

ATTACHMENT B

**STAGE 1 DEVELOPMENT APPLICATION
REPORT TO THE CENTRAL SYDNEY
PLANNING COMMITTEE ON
21 FEBRUARY 2013**

116 BATHURST STREET SYDNEY

**DEVELOPMENT APPLICATION: 110-118 BATHURST STREET AND
203 CASTLEREAGH STREET SYDNEY**

FILE NO: D/2012/1023

SUMMARY

Date of Submission: 6 July 2012. (Amended plans received 14 January 2013)

Applicant: Mars Planning Pty Ltd.

Architect: Tony Owen Partners

Developer: Mars Planning Pty Ltd.

Owner: Minica Holdings Pty Ltd and Osiglen Pty Ltd

Cost of Works: \$61,528,550

Summary: Stage 1 development application for a building envelope with a maximum FSR of 14.6:1 to a maximum building height of 114.5 metres (approximately 38 levels). Ground level retail and hotel with the podium height of approximately 28m is proposed with residential use of the tower.

The proposal includes cantilevering the tower over the heritage listed Porter House and basement levels with all car traffic accessed from Bathurst Street.

The proposal is generally consistent with the built form controls that apply to the site. A 4m setback is proposed to Bathurst Street. This is considered acceptable as this allows for a reduced cantilever over Porter House and is contextually appropriate noting the reduced tower setback at the nearby 327 Pitt Street.

The proposed development has satisfactory heritage impacts and will result in the restoration of the listed Porter House located on the site.

A total of four submissions were received raising concern with the following: height; overshadowing; heritage; traffic; and, construction, demolition and excavation activities.

The site is located above the Cross City Tunnel and the approval from Roads and Maritime Services under the Infrastructure State Environmental Planning Policy has been received.

Summary Recommendation:

The development application is recommended for deferred commencement consent which requires the applicant to address the requirements of the Roads and Maritime Services prior to the consent being activated.

Attachments:

A - Selected Drawings

RECOMMENDATION

It is resolved that:

- (A) the requirement of Section 51N of the City of Sydney Act 1988 to consult with the Central Sydney Traffic and Transport Committee not apply in this instance as the proposal does not require, or that might reasonably be expected to require, the carrying out of road works or traffic control works that are likely to have a significant impact on traffic and transport in the Sydney CBD, having regard to the following:
- (i) The carrying out of works is not proposed or approved as part of this Stage 1 Development Application, which is conceptual in nature. Detailed matters in respect of on-site parking, driveway configuration and the like will be further addressed as part of the future Stage 2 Development Application;
 - (ii) The comment of Roads and Maritime Services was sought under the provisions of State Environmental Planning Policy (Infrastructure) 2007;
- (B) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted subject to the following conditions:
- (1) APPROVAL OF ROADS AND MARITIME SERVICES**
- (a) As requested by Roads and Maritime Services (RMS), the owners of the subject site must obtain the written approval of RMS under clause 100 of *State Environmental Planning Policy (Infrastructure) 2007* prior to the activation of the consent.
 - (b) It must be demonstrated that the approved development will not negatively impact on the Cross City Tunnel which is located beneath the site. An investigation of the impacts of the approved development on the Cross City Tunnel is to include the following information:
 - (i) Rock features, joints, clay seams, bedding planes, dykes and other defects should be identified and their effect on the Cross City Tunnel should be considered in the investigation/analysis.
 - (ii) Ground movements around the Cross City Tunnel, the stress and strain changes in the Cross City Tunnel structural elements (lining, water-proof membrane, anchors and bolts etc.) due to excavation and footing loads impacting on the tunnel should be predicted and a risk assessment carried out.
 - (c) All requirements contained in the approval of RMS and the owners of the site must be included in any subsequent Stage 2 development application.
 - (d) Written approval from RMS must be submitted to Council prior to the activation of the consent.
- (C) evidence that those matters identified in deferred commencement conditions listed above must be submitted to Council within 24 months or the consent will lapse;

- (D) the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions as indicated in clause (B) above, have been satisfied; and
- (E) upon Council giving written notification to the Applicant that the deferred commencement conditions in clause (B) above have been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions:

SCHEDULE 1

(1) APPROVED DEVELOPMENT

Stage 1 development consent is granted only for a building envelope and general arrangement of uses within the development, being basement car parking, a retail/hotel podium and residential tower and restoration and commercial use of heritage listed Porter House, in accordance with Development Application No. D/2012/1023 dated 6 July 2012 and the following drawings:

Drawing Title	Architect	Date
Proposed Envelope 3D Model (1 of 5)	Tony Owen Partners	January 2013
Proposed Envelope 3D Model (2 of 5)	Tony Owen Partners	January 2013
Proposed Envelope 3D Model (3 of 5)	Tony Owen Partners	January 2013
Proposed Envelope 3D Model (4 of 5)	Tony Owen Partners	January 2013
Proposed Envelope 3D Model (5 of 5)	Tony Owen Partners	January 2013
Heritage Item – East Facade	Tony Owen Partners	January 2013
Heritage Item – Plan	Tony Owen Partners	January 2013
Ground Floor Envelope	Tony Owen Partners	January 2013
Level 1 Envelope	Tony Owen Partners	January 2013
Level 2 Envelope	Tony Owen Partners	January 2013
Level 3 - 8 Envelope	Tony Owen Partners	January 2013

Drawing Title	Architect	Date
Level 9 Envelope	Tony Owen Partners	January 2013
Level 10 - 33 Envelope	Tony Owen Partners	January 2013
Level 34 Envelope	Tony Owen Partners	January 2013
Level 35 Envelope	Tony Owen Partners	January 2013
Level 36 Envelope	Tony Owen Partners	January 2013

and as amended by the conditions of this consent:

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

(2) MATTERS NOT APPROVED

The following items are not approved and do not form part of this consent:

- (a) The request for a 5.8% uplift in floor space ratio
- (b) Any demolition, construction, or excavation;
- (c) The layout and number of residential units, car parking spaces, basement levels and building storeys.

(3) STAGE 2 TO BE CONTAINED WITHIN APPROVED ENVELOPE

The detailed design, including services, developed under any future Stage 2 development application shall be contained within the building footprint and envelope approved as part of this consent. Any modification of the envelope must be fully justified through the competitive design process and Stage 2 DA process.

(4) STAGE 2 DA/COMPETITIVE DESIGN PROCESS

- (a) The detailed design of the whole development shall be the subject of a Stage 2 development application.
- (b) The detailed design of the whole development shall be the subject of a competitive design process in accordance with the provisions of Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012; and
- (c) The competitive design process must be held prior to the lodgement of the Stage 2 development application for the development.
- (d) The competitive design process and Stage 2 development application must include the adjoining, heritage listed Porter House as part of the proposal.

(e) The detailed design of the development must exhibit design excellence.

(5) EXPOSED ELEVATIONS

A visually interesting treatment is to be applied to the exposed side elevations along the northern and western boundaries. In applying this treatment, care should be taken to ensure that there are no unreasonable impacts on the neighbouring properties. Details shall be submitted as part of the future Stage 2 Development Application.

(6) COMPLIANCE WITH ALL RELEVANT PLANNING PROVISIONS

It is expected that the future Stage 2 DA will comply with all relevant State Environmental Planning Policies, Local Environmental Plan and Development Control Plan. In particular, it is noted that the future Stage 2 DA will require consultation with the Roads and Maritime Services under State Environmental Planning Policy (Infrastructure) 2007.

(7) PUBLIC DOMAIN PLAN

A Public Domain Plan must be prepared by an architect, urban designer or landscape architect and must be lodged with the Stage 2 development application. The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual.

(8) LOCATION OF DRIVEWAY

The access driveway for the site must not be closer than:

- (a) 10 metres from the kerb line of the nearest cross street/lane;
- (b) 20 metres from the kerb line of the nearest signalised cross Street/lane;
- (c) 1 metre from the property boundary of the site; and
- (d) 2 metres from any other driveway.

Details shall be submitted with the Stage 2 Development Application.

(9) VEHICLE ACCESS

The site must be configured to allow all vehicles to be driven onto and off the site in a forward direction. Details shall be submitted with the Stage 2 Development Application.

(10) PUBLIC ART

A public art strategy that nominates artists and potential locations for public art shall be submitted as part of the Stage 2 DA.

(11) FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) The combined Floor Space Ratio of the proposal and the Floor Space Ratio of the retained Porter House, must comply with the requirements of the *Sydney Local Environmental Plan 2012*.
- (b) The floor space in excess of a FSR of 8:1 shall be subject to a requirement to purchase heritage floor space (HFS) in accordance with the requirements of Clause 6.11 of the *Sydney Local Environmental Plan 2012*.

(12) ECOLOGICALLY SUSTAINABLE DEVELOPMENT

The detailed Stage 2 design for the whole development shall incorporate ESD initiatives. The Stage 2 development should strive to achieve the highest possible ESD targets.

(13) WIND

The Stage 2 DA scheme shall be subject to physical wind tunnel testing in its context to ascertain the impacts of the development on the ground level wind environment and the wind conditions around Bathurst and Castlereagh Streets. Any future development must satisfy the requirements of the *Sydney Development Control Plan 2012* in this regard.

