



**MEMOCORP
AUSTRALIA PTY LTD**
(ABN 57 051 213 803)



10th February 2011

Director, Metropolitan Projects
Department of Planning
23-33 bridge Street
Sydney NSW 2000
Fax; 02 9228 6455

Re: City One - Thakral House/Wynyard, Proposed Wynyard Station Upgrade and Commercial and Retail Development – Land between George, Margaret and Carrington Streets, Sydney (MP09_0076)

Dear Sir,

Memocorp Australia Pty Ltd, owner of Wynyard Green (formerly known as Railway House and Transport House), 11 – 31 York Street, Sydney, we hereby lodged formal objections to the proposed Concept Plan, a major project application under Part 3A at above subject site on current proposed Concept Plan submission and shall not be supported by Department of Planning. In our opinion, numerous aspects of the development need to be scrutinized properly and severe amendments require to be made accordingly.

We have make a brief assessment and it's compliance with Sydney Local Environmental Plan 2005 and we have grave concerns with lack of compliance with the regulations outlined in LEP, Council's DCP, BCA, excessive FSR, excessive building bulk and height, non compliance set back, our loss of privacy, heritage, solar access and over shadowing, required Design Competition Process, CMEP issue, Contribution Offer and Draft Schedule of Commitments and others as detailed below.

We refer to the followings **non-compliances** and areas of major concern;

A. **Built Form**
A1. **FSR**

FSR	9.63 : 1 (refer to enclosed Attachment A, JBA's EAR pg.95 – City One Concept Plan)
Permissible	8:1

The proposed Concept Plan is excessive in both scale and bulk, and too high intensity of development on this sensitive subject site.

It's does not have the potential allocation of Heritage floor space and nor this site can have a building height exceeding 55 metres fronting both Carrington Street and also main part of George Street frontage.

Further more, the current site area of 1038m² (under Wynyard Centre Pty Ltd or total 4032M² under both Wynyard Centre Pty Ltd + Railcorp with crown land below) with the aggregate FSA exceed by 85,000m² shall not be supported.

We strongly urged the Department of Planning (DoP) to refer to appropriate NSW state government department to question, instigate and conduct a proper enquiry and investigation, informing both the tax payer and public the validity of using crown land and Railcorp land as "trade off" to enable the Developer to "bulk" up the commercial tower. Both the state government and DoP should mounted challenges to the Interpretation (refer to enclosed Attachment A, JBA EAR, page 95, paragraph 2) from the proponent's solicitors Blake Dawson Waldron.

A2. Height Limit

Height	RL 159.70 to RL 125.96m (refer to enclosed Attachment B, JBA EAR, Pg 82 & 83)
Permissible	55 m (Carrington Street portion of the site)

The CSDC sets Special Area Setbacks for Wynyard Park restricting development above 45m fronting Carrington Street should be supported by DoP.

DoP should reject the placement of the proposed City One tower envelope exceeds the permissible 55 metre building height for both the Carrington street and main part of George Street frontage between 57 to 91 metres.

The proposed RL 159.70 to RL 125.96m height is excessive in bulk, scale and height fronting both Carrington Street and Wynyard Park, and do not have a desirable character of the development to be integrated to existing scale including historic neighbours along the Carrington Street. It's does not provide the adequate transition of the building height between surrounding localities and do not provide adequate levels of daylight to narrow street especially Wynyard Lane.

This proposed commercial tower is not in keeping with the scale around the Wynyard Park.

According to topography of the site Carrington Street is 6.5 m higher then George Street but the proposed commercial tower building facade is relatively even higher in height fronting Carrington Street. (Refer to enclosed Attachment B1, JBA EAR, Appendix A, page 25).

The height limit should also include all roof top plant and lift overruns plant.

The proposed development casts significant overshadowing to existing neighbouring buildings and especially on top of Wynyard Park.

It dwarfs and closed up Wynyard Park, urban and public space, further more overlooking by this tower development and hence sterilized Wynyard Park renders it "less useful".

We lost of eastern district view due to this excessive overly tall and bulky building envelope which poses severe overlooking concern to both us and surrounding buildings.

The tower development fronting the Carrington Street should be lowered to maximum permissible height of 55m, retain the existing same amount of daylight into the Wynyard Park (Special Area in Schedule 6) and also all the public domain.

