



Transport
for NSW

CD13/18629

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

Attention: Mark Brown

**SECTION 75W REQUEST TO MODIFY THE APPROVED CONCEPT PLAN
ONE CARRINGTON STREET, WYNYARD (MP 09_0076 MOD 1)**

Dear Ms Warton

Thank you for your letter dated 20 September 2013 regarding your request for Transport for NSW to provide comment on the Section 75W Modification Application for the above proposal. Transport for NSW has reviewed the submitted documentation along with the original Concept Approval (MP 09_0076), and amended Statement of Commitments together with the letter from JBA Planning Pty Ltd dated 12 September 2013 for the abovementioned proposal.

Transport for NSW support many of the proposed modifications however some of the matters involved should be addressed as part of the negotiations of the Project Development Agreement (or Voluntary Planning Agreement) between the parties and therefore changes to the timing cannot be supported.

The detailed response to the proposed modifications to the Terms of Approval and Future Environmental Assessment Requirements are provided in **Attachment A**. The detailed response to the proposed modifications to the individual Statement of Commitments is provided in **Attachment B**.

Transport for NSW also reiterates the position that the agreement between RailCorp and Thakral Holdings Limited, outlined in a letter to Thakral dated 18 March 2011, noting the requirement to obtain owner's consent for making a project application remains valid. A copy of this letter has previously been provided to the Department as an attachment to the Transport for NSW response to the Director General's Requirements for One Carrington Street (SSD 13_5824).

Transport for NSW would appreciate the opportunity to provide ongoing input into the environmental assessment process for the proposed development. Should you have any questions regarding this matter, please contact Aleks Tancevski on 8202 2811 or Aleks.Tancevski@transport.nsw.gov.au

Yours faithfully

Carolyn McNally
**Deputy Director General
Planning and Programs**

Attachment A

TRANSPORT FOR NSW RESPONSE TO THE PROPOSED MODIFICATIONS TO THE TERMS OF APPROVAL AND FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

A6. VOLUNTARY PLANNING AGREEMENT

The proponents proposed modifications are set out below¹:

*"A6. Prior to ~~the submission of~~ any future **development consent becoming operable, application** pursuant to this Concept Plan, the Proponent shall provide written evidence to the Director-General that it has ~~entered into~~ **executed** a Voluntary Planning Agreement with Transport for NSW consistent with terms outlined in the PPR, Revised Statement of Commitments and subsequent Commercial Offer dated May 2011 and Supplementary Proposal dated August 2011".*

TfNSW recognises that the public benefit offer towards the future upgrade of transport facilities at Wynyard station is a matter of public interest as part of the planning process and therefore does not support the suggestion that the VPA and project application should be considered independently.

Transport for NSW **proposes the following revised condition** which is set out below:

*"A6. Prior to the **determination** of any future **Project Application**, pursuant to this Concept Plan, the Proponent shall provide written evidence to the Director-General that it has executed a Voluntary Planning Agreement with Transport for NSW consistent with terms outlined in the PPR, Revised Statement of Commitments and subsequent Commercial Offer dated May 2011 and Supplementary Proposal dated August 2011. **The Voluntary Planning Agreement shall include at a minimum the following principles:***

- **Brookfield is to provide a through-site pedestrian Transit Hall linking George Street to the Wynyard Station concourse. The Transit Hall is to provide a minimum aggregate width of 20 metres with a minimum height of 13 metres to the George Street entry.***
- **The detailed design of the Transit Hall is to be undertaken in conjunction with Transport for NSW.***
- **Brookfield is to make a cash contribution to Transport for NSW for its use as it determines.***
- **Brookfield and Transport for NSW will enter a new lease for the site"***

B7 WORK PLACE TRAVEL PLAN

The proponents proposed modifications are set out below¹:

*"B7. Any future application for works east of Carrington Street seeking approval for commercial or retail (or similar) floor space shall provide details of a Workplace Travel Plan (WTP) **prior to issue of the relevant Occupation Certificate for that application**, which shall include travel demand management measures aimed at increasing the use of sustainable travel modes".*

¹ The words proposed to be deleted are shown in ~~**bold italics strike through**~~ and words to be inserted are shown in **bold**.

Transport for NSW **supports** the proposed modifications as Workplace Travel Plans are best prepared for future tenants of the building. It is reasonable to defer this requirement until prior to the issue of the Occupation Certificate for that application when a future tenant is more likely to be known.

B10 SYDNEY AIRPORT

The proponents proposed modifications are set out below²:

*"B10. Any future application for works east of Carrington Street shall demonstrate, **prior to determination that** all necessary approvals have been obtained from Sydney Airport Corporation Limited and any other relevant government authority in relation to air safety matters".*

Transport for NSW **supports** the proposed modifications as as lodgement of any future application should not be delayed pending an approval from Sydney Airport Corporation Limited (SACL).

