

13 March 2020

Adam Iskander
Bayside Council
444-446 Princess Highway
ROCKDALE NSW 2216

Dear Adam

[Development Application D/2019/281 – 253 Coward Street, Mascot](#)

We refer to your letter dated 20 November 2019 in relation to development application D/2019/281 for demolition, lot consolidation and construction of a 11 storey commercial development at 253 Coward Street, Mascot.

The matters raised in the letter are addressed below and amended plans and details are also provided.

The proposal has been redesigned to achieve the following primary improvements and address the Design Review Panel feedback:

- One entire floor has been removed from the building, which achieves compliance with the 44 metre height control and reduces the FSR to 3.92:1.
- The floor to ceiling height of the two car parking levels have been increased from 3 metres to 3.8 metres to match the other commercial floors, as requested by the Design Review Panel.
- The two (2) proposed van service / loading bays have been converted to two (2) service bays, each able to accommodate a 6.4m length Small Rigid Vehicle (SRV).
- Stormwater changes include:
 - The rainwater tank has been moved adjacent to the OSD tank which is between ground floor to first floor to allow gravity overflow.
 - The OSD tank size has been increased to 160,000 L for revised computations.
 - The overflow pipe from the OSD tank has been amended to 4 x 225Ø Upvc to cater 1% AEP flow of the post development.
 - The ground floor stormwater system discharge to Gross Pollutant Trap which bypasses the OSD tank has been revised to resolve the issue of greater than 15% of the total catchment bypass, by pumping discharge to the OSD tank.
 - The basement design is fully tank up to ground floor and agi drain and relief system has been removed.
- Landscape changes include:
 - The 13m wide pedestrian access facing Coward St has been reduced to 8m to align with the building façade and columns.
 - The proposed *Pyrus calleryana* has been replaced with *Corymbia maculata* trees on Coward St and Kent Rd. These trees are native and have a mature height of 20 metres. Due to existing trees to be retained and their associated structural root zones and canopies the proposed *Corymbia maculata* trees have been placed so as to not impact the existing trees.

- All trees within the landscape setback are proposed to be 200L.
- Retention of tree 13 at the lobby entry on Kent Road. In addition, trees 18, 19, 21 and 22 are now shown as retained.
- In response to the loss of some existing large native trees at the corner of Kent and Coward Street, 19 *Corymbia maculata* trees with a mature height of 20m and spread of 10m are now proposed.
- The basement line is now shown on the landscape plans and has been coordinated with the arborist to determine what trees may be impacted. These findings have been documented in the landscape plans and arborist report.
- All landscape areas have now been moved to fall outside the basement line so that no landscape is sitting on structure on the ground floor.
- Raised planters on southern boundary shifted to allow vehicle to service substation from Chalmers Crescent.

The following additional documentation is provided:

Appendix	Document	
Appendix A	Amended architectural package	Bates Smart
Appendix B	Architectural Response - Coward Street Mascot_Shadow Studies	Bates Smart
Appendix C	Architectural Response - Development Potential_251 Coward Street Mascot	Bates Smart
Appendix D	Amended Landscape package	Site Image
Appendix E	Amended Landscape Design Report	Site Image
Appendix F	Amended Civil Package	Webber
Appendix G	Amended Stormwater Management Plan	Webber
Appendix H	Traffic and Parking Cover Letter	McLaren
Appendix I	Supplementary Traffic and Parking Assessment	McLaren
Appendix J	Acoustic Advice	Acoustic Logic
Appendix K	Amended Acid Sulphate Soils Management Plan	Aargus
Appendix L	Structural Design Advice	Webber
Appendix M	Response regarding Groundwater	El Australia
Appendix N	Detailed Site Investigation	Aargus
Appendix O	Amended Clause 4.6 Request – FSR	Sutherland

The amended numerical overview is as follows:

Element	Proposed	Amended
Site Area	4,047 square metres total	4,047 square metres total
Gross Floor Area	18,211 square metres	15,865 square metres
Floor Space Ratio	4.5:1	3.92:1
Height	<ul style="list-style-type: none"> • North-east corner: 46.15m • North-west corner: 46.65m 	<ul style="list-style-type: none"> • 44m

Element	Proposed	Amended
	<ul style="list-style-type: none"> • South-east corner: 44.5m • South-west corner: 44.7m 	
Storeys	11 storeys + plant	10 storeys + plant
Front Setbacks	<ul style="list-style-type: none"> • Coward Street - 7.5 metres • Kent Street - 6.75m • Chalmers Street/southern boundary – 5.4 metres • Eastern boundary – Nil - 3 metres 	<ul style="list-style-type: none"> • Coward Street - 7.5 metres • Kent Street - 6.75m • Chalmers Street/southern boundary – 5.4 metres • Eastern boundary – Nil - 3 metres
Landscaped area	<ul style="list-style-type: none"> • Ground floor – 602 square metres or 15% • Level 2 raingarden -108 square metres or 2.6% • Perimeter car park and atrium planters - 322 square metres or 8% • Total – 1,032 square metres or 25.6% 	<ul style="list-style-type: none"> • Ground floor – 602 square metres or 15% • Level 2 raingarden -108 square metres or 2.6% • Perimeter car park and atrium planters - 221 square metres or 5.4% • Total – 931 square metres or 23%
Car Parking	257 spaces	253 spaces
Bicycle spaces	46	100

A response to the issues raised in Council's letter is provided in the table below:

Issue	Response
Planning	
1. Your application proposes an FSR of 4.5:1 where the maximum permissible FSR is 3:1. As discussed, Council is unable to support this variation of approximately 50% of the Floor Space Ratio Standard. You are advised to amend your plans showing compliance with the development standard. Please also note, Garbage rooms that are above ground should be included in your FSR calculations.	<p>The proposal has been amended which has resulted in a reduction of the FSR from 4.5:1 to 3.92:1, which is a 30.6% variation, and is now fully compliant with the height control.</p> <p>Furthermore, Council's Design Review Panel specifically supported the FSR variation as follows:</p> <p><i>The proposal is for a building which significantly exceeds the FSR. Variance from the control are supported for the following reasons:</i></p> <ul style="list-style-type: none"> • Triple-frontage provides for density with amenity • Prominent location calls for a prominent building • Desirable land use in an important business development precinct • Proximity to public transport • Apparent market demand for building of scale (plate size and gross area) close to Airport • Design measures mitigate density: atrium amenity; lobbies and arrival sequence; flexible floor configurations. <p>An amended Clause 4.6 Request in relation to the proposed FSR of 3.92:1 and variation of 30.6%</p>

Issue	Response
	<p>accompanies this letter and provides that strict compliance with the FSR control is unreasonable and unnecessary in this instance for the following reasons:</p> <ul style="list-style-type: none"> • The proposal has been designed to respond properly to opportunities and constraints of the site and is considered to provide an appropriate outcome having regard to the context of the site. A reduction in the floor space ratio of the development would not result in any meaningful difference in relation to the impact of the proposal however would diminish its fit within the context. Furthermore, a reduction in floor space would unnecessarily reduce employment opportunities on an ideally located site, to the detriment of achieving the vision for the Mascot Business Development Precinct. • The height of the development fully complies with the 44 metre height limit under the BBLEP 2013 and so any reduction in density would not require a reduction to the overall height and scale of the development. • The proposed development provides both retail and office uses which will support the viability of the centre and provide much needed employment floor space in a location which is close Sydney Airport and various transport nodes. • The availability and capacity of local infrastructure and public transport supports the additional floor space proposed. The site is located in close proximity to Mascot Train Station and a range of bus services. • The density proposed does not give rise to any unreasonable impacts on the adjoining properties in terms of overshadowing, loss of privacy or visual impact. • The location of the subject site and restriction on car parking for the building is such that the proposed additional floor space does not generate any additional traffic beyond that which would be generated by a complying development on the site which would involve the same car parking provision. • A high level of amenity is provided for occupants of the development. • There is a sustained history over many years, including before the BBLEP 2013 came into effect, of Council supporting variations to the FSR control for many sites within Mascot where a considered site analysis and careful spatial arrangement of built

