

30 July 2020

12721

Jim Betts
Planning Secretary
Department of Planning and Infrastructure and Environment
4 Parramatta Square,
12 Darcy Street,
Parramatta NSW 2150

Attn: Joina Mathew – Planning Officer, Key Sites Assessment

Dear Mr Betts

SECTION 4.55(1A) APPLICATION – SSD 5824 MODIFICATION NO. 12 WYNYARD PLACE

This report is submitted to the Department of Planning and Industry pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify State Significant Development Application 5824 (SD5824) relating to a transport interchange, commercial and retail development at One Carrington Street, Sydney.

The proposed modifications, which are detailed in **Section 2.0**, relate to the 285 George Street building, which forms part of the broader Wynyard Place development, and include a change of use from commercial to retail at Levels 2 and 3, and design changes including a new feature stair and passenger lift, transition stair and fire stair, and changes to the Wynyard Lane façade and elevation.

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

- Updated Architectural Plans prepared by Make and Architectus (**Attachment A**);
- Heritage Impact Assessment prepared by GML (**Attachment B**);
- Structural Statement prepared by TTW (**Attachment C**);
- Mechanical Services Statement prepared by Arup (**Attachment D**); and
- Fire Statement prepared by Arup (**Attachment E**).

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.

There have been several modifications to date:

- 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. This application 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 modification was approved on 19 December 2019.
- 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 was approved on 24 September 2019.
- Modification No. 11 is a S4.55(1A) involving 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. This application was approved on 25 September 2019.

This application represents the twelfth (12) modification to the SSD 5824 consent.

2.0 Description of the Proposed Modification

This modification application seeks approval for the following changes to the 285 George Street building:

- Change of use on Level 2 and Level 3 from commercial to retail;
- The introduction of a new feature stair and deletion of the north western fire stair;
- New transition stair and back of house fire stair from Level 3 to 6;

- The introduction of a passenger lift and extension of the goods lift from Level 1 to Level 4;
- Upgrades to the floor structure for further strengthening to enable a higher loading rating;
- Minor changes to the Wynyard Lane façade to include a new undercroft area at the Main Entry and back of house entry on the northern end; and
- Relocation and redesign of risers to suit new design.

The changes relating to the stairs, lift and service risers have been carried through all relevant levels of the building as needed, as outlined in the plans at **Attachment A**.

These works are intended to provide for a single tenancy operator that will extend across the Concourse Level, Wynyard Lane, George Street Level and Levels 1, 2, 3 and 4. As such, as part of design development refinement the finishes to the floors have been reconsidered so as to ensure structural adequacy for the future tenant. This includes new layers of plywood to the underside of Levels 1-4 to meet structural requirements for the new tenancy. It also includes the use of salvaged timber floorboards for Levels 5 and 6 over ply diaphragm.

Further to this, the proposal also includes a new entry off the laneway at the Wynyard Lane Level and the creation of an entry portal into 285 George Street. It is noted that the entrance portal will now become external space and will not result in any additional GFA.

The proposed changes to 285 George Street are shown in the updated Architectural Plans prepared by Make + Architectus at **Attachment A** with selections shown in **Figure 1** through **Figure 3** below.

