

13 August 2019

17579

Jim Betts  
Planning Secretary  
Department of Planning and Infrastructure and Environment  
320 Pitt Street  
Sydney NSW 2000

Dear Mr Betts,

## **SECTION 4.55(1A) APPLICATION – SSD 5824 MODIFICATION NO. 11 WYNYARD PLACE**

This report is submitted to the Department of Planning, Industry and Environment (DPIE) pursuant to section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act) to modify State Significant Development Application 5824 (SSD5824) relating to a transport interchange, commercial and retail development at One Carrington Street, Sydney.

The proposed modifications as detailed in **Section 2.0** relate to minor design changes to the entrance to Shell House located on the site's Carrington Street frontage and a revised entrance from the Wynyard Lane bridge. The proposal also includes a new awning at the Carrington Street entry to Shell House.

The application should be read in conjunction with the following documentation:

- Updated Architectural Drawings prepared by Make and Architectus (**Attachment A**);
- Heritage Impact Assessment prepared by GML Heritage (**Attachment B**);
- Access Report prepared by Morris Goding Access Consultants (**Attachment C**); and
- Pedestrian Movement Planning Review prepared by Aurb (**Attachment D**).

The application identifies the consent, describes the proposed modifications and provides an assessment of the relevant matters contained in section 4.55(1A) of the EP&A Act.

### **1.0 Consent Proposed to be Modified**

An SSD application for the upgrade of the eastern access ways to Wynyard Station and a retail and commercial development known as Wynyard Place was approved on 25 September 2015 (SSD 5824), following approval of a Concept Plan for redevelopment of the site.

The SSD DA provides for:

- Demolition of The Menzies Hotel, 301 George Street and eastern access ways to Wynyard Station, development above Wynyard Lane and partial demolition of Shell House and 285-287 George Street;
- Upgrade to the eastern access ways to Wynyard Station including provision of a new Transit Hall, through site link, retail areas and concourse layout;
- Construction and use of a 27-storey commercial building on the land between Carrington Street and George Street;

- Construction of a retail / commercial loading dock and two levels of basement comprising 89 tenant car spaces and end of trip facilities;
- Refurbishment of 285-287 George Street and Shell House for commercial and retail uses;
- Signage zones; and
- Public domain upgrades surrounding the site.

A S4.55(1A) (Modification No. 1) (previously s96) was submitted to the DPE and sought to modify the SSD 5824 consent by way of further design refinements. Modification No. 1 was approved on 11 August 2016.

A secondary S4.55(1A) (Modification No. 2) (previously s96) modified the SSD 5824 consent to allow for stratum subdivision. This was approved on 30 November 2016.

A S4.55(1A) (Modification No. 3) (previously s96) relating to further demolition within Shell House was approved on 23 February 2017.

A S4.55(1A) (Modification No. 4) (previously s96) included several design refinements relating to future tenancy agreements and was approved on 31 March 2017.

Modification No.5 was a S4.55(1) which addressed minor errors within the SSD5824 consent relating to incorrect site references and was approved on 28 October 2016.

Modification No. 6 was a S4.55(1A) involving an administrative change to the consent to recognise potential void zones within the former Shell House in order to ensure consistency between the Wynyard Place SSD and any future voids created as part of a separate fit out development application. The modification was approved on 22 May 2018.

Modification No. 7 was a S4.55(1A) involving an amendment to condition B16 in order to decouple the timing of the establishment of the footpath alignment levels within the public domain plan and to ensure that construction works can continue on site whilst final details are resolved with the relevant stakeholders. This application has since been withdrawn.

Modification No. 8 is a S4.55(1A) involving removal of the roof slab on 285 George Street (known as Beneficial House) and construction of a lightweight steel roof feature. The modification was approved on 27 June 2019.

Modification No. 9 is a S4.55(1A) involving minor design development refinements to Shell House and the Tower. It also seeks approval for 24 hours, 7 days a week internal construction works. This application is currently under assessment.

Modification No. 10 is a S4.55(1A) involving the relocation of the accessibility lift and stair and goods lift located across the Concourse (Basement Level), Wynyard Lane and Level 01 at 285 George Street, Sydney. This application is currently under assessment.

This application represents the 11<sup>th</sup> modification to date.

## **1.1 Background to Modification**

In December 2016, NAB announced it would be moving its Sydney headquarters to Wynyard Place as the new anchor tenant, occupying Levels 1-9 of the new Wynyard Place development at One Carrington Street comprising part of Shell House. On 29 March 2018 a development application (DA2018/318) was lodged for the internal office refurbishment and façade works to accommodate the new NAB tenancy. The application was approved by the City of Sydney on 21 June 2018.

