JOINT REGIONAL PLANNING PANEL (Sydney West)

JRPP No	2016SYW063
DA Number	DA 1395/2016/JP
Local Government Area	THE HILLS SHIRE COUNCIL
Proposed Development	DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A MIXED USE DEVELOPMENT CONTAINING 247 RESIDENTIAL UNITS, GROUND FLOOR RETAIL, THREE (3) LEVELS OF COMMERCIAL OFFICES AND FIVE (5) LEVELS OF PARKING PROVIDING 646 CAR PARKING SPACES.
Street Address	LOT 5074 DP 1003042, 11-13 SOLENT CIRCUIT, BAULKHAM HILLS AND LOT 102 DP 1065520
Applicant	CAPITAL BLUESTONE
Number of Submissions	EIGHT (8) SUBMISSIONS
Regional Development Criteria (Schedule 4A of the Act)	CIV Over \$20 Million – General Development
List of All Relevant s79C(1)(a) Matters	 List all of the relevant environmental planning instruments: s79C(1)(a)(i) The Hills Local Environmental Plan 2012 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (State and Regional Development) 2011 List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii) Nil List any relevant development control plan: s79C(1)(a)(iii) DCP 2012 Part C Section 6 – Business DCP 2012 Part B Section 5 – Residential Flat Buildings DCP 2012 Part C Section 1 – Parking List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv) Voluntary Planning Agreement for 11-13 Solent Circuit Baulkham Hills between The Hills Shire Council and Hills

	Christian Life Centre Limited and Capital Corporation (Waterside) Pty Ltd, dated July 2015. List any coastal zone management plan: s79C(1)(a)(v) Nil List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288 Environmental Planning and Assessment Act Regulation 2000
Does the DA require Special Infrastructure Contributions conditions (s94EF)?	No
List all documents submitted with this report for the panel's consideration	Submissions and Clause 4.6 Written Request
Recommendation	Approval
Report by	Development Assessment Coordinator James McBride
Report date	20 October 2016

Summary of S.79C matters Have all recommendations in relation to relevant s79C 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 summarised, in the Executive Summary of the assessment report?	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?	Yes
Conditions Have draft conditions been provided to the applicant for comment?	Yes

EXECUTIVE SUMMARY

The Development Application is for the demolition of existing structures and the construction of a mixed use development containing 247 residential units (36 x 1 bedroom, 179 x 2 bedroom, 25 x 3 bedroom and 7 x 4 bedroom), ground floor retail, three (3) levels of commercial offices, construction of a new boardwalk adjacent to Norwest Lake, landscaping works, tree removal and five (5) levels of parking providing

646 car parking spaces. The Capital Investment Value (CIV) of the development is \$105,800,000.

The application is accompanied by a request to vary a development standard pursuant to Clause 4.6 of The Hills Local Environmental Plan 2012 (LEP). Clause 4.4 of the LEP prescribes a maximum floor space ratio of 2.42:1 for the subject site. The application proposes a floor space ratio of 2.53:1 which represents a variation of 4.8%. The Development Application is accompanied by a written justification to Clause 4.6 of the LEP to vary the floor space ratio development standard.

The proposal has been assessed against the relevant provisions of the Hills Development Control Plan 2012 (DCP). Variations to density, car parking, bicycle parking, loading bays, apartment sizes, private and common open space, landscaping, pedestrian access and storage have been identified. The variations are addressed in the body of the report and are considered to be satisfactory.

The application is classified as 'Nominated Integrated Development' pursuant to Clause 91 of the Environmental Planning and Assessment Act 1979 and Clause 5(1b) of the Environmental Planning and Assessment Regulations 2000, requiring referral to the NSW Department of Primary Industries – Water for concurrence. General Terms of Approval have been received from the NSW Department of Primary Industries – Water.

The proposal was exhibited and notified to adjoining property owners for a period of 30 days. In response, eight (8) submissions were received (one in support). The issues raised in the submissions relate to the inclusion of residential accommodation in the Norwest Business Park, building mass, height, design, setbacks, separation, noise, traffic and car parking. The matters raised in the submissions have been reviewed and do not warrant refusal of the application.

The proposed development is considered to be of a high quality design that is fitting to the context of the site being located on the periphery of Norwest Lake and within the Norwest Business Park. The proposed development responds appropriately to the interface of Norwest Lake and provides a publicly accessible space that will promote the active and passive use of land immediately adjoining Norwest Lake. Additionally, the proposed development will provide active commercial uses in the form of restaurants and retail at ground level. The residential component of the development has been designed to maximise the northerly orientation and facilitate views towards Norwest Lake. Generous communal facilities have been provided to enhance residential amenity. The design is responsive to the site and will establish a benchmark for the future character of development within close proximity to Norwest Station.

In the absence of the JRPP process, this matter would be determined by Council's Development Assessment Unit.

The proposal is recommended for approval subject to conditions.

BACKGROUND MANDATORY REQUIREMENTS Owner: Hills Christian Life LEP 2012 - Clause 4.6 Variation Centre Ltd and required, see report. Norwest Association Ltd Design Quality of B2 Local Centre Zoning: 2. SEPP 65 Residential Flat Development and and SP2 Residential Flat Design Code Infrastructure Variations required, see report (Drainage) 3. DCP 2012 Part B Section 6 Area: 1.2 Hectares Variations required, see report.

Existing Development:

Sydney Ice Arena

- 4. DCP 2012 Part B Section 5 Residential Flat Buildings - Variations required, see report
- 5. <u>Section 79C (EP&A Act)</u> Satisfactory.
 - . <u>VPA Contribution</u> Currently \$3,130,000.00 (indexed in accordance with the Planning Agreement) for the first 240 units, as well as an additional amount of \$13,041.67 (indexed in accordance with the Planning Agreement) for each of the additional 7 units proposed in excess of 240 units.

SUBMISSIONS

REASON FOR REFERRAL TO JRPP

1. Exhibition: Yes, 30 days.

1. Capital Investment Value in excess of \$20 million

Notice Adj Owners: Yes, 30 days.
 Number Advised: 457 adjoining

land owners

4. Submissions Received: Eight (8)

submissions

HISTORY

20/11/2015 Amendment No. 29 was notified on the NSW legislation website

to increase the maximum permitted building height to RL 143.20, increase the floor space ratio to 2.42:1, allow additional permitted uses in the SP2 zone and specify a minimum 6,000m² of commercial floor space for the subject

site.

23/12/2015 Pre-lodgement meeting held.

29/03/2016 Subject Development Application lodged.

11/04/2016 The application was exhibited for a period of 30 days.

12/05/2016 Exhibition period concludes.

14/06/2016 The applicant was requested to provide additional information

in relation to compliance with floor space ratio, car parking, commercial floor area, design requirements of the Apartment Design Guide, submission of owners consent, engineering

matters and tree management matters.

10/08/2016 The applicant submitted additional information including

amendments to reduce floor space ratio and yield to 247 units.

22/08/2016 The applicant was request to provide a revised BASIX

Certificate.

26/08/2016 The applicant submitted a revised BASIX Certificate.

20/09/2016 The applicant submitted amended floor plans detailing finished

levels for Building B.

SITE DESCRIPTION

The site is known as Lot 5074 DP 1003042 and is located at 11-13 Solent Circuit Baulkham Hills. The site is currently occupied by the Sydney Ice Arena with associated on grade car parking and scattered vegetation adjacent to the property boundaries. The site has access to Solent Circuit and frontage to Norwest Lake with a public walkway along the lake frontage. The site is irregular in shape and is 1.2 hectares in area.

The site has a cross fall of approximately 4-5 metres from the south-east corner to the north-west corner of the site. The site has an arc frontage of approximately 81 metres to Solent Circuit.

The site is affected by an easement for public access approximately 12 metres wide adjacent to Norwest Lake. It is noted that the existing boardwalk which provides public access is approximately 3 metres wide. The site is also affected by two drainage easements 2 metres and 1.5 metres wide respectively.

The site is bounded by Norwest Marketown immediately to the east of the site, Hillsong Church immediately to the south of the site and the Central Residential Precinct immediately to the north of the site on the opposite side of Solent Circuit.

PLANNING PROPOSAL

The site was subject to a Planning Proposal (Ref. No 17/2013/PLP) to amend the Hills Local Environmental Plan 2012. Amendment No. 29 was notified on the NSW legislation website on 20 November 2015. The plan amends The Hills Local Environmental Plan 2012 as follows:

- Increase the maximum permitted building height from RL 116 metres (approximately 11 storeys) to RL 143.20 metres (20 storeys);
- Increase the maximum permitted floor space ratio from 1.49:1 to 2.42:1;
- Allow uses that are permissible within the B2 Local Centre zone, that is, commercial premises, residential flat buildings, building identification signs and business identification signs, on that part of the site that is zoned SP2 (Drainage) through Schedule 1 - Additional Permitted Uses; and
- to specify a minimum 6,000m² of commercial floor space to be provided on the land.

Associated amendments to The Hills Development Control Plan 2012 (Part B Section 6 – Business) came into force on 1 December 2015 and provide objectives and development controls to guide the development of the site.

PROPOSED DEVELOPMENT

The Development Application is for the demolition of existing structures and the construction of a mixed use development containing 247 residential units (36×1 bedroom, 179×2 bedroom, 25×3 bedroom and 7×4 bedroom), ground floor retail, three (3) levels of commercial offices, construction of a new boardwalk adjacent to Norwest Lake, landscaping works, tree removal and five (5) levels of parking providing 646 car parking spaces. The Capital Investment Value (CIV) of the development is \$105,800,000.

The proposal was amended during the assessment process to reduce the floor space ratio from 2.66:1 to 2.536:1 and in turn reduce the dwelling yield from 267 to 247 units. The amendments also include a reduction in the total number of car parking from 652 to 646 spaces.

The development comprises two residential towers above commercial/retail/parking podium levels. Building A will be 15 storeys in height above a four storey commercial podium. Building B will be 16 storeys in height above five levels of car park. The

commercial component has been positioned to address and activate the interface to Norwest Lake and will contain approximately $6,056m^2$ of commercial floor space that includes three restaurants and seven commercial tenancies on the ground floor in addition to 36 office tenancies over three levels. A through-site link in the form of a boardwalk over an existing public easement access will be provided to enhance pedestrian permeability and to activate the interface to Norwest Lake.

The residential development will provide a total of 247 residential flat units with the following mix:

- 36 x 1 bedroom units;
- 179 x 2 bedroom units:
- 25 x 3 bedroom units: and
- 7 x 4 bedroom units

Building A will address Norwest Lake and will contain 115 units above a four-storey commercial podium that will comprise of 36 office premises and ground floor restaurants.

Building B will address Solent Circuit and will contain 132 units above a five-storey car park with ground floor retail tenancies. A swimming pool and resident function room will be located within the level three parking area below Building B. The podium for Building B will contain the main communal open space area that includes an outdoor gym, outdoor cinema, communal dining areas, putting green and fitness stations.

Access to the car park has been provided off Solent Circuit. The lower two levels of basement car park will be dedicated to commercial and visitor spaces with the bottom upper three levels dedicated to the residential parking component. The proposed development seeks to utilise a dual parking arrangement whereby car parking spaces dedicated to the office component will be freely available to restaurant and retail uses between 6:30pm to midnight on weekdays and on weekends. Access to the residential parking component will be provided via a security gate to ensure the separation of public and private car spaces.

Pedestrian access to the building will be provided through a central colonnade between Building A and B. Separate lift cores have been provided for Building A, Building B and the commercial component which have been centrally located.

The stratum subdivision forms part of the application and will result in the subdivision of the building into three lots. Lot 1 relates to the ground floor commercial uses (retail/restaurant) and the parking spaces associated with those uses on the ground floor. Lot 2 relates to the remainder of the commercial areas and the associated parking spaces in the basement level. And Lot 3 relates to the residential areas and the associated parking spaces on levels one, two and three.

Landscaping is proposed within the communal open space areas and along the edges of the development which will generally comprise of the planting of canopy trees, groundcovers and shrubs within the landscaped areas. The proposed development will also include the embellishment of the existing boardwalk adjacent to Norwest Lake.

A condition of consent is recommended requiring separate consent for the restaurant and retail tenancies.

ISSUES FOR CONSIDERATION

1 STRATEGIC PLANNING FRAMEWORK

1.1 A Plan for Growing Sydney

The strategic plan prepared by the NSW Government entitled the *A Plan for Growing Sydney 2036* aims to integrate land use and transport planning to provide a framework for the growth and development of the Sydney Region to 2036.

The site is located in the Norwest Business Park adjacent to existing retail and commercial development, and within the 500m walking catchment of the future Norwest Railway Station. The site is well located to utilise existing services and infrastructure including the high frequency public transport services provided by the North West Rail Link. An increase in building height and subsequent higher densities in proximity to railway stations will encourage greater use of public transport and enhance the existing local centre.

1.2 North West Rail Link

The North West Rail Link (NWRL) has been identified by the NSW Government as a priority transport infrastructure project which will consist of a heavy rail line extending from Epping, through the North West Growth Centre, to Cudgegong Road. The North West Rail Link will support metropolitan planning objectives by putting in place a key transport project which extends the connectivity of the existing rail network and will support future growth within North West Sydney.

The future Norwest Railway station is located approximately 500 metres south of the site. Proximity to the Norwest Railway station makes the site ideal for high density development in order to capitalise upon the principles of transport orientated development.

1.3 North West Rail Link Corridor Strategy

To ensure that future development supports the public transport infrastructure, a precinct planning process for the North West Rail Link Corridor has been undertaken by the NSW Department of Planning & Infrastructure.

The North West Rail Link Corridor Strategy provides a vision for how the eight precincts surrounding the proposed railway stations could be developed to integrate with the new rail link. The Corridor Strategy includes a structure plan for each station precinct to inform appropriate zonings and amendments to built form controls and to guide the assessment of major projects and development applications within the corridor.

A key principle informing the corridor strategy is the integration of land use and transport planning by the provision of transit orientated development. This is defined as mixed use communities within walking distance of a transit node that provides for a range of residential, commercial, open space and public facilities in a manner that makes it convenient and attractive to walk, cycle or use public transport for the majority of trips. Accordingly, the strategy highlights that the new rail line provides significant opportunities for transit orientated development around the proposed rail stations.

The Strategy envisages that Norwest will need to provide an additional 15,000 jobs which would require approximately 225,000 – 375,000m² of commercial floor space, and projects that an additional 4,350 dwellings will be provided by 2036. The subject site is identified as an opportunity site in the short term however it is identified as part of the 'local centre' which could accommodate neighbourhood scale retailing on sites that are carefully designed to integrate into the existing streetscape and residential development.

The emerging significance of Norwest as a major employment area (Specialised Precinct) within the global economic corridor is recognised in the North West Rail Link Corridor Structure Plan. In fact the Structure Plan for Norwest flags the possibility of buildings up to 30 storeys on the "Station Precinct" located on the southern side of Norwest Boulevard in close proximity to the future railway station. A development of 20 storeys on the subject site would therefore not be inconsistent with the vision for the surrounding area.

The proposed development is considered to respond accordingly to the objectives of the Strategy and is a suitable response to the site's location and proximity to the railway station. It will make a significant contribution towards the provision of the required dwellings and commercial floor space whilst enhancing the public domain and further activating the Norwest Lake. Therefore it is considered that the proposed development is consistent with the Corridor Strategy.

1.4 The Hills Shire Local Strategy

The Residential, Integrated Transport, Centres and Employment Lands Directions are the relevant components of the Local Strategy to be considered in assessing this application.

Residential Direction

The North West Subregional Strategy sets targets for the Shire to contribute additional housing to accommodate a share of Sydney's population growth. The Residential Direction indicates that there is sufficient capacity to accommodate these targets based on the existing planning framework and current projects.

In this regard, the proposed amendments to building height, floor space ratio and the zoning of subject site are not required to meet housing targets. However, the planning proposal is consistent with the Direction since it would contribute to a diversity of housing choice in an existing urban environment, in close proximity to employment, services and transport infrastructure. Residential accommodation in this location would also contribute to creating a vibrant and safe town centre that functions beyond normal commercial business hours.

Integrated Transport Direction

A key objective of the Integrated Transport Direction is to ensure that planning and future development supports the provision of an efficient transport network. Relevant actions include planning for a concentration of and/or intensity of land use activities around major public transport nodes and higher order centres.

The subject site is located within the 500m walking catchment of the future Norwest Rail Station and is serviced by various bus services throughout the locality. The proposed development is consistent with this Direction as it will facilitate high density residential development and increased employment opportunities within close proximity to high frequency public transport services.

Centres Direction

The Centres Direction seeks to establish a network of centres that provides places for residents to shop, work, and have social interaction and recreational opportunities. The Direction includes a centres hierarchy which provides a framework for the scale, location and function of centres. This ensures that the population has access to a range of centres that meet their needs and are appropriate in scale and design for their location.

Norwest Marketown which adjoins the subject site is identified as a village centre with potential to grow into a town centre with additional floor space in demand from 2016. The

proposed development will contribute to the developing Norwest Town Centre by providing employment opportunities, civic space and residential activation.

Employment Lands Direction

The North West Subregional Strategy establishes an employment capacity target for the Shire from 2001 to 2031 of 47,000 jobs. The Employment Lands Direction demonstrates that there is capacity to meet this target with capacity for 55,574 additional jobs to 2031. In addition to the contribution towards anticipated employment targets, the Direction seeks to provide employment close to home, services and transport infrastructure.

The planning proposal would facilitate approximately 6,000m² of commercial floor space and 240 residential units in a central location, providing new employment and housing opportunities close to existing services and transport. The proposed development is considered to be consistent with this direction.

2 STATUTORY MATTERS FOR CONSIDERATION

2.1 State Environmental Planning Policy (State and Regional Development) 2011

Clause 20 of SEPP (State and Regional Development) 2011 and the Schedule 4A of the Environmental Planning and Assessment Act, 1979 provides the following referral requirements to a Joint Regional Planning Panel:-

Development that has a capital investment value of more than \$20 million.

The proposed development has a capital investment value of \$105,800,000 thereby requiring referral to, and determination by, a Joint Regional Planning Panel.

2.2 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 Preliminary Contamination Assessment prepared by Douglas Partners accompanied the Development Application. The assessment concludes that the site presents a low risk of harm to human health or the environment and is therefore suitable for the proposed development.

Council's Environmental Health Coordinator has reviewed the proposal and concurs with the findings and recommendations of the Preliminary Contamination Assessment.

Accordingly, appropriate conditions of consent have been recommended to ensure that the recommendations of the reports are implemented during the course of construction.

In this regard, it is considered that the site is suitable for the proposed development with regard to land contamination and the provisions of SEPP 55.

2.3 SEPP (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 traffic generating development.

2.3.2 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.
- (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 RTA within 7 days after the application is made, and
 - (b) take into consideration:
 - (i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA 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 RTA 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 NSW Roads and Maritime Service where the development results in 200 or move vehicles with access to any road. The proposed development comprises of 646 car spaces with access to Solent Circuit.

The Development Application was referred to the NSW Roads and Maritime Service for review. The NSW Roads and Maritime Service raised no objections to the proposal in their letter dated 19 April 2016.

Additionally, Council's Principal Traffic & Transport Coordinator has reviewed the proposal and raised no objection with respect to traffic generation.

2.4 SEPP (BASIX) 2004

State Environmental Planning Policy (BASIX) 2004 applies to the proposed development and aims to reduce the consumption of mains-supplied water, reduce emissions of greenhouse gases and improve the thermal performance of the building.

A BASIX assessment has been undertaken and indicates that the development will achieve the required targets for water reduction, energy reduction and measures for thermal performance. The commitments as detailed in the BASIX Certificate will be imposed as a condition of consent.

2.5 Compliance with The Hills Local Environmental Plan 2012

The site is zoned B2 Local Centre and SP2 Infrastructure (Drainage) under The Hills Local Environmental Plan 2012. Under the LEP, the proposed development is defined as a 'residential flat building' and 'commercial premises' as follows:

'residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.'

commercial premises means any of the following:

- (a) business premises,
- (b) office premises,
- (c) retail premises.

Residential flat buildings and commercial premises are permissible pursuant to Schedule 1 of the LEP 'Additional Permitted Uses'. Clause 1 of Schedule 1 stipulates the following:

1 Use of certain land at Solent Circuit, Baulkham Hills

- (1) This clause applies to that part of land at 11–13 Solent Circuit, Baulkham Hills, comprising Lot 5074, DP 1003042, that is zoned SP2 Infrastructure, shown as "Item 6" on the Additional Permitted Uses Map.
- (2) Development for the purposes of building identification signs, business identification signs, commercial premises or residential flat buildings is permitted with consent.

Accordingly, the proposal is considered satisfactory with regard to the LEP.

Clause 4.1A of the LEP prescribes a minimum lot size of $4,000m^2$ for residential flat buildings. The site has an area of $12,000m^2$ and will comply with the minimum lot size requirement.

Clause 7.10 prescribes a minimum commercial floor space in Norwest Town Centre which explicitly applies to the subject site. Clause 7.10 stipulates the following:

7.10 Minimum commercial floor space in Norwest Town Centre

- (1) The objective of this clause is to ensure that Norwest Town Centre continues to provide employment-generating activities.
- (2) This clause applies to land at Norwest Town Centre, being 11–13 Solent Circuit, Baulkham Hills and comprising Lot 5074, DP 1003042.
- (3) Development consent must not be granted to development on land to which this clause applies unless the development incorporates a minimum of 6,000 square metres of commercial floor space.

The proposed development provides a minimum commercial floor space of 6,056m² which is provided in the form of office premises, retail premises and food and drink premises. The proposal accordingly complies with Clause 7.10 of the LEP.

The table below contains the relevant development standards of the LEP applying to the proposed development:

DEVELOPMENT STANDARD	LEP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
Floor Space Ratio	2.42:1	2.536:1	No – refer to discussion below.
Building Height	RL 143.200	Building A – RL 143.113 Building B – RL 142.050	Yes

2.5.1 Clause 4.6 Exceptions to development standards

2.5.1.1 Floor Space Ratio

The applicant has provided the following written request seeking a Clause 4.6 variation to the development standard for floor space ratio:

The following environmental planning grounds are sufficient to justify contravention of the development standard:

informed by the concept plan which accompanied the Planning Proposal for the site which was intended to provide certainty for the consent authority in relation to the likely built form which would result from the uplift in height and floor space ratio. However, it is understood that the gross floor area and resulting floor space ratio of 2.42:1 was specifically derived from a literal measurement of the indicative floor plans which accompanied the Planning Proposal which were only intended to demonstrate one possible option within the concept plan envelopes. Accordingly, there is no other strategic basis or other reason for the specific floor space ratio of 2.42:1 other than a measurement of one indicative option within the concept plan envelopes.