(14) SIGNAGE STRATEGY

A detailed signage strategy for the whole development shall be submitted with the Stage 2 DA. The signage strategy must include information and scale drawings of the location, type, construction, materials and total number of signs proposed for the building.

(15) SUBSTATIONS

The location and placement of future sub stations required by Energy Australia are to be identified within any Stage 2 development application. Any substations are to be designed and located such that their placement does not deactivate and intrude upon the streetscape.

(16) WASTE MINIMISATION

The Stage 2 DA shall comply with *Sydney Development Control Plan 2012*.

(17) CONSTRUCTION MANAGEMENT

The Stage 2 DA for the whole development shall be supported by a detailed construction management plan for the development.

(18) ACID SULPHATE SOILS

An Acid Sulphate Soils Management Plan must be prepared by a suitably qualified person in accordance with the 'Acid Sulfate Soils Assessment Guidelines' (ASSMAC August 1998), and submitted with the Stage 2 DA.

(19) ALIGNMENT LEVELS

- (a) The footpath alignment levels for the building must be submitted to Council for approval at Stage 2 Development Application stage. The submission must be prepared by a Registered Surveyor and must be in accordance with the City of Sydney's Public Domain Manual.
- (b) These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the application for a Construction Certificate, excluding a Construction Certificate for approved preparatory, demolition or shoring work and be incorporated with the public domain plan which will be required as Construction certificate condition.

(20) FURTHER GEOTECHNICAL AND STRUCTURAL INVESTIGATION AND ASSESSMENT

The following report is to be submitted to and shall be endorsed by Council's Director – City Planning, Development and Transport prior to the commencement of any future design competition:

- (a) The applicant is to engage a structural engineer with suitable experience in work on heritage buildings and heritage materials, to advise on the protection of, and mitigation of damage to, adjacent heritage buildings, arising out of the proposed excavation. The applicant's structural and geotechnical engineers shall direct investigations of subsurface conditions including sufficient boreholes and test pits to determine geotechnical parameters for excavation, excavation support and the protection of adjacent structures.
- (b) A structural assessment of Porter House and concept structural design to verify the adequacy of the building for the proposed new use. The report is to be prepared by a structural engineer with suitable experience in work on heritage buildings and heritage materials. The report is to include an assessment of the critical structural issues relating to the facades of the building and the potential impact upon the existing timber structure of the building arising out of the need for fire resistant construction, fire separation, lateral stabilisation, and to detail structural works to Porter House that will be required to achieve compliance that comply with the Building Code of Australia and Australian Standards.

(21) ARCHAEOLOGICAL ASSESSMENT (NON STANDARD)

An archaeological assessment of all properties included in the development undertaken by a suitably qualified archaeologist must be submitted with the Stage 2 DA. The report must assess whether the proposed works have the potential to disturb any archaeological remains and the need for any archaeological investigation prior to commencement of any works on site. The report should also recommend measures and documentation to be undertaken during the process of demolition and excavation work. The report should also form part of the Design Competition brief, in order to inform potential interpretation.

(22) CONSERVATION MANAGEMENT PLAN AND ADAPTIVE RE-USE OF PORTER HOUSE AT 203 CASLHEREAGH STREET SYDNEY

- (a) The Conservation Management Plan for Porter House at No 203 Castlereagh Street, Sydney is to be amended and the amended plan shall be endorsed by Council's Director of City Planning and Regulatory Services prior to the commencement of any future design competition. The adjustments to the CMP shall include the following:
- (i) Further physical investigation of the rear structures including timber posts, and boundary walls, where earlier structures may have been incorporated into the building supported by further documentary analysis where required. This investigation should include the relationship of structures with the spaces directly beneath in the basement.
 - (ii) To include further physical investigation of the brick platforms in the basement level of the building, including investigation of the condition of the sandstone perimeter wall supported by further documentary analysis where required.
 - (iii) Physical analysis of the locked Storage room in the Basement Level.
 - (iv) Inclusion of the existing pavement shafts and evidence of former shafts, on the Basement Plan.
 - (v) Physical investigation on the sandstone façade fronting Castlereagh Street above door head height, including mapping the location of any inserted beams.
 - (vi) Review of the gradings of significance and policies in the light of further investigation above.
- (b) The following reports in (i) to (vii) below, pertaining to the refurbishment of Porter House, shall be approved by Council's Director City Planning, Development and Transport prior to the commencement of any future design competition. The concept designs and advice within the approved reports are to inform the Design Competition, be incorporated into the Stage Two design.
- (i) The approved outline Schedule of Conservation Works, contained within the Conservation Management Plan by Godden Mackay Logan, and the approved sketch design for the reconstruction of the eastern façade at Ground Floor level are to be included as part of the design competition brief.
 - (ii) The approved outline Schedule of Conservation Works is to be developed further and supported by larger scale plans and sections with indicative details and specifications outlining the intended conservation and adaptive approach to the interiors components (preservation, restoration, reconstruction, adaptation, interpretation etc) is to form part of any Stage 2 application.

- (iii) The approved detailed design resolution for the reconstruction of the eastern façade at Ground Floor level supported by sections and detail plans at a minimum scale of 1:20 are to form part of any Stage 2 application.
- (iv) A concept fire safety strategy report that outlines the proposed fire rating solution for the interiors, which is to utilise fire engineered solutions rather than physical barrier solutions to maximise the exposure of timber structure, original fabric and finishes and minimise compartmentalisation of spaces and levels.
- (v) Building services concept design report(s) that assess the current building services, address non compliances with the Building Code of Australia (BCA), and explain the intended design approach to new or additional building services. This should include the type of systems proposed, the means of reticulation of services and the location of all plant. The proposed solutions to building services are to enhance the Victorian character of the interiors, and maximise the exposure of timber structure, original fabric and finishes. Service installations such as air conditioning plant, hydrant pump room, booster valves and electrical switch room are to be located outside of Porter House. The lift overrun is to be reduced in height to the minimum that is feasible.
- (vi) An Acoustic report to explain how the interiors will achieve compliance with BCA.

(23) GENERAL DESIGN MATTERS

The future design competition brief and Stage 2 development application must incorporate the following restrictions:

- (a) The extent of the cantilever of the proposed tower over Porter House is to be a maximum of five metres as measured in plan, in the north south direction.
- (b) The proposed lift core is to be setback from the south facade of Porter House by a minimum of four metres.
- (c) The proposed tower is to be setback a minimum of eight metres from Castlereagh Street.
- (d) The proposed recess between Porter House at 203 Castlereagh Street and the proposed building at 110-118 Bathurst Street is to be designed as follows:
 - (i) Any roofing or facades to the north and east are to be fully glazed and achieve a high level of transparency so as to conserve views of the original southern facade and the form of Porter House.
 - (ii) To be a minimum width of 5,300mm.
- (e) The proposed building at 110-118 Bathurst Street is to be structurally independent of Porter House, the building at 203 Castlereagh Street, Sydney.

- (f) The proposed excavation is to be setback by minimum of two metres from the boundary with the property St George's Church, at 201A Castlereagh Street, at the rear of Porter House.
- (g) The podium design should be a finely designed masonry building with the facade composition responding in a positive way to the adjacent heritage items and the predominant historic development at 201A, 201 and 203 Castlereagh Street, 284 – 292 Pitt, and 108 Bathurst Street that is characterised by strong visual depth, a high degree of architectural modelling and articulation, a complex hierarchy of vertical and horizontal proportions and changes in architectural treatment with height and level. High quality materials that provide a compatible response to surrounding development should be incorporated into the design. Glazing (at all levels of the building) should maintain a high level of clarity and be neutral in colour. Balconies should be recessed within the line of the facade through punctured openings.
- (h) The soffit of the tower as viewed within the context of the heritage items at 201A, 201 and 203 Castlereagh Street is to be carefully considered so as to reduce its visual prominence.
- (i) The pavement level of the former cartway of Porter House at 203 Castlereagh Street is to be lowered to an approximation of its original level. The character of this space is to reflect its original use as cartway.
- (j) Any enclosed structure replacing the existing rear structures in Porter House is to be setback by a minimum of three metres from the boundary with the property at 201A Castlereagh Street, St George's Church, so as to retain the sense of the former rear courtyard.

(24) OUTLINE HERITAGE INTERPRETATION STRATEGY

The Stage Two Design is to incorporate an outline interpretation strategy that details how information on the history and significance of the entire site and its potential archaeology will be provided for the public. This outline should inform the Design Excellence brief.

(25) USE OF CONSERVATION ARCHITECT

An experienced conservation architect is to be commissioned to work with the consultant team throughout the Design Excellence and Stage 2 design processes.

(26) LOT CONSOLIDATION

All land titles within the site must be consolidated into one lot. A plan of consolidation must be registered with the Land and Property Information Division of the Department of Lands, prior to the Stage 2 development application.