It should be noted that this modification application relates to the base building envelope (SSD 5824 as discussed above) and the proposed amendments do not result in any changes to the approved NAB fit out DA.

## 2.0 Description of the Proposed Modification

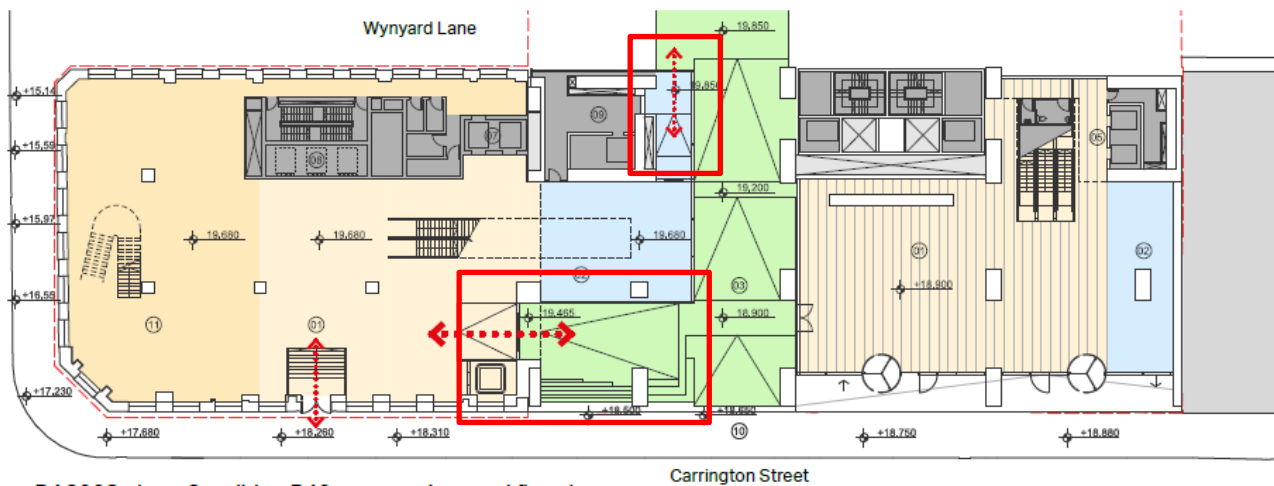
The current Shell House entry design was approved by the City of Sydney per the requirements of Condition B40, which was imposed on the SSD5824 consent as part of Modification 4. Condition B40 requires:

### B40 Shell House Ground Level Details

The following additional information relating to the Shell House is to be submitted to and approved by the Council prior to the issue of the relevant Construction Certificate;

- (a) The ground floor layout plan including the proposed entrance treatment, proposed levels changes and interface with Carrington Street.
- (b) The detailed fitout design of the Shell House lobby space, including interface with the new tower to the south.
- (c) The detailed design of the works to the openings at ground level on Carrington Street.

As part of discharging this condition, ground floor plans were provided to the City of Sydney relating to parts (a) and (c) of Condition B40 on 27 October 2017. Council provided approval on 7 December 2017. The Condition B40 approved entry is shown in **Figure 1** below.



