

# Section 4.55(2) Modification 18

Sandstone Precinct - SSD7484

23-33 and 35-39 Bridge Street, Sydney  
Pontiac Land (Australia) Pty Ltd



### '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) Pty Ltd, pursuant to section 4.55(2) of the Environmental Planning and Assessment Act 1979 (EP&A Act) to modify Development Consent SSD7484 relating to 23-33 and 35-39 Bridge Street, Sydney, being the Sandstone Precinct (the site).

The modification relates to removal and replacement of ceilings within 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(2) 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:

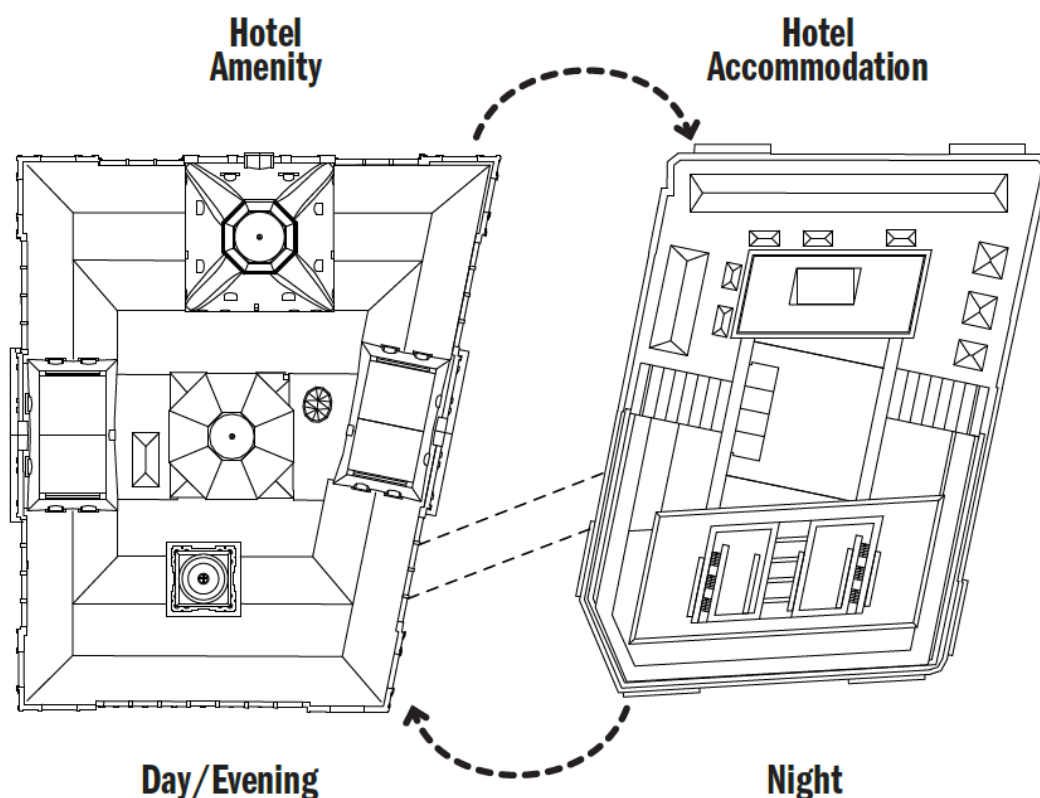
- demolition of existing improvements and alterations to the Lands and Education Buildings (as shown in the approved plans only)
- maximum gross floor area (GFA) of 31,633m<sup>2</sup>, with:
  - 10,918m<sup>2</sup> in the Lands Building
  - 20,715m<sup>2</sup> in the Education Building
- maximum of 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 (opening targeted in March 2023), Pontiac are now focussing on the detailed design and delivery of the Lands Building.

Northrop have undertaken ceiling condition investigations and testings of the Lands Building as on-site identification of poor ceiling conditions required further detailed studies to be carried out. These investigations included visual inspections from the underside of existing ceilings to identify localised and longitudinal cracking of ceilings and on beam profiles, and deflection.

Progressively with the completion of the demolition works, Northrop visually inspected the rear face (previously concealed) of ceilings which identified that for the timber lath ceilings, significant portions of the plaster keys were missing or had dislodged from the lath. Similarly, inadequate keys were observed within the metal lathe. In other areas where ceilings have collapsed, corroded nails were observed, which suggests that the fixings of the laths to the underside of the floor joists may be failing and cannot be relied upon.

