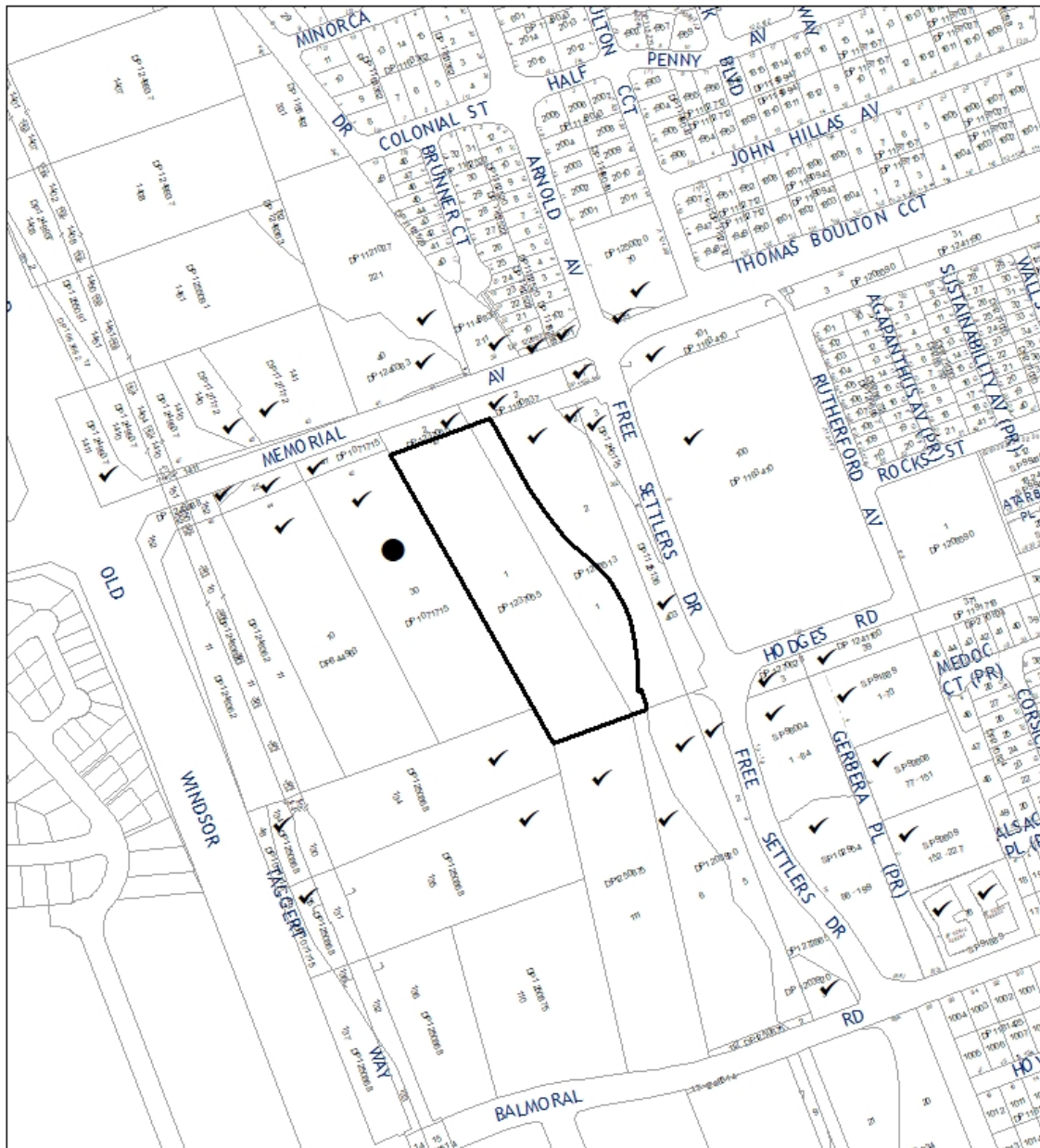


**ATTACHMENT A – DRAFT CONDITIONS OF CONSENT & ATTACHMENTS**

***(REFER SEPARATE ATTACHMENT A)***

## ATTACHMENT B – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSION RECEIVED

**THE HILLS**  
Sydney's Garden Shire

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## ATTACHMENT C – AERIAL MAP



## SUBJECT SITE

**THE HILLS**  
Sydney's Garden Shire

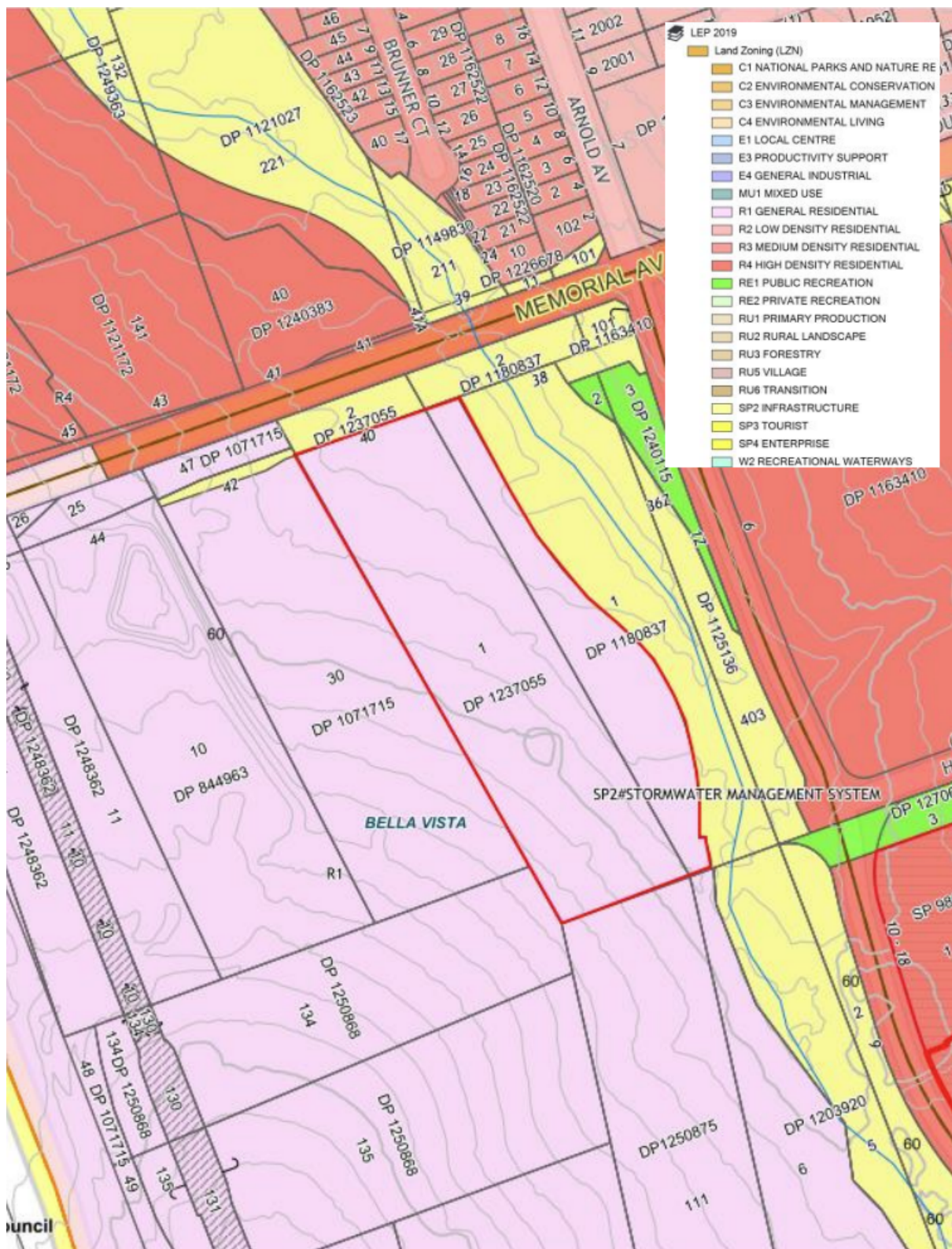
**THE HILLS SHIRE COUNCIL**

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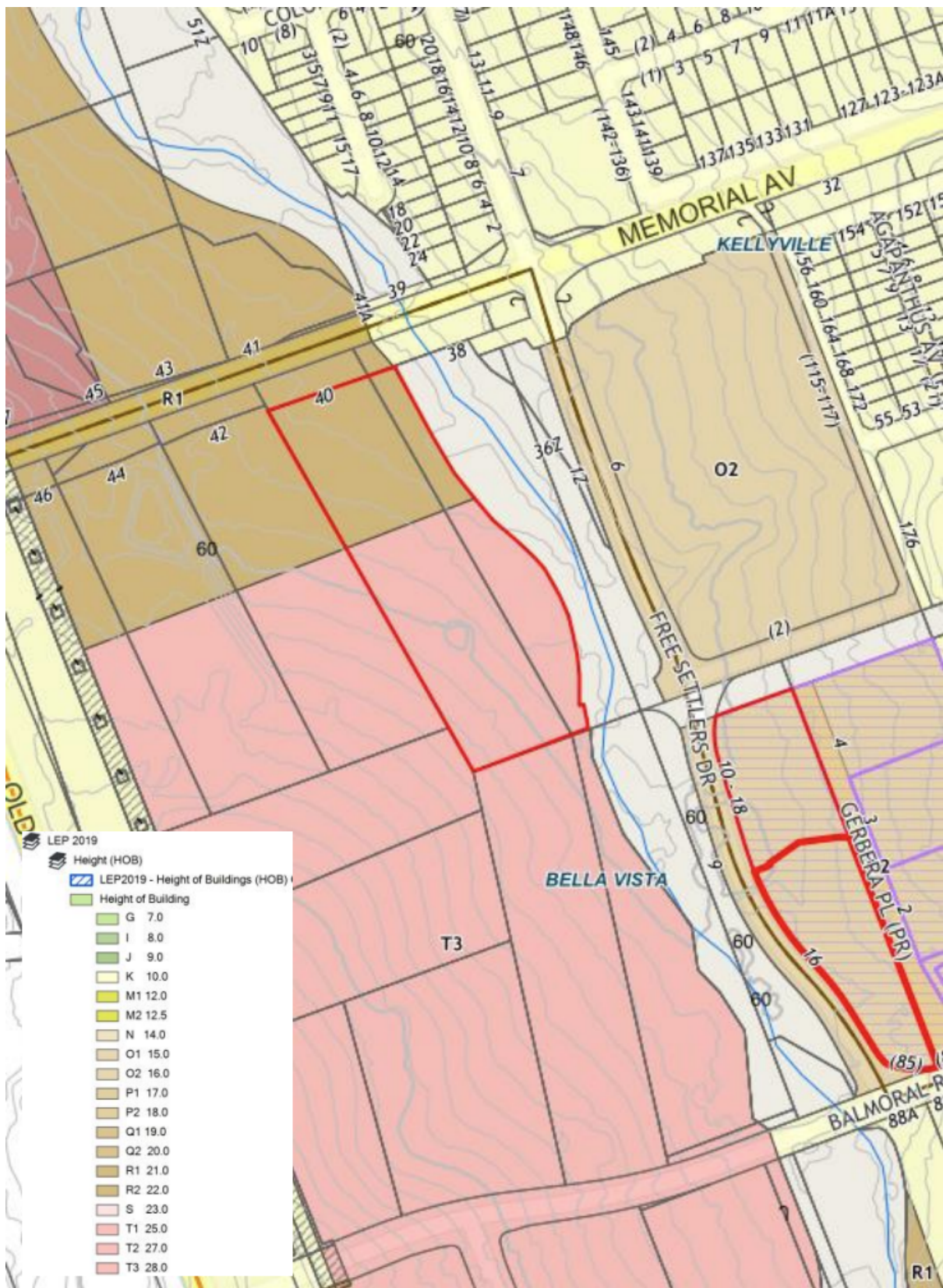


## ATTACHMENT D – ZONING MAP

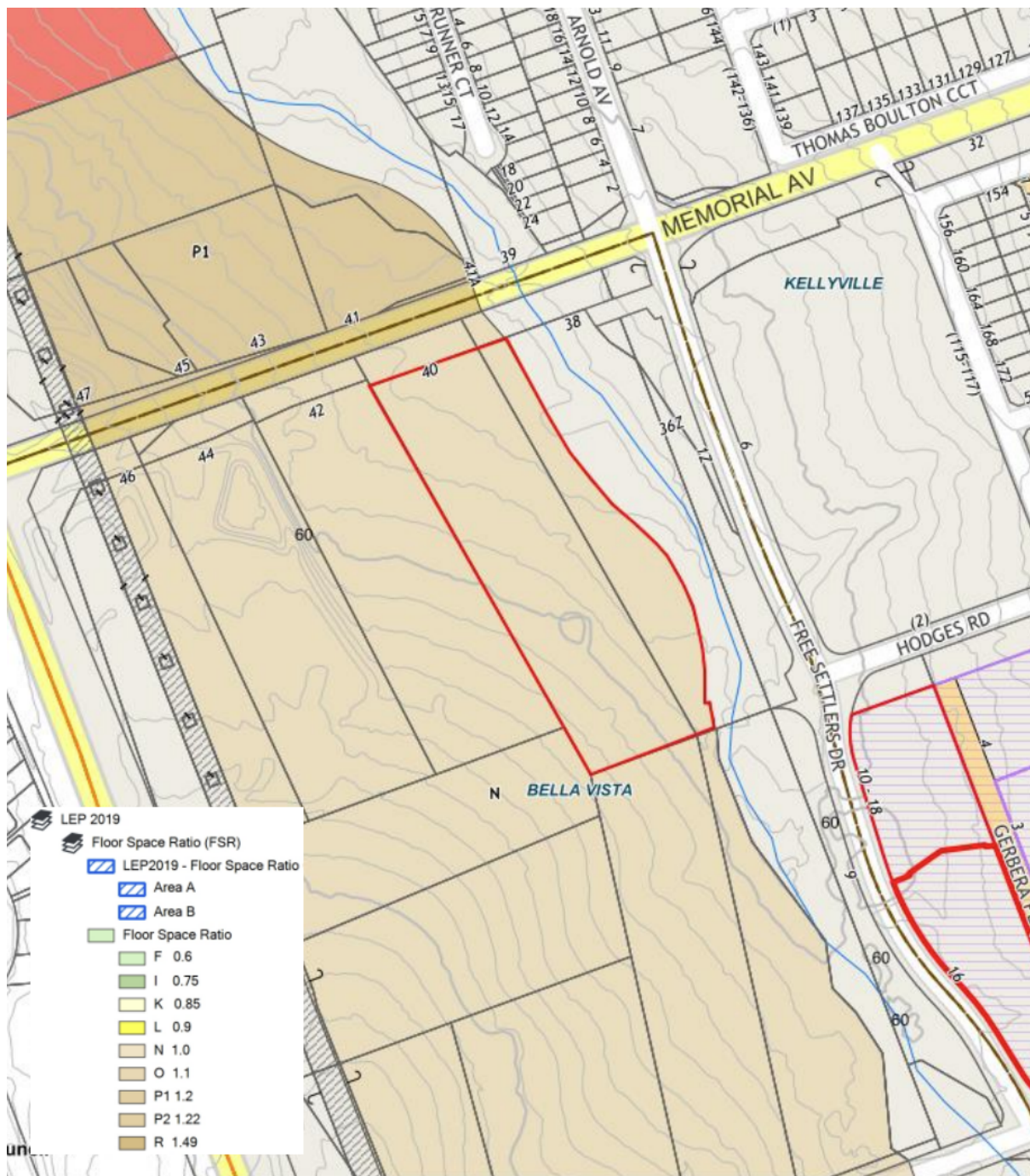




## ATTACHMENT E – HEIGHT OF BUILDING MAP



## ATTACHMENT F – FLOOR SPACE RATIO MAP





## ATTACHMENT G – BELLA VISTA SSDA STRUCTURE PLAN, STREET HIERARCHY, ROAD TYPE AND OPEN SPACE

### 3.1 Structure Plan & Key Elements

The precinct structure is defined under the following master plan drawings prepared by Hassell:

- A\_0300 - Building Envelope Plan Overview
- A\_0301 - Envelope Control Plan 01
- A\_0302 - Envelope Control Plan 02
- A\_0303 - Envelope Control Plan 03
- A\_0400 - Deep Soil Areas Overview
- A\_0401 - Deep Soil Areas 01
- A\_0402 - Deep Soil Areas 02
- A\_0403 - Deep Soil Areas 03

Implicit in this structure is the placement of the following key elements to drive the amenity oriented development necessary for this precincts success:

- Expansion and enhancement of Elizabeth Macarthur Creek as a central focus and connector for the existing and future community,
- Location of the district park and primary school central to the communities of Bella Vista and Kellyville with access to the active transport corridors along Old Windsor Road and Elizabeth Macarthur Creek and T-way crossing at Old Windsor Road/Memorial Avenue,
- Location of a town square with a mix of uses fronting each side to increase diversity and activity throughout the day, night and week,
- Regular distribution of local open space to provide increased residential frontage to light, air and views and connect the urban high street and creek corridor,
- An urban 'high street' experience along Mawson Road which contrasts with the Riparian Corridor experience of Celebration Drive,
- An increasing landscape experience from east to west between the two north-south spines of Creek and High Street.



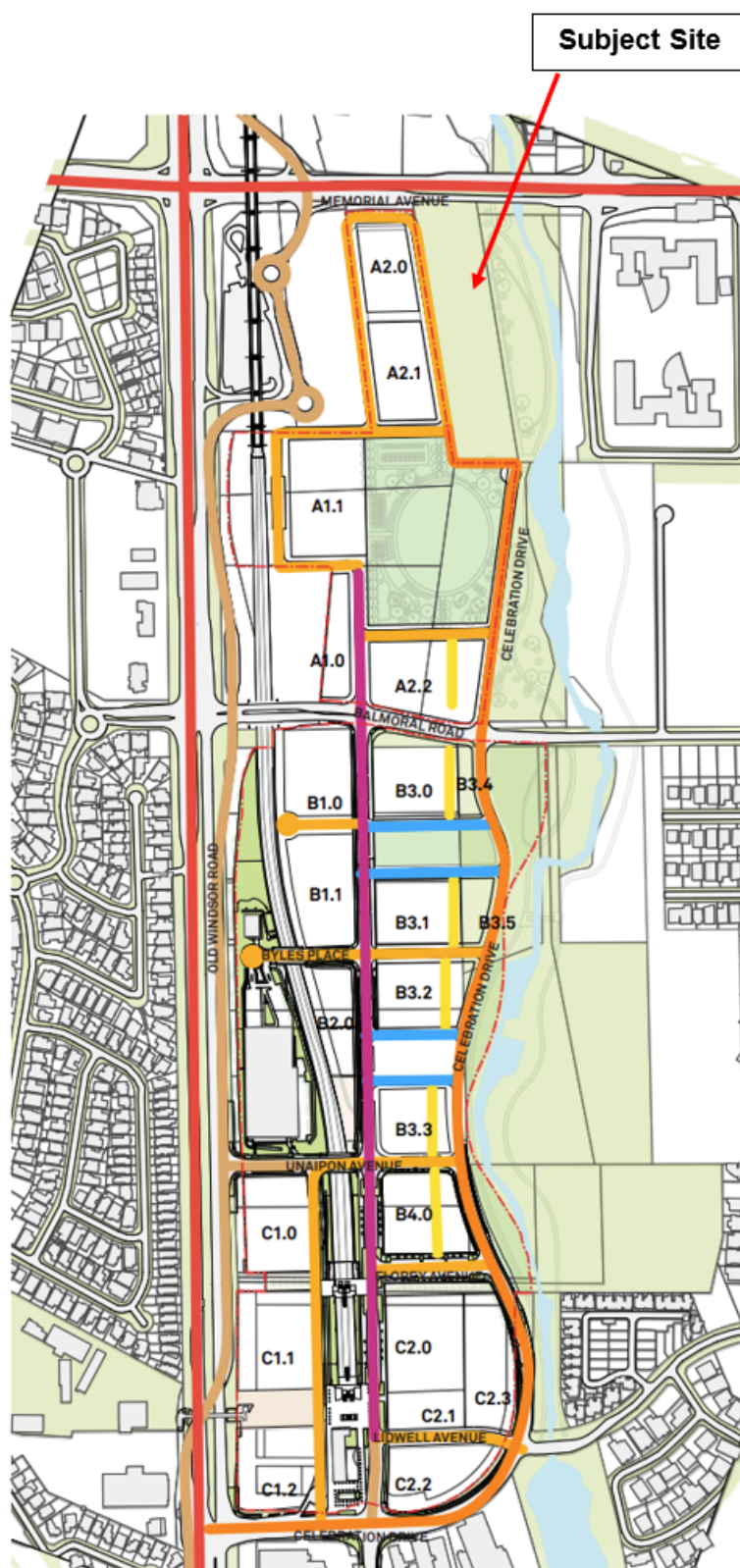
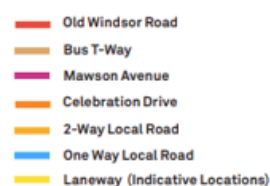
Figure 3.1.1 Station Precinct Structure Plan

## 4.2.6 Street hierarchy

### 4.2.6. Controls:

1. Mawson Avenue between Balmoral Rd and Celebration Drive must be treated as the main street in the precinct and face residential and commercial lobbies to encourage pedestrian foot traffic.
2. Celebration Drive must be treated as a transitional space and not a barrier between the development of Bella Vista to the west and the riparian corridor to the east.
3. Brighton Dr extension (Lidwell Ave) to include traffic calming measures to prioritise pedestrian movements.
4. The local roads must have a break down of scale in built form to reinforce the slower character and pedestrian focus of the streets.
5. One way local roads will act as a border to the local parks, to reinforce the slower character and pedestrian focus of the surrounding residential built form.
6. Laneways must act to remove driveway crossings from pedestrian priority streets and act as a secondary pedestrian movement network between blocks allowing a clear separation of the front and back door experience for residents and visitors.

