

Transport for NSW

21 May 2024

TfNSW Reference: SYD24-00903/01
Council's Reference: DA/168/2023 (CNR-57625)



Mr Ray Brownless
General Manager
Randwick City Council
30 Frances Street
Randwick NSW 2031

Attention: Louis Coorey

CONSTRUCT MIXED USE STUDENT ACCOMMODATION DEVELOPMENT 215B ANZAC PARADE, KENSINGTON

Dear Mr Brownless,

Reference is made to Council's correspondence, concerning the abovementioned development application which was referred to Transport for NSW (**TfNSW**) for comment in accordance with clause 2.119 and 2.122 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

TfNSW has reviewed the revised application and confirms no change to our previous advice in our letters dated 11/8/2023 (provided as **Attachment A** of this letter) and 14/8/2023 (**Attachment B** of this letter), which remain applicable.

For more information, please contact Matthew Houlden, Land Use Planner via email at development.sydney@transport.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read "R Davis".

Rachel Davis
Senior Land Use Planner
Land Use Assessment Eastern
Planning and Programs, Greater Sydney Division

Encl: Attachment A – TfNSW letter dated 11/8/23
Attachment B – TfNSW letter dated 14/8/23

Transport for NSW

11 August 2023

TfNSW Reference: SYD23/00843/01
Council's Reference: DA2023/0222 (CNR-57871)



Mr Ray Brownless
General Manager
Randwick City Council
30 Frances Street
Randwick NSW 2031

Attention: Louis Coorey

**CONSTRUCT MIXED USE STUDENT ACCOMMODATION DEVELOPMENT
215B ANZAC PARADE, KENSINGTON**

Dear Mr Brownless,

Reference is made to Council's correspondence, concerning the abovementioned development application which was referred to Transport for NSW (TfNSW) for comment in accordance with clause 2.119 and 2.122 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

TfNSW has reviewed the application and requests the conditions at **TAB A** are included in any determination issued by Council. Advisory comments are also provided at **TAB A** for Council's consideration in the determination of the application.

For more information, please contact Matthew Houlden, Land Use Planner via email at development.sydney@transport.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read "R Davis".

Rachel Davis
Senior Land Use Planner
Land Use Assessment Eastern
Planning and Programs, Greater Sydney Division

Level 4, 4 Parramatta Square, 12 Darcy Street
PO Box 973 Parramatta CBD NSW 2124

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TAB A.

Recommended Conditions:

TfNSW requests that the following conditions are included in any consent issued by Council:

1. Any improvements integral to the future use of the site, are to be wholly within the freehold property unlimited in height or depth along the Anzac Parade boundary.
2. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

3. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@transport.nsw.gov.au

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

4. The proposed development should be designed such that road traffic noise from Anzac Parade is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 2.120 (3) of State Environmental Planning Policy (Transport and Infrastructure) 2021.
5. If construction works will impact pedestrian or vehicular access to the bus stop adjacent to the site on Anzac Parade, the bus stop shall be temporarily relocated to a suitable location to be determined in consultation with Transdev John Holland Buses (NSW) Pty Ltd and TfNSW. After the construction works affecting access to the bus stop are complete, the bus stop and shelters shall be returned to the bus stop. These works shall be at no cost to TfNSW.
6. The proposed permanent bus shelter relocation shall be undertaken following consultation with Transdev John Holland Buses (NSW) Pty Ltd and TfNSW. These works shall be at no cost to TfNSW.
7. A revised Green Travel Plan should be prepared in consultation with TfNSW and a copy of the final plan should be submitted for TfNSW endorsement, prior to the issue of the Occupation Certificate. Please send the GTP for review to development.sco@transport.nsw.gov.au.