SCHEDULE 2

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

BACKGROUND

The Site and Surrounding Development

1. The subject site is located on the north western corner of the intersection of Bathurst and Castlereagh Streets. The site is made up of five separate properties with a combined area of 1297m². The site has approximate frontage lengths of 36m along both street frontages.
2. Three separate buildings are currently located on the site (the site comprised of five separate lots). The westernmost property, with frontage to Bathurst Street, is occupied by an 8 storey commercial building. The property on the corner of Bathurst Street and Castlereagh Street is occupied by a two storey commercial building. The remaining property which forms part of the site is occupied by a 5 storey heritage listed building known as Porter House which was constructed in 1876.
3. There is currently no vehicular access to the site.
4. The surrounding land use is primarily commercial with large commercial buildings opposite the site, to the east, along Castlereagh Street and smaller commercial buildings neighbouring the site to the west along Bathurst Street. To the south of the site, on the opposite side of Bathurst Street, is a mixed use commercial/residential building and a commercial building at 141 Bathurst Street which is generally vacant. Approval was granted by Council in 2012 for the demolition of the commercial building and the erection of a mixed use tower to a height of 55m.
5. To the north of the site, adjacent to Porter House is the heritage listed St Georges Church. The church was constructed in 1858. Further to the north of the church is Scientology House (the former C.E.N.E.F. House).
6. A location plan and photos of the site are provided below.

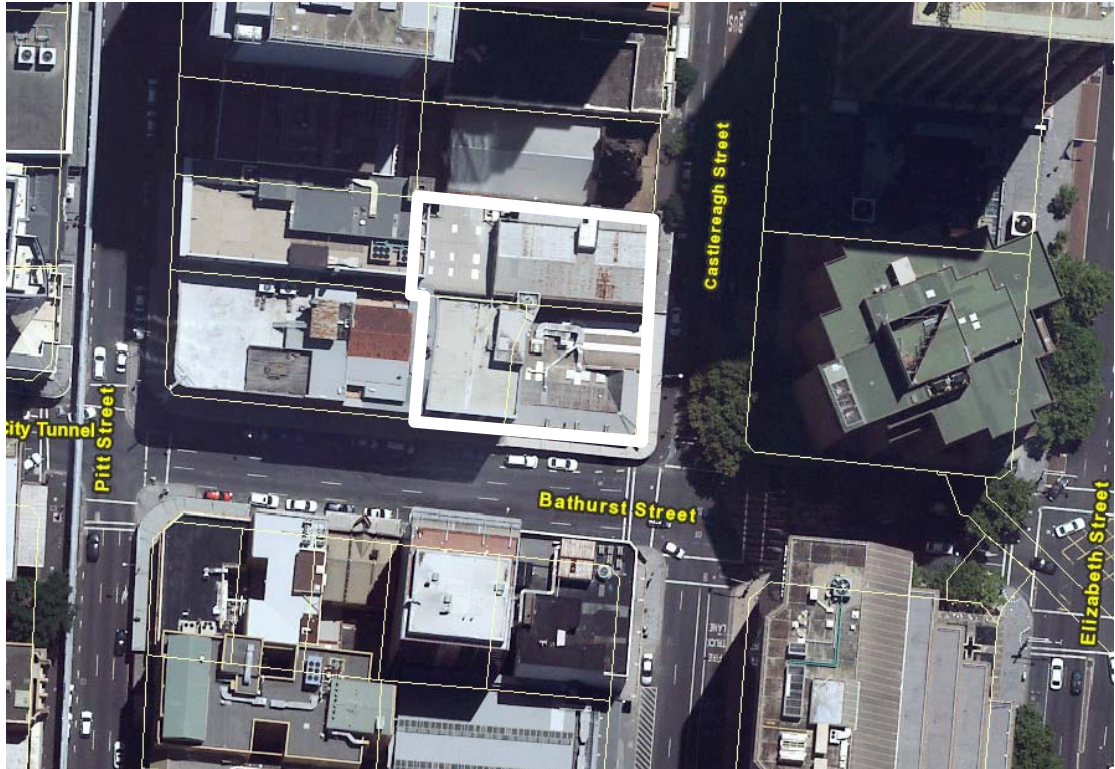


Figure 1: Aerial view of subject site



Figure 2: Site viewed from opposite corner of Castlereagh/Bathurst Street intersection.



Figure 3: Castlereagh Street frontage, Porter House and neighbouring St Georges Church visible

History Relevant to this Site

7. The site has been the subject of numerous internal fit out and works development applications over time. The current proposal is the first significant proposal for the site.

PROPOSAL

8. The Stage 1 DA seeks consent for the following:
 - (a) Construction of a mixed use development comprising residential, hotel, retail and commercial;
 - (b) Retention and restoration of the 5 storey heritage listed Porter House (203 Castlereagh Street). Restoration works include reconstruction of the ground floor facade;
 - (c) A new building envelope to the south of the retained Porter House comprising the following:
 - (i) a 28m high podium containing a new hotel and ground floor retail; and
 - (ii) a 114.5m high residential tower setback 4m from Bathurst Street and 8m from Castlereagh Street;

- (iii) the residential tower cantilevering over Porter House by approximately 5.3m;
 - (iv) basement parking accessed from Bathurst Street.
 - (d) A maximum FSR of 14.6:1 (being 18,938m² of floor space comprising 2,088m² within Porter House, 4,326.5m² of floor space within the podium for hotel use and ground floor retail and a residential tower of 12,522.5m²). This FSR includes a 5.8% uplift for completion of a future competitive process.
9. The proposed building envelope is shown below. Further plans, elevations and photomontages of the development are provided at **Attachment A**.



Figure 4: Proposed building envelope, viewed from opposite corner of Bathurst Street/Castlereagh Street intersection.

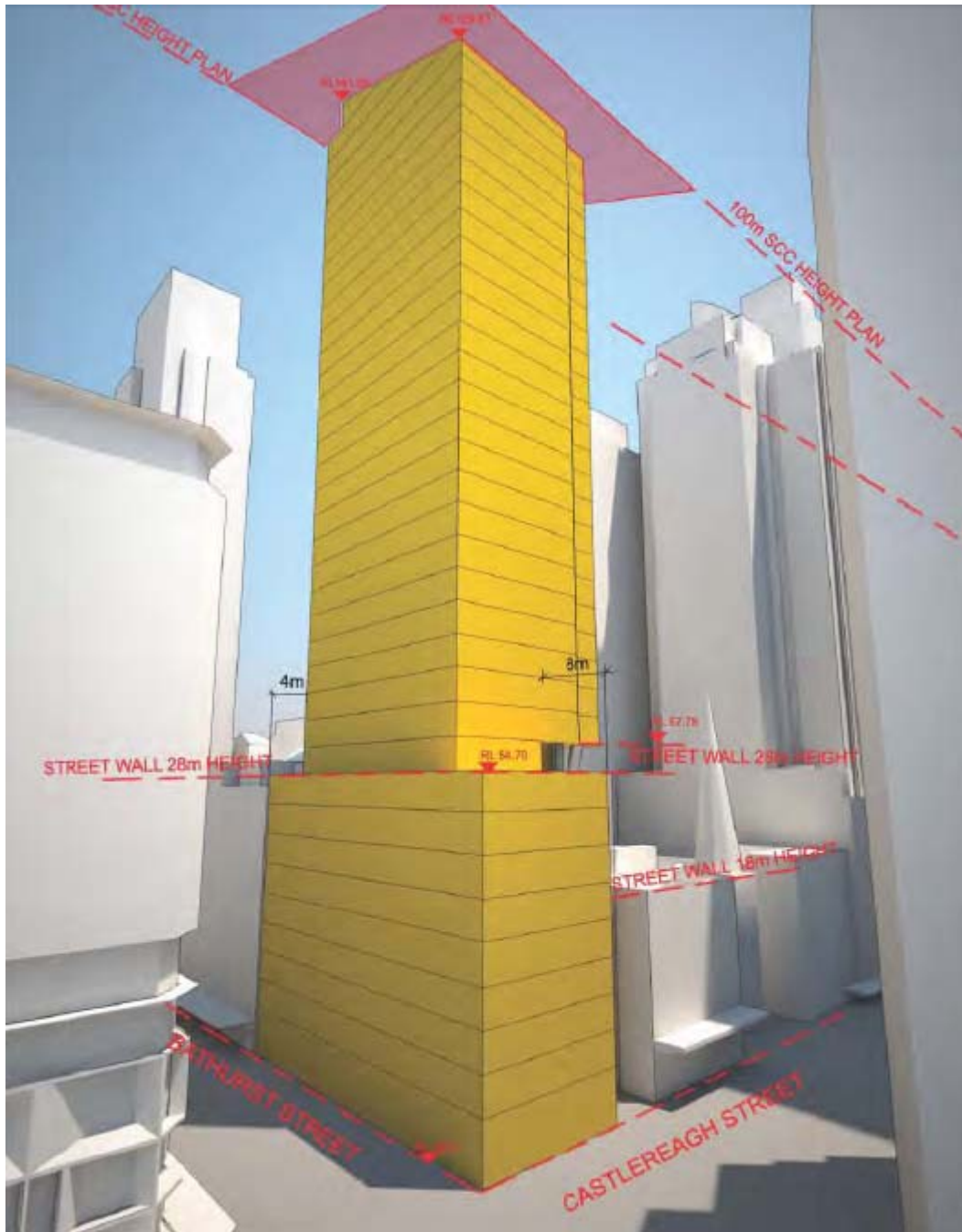


Figure 5: Proposed building envelope, viewed from opposite corner of Bathurst Street/Castlereagh Street intersection.

