

17 October 2013

Our Ref : 2013/387899-01

Heather Warton
Director, Industry, Social Projects and Key Sites
NSW Department of Planning
GPO Box 39
SYDNEY NSW 2001

Attention: Mark Brown
Email: Mark.Brown@planning.nsw.gov.au

Dear Mark

RE: Section 75W request to modify the approved Concept Plan MP09_0076 (MOD 1) for One Carrington Street (formerly the CityOne development)

I refer to your correspondence received on 25 September 2013, inviting Council to make a submission regarding the request to modify the approved Concept Plan MP09_0076. The modification proposal seeks to amend aspects of the Voluntary Planning Agreement and Work Place Travel Plan requirements, and revise the Statement of Commitments to the Concept Plan.

Voluntary Planning Agreement

The proposal seeks to modify Condition A6 – Voluntary Planning Agreement under the Concept Plan Approval and Commitment 1(b) in the Statement of Commitments to allow the lodgement and determination of development applications with the imposition of a deferred commencement condition. The deferred commencement condition would require the execution of a Voluntary Planning Agreement (VPA) with Transport for NSW prior to any development consent being operative.

The City's preference is the VPA conditions to be in approved concept plan format to ensure public benefits are secured prior to the determination of an application.

However, the City understands that the subject VPA relates specifically to public infrastructure works associated with the entries and transit hall at Wynyard Station, which will be dependent on the approval of detailed design for areas east of Carrington Street and west of George Street. Effectively the request seeks that the development application assessment process can overlap with the infrastructure design processes. In this instance, the proposed modification to Condition A6 and Commitment 1(b) will have minimal impact on the execution of the VPA and delivery of public benefit and is acceptable.

Work Place Travel Plan

The proposal seeks to modify condition B7 to allow the submission of a Workplace Travel Plan (WTP) prior to the issue of an Occupation Certificate for commercial or retail floor space, rather than at the lodgement of a development application.

The City raises no objection to the proposal as it is appropriate to prepare a WTP having regard to specific tenants.

Sydney Airport Corporation Approval

The proposal seeks to permit the lodgement of future development applications for works east of Carrington Street prior to approval being obtained from Sydney Airport Corporation and other relevant government authorities.

The maximum building height approved under the Concept Plan is RL159.7 AHD. This height exceeds the 156m AHD Obstacle Limitation Surface (OLS) for Sydney (Kingsford-Smith) Airport identified in the Sydney LEP 2012. Any future development application requires the consent authority to consult with relevant Commonwealth agencies and obtain their advice prior to granting development consent.

As such, the City raises no objection to the proposed modification to Condition B10 to allow lodgement of applications as the requirement to obtain advice from Sydney Airport Corporation is maintained.

Statement of Commitments

Design of Concourse Areas

The City objects to the proposed modification of Commitment 2(d) to allow the submission of proposed materials, fixtures and finishes for the eastern access way to the Certifying Authority prior to the issue of the relevant Construction Certificate.

Given the publicly accessible nature of the area, the proposed modification to Commitment 2(d) is not considered to be in the public interest. Details would not be available for consideration during the public exhibition of future applications. A Certifying Authority may not have the skills and experience to ensure the proposed materials are appropriate. Lastly, the proposed modification will also limit the City's opportunity to consider the appropriateness of the proposed materials and any impacts on the adjoining public domain.

The City also objects to the modification of Clause 2(e) which will allow an alternative design which demonstrates design excellence and "generally" satisfies the objectives of the design criteria. This is contrary to the Concept Plan Design Criteria which is "*required to demonstrate the manner in which the detailed design has satisfied/implemented **each of the criteria**.*"

The City is concerned that the proposed modification of the approved commitment will allow for a design with diminished design quality. Introducing the word generally suggests a design would only require the achievement some of the objectives of the design criteria.

In regard to the provision of a signage strategy in the concourse under Commitment 2(h), no objection is raised to the modification to allow submission of a signage strategy with development applications specifically relating to signage in the concourse.

