

Our Ref: JAC:610915

27 June 2016

The Secretary
NSW Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001



Dear Secretary

Sydney Metro City & Southwest - Chatswood to Sydenham
Application Number SSI 15_7400
Sydney Yard access Bridge and Excavation Shaft

We act for the owners of **54 Regent Street, Chippendale**. This comprises **all** the owners of the 16 units and commercial premises in the Strata Plan SP8112 at 54 Regent Street, Chippendale. Due to the time constraints involved they have asked us to write directly. Our clients together demolished and rebuilt the building some years ago and manage the rental of the 16 units. As you are aware the units are part of the redevelopment of the Co-Masonic heritage listed building.

All of the units face directly onto the proposed Sydney Yard Access Bridge. The block immediately adjoins the resumed terraces which front Regent Street. That site will provide the primary vehicular access to the construction site in the area between the railway lines to the immediate south of Central Station.

All of the units have windows which provide for the units' outlook and natural light. The amenity impacts from the proposal will be severe, to say the least. This will be during construction and into the future.

We are writing on behalf of our clients to express their strongest objection to proposal number SSI 15_7400.

They believe that the allowance of 10 days from the public meeting for them to muster professional advice and put on a well reasoned objection to such a large scale proposal that so significantly affects their rights and the amenity of their building is totally inadequate.

This letter sets out a preliminary outline of their objection and their concern with the current 'assessment' of the impacts on them. They may need expert noise advice, though time has not yet allowed this. It also seeks to set out some options to try and seek a practical framework for investigating a 'resolution'.

Physical impacts

Details on exactly what is proposed immediately adjoining the Regent Street frontage of their heritage listed building following the demolition of the terraces presently adjoining are, to say

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Level 14, Australia Square, 264-278 George Street, Sydney NSW 2000 Australia
GPO Box 5408, Sydney NSW 2001 Australia
DX 129 Sydney

Telephone +61 2 9334 8555
Facsimile 1300 369 656 (Australia) +61 2 8507 6584 (International)
hwlebsworth.com.au

ABN 37 246 549 189

the least, scant. Meaningful assessment of the short and long term impacts of the use of this area is simply unavailable on the information provided.

The **attached** photographs marked "A" clearly show an adverse impact on the building's Regent Street heritage context in the short term and the long term is simply unknown.

The bridge however seems to be broadly identified in plan form and with a montage type image (see annexure "B"). It appears that there will be a ramp up from the Regent Street site though it is unclear where this starts and how steep it will be. This ramp continues across the whole of the eastern window frontage of our clients' building and into the excavation shaft and development site. Physical details of its construction however again are unclear.

Environmental impacts

To the extent it can be gleaned from the Environmental Impact Statement (EIS) and details so far published, as well as provided at the public meeting on 16 June 2016 at South Sydney, they indicate that the amenity impacts on our clients' property would be extreme should the proposal go ahead.

The EIS shows no, or at best limited, consideration of the impact of trucks using the Sydney Yard Access Bridge on the adjacent residential property. The impact is serious and must be properly modelled and analysed. Trucks will be using the access way at all hours of the day, and the gradients of the approach to the bridge and the bridge itself and the large trucks involved require compression braking and engine revving. The height of the bridge means a direct line of sight to the various levels of the residential property even over any sound barrier which might be attempted.

In the time available, detailed expert assessment has not been able to be achieved, though a town planning review has been undertaken. Clearly the following areas are of significant concern in relation to the impacts:

1. Noise.

Our clients' two and three bedroom units are occupied by a number of different tenants with varying noise sensitivities. For example, there are a number of student tenants that need to study.

Sleep disturbance is highly likely from the over 200 daily truck movements 24 hours a day from demolition, excavation, construction, fit-out during excavation plus other light vehicles. This will very likely be in breach of the State government's industrial noise requirements. With a 24 hour use sleep disturbance criteria will be infringed.

In addition, the vehicles entering from Regent Street onto the site adjoining, going up a ramp, crossing in front of the building, loading excavation material then returning down the ramp immediately adjoining the building, will provide an untenable noise environment for occupants. This heavy vehicle traffic noise including air brakes, gear changing etc is suggested to be occurring for seven years.

Beyond this construction period the impact of State Rail and State transit vehicles is completely unknown. Originally the bridge was suggested to only be for the project's construction, it now seems to be a permanent fixture.

In our client's view, the noise assessment in the EIS is wholly inadequate. It seems to our clients that according to the EIS:

- (a) There has been no assessment of the noise impact of the bridge traffic being used. However, it is intended for the bridge to be used for maintenance access indefinitely. This is a significant omission.
- (b) Under part 10.4.10 of the EIS, it is not entirely clear where receivers were placed. Figure 10.24 only appears to indicate two locations, neither near Regent Street, but Figure 10.25 then purports to have predicted airborne noise exceedances specific to different sites.
- (c) The EIS claims to have significant exceedances of more than 20 db in first 2 periods of construction (see figure 10.25).
- (d) Night-time truck noise is expected to exceed sleep disturbance screening levels by up to 10 dB during excavation, with no practical options to address this.
- (e) With regard to Construction Traffic Noise: "The predicted noise level increase associated with construction traffic complies with the 2 dB allowance. Whilst there is an exceedance of the sleep disturbance screening criterion (of up to 18 dB) and external sleep disturbance NML of 65 dBA (by up to 13 dB), the LAmax levels would be similar to other heavy vehicles using Regent Street and Chalmers Street. Therefore sensitive receivers are not likely to notice an increase in the average road traffic noise levels during construction." The suggestion that our clients' residents will not notice this is, with respect, fanciful. The existing night time noise environment in accordance with our instructions, does not have such other 'heavy vehicles'.

