Pacific Planning

Property | Planning | Project Management
Level G, 16 Leavesden Place, Sylvania, NSW, 2224
T 0437 521 110
E info@pacificplanning.com.au
ABN 88 610 562 760

STATEMENT OF ENVIRONMENTAL EFFECTS (Amended Plans)

Proposed mixed use development 2 Bachell Avenue, Lidcombe

Submitted to Cumberland City Council
October 2024

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Contact

This report has been prepared for Raad Property Acquisition No 10 Pty. Ltd by:

Tim Stewart
Pacific Planning Pty Ltd
2 October 2024 (Issue No. 3)

Level G, 16 Leavesden Place
Sylvania
NSW 2224

M 0405 504 025
E tstewart@pacificplanning.com.au
ABN: 88 610 562 760

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1. Introduction

This Amended Statement of Environmental Effects (SEE) relates to Amended Plans which have been prepared to accompany an Integrated Development Application to demolish existing structures and erect a nine-storey mixed use building with associated car parking. The proposal comprises several different suites available for specialised retail, high technology- industries, light industrial, medical uses, storage units, recreation facility (indoor), take away food and drink premises, a child care centre, animal boarding facility and associated parking. The project has been branded 'The HUB'.

The application is 'regionally significant development' under part 2.4 of State Environmental Planning Policy (Planning Systems) 2021 as the development is general development that has a capital investment value of more than $30 million under (2) of Schedule 6. Therefore, the Sydney Central City Planning Panel is the relevant consent authority in accordance with Section 4.5 of the EP&A Act.

The project has undergone a design evolution due to the approvals process which preceded and followed the lodgement of the development application. The following summarises the process that has taken place:

1. The initial DA design followed a Pre-Lodgement meeting with Cumberland City Council on 12 April 2021, and presentation to the Cumberland Design Excellence Advisory Panel on 4 March 2021, and subsequently on the 28 February 2022. The input from council and the design experts has informed a revised design methodology to that previously envisaged through the previous Planning Proposal process, which facilitates a better outcome in terms of both built form and function. The attached **Design Report** provides further design evolution background to this process.

2. The Cumberland Design Excellence Panel considered the application on 19/06/2024 and made several comments that informed a Council Request for Information (RFI) issued on 30/7/2024. These suggested changes resulted in a reduction in the floor area of the building, a reduction in the height breaches, an increase in the floor-to-ceiling heights at the lower levels, and a clarification of uses within the building. These matters are addressed in the formal response to Council's RFI and not repeated here.

This Amended DA should be read in conjunction with the attached subconsultant's reports and the **Architectural Plans** (all plans and reports are as amended). The vision for the proposed development is outlined within the attached **Design Report**. It notes the broader region of Lidcombe is supported through heavy rail and vehicular based movement. The precinct is isolated by the Great Western Highway (Parramatta Road) and the Western Motorway (M4) to the North, Olympic Drive to the West and the rail corridor to the South and East. The HUB's location within the precinct solidifies the opportunity for innovative redevelopment by considering the needs of the immediate precinct.

In respect to the design and street presentation, the **Design Report** notes the following:

> *The relationship with the street is carefully considered. Modulation in the built form with simple repetitive elements is proposed to break down the massing along the property frontage, allowing for internal laneways with multiple opportunities for activation.*

The externalised circulation generates passive surveillance opportunities and with a fine grain language, inviting curiosity and intrigue.

The proposed architectural treatments will consider a heavy and detailed base, with brickwork influenced by the residential interface.

The upper stories are envisaged as a framed subservient addition.

The tower elements are set further back and are envisaged as predominantly glazed elements floating above the base.

The breakdown of the massing, and consideration of materiality will achieve a human scaled experience along Bachell Avenue.

The proposal breaks down the envelope into a series of separate buildings interlinked by open and generous internal streets and lanes.

This maximises the opportunities for the tenancies to receive natural light and ventilation. These tenancies front the internal lanes, which are interspersed by spaces to dwell and provide opportunities for the tenants to synergise and collaborate.

These internal streets and lanes are layered up the building to ensure, equitable access for all tenants.

These spaces are publicly accessible. Providing rooftop amenity aims to draw the public up through the building and create the basis of a local community available for all ages.

This SEE describes the site, its context and existing environment. It also outlines the proposal and provides an environmental assessment of the proposal in terms of the relevant matters for consideration under Section 4.15(1) of the *Environmental Planning & Assessment Act* (EP&A Act) 1979, including relevant legislation, environmental planning instruments, planning policies and strategies.

1.1 Description of the Proposal

This Amended Development Application (DA) seeks consent to erect a mixed use development comprising several buildings of various heights with internal promenades, and 496 car parking spaces. The tallest buildings are nine (9) storeys in height. The proposed gross floor area is 28,272m2 with various different uses, and roof-top recreation areas.

The figure below shows the total proposed floor areas per level (as amended):

LEVEL	OFFICE	OTHERS	GFA
LOWER GROUND		1248	1248
GROUND FLOOR		3333	3333
LEVEL 1		3287	3287
LEVEL 2		4770	4770
LEVEL 3		3457	3457
LEVEL 4		3163	4430
LEVEL 5	934	1529	2463
LEVEL 6	2216	130	2346
LEVEL 7	1699	146	1845
LEVEL 8	999	89	1088
TOTAL GFA (sqm)	5848	22424	28272
SITE AREA (sqm)			8738
FSR (x:1)			3.24

Figure 1 – Summary of Gross Floor Areas

1.1.1 Proposed Child Care Centre

A centre-based child care centre is proposed on Level 5 of Building A (Suite 5.01).

PLAYROOM #	AGE	CHILDREN	INDOOR AREA REQUIRED	INDOOR AREA PROVIDED	INTERNAL STORAGE REQUIRED	INTERNAL STORAGE PROVIDED	COMPLIES
1	0-1	12	39 m²	41 m²	2.4 m³	2.4 m³	YES
2	1-2	12	39 m²	39 m²	2.4 m³	2.4 m³	YES
3	0-2	12	39 m²	39 m²	2.4 m³	2.4 m³	YES
4	2-3	20	65 m²	65 m²	4 m³	4 m³	YES
5	3-4	20	65 m²	65 m²	4 m³	4 m³	YES
6	4-5	30	97.5 m²	97.5 m²	6 m³	6 m³	YES
TOTAL		**106**		**346.5 m²**			
OUTDOOR AREA REQUIRED			7m²/CHILD	742 m²			YES
OUTDOOR AREA PROVIDED			7m²/CHILD	764 m²			YES
OUTDOOR STORAGE AREA			0.3m²/CHILD	32 m²			

Figure 2– Child care centre summary of areas

The centre provides for 106 children and twenty-five (25) car parking spaces in the Lower Ground Floor basement for staff and parents doing drop-off and pick-up. This incorporates a clearly marked designated walkway, away from all vehicles, to a lift that services directly into the centre.

The centre provides outdoor play areas totally 764m2 around the class rooms on the roof terrace. The area details of the centre are shown below:

No. of children: 106
Floor area: 711m2
Playground area: 764m2
Car parking: 25 spaces
Hours of Operation: 7:00am – 7:00pm Monday to Friday

Regulation 123 'Educators to child ratios - centre-based services' outlines staff requirements per children. The breakdown of ages for the children and staff is provided below:

Room No	Age	Child No's	Classroom Area	Staff ratio	Staff
1	0-1	12	41m2	1:4	3
2	1-2	12	39m2	1:4	3
3	0-2	12	39m2	1:4	3
4	2-3	20	65m2	1:5	4
5	3-4	20	65m2	1:10	2
6	4-5	30	97.5m2	1:10	3
	Total	**106**	**346.5m2**		**18**

Figure 3 – Breakdown of CCC children and staff

The impact of the centre is assessed within the context of the overall building. A compliance table relating to Chapter 3 of the SEPP (Transport and Infrastructure) 2021 is attached as an Appendix to this application.

1.1.2 Background

This DA is the outcome of a detailed planning and design process, that commenced through a planning proposal process in 2018, and evolved through subsequent input from council through a pre-lodgement process and design input from the Cumberland Design Excellence Advisory Panel. In more recent times, a Council RFI has resulted in a further amendment to the design which is presented in this amended application.

The original Planning Proposal was lodged in November 2018 to introduce the B5 Business Development Zone to Auburn LEP 2010 (as in force at that time) and apply the B5 zone to the subject site, and to increase the FSR that applied to the site to 3:1. The Planning Proposal was considered by the Cumberland Local Planning Panel on 13 March 2019 and council on 15 May 2019 where the proposal was supported.

The proposal received a conditional Gateway determination on 16 December 2019, requiring the Proponent to submit a flood study, revised urban design study and revised economic study, and to update the planning proposal to reflect the outcomes of those studies prior to exhibition of the planning proposal.

In June 2020, Council considered a report following the completion of the additional study and endorsed an amended planning proposal to be forwarded to the Department for a Gateway alteration. The amended proposal was for an FSR of 3:1; building height controls of 18m and 32m; Schedule 1 amendment to allow office and business premises as additional permitted uses on the site; and a floor space cap of 7000m2 for the additional permitted uses.

In August 2020, the Department issued an alteration to the Gateway Determination, which endorsed the planning proposal for public exhibition. The planning proposal and supporting studies were placed on public exhibition from 24 September 2020 to 22 October 2020.

On Wednesday 2 December 2020 Council considered the planning proposal and report on the public exhibition. At that meeting council resolved as follows:

1. *Adopt the recommended planning controls for 2 Bachell Avenue, Lidcombe, and as previously resolved by Council, being:*
    a) *Introduce a B5 Business Development Zone for the site;*
    b) *Increase the floor space ratio (FSR) control for the site from 1:1 to 3:1;*
    c) *Apply a height of building (HOB) control of 18m at the front of the site and 32m for the remainder of the site;*
    d) *Amend Schedule 1 to add Office and Business Premise as additional permitted uses to the site;*
    e) *Add a clause to Part 6 that applies a local provision regarding a floor space cap of 7000m2 to the additional permitted uses; and*
    f) *Remove the Foreshore Building Line that applies to the site.*
2. *Endorse that the planning proposal be forwarded to the Department of Planning, Industry and Environment for finalisation and gazettal.*
3. *Note that this Local Environmental Plan amendment will be published in the Government Gazette upon finalisation.*
4. *Note that the recommended planning controls will be carried over to the new Cumberland Local Environmental Plan when in force.*

The amendment came in to force when it was notified on the NSW Legislation website as Amendment No. 30 to Auburn LEP 2010 on 12 March 2021.

Subsequently, the provisions of Auburn LEP 2010 were repealed when the Cumberland LEP 2021 was gazetted on the NSW Legislation website on 5 November 2021. This provided for a more expanded B5 Business Development zone which permits 'Business Premises' and 'Office Premises'. Notwithstanding, the site-specific provisions related to these uses was carried across to the new LEP.

Further, the employment zones reform replaced the B5 Business Development zone with the E3 Productivity Support zone, effectively rezoning the site to the new zone. The employment zones were introduced through 6 self-repealing SEPPs on 16 December 2022 and commenced on 26 April 2023. This had no effect on the permissibility of the proposal.

The design was modified as a consequence of the Pre-Lodgement meeting with Cumberland City Council, which was held on 12 April 2021, and the presentation to the Cumberland Design Excellence Advisory Panel on 4 March 2021, and subsequently on the 28 February 2021, which provided further input and advice.

The initial DA was lodged and the Design Review Panel and Council reviewed the design, suggesting further changes via the most recent RFI, dated 30/7/2024.

This design process and more-recent reviews have resulted in a revised and more refined design methodology, which resulted in better outcomes to the design, access, orientation, wayfinding and pedestrian and traffic networks. This also has resulted in slightly revised maximum heights and densities which are further considered later in this SEE and the attached clause 4.6 requests.

These changes are reflected in this modified application.

2. Site Description and Context

2.1 Site and Locality Description

The site is known as Lot 2 DP 219413 and is located on the eastern side of Bachell Avenue. The site is triangular in shape and has a total area of 8738m2. The road frontage to Bachell Avenue is 203.835m. The southern boundary along the railway corridor is 139.915m, and the eastern boundary is 122.30m. The site is located within the Cumberland Local Government Area.

The site is located approximately 900m from Lidcombe Railway Station and Lidcombe Town Centre. The town centre is located on the northern and southern side of the railway line. Industrial lands adjoin the site to the east, with low and medium density residential sites are located opposite the site, towards the north-west. To the south of the subject site is the Transport for NSW Flemington Maintenance Centre.

The locality and broader context is discussed in the attached **Design Report**.

The site generally slopes from the southwest to the north at 2.0% gradient. It has a level of 16.20 AHD in the south-western corner of the site, 13.78 AHD at the south-eastern corner, and 11.96 ADH at the north-eastern corner. Apart from minor variations, there is almost no fall from the front of the site to the rear. Detailed levels are shown on the attached **Survey Plan**.

The site falls under the “Lower Haslam Creek” catchment, and an existing open storm water channel runs across the site, with a footprint approximately 3m below existing ground level. An existing sewer also runs across the site just north of the footprint of the proposed excavation. It is noted as being approximately 6 metres below groundwater level.

