

Attachment A

**Development Application
Assessment Report D/2017/524 -
44 Martin Place, Sydney**

DEVELOPMENT APPLICATION ASSESSMENT

Application No:	D/2017/524
Date of Lodgement	28 April 2017
Applicant	GWYNVILL PROPERTIES PTY LIMITED
Architect	HASELL
Developer	GWYNVILL PROPERTIES PTY LIMITED
Application Site:	44 MARTIN PLACE, SYDNEY NSW 2000
Proposal:	Construction of a two storey addition at roof level accommodating two commercial floor levels; creation of a central atrium from lobby to roof level; internal alterations at basement level; BCA, fire safety and access upgrade of building; and installation of facade lighting. No changes are proposed to existing retail tenancies to Martin Place, Castlereagh Street and Hosking Place. The proposal is Integrated Development under the Heritage Act 1977, requiring approval by the NSW Heritage Office.

SITE AND SURROUNDING DEVELOPMENT

A site visit was carried out on 30 November 2017.

The subject site is located on the northern side of Martin Place, with frontages to Castlereagh Street to the east, and Hosking Place to the north. The site is rectangular, with an area of approximately 1,182.6sqm.

The site contains a 10 storey mixed use building with a double height retail podium, 3 basement levels accessed from Hosking Place and office space above. The site has a street address of 44 Martin Place, but consists of 2 distinct elements, being the original building at 42-46 Martin Place (Lot 1 DP 83642) and the later addition of 38-40 Martin Place (Lots 1 and 2 DP 915091). 42-46 Martin Place is listed on the State Heritage Register (SHR: 00597) and is known as the "Former MLC Building". Both 38-40 and 42-46 Martin Place are heritage listed under the Sydney LEP 2012 as the "Former MLC Building including interior" (I1894).

Surrounding land uses are commercial in nature, with a number of significant heritage buildings fronting onto Martin Place, which in itself is heritage listed under the Sydney LEP 2012 (I1889).

Photos of the site and surrounds are provided below:

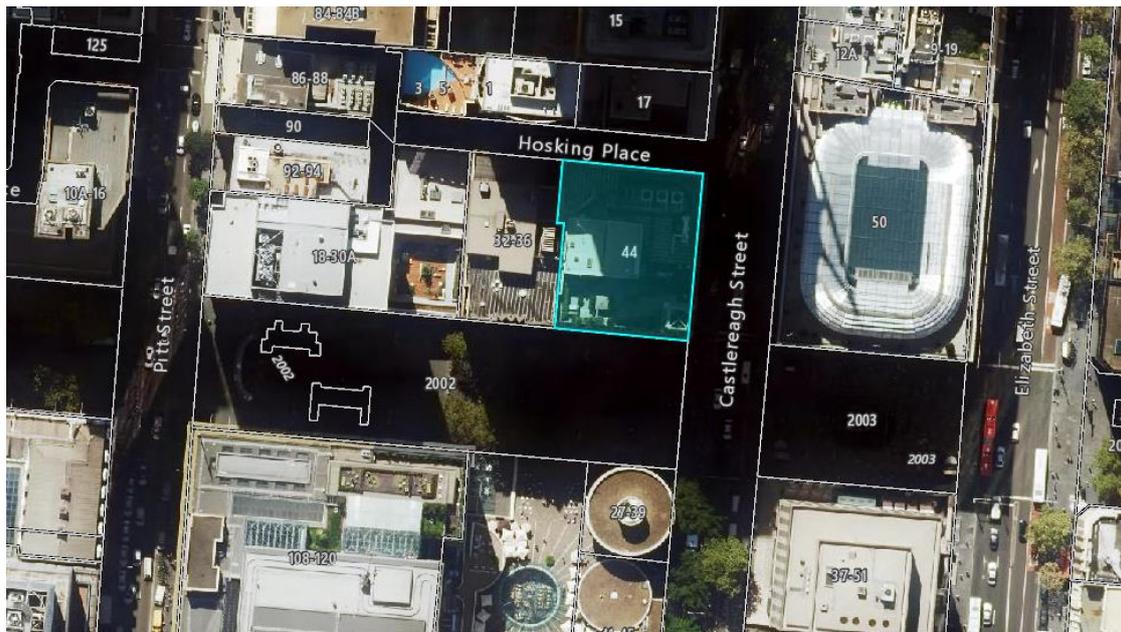


Figure 1: Aerial view of the subject site and surrounding development (site shaded in blue)



Figure 2: Subject site viewed from Martin Place (looking west to Castlereagh Street)



Figure 3: Martin Place elevation of subject site



Figure 4: Castlereagh Street elevation of subject site (looking south-west)

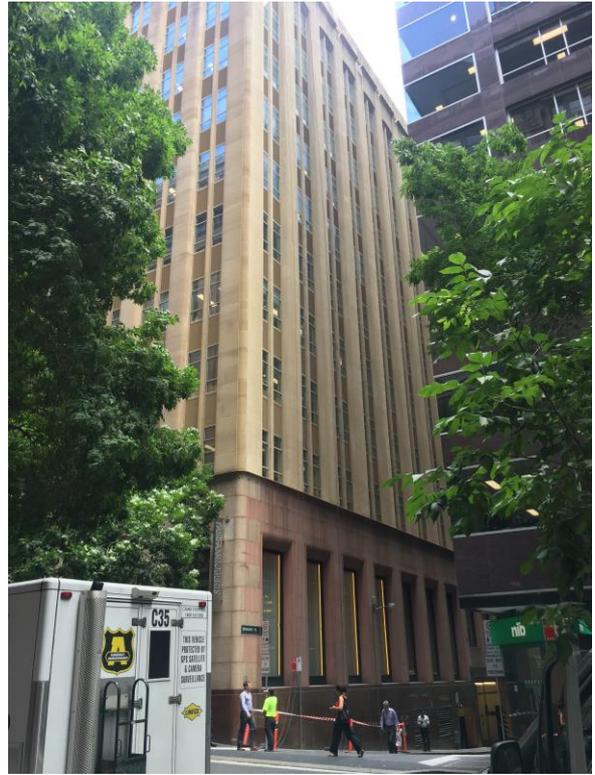


Figure 5: Hosking Place elevation of subject site



Figure 6: Martin Place streetscape looking east



Figure 7: Martin Place streetscape looking west



Figure 8: Ground floor entry to subject site (Martin Place)



Figure 9: Vehicular access within Hosking Place



Figure 10: Rooftop plant area (looking north-east to Castlereagh Street)



Figure 11: Rooftop terrace area (looking north-west)

PROPOSAL

The application proposes the construction of a rooftop two storey addition accommodating two commercial floors, and the creation of a central atrium from lobby to roof level. Conservation works are also proposed. Works can be summarised as follows:

Basement level 2

- New generator and services within existing footprint of basement level.

Basement level 1

- Removal of 9 car spaces to accommodate end of journey facilities.
- Refurbishment of bathrooms, new store and reconfigured fire stair.

Basement (Hosking Place)

- New concrete slab to extend car park level (within existing footprint) to accommodate 48 x visitor and 56 x staff bicycle racks.

Ground floor

- New stair within Castlereagh Street lobby area for access end of journey facilities.
- Removal of internal nib walls within Martin Place section of lobby.
- New stair within proposed atrium (extending up to level 12).
- Refurbishment of existing sanitary facilities.

Levels 1-10

- Refurbishment of existing sanitary facilities and services.
- New atrium (void area) and connecting stair.
- Existing heritage boardroom on Level 10 to remain.
- New facade lighting.

Level 11

- Demolition of existing plant room area.
- New addition with office area, atrium and stair, and sanitary facilities setback 10m from Martin Place, 4.5m from Castlereagh Street and 2.4m from Hosking Place.
- Reduced landscaped area to Martin Place elevation, and new landscaped area to Castlereagh Street.
- Consolidated plant room with 3 x existing cooling towers and 1 x new cooling tower.
- 2 existing lift runs to terminate at Level 10 below, and fire stairs to be relocated.

Level 12

- New addition with office area, atrium and stair, sanitary facilities and plant area.