² The words proposed to be deleted are shown in ~~**bold italics strike through**~~ and words to be inserted are shown in **bold**.

Attachment B

TRANSPORT FOR NSW RESPONSE TO THE PROPOSED MODIFICATIONS TO THE STATEMENT OF COMMITMENTS finishes

The proponents proposed modifications to the Statement of Commitments are set out below. The words proposed to be deleted are shown in ***bold italics strike through*** and words to be inserted are shown in **bold**. Transport for NSW has provided a separate response and reason to each item below.

1. Public Benefit

The Proponent		Transport for NSW	
Commitment	Timing	Response	Reason
1.b) That The proponent will enter into a Project Delivery Agreement with Transport for NSW Rail Corp , relating to the delivery of public infrastructure works on land generally west of Carrington Street.	To be demonstrated prior to a development consent becoming operable the lodgement of the first Project Application for physical works on land generally east of Carrington Street.	Not supported.	The proposed changes to the timing of the PDA are not consistent with the letter agreement of March 2011 that was the basis of RailCorp's landowners consent to the approved 2012 Concept Plan.

2. Design – Concourse Area

The Proponent		Transport for NSW	
Commitment	Timing	Response	Reason
2.d) The future Project Application(s) relating to the detailed design of the eastern access ways will include detailed information on proposed materials, fixtures and finishes. Proposed materials, surfaces, lighting etc to be used in the public station accessways will be coordinated with Transport NSW and where necessary, the City of Sydney Council, to ensure that the Wynyard Precinct reads as a totality.	To be demonstrated to the certifying authority prior to issue of the relevant Construction Certificate for construction of the eastern access ways. with any relevant Project Application relating to works east of Carrington Street.	Not supported	This decision should not be delayed until the Construction Certificate stage, nor should it be delegated to a Private Certifier. The materials and finishes are critical items for TfNSW to be agreed when the Project Delivery Agreement is entered into.

The Proponent		Transport for NSW	
Commitment	Timing	Response	Reason
2.e) The future Project Application for the development of CityOne Wynyard will be required to demonstrate the manner in which the detailed design satisfies the design criteria included at Appendix G of the PPR. In the event that an alternative design is proposed is must be demonstrated that it will achieve design excellence and generally satisfies the objectives of the criteria.	To be demonstrated with any relevant Project Application relating to works east of Carrington Street.	Not supported.	The proposed amendments to this Statement of Commitment pre-empt lodgement of an application that is inconsistent with the Concept Plan Approval
2.h) A signage strategy will be prepared for the development to the satisfaction of Transport NSW and consistent with Transport NSW's Interchange Guidelines.	To be submitted with any prior to any application Project Application for signage in the concurrence.	Not Supported	This decision should not be delayed until the Construction Certificate stage, nor should it be delegated to a Private Certifier. The signage strategy is a critical item for TfNSW to be agreed when the Project Delivery Agreement is entered into.

3. Design Commercial Building

The Proponent		Transport for NSW	
Commitment	Timing	Response	Reason
3.d) The future Project Application for the development of CityOne Wynyard will be required to demonstrate the manner in which the detailed design satisfies the design criteria included at Appendix G of the PPR. In the event that an alternative design is proposed is must be demonstrated that it will achieve design excellence and generally satisfy the objectives of the criteria.	To be demonstrated with any relevant Project Application relating to works east of Carrington Street.	Not supported.	The proposed amendments to this Statement of Commitment pre-empt lodgement of an application that leaves Wynyard Lane open. This would be inconsistent with the Concept Plan Approval which requires partial closure of Wynyard Lane at the boundaries of the One Carrington Street development site. Should an application be lodged that is inconsistent with the Concept Plan Approval then it is only at this time that a concurrent request to modify the Concept Plan Approval should be lodged.

6. Heritage – Former Shell House

The Proponent			Transport for NSW	
Commitment	Timing	Response	Reason	
6.f) A heritage interpretation strategy of the history of the site will be prepared for Shell House be incorporated into the detailed design.	To be demonstrated / submitted with any the certifying authority prior to the issuing of the relevant Construction Certificate for works Project Application relating to Shell House.	N/A	TfNSW has no comment on this change.	

