

COUNCIL ASSESSMENT REPORT

Panel Reference	2018SWC037
DA Number	DA 1573/2018/JP
LGA	The Hills Shire Council
Proposed Development	Construction of a 23 storey residential flat building containing 131 units
Street Address	Lot 22 DP 1034506, 2-6 Maitland Place, Norwest and Lot 2105 DP 1201899, 40 Solent Circuit, Norwest
Applicant/Owner	Mulpha Norwest
Consultants	Think Planners Jackson Teece Blackett Maguire + Goldsmith Site Image Landscape Architects C&M Consulting Engineers Accessible Building Solutions Acoustic Logic Geotechnique Pty Ltd TreeTalk Arboricultural Consulting Northrop Hurley Palmer Flatt Windtech Elephants Foot Recycling Solutions Stantec Vince Morgan Surveyors
Date of DA lodgement	26 February 2018
Number of Submissions	Three
Recommendation	Refusal
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	CIV exceeding \$30 million (\$59,832,000)
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development • State Environmental Planning Policy Infrastructure 2008 • State Environmental Planning Policy No 55 — Remediation of Land • The Hills Local Environmental Plan 2012 • The Hills Development Control Plan 2012

List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> Submissions
Report prepared by	Cynthia Dugan Development Assessment Co-ordinator
Report date	28 August 2019

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not Applicable**
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

EXECUTIVE SUMMARY

The Development Application is for the construction of a 23 storey residential flat building containing 131 units (comprising 32 x 1 bedroom units, 72 x 2 bedroom units and 27 x 3 bedroom units) and ground floor and basement car parking at 2-6 Maitland Place (Lot 22 DP 1034506) and 40 Solent Circuit (Lot 2105 DP 1201899).

The Development Application seeks to apply the incentive floor space ratio (FSR) provision under Clause 7.12 of The Hills Local Environmental Plan (LEP). Clause 7.12 permits an increased floor space ratio to development that involves the erection of one or more buildings that contain dwellings on land identified as "Area A" on the Floor Space Ratio Map (refer Attachment 5), if the development provides the required mix, family friendly unit sizes and parking. Despite a portion of the land (40 Solent Circuit) not being identified as "Area A" on the Floor Space Ratio Map, the Applicant submits that the site area for the purposes of calculating floor space ratio can include this additional land which was approved as an amalgamated lot with the remainder of the site under a Subdivision Development Application for a boundary adjustment (consent No. 504/2018/ZA). Taking this approach, the proposed development would result in a floor space ratio of 2.98:1 where a gross floor area (GFA) of 14,903m² is proposed over an amalgamated site area of 4,998m².

However, Council staff do not agree with the applicant's approach in calculating the floor space ratio. Whilst the total site area for the development proposal is 4,998m², the portion of the site known as 2-6 Maitland Place (Lot 22 DP 1034506) has a land area of 2,649m². Under the provisions of LEP 2012, this portion of the site has a maximum height of RL 169, a base floor space ratio of 1:1 and as the land is identified as "Area A" on the Floor Space Ratio Map instrument, an incentivised floor space ratio (FSR) provision of 3:1 (maximum gross floor area (GFA) of 7,944m²) applies to this area of land under Clause 7.12. It is noted that the gross floor area of the proposed residential flat building is located solely within this area of land. In this regard, a Floor Space Ratio of 5.628:1 (GFA of 14,903m²) is provided on land identified as "Area A" which exceeds the incentivised provision by 2.628:1 or 87.6% (GFA of 6,959m²).

The remainder of the site includes a portion of land on 40 Solent Circuit (Lot 2105 DP1201899) which has a land area of 2,349m², a maximum building height development standard of RL116 and is not on land mapped as "Area A" on the Floor Space Ratio Map instrument. However, no gross floor area of the proposed building is located within this area of land. Therefore the base/incentivised floor space ratio provision under Clause 4.4 and Clause 7.12 of LEP 2012 does not apply to this area of land.

Due to the significant exceedance to the incentivised floor space ratio provision the proposal cannot be supported in its current form. It is noted that Clause 4.6(8)(cb) of the LEP does not allow development consent to be granted for development that would contravene Clause 7.12. In this regard, no variation to this standard is permitted. Compliance with the Clause would require a reduction of 6,959m² GFA which would require a substantial change to the built form of the current proposal. The existing building envelope would need to be reduced from a height of 23 storeys to 11 - 12 storeys.

Due to the significant exceedance in incentivised FSR permitted under Clause 7.12, the proposed development has not demonstrated that adequate regard has been given to the following design quality principles contained within State Environmental Planning Policy No. 65 with respect to Principle 2: Built form and scale, Principle 3: Density, Principle 4: Sustainability and Principle 9: Aesthetics.

The application was notified for 14 days on two occasions and two submissions were received during the first notification period. One submission was received during the second notification period. The issues raised in the submissions primarily relate to lack of provision of infrastructure, roads and access to accommodate the proposed development, inconsistency with the character of the area and overdevelopment of the Norwest and Bella Vista precincts. Not all concerns raised have been satisfactorily addressed.

The Development Application is recommended for refusal.

BACKGROUND

The site was subject to a Planning Proposal (5/2016/PLP) to amend the Hills Local Environmental Plan 2012. Amendment No. 42 was notified on the NSW Legislation website (Notification No. 155) on 21 April 2017.

The Hills Local Environmental Plan 2012 was amended as follows:

- Rezoned 7 Maitland Place from B7 Business Park to part R4 High Density Residential and part B7 Business Park (2-6 Maitland Place remains R4 High Density Residential);

- Applied a “base floor space ratio” of 1:1 and an “incentivised floor space ratio” of 3:1 to portions of the site zoned R4 High Density Residential;
- Increased the maximum building height from RL116 metres to RL169 metres (up to approximately 25 storeys) for portions of the site zoned R4 High Density Residential;
- Increased the maximum floor space ratio from 1:1 to 1.5:1 (base floor space ratio) for portions of the site zoned B7 Business Park;
- Reduced the minimum lot size applicable to 7 Maitland Place from 8,000m² to 4,000m² (a minimum lot size of 1,800m² would continue to apply to 2-6 Maitland Place); and
- Included a new local provision within LEP 2012 (Clause 7.12) which ensures that the “incentivised floor space ratio” for residential development can only be achieved where the proposed development complies with Council requirements for apartment size, mix and car parking – this reflects the agreed methodology between Council and State Government for ensuring the provision of housing mix and diversity within the Sydney Metro Northwest Corridor (this local provision is also identified as a provision which cannot be varied under Clause 4.6 of LEP 2012).

The amendment envisaged an increased residential density on the 2-6 and 7 Maitland Place site of approximately 370 units. It is noted that a Development Application was lodged on 21 December 2017 for a residential flat building development at No. 7 Maitland Place under Development Application No. 1235/2018/JP for 4 x Six to Twenty Five Storey Residential Flat Buildings comprising 290 units and a neighbourhood shop and three levels of basement car parking. The proposal is located to the north of the subject site and also formed part of the above mentioned Planning Proposal. In total, the dwelling yield for 2-7 Maitland Place would result in 421 units. This is 51 units above the dwelling yield envisaged under planning proposal 5/2016/PLP.

It is noted that the original planning proposal (prior to Gateway Determination) assumed that both properties would develop as one amalgamated site. The following figure indicates this original proposal.



However, the individual properties which comprise the site (being 2-6 Maitland Place and 7 Maitland Place) came into separate ownership following Gateway Determination. The following extract is taken from the post exhibition planning proposal report considered by Council at its meeting on 28 February 2017:

“The original concept submitted by the applicant relied on the development of an amalgamated site and the ‘sharing’/redistribution of the FSR entitlement between the two (2) sites (in particular, the achievement of a 20 storey building on 2-6 Maitland Place was entirely contingent on FSR ‘borrowed’ from 7 Maitland Place).

While the maximum building height of RL169 metres would allow for up to 25 storeys on the site, it is critical to note that the FSR would be the primary limitation to development on the site and would ensure variation and transition in building heights across the site. Specifically, the FSR would ensure that heights of up to 25 storeys could only be achieved as ‘tower elements’ at the expense of height on remaining portions of the site, rather than a uniformed height entitlement (or target) across the entire site...having regard to the above, and despite changing circumstances relating to the ownership of the land, Council’s original position to apply a blanket FSR of 3:1 across the residential portion of the site is considered appropriate and reasonable. It is anticipated that as the two (2) sites are no longer likely to develop as one (1) amalgamated development site, each individual site will now be required to comply with the applicable FSR control as it relates to that portion of the land”

It is also noted that the planning proposal resulted in a Voluntary Planning Agreement (9/2019/VPA) between Council and the owners of 7 Maitland Place for a total contribution value of \$7.8 million comprising the construction and dedication of a new local road through the site to connect to Spurway Drive at no cost to Council, as well as a monetary contribution towards traffic, open space and public domain works to be completed in the future. No VPA was made for the subject site at 2-6 Maitland Place.

The works required under the Voluntary Planning for the new local road (Maitland Place extension) was approved on 6 June 2019 under Development Application No. 2267/2018/ZA at Lot 1 DP 866565 7 Maitland Place, Norwest. The consent also included a subdivision creating two mixed use development lots (proposed Lot 10) comprising an area of 9,625m² and mixed use lot (proposed Lot 11) comprising an area of 4,953m². The extension of Maitland Place would be constructed in its entirety to an enhanced collector public road standard (with a 13m wide carriageway) between Maitland Place (existing) and Spurway Drive and dedicated to Council as a public road. It is noted that physical connection to Spurway Drive (currently a private road) will not occur until Spurway Drive is upgraded and dedicated as a public road as required in Development Consent 634/2017/ZB over Lot 2 DP 1246113.

Subdivision Development Application No. 504/2018/ZA was approved by Council on 27 November 2017, for the boundary adjustment of 2-6 Maitland Place (Lot 22 DP 1034506) and 40 Solent Circuit (Lot 2105 DP 1201899). Once registered, this new lot would be known as “Lot 221” with a total area of 4998m². This new lot is the “site area” for the subject application.

The subject Development Application for a 23 storey residential flat building was lodged on 26 February 2018. The Development Application was accompanied by a legal submission from the Applicant indicating that the “site area” for the purpose of calculating FSR applies to the amalgamated site area as the proposed development extends into the legal title of Lot 2105 DP 1201899, with the majority of the development being located within Lot 22 in DP

1034506. The submission concludes that the proposal complies with incentivised provision under Clause 7.12.

On 20 March 2018, a letter was sent to the Applicant raising concerns with the approach to calculating the FSR for the site and highlighted that the principal of executing a boundary adjustment to extend the operation of an FSR control appears to circumvent the strategic planning process. Other additional information requested included details for the Design Excellence Panel, Draft Voluntary Planning Agreement, inconsistency with the Master Plan Consent under 1347/2015/JP, survey report, contamination report, plan details and unit numbering.

On 18 August 2018, a further request for additional information was sent to the Applicant raising concern about the approach to calculating FSR and requested the proposal be amended to ensure Clause 7.12 is only applied to the land in "Area A" (2-6 Maitland Place) and the density provisions for the rest of the site comply with Clause 3.1 Density Controls under Part D Section 8 – Norwest Town Centre Residential Development of The Hills DCP 2012.

The subject Development Application was reviewed by the Design Excellence Panel (refer to Minutes at attachment 14) on 9 May 2018 and 13 March 2019. The Panel concluded at its initial meeting that the proposal did not meet design excellence. Upon review of an amended design at the second Design Excellence Panel meeting, the Panel concluded that outstanding design excellence matters have yet to be resolved and recommendations made in the meetings are further considered in order to achieve design excellence.

On 21 February 2019, Council staff provided a briefing of the subject Development Application to the Sydney Central City Planning Panel. Council staff raised concern with the Applicant's approach to calculating Floor Space Ratio (FSR) for the subject site. The Panel resolved to seek legal advice regarding this matter. A further briefing note was provided to the Panel dated 6 March 2019 which includes an expanded briefing of the particulars regarding the approach to calculating FSR.

On 11 June 2019, the Sydney Central City Planning Panel advised that the legal advice obtained by the Department is subject to privilege and will not be circulated to the Panel members until Council's assessment report is available.

DETAILS AND SUBMISSIONS

Owner:	Mulpha Norwest Pty Ltd
Zoning:	R4 High Density Residential
Area:	4,998m ²
Existing Development:	Vacant land
Contributions:	A Section 7.11 Contribution of \$1,600,921.22 is required to be paid for the development. If consent was granted to the Development Application, this would be applied as a condition of consent.
Notification:	14 days (on 2 occasions)
Notice Adj Owners:	1 st – Yes, 14 days 2 nd – Yes, 14 days
Number Advised:	1 st – 330 2 nd – 330
Submissions Received:	1 st – Two 2 nd – One

PROPOSAL

The subject application seeks consent for the construction of a 23 storey residential flat building containing 131 units (32 x 1 bedroom units, 72 x 2 bedroom units and 27 x 3 bedroom units) at 2-6 Maitland Place (Lot 22 DP 1034506) and 40 Solent Circuit (Lot 2105 DP 1201899).

A carpark comprising two levels of basement and an upper and lower ground floor is proposed with a total of 188 car spaces including 162 residential car spaces and 26 visitor spaces. 8 adaptable spaces are included in the car parking provided.

Vehicle access to residential and visitors car parking spaces will be provided to the car park via a single driveway and ramp adjacent to the northern property boundary off the roundabout at Maitland Place. Separate vehicle access is provided to a loading dock via Solent Circuit.

3,784m² of communal open space is provided on the landscaped podium level to the rear north/northwest of the site. 534m² of communal internal area including a gym, lounge area and library is also provided on the upper and lower ground floor.

A maximum height of RL164.46 is proposed for the residential flat building.

The proposal seeks to utilise the 'incentivised' floor space ratio provision under Clause 7.12 of The Hills LEP 2012. The proposed total gross floor area of 14,903m² results in a floor space ratio of 5.628:1 within 'Area A' which exceeds the maximum permissible incentivised floor space ratio of 3:1 (a maximum permissible gross floor area of 7,944m²).

ASSESSMENT

STRATEGIC PLANNING FRAMEWORK

a. Sydney Region Plan – A Metropolis of Three Cities

The Greater Sydney Region Plan, *A Metropolis of Three Cities* has been prepared by the NSW State Government to set a 40 year vision and established a 20 year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters. The Plan sets a new strategy and actions to land use and transport patterns. The Plan seeks to integrate land use planning with transport and infrastructure corridors to facilitate a 30-minute city where houses, jobs, goods and services are co-located and supported by public transport (Objective 14). To achieve this, the Plan seeks to develop a network of 34 strategic centres, one of which is Norwest Business Park, which extends into the suburb of Bella Vista and incorporates the subject site. The Plan aims to ensure economic corridors are better connected and more competitive.

The Plan also advocates investment and business activity in centres, particularly strategic centres identified for delivering the 30-minute city. Strategic centres should facilitate high levels of private sector investment, co-location of a wide mix of land uses, include areas identified for commercial use, and where appropriate, commercial cores (Objective 22). Norwest Business Park is identified within the Plan as one of nine (9) commercial office precincts that are essential for growing jobs and productivity to enhance Sydney's global economic competitiveness.

The proposed development would provide for additional housing within the strategic centre, which would be in close proximity to jobs, goods and services and public transport, facilitating a 30-minute city from the identified Strategic centre.

b. Central City District Plan

The plan requires integration of land use planning and transport to facilitate walkable 30-minute cities amongst the 34 strategic centres identified. Norwest, being within the Sydney Metro Northwest Rail Corridor should seek to facilitate growth and change that enables efficient access to jobs, services, residential opportunities and a wide range of other uses through reduced travel times (Planning Priority C9).

The Central City Plan also promotes housing supply, choice and affordability with access to jobs, services and public transport (Planning Priority C5). The proposal would support the objectives of the R4 High Density Residential zone which directly adjoins an employment precinct zoned B7 Business Park within the Norwest Strategic centre. The proposed development would provide additional dwellings within the Norwest Business Park to ensure residential opportunities to support the creation of more jobs which would enhance economic and business opportunities within the employment precinct.

ISSUES FOR CONSIDERATION

1. State Environmental Planning Policy (State and Regional Development) 2011

Clause 20 and Schedule 7 of SEPP (State and Regional Development) 2011 provides the following referral requirements to a Joint Regional Planning Panel:-

Development that has a capital investment value of more than \$30 million.

The proposed development has a capital investment value of \$59,832,000 thereby requiring referral to, and determination by, a Regional Planning Panel.

In accordance with this requirement the application was referred to, and listed with, the Sydney Central City Planning Panel for determination.

2. State Environmental Planning Policy No. 55 Remediation of Land

This Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspects of the environment.

Clause 7 of the SEPP states:-

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

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

Comment:

A Stage 1 and Stage 2 Contamination Assessment have been undertaken by Geotechnique Pty Ltd. The findings of the assessment conclude that the soil within the footprint of site

does not present a risk of harm to human health and environment and is suitable for the proposed residential use. The report recommended that the natural soils tested on site may be re-used as clean fill in any other development, including residential subject to prior approval/consent from the receiving site and relevant authorities and can be disposed of as VENM at an appropriately licensed landfill facility. It was also found that the fill material would not pose risk of harm to human health and the environment. The report also recommends that if any suspect material is found during any stage of future earthworks and site preparation, detailed assessment, remediation and validation is required. This would require implementation of the Unexpected Finds Management Protocol.

In this regard, it is considered that the site is suitable for the proposed development with regard to land contamination and the provisions of SEPP 55. If consent was granted to the application, a condition of consent would be recommended to ensure that if any suspect material is found during any stage of development, appropriate remediation measures are undertaken prior to the land being used for residential purposes.

