The Hub at Lidcombe

2 Bachell Ave. Lidcombe

Response to request for information

September 2024

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1 Cumberland Local Environmental Plan 2021 (CLEP 2021)

1.1 Floor space ratio

1.1.1 Query

The proposal seeks a variation to the Floor Space Ratio (FSR) pursuant to clause 4.4 of the CLEP 2021. The development seeks a gross floor area (GFA) of 28,075 square metres a variation of 7% to the maximum FSR permissible to the site. Council's calculation varies to the calculations provided, in that the gross floor area is calculated at 30,106 square metres, an FSR of 3.45:1 a variation of 14.85%.
This variation occurs with the following inclusions:

- *The 'self-storage' in basement 1 and lower ground floor.*
- *The horizontal fire compartment along the northern side of basements 1, 2 and lower ground floor.*
- *One level of lift 1 servicing the childcare centre (lower ground floor).*
- *Ground floor and second floor garbage rooms.*
- *Horizontal hallway leading from the courtyard to ambulance bay.*
- *Horizontal fire compartments along the northern side of the ground floor.*
- *Lobby along the northern side of the building on levels 1-4.*
- *Middle lobby area on levels 5 and 6.*

1.1.2 Response

1. The self-storage in basement 1 has been removed. The self-storage is now only located on lower ground and has been included in the updated GFA calculation sheets.
2. The horizontal fire compartments in basement 2, basement 1 and lower ground floor remain excluded from the GFA calculations. The definition of GFA in the Cumberland LEP expressly excludes non-habitable rooms in a basement.
3. Lift 1, as with all the other lifts, is an area for common vertical circulation, and therefore is expressly excluded from the GFA.
4. The garbage rooms have been included within the revised GFA calculations.
5. The horizontal hallway leading from the courtyard to ambulance bay is considered to be an area expressly excluded from the calculation of GFA as it is an area used for accessing a space (the ambulance bay) used for the loading or unloading of goods. This area has been excluded from the GFA calculations.
6. The horizontal fire compartments along the northern side of the ground floor are included within the revised GFA calculations.
7. The Lobby along the northern side of the building on levels 1-4 has been included within the revised GFA calculations.
8. The Middle lobby area on levels 5 and 6 has been included within the revised GFA calculations.

The response above is to be considered in conjunction with the amended architectural plans (attachment A), which identify that the gross floor area is now 28,272sqm with a proposed variance of 7.8%. An amended clause 4.6 variation request for FSR is provided with this response (attachment C).

1.2 Clause 4.6 variation

1.2.1 Query

An amended Clause 4.6 variation shall be provided, that including the breach to the entry façade identified as (S4) as part of the Clause 4.6, as this is not considered as an architectural roof feature.

1.2.2 Response

An amended Clause 4.6 variation request for height exceedance has been included with this response (attachment D). This variation has consideration of the amended building height as a response to comments made by Council regarding the floor to ceiling heights.

Further, the 'architectural roof feature' element above the entry façade has been removed, and therefore there is no height exceedance, whether a feature or not in this location (S4). The plans and clause 4.6 variation have been updated accordingly.

2 Cumberland Development Control Plan

2.1 Signage

2.1.1 Query

Part C of the Cumberland Development Control Plan (DCP), sub-part 3.5, C4 requires that signage shall be minimised. Clarification is sought on the number of signage along the front façade, will the 'Type 1' sign be located to each brick column facing Bachell Avenue.

2.1.2 Response

Refer to Two Form Architect's response (attachment E), and the amended architectural drawing DA650 (within attachment A) which confirms the total quantity of signage proposed for the Bachell avenue frontage, and that sign type 'Type 1' will be located at each brick column. Additionally, it is noted that these are proposed signage zones and that the detailed design of the individual signs is subject to separate applications.

2.2 Minimum floor levels

2.2.1 Query

Part C, sub-part 3.8 ceiling height, C1 requires a minimum finished floor level (FFL) to finished ceiling level (FCL) in a commercial building, or the commercial component of a building, to be as follows:

- *3.5m for ground level (regardless of the type of development); and*
- *3.3m for all commercial/retail levels above ground level.*

The proposal seeks FFL to FFL of 3.2 metres and is not considered to be sufficient to provide flexibility to the uses proposed on site and for future uses. The proposed ceiling heights are not considered to be sufficient to cater for services (mechanical etc) to each tenancy. This requires attention, noting that a breach to the building height that contains habitable spaces will not be supported and may require a review to the number of storeys proposed.

2.2.2 Response

Refer to Two Form Architect's response (attachment E), the amended architectural plans (attachment A) and the amended clause 4.6 height variation request (attachment D).

Overall, the ground floor RL is set by the flood planning level. Whilst we acknowledge Councils desire to comply with their current DCP ceiling height controls, the site has been through a planning proposal process which did not envisage the current ceiling heights sought.

Notwithstanding, the amended scheme has sought to provide appropriate ceiling heights to futureproof the tenancies. No habitable space is located above the height control. See table below for height changes.

Storey	Original Floor to Floor (Floor to Ceiling)	Council Floor to ceiling (DCP)	Amended Floor to Floor (Floor to Ceiling)
Ground floor to Level 1	3.2m (2.6m)	3.5m	3.9m (3.5m)
Upper floors	3.2m (2.6m)	3.3m	3.3m (2.7m)

The objectives of 3.8 are also noted as being considered as part of the architectural response, in providing future flexibility and encouraging variation, which the revised application seeks to achieve. This is discussed further in the attached architectural response, with the specific objectives outlined below:

O1: Ensure an acceptable level of amenity and future flexibility is provided for new commercial and residential developments.

O2: Encourage articulation of the façade of the building by variation in the ceiling heights of the various floors, which gives the building a top, middle and base.

3 General Planning/Comments

3.1 Specialised retail premises

3.1.1 Query

Some of the spaces identified as 'specialised retail premises' are not considered to be suitable or functional areas to meet the definition in the CLEP 2021. These include but not limited to tenancy AG.03 and BG.01, B1.03 and B1.04.

Further to the above, a 'specialised retail premises' may also require direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire. The proposal does not appear to provide tenancies that would achieve this. Insufficient information has been provided as to the operation of the 'specialised retail premises'.

3.1.2 Response

We Refer to the definition of 'specialised retail premises' from the Cumberland LEP.

> ***specialised retail premises*** *means a building or place the principal purpose of which is the sale, hire or display of goods that are of a size, weight or quantity, that requires—*

(a) a large area for handling, display or storage, or

(b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale, hire or display of other goods referred to in this definition.

Note—

Examples of goods that may be sold at specialised retail premises include automotive parts and accessories, household appliances and fittings, furniture, homewares, office equipment, outdoor and recreation equipment, pet supplies and party supplies.

Firstly, we note that the tenancy sizes of the proposed specialised retail premised have been designed to comply and align with the definition. Secondly, the note within the definition identifies the broad range of possible uses within the definition of specialised retail premises.

The intention of the proposal was to provide a variety of tenancy sizes to allow for a mix of occupants. A larger tenancy would be suitable for furniture retailers, though wouldn't be necessarily suitable for pet supplies, noting the increase in higher density living in the greater area, leading to smaller pets, and therefore smaller store requirements.

Notwithstanding, the architectural plans have been amended (attachment A) to reconfigure a number of tenancies.

- AG.03 has been removed from the proposal. The space is now allocated as a neighbourhood shop.
- BG.01 has been combined with BG.02 to create a larger space.
- BG.08 has been removed
- BG.09 on the ground floor has been removed
- BG.09 on the first floor has been combined with B1.06
- B1.05 has been divided and combined with B1.03 and B1.04

Secondly, the requirement under the definition is either the provision of large areas, or direct vehicular access, the requirement is not to comply with both. Notwithstanding the above, the tenancies all have direct vehicular access.

Finally, we note that all specialised retail premises have covered access to lifts 1, 2, 3 and 4. Lifts 2 and 4 are goods lifts. These lifts offer direct access to loading bays; 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 as well as basement car parking spaces. This layout is consistent with specialised retail developments.

3.2 Light industry tenancies

3.2.1 Query

Similarly as above, some of the workspace for the 'light industry' tenancies are not considered to be functional or adaptable spaces, for example tenancy B2.12. Access to BG.09 in adjacent to loading bay 14 and not a practical area for the tenancy for access, including safety for pedestrian access to this tenancy.

3.2.2 Response

We note there are no requirements within the LEP for minimum sizes for light industry tenancies. The proposal seeks to provide a variety of spaces at various price points to encourage business development.

Notwithstanding, the architect has reviewed the design with consideration of Council's comments and made the following changes to the layout of these spaces:

- BG.09 on the ground floor has been removed
- Tenancies AG.05 – AG.13 have been reduced in size to create a wider driveway and a pedestrian route in front of the tenancies.
- Tenancies BG.05 – BG.07 have been reduced in size to create a wider driveway and a pedestrian route in front of the tenancies
- Tenancy AG.13 has been removed with the space allocated to tenancies AG.05 – AG.12.
- Tenancies B2.01 – B2.09 and B2.11 – B2.15 have been reduced in size to create a pedestrian route in front of the tenancies.
- B2.12 has been combined with B2.13.

3.3 Artisan food and drink

3.3.1 Query

The plans indicate a number of 'food and drink industries' on the ground floor, level 1, and level 5 (café – D5.01). The SEE refers to these spaces as 'food and drink premises' and a 'café/restaurant'.

Clarification is required as to the use of these tenancies, are these proposed as 'food and drink premises', will these also include 'Artisan food and drink industry'?. Noting there is an 'Artisan food and drink industry' exclusion under Clause 5.4 of the CLEP 2021, relating to the floor area used for retail sales. The proposal shall clearly define what these spaces/tenancies will be used for and shall not conflict with the Objectives of the E3 Zone.

3.3.2 Response

Artesian food and drink offerings are not proposed with this application. The tenancies noted are proposed as 'food and drink premises'.

3.4 Basketball court/tennis court

3.4.1 Query

Clarification is required to the use of the basketball court/tennis court ('recreational court') on level 7. Will this space service the whole development as a recreational/ancillary space for staff only or will this be used as a recreational facility? If this is a separate land use, then car parking will be required to service this use. In addition, the SEE and PoM does not address how this area will be utilised, with the exception of page 13 of the PoM that address the hours of the 'recreation court' and 'access is via building management'. This needs to be addressed.

The basketball court/tennis court ('recreational court') on level 7 is nominated to operate from 10:00am to 10:00pm. If this space is for staff use only, the 10:00pm cease time is considered excessive given that the majority of the tenancies are nominated to close at 7:00pm and the hours of operation should be revised.

3.4.2 Response

The table tennis tables and the basketball court (recreational court) on level 7 is reserved for the use of HUB staff only. Access to these uses is not available to members of the public. The Plan of Management (PoM) has been updated (attachment F) with section 3.9 nominating use of the court. We have updated the operation period in the PoM to be from 10 am until 9:00pm to permit usage post tenancy closing time of 7:00pm.

3.5 Hours of operation

3.5.1 Query

Clarification is required to the hours of operation to the 'light industry', the PoM refers to 4:00-7:00pm, assuming this is a 4:00am start. The PoM only refers to the 'light industries' on level 2, the hours to the 'light industries' on the ground floor, level 1 and level 3 shall also be provided and nominated in the PoM.

Further details are required to the proposed 4:00am start for the proposed 'light industries' for further consideration by Council'. The hours of operation should also be addressed in the acoustic report.

3.5.2 Response

The Plan of Management (PoM) has been updated (attachment F) to clarify the 4:00am opening time, and that it applies to both ground floor and level 2 tenancies. Level 1 and level 3 does not contain separate tenancies but is used to contain ~~,~~only the upper floor/mezzanines of the ground floor and level 2 tenancies. The amended architectural plans (attachment A) have removed these mezzanines.

The design of level 2 is enclosed, whilst ground floor tenancies either face the rail corridor or the neighbouring industrial complex. The smaller size of these tenancies is to attract tradespersons as tenants, who would require early access prior to attending their construction site.

Light industry on L2 is enclosed, while the ground floor tenancies face the rail corridor. These aspects will limit noise impacts on nearby residents. These spaces may be used by tradesmen operating in the area loading vehicles for the job site.

