

## COUNCIL ASSESSMENT REPORT

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| <b>Panel Reference</b>   | <b>PPSSCC-81</b>  |
| <b>DA Number</b>   | DA 1083/2020/JP   |
| <b>LGA</b>   | The Hills Shire Council   |
| <b>Proposed Development</b>  | Mixed Use Development including Commercial Floor Space and 77 Serviced Apartments and Alterations and Additions to an Existing Licenced Hotel   |
| <b>Street Address</b>  | 13-19 Lexington Drive Bella Vista   |
| <b>Applicant/Owner</b>   | Marti's Investments Pty Ltd and Coranton Pty Ltd  |
| <b>Consultant/s</b>  | Calibre Consulting Pty Ltd<br>LTS Lockley and South Pos<br>Turf Design<br>Soils Rock<br>Stantec<br>Eco Logical Australia<br>Acoustic Logic Morris Goding Access Consulting<br>Scientific Fire Services<br>Blackett Maguire + Goldsmith<br>Windtech<br>Elephant's Foot<br>MacroPlan<br>Clifton Morgan<br>PBD Architects<br>JHA Consulting Engineers                                |
| <b>Date of DA lodgement</b>  | 14 February 2020  |
| <b>Number of Submissions</b>   | Five  |
| <b>Recommendation</b>  | Approval subject to conditions  |
| <b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011</b> | CIV exceeding \$30 million (\$154,890,601)  |
| <b>List of all relevant s4.15(1)(a) matters</b>  | <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy Infrastructure 2007</li> <li>• State Environmental Planning Policy No 55 — Remediation of Land</li> <li>• The Hills Local Environmental Plan 2019</li> <li>• The Hills Development Control Plan 2012</li> </ul> |
| <b>List all documents submitted with this report for the Panel's consideration</b>                 | <ul style="list-style-type: none"> <li>• Plans</li> <li>• Design Review Panel Minutes</li> <li>• Sydney Metro Concurrence</li> <li>• Transport for NSW submissions</li> </ul>   |
| <b>Clause 4.6 requests</b>   | <ul style="list-style-type: none"> <li>• Nil</li> </ul>   |
| <b>Summary of key submissions</b>  | <ul style="list-style-type: none"> <li>• Bulk and scale</li> <li>• Overshadowing impacts</li> <li>• Traffic and parking concerns</li> <li>• Electricity arrangements</li> </ul>   |

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|---------------------------|--|
|                           | <ul style="list-style-type: none"> <li>New precedents being set for new developments within Norwest Business Park</li> </ul> |
| <b>Report prepared by</b> | Cynthia Dugan Principal Coordinator Development Assessment   |
| <b>Report date</b>        | 4 December 2020  |

#### Summary of s4.15 matters

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

#### Legislative clauses requiring consent authority satisfaction

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

#### Clause 4.6 Exceptions to development standards

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

#### Special Infrastructure Contributions

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

#### Conditions

Have draft conditions been provided to the applicant for comment? **Yes**  
*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

## EXECUTIVE SUMMARY

The key issues that need to be considered by the Panel in respect of this application are:

- The application has been assessed as satisfactory against the development standards under The Hills LEP 2019. The proposal comprises a maximum height of RL115.7 which complies with the maximum height standard of RL116 under the LEP. The proposal comprises a Floor Space Ratio (FSR) of 2:1 (gross floor area of 36,734m<sup>2</sup>) which complies with the maximum FSR standard of 2:1 under the LEP.
- The application was referred to Council's Design Excellence Panel (DEP) and exhibits design excellence in accordance with Clause 7.7 of the LEP.
- The proposal has been assessed against the requirements of The Hills DCP 2012 and variations have been identified with respect to side/rear setbacks, loading bays and car parking. The side setbacks are appropriately landscaped and provide adequate building separation and amenity to adjoining developments. With regard to car parking, the DCP requires the provision of 1,272 car parking spaces for the proposed mixed use development. The proposal provides 875 car parking spaces (881 spaces including tandem spaces) which results in a shortfall of 397 car parking spaces (391 car parking spaces including tandem spaces). The variation to car parking is supported subject to conditions ensuring the car parking provided is consistent with the RTA Guide to Traffic Generating Developments (2002) for commercial centres.
- The application proposes vehicular access on the adjoining property Lot 7081 DP 1037626, 21-23 Lexington Drive. A restriction as to user exists on title of this adjoining property and the right of carriageway benefits the subject site. Owners consent has been provided by the adjoining landowner for the subject application.
- The proposal has received concurrence from Sydney Metro Northwest as required under Clause 86 of SEPP (Infrastructure) 2007 as a rail corridor traverses the northern portion of the site.
- The proposal was referred to Transport for NSW in accordance with Clause 104 of SEPP (Infrastructure). Transport for NSW has objected to the proposal and requested the Applicant provide SIDRA modelling for a number of nearby intersections as no funding had been allocated for any improvement works. It is considered that this request is not warranted as Council is approaching completion of a full traffic analysis for the entire Norwest Business Park, resulting from the ultimate development potential of the two rail station precincts at Norwest and at Bella Vista. This investigation is chaired by a Project Coordination Group that has membership of Transport for NSW, Department of Planning, Industry and Environment and Council staff. The scope of the station precinct analysis includes recommendations of intersection treatments for the nearby intersections as requested to be modelled by Transport for NSW.
- The application was notified for 14 days and six submissions were received during the notification period. One submission was subsequently withdrawn. The issues raised primarily relate to bulk and scale, overshadowing impacts, traffic and parking, electricity arrangements and a new precedent being set for new developments within the business park. These matters are addressed in this report and it is considered that they do not warrant refusal of the application.

The application is recommended for approval subject to conditions.

## BACKGROUND

The site is part of the Norwest Business Park which is identified as a strategic centre under the Greater Sydney Region Plan. The site is located approximately 600m from Bella Vista Metro Station to the northwest, bounded by Lexington Drive to the south-west and Woolworths Way to the south-east and is surrounded by commercial office developments. The site is part of the Sydney Metro Northwest Urban Corridor, Bella Vista Station Precinct. In December 2017, the Department of Planning, Industry and Environment increased the permitted FSR from 1:1 to 2:1 in the LEP to encourage the turn-over of existing sites and development of vacant sites for increased employment opportunities. In the DPIE's Bella Vista Station Precinct Finalisation Report, the Department indicated that they will *"continue to work with Council and TfNSW to identify costs of upgrades and new transport infrastructure to inform a new Section 94 development contributions plan for the area"*. To date, a new Section 7.12 development contributions plan has not yet been adopted within this precinct.

The Development Application was lodged on 14 February 2020 for the construction of a mixed use development within the Norwest Business Park comprising of four basement/ground levels of parking and a floor space of 20,489.4m<sup>2</sup> for commercial offices, 1,439.1m<sup>2</sup> food and drink premises, 864.8m<sup>2</sup> recreational facility (indoor) and business premises, 6,190.6m<sup>2</sup> serviced apartments and 2,847.5m<sup>2</sup> for a pub. The proposal includes part demolition and alterations and additions to the existing pub known as Bella Vista Hotel and construction of five buildings varying from 5 – 9 storeys in two stages.

Stage 1 comprises the south eastern portion of the site (13-15 Lexington Drive) and includes part demolition of the Bella Vista Hotel, the construction of a 5 storey building (Building A) which comprises an extension to the pub as well as a commercial office premises and the construction of a 7 storey building (Building D) which comprises 77 serviced apartments and food and drink premises on the ground floor. Partial construction of a shared basement parking for 455 car spaces is also proposed under Stage 1. Stage 2 comprises the north western portion of the site (17-19 Lexington Drive) and includes demolition of an existing ware house and office building, the construction of two 6 – 9 storey interlocking commercial buildings (Buildings B and C), four food and drink premises and a wellness centre including a gymnasium, swimming pool, sauna and steam room, yoga room, massage room and hair salon. Construction of the remainder of the basement parking for 420 car spaces is proposed under Stage 2.

The Development Application was lodged without owner's consent from the adjoining landowner at 21-23 Lexington Drive for use of the shared right of carriageway that benefits the subject site. In addition, a submission was received from the same landowner during the notification period. Notwithstanding, the adjoining landowner has since provided owners consent for the subject application and has withdrawn the objection to the proposal.

A request for additional information letter was sent to the Applicant on 11 March 2020 regarding Fire Safety/BCA issues, traffic/vehicular access concerns and requested owners consent be provided from the adjoining landowner for use of the right of carriageway at 21-23 Lexington Drive.

A further request for information letter was sent to the Applicant on 29 April 2020 requesting a response to the submission received by Transport for NSW. A request for additional information letter regarding traffic matters was sent to the Applicant. Further information relating to landscaping matters was sent to the Applicant on 5 May 2020. On 13 May 2020, an email was sent to the Applicant regarding outstanding information required from Sydney Metro.



The application was reviewed by the Design Excellence Panel on 10 July 2019 (pre-lodgement stage) and 13 May 2020. At the end of the last meeting, the Design Excellence Panel indicated that the proposal is supported and the *“restrained, refined design quality of the revised proposal, which will positively contribute to the envisioned urban character of this emerging Transit Oriented Development precinct”*.

Amended plans were submitted on 20 August 2020 to address all previous concerns raised regarding planning, engineering, landscaping, traffic and design excellence.

An email was sent to the Applicant on 3 September 2020 and 30 October 2020 requesting outstanding engineering and landscaping issues that had not been adequately addressed.

Further engineering plans were submitted on 11 November 2020.

The history of the site is detailed below:

### **13-15 Lexington Drive**

Lot 7071 DP 1014779, 13-15 Lexington Drive is currently occupied by the Bella Vista Hotel. The use of a licensed hotel was approved under Development Consent No. 986/2010/HA by Council's Development Assessment Unit on 8 June 2010. Subsequent modifications to this development consent have been approved including increased hours of operation, amended parking provisions, internal and external alterations and the addition of a bottle shop, gaming lounge, TAB/sports bar, extension of coffee shop. The consent as modified specified a maximum patronage of 420 persons and 20 staff and 120 car parking spaces including at grade and undercroft spaces and approved the hours of operation of the pub from 7am to 3am (Monday to Saturday) and 7am to 12am Midnight (Sunday). A licenced outdoor seating area and boundary fencing was approved under Development Consent No. 701/2013/HA on 16 May 2013.

On 5 December 2017, Development Consent No. 47/2018/HA was granted for an increase in patron numbers to a maximum of 790 patrons and staff, expansion of the outdoor dining area and increase in parking for the Bella Vista Hotel. The development consent required 234 car parking spaces at peak times which included 105 existing car spaces within the hotel lot (Lot 7071 DP 1014779) and 129 car spaces to be utilised on the adjoining lot (Lot 7082 DP 1037626 17-19 Lexington) by way of a positive covenant on the title that would legally bind the use of the car spaces by patrons of the hotel. A modification to this consent was approved on 9 July 2019 to stage the approved development. Stage 1 included all works within the hotel, restricting the maximum number of patrons to 420 and providing 120 car parking spaces on site. Stage 2 included an increase in patron numbers to 790, provision of 105 car spaces (13-15 Lexington Drive) and 129 car spaces (No. 17 – 19 Lexington Drive), drainage works and a new internal vehicular access. Stage 2 of the development consent has not yet commenced.

Development Consent No.431/2020/HA was granted on 16 January 2020 for alterations and additions to the Bella Vista Hotel and signage. This development consent includes approval of the relocation of a pylon sign (previously adjoining the existing two way driveway fronting Lexington Drive) and the use of a covered entry awning 'green tunnel' at the corner of Lexington Drive and Woolworths Way.

Development Consent No. 432/2020/HA was granted on 9 March 2020 for the construction of a new 3.5m wide 'exit only' driveway on the Lexington Drive frontage for the Bella Vista Hotel.

## 17-19 Lexington Drive

Lot 7082 DP 1037626, 17-19 Lexington Drive is currently occupied by an existing warehouse and office premises, known as the 'B Braun' building. This building was approved on 16 August 2001 as part of Stage 1 of Development Consent No. 633/2002/HA for a staged office and warehouse development at Nos. 17-19 and 21-23 Lexington Drive.

On 16 September 2020, Development Consent No. 1610/2020/HA was granted for a temporary drive though take away food and drink premises for mobile food vendors.

## 21-23 Lexington Drive

Lot 7081 DP1037626, 21-23 Lexington Drive is currently vacant. Stage 2 and 3 of Development Consent No. 633/2002/HA for a staged office and warehouse development has not been constructed.

Development Application 172/2021/JP was lodged on 6 August 2020 for a mixed use development including commercial office floor space and serviced apartments. This application is currently under assessment.

A restriction as to user exists on title of this adjoining property Lot 7081 DP 1037626, 21-23 Lexington Drive for right of carriageway which benefits the subject site (Lot 7082 DP 1037626, 17- 19 Lexington Drive). As the proposed development includes use of this right of carriageway for vehicular access, owner's consent has been provided by the adjoining landowner for the subject application.

## DETAILS AND SUBMISSIONS

|                           |   |
|---------------------------|---|
| Owner:                    | Marti's Investments Pty Ltd and Coranton Pty Ltd  |
| Zoning:                   | B7 Business Park  |
| Area:                     | 18,367m <sup>2</sup>  |
| Existing Development:     | Bella Vista Hotel (13-15 Lexington Drive) and Warehouse and Office Premises (17-19 Lexington Drive) |
| Section 7.12 Contribution | \$1,548,906.01  |
| Exhibition:               | Not required  |
| Notice Adj Owners:        | Yes, 14 days  |
| Number Advised:           | 340   |
| Submissions Received:     | Five  |

## PROPOSAL

The proposal is for a mixed use development to be completed in two stages as follows:

### Stage 1 (Buildings A and D):

- Part demolition of the existing building at 13-15 Lexington Drive (occupied by the Bella Vista Hotel), and retention of a portion of the premises immediately adjacent to Woolworths Way.
- Removal of trees, excavation works and civil engineering works.
- Construction of a 5 storey building (Building A) adjacent and integrated with the retained portion of the hotel comprising of:
  - Reconfigured gaming lounge and sports bar
  - New function room and rooftop bar
  - Kids play area for the patrons of the hotel
  - 1,577.6m<sup>2</sup> commercial office floor space

- Two food and drink premises on the upper ground floor
- Construction of a 7 storey building (Building D) adjacent to the hotel comprising of:
  - 77 serviced apartment units with the ability to provide 130 keys
  - A food and drink premises on the ground floor.
- Partial construction of shared basement, lower ground, ground, and upper ground parking consisting of 455 car parking spaces (including 11 accessible spaces and 4 tandem spaces), 42 bicycle spaces and 4 motorcycle spaces.
- Provision of pick up and drop off driveway for patrons of the Hotel and guest of serviced apartments and 14 outdoor at-grade spaces.
- Conversion of an existing one-way ingress driveway off Woolworths Way into a two-way ingress and egress driveway.
- Provision of two-way ingress and egress access ramp into the lower ground floor
- Provision of end of trip facilities at Level 1.
- Provision of loading area for Building A, D and bar/bistro (Building E).
- Landscaping works.

#### Stage 2 (Buildings B and C):

- Demolition of the existing multi-storey commercial warehouse building at 17-19 Lexington Drive.
- Removal of selected trees on site and excavation works.
- Civil engineering works including stormwater treatment works.
- Construction of two 6-9 storey interlocking commercial office buildings (Buildings B and C) consisting of:
  - 18,911.8m<sup>2</sup> of commercial office floor space (including A-Grade quality)
  - Four food and drink premises in Building B
  - Wellness centre including gym, hair salon, swimming pool, sauna and steam pool, recovery and massage room, yoga room and end of trip facilities in Building C.
- Construction of the remainder of the shared basement, lower and upper ground parking consisting of 420 spaces.
- Landscaping works including central plaza.
- Provision of loading area for Buildings B and C.
- Vehicular access to basement car park and waste loading area off shared right of carriageway at 21-23 Lexington Drive.

The development would comprise a total of five buildings with heights varying from 5-9 storeys, with a maximum height of RL115.7.

The proposal includes the following floor space 20,489.4m<sup>2</sup> commercial office, 1,439.1m<sup>2</sup> food and drink premises, 864.8m<sup>2</sup> recreational facility (indoor) and business premises, 6,190.6m<sup>2</sup> serviced apartments and 2,847.5m<sup>2</sup> for a pub. This results in a total floor area of 36,734m<sup>2</sup> and a floor space ratio of 2:1. A total of 875 car parking spaces (881 spaces included tandem spaces) are provided.

Whilst approval is sought to construct the commercial offices and food and drink premises, the proposal does not include the internal fitout of these uses. It is noted that first uses (with exceptions) are able to be approved as Complying Development under the provision of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Any alteration to the Codes SEPP hours of operation will require further approval.

## STRATEGIC PLANNING FRAMEWORK

### a. Sydney Region Plan – A Metropolis of Three Cities

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

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

The proposed development would provide additional jobs, a choice of modern office space, and co-located uses of business premises, serviced apartments, food and drink premises, pub and indoor recreational facilities within 600m to the Bella Vista Metro Station. The proposal will enhance the global competitiveness of Norwest Business Park.

The Plan identifies that the built form of development within business parks is critical to their ability to evolve into places with high amenity and vibrancy, while supporting the role of a specialised employment precinct.

### b. Central City District Plan

The plan requires integration of land use planning and transport to facilitate walkable 30-minute cities amongst the 34 strategic centres identified. Norwest, being within the Sydney Metro Northwest Rail Corridor should seek to facilitate growth and change that enables efficient access to jobs, services, residential opportunities and a wide range of other uses through reduced travel times (Planning Priority C9). The site would support the objectives of the B7 Business Park Zone and the role of the employment precinct.

In facilitating the 30-minute city, the Plan also encourages growth in investment, business opportunities and jobs in strategic centres. Norwest is identified as a strategic centre and an established commercial centre that has the opportunity to develop into a more diversified, specialised centre with higher employment densities supported by residential use (Planning Priority C10). Norwest (including the Castle Hill industrial area and business park land in Bella Vista) has a 2036 baseline target of providing 49,000 jobs. In support of the Greater Sydney Region Plan, the District Plan also emphasises the role that the built form of development in business parks has to play in creating places with high amenity and vibrancy, while maintaining their function as an employment precinct. The proposed development would result in the creation of more jobs and enhance economic and business opportunities within the business park along with supporting uses such as café/restaurants, a pub, serviced apartments and an indoor recreational facility.

## ISSUES FOR CONSIDERATION

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

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

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

The proposed development has a capital investment value of \$154,890,601 thereby requiring referral to, and determination by, a Regional Planning Panel.

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

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

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

Clause 7 of the SEPP states:-

- 1) *A consent authority must not consent to the carrying out of any development on land unless:*
  - (a) *it has considered whether the land is contaminated, and*
  - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
  - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

#### **Comment:**

A Stage 1 Environmental Site Assessment has been undertaken by Soilsrock Engineering. The investigation found that the identified potential contaminants from site historical land use and activities is deemed to be low and the detected concentration of all contaminants in soil around the entire site would not present an unacceptable risk of exposure to human health within the context of the proposed land uses. The investigation concludes that the site can be made suitable for the proposed development subject to a site construction management plan be carried to classify and manage the appropriate disposal or re-use of soils from excavations, a waste classification and validation must be undertaken for all soils/rock excavated prior to removal from the site, prior to the demolition of buildings, a hazardous buildings materials assessment should be undertaken and all imported material to the site should be assessed for potential contamination in accordance with the EPA guidelines.

In this regard, a development consent condition has been recommended to ensure the recommendations made by the submitted environmental site assessment report are undertaken. Refer condition 17. Subject to this condition, the proposal is considered satisfactory with regard to land contamination as the site is suitable for the proposed development as required under the provisions of SEPP 55.

### 3. State Environmental Planning Policy (Infrastructure) 2007

This Policy aims to facilitate the delivery of infrastructure and identify matters to be considered in the assessment of development adjacent to particular types of infrastructure development. Specifically the SEPP contains provisions relating to development adjacent to a rail corridor, traffic generating development and development with access to a classified road.

#### a. Excavation in, above, below or adjacent to rail corridors

Clause 86 'Excavation in, above, below or adjacent to rail corridors' of the SEPP states:-

*(1) This clause applies to development (other than development to which clause 88 applies) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land—*

- (a) within, below or above a rail corridor, or*
- (b) within 25m (measured horizontally) of a rail corridor, or*
- (b1) within 25m (measured horizontally) of the ground directly below a rail corridor,*

*or*

- (c) within 25m (measured horizontally) of the ground directly above an underground rail corridor.*

*(2) Before determining a development application for development to which this clause applies, the consent authority must—*

- (a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and*
- (b) take into consideration—*
  - (i) any response to the notice that is received within 21 days after the notice is given, and*
  - (ii) any guidelines issued by the Secretary for the purposes of this clause and published in the Gazette.*

*(3) Subject to subclause (5), the consent authority must not grant consent to development to which this clause applies without the concurrence of the rail authority for the rail corridor to which the development application relates.*

*(4) In deciding whether to provide concurrence, the rail authority must take into account—*

- (a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on—*
  - (i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and*
  - (ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and*
- (b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.*

*(5) The consent authority may grant consent to development to which this clause applies without the concurrence of the rail authority concerned if—*

- (a) the rail corridor is owned by or vested in ARTC or is the subject of an ARTC arrangement, or*
- (b) in any other case, 21 days have passed since the consent authority gave notice under subclause (2)(a) and the rail authority has not granted or refused to grant concurrence.*

**Comment:**

The Sydney Metro rail corridor traverses the northern portion of the site. The proposal includes excavation works which exceed 2m in depth within the second Sydney Metro Reserve Limit. In this regard, the SEPP requires development to be referred to the Sydney Metro Northwest for concurrence.

Sydney Metro has assessed the potential impacts of the development on the safety or structural integrity of the existing rail infrastructure facility on the rail corridor and the safe and effective operation of this infrastructure and the measures proposed to minimise potential effects.

Sydney Metro granted concurrence to the proposal on 22 September 2020 subject to recommended conditions. Refer condition 31.

**b. Traffic generating development**

Clause 104 'Traffic-generating development' of the SEPP states:-

*(1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:*

- (a) new premises of the relevant size or capacity, or*
- (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*

*(2) In this clause, relevant size or capacity means:*

- (a) in relation to development on a site that has direct vehicular or pedestrian access to any road—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*
- (b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.*

*(2A) A public authority, or a person acting on behalf of a public authority, must not carry out development to which this clause applies that this Policy provides may be carried out without consent unless the authority or person has:*

- (a) given written notice of the intention to carry out the development to RMS in relation to the development, and*
- (b) taken into consideration any response to the notice that is received from RMS within 21 days after the notice is given.*

*(3) Before determining a development application for development to which this clause applies, the consent authority must:*

- (a) give written notice of the application to the RMS within 7 days after the application is made, and*
- (b) take into consideration:*

*(i) any submission that the RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RMS advises that it will not be making a submission), and*

*(ii) the accessibility of the site concerned, including:*

*(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*

*(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*

*(iii) any potential traffic safety, road congestion or parking implications of the development.*

*(4) The consent authority must give the RMS a copy of the determination of the application within 7 days after the determination is made.*

**Comment:**

The proposal is categorised as traffic generating development pursuant to Schedule 3 of the SEPP. The SEPP requires development to be referred to the Transport for NSW (previously Roads and Maritime Service) where a commercial premises results in a gross floor area of 10,000m<sup>2</sup>. The proposed mixed use development results in a gross floor area of 36,734m<sup>2</sup> and 20,489.4m<sup>2</sup> of commercial floor space.

The Development Application was referred to Transport for NSW for review. Transport for NSW have raised concerns regarding the impact of the proposed development on the State road network and does not support the proposal. Two letters have been received from Transport for NSW objecting to the proposal. Refer Attachment 17. The following concerns were raised:

1. *TfNSW requests the following intersections to be assessed and included in the traffic report in addition to the intersections modelled:*
  - *Old Windsor Road/Norwest Boulevard*
  - *Old Windsor Road/Celebration Drive*
  - *Lexington Drive/Celebration Drive*

*All intersections should be modelled in SIDRA for both existing and future year 2036 scenarios.*

2. *It is noted from the traffic report that the intersection of Lexington Drive/Norwest Boulevard would operate at level of service 'F' in both AM and PM peak hours after the completion of the development. The report concludes that intersection upgrades are expected following 'planned study by Council and RMS'.*

*As there is no funding allocated for intersections upgrades at this stage, TfNSW does not support the proposed assumptions for planned intersections upgrades in the traffic report. The proponent should increase the extent of their traffic study to assess the impact of their development on nearby intersections and investigate the need/associated funding for upgrading or road improvement works (if required). They should establish a baseline level of performance for the impacted intersections, and demonstrate that their development does not reduce the performance if these intersections or undertake works to restore existing levels of intersection performance.*



Since November 2005, Council's Infrastructure and Transport Planning section have been developing a Traffic Masterplan for various intersection improvements within the Norwest Business Park including the intersections mentioned by Transport for NSW above. Discussions relating to the design and funding of these improvement works including upgrade works required at these intersections have been held with the Network Planning Section in Transport for NSW (previously RTA) since the early stages of the master planning process. A Norwest Boulevard Corridor Investigation carried out for Transport RMS Network Sydney West Precinct Network Development was conducted in April 2017 which details road widening along Norwest Boulevard and intersection upgrades required at the Lexington Drive/Norwest Boulevard intersection.

Further, Transport for NSW is aware that Council is approaching completion of a full traffic analysis for the entire Norwest Business Park, resulting from the ultimate development potential of the two rail station precincts at Norwest and at Bella Vista. This investigation is chaired by a Project Coordination Group that has membership of Transport for NSW, Department of Planning, Industry and Environment and Council staff. The scope of the station precinct analysis requires the Project Coordination Group to recommend an intersection treatment at the above mentioned intersections, and to determine a strategic estimate for the ultimate upgrade.

In this regard, the request for additional SIDRA modelling at the above mentioned intersections in Transport for NSW's letter for the subject application is redundant as strategic estimates for the upgrade works will be recommended by the Project Coordination Group which will supersede any traffic modelling provided by the Applicant under this application.

#### **4. The Hills Local Environmental Plan 2019**

##### **a. Permissibility**

The land is zoned B7 Business Park under Local Environmental Plan 2019. The proposal comprises uses defined as the following:

**Office premises** means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

**Food and drink premises** means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

**Pub** means licensed premises under the Liquor Act 2007 the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

**Serviced Apartments** means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

*Note—*

*Serviced apartments are a type of tourist and visitor accommodation—see the definition of that term in this Dictionary.*

**Recreation Facility (Indoor)** *means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.*

**Business Premises** *means a building or place at or on which—*

*(a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or*

*(b) a service is provided directly to members of the public on a regular basis, and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.*

*Note—*

*Business premises are a type of commercial premises—see the definition of that term in this Dictionary.*

The proposal comprises office premises, a wellness centre which includes a gymnasium and pool and is considered a recreational facility (indoor), a hair salon which is considered a business premises, additional café/restaurants which are defined as food and drink premises and serviced apartments. The proposal also includes alterations and additions to Bella Vista Hotel which is defined as a pub and food and drink premises.

In this regard, the proposed uses are permitted within the B7 Business Park zone under the provisions of LEP 2019.

## **b. Zone Objectives**

The site is zoned B7 Business Park under The Hills LEP 2019. The objectives of the zone are:

- *To provide a range of office and light industrial uses.*
- *To encourage employment opportunities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To make provision for high technology industries that use and develop advanced technologies, products and processes.*

The proposal is considered to be consistent with the stated objectives of the zone, in that the proposal will provide for a range of office, business premises, serviced apartments, food and drink premises, pub uses that would encourage additional employment opportunities. The food and drink premises, business premises, pub and indoor recreational facility would provide services that meet the day to day needs of workers in the area.

As such the proposal is considered satisfactory in respect to the LEP 2019 zone objectives.

### c. Development Standards

The following addresses the principal development standards of the LEP:

| CLAUSE                | REQUIRED  | PROVIDED  | COMPLIES                        |
|-----------------------|---|---|---------------------------------|
| 4.3 Height            | RL 116  | RL 115.7  | Yes                             |
| 4.4 Floor Space Ratio | 2:1<br>36,734m <sup>2</sup>   | 2:1<br>36,734m <sup>2</sup>                             | Yes                             |
| 7.7 Design Excellence | Development consent must not be granted unless the development exhibits design excellence | Proposal referred to Council's Design Excellence Panel. | Yes, refer to discussion below. |

#### (i) Clause 2.7 Demolition requires development consent

Clause 2.7 of the LEP prescribes that the demolition of a building or work may be carried out only with development consent and notes that if the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, as exempt development, the Act enables it to be carried out without development consent.

The proposal seeks part demolition of an existing pub known as the 'Bella Vista Hotel' in Stage 1 and demolition of an existing office warehouse building at 17-19 Lexington Drive at Stage 2.

#### (ii) Clause 7.7 Design Excellence

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

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

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

**Comment:**

The design excellence of the proposal was considered at two Design Excellence Panel meetings convened by Council and held on 10 July 2019 (pre-lodgement stage) and 13 May 2020. The meeting minutes of the Design Excellence Panel are included at Attachment 18. At the end of the last meeting, the Design Excellence Panel concluded that:

*“The Panel supports the restrained, refined design quality of the revised proposal, which will positively contribute to the envisioned urban character of this emerging Transit Oriented Development precinct. Subject to Council’s DA Officer being satisfied that the applicant has addressed the minor issues raised in this report, the project need not return to the panel for further consideration”.*

The following improvements have been recommended by the Design Review Panel:

- Substantial planting and canopy trees in the street frontage, public courtyard areas and greenery and shade on rooftop areas is encouraged.
- Consideration should be given to removing vehicular entries that reduce landscape provision in the setback zones and are not essential to the functions of the development. Potential pedestrian and vehicular conflicts should be minimised.
- The setbacks are to be compliant.
- The ranges of uses and circulation patterns within the floorplans is quite complex, and the relationship between the functions related to the existing hotel may benefit from some further consideration and refinement.
- The location of the gaming room at the ground entry level would require screening from the street frontage. The Panel supports the use of a transparent material at this location to assist in activating the frontage and the site and recommends that a more active use that does not require screening be located in this position.
- It is suggested the applicant confirm market demand for the proposed serviced apartment accommodation.
- Visual privacy and screening of the serviced apartment privacy balcony areas should be ensured, given proximity to adjacent sites and other uses in the building.
- Whilst SEPP 65 is not a requirement for serviced apartments, visual privacy across the internal courts between different uses and acoustic privacy for internal balconies and living areas should be considered.
- Sustainability and environmental amenity have been well considered with the provision of pedestrian-oriented, well-scaled public domain, solar shading integrated

into the façade treatments and provision of a 'living green wall'. Maintenance of facades should be included in conditions of consent.