**Figure 1** Approved Ground Floor layout (location of proposed changes highlighted red)

Source: Make and Architectus

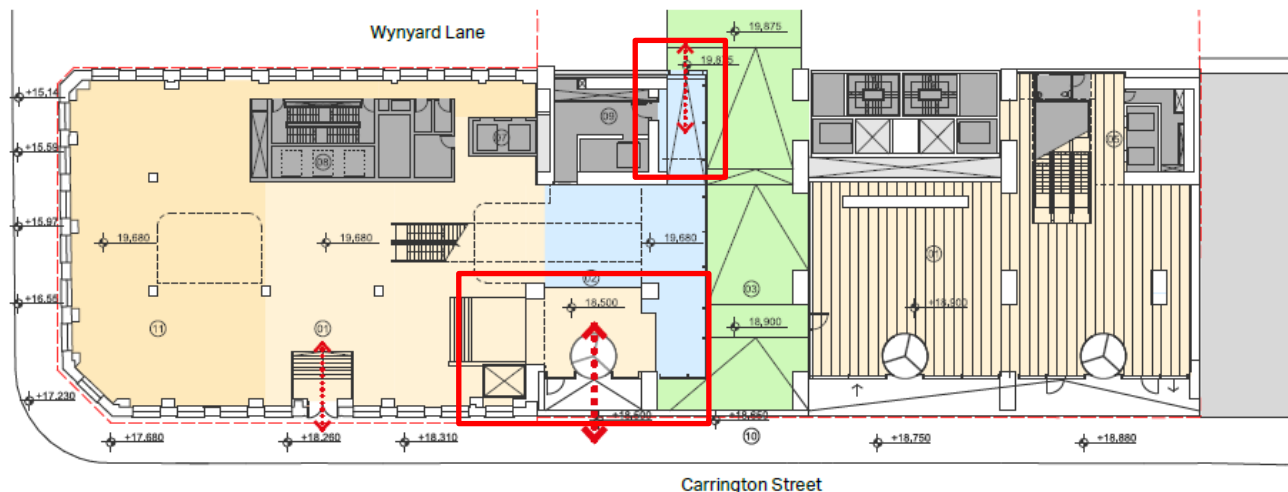
The current design, as shown above, created a cluttered experience for customers entering Shell House due to the required handrails, ramp and tactiles. To respond to this, the recessed entrance to the tower lobby has been reconfigured to bring the façade line closer to Carrington Street in line with the other entries to the One Carrington Street development. This entrance will remove the previously approved stairs and ramp and replace it with a new revolving door. The revised entrance will provide a single point of entry directly addressing Carrington Street, while retaining a direct Shell House entry and the through site link to George Street.

In this way, the proposal will remove the requirement for ramps and stairs in this location (as was previously proposed) by reducing the finished floor level (FFL) from 19.465 to 18.500. This is consistent with the Carrington Street floor level and will provide a level entrance from the public domain to the tenancy.

A new awning is proposed at the entrance which will be in line with the building façade line of Shell House and maintains a consistent spandrel at this level from the main tower front façade.

The entrance to the Wynyard Lane bridge is also proposed to be amended to provide a new sliding door, allowing for full accessibility.

These modifications do not result in any changes to the approved maximum gross floor area (GFA). The proposed changes to the Carrington Street entrance and Wynyard Lane are shown in **Figure 1** and in the updated Architectural Plans prepared by Make and Architectus at **Attachment A**.



**Figure 2 Proposed Ground Floor layout (location of proposed changes highlighted red)**

Source: *Make and Architectus*

### 3.0 Modification to Conditions

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

#### Condition A2

*The Applicant shall carry out the project generally in accordance with the:*

- a) *State Significant Development Application SSD 5824;*
- b) *Environmental Impact Statement prepared by JBA Planning dated May 2014;*
- c) *Response to Submissions report prepared by JBA Planning dated 25 September 2014 and addendum report dated 21 November 2014*
- d) *Section 96(1A) modification application (SSD 5824 Mod 1) prepared by JBA dated November 2015 and Response to Submissions dated 3 February 2016;*
- e) *Section 96(1A) modification application (SSD 5824 Mod 2) prepared by JBA dated August 2016 and Response to Submissions dated 27 October 2016, updated on 23 November 2016;*
- f) *Section 96(1) modification application to Development Consent SSD 5824 (MOD 5) prepared by JBA Urban Planning Consultants Pty Ltd dated 26 September 2016;*
- g) *Section 96(1A) modification application to Development Consent SSD 5824 (MOD 3) prepared by JBA dated September 2016 and Response to Submissions dated 1 November 2016 and additional information dated 6 February 2017;*
- h) *Section 96(1A) modification application to Development Consent SSD 5824 (MOD 4) prepared by JBA dated September 2016 and Response to Submissions dated 23 November 2016 and Further Response to Submissions dated 20 February 2016;*
- i) *Section 96(1A) modification application to Development Consent SSD 5824 (MOD 6) prepared by Ethos Urban dated 23 February 2018;*
- j) *Section 4.55(1A) modification application to Development Consent SSD 5824 (MOD 8) prepared by Ethos Urban dated 29 March 2019;*
- k) *Section 4.55(1A) modification application to Development Consent SSD 5824 (MOD 10) prepared by Ethos Urban dated 31 May 2019.*

**l) Section 4.55(1A) modification application to Development Consent SSD 5824 (MOD 11) prepared by Ethos Urban dated 13 August 2019.**

**h) m) The conditions of this consent; and**

**m) n) The following drawings, except for:**

- i) any modifications which are Exempt or Complying Development;
- ii) otherwise provided by the conditions of this consent.

