

9 December 2011

The Director General
Department of Planning and Infrastructure
GPO Box 39
Sydney NSW 2001

Attention: Amy Watson

Dear Mr Haddad,

**Re: Modification Request for 7 Railway Street Chatswood (MP09_0154 MOD 1)
Council Reference S100002**

I refer to the notification of an application to modify the approval for a residential/commercial building at 7 Railway Street Chatswood (MP09_0154 MOD 1) lodged by JBA Planning Consultants on behalf of Mirvac Projects Pty Ltd.

Council continues to be opposed to the development and considers that it undermines the strategic planning for Chatswood's future in failing to provide the 28,000m² of office space to potentially provide 1,400 jobs of the required 9,000 jobs in Chatswood by 2036. The approval is contrary to the requirements of the Metropolitan Plan for Sydney 2036, the Draft Inner North Subregional Plan and the exhibited Draft Willoughby Local Environmental Plan 2009.

The approval has enabled a significant return to the developer at the expense of subregional planning for Sydney's north. The approval is also at the expense of Rail Corporation of NSW (and hence the people of New South Wales) in that the sale of the disused railway land to Mirvac Projects was on the basis of the planned development of the Pacific Place site required by Sydney Regional Environmental Plan 5 and Willoughby Development Control Plan. The approved proposal for a predominantly residential project has brought a significant financial benefit for the proponent with little commensurate public benefit.

The current modification for which approval has been sought seeks to remove "inconveniences" for the applicant to facilitate the development such as removing landscaping and providing sub-standard arrangements for adequate manoeuvring of delivery vehicles. More detailed comments are noted below:

Changes to the Landscape Plan

There is no compelling argument not to provide the required street trees. The services located in the footpath can be relocated and the street trees can be established. Council is well aware of the services under the streets of Chatswood CBD including both sides and under the carriageway of Railway Street. The existing services are not extraordinary and can be relocated. Council and most developers work carefully around the services to provide street tree planting as part of the public domain improvements that street trees provide and which are an essential element for the Chatswood CBD. Relocation of services are a normal part of a development in a CBD location. The street trees are necessary to

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enhance the public footpath, provide shade and rain cover, mitigate wind paths and provide a softening of the scale and the mass of the abutting built form for pedestrians. The approved wind mitigation strategy required 2 significant trees on the corner of Help Street (Figure 2 of the Submission) yet the revised strategy simply deletes the trees. Council does not object to additional tree planting as recommended in the Land Assessment Report. Council objects to deletion of Condition E17 and requires provision of the street trees as approved.

The ventilation and services enclosures should be integrated within the landscaping of the site. Council objects to services enclosures where access doors encroach outside the site and into the public footpath. This occurs in position 24 on the landscape plan. This proposal is unacceptable in terms of the safety for pedestrians due to opening of the doors, poor visual amenity and potential for vandalism. There is also an encroachment of the access door adjacent to the railway enclosure structure in Help Street. These must be relocated or deleted.

Changes to the Commercial Floor Space

No objection is raised concerning the provision and location of amenities and the design of the commercial floors to provide flexibility for tenancies. Nevertheless it is noted that the commercial suite on the ground floor facing Help Street has most of its floor area accessible only by stair resulting in it being inaccessible for people with disabilities. It also has no internal connection to the lift lobby and hence the car parking and delivery facilities. This is poor design.

Council objects to any changes requiring the shared use of the commercial car spaces outside office hours by residential visitors noting that the building is not providing adequate visitor car parking and less than the required number of commercial spaces (Condition 33(b)). This was a failing of the original application. The commercial car spaces can be held as common area and their allocation managed by the Building Manager on an as needs basis with changing tenancy demands. The fact that there is reduced car parking on the site means that the car spaces that are provided for the commercial tenancies and the residential and commercial visitors needs to be as flexible in their availability as possible. Council proposes that the issue raised by Mirvac be addressed by suitable agreements being put in place with the commercial tenancies allowing for residential visitor use after 6pm with appropriate line marking and signage to this effect in the parking area.