Access before 6am is for loading and unloading activities only. Loading activities are to occur within the unit with the vehicle door closed. Section 3.12 of the PoM has been updated to reflect this.

3.6 Solar diagrams

3.6.1 Query

The solar diagrams provided do not accurately show the extent of shadows to be cast by the proposed building. Please provide shadow diagrams for the 21 June winter solstice between 8:00am and 4:00pm.

3.6.2 Response

The architectural package has been updated (attachment A). The package now shows shadow diagrams for every hour between 8am and 4pm for the 21 June winter solstice.

3.7 Neighbour submission

3.7.1 Query

During the neighbour notification period, Council received one submission which is summarised below for your response and/or action.

The key points raised in the submission are:

- *"... the number of levels which can block sunlight, cast a shadow and the visibility into windows for privacy for the owners and tenants across the road.".*
- *"..the large development will take time, truck traffic will increase, construction noise and dust or any other debris from construction will increase and degrade the environment for air quality and noise".*

Should you wish to obtain a copy of this submission you can request a copy via a GIPA request https://www.cumberland.nsw.gov.au/access-information.

3.7.2 Response

Regarding overshadowing; residences are generally west of the development, with Bachell Avenue providing significant separation between the development and the front garden spaces. Refer to the shadow diagrams in the updated architectural set (attachment A). These indicate that even in mid-winter, only brief overshadowing of front gardens occurs early in the morning.

Regarding vehicular noise; hours of construction are regulated by way of Council's Development Approval. These usually limit building activities to between 7am and 6pm. It is not envisaged that increased traffic volume will impact the site.

Regarding construction debris impacting air quality; demolition and construction activities are tightly controlled by legislation in NSW. The Head Contractor will be required to abide by these laws.

3.8 Update of documents

3.8.1 Query

Please ensure that any reports and plans such as but not limited to Acoustic, Arborist stormwater plans, accessibility, landscape plans and so forth are also updated to reflect the matters raised throughout this letter and are consistent with the changes made.

3.8.2 Response

The following documents have been updated and attached to this submission in response to Council's Request for information:

- Statement of Environmental Effects
- Appendix 1 – Architectural Drawing Set
- Appendix 4 – Landscape Plan
- Appendix 9 – Traffic and Parking Impact Assessment
- Appendix 11 – Loading Dock Management Plan
- Appendix 19 – Stormwater Plans
- Appendix 20 – MUSIC Model
- Appendix 25 – Arborist Report
- Appendix 28 – Clause 4.6 Report – Height of Buildings
- Appendix 29 – Clause 4.6 Report – FSR
- Appendix 30 – Draft Plan of Management
- Appendix 31 – Draft Child Care Centre Emergency Evacuation Plan

This response report to council's request for information is therefore supported by the following documents:

- Response to Request for Information Report
- Attachment A – Updated Architectural Plans(Two Form Architecture)

- Attachment B – Updated Statement of Environmental Effects (Pacific Planning)
- Attachment C – Updated Clause 4.6 Report – FSR (Pacific Planning)
- Attachment D – Updated Clause 4.6 Report – Height of Buildings (Pacific Planning)
- Attachment E – Architect's Response (Two Form Architecture)
- Attachment F – Updated Draft Plan of Management (RAAD)
- Attachment G – Meeting Minutes with Council Engineers
- Attachment H – Stormwater Engineers Response (Kozarovski & Partners)
- Attachment I – Flooding Engineers Response (GRC Hydro)
- Attachment J – Updated Flood Model
- Attachment K – Updated Stormwater Plans (Kozarovski & Partners)
- Attachment L – Updated MUSIC Model
- Attachment M – Traffic Engineers Response (Lyle Marshall & Partners)
- Attachment N – Updated Traffic & Parking Impact Assessment (Lyle Marshall & Partners)
- Attachment O – Updated Loading Dock Management Plan (Lyle Marshall & Partners)
- Attachment P – Acoustic Engineer's Response (The Acoustic Group)
- Attachment Q – Mechanical Engineer's Response (Two MS Consulting Engineers)
- Attachment R – Child Care Advice (Early Education Solutions)
- Attachment S – Building Code of Australia Advice (Nest Consulting Group)
- Attachment T – Fire Engineers Advice (Affinity Fire Engineering)
- Attachment U – Updated Draft Child Care Centre Emergency Evacuation Plan (RAAD)
- Attachment V – Arborist Response Letter (Horticultural Management Services)
- Attachment W – Updated Aboricultural Impact Assessment (Horticultural Management Services)
- Attachment X – Updated Landscape Plans (Distinctive Living Design)
- Attachment Y – Landscape Architect's Response (Distinctive Living Design)
- Attachment Z – Easement Report

4 Engineering

We note that a meeting was held between Council's engineering team and the project; Civil and Flooding engineers on 15 August 2024. Notes from this meeting are included in attachment G. The response below has been prepared having consideration of this discussion.

4.1 Stormwater channel relocation

4.1.1 Query

The existing stormwater channel that runs south to north through the middle of the subject site is proposed to be relocated towards the Eastern side boundary. In this regard, the approval from Sydney Water must be obtained.

4.1.2 Response

The proponent, through their Water Services Coordinator, are working with Sydney Water to obtain approval for the relocation of this asset.

4.2 Stormwater channel gradient

4.2.1 Query

The proposed culvert to be relocated on the eastern side boundary does not appear to have sufficient gradient.

4.2.2 Response

The proposal has been submitted to Sydney Water with the gradient as shown. Refer to the engineer's response (attachment H).

4.3 Freeboard requirement

4.3.1 Query

The council's Flood information letter and flood map indicates that the site in affected by 1%AEP flooding events. As the land profile slopes from south-west towards the Northeastern direction, the flood level during 1%AEP ranges from 12.4mAHD at the Northern end/corner to 15.5mAHD towards the South Western end. The habitable area floor level must be 500mm above the associated 1% AEP flood level. The overlay of the flood map on the architectural plan of ground floor indicates the 1% AEP flood level at:

a. The open area on the southside and the accesses door of DG01 is over 15.5mAHD
b. The vehicular crossing opposite the proposed roundabout on Rawson Street is approx. 14.6mAHD.
c. The Main access gate to the lobby (between CG.06and CG.07) at aprpox 13.8mAHD,

d. *The Access gate to the lobby between CGT.01 and AG.01 at approx. 12.8mAHD.*
e. *In addition, the flood levels associated for the commercial units AG.02, AG01 ~ DG.01 increases accordingly from the north towards the south.*

Each of the access gate/door must be protected from the flood. The floor level must be at least 500mm above the associated 1%AEP flood level. The architectural floor plan does not demonstrate how these accesses are protected from the flood.

4.3.2 Response

The projects flooding engineer has confirmed in their response (attachment I) that the proposed Ground Floor Levels at the entrances A through G are compliant with council's policy and requirements. Refer to the attachment for further details.

4.4 Vehicular crossing

4.4.1 Query

In regards to the vehicular crossing and access driveway, the driveway shall incorporate a crest across the driveway with the crest level 500mm higher than the associated flood level during 1%AEP storm event.

4.4.2 Response

As shown in Location A in Table 1 of the attached flooding engineers response (attachment I), the crest level (13.7 mAHD) at the driveway is higher than the Flood Planning Level of (13.02 mAHD) and therefore compliant with Council Policy.

4.5 Flood study report

4.5.1 Query

The submitted flood study report is not satisfactory in regard to h the risk assessment and risk management measures.

4.5.2 Response

Proposed Flood Hazard maps are shown in Figures 8, 10 and 12 of the attached flooding engineers response (attachment I). The majority of the site is flood-free in 1% AEP and peaks at H2 in a 1% AEP event at the driveway entrance. As such the site is exposed to very low hazard if at all for all but the rarest events.

An updated flood model has been provided with this submission, in support of the flood engineer's response. Please refer to (Attachment J).

4.6 Freeboard

4.6.1 Query

The proposed free board of 150mm is against Council advised 500mm and not supported.

4.6.2 Response

It is noted that a 500mm freeboard above the 1% AEP flood level is suggested by Council to retain flood protection during flood events rarer than a 1% AEP. At these locations however, the maximum predicted flood level possible (the PMF level) is only 0.15 m higher than 1% AEP level. GRC are of the view that locations E and F aren't flooded and as such FPL doesn't apply. The results are presented in Table 1 of the attached flood engineers response (attachment I).

4.7 50% blockage

4.7.1 Query

The blockage of 50% must apply. The study does not account for the blockage.

4.7.2 Response

Refer to the attached flooding engineer's response (attachment I):

> *"GRC has undertaken 50% blockage assessment at the inlet and outlet of the proposed culvert. Our modelling reflects the culvert (2.4 x 2.1 m) and does not include the short reach where the double width entrance (4.8 x 2.1 m) transitions to the structure width. As such, our design run implicitly incorporates 50% blockage of the entrance. The impact of the 50% blockage inlet is shown in Figure 13, which shows no adverse impact on adjacent properties.*
>
> *The outlet blockage scenario is the same as the inlet blockage scenario as there is no "opening" at the downstream outlet. So, a 50% blockage downstream would be expected to result in the same impacts (but less) than the blockage of the inlet.*
>
> *It is noteworthy that the design of the opening specified is an oversized opening relative to what was previously there."*

4.8 Flood impact on surrounding neighbourhood

4.8.1 Query

The study report does not elaborate the flooding impact of the proposed development to the surrounding neighbourhood.

4.8.2 Response

Refer to the attached flooding engineer's response (attachment I):

> *"A flood impact assessment and map were provided in the previous report. The impact of 50% blockage inlet figure is also provided in Figure 13, which shows that the proposed development has no adverse impact on the adjacent properties. So, with an oversized opening where doubled the width at the structure entrance, the impact would be expected to result in the same impact but less than the blockage of the inlet."*

4.9 5%AEP and PMF events

4.9.1 Query

The study must analyse the scenario for 5%AEP and PMF events as well for better understanding of the site situation and clarity.

4.9.2 Response

Refer to the attached flooding engineer's response (attachment I):

> *The 5% AEP and PMF flood events have been analysed for the proposed scenario, and flood maps are shown in Figure 07 (5% AEP) and Figure 11 (PMF).*
>
> *In a 5% AEP deign flood event, the subject site is predicted to only flood at the entrance of the driveway (Location A) with a flood level of 12.40 mAHD. This is only 0.1m lower than the 1% AEP flood level at the same location. In the PMF event, the site is liable to flooding with flood levels between 13.2 and 15.2 mAHD.*

4.10 Electronic Copy

4.10.1 Query

Electronic Copy of all models used for the

i. existing condition and

ii. with the proposed development used in the study shall be submitted.

4.10.2 Response

Electronic copies of all models used for the studies have been supplied with this submission. (Attachment J)

4.11 Drainage easements

4.11.1 Query

The survey plan indicates that the subject site is burdened by several drainage easements. The proposed development encroaches into the existing drainage easements and conflicts with the intent of providing the easements. The encroachment is not supported unless the alternative measure to achieve the intent of the providing the easement including the relocation of the easement away are demonstrated and the beneficiaries of the easements and the authority having power to vary/modify the easements are satisfied and approve the alternative measure.
The applicant has not provided any document addressing the above issue.

4.11.2 Response

An Easement Report has been prepared to address this issue and is included at attachment Z.

4.12 Basement drainage

4.12.1 Query

The drainage system of basements particularly the basement level 2 needs to be appropriately designed noting that the water table within the site is just around the surface within (the few meter from the surface approx. 2.8m below the ground level). Detailed calculation for subsoil infiltration rate must be provided and the pump-out system provided must have sufficient i) holding capacity to allow for pump failure up to 12 hours and ii) sufficient pumping rate.

4.12.2 Response

It is proposed to tank the basement. Please refer to updated stormwater plans. (Attachment K).

4.13 Overflow chamber

4.13.1 Query

The On-site detention (OSD) tank must have overflow chamber incorporated to maintain the top water level. In addition, appropriate measures shall be incorporated to provide emergency overflow escape route and manage emergency overflow.

