



The Sandstone Precinct (SSD 6751 MOD 2 & SSD 7484) Response to Submissions



23-33 & 35-39 Bridge Street, Sydney

Tourist and Visitor Accommodation

Submitted to NSW Department of Planning & Environment
On Behalf of Tristar Sandstone Pty Ltd

April 2017 ■ 16009

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This report has been prepared and reviewed in accordance with that system. If the report is not signed below, it is a preliminary draft.

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13/04/2017

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1.0 Introduction

The Environmental Impact Assessment (EIS) to accompany an application to modify State Significant Development Application SSD 6751 (the Stage 1 modification) and the EIS to accompany the State Significant Development Application SSD 7484 (Stage 2) were exhibited concurrently from 17 November 2016 to 31 January 2017.

Submissions were received from 17 separate parties in response to the public exhibition of both applications. Whilst the two applications are to be considered separately and some parties provided separate submissions to each application, many of the submissions related to both. The breakdown of submissions received is set out in **Table 1**. At the request of the Department we have issued one consolidated response.

Table 1 – Submission breakdown

	SSD 6751 MOD 2	SSD 7484
Government agency/ authority	7	10
Public	1	9

The Department of Planning and Environment (the Department) has also prepared a letter that requests additional information.

The proponent, Tristar Sandstone Pty Ltd (Tristar) and its specialist consultant team has reviewed and considered all of the issues raised. This report, prepared by JBA on behalf of the proponent, sets out the responses to the issues in accordance with Clause 85A of the *Environmental Planning and Assessment Regulation 2000* (EP&A Reg) and provides details of any necessary amendments to SSD 6471 MOD 2 and SSD 7484 for which approval is sought. Any amendments to the applications are made by Tristar pursuant to Clause 55 of the EP&A Reg, including changes to address matters raised in the submissions.

1.1 Works Program

The conversion of the two Buildings is an extremely complex process requiring significant investigatory work to inform the detailed design. The general works program is targeting receipt of the development consents (i.e. Stage 1 modification and Stage 2) in July 2017. Following that, three contractors will be invited to submit a tender to enter into the Early Contractor Involvement phase (ECI).

During the ECI phase, the designers and architects will work hand in hand with the appointed contractor to develop the detailed design for all elements of the project. Throughout this phase, specialist contractor advice will also be obtained to assist in the development of the design. Investigatory works will also be undertaken within the Buildings to ensure the design responds to the built heritage conditions on site.

It is anticipated that the detailed design phase will be a 12 month process, as there are some elements that will not be able to be determined until both Buildings are vacated by the current tenants in July 2018, when construction is anticipated to commence.

It is expected that construction will run for 30 months with the project team targeting completion of the building by December 2020. It is proposed that staged construction certificates be obtained for five key development stages. The main intent of obtaining staged construction certificates is to enable a smooth construction process and minimise the extent of conditions that must be satisfied in order to commence works as soon as practicable following obtaining development consent.

To facilitate the staging of the construction process, it is proposed to stage the issue of Construction Certificates generally as follows:

- CC1 - demolition
- CC2 - excavation
- CC3 - structure
- CC4 - façade
- CC5 - services and finishes

2.0 Department of Planning & Environment Issues and Proponent's Response

The following section outlines the Department's concerns and requests and provides the proponent's response to each request.

2.1 Owners Consent

The Department notes that owners consent has not yet been provided by the City of Sydney for the part of the proposal underneath the public roadway (Loftus Street). Please provide this owner's consent.

Response

The proponent is in negotiation with the City of Sydney in regard to the agreement and lease of the subterranean space beneath Loftus Street, along with a Voluntary Planning Agreement (VPA). At this time a Draft VPA has been agreed with Council. A final VPA is being prepared for submission to the CSPC meeting in May 2017. The proponent will provide owners consent to the Department once the agreement is in place and it has been issued by the City of Sydney. Owners consent is managed through as part of the VPA.

2.2 Heritage Impacts

2.2.1 Provision of further information

Please provide the following:

- *detailed drawings for all new prominent elements, such as staircases and elevators throughout both buildings;*
- *further details regarding the proposed adaptation of the 'Strong Room';*
- *diagrams showing the method of reticulating new services throughout both buildings;*
- *details of proposed modifications to significant balustrades;*
- *details of interventions to heritage fabric in order to meet construction codes and assessment of heritage impacts;*
- *further details (architectural and structural engineering) of the proposed pool and spa and rooftop water villa in the Education Building;*
- *details of connection/ interfaces between the exceptionally significant roof structures and the replacement roof; and*
- *elevations showing proposed alterations to exceptionally significant roof structures on the Lands Building. In this regard, please provide further information on how significant alterations may be minimised and the new roof designed so it can be removed without significant damage to significant roof structures.*

Response

With respect to the third bullet point above, Wood & Grieve Engineers have prepared a Building Services Statement (**Appendix A**) that details the basic services arrangements for the development. The overall Services strategy is to ensure that the provision of plant on any roof area is minimised and that the upgrade of all services minimises the impacts upon the existing structure and existing heritage fabric.

It is acknowledged that all other details that are requested by the Department above (as also set out in the Heritage Council submission) are sought to enable a more detailed assessment of heritage impacts. However, as discussed in Section 1.1, the detailed design will commence in line with the ECI phase of the development. It is therefore too premature at this point in time for the details requested by the Department

to be provided within this report. In line with the Heritage Council's submission, we respectfully request that the provision of the detail that is requested be conditioned accordingly, and provided prior to the issue of the first Construction Certificate CC1 – demolition.

2.2.2 Schedule of Conservation Works

Provide a Schedule of Conservation Works for both buildings.

Response

The Schedule of Conservation Works for the interior of the Buildings is currently being prepared by GBA Heritage, and is expected to be included within the updated Conservation Management Plans that are to be submitted to the NSW Heritage Council by 1 May 2017. Once submitted to the NSW Heritage Council, the proponent will also issue the updated documents to the Department.

2.2.3 Moveable Heritage

Update the existing moveable heritage management plan and strategy into a Moveable Heritage Collections Management Plan prepared by an experienced heritage curator with knowledge of the site and particular experience in moveable heritage.

Response

The detailed Statement of Heritage Impact, prepared by GBA Heritage and included at Appendix F within the EIS recommended that the existing moveable heritage management strategies be updated and converted into Moveable Heritage Management Plans.

The Heritage Council's submission included a similar request, but sought that the Moveable Heritage Collections Management Plans be submitted to the Heritage Council or its delegate for approval prior to the issue of a construction certificate.

The owner of the Buildings and therefore the moveable heritage collection, Property NSW, has appointed Musecape to undertake a review of the Moveable Heritage within the Lands Building (refer **Appendix B**) to stock-take the moveable heritage items remaining in the Building against the 2013 inventory.

Once the Education Building is vacated in 2018, it is understood that Property NSW will appoint a suitably qualified and experienced moveable heritage curator to undertake a similar review of the moveable heritage collection within the Education Building.

It is considered too premature to provide Moveable Heritage Collections Management Plans prior to the determination of the Stage 2 development application. We therefore request that conditions of consent be applied to the development consent that state the following:

- The Lands Building Moveable Heritage Management Strategy prepared by Musecape, August 2013, should be updated into a Moveable Heritage Collections Management Plan by an experienced moveable heritage curator with a working knowledge of the site. The report should provide detailed recommendations, storage, security, and identify the location and management of all moveable heritage within the building. The Lands Building Moveable Heritage Collections Management Plan should be submitted to the Heritage Council or its delegate for approval prior to issue of Construction Certificate CC1 – Demolition.

- The Moveable Heritage Review of the Former Department of Education Building, 35 Bridge Street, Sydney, prepared by Musescape, June 2016, should be updated into a Moveable Heritage Collections Management Plan by an experienced moveable heritage curator with a working knowledge of the site. The report should provide detailed recommendations, storage, security, and identify the location and management of all moveable heritage within the building. The Education Building Moveable Heritage Collections Management Plan should be submitted to the Heritage Council or its delegate for approval prior to issue of Construction Certificate CC1 – Demolition.

2.2.4 Tenancy Fitout Guidelines

Provide Tenancy Fitout Guidelines for retail/ hospitality tenancies, including an internal signage strategy.

Response

The exact function and mix of the retail/ hospitality tenancies within the proposed development is still to be decided. Furthermore, the fitout of the retail/ hospitality tenancies are not sought as part of the Stage 2 development application and will be the subject of separate approvals.

The project team have included provision within the works programme to prepare the fitout guidelines and internal signage strategy prior to the issue of the first Construction Certificate, CC3 – structure.

It is therefore requested that a condition of consent is included within the Stage 2 development consent accordingly.

