

CityOne Wynyard – Concept Plan

MP09_0076

Submission to the Department of Planning 03 March 2011



CITY OF SYDNEY 
city of villages



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Figure 1. Concept Plan illustration 'CityOne' Wynyard Project
Hassall, January 2011

1.0 Executive Summary

The City of Sydney (the City) has reviewed the documentation contained in the Environmental Assessment report (EA) and appendices assembled by JBA Urban Planning (January 2011) and submitted on behalf of Thakral Holdings Group (Thakral). Holistically, the documentation is somewhat incomplete and unresolved, and serious consideration of the material as an integrated concept plan proposal is premature¹.

For this incomplete application to be credibly dealt with, the proponent must provide significant additional information (including that listed below prior to approval), adjust their draft commitments and agree to critical amendments to the tower proposal to reflect long established built-form planning outcomes. The concept plan material has been reviewed by the City of Sydney Design Advisory Panel (DAP), which includes the NSW Government Architect and other distinguished panel members, who are leaders in their field.

The City's submission sets out nine key issues for consideration by the Department and the Minister for Planning in relation to the material included in EA MP09_0076 and which incorporates a number of important views expressed by the DAP.

The key issues are as follows:

1. The quantum and make up of the public benefit ('the contribution') must be clearly documented and publicly exhibited for comment prior to any concept plan approval;
2. Wynyard Lane must not convey vehicular traffic through the pedestrian ramp and concourse extension or impede pedestrian flows to and from Wynyard Station;
3. The high level design principles for Wynyard Park must be resolved (access, structures, landscaping improvements, tree protection etc) before approval;
4. The street wall must be maintained to approx. RL 62 (to match Shell House parapet) south of Shell House in Carrington Street for this wide-format tower;
5. Only in strict consideration of an appropriate public benefit in Issue 1, might any tower be permitted by the Minister to vary the Carrington Street LEP set back control, and only then by a weighted average set back of 8 metres and an absolute minimum of 6 metres set back at any point above RL 62 from Carrington Street;
6. There must be no additional overshadowing of GPO facade or GPO steps during prescribed hours (excludes George Street footpath) in the LEP;
7. The tower should be the subject of a competitive design process prior to Major Project² stage; it is recommended that its assessment and determination be delegated by the Minister for Planning to the Central Sydney Planning Committee (CSPC);

¹ Had the material been submitted to the City of Sydney as a Stage 1 DA, the application would be recommended for withdrawal until such time as the incomplete issues were properly addressed.

² Or Stage 2 DA stage if the City of Sydney becomes the consent authority for the tower.

8. The proposed car parking should be reduced to no more than the maximum permitted by the LEP and DCP controls for a site area of 4,032 m² and the vehicle circulation for the site must be revised to resolve conflicts (having regard to Issue 2); and
9. The 'site area' proposed must not be used to calculate FSR. The outline of the George, Margaret and Carrington Street sites including the outline of the strata under the roadways is not a justifiable aggregation of site area for the purposes of calculating FSR or FSA under SLEP 2005 and no support is given to this approach in this submission.

Beyond these nine key issues (there are many other minor issues), aspects of the possible future architecture as indicated on the drawings could evolve into a reasonable design approach, but only provided the recommended setbacks, materials and tower shaping noted elsewhere in this submission are fully required to address the major concerns.

It should also be noted that in general terms the EA appears to overstate the level of liaison and agreement with Transport NSW in relation to its transport infrastructure adequacy. It also overstates the value of previously aborted approaches in establishing design excellence. It is noted that the Concept Plan does not seek approval for any design or physical works west of the eastern alignment of Carrington Street, making the design package highly uncertain and premature.

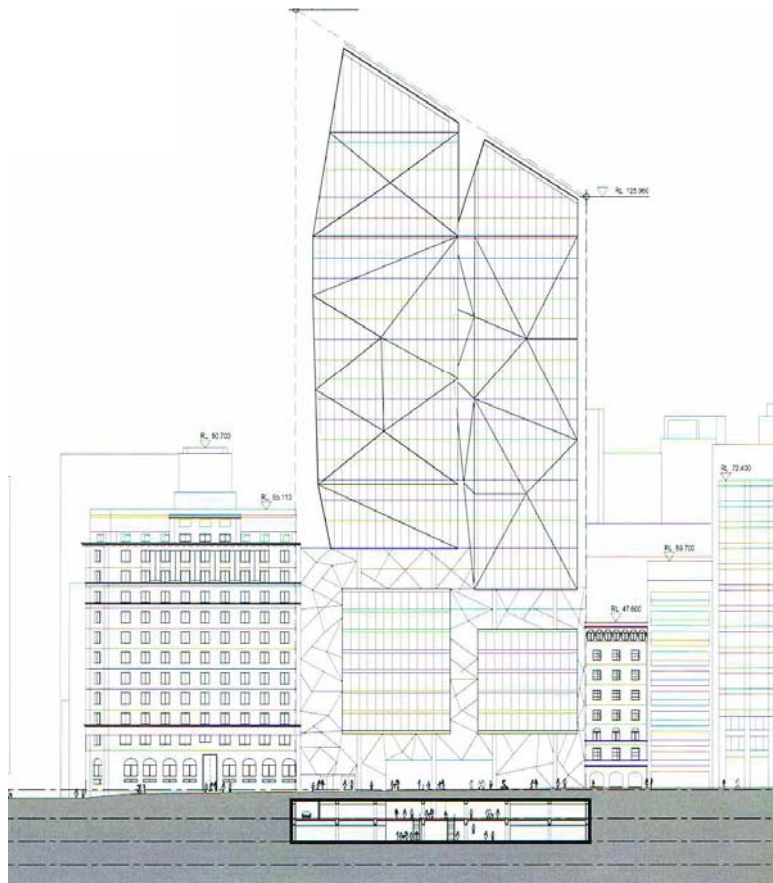


Figure 2. Concept Plan Drawing
'CityOne' Wynyard Project
Elevation to Carrington Street and section
to Wynyard Park by Hassall January 2011

2.0 Overview

2.1 Introduction

The Concept Plan for the 'CityOne Project' proposal consists of a large commercial office tower straddling Wynyard Lane (and the pedestrian ramps to Wynyard railway station) and its pedestrian connections beyond the site. It includes the existing buildings of 301 George Street (Thakral House), 14-28 Carrington Street (Menzies Hotel) and 2-12 Carrington Street (heritage-listed Shell House on the corner of Carrington and Margaret Streets) collectively referred to as the 'Thakral site'. In fact, Shell House, Menzies Hotel, and Thakral House and a stratum above and below Wynyard Lane are all owned by Railcorp.³

There have been a number of tower schemes⁴ for the 'Thakral site' over the last decade. These have not proceeded for various reasons. Issues included transport interface, public benefit, scale and bulk, potential wind and overshadowing impacts on the street and the parkland, impact on the integrity of Wynyard Park and street wall in Carrington Street, breach of sun access planes, overshadowing of Martin Place and poor traffic solutions.

Other issues from the land owner's perspective include market timing and commercial feasibility (the configuration and quantum of the realised floor area versus costs) within the prevailing market. All schemes include a potentially disruptive impact on the daily operation of the buses and the rail service at Wynyard which is highly sensitive as Wynyard's performance affects operations throughout the Sydney bus and rail network.

2.2 Concept Plan 'site area'

The 2011 Concept Plan seeks to include the sub-surface stratum above and under Wynyard Lane, and under Carrington Street and York Street as the 'site area'. The City of Sydney disagrees with this approach for three key reasons (there are others):

1. While this proposed area aggregation excludes Wynyard Park, and is limited to stratum owned by Railcorp above and generally below roadways, it is the City of Sydney's view that this is an improper calculation and is inconsistent with the Sydney LEP2005 Part 4 Clause 58 (2) site area definition for the purposes of calculating floor space ratio. This is stated without viewing a referenced opinion by Blake Dawson Waldron in the EA.
2. In addition to 1 above, the elimination of Wynyard Park makes the aggregation of lots in question discontinuous in relation to the large stratum under York Street.
3. Although the aggregated sub-surface site area of Wynyard railway station and its concourses has been successfully used to trigger the Minister for Planning as the consent

³ Crown land below the RailCorp stratum of Wynyard Lane.