Issue	Response
	<p>and landscape elements has demonstrated that an alternative floor space ratio is appropriate, as is the case for the proposed development.</p> <ul style="list-style-type: none"> • Having regard to the planning principle established in the matter of Project Venture Developments v Pittwater Council [2005] NSWLEC 191 most observers would not find the proposed development offensive, jarring or unsympathetic to its location and the proposed development will be compatible with its context.
<p>2. The proposed height of the development is 46.65m in an area where the maximum permissible is 44m. Council will not support this 6% variation of the development standard. You are advised to amend your plans accordingly.</p>	<p>The proposal has been amended by removing an entire floor and is now fully compliant with the 44 metre height control.</p>
<p>3. The size of the plant rooms on the rooftop are considered to be excessive in size. It is also unclear what these plant rooms would be used for. The plant rooms contribute to additional bulk and protrude into the height limit and as stated above, Council will not support any encroachment to the maximum height limit. Clarification is to be provided to address the purpose of the plant area.</p>	<p>The proposal is for a large commercial office development which has significant demand for plant. There is limited plant proposed in the ground floor with the roof being the primary location for plant. Rationalisation of plant may be possible post consent, however, now that the proposed development has been amended to comply with the height control, there is no imperative to reduce the plant area on the roof. Finally, the plant area has been designed as a completely integrated component of the architecture of the building and so this area does not result in an adverse visual outcome.</p>
<p>4. It appears as though the primary frontage faces Kent Road. Your plans show floors 2 – 11 have a setback to Kent Road of 6.1m. Council's DCP requires a setback of 9m from the front boundary. Please amend your plans accordingly.</p>	<p>The suggested DCP setback of 9 metres does not relate to the established pattern of development within the visual catchment of the site, in this instance. A detailed analysis has been undertaken of the established setbacks which has determined that a 6.5 metre setback from Kent Road represents the axis of alignment, as illustrated in the design report prepared by Bates Smart. The proposal has adopted this setback to the glazing line with a front setback of 6.75 metres from Kent Road. Notwithstanding this, the proposal also provides for increased setbacks at the ground floor at the north-western corner of the site in order to provide a generous outdoor recreation and dining area and to provide meaningful landscape pockets and recesses within this area. When viewed from surrounding properties and the public domain, the development will sit comfortably within the established pattern of development within the streetscapes of Coward Street and Kent Road.</p> <p>Finally, Council's Design Review Panel support the proposed setbacks as follows:</p>

