

One Carrington Street

*State Significant
Development
Modification Assessment
(SSD 5824 MOD 10)*

September 2019

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Cover photo

Perspective looking north-east across Wynyard Park to the development (Source: SSD 5824 MOD 10)

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Glossary

Abbreviation	Definition
Consent	Development Consent
Council	City of Sydney
Department	Department of Planning Industry 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 and Public Spaces
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 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 create a void space for a Disability Discrimination Act compliant lift and revise the goods lift in 285 George Street.

The application has been lodged by Multiplex Constructions 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 One Carrington Street concept approval (MP 09_0076) site is located in the northern part of Sydney's CBD, within the City of Sydney 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

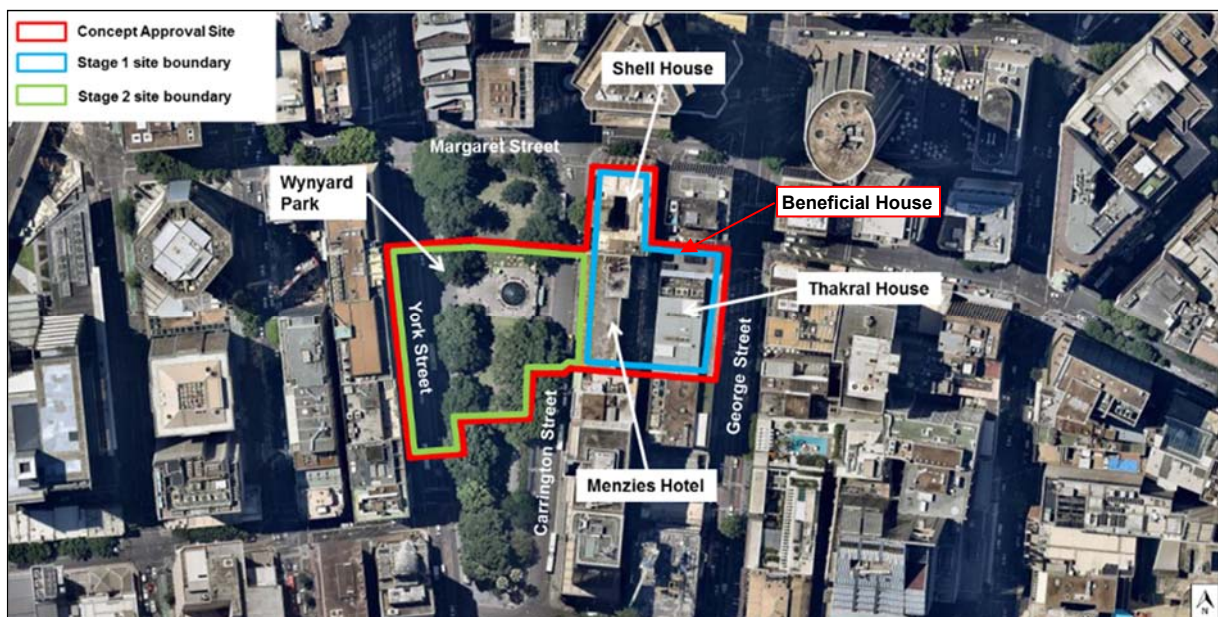


Figure 1 | Site Location (Base source: Applicant's EIS SSD 5824)

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 Shell House and the One Carrington Street office tower (**Figure 2**), which are located within the Stage 1 site, fronting George Street to the east, Carrington Street to the west and Margaret Street to the north. Shell House is listed as a local heritage item within Sydney Local Environmental Plan 2012 and is noteworthy for its association with Shell Oil Co. It has aesthetic significance for its scale of city streetscape prior to the 'skyscraper era' and use of glazed tiles for external wall treatments during the Inter-war period.

