

**ITEM 12. DEVELOPMENT APPLICATION: 38 - 42 PIRRAMA ROAD
PYRMONT - REVY DEVELOPMENT**

FILE NO: D/2008/597

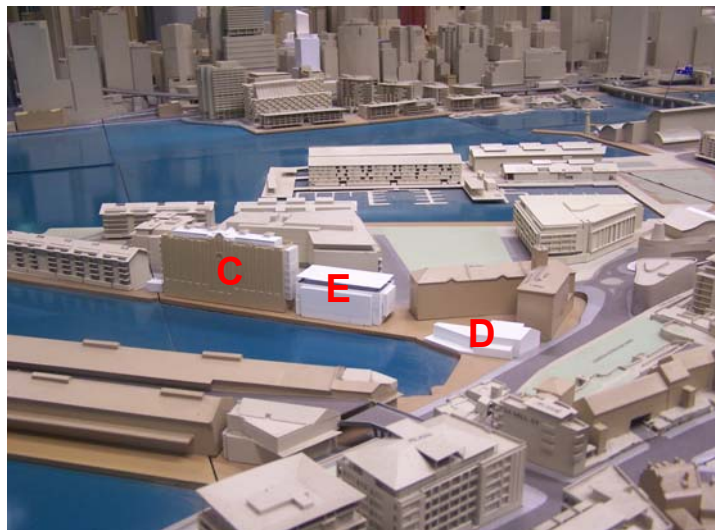
SUMMARY

Date of Submission: 18 April 2008, amended plans received 4 August 2008.

Applicant: Citta Property Group

The proposal consists of the refurbishment of an existing heritage building (Building C) and envelope and concept approvals for two proposed future buildings (Building D & E).

A photograph of the model is shown below:



The Stage 1 proposal for commercial development specifically comprises of:

- Detailed proposal for the refurbishment of existing Building C (commercial use), including additional mezzanine and roof levels, new services and new external balcony areas.

Summary (Continued)

- Demolition of Building D and envelope and concept proposal for a two/ three storey replacement building for commercial use.
- Demolition of Building E and envelope and concept proposal for a five storey replacement building with basement car parking for commercial use.
- Extension of the public access along the waterfront.

Because the proposal is a Stage 1 DA, the external architectural details of buildings D & E are indicative only.

Seventeen submissions were received in regard to the original proposal mainly relating to traffic, open space and views.

The applicant was requested to amend the proposal to address urban design issues, mainly related to the footprint of Building E (the two storey podium) located on Darling Island Road. The amended drawings were renotified. Seven submissions were received with these comments related to traffic.

The DA is integrated development and concurrence has been received from the Department of Water and Energy for the proposal.

The proposal is generally compliant with the height limit and FSR controls being 1.96:1 (2.5:1 permitted) and 21 m (21 m permitted). Building E is required to be reduced by 1 m to comply. The proposal will not result in significant additional overshadowing or have a negative visual impact to the streetscape.

A Section 94 contribution of \$200, 539.30 and Affordable Housing Contribution of \$51, 652.25 is payable for the additional floor space of Building C. Section 94 and Affordable Housing Contributions will be levied at Stage 2 for Buildings D & E.

Summary Recommendation:

The development application is recommended for approval subject to conditions including some minor changes to ensure the curvature of the footprint of building E, a 1m reduction in height and a reduction in the size of balconies/ wintergardens for building C.

Attachments:

A - Building C Drawings

B - Building E Drawings

C - Building D Drawings

RECOMMENDATION

It is resolved that consent be granted subject to the following conditions:

SCHEDULE 1A

Approved Development/Design Modifications/Covenants and Contributions/Use and Operation

Note: Some conditions in Schedule 1A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2008/597 dated 18 April 2008 and amended 4 August 2008 and the following drawings:

Drawing Number	Architect	Date
DA.00 -2 Site Plan – Building C Complete (Stage 1) Rev B	PTW Architects	31/07/2008
DA.00 – 3 BLGS C, D & E (Staged DA Complete) Rev B	PTW Architects	31/07/2008
DA.02 Proposed Ground Level REVY Building C	PTW Architects	31/07/2008
DA.03 Mezzanine Level (Existing and Proposed) Rev B REVY Building C	PTW Architects	31/07/2008
DA.04 Level 1 Plan (Existing and Proposed) Rev B REVY Building C	PTW Architects	31/07/2008

Drawing Number	Architect	Date
DA.05 Level 2 Plan (Existing and Proposed) Rev B REVY Building C	PTW Architects	31/07/2008
DA.05 Level 2 Plan (Existing and Proposed) Rev B REVY Building C	PTW Architects	31/07/2008
DA.06 Level 3 Plan (Existing and Proposed) Rev B REVY Building C	PTW Architects	31/07/2008
DA.07 Level 4 Plan (Existing and Proposed) Rev B REVY Building C	PTW Architects	31/07/2008
DA.08 Level 5 Plan (Existing and Proposed) Rev B REVY Building C	PTW Architects	31/07/2008
DA.09 Level 6 Plan (Existing and Proposed) Rev B REVY Building C	PTW Architects	31/07/2008
DA.10 Level 7 Plan (Existing and Proposed) Rev B REVY Building C	PTW Architects	31/07/2008
DA.11 Level 8 Plan (Existing and Proposed) Rev B REVY Building C	PTW Architects	31/07/2008

Drawing Number	Architect	Date
DA.12 Roof Plan (Existing and Proposed) Rev B REVY Building C	PTW Architects	31/07/2008
DA.14 Proposed West Elevation Rev B REVY Building C	PTW Architects	31/07/2008
DA.16 Proposed East Elevation Rev B REVY Building C	PTW Architects	31/07/2008
DA.17 North Elevation (Existing and Proposed) Rev B REVY Building C	PTW Architects	31/07/2008
DA.18 South Elevation (Existing and Proposed) Rev B	PTW Architects	31/07/2008
DA.21 Section B (Existing and Proposed) Rev B REVY Building C	PTW Architects	31/07/2008
DA.23 Proposed Landscaping Building C Rev B	PTW Architects	31/07/2008
DA.30 Details Sheet Rev B REVY Building C	PTW Architects	31/07/2008

Drawing Number	Architect	Date
E- 01 Proposed Lower Level Carpark Rev B REVY Building E	PTW Architects	31/07/2008
E- 02 Proposed Ground Level Rev B REVY Building E	PTW Architects	31/07/2008
E – 03 Proposed Typical Level Rev B REVY Building E	PTW Architects	31/07/2008
E – 04 Proposed Top Level Rev B REVY Building E	PTW Architects	31/07/2008
E – 05 Proposed Roof Level Rev B	PTW Architects	31/07/2008
E – 06 Proposed West Elevation Rev B REVY Building E	PTW Architects	31/07/2008
E – 07 Proposed East Elevation Rev B REVY Building E	PTW Architects	31/07/2008
E – 08 Proposed North and South Elevations Rev B REVY Building E	PTW Architects	31/07/2008

Drawing Number	Architect	Date
D – 02 Proposed Ground Level Rev B REVY Building D	PTW Architects	31/07/2008
D – 03 Proposed First Floor Rev B REVY Building D	PTW Architects	31/07/2008
D – 04 Proposed Second Floor Rev B REVY Building D	PTW Architects	31/07/2008
D – 05 Proposed Roof Level Rev B REVY Building D	PTW Architects	31/07/2008
D – 06 Proposed Elevations Rev B REVY Building D	PTW Architects	31/07/2008
D -07 Proposed Sections Rev B REVY Building D	PTW Architects	31/07/2008

and as amended by the conditions of this consent:

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

(2) DESIGN MODIFICATIONS

The design of the REVY C building must be modified as follows:

- (a) REVY C building:
 - (i) The proposed plant room addition to the north eastern façade should be reconfigured, reducing its northeast projection to maintain important street level views from Darling Island Road to Jones Bay;

- (ii) The security fence is to be removed;
- (iii) The projection of the balconies/ wintergardens should be reduced from 3000mm to 1800mm;
- (iv) The glazing of the wintergardens is to be frameless and clear. The design of the glazing is to allow for natural ventilation;
- (v) Any connection required between major areas of the mezzanine should be clearly interpreted as bridges;
- (vi) The internal stairs that connect the ground floor with the mezzanine levels stairs are to be rotated as required to avoid the removal of additional lengths of gantry.

The modifications are to be submitted to and approved by Council prior to a Construction Certificate being issued.

(3) STAGE 2 DESIGN BUILDING E & D

(a) Building E and D

- (i) The Stage 2 detailed design is to incorporate and interpret the nature of the former wharf related buildings on Darling Island, ensuring a high degree of visual and physical transparency at ground level. The facade resolution is to include sun shading elements that create patterns of light and shadow within an expressed structural grid, and that enable clear glazing to be utilised. The palate of materials is to incorporate hardwood;
- (ii) The Stage 2 detailed design is to relate to and address the street and Jones Bay;
- (iii) Facades of the new developments are to be rich in treatment and modelling to contribute to a lively maritime environment;
- (iv) Landscape and pavement design should enhance and interpret the maritime location of the buildings.

(b) REVY E building:

- (i) To maintain the curvature formed between REVY A, B and C the setback of the building from Darling Island Road is to be increased by 1 metre;
- (ii) The footprint of the ground floor level curved frontage to Jones Bay is to be modified as follows:
 - a. Delete the recess in the northwest corner aligning this corner with the frontage of REVY C building.
 - b. Delete the recess in the south west corner by adjusting the curve to meet with the revised northwest corner alignment (the southwest corner of building E is to align with the north west corner of Building A);

(iii) Building E is to be reduced to 21 metres in height.

(4) NO DEMOLITION OF BUILDING D & E UNTILL STAGE 2

Buildings D & E shall not be demolished until a Stage 2 application for the replacement buildings has been obtained and all relevant conditions of that approval satisfied.

