



AN/YC
16009
4 April 2016

Carolyn McNally
Secretary
Department of Planning and Environment
33 Bridge Street
SYDNEY NSW 2000

Attention: Amy Watson – Team Leader, Key Sites Assessments

Dear Ms Watson

SECTION 96(1A) MODIFICATION APPLICATION - SSD 6751 SANDSTONE PRECINCT

On behalf of Tristar Sandstone Pty Ltd, we hereby submit an application pursuant to section 96(1A) of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) to modify the Stage 1 development consent (SSD 6751) for the Sandstone Precinct (the **Stage 1 Development Consent**).

The modification relates to Condition B2 'Built Form and Design Quality', and more specifically the purpose and role of the Design Review Panel.

This application identifies the consent and describes the proposed modifications and is accompanied by:

- a copy of the Notice of Determination for SSD 6751 (**Attachment A**); and
- a copy of the Secretary's Environmental Assessment Report for SSD 6751 (**Attachment B**).

1.0 CONSENT PROPOSED TO BE MODIFIED

The Stage 1 Development Consent was granted by the Department of Planning and Environment on 25 August 2015 to a Stage 1 concept proposal for:

- adaptive reuse of the Sandstone Precinct 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 including under Loftus Street, Farrer Place and Gresham Street.

This consent has not been previously modified.

2.0 PROPOSED MODIFICATIONS TO CONSENT

This modification application seeks to amend Condition B2 of the Stage 1 Development Consent pertaining to the purpose and role of the Design Review Panel (refer to **Attachment A**). This condition presently requires the panel to be formed prior to, and to endorse, *any* future development application for the site.

It is proposed that this condition be amended (as shown below) to better reflect the intent of the panel as outlined in the Secretary's Environmental Assessment Report (**SEA Report**) for the site (refer to **Attachment B**). This amendment will align the consent with the requirements for design excellence in clause 6.21 of the *Sydney Local Environment Plan 2012* (SLEP) and the nature of the proposal as discussed further in **Section 5** of this report.

2.1 Modifications to Conditions

This proposed modification necessitates an amendment to Condition B2 as identified below. Words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in ***bold italics***.

B2. A Design Review Panel shall be established by the applicant prior to the lodgement of any Future Development Application ~~that seeks consent for development above the existing parapet of the Education Building~~. Prior to the establishment of the Design Review Panel the applicant shall prepare and submit the following for the Secretary's approval:

- a) a detailed brief for the Design Review Panel which clearly outlines:*
 - the project details including design objectives and requirements as outlined in the endorsed Conservation Management Plans and conditions of approval; and*
 - the purpose and role of the Design Review Panel which includes reviewing and providing input and feedback to the detailed design ***of the development above the existing parapet of the Education Building*** to ensure achievement of the design objectives and requirements.*
- b) the members selected for the Design Review Panel which shall comprise a minimum of three independent design advisors that have appropriate experience with adaptive re-use and heritage conservation projects, and also an understanding of the functionality and commerciality of tourism accommodation projects.*

The design of the development above the existing parapet of the Education Building ~~Any future Stage 2 Development Application proposal~~ shall be endorsed by the Design Review Panel.

3.0 SUBSTANTIALLY THE SAME DEVELOPMENT

Section 96(1A) of the EP&A Act states that a consent authority may modify a development consent if *"it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)"*.

The development, as proposed to be modified, is substantially the same development as that originally approved in that the modification is administrative in nature and does not result in any physical change to the development.

4.0 ENVIRONMENTAL ASSESSMENT

Section 96(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"*. The following assessment demonstrates that the proposed modification will have minimal environmental impact.

4.1 Application of the LEP Design Excellence Clause

The only component of the development that clearly triggers the application of clause 6.21 of the SLEP ('Design Excellence') is the proposed additional envelope above the Education Building. Clause 6.21(2) states:

*(2) This clause applies to development involving the erection of a new building or **external alterations to an existing building on land to which this Plan applies** (emphasis added).*

Without the additional envelope above the Education Building, a competitive design process would not have been required and therefore no alternative arrangements would have been made for the appointment of a Design Review Panel. Therefore, it is considered appropriate that the role and scope of the Design Review Panel be limited to the additional envelope above the Education Building.

4.2 Commitment to Design Excellence

The proposed modification to Condition B2 of the Stage 1 Development Consent will not undermine the project's commitment to achieving design excellence, rather it will better align the Stage 1 Development Consent with the original intent of the panel as addressed in the Stage 1 DA and the SEA Report (refer to **Attachment B**).

The original intent of the Design Review Panel was to evaluate and inform the proposed additional envelope above the Education Building. It is our understanding that it was never the intention for the panel to review all components of future Stage 2 DAs, which would be unreasonable and unnecessary given the nature of this development. This intent was made clear on page 21 of the SEA Report which states that *"the Department does however recommend that a design excellence process is carried out as part of the detailed Stage 2 design for the proposed additional envelope above the Education Building"* (emphasis added).

Further, it was concluded in the SEA Report (pg. 21) that a design excellence process for any internal works would be *"unreasonable and unnecessary given the high level of guidance provided by the endorsed CMP [Conservation Management Plan]"* and the relatively minor nature of these works.

In line with the conclusions of the SEA Report, the additional envelope above the Education Building is the only component of the proposal that reasonably requires the guidance of the Design Review Panel. It is the only proposed element that:

- is located above the established height of the existing buildings within the Sandstone Precinct;
- clearly increases the Gross Floor Area of the site;
- has the potential to noticeably alter the development when viewed from the public domain;
- has potential external environmental impacts on views from public spaces or impacts on adjoining buildings and the public domain; and
- will introduce a substantial new architectural form with the potential *"to deliver the highest standard of architectural, urban and landscape design"* (Cl. 6.21 of the SLEP).

Accordingly, the proposed amendment to Condition B2 is considered to be commensurate with the intended role of the Design Review Panel and the trigger for design excellence under the SLEP.

4.3 Environmental Impacts

The proposed modification is considered to be administrative in nature, and as such the environmental impacts of the Stage 1 DA remain unchanged.

5.0 CONCLUSION

The proposed modification to Condition B2 will align the Stage 1 Development Consent with the intent of the Design Review Panel as addressed in the Stage 1 DA and Secretary's Environmental Assessment Report and the trigger for design excellence under clause 6.21 of the SLEP.

It is emphasised that Pontiac Land Group remains committed to achieving design excellence for the Sandstone Precinct, and that the proposed modification will not impact the ability of the proposed development to achieve this.

Therefore, in accordance with section 96(1A) of the EP&A Act, the Department may modify the consent as:

- the proposed modification is of minimal environmental impact; and
- the development as modified would be substantially the same development as development for which consent was originally granted.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request. Should you have any queries about this matter, please do not hesitate to contact me on (02) 9956 6962 or ycarr@jbaurban.com.au.

Yours faithfully,



Yvette Carr
Principal Planner



Anna Nowland
Junior Urban Planner