



Sandstone Precinct Modification 11

Modification to Condition B8 - Heritage Interpretation Plan
(SSD 7484 MOD 11)

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Glossary

Abbreviation	Definition
Consent	Development Consent
CC	Construction Certificate
Council	City of Sydney Council
Department	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
HIP	Heritage Interpretation Plan
Heritage NSW	Heritage NSW, Department of Premier and Cabinet
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
OC	Occupation Certificate
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development

1 Introduction

1.1 Background

This report provides an assessment of an application to modify the State significant development (SSD) consent for the adaptive reuse of the Sandstone Precinct, at 23-33 and 35-39 Bridge Street, for hotel accommodation and ancillary uses (SSD 7484).

The modification application seeks to amend Condition B8 in relation to heritage interpretation.

The application has been lodged by Pontiac Land (Australia) Pty Ltd (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.2 The site

The site is the Sandstone Precinct, located at the northern end of the Sydney central business district (CBD) in the City of Sydney local government area. The site comprises two city blocks bound by Bridge Street to the north, Young Street to the east, Bent Street to the south, Gresham Street to the west and bisected centrally by Loftus Street (**Figure 1**).

The site has a total area of 9,370 m² and comprises the:

- Lands Building at 23-33 Bridge Street (with an area of 3,350 m²)
- Education Building at 35-39 Bridge Street (with an area of 2,795 m²)
- adjacent road and public domain areas, being part Loftus Street, Gresham Street and Farrer Place (with an area of 3,220 m²).

The Education and Lands Buildings (**Figure 2**) are listed as items of State and local heritage significance on the State Heritage Register, Sydney Local Environmental Plan 2012 (SLEP 2012) and appear on the Commonwealth Register of the National Estate (non-statutory). The buildings are in an area that contains historic public parks, gardens and buildings, which hold significance to the history of Australia.

The Education Building was constructed in two stages between 1915 and 1930 and is a fine example of early 20th century government offices. It is principally a seven-storey sandstone building, with two additional roof levels added later in the 20th century.

The Lands Building was constructed in two stages between 1876 and 1893. It is four storeys in height (approximately 28 m) and constructed of sandstone, with a domed and lantern roof-top feature and clock tower.

