

ANNEXURE "D"
AFFIDAVIT OF MAROUN ANTOINE DRAYBI – 18 November 2021

COURT DETAILS

Court	Land and Environment Court of New South Wales
Division	Class 1
Registry	Land and Environment Court
Case number	2021/00168725

TITLE OF PROCEEDINGS

Applicant	A & A Development Pty Limited ACN 074 089 240
Respondent	Cumberland City Council

CERTIFICATE IDENTIFYING EXHIBIT

This and the following 6 pages is the annexure marked "D" referred to in the affidavit of Maroun Antoine Draybi sworn before me on 18 November 2021.

Signature of witness



Name of witness

John Micheal Boustany

Address of witness

20 Fennell Street, Parramatta NSW 2150

Capacity of witness

Solicitor

RESPONSE TO COUNCIL'S CONTENTIONS

22-24 Park Road in Auburn

Prepared for: Mr Tony Khattar

A14138916N (Version 1b)

July 2021

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1. INTRODUCTION

ML Traffic Engineers was commissioned by Mr Tony Khatar to prepare a response to Council's contention as provided in the Statement of Facts and Contentions.

Reference is made to AS2890.1 (2004), AS2890.6 (2009) and Council's Development Control Plan for compliance.

2. RESPONSE TO CONTENTIONS

This section provides a response to contentions with the contention quoted in full:

Contention 9

Insufficient manoeuvring area has been provided west of parking spaces A301, A302, A802 and A803 to enable cars travelling in opposite directions to pass each other. A swept path analysis is required to demonstrate sufficient manoeuvring area.

The above car spaces are located on Basement 1.

The swept paths do not show simultaneous two way movements.

A traffic light system with waiting bays are recommended.

Contention 10

The width of the southern and western most circulation aisles at basement levels 1, 2, and 3 fail to comply with the 6.1m minimum width requirements of AS2890 and in doing so, fail to provide for adequate circulation.

A circulation roadway is defined in AS2890.1 as follows:

1.3.9 Circulation roadway

A roadway within an off-street car park which is used solely for circulation and to gain access to parking aisles, and on which there is no parking (see Figure 2.1).

Hence, only the eastern aisle can be defined as a circulation roadway for each of the basement is a circulation of the road way width.

2.5.2 Layout design of circulation roadways and ramps

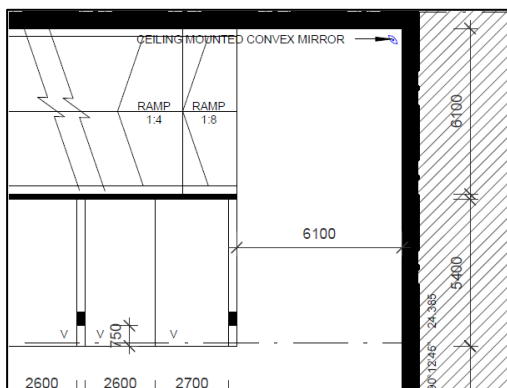
Cross sections of circulation roadways and ramps shall be as illustrated in Figure 2.8. Design requirements and dimensions shall be as follows:

(a) *Straight roadways and ramps*—as follows:

- (i) One-way roadways or ramps—3.0 m minimum between kerbs (see also Item (c)).
- (ii) Two-way roadways or ramps—5.5 m minimum between kerbs (see also Item (c)).
- (iii) Double roadways or ramps—where there are to be two parallel roadways or ramps, separated by a raised median or separator, each roadway or ramp shall be designed as a one-way roadway or ramp, and the median or separator shall be 600 mm minimum in width and between 125 mm and 150 mm in height, the preferred height being 125 mm.