In addition to the above, the application proposes the re-award of heritage floor space (HFS).

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

Development Applications

44-86-1886

Consent was granted on 9 March 1987 to extend the Former MLC heritage listed building at 42-46 Martin Place into 38-40 Martin Place (which adjoined the site to the west). The extension comprised two basement levels and 11 levels above. Approval was also granted to the renovate 42-46 Martin Place.

At the time of consent, an "Interim Policy" was in force which established the requirements in which Council could award transferrable floor space to an owner of a historic building if conservation works were carried out.

On 28 August 1989, MLC was granted 4,900sqm of transferrable floor space under the Interim Policy in force at the time. This is based on the formula of 0.5 x the existing floor area of the site (which was 9,799sqm). In awarding transferrable floor space, Council required the applicant to enter into a deed to ensure the continued preservation of the historic building.

On 19 November 1991, the following restrictions were placed on title of 42-46 Martin Place, Sydney stating:

- *“Neither the Registered Proprietor nor any person holding an interest in the land above described shall demolish or otherwise remove or cause, permit or suffer to be demolished or otherwise removed any building, structure or erection or part thereof on the land above described without an approval in writing having been first obtained from the Council.*
- *“Neither the Registered Proprietor nor any person holding an interest in the land above described shall build or erect, or permit or suffer to be built or erected any further structure under on or over the land above described without an approval in writing having first been obtained from the Council.*

In both of the above instances, except as provided by Section 68 of the *Heritage Act 1977*, the restriction specified that Council had the discretion to refuse or give approval (subject to conditions) to any such development within the site. In addition to this, a further restriction was placed on title in relation to the granting of transferrable floor space:

- *“Neither the Registered Proprietor nor any person holding an interest in the land above described shall build or erect, or permit or suffer to be built or erected, without an approval in writing having first obtained from the Council, any buildings under on or over the land above described which when added to the Total Floor Area of any building already erected on the said land shall be greater than the Total Floor Area permitted on the said land under the Code or other instrument regulating floor space area in the City of Sydney in force from time to time less than an amount of 4,900sq. metres.”*

Total floor area in this instance, is specified as being *“the sum of the gross horizontal areas of each and every floor of a building contained within the inner faces of the outer walls measured at a height of 1.350 metres above the floor, including the space occupied by internal walls, staircases, lobbies, corridors and toilets but excluding the horizontal cross-sectional area of lift shafts and vertical service ducts measured between the wall faces internal to the lift shaft or duct and excluding any space permanently set aside within the building for the parking, unloading or loading of vehicles, including ramps or other means of access thereto, or for the accommodation of mechanical or electrical plant or equipment servicing the building.”*

The proposal's compliance with this covenant is discussed in further detail within this report.

Compliance Action

The site is not subject to a current compliance action.

ECONOMIC/SOCIAL/ENVIRONMENTAL IMPACTS

The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:

(a) Environmental Planning Instruments and DCPs.

Heritage Act 1977

42-46 Martin Place is listed on the State Heritage Register as the “Former MLC Building” (SHR: 00597).

In accordance with Section 4.47 of the *Environmental Planning and Assessment Act 1979*, the application was forwarded to the Heritage Council of NSW as Integrated Development. The Heritage Council of NSW was advised that no submissions were received at the conclusion of the exhibition period on 14 June 2017.

On 5 December 2017, the Heritage Council of NSW advised that the Conservation Management Plan (CMP) for the site had been reviewed and endorsed under Section 38A of the *Heritage Act 1977*.

The Heritage Council of NSW provided their General Terms of Approval on 18 February 2018, recommending the eastern facade (Castlereagh Street) of levels 11 and 12 to be setback to align with gridline E in plan. The condition was imposed to minimise the visual impact of the addition on the overall composition of the building.

At the request of the applicant, the setback condition was reconsidered by the Heritage Council of NSW at its meeting on 4 July 2018. On 12 July 2018, the Heritage Council of NSW resolved to amend the General Terms of Approval to delete the setback condition, and replace it with a requirement for the south-east corner of levels 11 and 12 to be further setback to maximise the view of the tower in the round. The location of the setback is detailed in the floor plan below:

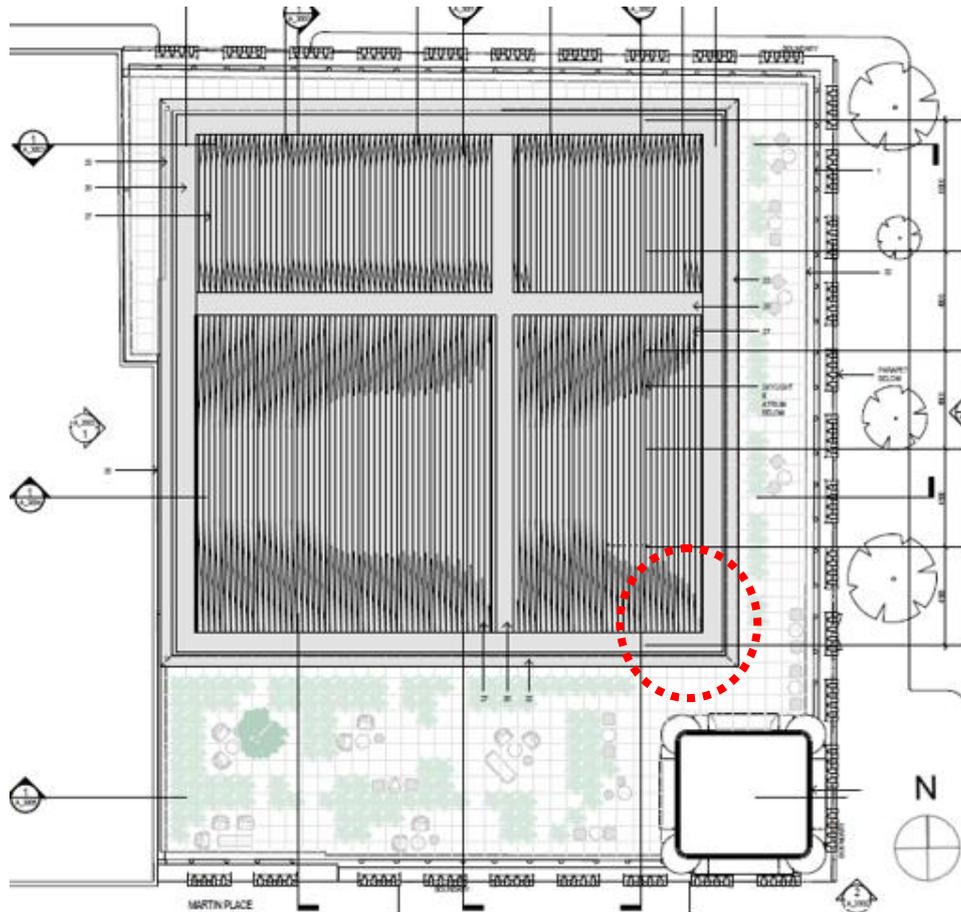


Figure 12: Roof level floor plan depicting approximate location of setback requested by the Heritage Council.

It is noted that the setback requirement is not quantified by the Heritage Council in the General Terms of Approval, however will become a condition of consent.

Additionally, the following design modifications and details to be submitted with the Section 60 application:

- The colour of the finishes of the facades of Levels 11 and 12 are to be recessive to distinguish them from the masonry facades of the heritage building.
- The extant openings in the eastern lobby wall of the ground floor foyer are to be retained. The removal of columns is not approved. This is in line with the CMP (policy G4) which identifies the openings as significant.
- The nib wall to the west of the entry (at ground floor) is to be retained as it is original wall fabric.
- The proposed ground floor lobby flooring is not approved and a closer interpretation of the original floor is required.

- A schedule of conservation works in accordance with the CMP policy J is to be prepared.
- Details of the design of the proposed rooftop balustrade is to be submitted.
- Information on the significance of the Hosking Place granite fabric is required before modifications can be made to accommodate a new fire booster and exit doors.
- Information about the proposed external lighting of the facade at night is to be submitted.
- Any moveable heritage is to be reinstated, particularly any boardroom furniture held in offsite storage.
- Upgrade of services are to be planned and implemented with input by the nominated heritage consultant.

