

Ref: 22001.1-CS

Date: 24 September 2024

Attention: Raymond Raad

Raad Property Acquisition No.10 Pty Ltd

2A Gregory Place

HARRIS PARK NSW 2150

RESPONSE TO CUMBERLAND CITY COUNCIL REQUEST FOR FURTHER INFORMATION & CUMBERLAND CITY COUNCIL DESIGN EXCELLENCE PANEL MEETING MINUTES

RE: DA2023/0775 – 2 Bachell Avenue LIDCOMBE NSW 2141

Reference is made to DA2023/0775, being the proposed construction of a mixed use building consisting of a light industrial development across nine-storeys with associated parking for specialised retail, high technology industries, light industrial, office and medical uses, storage units, recreation facility (indoor), take away food and drink premises, centre based child care facility and an animal boarding facility, located at 2 Bachell Avenue Lidcombe NSW 2141.

This correspondence is provided in response to the following submissions provided by Cumberland City Council in relation to the proposed development -

- (a) Request for Further Information dated 30 July 2024; and
- (b) Cumberland Design Excellence Panel Meeting Minutes dated 19 June 2024.

Referencing the submissions by Cumberland City Council noted above, the following are provided in response to the relevant sections of each submission, as it relates to the National Construction Code Volume 1 2022 –

Item	REQUEST FOR FURTHER INFORMATION
1	Section
	Children Services
	Council RFI
	Regulation 109: Toilet and hygiene facilities - <i>Education and Care Services National Regulations</i>
	More handbasins are needed – the plans only propose 8 handbasins for 106 children

Nest Consulting Group Response/s

- (a) Section 109 of Division 1 of the Education and Care Services National Regulations under Toilet and hygiene facilities notes that (amongst other requirements) - *the approved provider of an education and care service must ensure that adequate, developmentally and age-appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service.*
- (b) Reference is made to the 'Child care planning guidelines' prepared by the NSW Government dated 1 October 2021, which under Section 4.3 notes that child care facilities must comply with the requirements for sanitary facilities that are contained in the National Construction Code to satisfy Regulation 109 of the Education and Care Services National Regulations.
- (c) Referring to the revised architectural documentation, the number of washbasins to the corresponding play rooms within the early childhood centre have been provided as follows –

Playroom/s	Children	Washbasins
Playroom 01	24 children (0-2 years)	5 single water taps proposed part of a hand washing trough, noting that only 2 are required for 24 children
Playroom 02 & Playroom 03	32 children (0-3 years)	3 single water taps proposed as part of a hand washing trough, noting that 3 are required for 32 children
Playroom 04 & Playroom 05	50 children (3-5 years)	5 single water taps proposed as part of a hand washing trough, noting that only 4 are required for 50 children

Item	CUMBERLAND DESIGN EXCELLENCE PANEL MEETING MINUTES
1	Section
	Parking, circulation and servicing
	Council Comment
	Future EV charging is noted, consider fire protection.
	Nest Consulting Group Response/s
	The provision of any electric vehicle (EV) charging stations is to be considered as a special hazard pursuant to E1D17 and E2D21 of the BCA, with any suitable additional provisions and smoke hazard management measures to be reviewed and assessed during the Construction Certificate stage.
2	Section
	Parking, circulation and servicing
	Council Comment
	Fire exits, fire egress merging clearances, lengths, night-time exits through after hours controlled access points etc. to be reviewed and resolved.
	Nest Consulting Group Response/s
	<p>The proposed egress strategy that includes location of exits, exit travel distances and aggregate egress widths, has been reviewed and considered with the design team that specifically includes consultation and input from a suitable qualified and accredited fire safety engineer.</p> <p>It should be noted that the amended architectural design documentation, as referenced in Appendix 1 of this statement, is deemed to have suitably addressed the comments provided to a level that is considered appropriate for a Development Application submission.</p> <p>It is considered that the proposed design documentation is capable of complying with the relevant deemed to satisfy provisions and/or performance requirements of the Building Code of Australia Volume 1 2022.</p>
3	Section
	Parking, circulation and servicing
	Council Comment
	The exhaust system will likely be required for heat and smoke exhaust as well – the location of the proposed exhaust above the GF street frontage footpath is to be reviewed and coordinated, not only from carpark ventilation, but also from fire, health and acoustic point of view.
	Nest Consulting Group Response/s
	<p>The previous design was noted as having a two storey louvre which appeared to discharge to the road frontage at a height that may be viewed as impacting health and amenity for occupants.</p> <p>The ground floor louvre was previously a fixed/blanked off louvre for aesthetic purposes, with the level 1 portion of the louvre utilised for discharging. The amended architectural design documentation is now shown with glazing to the ground floor, and the discharging louvre at level 1, which is considered to appropriately address concerns with health and amenity of occupants.</p>