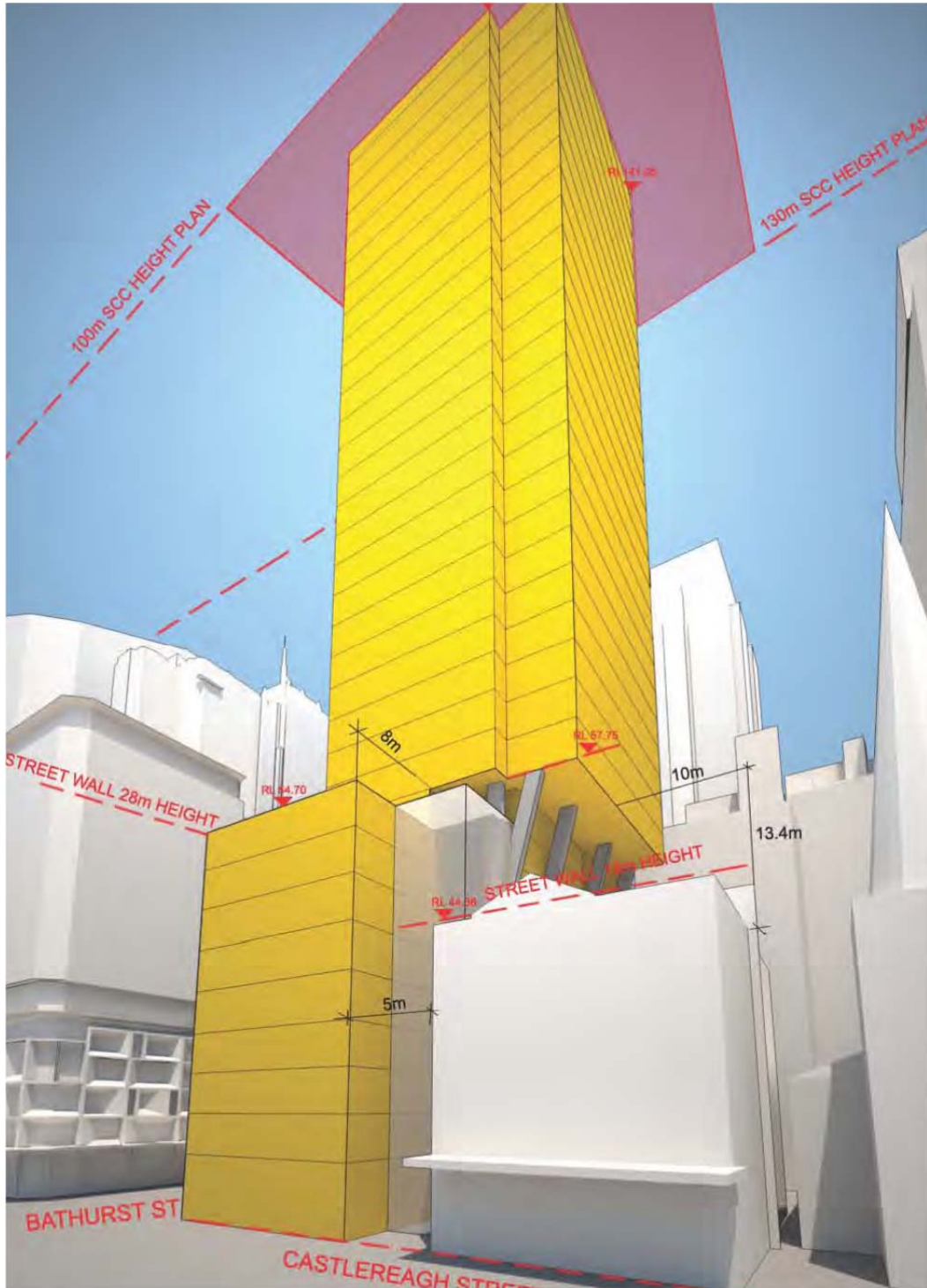


Figure 6: Proposed building envelope, viewed from along Castlereagh Street (retained Porter House right).

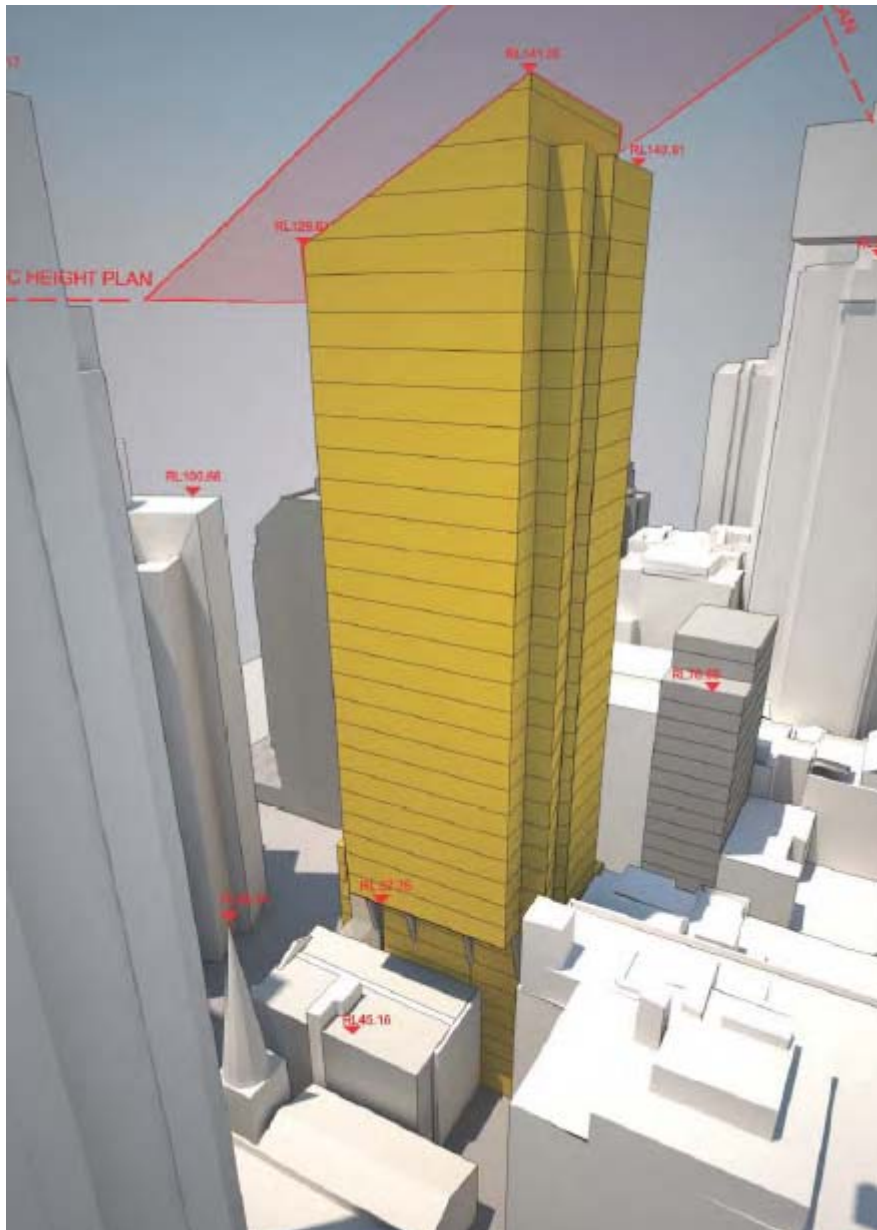


Figure 7: Proposed building envelope viewed from north.



Figure 8: Photomontage of proposed envelope, viewed from west along Bathurst Street.



Figure 9: Photomontage of proposed envelope, viewed from east along Bathurst Street.



Figure 10: Photomontage of proposed envelope, viewed from east along Castlereagh Street.

