

29 March 2019

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Carolyn McNally
Secretary
Department of Planning and Environment
320 Pitt Street, Sydney

Dear Ms McNally

SECTION 4.55(1A) APPLICATION – SSD 5824 MODIFICATION NO. 8 WYNYARD PLACE

This section 4.55(1A) modification application has been prepared by Ethos Urban on behalf of BSREP Wynyard Place Office Landowner Pty Ltd and BSREP 285 George Street Pty Ltd (and its nominee Brookfield), pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify State Significant Development Application (SSD) 5824 also known as Wynyard Place.

The proposed modification seeks to remove the existing roof slab and construct a lightweight steel roof structure at 285 George Street, Sydney known as Beneficial House. This application should be read in conjunction with following documentation:

- Updated Architectural Drawings prepared by Make and Architectus (**Attachment A**);
- Heritage Impact Statement prepared by GML Heritage (**Attachment B**); and
- Structural Design Statement prepared by TTW (**Attachment C**).

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

A 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 approval 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 changes 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 is currently under assessment.

This application represents the eighth modification to the SSD 5824 consent.

2.0 Description of proposed development

The approved development anticipated the retention of the concrete roof slab to Beneficial House. Subsequently TTW undertook detailed investigations during the design development and construction phases of the project. TTW has advised that the existing concrete roof slab should be demolished as it has insufficient capacity to support the proposed structure loadings of the trafficable roof and is below the minimum concrete strength rating as required under AS3600 (refer to the Structural Statement at **Appendix C**).

Accordingly this application seeks approval for the following modifications to the approved development at 285 George Street, Sydney:

- demolition of the roof slab and construction of a new lightweight two component steel framed roof structure;
- removal of the timber roof structure to enable the broader demolition and replacement works;
- demolition of the projecting eave slab (which is part of the main roof slab), retaining the section over the George Street building wall and construction of a new clad steel frame to match the appearance of the eave slab;
- new timber framed structure to match the removed tiled timber framed roof structure above the George Street façade; and
- new tiled roof over the new timber structure involving a combination of reinstated original roof tiles and replica tiles pending testing of existing tiles against the relevant Australian Standards.

The proposed changes are shown in **Figure 1** below.

No changes are proposed to the height of the roof which will remain at RL42.39. The roof terrace remain the same as the approved height (RL43.75), with the trafficable roof deck, viewing platform and green roof having the same

finished level as previously approved, while the plant deck level will be reduced by 250mm. The design of the new roof slab will ensure that the development is structurally adequate and still provides the same outcomes in terms of rooftop accessibility.

The existing roof tiles have been removed and are currently being assessed for viability and reinstatement.

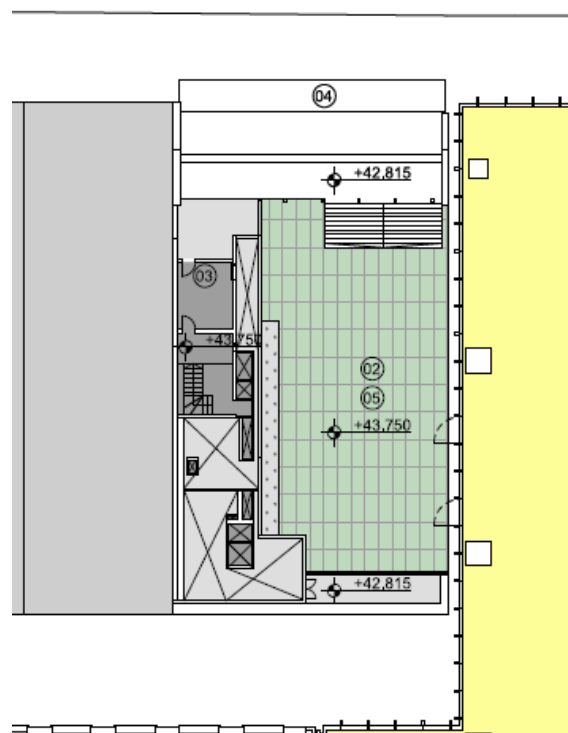
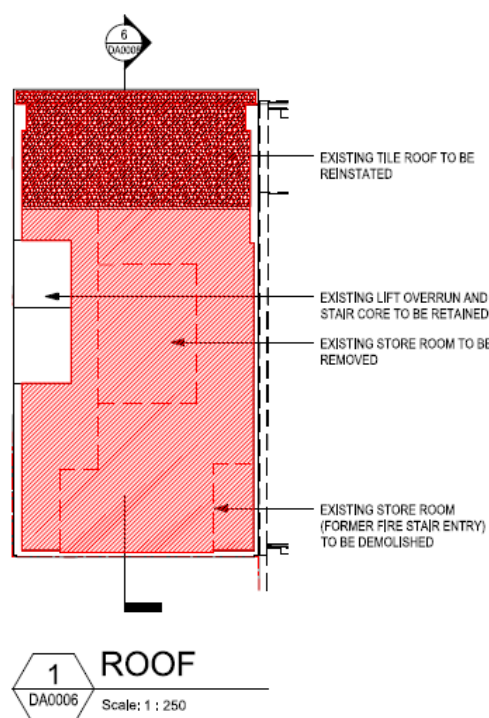