Architectural (or Design) Drawings prepared by Make + Architectus			
Drawing No.	Revision	Name of Plan	Date
DA2008	<del>Revision 08</del> Revision 13	Carrington Street Level	<del>21.02.18</del> 5.08.19
DA2009	<del>Revision 05</del> Revision 08	Upper Ground Level	<del>21.02.18</del> 5.08.19
DA2102	<del>Revision 03</del> Revision 06	Proposed elevation C (West)	<del>9.09.16</del> 5.08.19
DA2220	<del>Revision 04</del> Revision 06	Proposed Section 1 Carrington to George Street Laneway	<del>28.09.16</del> 5.08.19

**Reason:** Condition A2 is proposed to be updated to adequately reflect the modified plans.

## 4.0 Substantially the Same Development

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if “it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)”.

The development, as proposed to be modified, is substantially the same development as that originally approved in that it:

- Does not propose any changes to the approved land uses, hours of operation, tower massing or built form;
- Still results in upgrades to the eastern access ways to Wynyard Station including provision of a new Transit Hall and through site link;
- Does not result in any change to the maximum approved GFA under the Concept Plan;
- Continues to provide for the adaptive reuse of 285 George Street and Shell House; and
- Will not result in any additional impacts on other heritage items in the vicinity.

The potential environmental impacts considered individually and cumulatively, are considered minor and will have no significant impacts beyond those considered during the assessment of SSD 5824 and the proposed development as proposed to be modified is consistent with the Concept Plan approval. Importantly, the development continues to provide for a mixed-use development between George and Carrington Street, and the adaptive reuse of the former Shell House and 285 George Street. Specifically, Condition A5 requires development to be in accordance with the plans and documentation of the Concept Plan. While the proposed development seeks to bring the building line forward, this will not result in any additional GFA as shown in **Table 1** below.

**Table 1 Consistency with key components of the Concept Plan**

Component	Concept Plan	Proposed Development	Generally Consistent
A5.A. Maximum GFA (East of Carrington Street)	84,621m <sup>2</sup>	83,767m <sup>2</sup>	✓

## 5.0 Environmental Assessment

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if “*it is satisfied that the proposed modification is of minimal environmental impact*”. Under section 4.55(3) the consent Authority must also take into consideration the relevant matters to the application referred to in section 4.15(1) of the EP&A Act.

The EIS submitted with the original SSD 5824 application addressed a range of environmental impacts. The planning assessment of the proposed modified development remains generally unchanged with respect to those matters; however, the following require further assessment.

### 5.1 Built Form

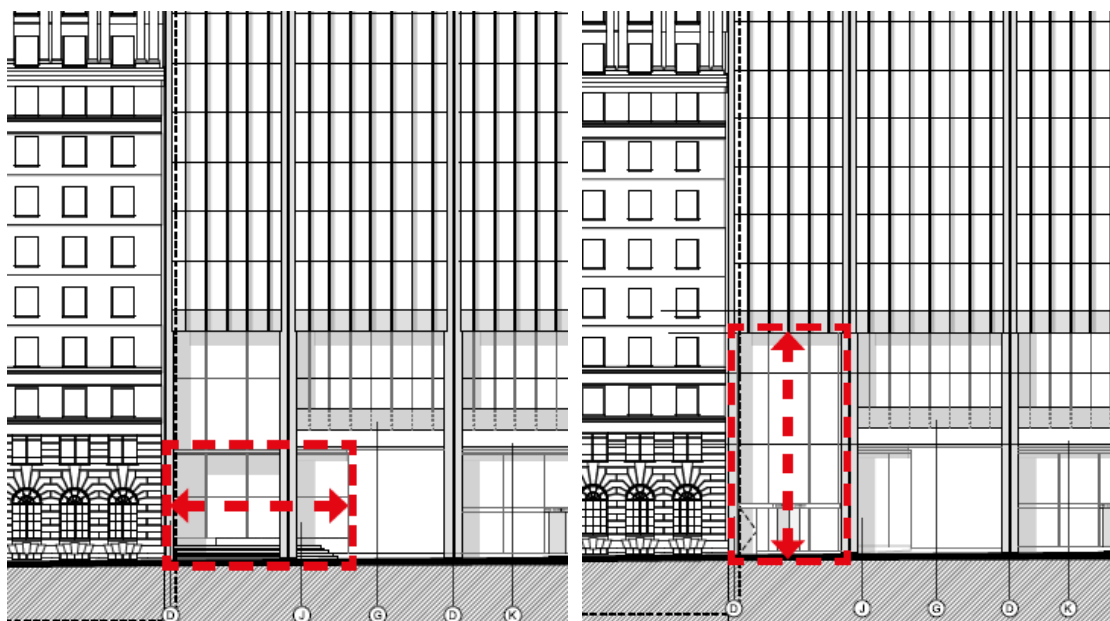
The proposed modification does not result in substantial changes to the built form of the approved development. The modification will result in a better architectural design and functionality by providing an improved relationship with the internal voids and direct level access to the NAB tenancy from Carrington Street.

