

13 May 2024

2200220

Mr Thomas Piovesan  
Senior Planner - Key Site Assessments  
Department of Planning, Housing and Infrastructure  
4 Parramatta Square  
Parramatta, NSW 2150

CC: Peter Hurley, Place Management NSW

Dear Thomas,

**SSD 9978934 – COCKLE BAY PARK  
RESPONSE TO SUBMISSIONS – TIANLONG, W HOTEL SUBMISSION**

This letter has been prepared by Ethos Urban on behalf of DPT Operator Pty Ltd and DPPT Operator Pty Ltd, the proponent for the mixed use development, SSD 9978934 Cockle Bay Park. The purpose of this letter is to respond to the comments received from Addisons acting for the Trustee for the Tianlong Ribbon Property Unit Trust (Tianlong) dated 8 September 2023 in relation to the design of Wheat Road and Harbour Street, and its interaction with the operation of both the W Hotel and the proposed Cockle Bay Park development.

Following receipt of Tianlong's submission, extensive consultation has been undertaken by the proponent's project team with Tianlong's representative and their consultants. This has occurred during the period between October 2023 to April 2024, including meetings on site as well technical meetings with Tianlong's traffic consultant to review and discuss proposed design modifications and to workshop improvements. A summary of the changes proposed to the Cockle Bay Park development by the proponent, along with the modified design was provided to Tianlong on 26 April 2024. An email response was received from Tianlong on 1 May 2024 noting that they are reviewing the information provided.

A full response to each of the items raised in Tianlong's submission is provided in the detailed response table at Section 1.0 of this letter. Further, the submission is supported by the following attachments:

- Revised Wheat Road Alignment Plan prepared by Enstruct (**Appendix A**).
- Technical Note prepared by Aurecon, including turning path analysis prepared by Aurecon and safe intersection sight distance drawings prepared by Enstruct (**Appendix B**).

We trust that the table overpage, and the above attachments are sufficient in responding to the queries raised by Tianlong and that further assessment and determination of the SSDA can proceed and not be further delayed by these issues. Should you have any questions, please do not hesitate to contact the undersigned.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ella Coleman'.

**Ella Coleman**  
Senior Urbanist  
ecoleman@ethosurban.com

A handwritten signature in blue ink, appearing to read 'Clare Swan'.

**Clare Swan**  
Director  
cswan@ethosurban.com

**Table 1      Response to Tianlong/Greaton submission (letter dated 8 September 2023)**

No.	Issues Raised	EU Response
<b>Greaton – The Ribbon</b>		
1.1, 1.2 & 1.3	<p><b>Introduction</b></p> <p>We refer to our submission of 18 April 2023 in relation to SSD 9978934 (April 2023 Submission) and confirm that we continue to act for the Trustee for the Tianlong Ribbon Property Unit Trust (Tianlong), the owners of 31 Wheat Road, Sydney which is also known as The Ribbon in Darling Harbour.</p> <p>We also refer to the response to submissions which was provided by Ethos Urban to the Department of Planning and Environment (Department) on behalf of DPT Operator Pty Ltd and DPPT Operator Pty Ltd, the applicant for SSD 9978934 which comprised of:</p> <p>(a) Ethos Urban letter dated 2 August 2023;</p> <p>(b) Turning path analysis prepared by Aurecon (Appendix A).</p> <p>(c) Safe Intersection Site Distance Drawings prepared by Enstruct (Appendix B).</p> <p>(d) Revised Wheat Road Alignment Plan prepared by Enstruct (Appendix C), (collectively, the RTS).</p> <p>The General Manager for the W Sydney, Craig Seaward, has prepared a submission which sets out his concerns as they relate to the operation of the hotel. Mr Seaward's submission is annexed and raises important operation issues and risks that your Department should carefully consider.</p>	Noted.
1.4	<p>Stantec provided traffic advice in relation to the impacts of SSD 9978934 in 2021 and also in April 2023. Stantec has now provided traffic advice in response to the RTS which is annexed to this submission. Despite the changes put forward in the RTS, Tianlong continues to hold concerns regarding the traffic safety of the proposal. Tianlong continues to press for the removal of the CBP columns to allow appropriate sight lines. These concerns are based on Stantec's advice.</p>	A revised layout has been developed in consultation with Tianlong and Stantec that addresses the traffic safety concerns. The revised design together with a Technical Note prepared by Aurecon is included in <b>Appendix A</b> .
2.1 & 2.2	<p><b>Operational issues and impact to the existing built environment</b></p> <p>Mr Seaward has identified the following operational problems posed by the design put forward by SSD 9978934, being:</p>	A revised layout has been developed in consultation with Tianlong and Stantec that addresses these concerns. The revised design together with a Technical Note prepared by Aurecon is included in <b>Appendix A</b> .