The above conditions, as well as other standard requirements of the General Terms of Approval have been included in Schedule 3 of the Notice of Determination.

State Environmental Planning Policy (Infrastructure) 2007

The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

Clause 85

The application is subject to Clause 85 of the SEPP (Development adjacent to rail corridors) as the site is located within the CBD Rail Link, CBD Metro, and Sydney Metro City and Southwest future rail corridors.

The proposal was referred to Sydney Trains (acting under delegated authority of RailCorp) on 30 May 2017. Confirmation was requested from Sydney Trains that the loading from the proposed addition would not adversely impact on the future CBD Metro corridor. The applicant provided a response on 19 June 2017 which was forwarded to the concurrence authority.

On 14 August 2017, Sydney Trains advised that the placing of structures and building loads in or near the rail corridor would affect rail safety. Sydney Trains requested that a condition be imposed requiring an assessment of rail safety impacts on the Sydney Metro City and Southwest corridors to be undertaken prior to the issue of a Construction Certificate. An appropriate condition has been included in the proposed conditions of consent.

Sydney Light Rail Project

The application was referred to the CBD Coordination Office within Transport for NSW (TfNSW) as the site is in close proximity to the Sydney Light Rail Project and construction works may have an impact on traffic within the immediate road network.

On 25 July 2017, TfNSW advised that given the number of construction projects in the area, and the proximity of the Sydney Light Rail and the Chatswood to Sydenham section of the Sydney Metro City and Southwest rail corridor, this could have an impact on general traffic and bus operations in the CBD. TfNSW has requested that a Construction Pedestrian and Traffic Management Plan for the development be prepared in consultation with the CBD Coordination Office within TfNSW prior to the commencement of any work. This condition has been imposed as part of the proposed conditions of consent.

In addition to this, TfNSW noted that details regarding loading and servicing have not been included in the proposal, and has requested that the applicant retain service and loading vehicle parking within the site. In this regard, the documentation provided with the application notes that there are no changes proposed to loading access points.

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

The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP.

The Sydney Harbour Catchment Planning Principles must be considered in the carrying out of development within the catchment. The key relevant principles include:

- Protect and improve hydrological, ecological and geomorphologic processes.
- Consider cumulative impacts of development within the catchment.
- Improve water quality of urban runoff and reduce quantity and frequency of urban run-off.
- Protect and rehabilitate riparian corridors and remnant vegetation.

The site is within the Sydney Harbour Catchment and eventually drains into the Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development. The development is consistent with the controls contained with the deemed SEPP.

Sydney LEP 2012

The site is located within the B8 – Metropolitan Centre zone. The proposal is for alterations and additions to a commercial office and retail building. The addition is to be used for office purposes which is permissible within the zone with consent.

The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

Compliance Table		
Development Control	Compliance	Comment
1.9 Suspension of covenants, agreements and instruments	No, but Acceptable	<p>Any covenant on land in Central Sydney restricting the carrying out of development that has been registered on title prior to the introduction of the Sydney LEP 2012 is applicable under this clause.</p> <p>A covenant applies to the site in two parts:</p> <ul style="list-style-type: none"> (a) restricting the erection of any further structure on the site unless approved by Council; and (b) restricting the existing building (and any alterations and additions) to the total floor area permitted for the site, minus 4,900sqm. <p>The “total floor area” referenced in the covenant is based on the Code or any other instrument in force at the time of assessment of the proposal (in this instance the Sydney LEP 2012).</p> <p>The Sydney LEP 2012 stipulates that the site is entitled to a maximum FSR of 12.85:1 (15,196.41sqm) based on the applicable floor space controls. Taking into account the requirements of the covenant, the permitted FSR for the site is reduced to 8.7:1, or 10,296.41sqm.</p> <p>The proposed development has an FSR of 9.97:1 (11,795.1sqm) which does not comply with the covenant, however is acceptable in this instance.</p> <p>Refer to Issues section for further discussion.</p>
4.3 Height of Buildings	No	<p>A maximum height of 55m is permitted.</p> <p>The addition proposes a height of 54.06m to Castlereagh Street, 57.1m to Hosking Place, and between 54.06m and 57.1m to Martin Place, resulting in a variation of</p>

		<p>3.8%.</p> <p>Refer to Issues section.</p>
<p>4.4 Floor Space Ratio</p> <p>6.4 Accommodation floor space</p> <p>6.5 Car parking reduction floor space</p> <p>6.6 End of journey floor space</p>	Yes	<p>Clause 4.4 of the Sydney LEP 2012 stipulates a base floor space ratio of 8:1 for the site, with Clause 6.4 providing an opportunity for a further 4.5:1 of floor space where accommodation floor space uses (in this instance office and retail) are provided. Where end of journey facilities are proposed, or car parking reduction floor space is utilised in accordance with Clause 6.5 and 6.6 of the Sydney LEP 2012, additional floor space bonuses apply.</p> <p>In this instance, the development is entitled to a maximum permissible FSR of 12.85:1.</p> <p>The proposed development has an FSR of 9.97:1 (11,795.1sqm) which complies.</p>
4.6 Exceptions to development standards	Yes	<p>The proposal seeks to vary the development standard prescribed under Clause 4.3 – Height of Buildings, which is supported in this instance.</p> <p>See discussion under the heading Issues.</p>
5.10 Heritage conservation	Yes	<p>The original building at 42-46 Martin Place is listed on the State Heritage Register as the “Former MLC Building” (SHR: 00597), and adjoins the heritage listed Martin Place pedestrianised plaza. The entire site, comprising the original building and the later addition at 38-40 Martin Place, is heritage listed under the Sydney LEP 2012 (11894).</p> <p>The application is accompanied by a Conservation Management Plan (endorsed by the Heritage Council) and a Heritage Impact Statement assessing the heritage significance of the site and the impact of the proposed works.</p> <p>The proposed alterations to the heritage listed building, and the proposed</p>

		<p>contemporary addition are an acceptable design response to the heritage significance of the subject site.</p> <p>Refer to Issues section for further discussion.</p>
6.4 Accommodation floor space	Yes	<p>The site is located in 'Area 1' and as such, is eligible for additional accommodation floor space of up to 4.5:1 of the site area, based on the land use mix proposed within the development. This accommodation floor space has been included in the collective permissible FSR for the development, as discussed elsewhere in this report.</p>
6.5 Car parking reduction floor space	Yes	<p>Development within Central Sydney that results in any part of the basement of a building being changed from an area used for parking cars to any other use is eligible for an amount of additional floor space equal to the area of any such changed use.</p> <p>The proposal involves the removal of 9 car spaces in total, 5 of which are to be converted into end of journey facilities, and are subject to separate bonus floor space criteria (as discussed under clause 6.6 below).</p> <p>The remaining 4 car spaces are to be removed in order to create waste storage areas and a new stair. The car parking reduction floor space is equal to 80sqm. The change of use is supported, and as such, the development is entitled to 80sqm of car parking reduction floor space.</p> <p>An appropriate condition is recommended for a restrictive covenant to be registered on title to ensure that the car parking reduction floor space cannot be used for any other purpose.</p>
6.6 End of journey floor space	Yes	<p>Development used for commercial purposes in Central Sydney is eligible for</p>