3. The Hills Local Environmental Plan 2012

a. Permissibility

The land is zoned R4 High Density Residential under Local Environmental Plan 2012. The proposal comprises a residential flat building which is permissible in the zone.

b. Zone Objectives

The site is zoned R4 High Density Residential under The Hills LEP 2012. The objectives of the zone are:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage high density residential development in locations that are close to population centres and public transport routes.*

The proposal is considered to be consistent with the stated objectives of the zone, in that the proposal will provide for a land use to meet the needs of the surrounding residents and employment precinct and is also considered to provide an alternative housing option for future residents.

As such the proposal is considered satisfactory in respect to the LEP 2012 zone objectives.

c. Development Standards

The following addresses the principal development standards of the LEP:

CLAUSE	REQUIRED	PROVIDED	COMPLIES
4.3 Height	RL169 (2 - 6 Maitland Place, Lot 22 DP 1034506)	RL164.46 (top of architectural roof screen)	Yes
	RL116 (40 Solent Circuit, Lot 2105 DP 1201899)	RL88.8 (level 1 landscape podium)	Yes
4.1A Minimum lot sizes	Minimum lot size for a residential flat building in a R4 High Density Residential zone is 4,000m ²	Consolidated lot size is 4,998m ²	Yes
4.4 Floor Space Ratio	1:1 (base) 2,648m ²	5.628:1 (GFA of 14,903m ²) on land identified as "Area A" of the Floor Space Ratio Map instrument. However, the Applicant is seeking to apply Clause 7.12 of LEP. Note: No GFA is proposed outside "Area A".	No, refer below for further discussion.
7.12 Development on certain land within the Sydney Metro Northwest Urban Renewal Corridor	Despite Clause 4.4, an increased Floor Space Ratio identified on the Floor Space Ratio Incentive Map of 3:1 (maximum GFA of 7,944m ²) can be applied to development that involves the erection of one or more buildings that contain dwellings on land identified as "Area A" on the Floor Space Ratio Map, if the development provides a specific mix, family friendly unit sizes and parking.	Whilst the proposal provides for the required unit mix and sizes and parking in accordance with the Clause, a Floor Space Ratio of 5.628:1 (GFA of 14,903m ²) is provided on land identified as "Area A" which exceeds the incentivised provision by 2.628:1 or 87.6% (GFA of 6,959m ²).	No, refer below for further discussion.

i. Clause 4.4 Floor Space Ratio

The land on 2-6 Maitland Place (Lot 22 DP 1034506) has an area of 2,649m² and is subject to a maximum base Floor Space Ratio (FSR) of 1:1 as shown on the Floor Space Ratio Map as the land is identified as "Area A" under Clause 4.4 of LEP 2012. The land on 40 Solent Circuit (Lot 2105 DP 1201899) has an area of 2,349m², and does not contain an FSR development standard under Clause 4.4 as this land is not mapped as "Area A" on the Floor Space Ratio Map instrument.

In this regard, the proposal comprises a Gross Floor Area of 14,903m² within land mapped as "Area A" which results in a Floor Space Ratio of 5.628:1. This exceeds the base floor space ratio of 1:1. It is noted that no Gross Floor Area is proposed on the land outside "Area A" known as 40 Solent Circuit (Lot 2105 DP 1201899).

Notwithstanding, the Applicant relies on the incentivised Floor Space Ratio provision under Clause 7.12 of The Hills LEP 2012. This is discussed below.

ii. Clause 7.12 Development on certain land within the Sydney Metro Northwest Urban Renewal Corridor

Despite Clause 4.4, an increased Floor Space Ratio identified on the Floor Space Ratio Incentive Map of 3:1 (maximum GFA of 7,944m²) can be applied under Clause 7.12 of LEP 2012 to development that involves the erection of one or more buildings that contain dwellings on land identified as "Area A" on the Floor Space Ratio Map (refer Attachment 5), if the development provides a specific mix, family friendly unit sizes and parking.

Clause 7.12 requires that the incentive FSR can be applied if the proposal includes no more than 25% of the total number of dwellings as 1 bedroom units and at least 20% of the total number of dwellings as 3 bedroom units and that at least 40% of the 2 bedroom units have a minimum internal floor area of 110m² and at least 40% of the 3 bedroom units have a minimum internal floor area of 135m². In addition, 1 car space per dwelling and 1 space per 5 units is required.

The proposal provides 32 x 1 bedroom units (24.4%), 72 x 2 bedroom units (55%) and 27 x 3 bedroom units (20.6%). Of the 2 bedroom units, 32 units (44.4%) have a minimum internal floor area of 110m² and of the 3 bedroom units, 11 units (40.7%) have a minimum floor area of 135m². 188 car parking spaces are provided for the development proposal which exceeds the provision by 30 car spaces. In this regard, the proposal complies with the unit mix, larger unit sizes and parking requirements under this provision.

Notwithstanding the compliance with these provisions of apartment mix, apartment diversity and parking required, the incentive FSR provision only applies on land identified as "Area A" on the Floor Space Ratio Map (refer Attachment 5).

The Applicant is of the view that the FSR of the proposed development complies with the incentivised provision as the proposed development extends into the legal title of 40 Solent Circuit (Lot 2105 DP 1201899) and as the two subject lots were part of a recent subdivision approval for a boundary adjustments to create new lot "Lot 221", the site area for the purposes of calculating FSR should include the entire development site (4,998m²).

A legal submission has been provided on behalf of the applicant substantiating the view that the "site area" for the purposes of calculating the incentivised FSR for the subject site includes the entire development site (4,998m²) comprising land on 2-6 Maitland Place (Lot 22 DP 1034506) and 40 Solent Circuit (Lot 2105 DP 1201899). The legal submission refers to Clause 4.5 of the Standard Instrument which prescribes that *"the mandatory approach for the calculation of the FSR for a proposed development...as being the ratio of the gross floor area of all buildings within the site to the site area...if a proposed development is carried out on 2 or more lots, then the site area must include the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out"*.

This approach in calculating the FSR is not supported, as it would enable a significantly greater development outcome (FSR) on the site than originally anticipated in the planning proposal (5/2016/PLP). In the context of the subject site, the legal submission would

theoretically enable amalgamation of the site within the entirety of 40 Solent Circuit (Lot 2105 DP 1201899) and the utilisation of an incentivised FSR of 3:1 across the entire amalgamated site, regardless of the current mapping instrument and ongoing planning proposal process on this land. This approach to calculating FSR would also result in significant unintended consequences for other development sites within the Shire in that any site with multiple FSR provisions or any site that can be amalgamated with adjoining land, could utilise the highest FSR applicable to any portion of the land across an entire amalgamated site.

The gross floor area for the proposed building is located entirely within the land identified as "Area A". The "site area" for the purposes of calculating floor space ratio is limited to this mapped area of 2,649m². In this regard, the proposed development would result in a floor space ratio of 5.628:1 (GFA of 14,903m²) on land identified as "Area A" which exceeds the incentivised provision by 2.628:1 or 87.6% (GFA of 6,959m²).

It is noted that a variation to this standard is not permitted under Clause 4.6(8)(cb) of the LEP which does not allow development consent to be granted for development that would contravene Clause 7.12. Compliance with Clause 7.12 would require a reduction of 6,959m² GFA which would require a substantial change to the built form of the current proposal. For a compliant scheme, the existing building envelope would need to be reduced from a height of 23 storeys to 11 - 12 storeys.

Due to the significant exceedance to the incentivised floor space ratio provision under Clause 7.12 of LEP 2012, the proposal cannot be supported in its current form.

iii. Clause 7.7 Design Excellence

Clause 7.7 of the LEP specifies an objective to deliver the highest standard of architectural and urban design and applies to development involving the erection of a new building or external alterations to an existing building if the building has a height of 25 metres or more. The Clause also prescribes that development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence. In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:

- (a) *whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
- (b) *whether the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain,*
- (c) *whether the development detrimentally impacts on view corridors,*
- (d) *whether the development detrimentally impacts on any land protected by solar access controls established under a development control plan,*
- (e) *the requirements of any development control plan to the extent that it is relevant to the proposed development,*
- (f) *how the development addresses the following matters:*
 - (i) *the suitability of the land for development,*
 - (ii) *existing and proposed uses and use mix,*
 - (iii) *heritage issues and streetscape constraints,*

- (iv) *the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*
 - (v) *bulk, massing and modulation of buildings,*
 - (vi) *street frontage heights,*
 - (vii) *environmental impacts such as sustainable design, overshadowing, wind and reflectivity,*
 - (viii) *the achievement of the principles of ecologically sustainable development,*
 - (ix) *pedestrian, cycle, vehicular and service access, circulation and requirements,*
 - (x) *the impact on, and any proposed improvements to, the public domain,*
 - (xi) *the configuration and design of public access areas, recreation areas and communal open space on the site and whether that design incorporates exemplary and innovative treatments,*
- (g) *the findings of a panel of 3 or more persons that has been convened by the consent authority for the purposes of reviewing the design excellence of the development proposal.*

Comment:

The subject Development Application was reviewed by the Design Excellence Panel (refer to Minutes at attachment 14) on 9 May 2018 and 13 March 2019. On 9 May 2018, the Panel raised a number of concerns including the amalgamation of a portion of the adjacent lot at No. 40 Solent Circuit without taking advantage of the additional site area to provide more separation between tall buildings on neighbouring sites. The Panel recommended amendments to the built form to utilise the whole site rather than the former planning proposal site (2-6 Maitland Place) and noted that the current allocation of land use results in a built form outcome that is unsatisfactory and provides a poor public domain interface. The Panel's conclusion was as follows:

"The Panel does not support the proposal in its current form as the proposal does not meet the requirements of design excellence. It is recommended that regardless of the FSR outcome the applicant addresses the issues identified in this report and presents a revised application to the Panel".

An amended scheme was presented to the Design Excellence Panel on 13 March 2019. The Panel concluded the following:

"The Panel notes there have been various improvements in the revised proposal; however outstanding matters remain that have yet to be resolved, as noted in the report.

The Panel recommends that the comments from both DEP meetings be further considered in order to achieve an acceptable level of overall design quality. It is noted that the Panel's role is advisory, and the applicant may elect to proceed with the DA application without a further meeting".

Following the second Design Excellence Panel meeting, a number of concerns raised by the Panel remain outstanding. These concerns are highlighted below:

- *Resolve the FSR allocation for the development application.*

Comment: The Panel Chair advised at the start of the second meeting that this matter was subject to legal review and the consideration by the Sydney Central City Planning Panel. The Panel Chair advised that despite this unresolved matter, the Panel would provide advice based on the plans submitted.

- *Reconsider the site arrangement, bulk, scale and massing of the development proposal. The current building envelope does not meet design excellence.*

Comment: Whilst the proposal has been amended by reducing the width of the tower from 56m to 50m and rotating the tower to be wholly within “Area A” at 2-6 Maitland Place, the Design Excellence Panel has indicated that comments from the previous Panel meeting remain pertinent, in particular the scale and character.

- *Consider an alternative distribution of built form on the site potentially utilising a variety of dwelling typologies such as terraces and lower rise apartments rather than a single residential tower.*

Comment: This recommendation has not been addressed.

- *Consider utilising the whole site rather than former planning proposal site as the site has been enlarged in area. The current allocation of land use results in a 5.5:1 FSR on a site for which the FSR allocation was only ever to be 3:1, whilst there may be a valid planning arrangement for this outcome, the resultant built form is unsatisfactory and a poor public domain interface has been provided.*

Comment: This recommendation has not been addressed.

- *Demonstrate co-ordination with the development site to the north in particular the car parking entries could potentially be amalgamated providing a less confronting pedestrian experience on Maitland Place.*

Comment: This recommendation has not been addressed.

- *Amend outstanding SEPP 65 non-compliances including demonstrating adequate solar access is provided to the main internal living areas to Council's satisfaction.*

Comment: The plans indicate that only 67% of units receive 2 hours of solar access between 9am to 3pm during midwinter which does not meet the Apartment Design Guide design criteria which recommends at least 70% of units achieve the required solar access.

- *Landscape Development Application drawings were not provided. A comprehensive set of documents that provides certainty in the landscape provision must be provided to the DA officer.*

Comment: Whilst amended landscape plans were provided, the information was insufficient for Council's Landscape Officer to make a complete assessment.

In this regard, not all concerns raised by the Design Excellence Panel have been satisfactorily addressed. In this regard, the proposal is not considered to meet design excellence and development consent cannot be granted under Clause 7.7.

4. State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Apartment Development

The proposed development has not demonstrated that adequate regard has been given to the following design quality principles contained within SEPP 65:

Principle 2: Built form and scale

The proposal is inconsistent with the requirements of the Hills LEP 2012 with regard to Floor Space Ratio (Clause 7.12 of LEP 2012). The proposal exceeds the incentivised floor space ratio provision of 3:1 within “Area A” by 87.6% (GFA of 6,959m²).

In addition, the development has not been endorsed by Council's Design Excellence Panel as exhibiting design excellence as outstanding concerns with regard to scale have not been adequately addressed.

Principle 3: Density

The subject proposal provides for 131 dwellings for the site. A site specific planning proposal for 2-6 and 7 Maitland Place sought to increase the yield of the sites to approximately 370 dwellings. The planning proposal was finalised with an amendment to the LEP to allow an incentivised floor space ratio of 3:1 provided the proposal complies with Council's local provision of housing diversity, unit mix, sizes and car parking. The amendments to the LEP facilitated a GFA of 7,944m² (approximately 79 units) on the land at 2-6 Maitland Place. In this regard, the proposal is not consistent with the density as envisaged in the planning proposal. It is considered that the proposal is inappropriate for the site.

Principle 4: Sustainability

The design does not achieve adequate solar access as required by the Apartment Design Guide with only 67% of units achieving at least 2 hours solar access during midwinter.

Principle 5: Landscape

Insufficient information has been provided for to ensure that a good landscape design outcome is achieved on site. Refer to Tree Management comments in Section 8 below.

Principle 9: Aesthetics

The application has been reviewed by Council's Design Excellence Panel on two occasions. On both occasions, the Panel did not conclude that the proposal exhibited design excellence. The Panel has stated that they are not in a position, nor is it appropriate to provide detailed commentary in relation to various design attributes of the proposal until the FSR issue is resolved. The Panel has noted that the proposed tower is pushed too far to the east for compliance rather than design based reasons and consequently has a highly problematic formal relationship with the current proposal at 7 Maitland Place. Not all concerns raised by the Design Excellence Panel have been satisfactorily addressed.

In addition, the following variations have been identified with regard to the design criteria in the Apartment Design Guide.

Clause	Design Criteria	Compliance
Designing the Building		
Solar and daylight access	1. Living and private open spaces of at least 70% of apartments are to receive a minimum of 2 hours direct sunlight between 9am and 3pm midwinter.	No, only 67% of apartments will achieve two hours solar access for 70% (88 of 131) of apartments between 9am and 3pm midwinter.
	2. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	14% of apartments will receive no direct sunlight between 9am and 3pm midwinter.

Apartment layout	In open plan layouts the maximum habitable room depth is 8m from a window.	No. A number of units (Apartment Types 01, 02, 03, 08) are open layouts with a habitable room depth which are up to 8.4m from a window.
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5. Draft Planning Instrument 5/2015/PLP 40 Solent Circuit, Baulkham Hills

The subject planning proposal seeks to amend The Hills LEP 2012 as it applies to land at 40 Solent Circuit, Norwest, to:

- Increase the maximum building height from RL116 metres (10 storeys) to RL176 metres (26 storeys);
- Apply a maximum floor space ratio of 1:1 and a maximum incentivised floor space ratio of 2.9:1 (currently no FSR applicable); and
- Include additional permitted uses on Schedule 1 of the LEP: Business premises (maximum 1,500m²), Child care centres (maximum 500m²), Health consulting rooms and Medical centres (1,000m²), Recreation facilities (indoors) (maximum 1,500m²), Restaurants or cafés (maximum 500m²) and Shops (maximum 1,000m²).

This planning proposal was endorsed by Council on 28 November 2016 and Gateway Determination was issued by the Department of Planning and Environment on 31 January 2017. The planning proposal was publically exhibited on 1 May 2018 to 15 June 2018. As such, the proposed instrument is required to be considered under the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979. It is noted that the Department of Planning and Environment issued an extension of time to make the plan by 31 October 2019.

Comment:

The subject development application seeks to include a portion of this land at 40 Solent Circuit, Norwest as part of the site area. The works proposed on this portion of land include a loading dock, basement and ground floor car parking and a landscaped podium. No gross floor area is proposed within this land. In this regard, the proposed changes under the planning instrument would not impact on the calculation of floor space ratio for the subject development.

Should the planning proposal proceed to finalisation, a new development application proposing built form on the land at 40 Solent Circuit could utilise the incentivised FSR provision of 2.9:1. It is noted that for any built form incorporating gross floor area located on land currently mapped "Area A" at 2-6 Maitland Place, would still be required to comply with Clause 7.12 which allows a maximum incentivised FSR of 3:1 (7,944m²) and cannot be varied under Clause 4.6(8)(cb) of LEP 2012.

6. The Hills DCP 2012

Due to the significant change required to achieve compliance with Clause 7.12 of LEP 2012, a detailed assessment against The Hills DCP 2012 has not been included in this report, however the following variations have been identified:

DEVELOPMENT CONTROL	THDCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
Part B Section 5 Residential Flat Buildings - Clause 3.6	<p>The landscape area shall be a minimum of 50% of the area of the site.</p> <p>Landscaped areas should have minimum dimensions of 2m.</p> <p>Such areas shall exclude building and driveway areas. Terraces and patios within one metre of natural ground level will be included in landscape area, including common open space above basement car park provided the area is grassed and suitably landscaped.</p>	45% of the area of the site comprises landscape areas.	No.
Part B Section 5 Residential Flat Buildings - Clause 3.18	The driveway shall be centrally located within the development and be a minimum of 10m from any side boundary or street.	<p>Vehicular access is provided to the residents' and visitors' car park, 2m from the northern property boundary off Maitland Place.</p> <p>Vehicular access is provided for services/loading dock, 2m – 5m from the western property boundary off Solent Circuit.</p>	No.
Part B Section 5 – Residential Flat Buildings – Clause 3.21	10% of dwellings units are to be adaptable or accessible dwellings for more than 30 dwellings.	5.3% of dwellings (7 units) are proposed as accessible units.	No.
Part C Section 1 Parking	<p>Residential Flat Buildings</p> <p>1 space per 1 bedroom unit</p> <p>2 spaces per 2 or 3 bedroom unit</p> <p>2 visitor spaces per 5 units</p> <p>Required for the development: 250 residents and 53 visitor spaces.</p>	<p>162 residential spaces provided.</p> <p>26 visitor spaces provided.</p>	No.