2.3 Design Review Panel

Please provide a justification for how the application has responded to the recommendations of the Design Review Panel.

Response

As set out within Section 5.5 of the EIS, the format of the Design Review Panel meetings were a fluid and two-way process that involved highly detailed and comprehensive presentations of the proposed designs for the Lands Building, Education Building and Farrer Place being made by MAKE. In response the Design Review Panel members asked questions, discussed key elements and suggested alternative treatments to certain elements of the design. The comments and suggestions made by the Design Review Panel members were then reviewed and considered in the evolution of the detailed design. The meeting minutes were included in at Appendix P of the EIS.

Appendix C includes a schedule of the recommendations contained in Advice Notes 1-4 and identifies how the design has responded.

2.4 Farrer Place Drop Off and Re-Use of Underground Chamber as Electricity Substation

The Department notes these will be subject of a separate development application. However, please outline how the proposal would function (and if required, where replacement facilities would be located) in the event that development consent is not granted for these works.

Response

Section 1.2.2 within the EIS notes that at the project inception, it was envisaged that works to upgrade Farrer Place and the pavements on Young Street, Gresham Street, Loftus Street and Bridge Street along with the provision of a new vehicular drop off on Bent Street would be included within the Stage 2 development application and the SEARs were requested and issued with the inclusion of those particular elements.

Following considerable discussion and at the request of the City of Sydney Council (Council), the applicant decided to extract the public domain and Farrer Place works from the Stage 2 development application and instead seek development consent via a local development application to Council.

Accordingly, the Farrer Place drop-off and the excavation of Farrer Place for a new subterranean Ausgrid substation is part of the development application D/2016/1641 which is currently being assessed by the City of Sydney Council. It is noted that Council has issued a support letter for the re-use of the existing substation chamber in Farrer Place (**Appendix D**). Following discussions with Ausgrid, approval for the use of the substation has been received by the applicant subject to the finalising legal details with Council and Ausgrid.

The drop-off zone and the excavation of Farrer Place for the sub-station are integral elements of the design and operation of the proposed hotel development, the subject of the Stage 2 development application. In the event that development consent is not granted for these works by Council, then an application to amend the Stage 2 development application to seek approval for those particular works in the locations that are currently proposed would be made to the Minister. Given the significant heritage nature of the Buildings, there simply is no suitable area within the parameters of the Buildings to house the substation without significantly impacting upon the heritage fabric and high quality design.

Notwithstanding this, given the considerable liaison and consultation with the Council and its Design Review Panel in relation to the location of the drop-off zone and the Farrer Place design (refer to **Appendix D**), we are confident that Council will issue development consent for the works proposed.

2.5 Illumination

Please provide detailed lighting designs certified by a practicing lighting consultant, including its lighting levels, and an assessment of the illumination impacts on any nearby sensitive receivers.

Response

Point of View has been appointed by Tristar as the lighting designer for the project. For the preparation of the EIS, Point of View prepared a Lighting Design strategy that was appended to the Design Report included at Appendix B. The Lighting Design strategy document sets out the key guiding parameters, strategy and the concept design approach that will be utilised to form the detailed lighting designs for the entire project.

In discussion with Council it was agreed that the lighting strategy could only be prepared following on-site testing and mock ups. A consolidated approach will be formulated with respect to the context of the building and the Farrer Place works.

Accordingly, the detailed lighting design for the project cannot be finalised at this present time. The proposed methodology for finalising the detailed lighting design is explained within the Lighting Design Methodology statement included at **Appendix E**.

2.6 Signage

Please provide detailed plans of proposed external signage zones and a signage strategy including signage locations, dimensions, materials and colours.

Response

Details of the proposed signage zones are provided in the Signage plans prepared by MAKE at **Appendix F**. Whilst the signage plans show all the external signage zones (for context and information purposes) it is noted that the Stage 2 development application only seeks approval for the signage zones that are fixed to the buildings. All other signage shown on the signage plans are in the public domain and would need approval from Council as part of a separate DA.

The Stage 2 development application seeks approval for three signage zones at Bent Street, Loftus Street and Bridge Street that will utilise existing fixings and will match the size, shape and materiality of existing corresponding building signage to display the name of the hotel brand. It is requested that details of the proposed signage be submitted for approval to the Department and not require a further separate DA. The general strategy for signage at the hotel is as follows:

- Lands Building – signs adjacent to each entrance, utilising space formerly occupied by signage but currently vacant. These would be affixed to the building.
- Education Building – free standing signage adjacent to the street entrances is proposed in the public domain.
- Any additional signage would require the appropriate approvals/ DA application.

2.7 Solar Reflectivity

2.7.1 Solar reflectivity demonstration

The Solar Reflectivity Assessment recommends an exterior reflectance coefficient of less than 20% and the use of low-lustre, matte finished surfaces. Please demonstrate how these recommendations have been incorporated into the design, including through the use of diagrams.

Response

It is standard practice to request, within a condition of consent, a report to be submitted to the satisfaction of the Certifying Authority prior to the issue of a construction certificate that demonstrates that the light reflectivity from any building material used on the façade of a building to not exceed 20% and to be designed so as not to result in glare that causes any nuisance or interference to any person or place. Council's standard condition is as follows:

(184) REFLECTIVITY

The Certifying Authority must ensure that the visible light reflectivity from building materials used on the facade of the building does not exceed 20% prior to issue of the Construction Certificate.

The contractor will be critical in the selection of the final façade material following significant testing of materials before the final material is selected. The materials for the construction of the development will be finalised prior to submitting the application for Construction Certificate CC4 - façade. It is respectfully requested that a condition be included within the Stage 2 development consent to this effect.

2.7.2 Glare impacts

Please assess glare impacts on occupants of upper levels of surrounding buildings.

Response

As noted above, it is standard practice to request, within a condition of consent, that certification be provided to demonstrate that building materials used do not result in glare that causes any nuisance or interference to any person or place.

The contractor will be critical in the selection of the final façade material following significant testing of materials before the final material is selected. The materials for the construction of the development will be finalised prior to submitting the application for Construction Certificate CC4 - façade. It is respectfully requested that a condition be included within the Stage 2 development consent to this effect.

2.8 Use of bar and restaurant facilities

Please confirm whether the fit-out and use of bar and restaurant facilities is the subject of this application or of separate development applications.

Response

The fit out and use of the bar and restaurant facilities will be subject of separate development applications.

2.9 Construction noise

Please provide construction noise estimates for the proposal, assess this noise level against Interim Noise Guidelines criteria and outline potential mitigation measures, if necessary.

Response

As discussed in Section 1.1 and set out within Section 5.12.1 of the Stage 2 EIS, the construction program along with the full extent of works will not be established until a contractor has been appointed and the detailed design determined.

The Noise and Vibration assessment, prepared by Wood and Grieve Engineers that was included within the EIS at Appendix T, has established the relevant construction noise criteria for the project in accordance with the *NSW EPA Interim Construction Noise Guideline*. As is standard practice, a Construction Noise and Vibration Management Plan will be developed by the appointed contractor and submitted to the Secretary for approval prior to Construction Certificate CC1 – demolition.

We therefore respectfully request that a condition of consent similar to the suggested wording set out below is included within the Stage 2 development consent.

Suggested wording:

- a) *Prior to the issue of Construction Certificate C1 – Demolition, a Construction Environmental Management Plan (CEMP) shall be submitted to the Certifying Authority. The CEMP shall address, but not limited to, the following matters, where relevant:*
 - i. *hours of work;*
 - ii. *24 hour contact details of site manager;*
 - iii. *Traffic management, in consultation with City of Sydney Council and TfNSW;*
 - iv. *Construction noise and vibration through the preparation of a Construction Noise and Vibration Management Plan (CNVMP), prepared by a suitably qualified person, which addresses the relevant provisions of AS 2436-2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites, and the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009);*
 - v. *management of dust to protect the amenity of the neighbourhood;*
 - vi. *erosion and sediment control;*

- vii. procedures for encountering groundwater during construction works including contract with NSW Department of Primary Industries – Water;*
 - viii. measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site;*
 - ix. segregation and management of contaminated materials and spoil stockpiles; and*
 - x. external lighting in compliance with AS 4282: 1997 Control of Obtrusive Effects of Outdoor Lighting;*
- b) The CEMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.*
- c) The Applicant shall submit a copy of the CEMP to the Secretary prior to commencement of work.*

3.0 City of Sydney Issues and Proponent's Response

The City of Sydney Council (Council) provided separate submissions for the Stage 1 modification application and the Stage 2 development application. The Project Team has had a number of meetings with the Council in relation to the issues raised within the submissions and our response.