Issue	Response
	<p><i>Generally, the proposal is for setbacks that are appropriate, however, given the commercial nature of the precinct. The proposal is considered to be in keeping with expectations and the surrounds.</i></p>
<p>5. The site plan and floor level plans show 251 Coward Street and 247-249 Coward Street as one lot. Council requests that you amend the plans, clearly distinguishing between these two lots. Site isolation of 251 Coward Street appears to be a concern which has not been addressed in your statement of environmental effects. Can you please provide supporting evidence with reference to the site isolation planning principle regarding 251 Coward Street.</p>	<p>The plans have been amended to distinguish 251 Coward Street and 247-249 Coward Street as separate lots.</p> <p>There are no site isolation controls within the DCP which relate to the precinct. Furthermore, there is no minimum site area or site frontage required for development, and so it is not reasonable to state that the proposal results in isolation of 251 Coward Street.</p> <p>Notwithstanding this, in order to address this concern, Bates Smart have prepared an analysis of a future potential development of 251 Coward Street Mascot at Appendix B to this letter. As previously mentioned, the subject proposal and its relationship to the eastern boundary has been deliberately designed so that any future development of 251 Coward Street could “plug” onto the proposal by mirroring the alignment of the lift core with the proposal. The Bates Smart analysis clearly shows that 251 Coward Street could feasibly be development in the future, compliant with all of the LEP and DCP controls. Accordingly, the proposed development does not prevent the orderly and economic development of that site in the future.</p>
<p>6. As discussed in the Design Review Panel meeting, could you also please address the following concerns in your response:</p> <ul style="list-style-type: none"> • The impacts of the proposed development to the child care centre at 247-249 Coward Street. Will the parking levels have any impacts to the neighbouring use? Are there pollution mitigation design elements that can be incorporated with the design to reduce the impacts to the childcare centre? • The commercial floor levels will be open to the atrium – will there be potential noise spillage between the floors? What can be done to reduce this impact? 	<p><i>Child Care Centre</i></p> <p>The proposed parking levels will have no impact to the child care centre at 247-249 Coward Street, noting that it is separated from the subject site by another site at 251 Coward Street. Furthermore, the building itself at 247-249 Coward Street has podium level parking immediately below the child care centre.</p> <p>It is noted that an objection has been raised an issue in relation to overshadowing of the outdoor play area of the child care centre by the proposed development. However, it is noted that there is already large shade structure which cover the majority of the outdoor play area on the western side of the building and so the objection is unfounded. Notwithstanding this, Bates Smart have prepared a Shadow Study which is appendix B to this letter which demonstrates that the subject proposal does not prevent the achievement of 3 hours solar access to the outdoor play areas, if the shade structures were removed.</p> <p>Finally, it is noted that the podium level on 247-249 is inherently vulnerable because it is currently borrowing amenity from the under-developed nature of the</p>

Issue	Response
	<p>subject sites. It is unreasonable to expect that a lower level terrace, located at the rear of the site, and in an area which has a 44m height control could reasonably expect to retain solar access. The proposal is height compliant, such that any shadow caused by the proposal is as anticipated by the planning controls.</p> <p><i>Acoustic Impact</i></p> <p>A letter from Acoustic Logic accompanies this letter at Appendix J which provides the following response:</p> <p><i>Atria generally have a low population density and large volumes. Hence noise from people talking within the atrium will be diffused around the atrium and reach the office space at a much reduced noise level.</i></p> <p><i>Reverberation will also reduce the intelligibility of speech generated in the atrium (and vice versa). For example, conversation in the atrium will be at a lower level and be less intelligible than conversation from other occupants in the surrounding office space.</i></p> <p><i>Placing absorptive surfaces at the ceiling of the offices near the atrium assists in absorbing sound coming off the atrium and minimises penetration into the office space. Absorptive treatment of the roof above the atrium (if practical) can also assist. It is noted that the office space opening onto the (with absorptive ceilings and carpeted floors) acts as a "natural" absorber of sound for the atrium so the effect of any additional treatment to the walls and roof will be less significant.</i></p>
Traffic	
7. That the applicant be advised that the assumed traffic generations rate is not acceptable and therefore the intersection performance assessment is not acceptable.	<p>A Supplementary Traffic and Parking Assessment accompanies this letter at Appendix I which responds to these issues. It is understood that Council is now comfortable with the proposed parking rates.</p> <p>A further MRV is not considered to be warranted given the nature of the proposal as office, however, two van spaces in the loading bay area have been updated to SRV size spaces which provides additional servicing capacity for the development.</p>
8. That the applicant be advised that the proposed development parking rates do not comply with Council DCP.	
9. That the applicant be advised that the loading area requires one additional MRV loading bay.	
10. That the applicant be advised that sight lines for basement ramp as well as level 1 ramp are required.	
Further Traffic Comments	
<ul style="list-style-type: none">Workplace Travel Plan and Plan of ManagementFurther justification of parking rates	<p>A Supplementary Traffic and Parking Assessment accompanies this letter at Appendix I which responds</p>