Northrop have undertaken a risk analysis which determines that the current risk of collapse of these ceilings, and their subsequent risk to life is not acceptable, requiring intervention and treatment. Important to note is extensive fire damage to roof spaces within the Bent Street and Gresham Street spaces from the mid-1980s which has contributed to the need to refurbish these areas.

As such, to ensure the safety of the building in its future use and to ensure the building's longevity, Northrop have identified a ceiling stabilisation program however this does not satisfy warranty and insurance requirements.

### 2.1.1 Engagement

There has been substantial authority engagement through the design process for this modification, as summarised below:

- Project team engaged with PDU July 2022
- PDU informed Heritage NSW of ceiling issue 1 August 2022.
  - Heritage NSW recommended the project seek the advice of the Technical Advisory Panel (TAP)
- Site visit was carried out on 10 August 2022 with Heritage NSW and City of Sydney (Heritage)
- Briefing meeting held with DPE on 26 August 2022
- TAP meeting held 31 August 2022 to discuss issue
- Briefing meeting held with CoS Heritage on 9 September 2022
- Initial advice received from TAP 21 September 2022
- Presentation to TAP 20 October 2022
- Briefing meeting with CoS (Heritage) 26 October 2022
- TAP advice received 31 October 2022
- Meeting with Heritage NSW 2 November 2022
- Site inspection with Heritage NSW, CoS, DPE 9 November 2022
- Briefing with the City of Sydney, 8 December 2022.

These meetings and site inspections have resulted in the detailing of the proposed remedial options, as now proposed in this modification.

## 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 21 meetings of the DRP that have looked at a range of items across the design evolution of the precinct.

## 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 17 relating to design refinements to Lands Building, approved on 12 December 2022. Prior to this and relating to the Lands Building, Modification 15 addressed demolition inconsistencies, Modification 9 changed the extent of demolition within the Lands Building and 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 modifications to the development consent are summarised in the following sections.

### 4.1 Modifications to the development

The Lands Building includes a large extent of lath and plaster of ceilings (both expanded metal and timber lath). These ceilings are identified in the endorsed Conservation Management Plan (May 2017) which indicates that the design and extent of decoration varies from the most elaborate ceilings on the ground and first floors, to the simplest on upper floors, and goes on to indicate:

*The original ceilings on lower floors are lath and plaster with varying plaster cornices. The expression varies from where the concrete vaults span between the iron joists on the top floor to where large iron girders are used to support timber flooring on the lower floors. The plate web riveted construction used, achieved larger sections than could then be rolled. There is a considerable space between the ceilings and the floors above them which are carried on a separate system of joists.*

And

*Some lath and plaster ceilings have failed in the past. Generally these ceilings are vulnerable to damage from vibration due to works within the building.*

There are a total of 3,467m<sup>2</sup> ceilings across the Lands Building of this nature, across three floors:

- Lower Ground Floor: 441m<sup>2</sup>;
- Ground Floor: 1,492m<sup>2</sup>; and
- Level 01: 1,534m<sup>2</sup>.

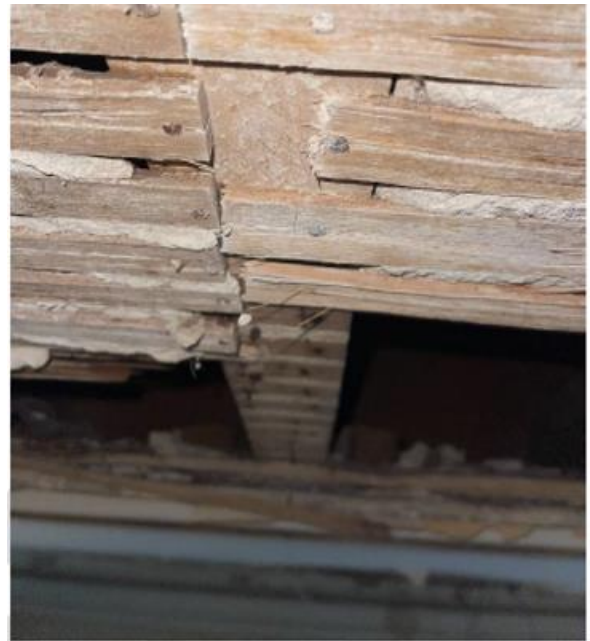
These ceilings all contain decorative cornicing of varying standards.

