

## FURTHER COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	2018SWC028
<b>DA Number</b>	1235/2018/JP
<b>LGA</b>	The Hills Shire Council
<b>Proposed Development</b>	Construction of four 6 - 25 storey residential flat buildings comprising 290 units, a neighbourhood shop and four levels of basement car parking
<b>Street Address</b>	Lot 1 DP 866565 7 Maitland Place, Bella Vista
<b>Applicant/Owner</b>	7 Norwest Pty Ltd
<b>Consultant/s</b>	Dowling Urban Pty Ltd Craig & Rhodes Turner Arcadia Efficient Living Renzo Tonin Vista Access Architects Naturally Trees Norman, Disney and Young JHA Services Eco Logical Australia EI Australia AT & L Traffix Elephants Foot CPP TTPP Transport Planning
<b>Date of DA lodgement</b>	21 December 2017
<b>Number of Submissions</b>	Seven
<b>Recommendation</b>	Approval
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011</b>	CIV exceeding \$30 million (\$138,206,735)
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development</li> <li>• State Environmental Planning Policy Infrastructure 2008</li> <li>• State Environmental Planning Policy No 55 — Remediation of Land</li> <li>• The Hills Local Environmental Plan 2012</li> <li>• The Hills Development Control Plan 2012</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Original Development Assessment Report dated 19 September 2019</li> <li>• Traffic Report by Council Officers</li> <li>• Traffic Report by Applicant's Traffic Engineer</li> </ul>
<b>Report prepared by</b>	Cynthia Dugan Development Assessment Co-ordinator

<b>Report date</b>	12 December 2019
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#### Summary of s4.15 matters

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

#### Legislative clauses requiring consent authority satisfaction

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

#### Clause 4.6 Exceptions to development standards

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

#### Special Infrastructure Contributions

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

#### Conditions

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

### EXECUTIVE SUMMARY

The Development Application is for the construction of four 6 – 25 storey residential flat buildings comprising 290 units (comprising 73 x 1 bedroom units, 157 x 2 bedroom units and 60 x 3 bedroom units), a neighbourhood shop comprising a floor area of 97m<sup>2</sup> and four levels of basement car parking containing 473 car parking spaces.

The Development Application was referred to the Sydney Central City Planning Panel on 19 September 2019. The Panel considered the Development Application and “*was not satisfied with the assessment provided on the impacts of the application on Spurway Drive*”. In this regard, the Panel resolved the following:

*“The Panel defers determination of the application until it receives a further report from Council’s traffic specialists on the impacts of this development application on traffic on Spurway Drive. The report is to consider both operational and environmental impacts in the pre and post upgrading conditions on Spurway Drive.*

*When this information has been received, the Panel will hold another public determination meeting.”*

Council’s Infrastructure Planning Manager, has provided a report on the impacts of this development application on traffic on Spurway Drive as required by the Panel (Attachment 2). The report concludes that the proposed development would result in negligible impacts to the overall impact to traffic congestion issues within the Norwest Business Park. Whilst the proposed development would result in an increase to the current volume of 100 Annual Average Daily Traffic (AADT) vehicle movements on Spurway Drive, Spurway Drive is a minor collector road that will ultimately connect Windsor Road to Fairway Drive. Currently Spurway Drive does not connect to Fairway Drive, so traffic volumes remain very low. The future final connection is dependent on the approved Orchards Development at 47 Spurway Drive. No time frame has been given for that connection. The proposed link from Maitland Place will supply the link that allows the largest proportion of expected traffic leaving the Business Park in the afternoon peak, to access Spurway Drive. This daily traffic volume will reach 3,000 movements almost immediately and will increase to 5,000 movements once

Spurway Drive connects to Fairway Drive. This is consistent with the environmental capacity of a minor collector road which averages between 3,000 to 8,000 daily movements.

The intersection at Spurway Drive and Windsor Road restricts turning movements to a left in/left out arrangement and as a result will not become an alternative entry to the wider Business Park during the morning peak periods. In the afternoon peak period, Spurway Drive will provide an alternative exit for motorists to leave the Business Park, however traffic exiting Spurway Drive will have limited opportunities due to heavy afternoon north bound flows along Windsor Road. In this regard, the proposed development will not exacerbate traffic congestion issues for the planned road network within Norwest Business Park.

The proposal is also consistent with the planning proposal for the site which envisaged a yield of approximately 370 dwellings for 2-6 Maitland Place and the subject site at 7 Maitland Place. When this is apportioned for the subject site, this is approximately 300 dwellings for the subject site. The proposed development provides for 290 dwellings which is less than the yield envisaged.

Whilst submissions were received during the notification periods relating to traffic impacts on Spurway Drive, the issues have been addressed under the subject report and as detailed in the original assessment report (Attachment 1) and do not warrant refusal of the application.

The application is recommended for approval subject to conditions.

## **BACKGROUND**

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

The Hills Local Environmental Plan 2012 was amended as follows:

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

The amendment envisaged an increased residential density on the 2-6 and 7 Maitland Place site of approximately 370 units. It is noted that a Development Application was lodged on 26 February 2018 for a 23 storey residential flat building at No. 2-6 Maitland Place under

Development Application No. 1573/2019/JF. This development was refused by the Sydney Central City Planning Panel on 28 August 2019. This proposal is to the south of the subject development application and also formed part of the above mentioned Planning Proposal.

It is noted that the original planning proposal (prior to Gateway Determination) assumed that both properties would develop as one amalgamated site. However, the individual properties comprising the site (being 2-6 Maitland Place and 7 Maitland Place) came into separate ownership following Gateway Determination. The following figure indicates this original proposal.



Figure 1: Concept plans as originally submitted under Planning Proposal 5/2016/PLP

It is also noted that the planning proposal resulted in a Voluntary Planning Agreement (9/2018/VPA) between Council and the owners of the subject site at 7 Maitland Place for a total contribution value of \$7.8 million comprising the construction and dedication of a new local road through the site to connect to Spurway Drive at no cost to Council, as well as a monetary contribution towards traffic, open space and public domain works to be completed in the future.

The works required under the Voluntary Planning for the new local road (Maitland Place extension) were approved on 6 June 2019 under Development Application No. 2267/2018/ZA at Lot 1 DP 866565 7 Maitland Place, Norwest. The consent also included a subdivision creating two mixed use development lots (proposed Lot 10) comprising an area of 9,625m<sup>2</sup> and mixed use lot (proposed Lot 11) comprising an area of 4,953m<sup>2</sup>. The subject application is proposed on the western lot, Lot 10 which is zoned R4 High Density Residential and has a site area of 9,834m<sup>2</sup>. The extension of Maitland Place would be constructed in its entirety to an enhanced collector public road standard (with a 13m wide carriageway) between Maitland Place (existing) and Spurway Drive and dedicated to Council as a public road. It is noted that physical connection to Spurway Drive (currently a private road) will not occur until Spurway Drive is upgraded and dedicated as a public road as required in Development Consent 634/2017/ZB over Lot 2 DP 1246113.

Development Application No. 634/2017/ZB at Lot 101 DP 1176747, Lot 32 DP 247442, Lot 33 DP 247442 Lots 32-33 DP 247442, Private Road and Seventh Day Adventist Church, RMB 47 Spurway Drive, Baulkham Hills was approved on 29 August 2017 for the Subdivision creation two residue lots including a new road. The new road known as



Spurway Drive (Lot 2) is to be dedicated as a public road to Council. The subject application contains a northern frontage to this new road (Spurway Drive).

All structures within the subject site will be demolished as part of Complying Development Certificate 944/2018/PCDA issued 5/3/2018.

In response to the request for additional information letters and recommendations of the Design Excellence Panel, significant changes were made to the design. In particular the relocation of the taller 25 storey tower element from the south western corner to the south eastern corner and change in materials of the 'link building'. Therefore the proposal was renotified on two more occasions.

The Development Application was referred to the Sydney Central City Planning Panel on 19 September 2019 for determination. The Panel resolved to defer the Development Application until a further traffic report is submitted addressing impacts to traffic on Spurway Drive as per the resolution indicated in the executive summary.

On 8 October 2019, a traffic report was submitted by a Traffic Consultant engaged by the Applicant.

An Internal Traffic Report was finalised by Council Officers on 11 November 2019 following a preliminary review on 18 October 2019.

#### **DETAILS AND SUBMISSIONS**

Owner:	7 Norwest Pty Ltd
Zoning:	B7 Business Park and R4 High Density Residential
Area:	17,390m <sup>2</sup> (Total Site Area) 9,834m <sup>2</sup> (R4 High Density Residential)
Existing Development:	Vacant land within the R4 zoned land. Commercial/industrial building within the B7 zoned land.
Contributions	A Planning Agreement is in place which requires a total contribution value of \$7.8 million comprising the construction and dedication of a new local road through the site to connect to Spurway Drive at no cost to Council, as well as a monetary contribution towards traffic, open space and public domain works to be completed in the future (refer Attachment 15).
Notification:	14 days (on 3 occasions) 1 <sup>st</sup> notification period: 15 January 2018 - 6 February 2018 2 <sup>nd</sup> notification period: 8 January 2019 – 29 January 2019 3 <sup>rd</sup> notification period: 24 April 2019 - 15 May 2019
Notice Adj Owners:	1 <sup>st</sup> – Yes, 14 days 2 <sup>nd</sup> – Yes, 14 days 3 <sup>rd</sup> – Yes, 14 days
Number Advised:	1 <sup>st</sup> – 109 2 <sup>nd</sup> – 298

	3 <sup>rd</sup> – 298
Submissions Received:	1 <sup>st</sup> – One 2 <sup>nd</sup> – Four (One from a previous property owner) 3 <sup>rd</sup> – Three

## PROPOSAL

The subject application seeks consent for the construction of residential flat buildings comprising 290 units (3 x 1 bedroom, 157 x 2 bedroom and 60 x 3 bedroom units) on the R4 High Density Residential zoned portion of the land. The proposal comprises of four built forms known as Building 1a (5/6 storeys), Building 1b (5/6 storeys), Building 2a (14 storeys) and Building 2c (25 storeys). Building 2b (9/11 storeys) connects Building 2a and 2c.

A neighbourhood shop comprising a Gross Floor Area of 97m<sup>2</sup> is proposed on the ground floor.

A basement carpark comprising four levels which services all residential flat buildings. A total of 473 car spaces are proposed including 409 residential car spaces (including 38 tandem spaces), 58 visitor spaces and 6 staff space for the neighbourhood shop. 15 adaptable spaces are included in the car parking provided.

Vehicle access will be provided to the basement car park via a single driveway and ramp off Maitland Place.

Communal Open Space is provided within a centrally located ground level communal courtyard and rooftop gardens on Buildings 1a and 1b (level 6), Building 2b (level 9) and Building 2c (level 24).

A maximum height of RL 112.80 is proposed for Buildings 1a and 1b fronting Spurway Drive. A maximum height of RL 131.90 is proposed for Building 2a. A maximum height of RL 170 is proposed for the top of parapet height of Building 2c. The Application seeks to apply Clause 5.6 Architectural roof features for the 1m parapet on the roof that exceeds the height development standard.

The proposal seeks to utilise the ‘incentivised’ floor space ratio provision under Clause 7.12 of The Hills LEP 2012. The proposed total floor area of 29,502m<sup>2</sup> results in a floor space ratio of 3:1.

## ISSUES FOR CONSIDERATION

All issues for consideration have been addressed in the original assessment report (refer Attachment 1). A further assessment on the impacts of this development application on traffic on Spurway Drive is detailed below.

### 1. TRAFFIC MANAGEMENT COMMENTS

Council’s Manager – Infrastructure Planning has reviewed the Development Application and the following comments are provided:

Spurway Drive is a minor collector road that will ultimately connect Windsor Rd to Fairway Drive (see Figure 2 below).



Figure 2: Aerial map indicating existing road network surrounding the site.

The connection at Fairway Drive will permit all turning movements, but the intersection at Windsor Rd will only ever be a left in / left out arrangement as Windsor Road already has a right turn facility opposite the Spurway Drive intersection, and that right turn lane provides storage capacity for the entry into Norwest Boulevard (see Figure 3 below). It would be impossible to construct another right turn lane facility within the existing right turn lane.



Figure 3: Aerial map indicating restricted traffic movements at Spurway Drive to Windsor Road.

As a result Spurway Drive will not become an alternative entry to the wider Business Park precinct, so the morning peak traffic volume will be comparatively low. A different situation will exist in the afternoon peak where Spurway Drive will provide an alternative exit for motorists to leave the Business Park. However as the intersection will not have traffic signals, that exit will be affected by the traffic signals at Norwest Boulevard to the south. In simple terms, traffic exiting Spurway Drive will have limited opportunities because of the heavy afternoon north bound flows along Windsor Rd. The expected daily traffic volume for Spurway Drive under these conditions will be around 5,000 movements, which is well within the environmental capacity of a minor collector road (3,000 to 8,000 daily movements).

Spurway Drive does not connect to Fairway Drive as a through route at present, so traffic volumes remain very low. The future final connection between each half of Spurway Drive is dependent on the development of additional apartment buildings near the golf club, and no time frame has been given for that connection. However the proposed link from Maitland Place to the eastern half of Spurway Drive will effectively supply the link that allows the largest proportion of expected traffic leaving the Business Park in the afternoon peak, to access this local road. This connection will result in the daily traffic volume reaching 3,000

movements almost immediately. When the missing section of Spurway Drive is also built, the daily volume will increase steadily over time to the 5,000 movements projected, mostly due to local residents heading home from Windsor Road to the adjacent precincts.

When the road network is complete, there will be two intersections along the southern side of Spurway Drive – one at Natura Rise already exists, and the second is proposed to be built as an extension to Maitland Place. There one existing intersection on the northern side of the road at Stonemason Drive, and three existing entry points to the retirement village. At full development there will be two further road connections on the northern side of Spurway Drive (Rosetta Cr and Walker Av) as can be seen on the zoning plan below. However these additional connections will have little impact on traffic volumes in the street, particularly the eastern half of Spurway Drive, because of the right turn restrictions at Windsor Rd – Spurway Drive simply does not provide a significant “short cut” for through traffic, but will provide access for local residents travelling home in the afternoon peak from the south – as was planned for this minor collector road.



Figure 4: Zoning Map showing future road network connecting Spurway drive to Fairway Drive.

Intersection safety has been investigated at all existing junctions along Spurway Drive, and there are no issues with safe intersection sight distance for the General Urban Speed Limit of 50 km per hour. Most of the intersections have sufficient sight distance for well beyond that speed limit. The future connections of Rosetta Cr and Walker Ave will also have to satisfy that criteria when they are built. There will be opportunities to provide physical constraints to traffic speed in the form of LATM should the need arise when Spurway Drive is fully connected, but this will be assessed in the future, in full consultation with local residents.

Pedestrian access has been addressed both in the short term and long term with a concrete footpath (1.5m wide) and a shared path (2.5m wide) adjacent to the new road carriageway. Opportunities will again exist in the future to provide priority pedestrian crossing facilities at critical locations along Spurway Drive, notably adjacent to the retirement village, when the adjacent residential development at the Orchards is complete.

The traffic impacts from the subject development application to Spurway Drive which is a minor collector road is considered negligible and will not exacerbate traffic congestion issues for the planned road network within Norwest Business Park. In this regard, the traffic impacts have been addressed as satisfactory and refusal of the application is not warranted.



## CONCLUSION

The proposal has been assessed in this report and the original assessment report (Attachment 1) as having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979, SEPP 55, LEP 2012 and The Hills Development Control Plan and is considered satisfactory.

The variation to the LEP Height control is addressed as satisfactory under Clause 5.6 Architectural Roof Features.

The proposal has been assessed against the requirements of The Hills DCP 2012 and the variations identified with respect to front setbacks, building length and car parking have been assessed as satisfactory as the proposal meet the objectives of the controls.

The issues raised in the submissions including the traffic impacts to Spurway Drive have been addressed and refusal of the application is not warranted.

Accordingly approval is recommended subject to conditions.

## IMPACTS:

### Financial

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

### The Hills Future - Community Strategic Plan

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

## RECOMMENDATION

The Development Application be approved subject to the following conditions.

## GENERAL MATTERS

### 1. Development in Accordance with Submitted Plans

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

## REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	PREPARED BY	REVISION	DATE
DA-110-004	GA Plans Basement 03	Turner	O	5/8/2019
DA-110-005	GA Plans Basement 02	Turner	O	5/8/2019
DA-110-006	GA Plans Basement 01	Turner	O	5/8/2019
DA-110-007	GA Plans Lower Ground	Turner	Q	21/8/2019
DA-110-008	GA Plans Ground Level	Turner	N	1/3/2019



DA-110-010	GA Plans Level 01	Turner	N	1/3/2019
DA-110-020	GA Plans Level 02	Turner	N	1/3/2019
DA-110-030	GA Plans Levels 03-05	Turner	N	1/3/2019
DA-110-060	GA Plans Level 06	Turner	N	1/3/2019
DA-110-090	GA Plans Level 09	Turner	N	1/3/2019
DA-110-100	GA Plans Levels 10-11	Turner	N	1/3/2019
DA-110-120	GA Plans Level 12	Turner	N	1/3/2019
DA-110-130	GA Plans Level 13	Turner	N	1/3/2019
DA-110-140	GA Plans Level 14-16	Turner	N	1/3/2019
DA-110-170	GA Plans Level 17-20	Turner	N	1/3/2019
DA-110-210	GA Plans Level 21-23	Turner	N	1/3/2019
DA-110-240	GA Plans Level 24	Turner	N	1/3/2019
DA-110-250	GA Plans Roof Level	Turner	N	1/3/2019
DA-110-260	GA Plans Plant Roof Level	Turner	N	1/3/2019
DA-250-010	East Elevation Buildings 1B and 2B	Turner	N	1/3/2019
DA-250-020	South Elevation Buildings 2A and 2B	Turner	N	1/3/2019
DA-250-040	North Elevation Buildings 1A and 1B	Turner	N	1/3/2019
DA-350-010	Section AA	Turner	O	26/3/2019
DA-350-020	Section BB	Turner	N	1/3/2019
DA-350-030	Section CC	Turner	O	26/3/2019
DA-350-040	Section DD	Turner	N	1/3/2019
DA-350-050	Section EE	Turner	N	1/3/2019
DA-900-020	3D Views – View from Maitland Place	Turner	N	1/3/2019
DA-900-030	3D Views – Main Entrance	Turner	N	1/3/2019
DA-910-001	Perspective Views – Sheet 01	Turner	N	1/3/2019
DA-900-003	Perspective Views – Sheet 03	Turner	N	1/3/2019
200	Landscape Site Plan – GL	Arcadia Landscape Architecture	H	Aug 2019
201	Detail Landscape Plan – GL	Arcadia Landscape Architecture	H	Aug 2019
202	Detail Landscape Plan – GL	Arcadia Landscape	H	Aug 2019

		Architecture		
DA-950-010	Materials and Finishes Samples Board	Turner	L	14/12/2018

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. External Finishes**

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

## **3. 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.

## **4. Construction Certificate**

Before any works are carried out a Construction Certificate must be obtained and a Principal Certifying Authority appointed. The plans and accompanying information submitted with the Construction Certificate must comply with the conditions included with this consent.