The noise impacts are totally unacceptable. The assessment in the EIS is completely inadequate.

2. Dust.

The shaft and the trucks with excavated material are within the immediate environment of 54 Regent Street. The prevailing north-easterly summer breeze will exacerbate the issue of dust on our clients' property. Adverse amenity impacts are likely.

3. Vibration.

The vibration from use of the bridge will significantly and adversely affect the amenity of our clients.

4. Fumes.

Diesel exhaust fumes will be experienced by our clients' tenants from the use of the bridge given the prevailing summer north-easterly breezes when windows are likely to be opened.

5. Visual outlook.

To the extent that the visual impact of the bridge can be assessed from the material provided (which is limited) it will be at a level and of a size that dominates the building's outlook. The present outlook though onto the railway lines on the lower vision line then moves to a very pleasant distant outlook towards the city, the park etc. The blot will be significant and permanent on this outlook.

6. Traffic.

Traffic impacts will be significant and adverse for vehicles entering and exiting the area immediately adjoining our clients' site.

7. Parking.

There seems to have been no assessment of parking for employees brought in from other areas. To the extent parking is displaced in the area this will adversely affect our clients' tenants amenities.

8. Heritage.

The captions from the photographs attached and marked "A" clearly identify significant adverse impacts on our clients' heritage façade and context. The visual presentation of it within the existing streetscape will be significantly depleted.

Financial impacts

Our clients have rented all apartments for the last 10 years. They achieved very strong rents - on average \$600 for the two-bedroom apartments and \$720 for the three-bedroom apartments. This, along with the commercial rent, produces some \$630,000 per annum in rent.

Since the announcement of the proposal three tenants have already left. Four other tenants have given notice. The reasons for vacation are clear. This proposal. For example a long term female tenant when asked as to why she was leaving stated:

'I am very sad to leave, it has been great living here. I am just very concerned about the level of noise pollution and dust pollution that the Sydney Metro City and South-west Rail Project will create. I have been informed they will be pulling down the buildings right next to us, and that there will be hundreds of trucks going in and out all day which will be far too much noise for us to endure, as will the dust and other pollution that it will create.'

The financial impact on their property will be huge. It will arise from what is presently a single focused and insufficiently documented project. The impacts of the proposal are feared by the tenants who are openly 'responding with their feet' or risk facing significant hardship if they stay and the proposal goes ahead.

The EIS

In the short time available to review the EIS, it seems to be inadequate in relation to the assessment of the impacts on our clients' property. Significant and very important

environmental issues concerning the residents of 54 Regent Street appear to have been simply ignored.

It may be the reason for this is that the project's impact on our clients' property can simply not comply with what would be seen as reasonable and acceptable environmental impacts. Clearly unless some other option can be found, on the material currently before us or likely to be produced, the project cannot be described as having acceptable environmental impacts on our clients' building and tenants and they must review all options to have their concerns addressed.

Options

Our clients strongly oppose the proposal however they appreciate the 'David and Goliath' nature of their position and the importance of the project for the State. Accordingly they are prepared to sit down and try to negotiate a practical and fair 'solution'. They will be pragmatic in attempting to achieve this in considering all parties' interests. Notwithstanding, their concerns cannot be ignored and if the development is pursued with the current level of assessment and impacts it would simply be a flawed process.

Options for discussion include:

1. This part of the project - Sydney Yard Access Bridge be abandoned.
2. Some lip service to conditions may be able to be achieved. In circumstances however where acceptable impacts cannot be ensured, this approach seems impractical and could provide major adverse practical ramifications for the project with associated actions - the unviable option for enforcement.
3. Purchase the whole building. Our clients recognise however that the building cannot be demolished being a heritage item or at least not demolished as easily as the other terraces. In addition, our clients' site consists of 16 units which would result in a \$14- \$15 million acquisition; and 3 commercial suites with a value of \$1.8- \$2 million acquisition.
4. Leasing the whole property to the government for the seven years for use by it and its contractors as part of the project as it sees fit.
5. That some appropriate, transparent and adequate form of compensation is provided to our clients to deal with the medium term (seven years), and long term impacts.

Our clients believe the proposal both in its current form and foreshadowed amended form cannot produce an environmentally acceptable result for their building. Accordingly they are vehemently objecting to the proposal, though have sought our advice as to whether a mutually acceptable compromise can be found.

We are grateful for your consideration of our clients' submission. Should you have any queries or wish to discuss the above, please do not hesitate to contact John Cole.

Yours faithfully

A handwritten signature in black ink, appearing to read 'John Cole', with a large, sweeping flourish extending from the end of the signature.

John Cole

Partner

HWL Ebsworth Lawyers

+61 2 9334 8676

jcole@hwle.com.au

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