

9 December 2020

16009

Jim Betts
Planning Secretary
Department of Planning, Industry and Environment
4 Parramatta Square
12 Darcy Street, Parramatta NSW 2150

Attention: Amy Watson

Dear Amy,

**SECTION 4.55(1A) MODIFICATION APPLICATION - STATE SIGNIFICANT DEVELOPMENT 7484:
SANDSTONE PRECINCT MODIFICATION 11, 23-33 & 35-59 BRIDGE STREET, SYDNEY**

This modification application is submitted to the Department of Planning, Industry and Environment (DPIE) pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify State Significant Development 7484 (SSD 7484) relating to the adaptive reuse of the Sandstone Precinct (Education and Lands Buildings) for tourist and visitor accommodation.

The proposed modification relates to administrative changes to the wording of Condition B8 in order to clarify details and to modify the timing for the Heritage Interpretation Plan to be approved by the Secretary. Despite having commenced consultation with Heritage Council and City of Sydney Council in August 2020, additional time is required in order to resolve outstanding items in relation to the Plan.

This application identifies the consent, describes the proposed modifications and provides an assessment of the relevant matters contained in section 4.55(1A) of the EP&A Act.

1.0 Consent proposed to be modified

The Stage 2 detailed development application (SSD 7484), the subject of this modification application, was approved on 24 April 2018 by DPIE and granted consent for the adaptive reuse of the Sandstone Precinct for tourist and visitor accommodation, including:

- demolition of existing improvements and alterations to the Lands and Education Buildings (as shown in the approved plans only)
- maximum gross floor area (GFA) of 31,633m², with:
 - 10,918m² in the Lands Building
 - 20,715m² in the Education Building
- maximum of 253 hotel rooms, with:
 - 61 in the Lands Building
 - 192 in the Education Building
- fit out of ancillary guest and visitor facilities
- improvements and construction of a roof extension to the Lands Building, with a maximum height of RL 38.00
- construction of a roof extension to the Education Building, with a maximum height of RL 60.03

The SSD 7484 consent has been modified nine times to date.

2.0 Proposed modifications to the consent

The proposed modification to the consent, being the change to Condition B8, modifying the timing for submission and approval of the Heritage Interpretation Strategy/Plan, to the Construction Certificate 6 – Façade and Finishes, for the Lands Building.

Words proposed to be deleted are shown in ~~bold strike-through~~ and words to be inserted are shown in ***bold italics***.

Condition B8 – Heritage Interpretation Plan

B8 A Heritage Interpretation ~~Strategy Plan~~ for the site must be prepared in consultation with Council and the Heritage Council and submitted to the satisfaction of the Secretary prior to the issue of Construction Certificate 6 – Façade and Finishes (CC6) ***for the Lands Building. The Plan may be prepared and submitted separately for each building to the Secretary for separate endorsement.*** The ~~Strategy Plan~~ must be prepared by a suitably qualified and experienced heritage practitioner or historian.

The Heritage Interpretation ~~Strategy Plan~~ must detail how information on the history and significance of the site will be provided for the public and make recommendations regarding public accessibility, signage and lighting (specifying whether subject to approval). Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used.

The plan must specify the location, type, materials and contents of the interpretation device being proposed. The plan must include retention for display within the building of sections of the Lands Building cast iron roof trusses and roof crestings.

The approved ~~Strategy Plan~~ must be implemented to the satisfaction of Council prior to the issue of any Occupation Certificate.

Justification

The amendment to Condition B8 is required to reflect the new intended timing for satisfying the Secretary in relation to the Heritage Interpretation Plan. The proposed deferral of the Heritage Interpretation Plan will enable further time for engagement with Heritage Council. More specifically, the change in timing will ensure there is no delay in the issue of CC 6 for the Education Building which is ahead of the Lands Building in terms of construction timeframes. The change in terminology from Strategy to Plan is also proposed in order to more clearly clarify expectations and requirements. Finally, the condition is also proposed to be amended in order to enable the staged endorsement of the plan for each building, with the Education Building further progressed in terms of its delivery.

3.0 Substantially the same development

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if “*it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)*”.

