

One Carrington Concept Plan (Mod 1)

Response to Submissions

Comment	Response
Transport for NSW	
<p>A6. Voluntary Planning Agreement</p> <p>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:</p> <p><i>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:</i></p> <ul style="list-style-type: none"> • 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. 	<p>In response to Transport for NSW's (TfNSW) submission, Brookfield requests the proposed timing be amended to "Prior to the determination of any future application". We note that following the repeal of Part 3A, a Project Application can no longer be made for this site.</p> <p>In relation to the additional principles that TfNSW has requested to be added, Brookfield does not support their inclusion. Whilst Brookfield does not have an issue with the principles themselves, this modification only sought to amend the timing of the VPA. It therefore is not the appropriate for this modification to be used to provide additional principles to be included in the VPA.</p> <p>We note that the intent of the principles are already captured in the documents referenced in Condition A6 and the Statement of Commitments that form part of the Concept Approval. Brookfield therefore do not wish to create a further layer of principles that duplicate the intent of the Approval already in place, and that add an additional layer of complexity to an already complicated process.</p>
<p>B7 Work Place Travel Plan</p> <p>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.</p>	<p>TfNSW's support is noted.</p>
<p>B10 Sydney Airport</p> <p>Transport for NSW supports the proposed modifications as lodgement of any future application should not be delayed pending an approval from Sydney</p>	<p>TfNSW's support is noted.</p>

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<p>Airport Corporation Limited (SACL).</p> <p>1. Public Benefit Not supported.</p> <p>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 Concept Plan.</p>	<p>It is appropriate that entering of the PDA occurs concurrent to the VPA. In light of TfNSW's requested modification to the timing for entering into the VPA, it is proposed to amend the modification to Commitment 1 in order to reflect the same timing as the modification to Condition A6 requested by TfNSW. The modified Commitment reads as follows:</p> <table border="1" data-bbox="1070 459 2002 608"> <tr> <td data-bbox="1070 459 1536 608"> <p>1.b) Thakral 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.</p> </td><td data-bbox="1536 459 2002 608"> <p>To be demonstrated prior to a determination of an application the lodgement of the first Project Application for physical works on land generally east of Carrington Street.</p> </td></tr> </table> <p>In relation to the referenced letter, Brookfield is separately corresponding with TfNSW / RailCorp to undertake consistent amendments with this Commitment.</p>	<p>1.b) Thakral 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.</p>	<p>To be demonstrated prior to a determination of an application the lodgement of the first Project Application for physical works on land generally east of Carrington Street.</p>
<p>1.b) Thakral 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.</p>	<p>To be demonstrated prior to a determination of an application the lodgement of the first Project Application for physical works on land generally east of Carrington Street.</p>		
<p>2. Design – Concourse Area 2.d Not Supported</p> <p>This decision should not be delayed until the Construction Certificate Stage, nor should it be delegated to a Private Certifier. The materials and finish and critical items for TfNSW to be agreed when the Project Delivery Agreement is entered into.</p>	<p>In response to TfNSW's request it is proposed to amend the modification to Commitment 2.d to reflect the same timing as entering into the PDA:</p> <table border="1" data-bbox="1070 794 2002 1091"> <tr> <td data-bbox="1070 794 1536 1091"> <p>2.d) The future Project Application(s) relating to the detailed design of the eastern access ways The Project Delivery Agreement 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 for NSW and where necessary, the City of Sydney Council, to ensure that the Wynyard Precinct reads as a totality.</p> </td><td data-bbox="1536 794 2002 1091"> <p>To be demonstrated as part of the Project Delivery Agreement. with any relevant Project Application relating to works east of Carrington Street.</p> </td></tr> </table>	<p>2.d) The future Project Application(s) relating to the detailed design of the eastern access ways The Project Delivery Agreement 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 for NSW and where necessary, the City of Sydney Council, to ensure that the Wynyard Precinct reads as a totality.</p>	<p>To be demonstrated as part of the Project Delivery Agreement. with any relevant Project Application relating to works east of Carrington Street.</p>
<p>2.d) The future Project Application(s) relating to the detailed design of the eastern access ways The Project Delivery Agreement 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 for NSW and where necessary, the City of Sydney Council, to ensure that the Wynyard Precinct reads as a totality.</p>	<p>To be demonstrated as part of the Project Delivery Agreement. with any relevant Project Application relating to works east of Carrington Street.</p>		
<p>2.e Not Supported.</p> <p>The proposed amendments to this of Commitment pre-empts lodgement of an application that is inconsistent with Concept Plan Approval</p>	<p>In response to TfNSW's submission Brookfield requests that the proposed modification to Statement of Commitment 2.e be withdrawn.</p>		
<p>2.h Not Supported.</p> <p>This decision should not be delayed until Construction Certificate Stage, nor should it be delegated to a Private Certifier. The signage strategy is a critical</p>	<p>In response to TfNSW's submission Brookfield requests that the proposed modification to Statement of Commitment 2.h be withdrawn.</p>		