(5) BALCONIES/ WINTERGARDENS BUILDING C

(a) The balconies are not to be used as office commercial spaces.

(b) Any furniture in the balconies is to be simple and recessive.

(6) PUBLIC WALKWAY

The development application for the pedestrian walkway is to be submitted concurrently with the Stage 2 development application for Building E.

(7) USE OF BUILDING C, E, D

The proposed use of buildings C, E and D is restricted to commercial.

(8) FLOOR SPACE RATIO

The following applies to Floor Space Ratio:

(a) The Floor Space Ratio of the proposal must not exceed 1.96:1 calculated in accordance with the *Sydney Local Environmental Plan 2005*. For the purpose of the calculation of FSR, the Floor Space Area of the approved development is 12,118 sqm (being building C, 6, 702 sqm; building E, 4, 473 sqm & building D 943 sqm);

(b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Floor Space Areas (by use) in the development, utilising the definition under *Sydney Local Environmental Plan 2005* applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

(9) BUILDING HEIGHT

(a) The height of the building must not exceed RL 35.405 (AHD), 32.96 m to the top of the building C, RL 23.570 (AHD), 21 m to the top of building E and RL 11.145 (AHD), 11.145 m to the top of building D.

(b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

(10) SECTION 94 CONTRIBUTION - ULTIMO PYRMONT – BUILDING C

A contribution under section 94 of the *Environmental Planning and Assessment Act 1979* must be paid in accordance with the following:

Cash Contribution Required

- (a) In accordance with the adopted *"Ultimo Pymont Contributions Plan 1994"* a cash contribution must be paid to Council in accordance with this condition.

Amount of Contribution

- (b) The amount of the contribution is **\$ 200, 539.30.**

Note: The contribution will be indexed annually, see paragraph (f) below.

Purposes for which Contribution Required

- (c) The contribution is required, and must be held and applied in accordance with the Act and the *Ultimo Pymont Contributions Plan 1994*, for the purposes, and in the proportions, set out as follows:
- (i) Open Space - 64%
 - (ii) Community Facilities - 9.5%
 - (iii) Roads and Associated Infrastructure - 26.2%
 - (iv) Administration - 0.3%

Certification of Contribution

- (d) Certification of the Section 94 Contribution calculation, including verification of gross floor area and resident/worker population as applicable, and indexation of the contribution in accordance with the *"Ultimo Pymont Contributions Plan 1994"* (if applicable) must be submitted to and approved by Council, prior to a Construction Certificate being issued

If the Construction Certificate is to be issued by a private Certifying Authority, they must seek Council's endorsement of the calculation prior to its issue.

Timing of Payment

- (e) The contribution must be paid prior to the issue of a Construction Certificate for Building C Payment may be by **EFTPOS** (debit card only), **CASH** or a **BANK CHEQUE** made payable to the City of Sydney. Personal or company cheques will not be accepted.

Indexing

- (f) The contribution rate in *"Ultimo Pymont Section 94 Contributions Plan 1994"* will be adjusted in accordance with clause 19 of the Plan being not less than annually.

- (g) If the contribution rate is adjusted between the date on which this consent is granted and payment of the contribution, then the figure in paragraph (b) to this condition will be indexed and calculated according to the then current contribution rate.
- (h) Please contact Council's Planning Administration staff to confirm the amount payable, prior to payment.

NOTE: Building D & E will be liable for section 94 Contributions at Stage 2

(11) AFFORDABLE HOUSING CONTRIBUTION - ULTIMO PYRMONT - PAYMENT IN LIEU OF FLOOR SPACE CONTRIBUTION

The Affordable Housing Contribution is as follows:

- (a) Prior to a Construction Certificate being issued, and pursuant to Sydney LEP 2005 and the adopted City West Affordable Housing Program, the applicant must provide evidence to Council that a monetary contribution towards the provision of affordable housing has been paid. The contribution is **\$51, 652.25**.
- (b) Bank cheques to the value of the required contribution are to be made in favour of 'City West Housing Pty Ltd' and paid to the Department of Planning. Contact the Housing Policy Team at the Department of Planning on Ph: 9228-6111, Fax: 9228 6455 or for further information and to arrange a time to make the payment.
- (c) Certification of the Affordable Housing Contribution calculations including verification of total floor area, prepared by a Quantity Surveyor, and indexation of the contribution in accordance with the Affordable Housing Program, must be submitted to and approved by Council, prior to a Construction Certificate being issued.
- (d) If the Construction Certificate is to be issued by a private Certifying Authority, they must seek Council's endorsement of the calculation prior to issue of the Construction Certificate.
- (e) Prior to issue of an Occupation Certificate or the use commencing, whichever is earlier, the applicant must provide evidence to Council that the bank guarantee referred to in (a) above has been redeemed as payment of this contribution. If the contribution is paid after 30 June of the year in which this consent is granted, the amount of the contribution must be indexed in accordance with the adopted City West Affordable Housing Program.

(12) APPROVED DESIGN ROOF - TOP PLANT

(13) SIGNS - SEPARATE DA REQUIRED

(14) SIGNAGE STRATEGY

(15) REMOVAL OF GRAFFITI

(16) NOISE - USE (GENERAL)

(17) NOISE - MECHANICAL PLANT AND EQUIPMENT

(18) CAR PARKING SPACES AND DIMENSIONS

A maximum of 44 off-street car parking spaces must be provided. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

(19) SEALING OF CAR PARK

(20) SECURITY GATES

(21) SIGNS AT EGRESS

(22) VEHICLES ENTER/LEAVE IN FORWARD DIRECTION

(23) ALLOCATION FOR VISITOR PARKING

(24) TRAFFIC WORKS

(25) COST OF TRAFFIC MANAGEMENT

(26) LOADING WITHIN SITE

SCHEDULE 1B

Prior to Construction Certificate/Commencement of Work/Health and Building

Note: Prior to the issue of the Construction Certificate, sufficient information must be forwarded to the certifying authority (whether Council or a private accredited certifier) illustrating compliance with the relevant requirements of the Building Code of Australia (and a copy forwarded to Council where Council is not the certifying authority). If Council is to be the certifying authority, please contact the Building Unit to discuss the requirements prior to submission of the application for construction certificate.

(27) DESIGN DETAILS (MINOR DEVELOPMENT)

The following design details of REVY C are to be submitted to and approved by Council prior to a Construction Certificate being issued:

- (a) Design details of the proposed building facade including all external finishes, colours and glazing.
- (b) The design of the structural components and glazing components of the wintergardens.

(28) CONSERVATION MANAGEMENT PLAN

The Heritage Architect is to be given an extended brief to make the following amendments and additions to the Conservation Management Plan Royal Edward Victualling Yard (REVY) C:

- (a) Include a brief historical and physical analysis of REVY A and B.
- (b) Expansion of Section 2.6 Evolution of the Place to include a brief explanatory analysis as to the factors that determined the configuration of the built forms.
- (c) Delete the reference to the 'Juliette' balcony zones on the south eastern and north western facades Figures 5.2.1 and 5.2.2, pages 122 and 123.

(29) CONSERVATION WORKS

A Schedule of Conservation works is to be submitted and approved by Council prior to a Construction Certificate being issued. The Schedule outline specification or methodology notes should include works to the following:

- (a) Window joinery including general repairs and including the reconstruction of windows to match the original where the condition of the existing is such that replacement is necessary.
- (b) Roof joinery.
- (c) Roof plumbing.
- (d) Brickwork including removal of intrusive pointing and replacement in a mix to match the original, replacement of defective units, reinstatement of terracotta vents.
- (e) Bluestone walling.
- (f) Stone corbels.
- (g) Industrial components including but not limited to the following: the wall crane, the external fire escape stairs, the gantry rails, the water tanks, truck tracks.

(30) HERITAGE MAINTENANCE PLAN - REVY C

- (a) A Heritage Maintenance Plan must be prepared for the REVY C building, and submitted to Council for approval prior to the issue of an Occupation Certificate. The plan should follow NSW Heritage Office guidelines and must be a practical guide for future owners and tenants to ensure the long term conservation of significant fabric.
- (b) The Plan must include the recommendations and policies for conservation management of the REVY C building, outline Specification notes, references to NSW Heritage Office publications on maintenance, conservation and repairs to heritage fabric, and the Cyclic Maintenance Schedule.

(31) USE OF CONSERVATION ARCHITECT

An experienced conservation architect is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The conservation architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

Evidence and details of the above commission on the above terms is to be provided to Council prior to commencement of work on site. The conservation architect must sign off the completed project prior to the issue of an Occupation Certificate.

(32) HERITAGE INTERPRETATION STRATEGY

- (a) An interpretation strategy for building C must be submitted to and approved by Council prior to a Construction Certificate being issued.
- (b) The interpretation strategy must detail how information on the history and significance of the site will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used.
- (c) Prior to an occupation certificate being issued the approved interpretation strategy must be implemented to the satisfaction of Council.

(33) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)

Prior to a Construction Certificate being issued, an archival photographic recording of the REVY C building is to be prepared to Council's satisfaction. The recording may be in either digital or film-based form, or a combination of both, prepared in accordance with the NSW Heritage Office guidelines titled 'Photographic Recording of Heritage Items using Film or Digital Capture'. One copy of the record is to be submitted to Council to be lodged with Council's Archives.

The form of the recording is to be as follows:

- (a) In A4 format, placed in archival plastic sleeves in an appropriate archival folder.
- (b) The Development Application number must be noted on the front of the folder and in the report.
- (c) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.

- (d) Each negative, slide or digital image is to be cross referenced to a photographic catalogue and photographic base plans.
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.
- (f) A digital based recording is to include:
- (g) Thumbnail image sheets and a selection of A5 or A4 size images, all labelled and cross-referenced to the catalogue sheets and base plans, and processed on A4 size archival photographic paper using archival stable inks.
- (h) CD or DVD containing the report in PDF format and the electronic images saved as JPEG or TIFF files and cross referenced to the catalogue sheets.