⁴ Includes recent schemes by PTW and Rice Daubney

authority under the Major Development SEPP, there are no actual building works or concept plan proposals⁵ by the Proponent in this application for any of the land area which is not the Thakral site, i.e., to the west of the Carrington Street eastern alignment, for the purposes of calculating floor space area.

The import of this significant exclusion is not identified or addressed adequately in the EA, which states that there are only two areas of non-compliance with the LEP⁶ when clearly there are additional multiple non-compliances, including breach of prohibitions. If such a precedent was set for calculating floor space via the discretionary powers of the Minister for Planning, then the redevelopment of other sites such as Town Hall Square (Woolworths site) and potentially other strata under roads owned by the City or other authorities could inadvertently gain justification for significantly increased development potential through notional aggregation with adjacent sub surface infrastructure.

Given the specific exclusion of works and designs from the station area, the 'contribution' does not in itself justify this aggregated floor space/parking calculation claim. As subterranean rail infrastructure, Wynyard Station has no formal (let alone transferable) development potential, and the site aggregation has no genuine purpose for calculating floor space area or allowable car parking numbers for a commercial development. Furthermore, the documentation does not provide evidence that Railcorp, the owner of Wynyard Station and the other sites, has provided owner's consent for the lodgement or determination of this application at the time of writing.

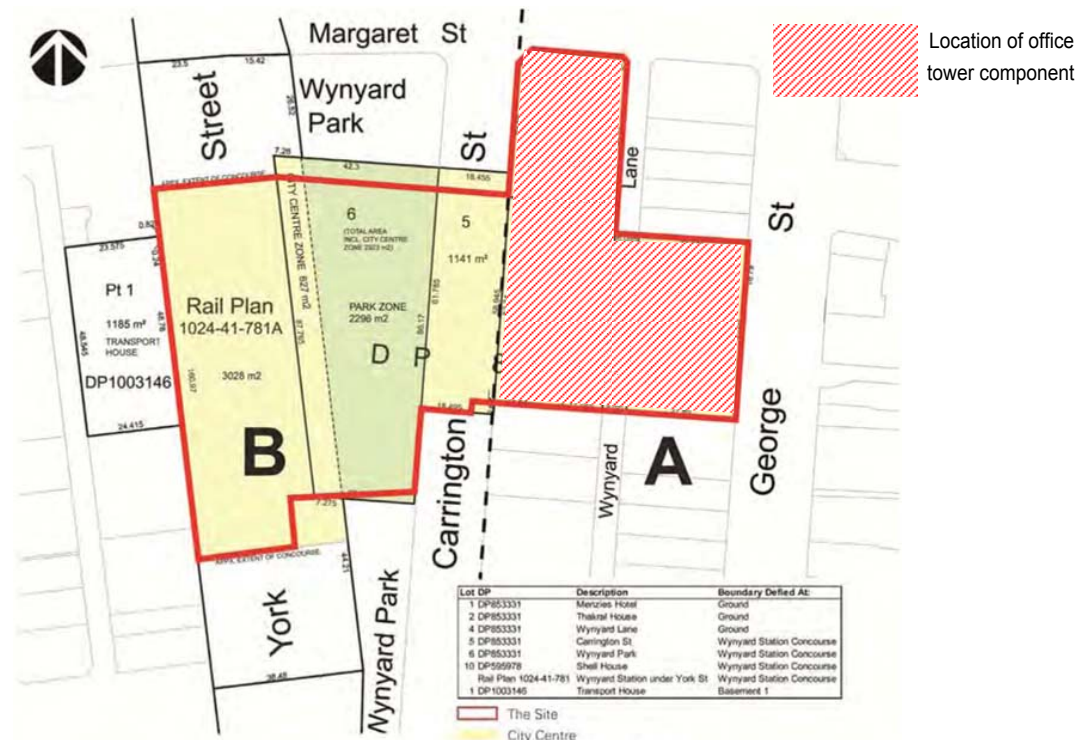


Figure 3. Proposed aggregated 'site area' by JBA Urban Planning, EA, January 2011

⁵ The concept design of the station concourse area west of the eastern alignment of Carrington Street are specifically excluded from the proposal and the application – page viii of the EA, January 2011

⁶ CityOne Concept Plan, Page xi of the EA, January 2011

2.3 Development in exchange for ‘contribution’

The degree of (over-)development⁷ of the ‘Thakral site’⁸ is strategically justified in the EA on the basis of a ‘contribution’ offer. The contribution offer is described as *“Thakral have made an offer to the State government to contribute towards the upgrading of both the 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 area of the station.”*⁹

Despite this claim, this potential ‘contribution’ offer or public benefit is not documented in any way, either as a schedule of works or as a monetary payment, and therefore the acceptability of such an offer to Transport NSW, Railcorp or the public is unknown either in terms of timing, risk analysis, scope of work or monetary value. As it is unlikely that Railcorp will allow the proponent to undertake work within the paid concourse area, it means that a significant allocation of such a ‘contribution’ (if not all) will be monetary. If no such offer can be materialised in detail, then the nature of the application is completely altered and should be withdrawn or refused.

Despite this, it is clearly acknowledged that there is a critical relationship between the ‘Thakral site’ and any meaningful Wynyard railway station upgrade because the eastern pedestrian ramps from George Street pass through the lower levels of the site, and it is logistically reasonable that the two components – the ‘Thakral site’ and Wynyard railway station (and the Wynyard Park above) – be considered in reference to each other (not for the purpose of calculating FSR or parking). Unfortunately, the project which started life as an upgrade of Wynyard has become a development proposal exclusively for commercial development. On this issue alone, there is insufficient information in the EA for it to be determined at the present time.

2.4 Scope of this submission

This submission by the City reviews the impacts and the environmental acceptability of the ‘CityOne’ Concept Plan proposal in two key areas:

- environmental impact caused by the commercial tower proposal in its setting; and
- integrity of the planning package in order for it to be considered

The EA and supporting documentation were referred to specialist units within the City. Their comments are provided in this submission under separate headings:

- Specialist Surveyor
- Health Unit

⁷ Having regard to the maximum development potential and development constraints of the site under the City of Sydney statutory planning controls.

⁸ Thakral House 301 (George Street), Menzies Hotel (14-28 Carrington Street) and Shell House (corner of Carrington and Margaret Streets)

⁹ Page x in the January 2011 CityOne Concept Plan Environmental Assessment Report

- Heritage and Urban Design
- Public Domain/City Infrastructure
- Transport and Access
- Properties
- Tree Management and Protection
- Construction Management

Recommendations are made throughout and numbered for ease of reference.

3.0 Public Benefit

For a Concept Plan application to be reliant on the provision of a 'contribution' or public benefit in order to justify statutory non-compliances (despite the liberties of the Part 3A process), the public benefit must be clearly demonstrated. This is needed so that the benefits and the resultant impacts of the proposal can be understood. It is the City's conclusion that this application cannot be approved without the public benefit being secured by publicly exhibited deed or planning agreement which is:

- documented as either a schedule of works, monetary contribution or both;
- considered to be of appropriate value for the public given the excess development potential granted in comparison to other sites; and only provided that
- development potential over and above the maximum is not at an unacceptable environmental cost, is detrimental to the landscape, built form or heritage values of Carrington Street, George Street, Wynyard Park or Martin Place, or sets an unacceptable precedent.

Whilst the EA refers to a public benefit in very loose terms – notional Wynyard railway station upgrade works and a contribution to public works – the plans and supporting documentation do not illustrate or quantify such an offer. On the contrary, works associated with Railcorp land are specifically excluded from the application. In order for any Concept Plan to receive endorsement from the City, the public benefit being offered must be documented clearly in either a secured commitment to works or indexed monetary contribution, or both, which is tied to the land and agreed to prior to any concept approval.

Similarly, the public (to whose benefit the over-development relies) should be provided an opportunity to consider the contribution being offered through a public exhibition process. Any 'contribution' agreement cannot be 'commercial in confidence', the secrecy of which challenges the public's trust, particularly given it is a public benefit. To this end, any 'contribution' or public benefit should be publicly advertised with the subject application.

In considering any approval, it is important that the Department and/or Minister ensure that any approval is reliant on the execution of the documented public benefit, meaning either the public benefit offer is legally binding prior to determination of the Concept Plan, or that any public benefit offer is legally binding prior to the submission of any separate Project Application or Development Application under the Concept Plan.