- Whilst the proposed development differs from the indicative scheme which accompanied the concept plan envelopes which informed the Planning Proposal, it is noted that the proposed development is nonetheless contained wholly within the concept plan building envelopes with some significant articulation also provided within the envelope. Accordingly, notwithstanding the minor variation to the floor space ratio control, the proposed development is consistent with the bulk and scale anticipated for the site by Council when it increased the height and floor space ratio.
- The proposed variation to the floor space ratio control results in 247 apartments which is only 7 more apartments or 2.9% increase in yield, when compared to the indicative number of 240 which informed the Planning Proposal and subsequent floor space ratio figure. This increase in yield is insignificant in terms of impact and does not result in any meaningful change to the perceived density of the proposal.
- The proposed minor variation to the floor space ratio control and the proposed density does not prevent achievement of the 9 principles of SEPP 65. Apartments within the development are provided with a high level of amenity as the proposal provides for cross ventilation, solar access, open space, deep soil and landscaping in accordance with the relevant requirements therefore strict compliance with the floor space ratio control is considered to be unnecessary and unreasonable to achieve an appropriate level of amenity within the development.
- There are no adverse impacts in terms of shadow, view, visual and acoustic privacy impacts to adjacent sites resulting from the proposed variation to the floor space ratio development standard which would warrant strict compliance.
- The development provides the required provision of car parking and the proposed variation to the floor space ratio control will not result in any acceptable impact on local traffic conditions.
- The proposed variation to the floor space ratio control will provide an improved diversity and quantum of housing within a strategically identified site which will assist in meeting demand generated by changing demographics and housing needs in an existing urban area with excellent access to transport and services.

Having regard to the fact that the proposed development is contained wholly within the concept plan building envelopes for the site, provides for an appropriate level of amenity for future occupants and does not result in adverse impacts to adjacent properties or the locality, the subject site is demonstrated to have the environmental capacity to absorb the proposed density and there are sufficient environmental planning grounds to justify contravening the development standard.

Comment:

The objectives of Clause 4.4 Floor Space Ratio of the LEP are:

- (a) To ensure development is compatible with the bulk, scale and character of existing and future surrounding development.
- (b) To provide for a built form that is compatible with the role of town and major centres.

The objectives of Clause 4.6 of the LEP are:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Clause 4.6(3) of LEP 2012 states:

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

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Clause 4.6(4) of LEP 2012 states:

Development consent must not be granted for development that contravenes a development standard unless:

- (a) The consent authority is satisfied that:
- (i) The applicant has adequately addressed the matters required to be demonstrated by subclause (3)
- (ii) The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which development is proposed to be carried out, and

Comment

The proposed development comprises a floor space ratio of 2.536:1 which exceeds the development standard of 2.42:1 by 4.8%. It is noted that during the course of assessment, the applicant reduced the floor space ratio of the development from 2.66:1 resulting in the reduction of 1,502 square metres of gross floor area which represents a reduction of 20 units. The reduction in gross floor area is attributed to the reduction in massing to the eastern side of Building B.

The objective of Clause 4.4 'Floor Space Ratio' is to ensure that development is compatible with the bulk, scale and character of existing and future surrounding development. Additionally, the floor space ratio development standard aims to restrict the amount of gross floor area and should be considered in conjunction with controls relating to the building envelope. As such, the development standard for building height and the development controls for setbacks, building design, amenity and landscaping will be considered with respect to the merits of a variation pursuant to Clause 4.6.

The proposed development complies with the building height controls pursuant to Clause 4.3 of the LEP. The proposed maximum building height is RL 143.113 which complies with the maximum prescribed building height of RL 143.200. Further, the height and proportion of the development is considered to be commensurate with the planning framework established for the site and the desired future character of development in proximity to Norwest Station.

The proposed development will comply with the building setbacks adopted specifically for the subject site. The DCP requires a minimum setback to Solent Circuit of 23 metres to the podium levels and for the residential towers a minimum setback of 29 and 65 metres respectively. The proposed development fully complies with the setback requirements of

the DCP. Further, it is noted that the proposed development also provides adequate building separation as required by SEPP 65 and the Apartment Design Guidelines.

The proposed development exceeds the required communal open space and deep soil zone controls applicable to the site. SEPP 65 stipulates a minimum communal open space area of 25% of the site area whilst the proposed development provides a communal open space area of 27% of the site area. Furthermore, the SEPP stipulates a minimum deep soil zone of 7.5% of the site area whilst the proposed development provides a deep soil zone of 18% of the site area. The objective of these controls is to enhance the landscaping area whilst minimising the footprint of the building. The proposed development incorporates a landscape scheme that will substantially enhance the landscaped setting of the site and surrounds, with provision made for canopy trees combined with shrub and grass vegetation within the front setback of Solent Circuit. It is further noted that the maximum site coverage of building on the site equates to 58% with the remaining portion of the site accommodating landscaping, communal open space areas and publicly accessible spaces including the boardwalk adjacent to Norwest Lake.

The proposed design aims to provide a sympathetic response to the surrounding urban context through the spread of building mass. The design of the development with respect to massing is considered to respond appropriately to the curtilage of the site and surrounds. Combined with architectural elements to Building A and B, the proposed design is considered to provide good vertical and horizontal articulation, thereby enhancing the architectural quality and visual appearance of the development when viewed from the public domain. The design of the proposed development is anchored by the podium levels resulting in a development where the predominant building mass will be perceived to be at the base as opposed to the upper portion of the buildings.

The two residential buildings on top of the podium levels are offset from the lower podium levels thereby reducing the area of the floor plate above the podium level and enhancing separation to the western boundary to protect the amenity of existing residential properties located within the Central Norwest Residential Precinct. Shadow diagrams have also been submitted which detail the shadow cast from the proposed development during the winter solstice. The shadow diagrams clearly demonstrate that the proposed development will not generate a significant shadow cast onto adjoining properties. Existing residential properties within Central Norwest Residential Precinct will receive at least 4 hours of solar access as required by the DCP. Furthermore, the variation to floor space ratio will not result in undue opportunities for overlooking within the site and to adjoining properties.

Buildings A and B will incorporate high quality architectural elements. The façade of the commercial podium levels fronting the lake feature projecting balcony boxes and planters organised in a checkerboard arrangement that enhances modulation and captures differing views and vistas. The façade of the residential component of Building A fronting the lake adopts full height floor to ceiling glazing that is angled to provide an undulating quality to the façade. The design quality of the development is considered to respond appropriately to the surrounding context of the site which assists in minimising the perceived bulk and scale of the development. It is considered that the variation to floor space ratio will not result in a development of excessive bulk and scale given that the buildings are considered to be compatible with the existing and desired built form character of the locality.

The applicant has adequately demonstrated that the proposed development is in the public interest and is consistent with the objectives of Clause 4.4 'Floor Space Ratio' and the B2 Local Centre and SP2 Infrastructure zone. In this regard, the variation to floor space ratio will not create a building of excessive height, bulk or scale nor will it cause undue impacts upon the amenity of adjoining residential properties. A variation to the floor space ratio in this instance is considered to be satisfactory given that the application of the development standard in this instance is considered to be both unreasonable and unnecessary. In this regard, the variation can be supported.

2.5.2 Development Near Zone Boundaries

Clause 5.3 of the LEP provides flexibility where the investigation of the site and its surrounds reveals a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives for the adjoining zone. Clause 5.3 applies to any land that is within the relevant distance of a boundary between any two zones. The relevant distance is 20 metres.

The subject site is zoned B2 Local Centre and SP2 Infrastructure (Drainage) under the LEP. As noted previously, Schedule 1 of the LEP permits the proposed development within the SP2 Infrastructure (Drainage) zone of the subject site. However, a portion of the boardwalk extends into the adjoining property containing Norwest Lake known as Lot 102 DP 1065520. The adjoining property is zoned SP2 Infrastructure (Drainage) and is excluded from Schedule 1 of the LEP. The extent of the boardwalk within the adjoining property of Lot 102 DP 1065520 is in the order of approximately 5 metres and within the relevant distance of 20 metres.

The land use table of the SP2 Infrastructure zone is as follows:

Zone SP2 Infrastructure

1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent

Roads

3 Permitted with consent

The purpose shown on the <u>Land Zoning Map</u>, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

Whilst the boardwalk may be considered to be ancillary to the drainage function of Norwest Lake, it is considered to be more prudent to apply Clause 5.3 in this instance. The encroachment of the boardwalk will not be incompatible with or detract from the provision of drainage infrastructure. Accordingly, it is considered that the proposed development is satisfactory with respect to Clause 5.3 of the LEP.

2.5.3 Acid Sulfate Soils

Clause 7.1 of the LEP identifies land affected by Acid Sulfate Soils as detailed on the Acid Sulfate Soils Map. The site is not affected by Acid Sulfate Soils and accordingly Clause 7.1 of the LEP does not apply to the site.

2.6 State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development

The primary objective of SEPP 65 is to improve the design quality of residential flat development in NSW. In determining a development application for consent to carry out residential flat development, a consent authority must take into consideration the design quality of the residential flat development when evaluated in accordance with the design

quality principles. A consent authority must also consider provisions of the Apartment Design Guidelines.

In accordance with Clause 50 of the Environmental Planning and Assessment Regulation 2000, a design verification statement was submitted with the application. This statement was prepared by Nicholas Turner (Chartered Architect No. 6695).

2.6.1 SEPP 65 Quality Design Principles

The subject Development Application has been assessed against the relevant design quality principles contained within the SEPP as follows:

Principle 1: Context and neighbourhood character

The site is located in the Norwest Business Park adjacent to existing retail and commercial development, and within a 500 metres walking catchment of the future Norwest Railway Station. The emerging significance of Norwest as a major employment area within the global economic corridor is recognised in A Plan for Growing Sydney and in the North West Rail Link Corridor Structure Plan. It is noted that the Structure Plan for Norwest identifies the potential for buildings up to 30 storeys on the 'Station Precinct' located on the southern side of Norwest Boulevard in close proximity to the future railway station. To the immediate north of the site and located further from Norwest Station is the East Norwest Residential Precinct which has development consent for a residential flat building up to 12 storeys in height. A development of 20 storeys on the subject site would therefore not be inconsistent with the vision for the surrounding area.

The site and surrounding area will be subject to substantial urban renewal for commercial, retail and mixed use developments in the future as part of the North West Rail Link Corridor Strategy. The proposal is considered to respond to the desired future character of the area and will provide a quality design that incorporates sufficient building articulation and peripheral landscaping.

Principle 2: Built form and scale

The overall scale of the development responds to the site and is considered to be appropriate to the desired future character of the Norwest Business Park. The development achieves a scale consistent with the desired outcome for well-articulated buildings that are set back to incorporate landscaping, open space and separation between buildings.

The buildings have been designed to respond to the alignment of the boundaries by adopting a curvilinear form which is translated vertically in height. The height of the development overall is acceptable in terms of solar access to the development site and adjoining sites.

The spatial relationship of buildings has been considered. The proposed buildings will maintain adequate separation with appropriate distances between both buildings and adjoining properties. The building separation will allow for landscape areas, entrances and a public domain area which will act as a thoroughfare adjacent to Norwest Lake.

The proposed design addresses matters such as privacy, acoustic impact, wind impact, and solar access. The proposed buildings achieve an appropriate built form for the site and its purpose, in terms of building alignment, proportions, and the manipulation of building elements. The buildings would appropriately contribute to the character of the desired future streetscape and include articulation to minimise the perceived scale.

The design of the building elements are of a contemporary style with a number of elements being used to provide an architectural character. The ultimate form of

development is achieved in the articulation of the elevations, the selection of colours and materials and high quality landscaped setting adjacent to Solent Circuit and Norwest Lake.

Principle 3: Density

The proposed development for 247 units and 6,000 square metres of commercial floor space is considered to be appropriate for the site, the locality and within the context of the Norwest Business Park.

The proposed density is considered to be sustainable as it responds to the regional context, availability of infrastructure, public transport, community facilities and environmental quality and is acceptable in terms of density.

Principle 4: Sustainability

The design achieves natural ventilation and solar access as required the Apartment Design Guidelines. The incorporation of insulation will minimise the dependency on energy resources in heating and cooling. The achievement of these goals then contributes significantly to the reduction of energy consumption, resulting in a lower use of valuable resources and the reduction of costs.

The energy rating of the residential units has been assessed and the accompanying BASIX Certificate will be recommended as a condition of consent to ensure the commitments are fulfilled.

Principle 5: Landscape

The landscape plan demonstrates that open spaces will be appropriately landscaped with appropriate tree species and shrubs to provide a high quality landscape setting, particularly within the front setback to Solent Circuit and adjacent to Norwest Lake. Large canopy trees supported by shrubs and grasses will be planted in addition to the design of the boardwalk adjacent to the lake which will promote both passive and active areas. The proposed landscaping integrates with the overall appearance of the development and will assist in softening the podium levels of the development.

Deep soil areas provided around the building envelope would enhance the development's natural environmental performance and provide an appropriate landscaped setting which is critical given the interface to low density residential properties to the south. Landscaping on the top podium level will provide for a high quality communal open space area for future residents with the communal open space area achieving in excess of the minimum requirement for solar access as stipulated by the Apartment Design Guide.

Principle 6: Amenity

The building design has been developed to provide for the amenity of the occupants as well as the public domain. The proposed units are designed with appropriate room dimensions and layout to maximise amenity for future residents. The proposal incorporates good design in terms of achieving natural ventilation, solar access and acoustic privacy. All units incorporate balconies accessible from living areas and privacy has been achieved through appropriate design and orientation of balconies and living areas. Storage areas and laundries have been provided for each unit. The proposal would provide convenient and safe access to lifts connecting the basement and all other levels.

Principle 7: Safety

The design orientates the balconies and windows of individual units in order to provide passive surveillance of the public domain and communal open space areas.

The Development Application was accompanied by a Crime Prevention Report prepared by Sutherland and Associates. The report includes details of surveillance, access control, territorial reinforcement and space management such as artificial lighting in public places; attractive landscaping whilst maintaining clear sight lines; security coded door lock or swipe card entry; physical or symbolic barriers to attract, channel or restrict the movement of people; security controlled access to car park areas; intercom access for pedestrians; and security cameras located at the entrance of the building and publicly accessible areas. The report considers the key principles of Crime Prevention Through Environmental Design (CPTED) and the NSW Police Safer By Design Guidelines.

The NSW Police have reviewed the Development Application and outlined a number of CPTED recommendations. Compliance with NSW Police recommendations will be recommended as a condition of consent.

Principle 8: Housing diversity and social interaction

The proposed development provides a high quality public realm with a focal point for social interaction between residents, staff, visitors and the wider community being accessible to people of all ages and disabilities. Landscaping is proposed throughout the site enhancing the public realm. The development is designed to provide a safe, secure living environment for all residents while encouraging public interaction in the main public realm adjacent to Norwest Lake.

Further, the location of this development provides dwellings within a precinct that will provide in the future, a range of support services. The development provides an apartment mix to accommodate a range of budgets. The proposed development is considered to have a positive social impact.

Principle 9: Aesthetics

The architectural treatment of the building incorporates indentations and projections in the exterior walls with balcony projections to articulate the facades. The roof is flat to minimise building height.

The bulk of the overall building and height is reduced by the articulation of the facades, creating smaller segments in order to minimise the overall bulk and scale of the development. The combination of materials, colours and finishes will assist in minimising the perceived bulk and scale of the development.

The articulation of the building, composition of building elements, textures, materials and colours would achieve a built form generally consistent with the design principles contained in the ADG and DCP. The design is modern in style and appropriate for the Norwest Business Park.

2.6.2 Apartment Design Guidelines

In accordance with Clause 30(2) of SEPP 65, a consent authority in determining a development application for a residential flat building is to take into consideration the Apartment Design Guidelines. The following table is an assessment of the proposal against the guidelines provided in the Apartment Design Guidelines.

Clause		Design Criteria	Compliance
Siting			
Communal space	open	25% of the site, with 50% of the area achieving a minimum of 50% direct	Yes
		sunlight for 2 hours midwinter.	27% of site area. The
			communal open

Deep Soil Zone	7% of site area. On some sites it may be possible to provide a larger deep soil zone, being 10% for sites with an area of 650-1500m ² and 15% for sites greater than 1500m ² .	space area will receive at least 50% direct sunlight for 2 hours at during midwinter. Yes 18% of the site area is dedicated as deep soil zone which includes a combination of deep soil zone at ground level and on the podium communal open space area.
Separation	For habitable rooms, 6m for 4 storeys, 9m for 5-8 storeys and 12m for 9+ storeys.	No – refer to discussion below. The separation distance internally between Building A and B is 26 metres. The minimum separation distance of Building A to the eastern boundary is 8 metres which does not comply. Further, the minimum separation distance of 5 metres from the balconies of
Visual privacy	Visual privacy is to be provided through use of setbacks, window placements,	commercial offices to the eastern boundary does not comply. The minimum separation distance of Building B is 16 metres from the southern property boundary which complies. Yes
	screening and similar.	The visual privacy of the development has been duly considered with the placement of windows and balconies. Separation distances between

		habitable / non habitable spaces are considered to be adequate. Screening devices set at oblique angles have been incorporated to minimise direct overlooking. The proposed development is considered to afford a reasonable degree of privacy for future residents and adjoining properties.				
Carparking	Carparking to be provided based on proximity to public transport in metropolitan Sydney. For sites within 800m of a railway station or light rail stop, the parking is required to be in accordance with the RMS Guide to Traffic Generating Development which is: Metropolitan Sub-Regional Centres: 0.6 spaces per 1 bedroom unit. 0.9 spaces per 2 bedroom unit. 1.40 spaces per 3 bedroom unit. 1 space per 5 units (visitor parking).	Yes Requirement 1 Bedroom: 22 2 Bedroom: 161 3 & 4 Bedroom: 45 Visitor: 50 Total: 278 Provided 337 (including tandem spaces) 309 (excluding tandem spaces) Visitor: 50 Total: 387 (Including tandem parking spaces) Total: 359 (Excluding tandem parking spaces)				
Designing the Build	Designing the Building					
Solar and daylight access	1. Living and private open spaces of at least 70% of apartments are to receive a minimum of 2 hours direct sunlight between 9am and 3pm midwinter.	Yes 72.5% of apartments receive 2 hours direct sunlight between 9am and 3pm midwinter.				

	T	1
	2. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	No - Refer to discussion below. 22% of apartments receive no direct sunlight between 9am and 3pm at mid-winter.
Natural ventilation	 At least 60% of units are to be naturally cross ventilated in the first 9 storeys of a building. For buildings at 10 storeys or greater, the building is only deemed to be cross ventilated if the balconies cannot be fully enclosed. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line. 	Yes 60.8% of apartments received natural cross ventilation. Yes The maximum overall depth is 17 metres for a cross through apartment.
Ceiling heights	For habitable rooms – 2.7m. For non-habitable rooms – 2.4m. For two storey apartments – 2.7m for the main living floor and 2.4m for the second floor, where it's area does not exceed 50% of the apartment area. For attic spaces – 1/8m at the edge of the room with a 30° minimum ceiling slope. If located in a mixed use areas – 3.3m for ground and first floor to promote future flexible use.	Yes Floor to ceiling height approx. 3 metres for all apartments. Ground floor retail – 5.5 metres First floor office – 3.5 metres.
Apartment size	1. Apartments are required to have the following internal size: Studio – 35m² 1 bedroom – 50m² 2 bedroom – 70m² 3 bedroom – 90m² The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal areas by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.	Yes 1 bedroom - 52m² 2 bedroom - 77m² 3 bedroom - 103m² Where additional bathrooms are proposed, an additional 5m² has been provided. The smallest four bedroom apartment is 148m².

	2. Every habitable room must have a	Yes
	window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	All habitable rooms have windows greater than 10% of the floor area of the dwelling.
Apartment layout	Habitable rooms are limited to a maximum depth of 2.5 x the ceiling height.	Yes
	In open plan layouts the maximum habitable room depth is 8m from a window.	No - Refer to discussion below.
	willdow.	For the habitable rooms on A1704 and A1804, kitchen depth exceeds 8 metres.
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow layouts	No - Refer to discussion below.
Balcony area	The primary balcony is to be:	Yes
	Studio – 4m ² with no minimum depth 1 bedroom – 8m ² with a minimum depth of 2m 2 bedroom – 10m ² with a minimum depth of 2m 3 bedroom – 12m ² with a minimum depth of 2.4m	All balcony sizes and depths comply.
	For units at ground or podium levels, a private open space area of 15m ² with a minimum depth of 3m is required.	
Common Circulation and Spaces	The maximum number of apartments off a circulation core on a single level is eight	Yes
	For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	No – Refer to discussion below.
Storage	Storage is to be provided as follows: Studio – 4m ³	Yes
	1 bedroom - 6m ³ 2 bedroom - 8m ³ 3+ bedrooms - 10m ³	Each unit contains the minimum storage area.
	At least 50% of the required storage is to be located within the apartment.	No – refer to discussion below.
Apartment mix	A variety of apartment types is to be provided and is to include flexible apartment configurations to support diverse household types and stages of life.	Yes The apartment mix is satisfactory.

Variations to the ADG have been identified and are addressed as follows:

2.6.2.1 Building Separation

The ADG specifies that the minimum separation distance between habitable rooms and balconies should be 9 metres for a building height up to 25 metres (5–8 storeys) and 12 metres for buildings with a height above 25 metres or 9 storeys. Additionally, the ADG provides design guidance for residential buildings next to commercial buildings. The ADG specifies that the separation requirement for habitable rooms should apply for retail, office spaces and commercial balconies next to residential buildings.

The proposed development provides an 8 metre building setback to the eastern boundary however the ADG requires a 9 metre setback for a building height up to 25 metres (5-8 storeys) and a 12 metre setback where the building height is above 25 metres (9 storeys).

Additionally, the ADG requires a setback of 9 metres to the eastern boundary for the commercial office component. A setback of 8 metres is proposed to the office component and 5 metres to the balconies servicing the office component.

The site currently adjoins the Norwest Marketown which comprises a setback of approximately 9 metres at the ground floor to the common boundary. Additionally, the site contains a ground level child care centre which is setback approximately 12 metres from the boundary.