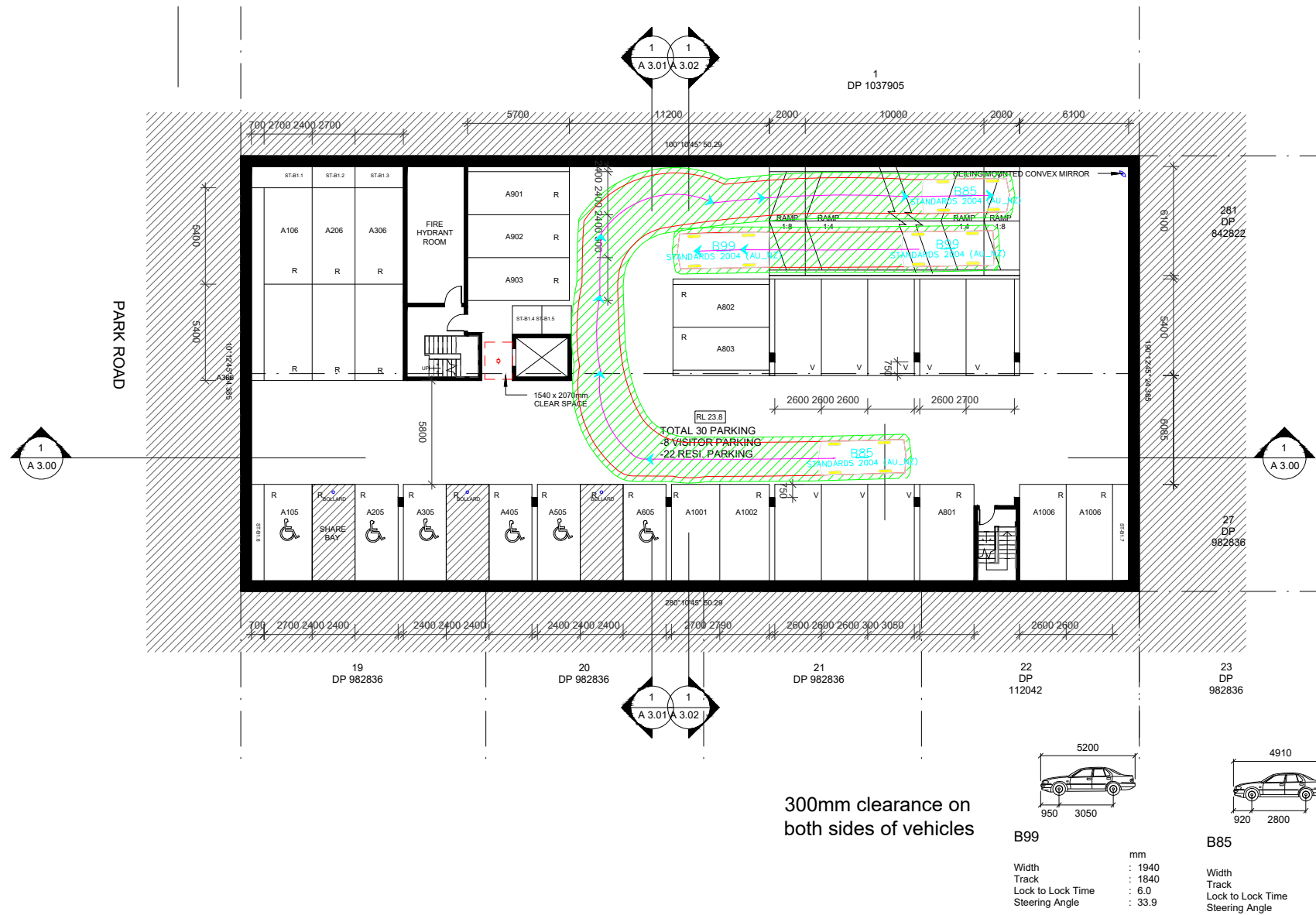
Where there is to be a kerb or barrier higher than 150 mm and closer than 300 mm from one edge of the roadway or ramp, the roadway or ramp shall be widened to provide a minimum of 300 mm clearance to the obstruction. If there is to be a high kerb or barrier on both sides, the width increase shall be sufficient to provide 300 mm on both sides.

As required in AS2890.1, for circulation roadways, a minimum width of $5.5\text{m} + 0.3 \times 2 = 6.1\text{ m}$ must be provided. This width is provided in the current design, see the figure below:

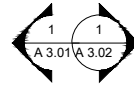


As discussed previously, the implementation of traffic light system with waiting bays will address Council's contentions in full.