8. A Loading Dock Management Plan shall be prepared in consultation with TfNSW (via: development.sco@transport.nsw.gov.au). The Plan needs to specify, but not be limited to, the following:

- Details of the development's freight and servicing profile, including the forecast freight and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay.
- Swept paths of vehicles entering and exiting the loading dock.
- Management of any queuing along Day Avenue as a result of the proposed loading dock arrangement.
- The details of alternate loading zones to redirect vehicles if there is extensive queuing at the access to the loading dock.
- Management of incidents at the access to the loading dock.
- Loading dock management details including measures to minimise freight and service vehicle movements during peak periods.
- Management of conflicts between cars accessing the car park and vehicle movements to/from the loading dock.
- Actions to be taken to reduce the likelihood of conflict at the NIDA Anzac Parade driveway (between road users travelling on Anzac Parade or the Anzac Parade footpath) and to ensure that access to the existing driveway will be restricted to NIDA service vehicles only.

A copy of the final plan should be submitted for TfNSW endorsement, prior to the issue of the Occupation Certificate.

9. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements, impact on pedestrians and vehicles along Anzac Parade and traffic control should be submitted to Council and TfNSW (via: development.sco@transport.nsw.gov.au) for approval prior to the issue of a Construction Certificate.
10. A Road Occupancy Licence (ROL) should be obtained from the Transport Management Centre (TMC) for any works that may impact on traffic flows on the subject section of Anzac Parade during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

Advisory comments:

1. NIDA Access Driveway

Comment:

TfNSW has concerns that the proposed development could lead to an increase in vehicles entering the NIDA service driveway and or reversing back onto Anzac Parade.

Recommendation:

That Applicant consider closing the Anzac Parade crossover and providing alternate access for vehicles delivering to NIDA.

2. Loading and servicing

Comment:

A total of three loading and servicing bays are proposed comprising:

- 1 x MRV/garbage vehicle bays.
- 1 x SRV bays.
- 1 x B99.

The TfNSW Urban Freight Forecast tool indicates the proposed loading and servicing provisions would have an average efficacy of 71%, likely resulting in rejected vehicles due to space limitations during busy times. It is important that all loading and servicing demand is catered for on-site to ensure that freight and servicing movements do not detract from the amenity of the precinct, create safety risks, impact network efficiency or generate other negative externalities.

Recommendation:

That all loading and servicing demands generated by the development occur on-site.

Mr Louis Coorey
Senior Environmental Planning Officer
Randwick City Council
30 Frances Street
Randwick NSW 2031

Dear Mr Coorey

**Development Application for 215B Anzac Parade, Kensington (DA/168/2023)
Concurrence Letter**

Thank you for your correspondence via the ePlanning portal (ref: CNR-57625) on 20 July 2023, requesting Transport for NSW (TfNSW) to review and comment on the above.

This letter provides a response in relation to concurrence requirements under the rail related provisions of the T&ISEPP (clauses 2.98 and 2.99). A separate response will be submitted to provide comments under clauses 2.119 and 2.122 of the T&ISEPP.

Protection of Sydney Light Rail (SLR) Corridor

The proposed development is located within 25m of the Sydney Light Rail corridor and includes ground penetration deeper than 2m, which requires concurrence from TfNSW in accordance with Clause 2.99 of the State Environmental Planning Policy (Transport and Infrastructure) 2007 (T&ISEPP). Clause 2.99 of the T&ISEPP requires TfNSW to take into consideration:

- (a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:
 - i. the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and
 - ii. the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and
- (b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.

TfNSW has undertaken an assessment of the information provided in accordance with the provisions outlined in the ISEPP and has decided to grant concurrence to the development proposed in development application DA/168/2023. This concurrence is subject to Council imposing the conditions provided in **TAB A**.

Should Council choose not to impose the conditions provided in **TAB A** (as written), then concurrence from TfNSW has not been granted to the proposed development.

In the event that this development proposal is the subject of a Land and Environment Court appeal, Council's attention is drawn to Section 8.12 of the Environmental Planning and Assessment Act 1979, which requires Council to give notice of that appeal to a concurrence authority. TfNSW therefore requests that Council comply with this requirement should such an event occur.