Specifically, the amended Carrington Street entrance addresses the verticality of the space and accentuates the quality architectural design. The 17m high void and 7m wide through site link will be clearly identifiable through the proposed modification by removing the need for stairs and ramps and providing direct level access from the public domain. This will therefore improve the user experience by arriving directly into the base of the multistorey atrium and removing the visual clutter when viewed from the public domain.

Notably, the previous design (as approved by Council per Condition B40) which included the introduction of the ramp and stairs, resulted in the reduction in width of the entrance plaza and the addition of physical structures segregated the path of travel. Accordingly, the proposed modification allows for unimpeded access and expresses the junction between Shell House and the new tower lobby, through a vertically glazed frame.

In this way, the proposed development will not result in any environmental impacts and the built form will provide an improved interface at ground level in accordance with the approved development.

The evolution of the Carrington Street façade is shown in **Figure 3** below.



**Figure 3** Approved Condition B40 Carrington Street entry (left) and proposed Carrington Street entry (right)  
 Source: *Make and Architectus*

## 5.2 Heritage

A Heritage Impact Assessment has been prepared by GML Heritage and is included at **Attachment B**. The letter provides an assessment of the proposed modifications on the heritage significance of the building and any other heritage items in the vicinity. The reconfigured entry and change in ground level are located within the new section of the wider Wynyard Place development.

The Assessment confirms that the proposed new entry will:

- Retain the verticality of the main structural form of the new building and the articulated setback / separation adjacent to Shell House;
- Will result in no further impact on any significant fabric of Shell House, and the architectural resolution of the south entry to Shell House is similar to the approved design of Mod 3; and
- The proposed development will retain the Carrington Street entry to Shell House as an operational (and conserved) doorway.

Further to this, there are no potential historical impacts anticipated to arise from the proposed works as no additional excavation is proposed. Given that the proposed changes are largely internal and at ground level, there will be no additional impact on Shell House or any heritage items within the vicinity. Accordingly, the Heritage Impact Statement confirms that the proposed scope of works are acceptable on heritage terms.

## 5.3 Accessibility

An Access Report has been prepared by Morris Goding Access Consultants and is included at **Attachment C**. The report addresses the proposed development's compliance with the applicable standards and legislation. The Report confirms that the design highlights a high degree of functionality and technical compliance with the BCA, Access to Premises Standards, AS 1428 series and the *Disability Discrimination Act 1992* (DDA).

## 5.4 Pedestrian Movement

A Pedestrian Planning Review has been prepared by Arup and is included at **Attachment D**. The Review has considered the movement of people from nearby transport nodes, the route of choice to get from these nodes to the building and the capacity of the proposed new entry points to accommodate the assumed building population.

The Review assessed the estimated splits between the Carrington Street sliding door / through site link to George Street, Carrington Street revolving door and the stairs to Carrington Street and confirms that all entrances are able to accommodate enough capacity to meet the expected population, with minimal congestion. The operation of the internal escalators will support movement and encourage equal use of the revolving door and sliding door.

The Review has indicated that the design is able to meet the flow of patrons entering and exiting the building in the morning and midday periods.

## 6.0 Conclusion

The proposed modification involves minor design development changes to the NAB entrance fronting Carrington Street and Wynyard Lane. The proposed modification is a result of design evolution to provide the most appropriate entrance into Shell House for the main headquarters of the anchor tenant, NAB, while ensuring consistent and level access from Carrington Street.

The proposed changes will have no environmental impact outside those already assessed and approved in the original SSD 5824 application. The modified development remains consistent with the approved Concept Plan, the NAB fit out DA (D/2017/433 approved by the City of Sydney) and relevant statutory and strategic plans and policies that apply to the site. In accordance with section 4.55(1A) of the EP&A Act, the Department may modify the consent as:

- The proposed changes are of minimal environmental impact; and
- The consent as proposed to be modified, is substantially the same development as development for which the consent was granted.

Given the merits described above, and significant public benefits stemming from the overall development, it is requested that the application be approved.

Yours sincerely,



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