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	<p>(a) the proposed layout of the access to GPT's development and the intersection with the W Sydney's porte cochere will result in long vehicle queues and traffic jams;</p> <p>(b) the current design will not allow certain vehicles to pass within the porte cochere if a bus is parked within the designated parking bay;</p> <p>(c) if fire or emergency service vehicles are stationary in the hotel driveway, adequate passing room is needed to ensure traffic flows smoothly; and</p> <p>(d) the columns proposed in the context of a busy hotel with various vehicles entering and exiting will lead to an inability to see oncoming traffic and potentially cause collisions. The columns must be deleted to ensure the safety of clients, staff and third party transport operators.</p> <p>These concerns identify adverse environmental impacts of SSD 9978934 upon the built environment in the locality.</p>	<p>The revised road configuration can accommodate a bus parked in a designated parking bay with other vehicles able to pass by. It also provides greater visibility to see oncoming loading dock vehicles servicing Cockle Bay Park.</p> <p>In relation to the columns, one of the previously proposed columns has been deleted and another has been relocated to a location that does not impede sight lines for motorists. In addition, a design has been proposed to modify the Druitt Street bridge abutment to reduce the structural supports and hence minimise the visual obstructions.</p>
3.1	<p><b>Ongoing traffic safety issues</b></p> <p>The Stantec advice concludes that:</p> <ul style="list-style-type: none"> <li>• The new CBP columns and associated kerb line are the most significant concern as they no longer allow bus or coach set-down/ pick-up to occur in a designated zone away from main hotel set-down/ pick-up area without blocking vehicle egress from The Ribbon. The other concerns of notable significance are summarised below: <ul style="list-style-type: none"> <li>- The S-arrangement of the entry manoeuvre into the CBP loading dock still creates a risk that entering vehicles may cross the centreline, leading to a collision with vehicles exiting the loading dock (where only limited sight lines are available).</li> <li>- Unfamiliar drivers will primarily be accessing The Ribbon (i.e. hotel guests and taxi/ ride share drivers), who will be required to navigate a complex egress arrangement that requires multiple stops, checks and yielding to three other traffic movements to enter Harbour Street.</li> <li>- Drivers departing The Ribbon will still be reliant on being able to differentiate between through traffic along Harbour Street from vehicles entering the CBP loading dock.</li> </ul> </li> <li>• On this basis, the CBP Redevelopment, specifically its loading dock interface with The Ribbon, is still not considered suitable for approval from a traffic perspective and requires further work and involvement of relevant authorities (i.e. Transport for NSW) to develop an interface that can be accepted by all affected stakeholders and specifically maintain the egress functionality of the approved design for The Ribbon. The latter will require further changes to the CBP Redevelopment loading dock access arrangement interface, including</li> </ul>	<p>A revised layout has been developed in consultation with Tianlong and Stantec that addresses Stantec's concerns. The revised design together with a Technical Note prepared by Aurecon is included in <b>Appendix A</b>.</p>