One of the few potential 'public benefits' located within the Thakral site is the proposed new station transit hall accessed from George Street through to Carrington Street (replacing the twin Wynyard ramps). Any approval of the Concept Plan should be conditional so that the transit hall be clear and unobstructed and the upper foyer to the commercial tower, which visually impedes this space, should be removed.

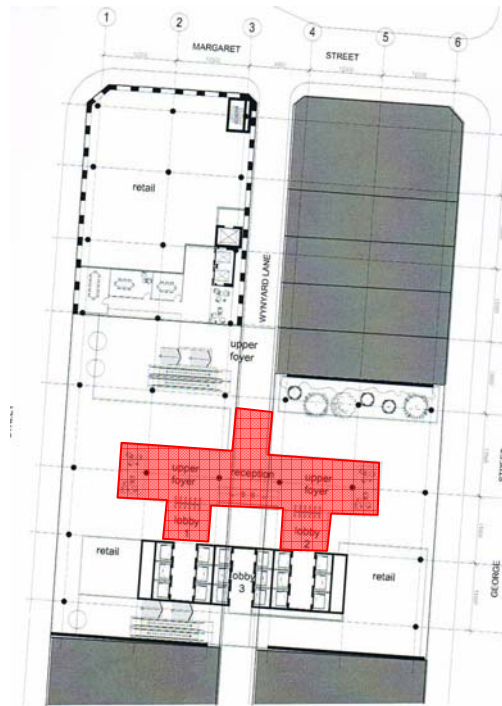


Figure 4. Plan. Upper foyer which should be removed so that transit hall can be properly realised and a high open space.

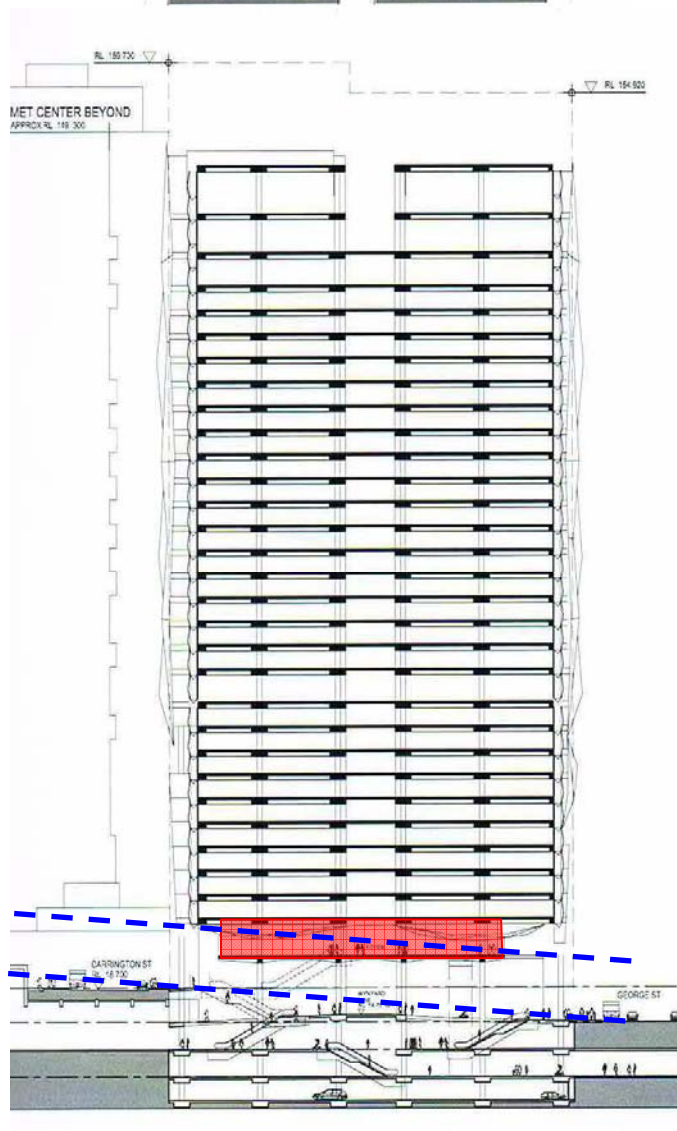


Figure 5. Section. Upper foyer which should be removed so that transit hall can be properly realised and a high open space.

It is noted that the capacity improvement of Wynyard railway station as a result of the private development project is somewhat over-stated in the EA report as it will have no effect on the number of trains, number of platforms or the area of pedestrian congestion which is likely to grow more to the western side of the station rather than the eastern side, particularly given the Barangaroo development and the important proposed Barangaroo Pedestrian Link.

Recommendation 1

That a quantified and documented 'contribution' or public benefit offer be submitted for public exhibition and consideration by the City of Sydney prior to determination of the Concept Plan.

Recommendation 2

If deemed appropriate for approval (following Recommendation 1), that any public benefit offer is legally binding prior to determination of the Concept Plan (or predicate activation, at any scale, of the Concept Plan to finalisation of the public benefit offer).

Recommendation 3

If the transit hall between George Street and Carrington Street is part of any Public Benefit schedule of works, the upper commercial foyer should be removed to ensure that the space lives up to the promise of a world class unobstructed transit volume.

4.0 Wynyard Lane

The proposed function and treatment of Wynyard Lane, involving vehicle access being provided across the new east-west pedestrian link is unacceptable (Figure 6). This critical issue in the Concept Plan must be resolved prior to any approval being issued, as any alternative solution has significant impact on adjoining properties and the portion of the lane owned by the City of Sydney.

A commitment by the Proponent to resolve this issue at detailed Project Application Stage or any conditional requirement that the issue be resolved at detailed Project Application Stage will not be acceptable to City of Sydney.

The north-south Wynyard Lane link is just as important to the success of the Concept Plan as the east-west link from George Street to Carrington Street and the station access below. The City recognises the physical, topographical, access and ownership constraints presented by the laneway. The City also points out the opportunity to integrate a pedestrian laneway into the design, providing for activation, amenity improvements as well as an improvement to the legibility and permeability of Wynyard Station and surrounds. Wynyard Lane should be a pedestrian only link as it passes through the transit hall.

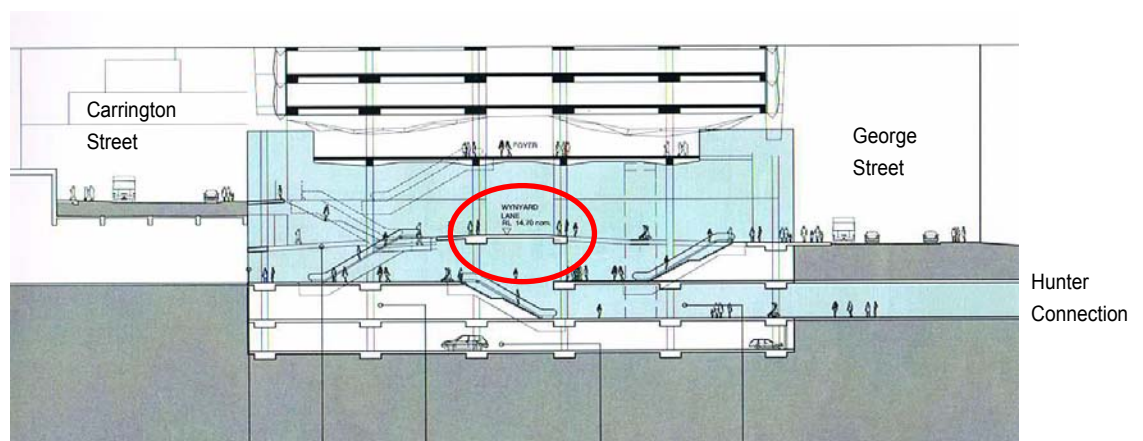


Figure 6. Section. Circulation space at Wynyard Lane.

Prior to any approval of the Concept Plan, the City would like to agree to an alternative solution for the alignment and use of Wynyard Lane. The City is in a position to work with the Department, the Proponent and Transport NSW (Railcorp) in developing a solution for Wynyard Lane that resolves the conflicts associated with the current design. Following a recent workshop meeting (the Working Party), three alternative traffic circulation sketches were provided by Hassell for comment.

