

# Sandstone Precinct Modification 15

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Amendment to demolition extent, correction of inconsistencies between approved plans for the Lands Building and correction of Condition B44

State Significant Development Modification Assessment  
(SSD 7484 MOD 15)

December 2021



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*Cover image: The proposed view of the Education Building from Bent Street (Source: Figure 15, MOD 7 application report)*

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# Glossary

Abbreviation	Definition
<b>Council</b>	City of Sydney Council
<b>Department</b>	Department of Planning and Environment
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>EPI</b>	Environmental Planning Instrument
<b>Heritage</b>	Heritage NSW, Department of Premier and Cabinet
<b>LEP</b>	Local Environmental Plan
<b>Minister</b>	Minister for Planning
<b>Planning Secretary</b>	Secretary of the Department of Planning and Environment
<b>SEPP</b>	State Environmental Planning Policy
<b>SRD SEPP</b>	State Environmental Planning Policy (State and Regional Development) 2011
<b>SSD</b>	State Significant Development

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# 1 Introduction

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 approval for:

- changes to the extent of demolition works to parts of the Lower Ground Floor of the Lands Building
- the temporary removal of portions of the existing courtyard gantries of the Lands Building
- correction of inconsistencies between the general arrangement plans (approved as part of Modification 4) and the demolition plans (approved as part of Modification 9), as they relate to demolition works for the Lands Building
- correction of a typographical error in Condition B44(b), which references the wrong construction certificate number in relation to the 'structure' component of the development.

The modification application seeks to amend Condition A3 – Terms of Consent and Condition B44 - Heritage conservation works schedules and heritage protection construction plan.

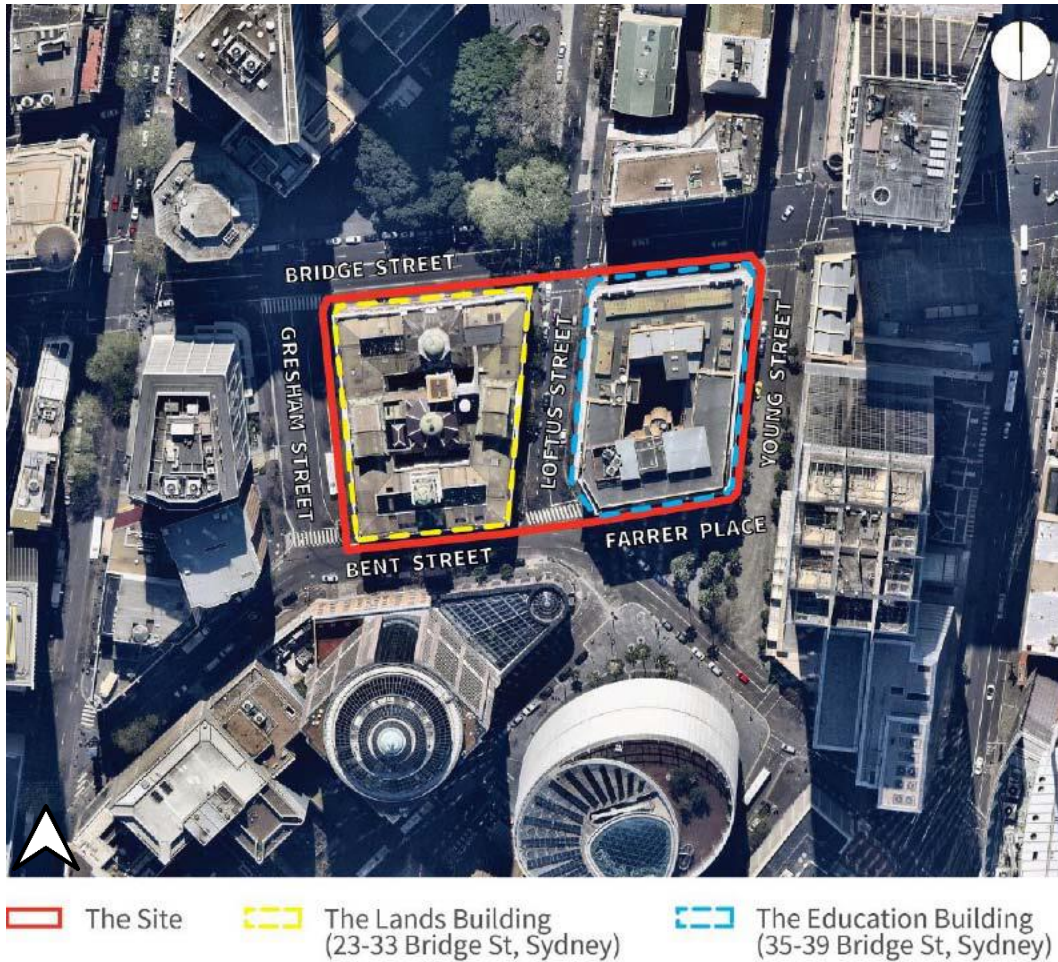
The application has been lodged by Pontiac Land (Australia) Pty Ltd (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**).