4.13.2 Response

Refer to the engineer's response (attachment H) and updated stormwater plans (attachment K).

4.14 cross-sectional of the OSD

4.14.1 Query

The details shown on the cross-sectional of the OSD tank is insufficient. Additional cross-sections are needed to provide clarity and how the water quality improvement measures are incorporated. In addition, the ODS tank plan showing the invert levels of tank floor slab must be provided.

4.14.2 Response

Refer to the engineer's response (attachment H) and updated stormwater plans (attachment K).

4.15 OSD openings

4.15.1 Query

Sufficient grated opening shall be provided (around each corner of the OSD tank) for improved cross-ventilation.

4.15.2 Response

Refer to the engineer's response (attachment H) and updated stormwater plans (attachment K).

4.16 Drafting clarification

4.16.1 Query

The stormwater plan of ground level lacks labelling and clarity. There appear to be few unlabelled components. The layout of the pipelines shall be shown clearly with darker lines on the ground level plan. The layout shall show how the runoff from each of the sub-catchments are directed into the OSD/WSUD system.

4.16.2 Response

Refer to the engineer's response (attachment H) and updated stormwater plans (attachment K).

4.17 OSD system level

4.17.1 Query

*The OSD system must be designed based on the **Tail-water level** at the point of discharge and the OSD storage adjusted accordingly. The tailwater level is either the flood level (or the top of kerb level if the site is not affected by the flood). Since the pit, if proposed to be discharged into a kerb inlet pit.*
It is noted that the outflow from the OSD tank is proposed to be discharged on to a pit at the proposed to be located on the northern side. The flood level at the location is noted to be approx. 12.6mAHD. Hence, the OSD design shall take account of this flood level. The proposed orifice and the OSD tank will be lower than the flood level and the floodwater is likely to backflow into the OSD tank.

4.17.2 Response

Refer to the engineer's response (attachment H) and updated stormwater plans (attachment K).

4.18 Additional public stormwater drainage detail

4.18.1 Query

Information on the point of disposal in the public stormwater drainage system (such as the Sydney water stormwater Drainage system (Pipe /pit, channel etc.) on to which the site stormwater is intended to the discharged must be provided by conducting the appropriate survey investigation by a suitably qualified surveyor and the details shown on the Survey investigation plan.

No details provided as to how it is proposed to be connected. In addition, the connection into the public drainage system shall be made at a higher level (not to the invert) to prevent the outlet pipe being blocked by the sediments debris and/or to prevent backflow of floodwater due to hydraulic gradient difference.

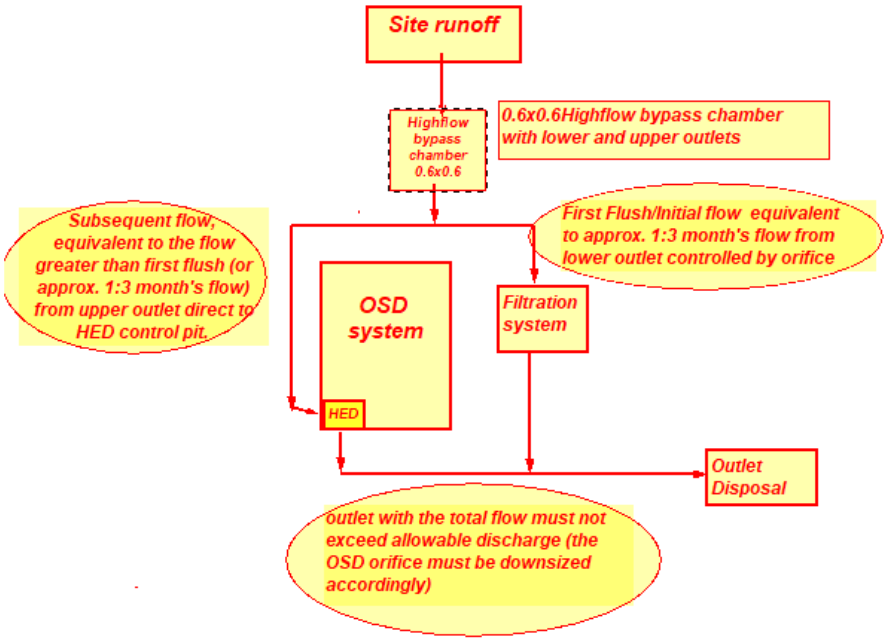
4.18.2 Response

Refer to the engineer's response (attachment H) and updated stormwater plans (attachment K).

4.19 Water Sensitive Urban Design

4.19.1 Query

*In accordance with the **Section2.5 and 2.7 Cumberland DCP2021 Part G4**, the development must incorporate the **water quality improvement/ Water Sensitive Urban Design (WSUD)** measures to comply with the controls outlined therein and achieve the pollutant removal targets. The **WSUD** measure must accompany a MUSIC model.*
Arrangement must be made to collect and separate the first flush, i.e., the initial flow that contains high concentration of pollutants such as the initial flow equivalent to approx. 1 in 3 month's flow from each catchment, to be collected and treated fully without being escaped untreated. In this regard, a device known as high-flow bypass chamber (also termed as high-flow diversion chamber) shall be employed to separate the initial flow (first flush) which is allowed to pass through a low level flow outlet into the water quality treatment / filtration system, and the flow exceeding that rate to be discharged through the high level overflow or outlet pipe into the OSD system or rainwater tank if a rainwater tank is provided. However, the overflow from the rainwater tank should be directed into the HED control chamber.
The outflow from the filtration system that cannot be directed into HED control chamber due to the hydraulic grade line shall be directed into the overflow chamber and the outflow and the orifice diameter shall be downsized accordingly to account for the outflow from the filtration system that bypass the OSD system.
*The capture of 1 in 3 month's flow and redirection into the filtration system is illustrated in the diagram below. **(Refer to the illustration diagram below).***



4.19.2 Response

Refer to the engineer's response (attachment H) and updated stormwater plans (attachment K).

4.20 Pollution removal targets

4.20.1 Query

The pollution removal targets must be demonstrated with the supporting documents including the MUSIC model with the input parameters and output results. Further, the removal efficiency parameters input in the model must be consistent with the manufacturer's pollutant removal efficiency.

4.20.2 Response

Refer to the engineer's response (attachment H) and updated stormwater plans (attachment K).

4.21 MUSIC model

4.21.1 Query

The music model must be consistent and reflect the arrangement of each component of the treatment system shown on the stormwater plan. further clarity needed to be shown on the plan and that with regards to the labelling of the MUSIC model components.

4.21.2 Response

Refer to the engineer's response (attachment H), updated stormwater plans (attachment K) and updated MUSIC model (attachment L).

4.22 Vehicular crossing

4.22.1 Query

The vehicular crossing and the access driveway must be capable of servicing the largest vehicle. The architectural plan indicates that the largest vehicle is Medium Rigid Vehicle (MRV).

4.22.2 Response

The largest vehicle, an MRV, is servicing the Ground Floor loading area. Refer to the traffic engineer's response (attachment M) and updated Traffic and Parking Impact Assessment (attachment N).

4.23 Potential additional queries

4.23.1 Query

The applicant proposes to construct a roundabout at the T-junction with Rawson Street in to make provision for the vehicular access to the site. Additional comments may be raised by Council's Engineering Section-Infrastructure Design.

4.23.2 Response

Noted. No further comments have been raised to date.

4.24 Cost of mitigation measures

4.24.1 Query

The mitigation measures as outlined in the Appendix G of the Traffic and Parking Impact Assessment Report needs to be borne by the applicant.

4.24.2 Response

Refer to the traffic engineer's response (attachment M), which states that the level of service of the left hand turn is already at F in the AM, and D in the PM, without consideration of the development traffic. The incorporation of the mitigation measure was to show Council how an existing traffic issue could be resolved.

We are not offering to construct the mitigation measure unless offset against the development's future contributions. In a Works-in-kind arrangement.

4.25 Traffic generation

4.25.1 Query

The traffic generation, based on the RMS guideline are outlined below. The total peak hour trip generation 861 vehicle trip/ hour or net/additional 839 trips taking account of the existing vehicle trips of 21 74 peak hour trips, as stated in the report. The applicant's trip generation estimation accounts for the various reduction assumption and the number is significantly lower in comparison. Cumberland DCP2021 does not have such reduction discount provision. Assuming equal split between in and out, the proposed development is likely to generate the approx. 420 vehicle trip in and 420 vehicle trip out during the peak hours.

4.25.2 Response

Refer to the traffic engineer's response (attachment M) and updated Traffic and Parking Impact Assessment (attachment N).

4.26 Parking rates

4.26.1 Query

The parking rates adopted and the calculation of parking space requirement shown on the traffic report is not consistent and supported.

4.26.2 Response

Refer to the traffic engineer's response (attachment M) and updated Traffic and Parking Impact Assessment (attachment N).

4.27 Parking rates

4.27.1 Query

*Based on the floor area shown on the plan the development must provide at least **619** parking spaces for the facility.*
In addition, the parking rate adopted for the proposed Dog Day care facility must be justified with the survey parking provision for facility of similar use.

4.27.2 Response

Refer to the traffic engineer's response (attachment M) and updated Traffic and Parking Impact Assessment (attachment N).

4.28 Parking spaces

4.28.1 Query

The architectural plan indicates that only 542 parking spaces were noted on the plan thus resulting in shortfall of more than 77 (=619-542) parking spaces, which is not supported.

4.28.2 Response

Refer to the traffic engineer's response (attachment M) and updated Traffic and Parking Impact Assessment (attachment N).

4.29 Childcare parking spaces

4.29.1 Query

Further, at least 27 parking spaces shall be provided for childcare centre visitor's use. There is shortfall of 2 parking spaces.

4.29.2 Response

An additional 2 car parking spaces will be provided for the childcare centre. Refer to the traffic engineer's response (attachment M), updated Traffic and Parking Impact Assessment (attachment N), and amended architectural plans (attachment A).

4.30 Tandem Parking spaces

4.30.1 Query

Few parking space stacked in tandem are noted, Council will not support stacked in tandem spaces.

4.30.2 Response

We note that Council's DCP, Section G3 item 4.4, precludes tandem parking for visitors only. Refer to the traffic engineer's response (attachment M) and updated Traffic and Parking Impact Assessment (attachment N).

4.31 Visitor parking

4.31.1 Query

As there is no provision for the visitors parking requirement, the visitors parking must be associated with the relevant land use category and allocated accordingly.

4.31.2 Response

We disagree with the request to allocate the visitor parking per use. The proposal is a mixed-use development with uses that generate parking demands at various, and often dissimilar times. Therefore, having a pool of visitor parking is most appropriate. Refer to the traffic engineer's response (attachment M) and updated Traffic and Parking Impact Assessment (attachment N).

4.32 Loading bay calculation

4.32.1 Query

The double count of loading bays provide within the level 2 (B2.01 to B2.10) as car parking spaces is not supported. They must be retained as loading bays.

4.32.2 Response

Refer to the traffic engineer's response (attachment M) and updated Traffic and Parking Impact Assessment (attachment N).The spaces are now counted singularity as loading bays.

4.33 Parking level vehicle circulation

4.33.1 Query

The submitted document indicates that the layout arrangement of the parking spaces, the circulation road/aisle width, does not appear to allowing unobstructed free flow of Two way traffic circulation.

4.33.2 Response

Refer to the traffic engineer's response (attachment M), updated Traffic and Parking Impact Assessment (attachment N) and amended architectural plans (attachment A). The basement has been updated to ensure compliance.

4.34 Door swings

4.34.1 Query

Doors opening outward to circulation road are not supported. This needs to be addressed.

4.34.2 Response

Door swings have been amended to no longer impact travel paths. Please refer to Two Form Architect's response (attachment E) and the amended architectural plans (attachment A)

4.35 Ramp gradients

4.35.1 Query

The long section of profile of the ramp does not show the sectional gradients, the headroom clearance and the associated low level obstruction /ceiling. The information provided in the sections are incomplete. However, review of submitted sections indicate the following issues.

a. *The ramp from ground level to level 2 for MRVs' does not comply the requirements of AS2890.2-2018. In particular the ramp gradients, the maximum changed of gradient, the minimum travel length associates with the change of gradient, do not comply with the requirement .*

b. *The ramp from ground level to lower ground level does not comply the requirements for SRVs' as outlined in AS2890.2-2018. In particular the ramp gradients, the change and the minimum travel length associated to the change of gradient do not comply.*

4.35.2 Response

Refer to the traffic engineer's response (attachment M), updated Traffic and Parking Impact Assessment (attachment N) and amended architectural plans (attachment A).

