

APPENDIX A ENVIRONMENTAL ASSESSMENT

See the Department's website at <http://majorprojects.planning.nsw.gov.au>

APPENDIX B SUBMISSIONS

See the Department's website at <http://majorprojects.planning.nsw.gov.au>

APPENDIX C PROPONENT'S RESPONSE TO SUBMISSIONS

See the Department's website at <http://majorprojects.planning.nsw.gov.au>

APPENDIX D SUMMARY OF KEY AGENCY SUBMISSIONS

Transport for NSW

Transport for NSW (formerly Transport NSW) supports the proposed Concept Plan however raises the following issues:

- **Consideration of strategic and public benefit:**
 - **East of Carrington Street/Thakral site:** further consultation is required to confirm/determine pedestrian circulation requirements as part of the proposed works.
 - **Unpaid area - west of Carrington Street:** significant upgrades to the unpaid areas of Wynyard Station which are envisaged by the EA, are not part of the Proponent's plan.
 - **Paid area - station improvements by RailCorp:** Transport for NSW would support a contribution in the form of a VPA that is fully documented as part of future applications.
 - **Integration with bus interchange and public domain:** further consultation required regarding Wynyard Park and Carrington Street.
- **The Proposed Concept Plan:**
 - **Concourse design:** the Proponent would need to enter into further detailed design discussions to ensure that the development is integrated with future Wynyard Station concourse designs as part of future applications.
 - **Eastern entrance width:** the 20 metre eastern access width is a provisional width only and is inclusive of the Hunter Connection exit (which is 4 metres wide), a minimum unimpeded 16 metre width to George Street must be provided. Pedestrian modelling must be carried out to test the performance of the proposed access ways and vertical transport.
 - **Wynyard Lane:** the crossing point over Wynyard Lane has impacts on pedestrian access and this resolution is not considered satisfactory. Pedestrians must have privilege over vehicles.
 - **Fire and Life Safety:** the Concept Plan should consider the requirements of emergency egress/access within the wider Wynyard Precinct.
 - **Construction Staging:** further consideration of construction staging is essential to ensure that construction works do not affect the operation of Wynyard Station. The construction and completion of additional pedestrian capacity into Wynyard Station must be provided prior to demolition of the existing Thakral House and Menzies Hotel. Also the construction works for the Barangaroo Pedestrian link must proceed ahead of the construction of the proposed development.
- **Operational Integrity**
 - During any development, critical infrastructure requirements would need to be considered including station operability and critical systems.
 - Arrangements for a new goods lift and interim access would need to be resolved prior to any project application being lodged.
 - Construction deliveries on Carrington and York Streets would not be able to be accommodated during am/pm peak times.
- **Environmental Assessment:**
 - **Bus services:** The potential removal of 22 metres of bus zone on (eastern side of) Carrington Street needs to be reconsidered and any closure of footway would be unacceptable. The pedestrian priority area on Carrington Street is not endorsed.
 - **Car Parking:** Tenant car parking should be reduced to 81 spaces or less.
 - **Pedestrian flows:** The 20 metre provisional width for the eastern access must be validated in any future project applications.
 - **Traffic network:** It is unclear how road closures will be managed. Further justification is required on the reduction of traffic from the demolition of the Menzies Hotel.
 - **Taxis:** Permanent improvements to taxi ranks should be detailed in future applications.

- **Bicycles:** Connections from the site to the surrounding network must be addressed by future applications.
- **Travel Demand Management:** A Workplace Travel Plan must be prepared for the proposal.
- **CBD light rail extension:** Integration of a light rail stop into the precinct will need to be addressed in any future project.
- **Proposed Metro Corridor:** Future project applications would need to demonstrate that the development would not have unacceptable impacts on the protected Metro rail corridor.
- **Environmental Assessment – Other Issues**
 - Heritage: detailed design for a heritage interpretation venue should be provided.
 - Wind Impacts wind tunnel model study is required.
 - Overshadowing: the EA does not adequately address the overshadowing of Wynyard Park.
 - Utilities – the Proponent should undertake a service search to identify utilities and services in consultation with RailCorp.
- **Existing legal arrangements:** The existing lease for the site requires landlord consent.