Issue	Response
<ul style="list-style-type: none">• Comparison assessment of transport mode analysis• Cumulative Traffic Impact Assessment• Headroom and Vertical Clearance Testing• Compliance review of update plans	to these issues. Furthermore, a Traffic and Parking Cover Letter accompanies this letter at Appendix H which provides a detailed response in relation to the request for a cumulative traffic impact assessment and demonstrates that this request is onerous and unnecessary for the subject proposal.
Stormwater	
11. All basement Agg lines are to be removed as the basement is required to be tanked due to the high level groundwater table.	<p>An amended Civil Package accompanies this letter at Appendix F, and the following amendments have been undertaken to address these issues:</p> <ul style="list-style-type: none">• The rainwater tank has been moved adjacent to the OSD tank which is between ground floor to first floor to allow gravity overflow.• The OSD tank size has been increased to 160,000 L for revised computations.• The overflow pipe from the OSD tank has been amended to 4 x 225Ø Upvc to cater 1% AEP flow of the post development.• The ground floor stormwater system discharge to Gross Pollutant Trap which bypasses the OSD tank has been revised to resolve the issue of greater than 15% of the total catchment bypass, by pumping discharge to the OSD tank.• The basement design is fully tank up to ground floor and agi drain and relief system has been removed.
12. The rainwater tank must achieve a gravity overflow to the OSD system without being subject to hydraulic pressure due to OSD top of water level, otherwise all the roof would be considered bypassing the OSD system. For the purpose of calculating OSD, the state of Nature condition for pre-development shall be modelled with no impervious area, also the total impervious area bypassing the OSD system must not exceed 15% of the total site area. The time of concentration for the site being assumed at 7 min appear to be underestimated considering the development size and height.	
13. The OSD access chamber from the higher level must be located in common area.	
14. Detailed calculations shall be provided to demonstrate how the 3x150 OSD overflow pipes can cater for 1%AEP flood event.	
Landscape	
15. Landscape setback to Coward Street complies with the minimum 4 meters required by DCP. The 13m wide pedestrian access facing Coward Street should be reduced to a maximum of 7m to increase the soft treatment of landscaped area within the street setback.	<p>An amended Landscape Package at Appendix D and an amended Landscape Design Report at Appendix E accompany this letter to address these requirements. The following amendments have been made to the landscape design:</p> <ul style="list-style-type: none">• The 13m wide pedestrian access facing Coward St has been reduced to 8m to align with the building façade and columns.• The proposed Pyrus calleryana has been replaced with Corymbia maculata trees on Coward St and Kent Rd. These trees are native and have a mature height of 20 metres. Due to existing trees to be retained and their associated structural root zones and canopies the proposed Corymbia maculata trees have been placed so as to not impact the existing trees.
16. The landscape within the front and side setbacks shall include large canopy trees. The Proposed Pyrus calleryana shall be replaced with a large native canopy tree. The tree should have a mature height of at least 12 meters in local conditions.	
17. Trees within the landscape setback shall be supplied and planted in advanced form and shall be planted with a minimum pot size of 200 litres.	
18. Tree number 32, Corymbia maculata proposed to be removed shall be retained. The pedestrian entry to lobby does not require removal of trees on Kent	