The Figures below show the site in the context of the locality:

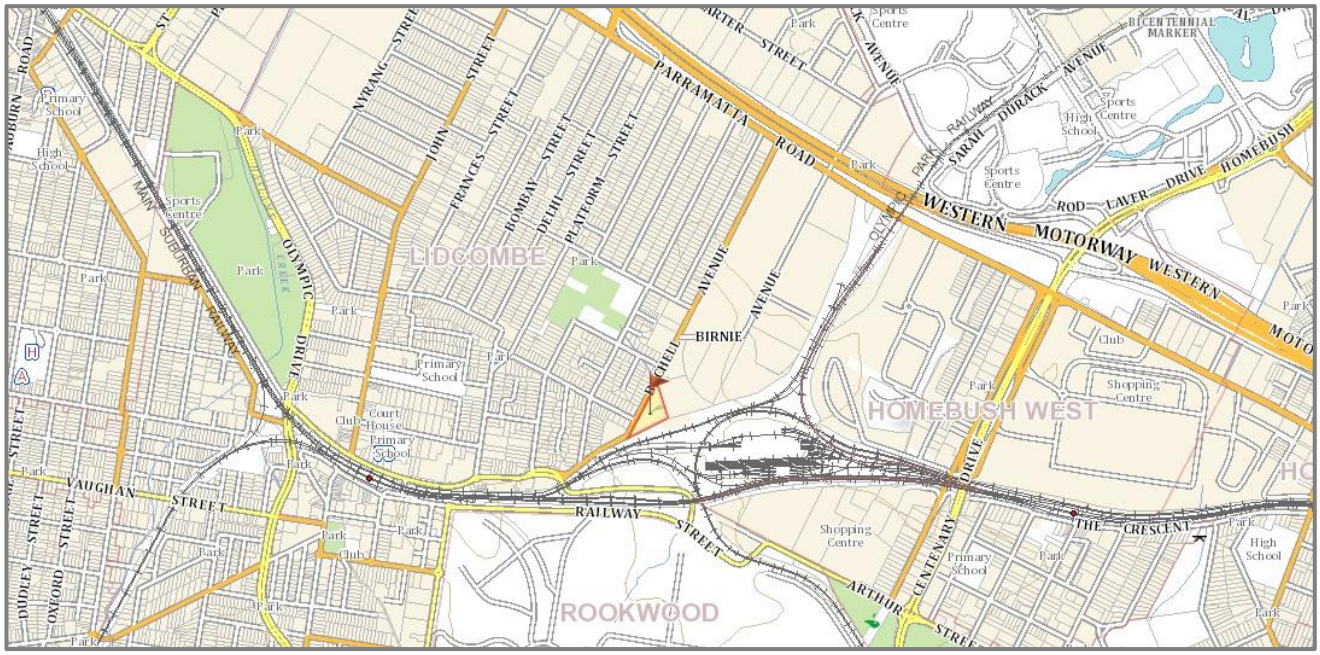

Figure 4 – Locality Plan (Source: Six maps NSW Government)

Figure 5 – Site Plan (Source: Six maps NSW Government)

Figure 6 – Air photo (Source: Six maps NSW Government)

The subject site is shown below in Photographs 1 and 2. A more detailed analysis of the streetscape and the site is contained within the attached **Design Report**.

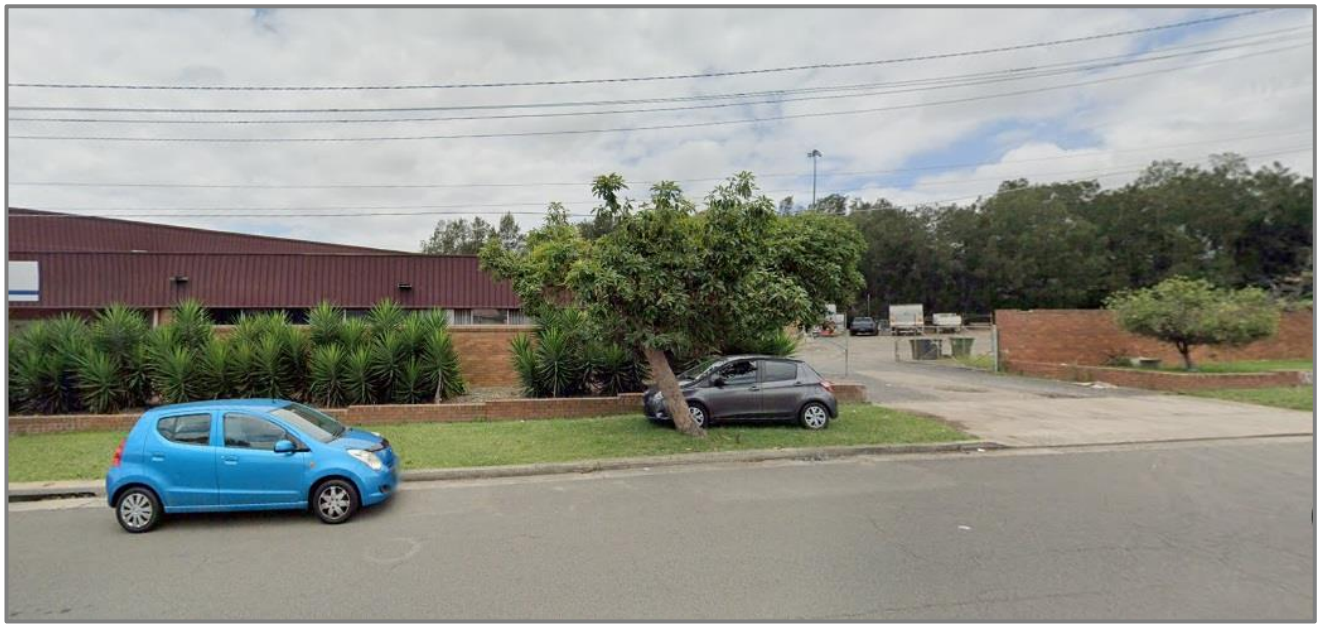

Photo 1 – The subject site (partial frontage only)

Photo 2 – Bachell Ave looking east. The site is on the right and residential sites opposite.

3. Planning Considerations

3.1 Environmental Planning and Assessment Act 1979

The proposal is consistent with the objects of the EP&A Act in that it provides new employment-generating uses on an appropriate site with minimal impact on surrounding lands. It adopts an efficient building footprint by using various building footprints comprising various heights.

This section of the report provides the planning assessment against the key statutory environmental planning instruments and Development Control Plans relevant to the development. The following detailed assessment of the proposal is provided and is based on the heads of consideration contained in Section 4.15 of the EP&A Act:

4.15 Evaluation
[1] Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

[a] the provisions of:
[i] any environmental planning instrument, and
[ii] any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority [unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved], and
[iii] any development control plan, and
[iiia] any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
[iv] the regulations [to the extent that they prescribe matters for the purposes of this paragraph],
that apply to the land to which the development application relates,
[b] the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
[c] the suitability of the site for the development,
[d] any submissions made in accordance with this Act or the regulations,
[e] the public interest.

The mixed use development of the site for employment-generating uses supports the objects of the Act.

3.2 Provision of relevant Environmental Planning Instruments

Section 4.15(a)(i) requires the consideration of all relevant Environmental Planning Instruments at the Development Application Stage.

The proposed development has been prepared having regard to the following EPI's:

- SEPP (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021 – Chapter 2 Infrastructure
- State Environmental Planning Policy (Transport and Infrastructure) 2021 – Chapter 3 Education
- SEPP (Planning Systems) 2021
- State Environmental Planning Policy (Industry & Employment) 2021 – Chapter 3 Advertising & Signage
- Cumberland LEP 2021 – Discussed in Section 3.3

3.2.1 SEPP (Resilience and Hazards) 2021

The State Environmental Planning Policy (Resilience and Hazards) 2021 establishes State-wide provisions to promote the remediation of contaminated land.

The SEPP requires that a consent authority must not grant consent to a development if it has considered whether a site is contaminated, and if it is, that it is satisfied that the land is suitable (or will be after undergoing remediation) for the proposed use.

A **Stage 1 Preliminary Site Investigation**, a **Stage 2 Detailed Site Investigation** and a **Remedial Action Plan** were prepared for this application and are attached as appendices to this application. The Sullivan-ES reports makes the following conclusions based on Phase 2 findings:

- *Groundwater exists at a depth of 2.0 – 2.8 metres below the ground surface. The groundwater results indicate generally good quality groundwater that has not been impacted by onsite operations. The groundwater would not pose a risk to receptors and does not prevent the site from being used for sensitive residential land uses.*
- *Soils are of good quality and meet the criteria for the existing commercial/industrial land use and warrant no further assessment or remedial action.*
- *Soils generally meet the criteria for the proposed residential land use and generally do not pose a risk to future users of the site. However, a localised area south of the factory/warehouse on the fringes of the concrete paved area (SS1 and SS2) and beneath the concrete slab in the northern central area of the building (SB13) are impacted by heavier fraction hydrocarbons. The impacted areas are not posing any health risks in their current state.*
- *One sample identified asbestos in the soil buried below the surface in the rear grassed area at SB11. Site workers and the general public cannot access this area nor can the asbestos be exposed unless excavated from the ground, therefore the asbestos does not pose a risk under the current conditions of the site. Access to this area should be controlled by maintaining the security gates to this area such that the asbestos is not inadvertently exposed. Future development works must consider asbestos as a contaminant of concern during bulk earthworks and waste management practices.*

- *The contaminated materials do not preclude the site from being used for its intended purpose and the site can be made suitable for the high density residential purpose. However the identified hydrocarbon and asbestos contamination should be managed during the pending redevelopment of the site to prevent any unintended exposure in future. Given the small volume and localised appearance of site contamination, off-site disposal to an appropriately licensed facility is considered the most appropriate strategy. Health and safety controls will be required during excavation works in the area where asbestos was identified.*

Following the recommendations within the RAP, the proposed construction work can commence.

3.2.2 State Environmental Planning Policy (Transport and Infrastructure) 2021

3.2.2.1 Traffic Generating Developments:

Chapter 2 of the SEPP applies. Clause 2.122 – Traffic generating development applies to the site. It provides for the following:

1) This section applies to development specified in Column 1 of the Table to Schedule 3 that involves—
(a) new premises of the relevant size or capacity, or
(b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.

A detailed analysis is required to determine whether the project requires a referral, due to the mixed-use nature of the proposal. The trigger for referral is more than 10,000m² in "commercial" floor area, noted in Column 2. The attached **Traffic and Parking Assessment** provides a detailed breakdown of areas (Figure 2). This reveals that the floor area that could be generally categorized as commercial totals 17,739m2, excluding the industrial uses, high tech industry, pet facility, caretaker and storage.

A referral is required on this basis.

Clause 2.100 and Clause 2.120 also need consideration given a child-care centre is proposed. The two clauses are:

2.100 – Impact of rail noise or vibration on non-rail development
(1) This section applies to development for any of the following purposes that is on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration—
(a) residential accommodation,
(b) a place of public worship,
(c) a hospital,
(d) an educational establishment or centre-based child care facility.

2.120 Impact of road noise or vibration on non-road development

(1) This section applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by road noise or vibration—

(a) residential accommodation,

(b) a place of public worship,

(c) a hospital,

(d) an educational establishment or centre-based child care facility.

The attached **Acoustic Assessment** examined whether these two clauses apply. It noted the following:

Clause 2.120 of the Transport and Infrastructure SEPP does not specify any noise criteria to apply to child care centres.

Transport for NSW provides Traffic volume maps for Infrastructure SEPP. Bachell Avenue is not classified as a road corridor carrying above 20,000 vehicles a day. Therefore, the Transport and Infrastructure SEPP road noise criteria does not apply to the site.

The subject site is adjacent to Bachell Avenue which is a sub-arterial road corridor by definition in the EPA's Road Noise Policy.

The **Acoustic Assessment** goes on to note that the NSW Department of Planning's *Development Near Rail Corridors and Busy Roads – Interim Guideline* provides guidance on the use/interpretation of clauses related to rail traffic and road traffic within the former *Infrastructure SEPP* and notes that these could be used for the assessment of Clause 2.120.

The **Acoustic Assessment** includes the child care centre use within the development on this basis. This is a reasonable method to adopt given that the intent of Clause 2.120 is to ensure noise impacts on educational uses are well managed.

3.2.2.2 Infrastructure:

The proposal is Integrated Development under this Chapter of the SEPP and requires concurrence of the Minister. Part 2.3 – Development Controls (Division 15) contains controls related to Railways. The detailed requirements within 'Appendix A - Development referrals guide' are addressed in Appendix 38 – Concurrence Requirements, and other requirements are addressed within Appendices 39 – 41, which provides a structural assessment and an appraisal of "Development Near Rail Corridors and Busy Roads – Interim Guideline". The specialist reports, prepared in accordance with the Guideline provide details in respect to footing design and shoring methods.