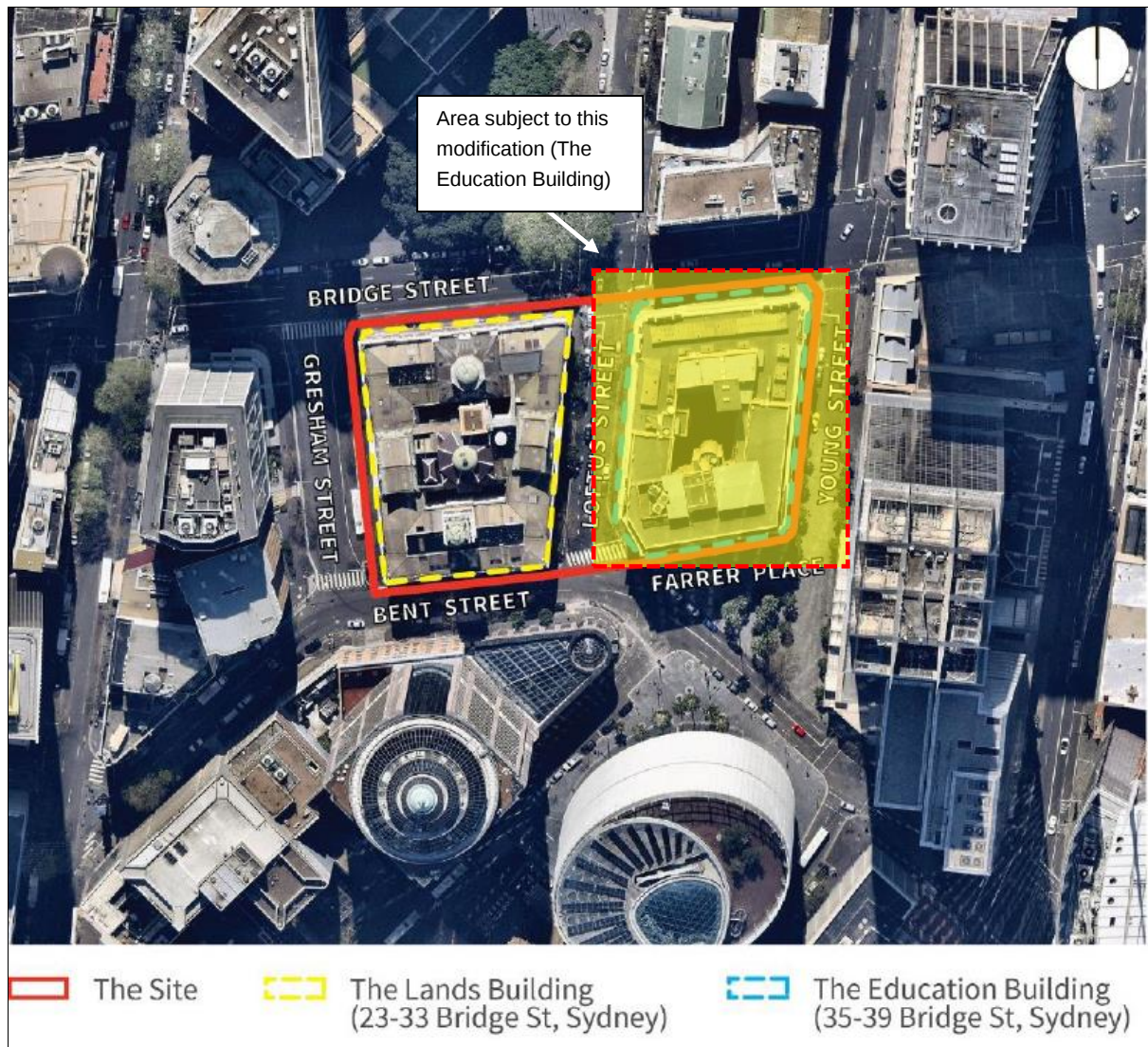


Figure 1 | Aerial view of the Sandstone Precinct (in red) (Source: SSD 7484)

The alterations to the Education Building (**Section 1.3**) are currently under construction.

1.3 Approval history

Concept Approval (SSD 6751)

On 25 August 2015, the Acting Executive Director, Infrastructure and Industry Assessments (as delegate of the Minister) granted development consent for the concept proposal (SSD 6751) for the adaptive reuse of the Sandstone Precinct for tourist and visitor accommodation.

The Stage 1 concept approval required the Applicant to establish a Design Review Panel (DRP) to review and provide input and feedback into the detailed design (FEAR B2).

The consent has been modified once and one modification has been withdrawn (**Table 1**).

Table 1 | Summary of Modifications (SSD 6751)

Ref	Summary of Modifications	Determined by	Type	Status
MOD 1	Modification to amend Condition B2 pertaining to the Design Review Panel	N/A	96(1A)	Withdrawn
MOD 2	Modification to amend the height of the building envelope above the Education Building and introduce a building envelope above the Lands Building	Department	4.55(2)	Approved 24 Apr 18

SSD Application (SSD 7484)

On 24 April 2018, the Executive Director, Key Sites and Industry Assessments (as delegate of the Minister), granted development consent (SSD 7484) 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
- maximum gross floor area (GFA) of 31,633 m², with 10,918 m² in the Lands Building and 20,715 m² in the Education Building
- maximum of 253 hotel rooms (61 in the Lands Building and 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
- excavation and construction of three basement levels and a subterranean link beneath Loftus Street, provision of loading bay facilities and 60 bicycle parking spaces.

The development consent has been modified on ten occasions, as summarised in **Table 2**.

Table 2 | Summary of Modifications (SSD 7484)

Ref	Summary of Modifications	Determined by	Type	Status
MOD 1	Modification to correct a drafting error in Condition A3 and Condition B37	Department	4.55(1)	Approved 8 May 18
MOD 2	Modification to amend the extent of internal demolition and excavation and relocate the interconnecting tunnel under Loftus Street.	Department	4.55(1A)	Approved 29 Nov 18
MOD 3	Design changes to Lands and Education Building including to the internal layout, reduced basement excavation, provide 229 hotel rooms in the Education Building and design changes to rooftop extension of the Education Building.	Department	4.55(2)	Approved on 8 May 2019

