

28 July 2023

TfNSW Reference: SYD20/01175/11  
DPE Reference: SSD-9978934



Ms Kiersten Fishburn  
Secretary  
Department of Planning and Environment  
Locked Bag 5022  
Parramatta NSW 2124

Attention: Tom Piovesan

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**SUBMISSIONS AND AMENDMENT REPORT  
STAGE TWO COCKLE BAY WHARF MIXED USE DEVELOPMENT  
241-249 WHEAT ROAD, COCKLE BAY**

Dear Ms Fishburn,

Thank you for the Department's correspondence on 14 July 2023 requesting Transport for NSW (TfNSW) to review and comment on the Submissions and Amendment Report (**Report**) for the Stage Two Cockle Bay Wharf Mixed Use Development.

TfNSW has reviewed the submitted information and advises that its recommended conditions of consent previously provided in the TfNSW submission dated 14 February 2023 remain applicable and should be included in any determination issued, except where amendments are agreed as detailed at **TAB A**. A copy of TfNSW's previous submission is provided at **TAB B** for ease of reference.

As previously advised, separate to this application the Applicant will require TfNSW approval and concurrence under section 138 of the *Roads Act 1993* for various works, as TfNSW is the roads authority for the Western Distributor motorway. Details of TfNSW preliminary requirements have been provided in **TAB B**.

Should you have any further inquiries in relation to this matter, please do not hesitate to contact Rachel Davis, Senior Land Use Planner, on 0408 689 720 or by email at [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read "B. Pegg".

**Brendan Pegg  
Acting Director Land Use  
Planning and Programs, Greater Sydney Division**

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OFFICIAL

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## TAB A – Detailed comments on the proposed amendments to TfNSW conditions

TfNSW has reviewed the Report for the Stage Two Cockle Bay Wharf Mixed Use Development and provides the following comments on the Proponent's responses and proposed amendments to the previously provided recommended conditions of consent in TfNSW's submission letter dated 14 February 2023:

### Issues number TfNSW 5 & TfNSW 6

#### Comment:

The Report states that the Proponent is comfortable accepting conditions relating to Issues numbered TNSW 5 & TfNSW 6 relating to the protection of the CBD Rail Link Corridor. The Proponent has requested these conditions reference the **relevant** construction certificate.

#### Recommendation/response:

TfNSW agrees to the proposed amendment to reference the **relevant** construction certificate in these conditions.

### Issues number TfNSW 8 & TfNSW 9

#### Comment:

The Report states that the Proponent is comfortable accepting conditions relating to Issues numbered TNSW 8 & TfNSW 9, including the requirement for the provision of a Road Safety Audit and all recommendations being included in the design and operational management plan. The Proponent has requested provision for the audit to occur prior to the issue of the **relevant** construction certificate.

#### Recommendation/response:

TfNSW agrees to the proposed amendment to reference the **relevant** construction certificate in this condition.

### Issue number TfNSW 19

#### Comment:

The Report states that the Proponent requests an amendment to the requested condition for provision of a Construction Pedestrian and Traffic Management Plan, to remove "*Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever is the earlier, the Applicant should:*" and replace this with the following: "*Prior to the issue of the initial construction certificate relating to any preparatory, demolition or excavation works, and each subsequent construction certificate, the Applicant should:*"

The Proponent has also requested correction of a typographical error at point xi. of this requirement to replace the reference to "Parramatta Precinct" with "Cockle Bay project".

#### Recommendation/response:

TfNSW agrees to the proposed amendments to the wording of this condition.

### Issue number TfNSW 24

#### Comment:

The Proponent has requested that this condition is amended to reflect that the required information (a qualified Fire Engineer's Certificate and consultation with TfNSW regarding fire protection and exhaust systems) is to be addressed/submitted prior to the issue of the **relevant** construction certificate.

#### Recommendation/response:

TfNSW agrees to the proposed amendment to reference the **relevant** construction certificate in this condition.

### Issue number TfNSW 25

#### Comment:

The Proponent has requested that this condition is amended to reflect that the required information (assessment of the potential effects of the façade on the reflectivity and glare environment in the surrounding area to be undertaken and submitted to TfNSW for review) is to be addressed/submitted prior to the issue of the **relevant** construction certificate.

#### Recommendation/response:

TfNSW agrees to the proposed amendment to reference the **relevant** construction certificate in this condition.