The applicant has submitted the following justification:

The Eastern façade of Tower A is aligned with the approved envelope, 8m from the boundary with this application seeking a variation of 3-4m to the 12m separation between habitable rooms and balconies control. Window openings of this façade are either screened or orientated so that the habitable rooms in any future development will not be compromised.

The minimum separation distance of Building A to the eastern boundary is 8 metres. Given that the interface to the eastern elevation is predominately a blank wall to habitable rooms and that there are no openings to habitable rooms perpendicular to the boundary, the separation distance is considered to be satisfactory. Fixed privacy screens will be incorporated on the eastern elevation of the balconies to mitigate direct overlooking. The proposed interface to the eastern boundary would be comparable to a non-habitable area where the ADG specifies a reduced separation requirement of 6 metres for a building height above 25 metres (9 storeys). Furthermore, it is noted that the depth of Building A represents approximately 21% of the length of the eastern property boundary with Building B setback 36 metres from the eastern property boundary. The setback and depth of the proposed development will accommodate adequate curtilage between existing and potential future buildings to the east of the site. In this regard, the separation distance to the eastern boundary for Building A is considered to be satisfactory.

With respect to the office component, the encroachment of 4 metres into the separation distance relates only to Level 3. It is noted that the ADG specifies a separation distance of 6 metres to habitable rooms for a building height up to 12 metres and a separation distance of 9 metres to habitable rooms for a building height up to 25 metres. Therefore, Levels 1 and 2 comply with the exception of two balconies servicing Units 111 and 211 which encroach one metre into the separation distance. The entirety of Level 3 encroaches one metre into the separation distance whilst the balcony servicing Unit 311 encroaches 4 metres into the separation distance. In this regard, it is recommended that opaque glazing be incorporated onto the eastern elevation of the balconies in addition to the provision of highlight windows to the eastern elevation of Units 310 and 311. The setback to the boundary in this instance is considered to be satisfactory given the recommended privacy measures. Furthermore, it is noted that the setback to the eastern boundary was envisaged as part of the preceding Planning Proposal.

Nevertheless, the separation distance to any future development of land immediately to the east will be further considered if or when the adjoining site is re-developed.

2.6.2.2 Solar and Daylight Access

The ADG specifies that a maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter. The proposed development will result in 24% of apartments that receive no direct sunlight between 9am and 3pm at mid-winter.

The applicant has submitted the following justification:

The residential portion of the buildings are aligned approximately NW/SE which means that one of the four sides of the towers receive no sun at these times.

As the layout of the residential towers was set in the Planning Proposal stage to accommodate the heritage view corridor, the number of north aspect apartments are maximised and the number of south facing apartments is minimised. On a floor plate, most units have solar access with only 2 units who don't have direct solar access in mid winter.

Comment

The proposed axis of Building A and B is orientated in a north-west and south-east alignment in order to maximise the northerly orientation and address the frontage of Norwest Lake. As a result, the design of the floor plate results in at least 2 units on each floor plate which are orientated in a south-east direction and therefore receive no direct sunlight.

Where possible, the design has incorporated cross through and dual aspect apartments to maximise solar access and cross ventilation. The orientation of the buildings to maximise the northerly orientation and the double loaded nature of the corridor, results in southeast facing units that are single aspect. Given the nature of the site and its orientation, the unit layout and aspect is unavoidable.

Nevertheless, the proposed development will provide sufficient solar access to 72.5% of units for at least 2 hours between 9am and 3pm during mid-winter. Additionally, at least 50% of the communal open space area on the podium level will receive at least 2 hours solar access between 9am and 3pm during mid-winter.

A variation in this instance is considered to be satisfactory.

2.6.2.3 Apartment Layout

Habitable Room Depth

The ADG specifies that in open plan layouts the maximum habitable room depth is 8m from a window. Units 1704 and 1804 in Building A exceed this requirement and comprise a kitchen that is 9 metres from a window. It is noted that both respective units are cross over units and achieve natural ventilation.

The applicant has justified the variation on the basis that the proposed development complies with the solar access and natural ventilation requirements of the RFDC.

Given the elevation of the units and the prevailing breezes, adequate natural ventilation to the development will be achieved. In this regard, the proposed development achieves natural ventilation to 60.8% of units. Furthermore, the proposed development achieves at least 3 hours of solar access between 9am to 3pm during midwinter to 72.5% of units.

In this regard, given that the proposed development achieves a satisfactory level of solar access and natural ventilation for the entirety of the development, the variation to the apartment depth for the respective non-compliant units is considered to be satisfactory.

Width of Cross-through Apartments

The ADG specifies that the width of a cross-over or cross-through apartment must be at least 4 metres wide internally to avoid deep narrow layouts. Unit No. 6 on levels 5-16 of Building A comprise a portion of the unit that is less than 4 metres for a cross through apartment.

The applicant has justified the variation on the basis that the proposed development complies with the solar access and natural ventilation requirements of the RFDC.

The non-compliance is attributed to the narrowing of the unit in order to be aligned with the angle of the eastern property boundary. Accordingly, the portion of the unit that is not 4 metres wide relates to the master bedroom. It is noted that the living areas of the respective units will comprise a width that ranges between 5.4 metres to 6 metres.

In this regard, a variation is considered to be satisfactory given that the living spaces are in excess of 4 metres in width and achieve natural ventilation and solar access.

2.6.2.4 Common Circulation and Spaces

The ADG specifies that for buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40. The proposed development will exceed this requirement with a single lift core servicing a maximum of 66 apartments.

The applicant has submitted the following justification:

The Vertical Transportation Report advises that there is an industry standard provided by the Chartered Institution of Building Services Engineers (CIBSE) referred to as Guide D2010 which establishes an internal period (or wait time) of 50-70 seconds for residential apartment buildings. The proposed provision of lifts will provide an interval period 60 seconds which falls within this range. The provision of an additional lift for each building would deliver an interval period of 30 seconds which is a very high level of service equivalent to a premium grade office building, however, the demand requirements of residential apartments compared to office buildings differs significantly with apartments representing a very low level of demand such that such a high level of service is unwarranted.

Finally, there are only 8 apartments per floor and the distance from the lift core is considered to be entirely acceptable for all apartments with no meaningful impact upon amenity for the residents.

Comment

The applicant has justified a variation on the basis of the speed of the lifts and its interval service period. A Vertical Transportation Report accompanied the application which concluded that the proposed lifts would meet the industry standard referred to as Guide D2010. The guide specifies an internal interval period of 50-70 seconds for residential flat buildings. The proposed lifts will operate on an interval period of 60 seconds which falls within the range specified by Guide D2010. The report also indicates that strict compliance with the ADG would result in an oversupply of lifts.

It is also noted that the lift core services a maximum of eight units on each floor plate. In this regard, a variation is considered to be satisfactory given the speed and service level of the proposed lifts.

2.6.2.5 Storage

The ADG specifies that at least 50% of the required storage is to be located within the apartment. The proposed development will provide internal storage for each respective unit. However, 67 units do not provide more than 50% of the required storage within the apartment. The majority of storage area for these apartments will be located within the basement level.

A variation in this instance is considered to be satisfactory as the composition of storage area either within the basement or apartment is relatively marginal. Furthermore, the storage areas within the basement are immediately accessible from the circulation core or immediate to parking spaces.

2.7 Compliance with The Hills Development Control Plan 2012

The proposal has been assessed against the following provisions of The Hills Development Control Plan 2012:

- Part B Section 6 Business
- Part B Section 5 Residential Flat Buildings
- Part C Section 1 Parking

2.7.1 Part B Section 6 - Business

The proposal has been assessed against the relevant controls of Part B Section 6 – Business as detailed in the table of compliance below:

CLAUSE	DCP STANDARD	REQUIRED	PROPOSED	COMPLIANCE
2.2	Site Analysis	Land with a slope greater than 20% is not suitable for development. Development applications for proposals on land with a slope of between 15-20% must be accompanied by a geotechnical report. Development on land adjoining Bella Vista Farm Park should incorporate measures (such as setbacks and buffers) to minimise any impact on the Bella Vista Farm Park.	The site is located adjacent to Norwest Lake and will be designed to ensure that the finished floor level is above the flood level of 76.3 AHD.	Yes
2.3	Development Sites	The minimum site frontage requirement is 18 metres	Solent Circuit frontage – approximately 81 metres.	Yes
		Consent may not be granted to an application that	The proposed development will not isolate adjoining	Yes

		isolates an area of land that does not meet the minimum site area requirements.	properties.	
		For development located in the Norwest Business Park, the maximum site coverage is 50%	Site Coverage – 57.8%	No – refer to discussion below.
2.5	Setback – B2 Zoned Land	Building Setbacks The building setback to roads within land zoned B2 Local Centre and the area identified as the Norbrik Neighbourhood Business Centre are to be considered on merit.	The proposed front setback is 25 metres to Solent Circuit. Side/Rear Setback – 3.7 metres	Yes
		Setbacks to Riparian Corridors Merit subject to comments from the relevant concurrence authority	Norwest Lake – 2.2 metres which relates to office level overhang. NSW Department of Primary Industries – Water provides their concurrence.	Yes
2.7	Building Materials	All external walls of buildings shall be constructed of brick, glass, pre-cast exposed aggregate panels of similar material. However, use of new materials that generate a lower environmental cost will be considered on their merits.	All external walls of buildings shall be constructed of masonry, glass, precast exposed aggregate panels, steel frames, timber cladding and stone cladding. Balcony areas are suitably screened to prevent overlooking.	Yes
		Balconies/terraced areas adjacent to residential zones shall be suitably screened to prevent overlooking and privacy impacts on adjoining properties.	Plant and equipment located on the ground floor will be partly screened to minimise the impact on the public domain.	

		All roof ventilators, exhaust towers and plant equipment is not to be visible from the public domain		
2.8	Signage	Refer to Part C Section 2 – Signage of The Hills DCP 2012. Note: Advertisements or business signs erected within the	To be considered with further Development Applications.	Yes
		setbacks to arterial roads are now permitted but were prohibited by the preceding DCP.		
2.9	Hours of Operation	24 hrs, 7 days a week where there is no adverse impacts to adjoining properties or business.	To be considered with further Development Applications.	Yes
2.12	Erosion and Sediment Control	Erosion and Sedimentation Control Plans / measures to be considered.	Erosion and sediment control measures to be recommended as a condition of consent.	Yes
2.13	Fencing,	No fencing other than low ornamental type may be erected. Fencing along rear boundaries adjacent to drainage or open space shall be integrated with the landscaping. All chain-wire fencing is to be black or dark green. Pre-painted solid metal fencing is not acceptable.	The proposed development will not involve the provision of any fencing with the exception of boundary fencing.	Yes
		Fencing immediately adjacent to Bella Vista Farm Park conservation area shall be simple, low level, rural type timber construction.		

	Landscaping and Tree Preservation	Grassed embankments are not to exceed 1:6 slopes with vegetated embankments planted with soil stabilising species at max 1:3 grade. Earth mounding is desirable to mitigate noise impacts. Development south of Norwest Boulevarde shall ensure consideration has been given to the Bella Vista Farm Conservation Management Plan.	Retaining walls are proposed adjacent to the eastern and southern boundary to provide a pedestrian passage and elevated landscaped bed adjacent to the boundaries. With respect to the levels adjacent to Norwest Lake, the proposed development will transition down from a forecourt area adjacent to the restaurants to a boardwalk level adjacent to Norwest Lake. The proposed development will not result in grassed embankments and vegetated embankments exceeding 1:6 and 1:3 respectively.	Yes
2.15	Vehicular Access	Entry and exit in a forward direction Design to comply with Council's Work Specifications, THDCP Part C, Section 1 - Parking and the Australian Standards. Suitable sight distance is to be provided. All development in the Norwest Business Park should ensure that access to the site is via internal roads. Restrictions on access to development sites from Old Windsor Road, Windsor Road and parts of Norwest Boulevard are as indicated on the map in Map Sheet 1 in Appendices A and	Vehicular access to the site is proposed via Solent Circuit which will facilitate the entry and exit of vehicles in a forward direction. The driveway widths are compliant with Australian Standards and ensure sufficient manoeuvring is available within the site. The design of the car park and associated access ways will be in accordance with current Australian Standards. It is noted that Council's Subdivision Coordinator has reviewed the proposal and has raised no	Yes

		Appendix B of the DCP	objections subject to conditions of consent.	
2.16	Car Parking	Address THDCP Part C, Section 1 – Parking.	Required:	No – Refer to discussion
		Office premises - 1 space per 25m ²	Day time rate Office – 182 spaces	below.
		Retail - 1 space per 18.5m ²		
		Day time rate	Restaurants – 45 spaces	
		Restaurants in a commercial building - 1 space per 25m ²	Total - 255 car spaces	
		Night time rate	Night time rate Retail – 28 spaces	
		Restaurants – 1 per 5 seats, plus 12 spaces per 100m ² of GFA.	·	
			Total – 284 car spaces	
		Parking should be provided for "parents with prams" within	Provided:	
		shopping centres and public facilities.	259 car spaces	
2.17	Bicycle Parking	Bicycle: 2 spaces plus 5% of total spaces where development exceeds 4,000m ² .	43 bicycle spaces required.14 bicycle spaces	No – Refer to discussion below.
		Bicycle parking should be located in close proximity to the building's entrance and clustered in lots not exceeding 16 spaces.	provided.	
		Each bicycle parking space shall be not less than 1.8 metres in length and 600mm in width and shall have a bicycle rack system.		
		Bicycle parking facilities within car parking areas shall be separated by a physical barrier to protect bicycles from		

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		damage by cars, such as curbs, wheel stops or other similar features.		
		Consideration should be given to providing staff change rooms and washing facilities.		
2.18	Loading Docks	Not visible from public domain and must provide buffer landscaping treatments.	The loading dock will be located within the basement car park and will be screened from Solent Circuit through the provision of landscaping.	Yes
		Provision of loading docks is to be commensurate with the size and nature of the development as per THDCP Part C, Section 1 – Parking.	Required: 3 loading bays. Provided: 2 loading bays.	No – Refer to discussion below.
2.19	Pedestrian Access and Movement	Pathways and ramps to conform to AS 1428.1 – 2001 Design for Access and Mobility. All surfaces should be stable, even and non slip.	The application was accompanied by an Access Review prepared by Morris Goding Accessibility which confirms that pathways and ramps will conform to AS1428.1.	Yes
		Clear pedestrian pathways are to be indicated along arterials road, between developments and links to public transport stations and rail link lines (e.g. North West Rail Link and North West T-way Stations).		
2.21	Stormwater Management	For development in Norwest Business Park, two of the measures M1 to M8 of the DCP inclusive must be implemented. Details on the actions required to implement each of these measures are included	system that incorporates water quality treatment measures. The	Yes

		in Appendix B – Water Sensitive Urban Design of the DCP. Consider satisfactory stormwater collection, discharge and drainage system design against Council's Work Specifications. Development proposals should not result in the filling of flood liable land or the erection of buildings on flood liable land. Reference should be made to the Restriction As to User on the title of the land, or the development consent to which the development is proposed in relation to requirements for onsite detention.	discharge stormwater at a controlled rate to an existing drainage easement located within the site with overflow to discharge into Norwest Lake. Council's Subdivision Coordinator has assessed the proposal and concurs with the proposed stormwater design and appropriate conditions are recommended.	
2.22	Waste Management – Storage and Facilities	All waste areas to be screened from the street and adjoining properties. Adequate storage for waste materials must be provided on site and are not to restrict access to parking spaces. Waste storage areas to be kept clean and tidy.	Waste storage areas are located within the car park area which is enclosed and will not be visible from the street or adjoining properties. The waste storage area is separately confined and will not restrict access to parking spaces.	Yes
2.23	Waste Management	WMP required to be submitted and address demolition, construction and ongoing use requirements.	The proposed development will involve the on-site collection of waste by a private waste contractor. The proposed waste storage area is located adjacent to the loading dock within the basement car park and is accessible from Solent Circuit.	Yes

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			The residential units have a dual chute system which enables chute disposal of both garbage and recycling. The chutes terminate in waste rooms in the car park area that contain bulk bins and linear track conveyors. Garbage is compacted however recycling is not compacted. Residential garbage and recycling will both be collected once weekly from the holding room adjacent to the loading dock. A caretaker is responsible for rotating bins to and from the waste storage areas.	
			There is a waste storage area for commercial and retail waste. Tenants would take their waste direct to their respective area for disposal. A caretaker will be responsible for rotating bins to and from the waste storage areas and holding rooms near the loading dock for collection.	
			Council's Resource Recovery Officer has reviewed the waste management of the development and has raised no objections subject to conditions.	
2.27	Pollution Control	The use of mechanical plant and equipment may be restricted where sites are located near existing and proposed residential areas.	The proposed development has been reviewed by Council's Environmental Health Coordinator who has considered the potential environmental and	Yes

		Incinerators are not permitted for waste disposal.	acoustic impacts of the proposed development, and has raised no objection to the proposal subject to conditions of consent.	
2.33	11-13 Solent Circuit	(a) Development shall consist of a four (4) to five (5) storey podium containing restaurants, commercial uses and car parking. Slender, twin residential towers shall be placed in an offset position atop the podium.	The proposed development incorporates a 4-5 storey podium level. The residential towers are relatively slender however the proposed development has incorporated a broader floor plate which has resulted in the FSR variation. The towers are located in an offset position.	Yes
		(b) The bulk and scale of the development is to be minimised through the use of setbacks, materials and colours that emphasise the podium levels rather than upper levels when viewed from the surrounding area.	The bulk and scale of the development is considered to be satisfactory with regard to the planning proposal and the future context of the area.	
		Development shall be designed to reduce the appearance of bulk and scale of the building, particularly when perceived from ground level, nearby residential development and with consideration of view corridors to and from Bella Vista Farm Park.	The bulk and scale of the development is sympathetic to the site surrounds and is not inconsistent with the potential bulk and scale earmarked on adjoining sites as part of the North West Rail Link Corridor Strategy.	Yes
		Development shall be set back from the Solent Circuit property boundary by: ¬ a minimum of 23 metres to the podium levels; and ¬ a minimum of 29 metres and 65 metres to each residential	Podium level is setback 24 metres. Building B is setback 30 metres Building A is setback 68 metres It is noted that an	Yes

tower	awning will project beyond the main pedestrian entry point from Solent Circuit and will be setback approximately 12 metres. The awning is considered to be a relatively minor structure and ancillary to the building. The awning will serve a public benefit by providing all weather access to pedestrians and will have a minor impact on the streetscape.	
(a) Above ground parking levels shall be sleeved by residential or commercial uses or otherwise appropriately screened from public areas using decorative screening, green walls or similar.	A combination of sandstone cladding and perforate metal cladding will be used in a decorative manner to screen the above ground parking levels.	Yes
(b) Parking for the residential and commercial components of the development must be clearly delineated.	Parking is clearly delineated with commercial and residential spaces being separately confined on certain levels.	Yes
(a) A functional, open and high quality landscaped setting including seating and shading shall be provided at ground level.	A high quality landscaping area is provided adjacent to Norwest Lake.	Yes
(b) A timber boardwalk of at least 3 metres in width must be maintained or replaced along the lake frontage of the site.	The boardwalk adjacent to the lake will have a minimum width of 4 metres.	Yes
(c) Pedestrian access shall be provided	The site is affected by an easement for public	

through the site in accordance with the easement for public access shown on Deposited Plan 1003042. This easement is to remain free of any restaurant seating or commercial use.	access approximately 12 metres wide adjacent to Norwest Lake. It is noted that the existing boardwalk which provides public access is approximately 3 metres wide. The proposed boardwalk adjacent to the lake will be approximately 4 metres wide.	below.
(a) The development must incorporate podium level recreational spaces for residents including facilities such as a children's playground, pool and terrace, gymnasium, gardens / passive areas, tennis court and a club room or similar that can accommodate private resident functions.	Podium level communal open space area provided which includes swimming pool, water features, outdoor gymnasium, fitness stations, an outdoor cinema and putting green.	Yes

Variations to the DCP have been identified and are addressed as follows:

2.7.1.1 Site Coverage

The DCP prescribes that for development located in the Norwest Business Park, the maximum site coverage is 50%. The proposed development has a site coverage of 57.8%.

The applicant has provided the following justification:

The proposed development is generally in accordance with the FSR and building height controls. The proposed development is suitable for the location being in close proximity to the Norwest town centre and future station.

Comment

The proposed development provides a high quality landscaped area that will enhance the interface and space adjacent to Norwest Lake. In addition, the proposed development will provide a through site link which will provide the public with access to Norwest Marketplace and to the future train station. Further, the landscaping area proposed is strategically located to screen the lower section of the podium and to embellish the areas adjacent to Norwest Lake. The proposed variation to site coverage is considered satisfactory in this instance.

2.7.1.2 Car Parking

The proposed development has been assessed against the relevant commercial parking provisions of the DCP. The proposal provides 259 commercial car parking spaces where the DCP requires 284 car parking spaces.

The required parking rate and the provision of commercial parking are detailed in the table below:

Parking Type	Required Day Time	Required Night Time (Post 6:30pm) and Weekend	Proposed Day Time	Proposed Night Time and Weekend
Office	182	-	182	-
Retail	28	28	28	34
Restaurants	45	256	49	225
Total	255	284	259	259

The applicant has provided the following justification:

At night time and weekend, the restaurants would require 256 parking spaces. During those periods, offices are generally closed or operate with much reduced staff levels. It would therefore be appropriate for the restaurants patrons and staff to have access to the spaces for commercial developments during the evenings and weekends.

The 259 commercial spaces will be provided in the basement and ground floor levels. At night time and weekend, the restaurants would require about 255 parking spaces. As discussed above, these spaces would become available for restaurants patrons and staff during the evenings and weekends. It would be also reasonable to assume that about 10 to 15 percent of restaurant patrons would be residents walking from either the proposed development or from nearby residential developments in Norwest thus would not require parking.

A separate Carpark Management Report has been prepared by InterPark to address the use and management of the carparks and should be referred to in relation to these arrangements.

Comment

The proposed development results in a shortfall of 25 commercial car parking spaces when adopting a dual use parking rate as detailed in the table above.

The applicant has sought a variation to the car parking provision on the premise that the parking provided for the office component will be surplus to needs during peak dining periods and that these spaces could be utilised under a dual use arrangement for restaurant tenancies between 6:30pm to midnight on weeknights and during the weekend.