The development, as proposed to be modified, is in our opinion considered to meet the substantially the same development tests under Section 4.55(1A) of the EP&A Act as:

- the proposed modification does not significantly alter the key components of the approved development description;
- the essence of the approved development remains unaffected, the development (as modified) remains true to the adaptive reuse of these exceptional state significant heritage buildings for tourist and visitor accommodation purposes;

- there is no increase to the maximum building height and the overall external visual appearance of the building remains largely consistent with that previously approved;
- has minimal impact to the heritage values of the Sandstone Precinct; and
- the environmental impacts of the modified development remain consistent with the approved development.

For these reasons, the DPIE can be satisfied that the modified proposal is substantially the same development for which consent was originally granted. Furthermore, it is important to note that the impact of the proposed modification is limited to administrative changes to a condition and is considered to have no environmental impact beyond those considered during the assessment of SSD 7484 and the more recent approved plans.

4.0 Environmental assessment

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if *“it is satisfied that the proposed modification is of minimal environmental impact”*. Under section 4.55(3) the consent Authority must also take into consideration the relevant matters to the application referred to in section 4.15(1) of the EP&A Act and the reasons given by the consent authority for the grant of the original consent.

The following assessment considers the relevant matters under section 4.15(1) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

4.1 Statutory and Strategic Context

The Environmental Impact Statement submitted with the original State Significant Development application addressed the proposed development’s level of compliance against the relevant strategic plans, policies, guidelines and statutory planning instruments, including:

- *Environmental Planning and Assessment Act 1979*;
- *Environmental Planning and Assessment Regulation 2009*;
- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy 55 (Remediation of Land);
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- A Plan for Growing Sydney;
- Sydney 2030 (City of Sydney);
- Development Near Rail Corridors and Busy Roads: Interim Guideline;
- Guide to Traffic Generating Developments;
- NSW Planning Guidelines for Walking and Cycling;
- NSW Long Term Master Plan;
- Sydney Local Environmental Plan 2012; and
- Sydney Development Control Plan 2012.

The proposed modifications do not affect the development’s level of compliance with the majority of the relevant planning instruments and strategic documents.

4.2 Reasons given for granting consent

During the assessment of the Stage 2 SSD 7484, the DPE (now DPIE) considered a number of key issues including:

- design quality;
- traffic, parking and servicing;

- the Voluntary Planning Agreement;
- construction impacts;
- archaeology; and
- heritage.

The DPIE was satisfied that these issues could be appropriately dealt with and considered that the impacts of these key items could be managed and mitigated accordingly. Furthermore, the adaptive re-use of the Sandstone Precinct buildings was considered to activate and add further vitality to the northern end of the CBD, with the project considered to sensitively respond to the heritage significance of the broader precinct. The DPIE concluded the proposal was in the public interest and recommended the application for approval.

4.3 Consistency with Stage 1 consent

The Stage 1 approval granted consent under the Stage 1 SSD 6751 establishes the vision and planning framework to assess the detailed design of the future development on the site. In accordance with Section 4.24(1A) of the EP&A Act, while this Stage 1 DA remains in force development on the site cannot be inconsistent with the approved Concept Proposal/Stage 1 DA.

The original Stage 2 SSD 7484 was assessed in terms of consistency with the Stage 1 consent and found to be entirely consistent. The proposed development as proposed to be modified remains consistent with the Terms of Approval as set out in the SSD 6751 consent for the Stage 1 SSD. The modifications as part of this S4.55 application do not change the overall development's consistency with the approved Stage 1 SSD and do not trigger a need to amend the Stage 1 consent.

The Stage 1 approval was very broad in nature and did not include any limiting parameters to achieving the adaptive re-use of the buildings for tourist and visitor accommodation.

4.4 Environmental Impacts

The proposed change in timing for the delivery of the Heritage Interpretation Strategy will have no environmental impacts on any elements of the project outside those previously considered.

5.0 Conclusion

The proposed modification is administrative in nature only. The modified development remains consistent with the approved Stage 1 SSD consent and relevant statutory and strategic plans and policies that apply to the site. In accordance with section 4.55(1A) of the EP&A Act, the DPIE may modify the consent as:

- the proposed modification is of minimal environmental impact; and
- substantially the same development as development for which the consent was granted.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request.

Yours sincerely,



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