

Section 4.55(1A)

Sandstone Precinct – SSD 7484

23-33 & 35-39 Bridge Street, Sydney
Pontiac Land (Australia)



'Gura Bulga'

Liz Belanjee Cameron

'Gura Bulga' – translates to Warm Green Country. Representing New South Wales.

By using the green and blue colours to represent NSW, this painting unites the contrasting landscapes. The use of green symbolises tranquillity and health. The colour cyan, a greenish-blue, sparks feelings of calmness and reminds us of the importance of nature, while various shades of blue hues denote emotions of new beginnings and growth. The use of emerald green in this image speaks of place as a fluid moving topography of rhythmical connection, echoed by densely layered patterning and symbolic shapes which project the hypnotic vibrations of the earth, waterways and skies.

Ethos Urban acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We acknowledge the Gadigal people, of the Eora Nation, the Traditional Custodians of the land where this document was prepared, and all peoples and nations from lands affected.

We pay our respects to their Elders past, present and emerging.

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1.0 Introduction

This application has been prepared by Ethos Urban on behalf of Pontiac Land (Australia), pursuant to section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act) to modify Development Consent SSD7484 relating to 23-33 & 35-39 Bridge Street, Sydney, being the Sandstone Precinct (the site).

The modification relates to minor internal and minor external works to enable design and land use refinements to the Lands Building.

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 report describes the proposed modifications to the approved design, sets out the proposed amendments to the development consent conditions, and provides an assessment of the environmental impacts of the proposed changes. It should be read in conjunction with the documentation that accompanied State Significant Development Application 7484.

2.0 Strategic Context

On 25 August 2015, a delegate of the Minister for Planning granted development consent (SSD 6751) to a Stage 1 Concept Proposal for tourism and visitor accommodation including associated ancillary uses for:

- adaptive reuse of the Lands Building and Education Building for tourist and visitor accommodation, and ancillary uses;
- a building envelope up to RL58.69 (approximately 3 additional storeys) above the Education Building; and
- an indicative subterranean building envelope below the Lands Building and Education Building, under Loftus Street, Farrer Place and Gresham Street.

A Section 96 (now Section 4.55) modification to the Stage 1 SSD 6751 was approved by DPE on 24 April 2018 which increased the height of the building envelope above the Education Building and introduced a building envelope to the roof of the Lands Building.

The Stage 2 detailed development application (SSD 7484), the subject of this modification application, was also approved on 24 April 2018 by DPE 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 Stage 2 SSD has been modified numerous times to date to reflect ongoing design development, ensuring that the heritage values and nature of the Sandstone Precinct is retained and celebrated accordingly.

2.1 Background to Modification

The original proposal for the Sandstone Precinct involved hotel guest rooms, function and event spaces, retail spaces, wellness and other guest and visitor amenities spread across both the Education and Lands buildings. Post approval a revised approach was developed for how each building would operate and be programmed in order to deliver the best holistic outcome for the precinct. This informed the previously approved Modification 4, which resulted in a rationalisation and clear order to uses and experiences across each of the buildings. As a result of Modification 4 the Education Building contains all hotel accommodation rooms, and the Lands Building provides the essential support and ancillary guest and visitor facilities that are instrumental to guest enjoyment (refer to **Figure 1**).

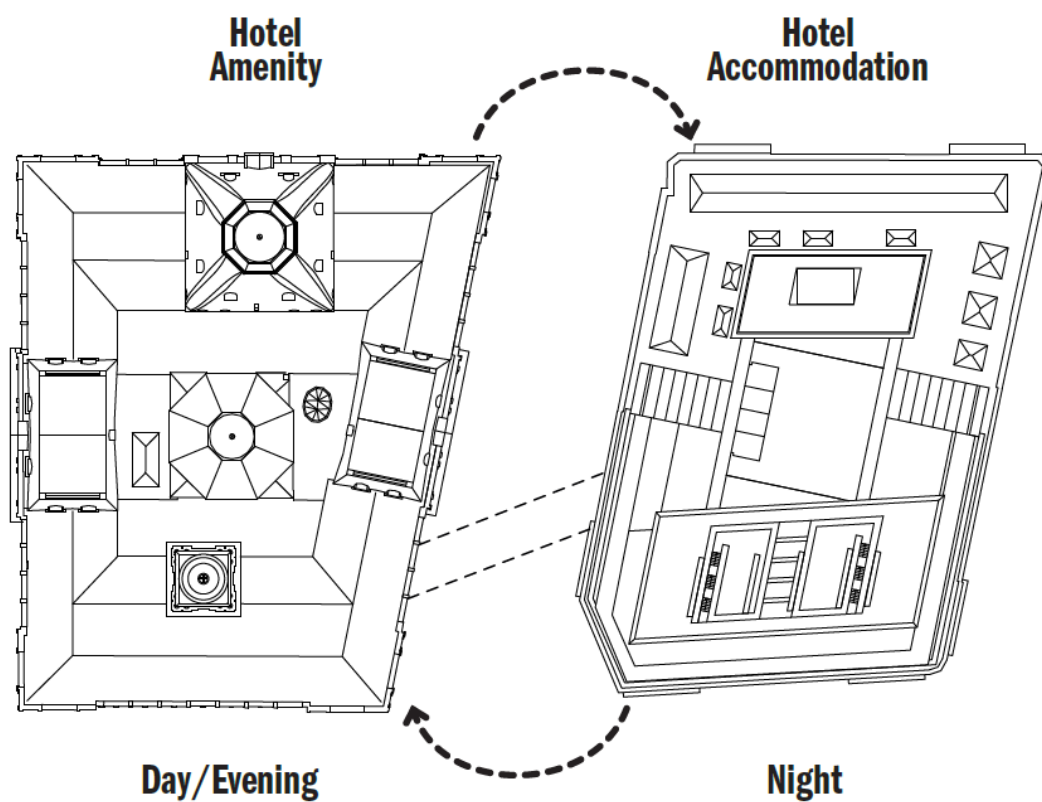


Figure 1 Relationship between Lands and Education buildings

Source: Hassell

With the Education Building nearing completion, Pontiac are now focussing on the detailed design and delivery of the Lands Building.

The proposed changes as part of this modification are, as described below and in the Design Statement provided by Hassell (**Appendix B**), reflect the development of the design, following a period of site surveys and investigations over the past 12 months. These surveys and investigations have allowed the design team to confirm the existing materials, construction details and performance of existing building elements. As part of these investigation works, a 'soft-strip' of insertions has been completed (removing carpets, furniture and contemporary office partitions from the previous use of the building, plus any identified hazardous materials), that have allowed for a clearer view of how the structure of the existing building sits, which has allowed for a greater understanding of how to integrate the proposed works sympathetically,

acknowledging the existing heritage fabric. Demolition works under the approved Modification 9 and Modification 15 have also commenced for floor finish removal and removal of existing redundant services.

This identification of existing structure has therefore re-confirmed the design (as approved under Modification 4, which was approved prior to the investigations being carried out), and as such, given the additional verified on-site information, results in minor adjustments to the approved Modification 4 design. These adjustments include (as described below), for example, walls being moved slightly to align with existing heritage structural elements, and services adjusted to suit the existing building structure (to therefore minimise impacts on existing walls and structure).

The period of investigations and its associated design development has also verified the services integration approach, including the use of corridor voids, kitchen exhaust risers and mechanical services within the building, to identify the ideal location for these elements, reconfirming the intended approach to have minimal impact to heritage fabric, compared to Modification 4. Coordinating the design from a heritage perspective has seen service integration be focused on minimal heritage impact – with design solutions identified and proposed for services and riser routing around heritage fabric (resulting in an improved heritage outcome in certain cases).

With the latest plans for the Lands Building being approved under Modification 4 (on 18 December 2019), these are now proposed to be updated to reflect the approved demolition extents under Modification 15 (approved 23 December 2021). The further clarification of demolition as proposed in this modification is, as described above, based on the outcomes of the detailed site surveys and investigations to ensure that there is minimal heritage impact.

In addition, the Principal Certifying Authority has requested further detail be provided on plans to ensure services/penetrations can be appropriately certified. The scope of design development as proposed reflects this requirement to ensure that certification can be achieved at the relevant times in the construction process.

2.2 Design Review Panel

Condition B2 of SSD 6751 (the Stage 1 consent) required the establishment of a Design Review Panel to be comprised of three independent design advisors with appropriate experience with adaptive re-use and heritage conservation projects. The design objectives of the DRP include:

- To create the best hotel in the world for the luxury market, with the appropriate array of amenities and facilities;
- To respect and celebrate the buildings' exceptional heritage and to adapt the buildings for the intended hotel use while avoiding pastiche design details;
- To create a modern addition to the Education Building that responds to the existing building;
- To facilitate public access to the buildings; and
- To give Farrer Place a renewed sense of identity and place.

The DRP was established in 2016 with Brian Zulaikha, Kerry Clare and Peter Mould as the selected advisors. To date there have been 20 meetings of the DRP, with the most recent occurring on 5 May 2022 and specifically discussing aspects of this modification. A shortened, item specific DRP was also held on 31 May 2022 (Meeting 20A) to discuss the approach to the courtyard façade, incorporated into this modification.