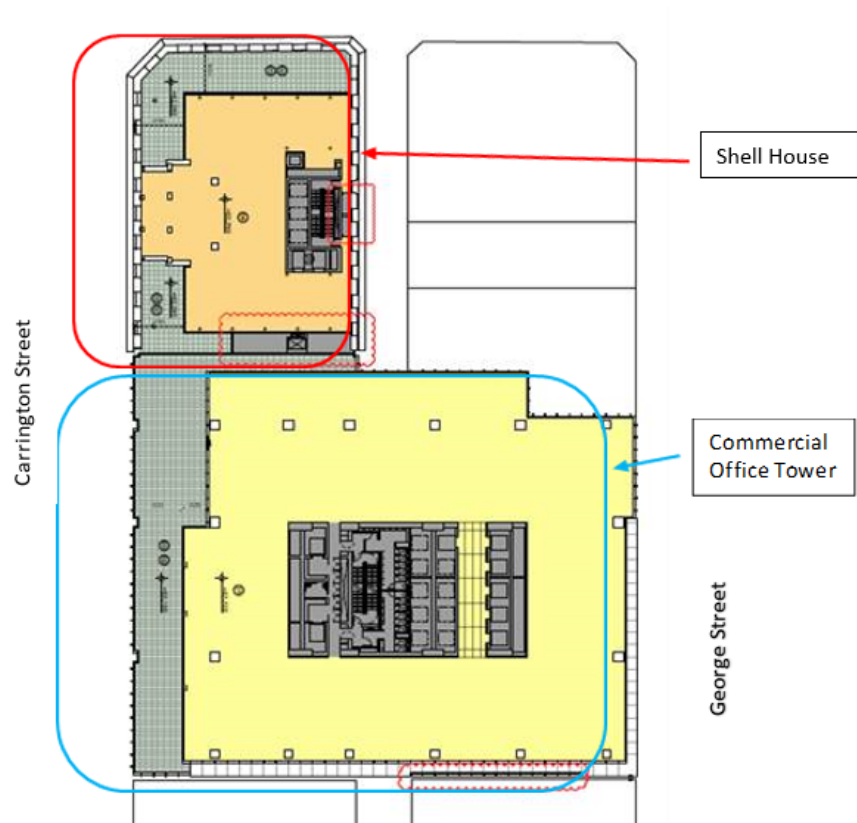


Figure 2 | Shell House and Tower (Base source: DPIE SSD 5824 Mod 8 Assessment Report)

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 One Carrington Street 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 eight occasions (see **Table 1**).

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Consent 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
MOD 8	Design refinements.	Department	4.55(1A)	Approved
MOD 9	Design refinements and construction hours extension.	Under Assessment	4.55(1A)	Under Assessment
MOD 11	Design changes to the Carrington Street entry	Under Assessment	4.55(1A)	Under Assessment

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	Consent Authority	Type	Status
MOD 1	Administrative changes, including amendments to the VPA and Statement of Commitments.	Department	Section 75W Mod	Approved
MOD 2	Inclusion of 285 George Street (Beneficial House) and increases to GFA, parking and building envelope.	Department	Section 75W Mod	Approved



2. Proposed Modification

On 27 June 2019, the Applicant lodged a modification application (SSD 5824 MOD 10) under section 4.55(1A) of the EP&A Act.

The modification application seeks:

- construction of a new Disability Discrimination Act 192 (DDA) compliant accessible lift and stair
- relocation of a goods Lift
- minor changes to WC area to be flush with the core walls
- minor changes to proposed floor levels of George Street, Wynyard Lane and Carrington Street.

The proposed changes are shown in **Figures 3 to 5** below:

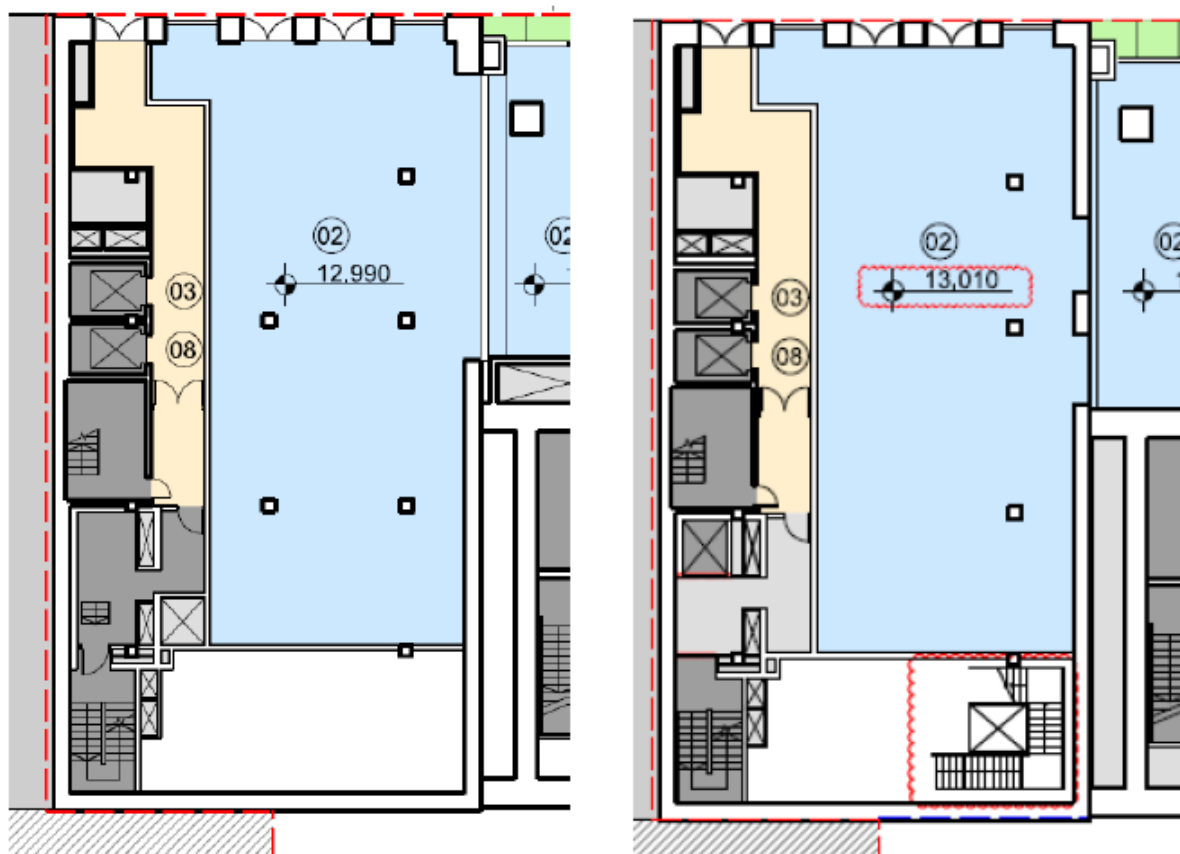


Figure 3 | Approved George Street level (left) and proposed new DDA lift and stairs and relocation of goods Lift (right) (Source: Applicant's Modification Report)