No.	Issues Raised	EU Response
	<p>relocation of the new CBP columns and associated kerb line, to maintain egress functionality for The Ribbon.</p> <ul style="list-style-type: none"> <li>Further, the new CBP columns still create a visual obstruction for vehicles departing The Ribbon. Given the cognitive demands placed on drivers at the stop line (see Figure 6), these columns would ideally be removed altogether to provide the best possible sight lines.</li> </ul>	
3.2	<p>The Stantec advice also identifies that emergency vehicle access to the hotel is via entry from Harbour Street and exit to the existing Wheat Road and that the proposed design of SSD 9978934 could also affect emergency vehicle access, noting that the approved design allows emergency vehicles to pass a stationary bus/ coach and/or cars associated with set-down/pickup activities, to enter and exit the site.</p>	<p>A revised layout has been developed in consultation with Tianlong and Stantec that addresses Stantec's concerns. The revised configuration can accommodate a bus parked in a designated parking bay with vehicles able to pass by. The revised design together with a Technical Note prepared by Aurecon is included in <b>Appendix A</b>.</p>
3.3 & 3.4	<p>Stantec's advice makes clear that SSD 9978934 as amended by the RTS continues to put forward an inadequate traffic solution from both a safety and usability perspective.</p> <p>On this basis, we do not agree with assertions made in the RTS that a full response has been provided to address Tianlong and Stantec's concerns.</p>	<p>A revised layout has been developed in consultation with Tianlong and Stantec that addresses the concerns. The revised design together with a Technical Note prepared by Aurecon is included in <b>Appendix A</b>.</p>
4.1 – 4.5	<p><b>Traffic safety and impact on the built environment are relevant considerations</b></p> <p>The Department as an administrative decision maker, must take into account all relevant considerations in assessing SSD 9978934.</p> <p>Section 4.15 of the Environmental Planning and Assessment Act 1979 (NSW) requires that a consent authority is to take into consideration the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality and the public interest (among other things). In our view, the impact of the development on the operation of the neighbouring property as identified by Mr Seaward and the impact on road safety are impacts on the built environment and are therefore mandatory matters for consideration. The safety and usability of proposed roads and therefore the public is clearly a matter relevant to the public interest. Failure to take into account matters raised in this submission or other relevant considerations may render any consent granted to SSD 9978934 susceptible to legal challenge.</p> <p>In considering the discretion of the consent authority in determining a development application, Preston CJ in <i>Telstra Corporation Limited v Hornsby Shire Council</i> [2006] NSWLEC 133 held at [203]:</p>	<p>Noted. It is considered that the proposed amendments clearly address the concerns raised by Tianlong in line with the requirements of Section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i>.</p>

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	<p><i>Consideration of the relevant matters must be based on probative evidence. The decision reached must also involve a process of logical reasoning.</i></p> <p>A line of case law makes clear that a decision maker must give phrase “proper, genuine and realistic” attention to mandatory considerations: <i>Stirling v Minister for Finance</i> [2017] FCA 874, Tracey J at [40].</p> <p>In our view, it is not open to a reasonable consent maker who has given proper, genuine and realistic attention to the matters raised by Mr Seaward and by Stantec, particularly matters going to safety issues, to proceed to determine and approve SSD 9978934.</p>	
5.1	<p><b>Conclusion</b></p> <p>Although the RTS goes some way to address Tianlong’s concerns, due to the complexity of the traffic and use interface, further work is needed to ensure the best safety outcome for all users of the roads.</p>	A revised layout has been developed in consultation with Tianlong and Stantec that addresses the concerns. The revised design together with a Technical Note prepared by Aurecon is included in <b>Appendix A</b> .
5.2	Tianlong requests that the columns be removed and that the associated kerblines proposed in SSD 9978934 be relocated to allow bus and coach set-down and pick-up to occur in a designated zone away from the hotel set-down and pick-up area without blocking egress from The Ribbon. Tianlong also requests that the design of the loading dock interface with The Ribbon be revised. As proposed, it continues to put forward an unsafe traffic outcome.	A revised layout has been developed in consultation with Tianlong and Stantec that addresses the columns, kerblines and hotel set down. The revised design together with a Technical Note prepared by Aurecon is included in <b>Appendix A</b> .
5.3	Stantec’s conclusion is that further work is required including the involvement of TfNSW and other relevant authorities to develop an interface that all provides an equitable and fair outcome for all stakeholders. These measures will reduce risk to the safety of road users and will also provide a simplified road layout.	A revised layout has been developed in consultation with Tianlong and Stantec that addresses Stantec’s concerns. The revised design together with a Technical Note prepared by Aurecon is included in <b>Appendix A</b> .
5.4	<p>We request a further meeting with the Department, our client and Stantec to discuss the further amendments that are still required to SSD 9978934.</p> <p>Tianlong remains committed to delivering a precinct that provides the best possible outcome for all road users with road safety at the forefront.</p> <p>We look forward to hearing from you.</p>	It is noted that this meeting has been since undertaken and has informed the responses outlined in this table.
<b>Stantec letter dated 8 September 2023</b>		
STC00	<b>CBP Redevelopment Interface Proposal Overview</b>	Noted