Figure 4.2.6.1  
Street Hierarchy Plan



Section 04 - General Controls

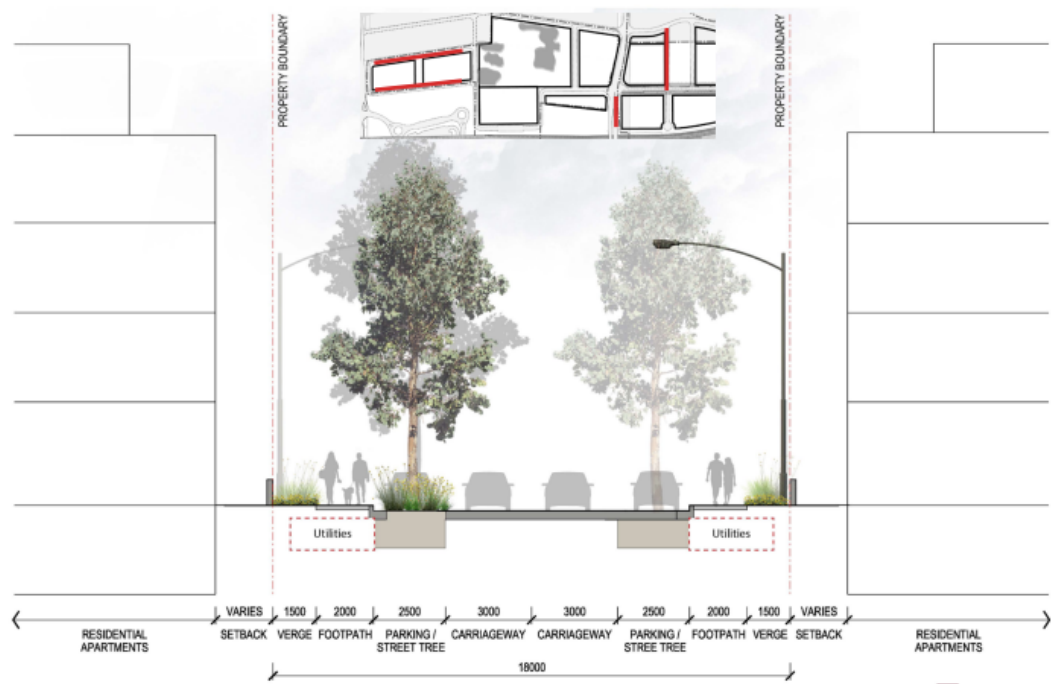


Figure 4.2.8.4  
Local Street Section 04



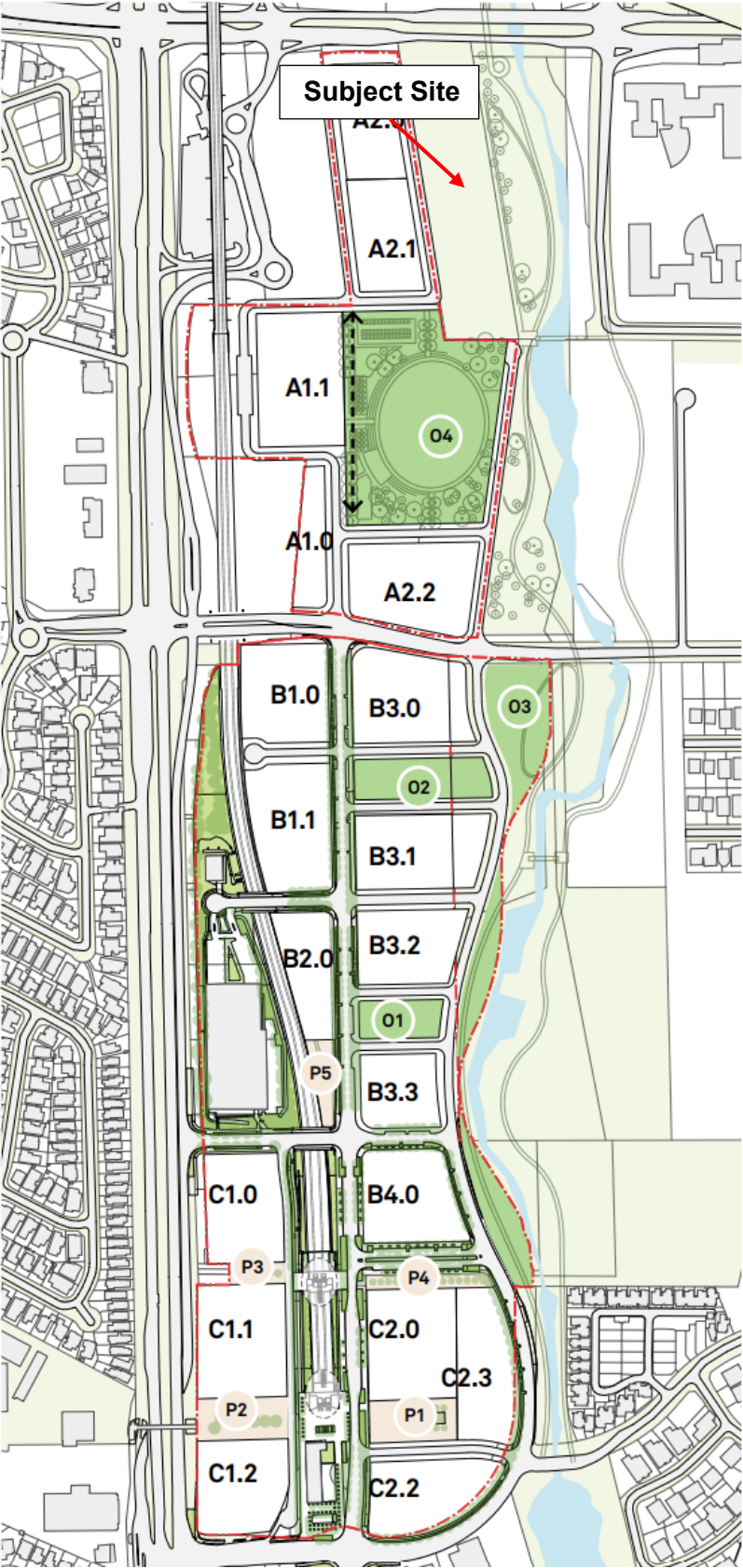
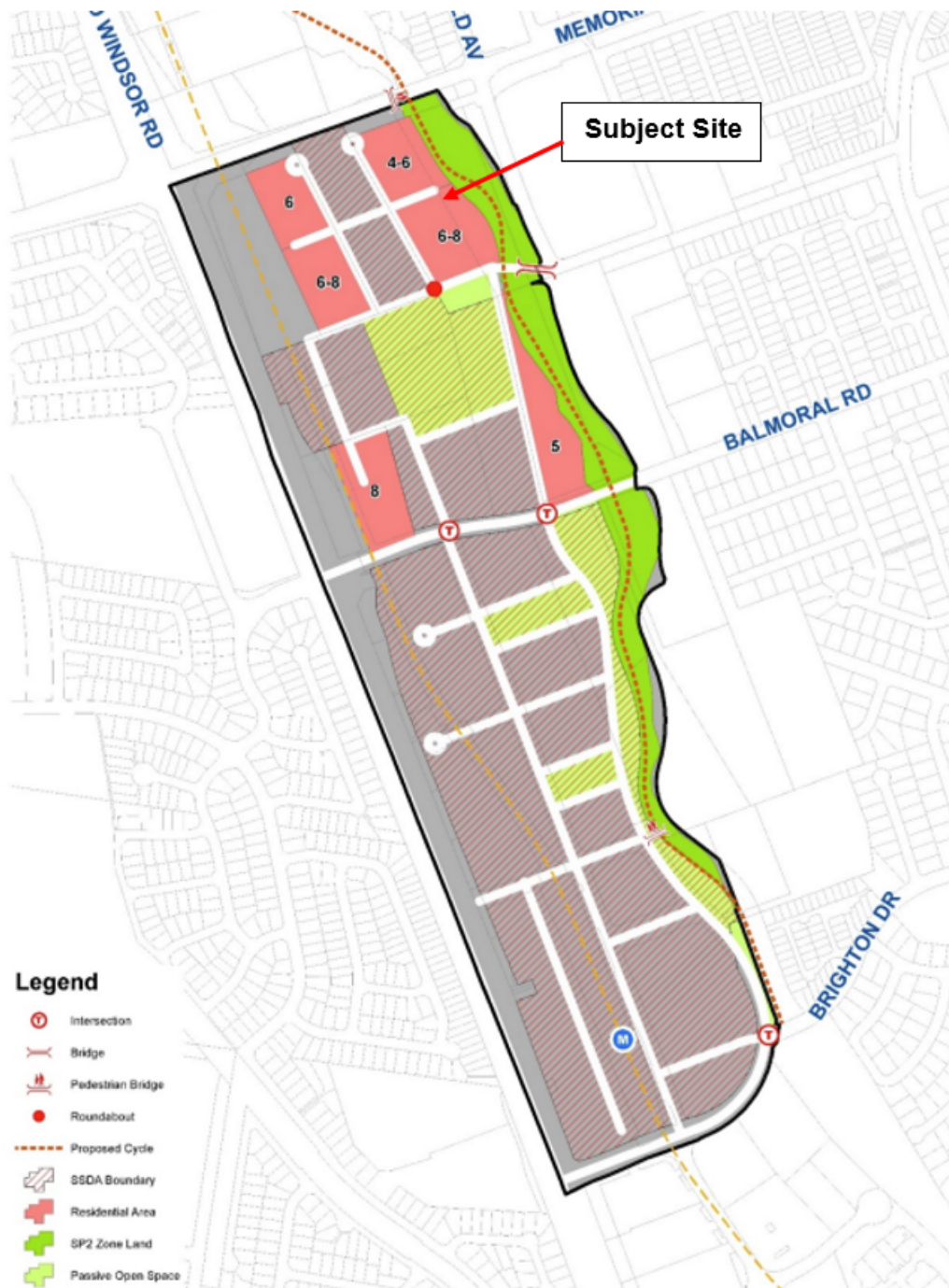


Figure 4.2.3: Public Open Spaces to be provided within the SSD Extents

- 01 Public Park
- P2 Public Plaza
- C1.0 Private Development Lot
- ↔ Public access

# ATTACHMENT H – THDCP PART D SECTION 26 – BELLA VISTA & KELLYVILLE STATION PRECINCTS (STRUCTURE PLAN)



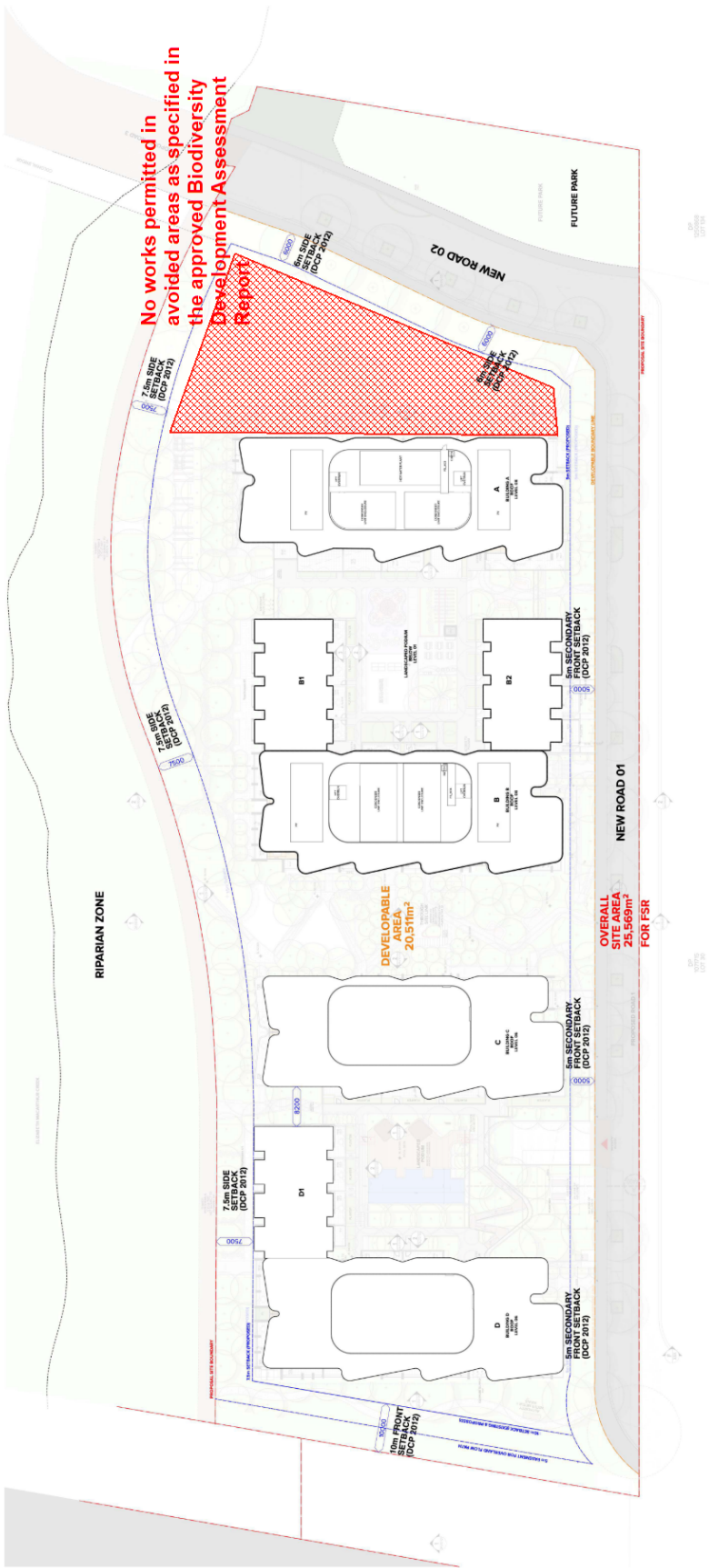
**Figure 12:**

Bella Vista Station Precinct Structure Plan

(Note: numbers shown in residential areas identify the indicative number of storeys)

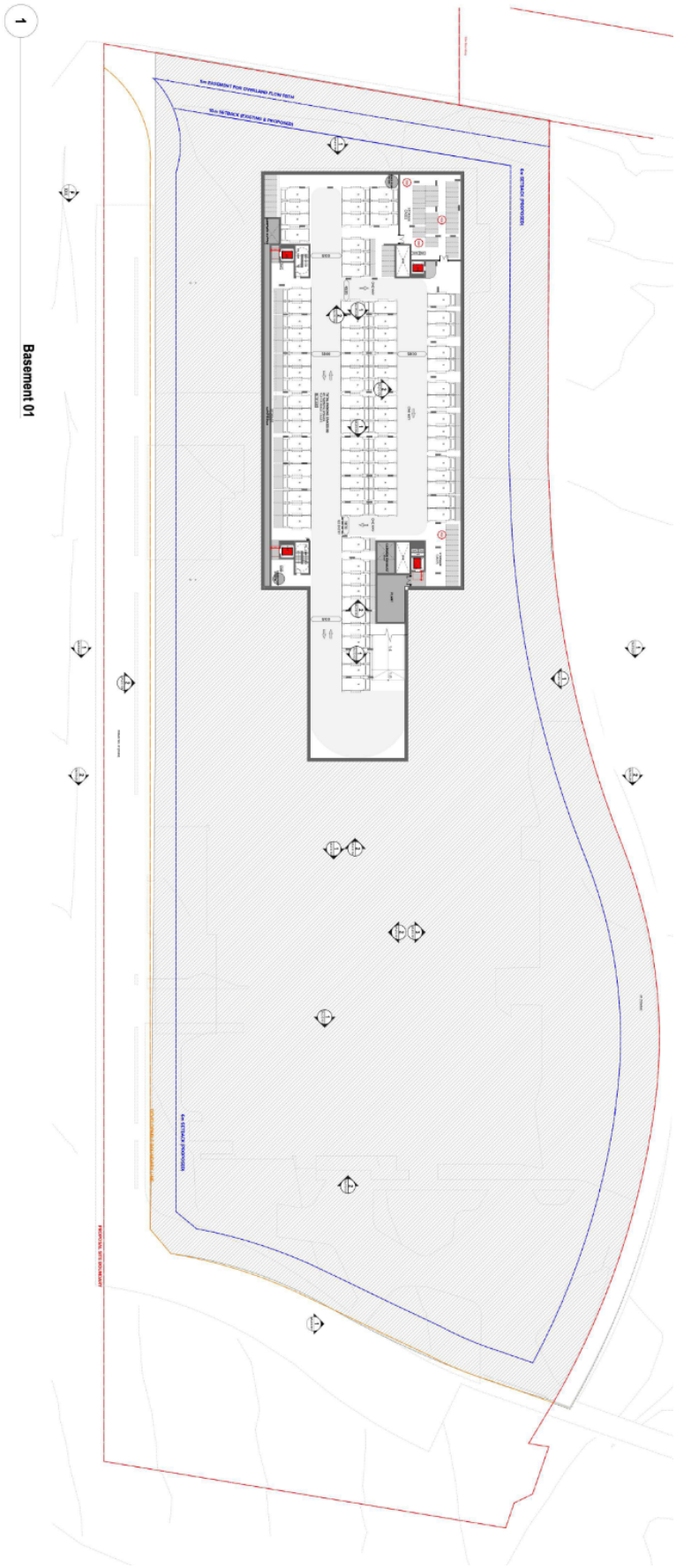
**Note:** The floor space ratio (FSR) control is the primary control that limits the density for future development within the Precinct. It is expected that any future development will operate within the parameters of both the FSR and height of building controls contained within LEP 2019 (as well as any other built form requirements within other relevant guidelines, including setbacks, site coverage etc.).

ATTACHMENT I – ARCHITECTURAL PLANS  
SITE PLAN





**BASEMENT 1**



Basement 01

LOWER GROUND AND UPPER GROUND



LEVEL 01 and LEVEL 02





## LEVEL 03 AND LEVEL 04





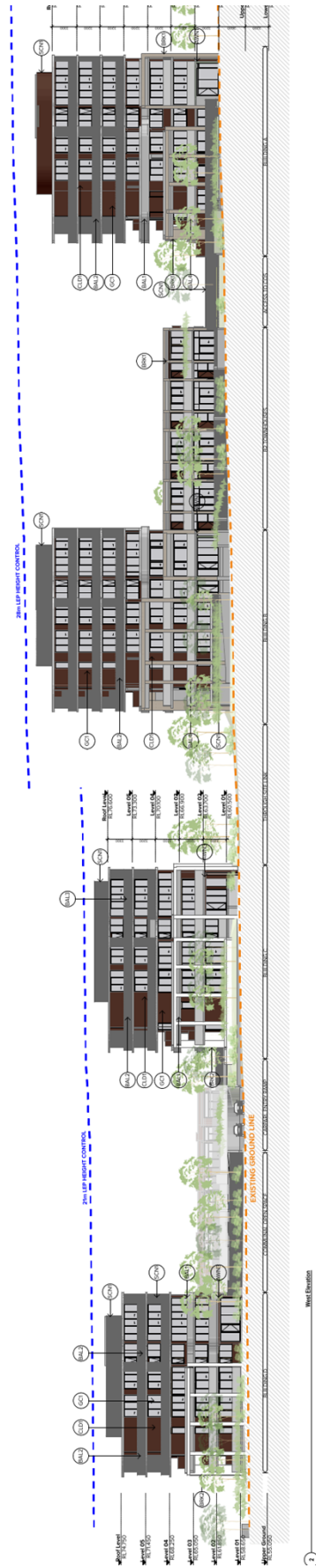
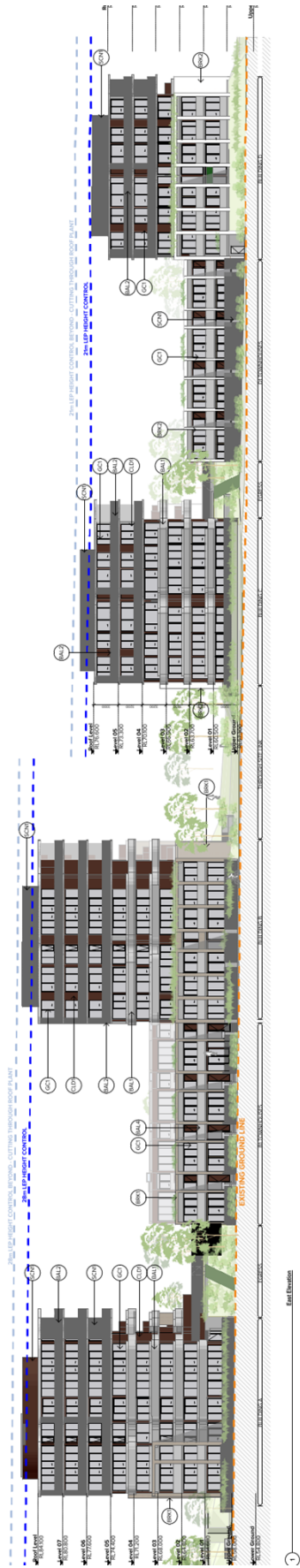
LEVEL 05 AND LEVEL 06/07