3.1 SSD 6751 MOD2

3.1.1 Heritage

The submission provides comments and seeks further information to be included within the Conservation Management Plans for the Buildings. The proponent has considered the comments and is in the process of updating the CMPs in line with the comments received from the Heritage Council. Notwithstanding this, proponent responses to the individual matters are set out below.

Conservation Management Plan

Issue

The physical analysis in relation to the perimeter roofs proposed to be demolished is insufficient. Photographs of the iron roof trusses and the roof spaces proposed to be demolished should be provided in the CMP, along with a condition analysis.

Response

It is noted that the modification application does not propose any physical works and purely seeks consent for the concept of introducing a building envelope to the roof of the Lands Building. Notwithstanding this, GBA Heritage has updated the draft Conservation Management Plan for the Lands Building to describe the northern and southern ancillary roofs in more detail; once completed it will be submitted to the Heritage Council for endorsement.

Issue

The roof level significance diagram below (CMP Figure 4.15) does not provide a grading of significance for the roofs proposed to be removed. The roof structure, roof form, railings and roof coverings should be assessed under the NSW Heritage Council Criteria and a grading of significance included in the CMP.

Response

GBA Heritage has amended the roof level significance diagrams within the CMP. In addition, the significance of the ancillary roof forms and individual components have now been addressed in a grading hierarchy which is also included within the CMP.

Issue

As there is no grading of significance for the perimeter roofs, it is not possible to determine the applicable policies under the heading "Treatment of fabric of different grades of significance" on pages 132 to 133 of the CMP.

Response

As noted above, a grading hierarchy has now been included within the CMP.

Issue

The Heritage Impact Statement (SoHI) does not adequately address the SEARS in so far that it does not explain what measures are proposed to mitigate the negative impacts of the proposed roof envelope and inherent demolition.

Response

The modification application only seeks to establish a building envelope on the roof of the Lands Buildings and does not propose any physical works. It is therefore considered that there are no negative impacts associated with the introduction of the envelope. The physical works are proposed within the Stage 2 development application and as a result the Heritage Impact Statement that is appended to the Stage 2 development application explains the extent of the impact and mitigation measures as follows:

“the proposed removal of the modified ancillary roofs will have an impact to the extent that the internal iron roof structure and timber lining boards will be removed. However, given the quality of the replacement roof and pergola and the broader meritorious outcomes of increased amenity and aesthetic resolution, it is considered that it will have a positive heritage impact.

To mitigate the adverse heritage impact, the existing ancillary roofs should be subject of an archival recording. Consideration should also be given to reusing or storing representative examples of elements of the iron trusses and all the cast iron roof cresting”.

Issue

There is conflicting information between the Statement of Environmental Effects (SEE) and S of HI. The SEE indicates the roof structure is in poor condition, however, page 12 of the S of HI states the ‘internal iron roof structure and Douglas Fir timber lining of the existing ancillary roofs is largely intact with the exception of the area in the south west corner that was burnt in 1984. In this location the timber lining boards have been replaced. The cast iron roof cresting on the traffic cable roofs is intact’. The structural report does not describe any issues with the existing roof structure proposed to be demolished, and does not outline any defects with the iron trusses.

Response

Noted. GBA Heritage have confirmed that the iron trusses appear to be in good condition although the Douglas Fir lining boards exhibit evidence of decay in some places due to water ingress.

Issue

The S of HI does not assess the impact of the demolition of the perimeter roofs (inherent in the proposed roof envelop) on the significance of the building. It justifies the demolition on the grounds that they are ‘aesthetically disappointing’. This is not a heritage argument. Neither the CMP nor the S of HI provide an assessment of significance of the perimeter roofs under the NSW Heritage Council Assessment Criteria. Such substantive demolition of a building of State and potentially National significance should not be approved without such an assessment.

Response

GBA Heritage has considered Councils comment and has provided the following response:

“The comment that the ancillary roofs are “aesthetically disappointing” refers to the fact that the sloping components, now clad in copper with numerous air conditioning vents, were originally clad in slate and that plant and catwalks obstruct views of the exceptionally significant roof structures. Internally the roof space accommodates substantial air conditioning plant.

The CMP has been updated to describe the northern and southern ancillary roofs in more detail and the roof level significance diagrams have also been amended.

The significance of the ancillary roof forms and individual components have now been addressed in a grading hierarchy included within the CMP.’

3.1.2 Architectural Drawings

Issue

The RLs of the ridge of the existing original roofs proposed to be demolished are not included on any plans, elevations or section. The height of the handrail has been included but this is a highly transparent element so that it does not provide a valid comparison with the height of the proposed envelope. The City has relied upon scaling to estimate that the proposed roof envelope is 1.8 to 2 metres higher than the ridge of the original roof.

Response

An amended architectural drawing package for the Stage 1 modification application is included at **Appendix G**. The amended architectural drawing package includes additional annotations on the plans.

Issue

There is an insufficient number of sections through the building to understand the inter-relationship of the proposed roof envelope with the existing roof features to be retained. Further, there is no information in the Stage 2 drawings to enable an assessment of the internal heights in the proposed new roofs. Therefore, it is difficult to assess whether the proposed height of the envelope is necessary or whether it could be lowered.

Response

The applicant has met with Council who was advised of the additional sections and detail drawings submitted with the Stage 2 development application. It transpired that the Department of Planning had not forwarded these to Council for review. Both digital and hard copies of all drawings and the associated design report were issued to Council who confirmed that no further drawings were required.

3.1.3 Building Services Report

Issue

- *There is no information on the height of the proposed exhaust from the rooftop kitchen and whether this projects vertically above the proposed envelope.*
- *The Building Services report does not verify that no further vertical projections for plant will be required other than for the Lift to RL 38.70.*

Response

Wood & Grieve Engineers have prepared a Building Services Statement that is included at **Appendix A**. As shown on the Services Sketch, the exhaust systems will not penetrate beyond the proposed Lands Roof building envelope.

3.1.4 Structural Report

Issue

The Structural report does not provide any detail on the proposed new steel framed lightweight floor system except that it will comprise steel beams and steel floor joists to be constructed above the existing steel and brick arch ceiling of level 2, and that this new steel floor system will also support the loads imposed by the new steel roof. Such as major alteration to the building should only be assessed with adequate level of structural detail, showing the depth of structure required and details such as perimeter drainage.

Response

A Structural Statement has been prepared by TTW and is included at **Appendix H**.

3.1.5 View Analysis

The view point from Macquarie Place is conveniently covered by trees, whereas there are alternate view points in the park without a tree canopy obscuring the building.

Response

The view from Macquarie Place has been updated to demonstrate the extent of the proposed additions from this view point (refer to **Appendix I**).

3.1.6 Lands Building

Issue

From views in Bent Street and Farrer Place, the proposal will obscure views of the octagonal base of the central dome and the southern mansard roof of the eastern tempietti dome, and reduce the visual prominence of the southern clock tower.

Concern is raised that the proposed envelope comprises rectangular cubic forms that are greater in bulk than the proposed Stage 2 design. The Stage 1 cubic forms have a brutal juxtaposition with the curved forms of the rooftop towers and domes whereas the Stage 2 design provides a more sympathetic juxtaposition that carefully visually separates the original and the proposed forms. The Stage 1 cubic forms also potentially permit substantive service projections for which further modifications to the original consent should be required. It is therefore suggested that the Stage 1 envelope should be aligned to the Stage 2 design, closely reflecting both the form of the Stage 2 design as well as the level of transparency, such as the northeast terrace.

Notwithstanding the above concerns the City is supportive of a means of providing habitable spaces in a series of contemporary roof forms that link the significant rooftop structures and invigorate these structures for use as hotel function spaces, provided that the hierarchy of the roof scape is maintained and the perimeter roofs remain visually subservient.

Response

As noted in the Design Review Panel Report and Minutes, the Design Review Panel, which includes eminent architects Peter Mould, Brian Zulaikha and Kerry Clare, have confirmed that, in their opinion, the proposal is acceptable from an architectural, heritage and functionality perspective. Design development has been guided by the iterative process with the Design Review Panel. Bruce Pettman, Principal Heritage Architect Government Architect's Office, in his role as a member of the NSW Heritage Council's approvals subcommittee, has observed and contributed to several of the Design Review Panel meetings and presentations.

The Stage 2 (SSD 7484) NSW Heritage Council advice of 31 January 2017 notes that:

"The Heritage Council has had the opportunity to provide input during various stages throughout the design development of this SSD and is impressed by the care that has gone into the detailed design of the buildings. The Heritage Council looks forward to a new world-class building for Sydney.

The Stage 2 detailed design of the Lands and Education Building adaptive reuse project effectively demonstrates appreciation of the history of these two state significant buildings, with sensitive and innovative modifications that are clearly guided by a detailed understanding of the building fabric."