		<p>an amount of additional floor space equal to the floor space occupied by end of journey facilities (up to an additional 0.3:1 of the building). End of journey facilities consist of showers, change rooms, lockers and bicycle storage areas.</p> <p>The application proposes a new mezzanine level within the car park for end of journey facilities, representing an increase of 0.29:1 (349.1sqm) for the site, which complies.</p> <p>A condition is to be imposed requiring a restrictive covenant to be registered on the title of the land to ensure that the area identified as end of journey floor space will be maintained for that use at all times.</p>
6.10 Heritage floor space	Yes	<p>The subject application is eligible for an award of heritage floor space (HFS) as the building is a specifically nominated heritage item (under Schedule 5 of the Sydney LEP 2012) and is located within the B8 – Metropolitan Centre zone.</p> <p>Clause 6.10 of the Sydney LEP 2012 requires Council to endorse the award of HFS for the site. This is a separate process to the assessment of the current application. As such, the proposal will be subject to a deferred commencement consent to allow Council to determine the award of HFS prior to the consent becoming operative.</p> <p>See discussion under the heading Issues.</p>
6.11 Utilisation of certain additional floor space requires allocation of heritage floor space	Yes	<p>Clause 6.11(3) of the Sydney LEP 2012 states that where a development consists of alterations or additions to an existing building, the amount of HFS to be allocated to the site should be no more than the difference between:</p> <p>(a) the amount of HFS required to be allocated to the site if the building (as altered or added to) were to be constructed as a new building;</p>

		<p>and</p> <p>(b) the amount of HFS required to be allocated to the site if the building (without the alteration or addition) were to be constructed as a new building.</p> <p>The application proposes to offset the additional floor space resulting from the two storey rooftop addition by providing an atrium of the same area within the development.</p> <p>The increase in FSR relates to end of journey facilities and car parking reduction floor space, neither of which require the purchase of HFS under Clause 6.11.</p>
6.17 Sun access plane	Yes	<p>The permissible height of development on the subject site is governed by Clause 4.3, and the sun access plane 'Martin Place 5B'.</p> <p>The scheme has been reviewed by the City's Modellers, who have confirmed that the proposal is wholly contained within the sun access plane.</p>
6.19 Overshadowing of certain places	Yes	<p>The application is accompanied by shadow diagrams demonstrating that the proposed addition will not result in any overshadowing to the section of Martin Place between Pitt Street and George Street.</p>
Division 4 Design excellence 6.21 Design Excellence	Yes	<p>The proposed rooftop addition responds well to the scale and setbacks of adjacent buildings and is contextually appropriate; and does not result in any significantly adverse environmental or amenity impacts to nearby development or the public domain. The addition is lightweight in appearance, and is visually recessive in comparison to the heritage building.</p> <p>The overall materiality, articulation and distinctive architectural contribution of the proposal is considered to achieve design excellence in accordance with Clause</p>

		<p>6.21(4) of the Sydney LEP 2012.</p> <p>The proposed addition will have a height of 57.1m when measured from Hosking Place and the south-west corner to Martin Place (due to the sloping of the site). The existing building has an overall height of 59.12m, measured from the top of the turret to ground level at Castlereagh Street. Clause 6.21(5)(a)(i) of the Sydney LEP 2012 requires development with a height above 55 metres to undertake a competitive design process.</p> <p>A competitive design process is not considered necessary in this instance as the application proposes a rooftop addition to an existing building, and will not result in an increase in gross floor area (due to the introduction of void areas at all levels). In addition to this, the proposal will not result in any significant adverse impacts to the public domain or adjoining buildings, and does not significantly alter any aspect of the building when viewed from public places.</p> <p>The proposed development satisfies the requirements of this provision.</p>
7.1-7.9 Car parking ancillary to other development	Yes	<p>A maximum of 24 car parking spaces are permitted.</p> <p>The application proposes to reduce the number of car parking spaces from 20 to 11 due to the introduction of end of journey facilities.</p>
7.20 Development requiring preparation of a development control plan	Yes	<p>The existing building has a height above 55m (due to the existing turret). A development control plan is not required to be prepared in this instance, and is considered to be unreasonable and unnecessary as:</p> <ul style="list-style-type: none"> The application proposes a rooftop addition to the existing building that creates a minor breach to the 55m height plane

		<p>(at 57.1m);</p> <ul style="list-style-type: none"> • The proposed introduction of void areas at all levels results in a floor space neutral proposal that complies with the permitted FSR for the site; • The development does not result in any significant adverse impacts to the public domain or adjoining buildings (as discussed elsewhere in this report); and • The addition has been setback behind the existing rooftop tower, and as such, does not significantly alter any aspect of the building when viewed from the public domain.
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Sydney DCP 2012

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

2. Locality Statements – Martin Place Special Character Area
<p>The subject site is located in the Martin Place Special Character Area. The proposed rooftop addition is considered to be in keeping with the unique character of the area and design principles in that the proposal maintains the prominence and significance of the corner heritage building in the streetscape.</p>

3. General Provisions		
Development Control	Compliance	Comment
3.2 Defining the Public Domain	Yes	<p>The relevant provisions of this section are addressed below:</p> <p><u>3.2.1.1 Sunlight to publicly accessible spaces</u></p> <p>The proposed shadow diagrams demonstrate that the development does not result in an increase in overshadowing to the publicly accessible open space within Martin Place. Minor overshadowing will occur to the facades</p>

		<p>of some properties, and this is discussed in further detail under Section 4.2 of the Sydney DCP 2012.</p> <p><u>3.2.1.3 Public views</u></p> <p>The two storey addition will not impede views from the public domain to public places and monuments within Martin Place, or other heritage buildings. View studies provided by the applicant illustrate that the 10m setback to Martin Place ensures that views to the General Post Office (GPO) building at 1 Martin Place are maintained, and are not impacted upon.</p> <p><u>3.2.2 Addressing the street and public domain</u></p> <p>The proposal retains clear entries to both Martin Place and Castlereagh Street.</p> <p><u>3.2.3 Active frontages</u></p> <p>The site retains an active frontage to Martin Place as required by Section 3.2.3 of the Sydney DCP 2012.</p> <p><u>3.2.6 Wind effects</u></p> <p>The results of the wind impact statement submitted with the application indicates that the development is expected to have a negligible impact on the ground level wind environment conditions.</p> <p><u>3.2.7 Reflectivity</u></p> <p>The proposal is accompanied by a reflectivity report that confirms that glazing used for the external facade of the development will have a maximum normal specular reflectance of visible light of 20%. It is recommended that a condition be imposed ensuring that the glazing used will comply with DCP requirements.</p>
3.6 Ecologically Sustainable Development	Yes	The proposal seeks to achieve a 5 star Green Star Design and As Built v1.1 rating, 5 Star NABERS Base Building Energy Rating and WELL Core and Shell

		<p>Compliance.</p> <p>The application is accompanied by an Energy Efficiency Report certifying that the proposal will encompass the mandatory energy efficiency provisions under Section J of the National Construction Code (NCC) via an alternative performance based solution.</p> <p>It is noted that any request for dispensation with regard to Section J is a matter for the certifier.</p>
3.9 Heritage	Yes	<p>The subject site, comprising the original “Former MLC Building” and the later addition, is heritage listed under the Sydney LEP 2012.</p> <p>The application proposes internal alterations to the existing building at all levels to provide for a light well, and the upgrade of services. All alterations are confined to areas where the interior of the building has previously undergone significant alteration. No alterations are proposed to the heritage boardroom (at level 10), or other significant fabric.</p> <p>On 5 December 2017, the Heritage Council of NSW advised that the Conservation Management Plan (CMP) for the site had been reviewed and endorsed under Section 38A of the <i>Heritage Act 1977</i>.</p> <p>The CMP, particularly in relation to the design of the new addition, and the proposed conservation works are discussed in further detail under the heading Issues.</p>
3.11 Transport and Parking	Yes	<p><u>3.11.3 Bike parking and associated facilities</u></p> <p>The application proposes 104 bicycle spaces, 12 showers and 80 personal lockers, and will result in the removal of 9 car spaces in total. No changes are proposed to the current driveway, loading</p>

		<p>or pedestrian access points.</p> <p>The end of journey facilities are located at the car park entry level and basement level 1, with access from Hosking Place.</p> <p>The proposed retrofit of end of journey facilities provides adequate and secure amenities to meet the requirements of the workforce within the building. A condition is recommended to ensure that all facilities are designed in accordance with the relevant Australian Standards.</p>
3.12 Accessible Design	Yes	<p>The proposed rooftop addition is to be serviced by two lifts, and accessible bathrooms are to be provided at both levels.</p> <p>A condition has been recommended for access and facilities for persons with disabilities to be designed in accordance with the DCP and the BCA.</p>
3.13 Social and Environmental Responsibilities	Yes	<p>The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.</p>
3.14 Waste	Yes	<p>A condition has been recommended for the proposed development to comply with the relevant provisions of the City of Sydney Code for Waste Minimisation in New Developments 2005.</p>