As per the Environmental Planning and Assessment Act 1979, only Council can issue a Subdivision Certificate which means only Council can be appointed as the Principal Certifying Authority for subdivision works.

## **5. 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.

## **6. Separate Development Application – Neighbourhood Shop**

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

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

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

## **7. Compliance with Norwest Association Limited requirements**

Compliance with the requirements of Norwest Association Limited as outlined in their conditions of development consent dated 3 May 2019.

## **8. Provision of Parking Spaces**

The development is required to be provided with 473 off-street car parking spaces (including 38 stacked spaces). 6 of these spaces are to be allocated for use by the Neighbourhood shop. 15 of these spaces are to be adaptable spaces. These car parking spaces shall be available for off street parking at all times.

## **9. Compliance with NSW Police Requirements**

The following is required or as otherwise agreed by NSW Police and Council in writing:

#### Surveillance:

- Installation of a security intercom system is required to access the basement car park and main lobbies. Each unit is to contain an intercom system to enable access for visitors to the basement car park and lobby. Security access is to be utilised at the entrance of the basement.
- CCTV coverage is required to be installed to monitor all common areas and entry/exits points. Use of height indicator stickers on entrance/exit doors is required on entry/exit doors.
- Vegetation close to pedestrian pathways is to be provided with 3-5m of cleared space located either side of residential pathways and bicycle routes. Thereafter, vegetation can be stepped back in height to maximise sightlines.

#### Lighting:

- Lighting is to meet minimum Australian Standards. Special attention is to be made to lighting at entry/exit points from the building, the car park and driveways.

#### Territorial Reinforcement:

- All public access points are to be well marked.

#### Environmental Maintenance:

- Use of anti-graffiti building materials.

#### Access Control:

- Warning signs should be strategically posted around the building to warn intruders of what security treatments have been implemented to reduce opportunities for crime e.g. "Warning, trespasser will be prosecuted" or "Warning, these premises are under electronic surveillance". This should be visible from all restricted areas (not open to the public).
- Ensure improved strength and better quality locking mechanism to security roller shutters/garage doors.
- Fire doors are to be alarmed and a magnetic strip is required so that the door will shut closed.
- Caged storage units are to be built up to the ceiling with a door with better quality locking mechanisms to be used.
- Ensure there are no outer ledges capable of supporting hands/feet and balustrades cannot provide anchor points for ropes.
- Any fencing proposed is to be placed vertically. If spacing is left between each paling, it should be at a width that limits physical access.
- High quality letter boxes that meet AS ISO9001:2008 are required. The letterboxes are to be under CCTV surveillance.
- Park smarter signage to be installed around the car park.
- Signage to be installed in the car park warning residents to watch those who come in the entry/exit door behind them.

### **10. Compliance with Endeavour Energy requirements**

#### **• Network Capacity / Connection**

The applicant for the future proposed redevelopment of the site will need to submit an application for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Depending on the outcome of the assessment, any required padmount or indoor / chamber substation will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Please refer to Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'. Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or on Endeavour Energy's

website under 'Home > Residential and business > Connecting to our network' via the following link:

<http://www.endeavourenergy.com.au/>

Advice on the electricity infrastructure required to facilitate the proposed development (including asset relocations) can be obtained by submitting a Technical Review Request to Endeavour Energy's Network Connections Branch, the form for which FPJ6007 is attached and further details (including the applicable charges) are available from Endeavour Energy's website under 'Our connection services'. The response to these enquiries is based upon a desktop review of corporate information systems, and as such does not involve the engagement of various internal stakeholders in order to develop a 'Connection Offer'. It does provide details of preliminary connection requirements which can be considered by the applicant prior to lodging a formal application for connection of load.

Alternatively the applicant should engage a Level 3 Accredited Service Provider (ASP) approved to design distribution network assets, including underground or overhead. The ASP scheme is administered by NSW Trade & Investment and details are available on their website via the following link or telephone 13 77 88:

<http://www.resourcesandenergy.nsw.gov.au/energy-supply-industry/pipelines-electricity-gas-networks/network-connections/contestable-works>

- **Easement Management / Network Access**

The following is a summary of the usual / main terms of Endeavour Energy's electrical easements / protected electrical works requiring that the land owner:

- Not install or permit to be installed any services or structures within the easement site.
- Not alter the surface level of the easement site.
- Not do or permit to be done anything that restricts access to the easement site without the prior written permission of Endeavour Energy and in accordance with such conditions as Endeavour Energy may reasonably impose.

Endeavour Energy's preference is that wherever reasonably possible, no activities / encroachments occur within easement areas. Most activities are prohibited within the padmount substation easement area. If the proposed works (other than those approved / certified by Endeavour Energy's Network Connections Branch as part of an enquiry / application for load) will encroach/affect Endeavour Energy's easements or protected assets, contact must first be made with the Endeavour Energy's Easements Officer, Jeffrey Smith, on direct telephone 9853 7139 or alternately email [Jeffrey.Smith@endeavourenergy.com.au](mailto:Jeffrey.Smith@endeavourenergy.com.au).

Please refer to Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights' in which Section 5.15 'Encroachments on underground easements' provides further guidance. However Endeavour Energy has noted that as shown in the following extracts of the Landscaping Masterplan that there are potentially prohibited activities / encroachments proposed in the easement area eg. planting of trees and a raingarden / detention basin.

It is imperative that the access to the existing electrical infrastructure adjacent and on the site is maintained at all times. To ensure that supply electricity is available to the community, access to the electrical assets may be required at any time.

- **Earthing**

The construction of any building or structure (including fencing, signage, flag poles etc.) that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with AS/NZS 3000:2007 'Electrical installations' to ensure that there is adequate connection to the earth. Inadequate connection to the earth places persons and the electricity network at risk.

- **Vegetation Management**

The planting of large trees in the vicinity of electricity infrastructure is not supported by Endeavour Energy. Suitable planting needs to be undertaken in proximity of electricity infrastructure. Larger trees should be planted well away from electricity infrastructure and even with underground cables, be installed with a root barrier around the root ball of the plant. Landscaping that interferes with electricity infrastructure may become subject to Endeavour Energy's Vegetation Management program and/or the provisions of the Electricity Supply Act 1995 (NSW) Section 48 'Interference with electricity works by trees' by which under certain circumstances the cost of carrying out such work may be recovered.

- **Prudent Avoidance**

The electricity network is operational 24/7/365 ie. all day, every day of the year. The electricity industry has adopted a policy of prudent avoidance by doing what can be done without undue inconvenience and at modest expense to avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise which generally increase the higher the voltage ie. Endeavour Energy's network ranges from low voltage (normally not exceeding 1,000 volts) to high voltage (normally exceeding 1,000 volts but not exceeding 132,000 volts / 132 kV). In practical terms this means that when designing new transmission and distribution facilities, consideration is given to locating them where exposure to the more sensitive uses is reduced and increasing separation distances. These emissions are generally not an issue but with Council's permitting or encouraging development with higher density, reduced setbacks and increased building heights, new development can impact on existing electricity infrastructure. Where development is proposed in the vicinity of electricity infrastructure, Endeavour Energy is not responsible for any amelioration measures for such emissions that may impact on the nearby proposed development. Endeavour Energy believes that likewise Council should also adopt a policy of prudent avoidance by the siting of more sensitive uses away from any electricity infrastructure – including any possible future electricity infrastructure required to facilitate the proposed development.

Please find attached a copy of ENA's 'Electric & Magnetic Fields – What We Know, January 2014' which can also be accessed via the ENA's website at <http://www.ena.asn.au/>.

- *Localised EMFs may also be encountered in specific situations such as near substations, underground cables, specialised electrical equipment, or at elevated locations near lines. Note that the strengths of EMFs decrease rapidly with distance from the source.*
- Typical magnetic field measurements associated with Endeavour Energy's activities and assets given the required easement widths, safety clearances etc. and having a maximum voltage of 132,000 volt / 132 kV, will not exceed the recommended magnetic field public exposure limits.



- **Dial Before You Dig**

Before commencing any underground activity the applicant is required to obtain advice from the **Dial before You Dig 1100** service in accordance with the requirements of the Electricity Supply Act 1995 (NSW) and associated Regulations. This should be obtained by the applicant not only to identify the location of any underground electrical and other utility infrastructure across the site, but also to identify them as a hazard and to properly assess the risk.

Further details are available by contacting Endeavour Energy's Safety & Environmental Services Branch on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm

- **Excavation**

The object of Section 49A 'Excavation work affecting electricity works' of the of Electricity Supply Act 1995 (NSW) covers the carrying out or proposed carrying out of excavation work in, on or near Endeavour Energy's electrical infrastructure.

With the increased number of developments incorporating basements often being constructed to the property boundaries or immediately adjacent to easements, the integrity of the nearby electricity infrastructure can be placed at risk.

If any excavation work affects Endeavour Energy's electricity infrastructure, prior contact must be made to Endeavour Energy's Easements Officer, Jeffrey Smith, on direct telephone 9853 7139 or alternately email [Jeffrey.Smith@endeavourenergy.com.au](mailto:Jeffrey.Smith@endeavourenergy.com.au).

- **Demolition**

Demolition work is to be carried out in accordance with Australian Standard AS 2601—2001: 'The demolition of structures'. All electric cables or apparatus which are liable to be a source of danger, other than a cable or apparatus used for the demolition works shall be disconnected ie. the existing customer service lines will need to be isolated and/or removed during demolition. Appropriate care must be taken to not otherwise interfere with any electrical infrastructure on or in the vicinity of the site eg. street light columns, power poles, overhead power lines and underground cables etc.

- **Public Safety**

Workers involved in work near electricity infrastructure run the risk of receiving an electric shock and causing substantial damage to plant and equipment. I have attached Endeavour Energy's public safety training resources, which were developed to help general public / workers to understand why you may be at risk and what you can do to work safely. The public safety training resources are also available via Endeavour Energy's website via the following link:

<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures>

- **Emergency Contact**

In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note the Emergencies Telephone is 131 003 which can be contacted 24 hours/7 days.

## **11. Compliance with NSW Roads and Maritime Services requirements**

- A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Council prior to the issue of a Construction Certificate.
- The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) shall be in accordance with AUSTROADS.
- All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.

## **12. Property Numbering and Cluster Mail Boxes for Integrated Housing, Multi Unit Housing, Commercial Developments and Industrial Developments**

The responsibility for property numbering is vested in Council.

Approved primary property address for this development is 7 Maitland Place, Norwest. The 2 buildings facing Spurway Drive will each be allocated a separate number however can't be provided at this time. Applicant is to contact Land Information prior to issue of Construction Certificate for street number allocation. The location of the letterbox banks will determine the street address(s) for the units.

Unit numbering provided on plans (as per Project No: 14067; Date: 14/12/2018; Rev: L; Drawing numbers: DA-110- 007, 008, 010, 030, 060, 070, 090, 100, 120, 130, 140, 170, 210 & Project No: 14067; Date: 04/02/2019; Rev: M; Drawing numbers: DA-110-020) lodged with the DA does not comply with Council Addressing Policy or NSW Address Policy (6.5.5) dated March 2015.

Approved unit numbering for this development based on plans provided and as per plans marked up with consent document is as follows (Unit numbers commenced at the tallest building and continued in a clockwise direction around the site. Within each building, Unit numbering was numbered clockwise when exiting the lift):

**Lower Ground** Shops LG01 onwards in sequential order, addressed to 7 Maitland Place

	<b>7 Maitland Place</b>			<b>Spurway Drive</b>	
	<b>Lift 1&amp;2</b>	<b>Lift 3&amp;4</b>	<b>Lift 5&amp;6</b>	<b>Lift 7</b>	<b>Lift 8</b>
<b>Ground</b>	G01-G04	-	G05-G11	G12	G13-G14
<b>Level 1</b>	101-105	106-109	110-117	118-121	122-125
<b>Level 2</b>	201-205	206-209	210-217	218-221	222-225
<b>Level 3</b>	301-305	306-309	310-317	318-322	323-327
<b>Level 4</b>	401-405	406-409	410-417	418-422	423-427
<b>Level 5</b>	501-505	506-509	510-517	518-522	523-527
<b>Level 6</b>	601-605	606-609	610-617	-	-
<b>Level 7</b>	701-705	706-709	710-717	-	-
<b>Level 8</b>	801-805	806-809	810-817	-	-
<b>Level 9</b>	901-906	-	907-913	-	-
<b>Level 10</b>	1001-1005	-	1006-1012	-	-
<b>Level 11</b>	1101-1105	-	1106-1112	-	-
<b>Level 12</b>	1201-1205	-	1206-1212	-	-
<b>Level 13</b>	1301-1305	-	-	-	-
<b>Level 14</b>	1401-1405	-	-	-	-
<b>Level 15</b>	1501-1505	-	-	-	-
<b>Level 16</b>	1601-1605	-	-	-	-
<b>Level 17</b>	1701-1704	-	-	-	-

<b>Level 18</b>	1801-1804	-	-	-	-
<b>Level 19</b>	1901-1904	-	-	-	-
<b>Level 20</b>	2001-2004	-	-	-	-
<b>Level 21</b>	2101-2103	-	-	-	-
<b>Level 22</b>	2201-2203	-	-	-	-
<b>Level 23</b>	2301-2303	-	-	-	-

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

Under no circumstances are Unit numbers to be repeated or skipped throughout the development (within the same registered plan) – regardless of building name, number, street frontage or other identification.

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

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

#### Mail Boxes

Written correspondence from Australia Post certifying that they have agreed to the proposed location of cluster letterboxes must be supplied to Land Information Section of Council. Australia Post contact is Richard Arraiza at the Seven Hills Delivery Centre – email Richard.Arraiza@auspost.com.au or phone 02 9674 4027.

The number of mail boxes to be provided is to be equal to the number of units plus one (1) for the proprietors of the development and be as per Australia Post size requirements. The proprietors additional mail box is to be located within the cluster located at property address 7 Maitland Place.

### **13. Planning Agreement**

The obligations in the Planning Agreement between The Hills Shire Council and Maitland Square Holding dated 28 February 2017 (**Planning Agreement**) and attached to this development consent must be performed in accordance with the terms of the Planning Agreement including, but not limited to, the Dedication of Land identified in Schedule 1, the completion of Capital Works identified in Schedule 2 and the payment of Monetary Contributions identified in Schedule 3 of the Planning Agreement.

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

The recommendations of the *Preliminary Site investigation with Limited Sampling; 7 Maitland Place, Baulkham Hills* prepared by Environmental Investigations Australia, referenced as E22702AA, dated 14 October 2015 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

- Prepare a Hazardous Materials Survey prior to demolition of the existing structures;
- Implement an unexpected finds protocol following site demolition and during site excavation;
- Undertake further testing of groundwater if basement excavations intercept the groundwater which then requires dewatering – this will be required to determine appropriate dewatering / disposal methods; and
- Undertake appropriate waste classification for all materials to be removed from the site, in accordance with DECCW (2014) Waste Classification Guidelines.

### **15. 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.

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

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

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

### **17. 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.

### **18. Commencement of Domestic Waste Service**

A domestic waste service must be commenced with Council and its Contractor. The service must be arranged no earlier than two weeks prior to occupancy and no later than first occupancy of the development. All requirements of Council's domestic waste management

service must be complied with at all times. Contact Council's Resource Recovery Team on (02) 9843 0310 to commence a domestic waste service.

### **19. Commercial Waste and Recycling Collection Contract**

There must be a contract in place with a licenced contractor for the removal and lawful disposal of all waste generated by the neighbourhood shop. Written evidence of a valid and current collection and disposal contract must be held on site at all times and produced in a legible form to any authorised officer of the Council who asks to see it. All waste must be removed at regular intervals. The collection of waste must not interfere with the amenity of the surrounding area. Waste collection vehicles are not permitted to reverse in or out of the development.

### **20. Construction of Central Garbage Holding Room and Garbage Rooms**

The central garbage holding room and five residential garbage rooms on lower ground must be designed and constructed in accordance with the following requirements. The central garbage holding room must be sized for a minimum of 54 x 660 litre bins. The garbage rooms must each provide minimum storage facility for 2 x 2-bin 660 litre linear conveyors and at least 2 x 660 litre bins.

1. The central garbage holding room and garbage rooms must be of adequate size to comfortably store and manoeuvre the total minimum required number of bins and associated waste infrastructure as specified above.
2. The layout of the central garbage holding room and garbage rooms must ensure that each bin is easily accessible and manoeuvrable in and out of the areas with no manual handling of other bins. Bins must not be stacked more than two deep and all internal walkways must be at least 1.5m wide.
3. The walls of the central garbage holding room and garbage rooms must be constructed of brickwork.
4. The floor of the central garbage holding room and garbage rooms must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer.
5. The central garbage holding room and garbage rooms 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 (preferred).
6. All doors of the central garbage holding room and garbage rooms, when fully opened, must be flush with the outside walls and must not block or obstruct car park aisles or footways. All doors must be able to be fixed in position when fully opened.
7. The central garbage holding room and garbage rooms must be adequately ventilated (mechanically). Vented waste storage areas should not be connected to the same ventilation system supplying air to the units.
8. The central garbage holding room and garbage rooms must be provided with a hose tap (hot and cold mixer), connected to a water supply. If the tap is located inside the rooms, it is not to conflict with the space designated for the placement of bins.
9. The central garbage holding room and garbage rooms must be provided with internal lighting such as automatic sensor lights.
10. The maximum grade acceptable for moving bins for collection purposes (between the central garbage holding room and garbage rooms) is 5%. Under no circumstance is this grade to be exceeded.
11. The central garbage holding room and garbage rooms must have appropriate signage (Council approved designs), mounted in a visible location on internal walls and are to be permanently maintained by the Owners Corporation.