- All utility services in the public domain are to be screened and integrated into the building fabric.
- The location of the On Site Detention tanks should not be located within the landscaped areas.

The Applicant has provided amended plans to address the majority of recommendations above. The following comment is provided with regards to the above recommendations:

- Substantial planting and canopy trees have been provided to the street frontage to provide an appropriate buffer to Lexington Drive.



Figure 1: Tree Plan – Ground Level

- Vehicular and pedestrian access provided is integrated with the landscape plan and results in a high quality landscaping outcome. Pedestrian/vehicular conflicts have been minimised.
- The proposal complies with the 20m front setback control as required under DCP 2012.
- An axonometric diagram has been included that indicates the ranges of uses and demonstrates the circulation patterns within the floorplans (see Figure 2 below).

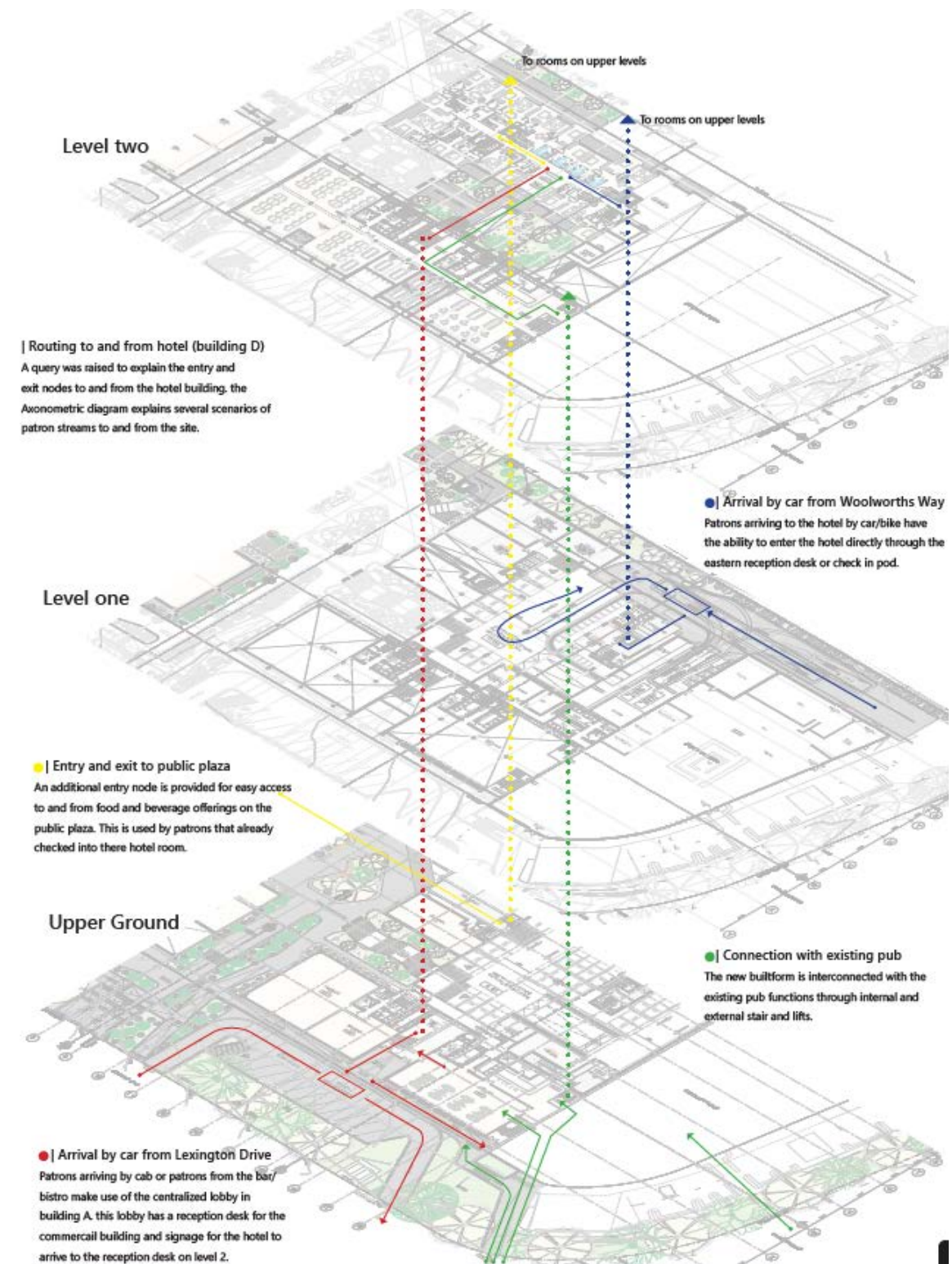


Figure 2: Axonometric diagram indicating circulation patterns

- Additional screening has been provided in front of the gaming room, with offset panels for a coulisse effect. Refer to comparison in the figures below. The level above the sports bar, which is not screened, would assist with activating the frontage.





Figure 3: Photomontage of front façade of Building A facing Lexington Drive as originally lodged



Figure 4: Photomontage of front façade of Building A facing Lexington Drive as amended

- With respect to visual privacy/separation distances, there is sufficient building separation of at least 12 metres between the different uses/buildings with more than accommodated as required under SEPP 65 Apartment Design Guide between Buildings A and D, D and C and A and C. Amendments in red under condition 1 have been recommended in the development consent requiring that all west facing windows serving bedrooms in levels 2-6 of the serviced apartments are to be installed with obscured glass and all balustrades serving balconies facing commercial office buildings are to be solid and at least 1.2m from the finished floor level. Subject to this condition, no visual privacy issues would arise from the different land uses.

- The maintenance of facades with green walls has been recommended as a consent condition. Refer condition 1.
- With regard to all utility services in the public domain to be screened and integrated into the building fabric. A condition of development consent is recommended requiring all utility services to be screened from the public domain. Refer amendments in red under condition No. 1.
- Market demand for the serviced apartments is not a design excellence matter and is not considered under this section.
- No On Site Detention tanks are proposed for the development.

With regard to Clause 7.7(4)(a), the design has been amended to ensure that the standard of design, building materials, building type and location is consistent with the streetscape character of existing development and desired future character of the Bella Vista Station Precinct within the Norwest Business Park.

With regard to Clause 7.7(4)(b), the varying building heights and activated frontages comprise a high level of architectural design ensures that the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain.

With regard to Clause 7.7(4)(c), the Applicant has adequately demonstrated that there would be negligible impacts to heritage view corridors to and from Bella Vista Farm Park as the height is below the maximum height permitted under the LEP.

With regard to Clause 7.7(4)(d), the proposal results in no impact on adjoining properties in terms of overshadowing.

With regard to Clause 7.7(4)(e), the proposed development has been assessed in detail and addressed in Section 5 below.

With regard to Clause 7.7(f), site suitability and existing and proposed uses are considered satisfactory and is consistent with the requirements of this sub-clause.

With regard to Clause 7.7(4)(g), the findings of Council's Design Excellence Panel have been considered and the concerns raised have been satisfactorily addressed.

In this regard, the proposal satisfies the provisions under Clause 7.7 of LEP 2019.

### **(iii) Clause 5.10 Heritage Conservation**

Clause 5.10 prescribes that the consent authority, may, before granting consent to any development on land that is within the vicinity of a heritage item or heritage conservation area requires a heritage management document to be prepared to assess the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

The subject site does not contain or directly adjoin a State Significant heritage item. The proposal is located within the vicinity of Bella Vista Farm Park which is 260m south east of the site. Bella Vista Farm is a heritage item of State and local significance, comprising a grouping of early farm buildings and surrounding parklands. The heritage listing of Bella Vista Farm Park includes the built form and the Bunya Pines and includes protection of key vistas to and from the Park.

The proposed development has been designed with a transition of building heights from RL108 to RL115.7 which is well under the maximum RL of 116 for the site established to preserve the view corridors for the item. The views and vistas from Bella Vista Farm Park



have been retained through the establishment of a view corridor in a south eastern direction towards Bella Vista Farm through the corner of Lexington and Woolworths Way.

In this regard, the proposal is responsive to the heritage significance of the cultural significance of the farm, associated structures and plantings and is considered satisfactory with regard to the Clause.

## 5. Compliance with The Hills Development Control Plan 2012

The proposal has been against the relevant provisions of The Hills Development Control Plan 2012. The proposed development achieves compliance with the relevant requirements of DCP 2012 with the exception of the following:

| DEVELOPMENT CONTROL  | DCP REQUIREMENTS  | PROPOSED DEVELOPMENT   | COMPLIANCE  |
|--|---|--|---|
| Part B Section 6 – Business Clause 2.5 Setbacks                                      | Side/Rear Setbacks: Minimum 10m except in the case of car parking where a 5m setback applies provided the first 5m is landscaped to screen car parking.   | <p>North western rear setback to Woolworths Car park: 5m (upper ground podium to level 2 of Building D)</p> <p>North western side boundary shared with 21-23 Lexington Drive: 5m (Ground Floor podium) and 9m (blades of façade of Building C)</p> <p>Rear eastern boundary with Woolworths Car Park: Minimum 5.5m (Building C)</p> <p>Rear north east boundary shared with 5 - 7 Meridian Place: 9.6m (northern corner of blades of façade of Building C)</p> | No. The variation occurs to the north eastern corner of Building C and upper ground podium for Building D. Refer to discussion below. |
| Part B Section 6 – Business Clause 2.18 Loading Docks and Part C Section 1 – Parking | For offices (GFA), 1 loading bay is required for 1,860m <sup>2</sup> , 1 for next 3,720m <sup>2</sup> , 1 for next 3,720m <sup>2</sup> and 1 for each extra 9,250m <sup>2</sup> . Therefore, 4 bays required for office GFA of 20,489.4m <sup>2</sup> | 1 loading bay provided in Stage 1 and 1 loading bay provided in Stage 2  | No, however considered to be commensurate with size of mixed use commercial development. Refer to discussion below.                   |
| Part C Section 1 - Parking   | <b>Stage 1</b><br><u>Bella Vista Hotel</u><br><b>234</b> car spaces   | <b>Stage 1</b><br>L1 – 10 car spaces<br>UG – 45 car spaces   | No, shortfall of 397 car parking spaces for the   |

| DEVELOPMENT CONTROL | DCP REQUIREMENTS   | PROPOSED DEVELOPMENT   | COMPLIANCE   |
|---------------------|--|--|--|
|                     | <p>approved for 790 patrons under 47/2018/HA.</p> <p><u>Commercial Office premises</u> require 1 space per 25m<sup>2</sup>. Commercial GFA 1,577.6m<sup>2</sup>. <b>63 spaces</b> required.</p> <p><u>Serviced Apartments:</u><br/>Hotel/motel accommodation 1 space/guest room plus 1 space per 2 employees in addition to any space generated by a public bar or restaurant. 77 Serviced Apartments which will include 130 keys. It is noted that for the purposes of calculating the required car parking provision, each key apartment has been accounted for separately, representing a maximum yield of 130 serviced apartments. For 130 units + 5 employees, <b>135 spaces</b> required.</p> <p><u>Restaurant or café</u> within commercial office building requires 1 space per 25m<sup>2</sup>. For 351m<sup>2</sup> GFA, <b>14 spaces</b> required.</p> <p>Total required for Stage 1: <b>446 spaces</b></p> <p><b>Stage 2</b><br/><u>Commercial Offices</u><br/>GFA of 18,911.8m<sup>2</sup>, <b>757 spaces</b> required.</p> <p><u>Recreational Facilities</u><br/>Gym with GFA of</p> | <p>GF – 98 car spaces<br/>LG – 100 car spaces<br/>B1 – 101 car spaces<br/>B2 – 101 car spaces</p> <p>Total car spaces provided: <b>455</b></p> <p><b>Stage 2</b><br/>GF – 72 car spaces<br/>LG – 112 car spaces<br/>B1 – 138 car spaces<br/>B2 – 98 car spaces</p> <p>Total car spaces provided for Stage 2:</p> | <p>development.<br/>Refer to discussion below.</p> |

| DEVELOPMENT CONTROL | DCP REQUIREMENTS  | PROPOSED DEVELOPMENT  | COMPLIANCE |
|---------------------|---|---|------------|
|                     | <p>864.8m<sup>2</sup> requires 1 space per 25m<sup>2</sup> GFA. <b>35</b> spaces required.</p> <p><u>Restaurant or café</u> within commercial office. For 973.6m<sup>2</sup> GFA, <b>39 spaces</b> required.</p> <p>Total required for Stage 2: <b>831 spaces</b></p> <p>Total car spaces required for both stages: <b>1,272 spaces</b></p> | <p><b>420</b></p> <p>Total car spaces provided for both stages: <b>875 spaces</b> (not including 6 tandem spaces)</p> |            |

**a. Side and Rear Setbacks**

The DCP requires a minimum 10m side setback to adjoining industrial or business uses except in the case of car parking where a 5m setback applies provided the first 5m is landscaped to screen car parking. Proposed Building C comprises a north western side setback of 5m for the ground floor podium level and a 9m setback for the blade of facades within the upper levels. The building also comprises a 5.5m eastern rear boundary setback and a 9.6m point encroachment to the north eastern rear setback for the northern corner. Proposed Building D comprises a north western rear setback of 5m for the upper ground podium level.

The Applicant has provided the following justification for the variation:

*Overall the proposed side and rear setbacks are considered appropriate given that the proposal is not contrary to the following objectives of the setback controls in the DCP...the proposal provides an attractive streetscape and generous areas for landscaping and rich opportunities for screen planting as demonstrated in the Landscape Plan submitted with this application. Lush greenery has been accommodated throughout the development including the setbacks wherever possible.*

*The proposed setbacks do not impede sight distance for vehicles entering and leaving the site via the various access driveways in the development. The shadow diagrams (depicting the June 21 scenario) in the architectural plans submitted show that the proposed development (with its reduced proposed setbacks) will not adversely overshadow adjoining properties. Overshadowing over adjoining properties is in fact minimal. The privacy and amenity of adjoining land, being commercial office B7 Business Park are not detrimentally impacted by the proposal and its setbacks. There is no immediate residential development surrounding the site. The proposed landscaping and façade treatments are appropriate. The proposed development will provide a very desirable and aesthetically pleasing working environment, with the setback landscaping contributing to the vision for the site as a 'green business city', promoting a health and activated environment.*

**Comment:**

The relevant objective of Clause 2.5 Setbacks under Part B Section 6 Business is:

- *To provide an attractive streetscape and substantial areas for landscaping and screen planting.*

*To ensure adequate sight distance is available for vehicles entering and leaving the site.*

- *To minimised overshadowing of adjoining properties.*
- *To protect privacy and amenity of any adjoining land uses.*
- *To provide a desirable and aesthetically pleasing working environment.*
- *To ensure endangered ecological communities are protected.*

The subject proposal includes encroachments to the rear and side setbacks for Building C and D. The 5m encroachments for Building C only exist for the ground level podium levels and the upper level encroachments are considered negligible given they only relate to blade wall features and a point encroachment to the northern corner. These variations do not result in any overshadowing to adjoining properties and given the irregular shape of the site and angle of the building envelope, negligible overlooking impacts would occur to the adjoining Woolworths car park and commercial development at 5-7 Meridian Ave.

Whilst Building D generally complies with the 10m side/rear setback required under the DCP, a 5m encroachment is proposed to the north western rear property boundary. This variation is for the upper ground podium level to level 2. Notwithstanding, the rear setback is still well landscaped and no amenity impacts would occur to the adjoining car park.

In addition, the Design Excellence Panel reviewed the proposal and noted that “*the development presents a restrained and elegant architectural design with an engaging urban interface that will provide a positive contribution to the precinct...the provision of deep soil zones within the front and side setbacks enables soft landscaping treatments with a capacity to support high canopy trees providing shade to the western façade, a pleasant office outlook*”.

It is considered that despite the variations to the side/rear setbacks, sufficient landscaping has been provided to protect the privacy and amenity of adjoining land uses and the proposal would provide for a desirable and aesthetically pleasing working environment. In this regard, the variation is supported.

**b. Loading and Delivery Requirements**

The DCP requires that for offices, 1 loading bay is required for 1,860m<sup>2</sup> Gross Floor Area, 1 for the next 3,720m<sup>2</sup>, 1 for next 3,720m<sup>2</sup> and 1 for each extra 9,250m<sup>2</sup>. In accordance with this rate, 4 bays are required for office GFA of 20,489.4m<sup>2</sup>. The proposal provides for one loading bay underneath Building D, accessed off the Woolworths Way entrance in Stage 1 of the development. An additional loading bay is proposed under Building B, accessed off the right of way at 21-23 Lexington Drive.

The Applicant has provided the following justification for the variation:

*It is considered that two loading bays for trucks is an appropriate provision for the proposed development, for the following reasons:*

- *The serviced apartments will require little to no loading demands once the apartments have been furnished prior to opening;*

- *Peak loading demands and waste collection for the proposed developments on the site will occur outside of peak hours and will be scheduled such to avoid conflict with other loading vehicles. This can be managed via a scheduling system and/or regular delivery timetables;*
- *The proposed loading space accessed via Woolworths Way is considered satisfactory to cater of the loading and waste demands of Stage 1 of the development;*
- *The proposed loading space accessed via Lexington Drive is considered satisfactory to cater for the loading and waste demands of Stage 2 of the development; and*
- *Any additional loading demands such as couriers or catering vehicles can easily be accommodated within either the loading areas or regular car parking spaces.*

*A swept path assessment has been undertaken to test the suitability of each loading bay to accommodate a Heavy Rigid Vehicle.*

**Comment:**

The relevant objectives of Clause 2.9 Loading and Delivery Requirements under Part C Section 1 Parking are:

- *To provide suitable access on-site for service vehicles, for the purpose of loading and/or delivery goods.*
- *To ensure that types of loading and delivery areas are suited to the needs of the development*
- *To ensure that adequate numbers of loading and delivery areas are allocated for appropriate types of service vehicles.*
- *To protect neighbourhood amenity and safety in the design and construction and operation of loading and service areas in accordance with Council's ESD objective 7.*

The Applicant has indicated that the peak loading demands will occur outside peak hours and can be managed via a scheduling system. It is considered that the number of loading bays is sufficient for the mixed use development. To avoid any vehicular conflicts and ensure the safe operation of loading docks condition 86 has been recommended in the consent requiring a Dock Management Plan to be prepared to the satisfaction of Council to promote safe and efficient operation of the proposed loading docks and to avoid approaching trucks having to wait on public roads. The plan must address the following:

- Allocation of loading spaces
- Delivery times
- Controls on duration of stays
- Controls on placement of skips, pallets, etc.
- Procedures for tradesmen access and parking.
- Operating times.
- Truck access routes

The Applicant has also provided swept paths that demonstrate that each of the loading bays proposed could accommodate a Heavy Rigid Vehicle. In this regard, sufficient and suitable on-site access for service vehicles has been provided for the purpose of loading and unloading goods.

Subject to conditions, the variation to the number of loading bays is supported.

**c. Car Parking**

The DCP requires that commercial premises, restaurants/cafes and recreational facilities within commercial office buildings be provided with 1 car space per 25m<sup>2</sup> GFA, 1

space/guest room plus 1 space per 2 employees in addition to any space generated by a public bar or restaurant for a serviced apartment. The alterations and additions to Bella Vista Hotel do not include an increase in the number of patrons. For the purposes of calculating car parking for the pub, a requirement of 234 car parking spaces for a maximum of 790 patrons will be used as conditioned under Development consent No. 47/2018/HA. In this regard, application of the DCP rates and inclusion of the car spaces approved under 47/2018/HA would require 446 car spaces under Stage 1 and 831 car spaces in Stage 2 of the development, totalling 1272 car spaces for the development.

The proposal provides 455 car parking spaces in Stage 1 and 420 spaces in Stage 2, totalling 875 spaces (not including 6 tandem spaces). This results in a shortfall of 397 spaces (not including tandem spaces).

The Applicant has provided the following justification:

*The proposal seeks to deviate from Council's nominal office and food and beverage parking rates. In this regard, the proposal seeks to utilise the RMS office parking rate of 1 space per 40m<sup>2</sup> for both uses. The adoption of RMS' office parking rate is considered appropriate in this circumstance due to the following:*

#### *Office Component*

- The site is located within 650m of the Bella Vista Metro Station, providing excellence connections to Chatswood and Rouse Hill. It is expected that a reasonable proportion of workers will utilise this service over private vehicle usage.*
- The site is located within the 'metro-connect' area, allowing nearby workers/visitors to order and on-demand bus service from a 'virtual stop' to either the Bella Vista, Norwest or Hills Showgrounds metro stations. The service operates Monday to Friday from 6am – 10am and 4pm – 9pm. The service offers competitive pricing (compared to taxi/ubers etc.) and provides workers and visitors on alternative and sustainable mode of transport to/from the site.*
- Council's DCP recommends this car parking rate for commercial developments within centres such as Castle Hill, Baulkham Hills and Rouse Hill. The subject site is considered comparable in terms of access to public transport and travel characteristics, particularly employees.*
- The RMS parking rate is for unrestrained situations where all parking demand is to be accommodated on-site. Even this 'reduced' parking rate contributes noting to a sustainable planning outcome in terms of reducing the reliance on private vehicle trips.*
- Council's office parking is a 'generic' rate for an LGA wide application and does not take into consideration of the proximity of public transport.*
- The Bella Vista area in general requires a travel mode shift away from private vehicles. This is clear from the current road capacity issues discussed further below. Thus, a Green Travel Plan and Travel Access Guide could be prepared for the site and could be distributed to all future employees and visitors of the development.*

#### *Food and Beverage Component*

- Council's DCP states that parking provisions for developments where the land use components are not operated concurrently are to be based on whichever of the components generates the greatest car parking requirement.*
- The food and beverage component will generally attract internal visitors during daylight trading hours mainly associated with employees of the office component visiting the premises for lunch etc. Food and beverage premises may also include cafes which will generally only service office workers and will not generate significant external trips.*

- Office parking spaces will be available for other uses after 5pm as employees return home. Appropriate signage on each parking space will advise other users of this arrangement.
- The difference between Council's food and beverage parking rate and the adopted rate equates to only 38 car parking spaces. As mentioned above, the 513 office parking space will become vacant after 5pm as employees return home. The peak operating period for restaurants is generally from 7pm onwards, thus only 7.4% of office spaces are required to become vacant at this time to accommodate the difference. This can be easily achieved.

In light of the above, the proposed parking rates are outlined in Table below:

**Table 4: Proposed Parking Rates and Provisions**

| Type   | Stage 1 Yields        | Stage 2 Yields         | Min. Parking Rate <sup>1</sup>   | Min. Spaces Required <sup>1</sup> | Stage 1 | Stage 2 |
|--|-----------------------|------------------------|----------------------------------|-----------------------------------|---------|---------|
| Commercial                                   | 1,577.6m <sup>2</sup> | 18,911.8m <sup>2</sup> | 1 space per 40m <sup>2</sup> GFA | 513                               | 134     | 379     |
| Serviced Apartments Guests                   | 77 apartments         | -                      | 1 space per 1 guest room         | 77                                | 77      | -       |
| Serviced Apartments Staff                    | 10 Staff <sup>2</sup> | -                      | 1 space per 2 Staff              | 5                                 | 5       | -       |
| Food and Beverage within a Commercial office | 465.5m <sup>2</sup>   | 973.6m <sup>2</sup>    | 1 space per 40m <sup>2</sup> GFA | 36                                | 8       | 12      |
| Gym (wellness centre)                        | -                     | 844.8m <sup>2</sup>    | 1 space per 25m <sup>2</sup> GFA | 35                                | -       | 35      |
| Hotel/Pub (no change)                        | -                     | -                      | -                                | 234                               | 234     | -       |
| Sub-Total                                    |                       |                        |                                  | 900                               | 458     | 426     |
| Total  |                       |                        |                                  |                                   | 884     |         |

<sup>1</sup> Any part spaces to be rounded up to the nearest whole number in accordance with the DCP

<sup>2</sup> Number of staff assumed to be 10 at any time

It can be seen from Table 4 above that the development is nominally required to provide 900 car parking spaces for all components. It is noted that the serviced apartments and commercial components generate the greatest demand for parking, with a combined peak demand for 595 spaces during the day, whilst significantly reducing from 5pm. In response, the development provides a total of 884 spaces and would comfortably accommodate all parking demands within the site, with spare capacity to accommodate surplus parking demand, if required. It is emphasised that the RMS rates should be adopted where applicable since the subject development is located within walking distance of the Bella Vista Metro Station as well as being located immediately adjacent to multiple bus stops, thereby encouraging more sustainable transport options.

In summary, the provision of 884 parking spaces is considered more than adequate to accommodate the parking demands generated by the proposed development with spare capacity to cater for any overflow in demand between the different land uses. This arrangement is consistent with Council's DCP which requires parking provisions to be provided on whichever of the components generates the greatest car parking requirement.

The proposal includes dual use parking, given the uses do not operate concurrently. As previously described, the traffic impact assessment provides a car parking demand assessment, as not all land uses will operate at maximum capacity simultaneously. A list

*of assumptions has been provided in the report with respect to each land use and their respective typical parking demand. In particular, it is proposed that the commercial office parking spaces, which is proposed to be exclusively used by the office between 8am to 5pm, may be used by visitors after 5pm on weekdays and throughout the weekend by other components of the development, including the Bella Vista Hotel. The required spaces for the wellness centre and serviced apartments will be allocated. It will mainly be the office, food and drink premises and the Bella Vista Hotel components that will rely on dual use parking provisions.*

*In addition, some uses operating concurrently would see multi-trip visitors (i.e. officer workers going to the food and drink premises / pub onsite) or nearby visitors already parked elsewhere (other office workers within the Business Park that are able to walk to the site).*

*The SOEE and the Traffic Impact Assessment prepared by Traffix demonstrates that other alternative modes of transport instead of individual private vehicles are encouraged with the proposed development, which is a justification for the reduced car parking spaces sought. The walkable proximity to Bella Vista Station (complemented by the Metro On Demand shuttle service), convenient bus services available, generous bicycle spaces provided and the provision of end-of-trip facilities encourage future employees and visitors to the site to utilise alternative modes of transport. In addition, the development is able to allocate some car sharing spaces for (GoGet). The Traffic Impact Assessment prepared by Stantec originally submitted with the DA included a Green Travel Plan, which outlined initiatives to reduce the overall number of vehicle trips to and from the site, increase carpooling where possible, encourage the use of public transport to the site, promote the use of walking and cycling modes, and make users of the site aware of the sustainable transport alternatives.*

*Further, it is believed that the serviced apartments would not require the car parking numbers required by the DCP, being 135 car spaces for 130 keys or 77 units. The Serviced Apartment Market Assessment prepared by Macroplan supporting this DA found most of the overnight visitors to the area were travelling for business (domestic and international). It would be expected that these visitors would generally be dropped off by taxi / Uber / airport shuttle or perhaps use public transport, such as the metro or bus services available.*

*In addition, the Macroplan report indicates that there is potential to capture the large proportion of international visitors visiting friends and family in the area through the provision of serviced apartments as opposed to hotel rooms, for longer term stay, when there is no option to stay with their friends or family. These international visitors are most likely be dropped off / picked up by friends or family.*

**Comment:**

The objective of Clause 2.1 General Parking Requirements under Part C Section 1 Parking is as follows:

- (c) To provide sufficient parking and is convenient for the use of residents, employees and visitors of the development*

The DCP rate of 1 space per 25m<sup>2</sup> GFA applies to all commercial office and restaurant/cafes within commercial office buildings in the Hills Local Government Area. For Stage 1 of the development, the DCP and existing provisions under Development Consent No. 47/2018/HA for the Bella Vista Hotel requires 446 car spaces. The proposal provides 455 car spaces car parking spaces which comply with this control. For Stage 2 of the development, the DCP



requires 831 car parking spaces. Only 420 car spaces are provided for this stage. The overall shortfall of spaces is 397.

The variation to this control relates predominantly to the shortfall of car parking provided for commercial office floor space. 1,577.6m<sup>2</sup> of commercial floor space is proposed under Stage 1 and 18,911.8m<sup>2</sup> of commercial floor space is proposed under Stage 2 of the development. The DCP rate of 1 space per 25m<sup>2</sup> GFA requires 820 car spaces for the commercial office component (GFA of 20,489.4m<sup>2</sup>).

Notwithstanding, the DCP applies a rate of 1 space per 40m<sup>2</sup> GFA to commercial offices within the Centres of Castle Hill Major Centre, Baulkham Hills Town Centre and Rouse Hill Major Centre which is consistent with the rate recommended by RMS in their Guide for Traffic Generating Developments. The site is located within the Norwest Business Park which has been identified as a strategic centre under the Sydney Region Plan. The subject development is located 600m from Bella Vista Metro Station to the northwest. It is considered appropriate to apply this recommended rate by RMS.

The RMS rate would require 513 parking spaces for the commercial office component of the development. This, together with the DCP provision of 135 spaces for the serviced apartments, 53 spaces for the food and drink premises and 35 spaces for the indoor recreation facility (wellness centre) and the existing condition of 234 spaces under Development Consent 47/2018/HA for the Bella Vista Hotel, would require 970 car parking spaces for the whole mixed use development.

Council's DCP permits that where the main usage periods of the component uses do not coincide, Council may consider a reduction in the car parking requirements provided that the total car parking is not less than that needed for the component that generates the greatest requirement. The onus will be on the applicant to satisfy Council that the uses are not operated concurrently.