Furthermore, the applicant has advised that parking for the retail component will also be surplus to needs after 6:30pm on weekdays and during weekends. Based on this approach, the applicant asserts that the proposed reallocation of retail parking spaces for restaurant use will result in the proposed development complying with the parking provision, specifically for the restaurant component. However, the reallocation of the 28 spaces for the restaurant component during peak dining periods cannot be supported given that the operational nature of the retail tenancies is unknown at this stage. It is acknowledged that the location of the site and the nature of the retail floor plates are likely to result in retail uses that are non-destinational in nature however this would be subject to further consideration with a subsequent Development Application. Nevertheless, it is considered that the variation of 25 car parking spaces is satisfactory.

The parking layout has been designed in a manner where the basement level which comprises of 176 car parking spaces will be exclusively used by office tenancies during the weekday until 6:30pm. The ground floor level will comprise of 83 car parking spaces and

will be exclusively used at all times by the retail and restaurant component which is adequate for weekday hours. Thereafter, parking on the basement level will be freely accessible to retail and restaurants between 6:30pm to midnight on weekdays and weekends. To ensure the dual use arrangement will be implemented, conditions of consent are recommended to ensure that a positive covenant is placed on title which requires the basement car parking spaces to be accessible to restaurants and retail between 6:30pm to midnight during weeknights and on weekends.

To support this arrangement, a Carpark Management Report prepared by Interpark accompanies the Development Application which sets out the operational parameters for the dual use arrangement. Compliance with the Carpark Management Report will be recommended as a condition of consent.

Based on the proposed dual use arrangement, the proposed parking variation is considered to be acceptable given that there will be an adequate supply of parking at all times based on the differing operational peak usage periods of the commercial component. In this regard, a variation can be supported.

2.7.1.3 Bicycle Parking

The proposed development generates a requirement for 43 bicycle parking spaces. The proposed development provides for 14 bicycle parking spaces, which represents a shortfall of 29 spaces.

The applicant has provided the following justification:

The core objective for the provision of bicycle parking is to reduce dependence on motor vehicles and encourage the use of cycling for every day trips such as visiting shops/groceries and also for commuting. However, the subject site is located within a mixed use precinct with immediate access to shops and supermarkets which can be accessed for walking. Similarly, the site is within extremely close proximity to the forthcoming train station which will meet the commuting needs of future residents and is also within the major Norwest employment precinct such that some residents will likely also walk to work.

Having regard to the above, it is considered unnecessary for such a high provision of bicycle parking to be provided at the subject site and the objectives are met by the capacity of residents to walk to the nearby facilities. Notwithstanding, it is noted there are 104 storage cages for the apartments which are of sufficient size that they could accommodate a bicycle for recreational use.

Comment

The proposed bicycle provision of 14 spaces is considered to be satisfactory given the proximity and walking distance to Norwest Marketown, future Norwest Station and the proximity to places of employment in the Norwest Business Park. Additionally, the applicant has indicated that at least 90 storage areas located within the car park have the capacity to accommodate the storage of bicycles. In this regard, a variation is considered to be satisfactory.

2.7.1.4 Loading Docks

The proposed development is required to provide 3 loading bays in accordance with the DCP. The proposed development provides 2 loading bays.

The applicant has provided the following justification:

A loading facility will be provided on the western side of the development near the garbage holding room as shown in DN 110-010 of Appendix A. It will consist of two loading bays which could accommodate simultaneously a large rigid truck and a medium rigid truck. Trucks would enter the site in a forward direction than reverse into the loading area before exiting the site in a forward direction. The swept paths of trucks accessing the loading area are included in Appendix B. The proposed loading area complies with the Australian Standards for heavy vehicles (2002).

These two loading bays will most likely be used by garbage trucks and removals trucks when the building starts to get occupied. This number is adequate to accommodate trucks for the proposed type of development.

Most of the offices and restaurants would be serviced by van and courier type vehicles. Three such spaces have been designated in the ground floor near the office lobby and restaurants. These spaces have been designed with additional heights to accommodate such vans.

Comment

The proposed development will comprise 36 office tenancies which vary in size from 66m² to 188m². As a result of the cumulative floor area of the office component, the DCP would require 3 loading bays. In this instance, the provision of 3 loading bays is considered to be surplus to needs given the relatively small floor plates for each tenancy. The two proposed loading areas are likely to adequately accommodate the loading and unloading of goods for future office tenancies. It is also noted that the proposed development also provides for three designated loading and unloading spaces specifically for restaurant and retail uses on the ground floor. In this regard, a variation is considered to be satisfactory.

2.7.1.5 Pedestrian Access

The DCP requires that pedestrian access be provided through the site in accordance with the easement for public access shown on Deposited Plan 1003042. This easement is to remain free of any restaurant seating or commercial use. The easement for public access is approximately 12 metres wide and runs parallel to Norwest Lake. The proposed development will result in the encroachment of outdoor dining within the easement at ground level in addition to building overhang for the office component above.

The existing timber boardwalk adjacent to Norwest Lake is approximately 3 metres wide. The proposed development seeks to improve the boardwalk which will result in the widening of the boardwalk to a minimum width of 4 metres. Accordingly, the principal purpose of the public access easement is being maintained in that public pedestrian access is being facilitated.

Additionally, the applicant has supported the improvements to the boardwalk with the submission of a Public Space Analysis prepared by JBA. The analysis indicates that the width of the boardwalk exclusive of the area used for outdoor dining is satisfactory and is capable of accommodating pedestrian foot movements through the site. In this regard, the encroachment of the outdoor dining area into the public access easement will not detract from the ability of the boardwalk to accommodate pedestrian movements.

In this regard, a variation to the DCP and a departure from the terms of the deposited plan in accordance with Clause 1.9A of the LEP is considered to be satisfactory.

2.7.2 Part B Section 5 - Residential Flat Buildings

Part B Section 5 Residential Flat Buildings applies to land where residential flat buildings are permissible. This is a mixed use development with a residential flat building component. The DCP contains provisions which typically apply in residential zones where

the maximum height limit is in the order of four storeys. In this regard, this particular section of the DCP has been used as a guide to assess the residential component of the development noting that the site is subject to site-specific LEP height and FSR controls and provisions under DCP Part B Section 6 – Business.

The proposal has been assessed against the relevant controls of Part B Section 5 – Residential Flat Building as detailed in the table of compliance below.

DEVELOPMENT STANDARD (CLAUSE NO.)	BHDCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
3.1 Site Requirements	The minimum lot size for residential flat buildings is specified in Clause 4.1A of The Hills Local Environmental Plan 2012, as follows:	12,000m ²	Yes
	Within: R1 General Residential – 4,000m ² R4 High Density Residential – 4,000m ² B2 Local Centre – 4,000m ² B4 Mixed use – 4,000m ²		
	Min. road frontage – 30m	Solent Circuit frontage – Approximately 81 metres.	Yes
	A residential flat building shall not isolate adjoining lots so that they are incapable of multi dwelling housing development, meaning there will be sufficient area to meet the minimum site area requirement in Clause 4.1A Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings of the LEP 2012.	Adjoining properties will not be isolated.	Yes
3.5 Building Separation and Treatment	12m	Separation distance between Building A and B – 26 metres.	Yes
3.6 Landscaped Area	50% of site area	42% of site area is landscaped.	No – refer to discussion below.
3.7 Building Length	Max. 50m	Building A – 50 metres Building B – 51 metres	No – refer to discussion below.

3.8 Building Design and Streetscape

Must refer to Council's "Multi-Unit Housing: Urban Design Guidelines 2002"

The proposal is consistent with the Multi-Unit Housing: Urban Design Guidelines 2002.

Yes

Designs must be in harmony in terms of form, mass, colour and structure with existing and likely future development in the street.

The proposed design of the development is considered to be in harmony with respect to the form, mass, colours and finishes of existing and likely future development.

Siting and design to ensure clear definition of street edge and reinforce street corners. Building lines together with landscaping treatments should distinguish the public and private realms.

The siting of the building, predominately to the alignment of the street and Norwest Lake and will reinforce public interfaces.

Must not be repetitive in design and incorporate harmonious design variations such as verandas, entrances, facades, etc. The form of the development results in a harmonious design. Block A and B will comprise of distinguishing massing and features that will not result in a mirroring effect of

the buildings.

Walls and Rooflines:

- Articulation provided to reduce bulk
- With variety of colours to reduce monotony and add enhance the streetscape
- With windows to enhance façade appearance
- Well balanced vertical and horizontal proportions
- Break up large horizontal facades (whether walls or roofs) into smaller sections no longer than 10m
- Use of well-proportioned and balanced projections and recesses on facades.
- Provision of architectural features in the façade such as entry porches, pergolas, etc.

The proposed façades of the development fronting Solent Circuit and Norwest Lake comprise of high quality materials and finishes. A mixture sandstone cladding, metallic cladding, ceramic tile cladding and glazing will be incorporated into the design of the facades.

Garages:

- Comprise more than one material and colour to enhance visual attractiveness and interest.
- Concealed or screened by planting from the street and public view, as much as possible.

The proposed development will comprise of a basement garage and parking will be predominately concealed from public view.

Entrances:

- Clearly visible from the public and semi-public areas. Lighting to be provided for safety at night.
- Entries to be readily apparent from the street and clearly visible from inside the dwelling for casual surveillance.
- Space around building entrance to be sufficiently large to stand out and have a distinctive architectural form.
- Entries to be distinctive, attractive and welcoming.
- Provide sheltered transitional areas around building entries.
- All ground floor dwellings to have their own entry at ground level.
- Building entries to be visible from, or address the site front boundary, and clearly delineated and observable from the driveway.

Views and Siting:

- Siting of building to take advantage of any views to nearby/adjoining landscaped open space or any public reserve.
- Siting and design to take advantage of any views to open space, public reserves and bushland to promote natural surveillance and enhance visual amenity for residents.
- Avoid blank courtyard walls along boundaries shared with open space or reserves.
- Provide opportunities to create and orient dwellings to permit direct views from living areas into the open space/reserve.
- Avoid courtyards facing a street or public place. If cannot be avoided due to design constraints, design to comply

The main entries into the central colonnade is clearly visible from Solent Circuit and will be defined by projecting awning... The entries are suitably articulated and are identifiable to residents and visitors.

The siting of the proposed built form responds to the ridge setting of the site and takes advantages of views in all directions given the elevation of the buildings. The orientation of living spaces and balconies within the development will promote the natural surveillance of the central plaza.

		27 Fencing giving streetscape and sues.		
3.9 Urban Design Guidelines	Demonstrate co "Baulkham Hills M – Urban Design Gu	•	The proposal is consistent with the Multi-Unit Housing: Urban Design Guidelines 2002.	Yes
3.10 Density	150-175 persons p	er hectare	428 persons per hectare.	No – refer to discussion below.
3.11 Unit Layout	Apartment Mix			
and Design	(a) No more that dwelling yield is to studio or one bedro	comprise either	Complies. A maximum of 14% of units are 1 bedroom	Yes
	dwelling yield i apartments with bedrooms. Residential Flat De	three or more velopment (30 or	Complies. 12.9% of units are 3 bedroom	Yes
	more units) (d) internal floor area excluding commo car parking space shall not be less the	a for each unit, in passageways, es and balconies		
	Category			
	Type 1			
	1 bedroom	50m ²		
	2 bedroom	70m ²		
	3 or more bedrooms	95m²		
	Type 2			
	1 bedroom	65m²		
	2 bedroom 3 or more bedrooms	90m ² 120m ²		
	o or more beardons	12011		
	Type 3			
	1 bedroom	75m ²		
	2 bedroom	110m ²		
	Type 1 apartments 30% of the total and 3 bedroom apa	number of 1, 2	80% of units are type 1.	No – refer to discussion below.
	Type 2 apartments 30% of the total and 3 bedroom apa	number of 1, 2	17% of units are type 2.	Yes

	All remaining apartments are to comply with the Type 3 apartment sizes.	3% of units are type 3.	No – refer to discussion below.
3.12 Building Materials	Must comply with the Local Government Act, 1993, Local Government regulations and Building Code of Australia	A condition of consent will be imposed to ensure compliance with the Building Code of Australia.	Yes
	Reflect and complement the existing character and streetscape.	The proposed materials, colours and finishes will complement the existing streetscape and desired future character.	Yes
	Choice of materials to consider both their environmental and economic costs.	The selection of materials considers both environmental and economic costs.	Yes
	Use graffiti resistant materials in areas accessible by the general public and communal areas within the development.	Where possible, graffiti resistant materials will be used as recommended by the NSW Police.	Yes
	Use colours that are visually pleasing and reflect the predominant colours in the area.	The colour selection is reflective of a modern development in the Business Park.	Yes
	Avoid materials and colours with excessive glare.	The standard of glazing will be determined at the Construction Certificate stage and will be compliant with Australian Standards so as to minimise the effect of glare.	Yes
	Avoid materials that are likely to contribute to poor internal air quality.	The selection of materials will not result in poor internal air quality.	Yes
	Select materials that will minimise the long-term environmental	The material selection is	Yes

	impact over the whole life of the development. Preference to materials derived from renewable sources or are sustainable and generate lower environmental cost, recycled material/s with low embodied energy, better lifecycle costs and durability.	considered to afford the built form with longevity. The selection of materials is considered to provide for satisfactory thermal comfort and durability.	Yes
3.13 Open Space	Private: Ground level – 4m x 3m (min) Above ground – min. 10m² with	Podium level private open space areas comply. Minimum 8m² with	Yes No – refer to
	min. depth 2.5m	min. depth of 2m	discussion below.
	Common: 20m ² per dwelling	4,940m ² of common open space area.	No – refer to discussion below.
3.14 Solar Access	Adjoining buildings / open space areas – 4 hours between 9am and 3pm on 21 June Common open space – 4 hours	Adjoining residential properties will receive 3 hours of solar access between 9am and	Yes
	between 9am and 3pm on 21 June	3pm on 21 June.	
3.15 Ventilation	- Consider prevailing breezes in relation to building orientation, window design and internal circulation.	The proposed orientation and internal configuration of the development responds to prevailing breezes in order to maximise natural ventilation to apartments. At least 60.8% of apartments are naturally ventilated which exceeds the 60% requirement of the ADG.	Yes
	- Place windows to allow for cross ventilation i.e. on opposite sides of the building rather than adjacent walls where possible. These windows are to be lockable in a partly open position.	Windows have been located on opposite sides or to a different aspect where possible.	Yes

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	- Promote air circulation and consider the installation of fans, roof vents, louvered windows and high-level windows to aid air circulation.	The proposed development will provide for sufficient air circulation to apartments and common areas.	Yes
3.16 Lighting	- Lighting to be in accordance with the Building Code of Australia.	A condition of consent will be imposed to ensure compliance with the Building Code of Australia.	Yes
	- Adequate lighting to ensure the security and safety of residents and visitors.	Adequate lighting will be provided for the safety and security of residents.	Yes
	- Maximise the use of natural lighting through window placement and skylights.	Natural lighting maximised to apartments and common areas where possible.	Yes
3.19 Car parking	Rate per unit & visitor parking: 1 space per 1 BR 2 spaces per 2 or 3 BR Visitor – 2 spaces per 5 dwellings Parking Dimension: - Lockable single garages min. dimension – 5.5 metres x 3 metres (exclusive of storage) - Lockable double garages min. dimension – 5.5 metres x 5.4 metres (exclusive of storage) - Visitor parking dimensions – 5.5 metres x 2.6 metres Manoeuvring and Ramps: - First 6 metres of the driveway inside the property boundary to be a maximum of 5% - Ramp grades to comply with Australian Standard 2890.1 - Manoeuvring in accordance with Australian Standard 2890.1	Required: 1 bedroom - 36 2 bedroom - 358 3 bedroom - 64 Visitor - 99 Total: 556 spaces Proposed: Residential: 337 (including tandem spaces) 309 (excluding tandem spaces) Visitor: 50 Total: 387 (Including tandem parking spaces) Total: 359 (Excluding	No – refer to discussion below.
		tandem parking spaces)	

3.20 Storage	10m ³ with an area 5m ² and dimension 2 metres	Minimum 8m ³	No – refer to discussion below.
3.21 Access and Adaptability	Lift provided if greater than 2 storeys Accessible housing: 5% in a development >20 units	All levels of the development are accessible by lift. Lift cores will be provided in each building and will service the basement level. The application was accompanied by an Access Review prepared by Morris Goding Accessibility which confirms that 14 or 6% of units will be accessible. A condition of consent is to be recommended to ensure that the proposed development is consistent with the methodology of the Access Review.	Yes
3.22 Pedestrian/Bicycle Links	Within the Site - Access to dwellings should be direct and without unnecessary barriers. No steps between the street frontage and the principal building entrances.	Access will be provided at-grade to Solent Circuit.	Yes
	- Provide clearly defined pedestrian pathways between proposed development and proposed footpaths along sub-arterial roads.	Internal pathways within the development will be clearly defined as detailed on the Landscape Plan.	Yes
	- Adequate lighting in common and access areas.	Adequate lighting to be provided to common open areas.	Yes
	- All pathways and ramps to conform to the minimum dimensional requirements set out in AS1428 Part 1-1998 Design for Access and Mobility and AS1428 Part 2–1992. and Council's Policy "Making Access for All" (2002).	All access paths and ramps are to comply with relevant Australian Standards.	Yes

- All surfaces to be stable, even and constructed of slip resistant materials. Any stair nosings should have a distinctive colour and texture.	All surfaces will be stable and even to provide for safe pedestrian passage.	Yes
- Building and unit numbering and all signage is to be clear and easy to understand. International Symbols of Access should be displayed where buildings, crossings, amenities, car parking, pathways and ramps are accessible, as detailed in the The Hills Shire Council policy entitled "Making Access For All" (2002).	Signage and unit numbering will be clear and legible.	Yes
- Pathway locations must ensure natural surveillance of the pathway from primary living areas of adjoining units. Dwelling entries must not be hidden from view and must be easily accessible.	Apartments are orientated to ensure the natural surveillance of public and communal areas.	Yes
- A bicycle lockup facility to be provided close to the main entry to the building.	Bicycle lockup and storage provide adjacent to the lift core within the basement car park.	Yes
Local Pedestrian Links - Where possible, a pedestrian link through the site must be provided as part of the development to increase the connectivity of the area for local pedestrians. The following factors should be considered when identifying the most appropriate location for the link of the pathway:	A through pedestrian site link adjacent to Norwest Lake is provided within the site to promote pedestrian connectivity. The boardwalk will	Yes
 The link must be no less than 3m wide; Should be a straight-line link through the site linking streets or other public spaces; and Cannot include stairs and any 	be a minimum width of 4 metres and will comprise of a relatively uniform level.	
ramps. Must have a reasonable gradient - refer to AS 1428.1 - 1988 Design for Access and - The design and layout of any building adjoining and landscaped spaces adjoining the pathway should ensure there is natural surveillance of the	The link will be surrounded with suitable landscaping and is designed to promote natural surveillance.	
pathway to protect the amenity of users. A solid fence along the		

	boundary of the pathway restricting views of the pathway from adjoining properties not acceptable.		
3.23 Privacy – Visual and Acoustic	- Minimise direct overlooking of main internal living areas and private open space of dwellings both within and adjoining the development through building design, window locations and sizes, landscaping and screening devices (refer to section 3.13 Open Space)	Units have been designed to minimise the potential for direct overlooking through the sufficient separation of Building A and B in addition to the appropriate placement of balconies and windows. Furthermore, given that the site is isolated and combined with the substantial distance to adjoining residential properties, the proposal will not result in undue overlooking into adjoining residential properties.	Yes
	- Consider the location of potential noise sources within the development such as common open space, service areas, driveways, and road frontage, and provide appropriate measures to protect acoustic privacy such as careful location of noise-sensitive rooms (bedrooms, main living areas) and double glazed windows.	The internal configuration of the development has been designed to consider the location of potential noise sources. The Development Application was accompanied by an Acoustic Report. The report identifies the main noise sources including mechanical plant equipment and traffic noise associated with vehicular traffic generated by the proposed development. The report concludes that the level of noise emitted by	Yes

		the proposed development will meet the noise level requirements of the NSW Environmental Protection Authority (EPA) subject to the implementation of noise mitigation measures.	
3.24 Services	- Development consent not to be granted until satisfactory arrangements are made with relevant authorities for the provision of services.	consent will be	Yes
	 Site services and facilities (such as letterboxes, clothes drying facilities and garbage facility compounds shall be designed so as: To provide safe and convenient access by residents and the service authority; and Visually integrated with the development and have regard to the amenity of adjoining development and streetscape. 	Services and facilities for residents and visitors have been designed for safe and convenient access.	Yes
	- Laundries shall be provided to each dwelling.	Each apartment will be provided with an internal laundry.	Yes
3.25 Waste Management – Storage and Facilities	 Waste collection and separation facilities to be provided for each dwelling. Each dwelling should have a waste storage cupboard in the kitchen capable of holding at least a single days waste, and sufficient to enable separation of recyclable material. Adequate storage for waste materials must be provided on site and any such waste must be removed at regular intervals and not less frequently than once per week for garbage and fortnightly for recycling. Screen views of waste and storage facility from any adjoining property or public place while ensuring there is some natural 	Communal waste storage area proposed within car parking area. No objections received by Council's Resource Recovery Officer and conditions provided accordingly.	Yes

	surveillance from within the development to minimise vandalism and other anti-social activity. - Waste storage areas to be kept clean, tidy and free from offensive odours at all times.		
3.26 Waste Management Planning	Submission of a Waste Management Plan – demolition, construction and on-going use.	No objections received by Council's Resource Recovery Officer and conditions provided accordingly.	Yes

Variations to the DCP have been identified and are addressed as follows:

2.7.2.1 Landscaping

The DCP requires a minimum landscaped area which equates to 50% of the site area. The proposed development will provide a landscaped area of 42%.

The applicant has provided the following justification:

The subject site is located predominantly within the B2 Local Centre zone pursuant to the Hills Local Environmental Plan 2012 with a core objective to provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.

Part B of the DCP relates to residential flat buildings and whilst it applies to the subject site, its application also applies to any residential flat building throughout the local government area in areas which are not within a local centre. The existing site does not provide 50% landscaping and the context of the site is characterised as an urban centre where such a landscaping provision is inconsistent with this character. The proposed development is in fact for a mixed use development with a substantial commercial component and Objective 4S-2 of the Apartment Design Guide provides that Landscaped communal open space should be provided at podium or roof levels whilst Objective 3E-1 in relation to deep soil provides that deep soil may not be possible where there are non-residential uses at ground floor.

