

25 October 2021

16009

Kiersten Fishburn
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 15, 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 inconsistencies between approved demolition plans for the Lands Building under Modification 9 (approved 26 November 2020), and the approved General Arrangement (GA) plans of Modification 4 (18 December 2019). There are works approved under the GA plans that in order to deliver them would require demolition which is presently not clearly indicated on the approved demolition plans.

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. This application is accompanied by:

- Amended Demolition Plans prepared by Hassell (**Attachment A**);
- Addendum Heritage Impact Statement prepared by Urbis (**Attachment B**);
- Architectural Design Statement prepared by Hassell (**Attachment C**);
- Structural Support Letter prepared by TTW (**Attachment D**); and
- Overlay Demolition Plans prepared by Hassell (**Attachment E**).

The Overlay Demolition Plans are provided for information purposes only to assist DPIE with assessing the modification.

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 DPE and granted consent for the adaptive reuse of the Sandstone Precinct for tourist and visitor accommodation.

The SSD 7484 consent has been the subject of 14 modifications to date, with 13 of these being approved.

2.0 Proposed modifications to the consent

The proposed modifications to the development consent comprise changes to the internal demolition extents which have previously been approved under Modification 9 for the Lands Building.

Some elements of Modification 4, which proposed detailed design changes, cannot be constructed until this demolition is carried out as there is some inconsistencies between these plans. The nature of the project and its complexities mean such detailed matters and inconsistencies between plans do arise. Refer to **Attachment C** for a design response from Hassell. It is noted that these changes will be referred to the Heritage Council of NSW for comment.

The proposed changes to demolition extents within the Lands Building are summarised in the table below per level, with overlay plans provided at **Attachment E** for ease of identification of the changes between Modification 4, Modification 9 and this proposed Modification 15.

Table 1 Proposed changes per level

Floor/Location	Proposed Changes
Lower Ground	<ul style="list-style-type: none"> Room LG.01 – Floor demolished (Mod 9 indicated floor finish removal only) Room LG.02 – Floor demolished (Mod 9 indicated floor finish removal only) Room LG.03 – Floor demolished (Mod 9 indicated floor finish removal only) Room LG.04 – Floor demolished (Mod 9 indicated floor finish removal only) Room LG.05 – Floor demolished (Mod 9 indicated floor finish removal only) Room LG.06 – Floor demolished (Mod 9 indicated floor finish removal only) Room LG.07 – Floor demolished (Mod 9 indicated floor finish removal only) Room LG.08 – Floor demolished (Mod 9 indicated floor finish removal only) Room LG.08 – Ceiling demolished (Mod 9 indicated ceiling to be retained) Room LG.09 – Ceiling demolished (Mod 9 indicated ceiling to be retained) Room LG.14 – Floor demolished (Mod 9 indicated floor finish removal only) Room LG.24 – Floor demolished (Mod 9 indicated floor finish removal only) Room LG.25 – Floor demolished (Mod 9 indicated floor finish removal only) Room LG.28 – Floor demolition extents modified Corridors – Isolated portions of floor demolished
Lower Ground Mezzanine	<ul style="list-style-type: none"> Clarification of demolition extents to WCs
Ground Floor	<ul style="list-style-type: none"> Loftus Street Entry – Floor demolished / Clarification of demolition extents
North and South Courtyards	<ul style="list-style-type: none"> Gantries (Ground, Level 1 and Level 2) – to be temporarily removed and reinstated to match existing on completion of works (Mod 9 indicated gantries to be retained)

The below figures provide examples of changes proposed.