The Applicant has indicated that 884 car parking spaces are provided however this figure is not reflected on the plans. The plans indicate 875 parking spaces and 6 tandem spaces resulting in a total of 881 parking spaces. The Applicant has also identified that the office use will not operate at the peak periods of the food and drink premises or the Bella Vista Hotel. It is noted that under development consent 47/2018/HA, the pub has been approved with a maximum capacity of 129 spaces for 420 patrons (Stage 1) and 234 spaces for 790 patrons (Stage 2). The hours approved under the parent consent are 7.00am - 3.00am (Monday to Saturday) and 7.00am - 12.00am Midnight (Sunday). However it is considered that the peak capacity of the pub use of 790 patrons would occur after standard office hours.

A peak capacity of 129 spaces for 420 patrons is considered appropriate for the daytime use between 7am – 6pm of the pub from Monday to Friday. In this regard, to ensure that sufficient car parking is provided on the site, condition 7 is recommended in the consent requiring that at Stage 2 of the development, 515 car parking spaces are required to be allocated for the commercial office use from 7am – 6pm and a restriction of a maximum capacity of 420 patron numbers be provided at the Bella Vista Hotel during these hours (refer table 1 below). The condition also requires a car parking management statement to be submitted prior to the issue of an Occupation Certificate. This would ensure the proposal meets the 1 space per 40m<sup>2</sup> GFA rate as recommended for commercial offices within the Centres as recommended by RMS in their Guide for Traffic Generating Developments. With this condition, adequate provision has been made for all other uses in Stage 2.

| <b>Uses</b>             | <b>Stage 2 – Provision of Car Parking Spaces</b>   |
|-------------------------|--|
| Bella Vista Hotel (Pub) | 129 spaces for 420 patrons (Monday – Friday 7am – 6pm)<br>234 spaces for 790 patrons (Monday – Friday After 6pm) |

|                    |  |
|--------------------|--|
| Commercial Offices | 515 spaces (Monday – Friday 7am – 6pm)   |
| Other uses:        | 216 spaces (46 spaces for food and drink premises; 35 spaces for the wellness centre and 135 spaces for the serviced apartments) |

Table 1: Use and car parking space provision

A Project Coordination Group consisting of Transport for NSW, Department of Planning and Environment, Roads and Maritime Services and Council officers are currently seeking to undertake transport modelling for Norwest Business Park. This study will inform suitable parking rates for developments within Norwest Business Park. In the interim it is considered that in this instance, the rate proposed for the commercial component of 1 space per 40m<sup>2</sup> is suitable for the mixed use development on the site and the parking provision provided for other uses is considered satisfactory.

## 6. Issues Raised in Submissions

| ISSUE/OBJECTION   | COMMENT   | OUTCOME          |
|---|---|------------------|
| <b>Height, bulk and scale</b>   |   |                  |
| The adjoining buildings to the western side of Lexington Drive are two storey developments. Developments to the lower, eastern side of Lexington Drive are no higher than five storeys. Scale of development does not enhance the existing local character of the area. | The proposal complies with the height standard and FSR under LEP 2019. The site is surrounded by existing low scale commercial office developments which complied with the previous FSR standard of 1:1 under LEP 2012. Notwithstanding, the site is part of the Sydney Metro Northwest Urban Corridor, Bella Vista Station Precinct. In December 2017, the Department of Planning, Industry and Environment increased the permitted FSR from 1:1 to 2:1 in the LEP to encourage the “turn-over of existing sites and development of vacant sites for increased employment opportunities”. The scale of the development is as intended by the Department. | Issue addressed. |
| Visual impacts exacerbated by the length of the building, creating an ‘urban canyon’ which will impact local conditions including temperature, wind, light and air quality and mobile phone signals.  | In considering whether the proposal exhibits design excellence, Clause 7.7 requires assessment of the existing context, local character and amenity impacts to adjoining properties. In addition, the proposal was reviewed by Council’s Design Excellence Panel on two occasions and the Panel concluded the proposal exhibits design excellence. The Panel noted the following:<br><i>“The applicant presented a well-considered development</i>  | Issue addressed. |

| ISSUE/OBJECTION  | COMMENT  | OUTCOME                 |
|--|--|-------------------------|
|  | <p><i>proposal that has been designed to integrate into the broader regional context and the strong garden/landscape identify of the Hills Shire, whilst also recognising the many challenges of moving from a low density suburban office park to a higher density mixed-use development within a landscaped setting. The development presents a restrained and elegant architectural design with an engaging urban interface that will provide a positive contribution to the precinct".</i></p>   |                         |
| <b>Overshadowing impacts</b>   |  |                         |
| <p>The proposal will overshadow the road and opposite building (14-16 Lexington Drive) during midwinter. This will create dark corridors for cars and pedestrians and may impact on the outdoor seating of adjoining restaurants and growth of landscaping.</p>  | <p>The shadow diagrams submitted with the application indicate that full direct solar access would be provided to the frontage of the adjoining south western properties at 10-12 and 14-16 Lexington Drive between 12pm – 3pm during midwinter. This ensures that the development would not compromise solar access during the peak lunch period for any outdoor seating areas on the south western properties.</p> <p>In addition, the proposal fully complies with the LEP height standard and front setback required under the Hills DCP 2012.</p> | <p>Issue addressed.</p> |
| <b>Traffic and parking</b>   |  |                         |
| <p>The proposal will increase traffic congestion on Lexington Drive particularly between 7:30am – 9:30am and 4:00pm to 6:30pm. During the day, there are frequently traffic blockages caused by cars making right hand turns into or out of driveways. Hour long delays have been experienced by existing employees adjoining the proposed development at the closest turn off at Norwest Boulevard. No decision</p> | <p>It is acknowledged that traffic improvements works are required within the Norwest Business Park to facilitate the existing and anticipated growth of the precinct. A traffic analysis of the infrastructure improvements required within the precinct is expected to be completed early next year. In addition, Council's forward planning section is currently undertaking master planning for the Norwest Precinct. These improvements works will be funded under a new</p>  | <p>Issue addressed.</p> |

| ISSUE/OBJECTION   | COMMENT  | OUTCOME          |
|---|--|------------------|
| should be made until the study for Transport modelling for Norwest Business Park is completed.  | Section 7.12 contributions plan. It is considered that construction of the development can occur concurrently with the carrying out of upgrade works required within the precinct.   |                  |
| The submitted Traffic Impact Assessment provides inconsistent information.  | Council's Traffic section has reviewed the Traffic Impact Assessment. Council's Principal Coordinator – Traffic and Infrastructure raised no objections to the proposal.   | Issue addressed. |
| The provision of two driveways, 1 ingress and 1 egress on Lexington Drive will provide extensive traffic flow to an already congested Lexington Drive.  | Council's Traffic section has reviewed the proposal. No objections have been raised to the two driveways proposed on Lexington Drive. It is noted that there are two existing driveways/accesses on Lexington Drive that serve the site.   | Issue addressed. |
| The proposed parking does not comply with Council's DCP requirements. The development needs to be reduced in scale.   | <p>It has been assessed that that shortfall in car parking spaces is justified on planning grounds given the context of the site as the development is located 600m from Bella Vista Station and within the Sydney Metro Northwest Urban Corridor, Bella Vista Station Precinct.</p> <p>The car parking rate applied to the commercial component of the development is consistent with the 1 space per 40m<sup>2</sup> GFA rate currently applied to centres in the Hills including Castle Hill which is a comparative strategic centre.</p> | Issue addressed. |
| There is an existing problem with many Woolworths staff and their visitors parking all day inside the T1 building at 14 Lexington Drive.  | The existing problem of Woolworths staff and visitors parking all day inside the T1 building at 14 Lexington Drive is not relevant to the assessment of the subject application.   | Issue addressed. |
| The proposed clearway will remove street parking for approximately 20 cars. These parking spots are consistently filled and public parking at the railway station is also full during business hours. | The onsite parking provided on site is assessed as satisfactory. The proposal does not rely on street car parking for the uses proposed. The parking capacity of the railway station car park is not relevant to the assessment of the subject application.  | Issue addressed. |
| The shortfall in parking spaces for the subject   | The parking is considered to be sufficient for the mixed use   | Issue addressed. |

| ISSUE/OBJECTION   | COMMENT  | OUTCOME  |
|---|--|--|
| development would increase pressure on existing parking spaces within the Norwest Business Park. There is potential for road rage and an increased risk to pedestrians.                               | development given the context of the subject site, being located 600m from Bella Vista Station and within the Sydney Metro Northwest Urban Corridor, Bella Vista Station Precinct. The LEP was amended to “encourage the turn-over of existing sites and development of vacant sites for increased employment opportunities”. The decision was based on transit oriented development principles which requires a reduction in car parking rates to ensure that a modal shift to public transportation is achieved. |  |
| <b>Other concerns</b>   |  |  |
| No documentation has been submitted regarding the electrical arrangements for the site. Details including the proposed electricity supply, in particular the intended HV utility feeder is requested. | The application was referred to Endeavour Energy for comments.   | Refer recommended condition 32 of the consent. |
| A new precedent will be set for developments within Norwest Business Park including for the adjoining site at 21-23 Lexington Drive.  | Development Application 172/2021/JP has been lodged for the adjoining site. This is currently under assessment. This application and any future applications within the vicinity of the subject site will be assessed under the matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979.   | Issue addressed.                               |

## EXTERNAL REFERRALS:

### SYDNEY METRO

The application was referred to Sydney Metro Northwest as required under Clause 86 of SEPP (Infrastructure) 2007 as a rail corridor traverses the northern portion of the site and the development comprises excavation works in excess of 2m. The proposal has received concurrence from Sydney Metro Northwest on 22 September 2020, subject to conditions. Refer condition 31.

### TRANSPORT FOR NSW COMMENTS

The application was referred to the NSW Roads and Maritime Service as the proposal is for a commercial premises that results in a gross floor area over 10,000m<sup>2</sup> and is therefore categorised as traffic generating development pursuant to Schedule 3 of the SEPP (Infrastructure) 2007.

Objections were raised to the proposal on the grounds that the proposed development would have a detrimental impact on the State road network and requested the Applicant provide SIDRA modelling for a number of nearby intersections as no funding had been allocated for any improvement works. It is considered that this request is not warranted as Council is approaching completion of a full traffic analysis for the entire Norwest Business Park, resulting from the ultimate development potential of the two rail station precincts at Norwest and at Bella Vista. This investigation is chaired by a Project Coordination Group that has membership of Transport for NSW, Department of Planning, Industry and Environment and Council staff. The scope of the station precinct analysis includes recommendations of intersection treatments for the nearby intersections as requested to be modelled by Transport for NSW. This is addressed in Section 3b above.

#### **NSW POLICE COMMENTS**

The application was referred to the NSW Police. No objections were raised to the proposal.

#### **ENDEAVOUR ENERGY COMMENTS**

The application was referred to Endeavour Energy. No objections were raised to the proposal and Endeavour Energy notes that provision has been made for two transformer padmount substations to the eastern part of Lexington Drive which will replace the existing substations currently on site.

#### **SYDNEY WATER COMMENTS**

The application was referred to the Sydney Water due to the proximity to Sydney Water assets. No objections were raised to the proposal.

#### **INTERNAL REFERRALS:**

#### **SUBDIVISION ENGINEERING COMMENTS**

The application was referred to Council's Subdivision Engineering Section. No objections were raised, subject to conditions.

#### **TRAFFIC MANAGEMENT COMMENTS**

The application was referred to Council's Traffic Section. No objections were raised to the proposal subject to conditions requiring the relocation of the proposed substations at the Lexington Road frontage to maintain adequate sight distance and ensure that all access driveways comply with the sight distance requirements of AS2890.1-2004 and AS2890.2-2018. Council's Traffic section has also noted that the Applicant's Traffic Consultant has identified that the existing intersection of Lexington Drive and Woolworths Way operates at a LOS "E" in the AM Peak and this will worsen to a LOS "F" with the development based on the access assumptions made by the Applicant. The Norwest Boulevard/ Lexington Drive intersection is indicated as operating at LOS "F" in both the AM and PM peaks and the operation of this intersection is likely to have an impact on the operation of Lexington Drive/Woolworths Way intersection. Transport for NSW has recently exhibited 50% concept plans for the upgrading of Norwest Boulevard/Lexington Drive intersection, although there is no fixed date for the upgrade. It is anticipated that once that intersection upgrade is completed, the operation of the Lexington Drive/Woolworth Way intersection will substantially improve.

The Applicant's Traffic Consultant indicates that a preliminary signalised layout for Lexington Drive/Woolworths Way suggests that significant infrastructure upgrades could improve capacity issues at the intersection. The upgrade of this intersection was not funded when the

State Government rezoned the precinct and has not been included within any S7.11 or S7.12 plans.

A traffic and transport assessment commissioned by Council and TfNSW is currently being undertaken around the Metro Stations and master planning investigations are underway which may conclude that intersection upgrades are required. If intersection upgrades are recommended, then a funding mechanism such as a revised S7.12 plan would then have to be explored.

#### **TREE MANAGEMENT COMMENTS**

The application was referred to Council's Landscape Assessment Officer. No objections were raised, subject to conditions.

#### **HEALTH & ENVIRONMENTAL PROTECTION COMMENTS**

The application was referred to Council's Environmental Health Officer. No objections were raised, subject to conditions.

#### **RESOURCE AND RECOVERY COMMENTS**

The application was referred to Council's Resource and Recovery Section. No objections were raised, subject to conditions.

#### **FORWARD PLANNING COMMENTS**

The application was referred to Council's Forward Planning Team for Section 7.12 and Land and Spatial Information comments. No objections were raised, subject to conditions.

#### **CONCLUSION**

The proposal has been assessed having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979, SEPP 55, LEP 2019 and The Hills Development Control Plan and is considered satisfactory.

The proposal has been assessed as satisfactory under the provisions pursuant to The Hills LEP 2019.

The proposal has been assessed against the requirements of The Hills DCP 2012 and the variations identified with respect to side/rear setbacks, loading bays and car parking have been assessed as satisfactory as the proposal still meet the objectives of the controls.

The issues raised in the submissions have been addressed in the report. Refusal of the application is not warranted.

Accordingly approval subject to conditions is recommended.

#### **IMPACTS:**

##### **Financial**

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

##### **The Hills Future - Community Strategic Plan**

The proposed development is consistent with the planning principles, vision and objectives outlined within "Hills 2026 – Looking Towards the Future" as the proposed development provides for urban growth which would not result in adverse environmental and social amenity impacts and will ensure a consistent built form is provided with respect to the streetscape and character of the locality.

## RECOMMENDATION

The Development Application be approved subject to the following conditions.

## GENERAL MATTERS

### 1. Development in Accordance with Submitted Plans

The development being carried out in accordance with the following approved plans and details, stamped and returned with this consent except where amended by other conditions of consent.

The amendments in red require the following:

- All west facing windows serving bedrooms in levels 2-6 of the serviced apartments are to be installed with obscured glass and all balustrades serving balconies facing commercial office buildings are to be of obscured glass and at least 1.6m from the finished floor level.
- The proposed substation is to be relocated in order to maintain adequate sight distance and ensure that all access driveways comply with the sight distance requirements of AS2890.1-2004 and AS2890.2-2018.
- All utility services in the public domain are to be screened or as required by the relevant service provider.

## REFERENCED PLANS AND DOCUMENTS

| DRAWING NO. | DESCRIPTION              | REVISION/ISSUE | DATE       |
|-------------|--------------------------|----------------|------------|
| DA002       | Demolition Plan          | A              | 11/10/2019 |
| DA010       | Site Plan                | F              | 17/08/2020 |
| DA100       | Basement 2 Level         | F              | 17/08/2020 |
| DA101       | Basement 1 level         | F              | 17/08/2020 |
| DA102       | Lower Ground Floor Plan  | F              | 17/08/2020 |
| DA103       | Ground Floor Plan        | F              | 17/08/2020 |
| DA104       | Upper Ground Floor Plan  | F              | 17/08/2020 |
| DA105       | Level 1 Floor Plan       | F              | 17/08/2020 |
| DA106       | Level 2 Floor Plan       | D              | 1/06/2020  |
| DA107       | Level 3 Floor Plan       | B              | 22/01/2020 |
| DA108       | Level 4 Floor Plan       | B              | 22/01/2020 |
| DA109       | Level 5 Floor Plan       | B              | 22/01/2020 |
| DA110       | Level 6 Floor Plan       | B              | 22/01/2020 |
| DA111       | Level 7 Floor Plan       | B              | 22/01/2020 |
| DA112       | Level 8 Floor Plan       | B              | 22/01/2020 |
| DA113       | Roof Plan                | C              | 24/01/2020 |
| DA200       | West & North Elevation   | C              | 22/01/2020 |
| DA201       | East & South Elevation   | A              | 25/10/2019 |
| DA202       | Internal Elevation 1 & 2 | A              | 11/10/2019 |



|       |  |   |            |
|-------|--|---|------------|
| DA300 | Section A-A & B-B  | A | 25/10/2019 |
| DA301 | Section C-C, D-D & E-E   | B | 20/11/2019 |
| DA400 | Materials Finishes Schedule  | A | 11/10/2019 |
| DA410 | View 1 Photomontage  | B | 17/06/2020 |
| DA411 | View 2 Photomontage  | B | 24/01/2020 |
| DA411 | View 2 Photomontage  | B | 24/01/2020 |
| DA412 | View 3 Photomontage  | C | 22/01/2020 |
| DA413 | View 4 Photomontage  | A | 11/10/2019 |
| DA414 | View 5 Photomontage  | A | 11/10/2019 |
| DA502 | Staging Diagram  | E | 1/06/2020  |
| -     | Landscape DA Report (including landscape plans) prepared by Turf Design Studio | G | July 2020  |

No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required.

## **2. Construction Certificate**

Prior to construction of the approved development, it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the Development Consent.

## **3. Vehicular Access for Stage 2**

As the vehicular access for Stage 2 relies upon the driveway to be constructed within the property to the north at 21-23 Lexington Drive, Construction Certificate for Stage 2 of the development should be issued post development consent of DA 172/2021/HA. If this development consent has not been obtained prior to the commencement of Stage 2, the new driveway on the adjoining property is to be constructed by the landowner of the subject development consent.

## **4. Building Work to be in Accordance with BCA**

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

## **5. External Finishes**

External finishes and colours shall be in accordance with the details submitted with the development application and approved with this consent.

## **6. Compliance with Norwest Association Requirements**

Compliance with the requirements of Norwest Association Limited as outlined in their letter dated 13 February 2020.

## **7. Provision of Parking Spaces**

The development is required to provide 881 off-street car parking spaces (including 6 tandem spaces) upon completion of Stage 2 of the development. These car parking spaces shall be available for off street parking at all times as follows:

| <b>Uses</b>             | <b>Stage 2 – Provision of Car Parking Spaces</b>   |
|-------------------------|--|
| Bella Vista Hotel (Pub) | 129 spaces for 420 patrons (Monday – Friday 7am – 6pm)<br>234 spaces for 790 patrons (Monday – Friday After 6pm) |
| Commercial Offices      | 515 spaces (Monday – Friday 7am – 6pm)   |

|   |            |
|---|------------|
| Other uses (food and drink premises, wellness centre and serviced apartments) | 216 spaces |
|---|------------|

With respect to the above arrangement, the following specific requirements apply and are required to be prepared in a carpark management statement to be submitted to Council prior to the issue of an Occupation Certificate:

- 129 of the 515 spaces dedicated to the office component are to be freely available after 6pm on week nights and on weekends for exclusive use of the patrons of the Bella Vista Hotel.
- The security point obstructing access to the commercial office spaces needs to be open from 6pm onwards so that the car parking spaces are open/ available for the exclusive use of the patrons of the Bella Vista Hotel.

These requirements must be accounted for as part of any planned subdivision of the development later. Specifically, shared spaces across lots need easements and the shared use needs to be clearly explained in the management statement.

#### **8. Separate application for signs**

A separate application is to be submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures.

#### **9. Separate Development Application – Food and Drink Premises Occupations**

A separate Development Application is required for the use and fit out of the approved food and drink premises unless allowed by the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Where a Development Application is required, the application should specifically address the following:

- Proposed use and its permissibility
- Hours of operation
- Delivery Details
- Staff Numbers
- Acoustic impacts
- Signage, and
- Parking Provision

#### **10. Property Numbering and Cluster Mail Boxes for Multi Dwelling Housing, Residential Flat Buildings, Mixed Use Development, Commercial Developments and Industrial Developments**

The responsibility for property numbering is vested solely in Council under the *Local Government Act 1993*.

**The property address for this development is:**

Building A & D - 15 Lexington Drive Bella Vista

Building B & C - 17 Lexington Drive Bella Vista

Building E - 2 Woolworths Way Bella Vista

Unit numbering plans supplied do not comply with Council and NSW Addressing Policy. Plans relating to this development must be renumbered to reflect the approved numbering. Land Information has prepared marked plans to reflect the correct unit numbering marked as DWG No: DA010 & DA100-DA112, Rev: F, Dated: 17/06/2020 marked up within consent documentation; and as follows:

| Level          | Building A | Building B  | Building C | Building D              |
|----------------|------------|-------------|------------|-------------------------|
| Lower Ground 2 | N/A        | LG201-LG202 | N/A        | N/A                     |
| Lower Ground 1 | N/A        | LG101-LG102 | N/A        | N/A                     |
| Ground         | G01-G02    | G04-G06     | G07-G08    | G03                     |
| One            | N/A        | 101         | 102        | N/A                     |
| Two            | 201-202    | 215-220     | 221        | 203-214/Dual Keys A & B |
| Three          | 301-302    | 317-322     | 323        | 303-316/Dual Keys A & B |
| Four           | 401-402    | 417-422     | 423        | 403-416/Dual Keys A & B |
| Five           | 501-502    | 517-522     | 523        | 503-516/Dual Keys A & B |
| Six            | N/A        | 615-620     | 621        | 601-614/Dual Keys A & B |
| Seven          | N/A        | 715-720     | 721        | 701-714/Dual Keys A & B |
| Eight          | N/A        | 813-818     | 819        | 801-812/Dual Keys A & B |

These addresses shall be used for all correspondence, legal property transactions and shown on the final registered Deposited Plan/Strata Plan lodged with Land Registry Services NSW as required.

**Under no circumstances can unit numbering be repeated or skipped throughout the development regardless of the building name or number.**

Approved numbers, unless otherwise approved by Council in writing, are to be displayed clearly on all door entrances including stairwells, lift and lobby entry doors.

External directional signage is to be erected on site at driveway entry points and on buildings to ensure that all numbering signage throughout the complex is clear to assist emergency service providers locate a destination easily & quickly.

#### Mail Boxes

Cluster mail boxes are to be located as shown on plans submitted marked as DWG No: DA010, Rev: F, Dated: 17.06.2020 marked up within consent documentation.

Cluster mail boxes are to be located within the lobby area **or** perpendicular to the street front within the site on the public footpath boundary within easy reach from a public road for the postal delivery officer. The number of mail boxes to be provided is to be equal to the number of units, plus one (1) for the proprietors of the development and be as per Australia Post size requirements. The proprietors additional mail box is to be located within the cluster located at Building A – 15 Lexington Dr. Approval from Australia Post is required to be submitted to Council regarding the approved positions of the cluster mail boxes contact Australia Post, GregoryDimmock, email:gregorydimmock@auspost.com.au

#### Strata Developments

All approved developments that require subdivision under a Strata Plan, must submit a copy of the final strata plan to Council's Land Information Section before it is registered for the approval and allocation of final property and unit numbering. This applies regardless of whether the PCA is Council or not.

It is required that Lot numbers within the proposed strata plan are not duplicated and all run sequentially within the same level, commencing from the lowest level upwards to the highest level within the development.

Please call 9843 0555 or email a copy of the final strata plan before it is registered at Land Registry Services NSW to [council@thehills.nsw.gov.au](mailto:council@thehills.nsw.gov.au) for the approval of final Property and Unit numbering with corresponding Lot Numbers now required to be included within the registered Strata Administration sheet.

Under no circumstances is the Strata Plan to be lodged with Land Registry Services NSW before Council has approved all final addressing.

### **11. Irrigation**

An automatic watering system to be installed as a minimum to all raised planters on slab and gardens which fall over the basement. Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be communicated to Council or Private Certifier prior to issue of the construction certificate.

### **12. Retaining Walls**

Walls of Central Courtyard feature planters are to be raised to a minimum 1000mm high (TOW 86.9) with integrated bench seating.

Throughout the development, the following soil depths for the approved plantings are to be achieved:

- 1.2m for large trees or 800mm for small trees;
- 650mm for shrubs;
- 300-450mm for groundcover; and
- 200mm for turf.

*Note: this is the soil depth alone and not the overall depth of the planter.*

Retaining walls to the north of Building C are to be constructed in accordance with terraced walls on the approved Landscape Plan.

### **13. Planting Requirements**

All trees planted as part of any approved Landscape Plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size.

### **14. Retention of Trees**

All trees not approved for removal in the Retention of Trees Condition are to be retained and protected, including the following Council requirements:

- The location and construction of Potential Connection to Woolworths path is to strictly retain Tree 51. Path is to be constructed above ground using pier and beam construction under the supervision of a project arborist. The path is to include a cut-out leaving a minim distance of 600mm surrounding the trunk of the tree.
- No changes of level or retaining walls are permitted to the north-eastern boundaries of the site to ensure the retention of Tree 50, 51, 53, 72, and all neighbouring trees.

### **15. Tree Removal**

Approval is granted for the removal of sixty-eight trees (68) as numbered and located in Appendix C of the Arboricultural Impact Assessment prepared by Eco Logical Australia dated 5/02/20 as: 8 - 10, 21, 22 - 49, 52, 54, 55, 56 - 59, 61 - 65, 67 - 71, 73 - 79, 86, 88 - 94, 114 - 121.

All other trees are to remain and are to be protected during all works.

## **16. Acoustic Requirements**

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Logic Pty Ltd, referenced as 20191024.1/3101A/R2/AR, dated 31 January 2020 and submitted as part of the Development Application are to be implemented as part of this approval.

## **17. Contamination Assessment & Site Remediation**

The recommendations of the Detailed Site Investigation Contamination Assessment and Report prepared by Soilsrock Pty Ltd, referenced as Project No. SRE557/BV/19/STG1&2, dated 3 October 2019 and submitted as part of the Development Application are to be implemented as part of this approval.

## **18. Ventilation for Basement Carpark**

The basement car park is to be provided with ventilation in accordance with Australian / New Zealand Standard AS/NZS 1668.2 2012.

Certification of compliance shall be submitted to the Certifying Authority.

The exhaust from the basement carpark shall be positioned so as to not cause a nuisance due to odour or noise to an occupier of any residential premises.

## **19. Adherence to Waste Management Plan**

All requirements of the Waste Management Plan submitted as part of the Development Application must be implemented except where contrary to other conditions of consent. The information submitted regarding construction and demolition wastes can change provided that the same or a greater level of reuse and recycling is achieved as detailed in the plan. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. Receipts of all waste/recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool [www.wastelocate.epa.nsw.gov.au](http://www.wastelocate.epa.nsw.gov.au).

## **20. Management of Construction and/or Demolition Waste**

Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to its reuse onsite or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. A separate dedicated bin must be provided onsite by the builder for the disposal of waste materials such as paper, containers and food scraps generated by all workers. Building waste containers are not permitted to be placed on public property at any time unless a separate application is approved by Council to locate a building waste container in a public place.

Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. The separation and recycling of the following waste materials is required: metals, timber, masonry products and clean waste plasterboard. This can be achieved by source separation onsite, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste may be stored in one or more bins and sent to a waste contractor or transfer/sorting station that will sort the waste on their premises for recycling. Receipts of all waste/recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding

the movement of waste using their WasteLocate online reporting tool [www.wastelocate.epa.nsw.gov.au](http://www.wastelocate.epa.nsw.gov.au).

### **21. Disposal of Surplus Excavated Material**

The disposal of surplus excavated material, other than to a licenced waste facility, is not permitted without the previous written approval of Council prior to works commencing on site. Any unauthorized disposal of waste, which includes excavated material, is a breach of the Protection of the Environment Operations Act 1997 and subject to substantial penalties. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

### **22. Construction of Waste Storage Area - Stage 1**

The waste storage area must be designed and constructed in accordance with the following requirements. The area must provide minimum storage facility for 2 x 10m<sup>3</sup> compactors, 4 x 4.5m<sup>3</sup> steel front-loading bins and 1 x food waste processor.

- The waste storage area must be of adequate size to comfortably store and manoeuvre the total minimum required number of bins and associated waste infrastructure as specified above.
- The layout of the waste storage area must ensure that each bin is easily accessible and manoeuvrable in and out of the areas with no manual handling of other bins. All internal walkways must be at least 2.5m wide.
- The walls of the waste storage area must be constructed of brickwork.
- The floor of the waste storage area must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer. The rooms must not contain ramps and must be roofed (if located external to the building).
- The waste storage area must have a staff access door, which allows wheelchair access for adaptable sites. Suitable staff access doors are single or double swinging doors.
- All doors of the waste storage area, when fully opened, must be flush with the outside wall(s) and must not block or obstruct car park aisles or footways. All doors must be able to be fixed in position when fully opened.
- The waste storage area must be adequately ventilated (mechanically if located within the building footprint). Vented waste storage areas should not be connected to the same ventilation system supplying air to the commercial offices, serviced apartments and/or licenced hotel.
- The waste storage area must be provided with a hose tap (hot and cold mixer), connected to a water supply. If the tap is located inside the waste storage area(s), it is not to conflict with the space designated for the placement of bins.
- The waste storage area must be provided with internal lighting such as automatic sensor lights.
- The maximum grade acceptable for moving bins for collection purposes is 5%. Under no circumstance is this grade to be exceeded. It is to allow the safe and efficient servicing of bins.
- The waste storage area must have appropriate signage (EPA approved designs can be found on the NSW EPA website), mounted in a visible location on internal walls and are to be permanently maintained by the owners of the site.
- Finishes and colours of the waste storage area are to complement the design of the development.

### **Example Bin Measurements (mm)**

**4.5m<sup>3</sup>:** 2010mm (w), 1900mm (d) and 2014mm (h).

### **23. Construction of Waste Storage Area – Stage 2**

The waste storage area must be designed and constructed in accordance with the following requirements. The area must provide minimum storage facility for 2 x 10m<sup>3</sup> compactors, 3 x 4.5m<sup>3</sup> steel front-loading bins and 1 x food waste processor.