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item for TfNSW to be agreed when the Project Delivery Agreement is entered into.			
<p>3. Design Commercial Building Not Supported.</p> <p>The proposed amendments to this Statement of Commitment pre-empts 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 modify the Concept Plan Approval should be lodged.</p>	In response to TfNSW's submission Brookfield requests that the proposed modification to Statement of Commitment 3 be withdrawn.		
<p>6. Heritage- Former Shell House 6.f N/A TfNSW has no comment on this change.</p>	Noted.		
<p>7. Wynyard Lane 7.a Not Supported.</p> <p>The proposed amendments to this Statement of Commitment pre-empts lodgement of an application that is inconsistent with the Concept Plan Approval</p>	In response to TfNSW's submission Brookfield requests that the proposed modification to Statement of Commitment 7.a be withdrawn.		
<p>7.b Not Supported.</p> <p>The proposed amendments to this Statement of Commitment pre-empts lodgement of an application that is inconsistent with the Concept Plan Approval</p>	In response to TfNSW's submission Brookfield requests that the proposed modification to Statement of Commitment 7.b be withdrawn.		
<p>9. Crime and Public Safety Supported, with minor amendment.</p> <p>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 Rail Corp and Sydney Trains when development Consent becomes operable.</p>	<p>In response to TfNSW's submission Brookfield would like to modify Statement of Commitment 9 as follows:</p> <table border="1" data-bbox="1070 1241 1998 1361"> <tr> <td data-bbox="1070 1241 1541 1361">9.c) A Crime and Public Safety Management Plan for the non-paid concourse areas owned and leased by the proponent Thakral is to be developed in consultation with Sydney Trains</td><td data-bbox="1541 1241 1998 1361">To be demonstrated submitted with a letter of support from Sydney Trains to the certifying authority prior to the issue of a Construction Certificate for the non-paid concourse areas.</td></tr> </table>	9.c) A Crime and Public Safety Management Plan for the non-paid concourse areas owned and leased by the proponent Thakral is to be developed in consultation with Sydney Trains	To be demonstrated submitted with a letter of support from Sydney Trains to the certifying authority prior to the issue of a Construction Certificate for the non-paid concourse areas.
9.c) A Crime and Public Safety Management Plan for the non-paid concourse areas owned and leased by the proponent Thakral is to be developed in consultation with Sydney Trains	To be demonstrated submitted with a letter of support from Sydney Trains to the certifying authority prior to the issue of a Construction Certificate for the non-paid concourse areas.		

