



City of Canterbury-Bankstown  
PO Box 8  
Bankstown NSW 1885

Attn: Andrea Elias

15 September 2020

**Re: Response to Request for Additional Information – 41 Broadarrow Road, Narwee (D-503/2018)**

Dear Andrea,

We refer to your letter of 17 April 2020 in relation to the abovementioned modification. As discussed, the applicant has been pursuing Sydney Trains relating to the issue of their concurrence before finalising the re-submission to Council. This concurrence was granted on 10 September 2020 allowing for the finalisation of the application.

We have reviewed your request for further information and amendments, and the following documents have been submitted to Council for your consideration:

- Amended Architectural Plans prepared by Jackson Teece Architects (Attachment 1);
- Traffic and Parking Report prepared by Stantec (Attachment 2); and
- Stormwater Drainage Plans prepared by Stantec (Attachment 3).

Further to the abovementioned submitted documents, we provide the attached detailed response to each of the issues raised.

The amendments are consistent with the matters discussed with Council in response to the preliminary issues letter. The revisions, we believe, address the concerns raised.

Given the revisions are minor and do not substantially alter the development from the version previously notified, there is considered to be no necessity for further notification and the application could proceed to final assessment and determination.

It is therefore requested that the application be amended in accordance with Clause 55 of the Environmental Planning and Assessment (EP&A) Regulation 2000.

We trust that the additional information and amended documentation addresses the issues raised and is sufficient to enable you to complete your assessment and determination of the application.

Should you have any questions, please do not hesitate to contact me on (02) 9380 9911 or by email at sbarwick@sjb.com.au.

Yours faithfully

A handwritten signature in black ink, appearing to read "Scott Barwick". The signature is written in a cursive, flowing style.

Scott Barwick  
Director

Encl.

# Response to Issues

## 41 Broadarrow Road, Narwee – D-503/2018

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### Development Engineer

*"Council's Traffic Engineer has reviewed the amended plans and provides the following comments:*

#### Vehicular access & parking

1. *Sight triangles to both the commercial access driveway and residential/retail driveway has not been provided as per AS 2890.1 & AS 2890.2. This is critical given there is a train station nearby and high pedestrian foot traffic is expected via Hurst Place railway underpass.*
2. *The swept provided by the applicant does not show passing opportunities at intersections. Applicant is to provide a B99 and a B85 passing one another at every intersection, as per AS 2890.1.*
3. *The swept provided must reflect the updated architectural plans.*

#### Response:

Items 1, 2 and 3 have been addressed in the supplementary traffic report prepared by Stantec (Attachment 2) and reflected in the architectural plans (Attachment 1).

4. *The proposed deletion of the existing TAXI shelter must be referred to Council's Assets team.*

#### Response:

It is reaffirmed that any removal or relocation of the taxi shelter would only be in accordance with Council's requirements. The taxi bay location remains unchanged and appropriate. The removal of the shelter is suggested as the shelter itself will become redundant with the construction of the building that includes an awning. The removal of the shelter would remove clutter from the footpath that would no longer be required.

5. *Location of the accessible parking bays and associated shared zones in Basement 3 & 4 is not supported. These spaces are too close to vehicular ramp, and with expected slow reaction time by person(s) on wheelchair, vehicles coming down the ramp could present a safety issue. This does not address the safety element within the BCA and within the Premises Standard 2010.*
6. *The commercial spaces are categorised as Class 3 parking bay arrangements, given the commercial spaces are mainly restaurants. Therefore, the spaces on Basement 1 parking intended for consumers are required to have minimum widths of 2.6m as per AS 2890.1 Table 1.1. & Figure 2.2.*
7. *Bicycle space dimensions must satisfy AS2890.3:2015.*

#### Response:

Item 5, 6 and 7 have been addressed in the supplementary traffic report prepared by Stantec (Attachment 2) and reflected in the architectural plans (Attachment 1).