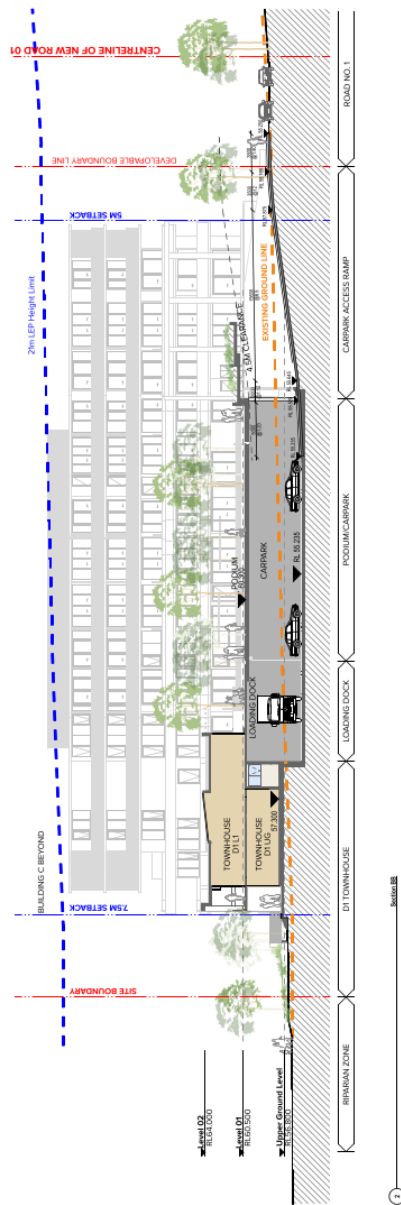
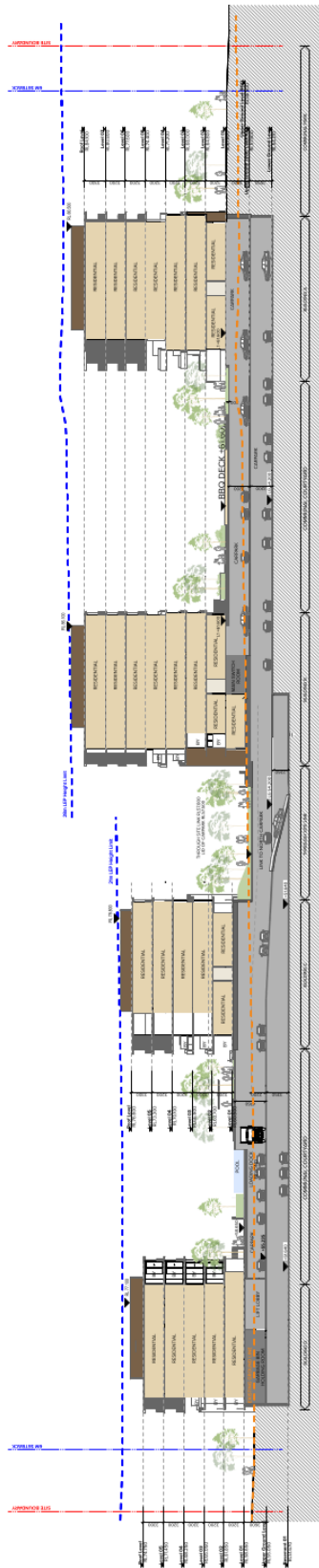
Level 05



EAST / WEST ELEVATIONS



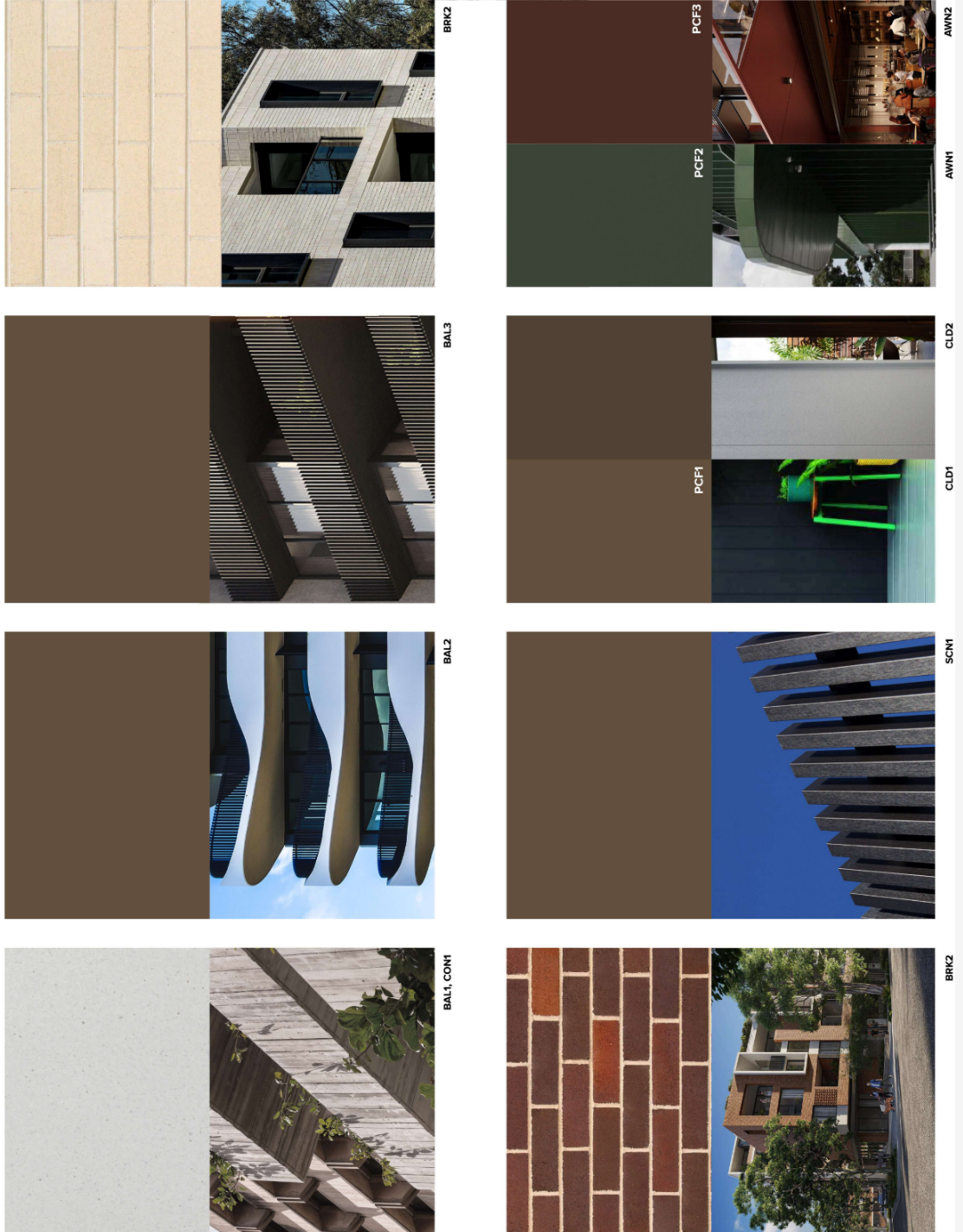
SECTIONS



## COLOURS AND MATERIALS

**ELEVATIONS LEGEND:**

- [illegible]

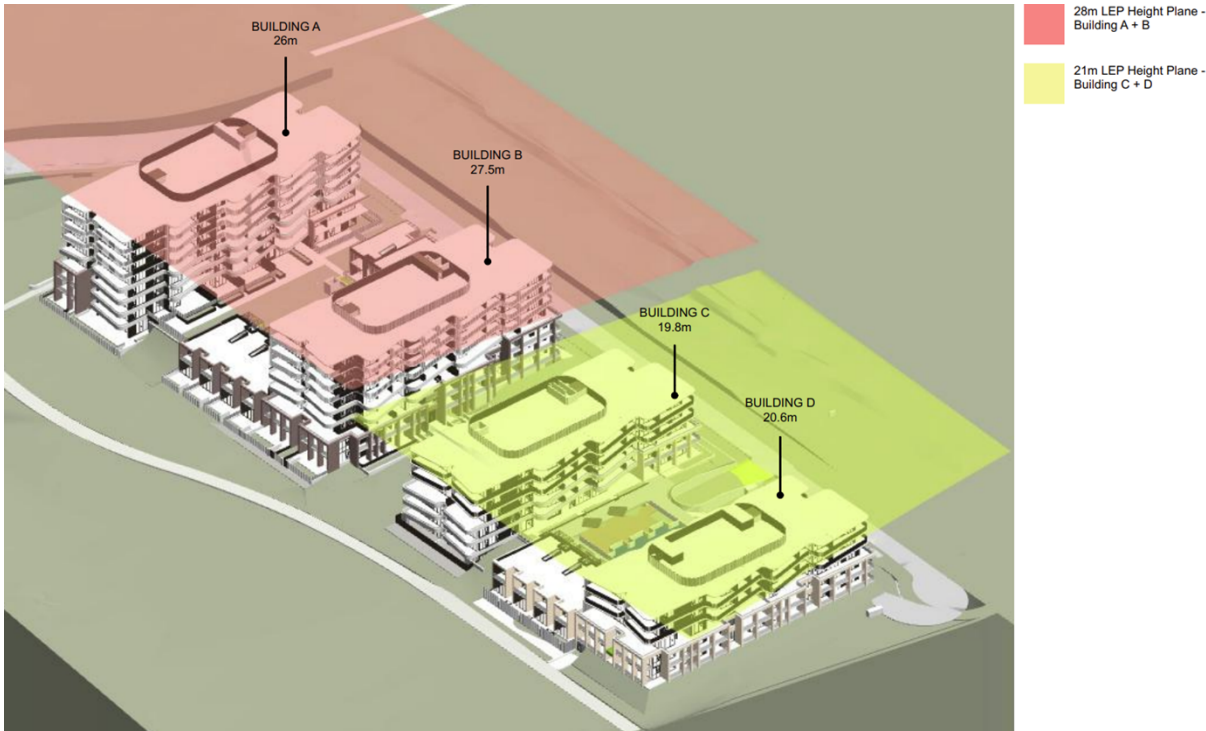




## PERSPECTIVES

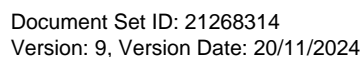


BUILDING HEIGHT PLANE





**SUBDIVISION PLAN – SUBJECT DEVELOPMENT APPLICATION 308/2024/JP**





**NOTES:**

1. LOT DIMENSIONS AND AREAS ARE SUBJECT TO COUNCIL, APPEAL, FINAL SURVEY & REGISTRATION OF THE FINAL PLAN AT NISH L&E.



## ATTACHMENT K – CLAUSE 4.6 REQUEST

### 1. Introduction

This section of the report sets out the background to the development including related development applications and the purpose of this report.

#### 1.2 Purpose of the Report

This Clause 4.6 Variation has been prepared to be submitted to The Hills Shire Council as part of a Development Application and forms part of a Statement of Environmental Effects (SEE) in accordance with Clause 24(1)(b) of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation).

It is a written request within the meaning of Clause 4.6(4)(a)(i) of The Hills Local Environmental Plan 2019 that provides justification under Clause 4.6(3) of the SEPP for the contravention of a development standard being the minimum residential density and comprises an assessment of the development including:

- the objectives of Clause 4.6 - Clause 4.6(1);
- whether Clause 4.6 applies to the circumstances of the Development Application - Clause 4.6(2);
- demonstration that the development standard is unnecessary and unreasonable - Clause 4.6(3)(a);
- the sufficiency of the environmental planning grounds required to justify contravening the development standard - Clause 4.6(3)(b);
- an assessment of the public interest in the context of the objectives of the development standard and the objectives of the zone - Clause 4.6(4)(a)(ii);
- matters relevant to obtaining the concurrence of the Secretary of the Department of Planning, Industry and Environment (formerly the Director General) - Clause 4.6(4)(b) & 4.6(5);
- exclusions to the operation of Clause 4.6 - Clause 4.6(6) & 4.6(8); and
- an assessment of the 'five part test' established by the Land and Environment Court.

### 2. Proposed Development

The Development Application seeks approval for the following:

- Demolition of all existing structures and improvements;
- Removal of vegetation including 101 trees on the site;
- De-watering and filling of existing dam;
- Subdivision including site consolidation of lot 1 DP 1237055 and part Lot 1 DP 1180837 and creation of two residue lots;
- Construction of a residential development containing 224 dwellings over seven buildings and a park over two stages:
  - Stage 1 construction of buildings C, D and D1 (95 dwellings) including basement car parking, podium and communal open space facilities, construction of roads, drainage, and utility infrastructure;
  - Stage 2 construction of all new roads, buildings A, B, B1 and B2 (129 dwellings) including two levels of basement car parking, communal open space, podium, site through link and construction of a pocket park / community space
- Associated landscaping works across the site including the embellishment of a pocket park on the southern portion of the site.

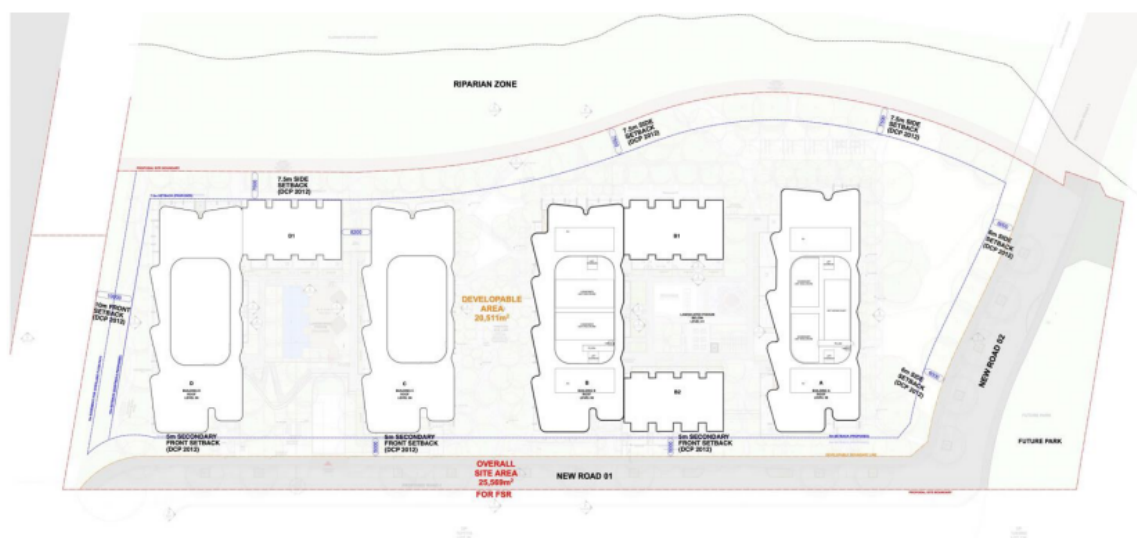


Figure 1 – Site Plan

Reference: Turner

### 3. Legislative Framework

This section of the report assesses the variation to the development standard against the planning framework and planning controls. This report should be read in conjunction with the Statement of Environmental Effects.

#### 3.1 Development Standard

A development standard is defined in Clause 1.4 of the Environmental Planning and Assessment Act 1979 as a provision of an environmental planning instrument (or a regulation) which relates to the carrying out of development and which specifies requirements or standards in respect of any aspect of that development.

**development standards** means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of—

- (a) the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work from any specified point,
- (b) the proportion or percentage of the area of a site which a building or work may occupy,
- (c) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,
- (d) the cubic content or floor space of a building,
- (e) the intensity or density of the use of any land, building or work,
- (f) the provision of public access, open space, landscaped space, tree planting or other treatment for the conservation, protection or enhancement of the environment,
- (g) the provision of facilities for the standing, movement, parking, servicing, manoeuvring, loading or unloading of vehicles,
- (h) the volume, nature and type of traffic generated by the development,

- (i) road patterns,
- (j) drainage,
- (k) the carrying out of earthworks,
- (l) the effects of development on patterns of wind, sunlight, daylight or shadows,
- (m) the provision of services, facilities and amenities demanded by development,
- (n) the emission of pollution and means for its prevention or control or mitigation, and
- (o) such other matters as may be prescribed.

A building setback is expressly identified as a development standard pursuant to the definition.

The Development Application proposes a departure from the minimum building setback standard under Clause 8.4 of the Hills Local Environmental Plan 2019 which provides:

#### **8.4 Minimum building setbacks**

*Development consent must not be granted to development on land within the Bella Vista Station Precinct or the Kellyville Station Precinct unless the front building setback of any building resulting from the development is equal to, or greater than, the following—*

- (a) for a building in Zone R1 General Residential or Zone R4 High Density Residential—5 metres,*
- (b) for a residential flat building in Zone E1 Local Centre—5 metres,*
- (c) for a building in Zone SP4 Enterprise with a street frontage to Old Windsor Road, Kellyville, north of Celebration Drive, Kellyville—10 metres from the eastern edge of the Old Windsor Road road reserve.*

The Minimum Building Setack as prescribed by Clause 8.4 is a 5 metre front setack for buildings located in the R1 General Residentail zone.

### **3.2 Development Application**

#### **3.2.1 Variation Proposed**

The Development Application proposes a building setback for multi-unit dwellings fronting proposed Road No. 1 of approximately 3 metres, a shortfall of 2 metres from the required setback of 5 metres. The extent of the variation proposed is summarised in the table below.

Minimum Building Setback	Proposed Building Setback	Extent of Variation	%
5 metres	3 metres	2 metres	60%

An extract of the Architectural Plans depicts the extent of the variation below with the blue dashed line denoting the 5 metre building line setback. A extract of the Section Plan depicts the setback interface and the transition in levels between the street edge and the basement level.





Figure 2 - Proposed Front Setback

Reference: Turner

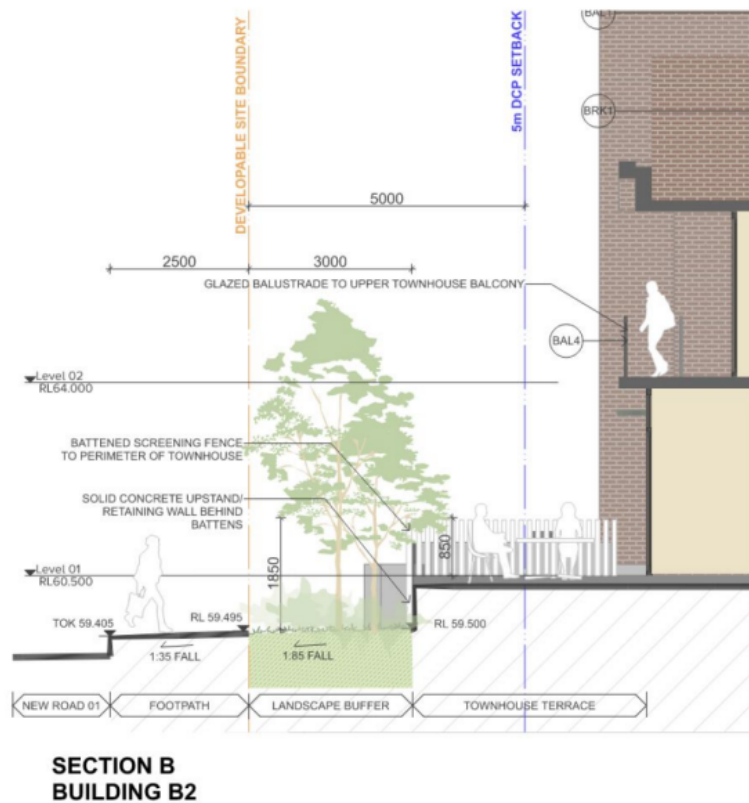


Figure 3 - Cross Section

Reference: Turner



**Figure 4 – Perspective**

Reference: Turner

### 3.2.2 Reason for Variation

The reasons for the variation are described below:

- The proposed multi-unit dwellings (TB 01-04) were introduced as a direct response to the Design Review Panel as a result of the relocation of the waste loading area. An opportunity arose to sleeve the Communal Open Space area and create an architectural expression to the base of Building B by enabling an extension of built form through a low-rise typology with a street frontage to proposed Road No. 1.
- The proposed multi-unit dwellings sensitively manage a significant level difference between Road No. 1 and the Communal Open Space area and the top of basement requiring a deep terrace at the entry way to enable an appropriate level transition to ensure a single level for the building pad. Accordingly, the terrace area encroaches within the 5-metre building setback noting that no part of the habitable areas of the dwellings sit within the setback area.

### 3.3 Exception to the Development Standard

Development standards are a means to achieving an environmental planning objective. Clause 4.6 recognises that some developments may achieve planning objectives despite not meeting a required development standard. The planning system provides flexibility to allow these objectives to still be met by varying development standards in exceptional cases.

### 3.3.1 Objectives of Clause 4.6

Clause 4.6(1) of the SEPP provides the objectives of Clause 4.6:

#### **4.6 Exceptions to development standards**

- (1) *The objectives of this clause are as follows—*
- a. *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
  - b. *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Clause 4.6 of the SEPP aims to provide an appropriate degree of flexibility in applying development standards and to achieve better outcomes for and from development by allowing flexibility.

The land subject to this Development Application (i.e. the extent of works) encompasses a development consistent with the desired outcomes established by the Planning Framework. The non-compliance is directly attributed to a minor encroachment of the required building setback for a low-rise housing form that will create a diversity of housing typologies within the Precinct and will not unduly impact upon the landscape curtilage and streetscape.