A film based recording is to include:

- (i) 35mm film images submitted as contact sheets with equivalent negatives, a selection of black and white prints 200 x 250mm, and 35mm colour transparencies, all labelled and cross-referenced to the catalogue sheets and base plans.

(34) GENERAL HERITAGE

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- (b) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.
- (c) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (d) The new windows and doors must use timber joinery.
- (e) The face brickwork/sandstone must not be rendered, painted or coated.
- (f) Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.
- (g) New materials, including those for making good, are to match the original materials in terms of colours, finishes, sizes, profile and materials.

(35) HISTORIC MARKER

(36) ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Details are to be provided with the Stage 2 development applications for buildings D & E to confirm that the buildings are designed to minimise the embodied energy on a whole of building approach and to incorporate opportunities for improved energy efficiency being designed to achieve at least a 4½ star rating under the Department of Water and Energy's Australian Building Greenhouse Rating (ABGR) scheme for the base building.

(37) LAND CONTAMINATION

- (a) Any intrusive earthworks must be carried out in accordance with the Site Management Plan prepared by Environmental Resources Management Australia Pty Ltd Ref 8020196RP3 dated 19th March 2003.
- (b) All hazardous materials must be removed from the site by a qualified person and the removal of these materials must be documented in a report from a qualified environmental professional that confirms that no contamination of the site occurred during their removal and the fate of those materials.
- (c) The exportation of waste (including fill or soil) from the site must be in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the Department of Environment and Conservation's (DEC) *Environmental Guidelines Assessment, Classification and Management of Non-Liquid Wastes*.
- (d) Any new information which comes to light during demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Principal Certifying Authority.

(38) NOISE & VIBRATION IMPACT ASSESSMENT

- (a) A detailed assessment of potential noise and vibration impacts associated with the redevelopment of the REVY Building C must be carried out by suitably qualified acoustic/vibration consultant. The assessment must be submitted to and be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. The assessment should address the level of noise and vibration impacts that development and the associated site operations may have on existing neighbouring sensitive receivers and the level of acoustic amenity to the occupants of the proposed buildings.
- (b) A similar noise and vibrations impact assessment must be submitted for buildings D & E with the Stage 2 applications.

(39) NO DEMOLITION PRIOR TO A CONSTRUCTION CERTIFICATE

(40) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

(41) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT

- (42) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL**
- (43) EROSION AND SEDIMENT CONTROL - BETWEEN 250 AND 2,500SQM**
- (44) ASBESTOS REMOVAL**
- (45) DISPOSAL OF ASBESTOS**
- (46) ASBESTOS REMOVAL SIGNAGE**
- (47) SIGNAGE LOCATION AND DETAILS**
- (48) SKIPS AND BINS**
- (49) CLASSIFICATION OF WASTE**
- (50) SYDNEY WATER CERTIFICATE (QUICK CHECK)**
- (51) UTILITY SERVICES**
- (52) TELECOMMUNICATIONS PROVISIONS**
- (53) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES**
- (54) PHYSICAL MODELS**
- (55) SUBMISSION OF ELECTRONIC MODELS PRIOR TO CONSTRUCTION CERTIFICATE AND PRIOR TO OCCUPATION CERTIFICATE**
- (56) FOOTPATH DAMAGE BANK GUARANTEE**
- (57) PUBLIC ART**
- (58) PUBLIC DOMAIN PLAN**

Three copies of a detailed Public Domain Plan must be prepared by an architect, urban designer or landscape architect and must be lodged with Council's Public Domain Section and approved by Council prior to a Construction Certificate being issued for any new building work excluding approved preparatory, demolition or shoring work. It is recommended that draft plans should be submitted for comment prior to formal submission for approval.

The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual. The works to the public domain are to be completed in accordance with the approved plan and the Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

Note: A security deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges. You should contact Council to determine deposit amount prior to payment.

- (59) ALIGNMENT LEVELS**
- (60) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT**

- (61) MECHANICAL VENTILATION**
- (62) CONTINUED PERFORMANCE OF MECHANICAL VENTILATION**
- (63) CAR PARK VENTILATION**
- (64) CONTROL OF LEGIONNAIRES DISEASE**
- (65) MICROBIAL CONTROL**
- (66) STRUCTURAL CERTIFICATION FOR DESIGN - BCA (ALL BUILDING CLASSES)**
- (67) ANNUAL FIRE SAFETY STATEMENT FORM**
- (68) FIRE SAFETY CERTIFICATE TO BE SUBMITTED**
- (69) SPRINKLER SYSTEM**
- (70) VERIFICATION OF SUPPORT FOR NEW LOADS**
- (71) STRUCTURAL CERTIFICATION FOR EXISTING BUILDING - ALTERATIONS AND ADDITIONS**
- (72) BCA COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF WHOLE OR PART OF BUILDING IS REQUIRED (CC REQUIRED)**
- (73) GLAZING - COMPLIANCE WITH AUSTRALIAN STANDARD**
- (74) ENERGY EFFICIENCY OF BUILDINGS**
- (75) BARRICADE PERMIT**

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

- (76) OCCUPATION CERTIFICATE TO BE SUBMITTED**
- (77) HOURS OF WORK AND NOISE – OUTSIDE CBD**
- (78) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS**
- (79) SYDNEY WATER CERTIFICATE**
- (80) EROSION AND SEDIMENT CONTROL**
- (81) PROTECTION OF STREET TREES DURING CONSTRUCTION**
- (82) COVERING OF LOADS**
- (83) VEHICLE CLEANSING**
- (84) LOADING AND UNLOADING DURING CONSTRUCTION**

- (85) NO OBSTRUCTION OF PUBLIC WAY
- (86) USE OF MOBILE CRANES
- (87) STREET NUMBERING – MAJOR DEVELOPMENT

SCHEDULE 2

The prescribed conditions in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000 apply to the development.

SCHEDULE 3

Terms of Approval

Other Integrated Development Approvals

The Terms of Approval for Integrated Development as advised by the Department of Water and Energy are as follows:

(88) GENERAL TERMS OF APPROVAL FOR WORKS REQUIRING A CONTROLLED ACTIVITY APPROVAL UNDER THE WATER MANAGEMENT ACT 2000

- (a) The Construction Certificate will not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the approval has been provided to Council.
- (b) **NOTE:** The GTA below are not the Controlled Activity Approval. The applicant must apply (to the Department) for a Controlled Activity Approval after consent has been issued by Council but before the commencement of any 'works'. Finalisation of a Controlled Activity Approval can take up to 8 weeks from the date the department receives all documentation (to its satisfaction). Applicants must complete and submit (to Greg Daley) an application form together with any required plans, documents, the appropriate fee and security (i.e. bond, if applicable and proof of Council's development consent. Application forms are available from the Department's website – www.dwe.nsw.gov.au (select Water, select Access, Licences & Trade).
- (c) Plans, standards and guidelines:-
 - (i) These General Terms of Approval (GTA only apply to the controlled activities described in the plans and associated documentation relating to 2008/597 and provided by Council.
 - a. Site plan, map and/or surveys -
 - b. **Site Plan – Existing Survey;** dwg no DA00 – 00; dated 04/04/2008; by PTW Architects;
 - c. **Site Plan – Existing Site;** dwg no. DA. 00 – 1; dated 04/04/2008; by PTW Architects

- d. Works Schedule –
 - e. **Site Plan – Building C Complete (Stage 1)**; dwg no. DA. 00-2; dated 04/04/2008; by PTW Architects.
 - f. **NOTE:** Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the Department of Water & Energy must be notified to determine if any variations to these GTA will be required.
- (ii) Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the Department of Water & Energy. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the estuary identified.
 - (iii) The consent holder must prepare or commission the preparation of:
 - a. Landscape Plan
 - b. Erosion and Sediment Control
 - c. Stormwater Drainage Plan
 - (iv) All plans must be prepared by a suitably qualified person and submitted to the Department of Water & Energy for approval prior to any controlled activity commencing. The plans must be prepared in accordance with Department of Water & Energy guidelines located at www.naturalresources.nsw.gov.au/water/controlled_activity.shtml.
 - a. Landscape Plan,
 - b. Erosion and Sediment Control Plan,
 - c. Stormwater Drainage Plan;
- (d) Bridge, causeway, culverts, and crossing:-
 - (i) The consent holder must ensure that the construction of any bridge, causeway, culvert or crossings does not result in erosion, obstruction of flow, destabilisation or damage to the bed or banks of the estuary or waterfront land, other than in accordance with a plan approved by the Department of Water & Energy;
 - (e) Culvert:-
 - (i) The consent holder must ensure that no materials or cleared vegetation that may obstruct flow, wash into the water body or cause damage to river banks are left on waterfront land other than in accordance with a plan approved by the Department of Water & Energy;

- (f) Disposal:-
 - (i) The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the Department of Water & Energy;

- (g) Drainage and Stormwater:-
 - (i) The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the Department of Water & Energy. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

- (h) Erosion control
 - (i) The consent holder must ensure that no excavation is undertaken on the waterfront land other than in accordance with a plan approved by the Department of Water & Energy.

 - (ii) The consent holder must ensure that any excavation does not result in (i) diversion of any estuary (ii) bed or bank instability or (iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the Department of Water and Energy.

BACKGROUND

The Site and Surrounding Development

1. The REVY site, acquired by REVY Investments from the Commonwealth Government in 2003, is located on the waterfront at the western side of Darling Island at the western side of Darling Island, on the corner of Darling Island Road and Pirrama Road, Pyrmont. The site generally faces Jones Bay and Jones Bay Wharf. The subject site is shown below.