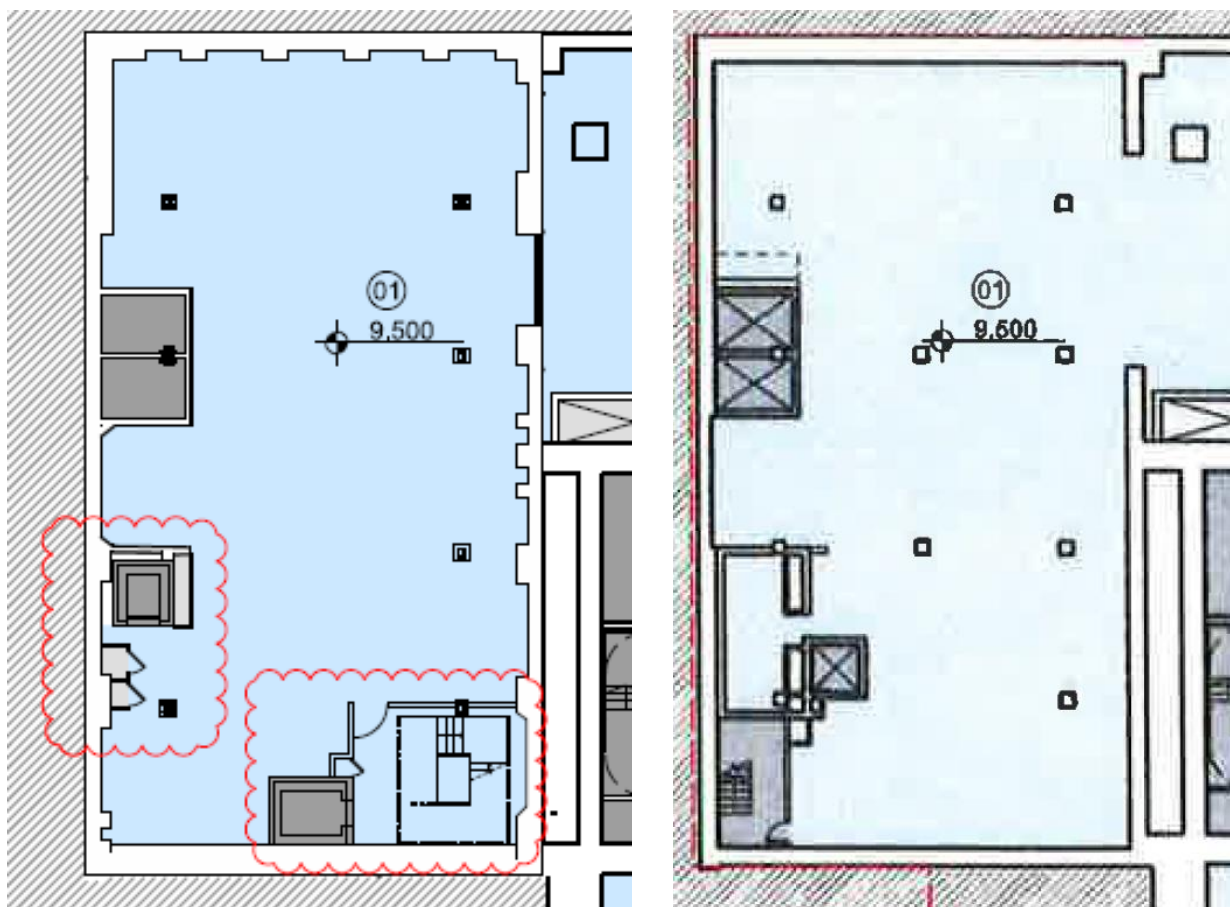


Figure 1 Proposed Concourse Level (modifications bubbled red) on the left and the current approved layout on the right (Mod 11)

Source: Make + Architectus

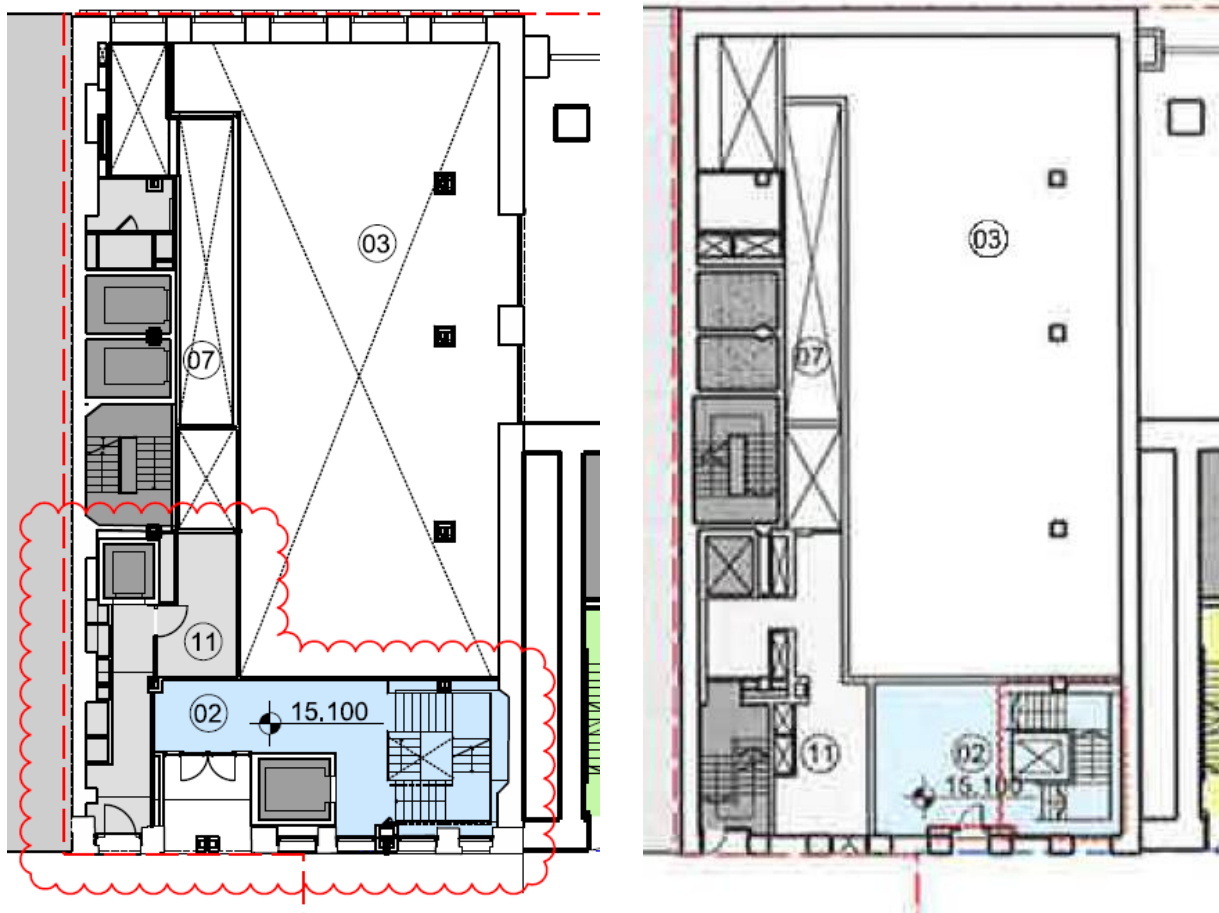


Figure 2 Proposed Wynyard Lane Level (modifications bubbled red) on the left and the approved layout on the right (Mod 10)