12. Finishes and colours of the central garbage holding room and garbage rooms are to complement the design of the development.

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

660L: 850 (d) 1370 (w) 1250 (h)

### **21. Neighbourhood Shop Garbage Holding Room**

The separate dedicated garbage holding room for the neighbourhood shop must be sized for at least 2 x 240 litre bins. The room must be provided with a door with a minimum clear floor width of 820mm. The dimensions of a 240 litre bin are 735mm deep, 580mm wide and 1080mm high.

### **22. Construction of Bulky Waste Area**

The bulky waste area that opens directly onto the designated waste service bay must be designed and constructed in accordance with the following requirements.

1. The area must have a minimum floor area of 4m<sup>2</sup> per 50 apartments. Floor space must be rounded up to the nearest 50 apartments for best operational outcome
2. The floor of the area must be constructed of concrete with a smooth non-slip finish.
3. The area must have a suitable resident access door, with a minimum clear floor width of 2m (to allow access for large items). Suitable resident access doors are single or double swinging doors.
4. The resident access door, when fully open, must be flush with the outside wall and must not block or obstruct car park aisles or footways. The door must be able to be fixed in position when fully opened.
5. The area must be provided with lighting, such as automatic sensor lights.

### **23. Provision of Waste Educational Signage**

Prior to any Occupation Certificate being issued, a complete set of English and traditional Chinese waste education signage (garbage, recycling and no dumping) must be installed in a visible location on every internal wall of the central garbage holding room, neighbourhood shop garbage holding room and the garbage rooms. Additionally, one set of English and traditional Chinese garbage and recycling signs must be provided above every chute opening on every floor. The signage must comply with the minimum specifications outlined below and be in accordance with Council's approved artwork. Contact Council's Resource Recovery Education Officer on (02) 9843 0505 to obtain artwork designs.

- Flat size: 330mm wide x 440mm high
- Finished size: 330mm wide x 440mm high. Round corners, portrait
- Material: Aluminium / polyethylene composite sheet 3.0mm, white (alupanel)
- Colours: Printed 4 colour process one side, UV ink
- Finishing: Over laminated gloss clear. Profile cut with radius corners and holes

### **24. Provision of Waste Chute System**

The development must incorporate 5 x dual chute systems which allow chute disposal of garbage and recycling. Chute openings must be provided on every residential floor within the building corridors. The waste chutes must terminate into the five garbage rooms on lower ground. Garbage must be discharged into 660 litre bins housed on 2-bin 660 litre linear conveyors with compaction (2:1) and recyclables must discharge into 660 litre bins housed on 2-bin 660 litre linear conveyors (no compaction).

### **25. Provision of Bin Cupboards**

A separate bin cupboard must be provided next to chute openings on every residential floor to allow for the disposal of items unsuitable for chute disposal. The cupboards must be sized

to store at least a single 240 litre bin. The dimensions of a 240 litre bin are 735mm deep, 580mm wide and 1080mm high.

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

Minimum vehicle access and loading facilities must be designed and provided in accordance with Australia Standard 2890.2-2002 for the standard 12.5m long Heavy Rigid Vehicle. The following requirements must also be satisfied.

1. All manoeuvring areas for waste collection vehicles must have a minimum clear vertical clearance of 4.5m. Any nearby areas where the clear headroom is less than 4.5m must have flexible striker bars and warning signs as per Australian Standard 2890.1 to warn waste collection contractors of the low headroom area.
2. The turntable must be suitable for use by a 12.5m long Heavy Rigid Vehicle (dimensions as per Australian Standard 2890.2-2002) and be able to withstand the loads imposed by a 28 tonnes gross vehicle mass.
3. All manoeuvring and loading areas for waste collection vehicles must be prominently and permanently line marked, signposted and maintained to ensure entry and exit to the site is in a forward direction at all times and that loading and traffic circulation is appropriately controlled.
4. Pedestrian paths around the areas designated for manoeuvring and loading of waste collection vehicles must be prominently and permanently line marked, signposted and maintained (where applicable) for safety purposes.
5. There must be no requirement for reversing on site to enable waste collection vehicles to enter and leave the site in a forward direction to service bins.
6. The loading area must have a sufficient level of lighting and have appropriate signage such as "waste collection loading zone", "keep clear at all times" and "no parking at any time".
7. Access to restricted loading areas (i.e. via roller shutter doors, boom gates or similar) must be via scanning from the cab of heavy vehicles, remote access or alternative solution which ensures there is no requirement for waste collection contractors to exit the cab. Copies of scan cards or remotes must be provided to Council upon the commencement of waste services.

## **27. Tree Removal**

Approval is granted for the removal of Trees 1-48, 58-61 and 66, as numbered in Arborist report prepared by Naturally Trees dated 12 December 2017.

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.

## **28. Planting Requirements**

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m<sup>2</sup>.

## **29. 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.**

### **30. 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.

### **31. 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.

### **32. Protection of Public Infrastructure**

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

### **33. 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.
- The width of the parking aisle on the lower ground floor fronting the garbage room must be increased from 5.8m to 6.1m (minimum) as per AS/ NZS 2890.1 to account for the garage room/ wall and to provide sufficient access to the five spaces opposite.

#### **34. Vehicular Crossing Request**

Each driveway requires the lodgement of a separate vehicular crossing request accompanied by the applicable fee as per Council's Schedule of Fees and Charges. The vehicular crossing request must be lodged before an Occupation Certificate is issued. The vehicular crossing request must nominate a contractor and be accompanied by a copy of their current public liability insurance policy. Do not lodge the vehicular crossing request until the contractor is known and the driveway is going to be constructed.

#### **35. 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 proposed driveway must be built to Council's heavy duty standard.

The driveway must be as wide at the boundary as necessary to provide for the swept path for a Heavy Rigid Vehicle (HRV) to access/ exit the site as per the HRV swept path plan by Traffix Revision B dated 21/03/2019. The driveway splay through the verge however must be limited to a maximum of 1m on either side as per the above document.

A separate vehicular crossing request 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. Specifically, this includes the removal of any existing laybacks, regardless of whether they were in use beforehand or not.

### **c) Footpath Verge Formation**

The grading, trimming, topsoiling and turfing of the footpath verge fronting the development site is required to ensure a gradient between 2% and 4% falling from the boundary to the top of kerb is provided. This work must include the construction of any retaining walls necessary to ensure complying grades within the footpath verge area. All retaining walls and associated footings must be contained wholly within the subject site. Any necessary adjustment or relocation of services is also required, to the requirements of the relevant service authority. All service pits and lids must match the finished surface level.

### **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.

### **36. Staging Requirements/ Completion of Preceding Subdivision**

A building works Construction Certificate for this development cannot be issued until after a subdivision works Construction Certificate has been issued for the preceding subdivision approved by Development Consent 2267/2018/ZA.

An Occupation Certificate for this development cannot be issued until after a Subdivision Certificate has been issued for the preceding subdivision approved by Development Consent 2267/2018/ZA.

### **37. Geotechnical Investigation**

The recommendations made in Geotechnical Report prepared by EI Australia dated 20 December 2017 including a detailed geotechnical subsurface investigation must be carried out prior to issue of Construction Certificate.

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

### **38. Design Verification**

Prior to the release of the Construction Certificate design verification is required from a qualified designer to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in SEPP65.

### **39. Acoustic - Protection of Internal Noise Levels**

Prior to any Construction Certificate being issued an acoustic statement is required to be submitted to Council's Manager - Environment certifying that the design of the development on the construction plans does ensure the following noise levels will be achieved:

- 35 dB (A) in any bedroom between 10pm and 7am.
- 40dB (A) anywhere else (other than garage, kitchen, bathroom and hallway) at any time.

In particular the acoustic statement shall detail that all recommendations contained within the *7 Maitland Place, Baulkham Hills DA Acoustic Assessment* prepared by Renzo Tonin & Associates, referenced as TK070-01F02DARReport(r1) and dated 18 December 2017, have been included in the construction plans of the development.

### **40. Acoustic – Construction Noise Management Plan**

Prior to the issue of a construction certificate a Construction Noise Management Plan (CNMP) is to be prepared by a suitably qualified acoustic consultant in consultation with the applicant and submitted to Council's Manager – Environment and Health for review and if satisfactory, written acceptance. The CNMP is to demonstrate how compliance with the *Interim Construction Noise Guideline* published by the Department of Environment and



Climate Change, 2009 will be achieved and provide practical recommendations on how to reduce noise impacts on nearby commercial and residential receivers.

Any accepted recommendations of the CNMP are to be implemented and maintained throughout the excavation and construction stage of the development.

#### **41. Acoustic – Mechanical Ventilation**

Prior to the issue of any Construction Certificate a noise assessment is to be undertaken as recommended in section 5.2.1 of *7 Maitland Place, Baulkham Hills DA Acoustic Assessment* prepared by Renzo Tonin & Associates, referenced as TK070-01F02DARreport(r1) and dated 18 December 2017.

The noise assessment is to be submitted to Council's Manager – Environment and Health for review, and if satisfactory, written acceptance will be provided.

#### **42. Internal Pavement and Turntable Structural Design Certification**

Prior to a Construction Certificate being issued, a Certified Practising Engineer (CPEng) must submit a letter to Council confirming the structural adequacy of the internal pavement design and turntable. The pavement design and turntable specifications must be adequate to withstand the loads imposed by a loaded 12.5m long heavy rigid waste collection vehicle (i.e. 28 tonne gross vehicle mass) from the boundary to the waste collection point including any manoeuvring areas.

#### **43. Stormwater Management Requirements**

The following water sensitive urban design elements included as part of the civil works plans by AT&L Revision I dated 12/08/2019 and the civil report also by AT&L Revision 3 dated 17/12/2018 submitted with the development application must be provided as part of the development works.

- A vorsentry/ gross pollutant trap (or an approved equivalent).
- A jellyfish (or an approved equivalent).
- Enviropods/ pit inserts (or an approved equivalent).
- A 10,000 litre rainwater reuse tank.
- Two bio-retention systems with a combined surface treatment area of 72 square metres.

The civil works plans by AT&L Revision I dated 12/08/2019 and the civil report also by AT&L Revision 3 dated 17/12/2018 submitted with the development application are for development application purposes only and are not to be used for construction. The detailed design must reflect the approved concept plan and the following necessary changes:

- a) No pit inserts (where proposed) are to be installed along the street drainage.
- b) The external stormwater design and layout in Maitland Place must be amended to reflect the changes conditioned as part of Development Consent 2267/2018/ZA relating to the preceding subdivision.

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.

The design and construction of the stormwater management system must be approved by either Council or an accredited certifier. A Compliance Certificate certifying the detailed design of the stormwater management system can be issued by Council.

#### **44. 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.

#### **45. Erosion and Sediment Control/ Soil and Water Management Plan**

The detailed design must be accompanied by an Erosion and Sediment Control Plan (ESCP) or a Soil and Water Management Plan (SWMP) prepared in accordance with the Blue Book and Council's Works Specification Subdivision/ Developments.

A SWMP is required where the overall extent of disturbed area is greater than 2,500 square metres, otherwise an ESCP is required.

An ESCP must include the following standard measures along with notes relating to stabilisation and maintenance:

- Sediment fencing.
- Barrier fencing and no-go zones.
- Stabilised access.
- Waste receptacles.
- Stockpile site/s.

A SWMP requires both drawings and accompanying commentary (including calculations) addressing erosion controls, sediment controls, maintenance notes, stabilisation requirements and standard drawings from the Blue Book.

An ESCP is required for this development.

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

In accordance with Section 4.17(6) of the Environmental Planning and Assessment Act 1979, a security bond of \$137,280.00 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 \$88.00 per square metre based on the road frontage of the subject site (120m) multiplied by the width of the road (13m).

The bond must be lodged with Council before a Construction Certificate is issued for the building works.

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.

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

The stormwater pump-out system must be designed and constructed in accordance with AS/ NZS 3500.3:2015 - Plumbing and Drainage - Stormwater drainage. The system must be connected to the Onsite Stormwater Detention system before runoff is discharged to the street (or other point of legal discharge) along with the remaining site runoff, under gravity. All plans, calculations, hydraulic details and manufacturer specifications for the pump must be submitted with certification from the designer confirming compliance with the above requirements.

#### **48. Notice of Requirements**

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

#### **49. Construction Management Plan**

A construction management plan must be submitted demonstrating how the potential for conflict between resident and construction traffic is to be minimised and managed. The construction management plan must be submitted before a Construction Certificate is issued and complied with for the duration of works. Where practicable, all construction vehicles are to enter via Maitland Place

#### **50. Tree Removal on Public Land**

Prior to the issue of a Construction Certificate, the applicant is required to contact Council's Infrastructure & Works team to coordinate the removal of existing trees which are located on the adjoining Nature strip which will be impacted by works associated with the development. All tree removal must be undertaken by the owner/applicant in accordance with the requirements of Council's Infrastructure & Works team.

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

#### **51. Details and Signage - Principal Contractor and Principal Certifying Authority**

##### **Details**

Prior to work commencing, submit to the Principal Certifying Authority (PCA) notification in writing of the principal contractor's (builder) name, address, phone number, email address and licence number.

No later than two days before work commences, Council is to have received written details of the PCA in accordance with Clause 103 of the Environmental Planning and Assessment Regulations 2000.

##### **Signage**

A sign is to be erected in accordance with Clause 98A(2) of the Environmental Planning and Assessment Regulations 2000. The sign is to be erected in a prominent position and show –

- a) the name, address and phone number of the PCA for the work,
- b) the name and out of working hours contact phone number of the principal contractor/person responsible for the work.

The sign must state that unauthorised entry to the work site is prohibited.

#### **52. Management of Building Sites**

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

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

### **53. 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.

### **54. 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.

### **55. 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).

### **56. 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 and receipt from Sydney Water Tap in™ (if not already provided) 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™, or telephone 13 20 92.

### **57. Erosion and Sedimentation Controls**

The approved ESCP or SWMP measures must be in place prior to works commencing and maintained during construction and until the site is stabilised to ensure their effectiveness. For major works, these measures must be maintained for a minimum period of six months following the completion of all works.

### **58. Site Water Management Plan**

A soil and water management plan is to be prepared and submitted to the Principal Certifying Authority. The plan shall be prepared in accordance with "*Managing Urban Stormwater - Soils and Construction*" (Blue Book) produced by the NSW Department of Housing.

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

In addition, and as per the *Preliminary Site investigation with Limited Sampling; 7 Maitland Place, Baulkham Hills* prepared by Environmental Investigations Australia, referenced as E22702AA and dated 14 October 2015, should the basement excavations intercept the groundwater creating the need to dewater, testing is required to determine appropriate dewatering / disposal methods.

A copy of the plan is to be kept on site at all times and made available upon request. The plan is to be implemented throughout the excavation and construction stages of the development.

#### **59. Erosion & Sediment Control Plan Kept on Site**

A copy of the Erosion and Sediment Control Plan must be kept on site at all times during construction and available to Council on request.

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

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

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

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

#### **62. Construction and Demolition Waste Management Plan Required**

Prior to the commencement of works, a Waste Management Plan for the construction and demolition phases of the development must be submitted to and approved by Principal Certifying Authority. The plan should be prepared in accordance with The Hills Development Control Plan 2012 Appendix A. The plan must comply with the waste minimisation requirements in the relevant Development Control Plan. All requirements of the approved plan must be implemented during the construction and demolition phases of the development.

#### **63. Tree Protection Fencing**

Prior to any works commencing on site Tree Protection Fencing must be in place around trees or groups of trees nominated for retention. In order of precedence the location of fencing shall be a) As per Tree Protection Plan as per Arborist report for project or b) Tree Protection Zone (TPZ) as calculated under AS4970 (2009) Protection of trees on development sites c) A minimum of 3m radius from trunk.

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

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

#### **64. Tree Protection Signage**

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

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

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

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

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

Any trenching for installation of drainage, sewerage, irrigation or any other services or excavation shall not occur within the Tree Protection Zone of trees identified for retention under supervision of a project arborist.

Certification of supervision must be provided to the Certifying Authority within 14 days of completion of trenching works.

Root pruning should be avoided, however where necessary, all cuts shall be clean cuts made with sharp tools such as secateurs, pruners, handsaws, chainsaws or specialised root pruning equipment. Where possible, the roots to be pruned should be located and exposed using minimally destructive techniques such as hand-digging, compressed air or water-jetting, or non-destructive techniques. No roots larger than 40mm diameter to be cut without Arborist advice and supervision. All root pruning must be done in accordance with Section 9 of Australia Standard 4373-2007 Pruning of Amenity Trees.

#### **67. 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.

#### **68. Dilapidation Survey**

Prior to work commencing a practicing professional structural engineer shall carry out a dilapidation survey of the adjoining dwelling at No. 40 Solent Circuit and 2 – 6 Maitland Place and submit a copy of the survey both to Council and the property owner.

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

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

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

### **DURING CONSTRUCTION**

#### **70. Hours of Work**

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

**Monday to Saturday - 7.00am to 5.00pm;**

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.

Upon receipt of justified complaint/s in relation to local traffic impacts arising from roadworks being carried out on existing public roads those roadworks will be restricted to between the hours of 9:00am and 3:00pm, Monday to Friday or as otherwise directed by Council staff. Requests to carry out roadworks on existing public roads during the night in order to avoid local traffic impacts will also be considered based on the circumstances of the site and must be approved in writing by Council's Manager – Subdivision and Development Certification.