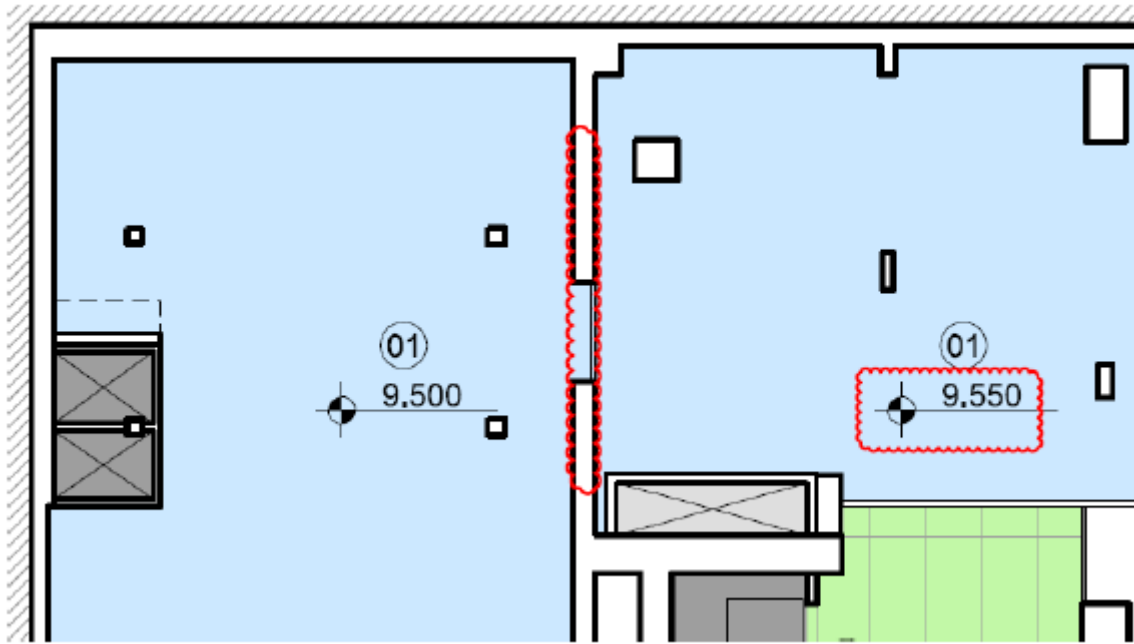


Figure 4 | Proposed minor amendment to 285 George Street floor level interface with tower
(Source: Applicant's Modification Report)

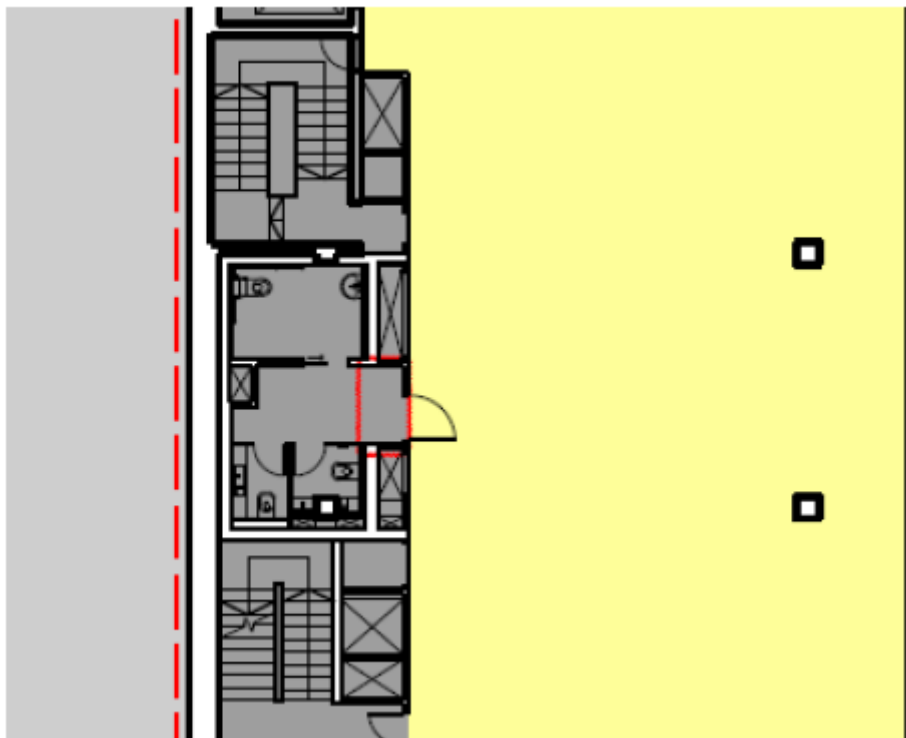


Figure 5 | Proposed flush wall across the Upper Ground to Office Level 3 (Source: Applicant's Modification Report)



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. The nature of the proposal, comprising lift services and internal levels does not alter the Department's view regarding compliance with 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 9) 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, it will not change 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 proposed modification would alter discrete elements of the development and make minor variations to the overall design. The proposal does not result in additional amenity impacts on the surrounding area. 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 Council. The issues raised in these submissions has been considered in Section 6 of this report.