#### Stormwater & drainage

8. *Specify the diameter of the pipe collecting all the downpipes from the roof and awning, and connecting to the OSD.*

9. *No seepage connection is accounted for, particularly at the lower basement levels.*
10. *Applicant is to demonstrate the minimum height clearance as per AS 2890.1 and AS 2890.2 has been satisfied for vehicles at the entrance ramps to both the residential and commercial basement 1 ramp. The overhead clearance from the fire egress stairway and loading zone slab are the key concerns."*

**Response:**

Item 8 has been addressed in the updated stormwater drainage plans prepared by Stantec (Attachment 3).

Item 9 is to be satisfied by implementing perimeter drainage on each basement level. These perimeter drains incorporate a series of rainwater outlets to drain into stormwater pits to be pumped to the OSD storage as noted on the basement level 4 stormwater drawings.

Item 10 is satisfied with clearances satisfying AS 2890.1 and AS 2890.2 demonstrated within the architectural plans prepared by Jackson Teece (Attachment 1).

**Traffic Engineer**

*"Council's Traffic Engineer has reviewed the amended plans and provides the following comments:*

1. *Pedestrian Sight Triangles: Pedestrian sight distance triangles are required to be shown at the exit from the underground carparking and from the commercial zone car park, as shown in Fig 3.3 from AS 2890.1:2004. The drawings show walls and other objects (fire hydrants) within the sight distance triangle. This is not acceptable, especially in a high pedestrian area next to a railway station. This needs to be shown on Plan DA110, and conditioned to be kept clear of any obstacles.*

**Response:**

The provision of appropriate pedestrian sight lines have been addressed under the response to the Development Engineers comments.

2. *Driveway: The driveway to the commercial loading and unloading area is not compliant with Council's Vehicle Crossing Policy and needs to be at least 1m from the boundary – the off-set distance from the boundary is not clear and/or not shown on the plan.*

**Response:**

Council's Vehicular Crossing Policy (Document ID\_Plan\_17\_1788) dated August 2020 has been reviewed which confirms that there is no requirement for a 1.0m setback. Further given the site abuts the railway line the provision of a setback creates a dead zone in a commercial frontage that is undesirable. There is no utility or amenity protection that would be achieved by a 1.0m setback.

3. *Relocation of Taxi Zone: Plan DA110 states that "Existing Redundant Taxi Shelter to be removed subject to Council's Requirements". The Applicant is to explain why this facility is to be relocated and provide a location to where this shelter and two seats is to be relocated.*

**Response:**

The taxi zone and seating is not being suggested to be removed rather the street furniture relocated with Council's approval. The shelter structure could be removed as shelter would be provided by the awning to the building. This has the benefit of removing redundant clutter from the footpath, similarly, if Council's preference is to retain these items that is the Council's prerogative. The note is simply highlighting that

the shelter in particular could be removed as the shelter function it serves will be provided by the awing to the new building.

4. *Restaurants and Commercial Office Parking: It is not clear how patrons of the three restaurants and customers of the Commercial Office will access the on-site parking, given there is a roller door at the entrance. The Applicant is to explain how and where patrons of these businesses will park their vehicles."*

**Response:**

The roller door to the basement parking levels will be open during trading hours providing customer access to the commercial parking areas. Access to the residential parking on the lower basement levels is restricted by a boom gate as noted on sheet DA-108. This boom gate would be accessible to residents via a swipe card or key fob.

**Waste**

*"Council's Waste Officer has reviewed the amended plans and provides the following comments:*

1. *A Waste Management Plan (WMP) that addresses the demolition and construction stages of development still has not been received. An updated WMP addressing these stages must be provided to Council prior to issue of any Construction Certificate.*

**Response:**

The requirement for a demolition and construction phase waste management plan can readily be imposed as a condition of consent as per the comment.

2. *It is noted that waste collection is proposed to occur via the cul-de-sac Hurst Place. Council uses a HRV for waste collection and requires the proponent demonstrate that a HRV with dimensions as specified in AS2890.2, including vehicle length of 12.5m, can safely manoeuvre through Hurst Place including turning around for the purposes of waste collection.*

**Response:**

The detailed analysis has confirmed that a HRV cannot manoeuvre in Hurst Place in a three (3) point turn. Accordingly, the waste presentation area has been relocated to the Broadarrow Road frontage. This location complies with the maximum distance from the kerbside in Council's policy and avoids any need for a three (3) point manoeuvre by waste collection vehicles when collecting waste. This location satisfies the requirements in items 3 and 4 below.