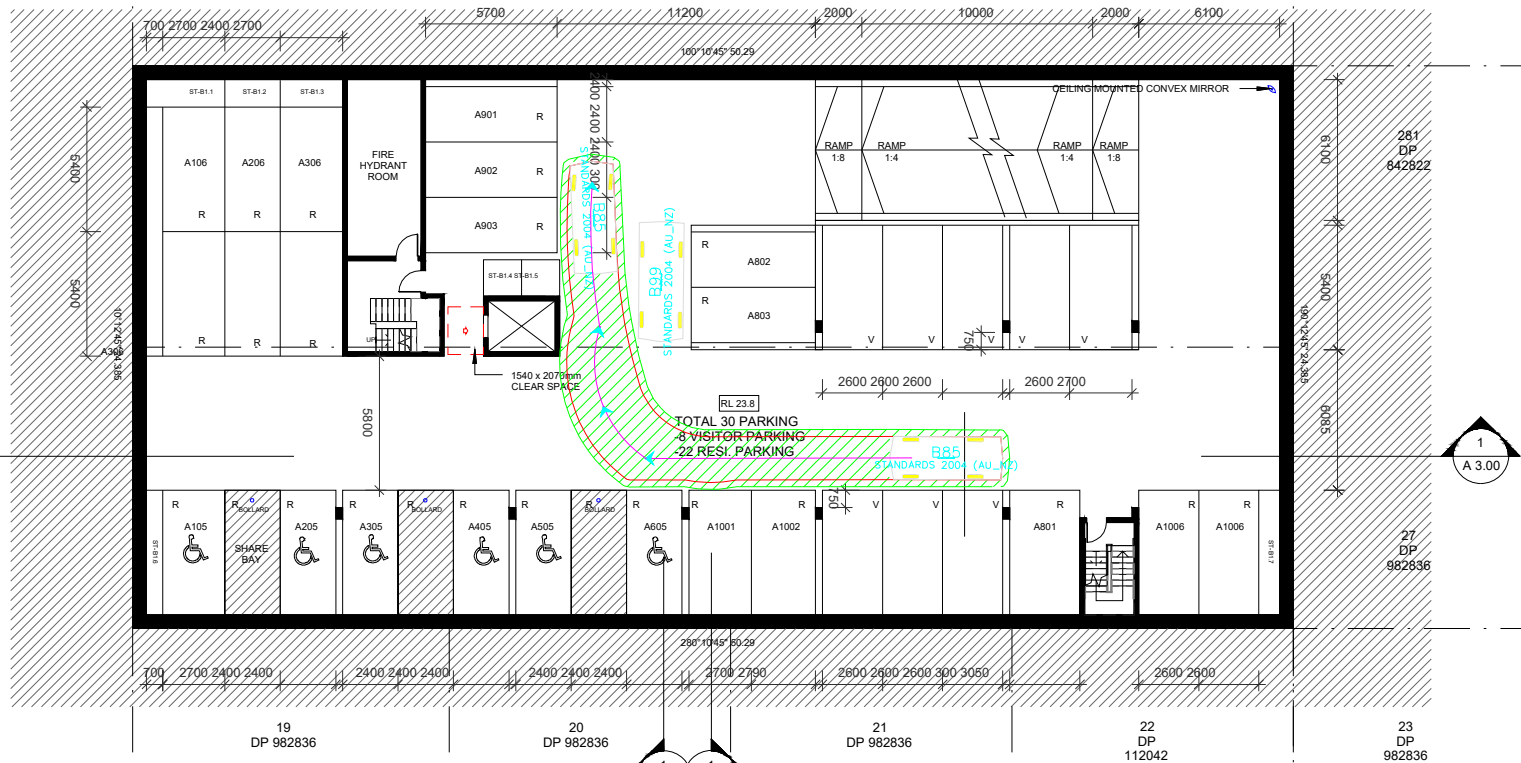
APPENDIX A – SWEPT PATHS



PARK ROAD



1
DP 1037905



281
DP
642822

27
DP
982836

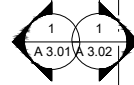
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DP 982836

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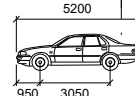
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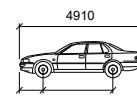


300mm clearance on
both sides of vehicles



B99

	mm
Width	: 1940
Track	: 1840
Lock to Lock Time	: 6.0
Steering Angle	: 33.9



B85

	mm
Width	: 1870
Track	: 1770
Lock to Lock Time	: 6.0
Steering Angle	: 34.1