MOD 4	Design and operational changes to the Lands Building, including the deletion of 61 hotel guest rooms, changing the internal layout, providing additional hotel amenities, removing the approved diagrid roof extension, retaining the existing roof and use of the northern roof terraces for functions and events.	Department	4.55(2)	Approved on 18 December 2019
MOD 5	Reduce basement excavation, change location of interconnecting tunnel under Loftus Street and amend basement floor plans for relocated tunnel.	Department	4.55(1A)	Approved on 5 Sept 2019
MOD 6	Modification to delete Condition B27 (natural ventilation strategy for the roof extension).	Department	4.55(1A)	Approved on 17 April 2020
MOD 7	Internal and external changes to the Education Building to reconfigure and reduce the number of hotel rooms, relocate a substation into the Education Building, reconfigure access arrangements, amend the pool structural support columns, changes to façade elements and finishes and reduce gross floor area by 1,352 m ² .	Department	4.55(2)	Approved 4 June 2020
MOD 8	Demolition of the existing ground floor level slab in the south-western corner of the Education Building and installation of temporary support structure to support the building during demolition works.	Department	4.55(1A)	Approved on 4 June 2020
MOD 9	Changes to the extent of demolition required within the Lands Building	Department	4.55(1A)	Approved on 26 November 2020
MOD 10	Internal courtyard and external façade design changes to the Education Building and change of wording to conditions B36 and F24	Department	4.55(1A)	Approved on 19 October 2020

City of Sydney Council development consent (D/2016/1641)

On 28 March 2018, the City of Sydney Council (Council) approved a development application (D/2016/1641) for external works to upgrade Farrer Place and the pavements on Young Street, Gresham Street, Loftus Street and Bridge Street, along with the provision of a new vehicular pick-up/drop-off area on Bent Street. This consent includes a below ground substation in Farrer Place.

2 Proposed modification

On 8 December 2020, the Applicant lodged a modification application to amend development consent for the Sandstone Precinct Stage 2 (SSD 7484 MOD 11) under section 4.55(1A) of the EP&A Act.

A link to the modification application documents is provided in **Appendix A**.

The application as amended seeks approval to modify Condition B8, as follows:

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 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 the Council prior to the issue of ~~any~~ the relevant Occupation Certificate.

The Applicant advised that the proposed amendment to Condition B8 is required to:

- allow for additional time for further engagement with Heritage Council, while ensuring that there is no delay with the issue of the Construction Certificate 6 (CC6) for the Education Building.
- clarify expectations and requirements and remove ambiguity whether a plan and/or strategy are required
- allow for heritage interpretation plans (HIP) to be prepared and endorsed for each building.

3 Statutory context

3.1 Scope of modification

The Department has reviewed the scope of the modification application and considers the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- the proposal will have negligible environmental impacts of the project as approved
- is substantially the same development as originally approved; and
- would not involve any further disturbance outside the already approved disturbance areas for the project.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. An assessment of the proposed modification application against the requirements of section 4.55(1A) of the EP&A Act is provided in **Appendix D**.

Accordingly, the Department considers that the application should be assessed and determined under section 4.55 (1A) of the EP&A Act rather than requiring a new development application to be lodged.

3.2 Consent authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5(a) of the EP&A Act. However, the Director, Key Sites Assessments, may determine the application under delegation as:

- a political disclosure statement has not been made
- there are no public submissions in the nature of an objection.

3.3 Mandatory Matters for Consideration

The following are relevant mandatory matters for consideration:

- section 4.55(1A) of the EP&A Act, including environmental planning instruments or proposed instruments
- EP&A regulation
- likely impacts of the modification application, including environmental impacts on both the natural and built environments, and social and economic impacts;
- suitability of the site
- any submissions
- the public interest
- the reasons for granting approval for the original application.

The Department has considered all of these matters in its assessment of the proposal. The Department has also given consideration to the relevant matters in **Section 5** and **Appendix D** of this report.

3.4 Consistency with Concept Approval

The Department has considered the proposed modification and is of the opinion the modification remains consistent with the Stage 1 Concept Approval as it relates only to the timing of the HIP.

4 Engagement

4.1 Department's engagement

The application was made publicly available on the Department's website on 8 December 2020 and was referred to City of Sydney Council (Council) and the Department of Premier and Cabinet, Heritage NSW (Heritage NSW).

4.2 Summary of submissions

Council reviewed the modification application and raised no objections.

Heritage NSW raised no objections to the proposal to clarify the terminology, preparation and implementation of a single or individual HIP for each building and to defer the endorsement of the HIP to prior to issue of CC6 for the Lands Building. Heritage NSW requested that the HIPs be implemented to the satisfaction of both Council and Heritage NSW and suggested changes to Condition B8.