A3. Set Back

The CSDC sets Special Area Setbacks for Wynyard Park restricting development above 45m fronting Carrington Street (refer to enclosed Attachment C) should be supported by DoP. DoP should therefore object this excessive over development in its current form.

A4. Privacy, Noise & Security, lost of public enjoyment.

We suffer severe loss of privacy, grave noise and poses security concern with the proposed CEMP with the construction vehicular access right in front our building and both ground floor main building entries area located directly opposite the Wynyard Park.

Due to close proximity of the proposed CEMP with the construction vehicular access, the noise will be also poses grave concern to our both our major Tenants / Navitas, students attending tertiary education campus, office and ground floor retails including our public podium areas.



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Our tenants and students will not be able to use the Wynyard Park and will suffer for the unspecified long prolonged duration of the construction activities and development staging of both the Thakral and future Transport NSW / Railcorp developments.

A5. Solar Access and Over Shadowing

Excessive Railcorp contributory in FSR, result in excessive height and building bulk. It causes over shadowing and severely reduced solar access to adjacent existing surrounding buildings, narrow streets and amenities.

DoP should object any additional over shadowing to Wynyard Park (Special Area in Schedule 6) is a very important public space in the city.

Maintaining the sunlight to the both Wynyard Park and our Heritage sensitive Railway House and Transport House facades is critical.

Missing in the Thakral Concept submission are proper Wynyard Park Shadow Diagram Analysis including elevation shadow studies on both Wynyard Park and our Heritage sensitive Railway House and Transport House facades and should be independently confirmed.

DoP should not allow or approve additional shadow to Martin Place, GPO steps, Wynyard Park and our Heritage sensitive Railway House & Transport House facades.

Current Whelans Insite's shadow diagrams (refer to enclosed Attachment D) does not demonstrate the proper detail show analysis to all the above mentioned as details in CoS submission of Shadow Diagrams. It needs to be redone and resubmitted proper to DoP with greater details and clarity.

A6. Shell House and Wynyard Park are Heritage Listed under LEP

Shell house (building proposed under development) and Wynyard Park are heritage listed under the LEP. (Refer heritage report Assessment 1 & 2 for impact study). **DoP should reject this excessive commercial tower development located within such a tight site and it does not sensitivity "sit in" proper within Shell heritage fabric.**

We have grave concern with the proposed Thakral commercial Tower will pose additional over shadowing on to the Wynyard Park and its foot print could lead to deletion and sterilization of Wynyard Park in future of its current natural habitat.

B. Design Competition Process

Due to the nature that significant portion of Commercial Tower FSR being attributed from Government including Railcorp (refer to enclosed Attachment E) and as stated in the submission as "landmark" building, its imperative that Design Excellence review process should be implement in its entirety.

We disagree with the assertion that on page 51 paragraphs 4 to 6 of JBA EAR (refer to enclosed Attachment F) that " due to the complexity of the site and in particular, the special requirements for any future development to integrate with the operational requirement of Wynyard Station, Hassell is technically feasible has being significant.

As previously stated, due to the complexity of these constraints and requirements, the normal design competition process could only propose a superficial design proposition that in the fullness of further detailed

investigation may not be technically feasible, fundamentally possible, or intrusive in detail with respect to the operation requirements of Wynyard Station.

The design solution for the CityOne Project incorporates and builds upon the ... And the proposed concept reflects the design excellence. In this instance a design competition for the CityOne Project is considered not to be warranted".

Currently DoP has similar example of Major Project application and arguably more complex in design integrity, a critical infrastructure project carried out by EnergyAustralia, at 33 Bligh street, a Part 3 A Concept Plan application with an integrated 22 storey Investa Commercial Tower + 2 car parking levels over 8 storey EnergyAustralia City East Zone Substation development. Due to lobbying from both City of Sydney and Lowy Institute, required to undergo Alternative Design Competition Process. It went through similar past various DAs with enormous achievement of design excellence. The current EnergyAustralia/Investa's original Design Architect and design team required to demarcate and delineate the building and areas to similar complex nature of EA major zone substation, and scope up the full development so that both Zone Substation and especially commercial tower shall be required and subject to Alternative Design Competition Process. 5 top Australia architectural firms were invited to compete and judges include both CoS – Graham Jahn and Invited Architect – Peter Mould (NSW Government Architect). This process is currently underway.

