

Mr Thomas Piovesan
Senior Planning Officer
Key Sites Assessments
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Dear Mr Piovesan

TOGA Central (SSD-33258337) – Response to Submissions

Thank you for your correspondence via the Major Projects Portal on 11 January 2023, requesting Transport for NSW (TfNSW) to review and comment on the above.

This letter included the following attachments:

- **Attachment A:** Items to be addressed prior to the determination of the proposed development; and
- **Attachment B:** Suggested Conditions of Consent to be imposed for the above development application. TfNSW would be pleased to review the final draft Conditions of Consent prior to the determination.

If you require clarification regarding the attached, please don't hesitate to contact Para Sangar, Senior Transport Planner, Land Use Planning and Development on 0466 024 892.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Mark Ozinga".

3/2/2023

Mark Ozinga
Senior Manager, Land Use Planning and Development
Customer Strategy and Technology

Objective Reference CD23/00036

Attachment A: Items to be addressed prior to the determination of the proposed development

Vehicle Access and Loading on Lee Street

Comment

It is noted that the Revised Traffic and Transport Assessment states the following

It is understood that a loading zone along the Lee Street site frontage has recently been approved following an application by Atlassian to be used throughout construction of the Atlassian building. The same area could practically be used for a range of set-down/ pick-up activity, including use by coaches associated with the site.

It is advised that:

- It is incorrect to assume the approval of a temporary kerbside use means permanent allocation of space for the functioning of a site will be granted;
- Road and kerbside space allocation is subject to change. All new developments should be self-sufficient and cater for all vehicle pick-up, drop-off, loading and servicing on-site;
- Transport for NSW does not support developments that indicate the functioning of the site is reliant on the public domain for site specific vehicle storage;
- The applicant must not rely or expect kerbside space to be available to conduct and support site functions and operations other than for vehicle passage
- Drop-off/ pick-up spaces should be provided on-site as specified in the City of Sydney DCP Section 7.8.3.
- Coach and bus should be provided on-site or the proponent should arrange an agreement with a nearby land holder to facilitate off-street coach drop off/ pick-up;
- Approval to use a space should be sought before the continuation of design development and it should not be assumed that any one other stakeholder will provide this facility; and
- Transport for NSW will not approve the designation of a coach zone for private uses on Lee Street. Further, agreement for shared use of on-street provisions cannot be guaranteed in the vicinity of this site which already has high on-street demands which are further increased during rail shutdowns and other events which generate a higher than normal number of bus movements.

Recommendation

It is requested that the applicant consults with TfNSW and agrees on a way forward regarding the above matters prior to the determination of the development.

Provision of Freight and Servicing

Comment

The Response to Submissions states the following:

The proposal has been amended to increase the provision of loading bays. This includes an additional one loading bay, to provide a total of six loading bays onsite.

It is advised that;

- Site loading and servicing demands generated by the site must occur on-site as outlined in Sydney DCP2012 Section 3.11.13 and rates specified Schedule 7.8;
- Based on the Sydney DCP and TfNSW site freight and servicing tool (tool), the proposed provision is calculated to be insufficient for the proposed land uses; and
- Based on the analysis undertaken by TfNSW using its own site freight and servicing tool, the vehicles unable to be accommodated are small vehicles, indicating that a reallocation of some of the proposed parking spaces to loading spaces would improve the efficiency of the servicing arrangement.

Recommendation

It is requested that prior to the determination of the development, the applicant provides additional loading bays in consultation with TfNSW.

Attachment B - Suggested Conditions of Consent

Provision of Bicycle Parking and Facilities

Comment

The Response to Submissions states the following:

“The proposal has been amended to increase the provision of bicycle parking. This includes an additional 58 bicycle parking spaces, to provide a total of 223 employee bicycle parking spaces. This is consistent with the requirements of the DCP.”

Suggested Conditions of Consent

The Applicant shall provide bicycle parking and associated facilities in accordance with the relevant council standards.

Systems and Safety Engineering and Assurance

Comment

The Response to Submissions states the following:

“TOGA consider the preparation of these documents can be undertaken as a post-approval condition of development consent completed prior to issuance of Occupation Certificate.”