Part C Section 1 Parking – Clause 2.8 Landscaping and Part C Section 3 – Clause 3.1 Car Parking	Driveways are to be screened by a minimum 2m wide landscaping strips on either side.	No landscaping indicated along driveway on northern property boundary.	No.
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7. Issues Raised in Submissions

The application was advertised for a period of 14 days and notified on two occasions. Two submissions were received during the first notification period. One submission was received during the second notification period which was required for material amendments to the plans. The issues raised in the submissions are addressed below:

ISSUE/OBJECTION	COMMENT	OUTCOME
Lack of infrastructure, roads and access to business park to accommodate the new development. This will lead to further traffic congestion on the existing local road network.	<p>The traffic generation rates quoted in the traffic reports are consistent with RMS rates for high density apartments in close proximity to public transport.</p> <p>However, it is acknowledged that there are existing capacity issues occurring on the State road network of both Windsor Road and Norwest Boulevard, A Project Coordination Group consisting of Transport for NSW, Department of Planning and Environment, Roads and Maritime Services and Council officers will be undertaking a precinct wide traffic study of the Norwest Business Park to establish the extent of mode shift from private motor vehicle to public transport.</p> <p>This study will inform suitable parking rates for developments within Norwest Business Park.</p>	Refusal recommended.
This type of development is out of character with the Local Government Area, and is not wanted by the majority of residents. This type of development causes overcrowding, lack of respect for the individual and families, and is the antithesis of the Australian way of life.	The proposal is within Norwest Business Park which is identified as a strategic centre under the Sydney Region Plan and Central City Plan. The site is capable of accommodating a residential flat building which complies with the floor space/incentive FSR and height development standards. However the subject proposal does not comply with these standards and is not supported.	Refusal recommended.

Overdevelopment of the Norwest and Bella Vista precincts.	This is a strategic planning issue and is not a matter of consideration for the subject residential flat building development under Section 4.15 of the Environmental Planning and Assessment Act, 1979. It is noted that the proposal is located within the Norwest Business Park which is identified as a strategic centre under the Sydney Region Plan and Central City Plan.	Refusal recommended.
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8. REFERRALS

EXTERNAL REFERRALS

ROADS & MARITIME SERVICES COMMENTS

The application was referred to the NSW Roads and Maritime Services. No objections were raised to the proposal subject to Council being satisfied with the proposed Floor Space Ratio and density of the development, a swept path being submitted to Council demonstrating that the longest vehicle can enter and exit in a forward direction, a construction traffic management plan be submitted prior to issue of a construction certificate, the car park layout should be in accordance with AS 2890.1- 2004 and AS2890.2-2002 and all works/regulatory signposting associated with the proposed development are to be at no cost to RMS. The RMS also recommended that the car parking rate for the proposed development be reduced to comply with their 'Guide to Traffic Generating Developments'.

SYDNEY WATER COMMENTS

The application was referred to the Sydney Water due to the proximity to Sydney Water assets. No objections were raised to the proposal, subject to conditions of consent should development consent be granted to the application.

ENDEAVOUR ENERGY COMMENTS

The application was referred to Endeavour Energy. No objections were raised to the proposal, subject to conditions of consent should development consent be granted to the application.

NSW POLICE COMMENTS

The application was referred to the NSW Police. No objections were raised to the proposal, subject to conditions of consent should development consent be granted to the application.

INTERNAL REFERRALS

SUBDIVISION ENGINEERING COMMENTS

The application was referred to Council's Subdivision Engineering Section. No objections were raised to the proposal; subject to conditions of consent should development consent be granted to the application.

TRAFFIC MANAGEMENT COMMENTS

The application was referred to Council's Traffic Management Section. Council's Principal Traffic Coordinator has reviewed the Traffic and Parking Impact Assessment submitted with the Development Application and concurs with the findings of the report. No objections were raised to the proposal; subject to conditions requiring the submission of a construction traffic management plan prior to issue of a construction certificate should development consent be granted to the application.

TREE MANAGEMENT COMMENTS

The application was referred to Council's Landscape Assessment Officer. Insufficient information was provided to make a complete assessment with regard to landscaping, despite several requests for additional information being made. In particular, a 2m wide landscape setback has not been provided to the northern property boundary, the soil depth and volume for planting to top of podium is inadequate, the additional pedestrian access leading on to Solent Circuit driveway adjacent gas metre is to be removed, a full planting plan to upper levels in planters on level 6, 12 and 19 has not been submitted. In addition, the impact of proposed stormwater to the frontage conflicts with landscaping. Landscape plans are required to include the stormwater design so that a review on the impact of pits and lines on the proposed design of planters, tree and shrub planting can be assessed.

HEALTH & ENVIRONMENTAL PROTECTION COMMENTS

The application was referred to Council's Environmental Health Section. No objections were raised to the proposal; subject to conditions of consent should development consent be granted to the application.

RESOURCE AND RECOVERY COMMENTS

The application was referred to Council's Resource and Recovery Section. No objections were raised with regard to waste management; subject to conditions of consent should development consent be granted to the application.

HERITAGE COMMENTS

The application was referred to Council's Forward Planning Section for heritage comments. No objections were raised on heritage grounds as the proposal is not considered likely to create any adverse impacts on the surrounding heritage items. There is over 150m distance between the proposed building and the avenue of trees leading to Castle Hill Country Club which is considered sufficient to limit any material impact on the trees. Further, the proposal is unlikely to impact on any significant views corridors associated with Bella Vista Farm. The proposal is consistent with the future high density character and built form of Norwest and the proposed colours and finishes of the building are considered neutral and sympathetic to the heritage items.

SECTION 7.11 COMMENTS

The application was referred to Council's Forward Planning team for Section 7.11 comments. No objections were raised; subject to a condition of consent should development consent be granted to the application.

LAND AND SPATIAL INFORMATION COMMENTS

The application was referred to Council's Land and Spatial Information Section. Whilst no objections were raised to the proposal, the team requested the Applicant provide approval from Australia Post for the letterbox location to be within the foyer area prior to consent

being granted for the development application. The location of mail boxes/bank will determine the street address(s) for the units.

CONCLUSION

The Development Application has been assessed under the relevant heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, The Hills Local Environmental Plan 2012, The Hills Development Control Plan 2012 and is considered unsatisfactory.

The proposal will result in a development that exceeds the permissible incentivised floor space ratio (Clause 7.12) of The Hills LEP 2012 by 87.6% (GFA of 6,959m²). As this incentivised provision cannot be varied under Clause 4.6(8)(cb) of The Hills LEP 2012, any variation to this clause cannot be supported and the built form outcome cannot be considered under this subject development application.

Due to the significant exceedance in incentivised FSR permitted under Clause 7.12, the proposed development has not demonstrated that adequate regard has been given to the following design quality principles contained within State Environmental Planning Policy No. 65 with respect to Principle 2: Built form and scale, Principle 3: Density, Principle 4: Sustainability and Principle 9: Aesthetics.

The Development Application is recommended for refusal.

IMPACTS:

Financial

This matter may have a direct financial impact upon Council's adopted budget as refusal of this matter may result in Council having to defend a Class 1 Appeal in the NSW Land and Environment Court.

The Hills Future - Community Strategic Plan

The proposed development is inconsistent with the planning principles, vision and objectives outlined within "Hills 2026 – Looking Towards the Future" as the proposed development provides for urban growth which has not been accommodated for with regard to infrastructure and services and is therefore not in the best interest of the community.

RECOMMENDATION

The Development Application be refused as follows:

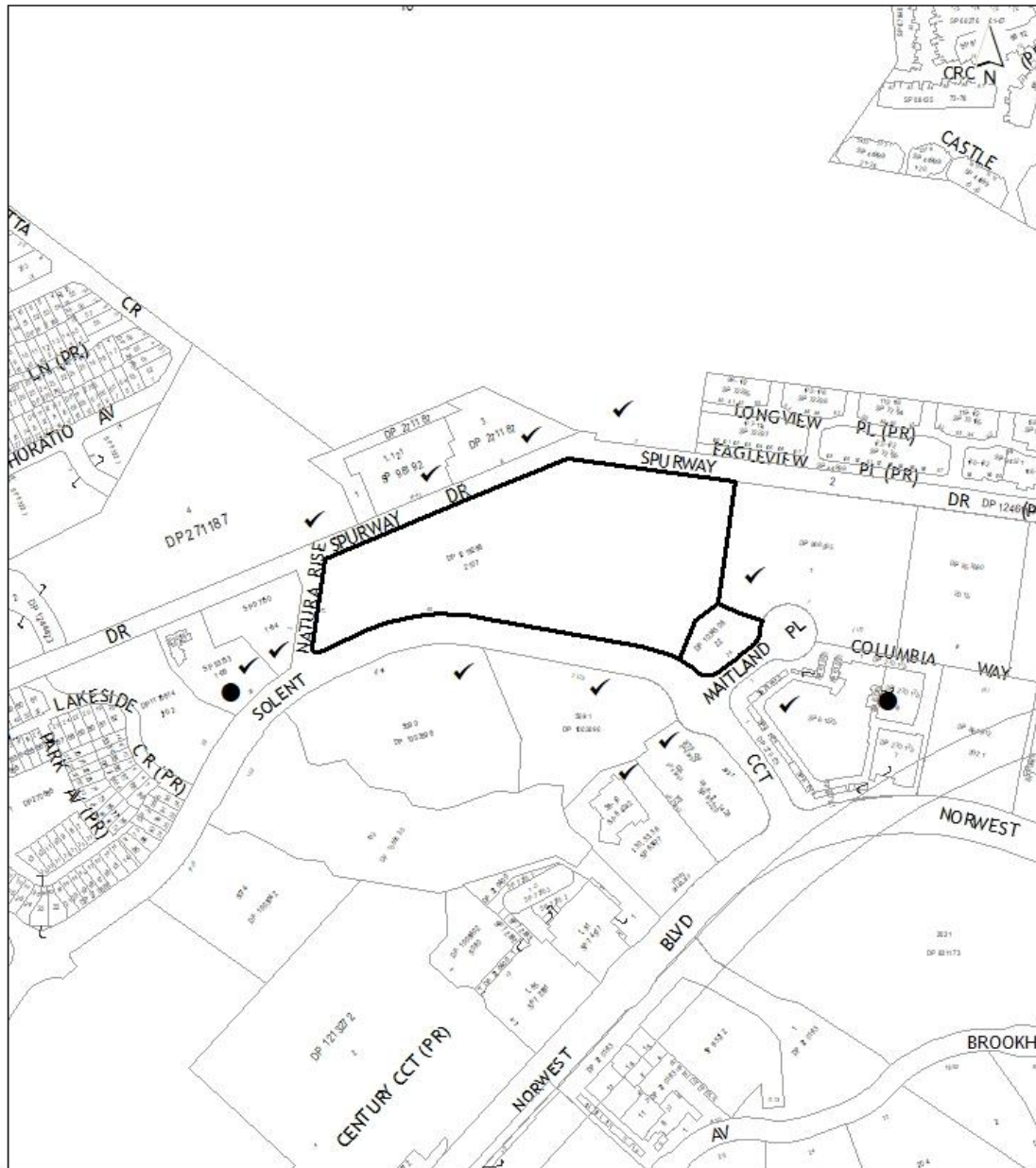
1. The proposal does meet the provisions of Clause 7.12 Development on certain land within the Sydney Metro Northwest Urban Renewal Corridor of The Hills Local Environmental Plan 2012. It is noted that Clause 4.6(8)(cb) of The Hills Local Environmental Plan 2012 cannot be used to grant development consent for development that would contravene Clause 7.12.
(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979).
2. The proposed development does not adequately address the provisions of Clause 7.7 Design Excellence of The Hills Local Environmental Plan 2012.
(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979).

3. The proposal is considered an overdevelopment of the site as the residential flat building does not meet the FSR development standard and therefore does not meet the aims of The Hills LEP 2012 with regard to orderly and sustainable development and does not meet the strategic direction for the benefit of the community.
(Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act,1979).
4. The proposed development has not demonstrated that adequate regard has been given to the design quality principles contained within State Environmental Planning Policy No. 65.
(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979).
5. The proposal is not in the public interest as a result of its departure from the requirements under The Hills LEP 2012, State Environmental Planning Policy No. 65 and submissions received.
(Section 4.15(1)(d) and (e) of the Environmental Planning and Assessment Act, 1979).
6. The proposal has not adequately addressed landscaping concerns previously raised by Council Officers. Insufficient information has been provided in relation to a landscaping setback along the northern property boundary, the soil depth and volume for planting to top of podium is inadequate, the additional pedestrian access leading on to Solent Circuit driveway adjacent gas metre is to be removed and a full planting plan to upper levels in planters on level 6, 12 and 19 has not been submitted. In addition, the impact of proposed stormwater to the frontage conflicts with landscaping. Landscape plans are required to include the stormwater design so that a review on the impact of pits and lines on the proposed design of planters, tree and shrub planting can be assessed.
(Section 4.15(1)(b) of the Environmental Planning and Assessment Act, 1979).

ATTACHMENTS

1. Locality Plan
2. Aerial Map
3. LEP Zoning Map
4. LEP Height of Buildings Map
5. LEP Floor Space Ratio Map Instrument
6. LEP Floor Space Ratio Incentive Map Instrument
7. Site Plan
8. Floor Plans
9. Elevations
10. Shadow Diagrams
11. Landscape Plan
12. Perspectives
13. Approved Subdivision Plan (DA 504/2018/ZA)
14. Design Excellence Panel Minutes