Transport for NSW

20-44 Ennis Road, Milson Point NSW 2061 | PO Box K659, Haymarket NSW 1240
T 02 8202 2200 | F 02 8202 2209 | W transport.nsw.gov.au | ABN 18 804 239 602

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Design of Outdoor Terrace, Balconies, External Windows

Comment

The information provided in the development application does not specify whether the outdoor terrace area, balconies and external windows facing Anzac Parade have openings that face the light rail corridor and Anzac Parade. Measures are needed to prevent objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that are within 20 metres of, and face, the rail corridor.

Recommendation

The applicant must design outdoor terraces, balconies, external windows and other external features that face onto the light rail corridor and Anzac Parade in accordance with Section 5.4 of the ASA standard T HR CI 12090 ST Airspace and External Developments version 1.0 unless otherwise agreed by TfNSW. This would potentially avoid any modification application associated with compliance of condition in relation to balconies and windows included in this letter.

Thank you again for the opportunity of providing advice for the above development application. If you require further clarification regarding this matter, please don't hesitate to contact Mark Ozinga, Principal Manager Land Use Planning and Development on 0439 489 298.

Yours sincerely



14/8/2023

Mark Ozinga

A/Director, Corridor & Network Protection
Customer Strategy and Technology

Objective Reference CD23/03250

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TAB A – Required Conditions of Consent – Protection of TfNSW Infrastructure and Light Rail Operations

General

- The applicant must comply with all Altrac Light Rail Partnership (Altrac) or any subsequent operator of Sydney Light Rail (Sydney Light Rail Operator) policies, rules and procedures when working in and about the Sydney Light Rail corridor;
- The applicant must comply with the requirements of ASA standards T HR CI 12090 ST Airspace and External Developments version 1.0 and Development Near Rail Corridors and Busy Roads- Interim Guidelines;
- Activities of the applicant must not affect and/or restrict Sydney Light Rail operations without prior written agreement between the applicant, Transport for NSW (TfNSW), Altrac, and the Sydney Light Rail Operator, and it is a condition precedent that such written agreement must be obtained no later than two (2) months prior to the activity. Any requests for agreement are to include as a minimum the proposed duration, location, scope of works, and other information as required by the Sydney Light Rail Operator;
- The applicant must apply to Altrac and the Sydney Light Rail Operator for any required network shutdowns four (4) months prior to each individual required network shutdown event. Each request for network shutdown must include as a minimum the proposed shutdown dates, duration, location, scope of works, and other information as required by the Sydney Light Rail Operator. The Sydney Light Rail Operator may grant or refuse a request for network shutdown at its discretion;
- The applicant shall provide safe and unimpeded access for Sydney Light Rail patrons traversing to and from the Sydney Light Rail stops at all times;
- 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;
- The applicant must hold current public liability insurance cover of minimum AUD\$ 250 million, unless otherwise advised by TfNSW, for the entire period of the work programme. This insurance shall not contain any exclusion in relation to works on or near the rail corridor and its infrastructure. Prior to issuing the first Construction Certificate the Certifier must witness written proof of this insurance in conjunction with TfNSW's written advice to the applicant on the level of insurance required; and
- All TfNSW, Altrac and Sydney Light Rail Operator's costs associated with review of plans, designs and legal must be borne by the applicant.

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Prior to the Issue of the Construction Certificate

Process of Endorsement of Conditions

Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever occurs first, the applicant shall:

- Consult with TfNSW, Altrac and the Sydney Light Rail Operator to ascertain requirements in relation to the protection of TfNSW's infrastructure and to confirm the timing of the each construction certificate and associated documentation and activities prior to preparation of requested documentation;
- Sign Interface Assess Deed Poll, Safety Interface Agreement and Works Deed with TfNSW and/or the Sydney Light Rail Operator;
- Confirm in writing with TfNSW what each Construction Certificate stage will involve; and
- Submit all relevant documentation to TfNSW as requested by TfNSW and obtain its written endorsement for each construction stage. A summary report for each construction stage shall also be provided to TfNSW to demonstrate the following:
 - No adverse impacts to the light rail corridor and light rail operation by clearly identifying impacts and mitigation measures; and
 - Submitted documentation has satisfied the relevant conditions.