Recommendation 4

The Department of Planning convene a Working Party with the specific objective of addressing the issues associated with Wynyard Lane and its integration into the 'CityOne' Concept Plan. The Working Party should consist of members from the following groups:

- The Department of Planning;
- The Proponent – both from a commercial and architectural perspective;
- Transport NSW (Railcorp); and
- The City of Sydney

Options developed by the Working Party must then be placed on public exhibition for public comment.

5.0 Wynyard Park / Wynyard Station

The City of Sydney supports Transport NSW's direction to resolve and minimize the impact of station entries on historic Wynyard Park as an area of green landscaped open space for the residents, workers and visitors to the Sydney CBD. Improvements that have been muted and that the City might support include relocation of the station entry point to the northern and southern extremities of the site preferably off the park itself in Shell House and the vacant site to the south of Wynyard Park (Figure 7).



Figure 7. Wynyard Park –
Preferred railway entry points
outside of Wynyard Park

The City acknowledges that the inclusion of Wynyard Park and Wynyard Station in the Concept Plan to the extent that improvements to both public assets can be provided with more certainty (but not reasonable in relation to using the combined area to calculate FSR and car parking). This is especially relevant in the case where the Proponent is reliant on the public benefit associated with the park and station upgrade works for the non-compliances they seek.

It is essential that the Wynyard railway station upgrade and any Wynyard Park changes should be committed to through a set of clear principles prior to the Concept Plan being approved. Whilst these commitments do not have to form binding detailed designs, they should illustrate broad-based strategies and principles.

While the City is open to either the option of:

- (a) a new minimized light weight entry (or indeed no entry canopy) to the station access in the current location with enhanced landscaping, or
- (b) replacement of existing entry with northern and southern extremities; however support for option (b) is entirely dependent on minimal disturbance to Wynyard Park in those locations and no new visible structures or tree removals. For this reason, the alternative locations of entrances for option (b) are suggested in Figure 7 and are highly recommended for investigation. The City will participate in any future detailed designs in relation to the park, especially in relation to how the station interacts.

Recommendation 5

That the Concept Plan includes clear principles for the proposed design of Wynyard Park and Wynyard Station entrances in consultation with the City and Transport NSW (provided there is no detrimental effect on the park). The concepts should include a sketch design and could include written objectives for the items, as well as a statement regarding the future flexibility of the design given the timing, monetary and methodology constraints of these infrastructure projects. The following items should form principles for the future design of the station and park west of Carrington Street::

- relocation of station entry points to the north and south off site extremities at Margaret Street and Wynyard Street (as shown in Figure 7);
- increase in soft landscape area and protection of trees;
- exceptional permeability and legibility focusing on commuter and user projection figures into the future;
- design full integration with public assets; and
- as an alternative to location off park extremities, a new entry canopy of exceptional beauty with daylight in the current location

6.0 Wynyard Park Special Area – maintaining street wall

The Central Sydney LEP Part 7 identifies Wynyard Park as a Special Area “*considered to be of prime importance to the identity and quality of Central Sydney*”. The LEP sets out objectives for the Wynyard Park Special Area as follows:

(k) *Wynyard Park/Lang Park*

- (i) *to recognize Wynyard Park and Lang Park as important elements of the public domain in the northern part of Central Sydney as well as the role of Lang Park as a northern ‘gateway’ to Central Sydney,*
- (ii) *to protect and extend mid-winter lunchtime sun access to Wynyard Park and Lang Park,*
- (iii) *to retain the sense of urban enclosure provided to Wynyard Park by the existing buildings by requiring new buildings to be built to the street alignment, and by requiring street frontage heights and setbacks above them to be compatible with the prevailing form of existing buildings surrounding Wynyard Park,*
- (iv) *to ensure that any development associated with the important public transport interchange provided at Wynyard is consistent with the enhancement of the public domain at Wynyard Park.*

Subclause (iii) above relates to street frontage heights and upper level setbacks. The Central Sydney DCP provides specific controls relating to the Wynyard Park Special Area, requiring a street frontage height of a minimum 35m and maximum 45m, with towers set-back to the western alignment of Wynyard Lane above the street frontage height (Central Sydney DCP Table 2.1 Special Areas Street Frontage Height and Front Setbacks).



Figure 8. Wynyard Park – Important street wall defining envelopes for Wynyard Park
Broken line shown at RL 62

The Concept Plan dispenses with all street frontage height rules. It does not achieve the required street frontage heights or tower setbacks along Carrington Street or George Streets as the tower envelope proposed has a zero setback to a height of up to 140.8m (RL 159.7). Under existing planning controls, both Carrington Street and George Street are required to have a street frontage height depending on context.

The Concept Design Statement contained within the EA argues that the design “*must necessarily maximize the amount of development within the building envelope proposed in the submission, in order to allow the maximum possible financial contribution towards the redevelopment of the Wynyard Station and its approaches in the precinct*” (Appendix C p.4). The City recognizes the strong desire by the proponent to maximise the envelope in order to fund an as yet unknown ‘contribution’, but maximization beyond the controls must be tempered by what is the limit of acceptability in urban terms. Understanding this limit is what is referred to in the 2006 independent Urban Design Commentary as “*the careful balance of the conflicting issues*”¹⁰.

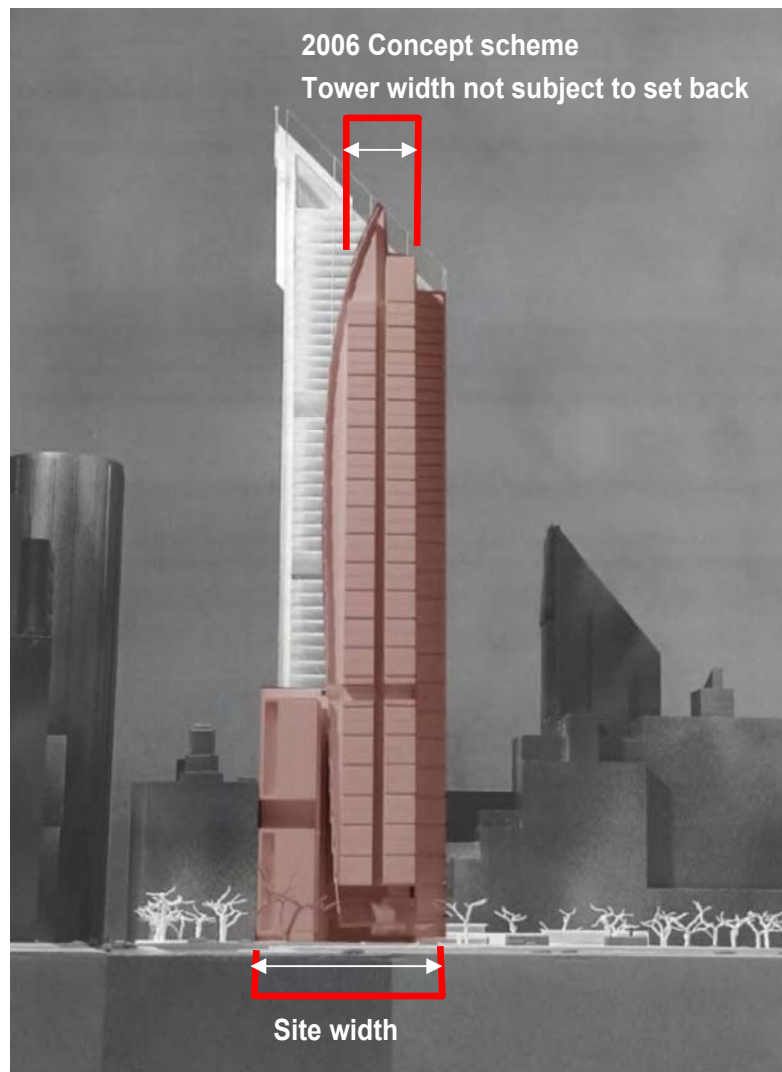


Figure 9. 2006 Concept Scheme
(referred to in EA as justification
for no street wall)

¹⁰ Referred to on Page 46 of the EAR by JBA Urban Planning.

In relation to the key planning justification in the EA for the 2011 concept plan not respecting the important street wall height control and setback in Carrington Street, the EA refers to an earlier Architectus commentary on the 2006 scheme (Figure 9) as justification:

“While it may be preferred to maintain the street frontage height rule, a sensitive design solution may be able to break the rule and achieve the intent of the control (given the relatively narrow frontages of the tower to the streets).”¹¹

This however is entirely inappropriate. In the 2006 scheme, the extent of the non-setback tower width was less than half the width of the overall site (hence the reference in the commentary to ‘*given the relatively narrow frontages of the tower to the street*’), whereas the current 2011 concept plan has the extent of non-setback tower being the full width of the site in both Carrington and George Streets (see Figure 2).