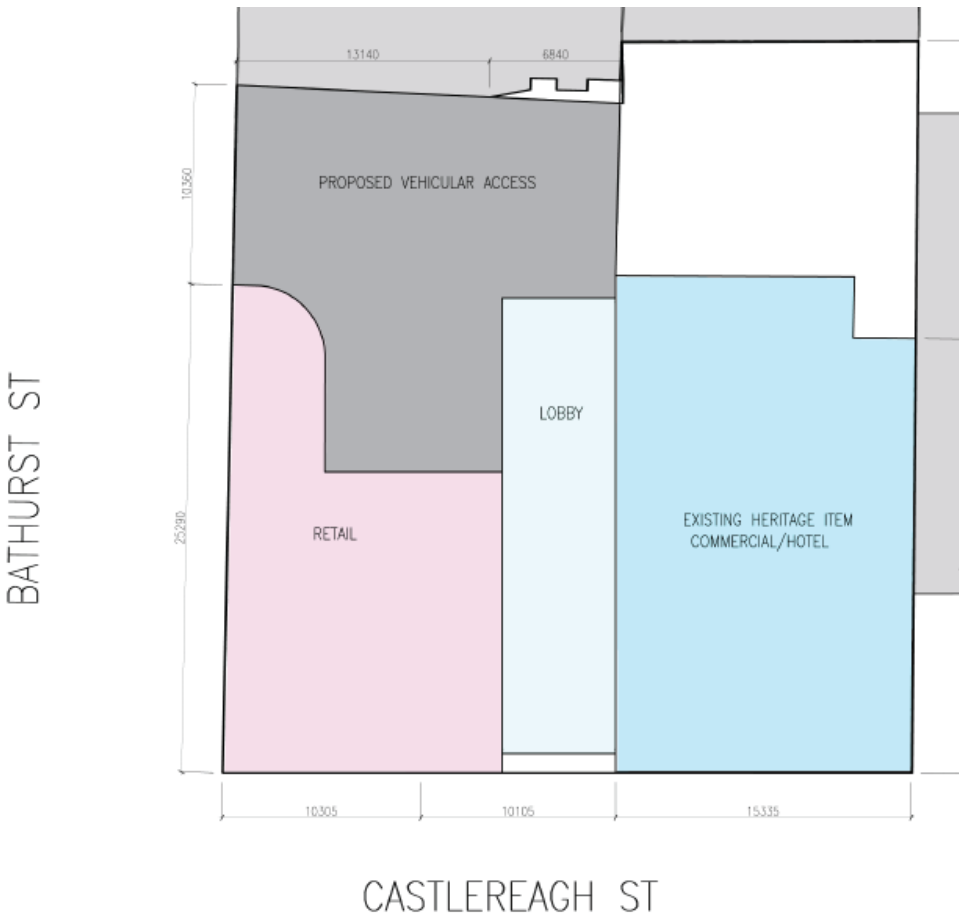


Figure 11: Indicative ground floor area plan.



Figure 12: Indicative podium floor plan.

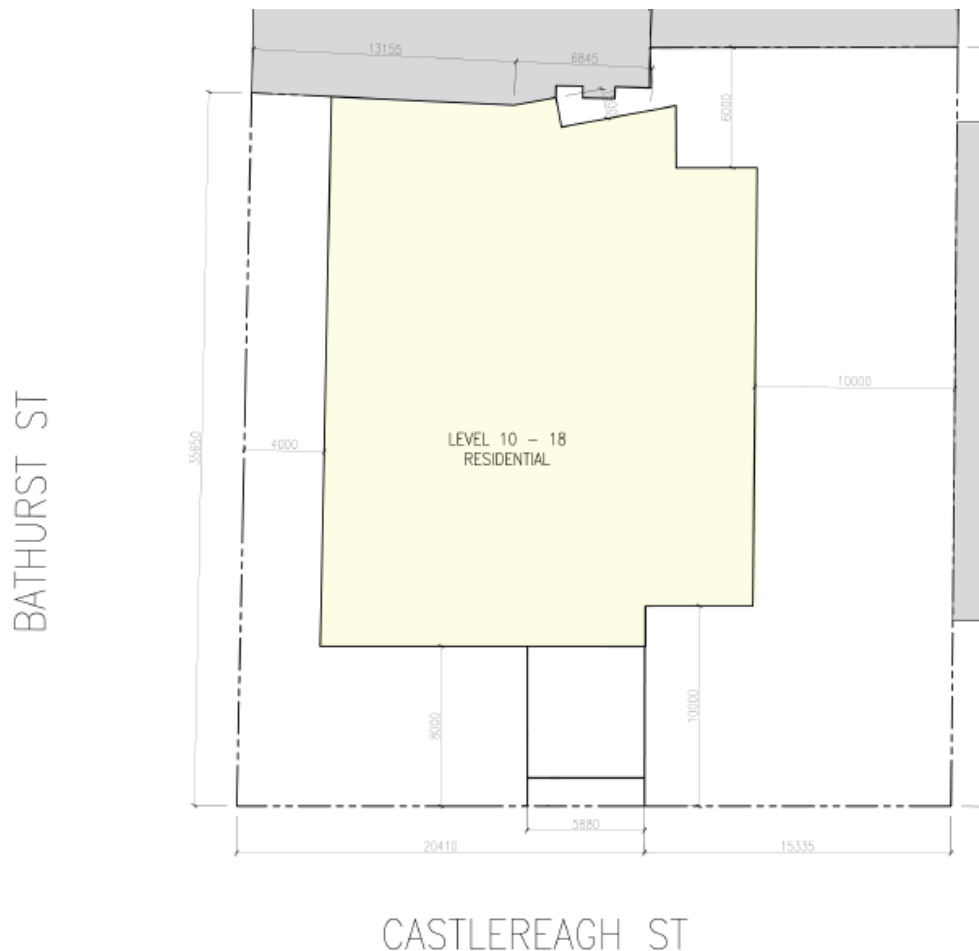


Figure 13: Indicative tower floor plan.

10. The proposed building envelope has been amended since the lodgement of the subject application. The original development sought approval for an envelope the same height and general form as the current proposal. The most significant change between the previous and current proposals is the configuration of the tower.
11. The tower was previously proposed to be cantilevered over Porter House by almost 10m. The proposal would have required the construction of significant structural beams and was considered to result in a poor streetscape outcome in addition to impacting on the setting of Porter House and the neighbouring St Georges Church.
12. The figures below illustrate the previously proposed scheme.

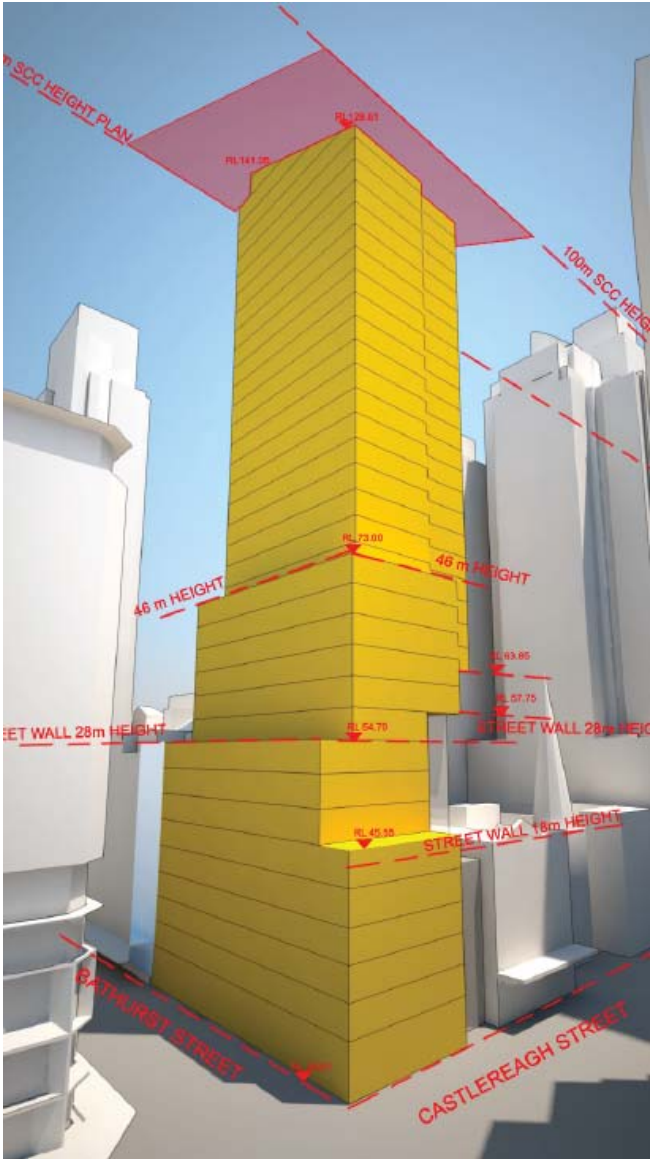


Figure 14: Model of originally submitted scheme (superseded)

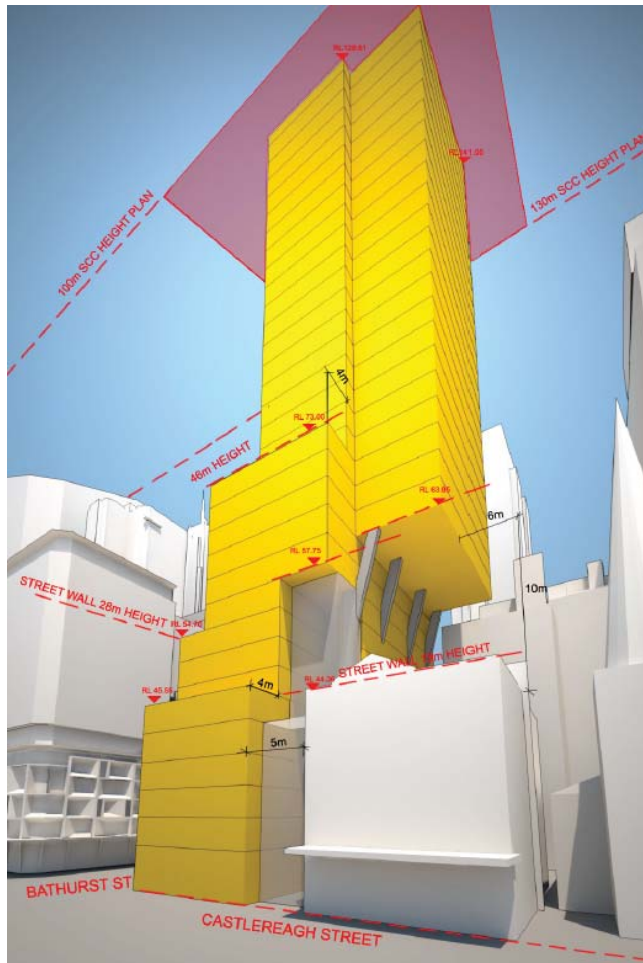


Figure 15: Model of originally submitted scheme (superseded)

