Ellen Nicholson
Planning Officer, Regional Assessments
Department of Planning, Industry and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms. Nicholson,

Modification to Berry and Walker Street Redevelopment (MP 08_0238 MOD 15)

Thank you for your email sent on 2 March 2020, requesting Transport for NSW (TfNSW) review and comment on the subject proposal.

The exhibited documents in support of the proposal has been reviewed. The proposal seeks to amend Condition B6 of MP 08_0238 to redirect the concerned funds, which is essentially related to the railway infrastructure contribution, to providing off-site public domain works and the upgrade of Berry Square. The following considerations have been taken into account in assessing the subject proposal:

- The amount of monetary contribution of approximately $7.52 million is derived from the increase in commercial floor space as approved under MP 08_0238 MOD 10.
- MP 08_0238 MOD 10 was exhibited in May 2018 and granted approval in October 2018. As noted in Section 5.2 of the Assessment Report for MP 08_0238 MOD 10, the modification (MOD 10) was assessed against the *North Sydney Local Environmental Plan 2013* (NSLEP2013) and other relevant instruments.
- Clause 6.5 (2)(b) of NSLEP2013, of which MOD 10 was assessed against, stipulates that development consent must not be granted unless "*the consent authority is satisfied that the increase in non-residential gross floor area authorized under the development consent concerned when added to the increases (reduced by any decreases) in non-residential gross floor area authorized under all consents granted since 28 February 2003 in relation to land in the North Sydney Centre would not exceed 250,000 square metres*." It is evident that the increase of commercial floor space approved in MOD 10 had been taken into account of the 250,000 square metres limitation that are accountable to paying the railway infrastructure contribution. In light of the above, Condition B6 is deemed essential in satisfying the objective of Clause 6.5 of NSLEP2013 which requires satisfactory arrangements to be made for the provision of railway infrastructure.

As informed by the Railway Contribution Report prepared quarterly by North Sydney Council, bank guarantees have not been received in relation to the approved MOD 10. The statement of "*sufficient funds collected*" as claimed in the modification report of MOD 15 is therefore not evident to correctly reflect the situation, noting that the increase of commercial floor space approved in MOD 10 was included in the limitation of 250,000 square metres of non-residential gross floor area allowable under the then-NSLEP2013 and the associated railway infrastructure contribution has not been paid.

In light of the above, TfNSW objects to the subject proposal (MP 08_0238 MOD 15) as the proposed redirection of funds will result in a shortfall of railway infrastructure contribution that was originally committed to offset the cost of upgrade of railway infrastructure in North Sydney.

Thank you again for the opportunity of providing advice for the above development application. If you require any further information, please don't hesitate to contact Billy Yung, Senior Transport Planner, via email at billy.yung@transport.nsw.gov.au. I hope this has been of assistance.

Yours sincerely

19/3/2020

Mark Ozinga
Principal Manager, Land Use Planning & Development
Customer Strategy and Technology

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