



One Carrington Street

*State Significant
Development
Modification Assessment
(SSD 5824 MOD 8)*

June 2019

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Cover photo

Perspective looking north-east across Wynyard Park to the development (Source: SSD 5824 MOD 1)

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Glossary

Abbreviation	Definition
Consent	Development Consent
Council	City of Sydney
Department	Department of Planning and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
LEP	Local Environmental Plan
Minister	Minister for Planning
RtS	Response to Submissions
SEPP	State Environmental Planning Policy
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development



1. Introduction

1.1 Preamble

This report provides an assessment of an application to modify the State significant development (SSD) consent (SSD 5824) for a mixed-use retail and commercial development at One Carrington Street (also known as Wynyard Place), Sydney.

The modification application seeks to remove an existing roof slab and construct a lightweight steel roof structure above 285-287 George Street (Beneficial House) to support an approved roof terrace.

The application has been lodged by BSREP Wynyard Place Office Landowner Pty Ltd and BSREP 285 George Landowner Pty Ltd (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.2 Concept approval site

The City One concept approval (MP 09_0076) site is located in the northern part of Sydney's CBD, within the City of Sydney (Council) local government area (LGA) (refer to **Figure 1**). The concept approval consists of two separate stages, being:

- **Stage 1:** land east of Carrington Street; and
- **Stage 2:** land west of, underneath and including Carrington Street

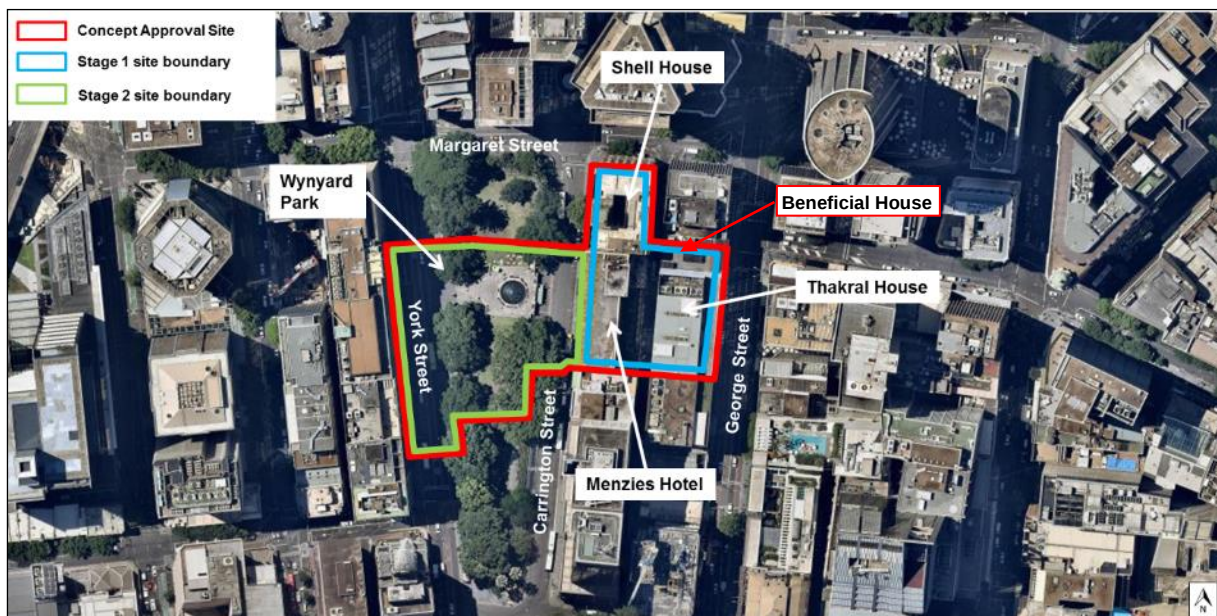


Figure 1 | Site Location (Base source: Applicant's EIS SSD 5824)

Stage 1 is 'L' shaped and is bound by, and has frontages to, George Street to the east, Carrington Street to the west and Margaret Street to the north. Stage 2 is irregular shaped and consists of parts of Carrington Street, Wynyard Park and York Street.

1.3 Subject Site

The modification application relates to Beneficial House (**Figure 2**), which is located on the eastern side of the Stage 1 site, fronting George Street. Beneficial House is listed as local heritage item within Sydney Local Environmental Plan 2012 and is noteworthy for its former lengthy association with "Peapes Menswear" (1923-1970). It has aesthetic significance as one of very few examples of surviving commercial Inter-war Georgian Revival style architecture and the work of Hardy Wilson.