#### **71. Survey Report and Site Sketch**

A survey report and site sketch signed and dated (including contact details) by the registered land surveyor may be requested by the Principal Certifying Authority during construction. The survey shall confirm the location of the building/structure in relation to all boundaries and/or levels. As of September 2018 the validity of surveys has been restricted by legislation to 2 years after issue.

#### **72. 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. 888231M\_02 is to be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate. A Section 4.55 Application **may** be required should the subsequent version of this BASIX Certificate necessitate design changes to the development. However, a Section 4.55 Application **will** be required for a BASIX Certificate with a new number.

#### **73. Critical Stage Inspections and Inspections Nominated by the PCA**

Section 6.5 of the Environmental Planning and Assessment Act 1979 requires critical stage inspections to be carried out for building work as prescribed by Clause 162A of the Environmental Planning and Assessment Regulation 2000. Prior to allowing building works to commence the PCA must give notice of these inspections pursuant to Clause 103A of the Environmental Planning and Assessment Regulation 2000.

An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspection or other inspection required by the PCA is not carried out. Inspections can only be carried out by the PCA unless agreed to by the PCA beforehand and subject to that person being an accredited certifier.

#### **74. Rock Breaking Noise**

Upon receipt of a justified complaint in relation to noise pollution emanating from rock breaking as part of the excavation and construction processes, rock breaking will be restricted to between the hours of 9am to 3pm, Monday to Friday.

Details of noise mitigation measures and likely duration of the activity will also be required to be submitted to Council's Manager – Environment and Health within seven (7) days of receiving notice from Council.

#### **75. Contamination**

The recommendations made in the submitted Preliminary Site Investigation with Limited Sampling Report prepared by Environmental Investigations Australia dated 14 October 2015 and Hazardous Materials Survey prepared by EI Australia dated 14 December 2017.

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.

Note: Contaminated soil, soil for which the contamination status is unknown, waste (including but not limited to concrete / bricks / demolition material) is prohibited from being



buried, capped, contained or similar onsite (including under public or private roads and land which will become public).

#### **76. Asbestos Removal**

Asbestos containing material, whether bonded or friable, shall be removed by a licenced asbestos removalist. A signed contract between the removalist and the person having the benefit of the development application is to be provided to the Principle Certifying Authority, identifying the quantity and type of asbestos being removed. Details of the landfill site that may lawfully receive the asbestos is to be included in the contract.

Once the materials have been removed and delivered to the landfill site, receipts verifying the quantity received by the site are to be provided to the Principle Certifying Authority.

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

#### **77. Stockpiles**

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

#### **78. Dust Control**

The emission of dust must be controlled to minimise nuisance to the occupants of the surrounding premises by the development of a dust management plan. 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.

The dust management plan must be implemented until the site works are completed and the site is stable and covered in either vegetation or bonding agent. The dust management plan must be provided to any contractor involved in the demolition, excavation, or any other dust generating activity.

#### **79. Project Arborist**

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

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

#### **80. Dilapidation Report**

On completion of the excavation, the structural engineer shall carry out a further dilapidation survey at the properties referred to in condition 67 above and submit a copy of the survey both to Council and the property owner.

**PRIOR TO ISSUE OF ANY OCCUPATION AND/OR SUBDIVISION CERTIFICATE**

**81. Section 73 Certificate must be submitted to the Principal Certifying Authority before the issuing of an Occupation Certificate**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Building and developing > Developing your land > water Servicing Coordinator or telephone 13 20 92.

**The Section 73 Certificate must be submitted to the Principal Certifying Authority before occupation of the development/release of the plan of subdivision.**

**82. Design Verification Certificate**

Prior to the release of the Occupation Certificate design verification is required from a qualified designer to confirm that the development has been constructed in accordance with approved plans and details and has satisfied the design quality principles consistent with that approval.

**83. Internal Pavement Construction and Turntable**

Prior to any Occupation Certificate being issued, a Certified Practicing Engineer (CPEng) must submit a letter to Council confirming that the internal pavement and turntable has been constructed in accordance to the approved plans, and is suitable for use by a 12.5m long waste collection vehicle when fully laden (i.e. 28 tonnes gross vehicle mass).

**84. Final Inspection of Garbage Rooms**

Prior to any Occupation Certificate being issued, a final inspection of the garbage rooms and associated management facilities must be undertaken by Council's Resource Recovery Project Officer. This is to ensure compliance with Council's design specifications and that necessary arrangements are in place for domestic waste collection by Council and its Domestic Waste Collection Contractor. The time for the inspection should be arranged at least 48 hours prior to any suggested appointment time.

**85. Waste Chute System Installation Compliance Certificate**

Prior to any Occupation Certificate being issued, a letter of compliance must be submitted to and approved by the Principal Certifying Authority. The letter must be prepared by the equipment supplier/installer confirming that the Council approved waste chute system, including all associated infrastructure, has been installed and is fully operational and satisfies all relevant legislative requirements and Australian standards.

**86. Landscaping Prior to Issue of any Occupation Certificate**

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

**87. 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.

**88. Property Condition Report – Public Assets**

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

**89. Creation of Restrictions/ Positive Covenants**

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

**a) Restriction – Bedroom Numbers**

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

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

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

**c) Positive Covenant – Stormwater Pump**

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

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

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

**90. 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.

**91. Pump System Certification**

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

**PRIOR TO ISSUE OF STRATA SUBDIVISION CERTIFICATE**

**92. Planning Agreement**

Written evidence is to be submitted to Council prior to the issue of a Strata Subdivision Certificate, demonstrating that the relevant obligations of the Planning Agreement have been satisfied including, but not limited to, the Dedication of Land identified in Schedule 1, the completion of Capital Works identified in Schedule 2 and the payment of Monetary Contributions identified in Schedule 3 of the Planning Agreement.

**THE USE OF THE SITE**

**93. Hours of operation of the loading dock**

Operation of the loading dock is restricted to the following hours:

Monday to Saturday – 7.00am to 10.00pm

Sunday and public holidays – 8.00am – 10.00pm

#### **94. Offensive Noise - Acoustic Report**

The use of the premises and/or machinery equipment installed must not create offensive noise so as to interfere with the amenity of the neighbouring properties.

Should an offensive noise complaint be received and verified by Council staff, an acoustic assessment is to be undertaken (by an appropriately qualified consultant) and an acoustic report is to be submitted to Council's Manager – Environment and Health for review. Any noise attenuation measures directed by Council's Manager - Environment and Health must be implemented.

#### **95. Acoustic – Project Specific**

As per the recommendations in *7 Maitland Place, Baulkham Hills DA Acoustic Assessment* prepared by Renzo Tonin & Associates, referenced as TK070-01F02DARep(r1) and dated 18 December 2017 the project specific criteria  $L_{Aeq(15min)}$  (measured at any residential receiver) for the operation of mechanical plant (basement extraction, ventilation) at the subject site is:

- 42dB(A) during the day (7am – 6pm);
- 45dB(A) during the evening (6pm to 10pm); and
- 40dB(A) during the night (10pm – 7am).

#### **96. 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*.

#### **97. Domestic Waste Collection Risk Assessment**

Prior to any Occupation Certificate being issued, a risk assessment must be undertaken on site by Council's Coordinator Resource Recovery. The time for the assessment must be arranged when clear unobstructed circulation in and out of the site is available for Council's Domestic Waste Contractor to perform a mock collection run at the site.

#### **98. Waste and Recycling Management**

To ensure the adequate storage and collection of waste from the occupation and use of the premises, all garbage and recyclable materials emanating from the premises must be stored in the designated garbage rooms, which must include provision for the storage of all waste generated on the premises between collections. A caretaker must be appointed to undertake all instructions issued by Council to enable waste collection. Additionally, the waste areas must be kept clean and tidy, full bins exchanged with empty bins underneath the chute termination points, bins are to be washed regularly, and visible bin contaminants must be removed prior to every collection. The waste chute system and turntable must be serviced in accordance with supplier recommendations and are to be permanently maintained and operational.

### **ATTACHMENTS**

1. Original Council Assessment Report dated 19 September 2019.
2. Traffic Report by Council Officers.
3. Traffic Report by Applicant's Traffic Engineer.
4. Record of Deferral – Sydney Central City Planning Panel.

## SYDNEY CENTRAL CITY PLANNING PANEL

19 SEPTEMBER 2019

## ITEM-3 SCCPP REPORT - DA 1235/2018/JP

<b>Panel Reference</b>	2018SWC028
<b>DA Number</b>	DA 1235/2018/JP
<b>LGA</b>	The Hills Shire Council
<b>Proposed Development</b>	Construction of four 6 - 25 storey residential flat buildings comprising 290 units, a neighbourhood shop and four levels of basement car parking
<b>Street Address</b>	Lot 1 DP 866565 7 Maitland Place, Bella Vista
<b>Applicant/Owner</b>	7 Norwest Pty Ltd
<b>Consultants</b>	Dowling Urban Pty Ltd Craig & Rhodes Turner Arcadia Efficient Living Renzo Tonin Vista Access Architects Naturally Trees Norman, Disney and Young JHA Services Eco Logical Australia EI Australia AT & L Traffix Elephants Foot CPP
<b>Date of DA lodgement</b>	21 December 2017
<b>Number of Submissions</b>	Seven
<b>Recommendation</b>	Approval
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)</b>	CIV exceeding \$30 million (\$138,206,735)
<b>List of all relevant s4.15(1)(a) matters</b>	<input type="checkbox"/> State Environmental Planning Policy (State and Regional Development) 2011 <input type="checkbox"/> State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development <input type="checkbox"/> State Environmental Planning Policy Infrastructure 2008 <input type="checkbox"/> State Environmental Planning Policy No 55 — Remediation of Land <input type="checkbox"/> The Hills Local Environmental Plan 2012 <input type="checkbox"/> The Hills Development Control Plan 2012

<b>List all documents submitted with this report for the Panel's consideration</b>	<input type="checkbox"/> Submissions
<b>Report prepared by</b>	Cynthia Dugan Development Assessment Co-ordinator
<b>Report date</b>	19 September 2019

**Summary of s4.15 matters**

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

**Legislative clauses requiring consent authority satisfaction**

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

**Clause 4.6 Exceptions to development standards**

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

**Special Infrastructure Contributions**

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

**Conditions**

Have draft conditions been provided to the applicant for comment? **Yes**

**EXECUTIVE SUMMARY**

The Development Application is for the construction of four 6 – 25 storey residential flat buildings comprising 290 units (comprising 73 x 1 bedroom units, 157 x 2 bedroom units and 60 x 3 bedroom units), a neighbourhood shop with a floor area of 97m<sup>2</sup> and four levels of basement car parking containing 473 car parking spaces.

The Development Application includes a justification for a variation to the maximum height development standard under Clause 5.6 (Architectural Roof Feature) of The Hills LEP 2012. Clause 4.3 of the LEP prescribes a maximum building height of RL169 for "Area A". The proposal results in a maximum height of RL 170 for the top of the parapet of the twenty five storey building at the eastern frontage of the site. Apart from this architectural roof feature, the proposal complies with the height development standard and provides for a variety of building heights including 5/6 storey buildings fronting Spurway Drive which provide an appropriate scale and transition of heights to existing built form to the north of Spurway Drive.

The proposal generally complies with the design guidance considerations in the Apartment Design Guide. No variations are proposed to the design guidance criteria.

The proposal has been assessed against the requirements of The Hills DCP 2012 Part B Section 5 Residential Flat Building and Part C Section 1 Parking and variations have been identified with respect to the front setback on Spurway Drive, building length and car parking. With respect to the variation to the front setback on Spurway Drive, the minor encroachment of 300mm for balconies and architectural louvres would contribute to the visual amenity of the streetscape and is considered negligible for the 5/6 storey buildings. The variation to building length is considered appropriate for the southern building (building 2) as the 11 storey link building (building 2b) has been treated with vertical louvred screens which break up the building mass and provide visual relief and interest to the southern façade. It is noted that Council's Design Excellence Panel reviewed the proposal on four occasions and provided support for the amended proposal at its last meeting. With respect to car parking, the proposal fully complies with the requirements under Clause 7.12 of LEP 2012 and the variation to the DCP car parking rate is supported in this instance.

The Development Application was notified on three separate occasions. One submission was received from a property owner during the first notification period, four submissions were received during the second notification period and three submissions were received during the third notification period. The issues raised in the submission relate to non-compliance with Clause 7.12 of the LEP 2012, inconsistency with the planning proposal and overshadowing impact to adjoining southern property, failure to obtain Norwest Association consent, failure to achieve design excellence, failure to adequately consider proposed development on adjoining southern lot, relocation of link road resulting in a decrease of developable land within the B7 land by 205m<sup>2</sup>, only one vehicle access point which is inconsistent with concept plans for the planning proposal, insufficient information to provide proper assessment of application, excessive bulk and scale, detrimental traffic impacts to the local road network, street parking and building height concerns,. The issues raised in the submission have been addressed in the body of the report and do not warrant refusal of the application.

The application is recommended for approval subject to conditions.

## **BACKGROUND**

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

The Hills Local Environmental Plan 2012 was amended as follows:

- Rezoned 7 Maitland Place from B7 Business Park to part R4 High Density Residential and part B7 Business Park (2-6 Maitland Place remains R4 High Density Residential);
- Applied a "base floor space ratio" of 1:1 and an "incentivised floor space ratio" of 3:1 to portions of the site zoned R4 High Density Residential;
- Increased the maximum building height from RL116 metres to RL169 metres (up to approximately 25 storeys) for portions of the site zoned R4 High Density Residential;
- Increased the maximum floor space ratio from 1:1 to 1.5:1 (base floor space ratio) for portions of the site zoned B7 Business Park;
- Reduced the minimum lot size applicable to 7 Maitland Place from 8,000m<sup>2</sup> to 4,000m<sup>2</sup> (a minimum lot size of 1,800m<sup>2</sup> would continue to apply to 2-6 Maitland Place); and



- Included a new local provision within LEP 2012 (Clause 7.12) which ensures that the “incentivised floor space ratio” for residential development can only be achieved where the proposed development complies with Council requirements for apartment size, mix and car parking – this reflects the agreed methodology between Council and State Government for ensuring the provision of housing mix and diversity within the Sydney Metro Northwest Corridor (this local provision is also identified as a provision which cannot be varied under Clause 4.6 of LEP 2012).

The amendment envisaged an increased residential density on the 2-6 and 7 Maitland Place site of approximately 370 units. It is noted that a Development Application was lodged on 26 February 2018 for a 23 storey residential flat building at No. 2-6 Maitland Place under Development Application No. 1573/2019/JP. This development was refused by the Sydney Central City Planning Panel on 28 August 2019. This proposal is to the south of the subject development application and also formed part of the above mentioned Planning Proposal.

It is noted that the original planning proposal (prior to Gateway Determination) assumed that both properties would develop as one amalgamated site. However, the individual properties comprising the site (being 2-6 Maitland Place and 7 Maitland Place) came into separate ownership following Gateway Determination. The following figure indicates this original proposal.



Figure 1: Concept plans as originally submitted under Planning Proposal 5/2016/PLP

It is also noted that the planning proposal resulted in a Voluntary Planning Agreement (9/2018/VPA) between Council and the owners of the subject site at 7 Maitland Place for a total contribution value of \$7.8 million comprising the construction and dedication of a new local road through the site to connect to Spurway Drive at no cost to Council, as well as a monetary contribution towards traffic, open space and public domain works to be completed in the future.

The works required under the Voluntary Planning for the new local road (Maitland Place extension) were approved on 6 June 2019 under Development Application No. 2267/2018/ZA at Lot 1 DP 866565 7 Maitland Place, Norwest. The consent also included a subdivision creating two mixed use development lots (proposed Lot 10) comprising an area of 9,625m<sup>2</sup> and mixed use lot (proposed Lot 11) comprising an area of 4,953m<sup>2</sup>. The subject

application is proposed on the western lot, Lot 10 which is zoned R4 High Density Residential and has a site area of 9,834m<sup>2</sup>. The extension of Maitland Place would be constructed in its entirety to an enhanced collector public road standard (with a 13m wide carriageway) between Maitland Place (existing) and Spurway Drive and dedicated to Council as a public road. It is noted that physical connection to Spurway Drive (currently a private road) will not occur until Spurway Drive is upgraded and dedicated as a public road as required in Development Consent 634/2017/ZB over Lot 2 DP 1246113.

Development Application No. 634/2017/ZB at Lot 101 DP 1176747, Lot 32 DP 247442, Lot 33 DP 247442 Lots 32-33 DP 247442, Private Road and Seventh Day Adventist Church, RMB 47 Spurway Drive, Baulkham Hills was approved on 29 August 2017 for the Subdivision creation two residue lots including a new road. The new road known as Spurway Drive (Lot 2) is to be dedicated as a public road to Council. The subject application contains a northern frontage to this new road (Spurway Drive).

All structures within the subject site will be demolished as part of Complying Development Certificate 944/2018/PCDA issued 5/3/2018.

The Development Application was reviewed by a Design Excellence Panel on four occasions. The first panel meeting was held on 29 March 2018 where the Panel concluded that *"the proposal does not meet the requirements of design excellence"*. The second panel meeting was held on 11 July 2018 whereby it was concluded that *"The Panel is yet to be convinced that that the proposed built form massing is improving design quality and recommends that further study is undertaken to retain the tallest element within the eastern portion of the site, consistent with the massing in the planning proposal"*. It was suggested that the proposal be returned to the Panel for further discussion. The proposal was substantially amended by the relocation of the tallest element of the building to the eastern portion of the site as suggested by the Panel. A revised concept indicating the massing of the built form was reviewed by the Panel on 10 October 2018 where it was concluded that *"the Panel supports the general direction of the revised massing and arrangement of the building blocks"*. However, the Panel recommended that the built form and detailed documentation of the proposal be presented to for further review. The fourth panel meeting was held on 13 February 2019 whereby the Panel noted that the key issues raised by the Panel in previous meetings have been substantially addressed and concluded that *The Panel supports the proposal on proviso that the applicant addresses all matters identified in this report. The project is not required to return to the Panel for further consideration.*

In response to the request for additional information letters and recommendations of the Design Excellence Panel, significant changes were made to the design. In particular the relocation of the taller 25 storey tower element from the south western corner to the south eastern corner and change in materials of the 'link building'. Therefore the proposal was renotified on two more occasions.