3.0 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 modified multiple times to date, with the most recent approved modification being Modification 13 relating to NABERS, approved on 17 June 2022.

The last modification specifically related to the Lands Building was Modification 15, which addressed inconsistencies within demolition plans. Prior to this, Modification 9 changed the extent of demolition within the Lands Building. Modification 4 removed all hotel keys from the Lands Building and provided for it to be the hotel amenities (as discussed above).

4.0 Proposed modifications to the consent

The proposed modification to the development consent are summarised in the following sections.

4.1 Modifications to the development

The proposed modifications to the development relate to design refinements within the Lands Building as a result of ongoing design development and evolution of functional brief requirements. A brief description of the proposed modifications for each level is presented below in **Table 2**, with amended plans provided in **Appendix A**. A detailed Design Statement accompanies this proposal in **Appendix B** which includes a full schedule of design changes.

The changes as proposed are described on the plans at **Appendix A** through 10 descriptions – the numbering used below aligns with the plans for ease of identification of changes:

1. Existing element retained;
2. Existing element removed;
3. Revised demolition extents;
4. Existing fireplace salvaged for relocation;
5. Revised façade detailing;
6. Update to room use (naming);
7. Update to room layout;
8. Revised balustrade/barrier;
9. Revised window/door; and
10. Services riser reticulation.

The sections below break down the changes to demolition plans, and general arrangement plans. A comparison document of the currently approved and the proposed plans is provided at **Appendix G** for ease of comparison and identification of the minor design development changes proposed.

4.1.1 Demolition Extent Changes

The following table outlines the demolition changes, noting these are minor in nature.

Table 1 Demolition modifications to the development by level

Level	Drawing Reference	Description of modification
Basement Level 3 and Level 2	SP-DA-G-2295 SP-DA-G-2296	• (1) Existing element retained: updated excavation showing proposed tunnel access shaft extents, rationalisation of excavation to egress stairs and reduced excavation in the lift lobby on Basement Level 3 (excavation extent sits generally within that originally approved), with associated service riser included.
Lower Ground Floor	SP-DA-G-2297 (Demolition Plan) SP-DA-G-7297 (Demolition RCP)	• (1) Existing element retained: retention of Gresham Street lobby door (shown on plan 2297) • (2) Existing element removed: amendment to demolition extent of flooring (2297) and ceiling (7297) • (2) Existing element removed: ceiling removal above northern spiral stairs for services installation (stairs to be retained in situ, 7297).

Level	Drawing Reference	Description of modification
		(3) Revised demolition extents: minor updates to services integration and retention of wall stub (2297) (3) Revised demolition extents : central ceiling demolition under strong room for structural rectification (replaced in proposed plans with a new floor, 7297).
Lower Ground Mezzanine	SP-DA-G-2298 (Demolition Plan) SP-DA-G-7298 (Demolition RCP)	(1) Existing element retained: updated fire stair and services riser (2298). (2) Existing element removed: modern concrete mezzanine removed, and structure retained (2298). (3) Revised demolition extents: retention of wall stub (2298) (3) Revised demolition extents : central ceiling demolition under strong room for structural rectification (reflected from 7297 on 7298).
Ground Floor	SP-DA-G-2299 (Demolition Plan) SP-DA-G-7299 (Demolition RCP)	Demolition extents modified including (1) Existing element retained: retention of part of the floor in strong room (2299) (2) Existing element removed: floor and ceiling removal for amenities areas (2299 and 7299) (2) Existing element removed: floor removal in corridors (2299) (2) Existing element removed: the ceiling removal above northern spiral stairs for services installation (stairs to be retained in situ, 7299). (3) Revised demolition extents: revised demolition extent for access hatches in corridors, with these re-orientated 45 degrees to align with marble floor tiles (2299) (3) Revised demolition extents: retention of northern pantry wall (2299) (3) Revised demolition extents : central floor demolition in strong room for structural rectification (replaced in proposed plans with a new floor, 2299). (4) Existing fireplace salvaged for relocation: fireplace salvage for relocation on site from Room G.08 to Room 2.02 (2299) (10) Services riser reticulation: penetrations for service risers (2299 and 7299)
Level 1	SP-DA-G-2300 (Demolition Plan) SP-DA-G-7300 (Demolition RCP)	Demolition extents modified including (2) Existing element removed: floor and ceiling removal for amenities areas (2300 and 7300) (2) Existing element removed: floor removal in corridors (2300) (3) Revised demolition extents: revised demolition extent for access hatches in corridors, with these re-orientated 45 degrees to align with marble floor tiles (2300) (3) Revised demolition extents: retention of northern pantry wall (2300) (4) Existing fireplace salvaged for relocation: fireplace salvage for relocation on site from Room 1.26 to Room 1.15, from Room 1.09 to Room 2.04, from Room 1.18 to Room 2.05 and from Room 1.24 to Room 2.06 (5) Revised façade detailing: refinement of façade detailing (2300) (10) Services riser reticulation: penetrations for service risers (2300 and 7300)
Level 2	SP-DA-G-2301 (Demolition Plan) SP-DA-G-7300 (Demolition RCP)	Demolition extents modified including (2) Existing element removed: floor removal for amenities areas (2301) (3) Revised demolition extents: revised demolition extent for access hatches in corridors, with these re-orientated 45 degrees to align with marble floor tiles (2301) (10) Services riser reticulation: penetrations for service risers (2301 and 7300)
Level 3	SP-DA-G-2302	(2) Existing element removed: Removal of northern dome flooring to enable replacement of floor consistent with previous approval, and northern roof structure replacement
North Courtyard Elevation - South	SP-DA-G-3150	(3) Revised demolition extents: modified demolition extent on Level 1 and 2
South Courtyard Elevation - North	SP-DA-G-3151	(3) Revised demolition extents: modified demolition extent on Lower Ground, Ground, Level 1 and Level 2
Lands Building Section 01 and 2	SP-DA-G-3400	(1) Existing element retained: approved voids in the Tempiettos to be removed, with the original fabric to be retained (3) Revised demolition extents: central floor demolition in strong room for structural rectification.

Level	Drawing Reference	Description of modification
Lands Building Section 02	SP-DA-G-3401	(1) Existing element retained: retention of stair in northern dome (2) Existing element removed: removal of northern dome flooring to enable replacement of floor consistent with previous approval (3) Revised demolition extents: central floor demolition in strong room for structural rectification.

Based on the detailed site investigations carried out, the demolition extents are being adjusted to reflect that required to suit the proposed amended design changes. As mentioned, there have been two modifications relating to demolition extents in the Lands Building approved to date, being Modifications 9 and 15.

These detailed design changes result in required adjustments to demolition extents – both additional removal of elements but also retention of elements. This is shown in the figure below, of the Lower Ground Floor Mezzanine. As identified, there is an additional demolition of an introduced concrete slab, which is recognised as not being a heritage element (green outline). There is also then revised retention of existing walls and stairs in this location that were previously approved for demolition (yellow squares).



Figure 2 Demolition changes on Lower Ground Mezzanine from the approved Mod 15 (left) to the proposed Mod 17 (right)

Source: Hassell

This is also clearly shown on Level 1 (**Figure 3**), with additional demolition of existing floors within the hallways (previously approved for just floor finish removal, in green squares below), and further refinement of services riser extents (blue squares). There are also minor adjustments to the orientation angle of demolition extents within the hallway for services access hatches (yellow squares) – these have been rotated from being parallel with the corridor to being on an angle of 45 degrees, to align with marble floor tiles.

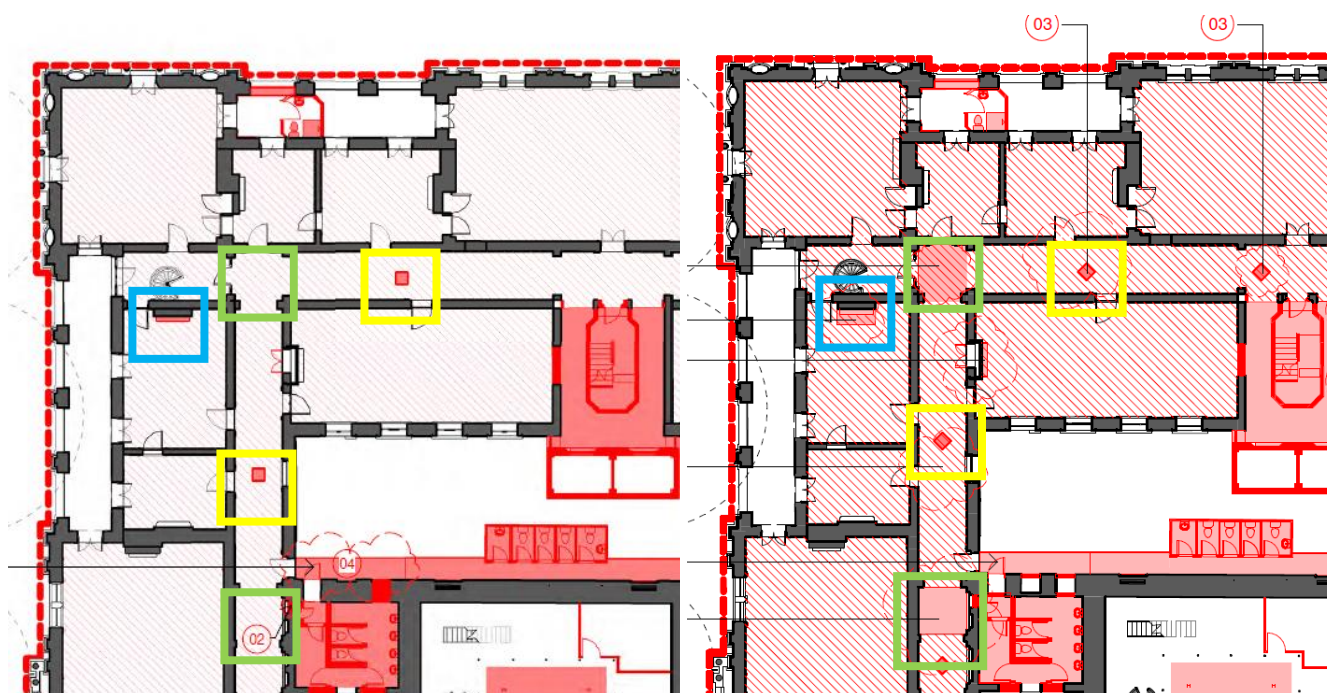


Figure 3 Demolition changes on Level 1 from the approved Mod 15 (left) to the proposed Mod 17 (right)