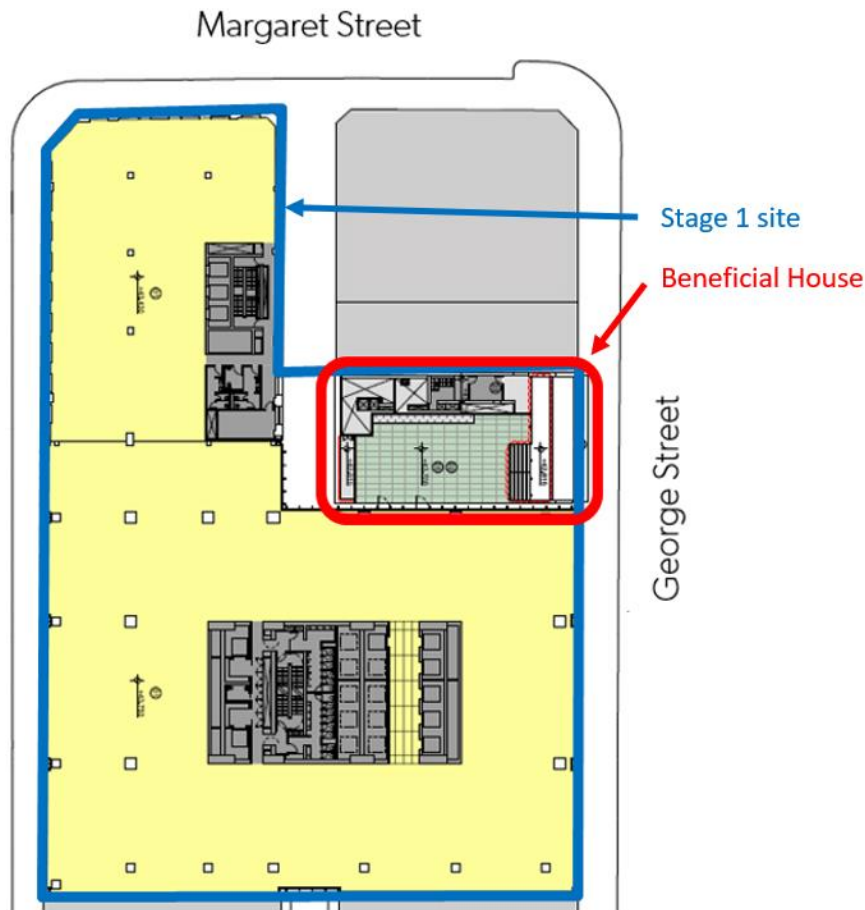


Figure 2 | Beneficial House (Base source: Applicant's Modification Report)

1.4 Approval history

On 25 September 2015, the Acting Executive Director, Infrastructure and Industry Assessments, granted consent to Stage 1 (SSD 5824) of the City One concept approval, consisting of the demolition of the Menzies Hotel and 301 George Street, refurbishment of Shell House and Beneficial House, construction of a 27-storey commercial building and public domain works.

In addition to the current modification application, SSD 5824 has been modified on six occasions (see **Table 1**).

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Status
MOD 1	Design refinements.	Department	4.55(1A)	Approved
MOD 2	Stratum subdivision.	Department	4.55(1A)	Approved

MOD 3	Increase the extent of demolition works to Shell House.	Department	4.55(1A)	Approved
MOD 4	Design refinements.	Department	4.55(1A)	Approved
MOD 5	Administrative changes.	Department	4.55(1)	Approved
MOD 6	Inclusion of additional void zones within four levels of Shell House.	Department	4.55(1A)	Approved
MOD 7	Amend the timing to establish the footpath alignment levels within the public domain plan.	Department	4.55(1A)	Withdrawn

1.5 Other relevant approvals

On 3 April 2012, the Planning Assessment Commission granted concept approval (MP 09_0076) for the upgrade of the eastern accessways to Wynyard Station and a new commercial tower, comprising:

- building envelope to a maximum height of RL 159.7 AHD
- use of the site for offices, shops, food and drink premises, health/medical centre, public amenities, transport facilities and car parking
- adaptive reuse of the former Shell House for commercial and retail use
- a Voluntary Planning Agreement (VPA) for the provision of a transit hall, through site link and associated public infrastructure works and a monetary contribution towards works within the Wynyard Station Precinct
- upgrade of the eastern accessways into Wynyard Station, retail areas and concourse layout.