## DETAILS AND SUBMISSIONS

Owner:	7 Norwest Pty Ltd
Zoning:	B7 Business Park and R4 High Density Residential
Area:	17,390m <sup>2</sup> (Total Site Area) 9,834m <sup>2</sup> (R4 High Density Residential)
Existing Development:	Vacant land within the R4 zoned land. Commercial/industrial building within the B7 zoned land.

Contributions	A Planning Agreement is in place which requires a total contribution value of \$7.8 million comprising the construction and dedication of a new local road through the site to connect to Spurway Drive at no cost to Council, as well as a monetary contribution towards traffic, open space and public domain works to be completed in the future (refer Attachment 15).
Notification:	14 days (on 3 occasions) 1 <sup>st</sup> notification period: 15 January 2018 - 6 February 2018 2 <sup>nd</sup> notification period: 8 January 2019 – 29 January 2019 3 <sup>rd</sup> notification period: 24 April 2019 - 15 May 2019
Notice Adj Owners:	1 <sup>st</sup> – Yes, 14 days 2 <sup>nd</sup> – Yes, 14 days 3 <sup>rd</sup> – Yes, 14 days
Number Advised:	1 <sup>st</sup> – 109 2 <sup>nd</sup> – 298 3 <sup>rd</sup> – 298
Submissions Received:	1 <sup>st</sup> – One 2 <sup>nd</sup> – Four (One from a previous property owner) 3 <sup>rd</sup> – Three

## PROPOSAL

The subject application seeks consent for the construction of residential flat buildings comprising 290 units (3 x 1 bedroom, 157 x 2 bedroom and 60 x 3 bedroom units) on the R4 High Density Residential zoned portion of the land. The proposal comprises of four built forms known as Building 1a (5/6 storeys), Building 1b (5/6 storeys), Building 2a (14 storeys) and Building 2c (25 storeys). Building 2b (9/11 storeys) connects Building 2a and 2c.

A neighbourhood shop comprising a Gross Floor Area of 97m<sup>2</sup> is proposed on the ground floor.

A basement carpark comprising four levels which services all residential flat buildings. A total of 473 car spaces are proposed including 409 residential car spaces (including 38 tandem spaces), 58 visitor spaces and 6 staff space for the neighbourhood shop. 15 adaptable spaces are included in the car parking provided.

Vehicle access will be provided to the basement car park via a single driveway and ramp off Maitland Place.

Communal Open Space is provided within a centrally located ground level communal courtyard and rooftop gardens on Buildings 1a and 1b (level 6), Building 2b (level 9) and Building 2c (level 24).

A maximum height of RL 112.80 is proposed for Buildings 1a and 1b fronting Spurway Drive. A maximum height of RL 131.90 is proposed for Building 2a. A maximum height of RL 170 is proposed for the top of parapet height of Building 2c. The Application seeks to apply Clause 5.6 Architectural roof features for the 1m parapet on the roof that exceeds the height development standard.

The proposal seeks to utilise the 'incentivised' floor space ratio provision under Clause 7.12 of The Hills LEP 2012. The proposed total floor area of 29,502m<sup>2</sup> results in a floor space ratio of 3:1.

## **ASSESSMENT**

### **STRATEGIC PLANNING FRAMEWORK**

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

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

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

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

#### **b. Central City District Plan**

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

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

The Plan also provides potential indicators for implementation and monitoring including Housing the City: Providing ongoing housing supply and a range of housing types in the right locations will create more liveable neighbourhoods and support Greater Sydney's growing population (Direction 4) and A City of Great Places: The creation and renewal of great places for people, together with better local accessibility through walking and cycling, will achieve local liveability that attracts and retains residents and workers. Great places exhibit design excellence and start with a focus on open spaces and a people-friendly realm (Direction 5).

- The proposed development meets the intent of the Plan as follows:
- The proposal will provide a range of apartment types which will assist in meeting housing demands;
- The site is located in an area serviced by public transport and is in close proximity to the Norwest Metro Station; and
- The proposal has been reviewed by Council's Design Excellence Panel on four occasions. The Panel provides support for the final proposal. In this regard, the proposal will result in an appropriate built form outcome which responds to the desired future character of the Norwest Precinct.

The proposal is considered satisfactory in regard to the Central City District Plan.

## ISSUES FOR CONSIDERATION

### 1. Compliance with The Hills Local Environmental Plan 2012

#### a. Permissibility

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

#### b. Zone Objectives

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

#### R4 High Density Residential Objectives

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

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

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

### c. Development Standards

The following addresses the principal development standards of the LEP:

CLAUSE	REQUIRED	PROVIDED	COMPLIES
4.3 Height	RL 169	RL 170 (top of parapet) RL 169 (uppermost habitable roof level)	No, however complies with provision under Clause 5.6 Architectural Roof Features. Refer to discussion below.
4.1A	Minimum lot size for R4 High Density Residential zone is 4,000m <sup>2</sup>	9,625m <sup>2</sup> (excluding proposed link road)	Yes
4.4 Floor Space Ratio	1:1 (base) 3:1 (incentivised) Max. GFA permitted: 29,502m <sup>2</sup>	3:1 29,502m <sup>2</sup>	Yes
7.12 Development on certain land within the Sydney Metro Northwest Urban Renewal Corridor	An incentivised Floor Space Ratio can be applied if the development provides a specific mix, family friendly unit sizes and parking.	The proposal provides the required unit mix and sizes and parking in accordance with the Clause.	Yes, refer below for further discussion.

### d. Variation to Height

The proposal results in a maximum height of RL170 for the top of parapet. This does not comply with Clause 4.3 of LEP 2012 which permits a maximum height of RL169 metres for the land. It is noted that the uppermost habitable roof level complies with the development standard. Notwithstanding, the applicant seeks to utilise Clause 5.6 Architectural roof features of LEP 2012.

The Applicant has provided the following justification for the application of Clause 5.6:

*The 1m exceedance of the parapet height to the height of buildings standard is permitted as an architectural roof feature under Clause 5.6 of THLEP 2012 as it firstly satisfies the objectives of integrating with building composition and form to encourage a higher quality built form.*

*Secondly, the architectural roof feature meets the criteria under cl.5.6(3) as it:*

- *Comprises a decorative element on the uppermost portion of a building,*
- *Is not an advertising structure,*
- *Does not include floor space area and is not reasonably capable of modification to include floor space area, and*
- *Will cause minimal overshadowing.*

*The Design Excellence Panel commented that the proposed floating roof element to the tower that makes up the roof feature was acceptable and supported.*

**Comment:**

The specific heights for the proposed buildings are summarised in the below table:

Building	Height from Natural Ground Level (NGL)	Maximum LEP Height	Compliance
Building 1a	RL112.3 or 25.7m (top of parapet)	RL169	Yes
Building 1b	RL111.85 or 25.25m (top of parapet)	RL169	Yes
Building 2a	RL131.9 or 50.2 (top of parapet)	RL169	Yes
Building 2c	RL170 or 88.1m (top of parapet)	RL169	No

Clause 5.6 permits an architectural roof feature to exceed the height limit set by Clause 4.3 if the architectural roof feature comprises a decorative element on the uppermost portion of a building, is not an advertising structure, does not include floor space area, is not reasonably capable of modification to include floor space area, will cause minimal overshadowing and any building identification sign or equipment for servicing the building is contained in or supported by the roof feature is fully integrated into the design.

The portion of the building that exceeds the height development standard comprises a parapet providing a “floating roof element” which is a decorative, architectural roof feature. This element does not include floor space. The uppermost habitable roof level for building 2c is RL 169 which complies with the height of buildings development standard. The parapet does not contain advertising structures and will not exacerbate overshadowing impacts on adjoining properties. In this regard, the proposal complies with Clause 5.6 of LEP 2012 and the height exceedance is considered satisfactory.

**e. Compliance with Clause 7.12 Development on certain land within the Sydney Metro Northwest Urban Renewal Corridor**

The following table demonstrates compliance with this development standard.

Apartment Mix	LEP Development Standard	Proposal	Compliance
One bedroom dwellings	25% to the nearest whole number of dwellings (Maximum)	25% (73 of 290 units)	Yes
Three or more bedroom dwellings	20% to the nearest whole number of dwellings (Minimum)	21% (60 of 290 units)	Yes

Apartment Diversity	LEP Development Standard	Proposal	Compliance
Minimum internal floor area of 2 Bedroom dwellings is 110m <sup>2</sup>	≥40%	40% (64 of 157 units)	Yes



Minimum internal floor area of 3 Bedroom dwellings is 135m <sup>2</sup>	≥40%	40% (24 of 60 units)	Yes
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Parking Type	LEP Development Standard	Proposal	Compliance
1, 2, 3 & 4 Bedroom	1 car space per dwelling and 1 space per 5 units	290 resident spaces and 58 visitor spaces required. 409 resident car spaces (including 38 tandem spaces) and 58 visitor spaces provided.	Yes

The proposal complies with Council's local housing mix and diversity provision under Clause 7.12. Therefore, the incentivised Floor Space Ratio of 3:1 can be applied to the proposed development. The proposed development provides a total Gross Floor Area of 29,502m<sup>2</sup> which results in a Floor Space Ratio of 3:1 for the subject site.

#### f. Clause 7.7 Design Excellence

On 17 November 2017, The Hills LEP 2012 (Amendment No. 43) amended Clause 7.7 Design Excellence. Clause 7.7 of the LEP specifies an objective to deliver the highest standard of architectural and urban design and applies to development involving the erection of a new building or external alterations to an existing building if the building has a height of 25 metres or more. The Clause also prescribes that development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence. In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:

- (a) *whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
- (b) *whether the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain,*
- (c) *whether the development detrimentally impacts on view corridors,*
- (d) *whether the development detrimentally impacts on any land protected by solar access controls established under a development control plan,*
- (e) *the requirements of any development control plan to the extent that it is relevant to the proposed development,*
- (f) *how the development addresses the following matters:*
  - (i) *the suitability of the land for development,*
  - (ii) *existing and proposed uses and use mix,*
  - (iii) *heritage issues and streetscape constraints,*
  - (iv) *the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*
  - (v) *bulk, massing and modulation of buildings,*
  - (vi) *street frontage heights,*
  - (vii) *environmental impacts such as sustainable design, overshadowing, wind and reflectivity,*

- (viii) *the achievement of the principles of ecologically sustainable development,*
  - (ix) *pedestrian, cycle, vehicular and service access, circulation and requirements,*
  - (x) *the impact on, and any proposed improvements to, the public domain,*
  - (xi) *the configuration and design of public access areas, recreation areas and communal open space on the site and whether that design incorporates exemplary and innovative treatments,*
- (g) *the findings of a panel of 3 or more persons that has been convened by the consent authority for the purposes of reviewing the design excellence of the development proposal.*

**Comment:**

The design excellence of the proposal was considered by the Design Excellence Panel at its meetings on 29 March 2018, 11 July 2018, 10 October 2018 and on 13 February 2019. The meeting minutes of the Design Excellence Panel are included at Attachment 14.

The development, as originally submitted proposed the tallest tower element (25 storeys) to the south western corner of the site, a 14 storey tower to the south eastern corner of the site and lower built form (5/6 storeys) to the north of the site. The tallest tower elements comprised built form that was derived from the topographic form of the natural landscape and a “*lattice of geometry with fluid curvature of topography and patterns*”. Refer to figure 2.

At its initial meeting, the Design Excellence Panel reviewed the original development and concluded that it did not support the proposal in its current form. The Panel recommended the building heights/locations nominated in the approved planning proposal be further investigated and drawn to allow a more direct comparison with this amended proposal and recommended the applicant present a revised application to the Panel. It was also recommended that the applicant address the following design issues:

- Ensure adequate solar access for units and common open space areas are provided.
- Address public domain interface.
- Include activated street frontages, human scaled urban design.
- Clarify building separation and non-compliances with the Apartment Design Guide.
- Consider more efficient internal planning of required larger apartments.
- Remove all encroachments within the street setbacks.
- Consider placing greater emphasis on verticality on the tower developments.
- Consider varying the colours and materiality on the taller buildings.
- Provide perspective views from key local viewpoints.
- Provide a wind assessment to ensure adequate pedestrian amenity in circulation and common public open spaces.
- Provide greater detail on WSUD treatments.



Figure 2: Perspective from Maitland Place round about as originally lodged.

Amended plans including a building massing analysis that compared the heights proposed to that of the planning proposal was resubmitted and reviewed by the Design Excellence Panel at its meeting on 11 July 2018. Refer to figures 3 and 4 below. It is noted that the tallest building element (25 storeys) was still located at the south western corner of the site.

#### Building Massing Analysis

*Massing refinements improves relationship to townhouses along Spurway Drive, improves urban massing to proposed Solent Circuit and improves northern view from 2-6 Maitland Place*

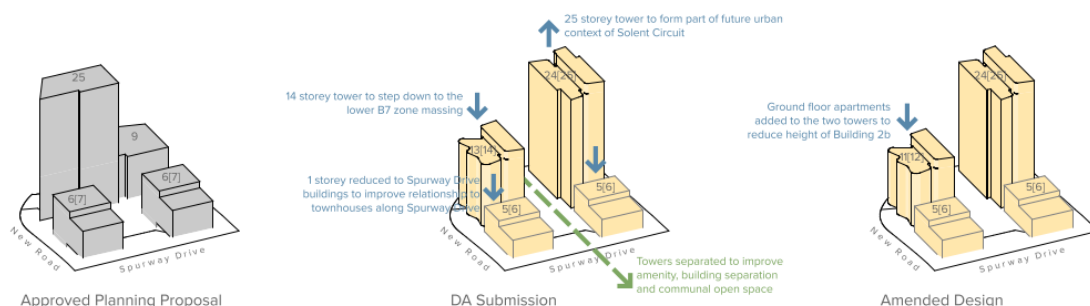


Figure 3: Building Massing Study presented to the Design Excellence Panel on 11 July 2018.

## Building Height Analysis

Overall building heights consistent with planning proposal objectives and a reduction of 145m<sup>2</sup> from planning proposal building footprint dedicated to communal open space.

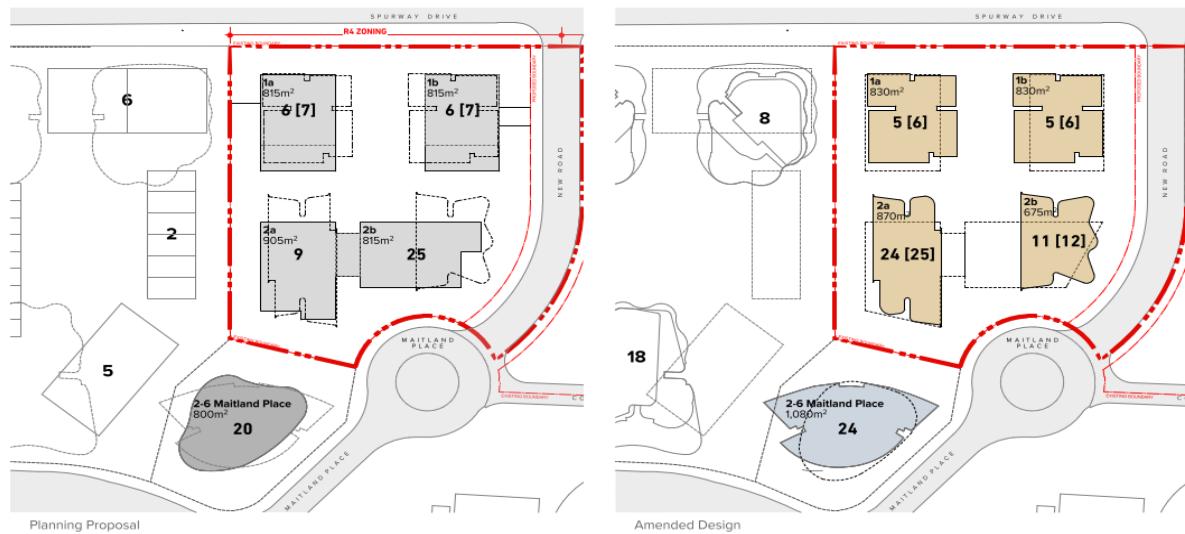


Figure 4: Building Height Analysis presented to the Design Excellence Panel on 11 July 2018.

The Panel concluded that it is “yet to be convinced that the proposed built form massing is improving design quality and recommends that further study is undertaken to retain the tallest element within the eastern portion of the site, consistent with the massing in the planning proposal”. The Panel also considered that as the development is to be particularly significant in shaping the future character and amenity of a denser, taller and more urbanised Hills Shire, the distances between the tall buildings should be substantially more than the Apartment Design Guide minimums. It was suggested that the proposal be reconsidered to address this matter and returned to the Panel for further discussion.

A revised massing study, along with a response to previous recommendations by the Design Excellence Panel was presented to the Panel at its meeting on 10 October 2018.

## Preferred Massing Option - Increased Setback and Decreased Height

Heights of buildings 1a and 1b was advised by Council to remain as per submitted DA.

Further reduction in height of Building 2a improves building amenity to surrounding developments while maintaining the civic plaza and connection from Maitland Place to Spurway Drive.

The preferred massing setback is increased to Buildings 1a and 1b to improve the ground floor communal open space while maintaining consistent Apartment Design Guide building separation to 2-6 Maitland Place.