Transport for NSW provided a further submission in relation to the Preferred Project Report raising the following points:

- **Wynyard Lane Closure**
 - The Proponent's preferred option (Option 1) is not acceptable to the TfNSW in the long term as it relies on the use of the former tram tunnels that are identified to be used for a southern entry to the station.
 - A solution that does not rely on the former tram tunnels may be acceptable
 - It is unclear how the closure of Wynyard Lane can be achieved without impacting on adjoining properties
 - Railcorp's loading dock and service lift is located in the section proposed as retailing.
- **George Street Entry to Railcorp Concourse**
 - The current George Street ramps operate reasonably well.
 - The proposal however provides public benefits via improving air quality, upgrading access to current codes and standards and improved prominence and station address.
 - Use of proposed escalators during power failure or maintenance may be inappropriate or unsafe.
- **Commercial Offer:**
 - The public Infrastructure Works estimated to cost \$20 million do not amount to items of significant public benefit rather are more correctly costs incurred in carrying out the proposal over and around a major transport interchange.
 - One way for Thakral to demonstrate public benefit would be by a significant monetary contribution towards the construction by Government of two new station entries to the north and south of Wynyard Park.
- **Conditions of Approval:**
 - TfNSW requests that RailCorp's site is not subject to any conditions or terms of approval applicable to the Thakral owned property.

City of Sydney

The City of Sydney provided a submission in relation to the exhibited proposal raising the following points:

- **Site Area**
 - Council disagrees with the approach to include the sub-surface strata above and under Wynyard Lane, Carrington Street and York Street as the site area as it is inconsistent with Sydney LEP 2005.
- **Public Benefit**
 - A quantified and documented contribution or public benefit offer be submitted for public exhibition prior to determination of the Concept Plan.
 - If the transit hall between George Street and Carrington Street is part of any Public Benefit, the upper commercial foyer should be removed to provide an appropriate scale for the unobstructed transit volume.
- **Wynyard Lane**
 - Wynyard Lane should be a pedestrian only link as it passes through the transit hall.
- **Wynyard Park**
 - The Concept plan should include clear principles for the proposed design of Wynyard Park and Station entries. Principles should include:
 - relocation of station entry points to the north and south off-site extremities at Margaret Street and Wynyard Street;
 - increase in soft landscape and protection of trees;
 - permeability and legibility focusing on future projected commuter and users figures;
 - full integration with public assets; and
 - as an alternative to off-park extremities, a new entry canopy in the current location.
- **Wynyard Park Special Area/Street Wall/Tower Setback**
 - The justification for the nil setback above the podium on Carrington Street is not agreed as this rationale was originally developed for an earlier permutation of a more slender tower form.
 - A street frontage/podium height to RL62 (to match Shell House) is required for the new tower for Carrington Street. Above this level a setback of a weighted average of 8 metres should be provided (with minimum setback of 6 metres).
 - Detailed wind tunnel testing should be carried out to demonstrate satisfactory wind conditions.
 - The street frontage should be differentiated from the treatment of the tower façade above.
 - The connection with Shell House should be articulated.
- **Overshadowing**
 - Martin Place – Minimal additional overshadowing to the pavement of Martin Place at its western end. More information should be provided to ensure that there is no additional overshadowing to the GPO building steps or façade
 - Wynyard Park – Overshadowing impact on Wynyard Park is minimal. A tower scheme with average 8 metre setback from Carrington Street will further reduce this impact.
- **Design Excellence**
 - The Proponent should be required to undertake a design competition at a future project application stage in accordance with the provisions of the Sydney LEP 2005.
- **Car Parking**
 - Council does not support any significant increase in car parking given the existing level of service to public transport, the existing traffic congestion in the locality, constrained access issues.
 - 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.