In particular the proposed replacement roofs and pergola have been designed to allow Level 3 and above to be accessible and habitable - opening up largely inaccessible domes and tower spaces.

The new metal framed glazed and recessively coloured metal clad roof structure and metal pergola structure will allow intimate views to the exceptionally significant historic major roof features of the northern dome, eastern and western tempietti mansard structures, central Strong Room dome and the southern clock tower.

The proposed replacement roofs and pergola have been designed to protect the primacy of the major roof features and to be unobtrusive, when viewed from the public domain.

The views of the ancillary roofs from the surrounding high rise buildings are currently aesthetically disappointing and plant and catwalks obstruct views of the exceptionally significant roof structures. The proposed new roofs and pergola will improve views of the building when seen from above. This is pertinent because it is noted that the Lands Building is located within an area designated by the City of Sydney as a tower cluster zone.

The new roofs will be visible in some views when seen from the eastern end of Bent Street. These roofs, seen from the public domain, will be clad in recessively coloured metal to interpret their original dark recessive appearance.

The new roofs will also be visible in some views from the western end of Bridge Street. These roofs will be clad in glass and have been inspired by the original roofing material of the eastern and western tempietti mansard structures.

The proposed roofs and pergola will not have an adverse impact on views of the Lands Building, and the contribution the building makes to the surrounding locale, while providing considerable additional amenity.

The CGI views of the proposed changes to the roofscape from various ground level, public domain viewpoints within nearby streetscapes provides the necessary visual evidence of this outcome.

3.1.7 Education Building

Issue

The height increase to the Education Building Envelope is marginal and unlikely to cause any noticeable difference to the appearance of the proposed addition in terms of its composition, architectural style, form and features. The scale relationship with the base building which was established by the original approval will be also unaffected.

Response

Noted.

3.1.8 Condition B3 - Internal Works

Issue

Given the potential National heritage listing of the Lands and Education Building, the proposal to diminish the requirements of Condition B3 is not supported. Consultation with the NSW Heritage Council is imperative in ensuring any necessary upgrades are undertaken in a manner that minimises impacts to significant heritage fabric.

Response

Whilst we acknowledge Council's concerns, given the level of detail that is necessary to demonstrate upgrades are undertaken in a manner that minimises impacts to significant heritage fabric, there simply is not enough time for this considerable level of work to be done prior to receiving development consent. However the proponent would be happy to amend the wording of Condition B3 to the following:

'Detailed guidelines for necessary upgrades to comply with the national Construction Code shall be developed in consultation with the NSW Heritage Council prior to the issue of Construction Certificate CC3 – Structure.'

3.1.9 Condition B4 – Heritage and Archaeology

Issue

The proposed wording of Condition B4 technically absolves the proponent from complying with the updated CMP at Stage 2 or obtaining endorsement for the CMP from the NSW Heritage Council and City of Sydney. In this regard, the extent of amendments supported by the City is as follows:

The future Stage 2 development applications for the Department of Education and Lands Building are to be accompanied by updated Conservation Management Plans for the Department of Education Building and the Lands Building that have been principally prepared to guide the adaptive reuse of the buildings. These updated Conservation Management Plans are to be endorsed by the NSW Heritage Council, or delegate, and by the City of Sydney prior to any approval of the Stage 2 consent for these buildings.

Response

The proponent has taken on board Council's suggested wording and proposes the following wording in response:

The future Stage 2 development applications for the Department of Education and Lands Building are to be accompanied by updated Conservation Management Plans for the Department of Education Building and the Lands Building that have been principally prepared to guide the adaptive reuse of the buildings. These updated Conservation Management Plans are to be endorsed by the NSW Heritage Council, or delegate, prior to any approval of the Stage 2 development application for these buildings.

The reasoning behind the removal of the requirement for the Council to endorse the CMPs is that they do not have endorsement powers.

3.1.10 Condition B14 – Traffic and Transport

Issue

The EIS provides an inadequate justification as to why the site cannot achieve compliance with Section 3.11.3 of the DCP and how the proponent arrived at a maximum provision of 60 bicycle spaces. The City has undertaken a preliminary calculation consistent with the requirements of the DCP, which indicates a further 42 spaces are necessary to adequately service the site.

In order to accurately determine bicycle parking and EOTF requirements, further information should be provided detailing the distribution of GFA across the various land uses and clarification as to whether the estimated staff numbers are inclusive of the retail, hotel and ballroom areas.

Notwithstanding the above request, Council objects to the modification of Condition B14 as it cannot endorse the provision of a sub-standard bicycle facility that fails to adhere to Council's DCP requirements and Australian Standards.

Response

As stated in the Modification Application letter prepared by JBA, the EP&A Act mandates that a flexible approach to DCP matters should be adopted where alternative solutions can achieve the object of the standards. In this instance the relevant objective is

“ensure bicycle parking is considered in all development and provided in appropriately scaled developments with facilities such as change rooms, showers and secure areas for bike parking”.

Based on our calculations of 180 staff (at any one time) and 253 hotel rooms, we estimate that the total requirement is 58 spaces. However if we are to include provision for the high end retail, which equates to 1197m², an additional 16 is notionally required. That would provide a numerical requirement for 74 bicycle spaces.

The current proposal shows 60 spaces. The applicant will investigate the proposed bicycle parking layout to ascertain whether there is the possibility given the significant heritage nature of the Building to add in the extra 14 spaces, however it is considered that 60 bicycle spaces is sufficient to accommodate the bicycle parking demand for the project. Further, the currently proposed bicycle area will also be checked against the relevant Australian Standard requirements for compliance.

In terms of end of trip facilities, whilst there are no specific facilities set out in close proximity to the bicycle parking, it is envisioned that the staff facilities will include lockers and changing rooms, and hotel guests will have shower facilities within their rooms. It is therefore not considered necessary to provide additional specific bicycle parking end of trip facilities.

3.2 SSD 7484

3.2.1 Subterranean Tunnel – Landowners Consent

Issue

The applicant does not have land owners consent required from the City of Sydney to make a development application in accordance with Clause 50 of the Environmental Planning and Assessment Regulation 2000 for the part of the development which is located on Council land.

Response

As noted in Section 2.1, the proponent is in negotiation with Council in regard to the agreement of the subterranean space beneath Loftus Street along with a number of other items that will be included within a VPA. The terms of the draft VPA have been agreed and a final VPA is currently being drafted and targeted for the May CSPC meeting. The proponent will provide owners consent to the Department prior to determination of the Stage 2 development application. Owners consent is dealt with as part of the VPA.

3.2.2 Agreement with the City in regard to the Subterranean Tunnel

Issue

Despite Condition B8 within the Stage 2 Concept SSD 6751, which requires future development applications that involve the development on any subterranean space within the public or road reserve to include an agreement with the owner prior to determination, the applicant has not entered into an agreement with the City of Sydney for the development of the land.

Response

As noted above, the proponent is in negotiation with Council in regard to the agreement to lease the subterranean space beneath Loftus Street. We are confident that the agreement will be in place and a copy can be provided to the Department prior to the determination of the Stage 2 development application.

3.2.3 Planning Pathway

Issue

The City maintains its position that ‘any future use of subterranean space beneath the public domain of Loftus Street, Gresham Street and Farrer Place is not State significant as it is outside the property boundaries of the Lands and Education Building’. It is at variance with the Department’s view to date that ‘the future proposed subterranean space...is directly related to the use of the building for tourist accommodation and therefore it is also deemed to be SSD’, as stated within the Secretary’s Environmental Assessment Report for the Stage 1 Concept SSD.

Response

We note the Department’s view on this matter and agree with the Department.

3.2.4 Heritage

The submission considers that the application provides an insufficient amount of information to adequately assess the heritage impacts to the sites and provides comments in relation to specific elements. Each of the elements set out in the submission are set out below and are followed by the proponent’s response.

Conservation Management Plan

Issue

The physical survey and analysis of components and spaces is insufficient to fully assess the application or to inform a future schedule of conservation works.

The CMPs should include a full physical survey and analysis of all significant spaces and their components. It is suggested that this survey and analysis be compiled into a table format with thumbnail images of each space. A more complex survey to accompany a schedule of conservation works, should be compiled in the form of an inventory sheet for each space. Such an inventory would include a photograph of each surface i.e. floor, ceiling, walls and provide analytic detail (description, date of origin, condition, and grading of significance) of significant components of each space such as joinery, plasterwork, flooring, and fixtures and fittings. The physical analysis should include key plans, sections and elevations of the building and notate key spaces within the actual report rather than just as an appendix.

Response

The CMPs that were prepared and included within the Stage 2 development application are revisions of the CMPs previously endorsed by the NSW Heritage Council in May 2015. GBA Heritage are currently finalising updated versions of the CMPs in response to the NSW Heritage Council’s comments and will include grading hierarchies and illustrated Schedules of Conservation Work which will describe the internal physical fabric and provide an analysis of the significance, condition and integrity of individual fabric elements and recommend appropriate conservation strategies.