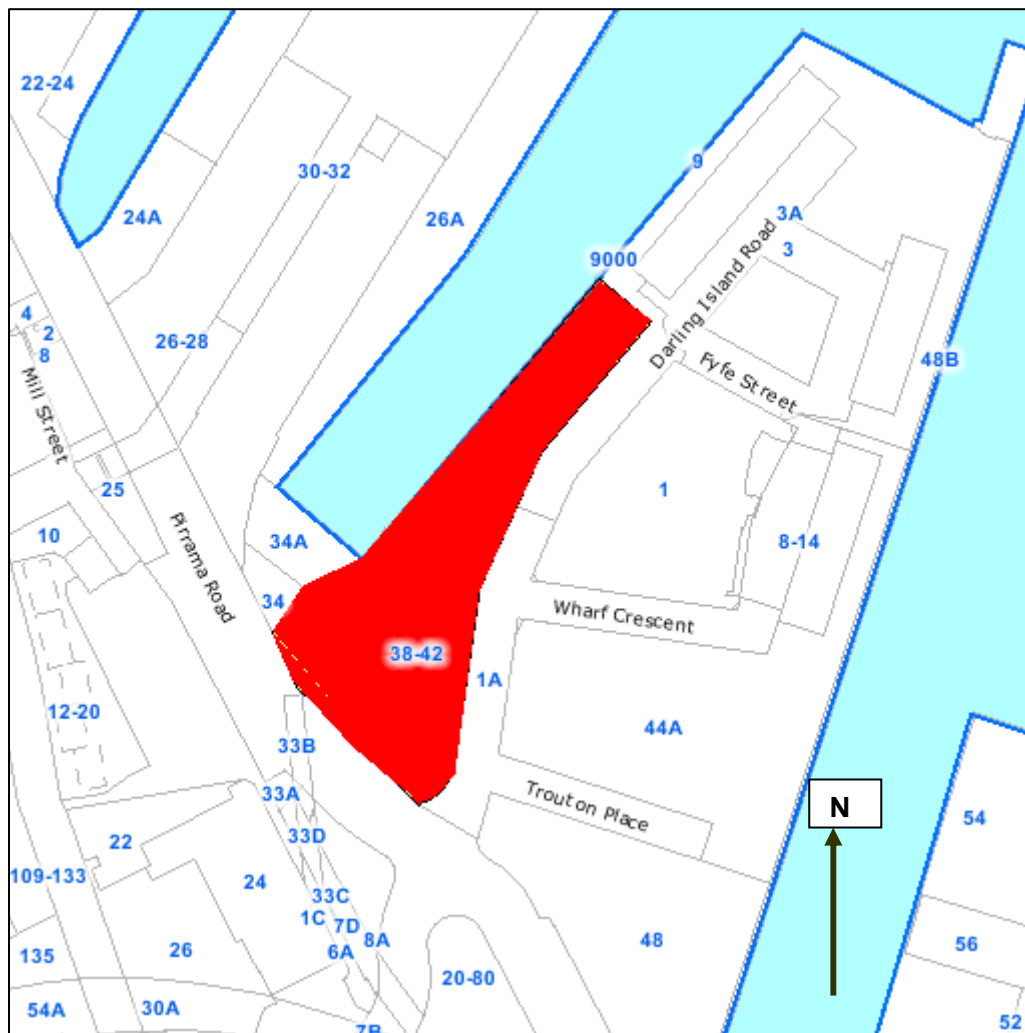


Figure 1 – Subject Site

2. The site is close to Star City Casino, but adjoins both residential and commercial properties. The immediate environs of the site contain a mix of uses, including entertainment, commercial, residential, open space and maritime, other uses include A, B and D on the REVY site leased to Channel 7, and other recently constructed buildings on Darling Island including the Fairfax Building at 1 Darling Island Road. This band of commercial buildings provides a transitional zone to the central northern and perimeter residential areas of Darling Island.

3. The emerging character of Darling Island, as reflected in the Darling Island Master Plan, is planned as a mixed use environment, with the buildings in the internal and southern zones being of a commercial nature, responding to the scale of the casino whilst providing a transitional zone for the remainder of Darling Island. The northern central and perimeter areas of Darling Island are planned as the residential area, and are separated from the intensive Casino entertainment area by the less intensive commercial buildings.
4. The Pyrmont/ Ultimo area is dominated by buildings that were related to shipping and storage activities of the wharves, and by the workers accommodation to support those activities. The areas proximity to the CBD makes it desirable for business uses; however the slight separation from the actual CBD also makes it desirable for residential occupation.

History of Development Applications Relevant to this Site

5. The Victualling Yard at Pyrmont was built from 1905 to meet the Navy's peace and war time need for provisions. It was renamed the Royal Edward Victualling Yard (REVY) in 1907 and became the first Royal Yard in the southern hemisphere. The complex was designed by Walter Liberty Vernon, Government Architect, and has expanded and contracted over time. It comprises three substantial main multi storey buildings. Buildings A and B an unusual arrangement of two rectangular plan brick buildings, were built in 1905 – 07. The taller Building C, also of external brick façade, was built in 1912 and is heritage listed. The former Building E, a framed weatherboard building located to the south of building C, was built in 1905 – 07 and demolished in the 1970's.
6. The site was used for victualling (provision of food/ supplies) until the 1970s when the Navy's stores function was transferred to Zetland. Building C was refurbished in 1984 for use by the Defence Science and Technology Organisation (DSTO). Buildings A and B were refurbished in the early 1990s and subsequently used as offices by the Navy. The site and buildings are shown below.

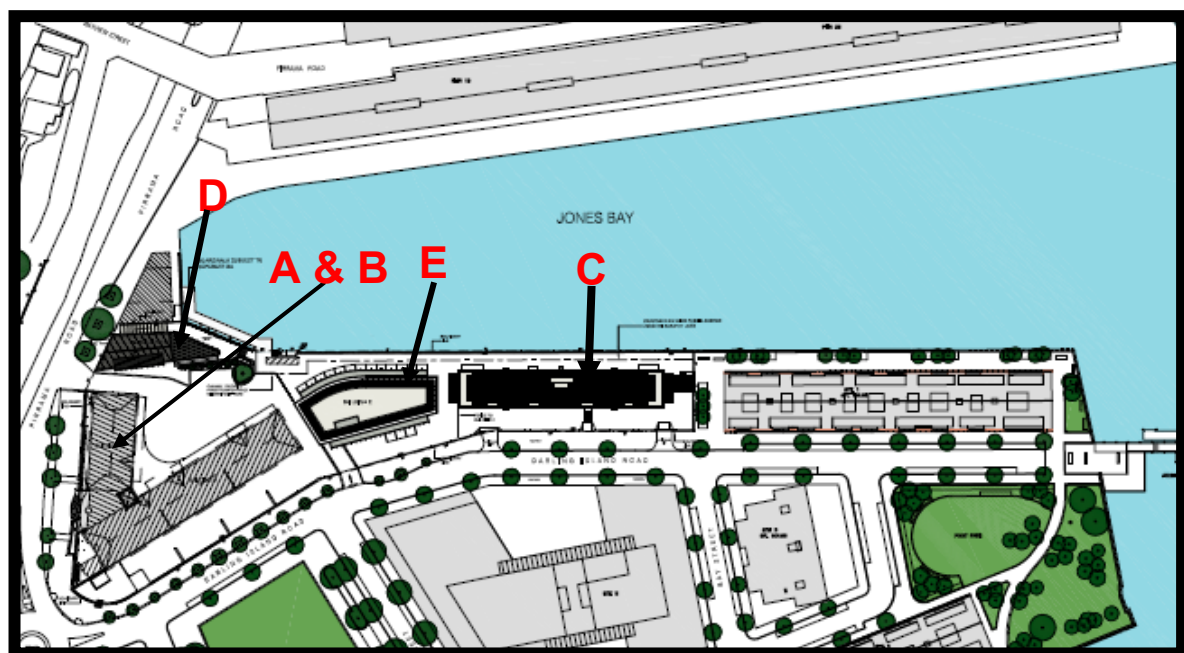


Figure 2 Plan of Subject buildings

PROPOSAL

7. Key features of the proposed development are:
- (a) alterations and additions to existing building C, which includes the addition of a mezzanine on the ground floor, a new roof level and new balconies, including the complete refurbishment of the building. The height of the proposed building will now be 32.96 m with a total of 6, 702 sqm of floor space;
 - (b) creation of public access adjacent to the waterfront;
 - (c) demolition of and Stage 1 concept proposal for a new building E approximately 5 stories with two levels of basement parking. The height of the proposed building will be 22 metres with 4, 473 sqm of floor space; and
 - (d) demolition of and Stage 1 concept proposal for a new two/ three storey building D with a height of 11.145 and with 943 sqm of floor space.
8. Photos of the subject buildings are shown below:

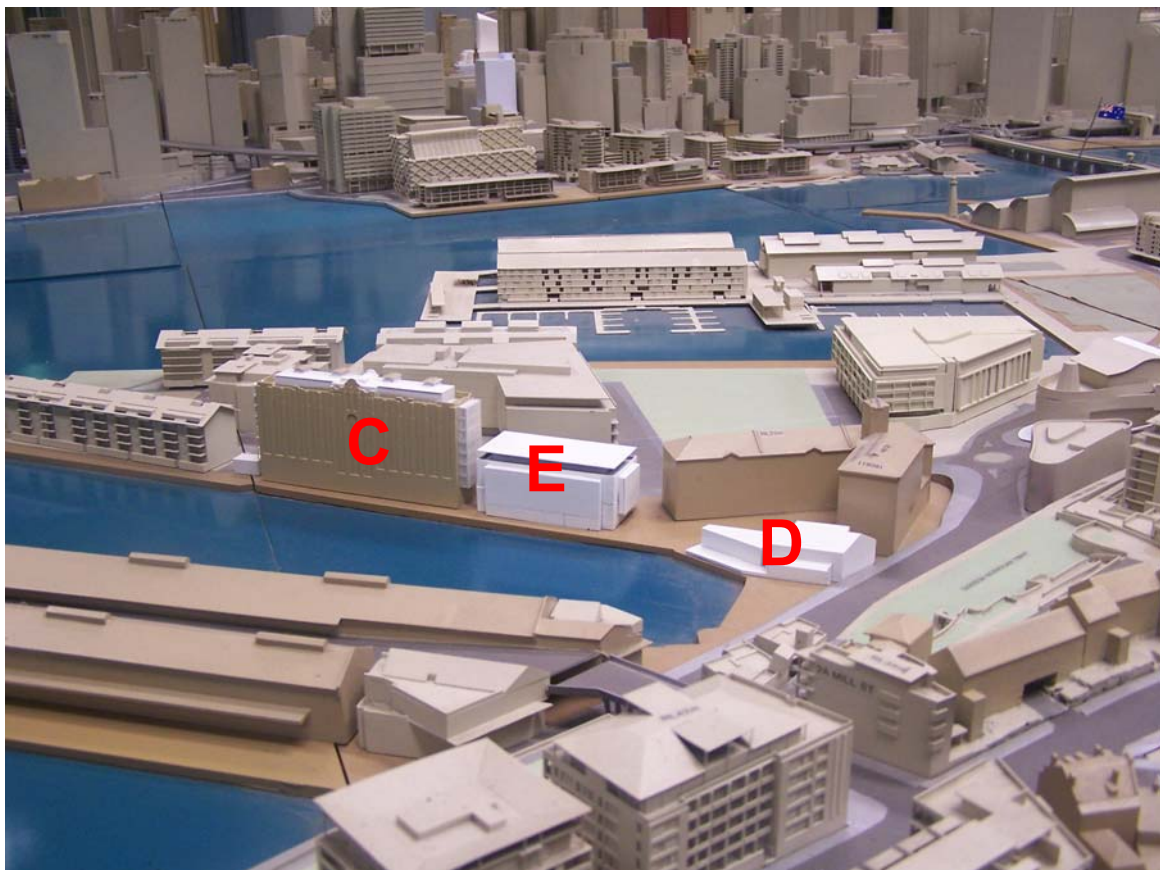


Figure 3 Photograph of model



Figure 4 - Building C viewed from water (heritage listed)

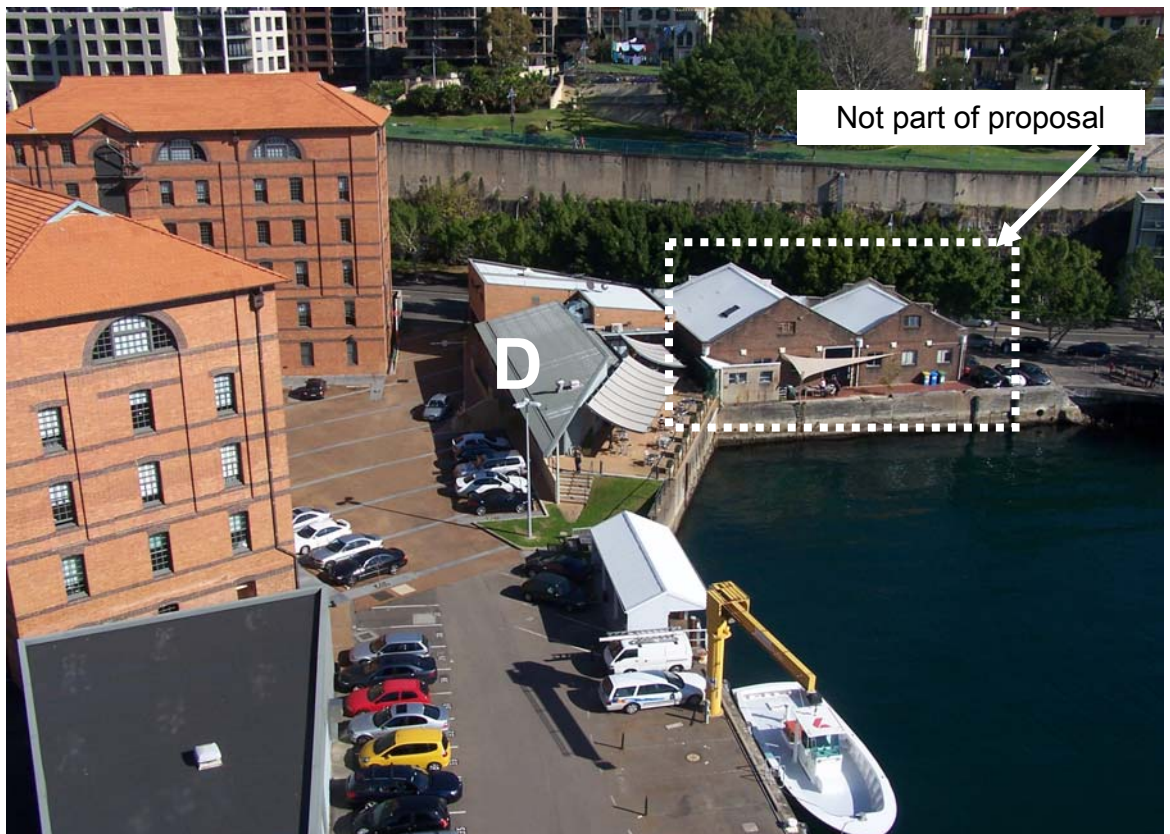


Figure 5 – Building D Proposed to be demolished



Figure 6 – Building E to be demolished (Building A & B in background)

IMPLICATIONS OF THE PROPOSAL

Section 79C Evaluation

9. An assessment of the proposal under Section 79C of the Environmental Planning and Assessment Act 1979 has been made, including the following:

Section 79C(1)(a) Environmental Planning Instruments, DCPs and Draft Instruments

STATE ENVIRONMENT PLANNING POLICIES (SEPPs)

10. The following State Environmental Planning Policies are relevant to the proposed development:

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

11. The SREP aims to ensure that the Sydney Harbour Catchment is protected, enhanced and maintained. The SREP also aims to achieve a high quality and ecologically sustainable urban environment and encourage a culturally rich and vibrant place for people.
12. The proposal is considered to be consistent with the aims and objectives of the SREP subject to the imposition of appropriate conditions of consent.

SEPP 55 – Remediation of Land

13. SEPP 55 provides State wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated.

14. A Site Audit Statement and Summary Site Audit Report has confirmed that the site is suitable for commercial/ industrial use and residential with minimal opportunity for soil access, provided that the groundwater is not used and that no intrusive earthworks are undertaken.
15. The Site Auditor has stated that access to and disposal of any such fill materials should be implemented and controlled in accordance with a Site Management Plan. The aims of the plan are to protect the health of any site workers and occupants during any intrusive earthworks that disturb the soil or groundwater on site and to provide guidance on the safe handling, management and disposal where required of any excavated or exposed soil and groundwater.
16. The proposal is consistent with the City of Sydney Contaminated Land Development Control Plan 2004.
17. Council's Building and Health Unit raise no objection to the proposal subject to recommended conditions of consent.

SEPP (Infrastructure) 2007

18. SEPP (Infrastructure) 2007 amends and repeals numerous LEPs, REPs and SEPPs including SEPP 11 Traffic Generating Developments.
19. Developments listed in Schedule 3 of the SEPP are to be referred to the Regional Traffic Committee. Schedule 3 lists categories and sizes or capacity of developments which both have site access to a classified road (within 90 metres). Certain characteristics of the development proposal trigger referral to the Regional Traffic Committee for comment, such as:
 - (a) commercial premises of 10, 00 sqm in area;
 - (b) shops of 2000 sqm or more; and
 - (c) shops of commercial premises of 4000 sqm in area.
20. The RTA has advised that the site is suitable for development subject to the imposition of appropriate conditions of consent. The comments of the Regional Traffic Committee are outlined further in the report.

Draft SEPP 66 Integration of Land Use and Transport

21. Draft SEPP 66 aims to ensure that urban structures, building forms, land use locations, development design, subdivision and street layouts achieve improved accessibility and choice of public transport modes. The policy aims to encourage people to travel shorter distances, make fewer trips and to reduce car dependency. This policy applies to development which has a FSA of more than 1000 sqm.
22. Clause 12 of the Draft SEPP states that the transport implications of the development should be considered when determining DA's. Specifically, the wider transport context, including managing the demand of travel by car, and the achievement of the policy's aims and objectives, are required to be considered.
23. Given the sites good access to transport and services and proximity to Pyrmont and the CBD, the use of public transport and walking will be supported. Traffic is discussed further in the report.

Sydney LEP 2005

24. Compliance of the proposal with the LEP controls is summarised below:

COMPLIANCE WITH SYDNEY LEP 2005

Development Controls	Permissible under Sydney LEP 2005	Proposal as assessed under Sydney LEP 2005
Consistency with Development Plan	Development Plan Required	Stage 1 DA submitted which satisfies requirement for a Development Plan
Masterplan Site	Darling Island Masterplan	Requirement for Masterplan met by Staged application. Minister has waived requirement for Masterplan if Staged DA lodged.
Zoning	Residential Business (Non Residential Development.	Commercial complies
Floor Space Area	23650 Sqm	12118 Sqm
Floor Space Ratio (Site area = 9460 m2)	2.5 : 1	1.96 : 1 complies
Height	21 m above street level subject to general LEP controls Ultimo – Pymont Height Map indicates that there is a landmark building at the site 36 m above street level permissible. (Building C)	22 m above street level RL 24.570 Building E. Does not comply 11.145m above street level RL 14.045 Building D. Complies 32.96 m above street level (RL 35.405) Building C. (Landmark Building) Complies

COMPLIANCE WITH LEP Chapter 1 PART 5 Division 2 – DESIGN EXCELLENCE

Matter to be Considered (clause 26)	Complies	Comment
High standard of architectural design, materials & detailing	✓	Complies – The alterations to Building C are of a high standard of architectural design, materials and detailing. Architectural details of concept proposals for building D & E are to be assessed at the time of subsequent Stage 2 DA's, however the indicative design shown on the plans is suitable and future conditions about detailing are recommended.
Form & external appearance of the building improves quality & amenity of the public domain	✓	Complies: The alterations to Building C maintain the overall form of the item and are satisfactory. The buildings are of a high standard of architectural design, materials and detailing. The external form of building D & E comply with the relevant height controls. Building E has been amended to be more compatible with the public domain and adjoining buildings. (See issues section).
Impacts on view corridors	✓	Complies: View analysis prepared for the project indicates that view, vistas, siting and view sharing principles established in the UDP will not be compromised. Proposed buildings will complement the streetscape and contribute to the existing buildings enclosing Jones Bay and result in a reasonable sharing of views.