- The waste storage area must be of adequate size to comfortably store and manoeuvre the total minimum required number of bins and associated waste infrastructure as specified above.
- The layout of the waste storage area must ensure that each bin is easily accessible and manoeuvrable in and out of the areas with no manual handling of other bins. All internal walkways must be at least 2.5m wide.
- The walls of the waste storage area must be constructed of brickwork.
- The floor of the waste storage area must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer. The rooms must not contain ramps and must be roofed (if located external to the building).
- The waste storage area must have a staff access door, which allows wheelchair access for adaptable sites. Suitable staff access doors are single or double swinging doors.
- All doors of the waste storage area, when fully opened, must be flush with the outside wall(s) and must not block or obstruct car park aisles or footways. All doors must be able to be fixed in position when fully opened.
- The waste storage area must be adequately ventilated (mechanically if located within the building footprint). Vented waste storage areas should not be connected to the same ventilation system supplying air to the commercial offices, serviced apartments and/or licenced hotel.
- The waste storage area must be provided with a hose tap (hot and cold mixer), connected to a water supply. If the tap is located inside the waste storage area(s), it is not to conflict with the space designated for the placement of bins.
- The waste storage area must be provided with internal lighting such as automatic sensor lights.
- The maximum grade acceptable for moving bins for collection purposes is 5%. Under no circumstance is this grade to be exceeded. It is to allow the safe and efficient servicing of bins.
- The waste storage area must have appropriate signage (EPA approved designs can be found on the NSW EPA website), mounted in a visible location on internal walls and are to be permanently maintained by the owners of the site.
- Finishes and colours of the waste storage area are to complement the design of the development.

### **Example Bin Measurements (mm)**

**4.5m<sup>3</sup>:** 2010mm (w), 1900mm (d) and 2014mm (h).

### **24. Access and Loading for Waste Collection**

Minimum vehicle access and loading facilities must be designed and provided on site in accordance with Australian Standard 2890.2-2018 for the standard 12.5m long Heavy Rigid Vehicle (minimum 4.5m clear vertical clearance). The following requirements must also be satisfied.

- All manoeuvring areas for waste collection vehicles must have a minimum clear vertical clearance of 4.5m. Any nearby areas where the clear headroom is less than 4.5m must have flexible striker bars and warning signs as per Australian Standard 2890.1 to warn waste collection contractors of the low headroom area.
- All manoeuvring and loading areas for waste collection vehicles must be prominently and permanently line marked, signposted and maintained to ensure entry and exit to the site is in a forward direction at all times and that loading and traffic circulation is appropriately controlled.
- Pedestrian paths around the areas designated for manoeuvring and loading of waste collection vehicles must be prominently and permanently line marked, signposted and maintained (where applicable) for safety purposes.
- The requirement for reversing on site must be limited to a single reverse entry into the designated waste service bay (typical three point turn).
- The designated waste service bay must allow additional space for the servicing of bins (wheeling bulk bins to the back of the waste collection vehicle for rear load collection).
- The loading area must have a sufficient level of lighting and have appropriate signage such as “waste collection loading zone”, “keep clear at all times” and “no parking at any time”.
- Access to restricted loading areas (i.e. via roller shutter doors, boom gates or similar) must be via scanning from the cab of heavy rigid vehicles, remote access or alternative solution which ensures there is no requirement for waste collection contractors to exit the cab. Copies of scan cards or remotes must be provided to Council upon the commencement of waste services.

## **25. Waste and Recycling Collection Contract**

There must be a contract in place with a licenced contractor for the removal and lawful disposal of all waste generated on site. Written evidence of a valid and current collection and disposal contract must be held on site at all times and produced in a legible form to any authorised officer of the Council who asks to see it.

## **26. Road Opening Permit**

Should the subdivision/ development necessitate the installation or upgrading of utility services or any other works on Council land beyond the immediate road frontage of the development site and these works are not covered by a Construction Certificate issued by Council under this consent then a separate road opening permit must be applied for and the works inspected by Council's Maintenance Services team.

The contractor is responsible for instructing sub-contractors or service authority providers of this requirement. Contact Council's Construction Engineer if it is unclear whether a separate road opening permit is required.

## **27. Protection of Public Infrastructure**

Adequate protection must be provided prior to work commencing and maintained during building operations so that no damage is caused to public infrastructure as a result of the works. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site. The certifier is responsible for inspecting the public infrastructure for compliance with this condition before an Occupation Certificate or Subdivision Certificate is issued. Any damage must be made good in accordance with the requirements of Council and to the satisfaction of Council.

## **28. Vehicular Access and Parking (Stages 1 & 2)**

The formation, surfacing and drainage of all driveways, parking modules, circulation roadways and ramps are required, with their design and construction complying with:



- AS/ NZS 2890.1
- AS/ NZS 2890.6
- AS 2890.2
- DCP Part C Section 1 – Parking
- Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

#### Stages 1 & 2

- All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- All driveways and car parking areas must be concrete or bitumen. The design must consider the largest design service vehicle expected to enter the site. In rural areas, all driveways and car parking areas must provide for a formed all weather finish.
- All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

#### Stage 2

The vehicular access for the Stage 2 should be consistent with the final design profile approved over the right of way on the northern property.

#### **29. Minor Engineering Works (Stages 1 & 2)**

The design and construction of the engineering works listed below must be provided for in accordance with Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments.

Works within an existing or proposed public road, or works within an existing or proposed public reserve can only be approved, inspected and certified by Council. The application form for a minor engineering works approval is available on Council's website and the application and inspection fees payable are included in Council's Schedule of Fees and Charges.

#### • **Driveway Requirements**

The design, finish, gradient and location of all driveway crossings must comply with the above documents and Council's Driveway Specifications.

The proposed driveway/s must be built to Council's heavy duty standard.

With the exception of the southern entry and exit driveways to the above ground car parking, all other driveways must be a minimum of 6m wide for the first 6m into the site, measured from the boundary

On high level sites a grated drain must be provided on the driveway at the property boundary.

Specifically, unless additional driveway crossings are clearly shown on the approved plans, only one driveway crossing is approved/ permitted.

A separate vehicular crossing request fee is payable for each driveway as per Council's Schedule of Fees and Charges.

Drainage pits on Lexington Drive impacted by the by the proposed and/or required amendment to the footpath crossing must be relocated to ensure 500mm away from the edge of the lay back of the crossing.

- **Southern Driveways – Building A**

The one-way vehicular access to the Building A is limited to Left in Left Out only due to close proximity to the roundabout. Appropriate signage must be placed within the development.

The proposed southern vehicular crossing across the footpath verge shown on the General Arrangement Plan Sheet 2 of 2 drawing C2-02 Revision D dated 23/9/2020 must be amended to be perpendicular to the road to comply with council's design standards as shown on Civil Works Details drawing C3-80.

The Driveway Longitudinal Section – E shown on the drawing C3-22 Revision B dated 10/11/2020 prepared by Calibre must be amended to ensure the gradient across the footpath verge to ensure 2-4% in accordance with Council's standards.

Footpath crossing of this southern driveway must be amended to be perpendicular to the road to comply council's design standards as shown on Civil Works Details drawing C3-80 Revision D dated 23/9/2020.

- **Shared Driveway over the northern property (Stage 2)**

The design, finish, gradient and location of all driveway crossings must be in accordance with the Driveway Longitudinal Section prepared by Calibre drawing 19-000743 SKC13 Revision a dated 10/11/2020.

- **Disused Layback/ Driveway Removal**

All disused laybacks and driveways must be removed and replaced with kerb and gutter together with the restoration and turfing of the adjoining footpath verge area. Specifically, this includes the removal of any existing laybacks, regardless of whether they were in use beforehand or not.

- **Site Stormwater Drainage**

The entire site area must be graded, collected and drained to respective rainwater tanks and water sensitive urban design (wsud) measures required under a separate condition, and be connected to underground public street drainage system.

- **Service Conduits**

Service conduits to each of the proposed new lots, laid in strict accordance with the relevant service authority's requirements, are required. Services must be shown on the engineering drawings.

### **30. Excavation/ Anchoring Near Boundaries**

Earthworks near the property boundary must be carried out in a way so as to not cause an impact on adjoining public or private assets. Where anchoring is proposed to support excavation near the property boundary, the following requirements apply:

- Written owner's consent for works on adjoining land must be obtained.
- For works adjacent to a road, anchoring that extends into the footpath verge is not permitted, except where expressly approved otherwise by Council, or Transport for NSW in the case of a classified road.
- Where anchoring within public land is permitted, a bond must be submitted to ensure their removal once works are complete. The value of this bond must relate to the cost of their removal and must be confirmed by Council in writing before payment.
- All anchors must be temporary. Once works are complete, all loads must be removed from the anchors.

- A plan must be prepared, along with all accompanying structural detail and certification, identifying the location and number of anchors proposed.
- The anchors must be located clear of existing and proposed services.

Details demonstrating compliance with the above must be submitted to the Principal Certifier and included as part of any Construction Certificate or Occupation Certificate issued.

### **31. Compliance with Sydney Metro Concurrence requirements**

Compliance with Sydney Metro Concurrence requirements in Attachment A.

### **32. Endeavour Energy Requirements**

Compliance with the requirements/recommendations of Endeavour Energy in Attachment B.

## **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **33. Section 7.12 Contribution**

Pursuant to section 4.17 (1) of the Environmental Planning and Assessment Act 1979, and The Hills Section 7.12 Contributions Plan, a contribution of **\$1,548,906.01** shall be paid to Council. This amount is to be adjusted at the time of the actual payment in accordance with the provisions of the Hills Section 7.12 Contributions Plan.

The contribution is to be paid prior to the issue of the Construction Certificate.

You are advised that the maximum percentage of the levy for development under section 7.12 of the Act having a proposed construction cost is within the range specified in the table below;

| <b>Proposed cost of the development</b> | <b>Maximum percentage of the levy</b> |
|---|---------------------------------------|
| Up to \$100,000                         | Nil                                   |
| \$100,001 - \$200,000                   | 0.5 %                                 |
| More than \$200,000                     | 1%                                    |

### **34. Amended Arborist Report**

An amended Arboricultural Impact Assessment is to be prepared by a suitably qualified Australian Qualification Framework Level 5 Arborist in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites is to include a Tree Protection Plan. The Tree Protection Plan is to document and describe the site specific tree protection measures to protect the trees on site and on adjacent sites which are to be retained and protected.

The Plan must be submitted to and approved by Council's Manager – Environment and Health prior to issue of Construction Certificate.

### **35. Landscape Plan**

An amended Landscape Plan (to scale) for the landscaping of the site is to be prepared by a suitably qualified landscape architect or landscape designer and submitted to the satisfaction of Council's Manager - Environment and Health.

The plan must contain:

- a) Site boundaries and dimensions surveyed;
- b) North point, and scale (1:200 desirable);
- c) Existing and proposed levels;

- d) Details of all planter boxes to support balcony planting, including height to confirm the following minimum depths are achieved in accordance with Condition - Retaining Walls:
  - 1.2m for large trees or 800mm for small trees;
  - 650mm for shrubs;
  - 300-450mm for groundcover; and
  - 200mm for turf.

*Note: this is the soil depth alone and not the overall depth of the planter.*
- e) Planting and planter boxes, including height and material and irrigation to balconies on level 1-8 as indicated on approved Architectural Plans and Photomontages.
- f) A schedule of proposed planting, including botanical names, common names, quantities, pot size, expected mature height and staking requirements; and
- g) Planting plan including dense screen planting and small/medium native tree planting adjacent proposed driveway to the east of the site. Proposed Grevillea 'Peaches and Cream' is to be substituted with, or supplemented with additional hedge planting, with spaced trees between, extending to the Woolworths Way entry; and
- h) Quantities of Trees and planting mix "P6" for Podium Levels; and
- i) Locate trees 114-117 for removal on the Existing Trees Plan.

### **36. Erosion & Sediment Control Plan**

Submission of an Erosion and Sediment Control Plan to the Principal Certifier, including details of:

- a) Allotment boundaries
- b) Location of the adjoining roads
- c) Contours
- d) Existing vegetation
- e) Existing site drainage
- f) Critical natural areas
- g) Location of stockpiles
- h) Erosion control practices
- i) Sediment control practices
- j) Outline of a maintenance program for the erosion and sediment controls

(NOTE: For guidance on the preparation of the Plan refer to 'Managing Urban Stormwater Soils & Construction' produced by the NSW Department of Housing).

### **37. Fitout of the Gymnasium**

Prior to the construction certificate which includes the fitout of a gymnasium an acoustic assessment shall be submitted to Council for assessment and acceptance as satisfactory.

The acoustic assessment shall consider the noise from the dropping of free weights and the potential impact of amplified music and neighbouring tenancies.

### **38. Security Bond Requirements**

A security bond may be submitted in lieu of a cash bond. The security bond must:

- Be in favour of The Hills Shire Council;

- Be issued by a financial institution or other accredited underwriter approved by, and in a format acceptable to, Council (for example, a bank guarantee or unconditional insurance undertaking);
- Have no expiry date;
- Reference the development application, condition and matter to which it relates;
- Be equal to the amount required to be paid in accordance with the relevant condition;
- Be itemised, if a single security bond is used for multiple items.

Should Council need to uplift the security bond, notice in writing will be forwarded to the applicant 14 days prior.

### **39. Construction Management Plan (Staged Works)**

A construction management plan must be submitted demonstrating how the potential for conflict between the resident and construction traffic is to be minimised and managed throughout all stages of the development. The construction management plan must be submitted before a Construction Certificate is issued and complied with for the duration of works.

### **40. Stormwater Pump/ Basement Car Park Requirements**

The stormwater pump-out system must be designed and constructed in accordance with AS/NZS 3500.3:2015 - Plumbing and Drainage - Stormwater drainage. All plans, calculations, hydraulic details and manufacturer specifications for the pump must be submitted with certification from the designer confirming compliance with the above requirements.

### **41. Works in Existing Easement**

All adjoining properties either benefited or burdened by the existing easement must be notified of the proposed works within the easement in writing, including commencement and completion dates, before a Construction Certificate is issued.

### **42. Works on Adjoining Land**

Where the engineering works included in the scope of this approval extend into adjoining land, written consent from all affected adjoining property owners must be obtained and submitted to Council before a Construction Certificate or Subdivision Works Certificate is issued.

### **43. Security Bond – Road Pavement and Public Asset Protection**

In accordance with Section 4.17(6) of the Environmental Planning and Assessment Act 1979, a security bond of \$400,000.00 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the per square metre rate set by Council's Schedule of Fees and Charges, with the area calculated based on the road frontage of the subject site plus an additional 50m on either side (290m) multiplied by the width of the road (12m).

The bond must be lodged with Council before a Construction Certificate is issued.

The bond is refundable upon written application to Council and is subject to all work being restored to Council's satisfaction. Should the cost of restoring any damage exceed the value of the bond, Council will undertake the works and issue an invoice for the recovery of these costs.

### **44. Security Bond – External Works**

In accordance with Section 4.17(6) of the Environmental Planning and Assessment Act 1979, a security bond is required to be submitted to Council to guarantee the construction, completion and performance of all works external to the site. The bonded amount must be based on 150% of the tendered value of providing all such works. The bond amount must be

confirmed with Council prior to payment. The tendered value of the work must be provided for checking so the bond amount can be confirmed.

The bond must be lodged with Council before a Construction Certificate is issued.

The bond is refundable upon written application to Council and is subject to all work being completed to Council's satisfaction.

#### **45. Site Stormwater Management - Water Sensitive Urban Design Elements**

Water sensitive urban design elements, Rainwater tanks (22.5kL for catchment 1 and 10kL for catchments 2 & 3), Ocean Guards and PSorb Storm Filters are to be provided.

The Stormwater Treatment Catchment Plan Sheets 1 & 2 Drawings 19-000743 C4-63 and C4-64 Revision B dated 10/11/2020 are conceptual only approved for development purposes only.

Detailed plans for the water sensitive urban design elements must be submitted for approval are amended to be reflective to the final impervious fraction, given consideration to the basement car parks and structures within each catchment.

The detailed plans must be suitable for construction, and include detailed and representative longitudinal and cross sections of the proposed infrastructure. The design must be accompanied, informed and supported by detailed water quality and quantity modelling. The modelling must demonstrate a reduction in annual average pollution export loads from the development site in line with the following environmental targets:

- 90% reduction in the annual average load of gross pollutants
- 85% reduction in the annual average load of total suspended solids
- 65% reduction in the annual average load of total phosphorous
- 45% reduction in the annual average load of total nitrogen

The design and construction of the stormwater management system must be approved by either Council or an accredited certifier. A Compliance Certificate certifying the detailed design of the stormwater management system can be issued by Council. The following must be included with the documentation approved as part of any Construction Certificate:

- All model parameters and data outputs.
- Design/ construction plans prepared by a suitably qualified engineer.
- A maintenance schedule.

### **PRIOR TO WORKS COMMENCING ON THE SITE**

#### **46. Notice of Requirements**

The submission of documentary evidence to the Certifying Authority, including a Notice of Requirements, from Sydney Water Corporation confirming that satisfactory arrangements have been made for the provision of water and sewerage facilities.

### **PRIOR TO WORK COMMENCING ON THE SITE**

#### **47. Erection of Signage**

In accordance with the Environmental Planning and Assessment Regulations 2000, a sign is to be erected in a prominent position displaying the following information:

- The name, address and telephone number of the Principal Certifier (Council);
- The name and telephone number (including after hours) of the person responsible for carrying out the works;

- That unauthorised entry to the work site is prohibited.

This signage must be maintained while the work is being carried out and must be removed upon completion.

#### **48. Contractors Details**

The contractor carrying out the external works must have a current public liability insurance policy with an indemnity limit of not less than \$10,000,000.00. The policy must indemnify Council from all claims arising from the execution of the works. A copy of this insurance must be submitted to Council prior to works commencing.

#### **49. Management of Building Sites**

The erection of suitable fencing or other measures to restrict public access to the site and building works, materials or equipment when the building work is not in progress or the site is otherwise unoccupied.

The erection of a sign, in a prominent position, stating that unauthorised entry to the site is not permitted and giving an after hours contact name and telephone number.

#### **50. Consultation with Service Authorities**

Applicants are advised to consult with Telstra, NBN Co and Australia Post regarding the installation of telephone conduits, broadband connections and letterboxes as required.

Unimpeded access must be available to the electricity supply authority, during and after building, to the electricity meters and metering equipment.

#### **51. Approved Temporary Closet**

An approved temporary closet connected to the sewers of Sydney Water, or alternatively an approved chemical closet is to be provided on the land, prior to building operations being commenced.

#### **52. Stabilised Access Point**

A stabilised all weather access point is to be provided prior to commencement of site works, and maintained throughout construction activities until the site is stabilised. The controls shall be in accordance with the requirements with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

#### **53. Tree Protection Fencing**

Prior to any works commencing on site, Tree Protection Fencing must be in place around trees or groups of trees nominated for retention. The location of fencing, ground, and trunk protection shall be as per the Tree Protection Plan to be approved by Council Prior to CC required by the Amended Arborist Report condition of consent.

The erection of a minimum 1.8m chain-wire fence to delineate the TPZ is to stop the following occurring:

- Stockpiling of materials within TPZ;
- Placement of fill within TPZ;
- Parking of vehicles within the TPZ;
- Compaction of soil within the TPZ;
- Cement washout and other chemical or fuel contaminants within TPZ; and
- Damage to tree crown.

#### **54. Tree Protection Signage**

Prior to any works commencing on site a Tree Protection Zone sign must be attached to the Tree Protection Fencing stating "Tree Protection Zone No Access" (The lettering size on the

sign shall comply with AS1319). Access to this area can only be authorised by the project arborist or site manager.

#### **55. Mulching within Tree Protection Zone**

Prior to any works commencing on site all areas within the Tree Protection Zone are to be mulched with composted leaf mulch to a depth of 100mm.

#### **56. Trenching within Tree Protection Zone**

Any trenching for installation of drainage, sewerage, irrigation or any other services shall not occur within the Tree Protection Zone of trees identified for retention without prior notification to Council (72 hours notice) or under supervision of a project arborist.

If supervision by a project arborist is selected, certification of supervision must be provided to the Certifying Authority within 14 days of completion of trenching works.

#### **57. Engagement of a Project Arborist**

Prior to works commencing, a Project Arborist (minimum AQF Level 5) is to be appointed and the following details provided to The Hills Shire Council's Manager – Environment & Health:

- a) Name:
- b) Qualification/s:
- c) Telephone number/s:
- d) Email:

If the Project Arborist is replaced, Council is to be notified in writing of the reason for the change and the details of the new Project Arborist provided within 7 days.

#### **58. Erosion and Sedimentation Controls**

Erosion and sedimentation controls shall be in place prior to the commencement of site works and maintained throughout construction activities, until the site is landscaped and/or suitably revegetated. These requirements shall be in accordance with *Managing Urban Stormwater – Soils and Construction (Blue Book)* produced by the NSW Department of Housing.

This will include, but not be limited to a stabilised access point and appropriately locating stockpiles of topsoil, sand, aggregate or other material capable of being moved by water being stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

#### **59. Soil and Water Management Plan**

A Soil and Water Management Plan is to be prepared. The plan shall be in accordance with *"Managing Urban Stormwater - Soils and Construction" (Blue Book)* produced by the NSW Department of Housing. The plan is to be kept on site at all times and made available upon request.

The plan is to include a plan of management for the treatment and discharge of water accumulated in open excavations. Water containing suspended solids greater than 50 mg/L shall not be discharged to the stormwater system.

#### **60. Notification of Asbestos Removal**

Prior to commencement of any demolition works involving asbestos containing materials, all adjoining neighbours and Council must be given a minimum five days written notification of the works.



### **61. Demolition Works and Asbestos Management**

The demolition of any structure is to be carried out in accordance with the Work Health and Safety Act 2011. All vehicles transporting demolition materials offsite are to have covered loads and are not to track any soil or waste materials on the road. Should demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoard or fence. All demolition works involving the removal and disposal of asbestos must only be undertaken by a licenced asbestos removalist who is licenced to carry out the work. Asbestos removal must be carried out in accordance with the SafeWork NSW, Environment Protection Authority and Office of Environment and Heritage requirements. Asbestos to be disposed of must only be transported to waste facilities licenced to accept asbestos. No asbestos products are to be reused on the site.

### **62. Traffic Control Plan**

A Traffic Control Plan is required to be prepared and approved. The person preparing and approving the plan must have the relevant accreditation to do so. A copy of the approved plan must be submitted to Council before being implemented. Where amendments to the plan are made, they must be submitted to Council before being implemented.

A plan that includes full (detour) or partial (temporary traffic signals) width road closure requires separate specific approval from Council. Sufficient time should be allowed for this to occur.

### **63. Property Condition Report – Public Assets**

A property condition report must be prepared and submitted to Council recording the condition of all public assets in the direct vicinity of the development site. This includes, but is not limited to, the road fronting the site along with any access route used by heavy vehicles. If uncertainty exists with respect to the necessary scope of this report, it must be clarified with Council before works commence. The report must include:

- Planned construction access and delivery routes; and
- Dated photographic evidence of the condition of all public assets.

### **64. Sydney Water Building Plan Approval**

The approved plans must be submitted to the Sydney Water [Tap in™](#) online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

*The Sydney Water [Tap in™](#) online self-service replaces our Quick Check Agents as of 30 November 2015.*

The [Tap in™](#) service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's [Tap in™](#) online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

## **DURING CONSTRUCTION**

### **65. Survey Certificate**

A survey certificate signed and dated (including contact details) from a registered land surveyor may be requested by the Principal Certifying Authority at footings and/or formwork stage. The certificate shall indicate the location of the building/structure in relation to all boundaries, and shall confirm the floor/coping level prior to any work proceeding on the building/structure.

### **66. Hours of Work**

Work on the project to be limited to the following hours: -

Monday to Saturday - 7.00am to 6.00pm;

No work to be carried out on Sunday or Public Holidays.

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act, in the event that the building operations cause noise to emanate from the property on Sunday or Public Holidays or otherwise than between the hours detailed above.

### **67. Compliance with Critical Stage Inspections and Other Inspections Nominated by the Principal Certifying Authority**

Section 6.6(2)(b) of the Act requires certain specific inspections (prescribed by Clause 162A of the Regulations) and known as "Critical Stage Inspections" to be carried out for building work. Prior to permitting commencement of the work, your Principal Certifying Authority is required to give notice of these inspections pursuant to Clause 103A of the Regulations.

N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

**NOTE: You are advised that inspections may only be carried out by the PCA unless by prior agreement of the PCA and subject to that person being an accredited certifier.**

### **68. Construction Noise**

The emission of noise from the construction of the development shall comply with the *Interim Construction Noise Guideline published by the Department of Environment and Climate Change (July 2009)*.

### **69. Stockpiles**

Stockpiles of topsoil, sand, aggregate or other material capable of being moved by water shall be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

### **70. Project Arborist**

The Project Arborist must be on site to supervise any works in the vicinity of or within the Tree Protection Zone (TPZ) of any trees required to be retained on the site or any adjacent sites.

Supervision of the works shall be certified by the Project Arborist and a copy of such certification shall be submitted to the PCA within 14 days of completion of the works.

The Project Arborist is to supervise and certify the installation of tree protection fencing, and any ground or trunk protection is in accordance with the approved Tree Protection Plan to be supplied to Council prior to CC.

### **71. Dust Control**

The emission of dust must be controlled to minimise nuisance to the occupants of the surrounding premises. In the absence of any alternative measures, the following measures must be taken to control the emission of dust:

- Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the construction work;
- All dusty surfaces must be wet down and suppressed by means of a fine water spray. Water used for dust suppression must not cause water pollution; and
- All stockpiles of materials that are likely to generate dust must be kept damp or covered.

### **72. Construction and Fit-out of Food Premises**

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas approved under this development application, all work involving construction or fitting out of the premises shall comply with the requirements of *Australian Standard AS 4674-2004 – Design, construction and fit-out of food premises* and the provisions of the Food Standards Code (Australia). This includes, but is not limited to:

- The intersection of floors with walls and exposed plinths in food preparation, storage and serving areas are to be coved.
- All walls are to be solid construction. Solid construction is defined as brick, concrete blocks, autoclaved aerated concrete or preformed panels that are filled with suitable material.
- Pipes and conduits adjacent to walls are to be set a minimum of 25mm off wall face with brackets. Pipes and conduits entering floors, walls or ceilings are to be fitted with a flange and all gaps fully sealed.
- Hand wash basins:
  - Must be provided, not obstructed and accessible at bench height and no further than 5 metres from any place where open food is handled or prepared; and
  - Must be fitted with a tap that operates hands free with a permanent supply of warm running potable water delivered through a single outlet.

Note: Copies of *AS 4674-2004* may be obtained from [www.saiglobal.com](http://www.saiglobal.com) by visiting the website: [www.saiglobal.com](http://www.saiglobal.com) and copies of the Food Safety Standards Code (Australia) may be obtained from Food Standards Australia New Zealand by visiting the following website [www.foodstandards.gov.au](http://www.foodstandards.gov.au).

Certification shall be provided prior to the issue of an Occupation Certificate that the food premises and food handling areas approved under this development application comply with AS 4674-2004.

### **73. Liquid Fuel Storage**

All liquid fuels on site are to be stored within bunded areas so as to prevent water pollution. Storage methods are to comply with Environmental Compliance Report – Liquid Chemical Storage, Handling and Spill Management Part B. Review of best Practice and Regulation dated 2005 by the Department of Environment and Conservation or as per an amended document.

### **74. Standard of Works**

All work must be carried out in accordance with Council's Works Specification Subdivisions/ Developments and must include any necessary works required to make the construction effective. All works, including public utility relocation, must incur no cost to Council.

## **PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE**

### **75. Landscaping Prior to Issue of any Occupation Certificate**

Landscaping of the site shall be carried out prior to issue of an Occupation Certificate. The Landscaping shall be either certified to be in accordance with the approved plan by an Accredited Landscape Architect or be to the satisfaction of Council's Manager Environment and Health. All landscaping is to be maintained at all times in accordance with THDCP Part C, Section 3 – Landscaping and the approved landscape plan.

### **76. Clearance Certificate**

On completion of the asbestos removal works a Clearance Certificate in accordance with Clause 474 of the Work Health and Safety Regulation 2017 shall be provided to the Principal Certifier.

### **77. Regulated Systems**

To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

- a) Australian/New Zealand Standard AS/NZS 1668.1:1998 – The use of ventilation and air conditioning in buildings – fire and smoke control in multi-compartment buildings;
- b) Australian Standard AS 1668.2 – 2002 - The use of ventilation and air conditioning in buildings – ventilation design for indoor air contaminant control;
- c) Australian/New Zealand Standard AS/NZS 3666.1:2011 – Air handling and water systems of buildings – Microbial control – Design, installation and commissioning;
- d) Australian/New Zealand Standard AS/NZS 3666.2:2011 – Air handling and water systems of buildings - Microbial Control - Operation and maintenance;
- e) Australian/New Zealand Standard AS/NZS 3666.2:2011 – Air handling and water systems of buildings - Microbial Control – Performance based maintenance of cooling water systems; and
- f) Public Health Regulation 2012.

The regulated system is to be registered with Council by submitting an Application for Registration of Regulated Water Cooling/Warm Water Systems, available on Council's website [www.thehills.nsw.gov.au](http://www.thehills.nsw.gov.au) prior to commissioning.

### **78. Public Pool/Spa Registration**

The premise is to be registered with Council by completing and submitting a *Registration of Public Swimming and Spa Pools*, available on Council's website [www.thehills.nsw.gov.au](http://www.thehills.nsw.gov.au).

### **79. Property Condition Report – Private Assets**

Before a Subdivision Certificate is issued, an updated dilapidation report must be prepared and submitted to Council. The updated report must identify any damage to adjoining properties and the means of rectification for the approval of Council.

### **80. Completion of Engineering Works**

An Occupation Certificate must not be issued prior to the completion of all engineering works covered by this consent, in accordance with this consent.

### **81. Property Condition Report – Public Assets**

Before an Occupation Certificate is issued, an updated property condition report must be prepared and submitted to Council. The updated report must identify any damage to public assets and the means of rectification for the approval of Council.