Reliance on this earlier commentary to justify a later scheme is inappropriate and is not relevant. With a full-width of site tower proposal, it is critical that a street frontage height to Carrington Street of approx RL 62 (to match the parapet of adjoining Shell House) be incorporated with an appropriate setback above (refer to Section 7). Only in the case of a significant and justified ‘contribution’ or public benefit, the City might consider an exception that while retention of the George Street setback is preferred it is not considered to be as crucial as Carrington Street.

Central Sydney LEP recognizes that while the development of the public transport interchange is important, it is to be “consistent with the enhancement of the public domain at Wynyard Park”. (LEP Part 7 (k)(iv)).

The provision of setbacks to upper levels above the street frontage height is important:

- to reinforce existing datum heights that frame the space around Wynyard Park; and
- to mitigate the wind impacts of tall buildings on Wynyard Park and the surrounding public domain, by reducing downdrafts.

The street frontage heights required under the Central Sydney planning controls should be provided by the development at a minimum to the Carrington Street frontage as noted. If upper level setbacks cannot be achieved in compliance with the current LEP and DCP, a weighted average setback of 8 metres (with an absolute minimum of 6 metres at any point) should be a minimum along Carrington Street.

¹¹ Referred to on page 46 of the EA by JBA Urban Planning.

Recommendation 6

That a street frontage height to approx. RL 62 (to match Shell House) be required for the new tower for Carrington Street.

Recommendation 7

The street frontage should be differentiated from the treatment of the tower facades above, preferable with highly detailed masonry elements. Indicative aspects of the proposed design suggested in the concept plan submission with a masonry inclusion should be developed.

Recommendation 8

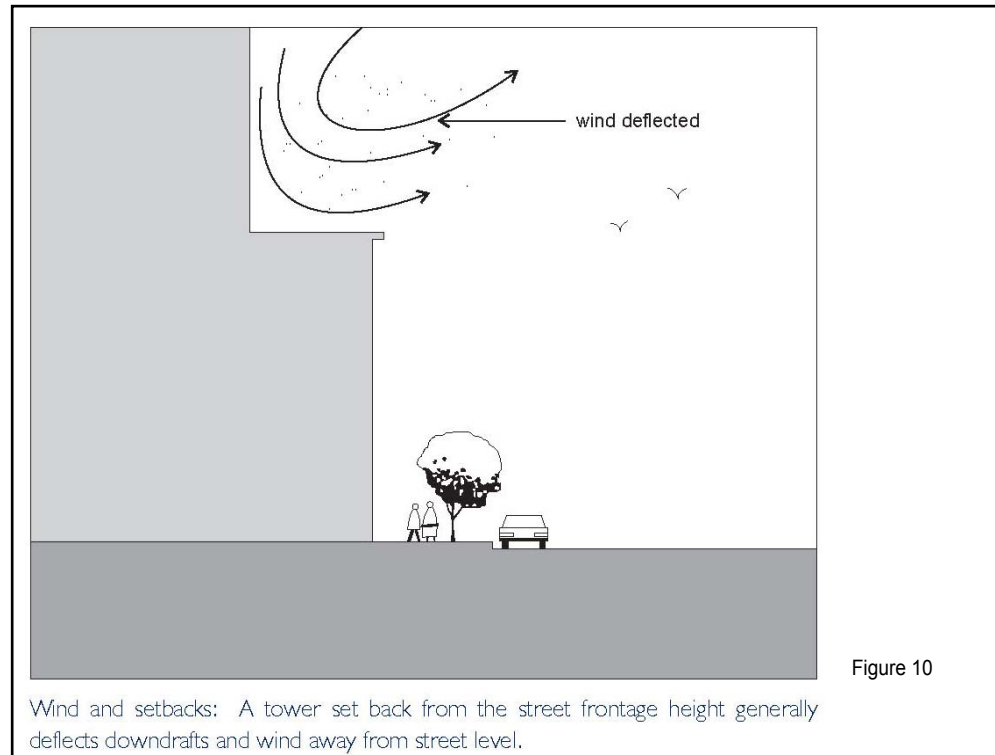
The relationship with adjoining heritage-listed items must be an important consideration of any future project application. The connection with Shell House should be articulated and consider the fenestration, datum and cornice lines in developing the façade solution.

7.0 Tower Setback

As noted in Part 6, the concept plan envelope proposed does not comply with the DCP street frontage height and tower setback provisions designed to mitigate wind impacts. It is recommended that adequate testing such as actual wind tunnel testing prior to the approval of the concept plan to ensure that a suitable pedestrian environment in Wynyard Park and Carrington Street is maintained. In any case, the minimum set back to Carrington Street as recommended in this section must be required.

The concept plan envelopes proposed for the site must be designed to achieve Central Sydney DCP requirements for pedestrian wind conditions. The DCP notes that tower setbacks from the street frontage height generally deflects downdrafts and wind away from street level, as per Figure 10 below.

The Environmental Wind Assessment provided with the application notes that the 'CityOne' development will have exposure to strong winds from the west. The report also notes that as the building envelopes are proposed *"the west side could potentially be a flat face over Carrington Street"*. Whilst the report concludes that the shielding buildings to the west would sufficiently reduce the wind downdraft into Carrington Street, no assessment is made of wind impacts or conditions in Wynyard Park or for the surrounding public domain.



The environmental quality of Wynyard Park and the surrounding public domain (bus stops) is critical in assessing this project, and adequate testing of the proposed building envelope should be carried out to determine wind impacts. As a minimum, a weighted average of 8

metres (with an absolute minimum of 6 metres) is required for Carrington Street setback (instead of the site specific setback to Wynyard Lane as shown in the controls) but only in the case of a substantial and appropriate 'contribution' or public benefit (Figures 11 & 12).

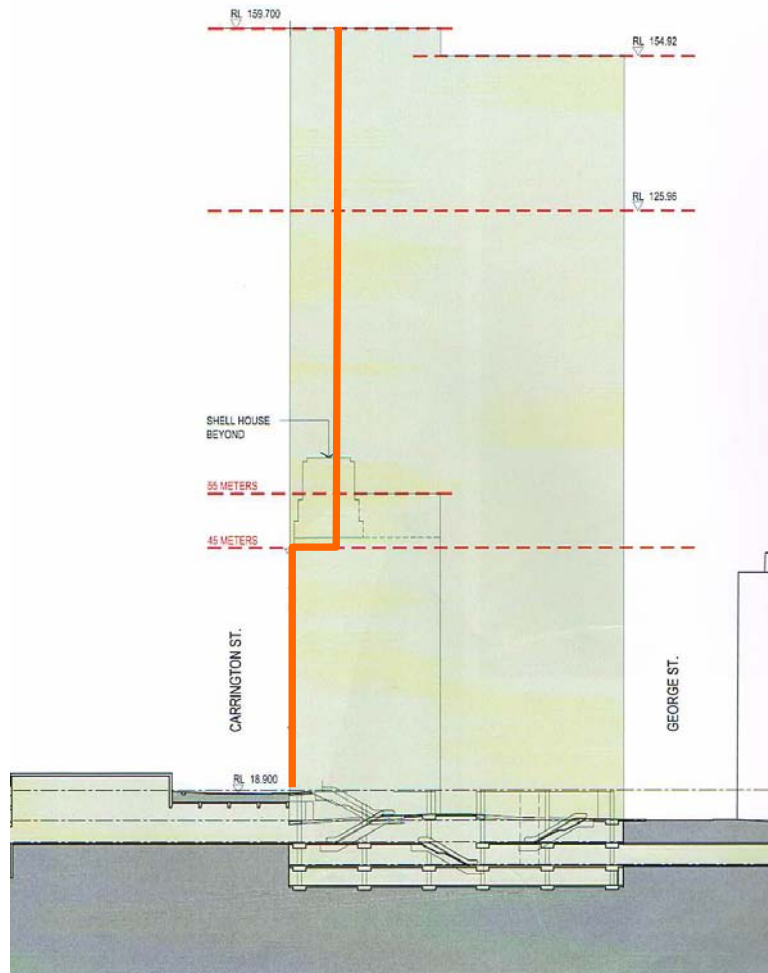


Figure 11. Section.
Weighted average 8 metre setback k required to Carrington Street (absolute minimum of 6 metres), Zero setback to George Street