During the initial investigations period (Phase 1) a detailed condition assessment of the ceilings was completed by the heritage engineer (Northrop). In addition, a series of representative investigative and testing works were also completed. Refer **Appendix E** and **Appendix H** for further details. These assessments provide that the ceilings range from poor to very poor condition throughout, with broken keys, collapsed plaster, flaking and delaminated paint, and collapsed ceilings in full (refer to **Figure 2 and 3** for images of ceiling conditions).





*Typical example of collapsed timber lath and plaster ceiling*



*Typical example of failure of lath and plaster ceilings due to splitting of timber battens. Splitting likely caused by corrosion of iron nails.*



*Typical cracking to decorative moulding, evidence of water damage present*



*Typical cracking to the decorative moulding, parallel to the timber laths, indicative of failure of the lath "key"*



*Example of missing keys at topside of timber lath ceiling*



*Example of broken key at timber lath ceiling*

**Figure 2      Lands Building Ceiling Conditions - 1**



*Typical example of separation of paint from plaster*



*Moisture damage to timber lath and plaster ceiling*



*Typical photo of delaminating paint system*



*Full depth crack to plaster*



*Typical hairline cracking through decorative cornice*



*Ceiling collapse, discoloration of timber laths suggestive of moisture damage. Framing of laths appears to have changed here.*

**Figure 3      Lands Building Ceiling Conditions - 2**

A ceiling remediation approach was developed to stabilise the ceilings, considering heritage guidelines and appropriate technical notes.

Separately to the development of the stabilisation method, a fire testing regime was developed. This testing regime was prepared to assess the performance of the intumescent paint when applied to each ceiling type for the various fire rating levels (60mins or 90mins). This fire testing proved that 60 and 90min Fire Resistance Level (FRL) could not be achieved for metal mesh lath and plaster ceilings, 90min FRL for timber lath and plaster ceilings, and 90min coke breeze ceilings.

The proposed modification relates to the intended removal of those existing heritage ceilings within the Lands Building and replacement of these ceilings (and associated cornices) with modern materials that satisfy the fire rating and stabilisation requirements needed to achieve compliance with the relevant regulations. There is an intention to salvage cornices to rooms where nominated, however this is subject to on-site trials and resolution of fire engineering details.

In response to the condition of the ceilings and the requirement to provide appropriate fire ratings, there have been several remedial strategies developed that would apply to various rooms across the three levels, with five strategies to manage the demolition works, and five to manage the replacement remedial works.

### **Demolition Works**

- Demolition Works Strategy 1:
  - Removal of existing lath and plaster ceiling.
  - Cornices and beam profiles to be salvaged and reinstated where possible.
- Demolition Works Strategy 2:
  - Removal of existing lath and plaster ceiling.
  - Cornices and beam profiles to be removed after creating replica moulding of every profile.
- Demolition Works Strategy 3
  - Removal of existing lath and plaster ceiling.
  - Cornices and beam profiles to be removed after creating replica moulding of representative profile.
- Demolition Works Strategy 4:
  - Removal of existing lath and plaster ceiling, cornices and beam profiles.
- Demolition Works Strategy 5:
  - Removal of existing concrete arch ceiling.

### **New Remedial/Replacement Works**

- New Remedial Works Strategy 6:
  - New fire rated plasterboard ceiling.
  - Reinstatement of salvaged cornices and beam profiles where possible.
- New Remedial Works Strategy 7:
  - New fire rated plasterboard ceiling. Installation of replica cornices and beam profiles.
- New Remedial Works Strategy 8:
  - New fire rated plasterboard ceiling. Installation of representative replica cornice and beam profile.
- New Remedial Works Strategy 9:
  - New fire rated plasterboard ceiling.
  - No cornices or beam profiles.
- New Remedial Works Strategy 10:
  - New fire rated arch ceiling and detailing.

It must be noted that the proposed works under this modification relate to ceilings that have not previously been granted approval for removal and replacement.

### 4.1.1 Demolition Extent Changes

The following table outlines the demolition changes for each level proposed to be modified. Section plans have also been updated to reflect the change in demolition extents.