Source: Hassell

In addition, there are several fireplaces being salvaged for relocation on-site, across Ground Level, Level 1 and Level 2.

4.1.2 Design Changes

The following table outlines the proposed design changes, noting these are minor in nature. The numbering used below aligns with the plans for ease of identification of changes and aligns with the plans:

1. Existing element retained;
2. Existing element removed;
3. Revised demolition extents;
4. Existing fireplace salvaged for relocation;
5. Revised façade detailing;
6. Update to room use (naming);
7. Update to room layout;
8. Revised balustrade/barrier;
9. Revised window/door; and
10. Services riser reticulation.

Table 2 Built form modifications to the development by level

Level	Drawing Reference	Description of modification
Basement Level 3 and 3	SP-DA-G-2496 SP-DA-G-2497	(7) Update to room layout: updated basement layout (7) Update to room layout: relocation of door to Education Building
Lower Ground Floor	SP-DA-G-2498	(1) Existing element retained: doors retained in position on western corridor (2) Existing element removed: removal of doors at Bridge Street entry corridor (3) Revised demolition extent: stub wall retained in Waste room (5) Revised façade detailing: North Courtyard façade updated as endorsed by the DRP (shown across Lower Ground through to Level 4).

Level	Drawing Reference	Description of modification
		(6) Update to room use (naming): changes to room naming for some rooms, including change of description of approved cultural space (room reference LG24) to food and beverage/retail with a holistic approach to cultural incorporation throughout the building. (7): Update to room layout: minor room layout updates to amenities and tenancies (8) Revised balustrade/barrier: additional door in northern corridor (10) Services riser reticulation: minor updates to services integration
Lower Ground Mezzanine	SP-DA-G-2498-M	(2) Existing element removed: modern concrete mezzanine removed, and structure retained. (6) Update to room use (naming): room uses renamed from BOH to office/BOH and staff amenities (7) Update to room layout: internal layouts updated for amenities, office and BOH, including amended WC locations and layout (7) Update to room layout and (10) Services riser reticulation: updated fire stair and services riser and lift openings, and minor updates to services integration
Ground Floor	SP-DA-G-2499	(1) Existing element retained: gantries retained in northern courtyard (5) Revised façade detailing: North Courtyard façade updated as endorsed by the DRP (shown across Lower Ground through to Level 4). (6) Update to room use (naming) Change of use to the approved strong room 'lounge' use to a 'display' use, change of description of the two southern tenancies from bar and dining, to food and beverage/retail (with tenancies still to be operated as a bar and restaurant/dining), and change of other rooms to food and beverage/retail (7) Update to room layout: internal layouts updated for amenities and wellness centre, and change to entry door types from Bent Street. Change to strong room entry door types, and replacement of floor in strong room for structural rectification (10) Services riser reticulation: Updated fire stair and services riser and lift openings, and minor updates to services integration
Level 1	SP-DA-G-2500	(4) Existing fireplace salvaged for relocation: fireplace salvage for relocation on site from Room 1.26 to Room 1.15 (5) Revised façade detailing: North Courtyard façade updated as endorsed by the DRP (shown across Lower Ground through to Level 4). (7) Update to room layout: Updated room layouts for amenities, lounge. Change to strong room entry door types (10) Services riser reticulation: minor updates to services integration and locations
Level 2	SP-DA-G-2501	(1) Existing element retained: gantries retained in northern courtyard (4) Existing fireplace salvaged for relocation: fireplace salvage for relocation on site from Room G.08 to Room 2.02, from Room 1.09 to Room 2.04, from Room 1.18 to Room 2.05 and from Room 1.24 to Room 2.06 (5) Revised façade detailing: North Courtyard façade updated as endorsed by the DRP (shown across Lower Ground through to Level 4). (6) Update to room use (naming) and (7) Update to room layout: Updated room layouts for amenities, northern corridor, north / south / west function rooms, kitchen, store room, and updated room names. (7) Update to room layout: Level 2 services mezzanine included above amenities. (10) Services riser reticulation: minor updates to services integration and locations
Level 3	SP-DA-G-2502	(5) Revised façade detailing: North Courtyard façade updated as endorsed by the DRP (shown across Lower Ground through to Level 4). (6) Update to room use (naming) and (7) Update to room layout: updated room layouts and naming for link insertion amenities and support spaces, northern dome and northern dome mezzanine, and east tempietto kitchen layout. (10) Services riser reticulation: minor updates to services integration and locations
Level 4	SP-DA-G-2503	(5) Revised façade detailing: North Courtyard façade updated as endorsed by the DRP (shown across Lower Ground through to Level 4). (7) Update to room layout: Updated room layouts for the northern dome mezzanine layout including arched openings to terraces and compliant terrace balustrades. (10) Services riser reticulation: updated roof showing services integration.

Level	Drawing Reference	Description of modification
Level 5	SP-DA-G-2504	(5) Revised façade detailing: North Courtyard façade updated as endorsed by the DRP (shown across Lower Ground through to Level 4, only visible on Level 5 and up plans due to plan view shown). (1) Existing element retained: approved voids in the Tempiettos to be removed, with the original fabric to be retained. (7) Update to room layout: Updated room layouts for the northern dome. (10) Services riser reticulation: updated roof showing services integration from Level 4.
Level 6 and up	SP-DA-G-2505 SP-DA-G-2506 SP-DA-G-2507 SP-DA-G-2508 SP-DA-G-2509 SP-DA-G-2510 SP-DA-G-2511 SP-DA-G-2512	(5) Revised façade detailing: North Courtyard façade updated as endorsed by the DRP (shown across Lower Ground through to Level 4, only visible on Level 5 and up plans due to plan view shown). (10) Services riser reticulation: updated roof showing services integration including cowl profile exhaust vents
West Elevation	SP-DA-G-3201	(5) Revised façade detailing: revised arches from northern dome to terrace (Level 4) (8) Revised balustrade/barrier: revised balustrade on terrace spaces (Level 4)
North Elevation	SP-DA-G-3202	(5) Revised façade detailing: revised arches from northern dome to terrace (Level 4) (8) Revised balustrade/barrier: revised balustrade on terrace spaces (Level 4)
East Elevation	SP-DA-G-3203	(5) Revised façade detailing: revised arches from northern dome to terrace (Level 4) (8) Revised balustrade/barrier: revised balustrade on terrace spaces (Level 4)
North Courtyard Elevations	SP-DA-G-3250	(5) Revised façade detailing: Amended courtyard northern elevation to reflect DRP design across Lower Ground to Level 3 (north elevation and west elevation) (5) Revised façade detailing: Revised façade detailing of courtyard space (south elevation) (5) Revised façade detailing: revised arches from northern dome to terrace (north elevation) (8) Revised balustrade/barrier: revised balustrade on terrace spaces (north elevation) and revised barriers on gantries (east elevation, Ground Level to Level 2)
South Courtyard Elevations	SP-DA-G-3251	(5) Revised façade detailing: Revised façade detailing of courtyard space (south elevation, Lower Ground) (8) Revised balustrade/barrier: revised barriers on gantries (east elevation, Ground Level to Level 2)

Section plans have also been amended to reflect the changes on each floor plan above.

Given the level of detailed development undertaken, design changes are proposed to the existing plans to enable the use of the building as a publicly accessible hotel.

Figure 4 below highlights some of these changes on the Ground Level. Changes here include adjustments to amenities layouts (which are an insertion and easily reversible, shown in yellow), changes to the Strong Room entry doors (being removed and replaced for fire-rating purposes, with existing doors recorded and salvaged, shown in blue), and changes to the Wellness space layout (again, inserted elements which are easily reversible, shown in green).