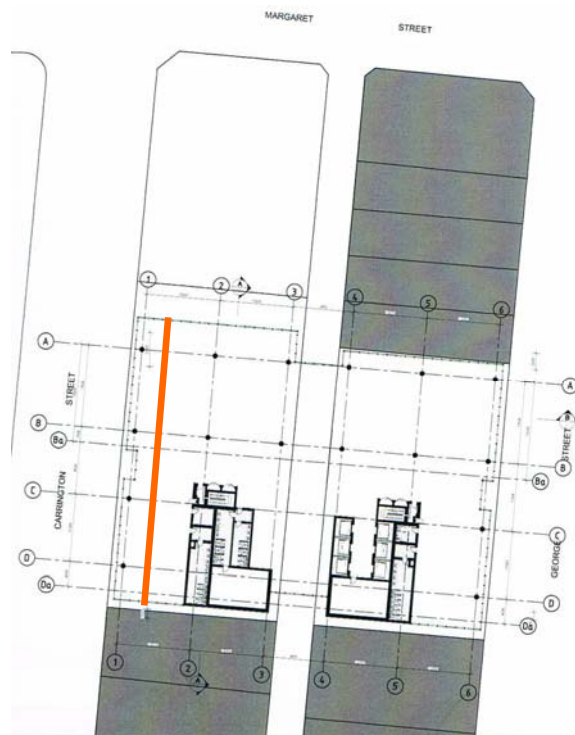


Figure 12. Plan.
Weighted average 8 metre setback required to Carrington Street (absolute minimum of 6 metres), Zero setback to George Street

Recommendation 9

That the proposal be required to maintain a setback to Carrington Street above RL 62 for a weighted average of 8 metres (with an absolute minimum of 6 metres).

Recommendation 10

Prior to the approval of the Concept Plan, detailed wind tunnel testing should be carried out to demonstrate that wind conditions in the public domain (including Wynyard Park) will satisfy DCP standards.

8.0 Overshadowing

8.1 Statutory controls

Overshadowing of important open spaces has been a major problem with previous schemes for the Thakral site. The statutory provisions in SLEP 2005 are:

- Clause 47(f) aims at protecting sun access to significant sandstone buildings in Special Areas in order to improve the ground level quality of public spaces;
- Clause 48 – sun access plane for Martin Place. Non compliance with this clause prohibited;
- Clause 49 – no additional overshadowing permitted to Martin Place between Pitt Street and George Street between 12.00 noon and 2.00pm between 14 April and 31 August. Non-compliance with this clause is prohibited;
- Clause 79 aims to retain the character and specific objectives of the Martin Place Special Area found in Schedule 6. One of the stated objectives for the Martin Place Special Area is to protect and extend sun access and reflected sunlight to Martin Place during lunchtime hours from mid April to the end of August.
- Clause 79 aims to retain the character and specific objectives of Wynyard Park found in Schedule 6. One of the stated objectives for the Wynyard Park Special Area is to protect and extend mid winter lunchtime sun access to Wynyard Park.

8.2 Martin Place

The commercial office tower proposal has been reduced in height and section 6.6.3 of the EA states that the concept plan envelope complies with the sun access control for Martin Place (Clause 48 and Schedule 2(E) of SLEP2005) and by virtue of it its location complies with the sun access control for Wynyard Park (Clause 2(I) of SLEP2005) during the prescribed hours of 12.00pm to 2.00pm.

The EA also states that the concept envelope will result in some additional overshadowing of a small [triangular] portion of Martin Place adjacent to George Street [outside the GPO] for a short period between 12.00 noon and 1.15pm at the winter solstice and does not comply with Clause 49. This is illustrated in the EA by diagrams prepared by Whelans Insites (Figure 13). However, it appears from the Whelans shadow images that the potential non compliance is not for the 75 minutes from 12.00 noon to 1.15pm, but rather for the shorter period of 30 minutes from 12.45pm to 1.15pm.



12.45pm (21 June)



1.00pm (21 June)



1.15pm (21 June)

Figure 13. Proposed Shadow
Whelans Insites overshadow
model of Martin Place.

The City modelling team have also produced an independent shadow model based on the material contained in the concept plan submission EA which has been inserted into the digital model of the city. The preliminary results are slightly different to the EA.

12.00pm



Figure 14. Existing.
CoS preliminary shadow
model of Martin Place.

Existing Shadow Condition 12.00pm (21 June)



Figure 15. Proposed.
CoS preliminary shadow
model of Martin Place.

Proposed Shadow Condition 12.00pm (21 June)

Figure 15 – the preliminary CoS shadow study shows that the splayed top of the concept plan envelope generates a shadow which falls short of the GPO in Martin Place. After 12.00pm the shadow moves eastward as shown in Figure 17. This suggests that only a

sliver of additional overshadowing of the pavement takes place on the shortest day of the year after 12.00pm (refer to Figure 17). This is an area of pedestrian circulation next to the George Street pedestrian crossing.

12.30pm



Figure 16. Existing.
CoS preliminary shadow
model of Martin Place.

Existing Shadow Condition 12.30pm (21 June)



Figure 17. Proposed.
CoS preliminary shadow
model of Martin Place.

Proposed Shadow Condition 12.30pm (21 June)

Figure 17 – the preliminary CoS shadow study shows that the additional shadow removes a narrow triangle of sun on Martin Place pavement which contravenes Clause 49 on the shortest day of the year at 12.30pm. However at this time it would appear that the shadow

does not reach the steps of the GPO and does not reach the façade of the GPO (this requires further testing and validation).

1.00pm



Figure 18. Existing.
City preliminary shadow
model of Martin Place.

Existing Shadow Condition 1.00pm (21 June)



Figure 19. Proposed.
City preliminary shadow
model of Martin Place.

Proposed Shadow Condition 1.00pm (21 June)

Figure 19 – the preliminary CoS shadow study shows that the additional overshadowing is imperceptible on the Martin Place paving. The question arises when the shadow lengthens after 1.00pm whether it shadows the GPO building façade in areas which are not already shadowed by the buildings on the northern side of Martin Place. Casting a shadow on the

façade of Martin Place is a more significant issue than the small areas of Martin Place pavement and should be the subject of more detailed further analysis.

8.3 Martin Place – Conclusion

Preliminary shadow analysis suggests that the proposed concept plan causes minimal additional overshadowing of the pavement of Martin Place at western edge where it adjoins George Street outside of the GPO in the approximate location of an existing kiosk. The more important question is whether the shadow extends over the face of the GPO after 1.00pm as the shadow moves north-east and lengthens. This needs to be examined in more detail before a validated conclusion can be reached. As the shadow is swinging in an arc to the east and north-east it may not strike the GPO façade, but in any case a condition of any approval should require that this does not occur.

Recommendation 11

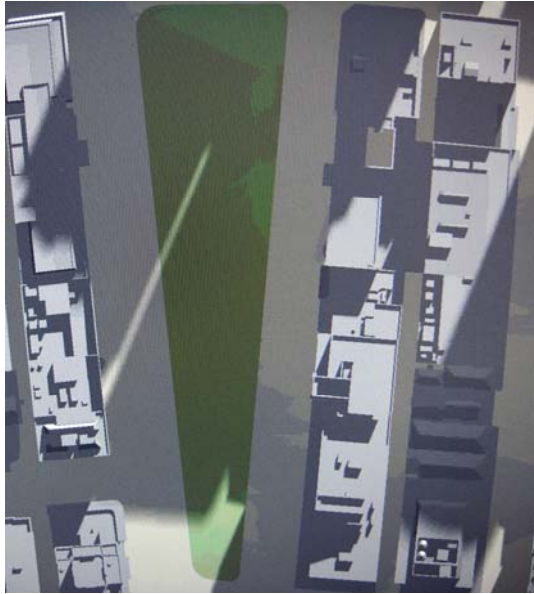
That the proponent be required to provide more detailed sun shadow model of affected buildings in Martin Place in elevation with any Major Project application to ensure that there is absolutely no overshadowing of the heritage listed GPO faced or steps in Martin Place, and that the proponent be requested to model the concept plan envelope to minimise the additional overshadowing of the western end of Martin Place paving to less than that proposed in the current concept plan application.