**COMPLIANCE WITH LEP Chapter 1 PART 5 Division 3 – ENVIRONMENTAL
DESIGN**

Matter to be Considered (clause 26)	Complies	Comment
Principles of ecologically sustainable development	✓	Complies: Conditions to be imposed.
Potential for adaptive re-use	✓	Complies – Building C is an existing heritage building which will be adaptively reused.

**COMPLIANCE WITH URBAN DEVELOPMENT PROGRAM PLAN FOR ULTIMO
PYRMONT 1999 UPDATE**

Matter to be Considered	Complies	Comment
Building Envelopes	✓	Complies - Buildings are not of an excessive scale with existing building C having one recessive storey added to it. Building E will be 5 stories and building D will be 2/3 stories which is contextually appropriate. The existing and proposed buildings will not dominate or significantly overshadow the public domain.
Heritage Items and Conservation Areas	✓	Complies – Modification and extension of the heritage item building C is acceptable subject conditions.
Views, Vistas and Siting	✓	Complies – View analysis prepared for the project indicates that view, vistas, siting and view sharing principles established in the UDP will not be compromised. Proposed buildings will complement the streetscape and contribute to the existing buildings enclosing Jones Bay and result in a reasonable sharing of views.

Matter to be Considered	Complies	Comment
Ground Level Activities	✓	Complies – Building C ground floor design is influenced by the existing heritage building. Ground level activities will be addressed in relation Buildings D & E as part of Stage 2.
Façade Treatment	✓	Complies – Building C heritage façade to be maintained, with minimal changes proposed. Detailed façade treatment for building D & E will be assessed at time of Stage 2 DAs.
Roof Design	✓	Complies – Building C roof top is considered to be attractive and in keeping with the heritage building.
Public Art	✓	Complies - A condition of consent recommends the installation of public art.
Retail, Business and Neighbourhood Strategy	✓	Complies – The site is not identified as an Activity Strip, but the proposed commercial use is the most appropriate use.
Solar access to public open space	✓	Complies: Environmental quality of Metcalf Park will not be compromised. The development will not unduly overshadow major parks, squares, pocket parks and adjoining private open space.
Ecologically Sustainable Development	✓	Complies: Suitable conditions are recommended.
Access, Parking and Circulation	✓	Complies: The site is accessible via various modes of transport and is walking distance from the CBD. Parking for 44 vehicles is proposed Accessible car parking spaces will be provided.

LEP PART 6 – HERITAGE PROVISIONS

25. Building C is a designated heritage item (No 98) known as the *Naval Warehouse, Darling Island* pursuant to Schedule 8.

26. The building is a Federation warehouse constructed of steel framed face brick of 9 storeys on a single storey base of sandstone. The mass, rectangularity and arched upper windows hint at Federation warehouse styling, while the rounded gables are a suggestion of Federation Anglo Dutch influence. Hoists, timber loading doors and timber structure are all intact. An elevation of Building C is shown below.

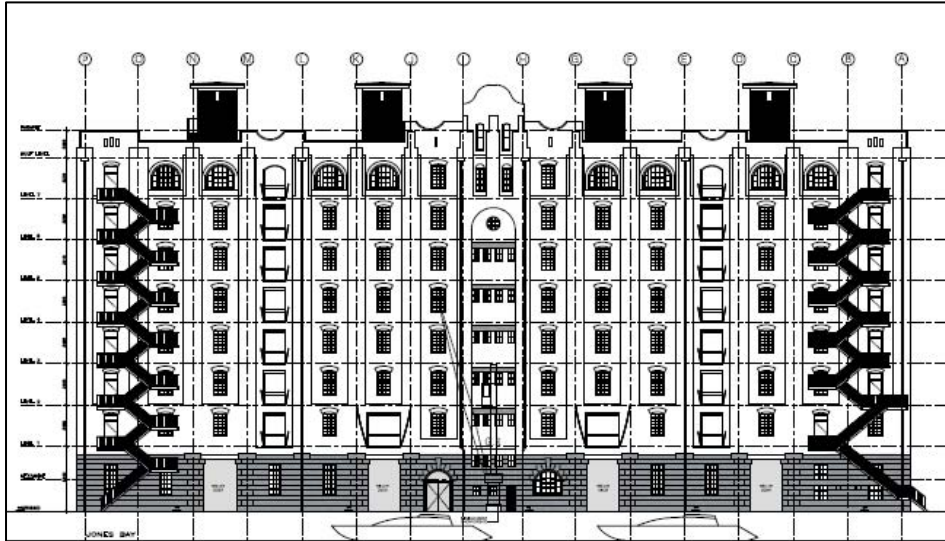


Figure 7 – Building C Elevation

27. The building is of architectural, aesthetic and historical significance as an excellent example of its style and its association with the early growth of the Royal Australian Navy.
28. The site is the vicinity of the following heritage Items:
- (a) Item 130 - Arrow Marine Building 34A Pirrama Road;
 - (b) Item 97 - former Royal Edward Victualling Yard Building A; and
 - (c) Item 99 – Jones Bay Wharf.
29. The proposal is not considered to have an impact on the surrounding heritage items.
30. See issues section for further discussion in relation to heritage.

COMPLIANCE WITH SYDNEY HARBOUR FORESHORES AREA DEVELOPMENT
CONTROL PLAN 2005

Matter to be Considered (clause 26)	Complies	Comment
Foreshore Access	✓	Complies: Additional foreshore access is to be provided.
Siting of Buildings and Structures	✓	Complies: The buildings proposed for the site address the waterways and do not obstruct views and vistas from public places to the waterway or any landmark features.
Built Form	✓	Complies: The building form of building D is sympathetic to and resemblant of adjoining buildings. Building E has been considered as to its cumulative impact along the foreshore and has been considered in preserving the view and setting of Building C. The effect of the proposed balconies on building C when viewed from the water has also been considered taking into consideration the proximity to proposed building E. Recommended conditions of consent require the redesign of these balconies so that they are reduced in size so that the areas between buildings are increased.
Planting	✓	Complies: The industrial history of the site has resulted in a mostly hard landscaping with no remaining vegetation. The retention of this landscaping style is considered desirable in accordance with the CMP.
Redevelopment Sites	✓	Complies: The proposal provides continuous public access with the foreshore. It is also proposed that the redundant existing ferry structure is retained as part of the application.

Issues

31. The issues identified in the above instruments/policies as non-complying or requiring further discussion in the abovementioned tables are discussed in detail below:

DESIGN ADVISORY PANEL (DAP)

32. The Panel was presented with a background and overview of the project prior to any amendments to the proposal. The DAP comments are summarised in the table below, how these comments are addressed is also summarised:

Element of Proposal	DAP Comments	DAP Comments Addressed
Public Access	Public access adjacent to the waterfront should complete the continuous waterfront promenade. The width of the walkway should have a generous width.	The public access adjacent to the waterfront is intended to complete the continuous waterfront promenade on Darling Island. The width required by SHFA deed of agreement is 3 m from the waters edge. The remaining width to REVY C façade is not proposed to be encroached upon, the public will receive the benefit of the actual building setback which is approximately 6 metres
Building E	This new building should strive to achieve a 6 Star Green Star rating.	The stage to proposal will strive to achieve 4.5 stars under the ABGR
	The panel is concerned about the relationship between buildings C and E; the amenity for the lower level balconies/ wintergardens proposed at building C could be compromised as a result of its proximity to building E. (See Heritage comments below)	The size of the balconies has been reduced see condition of consent from 3 metres to 1.8 metres

Element of Proposal	DAP Comments	DAP Comments Addressed
	<p>The proposed building is very bulky and does not relate to its surrounding 'fine grain' heritage buildings such as building C and the Channel 7 building. The Panel is also concerned that the bulk of the proposed building and its large floor plates will have a negative impact on the public domain. (See Urban Design Comments Building E below).</p>	<p>The proposal was amended and the two storey podium that fronted Darling Island Road has been deleted from the proposal. The building has also taken a more curvilinear form.</p>
	<p>The materials of the building should also be in keeping with its context</p>	<p>A condition of consent recommends a palate of materials that takes into consideration the marine environment in which it is located.</p>
Building C	<p>The proposed balconies/wintergarden should be naturally ventilated</p>	<p>A condition of consent recommends that the balconies are naturally ventilated.</p>
	<p>The balconies/wintergarden should not be used as office commercial spaces</p>	<p>A condition of consent recommends that the balconies should not be used as commercial office spaces.</p>
	<p>The panel questioned the need for balconies/wintergardens given the commercial use and their impact on the adjacent building</p>	<p>The balconies are to remain however the extent of the balcony shall be reduced. The balconies add to the overall amenity of the commercial building.</p>
	<p>Given its impact on the North and South elevation of the building, the furniture in the balconies should be simple and recessive</p>	<p>Condition of consent recommends that all furniture in the balconies is to be simple and recessive</p>
	<p>The Panel has a preference to keep the heritage building commercial to ensure minimum impact to the heritage fabric.</p>	<p>A condition of consent recommends that the use of building C is commercial</p>

33. Recommended conditions of consent have been put in place to ensure that the recommendations of the DAP are implemented in the final design (See also urban design and heritage discussions outlined below).