The applicants submission is untenable that a new building does not need to provide for its needs and can rely on public car parking elsewhere in Chatswood especially where the development is not contributing to the provision of further public car parking in Chatswood.

Council also objects to the removal of the requirement for provision of car share vehicle spaces on the site (Condition E3). Car share schemes are increasing in popularity such that a building of this scale must have the ability to provide for car share vehicles that may be used by the residents or commercial tenants and potentially by others in the Pacific Place complex. The scale of the development is large enough to support an operator such as GoGet serving the parking space.

Council objects to any changes to the conditions E3 and E33.

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Truck Manoeuvring

The design of the delivery and loading facility is restricted. In addition it is poor design that requires a truck to reverse down a ramp which is an entry and major circulating car park ramp to manoeuvre in and out of the dock area. The design of a loading facility for the building requires the provision of another half basement level so that the delivery/waste collection can be adequately designed for flexible operation on a full level without conflicting with cars using the car park. The reality of the request is that Mirvac does not want to build another half basement level that may also provide potential for additional visitor parking and solve a number of inadequate design aspects of the development. Council objects to any change to Condition B2(g).

Residential Apartments

No objection is raised to the amalgamation of two units into one on Level 38.

No objection is made to the installation of screens on the eastern façade required by RailCorp in response to the noise of trains crossing the Help Street bridge. In effect the balconies will be enclosed and add to the GFA of the building. Architecturally the change will make little difference in the building which is of less than average architectural merit especially when viewed from the south. The tower element presents as a box of painted finishes and random shutters.

This is a disappointing outcome for this prominent site.

Drainage Easement

The provision of the 3 metre wide easement is to address the relocation of a trunk stormwater line that crosses the site. The 3 metre width allows for the pipe and space for access and inspection/maintenance if necessary. The wording of the easement is also of critical concern to Council.

The relocation of the line and its construction must be in approved and inspected by Council's Engineering Services. Assuming the location and construction work is approved by Council, no objection is raised to the proposed change to the wording of Condition C24 for the drainage easement over the truck stormwater line that crosses the site subject to the plan and the 88b Instrument being approved in writing by Council's Engineering Services prior to registration.

Certification of Slip Resistant Surfaces

Council objects to any change to Condition E9 of the consent concerning testing of the slip resistance of floor surfaces within the development. It has been Council's experience that slip resistance requires testing in-situ to have regard to the location and usage pattern. The manufacturer's advice is not always reflected in the in-situ tests. It is especially relevant where an applied finish is required to the surface after installation.

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Timing of the Easement for Public Access

Council objects to any change to the timing of the registration of the easement for public access (Condition E45). Public access and use of the open space areas must be enabled as soon as any occupation of the development commences. The developer should be using the basement car parking levels for construction storage purposes if parts of the building are not completed.

Council is well aware that there are a number of large developments in the Willoughby area that do not have Final Occupation Certificates and the building/development is occupied and in use on the basis of Interim Occupation Certificates. As a result some conditions of consent continue to remain outstanding. The provision for public use of the open space is then conveniently "overlooked" and the responsibility falls on Council to enforce the condition.

Common Areas

Council objects to the requested change to Condition E36 in seeking approval for the use of common areas from Council. The development of the design should be sufficiently advanced by now that should exclusive use areas be proposed or required they can already be nominated and assessed in the context of the overall development design currently. Any future proposed exclusive use areas that may arise should be subject to Council approval. Condition E36 does not require amendment.

Separate Development Consents

SEPP (Exempt and Complying Development Codes) 2008 does not cover first use of buildings although it is proposed as an amendment to the SEPP that Willoughby Council has objected to. It is Council's view that the first use of building spaces where the types of uses are not known and may have implications for access requirement, fit-out, services provision / ducting or licensing should be subject to development consent. Council objects to any change to Condition F13.

The above comments are provided in response to the proposed request to modify MP09_0154. Some minor changes are acceptable however, Council does not support changes that are likely to prejudice the public interest, the effective functioning of the site, the amenity of the project and relationship of the site to its context.

Council urges the Department to adopt the recommendations contained in this submission.

Yours faithfully,



Nick Tobin
GENERAL MANAGER