**Table 1** *Demolition modifications to the development by level*

Level	Drawing Reference	Description of modification
Lower Ground Floor	SP-DA-G-7297 (Demolition RCP)	<ul style="list-style-type: none"> <li>(2) Removal of existing lath and plaster ceiling and cornices with replica cornicing to be moulded in rooms: <ul style="list-style-type: none"> <li>LG-01</li> <li>LG-04</li> <li>Bridge Street entry</li> <li>LG-10</li> <li>LG-11</li> <li>Gresham Street entry</li> </ul> </li> <li>(5) Demolition of existing concrete arch ceiling in northern, western and eastern corridors</li> <li>(5) Demolition of existing concrete arch ceiling in southern corridor corners</li> </ul>
Ground Floor	SP-DA-G-7299 (Demolition RCP)	<ul style="list-style-type: none"> <li>(1) Removal of existing lath and plaster ceiling. Cornices and beam profiles to be salvaged and reinstated in rooms: <ul style="list-style-type: none"> <li>G-01</li> <li>G-04</li> <li>G-07</li> </ul> </li> <li>(2) Removal of existing lath and plaster ceiling and cornices with replica cornicing to be moulded in rooms <ul style="list-style-type: none"> <li>Part of G-10</li> <li>Bent Street entry</li> <li>Loftus Street entry</li> <li>G-24</li> </ul> </li> <li>(3) Removal of existing lath and plaster ceiling. Cornices and beam profiles to be removed after creating replica moulding of representative profile <ul style="list-style-type: none"> <li>G-02 and G-03</li> <li>G-05 and G-06</li> <li>G-08 and G-09</li> <li>G-11</li> <li>G-17</li> <li>G-21 and G-22</li> </ul> </li> <li>(4) Removal of existing lath and plaster ceiling, cornices and beam profiles. <ul style="list-style-type: none"> <li>G-24</li> <li>G-18</li> </ul> </li> <li>(5) Demolition of existing concrete arch ceiling in southern corridor corners</li> </ul>
Level 1	SP-DA-G-7300 (Demolition RCP)	<ul style="list-style-type: none"> <li>(2) Removal of existing lath and plaster ceiling and cornices with replica cornicing to be moulded in rooms <ul style="list-style-type: none"> <li>1-01</li> <li>1-04</li> <li>1-07</li> <li>1-11</li> <li>1-15</li> <li>1-19</li> </ul> </li> <li>(3) Removal of existing lath and plaster ceiling. Cornices and beam profiles to be removed after creating replica moulding of representative profile <ul style="list-style-type: none"> <li>1-02, 1-03, 1-05 and 1-06</li> <li>1-09 and 1-10</li> <li>1-12</li> <li>1-17 and 1-18</li> <li>1-20 and 1-21</li> </ul> </li> <li>(4) Removal of existing lath and plaster ceiling, cornices and beam profiles. <ul style="list-style-type: none"> <li>1-25</li> </ul> </li> </ul>

Based on the detailed site investigations carried out, the demolition extents are being adjusted to reflect that required to meet appropriate safe design outcomes while ensuring heritage fabric is retained where possible.

## 4.1.2 Design Changes

The following table outlines the proposed remedial works to be carried out in each room, once the demolition has been completed.

