

09117
15 July 2009

Sam Haddad
Director General
Department of Planning
23 – 33 Bridge Street
Sydney NSW 2000

Dear Sam

**PART 3A REQUEST FOR MINISTER'S DECLARATION
7 RAILWAY STREET, CHATSWOOD**

We are writing on behalf of Mirvac, the proponent for the development of a mixed use commercial / residential building at 7 Railway Street, Chatswood.

The purpose of this letter is to seek the Minister's opinion that the development proposal is a development of the kind described in Schedule 1 (Classes of development) of State Environmental Planning Policy (Major Development) 2005 (the Major Development SEPP) and therefore, is a 'major project' to be determined under Part 3A of the *Environmental Planning & Assessment Act, 1979* (the EP&A Act).

Should the Minister form the necessary opinion, we request that:

- a) The Minister authorise the proponent to submit a Project Application for the proposed development; and
- b) The Director General issue the requirements as to the level and scope of the necessary documentation and assessment for the preparation of an Environmental Assessment to accompany a Project Application for the proposed development.

To support the request for the Director General's requirements relating to the environmental assessment, a Preliminary Assessment relating to the project is attached. The Preliminary Assessment provides detail on the site location and an outline of the project, and identifies the key likely environmental and planning issues associated with the proposal.

1.0 THE SITE

7 Railway Street is located to the east of the Pacific Highway and adjacent to the North Shore railway line in Chatswood (**Figure 1**). It is within a medium/high density residential precinct between Anderson Street to the east and Railway Street to the west. The property description of the site is Lot 6 in DP 1058962. The site is bounded by Help Street to the south, Railway Street to the west and the existing residential tower at 9 Railway Street (also named 'Epica') to the north (see **Figures 2 and 3**). The site also includes the area above the adjacent railway corridor, as well as a parcel of land on its eastern side (**Figure 4**). The site has an area of approximately 4,913m².

The land has been under the ownership of Mirvac Projects Pty Ltd since 2000, in which time the site has been vacant and cleared in preparation for an approved commercial development (discussed in more detail at Section 5). Part of the Site occupies the area above the rail corridor and the approved commercial building was designed to be constructed above the railway.



Figure 1 – Aerial view of the site and locality



Figure 2 – Site location map



Figure 3 – Photo of the site in the fore ground with existing residential development (Epica and Altura) to the north



Figure 4 – Part of the site on the eastern side of the railway (surrounded in hoardings) looking west with the Zenith Towers in the background

2.0 THE PROJECT

Approval under Part 3A is sought for the construction of a mixed use commercial / residential building and public parks / open space.

The proposed building will have a footprint of up to approximately 1,260m² and will be positioned on the western side of the railway line and will front Railway and Help Streets. It will rise to a height of approximately RL231 (approximately 43 storeys - subject to design development of the proposed scheme) providing a transition in built form between the approved residential towers at Chatswood Station (40 storeys above the station – RL246.8), the existing residential towers to the north of the site (33 storeys – RL193) and the Zenith Towers to the north-west of the site (RL193). The proposed maximum building envelope within the context of the Chatswood CBD is shown in **Figure 5**.

The building will have a total floor area of approximately 35,660m² (GFA) of which approximately 1,700m² (GFA) will be strata commercial floor area located over the three levels of the building above the ground floor. Levels 5 to 42 will accommodate approximately 277 residential units. The building will also have a 5 level basement accommodating approximately 410 cars. At this stage the expected unit mix will be 13% 1 bedroom apartments, 38% 2 bedroom apartments and 49% 3 bedroom apartments.

Two areas of public open space will also be developed as part of this proposal and dedicated to Council for community benefit. These spaces are located north of the proposed building and to the east of the railway line and have areas of 1,700m² and 360m² respectively. The development will see an increase in landscaped area on the site from 56% to 73%.

The proposal will also include reinvestigation of the stormwater drainage system with a view to remove the railway pedestrian underpass, which presents a significant risk, in the approved scheme, to public safety and security. The proposal will include resolution of the piped and overland flow paths across the site.

Architectural drawings showing the footprint and height of the proposed envelope are included at **Attachment A**.