Notwithstanding this, the proposal still provides a substantial amount of landscaping on the site being 42% and satisfies the objective for landscaping within the DCP to provide a satisfactory relationship between buildings, landscaping areas and adjoining developments. Given the context of the site within a local centre the provision of landscaping is considered capable of support.

Comment

The site is located within what is essentially a business zone within the Norwest Business Park. The landscape control typically applies to residential flat developments proposed in suburban zones. Nevertheless, the proposed development provides a high quality landscaped area that will enhance the interface and space adjacent to Norwest Lake. In addition, the proposed development will provide a through site link which will provide the public with access to Norwest Marketplace and to the future train station. Further, the landscaping area proposed is strategically located to screen the lower section of the podium and to embellish the areas adjacent to Norwest Lake.

In this regard, a variation is considered to be satisfactory.

2.7.2.2 Building Length

The DCP limits the length of buildings to a maximum of 50 metres. Building B will have a building length of approximately 51 metres.

The applicant has submitted the following justification:

Building A does not exceed 50 metres in length. The northern portion of Building B marginally exceeds 50m by approximately 1m however this is due to the balcony on the eastern side. Given the particularly minor nature of the exceedance and having regard to the highly modulated nature of the buildings and curved ends which diminish the perceived length of the facades, the proposed development is considered to represent an appropriate bulk and scale with respect to building length.

Comment

The objective of the control is to minimise the bulk and scale of the building and to ensure each unit achieves good residential amenity. The perceived bulk and scale of the development is considered to be satisfactory given that the building is sufficiently articulated and adopts a curvature form on the edges of the building.

The units are also considered to respond appropriately to the objectives regarding amenity. Unit sizes are larger than required with functional floor layouts. Units will receive adequate solar access, natural ventilation and will capitalise on views to Norwest Lake. It is also noted that the proposed length will not result in adverse shadowing impacts to residential properties in proximity to the site.

2.7.2.3 Density

The DCP prescribes a maximum density of 150-175 persons per hectare. The proposed development will result in a density of 428 persons per hectare.

The applicant has provided the following justification:

The proposed development is in accordance with the planning proposal supporting the LEP amendment no.29 and Council's strategic planning for mixed use on the site. The increase in density is not precluded by the VPA. The density is suitable for the location being in close proximity to the new Norwest train station.

Comment

The site has been the subject of a Planning Proposal which determined that a higher form of density was appropriate for the site and earmarked a dwelling yield in the order of 240 units. Accordingly, the site is subject to a floor space ratio which would result in a density that would significantly exceed 150-175 persons per hectare. The floor space ratio control is considered to be a more appropriate mechanism to regulate the density of the development.

It is noted that the site is located within what is essentially a business zone within the Norwest Business Park. The density control typically applies to residential flat developments proposed in residential zones where there is no floor space ratio standard. Furthermore, it should be noted that the control applies to residential flat development that would typically be restricted to a maximum height of 4 storeys.

In this regard, the proposed development is considered to be of a suitable density given its location within the Norwest Business Park and its proximity to future Norwest Station.

2.7.2.4 Private Open Space

The DCP requires that private open spaces above ground floor comprise a minimum of $10m^2$ with minimum depth 2.5 metres. The proposed development will include balconies that are $8m^2$ with minimum depth 2 metres.

The applicant has submitted the following justification:

The majority of the units comply with 6 units under the 10m² ranging by some 1-2m². This is a minor variation, adequate balcony sizes are provided. Complies with SEPP No.65 provisions.

Comment

The private open space areas comply with the requirements of the Apartment Design Guidelines which specify a minimum area of $8m^2$ for one bedroom units. Additionally, the proposed development provides for a high level of residential amenity with over 70% of private open space areas receiving 2 hours of solar access during mid-winter. Furthermore, the communal open space area provides for both passive and recreational activities. In this regard, a variation is considered to be satisfactory.

2.7.2.5 Common Open Space

The DCP requires that developments greater than 20 dwellings should provide a common open space area at a rate of 20 square metres per dwelling. This would result in an area of 4,940 square metres for 247 units.

The applicant has provided the following justification:

Common open space is 27% of the site area being 3,240m². As this is a multi-storey development, communal open space is provided on the podium to encourage a variety of active and passive recreational uses. The development also includes communal facilities that value-add to the development such as the pool and spa room.

Comment

The proposed development provides a communal open space area of 3,240 square metres. The communal open space is located on the podium level which will be extensively landscaped around the periphery. The communal open space area will promote a range of activities and include a swimming pool, water features, outdoor gymnasium, fitness stations, an outdoor cinema, dining areas and putting green.

In combination with areas for private open space, the proposed development is considered to be suitable with respect to communal open space areas capable of accommodating both passive and recreational uses.

2.7.2.6 Apartment Sizes

The proposed apartment sizes are inconsistent with the minimum apartment size typology required by the DCP. The proposal will provide for the following apartment sizes:

One Bedroom: 52m² to 63m²
 Two Bedroom: 77m² to 93m²
 Three Bedroom: 103m² to 144m²
 Four Bedroom: 140m² to 156m²

With respect to compliance, 80% of units are Type 1, 17% of units are Type 2 and the remaining 3% of units will be Type 3. In this regard, the proposal significantly exceeds the

maximum permitted Type 1 apartment size by 50% and falls short of the Type 3 apartment size by 37%.

The applicant has provided the following justification for the variation to apartment size:

In accordance with the provisions of Clause 6A of the SEPP, Council's DCP cannot be inconsistent with SEPP provisions and the SEPP will override. Clause 30 Standards that cannot be used as grounds to refuse development consent or modification of development consent states that:

- "if a development application for the carrying out of development to which this Policy applies satisfies the following design criteria, the consent authority must not refuse the application because of those matters:
- (a) if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide
- (b) if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the Apartment Design Guide,
- (c) if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide

Comment: The proposed development complies with the minimum amount of car parking, minimum internal areas for each apartment type and minimum ceiling heights as specified in the SEPP compared to Council's DCP. As this application complies with the provisions of Clause 30, Council cannot refuse development consent for this application based on non-compliance with Council's DCP.

Comment

The applicant has also justified the variation by relying upon the minimum apartment size requirements of the Residential Flat Design Code.

In this regard, SEPP 65 contains the following minimum apartment sizes:

- 1 bedroom unit 50m²
- 2 bedroom unit 70m²
- 3 bedroom unit 95m²

It is also noted that Clause 30A of SEPP 65 'Standards that cannot be used as grounds to refuse development consent for residential flat buildings' states that apartment size cannot be a reason for refusal if the proposed area for each apartment is equal to, or greater than, the recommended internal area and external area for the relevant apartment type set out in the Apartment Design Guidelines. The apartment sizes all exceed the minimum requirements of the SEPP.

The apartments are satisfactory in regard to the minimum unit sizes required by SEPP 65 and are designed to take advantage of views, solar access and cross ventilation. Additionally, a large proportion of units comprise a balcony area that exceeds the minimum area requirement of the ADG. The varied apartment designs will allow a range of choice for future residents and will provide housing within close proximity to employment generating uses within the business park.

The apartment configuration and room dimensions are considered to provide for a high level of residential amenity. At least 70% of units achieve in excess of 2 hours solar access to living areas and balconies on 21 June. With respect to ventilation, 60% of units are cross ventilated given their aspect and elevation.

Furthermore the site exhibits the characteristics of a transit orientated development which typically includes a greater density of housing with a variety of sizes and configurations.

Given the context of the site within the Norwest Business Park, the proposed apartment sizes and mix is considered to be satisfactory.

On this basis, it is considered that the proposed apartment sizes are satisfactory given the efficiency of the layout, the attainment of solar access and natural ventilation.

2.7.2.7 Car Parking

The proposed development has been assessed against the relevant residential parking provisions of the DCP. The proposal provides 387 car parking spaces where the DCP requires 556 car parking spaces. It is noted that the DCP excludes tandem car parking spaces from the parking provision. On this basis, there are 56 tandem car parking spaces of which only 28 will be counted in the car parking provision. Therefore, the total number of car parking spaces equates to 359.

The required parking rate and the provision of commercial parking are detailed in the table below:

Parking Type	DCP	SEPP 65	Proposed
	Requirements	requirements	
1 Bedroom	36	22	36
2 Bedroom	358	161	209
3+ Bedroom	64	45	64
Visitor	99	50	50
Total	556	278	359 (excluding tandem
			spaces)

The applicant has provided the following justification:

The site is well within 800m of the Norwest Railway Station which is under construction. Therefore, the reduced rates provided by SEPP 65 are able to be relied upon in this instance to reduce the Council rates as the development application cannot be refused on the basis of car parking if the proposal meets the RTA Guide to Traffic Generating Development rates. It should be noted that the railway station is certain and would most probably be operational by the time any residential flat building on 11-13 Solent Circuit was ready for occupation.

It should be noted that the proposed parking rates for 1 and 3 and 4 bedroom units are similar to Council rates. The proposed variation applies to spaces for 2 bedroom units which are lower than Council's rates but higher than the Guide to Traffic Generating Developments (RTA, 2002), and visitor spaces which are equal to those in the guide. The usage of available commercial spaces during the evenings and weekends is not affected.

Whilst the proposed parking supply of 387 spaces for the residential component is lower than Council's requirement, it is well in excess of the requirements of SEPP 65 and is therefore considered appropriate given its proximity to the forthcoming Norwest railway station. All residential spaces will be provided in Levels 1 to 3.

Comment

The proposed parking provision complies with the rate for one bedroom and three bedroom units. The rate of 1.5 car spaces for two bedroom units has been reduced to 1 car space. It is noted however that at least 1 car parking space will be provided for each unit.

The site is located in the Norwest Business Park in close proximity to Norwest Station currently under construction and will be highly accessible to future public transport links. The variation to the car parking provision is considered to be satisfactory and will

indirectly discourage vehicular dependency which is consistent with planning principles established for transit-orientated developments. It is anticipated that residents of the development would take advantage of transport links to commute to places of employment or other destinations.

Furthermore, it is noted that the proposed development includes commercial uses which will accommodate the residents of the proposed development. The site is also located within close proximity to Norwest Marketown and will provide an opportunity for residents of the development to walk to shopping destinations or places of employment within the business park, thereby discouraging private transport use.

The proposed parking layout includes 56 tandem car parking spaces for residential units. The DCP explicitly excludes tandem car parking spaces from the overall parking provision. The tandem spaces are located in low traffic areas within the car park so as to minimise disruption to the flow of traffic. In addition, the applicant has indicated that the tandem spaces will be allocated to units that require two car parking spaces. In this regard, the tandem arrangement is considered to be satisfactory.

Visitor parking has been provided at a rate of 1 space per 5 units which is commensurate of the rate recommended by RMS guidelines. The DCP rate in this instance is considered to be superfluous for the proposed development given the high accessibility to future transport links. It is considered that the DCP rate would be relevant to other parts of the LGA where accessibility to public transport is limited.

The application was referred to the NSW RMS in accordance with Schedule 3 of the SEPP (Infrastructure) 2007 for Traffic Generating Developments. The RMS raised no objections to the proposed traffic generation and parking supply.

In this regard, it is considered that the variation to the parking provision is considered to be satisfactory.

2.7.2.8 Storage

The DCP requires storage to be provided at a rate of 10m^3 with an area 5m^2 and dimension 2 metres for each residential unit. The proposed development will provide a minimum storage volume of 8m^3 .

The proposed development provides storage areas within the car park and units. The proposed storage is considered functional, meets the Apartment Design Guide minimum volume area and is satisfactory.

2.8 Multi-Unit Housing Guidelines

i. Character of the Area

The development integrates with the future built form character of the surrounding area and is consistent with the preceding Planning Proposal for the site. The proposed development responds to the zone objective and is considered satisfactory with respect to the desired character of the area.

ii. Site Analysis and Design

The development has provided satisfactory private open space areas maximising solar access where possible. The units therefore have been designed having regard to the contours and orientation of the site. The design of the buildings is considered satisfactory.

iii. Building Envelope and Siting

The massing of the built form provides a development which is considered appropriate to both surrounding properties and within the context of the Norwest Business Park.

iv. Setbacks

The buildings are articulated to provide visual interest when viewed from all adjoining interfaces. The proposed setback in front of the building is sufficient to provide high quality landscaping to complement the building form and enhance the landscape character of Solent Circuit. The proposed setbacks are considered satisfactory as outlined previously in this report.

v. Building Height

The height of the buildings complies with the maximum height limit prescribed by the LEP and is generally consistent with the height and scale envisaged under the North West Rail link Corridor Strategy.

vi. Communal and Private Open Space

Private open space is provided to all dwellings and is located so as to be an extension of the living area of the dwelling either at ground level or by way of balconies.

vii. Landscaping

The proposal provides landscaping for the enjoyment of future residents. Council's Tree Management Section has reviewed the landscape plan, and has raised no objection, subject to conditions.

viii. On-Site Car Parking and Access

The proposed car parking is considered satisfactory as outlined previously within this report. Council's Subdivision Coordinator has reviewed the proposal and has no objection to the proposed access subject to conditions of consent.

ix. Solar Access

The proposed development ensures acceptable levels of solar access are provided to all private open space areas within the site and ensures that the proposed development does not result in adverse overshadowing for adjoining properties.

x. Resource, Energy and Water Efficiency

The development application was accompanied by a Basix Certificate meeting the thermal comfort, water and energy rating requirements.

xi. Security

The location of buildings and associated balconies provides an opportunity for informal surveillance to improve the safety of future residents. It is considered that there is a clear definition of spaces and transition areas. The design of the development encourages passive to publicly visible areas.

xii. Ecological Sustainable Design

The development will provide a high energy efficiency rating for each dwelling. The dwellings will be designed to provide good thermal efficiency and adequate cross-ventilation.

xiii. Building Design

The development provides a high level of amenity to future residents by means of the provision of private and common open space, and visual and acoustic privacy.

3 ISSUES FOR CONSIDERATION

Issues Raised in Submissions

The proposal was exhibited and notified to adjoining property owners for a period of 30 days. In response, eight (8) submissions were received (one in support). The issues raised in the submissions relate to the inclusion of residential accommodation in the Norwest

Business Park, building mass, height, design, setbacks, separation, noise, traffic and car parking. The matters raised in the submissions have been summarised below:

ISSUE/OBJECTION	COMMENT	OUTCOME
Concern is raised in relation	A Traffic Report has been	Issue addressed.
to the impacts on the	submitted with the Development	
existing local road	Application which indicates that	
infrastructure with respect to	the proposed development will not	
traffic generation.	significantly affect the service levels for the surrounding road	
	network.	
	The Treffic Beneat has a discontinuous	
	The Traffic Report has estimated that the proposed development is	
	expected to generate 200 to 230	
	vehicle trips during the morning	
	and afternoon peak hours respectively. The proposed	
	development will only marginally	
	affect the service levels of	
	facilitating roads. Solent Circuit will	
	continue to operate at Service level 'A'.	
	It is further noted that a monetary contribution towards the cost of	
	upgrading the western intersection	
	of Solent Circuit and Norwest	
	Boulevard from a roundabout to a	
	signalised intersection is the subject of the Voluntary Planning	
	Agreement applicable to the	
	proposed development.	
	The traffic generation proposed by	
	the development and the capacity	
	of the surrounding road network have been reviewed by Council's	
	Principal Coordinator – Road and	
	Transport. The existing road	
	network is capable of	
	accommodating the proposed development having regard to	
	existing traffic conditions.	
	Further, the NSW RMS have raised	
	no objections to the proposed	
	development with respect to traffic	
Company in make I	generation.	laana addin
Concern is raised with respect to acoustic impacts	The Development Application was accompanied by an Acoustic	Issue addressed.
particularly in relation to the	Assessment prepared by Acoustic	
location of plant and	Logic. The assessment identifies	
equipment on the ground	the main noise sources including	
floor adjacent to Norwest Marketown.	mechanical plant equipment and traffic noise associated with	
Ivial Ketowiii.	vehicular traffic generated by the	
	proposed development.	

	The assessment concludes that the level of noise emitted by the proposed development with respect to traffic generation will meet the noise level criteria specified by SEPP (Infrastructure) 2007 subject to the implementation of noise mitigation measures. However, given that mechanical plant and equipment selection were not available at the time of assessment, the detailed noise control measures will be determined at the Construction Certificate stage. In this regard, a condition of consent has been recommended to require further acoustic assessment prior to the issue of the Construction Certificate. Council's Environmental Health Coordinator concurs with the recommendations of the report and has raised no objections in this regard.	
Concern is raised with respect to the loss of the Ice Rink which is a valuable community asset.	The Ice Rink is a privately operated commercial entity. Although the loss of the ice rink would be regrettable in terms of it being a recreational facility used by the community, the applicant/owner is entitled to seek a different use of the site. Moreover, the proposed development is consistent with the strategic and statutory planning framework envisaged for the site	Issue addressed.
Concern is raised in relation to the setback distance to Norwest Marketown. The setback to the balconies of the commercial office in addition to the setback of residential units does not comply with the building separation requirements of the Apartment Design Guide.	and its location within the Norwest Business Park. The minimum separation distance of Building A to the eastern boundary is 8 metres. Given that the interface to the eastern elevation is predominately a blank wall to habitable rooms and that there are no openings to habitable rooms perpendicular to the boundary, the separation distance is considered to be satisfactory. Fixed privacy screens will be incorporated on the eastern elevation of the balconies to mitigate direct overlooking. The proposed interface to the eastern	Issue addressed.

boundary would be comparable to a non-habitable area where the ADG specifies a reduced separation requirement of 6 metres for a building height above 25 metres (9 storeys). Furthermore, it is noted that the depth of Building A represents approximately 21% of the length of the eastern property boundary with Building B setback 36 metres from the eastern property boundary. The setback of the depth proposed development will accommodate adequate curtilage between existing and potential future buildings to the east of the site. In regard, the separation distance to the eastern boundary is considered to be satisfactory.

With respect to the office component, the encroachment of 4 metres into the separation distance relates only to Level 3. It is noted that the ADG specifies a separation distance of 6 metres to habitable rooms for a building height up to 12 metres. Therefore, Levels 1 and 2 comply with the exception of two balconies servicing Units 111 and 211 which encroach one metre into the separation distance. The entirety of Level 3 encroaches one metre into the separation distance whilst the balcony servicing Unit 311 encroaches 4 metres into the separation distance. In this regard, it is recommended that opaque glazing be incorporated onto the eastern elevation of the balconies in addition to the provision of highlight windows to the eastern elevation of Units 310 and 311. The setback to the boundary in this instance is considered to be satisfactory given that recommended privacy measures. Furthermore, it is noted that the setback to the eastern boundary was envisaged as part of the preceding Planning Proposal.

Nevertheless, the separation distance to any future development of land immediately to the east will be further

	considered if or when the adjoining site is re-developed.	
Concern is raised that the development is out of character with the area and that the buildings are too high.	The proposed development is compliant with the maximum building height of RL 143.2 as prescribed by the LEP. Further, the emerging significance of Norwest as a major employment area (Specialised Precinct) within the global economic corridor is recognised in the North West Rail Link Corridor Structure Plan. In fact the Structure Plan for Norwest flags the possibility of buildings up to 30 storeys on the "Station Precinct" located on the southern side of Norwest Boulevard in close proximity to the future railway station. To the immediate north of the site and located further from Norwest Station is the East Norwest Residential Precinct which has development consent for a residential flat building up to 12 storeys in height. A development of 20 storeys on the subject site would therefore not be inconsistent with the vision for the surrounding area.	Issue addressed.
Concern is raised that the proposed development is predominately residential and will compromise employment opportunities in the Norwest Business Park.	The proposed development is consistent with the strategic and statutory planning framework envisaged for the site. The site is zoned B2 Local Centre and SP2 Infrastructure (Drainage). The proposed development is permissible with consent. It is also noted that Clause 7.10 of the LEP prescribes a minimum commercial gross floor area of 6,000m² for the subject site. The proposed development complies with this provision and accommodates 6,056m² of commercial gross floor area.	Issue addressed.
Concern is raised that the proposed development exceeds the maximum floor space ratio standard. Council adopted a higher density for the site and supported a floor space ratio of 2.42:1. The proposed development	The proposed development comprises a floor space ratio of 2.536:1 which exceeds the development standard of 2.42:1 by 4.8%. It is noted that during the course of assessment, the applicant reduced the floor space ratio of the development from	Issue addressed.

has a floor space ratio of 2.66: which is inconsistent with the floor space ratio Council deemed to be acceptable for the site.

The development should comply with the commercial requirement of 6,000m² and ensure the residential component complies with the maximum floor space ratio of 2,42:1.

2.66:1 resulting in the reduction of 1,502 square metres of gross floor area which represents a reduction of 20 units. The reduction in gross floor area is attributed to the reduction in massing to the eastern side of Building B.

The applicant has provided a Clause 4.6 variation to development standard for floor The Clause space ratio. variation sets out a merit based justification to support a departure to the development standard. In this instance, the proposed development fully complies with the maximum building height and the site-specific building setbacks. The variation to floor space ratio will not result in a building form that is excessive in scale. Furthermore. the proposed development will not result in undue environmental impact with respect to amenity impacts such as privacy and overshadowing.

It is also noted that the proposed development complies with the minimum commercial gross floor area as required by Clause 7.10 of the LEP.

applicant has adequately demonstrated that the proposed development is in the public interest and is consistent with the objectives of Clause 4.4 'Floor Space Ratio' and the B2 Local Centre and SP2 Infrastructure zone. In this regard, the variation to floor space ratio will not create a building of excessive height, bulk or scale nor will it cause undue impacts upon the amenity of adjoining residential properties. A variation to the floor space ratio in this instance is considered to be given satisfactory that application of the development standard in this instance is considered be both to unreasonable and unnecessary. In this regard, the variation can be supported.

Concern is raised that the The proposed parking provision Issue addressed. parking provision of 363 car complies with the rate for one parking spaces for 267 units bedroom and three bedroom units. The rate of 1.5 car spaces for two is inadequate. bedroom units has been reduced to 1 car space. It is noted however that at least 1 car parking space will be provided for each unit. The proposed development provides 359 car parking spaces for 247 units. The site is located in the Norwest Business Park in close proximity to Norwest Station currently under construction and will be highly accessible to future public transport links. The variation to the car parking provision is considered to be satisfactory and will indirectly discourage vehicular dependency which is consistent with planning principles established for transit-orientated developments. It is anticipated that residents of the development would take advantage of transport links to commute to places of employment or other destinations. The proposed development includes commercial uses which will accommodate residents of the proposed development. The site is also located within close proximity to Norwest Marketown and will provide opportunity an residents to walk to shopping destinations in addition to places of employment within the business park. Furthermore, it is noted that the proposed parking provision for the residential component complies with the requirements of SEPP 65 and the Apartment Design Guide.