Appropriate survey plans and structural reports are attached. A Rail Risk Management Plan has also been prepared for the project. The Plan addresses Constraints, Project Management, Stakeholder engagement, Risk

Management Process, Rail Safety Hazards, Safety, Risk Thresholds and Risk Assessment. The report notes the following:

> *The purpose of this Rail Risk Management Plan (RRMP) is to set out the process employed to manage safety risks that are likely to arise from the demolition, excavation, construction and maintenance activities at the development site 2 Bachell Avenue Lidcombe, adjacent to Sydney Trains assets.*
>
> *The risk management process follows the requirements documented in AS/NZ 31000:2009 Risk management - Principles and guidelines which are mirrored in TfNSW risk procedures and risk standard. The analysis, evaluation and treatment of risks was also undertaken in accordance with criteria documented in the TfNSW risk procedures and risk standard.*
>
> *A variety of sources have been utilised to gather information for the compilation of the RRMP including engineering reports produced for the project. A total of five events (5) events resulting in eight (8) different hazards have been identified. The hazards are typical in nature to those that may arise from this type of works. Safety controls have been documented for all identified hazards.*
>
> *After the application of safety controls all risks were assessed as being within a broadly acceptable region and reduced so far as is reasonably practical.*

3.2.2.3 Educational establishments and child care facilities:

Chapter 3 of the SEPP (Transport and Infrastructure) 2021 applies to educational establishments and child care facilities. Clause 3.23 requires consideration of the *Child Care Planning Guideline*, which incorporates the primary controls for the development of the site as a child care centre. This document can be found in the link below:
https://gazette.legislation.nsw.gov.au/so/download.w3p?id=Gazette_2021_2021-501.pdf

Compliance with the *Child Care Planning Guideline* and the Education and Care Services National Regulations (2011) are detailed in an Appendix to this application which is named *SEPP (Transport and Infrastructure) 2021 – Chapter 3 Compliance Table*.

3.2.3 SEPP (Planning Systems) 2021

Section 4.5(b) of the EPA Act 1979 provides for Regionally Significant Development. Chapter 4 of the SEPP relates to Concurrences and Consents, with Part 4.3 outlining the requirements.

In operative terms, Part 2.4 of the SEPP applies to Regionally Significant Development, referring to development works defined within Schedule 6. Schedule 6 notes that “general development” which has a capital investment value of more than $30 million is categorised as regionally significant development.

The proposed development is estimated as being well above $30M and therefore it is regionally significant development. A **Quantity Surveyor’s Report** is attached to the application, demonstrating the overall value of the project.

3.2.4 State Environmental Planning Policy (Industry & Employment) 2021

Chapter 3 of the SEPP incorporates signage requirements, requiring that the consent authority consider the assessment criteria specified by the objectives in section 3.1(1)(a) and Schedule 5 (assessed below). A signage plan is submitted with the architectural plans at DA650. This includes their location on the building and their respective sizes.

The objectives of Section 3.1 aim to ensure that signage (including advertising)—

(i) is compatible with the desired amenity and visual character of an area, and
(ii) provides effective communication in suitable locations, and
(iii) is of high quality design and finish, and

The assessment of the proposed signage is consistent with the desired character of the area as expressed through the recent rezoning of the land. The signage supports the above objectives.

Section 3.15 applies and provides for the following:

(1) This section applies to an advertisement—
(a) that has a display area greater than 20 square metres, or
(b) that is higher than 8 metres above the ground.

(2) The consent authority must not grant consent to an application to display an advertisement to which this section applies unless—
(a) the applicant has provided the consent authority with an impact statement that addresses the assessment criteria in Schedule 5 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and
(b) the consent authority gave a copy of the application to TfNSW before the application is exhibited if the application is an application for the display of an advertisement to which section 3.16 applies.

The required assessment and the illustrations in the architectural plans demonstrate that the proposal is consistent with the assessment criteria in Schedule 5 (shown below).

Other relevant considerations are summarised below:

- The site is not visible from, or within 250m of a classified road, and therefore Section 3.16 does not apply.
- The eastern elevation signs are for business identification, and not wall advertising under Section 3.20.

TABLE 1: Schedule 5 SEPP (Industry & Employment) 2021 – Assessment Criteria Compliance		
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	✓	The character of the area is industrial/ employment lands and residential. The proposed signage on the site adopts a range of sizes, with narrow signs facing the residential zone. The proposed signage for the site is appropriate to the building, which is an employment HUB. The building is unique in context and has been recently rezoned for the proposed uses. The signage is suitable for the use of the site, and consistent with the mixed use character of the area.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	✓	No particular theme exists.
2 Special Areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	✓	No. It places new signs on a new building. This will assist in creating some visual interest on the façade.
3 Views and Vistas		
Does the proposal obscure or compromise important views?	✓	No.
Does the proposal dominate the skyline and reduce the quality of vistas?	✓	No. The signs are within the building envelope. The only signs that extend beyond the envelope are the front 'wall' signs (Type 1) which are only 500mm wide.
Does the proposal respect the viewing rights of other advertisers?	✓	Yes.
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	✓	Yes. The signs are proportional to the wall of the building and the fascia sign relates to the proportions of the facia. The signs on the eastern elevation are square, and are arranged to be proportional to the taller wall containing the fire escape.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	✓	These proposed signs add colour to the façade, provide visual interest, and reduce the impact of the masonry walls. They also promote legibility about the use of the building.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	✓	No. It is part of the design of a new building.
Does the proposal screen unsightliness?	-	No.

Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	✓	No.
Does the proposal require ongoing vegetation management?	✓	No.
5 Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	✓	Yes. The signs relate to the scale of the building. The proportions of the signs match the building proportions at their location.
Does the proposal respect important features of the site or building, or both?	✓	Yes. Their location is suitable to strong vertical and horizontal elements which are features of the overall design.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	-	The signage is not overly innovative, however the signs on the eastern façade are a creative way to soften the fire stair wall which runs the full height of the building.
6 Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	✓	No safety devices, lighting or platforms are proposed.
7 Illumination		
Would illumination result in unacceptable glare?	✓	No illuminated signage is proposed.
Would illumination affect safety for pedestrians, vehicles or aircraft?	✓	No.
Would illumination detract from the amenity of any residence or other form of accommodation?	✓	No.
Can the intensity of the illumination be adjusted, if necessary?	✓	N/A
Is the illumination subject to a curfew?	✓	N/A
8 Safety		
Would the proposal reduce the safety for any public road?	✓	No.
Would the proposal reduce the safety for pedestrians or bicyclists?	✓	No.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	✓	No.

3.2.5 State Environmental Planning Policy (Sustainable Buildings) 2022

The State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP) was made in August 2022 and became effective from 1 October 2023. The SEPP seeks to encourage the design and construction of more sustainable buildings across NSW to assist meet climate change targets.

Specifically, Chapter 3 of the Sustainable Buildings SEPP has introduced new sustainable performance measures in the design and operation of non-residential buildings. Under the provisions of Section 3.1(2) of the SEPP, the development is not exempt from the provisions of Chapter 3.

In considering the provisions of Section 3.2, the development has been designed to enable the following sustainability measures:

- A reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design;
- The metering and monitoring of energy consumption; and
- The minimisation of the consumption of potable water.

Further, the proposal considers the following general sustainability provisions:

1. The proposal is for a new age mixed use business orientated building catering to smaller tenancies with opportunities for collaboration. This is integrated into the building design with the majority of tenancies provided with good access to natural light and natural ventilation. Refer to the design report for the passive design principles.
2. The proposal is providing metering and monitoring of energy consumption as stipulated in the section J report.
3. The proposal is providing rainwater tanks for rainwater reuse as identified in the stormwater plans.

Under the provisions of Section 3.3, which includes other sustainable considerations for large commercial developments, the project seeks to achieve the following net zero provisions:

- Inclusion of an electric HVAC system;
- The location of current plant room to enable future conversion; and
- Access to plant room to enable machinery to be changed over.

Additionally, and for the purpose of Section 3.3(2) and (3), the application includes a NABERS commitment agreement which demonstrates that the development is capable of achieving a standard specified in Schedule 3 of the SEPP, which relates to standards for energy and water use.

Finally, all non-residential development is required to address the embodied emissions reporting process using the NABERS Embodied Emissions Materials Form. The completed NABERS Embodied Emissions Materials Form is included at Appendix 34.

In summary, as it relates to the Sustainable Buildings SEPP, the application is supported by the following:

Appendix 33 – NABERS Commitment Agreement
Appendix 34 - NABERS Embodied Emissions Materials Form
Appendix 35 – Net Zero Statement

3.3 Local Environmental Plan

Cumberland Local Environmental Plan (LEP) 2021 applies to the site. For clarity, the site is within Map series _016.

3.3.1 Zoning

The site is zoned E3 Productivity Support. A large range of uses are proposed, and these are examined below to confirm permissibility:

3 Permitted with consent

Animal boarding or training establishments; Boat building and repair facilities; Building identification signs; Business identification signs; Business premises; Centre-based child care facilities; Community facilities; Depots; Food and drink premises; Function centres; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Kiosks; Landscaping material supplies; Light industries; Local distribution premises; Markets; Mortuaries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Rural supplies; Service stations; Specialised retail premises; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Early education and care facilities; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home businesses; Home occupations; Home occupations (sex services); Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Registered clubs; Residential accommodation; Restricted premises; Rural industries; Sewerage systems; Sex services premises; Signage; Tourist and visitor accommodation; Transport depots; Truck depots; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

TABLE 2: Assessment of permissibility of proposed uses		
Use proposed	**Dictionary Classification**	**Permissibility**
Food and Drink Premises	Food and drink premises; Take away food and drink premises;	Yes. 'Food and drink premises' and 'take away food and drink premises' are permitted with consent.
Restaurant and cafe	Food and drink premises;	See above
Gym	Recreation facilities (indoor);	Yes. Permitted with consent.
Health Services	Health Services Facility; Recreation facilities (indoor) – Health studio;	Yes. A Health Services Facility is not prohibited, therefore are permissible.
Community uses	Community Facilities;	Permissible
Dog daycare	Animal boarding or training establishments;	Permissible
Child care centre	Centre-based child care facilities;	Permissible
Light industrial uses	Light industries; Industrial training facilities; Industrial retail outlets;	Permissible
Specialised retail uses	Specialised Retail Premises;	Commercial premises are prohibited, including Retail Premises, however Specialised Retail Premises are permissible.
Self-Storage	Storage Premises;	Yes. Self-storage units are a type of storage premises and are permitted with consent.
High technology uses	High technology industry;	Yes. High technology industry is a form of 'light industry' and is permitted with consent.
Office Premises	Office premises;	Office premises are permitted with consent in the E3 Productivity Support zone, and are also specifically permitted by the site specific clause.

The objectives of the zone are:

- *To provide a range of facilities and services, light industries, warehouses and offices.*
- *To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.*
- *To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.*
- *To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.*
- *To provide opportunities for new and emerging light industries.*

- *To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.*

The proposal is an efficiently designed, high quality development, providing a product that is in high demand, as technological industries and manufacturing are seeking to expand within Australia. It provides jobs-generating uses on a key industrial site. It also provides for uses that will enhance the amenity of local residents and visitors to Lidcombe. All aspects of this proposal speak to the attainment of these objectives.

3.3.2 Height of Buildings

The site has a maximum height allowance of 32 metres throughout most of the site, with an 18 metre zone along the street-frontage.

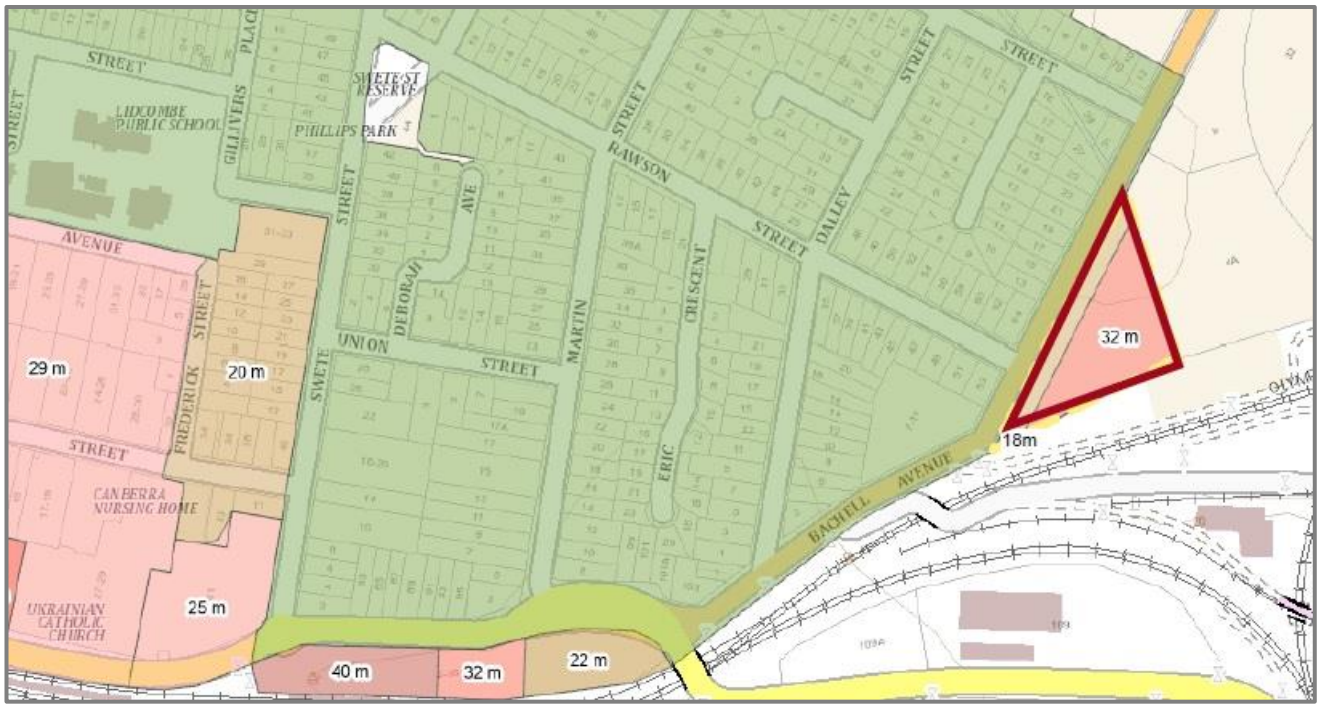

Figure 7 – Height of Buildings Map (LEP)

The nature of the site and its slope mean there are several buildings with various degrees of stepping. While the overall development generally complies, there are several areas where there are minor non-compliances. Some of these relate to the orderly transition between the lower 18m portion of the site up to the 32m portion. There are a couple of instances where this increase in height occurs just inside the 18m zone. A height plane and details of the nature of the breaches are shown in the architectural plans.