GBA Heritage has worked closely with the Heritage Division, Office of Environment and Heritage, to make amendments to the CMPs to get them to a point where they can be submitted by 1 May for potential endorsement at the June meeting of the NSW Heritage Council.

Issue

Historical analysis: Diagrammatic plans sections and elevations that represent the historical analysis of the buildings should be included, so that the origin of parts of the building are clearly represented.

Response

The CMPs are currently being updated to include diagrammatic plans representing the evolution of the buildings.

Issue

The gradings of significance of spaces and components (from the 2015 CMPs) are overly simplified, and are not clearly represented. These should be re-appraised, and clearly represented diagrammatically on floor and roof plans, sections and elevations, and key spaces notated. These diagrams should be supported by more detailed written grading schedules that itemises important components. The city disputes some of the evaluation gradings.

Response

As noted above, GBA Heritage has reviewed the grading diagrams and included grading hierarchies within the updated CMPs. In addition the Schedules of Conservation Work that describe the interior physical fabric and provide an analysis of the significance, condition and integrity of individual fabric elements will also be included within the updated CMPs.

Issue

The policies need to be developed further and provide guidance for conservation works. Further, be based upon the amended gradings of significance of spaces and components once developed in more detail.

Response

GBA Heritage has worked closely with the Heritage Division, Office of Environment and Heritage, and are currently finalising the updated CMPs with a view to submitting them to the NSW Heritage Council by 1 May for endorsement at their June meeting.

Issue

All building levels nominated in the CMPs should equate to the architectural drawings to avoid the current confusion.

Response

The revised CMPs, which will include the Schedules of Conservation Works are updates of the NSW Heritage Council endorsed reports prepared in May 2015. For this reason the level designation utilised in the revised CMPs continues the system used in the previous endorsed CMPs. The Schedules of Conservation Works will utilise the level identification system employed in the current Stage 2 development application documentation prepared by MAKE in association with Ridley. To ensure that there is no confusion, moving forward, a table has been included within the CMPs that identify the corresponding levels in both systems.

3.2.5 Architectural Drawings

Issue

The RLs of the ridge of the existing original roofs proposed to be demolished are not included on any plans, elevations or sections.

Response

An amended architectural drawing package for the Stage 1 modification application is included at **Appendix G**. The amended architectural drawing package includes additional annotations on the plans.

Issue

There is an insufficient number of sections through the building to understanding the inter-relationship of the proposed roof envelope with the existing roof features to be retained. Further there is no information in the Stage 2 drawings to enable an assessment of the internal heights in the proposed new roofs. Therefore, it is difficult to assess whether the proposed height of the envelope is necessary or whether it could be lowered.

Response

The applicant has met with Council who was advised of the additional sections and detail drawings submitted with the Stage 2 development application. It transpired that the Council had not received the full set of plans when asked for comments, however both digital and hard copies of all drawings and the associated design report were issued to Council who confirmed that no further drawings were required.

3.2.6 Building Services Report**Issue**

- *There is no information on the height of the proposed exhaust from the rooftop kitchen and whether this projects vertically above the proposed envelope*
- *The Building Services report does not verify that no further vertical projections for plant will be required other than for the Lift to RL 38.70.*

Response

As noted in Section 3.1.3 Wood & Grieve Engineers have prepared a Building Services Statement that is included at **Appendix A**. As shown on the Services Sketch, the exhaust systems will not penetrate beyond the proposed Lands Roof building envelope.

3.2.7 Structural Report**Issue**

- *The NSW Heritage Council requested conditions requiring the proposed additional building envelope (Education) to be carefully designed and visually subservient, whilst maintaining the legibility of the existing light well as a central element with clear views to the sky.*
- *The Department is of the view that the precise setback (4m requested by Council) should be resolved at the detailed design stage having regard to the visual quality of the building and its relationship to the existing heritage fabric.*

Response

The proposed new Education Building roof structure generally complies with the approved massing and setbacks approved within the Stage 1 envelope and provides a highly articulated and contemporary, but subservient structure that utilises finer grained and lightweight materials to contrast with the sandstone base of the original Building. The proposal maintains the legibility of the light well component, which has been retained and celebrated in the proposed design.

3.2.8 Design of fire safety, building services, structural and acoustic upgrades**Issue**

Further detail is required to the fire, building services and structural concept designs including detail of proposed mechanical air conditioning systems. The City acknowledges that the Lands Building project entails substantive ongoing investigation and design resolution and requests future ongoing consultation on the resolution of all details

Response

Whilst we acknowledge Council's concerns, given the level of detail that is necessary to demonstrate upgrades are undertaken in a manner that minimises impacts to significant heritage fabric, there simply is not enough time for this considerable level of work to be done prior to receiving development consent. To address this, an amendment to the wording of Condition B3 of SSD 6751 has been requested to ensure that detailed design guidelines be developed for necessary upgrades comply with the national construction code, in consultation with the NSW Heritage Council (refer to Section 3.1.8 of this report).

3.2.9 Lands Building Heritage Impacts

Issue

Insufficient analysis and heritage assessment has been provided to assess the heritage impacts of the proposed demolition. The Statement of Heritage Impact (S o HI) does not assess the impact of the demolition of the perimeter roofs (inherent in the proposed roof envelope) on the significance of the building. It justifies demolition on the basis that perimeter roofs are 'aesthetically disappointing'. Neither the CMP nor the S of HI provide an assessment of significance of the perimeter roofs (roof structure, form and cladding) under the NSW Heritage Council Assessment Criteria. Such substantive demolition of a building of State (and potentially, National significance), should not be approved without such an assessment.

Response

GBA Heritage has considered Councils comment and has provided the following response:

'The comment that the ancillary roofs are "aesthetically disappointing" refers to the fact that the sloping components, now clad in copper with numerous air conditioning vents, were originally clad in slate and that plant and catwalks obstruct views of the exceptionally significant roof structures. Internally the roof space accommodates substantial air conditioning plant.

The CMP has been updated to describe the northern and southern ancillary roofs in more detail and the roof level significance diagrams have also been amended.

The significance of the ancillary roof forms and individual components have now been addressed in a grading hierarchy included within the CMP.'

Issue

From views to the building in Bent Street and Farrer Place, the proposed 'gridshell' roof structure will obscure views of the octagonal base of the central dome and the southern mansard roof of the eastern tempietti dome, and reduce the visual prominence of the southern clock tower. The original perimeter roofs of the Lands Building were intentionally designed to be subsidiary in their nature and their scale so as to afford visual prominence and primacy to the major roof features and to the facades, part of a carefully choreographed hierarchy of forms that express the hierarchy of historic functions within the building. Further, the proposed roof structure will require abutments flashings to be chased into the exceptionally significant stonework of the clock tower. Whilst the architect's intention to provide a visual link between the two buildings through the use of stainless steel rooftop structures is acknowledged, it is recommended that the proposed roofs in the south eastern corner of the building require further consideration to ameliorate adverse impacts on views to the building from the public domain of Bent Street and Farrer Place and enhance significant views to the Lands Department consistent with the SDCP 2012 objectives for the Farrer Place Special Character Area. More consideration should be given to retaining the original roofs in the southern half of the building.

Response

The proposed replacement roofs and pergola have been designed to allow Level 3 and above to be accessible and habitable - opening up largely inaccessible domes and tower spaces. The new metal framed glazed and recessively coloured metal clad roof structure and metal pergola structure will allow intimate views to the 'Exceptionally' significant historic major roof features of the northern dome, eastern and western tempietti mansard structures, central Strong Room dome and the southern clock tower.

The proposed replacement roofs and pergola have been designed to protect the primacy of the major roof features and to be unobtrusive, when viewed from the public domain.

The views of the ancillary roofs from the surrounding high rise buildings are currently aesthetically disappointing and plant and catwalks obstruct views of the exceptionally significant roof structures. The proposed new roofs and pergola will improve views of

the building when seen from above. This is pertinent because it is noted that the Lands Building is located within an area designated by the City of Sydney as a tower cluster zone.

The new roofs will be visible in some views when seen from the eastern end of Bent Street. These roofs, seen from the public domain, will be clad in recessively coloured metal to interpret their original dark recessive appearance.

The new roofs will also be visible in some views from the western end of Bridge Street. These roofs will be clad in glass and have been inspired by the original roofing material of the eastern and western tempietti mansard structures.

The proposed roofs and pergola will not have an adverse impact on views of the Lands Building, and the contribution the building makes to the surrounding locale, while providing considerable additional amenity.