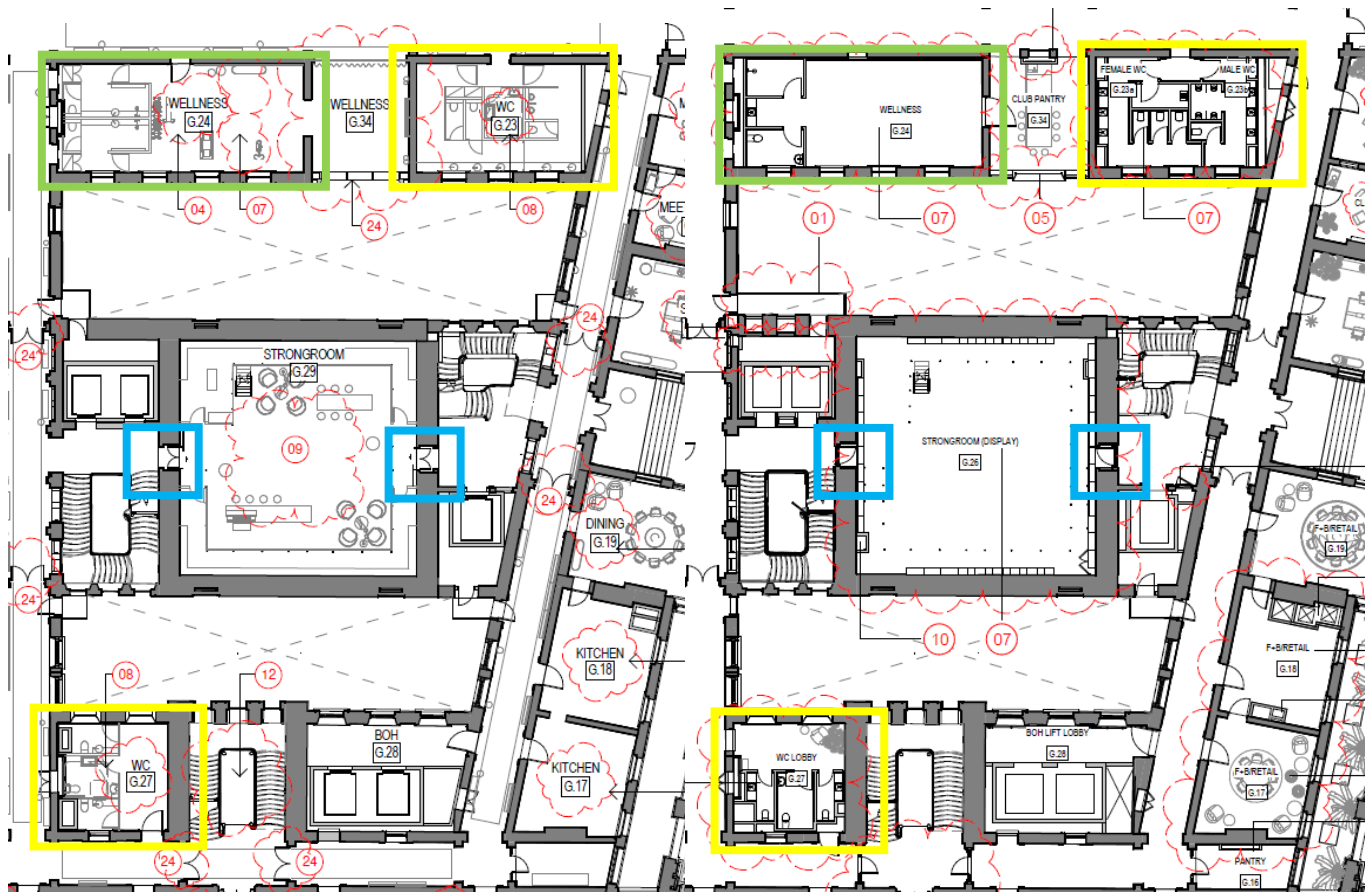


Figure 4 Design changes from the approved Mod 4 (left) to the proposed Mod 17 (right)

Source: Hassell

Description of Room Changes

Due to operational aspects and commentary received from the PCA, there is a fire rating building class to be considered in terms of the use of rooms within the building, given its heritage nature and the inability to provide for modern fire-rated materials (which would require extensive impacts to heritage fabric). This results in the adjustment of room uses as described on plans.

An example of this is the southern tenancies on Ground Floor (**Figure 5**), previously approved under Modification 4 as being a 'bar' and 'dining' restaurant space, with associated kitchen rooms. The hotel operator, Capella, is investigating the potential of operating the bar and restaurant space in conjunction with a third party operator, resulting in the need for the building class change for fire rating purposes. These are intended to be re-described as 'food and beverage/retail', in response to the required fire rating class. It must be noted that the use of these spaces is still intended to operate as a 'bar' and 'dining' restaurant space, and will remain open to the public and hotel guests. It is noted that Modification 4 also approved other rooms within the Lands Building as 'food and beverage/retail' spaces, namely on the Lower Ground level.

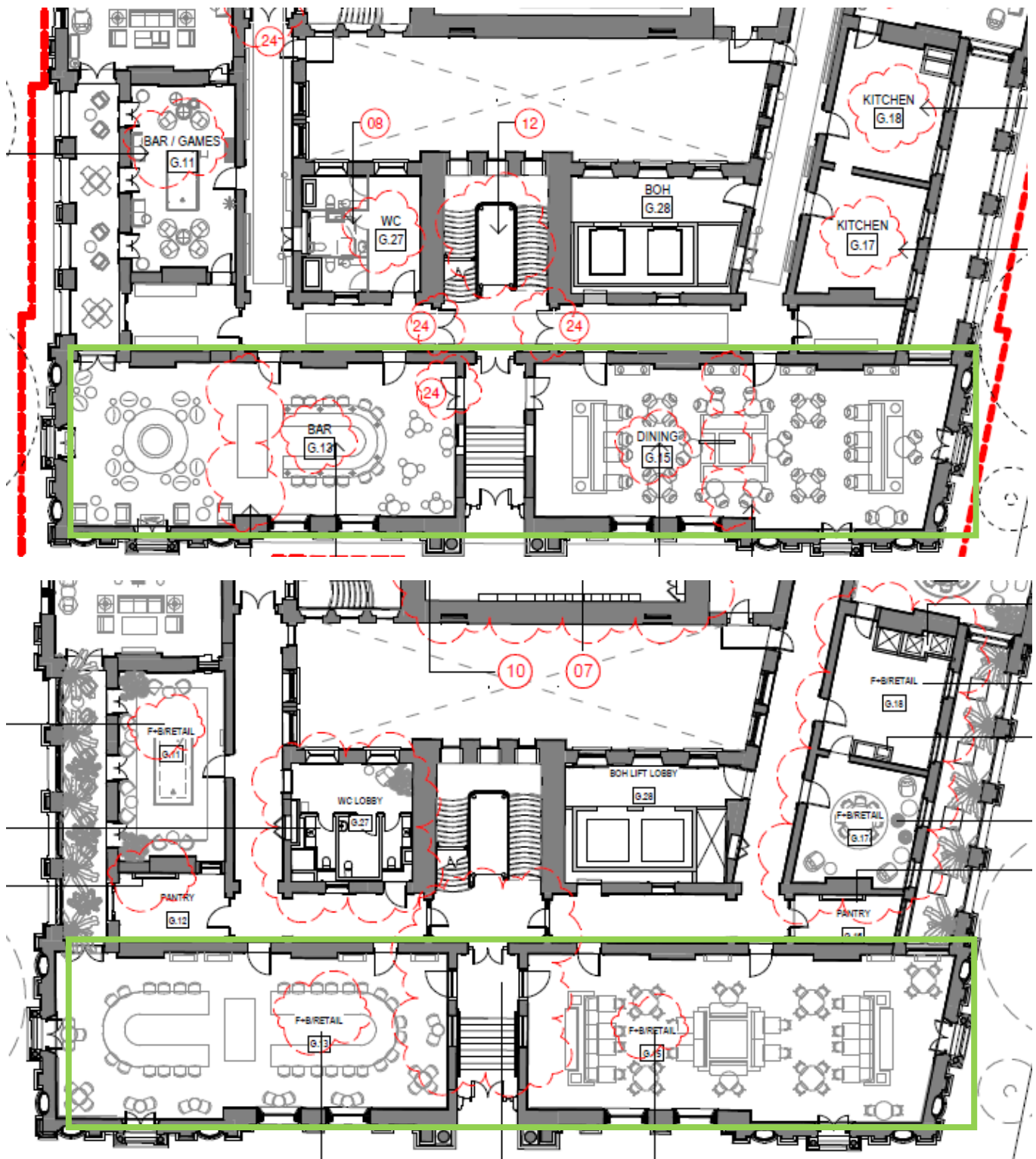


Figure 5 Room description changes from the approved Mod 4 (top) to the proposed Mod 17 (bottom)

Source: Hassell

The previously identified ‘cultural space’ room located on the Lower Ground Floor (room reference LG24 on plan SP-DA-G-2498) is now proposed to be a food and beverage/retail space. The previous intent of the ‘cultural space’ was from a heritage perspective, with this area originally intended to house heritage elements for public viewing. However, consistent with the Heritage Interpretation Plan prepared for the site by Freeman Ryan Design (10 May 2021, Version 11), there is now a holistic, integrated approach to heritage, throughout the entire Lands Building, rather than just a focus on a single room. Moveable heritage is now to be displayed throughout the building, with the design approach focusing on areas that are publicly accessible. By concentrating on the entry to the building and the corridor areas, the

interpretation is able to capitalise on the substantial foot traffic through these areas and utilise existing moveable heritage. There are anticipated guided tours to take the public and hotel guests through the building, identifying key 'pockets of stories' throughout various rooms.