In this regard, it is appropriate given the circumstances of this site and this Development Application, to apply a degree of flexibility to the development standard. For this reason, the departure from the building setback development standard is both minor and reasonable and achieves a comparable outcome to a compliant setback.

### 3.3.2 Application of Clause 4.6

Clause 4.6(2) of the SEPP provides that development consent may be granted for development that contravenes a development standard and the circumstances under which Clause 4.6 may not be used:

#### **4.6 Exceptions to development standards**

- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

This report seeks consent for a variation to the building setback development standard pursuant to this Clause. This development standard is not excluded from the operation of Clause 4.6.

### 3.3.3 The Development Standard is Unnecessary and Unreasonable

Clause 4.6(3)(a) of the SEPP prevents the consent authority from granting consent to development that contravenes a development standard unless the departure is demonstrated to be unreasonable or unnecessary:

#### **4.6 Exceptions to development standards**

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*
- a. *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

In *Wehbe v Pittwater Council* [2007] NSWLEC 827 the Land and Environment Court set out a five-part test to determine whether an objection to a development standard is well founded:

- 1) *The objectives of the standard are achieved notwithstanding non-compliance with the standard*



Comment:

The objectives of the standard are achieved and compliance with the development standard is unreasonable and unnecessary in the circumstances of this case.

- 2) *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary*

Comment:

Justification on this basis is not asserted by the Applicant.

- 3) *The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable*

Comment:

Within the scope of the current extent of works, in order to achieve compliance with the development standard, the proposed internal floor areas and private open space areas would be compromised given the requirement to transition levels between the proposed road and communal open space area. Both measures are not possible to facilitate in a viable or orderly manner.

For this reason, compliance with the development standard is unreasonable.

- 4) *The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.*

Comment:

Justification on this basis is not asserted by the Applicant.

- 5) *The zoning of particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable or unnecessary as it applied to that land and that compliance with the standard in that case is also be unreasonable or unnecessary*

Comment:

Justification on this basis is not asserted by the Applicant.

In the context of *Wehbe v Pittwater Council* [2007] NSWLEC 827 and in the circumstances of this site and this Development Application, the development standard is unreasonable and unnecessary, and a Clause 4.6 Variation is well-founded.

### 3.3.4 Environmental Planning Grounds

Clause 4.6(3)(b) of the SEPP prevents a consent authority from granting consent to development that contravenes a development standard unless there are enough environmental planning grounds to justify the departure:

#### 4.6 Exceptions to development standards

(3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*

...

- a. *that there are sufficient environmental planning grounds to justify contravening the development standard.*

*The proposal is consistent with the following objects under Section 1.3 of the Environmental Planning & Assessment Act:*

- b. *to promote the orderly and economic use and development of land, ...and*

c. *to promote good design and amenity of the built environment...*

There are sufficient environmental planning grounds to justify contravening of the development standard as follows:

- The encroachment relates solely to the front terrace area of each of the multi unit dwellings and not the habitable parts of the building. The façade wall is compliant with the respective setback requirement and is setback approximately 7 metres from the street boundary with an additional upper level setback thereby minimising any perceived bulk and scale impacts to the streetscape.
- The encroachment does not erode the ability to provide landscaping within the setback areas with a sufficient depth of 3 metres provided between the terrace wall and the front property boundary. The level difference of approximately 1 metre and will be screened with suitable ground and canopy cover as detailed in the Landscape Plans.
- The encroachment relates to multi unit dwelling typologies whereby the development standard was most likely intended for multi-storey residential flat buildings. The typology provides a softened interface to the streetscape edge of the development while enabling opportunities for passive surveillance to the street and an active entry.
- The average weighted setback of buildings fronting Road No. 1 exceeds the development standard of 5 metres.

The Development Application proposes a built form and land use consistent with the established planning framework for Bella Vista.

The proposal promotes the orderly and economic use of the land in a manner where good design and amenity of the built environment can be achieved.

When viewed in this context, there are sufficient environmental planning grounds to justify contravening the development standard.

### 3.3.5 Assessment of the Public Interest

#### 3.3.5.1 The Objectives of the Development Standard

Clause 4.6(4)(a)(ii) of the SEPP prevents a consent authority from granting consent to development that contravenes a development standard unless the departure is demonstrated to be consistent with the objectives of the development standard:

#### 4.6 Exceptions to development standards

*(4) Development consent must not be granted for development that contravenes a development standard unless—*

*a. the consent authority is satisfied that—*

*...*

*a. the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

Clause 8.4 of the LEP does not detail objectives to support the development standard. In this respect, the objectives of the R1 General Residential zone are considered and addressed below.

#### 3.3.5.2 The Objectives of the Zone

Clause 4.6(4)(a)(ii) of the SEPP prevents a consent authority from granting consent to development that contravenes a development standard unless the departure is demonstrated to be consistent with the objectives of the zone:

#### 4.6 Exceptions to development standards

(4) Development consent must not be granted for development that contravenes a development standard unless—

a. the consent authority is satisfied that—

...

(i) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

The site is zoned R1 General Residential. Clause 2.3 of the LEP provides the objectives of the R1 zone:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To enable other land uses that support the adjoining or nearby commercial centres and protect the amenity of the adjoining or nearby residential areas.

The proposed development will deliver 224 dwellings within an Accelerated Precinct as identified within the Transport Orientated Development Program, all within 900 metres of Bella Vista and Kellyville Stations respectively. The proposed development provides for an appropriate density commensurate with the planning framework and provides a diversity of housing types including family friendly apartments and multi-unit dwellings, supported by generous amenity including communal facilities and communal open space.

On this basis, the proposed development is considered to be consistent with the relevant objectives of the zone.

### 3.3.6 Exclusions to the Operation of Clause 4.6

#### 3.3.6.1 Certain Land

Clause 4.6(6) of the SEPP prevents a consent authority from granting consent to development that contravenes a development standard on certain land:

#### 4.6 Exceptions to development standards

(6) Development consent must not be granted under this clause for a subdivision of land in Zone E2 Environmental Conservation if—

- a. the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
- b. the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

None of the land is within this zone therefore this Clause is irrelevant to the consideration of this Clause 4.6 variation.

#### 3.3.6.2 Certain Development Standards

Clause 4.6(6) of the SEPP prevents the consent authority from granting consent to development that contravenes certain development standards:

#### 4.6 Exceptions to development standards

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

- a. development standard for complying development,

The Development Application is not for complying development therefore this Clause is irrelevant to the consideration of this Clause 4.6 variation.



### 3.3.6.3 Compliance with BASIX

Clause 4.6(6) of the SEPP prevents the consent authority from granting consent to development that contravenes BASIX commitments:

#### 4.6 Exceptions to development standards

(8) *This clause does not allow development consent to be granted for development that would contravene any of the following—*

...

- a. *a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*

The Development Application will not contravene any BASIX commitments.

### 3.3.6.4 Miscellaneous Permissible Uses

Clause 4.6(6) of the SEPP prevents the consent authority from granting consent to development that is for certain uses:

#### 4.6 Exceptions to development standards

(8) *This clause does not allow development consent to be granted for development that would contravene any of the following—*

...

- b. *clause 5.4.*

The Development Application is not for bed and breakfast accommodation, home businesses, home industries, industrial retail outlets, farm stay accommodation, kiosks, neighbourhood shops, roadside stalls or secondary dwellings therefore this Clause is irrelevant to the consideration of this Clause 4.6 variation.

## 4. Consent Authority

### 4.1 Local Planning Panels

The Hills is a Schedule 2 Council under the Local Planning Panels Direction.

The Development Application proposes a departure from the minimum lot size development standard by 60%. As such Council are unable to determine the Development Application and the matter will need to be dealt with by the Sydney Planning Panel as the development is regional development.

### 4.2 Concurrence of the Secretary

#### 4.2.1 Is Concurrence Required?

Clause 4.6(4)(b) of the SEPP requires the concurrence of the Secretary of the Department of Planning, Industry and Environment (the Secretary, formerly the Director General) to be obtained prior to the granting of consent for development that contravenes a development standard:

#### 4.6 Exceptions to development standards

(4) *Development consent must not be granted for development that contravenes a development standard unless—*

...

- c. *the concurrence of the Director-General has been obtained.*

Planning Circular PS 18-003 provides that all consent authorities may assume the Secretary's concurrence under Clause 4.6 however the assumed concurrence is subject to conditions.

#### 4.2.2 Concurrence Considerations

In assuming concurrence, Council must consider the matters that would have been considered by the Secretary.

##### 4.2.2.1 State or Regional Planning

Clause 4.6(5) of the SEPP provides for the consideration of any State or regional planning significance as a result of the departure from the development standard:

##### 4.6 Exceptions to development standards

*(5) In deciding whether to grant concurrence, the Director-General must consider—*

- a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*

Matters of significance for State and regional planning are most appropriately explored within the context of the planning strategies that guide the development of the State.

##### 4.2.2.1.1 A Metropolis of Three Cities – the Greater Sydney Region Plan

A Metropolis of Three Cities – the Greater Sydney Region Plan (the Region Plan) sets out a vision to rebalance growth more equally and equitably to residents across Greater Sydney.

The Region Plan was prepared concurrently with Future Transport 2056 and the State Infrastructure Strategy, aligning land use, transport and infrastructure planning to reshape Greater Sydney as three unique but connected cities.

The site is within the Central River City District and identified as an Accelerated Precinct within the Transit Orientated Development Program. In the context of the broader District, this departure from the development standard is insignificant.

##### 4.2.2.1.2 Central City District Plan

The District Plans for the Sydney Metropolitan area were finalised on 21 November 2016. They guide the implementation of A Metropolis of Three Cities – The Greater Sydney Region Plan across the five Districts that form the metropolitan area.

The Central City River District Plan (the District Plan) sets out a vision, priorities and actions for the development of the Central River City of Greater Sydney in which the site is located. The District Plan identifies the North Kellyville Precinct as part of the North West Growth Area. Planning Priority C5 of the District Plan seeks to provide housing supply, choice and affordability, with access to jobs, services and public transport.

The Development Application seeks to provide housing and in the context of the district, this departure from the development standard is insignificant.

#### 4.2.2.2 Public Benefit

Clause 4.6(5) of the SEPP provides for the consideration of the public benefit of maintaining the development standard:

##### 4.6 Exceptions to development standards

*(5) In deciding whether to grant concurrence, the Director-General must consider—*

...

- a. the public benefit of maintaining the development standard, and*

The departure from the development standard in this circumstance results in a comparable development outcome to a scenario if compliance had been achieved. The contravention of the development standard in this circumstance is the result of sensitively managing a significant level difference between Road No. 1 and the Communal Open Space area requiring a deep terrace at the entry way to enable an appropriate level transition. Accordingly, the terrace area encroaches within the 5-metre building setback noting that no part of the habitable areas of the dwellings sit within the setback area. The encroachment is unavoidable without significantly compromising the internal area of the multi unit dwellings.

As such the departure from the development standard can be considered as a unique circumstance rather than setting undue precedent given that it will not compromise the objectives of the development standard. In this regard, there is no public benefit in maintaining the development standard in this specific circumstance on this site as it would not result in the orderly development of land as intended by the zone objectives.

#### 4.2.2.3 Any Other Matters

Clause 4.6(5) of the SEPP provides for the consideration of any other matters:

##### 4.6 Exceptions to development standards

*(5) In deciding whether to grant concurrence, the Director-General must consider—*

...

- a. *the public benefit of maintaining the development standard, and*
- b. *any other matters required to be taken into consideration by the Director-General before granting concurrence.*

There are no further matters to be taken into consideration that have not already been identified in this report.

## 5. Conclusion

The assessment above demonstrates that compliance with the building setback development standard contained in clause 8.4 of the LEP is unreasonable and unnecessary in the circumstances of the case and that the justification is well founded. It is considered that the variation allows for the orderly and economic use of the land in an appropriate manner, whilst also allows for a better outcome from a planning perspective.

The contravention of the development standard in this circumstance is the result of sensitively managing a significant level difference between Road No. 1 and the Communal Open Space area / top of basement requiring a deep terrace at the entry way to enable an appropriate level transition to support a level building pad. Accordingly, the terrace area encroaches within the 5-metre building setback noting that no part of the habitable areas of the dwellings sit within the setback area. The encroachment is unavoidable without significantly compromising the internal area of the multi unit dwellings. In this regard, there are no viable interventions to avoid this development outcome nor would any intervention result in a better environmental planning outcome.

This clause 4.6 variation demonstrates that, notwithstanding the non-compliance with the minimum lot size development standard, the proposed development:

- Achieves the unstated intent of the development standard;
- Is in the public interest because it is consistent with the objectives of both the development standard and the R1 General Residential zone; and
- Is consistent with the Greater Sydney Regional Plan, District Plan and does not raise any matter of significance for State or Regional planning.

Accordingly, the variation to the building setback is minor and the proposed built form outcome will not result in undue environmental impact. The variation will result in a positive planning outcome as it will



facilitate the orderly development of the land. Overall, the proposal results in an opportunity to develop the site in a manner generally consistent with the intent of the LEP and DCP controls.

### 5.1 Recommendation


The consent authority can be satisfied that there is sufficient justification for the variation to the minimum lot size development standard as proposed in accordance with the flexibility afforded under Clause 4.6 of the LEP and therefore the variation should be supported.

## ATTACHMENT L – DESIGN ADVISORY COMMENTS



### DESIGN ADVISORY PANEL

#### DESIGN ADVISORY PANEL MEETING REPORT – 8<sup>th</sup> MAY 2024

<b>Item 3.1</b>	9.30am – 10.30am
<b>DA Number</b>	DA 308/2024/JP
<b>DA Officer</b>	Kate Clinton
<b>Applicant</b>	Landen Property Group Pty Ltd
<b>Planner</b>	James McBride, Orion Group
<b>Property Address</b>	40 Memorial Avenue, Bella Vista
<b>Proposal</b>	 <p>Residential flat development comprising 224 dwelling units over basement car parking.</p>
<b>Design review</b>	First review DA 22/11/23 Second Review DA 08/05/24
<b>Background</b>	The site has been reviewed by all Panel members.
<b>Applicant representative address to the Design Advisory Panel</b>	Architect name: James McCarthy Registration number: 10759
<b>Key Issues</b>	<p>Summary of key issues discussed:</p> <ul style="list-style-type: none"> <li>• Riparian zone interface and impact of future shared path.</li> <li>• Lack of extensive existing significant tree analysis within options for retention.</li> <li>• Encroachment of balconies and courtyard areas into setbacks common open space and resulting acoustic and amenity issues.</li> <li>• Address and main entry access to townhouse apartments blocks B1, C and D1.</li> <li>• Clarity on flood mitigation strategy - unclear if this is taken into consideration.</li> <li>• Through site link building typology and public domain treatment.</li> </ul>
<b>Panel Location</b>	Online meeting hosted by The Hills
<b>Panel Members</b>	<p><b>Chairperson</b> – Tony Caro</p> <p><b>Panel Member</b> - Stephen Pearse</p>

	<b>Panel Member - Keith Stead</b>
<b>Declaration of Interest</b>	None
<b>Councillors</b>	None present
<b>Council Staff</b>	Kate Clinton, Pau Osborne, Cameron McKenzie, Marika Hahn, Megan Munari, Andrew Johnston
<b>Other attendees</b>	Oscar Saunders - Landen Property Group Pty Ltd Shane Harding - Landen Property Group Pty Ltd James McCarthy – Director Turner Studio (Architecture) Theo Krallis - Associate Director – Turner Studio (Architecture) Brendon - Designer – Turner Studio (Architecture) Jame McBride – Director Orion Group (Planning) Ro Iyer – Land and Form (Landscape)

## GENERAL

The Hills Shire Council is committed to achieving design excellence in the built environment and ensuring new developments exhibit the highest standard of architectural, urban and landscape design. The Hills Shire Design Advisory Panel (The Panel) is an Independent Advisory Panel, approved by the Government Architect, that provides an opportunity for Applicants to receive expert design feedback on their developments and to provide comments to assist The Hills Shire Council in consideration of development applications.

**Note:** The Design Advisory Panel does not determine or endorse applications. The Design Advisory Panel provides independent design advice to Applicants and Council Officers.

## SUBJECT SITE BACKGROUND SUMMARY

The subject site is located in the Bella Vista Station Precinct. The site is isolated, with the immediate adjacent sites subject to SSDA controls and state government ownership. To the immediate north, the site is bound by Memorial Avenue, to the immediate East the site aligns Elizabeth Macarthur Creek riparian corridor. There is no established paved access in place to either the Bella Vista or Kellyville Metro Stations. Since the last Panel meeting the site encroachment into the Sydney Water boundary has been resolved.

## DOCUMENTATION

The Design Advisory Panel reviewed the following drawings issued to Council by the Applicant:

Architectural Plans, REV 0, dated 12/04/24, by Turner Studio

Civil Plans, REV F, dated 10/04/24, by Orion

ESD Summary letter, dated, by Turner Studio

Landscape Plans, REV 2, dated 10/11/23, By Land and Form

DAP Presentation, dated 08/05/24, by Turner Studio

DRP ( DAP) response, dated 15 April 2024, by Landen

## PANEL COMMENT

### DA 308/2024/JP, 40 Memorial Avenue, Bella Vista

The meeting commenced at 9.30am with the Applicant presentation and Panel questions clarifying changes. For clarity, the following minutes are based on the Panel's previous meeting report of 22 November 2023 (*repeated below in italics*). New comments do not necessarily supersede previous advice and as such should be read in conjunction with the previous DEP report. New comments from the meeting on 8<sup>th</sup> May 2024 are indicated in [blue](#).



## 1. Precinct planning and response to context

- *The submitted documents do not demonstrate how the proposal integrates with other new or proposed development in the immediate surrounds of the site, nor do they identify significant existing trees as part of the site planning analysis/options studies.*

New comment: The Panel noted that some information may still be required to be provided to council's Landscape officer and recommended this be provided in full prior to the DA submission.

- *The Panel notes that:*
  - *All existing trees appear to be cleared from the site.*

New comment: It is regrettable that the significant stand of existing mature canopy trees between building block A and the new road bridge over Elizabeth McArthur Creek is not retained.

New comment: The Panel recommends that further consideration be to the retention of the stand of trees or any trees to the west of building blocks D + C be made. Evidence should be provided of the alternative options explored to retain significant existing trees and that these have been discussed with the project arborist. The street setbacks and verges are specified to retain existing landscapes where practicable.



Source: NearMap

- *The submission lacks adequate information in regard to the surrounding SSDA sites and their specific urban design guidelines for built form, street design and urban character. Providing an example of how the proposed massing fits in with the precinct as a whole would be of value to the Panel.*
- *The response to Bella Vista Farm and its fine details is proposed as precedent for new buildings, however it is not clear how this has been translated into the architecture of the taller elements. The horizontal, 65 metre length building façade composition accentuates visual length and visual mitigation of this may be appropriate.*

New comment: The Panel is satisfied with the design direction of revised fenestration details, noting that these and other modifications have improved the visual appearance and address to the public domain generally.

- *A number of site challenges could be mitigated by lowering of the basement car parking, including rationalisation of some of the internal gradients and tunnels. The cross site link would work better if the original ground plane was followed. Refer drawing page DA- 310-101 Rev B.*

New comment: The Panel is satisfied with the revised lowered levels of the car park and assume that this has been resolved with flood level requirements.

New comment: The Panel is of the opinion that the design changes to the cross-site link presented May 08/05/24 have resulted in a significant improvement to residential amenity,

accessibility and public domain character of the cross-site link. These revisions result in an appropriate interface at the ground level between the building and the public domain. (THSC LEP 8.6, part 4, (b) (f)(x), (xii))

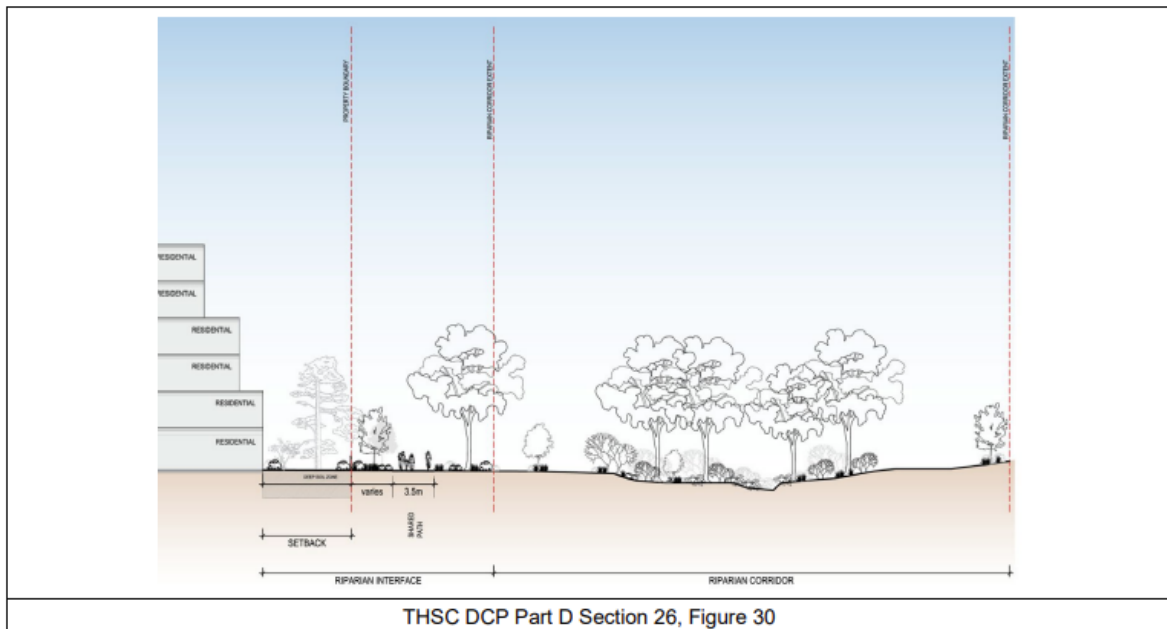
- *The North courtyard and COS would benefit by relocation of the at-grade loading dock/truck bay and driveway, with access from new link road/ bridge preferred (subject flood review and traffic input). It was noted that the traffic in this area is local only.*

New comment: The Panel accepts the Applicants advice that relocation of the at grade loading dock from the new road bridge is not achievable.