The CGI views of the proposed changes to the roofscape from various ground level, public domain viewpoints within nearby streetscapes provides the necessary visual evidence of this outcome.

Issue

There are insufficient RLs and sections through the building to understand the inter-relationship of the proposed roof envelope with the existing roof features to be retained or to enable an assessment of the internal heights in the proposed new roofs. These heights and interfaces need to be understood in order to undertake a full assessment.

Response

An amended architectural drawing package for the Stage 1 modification application is included at **Appendix F**. The amended architectural drawing package includes additional annotations on the plans.

Issue

Reflectivity: Further analysis of the reflectivity of the 'diagrid' shell roof is required including the impact from higher levels within surrounding buildings.

Response

As noted in Section 2.7.1, it is standard practice to request, within a condition of consent, a report to be submitted to the satisfaction of the Certifying Authority prior to the issue of a construction certificate that demonstrates that the light reflectivity from any building material used on the façade of a building to not exceed 20% and to be designed so as not to result in glare that causes any nuisance or interference to any person or place. Council's standard condition is as follows:

(184) REFLECTIVITY

The Certifying Authority must ensure that the visible light reflectivity from building materials used on the facade of the building does not exceed 20% prior to issue of the Construction Certificate.

The contractor will be critical in the selection of the final façade material following significant testing of materials before the final material is selected. The materials for the construction of the development will be finalised prior to submitting the application for Construction Certificate CC4 - façade. It is respectfully requested that a condition be included within the Stage 2 development consent to this effect.

3.2.10 Education Building Heritage Impacts

Issue

The level of demolition of original 1915 loadbearing masonry walls and the resultant loss of original room and configurations in the 1915 portions of the building is not supported. The demolition includes all original 1915 perimeter walls on the northern, eastern and western perimeters of the 1915 portion of the courtyard/light-well from Lower Ground to 5 (CMP levels 1 to 7). The extent of change to the original 1915 portion is considered unnecessary, and to the point that no original loadbearing walls that formed the light-well will remain to interpret the past. This demolition results in adverse impacts upon the character of the courtyard because the entirety of the original perimeter masonry walls with their fine steel framed window fenestration will be lost, compounding upon previous demolition and accretions undertaken over the past decades.

Response

In meeting with Council it was acknowledged that this comment was made prior to any site visit of the existing courtyard. Following a site visit with MAKE, Council and GBA Heritage, there was a realisation that the courtyard has suffered a number of unsympathetic interventions affecting the original fabric. Although a preference was made to retain parts of the fabric it was clear that it would not be possible as part of the adaptive reuse to a luxury hotel.

Council questioned whether the existing steel framed windows could be retained but it was explained that they would end up being on the corridor side of a guestroom which clearly would cause privacy issues.

Further, we have received the following commentary from GBA Heritage:

“The currently utilitarian and aesthetically disappointing courtyard has historically been a secure space veiled from public view or use. This space is proposed to be completely transformed to provide a significant new publicly accessible urban space. It is considered that the significance of the courtyard lies in its concept as a provider of light and air, as opposed to its fabric which has been significantly modified.

The redesigned landscaped courtyard interprets the original design intention that was envisioned to feature a square landscaped courtyard aligned with Loftus and Young Streets. The proposed landscape species continues the themes already established by the heritage listed palms in Farrer Place. The intention is to provide a welcoming space that encourages guest and general public interaction with the Ground Level off Farrer Place public spaces.

The early modified rendered masonry walls and later steel and glazed additions within the courtyard (graded as being of Moderate significance) are to be removed along with strategic sections of the surrounding concrete slab (of only approximately 100mm thickness) and structure back to the column line. These elements do not make a defining contribution to the place’s overall significance. The new sections of slab have been designed with a ring beam that will appropriately strengthen and support the structure. This intervention will deliver significant seismic protection benefits and will ensure the entire building meets full earthquake compliance, thereby potentially safeguarding the Exceptionally significant exterior sandstone facades and internal spaces.”

Issue

- *The internal demolition includes original 1915 internal masonry walls and spaces graded as being of exceptional significance including:*
 - *The northern wall enclosing the Farrer Place entrance lobby, and the corridor extending north from this space, where portions of the original could configuration readily be retained, and*
 - *The eastern wall enclosing the Loftus Street entrance lobby, where portions of the original could configuration readily be retained.*
- *The Statement of Heritage impact should specifically address this demolition of fabric and spaces which is nominated as being of exceptional significance.*

Response

The entrance lobby wall has already been punctuated by a non-original lift core which has affected the building fabric. In addition, a key concept for the hotel is the requirement for Farrer Place to be visually connected to the lobby and the courtyard beyond in order to 'extend the city' into the building. The ethos behind the hotel is that it becomes part of a new thoroughfare to allow both members of the public and guests unfettered access to the hotel.

As explained on the site visit with Council this small portion of low level marble is directly blocking the access to the new guest lift core. This part of the wall is to be salvaged for any repairs to other matching marble elements.

GBA Heritage advise that while the Loftus Street and Farrer Place foyers are of 'Exceptional' significance, the eastern and northern walls / sections, respectively, are only of moderate significance because they have been modified. This distinction is identified in the grading hierarchies and redrawn grading diagrams.

Issue

The internal demolition includes the original 1915 internal masonry walls and room configurations graded as being of moderate significance including:

- *The splayed wall and the north south wall immediately to the west of the Bridge Street stair on the Lower Ground Floor (CMP level 1) (Bridge Street entrance level) where the original configuration could readily be retained alongside the proposed stair Walls and rooms on the northern, eastern and western perimeter of the 1915 portion of the courtyard/lightwell from Lower Ground to Level 5 (CMP Levels 1-7)*
- *The proposal demolishes the walls that formed the Bridge Street staircase through all levels of the building above Level 1. These wall should be graded as being of high significance whereas the CMP grades them as moderate.*

Response

The walls in question are simple masonry walls that form a toilet block and if retained causes structural issues with supporting the new courtyard.

The staircase does not extend above Level 1 and the walls forming the Bridge Street staircase from Level 1 and below are all to be retained.

Issue

The City advises that a far greater extent of these original 1915 masonry walls should be retained so as to interpret the original room configuration and to retain a portion of the original perimeter walls of the building exposed to view within the courtyard, interpreting its former character and proving a counterpoint between original and contemporary architecture. Where demolition of these walls is generated by the proposed excavation, the footprint of excavation should be reduced.

If this level of proposed demolition is approved and undertaken the original building becomes a shell supported by internal perimeter floor structures, with only a few of the original interior spaces remaining fully intact. The City describes the building in the SLEP 2012 Schedule 5 as 'Education building including interior'. Proper consideration has not been given in regard to the significance of the interior.

Response

The early modified rendered masonry walls and later steel and glazed additions within the courtyard (graded as being of Moderate significance) are to be removed along with strategic sections of the surrounding concrete slab (of only approximately 100mm thickness) and structure back to the column line. These elements do not make a defining contribution to the place's overall significance. The new sections of slab have been designed with a ring beam that will appropriately strengthen and support the structure. This intervention will deliver significant seismic protection benefits and will ensure the entire building meets full earthquake compliance, thereby potentially safeguarding the exceptionally significant exterior sandstone facades and internal spaces.

With the exception of some few key remnant historic spaces, the Education Building's interiors were, as built, generally functional and have now been substantially modified to reflect contemporary tastes in office accommodation as recently as the 1990s.

Key remnant historic spaces, graded as being of Exceptional significance, include:

- Bridge Street vestibule and staircase up to Level 1 including the Ground Level landing.
- Loftus Street vestibule and staircase to Level 5. The modified eastern wall / section is of Moderate significance due to modification;
- Farrer Place vestibule. The modified northern wall / section is of Moderate significance due to modification;
- CMP Ground Level Ministerial suite including the Ministerial Boardroom.
- CMP Level 5 Gallery and Annex - top lit by copper clad, glazed roof lanterns.

These identified exceptionally significant spaces are to be retained and conserved.

Issue

The proposals for the Ministerial Boardroom (CMP Level 2, Ground floor in the architectural set) are not clear. This room has not been identified on plan, and is not located on any plan in the CMP. There is insufficient detail in the CMP to clarify the existence of significant components within this space.

Response

The Ministerial Boardroom is clearly identified in the revised grading diagrams in the CMP and grading hierarchies. Further, the Schedule of Conservation Work that will be included within the updated CMP's will describe the room's physical fabric and provides an analysis of the significance, condition and integrity of individual fabric elements and recommends appropriate conservation strategies.