No.	Issues Raised	EU Response
	<p>The CBP Redevelopment proposes to remove the southern section of Wheat Road (directly north of The Ribbon) and replace it with a reconfigured two-way Harbour Street/ Wheat Road intersection (left in/left-out) that provides access to a proposed CBP loading dock with capacity for 14 vehicles, with the dock expected to generate 400 trips daily.</p>	
STC01	<p>The original CBP interface proposal (Henning Larsen drawing no. CBP-HEN-DRW-A-DA-1010 dated 03 September 2021) that formed the state significant development application proposed for all traffic associated with The Ribbon to enter and exit the site via the new left-in/ left-out intersection, with The Ribbon access road forming a minor leg to a new T-intersection created in between the two sites thus requiring The Ribbon egress traffic to give priority to vehicles entering and exiting the proposed Cockle Bay Park loading dock. Following discussions between the CBP project team, Greateon and Stantec in early 2022, the CBP interface proposal was amended in late 2022 so that only vehicles departing The Ribbon were required to use the new left-in/ left-out intersection on Harbour Street.</p>	Noted
STC02	<p>The original 2021 SSDA CBP loading dock access arrangement is shown in Figure 4. The amended 2022 CBP loading dock access arrangement is illustrated in Figure 5, with the further amended 2023 arrangement illustrated in Figure 6 that now better shows the transformation of The Ribbon egress arrangement between historic (grey lines), approved (green lines) and CBP proposed (black lines), specifically the narrowing of the road to accommodate three new columns for the CBP redevelopment.</p>	<p>As a result of further detailed design work, the proposed road configuration can accommodate a bus parked in a designated parking bay with vehicles able to pass by. The revised design is included in <b>Appendix A</b>.</p>
STC03	<p><b>Stantec Review of the CBP Response</b></p> <p><b><i>The Ribbon Porte Cochere and CBP Loading Dock Design Interface</i></b></p> <p>The CBP Response includes the following to address concerns raised regarding sight line at The Ribbon egress:</p> <ul style="list-style-type: none"> <li>• relocated proposed column</li> <li>• removal of proposed concrete barriers</li> <li>• acknowledgement that The Ribbon landscaping will need to be modified</li> <li>• updated sight line checks.</li> </ul> <p>The amended CBP design improves the sight line situation for vehicles departing The Ribbon. However, drivers departing The Ribbon are still reliant on being able to differentiate between through traffic along Harbour Street from vehicles entering the CBP loading dock (i.e. being able to observe a vehicles' left turn flashing indicator light and the associated reliance on drivers indicating correctly). Warning signs on all approaches should be considered to advise drivers to observe</p>	<p>A revised layout has been developed in consultation with Tianlong and Stantec. One of the columns has been deleted and another of the columns has been relocated to further shift it out of any sight lines for motorists.</p> <p>In addition, further improvement of sight lines for vehicles departing The Ribbon is achieved through the proposed revised configuration for the CBP loading dock entry/exit. The Ribbon exit lane has been pushed to the west providing greater distance between the vehicle and the Harbour Street slip lane. In addition, the CBP loading dock slip lane off Harbour Street has a tighter turn which will promote slower speeds at the intersection with The Ribbon exit lane.</p> <p>The revised design together with a Technical Note prepared by Aurecon is included in <b>Appendix A</b>.</p>