**Table 2** *Built form modifications to the development by level*

Level	Drawing Reference	Description of modification
Lower Ground Floor	SP-DA-G-7497 (Base build RCPs)	<ul style="list-style-type: none"> <li>(7) New fire rated plasterboard ceiling. Installation of replica cornices and beam profiles. <ul style="list-style-type: none"> <li>- LG-01</li> <li>- LG-04</li> <li>- Bridge Street entry</li> <li>- LG-10 and LG-11</li> <li>- Gresham Street entry</li> </ul> </li> <li>(10) New fire rated arch ceiling and detailing. <ul style="list-style-type: none"> <li>- Corridor north</li> <li>- Corridor west</li> <li>- Corridor east</li> <li>- Southern corridor corners</li> </ul> </li> </ul>
Ground Floor	SP-DA-G-7499 (Base build RCPs)	<ul style="list-style-type: none"> <li>(6) New fire rated plasterboard ceiling. Reinstatement of salvaged cornices and beam profiles where possible. <ul style="list-style-type: none"> <li>- G-01</li> <li>- G-04</li> <li>- G-07</li> </ul> </li> <li>(7) New fire rated plasterboard ceiling. Installation of replica cornices and beam profiles. <ul style="list-style-type: none"> <li>- G-10</li> <li>- G-13 and G-15</li> <li>- Bent Street entry</li> <li>- G-19 and G-20</li> <li>- Loftus Street entry</li> </ul> </li> <li>(8) New fire rated plasterboard ceiling. Installation of representative replica cornice and beam profile. <ul style="list-style-type: none"> <li>- G-02 and G-03</li> <li>- G-05 and G-06</li> <li>- G-08 and G-09</li> <li>- G-11</li> <li>- G-17</li> <li>- G-21 and G-22</li> </ul> </li> <li>(9) New fire rated plasterboard ceiling. No cornices or beam profiles. <ul style="list-style-type: none"> <li>- G-24</li> <li>- G-18</li> </ul> </li> <li>(10) New fire rated arch ceiling and detailing. <ul style="list-style-type: none"> <li>- Southern corridor corners</li> </ul> </li> </ul>
Level 1	SP-DA-G-7500 (Base build RCPs)	<ul style="list-style-type: none"> <li>(7) New fire rated plasterboard ceiling. Installation of replica cornices and beam profiles. <ul style="list-style-type: none"> <li>- 1-01</li> <li>- 1-04</li> <li>- 1-07</li> <li>- 1-11</li> <li>- 1-15</li> <li>- 1-19</li> </ul> </li> <li>(8) New fire rated plasterboard ceiling. Installation of representative replica cornice and beam profile. <ul style="list-style-type: none"> <li>- 1-02 and 1-03</li> <li>- 1-05 and 1-06</li> <li>- 1-09 and 1-10</li> <li>- 1-12</li> <li>- 1-17 and 1-18</li> <li>- 1-20 and 1-21</li> </ul> </li> <li>(9) New fire rated plasterboard ceiling. No cornices or beam profiles. <ul style="list-style-type: none"> <li>- 1-25</li> </ul> </li> </ul>



## 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 (2) Modification Application (SSD 7484 Mod 18) dated 16 December 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	08	Demolition Plans Lands Building – Basement 3, Education Building – Basement Level 03	08.06.22
SP-DA-G- 2296	07	Demolition Plans Lands Building – Basement 2, Education Building – Basement Level 02	08.06.22
SP-DA-G- 2297	10	Demolition Plans Lands Building – Lower Ground Education Building – Basement Level 01	08.06.22
SP-DA-G- 2298	09	Demolition Plans Lands Building – Lower Ground Mezzanine	08.06.22
SP-DA-G- 2299	11	Demolition Plans Lands Building – Ground Education Building – Lower Ground	08.06.22
SP-DA-G- 2300	13	Demolition Plans Lands Building – Level 01 Education Building – Ground	08.06.22
SP-DA-G- 2301	11	Demolition Plans Lands Building – Level 02 Education Building – Level 01	08.06.22
SP-DA-G- 2302	10	Demolition Plans Lands Building – Level 03 Education Building – Level 02	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	03	Demolition Courtyard Elevations, Lands Building – North Courtyard	08.06.22
SP-DA-G- 3151	03	Demolition Courtyard Elevations, Lands Building – South Courtyard	08.06.22
SP-DA-G- 3400	<del>011</del> 12	Demolition Sections Lands and Education Building – Section 01	<del>08.06.22</del> 14.12.22
SP-DA-G- 3401	<del>011</del> 12	Demolition Sections Lands Building – Section 02	<del>08.06.22</del> 14.12.22

### Demolition Drawings prepared by Make & HASSELL Architects

SP-DA-G- 3402	<b>01 02</b>	Demolition Sections Lands Building – Section 03	<b>15.10.21</b> <b>14.12.22</b>
SP-DA-G- 3403	<b>01 02</b>	Demolition Sections Lands Building – Section 04 + 05	<b>15.10.21</b> <b>14.12.22</b>
SP-DA-G- 3402	07	Demolition Sections Education Building – Section 03	14.08.18
SP-DA-G- 7297	<b>01 02</b>	Demolition RCPs – Lands Building – Lower Ground	<b>08.06.22</b> <b>14.12.22</b>
SP-DA-G- 7298	01	Demolition RCPs – Lands Building – Lower Ground Mezzanine	08.06.22
SP-DA-G- 7299	<b>01 02</b>	Demolition RCPs – Lands Building – Ground Level	<b>08.06.22</b> <b>14.12.22</b>
SP-DA-G- 7300	<b>01 02</b>	Demolition RCPs – Lands Building – Level 01	<b>08.06.22</b> <b>14.12.22</b>
SP-DA-G- 7301	01	Demolition RCPs – Lands Building – Level 02	08.06.22