Issue

Consideration should be given to the opportunity to interpret the original extent of the Bridge Street staircase up through the building above where it was formerly truncated at Level 2. Such an interpretation could include the reintroduction of a staircase which would re-establish the dramatic sense of space and re-establish daylight down through the space. Although less dramatic, it could also be reinterpreted as hotels rooms. It is noted on the preceding page that the proposed demolition of the walls that formed the Bridge Street staircase through all levels of the building above Level 1 is not supported. These wall should be graded as being of high significance whereas the CMP grades them as moderate. The spatial configuration should be retained and conserved and the staircase interpreted.

Response

Consideration has been given to retaining former northern staircase walls above Level 1 and dismissed because it will impact on room yield and will not make a particularly meaningful contribution to the heritage significance of the Building. The former northern staircase walls above Level 1 are graded as being of 'Moderate' significance because they have been substantially altered when the staircase was demolished.

It is noted that all levels of the western staircase are being retained, conserved and adapted to become a major point of vertical transport within the building.

Issue

The proposed reconfiguration of the courtyard, a space that is substantially graded as being of high significance, is not supported. The demolition of all perimeter walls of the 1915 building and the adjustment of the geometry of the entirety of the courtyard from a parallelogram to a rectilinear plan form is an unacceptable level of change. Whilst the geometry of the southern half of the courtyard could be adjusted, the northern half of the courtyard should closely interpret the 1915 geometry. Further, the proposed intrusion into the courtyard of hotel rooms on level 2, and all levels above, diminishes the footprint of the north eastern portion of the courtyard and has the potential to diminish the daylight levels within the courtyard. The overhang of these rooms will also inhibit light levels into the original Bridge Street staircase remaining up to Level 1. This aspect of the proposal requires further assessment based upon daylight studies of the courtyard and stair.

Response

In meeting with Council it was acknowledged that this comment was made prior to any site visit of the existing courtyard. Following a site visit with MAKE, Council and GBA Heritage there was a realisation that the courtyard has suffered a number of unsympathetic interventions affecting the original fabric. Although a preference was made to retain parts of the fabric it was clear that it would not be possible as part of the adaptive reuse to a luxury hotel.

Council questioned whether the existing steel framed windows could be retained but it was explained that they would end up being on the corridor side of a guestroom which clearly would cause privacy issues.

3.2.11 Fire, Acoustic and Structural Concepts

Issue

Further detail is required as to the fire, building services and structural concept designs.

Response

Whilst we acknowledge Council's concerns, given the level of detail that is necessary to demonstrate upgrades are undertaken in a manner that minimises impacts to significant heritage fabric, there simply is not enough time for this considerable level of work to be done prior to receiving development consent. In addition before these details can be provided a contractor would need to be appointed and access to the buildings provided (currently tenanted). To address this, an amendment to the wording of Condition B3 of SSD 6751 has been requested to ensure that detailed design guidelines for necessary upgrades comply with the national construction code, in consultation with the NSW Heritage Council (refer to Section 3.1.7 of this report).

3.2.12 Loftus Street stair shear walls

Issue

The impacts of the proposed shear walls either side of the Loftus Street stair can only be assessed if architectural details of the integration of the shear wall with the original significant fabric are provided.

Response

Refer to Section 3.2.10 of this report.

3.2.13 Mechanical Air Conditioning

Issue

Inadequate detail has been provided on the proposed mechanical air conditioning systems, and further detail should be required as part of this assessment.

Response

Wood & Grieve Engineers have prepared a Building Services Statement that is included at **Appendix A**.

3.2.14 Roof Top Addition

Issue

The proposed addition has been set back to enable the retention of the significant roof structures, and has been modelled into a grouping of rooftop structures. It appears to be thoughtfully and carefully designed. However there are a number of concerns as follows:

- *The strong verticality of the proportions established by the slumped glass bays of the southern extension requires greater horizontal relief to reflect the balance of horizontal and vertical proportions of the original facades below.*
- *The height of the glazed bays of the southern extension is considerably higher than the 'entablature' of the palazzo form below, being Level 5, so appears to over scale the building beneath.*
- *The scale of the slumped glass bays of the southern extension overscales the bays and openings of the original facades below.*
- *Further analysis of the reflectivity of the southern extension, and its impact on Farrer Place and surrounding areas is required.*

Response

MAKE have provided the following response:

- *“The glass bays do have a vertical expression as carefully set out following elevational studies of the existing facades. The simple rhythm of the glass bays have been designed to offset against the heavy set sandstone base of the original building.*
- *The CofS suggested that a small stainless steel blade be inserted between level 07-08 of the glass bays to counteract the verticality while acting as a contemporary interpretation of the existing cornice lines.*
- *We feel the bays are of an appropriate proportion against the scale of the existing building – the scale and form have been subject to intense analysis and rigour of the appointed Design Review Panel.*
- *Detailed reflectivity analysis will be forthcoming – however the very nature of a south facing façade will mean there will be no direct sunlight and therefore minor chance of any glare”*

3.2.15 Heritage Interpretation and Movable Heritage**Issue**

Space or spaces for a rotating display of movable heritage items should be provided for within the buildings, in collaboration with the state government departments. The State Government Departments should retain an appropriate portion of their movable heritage collection within the buildings in accordance with the recommendations of the Movable Heritage Review, and an experienced movable heritage curator should be engaged to update the Musecape report into a Movable Heritage Collections Management Plan, preferably extending the list of items identified for retention and display within the building. The Movable Heritage Collections Management Plan should provide detailed recommendations on the future conservation management, display conditions, security and locations of each identified moveable heritage item.

An experienced movable heritage curator should be engaged by the lessee and hotel operator to manage the collection and advise the lessee about its obligations regarding the heritage management framework and care of the movable heritage items. Alternatively the responsible State Government departments could provide for a curatorial position to curate these exhibitions, which should form part of a broader concept incorporating the Chief Secretary's building and its movable heritage. Ongoing consultation between the proponent and the State Government Departments is necessary to resolve the above matters.

Response

Refer to Section 2.2.3 of this report.

3.2.16 Overshadowing**Issue**

- *The shadow diagrams are unclear in defining the existing, approved (Stage 1) and proposed (Stage 2) overshadowing to adjacent sites, specifically 1 Bligh Street. Condition B1(b) of the Stage 1 consent (SSD 6751) requires that future development of the Education Building minimises potential overshadowing of the 1 Bligh Street steps during the core lunch period of 12 noon to 2pm in mid-winter.*
- *The shadow studies fail to demonstrate how the proposal complies with the Stage 1 condition or clearly illustrate any further overshadowing caused by the additional height as sought by the Stage 1 Section 96 modification application.*

Response

Updated shadow diagrams have been prepared by MAKE and are provided at **Appendix J**. The diagrams detail the shadow caused by the approved Stage 1 envelope, proposed envelope under the Section 96 and proposed Stage 2 detailed design between 12pm and 2pm mid-winter.

The diagrams show that the Stage 2 shadow to 1 Bligh Street by the Education Building is substantially less than the approved Stage 1 envelope.

3.2.17 Competitive Design Process

Issue

The Department's decision to waive a formal competitive design process under Clause 6.21 of the Sydney LEP 2012 did not incorporate an additional height increase to the Education Building or new addition to the Lands Building currently sought in the Stage 1 Section 96 Modification. The cumulative impacts of these additions, coupled with the building's heritage sensitivities, warrant the requirement for a competitive design process. As illustrated in the below pictures, the proposals will impact upon the public domain and will significantly alter the aspect of the buildings when viewed from public places.

Response

In assessing the Stage 1 development application, the Department considered that a formal competitive design process was not warranted. However, the Department considered that a Design Review Panel should be established to provide advice and input into the Stage 2 detailed design to ensure that design excellence is achieved. A Design Review Panel has provided extensive guidance throughout the development of the proposal. Section 4.4 and Section 5.5 of the EIS explains the process for establishing the panel and how the current design has responded to the panel's feedback. Furthermore, **Appendix C** includes a schedule of the recommendations contained in Advice Notes 1-4 and identifies how the design has responded.

3.2.18 Signage

Issue

Approval is sought for a signage zone on the right hand side of the Bent Street entrance. It is further requested that details of the proposed signage are submitted for approval to the Department and not require a further separate DA.

The City objects to any request to submit signage to the Department of Planning for "approval". In addition to the proposed signage zone, the EIS makes several references to internal and external signage as part of conservation works. However, fails to specify the total number of signs visible from the public domain. Accordingly, it is recommended that a separate Signage Strategy is prepared for the sites. Furthermore, that all externally proposed signs are assessed by way of a Development Application to the City as per the proponent's current application D/2016/1641.

Response

The Stage 2 application only seeks approval for signage that is affixed to the Lands Building and Education Buildings as outlined at Section 2.6 of this report. Signage Plans are provided at **Appendix F** that shows the signage zones that are sought for approval. All other signage will be the subject of a separate application to Council at the appropriate time.