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Achieved	Discussion
4.2.1.2 Floor to ceiling heights and floor to floor heights	Yes	<p>The proposed rooftop addition provides floor to floor heights at each level of at least 3.6m, which complies.</p>
4.2.7 Heating and Cooling Infrastructure	Yes	<p>The application proposes a new cooling tower at levels 11 and 12, which will be accommodated within the existing plant</p>

		<p>area. Additionally, new air handling units will be located at every level within the consolidated services area, and existing plant areas at basement level 2 are to be reconfigured.</p> <p>Conditions are recommended to ensure that the operation of the plant equipment will not interfere with the amenity of adjoining properties, and will be designed in accordance with the relevant Australian Standards.</p>
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5. Specific areas		
5.1 Central Sydney		
Development Control	Achieved	Discussion
5.1.1 Street frontage heights	Yes	The proposal seeks to retain the 10 storey appearance of the existing heritage building, which is 46.1m.
5.1.2.1 Front building setbacks 5.1.3 Street frontage heights and setbacks for Special Character Areas	No	<p>Additions above a heritage item must be setback at least 10m from the street frontage. The subject site however, is located in the Martin Place Special Character Area and no additional height above the street frontage height is permitted.</p> <p>The application proposes a 10m setback to the edge of the parapet to Martin Place, a 4.5m setback to Castlereagh Street, and a 2.4m setback to Hosking Place, and is considered appropriate within the surrounding streetscape context.</p> <p>Refer to Issues for further discussion.</p>
5.1.2.2 Side and rear setbacks	Yes	<p>Above a height of 45m, windows or balconies of commercial buildings are to be setback at least 3m from the side and rear boundaries. Walls without windows do not need to be set back.</p> <p>32 Martin Place, which adjoining the site at the western boundary, does not</p>

		contain any side windows. Although a setback at this boundary is not required, the plant area is set in 1.9m to allow access and ventilation.
5.1.5 Building exteriors	Yes	<p>The proposal seeks to carry out conservation works to the existing heritage item, ensuring the predominant masonry character and articulation of the special character area is reinforced.</p> <p>The two storey addition above the heritage item primarily comprises lightweight timber (in the form of vertical mullions) and operable frameless glazing, establishing a clear distinction between heritage and new fabric.</p> <p>Overall, the proposed addition provides a richness of detail and architectural interest that positively contributes to the streetscape and responds to the characteristic light colours of Central Sydney.</p>
5.1.9 Heritage floor space	Generally acceptable	<p>The site is a listed heritage item (I1894) pursuant to Schedule 5 of the Sydney LEP 2012, comprising the “Former MLC Building”.</p> <p>To be eligible for an award of HFS, a heritage building is to be:</p> <ul style="list-style-type: none"> (a) Located in the Central Sydney area; (b) Subject to conservation works in accordance with an approved CMP; and (c) Not subject to works that would increase the external envelope and floor space of the building, other than a minor increase to facilitate an adaptive re-use of the building. <p>The proposed works will result in a minor increase in the building envelope for a two storey addition to be used as offices. Notwithstanding, the proposal will not have an adverse heritage impact and will</p>

	<p>not affect the significance of the item.</p> <p>The site is located within the Central Sydney area, and is required to develop and carry out a detailed schedule of conservation works prior to being awarded HFS.</p> <p>Refer to Issues for further discussion.</p>
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ISSUES

Building Height

The application proposes a minor non-compliance with the Sydney LEP 2012 in relation to the maximum height in metres. The proposed addition will have a height of 57.1m at its highest point, where 55 metres is permitted under Clause 4.3. This results in a variation of 2.1 metres, or 3.8%. The existing turret on the site is already non-compliant with the LEP height at 59.12 metres as demonstrated below:

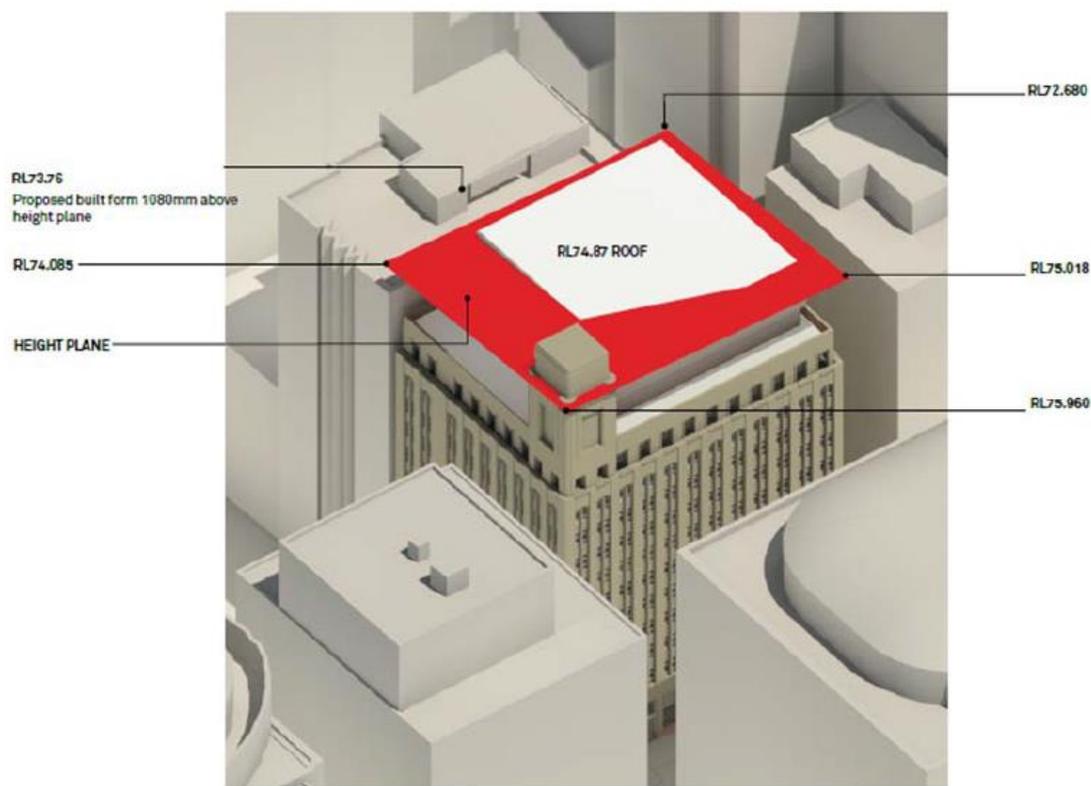


Figure 13: Perspective of the proposed development showing LEP height non-compliance above the red height plane

The applicant has lodged a written request under Clause 4.6 of the LEP seeking to justify the contravention of the height standard of 55m. The applicant contends the following when stating their case that compliance with the standard is unreasonable

or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the standard:

- (a) Compliance with the maximum building height development standard would result in an irregular roof form that moulds itself with the angle of the 55 metre height plane. This would result in a poor roof design that is largely inconsistent with the architectural form of the base heritage building.
- (b) The design and maximum height of the proposed roof top addition is a direct response to site specific conditions as well as the heritage character of the existing building and surrounding area. The proposed roof top addition is consistent with the context of Martin Place which has seen several recent roof top alterations and additions above existing heritage items. Precedents include 50 Martin Place, and 5 Martin Place.
- (c) The proposed roof addition is consistent with the existing east-west height transition within Martin Place. The proposed addition facilitates an appropriate height transition without altering the existing street wall height of the subject building. The 10m setback provided to Martin Place emphasises the prominence of the base building.
- (d) Given the cluster of significantly taller developments to the north of the site, the relatively nominal extension of two additional storeys is unlikely to result in any appreciable impact. Of particular note, none of the views within the Central Sydney Planning Strategy (i.e. views of the clock tower at the GPO building) will not be affected by the proposed development. The proposal is unlikely to result in any view loss from public areas.
- (e) As the predominant height control for the site is set by the sun access plane to Martin Place, the 55m height of buildings development standard is largely redundant and therefore not relevant to the proposal.
- (f) The resulting contravention of the maximum building height control is generally a consequence of the site's slope in the ground plane. A contravention of the existing height place is seen to facilitate a more consistent and improved roof scape design that emulates and reinforces the iconic and prominent turret structure of the existing heritage building.