Concern is raised that existing infrastructure such as sewer, water and power will not be able to accommodate the proposed development.

A condition of consent will be recommended to ensure that the applicant consults with relevant service authorities.

However it is noted that the Development Application was referred to Sydney Water for review. No objections were raised Issue addressed.

		,
	with regard to capacity and servicing of the proposed development.	
Concern is raised that the proposed development does not meet Council's apartment size standards.	The proposed development will not comply with the apartment sizes specified in the DCP. However, the proposed development will comply with the apartment sizes as required by SEPP 65.	Issue addressed.
	The apartments are satisfactory with regard to the minimum unit sizes required by SEPP 65 and are designed to take advantage of views, solar access and cross ventilation. Additionally, a large proportion of units comprise a balcony area that exceeds the minimum area requirement of the ADG. The varied apartment designs will allow a range of choice for future residents and will provide housing within close proximity to employment generating uses within the business park.	
	The apartment configuration and room dimensions are considered to provide for a high level of residential amenity. At least 70% of units achieve in excess of 2 hours solar access to living areas and balconies on 21 June. With respect to ventilation, 60% of units are cross ventilated given their aspect and elevation.	
	Furthermore the site exhibits the characteristics of a transit orientated development which typically includes a greater density of housing with a variety of sizes and configurations. Given the context of the site within the Norwest Business Park, the proposed apartment sizes and mix is considered satisfactory.	
Concern is raised that six units will not comply with the private open space area of 10m ² ,	The DCP requires units to provide an outdoor private open space area of 10m ² . The proposed development will provide private open space areas of 8m ² . The private open space areas	Issue addressed.
	comply with the requirements of the Apartment Design Guidelines	

	which specify a minimum area of 8m² for one bedroom units. Additionally, the proposed development provides for a high level of residential amenity with over 70% of private open space areas receiving 2 hours of solar access during mid-winter. Furthermore, the communal open space area provides for both passive and recreational activities. In this regard, a variation is considered to be satisfactory.	
Concern is raised in relation to the non-compliance with site coverage. The maximum site coverage is 50%. The proposed development has a site coverage of 57.8% and does not comply.	The proposed development provides a high quality landscaped area that will enhance the interface and space adjacent to Norwest Lake. In addition, the proposed development will provide a through site link which will provide the public with access to Norwest Marketplace and to the future train station. Further, the landscaping area proposed is strategically located to screen the lower section of the podium and to embellish the areas adjacent to Norwest Lake. The proposed variation to site coverage is considered satisfactory in this instance.	Issue addressed.

4 Internal Referral Comments

Subdivision Engineering Comments

The Development Application was referred to Council's Subdivision Coordinator to review the design of car parking, vehicular access points, stormwater management and stratum subdivision. No objections were raised to the proposed development subject to conditions of consent.

Traffic Management Comments

The Development Application was referred to Council's Traffic Engineer to review traffic generation and the capacity of the facilitating road network. No objections were raised to the proposed development.

Landscape and Tree Management Comments

The Development Application was referred to Council's Landscape Assessment Officer to review tree removal and landscaping. No objections were raised subject to conditions of consent.

Environment and Health Comments

The Development Application was referred to Council's Environmental Health Coordinator to review land contamination and acoustic design. No objections were raised to the proposed development subject to conditions of consent.

Resource Recovery Comments

The Development Application was referred to Council's Resource Recovery Officer to review waste management. No objections were raised to the proposed development subject to conditions of consent.

Land Information Services Comments

The Development Application was referred to Council's Land Information Officer to review house numbering. No objections were raised subject to conditions of consent.

5 External Referral Comments

NSW Police Comments

The proposal was referred to The Hills Local Area Command, NSW Police in accordance with the requirements of "Safer by Design Guidelines" prepared by the NSW Police in conjunction with the Department of Planning and the in accordance with the memorandum of understanding between the Hills Shire Council and The Hills Local Area Command, NSW Police.

Comments and recommendations from the NSW Police form part of the conditions of consent.

NSW Department of Primary Industries – Water

The proposal is defined as 'Nominated Integrated Development' under the provisions of Section 91 of the Environmental Planning and Assessment Act, 1979. General Terms of Approval dated have been received from the NSW Department of Primary Industries – Water under the provisions of the Water Management Act 2000.

NSW Roads and Maritime Service Comments

The proposal is categorised as traffic generating development pursuant to Schedule 3 of the SEPP. The SEPP requires development to be referred to the NSW Roads and Maritime Service where the development results in 200 or move vehicles with access to any road.

The NSW Roads and Maritime Service have reviewed the proposed development and have raised no objections.

Sydney Water

The Development Application was referred to Sydney Water to ensure that the proposed development can be adequately serviced by reticulated water and sewer. Sydney Water has reviewed the proposed development and raises no objections.

CONCLUSION

The Development Application has been assessed against the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, The Hills Local Environmental Plan 2012, The Hills Development Control Plan 2012, and State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development and is considered satisfactory.

The proposal will provide additional housing choice for residents of the Shire and will accommodate a diverse range of commercial uses within the Norwest Town Centre. The external and internal design of the apartment buildings is satisfactory and will result in an appropriate streetscape outcome for the future character of the area. The interface of the proposed development to Norwest Lake will promote a range of active and passive uses whilst allowing the public to traverse the site.

The proposal was advertised and notified to adjoining property owners for a period of 30 days and no submissions were received.

The proposal is recommended for approval subject to conditions.

RECOMMENDATION

The Development Application be approved subject to the following conditions of consent.

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.

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	ISSUE	DATE
DA-100-001	Site Plan prepared by Turner	J	03/08/2016
DA-110-009	Basement Plan prepared by Turner	J	08/08/2016
DA-110-010	Ground Level Plan prepared by Turner	K	19/09/2016
DA-110-011	Level 01 Plan prepared by Turner – Amended in red.	K	16/09/2016
DA-110-012	Level 02 Plan prepared by Turner – Amended in red.	К	19/09/2016
DA-110-014	Level 03 Plan prepared by Turner– Amended in red.	К	19/09/2016
DA-110-015	Level 04 Plan prepared by Turner	K	19/09/2016
DA-110-016	Typical Residential Levels prepared by Turner	К	19/09/2016
DA-110-017	Typical Residential Levels prepared by Turner	К	19/09/2016
DA-110-018	GA Plans prepared by Turner	N/A	19/09/2016
DA-110-019	Typical Residential Levels prepared by Turner	К	19/09/2016
DA-110-020	Typical Residential Levels prepared by Turner	K	19/09/2016
DA-110-021	Service Level prepared by Turner	J	08/08/2016
DA-110-022	Roof Level prepared by Turner	J	08/08/2016
DA-250-001	North Elevation prepared by Turner	K	15/09/2016

DA-250-002	South Elevation prepared by Turner	K	15/09/2016
DA-250-003	East Elevation prepared by Turner – Amended in red.	К	15/09/2016
DA-250-004	West Elevation prepared by Turner	K	15/09/2016
DA-250-005	Building A South Elevation prepared by Turner	К	15/09/2016
DA-250-006	Building B North Elevation prepared by Turner	К	15/09/2016
DA-350-001	Section 01 Plan prepared by Turner	K	15/09/2016
DA-910-001	910 Finishes prepared by Turner	N/A	N/A
SK02	Planting Philosophy prepared by Scape Design	G	N/A
SK03	Ground Floor Plan prepared by Scape design	Т	N/A
SK04	Podium Level Plan prepared by Scape Design	Q	N/A
SK05	Pool Level Design prepared by Scape Design	Н	N/A

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. 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.

3. 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.

4. Compliance with NSW Department of Primary Industries – Water

Compliance with the requirements of the NSW Department of Primary Industries – Water throughout all stages of the subdivision as outlined in their letter dated 5 May 2016 Ref 10 ERM2016/0217 attached to this consent as Appendix A.

5. Compliance with NSW Police Requirements

Compliance with the requirements of the NSW Police as outlined in their letter dated 18 April 2016 Ref D/2016/162565 as follows:

Surveillance

- During the construction phase security sensor lights be used and security guards are to monitor the site.
- Paint the basement white to reflect light.
- CCTV is required to be installed at entry/exit points to the carpark, within the basement carparking and common areas. Height stickers are also required on entry/exit doors.
- Vegetation is to be maintained at all times to allow natural surveillance and reduce opportunities for concealment.

Lighting and Technical Supervision

• Lighting is to be utilised within the site in accordance with Australian Standards.

Environmental Maintenance

• Materials chosen are to have regard to the potential for graffiti.

Access Control

- Fencing is required to be vertical style to stop unauthorised access, with spaces left between vertical elements to limit physical access.
- The ground floor units are required to have upgraded security measures, such as alarmed doors and windows, thickened glass and sensor lights.
- Signage is to be erected to ensure that people are aware they are entering private property. The signage is also required to include details of what security treatment has been implemented.
- Ensure that the section of the security roller shutter near the manual door release is solid, that garage shutter doors are strong and that good-quality locking mechanisms are used.
- Letterboxes and caged storage areas are to have good-quality locking mechanisms and be secure.

6. Compliance with Norwest Association Requirements

The development is required to comply with the requirements of Norwest Association as follows:

- The Applicant is to maintain safe pedestrian access at all times during construction of the Development within the Easement for Public Access between Solent Circuit and Lot 5072 in DP878258 (Norwest Marketown).
- All building services, plant and equipment are to be screened from view from any public street or place and comply with the requirements of Council.
- External seating for restaurant patrons is to be restricted so as to maintain a safe passageway of not less than 2 metres in width along the frontage of the restaurants and not less that 5 metres in width along the boardwalk adjacent to the restaurants for unencumbered pedestrian flow.
- An automated irrigation system is to be provided and used in all landscaped areas.
- On completion of the landscaping works, the Applicant is to provide certification by a suitably qualified landscape architect that the landscaping as installed fully satisfies the design intent of the approved landscape concept and complies with the approved landscape plans.
- The party responsible for maintenance of common property in the Development is to maintain the landscaping with particular attention being given to the maintenance of perimeter landscaping, and in the absence of satisfactory maintenance, the party responsible for maintenance of common property in the Development authorises Norwest Association Limited and its agents to enter the property to carry out such maintenance works and draw down at the cost of the party responsible for maintenance of such common property as required.
- The Applicant is required to reinstate any works, infrastructure, paving or landscaping adjoining to the boundary of the Property disturbed during the construction phase.

7. Provision of Parking Spaces

The development is required to be provided with 646 off-street car parking spaces with a composition of 387 residential spaces and 259 commercial car parking spaces. These car parking spaces shall be available for off street parking at all times.

8. Dual Use Parking Spaces and Compliance with Carpark Management Report

The 176 car parking spaces located on the basement level car park and dedicated to parking for the office component on Levels 1-3 are to be freely available after 6:30pm to midnight on weeknights and on weekends for restaurant and retail patrons. This arrangement is to be carried out in accordance with the traffic report by TDG and the carpark management report prepared by InterPark.

9. 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.

10. Separate Development Application for Occupations

A separate development application is required for the occupation of the ground floor commercial tenancies. This application is required to provide assessment against:

- The Hills Local Environmental Plan 2012; and
- The Hills Development Control Plan 2012.

The above assessment should specifically address the following:

- · Proposed use and its Permissibility
- Hours of Operation
- · Delivery Details
- Staff Numbers
- Signage
- Parking Provision and,
- Acoustic Impacts

11. Privacy Treatment

The following privacy measures are to be adopted:

- A privacy screen is to be erected for the full height of the balconies on the eastern elevation for units 405, 506-1606, 1704 and 1804 as shown in red amendments on the approved plans referenced in Condition No. 1.
- Opaque or obscure glazing is to be incorporated for the full height of the eastern elevation of the balconies servicing units 111, 211 and 311 as shown in red amendments on the approved plans referenced in Condition No. 1.
- Highlight windows with a minimum sill height of 1.5 metres or opaque glazing to a height of 1.5 metres from finished floor level is to be erected for the full length of the eastern elevation of Unit 311 as shown in red amendments on the approved plans referenced in Condition No. 1.

Amended plans detailing the above measures are to be submitted to the satisfaction of Council's Manager Development Assessment prior to the issue of the Construction Certificate.

12. Compliance with Access Review

The recommendations contained within Access Review prepared by Morris Goding Accessibility Consultants and dated 25 February 2016 are to be incorporated into the design of the development.

13. Compliance with Pedestrian Wind Environment Statement

The recommendations contained within the Pedestrian Wind Environment Statement prepared by Windtech and dated 9 February 2016 and supplementary statement dated 10 August 2016 are to be incorporated into the design of the development.

14. Litter Control

A sufficient number of litter bins must be provided on the premises for litter disposal.

15. Property Numbering for Integrated Housing, Multi Unit Housing, Commercial Developments and Industrial Developments

The responsibility for property numbering is vested solely in Council.

The property address for this development is: 11 Solent Circuit Baulkham Hills 2153

Unit Numbering is as per plans submitted – Revision K Basement Levels- Carpark

Levels	Building A	Building B
Ground	Commencing at G01	Carpark
1 st	101-112	Carpark
2 nd	201-212	213 & Carpark
3 rd	301-312	313-319
4 th	401-407	408-416
5 th	501-508	509-517
6 th	601-608	609-617
7 th	701-708	709-717
8 th	801-808	809-817
9 th	901-908	909-917
10 th	1001-1008	1009-1017
11 th	1101-1108	1109-1117
12 th	1201-1208	1209-1217
13 th	1301-1308	1309-1316
14 th	1401-1408	1409-1416
15 th	1501-1508	1509-1516
16 th	1601-1608	1609-1616
17 th	1701-1706	1707-1714
18 th	1801-1806	1807-1810

Unit numbering cannot be repeated throughout the development

These numbers, unless otherwise approved by Council in writing, are to be displayed clearly on all door entrances.

Clear and accurate external directional signage is to be erected on site at driveway entry points and on buildings. Unit numbering signage is also required on stairway access doors and lift/lobby entry doors. It is essential that all numbering signage throughout the complex is clear to assist emergency service providers locate a destination with ease and speed.

16. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Logic Consultancy Pty Ltd, referenced as 20150907.1/2001A/R2/BW, dated 20 January 2016 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

- Section 6.1 Table 7 Glazing Construction Requirements.
- Section 6.2 Roof/Ceiling Construction
- Section 6.3 External Walls
- Section 7.3 Recommendations

17. Contamination Assessment Recommendations

The recommendations of the Preliminary Contamination Assessment prepared by Douglas Partners, dated 30 September 2016 and submitted as part of the Development Application are to be implemented as part of this approval.

18. Control of early morning noise from trucks

Trucks associated with the construction of the site that will be waiting to be loaded must not be brought to the site prior to 7am.

19. Planning Agreement

The obligations in the Planning Agreement between The Hills Shire Council and Hills Christian Life Centre Limited and Capital Corporation (Waterside) Pty Ltd, dated July 2015, signed 11 August 2015 (**Planning Agreement**), must be performed in accordance with the terms of the Planning Agreement including, but no limited to, the payment of monetary contributions identified in Schedule 1 of the Planning Agreement.

20. Adherence to Operational Waste Management Plan

All requirements of the Operational Waste Management Plan submitted as part of the Development Application must be implemented during construction (design of facilities) and operation of the development, except where amended by other conditions of consent.

21. Adherence to Construction and Demolition Waste Management Plan

All requirements of the Construction and Demolition Waste Management Plan submitted as part of the development application must be implemented during construction of the development, except where amended by other conditions of consent. The information submitted 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.

22. Management of Construction and 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.

23. 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 onsite. 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.

24. Commencement of Domestic Waste Service

The property owner or agent acting for the owner must arrange the commencement of a domestic waste service with Council. This applies to the collection of waste and recycling from the residential units. The service must be arranged prior to occupancy of the development and no sooner than two weeks prior to occupancy. All servicing instructions from Council must be complied with at all times. Please telephone Council on (02) 9843 0310 for the commencement of waste services.

25. Commencement of Commercial Waste Service

The property owner must ensure that there is a contract with a licensed contractor for the removal of all waste generated on site. This applies to the collection of waste and recycling from commercial and retail units. Written evidence of valid and current collection contract must be held on site at all times and produced in a legible from to any authorised officer of the Council who asks to see it.

26. Construction of Separate Waste Storage Areas

The buildings must incorporate separate waste storage areas constructed in accordance with the specifications below, to facilitate the separation of commercial waste and recycling from residential waste and recycling. The residential garbage holding room must

have minimum storage provision for 15 x 1100L garbage bins and 25 x 660L recycling bins. All waste storage areas must be designed and constructed in accordance with the following requirements:

- 1. The areas must be of adequate size to comfortably store and manoeuvre the minimum required number of bins.
- 2. The layout of the areas must ensure that each bin is easily accessible and maneuverable in and out of the area with minimal or no manual handling of other bins.
- 3. The walls of the areas must be constructed of brickwork.
- 4. The floor of the areas must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer.
- 5. The areas must have a waste servicing door, with a minimum clear floor width of 1.5m. The door must be located to allow the most direct access to the bins by collection contractors. Acceptable waste servicing doors are single or double swinging doors and roller doors.
- 6. The areas must have a suitable resident access door, which allows wheelchair access for adaptable sites. Suitable resident access doors are single or double swinging doors. The resident access door should be outside of the truck loading bay area.
- 7. All doors of the areas, when fully opened, must be flush with the **outside wall** and must not block or obstruct vehicle access or footways. All doors must be able to be fixed in position when fully opened.
- 8. The areas must be adequately ventilated (mechanically). Ventilation should not be connected to the same ventilation system supplying air to the units.
- 9. The areas must be provided with a hose tap, connected to a water supply, to facilitate bin washing. If the tap is located inside the areas, it is not to conflict with the space designated for the placement of bins.
- 10. The areas must be provided with an internal light (artificial).
- 11. The maximum grade acceptable for moving bins for collection purposes is 7% (5% for 660L and 1100L bins). Under no circumstance are these grades to be exceeded. They are to allow safe maneuvering and servicing of the full bins by waste collection operators.
- 12. The areas must have appropriate signage, provided by Council, mounted in a visible location on an internal wall and is to be maintained by the Owners Corporation.
- 13. Finishes and colours of the areas must complement the design of the development

27. Residential Garbage Chute System

A dual chute system enabling chute disposal of both garbage and recycling must be provided in each building with openings on every residential floor. The chutes must terminate in a waste storage room. Garbage must discharge into 1100L bins placed on a linear track conveyor fitted with a compactor set at 2:1 compaction. Recycling must discharge into 660L bins placed on a linear track conveyor with no compaction. No changes are permitted without the previous written approval of Council.

28. Residential Bulky Goods Area

A separate room or caged area must be allocated in close proximity to the waste loading area for the interim storage and management of unwanted bulky goods. The minimum floor area shall be 20 cubic metres. A similar space should also be allocated for retail and commercial units.

29. Tree Removal

Approval is granted for the removal of forty (40) trees as shown in on the Existing Tree Plan prepared by Scape Design and recommended in the Arboricultural Impact Assessment prepared by Urban Tree Management, dated 07/12/12.

All other trees are to remain and are to be protected during all works. Suitable replacement trees are to be planted upon completion of construction.

30. Planting Requirements

Tree species Archontophoenix alexandrae (Alexander Palm) is on Council's exempt trees list. As such they are to be substituted with an alternative appropriate palm or tree fern species that isn't on Council's list of exempt tree species.

31. Retention of Trees

All trees not specifically identified for removal on the Existing Tree Plan prepared by Scape Design are to be retained and protected in accordance to Council's **Protection of Existing Trees** condition.

32. Parking Spaces - Access/ Dual Use

The residential and residential visitor spaces are located on levels one to three. The commercial spaces are located in the basement and the ground floor commercial spaces (retail/ restaurants) are located on the ground floor. With respect to this arrangement the following specific requirements apply in addition to the information provided with the traffic report by TDG and the carpark management report prepared by InterPark and submitted with the development application:

- The security point obstructing access to the basement from the ground floor needs to be open from 6:30pm onwards so that the basement is open/ available for the exclusive use of the ground floor commercial uses (retail/ restaurants).
- Access from the ground floor to the residential visitor spaces on level one must be available at all times. The design, configuration and use of the security point at the top of the ramp leading to level one from the ground floor needs to provide for this.

33. Subdivision Certificate Preliminary Review

Prior to the submission of a Subdivision Certificate application a draft copy of the final plan, administration sheet and Section 88B instrument (where included) must be submitted in order to establish that all conditions have been complied with.

34. Process for Council Endorsement of Legal Documentation

Where an encumbrance on the title of the property is required to be released or amended and Council is listed as the benefiting authority, the relevant release or amendment documentation must be submitted along with payment of the applicable fee as per Council's Schedule of Fees and Charges. Sufficient time should be allowed for the preparation of a report and the execution of the documents by Council.

35. Water Sensitive Urban Design Handover Process

An operations and maintenance plan must be prepared for all WSUD proposals. The operations and maintenance plan must include:

- The location and type of each WSUD element, including details of its operation and design;
- A brief description of the catchment characteristics, such as land uses, areas etc;
- Estimated pollutant types, loads and indicative sources;
- Intended maintenance responsibility, Council, landowner etc;
- Inspection method and estimated frequency;
- Adopted design cleaning/ maintenance frequency;
- Estimate life-cycle costs;
- Site access details, including confirmation of legal access, access limitations etc;

- Access details for WSUD measure, such as covers, locks, traffic control requirements etc;
- Description of optimum cleaning method and alternatives, including equipment and personnel requirements;
- Landscape and weed control requirements, noting that intensive initial planting is required upfront to reduce the requirement for active weed removal;
- A work method statement:
- A standard inspection and cleaning form.

For the purposes of complying with the above a WSUD treatment system is considered to include all functional elements of the system as well as any landscaped areas directly surrounding the system.

36. 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.