4.36 Child care parking spaces

4.36.1 Query

The parking provision for child care centre use shall comply with user Class 3A category user. In this regard the parking spaces shall be at least 2.6m wide for 6.6m wide aisle width or 2.7m for 6.2m wide aisle width. The aisle width must be 6.6m wide and the proviso of 5.8m width does not comply.

4.36.2 Response

Refer to the traffic engineer's response (attachment M), updated Traffic and Parking Impact Assessment (attachment N) and amended architectural plans (attachment A).

4.37 Loading bay 06

4.37.1 Query

The loading bay 06 on the bottom of the driveway of Lower ground floor raises safety issues.

4.37.2 Response

This loading bay has been relocated. Refer to the traffic engineer's response (attachment M), updated Traffic and Parking Impact Assessment (attachment N), updated Loading Dock Management Plan (attachment O) and amended architectural plans (attachment A).

4.38 Loading bay 05

4.38.1 Query

The SRV Loading bay 05 on Lower ground floor is likely to block the access to the GYM entry.

4.38.2 Response

This loading bay has been relocated. Refer to the traffic engineer's response (attachment M), updated Traffic and Parking Impact Assessment (attachment N), updated Loading Dock Management Plan (attachment O) and amended architectural plans (attachment A).

4.39 Loading bay 14

4.39.1 Query

The MRV loading bay 14 does not have sufficient manoeuvring/turning space.

4.39.2 Response

This loading bay has been reconfigured. Refer to the traffic engineer's response (attachment M), updated Traffic and Parking Impact Assessment (attachment N) and amended architectural plans (attachment A).

4.40 Swept path diagrams

4.40.1 Query

The swept path diagrams indicate several conflicts. Please refer to separate attachment for marked up diagrams.

4.40.2 Response

All conflict areas have been reviewed and the design has been amended so that there are no conflict points. This loading bay has been relocated. Refer to the traffic engineer's response (attachment M), updated Traffic and Parking Impact Assessment (attachment N) and amended architectural plans (attachment A).

5 Environmental Health

5.1 Amended acoustic report

5.1.1 Query

Amended acoustic report detailing recommendations for fit out of gym regarding noise attenuation and impact and recommendations of noise from demolition, excavation, and construction activities on nearby noise sensitive receivers.

5.1.2 Response

Refer to acoustic response at attachment P.

5.2 Mechanical ventilation of childcare centre

5.2.1 Query

Details of mechanical ventilation to be provided to show compliance with AS1668 and childcare ventilation requirements.

5.2.2 Response

The design of the air-conditioning system will form part of the detailed design. Refer to review by mechanical engineers TwoMS who have reviewed the childcare centre layout and provided comment that the layout can easily accommodate a ventilation system that meets all the requirements of AS1668 and childcare ventilation requirements. Please refer to the Mechanical Engineer's advice letter. (Attachment Q).

5.3 Food handling areas

5.3.1 Query

Detailed plans are to be provided for the food handling areas of the childcare centre including any storage, cooking and preparation areas to show compliance with AS 4674 - Design, Construction and Fit-out of Food Premises.

5.3.2 Response

The scope of AS4674 states:

This standard provides design, construction and fit-out criterial for new food premises and for the renovation or alteration of existing food premises. The scope of the Standard is limited to permanent buildings used by the food service industry, by food retailers and by small-scale food manufacturers.

The child care centre is not a food premises, therefore is not subject to AS4674. Notwithstanding, drawing DA253 within the updated architect plans (attachment A) provides further details. The relevant additional details will be prepared during detailed design/construction certificate stage.

5.4 Design, Construction and Fit-out of Food Premises

5.4.1 Query

Clarification should be provided as to what the proposed businesses will be. Should they be food businesses, plans will need to indicate compliance with AS 4674 - Design, Construction and Fit-out of Food Premises.

5.4.2 Response

A number of the tenancies are proposed as food and drink premises. The fitout will be the subject of individual development applications for the relevant space. Refer to the mechanical engineer's advice letter (attachment Q) which confirms that the tenancies have been provided with kitchen exhaust provisions.

5.5 A plan of management for the operations of the gym and wellness centre

5.5.1 Query

A plan of management for the operations of the gym and wellness centre will be required to be provided that demonstrates how the centre will operate. The plan must incorporate recommendations from the acoustic report, and should include complaint handling procedures, operational management, hours of operation etc.

5.5.2 Response

Refer to section 5 of the updated Plan of Management (attachment F).

6 Children Services

6.1 107. Unencumbered indoor space

6.1.1 Query

There are open throughfares/passageways between playrooms 5 and 6, and it appears this space has been included in the calculations. Thoroughfares cannot be countered as unencumbered space. Other room dimensions indicated in the plans would need to be confirmed by measurement.

6.1.2 Response

Refer to updated architectural drawing DA251 within the amended architect plans (attachment A), and the childcare experts advice letter (attachment R). It's confirmed that adequate unencumbered indoor space has been provided.

6.2 108. Unencumbered outdoor space

6.2.1 Query

Outdoor play space dimensions indicated in the plans would need to be confirmed by measurement.

6.2.2 Response

Refer to updated architectural drawing DA251 within the amended architect plans (attachment A), and the childcare expert's advice letter (attachment R). It's confirmed that adequate unencumbered outdoor space has been provided.

6.3 109. Toilet and hygiene facilities

6.3.1 Query

More handbasins are needed – the plans only propose 8 handbasins for 106 children

6.3.2 Response

Additional hand basins have been provided. Refer to the amended architectural plans (attachment A) and Building Code of Australia consultant advice letter (attachment S) confirming adequate facilities have been provided.

6.4 110. Ventilation and natural light

6.4.1 Query

There is insufficient detail on the plans for me to confirm this however my comments are as follows:

Playrooms 1 & 2

- *Appear to not have any windows, only the doors that lead out onto the outdoor play space.*
- *There are no windows in the children's bathrooms/nappy change area*

Playroom 3

- *No natural light or ventilation in the cot room*
- *No window, only the door leading out to the outdoor play space.*
- *No window in the children's toilet, only the door leading out to the playground*

6.4.2 Response

The amended architectural plans (attachment A) and Childcare expert's advice letter (attachment R) confirm that the amendments made satisfy these requirements.

6.5 115. Premises designed to facilitate supervision

6.5.1 Query

Playrooms 1&2

- *It appears the intention of playrooms 1&2 is for the space to be used as one large room, rather than two rooms as indicated on the plans. The storage area appears to act as a divider however it presents a supervision risk.*
- *There is no direct access to the bathrooms from the outdoor play space. Current layout requires children to re-enter the classroom and walk across to the bathrooms.*
- *The bottle prep area requires staff to leave the space and walk into another room, well away from children. This compromises the supervision of children. Same for bed storage.*
- *Staff do not have visibility of children from the nappy change bench*
- *No supervision windows included in the cot room*

Playrooms 3&4

- *The thoroughfare is open and children are able to go between these spaces, which compromises the supervision of children*

Playrooms 5&6

- *The thoroughfare is open and children are able to go between these spaces, which compromises the supervision of children*

6.5.2 Response

The amended architectural plans (attachment A) have made the relevant changes to address these comments, and they have been reviewed and confirmed by the Childcare expert's advice letter (attachment R).

Those changes include:

1. Playrooms 1 and 2 have been consolidated.
2. Added an external door located on the nappy change room for easy access to the outdoor area.
3. Added of viewing windows into bottle preparation area, cot room and children's bathrooms.
4. Added a child proof barrier to stop children from playroom 5 and 6 entering the bathroom unsupervised.

6.6 Unencumbered indoor and outdoor area requirements

6.6.1 Query

If the proposal does not meet the unencumbered indoor and outdoor area requirements for the number of children proposed, the application will require concurrence from Department of Education. Alternatively, the number of children will need to be reduced to meet the requirements of the Regulation 107 and 108.

6.6.2 Response

The proposal meets the unencumbered internal and external space requirements and concurrence is not required.

6.7 Lifts used in the event of a fire

6.7.1 Query

As the childcare centre is proposed to be located on the fifth floor, and lifts cannot be used in the event of a fire, emergency cots cannot be used down the fire stairs. The lift dedicated to the childcare centre is included in the evacuation plan to accommodate the exit of the youngest children.

Lifts cannot be used in the event of a fire.

6.7.2 Response

Refer to the Fire Engineer's advice relating to the use of the childcare centre lift for escape from the Childcare centre during a fire. (attachment T). A nominated lift will be used for escape from the Childcare centre during fire evacuation events. Also, refer to the updated draft childcare emergency evacuation plan (attachment U).

6.8 Dedicated fire stairs

6.8.1 Query

Also, the 0-2 Room is furthest away from the location of the dedicated fire stairs which are in the back corner of the 3-5 play space.

As above, there are concerns about the placement of the fire stairs, and whether or not 106 children can be evacuated safely and quickly. Young children, including those that are mobile, need assistance in navigating stairs. There would not be enough staff to support 106 children to navigate down five levels of stairs quickly.

6.8.2 Response

The Childcare Centre will have access to three sets of fire stairs. Please refer to the Fire Engineer's advice relating to the use of the childcare centre lift for escape from the Childcare centre during a fire. (attachment T). Also, refer to the updated draft childcare emergency evacuation plan (attachment U).

6.9 Evacuation route

6.9.1 Query

The evacuation route from the child care centre to the assembly point proposes to walk 106 children along a busy industrial road where there is no dedicated foothpath along most of the route. The proposed route is approximately 350m, and requires the children to cross multiple driveways to with large industrial warehousing with trucks frequently coming in and out. It then proposes children to cross the road with no pedestrian crossing to reach the assembly point, is not a suitable or safe place to cross children – there is no defined pedestrian crossing nor a set traffic lights that enables pedestrians to cross safely.

The draft emergency evacuation plan states "This assembly area has been selected as it is sufficiently distanced form the building, access via a route suitable for both adults and young children. The route avoids as much as possible, heavily trafficked routes and does not hinder emergency vehicles. The assembly point is large enough to allow for the emergency refuge by all staff and children at the centre, assuming full capacity at a minimum rate of 1 person per square metre."

This assembly point is not an appropriate assembly point for children. It is too small, open to the road and is situated on the corner of two roads at an awkward intersection. The safety of children cannot be guaranteed here.

It is also assumed that other adult occupants of the other floors of The Hub building would also assemble here which raises significant child protection concerns. The proponent has also assumed that no other surrounding businesses use this space as an assembly point.

6.9.2 Response

In consultation with Early Education Solutions, the projects child care expert, the assembly area has been amended. Refer to Childcare expert's advice letter (attachment R) and updated draft childcare emergency evacuation plan (attachment U).

6.10 CCC hours of operation

6.10.1 Query

The plan of management states the child care centre will be open from 7:00am but states that parents will arrive from 6:45am. The proponent should be clear as to what the approved operating hours are sought.

6.10.2 Response

Refer to the childcare expert's advice letter (attachment R) and updated Plan of Management (attachment F), which clarifies that the centre operates from 7:00am, however parents may enter the building prior, in time for a 7:00am commencement.

6.11 Access to the Childcare centre

6.11.1 Query

The Plan of Management notes access to the centre is via the lift only. What happens when the lift is functioning is compromised?

6.11.2 Response

The childcare centre is serviced by two lifts. In the unlikely event both lifts aren't operational, then the centre can be accessed via the fire stairs. This is consistent with all multistorey buildings.

6.12 Assistance to neighbours

6.12.1 Query

The Plan of Management notes "the childcare centre seeks to assist neighbours

(especially if aged) with their gardens and home help.". Request more information about this and what the intent is – this raises concerns that supervision of children will be compromised.

6.12.2 Response

The updated Plan of Management (attachment F) removes this comment.