4.2 Consent Authority

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

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 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 and referred to the Heritage Council and the City of Sydney Council for comment.

5.2 Summary of Submissions

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

Heritage Council raised no objection to the proposed modification, identifying the previously approved archaeological management strategy is satisfactory to manage the disturbance of locally significant archaeology anticipated within this modification.

Council raised no objection and supported the recommendations regarding the proposed works contained within the Heritage Impact Statement prepared by GML Heritage.

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



6. Assessment

6.1 Section 4.15(1) Matters for Consideration

Under section 4.55(3) of the EP&A Act, the consent authority, must consider the matters referred to in section 4.15(1) of relevance to the development. **Table 4** identifies the matters for consideration under section 4.15 of the EP&A Act that apply to the proposed modification.

Table 4 | Consideration of section 4.15(1) of the EP&A Act

Section 4.15(1) Matters for consideration	Assessment
(a)(i) any environmental planning instrument	The modified proposal remains compliant with the relevant legislation as addressed in Section 4 of this report.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Under clause of the SRD SEPP, Development Control Plans do not apply to SSD. However, the Department has considered the relevant provisions of SDCP 2012 and finds the modification is acceptable.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations	The application meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6), the requirements for notification (Part 6, Division 6) and fees (Part 15, Division 1AA) (refer to Section 5 of this report).
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	The Department considers the likely impacts of the development are acceptable and have been appropriately addressed (refer to Section 6 of this report).
(c) the auditability of the site for the development	The site is suitable for the development as addressed in Section 6 of this report.
(d) any submissions	The Department has considered the submissions received (refer to Sections 5 and 6 of this report).
(e) the public interest	The Department considers the modified proposal to be in the public interest as it provides for compliance with accessibility regulations.

6.2 Heritage Impacts

The modification application seeks approval for the following works to Wynyard Place:

- construction of a new Disability Discrimination Act (DDA) compliant accessible lift and stair that join the concourse level (basement), Wynyard Lane and Level 1 at 285 George Street
- relocation of the Goods Lift which connects the concourse (basement), Wynyard Lane and Level 1 at 285 George Street
- minor changes to WC area to be flush with the core walls

- minor changes to proposed floor levels of George Street, Wynyard Lane and Carrington Street.

The Applicant submitted a heritage assessment, prepared by GML Heritage. The report identified impacts of the proposal, including:

- removal of some original floor structure, the impact of the new stair on window joinery and on the appearance of the rear elevation; and
- removal of original floorboards of high significance on all floors and some potential impact to joinery. Noting the impact of removing floorboards will be mitigated by the reinstatement of salvaged floorboards on Levels 2-3.

The heritage assessment recommended specialist heritage advice be incorporated into developing detailed design and construction methodology to avoid or minimise risk to significant heritage fabric of the building. The two key areas requiring advice were:

- the design of the new stair and how it connects to the western wall of the building; and
- the removal of floorboards, salvage and reinstatement including where joinery could be impacted through a minor rise in finished floor levels.

The Applicant also submitted a structural statement, prepared by TTW, which concluded the existing structure can support the proposed loads and structural arrangement arising from the proposed lift and stair modifications.

The Heritage Council submission advised the subject site is not on the State Heritage Register and they are satisfied with the current approach to managing the disturbance to locally significant archaeology anticipated within the current modification.

The Department supports the conclusion of the GML report and Heritage Council which consider the potential archaeological impacts as being satisfactorily addressed through existing conditions, however, recommends specialist heritage advice as recommended by the GML report be incorporated as a condition of consent (**Condition B43**).

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 neither the Heritage Council or the City Council raised any concerns with the proposal in their advice to the Department.



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 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 and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 5824 MOD 10 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:

Marcus Jennejohn
Senior Planning Officer
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/12036>)
- Agency submissions
(<https://www.planningportal.nsw.gov.au/major-projects/project/12036>)

Appendix B – Modification of Development Consent

<https://www.planningportal.nsw.gov.au/major-projects/project/12036>

Appendix C – Consolidated Consent

<https://www.planningportal.nsw.gov.au/major-projects/project/12036>