## 1.1 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 comprises the:

- Lands Building at 23-33 Bridge Street
- Education Building at 35-39 Bridge Street
- adjacent road and public domain areas, being part Loftus Street, Gresham Street and Farrer Place.



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

## 1.2 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 Consent Approval (SSD 6751) has been modified once and one modification has been withdrawn, as summarised in **Appendix C**.

### 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 m<sup>2</sup>, with 10,918 m<sup>2</sup> in the Lands Building and 20,715 m<sup>2</sup> 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 Stage 2 development consent (SSD 7484) has been modified on 13 occasions, as summarised in **Appendix C**.

#### **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 pickup/drop-off area on Bent Street.

## 2 Proposed modification

The modification application seeks approval for the following modifications relating to the Lands Building:

- changes to the extent of demolition works to parts of the Lower Ground Floor. Specifically, it is proposed to undertake the following additional demolition works to the Lower Ground Floor:
  - demolition to the floor of LG.28 to facilitate satisfactory at-grade access into the site for the purposes of the safe movement of vehicles, equipment and materials
  - temporary removal of floor structure (joists) in rooms described as LG.01 - LG.08, LG.14, LG.24 and LG.25 to facilitate the installation of new in-ground hydraulic services
  - the localised removal and reinstatement of stone floors to three areas within the floor corridors to allow for installation and reticulation of in-ground services
  - removal of contemporary concrete floor and landing at the far western end of the northern corridor (LG.67) to allow for access to existing sewer connections
  - removal of one original lath and plaster ceiling to LG.09. This space is to be converted to a commercial kitchen, approved as part of Modification 4, and a new ceiling is necessary to achieve the required fire rating.
- the temporary removal and reinstatement of portions of the existing courtyard gantries
- to rectify inconsistencies between the general arrangement plans (approved as part of Modification 4) and the demolition plans (approved as part of Modification 9), as they relate to the following:
  - the full demolition of the mezzanine level WCs, located adjacent the central stairs and north and south courtyards, including flooring
  - the demolition of flooring within the former attendant enclosure to the Loftus Street entry
- to correct a typographical error in Condition B44(b), which references the wrong construction certificate number in relation to the 'structure' component of the development.

The Applicant indicates that the additional demolition works reflect detailed architectural, structural and services design that has been undertaken. With regard to the temporary removal of portions of the existing courtyard gantries, the applicant advises that this is necessary to facilitate their conservation and that they will be reinstated, to match the existing, on completion of the works.

## 3 Statutory context

### 3.1 Scope of modifications

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

- would not increase the environmental impacts of the project as approved
- is substantially the same development as originally approved
- 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. 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 is the consent authority for the application under section 4.5(a) of the EP&A Act. However, the Team Leader, Key Sites Assessments, may determine the application under delegation as:

- the application has not been made by a person who has disclosed a reportable political donation
- the council has not made a submission by way of objection
- there are no public submissions in the nature of objections.