ATTACHMENT 1 – LOCALITY PLAN



SUBJECT SITE



PROPERTIES NOTIFIED



**TWO SUBMISSIONS RECEIVED 1ST NOTIFICATION ONLY
(ONE OUTSIDE SCOPE OF MAP)
ONE SUBMISSION RECEIVED 2ND NOTIFICATION**

THE HILLS
Sydney's Garden Shire

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ATTACHMENT 2 – AERIAL MAP



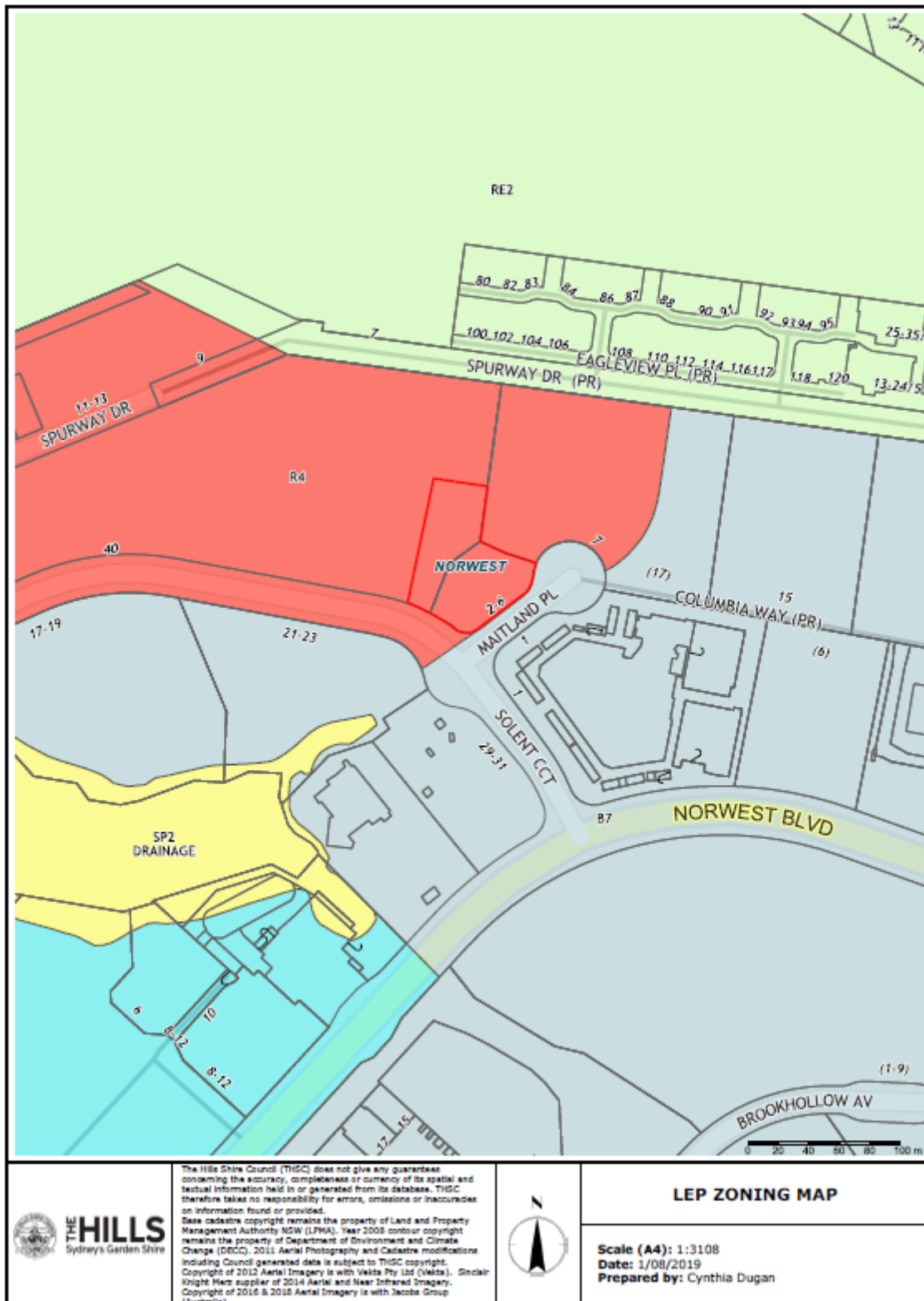
 SUBJECT SITE

THE HILLS
Sydney's Garden Shire

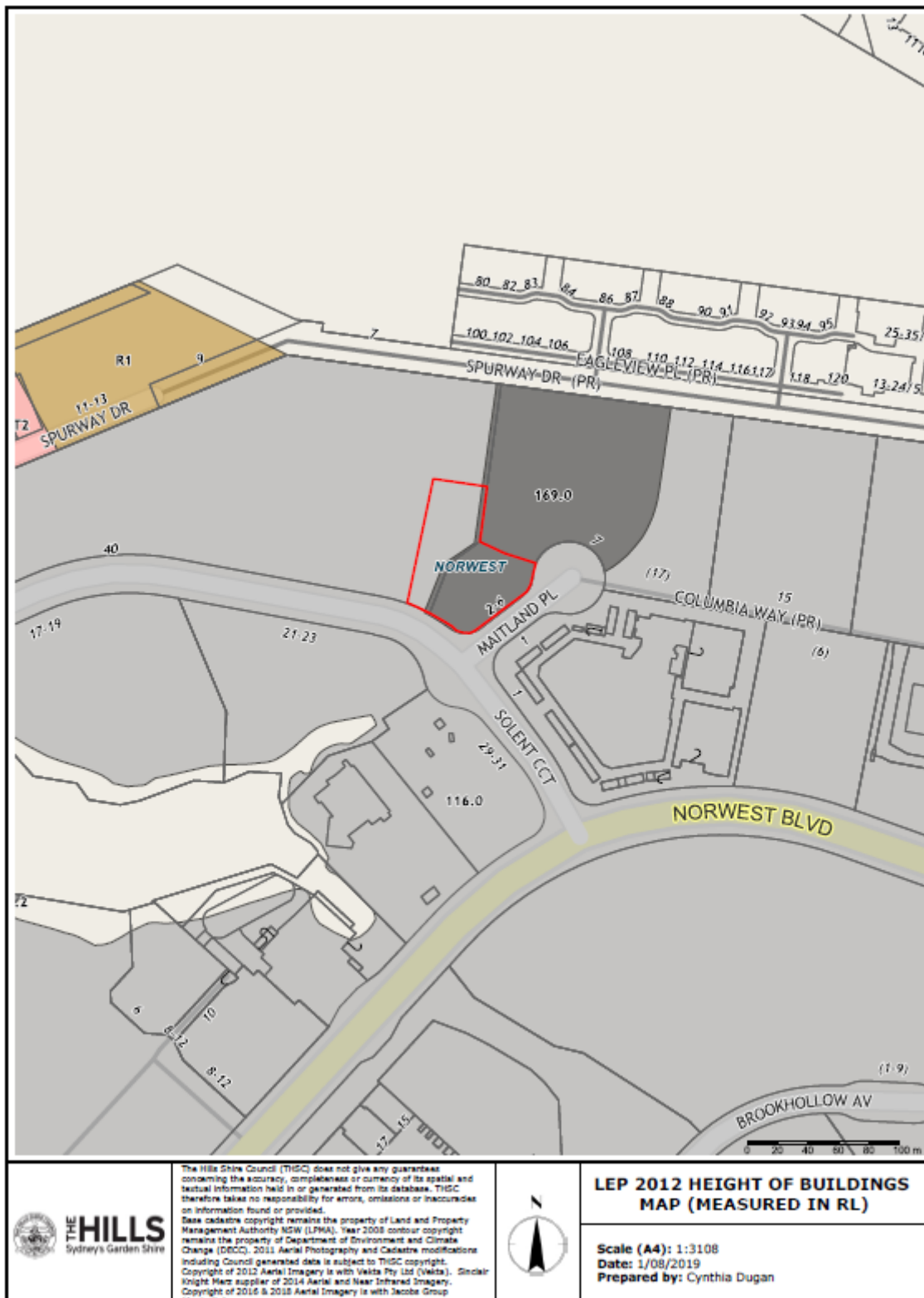
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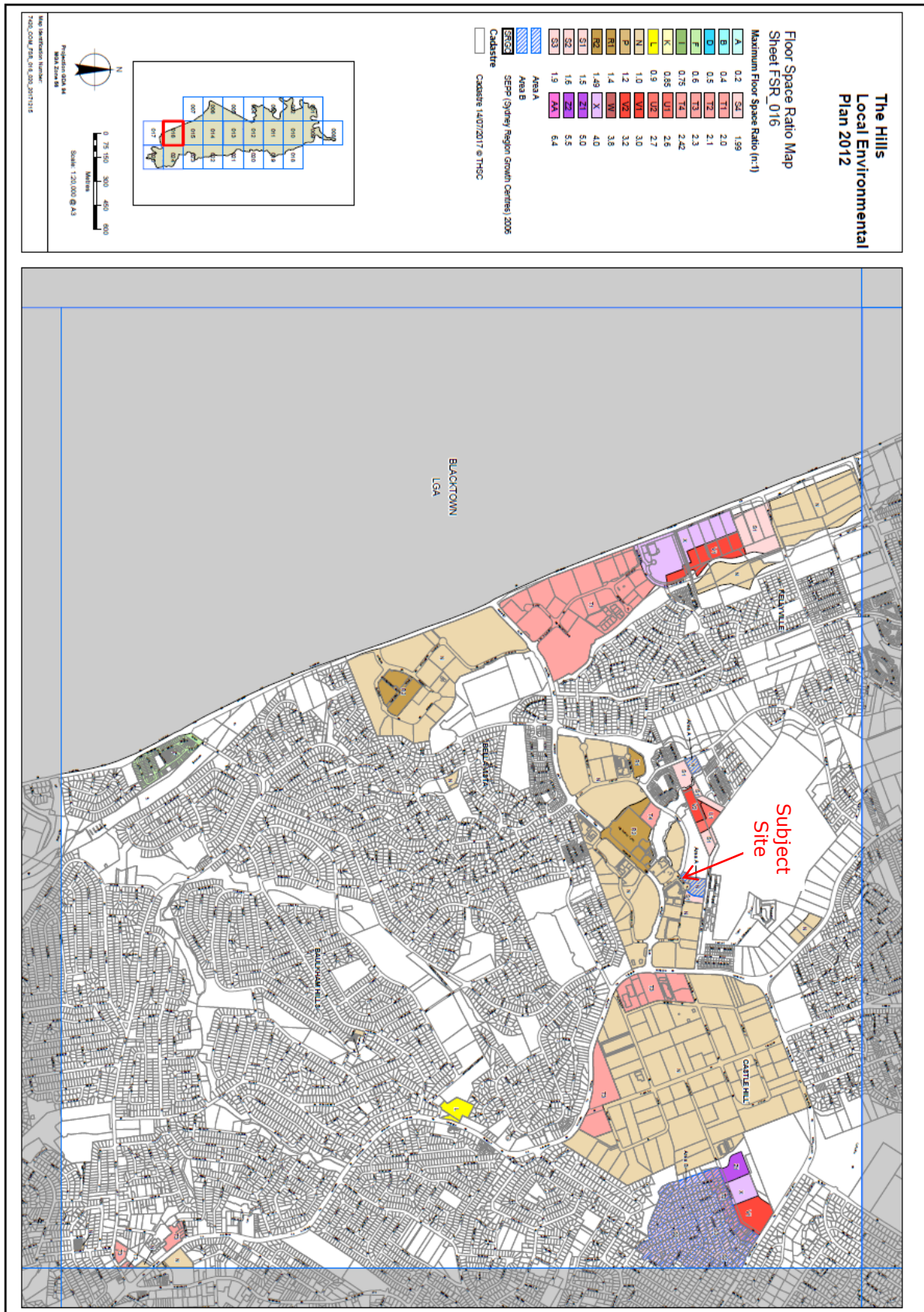
ATTACHMENT 3 – LEP 2012 ZONING MAP