Figure 6 Cultural space room change from the approved Mod 4 (top) to the proposed Mod 17 (bottom)

Source: Hassell

In addition to the change to the 'cultural' space, the Strong Room (room reference G26 on plan SP-DA-G-2499) is intended to be re-utilised as a 'display/ancillary hotel uses' area, noting it will remain publicly accessible. This is a room that will likely have a long dwell time for guests and visitors, given its grand nature as a key focal point for the Lands Building.

Courtyard Façade Change

Figure 7 identifies the proposed Northern Courtyard façade adjustment, based on DRP feedback and commentary. This change is reflected in the DRP advice which indicates that the design team would pursue the 'Taller Proportion Less Proud Profiles' concept for this design, as shown below.

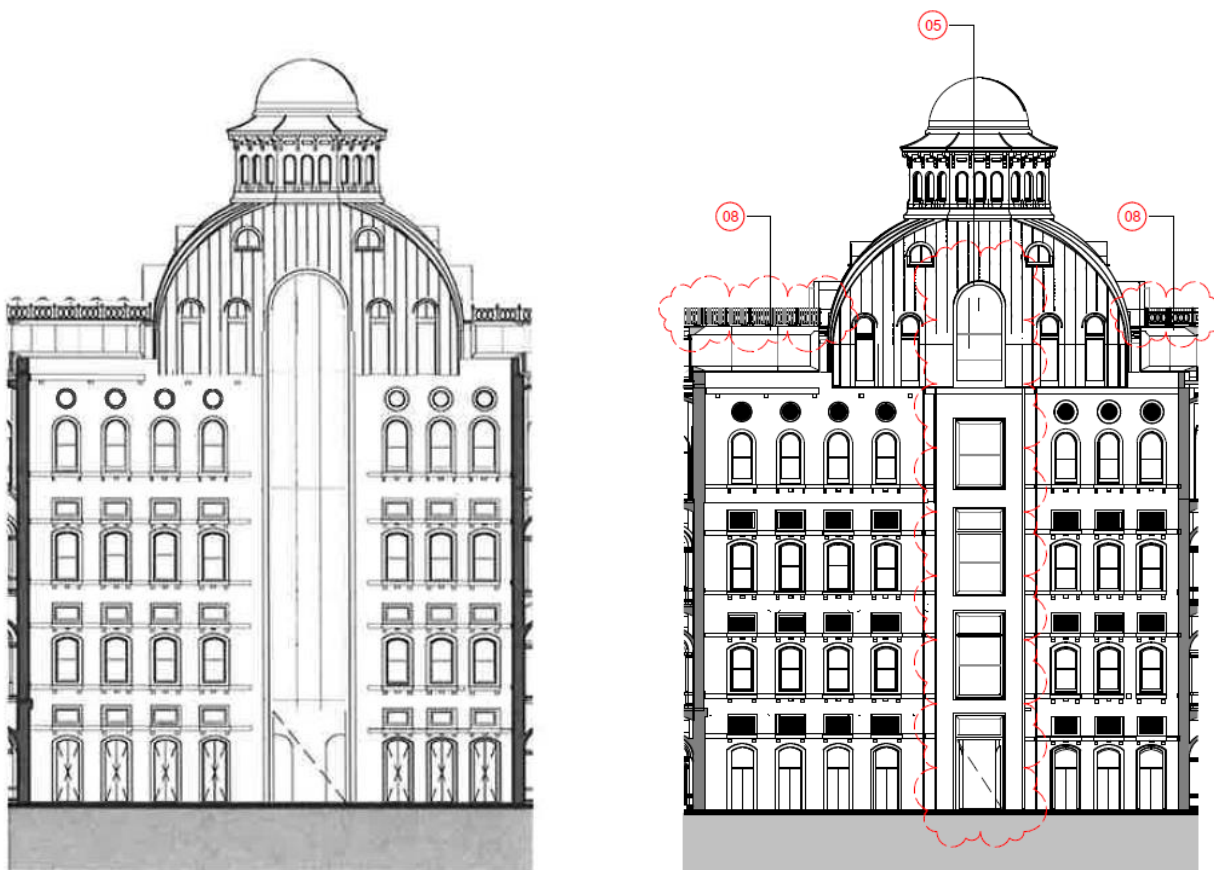


Figure 7 Comparison of approved (Mod 4) to proposed development (Mod 17) North Courtyard façade

Source: Hassell

Other Design Changes

Other minor changes include the revised balustrades and archway on the northern terraces and northern dome respectively as shown below. The change is an adjustment to the sizing of the archway entering onto the terrace, and for the balustrades, the adjustment to the design which previously included higher glass panelling.

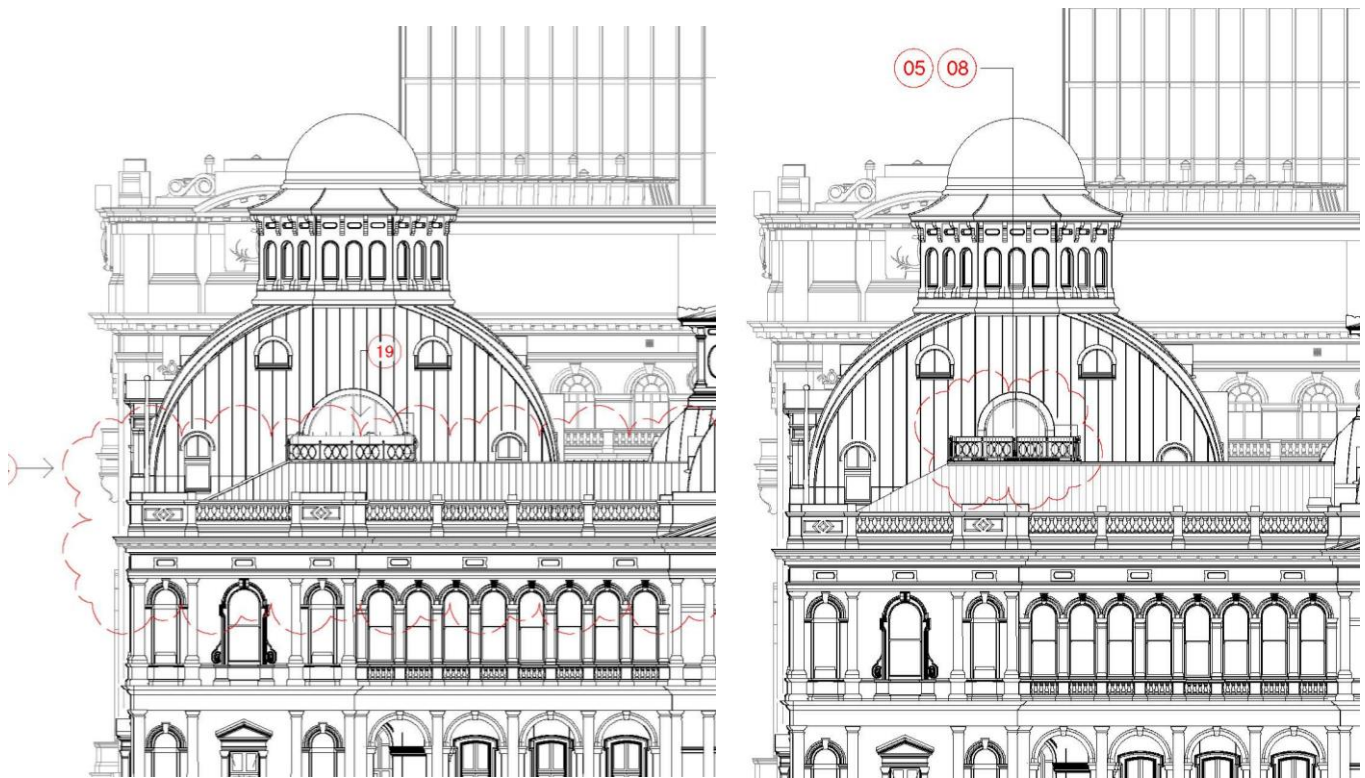


Figure 8 Comparison of approved (Mod 4) to proposed development (Mod 17) terrace balustrades and northern dome arches

Source: Hassell

Service risers have also now been included on plans in their final locations and sizing (shown below in green outline).