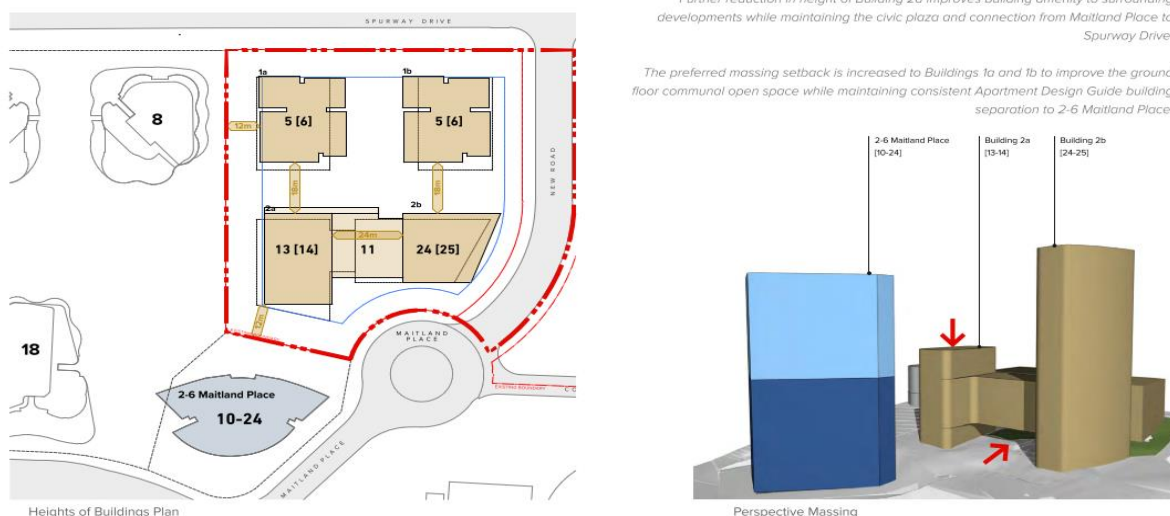


Figure 5: Urban Massing Study presented to the Design Excellence Panel on 10 October 2018.

Three scenarios were presented at the Design Excellence Panel meeting demonstrating how the recommended built form and height allocation across the site had been achieved. The “preferred massing option” as indicated in the figure above was more consistent with the planning proposal. This option included the tallest tower (25 storeys) being relocated to the south east and the building to the south west was lowered to 14 storeys. An 11 storey link between the southern towers was also proposed. The two buildings on Spurway Drive remain unchanged at 5/6 storeys. The Panel indicated support of the general direction of the revised massing and arrangement of the building blocks but recommended the applicant present a revised DA with detailed drawings and documentation to the Panel.

Further amended plans were presented to the Design Excellence Panel at its meeting on 13 February 2019. The plans included detailed documentation and have addressed previous concerns raised by the Panel as follows:

- Demonstrated compliance with the Apartment Design Guide with respect to the provision of solar access to communal open space areas and units and building separation, a wind assessment to ensure adequate pedestrian amenity in circulation and common public open spaces.
- The addition of a neighbourhood shop and associated civic plaza to address public domain interface and activate the street frontage.
- Detailed floor layouts of larger apartments to demonstrate more efficient internal planning.
- General compliance with all street setbacks except for a minor 300mm encroachment to the Spurway Drive setback for architectural features.
- The amended design results in greater emphasis on verticality on the tower developments.
- The colours and materials on the taller buildings are more varied.
- More perspective views provided from key local viewpoints.
- A wind assessment has been provided to ensure adequate pedestrian amenity in circulation and common public open spaces.
- WSUD treatment details provided.



Figure 6: Perspective of revised design from Maitland Place and Columbia Way



Figure 7: Perspective of revised design from corner of Spurway Drive and the new road

The Panel concluded that it supports the proposal on proviso that the applicant addresses all matters identified in the report.

The following recommendations were made in the report:

- Investigate alternative façade differentiation for the central built form between the tower elements.
- The substation and any visible utility service provision located at footpath level are to be visually integrated with the built form and landscape aesthetic of the development. The application should provide 1:50 annotated details prior to consent.



- Provide strategy for visual concealment of items on balconies.
- Provide details of preventative measures recommended as a result of the wind assessment prior to development consent

The above recommendations have been addressed as follows:

- The central built form between the tower element has been differentiated by vertical louvred screens which relieves the massing and visual impact concerns raised by the Panel (see figure 8 below).
- Annotated details and plans have been submitted to demonstrate the substation screening treatment for tree planting and tall shrub species along the driveway.
- A 'Design Items: Balconies' report prepared by Turner Studio has been submitted to demonstrate appropriate treatment to screen balcony utilities has been provided.
- Preventative measures as a result of wind assessment has been detailed and submitted. Details of the measures are follows:
  - Lower ground floor concierge area is provided with a minimum 1.8m high glass façade to mitigate southerly winds.
  - Extensive awning to the Maitland Place round about provides protection from building downdrafts.
  - All lobbies are internal and setback from building façade to provide wind protection.
  - All corner balconies are provided with 1.8m high glass balustrade to at least one side to provide wind protection at higher levels.
  - Communal open space to Level 9 and roof top is provided with 1.8m high full height glass balustrade to mitigate winds.
  - All the above preventative measures have been incorporated into the revised plans, elevations and sections.





Figure 8: Perspective of revised design from Maitland Place and Columbia Way



Figure 9: Perspective of entrance of Building 2

The other matters set out in Clause 7.7 (4) of LEP 2012 have been addressed as satisfactory by the Design Excellence Panel or have been considered in other sections of this report. In this regard, it is considered that the proposal exhibits design excellence and satisfies Clause 7.7 of the LEP.

#### **g. Other Provisions**

The proposal has been considered against the relevant provision of LEP 2012. Specific regard has been given to Clauses:

- 5.9 Preservation of trees or vegetation;
- 6.2 Public utility infrastructure;
- 7.2 Earthworks; and
- 7.3 Flood Planning

The proposal has been considered against these provisions and subject to conditions, satisfies each of the standards and objectives relating to each of the clauses.

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

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

Clause 7 of the SEPP states:-

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

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

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

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

### **Comment:**

A Stage 1 Environmental Site Assessment has been undertaken by Environmental Investigations Australia dated 14 October 2015. The investigations found that the potential for widespread contamination was not identified at the site and the risk to human health and environmental risks associated with on-site contamination is considered to be low. In addition, a hazard material survey prepared by EI Australia dated 14 December 2017 was undertaken and the report recommends for the safe management of hazardous materials during demolition works. Council's Environmental Health Section has reviewed the report and has indicated that the contamination report identified some exceedances in heavy metals in the ground water. Further testing of this would be required if the basement excavations hit groundwater / requiring dewatering. It was identified that the exceedances were not attributed to contamination from the past uses and 15 test bore locations were established and soil samples did not record any exceedances. The recommendations made in the Contamination Report have been included in a condition of consent (refer condition No. 75).

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

## **3. Compliance with State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Apartment Development**

The required Design Verification Statement was prepared by Melissa Koronel, registration number 9590 of Turner Studio.

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The Development Application has been assessed against the relevant design quality principles contained within SEPP 65 as follows:

Principle 1: Context and neighbourhood character

The proposal is compatible with the existing and desired context and neighbourhood character of the Norwest precinct. The subject site is located to the north of the Norwest Business Park and is within 800m walking distance to the Norwest Metro Station. Norwest has been identified as a Strategic Centre in the Sydney Region Plan and Central City District Plan. The proposal seeks to respond to and contribute to the context of Norwest both in its present state as well as the desired future character and is consistent with the NSW Government's Corridor Strategy and The Hills Corridor Strategy.

The site is surrounded by existing two storey residential dwellings to the north, commercial offices/business to the east and south. The future vision of the site and adjoining sites to the west and south west is for an increased scale of high density residential development. It is noted that Planning Proposal 5/2016/PLP has received gateway determination and was publically exhibited for higher density residential development to the west and south west of the site at 40 Solent Circuit. In this regard, the proposal is consistent with the existing and future desired character for the Norwest precinct.

Principle 2: Built form and scale

The proposal is consistent with the requirements of The Hills LEP 2012, and is appropriately articulated to minimise the perceived scale. The built form and urban massing has been reviewed by Council's Design Excellence Panel on four occasions and the proposal has been considered to exhibited Design Excellence under Clause 7.7 of the LEP. The minimalist built form, building separations and layering of façade elements, assists in creating an iconic building to within the Norwest precinct. The neighbourhood shop and associated civic plaza provides for an activated street frontage which enhances the development's relationship with the public domain.

Principle 3: Density

The subject proposal provides for 290 dwellings for the site. The applicant sought consent for a site specific planning proposal (which also includes 2-6 Maitland Place) to rezone the land from B7 Business Park to R4 High Density Residential. The planning proposal was finalised with an amendment to the LEP to allow an incentivised floor space ratio of 3:1 provided the proposal complies with Council's local provision of housing diversity, unit mix, sizes and car parking. The amendments to the LEP facilitated approximately 370 units on the site subject to some variation as a result of the final design and configuration of the development. In this regard, the proposal is consistent with the density as envisaged in the planning proposal. The density is consistent with the site's strategic location and the surrounding character of adjoining development. It is considered that the proposal is appropriate for the site and future Norwest precinct.

Principle 4: Sustainability

The design achieves natural ventilation and solar access as required by 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.

Principle 5: Landscape

The landscape plan indicates that all open spaces on the ground level will be appropriately landscaped with native trees and shrubs to provide a high quality finish. The proposed landscaping integrates with the overall appearance of the development.

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 development has been designed with safety and security concerns in mind. The common open spaces are within direct view of occupants to allow passive surveillance. Open spaces are designed to provide attractive areas for recreation and entertainment purposes. These open spaces are accessible to all residents and visitors whilst maintaining a degree of security. Private spaces are clearly defined and screened.

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 location of this development provides dwellings within a precinct that will provide in the future, a range of support services. The development complies with the family friendly unit mix and internal floor areas as required under Clause 7.12 of the LEP. The application includes 73 x 1 bedroom, 157 x 2 bedroom and 60 x 3 bedroom units where at least 40% of two bedroom units contain a floor area of 110m<sup>2</sup> and at least 40% of three bedroom units contain a floor area of 135m<sup>2</sup>.

Principle 9: Aesthetics

The proposal integrates a number of buildings with differing built forms and heights with five to six storey buildings fronting Spurway Drive and a connected 11, 14 and 25 storey building fronting Maitland Place. Recesses, projections, vertical features are designed into the facades of the structures to articulate the overall mass and form into smaller segments. The design is minimalist in style and appropriate for the Norwest precinct. The built form and urban massing has been reviewed by Council's Design Excellence Panel on four occasions and the proposal has been considered to exhibit Design Excellence under Clause 7.7 of the LEP.

**a. Apartment Design Guide**

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 Guide. The following table is an assessment of the proposal against the Design Criteria provided in the Apartment Design Guide.

Clause	Design Criteria	Compliance
<b>Siting</b>		
Communal open space	25% of the site, with 50% of the area achieving a minimum of 50% direct sunlight for 2 hours midwinter.	Yes. 75% of the development site area (7,218m <sup>2</sup> ). A communal open space area of 4,612m <sup>2</sup> will receive at least 50% direct sunlight for 2 hours during midwinter.
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 <sup>2</sup> and 15% for sites greater than 1500m <sup>2</sup> .	Yes. 30% of the development site area is true deep soil zones as defined within the ADG. This does not include planting over the basement structure.
Separation	For habitable rooms, 12m for 4 storeys, 18m for 5-8 storeys and 24m for 9+ storeys.	Yes. 12m (min.) to southern property boundary Building 2a  12m (min.) to western property boundary Building 2a  10m (min.) to western property boundary Building 1a  21m Buildings 1a – 1b  18m Buildings 1a – 2a  18m Buildings 1b – 2c
Visual privacy	Visual privacy is to be provided through use of setbacks, window placements, screening and similar.	Yes. The visual privacy of the development has been duly considered with the placement of windows and balconies. Privacy screens/louvres have been incorporated to minimise direct overlooking of units facing each other in

		buildings 2a and 2b. The proposed development is considered to afford a reasonable degree of privacy for future residents and adjoining properties.
Car parking	<p>Car parking 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:</p> <p>Metropolitan Sub-Regional Centres:</p> <p>0.6 spaces per 1 bedroom unit. (43.8)  0.9 spaces per 2 bedroom unit. (141.3)  1.40 spaces per 3 bedroom unit. (84)  1 space per 5 units (visitor parking). (58)</p>	<p>Yes.</p> <p>The site is located within 800m of the future Norwest Station. 328 Spaces would be required utilising the RMS rate, 473 spaces are provided (including 1 staff space for the neighbourhood shop).</p>
<b>Designing the Building</b>		
Solar and daylight access	<p>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.</p> <p>2. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.</p>	<p>Yes.</p> <p>The proposed development will achieve two hours solar access for 76% (220 of 290) of apartments between 9am and 3.00pm.</p> <p>Yes.</p> <p>There are 14% (41 of 290) of apartments that will not receive any solar access between 9.00 am and 3.00 pm.</p>
Natural ventilation	<p>1. 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.</p> <p>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	<p>Yes.</p> <p>A total of 71% of units will meet the cross ventilation requirements or can be naturally ventilated.</p> <p>Yes.</p> <p>The maximum overall depth is 15 metres for a cross through apartment.</p>

Ceiling heights	<p>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.</p> <p>If located in a mixed use areas – 3.3m for ground and first floor to promote future flexible use.</p>	<p>Yes. Floor to ceiling height approx. 2.7 metres for all apartments.</p> <p>Yes. Floor to ceiling height of 3.3m provided to street level apartments.</p>
Apartment size	<p>1. Apartments are required to have the following internal size:</p> <p>Studio – 35m<sup>2</sup> 1 bedroom – 50m<sup>2</sup> 2 bedroom – 70m<sup>2</sup> 3 bedroom – 90m<sup>2</sup></p> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal areas by 5m<sup>2</sup> each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m<sup>2</sup> each.</p> <p>2. Every habitable room must have a 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.</p>	<p>Yes.</p> <p>1 bedroom 51 - 63m<sup>2</sup> 2 bedroom 75 - 117m<sup>2</sup> 3 bedroom 95 - 138m<sup>2</sup></p> <p>Where additional bathrooms are proposed, an additional 5m<sup>2</sup> has been provided.</p> <p>No four bedroom units proposed.</p> <p>All habitable rooms have windows greater than 10% of the floor area of the dwelling.</p>
Apartment layout	<p>Habitable rooms are limited to a maximum depth of 2.5 x the ceiling height.</p> <p>In open plan layouts the maximum habitable room depth is 8m from a window.</p> <p>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow layouts.</p>	<p>Yes.</p> <p>All rooms comply.</p> <p>Yes.</p>
Balcony area	<p>The primary balcony is to be:</p> <p>Studio – 4m<sup>2</sup> with no minimum depth 1 bedroom – 8m<sup>2</sup> with a minimum depth of 2m 2 bedroom – 10m<sup>2</sup> with a minimum depth of 2m 3 bedroom – 12m<sup>2</sup> with a minimum depth of 2.4m</p>	<p>Yes.</p> <p>All balcony sizes and depths comply.</p>

	For units at ground or podium levels, a private open space area of 15m <sup>2</sup> with a minimum depth of 3m is required.	Yes.
Common Circulation and Spaces	The maximum number of apartments off a circulation core on a single level is eight  For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	Yes.  Yes.
Storage	Storage is to be provided as follows: Studio – 4m <sup>3</sup> 1 bedroom – 6m <sup>3</sup> 2 bedroom – 8m <sup>3</sup> 3+ bedrooms – 10m <sup>3</sup>  At least 50% of the required storage is to be located within the apartment.	Yes.  Each unit contains the minimum storage within the apartment and exceeds the overall storage requirements.
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 accords with Clause 7.12 of The Hills LEP 2012 and is considered satisfactory.

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

The proposal has been assessed against the relevant provisions of The Hills Development Control Plan 2012 noting that some standards such as density, number of storeys, unit mix, sizes and parking are superseded by the site specific provisions in the LEP under Clause 7.12.

The proposed development achieves compliance with the relevant requirements of the development controls with the exception of the following:

DEVELOPMENT CONTROL	THDCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
Part B Section 5 Residential Flat Buildings - Clause 3.3(2)(a) Front Setbacks	Primary Frontage Setback (Spurway Drive) 10m	Building 1a 10.3m to facade 9.7 metres to balcony and architectural wall feature on levels 1 to 5 for Building.  Building 1b 10.3m to facade 9.7 metres to balcony and architectural wall feature on levels 3 to 5 for Building.	Yes. No.   Yes. No.



DEVELOPMENT CONTROL	THDCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
	Secondary Frontage (Maitland Place) setback 6m.	Building 1b 6m  Building 2c 6m	Yes.  Yes.
Part B Section 5 Residential Flat Buildings - Clause 3.3(2)(a)	Building Length 50m.	Building 2 comprises of 2a (14 storeys), 2b (link building) and 2c (25 storeys). The total length of this building is 71.5 metres.	No.
Part C Section 1 Parking	Residential Flat Buildings 1 space per 1 bedroom unit 1.5 spaces per 2 bedroom unit 2 spaces per 3 bedroom unit 2 visitor spaces per 5 units  Required for the development: 429 residents and 116 visitor spaces	371 residential spaces + 38 tandem spaces provided.  58 visitor spaces provided.  Shortfall of 58 residential spaces (not including tandem spaces).  Shortfall of 58 visitor spaces.	No.

#### a. Building Setbacks

The proposed development seeks variations to the front setback provisions of the DCP.

The relevant objectives of this clause of the DCP are:

- (i) *To provide setbacks that complement the setting and contributes to the streetscape and character of the street while allowing flexibility in siting of buildings;*
- (ii) *To ensure that the space in front of the building is sufficient to permit landscaping that will complement the building form and enhance the landscape character of the street.*
- (iii) *Side and rear setbacks are to be proportioned to the slope of the site having regard to the height and relationship of the buildings on adjoining properties.*
- (iv) *The setbacks of proposed buildings are to minimise any adverse impacts such as overshadowing and privacy on adjacent and adjoining properties.*
- (v) *To ensure placement of buildings takes into account the retention and protection of existing trees.*

The applicant has provided the following justification for the variation.