Figure 1 Proposed demolition plan (left) and proposed new roof slab (right)

Source: Make + Architectus

3.0 Proposed modifications to the 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;*

- 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) The conditions of this consent; and
- ⌘ l) 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
DA0002	00	General Notes and Symbols	19.03.2014
DA0006	00	Demolition Plan – Site	17.03.2014
DA0007	04	Demolition Plan – Shell House	20.02.2017
DA007-2	00	Demolition Elevations	
DA0008	00 02	Demolition Plan – 285 George Street	17/03/2014 25/03/2019
DA0009	02	Excavation Plan	25/09/2015
DA1000	00	Existing Site Plan	19.03.2014
DA2000	03	Proposed Site Plan	9/9/2016
DA2002	03	Lower Basement Level	9/9/2016
DA2003	04	Basement Level	26/9/2016
DA2004	03	Hunter Connection Level	9/9/2016
DA2005	03	Concourse Level	9/9/2016
DA2006	03	George Street Level	9/9/2016
DA2007	04	Wynyard Lane Level	9/9/2016
DA2008	08	Carrington Street Level Shell House Carrington Street 285 George Street Level 01	21/02/2018
DA2009	05	Upper Ground Level	21/02/2018
DA2010	07	Mezzanine Level	21/02/2018
DA2011	06	Office Level 01	21/02/2018
DA2012	03	Office Level 02	9/9/2016
DA2013	03	Office Level 03	9/9/2016
DA2014	03 05	Office Level 04	9/9/2016 25/03/2019
DA2015	03	Office Level 05	9/9/2016
DA2016	03	Office Level 06	9/9/2016
DA2017	03	Office Level 07	9/9/2016

Architectural (or Design) Drawings prepared by Make + Architectus			
DA2018	03	Office Level 08	9/9/2016
DA2019	04	Office Level 09	28/9/2016
DA2020	04	Office Level 10	28/9/2016
DA2021	03	Office Level 11	9/9/2016
DA2022	03	Office Level 12	9/9/2016
DA2023	03	Office Level 13	9/9/2016
DA2024	03	Office Level 14	9/9/2016
DA2025	03	Office Level 15	9/9/2016
DA2026	03	Office Level 16	9/9/2016
DA2027	03	Office Level 17	9/9/2016
DA2028	03	Office Level 18	9/9/2016
DA2029	03	Office Level 19	9/9/2016
DA2030	03	Office Level 20	9/9/2016
DA2031	03	Office Level 21	9/9/2016
DA2032	03	Office Level 22	9/9/2016
DA2033	03	Office Level 23	9/9/2016
DA2034	03	Office Level 24	9/9/2016
DA2035	03	Office Level 25	9/9/2016
DA2036	03	Office Level 26	9/9/2016
DA2037	03	Office Level 27	9/9/2016
DA2038	03	Office Level 28 Plant	9/9/2016
DA2039	03	Office Level 29 Plant	9/9/2016
DA2040	03	Office Level 30 Plant	9/9/2016
DA2041	03	Roof Plan	9/9/2016
DA2100	03	Proposed Elevation A (East)	9/9/2016
DA2101	03	Proposed Elevation B (South)	9/9/2016
DA2102	03	Proposed Elevation C (West)	9/9/2016
DA2103	03	Proposed Elevation D (North)	9/9/2016
DA2201	04	Proposed Section 02	28/9/2016
DA2202	04	Proposed Section 07	28/09/2016
DA2220	04	Proposed Section 1 Carrington to George Street Laneway	28/09/2016
DA2221	04	Proposed Section 2 Concourse Section	28/09/2016
DA2222	04	Proposed Section 3 Office Lobby to George Street	28/09/2016
DA2223	03	Proposed Section 04 Retail on George Street	9/9/2016
DA2224	03	Proposed Section 5 Carrington to George Street Laneway	9/9/2016
DA2300	03	Proposed Shell House Elevations	20/02/2017
DA2301	02	Proposed 285-287 George Street	9/9/2016
DA2310	03	Concept Plan Envelope Compliance	12/9/2016
DA5000	03	Typical Cladding Detail 1	25/09/2015