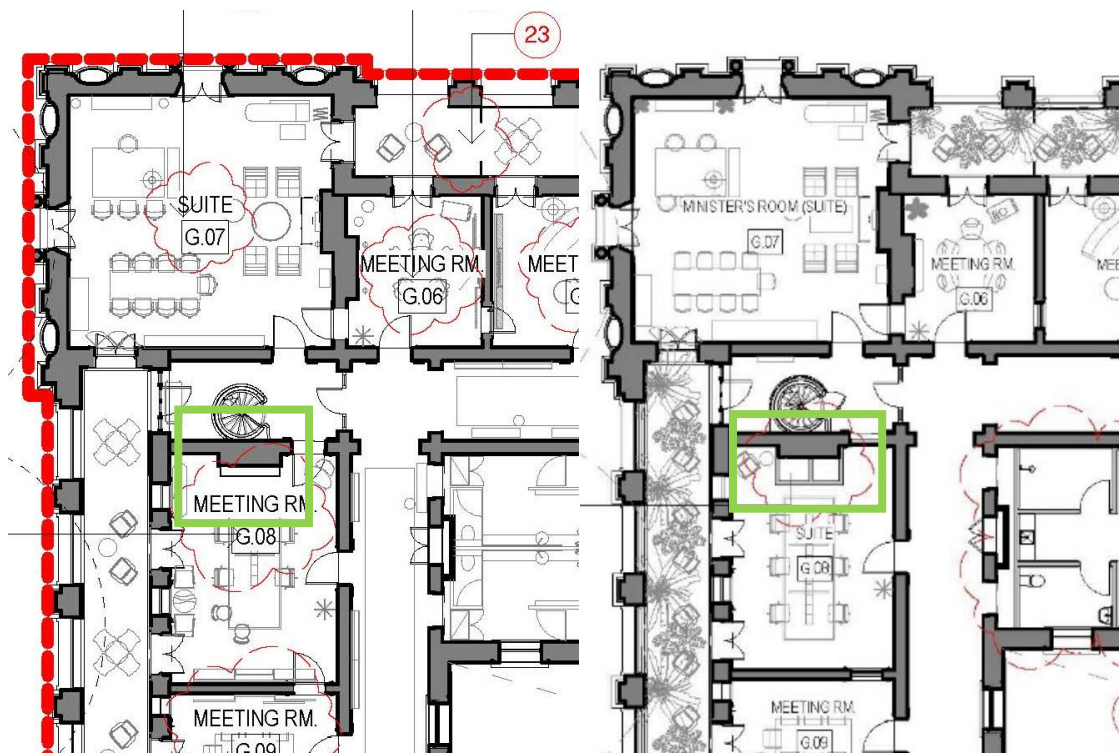


Figure 9 Comparison of approved (Mod 4, left) to proposed development (Mod 17, right) showing refinement of service risers on Ground Level (example)

Source: Hassell

In general, the design changes are based on further refinement of the scheme for the Lands Building now that exploratory investigations have been largely completed. The changes as proposed are minor in nature and reflective of this stage of a development that is undergoing continual design development in order to meet the functional and operational needs of the project.

4.2 Modifications to conditions

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. Conditions proposed to be amended are indented, words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in ***bold italics***.

4.2.1 Condition A3 – Terms of Consent

A2 Except as amended by the conditions of this consent, development consent is granted only to carrying out the development as described in Schedule 1 and Condition A3.

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 7484 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 Mod1) prepared by Ethos Urban Planning Consultants dated 18 and 30 April 2018
 - (ii) the Section 4.55(1A) modification application (SSD 7484 Mod 2) prepared by Ethos Urban Planning Consultants dated 22 August 2018
 - (iii) the Section 4.55(2) modification application (SSD 7484 Mod 3) prepared by Ethos Urban dated 16 October 2018 and Response to Submission prepared by Ethos Urban Planning dated 6 March 2019
 - (iv) the Section 4.55 (1A) modification application (SSD7484 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 and 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) 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, prepared by Ethos Urban
 - ix) the Section 4.55(1A) modification application (SSD 7484 Mod 10) prepared by Ethos Urban Planning Consultants dated 10 August 2020, prepared by Ethos Urban
 - x) Section 4.55 (1A) Modification Application (SSD 7484 MOD 9) dated 14 August 2020 prepared by Ethos Urban
 - xi) Section 4.55 (1A) Modification Application (SSD 7484 MOD 11) dated 9 December 2020 prepared by Ethos Urban
 - xii) Section 4.55 (1A) Modification Application (SSD 7484 MOD 12) dated 27 January 2021 prepared by Ethos Urban
 - xiii) Section 4.55 (1A) Modification Application (SSD 7484 MOD 14) dated 2 July 2021 prepared by Ethos Urban
 - xiv) Section 4.55(1A) Modification Application (SSD 7484 Mod 15) dated 22 October 2021 and amendment to application dated 19 November 2021, all prepared by Ethos Urban
 - xv) Section 4.55(1A) Modification Application (SSD 7484 Mod 16) dated 2 November 2021, Response to Submissions dated 9 December 2021, Additional Information dated 17 January 2022 and Amendment to Application dated 18 January all prepared by Ethos Urban

xvi) Section 4.55 (1A) Modification Application (SSD 7484 MOD 13) dated 20 May 2021 prepared by Ethos Urban, Response to Submission dated 23 February 2022 and Additional Information dated 11 April 2022, prepared by Ethos Urban.

xvii) Section 4.55(1A) Modification Application (SSD 7484 Mod 17) dated 7 July 2022 prepared by Ethos Urban

- 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 & 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 08	Demolition Plans Lands Building – Basement 3 , Education Building – Basement Level 03	31.05.19 08.06.2022
SP-DA-G- 2296	05 07	Demolition Plans Lands Building – Basement 2 , Education Building – Basement Level 02	14.08.18 08.06.2022
SP-DA-G-2297	09 10	Demolition Plans Lands Building – Lower Ground Education Building – Basement Level 01	15.10.21 08.06.22
SP-DA-G-2298	08 09	Demolition Plans Lands Building – Lower Ground Mezzanine	15.10.21 08.06.22
SP-DA-G-2299	10 11	Demolition Plans Lands Building – Ground Level Education Building – Lower Ground	15.10.21 08.06.22
SP-DA-G-2300	12 13	Demolition Plans Lands Building – Level 01 Education Building – Ground	15.10.21 08.06.22
SP-DA-G-2301	10 11	Demolition Plans Lands Building – Level 02 Education Building – Level 01	15.10.21 08.06.22
SP-DA-G- 2302	09 10	Demolition Plans Lands Building – Level 03 Education Building – Level 02	30.09.20 08.06.22
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 06 Education Building – Level 05	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	07	Demolition Plans Lands Building – Level 08 Education Building – Level 07	20.07.20
SP-DA-G- 2308	08	Demolition Plans Lands Building – Level 09 Education Building – Level 08	20.07.20
SP-DA-G- 2309	07	Demolition Plans Lands Building – Level 10 Education Building – Roof	20.07.20
SP-DA-G- 2310	08	Demolition Plans Lands Building – Level 11 Education Building – Roof	20.07.20
SP-DA-G- 2311	08	Demolition Plans Lands Building – Level 12 Education Building – Roof	20.07.20
SP-DA-G- 2312	08	Demolition Plans Lands Building – Roof Education Building – Roof	20.07.20
SP-DA-G- 3100	10	Demolition Elevations Lands Building South Education Building South	20.07.20
SP-DA-G- 3101	08	Demolition Elevations Lands Building West	20.07.20
SP-DA-G- 3102	08	Demolition Elevations Lands Building – North Education Building – North	20.07.20
SP-DA-G- 3103	06	Demolition Elevations Education Building – East	14.08.18

SP-DA-G- 3104	08	Demolition Elevations Lands Building – East	20.07.20
SP-DA-G- 3105	09	Demolition Elevations Education Building – West	18.02.20
SP-DA-G- 3150	02 03	Demolition Courtyard Elevations, Lands Building – North Courtyard	15.10.21 08.06.22
SP-DA-G- 3151	02 03	Demolition Courtyard Elevations, Lands Building – South Courtyard	15.10.21 08.06.22
SP-DA-G- 3400	10 011	Demolition Sections Lands and Education Building – Section 01	30.09.20 08.06.22
SP-DA-G- 3401	10 011	Demolition Sections Lands Building – Section 02	15.10.21 08.06.22
SP-DA-G- 3402	1	Demolition Sections Lands Building – Section 03	15.10.21
SP-DA-G- 3403	01	Demolition Sections Lands Building – Section 04 + 05	15.10.21
SP-DA-G- 3402	07	Demolition Sections Education Building – Section 03	14.08.18
SP-DA-G- 7297	00 01	Demolition RCPs – Lands Building – Lower Ground	15.10.21 08.06.22
SP-DA-G- 7298	00 01	Demolition RCPs – Lands Building – Lower Ground Mezzanine	15.10.21 08.06.22
SP-DA-G- 7299	00 01	Demolition RCPs – Lands Building – Ground Level	15.10.21 08.06.22
SP-DA-G- 7300	00 01	Demolition RCPs – Lands Building – Level 01	15.10.21 08.06.22
SP-DA-G- 7301	00 01	Demolition RCPs – Lands Building – Level 02	15.10.21 08.06.22