### **82. Consolidation of Allotments**

All allotments included in this consent must be consolidated into a single allotment before an Occupation Certificate is issued. A copy of the registered plan must be submitted to Council.

### **83. Pump System Certification**

Certification that the stormwater pump system has been constructed in accordance with the approved design and the conditions of this approval must be provided by a hydraulic engineer.

#### **84. Water Sensitive Urban Design Certification**

An Occupation Certificate must not be issued prior to the completion of the WSUD elements conditioned earlier in this consent. The following documentation must be submitted in order to obtain an Occupation Certificate:

- WAE drawings and any required engineering certifications;
- Records of inspections;
- An approved operations and maintenance plan; and
- A certificate of structural adequacy from a suitably qualified structural engineer verifying that any structural element of the WSUD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime.

Where Council is not the PCA a copy of the above documentation must be submitted to Council.

#### **85. Creation of Restrictions/ Positive Covenants**

Before an Occupation Certificate is issued the following restrictions/ positive covenants must be registered on the title of the subject site via dealing/ request document or Section 88B instrument associated with a plan. Council's standard recitals must be used for the terms:

##### **a) Restriction – Bedroom Numbers**

The subject site must be burdened with a restriction using the “bedroom numbers” terms included in the standard recitals.

##### **b) Restriction/ Positive Covenant – Water Sensitive Urban Design**

The subject site must be burdened with a positive covenant that refers to the water sensitive urban design elements referred to earlier in this consent using the “water sensitive urban design elements” terms included in the standard recitals.

##### **c) Positive Covenant – Stormwater Pump**

The subject site must be burdened with a restriction and a positive using the “basement stormwater pump system” terms included in the standard recitals.

##### **d) Positive Covenant – Onsite Waste Collection**

The subject site must be burdened with a positive covenant relating to onsite waste collection using the “onsite waste collection” terms included in the standard recitals.

#### **86. Safe Operation of Loading Docks**

Prior to the issue of any Occupation Certificate, a Dock Management Plan must be prepared to the satisfaction of Council to promote safe and efficient operation of the proposed loading docks and to avoid approaching trucks having to wait on public roads. The plan must address the following:

- Allocation of loading spaces
- Delivery times
- Controls on duration of stays
- Controls on placement of skips, pallets, etc.
- Procedures for tradesmen access and parking.
- Operating times.
- Truck access routes

## THE USE OF THE SITE

### **87. Hours of Operation**

The hours of operation being restricted to the following: -

#### **Commercial Offices**

Monday to Saturday 7am – 6pm

#### **Bella Vista Hotel**

As approved under parent consent 986/2010/HA or as otherwise conditioned in this consent.

#### **Serviced Apartments**

24 hours a day 7 days a week

#### **Wellness Spa/Gym/Hair Salon**

Monday to Sunday 7am - 11pm

The hours of operation of all food and drink premises is required to be addressed under a separate application or as required under SEPP (Exempt and Complying Development Codes) 2008.

Any alteration to the above hours of operation will require the further approval of Council.

### **88. Hours of operation for waste collection, delivery / dispatch of goods**

Delivery of goods shall be restricted to the following times;

Monday to Saturday – 7.00am to 10pm

Sunday and public holidays – 8.00am – 10pm

The loading bays are to be kept clear for that purpose at all times.

### **89. Lighting**

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the *Australian Standard AS 4282:1997 Control of Obtrusive Effects of Outdoor Lighting*.

### **90. Offensive Noise**

The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to “offensive noise” as defined under the provisions of the *Protection of the Environment Operation Act 1997*.

The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to noise greater than 5dBLAeq 7am to 10pm and must be inaudible at the boundary of a residential premises 10pm to 7am.

### **91. Operation of Regulated Water Cooling/Warm Water Systems**

Regulated systems must be operated in accordance with:

- *AS/NZS 3666:2011 Air handling and water systems of buildings – Microbial Control – Operation and Maintenance*;
- The *Public Health Act 2010*, Part 3 Division 2 Legionella Control;
- The *Public Health Regulation 2012*, Part 2 Legionella Control; and
- Legionella Control in Cooling Water Systems, NSW Health Guidelines

### **92. Registration and Operation of a Commercial Swimming Pool**

The swimming pool shall be designed and operated in accordance with the *Public Health Act 2010*, Part 3, Division 3 Control of Public Swimming Pools and Spa Pools and the *Public Health Regulation 2012*, Part 3 Control of Public Swimming Pools and Spa Pools.

Prior to the operation of the pool the pool is to be registered with the Council.

### **93. Waste and Recycling Management**

To ensure the adequate storage and collection of waste from the use of the premises, all garbage and recyclable materials emanating from the premises must be stored in the designated waste storage area(s), which must include provision for the storage of all waste generated on the premises between collections. Arrangement must be in place in all areas of the development for the separation of recyclable materials from garbage. All waste storage areas must be screened from view from any adjoining residential property or public place. Waste storage area(s) must be kept clean and tidy, bins must be washed regularly, and contaminants must be removed from bins prior to any collection.

### **94. Waste and Recycling Collection**

All waste generated on the site must be removed at regular intervals. The collection of waste and recycling must not cause nuisance or interfere with the amenity of the surrounding area. Garbage and recycling must not be placed on public property for collection without the previous written approval of Council. Waste collection vehicles servicing the development are not permitted to reverse in or out of the site.

### **95. Bella Vista Hotel Patrons (Stage 2)**

The number of patrons at the Bella Vista Hotel is to be restricted as follows:

Monday to Friday 7am – 6pm: 420 patrons

Monday to Friday After 6pm: 790 patrons

Approved hours of operation on Saturday and Sunday: 790 patrons

## **ATTACHMENTS**

1. Locality Plan
2. Aerial Map
3. LEP 2019 Zoning Map
4. LEP 2019 Height of Buildings Map
5. LEP 2019 FSR Map
6. Site Plan
7. Demolition Plan
8. Staging Plan
9. Floor Plans
10. Elevations
11. Sections
12. Landscape Plans
13. Materials Schedule
14. Shadow diagrams
15. Perspectives
16. Sydney Metro Concurrence Letter
17. Transport for NSW submissions
18. Design Review Panel Minutes

## ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSIONS RECEIVED

**THE HILLS**  
Sydney's Garden Shire


### THE HILLS SHIRE COUNCIL

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## ATTACHMENT 2 – AERIAL MAP



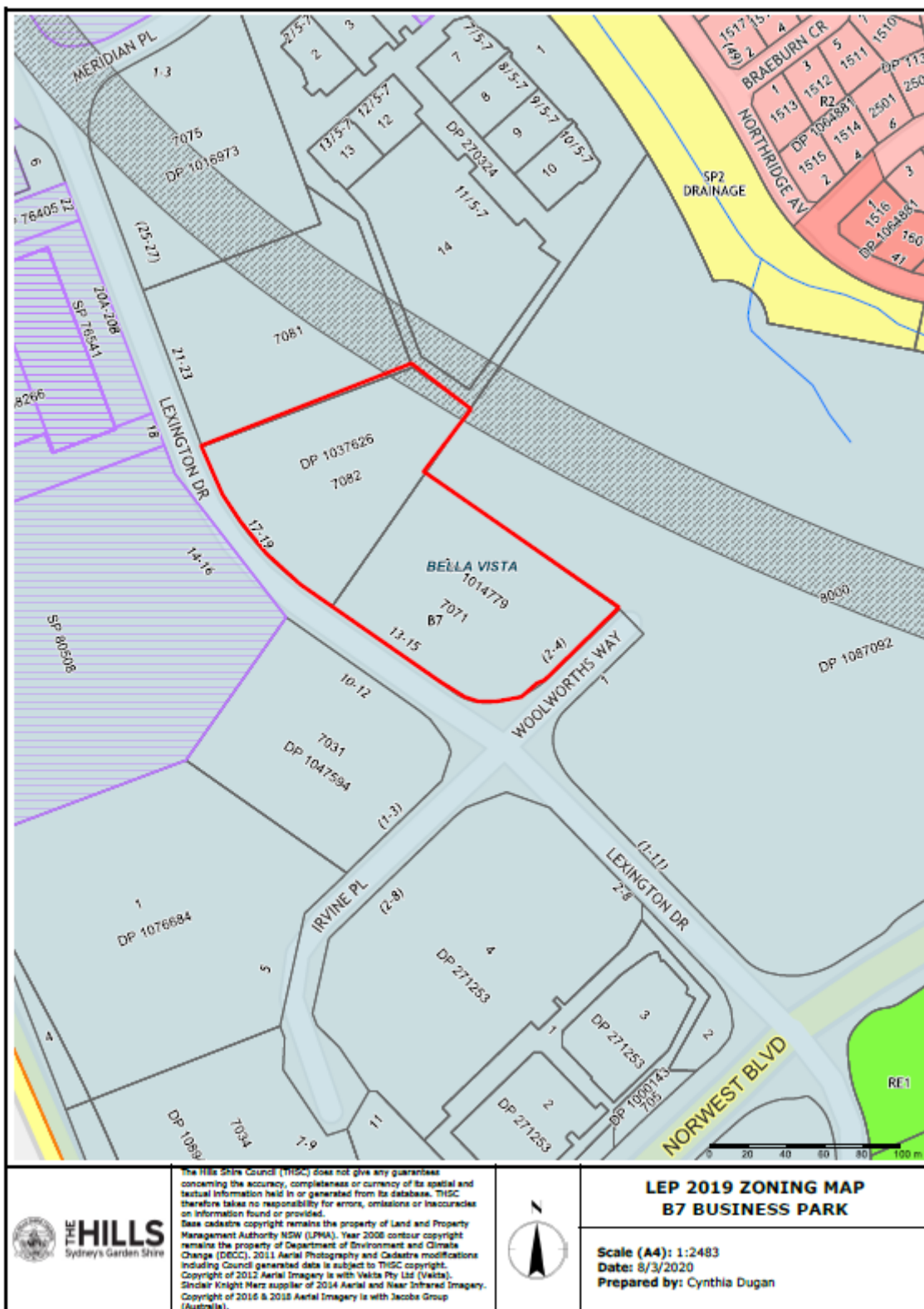
 SUBJECT SITE

**THE HILLS**  
Sydney's Garden Shire

### THE HILLS SHIRE COUNCIL

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## ATTACHMENT 3 – LEP 2019 ZONING MAP

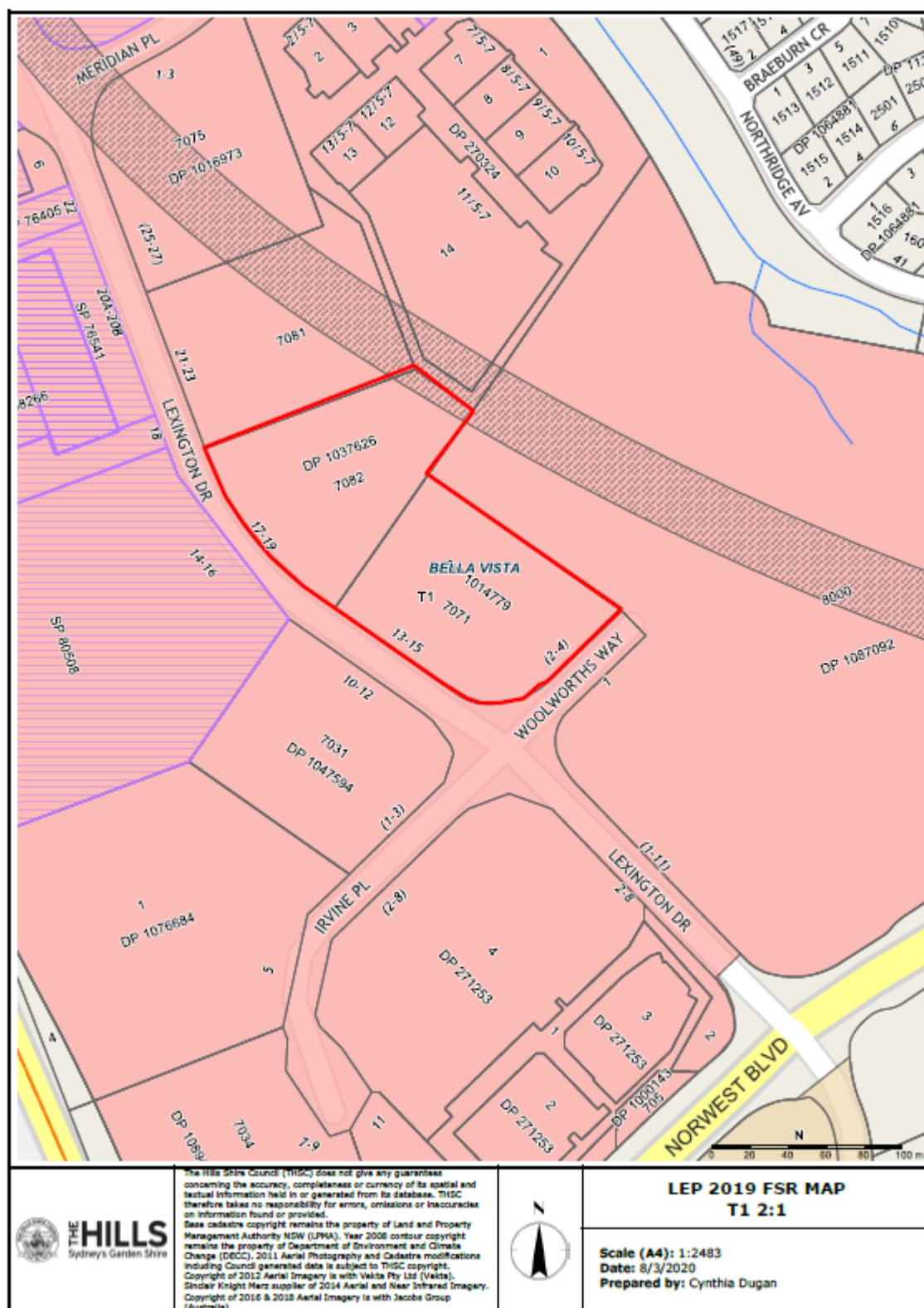




## ATTACHMENT 4 – LEP 2019 HEIGHT OF BUILDINGS MAP



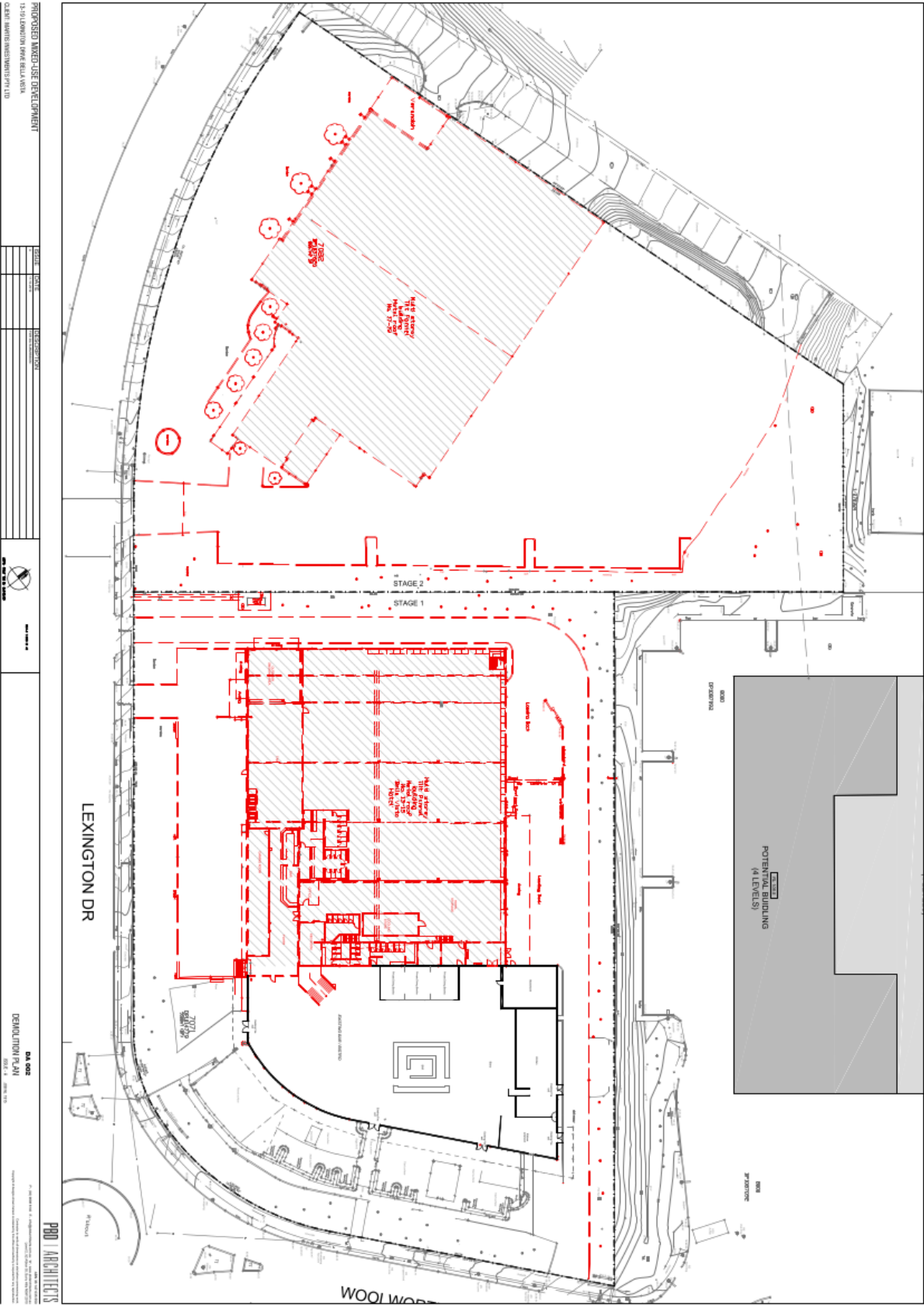
# ATTACHMENT 5 – LEP 2019 FSR MAP



ATTACHMENT 6 – SITE PLAN



ATTACHMENT 7- DEMOLITION PLAN

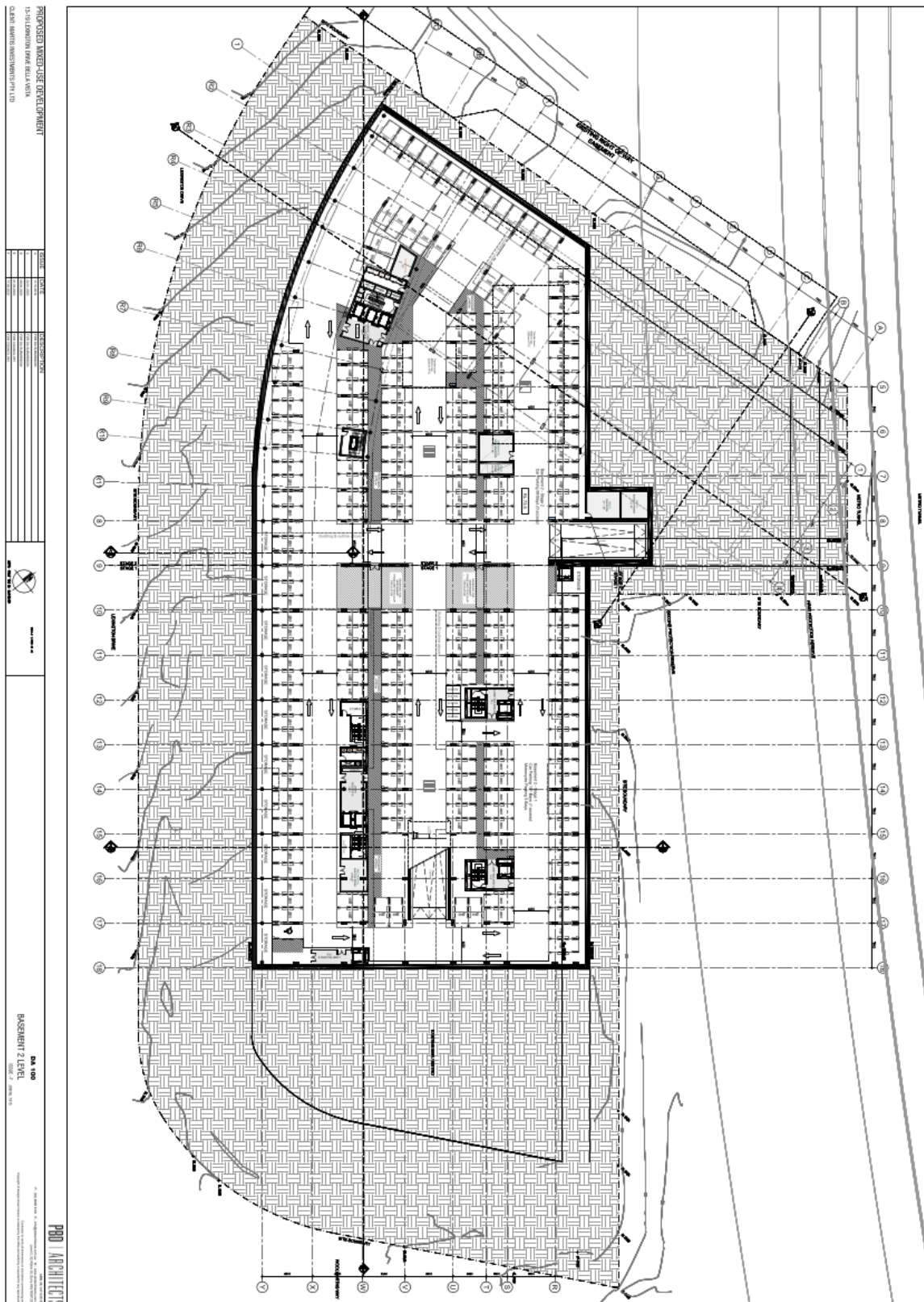




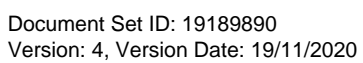
ATTACHMENT 8 – STAGING PLAN



## ATTACHMENT 9 – FLOOR PLANS













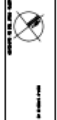






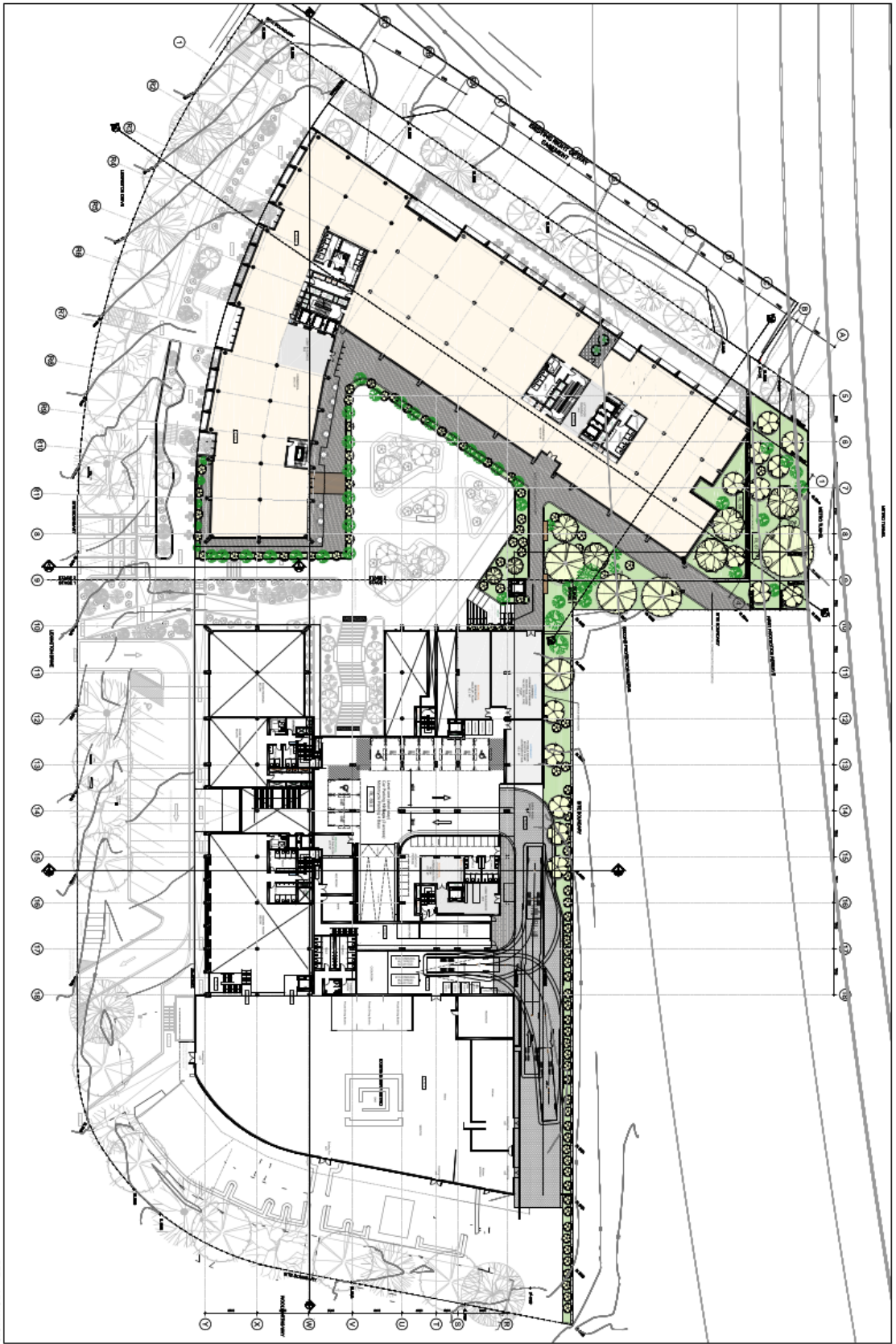
PROPOSED MIXED-USE DEVELOPMENT  
15-161 LONDON AVE, SUITE 400  
CLARK HARTS INVESTMENTS LTD

| NO. | DATE       | DESCRIPTION       |
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| 1   | 2020.11.19 | ISSUED FOR PERMIT |
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LEVEL 1 FLOOR PLAN  
DATE: 2020.11.19