### Architectural Drawings prepared by Make and Webber and HASSELL Architects

Drawing No.	Rev.	Name of Plan	Date
SP-DA-G- 2496	12	Proposed Plans Lands Building – Basement 3, Education Building – Basement Level 03	08.06.22
SP-DA-G- 2947	11	Proposed Plans Lands Building – Basement 2, Education Building – Basement Level 02	08.06.22
SP-DA-G- 2498	08	Proposed Plans Lands Building – Lower Ground, Education Building – Basement Level 01	08.06.22
SP-DA-G- 2498-M	01	Proposed Plans Lands Building - Lower Ground Mezzanine, Education Building - Basement Level 01	08.06.22
SP-DA-G- 2499	13	Proposed Plans Lands Building – Ground, Education Building – Lower Ground	08.06.22
SP-DA-G- 2500	13	Proposed Plans Lands Building – Level 01, Education Building – Ground	08.06.22
SP-DA-G- 2501	10	Proposed Plans Lands Building – Level 02, Ground Education Building – Level 01	08.06.22
SP-DA-G- 2502	12	Proposed Plans Lands Building – Level 03 Ground Education Building – Level 02	08.06.22
SP-DA-G- 2503	11	Proposed Plans Lands Building – Level 04, Education Building – Level 03	08.06.22
SP-DA-G- 2504	11	Proposed Plans Lands Building – Level 05, Education Building – Level 04	08.06.22
SP-DA-G- 2505	12	Proposed Plans Lands Building – Level 06, Education Building – Level 05	08.06.22
SP-DA-G- 2506	13	Proposed Plans Lands Building – Level 07, Education Building – Level 06	08.06.22
SP-DA-G- 2507	11	Proposed Plans Lands Building – Level 08, Education Building – Level 07	08.06.22
SP-DA-G- 2508	11	Proposed Plans Lands Building – Level 09, Education Building – Level 08	08.06.22
SP-DA-G- 2509	11	Proposed Plans Lands Building – Level 10, Education Building – Level 09	08.06.22
SP-DA-G- 2510	10	Proposed Plans Lands Building – Level 11, Education Building – Roof	08.06.22
SP-DA-G- 2511	05	Proposed Plans Lands Building – Level 12, Education Building – Roof	08.06.22
SP-DA-G- 2512	05	Proposed Plans Lands Building – Roof, Education Building – Roof	08.06.22
SP-DA-G- 3200	12	Proposed Elevations Lands Building – South, Education Building – South	21.01.21
SP-DA-G- 3201	08	Proposed Elevations Lands Building – West	08.06.22
SP-DA-G- 3202	07	Proposed Elevations Lands Building – North, Education Building – North	08.06.22
SP-DA-G- 3203	11	Proposed Elevations Education Building – East	21.01.21

Demolition Drawings prepared by Make & HASSELL Architects			
SP-DA-G- 3204	08	Proposed Elevations Lands Building – East	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	01	Proposed Courtyard Elevations, Lands Building – North Courtyard	08.06.22
SP-DA-G- 3251	01	Proposed Courtyard Elevations, Lands building – South Courtyard	08.06.22
SP-DA-G- 3500	11	Proposed Sections Lands and Education Building – Section 01	08.06.22
SP-DA-G- 3501	04	Proposed Sections Lands Building – Section 02	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
<b>SP-DA-G-7497</b>	<b>00</b>	<b>Basebuild RCPs Lands Building – Lower Ground, Education Building – Basement Level 01</b>	<b>14.12.22</b>
<b>SP-DA-G-7499</b>	<b>00</b>	<b>Basebuild RCPs Lands Building –Ground Level, Education Building – Lower Ground</b>	<b>14.12.22</b>
<b>SP-DA-G-7500</b>	<b>00</b>	<b>Basebuild RCPs Lands Building – Level 01, Education Building – Ground</b>	<b>14.12.22</b>

## Justification

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

## 5.0 Substantially the same development

Section 4.55(2)(a) 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 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(2) 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);
- 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 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 noting that the ceilings being removed will be replaced with safer, appropriately designed, modern materials; 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 3** 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	✓
Gross floor area	28,989m <sup>2</sup>	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	No change.	✓
Operation and management	Single hotel operator managing both buildings	No change from previously approved modifications	✓

As such, the proposed modification to the development is considered substantially the same as that approved and will remain consistent with the intention and design of the adaptive reuse of the Sandstone Precinct envisaged under the Stage 1 consent and the modified Stage 2 consent.