6.13 Food and drink premises

6.13.1 Query

The child care centre is on the same site as a number of food and drink premises, with some identified as potential licenced premises within the acoustic report. Matters for consideration require Council to consider the site selection and location. Further details are required to determine the suitability of the childcare centre if the development site will also provide for premises licenced for alcohol.

6.13.2 Response

There will only be restaurants that may be licenced to sell liquor to customers who are dining in. The child care centre is on a different level to these restaurants and so this would mean that there is no potential conflicts with patrons who would typically be eating or drinking outside of the service peak operating hours.

Any parent and child who is using the common areas near the restaurants would be no different to any other parent and child walking along a road with adjacent restaurants.

7 Tree and landscape

7.1 Casuarinas located on the southern boundary

7.1.1 Query

The Casuarinas located on the southern boundary will be a source of conflict with needle drop onto paved surfaces and potential for blocked drainage. This will need to be addressed.

7.1.2 Response

The Plan of Management has been updated (attachment F). Section 3.3 Cleanliness and Maintenance, now includes the following items:

3.3.9 Driveways and paved surfaces are to be kept clear. Areas that are likely to be impacted by debris from trees especially Casuarinas in the adjacent TAHE land are to be inspected daily and cleaned weekly at a minimum.

3.3.10 Stormwater assets be kept clear. Areas that are likely to be impacted by debris from trees especially Casuarinas in the adjacent TAHE land are to be inspected and cleared weekly at a minimum.

7.2 Root mapping

7.2.1 Query

Further investigation via means of Root Mapping, to a minimum depth of 600mm (or deepest point of excavation) is to be undertaken by hand or non-destructive methods, under direction and supervision of an AQF Level 5 Consulting Arborist.

7.2.2 Response

Refer to the Arborist's advice letter (attachment V). The offsetting of the building and retaining structures from the rail corridor boundary by 1m increases the distance to the casuarinas, negating the need for root mapping.

7.3 An updated Aboricultural Impact Assessment is included at attachment W. Council's Tree Management Officers

7.3.1 Query

The Consulting Arborist engaged to undertake the works must contact Council's Tree Management Officers 48hr prior to the start of the Root Mapping exercise to organize an onsite meeting on the day of the works.

7.3.2 Response

Refer to the Arborist's advice letter (attachment V). the offsetting of the building and retaining structures from the rail corridor boundary by 1m increases the distance to the casuarinas, negating the need for root mapping.

7.4 AQF Level 5 Consulting Arborist report

7.4.1 Query

Detailed results of the Root Investigation are to be included in a report prepared by an AQF Level 5 Consulting Arborist, which is to be submitted to Council for assessment and comment by Council's Tree Management Officer prior to the commencement of any works.

7.4.2 Response

Refer to the Arborist's advice letter (attachment V). the offsetting of the building and retaining structures from the rail corridor boundary by 1m increases the distance to the casuarinas, negating the need for root mapping.

7.5 Arborist report content

7.5.1 Query

Based on the findings of the Root Mapping, the following must also be addressed in the Arborist Report:
Comment/recommendations regarding if this closest line of cut to the tree to accommodate the proposed development will compromise the long-term retention of the tree.

Any additional tree sensitive construction methods/tree protection to be implemented within proximity to the trees during the proposed works, and necessary remedial works to be implemented, if it is determined by the Arborist that the extent of root mass that is required to be removed will not compromise the long-term retention of the tree.

7.5.2 Response

Refer to the Arborist's advice letter (attachment V).

7.6 Trees to be retained

7.6.1 Query

Pending the findings of the Root Mapping, the current development design may require modification so the trees can be retained, pending recommendations of the Arborist undertaking the Root Mapping.

7.6.2 Response

Refer to the Arborist's advice letter (attachment V). the offsetting of the building and retaining structures from the rail corridor boundary by 1m increases the distance to the casuarinas, negating the need for any further building modification.

8 Landscape Plan

8.1 Amended landscape plan

8.1.1 Query

An amended landscape plan will be required that addresses the items raised in the amended AIA report and issues highlighted in the comments above.

8.1.2 Response

Updated landscape plans have been provided (Attachment X).

9 Streetscape

9.1 Overhead lines & Tree replacement

9.1.1 Query

The street trees will be located beneath wires north of the new roundabout. These wires are to be undergrounded where possible or as a minimum modified to aerial bundled cabling to allow greater development of the tree canopy given that there is little scope for tree planting within the site.

DCP requirements – to be in accordance with Cumberland DCP Part C Development Business Zones 2021 section 3.3 Landscape and open space.

Notable the following is to applied:

- *Street trees shall be planted at a rate of 1 tree per 10 lineal metres of street frontage, even in cases where a site has more than 1 street frontage, excluding frontage to laneways.*

Conflict of Infrastructure and Tree planting.

- *The fire hydrant booster and gas meter has been placed in the deep soil are on the southern corner of the site which will conflict with one of the trees proposed in this aera. An alternative is to be assessed for the location of these items.*

Replacement of trees on site in accordance with DCP has the following replacement ratio requirements: -

- *1 for 1 for those trees greater than 4m and less than 9ml and*
- *2 for 1 tree for those trees taller than 10m.*

Trees located within the site will require adequate soil volume to ensure the vitality and long term health.

9.1.2 Response

Regarding the overhead wires, they are not being proposed to be undergrounded or aerially bunded unless Council requests this in in a Works-in-kind arrangement, offsetting against contributions.

Refer to the updated landscape plans for tree planting and soil volumes (attachment X) and the landscape architects response (attachment Y).

10 Design review Panel

10.1 Maximum permissible building height

10.1.1 Query

The proposed development exceeds the maximum permissible building height of 18m at Bachell Street. Further modulation of the mass to address this heigh requirement is required, stepped setbacks to Bachell Street will promote a more harmonious relationship with the surrounding context.

10.1.2 Response

Refer to Two Form architect's response (attachment E). It is noted that the Bachell avenue frontage consists of a 5 storey form, with the upper two storeys already setback to create a more harmonious relationship to the street.

10.2 Height breaches

10.2.1 Query

Please design height breaches out of the proposed design – there is no clear reasoning behind why these are required.

10.2.2 Response

Refer to Two Form architect's response (attachment E) and our response to height against Councils RFI earlier in this submission. The exceedances in height relate to a large sloping site, are minor in nature, and don't contain any habitable space.

10.3 Floor space ratio exceedance

10.3.1 Query

The proposed FSR of 3.21:1 exceeds the maximum permissible FSR of 3.0:1.

10.3.2 Response

Refer to our response to FSR against Councils RFI earlier in this submission.

10.4 Central courtyard

10.4.1 Query

Describe the massing of the development what strategy have been deployed to allow daylight into the central courtyard. There is a risk this space will be dark and windy.

10.4.2 Response

Refer to Two Form architect's response (attachment E). It is noted that the central space is more akin to a laneway, not a plaza or courtyard. The design promotes activation of the site, emphasising vertical and horizontal connectivity. This space works as a transition between buildings and is an important circulation area for the development

10.5 Layout of uses

10.5.1 comment

Layout of uses is generally ad-hoc and confusing- it lacks integration between uses and with the local area. Consider how someone visiting the development will want to move around and design to make it as easy (and efficient) as possible. The layout of light industrial uses appears odd – 'back of house', disconnected from the development, yet demands expensive ramp infrastructure to access Level 2. Is there a reason why these uses can't be all on ground floor?

10.5.2 Response

Refer to Two From architect's response (attachment E). The following is considered the post pertinent component of the response:

The development is comprised of several uses. Many of these are set up to operate independently dependant on the user's familiarity with the precinct. In order of ease of wayfinding for a visitor these operate in the following way:

1. Food and drink industries; These are the most publicly facing of the services offered by the facility. The primary facing will be to the central courtyard with secondary outdoor seating toward and activating the street.
2. Specialised retail premises; will draw people further into the facility. Located predominantly on the first two floors with a signature four storey spate on the north eastern corner, these areas surround and activate the central courtyard.
3. Health and community services; operates predominantly as a stand alone facility with its own street frontage. While opportunities for internal connection exist in the basement and at upper levels, the medical precinct will operate somewhat independently.
4. Shared services including:
    a. Gym;
    b. Child care centre;
    c. Doggy day care;
    d. Self storage;

    Will cater to users more familiar with the precinct. While signage and visual cues will reinforce wayfinding opportunities.
5. Office space; Like any office visitors will either escorted or having arrival with directions to a particular lift core.
6. High Technology industries; These will rely on regular users with guests being either escorted or having arrival with directions to a particular lift core.
7. Work spaces/light industry; These areas are not intended to interact with the rest of the building. They operate as stand alone workspaces to support smaller companies that need a workspace prior to delivery of products or attending worksites.

10.6 Day care location

10.6.1 Query

Location of day care on level 5: Likely to have different hours of operation to the rest of the development – how will access be controlled? Lifts to Level 5 are somewhat hidden. How do parents with prams access the ground floor/lifts? Appears to be stairs at each approach. Where is the parking for parents to stop and drop? Question the inclusion of movement corridor as part of the 7sqm play space. Play space at the southeast will be in shadow most of the day.

10.6.2 Response

Refer to Two Form architect's response (attachment E).

Access to the childcare centre is by lift. Two lifts connect the childcare lobby with the ground floor and the childcare parking area in the lower ground floor. Access from the level 5 lobby will be controlled by staff. Prior to opening times, the lift will only access level five with swipe cards. After opening times, the lift will provide access to the lobby. Lobby doors will also be locked until opening times.

The lifts cores at either end of the courtyard are identified by 16 metre high feature portals. We are of the opinion that these will accentuate the location of the lifts. Further, childcare users will generally be familiar with the facility and know where lift lobbies are located. Within the basement, the lift lobby will sit within the dedicated childcare parking zone and be identified with signage.

The facility does not offer stop and drop facilities. It has a dedicated parking area on the lower ground floor as well as graded pedestrian access from Bachell Ave.

The outdoor space to the west of the childcare centre is three metres wide. This is adequate for a reasonable area to play and is not a movement corridor.

The south east play space will still receive a generous amount of sun, refer to the amended architectural plans (attachment A).

10.7 Doggy daycare

10.7.1 Query

Doggy daycare on Level 9. Is this an appropriate location given the only access is via shared lift? Also appears that there is no outdoor space.

10.7.2 Response

Refer to Two Form architect's response (attachment E).

Doggy daycare patrons will be asked to use the goods lift exclusively with a warning to other patrons warning that the lift may be used for transporting dogs. Dogs in the lift will need to be on leash and under the control of owners using the lifts. Owners will also be responsible for informing operation management immediately if lift cleaning is required due to animals excreting waste in the lift. Item 13.13 has been added to the Plan of Management to reflect these requirements, refer to the provided updated Plan of Management (attachment F).

The area has significant outdoor exercise space set aside for exercise. Please refer to drawing DA.111 which identifies two large outdoor exercise areas.

10.8 Plaza area at ground floor

10.8.1 Query

General orientation of built form will preclude solar access to the plaza area at ground floor.

10.8.2 Response

Refer to Two Form architect's response (attachment E). It is noted that the central space is more akin to a laneway, not a plaza or courtyard. The design promotes activation of the site, emphasising vertical and horizontal connectivity.

The design report submitted with the development application identifies that the space receives adequate daylight without the consideration of artificial lighting and reflected sunlight off the finishes.

10.9 Plaza safety

10.9.1 Query

Plaza concept, whilst noted as an attempt to create an integrated design, will create issues for safety. Passive surveillance is not strong.

10.9.2 Response

Refer to Two Form architect's response (attachment E).

10.10 Security management

10.10.1 Query

Security management will be difficult with so many different uses and hours of operation.

10.10.2 Response

An updated Plan of Management (attachment F) has been prepared in consideration of the mixed uses of the proposal.

10.11 Structural system

10.11.1 Query

Considering the difficult, triangular shaped site, clean, consistent structural system is recommended. The presented design indicates the need of transfer structure above LGF, however there are further structural misalignments on the upper floors as well.

10.11.2 Response

Refer to Two Form architect's response (attachment E).

