

30 March 2012

The Director  
Major Infrastructure Assessment  
Department of Planning & Infrastructure  
GPO Box 39  
Sydney NSW 2001

Dear Sir/Madam,

**RE: Environmental Assessment for Stage 2A(ii) of the Sydney City Grid Project #08-0075**

We write in response to the Environment Assessment lodged with the Department of Planning & Infrastructure in relation to the proposed City East Substation development at 33 Bligh Street, known as Kindersley House.

My client, ACE Insurance Limited, is the owner of 28-34 O'Connell Street, Sydney which is immediately adjacent to the proposed development site.

We have reviewed the following documents made available to us during the notification period:

Sydney City Grid Project – Environmental Assessment for Stage 2A(ii) – Main Report  
Appendix A Concept Approval with modifications  
Appendix AA EMF Assessment  
Appendix B Modified Director-General's Requirements  
Appendix C Table of Compliance  
Appendix D Community Consultation  
Appendix E Summary of environmental risk analysis  
Appendix F Draft Subdivision Plans  
Appendix G Architectural Plans  
Appendix H Architectural Design Statement  
Appendix I FSA Drawings  
Appendix J BCA Report  
Appendix K Fire Engineering Report  
Appendix L ESD Report  
Appendix M Noise and Vibration Assessments  
Appendix N Traffic Impact Assessment  
Appendix O Access Report  
Appendix P Statement of Heritage  
Appendix Q Non-indigenous Archaeology  
Appendix R Shadow Diagrams

Appendix S Solar Reflectivity Analysis  
Appendix T Pedestrian Wind Environment Statement  
Appendix U Wind Tunnel Tests  
Appendix V Public Domain Concept Plan  
Appendix W Landscape Plan  
Appendix X Integrated Water and Infrastructure Management Plan  
Appendix Y Operational Waste Management Plan  
Appendix Z Visual and Urban Design Assessment

On behalf of ACE Insurance Limited, we have set out below some matters regarding the proposed development that we would expect to be addressed by way of clarification or acknowledgement:

## **1. Excavation/Construction Work Hours**

The proposed work hours do not consider the right to quiet enjoyment of adjacent properties. In accordance with Section 6.7.1 of the main report (p.61) the proposed construction hours are as follows:

Monday to Friday 7 am to 7 pm;  
Saturdays 7 am to 5 pm; and  
No work on Sundays or Public Holidays.

Noise intensive activities such as rock breaking would be undertaken during the following hours:

Monday to Saturday 9 am to 12 pm;  
Monday to Friday 2 pm to 5 pm; and  
At no time on Sundays or public holidays.

Although the 'general' construction work hours appear to be relatively standard for the City of Sydney district, noise intensive works are proposed to be permissible during most hours of the working day (except Midday to 2.00pm). This arrangement is not acceptable to my client and we believe works creating excessive noise and vibration should be limited to specific times outside of business hours. Of particular concern is our ground level food tenancy and the impact these work activities are likely to have on the prosperity of their business.

Furthermore, we believe it appropriate for active monitoring to be conducted at pre-approved locations for the duration of the project. We believe the monitoring results should be made available on request and a mechanism put in place to ensure any issues or disputes in relation to noise and vibration are dealt with expediently.

## **2. Easements**

Our client's property currently includes an easement for access to the car park of the proposed development site which is currently accessed from O'Connell Street and for which Ausgrid/Investa obtains the benefit. We seek formal clarification on whether this easement is still required to service Kindersley House as the access to the basement car park appears to be reconfigured in the new development plans. If it is not required, we formally seek agreement from Council for this easement to be extinguished. Access for the 44 Hunter Street tenant will need to remain.

If the current access is not to be used we would also seek clarification on how the current access shutter leading into Kindersley House is to be infilled/enclosed. ACE insurance requests that it be consulted prior to and be involved in any final decision making on this aspect of the project and any others matters that have a material impact on the 28-34 O'Connell Street.

### **3. Air Quality Assessment**

Section 18 of the main report refers to air quality mitigation measures. However the proposal does not include for active monitoring regime which we believe would be appropriate during the construction and operation of the proposed development. Furthermore we request the right for monitoring results to be provided to our client to review and comment during the course of works onsite.

### **4. Hoardings and Site Access**

During the works we understand a Class B structural hoarding will be constructed to protect the public using O'Connell Street. We would like to further understand the composition of the hoardings as it is imperative that a clear line of sight and clear access is maintained both into the entrance of 28 O'Connell Street, the vehicular entrance to the basement car park which is utilised by ACE, its tenants and the tenants of 44 Hunter Street and also the entrance into the coffee shop within 28 O'Connell Street.

We understand that the demolition, excavation and construction access will be via both Bligh Street and O'Connell Street. The traffic impact assessment prepared by Arup refers to traffic implications during operation of the completed development, but not the impact during excavation and construction works. We believe details of the proposed traffic management during the works period should be submitted for review by our client prior to commencement of excavation and construction.