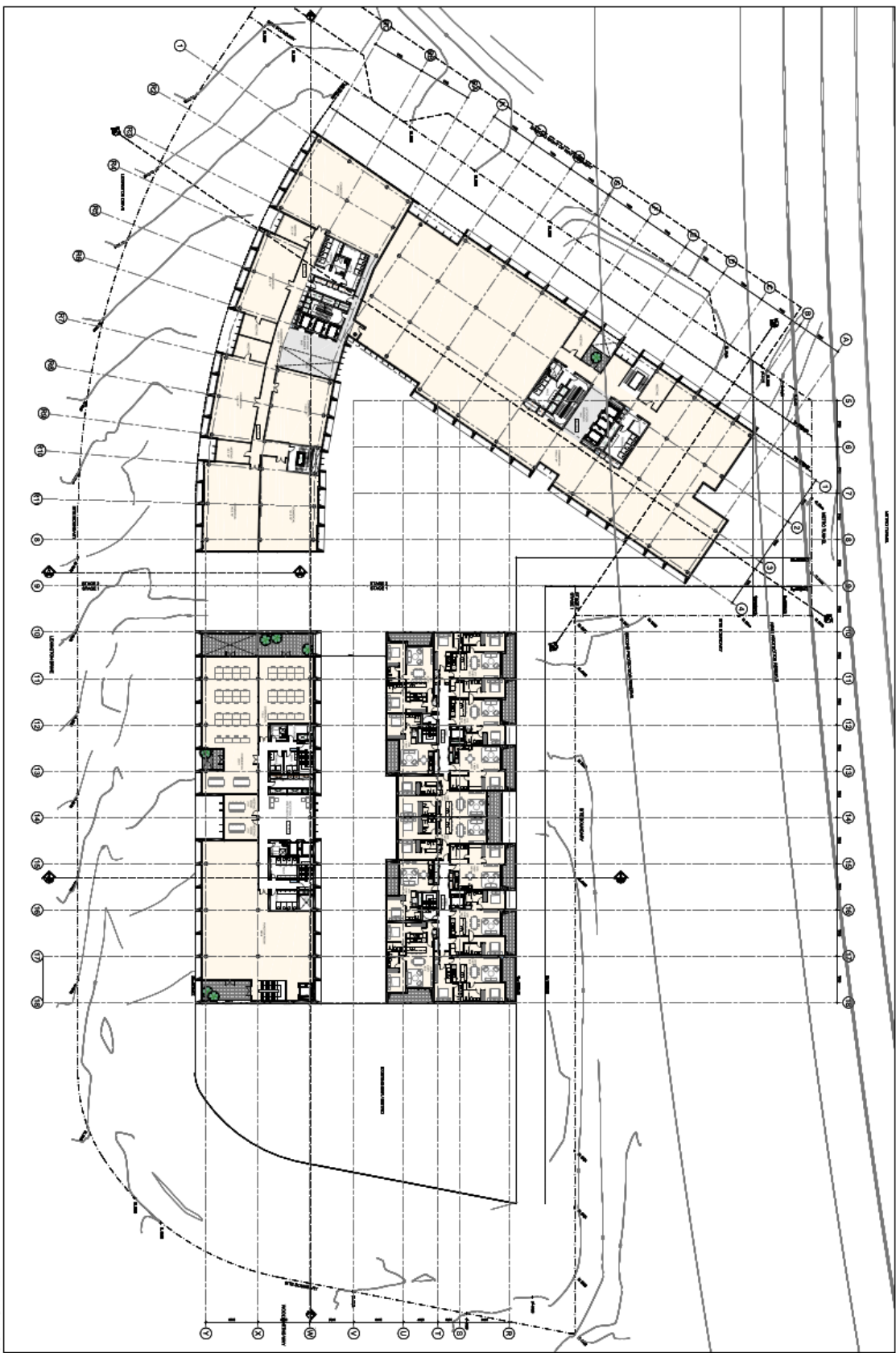
PROJ. ARCHITECTS  
15-161 LONDON AVE, SUITE 400  
CLARK HARTS INVESTMENTS LTD











PROPOSED JAMES JOSE DEVELOPMENT  
 15-16 LAMINGTON AVENUE BELLA VISTA  
 CLIENT: MARTIN INVESTMENTS PTY LTD

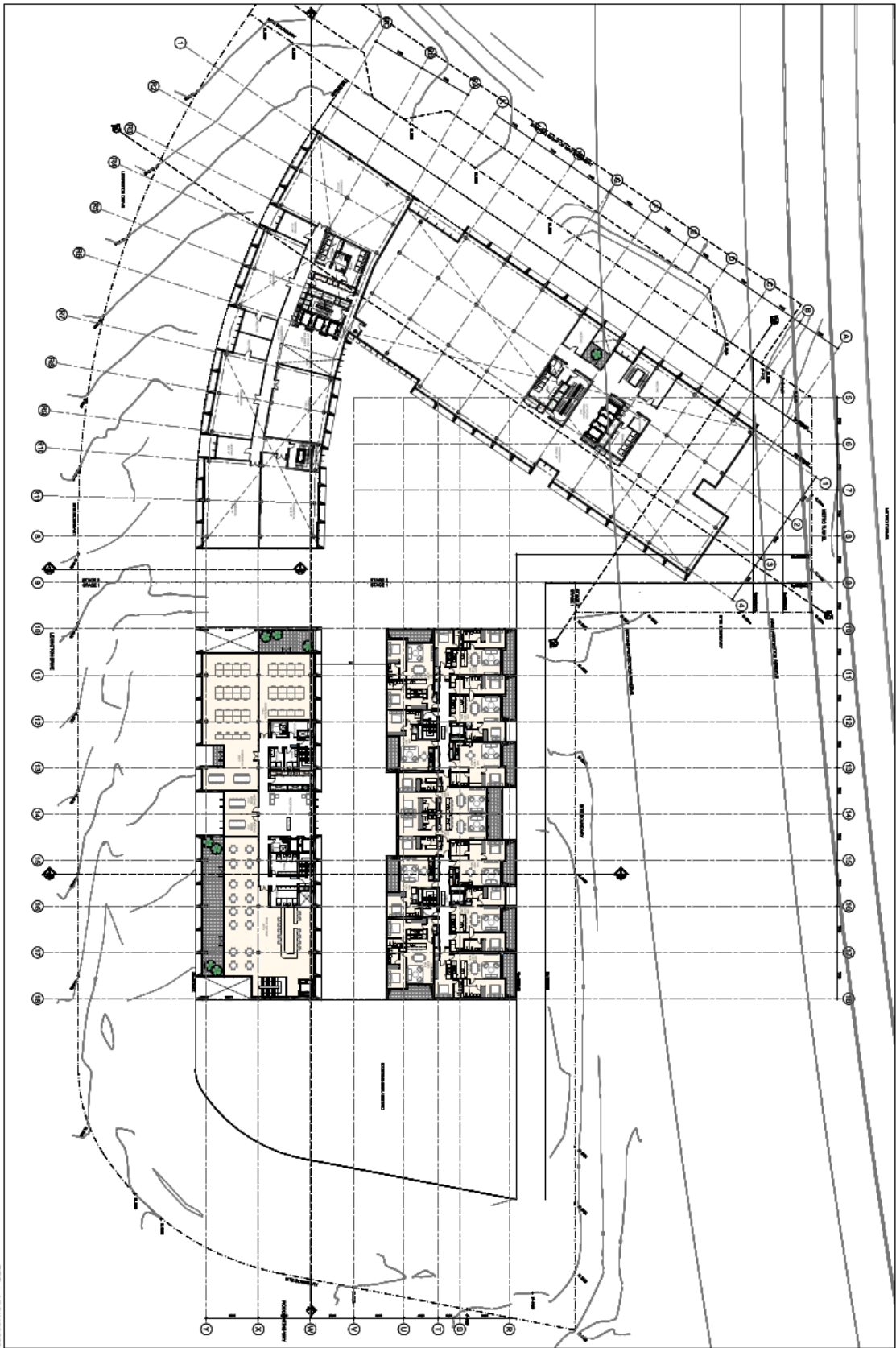
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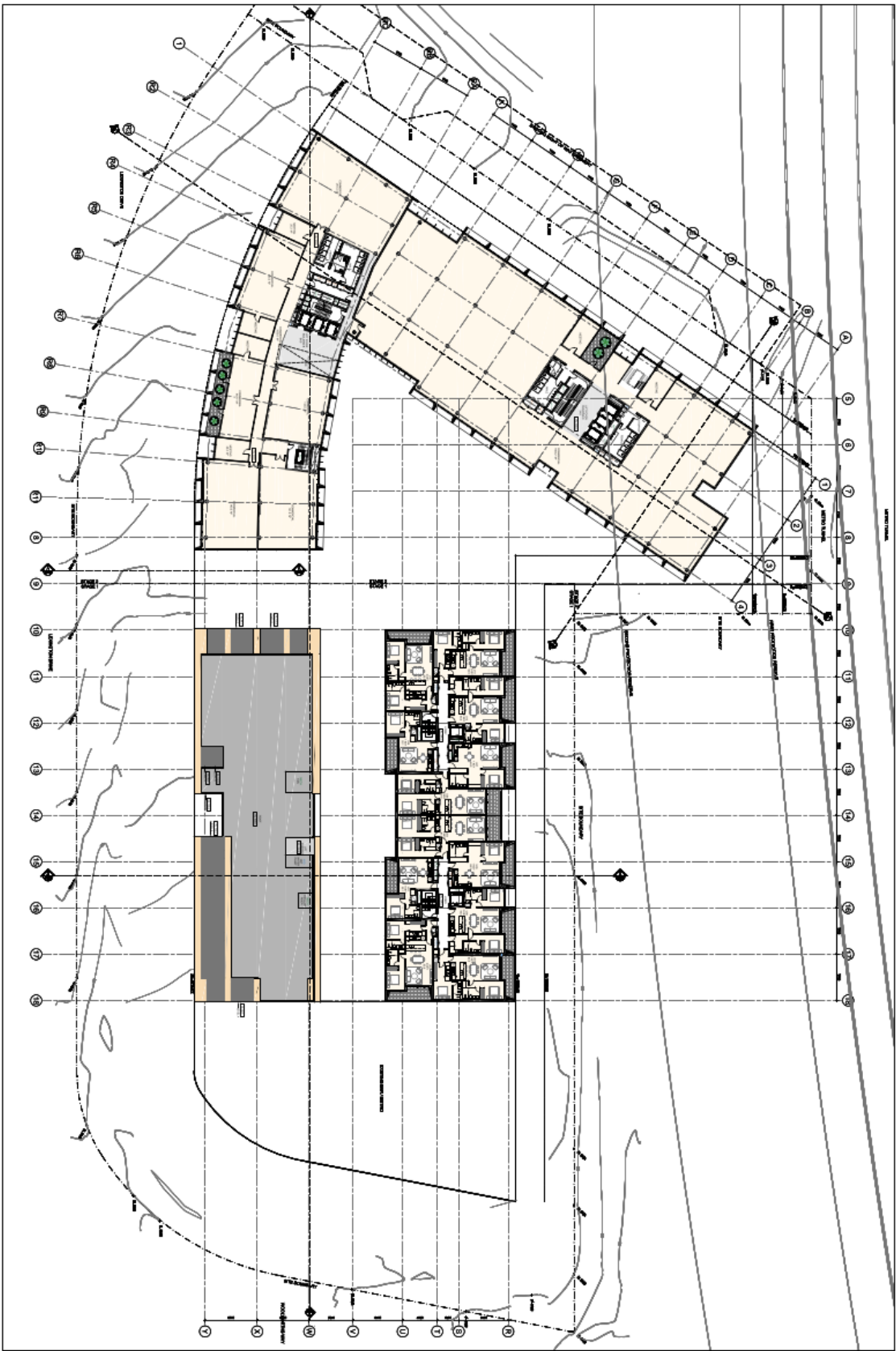


DATE: 19/11/2020  
 TIME: 10:00 AM

LEVEL 5 FLOOR PLAN  
 SCALE: 1:500

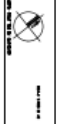
PROJ. ARCHITECTS  
 15-16 LAMINGTON AVENUE BELLA VISTA  
 CLIENT: MARTIN INVESTMENTS PTY LTD





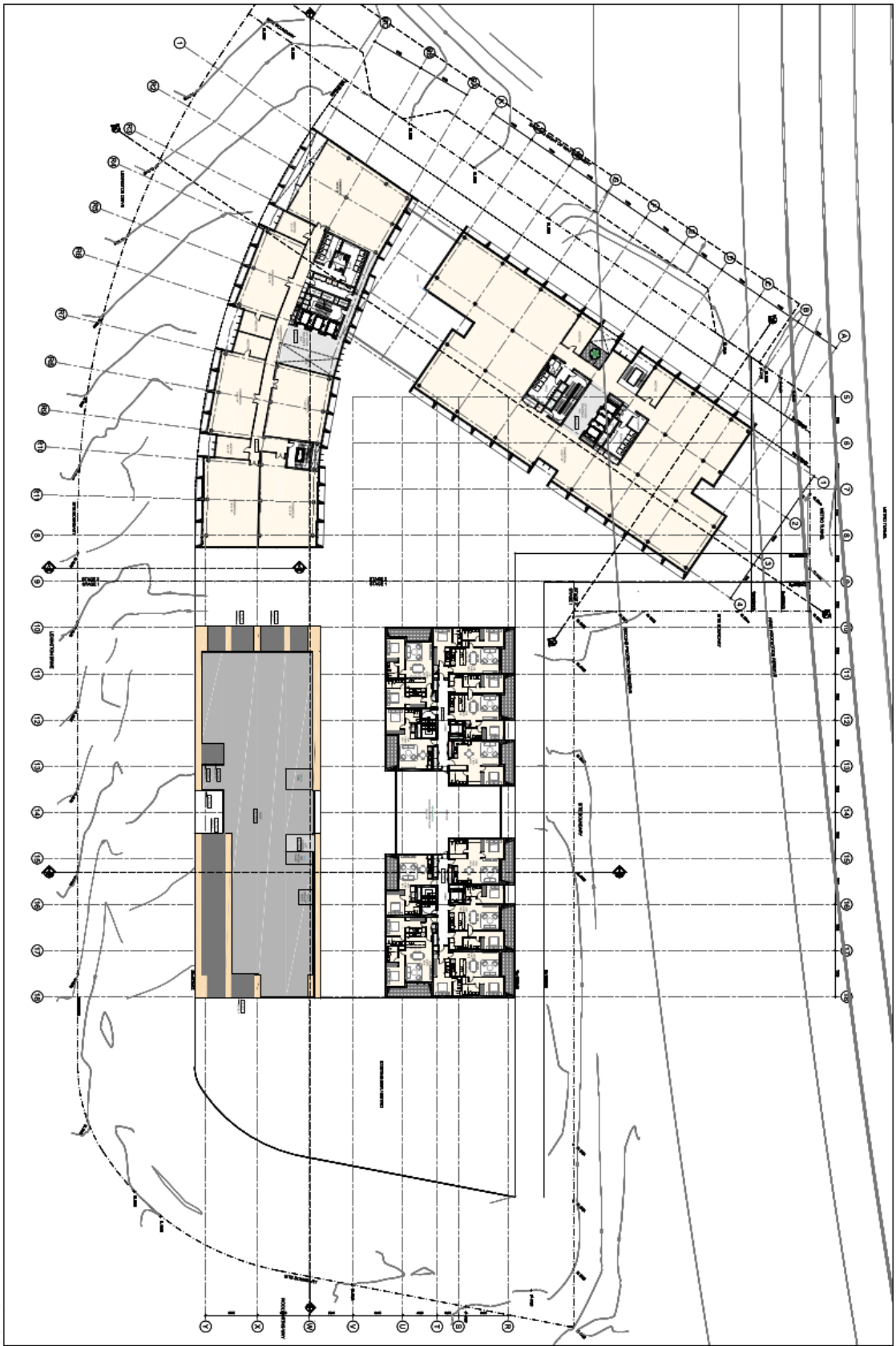
PROPOSED MIXED-USE DEVELOPMENT  
13-15 LONDON AVENUE BELLA VISTA  
CLIENT: HARTS INVESTMENTS PTY LTD

| DATE       | BY | DESCRIPTION |
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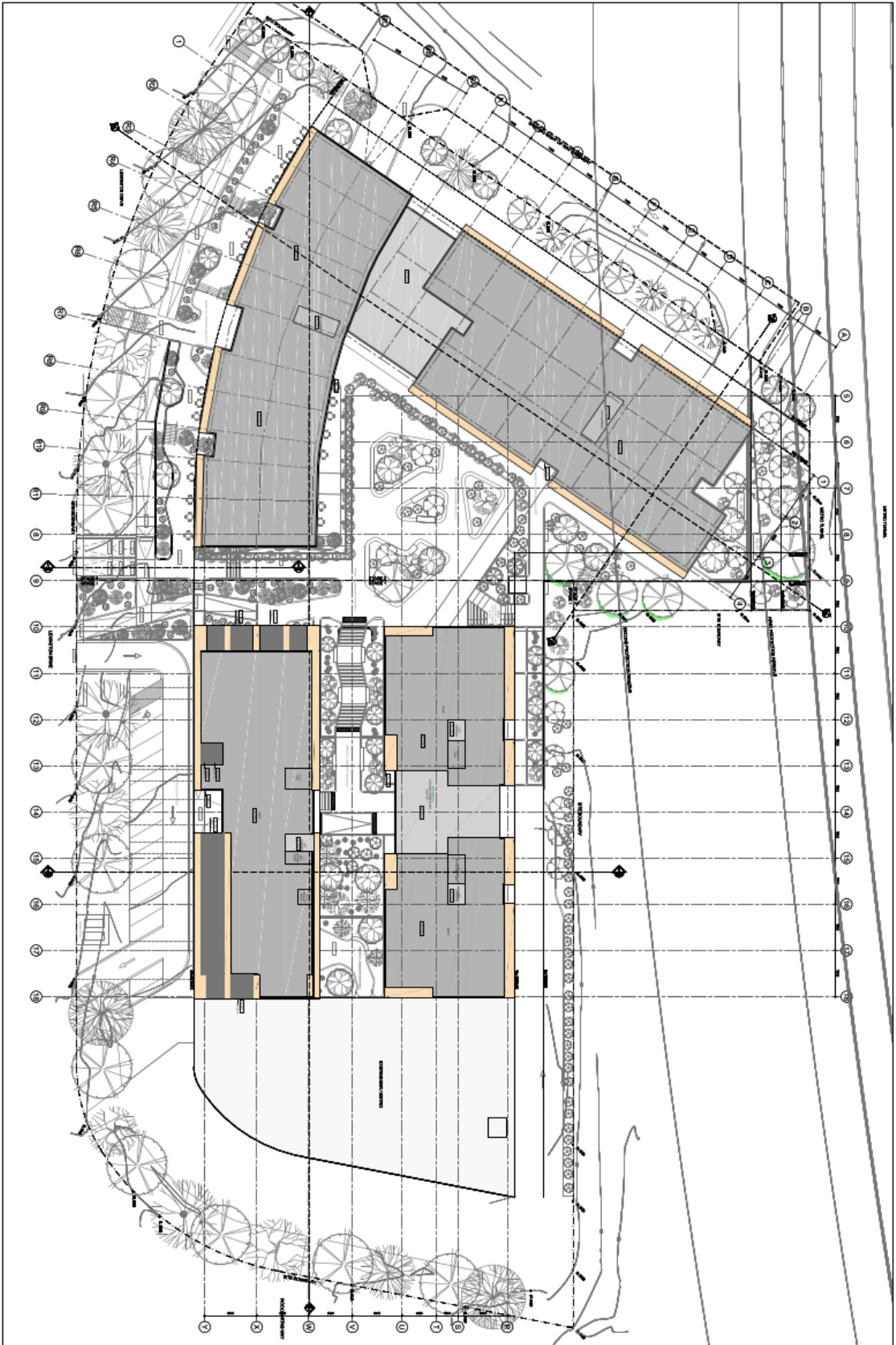


LEVEL 8 FLOOR PLAN  
SCALE: 1:500

PROJ | ARCHITECTS  
13-15 LONDON AVENUE BELLA VISTA  
19/11/2020

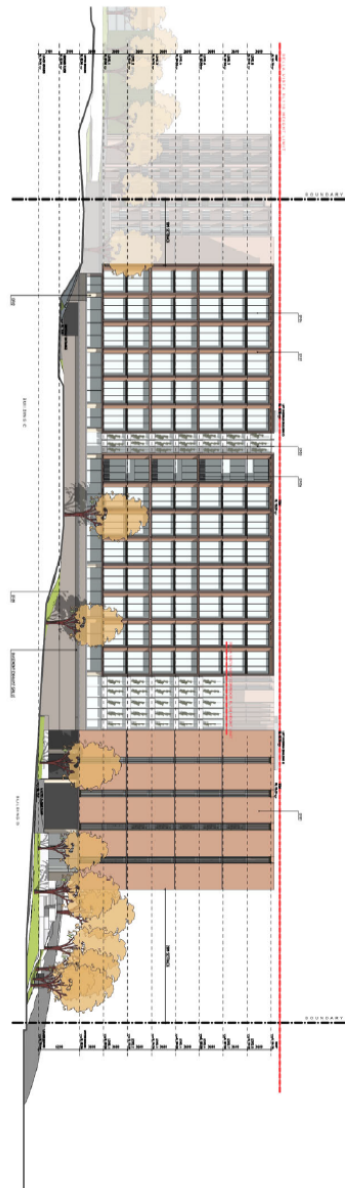






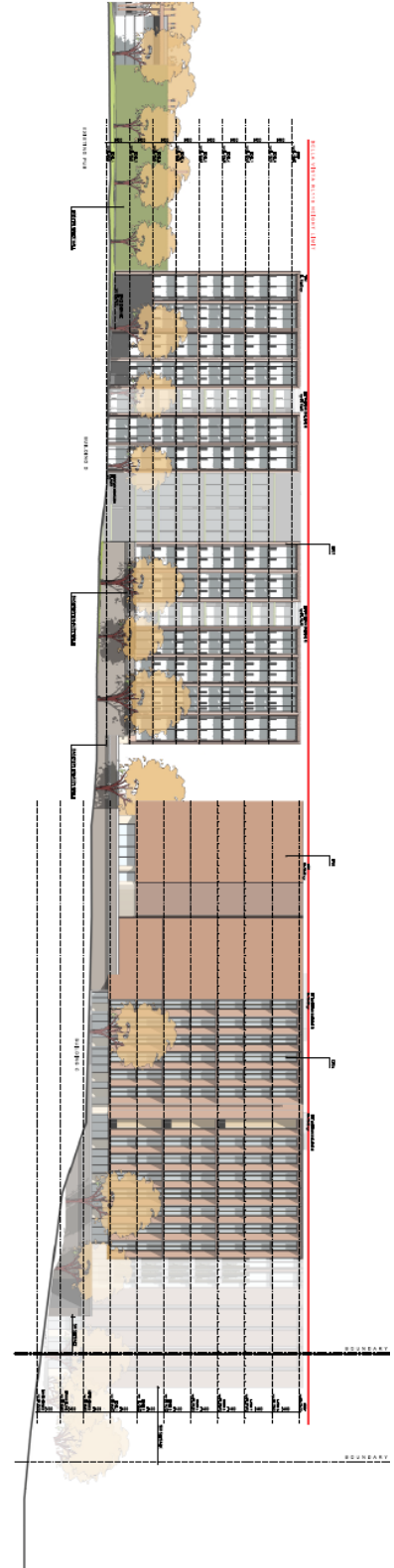
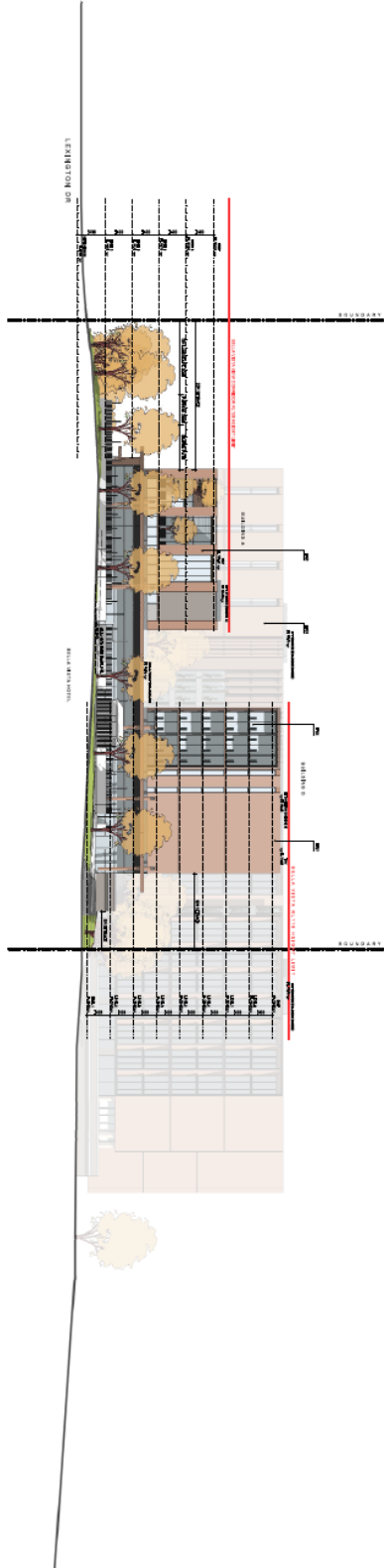
ATTACHMENT 10 – ELEVATIONS

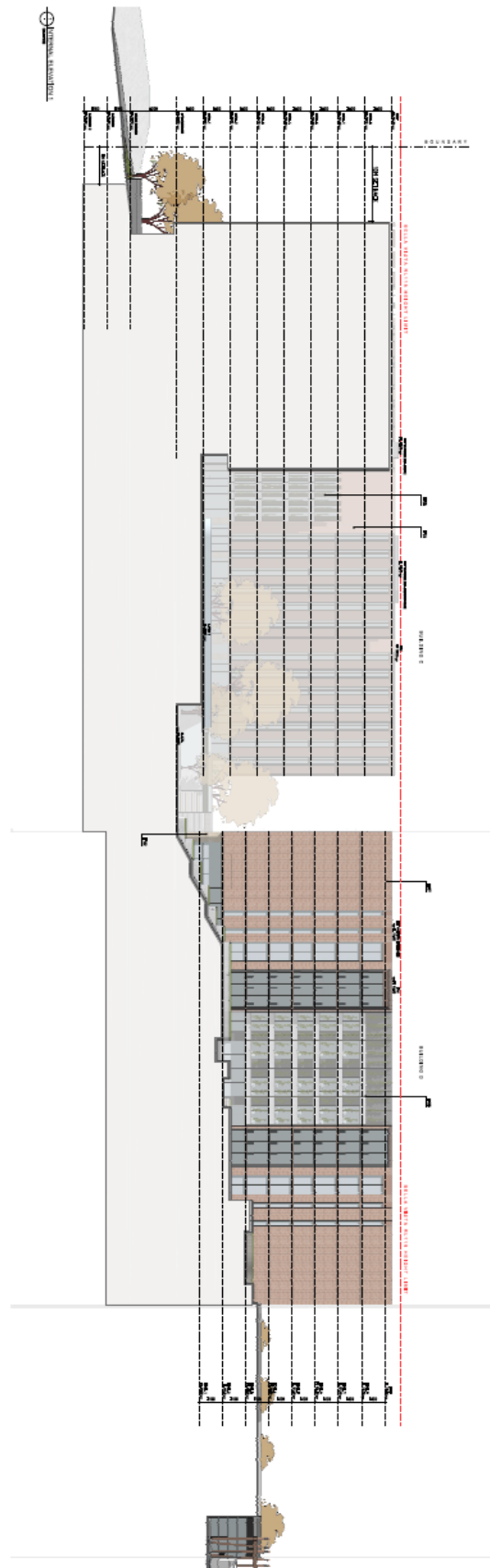
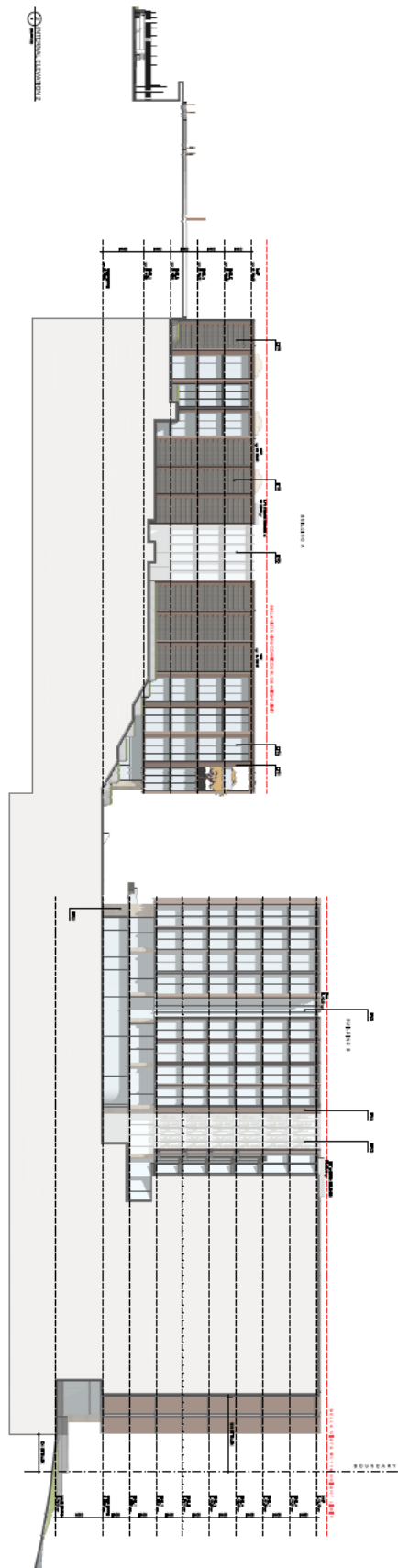
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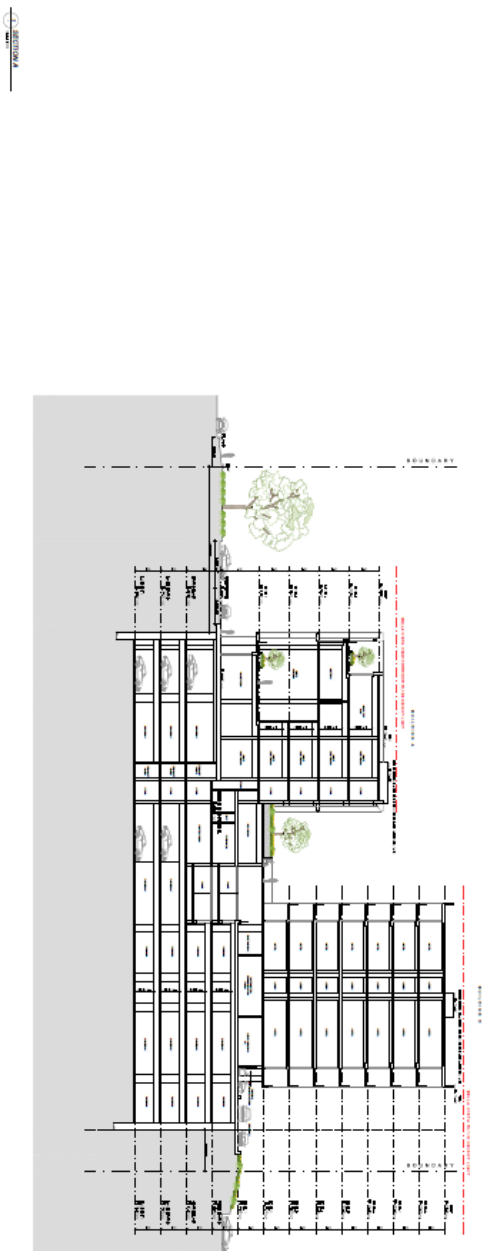
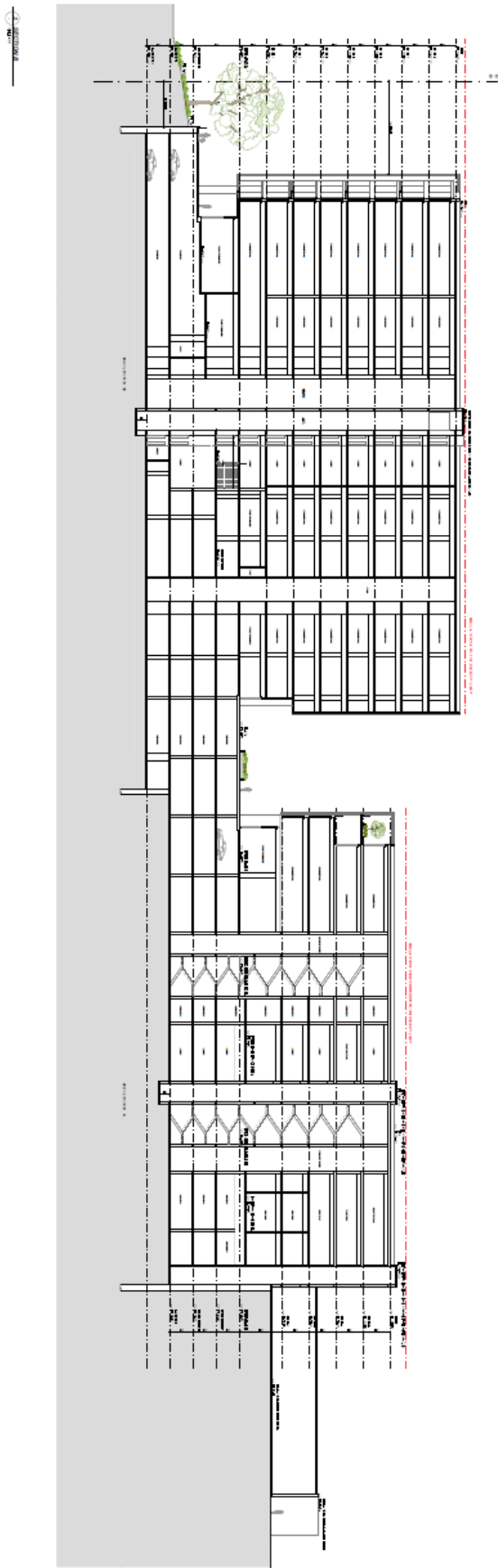