10.12 Column size

10.12.1 Query

The indicated 300mm wide columns in the basement are not realistic – in case of a 12 storey (3 basement + 9), with type A construction, considering all the load and the required fire rating the columns will be much wider than 300mm. As there is no tolerance left in the design, the 2600mm visitor spaces will be quite likely compromised. Early structural engineer involvement is recommended.

10.12.2 Response

Refer to Two Form architect's response (attachment E).

10.13 Courtyard weather protection

10.13.1 Query

Over articulation of the courtyard circulation areas and building mass leads to poor weather protection and maintenance issues. Rain-water to be handled on open corridors – glass balustrades act as water-trap – open balustrades cause linear dripping/flowing of water.

10.13.2 Response

Refer to Two Form architect's response (attachment E) and the engineer's response (attachment H). Outdoor spaces will be provided with well designed drainage systems that will collect water before it becomes a hazard and channel it to the on site stormwater system. Balustrades will prevent overflow into the areas below and outdoor perimeter walkways will be covered to provide all weather access to internal spaces.

10.14 Coordinated wet areas

10.14.1 Query

The amenities / wet areas are scattered, not aligned. From a buildability / construction cost point of view well aligned wet areas would be beneficial.

10.14.2 Response

Refer to Two Form architect's response (attachment E) and amended architectural plans (attachment A).

10.15 Self storage from FSR calculation

10.15.1 Query

Clarification required on justification for excluding the basement self storage from FSR calculation

10.15.2 Response

Refer to our response to FSR against Councils RFI earlier in this submission. The self-storage has been removed from the basement and the density subsequently recalculated for the development. This has resulted in a decrease in FSR from 3.45:1 to 3.24:1.

10.16 EV charging

10.16.1 Query

Future EV charging not noted, consider fire protection.

10.16.2 Response

Refer to the Building Code of Australia consultant advice letter (attachment S).

10.17 Tandem parking spaces

10.17.1 Query

Justify the use of tandem spaces.

10.17.2 Response

Refer to the traffic engineer's response (attachment M) and updated Traffic and Parking Impact Assessment (attachment N).

There are a number of tandem spaces, a function of ensuring an efficient basement design noting the site's unique shape. There are also number of large office and high-tech tenancies which would require a minimum of two spaces. Therefore, the tandem spaces would be allocated to the same tenancy. It is noted that Councils DCP, Part G, Clause 4.4 Development in Business zones, provides the following control.

> *"Visitor parking shall be clearly identified and shall not be provided in the form of stacked/ tandem parking."*

The proposal does not seek to utilise the tandem parking for visitor spaces.

10.18 Loading of Self Storage

10.18.1 Query

Loading of Self Storage only by B99 is not realistic. Business model to be confirmed by specialist consultant.

10.18.2 Response

The amended architectural plans (attachment A) have removed the self-storage use from basement 1. Self-storage is now only located on lower ground where it has direct SRV access. Refer to the traffic engineer's response (attachment M), updated Traffic and Parking Impact Assessment (attachment N), and amended architectural plans (attachment A).

10.19 Bicycle parking

10.19.1 Query

52 bicycles parking on B1 and B2, but only 28 on LGF. Is it possible to have all bicycles on LGF? Or even on GF?

10.19.2 Response

Refer to the traffic engineer's response (attachment M) and updated Traffic and Parking Impact Assessment (attachment N). The updated Traffic and Parking Impact Assessment considers bicycle parking in Section 3.4. The amended architectural plans have rationalised and redistributed the bicycle parking.

10.20 Aisle width

10.20.1 Query

Aisle width of 6m is not sufficient for SRV turning / loading. Refer to AS 2890.2 Off-street commercial Parking

10.20.2 Response

Refer to the traffic engineer's response (attachment M) and updated Traffic and Parking Impact Assessment (attachment N). Aisle widths have been amended in the current drawings to 7.1 metres for SRV parking access on Lower Ground Floor.

10.21 Bicycle parking

10.21.1 Query

Locating 18 bicycle on the bottom of the driveway on LGF raises safety issues.

10.21.2 Response

Refer to the traffic engineer's response (attachment M) and updated Traffic and Parking Impact Assessment (attachment N). These spaces have been relocated.

10.22 Loading bay 7

10.22.1 Query

Locating loading bay on the bottom of the driveway of LGF raises safety issues.

10.22.2 Response

Refer to the traffic engineer's response (attachment M) and updated Traffic and Parking Impact Assessment (attachment N). The loading bay has been relocated.

10.23 Gym loading

10.23.1 Query

SRV Loading on LGF blocks GYM entry

10.23.2 Response

Refer to the traffic engineer's response (attachment M) and updated Traffic and Parking Impact Assessment (attachment N). The loading bay has been relocated.

10.24 Fire exits

10.24.1 Query

Fire exits, fire egress merging clearances, lengths, night-time exits through after hours controlled access points etc. to be reviewed and resolved.

10.24.2 Response

Refer to the Building Code of Australia consultant advice letter (attachment S). 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.

10.25 Exhaust system

10.25.1 Query

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.

10.25.2 Response

Refer to the Building Code of Australia consultant advice letter (attachment S), the mechanical engineer's advice letter (attachment Q) and the acoustic engineer's advice letter (attachment P).

10.26 Accessible car parking spaces

10.26.1 Query

Proposed accessible car parking spaces: B2: 1/218, B1: 1/191, LGF: 7/133. Total: 9/542. To be reviewed, especially in light of the medical use in the building. Accessible spaces headroom requirements to be checked (can be critical on B1 and B2)

10.26.2 Response

Refer to the traffic engineer's response (attachment M), the updated Traffic and Parking Impact Assessment (attachment N) and the amended architectural plans (attachment A).

10.27 Ambulance corridor

10.27.1 Query

Ambulance access to medical use is not clear. The indicated corridor is about a 1m wide, long corridor, which is not sufficient for stretcher or bed transport.

10.27.2 Response

Refer to the traffic engineer's response (attachment M), the updated Traffic and Parking Impact Assessment (attachment N) and the amended architectural plans (attachment A).

The ambulance corridor has been increased in width to 1.5 metres wide.

10.28 Ambulance bay headroom

10.28.1 Query

Ambulance bay + corridor headroom to be checked

10.28.2 Response

Refer to the traffic engineer's response (attachment M), the updated Traffic and Parking Impact Assessment (attachment N) and the amended architectural plans (attachment A).

NSW Ambulance notes that the minimum height shall be 3.8m (https://www.ambulance.nsw.gov.au/our-services/vehicle-access-specifications). The ambulance bay is located on ground floor. The next storey above is level 2. This results in a floor to floor of 7.2m, satisfying the headroom clearance.

10.29 MRV Loading 14

10.29.1 Query

Circulation of MRV Loading 14 is not sufficient.

10.29.2 Response

Refer to the traffic engineer's response (attachment M), the updated Traffic and Parking Impact Assessment (attachment N) and the amended architectural plans (attachment A).

Refer to the updated swept path diagrams provided in appendix F of the updated Traffic and Parking Impact Assessment Report No 34-22 Revision D.

10.30 Passing bay

10.30.1 Query

Passing bay is blocking BG.05 loading

10.30.2 Response

Refer to the traffic engineer's response (attachment M), the updated Traffic and Parking Impact Assessment (attachment N) and the amended architectural plans (attachment A).

The rear driveway has been increased, and the passing bay has been relocated to clear BG.05.

10.31 After hour access

10.31.1 Query

After hour access lines to be reviewed.

10.31.2 Response

Further clarification on this point is sought as it is not clear what specifically this refers to.

10.32 Vehicle access

10.32.1 Query

Vehicle access / turning of B2.01, B2.06, B2.07 is not sufficient

10.32.2 Response

Refer to the traffic engineer's response (attachment M), the updated Traffic and Parking Impact Assessment (attachment N) and the amended architectural plans (attachment A).

Level 2 swept paths showing the largest vehicle, an MRV garbage vehicle, is shown in the amended swept path drawings. Units B2.01, B2.06 and B2.07 can be accessed with an SRV.

10.33 Northern terrace of child-care

10.33.1 Query

Egress from Northern terrace of child-care to be checked

10.33.2 Response

Refer to the Building Code of Australia consultant advice letter (attachment S). The consultant confirms that:

"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."

10.34 Acoustic report to address doggy day care

10.34.1 Query

Commercially operating a dog daycare on the top of the building can be challenging – especially for the office users and the babies and kids on the floors below. Acoustic report and advise recommended.

10.34.2 Response

Refer to the acoustic engineer's advice letter (attachment P). It is noted that the comment does not convey what the acoustic report is to advise and recommend. The consultant does on to observe that investigation of dog complaints over 40 years has found the majority of the noise disturbance in residential areas is related to unattended dogs who are bored.

The dog daycare is expected to generate some noise for some dogs at play. However the requirement for safety balustrades around the outdoor areas of the dog daycare will provide acoustic shielding to other receivers and that to the child care centre there are similar barriers to reduced external environmental noise. To respond to the panel comment the balustrades for the dog daycare could be set at 1.8metres in height to accord with the terrace areas on Level 5 of Buildings B & C.

From an acoustic perspective there would be no acoustic impact from the dog daycare on office users when in their offices by reason of the acoustic attenuation of the building construction.

10.35 Child-care centre drop-off

10.35.1 Query

Child-care centre drop-off, fire, acoustic, and servicing requirements to be coordinated and checked

10.35.2 Response

Refer to the Building Code of Australia consultant advice letter (attachment S) and the acoustic engineer's advice letter (attachment P). The fire, acoustic and servicing requirements have been checked by the consultants as required.

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.

10.36 Level 2 ramp

10.36.1 Query

Does the ramp up to level 2 provide appropriate clearance for the type of vehicles expected to utilise it?

10.36.2 Response

Refer to the traffic engineer's response (attachment M), the updated Traffic and Parking Impact Assessment (attachment N) and the amended architectural plans (attachment A).

The level 2 vehicle area is designed to accommodate predominantly Small Rigid Vehicles (SRV). It has been sized to accommodate a Medium Rigid Vehicle (MRV) as well. The only MRV that will regularly use the space is a waste management vehicle. Please refer to the long sections provided in appendix F of the updated Traffic and Parking Impact Assessment.

10.37 Disabled access

10.37.1 Query

The proposal lacks consideration of disabled access. Many stairs up into courtyards/units with no other access shown.

10.37.2 Response

This has been addressed and resolved. Refer to Two Form architect's response (attachment E), the Building Code of Australia consultant advice letter (attachment S) and the amended architectural plans (attachment A). The architect has advised:

"Every component of the site, each building is accessible via lift and there is ramp access off Bachell Avenue. The ground floor RL is established by the Flood Planning Level, therefore, direct access from the footpath needs to be via ramps and or stairs. Each tenancy which fronts Bachell avenue is afforded direct stair access to ensure activation of the frontage. However, a second, accessible entry is provided from the internal plaza."

10.38 Accessible entry

10.38.1 Query

Accessible entry is not provided for units AG.05-AG.13, BG.05-BG.07, BG.09

10.38.2 Response

This has been addressed and resolved. Refer to Two Form architect's response (attachment E), the Building Code of Australia consultant advice letter (attachment S) and the amended architectural plans (attachment A).

There is a designated pedestrian pathway to the AG series of units. A pedestrian entry door is provided adjacent to the roller door access and this will be designed in accordance with AS 1428.1. The loading zone to the south of the BG units can potentially provide a pedestrian collection area with a safe enclosed waiting area created for collection of goods. Access to this area is currently designed as accessible. Alternatively, it can be assumed, given the nature of how this area of the site is designed, that the main mode of access will be via vehicle, even for collection of goods and access to these services.

10.39 Dimensioned drawings

10.39.1 Query

Drawings are not dimensioned, but either the ambulant toilets are too wide, or the normal toilets are too narrow. Please check.

10.39.2 Response

This has been addressed and resolved. Refer to Two Form architect's response (attachment E), the Building Code of Australia consultant advice letter (attachment S) and the amended architectural plans (attachment A).

10.40 Door clearances

10.40.1 Query

Door clearances to be checked. Accessible toilet behind BG.03, and behind B2.12 not compliant.

10.40.2 Response

This has been addressed and resolved. Refer to Two Form architect's response (attachment E), the Building Code of Australia consultant advice letter (attachment S) and the amended architectural plans (attachment A).