URBAN DESIGN

Public Domain

34. In regard to the public domain, public access to the water front through the site and along the water front to complete the loop around Jones Bay is proposed and is fully supported from an urban design point of view.

Building D and Building C

35. In relation to the proposed new building works no major issues are raised in regard to building C and new building D.
36. There is general consensus among Council Officers that the design intent of Building D to reflect the small building featuring the gables with a new contemporary structure is the right response from an urban design and heritage point of view. Building D is shown below.



Figure 8 – Building D

37. The proposed new roof addition to Building C is also generally supported. The new roof additions are to be setback 2 metres from the parapet line of the building and the height will be kept below the height of the lift/hoist structures protruding above the main roof to maintain the existing skyline. The roof is shown below.

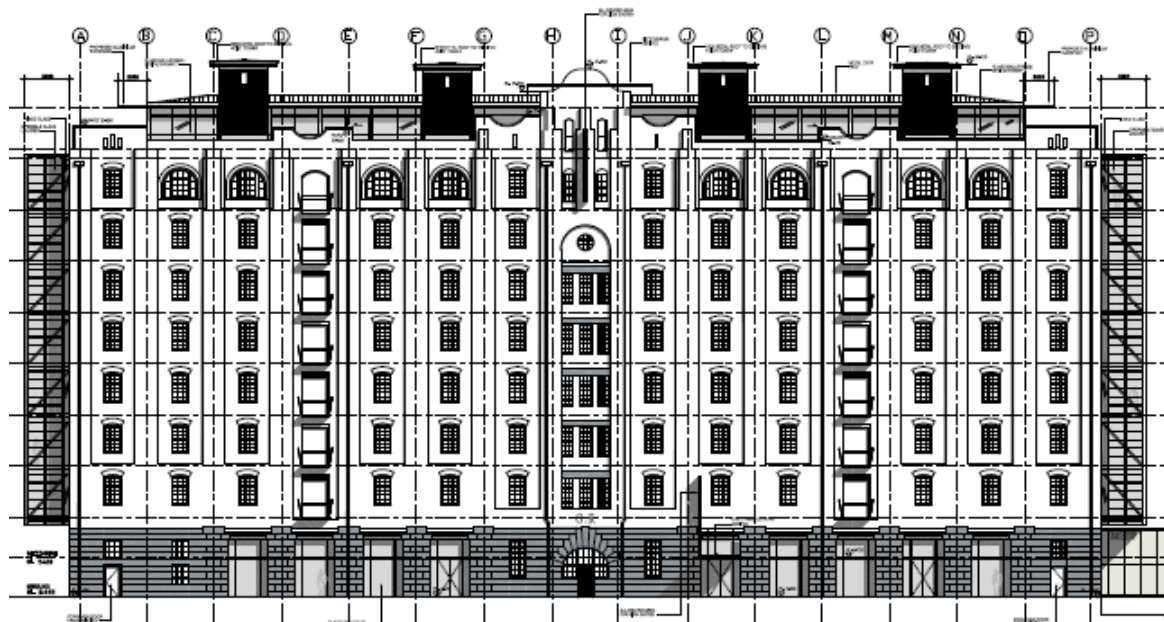


Figure 9 - proposed roof

38. The size of the new balconies at either end of the building is not supported. The balconies are too heavy and need to be reduced in size and bulk. Conditions of consent recommend that the width of the balconies is reduced to 1800 mm. The existing proposed balcony is shown below.

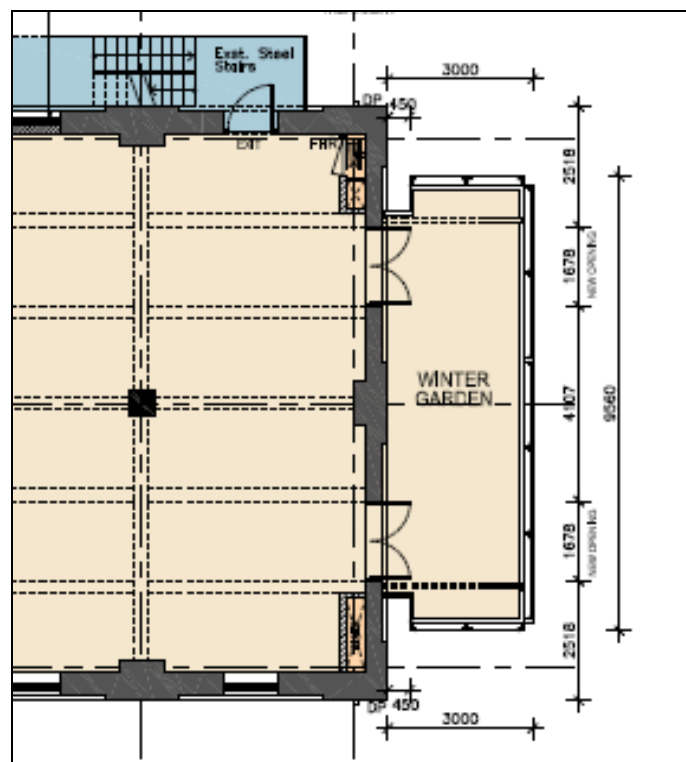


Figure 10 - existing proposed balcony/ wintergarden

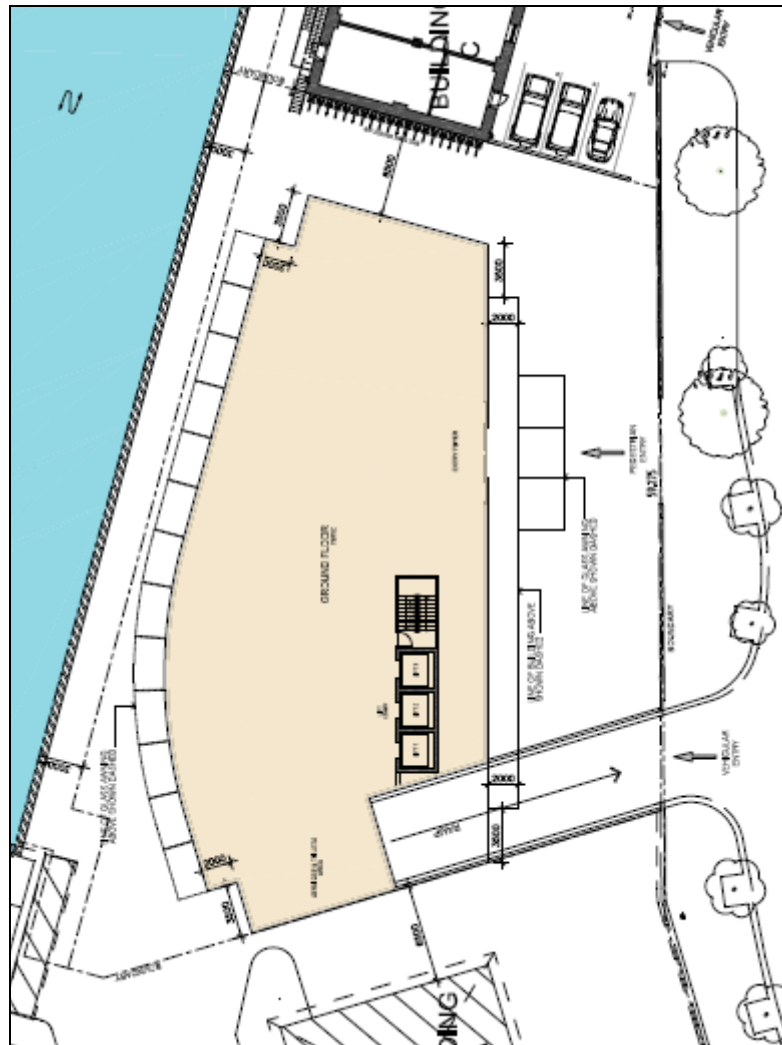


Figure 12 – amended plan ground floor plan Building E

ESD

40. The proposed development involves the adaptive reuse of the existing Building C. It is proposed that the building and services in this building will be designed with energy efficiency measures required so that the base building will be capable of a 4.5 star ABGR rating. Similarly, the building and services in this building are proposed to be capable of achieving a 4 Green Star office rating.
41. Building D and E (whilst only at Stage 1) are also proposed to have a 4.5 star ABGR rating as recommended by conditions of consent at Stage 2.

HERITAGE

42. The proposed adaptive re use of REVY C as commercial office space is supported as it generates a relatively minor level of modification to significant fabric, spaces and the industrial archaeology of the building (than for residential use). Of particular note is the ongoing use of the external fire stairs on the basis of commercial use, avoiding the need for additional provision within the building.

43. The additional storey to building C is recessive in design and maintains the visual prominence of the goods lift towers and the curvilinear parapets that are significant features of the building.
44. The proposed construction of external glazed balconies to the narrow north and south elevations are considered an acceptable means of creating a more sustainable office environment but it is recommended that the size of the footprint and projection of the proposed balconies be reduced in order to maintain the austere character and form of the building, and to maintain the views between buildings to either side to Jones Bay from Darling Island and to increase the distances between building C and E. A condition of consent recommends the reduction in width of the balconies.
45. The proposed envelope for Building E maintains the historical relationships between REVY A, B and C that arose out of pre existing alignments including those of the Darling Harbour railway sidings and the concrete quays constructed by 1902. The proposed height for Building E responds to the height recommended in the Darling Island Master Plan that was based on the eave height of REVY A and B. This height maintains the visual prominence of the historic buildings on the Island, although a 1 metre reduction to comply with the height controls is recommended.
46. The proposed envelope for Building D has been re orientated to maintain alignment with the historical boundary and the former Cooperage, and to maintain views through from Pirrama Road to Jones Bay.
47. It is recommended via conditions that the Stage 2 designs for buildings D & E should ensure a high degree of visual and physical transparency at the ground floor level and the façade resolution should interpret the character of the former timber wharf buildings on the island by the creation of patterns of light and shadow within an expressed structural grid and by incorporating hardwood timber into the palette of materials.