The Department placed copies of all submissions received on its website.

As Council and Heritage NSW raised no objections to the proposal, a response to submissions was not required.

5 Assessment

In assessing the merits of the proposal, the Department has considered:

- the modification application and associated documents
- the Environmental Impact Statement and conditions of approval for the original application (as modified)
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act.

The Department has assessed the proposed amendments to Condition B8 in **Table 4**.

Table 4 | Assessment of proposed changes to Condition B8

Issue	Findings	Recommendations
Clarification of Terminology	• Condition B8 is titled 'Heritage Interpretation Plan', however the requirements within the condition refer to the plan as a strategy. • The proposal seeks to amend Condition B8 to consistently refer to the required document as a plan, rather than a strategy. • Council and Heritage NSW did not raise any concerns with the proposed amendments. • The Department supports proposed amendment to Condition B8 as it clarifies the HIP requirements and removes ambiguity in the current wording of the condition which references both a plan and strategy, which are one and the same document.	The Department recommends Condition B8 be amended to clarify that the document required to be submitted is a HIP.
Preparation of individual HIPs for each building	• Condition B8 requires preparation of a HIP in consultation with Council and the Heritage Council • The proposal seeks to amend the condition to provide flexibility for either a single or individual HIPs for each building. • Council and Heritage NSW did not raise any concerns with the proposed amendments. • The Department supports the proposed amendment to Condition B8 to allow for endorsement of the individual HIPs to align with the construction program, noting that the Education Building is progressing ahead of the Lands Building. • The Department therefore recommends that the condition be amended accordingly.	The Department recommends Condition B8 be amended to allow the flexibility for preparation of a single or individual HIP for each building.
Deferring the endorsement of HIPs	• Condition B8 currently requires the HIP to be endorsed by the Secretary prior to the issue of Construction Certificate 6 – Façade and Finishes (CC6). • The proposal seeks to delay the endorsement of the HIPs for each building until prior to issue of CC6 for the Lands Building. • The Applicant notes it is currently consulting with Heritage Council during the preparation of the plans. It also notes the preparation of the Education Building plan is substantially progressed however additional time is required to finalise the plan.	The Department recommends Condition B8 be amended to allow flexibility for the staged endorsement of the HIPs by the Secretary.

- Council and Heritage NSW did not raise any concerns with the deferred timeframe.
- The Department supports the proposed amendments as it allows the Applicant additional time to prepare the required documentation in consultation with Council and Heritage NSW, without delaying the current construction work associated with the Education Building
- The Department therefore recommends that Condition B8 is amended accordingly.

Implementation of the HIPs

- Condition B8 requires the implementation of the HIP to the satisfaction of Council prior to the issue of any Occupation Certificate (OC).
 - The proposal seeks to amend Condition B8 to require the implementation of the single or individual HIPs prior to the issue of the relevant OC.
 - Council did not raise any concerns with the proposed amendments.
 - Heritage NSW did not raise any concerns with the proposed amendments, however it requested that the condition be amended to require implemented to the satisfaction of Heritage NSW, in addition to Council.
 - The Department has considered the timing of implementation of the Plan, in consultation with Heritage NSW, and supports the staged implementation of the plans to align with the staged delivery of the Education and Lands Building.
 - However, the Department recommends that Condition B8 be amended to require the Plan for each individual building to be implemented to the satisfaction of the Secretary, in consultation with both Council and Heritage NSW, prior to issue of an OC for the respective building. In addition, if a single plan is provided for both buildings, it must be implemented prior to issue of any OC.
 - The Department therefore recommends that Condition B8 is amended accordingly.
-

The Department recommends Condition B8 be amended to reflect the single or individual HIPs being implemented to the satisfaction of the Secretary prior to the issue of the OC for the building it relates to.

6 Evaluation

The Department has reviewed the proposed modification and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposal is appropriate as:

- it allows for additional time to consult with Council and Heritage Council to finalise the HIP, without delaying the current construction work associated with the Education Building
- the staged preparation and implementation of the single or individual HIPs aligns with the staged construction and delivery of the Education and Lands Building
- the HIPs will be implemented to the satisfaction of the Secretary, in consultation with Council and Heritage NSW, prior to occupation of the respective buildings
- the clarification of terminology is supported by Council and Heritage NSW and removes current ambiguity in the condition
- it complies with relevant statutory provisions and the proposal remains consistent with relevant EPIs and the strategic planning context
- it is substantially the same development as originally approved and does not result in any adverse environmental impacts.