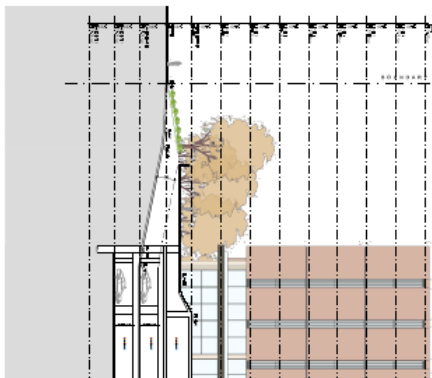
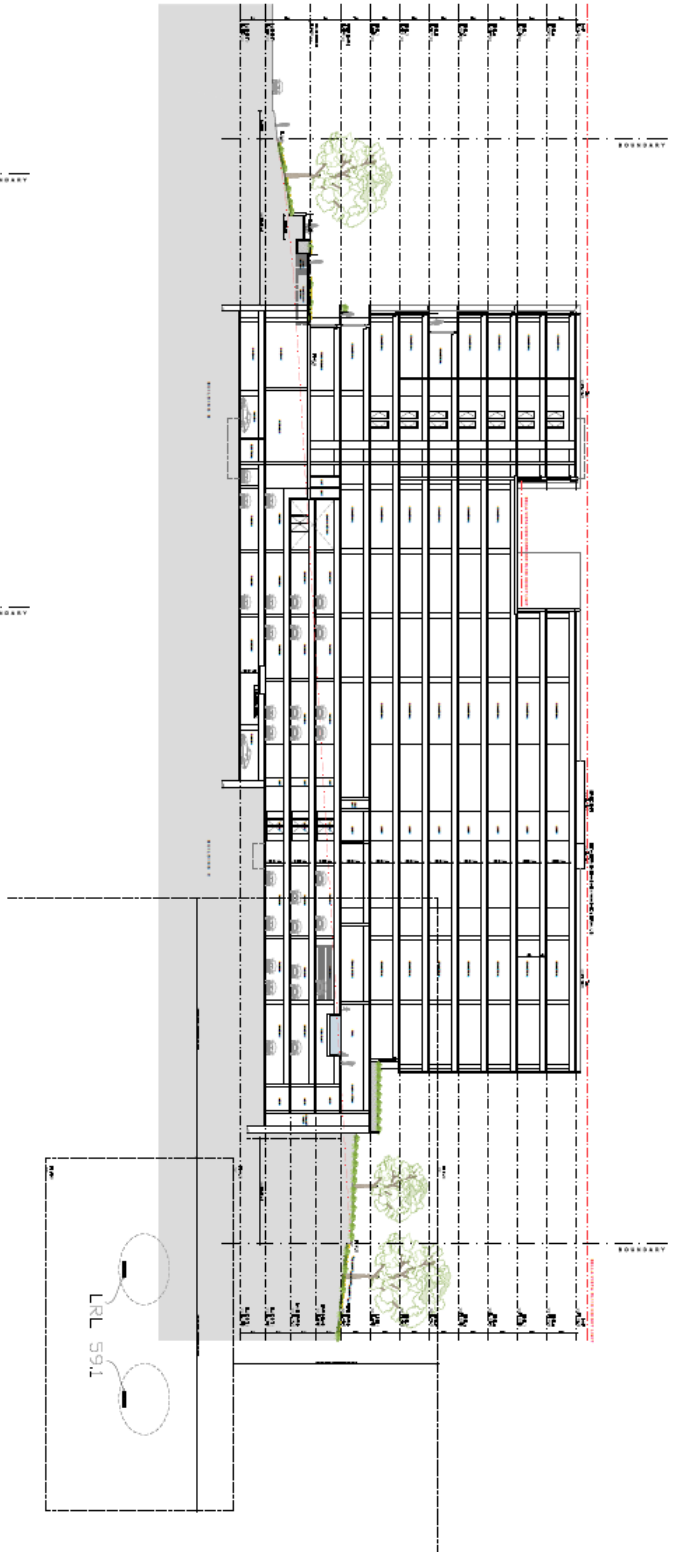
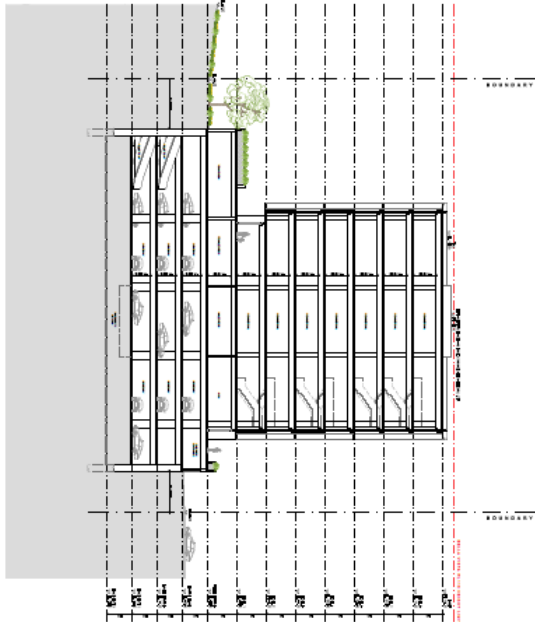






ATTACHMENT 11 – SECTIONS





ATTACHMENT 12 – LANDSCAPE PLANS



# KEY SPACES | LANDSCAPE

- KEY
- Ground Floor
  - Upper Ground Floor
  - Level 01
  - Level 02
  - Level 03



LEXINGTON DRIVE | BELLA VISTA | LANDSCAPE

PREPARED BY TURF DESIGN STUDIO

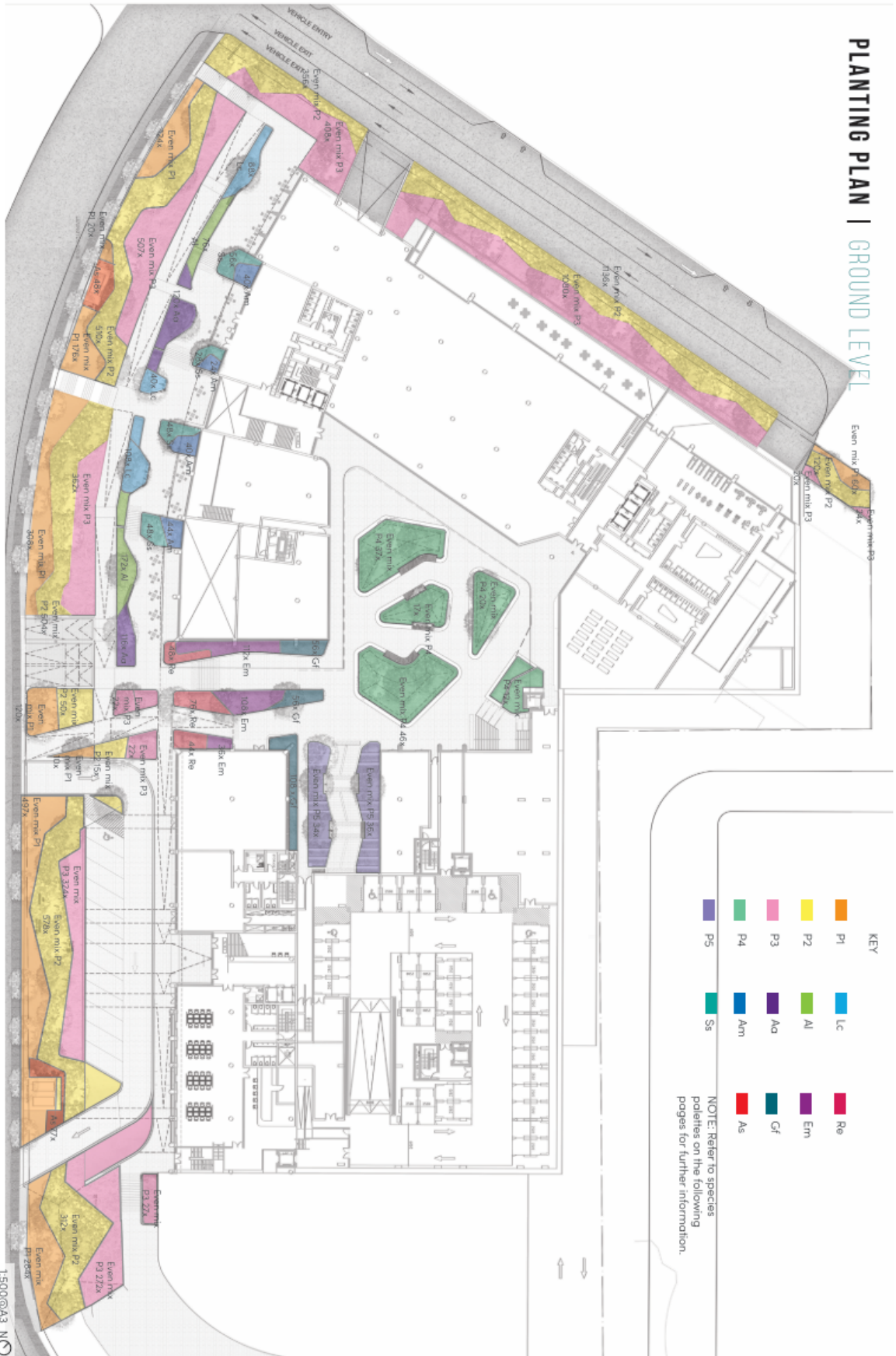
ISSUE F | JUNE 2020

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# PLANTING PLAN | GROUND LEVEL



LEXINGTON DRIVE | BELLA VISTA | LANDSCAPE

PREPARED BY TURF DESIGN STUDIO

ISSUE F | JUNE 2020

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# PLANTING PALETTE | GROUND LEVEL

| CODE    | BOTANICAL NAME                     | COMMON NAME             | MATURE HEIGHT | MATURE SPREAD | POT SIZE | DENSITY       | QUANTITY |
|---------|------------------------------------|-------------------------|---------------|---------------|----------|---------------|----------|
| P1      |                                    |                         |               |               |          |               |          |
| As      | Atriplex semibaccata               | Saltbush                | 0.4m          | 1.8m          | 200mm    | 500mm centres | 994      |
| Gj      | Grevillea juniperina 'Malongolo'   | 'Malongolo'             | 1m            | 1m            | 200mm    | 500mm centres | 994      |
| Cc      | Casuarina 'Cousin IV'              | 'Cousin II'             | 0.15m         | 1m            | 200mm    | 500mm centres | 994      |
| P2      |                                    |                         |               |               |          |               |          |
| Go      | Goodenia ovata                     | Hop goodenia            | 0.2m          | 2m            | 200mm    | 500mm centres | 1229     |
| Ac      | Acacia cognata 'Green Mist'        | River Wattle            | 2m            | 1.2m          | 200mm    | 500mm centres | 1229     |
| Li      | Lomandra longifolia                | Mari Rush               | 1m            | 1m            | 200mm    | 500mm centres | 1229     |
| P3      |                                    |                         |               |               |          |               |          |
| Ca      | Carex appressa                     | Tall Sedge              | 0.9m          | 1m            | 200mm    | 500mm centres | 654      |
| Pp      | Plectrotholus porphyreus           | Spurflower              | 0.5m          | 0.4m          | 200mm    | 500mm centres | 654      |
| Ml      | Melaleuca thymifolia               | Honeymyrtle             | 1.0m          | 1.0m          | 200mm    | 500mm centres | 654      |
| SPECIES |                                    |                         |               |               |          |               |          |
| As      | Acmena smithii var. Minor          | Lilly Pilli, Dwarf'     | 3m            | 1m            | 200mm    | 500mm centres | 125      |
| Lc      | Lomandra confertifolia 'Lime Tuff' | Lime Tuff               | 0.9m          | 0.8m          | 200mm    | 500mm centres | 444      |
| Al      | Acacia cognata 'Linealight'        | Linealight              | 1m            | 1.2m          | 200mm    | 500mm centres | 248      |
| Aa      | Acacia amblygena                   | Fan Wattle              | 1.5m          | 1.5m          | 200mm    | 500mm centres | 236      |
| Am      | Acmena 'Allyn Magic'               | Allyn Magic             | 0.6m          | 1m            | 200mm    | 500mm centres | 148      |
| Ss      | Scaveolae 'Summerlime Blues'       | Fan Flower              | 0.4m          | 2m            | 200mm    | 500mm centres | 160      |
| Ra      | Russelia equisetiformis 'Yellow'   | Firecracker Plant       | 1m            | 1.5m          | 200mm    | 500mm centres | 164      |
| Em      | Eriostemon myrsinoides             | Long-leaf reedflower    | 1m            | 1m            | 200mm    | 500mm centres | 256      |
| Gf      | Gardenia Florida                   | Gardenia                | 0.75m         | 1m            | 200mm    | 500mm centres | 220      |
| P4      |                                    |                         |               |               |          |               |          |
| Gj      | Ophiopogon japonicus               | Mondo Grass             | 0.3m          | 0.3m          | 200mm    | 500mm centres | 132      |
| Cp      | Critium pedunculatum               | Swamp Lily              | 3m            | 3m            | 200mm    | 500mm centres | 132      |
| Zt      | Zamia furfuracea                   | Cardboard Cycad         | 1m            | 2m            | 200mm    | 500mm centres | 132      |
| Pz      | Philodendron 'Xanadu'              | Xanadu                  | 0.8m          | 1m            | 200mm    | 500mm centres | 132      |
| Li      | Ligularia lasiocarpa               | Leopard Plant           | 0.6m          | 0.2m          | 200mm    | 500mm centres | 132      |
| Lg      | Liriope gigantea                   | Evergreen Giant Liriope | 1m            | 1m            | 200mm    | 500mm centres | 132      |
| Go      | Goodenia ovata                     | Hoop gardenia           | 0.2m          | 2m            | 200mm    | 500mm centres | 132      |
| Co      | Croscia ovata                      | Jade Plant              | 1.5m          | 1.5m          | 200mm    | 500mm centres | 132      |
| Am      | Allocosa macrocarpa                | Giant Taro              | 0.45m         | 2.4m          | 200mm    | 500mm centres | 132      |
| P5      |                                    |                         |               |               |          |               |          |
| Lh      | Lomandra 'Hyacinth'                | Green Mari Rush         | 1m            | 1m            | 200mm    | 500mm centres | 70       |
| Al      | Acacia cognata 'Linealight'        | Linealight              | 1m            | 1.2m          | 200mm    | 500mm centres | 70       |
| Gm      | Gardenia 'Magnifica'               | Magnifica               | 1.5m          | 1.5m          | 200mm    | 500mm centres | 70       |
| Cp      | Critium pedunculatum               | Swamp Lily              | 3m            | 3m            | 200mm    | 500mm centres | 70       |
| Cr      | Cycas revoluta                     | Sago palm               | 3.5m          | 2m            | 200mm    | 500mm centres | 70       |
| Cl      | Corallorhiza terminalis            | Ti Plant                | 1.2m          | 0.8m          | 200mm    | 500mm centres | 70       |

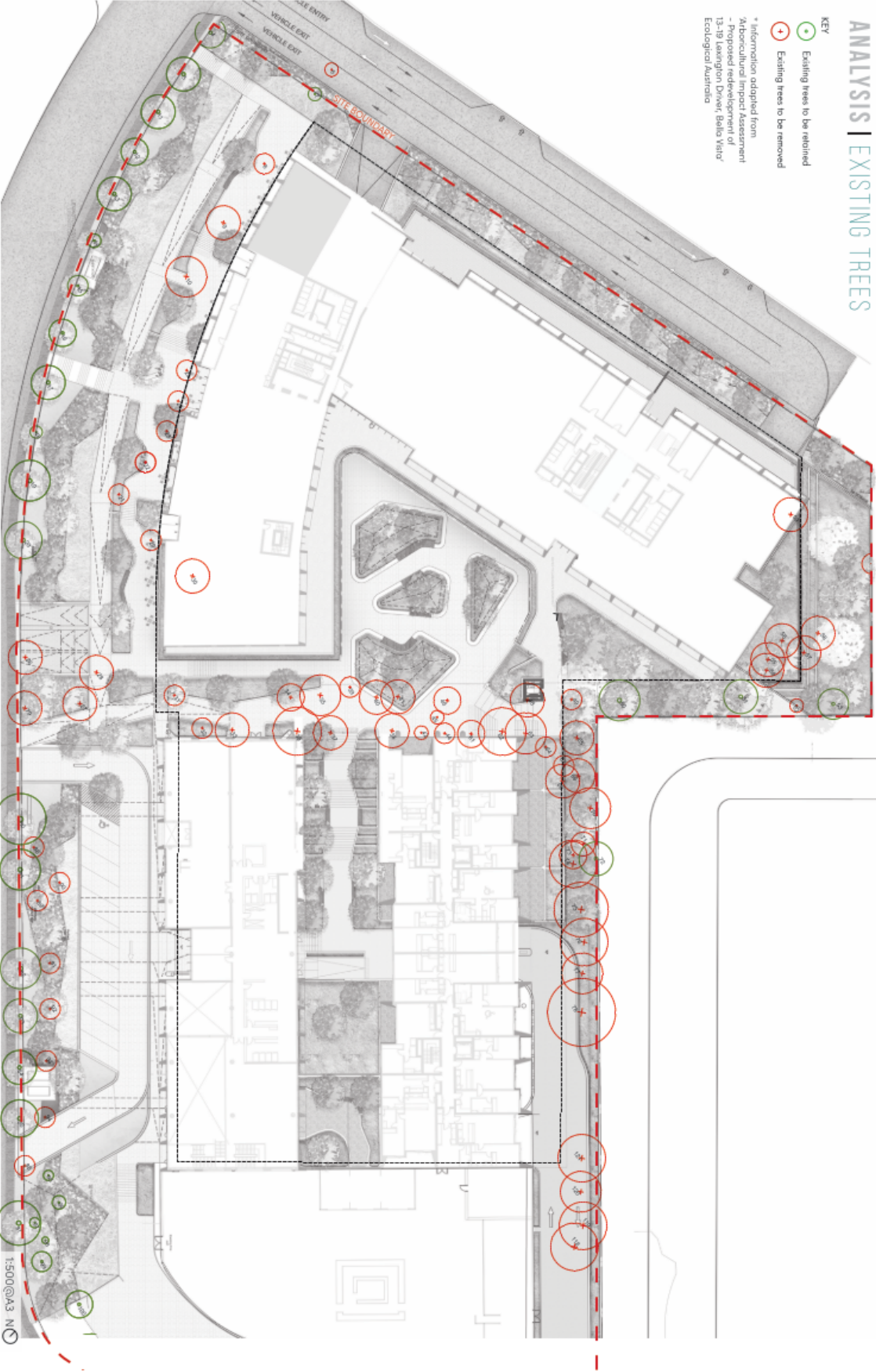
PLANTING PALETTE



ANALYSIS | EXISTING TREES

KEY

- Existing trees to be retained
- Existing trees to be removed
- \* Information adopted from  
Arboreal Impact Assessment  
- Proposed redevelopment of  
13-19 Lexington Drive, Bella Vista  
Ecological Australia



LEXINGTON DRIVE | BELLA VISTA | LANDSCAPE

PREPARED BY TURF DESIGN STUDIO

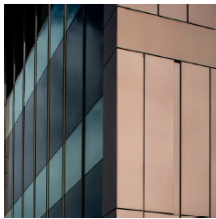
ISSUE F | JUNE 2020

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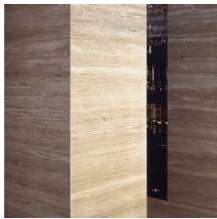
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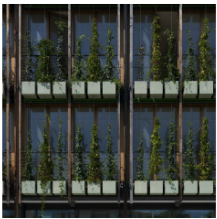
ATTACHMENT 13 – MATERIALS SCHEDULE



**EF01** copper color finish  
*(refer to DA200 - DA203)*



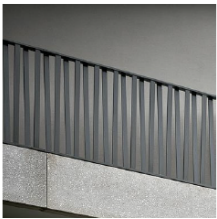
**EF02** polished stone finish  
*(refer to DA200 - DA203)*



**EF03** green facade & blades  
*(refer to DA200 - DA203)*



**EF04** dark metal windowframe  
*(refer to DA200 - DA203)*



**EF05** palisade balustrade  
*(refer to DA200 - DA203)*



**EF06** metal profiled balustrade  
*(refer to DA200 - DA203)*



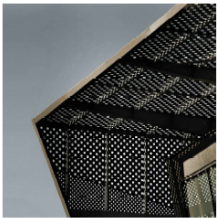
**EF07** face brick brown/red  
*(refer to DA200 - DA203)*



**EF08** conc. planters  
*(refer to DA200 - DA203)*



**EF09** conc. profiled  
*(refer to DA200 - DA203)*



**EF10** solar blade  
*(refer to DA200 - DA203)*



## ATTACHMENT 14 – SHADOW DIAGRAMS

1 EXISTING - JUNE 21 - 9PM



1 EXISTING - JUNE 21 - 12PM



2 PROPOSED - JUNE 21 - 9PM



2 PROPOSED - JUNE 21 - 12PM

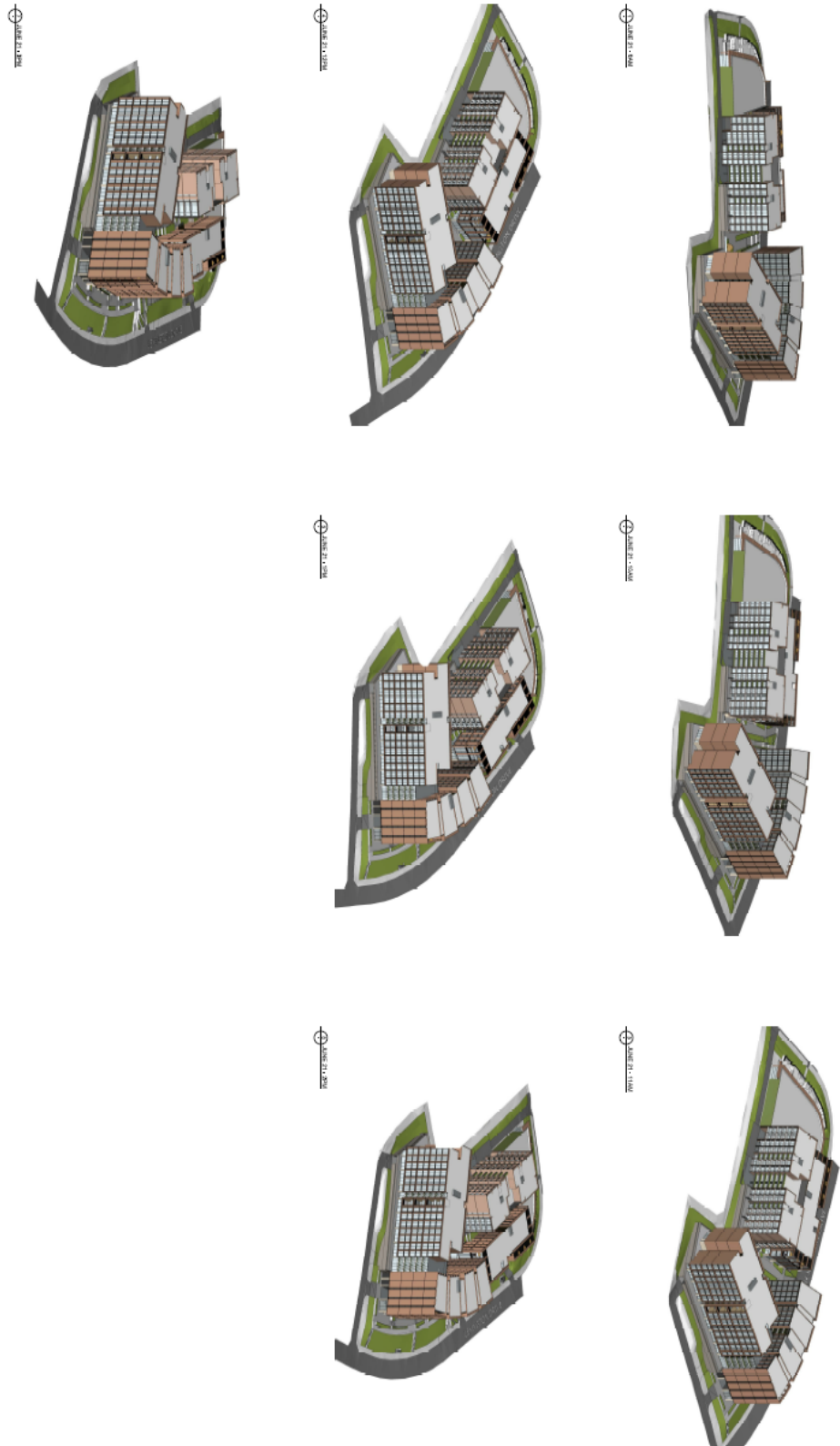


1 EXISTING • JUNE 21 • AM



2 PROPOSED • JUNE 21 • AM







## ATTACHMENT 15 – PERSPECTIVES



*View from Lexington Drive (South)*



*View from Lexington Drive (North)*





*View from North West (21-23 Lexington Drive)*



*View from central courtyard to Building C*



***View of Building D (Serviced Apartments) from Woolworths Car Park***



## ATTACHMENT 16 – SYDNEY METRO CONCURRENCE LETTER



SM-20-00103668

22 September 2020

The General Manager  
The Hills Shire Council  
By Email: [council@thehills.nsw.gov.au](mailto:council@thehills.nsw.gov.au)  
Cc: [cdugan@thehills.nsw.gov.au](mailto:cdugan@thehills.nsw.gov.au)

Attention: Cynthia Dugan

Dear Madam,

**State Environmental Planning Policy (Infrastructure) 2007  
Development Application – DA 1083/2020/JP  
13-15 Lexington Drive, Bella Vista**

Sydney Metro refers to Development Application 1083/2020/JP (DA) submitted by Marti's Investments (Applicant) that has been referred to Sydney Metro via the NSW Planning Portal on 18 February 2020 in accordance with clause 86 of the *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP).

Transport for NSW (TfNSW) has delegated its rail authority functions in relation to the Sydney Metro – City & Southwest and Metro Northwest Line rail corridor to Sydney Metro. Therefore, Sydney Metro is the relevant rail authority for the Metro Northwest Line rail corridor for the purpose of the ISEPP.

**Assessment requirements under the ISEPP**

Sydney Metro has reviewed the DA documents that were uploaded onto the NSW Planning Portal.

Sydney Metro has assessed the development proposed by the DA in accordance with the requirements of clause 86(4) of the ISEPP.

In this regard, Sydney Metro has taken into account:

- (a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:
  - (i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and
  - (ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and
- (b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.

---

Sydney Metro  
Level 43, 680 George Street, Sydney NSW 2000 | PO Box K659, Haymarket NSW 1240  
T 02 8265 9400 | [sydneymetro.info](http://sydneymetro.info) | ABN 12 354 063 515



**Concurrence granted subject to conditions**

Sydney Metro has taken the above matters into consideration and has decided to grant its concurrence to the development proposed in the DA, subject to the consent authority imposing the conditions at **Attachment A**.

Should the consent authority determine not to impose the conditions provided in Attachment A in the form provided, then concurrence from Sydney Metro has not been granted to the DA.

The consent authority is also advised that Sydney Metro's concurrence is not to be amended, replaced or superseded by any concurrence which may be issued by any other authority, without further agreement from Sydney Metro.

**Next steps**

If, at any point, the DA is amended prior to the consent authority's determination, please ensure that the amended DA and any new or amended supporting documents are provided to Sydney Metro for further assessment. Any amendments to the DA may alter the impacts of the proposed development on the Metro Northwest Line rail corridor assessed by Sydney Metro, so Sydney Metro may need to amend (or refuse) its concurrence.

Sydney Metro would be grateful if a copy of the Notice of Determination and any conditions of consent for the DA are forwarded to Sydney Metro should the consent authority determine to grant consent to the DA.

In the event that the proposed development is the subject of a Land and Environment Court appeal, the consent authority's attention is also drawn to Section 8.12 of the *Environmental Planning and Assessment Act 1979* which requires the consent authority to give notice of that appeal to a concurrence authority.

Sydney Metro thanks Council for its assistance.

Please contact Peter Bourke, Senior Manager Corridor Protection or Lauren McMahon at email: [sydneymetrocorridorprotection@transportnsw.gov.au](mailto:sydneymetrocorridorprotection@transportnsw.gov.au) should you wish to discuss this matter further.

Yours sincerely



**Stephen Scott**  
Deputy Executive Director  
Northwest Operations

## **Attachment A**

### **1 Prior to issue of a Construction Certificate**

#### **Engineering**

1.1 All excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings, measures and recommendations detailed in the following documents:

- (a) Geotechnical Site Investigation Report for Proposed Mixed-Use Development [Document no. SRE/557/BV/19/GEO] – Revision 4 prepared by Soilsrock Engineering Pty Ltd dated 26 June 2020.
- (b) Impact Assessment Report on Sydney Metro Tunnels from The Proposed Mixed-Use Development [Document no. 19-000743] – Revision C prepared by Calibre Professional Services Pty Ltd dated 8 September 2020
- (c) Numerical Analyses Report on Sydney Metro Tunnels for Proposed Development for Commercial/Residential Mixed Use [Document no. SRE/557/BV/20] – Revision 2 prepared by Soilsrock Engineering Pty Ltd dated 26 June 2020.
- (d) Civil Engineering Plans Package – Revision B prepared by Calibre Professional Services Pty Ltd dated 4 November 2019.
- (e) Architectural plans and section drawings prepared by PBD Architects as detailed in the following:
  - DA 010 Issue C dated 14/01/2020
  - DA 200 Issue C dated 22/01/2020
  - DA 201 Issue A dated 25/10/2019
  - DA 202 Issue A dated 11/10/2019
  - DA 300 Issue A dated 25/10/2019
  - DA 301 Issue B dated 20/11/2019

subject to any amendments to those documents required by Sydney Metro in accordance with this consent.

The Certifier must not issue a Construction Certificate for the development until the Certifier has confirmed which documents (including the versions of those documents) apply to the development and the Certifier has confirmed in writing to Sydney Metro that the construction drawings and specifications comply with those documents. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

Prior to the commencement of works, the Certifier must provide written verification to Sydney Metro that this condition has been complied with.