The Principal Certifying Authority (PCA) is not to issue the relevant Construction Certificate until they have received written confirmation from TfNSW that the relevant conditions have been complied with for each Construction Certificate.

Review and Endorsement of Documents

- Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever occurs first, the following documentation shall be provided for the review and endorsement of TfNSW:
 - Final geo-technical and structural report / drawings. Geotechnical reports should include any potential impact on the light rail corridor located adjacent to the subject development site, easement and substratum;
 - Final construction methodology with construction details pertaining to structural support during excavation or ground penetration. Any temporary components, for example, shoring systems, formwork and falsework, that are located such that their failure has the potential to affect rail infrastructure facilities or operations shall have a minimum service life of 10 years;
 - Details of the vibration and movement monitoring system that will be in place before excavation commences;
 - Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor located adjacent to the subject development site. Cross sectional drawings should also include the accurate RL depths and horizontal distances from assets (tracks, overhead lines, structures and cables) to the nearest point of excavation or ground penetration works. All measurements are to be verified by a Registered Surveyor; and
 - Detailed survey plan with location of services.

Pre-construction Work Dilapidation Report

A pre-construction work Dilapidation Report of the Sydney Light Rail and its assets shall be prepared, in consultation with TfNSW, by a qualified structural engineer. The dilapidation survey shall be undertaken on the rail infrastructure and property in the vicinity of the project. These dilapidation surveys will establish the extent of existing damage and enable any deterioration during construction to be observed. Prior to the issue of the relevant Construction Certificate or any preparatory, demolition or excavation works, a copy of the pre-construction work Dilapidation Report shall be provided for the review and endorsement of TfNSW and the Sydney Light Rail Operator.

Acoustic Assessment

Prior to the issue of the relevant Construction Certificate, the final acoustic assessment is to be submitted to the PCA demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads-Interim Guidelines". All recommendations of the acoustic assessment are to be incorporated in the construction documentation.

Electrolysis Analysis

Prior to the issue of the relevant Construction Certificate, the applicant is to engage an Electrolysis Consultant to prepare a report on the Electrolysis Risk to the development from stray currents. The applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the PCA with the application for the relevant Construction Certificate.

Reflectivity Report

Prior to the issue of the relevant Construction Certificate, the applicant shall design lighting, signs and surfaces with reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor limiting glare and reflectivity to the satisfaction of Altrac, TfNSW and the Sydney Light Rail Operator.

Balconies and Windows

Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that are within 20 metres of, and face, the rail corridor, the development must have measures installed, to the satisfaction of TfNSW (eg awning windows, louvres, enclosed balconies, window restrictors etc) which prevent the throwing of objects onto the rail corridor unless otherwise agreed by TfNSW. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from TfNSW confirming that this condition has been satisfied.

Consultation Regime

Prior to the issue of the relevant Construction Certificate, if required by TfNSW, a detailed regime is to be prepared 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.

Insurance Requirements

Prior to the issue of the relevant Construction Certificate, the applicant must hold current public liability insurance cover for a sum acceptable to TfNSW. TfNSW's standard public liability insurance requirement for this type of development adjacent to a rail corridor is minimum of \$250M. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The applicant is to contact TfNSW to obtain the level of insurance

required for this particular proposal. Prior to issuing the relevant Construction Certificate the PCA must witness written proof of this insurance in conjunction with TfNSW's written advice to the applicant on the level of insurance required.