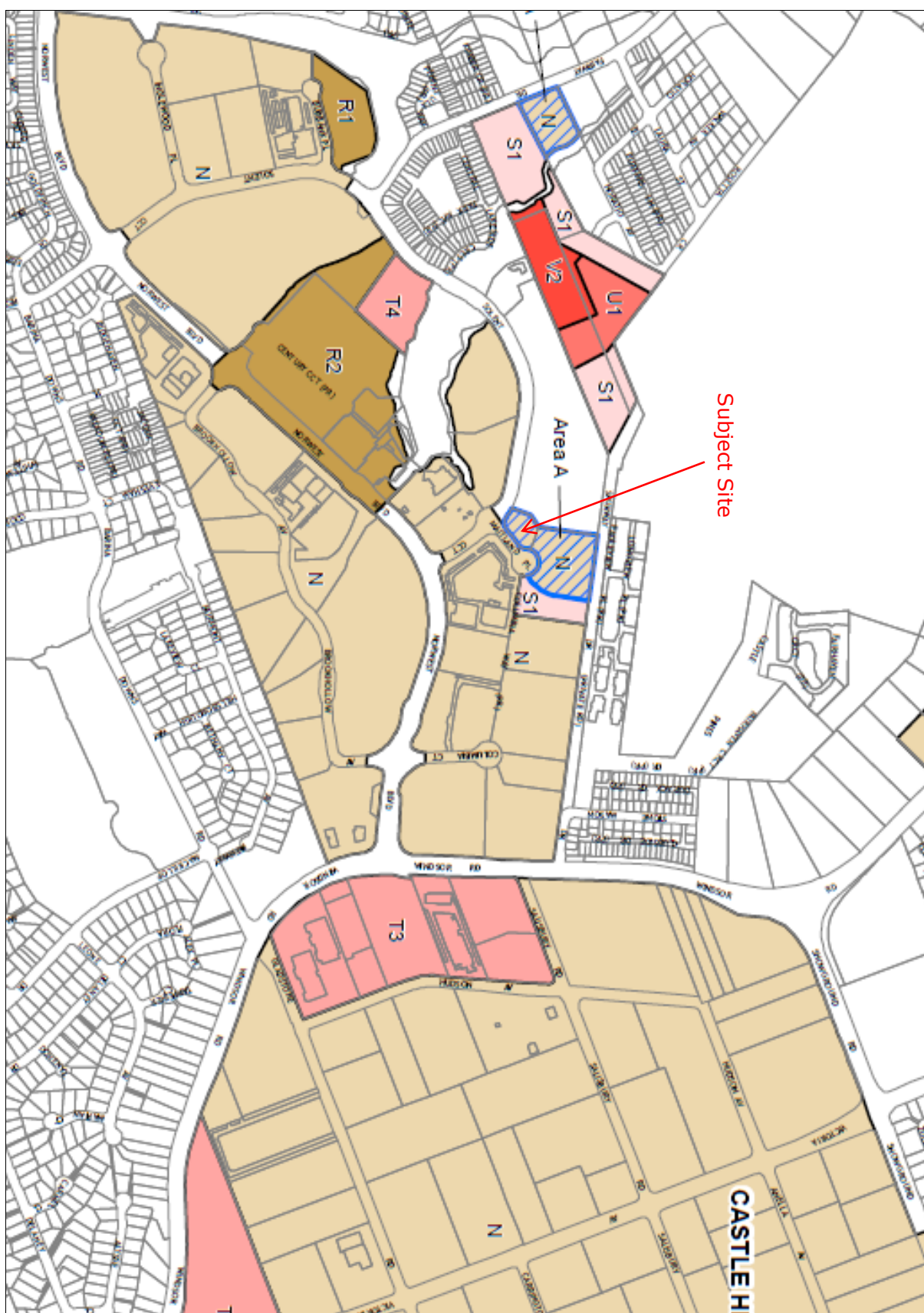


ATTACHMENT 4 – LEP 2012 HEIGHT OF BUILDINGS MAP

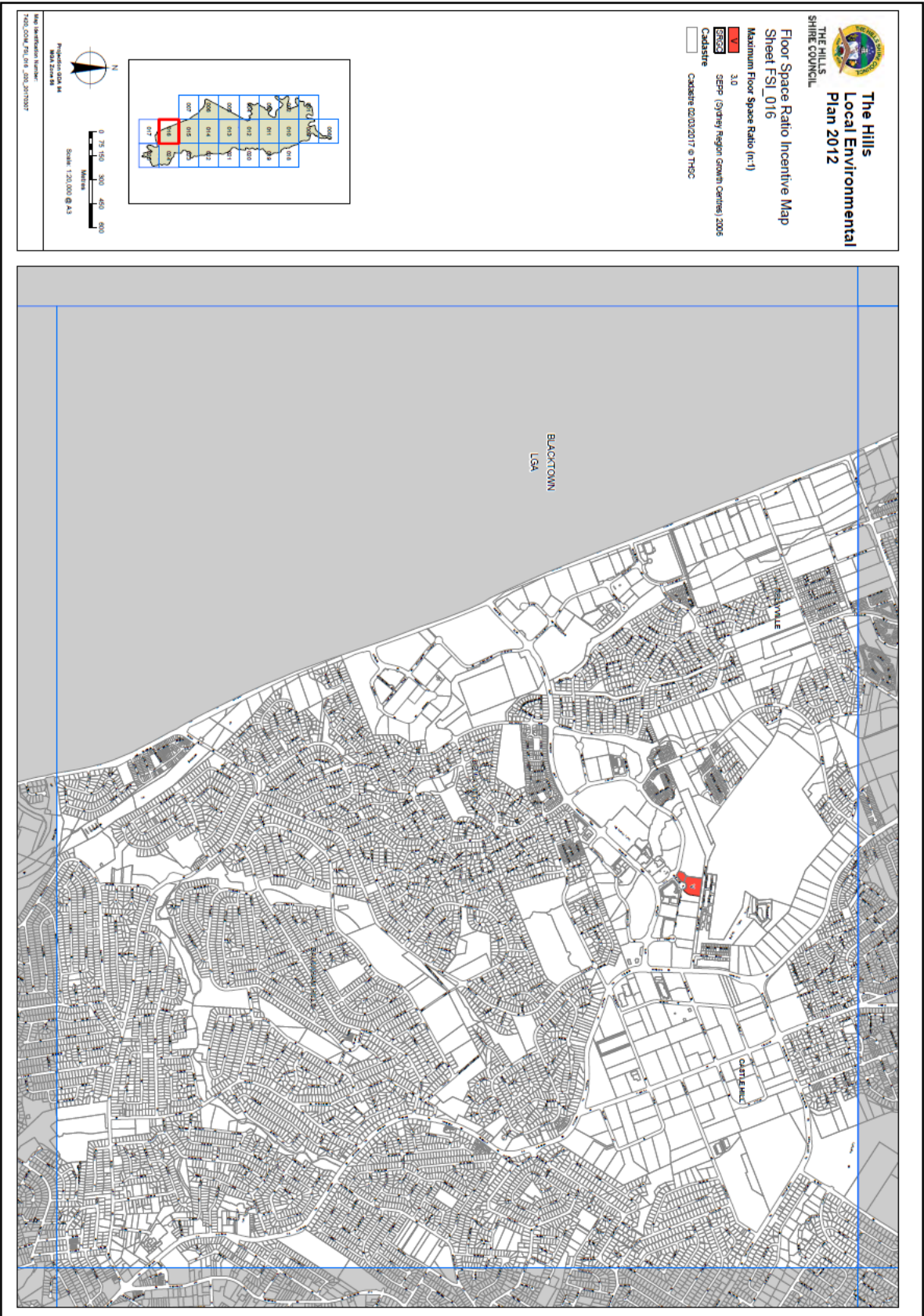


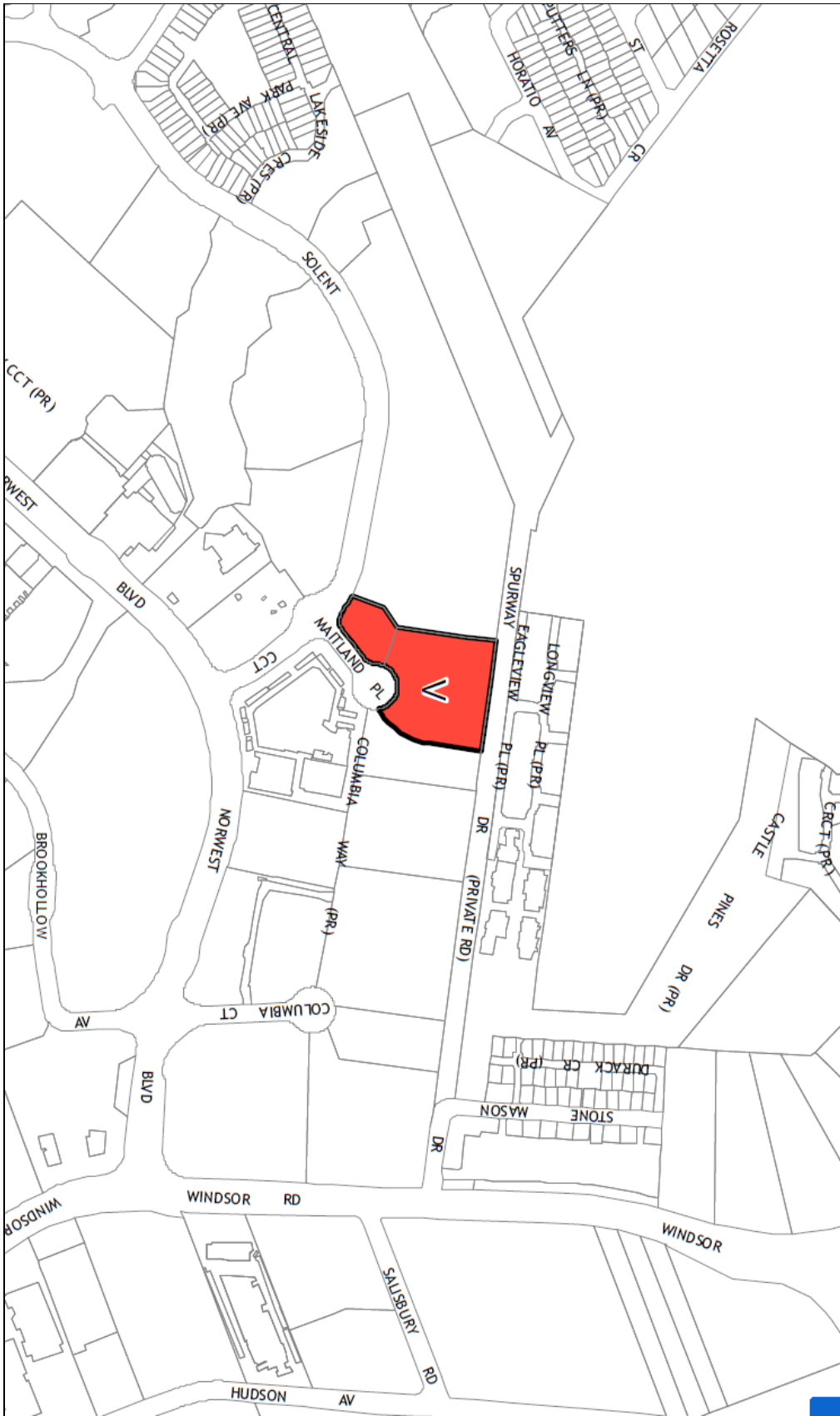
ATTACHMENT 5 – LEP 2012 FLOOR SPACE RATIO MAP INSTRUMENT



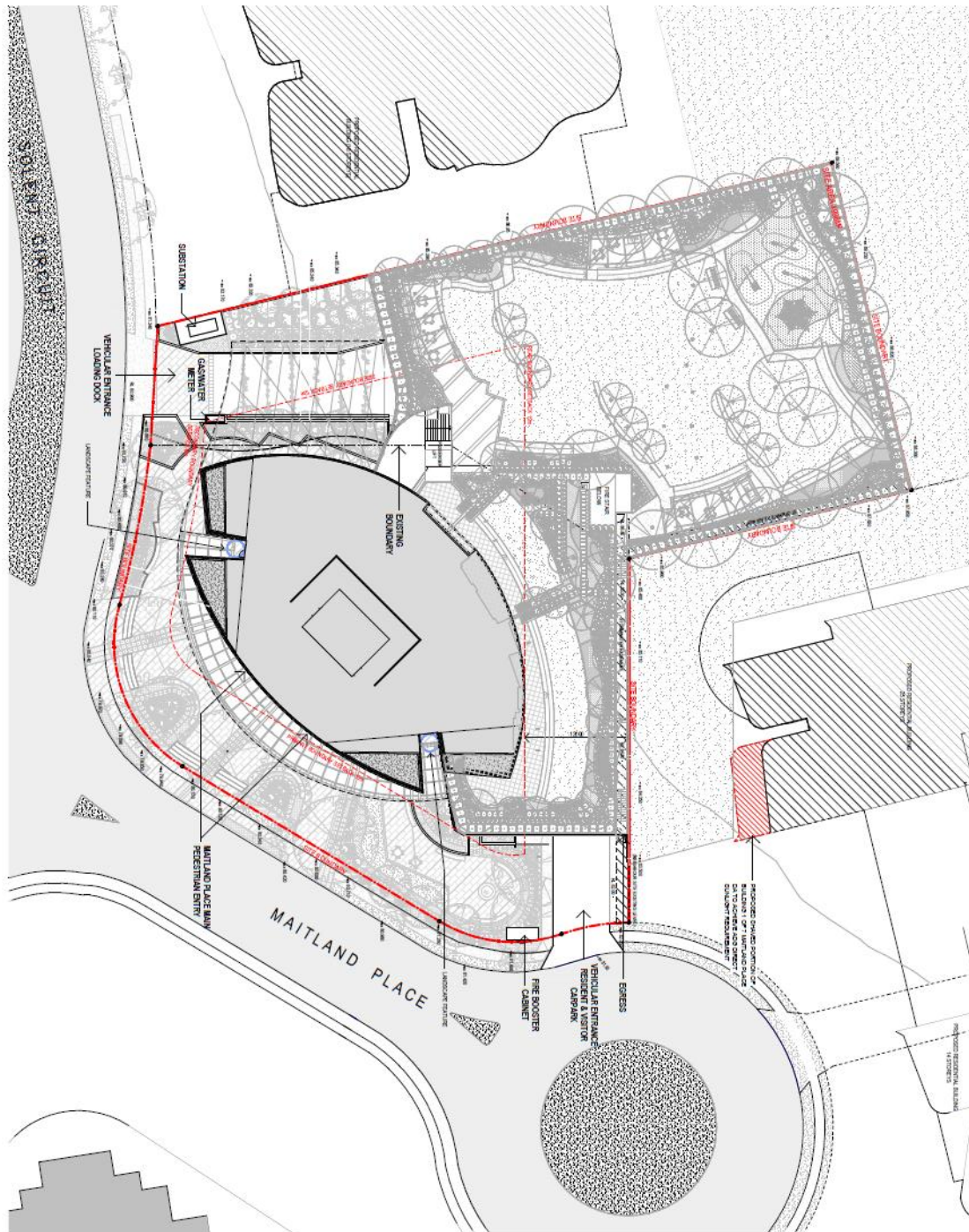


ATTACHMENT 6 – LEP 2012 FLOOR SPACE RATIO INCENTIVE MAP INSTRUMENT





ATTACHMENT 7 – SITE PLAN



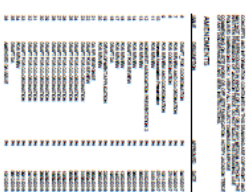
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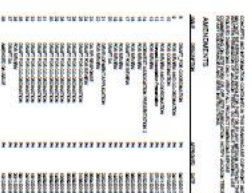
JACKSON TEECE

APPLICANTS		RESULTS	
		SCORE	GRADE
1	JOHN A. BARNETT	100	A
2	JOHN W. BARNETT	95	B
3	JOHN W. BARNETT	90	C
4	JOHN W. BARNETT	85	D
5	JOHN W. BARNETT	80	E
6	JOHN W. BARNETT	75	F
7	JOHN W. BARNETT	70	G
8	JOHN W. BARNETT	65	H
9	JOHN W. BARNETT	60	I
10	JOHN W. BARNETT	55	J
11	JOHN W. BARNETT	50	K
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65	JOHN W. BARNETT	0	BM
66	JOHN W. BARNETT	0	BN
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76	JOHN W. BARNETT	0	BX
77	JOHN W. BARNETT	0	BY
78	JOHN W. BARNETT	0	BZ
79	JOHN W. BARNETT	0	CA
80	JOHN W. BARNETT	0	CB
81	JOHN W. BARNETT	0	CC
82	JOHN W. BARNETT	0	CD
83	JOHN W. BARNETT	0	CE
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94	JOHN W. BARNETT	0	CP
95	JOHN W. BARNETT	0	CQ
96	JOHN W. BARNETT	0	CR

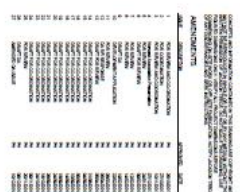


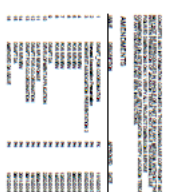


JACKSON TEECE



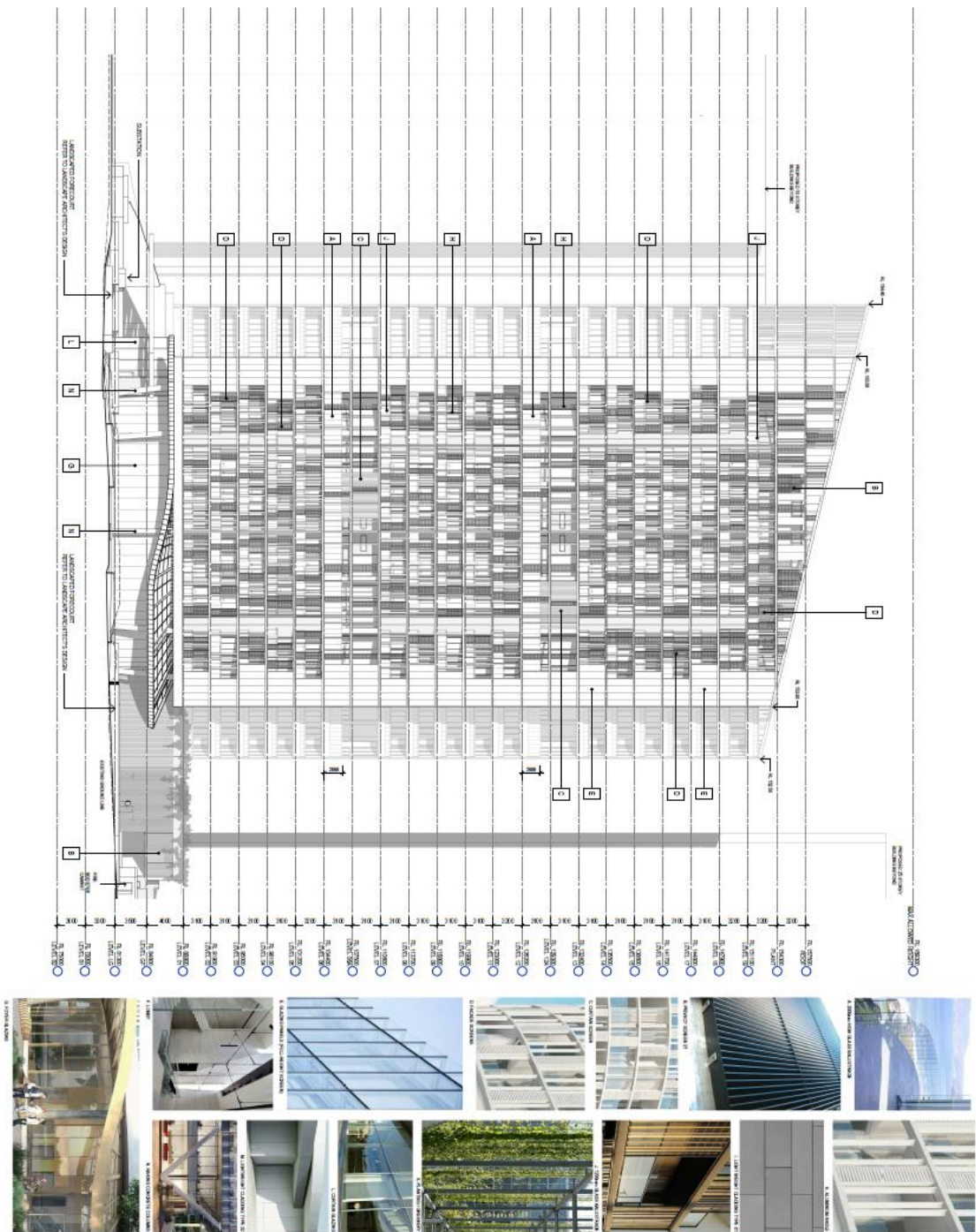
DEVELOPMENT APPLICATION PROJECT NAME: ALPINE MOUNTAIN Pk. LLA PROJECT ADDRESS: 27000 ALPINE MOUNTAIN Pk. LLA CITY: FLORISSA		DATE: 01/20/2016 TIME: 1:20P PREPARED BY: PH CHECKED BY: PH DATE: 01/20/2016 TIME: 3:48P PROJECT: 27000 ALPINE MOUNTAIN Pk. LLA
PROJECT TYPE: 27000 ALPINE MOUNTAIN Pk. LLA PROJECT ADDRESS: 27000 ALPINE MOUNTAIN Pk. LLA CITY: FLORISSA		DATE: 01/20/2016 TIME: 1:20P PREPARED BY: PH CHECKED BY: PH DATE: 01/20/2016 TIME: 3:48P PROJECT: 27000 ALPINE MOUNTAIN Pk. LLA

[illegible]



Adapted from *Journal of the American Academy of Child and Adolescent Psychiatry*, 45(10):1299-1306, 2006. Copyright © 2006 by Lippincott Williams & Wilkins. All rights reserved.

ATTACHMENT 9 – ELEVATIONS



PROJECT INFORMATION

PROJECT NAME: JACKSON TEECE

PROJECT ADDRESS: 10000 100th Ave, Richmond, BC V6V 1K1

PROJECT TYPE: COMMERCIAL

PROJECT STATUS: IN PROGRESS

DEVELOPMENT APPLICATION

DEVELOPER: JACKSON TEECE

DESIGNER: JACKSON TEECE

DATE: 2016-03-15

NOTES

1. The building is a 10-story building.

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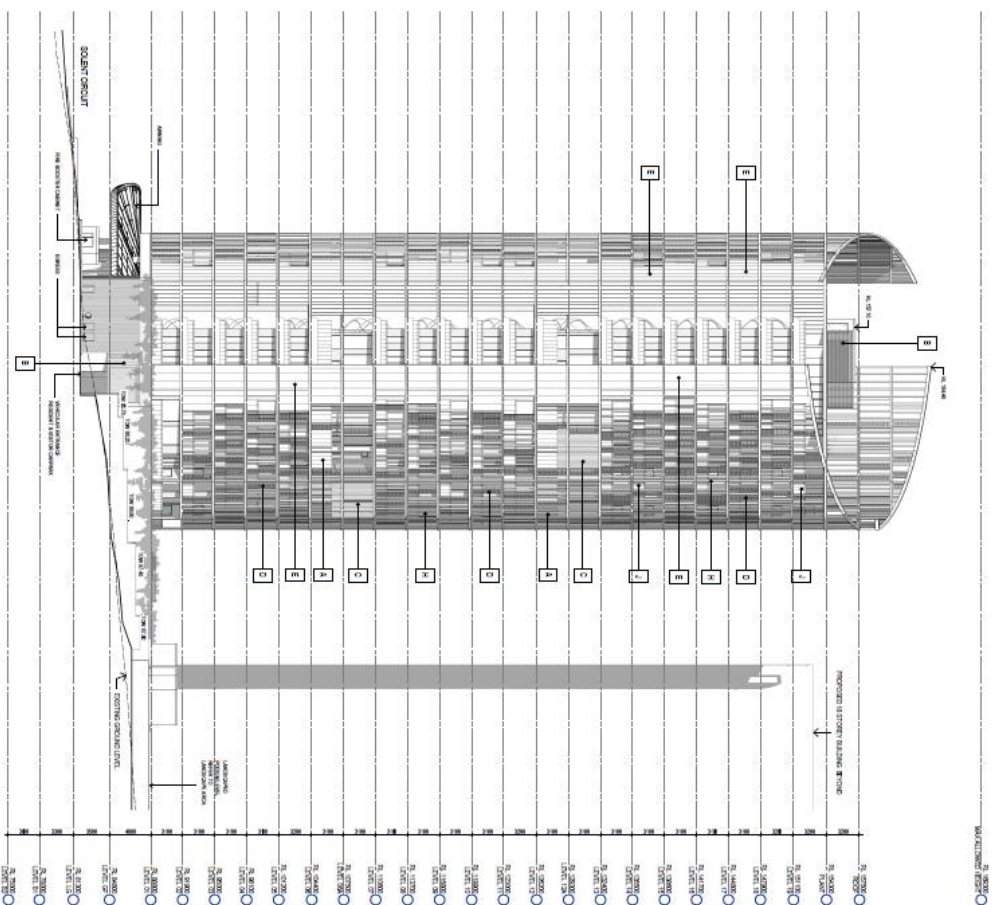
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3	Glutamic acid	3	Glutamic acid
4	Valine	4	Valine
5	Leucine	5	Leucine
6	Isoleucine	6	Isoleucine
7	Proline	7	Proline
8	Phenylalanine	8	Phenylalanine
9	Tyrosine	9	Tyrosine
10	Lysine	10	Lysine
11	Arginine	11	Arginine
12	Asparagine	12	Asparagine
13	Glutamine	13	Glutamine
14	Serine	14	Serine
15	Threonine	15	Threonine
16	Cysteine	16	Cysteine
17	Methionine	17	Methionine
18	Hydroxyproline	18	Hydroxyproline
19	Hydroxylysine	19	Hydroxylysine
20	Unidentified	20	Unidentified