Suggested Conditions of Consent

Prior to the issue of the Construction Certificate, the Applicant shall provide the following Systems and Safety Engineering and Assurance documents covering the full scope of the works and all stakeholders (inclusive of appointed or to be appointed consultants), for TfNSW endorsement:

- Assurance and Governance Management Plan (A&GMP) including TAO requirements;
- Systems Engineering Management Plan (SEMP);
- Safety Assurance Management Plan (SAP);
- Project Safety Hazard Log (PSHL); and
- Project Risks Report.

Fire Engineering Assessment

Comment

The Response to Submissions states the following:

“A Fire Risk Assessment prepared by Warrington Fire is provided at Appendix DD”

Suggested Conditions of Consent

Prior to the issue of the Construction Certificate, the Applicant shall provide, for TfNSW endorsement, an updated Fire Risk Assessment Report based on the updated status of the adjacent developments and any shared services or infrastructure, together with supporting evidence that Applicant's fire design approach will have associated mitigations in place.

Green Travel Plan

Comment

The Response to Submissions states the following:

“Preparation of a detailed Green Travel Plan in consultation with TfNSW will be undertaken as a condition of development consent, prior to issuance of Occupation Certificate.”

It is advised that the applicant needs to provide final copy the Green Travel Plan for TfNSW endorsement three (3) months prior to the occupation of the site.

Suggested Conditions of Consent

The Applicant shall prepare a detailed Green Travel Plan in consultation with TfNSW. This plan shall include a mechanism to monitor the effectiveness of the measures in the plan to increase the uptake of sustainable travel modes. The Applicant shall submit the updated Green Travel Plan for the endorsement of TfNSW via development.sco@transport.nsw.gov.au, prior to the issue of the Occupation Certificate.

The plan shall be reviewed and updated annually in consultation with the aforementioned stakeholders and provide an Implementation Strategy that commits to specific management actions, including operational procedures to be implemented along with timeframes.

The plan (reviewed annually and updated as necessary) shall be implemented by the Applicant for the life of the development.

Transport Access Guide

Comment

The Response to Submissions states the following:

“Preparation of a Transport Access Guide in consultation with TfNSW will be undertaken as a condition of development consent, prior to issuance of Occupation Certificate.”

Suggested Conditions of Consent

The Applicant shall prepare a Transport Access Guide in consultation with TfNSW, implemented and maintained by the operators of the premises and be made available to staff, guests, clients, customers and visitors at all times. The report shall be submitted to and approved by Council prior to the issue of an Occupation Certificate for the site/use. The Transport Access Guide is to include (but not be limited to) the following:

- Information regarding lack of off-street car parking and passenger pick-up and set-down areas at the development site;
- Suitable nearby drop-off/pick-up locations;
- Identification of areas where drop-off/pick-up is prohibited and instruct visitors to avoid use of these areas; and
- Suitable nearby Taxi Zones.

Construction Pedestrian and Traffic Management (CPTMP)

Comment

The Response to Submissions states the following:

“TOGA are unable to accept the restriction on construction vehicles arriving and departing during commuter peak periods. Restriction on the delivery times will impact the overall duration of the project and the current methodology. The restriction of the deliveries to commuter peak periods would result in a reduction of working hours from 10 hours to 5 hours, resulting in a 50% reduction in productivity and a significant extension to the construction program.”

“Preparation of a detailed CPTMP in consultation with TfNSW can be prepared as a condition of development consent, prior to issuance of Construction Certificate.”

Suggested Conditions of Consent

Construction vehicles shall not be stopped or parked on Lee Street at any time without prior approval of TfNSW.

Prior to the issue of any Construction Certificate or any preparatory, demolition or excavation works, whichever is the earlier, the Applicant shall:

- Prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with TfNSW.

The CPTMP needs to specify matters including, but not limited to, the following:

- A description of the development;
- Location of any proposed work zone(s), Lee Street is not a suitable location;
- Details of crane arrangements including location of any crane(s);
- Haulage routes;
- Proposed construction hours;
- Predicted number of construction vehicle movements and detail of vehicle types, noting that vehicle movements are to be minimised during peak periods;
- Details of specific measures to ensure the arrival of construction vehicles to the site do not cause additional queuing on public roads;
- Details of the monitoring regime for maintaining the simultaneous operation of buses and construction vehicles on roads surrounding the site;
- Pedestrian and traffic management measures;
- Construction program and construction methodology;
- A detailed plan of any proposed hoarding and/or scaffolding;
- Consultation strategy for liaison with surrounding stakeholders, including other developments under construction;
- Any potential impacts to general traffic, cyclists, pedestrians and light rail and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
- Cumulative construction impacts of projects including Sydney Metro City and South West. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that

coordination of work activities are managed to minimise impacts on the surrounding road network; and