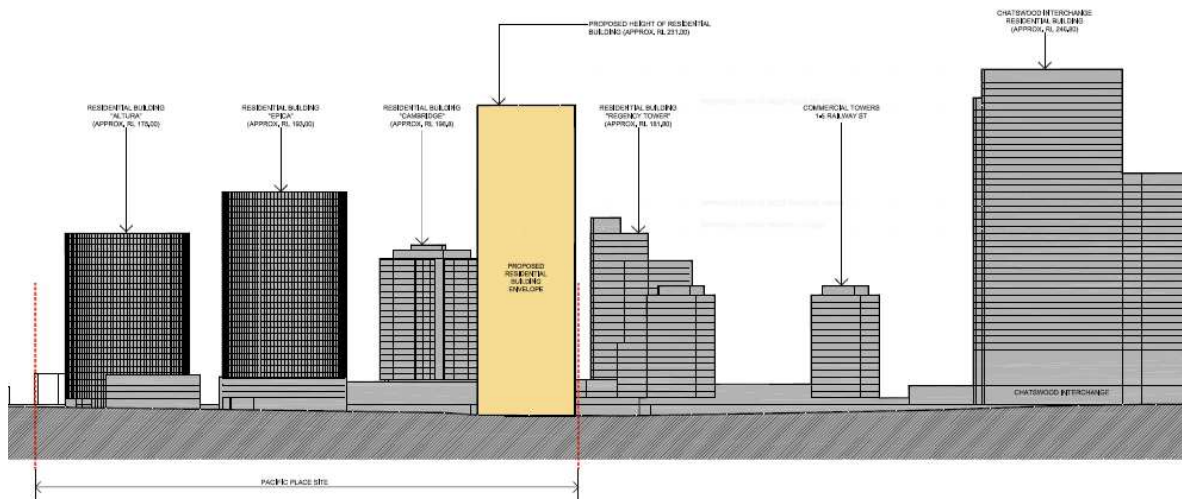


Figure 5 – Proposed building envelope within the context of the Chatswood CBD Nth – Sth elevation

Source: Mirvac

3.0 MAJOR PROJECTS SEPP 2005

Clause 6 of the Major Development SEPP stipulates that development that in the opinion of the Minister is development of a kind referred to in Schedule 1 (Classes of development) and Schedule 2 (specified sites) is declared to be a project to which Part 3A of the EP&A Act applies.

Clause 13 in Schedule 1 in the Major Development SEPP, *Residential, retail or commercial projects*, identifies development for the purpose of residential, commercial or retail with a Capital Investment Value (CIV) of more than \$100 million are projects to which Part 3A applies.

The proposed development is predominantly a residential development with a CIV of approximately \$150 million. It is therefore requested that the Minister advises his opinion that the proposed development is of a type listed in Schedule 1 of the SEPP and is therefore a Major Project to which Part 3A of the EP&A Act applies.

4.0 RELEVANT PLANNING INSTRUMENTS AND CONTROLS

State Environmental Planning Policy (Infrastructure) 2007

Where development is located within or adjacent to a rail corridor, the application must be referred to the Chief Executive Officer of the rail authority for the rail corridor.

Sydney Regional Environmental Planning Policy No 5 – Chatswood Town Centre

The site is zoned 3(c2) Business Commercial under Sydney Regional Environmental Plan No 5 – Chatswood Town Centre (SREP 5). Residential flat buildings are permissible with development consent. The maximum FSR applying to the site is 5:1.

Willoughby Development Control Plan 2006

Part I.6 of the Willoughby Control Plan 2006 (WDCP) outlines specific controls for the Railway Street site (Pacific Place) relating to:

- Building form, location and massing;
- Streetscape
- Signage
- Pedestrian links
- Mobility
- Access
- Maximum parking rates
- Solar access
- Wind mitigation
- Reflectivity
- Environmental sustainability
- Waste
- Open space & landscaping
- Mix of land uses and housing types and sizes

Of particular relevance to this development are the solar access provisions. The DCP outlines that no shadows are to be cast onto Chatswood Mall at any time of the year.

5.0 EXISTING PLANNING CONSENT

The Pacific Place Masterplan development application was approved as a staged development application under consent 1999/1812 on 12 February 2001 (see **Figure 6** below). The Masterplan consent approved six buildings across the site with a gross floor area of 99,965 square metres which included:

- 26,460 square metres of commercial office space (Building G),
- 870 square metres of retail space across the site,
- 548 residential units,
- A public precinct of 5000 square metres (adjacent to Building G), and
- 1,139 car parking spaces.

As shown in **Figure 6** below, Building G was approved in the location where the residential building, the subject of this application, is now proposed. Building G has never been built and the Site of the building and the public precinct remains vacant.

The Masterplan consent required the submission of separate development applications for the erection of each of the six building and the construction of associated works. Residential Buildings "B-C", "D-E". "H", "Altura" and "Epica" were each granted subsequent development consent. The buildings have been constructed and are occupied.