DEVELOPMENT APPLICATION

PH

COAST
MURPHY'S NORTHWEST PLY L



NATIONAL RESEARCH
CENTER FOR HIGHER
EDUCATION
EAST ELEVATION

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2016-031 DA-301 15

PROJECT
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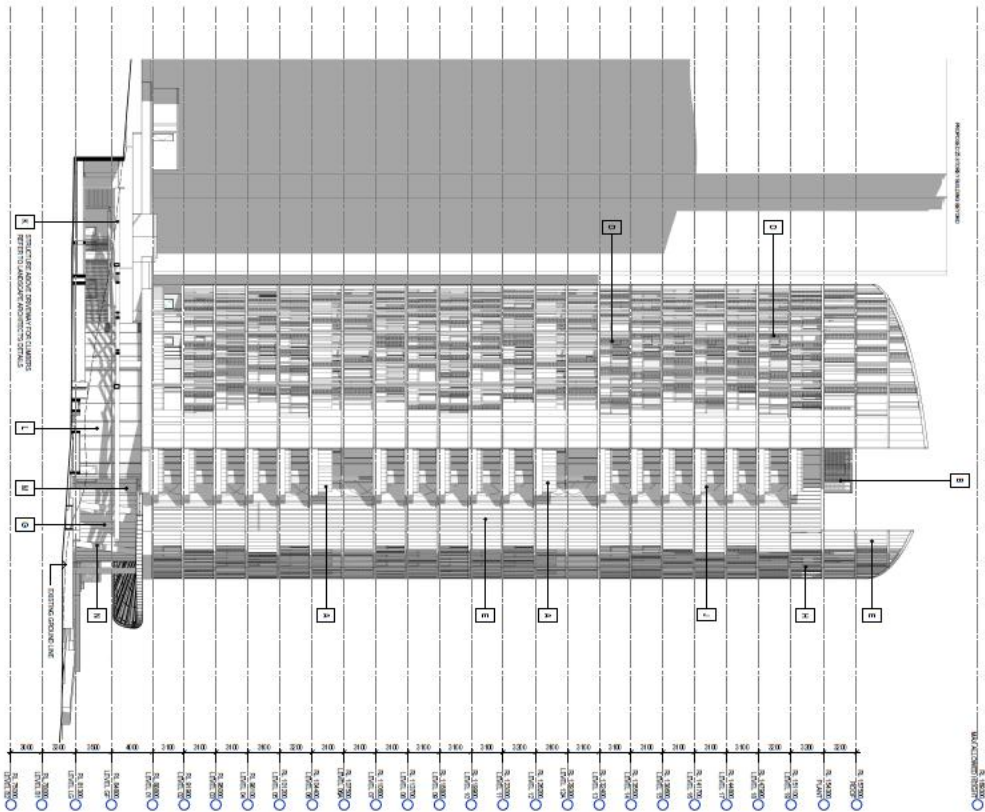
Lot 1, Plot 8-9, 23 Wilkes Road
Waltham, New South Wales 2120 Australia

[illegible]

**Writing to Jackson: The
ABC of Style for you**
Handwritten card from Jackson Parker (top), John Doe (bottom)

JACKSON TEECE





REVISIONS

NO.	DATE	DESCRIPTION
1	2016-03-15	ISSUED FOR PERMIT
2	2016-03-15	ISSUED FOR PERMIT
3	2016-03-15	ISSUED FOR PERMIT
4	2016-03-15	ISSUED FOR PERMIT
5	2016-03-15	ISSUED FOR PERMIT
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8	2016-03-15	ISSUED FOR PERMIT
9	2016-03-15	ISSUED FOR PERMIT
10	2016-03-15	ISSUED FOR PERMIT

DEVELOPMENT APPLICATION

PROJECT INFORMATION

PROJECT NAME: JACKSON TEECE
 PROJECT ADDRESS: 1000 BAYVIEW AVE, SUITE 1000, SCARBOROUGH, ONTARIO M1B 2Y1
 PROJECT TYPE: COMMERCIAL DEVELOPMENT
 PROJECT VALUE: \$10,000,000
 PROJECT STATUS: IN PROGRESS

DEVELOPER INFORMATION

DEVELOPER: JACKSON TEECE
 CONTACT: JASON TEECE
 PHONE: (416) 291-1234
 EMAIL: JASON.TEECE@JACKSONTEECE.COM

DATE: 2016-03-15

SCALE: 1:200

PI: 15

JACKSON TEECE

ATTACHMENT 10 – SHADOW DIAGRAMS



TABLE 10-1: SHADOW STUDY DATA

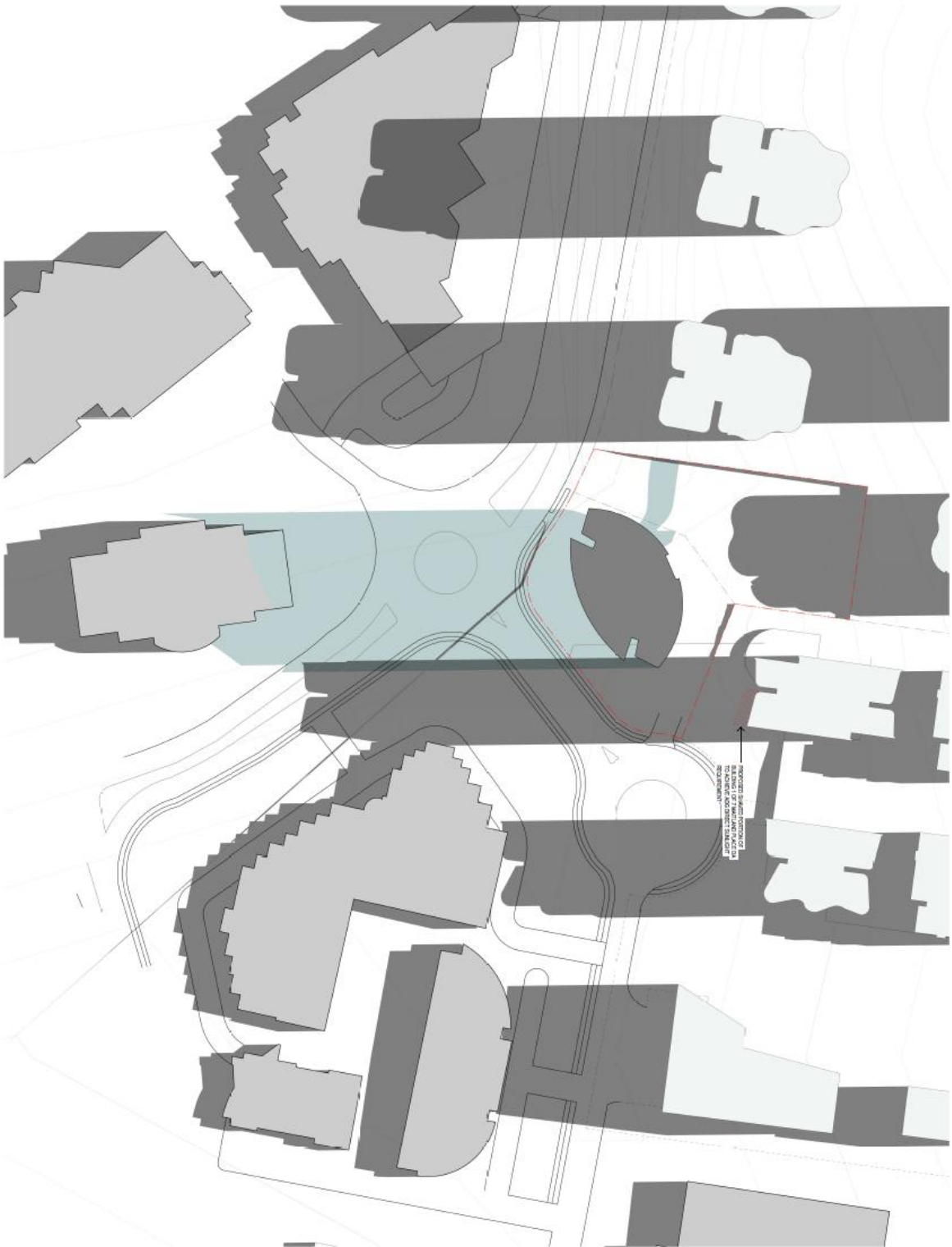
DATE	TIME	WIND DIRECTION	WIND SPEED	TEMPERATURE	HUMIDITY	PRECIPITATION
2016-03-11	10:00 AM	150°	10 mph	65°F	45%	0.00 in
2016-03-11	12:00 PM	160°	12 mph	70°F	40%	0.00 in
2016-03-11	2:00 PM	170°	15 mph	75°F	35%	0.00 in
2016-03-11	4:00 PM	180°	18 mph	80°F	30%	0.00 in
2016-03-11	6:00 PM	190°	20 mph	85°F	25%	0.00 in
2016-03-11	8:00 PM	200°	22 mph	90°F	20%	0.00 in

- ☐ ADJACENT EXISTING BUILDINGS
- ☐ ADJACENT PROPOSED BUILDINGS
- ☐ 24 HOUR AND PLAZA PROPOSAL
- ☐ OVERLOOKING EXTERIOR

DEVELOPMENT APPLICATION

DATE	2/1/2016
APPLICANT	MAISON NORMANET P/L
PROJECT	24 HOUR AND PLAZA PROPOSAL
LOCATION	2016-031
DATE	2/1/2016
APPLICANT	MAISON NORMANET P/L
PROJECT	24 HOUR AND PLAZA PROPOSAL
LOCATION	2016-031

JACKSON TEECE



CONTRACTOR: JACKSON TEECE
PROJECT: SHEDDIN DARRAW - 21 JUNE
DATE: 2016-03-1

1	ARCHITECT	JACKSON TEECE
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100	ARCHITECT	JACKSON TEECE

- ☐ ADJACENT EXISTING BUILDING
- ☐ ADJACENT PROPOSED BUILDING
- ☐ 34' WIDE PLAZA PROPOSED
- ☐ 34' WIDE PLAZA PROPOSED

DATE: 2016-03-1

DEVELOPMENT APPLICATION

PROJECT: SHEDDIN DARRAW - 21 JUNE

DATE: 2016-03-1

DATE: 2016-03-1

DATE: 2016-03-1

DATE: 2016-03-1

DATE: 2016-03-1

DATE: 2016-03-1

DATE: 2016-03-1

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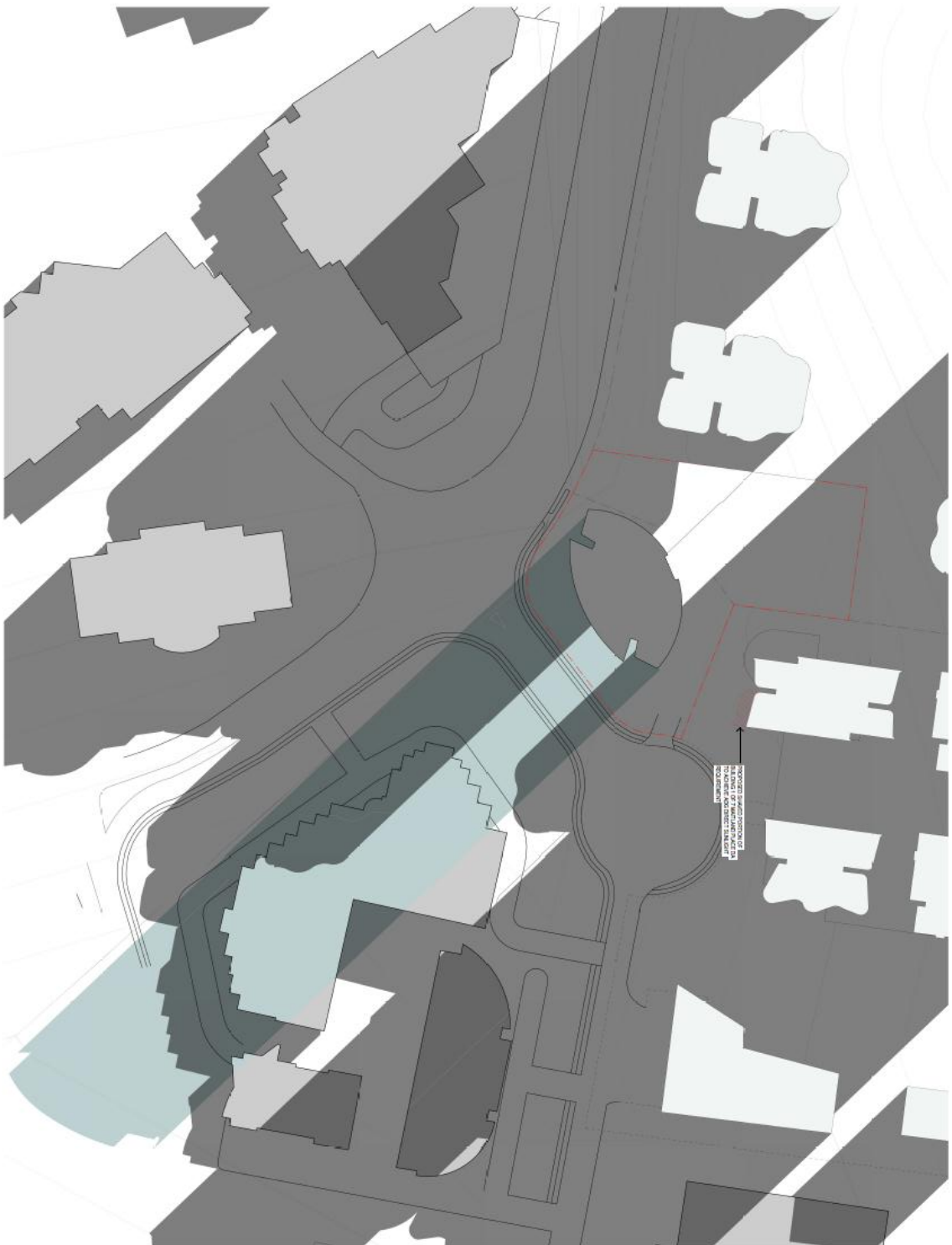
DATE: 2016-03-1

DATE: 2016-03-1

DATE: 2016-03-1

DATE: 2016-03-1

JACKSON TEECE



PROJECT INFORMATION

PROJECT NAME	3-BEDD ROOM TOWNHOUSE DEVELOPMENT
OWNER	MAPLE NORTWEST PLY, LLC
DESIGNER	DAVID A. TEECE, INC.
DATE	2016-03-01

- ☐ ADJACENT EXISTING BUILDINGS
- ☐ ADJACENT PROPOSED BUILDINGS
- ☐ 3-BEDD ROOM TOWNHOUSE DEVELOPMENT
- ☐ CIRCUMFERENCE SITE

DEVELOPMENT APPLICATION

OWNER: MAPLE NORTWEST PLY, LLC

DESIGNER: DAVID A. TEECE, INC.

DATE: 2016-03-01

PROJECT NAME: 3-BEDD ROOM TOWNHOUSE DEVELOPMENT

PROJECT NUMBER: DA-802

PROJECT TYPE: 8

JACKSON TEECE

101 N. 1st St., Suite 100, Jackson, TN 38301

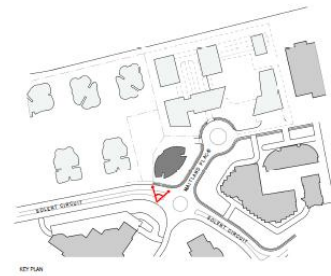
731.426.1234

www.jacksonteece.com

ATTACHMENT 11 – LANDSCAPE PLAN



ATTACHMENT 12 – PHOTOMONTAGES



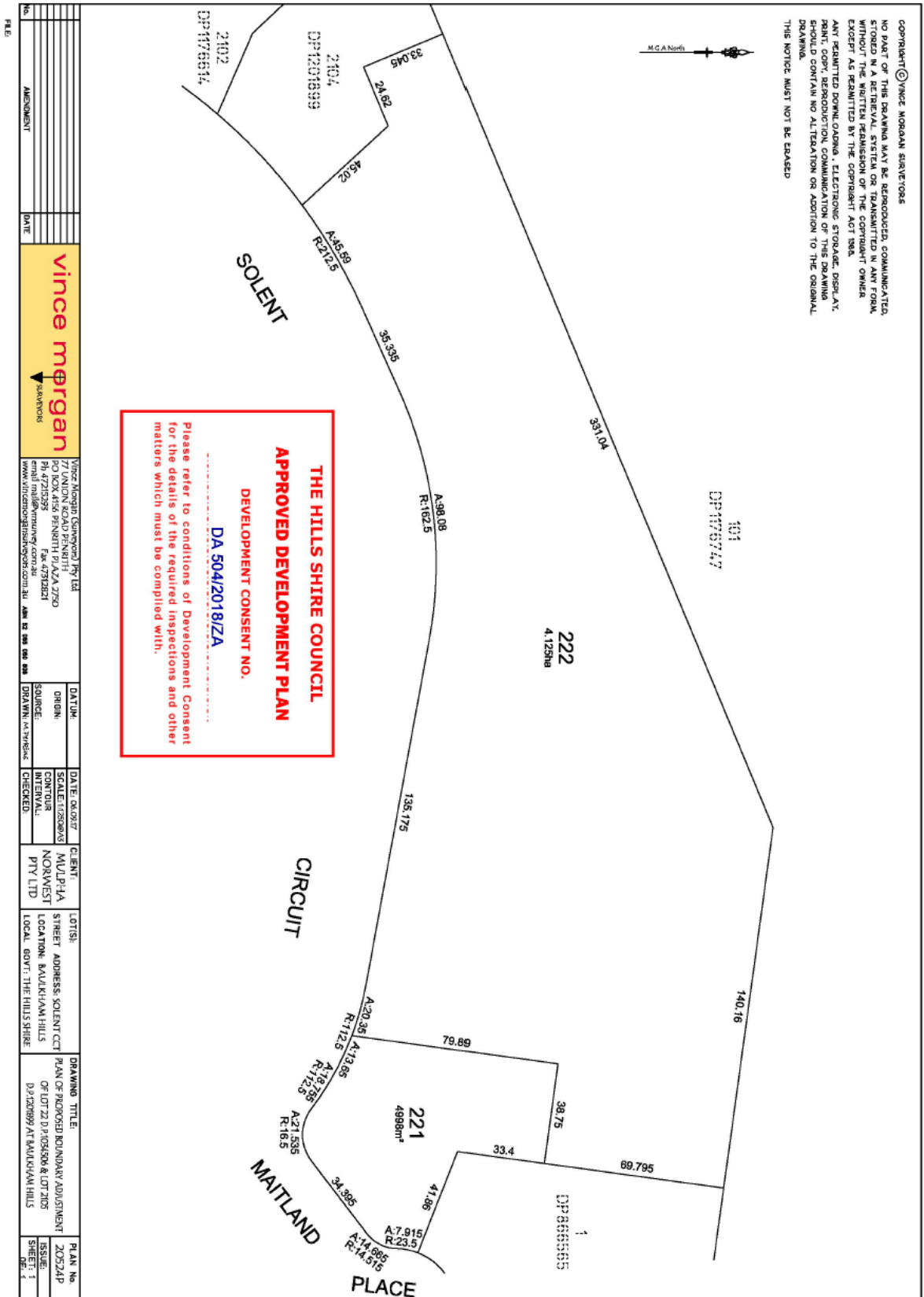


PERSPECTIVE VIEW FROM POOLING COMMUNAL AREA



KEY PLAN

ATTACHMENT 13 – APPROVED SUBDIVISION PLAN



ATTACHMENT 14 – DESIGN EXCELLENCE PANEL MEETING MINUTES



MEETING MINUTES DESIGN EXCELLENCE PANEL

Date:	09/05/18	Time:	11 am – 12.30pm
Location of Meeting:	Community Meeting Rooms 1 + 2		
Panel Members:	Chairperson - Stewart Seale, Manager Forward Planning, THSC Panel Member - Tony Caro, Independent Design Expert Panel Member – Andrew King, Acting Group Manager THSC Apologies -		
Councillors:	None in attendance		
Council Staff:	Paul Osborne, Cynthia Dugan, Marika Hahn, Nicholas Carleton, Rebecca Templeman, Justin Keen		
Guests:	David Lovato – Mulpha Norwest (Applicant owner) Jason Pittman – Mulpha Norwest (Applicant owner) Georgios Anagnostou – Jackson Teece (Architectural project team) Connie Argyrou – Jackson Teece (Architect) Jonathan Wood – Think Planning (Planner)		

BUSINESS ITEM AND MEETING MINUTES

1. Welcome and Opening

The Hills Shire Council is committed to achieving design excellence in the built form environment and ensuring new high density buildings are of a high quality design.