We would expect that deliveries and access to site will be minimised to take place only within certain hours of the day, being prior to 7am and after 7pm to ensure that the roadways are not congested within the CBD. This could be particularly disruptive for my client and their tenants who will require access to the premises for both pedestrians and vehicles to be maintained at all times. We emphasise that it is a one-way street hence access is limited. Further advice on this matter is requested and timeframes for the delivery to be included in any Development Consent Conditions.

### **5. Insurances**

We would like to obtain confirmation that Ausgrid will be required by Council to hold appropriate insurances for the development and that these will include Professional Indemnity, Works and Public Liability Insurance at levels to ensure any damage to the new or existing properties will be adequately addressed.

## **6. EMF Assessment**

The EMF Assessment prepared by Aurecon is noted to be a preliminary assessment only as the internal design of the substation is yet to be developed. We believe further assessment should be undertaken prior to construction of the substation incorporating details of all preventative measures, as required by the Director-General's report, and modelling to simulate actual projected emissions. Furthermore, we believe actual testing and readings should be undertaken prior to occupation and use of the substation development.

## **7. Statutory Controls**

The table of compliance notes that the street frontage height on both O'Connell Street and Bligh Street exceed applicable parameters. The side setbacks are also noted to exceed the DCP criteria. Our client is concerned that this proposal adversely limits the development potential of their property at 28 O'Connell Street and we believe further consideration is required to the arrangement of the new development, with particular consideration to the boundary locations.

## **8. Community Consultation**

The main report refers to various forms of ongoing community consultation during the development and we believe any consent should feature an appropriate set regime of community consultation and provision of appropriate documentation so that the disruption and inconvenience may be minimized.

## **9. Architectural Plans**

We note that 'artwork' stone louvers are proposed from above ground level to both street frontages of the substation. We believe further detail on this façade treatment is required prior to commencement of works onsite in order to verify its suitability, particularly in relation to maintenance and health and safety.

The architectural plans do not contain sufficient detail in relation to the ground floor metal cladding façade treatment and we believe further detail is required on this arrangement prior to works commencing.

The proposal is understood to include the provision of an external garden adjacent to the roof of our client's building. We request further detail on these elements is provided for review and approval prior to commencement of the works. In particular, we are concerned of the potential impact the landscaped area and vegetation may have on our client's premises.

## **10. Architectural Statement**

We note that the application calls for separate vehicular access for Ausgrid and commercial tower usage. We believe this would substantially disrupt existing pedestrian and vehicular movements

along O'Connell Street and in accordance with the central Sydney DCP 2006, a maximum one entrance point should be permitted.

We note that the northern vehicular entrance features a single lane with traffic light controls. We are concerned that this limited access with automated control may result in excess congestion along O'Connell Street, particularly at peak times and considering the current parking provisions to both outer lanes. Therefore we believe further consideration should be given to the vehicular arrangement prior to consent being granted.

## **11. Noise & Vibration Assessment**

We note that the assessment suggests further review is required from an operational perspective and we believe the provision of this information should be a condition of consent, to be reviewed and approved prior to occupation.

It is noted that a number of the noise measurements are three years old and we question their validity for the current application.

Furthermore, we note that the main report features general recommendations only in relation to the control of noise and vibration breakout. We believe control methods should be stipulated within the consent and an actual management plan issued to all stakeholder groups for review and approval.

## **12. Traffic Impact Assessment**

The assessment provided does not consider the movements of traffic during the excavation and construction phases which will impact both Bligh and O'Connell Streets for a substantial period of time.

The statistics provided do not appear to consider the movements of waste collection vehicles or other routine service providers which are likely to impact the volume of traffic at the southern end of O'Connell Street. We believe these movements should be incorporated and recommend revised outbound numbers and forecast numbers are provided.

## **13. Wind Tunnel Tests**

We understand the consultant report suggests that the development will result in wind speeds to O'Connell Street exceeding those suitable for outdoor dining, however there is no recommendation for treatment of this issue. This is not acceptable to our client as it will mostly likely impact the trade of the ground level café tenant and we believe it essential that a reasonable solution is devised prior to commencement of works.

## **14. Integrated Water and Infrastructure Management Plan**

We note the schedule of utilities expected to be impacted lists the owner, detail of the asset and required works. However it fails to identify the parties likely to be impacted by these works and how the methodology will be prepared and agreed between the developer and the affected party or

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parties. We believe a mechanism is required to ensure a suitably detailed proposal is tabled to the affected parties in each instance to ensure any disruption is minimised and that any associated costs are accommodated directly by the developer.

## 15. Notification Period

We believe the review of the Environmental Assessment and associated notification period will instigate further design details and revisions by the applicant. Our client requests the right to review any such submissions prior to lodgement with the Planning Authority.

Should you require any clarification or wish to discuss any of the above matters please do not hesitate to contact the undersigned on (02) 9333 9016.

Yours sincerely  
CBRE (P) Pty Ltd



Kristian Wiles  
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cc: Mr David Philip – ACE Insurance (by e-mail)  
Mr Jon Downes – ACE Insurance (by e-mail)  
Ms Philippa Houghton – CBRE (by e-mail)