Works Deed / Agreements

Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever occurs first, if required by TfNSW, Works Deed (s) between the applicant, TfNSW and/or Altrac and the Sydney Light Rail Operator must be agreed and executed by the parties. These agreements may deal with matters including, but not limited to, the following:

- Sydney Light Rail Operational requirements;
- Sydney Light Rail access requirements;
- Altrac and Sydney Light Rail Operator policies, rules and procedures compliance requirements;
- Indemnities and releases;
- Security of costs;
- Insurance requirements and conditions;
- TfNSW, Altrac and the Sydney Light Rail Operator's recovery of costs from the applicant for costs incurred by these parties in relation to the development (e.g. review of designs and reports, legal, shutdown /power outages costs including alternative transport, customer communications, loss of revenue etc) risk assessments and configuration change processes;
- Interface coordination between the Sydney Light Rail Operator and the subject development construction works, including safety interface;
 - Interface Assess Deed Poll and Safety Interface Agreement between the applicant and the Sydney Light Rail Operator must be agreed and executed by the parties. This agreement may deal with matters including, but not limited to, the following:
 - Pre and post construction dilapidation reports;
 - The need for track possessions;
 - Review of the machinery to be used during excavation/ground penetration / construction works;
 - The need for track monitoring;
 - Design and installation of lights, signs and reflective material;
 - Risk Assessment/Management Plan and Safe Work Method Statements (SWMS);
 - Plans regarding proposed craneage and other aerial operations;
 - Erection of scaffolding/hoarding;
 - Light Rail Operator's rules and procedures; and
 - Alteration of rail assets such as the OHW along of track and associated hoarding demarcation system, if undertaken by the applicant.
- Altrac and the Sydney Light Rail Operator's reviews and impact assessment of the applicant's proposal, engineering design and construction works methodology on Sydney Light Rail Operations and assets;
- Attendance and participation in the construction works risk assessment of construction activities to be performed in, above, about, and/or below the Sydney Light Rail Corridor;

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- Arrangements for shutdowns and Sydney Light Rail restricted operations related costs attributed to the applicant; and
- Sydney Light Rail site works access approval and access permit to work.

During Construction

- Construction vehicles shall not be stopped or parked adjacent the site on Anzac Parade at any time without prior approval of TfNSW;
- All piling and excavation works are to be supervised by a geotechnical engineer experienced with such excavation projects;
- No rock anchors/bolts (temporary or permanent) are to be installed into the light rail corridor without approval from TfNSW;
- No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment unless a physical barrier such as a hoarding or structure provides separation;
- During all stages of the development extreme care shall be taken to prevent any form of pollution entering the light rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the applicant;
- The applicant must mitigate all noise and vibration to the extent possible and provide vibration monitoring equipment and provide the results to the Sydney Light Rail Operator at intervals required by TfNSW and the Sydney Light Rail Operator, and immediately implement corrective actions in the event that the noise or vibration exceeds acceptable limits;
- Rainwater from the roof must not be projected and/or falling into the rail corridor/assets and must be piped down the face of the building which faces the rail corridor. Given the site's location next to the rail property, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from TfNSW and the Sydney Light Rail Operator (or the delegated authority); and
- No scaffolding is to be used within 6 horizontal metres of the rail corridor unless prior written approval has been obtained from the Sydney Light Rail Operator and TfNSW and a physical barrier such as a hoarding or structure provides separation. To obtain approval the applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor.

Prior to the Issue of the Occupation Certificate

Post - construction Dilapidation Report

A post-construction dilapidation survey report shall be prepared, in consultation with TfNSW, by qualified structural engineer. The dilapidation survey shall be undertaken on the rail infrastructure and property in the vicinity of the project. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. Prior to the Issue of the Occupation Certificate:

- The post-construction dilapidation survey report shall be provided for the review and endorsement of TfNSW and the Sydney Light Rail Operator unless otherwise notified by TfNSW: and
- The applicant shall undertake rectification of any damage to the satisfaction of TfNSW and the Sydney Light Rail Operator and if applicable the local council.

Reflectivity Report

Prior to the Issue of the Occupation Certificate, the applicant shall demonstrate that lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor were installed limiting glare and reflectivity to the satisfaction of TfNSW, Altrac and the Sydney Light Rail Operator.

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