Issue	Response
Road strip verge. Paved entry to lobby shall not be extended to the kerb but should be finished at the end of the public footpath.	<ul style="list-style-type: none"> All trees within the landscape setback are proposed to be 200L.
19. If trees at the corner of Kent and Coward Street are to be removed, large replacement trees within their place should be proposed to compensate for the loss. {Tree numbers indicated as per submitted Arborist Report prepared by Guy Paroissien, Landscape Matrix Pty Ltd., dated 14th August 2019. }	<ul style="list-style-type: none"> Retention of tree 13 at the lobby entry on Kent Road. In addition, trees 18, 19, 21 and 22 are now shown as retained. In response to the loss of some existing large native trees at the corner of Kent and Coward Street, 19 <i>Corymbia maculata</i> trees with a mature height of 20m and spread of 10m are now proposed.
20. Please include all basement line and all structures above or below in relation to landscaped areas in ground level.	<ul style="list-style-type: none"> The basement line is now shown on the landscape plans and has been coordinated with the arborist to determine what trees may be impacted. These findings have been documented in the landscape plans and arborist report.
21. Some landscaped areas shown on ground level of the landscape plan are proposed to be on top of the proposed basement. Please indicate the depth of the soil in this areas in order to properly assess the application. Alternatively, you may consider redesigning the landscaped area if the soil depth is insufficient to accommodate the proposed planting.	<ul style="list-style-type: none"> All landscape areas have now been moved to fall outside the basement line so that no landscape is sitting on structure on the ground floor. Raised planters on southern boundary shifted to allow vehicle to service substation from Chalmers Crescent.
Environmental Science	
<p>22. An amended Site Investigation Report to be completed by an appropriately qualified and experienced environmental consultant and be completed in accordance with the State Environmental Planning Policy 55 (SEPP55), appropriate NSW EPA Guidelines, and the National Environment Protection Measure (Assessment of Site Contamination) 1999 (revised 2013). The amended report must:</p> <ol style="list-style-type: none"> Include a SafeWork NSW Dangerous Goods search and additional assessment to target the waste oil and combustible liquid tanks; Additional soil sampling data or justification of the adopted sampling density currently not meeting the minimum number as outlined in the EPA guidelines for hotspot detection using a systematic sampling approach; Amendment of groundwater investigation criteria given that Alexandra Canal is a tidal channel (not a fresh water system), and that the ANZECC (2000) has been superseded by ANZG (2018) 	<p>An amended Site Investigation Report at Appendix N accompanies this letter which includes additional soil sampling and addresses these requirements. In summary, the Report finds that:</p> <ul style="list-style-type: none"> The site is suitable for the proposed development. No further works are required for site suitability. No RAP is required.
23. An amended Acid Sulfate Soils Management Plan to be completed by an appropriately qualified and	An amended Acid Sulfate Soils Management Plan at Appendix K accompanies this letter and addresses this

Issue	Response
<p>experienced environmental/geotechnical consultant. The amended plan must:</p> <ul style="list-style-type: none"> a. Address not only actual acid sulfate soils but also potential acid sulfate soils, if encountered. The current Acid Sulfate Soils Management Plan stated that “any natural soils with a field pH of less than 5.5 and/or soils that appear to contain characteristics of PASS, will be stockpiled, treated with appropriate lime content and disposed of accordingly...” Whilst field pH values provide an indication of actual acid sulfate soils, this approach does not address potential acid sulfate soils, if present. b. Address acid sulfate soils associated with piling and foundation activities. Currently the plan appears to address the basement bulk excavation only. Management of acid sulfate soils associated with deeper piling and foundation activities was not clearly presented. c. Address impacts associated with temporary dewatering, if required, during bulk excavation and construction, given the relatively shallow groundwater table. 	<p>request. In summary, the amended plan provides the following:</p> <p>The area in the north east corner has PASS present, however as there is no excavation in this area, no works are required. Notwithstanding, the ASSMP is maintained in case there is any excavation works.</p>
<p>24. Additional information detailing proposed basement retention and groundwater cut off systems, in regards to potential dewatering impacts and suitability of water quality for discharge purposes, if applicable.</p>	<p>A Structural Design Advice at Appendix L accompanies this submission which provides Additional information detailing proposed basement retention and groundwater cut off systems. If Council considers that additional information is required, this can and should be addressed as a Construction Certificate matter in the Development Consent.</p>

We trust that the above discussion and amended details and other documentation have satisfactorily resolved your concerns and we look forward to the expeditious determination of the application. Should you have any questions concerning the above, please contact Aaron Sutherland on either (02) 9894 2474 or 0410 452 371, or alternatively at aaron@sutherlandplanning.com.au

Yours faithfully



Aaron Sutherland
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