### 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 B** of this report.

### 3.4 Consistency with Concept Approval

Section 4.24(2) of the EP&A Act requires that while any consent granted on the determination of a concept development application for a site remains in force, the determination of any further application in respect of the site cannot be inconsistent with the consent for the concept proposal.

An outline of the approval history for the reuse of the Sandstone Precinct for tourist and visitor accommodation is provided above in **Section 1.2** and **Appendix C** of this report.

The Department has considered the proposed modification and is of the opinion that the modified development remains consistent with the concept approval, which remains in force, for the reuse of the Sandstone Precinct for tourist and visitor accommodation (SSD 6751).

## 4 Engagement

### 4.1 Department's engagement

The Department made the application publicly available on its website and referred it to City of Sydney Council (Council) and Heritage NSW for comment.

### 4.2 Summary of submissions

The Department received advice from Council and Heritage NSW. No submissions were received from the public. A link to the submissions is provided in **Appendix A** and the key issues raised are summarised in **Table 1**.

**Table 1** | Summary of Council and Government Agency Submissions

Council/ Government Agency	Comments
<b>Council</b>	<p>Council reviewed the modification application and raised no objections, noting that the additional demolition works proposed appear to be a result of design development and the need to accommodate services upgrades.</p> <p>Council recommended</p> <ul style="list-style-type: none"><li>the Schedule of Conservation Works be updated to include the proposed demolition, reinstatement and associated conservation works</li><li>updated demolition and salvage methodologies and reinstatement specifications be developed by or in coordination with the project heritage consultant.</li></ul>
<b>Heritage NSW</b>	<p>Heritage NSW reviewed the modification application and advised the proposed modifications are consistent with the development, for which consent was originally granted, and that the modifications will have an acceptable impact on the heritage significance of the Lands Building in the context of the major adaptive reuse.</p> <p>Heritage NSW requested that the following information be provided:</p> <ul style="list-style-type: none"><li>a salvage methodology, which reflects the revised scope of works and that outlines how all architectural elements and fabric proposed to be removed as part of the modification are proposed to be stored and reused within the Lands Building</li></ul>

- a reinstatement methodology for the temporary removal of retained portions of existing courtyard gantries and the stone floors to three areas within the Lower Ground floor corridors.
-

## 5 Assessment

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

- the modification application and associated documents (**Appendix A**)
- the EIS and conditions of consent for the original application (as modified)
- all agency advice received on the proposal
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act and Regulation.

The Department’s assessment of the proposal is provided in **Table 2**.

**Table 2** | Assessment of proposed changes

Issue	Findings	Recommendations
<b>Demolition works and temporary removal of heritage fabric</b>	<ul style="list-style-type: none"> <li>• The proposal seeks approval for changes to the demolition extents on the Lower Ground Floor of the Lands Building and the temporary removal of portions of the courtyard gantries to the Lands Building. The Applicant provided a Heritage Impact Statement which concludes:               <ul style="list-style-type: none"> <li>○ the works proposed to the significant ceiling is limited to one room and the bulk of significant ceilings will be retained and conserved</li> <li>○ the temporary removal of floor joists is required to facilitate the installation of services necessary as part of the adaptive reuse of the site. These elements will be salvaged and reinstated, limiting potential heritage impact</li> <li>○ additional demolition proposed in other areas is minor in nature and will not have an adverse impact on the significance of the Lands Buildings.</li> </ul> </li> <li>• Council and Heritage NSW raise no objection to the proposed modifications subject to preparation of an updated Schedule of Conservation Works and implementation of an appropriate salvage and reinstatement methodology.</li> <li>• The Department has considered the potential heritage impacts associated with the proposal and is satisfied the proposal is acceptable as:               <ul style="list-style-type: none"> <li>○ the proposed modifications will have an acceptable impact on the historic fabric and significance of the Lands Building, in the context of the major adaptive reuse works</li> </ul> </li> </ul>	<p>The Department recommends that Condition A3 be amended to reflect the updated and new plans.</p> <p>To address the matters raised by Council and Heritage NSW the Department recommends that conditions B44B, B49A and B49B be added.</p>

- the areas of additional demolition have been minimised and will enable the Lands Building to be used for its approved purpose as a hotel
- the temporary removal of portions of the courtyard gantries will be undertaken in accordance with a Salvage Methodology and reinstated with minimal impacts to these elements.
- the modified development remains consistent with the endorsed Conservation Management Plan for the Lands Building
- the works will be carried out with heritage advice and input from the nominated heritage consultant.
- The Department recommends new conditions of consent be imposed requiring an updated Schedule of Conservation Works, Salvage Methodology and Reinstatement Methodology prior to the proposed demolition/temporary removal works commencing.