IMPLICATIONS OF THE PROPOSAL

CITY OF SYDNEY ACT 1988

13. Section 51N of the Act requires the Central Sydney Planning Committee (the Planning Committee) to consult with the Central Sydney Traffic and Transport Committee (CSTTC) before it determines a Development Application that will require, or that might reasonably be expected to require, the carrying out of road works or traffic control works likely to have a significant impact on traffic and transport in the Sydney CBD. A full extract of this Section is provided below.

“51N Planning proposals having a significant impact on traffic and transport in the Sydney CBD

- (1) *The Planning Committee must consult the CSTTC before it exercises a function under Part 4 that will result in the making of a decision that will require, or that might reasonably be expected to require, the carrying out of road works or traffic control works that are likely to have a significant impact on traffic and transport in the Sydney CBD.*
- (2) *The Planning Committee must take into consideration any representations made by the CSTTC within the period of 21 days (or such other period as is agreed to by the CSTTC and the Planning Committee in a particular case) after consultation takes place.*

- (3) *The Planning Committee may delegate to a subcommittee of the Planning Committee, or the general manager or another member of the staff of the City Council, any of its functions under this section other than this power of delegation. A delegation can be given subject to conditions. A delegation does not (despite section 38) require the approval of the Minister administering that section.*
- (4) *The failure of the Planning Committee to comply with this section does not invalidate or otherwise affect any decision made by the Planning Committee.”*
14. Having liaised with the City’s Transport Planning Unit, in this instance, the proposal is not considered to have a significant impact on traffic and transport in the CBD, and consultation with the CSTTC is not necessary. In particular, the following are noted:
- (a) The carrying out of works is not proposed or recommended to be approved as part of this Stage 1 DA, which is conceptual in nature. Detailed matters in respect of on-site parking and driveway configuration will be further addressed as part of the future Stage 2 DA;
- (b) The comments of Roads and Maritime Services were sought under the provisions of State Environmental Planning Policy (Infrastructure) 2007 – refer discussion further below.

Section 79C Evaluation

15. An assessment of the proposal under Section 79C of the Environmental Planning and Assessment Act 1979 (EP&A Act) has been made, including the following.

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

STATE ENVIRONMENT PLANNING POLICIES (SEPPs)

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

SEPP (Infrastructure) 2007

Roads and Maritime Services (RMS)

17. The proposal has been referred to Roads and Maritime Service under clauses 100 and 103 of the SEPP due to the presence of the Cross City Tunnel directly beneath the site and the extent of excavation proposed. Additional information was requested by RMS which was supplied by the applicant. RMS have given approval under clause 103 of the SEPP to the granting of a deferred commencement consent subject to further investigation on the potential impact of the proposal on the Cross City Tunnel.

SEPP 55 - Remediation of Land and the City of Sydney Contaminated Land DCP 2004

18. SEPP 55 provides that a consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.
19. A Phase 1 contamination report has been provided by the applicant and concludes that the site will be suitable for the proposed uses. Detailed matters in respect of contamination and the remediation of the site can be further addressed as part of the future Stage 2 DA.

SEPP 65 – Design Quality of Residential Flat Development

20. Due to the conceptual nature of a Stage 1 application a detailed assessment against SEPP 65 and the Residential Flat Design Code can only be made when the future Stage 2 DA is submitted. Notwithstanding this, a limited assessment is provided below where it is concluded that the proposed building envelope is acceptable when considered against the design quality principles, which are replicated in a large part within Council's controls.

(a) **Principles 1, 2 and 3:** Context, Scale and Built Form

The proposed building envelope is consistent with the maximum height and FSR controls in Sydney LEP 2005 and as discussed later in this report, the proposed reduced 4m setback to Bathurst Street is considered acceptable in this instance. The proposal provides an acceptable built form within this locality. Refer to the issues section of the report for further discussion.

(b) **Principle 4:** Density

The proposed building envelope complies with the core planning controls (height and FSR).

(c) **Principle 5: Resource, energy and water efficiency**

Principles relating to energy efficiency will be assessed during the detailed stage 2 DA which will also be subject to the BASIX targets.

(d) **Principle 6:** Landscape

The proposed building footprint is built to the site boundaries, therefore there is no at street level landscaped area. This is considered acceptable in this CBD context.

(e) **Principle 7:** Amenity

Indicative drawings have been submitted demonstrating that an acceptable level of residential amenity may be achievable. Details will need to be fully considered as part of the future Stage 2 DA.

(f) **Principle 8: Safety and Security**

Separate and secure entrances are able to be provided to the different building uses. Details will need to be fully considered as part of the future Stage 2 DA.

(g) **Principle 9: Social Dimensions**

Issues regarding social dimensions and appropriate apartment mix will be considered as part of the future Stage 2 DA.

(h) **Principle 10: Aesthetics**

A competitive design process will need to occur prior to the future Stage 2 DA.

SEPP (BASIX)

21. The application indicates that the proposed development is intended to comply with the BASIX requirements. Compliance will be required to be addressed as part of the future Stage 2 DA.

Sydney Local Environmental Plan 2005

22. 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 /Stage 1 DA Required	Proposal is for a Stage 1 DA
Zoning	City Centre	Permissible with development consent.
Floor Space Area	19,753.3m ²	18,938m ²
Floor Space Ratio Site area = 1297m²	15.23 : 1 (including potential 10% uplift and based on the LEP mixed use formula and the proposed proportional distribution of floor area between the uses)	14.6 : 1 (including 5.8% uplift)
Heritage Floor Space to be Allocated	Allocation of HFS as the building is over 55m and 8:1.	The amount of HFS to be allocated will be considered as part of the future Stage 2 DA
Height	Sun Access Plane C (100-120m across site)	114.5m above street level (RL 141.05)

Development Controls	Permissible under Sydney LEP 2005	Proposal as assessed under Sydney LEP 2005
Parking	Max dependent on proposed uses and mix of apartments.	The proposal is capable of complying with the maximum car parking rates. This is discussed in further detail below.

COMPLIANCE WITH LEP Chapter 1 Part 5 Division 1 – URBAN FORM

Matters to be Considered (clause 25)	Complies	Comment
Design excellence	✓	Able to comply While limited design details have been provided, the envelope is capable of accommodating a future building that will exhibit design excellence. It is also noted that prior to the future Stage 2 DA, a competitive design process will need to be undertaken.
Envelope appropriate to site and context	✓	Complies The proposed envelope is considered appropriate, refer to issues section of report.
Appropriate design response to site and context	✓	Able to comply While no design details have been provided, the envelope is capable of accommodating a future building that has an appropriate design response to the site and context.
Suitability of land for development	✓	Complies The site is suitable for a mixed use multi-level development.
Existing and proposed uses and use mix	✓	Complies In noting the site's surrounding environment, the proposed hotel/retail podium and residential tower is appropriate.
Heritage issues and streetscape constraints	✓	Complies Subject to conditions, the proposal will not adversely impact on Porter House and the other heritage items in the vicinity. Refer further discussion below.
Relationship with other towers	✓	Complies The proposal is sufficiently separated from other existing and proposed towers.

Matters to be Considered (clause 25)	Complies	Comment
Bulk, massing and modulation of buildings	✓	<p>Complies</p> <p>With the exception of the Bathurst Street tower setback, the envelope complies with the building form provisions of Central Sydney DCP 1996. While the DCP requires a weighted average setback of 8m, the Bathurst Street 4m setback responds to the neighbouring built context. It is noted that the modulation detailing of the building will be refined as part of the future competitive design process and Stage 2 DA. Additionally, a compliant 10m setback is proposed for the cantilever of Porter House.</p>
Street frontage heights	✓	<p>Complies</p> <p>The 20m - 45m Street wall height provisions of the Central Sydney DCP 1996 are satisfied. The podium height is discussed below.</p>
Sustainable design, overshadowing, wind and reflectivity	✓	<p>Complies</p> <p>Shadow diagrams have demonstrated that the development will not unreasonably overshadow public spaces.</p> <p>Further detail of the environmental impacts will be addressed as part of the future Stage 2 DA.</p>
Pedestrian, cycle, vehicular & service access, circulation requirements	✓	<p>Able to comply</p> <p>Provision for cycles, vehicular circulation and service access will be resolved as part of the Stage 2 DA.</p>
Impact on & improvements to the public domain	✓	<p>Able to comply</p> <p>Further detail will be addressed as part of the future Stage 2 DA.</p>
Design excellence – result of a competitive process	✓	<p>Able to comply</p> <p>Prior to the future Stage 2 DA, a competitive design process will need to be undertaken.</p>

LEP PART 6 – HERITAGE PROVISIONS AND CITY OF SYDNEY HERITAGE DCP 2006

23. Porter House is listed as Heritage Item under Schedule 8 of the LEP.
24. In accordance with clause 73 of the LEP, a Heritage Committee was formed to consider the merits of the proposed development and its potential heritage impact. The heritage committee considered the original DA proposal and did not support the extent of cantilever and raised concern over the potential impacts on Porter House.
25. Subsequently, the proposal was amended to address these concerns. As discussed further below, the amended proposal is now considered acceptable from a heritage perspective, subject to conditions.