8.4 Wynyard Park

Wynyard Park is a Special Area in Schedule 6 of the LEP. It has a sun access control which affects the buildings to the north and west of Wynyard Park and not the buildings to the East of Wynyard Park in Carrington Street which is where the proposal is located. As the proposal is located to the east of Wynyard Park it is not possible that the envelope contributes to any additional overshadowing of Wynyard Park during the prescribed hours of 12.00pm to 2.00pm.

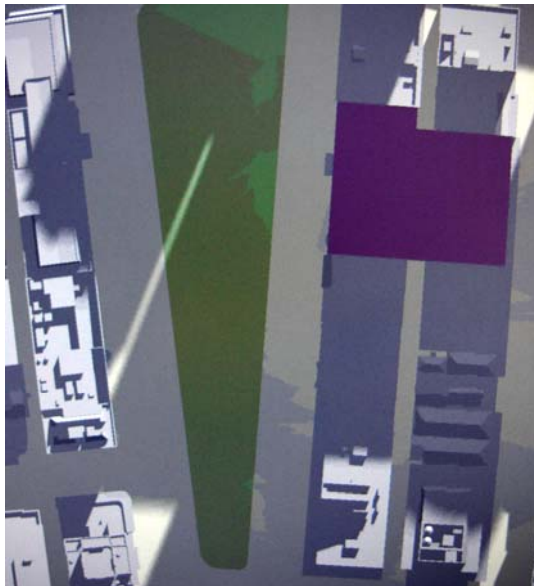
The question arises whether there is any additional overshadowing of Wynyard Park at all as a result of the proposal. Preliminary shadow analysis suggests that the proposed concept plan causes minimal additional overshadowing of Wynyard Park between the hours of 10.30am and 11.00am on the longest day of the year (June 21). Figures 20-12 show the shadow fall at 10.30am for the existing, proposed and preferred setback circumstances; Figures 23-25 show the shadow fall at 10.45am for the existing, proposed and preferred setback circumstances; and Figures 26-28 show the shadow fall for the existing, proposed and preferred setback circumstances at 11.00am. The third view in each scenario reflects the required tower setback above the street frontage height of RL 62 as described in Parts 6 and 7 of this submission. The setback has been calculated at 6 metres (absolute minimum) although the required setback is weighted average of 8 metres. By using the 6 metre line, it calculates for the worst possible condition at any point.

10.30am



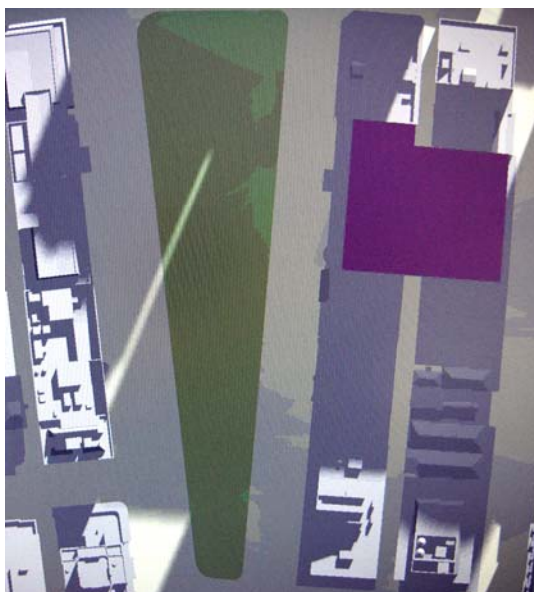
Existing Shadow Condition 10.30am (21 June)

Figure 20. Existing Shadow.
City preliminary shadow model of Wynyard Park.



Proposed Shadow Condition 10.30am (21 June)

Figure 21. Proposed Shadow.
City preliminary shadow model of Wynyard Park.



Preferred Setback Shadow Condition
10.30am (21 June)
Illustrating worst case at min. 6 metre
setback

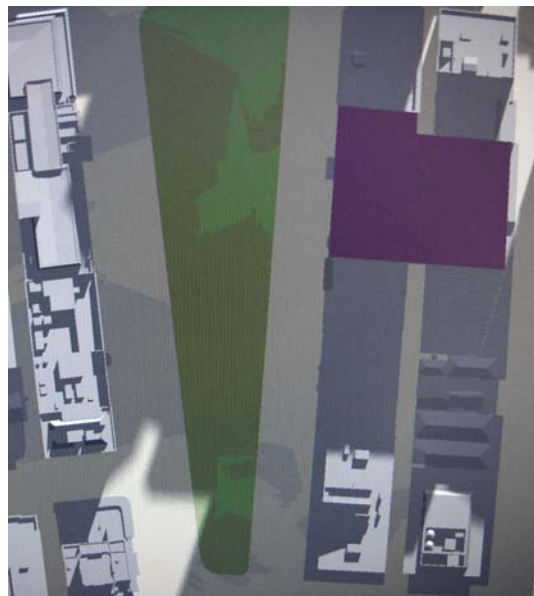
Figure 22. Preferred Setback Shadow.
City preliminary shadow model of Wynyard Park.

10.45am



Existing Shadow Condition 10.45am (21 June)

Figure 23. Existing Shadow.
City preliminary shadow model of Wynyard Park.



Proposed Shadow Condition 10.45am (21 June)

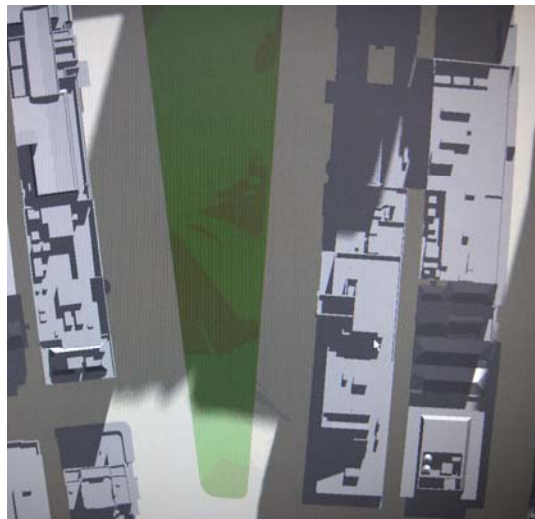
Figure 24. Proposed Shadow.
City preliminary shadow model of Wynyard Park.



Preferred Setback Shadow Condition
10.45am (21 June)
Illustrating worst case at min. 6 metre
setback

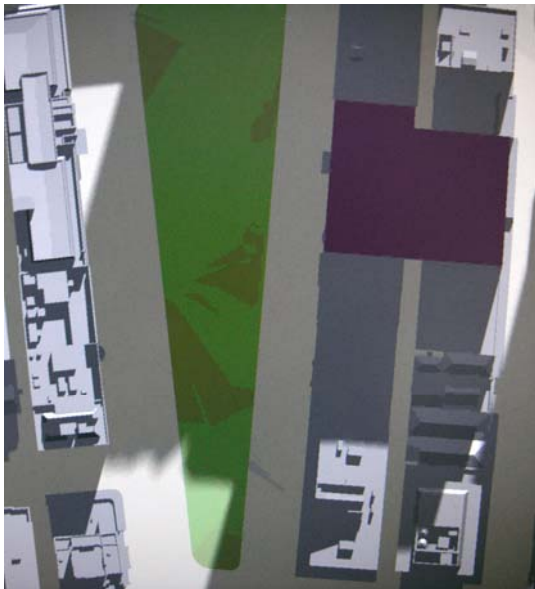
Figure 25. Preferred Setback Shadow.
City preliminary shadow model of Wynyard Park.

11.00am



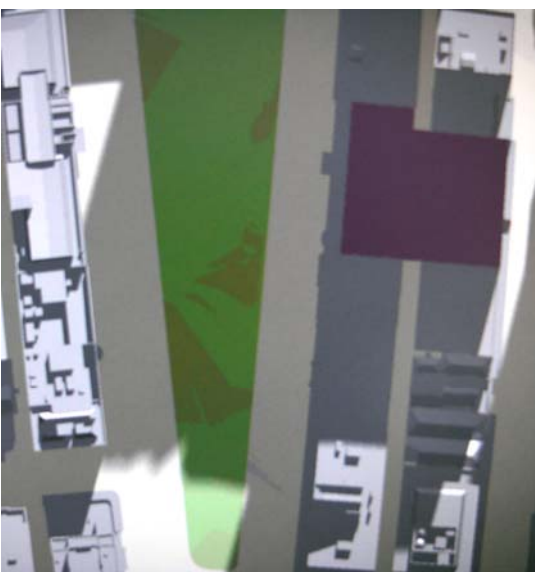
Existing Shadow Condition 11.00am (21 June)

Figure 26. Existing Shadow.
City preliminary shadow model of Wynyard Park.