The size and shape of the site is such that a large well-planned site can result with minimal impact on any property, apart from the railway corridor. The objectives of the control are maintained, and this justification is outlined in detail in the attached Clause 4.6 report.

3.3.3 Floor Space Ratio

The permissible FSR for the site is 3:1. The total development GFA (amended plans) is 28,272m2 which results in the following calculations:

Allowable FSR: 3:1
Allowable GFA: 26,214m2
Proposed GFA: 28,272m2
Variation: 2,058m2
Proposed FSR: 3.24:1 which is an exceedance of 7.8%

This non-compliance is justified within a Clause 4.6 justification, which is attached.

For clarity, in terms of calculating the gross floor area, the nature of the self-storage areas within the basement levels has been examined. In determining that they were excluded from the GFA, it is noted the findings in the LEC case *Britely Property Pty Ltd v Randwick City Council (No 2) [*2020] NSWLEC 1389. A summary by solicitors Mills Oakley of this case noted the findings of the Court:

> *…the Court held that bicycle storage areas located in a basement were **excluded** from the calculation of GFA (at [58]) because:*
>
> *a. consistent with the decision in Connoisseur Investments, only **habitable** spaces (or shops, auditoriums or cinemas and the like) in the basement contribute to GFA; and*
> *b. the bike cages fell within the storage exclusion at (e)(i) of the standard definition of GFA (i.e. excluding "any basement storage").*
>
> *It is important to keep in mind that this exclusion of bike storage spaces would **not** apply if the bike spaces were contained within the "internal face of external walls" at a level other than the basement (for example at ground floor).*

Source for above opinion: https://www.millsoakley.com.au/thinking/update-calculating-gross-floor-area-for-fsr-purposes-in-nsw-july-20-21/

The self-storage is within the basement levels and it is not habitable. It therefore falls within the broad definition of "*any basement storage*", which provides no other details or requirements. The self-storage units are not a part of the gross floor area.

Note: The assessment of basement storage has been determined by Council and addressed in the attached Response to Council's RFI. The GFA calculations have been adjusted accordingly.

3.3.4 Other LEP Provisions

TABLE 3: GENERAL LEP CONTROLS	
Control	**Compliance**
2.7 Demolition	As part of the application.

	A demolition plan is a part of the application, as is a **waste management plan**.
5.21 Flood planning	The site is affected by some flooding, and a **Flood Impact Assessment** is attached to this application. The proposed floor levels are 13.7m AHD and this compares favourably to the adjacent 1% AEP flood level upstream of the site which is 13.15m AHD. The 1% AEP peak flood level at the downstream end of the site is 12.7m AHD. As such all floors are 0.5 m above 1% AEP flood level in compliance with Council requirements.
6.1 Acid Sulphate Soils	The site is mapped as a Class 5 area. Consent is required for works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.
6.2 Earthworks	Three (3) basement levels are proposed. All works are ancillary to the development. A specific **Geotechnical Report** is submitted with the application and looks at the suitability of site excavation.
6.4 Essential Services	Development consent must not be granted to development unless the consent authority is satisfied that the following services that are essential for the development are available or that adequate arrangements have been made to make them available. Services are available to the site, and can be augmented as required.
6.6 Stormwater Management	A comprehensive set of **stormwater plans** is attached, showing the design for each level of the development. A Music Schematic is included. The basement is serviced by a pump well, with site drainage now diverting into a 2.1 x 2.4 culvert along the eastern boundary. Detailed calculations and connection points are contained on the plans. The required stormwater storage is 285.232m3, and the storage provided is 292.715m3.
6.12 Urban heat	Subclause (2) outlines matters for consideration. The design incorporates several roof top garden areas which assist in achieving these outcomes. Façade planter boxes also soften the reflectivity of the front façade, which has a north orientation. Cross ventilation of units is also possible due to building separation at different levels. The mix of glazing, concrete and planter boxes all aims to achieve high passive performance.
Schedule 1 Clause 13	*13 Use of certain land at 2 Bachell Avenue, Lidcombe* *(1) This clause applies to Lot 2, DP 219413, 2 Bachell Avenue, Lidcombe, shown as "13" on the Additional Permitted Uses Map.* *(2) Development for the following purposes is permitted with development consent—* *(a) business premises,* *(b) office premises.* *(3) Development consent must not be granted under this clause if it would result in more than 7,000 square metres of gross floor area of all buildings on the land to which this clause applies being used for the purposes specified in subclause (2).* Table 3 in this SEE notes the breakdown of uses. Office premises comprise a total area of 6972m². All other uses are industry, specialized retail premises and specifically defined, not falling under the group term 'business premises'. The proposal complies with this provision.

3.4 Draft Environmental Planning Instruments

Section 4.15 (1)(a)(ii) requires consideration of relevant Draft Environmental Planning Instruments (EPIs).

None apply.

3.5 Development Control Plans

Section 4.15(1)(a)(iii) of the act requires the consideration of Council's DCPs.

Cumberland Development Control Plan (DCP) 2021 applies to the site. Part C, Section 3 – Objectives and Controls provide the primary controls. A Compliance Table for the DCP set out below, dealing with controls relevant to this proposal.

TABLE 4: DCP COMPLIANCE TABLE	
PART C – DEVELOPMENT IN BUSINESS ZONES	
3.1 Lot size and frontage	
Relevant Control	Comment
C1. Unless otherwise stated as site specific controls in this DCP, the minimum lot frontage for shop top housing development within Zone B2 Local Centre and Zone B4 Mixed Use shall be: • up to 3 storeys: 20m; and • 4 storeys or greater: 30m	N/A – the site is in the E3 Productivity Support zone and does not propose residential
C2. Lot size and frontage shall provide an appropriate site configuration that achieves: • adequate car parking area and manoeuvring for vehicles in accordance with AS2890; • ground level frontage that is activated and not dominated by access apertures to car parking areas; and • the required setbacks and building separation set out by this DCP or the Apartment Design Guide	Complies. Evident in design.
3.2 Setbacks and separation	
Relevant Control	Comment
<u>Front setback</u> C1. Front Setback: Nil (except for B1 Neighbourhood Centre zoned land). A greater setback may be required to align with the predominant street setback.	Complies
C2. For B2 and B4 zones, or unless otherwise stated in site specific controls within this DCP, a street wall height (i.e. podium height) of 3 storeys with a zero setback to the street is required.	While these zones have been recategorized and the zones do not apply to the subject site, the proposal generally embraces this control, but

	within the 18m LEP height plane. A three storey presents to the street for the bulk of the frontage, with the upper levels being setback from the street.
C3. A minimum 3m setback shall be provided for levels above the street wall height for the podium. C4. Levels above street wall height are to be setback to ensure visual separation. This may be achieved through upper level setbacks, material variances and/or horizontal recesses.	See above.
C5. Council may require alternative street wall heights and setbacks where compatibility with the existing prevailing built form within the immediate context can be demonstrated or is necessary.	The proposed form is generally consistent with the LEP controls, with minor variations noted. The proposal represents an attractive street presentation, creating a vibrant and attractive precinct of employment.
<u>Side and rear setback</u> C6. Where a site adjoins any residential zone (and not separated by a road), the side setback shall be a minimum of 3m. C7. Rear Setback: 15% of site length where boundary adjoins a residential development or a residential zone	No residential zone adjoins the site.
3.3 Landscaping and open space	
Relevant Control	Comment
<u>Landscaping</u> C1. Landscape reinforces the architectural character of the street and positively contributes to maintaining a consistent streetscape character. C2. Landscaping is to form an integral part of the overall design concept. C3. At grade car parking areas, particularly large areas, shall be landscaped so as to break up large expanses of paving. Landscaping shall be required around the perimeter and within large car parks. C4. In open parking areas, 1 shade tree per 10 spaces shall be planted within the parking area. C5. Fencing shall be integrated as part of the landscaping theme so as to minimise visual impacts and to provide associated site security. C6. Paving and other hard surfaces shall be consistent with architectural elements. C7. For developments with communal open space, a garden, maintenance and storage area are to be provided, which is efficient and convenient to use and is connected to water for irrigation and drainage.	Achieved. A mix of planting within the site and on rooftops is proposed.
<u>Street trees</u>	Complies. A **Landscape Package** is provided and it shows the street trees.

C8. 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.	
C11. Vehicular driveways shall be located a minimum of 3m from the outside edge of the trunk measured 1m above the existing ground level of any street tree to be retained. C12. Services shall be located to preserve significant trees. C13. At the time of planting, street trees shall have a minimum container size of 200 litres and a minimum height of 3.5m, subject to species availability.	Complies at ground level. Trees are planted in the level above the driveway to continue the 'green' presentation to the street.
Open space C14. Where buildings are setback from the street, the resulting open space shall provide usable open space for pedestrians. C15. Open space areas are to be paved in a manner to match existing paving or to suit the architectural treatment of the proposed development.	Significant pedestrian linkages are provided throughout the site. Ground and upper floor circulation is shown within the attached **Design Report**. Surfaces are shown in the **Landscaped Plans**.
3.5 Streetscapes	
Relevant Control	Comment
C1. New shopfronts shall be constructed in materials which complement the existing or emerging character of the area.	The site is the first mover in terms of new character. The materials and design is modern and attractive within the context. The design response and vision for the development is outlined in Part 9 of the **Design Report**.
C2. Development shall provide direct access between the footpath and the shop.	A mix of commercial premises and industrial units front the street. The commercial suites provide street access.
C3. Security bars, and roller shutters are not permitted; however, transparent security grilles of lightweight material may be used.	Noted.
C4. Signage shall be minimised and coordinated to contribute to a more harmonious and pleasant character for the locality.	Noted. A specific Signage Plan is included within the architectural plans.
C5. Require buildings at visually significant locations to be well designed and respond to the different characteristics of the streets the address.	The site is reasonably significant, although not a key site within a centre. The design provides a high quality street presentation.
3.6 Building Use	
Relevant Control	Comment
C1. Ground floor uses in business zones are to comprise non-residential uses.	Achieved.
3.7 Façade design, shopfront and materials	
Relevant Control	Comment
Façade design C1. Facade proportions and vertical and horizontal emphasis shall be appropriate to the scale of development and its interaction	Achieved. Evident in design.

with the streetscape. Vertical emphasis shall be incorporated above awnings.	
C2. Building facades at street level along primary streets and public places consist of a minimum of 80% for windows/glazed areas and building and tenancy entries.	Complies. A dominance of glass is displayed in the street elevation.
C3. Visible light reflectivity from building materials used on the facades of new buildings shall not exceed 20%. C4. Building services, such as drainage pipes, shall be coordinated and integrated with overall façade and balcony design. C5. Ventilation louvres and carpark entry doors shall be integrated with the design of the overall façade. C6. Security devices fitted to building entrances and windows shall be transparent to allow for natural surveillance, and made of light weight material. C7. The ground floor level must have active uses facing streets and public open spaces.	Achieved. Evident in design.
<u>Shopfronts</u> C8. Retail outlets and restaurants are located at the street frontage on the ground level	Achieved.
C9. Where possible, offices should be located at first floor level or above	Achieved. Evident in design.
C10. A separate and defined entry shall be provided for each use within a mixed use development.	Achieved. Some entries are from internal access links.
<u>Materials</u> C13. High quality design, construction and materials shall be implemented to ensure the building has a long life and requires low maintenance. C14. Building materials and finishes complement the finishes predominating in the area. Different materials, colours or textures may be used to emphasise certain features of the building. C15. New buildings shall incorporate a mix of solid (i.e. masonry concrete) and glazed materials, consistent with the character of buildings in the locality. Active street frontages are to maximise the use of glazing. C16. All street frontage windows located at ground floor level are to be clear glazing. C17. Building finishes should not result in causing glare that creates a nuisance and hazard for pedestrians and motorists in the centre.	Glazing is maximised in the northern elevation, which presents to the street. The building design has had regard to these controls.
<u>Advertising in shopfronts</u> C18. For advertising on shopfronts, refer to Part G1 of this DCP.	Noted. Discussed later in this table.
3.8 Ceiling height	
Relevant Control	Comment
C1. The minimum finished floor level (FFL) to finished ceiling level (FCL) in a commercial building, or the commercial component of a building, shall be as follows:	All levels are amended in the revised application to comply, which raises the overall building height slightly, from what was proposed. The ground level is