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	<div data-bbox="1077 233 1525 411"> <p>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.</p> </div> <div data-bbox="1525 233 2002 411"> <p>as part of any relevant Project Application</p> </div> <p>The modified process will ensure that the PCA can only sign off on the Management Plan if Sydney Trains supports it.</p> <p>We note that the timing has also been modified to prior to the issue of a Construction Certificate for the non-paid concourse areas. It is not possible to tie the commitment to the time the 'consent becomes operable' without the requirement being a deferred commencement condition tied to that consent, which is not something Brookfield can commit to on behalf of the consent authority. It is also not an appropriate reason to defer a development consent becoming operable. The proposed timing will still ensure the issue is suitably resolved prior to construction commencing.</p> <p>It is noted that the physical crime safety elements, such as securing the Transit Hall access after hours will be addressed as part of the DA process, in advance of the Management Plan.</p>
<p>12. Traffic, Parking and Servicing</p> <p>12.c</p> <p>TfNSW supports the removal of this clause.</p> <p>This condition is superseded by Condition B3 of the Concept Approval</p>	<p>TfNSW's support is noted.</p>
<p>12.e</p> <p>TfNSW supports the removal of this clause.</p> <p>This condition is superseded by Condition B4 of the Concept Approval</p>	<p>TfNSW's support is noted.</p>
<p>16. Construction</p> <p>Supported with minor amendment.</p> <p>An 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</p>	<p>TfNSW's response recognises that the existing access is not currently compliant but has requested that the access be of a high (if not compliant) standard. As recognised in the City of Sydney's response, which supports the modification, compliant access cannot be maintained as the existing access it not currently compliant.</p>

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<p>a high (if not compliant) standard and what procedures need to be in place for the evaluation of the station in the event of an emergency.</p>	<p>Brookfield is unsure how TfNSW envisages an independent certifier process would work, especially if the certifier was required to determine access was of a 'high standard', when the existing arrangement is not currently compliant and is therefore unlikely to be considered 'a high standard'.</p>
<p>17. Environmentally Sustainable Development 17.c 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 17a) 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.</p>	<p>TfNSW's support is noted.</p>
<p>22. Hazardous Materials 22.a Supported. This should be consistent with the timing for the Construction Management Plan. However this information is not required at the development application stage.</p>	<p>TfNSW's support is noted, however, in response to the City of Sydney's submission this modification has been withdrawn.</p>
City of Sydney	
<p>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.</p>	<p>Council's support is noted.</p>

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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.	
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.	Council's support is noted.
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.	Council's support is noted.
<p><i>Design of Concourse Areas</i></p> <p>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.</p> <p>Given the publicly accessible nature of the area, the proposed modification to Commitment 2(d) is not in 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.</p>	The modification to Commitment 2(d) has been modified in response to TfNSW's comments so that the details are provided and agreed to as part of the PDA, which must be entered into prior to approval of a future application. As per the existing commitment consultation will be undertaken with the City of Sydney.

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<p>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.”</p> <p>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.</p>	<p>In response to the City of Sydney’s submission Brookfield requests that the proposed modification to Statement of Commitment 2(e) be withdrawn.</p>
<p>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.</p>	<p>Council’s support is noted however, in response to TfNSW’s request this modification has been withdrawn.</p>
<p>Design of Commercial Building</p> <p>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.</p>	<p>In response to the City of Sydney’s submission Brookfield requests that the proposed modification to Statement of Commitment 3(d) be withdrawn.</p>
<p>Heritage Interpretation Strategy – Former Shell House</p> <p>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.</p> <p>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.</p> <p>The City recommends that the commitment and timing for the preparation and submission of a Heritage Interpretation Strategy for Shell House under</p>	<p>In response to the City of Sydney’s submission Brookfield requests that the proposed modification to Statement of Commitment 6(f) be withdrawn.</p>

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<p>commitment 6(f) be retained as approved.</p> <p><i>Wynyard Lane</i></p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>In response to the City of Sydney’s submission Brookfield requests that the proposed modification to Statement of Commitments 7(a) and (b) be withdrawn.</p>
<p><i>Crime and Public Safety</i></p> <p>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.</p>	<p>The City of Sydney’s concern about the capability of the Certifying Authority in relation to this matter is noted. The commitment has been amended to require TfNSW’s endorsement of the plan (as requested in TfNSW’s submission).</p>
<p><i>Traffic, Parking and Servicing</i></p> <p>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.</p>	<p>Council’s support is noted.</p>

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<p><i>Construction</i></p> <p>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.</p>	<p>Council’s support is noted.</p>
<p><i>Environmentally Sustainable Development</i></p> <p>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.</p>	<p>Council’s support is noted.</p>
<p><i>Hazardous Materials</i></p> <p>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.</p> <p>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.</p>	<p>In response to the City of Sydney’s submission Brookfield requests that the proposed modification to Statement of Commitment 22(a) be withdrawn.</p>