The concept approval has been modified on two occasions (see **Table 2**).

Table 2 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Status
MOD 1	Administrative changes, including amendments to the VPA and Statement of Commitments.	Department	75W	Approved
MOD 2	Inclusion of 285 George Street (Beneficial House) and increases to GFA, parking and building envelope.	Department	75W	Approved



2. Proposed Modification

On 29 March 2019, the Applicant lodged a modification application (SSD 5824 MOD 8) under section 4.55(1A) of the EP&A Act.

The modification application seeks the demolition and replacement of the existing roof slab of Beneficial House, including replacing the existing timber structure of the tiled roof section fronting George Street and reinstating the original tiles (where possible). No changes are proposed to the height of the roof terrace (RL43.75), the trafficable roof deck, viewing platform or green roof.

The proposed changes are shown in **Figures 3** and **4** below:

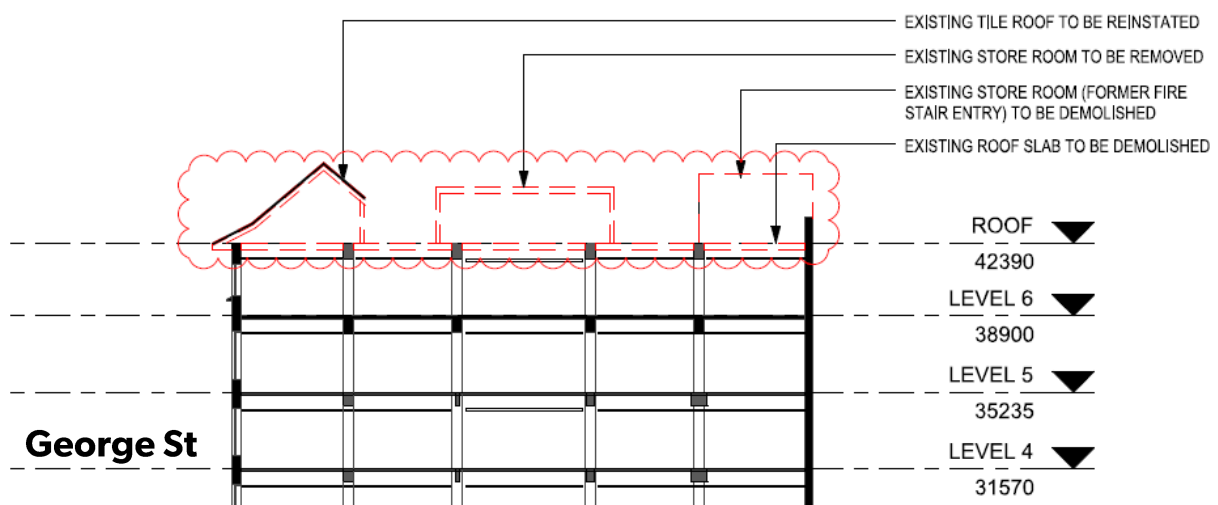


Figure 3 | Proposed demolition plan (Base source: Applicant's Modification Report)