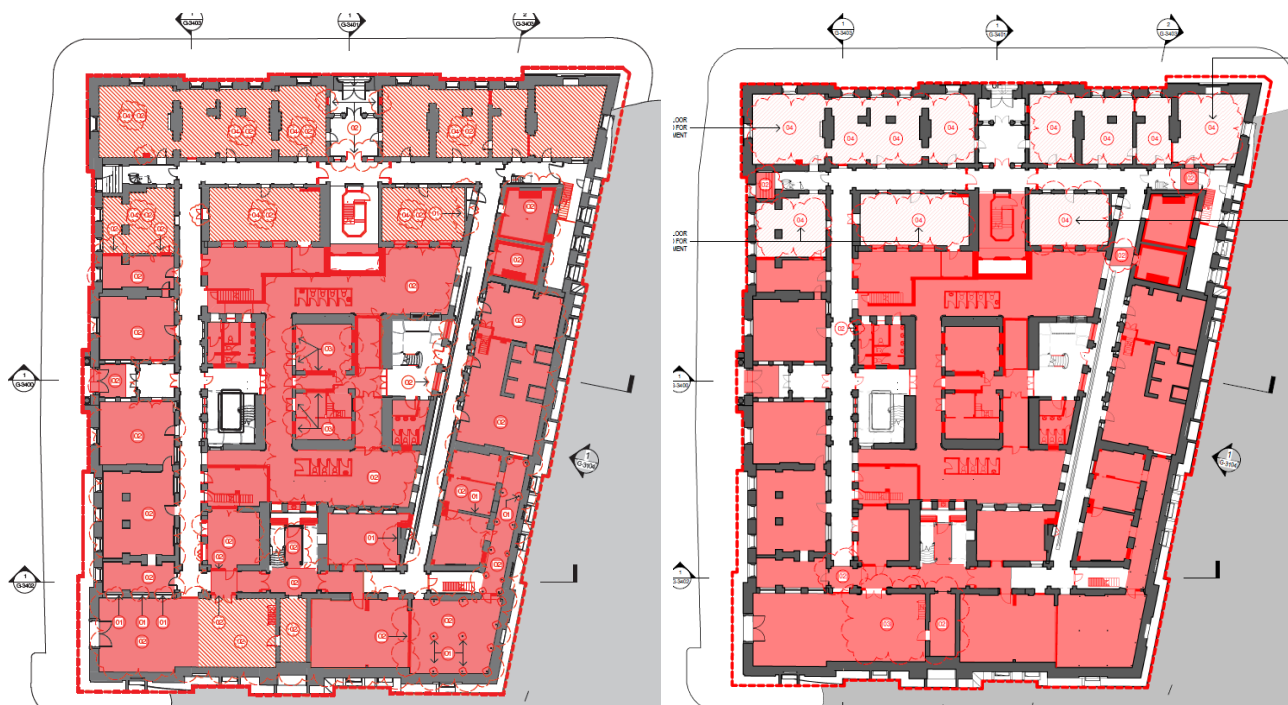


Figure 1 Approved Mod 9 Lower Ground Level demolition (left) and proposed Mod 15 Lower Ground demolition (right)



Figure 2 Approved Mod 9 Mezzanine Level demolition (left) and proposed Mod 15 Mezzanine level demolition (right) highlighting the WC changes

Further details on the proposed changes refer to the revised demolition drawings included at **Attachment A**.

2.1 Modifications to conditions

The proposed modifications described above and further detailed within **Attachment A** necessitate amendments to the consent conditions which are identified below. Words proposed to be deleted are shown in **bold strike through** and words to be inserted are shown in **bold italics**.

2.1.1 Condition A3 – Terms of Consent

A3 The Applicant, in acting on this consent, must carry out the development:

- a) in compliance with the conditions of this consent
- b) in accordance with all written directions of the Secretary
- c) generally in accordance with the State significant development application SSD 7484 Environmental Impact Statement prepared by JBA Urban Planning Consultants Pty Ltd, dated November 2016
- d) generally in accordance with the State significant development application SSD 7 484 Response to Submissions report prepared by JBA Urban Planning Consultants Pty Ltd, dated April 2017
- e) generally in accordance with the State significant development application SSD 7484 Response to Request for Further Information prepared by Ethos Urban, dated 6 December 2017
- f) generally in accordance with the following modification applications:
 - i) the Section 4.55(1) modification application (SSD 7484 Mod 1) prepared by Ethos Urban Planning Consultants dated 26 and 30 April 2018
 - ii) the Section 4.55(1A) modification application (SSD 7484 Mod 2) prepared by Ethos Urban Planning Consultants dated 6 August 2018
 - iii) the Section 4.55(2) modification application (SSD 7484 Mod 3) prepared by Ethos Urban Planning Consultants dated 16 October 2018
 - iv) the Section 4.55(1A) modification application (SSD 7484 Mod 5) prepared by Ethos Urban Planning Consultants dated 6 June 2019
 - v) the Section 4.55(2) modification application (SSD 7484 Mod 4) dated 26 June 2019, Response to Submissions dated 25 October 2019, Additional Information dated 21 November 2019, all prepared by Ethos Urban
 - vi) Section 4.55(1A) Modification Application (SSD 7484 MOD 6) dated 2 December 2019 and Response to Submissions dated 26 February 2020 both prepared by Ethos Urban
 - vii) the Section 4.55(2) Modification Application (SSD 7484 Mod 7) dated 28 January 2020 and Response to Submissions dated 6 May 2020, prepared by Ethos Urban
 - viii) the Section 4.55(1A) modification application (SSD 7484 Mod 8) prepared by Ethos Urban Planning Consultants dated 11 March 2020
 - ix) the Section 4.55(1A) modification application (SSD 7484 Mod 10) prepared by Ethos Urban dated 10 August 2020
 - x) the Section 4.55(1A) modification application (SSD 7484 Mod 9) prepared by Ethos Urban dated 14 August 2020
 - xi) the Section 4.55(1A) modification application (SSD 7484 Mod 11) prepared by Ethos Urban dated 9 December 2020
 - xii) the Section 4.55(1A) modification application (SSD 7484 Mod 12) prepared by Ethos Urban dated 27 January 2021
 - xiii) the Section 4.55(1A) modification application (SSD 7484 Mod 12) prepared by Ethos Urban dated 2 July 2021
 - ixx) the Section 4.55(1A) modification application (SSD 7484 Mod 15) prepared by Ethos Urban dated 22 October 2021***
- g) generally in accordance with the endorsed conservation management plans, prepared by GBA Heritage dated May 2017 and endorsed by the Heritage Council NSW, June 2017
- h) remediation in accordance with the Preliminary Remediation Action Plan prepared by Environmental Earth Sciences, dated 14 December 2017 (if required)
- i) in accordance with the following drawings:

Demolition Drawings prepared by Make + Webber + Hassell Architects			
Drawing No.	Rev.	Name of Plan	Date
SP-DA-G-1500	03	Proposed Site Plan	08.05.19
SP-DA-G-2295	06	Demolition Plans Education Building – Basement Level 03	31.05.19
SP-DA-G-2296	05	Demolition Plans Education Building – Basement Level 02	14.08.18
SP-DA-G-2297	08 09	Demolition Plans Lands Building – Lower Ground, Education Building – Basement Level 01	30.09.20 15.10.21

Demolition Drawings prepared by Make + Webber + Hassell Architects			
SP-DA-G-2298	07 08	Demolition Plans Lands Building – Lower Ground Mezzanine	20.07.20 15.10.21
SP-DA-G-2299	09 10	Demolition Plans Lands Building – Ground, Education Building – Lower Ground	30.09.20 15.10.21
SP-DA-G-2300	11 12	Demolition Plans Lands Building – Level 01, Education Building – Ground	30.09.20 15.10.21
SP-DA-G-2301	11 10	Demolition Plans Lands Building – Level 02, Education Building – Level 01	30.09.20 15.10.21
SP-DA-G-2302	09	Demolition Plans Lands Building – Level 03, Education Building – Level 02	20.07.20
SP-DA-G-2303	08	Demolition Plans Lands Building – Level 04, Education Building – Level 03	20.07.20
SP-DA-G-2304	08	Demolition Plans Lands Building – Level 05, Education Building – Level 04	20.07.20
SP-DA-G-2305	08	Demolition Plans Lands Building – Level 05, Education Building – Level 06	20.07.20
SP-DA-G-2306	07	Demolition Plans Lands Building – Level 07, Education Building – Level 06	20.07.20
SP-DA-G-2307	08	Demolition Plans Lands Building – Level 09, Education Building – Level 08	20.07.20
SP-DA-G-2308	07	Demolition Plans Lands Building – Level 10, Education Building – Roof	20.07.20
SP-DA-G-2309	08	Demolition Plans Lands Building – Level 11, Education Building – Roof	20.07.20
SP-DA-G-2310	08	Demolition Plans Lands Building – Level 12, Education Building – Roof	20.07.20
SP-DA-G-2311	08	Demolition Plans Lands Building – Roof, Education Building – Roof	20.07.20
SP-DA-G-2312	10	Demolition Elevations Lands Building – South and Education Building - South	20.07.20
SP-DA-G-3100	08	Demolition Elevations Lands Building West	20.07.20
SP-DA-G-3101	08	Demolition Elevations Lands Building – North, Education Building – North	20.07.20
SP-DA-G-3102	06	Demolition Elevations Lands Building – East	20.07.20
SP-DA-G-3104	08	Demolition Elevations Lands Building – East	
SP-DA-G-3105	09	Demolition Elevations Education Building – West	18.02.20
SP-DA-G-3150	01 02	Demolition Courtyard Elevations, Lands Building – North Courtyard	20.07.20 15.10.21
SP-DA-G-3151	01 02	Demolition Courtyard Elevations, Lands Building – South Courtyard	20.07.20 15.10.21
SP-DA-G-3400	09 10	Demolition Sections Lands and Education Building – Section 01	20.07.20 15.10.21
SP-DA-G-3401	09 10	Demolition Sections Lands Building – Section 02	30.09.20 15.10.21
G-3402	00 01	Demolition Sections Lands Building – Section 03	20.07.20 15.10.21
G-3403	00 01	Demolition Sections Lands Building – Section 04 + 05	20.07.20 15.10.21
SP-DA-G-3402	07	Demolition Sections Education Building – Section 03	14.08.18
SP-DA-G-7297	00	Demolition RCPs – Lands Building – Lower Ground	15.10.21
SP-DA-G-7298	00	Demolition RCPs – Lands Building – Lower Ground Mezzanine	15.10.21
SP-DA-G-7299	00	Demolition RCPs – Lands Building – Ground Level	15.10.21
SP-DA-G-7300	00	Demolition RCPs – Lands Building – Level 01	15.10.21
SP-DA-G-7301	00	Demolition RCPs – Lands Building – Level 02	15.10.21