• 3.5m for ground level (regardless of the type of development); and • 3.3m for all commercial/retail levels above ground level.	3.9m and each level above is 3.3m which complies. <u>Objectives</u> Ensure an acceptable level of amenity and future flexibility is provided for new commercial and residential developments. 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. The facade treatment adopts design elements which create a strong lower level street presentation. This is achieved via vertical design elements which outline the lower three levels and highlight strong vertical elements at the lower level. The design objectives of a strong building base are achieved due the massing and setbacks.
3.9 Roof design	
Relevant Control	Comment
C1. Roof design shall be integrated into the overall building design. C2. Design of the roof shall achieve the following: • concealment of lift overruns and service plants; • presentation of an interesting skyline; • enhancing views from adjoining developments and public places; and • complement the scale of the building and surrounding development.	The street elevation adopts strong vertical design elements to the street which are architectural roof elements. Lift overruns are generally concealed within the roof elements.
C3. Roof forms shall not be designed to add to the perceived height and bulk of the building.	Flat roof forms are adopted throughout the development.
C4. Landscaped and communal open space areas on flat roofs shall incorporate shade structures and wind screens.	Achieved. Evident in design. Rooftop vegetation assists in this regard.
C5. Communal open space, lift overruns and service plants shall be setback from the building edge so as to be concealed.	Achieved. Evident in design.
C6. Roof design is to respond to the orientation of the site, through using eaves and skillion roofs to respond to sun access.	Evident in design.
C7. Consideration should be given to facilitating the use of roofs for sustainable functions, such as: • installing rain water tanks for water conservation;	Active roof spaces are proposed throughout the development. These spaces are available for these features.

• orient and angle roof surfaces suitable for photovoltaic applications; and • allow for future innovative design solutions such as water features or green roofs.	
3.10 Awnings	
Relevant Control	Comment
C1. Continuous awnings are required to be provided to all active street frontages (except laneways). C2. Awnings generally: • should be flat; • must be a minimum 2.4m deep; • are to be setback up to 1.2m from kerb to allow for clearance of street furniture, trees, and other public amenity elements; • have a minimum soffit height of 3.2m; and • have slim vertical fascias and/or eaves not to exceed 300mm.	Awnings of various sizes present to the walkways and suite entries. These are shown in the 3D renderings in the architectural plans. Not all the street façade incorporates an awning, depending on the use of the proposed suites. This is because the overall site design creates an internal precinct of activity. This is reasonable, given that residential dwellings are located over the road. The street presentation is elegant and attractive, but not as active as a typical town centre provides. Internal walkways provide awnings, promenades, and define entry points. These are shown clearly in the design plans. This design response is appropriate in the context.
C4. Awning design must match building facades and be complementary to those of adjoining buildings and maintain continuity. C5. Canvas blinds along the street edge are not permitted. C6. Awnings are to be located over all building entries to indicate entry points.	Achieved. Walkway covers and awnings are fully integrated into the building design.
C7. In the event of separated buildings, awnings should be complementary to each other in regards to size, design and location.	Separated buildings are designed around promenades and open spaces areas. These pergolas and walkways are an attractive design element, and are complementary to the overall building designs.
C8 – C12	Noted. Evident in design
3.11 Visual and acoustic privacy	
Relevant Control	Comment
<u>Visual privacy</u> C1. New development shall be located and oriented to maximise visual privacy between buildings on site and adjacent buildings, by providing adequate building setbacks and separation.	The site has just one (1) neighbouring site to the east. The channel is proposed to be rediverted as a culvert along this eastern boundary creating a setback. The neighbour also has carparking along this boundary creating further building

	separation. Windows are located in this façade, however there are no significant privacy issues due to the separation distances. Suites at this location orientate towards the north and internally towards the centre of the site.
Acoustic privacy C3. Conflicts between noise, outlook and views are to be resolved by using design measures, such as double glazing, operable screened balconies and continuous walls to ground level courtyards, where they do not conflict with streetscape or other amenity requirements.	An **Acoustic Assessment** has been carried out to assess noise impacts from the railway, and from the proposed uses within the building. This includes the child-care centre, and food and drink premises.
C5. Developments shall be designed to minimise the impact of noise associated with uses whose hours may extend outside of normal business hours, including restaurants and cafes. Operation includes loading/unloading of goods/materials, and the use of plant and equipment at a proposed commercial premise.	The site is sufficiently large to ensure no impact in respect to these matters. This is evident in the design. Hours of operation are proposed in the attached **Plan of Management**.
C6. Mixed use developments shall be designed to locate driveways, carports or garages away from bedrooms. C7. Mechanical plant must be visually and acoustically isolated from residential uses.	Achieved. Evident in design.
C8. New development shall comply with the provisions of the relevant acts, regulations, environmental planning instruments, Australian Standards and guidelines as applicable for noise, vibration and quality assurance. This includes: • Development Near Rail Corridors and Busy Roads, NSW Department of Planning, December 2008 – Interim Guidelines; • NSW Noise Policy for Industry; • Interim Guideline for the Assessment of Noise from Rail Infrastructure Projects; and • NSW Road Noise Policy	The *Noise Policy for Industry i*dentifies certain noise sources not covered by the policy. With respect to the proposed development the NPfI is primarily related to mechanical plant noise. An overall noise target for all mechanical plant at the subject site has been identified with respect to the nearest residential receivers on the western side of Bachell Avenue. More detail is provided in the Impacts section of this SEE, but the acoustic report summarises: *For the evaluation of the feasibility of the development assessments of mechanical, plant, licensed premises and the child care centre have been undertaken and identifies full compliance with the noise targets.* *Subsequent development applications for various components of the development can utilise the noise data and noise targets provided in this report.*
3.12 Hours of operation	
Relevant Control	Comment

C1. Where no existing hours of operation or conditions exist, the retail and/or commercial development are to operate within the following hours: • 6.00 am to 10.00 pm Monday to Saturday and 9.00 am to 6.00 pm on a Sunday or a public holiday; or • 7.00 am to 9.00 pm Monday to Saturday and no operation on a Sunday or a public holiday, for development adjoining or is opposite a residential lot within a residential zone.	Noted. Hours of operation are included in the attached **Plan of Management** and can be conditioned accordingly.
3.13 Solar access	
Relevant Control	Comment
C1. Developments shall be designed to maximise northern aspects for residential and commercial uses.	Achieved. The long northern frontage makes northern orientation achievable, and internal suites also offer northern aspects wherever possible. This is evident in design.
C2. The living rooms and private open spaces for at least 70% of dwellings on neighbouring sites shall receive a minimum of 3 hours of direct sunlight between 8am and 4pm in midwinter. C3. A minimum of 50% of public open spaces and a minimum of 40% of school playground areas are to receive 3 hours of daylight between 9am and 3pm in mid-winter.	There is no impact onto any residential property. The impact is onto the rail corridor.
C4. Developments shall be designed to control shading and glare. C5. Shadow diagrams (plan and elevation) shall accompany development applications for buildings, to demonstrate that the proposal will not reduce sunlight to less than 3 hours between 8am and 4pm on 21 June.	Building materials and colour schemes are designed to minimise glare. Shadow diagrams are shown within the plans. 9am shadows are confined to Bachell Avenue and some small areas of the front yards of homes opposite. 3pm shadows have a minor impact on the eastern property, but this is confined to the carpark only. No adjoining site is impacted, other than the rail corridor.
3.14 Natural ventilation	
Relevant Control	Comment
C1. Natural ventilation is incorporated into the building design. C2. Orient buildings to maximise prevailing breezes.	The site design and building separations provide ample opportunity to access breezes. Most suites have two or three aspects which provide opportunities for natural ventilation.
3.15 Building maintenance	
Relevant Control	Comment
C1. Windows shall be designed to enable cleaning from inside the building. C2. Durable materials, which are easily cleaned and graffiti resistant, are to be selected. C3. Building maintenance systems are to be incorporated and integrated into the design of the building form, roof and façade.	Terraces, balconies and narrow gardens generally provide areas for these controls to be achieved.

3.16 Energy efficiency	
Relevant Control	Comment
C1. Improve the control of mechanical space heating and cooling by designing heating/ cooling systems to target only those spaces which require heating or cooling, not the whole building.	The site design provides for this. A **Section J report** is also attached which outlines specific requirements for energy efficiency, including construction requirements.
Control C2 – C6	Noted. The attached **Design Report** outlines the ESD principles that are incorporated into the overall design. Additionally, the Stormwater Plans provide a series of rainwater tanks which are discussed in 3.17 below.
3.17 Water efficiency	
Relevant Control	Comment
C1. New developments shall connect to recycled water if serviced by a dual reticulation system for permitted non potable uses, such as toilet flushing, irrigation, car washing, firefighting and other suitable purposes. C2. Where a property is not serviced by a dual reticulation system, development shall include an onsite rainwater harvesting system or an onsite reusable water resource for permitted non potable uses, such as toilet flushing, irrigation, car washing, firefighting and other suitable purposes.	Noted. A series of rainwater tanks which are used to flush ground floor toilets and to irrigate all planters. A total of 32 "Ocean Protect" SF360 are to be installed inside the first flush tanks. These details are on Plan No. C-3732-03 in the attached Stormwater Plans.
3.18 Wind Mitigation	
Relevant Control	Comment
C1. Site design for tall buildings (towers) shall: • set tower buildings back from lower structures built at the street frontage to protect pedestrians from strong wind downdrafts at the base of the tower; • ensure that tower buildings are well spaced from each other to allow breezes to penetrate local centres; • consider the shape, location and height of buildings to satisfy wind criteria for public safety and comfort at ground level; and • ensure usability of open terraces and balconies.	Achieved. Evident in design,
C2. A Wind Effects Report including results of a wind tunnel test is to be submitted with the DA for all buildings greater than 35m in height.	While the site has a 32m height limit, a **Wind Effects Report** is attached to the application.
3.19 Food and drink premises	
Relevant Control	Comment
C1. An acoustic report prepared by a suitably qualified acoustical consultant is to be undertaken if there is the potential for significant impacts from noise emissions from the food and drink premises on nearby residential or sensitive receivers, including those that may be located within the same building/development.	The **Acoustic Report** addresses the use of the restaurant.

C2. An air quality assessment prepared by a suitably qualified consultant is to be undertaken if there is potential for significant impacts from air emissions, including odour and smoke, from the development. The air quality assessment should be prepared in accordance with NSW EPA's Assessment and Management of Odour from Stationary Sources in NSW – Technical Framework or equivalent.	An **Air Quality Assessment** is attached to the application. It determines that: *Given that the assessment of local air emission sources has concluded that they have a very low risk of resulting in any adverse impacts at the Development Site, and the generally good air quality in the Sydney region, air quality impacts are not considered to be a constraint to this commercial development.*
C6. All waste and recyclable material generated by the food and drink premises must be stored in a clearly designated, enclosed waste storage area with complies with AS4674 – Construction and Fitout of food premises. Commercial waste collections are to generally occur between 6:00am and 10:00pm where residential premises may be impacted.	A **Waste Management Plan** is attached to the application. It notes the bin requirements and locations. It also outlines estimated waste generation quantities, which underpin the bin requirements. Sufficient space is provided within the site for the waste generated. A private contractor has access to the waste rooms to empty and rotate bins as necessary. Details are provided in the Plan.
3.20 Safety and security	
Relevant Control	Comment
C1. Development shall address and be consistent with Council's policy on Crime Prevention Through Environmental Design (CPTED principles). The CPTED analysis is to consider the key CPTED principles and address relevant controls set out in this section.	A CPTED analysis is provided in Section 4 of this SEE.
Controls C2 – C28	Detailed controls have been provided in the overall design consideration. A **façade lighting design plan** is attached.
3.21 Pedestrian access and building entry	
Relevant Control	Comment
C1. The design of buildings shall comply with Australian Standards for Access and Mobility. C2. Access to public areas of buildings shall not have unnecessary barriers or obstructions including uneven and slippery surfaces, steep stairs and ramps, narrow doorways, paths and corridors. C3. Developments must provide continuous paths of travel from all public roads and spaces, as well as unimpeded internal access. C4. Separate entries from the street are to be provided for cars, pedestrians, multiple uses (commercial and residential) and ground floor apartments. C5. Entries and associated circulation space is to be of an adequate size to allow movement of furniture.	Pedestrian access is provided within the development. The attached **Design Report** provides significant information about the pedestrian linkages within the site. Pedestrian movements are shown within the Envelope Master-planning carried out for the site. It aims to create an internal public domain that is pedestrian focussed. The report notes: *Pedestrian entries align with a series of nodes. The nodes are visible from one*