- Proposed mitigation measures. Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.
- Submit a copy of the final plan to development.sco@transport.nsw.gov.au for TfNSW endorsement; and
- Provide the builder's direct contact number to small businesses adjoining or impacted by the construction work and TfNSW to resolve issues relating to traffic, public transport, freight, servicing and pedestrian access during construction in real time. The Applicant is responsible for ensuring the builder's direct contact number (via development.sco@transport.nsw.gov.au) is current during any stage of construction.

Freight and Servicing Management

Comment

The Response to Submissions states the following:

"Preparation of a Freight and Servicing Management Plan in consultation with TfNSW will be undertaken as a condition of development consent, prior to issuance of Construction Certificate."

Suggested Conditions of Consent

Prior to the issue of any Construction Certificate, the Applicant shall prepare a Freight and Servicing Management Plan in consultation with TfNSW. This plan shall ensure that any potential traffic and safety impacts associated with the loading dock operation are mitigated. The applicant shall submit a copy of the final plan to TfNSW for endorsement. The Plan needs to specify, but not be limited to, the following:

- Details of the development's loading and servicing profile, including the forecast loading and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay;
- Details of freight and servicing facilities that may be required either within the subject site or other sites in the immediate vicinity which adequately accommodate the forecast demand of the development so as to not rely on the kerbside restrictions to conduct the development's business;
- Details of measures to manage any potential traffic and safety impacts of the loading docks operation in particular potential queuing on public roads and potential conflicts between freight vehicles accessing the loading dock and transport users accessing the Central Station and/ or other pedestrians accessing the facilities within the Central Station Precinct.
- The details of alternate loading zones to redirect vehicles due to extensive queuing at the access to loading dock;
- Management of incidents at the access to the loading dock; and
- Loading dock management details including measures to minimise freight and service vehicle movements during peak periods.

The Freight and Servicing Management Plan shall be implemented by the Applicant following the issue of the Occupation Certificate.

Coach Pick up and Set down Management

Comment

The Response to Submissions states the following:

“Preparation of a Coach Pick-Up and Set-Down Management Plan will be undertaken in consultation with TfNSW as a condition of development consent, prior to issuance of an Occupation Certificate”.

Suggested Conditions of Consent

Prior to the issue of the Occupation Certificate, the applicant shall prepare a Coach Pick and Set down Management Plan in consultation with TfNSW to:

- Ensure the operation of the proposed development would have minimal impact on the operation of the surrounding transport network;
- Demonstrate the proposed coach parking areas have spare capacity to accommodate the forecast coach demand generated by the proposed development; and
- Provide evidence of an agreement by the relevant owner of the coach/ bus bay if not provided on-site.

The final plan shall be submitted for the endorsement of TfNSW,

Impacts on Adjoining Structures and Services

Comment

The Response to Submissions states the following:

“Preparation of a detailed flood and drainage analysis will be undertaken in consultation with TfNSW as a condition of development consent, prior to issuance of a Construction Certificate.”

Suggested Conditions of Consent

Prior to the issue of the Construction Certificate, the applicant shall undertake a detailed analysis in consultation with TfNSW in relation to flooding and drainage, geotechnical assessment and fire engineering assessment to assess the impacts on the adjoining road network, properties, services and tunnels and to propose mitigation measures to the satisfaction of TfNSW.

Protection of CBD Rail Link (CBDRL) Corridor

Comment

The Response to Submissions states the following:

“No comment on conditions as currently drafted. It is noted the applicant will have an opportunity to review draft conditions prior to determination.”

It is advised that TfNSW would be pleased to review the final draft Conditions of Consent prior to the determination.

