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10 December 2013

The Proper Officer
Department of Planning and Infrastructure NSW
Transport Projects - CBD and South East Light Rail

Submission in relation to Environmental Impact Statement for the CBD and South East Light Rail (EIS)

This is a formal submission in relation to the potential impacts of the CBD and South East Light Rail Project (**Light Rail**) on 420 Elizabeth St, Surry Hills (**Property**) identified in the above EIS.

This submission is made in response to the EIS and further to previous meetings and discussions with relevant individuals from Transport for NSW and the City of Sydney Council, including more recently meetings between myself and:

- (a) Andrew Grocott of City of Sydney Council Traffic Division and Faye Rescigno Community Engagement Manager, Transport Projects, Transport for NSW at the Property on 16 September 2013 (**Site Meeting**); and
- (b) Mr Forsdike, Roger Jeffries and other officers from Transport for NSW at a community information session at the State Library in Macquarie Street Sydney on 26 November 2013 (**Community Information Meeting**).

Prior to the issue of the EIS, I also sent a separate letter in similar terms to Ross Hornsey Senior Manager Community Engagement, Transport for NSW on 13 June 2013 initially expressing my concerns in relation to parking, access to the Property and disruption from planned construction activities. For ease of reference, I attach a copy of that letter to this submission.

I confirm that I am effectively the owner of the building at 420 Elizabeth Street Surry Hills, located on the corner of Elizabeth and Devonshire Streets, which is formally under the title of Panma Developments Pty Limited (**Panma**). I also confirm that I have been given the authority to prepare this submission also on behalf of Panma's five commercial tenants who occupy the Premises: a restaurant, a dress and alterations shop and three office tenants.

Each of the above tenants and I have serious concerns about the proposed construction of the Light Rail along Devonshire and Elizabeth Streets, so as to run adjacent to the Premises.

Those concerns principally relate to the impact that the Light Rail will have on the tenants' abilities to access their respective tenancies, including, but not limited to, the ability to receive deliveries and the ability to maintain their businesses with minimal disruption. Moreover, each of these tenants occupies the building pursuant to a long term lease with Panma and, on the basis that construction activity is expected to commence in early 2015, each will retain their occupancy pursuant to their respective lease with Panma during the expected duration of those works.

Summary of Concerns

The specific access and disruption issues identified by our tenants from the information outlined in the EIS, and discussed with you during our meetings, are as set out in further detail as follows:

1. **Access to the building for parking by patrons and clients and more importantly deliveries to the premises will be adversely affected.**

This is especially the case for the restaurant and dress shop both located on the ground floor:

- The dress and alterations shop relies heavily on street parking to receive deliveries of fabric daily and for their retail and trade customers;
- The ground floor restaurant tenant has a liquor licence and is licensed for seating for eighty people. The restaurant tenant is open for lunch and dinner 7 days per week and the evening is their busiest time. They also rely heavily on street parking day and night. During the day they receive numerous deliveries of goods; and
- The three office tenants on the first and second floors are in marketing and consultancy businesses and between the three businesses they would employ approximately thirty employees. They also rely heavily on street parking for their clients and on deliveries for stationery and courier services.

2. **Disruption during construction along Devonshire Street.**

As noted earlier, I understand from the above discussions and other available information in the marketplace that construction will take up to five years to complete, commencing in early 2015 and completion being in 2020. As a consequence of the time frame for construction, there will likely be a **lengthy, sustained disruption to the businesses** of each of the five commercial tenants and likely loss of trade to the restaurant, dress shop and the three office tenants.

Proposed Altered Parking Arrangements – Recommendations

During my previous meetings with representatives from Transport for NSW and Sydney City Council, I proposed that Transport for NSW could work together with the relevant authorities, including, I presume, the City of Sydney Council and the Roads and Maritime Services authority, to:

- (a) **extend the street parking along 420 Elizabeth Street**, starting from Butt Street through to the corner of Elizabeth and Devonshire Streets Surry Hills in order to create **four new** one hour car spaces and **one** new half hour loading Zone; and

- (b) amend the existing two hour parking (from 10.00am to 3.00pm) to **one hour parking** from 10.00am to 3.00pm along Elizabeth Street, from Butt Street to the corner of Elizabeth and Devonshire Streets. I consider this to be a cost effective, relatively simple and viable proposal to resolve this issue.

This would in turn address my tenants' concerns in relation to access for loading zones and parking along Elizabeth Street.

I understand that Andrew Grocott from the City of Sydney Council traffic division has tabled the above proposal to Council. Mr Grocott considered that extending the street parking along 420 Elizabeth Street starting from Butt Street through to the corner of Elizabeth Street and Devonshire Street Surry Hills would achieve a suitable alternative solution to the constraints regarding access that will arise as a result of the construction activity. I have also **emailed** photographs and the submission to the Department of planning and Infrastructure NSW email address (plan_comment@planning.nsw.gov.au) which show the location of the proposed altered parking arrangements for ease of reference.

Scott Forsdike notified me by email on 4 December 2013 that my above proposal for altered parking arrangements along Elizabeth Street, Surry Hills was scheduled to be tabled at the Council Traffic Committee's meeting on 18 December 2013. I understand that from both Mr Forsdike and Council that there are no objections from the residents/community and that in all likelihood, our proposal for the above altered traffic arrangements on Elizabeth St will be endorsed by the Traffic Committee. Assuming that a resolution is passed which gives effect to the proposed altered parking arrangements, I am informed that Council will thereafter install the appropriate signage from Butt Street through to the corner of Elizabeth Street and Devonshire Street Surry Hills.

This will provide an immediate solution to the access issue, however, it has not been guaranteed that the solution will remain in effect both during and following completion of the construction of the CBD and South East Light Rail, Transport for NSW. Therefore, I strongly recommend that consideration is given in any further designing and planning to ensure that the altered parking arrangements remain in force during and following those periods so as to not further compromise the commercial viability of the Property, and the businesses of the entities who tenant it.

Disruption

In respect of the disruption issue, having regard to the fact that the enduring proposed construction activity will result in considerable disruption and with heavy machinery and noise levels of up to 118 decibels, I anticipate that Panma's tenants for the Property will seek appropriate rent relief for the duration of and/or seeking termination of their leases. I am working together with the tenants in order to avoid this scenario, however, losses from disruption appear to be inevitable in the event that the works proceed. Accordingly, I/Panma reserve(s) the right to raise this issue of suitable compensation in future correspondence with you and/or the relevant authorities.

As reiterated a number of times over the course of our meetings, I have been proactive in identifying these issues and wish to work together with Transport for NSW and/or the relevant authorities in order to mitigate and if possible, overcome them. I am therefore

largely guided by Transport for NSW as to the proposed steps moving forward. I hope that this submission will assist Transport for NSW consider our issues and address in resolving our concerns

I thank Mr Forsdike, his colleagues and predecessors again for taking the time to meet with me and in advance for his ongoing assistance in relation to these matters. I would be grateful if you could keep me informed through this stage of the process and contact me in the interim. My mobile is 0411 811 177. You can alternatively contact me via return email.

Yours Sincerely

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