C6. Provision of mailboxes for residential units shall be incorporated within the foyer area of the entrance to the residential component of the mixed use developments.	*another and mark the location of vertical circulation.* *The visual connectivity assists visitors in moving around the proposal. Pedestrian movement loops around the central plaza, with the upper floor circulation visually connected back down to the plaza. Vertical circulation is visually identifiable and intuitively located, with visibility for the majority of each floor plate, being located at nodes, with circulation branches shooting off to the extremities of the floor plates.*
3.22 Pedestrian links, arcades, laneways and new streets	
Relevant Control	Comment
C1. Arcades shall: • be a minimum width of 6m, with a minimum floor to ceiling height of 4m, and free of all obstructions (e.g. columns and stairs). Public seating, waste bins, planter boxes and other like furnishings may be included, provided they do not unreasonably impede pedestrian access; • accommodate active uses, such as shops, commercial uses, public uses, residential lobbies, cafes or restaurants; • be obvious and direct thoroughfares for pedestrians; • provide adequate clearance to ensure pedestrian movement is not obstructed; • have access to natural light for all or part of their length and at the openings at each end; • have signage at the entry indicating public accessibility and to where the arcade leads; and • have clear sight lines from end to end with no opportunities for concealment along its length.	Refer to comments above. This application does not technically provide public laneways, but the design principles are all adopted. It does not provide any through-site linkages. Provision of access for commercial vehicles ensures they do not interfere with the pedestrian ground plane.
3.24 Parking 3.25 Vehicle access	
Relevant Control	Comment
C1. Car parking will comply with the provisions set out in Part G3 of this DCP	The **Traffic and Parking Assessment** confirms compliance. It notes that the parking required in Part G3 is approximately 570 spaces. The architects' plans show 567 car parking spaces which include 2 car share spaces and 1 ride share space , plus 11 motorbike spaces,. This is generally compliant with the DCP.
C1. Vehicle access will comply with the provisions set out in Part G3 of this DCP	The **Traffic and Parking Assessment** confirms compliance. Access for MRV trucks is provided from the northern end

	of the site from Bachell Ave. MRV access is also required to service the garbage room at Level 2 and access is from the southern entrance in Bachell Avenue. SRV access is provided from the southern entrance for SRV and B99 vehicles. There are SRV and B99 Loading Bays on the Lower Ground Floor. There is 1 loading bay for a B99 vehicle on Basement 2 and 3 loading bays for a B99 vehicle on Basement 1. A detailed Loading Plan is shown at Plan DA 750. The ramp gradient of 1 in 5 over 13.5 metres with 1 in 8 transitions 2 metres long at the top and bottom of the ramp are shown on the architects' drawings DA102, DA101 and DA100 for the ramps from Lower Ground Floor to Basement 1 and from Basement 1 to Basement 2. The gradients comply with *AS/NZS 2890.1* for B99 vehicle access.
PART G1 – MISCELLANEOUS DEVELOPMENT CONTROLS – ADVERTISING AND SIGNAGE	
2.1 General	
Relevant Control	Comment
C1 Signs must not: • be attached to a vehicle, where the vehicle remains stationary primarily for the purpose of advertising. "Vehicle" means a registered or unregistered vehicle and includes a trailer; • be a temporary poster and sticker affixed to the exterior of the building, power poles, fences, tree, construction hoardings or the like; • be of a portable nature, such as a sandwich board (A-frame signs), placed in, on or over a public place, except in special circumstances specified in the Plan; • include flashing lights, regardless of whether these are for illumination of a fixed sign, to attract attention to an otherwise illuminated sign or as part of an illuminated sign; • be painted on or applied on the roof; or • include inflatable signs or structures, other than temporary signs.	Complies.
C2 Advertising signs which do not relate to a use, business or activity carried out on the site or building on which the sign is to be placed are discouraged.	Noted. Not proposed.
2.2 Language of Signs	
Relevant Control	Comment

C3 Advertising and signage shall be displayed in English but may include a translation in another language.	Detail is not proposed at this stage, but this will be achieved.
C4 Content of signage shall not be offensive in nature	Noted.
2.3 Number of Signs	
Relevant Control	Comment
Business zones Total signage per street frontage must not exceed one (1) top-hamper sign, one (1) under-awning sign and one (1) wall sign.	This proposal exceeds this for the entire site, but it is a business park. Significantly less than this is provided if each tenancy is assessed, which is the intent behind this control. The presentation to the street is appropriate.
PART G3 – TRAFFIC, PARKING, TRANSPORT AND ACCESS (VEHICLE)	
Relevant Control	Comment
3 Parking Rates: *Child Care Centres:* Rely on Child Care Planning Guideline	The merit-based assessment is carried out, per Child Care Planning Guide. Twenty-five (25) spaces are proposed and the *Child Care Centre Planning Guideline* suggests 26.5 spaces, at a rate of 1 space per 4 children. This is generally consistent with the controls, which allow for variations to this figure for centres within a business park, such as this one.
Other uses: Various	The **Traffic and Parking Assessment** provides a comprehensive table (not repeated here) of uses, floor areas and parking requirements. This results in a requirement for 578.5 spaces and 567 spaces are provided. Given the uncertainty around the intensity of future tenants, this provision is consistent with the likely future requirements. Additionally, the demand for street parking is not high, as the premises is not in a shopping centre.
4.3 Basement parking: Controls C1 – C7	Complies. The basement design has been designed in line with these controls, and does not increase the building bulk. Compliance is discussed in the **Traffic and Parking Assessment**.
4.4 Development in business zones: *Vehicular Access:*	The proposed design complies with all these controls. This is evident in design.

C3 The location of vehicular access shall consider existing services (eg. power, drainage) and street trees. C4 Car park entries and driveways shall be kept to a minimum and shall not be located on primary or core retail streets. C5 Driveways shall be located at the required distance from the intersection of two roads. C6 Vehicular access shall be integrated with the overall design of the building and shall consider site layout, streetscape character and façade design. C7 All vehicles must be able to enter and leave the site in a forward direction. C8 The width of driveways is limited to a maximum of 8 metres at the boundary, including development with commercial loading docks and servicing (including waste servicing). C9 Pedestrian safety is to be maintained through design, including ensuring clear sight lines at pedestrian and vehicular crossings and clearly differentiating vehicular and pedestrian access.	Particularly care has been given to pedestrian access and safety within the design.
Parking: Controls C10 – C20	The basement parking complies with these controls.
4.6 Loading requirements for commercial and industrial development C1 Loading bays for trucks and commercial vehicles shall be provided in accordance with Table 2 Controls C2 – C7	Loading is assessed in detailed in the attached **Traffic and Parking Assessment**. It complies with the controls. A **loading management plan** is also attached to the DA.
PART G4 – STORMWATER & DRAINAGE	
Relevant Control	Comment
2.3 Application requirements for stormwater and drainage C2 All major development will require detailed stormwater plans designed by a qualified stormwater engineer or equivalent for lodgement.	Stormwater Plans are attached.
2.4 Types of stormwater systems **2.5 Technical details of stormwater and drainage systems**	The Stormwater Plans provide details of a comprehensive stormwater system, and MUSIC model. This is discussed in the Impact section of this SEE. The system does use the relocated culvert along the eastern boundary. Recycled rainwater is also used for

	ground level toilets and irrigation of planters. 32 water quality devices are a part of the proposed stormwater system.
2.6 Flood risk management	A **Flood Impact Assessment** is provided demonstrating that floor levels are appropriate.
2.7 Water Sensitive Urban Design, water quality and water re-use C1 All development applications for sites of 2,500m2 , or more in area must be supported by a Water Sensitive Urban Design Strategy, prepared by a qualified civil engineer with suitable experience. C4 Water quality devices are required to prevent pollutants from commercial, industrial developments and car parking areas entering the waterways in order to improve waterway health and to develop and maintain ecologically sustainable waterways. C5 For all developments (excluding single dwellings and dual occupancies), rainwater tanks or a water reuse device shall be incorporated into the stormwater drainage system with a minimum storage size of 5,000 litres (for site area less than 1500m2) and 10,000 litres (for site area greater than 1500m2).	The attached **Stormwater Plans** outline this strategy. This includes water quality strategies and reuse techniques. An **Erosion and Sediment Control Plan** is included with the application.
PART G5 – SUSTAINABILITY, BIODIVERSITY & ENVIRONMENTAL MANAGEMENT	
Relevant Control	Comment
2.1 Groundwater C1 Operating practices and technology, including dewatering, shall not contaminate groundwater or adversely impact on adjoining properties and infrastructure. Any dewatering activities may require concurrence from the NSW Government. Any application to discharge ground and surface water to Council's stormwater system must be accompanied by a Dewatering Management Plan. C2 Groundwater is to be recharged, where possible, while still protecting and/or enhancing groundwater quality, using water sensitive urban design. C3 Protection measures for groundwater are to be proportional to the risk the development poses. Where the potential risk to groundwater is high, a separate Groundwater Impact and Management Report will be required.	The attached **Geotechnical Assessment** addresses these matters and makes recommendations for construction.

C4 The applicant must demonstrate that there will be no adverse impacts on surrounding or adjacent properties, infrastructure or groundwater dependant ecosystems as a result of: • changes in the behaviour of groundwater created by the method of construction chosen; and/or • changes to the behaviour of groundwater of the surrounding area, created by the nature of the constructed form and groundwater management system used.	
2.2 Surface water Controls C1 – C3	Addressed above and in the **Stormwater Plans** which are attached.
2.3 Land contamination	Addressed in Section 3.2.1 of this SEE. Phase 1 Preliminary Site Investigation and 2 Detailed Site Investigation Reports have been completed and a Remedial Action Plan prepared.
2.4 Air quality C1 Any machinery or processes used should not result in air pollution emissions that have a detrimental impact on the environment. C2 Details of any equipment, processes and air pollution control or monitoring equipment shall be submitted to Council with a development application. C3 Development that is likely to result in the emission of atmospheric pollutants, including odours, is to include operating practices and technology to ensure that the development does not contribute to increased air pollution. C4 Effective site controls during and after demolition and construction are to ensure that development does not contribute to increased air pollution. C5 Wood heaters/fireplaces in private homes shall comply with Australian Standard 4013 to minimise production of pollution. C6 Discharge from premises of any matter, whether solid, liquid or gaseous is required to conform to the Protection of the Environment Operations Act 1997 and its Regulations, or a pollution control approval issued by the NSW Office of Environment and Heritage for Scheduled Premises.	These requirements are noted. An Air Quality Assessment is attached demonstrating consistency.
2.5 Biodiversity Controls C1 – C10	An **Arboricultural Impact Assessment** is attached to the application. There are no significant vegetation on the site, but the grove of trees to the south is noted. The culvert along the eastern boundary

	provides an appropriate buffer zone away from these trees.
2.6 Energy efficiency and renewables Controls C4 – C8	Noted. Compliance is designed into the system, with future appliances able to comply. A **Section J report** and **BCA Compliance Report** is attached to the application.

3.6 Agreements & Provisions of Regulations etc.

- Section 4.15(1)(a)(iiia) requires consideration of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4,
- Section 4.15(1)(a)(iv) requires consideration of the EPA Regulation.

3.6.1 Planning Agreements:

There is no current voluntary planning agreements or draft agreements included in this proposal.

3.6.2 EPA Regulations:

All building work will be carried out in accordance with the EPA Regulations (National Construction Code).

4. Impacts and Site Suitability

4.1 Likely Impact of Development

Section 4.15(1)(b) requires consideration of the likely impact of the development. An analysis of the potential impacts is summarised below, noting that many impacts and mitigation measures may also be outlined in Section 3.5 – DCP controls.

4.1.1 Context & Setting; Potential impacts on adjoining properties

Context and setting:

The setting is appropriate for the proposal and has been previously assessed as part of the site rezoning. The site orientation and dimensions allow for appropriate setbacks and relationship with other properties and the street. The context of this development against the railway corridor is desirable, and screens the residential land from the train lines and associated yard areas. The proposed uses are more compatible land with the residential area over the road, than the traditional industrial uses. Indeed, the proposal provides for numerous uses which add amenity and value to the nearby residential dwellings.

The proposed building (as amended) is attractive and appropriate in the local and regional context. The large site frontage provides for significant street tree planting, and the form at the rear provides for an attractive presentation to the rail corridor.

The only adjoining site to the east has a car park adjoining the subject site. Along with the culvert along this boundary, this creates significant building separation.

While the HUB does turn its back on the outside, the street presentation has been carefully designed to provide an attractive and partially-active façade to the street. Deliberately, it has not sought to activate frontages in the same way as a shopping centre development with high pedestrian traffic. This context is different.

Privacy & Overshadowing

These matters have also been discussed in the DCP section of this SEE. Shadow diagrams are included in the architectural plans. No significant overshadowing impact will occur, as most falls within the railway corridor. Very minor shadows occur to the adjoining property's carpark at 3pm only. There is no impact to the residential lands to the north-west.

Privacy is mitigated by a site design that orientates suites internally. Windows do face outwards, but building separation is such that no adverse privacy impacts will result.