3. *The proponent is to facilitate design that ensures Council can utilise the proposed collection point without being required to perform reversing manoeuvres (or at most one reversing manoeuvre). Where this is not sufficiently demonstrated to Council's satisfaction, the proponent may be required to amend the design to facilitate collection from Broadarrow Road (having consideration for Council's requirements including bin storage areas being located no more than 15 metres from the kerbside collection point).*

**Response:**

Addressed above.

4. *As previously indicated, Council provides waste and recycling collection to the non-residential components of a mixed-use development. A commercial bin presentation area is required to be provided within 15 metres of the proposed collection point, separate to the residential bin presentation area."*

**Response:**

Addressed above.

**Urban Design**

*“Council’s Urban Designer has reviewed the amended plans and provides the following comments:*

**1. Overshadowing:**

*The shadow diagrams indicate an acceptable amount of overshadowing to adjoining properties (dwg: DA:800-806). However, it must be noted that 52 Broadarrow rd appears to be shop-top housing. This building is to the South of the site and the proposal will overshadow these properties. It is unclear whether the existing apartments on the first floor will be impacted. You are required to provide clarification to the overshadowing impact to shop-top housing at 52 Broadarrow Road.*

**Response:**

The property at 52 Broadarrow Road has a ground floor level retail premises and a first floor level. The first floor level does not appear to be utilised for residential purposes. Regardless the view from the sun solar access diagrams at sheets DA 804, and DA 805 show that the first floor level of 52 Broadarrow Road receives solar access at 9:00am, 10:00am, 11:00am and 12:00noon in mid-winter. The views from the sun diagrams also demonstrate that from 1:00pm to 3:00pm there is no impact upon solar access to 52 Broadarrow Road as a result of the proposal.

**2. Building Separation:**

*The separation between the two building blocks could be improved. Where the separated building blocks join on levels one and two, there is left over space that needs to be designed to accommodate a better internal layout. The two studio apartments on these levels have been squished into the built form to meet the external building shape rather than providing a good internal layout. See section 10 Internal Amenity where this has been outlined in greater detail. The upper levels 3-7 deal with this separation better so that the internal spaces are not compromised. You are required to redesign the studio apartments on levels one and two to resolve the internal layouts and remove awkward spaces.*

**Response:**

The Apartment Design Guide (ADG) does not require separation between buildings on a single site in the same manner as separation is required between buildings on separate sites. A careful review of the proposed floor plans confirms that there is no opportunity for overlooking from the studios L01-06 and L02-06 and apartments L01-08 and L02-08 due to the use of blade walls and orientation of the openings.

To respond to the concern the plans have been revised to include easterly oriented windows to the kitchen area of studios L01-06 and L02-06, introducing further light and ventilation to these dwellings. These two (2) apartments are not considered to be awkward. The accommodation allows for separated living and bedroom areas linked by a galley kitchen. The space is generously proportioned and at 59m<sup>2</sup> is well above the minimum ADG requirement of 35m<sup>2</sup>. In addition, these two (2) studios have balconies of 10.0m<sup>2</sup> and 8.0m<sup>2</sup>, again well above the minimum requirements.

These two (2) apartments are considered to be dwellings with good spatial amenity and will be desirable accommodation options.

**3. Built form and setback:**

*DCP D1.3.4 Setbacks permits 0m setback to Broadarrow Road and the side setback in this B2 zone is for a continuous street frontage at ground level. The minor protrusion of the building into the 5m front setback at levels 4 and above, meets the D1.3.4 Objective 05 that permits minor encroachments provided they help achieve an articulated form. This protrusion helps to create an*

articulated façade and does not contribute to overshadowing of surrounding buildings and public domain. This minor encroachment is acceptable.