7. Wynyard Lane

The Proponent			Transport for NSW	
Commitment	Timing	Response	Reason	
7.a) If the detailed application requires the closure of Wynyard Lane, the proponent Thakral will seek a separate approval from the City of Sydney Council for the closure of Wynyard Lane at both the northern and southern ends of the development site to remove all conflict between vehicles and pedestrians (other than emergency vehicle access) and allow unimpeded pedestrian flow in an east west direction across Wynyard Land, generally in accordance with the concept illustrated Option 1 of the PPR prepared by JBA dated March 2011.	To be demonstrated / submitted with any Project Application relating to works east of Carrington Street as required by the design.	Not supported.	The proposed amendments to this Statement of Commitment pre-empt lodgement of an application that is inconsistent with the Concept Plan Approval.	
7.b) The detailed design of any public domain works proposed in relation to the closure of Wynyard Lane, should it be required , will be subject to further ongoing consultation with Transport NSW and City of Sydney Council and will be documented in the detailed project application relating to construction of the eastern concourse.	To be demonstrated / submitted with any Project Application relating to works east of Carrington Street as required by the design.	Not supported.	The proposed amendments to this Statement of Commitment pre-empt lodgement of an application that is inconsistent with the Concept Plan Approval.	

9. Crime and Public Safety

The Proponent			Transport for NSW	
Commitment	Timing	Response	Reason	
9.c) A Crime and Public Safety Management Plan for the nonpaid concourse areas owned and leased by the proponent Thakral is to be developed in consultation with Sydney Trains RailCorp and is to provide details with respect to operational management by trained staff and security personnel, regular patrolling of the Thakral leased areas, and installation of CCTV to provide a higher level of security and safety for the area.	To be demonstrated submitted to the certifying authority prior to the issue of an Occupation Certificate for the nonpaid concourse areas, as part of any relevant Project Application	Supported, with a minor amendment.	There is insufficient detail about the design and operation of the future non-paid concourse to prepare a Crime and Public Safety Management Plan. However the Plan should be submitted to the Certifying Authority with a letter of support for the Plan from RailCorp and Sydney Trains when the development consent becomes operable.	

12. Traffic, Parking and Servicing

The Proponent			Transport for NSW	
Commitment	Timing	Response	Reason	
12.e) 177 existing car spaces within the Wynyard Lane Public Car Park will be decommissioned and no longer available for use as public car parking spaces. The 177 existing public car parking spaces will be for commercial office tenant use.	To be demonstrated with any relevant Project Application for works east of Carrington Street.	TfNSW supports the removal of this clause.	This condition is superseded by Condition B3 of the Concept Approval.	
12.e) Off street bicycle parking and shower facilities are to be provided within the development in accordance with City of Sydney DCP 1996.	To be demonstrated with any relevant Project Application for works east of Carrington Street.	TfNSW supports the removal of this clause.	This condition is superseded by Condition B4 of the Concept Approval.	

16. Construction

The Proponent		Transport for NSW	
Commitment	Timing	Response	Reason
16.b The Construction Management Plan will be prepared in consultation with Transport NSW and City of Sydney Council and will include details: • in relation to scheduling and staging of demolition and construction works; • on how compliant pedestrian access between George Street and Wynyard Station will be maintained. This will need to be independently certified. • on the pedestrian access arrangements during construction works including the appropriate staging, methodology and management requirements to ensure that access to relevant adjoining development is maintained during construction; and • noise and dust management measures.	To be submitted with any relevant project application.	Supported with minor amendment.	As existing access between George Street and Wynyard Station is not currently compliant with Australian Standards it is not possible to maintain compliant access. However the proponent will need to independently certify that the pedestrian access between George Street and Wynyard Station is of a high (if not compliant) standard and what procedures need to be in place for the evacuation of the station in the event of an emergency.

17. Environmentally Sustainable Development

The Proponent		Transport for NSW	
Commitment	Timing	Response	Reason
17.e The detailed design of the development is to review the sustainability targets for commercial office buildings and retail centres with the aim of maximising sustainability and future flexibility whilst reducing energy use and carbon/CO2 emissions.	To be demonstrated with any Project Application relating to the design of the commercial tower.	TfNSW supports the removal of this clause.	Consistent with the Planning Assessment Commission's approval, the Future Environmental Assessment Requirement No 8 requires any future application to demonstrate the development will incorporate the ESD principles outlined in the Sustainability report prepared by Cundall for the Concept Plan. As commitment 17 a) commits the proponent to a minimum 5 Green Star rating commitment 17c) is not required as it is not quantifiable and there are adequate sustainability measures in place.

22. Hazardous Materials

The Proponent		Transport for NSW	
Commitment	Timing	Response	Reason
22.a) A Hazardous Materials Survey is to be prepared for existing building structures.	To be submitted to the certifying authority prior to the issue of a Construction Certificate for with any Project Application-proposing demolition works	Supported.	This should be consistent with the timing for the Construction Management Plan. However this information is not required at the development application stage.