Both DoP and CoS should that this opportunity to deal this application in similar way as 33 Bligh Street, Sydney, an EnergyAustralia/Investa Development. Its imperative that both Government and Railcorp "much funded or attributed" FSR to the development especially the commercial tower, to the best interest of the state tax payers, public, City of Sydney and all key interest groups that this development must required to undergone similar or if not far more robust regulatory and proper due diligence, and accounted for, including Design Competition Process as championed by CoS.

All the FSR, Height, bulk, building envelope, sun access, set back and all others will be further qualified, scaled back drastically, reduced in bulk, scale and height of the commercial tower, potential rebalance / remix Railcorp retail areas to provide more Thakral retail areas to ensure the best outcome for people of City of Sydney.

C. Unable to ascertain the proper scope and extent of the Railcorp Wynyard Station upgrade and development abutting our properties (west of the eastern alignment of Carrington Street)

From the Thakral Concept Plan submission, we are unable to ascertain the proper scope and extent of the Railcorp Wynyard Station upgrade and development abutting our properties.

However, we did observe in the submission these are to be proposed by Transport NSW in the future under a separate approval process.

As this Thakral Concept Plan submission's commercial tower is attributed from Railcorp. We have major concern on not fully aware the full extent, scope and impact of the proposed development including Railcorp Wynyard Station areas on to our property.

We require DoP to sort above additional information from both the Developer and Railcorp, and assist to arrange an immediate briefing session to both ourselves including our Consultants to enable us to fully appraise both the current Thakral Concept Plan submission and Railcorp future redevelopment works.

D. Excessive 177 Car parking Spaces provision

The current site and development can not support or permit 177 car parking spaces (refer to enclosed Attachment G) to services the tenants of the new commercial building. The "over" development with excessive 177 car parking spaces provision creates severe traffic congestion in and out and around York Street, Carrington Street, Margaret Street, Wynyard Lane and also across / intersection at Margaret Street and George Street.

Both DoP and CoS should not support Railcorp contributory site areas to max up total 8828 M2 / 50 = 177M2. If only take Wynyard Centre Pty Ltd's own land site areas 1038M2 / 50 = 21 Car parking spaces are eligible under this Concept Plan application.

CoS had long being very determined and being very instrumental lobby against to increase city parking for years now. Its really make a mockery of CoS city's CBD parking policy by most Developers finding a way "around" it.

The proposed commercial office tower tenants car parking with the reduced 21 car parking spaces, entry and access should be detail investigated and relocated proper to have the entry and access from Wynyard Lane at correct locale. This will minimise traffic flow around Wynyard Lane at which we are currently extremely high traffic volume and daily congestion around adjacent buildings, paid car parking stations, other car parking & loading dock entrance provision.

E. Require proper CEMP and moving back to within subject site

Due to their tight site configuration and over development, a proper detail CEMP must be submitted as part of Part 3A Project specific submission especially focusing on construction activities, noise, traffic, social & economic impact concern to surrounding especially our building, tenants and public alike.

Our major Tenants are Navitas, a tertiary education campus with 3000 students plus teachers and support staffs, others commercial & retail Tenants and every growing in numbers in coming years.

Brookfield Multiplex's Hoarding, Construction Zone & Demolition Management Plan (refer to JBA's EAR pg 97 with enclosed Attachment H) indicated the main Construction Access for construction vehicles is located in front of our building York Street main entries. We strongly object this access location due to heavy traffic congestion, noise and others construction related activities right in front of our building entries. These construction traffic and main vehicular access required to move back to strictly within the confinement of subject development site, within street boundaries of Carrington, Margaret Street, Wynyard lane and George Street.

Our Tenants and tertiary education campus students interest both in noise, O H & S concern required to be protected from these construction activities.

The CMEP should also demonstrate how our Tenants and tertiary education campus students are properly protected from these Construction activities for prolonged period of time not only Thakral development but also subsequent Transport NSW / Railcorp Wynyard Station upgrade /



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redevelopments. There is no projected time line, how and what we will be affected from these major development and construction activities.