10.41 Stretcher compliant lift lobby

10.41.1 Query

Lift lobby in front of Lift 1 and 2 on GF to be checked – probably not stretcher compliant. Adjoining ramp clearances to be checked.

10.41.2 Response

This has been addressed and resolved. Refer to Two Form architect's response (attachment E), the Building Code of Australia consultant advice letter (attachment S) and the amended architectural plans (attachment A).

10.42 DG.01

10.42.1 Query

DG.01 is not accessible.

10.42.2 Response

This has been addressed and resolved. Refer to Two Form architect's response (attachment E), the Building Code of Australia consultant advice letter (attachment S) and the amended architectural plans (attachment A).

10.43 Toilet access

10.43.1 Query

DG.01, D1.01 and D1.02 does not have access to toilets (separated by driveways)

10.43.2 Response

This has been addressed and resolved. Refer to Two Form architect's response (attachment E), the Building Code of Australia consultant advice letter (attachment S) and the amended architectural plans (attachment A). The provision of amenities across the project have been revised in the updated drawing set.

10.44 Accessible toilets

10.44.1 Query

DG.01, DG.02, D.101, D1.03 and D1.02 does not have accessible toilets provided

10.44.2 Response

This has been addressed and resolved. Refer to Two Form architect's response (attachment E), the Building Code of Australia consultant advice letter (attachment S) and the amended architectural plans (attachment A). The provision of amenities across the project have been revised in the updated drawing set.

10.45 Stair clearance

10.45.1 Query

Clearances at the internal stairs are not compliant at CG.01-06

10.45.2 Response

This has been addressed and resolved. Refer to Two Form architect's response (attachment E), the Building Code of Australia consultant advice letter (attachment S) and the amended architectural plans (attachment A). These have been amended in the updated architectural drawing set.

10.46 Ambulant toilets

10.46.1 Query

A2.01, A3.01, A3.02, D3.01, D4.01, A4.01 need another ambulant toilet.

10.46.2 Response

This has been addressed and resolved. Refer to Two Form architect's response (attachment E), the Building Code of Australia consultant advice letter (attachment S) and the amended architectural plans (attachment A). These have been amended in the updated architectural drawing set.

10.47 Accessible toilets

10.47.1 Query

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

10.47.2 Response

This has been addressed and resolved. Refer to Two Form architect's response (attachment E), the Building Code of Australia consultant advice letter (attachment S) and the amended architectural plans (attachment A). These have been amended in the updated architectural drawing set.

10.48 Toilet door operation

10.48.1 Query

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.

10.48.2 Response

This has been addressed and resolved. Refer to Two Form architect's response (attachment E), the Building Code of Australia consultant advice letter (attachment S) and the amended architectural plans (attachment A). This will be provided with lift off hinges detailed at the construction certificate stage.

10.49 ESD principles

10.49.1 Query

The panel acknowledges the sustainability targets set for the project of 5.5 star NABERS energy and 2 star water rating and encourages further development of strong ESD principles for the project.

10.49.2 Response

The proposal will meet the relevant National Construction Code requirements at the time of construction certificate application.

10.50 CEPTED principles

10.50.1 Query

Promising to see the consideration for the integration of good CEPTED principles.

10.50.2 Response

Noted with thanks.

10.51 Rail corridor

10.51.1 Query

The rail corridor to the south of the site has the potential to provide borrowed landscape amenity to the development. Consideration should be made for this opportunity in the developing design.

10.51.2 Response

Refer to Two Form architect's response (attachment E) and the amended architectural plans (attachment A). The design developed the cut-out courtyard as a response to similar pre-DA comments. The current amended drawing set has provided a setback at the lower levels of 1 metre to increase the opportunities for natural light.

10.52 Flood risk

10.52.1 Query

What strategies have been adopted to account for the flooding risk on site

10.52.2 Response

Flooding has been considered and addressed through flood modelling and the adoption of an appropriate flood planning level.

10.53 Stormwater channel

10.53.1 Query

How is the stormwater channel going to be managed? Have you met with Sydney water?

10.53.2 Response

The stormwater channel is proposed to be replaced with a culvert. Discussions with Sydney Water are ongoing.

10.54 Deep soil zone

10.54.1 Query

Proposed deep soil zone not clear

10.54.2 Response

Refer to the updated landscape plans (attachment X) and the landscape architect's cover letter (attachment Y). The nature of development in the business zone differs from that in the residential zones. Due to the demands of the permissible uses, deep soil provisions are not typically considered. We understand that part C of the DCP echoes this sentiment and does not provision

controls relating to deep soil. However, this has been revised and addressed in the Landscape DA Plans Rev D. Refer page 55-20.11

10.55 Canopy cover

10.55.1 Query

Proposed canopy cover not clear

10.55.2 Response

Refer to the updated landscape plans (attachment X) and the landscape architect's cover letter (attachment Y). The nature of development in the business zone differs from that in the residential zones. Due to the demands of the permissible uses, canopy cover provisions are not typically considered. We understand that part C of the DCP echoes this sentiment and does not provision controls relating to canopy cover. However, this has been revised and addressed in the Landscape DA Plans Rev D. Refer added page 55-20.12

10.56 Landscaping consistency

10.56.1 Query

General approach to landscaping lacks consistency and reasoning (for example, why is the pavement criss-crossed? If assisting in wayfinding this makes sense but there is no correlation which is confusing)

10.56.2 Response

Refer to the updated landscape plans (attachment X) and the landscape architect's cover letter (attachment Y). The paving design is proposed to create and enhance interest on the Ground plane for the pedestrian experience. The paving design intention was for the two main plaza areas on the Ground Floor and Level 4 to have a different character for the user experience. The

paving design also creates interest for children and acts as an informal public art. The Indicative imagery for paving demonstrates the design intention. The Ground Floor paving design aims to assist with wayfinding directing visitors into the site and to the vertical elements as well as leading the user to lobbies and entry ways.

10.57 Primary street address

10.57.1 Query

The primary street addressing mass clad in brick is an visually attractive, contextual and human scale response to the street frontage.

10.57.2 Response

Noted with thanks.

10.58 Good rhythm

10.58.1 Query

There is a good rhythm to the street a facing elevation which is not evident in the taller buildings at the rear

10.58.2 Response

Refer to Two Form architect's response (attachment E). The taller buildings to the rear are designed in response to the height controls and house a different use to the smaller street elevation buildings. The height of the rear buildings is beneficial to accessing views and daylight and also helps to vary the mass of the site. The design of the site never intended it to be developed with uniform height buildings rather it is designed to cascade to the street front with taller buildings not imposing on Bachell Avenue and its pedestrian and vehicle movement.

10.59 Retaining walls at street frontage

10.59.1 Query

Understanding that the intention is that the ground floor tenancies are dual frontage, stairs and retaining walls at the street frontage are to be avoided. Review level of ground floor slab.

10.59.2 Response

Refer to Two Form architect's response (attachment E). The ground floor RL is set at the flood planning level. Additionally, there is approximately 4.5m fall along Bachell avenue. Along CG.01 to CG.06, retaining walls are required to the outdoor seating areas, punctuated by openings to draw people into the tenancies, providing activation. At the point where a retaining wall would be the highest, along AG.01 and AG.02, the shopfront glazing is brought down to the footpath level, with the height transition occurring within the tenancy. This provides for a display along the frontage, appropriately activating this end of the development.

10.60 Green front setback

10.60.1 Query

Min. 3m wide green front setback recommended

10.60.2 Response

We are uncertain where this comment has come from as there is no DCP control requiring a 3m wide green setback.

10.61 Entry points

10.61.1 Query

Various entry points to the development will make it difficult for people to find their way into and around safely and conveniently

10.61.2 Response

Refer to Two Form architect's response (attachment E).

The proposal has been designed to address and activate the street front. By providing several points of access, it has avoided creating a long street front that turns its back to the street. The numerous entries break down the bulk of the development creating a street facade that feels like several buildings and creating an internal street network that will activate the different retail offerings.

10.62 Winding and indirect corridors

10.62.1 Query

Access is generally convoluted – long, winding and indirect corridors may be unpleasant and unsafe. Pedestrian pathways/access along the northeast edge is not clear.

10.62.2 Response

Refer to Two Form architect's response (attachment E) and the amended architectural plans (attachment A).

Internal accessways have been made more direct and simple. This will also be assisted by a wayfinding strategy.

10.63 Ramp system

10.63.1 Query

Potential for conflict at the merge of ramp system at the ground floor. Why does the building follow the curved driveway – this may present a collision issue.

10.63.2 Response

Refer to the traffic engineer's response (attachment M).

The ramp system will be controlled by active traffic management. A traffic light will be installed at the down ramp from the level 2 loading area. This light will be connected to a sensor on the ramp to the lower ground floor. When vehicles are progressing up the ramp from the lower level, a stop light will activate halting vehicles from the upper level. This will reduce risk and prevent conflict.

10.64 ambulance bay accessway

10.64.1 Query

The access way between the tenancy and ambulance bay at the ground floor seems too narrow to take a stretcher and will require review

10.64.2 Response

Refer to Two Form architect's response (attachment E) and the amended architectural plans (attachment A).

The accessway between the ambulance bay and tenancy has been increased in width to 1.5 metres wide.

10.65 Roundabout alignment

10.65.1 Query

Alignment of the carpark entry with the round about at Bachell street is legible and supportable

10.65.2 Response

Noted.

10.66 Drawing legibility

10.66.1 Query

The legibility of plans, elevations and sections needs to be improved ahead of DA lodgement. Scale of annotations, levels, clear dimensions, hierarchy of colouring and hatches, presence of surrounding context.

10.66.2 Response

Noted. Drawings have been updated where required.

10.67 North points, RLs, legends

10.67.1 Query

North points, RLs, legends please

10.67.2 Response

Noted.

10.68 Summary Table

A. DESIGN EXCELLENCE		
Whether a high level of architectural design, materials and detailing appropriate to the building type and location will be achieved	The presented design, materials and detailing is high quality in their components, however altogether probably "over designed", due to the number of design languages combined into a conglomerate.	Refer to Two Form architect's response (attachment E)
	The submitted material clearly shows that the design is in passionate and good hands to amend and fine tune the proposal.	Noted with thanks.
Whether the form and external appearance of the proposed	Min. 3m wide green front setback recommended	a 3m setback along Bachell avenue cannot be incorporated.

development will improve the quality and amenity of the public domain		
Whether the proposed development detrimentally overshadows an area shown distinctively coloured and numbered on the sun plane protection map	The proposal does overshadow its eastern neighbour. However, not significantly.	Noted.
B. HOW THE DEVELOPMENT ADDRESSES THE FOLLOWING		
Existing and proposed uses and land mix	The development proposed a diverse mix of uses which has the potential to activate the area and promote multipurpose trips and extended dwell time. The panel considers this to be of potential benefit to the amenity area, however a more cohesive approach to planning for access, operation and safety needs development	Refer to Two Form architect's response (attachment E)
Heritage issues and streetscape constraints	The site is not a Heritage item and is not located in a Heritage Conservation Area.	Noted.
The location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or neighbouring sites in terms of separation, setbacks, amenity and urban form.	The composition of the proposal at the east of the site has a less successful relationship with the street street. In the panel's opinion elements of this tower form are perhaps seeking to squeeze too much GFA out of the site and should be reconsidered.	Refer to Two Form architect's response (attachment E)
Bulk massing and modulation of buildings	Street frontage modulation is acceptable, rear massing is not ideal, too complex.	Refer to Two Form architect's response (attachment E)
Street frontage height	The proposed development has a well conceived scale and relationship with the street. The ground floor level could be reconsidered to avoid stepped entries tot the commercial tenancies from the street. The concern here is that the street frontage will become the secondary entry to these tenancies, with the mall facing entries becoming the preferred entry as it is step free. This would result in a poor interface with the street.	Refer to Two Form architect's response (attachment E)
Environmental impacts such as sustainable design, overshadowing, wind and reflectivity	Solar amenity and protection from wind tunnelling in the central courtyard is not demonstrated. The proportions of the central courtyard could benefit from being increased to ensure quality and use of this space.	The central space is more akin to a laneway, not a plaza or courtyard. The design promotes activation of the site, emphasising vertical and horizontal connectivity. Refer to Two Form architect's response (attachment E)
The achievement of the principles of ecologically sustainable development	The panel acknowledges the sustainability targets set for the project of 5.5 star NABERS energy and 2 star water rating and encourages further development of strong ESD principles for the project.	The proposal will meet the relevant National Construction Code requirements at the time of construction certificate application.

