

Corner of Athllon Drive
and Soward Way
Greenway ACT 2900
Australia
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PO Box 2334
Tuggeranong ACT 2901
(ABN 83 064 638 197)

Sydney West Joint Regional Planning Panel
GPO Box 39
Sydney NSW 2001

Atten:- Dean Hosking

Dear Mr Hosking

**CROWN DEVELOPMENT APPLICATION: DA 552/2012
82-86 Argyle Street, Picton – Lot 1 DP 829645 & Lot 2 DP 212204**

Thankyou for giving Brookfield Johnson Controls (BJC) as the external property portfolio management services provider to New South Wales Police Force (NSWPF) the opportunity to provide comments on Council's recommendation for the above mentioned development application scheduled to be considered by the Sydney West Joint Regional Planning Panel (JRPP) on the 14th November.

The Development Application was lodged by UGL Services (the former property portfolio management services provider. BJC took over the management services contract from UGL on the 1st July 2013) on the 17th October 2012. The application is a Crown application being assessed under Section 89 of the Environmental Planning and Assessment Act 1979.

Council has granted development consent subject to conditions. All bar two conditions have been deemed acceptable. The two conditions not accepted relate to:

Condition 2 (2)

"A right of-of-carriageway shall be provided over Proposed Lot 2 to the rear of Proposed Lot 3 to ensure the existing access to Margaret St can be retained".

Response:

Proposed Lot 2 is a regular shaped allotment situated on the corner of Argyle and Margaret Streets with erected thereon two brick and tile residences. No 82 Argyle Street, being the corner allotment has vehicle access off Margaret Street whilst 84 Argyle Street has vehicle access directly to Argyle Street. Both have been in place since 1963. A right-of-carriageway along the rear of the proposed Lot 2 to the rear of Proposed Lot 3 provides no improved access to either of the residences mentioned or Proposed Lot 2.

Further, the creation of the right-of-carriageway results in Proposed Lots 1 & 2 becoming non-contiguous, notwithstanding they have a common boundary. It is the intention of NSWPF to dispose of both Proposed Lots 1 and 2, selling both allotments in one line to enhance the development potential and hence resultant price achieved for a public asset.

Should the right-of-carriageway be imposed it is more than likely Proposed Lots 1 and 2 would be developed independently of each other adversely affecting the scale, bulk and building envelope of any future development. In Council's own words "...the subject site is significant in the context of the Picton Commercial precinct and its future use for commercial activities with appropriate activated frontages.....". This would not be achieved with a disjointed frontage to Margaret Street due to an alley way/tunnel created by the right-of-carriageway.

The effect of the creation of a right-of-carriageway is best illustrated in the following photo which shows the long tunnel effect that would be created potentially by development on either side (this does not look like an activated frontage) of the right-of-carriageway:

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Photo courteous of Rappoport "Statement of Heritage Impact"

Condition 4 (4)

"A Section 88B Instrument shall be prepared which provides for Restrictions on the subject land in accordance with conditions 2(1) and 2(2) of this consent and shall also provide a restriction that Proposed Lot 3 shall not have direct vehicular access to Argyle Street. The restriction shall also contain a provision that it may not be released, varied or modified without the consent of Council."

Response:

In relation to condition 4 (4), it is only those parts that relate to condition 2 (2) and the restriction that Proposed Lot 3 shall not have direct vehicular access to Argyle Street that is not accepted.

In Council's submission to the JRPP under Section 2.1 Council states:

*"On the 24th June 2013 the applicant wrote to Council advising the following:
We would like condition 2 (2) omitted as we will not be using the driveway from Margaret Street to access Lot 3. Instead we will be using the existing (sic) driveway off Argyle Street."*

Then on the 18th July 2013 Council responded by advising the applicant:

The development application shows that lot 3 would be serviced by the access from Margaret Street. This access burdens lot 2 in favour of lot 3 and therefore a condition requiring the right of carriageway is necessary. The only way for council to delete the condition would be for an amended plan to be submitted showing an alternate access. However, Council's Engineers do not support Lot 2 being accessed from Argyle Street."

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The development application plan referred to by Council shows the concrete drive from Margaret Street to Proposed lot 3 as an indication of its existence and not as an indication that Proposed Lot 3 would be serviced from it. The plan also shows the concrete driveway with easement for access var width between the Police station and Courthouse. Hence, Council's comment as noted above does not ring true in that the only way Council could delete the condition for the right-of-carriageway was for an amended plan to be lodged showing an alternate access. The alternate access is already shown i.e. the existing (sic) driveway off Argyle Street on the plan submitted.

Further to Council's response dated 18th July 2013, other than a comment from Council's Engineers that they do not support Lot 2 (I assume this is a typo error and should read Lot 3) being accessed from Argyle Street there has been no supporting evidence via a transport and traffic assessment to suggest that the activities of either the Police Station (which is only occupied on a periodic basis with Police only parking in the street) or the Courthouse (with limited petty session or local court matters only heard there) generates excessive volumes of traffic that would impede or hinder traffic passing along Argyle Street. Nor are NSWPF aware of any complaints emanating from their long term use of the driveway located between the Police Station and Courthouse.

In addition to the above and in support of the duration of the existence of the driveway to Argyle Street, the following is an extract from the Heritage report prepared by Rappoport and submitted to Council as part of the Development Application. "It is believed that the Picton Police Station was constructed during the late 19th Century, and a few decades after the adjacent Courthouse was built in 1865. It is located in a former Lockup Keeper's Quarters, which were partially rebuilt in 1903-04. Final alterations to the Quarters in 1966 brought the Police Station to the street front of Argyle Street from the earlier office behind."

The longevity of the existence of both the Police Station and the Courthouse also indicates the longevity of the existence of the concrete driveway located between the Police Station and the Courthouse. It is also illustrated on the plan referred to by Council as noted above.

The following photo taken in 1970 shows the driveway between the buildings:



Photo courteous of Rappoport "Statement of Heritage Impact"

In conclusion, we feel we have provided sufficient evidence to warrant the JRPP approving the Development Application subject to the conditions requested by Council with the exclusion of Conditions 2 (2) and 4 (4) as originally indicated to Council during their assessment of the application.

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**Brookfield
Johnson
Controls**
Places that work

Should you have questions in relation to the above, please do not hesitate to contact the undersigned on 0403 332 439 or via email at trevor.cronk@anz.brookfieldjci.com.

Yours sincerely



Trevor Cronk
Brookfield Johnson Controls
7th November 2013