4	Section
	Parking, circulation and servicing
	Council Comment
	Egress from Northern terrace of child-care to be checked.
5	Nest Consulting Group Response/s
	A review of the proposed egress from the northern terrace of the early childhood centre is determined as being capable of complying with the relevant deemed to satisfy provisions and/or performance requirements of the Building Code of Australia Volume 1 2022.
	Section
	Parking, circulation and servicing
6	Council Comment
	Child-care centre drop-off, fire, acoustic, and servicing requirements to be coordinated and checked.
	Nest Consulting Group Response/s
	The amended architectural design documentation, as referenced in Appendix 1 of this statement, has provided a level of detail that is considered appropriate for a Development Application submission. It is considered that the proposed design documentation is capable of complying with the relevant deemed to satisfy provisions and/or performance requirements of the Building Code of Australia Volume 1 2022. A detailed review and coordination of fire resisting construction, acoustics, services and equipment is to be undertaken during the Construction Certificate stage process.
7	Section
	Accessibility and amenities
	Council Comment
	The proposal lacks consideration of disabled access. Many stairs up into courtyards/units with no other access shown.
	Nest Consulting Group Response/s
	It is determined that unless exempted by D4D5 of the BCA, access for persons with a disability is provided to and within all parts normally used by the occupants.
	Section
	Accessibility and amenities
	Council Comment
	Accessible entry is not provided for units AG.05-AG.13, BG.05-BG.07, BG.09
	Nest Consulting Group Response/s
	Access to the units referred to (amended to AG.05 – AG.12 & BG.05-BG.07 in the amended architectural design documentation) by council is determined as being capable of complying with the relevant deemed to satisfy provisions and/or performance requirements of the Building Code of Australia Volume 1 2022.

8	Section
	Accessibility and amenities
	Council Comment
	Door clearances to be checked. Accessible toilet behind BG.03, and behind B2.12 not compliant.
9	Nest Consulting Group Response/s
	Access to and within the accessible sanitary compartments via the corresponding doorways referred to within the council comment have been amended to being readily capable of complying with the requirements of Clause 13 of AS1428.1-2009.
	Section
	Accessibility and amenities
10	Council Comment
	Lift lobby in front of Lift 1 and 2 on GF to be checked – probably not stretcher compliant.
	Nest Consulting Group Response/s
	The lift lobby at the location referred to in the council comment is noted as being 3m in width. We would refer to stretcher facility requirements under E3D3 of the BCA which require that a stretcher facility of 600mm wide x 2000mm long x 1400mm high above the floor must be accommodated in at least one emergency lift. It is considered that the lift lobby area at the location to referred to is capable of readily accommodating a stretcher meeting the dimensions referred to under E3D3 of the BCA.
11	Section
	Accessibility and amenities
	Council Comment
	DG.01 is not accessible.
12	Nest Consulting Group Response/s
	Access to and within tenancy DG.01 for persons with a disability has been indicated as being provided in the amended architectural documentation.
	Section
	Accessibility and amenities
11	Council Comment
	DG.01, D1.01 and D1.02 does not have access to toilets (separated by driveways)
	Nest Consulting Group Response/s
	Step free access has been provided to the bank of toilets at each corresponding storey from tenancies DG.01, DG.02, D1.01, D1.02 and D1.03.
12	Section
	Accessibility and amenities
	Council Comment
	DG.01, DG.02, D1.01, D1.03 and D1.02 does not have accessible toilets provided
12	Nest Consulting Group Response/s
	The bank of toilets located adjacent to each corresponding storey from tenancies DG.01, DG.02, D1.01, D1.02 and D1.03, has been provided with at least one accessible sanitary facility, with the provision of a sanitary compartment suitable for persons with an ambulant disability for use by males and by females being readily capable of being accommodated in each male and female toilet.