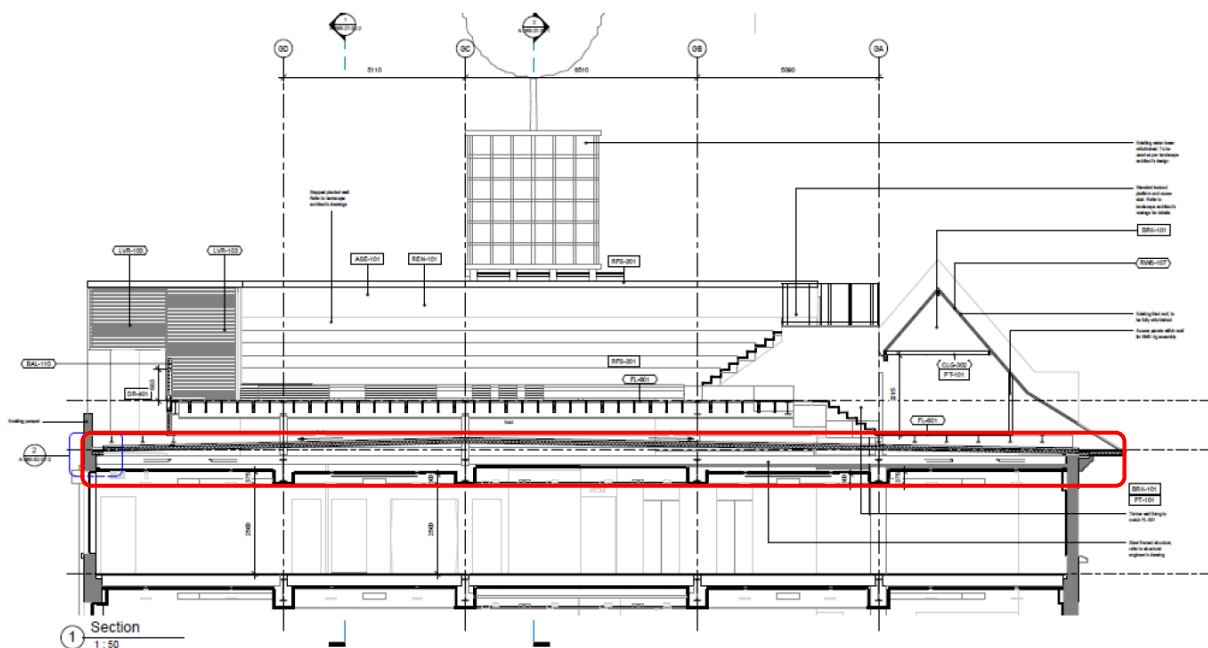


Figure 4 | Proposed section plan (Base source: Applicant's Heritage Impact Statement)



3. *Strategic Context*

The Department considered that the original application complied with the strategic planning context for the site in its original assessment. The Department has considered the proposed changes against the strategic planning context, and is satisfied that the proposal remains consistent with the strategic planning context.



4. Statutory Context

4.1 Scope of Modifications

Section 4.55(1A) of the EP&A Act outlines the matters that a consent authority must take into consideration when determining an application that seeks to modify an SSD application and results in minor environmental impacts.

The matters for consideration under section 4.55(1A) of the EP&A Act that apply to the modification of the project approval (SSD 5824 MOD 8) have been considered in **Table 3**.

Table 3 | Section 4.55(1A) Modification involving minimal environmental impact

Section 4.55(1A) Evaluation	Consideration
a) that the proposed modification is of minimal environmental impact, and	Section 6 of this report provides an assessment of the impacts associated with the modification application. The Department is satisfied that the proposed modification will have minimal environmental impact, as the modifications do not change the external appearance of the building, maintain the intensity of the approved uses and has minimal heritage impacts.
b) 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), and	The Department considers the proposed modification remains substantially the same as the originally approved development. The physical appearance, scale and character of the approved development remains unchanged.
c) the application has been notified in accordance with the regulations, and	The modification application has been notified in accordance with the EP&A Regulations. Details of the notification are provided in Section 5.1 of this report.
d) any submission made concerning the proposed modification has been considered.	The Department received two submissions on the proposal from Council and the Heritage Division. The issues raised in these submissions has been considered in Section 6 of this report.

4.2 Consent Authority

The Minister for Planning is the consent authority for the application under section 4.5(a) of the EP&A Act.

The Minister's delegate as consent authority

However, under the Minister's delegation dated 11 October 2017, the Director, Key Sites Assessments, may determine the application as:

- the relevant local Council has not made an objection
- a political disclosure statement has not been made
- there are no public submissions in the nature of objection.

4.3 Environmental Planning Instruments

The following environmental planning instruments (EPIs) are relevant to the application:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007

- State Environmental Planning Policy No. 55 – Remediation of Land
- Sydney Local Environmental Plan 2012.

The Department's considered that the original application complied with the abovementioned EPIs in its original assessment. The Department has considered the proposed changes against the above EPIs and is satisfied that the proposal remains consistent with these EPIs.

4.4 Objects of the EP&A Act

The Minister or delegate must consider the objects of the EP&A Act when making decisions under the Act. The Department is satisfied the proposed modification is consistent with the objects of the EP&A Act.



5. Engagement

5.1 Department's Engagement

In accordance with the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), the application was not required to be advertised. However, it was made publicly available on the Department's website on 24 April 2019 and referred to the Heritage Division and Council for comment by 10 May 2019 (16 days).

5.2 Summary of Submissions

The Department received submissions from the Heritage Division and Council. No public submissions were received.

Heritage Division raised no objection to the proposed modifications.