*The building setback to Spurway Drive varies some 300mm forward and behind 10m to generally average the setback control. The treatment satisfies the objectives of the setback control under Clause 3.3 as follows:*

- (i) the minor variations to the setback provide a subtle variation to the line of the building 1a and 1b façades to provide interest and relief when viewed from street settings and utilises flexibility in the siting of the building to achieve an average 10m setback.*
- (ii) sufficient space remains in front of the building to permit generous landscaping that complements the building form and enhance the landscape character of Spurway Drive as shown on the Landscape Plans.*
- (iii) N/A*
- (iv) the minor variations to the Spurway Drive setbacks do not result in any adverse impacts on adjacent and adjoining properties whereby the change in overshadowing and privacy effects is negligible.*
- (v) the placement of buildings has taken into account the retention and protection of existing trees whereby the minor variations have no practical effect.*

**Comment:**

The DCP requires a front setback for residential flat buildings of 10 metres to the primary frontage. Building 1a provides a front setback of 9.7m to Spurway Drive. The 300mm encroachment is for balcony and architectural treatment/louvres on levels 1 to 5. Building 1b also contains 300mm front setback encroachments for balcony and architectural treatment/louvres on levels 3 to 5.

Building 1a and 1b includes balconies and architectural features including louvres that encroach within the front setback by 300mm. The variation is considered to be negligible given the built form compliance to the front setback (Spurway Drive) for the face of the building. The minor encroachment to the front setback consists of balconies and architectural features that provide articulation and interesting fenestration to the front facades and would contribute to the existing streetscape. It is noted that the existing streetscape consists of two storey townhouses to the north of Spurway Drive. Noting the site's maximum height development standard of RL169 (approximately 25 storeys), the minor encroachments to the front setback to allow for articulation and visual interest to the proposed 5/6 storey buildings are considered to be an appropriate response to allow for adequate transition to existing developments within the streetscape. The variation to the front setbacks would not result in any overshadowing impacts to adjoining properties. In addition, the proposed landscaping within the front setback contains substantial deep soil and is used exclusively for landscaping purposes.

In this regard, the variation to the setbacks control is supported.

**b. Building Length**

The DCP limits the maximum linear length of any residential flat building to 50 metres. Building 2 comprises of 2a (14 storeys), 2b (link building) and 2c (25 storeys). The total length of this building is 71.5 metres.

The relevant objectives of this clause of the DCP are:

- (i) *To reduce the visual bulk and scale of residential flat building developments.*
- (ii) *To ensure that developments will enhance and contribute to the streetscape and desired character of the future and existing neighbourhood.*

The applicant has provided the following justification for the variation.

*As discussed at the Design Excellence Panel, the link building results in a breach of the maximum linear length of any residential flat building of 50m. It is considered that this is mitigated by the extensive shaping of the façade so that it is composed of:*

- *Two predominate projections of some 25m and 30m in width with a recess of 15m on its northern extent; and*
- *A 20m corner projection and recess of similar in length on the southern façade coupled with another separate 20m more southerly façade projection.*
- *These recesses have been further treated on the recommendations of the Design Panel to provide a distinctive break between the tower forms.*

*Accordingly, it is considered that the objectives of the control under Section 3.7, Part B Section 5 of the DCP are satisfied in that:*

- (i) *The visual bulk and scale of the residential flat building is reduced by way of offsetting the façade elements and visually treating the linking recess to separate the two tower forms.*
- (ii) *The development will enhance and contribute to the streetscape and desired future character of neighbourhood, especially as viewed from the public domain as confirmed by the comments of the Design Excellence Panel.*

**Comment:**

Whilst buildings 2a (14 storeys) and 2c (25 storeys) are connected by an 11 storey link building (building 2b), the varying heights of the building elements break up the overall building mass. In addition, the building 2b link is differentiated with vertical louvred elements which break up the overall building mass and visual bulk and scale of building 2. This was recommended by the Design Excellence Panel. The treatment of the ground level, which includes a neighbourhood shop and landscaped civic plaza activates the street frontage and contributes to the streetscape and desired character of the Norwest Precinct.

In this regard, the variation is supported in this instance.

**c. Car Parking**

The DCP requires that residential flat buildings provide 1 space per 1 bedroom unit, 2 spaces per 2 or 3 bedroom unit and 2 visitor spaces per 5 units. Applying this rate, the development will require 429 residents and 116 visitor spaces. The proposal provides 371 residential spaces (and 38 additional tandem spaces), 58 visitor spaces and 1 staff car space for the neighbourhood shop, resulting in a total of 430 car parking spaces (473 spaces including tandem spaces).

The applicant has provided the following justification for the variation.

*Stacked or tandem parking has been utilised for larger 3 bedroom apartments to provide for the parking requirements of The Hills LEP 2012 7.12 (3)(e) noting that no tandem space is proposed to be used in conjunction with separate apartments.*

*The appropriate use of tandem parking spaces is a contemporary practice employed to minimise the bulk and impacts of basements sizes and to better respond to site conditions and characteristics.*

*The LEP requires a minimum of 290 residential parking spaces which is exceeded by 124 spaces to better accord with the DCP but noting that the LEP provisions prevail.*

*The Hills DCP Part C Section 1 2.1.1 (i) states that "Stack parking will not be included in the assessment of the number of car parking spaces for retail, commercial, medium density residential and industrial development and the like." However, the DCP provisions are inconsistent with the LEP and accordingly, S3.43(5) of the EP&A Act provides that they have no effect. In this regard it is noted that appropriate tandem parking has been approved by Council in like circumstances, for example consent DA 282/2018/JP nearby. Notwithstanding, it is considered that the objective of the DCP parking control is satisfied as sufficient parking greater than that required by the LEP is provided that is convenient for the use of residents, employees and visitors of the development.*

**Comment:**

While the development will provide 116 fewer car parking spaces, the car parking provided is well in excess of the 144 spaces specified by the RMS' *Guide to Traffic Generating Development* for developments within 800 metres of a railway station. The subject site is within 800m walking distance to Norwest Station. The proposal complies with the Apartment Design Guide which utilises the RMS guide and Clause 7.12 of The Hills LEP 2012 which applies to development on certain land within the Sydney Metro Northwest Urban Renewal Corridor. In this regard, whilst there is a departure to the DCP car parking control, the proposal complies with the requirements of SEPP 65 Apartment Design Guide and The Hills LEP 2012.

**5. Issues Raised in Submissions**

The application was advertised for a period of 14 days and notified on three occasions. In total, submissions from 7 properties were received. Three of these properties are within the same Seniors Living Development to the north of the subject site. Two submissions were received from the adjoining property owner on the south of the subject site. One submission was received from the Hills Historical Society.

During the first notification period one submission was received from adjoining property owners. The applicant submitted amended plans to address concerns raised by Council officers, the Design Excellence Panel and objectors. During the second notification period, submissions from five properties were received (including one submission from a previous objector during the initial notification period). During the third notification period, submissions from three properties were received.

Given the amendments made by the applicant to the plans, the submissions have been divided into three sections addressing each notification period. Only additional concerns raised are included under the second and third notification periods.

**First Notification**

<b>ISSUE/OBJECTION</b>	<b>COMMENT</b>	<b>OUTCOME</b>
The proposal does not comply with Clause 7.12 of the LEP 2012, therefore the development should not benefit from the incentivised FSR of 3:1 for the site.	The proposal satisfies Clause 7.12. Refer to Section 1 above. In this regard an incentive FSR of 3:1 can be applied for the development.	Issue addressed.
Inconsistency with the planning proposal and overshadowing impact to adjoining southern property.	Whilst it is acknowledged that there is some overshadowing impact to the adjoining southern property, the development proposal has been amended to ensure that the height is consistent to that of the planning proposal. The Council assessment report and Design Excellence Panel recommended the massing be more evenly distributed to the new amalgamated lot. This would result in less overshadowing impact to the subject development proposal. It is also noted that on 28 August 2019, the SCCPP refused Development Application No. 1573/2018/JP for a 23 storey residential flat building on the adjoining southern lot.	Issue addressed.
Failure to obtain Norwest Association consent	Norwest Association Consent was provided on 3 May 2019.	Issue addressed.
Failure to achieve design excellence	As discussed under Section 1 of this report, the proposal was reviewed by the Design Excellence Panel on four occasions. The proposal has been substantially amended to address the recommendations by the Design Excellence Panel. In particular, the 25 storey tower has been relocated from the south western corner of the site to the south eastern corner of the site to be more consistent with the concept under the planning proposal. In this regard the proposal is considered to meet exhibit design excellence under the provisions of Clause 7.7 of LEP 2012.	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>Failure to adequately consider proposed development on adjoining southern lot.</p>	<p>The proposal has been substantially amended to be more consistent with the concept design submitted with the planning proposal. The Applicant has provided a detailed response to the concerns raised by the adjoining southern property in a letter dated 26 March 2019. The main concern raised by the adjoining southern lots is overshadowing impacts to the proposed development under 1573/2018/JP. In particular, it is suggested that the removal of the central link building (2b) will allow 10-15 mins of sunlight after the hour of 9am to south facing apartments at the eastern extremity of the proposed building.</p> <p>It is noted that on 28 August 2019, the SCCPP refused Development Application No. 1573/2018/JP for a 23 storey residential flat building on the adjoining southern lot. It is considered that the proposed development at No. 2-6 Maitland Place could be relocated to achieve a built form outcome that is compliant with the statutory planning instruments and achieve complaint solar access requirements in accordance with the SEPP 65 – ADG requirements. All other matters raised by the adjoining southern lot have been addressed in the body of the report.</p>	<p>Issue addressed.</p>
<p>Insufficient information to provide a proper assessment of the application.</p>	<p>Additional information and amended plans have been received on a number of occasions to address outstanding concerns raised by Council officers to ensure a complete and proper assessment of the development application.</p>	<p>Issue addressed.</p>

## Second Notification

The applicant submitted revised plans for consideration on 20 December 2018. The revised plans proposed the following key amendments:

- Relocation of the 25 storey tower building from the south western to south eastern corner of the site.
- Change in façade treatment and overall design of the buildings on the southern side of the site.
- Addition of a neighbourhood shop and associated civic plaza.

ISSUE/OBJECTION	COMMENT	OUTCOME
Overshadowing impact and bulk and scale to the adjoining southern property. In particular the 'link' building that joins buildings 2a and 2c is 10-11 storeys in height and overshadows the proposed residential flat building under DA 1573/2018/JP. The link building results in 16% of units on the adjoining development proposal receiving no solar access during midwinter. The 10-11 storey link building results in a total length of 76m for the southern building which results in an unrelieved mass of building and eliminates the podium and tower form.	The proposal has been reviewed by the Design Excellence Panel on four occasions. As recommended by the Design Excellence Panel, the Applicant has amended the architectural treatment of the 'link' building with fixed vertical angled louvres of varying heights to visually separate the mass of the southern building. The variation to solar access to the adjoining development was not used as a reason for refusal in the SCCPP determination of the adjoining development application under 1573/2018/JP.	Issue addressed.
The relocation of link road results in a decrease of developable land within the B7 land by 205m <sup>2</sup> and increases the yield by 3 dwellings on the R4 zoned land for the subject site.	This was considered in the assessment of the subdivision application under Development Application No. 2267/2018/ZA which was approved on 6 June 2019. The subdivision consent creates two mixed use development lots (proposed Lot 10) comprising an area of 9,834m <sup>2</sup> within the R4 high density residential zone and a mixed use lot (proposed Lot 11) comprising an area of 4,953m <sup>2</sup> , within the B7 Business Park zone. Future development within the B7 Business park zone will be assessed under a future development application.	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
The development only provides for one vehicle access point which is inconsistent with concept plans for the planning proposal and result in traffic congestion issues.	The proposal has been assessed by Council's Traffic and Subdivision Engineering sections. No objections were raised to the proposal with regard to one singular vehicular access point or location of the vehicular entrance.	Issue addressed.
The link road must be completed prior to the issue of an Occupation Certificate for the development so that it is operational when occupants move into the building.	The link road is required to be completed prior to the issue of building works Construction Certificate for the subject development and is conditioned in the consent accordingly (refer to condition No. 36).	Issue addressed. Refer to condition No. 36).
Insufficient parking provided for development.	The proposal is located within 800m of the Norwest Metro Station and complies with the requirements under Clause 7.12 of LEP 2012 for car parking. This is addressed under Section 1 and 4 of this report.	Issue addressed.
Exacerbation of existing traffic congestion and road capacity issues on Columbia Way, Norwest Boulevard, Solent Circuit and Spurway Drive.	The queues that occur in the peak periods in Columbia Way are as a result of the capacity issues occurring on the State road network of both Windsor Road and Norwest Boulevard. Council officers are currently working with the RMS to establish the extent of mode shift and where and if any, network improvements are required for the Norwest Precinct.	Issue addressed.
The Hills Corridor Strategy states that for the Norwest Precinct, <i>"any additional growth within the Precinct will need to be supported by measures to deal with the capacity/efficiency of the road network to cope with the additional employment and housing"</i> . In this regard, the two lane slip road onto Spurway Drive is not enough to cope with the additional traffic for the scale of development proposed under the subject application.	Both Council and the RMS are currently undertaking a precinct wide traffic study of the Norwest Business Park to establish the extent of mode shift from private motor vehicle to public transport. Council's Principal Traffic Coordinator has assessed that the traffic generated for the subject development application comprising 290 additional dwellings will result in negligible impacts to the existing capacity/efficiency of the road network.	Issue addressed.
Improved public transport will alleviate some traffic congestion however residents of the residential	Evidenced based transport planning suggests that modal shift can be achieved if less car parking is provided. The proposal complies	Issue addressed.



ISSUE/OBJECTION	COMMENT	OUTCOME
apartment buildings will still drive cars and 2 spaces per dwellings should be provided.	with the car parking provisions under The Hills LEP 2012 and the RMS Guide for traffic generating developments 2002.	
The development yield for the subject application (290 dwellings) and adjoining development application at 2-6 Maitland Place (131 dwellings) totals 421 dwellings which is above the yield envisaged under the Planning Proposal (369 dwellings).	<p>This is acknowledged. The subject development site includes a Planning Agreement requiring that if Development Consents approve dwellings on the land in addition to the anticipated dwellings on the land, then the Developer must pay the additional monetary contributions and additional monetary contributions be paid at the rate of \$7,832.89 per 1 bedroom unit, \$12,653.12 per 2 bedroom unit and \$16,268.30 per 3+ bedroom unit. This is recommended as a condition of consent (refer condition No. 92).</p> <p>Any development approved on the adjoining lot at 2-6 Maitland Place will require a Section 7.11 contribution condition in the development consent. Alternatively, a Voluntary Planning Agreement could be considered by Council under a separate application.</p>	Issue addressed. Refer to condition No. 92.
The submitted information in the Traffic reports are understated and misleading. There are inconsistencies with information and data in these reports.	The proposed development including the submitted traffic reports have been reviewed by Council's Principal Traffic Coordinator who has assessed that the traffic generation rates quoted in the traffic reports are consistent with RMS rates for high density apartments in close proximity to public transport. No objections are raised to the proposal with regards to traffic impact.	Issue addressed.
Request that Spurway Drive not be used during the excavation or construction phase of this development.	A condition of consent is recommended requiring a construction traffic management plan be submitted to Council to minimise potential impacts on the surrounding road network (refer condition No. 49). It is noted that the condition also recommends that where practicable, all construction vehicles are to enter via Maitland Place.	Issue addressed. Refer condition No. 49.

ISSUE/OBJECTION	COMMENT	OUTCOME
The neighbourhood shop only provides for 1 car parking space, however the traffic generation from larger commercial activities which were part of the original proposal have been ignored.	The proposal has been amended to provide for 6 car parking spaces for the neighbourhood shop which complies with Council's DCP requirements requiring 1 space per 18.5m <sup>2</sup> within a commercial centre. The original proposal did not include a neighbourhood shop. However as suggested by Council's Design Excellence Panel a neighbourhood shop with a GFA of 97m <sup>2</sup> was included in the proposed development to activate the street frontage. No other commercial activities are proposed as part of this development.	Issue addressed.
Requests Council obtain a detailed traffic impact statement for Spurway Drive which takes into account all the developments affecting the road, utilising RMS guidelines.	This is not required for the assessment of the subject Development Application. The cumulative impact of other approved development within the vicinity of the site cannot be used as a reason for refusal for the subject Development Application.	Issue addressed.
Requests Council must accept already failed planning of the eastern portion of Spurway Drive in the intersection at "Stonemason Drive". Further traffic safety and congestion issues will develop once the LeWindsor" project (47 Spurway Drive) is completed. Requests the subject application be deferred until Council carries out an in-depth review of existing and future infrastructure needs in the Spurway Drive Precinct. In particular, it is requested Council prepare and place on exhibition its strategy to mitigate current and future impacts in this residential area.	It is noted that physical connection to Spurway Drive (currently a private road) will not occur until Spurway Drive is upgraded and dedicated as a public road as required in Development Consent 634/2017/ZB over Lot 2 DP 1246113. A Construction Management plan and Traffic Control Plan will need to be submitted to Council to minimise potential impacts on the surrounding road network (refer condition Nos. 49 and 67). As referred above Council and the RMS will be undertaking a precinct wide traffic report following the opening of the rail line, in order to establish the extent of mode shift and where and if any, network improvements are required.	Issue addressed. Refer condition No. 49 and 67.
Too many apartments are being built in this area. Request the Garden Shire be kept "pleasant" and	The proposal is located within the Norwest Business Park which has been identified as a strategic centre under The Sydney Region Plan and	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
"delightful" rather than form a "ghetto".	The Central City District Plan. The site was subject to a planning proposal to increase the height and density of the site. The strategic merits of the additional yield and residential flat building typology were considered under the planning proposal. The proposal results in development that is in keeping with the desired future character of the Norwest Precinct and the design of the built form is considered to exhibit design excellence under Clause 7.7 of LEP 2012.	

### Third Notification

The applicant submitted further revised plans for consideration on 27 March 2019. The revised plans proposed the following key amendments:

- ☐ External modifications to façade treatment for 'link component' on southern building.

ISSUE/OBJECTION	COMMENT	OUTCOME
There is no amended Statement of Environmental Effects submitted with the latest set of plans.	A Statement of Environmental Effects dated December 2018 was submitted with the Development Application. This was available for public viewing during the second notification period. As the latest set of plans include only external modifications to the façade treatment for the southern link building, a revised Statement of Environmental Effects was not provided.	Issue addressed.
The amended traffic impact statement does not address impacts or provide detailed traffic count to model the real impact on Spurway Drive. The assessed vehicle movement in and out of the complex appears too low and is less than actual traffic movement in and out of Castle Pines Estate and ignores traffic to and from Castle Hills Country Club golf course.	Noted. However Council's Principal Traffic Coordinator has reviewed the proposal and raised no objections to the development.	Issue addressed.