Corner apartments on the northern aspect facing the rail corridor are within 20metres of the rail corridor (DA-111). Therefore, the development must comply with The NSW Government's Development near Rail Corridor and Busy Roads - Interim Guideline as called up by State Environmental Planning Policy (Infrastructure). This is further outlined in point 10 Internal Amenity.

Urban design acknowledges that the 20m rail setback intrudes considerably onto the site, however the provided setback along the northern boundary of 900mm is too small and compromises the amenity of the units. In addition, BCA clause C3.2 states that a side and rear boundary must be set back 3m from a boundary for fire protection. A performance solution where windows are fixed along this boundary would not be acceptable as they must be operable to habitable rooms. There is a lost opportunity to provide a pedestrian path at ground level, as discussed further in section 4 Streetscape and Public Domain Interface and section 5 Parking & Access. There should be at least a 3m setback on this northern boundary to comply with BCA fire safety controls, accommodate a pedestrian footpath as well as provide a greater setback from the rail corridor. To provide this 3m setback, 13 apartments would be affected (L01-11, L02-01, L02-07, L02-11, L03-01, L03-08, L04-01, L04-08, L05-01, L05-08, L06-01, L06-08, L07-01). Urban design notes that with some adjustments of these apartments that the impact could be limited to losing a bedroom to some apartments whilst retaining yield and a similar apartment mix. Common areas would also be reduced slightly.

Recommendation:

- Provide a pedestrian/bike laneway along the northern boundary of at least 3m in width
- Amend apartments to accommodate this lane and to improve internal amenity.

#### **Response:**

The support for the street setbacks is noted.

The assumption in the comment relating to the rear setbacks are incorrect. The windows to the rear of the site will be operable. Available solutions include external drenchers, which are proposed. This fire mitigation treatment allows the windows to be operable and also satisfy fire protection requirements.

The suggestion of a bike lane to the rear of the site adjacent to the rail corridor will not be accommodated.

In the first instance there is no policy justification in the form of a Development Control Plan (DCP) or similar requiring this provision. Secondly, a 3.0m pathway as suggested would have poor casual surveillance and amenity located between a building and a rail embankment. Thirdly, the suggestion totally ignores the sound fundamental of the proposal providing active street frontages to Hurst Place and Broadarrow Road.

The intersection of Hurst Place, Broadarrow Road and Mercury Street is effectively the heart of the Narwee neighbourhood village. Any suggestion that pedestrian traffic should be directed away from the retail frontages and this intersection ignores pedestrian desire lines and pedestrian safety in regards to public visibility and casual surveillance. The suggested 3.0m setback and path abutting the rail line would undermine the desirable approach of reinforcing the pedestrian amenity of the street frontages with active shop fronts and awnings for weather protection that will be delivered by this proposal.

#### **4. Streetscape and Public Domain Interface:**

Urban design strongly believes that there is a missed opportunity at the ground floor of this proposal and cannot support it in its current form. Broadarrow Rd and Hurst place both form part of the town centre's proposed active street frontage as outlined in the DCP. Whilst Broadarrow RD is the main street of the town which traditionally would provide the main strip of shops, Hurst Place is or will be

*heavily used by pedestrians as it forms the primary entrance to the train station through the pedestrian underpass.*

*In addition, this centre forms part of council's Liveable Centres program where upgrades will be occurring to the public domain during 2021 to create pedestrian and cycle friendlier streets. Upgrades will include street furniture, road narrowing to reduce the length of the raised pedestrian crossings, landscaped garden beds to the street edge and street tree plantings. These upgrades need to be discussed with the applicant and considered in the proposal (as a contribution made by the developer either in kind or financially) as it is likely they will occur prior to the remediation of the site.*