We therefore strongly object the locale of this main Construction Access for construction vehicles is located in front of our building York Street main entries.

F. Dilapidation Report on both Railway House and Transport house

JBA EAR section 7, Draft Statement of Commitments, item 18 Dilapidation Survey (refer to enclosed Attachment I) commit only to conduct dilapidation Inspection of all properties and infrastructure services adjoining the development on land east of Carrington Street will be carried out.

From the submission, we are unable to ascertain the extent of the Transport NSW / Railcorp Wynyard Station upgrade / redevelopment works.

DoP consent should also conditioned that the Developer required to conduct proper Dilapidation Reports on both Railway House and Transport house, 11 – 31 York Street, Sydney, prior to commencement of any works.

G. Developer Interest VS Tax Payer and Public Benefit

There isn't any public consultation and debate on **Developer Interest VS Public Benefit** on this proposal including proper justification by state government and Railcorp trade off vs Tax Payer and public benefit.

We strongly recommend that DoP need to defer determination of this Thakral Concept Plan submission till next state elected government to conduct proper public consultation and debate, and approved by next state government including City of Sydney, especially well after coming march NSW state Election.

H. Contribution Offer and Draft Schedule of Commitments

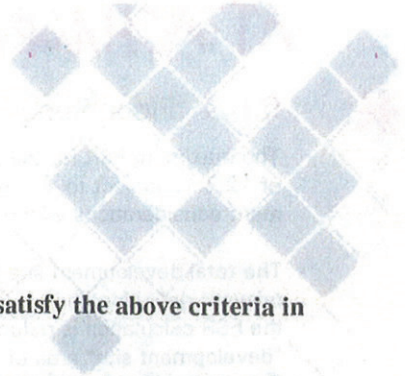
Thakral had made an offer to the state government to contribute towards the upgrading of both paid and unpaid areas of Wynyard Station, including the carrying out of works within the unpaid areas of the station and a contribution for works within the paid areas of the station. (Refer to enclosed Attachment J)

Other than the Draft Statement of Commitments listing in JBA EAR Section 7.0, we unable to ascertain or quantify the Thakral offer, contribution, monetary or other wise.

Its imperative that both state government and DoP required to be completely satisfied that the current dealing and proposal need to be transparent, and is to the best interest of the state tax payers, public, City of Sydney and all key interest groups that this development must required to undergone similar or if not far more robust regulatory check with proper independent due diligence, and be accounted for.



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We strongly do not believe the current submission and proposal satisfy the above criteria in part or full.

I. Unknown & Unidentified 339sqm of construction works at concourse level under transport house

We are concern and unsure with what entails in the Page 2 of the attached Preliminary EA report indicates 339sqm of construction works at concourse level under transport house. (Refer to JBA's Prelim EAR page 2 with enclosed Attachment K).

Summary

We require DoP to sort above additional information from both the Developer and Railcorp, and arrange an immediate briefing session to both ourselves including our Consultants to enable us to fully appraise the current Thakral Concept Plan submission.

Memocorp Australia Pty Ltd strongly objects the current proposed Concept Plan under its current form, it should not be supported and shall be rejected by Department of Planning.

Yours faithfully
Memocorp Australia Pty Ltd


10/2/11
Terence Tay
Director
1 Oxford Street, Darlinghurst, NSW 2010

ATTACHMENT A



6.6.4 Floor Space Ratios

The maximum FSR for the site is 8:1, with the potential to increase to a maximum of 12.5:1, subject to satisfying height limits and other development controls and merit considerations within the LEP.

The total development site has an area of 11,124m². However, in applying the relevant definition and clause 58 of the LEP, the "site area"³ for the purposes of the FSR calculation is reduced to 8,828m². The 8828m² comprises the "development site" area of 11,124m² but excludes 2,296m² of land in Wynyard Park, being land on which the proposed development (as a whole) is 'not allowed' by virtue of the Parks and Community Places zoning of this land.

The stratum lots beneath Carrington Street and York Street and the stratum lots above and below Wynyard Lane are included in the 8,828m² site area for the purpose of calculating FSR. The land which comprises the stratum allotments beneath Carrington Street, York Street and Wynyard Lane do not form part of the land that is dedicated for the purposes of a 'street, a public place, a public reserve or community land'. Consequently, this land is not excluded from the definition of site area for the purpose of calculating FSR. This interpretation is confirmed in legal advice from the proponent's solicitors Blake Dawson Waldron.