Architectural Drawings prepared by Make and Webber and HASSELL Architects

Drawing No.	Rev.	Name of Plan	Date
SP-DA-G- 2496	10 12	Proposed Plans Lands Building – Basement 3 , Education Building – Basement Level 03	20.07.20 08.06.22
SP-DA-G- 2497	08 11	Proposed Plans Lands Building – Basement 2 , Education Building – Basement Level 02	20.07.20 08.06.22
SP-DA-G- 2498	07 08	Proposed Plans Lands Building – Lower Ground, Education Building – Basement Level 01	20.07.20 08.06.22
SP-DA-G- 2498-M	00 01	Proposed Plans Lands Building - Lower Ground Mezzanine, Education Building - Basement Level 01	08.05.19 08.06.22
SP-DA-G- 2499	12 13	Proposed Plans Lands Building – Ground, Education Building – Lower Ground	20.07.20 08.06.22
SP-DA-G- 2500	12 13	Proposed Plans Lands Building – Level 01, Education Building – Ground	20.07.20 08.06.22
SP-DA-G- 2501	09 10	Proposed Plans Lands Building – Level 02, Ground Education Building – Level 01	20.07.20 08.06.22
SP-DA-G- 2502	11 12	Proposed Plans Lands Building – Level 03 Ground Education Building – Level 02	21.01.21 08.06.22
SP-DA-G- 2503	10 11	Proposed Plans Lands Building – Level 04, Education Building – Level 03	21.01.21 08.06.22
SP-DA-G- 2504	10 11	Proposed Plans Lands Building – Level 05, Education Building – Level 04	21.01.21 08.06.22
SP-DA-G- 2505	12	Proposed Plans Lands Building – Level 06, Education Building – Level 05	21.01.21 08.06.22

SP-DA-G- 2506	12 13	Proposed Plans Lands Building – Level 07, Education Building – Level 06	21.01.21 08.06.22
SP-DA-G- 2507	10 11	Proposed Plans Lands Building – Level 08, Education Building – Level 07	21.01.21 08.06.22
SP-DA-G- 2508	10 11	Proposed Plans Lands Building – Level 09, Education Building – Level 08	21.01.21 08.06.22
SP-DA-G- 2509	10 11	Proposed Plans Lands Building – Level 10, Education Building – Level 09	21.01.21 08.06.22
SP-DA-G- 2510	09 10	Proposed Plans Lands Building – Level 11, Education Building – Roof	21.01.21 08.06.22
SP-DA-G- 2511	04 05	Proposed Plans Lands Building – Level 12, Education Building – Roof	08.05.19 08.06.22
SP-DA-G- 2512	04 05	Proposed Plans Lands Building – Roof, Education Building – Roof	08.05.19 08.06.22
SP-DA-G- 3200	12	Proposed Elevations Lands Building – South, Education Building – South	21.01.21
SP-DA-G- 3201	06 08	Proposed Elevations Lands Building – West	08.05.19 08.06.22
SP-DA-G- 3202	10 07	Proposed Elevations Lands Building – North, Education Building – North	20.07.20 08.06.22
SP-DA-G- 3203	11	Proposed Elevations Education Building – East	21.01.21
SP-DA-G- 3204	05 08	Proposed Elevations Lands Building – East	08.05.19 08.06.22
SP-DA-G- 3205	13	Proposed Elevations Education Building – West	21.01.21
SP-DA-G- 3210	10	Proposed Elevations Education Building – Courtyard	21.01.21
SP-DA-G- 3250	00 01	Proposed Courtyard Elevations, Lands Building – North Courtyard	08.05.19 08.06.22
SP-DA-G- 3251	00 01	Proposed Courtyard Elevations, Lands building – South Courtyard	08.05.19 08.06.22
SP-DA-G- 3500	10 11	Proposed Sections Lands and Education Building – Section 01	21.01.21 08.06.22
SP-DA-G- 3501	03 04	Proposed Sections Lands Building – Section 02	08.05.19 08.06.22
SP-DA-G- 3502	10	Proposed Sections Education Building – Section 03	21.01.21
SP-DA-G- 4100	05	Façade Details Education Building – Glass Bay	20.07.20
SP-DA-G- 4102	08	Façade Details Education Building – Garden Villa	21.01.21
SP-DA-G- 4103	06	Façade Details Education Building – East and West Tower	10.12.19
SP-DA-G- 4104	07	Façade Details Education Building – Level 9 Infill Cladding	21.01.21
SP-DA-G- 4105	05	Façade Details - Education Building – Cooling Towers	20.07.20
SP-DA-G- 6000	13	Materials and Finishes Schedule	20.07.20

Justification

The amendment is required to reflect changes to plan references proposed as part of this modification application.

4.2.2 Condition B9 – Heritage Interpretation Plan

B9 The following information shall be submitted to the Heritage Council NSW or its delegate prior to the issue of the nominated Construction Certificate:

Documentation	Construction Certificate
Further details regarding the proposed adaptation of the 'Strong Room' for use as a guest lounge display area/ancillary hotel use in the Lands Building	CC4 Structure

Justification

The amendment is required to reflect the proposed changes to the 'Strong Room' use, from a guest lounge to a display area/ancillary hotel use space (which can be used for displaying of art and other items, as a thoroughfare space, for example) which form part of this modification application.

5.0 Substantially the same development and minimal environmental impact

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)”.

Whilst there is no hard and fast rule when it comes to determining what constitutes ‘substantially the same development’ the ‘substantially the same test’ has been considered and approved through various cases within the Land & Environment Court.

The applied phrasing as described in *Moto Projects (No2) Pty Ltd v North Sydney Council* [1999] NSWLEC 280, requires the consent authority to undertake both quantitative and qualitative analysis:

“The comparative task does not merely involve a comparison of the physical features or components of the development as currently approved...Rather, the comparison involves an appreciation, qualitative, as well as quantitative, of the developments being compared in their proper contexts (including circumstances in which the development consent was granted)”.

Further *Moto Projects Pty Ltd v North Sydney* [1999] NSWLEC 280 established the following key principles when considering what constitutes a modification:

- The verb “modify” means to alter without radical transformation.
- “Substantially” in this context means essentially or materially or having the same essence.
- A development as modified would not necessarily be “substantially the same development” simply because it is precisely the same use as that for which consent was originally granted.
- A modification application involves undertaking both quantitative and qualitative comparison of the development as originally approved and modified.
- Although the comparative task required under Section 4.55 involves a comparison of the whole development being compared, the fact does not eclipse if a particular feature of the development, particularly if that feature is found to be important material or essential to the development.
- Environmental impacts of the proposed modifications are relevant in determining whether or not a development is ‘substantially the same’.

The development, as proposed to be modified, is in our opinion considered to meet the substantially the same development test 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;
- 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;
- The Lands Building retains its same approved land use of tourist and visitor accommodation in terms of provision of amenities for guests and visitors as part of the broader Sandstones Precinct (approved under Modification 4). The same land uses will be achieved across the Lands and Education building in a more efficient layout and function;
- Guests will still be able to experience the services of the hotel across both buildings consistent with the approved development;
- There is no increase to the maximum building height, with all works taking place internally or on the façade and no works to the roof;
- There is no change to GFA resulting from the changes;
- The proposed modification will have an acceptable heritage impact on the Lands Building;
- The modified development has been closely reviewed by the project Design Review Panel, who overall support the changes and design direction including the proposed uses for the Lands Building; and
- The modified development continues to be consistent with the approved Stage 1 DA.

For these reasons, the DPE can be satisfied that the modified proposal is substantially the same development for which consent was originally granted.

Table 2 below demonstrates that all key elements of the approved development remain, resulting in a development that clearly meets the test of being substantially the same as originally approved.

Table 3 *Consistency with the approved development*

Component	Approved development	Amended proposed development	Consistency/substantially the same
Envelope	Rooftop extensions	No change	✓
Use	Tourist and visitor accommodation and ancillary amenities with a total of 192 rooms	No change to the mix of uses. Tenancies on the lower ground and ground floor are being renamed food and beverage/retail in response to building class requirements for fire rating purposes.	✓
Gross floor area	28,989m ²	No change from previously approved modifications	✓
Maximum Height	Education Building: RL58.60 Lands Building: RL38.00	No change from previously approved modifications	✓
Vehicular access/loading	Loading access provided from Education Building	No change from previously approved modifications	✓
Pedestrian access	Access provided from all surrounding streets	No change, accessible access afforded from Gresham Street	✓
Subterranean link	Connection between Education Building and Lands Building for back of house servicing	Minor amendment to excavation extent of subterranean connection.	✓

Component	Approved development	Amended proposed development	Consistency/substantially the same
Operation and management	Single hotel operator managing both buildings	No change from previously approved modifications	✓

Section 4.55(1A) also provides that a consent authority may modify the consent if '*it is satisfied that the proposed modification is of minimal environmental impact*'. It is considered, and 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 (under the various modifications applicable to the Lands Building, including Modification 4, Modification 9 and Modification 15).

In addition, it is noted that the only Section 4.55(2) modifications for the SSD 7484 to date have been those providing large scale changes to the overall intent and design of the project, as described below.