**Correct inconsistencies between approved plans**

- The proposal seeks to correct inconsistencies between the general arrangement plans (approved as part of Modification 4) and the demolition plans (approved as part of Modification 9), as they relate to the demolition extents of the mezzanine level WCs and the floor adjacent to the Loftus Street entry.
- The Department is satisfied that the submitted plans accurately reflect the extent of demolition works approved under Modification 4 and will not result in any additional impacts to the approved development.

The Department recommends that Condition A3 be amended to reflect the updated and new plans.

**Correct error in Condition B44(b)**

- The proposal seeks to correct an error in Condition B44(b), which references the wrong construction certificate number in relation to the 'structure' component of the development.
- The Applicant contends that Condition B44(b) should reference Construction Certificate no.4 rather than no. 3, as is reflected in Condition A11, which relates to Staged Construction Certificates.
- The Department has reviewed Condition A11 and is satisfied that Condition B44(b) incorrectly references Construction Certificate no. 3, rather than no. 4, and recommends this error is corrected.

The Department recommends that Condition B44(b) be amended to provide reference to the correct construction certificate.

## 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:

- the modified development will not result in an unacceptable impact on the historic fabric and significance of the Lands Building
- the modified development remains consistent with the endorsed Conservation Management Plan for the Lands Building
- the modified development continues to support the revitalisation of the Sandstone Precinct, including a new hotel accommodation and employment opportunities
- the modified development remains consistent with the relevant statutory provisions.

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

## 7 Recommendation

It is recommended that the Team Leader, Key Sites Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 7484 MOD 15 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 approve the modification
- **modifies** the consent SSD 7484
- **signs** the attached approval of the modification (**Appendix D**).

Recommended by:



23.12.21

**Renah Givney**  
Senior Planning Officer  
Key Sites Assessments

Recommended by:



23.12.21

**Thomas Piovesan**  
Senior Planning Officer  
Key Sites Assessments

## 8 Determination

The recommendation is **Adopted** by:

*AWatson*

23/12/2021

**Amy Watson**

Team Leader

Key Sites Assessments

as delegate of the Minister for Planning

# Appendices

## Appendix A – List of referenced documents

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

- Modification Application:

<https://www.planningportal.nsw.gov.au/major-projects/project/43126>

- Submissions:

<https://www.planningportal.nsw.gov.au/major-projects/project/43126>

## Appendix B – 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 3** and **Table 4**.

**Table 3** | Consideration of section 4.55(1A) of the EP&A Act

Section 4.55(1A)	Assessment
The proposed modification is of minimal environmental impact	<p><b>Section 5</b> of this report provides an assessment of the impacts associated with the modification application.</p> <p>The Department is satisfied that the proposed modification will have minimal environmental impact. The proposed modifications will have an acceptable impact on the historic fabric and significance of the Lands Building, in the context of the major adaptive reuse works.</p>
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 development, as proposed to be modified, is substantially the same development as that originally approved in that the development remains materially the same development. In this regard, the proposed modifications involve minor additional demolition works, correction of inconsistencies between approved plans the correction of Condition B44.
The application has been notified in accordance with the regulations.	The application is not required to be notified in accordance with the <i>Environmental Planning and Assessment Regulation 2000</i> (EP&A Regulation) ( <b>Section 4</b> ).
Any submission made concerning the proposed modification has been considered.	The Department referred the application to Council and Heritage NSW. The issues raised in submissions have been considered in <b>Section 5</b> of this report.