It is considered that in this instance, strict compliance with the height of buildings development standard specified by Clause 4.3 of the LEP is unreasonable and unnecessary pursuant to Clause 4.6(4)(a)(ii). There are sufficient reasons to justify exceeding the development standard as follows:

- (a) The proposal is consistent with the objectives of the B8 – Metropolitan Centre zone in that it:
 - (i) Provides additional office floor space, which is a compatible land use within the zone;

- (ii) Provides an opportunity for the high quality office space that is commensurate with Sydney's global status;
 - (iii) Will serve the workforce, which is characteristic of Sydney's global status;
 - (iv) Retains an active street frontage to Martin Place and Castlereagh Street.
- (b) The proposal is consistent with the objectives of the height of buildings development standard:
- (i) The development is appropriate to the condition of the site and its context;
 - (ii) The development provides an appropriate height transition between heritage items within Martin Place. The proposed roof addition is contained below the existing turret at the south-east corner of the roof, and is setback 10 metres from Martin Place. The overall setbacks ensure that the prominence of the turret is retained, and provides a sympathetic response to the heritage significance of the base building whilst identifying as a new element;
 - (iii) Those parts of the development that exceed the maximum height specified by the standard are setback from the site boundaries and are to be constructed using light-weight materials, thereby minimising building bulk as viewed from Martin Place and surrounding streets;
 - (iv) The proposal promotes the sharing of views, and will have no adverse impact on sightlines to the clock tower of the GPO building within Martin Place (to the south-west of the site). The 10 metre setback to Martin Place ensures that the low scale addition cannot be viewed from this important vantage point in the streetscape; and
 - (v) The proposal provides an appropriate transition within Central Sydney by containing the proposed rooftop addition within the sun access plane.

It is considered that the written statement provided by the applicant has sufficiently justified that strict numeric compliance with the development standard is unreasonable and unnecessary in this instance. For the reasons outlined above, there are sufficient planning grounds to justify the departure from the height of buildings development standard and it is recommended that a Clause 4.6 exemption be granted, pursuant to the Director-General's general concurrence of May 2008.

Setbacks

Section 5.1.2.1(3) of the Sydney DCP 2012 requires additions above a heritage item to be setback at least 10 metres. Section 5.1.3(1) of the Sydney DCP 2012 however,

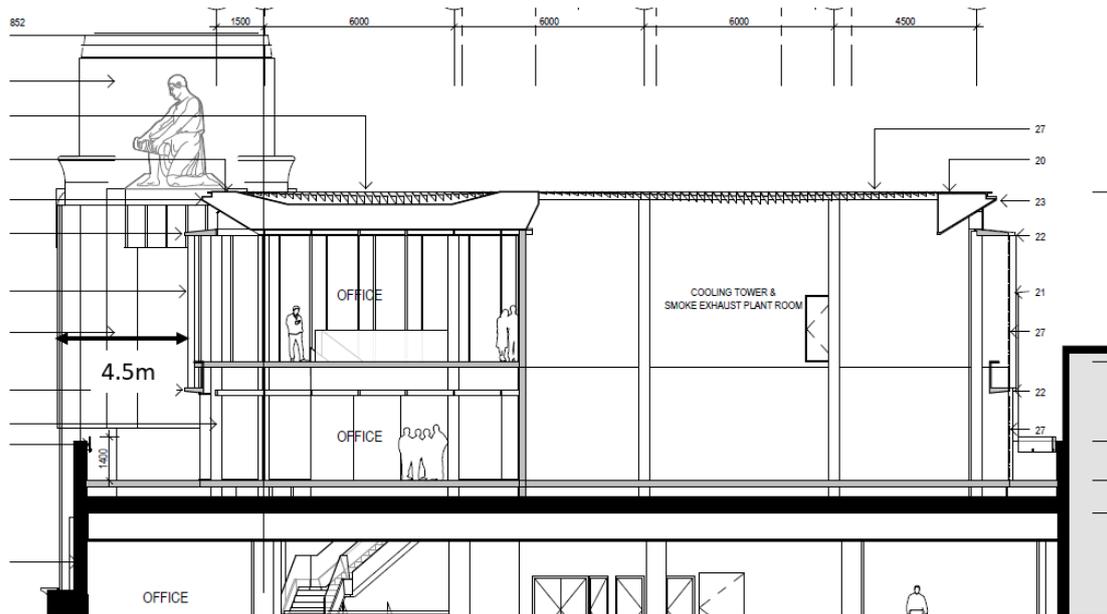


Figure 16: Section through the development depicting the Castlereagh Street setback

The predominant height control for the site is set by the sun access plane to Martin Place, which the proposal complies with, as detailed elsewhere in this report. The DCP control specifying that no additional height is permitted above the existing street wall height is therefore inconsistent with the LEP control.

The subject site currently contains rooftop structures in the form of plant rooms, lift overruns and cooling towers at an overall height of 50.84 metres (when measured from Martin Place), which contravenes the Martin Place Special Character Area provisions. It is also noted that D/2011/733 for 50 Martin Place, Sydney (directly opposite the site) was granted consent for a rooftop addition with a setback of 4 metres to Castlereagh Street, and approximately 8 metres to Martin Place. This consent does not comply with either the front setback controls or the Martin Place Special Character Area requirements.

The proposed variation to the front setback requirements meets the objectives contained in Section 5.1.2, and the setbacks for Special Character Areas contained in Section 5.1.3 of the Sydney DCP 2012, and is acceptable in this instance for the following reasons:

- Setting back the addition 10 metres from all frontages to achieve technical compliance with the general front setback control would not create any beneficial streetscape, perceived scale or amenity impacts for the public domain.

The rooftop structure has been designed as a low scale, lightweight addition and is placed behind the existing tower and parapet.

Setting back the addition by 10 metres to Martin Place, 4.5 metres to Castlereagh Street and 2.5 metres to Hosking Place as proposed results in the addition only being visible from along certain points within Martin Place

and Castlereagh Street. The applicant has prepared a view analysis of the proposed development, demonstrating that the addition can be partially viewed within the following locations:

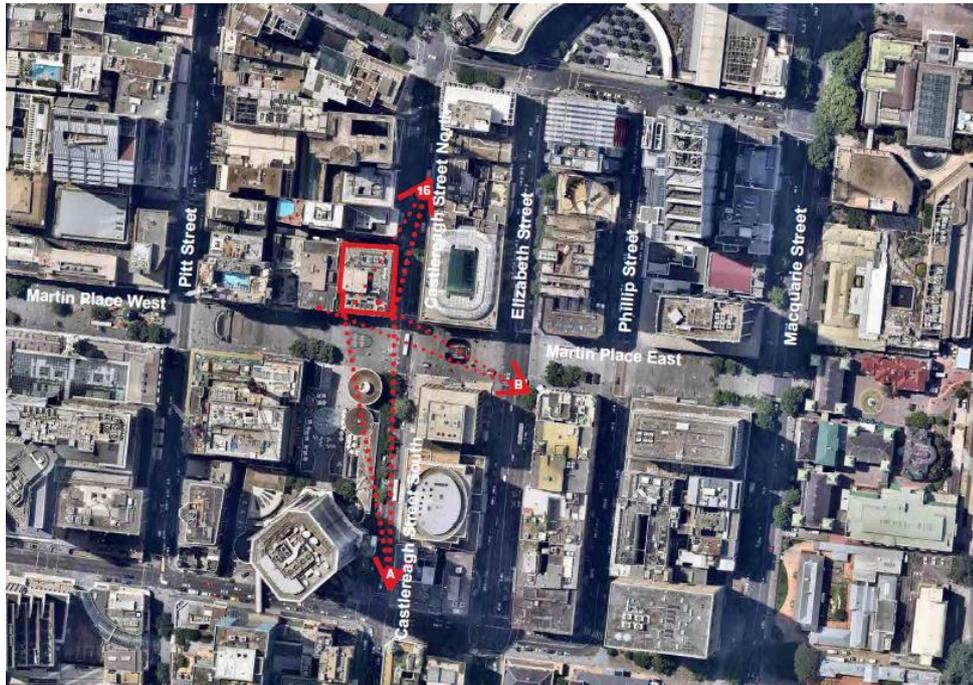


Figure 17: Map of view analysis points (A – Castlereagh Street south, B – Martin Place East and 16 – Castlereagh Street north)