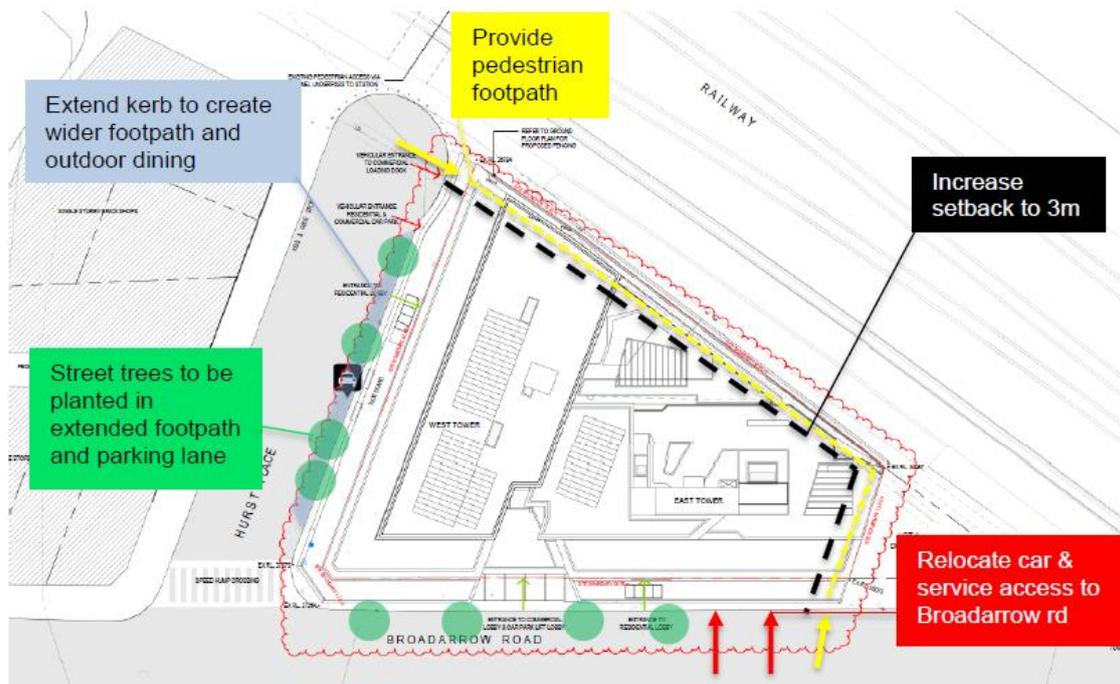
*Council would like to discuss an option to extend the footpath by approximately 1m into the street along Hurst Place, to create a wider area for outdoor dining for the restaurants as well as providing street tree planting. The ground floor retail frontage to Hurst Place should maximise activity at the public/private interface through inclusion of bi-fold doors and/or service window/s to the restaurants.*

*Hurst Place also has the residential waste room opening out onto the street adjacent to the entrance to the residential lobby. This presents an issue with servicing this waste as it only opens to the street. It also presents an issue with the amenity of the streetscape, street address of the apartments and quality of the entry lobby. The location of the waste room needs to be reconsidered as outlined in Section 5 Parking and Service Access so that is not co-located with the entry lobby.*

*The interface to Broadarrow Road is generally supported. However, street trees are required to Broadarrow Road, installing these trees will create an opportunity for an area of landscape planting at the ground level. To avoid conflict with the building's awning, Council will support tree planting in the parking lane. Refer below for an indicative solution to be discussed as part of the liveable centres.*

*Due to these upgrades, the Hurst Place streetscape will become a more pedestrianised area making it some of the best retail space in the town centre. The location of the driveway and service lane opposite to the station entry is not supported. Urban design strongly recommends a rethink of the proposed service vehicle and car park access to the site as these entrances are placed directly where some the heaviest pedestrian traffic will occur. Not only will this cause safety concerns, there is lost opportunity to provide a well resolved streetscape and will struggle to achieve the active frontage desired in the DCP. These entrances could be moved to Broadarrow Rd where there is less pedestrian activity. This is further outlined in section 5 Parking and Service Access and needs to be confirmed with council's traffic engineer.*

*Urban design strongly suggests that the proposal provide a pedestrian laneway along the northern boundary. This would build upon the existing pedestrian network, provide a visual connection through the site that already exists and ensure that any future cycle network along the rail corridor could be constructed. This setback will create slightly better internal amenity to the apartments above. There is also a missed opportunity to provide common open space that services the café/restaurant spaces at ground floor which could connect to the laneway. This is outlined further in Section 6 Communal Areas and Open Space.*



