed variations to the controls have been identified in the assessment report and are considered acceptable, subject to conditions.
104. The proposal will provide for additional commercial floorspace in Pyrmont and within a highly accessible location nearby to existing and planned employment, services, public transport infrastructure and community facilities. The proposal is consistent with the objectives of the B4 Mixed Use zone.

105. As a result of public notification, five submissions were received. The concerns raised in this submission have been adequately addressed by the applicant, as discussed within this report.
106. All matters raised by internal and external referrals have been adequately addressed, as discussed within this report.
107. Subject to conditions, the development is in the public interest and is recommended for approval.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

Lotti Wilkinson, Senior Planner