Sydney LEP 2012

26. LEP 2012 was gazetted by the Minister on 14 December 2012. The LEP includes a savings provisions in the form of clause 1.8A(1) as follows:

1.8A Savings provision relating to development applications

- (1) If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had been exhibited but had not commenced.*
27. This provision enables the application to be determined, regardless of whether LEP 2012 is made at the time of determining the subject application.
28. The site is located within the Metropolitan Centre zone. The proposal is permissible.
29. The proposal is for a FSR of 14.04:1 which is less than the maximum permitted under the control. This has been reached by applying the 'base' FSR of 8:1 and applying a formula based on 4.5:1 of the floor space to be used for commercial and retail purposes and 6:1 of the floor space to be used for residential and hotel purposes (plus a bonus for undertaking a design competition). In any case, the Stage 1 DA consent will only specify a maximum building envelope.
30. The proposed height does not exceed the sun access plane identified in the LEP. Additionally, the proposed height does not penetrate the Sydney Airport Limitation or Operations Surface levels (cl 7.16) and thus does not require referral to and the receipt of advice from the relevant Commonwealth authority.
31. The LEP locates the site within a Class 5 Acid Sulfate Soils zone. Development consent must not be granted under Clause 7.14 for the carrying out of works unless an acid sulphate soils management plan has been prepared. The carrying out of works is not recommended to be approved as part of this Stage 1 DA which is conceptual in nature. Nevertheless, the future Stage 2 DA will need to address this matter. A condition to this effect has been included in the Recommendation.
32. The subject site is not subject to the provisions relating to Cross City Tunnel Ventilation Stack identified under cl. 7.24.

33. Due to the conceptual nature of a Stage 1 application, a detailed assessment against the car parking provisions of the LEP cannot be made. However, it is expected that the compliance with the DCP can be achieved as part of the future Stage 2 DA.
34. The proposal is considered to have an acceptable impact on the heritage significance of the listed Porter House located on the site and the surrounding items, including the neighbouring St Georges Church. While, further assessment of the impacts will be undertaken as part of the future stage 2 DA, the proposed envelope is considered acceptable and consistent with the heritage objective outlined in cl. 5.10 of the LEP. Further discussion of the heritage impacts of the proposed can be found in the issues section of this report.

Central Sydney DCP 1996

COMPLIANCE WITH THE CENTRAL SYDNEY DCP 1996

Matter to be Considered	Complies	Comment
Building to the street alignment CI 2.1	✓	Complies: The building envelope is proposed to be constructed to the street alignment.
Street frontage heights (20m-45m) CI 2.2	✓	Complies: The applicant proposes a street frontage height of 28m, which is consistent with the street frontage heights of the neighbouring buildings along Bathurst Street.
Building setbacks - Front – weighted average of 8 metres - Side - 6 metres - Rear – 6 metres CI 2.3	✓	Complies: The proposal is for the following tower setbacks: - 8m to Castlereagh Street; - 4m to Bathurst Street; - 0-6m to the western side boundary; - 10+m to the northern side boundary. Refer to issues section for further discussion.
Street frontage activities CI 2.5	✓	Complies: The proposal provides for future retail uses at ground level. Detailed design will be subject to a Stage 2 DA
Building bulk CI 2.6 1200m ² max residential floor plate Max horizontal dimension 40m	✓	Complies The proposal will provide residential floor plates of less than 1200m ² and horizontal dimensions less than 40m.
Building exteriors CI 2.7	✓	Able to comply: Design details will be subject to a Stage 2 DA.
Views CI 2.8	✓	Complies: The building envelope will not encroach on any significant views identified in the DCP.

Matter to be Considered	Complies	Comment
Access to mixed use development CI 2.13	✓	Able to comply: Separate lift access and entrances are able to be provided for the hotel podium and residential tower. Details will need to be provided as part of the future Stage 2 DA.
Vehicle access and footpath crossings CI 3.3	✓	Able to comply: The proposal includes a vehicle access driveway from Bathurst Street. The resolution of the driveway will be resolved as part of the Stage 2 DA.
Easy access CI 3.8	✓	Able to comply: The proposal is a Stage 1 DA.
Sunlight to public spaces CI 4.1	✓	Complies: The proposal will not unreasonably overshadow any publicly accessible space in mid-winter.
Wind standards CI 4.2	✓	Able to comply: Details will need to be submitted with the future Stage 2 DA to demonstrate compliance..
Energy efficiency of buildings CI 4.3	✓	Able to comply Details will need to be submitted with the future Stage 2 DA to demonstrate compliance.
Noise reduction CI 4.4	✓	Able to comply Details will need to be submitted with the future Stage 2 DA to demonstrate compliance.
Reflectivity CI 4.5	✓	Able to comply Details will need to be submitted with the future Stage 2 DA to demonstrate compliance.
Urban runoff CI 4.6	✓	Able to comply Details will need to be submitted with the future Stage 2 DA to demonstrate compliance.
External lighting of buildings CI 4.7	✓	Able to comply Details will need to be submitted with the future Stage 2 DA to demonstrate compliance.
On-site Parking CI 5	✓	Able to comply Details will need to be submitted with the future Stage 2 DA to demonstrate compliance.
Amenity for residential and serviced apartments CI 6	✓	Able to comply Details will need to be submitted with the future Stage 2 DA to demonstrate compliance.

Matter to be Considered	Complies	Comment
Award and Allocation of HFS Cl. 7	✓	Able to comply The amount of HFS to be allocated will be considered as part of the future Stage 2 DA.
Design excellence and competitive process Cl. 12	✓	Able to comply While no design details have been provided, the envelope is capable of accommodating a future building that will exhibit design excellence. It is also noted that prior to the future Stage 2 DA, a competitive design process will need to be undertaken.

Visitor and Tourist Accommodation DCP 2006

35. Due to the conceptual nature of a Stage 1 application a detailed assessment against the Visitor and Tourist Accommodation DCP cannot be made. However, it is expected that the compliance with the DCP can be achieved as part of the future Stage 2 DA.

Sydney DCP 2012

36. The provisions contained within the new DCP relating to the site are largely similar to those contained in Central Sydney DCP 1996 and other subject specific DCPs. Accordingly, having considered Sydney DCP 2012, the earlier assessment against the other DCPs remains relevant.

Issues

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

Request for uplift in Floor Space Ratio (FSR)

38. As part of this Stage 1 DA, the applicant seeks consent for a floor space area of 18,216sqm. This is a FSR of 14.6:1 (under LEP 2005) and includes a 5.8% uplift for completion of a future competitive process. Calculated against LEP 2012 the proposal results in an FSR of 14.04:1, an uplift of 1.5%.
39. The total area of additional floor space over the base FSR of the LEP will be a matter to be resolved as part of the Stage 2 DA.

Tower Setbacks

Bathurst and Castlereagh Streets

40. The applicant proposes a tower setback of 8m (10m for the cantilevered section overhanging Porter House) to Castlereagh Street and 4m to Bathurst Street. Central Sydney DCP 1996 requires that above the street frontage height, buildings are to be set back a weighted average of 8 metres. On corner sites, the DCP allows the setback to be reduced provided an average setback of at least 8m is maintained to north-south streets and/or major pedestrian streets.
41. Bathurst Street is neither a north-south street or a major pedestrian street. The 4m setback allows for a reduced cantilever over Porter House and is contextually appropriate noting the reduced tower setback of the Meriton building at 327-329 Pitt St (corner of Bathurst St) which is also set back approximately 4m along Bathurst Street and the Energy Australia Building further to the west facing George Street with virtually no set back.



Figure 16: Castlereagh Street frontage, site (right) with 327-329 Pitt St to the west.

Side Boundaries

42. The proposed western side boundary setback ranges from zero to 6m. Where principal windows or balconies are provided, the DCP requires a 6m setback. In this instance, the proposed building envelope is considered to be acceptable in that it is able to accommodate a residential apartment layout where the principal windows and balconies will have an orientation away from this western side boundary.
43. Notwithstanding this, it is recommended that as part of the future competitive design process and Stage 2 DA, that attention be provided to this exposed elevation to ensure that a visually interesting treatment is applied, and in doing so, that there are no unreasonable impacts on the neighbouring site. A condition to this effect has been included in the Recommendation.