Source: *Make + Architectus*



Figure 3 Proposed Wynyard Lane elevation (modifications bubbled red) on top, and the approved elevation on bottom (Mod 4)

Source: Make + Architectus

3.0 Proposed Modifications to Consent

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:

- State Significant Development Application SSD 5824;*
- Environmental Impact Statement prepared by JBA Planning dated May 2014;*
- Response to Submissions report prepared by JBA Planning dated 25 September 2014 and addendum report dated 21 November 2014*
- Section 96(1A) modification application (SSD 5824 Mod 1) prepared by JBA dated November 2015 and Response to Submissions dated 3 February 2016;*
- 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;*
- Section 96(1) modification application to Development Consent SSD 5824 (MOD 5) prepared by JBA Urban Planning Consultants Pty Ltd dated 26 September 2016;*
- 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.

(m) Section 4.55(1A) modification application to Development Consent SSD 5824 (MOD 13) prepared by Ethos Urban dated 30 July 2020.

- ⌘) n) The conditions of this consent; and
- ⌘) o) 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
DA2005	06 07	Concourse Level	8/08/2019 14/07/20
DA2006	08 09	George Street Level	8/08/2019 14/07/20
DA2007	09 11	Wynyard Lane Level	8/08/19 14/07/20
DA2008	13 15	Carrington Street Level	05/08/19 14/07/20
DA2009	09 11	Upper Ground Level	19/09/2019 14/07/20
DA2010	10 11	Mezzanine Level	8/08/19 14/07/20
DA2011	09 11	Office Level 01	8/08/19 14/07/20
DA2012	05 06	Office Level 02	8/08/19 14/07/20
DA2013	05 06	Office Level 03	8/08/19 14/07/20
DA2301	02 04	Proposed 285-287 George Street	9/09/16 14/07/20

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 or the introduction of new 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 changes to the maximum approved GFA under the Concept Plan;
- Continues to provide for the adaptive reuse of 285 George Street, ensuring it will be open to the public; 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.

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 Heritage

A Heritage Impact Assessment (HIA) has been prepared by GML and is included at **Attachment B**. The HIA provides an assessment of the proposed modifications on the heritage significance of 235 George Street. The assessment confirms that the proposed works are required due to the need to provide structural upgrades to support the increased load demands and layout changes for the future tenancy.

GML notes that while the previously approved base building provisions for 285 George Street were required to provide further structural adequacy under Modification 10, the revised scope of works under this application is required due to the need to provide direct access and an accessible passenger lift from the Concourse to Level 3.

The location of the feature stair and fire stair is the same as the original fire stair for the building. GML confirm that while additional structural strengthening measures, lifts, stairs and services may result in cumulative heritage impacts, the proposed ceiling linings will conceal much of the structural intervention and appear similar to the original interiors. Further, through the consolidation of the feature stair and the enclosed fire stair in the south west corner of the building means that the previously approved fire stair in the north western corner is no longer required.

Accordingly, while the proposed modification results in some departures from the conservation policies under the 2004 Conservation Management Plan, GML confirm that it is generally acceptable from a heritage perspective. Further discussion is provided at **Attachment B**.

5.2 Structural Assessment

A Structural Design Statement has been prepared by TTW and is included at **Attachment C**. The statement details the structural adequacy of the proposed works and confirms that structural design of the proposed DDA lift and stair in 285 George Street has been designed in accordance with the relevant Australian Standard. Additionally, the structure is sufficient to carry the relevant loads and structural arrangement arising from the proposed lift and stair.

5.3 Mechanical Assessment

A Mechanical Services Design Certificate has been prepared by Arup and is included at **Attachment D**. The Certificate confirms that the proposed development has been designed in accordance with the following:

- Building Code of Australia 2015;
- As 1668.1 – 1998: The use of ventilation and air condition in buildings;
- AS 1668.2 – 2012: The use of ventilation and air conditioning in buildings;
- Fire Engineering Report – Rev G: Wynyard Place (29 May 2020); and
- BCA Report Rev H (11 May 2017).

Further discussion is provided at **Attachment D**.

5.4 Fire Assessment

The proposed development has been reviewed by Arup with regards to its compliance with the Building Code of Australia including the Deemed to Satisfy Provisions and the Performance Requirements from a fire engineering perspective.

Arup confirm that the proposed design is suitable from a fire engineering perspective and there are no significant issues from the revised layout and design of 285 George Street. Further discussion is provided in **Attachment E**.

6.0 Conclusion

The proposed modifications involve minor design development changes to 285 George Street, Sydney. The proposed changes will have no environmental impact outside of those already assessed and approved in the original SSD 5824 application. The modified development remains consistent with the approved Concept Plan 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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