Justification

The amendments to plans are to reflect those changes proposed as part of this modification application.

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 modifications do not alter the key components of the approved development description;
- has minimal impact to the heritage values of the Sandstone Precinct noting the broader adaptive reuse nature of the overall project and approved SSD;
- has no impact to the external façade of the Sandstone Precinct outside those assessed as part of the original application;
- the additional demolition is minor in terms of the broader-scale demolition program; and
- the environmental impacts of the modified development remain consistent with the approved development and enable the existing approval for the approved general plans for Modification 4.

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 extent of the proposed modifications are generally minor in nature and are considered to have only minimal environmental impact beyond those considered during the assessment of SSD 7484 and the more recent approved plans as part of completed modifications.

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 these relevant planning instruments and strategic documents.

4.2 Reasons given for granting consent

During the assessment of the Stage 2 SSD 7484, the Department of Planning and Environment (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 DPE 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 DPE 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 Heritage

A Heritage Impact Statement (HIS) addendum has been prepared by Urbis and is included at **Attachment B**. Changes proposed under this modification is required to facilitate additional demolition to select areas of the Lower Ground floor in response to developing architectural, structural and services design documentation and

coordination, and rectify inconsistencies with previously approved demolition plans. The long term effects of these changes will involve loss of one significant lath and plaster ceiling in one room. Other impacts will be temporary and be salvaged and reinstated. The modified works have been developed with Urbis' and Purcell's input to minimise adverse heritage impacts.

As noted by the HIS, the proposed changes are considered to have a limited, yet accepted impact upon the historic fabric and significance of the Lands Building in the context of the major adaptive reuse works.

The additional demolition as part of this modification is in accordance with the endorsed Conservation Management Plan Policy 6.2.4, 6.9.1, 6.14.15 and 6.16.2. Importantly, it is understood that all adaptive reuse projects will inevitably have heritage impacts which cannot be avoided, and in this circumstance, all the aspects of the Lands Building which make a defining contribution to the heritage significance are being retained and protected, and any adverse impacts on fabric are outweighed by the broader outcomes of the amended proposal.

The proposed modification and amended demolition extents, in the context of the major adaptive reuse work, is considered to be an acceptable heritage impact on the significance of the Lands Building.

4.5 Structural Engineering

The proposed modifications to the Lands Building demolition extent have been reviewed by Taylor Thomson Whitting (TTW) at **Attachment D**, who confirm that these works will not impact on the structural integrity of the existing building structure.

4.6 Construction Management

The existing conditions of consent that apply continue to provide the appropriate framework for the management of the proposed revised extent of demolition works.

5.0 Conclusion

The proposed modifications to the scope of demolition within the Lands Building is the result of on-site design development and is necessary to enable the Lands Building to be safely converted into the desired hotel and tourist accommodation use in accordance with the Stage 1 consent.

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 DPE 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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