## 2. Site planning and built form strategy

- *The Panel recommends no encroachment of built form into the Riparian corridor setback be allowed, and adherence to the DCP Riparian Interface section shown in the following.*

New comment: This comment remains relevant.



- *The Panel recommends compliance with setbacks where they are not following DCP Part D Section 26 (DCP) controls. The setbacks retain an appropriate landscaped visual interface with the riparian corridor, and support security for residents by providing separation to the public walkway. The provision of defensible space mitigates crime and provides a greater sense of security for both residents and users of the public walkway.*

New comment: This comment remains relevant. The Panel noted the proposed 1:3 batter is confronting and that other measures to mediate the level change should be considered.

- *The norther terraces are particularly close to the public walkway and would benefit for greater separation to the park edge for privacy and amenity of the public domain.*

New comment: This comment remains relevant.

- *The southern portion of landscape open space should be considered as an integrated part of the development, noting that solar access to communal open space may be deficient when this space is not included, as shown in the following sun eye diagrams. The presentation to DRP notes this southern open space is to be submitted as a separate DA. This also challenges the targeted 35% tree canopy provision and the ability to meet site coverage and communal open space provisions. The Panel recommends further detail of these calculations be provided to Council staff.*

New comment: This comment remains relevant.



- *The town house forms are presently limited in number, and free-standing. They would be more successful if also extended to be integrated into lower levels of the tower blocks along the property edges.*

New comment: The Panel commends the Applicant on development of the design, and suggests that further fine tuning of the access to some of these dwellings be undertaken. The design changes including reinforcement of the fine grain appearance and integration of the terraces into the development blocks improves the massing and modulation of the buildings and provides a more human scaled interface to the public domain. (THSC LEP clause 8.6 part 4 (b) f (iv, v).

- *The through site link would benefit if this typology was introduced into the link, comprised of two storey terrace style units with upstairs bedrooms. The façades could provide a scale change, more eyes on the link, front garden accessibility to this area, and a distinctive mews style typology into the development.*

New comment: This comment remains relevant. The Panel suggested that a more urban character might benefit the cross-site link, whilst noting its support of the green fingers extending from the riparian corridor through the development. (THSC LEP clause 8.6 part 4 (b) f (iv, iv, v). It is more a question regarding the layout, materiality and furnishing – a more direct connection with the feel of a green urban connection should be considered.



Sun eye diagrams provided by Applicant, Architectural DA submission DA 710-010.pdf pg. 36/79 presentation 22/11/13

- *The Panel considers that the southern portion of landscape open space is not well utilised and recommends rotating south wing of Block A to better respond to the alignment of the proposed new road. This would enlarge and open up the central open court area, thereby providing more useable common open space, and improved solar access and residential amenity in a courtyard area that is presently dominated by the on-grade large vehicle loading and waste/storage removal facility.*

New comment: The Panel supports the revised design combining the loading dock with carpark entries. This mitigates the noise and acoustic issues that would otherwise impact upon residential amenity in building blocks A+B, and has resulted in a slightly enlarged useable common open space area that will enhance residential amenity.

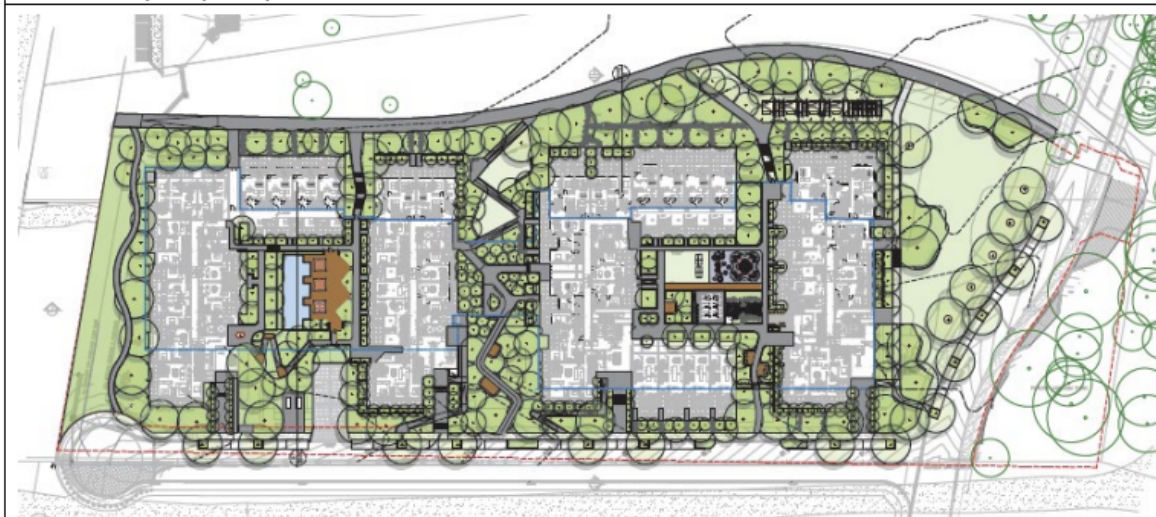


The consolidation of the driveways provides a much improved street interface and public domain and gives effect to THSC LEP 2019 CL. 8.6 Part 4(b) (e).

New comment: The Panel notes the advice provided as to why rotation of south wing of building Block A is constrained by the requirement to relocate indigenous artefacts to a suitable location, and that this has been confirmed in consultation with the relevant cultural advisors.



Landscape masterplan, by Applicant, indicative development block rotation illustrated with expanded communal open space. presented 22/11/23



Landscape masterplan, by Applicant, presented 08/05/24

### Bulk, Scale and Massing

- *The central court and its common areas are largely in shade as a result of the bulk and mass of the development. Adherence to setback controls would provide greater solar access into the communal open space courtyard areas.*  
 New comment: This comment remains relevant.
- *The Panel recommends that all areas of the public and communal domain (including internal courtyard areas and the shared access way) demonstrate a more response to human scale through fine grained architecture as described in the DCP. Refer DCP Part 5.4 Control 5.*  
 New comment: This recommendation has been addressed.
- *The DCP also specifies setbacks to, mitigate the visual bulk, mass and scale of the development and its public domain interface. The Panel recommends these controls be followed.*

New comment: This comment remains relevant.

- The Panel recommends expansion of the terrace typology as noted above.

New comment: This recommendation has been addressed.

#### Site Coverage/ Landscaped Open Space

- Finalised site coverage, Landscape open space, Communal Open Space, and Deep Soil Zone (DSZ) to be provided to the Council's Landscape and DA Officers satisfaction and comply with the minimum requirements in the ADG (e.g. 6m width and no paving or structures). The minimum ADG requirements in calculating COS is likely to result in some landscaped areas not being able to be counted as COS.

New comment: This comment remains relevant. It is noted that some areas identified on the landscape drawings as Landscape Areas, Communal Open Space and Deep Soil do not appear to meet the relevant definitions due to inadequate width etc.

- The Proposed compliance diagram (page 62) of the Architectural report indicates communal open space located in setback and thoroughfare areas. These setback and narrow thoroughfare areas are not to be counted as Communal Open Space, as per ADG definition.

New comment: This comment remains relevant.

- The impact of the loading area and adjacent substation on the South courtyard and COS has fragmented the space from the street to accommodate the truck bay.

New comment: The Panel recommendation has been undertaken and a more appropriate provision of communal open space has been provided.

### **3. Compliance**

#### Height

- The application presented on 22/11/23 appears to achieve height compliance.

New comment: The application as presented on 08/05/24 appears to achieve height compliance.

#### Density

- Compliance with the LEP FSR controls is required. If the incentivised FSR provisions in LEP cl.9.7 are sought by the Applicant, compliance must be confirmed to Council's satisfaction.

New comment: This comment remains relevant. This is a decision for Council, however the Panel is of the opinion that the FSR afforded by the current controls has resulted in a high-quality built form outcome appropriate to the site location.

#### Setbacks

- All ADG minimum separations and DCP boundary setbacks should be complied with (including basements and balconies)

New comment: This comment remains relevant. The Panel advises that any application for a large greenfields site with a relatively low FSR should be able to present a scheme that is fully compliant with all setback requirements.

- As noted previously encroachment of the development blocks into the setback zones and riparian corridor adversely impacts on the aesthetic, environmental and landscape qualities of these frontages. The Panel recommends the proposal be amended so that these encroachments do not occur.

New comment: This comment remains relevant, the Panel notes that there are still some setback encroachments and advises that the DCP controls and ADG minimum criteria should be applied. Encroachment into the riparian corridor setback is not supported.

#### Apartment Mix and Building Design

- For buildings of this height lift access and distribution should ensure that when a single lift is out of operation residents have alternative access to their front door.

New comment: This comment remains relevant.

- The Panel is generally supportive of the floor plan layouts including provision of additional and storage space in a number of units.



New comment: No further comment.

- *The Panel noted that the SEE states solar amenity is not ADG compliant. The Applicant suggested this may be in error and that ADG can be achieved. The Applicant should confirm that the Section 2.19 Solar Amenity Summary table on page is based on solar access calculations pertaining to June 21<sup>st</sup>.*

New comment: An updated SEE was not provided. The Panel notes this is a relatively unconstrained greenfield site that should achieve ADG compliance.

#### **4. Landscape Design.**

##### Public Domain

- *The Panel does not support the extent of established tree removal adjoining and within the public domain. Established healthy native trees should be identified by an arborist report and retained through a stronger effort to integrate the scheme with existing site topography. The documentation and report are not consistent on which trees are being retained. The Panel suggests and emphasis of green infrastructure in keeping with the Government architect publication, 'Greener Places', the Hills Garden Shire vision and the Greater Sydney Region Plan broader landscape and tree canopy objectives.*

New comment: This comment remains relevant. Evidence should be provided of the alternative options explored to retain significant existing trees and that these have been discussed with the project arborist. The landscape drawings should clearly identify trees to be removed and retained with reference to the tree numbers from the arborist's report.

New comment: The Panel notes that the Applicant is proposing that a 35% canopy cover. This is particularly important for Sydney's western suburbs, that now experience significantly higher temperatures in summer compared with the Sydney mean average temperature. Where trees are proposed on structure, the Applicant should ensure that there is adequate soil volume in planters to support the trees to achieve the mature canopy sizes noted and assumed in the canopy cover area.

- *15% Deep Soil on sites in excess of 1500sqm is the minimum recommended provision in accordance with ADG guidelines. Deep Soil Calculation to be confirmed with Council's landscape officer. It is noted that narrow areas (less than 6m) have been calculated as Deep Soil on drawing DA 740 030, which is not meeting the requirements of the ADG.*

New comment: This comment remains relevant. All calculations are to be provided to Council's Landscape officer. The Panel notes that the site area noted on the landscape plans differs from that noted on the architectural plans – this should be clarified. The Panel notes that the Applicant has sought to keep the setbacks relatively unencumbered, this will enable the opportunity for canopy trees and landscaping to become established.

- *Refer to ADG guidelines for medium to large tree provision requirements in deep soil zones, as it appears these requirements are not met.*

New comment: This comment remains relevant. The Applicant should ensure that deep soil zones are utilised for large sized tree planting which cannot be located in smaller raised planters on structure and that the number and size of trees is appropriate for the soil volumes provided.

- *Refer to ADG guidelines for minimum soil depths for medium to large trees over structure as it appears these provisions are not met. For example, drawing DA -301-101, does not show deep soil in the cross sections and the trees illustrated do not have the required soil depth.*

New comment: The Applicant is commended on providing soil depths for planters on structure on the landscape plans. However, the soil volumes in planters on structure should also be noted on the landscape plans and any tree planting proposed should meet the soil volume requirements in the ADG guidelines.

- *A significant proportion of the street frontage is taken up by hard surfaces and services, which is not in keeping with the desired future character of the precinct. In particular, the surface grade truck loading dock areas adversely impacts upon the visual amenity of the streetscape and uses half of the common open space that should be apportioned to the large residential population planned.*



New comment: This comment remains relevant. The Panel notes the reduction in vehicular entries and that this has improved the visual appearance and pedestrian accessibility of the street frontage.

- *The Panel notes this is inconsistent with DCP part 5.4 Control 11. Vehicular entries are to be integrated into the development block and not occur in the vegetated setback zones or between development blocks.*

New comment: the Panel notes this has been resolved.

- *Landscape architectural and engineering drawing sets are to be coordinated. All drainage and OSD tank locations should be clearly identified so that tree retention is able to be maximised. Further detail on the northern drainage works to be provided and outlining potential tree planting in this area.*

New comment: The Panel notes the civil drawings use cartridges only for stormwater treatment. This is a missed opportunity to integrate WSUD into the landscape design. There appears to have been limited coordination and integration of the civil design with the landscape design, including opportunities for alternative solutions to standard approaches to civil design with an improved outcome in terms of WSUD and site grading.

- *The Panel recommends a whole of site integrated approach to the Landscape with attention paid to the private areas and the public areas so that these realms are clearly defined through landscape treatments and circulation patterns.*

New comment: The Panel commented that it appears that there is still opportunity to retain some of the established trees namely 82 and 83 in the open space area south of Building A that are marked up for removal. The levels do not appear to be too onerous for tree retention and the Panel suggests that an alternative solution to standard road batters might enable these trees to be retained. Established trees greatly improve the overall feeling and quality of residential developments. The Applicant noted that the retention of these trees had been explored but should either provide evidence of these explorations and the arborists advice or further reconsider the earthworks to enable their retention to the satisfaction of the arborist.

- *The Panel advised that the public right of way must be clearly defined, and the private realm needs to be developed to ensure the residents feel safe and the general public are clear as to the purpose of the path.*

New comment: This comment remains relevant. Refer to Panel comments above.

- *The large extent of blank walls facing the public central space is unsatisfactory, and a fine-grained address to this space would result in a more resolved urban design solution.*

New comment: The Panel notes this has been resolved.

- *The Panel advised the Applicant to maximise the useable space within the illustrated site boundary (Figure 2) as some portions of the site appear ill defined and appear as indeterminate residual area.*

New comment: This comment remains relevant.

New comment: The Panel notes that a number of species in the Planting Schedule identified as Native are actually Exotic. The Applicant should check and correct these prior to DA submission.

New comment: The Panel notes that some planted areas on structure have only 400mm soil depth (e.g. on top of the basement entry) whereas minimum 450mm soil depth is required under the DCP. The Applicant should ensure that minimum soil depth requirements are achieved for all planting areas.

New comment: The Panel notes that some raised planters on structure with proposed trees are very narrow. The Applicant should check planter widths to ensure that the proposed tree planting is viable and will achieve adequate mature size, The volume of all planter on structure should be noted on the landscape plans.

#### Private Domain

- *High quality communal open space design is essential for a project of this size, in keeping with the place-making principles of generous and quality places outlined in the DCP. The open/paved loading dock adversely impacts upon the function and use of the communal open space and the amenity of the overlooking residences. The Panel notes that the DCP Part D Section 26*

New comment: The Panel notes this has been resolved.

- *There appears to be opportunity to increase the size of the Northern courtyard with an alternative arrangement of the frontage in that area.*

New comment: The Panel notes the courtyard treatment has been refined.

- *Although supportive of the inclusion of a swimming pool, it is noted that the pool area in the northern courtyard encompasses a majority of that space and the proportion of unstructured area should be increased.*

New comment: This comment remains relevant.

- *The public domain and adjoining deep soil zones require more generous mature tree plantings.*

New comment: The Panel acknowledges additional detail provided. Applicant is to confirm that tree plantings on structure have the necessary soil volumes required under the ADG by noting soil volumes for all planters on structure on the landscape plans.

- *The Panel does not consider setback zones to be considered as communal open Space.*

New comment: This comment remains relevant.

## 5. SEPP 65 items to be clarified or revised:

### Apartment Design Guide

ADG compliance is yet to be adequately demonstrated in a number of key areas. The Panel noted that this is a greenfield site with minimal impacts from adjacent development. Therefore ADG requirements should be fully satisfied as a minimum, in order to be considered for design excellence.

The Panel recommends that additional information be provided to demonstrate that the development is meeting the objectives and design criteria in all relevant parts of the ADG. Specific items as noted at the meeting were:

- *Building separation internally and to boundaries.*

New comment: The Panel notes that the relocation of townhouse blocks B1 and D1 has resolved one of the main separation matters. However as noted previously POS intrusions within setbacks to the west Block B1 and C onto the riparian setback are not supported. Minor intrusion of POS into the street setbacks on the east Block B2 may be considered subject to Council acceptance of DCP breach, that it is limited to 4 townhouses, and the extent of encroachment does not detract from the creation of a legible public domain, and provides generous public and landscape amenity.

- *Cross privacy between units facing into the courtyard and between lower levels of main blocks and town houses where balconies are adjacent town house habitable areas.*

New comment: The Panel notes that this has generally been resolved. There may be some privacy issues adjacent pool and COS area between POS for D, D1 and C lower levels as this area has recently changed within the design. It is likely that these can be resolved with appropriate screening/planting as the design develops. Provide additional information to Council satisfaction.

- *Calculation of deep soil provision.*

New comment: As noted above in Landscape this item requires clarification.

- *Solar access to communal open space at ground level.*

New comment: The Panel notes that this appears to be resolved.

- *Solar access compliance to ADG definition to be confirmed with planner. The Panel notes that the Section 2.19 Amenity Summary solar does not state that these diagrams and summary are for June 21st.*

New Comment: The Panel notes that this has been resolved within drawings and recommends that all reports be updated for any inconsistencies.

- *South facing unit compliance to be confirmed with planner.*

New comment: This comment remains relevant.

- *Natural Cross ventilation compliance to ADG definition to be confirmed with planner.*

New comment: This comment remains relevant.



New comment: The carpark exhaust was indicated at ground level and impacting the public domain. The Panel considers that the exhaust from the car park should not be ducted into the public domain areas such as communal open space or where residents may be impacted. General advice from the Panel is that exhaust should only occur in areas where there is not going to be a conflict of function and residential amenity, or otherwise be ducted to roof of the building. The Panel advises the current scenario does not achieve consistency with the ADG Design Criteria 4J Noise and pollution and should be resolved prior to DA submission.

#### Additional Items

- *Ensure exposed windows are adequately shaded. There are large glass areas on most facades with limited shading, other than balconies. Shading should be developed as a response to the varying conditions on each façade.*

New Comment: The Panel notes that the design includes a combination of large and smaller horizontal projections for solar protection on the different orientations. While in many instances this appears to be adequate there is insufficient detail to determine the adequacy of this projection on all facades. It is recommended that additional detail describing protection and projection be included to Council satisfaction.

- *Access provisions in event of a lift being out of service.*
- *Adequate storage in kitchen areas for 3 bedroom and 2 bedroom apartments taking into consideration the prevailing LGA family demographics.*

New comment: The above comments remain relevant, in particular the provision of adequate storage and food preparation space in apartments larger than 1 bedroom.

New Comment: The main access point and entry to Townhouses Blocks B1, C, and D1 facing riparian corridor is not resolved. What appears to be main entry at carpark/loading dock level offers poor amenity and lack of light and ventilation within corridors or the carpark area. Alternative entry address may be resolved at next level from courtyards, however for emergency, deliveries and regulatory compliance, this needs to be clarified and captured within clear wayfinding.

#### **6. Sustainability and Environmental amenity**

- *Although not discussed at the meeting, achieving a high level of environmental sustainability and amenity in an increasingly denser and hotter western Sydney is a key challenge for the Showground precinct.*

New comment: This comment remains relevant. Noting the Bella Vista precinct as with all the station precincts will dramatically change the portion of soft landscape to hard surfaces increasing the urban heat impact above an already hotter climate range.

- *Beyond satisfying ADG requirements, the Panel recommends that this proposal is reviewed by the Applicant with a sustainability engineer and a report prepared that demonstrates how an appropriate suite of passive and active environmental strategies have been integrated into the design of the scheme.*

New comment: This comment remains relevant

- *The Kellyville Bella Vista Precinct LEP cl. 8.6 and THSC DCP Part D section 26 make multiple references to the need for ESD principles to guide the design of new developments as listed below. As noted above this fundamental requirement for achieving design excellence has yet to be adequately addressed in the design submission.*
- *DCP Part 4.6 **Control 4.** 4. Sun shading is to be provided appropriate to orientation for glazed portions of facades. Large areas of north and west glazing appear to have minimal sun protection.*

New comment: This comment remains relevant. Applicant to provide shading details to Council's Development Assessment officer.

- *DCP Part 4.6 **Control 7.** Building designs are to: - Maximise the use of natural light and cross ventilation. Further to previous comments related to loading dock location it is recommended that the impact of this dock be considered with respect to natural cross ventilation for nearby apartments.*

New comment: This comment is no longer relevant.