4.1.2 Access, parking and traffic

Traffic and Parking:

The **Traffic and Parking Assessment** (as per amended plans) provides a comprehensive impact assessment of the proposal, looking all nearby intersections, via the SIDRA modelling. The report notes that the intersection of Church Street and Railway Street is constrained in the peak hour periods. The proposed development will add additional traffic to that intersection. The Report quantifies these impacts and offers the following summary:

- *The report has been prepared in support of a development application for business development.*
- *The proposed business development based upon architects' plans comprises specialised retail, light industry, warehousing, high technology, dog daycare, office, food and drink, health services, childcare and gymnasium totalling 25,915m2. The total Site GFA including Lobbies and toilets is 25,078m2.*
- *Peak hour traffic counts were conducted at 5 intersections in November and December 2022 on approach and departure routes from the proposed site. SIDRA analysis showed that the Church Street/Railway Street intersection was operating at Level of Service F in the AM and D in the PM peak hours.*
- *The other 4 intersections were providing satisfactory performance with spare capacity.*
- *The car parking requirement to comply with the Cumberland Council DCP 2021 Part G3 is approximately 542 spaces. The architects' plans show 496 car parking spaces including 2 car share spaces and 1 ride share space plus 12 motorbike spaces and 82 bicycle parking spaces. In addition to the car parking provided there are 24 light industry loading spaces. If there are added into the total supply this brings the total to 520 car parking spaces. Each car share space is the equivalent of 10 car parking spaces plus the ride share space.*
- *Vehicular access is proposed to and from Bachell Avenue at two locations.*
- *The peak traffic volume generated by the development was modelled for a higher number of vehicles. There has been a reduction in traffic generated by the development of 26.7 vehicles in the AM Peak Hour and 23.2 vehicles in the PM Peak Hour. The revised traffic generation is 343 vehicles in the AM Peak hour and 423 vehicles in the PM Peak Hour.*
- *A network model has been provided to intersections in closest proximity and is contained in Appendix K of this report. The network is operating with spare capacity in the morning and evening peak hours.*
- *Additional analysis for car parking demand has been based on use traffic generation profiles which shows that the peak car parking demand for each use is offset and that the peak weekday demand occurs at 8:00am with 341 spaces.*
- *Detailed trip distribution and assignment to the road network is included in the Supplementary Technical Report No 15-23 included in Appendix I of this report.*

A **Green Travel Plan** is also attached to the application. Its scope and intention is summarised below:

> *A Green Travel Plan is an initiative to encourage travel mode behaviour change. Green Travel Plans are used to promote and encourage people to choose sustainable transport options such as walking, cycling, public transport and carpooling in preference to single occupant car trips whenever practicable.*

The coordination, implementation and funding for the Green Travel Plan will be the responsibility of the Building Manager. Acknowledging the location and accessibility of the subject development, this Green Travel Plan seeks to minimize staff use of private vehicle transport through: -

a) Providing convenient access to current and relevant public transport information to all staff.
b) Improved road safety and personal security for pedestrians and cyclists; maximizing the efficient use of on-site bicycle parking.
c) Providing a mechanism to review the efficiency of green travel initiatives and amend existing or implement new initiatives as warranted.

Loading:

Specific loading docks are provided within the development and adjoining the waste rooms. They have been assessed within the **Traffic and Parking Impact Assessment**, however a **Loading Dock Management Plan** is also provided with the application. The purpose of this report is set out below:

The purpose of the LDMP Plan and Worksite Traffic Control is to provide guidance and outline the procedures and conditions to be considered within the loading dock hardstand areas associated with the Site with the overall objective to ensure safe and efficient movement of vehicles and personnel. The effective use of a LDMP would allow more efficient operation and result in reduced costs, higher productivity and a safer working environment.

The Plan would be subject to ongoing review and would be updated as necessary in response to changing requirements or in response to any documented WHS issues.

The purpose of the Work Site Driver Code of Conduct and Work Site Traffic Control Plan of Management are to ensure that drivers operate vehicles in a safe manner and adhere to specified routes and that all truck movements and loading/unloading operations are conducted in accordance with Transport for NSW Control at Worksites and NSW WH&S Regulation 2017 for safety, efficiency and environmental reasons.

A detailed Loading Plan is also included within the Plans at DA 750 including their connection to waste rooms throughout the facility.

Access:

An **Access Review Report** is submitted with the application. The expressed intent of the report is noted as follows:

The purpose of this report is to provide an assessment of the proposed scope of works against the relevant provisions of the Building Code of Australia (BCA) Volume One 2022.

Where non-compliances are identified, recommendations for resolution are to be provided in the form of a deemed to satisfy solution and/or performance-based solution, as applicable.

Following a comprehensive assessment, the **Access Review Report** concludes:

Based upon our assessment, we are of the opinion that the subject development is capable of achieving compliance with the relevant deemed-to-satisfy provisions of the Building Code of Australia (BCA) Volume One 2022, either by complying with the prescriptive requirements or via a performance-based approach.

Fire access is also achieved within the premises, with separate access points providing passage out of the premises.

4.1.3 Public domain

The proposal is attractive and has significant landscape opportunities. The design concept allows for a strong visual street presence with some windows to the mezzanine offices. The proposal is internal in its orientation, which is appropriate given the adjoining land uses.

4.1.4 Heritage

Not applicable.

4.1.5 Utilities; Other land resources; Water; Soils; Air and Microclimate; Flora & Fauna; Waste; Energy; Noise & vibration; Natural Hazards; Technological Hazards

Vegetation:

An **Arboricultural Impact Assessment** is attached. After a detailed inspection of vegetation on the site and around the site, the following summary was provided:

Subject to Council process, approval is recommended for the removal of Thirteen-(13) trees/shrubs including TPO Exempt trees/shrubs numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13 and 14 based on their location within the proposed mixed building, basement envelope, landscape works and considered scope of works within the development. These trees will be replaced in the landscape upon completion.

No roosting or habitat hollows were observed in shrubs/trees proposed to be removed. Site Trees Numbered 1, 2, 3, 4, 7, 8, 9, and 11 are a minor planted trees/shrubs or nuisance weed species being tabled as TPO Exempt due to height or species and they may be removed without further consideration.

Adjoining Trees Numbered 12, (Group Planting) being adjoining planted tree community/planting are sufficiently distanced to be safely retained and protected. They were planted in the NSW State Rail Corridor for embankment stabilisation, and they have self-seeded into a dense community.

The proposed works including basement excavation are outside of these trees SRZ, with the clump of trees binding themselves together from any excavation impacts with tight minor fibrous feeder roots. The new building alignment and height will ensure protection to these trees from prevailing winds, ensuring no adverse impacts to their health or stability, thus in keeping with current best practices.

Based on the tree's location and separation distance, no pruning of these trees is required or anticipated. As stated, this tabled report is a snapshot of the existing trees structural condition, health, and condition at that particular point in time on site and should be used as a guide when assessing this Development Application.

In summary, no objections to these trees' removal are raised, subject to appropriate environmental safeguards and relevant replacement plantings where appropriate.

A **Landscape Plan** is provided with the application, which will provide a more attractive landscape environment on the site than currently exists.

Construction and demolition:

The site contains appropriate services and facilities. All installations will be capable of meeting the requirements under the Australian Standards and the National Construction Code.

A **BCA Compliance Assessment Report** is attached to this application. It provides an assessment of the proposed development against the relevant deemed-to-satisfy provisions of the current Building Code of Australia (BCA). It concludes:

In concluding the review undertaken, it is considered that based on the documentation provided (as referenced in Annexure 1), the proposed scope of works is capable of complying with the relevant deemed to satisfy provisions and/or performance requirements of the Building Code of Australia (BCA) Volume 1 2022.

Where compliance is to be obtained via a performance-based solution for any BCA provision, it is considered that any such solution/s will not necessitate significant changes to the proposed design.

The report notes the building classifications according to its use:

Classification	Description
5	Workspaces, Offices
6	Specialised Retail, Food & Drink Premises, Dog Day Care
7a	Carpark
7b	Storage Units / Rooms
8	Light Industrial / Laboratories
9a	Health Care Suites
9b	Gymnasium, Childcare Centre

Figure 8– Proposed building classifications

Phase 1 Preliminary and Phase 2 Detailed **Site Investigation Reports** have been prepared along with an **RAP**. These reports outline how fill and demolition waste will be appropriately removed from the site.

A Structural Report and Plans and a Construction Methodology have been attached to the report along with an assessment of the Concurrence requirements in the Interim Guideline referenced in the comments relating to the SEPP (Transport and Infrastructure) 2021. Along with the Rail Risk Management Plan, these demonstrate the appropriate processes and rigour to ensure there is no adverse impacts in relation to the rail corridor. This process will also involve concurrence with the relevant government agency.

Flooding and stormwater:

Stormwater discharge will be into the downstream drainage network via a closed culvert along the eastern boundary. **Stormwater Plans** are attached and makes several recommendations to ensure appropriate storage and water quality. MUSIC modelling has been carried out in preparing this report. Water moves through the channel, connecting with existing drainage lines at the northern corner of the site.

The site is subject to flood affectation, and all floor levels are designed to be above the required levels. A **Flood Impact Assessment** is attached, demonstrating the ability of this proposal to comply with all flood mitigation and protection requirements, and establish suitable floor levels. The Flood Assessment concludes:

> *GRC Hydro has assessed the impact of proposed works (see attached for works description) on flood behaviour at the subject site. Salient works include converting the open channel to a closed conduit on the subject site. GRC's modelling which has been validated against Council's own flood study, indicates no offsite impact associated with the proposed works and in the 1% AEP, a flood free site. The site is inundated in the PMF event, albeit with flow restricted to the eastern roadway. Given the lack of impact in the 1% AEP event the proposed works meet Council's, and Sydney Water's, requirements in this regard. Additionally, Council required that building FPLs shall guarantee a minimum freeboard of 500mm above the 1%AEP flood level. Freeboard can be reduced to 150mm for non-habitable floor levels. The proposed floor levels are 13.7 mAHD and this compares favourably to the adjacent 1% AEP flood level upstream of the site which is 13.15 mAHD. The 1% AEP peak flood level at the downstream*

end of the site is 12.7 mAHD. As such all floors are 0.5 m above 1% AEP flood level in compliance with Council requirements.

Noise:

The site is on a rail corridor and there will be noise generated from there. Section 3.2.2 noted that no noise thresholds for child-care centres were provided in Clauses 2.100 or 2.120. The Acoustic Assessment has used the NSW Department of Planning's *Development Near Rail Corridors and Busy Roads – Interim Guideline* as a guide for assessing the relationship between the railway corridor and the proposed child-care centre. The Guideline notes that the *NSW Road Noise Policy* (RNP) recommends noise criteria to apply to Child Care Centres.

In this regard, the **Acoustic Assessment** notes the following:

Table 4 of the EPA's NSW Road Noise Policy ("RNP") provides the following noise criteria for childcare facilities:

- *The maximum internal noise level within sleeping and indoor play areas of the centre to be 35 dB(A) and 40 dB(A) respectively during operation when assessed as an Leq, 1 hour.*

- *The maximum noise level in the outdoor play areas of the centre to be 55 dB(A) during operation when assessed as an Leq, 1 hour.*

Having assessed the impact of vibration on site during the passing of a train, the report notes:

The results of attended and unattended vibration measurements conducted at the site and involving interrogation of the unattended data recordings identifies that the passage of trains pass the subject site can give rise to a measurable increase above the ambient vibration levels, but the resultant vibration dose values are significantly below the DEC criteria and consistently confirm the attended observations of no perception of vibration.

Accordingly, the resultant vibration measurements at the subject site do not present an issue for the use of the various different occupancies in the proposed development with respect to the DEC guideline.

After a comprehensive assessment of all the various uses and external noise and vibration sources, the report concludes:

The nearest residential dwellings to the subject site are on the western side of Bachell Avenue, whilst the north eastern and south eastern boundaries abut industrial zoned land.

For the proposed development there are several acoustic criteria that are applicable to the development, dependent upon the type of the noise source or occupancy in question.

To derive the appropriate noise targets based upon the relevant guidelines/policies pertaining to different types of noise it was necessary to undertake ambient noise measurements at the subject site to determine the background noise level (in accordance with EPA policies) and the traffic noise levels.

From the ambient noise measurements that have been undertaken at the subject site the relevant noise targets for the different types of noise sources have been determined as set out in this report.

The DCP refers to the Noise Policy for Industry. The NPfI identifies certain noise sources not covered by the policy. With respect to the proposed development the NPfI is primarily related to mechanical plant noise. An overall noise target for all mechanical plant at the subject site has been identified with respect to the nearest residential receivers on the western side of Bachell Avenue.

The noise targets for the north eastern and south eastern boundaries are not related to the intrusiveness target and use the amenity noise target for industrial premises.

For the application a preliminary mechanical plant design has been the subject of an assessment and with the nominated noise controls for the car park ventilation the plant fully compliance with the design targets.

The mechanical plant associated with the licensed premises forms part of the overall plant noise governed by the Noise Policy for Industry.

Noise from patrons and music associated with any licenced restaurants falls under the LA 10 Noise Criteria issued by the Liquor Authority. The assessment of noise from the 7 licensed premises identified the western terrace and the western doors to the drink and dine premises is to be closed by 10pm.

As the subject development is located adjacent Bachell Avenue and the IN1 zoned industrial area, and rail infrastructure (SP2 zone), it is necessary to provide appropriate acoustic insulation for the façades of the development to obtain satisfactory internal acoustic amenity. Internal reference levels for the design targets have been extracted from Australian Standard AS 2107 – 2016.