Design of Commercial Building

The City objects to the proposed modification to Commitment 3(d) to allow any

alternative design of the commercial building to “generally” satisfy the objectives of the approved design criteria. The city’s objection is on the same basis as the objection to Commitment 2(e) outlined above.

Heritage Interpretation Strategy – Former Shell House

The City objects to the modification of Clause 6(f) to replace the commitment to incorporate heritage interpretation of Shell House into the detailed design of the development at development application stage. The preparation of a Heritage Interpretation Strategy and submission to the Certifying Authority prior to the issue of a relevant Construction Certificate is entirely inappropriate.

Given the significance of Shell House, it is insufficient for heritage interpretation to be considered as an afterthought to the detailed design of the development. The heritage interpretation should be the key document informing any development application related to Shell House. Furthermore, submission of a Heritage Interpretation Strategy to the Certifying Authority prior to the issue of a Construction Certificate will significantly reduce the City’s ability to review and assess any heritage impacts.

The City recommends that the commitment and timing for the preparation and submission of a Heritage Interpretation Strategy for Shell House under commitment 6(f) be retained as approved.

Wynyard Lane

The closure of Wynyard Lane at the northern and southern boundaries of the site is indicated on the approved drawings and is a Public Domain objective under the approved Design Criteria. The development must also improve pedestrian permeability and activation of the laneway.

Modifications to 7(a) and 7(b) are proposed that would make it optional to require the closure of the lane way. The words “should it be required” have been suggested as an amendment to the statement of commitments. It is understood that the proponent is currently in discussions with Transport for NSW to determine if closure of Wynyard Lane will deliver the desired outcomes for the site.

The proposed modifications to Commitments 7(a) would be inconsistent with the Concept Plan approval. The City objects to this modification as it would be premature at this stage to pre-empt the outcome of the discussions noted above and/or the design competition process.

Following completion of discussions with Transport for NSW and the competition process, this matter can be revisited if a superior public domain outcome can be found that does not involve closure of parts of the lane.

The modification to commitment 7(b) is not supported as it is not required. This commitment is only ever triggered if a detailed application proposes to close part of Wynyard Lane. Modifying the wording to remove the word ‘project’ is agreed.

Crime and Public Safety

The City is concerned that submission of a Crime and Public Safety Management Plan to the Certifying Authority prior to the issue of an Occupation Certificate will not

enable a proper assessment of the proposed Plan by the consent authority and is not considered to be in the public interest.

Traffic, Parking and Servicing

The City acknowledges that Conditions B3 and B4 of the Concept Plan approval supersede the commitment for the allocation of car parking spaces and end of journey facilities in Commitments 12(c) and 12(e). The proposed deletion of Commitments 12(c) and 12(e) is therefore supported.

Construction

The proposal to delete the word “compliant” in Commitment 16(b) relating to the maintenance of access between George Street and Wynyard Station is supported given that existing access does not satisfy relevant Australian Standards and as such, compliant access cannot be maintained.

Environmentally Sustainable Development

The proposal to delete Commitment 17(c) relating to the review of sustainability targets for commercial and retail centres to reduce energy use and carbon emissions is acceptable. Commitment 17(a) requires the proponent to achieve a minimum 5 Green Star rating for the development. In this regard, the development will still need to satisfy commitments for environmental sustainability.

Hazardous Materials

The proposal to modify Commitment 22(a) to permit the submission of a Hazardous Materials Survey to the Certifying Authority and not with any Project Application proposing demolition works is not supported by the City.

The City is of the opinion that a Hazardous Materials Survey should be required at the development application stage to enable proper assessment of the proposed methodology for demolition and imposition of relevant conditions to ensure the works have minimal environmental impacts.

However, should the Department support the proponent’s proposed timing for the submission of the Hazardous Materials Survey, the City recommends that the survey be submitted to and approved by the consent authority prior to the issue of a Construction Certificate.

Should you wish to speak with a Council officer about the above, please contact Peggy Wong, Specialist Planner, on 9265 9685 or pwong@cityofsydney.nsw.gov.au.

Yours sincerely,



Graham Jahn AM
Director

City Planning | Development | Transport