No.	Issues Raised	EU Response
	<p>approaching vehicles, however there is an inherent safety risk that needs to be accepted by all parties. It should be noted that, although improved, the CBP columns still create a visual obstruction for vehicles departing The Ribbon. Given the cognitive demands placed on drivers at the stop line (see Figure 6), these columns would ideally be removed altogether to provide the best possible sight lines.</p>	
STC04	<p>The CBP Response does not address concerns raised about drivers departing The Ribbon, particularly unfamiliar users (i.e. hotel guests and taxi/ ride share drivers), required to navigate a complex egress arrangement that requires them to stop and give way to three other traffic movements in order to enter Harbour Street (i.e. CBP entry and exit as well as Harbour Street through traffic) in a confined distance.</p> <p>In addition, drivers are required to complete multiple checks of approaching vehicles in opposing directions, including the need to turn their head significantly beyond 90-degrees to view vehicles merging into the CBP slip lane.</p>	<p>A revised layout has been developed in consultation with Tianlong and Stantec that addresses the concerns. The revised design together with a Technical Note prepared by Aurecon is included in <b>Appendix A</b>.</p>
STC05	<p>Although several safety issues have been discussed above; these have been previously identified with the CBP proposal and are not specific to the amended design. However, the potential for vehicle collisions on Harbour Street has been identified, associated with bus/ coach activity blocking general vehicle activity for The Ribbon, which is discussed in more detail below.</p> <p>As detailed in The Ribbon Overview above, the approved The Ribbon egress arrangement includes a widened egress road to provide a designated 'No Parking – Authorised Coaches Excepted' zone that allows general hotel operations (loading/ servicing and set-down/ pick-up activities) to continue by allowing all associated design vehicles (cars, service vehicles and other buses/ coaches) departing the site to pass a stationary bus/ coach in the designated No Parking zone (while passengers are boarding or alighting a bus/ coach).</p> <p>CBP designs reviewed up to the April 2023 submission did not include overlays with the approved The Ribbon design. Documentation provided as part of the CBP Response now includes The Ribbon site layout design, which allows better understanding of the integration of the two sites. Figure 7 shows how the CBP loading dock access arrangement impacts The Ribbon egress (CBP design in blue and approved Ribbon design in green) including the setback of the stop line for The Ribbon egress and the reduced width of the egress road to accommodate the three new CBP columns.</p>	<p>A revised layout has been developed in consultation with Tianlong and Stantec that addresses Stantec's concerns. The revised configuration can accommodate a bus parked in a designated parking bay with vehicles able to pass by. The revised design together with a Technical Note prepared by Aurecon is included in <b>Appendix A</b>.</p> <p>The signalised intersection at Harbour and Bathurst Streets provides sufficient gaps in traffic travelling on Harbour Street to allow vehicles, including buses, to exit the proposed site. The signal cycle time ranges between 60 and 90 seconds, which is ample time for The Ribbon and CBP vehicles to exit onto Harbour Street.</p>