## 7. 7. Architecture and Aesthetics

- *The single architectural treatment proposed for building facades accentuates the bulk and scale of the development. For a development of this size a more varied approach should be considered, which includes the town house typology, breaks in the upper level balconies and potential for sun shading.*

New comment: The Panel is satisfied with the general direction of the developing façade articulation and proposed materiality. (DA officer to condition the materials proposed to ensure quality is maintained)

- *A more diverse architectural approach could be considered for some of the built form, to break down the overall perception of the development's size and to introduce variety, fine grain and human scale into the precinct.*

New comment: The Panel is satisfied with the revised architectural approach, including integration of townhouses and use of face brickwork at lower levels.

- *As noted, the Panel recommends more design attention be given to addressing the riparian corridor for the larger building blocks so that the terraces are not so isolated.*

New comment: This comment is no longer relevant. This matter has been partially resolved. However, the Panel commented on the landscape interface noting that the 1:3 batter in places was potentially extreme and difficult to establish and maintain planting on. Some moderating landscape treatments such as terracing using stone blocks or boulders might soften this interface without compromising residential privacy and safety, or significantly reducing deep soil.

- *The Panel recommends that the materials in the renderings be more clearly specified and conditioned by the DA officer.*

New comment: This recommendation has been addressed.

- *All utility services elements in the public domain are to be suitably screened and integrated into the building fabric. Detailing of services screening to be a DA condition or prior to consent subject to DA officer requirement.*

New comment: This comment remains relevant.

## 8. 7. Documentation

The Panel notes that the documentation is not at a final DA level that is required for assessment, as follows:

- *Provide an acoustic report that addresses noise impacts of the loading dock and truck movement of the open court area between development blocks A and B.*

New comment: This comment is no longer applicable due to design changes.

- *Provide a statement how the Design Objectives and Criteria of ADG Parts 4H and 4J are met.*

New comment : This should be provided in the revised Statement of Environmental Effects.

- *Document structure and slab set downs for deep soil, swimming pool and trees in all cross sections accurately. Refer ADG Part 4P.*

New comment: This comment remains relevant.

- *Clarity on the full extent of tree removal, and response to Panel comments above.*

New comment: This comment remains relevant.

- *Provide sections that clearly describe the interface between development block D and the new proposed road adjacent.*

New comment: This comment remains relevant.

- *Provide levels of the proposed park adjacent the new road.*

New comment: This comment remains relevant.

- *A statement that all flood potential impacts have been assessed and addressed. The Panel is unclear of the status of this and the impact it may have on design changes at a later stage.*

New comment: This comment remains relevant.

- *This matter should be addressed in an updated design proposal addressing matters raised in this report so that it can be presented to the Panel as a finalised DA.*

New comment: This comment remains relevant.

- *Inclusion of studies that demonstrate review of the alternatives raised including reorientation of building A, relocation of dock and truck bay, adjustment to north courtyard, inclusion of more town house types, car park levels /ramps.*

New comment: This comment is no longer applicable due to design changes.

- New comment: Provide soil volumes for all planters on structure.
- New comment: Add tree numbers for all existing trees to be retained/removed in accordance with the arborist's tree assessment schedule.

## UPDATED SUMMARY OF PANEL RECOMMENDATIONS

- *That this report in its entirety be presented the determining authority.*
- *Revise the building envelope as required to comply with building setbacks.*
- *Amend courtyard encroachments from all setbacks and provide more substantial landscaping.*
- *Updated: Aim to provide more urban cross-site pedestrian access and stronger links with main street.*
- *Improve solar access to the ground level courtyard area.*
- *Ensure common facilities and related spaces are appropriate to the size of the development.*
- *Updated: Continue to develop articulation and diversity of architectural expression between lower and upper levels and between development blocks.*
- *Provide external solar shading to exposed windows.*
- *Ensure wind conditions are appropriate to outdoor spaces and meet wind consultant recommendations.*
- *New comment: Undertake further investigation into options to retain additional significant trees. Provide evidence of design explorations undertaken to retain additional existing trees including tree numbers 82 & 83 with further advice from the arborist to support the current tree removal strategy.*
- *Sign off from both the Council Landscape DA officer and relevant Manager of Vegetation works is required for the removal of any trees over 3m in height in the street and building setback areas.*
- *Street front utility service elements are to be integrated into building fabric and landscape to the satisfaction of Council.*
- *Vehicular access should be consolidated and wholly contained within a building footprint.*
- *New comment: Resolve Block B1 and D1 townhouses main entry address points for emergency, deliveries and regulatory compliance.*
- *New comment: Resolve any privacy issues around pool/COS and adjacent POS areas to blocks D, D1 and C lower levels.*


*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 yet satisfy the requirements of design excellence. It is recommended that the Applicant addresses the issues identified in this report and presents a revised application to the Panel.*

New comment: The Panel offers qualified support for the proposal as presented to the meeting, provided that matters raised in this Report are addressed to the satisfaction of Council. If Council Officers are satisfied with the revised scheme submitted for consent, the Applicant need not return to the Panel.

## ATTACHMENT M – APPLICANT'S RESPONSE TO DRP

Item	Council/Authority Comment – Original (November 2023)	Council/Authority Comment – New (May 2024)	Landen Response	Images and Diagrams
1	The submitted documents do not demonstrate how the proposal integrates with other new or proposed development in the immediate surrounds of the site, nor do they identify significant existing trees as part of the site planning analysis/options studies. The Panel notes that:	New comment: The Panel noted that some information may still be required to be provided to council's Landscape officer and recommended this be provided in full prior to the DA submission	Revised Arborist Report has been provided with new submission. This expands on new road alignment from previous report.	
(a)	All existing trees appear to be cleared from the site.	New comment: It is regrettable that the significant stand of existing mature canopy trees between building block A and the new road bridge over Elizabeth McArthur Creek is not retained. New comment: The Panel recommends that further consideration be to the retention of the stand of trees or any trees to the west of building blocks D + C be made. Evidence should be provided of the alternative options explored to retain significant existing trees and that these have been discussed with the project arborist. The street setbacks and verges are specified to retain existing landscapes where practicable.	the Panels comments are noted, however due to ponding effects and grading requirements to ensure the site is accessible and usable, the project arborist has advised the trees north of Road 2 would not survive in their existing conditions. The circled trees sit within the road alignment that is both stamped under the SSDA for Landcom's Bella Vista metro precinct development and is shown in the DCP. Great care has been taken to ensure orderly development and integration of designs between Landcom and Landcom to ensure the ultimate roads and infrastructure for the precinct is cohesive. As such, the trees in the noted location must be removed to facilitate construction.	 Source: NearMap
(b)	The submission lacks adequate information in regard to the surrounding SSDA sites and their specific urban design guidelines for built form, street design and urban character. Providing an example of how the proposed massing fits in with the precinct as a whole would be of value to the Panel.			
(c)	The response to Bella Vista Farm and its fine details is proposed as precedent for new buildings, however it is not clear how this has been translated into the architecture of the taller elements. The horizontal, 65 metre length building facade composition accentuates visual length and visual mitigation of this may be appropriate	New comment: The Panel is satisfied with the design direction of revised fenestration details, noting that these and other modifications have improved the visual appearance and address to the public domain generally.	Noted	
(d)	A number of site challenges could be mitigated by lowering of the basement car parking, including rationalisation of some of the internal gradients and tunnels. The cross-site link would work better if the original ground plane was followed. Refer drawing page DA-310-101 Rev B	New comment: The Panel is satisfied with the revised lowered levels of the car park and assume that this has been resolved with flood level requirements. New comment: The Panel is of the opinion that the design changes to the cross-site link presented May 08/05/24 have resulted in a significant improvement to residential amenity, accessibility and public domain character of the cross-site link. These revisions result in an appropriate interface at the ground level between the building and the public domain. (THSC LEP 8.6, part 4, (b) (f)(x), (xii))	Noted	
(e)	The North courtyard and COS would benefit	New comment: The Panel accepts the Applicants	Noted	





	setbacks retain an appropriate landscaped visual interface with the riparian corridor, and support security for residents by providing separation to the public walkway. The provision of defensible space mitigates crime and provides a greater sense of security for both residents and users of the public walkway	level change should be considered.		
(c)	The northern terraces are particularly close to the public walkway and would benefit for greater separation to the park edge for privacy and amenity of the public domain	New comment: This comment remains relevant.	In discussion with council, the location for the shared path is evolving and not set. As such the location on plan is to be shown as indicative only with detail to be provided by council once appropriate. The shared path is a council asset under the Contributions plan No. 18 and will be delivered by Landen if the designs are finalised, otherwise council will deliver this asset.	
(d)	The southern portion of landscape open space should be considered as an integrated part of the development, noting that solar access to communal open space may be deficient when this space is not included, as shown in the following sun eye diagrams. The presentation to DRP notes this southern open space is to be submitted as a separate DA. This also challenges the targeted 35% tree canopy provision and the ability to meet site coverage and communal open space provisions. The Panel recommends further detail of these calculations be provided to Council staff.	New comment: This comment remains relevant.	Confirmation to be sought with respect to whether the identification of the 'southern portion of landscape open space' refers to the area north of Road No. 2 Or south of Road No. 2. The area north of Road No. 2 is included within the Site Area and has been integrated into the overall landscape design scheme and will play a significant role in providing landscape curtilage to Building A. The area south of Road No. 2 has been identified as open space which will be integrated with the open space outcomes driven by Landcom. This area is to be acquired by Council for open space as identified within the Contribution Plan.	
(e)	The town house forms are presently limited in number, and free-standing. They would be more successful if also extended to be integrated into lower levels of the tower blocks along the property edges	New comment: The Panel commands the Applicant on development of the design, and suggests that further fine tuning of the access to some of these dwellings be undertaken. The design changes including reinforcement of the fine grain appearance and integration of the terraces into the development blocks improves the massing and modulation of the buildings and provides a more human scaled interface to the public domain. (THSC LEP clause 8.6 part 4 (b) f (iv, v))	Noted	
(f)	The through site link would benefit if this typology was introduced into the link, comprised of two storey terrace style units with upstairs bedrooms. The façades could provide a scale change, more eyes on the link, front garden accessibility to this area, and a distinctive mews style typology into the development	New comment: This comment remains relevant. The Panel suggested that a more urban character might benefit the cross-site link, whilst noting its support of the green fingers extending from the riparian corridor through the development. (THSC LEP clause 8.6 part 4 (b) f (iv, v)). It is more a question regarding the layout, materiality and furnishing – a more direct connection with the feel of a green urban connection should be considered	Landen is of the opinion that a green link as is shown on our plans provides greater relief from urbanised areas and is more in line with the overall development strategy of the Hills Shire Council. However, we will work with council in defining the best use of this site link. To note, the link provided includes pathways and gathering areas for residents and public to access the riparian through the site.	

<p>(g)</p>	<p>The Panel considers that the southern portion of landscape open space is not well utilised and recommends rotating south wing of Block A to better respond to the alignment of the proposed new road. This would enlarge and open up the central open court area, thereby providing more useable common open space, and improved solar access and residential amenity in a courtyard area that is presently dominated by the on-grade large vehicle loading and waste/storage removal facility</p>	<p>New comment: The Panel supports the revised design combining the loading dock with carpark entries. This mitigates the noise and acoustic issues that would otherwise impact upon residential amenity in building blocks A+B, and has resulted in a slightly enlarged useable common open space area that will enhance residential amenity. The consolidation of the driveways provides a much improved street interface and public domain and gives effect to THSC LEP 2019 CL 8.6 Part 4(b) (e). New comment: The Panel notes the advice provided as to why rotation of south wing of building Block A is constrained by the requirement to relocate indigenous artefacts to a suitable location, and that this has been confirmed in consultation with the relevant cultural advisors.</p>	<p>closed</p>	 <p>Landscape masterplan by Applicant, indicative development block rotation illustrated with expanded communal open space, presented 22/11/23</p>  <p>Landscape masterplan by Applicant, presented 08/05/24</p>
<p>(h)</p>	<p>The central court and its common areas are largely in shade as a result of the bulk and mass of the development. Adherence to setback controls would provide greater solar access into the communal open space courtyard areas.</p>	<p>New comment: This comment remains relevant.</p>	<p>As shown on the comparison of the before and after the stepping form has minimal impact on the COS solar. The stepped facades are stipulated on street frontages. Being an unconventional site with no true street wall frontage. Nonetheless the stepped forms have been applied but due to the aspect and orientation the COS remains unaffected. Aside from this the COS has a compliant ADG percentage of Solar Access at &gt;50% see drawing DA-740-020. Refer to SK01 and SK02 of DRP Matrix pack dated 31/05/24 for further information and diagrams</p>	 <p>LANDSCAPE MASTERPLAN</p>



				
(i)	The Panel recommends that all areas of the public and communal domain (including internal courtyard areas and the shared access way) demonstrate a more response to human scale through fine grained architecture as described in the DCP. Refer DCP Part 5.4 Control 5.	New comment: This recommendation has been addressed	Closed	
(j)	The DCP also specifies setbacks to mitigate the visual bulk, mass and scale of the development and its public domain interface. The Panel recommends these controls be followed.	New comment: This comment remains relevant	Refer to SK03and SK04 of DRP Matrix pack dated 31/05/24 for further information and diagrams. The Building B terraces have been setback 3m from the boundary and Building D Townhouses are 5m from the Riparian zone. Encroachment has been limited to landscaped facade or soft landscaping generally as a means of aligning with council recommendation on setback treatment.	 


					
					
(k)	The Panel recommends expansion of the terrace typology as noted above	New comment: This recommendation has been addressed.	Closed		

(l)	Finalised site coverage. Landscape open space, Communal Open Space, and Deep Soil Zone (DSZ) to be provided to the Council's Landscape and DA Officers satisfaction and comply with the minimum requirements in the ADG (e.g. 6m width and no paving or structures). The minimum ADG requirements in calculating COS is likely to result in some landscaped areas not being able to be counted as COS	New comment: This comment remains relevant. It is noted that some areas identified on the Landscape drawings as Landscape Areas, Communal Open Space and Deep Soil do not appear to meet the relevant definitions due to inadequate width etc.	Provided in Amended DA Documentation. Refer to LD-DA002. All deep soil is shown as minimum 6m wide, all other landscaped areas calculated are as per DCP 2min wide and within 1m of natural ground RL.	
(m)	The Proposed compliance diagram (page 62) of the Architectural report indicates communal open space located in setback and thoroughfare areas. These setback and narrow thoroughfare areas are not to be counted as Communal Open Space, as per ADG definition.	New comment: This comment remains relevant.	TURNER have amended to show no communal space in areas regarded as thoroughfares. Additionally, any area less than 6m in depth has been omitted, note the ADG notes minimum depths of 3m. Even with these amendments the provision of Communal Open Space far exceeds the ADG requirements. Refer to SK05 of DRP Matrix pack dated 31/05/24 for further information and diagrams	
(n)	The impact of the loading area and adjacent substation on the South courtyard and COS has fragmented the space from the street to accommodate the truck bay.	New comment: The Panel recommendation has been undertaken and a more appropriate provision of communal open space has been provided.	closed	
3(a)	Height The application presented on 22/11/23 appears to achieve height compliance	New comment: The application as presented on 08/05/24 appears to achieve height compliance.	closed	
(b)	Density Compliance with the LEP FSR controls is required. If the incentivised FSR provisions in LEP cl9.7 are sought by the applicant, compliance must be confirmed to Councils satisfaction	New comment: This comment remains relevant. This is a decision for Council, however the Panel is of the opinion that the FSR afforded by the current controls has resulted in a high-quality built form outcome appropriate to the site location.	A compliant FSR of 1:1 is achieved on this project with the revised plans. Refer architectural plans.	
(c)	Setbacks All ADG minimum separations and DCP boundary setbacks should be complied with (including basements and balconies) as noted previously encroachment of the development blocks into the setback zones and riparian corridor adversely impacts on the aesthetic, environmental and landscape qualities of these frontages. The Panel recommends the proposal be amended so that these encroachments do not occur	New comment: This comment remains relevant. The Panel advises that any application for a large Greenfields site with a relatively low FSR should be able to present a scheme that is fully compliant with all setback requirements.  New comment: This comment remains relevant. The Panel notes that there are still some setback encroachments and advises that the DCP controls and ADG minimum criteria should be applied. Encroachment into the riparian corridor setback is not supported.	A compliant FSR of 1:1 is achieved on this project with the revised plans. Refer architectural plans.	
(d)	Apartment Mix and Building Design For buildings of this height, limit access and distribution should ensure that when a single limit is out of operation residents have alternative access to their front door.  The Panel is generally supportive of the floor plan layouts including provision of additional and storage space in a number of	New comment: This comment remains relevant.  New comment: No further comment  New comment: An updated SEE was not provided. The Panel notes this is a relatively unconstrained greenfield site that should achieve ADG compliance	Connection to alternate lift cores is provided within the basement and via alternate fire stairs	


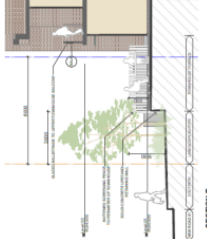


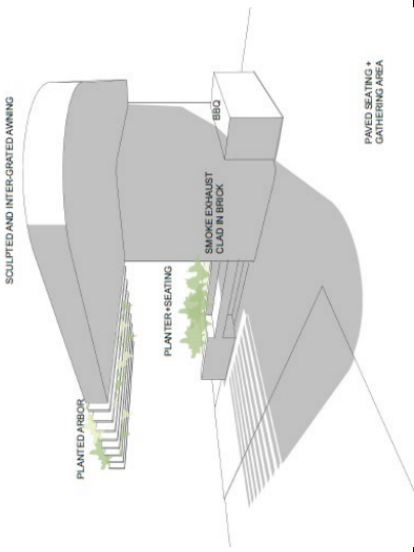
	units.  The Panel noted that the SEE states solar amenity is not ADG compliant. The applicant suggested this may be in error and that ADG can be achieved. The applicant should confirm that the Section 2.19 Solar Amenity Summary table on page is based on solar access calculations pertaining to June 21st				
4(a)	Public Domain >The Panel does not support the extent of established tree removal adjoining and within the public domain. Established healthy native trees should be identified by an arborist report and retained through a stronger effort to integrate the scheme with existing site topography. The documentation and report are not consistent on which trees are being retained. The Panel suggests and emphasis of green infrastructure in keeping with the Government architect publication, 'Greener Places', the Hills Garden Shire vision and the Greater Sydney Region Plan broader landscape and tree canopy objectives.	New comment: This comment remains relevant. Evidence should be provided of the alternative options explored to retain significant existing trees and that these have been discussed with the project arborist. The landscape drawings should clearly identify trees to be removed and retained with reference to the tree numbers from the arborist's report. New comment: The Panel notes that the Applicant is proposing that a 35% canopy cover. This is particularly important for Sydney's western suburbs, that now experience significantly higher temperatures in summer compared with the Sydney mean average temperature. Where trees are proposed on structure, the Applicant should ensure that there is adequate soil volume in planters to support the trees to achieve the mature canopy sizes noted and assumed in the canopy cover area	tree removal has only been undertaken where it is deemed necessary by the project arborist. Refer comments above on tree removal		
	> 15% Deep Soil on sites in excess of 1500sqm is the minimum recommended provision in accordance with ADG guidelines. Deep Soil Calculation to be confirmed with Council's landscape officer. It is noted that narrow areas (less than 6m) have been calculated as Deep Soil on drawing DA 740 030, which is not meeting the requirements of the ADG.	New comment: This comment remains relevant. All calculations are to be provided to Council's Landscape officer. The Panel notes that the site area noted on the landscape plans differs from that noted on the architectural plans – this should be clarified. The Panel notes that the Applicant has sought to keep the setbacks relatively unencumbered, this will enable the opportunity for canopy trees and landscaping to become established	Provided in Amended Landscape Plans. Refer to LD-DA002. All deep soil is shown as minimum 6m wide, all other landscape areas calculated are as per DCP 2min wide and within 1m of natural ground RL.		
	>Refer to ADG guidelines for medium to large tree provision requirements in deep soil zones, as it appears these requirements are not met.	New comment: This comment remains relevant. The Applicant should ensure that deep soil zones are utilised for large sized tree planting which cannot be located in smaller raised planters on structure and that the number and size of trees is appropriate for the soil volumes provided.	All deep soil areas containing large or medium sized trees are minimum 6m wide in depth allowing healthy growth in the long term. Refer to LD-DA201/202		
	>Refer to ADG guidelines for minimum soil depths for medium to large trees over structure as it appears these provisions are not met. For example, drawing DA -301-101, does not show deep soil in the cross sections and the trees illustrated do not have the required soil depth.	New comment: The Applicant is commended on providing soil depths for planters on structure on the landscape plans. However, the soil volumes in planters on structure should also be noted on the landscape plans and any tree planting proposed should meet the soil volume requirements in the ADG guidelines.	Soil depths amended to suit ADG Requirements. Refer to LD-DA101-102[2]		
	> A significant proportion of the street frontage is taken up by hard surfaces and services, which is not in keeping with the desired future character of the precinct. In particular, the surface grade truck loading dock areas adversely impacts upon the visual amenity of the streetscape and uses half of the common open space that should be apportioned to the large residential	New comment: This comment remains relevant. The Panel notes the reduction in vehicular entries and that this has improved the visual appearance and pedestrian accessibility of the street frontage.	the amended street frontage afforded by the revised basement entry locations provides improved landscaping of the street frontages.		