Proposed Shadow Condition 11.00am (21 June)

Figure 27. Proposed Shadow.
City preliminary shadow model of Wynyard Park.



Preferred Setback Shadow Condition
11.00am (21 June)
Illustrating worst case at min. 6 metre
setback

Figure 28. Preferred Setback Shadow.
City preliminary shadow model of Wynyard Park.

8.5 Wynyard Park – Conclusion

Given the scale of the proposal, the impact on Wynyard Park is minimal because the location of the impact at the ground plane is at the southern most end of the triangular park shape. At this location there is extensive asphalt paving and little vegetation (Figure 29). The canopy of the significant trees in Wynyard Park are much higher than the ground plane and will enjoy sun access in the morning.

The preferred scheme (with weighted average mean 8 metre setback) ensures that the southern end of the Park will have full sunlight by 11.00am in mid winter.



Figure 29 & 30. Southern end of Wynyard Park affected by a minor reduction of sunlight (20-30 minutes on June 21) . Wynyard Park is not affected during the prescribed hours of 12.00pm – 2.00pm.



9.0 Design Excellence

The City of Sydney has well established design excellence provisions under Sydney LEP 2005 and Central Sydney DCP 1996. These provisions require any development proposal exceeding 55 metres in height or where the site area exceeds 1500 square metres to demonstrate that a competitive design process has been achieved. The DCP provides two options to fulfil this requirement:

- a) *undertake a design competition, in accordance with the provisions of LEP 1996 and Part 12 of the DCP, or*
- b) *prepare design alternatives on a competitive basis, where architects from different architectural firms generate feasible alternative designs.*

The CityOne Proponent is proposing not to undertake a design excellence process for the architectural design of the tower building, “*due to the significant work to date undertaken by Thakral to this point*”, and due to technical complexities particular to this site and project. The EA argues:

“It is considered that the detailed investigations that have been undertaken to date to develop the concept for such a complex and important development cannot be furthered in any meaningful way through a normal competition process. Such a process could only propose a superficial design proposition that in the fullness of further detailed design may not be technically feasible, fundamentally possible or intrusive in detail from a station functionality perspective.” (EA p.43)

The current application does not include the design of Wynyard railway station or the unpaid concourse west of Carrington Street. The station functionality is as yet unresolved, and may remain so throughout the design of the CityOne tower building. As this application relates only to the concept envelope of a commercial office tower, retail arcade and public lobby area, the above rationale is inadequate justification to not comply with the requirement for a design competition. Should there be a requirement for the design competition to address these technical station design issues, a transport advisor should be appointed to inform the competition process.

The EA suggests that the Design Excellence provisions in the Major Projects SEPP for Barangaroo could be applied to this site. These provisions require design competitions for buildings taller than RL57 or on sites larger than 1500sqm, but allow the Director General to waive the requirement for a competition where:

- i) *the architect responsible for the proposed design has an outstanding reputation in architecture, and*
- ii) *necessary arrangements have been made to ensure that the proposed design is carried through to the completion of the development concerned.*

CityOne and Barangaroo are not comparable projects or sites, and it is not appropriate that the same provisions be applied. The CityOne site has been the subject of several design iterations and has received high quality urban design review advice, however this has not occurred at the detailed design level. It is considered that none of the design iterations seen to date display sufficient design excellence, and that this most important development would significantly benefit from an architectural design competition.

Rather than Barangaroo, a better comparison is the Energy Australia site at 33 Bligh Street which involves the design of a multi-storey electrical substation over a railway easement with a commercial office tower above. The Department of Planning agreed with the recommendation by the City of Sydney that a design excellence process should apply to the commercial office tower, and Energy Australia with Investa are currently conducting a competitive design process with promising results. It could be argued that 33 Bligh Street is an even more complex integrated infrastructure project than the Thakral site, and there is no justification for the Thakral site not to go through the same quality enhancing process. Another recent example where the Department of Planning have required competitive design process under Part 3A is the Information Technology Building at the University of Technology, Sydney at Broadway. This has produced a stunning result which has almost completely observed planning controls and the approved concept plan

This site has a high level of impact on the public domain, as it involves an important entry to Wynyard railway station and forms the eastern edge of Wynyard Park. As the project proposes to break several of the height and setback controls contained within the Wynyard LEP Special Precinct (despite recommendations about minimum setback and street wall requirements), it is imperative that a high level of design excellence is achieved to ensure the provision of a high quality urban environment. Given the substantial additional FSR proposed compared to the context, it is considered as essential that a design competition be undertaken (at Major Project or Stage 2 DA equivalent stage) rather than a competitive design alternative process.

The argument that the historical schemes by Rice Daubney and PTW are a substitute for a design excellence process at this time is not supported by the City of Sydney.

Recommendation 12

In accordance with SLEP 2005, the applicant should be required to undertake a design competition, in accordance with the provisions of LEP 1996 and Part 12 of the DCP

10.0 Car parking

10.1 Excessive car parking claim

The City does not support the significant increase in car parking proposed in the scheme. It is not supported for the following reasons:

- the aggregation of Railcorp stratum associated with rail infrastructure is no basis for calculating car parking loads or car park numbers;
- the location has the highest level of service of public transport of virtually any location in Sydney (and possibly in the country);
- the site is chocked with buses and surface traffic particularly at the time that commuter parking for the office building would enter the traffic flow;
- the access provisions are physically difficult;
- there is no proposed reduction in the parking associated with the Menzies Hotel (in the Wynyard tunnels), although the proposal seeks to remove the Menzies Hotel function and associated car parking needs

10.2 Contextual Issues

The development is located at Sydney's major bus operations choke point of Carrington/Margaret and York Streets which has reached operational capacity. Adding to the peak traffic flows with car park access would seriously undermine recent gains made by the State and City in improving bus flows to the detriment of more than 40 000 people (or 80 000 trips) per day.

The proposed tenant car-park and commercial car park must operate independently and should not be able to be combined in the future to lessen the pressure to turn the tenant car park into a public car park. The proposed tenant car-park should be linked directly to the building and should be restricted from allowing commercial car-parking at any time.

No new access from Margaret Street should be considered as part of this development. All access to services and parking should be located off Wynyard Lane. Margaret Street is close to capacity and traffic in it is a major cause of bus congestion. Any queuing to enter the car park will have network affects back to York, the Sydney Harbour Bridge, Margaret, Sussex, George, Clarence and Hunter Streets.

10.3 Car Parking numbers

The City of Sydney and Transport NSW advise that the required car parking numbers, based on our interpretation of site area, is around 80 car parking spaces (the actual number cannot be confirmed as the use mix is not confirmed but it would be only 5 or so spaces above or below 80).

Recommendation 13

It is recommended that there is no net increase in the number of parking spaces provided on the site for either the commercial car-park or the tenant parking, over the existing supply. Parking should not be provided for the retail portion of this building.

11.0 Conclusion

The Concept Plan MP09_0076 in its current form is solely about the concept envelope for a commercial office tower on the Thakral site (although fully owned by Railcorp). The application has been almost exclusively a private development rather than a Railcorp driven development. The only justification for gaining considerably more development potential than other proponents or land owners is the claim of a public benefit which has not been identified or valued.

Aspects of this concept plan proposal would be significantly improved through the key recommendations provided by the City of Sydney. The City has reluctantly provided guidance on beaches to the planning controls, only on the basis that a 'public benefit' or 'contribution' is publicly exhibited to justify any excess development.

Without significant additional information as noted in this submission and by other agencies such as Transport NSW, the City advises the Minister that the Concept Plan cannot be supported. If the additional information is addressed, it is recommended that the project be modified to comply with the City of Sydney controls and design excellence provisions.

If an overdevelopment of the site (in consideration of a tangible contribution for the public good) is supported by the Department and the Minister, the City has provided the minimum required amendments to limit the environmental impacts.

End of Submission