As the area of Wynyard Park has been excluded from the FSR 'site area' the FSA contained within the Wynyard Park Stratum has also been excluded from the FSR calculations for consistency.

Therefore the FSR calculation, based on the above is:
$$\frac{85,000\text{m}^2 \text{ FSA}}{8,828\text{m}^2 \text{ site area}} = 9.63:1 \text{ FSR}$$

Therefore the proposed FSR complies with the maximum permitted under SLEP 2005.

6.7 Transport

A Traffic and Parking Report has been prepared by Halcrow (see Appendix D to examine the traffic and parking impacts of the Concept Plan).

6.7.1 Bus Infrastructure

Construction of the proposed development has the potential to impact on the operation of buses and pedestrians along Carrington Street and York Street and is assessed in Section 6.15 below. A detailed Construction Traffic Management Plan which will be prepared for the site prior to construction and will ensure that bus services are not adversely affected during construction. The plan will be prepared in consultation with Sydney Buses and the Transport NSW.

³ Site area - In applying a floor space ratio for the purpose of determining a development application, the site area is taken to be:


- (a) if the application proposes development on only one lot, the area of that lot after excluding any land that is a street, a public place, a public reserve or community land, or
- (b) if the application proposed development on two or more lots, the largest area of contiguous land on which the development is proposed, excluding any land that is a street, a public place, a public reserve or community land, or
- (c) despite paragraphs (a) and (b), if the proposed development is only on land comprised of a street, a public place, a public reserve or community land (or any combination of them), so much of that land as will be occupied by a building that will be erected or physically affected by the proposed development.

The 8,828m² comprises the "development site" area of 11,804m² but excludes 2,296m² of land in Wynyard Park being land on which the proposed development (as a whole) is 'not allowed' by virtue of the Parks and Community Places zoning of this land.

The stratum lots beneath Carrington Street and York Street and the stratum lots above and below Wynyard Lane are included in the 8,828m² site area for the purpose of calculating FSR. The land which comprises the stratum allotments beneath Carrington Street, York Street and Wynyard Lane do not form part of the land that is dedicated for the purposes of a 'street, a public place, a public reserve or community land'. Consequently, this land is not excluded from the site area calculation. This interpretation is confirmed in legal advice from the proponent's solicitors Black Dawson Waldron.

As the area of Wynyard Park has been excluded from the 'site area' the FSA contained within the Wynyard Park Stratum has also been excluded from the FSR calculations for consistency.

Therefore the FSR calculation, based on the above is:


$$\begin{aligned} &85,000\text{m}^2 \text{ FSA} / 8,828\text{m}^2 \text{ site area} \\ &= 9.63:1 \text{ FSR} \end{aligned}$$

Therefore the proposed FSR complies with the maximum permitted under SLEP.

6.3.6 Draft Sydney LEP 2010

In September 2010 City of Sydney adopted a new draft Sydney LEP and Council and CSPC resolved to seek a section 65 certificate from the Director General of the Department of Planning to allow the draft LEP to be placed on public exhibition. Once a section 65 certificate has been issued (and any amendments to the draft plan made as directed by the Director General) the draft LEP will be exhibited for a minimum of 60 days.

The draft LEP at this point in time, is not a proposed environmental planning instrument and is therefore not a matter for consideration in assessing development application. However a preliminary review of the key draft LEP controls has been undertaken to consider any implications for the CityOne Project.

Zoning

Under the draft LEP the site (excluding Wynyard Park) is proposed to be zoned Metropolitan Centre (B8) which is similar to the current City Centre zone. Wynyard Park is proposed to be zoned RE1 Public Recreation (similar to the current Parks and Community Places zone).

Floor Space Ratio

In the draft LEP, the base FSR remains 8:1, with an additional FSR of 4.5:1 achievable for office, business or retail premises within Area A1 (which is the area the CityOne site is in). The achievement of the additional floorspace is contingent on the allocation of heritage floorspace which is purchased and transferred from another site.