The Hills Shire Design Excellence Panel (The Panel), is an advisory Panel which provides an opportunity for applicants to receive expert design feedback on their developments and to provide comments to assist The Hills Shire Council in it's consideration for development application.

The Panel provides recommendations on the following:

- any development which contains a building with a height of 25 metres or more; or
- Any strategic planning matters for which design excellence is relevant.

The role of the Panel is to evaluate and critique design aspects of proposed development and provide recommendations on whether development exhibits "Design Excellence". The Design Excellence Panel is an Independent Panel, not a SEPP 65 Panel and the absence of comment with

reference to matters pertaining to SEPP 65 does not mean that matters assessed under SEPP 65 have been satisfactorily addressed.


2. Declaration of interest

"Nil"

3. Confirmation of previous minutes

Confirmed

4 Presentations

Item 4.1	11am – 12.30pm
DA Number	1573/2018/JP
Property Address	2-6 Maitland Place and 40 Solent Circuit Baulkham Hills Lot 22 DP 1034506 and Lot 2105 DP 1201899
Proposal	 <p>The proposal is for a 23 storey residential flat building comprising 131 apartments and basement car parking. The unit mix consists of 32 x 1 bedroom, 72 x 2 bedroom and 27 x 3 bedroom unit. The maximum height of the building is RL157.5. Vehicle access is via Maitland Place roundabout and basement car parking is located on three levels comprising 220 car parking spaces. Two levels of car parking are above ground level and "sheathed" to present a built form interface to the public domain.</p>
Applicant representative address to the design review panel	<p>Presentation by Georgios Anagnostou – Jackson Teece (Member of architectural project team)</p> <p>Participant in answering panel questions Connie Argyrou – Jackson Teece (Architect - registered)</p>
Background	The site has been previously inspected by panel members.
Key Issues	<p><u>Planning issue:</u> The Site FSR is not resolved. The proposal is for a built form with an effective FSR 5.5:1 on the subject site which is zoned FSR 1:1 with an incentivised FSR 3:1. At the meeting a lot amalgamation was advised with an adjacent lot to the west to increase the lot size in order to achieve numerical compliance of FSR 3:1. The adjacent lot however does not have an FSR. The adjacent lot is currently subject to a planning proposal.</p> <p>Until the above is resolved the Design Excellence Panel (DEP) is not in a position, nor is it appropriate to provide detailed commentary in relation to various attributes of the proposal. As it stands the proposed tower is pushed too far to the east for compliance rather than design based reasons. And consequently has a highly problematic formal relationship with the current proposal for 7 Maitland Place.</p> <p>Notwithstanding the above, following issues were generally identified in relation to the submitted proposal:</p> <ul style="list-style-type: none"> • Overwhelming bulk and scale. The 23 level building is almost wide as it is high, and the proposed sizes of private terraces is a contributory factor to this. A more compact plan is strongly recommended. • Poor street address to the public domain. • Possible issues with environmental amenity on the ground plane resulting from wind impacts of the proposal. • Lack of integration with proposed adjacent development to the north of the subject site which forms part of the original planning proposal

	<p>for an FSR uplift and change of land use.</p> <ul style="list-style-type: none"> • Potential Non-compliance with solar access due to depth of balcony depth. • Non-compliant natural cross ventilation for lower 9 levels. • Unacceptable planning approach to Council's objective of providing a percentage of larger units – the provision of larger minimum unit areas should be addressed with greater amenity and living choice rather than simply scaling up the size of ADG compliant rooms.
--	---

INTRODUCTION

The Panel thanks the applicant for the presentation of the development proposal. The Norwest precinct is in the process of undergoing generational transformation with the imminent opening of the new metro line, and this development location of the proposal is of high strategic significance in setting an aspirational precedent for future residential development in this part of the renewing precinct.

Presented as a high density residential tower development in landscape setting, the Panel is concerned that the main principles of Transit Orientated Development, (TOD) and the strategic objectives of the NWRL rail link are being supported. In particular the scheme must ensure an activated public domain that encourages pedestrian movement and social interaction appropriate to the proposed density.

The site offers opportunity for a high quality residential development of exemplary architectural design and quality; enabling an urban design outcome that positively contributes to the transforming urban character of this precinct.

The Panel consideration commenced with a 20min presentation by the applicant followed by 50 minutes of discussion, commentary and recommendation by the Panel.

SUBJECT SITE BACKGROUND SUMMARY

The subject site was originally part of a planning proposal that sought an FSR uplift and change in zoning from B7 business park to part R4 residential and B7 business park. The subject site shown below was rezoned R4 with an incentivised FSR of 3:1 subject to clause 7.12 in The Hills LEP 2012.

Previously part of a consolidated planning proposal with an indicative site layout, the lots were subsequently acquired separately by different land owners.



Imagery presented in the planning proposal 2-6 and 7 Maitland Place, Baulkham hills, 5/2016/PLP

The Subject site as illustrated above has an area 2648sqm. The present landowner, (Mulpha), has since undergone a site amalgamation with a portion of the adjacent lot (Lot 2105 DP 1201899) to the west bringing the total site area 4,998 sqm once the subdivision is registered.

The lot amalgamation brings the appropriate site FSR into question as the applicant is claiming that the adjacent lot amalgamated, which has no FSR allocated, assumes an FSR of 3:1 as a result of site amalgamation. This however is not reflected in the LEP Maps as no formal planning proposal has been lodged for a rezoning of the adjacent lot, so the assumed apportionment of an overall 3:1 FSR to the amalgamated lot as a whole is not resolved and at this stage speculative. As previously noted the additional lot to be amalgamated is part of an alternative planning proposal that is seeking an FSR of 2.9:1, however this has not been finalised.

At the time of the Panel meeting the realignment of the lot boundaries had not been registered and the FSR sought is subject to legal advice.



PANEL COMMENTS

DA 1573/2018/JP – 2-6 Maitland Place, and in part 40 Solent Circuit Baulkham Hills

1. The Design Excellence Panel chair, Stewart Seale, (Manager Forward Planning, The Hills Shire Council), advised the meeting that the future context presented by the applicant (being a planning proposal referred to as, "The Greens" (5/2015/PLP)), was not reflective of Council's vision, that the perspective drawing is not a masterplan neither approved or supported by Council. The planning proposal is not on exhibition and the imagery presented in the planning proposal should not be understood as representative of Council's desired future character for the precinct.

It is noted for clarification purposes that the owner of the subject site is also the owner of the adjacent site to the west "The Greens" lot DP 120 1899 which has a site area of 4.36 ha.



Imagery presented in the Statement of Environmental Effects by the applicant, pg 15

2. The Panel questioned the urban design rationale behind the planning proposal for the "The Greens" which was presented as the future context for the subject site. The Panel has significant concerns with this urban proposition being two rows of similar, evenly spaced free-standing towers in an indeterminate, open, landscape setting. The concern is such an approach is not

consistent with many of the underlying principles for contemporary high-density urban development best practice.



Imagery presented in the Statement of Environmental Effects by the applicant, pg 16

3. There is concern in relation to how this very large site would be made accessible to the general public. How the proposal would integrate into the future urban precinct, and what vision was in place for substantial open space into which the nine proposed towers are to be situated?

The proponent responded that this was yet to be determined, but in any event unlikely to be open to the public during the evening hours.

The Panel is therefore concerned that the lack of accessibility and uniformity of built form, poor definition and variety of public and communal open space, and general isolation of the proposal from the surrounding precinct will result in "The Greens" resembling an extremely large gated community.

4. The swathes of undifferentiated and poorly conceived common open space between the towers are likely to create a loss of identity and sense of ownership.
5. The Panel referred the applicant the recent developments such as Green Square in Zetland which presents a compact dense urban environment with activated streets and public permeability providing integration with the precinct as a whole.

There is some concern that the proposed scheme is not responsive to how people want to live in contemporary society.

In reply: Mulpha responded stating they had been in the business for 25 years and had a good idea of what they were doing.

6. Future car parking access to a portion of "The Greens" site is shown within the site of the current application. This is pushing the proposed 23 storey tower element to the east, creating an uncomfortable relationship with the proposed development at 7 Maitland Place. In the absence of an approved master plan for "The Greens", the Panel does not support any access to it being provided within the curtilage of 2-6 Maitland Place. In addition there are further unclear issues with waste management and access.
7. The Panel has a number of concerns in relation to the design and amenity of the proposed tower forecourt these being :
 - *Wind impacts on the south facing forecourt.* It is noted that a wind analysis and testing is yet to be undertaken, and although a "desktop" study indicated that provision of trees on the forecourt would provide sufficient downdraft mitigation. The Panel do not accept this advice, and it may be better to move the building closer to the street to create more opportunity for larger sunny, wind protected spaces to the north.

- *Scale and character.* The forecourt presents as a monumental space more akin to an inner city commercial office tower and lacks the fine grain and human scale associated with high quality residential development.
 - *Entry.* The main ground level entry is cramped and dark, with insufficient mailroom space provided for a development of this size.
 - *Street address and safety.* The façades facing the forecourt and street are comprised of blank walls and service doors with only a small portion given to residential entry, which is largely out of sight behind the core.
 - *Residential and pedestrian amenity.* There is no meaningful activation of the space: it is inert, over-shadowed and wind exposed.
8. Council requires a fine grain street address for the 2 levels closest to the street for all new developments in Station Precincts. The following revisions were suggested:
- Consider the provision of retail use(s) at ground level such as small shops or café,
 - Consider the relocation of the currently internalised communal rooms so that it has access to daylight and engagement with the street,
 - Provide additional communal open spaces such as a lounge area or reading space,
 - Provide a lobby with a sense of space and entry that engages with the street,
 - Resolve potential wind downdraft impacts, and,
 - Develop a landscape canopy that will flourish in an exposed and shaded area.
9. The Panel questioned the applicant about the impact of the proposed change to the approved planning proposal to the north of the site. The applicant advised that previously the scheme achieved 70% of units with compliant solar access however as a result of the change this had been reduced to 65% solar access compliance. Note: The applicant has lodged objection to the most recent proposal for DA 1235/2018/JP at 7 Maitland Place.
10. The Panel does not support amalgamation of a portion of the adjacent lot without taking advantage of the additional site area to provide more separation between tall buildings on neighbouring sites.
11. The Panel commented that the size of the proposed building was not fully appreciated: when viewed from the north and south it is almost as tall as it is wide and this scale is beyond any vision appropriate for high-density built form in The Hills LGA.
- It was further noted:
- Buildings of this combined height and breadth in elevation are rare in most modern city environments,
 - The pointed balconies unnecessarily accentuate the width of the building,
 - The perspectives viewed the development from the ends of the building rather than its wide elevations,
 - The basic floor plan should be reconsidered to reduce its size and greater emphasis should be placed on vertical elements to minimise bulk,
 - The balconies were excessively large in many apartments which further contributing to the bulk of the development. There is no reason why an apartment of 135sqm would need a balcony of 100sqm.
12. The typical floor plate places the majority of 1 and 2 bedroom units were placed on the northern façade and the larger 2 and 3 bedroom units on the southern façade, presumably to achieve ADG solar compliance. This is not an acceptable reason for the proposed layout as the larger units are more likely to be occupied throughout the day.
13. The panel questioned the liveability and commercial value of the large two level apartments with large two level terraces, given that prospective buyers are likely to be downsizers.

14. If apartment living is to be a significant part of the future for Sydney living then better amenity needs to be provided. The Panel commented that the proposed larger apartments required by Council appear to offer no additional amenity when compared to standard size apartments. It was suggested that the substantial additional area allocated to a large 2 and 3 bedroom units should be used to provide more flexibility and variety – for example a second living area for children, a dedicated office/media room, an enlarged dedicated laundry area, expanded storage and the like.

SEPP 65 items to be clarified and or amended:

The Panel noted that the architect presenting was not registered and the registered architect present was not a signatory on the design verification statement submitted as part of the DA application.

The applicant is advised that that the design verification statement written by qualified designer must:

- a) verify that he or she designed, or directed the design, of the development, and
 - b) provide an explanation that verifies how the development:
 - I. addresses how the design quality principles are achieved, and
 - II. demonstrates, in terms of the Apartment Design Guide, how the objectives in Parts 3 and 4 of that guide have been achieved.
- The applicant is advised to provide the necessary documentation required by SEPP 65 to the DA officer in a timely manner to enable the development assessment. The name and registration number of the Design Architect should be applied to every DA drawing sheet.
 - The solar access is unclear due to the depth of the balcony overhang and further information is required to provide a clear understanding of the achievable solar access in accordance with ADG Design Criteria and Guidance. (Objective 4A-1).
 - The amenity of the communal open space at the ground plane was questioned with respect to the wind down-draft. Refer to Comment No. 7.
 - Insufficient number of lifts were provided for the number of apartments refer to the ADG Design Criteria and Guidance (Objective 4F-1)

SPECIFIC CLAUSE 7.7 Part 4 Matters for Consideration

External appearance

Refer to Panel comments

Built form

The built form presented was considered to be excessive and not in keeping with current building practise. The visual appearance of the frontage was of an overwhelming built form of considerable bulk and scale when viewed from Maitland Place.

Visual Impact

The proposal would have a significant visual impact which would negatively impact upon the appearance of the Norwest precinct upon the approach from the east. In particular the bulk and scale of the built form is overwhelming and confrontational.

Solar Access Impact

The development overshadows the forecourt for the duration of the day with partial solar access gained in the south western portion of the site.

Adherence to Council DCP controls

Refer to DA officer's assessment

In Summary pertinent non-compliances include:

3.3 Setbacks - Building Zones, Primary frontage setback of 10m. The proposed development does not provide a 10m setback to Maitland Place in keeping with the adjacent development. This impacts upon the visual amenity of Maitland Place and the new road link.

3.7 Building length, part (a) The maximum linear length of any residential flat building is to be 50 metres. the length of the building façade is in excess of this numeric control.

3.8 Building Design and Streetscape – the proposed development does not meet the objectives of this control and demonstrates non-compliance with a number of the controls.

How does the development address the following matters:

i) the suitability of the land for development,

The land is zoned for residential flat development however the density of the proposed development presents an FSR of 5.5:1 which is in excess of the desired future density for this site.

ii) existing and proposed uses and use mix,

The development proposes residential uses only. The Panel has suggested the provision of a shop or retail use at the ground plane level would enable some street activation.

iii) heritage issues and streetscape constraints,

The development provides two basement access points which impact upon the streetscape and pedestrian access.

The streetscape is not convincing in providing a pleasant pedestrian appearance despite the proposed public art features. Refer to Panel comments 7 and 8.

iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,

The applicant has failed to demonstrate co-ordination with the site to the direct north of the development. As the immediate neighbour it is advised by the Panel to demonstrate consistency with the setbacks established by the adjacent development which are in compliance the THSC DCP 2012.

v) bulk, massing and modulation of buildings,

The bulk and massing of the development has raised concern with the Panel members refer to Panel comment 11.

vi) street frontage heights,

Refer to comment no. 8.

vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,

- The proposal provided substantial overshadowing to the street frontage resulting in an overshadowed public domain which is unlikely to become a place for gathering and social interaction.
- The communal open space was demonstrated to be in shadow throughout the day in the shadow diagrams provided by the applicant indicating the impact of "the greens", planning proposal.
- The provision of 'green' was not seen to be particularly sustainable as there was no indication as to how it was to be delivered.
- The development did not quantify what sustainable measures were being implemented above what is required by legislation.
- The forecourt and public domain address had not been adequately assessed for wind downdraft.

The Panel recommends that wind tunnel analysis with particular reference to the impact on the circulation and the communal open spaces at the ground plane area round the base of the towers, is required to confirm the following:

- a. In open areas to which people have access, the annual maximum gust speed should not exceed 23 metres per second,
 - b. In walkways, pedestrian transit areas, streets where pedestrians do not generally stop, sit, stand, window shop and the like, annual maximum gust speed should not exceed 16 metres per second;
 - c. In areas where pedestrians are involved in stationary short-exposure activities such as window shopping, standing or sitting (including areas such as bus stops, public open space and private open space), the annual maximum gust speed should not exceed 13 metres per second;
 - d. In areas for stationary long-exposure activity, such as outdoor dining, the annual maximum gust speed should not exceed 10 metres per second.
- b. The report is to be prepared by a suitably qualified engineer.

viii) the achievement of the principles of ecologically sustainable development,

The Panel was concerned that the "green" treatments and concepts were elaborated upon however there was little in the documentation that demonstrated how these aspirations could be attained.