The City of Sydney provided a submission in relation to the Preferred Project Report raising the following points:

- **Site Area**
 - Site area should only be calculated as 4033m² (area occupied by worked up Concept Plan).
 - FSR should be calculated using this figure equating to an FSR of 20.9:1.
 - The use of extended site area will set a precedent within the City of Sydney.
- **Public Benefits**
 - The application cannot be approved without the public benefit being clearly articulated.
 - Public benefits must be clearly demonstrated through a publically exhibited deed or VPA
 - Independent advice provides that the value of the land between George and Carrington Street will increase by up to \$52 million from the approval of additional 30,000m² of floor space compared to an LEP compliant scheme.
- **Public Benefit Offer:**
 - The economic appraisal of public benefits (east of Carrington Street) delivered by the proposal to a value of \$60 million as provided in the PPR is arguable, subjective and not well justified.
 - The non-specified monetary contribution to Transport for NSW for infrastructure west of Carrington Street is unreasonable and un-defendable as no informed assessment of the quantum of public benefit can be made.
 - A Project Delivery Agreement (PDA) is not an appropriate mechanism to secure the delivery of Public Benefit.
 - Level of commitment/agreement by TfNSW to the public benefit offer including the PDA is unclear and the PPR does not provide any evidence to the status of negotiations.
 - No commitments have been provided by the Proponent as to the timing or staging of the PDA therefore there is no security/enforceable obligation for this to occur.
- **Wynyard Park/Wynyard Station**
 - The proposal does not provide any scope, development options, sketches or tangible concept that will be delivered for Wynyard Park or Wynyard Station.
 - Until such time as a concept is presented it would be contrary to the public interest to trade off public infrastructure upgrades for any non-compliant height, floor space or car parking.
- **George Street to Carrington Street Through Site Link**
 - The minimum 20 metre width of the through site link is supported.
 - The height of the public space in the through site link should match the 20 metre width. This could be achieved (18 metre height) if the upper level foyer space was relocated to the first floor or occurred to the sides of the public space.
 - To maximise east west sight lines through the site through link, the eastern part of the foyer need to be removed/relocated, Wynyard Lane needs to be removed/redesigned, the escalators relocated and the centre row of columns deleted.
 - The Hunter Connection /George Street underpass should be re-aligned to be perpendicular with George Street.
- **Wynyard Lane Closure**
 - Issues such as swept paths, exit entry points, intersection performance, parking, loading, turning areas, two way capacity and impacts to adjoining properties and the local road network have not been properly tested and must be resolved prior to the determination of the Concept Plan.
 - Of the options presented, Option 2 is the most appealing as it does not rely on the use of the tram tunnels.
- **Wynyard Park Special Area Street Wall and Tower Setback**
 - The amended proposal for the western façade of the building envelope does not address the issues originally raised.

- The original recommendation to setback the tower by a minimum of 6 metres (weighted average of 8 metres) above a street wall height to RL 62.9 to match Shell House) is reiterated.
- **Overshadowing:**
 - Ensure absolutely no overshadowing to the GPO façade or steps.
- **Design Excellence:**
 - A competitive design competition should be undertaken, rather than a design excellence review panel nominated by the proponent.
 - The City must be permitted to nominate 1 member on any competition jury or review panel.
- **Car Parking:**
 - No net increase in the number of parking spaces over the existing supply on site (east of Carrington Street). Parking should not be provided for the retail portion of the proposal.

APPENDIX E CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

There are four accepted ESD principles:

- (a) *the precautionary principle,*
- (b) *inter-generational equity,*
- (c) *conservation of biological diversity and ecological integrity,*
- (d) *improved valuation, pricing and incentive mechanisms.*

The Department has considered the proposed development in relation to ESD principles and has made the following conclusions:

Precautionary Principle – It is considered that there is no threat of serious or irreversible environmental damage as a result of the project. The site does not contain any threatened or vulnerable species, populations, communities or significant habitats. The site therefore has a low level of environmental sensitivity.

Inter-Generational Principle – The project represents a sustainable use of the site as the development will utilise existing transport infrastructure and make efficient use of the site. The development of the site also has positive social, economic and environmental impacts.

Biodiversity Principle – It is considered that there is no threat of serious or irreversible environmental damage as a result of the project. The site has a low level of environmental sensitivity and does not contain any threatened or vulnerable species, populations, communities or significant habitats. Therefore the project will not impact upon the conservation of biological diversity or ecological integrity.

Valuation Principle – The proposal seeks to include commercial and retail uses within the development maximising the sites location to existing infrastructure. The project will provide an improved environment to that currently provided.

The Proponent is committed to ESD principles and has reinforced this through the Environmental Assessment which explores key ESD opportunities. The CityOne sustainability report submitted with the EA sets out that the proposal will achieve a minimum 5 Star Green Star rating through consideration of a range of sustainable design options. The Department is satisfied that the proposal is consistent with ESD principles.