Building G, the Commercial Tower is the subject of development consent No 20010600 which was granted on 20 January 2002 for the "Construction of a 21 storey commercial office building, retail shops, restaurant, basement car parking, and landscaped public precinct." The development consent has been the subject of several applications to modify the consent relating to refinement of car parking, storm water detention, design changes to improve the relationship between the building and the public space and update the external façade, and to enable the subdivision of the site accommodating Building G.

A lack of demand for office space in Chatswood is demonstrated by the fact that the site, while zoned to permit commercial development, has been vacant for close to 10 years. While demand for commercial office space in the Sydney Metropolitan area as a whole has been high since the mid-1990s, it has been too low in Chatswood to make the development of new office space on the site commercially viable.

A detailed report by Urbis, commissioned by Mirvac, has previously been issued to the Department of Planning in relation to this matter and is included at **Attachment B**. JBA's previous submission to the Department on this matter is also included at **Attachment B**. It is further noted that both CSR and Vodafone who occupy 5,000m² and 13,000m² of Net Lettable Area (NLA) in Chatswood will be relocating elsewhere in Sydney in the near future.

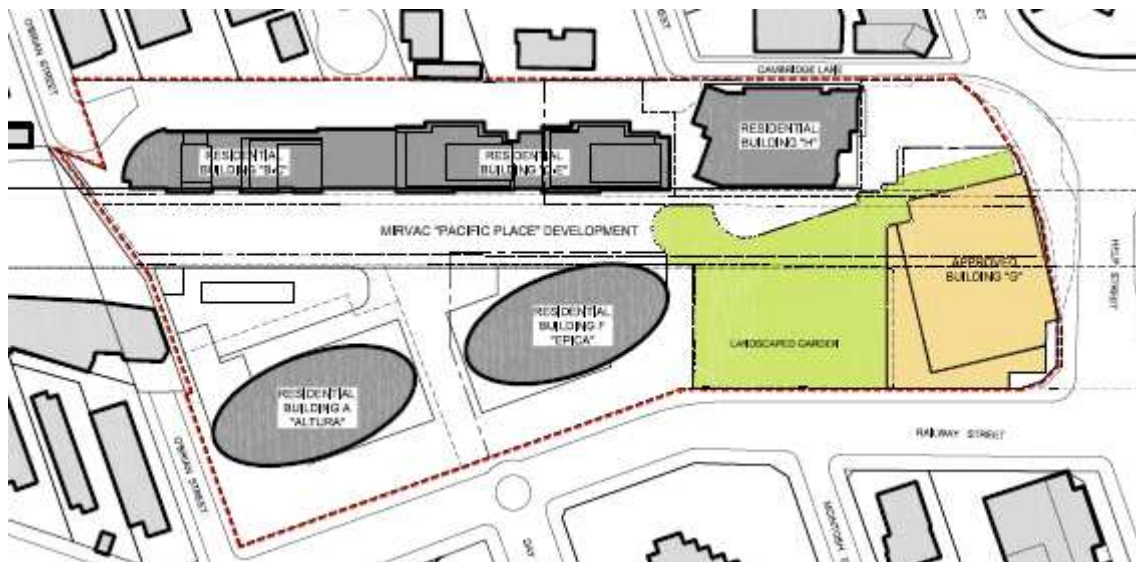


Figure 6 – Pacific Place Masterplan (Footprint of building G shown in yellow)

Source: Mirvac

6.0 PRELIMINARY ENVIRONMENTAL ASSESSMENT

It is requested that the Director General issue the requirements for an environmental assessment to accompany a Project Application for the proposed development.

The requirements will identify the key issues to be addressed, the level of assessment required in relation to these issues and any other requirements in accordance with the environmental assessment guidelines.

The information below has been prepared to assist the Director-General in identifying the general requirements and key environmental issues associated with the project.

6.1 Approvals and Permits

In the absence of the provisions of Part 3A of the EP&A Act, the proposed development would not have required any approval or permit to be issued under a different Act.

6.2 Matter of National Significance

There are no known matters of national environmental significance on the site.

6.3 Key Environmental Impacts

The key environmental considerations associated with the proposed development are as follows:

- zoning and development controls
- built form and visual impact
- residential amenity (SEPP 65)
- streetscape and public domain
- transport and access
- North Shore Railway Line
- infrastructure provision, staging and funding
- overshadowing impact
- wind impact
- acoustic impact
- environmental sustainability
- demolition and construction management
- site suitability

These are discussed in more detail below.

Zoning and Development Controls

The assessment will outline how the proposal relates to the successful residential development already constructed on the Pacific Place site, the existing zoning provisions of SREP 5 and the Metro Strategy and draft Inner North Sub-regional Strategy density targets.