Figure 18: View Analysis of Castlereagh Street south – Point A (existing and proposed)



Figure 19: View analysis from Martin Place east/Elizabeth Street – Point B (existing and proposed)



Figure 20: View analysis from Castlereagh Street north – Point 16 (existing and proposed)

As demonstrated in the images above, the addition is only partially visible from surrounding streets as an inconspicuous, lightweight structure against the backdrop of much larger buildings. The addition is visually submissive to the existing heritage building when viewed from the public domain, and complements the architecture of the base building. The proposal will not be

visible from close quarters where complete iconic views of the primary south (Martin Place) facade of the heritage building are possible.

- The non-compliant setbacks do not reduce daylight and outlook, or increase wind impacts to the public domain; and do not result in any significantly adverse amenity impacts (i.e. privacy or overshadowing) to nearby development, as discussed elsewhere in this report.
- The proposal is considered to enhance and complement the distinctive character of the Martin Place Special Character Area in accordance with the objective of Section 5.1.3 of the Sydney DCP 2012. The proposal retains the existing street frontage height of the building, with the addition appropriately setback so that it can only be partially viewed within Martin Place from Elizabeth Street. The addition has no impact on sun access to Martin Place during lunchtime hours (from mid-April to the end of August), and does not detrimentally affect the silhouette of the GPO clock tower, which is located further south of the subject site.
- The proposal otherwise complies with the floor space ratio development standard, complies with the sun access plane for the site, and introduces light wells within the development to create a higher standard of amenity compared to existing conditions.

Notwithstanding, the subject site is listed on the State Heritage Register and the Heritage Council of NSW provided their General Terms of Approval for the proposal on 12 July 2018. In accordance with Section 4.47 of the *Environmental Planning and Assessment Act 1979*, consent cannot be granted by the consent authority that is inconsistent with the General Terms of Approval, and cannot be refused by the consent authority on heritage grounds.

As discussed in this report, the proposal does not result in any significantly adverse amenity impacts, and is generally consistent with the relevant planning objectives and provisions. Increasing the setbacks, or refusing the application in its entirety on the basis of the setback control contained in the DCP is inconsistent with the General Terms of Approval issued by the Heritage Council of NSW.

The proposal is considered to achieve design excellence in accordance with Clause 6.21 of the Sydney LEP 2012, and has demonstrated a positive outcome for the site despite the non-compliance with setbacks.

Heritage

42-46 Martin Place is listed on the State Heritage Register as the “Former MLC Building” (SHR: 00597), and the Sydney LEP 2012 (11894). The site adjoins the heritage listed Martin Place pedestrianised plaza.

The site comprises two elements, being the south-western corner of the building constructed 1987-90 (38-40 Martin Place), and the former MLC Building constructed

1938 (42-46 Martin Place). The Martin Place elevation of the subject site is depicted below.



Figure 21: Subject site viewed from Martin Place. 38-40 Martin Place comprises the contemporary addition; and 42-46 Martin Place contains the original heritage building.

The Heritage Inventory Report for the site identifies the original portion of the former MLC Building as aesthetically significant, and one of the best inter-war commercial office buildings in Sydney. It is the best example in Australia of the exterior use of Egyptian-derived motifs, and contains a substantially intact insurance chamber of rare scale and high quality finishes. At level 10, the commercial executive rooms (including boardroom) are known as the largest and most formal of its type surviving in Sydney.

The application is accompanied by a Conservation Management Plan (CMP) (endorsed by the Heritage Council) and a Heritage Impact Statement assessing the heritage significance of the site and the impact of the proposed works. The works are discussed in greater detail below.

Impact of the addition

The CMP prepared for the site details that any addition could be considered, provided that the buildings' original height and architectural character remain clearly

legible and appreciable (Policy O). New additions should be recessed from the existing parapet, and retain the dominance of the tower element.

The proposed rooftop addition is setback from the Martin Place, Castlereagh Street and Hosking Place facades to retain the silhouette of the building and the prominence of the turret. The proportions and form of the rooftop structure are sympathetic to the building and pick up on the verticality of the heritage facade, but will be seen as a contemporary addition that is recessive in appearance.

The addition will be supported by the existing core within the original building and the south-west boundary wall of the modern building, and does not intervene with significant fabric or spaces. The proposal will also remove existing ad-hoc rooftop plant structures, being a positive impact on the building.

The application was referred to Council's Heritage Specialist, who advised that the proposed addition was considered appropriate from a heritage perspective in light of its low scale, and lack of visual prominence in the streetscape. On balance, it is an acceptable outcome for the site due to the level of conservation of fabric.

The proposed addition is considered to positively contribute to the streetscape with high quality architecture that responds appropriately to the heritage building and surrounding development. Overall, the proposal for rooftop and conservation works is consistent with Clause 5.10 of the Sydney LEP 2012, and Section 3.9 of the Sydney DCP 2012.

Atrium

The application proposes the creation of an atrium extending from the ground floor lobby to the new roof addition, offsetting the new gross floor area of the rooftop works. The atrium will introduce natural daylight into the centre of the floor plate, and inter-floor stairs are to be installed to improve vertical circulation within the building. The proposed work will remove a portion of the concrete slabs at each level above the ground floor.

The interior of the building has been substantially modified by the relocation of the lift cores in the 1980s, resulting in the removal and reconstruction of some structural elements (including columns, joists and floors). The approved CMP rates the interior of the building as being of low significance. The structural system (being the concrete encased steel columns and concrete floor slabs) is rated as moderate significance.

The removal of part of the concrete slabs will result in loss of some original floor steel joists, however the main beams and columns are unlikely to be altered or affected. The facade of the building is not expected to be affected by the proposed works, provided that structural retrofitting measures are taken to ensure the stability of the whole structure. Given the low significance of the internal spaces, a structural retrofitting system around the cut-out slabs would have an acceptable heritage impact, however the applicant has not provided any details with regard to how this will occur. As such, it is recommended that a condition be imposed requiring structural design details (including demolition methodology) for the atrium and any

retrofitting structures to be submitted prior to the issue of any Construction Certificate.

Whilst the atrium will have minimal impact on the heritage significance of the building overall, the stairs and atrium at ground floor and first floor will form a prominent architectural element in the existing lobby, and will be visible from the main entrance. The atrium and staircase at this level will need to be sensibly designed to respond appropriately to the building entrance and lift surrounds. A condition is recommended for the design details of the atrium stair to the foyer are to be submitted prior to the issue of a Construction Certificate.

Conservation works and award of Heritage Floor Space (HFS)

Award of HFS

The application proposes conservation works and requests the award of HFS under Clause 6.10 of the Sydney LEP 2012 and Section 5.1.9 of the Sydney DCP 2012.

To be eligible for an award of HFS, a heritage listed building is to be:

- (a) located in the Central Sydney area and zoned B8 – Metropolitan Centre;
- (b) not have been awarded HFS in the previous 25 years (under Clause 6.10 of the Sydney LEP 2012 or a similar scheme in force before the commencement of this Plan);
- (c) subject to conservation works in accordance with an approved Conservation Management Plan; and
- (d) not be subject to works that would increase the external envelope and floor space of the building, other than a minor increase to facilitate the adaptive re-use of the heritage building.

The subject building is located in the Central Sydney area, and the site is zoned B8 – Metropolitan Centre. HFS was previously awarded in November 1991, being 26 years ago, and a second award is therefore permitted.