As the subject site is in a planning stage this acoustic assessment report sets out the noise targets for the entire development to which further acoustic assessments may be required prior to the issue of a construction certificate.

For the evaluation of the feasibility of the development assessments of mechanical, plant, licensed premises and the child care centre have been undertaken and identifies full compliance with the noise targets.

<u>Air quality:</u>

An **Air Quality Assessment** is attached to this application. The scope of the work is noted as:

A qualitative desktop assessment is presented, with a broad discussion around potential air quality impacts and building design considerations to mitigate any residual impacts.

This air quality assessment report has been prepared with reference to:

- *The NSW Department of Planning and Environment (DPE) "Development near Rail Corridors and Busy Roads" technical guideline (interim) (NSW DoP, 2008).*

The report includes several air quality design considerations (in Table 25) and notes the design response to each matter. Having completed a thorough assessment, the report concludes the following:

The main conclusions of the air quality assessment are as follows:

- *Wind data recorded in the area (2017-2021) indicate that the prevailing winds are from the south and northwest. Winds that would blow fugitive dust emissions from the demolition/construction works towards the nearest sensitive receptors located to the north, south and west of the proposed construction activities are more likely to occur during summer and spring.*
- *Potential impacts from the surrounding road network are concluded to be* ***neutral significance****.*
- *Potential impacts from the neighbouring industrial area are predicted to be of* ***intermediate/ minor significance****, mainly due to the presence of AUSREO and Meshcrete facilities. Whilst ADN Earthworks facility is considered* ***intermediate significance****.*

The setback of the commercial development (and the childcare centre) from Bachell Avenue is approximately 20 m which is expected to decrease pollutant concentrations associated with vehicle emissions on these roads by 75% from the kerbside levels. All mechanical air intakes servicing the childcare centre indoor areas are recommended to be located as far away as practicable from Bachell Avenue.

Air quality at the Development Site is expected to be similar to that experienced by any other residential receptor in the area and is considered unlikely to be significantly impacted by the air emissions from road traffic on Bachell Avenue, due to the rapid decrease in air pollutant concentrations with increasing distance from the roadside. Where possible, vegetative screening should be retained/established on Bachell Avenue, as this would assist in further reducing the concentrations of any air pollutants experienced.

SLR has presented recommendations in the form of design considerations, preparation of suitable operational management plan and executing an air quality monitoring program during the centre's operations.

Given that the assessment of local air emission sources has concluded that they have a very low risk of resulting in any adverse impacts at the Development Site, and the generally good air quality in the Sydney region, air quality impacts are not considered to be a constraint to this commercial

development. No further detailed assessments or modelling studies are therefore considered to be warranted.

During construction, dust is anticipated. This impact can be managed through measures such as wetting down work areas/stockpiles, stabilising exposed areas, preventing material tracking out onto public roadways, covering loads on all departing trucks and working to weather conditions. An **Erosion and Sediment Control Plan** is included which will mitigate this issue. The proposal is otherwise not expected to give rise to any long term or adverse impacts on local or regional air quality.

A Net Zero Statement is also attached to the application in compliance with Chapter 3 of the Sustainable Buildings SEPP has introduced new sustainable performance measures in the design and operation of non-residential buildings. It notes appropriate measures including:

- A reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design;
- The metering and monitoring of energy consumption; and
- The minimisation of the consumption of potable water.

Soil and Groundwater:

A **Geotechnical Investigation Report** is attached. This report assesses the surface and sub-surface conditions and provides comments and recommendations related to:

- Existing geotechnical and groundwater conditions;
- Suitable footings and foundation material including allowable bearing pressures;
- Shoring and retaining wall design parameters
- Maximum temporary batter slopes and temporary retaining systems;
- Excavation conditions and vibration management;
- Soil aggressivity in relation to buried steel and concrete elements;
- Advice on the subgrade preparation below slab on ground;
- Two weeks of groundwater monitoring and rising head testing to assess the groundwater inflow rate;
- Impact assessment of existing infrastructure

The report makes several recommendations relevant to construction which relate to the following:

1. Excavation Conditions and Vibration
2. Excavation Stability
3. Lateral Earth Pressures
4. Foundations
5. Groundwater Seepage Control
6. Impact on Adjoining Structures

One of the key issues considered was groundwater, as it has the potential for on-site and off-site impacts. In this regard, the report noted:

Based on industry practice and Water NSW requirements, the estimated expected unfactored inflow rate will be scrutinized by Water NSW and a dewatering management plan for submission to Water NSW along with a water license may be required. Further hydrogeological assessment and monitoring is required to derive a more accurate estimate for the groundwater inflows.

It should be noted that the inflow would ideally be dominated by fracture pathways, through joints and bedding. The empirical equations are based on uniform porous media and not ideal from fractured systems. As a result, even one large vertical joint set could significantly increase the amount of water inflow into the excavation.

During the design life of the building, groundwater seepage should be controlled by a properly designed drainage system including a sub-floor drainage system to create a free-draining layer below the basement slab.

A licence from Water NSW is required for dewatering purposes meaning the application is considered as integrated development under the Water Management Act 2000. It is noted that this assertion is based on the limited data accrued when the onsite testing was undertaken. Further testing and hydrogeological assessment may lead to an outcome where a water access licence isn't required. This can be resolved as part of the referral process and the emergence of any Plan of Management that may emerge, as required by the Act.

Waste:

The Site Operator, as defined within the attached **Waste Management Plan**, shall be responsible for managing the waste system and for implementing safe operating procedures. Waste shall be stored within the development (hidden from external view). Individual users shall deposit sorted waste into designated shared bins. On a regular basis, a private contractor shall collect within the subject land.

The Plan makes a full assessment of the garbage and recycling estimated within the facility, the require bin numbers and sizes, and notes the waste rooms to be used by various users. The report estimates that uses within the site will produce 161.37m3 of rubbish and 46.80m3 of recycling per week. The Plan suggests the following number of bins:

56 x 1100L bins
97 x 240L bins
28 x 80L bins

The plan notes that some bins will be collected three times per week, and others just once.

The Plan covers a broad area of management issues, outlined within the following sections:

1. Space and System for Waste Management
2. Access for Users, Collectors, and Collection Vehicles
3. Amenity, Local Environment, and Facility Design
4. Management and Sustainability
5. Supplementary Information

6. Contact Information

Section 2 of the Plan notes the arrangement for collection:

> ***2.1 User Access to Waste Facilities***
> *Users shall dispose sorted waste into designated shared bins (if required, using a suitable trolley and the lift). Similarly, the Operator shall maintain waste receptacles from amenity areas.*
>
> *Note: The Operator shall have access to the Waste Rooms to rotate the bins, ensuring that empty bins are available along the circulation area so that users are able to reach the bins.*
>
> ***2.2 Collection Arrangements and Access to Waste Facilities***
> - *A private contractor shall collect waste within the subject land (waste trucks shall prop at designated Loading Bays located near each Waste Room and Workplace/Lt Ind. tenement).*
> - *Collection staff (driver and assistant) shall have access to the waste zones and transfer bins to the truck and back to the waste zones.*
> - *Waste bins shall be collected by MRV rear-lift vehicles (nom. 24 tonnes gross vehicle mass).*

4.1.6 Safety, Security & Crime Prevention; Social impact in the locality; Economic impact in the locality

Crime Prevention through Environmental Design (CPTED) is a recognised model which provides that if development is appropriately designed it can reduce the likelihood of crimes being committed. By introducing CPTED measures within the design of the development, it is anticipated that this will assist in minimising the incidence of crime and contribute to perceptions of increased public safety.

Applying CPTED methods aims to discourage offenders by maximising the risk and effort of committing a crime, while minimising the benefits and opportunities of committing that crime. CPTED also identifies ways to create a feeling of safety, leading to increased use of an area, which in turn improves natural surveillance and deters offenders.

The main frontage and entry areas provide a high level of passive surveillance towards the street and removes any concealed areas close to the footpath. Elevated windows for the offices also provide for a high level of passive surveillance. Inside the development, units orientate inwards, providing a high degree of visibility. There are no design features that promote concealment, or which compromise these principles.

CPTED principles are outlined within the **Design Report** and provided below:

SURVEILLANCE – the proposal provides a high level of passive surveillance, and minimal dead-end spaces. The entire development will be covered by CCTV back to the full-time centre manager.

LIGHTING/TECHNICAL SUPERVISION – at the detailed design stage, a lighting consultant will design a layout ensuring that all signage is legible during the night and the day, and that there are minimal areas of shadow

and concealment. Surfaces selected at the detailed design stage will ensure a high level of reflectivity. The lighting shall be designed with transition in mind.

TERRITORIAL REINFORCEMENT – publicly accessible spaces are directly connected to tenancies ensuring that each space has a purpose. The accompanying Plan of Management identifies the control of The HUB during afterhours access to the rooftop and late-night trading tenancies.

ENVIRONMENTAL MAINTENANCE – centre management will ensure that maintenance is up to date and that The HUB is always well presented. This ensures The HUB attracts positive user groups and outwardly displays a level of care in the publicly accessible spaces.

ACTIVITY AND SPACE MANAGEMENT – an area mostly governed by The HUB management during the operations phase, the programming of spaces will provide opportunities for community control.

ACCESS CONTROL – The programming of the spaces creates a natural wayfinding approach with clear vertical connections and horizontal lines of sight. This intuitive wayfinding once overlayed with formal access control solutions will maintain a level of control over the HUB, and the opportunity to segment the tenancies subject to trading hours.

DESIGN/DEFINITION/DESIGNATION – all spaces provided are designated with an intended use in mind. Some cater for the spill out of retail, some for informal collaboration of tenants, and other activated by programmed public activities or general public use. The spaces are defined and designed to ensure they support the intended function.

There are no significant social or economic issues that will result from the proposal. The provision of almost 30,000m2 of jobs-generating floor space is an economic and social benefit to the locality, and will bring many local services that will benefit nearby residents and businesses.

4.1.7 Site Design and internal design

The site is triangular in shape, with a very large street frontage, tapering in width towards the north. The internal site design is logical having regard to the shape of the site, which is somewhat constrained. This provides for some interesting building envelopes and height transitions throughout the site.

Throughout the planning proposal stage of the site's rezoning, a desire to determine appropriate building massing resulted in two height planes being approved on the site. After the detailed DA design, the optimal outcome for the site is for some very minor intrusions into the 18m zone by the façade of the higher buildings at the rear. These are not substantive in terms of providing additional floor area, as the encroachments relate to roof elements and parapets. This results in the need for a Clause 4.6 justification.

4.1.8 Construction; Cumulative Impacts

No adverse cumulative impacts will result. The relocation of the open channel into a closed culvert is positive in terms of impact as it reduces downstream flooding, and allows for the orderly construction of the site.

Construction impacts and waste disposal has been well studied and detailed within the related consultant's reports.

Several suites have been earmarked as Food & Drink premises. These tenancies have been provisioned with mechanical ventilation for future kitchen exhausts as evident on the submitted architectural drawing set.

4.2 Suitability of the Site

Section 4.15(1)(c) requires consideration of the suitability of the site.

4.2.1 Proposal fits in the locality

The site has been well studied and is appropriate for this building form and design. It provides an elegant form on a very large frontage. The taller building form at the rear is elegant and desirable, given its width and location next to the rail corridor. The landscaping opportunity provided by this design is also an attractive feature, with planting available at various levels.

The proposal is consistent with the employment generating character of the locality and provides a range of uses that will benefit workers and residents nearby.

4.2.2 Site attributes conducive to development

The site is appropriate. This proposal has been appropriately designed to ensure the constraints of the site are managed appropriately.

4.3 Submissions

Section 4.15(1)(d) requires assessment by Council following exhibition.

4.4 The Public Interest

Section 4.15(1)(e) requires the public interest to be considered. At this stage there are no known issues of public interest relevant to this application at this stage.

5. Conclusion

This amended development application seeks consent for a multi-level mixed use development adjoining a railway corridor. There are minimal impacts that result from the proposal due to its favourable orientation.

The development of this site will result in an attractive building form that will enhance the visual appearance of the area, providing a central place to visit and do business, a local HUB.

The amended proposal makes minor incursions into the building height plane, which have no impact and are not visible from the street. The floor space ratio controls which were estimated during the preparation of the planning proposal are slightly exceeded. The overall building design has been modified following the Council's RFI and the building area has been reduced in order to regulate correct calculation of FSR and an appropriate building form.

Following the more detailed design phase carried out during the DA phase, and the comprehensive assessment carried out by Council and the Design Review Panel, the amended building form has emerged which is a collaborative outcome for the site. As a development like this is crafted into form, the FSR is often the last thing that is calculated. This is because setbacks, separation distances and site manoeuvring all serve as the primary drivers for the design of building footprints and envelopes. In this case the resulting design was slightly above the 3:1 which was applied at the planning proposal phase. The Clause 4.6 reports detail the justification for the proposed design.

The site orientation and size mean that there are no impacts that arise from these breaches, and furthermore, they will not be perceptible to the passer-by. On both these matters, strict compliance is unnecessary and would result in no public or environmental benefit.

The proposal will deliver a high-quality development that will provide local jobs, and is commended to Council.

Tim Stewart
BTP (UNSW)