Suggested Conditions of Consent

General Conditions

- All structures which are proposed for construction or installation, or which are constructed or installed, in connection with the approved development that have a potential impact on the CBD Rail Link (CBDRL) must be designed, constructed and maintained in accordance with design criteria specified by the Transport for NSW (TfNSW);
- The design and construction of the basement levels, foundations and ground anchors for the approved development are to be completed to the satisfaction of TfNSW;
- The Applicant must make allowances that are to be agreed with TfNSW in the design, construction and maintenance of the approved development for the future operation of railway tunnels in the vicinity of the approved development, especially in relation to noise, vibration, stray currents, electromagnetic fields and fire safety;
- The design and construction of the foundations and ground anchors (if any) for the approved development are to be completed to the satisfaction of TfNSW. An accurate plan/CAD model should be included for the proposed foundations, to enable verification against the CBDRL alignment model. The foundation design and any encroachment into Exclusion Zone 4 and beyond must comply with the limitations of the Structure Exclusion Zones as required by TfNSW;
- No modifications may be made to the approved design without the consent of TfNSW;
- The Applicant must provide access by representatives of TfNSW upon request to the site of the approved development and all structures on that site during all stages of the development;
- TfNSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought;
- Copies of any certificates, drawings or approvals given to or issued by TfNSW must be delivered to Council for its records; and
- All TfNSW costs associated with review of plans, designs and legal must be borne by the Applicant.

Prior to the Issue of the Construction Certificate

- The Applicant should consult with TfNSW to confirm the timing of the each construction certificate and associated documentation and activities prior to preparation of requested documentation.
- The Applicant should provide the information to TfNSW for review and endorsement.
- The Principal Certifying Authority (PCA) is not to issue the relevant Construction Certificate until received written confirmation from TfNSW that the following conditions have been complied with.
- Prior to issue of any Construction Certificate, the Applicant shall address the adverse effects of the approved development on the CBD Rail Link (CBDRL) identified in State Environmental Planning Policy (Transport & Infrastructure) 2021 (T&ISEPP). The Applicant must provide the following for TfNSW review and endorsement:

- Geotechnical Report - Geotechnical Report should demonstrate that suitable consideration has been given to the settlements and ground movements that are likely to occur during the future construction of the CBDRL. This shall be confirmed via an appropriate ground/structure interaction analysis, either calculations or finite element modelling;
 - Structural Assessment - The structural report needs to demonstrate compliance with the TfNSW protection criteria. Consideration of the ground movements predicted under the geotechnical analysis need to be considered. Issues including construction methodology, foundation design, shoring system, debonding and possible ground movements need to be addressed in the report;
 - Structural Drawings - The structural drawings should include sections and plan drawings detailing founding levels, storm water retention basin and drainage invert levels, and the use of any ground anchors. The drawings should demonstrate compliance with the TfNSW requirements;
 - Acoustic and Vibration Assessment - An acoustics assessment needs to be undertaken for the potential impact of construction and operation of a future CBDRL on the development in accordance with the requirements as set out in Section 9.3 of the Sydney Metro Underground Corridor Protection Guideline and the referenced document Development Near Rail Corridor and Busy Roads – Interim Guideline, Department of Planning, NSW Government 2008; and
 - Electrolysis Report - All structures must be designed, constructed and maintained so as to avoid damage or other interference, which may occur as a result of stray electrical currents, electromagnetic effects from future railway operations.
- Make allowances that are to be agreed with TfNSW in the design for the future construction of railway tunnels in the vicinity of the approved development;
 - Consult with TfNSW including preparation of a detailed regime for consultation with and approval by, TfNSW for the excavation of the site and the construction of the building foundations (including ground anchors) for the approved development, which may include geotechnical and structural certification in the form required by TfNSW;
 - Provide detailed survey information to TfNSW, to confirm the property boundaries are consistent with the setting out on the CBDRL drawings;
 - Provide to TfNSW drawings, reports and other information related to the design, construction and maintenance of the approved development; and
 - Address such other matters that TfNSW considers is appropriate.
 - The Applicant is to submit a report to TfNSW demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads -Interim Guideline". All structures must be designed, constructed and maintained so as to avoid any damage or other interference, which may occur as a result of air-borne noise, ground-borne noise and vibration that may emanate from the (future) rail corridor construction and rail operations to the proposed development. The Applicant must incorporate in the development all the measures recommended in the report.

Prior to the Issue of the Occupation Certificate

Prior to the issue of any Occupation Certificate, as-built drawings certified by a Registered Surveyor shall be submitted to TfNSW and Council by the applicant. The Principal Certifying Authority is not to issue the Occupation Certificate until the written confirmation received from TfNSW that this condition has been satisfied.