## 6.0 Environmental assessment

Under section 4.55(3) the consent Authority must 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).

### 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 changes occurring internally. The changes result in an improved outcome for the Lands Building from a safety and fire rating perspective, while ensuring that heritage values are maintained as much as practicable, which enable public access to the unique spaces of the Lands Building.

### 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. 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.

Furthermore, the Design Statement at **Appendix B** notes that the design changes reflect the proposed scope following the outcome of the completed on-site investigations and surveys into the fire performance and stability of heritage ceilings. The information gathered has been utilised to determine the most appropriate outcome for the adaptive reuse of the Lands Building.

## 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 18 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 and facilitates the approved adaptive reuse works, and has undertaken a consideration of the scope of works through a hierarchy of rooms with respect to the relative contribution individual spaces make to the overall significance of the place.

Important to note is that the HIS assessment considers four options explored by the project team that looked at the conservation of the heritage ceilings. Further detail is provided in the Heritage Impact Statement of each of these options, with a short summary provided below:

- Option 1: Retain and restore (discounted)
  - This option looked to retain and restore the existing ceilings per the original approval
  - This would have been the preferred heritage outcome
  - This option is no longer possible due to the required structural and performance outcomes needed for the building
- Option 2: Retain, restore and encapsulate (discounted)
  - This option looked to retain and restore the existing ceilings and encapsulate them with new linings that would meet the required fire rating levels.
  - This option was discounted due to unacceptable heritage impacts including the lowering of ceilings.

- Option 3: Salvage all cornices, introduce new ceilings (discounted)
  - This option considered salvaging all cornices, removing the existing ceilings, replacing with new fire-rated ceilings and reinstating the salvaged cornices.
  - This was considered to have significant heritage impact due to the removal of original structural timber to which cornices were attached.
  - New structure would be required to provide sufficient support to the building to support the reinstatement of the cornices.
  - The impact of this was deemed non-preferable due to the loss of original fabric that is key to understanding the building's construction.
- Option 4: Salvage sections of cornices, reinstate salvaged elements with reconstructed ceilings and cornices (proposed solution)
  - This option was identified as the most suitable, as outlined in detail in this modification application.

In terms of the coke breeze elements, these were also investigated to be retained per Option 2 relating to the ceilings above, however this would alter the spatial qualities of the building. Therefore, the proposal to remove and reconstruct (while resulting in a loss of fabric) was considered the more appropriate outcome as it will enable key relationships to be maintained in terms of existing ceiling height, visual appearance, detail and profiles around the exceptionally significant timber joinery.

The HIS concludes that the proposed modification is necessary interventions that will *'enable the building the remain safe and useable as it enters the next phase of its functional life'*. While the works do require the removal and replacement of original fabric, the proposed outcome is considered the most feasible in the context of the building's future conservation, maintenance and use.

### 6.5.1 Heritage Methodology

To ensure the works are carried out in an appropriate manner, Purcell have prepared a methodology for the templating, removal, reinstatement and reconstruction of the cornices (**Appendix D**). There are several hold points identified in this methodology that will require inspection of works by the design architect and heritage architect, along with the project engineer.

## 6.6 Structural Assessment

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 has been provided by TTW at **Appendix G**.

## 6.7 Fire Engineering

Stantec have carried out a review of the proposed modification in terms of the fire safety (**Appendix F**) elements of the Lands Building, noting that previous options explored resulting in several fire test failures, resulting in the revised ceiling design as proposed. Stantec note that it is considered the proposed design achieves the required performance per the fire safety strategy.

## 7.0 Justification

The modification application relates to the replacement of heritage ceilings and coke breeze elements within the Lands Building as a result of detailed on-site investigations.

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 required to provide for stability and fire rating performance of the Lands Building ceilings across the Lower Ground, Ground and First Floor.

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(2) of the EP&A Act, the DPE may modify the consent as the proposed development remains substantially the same development as that originally granted.

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