13	Section
	Accessibility and amenities
	Council Comment
	Clearances at the internal stairs are not compliant at CG.01-06
	Nest Consulting Group Response/s
14	The stairways serving units CG.01 – CG.06 are readily capable of capable of complying with the relevant deemed to satisfy provisions and/or performance requirements of the Building Code of Australia Volume 1 2022.
	The amended architectural design documentation, as referenced in Appendix 1, has provided a level of detail that is considered appropriate for a Development Application submission.
	Section
	Accessibility and amenities
	Council Comment
15	A2.01, A3.01, A3.02, D3.01, D4.01, A4.01 need another ambulant toilet.
	Nest Consulting Group Response/s
	The amended architectural design documentation, as referenced in Appendix 1 of this statement, are noted as having amenities located internally within the tenancies that are in addition to the required number of sanitary facilities pursuant to F4D4 of the BCA. Hence, it is considered that the proposed configuration of sanitary facilities is readily capable of capable of satisfying the relevant performance requirements of the Building Code of Australia Volume 1 2022.
	Section
	Accessibility and amenities
16	Council Comment
	Some of the units on L2, L3 don't have access to toilet. There are only two accessible toilets on the floor which is not enough toilets to serve the floor.
	Nest Consulting Group Response/s
	The amended architectural design documentation, as referenced in Appendix 1 of this statement, is noted as having each unit on the levels referred to by council, provided with access to an adequate number of toilets either via the common area/s or internally within a unit.
	Section
16	Accessibility and amenities
	Council Comment
	All toilets recommended to be designed with door opening outward with a privacy wall or hand-wash lobby, otherwise lift-off hinges to be used.
	Nest Consulting Group Response/s
	It is understood that the provision of lift off hinges is intended to be used in cases where the door to a sanitary compartment does not swing outward which is permitted under F4D8 of the BCA, which will otherwise be documented in the relevant schedules during the Construction Certificate stage.

17	Section
	Accessibility and amenities
	Council Comment
	D5.02 ambulant toilet and the accessible toilet not compliant.
	Nest Consulting Group Response/s
	<p>Unit D5.02 is noted has being provided with a bank of toilets containing at least one accessible sanitary facility, with the provision of a sanitary compartment suitable for persons with an ambulant disability for use by males and by females being readily capable of being accommodated in each male and female toilet.</p> <p>It is considered that the level of detail included in the amended architectural design documentation as referenced in Appendix 1 is appropriate for a Development Application submission.</p>
18	Section
	Summary Table – Key issues, further comments and recommendations
	Council Comment
	In general the site is overdeveloped, internal arrangement, fire egress strategy and circulation is over complicated and not efficient. Open corridors are not weather protected, creating stormwater management and maintenance issues. Considering the special shape of the site the FSR increase and the height increase are not supported.
	Nest Consulting Group Response/s
	<p>Regarding the proposed fire egress strategy, it should be noted that the proposed strategy has been developed in consultation with a suitably qualified and accredited fire safety engineer and the architectural team to ensure an acceptable level of fire and life safety for the varying uses of the building are met, in the context of the National Construction Code.</p> <p>Taking into consideration the varying uses of the building and its configuration, the proposed egress strategy was determined as being the most appropriate.</p> <p>Nevertheless, the egress strategy has since been refined based on amendments to the architectural design as referenced in Appendix 1 of this statement.</p>

Regards,



Nicolas Hurtado
 Director | **NEST CONSULTING GROUP**

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ANNEXURE 1 – Documentation Assessed

This assessment is based on the following documentation –

Discipline	Architectural
Organisation	Two Form Architecture & Interior Design
Documentation Type	Plans

Plan No.	Title	Revision	Date
DA 100	BASEMENT 2 FLOOR PLAN	B	-
DA 101	BASEMENT 1 FLOOR PLAN	B	-
DA 102	LOWER GROUND FLOOR	B	-
DA 103	GROUND FLOOR	B	-
DA 104	LEVEL 1 FLOOR PLAN	B	-
DA 105	LEVEL 2 FLOOR PLAN	B	-
DA 106	LEVEL 3 FLOOR PLAN	B	-
DA 107	LEVEL 4 FLOOR PLAN	B	-
DA 108	LEVEL 5 FLOOR PLAN	B	-
DA 109	LEVEL 6 FLOOR PLAN	B	-
DA 110	LEVEL 7 FLOOR PLAN	B	-
DA 111	LEVEL 8 FLOOR PLAN	B	-