37. Approved Subdivision Plan

The stratum subdivision of the approved building into three lots is included as part of this consent. The subdivision component of the development must be carried out in accordance with the approved plan of subdivision prepared by JBW Drawing 124913/DA-STRATUMSUBD Sheets 1 to 8 dated 11/02/2016 subject to the following amendments/requirements:

- The subdivision plan must be amended to reflect the approved architectural plans, noting that an amended subdivision plan did not accompany the amended architectural plans.
- Lot 1 relates to the ground floor commercial uses (retail/ restaurant) and the parking spaces associated with those uses on the ground floor.
- Lot 2 relates to the remainder of the commercial areas and the associated parking spaces in the basement level.
- Lot 3 relates to the residential areas and the associated parking spaces on levels one, two and three.
- The actual split between the parking spaces and their lots needs to be detailed on the final plan.
- The final plan needs to make allowance for the fact the basement parking level that forms part of lot two is to be made available for use by the ground floor commercial uses (retail/ restaurant), as required by this consent.
- A building (or strata) management statement must accompany the final plan.

38. Separate Application for Strata Subdivision

The strata title subdivision of the development is not included. A separate development application or complying development certificate application is required. With respect to the latter, this consent does not allocate parking spaces to each individual dwelling/residential unit/ commercial tenancy. This requires separate approval as per SEPP (Exempt and Complying Development Codes) 2008.

39. Protection of Public Infrastructure

Council must be notified of any damage to public infrastructure caused by the development. Adequate protection must be provided prior to work commencing and

maintained during building operations. Any damage caused must be made good, to the satisfaction of Council, before an Occupation Certificate can be issued. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site.

40. Structures Adjacent to Piped Drainage Easements

Buildings and structures, including footings and brick fences, adjacent to existing or proposed drainage easements must be located wholly outside the easement. A design must be provided by a structural engineer certifying that the structure will not impart a load on the pipe in the easement.

Specifically, there are two existing easements across the front of the property shown on the approved subdivision plan and submitted survey plan that need to be considered.

41. Vehicular Access and Parking

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:

- 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.
- All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

42. Gutter and Footpath Crossing Application

Each driveway requires the lodgement of a separate gutter and footpath crossing application, accompanied by the applicable fee as per Council's Schedule of Fees and Charges.

43. Minor Engineering Works

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 on existing public roads or any other land under the care and control of Council must be approved and inspected by Council in accordance with the Roads Act 1993 or the Local Government Act 1993. A separate minor engineering works application and inspection fee is payable as per Council's Schedule of Fees and Charges.

a) Driveway Requirements

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

The two proposed driveways must be built to Council's heavy duty standard.

A separate driveway application fee is payable as per Council's Schedule of Fees and Charges.

b) 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.

c) Concrete Footpath/ Paving

The existing 2.5 wide paved footpath (or a similar alternative treatment approved in writing by Council's Manager – Subdivision and Development Certification) in Solent Circuit fronting the site, including access ramps at all intersections, must be maintained during construction and replaced or altered where the finished levels adjacent are varied as part of the approved works.

d) Site Stormwater Drainage

The entire site area must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

44. 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 sustain 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 the RMS 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 Certifying Authority and included as part of any Construction Certificate or Occupation Certificate issued.

45. Finished Floor Level - Flooding

The finished floor level (or levels) of the structure must reflect the approved plans and are to be no lower than RL 76.3 AHD.

46. External Finishes

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

47. Erosion & Sediment Control Plan

Submission of an Erosion and Sediment Control Plan to the Principal Certifying Authority, 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).

48. Additional Acoustic Assessment

As the plant and equipment selections were not available at the time of the development approval an additional acoustic assessment is required to be submitted to the certifying authority. The assessment is to consider noise impacts and noise attenuation for the plant and equipment including the ventilation system for the building and underground carparks, pool pumps and potential locations and noise attenuation methods for future commercial kitchen exhausts. The assessment is to be based on the recommendations and the Plant Noise Objectives of the initial acoustic report prepared by Acoustic Logic Consultancy Pty Ltd.

49. Internal Pavement Structural Design Certification

Prior to a Construction Certificate being issued, a Certified Practicing Engineer (CPEng) must submit a letter to Council confirming the structural adequacy of the internal pavement design. The pavement design must be adequate to withstand the loads imposed by a loaded heavy rigid waste collection vehicle (i.e. 28 tonne gross vehicle mass) from the boundary to the waste collection point including any manoeuvring areas.

50. 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.

51. Sediment and Erosion Control Plan

A sediment and erosion control plan prepared in accordance with Council's Works Specification Subdivision/ Developments must be submitted. The plan must include:

- Lot boundaries;
- Roads;
- Contours;
- Existing vegetation;
- Existing site drainage;
- Critical natural areas;
- Location of stockpiles;
- Erosion control practices;
- Sediment control practices; and

• A maintenance program.

52. 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.

53. 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 is issued.

54. Security Bond - Road Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond of \$198,900.00 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 rate of \$85.00 per square metre based on the road frontage of the subject site plus an additional 50m on either side (180m) multiplied by the width of the road carriageway (accounting for the landscaped median) (13m).

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.

55. Engineering Works and Design

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.

Engineering works can be classified as either "subdivision works" or "building works" as categorised below:

- Works within an existing or proposed public road, or works within an existing or proposed public reserve. These works can only be approved, inspected and certified by Council in accordance with the Roads Act 1993 and the Local Government Act 1993 respectively.
- 2. Works within the development site, or an adjoining private property, that relates to existing or proposed Council infrastructure assets, such as the laying of a stormwater pipeline or the formation of an overland flow path within a public drainage easement. These works can only be approved, inspected and certified by Council because Council will have an ongoing risk exposure and management/ maintenance liability with respect to these assets once completed. A "compliance certificate" as per Section 109(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 can be issued certifying that the detailed design for these works complies with the requirements listed and the above documents. This "compliance certificate" can be issued by Council's Manager - Subdivision and Development Certification and not a private certifier, as discussed. Once approved, the works must be carried out under the supervision of Council's Construction Engineer in accordance with the terms attached to the issued "compliance certificate". Post construction, a further "compliance certificate" as per Section 109(1)(a)(i) of the Environmental Planning and Assessment Act 1979 can be issued certifying that the as-built infrastructure and associated works have been carried out to the satisfaction of Council's Construction Engineer. Alternatively, these works can be incorporated into any construction approval granted under category (1) above.
- 3. Works within the development site, or adjoining private properties, that do not relate to existing or proposed Council infrastructure assets, such as water sensitive urban design elements or inter-allotment drainage pipelines. Such works can be approved, inspected and certified by either Council or a private certifier, so long as the private

certifier is accredited to do so. This certification must be included with the documentation approved as part of any Construction Certificate. The designer of the engineering works must be qualified, experienced and have speciality knowledge in the relevant field of work.

The following engineering works are required:

a) Onsite Stormwater Detention - Norwest Business Park

Onsite Stormwater Detention (OSD) is required in accordance with Council's adopted policy for the Hawkesbury River catchment area, the Upper Parramatta River Catchment Trust OSD Handbook, with amended parameters accounting for the detention function provided for the existing lake/ basin adjacent to the subject site.

The stormwater concept plan prepared by van der Meer Consulting dated 27/07/2016 is for development application purposes only and is not to be used for construction. The detailed design must reflect the approved concept plan and the following necessary changes:

- The design needs to be updated to reflect the amended/ stamped approved architectural plans.
- The volume of the OSD tank must be 35m3 minimum.
- The volume of the rainwater reuse tank is 20,000 litres minimum.
- The orifice needs to be sized so that the full volume cited above is in use during the design 1:100 year storm.
- All works are to be clear of the existing drainage easements shown on the approved concept plan.
- The design must include the non-return valve to stop the basement from flooding.

The design and construction of the OSD system must be approved by either Council or an accredited certifier. A Design Compliance Certificate (DCC) certifying the detailed design of the OSD system can be issued by Council.

b) Water Sensitive Urban Design Elements

Water sensitive urban design elements, consisting of a rainwater reuse tank, pit inserts (except within street drainage pits) and seven SPEL filters (or an approved equivalent) within the OSD tank, are to be located generally in accordance with the plans and information submitted with the application.

Detailed plans for the water sensitive urban design elements must be submitted for approval. 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

All model parameters and data outputs are to be provided.

These elements must be designed and constructed in accordance with best practice water sensitive urban design techniques and guidelines. Such guidelines include, but are not limited to:

 Water Sensitive Urban Design – Technical Guidelines for Western Sydney, 2004, http://www.wsud.org/tools-resources/index.html Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, http://www.ncwe.org.au/arq/

PRIOR TO WORK COMMENCING ON THE SITE

56. Site Water Management Plan

A Site 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 address the management, treatment and disposal of water which may collect in uncovered excavations. Water polluted with greater than 50mg/L of suspended solids must not be discharged to the stormwater system or any body of water.

57. 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 from the site 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 (of an area more than 10 square metres) must only be undertaken by a licenced asbestos removalist who is licenced to carry out the work. 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. Asbestos removal must be carried out in accordance with the WorkCover, 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.

58. Protection of Existing Trees

The trees that are to be retained are to be protected during all works strictly in accordance with AS4970- 2009 Protection of Trees on Development Sites.

At a minimum a 1.8m high chain-wire fence is to be erected at least three (3) metres from the base of each tree and is to be in place prior to works commencing to restrict the following occurring:

- · Stockpiling of materials within the root protection zone,
- Placement of fill within the root protection zone,
- Parking of vehicles within the root protection zone,
- Compaction of soil within the root protection zone.

All areas within the root protection zone are to be mulched with composted leaf mulch to a depth of not less than 100mm.

A sign is to be erected indicating the trees are protected.

The installation of services within the root protection zone is not to be undertaken without prior consent from Council.

59. 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.

60. Separate OSD Detailed Design Approval

No work is to commence until a detailed design for the OSD system has been approved by either Council or an accredited certifier.

61. Public Infrastructure Inventory Report

A public infrastructure inventory 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.

62. Sydney Water Building Plan Approval

A building plan approval must be obtained from Sydney Water Tap in[™] to ensure that the approved development will not impact Sydney Water infrastructure.

A copy of the building plan approval receipt from Sydney Water Tap in^{TM} must be submitted to the Principal Certifying Authority upon request prior to works commencing. Please refer to the website http://www.sydneywater.com.au/tapin/index.htm, Sydney Water Tap in^{TM} , or telephone 13 20 92.

63. 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.

The building plans must be submitted to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the building plans will be stamped indicating that no further requirements are necessary.

64. Principal Certifying Authority

A sign is to be erected in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000.

65. 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.

66. 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).

67. Builder and PCA Details Required

Notification in writing of the builder's name, address, telephone and fax numbers to be submitted to the Principal Certifying Authority prior to work commencing.

Two days before work commences, Council shall be notified of the Principal Certifying Authority in accordance with the Regulations.

DURING CONSTRUCTION

68. 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.

69. Further contamination assessment

A contamination assessment of the soils shall be carried out in areas that were inaccessible at the time of the initial contamination assessment. A copy of the assessment shall be submitted to Council's Manager – Environment & Health.

70. Contamination

Ground conditions are to be monitored and should evidence such as, but not limited to, imported fill and/or inappropriate waste disposal indicate the likely presence of contamination on site, works are to cease, Council's Manager- Environment and Health is to be notified and a site contamination investigation is to be carried out in accordance with State Environmental Planning Policy 55 – Remediation of Land.

The report is to be submitted to Council's Manager – Environment and Health for review prior to works recommencing on site.

71. 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).* A construction noise management plan shall be developed and made available in the event of complaints of excessive noise.

72. 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.

73. Survey Report

Survey Certificate to be submitted to the Principal Certifying Authority at footings and/or formwork stage. The certificate shall indicate the location of the building in relation to all boundaries, and shall confirm the floor level prior to any work proceeding on the building.

74. Compliance with BASIX Certificate

Under clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all commitments listed in BASIX Certificate No. 658108M_03 are to be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

A Section 96 Application **may** be required should the subsequent version of this BASIX Certificate necessitate design changes to the development. However, a Section 96 Application **will** be required for a BASIX Certificate with a new number.

75. Compliance with Critical Stage Inspections and Other Inspections Nominated by the Principal Certifying Authority

Section 109E(3)(d) 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.

76. Landscaping Works

Landscaping works, associated plantings and the construction of any retaining walls are to be undertaken generally in accordance with the approved plans.

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

77. Compliance with NSW Department of Primary Industries – Water Requirements

A letter from the NSW Department of Primary Industries – Water must be submitted confirming that all works associated with the Controlled Activity Authority have been completed to their satisfaction.

78. Planning Agreement

Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979, the obligations in the Planning Agreement between The Hills Shire Council and Hills Christian Life Centre Limited and Capital Corporation (Waterside) Pty Ltd must be performed in accordance with the terms of the Planning Agreement. This includes, but is not limited to, the payment of monetary contributions in accordance with the Planning Agreement, valued at \$3,130,000.00 (indexed in accordance with the Planning Agreement) for the first 240 units, as well as an additional amount of \$13,041.67 (indexed in accordance with the Planning Agreement) for the additional 27 units proposed in excess of 240 units.

79. Internal Pavement Construction

Prior to an Occupation Certificate being issued, a Certified Practicing Engineer (CPEng) must submit a letter to Council confirming that the internal pavement has been constructed in accordance to the approved plans, and is suitable for use by a loaded heavy rigid waste collection vehicle.

80. Final Inspection of Waste Storage Areas

Prior to an Occupation Certificate being issued, a final inspection of the waste storage areas and management facilities must be undertaken by Council. This is to ensure compliance with design specifications specified in other conditions of this consent and that necessary arrangements are in place for waste collection by Council. Please telephone Council on (02) 9843 0310 to arrange this inspection.

NOTE: The garbage chute systems must be fully operational at the time of the inspection.

81. Agreement for Onsite Waste Collection

Prior to an Occupation Certificate being issued, an Indemnity Agreement is to be obtained from Council, completed, signed and returned to Council for approval. This is to enable Council and its contractor to enter onto private property with its collection vehicles to enable it to collect waste and recyclables.

82. Landscaping Prior to Issue of Occupation Certificate

Landscaping of the site shall be carried out prior to issue of the Final Occupation Certificate (within each stage if applicable) in accordance with the Landscape Plans prepared by Scape Design. All landscaping is to be maintained at all times in accordance with THDCP Part C, Section 3 – Landscaping and the approved landscape plan.

83. Section 73 Compliance Certificate

A Section 73 Compliance Certificate issued under the Sydney Water Act 1994 must be obtained from Sydney Water confirming satisfactory arrangements have been made for the provision of water and sewer services. Application must be made through an authorised Water Servicing Coordinator. The certificate must refer to this development consent and all of the lots created.

Sydney Water's guidelines provide for assumed concurrence for the strata subdivision of a development approved by an earlier consent covered by a compliance certificate.

84. Provision of Electrical Services

Submission of a notification of arrangement certificate confirming satisfactory arrangements have been made for the provision of electrical services. This must include the under-grounding of the existing electrical services fronting the site and removal of all redundant poles and cables, unless otherwise approved by Council in writing. The certificate must refer to this development consent and all of the lots created.

85. Provision of Telecommunication Services

Submission of a telecommunications infrastructure provisioning confirmation certificate issued by the relevant telecommunications provider authorised under the Telecommunications Act, or a design compliance certificate and an as-built compliance certificate from the company engaged to design and construct the pit and pipe infrastructure, confirming satisfactory arrangements have been made for the provision, or relocation, of telecommunication services including telecommunications cables and associated infrastructure. This must include the under-grounding of the existing telecommunication services fronting the site and removal of all redundant poles and cables, unless otherwise approved by Council in writing. The certificate must refer to this development consent and all of the lots created.

86. Subdivision Certificate Application

When submitted, the Subdivision Certificate application must include:

- One copy of the final plan.
- The original administration sheet and Section 88B instrument.
- All certificates and supplementary information required by this consent.
- An AutoCAD copy of final plan (GDA 1994 MGA94 Zone56).

87. Amendment of Existing Easement

The existing easement for public access must be amended to reflect the approved building extent. As Council is listed as the benefiting authority, the relevant release or amendment documentation must be submitted along with payment of the applicable fee as per Council's Schedule of Fees and Charges.

88. Building Adjacent to Proposed Boundary

Where any part of an existing/ partially constructed building is located within 2m of a proposed boundary the location of such must be determined by a registered surveyor and shown on the final plan.

89. Building Services

A letter from a registered surveyor must be submitted certifying that all facilities servicing the existing/ partially constructed buildings are located wholly within their respective lot or are otherwise contained within a suitable easement.

90. Final Plan and Section 88B Instrument

The final plan and Section 88B Instrument must provide for the following. Council's standard recitals must be used.

a) Easement - Right of Access/ Easement for Services

A right of access/ easement for services must be created over the three stratum lots to address access through separate lots and to provide for the shared used of infrastructure (such as parking) as required by this consent. These types of matters must be addressed

via a combination of the final plan, the implied easements created via stratum subdivision and the building (or strata) management plan.

b) Restriction - Flood Planning Level

All three lots must be burdened with a restriction that refers to the flood information submitted with the development application using the "flood planning level" terms included in the standard recitals.

c) Restriction - Bedroom Numbers

Lot 3 must be burdened with a restriction using the "bedroom numbers" terms included in the standard recitals.

d) Covenant - Onsite Waste Collection

All three lots must be burdened with a positive covenant relating to onsite waste collection using the "onsite waste collection" terms included in the standard recitals.

e) Restriction/Covenant - Onsite Stormwater Detention

All three lots must be burdened with a restriction and a positive covenant using the "onsite stormwater detention systems" terms included in the standard recitals.

f) Restriction/ Covenant - Water Sensitive Urban Design

All three lots must be burdened with a restriction and a positive covenant that refers to the WSUD elements referred to earlier in this consent using the "water sensitive urban design elements" terms included in the standard recitals.

g) Covenant - Parking Spaces - Access/ Dual Use

All three lots must be burdened with a positive covenant relating to the shared use of parking spaces throughout the development along with access to the same, as per the information provided with the traffic report by TDG and the carpark management report prepared by InterPark and submitted with the development application and the condition titled "Parking Spaces – Access/ Dual Use" included earlier.

91. 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.

92. Public Infrastructure Inventory Report - Post Construction

Before an Occupation Certificate is issued, an updated public infrastructure inventory 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.

93. OSD System Certification

The Onsite Stormwater Detention (OSD) system must be completed to the satisfaction of the Principal Certifying Authority (PCA) prior to the issuing of an Occupation Certificate. The following documentation is required to be submitted upon completion of the OSD system and prior to a final inspection:

- Works as executed plans prepared on a copy of the approved plans;
- A certificate of hydraulic compliance (Form B.11) from a suitably qualified engineer or surveyor verifying that the constructed OSD system will function hydraulically;
- A certificate of structural adequacy from a suitably qualified structural engineer verifying that the structures associated with the constructed OSD 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.

94. 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.

THE USE OF THE SITE

95. 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.

96. Operational hours for Property and Garden Maintenance

The use of power tools for the maintenance of the grounds and buildings is restricted to within 7am and 8pm Monday to Saturday and 8am and 8pm Sunday and Public Holidays.

97. Waste and Recycling Management

To ensure the adequate storage and collection of waste from the occupation or use of the premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area, which includes 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. Under no circumstances should waste storage containers be stored in locations that restrict access to any of the car parking spaces provided onsite.

98. Waste and Recycling Collection

All waste generated onsite 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.

99. Maintenance of Landscaping Works

The landscaping works, associated plantings and construction of retaining walls are to be effectively maintained at all times and throughout the life of the development.

APPENDIX A



Contact: Gina Potter 02 8838 7566 Phone: Fax: 02 8838 7554

Gina.Potter@dpi.nsw.gov.au 10 ERM2016/0217 Email:

Our ref:

Our file:

Your ref: DA206/1395/JP

The General Manager The Hills Shire Council PO Box 75 Castle Hill NSW 1765

Attention: James McBride

5 May 2016

Dear Sir/Madam

Re: Integrated Development Referral – General Terms of Approval

Dev Ref: DA206/1395/JP

Description of proposed activity: Demolition & construction of mixed use buildings

16 & 19 storeys residential units and ground floor retail & 3 levels of

commercial

Site location: 11-13 Solent Circuit Baulkham Hills

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the subject property. Attached, please find DPI Water's (formerly the NSW Office of Water) General Terms of Approval (GTA) for works requiring a controlled activity approval under the Water Management Act 2000 (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A (3) of the Environmental Planning and Assessment Act 1979 (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, DPI Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- DPI Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works on waterfront land (which includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary).
- Once notified, DPI Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.

www.water.nsw.gov.au Macquarie Tower, 10 Valentine Avenue, Parramatta NSW 2150 | Locked Bag 5123, Parramatta NSW 2124 | I e water.enquiries@dpi.nsw.gov.au
Template Ref: CAA04, Version 1.2 – July 2015

- DPI Water should be notified if Council receives an application to modify the development consent and the modifications change any activities on waterfront land.
- DPI Water requests notification of any legal challenge to the consent.

As the controlled activity to be carried out on waterfront land cannot commence before the applicant applies for and obtains a controlled activity approval, DPI Water recommends the following condition be included in the development consent:

"The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council".

The attached GTA are not the controlled activity approval. The applicant must apply (to DPI Water) for a controlled activity approval after consent has been issued by Council and before the commencement of any work or activity on waterfront land.

Finalisation of a controlled activity approval can take up to eight (8) weeks from the date DPI Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form for a controlled activity approval together with any required plans, documents, the appropriate fee and security deposit or bank guarantee (if required by the Office or Water) and proof of Council's development consent.

Application forms for the controlled activity approval are available from the undersigned or from DPI Water's website:

www.water.nsw.gov.au

Water licensing > Approvals > Controlled activities

DPI Water requests that Council provide a copy of this letter to the applicant.

DPI Water also requests that Council provides DPI Water with a copy of the determination for this development application as required under section 91A (6) of the EPA Act.

Yours Sincerely

Gina Potter

Water Regulation Officer

Water Regulatory Operations, WR Operations - Hunter, Sydney & South Coast NSW Department of Primary Industries - DPI Water

General Terms of Approval for work requiring a controlled activity approval under s91 of the Water Management Act 2000

Number	Condition			File No:	
Site Address:		11-13 Solent Circuit Baulkham Hills			
DA Number:		DA206/1395/JP			
LGA:		The Hills Shire Council			
Plans, stan	dards and guide	lines			
1	These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA206/1395/JP and provided by Council:				
	(i) Site plan, map and/or surveys				
	Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified DPI Water (formerly the NSW Office of Water) must be notified to determine if any variations to these GTA will be required.				
2	Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from DPI Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.				
3	The consent holder must prepare or commission the preparation of:				
	(i) Erosion and Sediment Control Plan				
	(ii) Soil and Water Management Plan				
4	N/A				
5	The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to DPI Water.				
6	N/A				
7	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the DPI Water.				
8	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to DPI Water as required.				
9-13	N/A				
14	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by DPI Water.				
15-16	N/A				
17	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by DPI Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.				