44. The 10m setback from the northern side boundary complies and is acceptable.

Porter House

Transfer of development potential

45. The five properties that make up the development site are in common ownership. One of these is the heritage listed Porter House which has its own property description (i.e. it has a separate lot and deposited plan).
46. The development relies upon Porter House
- (a) to achieve the proposed development yield by including its site area for the purpose of floor space calculations; and
 - (b) to achieve a larger building envelope by virtue of the tower cantilever.
47. This arrangement is considered to be generally acceptable subject to Clause 58(3) of Sydney LEP 2005 being satisfied. This Clause states that for the purposes of calculating the maximum floor space ratio, the land that is the site of a building that is a heritage item, **must** be excluded from the site area if the Council is not satisfied that the item will be restored in accordance with an approved Conservation Management Plan.
48. Sydney LEP 2012 has a similar provision (Clause 4.5(6)) which states that:
- “The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.”*
49. Section 83D (2) (Status of staged development applications and consents) of the Environmental Planning and Assessment Act 1979 states that:
- “While any consent granted on the determination of a staged development application for a site remains in force, the determination of any further development application in respect of that site cannot be inconsistent with that consent.”*
50. The combined effect of all of the above is that the restoration of Porter House is an intrinsic and un-severable part of the whole development.
51. As such, conditions are recommended to the effect that:
- (a) the future competitive design process and Stage 2 DA shall not be considered and planned in isolation and must take account and include detailed plans relating to the restoration of Porter House;
 - (b) the five sites are to be either consolidated into one lot or a covenant is to be place on title restricting the addition of floor space to Porter House;

Heritage impacts

52. While the proposed envelope includes a significant cantilever over Porter House, the proposal achieves sufficient separation from the item and avoids visually crowding the item.

53. The proposed envelope abuts the southern wall of Porter House, accordingly any future construction will have to be carefully managed to ensure that Porter House is not damaged or the structure of the item compromised.
54. The proposed development will provide the opportunity for the restoration of Porter House ensuring its long term retention and use. The works to be undertaken to them item include the following:
 - (a) The reconstruction of ground floor façade.
 - (b) The reinstatement of cartway to original levels.
 - (c) The conservation of the external and internal fabric and the timber structure.
 - (d) The sympathetic adaptive re use of the interiors.
55. These works would significantly improve the significance of the item and reinstate significant features of the item that have been altered over time.
56. A number of conditions related to the heritage significance of the item are recommended to be included as part of the consent and are included in this report.

Podium Use

57. A hotel podium with ground level retail is proposed. This is supported, particularly noting the site's proximity to vehicular traffic on Bathurst and Castlereagh Streets, and the limited residential amenity available. Any future change of the podium use to residential is unlikely to be supported.

General design matters

58. There are a number of general design matters that will require detailed resolution as part of the future Stage 2 DA. These matters are as follows:
59. The site is visually prominent given its location on the corner of Bathurst and Castlereagh Street. The Stage 2 DA podium design should be a finely designed masonry building with the facade composition responding in a positive way to the adjacent heritage items and the predominant historic warehouse development of the area that is characterised by strong visual depth, a high degree of architectural modelling and articulation, a complex hierarchy of vertical and horizontal proportions and changes in architectural treatment with height and level. High quality materials that provide a compatible response to surrounding development should be incorporated into the future design.
60. Glazing (at all levels of the building) should maintain a high level of clarity and be neutral in colour. While large richly detailed windows that 'frame' the occupants view out are considered to be more appropriate than balconies. Where balconies are proposed, these should be recessed within the line of the facade through punctured openings.
61. The podium of the new building should be articulated at a height that reinforces the 'piano nobile' of the Lincoln Building at 108 Bathurst, approximately 10-12 metres above street level. Additionally, the interface with all neighbouring buildings will require careful resolution so as not to unnecessarily expose any side boundary walls.

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

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

BCA Matters

63. The BCA Classification of the building is Class 2, 5, 6, 7a, 7b, and 9b.

64. The development is capable of complying with the BCA.

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

65. The site is suitable for the proposed development.

Section 79C(1)(e) Public Interest

66. The proposal is not inconsistent with the public interest.

POLICY IMPLICATIONS

67. Not applicable to this report.

FINANCIAL IMPLICATIONS/SECTION 61 CONTRIBUTIONS

68. The cost of the development is in excess of \$200,000 and is therefore subject to a development levy pursuant to the Central Sydney (Section 61) Contributions Plan 2002. An appropriate condition for Stage 1 has been included in the recommendation of this report.

PUBLIC CONSULTATION**Section 79C(1)(d)****Advertising and Notification**

69. Adjoining and nearby owners and occupiers of residential buildings were notified of the original 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 Development Control Plan 2005.

70. The amended proposal was not renotified as the amendments were not considered to result in any significant additional environmental impacts in comparison to the original proposal.

71. Four submissions were received to the original notification. The grounds for objection are summarised as follows:

- (a) The proposed development will result in detrimental impacts on the heritage significance of Porter House.

Comment: The proposal has been reviewed by Council's heritage specialist and by the appointed Heritage Committee. The amended (current) proposal has a significantly reduced impact on the heritage significance of Porter House. It is anticipated that the potential impacts can be further reduced during the Stage 2 DA process.

- (b) The proposal will block views from surrounding properties.

Comment: There are no LEP or DCP identified views requiring protection. In any case, the proposal is compliant with the core planning controls (height and FSR) applicable to the site, and the proposed tower setbacks are acceptable. As such, any view impacts are considered reasonable.

- (c) The proposed vehicle entry along Bathurst Street is not an appropriate location.

Comment: A vehicle entry point on Castlereagh Street is not practical given the existence of Porter House and the proximity to the Bathurst/Castlereagh Street intersection. The proposed vehicle entry point via Bathurst Street is the furthest possible location from the intersection. This Bathurst Street location has been reviewed by the City's Transport and Access Unit and considered to be the most suitable location.

- (d) The construction process will negatively impact on the surrounding properties through increased noise, dust and traffic.

Comment: The carrying out of works is not proposed or recommended to be approved as part of this Stage 1 DA. The future Stage 2 DA, should it be approved, will be the subject of standard construction related conditions.

- (e) The proposal has insufficient separation between the surrounding residential towers.

Comment: The proposed tower component achieves a separation of greater than 24m from the nearest residential tower (Victoria Towers, 199 Castlereagh Street) which is considered adequate given the CBD context of the site.

EXTERNAL REFERRALS

Energy Australia

72. Energy Australia has previously advised that a substation will be required. A condition is recommended.

Roads and Maritime Services

73. As noted above, RMS have agreed to the granting of a deferred commencement consent subject to further investigation being undertaken and the potential impact of the proposal on the Cross City Tunnel being further investigated.

Design Advisory Panel

74. The original proposal was reviewed by the Design Advisory Panel (DAP) in November 2012. DAP raised a number of concerns with the proposed envelope. These included the proposed stepping of the envelope and the impact of the cantilever on Porter House.

75. DAP recommended that a simpler design be adopted with the podium maintaining a continuous height along its length and the tower having a consistent setback above the podium. DAP considered that 4m setback to Bathurst Street would be suitable as it provides the opportunity to reduce the cantilever over Porter House without any identifiable impacts on the surrounding properties.
76. The recommendations of DAP are reflected in the current proposal.

INTERNAL REFERRALS

77. The application was referred to
- (a) Council's Specialist Surveyor;
 - (b) Building Services Unit;
 - (c) Heritage Unit;
 - (d) Urban Designer;
 - (e) Transport & Access Unit;
 - (f) Environmental Health Unit.
78. While some of the referrals raised concern with the limited details and the ability to provide meaningful comments, this is expected with a Stage 1 DA of a conceptual nature. In some instances, the referrals have included conditions. Where appropriate, these conditions have been included in the Recommendation. Nevertheless, no fundamental concerns which cannot be unreasonably resolved as part of the future Stage 2 DA, have been identified.

RELEVANT LEGISLATION

79. The Environmental Planning and Assessment Act 1979.

CONCLUSION

80. The application seeks Stage 1 approval for demolition of two existing buildings on the site and the construction of 114.5m tall mixed use development on the site. The proposal seeks consent for a mix of land uses: hotel and retail for the podium, commercial for Porter House and residential for the tower.
81. Bathurst Street is neither a north-south street or a major pedestrian street. The 4m setback proposed allows for a reduced cantilever over Porter House and is contextually appropriate noting the reduced tower setback at the nearby 327-329 Pitt St.
82. The proposed development has satisfactory heritage impacts and will result in the restoration of the listed Porter House located on the site.
83. The concerns raised by the four submissions have been considered and are either not well-founded or able to be addressed as part of the future competitive design process and Stage 2 detailed DA.

84. It is recommended that the Stage 1 application be approved, subject to a deferred commencement relating to the of Roads and Maritime Services requirements.

GRAHAM JAHN

Director City Planning, Development and Transport

(Patrick Quinn, Specialist Planner)