For the purposes of calculating FSR the site area definition is similar to the current LEP. However the draft LEP introduces a new provision relating to development below ground level in the RE1 zone (i.e. Wynyard Park). The new provision provides that development which can be undertaken in any the adjoining zone land can be undertaken on land below ground within the RE1 zone, subject to demonstrating the proposal is not inconsistent with the zone objectives and will not have significant adverse affects on the environment.

ATTACHMENT B

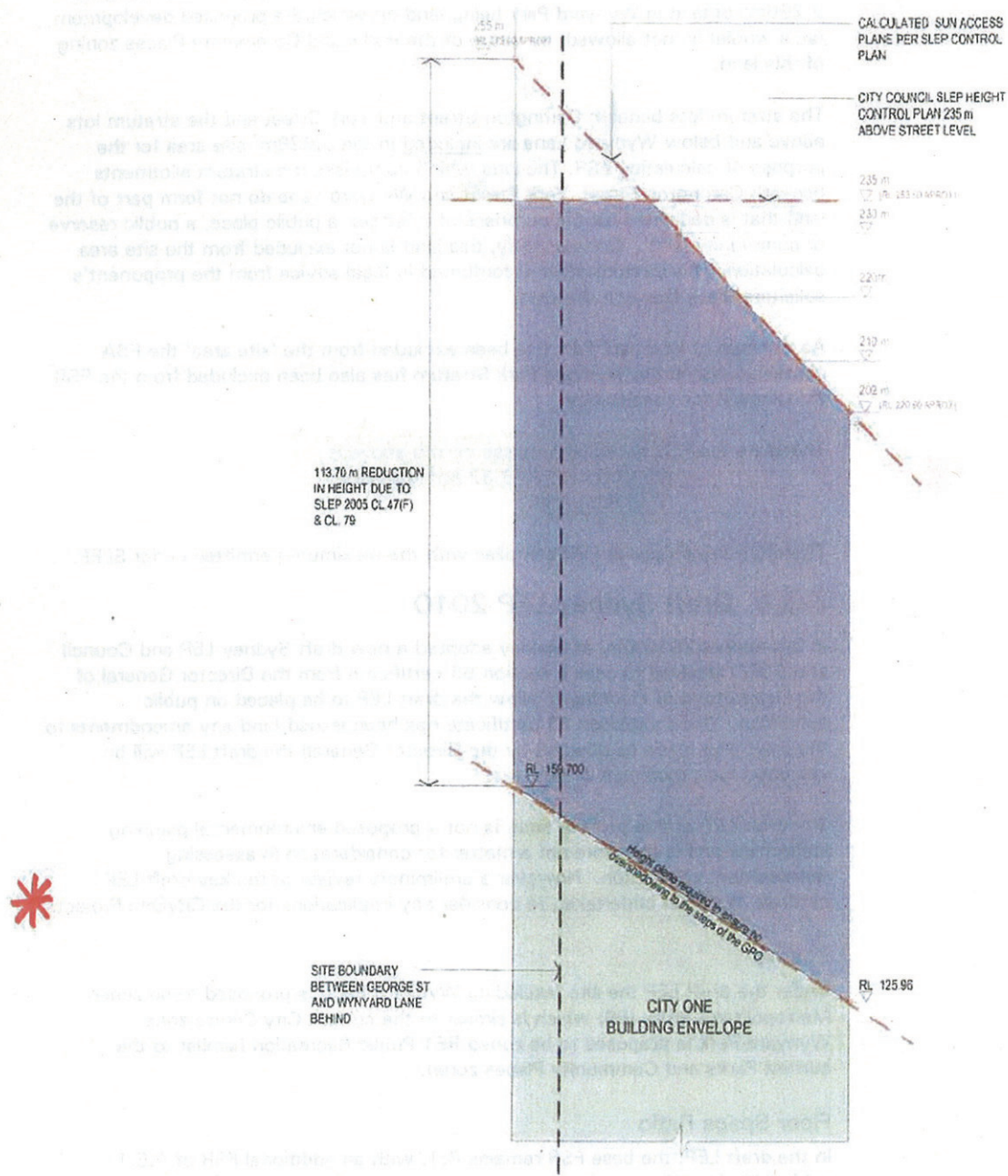


Figure 46 – Martin Place Sun Access Plane - section

The CityOne tower graduates in height from south to north in direct response to the SLEP 2005 height limits, overshadowing requirements and in order to deliver the best urban design outcome for the site.