**Table 4 | Consideration of the matters listed under Section 4.15(1) of the EP&A Act**

<b>Section 4.15(1) Matters for consideration</b>	<b>The Department's assessment</b>
(a)(i) any environmental planning instrument	The proposed modification is consistent with the relevant Environmental Planning Instruments (EPIs) as addressed below in this report.
(a)(ii) any proposed instrument	The proposed modification is consistent with the relevant proposed Environmental Planning Instruments (EPIs) as addressed below in this report.
(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>EP&amp;A 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) ( <b>Section 4</b> ).
(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 likely impacts of the modification are acceptable and have been appropriately addressed ( <b>Section 5</b> ).
(c) the suitability of the site for the development	The site is suitable for the development ( <b>Section 5</b> ).
(d) any submissions	The Department did not receive any submissions ( <b>Section 4</b> ).
(e) the public interest	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 ( <b>Section 5</b> ).

## Environmental Planning Instruments

The following EPIs were considered as part of the assessment of the modified development:

- 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 proposal against relevant EPIs in its original assessment. The Department is satisfied the application remains consistent with EPIs.

## Objects of the Act

The Minister or delegate must consider the objects of the EP&A Act when making decisions under the Act. The Department is satisfied the proposed modification is consistent with the objects of the EP&A Act.

## Appendix C – Summary of Modifications to SSD 6751 and SSD 7484

The Stage 1 Consent Approval (SSD 6751) has been modified once and one modification has been withdrawn, as summarised in **Table 5**. The Stage 2 development consent (SSD 7484) has been modified on 13 occasions, as summarised in **Table 6**.

**Table 5 | Summary of Modifications to SSD 6751**

Mod No.	Summary of Modifications	Approval Authority	Type	Status
<b>MOD 1</b>	Modification to amend Condition B2 pertaining to the Design Review Panel	N/A	96(1A)	Withdrawn
<b>MOD 2</b>	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

**Table 6 | Summary of Modifications to SSD 7484**

Mod No.	Summary of Modifications	Approval Authority	Type	Status
<b>MOD 1</b>	Modification to correct a drafting error in Condition A3 and Condition B37	Department	4.55(1)	Approved 8 May 18
<b>MOD 2</b>	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
<b>MOD 3</b>	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 8 May 2019
<b>MOD 4</b>	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 18 December 2019
<b>MOD 5</b>	Reduce basement excavation, change location of interconnecting tunnel under Loftus Street and amend basement floor plans for relocated tunnel.	Department	4.55(1A)	Approved 5 Sept 2019
<b>MOD 6</b>	Modification to delete Condition B27 (natural ventilation strategy for the roof extension).	Department	4.55(1A)	Approved 17 April 2020
<b>MOD 7</b>	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 <sup>2</sup> .	Department	4.55(2)	Approved 4 June 2020

<b>MOD 8</b>	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 4 June 2020
<b>MOD 9</b>	Changes to the extent of demolition required within the Lands Building.	Department	4.55(1A)	Approved 26 November 2020
<b>MOD 10</b>	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 19 October 2020
<b>MOD 11</b>	Amend Condition B8 in relation to heritage interpretation.	Department	4.55(1A)	Approved 22 December 2020
<b>MOD 12</b>	Amendments to the Education building including changes to the internal courtyard awnings at Levels 2 to 8, design changes at Levels 9 to roof level, and increase in the gross floor area (GFA) from 18,510m <sup>2</sup> to 18,524m <sup>2</sup>	Department	4.55(1A)	Approved 29 March 2021
<b>MOD 13</b>	Modification of conditions relating to the NABERS rating	Department	4.55(1A)	Under assessment
<b>MOD 14</b>	Modification to amend Condition F20 to enable the applicant to obtain and submit separate Section 73 Compliance Certificates for the Lands and Education buildings	Department	4.55(1A)	Approved 15 September 2021
<b>MOD 16</b>	Extension of construction hours	Department	4.55(1A)	Under assessment

## Appendix D – Notice of Modification

- Notice of Modification:

<https://www.planningportal.nsw.gov.au/major-projects/project/43126>