The proposed works will result in a minor increase in the building envelope for a two storey addition to be used as offices. As discussed elsewhere in this report, the new addition will be replacing existing detracting rooftop plant areas, and is setback from the Martin Place, Castlereagh Street and Hosking Place facades to retain the silhouette of the building and the prominence of the turret. The addition will not have an adverse heritage impact and will not affect the significance of the item as it cannot be easily viewed within the streetscape.

An approved CMP applies to the site, however it does not include a schedule of conservation works. Rather, the application proposes conservation and repair works that centre on the existing sandstone facade, the removal and reconfiguration of louvre panels and fire boosters/fire exit doors to Hosking Place, and the removal an internal ornamental palm tree to improve visibility into the lobby at ground floor.

In order to be awarded HFS, conservation works should propose appropriate repair and maintenance works to significant fabric, remove detracting elements, reinstate original fabric where possible, and propose other works that are compatible with the significance of the building. Council's Heritage Specialist has reviewed the proposal and has advised that further investigation of the existing facades is required to develop a detailed schedule of conservation works. This recommendation is reflected in the General Terms of Approval provided by the Heritage Council.

A condition is to be imposed requiring a schedule of conservation works to be prepared prior to the issue of a Construction Certificate that identifies all fabric of heritage significance, supported by an appropriate methodology for maintenance and repair works.

At completion of the conservation works, and prior to the registration of HFS, the applicant is to enter into a legal agreement with Council and covenants are to be registered on title limiting any future redevelopment of the site to the gross floor area and height of the conserved building (with the new addition); and to ensure the ongoing conservation of the building by regular maintenance. Appropriate conditions to this effect are recommended.

It is noted that Clause 6.10 of the Sydney LEP 2012 requires Council to endorse the award of HFS for the site. This is a separate process to the assessment of the current application. As such, the proposal will be subject to a deferred commencement consent to allow Council to determine the award of HFS prior to the consent becoming operative.

Calculating the HFS to be awarded

The proposal seeks a full award of HFS. The maximum amount of HFS that may be awarded to a site relies on a formula provided in the Sydney DCP 2012 as follows:

$$\mathbf{HFSH = 0.5AS \times FSRH}$$

where:

HFSH is the maximum amount of HFS which may be awarded in sqm

AS is the site area (in square metres) occupied by the heritage building (being 1182.6sqm as per the Sydney LEP 2012 heritage listing)

FSRH is the maximum FSR for the site of the heritage building as shown on the LEP FSR map (being 8:1 in this instance).

As applied to the site, an amount of 4,730.4sqm HFS may be awarded (i.e. [0.5 x 1182.6] x 8).

Subject to compliance with other recommendations in this report regarding the preparation and implementation of a schedule of conservation works, and other works required by the Heritage Council, the full award of HFS may be granted by Council.

Covenant

Any covenant on land in Central Sydney restricting the carrying out of development that has been registered on title prior to the introduction of the Sydney LEP 2012 is applicable under Clause 1.9 of the Sydney LEP 2012.

A covenant applies to the site in two parts:

- (a) restricting the erection of any further structure on the site unless approved by Council; and
- (b) restricting the existing building (and any alterations and additions) to the total floor area permitted for the site, minus 4,900sqm.

The permitted “total floor area” referenced in the covenant is based on the Code or any other instrument in force at the time of assessment of the proposal (in this instance the Sydney LEP 2012). The definition of total floor area identified by the covenant does not correspond to the definition of FSR or gross floor area (GFA) under the Sydney LEP 2012, as total floor area includes staircases in its calculation.

In light of the above, and in order to determine the permitted FSR for the development for the purposes of the restriction, the proposal has been assessed against the permitted FSR under the Sydney LEP 2012 as it is currently in force.

The Sydney LEP 2012 stipulates that the site is entitled to a maximum FSR of 12.85:1 (15,196.41sqm) based on the applicable floor space controls. If 4,900sqm is deducted from the permitted FSR (as per the covenant), it is reduced to 8.7:1 or 10,296.41sqm.

The application proposes an FSR of 9.97:1 (11,795.1sqm), which does not meet the requirements of the covenant. The proposal otherwise complies with all applicable FSR and bonus floor space controls contained in the Sydney LEP 2012.

The covenant is in favour of Council, and as such Council is the party authorised to release, vary or modify this restrictive covenant. In consideration of varying the covenant, it is important to note the following:

- The application proposes to offset the additional floor space resulting from the two storey rooftop addition by providing an atrium of the same area within the development, thereby being consistent with the existing conditions of the building (i.e. when the covenant was first registered on title in November 1991). The proposed two storey rooftop addition and other internal works are supported, and will not have an adverse heritage impact on the significance of the item, as discussed elsewhere in this report.
- The proposed increase in GFA specifically relates to the bonus floor space for end of journey facilities and car parking reduction floor space at basement level. The additional floor space for end of journey facilities and waste storage is supported as the end of journey facilities in particular has been granted as an incentive to promote the use of bicycles and walking in Central Sydney. This accords with Sustainable Sydney 2030, where the City’s strategic vision is to be “connected”. One of the strategic directions of Sustainable Sydney

2030 is to give greater priority to cycle and pedestrian movements, and promote sustainable travel in the city centre. This strategic direction is further enforced under Clause 1.2(2)(g) 'Aims of Plan', where one of the objectives of the Sydney LEP 2012 is to ensure that the pattern of land use and density facilitates walking, cycling and the use of public transport.

The variation of the covenant is therefore considered appropriate in this instance. However, as this application proposes the award of HFS and new covenants on title limiting gross floor area and height of the building, this will render the existing restriction on title regarding HFS as obsolete. It is recommended that a condition be imposed to delete the existing covenants on title.

Use of the communal area at Level 11

The application proposes an external terrace area on the roof level of the existing building (being level 11) to be used by staff. It is noted that no operational details have been provided, however the site is not located in close proximity to any residential or hotel accommodation uses.

It is therefore recommended that a condition be imposed restricting the operation of the terrace to between 8.00am and 10.00pm, Mondays to Sundays inclusive, for use by staff only. General noise conditions have also been applied to ensure there are no adverse amenity impacts to surrounding development.

(b) Other Impacts of the Development

The proposed development is capable of complying with the BCA.

It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

(c) Suitability of the site for the Development

The proposal is considered to be suitable for the site. The application proposes works to an existing commercial office building, in a commercial surrounding and amongst similar uses to that proposed.

(d) CONSULTATION

Internal Referrals

The conditions of other sections of Council have been included in the proposed conditions.

The application was discussed with the Building Services Unit; Environmental Health; Public Domain; Safe City; Surveyors; and Transport and Access who advised that the proposal is acceptable subject to the recommended conditions.

Heritage and Urban Design comments relating to setbacks and the impact of the proposed works on the existing building have been discussed in greater detail within this report.

External Referrals

The application was referred to Sydney Trains and TfNSW in accordance with the requirements of the State Environmental Planning Policy (Infrastructure) 2007. The external authorities have recommended conditions that have been included in the proposed conditions of consent, as discussed within this report.

NOTIFICATION, ADVERTISING AND DELEGATION

The application constitutes integrated development and as such the application was notified and advertised for 30 days in accordance with the provisions of Environmental Planning and Assessment Regulations 2000. As a result of this, no submissions were received.

(e) Public Interest

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

FINANCIAL IMPLICATIONS

S61 CONTRIBUTION

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 2013. An appropriate condition has been included in the recommendation of this report.

CONCLUSION

Having regard to all of the above matters, it is considered that the proposal generally satisfies the relevant strategy, objectives and provisions of the Sydney LEP 2012 and the Sydney DCP 2012, is acceptable and is recommended for deferred commencement approval subject to conditions as shown in the attached Decision Notice.

The application is approved under delegated authority of Council.

The undersigned declare, to the best of their knowledge that they have no interest, pecuniary or otherwise, in this development application or persons associated with it and have provided an impartial assessment.

Report Prepared by:



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Application determined by:



ANDREW REES
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