*Suggested amendments to the site and public domain to be discussed by council and the applicant.*

*Lighting should be integrated through a mix of pedestrian scale bollards, under-seat lighting, feature up-lighting, and awning/shopfront lighting to create an inviting and safe evening atmosphere and encourage a night-time economy.*

*Finally, powerlines adjacent to the site must be undergrounded to avoid street clutter.*

**Recommendation:**

- Relocate vehicle access to Broadarrow Road – see section 5
- Reconsider the residential waste collection room facing Hurst Place so that is located away from the entry lobby and, ideally, located on Broadarrow Rd.
- Setback the building along the northern boundary by 3 metres to provide a pedestrian laneway that enhances the existing pedestrian network and provides permeability through the site
- Discussions of Liveable Centre Program must occur to ensure that the proposal complements the proposed upgrades and enhances the proposed retail through provision of outdoor dining, service windows or bi-fold doors and provides street tree planting and streetscape improvements
- Powerlines need to be undergrounded

**Response:**

The revised scheme has relocated the waste room to the Broadarrow Road frontage away from Hurst Place.

The balance of the issues raised in the comment relate to works in Council's road reserve. Council's plans and desires for works on that land are matters for Council and not the applicant.

It is further noted that the indicative street tree planting in the Broadarrow Road frontage conflicts with waste collection supported by Council's waste management team. The comment provided by urban design reinforces that centre masterplanning requires a holistic approach and should not be implemented incrementally by disjointed considerations. If an upgrade plan for the Narwee public domain is proposed this should be developed and implemented in the appropriate manner.

The driveway access will not be relocated to Broadarrow Road.

In the absence of any policy requirement to do so the powerlines will not be relocated underground.

**5. Parking and Service Access:**

*There are two driveways to Hurst Place, one access drive connects to the basement parking and one access drive connects to the ground level for commercial and residential loading. These driveways are located in an area that will be heavily used by pedestrians and poses an issue for safety and quality of streetscape. Urban design does not support this driveway placement in its current form.*

*Urban design questions the need for excessive ground floor area given to a service driveway, particularly for only three restaurants/cafes and one commercial space. Urban design strongly recommends that this servicing should occur either in the basement or on street. This would allow ground floor open space connected to the retail/commercial premises. It is possible that a loading zone be proposed on the street during business hours which could become parking at night time to encourage a night time economy.*

*Further to this, Urban Design strongly suggests that the drive ways should not be placed on Hurst Street, they should be relocated to Broadarrow Rd. There needs to be further discussion with engineers to understand if this placement is possible and would not cause undue impact to Broadarrow Rd. Refer to diagram in section 4.*

*The residential waste collection room is also located on Hurst Place adjacent to the lobby and near the future café/restaurant. Urban design questions how this waste will be collected from the street without cause undue impact to the streetscape.*

*Recommendation:*

- Move basement/service access to Broadarrow Rd – subject to review with relevant council personnel*
- Review residential waste collection with council's waste officer and traffic engineer including the residential waste collection room facing Hurst Place.*
- Remove excess service space on ground floor. It provides poor amenity. Subject to review with relevant council staff.*

**Response:**

The waste collection room has been relocated to the Broadarrow Road frontage of the site. The vehicle access location remains in Hurst Place to facilitate the most efficient ramp gradient access into the basement levels.

The open service area is maintained as:

- Providing high clearance access into a basement results in large unattractive driveway entry voids;*
- The service area is fully screened from public view; and*
- The ground level service area is efficient and capped by communal open space ensuring no apartment overlooks this space.*

**6. Deep soil zones:**

*The proposal has no deep soil zones. The ADG requires a minimum area of 7% as deep soil but notes that this may not be achievable in a Centre. If the 7% deep soil cannot be achieved, it is strongly encouraged that the development considers some deep soil planting. There must be adequate justification given if no deep soil will be provided.*

*Given there are planned upgrades to the streetscape as part of the Liveable Centres program Urban Design suggests that the applicant provide a contribution for street trees adjacent to the development. This would provide amenity to both the public domain as well as future residents.*

Recommendation:

- Condition of consent for a contribution to the liveable centres program for street trees.