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	<p>The locations of the new CBP columns and associated kerb line mean there is no longer opportunity for a bus/ coach to stop in the designated 'No Parking – Authorised Coaches Excepted' zone away from the main hotel set-down/pick-up area without blocking vehicle egress. This also affects the ability for general set-down/pick-up activities to occur simultaneously. The resultant design has a significant impact on hotel operations, which increases the likelihood of having knock-on effects to Harbour Street traffic flow. The proposed design could also affect emergency vehicle access, noting the approved design allows emergency vehicles to pass a stationary bus/ coach and/or cars associated with setdown/ pick-up activities, to enter and exit the site. Also evident in Figure 7 is that a bus/ coach departing The Ribbon will temporarily block the CBP loading dock access arrangement when waiting for a gap in Harbour Street traffic flow.</p>	
STC06	<p><b>CBP Loading Dock Operation</b></p> <p>Swept path analysis for the amended CBP design shows passing of an 8.8 metre Medium Rigid Vehicle and a 6.4 metre Small Rigid Vehicle with absolute minimum clearance of 600mm between vehicles and 300mm to structure, which can be supported in low-speed environments.</p> <p>However, the S-arrangement of the entry manoeuvre into the CBP loading dock still creates a risk that entering vehicles may cross the centreline leading to a collision with vehicles exiting the loading dock, which could have potential knock-on effects on The Ribbon and CBP loading dock operations as well as Harbour Street traffic flow.</p> <p>The amended design needs to be supported by appropriate operational management measures that address 8.8 metre Medium Rigid Vehicles entering and exiting at the same time, as convex mirrors and the like would be of limited assistance for the proposed site layout.</p>	<p>A revised layout has been developed in consultation with Tianlong and Stantec that addresses the concerns. The revised design together with a Technical Note prepared by Aurecon is included in <b>Appendix A</b>.</p> <p>In addition to visibility measures such as convex mirrors, a dock management system will be implemented for the management of truck arrivals and departures.</p>
STC07	<p><b>CBP Construction Interface</b></p> <p>The CBP Response accepts a consent condition requiring The Ribbon to be consulted in relation to the final Construction Management Plan, which addresses the identified temporary traffic concerns. As previously detailed in the April submission, any temporary changes to the approved The Ribbon egress arrangements should be designed for vehicles up to and including coaches and have no impacts to the operation of the internal loop road, which is vital for access to the loading dock and car stacker.</p>	<p>The proponent will accept a condition that requires consultation with The Ribbon in relation to the final Construction Management Plan</p>
STC08	<p><b>Summary</b></p>	<p>Responses to each of these items is included in the above sections.</p>



No.	Issues Raised	EU Response
	<p>There have been several improvements with the CBP Redevelopment loading dock access arrangement interface with The Ribbon to address concerns regarding sight lines and CBP loading dock access. However, there still remains inherent concerns with the interface that could compromise the operation of The Ribbon and CBP loading dock, as well as Harbour Street traffic flows.</p> <p>The new CBP columns and associated kerb line are the most significant concern as they no longer allow bus or coach set-down/ pick-up to occur in a designated zone away from main hotel set-down/ pick-up area without blocking vehicle egress from The Ribbon. The other concerns of notable significance are summarised below:</p> <p>The S-arrangement of the entry manoeuvre into the CBP loading dock still creates a risk that entering vehicles may cross the centreline, leading to a collision with vehicles exiting the loading dock (where only limited sight lines are available).</p> <ul style="list-style-type: none"> <li>• Unfamiliar drivers will primarily be accessing The Ribbon (i.e. hotel guests and taxi/ ride share drivers), who will be required to navigate a complex egress arrangement that requires multiple stops, checks and yielding to three other traffic movements to enter Harbour Street.</li> <li>• Drivers departing The Ribbon will still be reliant on being able to differentiate between through traffic along Harbour Street from vehicles entering the CBP loading dock.</li> </ul>	
STC09	<p>On this basis, the CBP Redevelopment, specifically its loading dock interface with The Ribbon, is still not considered suitable for approval from a traffic perspective and requires further work and involvement of relevant authorities (i.e. Transport for NSW) to develop an interface that can be accepted by all affected stakeholders and specifically maintain the egress functionality of the approved design for The Ribbon. The latter will require further changes to the CBP Redevelopment loading dock access arrangement interface, including relocation of the new CBP columns and associated kerb line (as a minimum), to maintain egress functionality for The Ribbon.</p> <p>Further, the new CBP columns still create a visual obstruction for vehicles departing The Ribbon. Given the cognitive demands placed on drivers at the stop line (see Figure 6), these columns would ideally be removed altogether to provide the best possible sight lines.</p>	<p>A revised layout has been developed in consultation with Tianlong and Stantec that addresses the concerns. The revised design together with a Technical Note prepared by Aurecon is included in <b>Appendix A</b>.</p>