Pedestrian, cycle, vehicular, and service access, circulation and requirements	Pedestrian circulation is too complicated especially considering accessibility requirements. Some of the accessible amenities can be approached only through public domain, which is not acceptable.	Refer to Two Form architect's response (attachment E)
Impact on, and any proposed improvements to, the public domain	See street frontage and street frontage height	Noted.
Key issues, further comments and recommendations	The Local Green Grid diagram in the design report does not indicate the green strip, and the trees along the street frontage, however the existing green set back is more substantial than most of the highlighted green areas.	Refer to Two Form architect's response (attachment E). The landscape plans proposed replacement or addition of street tress improving the biophilic design response to the streetscape.
	Keeping a 3 metre wide green set-back is recommended, in line with the previous design excellence panel's opinion.	a 3m setback along Bachell avenue cannot be incorporated. It is noted that there is no identified Development Standard dictating a 3m wide green set back.
	The over 500 car parking spaces would cause big pressure one the single lane roundabout which would be congested in peak hours due to short queuing distances in the underground car park.	Refer to the traffic engineer's response (attachment M).
	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.	Refer to Two Form architect's response (attachment E), the Building Code of Australia consultant advice letter (attachment S) and the engineer's response (attachment H). The proposal has balance the uniqueness of the sites constraints and located the majority of the massing towards the rear of the site, resulting in an appropriate relationship with the streetscape.

11 Sydney Trains

A letter of response has been sent to Sydney Trains (refer to lodgement of letter and supporting documentation already lodged via the planning portal) responding to each of its comments. The letter includes the responses below.

11.1 Development setbacks & Cross-Sections

11.1.1 Query

The proposal is designed with minimal setback from the rail boundary and Transport Asset Holding Entity (TAHE) Land. As a result, it is likely that construction works, and future maintenance works will require the use of TAHE Land (including airspace) to undertake construction works and/or future maintenance works. Sydney Trains does not permit access to its land and as such, the development is requested to be re-designed to include an appropriate setback (preferably a minimum of 2 metres).
An adequate setback is required to demonstrate the ability to construct the development and maintain the entire structure in the future, without any reliance on, use of, or access to TAHE Land (including airspace).

11.1.2 Response

In response to TAHE's concerns relating to the construction of the retaining wall along the boundary and the potential need to access TAHE land in order to undertake construction and maintenance work, we propose to redesign the basement to allow a 1 metre setback from the boundary. While we are confident that the piling rig used to create the outermost structure of the basement will be able to operate from withing the 2 Bachell Avenue site, we recognise TAHE's concern and agree that a 1 metre setback

will provide surety that unforeseen activities will be able to be addressed without incident. This 1 metre setback further allows for perimeter stormwater management should this be required.

11.2 Cross sectional drawings

11.2.1 Query

Cross-sectional drawings are to be provided that clearly show the relationship between the proposed development (including basements) to the rail boundary and the nearest assets. These cross-sectional drawings are required to show the following (all horizontal, RL and vertical measurements are to be verified by a registered surveyor):
ground surface, nearest rail tracks & infrastructure, property boundary and/or easement, sub-soil profile, proposed development and basement excavation and structural design of sub-ground support (i.e. footings/piles etc.) adjacent to the rail corridor. The measured distance between the proposed development, property boundary and rail asset(s) at the closest point must be shown.

All relevant drawings/reports/documents will need to be updated.

11.2.2 Response

We have engaged surveyors; StrataServ, to undertake a detailed survey of the TAHE land nominated. This survey has been used to prepare sections of the area that indicate how the setback would be provided. The sections were attached to the submission via the planning portal and include all items identified by your letter including:

- ground surface
- nearest rail tracks and infrastructure
- property boundary
- structural design of sub-ground support
- The distance between the proposed development, property boundary and rail asset(s) at the closest point.

We have had StrataServ verify these sections.

11.3 Retaining wall

11.3.1 Query

The retaining wall is designed with minimal setback from the rail boundary and Transport Asset Holding Entity (TAHE) Land. As a result, it is likely that construction works, and future maintenance works will require the use of TAHE Land (including airspace) to undertake construction works and/or future maintenance works. Sydney Trains does not permit access to its land and as such, the development is requested to be re-designed to include an appropriate setback. An adequate setback is required to demonstrate the ability to construct the development and maintain the entire structure in the future, without any reliance on, use of, or access to TAHE Land (including airspace).

11.3.2 Response

Please refer to the response to item 1 above.

11.4 Cross sectional drawings

11.4.1 Query

Cross-sectional drawings of the proposed retaining wall is to be provided and must identify the following details:
ground surface, nearest rail tracks & infrastructure, property boundary and structural design of sub-ground support (i.e. footings/piles etc.) adjacent to the rail corridor. The measured distance between the proposed development, property boundary and rail asset(s) at the closest point must be shown.

11.4.2 Response

Please refer to the response to item 11.2.2 above.

11.5 Stormwater

11.5.1 Query

*The submitted plans do not clearly show that all stormwater is being directed into Council's stormwater system. As such, it is requested that the Applicant provide amended stormwater plans **clearly** showing all drainage and water flow is re-directed to Council Systems and no drainage directed to TAHE (Transport Asset Holding Entity) land and/or the Rail Corridor.*

11.5.2 Response

We note that the TAHE land is up hill from the site and that therefore stormwater could not be evacuated from 2 Bachell Ave onto TAHE land without the use of pumps. Please see attached; amended stormwater drawing C-3732-04_rev9 showing the direction of stormwater flow from the site to Council's diverted stormwater culvert.

11.6 Item

11.6.1 Query

Information pertaining to the proposed tree removal adjoining TAHE (Transport Asset Holding Entity) land is requested to be provided including:

i. Details confirming that the tree located at the top south western corner of the site that is proposed for removal is located solely within the Applicant's land (including root system); and
ii. Method of removal confirming that access into TAHE land is not required.

11.6.2 Response

Please refer to the attached arborist report and survey. The nominated tree was inadvertently excluded from the arborist's report. This oversight has now been rectified. The tree is now identified as tree 15. It appears to have been self seeded. It is located approximately 5 metres from the boundary with TAHE's land and will be able to be removed without requiring access to TAHEE land.

12 Water NSW

12.1 Basement construction

12.1.1 Query

Confirmation of the proposed basement construction design, being either tanked (fully watertight) or drained (requiring permanent ongoing dewatering).

12.1.2 Response

We provided advice to WaterNSW on 24 June 2024 confirming that the basement will be tanked as well as providing additional advice relating to expected water volume extraction. Please refer to (refer to lodgement via the planning portal).

13 Council's Traffic engineer's request for further information

13.1 Site map

13.1.1 Query

The Sidra Model provided by the applicant is unclear. A site map should be provided to indicate each location.

13.1.2 Response

Refer to the traffic engineer's response (attachment M) and updated Traffic and Parking Impact Assessment (attachment N). A diagram has now been provided in Appendix C of the updated Traffic and Parking Impact Assessment Report No 34-22 Revision D.

A network model has been created and included in a new Appendix K of Report 34-22 Revision D.

13.2 SIDRA model

13.2.1 Query

The applicant's traffic engineer shall provide a Sidra Network model to indicate the Level of Service in the area. The individual intersection model does not reflect the impact of the additional traffic generated by the proposed development.

13.2.2 Response

Refer to the traffic engineer's response (attachment M) and updated Traffic and Parking Impact Assessment (attachment N).

Figure 2b referenced from the lodged Traffic and Parking Impact Assessment (Report No 34/22 Rev C) shows the location identified for each SIDRA intersection analysed.

SIDRA map (OSM) was inserted into the SIDRA and the geometry is checked with the on-site conditions and aerial imagery to configure the SIDRA intersection layouts.

The intersections are not usually linked in SIDRA as it is not a mesoscopic modelling software. Only intersections in close proximity should be networked where there is a potential flow-on effect from queueing or signalised intersections maybe SCATES linked. The updated Traffic and Parking Impact Assessment has been revised to network those identified intersections.

13.3 Parking spaces

13.3.1 Query

The requirement for parking spaces for each specialized retail shall be rounded to an integer, then the total amount of parking spaces required should be calculated by adding all integer together.

13.3.2 Response

Refer to the traffic engineer's response (attachment M) and updated Traffic and Parking Impact Assessment (attachment N). Table 3.2a of the updated Traffic and Parking Impact Assessment has been updated.

13.4 Trip generation

13.4.1 Query

Based on the Guide to Traffic Generating Developments, the trip generation rate for office use is listed below:

- *Daily vehicle trips: 10 per 100 m² gross floor area*
- *Evening peak hour vehicle trips: 2 per 100 m² gross floor area*

The applicant applied TDT20B/04a for Norwest Business Park, which adopted 2.75 trips/100 m² in the morning peak and 1.17 trips/100 m² in the afternoon peak. The applicant should provide a copy of the document for assessment.

13.4.2 Response

Refer to the traffic engineer's response (attachment M) and updated Traffic and Parking Impact Assessment (attachment N). A copy of TDT 2013/04a was provided to Council via email on 11 September 2024. Refer to Appendix D1 and D2 of the attached updated Traffic and Parking Impact Assessment for trip rates.

13.5 Trip calculation

13.5.1 Query

The calculation of the trip generation is unclear. The applicant shall show the detailed requirements of each specialized retail based on the Guide to Traffic Generating Developments.

13.5.2 Response

Refer to the traffic engineer's response (attachment X) and updated Traffic and Parking Impact Assessment (attachment X). A copy of the trip and parking generation rates from TfNSW data analysis report was forwarded to Council via email. It is noted that the trip generation proposed for this application is consistent with that proposed for DA2022/0463 which this office was involved in and was heavily scrutinised by TfNSW. Council has confirmed by emailed on 25 September 2024 that trip generation rates used in the analysis is acceptable.

13.6 Trip generation justification

13.6.1 Query

Trip distribution shall be provided based on the trip generation calculated in point 5 above. Assumptions regarding the trip distribution need to be clearly justified.

13.6.2 Response

Refer to the traffic engineer's response (attachment M) and updated Traffic and Parking Impact Assessment (attachment N). Assumptions for trip generation rates are provided in Appendix I of the updated Traffic and Parking Impact Assessment.

13.7 Turning paths

13.7.1 Query

The turning path provided by the applicant is not satisfactory. The applicant shall ensure that an 8.8m vehicle can turn into and out of the proposed development without causing any obstruction.

13.7.2 Response

Refer to the traffic engineer's response (attachment M) and updated Traffic and Parking Impact Assessment (attachment N).

An 8.8m vehicle can turn into and out of the proposed development. Refer to amended swept path diagrams provided in appendix F of the updated Traffic and Parking Impact Assessment.

13.8 Maximum vehicle length

13.8.1 Query

The maximum vehicle length allowed to enter or leave the proposed development shall be limited to 8.8m.

13.8.2 Response

Noted.

13.9 Additional traffic impact

13.9.1 Query

The additional traffic impact from the proposed development needs to be assessed based on the updated network Sidra Model mentioned in point 2 above and the updated trip generation mentioned in point 5.

13.9.2 Response

Refer to the traffic engineer's response (attachment M) and updated Traffic and Parking Impact Assessment (attachment N).

We note that TDT 2013/04a has been provided to Council and we welcome further comments regarding the updated network SIDRA modelling, refer to Section 3.8 of the updated Traffic and Parking Impact Assessment which considered the outcome of said modelling.

The network modelling showed that there is very little change between the Future Development Network plus Existing Model and the Existing plus Background Traffic Growth Model to 2023. The intersections in the Network Model are operating at Levels of Service A, A and B for AM Peak Hour Traffic and A, A and C for PM Peak Hour Traffic.