SECTION 75I(2) OF THE ACT & CLAUSE 8B OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

The DG's report to the Minister for the proposed project satisfies the relevant criteria under Section 75I of the Act as follows:

Section 75I(2) criteria	Response
Copy of the proponent's environmental assessment and any preferred project report.	The Proponent's EA and PPR are located on the Department's website www.planning.nsw.gov.au
Any advice provided by public authorities on the project.	A summary of the advice provided by public authorities on the project for the Minister's consideration is set out in Section 4 of this report.
Copy of any report of the Planning Assessment Commission.	No review has been required to be carried out by the Planning Assessment Commission.
Copy of or reference to the provisions of any State Environmental Planning Policy that substantially govern the carrying out of the project.	Each relevant SEPP that substantially governs the carrying out of the project is identified in within this Appendix below.
Except in the case of a critical infrastructure project	An assessment of the development relative to the

– a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division.	prevailing environmental planning instrument is provided later in this Appendix.
Any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate.	The environmental assessment of the project application is this report in its entirety.
A statement relating to compliance with the environmental assessment requirements under this Division with respect to the project.	The proposal adequately complies with the DGRs.

The DG's report to the Minister for the proposed project satisfied the relevant criteria under Clause 8B of the EP&A Regulation as follows:

Clause 8B criteria	Response
An assessment of the environmental impact of the project	An assessment of the environmental impact of the proposal is discussed in Sections 4 and 5 of this report.
Any aspect of the public interest that the Director-General considers relevant to the project	The impact of the development on the public interest is discussed throughout this report.
The suitability of the site for the project	The proposal is considered to be consistent with developments within the locality and will enhance the amenity and function of the surrounding site and surrounding locality .
Copies of submissions received by the Director-General in connection with public consultation under Section 75H or a summary of the issues raised in those submissions.	A summary of the issues raised in the submissions is provided in Section 4 of this report.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPis)

To satisfy the requirements of section 75I(2)(d) and (e) of the Act, this report includes references to the provisions of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project.

The primary controls guiding the assessment of the proposal are:

- State Environmental Planning Policy (Major Projects) 2005;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy No. 55 – Remediation of Land; and
- Sydney Local Environmental Plan 2005

Other controls guiding the assessment of the proposal are:

- Draft State Environmental Planning Policy (Competition)
- Draft Sydney LEP 2010
- City of Sydney Central Sydney DCP 1996
- City of Sydney Heritage DCP 2006

The provisions of development standards of local environmental plans are not required to be strictly applied in the assessment and determination of major projects under Section 75R Part 3A of the Act. Notwithstanding, the objectives of the above EPis, relevant development standards and other plans and policies that govern the carrying out of the project are appropriate for consideration in this assessment in accordance with the DGRs.

COMPLIANCE WITH PRIMARY CONTROLS

State Environmental Planning Policy (Major Development) 2005

NSW Government

Department of Planning & Infrastructure

As discussed previously in Section 3.1, the proposal is a major project under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it is development for being development within a railway corridor associated with railway infrastructure that has a CIV of more than \$30 million, is of strategic State and regional significance and is for the purpose of commercial and retail development under clause 23 of Schedule 1 of *State Environmental Planning Policy (Major Development) 2005*. Therefore the Minister for Planning is the approval authority.

State Environmental Planning Policy (Infrastructure) 2007

Schedule 3 of the SEPP requires traffic generating developments to be referred to the Roads and Maritime Services. The Roads and Maritime Services has provided comments (through Transport for NSW) on the proposal. A detailed discussion on these comments and other traffic related matters is provided in **Section 4** and **5** of this report.

State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 requires a consent authority to consider whether the land is contaminated, and if so, whether the land will be remediated before the land is used for the intended purpose. Consulting Earth Scientists have undertaken a Stage 1 Environmental Site Assessment which has considered the circumstances of the site and the proposed use and has found that the site is likely to be deemed suitable for the proposed use and that no further investigation into contamination at the site is required.