A maximum building height of 146.33 metres (RL 159.70) is proposed for the CityOne tower at the northern end on the George Street frontage. The tower reduces in height to the south to a maximum height of 112.59 metres (RL 125.96) in direct response to the Martin Place Sun Access Plane E.

The maximum tower height of 146m is significantly lower than the height limits (up to 235m) for the George Street frontage under the SLEP height map and fully complies with the Martin Place Sun Access Plane E. It is therefore consistent with the height limits which apply to the George Street portion of the site.

* A maximum building height of 55 metres is permitted for the Carrington Street portion of the site – i.e. that part of the site between Carrington Street and the western alignment of Wynyard Lane.

Under the existing SLEP 2005 height controls, it would not be possible to construct an appropriate and viable commercial tower on the CityOne site as that part of the site that has a 200 – 235 metre height limit is only approximately 1,260 m² in area.

Accordingly, the proposed tower footprint has utilised the whole of the available development site area between George Street and Carrington Street – a site area of 2,775 m². The placement of the proposed CityOne tower envelope exceeds the permissible 55 metre building height for Carrington Street by between 57 to 91 metres.

An comparative height study, showing the proposed envelope and how it relates to the existing and approved developments around the site is shown at **Figure 47**. As illustrated, the CityOne tower sits comfortably within the city skyline and is not a dominate built form, with a number of buildings in the vicinity taller than the CityOne tower.

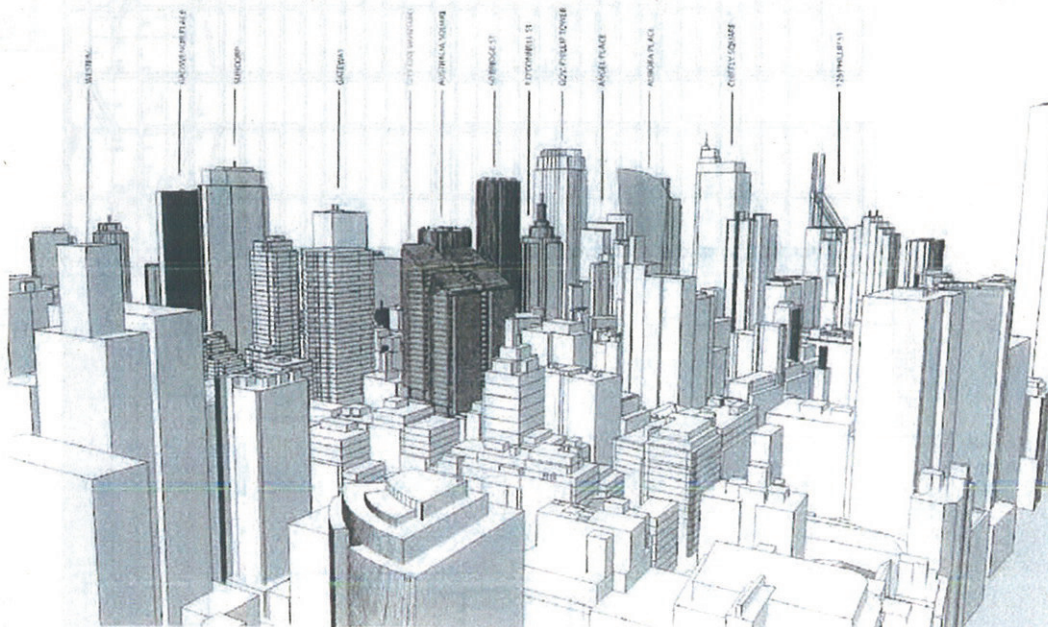


Figure 47 – Comparative heights (Source: Hassell)

The design intent for Carrington Street is to provide a clearly identifiable entry to Wynyard station and to the new commercial building. There is also potential to continue the existing colonnade to the southern end of Carrington Street.

Within the building envelope fronting Carrington Street a detailed building form and design demonstrating design excellence will be delivered. The detailed design of the tower will be required to ensure the existing spatial qualities of Wynyard Park are not actively impacted.

ATTACHMENT B1

A Drawings