#### **Rail Corridor:**

1.2 All structures must be designed, constructed and maintained so as to allow for the future operation and demolition of any part of the development without damaging or otherwise interfering with the Metro Northwest Line rail corridor or rail

operations. Where any part of the development is to be retained because its demolition would damage or otherwise interfere with the Metro Northwest Line rail corridor or rail operations, that part of the development must have a minimum design life of 100 years.

#### **Survey and services**

1.3 Prior to the issue of a Construction Certificate:

- (a) the Applicant must provide Sydney Metro with an accurate survey of the development and its location relative to the rail corridor boundary and any rail infrastructure. The survey is to be undertaken by a registered surveyor, to the satisfaction of Sydney Metro; and
- (b) a registered surveyor shall peg-out the common property boundary between the development site and the rail corridor and any Sydney Metro easements to ensure that there is no encroachment by the development. A copy of the survey report indicating the location of pegs must be provided to Sydney Metro prior to the commencement of works.

1.4 Prior to the issue of a Construction Certificate, the Applicant must undertake a services search to establish the existence and location of any rail services and provide the results of the search to Sydney Metro. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the development site, the Applicant must discuss with Sydney Metro whether the services are to be relocated or incorporated within the development site.

#### **Noise & Vibration**

1.5 The development must:

- (a) *comply with State Environmental Planning Policy (Infrastructure) 2007 and the NSW Department of Planning & Environment's document titled "Development Near Rail Corridors and Busy Roads - Interim Guideline" (2008) and the Sydney Metro Underground Corridor Protection Guidelines (available from [www.sydneymetro.info](http://www.sydneymetro.info));*
- (b) *be designed, constructed and maintained so as to avoid damage or other interference which may occur as a result of air-borne noise, ground-borne noise and vibration effects that may emanate from the rail corridor during rail construction and operations; and*
- (c) *not have any noise or vibration impacts on the rail corridor or rail infrastructure.*

1.6 It is noted that elevation drawings DA200 & DA201 adopted in the Noise & Vibration Assessment (INSERT DATE AND PREPARED BY) do not show the basements. Please provide confirmation to Sydney Metro that the Noise & Vibration Assessment has considered the basement car parking.

#### **Electrolysis**

1.7 Prior to the issue of a Construction Certificate, the Applicant is to engage an electrolysis expert to prepare a report on the electrolysis risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the electrolysis report to control that risk. A copy of the electrolysis report is to be provided to the Certifier with the application for a

Construction Certificate. Prior to issuing a Construction Certificate for the development, the Certifier must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation.

#### **Construction**

- 1.8 No work is permitted within the rail corridor, or any easements which benefit Sydney Metro, at any time, unless the prior approval of, or an Agreement with, Sydney Metro has been obtained by the Applicant. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- 1.9 No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed in the rail corridor, Sydney Metro property or easements. The Certifier must not issue a Construction Certificate for the development until it has received written confirmation from Sydney Metro that this condition has been satisfied.
- 1.10 Prior to the issuing of a Construction Certificate, the following information must be submitted to Sydney Metro for review and endorsement:
  - (a) Machinery to be used during excavation/construction; and
  - (b) Demolition, excavation and construction methodology and staging.

The Certifier must not issue a Construction Certificate for the development until it has received written confirmation from Sydney Metro that this condition has been satisfied.
- 1.11 Prior to the issue of a Construction Certificate a detailed Safe Work Method Statements for the proposed works is to be submitted to Sydney Metro for review and endorsement regarding impacts on the rail corridor. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- 1.12 A tunnel monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Metro for review and endorsement prior to the issuing of a Construction Certificate. The Certifier must not issue a Construction Certificate until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- 1.13 Prior to the issuing of a Construction Certificate, the Applicant must submit to Sydney Metro a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Metro requirements. If required by Sydney Metro, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Metro requirements. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from the Sydney Metro that this condition has been satisfied.
- 1.14 If required by Sydney Metro, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Metro's Corridor Protection Team to determine the need for public liability insurance cover and the level of insurance required. If insurance cover is deemed necessary, the Applicant must obtain insurance for the sum determined by Sydney Metro and such insurance shall not contain any exclusion in relation to works on or near the rail corridor or rail infrastructure and

must be maintained for the period specified by Sydney Metro. Prior to issuing a Construction Certificate for the development, the Certifier must witness written proof of any insurance required by Sydney Metro in accordance with this condition, including the written advice of Sydney Metro to the Applicant regarding the level of insurance required.

*Reason: construction of the proposed development presents a risk of potential damage to the Metro Northwest Line rail corridor which is not in the public interest. This risk of damage to public infrastructure must be appropriately managed and mitigated.*

- 1.15 If required by Sydney Metro, prior to the issue of a Construction Certificate the Applicant must contact the Sydney Metro Corridor Protection Team to determine the need for the lodgement of a bond or bank guarantee for the duration of the works and the sum of any required bond or bank guarantee. Prior to issuing a Construction Certificate for the development, the Certifier must witness written confirmation from Sydney Metro that the Applicant has lodged any bond or bank guarantee required by this condition.

*Reason: construction of the proposed development presents a risk of potential damage to the Metro Northwest Line rail corridor which is not in the public interest. This risk of damage to public infrastructure must be appropriately managed and mitigated.*

#### **Documentation**

- 1.16 Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records prior to the issue of any Construction Certificate.

## **2 During construction**

#### **Supervision**

- 2.1 Unless advised by Sydney Metro in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance.

#### **Consultation**

- 2.2 The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Metro in writing), who:
- (a) oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Metro;
  - (b) acts as the authorised representative of the Applicant; and
  - (c) is available (or has a delegate notified in writing to Sydney Metro that is available) on a 7 day a week basis to liaise with the representative of Sydney Metro as notified to the Applicant.
- 2.3 Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Metro in relation to the carrying out of the development

works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Metro in relation to the works.

- 2.4 Where a condition of consent requires consultation with Sydney Metro, the Applicant shall forward all requests and/or documentation to the relevant Sydney Metro interface team.

#### **Drainage**

- 2.5 The Applicant must ensure that all existing and future drainage works on the development site will be directed into the appropriate local council or approved drainage system.
- 2.6 The Applicant must ensure that during works no water collects on or near the railway corridor. Should water be allowed to pond adjacent to rail infrastructure facilities and service is interrupted, the Applicant shall be liable for any Sydney Metro expenditure involved with restoring or maintaining alternative services.

#### **Inspections**

- 2.7 If required by Sydney Metro, the Applicant must give Sydney Metro written notice at least 5 business days before any of the following events occur within 25 metres of the rail corridor:

- (a) *site investigations;*
- (b) *foundation, pile and anchor set out;*
- (c) *set out of any other structures below ground surface level or structures which will transfer any load or bearing;*
- (d) *foundation, pile and anchor excavation;*
- (e) *other excavation;*
- (f) *surveying of foundation, pile and anchor excavation and surveying of as-built excavations;*
- (g) *other concreting; or*
- (h) *any other event that Sydney Metro has notified to the Applicant in writing*

*so that Sydney Metro may inspect the carrying out or completion of those works on the development site.*

- 2.8 If required by Sydney Metro, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Metro, a joint inspection of the rail infrastructure and property in the vicinity of the development is to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. The dilapidation survey(s) will establish the extent of any existing damage and enable any deterioration during construction to be observed and rectified at the Applicant's cost. The submission of a detailed dilapidation report by the Applicant for review and approval by Sydney Metro will be required within 10 days following the undertaking of any joint inspection, unless otherwise notified by Sydney Metro in writing.

### **3 Prior to the issue of an Occupation Certificate**

#### **Noise and Vibration**

- 3.1 Prior to the issue of an Occupation Certificate, an acoustic assessment report must be prepared and submitted to the Certifying Authority, Council and Sydney Metro certifying that the completed development meets the requirements of:

- (a) State Environmental Planning Policy (Infrastructure) 2007;
- (b) the Department of Planning, Infrastructure and Environment's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines"; and
- (c) any other noise and vibration requirements imposed by this consent.

The acoustic report must demonstrate testing of external and internal noise levels for the completed development and ensure that external noise levels are representative of the typical maximum levels that may occur at the development and internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.

#### **Documentation**

- 3.2 Prior to the issue of an Occupation Certificate, the Applicant is to submit as-built drawings to Sydney Metro and Council. The as-built drawings are to be endorsed by a registered surveyor confirming that there has been no encroachment into the rail corridor or Sydney Metro easements, unless agreed to by Sydney Metro in writing. The Certifier must not issue an Occupation Certificate until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- 3.3 Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records prior to the issue of any Occupation Certificate.

#### **Inspections**

- 3.4 If required by Sydney Metro, prior to the issue of an Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the development is to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. The dilapidation survey will establish the extent of any existing damage and enable any deterioration during operation of the development to be observed. The Certifier is not to issue an Occupation Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

### **4 General**

#### **Inspections**

- 4.1 At any time during the construction of the development, Sydney Metro and persons authorised by those entities may give reasonable notice to the Applicant or the Applicant's principal contractor that Sydney Metro or persons authorised by that entity seek to:
- (a) inspect the development site and all works and structures that may impact on the rail corridor, including at specified "hold points" in the construction of the development; and
  - (b) attend on-site meetings with the Applicant and its contractors,



to enable Sydney Metro to determine whether the development has been or is being constructed and maintained in accordance with all approved plans and this development consent.

**Other**

- 4.2 Any conditions or other requirements imposed by Sydney Metro part of its approval/endorsement of any documents provided by the Applicant to Sydney Metro in accordance with these conditions of consent must also be complied with by the Applicant when implementing any approved/endorsed documents, plans, reports during the construction and operation of the development (as applicable).
- 4.3 Where a condition of consent requires Sydney Metro endorsement or approval, the Certifier must not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates by the Certifier dealing with specific works and compliance conditions can only occur subject to written confirmation from Sydney Metro

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## ATTACHMENT 17 – TRANSPORT FOR NSW SUBMISSIONS



23 September 2020

TfNSW Reference: SYD20/00210/02 (A34207452)  
Council Reference: 1083/2020/JP

The General Manager  
The Hills Shire Council  
PO Box 7064  
BAULKHAM HILLS NSW 2153

Attention: Cynthia Dugan

Dear Sir/Madam,

**ADDITIONAL INFORMATION FOR PROPOSED MIXED USE DEVELOPMENT  
INCLUDING ALTERATIONS AND ADDITIONS TO BELLA VISTA HOTEL – 13-19  
LEXINGTON DRIVE, BELLA VISTA**

Reference is made to Council's correspondence dated 8 September 2020, regarding the abovementioned application which was referred to Transport for NSW (TfNSW) for comment in accordance with Schedule 3 of the *State Environmental Planning Policy (Infrastructure) 2007*.

TfNSW has reviewed the submitted additional information including the updated Traffic Impact Assessment by TRAFFIX (dated July 2020, Ref 20.020r01v02) and notes the information requested by the TfNSW in its letter dated 13 March 2020 have not been provided. TfNSW reiterates the previous requirements as comments under *State Environmental Planning Policy (Infrastructure) 2007* for Council's consideration in the determination of the application.

As no further information is received, Council as the consent authority for this development, is to determine if the concerns raised by TfNSW are satisfactorily addressed by the proponent. Should Council determine that additional information is required to address the concerns, TfNSW will be happy to review any additional information provided.

If you have any further questions, Ms Zhaleh Alamouti would be pleased to take your call on 8849 2331 or please email [development.sydney@rms.nsw.gov.au](mailto:development.sydney@rms.nsw.gov.au). I hope this has been of assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Pahee'.

**Pahee Rathan**  
Senior Land Use Assessment Coordinator

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Transport for NSW  
27 Argyle Street, Parramatta NSW 2150 | Locked Bag 5085, Parramatta NSW 2124  
P (02) 8849 2666 | W [transport.nsw.gov.au](http://transport.nsw.gov.au) | ABN 18 804 239 602



Transport  
for NSW

13 March 2020

TfNSW Reference: SYD20/00210 (A31409595)  
Council Reference: 10832/2020/JP

The General Manager  
The Hills Shire Council  
PO Box 7064  
BAULKHAM HILLS NSW 2153

Attention: Cynthia Dugan

Dear Sir/Madam,

**PROPOSED MIXED USE DEVELOPMENT INCLUDING ALTERATIONS AND ADDITIONS TO BELLA VISTA HOTEL – 13-19 LEXINGTON DRIVE, BELLA VISTA**

Reference is made to the referral lodged on 14 February 2020, regarding the abovementioned application which was referred to Transport for NSW (TfNSW) for comment in accordance with Schedule 3 of the *State Environmental Planning Policy (Infrastructure) 2007*.

TfNSW has reviewed the submitted application and does not support the proposed development in the current form and provides the following comments to Council:

1. TfNSW requests the following intersections to be assessed and included in the traffic report in addition to the intersections modelled:
  - Old Windsor Road/Norwest Boulevard
  - Old Windsor Road/Celebration Drive
  - Lexington Drive/ Celebration Drive

All intersections should be modelled in SIDRA for both existing and future year 2036 scenarios.

2. It is noted from the traffic report that the intersection of Lexington Drive/Norwest Boulevard would operate at level of service 'F' in both AM and PM peak hours after the completion of the development. The report concludes that intersection upgrades are expected following '*planned study by Council and RMS*'.

As there is no funding allocated for intersections upgrades at this stage, TfNSW requests that the proponent should increase the extent of their traffic study to assess the impact of the development on nearby intersections and investigate the need/associated funding for upgrading or road improvement works (if required). They

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**Transport for NSW**

27 Argyle Street, Parramatta NSW 2150 | Locked Bag 5085, Parramatta NSW 2124  
P (02) 8849 2666 | W [transport.nsw.gov.au](http://transport.nsw.gov.au) | ABN 18 804 239 602

should establish a baseline level of performance for the impacted intersections, and demonstrate that their development does not reduce the performance of these intersections or undertake works to restore existing levels of intersection performance.

3. It is noted the Sydney Metro corridor protection reserves traverse the north-eastern corner of the site. The proponent is to consult with Sydney Metro regarding their proposed development and comply with their requirements.

TfNSW requests the abovementioned information for further assessment prior to the determination of the application. Upon receipt of the information, TfNSW will further review and provide response accordingly.

If you have any further questions, Ms Zhaleh Alamouti would be pleased to take your call on 8849 2331 or please email [development.sydney@rms.nsw.gov.au](mailto:development.sydney@rms.nsw.gov.au). I hope this has been of assistance.

Yours sincerely



**Malgy Coman**  
Senior Land Use Planner

## ATTACHMENT 18 – DESIGN REVIEW PANEL MINUTES



### MEETING MINUTES DESIGN EXCELLENCE PANEL

|                             |  |              |        |
|-----------------------------|--|--------------|--------|
| <b>Date:</b>                | 13/05/20   | <b>Time:</b> | 2.15pm |
| <b>Location of Meeting:</b> | Electronic video conference meeting via Skype for Business   |              |        |
| <b>Panel Members:</b>       | <b>Chairperson</b> – Nicholas Carlton, Manager Forward Planning, THSC<br><b>Panel Member</b> – Tony Caro, Independent Design Expert<br><b>Panel Member</b> – David Reynolds, Group Manager THSC  |              |        |
| <b>Councillors:</b>         | None Present   |              |        |
| <b>Council Staff:</b>       | Paul Osborne, Cynthia Dugan, Marika Hahn   |              |        |
| <b>Guests:</b>              | Wieger Meijer – Architect, PBD Architects<br>Paul Buljevic – Architect, PBD Architects<br>Scott Jackson – Landscape Architect – Turf Design<br>Ross Colosimo - Applicant<br>Sergio Colosimo - Applicant<br>Peter Lee - Planner, Calibre Consulting |              |        |

#### BUSINESS ITEM AND MEETING MINUTES

##### 1. Welcome and Opening

The Hills Shire Council is committed to achieving design excellence in the built form environment and ensuring new high-density buildings are of a high quality design. The requirements for a development to achieve design excellence are found in Clause 7.7 'Design Excellence' of Local Environmental Plan 2019.

The Hills Shire Design Excellence Panel (The Panel), is an advisory Panel 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 its consideration for development application.

The Panel provides recommendations on the following:

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

The role of the Panel is to evaluate and critique design aspects of proposed development and provide recommendations on whether development exhibits "Design Excellence".

It is noted that the Design Excellence Panel does not determine or endorse applications. Rather, it is responsible for providing advice to Applicants and the consent authority to assist in the assessment of the Proposal against the design excellence criteria in Clause 7.7 of LEP 2019.


## 2. Declaration of interest

"Nil"

## 3. Confirmation of previous minutes

Confirmed by email

## 4. Presentations

|  |   |
|--|---|
| <b>Item 4.3</b>                                      | 2.15am – 3.19pm   |
| <b>DA Number</b>                                     | <b>DA 1083/2020/JP</b>  |
| <b>Property Address</b>                              | 13-19 Lexington Drive, Bella Vista  |
| <b>Proposal</b>                                      |  <p>Mixed use development comprising three development blocks above structured basement car parking.</p> |
| <b>Applicant representative address to the Panel</b> | <p>Wieger Meijer – Architect</p> <p>Scott Jackson – Landscape Architect</p>   |

## DOCUMENTATION

The Design Excellence Panel reviewed the following drawings:

*Survey Plan*, 02/04/19, Rev 15, by PBD Architects  
*Landscape DA Report*, February 2020, issue D, by turf design studio  
*Architectural Plans*, 22/01/20, issue C, by PBD Architects  
*Statement of Environmental Effects*, 24/01/20, by Calibre Consulting  
*Pedestrian Wind Environment Statement*, Jan 28 2020, by Windtech  
*Arboricultural Impact Assessment*, 05/02/20, by Eco Logical Australia Pty Ltd

## PANEL COMMENTS

The applicant has previously attended the Design Excellence Panel with a pre-DA for the subject site. The Panel notes this is a new design with a newly appointed architectural practice and landscape architecture team. The Panel commends the design team for the clear documentation and concise presentation.

### Context / Character

1. The applicant presented a well-considered development proposal that has been designed to integrate into the broader regional context and the strong garden/landscape identity of the Hills Shire, whilst also recognising the many challenges of moving from a lower density suburban office park to a higher density mixed-use development within a landscape setting. The development presents a restrained and elegant architectural design with an engaging urban interface that will provide a positive contribution to the precinct.



### **Site planning and built form strategy**

#### **Bulk, Scale and Massing**

2. Subtle variation in height and a clear break between the built form elements provides diversity and interest to the street frontage. The various elements of the scheme have a clear identity and address whilst retaining a consistent design character.
3. The scale is appropriate in the context of the precinct.

#### **Site Coverage/ Landscaped Open Space**

4. Site coverage should be confirmed with Council's Landscape Officer.
5. Provision of substantial planting and canopy trees in the street frontage, public courtyard areas and greenery and shade on rooftop areas is encouraged by the Panel.
6. Consideration should be given to removing vehicular entries that reduce landscape provision in the setback zones and are not essential to the functions of the development.

#### **Setbacks**

7. The setbacks appear to be compliant – to be confirmed to Planning Officer's satisfaction.

#### **Internal Planning**

8. The Panel supports the layouts of the commercial floor plates, which appear to accommodate a range of tenancy sizes.
9. The range of uses and circulation patterns within the floorplans is quite complex, and the relationship between functions related to the existing hotel may benefit from some further consideration and refinement.
10. The Panel queried the location of the gaming room at the ground entry level, which would require the room to be screened from the street frontage. The Panel supports the use of a transparent material at this location to assist in activating the frontage and the site and recommends that a more active use that does not require screening be located in this position, such as a Bistro.

### **Compliance**

#### **Height**

11. All finalised heights including rooftop services provision elements and screening are to be confirmed with Council's DA planner and referred to OEH if above specified height planes.

#### **Density**

12. The density appears to be appropriate for the site and proposed uses.

#### **Apartment Mix and Size**

13. As commented previously to the applicant in the pre-DA, it is suggested that the applicant confirm market demand for the proposed serviced apartment accommodation.

### **Landscape Design**

#### **Public Domain**

14. The Panel considers the public domain design to be generally well considered. It is preferable for the pedestrian treatments at 17-19 Lexington Drive to be followed through to 13-15 Lexington Drive, to minimise potential pedestrian and vehicular conflicts.
15. The improved sightlines from the street footpath into the ground level of the development enables and encourages street activation, and is supported (subject to resolution of comments above relating to the proposed use of this ground level space as a gaming room and associated screening).

#### Private Domain

16. The use of landscaping to soften hard and paved surfaces within breakout areas for office and commercial uses is supported.
17. Visual privacy and screening of the serviced apartment private balcony areas should be ensured, given proximity to adjacent sites and other uses in the building.

#### SEPP 65 Comments

18. The Panel acknowledges that while compliance with SEPP65 is not requirement for the serviced apartments, amenity considerations in the following areas were noted during the meeting:

- 3F Visual Privacy – across the internal courts between different uses.
- 4H Acoustic Privacy – for internal balconies and living areas.

#### Sustainability and Environmental Amenity

19. Sustainability and environmental amenity have been well considered with the provision of a pedestrian-oriented, well-scaled public domain, solar shading integrated into the facade treatments, and provision of a "living green wall" to the glazed portion of the facade. Maintenance provisions for this facade should be included in any consent conditions.
20. Provision of deep soil zones within front and side setbacks enables substantial soft landscaping treatments with a capacity to support high canopy trees providing shade to the western facade, a pleasant office outlook and a high quality street character.

#### Architecture and Aesthetics

21. The Panel commented briefly on being mindful of the presentation of the facade at the corners of the building and avoiding blank walls at these locations.
22. All utility services elements in the public domain are to be suitably screened and integrated into the building fabric. Detailing of services screening should be a consent condition or addressed prior to any consent being issued, subject to Council's DA officer's satisfaction.
23. The location of OSD tanks should not be within landscaped setback areas.

#### **PANEL CONCLUSION**

The Panel supports the restrained, refined design quality of the revised proposal, which will positively contribute to the envisioned urban character of this emerging Transit Oriented Development precinct.

Subject to Council's DA Officer being satisfied that the applicant has addressed the minor issues raised in this report, the project need not return to the panel for further consideration.

## MEETING MINUTES DESIGN EXCELLENCE PANEL

|                             |   |              |        |
|-----------------------------|---|--------------|--------|
| <b>Date:</b>                | 10/07/19  | <b>Time:</b> | 9.30am |
| <b>Location of Meeting:</b> | The Hills Shire Council, Community Meeting Rooms 1+2  |              |        |
| <b>Panel Members:</b>       | <b>Chairperson</b> – Nicholas Carlton, Manager Forward Planning, THSC<br><b>Panel Member</b> – Tony Caro, Independent Design Expert<br><b>Panel Member</b> – David Reynolds, Group Manager THSC                       |              |        |
| <b>Councillors:</b>         | None Present  |              |        |
| <b>Council Staff:</b>       | Kristine McKenzie, Cynthia Dugan, Marika Hahn   |              |        |
| <b>Guests:</b>              | Peter Lee – Calibre Consulting - Planner<br>Emily Hou – Calibre Consulting - Planner<br>Diego Jaime – Archebioisis - Architect<br>Sergio Colosimo – Memento<br>Ross Colosimo – Memento<br>Marcello Colosimo – Memento |              |        |

### BUSINESS ITEM AND MEETING MINUTES

#### 1. Welcome and Opening

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

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

The Panel provides recommendations on the following:

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

The role of the Panel is to evaluate and critique design aspects of proposed development and provide recommendations on whether development exhibits "Design Excellence".


#### 2. Declaration of interest

"Nil"

#### 3. Confirmation of previous minutes

Confirmed by email.

#### 4. Presentations

|   |   |
|---|---|
| Item 4.1                                      | 9.30am – 10.30pm  |
| DA Number                                     | 114/2019/PRE  |
| Property Address                              | 13-19 Lexington Drive, Bella Vista  |
| Proposal                                      |  <p>Two development blocks over structured car parking comprising commercial uses and serviced apartments.</p> |
| Applicant representative address to the Panel | Diego Jaime - Architect , Archebiosis Architects<br>Peter Lee - Planner, Calibre consulting   |

#### DOCUMENTATION

The Design Excellence Panel reviewed the following provided documentation:

*Drawings SK100-112 + SK 200 , 28/06/19, Issue A, by Archebiosis Architects*  
*Design Revision Post Norwest Panel Meeting, June 2019, by Archebiosis Architects*

#### PANEL COMMENTS

##### Context

1. The Panel raised the issue of the development aligning with the existing character within this locality. Given the area is earmarked to undergo significant transition in character as a result of the recently opened Metro, existing buildings in this precinct (many of which are dominated by at-grade or above ground parking) may not be an appropriate precedent for a new high quality multi-use development within a station precinct. The Panel recommends analysis of contemporary local and overseas transit oriented developments and workplace precedents which respond to proximity to high-frequency public transport services and the diverse and increasingly flexible work patterns within the contemporary workforce.

##### Site planning

2. All required setbacks should be complied with, to provide for required deep soil area, landscape screening and public domain opportunities.
3. The Panel questioned whether site coverage exceeded 50%. This should be resolved to satisfaction of Council's landscape architect.
4. Concern is raised with respect to the design of open spaces in and around the development. This includes reduced setbacks to the public domain and the proposed central open space. Concern is raised with respect to the design quality of the internal open space area (which incorporates a through-site link). During winter, this area is unlikely to be a highly patronised activated area due to significant overshadowing and potential wind impacts. The earlier versions of the proposal appeared to include a substantially more generous internal open space provision which received greater solar access (however it is acknowledged that changes to the proposed open space area did, in part, result from revisions to the development concept made in response to other pre-da comments received).
5. The response to heritage requirements for preservation of views to Bella Vista Farm should be further discussed with the assessing officer.
6. The proposed location of the serviced apartments adjoining extensive on-grade parking within the Woolworths site presents a poor amenity outcome for the serviced apartments. The potential impacts of the existing approval for a Campus style building to north east of the development (in the current Woolworths car park) should also be taken into consideration.

### **Bulk, Scale and Massing**

7. FSR is a control which is primarily intended to regulate density, bulk and scale. While it is acknowledged that parking areas are not technically included within the calculation of GFA (as is the case in some other council areas), the extensive above-ground car parking results in a built form which is reflective of a 3:1 Floor Space Ratio, with a bulk and scale which is beyond what the primary controls would otherwise enable. This is reflected in a bulky and largely unarticulated built form, which essentially fills the maximum building envelope established by the combination of FSR and height controls.
8. The advent of Metro will mean that the streets are likely to be more active with pedestrians. High quality and lively public domain and built form will become a critical element of the future character of the Precinct. As a result, the opportunity to place parking areas underground should be carefully investigated. This would significantly reduce the bulk and scale of the development and address a number of issues raised by the Panel with respect to bulk, scale, articulation, public domain and internal open space. The Panel questioned whether or not the alignment of the metro tunnel to the north of the site precluded the provision of any underground parking at any point on the land.

### **Internal Layout**

9. The proposed floor plates should be tested to ensure that efficient tenancy subdivision can occur, including structure and provision of amenities such as toilets, lift cores and fire stairs that are integrated for effective and flexible space planning.
10. The proposed deep floor plates are not reflective of high quality contemporary office environmental design in a competitive market. Further, concern is raised around the desirability and usability of the proposed commercial spaces sleeved around 4 storeys of above ground car parking.
11. The viability of a communal swimming pool above the office building should be tested with the market, particularly having regard to the evident access and amenity issues.
12. Market demand for the proposed larger 2 and 3 bedroom serviced apartments in this location was discussed and it is recommended that the applicant conduct market demand analysis for this type of accommodation.
13. The amenity of a number of serviced apartments which face into the small elevated courtyard areas should be reviewed, as the privacy of corner apartments appears to be compromised and access to the courtyard also appears limited.
14. It is recommended the applicant review contemporary examples of both serviced apartment buildings as well as new office buildings.

### **Streetscape**

15. The Panel recommends low height landscape treatments on street frontage setbacks to allow clear sightlines to the retail and the ground level lobby areas of the development. A high quantum of large, high canopy peripheral native trees should also be provided around the site perimeter to the satisfaction of Council's Landscape Architect.

### **Private Domain**

16. High quality, generous landscaping to the internal courtyard space of the serviced apartments is required. Similarly a number of green roof areas are indicated throughout the development and access for residents, workers and maintenance staff should be provided.
17. Adequate soil depth required for the viability of tree planting needs to be provided but is not shown on the plans.

### **Sustainability and Environmental Amenity**

18. The extent of greenery indicated within the preliminary plans and 3D renderings may be desirable, however the Panel cautioned that ongoing maintenance management must be carefully considered as it will represent a significant recurrent cost. Consideration of cost effective ways of maintaining and providing durable greenery is recommended to ensure the long term viability of this element of the proposal.

### **Architecture and Aesthetics**



19. Once the schematic design phase is completed and issues relating to bulk, scale, massing and layout have been addressed, further consideration will be required with respect to material selection and architectural articulation.
20. The images presented at the meeting appear to show extensive use of unshaded glazing to all facades irrespective of orientation. The rapid warming of western Sydney is a major issue for new development and applicants must comprehensively demonstrate how new developments will address this.

#### **PANEL CONCLUSION**

The Panel thanks the applicant for presenting the proposal and for the opportunity to provide input into the design of the scheme at an early stage in its evolution.

Based on the information presented to the Panel, the current design would not be considered to exhibit design excellence, however, the Panel acknowledges the applicant has actively sought its input at this point in the process.

There are a number of significant planning, technical and design quality issues with the current scheme, as detailed within these minutes. These should be comprehensively addressed prior to the preparation of more detailed designs and development application material. The Panel recommends that the applicant investigate the opportunity to place parking areas underground as this would likely enable a number of the concerns raised with respect to site planning, bulk, scale, articulation, amenity, public domain and internal open space to be addressed.

It is recommended the applicant consider the advice from this Panel meeting and incorporate into revised concepts for the development.

The Panel will be required to review the development once submitted as a Development Application. However, should the applicant wish to present revised concepts to the Panel for further comment prior to the lodgement of a DA, the Panel would welcome this opportunity.