**Response:**

Contributions cannot be arbitrarily imposed. Development contributions can only be levied in accordance with an adopted contributions plan. As noted, deep soil areas are not mandated in centres by the ADG. The development proposes landscaping within substantial planters at level 1 to the Broadarrow Road frontage and to the communal open space area contributing to the greening of the building.

It must also be recognised that the site is within a centre and Council's DCP encourages boundary to boundary development in the centres so as to provide active street frontages.

**7. Internal Amenity and Natural Cross Ventilation:**

*The proposal has part of the built form encroaching on the 20m setback from a rail corridor. This causes several issues in terms of internal amenity. Due to proximity to the rail corridor, the ADG requires that the design comply with The NSW Government's Development near Rail Corridors and Busy Roads - Interim Guideline. This document provides guidance to mitigate acoustic impacts of the rail corridor through good design. It suggests that rooms that are used less frequently such as bathrooms and laundries, should face the train line and frequently used rooms such as living rooms and bedrooms should face a quieter aspect. Many of the proposed apartments have living areas & bedrooms facing the train line. This will achieve good solar amenity however the internal amenity of these apartments will be poor.*

*The Canterbury DCP (C5.2.4.2 Acoustic Privacy C6) states that apartments facing the rail corridor must "(b) Ensure that the detailing of the window types addressing the corridors are designed and constructed to attenuate excessive noise - (double and triple glazing and insulated to manufacturers standards)." The proposal does not demonstrate compliance with this control.*

*Natural ventilation is provided in 61% of the apartments (DWG 700). Many of the apartments that achieve natural cross ventilation are through windows that face the train line within 20m and are awning windows. As awning windows are limited to opening 125mm as outlined in the BCA (Part D2.24), they will never be able to have adequate air flow to enable cross ventilation. In addition, these windows are close to the train line, and it is unlikely that residents will open them due to the acoustic impacts. Finally, the windows sit within the 3m setback to the rear boundary and could pose a fire safety risk. If the windows along this boundary are given a performance solution such as being fixed this would impact internal amenity considerably. Urban design questions whether the 61% natural cross ventilation is correct.*

*The studio apartments on level one and two are larger than a standard one-bedroom apartment and have poor internal amenity. These apartments must be redesigned to be no larger than 50sqm or to be a one-bedroom apartment. They must provide a better internal layout that is functional. An internal layout that is dictated by the constraints of the external form is not acceptable.*

Recommendation:

- Provide 1:50 details of the proposed facades facing the train line to assist with assessment of the acoustic and amenity impacts.
- Provide more detail as to how the apartments will achieve compliant natural cross-ventilation and reduce reliance on mechanical cooling systems.
- Re-design the studio apartments on level one and two to be compliant with size and provide a good internal layout

**Response:**

Reference is made to Part 4J of the ADG which states:

*Achieving the design criteria in this Apartment Design Guide may not be possible in some situations due to noise and pollution. Where developments are unable to achieve the design criteria, alternatives may be considered in the following areas:*

- *solar and daylight access*
- *private open space and balconies*
- *natural cross ventilation*

The ADG specifically recognises that there will be a balance to be achieved between natural cross ventilation and protection of amenity relative to impacts such as noise sources. The acoustic report has demonstrated that acoustic amenity is achieved with the installation of the recommended glazing types in addressing the rail corridor impacts.

The future occupants will have the choice to have the windows open or closed depending upon their preference. When the windows are closed the design and acoustic report allows for the provision of alternate means of ventilation.

The application has demonstrated that:

- The required acoustic amenity can be achieved with the specified glazing in the acoustic report;
- The windows will be operable and fitted with drenchers where the windows are within 3.0m of the boundary;
- Windows have been added to the studio apartments to enhance the ventilation opportunities to these windows; and
- The proposal, when Part 4J is considered is not inconsistent with Part 4B of the ADG.