3.2.19 Voluntary Planning Agreement

Issue

No agreement with The City has been reached in regard to this matter. In addition, a development contribution is payable under Section 61 of the City of Sydney Act 1988.

Response

A draft VPA has been agreed with Council and a final VPA is currently being drafted. The final VPA is targeted for the May CSPC meeting.

3.2.20 Heritage Floor Space

Issue

The Sydney LEP 2012 includes an incentive to conserve and maintain whole buildings in Central Sydney which are heritage items within Schedule 5 of the Sydney LEP 2012. This includes The Lands Building and Education Building. The incentive is an award of Heritage Floor Space (HFS), equal to a portion of unused development potential from the site (FSR) that can be transferred to other developments. A strict eligibility criteria applies. The beneficial land owner may be subject to a HFS award should they meet the relevant criteria.

Response

Noted.

3.2.21 Acid Sulfate Soils

Issue

An Acid Sulfate Soils Management Plan (ASSMP) is required for the site. The ASSMP must be submitted to Council for assessment prior to any determination of the application.

Response

It is noted that the portion of the site where excavation is proposed is located within Class 5 Acid Sulfate Soils and the extent of the Class 2 soil is largely outside the site, north of the Lands Building. We request that the preparation of an ASSMP be sought via a condition of consent, to be submitted to the satisfaction of the Certifying Authority prior to the issue of Construction Certificate – CC2 - excavation.

3.2.22 Mechanical Ventilation

Issue

The location of the kitchen exhaust air discharge point is to be submitted to Council for review. The discharge point should be from the roof top, discharging air vertically. Any new penetrations required to the roof to accommodate mechanical ventilation should be reviewed by the nominated heritage consultant prior to submission of amended plans.

Response

Kitchen discharge points will be horizontal at the Lands Building and vertically within the Education Building within areas adjacent to lift over runs so that they do not break the envelope. Sketches of this arrangement are provided at the Building Services Statement prepared by Wood and Grieve at **Appendix A**.

3.2.23 Food and Drink Venues

Issue

The site is situated within a City Living Late Night Trading Area. Accordingly, any indoor or outdoor trading beyond the base hours should be subject to a trial period in accordance with Section 3.15 of the Sydney DCP 2012.

Response

Noted. As outlined at Section 5.3.3 of the EIS Indoor base trading hours of 7am to 1am are permitted for Category B premises in the Late Night Management Area. As the proposed Education Building Lounge and Lands Building Lounge operates within the permitted base hours under the DCP, no extended trading hours or a trial period are required.

The Education Building bar seeks approval to operate between 5pm and 2am Friday and Saturday evenings. Base indoor trading hours are 7am to 1am. Approval for extended trading is therefore sought subject to a trial period.

3.2.24 Transport

Issue

1. Access / Servicing: Clarity as to how the vertical clearance reduction (ie. less than the Australian Standard) will enable appropriate servicing of the site given the scale of development proposed.

Response

The operation of the loading dock will be managed via a loading dock management plan (LDMP). The combined traffic flows from the loading dock may generate a maximum of 24 vehicle movements. This maximum expected traffic flow is easily accommodated by the single opening in the busiest period. An updated LDMP is provided at **Appendix K**.

Issue

2. Pick-up/drop-off: Alternative options (or design) for pick-up and drop-off must be explored beyond the zone nominated within D/2016/1641.

Response

Section 1.2.2 within the EIS notes that at the project inception, it was envisaged that works to upgrade Farrer Place and the pavements on Young Street, Gresham Street, Loftus Street and Bridge Street along with the provision of a new vehicular drop off on Bent Street would be included within the Stage 2 development application and the SEARs were requested and issued with the inclusion of those particular elements.

Following considerable discussion and at the request of Council, the applicant decided to extract the public domain and Farrer Place works from the Stage 2 development application and instead seek development consent via a local development application to Council.

Issue

3. Bicycle Facilities: The provision of bicycle parking and end of trip facilities for the site are inadequate and thus are not supported. The facilities are inadequate in both quantity and quality.

Response

Refer to Section 3.1.10 of this report.

3.2.25

3.2.26 Lighting Strategy

Issue

Inadequate information has been provided to assess compliance of the lighting proposal. Detailed lighting designs certified by a practicing lighting consultant as well as prototypes of the proposed external lighting and its lighting levels should be submitted to Council and assessed prior to any determination.

It is strongly recommended that the Lighting Strategy is referred to Sydney Observatory for comment and any concerns. This must be addressed in the final design of the lighting scheme to Council's satisfaction.

Response

Point of View has been appointed by Tristar as the lighting designer for the project. For the preparation of the EIS, Point of View prepared a Lighting Design strategy that was appended to the Design Report included at Appendix B. The Lighting Design strategy document sets out the key guiding parameters, strategy and the concept design approach that will be utilised to form the detailed lighting designs for the entire project.

In discussion with Council it was agreed that the lighting strategy could only be prepared following on-site testing and mock ups. A consolidated approach will be formulated with respect to the context of the building and the Farrer Place works. Accordingly, the detailed lighting design for the project cannot be finalised at this present time. The proposed methodology for finalising the detailed lighting design is explained within the Lighting Design Methodology statement included at **Appendix E**.

3.2.27 Waste

Issue

- *Further information is required regarding the waste room size, location, method for transporting waste between collection point and storage area and the distance from the main store room to the kerb.*
- *The City also has concerns regarding the management of garbage and recycling upon sensitive noise receivers. Accordingly, the Waste Management Plan (WMP) should be amended to ensure consistency with the City's Waste Policy – Local Approvals Policy for Managing Waste in Public Places. A copy of the amended WMP should be submitted to Council for review prior to determination.*

Response

Garbage rooms are provided at Lower Ground Level (43m²) within the Lands Building and within the Loading Bay area at Lower Ground Level within the Education Building (34m²). Waste management on the site will be undertaken in accordance with the management and mitigation measures outlined within the WMP at Appendix L of the EIS. Bins from the Education building will be transported to the collection point on Loftus Street (Distance of 24m). Bins from the Lands Building will be transported to the collection point on Gresham Street (distance of 31m).

The closest sensitive receivers are the residential apartment buildings located on Bridge Street. Due to the separation and intervening structures waste management and collection is not expected to have any noise impact on sensitive receivers.

Should further detail to that provided in the WMP be required, we request that this be made a condition of approval, to be provided for approval prior to the issue of Construction Certificate CC5 – services and finishes.

3.2.28 Public Art Strategy

Issue

The Public Art Strategy is yet to be endorsed by Council. It is recommended that the proponent commence discussions with The City's Public Art Advisory Panel prior to determination.

Response

Noted. The applicant would accept a condition requiring the Public Art Strategy to be endorsed by Council prior to issue of the Occupation Certificate.

4.0 Government Agency Submissions and Proponent's Response

Refer to **Appendix L**.

5.0 Public Submission Issues and Proponent's Response

Refer to **Appendix M**.

6.0 Conclusion

The proponent Tristar and its expert project team have considered all submissions made in relation to the public exhibition of the modification to State Significant Development Application SSD 6751 (the Stage 1 modification) and State Significant Development Application SSD 7484 (Stage 2). A considered and detailed response to all submissions made has been provided within this report and accompanying documentation.

As outlined in the exhibited EIS and attached documents, having regard to biophysical, economic and social considerations the carrying out of the proposal is considered justified for the following reasons:

- there is a strategic need to revitalise two State significant heritage buildings to provide a world class luxury hotel within an iconic precinct in the heart of Sydney's CBD;
- the proposal will facilitate the delivery of a new world-class hotel that caters for domestic and international tourists, can host events, and can address the significant shortfall in high quality hotel accommodation;
- the proposal provides a catalyst for significant public domain improvements to Farrer Place, Young Street, Gresham Street and Loftus Street;
- the proposal displays design excellence, a high quality architectural form and does not give rise to any adverse visual impacts;
- the development is consistent with and complies with all the relevant strategic policies, environmental planning instruments, and plans and guidelines, including general compliance with the Concept Plan;
- the development will have some adverse heritage impacts on fabric but these are outweighed by a significant number of positives;
- the development will result in a wide range of positive social and economic benefits to Sydney, New South Wales and Australia;
- the development will help to reactivate and renew the out of date and underutilised heritage buildings and will better activate the streetscape;
- the development will be exemplar in its architectural design and appearance and will deliver modern elements that are respectful to the two buildings and their heritage; and
- there are no adverse environmental impacts that cannot be appropriately managed by the mitigation measures set out in this EIS.

Based on the preceding assessment within the EIS and further information and response provided as part of this Response to Submissions, it is considered that the proposal is supported by planning merit and will deliver significant public benefit through the revitalisation of two State significant heritage buildings that that will be an exemplar of design excellence. Given the merits described above it is requested that the application be approved.