### **Issue number TfNSW 27**

#### **Comment:**

The Proponent has requested that this condition is amended to reflect that the information required (plans/details of external facades designed to minimise damage from potential vandalism, including debris impacts from passing traffic, to be endorsed by TfNSW prior to construction) is to be submitted to and endorsed by TfNSW prior to the issue of the **relevant** construction certificate.

#### **Recommendation/response:**

TfNSW agrees to the proposed amendment to reference the **relevant** construction certificate in this condition (i.e., "Plans/details are to be endorsed by TfNSW prior to the issue of the **relevant construction certificate**").

### **Issue number TfNSW 28**

#### **Comment:**

This condition relates to the relevant part of the structure of the development needing to be able to carry a working load of not less than 2.5kPa to allow for TfNSW maintenance and rehabilitation works on the Western Distributor. TfNSW required that plans/details are to be approved by the Certifying Authority prior to issue of a construction certificate. The Proponent has requested that this issue be resolved with TfNSW as part of the Maintenance and Interface Agreement.

#### **Recommendation/response:**

TfNSW requests that this condition is still included in the development consent, however, would agree to it being amended to reference the **relevant** construction certificate (i.e., "Plans/details are to be approved by the Certifying Authority prior to the issue of the **relevant construction certificate**").

### **Issue number TfNSW 29**

#### **Comment:**

The Proponent has requested that this condition is amended to reflect that the information required (plans/details of suitable protection screens to ensure that access is prevented between the Western Distributor and the development by vandals, to be endorsed by TfNSW prior to construction) is amended to require endorsement by TfNSW prior to the issue of the **relevant** construction certificate.

#### **Recommendation/response:**

TfNSW agrees to the proposed amendment to reference the **relevant** construction certificate in this condition (i.e., "Plans/details are to be endorsed by TfNSW prior to the issue of the **relevant construction certificate**").

### **Issue number TfNSW 30**

#### **Comment:**

This condition relates to the need to carry out certain investigations and maintenance activities on the Western Distributor at the time of the construction of the proposed land bridge. This includes potential need for a coating system to be applied to the Western Distributor bridge structure and/or cathodic protection to the bridge. The Proponent has stated this is outside the scope of their development.

#### **Recommendation/response:**

TfNSW advises that the proposed land bridge will significantly restrict TfNSW's maintenance access to the existing Western Distributor pier columns and some other elements. As the development would be the cause of the maintenance difficulty for the Western Distributor, the remedial works to ensure the performance of bridge assets over the life of the development should be provided by the developer to the satisfaction of TfNSW. The remedial works should be part of the preliminary works by the developer.

TfNSW requests that this condition is retained and included in the development consent for the above reasons.

### **Issue number TfNSW 36 - 40**

#### **Comment:**

The Proponent has expressed acceptance of these conditions but has stated a preference that these issues are included as part of the Maintenance and Interface Agreement.

#### **Recommendation/response:**

While TfNSW appreciates that these requirements would be reflected in a future Maintenance and Interface Agreement (where appropriate), for completeness the Agency requests these conditions are reflected in any development consent.

#### **Issue number TfNSW 42**

**Comment:**

The Proponent has agreed to this requirement to install a traffic/security camera under the proposed bridge structure to monitor the asset, security, and transport network but has noted that “the camera would be owned, maintained and monitored by TfNSW”.

**Recommendation/response:**

It is recommended that the suggested condition provided by TfNSW is included in any consent. TfNSW adds that the security and traffic cameras are to be designed and constructed in consultation with TfNSW in accordance with TfNSW’s specifications so that these cameras can be owned, operated and maintained by TfNSW.

#### **Issue number TfNSW 43**

**Comment:**

Part of this condition requires that an assessment for widths of flow and aquaplaning for the proposed slip lane should be undertaken in accordance with Austroads and Australian Standards. The Proponent has stated their current assessment has found that the risk of aquaplaning is considered low, however, further analysis can be undertaken as part of the next phase of the design. The Proponent has stated acceptance of a condition of this nature requiring consideration of the matter at detailed design, prior to the issue of the relevant construction certificate.

**Recommendation/response:**

TfNSW agrees that the condition can be worded “An assessment for widths of flow and aquaplaning for the proposed slip lane should be undertaken in accordance with Austroads and Australian Standards as part of the detailed design. This is required to be submitted to TfNSW for review and acceptance prior to the issue of the **relevant** construction certificate.”