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Number	Condition	File No:		
Excavation				
18	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by DPI Water.			
19-27	N/A			
Groundwat	er			
28	The consent holder must ensure that any construction below ground level does not result in the need for permanent dewatering, other than in accordance with licence conditions approved by DPI Water.			
END OF CO	ONDITIONS			

ATTACHMENTS

- 1. Locality Plan
- Aerial Photograph 2.
- 3. LEP 2012 Zoning Map
- 4. LEP 2012 Floor Space Ratio Map
- 5. LEP 2012 Height of Building Map
- Site Plan 6.
- 7. Ground Floor Plan
- North Elevation 8.
- 9. South Elevation
- 10. **East Elevation**
- West Elevation 11.
- 12. **Building A South Elevation**
- 13. **Building B North Elevation**
- 14.
- Landscape Plan Ground Floor Landscape Plan Podium Level 15.
- Shadow Diagrams 16.
- 17. Perspective

ATTACHMENT 1 - LOCALITY PLAN



SUBJECT SITE

✓ PROPERTIES NOTIFIED

SUBMISSIONS RECEIVED

NOTE: THE HILLS DISTRICT HISTORICAL SOCIETY ALSO NOTIFIED

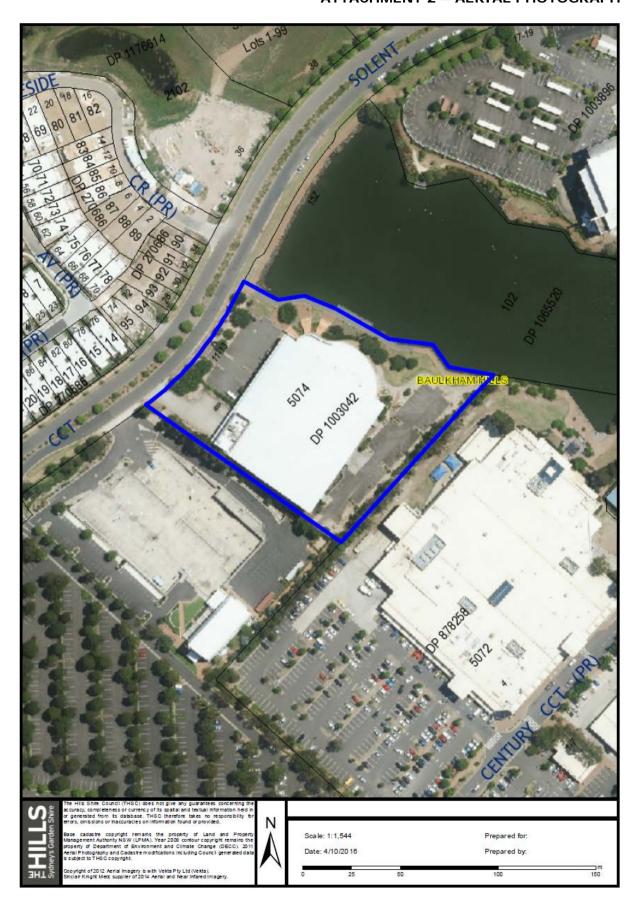
SIX OBJECTORS AND ONE IN FAVOUR OF THE DEVELOPMENT RECEIVED OFF THE SCOPE OF THIS MAP



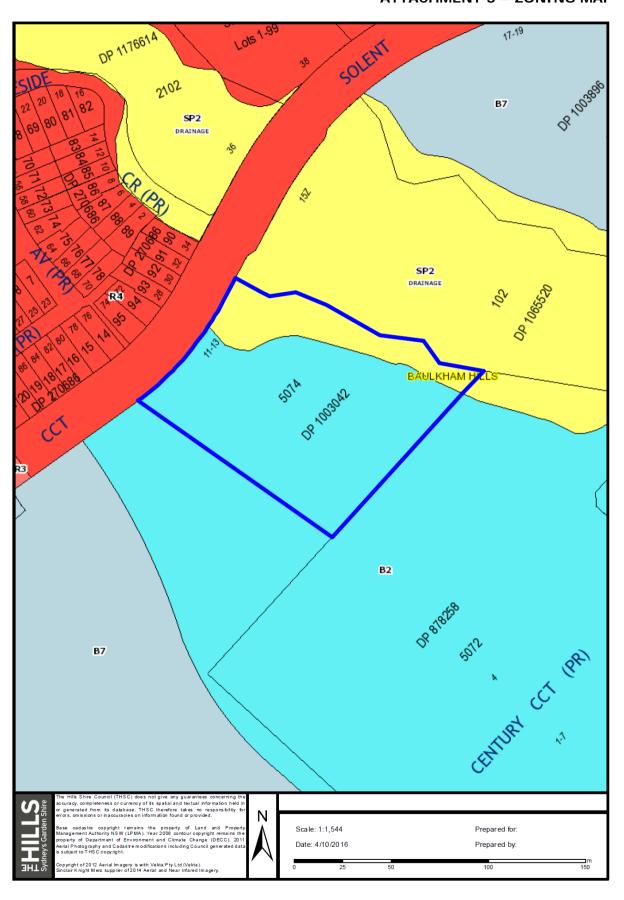
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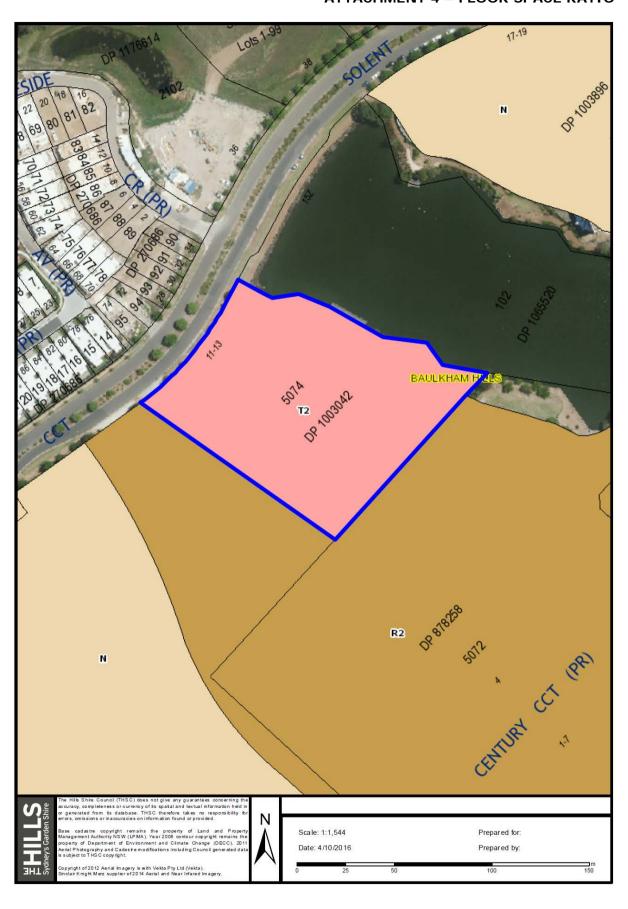
ATTACHMENT 2 - AERIAL PHOTOGRAPH



ATTACHMENT 3 - ZONING MAP

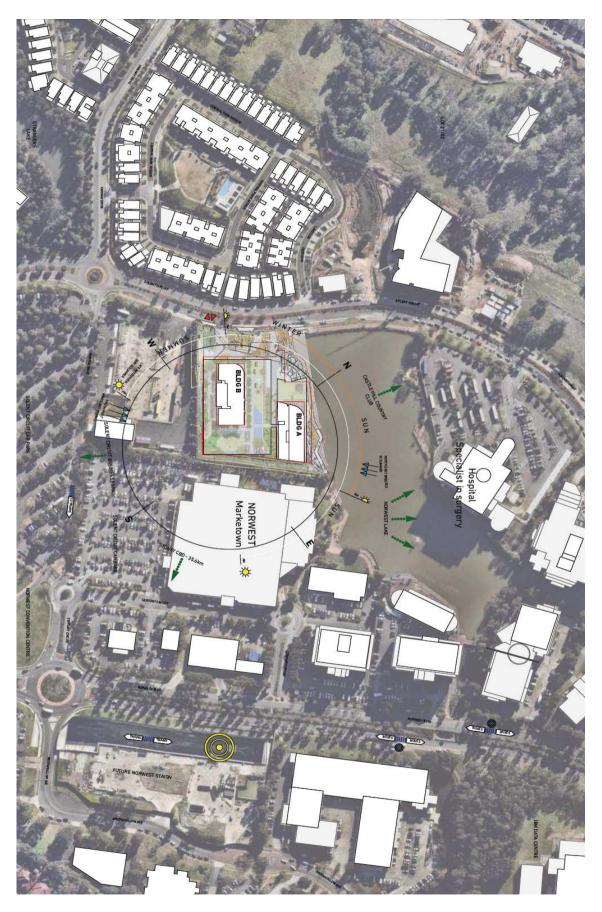


ATTACHMENT 4 - FLOOR SPACE RATIO

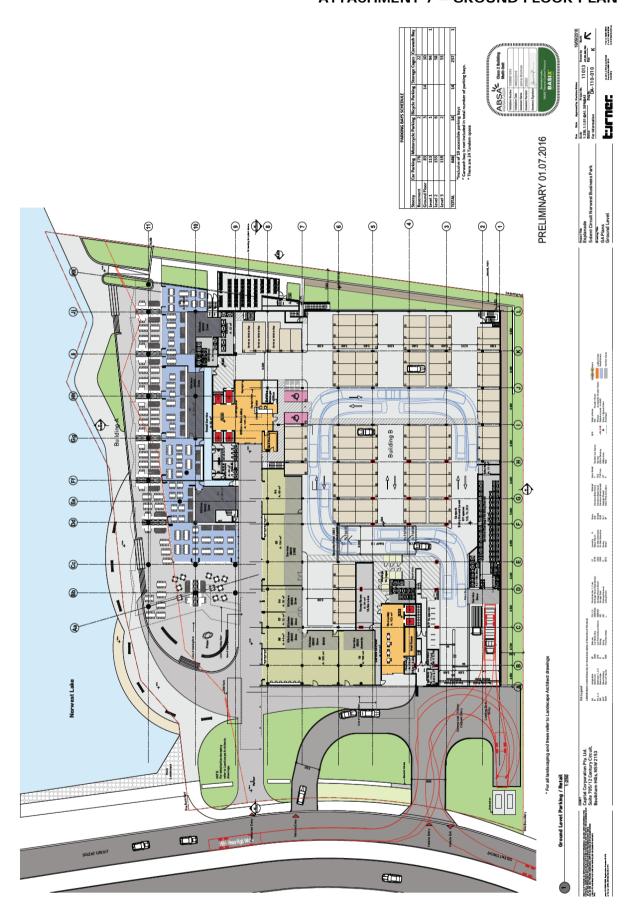


ATTACHMENT 5 - HEIGHT OF BUILDING MAP

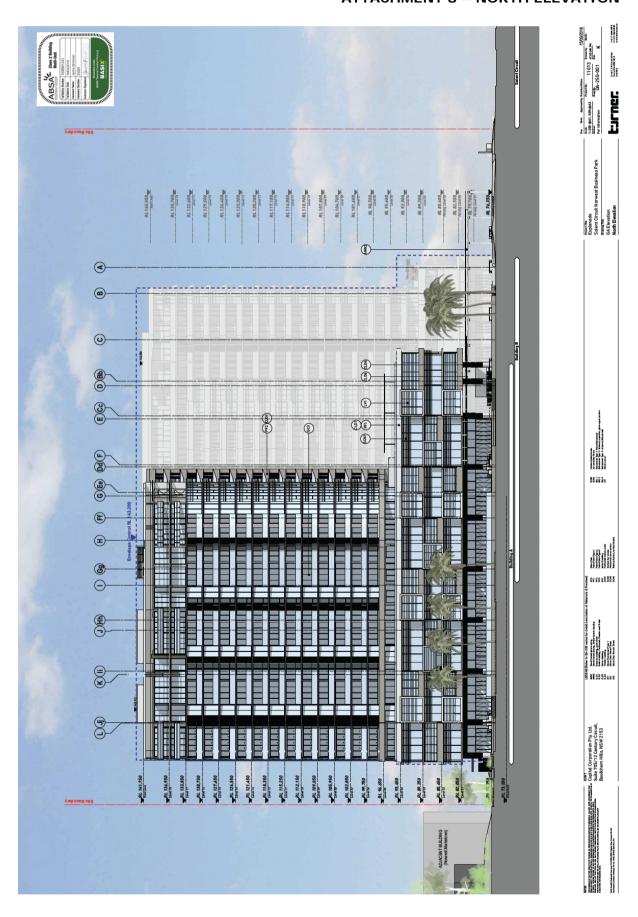




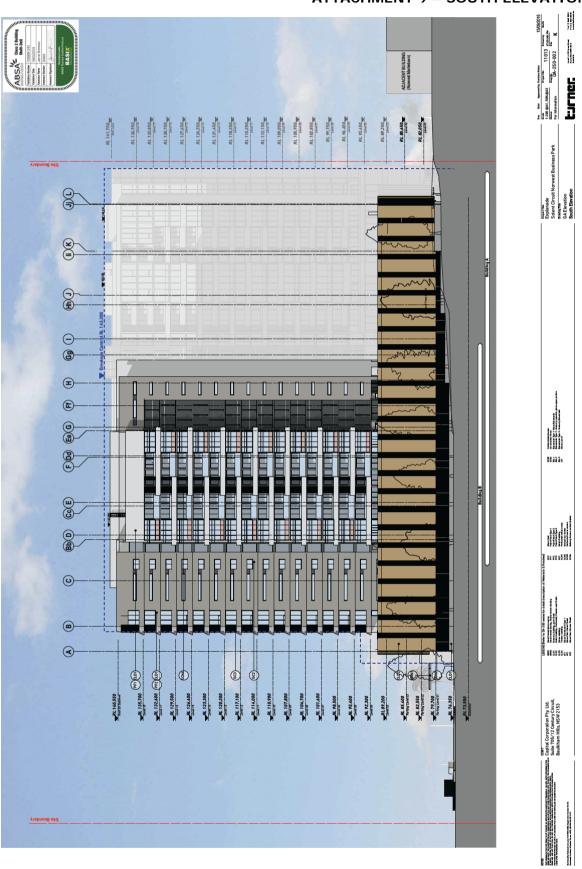
ATTACHMENT 7 - GROUND FLOOR PLAN



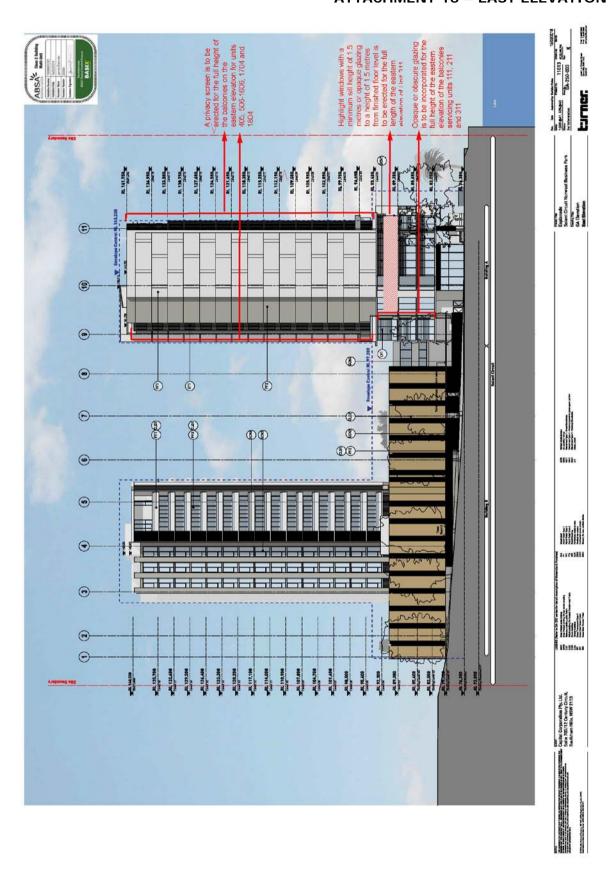
ATTACHMENT 8 - NORTH ELEVATION



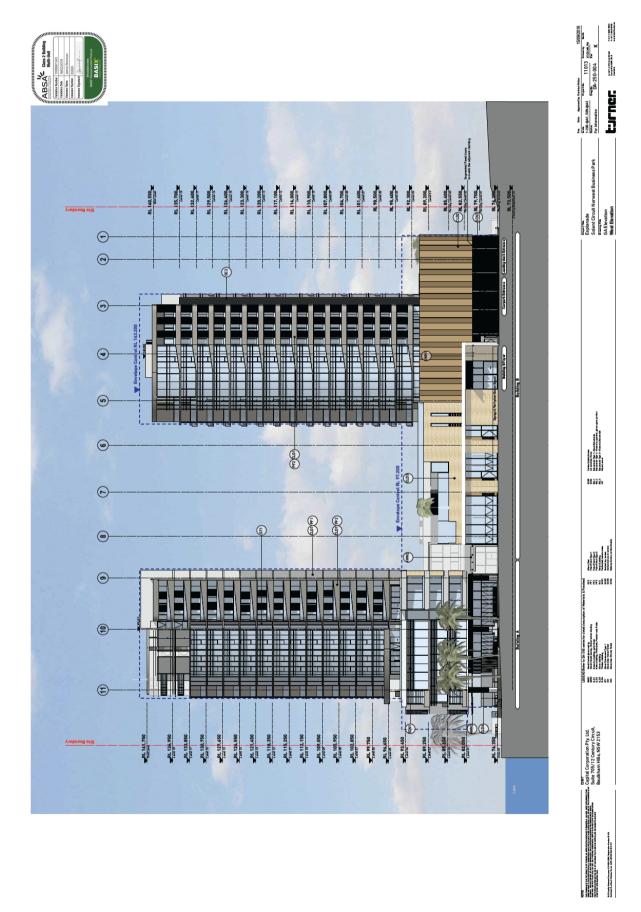
ATTACHMENT 9 - SOUTH ELEVATION



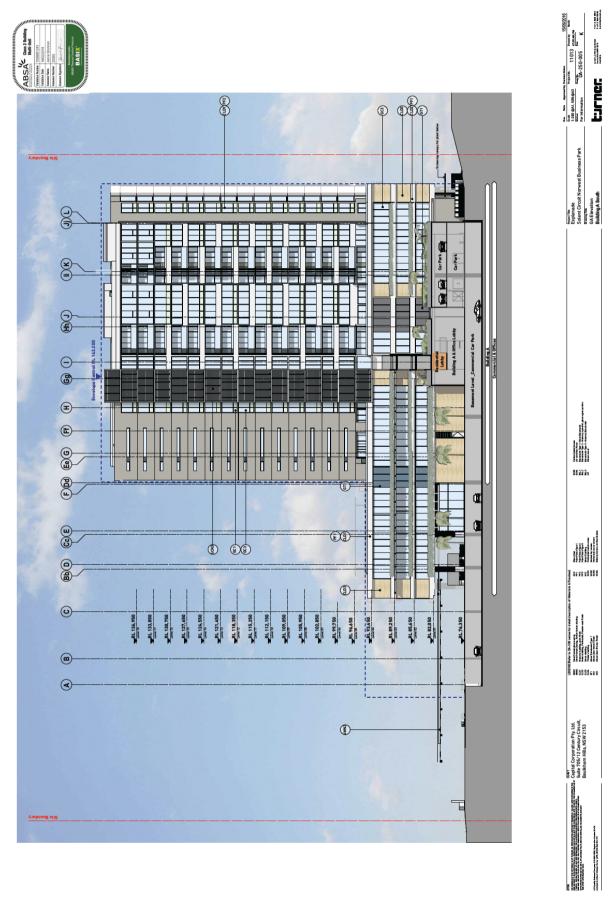
ATTACHMENT 10 - EAST ELEVATION



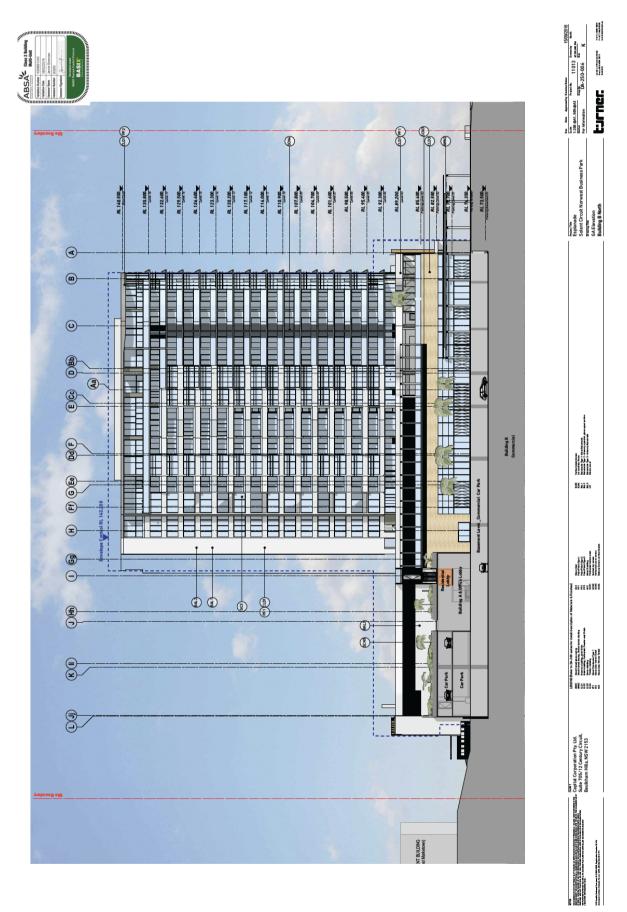
ATTACHMENT 11 - WEST ELEVATION



ATTACHMENT 12- BUILDING A SOUTH ELEVATION



ATTACHMENT 13- BUILDING B NORTH ELEVATION



ATTACHMENT 14- LANDSCAPE PLAN - GROUNDFLOOR



ATTACHMENT 15- LANDSCAPE PLAN - PODIUM LEVEL



ATTACHMENT 16- SHADOW DIAGRAMS







ATTACHMENT 16- SHADOW DIAGRAMS







ATTACHMENT 17- PERSPECTIVE



Note: Indicative perspective of original design, not reflective of amended plans which result in the reduction of massing to the eastern side of Building B.