Sydney Local Environmental Plan 2005

The proposal has been considered against the Sydney LEP 2005. Key issues such as permissibility, solar access, height, car parking and design excellence are discussed in detail in Section 5 of the report. Below is a summary compliance table in relation to the main controls.

Control	Response
Cl. 26 – Design Excellence	Discussed in Section 5.2 of the report
Cl. 32 – Permissibility	Discussed in Sections 3.2 & 5.2 of the report
Cls. 47-50 Height of Buildings	Discussed in Section 5.2 of the report
Cl. 58 - FSR	<p>The maximum allowable FSR for the site is 8:1, with the potential to increase this to a maximum of 12.5:1 for commercial uses subject to satisfying the required height, development plan, design excellence, heritage floorspace, ecologically sustainable development and other development provisions.</p> <p>The total site has an area of 11,124m². However in applying the relevant definition of 'site area' for the purpose of calculating the FSA, the figure is reduced to 8,828m².</p> <p>The FSR calculated for the overall development is 9.66:1 (85,300m² / 8,828m²), while the FSR on the portion of the site upon which the proposed tower element is to be located is 19.1:1 (76,970m² / 4,032m²).</p>
Cl. 65 - Car Parking	Discussed in Section 5.4 of the report.
Cls. 67-76 Heritage	Shell House and Wynyard Park are items of local heritage significance. There are also several other items of significance in the vicinity of the site. A heritage assessment has been submitted with the EA. The NSW Heritage office provided comments on the proposal. These comments are in part addressed in Section 5.2 of the report. Further to this is it considered that more detailed heritage impact assessments may be carried out as part of any future applications.
Ch2. Part 7 – Wynyard Park Special Area	The site is within the Wynyard Park Special area. The proposed development is consistent with the Wynyard Park

	<p>Special Area objectives set out in Schedule 6 of the LEP in that:</p> <ul style="list-style-type: none"> • the design provides enhanced access and amenity to the park and an improved interface with Wynyard Station; • it will maintain mid-winter lunchtime sun access to Wynyard Park; • the proposed building form is capable of retaining a sense of urban enclosure to Wynyard Park; and • it seeks concept approval for the eastern part of the Wynyard Station complex and will deliver significant enhancements to the public domain.
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COMPLIANCE WITH OTHER CONTROLS

Draft Competition State Environmental Planning Policy

In July 2010 draft Competition State Environmental Planning Policy was publically exhibited. The draft SEPP aims to promote economic growth and competition and remove anti-competitive barriers in environmental planning and assessment. Whilst the draft SEPP is a matter for consideration no issues are considered to arise with the proposed Concept Plan.

Draft Sydney Local Environmental Plan 2011

The draft Sydney Local Environmental Plan 2011 was placed on public exhibition between 27 January and 4 April 2011. Key components of the draft LEP such as zoning, floor space ratio and height controls for the site are consistent with the provisions of the Sydney LEP 2005. These provisions are discussed in the above table and are considered to be acceptable having regard to the draft LEP.

Notwithstanding the above, the draft LEP introduces a new provision relating to development below ground level in the RE1 zone (i.e. Wynyard Park). Clause 5.3A provides that development which can be undertaken in any adjoining zone land can be undertaken on land below ground within the RE1 zone, subject to being consistent with the zone objectives and will not have significant adverse impacts. If this provision forms part of the gazetted instrument, this would have the effect that none of the proposed land uses are prohibited by virtue of zoning and would therefore increase the site areas definition for the purpose of FSR calculations to 11,124m². In this instance the proposed FSR would be reduced to approximately 7.6:1 which complies with the draft LEP.

City of Sydney Central Sydney Development Control Plan 1996

The City of Sydney Central Sydney Development Control Plan 1996 (CSDCP) has been considered in the assessment of the Concept Plan. The key controls relevant to the proposal are the loading and servicing requirements and building bulk, street front heights and setback provisions which are discussed in Section 5 of the report. Further consideration of the CSDCP can be undertaken during detailed design of the project.

City of Sydney Heritage DCP 2006

The City of Sydney Heritage Development Control Plan is intended for detailed heritage and conservation planning and can be further taken into account during the detailed design stage of the development. Shell House and Wynyard Park are items of local heritage significance. There are also several other items of significance in the vicinity of the site. A heritage assessment has been submitted with the EA. The NSW Heritage office provided comments on the proposal. These comments are in part addressed in Section 5.2 of the report. Further to this it is considered that more detailed heritage impact assessments may be carried out as part of any future applications.