	population planned.				
	> The Panel notes this is inconsistent with DCP part 5.4 Control 11. Vehicular entries are to be integrated into the development block and not occur in the vegetated setback zones or between development blocks.	New comment: the Panel notes this has been resolved	Closed		
	> Landscape architectural and engineering drawings are to be coordinated. All drawings and OSD tank locations should be clearly identified so that tree retention is able to be maximised. Further detail on the northern drainage works to be provided and outlining potential tree planting in this area.	New comment: The Panel notes the civil drawings are satisfactory. The Panel comments that it is a good opportunity to integrate WSUD into the landscape design. There appears to have been limited coordination and integration of the civil design with the landscape design. Including opportunities for alternative solutions to standard approaches to civil design with an improved outcome in terms of WSUD and site grading.	CPT's have been provided in line with council CP 18.		
	> The Panel recommends a whole of site integrated approach to the Landscape with attention paid to the private areas and the public areas so that these realms are clearly defined through landscape treatments and circulation patterns.	New comment: The Panel commented that it appears that there is still opportunity to retain some of the established trees namely 82 and 83 in the open space area south of Building A that are marked up for removal. The levels do not appear to be too onerous for tree retention and the Panel suggests that an alternative solution to standard road batters might enable these trees to be retained. Established trees greatly improve the overall feeling and quality of residential developments. The Applicant noted that the retention of these trees had been explored but should either provide evidence of these explorations and the arborists advice or further reconsider the earthworks to enable their retention to the satisfaction of the arborist	refer comments above specific to tree retention		

	>The Panel advised that the public right of way must be clearly defined, and the private realm needs to be developed to ensure the residents feel safe and the general public are clear as to the purpose of the path.	New comment: This comment remains relevant. Refer to Panel comments above.	Wayfinding measures can be considered in the design development to ensure transparency for public/residents on land uses- Refer to SK07, SK08, SL09 and SK10 of DRP Matrix pack dated 31/05/24 for further information and diagrams including Wayfinding for residents, visitors and deliveries.	
	>The large extent of blank walls facing the public central space is unsatisfactory, and a fine-grained address to this space would result in a more resolved urban design solution.	New comment: The Panel notes this has been resolved	Closed	
	The Panel advised the Applicant to maximise the useable space within the illustrated site boundary (Figure 2) as some portions of the site appear ill defined and appear as indeterminate residual area.	<p>New comment: This comment remains relevant.</p> <p>New comment: The Panel notes that a number of species in the Planting Schedule identified as Native are actually Exotic. The Applicant should check and correct these prior to DA submission.</p> <p>New comment: The Panel notes that some planted areas on structure have only 400mm soil depth (e.g. on top of the basement entry) whereas minimum 450mm soil depth is required under the DCP. The Applicant should ensure that minimum soil depth requirements are achieved for all planting areas.</p> <p>New comment: The Panel notes that some raised planters on structure with proposed trees are very narrow. The Applicant should check planter widths to ensure that the proposed tree planting is viable and will achieve adequate mature size. The volume of all planter on structure should be noted on the landscape plans</p> <p>New comment: The Panel notes this has been resolved.</p>	<p>Drawings amended. Refer to LD-DA001 for planting schedule</p> <p>Refer to LD-DA-101-202</p>	
(b)	Private Domain High quality communal open space design is essential for a project of this size, in keeping with the place-making principles of generous and quality places outlined in the DCP. The open/paved loading dock adversely impacts upon the function and		Closed	



	use of the communal open space and the amenity of the overlooking residences. The Panel notes that the DCP Part D Section 26				
	There appears to be opportunity to increase the size of the northern courtyard with an alternative arrangement of the frontage in that area	New comment: The Panel notes the courtyard treatment has been refined	Closed		
	Although supportive of the inclusion of a swimming pool, it is noted that the pool area in the northern courtyard encompasses a majority of that space and the proportion of unstructured area should be increased.	New comment: This comment remains relevant	Landen believes the allowance of the pool and enclosed pool area in the revised design is reflective of the market expectations for communal amenity and is designed to enhance resident experience. No further changes proposed.		
	The public domain and adjoining deep soil zones require more generous mature tree plantings.	New comment: The Panel acknowledges additional detail provided. Applicant is to confirm that tree plantings on structure have the necessary soil volumes required under the ADG by noting soil volumes for all planters on structure on the landscape plans.	Drawings amended. Refer to LD-DA-101-202		
	The Panel does not consider setback zones to be considered as communal open space.	New comment: This comment remains relevant.	Amended setbacks have been provided, See SK06 for further detail on setbacks	 	
5(a)	<p>Apartment Design Guide</p> <p>ADG compliance is yet to be adequately demonstrated in a number of key areas. The Panel noted that this is a greenfield site with minimal impacts from adjacent development. Therefore, ADG requirements should be fully satisfied as a minimum, in order to be considered as achieving design excellence. The Panel recommends that additional information be provided to demonstrate that the development is meeting the objectives and design criteria in all relevant parts of the ADG.</p> <p>Specific items as noted at the meeting were:</p>				
	>Building separation internally and to boundaries;	New comment: The Panel notes that the relocation of townhouse blocks B1 and D1 has resolved one of the main separation matters. However as noted previously POS intrusions within setbacks to the west Block B1 and C onto the riparian setback are not supported. Minor intrusion of POS into the street setbacks on the east Block B2 may be considered subject to Council acceptance of DCP breach, that it is limited to 4 townhouses, and the extent of encroachment does not detract from the creation of a legible public domain, and provides generous public and landscape amenity.	Amended to avoid intrusions of POS into setback for Building D1 however as noted the 4 townhouses on Bldg B2 have been maintained to sit within the setback. Setback has been increased for the terrace line from 1.5m to 3m		
	>Cross privacy between units facing into the	New comment: The Panel notes that this has generally been resolved. There may be some privacy issues	Screening plants will be used along with some screening to		

	courtyard and between lower levels of main blocks and town houses where balconies are adjacent town house habitable areas;	adjacent pool and COS area between POS for D1 and C lower levels as this area has recently changed within the design. It is likely that these can be resolved with appropriate screening/planting as the design develops. Provide additional information to Council satisfaction.	terrace houses. Section to be provided	
	>Calculation of deep soil provision;	New comment: The Panel notes that this appears to be resolved	Provided in Amended DA Documentation. Refer to LD-DA002. All deep soil is shown as minimum 6m wide	
	>Solar access to communal open space at ground level;	New Comment: The Panel notes that this has been resolved within drawings and recommends that all reports be updated for any inconsistencies.	closed	
	>Solar access compliance to ADG definition to be confirmed with planner. The Panel notes that the Section 2.19 Amenity Summary solar does not state that these diagrams and summary are for June 21 st;	New comment: As noted above in Landscape this item requires clarification.	closed	
	>South facing unit compliance to be confirmed with planner.	New comment: This comment remains relevant.	Refer to revised architectural plans	
	>Natural cross ventilation compliance to ADG definition to be confirmed with planner	<p>New Comment: The Panel notes that the design includes a combination of large and smaller horizontal projections for solar protection on the different orientations. While in many instances this appears to be adequate there is insufficient detail to determine the adequacy of this projection on all facades. It is recommended that additional detail describing protection and projection be included to Council satisfaction.</p> <p>New comment: The above comments remain relevant, in particular the provision of adequate storage and food preparation space in apartments larger than 1 bedroom.</p> <p>New Comment: The main address point and entry to Townhouses Blocks B1, C, and D1 facing riparian corridor is not resolved. What appears to be main entry at carpark/loading dock level offers poor amenity and lack of light and ventilation within corridors or the carpark area.</p> <p>Alternative entry address may be resolved at next level from courtyards, however for emergency deliveries and regulatory compliance, this needs to be clarified and captured within clear wayfinding.</p>	<p>The team notes that prior success with well-integrated smoke exhausts within podiums, using the vertical wall and pergolas of the BBQ spaces to integrate this design. This also ensures the park facing elevation will not be affected with bouvers. Refer to SK1+2 of DRP Matrix pack dated 31/05/24 for further information and diagrams, precedents etc.</p>  <p>Labels in drawing: SOLIDIFIED AND INTEGRATED AWNING, PLANTED / SEATING, PLANTED / BBQ, SMOKE EXHAUST CLAD IN BRICK, PAVED SEATING + GATHERING AREA</p>	
(b)	<p>Additional Items</p> <p>Ensure exposed windows are adequately shaded. There are large glass areas on most facades with limited shading, other than balconies. Shading should be developed as a response to the varying conditions on each façade.</p> <p>Access provisions in event of a lift being out of service.</p>	<p>New Comment: The Panel notes that the design includes a combination of large and smaller horizontal projections for solar protection on the different orientations. While in many instances this appears to be adequate there is insufficient detail to determine the adequacy of this projection on all facades. It is recommended that additional detail describing protection and projection be included to Council satisfaction.</p> <p>New comment: The above comments remain relevant, in particular the provision of adequate storage and food preparation space in apartments larger than 1 bedroom.</p>	<p>Wayfinding measures can be considered in the design development to ensure transparency for public/residents on land uses - Wayfinding diagram to be provided by Turner. Refer to SK07, SK08, SK09 and SK10 of DRP Matrix pack dated 31/05/24 for further information and diagrams including Wayfinding for residents, visitors and deliveries. Refer to SK06 for terrace setback and screening to Riparian zone with Landscape Buffer</p>	

	Adequate storage in kitchen areas for 3 bedroom and 2 bedroom apartments taking into consideration the prevailing family demographics.	New Comment: The main address point and entry to Townhouses Blocks B1, C, and D1 facing riparian corridor is not resolved. What appears to be main entry at carpark/loading dock level offers poor amenity and lack of light and ventilation within corridors or the carpark area. Alternative entry address may be resolved at next level from courtyards, however for emergency, deliveries and regulatory compliance, this needs to be clarified and captured within clear wayfinding.		
6(a)	Although not discussed at the meeting, achieving a high level of environmental sustainability and amenity in an increasingly denser and hotter western Sydney is a key challenge. Beyond satisfying ADG requirements, the Panel recommends that this proposal is reviewed by the applicant with a sustainability engineer and a report prepared that demonstrates how an appropriate suite of passive and active environmental strategies have been integrated into the design of the scheme.	New comment: This comment remains relevant. Noting the Bella Vista precinct as with all the station precincts will dramatically change the portion of soft landscape to hard surfaces increasing the urban heat impact above an already hotter climate range.  New comment: This comment remains relevant	Landen have provided an ESD statement which notes multiple environmental considerations which improves the heat impact and operational impact of the development.	
	The Kellyville Bella Vista Precinct LEP cl. 8.6 and THSC DCP Part D section 26 make multiple references to the need for ESD principles to guide the design of new developments as listed below. As noted above this fundamental requirement for achieving design excellence has yet to be adequately addressed in the design submission.			
	DCP Part 4.6 Control 4. 4. Sun shading is to be provided appropriate to orientation for glazed portions of facades. Large areas of north and west glazing appear to have minimal sun protection.	New comment: This comment remains relevant. Applicant to provide shading details to Council's Development Assessment officer.	Refer to SK13 of DRP Matrix pack dated 31/05/24 for further information and diagrams of shading types across the proposal	
	DCP Part 4.6 Control 7. Building designs are to: - Maximise the use of natural light and cross ventilation. Further to previous comments related to loading dock location it is recommended that the impact of this dock be considered with respect to natural cross ventilation for nearby apartments.	New comment: This comment is no longer relevant	closed	
7(a)	The single architectural treatment proposed for building facades accentuates the bulk and scale of the development. For a development of this size a more varied approach should be considered, which includes the town house typology, breaks in the upper level balconies and potential for sun shading. A more diverse architectural approach could be considered for some of the built form, to break down the overall perception	New comment: The Panel is satisfied with the general direction of the developing facade articulation and proposed materiality. (DA officer to condition the materials proposed to ensure quality is maintained)  New comment: The Panel is satisfied with the revised architectural approach, including integration of townhouses and use of face brickwork at lower levels.	Drawings Amended to allow for a maximum 1:6 grade to the embankments adjacent to creek corridor. Refer to LD-DA101/102	



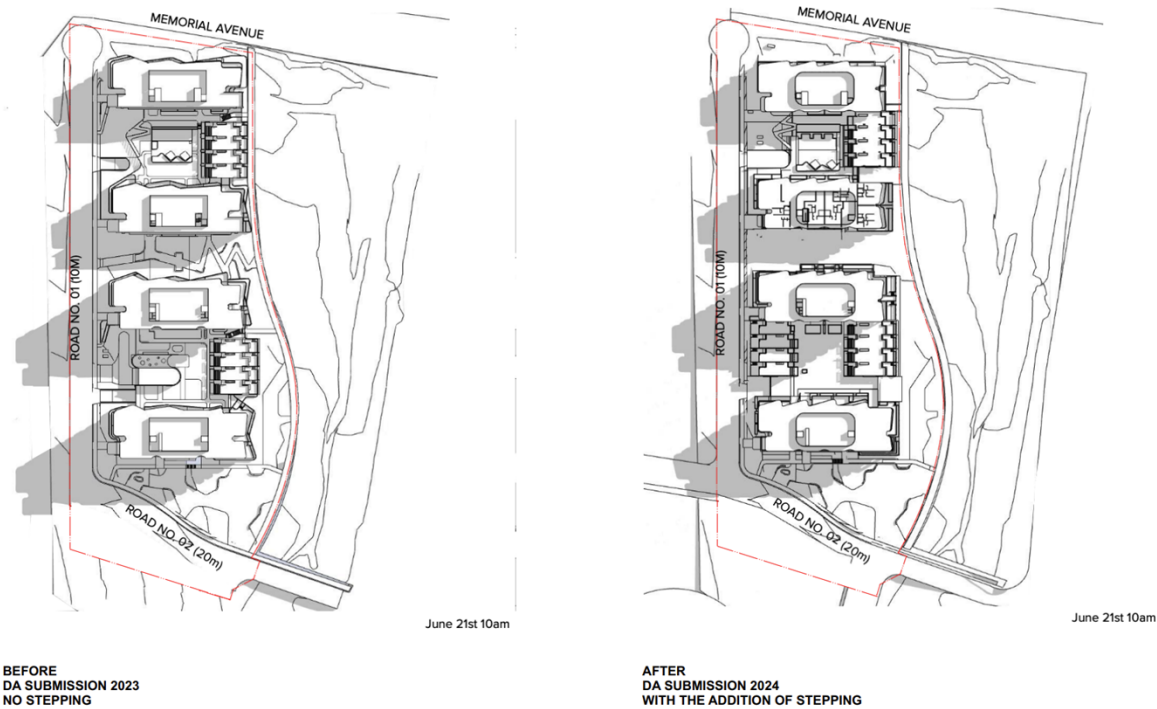
	of the development's size and to introduce variety, fine grain and human scale into the precinct. As noted, the Panel recommends more design attention be given to addressing the riparian corridor for the larger building blocks so that the terraces are not so isolated. The Panel recommends that the materials in the renderings be more clearly specified and conditioned by the DA officer. All utility services elements in the public domain are to be suitably screened and integrated into the building fabric. Detailing of services screening to be a DA condition or prior to consent subject to DA officer requirement.	New comment: This comment is no longer relevant. However, the Panel commented on the landscape interface noting that the 1:3 batter in places was potentially extreme and difficult to establish and maintain planting on. Some moderating landscape treatments such as terracing using stone blocks or boulders might soften this interface without compromising residential privacy and safety, or significantly reducing deep soil.  New comment: This recommendation has been addressed  New comment: This comment remains relevant.			
8(a)	The Panel notes that the documentation is not at a final DA level that is required for assessment, as follows:				
	Provide an acoustic report that addresses noise impacts of the leading dock and truck movement of the open court area between development blocks A and B.	New comment: This comment is no longer applicable due to design changes	closed		
	Provide a statement how the Design Objectives and Criteria of ADG Parts 4H and 4I are met.	New comment: This should be provided in the revised Statement of Environmental Effects.	Refer to Revised SEE		
	Document structure and slab set downs for deep soil, swimming pool and trees in all cross sections accurately. Refer ADG Part 4P.	New comment: This comment remains relevant.	Architecturals have shown RLs and dimensioned the section for steps and depths see Section AA for details. Refer to SK14 of DRP Mainline pack dated 31/05/24 for further information and diagrams		
	Clarify on the full extent of tree removal, and response to Panel comments above.	New comment: This comment remains relevant.	refer to revised Arborist report		
	Provide sections that clearly describe the interface between development block D and the new proposed road adjacent.	New comment: This comment remains relevant.	This has been addressed in previous DRP Response		
	Provide levels of the proposed park adjacent the new road.	New comment: This comment remains relevant.	Refer to LD-DA101/102- for further information on levels/battering from new road construction Refer to Civil Documentation		
	A statement that all flood potential impacts have been assessed and addressed. The Panel is unclear of the status of this and the impact it may have on design changes at a later stage.	New comment: This comment remains relevant.	flood assessment on going directly with council.		
	This matter should be addressed in an updated design proposal addressing matters raised in this report so that it can be presented to the Panel as a finalised DA	New comment: This comment remains relevant.	per above		
	Inclusion of studies that demonstrate review of the alternatives raised including	New comment: This comment is no longer applicable due to design changes. - New comment:	closed		

	reorientation of building A, relocation of dock and truck bay, adjustment to north courtyard, inclusion of more town house types, car park levels /ramps	Provide soil volumes for all planters on structure. - New comment: Add tree numbers for all existing trees to be retained/removed in accordance with the arborist's tree assessment schedule		
9	Summary of Panel Comments			
(b)	<ul style="list-style-type: none"><li>• Revise the building envelope as required to comply with building setbacks.</li><li>• Amend courtyard encroachments from all setbacks and provide more substantial landscaping.</li><li>• Aim to provide more usable cross-site pedestrian access and links with streetscape.</li><li>• Improve solar access to the ground level courtyard area.</li><li>• Ensure common facilities and related spaces are appropriate to the size of the development.</li><li>• Provide more articulation and diversity of architectural expression between lower and upper levels and between development blocks.</li><li>• Provide external solar shading to exposed windows.</li><li>• Ensure wind conditions are appropriate to outdoor spaces and meet wind consultant recommendations.</li><li>• Provide a comprehensive landscape design that addresses deep soil provision, high canopy tree planting and substantial landscape understorey planting.</li><li>• Sign off from both the Council Landscape DA officer and relevant Manager of Vegetation</li></ul>			
		Updated: Aim to provide more urban cross-site pedestrian access and stronger links with main street.	4 x North South connections and 2 x East West connections have been provided throughout the site. Refer to LD-DA1017/102	
		Updated: Continue to develop articulation and diversity of architectural expression between lower and upper levels and between development blocks	noted	
		New comment: Undertake further investigation into options to retain additional significant trees. Provide evidence of design explorations undertaken to retain additional existing trees including tree numbers 82 & 83 with further advice from the arborist to support the current tree removal strategy.	all tree retention option have been reviewed and considered, the provided clearing maximises the tree protection possible with the constraints of road design and basement requirements	
		New comment: Resolve Block B1 and D1 townhouses main entry address points for emergency, deliveries and regulatory compliance. • New comment: Resolve any privacy issues around pool/COS and adjacent POS areas to blocks D1 and C lower levels	See levels above about screening planting, screens and Wayfinding for access to units	

2H Site planning and built form strategy

DRP COMMENT: The central court and its common areas are largely in shade as a result of the bulk and mass of the development. Adherence to setback controls would provide greater solar access into the communal open space courtyard areas.

RESPONSE: The stepping form of the building on street and riparian facing facades have been incorporated resulting in improved amenity to the courtyards



2H Bulk Scale and Massing

DRP COMMENT: The central court and its common areas are largely in shade as a result of the bulk and mass of the development. Adherence to setback controls would provide greater solar access into the communal open space courtyard areas.

RESPONSE: The resultant 2 HR solar access to the Communal open space exceeds the required ADG Minimum of 25%



Communal Open Space (COS)- Solar Access

Developable Site Area: 20,510 m<sup>2</sup>  
Total Communal Open Space Provided: 5880.74m<sup>2</sup> = 28.7% of developable site area  
Total Communal Open Space 2hrs Solar Access Provided: 3014.66 = 51.3% of communal space  
ADG Extract  
Communal Open Space has a minimum area equal to 25% of the site. Development achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm (mid winter).  
DCP Extract 4.1.4 (g)  
Provide communal open space at a minimum of 25% of the site area (excluding roads).



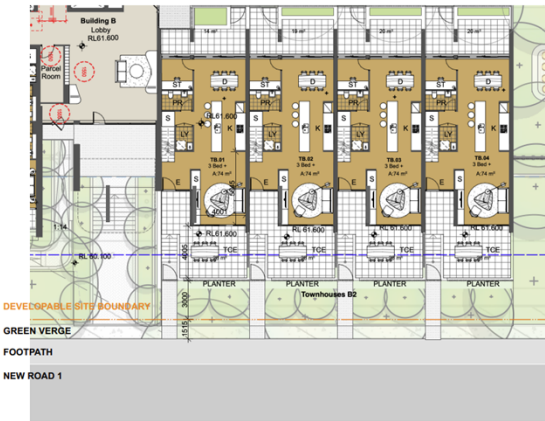
2J Bulk Scale and Massing

DRP COMMENT: The DCP also specifies setbacks to mitigate the visual bulk, mass and scale of the development and its public domain interface. The Panel recommends these controls be followed.