Consequently, the Department concludes the proposal is in the public interest and should be approved, subject to conditions (**Appendix B**).

7 Recommendation

It is recommended that the Director, Key Sites Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 7484 MOD 11 falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the applications
- **modifies** the consent SSD 7484
- **signs** the attached approval of the modification (**Appendix B**).

Recommended by:



Candice Pon

Planning Officer

Key Sites Assessments

Recommended by:



Amy Watson

Team Leader

Key Sites Assessments

8 Determination

The recommendation is **Adopted** by:

 22/12/2020

Anthony Witherdin

Director

Key Sites Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – List of Documents

The following supporting documents and supporting information to this assessment report can be found on the Major Project's website as follows:

- Modification Report and Response to Submissions
<https://www.planningportal.nsw.gov.au/major-projects/project/40791>
- Submissions
<https://www.planningportal.nsw.gov.au/major-projects/project/40791>
- Associated modifications (SSD 7484 MOD 1, MOD 2, MOD 3, MOD 4, MOD 5, MOD 6, MOD 7, MOD 8, MOD 9 and MOD 10)

Appendix B – Notice of modification

<https://www.planningportal.nsw.gov.au/major-projects/project/40791>

Appendix C – Consolidated Consent

<https://www.planningportal.nsw.gov.au/major-projects/project/40791>

Appendix D – Statutory Considerations

To satisfy the requirements of the EP&A Act, the Department's assessment of the proposal has given detailed assessment to a number of statutory requirements. These include:

- the requirements of section 4.55(1A) of the EP&A Act
- the matters listed under Section 4.15(1) of the EP&A Act, including applicable EPIs and regulations.

The Department has considered these matters in its assessment of the proposal in **Table 5** and **Table 6**.

Table 5 | Consideration of section 4.55(1A) of the EP&A Act

Section 4.55(1A)	Assessment
The proposed modification is of minimal environmental impact	Section 5 of this report provides an assessment of the impacts associated with the modification application. The Department is satisfied that the proposed modification will have minimal environmental impact, it will not change the approved use of the site and will not adversely impact the heritage significance of the building.
The development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified.	The Department is satisfied that the proposed modification is substantially the same development as the proposal is only proposing to alter the time frame for submission and approval of the HIP.
The application has been notified in accordance with the regulations.	The modification application did not require notification in accordance with the EP&A Regulations with the EP&A Regulations (clause 10 of schedule 1 to the EP&A Act and clause 118 of the EP&A Regulation).
Any submission made concerning the proposed modification has been considered.	The Department received submissions from Council and Heritage NSW. The submissions have been considered in Section 5 of this report.

Table 6 | Consideration of the matters listed under Section 4.15(1) of the EP&A Act

Section 4.15(1) Matters for consideration	The Department's assessment
(a)(i) any environmental planning instrument	The proposed modification is consistent with the relevant Environmental Planning Instruments (EPs) as addressed below in this report.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, Development Control Plans (DCPs) do not apply to SSD.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the <i>Environmental Planning and Assessment Regulation 2000</i> , including the procedures relating to applications (Part 6), the requirements for notification (Part 6, Division 6) and fees (Part 15, Division 1AA) (refer to Section 4).
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department considers the likely impacts of the proposed modification acceptable and have been appropriately addressed (refer to Section 5 of this report).
(c) the suitability of the site for the development	The site is suitable for the development as addressed in Section 5 .
(d) any submissions	The Department has considered the submissions received (refer to Section 4 and 5 of this report).
(e) the public interest	The Department considers the proposed modification to be in the public interest.
Reasons given by the consent authority for the grant of the consent that is sought to be modified	The Department has considered the reasons given by the consent authority for the grant of the consent in its assessment in Section 5 .

Environmental Planning Instruments

To satisfy the requirements of section 4.15(1)(a)(i) of the EP&A Act, the following EPs, were considered as part of the assessment of this proposal:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55 – Remediation of Land
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Draft Remediation of Land State Environmental Planning Policy
- Draft Environment State Environmental Planning Policy.

The Department undertook a comprehensive assessment of the redevelopment against the above-mentioned EPIs in its original assessment. The Department has considered the above EPIs and is satisfied the modification does not result in any inconsistency with these EPIs.