Table 4 Previous Section 4.55(2) Modifications

Modification	Approval Date	Description of Approved Changes
Modification 3	8 May 2019	Design changes to the Lands and Education Buildings, including: • changes to the internal layout on each level • reduction in basement area and realignment of the tunnel • increase in room numbers to 229 (from 192) in the Education Building and reduction in GFA from 20,715 m2 to 19,864 m2 • design changes to the rooftop extension of the Education Building • amendments to waste storage areas.
Modification 4	18 December 2019	Design changes to the Lands Building including: • delete 61 guest rooms and modify the internal layout • introduce hotel amenities including food and beverage, associated kitchen spaces, business suites, library, lounge, event and function rooms • roof changes including retaining/ reinstating the historic roof profile and materials for all southern and street facing northern roofs, roof link insertions providing access to the northern dome and use of the northern roof terraces • reduce the gross floor area by 354 m2.
Modification 7	4 June 2020	Internal and external design changes to the Education Building including: • reduce number of hotel rooms to 192 • relocate substation into south west corner of lower ground floor • new accessible entrance at Loftus Street laneway • reduce gross floor area by 1,352 m2 • changes to façade elements and finishes

As seen above, the previous Section 4.55(2) modification applications have been substantial in scope, generally resulting in significant hotel key changes, and in the case of the approved Modification 4, a reconfiguration of the overarching structure and layout of the broader operation of the Sandstone Precinct and adaptive reuse. It is considered that this modification, being largely design refinements, is not of the same scale of environmental impact of those previous Section 4.55(2) modifications, and that the environmental impacts of this Modification 17 are minimal (and in some instances, improved from that as approved), and are therefore appropriate for being assessed under Section 4.55(1A) of the EP&A Act.

6.0 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.

6.1 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 in force at the time of assessment, including:

- *Environmental Planning and Assessment Act 1979*;
- *Environmental Planning and Assessment Regulation 2000* (now the *Environmental Planning and Assessment Regulation 2021*);
- *State Environmental Planning Policy (State and Regional Development) 2011* (now the *State Environmental Planning Policy (Planning Systems) 2021*);
- *State Environmental Planning Policy (Infrastructure) 2007* (now the *State Environmental Planning Policy (Transport and Infrastructure) 2021*);
- *State Environmental Planning Policy 55 (Remediation of Land)* (now the *State Environmental Planning Policy (Resilience and Hazards) 2021*);
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (now the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*);
- *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 relevant planning instruments and strategic documents.

6.2 Reasons given for granting consent

During the assessment of the Stage 2 SSD 7484, the DPE 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.

6.3 Built Form and Layout

The proposed modifications to the Lands Building do not result in substantial built form impacts that will be seen from the public domain, with all (apart from the rooftop terrace balustrades) changes occurring internally (including the North Courtyard façade treatment). The changes result in an improved outcome for the Lands Building, consolidating those changes approved under Modification 4, and maintaining its importance and heritage values while ensuring that public access to its unique spaces is re-established.

6.3.1 Design Excellence

The proposed changes to the Lands Building continue to exhibit design excellence as identified by the Department in the original assessment report for SSD 7484. The DRP has been closely involved with the proposed changes and will continue to be consulted through design development, ensuring design excellence will be achieved (noting that outstanding DRP design matters will form part of later modifications if required, to ensure closure). Specifically, Hassell as the architects for the Lands Building are experienced and highly capable when it comes to design excellence and exhibit clear understanding of the requirements for the site to ensure it responds to its surrounds and the heritage context.

In particular, at DRP Meeting 20, the DRP raised concerns with the proposed insertion treatment of the North Courtyard façade treatment, noting that it had a preference for a greater solid to void ratio of the courtyard wall. The design team reconsidered the approach, and presented at a subsequent DRP meeting, revised options. The option agreed with the DRP to pursue is the 'Taller Proportion Less Proud Profile' as provided below, and as proposed as part of this Modification 17 application. The collaborative approach between the DRP and Hassell as the architects provides for design excellence, as originally envisaged for the development, to be maintained and enhanced as the design progresses.

Furthermore, the Design Statement at **Appendix B** notes that the design changes reflect detailed design development carried out with specialist consultants (including heritage, servicing and structural) since the previous Modification 4, and are the outcome of the completed on-site investigations and surveys. The information gathered has been utilised to determine the most appropriate outcome for the adaptive reuse of the Lands Building.

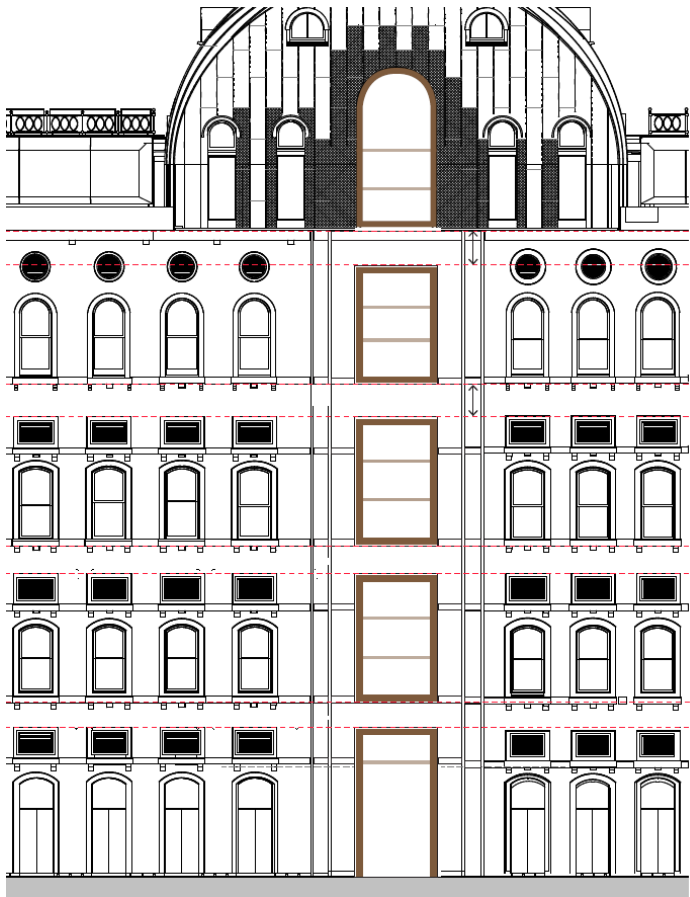


Figure 10 *The DRP agreed outcome for the North Courtyard Facade*

Source: Hassell

6.3.2 Description of Room Changes

The proposal involves the amendment of use descriptions from existing descriptions of bar and dining (for example) to food and beverage/retail, in response to building class changes relating to fire rating of spaces. There are also adjustments to back of house office spaces. Internal layout amendments are also proposed to facilitate the proposed change of room descriptions.

It is noted that Modification 4 also approved other rooms within the Lands Building as ‘food and beverage/retail’ spaces, namely on the Lower Ground level.

Importantly, these spaces will still be operated as a bar and dining space (with Capella, as the hotel operator, investigating the potential for operation of the restaurant dining area in conjunction with a third party. It is noted the areas will continue to provide amenities for guests of the hotel, plus visitors.

The food and beverage/retail use descriptions are already approved uses on the site with some considered to be ancillary or incidental hotel uses, to the primary hotel accommodation use. It is noted that Condition A7 still applies to these uses and provides that fit-out and operation of incidental hotel uses is not approved as part of the SSD consent, and would be subject to separate future development applications.

6.4 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 did not include any limiting parameters to achieving the proposed changes as part of this Modification 17 application.

6.5 Heritage

A Heritage Impact Statement (HIS) has been prepared by Urbis Heritage (**Appendix C**) to assess the impacts of the proposed modifications on the heritage significance of the Lands Building. The HIS has assessed all aspects of the proposed scope of works to the building. The HIS notes that the proposed modifications will promote public accessibility into the building, aims to reduce heritage impacts on historic fabric and facilitates the approved adaptive reuse works.

A number of the design refinements proposed, such as inclusion of minor penetrations for essential building services, are noted as being within spaces of lesser relative significance due to their proposed location against walls of rooms, and are therefore considered acceptable in terms of heritage impact.

Important to note is that the HIS assessment considers there are several positive heritage outcomes based on the revised design, including:

- Northern Courtyard façade updates, across Lower Ground to Level 3: this modification results in the removal of less original fabric;
- Relocation of back of house fire stairs on Lower Ground and Lower Ground mezzanine: this is a positive heritage outcome due to the stair being moved into an existing room, increasing the legibility of the existing racetrack corridor;
- Alignment of access hatches with marble floor tiles: this allows for the full salvage and reinstatement of whole units of marble tiles;

The HIS concludes that the proposed modifications will “*generate an acceptable heritage impact*” on the Lands Building and “*demonstrate sympathy with the building's established significance*”. As such, the heritage impacts of the proposed modifications are considered to be acceptable and are of minimal environmental impact.

6.6 Structure and Facade

Confirmation that the structural design of the proposed modifications to the design of the Lands Building will not impact on the structural integrity of the existing building structure by TTW at **Appendix D**.

Furthermore, based on the modification of the façade, specifically the North Courtyard, a review has been undertaken by Surface Design at **Appendix E**. This confirms there is no change to the required façade structural, durability and waterproofing performance from the geometrical changes to the dome opening.

7.0 Justification

The modification application relates to internal and minor external works to enable design and land use refinements to the Lands Building.

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.

The changes, as outlined, are based on detailed design refinements that have been subject to detailed site investigations and surveys throughout the Lands Building. They have been found to have minimal environmental impact, and in some circumstances, result in a positive heritage outcome.

The proposed modifications represent further enhancements to the overall design while ensuring the development continues to deliver the adaptive reuse of state significant heritage buildings for tourist and visitor accommodation use – fully consistent with the approved Stage 1 consent.

In accordance with section 4.55(1A) of the EP&A Act, the Department 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.