Built Form and Visual Impact

The Environmental Assessment report will analyse the proposed built form and outline how the proposed building envelope is consistent with the future character of the Chatswood Town Centre. The Environmental Assessment report will provide an urban design / visual impact assessment which will:

- analyse the scale, height and massing of the proposed building envelope;
- identify overshadowing of the approved and proposed building envelopes (Indicative shadow diagrams are included at **Attachment C**);
- analyse any privacy issues;
- demonstrate the compatibility of the proposed building envelope with other recent approvals in the Chatswood Town Centre; and
- outline the ability of the proposed building envelope to provide a landmark building with a high level of architectural merit.

Residential Amenity (SEPP 65)

The application will be accompanied by a SEPP 65 Design Statement prepared by a suitably qualified architect which will demonstrate compliance with the design principles contained within the SEPP.

Streetscape and Public Domain

In order to demonstrate how the proposed development will improve upon the existing level of activity at ground level and public open space provided within the Chatswood CBD, the proposal will provide a streetscape and public domain plan. The plan will include details of:

- public domain areas and finishes;
- indicative street frontage design and setbacks;
- ground floor uses; and
- vehicular access.

The application will likely provide an alternative route to the previously approved through site link which passes under the railway line for safety and security reasons.

Transport and Access

A Transport Management Plan will be prepared by a suitably qualified consultant and will address the following issues:

- onsite parking requirements;
- impact of generated traffic upon the surrounding arterial road network and intersections;
- relationship of the site to local public transport; and
- opportunities to encourage improved public transport usage.

The report will specifically need to address any additional traffic generation resulting from the proposed development and potential impacts that this may have on the local street network and the Pacific Highway.

North Shore Railway Line

The EAR will describe the relationship between the proposed building and the adjacent railway line. In particular it will address:

- electrolysis and structural design;
- access and maintenance issues;
- impacts of rail noise and vibration on new development; and
- minimising impacts on rail operations.

Infrastructure Provision, Staging and Funding

The proposal will provide an assessment of the suitability of the existing site infrastructure and any augmentation which may be required, in particular the resolution of the piped and overland stormwater drainage across the site.

The proposal will also outline applicable s94 developer contributions and proposed public benefits on the site such as the provision and dedication of public open space to both the east and north of the proposed tower.

Overshadowing Impact

Shadow diagrams will be submitted with the application which will demonstrate that there are no additional overshadowing impacts on the Victoria Avenue Pedestrian Plaza and no adverse overshadowing impacts on nearby residential properties.

Wind Impact

A preliminary wind assessment will be undertaken of the proposed building envelope with a view to demonstrating impacts can be managed through detailed design and building articulation.

Acoustic impact

The proposed development will be located adjacent to the Northern Railway Line, an Acoustic Assessment will be required to demonstrate that the proposed building design will deliver a sufficient level of acoustic amenity for future occupants.

Environmental sustainability

A suitably qualified ESD consultant will be engaged to advise and report on the ESD features of the project. A BASIX assessment will be submitted with the application documentation.

Demolition and construction management

Consideration of construction management will be undertaken and will include:

- construction issues associated with the adjacent railway line;
- erosion and sediment control measures;
- air quality management;
- acoustic impacts; and
- site management including the public and pedestrian safety, access points for construction, construction vehicles and storage of materials.

Site Suitability

The site is considered suitable for the proposed development due to the following site opportunities:

- close proximity to Chatswood Railway Station and Bus Interchange;
- size of the site;
- character of surrounding development; and
- zoning of the site (permits commercial and residential use)

7.0 CONCLUSION

The proposed development will deliver a high quality mixed use commercial / residential building providing approximately 277 new residential units and 1700m² of strata commercial space in close proximity to public transport and existing services and infrastructure. The delivery of the development will result in the creation of jobs in the short to medium term, and the delivery of a range of public improvements and public domain spaces.

Most importantly it will bring to an end, many years of stagnation on this prominent site, which over many years has proven unfeasible for the development of a commercial office building. Previous submissions on behalf of Mirvac have presented the statistical evidence of this (which are appended herewith), and the recent confirmations of 2 major business tenants relocating from the Chatswood market confirms a worsening trend that would render the site vacant and undeveloped for many years to come. The proposal outlined in this submission would ensure this is not the case.

We trust that the above and enclosed Preliminary Assessment is sufficient to enable the Minister to form an opinion that the proposed development is a Major Project to be dealt with under Part 3A and to allow the Director General to issue requirements for the preparation of the necessary Environmental Assessment.

Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or cbrown@jbaplanning.com.au

Yours faithfully

A handwritten signature in black ink that reads "Clare Brown." The signature is written in a cursive, flowing style.

Clare Brown
Partner