Architectural (or Design) Drawings prepared by Make + Architectus			
DA5001	03	Typical Cladding Detail 2	25/09/2015
DA5002	02	Typical Cladding Detail 3	25/09/2015
DA6000	02	GFA Schedule	23/09/2016
Landscape and Public Domain Drawings prepared by Oculus			
Drawing No.	Revision	Name of Plan	Date
L-M-010	G	MEZZANINE TERRACE	23.09.2016
L-04-010	G	285 GEORGE ST LEVEL 04 TERRACE	23.09.2016
L-09-010	G	LEVEL 09/10 TERRACES	23.09.2016
L-10-010	G	LEVEL 12 RESTAURANT TERRACE	23.09.2016
L-27-010	G	LEVEL 27 OFFICE TERRACE	23.09.2016
L-00-200	G	TERRACE SECTIONS	23.09.2016
L-00-300	G	PLANTING PALETTE	23.09.2016
L-100	H	PUBLIC DOMAIN CONCEPT PLAN	23.09.2016
L-110	H	PUBLIC DOMAIN MATERIALS	23.09.2016

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, tower massing or built form;
- continues to provide for the adaptive reuse of 285 George Street;
- 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;
- still ensures rooftop access to 285 George Street is provided;
- will not result in any adverse heritage impacts; and
- will not result in any visual impacts to Beneficial House as a result of the proposed changes.

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 Statement (HIS) has been prepared by GML and is included at **Appendix B**.

The roof slab, structure and associated features were assessed in the 2004 Conservation Management Plan to be of high heritage significance, although as part of the building envelope rather than the reinforced concrete fabric. It is noted that the loss of the roof slab has minimal heritage impact, however, measures should be implemented during the demolition and construction of the new slab to ensure there is little impact on the decorative cornice over George Street, tiled roof top structure, end-gable parapet walls and the interiors of the building.

While the tiled roof and timber structure is to be removed (to allow for the roof slab demolition and replacement works) and replaced as part of these works due to the condition of the roof timber not being viable for reconstruction using the same fabric does represent a loss of heritage fabric, its replacement will retain the visual integrity from the street noting it is to be fully refurbished (using reinstated/salvaged terracotta tiles). Furthermore, the projecting concrete soffit that overhangs George Street is to be removed and rebuilt due to structural concerns with its retention, however its replacement will still contribute to the visual amenity of the building from George Street. The reduction in ceiling height of Level 6 by 350mm will not have an impact on the original character of that level or original joinery such as the window architrave.

As part of the review of the structural adequacy of the roof slab, alternative solutions were considered including the repair of the existing slab or reconstruction. These solutions were not considered viable or adequate to support additional load. Accordingly, the HIS outlined key recommendations to be considered during the demolition and construction of the new roof slab.

The HIS confirms that the changes to the roof structure will not have any additional visual impacts when viewed from the public domain, including views to the building from George Street and Wynyard Lane, as well as looking down from the building above. There will be no additional impacts on other heritage items in the vicinity. Further discussion is provided in the Heritage Impact Statement at **Appendix B**.

5.2 Structural Assessment

A Structural Design Statement has been prepared by TTW and is included at **Appendix C**. The Statement details the necessity of the proposed works and the condition of the existing concrete roof slab. Specifically, material testing results have determined that the slab does not demonstrate durability for a further design life in its current condition and has insufficient capacity to resist the proposed structure loadings.

Reconstruction and repair of the concrete slab was investigated, however was not considered possible following structural investigation. The Statement confirms that the new lightweight steel roof structure will seal the envelope of the building, and that the existing structure has been assessed to be capable of supporting the new light-weight steel frame roof and will comply with the relevant Australian Standards.

6.0 Conclusion

The proposed modifications involve the demolition of the existing concrete roof structure and construction of a new lightweight roof structure at Beneficial House.

The proposed change 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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