8. **Elevation and Materiality:**

*The painted render proposed for balustrades/planters on the levels above ground will not be low-maintenance. This material on balustrades tends to get dirty and run down quickly, particularly on planters. Urban design recommends that another material such as painted brick or white cladding be used in its place.*

*More detail is needed for the material of 'Lightweight Cladding'. No detail has been provided on the colour and layout for this material. It is common for this material to be replaced with inferior non-fire-resistant products at construction stage, a condition of consent must be used to ensure that this product is not substituted with an inferior product.*

*The streetscape of Hurst Place is dominated by services when it should be active street frontage. Almost 50% of this ground floor interface is not active as highlighted below.*

*Recommendation:*

- *Provide more detail on the light-weight cladding proposed including 1:50 façade details to ensure a good design outcome.*
- *Condition of consent that light-weight cladding cannot be substituted for an inferior product during construction*
- *Provide an alternative material selection for the white painted render proposed on planters and balustrades*
- *Amend the streetscape at ground level to remove excess services on street.*
- *Provide a more interesting design for retail/commercial frontage including consideration of feature tiling to provide visual interest at ground floor."*

**Response:**

The predominant façade material is glazed brick tiles which are low maintenance and hard wearing. The painted render is a minor highlight material in the overall composition of the elevations.

If there are concerns over cladding an appropriate condition of consent can be imposed.

In regard to services, the allocation of services has been provided to meet the requirements of the various authorities relating to services. The provision of these elements is a fundamental to support the proposed development.

The design of the ground floor, other than services locations, is shopfront glazing to maximise the activation to the street. Feature tiling is not proposed to the ground floor level as depicted on the elevations of the architectural plans.

### Environmental Health Officer

*“Council’s Environmental Health Officer has reviewed the amended plans and provides the following comments:*

1. *Provide Council with a Detailed Contaminated Site Investigation*

*A detailed contaminated site investigation is required to be submitted prior to further assessment of Preliminary Stage 2 Environmental Site Assessment (Date: 2 February 2017; Ref: E25086KGrpt2). The detailed site investigation must be carried out by a duly qualified contaminated land consultant in accordance with:*

- a. Council’s Contaminated Land Policy,*
- b. Managing Land Contamination Planning Guidelines (1998),*
- c. Relevant EPA Guidelines, in particular NSW OEH (2011) Guidelines for Consultants Reporting on Contaminated Sites, and*
- d. National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM, 1999 as amended 2013).*

*The detailed contaminated site investigation report must be prepared, or reviewed and approved by an appropriately qualified and certified environmental consultant.”*

### **Response:**

Clause 7 of SEPP 55 – Remediation of Land states:

*7 Contamination and remediation to be considered in determining development application*

*(1) A consent authority must not consent to the carrying out of any development on land unless—*

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The statutory requirement is satisfied as:

- The consent has considered that the land is potentially contaminated due to the Underground Storage Tanks (USTs)
- The preliminary stage 2 ESA prepared by EIS dated 2 February 2017 specifically concludes that:

*“If the site use changes from the existing service station, EIS consider that the site can be made suitable for the proposed development provided that the following recommendations are implemented to address the data gaps and to characterise the risks:*

1. Undertake a Hazardous Materials Assessment (Hazmat) for the existing buildings prior to the commencement of demolition work;
2. Once all the buildings, canopy and USTs have been removed undertake a soil sampling and assessment program; and
3. Undertake soil sampling and assessment from the base and walls of the UST pits and any other excavation pits.”

The hazardous materials assessment is a standard condition that can be imposed to be undertaken prior to demolition. Items 2 and 3 can only occur once demolition has occurred and the USTs have been removed. A condition of consent could be imposed requiring the recommendations of the assessment to be implemented.

Critically however, the statutory requirement of SEPP 55 has been met in that the report has concluded that the site can be made suitable for the proposed development.

### **Sydney Trains**

*“Comments are outstanding, and if comments are received and require amendments to be made they will be forwarded.”*

#### **Response:**

Sydney Trains concurrence has been received and deferred commencement conditions proposed.