Council raised no objection, however requested that structural details and a construction methodology (as recommended by the Applicant's heritage impact assessment) be provided to ensure the protection of the building's heritage significance, including the existing cornice.

A link to the submissions is provided in **Appendix A**.

5.3 Response to Submissions

The Department requested the Applicant provide a Response to Submissions (RtS), which was received on 21 May 2019. The RtS acknowledged Council's concerns and provided additional construction details and methodology.

The RtS was not formally exhibited, however was placed on the Department's website and forwarded to Council.

Council maintains its concerns over the potential to impact on heritage significant elements of the building. Particularly, Council noted the overhang eave on George Street has high heritage significance and must exactly match the existing eave to preserve the integrity of the front facade.

Council advises that provided the eave on George Street is properly reconstructed and the internal new structure not affecting the George Street facade, the proposed work would have acceptable heritage impact.



6. Assessment

The modification application seeks approval for the following works to Beneficial House:

- demolition of the existing roof slab and construction of a new lightweight two component steel framed roof structure
- removal of the timber roof structure to enable demolition and replacement works
- demolition of the projecting eave 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 facade
- new tiled roof over the new timber structure involving a combination of reinstate original roof tiles and replica tiles pending testing of existing tiles against the relevant Australian Standards.

No changes are proposed to the height of the roof terrace (RL43.75), with the trafficable roof deck, viewing platform and green roof having the same finished levels as previously approved (SSD 5824).

The Heritage Division and Council did not object to the proposed modification. However, in its submission to the RtS, Council raised concerns over the level of detail provided in regard to the re-instatement of the overhang eave on the George Street frontage.

The Applicant submitted a heritage assessment, prepared by GML, which concluded the proposed works would have minimal impact on the heritage significance of the building subject to specialist heritage advice being incorporated into developing structural detail and construction methodology to avoid or minimise risk to significant heritage fabric of the building. The Applicant also submitted a structural assessment, prepared by TTW, which concluded the replacement of the existing roof slab was necessary to support the additional load approved under SSD 5824.

The Applicant acknowledges alternative solutions to demolishing the roof slab were considered to minimise the impact on the heritage significance of the building, including its repair or reconstruction, however these solutions were not considered viable or adequate to support additional load of the approval.

The Department notes the tiled roof structure and George Street facade features have high heritage significance. Subject to the recommendations made in the heritage assessment prepared by GML, the Department is confident the proposal will have minimal impact on the overall heritage significance of the building, and notes that this addresses Council's concerns.

As such, the Department supports the proposal subject to a condition requiring the detailed construction drawings to be prepared in consultation with GML and Council, and approved by the Planning Secretary, prior to the issue of a relevant Construction Certificate for the proposed works (**Condition B42**).



7. *Evaluation*

The Department has assessed the modification request and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification request is appropriate as it meets the relevant statutory requirements and is of minimal environmental impact.

The Department's assessment concludes that the proposed modification is appropriate as it:

- results in minimal environmental and heritage impacts (subject to appropriate conditions)
- complies with relevant statutory provisions and remains consistent with relevant EPIs
- is substantially the same development as originally approved.

Consequently, the Department concludes the modification request is in the public interest and should be approved, subject to the recommended changes to the existing conditions of consent as outlined in **Appendix B**.



8. Recommendation

It is recommended that the Director, Key Sites Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 5824 MOD 8 falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application
- **modify** the consent SSD 5824
- **signs** the attached Modification of Development Consent (**Appendix B**).

Recommended by:

James Groundwater
Senior Planning Officer
Key Sites Assessments

Recommended by:

Brendon Roberts
Team Leader
Key Sites Assessments



9. Determination

The recommendation is: **Adopted by:**

David McNamara
Director
Key Sites Assessments



Appendices

Appendix A – List of Documents

- Development consent SSD 5824, granted by the Department on 25 September 2015, together with submissions raised, Applicant's response to submissions, and Department's assessment report.
- Associated modifications to the development consent (SSD 5824).
- Modification Report and accompanying documentation
(<https://www.planningportal.nsw.gov.au/major-projects/project/11041>)
- Agency submissions
(<https://www.planningportal.nsw.gov.au/major-projects/project/11041>)

Appendix B – Modification of Development Consent

<https://www.planningportal.nsw.gov.au/major-projects/project/11041>

Appendix C – Consolidated Consent

<https://www.planningportal.nsw.gov.au/major-projects/project/11041>