APPENDIX F POLITICAL DONATION DISCLOSURES

See the Department's website at <http://majorprojects.planning.nsw.gov.au>

**APPENDIX G INDEPENDENT REVIEW OF PUBLIC BENEFIT
APPRAISAL AND SITE VALUATION (GILLESPIE
ECONOMICS)**

APPENDIX H PHOTOGRAPHS OF THE SITE AND SURROUNDS



View from within Wynyard Park looking north-east across the park and Carrington Street toward Shell House and the Menzies Hotel



View from within Wynyard Park looking south-east across the park and Carrington Street toward the Menzies Hotel and adjoining Lisgar House.



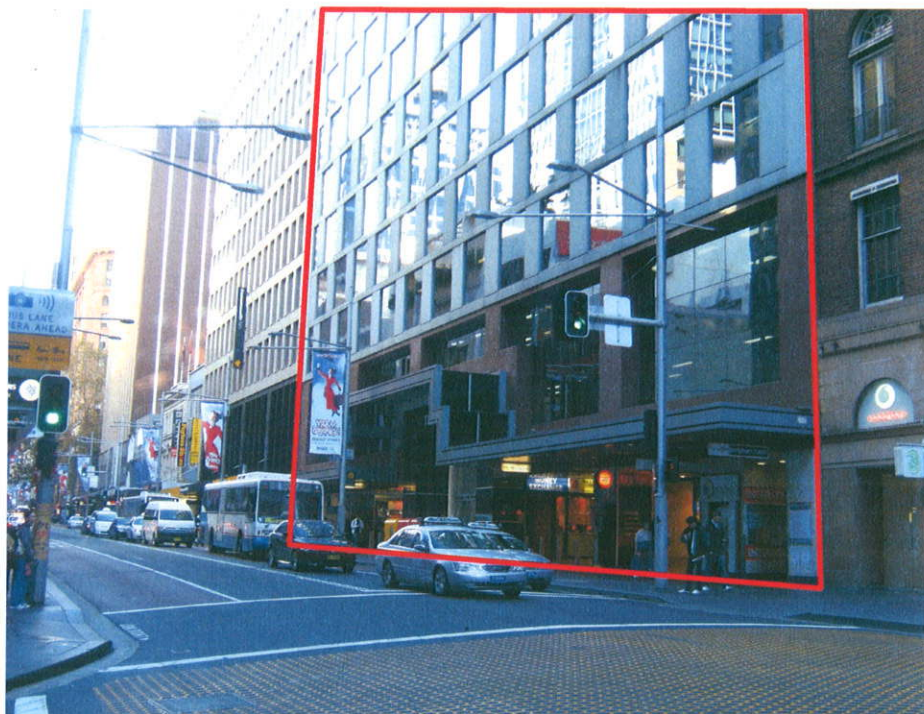
View from the York Street footpath looking north-east across Wynyard Park with buildings facing onto Carrington Street in the background.



View from the Carrington Street footpath looking west toward the Wynyard Station entry on the western side of Carrington Street with the buildings facing onto York Street in the background of the trees in Wynyard Park.



View from the northern end of Wynyard Lane looking south along the laneway. The stratum above the laneway is defined by the overpass structure. This laneway provides vehicular access to the subject site and other sites along Carrington and George Street.



View from the eastern side of George Street looking south-west toward Thakral House (outlined in red). The existing eastern entry point to the Wynyard Station complex is provided at the street level.



View from the eastern side of George Street looking to the south. Thakral House is approximately 100 metres along George Street from this vantage point. Existing tower structures such as the NAB Building can be seen on the western side of the street (on the right of picture) and Australia Square on the eastern side of the street on the left of the picture).



View from the eastern side of George Street looking north-west toward Thakral House (outlined in red). The existing eastern entry point to the Wynyard Station complex is provided at the street level. The tower structure of the NAB building can be seen in the background.



View from the eastern side of George Street looking directly west to part of the existing street level access to the Wynyard Station complex.

APPENDIX I RECOMMENDED CONDITIONS OF APPROVAL