There was no documentation which supported the "green spines" or how the planting illustrated in the renderings for the sky-terraces would be established.

For DA purposes it is assumed by the Panel that Basix compliance is achieved and SEPP 65 compliance may be realised however it is expected that to achieve Design Excellence going above and beyond standard practise would be demonstrated.

ix) pedestrian, cycle, vehicular and service access, circulation and requirements,

The pedestrian access particularly the main building entry and access to the communal open spaces would benefit from more design consideration in providing a pleasant pedestrian experience. Further design development is required before further comment can be made.

x) the impact on, and any proposed improvements to, the public domain,

The public domain treatment raised concerns and requires further consideration by the applicant. The public interface of a 3.5-7.5m high black wall punctuated by "mean" lobbies of 2m and otherwise services is regrettable. Refer to panel comments 7, and 8.

xi) the configuration and design of public access areas, recreation areas and communal open space on the site and whether that design incorporates exemplary and innovative treatments,

The communal internal open space provision was not considered to be innovative and a lost opportunity in providing good amenity. Further site development is required to improve public areas before further comment can be made.

SUMMARY OF PANEL RECOMMENDATIONS

- Resolve the FSR allocation for the development application.
- Reconsider the site arrangement, bulk, scale and massing of the development proposal. The current building envelope does not meet design excellence.
- Consider an alternative distribution of built form on the site potentially utilising a variety of dwelling typologies such as terraces and lower rise apartments rather than a single residential tower.
- Consider utilising the whole site rather than the former planning proposal site as the site has been enlarged in area. The current allocation of land use results in a 5.5:1 FSR on a site for which the FSR allocation was only ever to be 3:1, whilst there may be a valid planning arrangement for this outcome, the resultant built form is unsatisfactory and a poor public domain interface has been provided.
- Clarify the extent of the car parking. Deep soil planting is desirable in the front setback and the car parking extends into the front setback. The current car parking provision is well above what is required and the lack of deep soil planting in the front setback does not meet the principles of ecologically sustainable development.
- Demonstrate some co-ordination with the development site to the north in particular the car parking entries could potentially be amalgamated proving a less confronting pedestrian experience on Maitland Place.
- Align street setback to match that provided on 7 Maitland Place.

- Amend any outstanding SEPP 65 non-compliances.
- Consider more family efficient internal planning of required larger apartments.
- Provide a wind assessment as previously noted to ensure adequate pedestrian amenity in circulation and communal public open spaces.
- Provide greater detail on WSUD treatments.
- The panel recommends the applicant consider providing a sustainability statement with documentation which clearly outlines how the sustainability measures stated to be undertaken would be achieved. Any "green planting" would require more detailed documentation than the indicative graphic imagery provided in an illustrative manner.
- Provide a public domain interface that creates an active human-scaled, urban character and addresses the street.

Note: further information may be required by the Development Assessment team to aid with their assessment of the development.

PANEL CONCLUSION

The Panel does not support the proposal in its current form as the proposal does not meet the requirements of design excellence. It is recommended that regardless of the FSR outcome the applicant addresses the issues identified in this report and presents a revised application to the Panel.

5. Next Design Excellence Panel meeting to be held on June 13th, 9am - 5pm

6. Close

MEETING MINUTES DESIGN EXCELLENCE PANEL

Date:	13/03/18	Time:	10am-12.30pm
Location of Meeting:	The Hills Shire Council Community Meeting Rooms 1+2		
Panel Members:	Chairperson - Nicholas Carlton, Acting Manager Forward Planning, Panel Member - Tony Caro, Independent Design Expert Panel Member - David Reynolds, Group Manager THSC		
Councillors:	None Present		
Council Staff:	Paul Osborne, Cynthia Dugan, Marika Hahn		
Guests:	Michael Watt – Mulpha Norwest (owner representative) Damian Baker – Jackson Teece (Architect) Georgios Anagnostou – Jackson Teece (Architectural project team) Payam Helmi – Jackson Teece (Architectural project team) Jonathan Wood – Think Planning (Planner) Ross Shephard – Site Image (Landscape Architect)		

BUSINESS ITEM AND MEETING MINUTES

1. Welcome and Opening

The Hills Shire Council is committed to achieving design excellence in the built form environment and ensuring new high density buildings are of a high quality design.

The Hills Shire Design Excellence Panel (The Panel), is an advisory Panel which provides an opportunity for applicants to receive expert design feedback on their developments and to provide comments to assist The Hills Shire Council in its consideration for development application.

The Panel provides comment and recommendations on the following:

- any development which contains a building with a height of 25 metres or more; or
- Any strategic planning matters for which design excellence is relevant.

The role of the Panel is to evaluate and comment on design quality aspects of proposed development and to provide recommendations on whether development exhibits "Design Excellence". The Design Excellence Panel is an Independent Panel, not a SEPP 65 Panel and the absence of comment with reference to matters pertaining to SEPP 65 does not mean that matters assessed under SEPP 65 have been satisfactorily addressed.


2. Declaration of interest

"Nil"

3. Confirmation of previous minutes

Confirmed

4 Presentations

Item 4.1	11am – 12.30pm
DA Number	1573/2018/JP
Property Address	2-6 Maitland Place and 40 Solent Circuit Baulkham Hills Lot 22 DP 1034506 and Lot 2105 DP 1201899
Proposal	 <p>The proposal is for a 23 storey residential flat building comprising 131 apartments and basement car parking for 188 car spaces. The built form is located on lot DP 1034506 22 and reaches a height of RL 164.46, the maximum allowable height for this lot is RL 169.</p>
Applicant representative address to the design review panel	Georgios Anagnostou – Jackson Teece (architectural project team) Ross Shephard – Site Image (Landscape Architect) Michael Watt – Mulpha Norwest (owner representative) Damian Baker – Jackson Teece (Architect)
Background	The site has been previously visited by panel members. This is the second time the project has been presented to the Design Excellence Panel. The first Panel meeting was held on May 9 th 2018 following which the Panel provided the following conclusion. <i>The Panel does not support the proposal in its current form as it does not meet the requirements of design excellence. It is recommended that regardless of the FSR outcome the applicant addresses the issues identified in this report and presents a revised application to the Panel.</i>
Key Issues	<ul style="list-style-type: none"> • Calculation of GFA is unclear due to enclosed balconies. • Architectural expression • Resolution of balcony layouts and architectural detailing • Amenity and primary room sizes within larger units. • Viability of green elements within the facades • Design and safety of rear communal open space • Amenity and use of forecourt to Maitland Place

INTRODUCTION

The Panel thanks the applicant for presentation of the development proposal. The Norwest precinct is undergoing generational transformation with the imminent opening of the new metro line, and the development location of this proposal is of high strategic significance in setting an aspirational precedent for future residential development in this part of the newly evolving precinct.

PANEL COMMENTS

DA 1573/2018/JP – 2-6 Maitland Place, and in part 40 Solent Circuit Baulkham Hills

1. The Design Excellence Panel session commenced with the Panel Chair advising the applicant that the contested FSR was an issue that the Design Excellence Panel would not address at the meeting, as this matter is subject to legal review and the consideration by the Sydney Central City Planning Panel. The Panel Chair advised that despite this unresolved matter, the Panel would provide advice based on the plans submitted. It was agreed by all present that when the matter of FSR allocation is resolved, should this result in any significant revisions to the concept, the Panel retained its right to review any amended scheme and provide new comments.
2. The Panel Chair suggested to the applicant that the recommendations from the Panel report for meeting of May 9th 2018 be used as format to discuss how the identified items of concern had been addressed.

ADDRESSING OF THE PANEL COMMENTS FROM May 9th 2018

1. *Resolve the FSR allocation for the development application.*
 - As noted above there are conflicting opinions regarding the allocation of FSR. The matter is being addressed by the Sydney Central Planning Panel who has sought legal advice.

Note:

 - Council Officers calculate that the proposal results in a floor space ratio of 5.628:1.
 - The Applicant submits that the proposal results in a floor space ratio of 2.94:1.
2. *Reconsider the site arrangement, bulk, scale and massing of the development proposal. The current building envelope does not meet design excellence.*
 - The applicant has made the following changes, all of which the Panel considers to be positive:
 - Reduction of the width of the tower from 56m to 50m
 - Provision of the 10m required setback to Maitland Place (noting Item 3 below and later discussions in relation to forecourt amenity)
 - Rotation of the tower to locate its footprint wholly within the site termed Area A, and to create improved outlook to the north-west.
 - Provision of an entry awning that creates a more human scale interface at street level and is likely to assist with wind mitigation on the forecourt.
 - Improvement of the ground level under-croft by enclosing this space and introducing communal uses such as a library, and lounge areas on both the entry level and upper (courtyard). The design and purpose of these areas warrant design development to ensure suitability to residential population.
 - Comments from the previous Panel meeting remain pertinent, in particular:

- Scale and character. The forecourt presents as a space more akin to an inner city commercial office tower.
3. *Consider an alternative distribution of built form on the site potentially utilising a variety of dwelling typologies such as terraces and lower rise apartments rather than a single residential tower.*
 - This recommendation has not been addressed. Distribution of lower built form across the site would enable better surveillance over the rear communal open space, and could also address issues of scale and useability of the forecourt.
 4. *Consider utilising the whole site rather than the former planning proposal site as the site has been enlarged in area. The current allocation of land use results in a 5.5:1 FSR on a site for which the FSR allocation was only ever to be 3:1, whilst there may be a valid planning arrangement for this outcome, the resultant built form is unsatisfactory and a poor public domain interface has been provided.*
 - Not addressed at meeting by common agreement, as noted above.
 5. *Clarify the extent of the car parking. Deep soil planting is desirable in the front setback and the car parking extends into the front setback. The current car parking provision is well above what is required and the lack of deep soil planting in the front setback does not meet the principles of ecologically sustainable development.*
 - The applicant stated that an additional provision of deep soil of 462sqm has been provided in the front setback, allowing for tree planting. Applicant to refer to ADG requirements for large sites and confirm soil volume requirements with Council staff.
 6. *Demonstrate co-ordination with the development site to the north in particular the car parking entries could potentially be amalgamated proving a less confronting pedestrian experience on Maitland Place.*
 - This was not discussed at the meeting, however there is no evidence to date that co-ordination with the development site to the north has been initiated.
 7. *Align street setback to match that provided on 7 Maitland Place.*
 - The street setback provided to 2-6 Maitland Place is appropriate.
 8. *Amend any outstanding SEPP 65 non-compliances.*
 - The Panel noted that the enclosure of balconies may impact on natural cross ventilation compliance in the lower 9 levels of the tower. Verification by a suitably qualified professional that sufficient natural ventilation is provided to meet the Objectives and Design Criteria of the ADG is recommended.
 - Demonstrate provision of adequate solar access to main internal living areas to Council's satisfaction.
 - The adequacy of lift provision including allowance for goods handling, maintenance, furniture removal and services should be reviewed and adequacy confirmed with Council.
 - Confirm to Council's landscape architect that proposed soil volumes for the proposed large trees in the front setback are adequate.
 9. *Consider more family efficient internal planning of required larger apartments.*
 - The Panel noted that there was little difference in the size of primary living area between small and larger units (eg SK 202 (1 bed), SK 204, (2 bed) and SK 210 (3 bed), as all these areas appear to be similar. For a large 3 bed apartment in which potentially up to 5 people may be living, two separate living areas is recommended. The larger apartments should be matched by a greater provision of amenity to provide suitable family friendly apartment design, including for example media space, dedicated Laundry and larger storage areas.

10. *Provide a wind assessment as previously noted to ensure adequate pedestrian amenity in circulation and communal public open spaces.*
 - The pedestrian wind environment statement is slightly modified from the previous wind statement by Windtech provided for the 09-05-19 Panel consideration.
 - The previous meeting minutes dated 9 May 2018 noted that the following was to be provided:

"wind tunnel analysis with particular reference to the impact on the circulation and communal open spaces at the ground plane round the base of the towers is required to confirm the following:

 - a. *In open areas to which people have access, the annual maximum gust speed should not exceed 23 metres per second,*
 - b. *In walkways, pedestrian transit areas, streets where pedestrians do not generally stop, sit, stand, window shop and the like, annual maximum gust speed should not exceed 16 metres per second;*
 - c. *In areas where pedestrians are involved in stationary short-exposure activities such as window shopping, standing or sitting (including areas such as bus stops, public open space and private open space), the annual maximum gust speed should not exceed 13 metres per second;*
 - d. *In areas for stationary long-exposure activity, such as outdoor dining, the annual maximum gust speed should not exceed 10 metres per second.*

b. The report is to be prepared by a suitably qualified engineer".
 - The Windtech report does not confirm the above as previously requested by the Panel.
 - The Panel raised concerns with potential wind ingress into the common access corridors of the tower, and that wind speed at higher levels would likely require some form of mitigation strategy. The architects acknowledged this and advised that a wind-proof screen or louvre system would be installed. This should be resolved and agreed with Council staff prior to issue of consent.
 - The introduction of a glazed wall within the undercroft will improve useability of the lobby area, as will re-instatement of the awning for wind mitigation.
 - The applicant described provision of wind-screens to the facades, however no details or cross sections are provided. The extent of full height enclosed and partially enclosed balconies should be clearly indicated on the plans and in elevation, as this is likely to impact on GFA calculations and ADG natural cross ventilation compliance.
11. *Provide greater detail on WSUD treatments.*
 - This was not discussed. The Panel encourages early integration of WSUD strategies within the public domain.
12. *The Panel recommends the applicant provide a sustainability statement with documentation that clearly outlines how the sustainability measures stated to be undertaken would be achieved. Any "green planting" would require more detailed documentation than the indicative graphic imagery provided in an illustrative manner.*
 - A "sustainability options" report was provided. For a DA application a clear statement of the actual proposal is required, to provide certainty of the final sustainability provisions. The development does not presently quantify sustainable measures being implemented above what is required by legislation.
 - The vertical "green spines" were discussed at length however the level of documentation remains no further progressed beyond the previous Panel consideration. The Landscape drawings provided were entitled Preliminary Tender and NEO Maitland Place, Norwest Landscape Concept Report – For information only.
 - Landscape Development Application drawings were not provided. A comprehensive set of documents that provides certainty in the landscape provision must be provided to the DA officer.

- The Panel questioned the viability of the sky gardens regarding maintenance and the ability of the vegetation to survive on a south facing aspect. The Panel also noted many awkward corners on balconies and recommended that a 400mm gap be provided between screening devices and the wall of the building to allow for construction, cleaning and maintenance.
 - The Panel questioned the solar shading strategy, noting the design of the north- west and south -west facades appeared identical yet the environmental conditions are quite different, suggesting an alternative approach to sun-shading.
13. *Provide a public domain interface that creates an active human-scaled, urban character and addresses the street.*
- The applicant has sought to address the public domain interface by the provision of an enclosed under-croft serving as a residential lobby. It is noted that the paving material continues through into the residential lobby, bringing to question the character of this environment, which resembles a commercial office lobby.

OTHER MEETING COMMENTS

- The attendees discussed how this residential development might best express its relevance to the general character, ethos and Council's vision for an evolving Garden Shire. For example, how does this residential building respond to the social and environmental context of its setting and an increasingly hotter, denser western Sydney? What makes this development present as being of *The Hills*, rather than conforming with the generic architecture that is commonly being built across many other parts of the metropolitan area?
- The Panel noted the potentially positive regional aspects of the proposal's simple sculptural form (with caveat that it will be viewed as a cluster with development at 2-7 Maitland Place), and questioned the decision to apply a more commercial character to the facades compared to the previous iteration.
- In principle the Panel supports creation of a large open space at the rear of the site for active and passive uses by residents, however safety aspects and in particular the proposed children's play area (notwithstanding the applicant's comment that the area will be under surveillance from occupants of the surrounding tall buildings) must be carefully resolved based on CPTED principles. Development proposals such as the subject application run the risk of creating high-density residential enclaves. There is a significant challenge and opportunity in the Hills Shire to provide innovative approaches to safe, interactive communal living, including creation of a range of large and intimate high quality open space for all types of users. This should apply to interactive communal places at some levels within the buildings as well as on the ground and lower levels.
- The applicant confirmed that HVAC condenser units will not be located on balconies and plant will not be visible to the public domain.
- The Panel noted the car parking at the Ground Level could be more rationally organised to better utilise available space for enlarged communal facilities.
- The Panel recommended that a designated lift have two-sided doors to facilitate discreet operations by furniture removalists and the transportation of bulky goods.

RECOMMENDATIONS

- The design of the rear communal garden to be reviewed for safety, uses and amenity following resolution of the development yield capacity.
- Enclosed balconies are to be included in GFA calculations. All enclosed balconies are to be documented with clear notation indicating the type and extent of enclosure.
- Extent of and design of wind mitigation elements must be fully resolved in DA documentation.
- For DA the project documentation must be better co-ordinated with the illustrative graphics.

- The design of facades be further resolved to address differing orientations and functionality.
- The overall typological character of the building is reviewed in relation to its general contexts.
- Green elements proposed on facades reviewed for maintenance and plant viability.
- Spatial layout and amenity of different unit types and sizes reviewed to match occupancy.
- A number of suggestions and comments raised in the previous meeting minutes have not been considered. These recommendations are still current.

Note: further information may be required by the Development Assessment team to aid with their assessment of the development.

PANEL CONCLUSION

The Panel notes there have been various improvements in the revised proposal, however outstanding matters remain that have yet to be resolved, as noted in the report.

The Panel recommends that the comments from both DEP meetings be further considered in order to achieve an acceptable level of overall design quality. It is noted that the Panel's role is advisory, and the applicant may elect to proceed with the DA application without a further meeting.

5. Next Design Excellence Panel meeting to be held on April 10th, 9am - 5pm

6. Close