Section 79C(1)(b) Other Impacts of the Development

48. The relevant matters for consideration are addressed throughout this report.

BCA Matters

49. The development is capable of complying with the BCA
50. The BCA Classification of the building is Class 5.

Section 79C(1)(c) Suitability of the site for the development

51. The site is suitable for a commercial use.

Section 79C(1)(e) Public Interest

52. The proposal is not inconsistent with the public interest. The development of the site will assist in regenerating and further activating the locality which will assist in improving the amenity and public safety of the area.

POLICY IMPLICATIONS

53. Not applicable to this report.

FINANCIAL IMPLICATIONS/SECTION 61 CONTRIBUTIONS

54. Section 94 for building D & E will be levied at Stage 2.

PUBLIC CONSULTATION

Section 79C(1)(d)

EXTERNAL REFERRALS

55. Adjoining and nearby owners and occupiers were notified of the proposal and invited to comment. In addition, notices were placed on the site and the proposal was advertised in the daily press in accordance with the provisions of the City of Sydney Notification of Planning and Development Applications DCP 2005.
56. Seventeen (17) submissions to the original proposal were received. The proposal was renotified after amendments and 7 submissions were subsequently received. The grounds for objection are summarised as follows:-

(a) *Sea Water Intake for the Casino*

Comment: Tapcorp (Star City Casino) does not object in principle to the development of the site but expresses concerns on the impacts of construction on the salt water intake pipeline and associated plant located on the site and supply of water to the air conditioning system at the casino. This infrastructure is located below ground level in the vicinity of Building D. The development application does not seek consent for the actual construction of a new Building D. The staged development application seeks approval in principle for a new Building D. Tabcorp's concerns over construction impacts would be dealt with at the time of the subsequent Stage 2 application for construction of Building D. There is a separate Deed of Agreement between Tabcorp (Star City casino), Channel 7 (lessee of REYV D) and REYV Investments (owner) that deals with Tapcorp's rights to the sea water infrastructure located on the REYV site including procedures to be followed in the event of any redevelopment.

(b) *Impacts on Jetty*

Comment: A marina or any works within the adjoining waterway do not form part of this application. Consent is not sought for these uses. This is indicated on the DA drawings. The concept proposals for the site allows for a separate development application to be lodged for a marina and a walkway on the adjoining waterway.

(c) *Supply of Open Space*

Comment: Public open space is provided on Darling Island in accordance with the Darling Island Masterplan. The development facilitates improved public access along the waterfront which is a matter of public interest. The proposed development does not reduce the supply of open space in the area. In this regard it is noted that the proposed floor space ratio for the site is less than the maximum allowed under the LEP and consequently will not place additional demands on the local open space beyond that already contemplated and planned for.

(d) *Proposals for Buildings D and E and building height is unclear.*

Comment: Additional information on the proposals for building D and E were provided and renotified. This included indicative floor plans and elevations. There was sufficient detail of the proposal for these buildings as required for a staged development application. Building D is 11.145 m and Building E is 22 m.

(e) *Loss of views*

Comment: The proposal will not significantly impact upon any views. It is considered that the predominant City and water views will be maintained. View analysis prepared for the project indicates that view, vistas, siting and view sharing principles established in the UDP will not be compromised. Concern was expressed on the impacts of building E on the community park; however the important view to be maintained as identified is that of building C; however the southern elevation view of building C which can be seen from the park is identified in the CMP for the site as being of little significance. Submissions were also received from 1 Mill Street Pyrmont in relation to building E and 22 Point Street, Pyrmont. However building E will not impact on the Harbour Bridge, Sydney Harbour or Millers Point views. It is considered that there will be no impact on significant views with the new building replacing the view of the current Fairfax Building. It is considered that the predominant city and harbour views will be retained.

(f) *There is a lack of infrastructure in the area*

Comment: Information submitted with the application indicates that all necessary utility services are available and will be augmented as required to meet the needs of the development.

(g) *Taxi usage and manoeuvring*

Comment: The City has agreed to change the taxi rank in Darling Island to try and improve taxi operations. The matter of taxis turning in front of other vehicles is a policing issue and can not be controlled by the City.

(h) *On street parking*

Comment: The residents highlight the lack of City Ranger presence to enforce the current meter parking that is in place along Darling Island Road, they also raise concerns that the No Stopping will not be properly observed. This is an issue that has been raised with the City's Rangers.

(i) *Existing traffic impacts in the locality arising from taxis and parking*

Comment: At the Sydney Traffic Committee of October 2008 the following recommendations were made in regard to these concerns as follows:

- (i) Replacement of the current NO PARKING restriction on the west side of Darling Island Road, between Pirrama Road and Fyfe Street with a NO STOPPING restriction;
- (ii) Replacement of the current TAXI ZONE on the east side of Darling Island Road, north of Wharf Crescent with 2 HOUR TICKET PARKING;
- (iii) Replacement of the current NO PARKING zone on the east side of Darling Island Road between Fyfe Street and Wharf Crescent (Adjacent to the Fairfax building) with a TAXI ZONE, to accommodate five taxis; and
- (iv) Provision of a three vehicle NO PARKING ZONE on the west side of Wharf Crescent, adjacent to the rear of the Fairfax building to replace the current ¼ HOUR Parking Zone for two vehicles plus one space from the current 2 HOUR TICKET PARKING zone.

(j) *All Traffic for the new development should be channelled off Pirrama Road*

Comment: The suggestion for the proposed development to use the existing access off Pirrama Road for all the new development is not supported by Councils Traffic Unit. The existing proposal of a number of driveways off Darling Island Road provides safer and more convenient access. There are a number of reasons that this arrangement is preferred including; All entry's will be a left turn in, which is the safer movement, and all right out turns have a much greater sight distance than is available on Pirrama Road. The right turn onto Darling Island Road is at a controlled intersection through the use of an existing roundabout.

(k) *Construction activity and impacts of the proposed development*

Comment: Conditions of consent recommend construction hours and a construction traffic management plan. The applicant will be required to submit a Construction Traffic Management Plan that is reviewed by the Traffic Operations Unit. These CTMP's restrict the routes vehicles take to site, as well as loading and unloading to be on site.

(l) *Hours of assessment of the traffic report*

Comment: The traffic report which accompanies the SEE for the REVY site, uses am and pm peak hour assessments, with the assumption being that these are the worst case scenario and a satisfactory solution found for these hours will also suit the rest of the day. The residents have undertaken their own traffic counts and concluded that the traffic is equally distributed throughout the day. Their results show that the 9am to 10am is the busiest hour with 32 more vehicles per hour than the 8.30am – 9.30am than was assessed by the developer. While the background traffic may be more spread throughout the day it is a fair assumption that the majority of the site generated traffic will occur during the peak hours, therefore the hours which have been assessed by the developer are correct. Consideration should have been given to the nature of the existing traffic in this area, however it is the opinion of Council's Traffic Unit that the traffic report does assess the busiest hours when the development will be operational. In addition the RTA has raised no objection to the proposal.

(m) *Pedestrian safety*

Comment: The matter of illegally parked vehicles restricting pedestrian sight distance can be addressed by parking enforcement.

(n) *Car doors opening*

Comment: Under the regulations, a motorist must ensure it is safe to open a vehicle door.

(o) *LATM*

Comment: The residents have requested a Local Area Traffic Management (LATM) for this area in previous discussions. LATM is generally a group of traffic management treatments used on local residential streets to reduce traffic speed and discourage through traffic from using the streets as a by-pass to the main road network. In the case of Darling Island, the street network has no through road and the existing road geometry does not encourage vehicle speeds. Currently, all roads in Darling Island are under the jurisdiction of SHFA and the City may be prepared to undertake traffic counts in the area to obtain data on vehicle volumes and speed with the Authority's permission. The information can be used to assess what if any measure may be considered to improve safety. At a Sydney Traffic Committee (STC) October 2008, representatives for residents of Darling Island requested an LATM for their area. The City's representative agreed to undertake traffic counts in the area to determine traffic volumes and speed. Once this information is available consideration can be given to what, if any action is required.

Sydney Traffic Committee

57. The Sydney Regional Development Advisory Committee (SRDAC) considered the traffic impact of the proposal. The committee raised no objection to the proposed development.

Integrated Development

58. The proposal is Integrated Development under the Environmental Planning and Assessment Act 1979.

59. The Terms of Approval from the Department of Water and Energy has been received and are included in the recommendation.

INTERNAL REFERRALS

60. The application was referred to Councils Heritage Architect, Senior Urban Designer, Health Unit, Transport and Access Unit and Building Unit. No objection to the proposed development was raised, subject to the imposition of appropriate conditions.
61. Appropriate conditions have been included in the recommendation of this report to reflect these requirements.

RELEVANT LEGISLATION

62. The Environmental Planning and Assessment Act 1979 and the Heritage Act 1977.

CONCLUSION

63. The proposal is generally consistent with the requirements of the relevant planning instruments and policies and underlying objectives of the controls.
64. The development will make a positive improvement to the quality of the built form of the immediate area and contribute to the renewal and revitalisation of Darling Island.
65. The proposal is compliant with the height limit and FSR controls subject to the reduction in height of Building E. The proposal will not result in significant additional overshadowing or have a negative visual impact to the streetscape.
66. The proposal is sympathetic to and compatible with the surrounding locality and will generally have no adverse impacts on the amenity of the adjacent lands.

GIOVANNI CIRILLO

Director City Planning and Regulatory Services

(Chris Corradi, Senior Planner)