RESPONSE: The terrace to the townhouses have been setback in accordance with council allowances of 3m on Building B2 Townhouses and 5m on Building D1



BEFORE DRP COMMENTS  
DA SUBMISSION 2024  
1.5m Setback

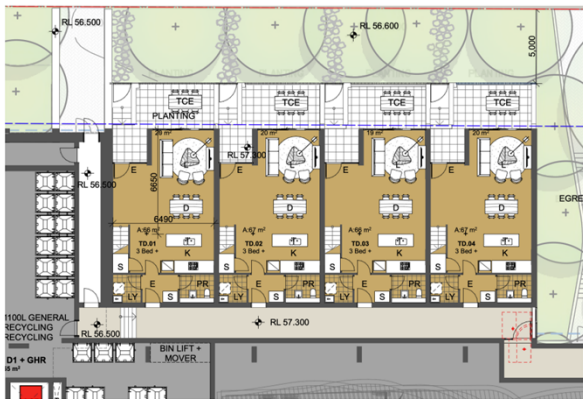


AFTER DRP COMMENTS  
DA SUBMISSION 2024  
3m Setback

2J Bulk Scale and Massing

DRP COMMENT: The DCP also specifies setbacks to mitigate the visual bulk, mass and scale of the development and its public domain interface. The Panel recommends these controls be followed.

RESPONSE: The terrace to the townhouses have been setback in accordance with council allowances of 3m on Building B2 Townhouses and 5m on Building D1

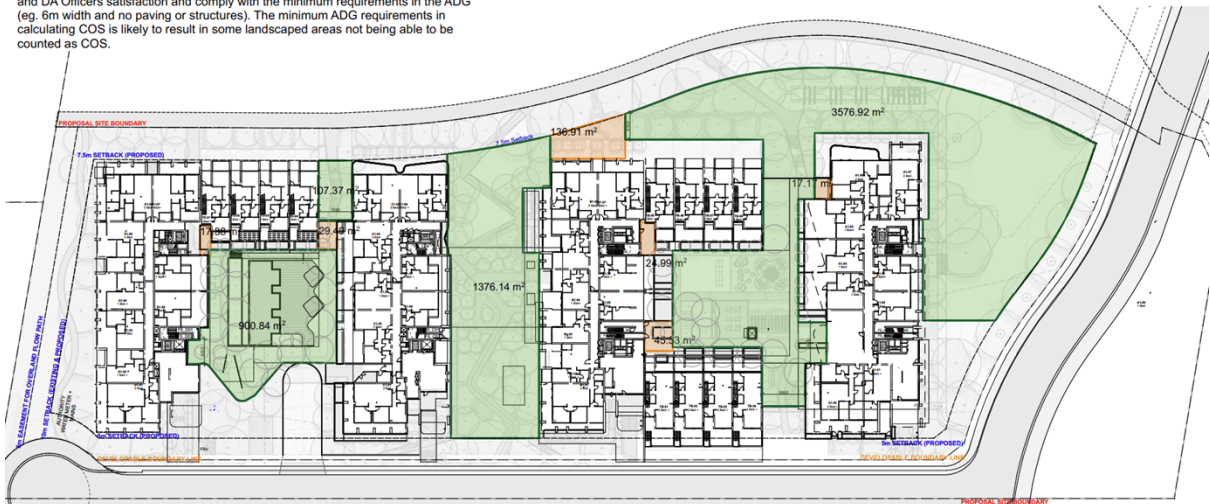


MAINTAIN 5m SETBACK

2L Site Coverage and Landscaped Open Space

COMMUNAL OPEN SPACE  
REDUCTION OF SPACES <6m

DRP COMMENT: Finalised site coverage, Landscape open space, Communal Open Space, and Deep Soil Zone (DSZ) to be provided to the Council's Landscape and DA Officers satisfaction and comply with the minimum requirements in the ADG (eg. 6m width and no paving or structures). The minimum ADG requirements in calculating COS is likely to result in some landscaped areas not being able to be counted as COS.



Communal Open Space (COS)  
PROPOSED DA SUBMISSION 2024

Developable Site Area:  
20,510m<sup>2</sup>

Total Units:  
224 Units

Communal Open Space Requirement

ADG Requirement Minimum 25% of developable site area  
= 5,127.5m<sup>2</sup>

DCP Requirement as per ADG

New Total Communal Open Space Provided:  
5880.74m<sup>2</sup> = 28.67% of developable site area

Legend

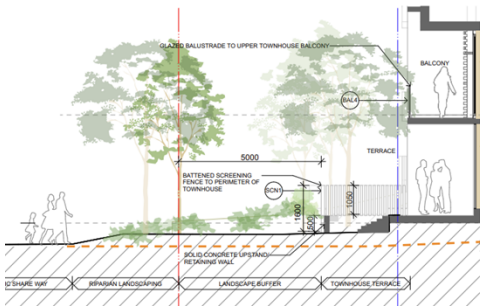
Principle Utilises Communal Open Space

Spaces less than 6m removed

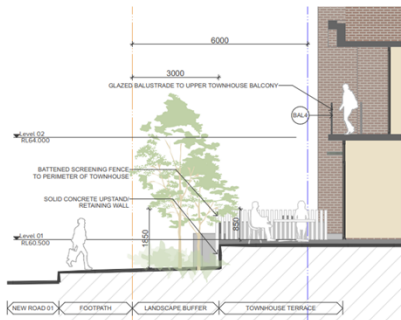
Refer to Landscape drawings for landscaped area and deep soil area calculations.

4B Landscape Design

DRP COMMENT: The main address point and entry to Townhouses Blocks B1, C, and D1 facing riparian corridor is not resolved. What appears to be main entry at carpark/loading dock level offers poor amenity and lack of light and ventilation within corridors or the carpark area. Alternative entry address may be resolved at next level from courtyards, however for emergency, deliveries and regulatory compliance, this needs to be clarified and captured within clear wayfinding.

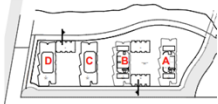


SECTION A  
BUILDING D1



SECTION B  
BUILDING B2

KEY



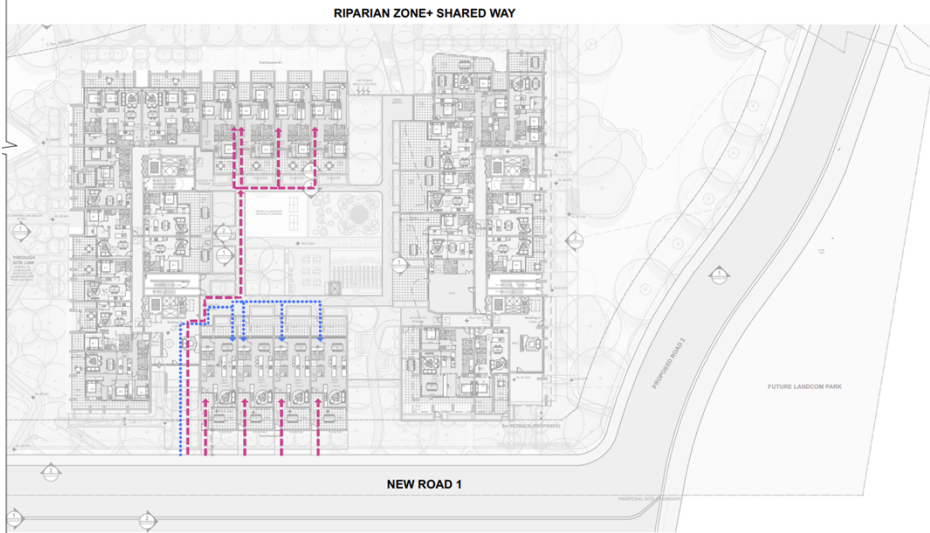
## 5B SEPP 65 Items

### WAYFINDING

#### ACCESS ROUTES TOWNHOUSES BLDG

##### B1+B2 UPPER GROUND

**DRP COMMENT:** The main address point and entry to Townhouses Blocks B1, C, and D1 facing riparian corridor is not resolved. What appears to be main entry at carpark/loading dock level offers poor amenity and lack of light and ventilation within corridors or the carpark area. Alternative entry address may be resolved at next level from courtyards, however for emergency, deliveries and regulatory compliance, this needs to be clarified and captured within clear wayfinding.



--- VISITORS/DIRECT DELIVERIES VIA ROAD D1  
--- PRIVATE ENTRY - RESIDENTS THROUGH LOBBY

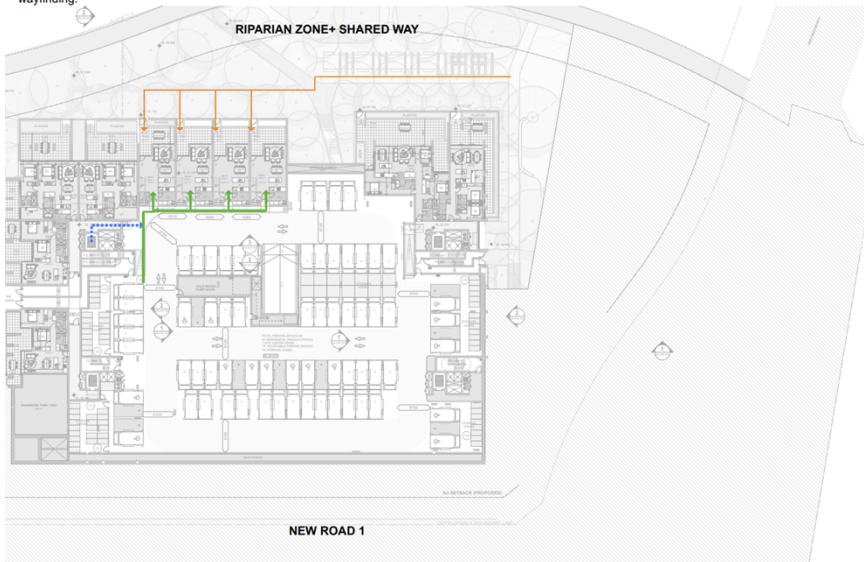
## 5B SEPP 65 Items

### WAYFINDING

#### ACCESS ROUTES TOWNHOUSES

##### BLDG B1 LOWER GROUND

**DRP COMMENT:** The main address point and entry to Townhouses Blocks B1, C, and D1 facing riparian corridor is not resolved. What appears to be main entry at carpark/loading dock level offers poor amenity and lack of light and ventilation within corridors or the carpark area. Alternative entry address may be resolved at next level from courtyards, however for emergency, deliveries and regulatory compliance, this needs to be clarified and captured within clear wayfinding.



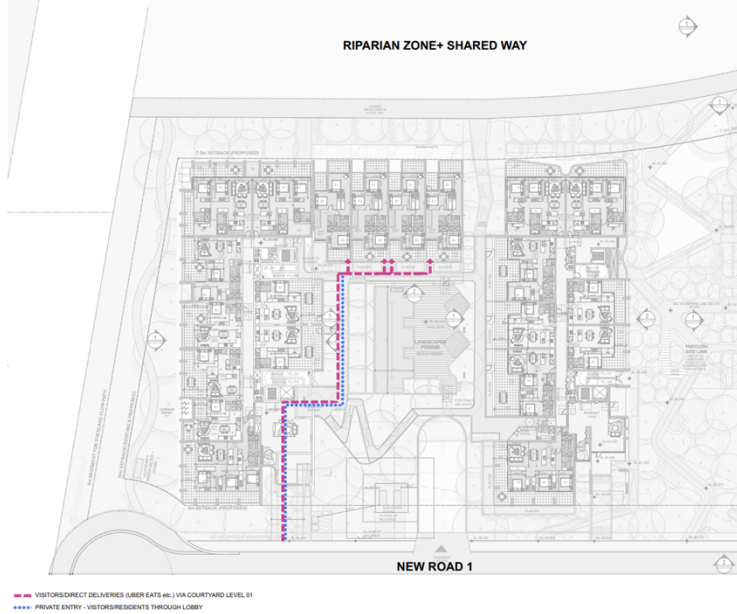
--- PRIVATE ENTRY - VISITORS/RESIDENTS PARKED IN BASEMENT  
--- PRIVATE ENTRY - VISITORS/RESIDENTS THROUGH LOBBY (LEVEL D1 VIA LIFT)  
--- VISITORS/RESIDENTS WALKING VIA SHAREDWAY



5B SEPP 65 Items

WAYFINDING  
ACCESS ROUTES TERRACE HOUSE  
BLDG D1 UPPER GROUND

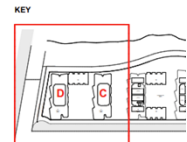
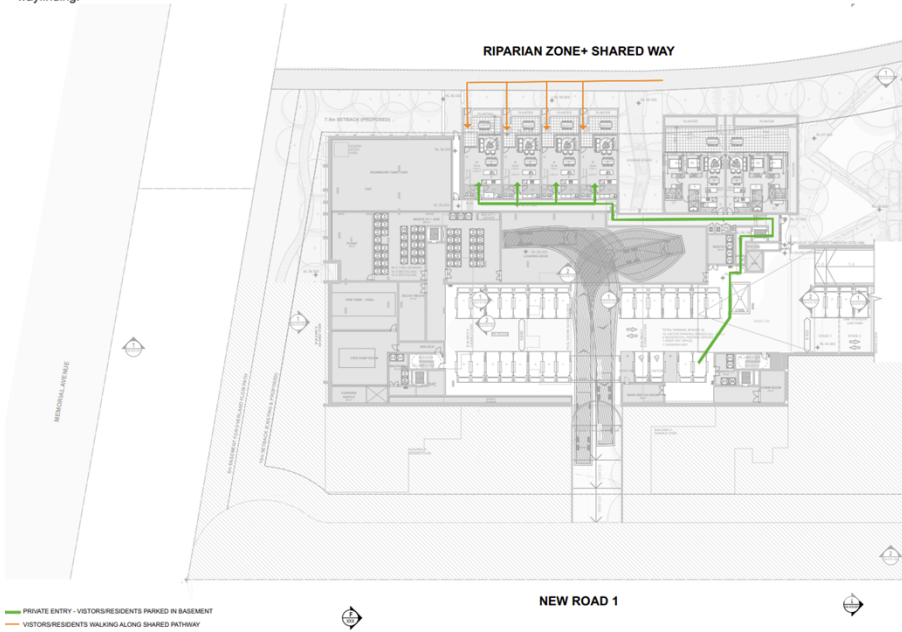
DRP COMMENT: The main address point and entry to Townhouses Blocks B1, C, and D1 facing riparian corridor is not resolved. What appears to be main entry at carpark/loading dock level offers poor amenity and lack of light and ventilation within corridors or the carpark area. Alternative entry address may be resolved at next level from courtyards, however for emergency, deliveries and regulatory compliance, this needs to be clarified and captured within clear wayfinding.



5B SEPP 65 Items

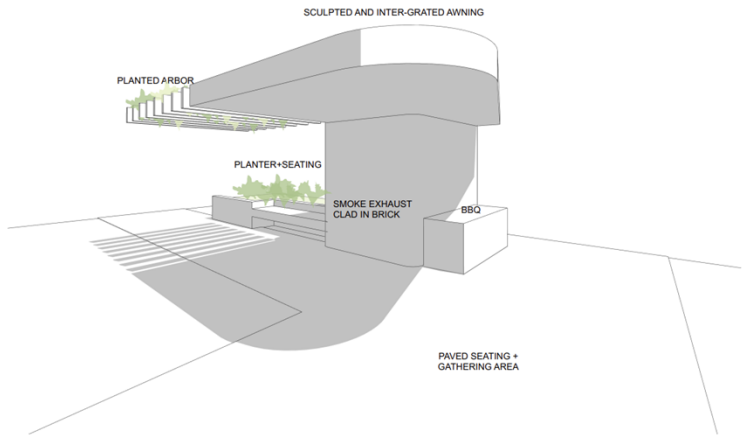
WAYFINDING  
ACCESS ROUTES TERRACE HOUSE  
BLDG D1 UPPER GROUND

DRP COMMENT: The main address point and entry to Townhouses Blocks B1, C, and D1 facing riparian corridor is not resolved. What appears to be main entry at carpark/loading dock level offers poor amenity and lack of light and ventilation within corridors or the carpark area. Alternative entry address may be resolved at next level from courtyards, however for emergency, deliveries and regulatory compliance, this needs to be clarified and captured within clear wayfinding.



5B SEPP 65 Items  
SMOKE EXHAUST  
INTERGRATED DESIGN AWNING  
(INDICATIVE PROPOSAL)

DRP COMMENT: The carpark exhaust was indicated at ground level and impacting the public domain. The Panel considers that the exhaust from the car park should not be ducted into the public domain areas such as communal open space or where residents may be impacted. General advice from the Panel is that exhaust should only occur in areas where there is not going to be a conflict of function and residential amenity, or otherwise be ducted to roof of the building. The Panel advises the current scenario does not achieve consistency with the ADG Design Criteria 4J Noise and pollution and should be resolved prior to DA submission.

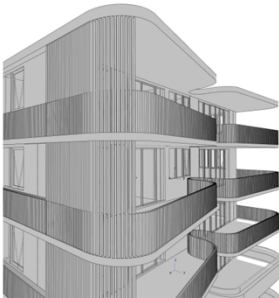


BUILT EXAMPLE - SIMILAR INTENT - TURNER SANCTUARY LANDING

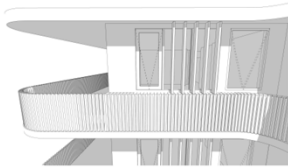


6A Sustainability and Environmental Amenity  
SHADING STRATEGIES

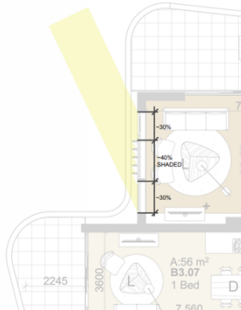
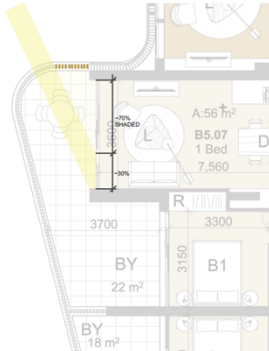
DRP COMMENT: DCP Part 4.6 Control 4. 4. Sun shading is to be provided appropriate to orientation for glazed portions of facades. Large areas of north and west glazing appear to have minimal sun protection.



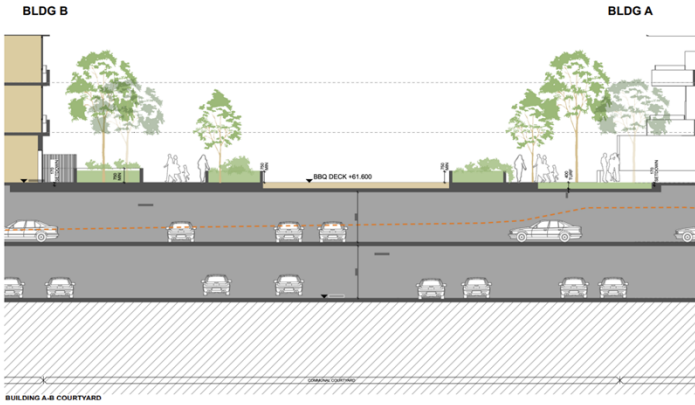
SHADING 01  
EAST AND WEST SHADING



SHADING 02  
NORTH SHADING  
NORTHERN SHADING IS ALSO DONE  
THROUGH DEEP SLAB EXTENSIONS



**DRP COMMENT:** Document structure and slab set downs for deep soil, swimming pool and trees in all cross sections accurately. Refer ADG Part 4P.





## ATTACHMENT N – SYDNEY METRO CONSENT



Our Reference: SM-24-000787

21 October 2024

Ms. Kate Clinton  
The Hills Shire Council  
3 Columbia Court  
Norwest NSW 2153

Dear Ms. Clinton,

**Re: DA-308/2024/JP – landowner's consent for 42 Memorial Avenue, Bella Vista**

Sydney Metro as owner of the property known as 42 Memorial Avenue, Bella Vista (Lot 30 DP 1071714) hereby provide consent to Landen Property Group Pty Ltd to obtain approval for works associated with the road construction proposed under Development Application No. 308/2024/JP for 40 Memorial Avenue, Bella Vista (Lot 1 DP 1237055), subject to the works being in accordance with the details outlined below.

The proposed works at 42 Memorial Avenue, Bella Vista is the scope detailed in the following documents (reviewed by Landcom):

- Road & Drainage Design, prepared by Orion Consulting, Project No. 21-0313, Revision J, dated 2 October 2024; and
- Arboricultural Impact Assessment Report, prepared by Hugh the Arborist, Revision F, dated 5 October 2024 (AIA Report).

These works have the following impacts on the Sydney Metro property at 42 Memorial Drive:

- Removal of four trees and one tree group in accordance with Appendix 1D – Tree Retentions and Removals Plan in AIA Report;
- Bulk earthworks and civil works to facilitate temporary pavement and turning head;
- Construction of 0.5m wide temporary pavement and edge of bitumen for full length of Road No. 01;
- Construction of temporary pavement for turning head at northern end of Road No. 01; and
- Installation of temporary fencing or hoarding within perimeter of limit of works.

Please note the only purpose of this landowner's consent letter is to allow The Hills Shire Council to determine DA-308/2024/JP. Any changes to the level of impact on 42 Memorial Drive as outlined above will require further consents from Sydney Metro which will be provided separately. A formal access construction licence will need to be entered into by Landen Property Group Pty Ltd prior to the commencement of works.

Under section 10.8 (Part B) of the Sydney Metro Delegation Schedule, dated 2 August 2024 with effect from 12 August 2024, I am authorised to provide owner's consent on behalf of Sydney Metro for the lodgement of development applications.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Phil Leijten', is written over a horizontal line.

**Phil Leijten**  
Director, Place Making and Precinct Activation  
Sydney Metro

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Sydney Metro  
Level 43, 680 George Street, Sydney NSW 2000 | PO Box K659, Haymarket NSW 1240