The proposed link road from Maitland Place to Spurway Drive is subject to a separate DA 2267/2018/ZA. As such, the subject DA should be conditional upon the subdivision DA sought.	Development consent was granted to DA 2267/2018/ZA on 6 June 2019. A condition of consent is recommended requiring the link road to be constructed prior to the issue of a building construction certificate (refer condition No. 36).	Issue addressed. Refer to condition No. 36).
The proposed link road is designed to be 20m wide, more than twice the width of both roads whereas Spurway Drive is currently only 7.5m wide and Columbia Way is 9m wide. Accordingly, future through traffic will favour the new wider road link in lieu of Columbia Way and access Spurway Drive.	Noted. The extension of Maitland Place would be constructed in its entirety as an enhanced collector public road standard (with a 13m wide carriageway) and dedicated to Council as a public road. It is noted that physical connection to Spurway Drive (currently a private road) will not occur until Spurway Drive is upgraded and dedicated as a public road as required in Development Consent 634/2017/ZB over Lot 2 DP 1246113.	Issue addressed.
Requests caveat on title requiring all construction works be accessed from Maitland Place.	A caveat is not required to minimise construction work impacts. A condition of consent is recommended requiring a construction traffic management plan and Traffic control Plan be submitted to Council to minimise potential impacts on the surrounding road network. It is noted that the condition also recommends that where practicable, all construction vehicles are to enter via Maitland Place.	Issue addressed. Refer condition No. 49 and 67.
The developer Sekisui House for Development Consent 634/2017/ZB has advised that the engineering plans for Spurway Drive have not been completed. How then has the developer integrated the intersection of the new link road with the plans for Spurway Drive. Any design documentation in respect to Spurway Drive must be approved by the Owners Corporation of SP 44999 as a condition of consent in respect to Stage 5 of the Orchards development.	The link road design has been assessed under Development Application 2267/2018/ZA which was approved by Council's Development Assessment Unit on 6 June 2019. A condition of consent is recommended in the subject application that the link road be completed prior to the issue of a Building Construction Certificate (refer condition No. 36).	Issue addressed. Refer condition No. 36.

Existing roads are too narrow to handle the number of vehicles for a development of this size.	The proposed Maitland Place extension would be constructed in its entirety as an enhanced collector public road standard (with a 13m wide carriageway).	Issue addressed.
The new residents will not be taking the new train as they are too far away.	The proposal is within 800m of the Norwest Metro Station. There is no evidence to substantiate the claim that the residents will not use the new train station.	Issue addressed.
Insufficient facilities for children including play areas, not just child care centres.	The proposed development includes ground level communal open space areas which include children's play areas.	Issue addressed.
Insufficient schools in the area to accommodate children living in this development.	Precinct planning for schools within The Hills local government area are currently being undertaken by the Department of Planning, Infrastructure and Environment. This issue cannot be used as grounds for refusal for the subject development application.	Issue addressed.
The buildings are too high.	The proposal generally complies with the maximum height development standard of RL 169. An exceedance of 1m occurs to Building 2c however is supported under Clause 5.6 Architectural roof features of LEP 2012.	Issue addressed.
Noise concerns for the Seniors Living Development on Spurway Drive.	An acoustic report was submitted with the application. Council's Environmental Health Officer has reviewed the application and raised no objections to the proposal, subject to recommended conditions of consent.	Issue addressed.

## 6. REFERRALS

### EXTERNAL REFERRALS

#### ROADS & MARITIME SERVICES COMMENTS

The application was referred to the NSW Roads and Maritime Service for comment. It is noted that the NSW RMS Services is not a concurrence authority under the Environmental Planning and Assessment Act 1979. No objections were raised to the proposal subject to recommended conditions of consent requiring the submission of a Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control, the layout of the car parking areas being in accordance with AS 2890.1 – 2004 and AS 2890.2 – 20002 for heavy vehicle usage, swept paths be provided for the longest vehicle entering and existing the site and all works/regulatory signposting associated with the development to be at no cost to RMS (refer condition No. 11).

The NSW RMS Services also recommended the Council consider a reduction in the provision of car parking spaces for the site in compliance with the Roads and Maritime's "Guide to Traffic Generating Developments" due to accessibility to public transport at Norwest Station.

### **NSW POLICE COMMENTS**

The application was referred to the NSW Police. No objections were raised to the proposal, subject to recommended conditions of consent (refer condition No. 9).

### **ENDEAVOUR ENERGY**

The application was referred to Endeavour Energy as the site contains easements over the site that benefit Endeavour Energy for the following:

- 132 kV high voltage underground cables, underground earth cables and underground pilot cables (carrying protection signals or communications between substations).
- 11,000 volt / 11 kV high voltage underground cables.
- Padmount substation and low voltage and 11 kV high voltage underground cables (including two streetlights) also extending over the adjoining Columbia Way road verge / roadway.

The proposed development includes the decommissioning of the existing padmount substation and replaced with two new padmount substations on the western side of Maitland Place required to facilitate electricity supply to the proposed development. It is noted that any proposed asset relocations and release / variation of easement, will be dealt with as part of Endeavour Energy's application for connection of load. This is recommended as a condition of consent (refer to condition No. 10).

No objections are raised to the proposal, subject to recommended conditions regarding network capacity/connection, vegetation management, prudent avoidance, dial before you dig, demolition, public safety and emergency contact (refer condition No. 10).

### **SYDNEY WATER COMMENTS**

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

### **INTERNAL REFERRALS**

### **SUBDIVISION ENGINEERING COMMENTS**

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

### **TRAFFIC MANAGEMENT COMMENTS**

The application was referred to Council's Traffic Management Section. Council's Principal Traffic Coordinator has reviewed the Traffic and Parking Impact Assessment submitted with the application. No objections were raised to the proposal.

**TREE MANAGEMENT COMMENTS**

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

**HEALTH & ENVIRONMENTAL PROTECTION COMMENTS**

The application was referred to Council's Environment and Health Section. No objections were raised to the proposal, subject to conditions of consent.

**RESOURCE AND RECOVERY COMMENTS**

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

**HERITAGE COMMENTS**

The application was referred to Council's Forward Planning Team for Heritage comments. No objections were raised on heritage grounds.

**SECTION 7.12 COMMENTS**

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

**LAND AND SPATIAL INFORMATION COMMENTS**

The application was referred to Council's Land and Spatial Information Section. No objections were raised, subject to conditions.

**CONCLUSION**

The proposal has been assessed having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979, SEPP 55, LEP 2012 and The Hills Development Control Plan and is considered satisfactory.

The variation to the LEP Height control is addressed as satisfactory under Clause 5.6 Architectural Roof Features.

The proposal has been assessed against the requirements of The Hills DCP 2012 and the variations identified with respect to front setbacks, building length and car parking have been assessed as satisfactory as the proposal meet the objectives of the controls.

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

Accordingly approval is recommended subject to conditions.

**IMPACTS:****Financial**

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

**The Hills Future - Community Strategic Plan**

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

**RECOMMENDATION**

The Development Application be approved subject to the following conditions.

**GENERAL MATTERS****1. Development in Accordance with Submitted Plans**

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

**REFERENCED PLANS AND DOCUMENTS**

DRAWING NO.	DESCRIPTION	PREPARED BY	REVISION	DATE
DA-110-004	GA Plans Basement 03	Turner	O	5/8/2019
DA-110-005	GA Plans Basement 02	Turner	O	5/8/2019
DA-110-006	GA Plans Basement 01	Turner	O	5/8/2019
DA-110-007	GA Plans Lower Ground	Turner	Q	21/8/2019
DA-110-008	GA Plans Ground Level	Turner	N	1/3/2019
DA-110-010	GA Plans Level 01	Turner	N	1/3/2019
DA-110-020	GA Plans Level 02	Turner	N	1/3/2019
DA-110-030	GA Plans Levels 03-05	Turner	N	1/3/2019
DA-110-060	GA Plans Level 06	Turner	N	1/3/2019
DA-110-090	GA Plans Level 09	Turner	N	1/3/2019
DA-110-100	GA Plans Levels 10-11	Turner	N	1/3/2019
DA-110-120	GA Plans Level 12	Turner	N	1/3/2019
DA-110-130	GA Plans Level 13	Turner	N	1/3/2019
DA-110-140	GA Plans Level 14-16	Turner	N	1/3/2019



DA-110-170	GA Plans Level 17-20	Turner	N	1/3/2019
DA-110-210	GA Plans Level 21-23	Turner	N	1/3/2019
DA-110-240	GA Plans Level 24	Turner	N	1/3/2019
DA-110-250	GA Plans Roof Level	Turner	N	1/3/2019
DA-110-260	GA Plans Plant Roof Level	Turner	N	1/3/2019
DA-250-010	East Elevation Buildings 1B and 2B	Turner	N	1/3/2019
DA-250-020	South Elevation Buildings 2A and 2B	Turner	N	1/3/2019
DA-250-040	North Elevation Buildings 1A and 1B	Turner	N	1/3/2019
DA-350-010	Section AA	Turner	O	26/3/2019
DA-350-020	Section BB	Turner	N	1/3/2019
DA-350-030	Section CC	Turner	O	26/3/2019
DA-350-040	Section DD	Turner	N	1/3/2019
DA-350-050	Section EE	Turner	N	1/3/2019
DA-900-020	3D Views – View from Maitland Place	Turner	N	1/3/2019
DA-900-030	3D Views – Main Entrance	Turner	N	1/3/2019
DA-910-001	Perspective Views – Sheet 01	Turner	N	1/3/2019
DA-900-003	Perspective Views – Sheet 03	Turner	N	1/3/2019
200	Landscape Site Plan – GL	Arcadia Landscape Architecture	H	Aug 2019
201	Detail Landscape Plan – GL	Arcadia Landscape Architecture	H	Aug 2019
202	Detail Landscape Plan – GL	Arcadia Landscape Architecture	H	Aug 2019
DA-950-010	Materials and Finishes Samples Board	Turner	L	14/12/2018

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. External Finishes**

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

## **3. 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.

#### **4. Construction Certificate**

Before any works are carried out a Construction Certificate must be obtained and a Principal Certifying Authority appointed. The plans and accompanying information submitted with the Construction Certificate must comply with the conditions included with this consent.

As per the Environmental Planning and Assessment Act 1979, only Council can issue a Subdivision Certificate which means only Council can be appointed as the Principal Certifying Authority for subdivision works.

#### **5. 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.

#### **6. Separate Development Application – Neighbourhood Shop**

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

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

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

#### **7. Compliance with Norwest Association Limited requirements**

Compliance with the requirements of Norwest Association Limited as outlined in their conditions of development consent dated 3 May 2019.

#### **8. Provision of Parking Spaces**

The development is required to be provided with 473 off-street car parking spaces (including 38 stacked spaces). 6 of these spaces are to be allocated for use by the Neighbourhood shop. 15 of these spaces are to be adaptable spaces. These car parking spaces shall be available for off street parking at all times.

#### **9. Compliance with NSW Police Requirements**

The following is required or as otherwise agreed by NSW Police and Council in writing:

##### **Surveillance:**

- ☐ Installation of a security intercom system is required to access the basement car park and main lobbies. Each unit is to contain an intercom system to enable access for visitors to the basement car park and lobby. Security access is to be utilised at the entrance of the basement.
- ☐ CCTV coverage is required to be installed to monitor all common areas and entry/exits points. Use of height indicator stickers on entrance/exit doors is required on entry/exit doors.

- ☐ Vegetation close to pedestrian pathways is to be provided with 3-5m of cleared space located either side of residential pathways and bicycle routes. Thereafter, vegetation can be stepped back in height to maximise sightlines.

Lighting:

- ☐ Lighting is to meet minimum Australian Standards. Special attention is to be made to lighting at entry/exit points from the building, the car park and driveways.

Territorial Reinforcement:

- ☐ All public access points are to be well marked.

Environmental Maintenance:

- ☐ Use of anti-graffiti building materials.

Access Control:

- ☐ Warning signs should be strategically posted around the building to warn intruders of what security treatments have been implemented to reduce opportunities for crime e.g. "Warning, trespasser will be prosecuted" or "Warning, these premises are under electronic surveillance". This should be visible from all restricted areas (not open to the public).
- ☐ Ensure improved strength and better quality locking mechanism to security roller shutters/garage doors.
- ☐ Fire doors are to be alarmed and a magnetic strip is required so that the door will shut closed.
- ☐ Caged storage units are to be built up to the ceiling with a door with better quality locking mechanisms to be used.
- ☐ Ensure there are no outer ledges capable of supporting hands/feet and balustrades cannot provide anchor points for ropes.
- ☐ Any fencing proposed is to be placed vertically. If spacing is left between each paling, it should be at a width that limits physical access.
- ☐ High quality letter boxes that meet AS ISO9001:2008 are required. The letterboxes are to be under CCTV surveillance.
- ☐ Park smarter signage to be installed around the car park.
- ☐ Signage to be installed in the car park warning residents to watch those who come in the entry/exit door behind them.

## **10. Compliance with Endeavour Energy requirements**

### **Network Capacity / Connection**

The applicant for the future proposed redevelopment of the site will need to submit an application for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Depending on the outcome of the assessment, any required padmount or indoor / chamber substation will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Please refer to Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'. Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link:

<http://www.endeavourenergy.com.au/>

Advice on the electricity infrastructure required to facilitate the proposed development (including asset relocations) can be obtained by submitting a Technical Review Request to Endeavour Energy's Network Connections Branch, the form for which FPJ6007 is attached and further details (including the applicable charges) are available from Endeavour Energy's website under 'Our connection services'. The response to these enquiries is based upon a desktop review of corporate information systems, and as such does not involve the engagement of various internal stakeholders in order to develop a 'Connection Offer'. It does provide details of preliminary connection requirements which can be considered by the applicant prior to lodging a formal application for connection of load.

Alternatively the applicant should engage a Level 3 Accredited Service Provider (ASP) approved to design distribution network assets, including underground or overhead. The ASP scheme is administered by NSW Trade & Investment and details are available on their website via the following link or telephone 13 77 88:

<http://www.resourcesandenergy.nsw.gov.au/energy-supply-industry/pipelines-electricity-gas-networks/network-connections/contestable-works>

#### ☐ **Easement Management / Network Access**

The following is a summary of the usual / main terms of Endeavour Energy's electrical easements / protected electrical works requiring that the land owner:

- o Not install or permit to be installed any services or structures within the easement site.
- o Not alter the surface level of the easement site.
- o Not do or permit to be done anything that restricts access to the easement site without the prior written permission of Endeavour Energy and in accordance with such conditions as Endeavour Energy may reasonably impose.

Endeavour Energy's preference is that wherever reasonably possible, no activities / encroachments occur within easement areas. Most activities are prohibited within the padmount substation easement area. If the proposed works (other than those approved / certified by Endeavour Energy's Network Connections Branch as part of an enquiry / application for load) will encroach/affect Endeavour Energy's easements or protected assets, contact must first be made with the Endeavour Energy's Easements Officer, Jeffrey Smith, on direct telephone 9853 7139 or alternately email [Jeffrey.Smith@endeavourenergy.com.au](mailto:Jeffrey.Smith@endeavourenergy.com.au).

Please refer to Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights' in which Section 5.15 'Encroachments on underground easements' provides further guidance. However Endeavour Energy has noted that as shown in the following extracts of the Landscaping Masterplan that there are potentially prohibited activities / encroachments proposed in the easement area eg. planting of trees and a raingarden / detention basin.

It is imperative that the access to the existing electrical infrastructure adjacent and on the site is maintained at all times. To ensure that supply electricity is available to the community, access to the electrical assets may be required at any time.

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□ **Earthing**

The construction of any building or structure (including fencing, signage, flag poles etc.) that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with AS/NZS 3000:2007 'Electrical installations' to ensure that there is adequate connection to the earth. Inadequate connection to the earth places persons and the electricity network at risk.

□ **Vegetation Management**

The planting of large trees in the vicinity of electricity infrastructure is not supported by Endeavour Energy. Suitable planting needs to be undertaken in proximity of electricity infrastructure. Larger trees should be planted well away from electricity infrastructure and even with underground cables, be installed with a root barrier around the root ball of the plant. Landscaping that interferes with electricity infrastructure may become subject to Endeavour Energy's Vegetation Management program and/or the provisions of the Electricity Supply Act 1995 (NSW) Section 48 'Interference with electricity works by trees' by which under certain circumstances the cost of carrying out such work may be recovered.

□ **Prudent Avoidance**

The electricity network is operational 24/7/365 ie. all day, every day of the year. The electricity industry has adopted a policy of prudent avoidance by doing what can be done without undue inconvenience and at modest expense to avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise which generally increase the higher the voltage ie. Endeavour Energy's network ranges from low voltage (normally not exceeding 1,000 volts) to high voltage (normally exceeding 1,000 volts but not exceeding 132,000 volts / 132 kV). In practical terms this means that when designing new transmission and distribution facilities, consideration is given to locating them where exposure to the more sensitive uses is reduced and increasing separation distances. These emissions are generally not an issue but with Council's permitting or encouraging development with higher density, reduced setbacks and increased building heights, new development can impact on existing electricity infrastructure. Where development is proposed in the vicinity of electricity infrastructure, Endeavour Energy is not responsible for any amelioration measures for such emissions that may impact on the nearby proposed development. Endeavour Energy believes that likewise Council should also adopt a policy of prudent avoidance by the siting of more sensitive uses away from any electricity infrastructure – including any possible future electricity infrastructure required to facilitate the proposed development.

Please find attached a copy of ENA's 'Electric & Magnetic Fields – What We Know, January 2014' which can also be accessed via the ENA's website at <http://www.ena.asn.au/>.

- *Localised EMFs may also be encountered in specific situations such as near substations, underground cables, specialised electrical equipment, or at elevated locations near lines. Note that the strengths of EMFs decrease rapidly with distance from the source.*
- Typical magnetic field measurements associated with Endeavour Energy's activities and assets given the required easement widths, safety clearances etc. and having a maximum voltage of 132,000 volt / 132 kV, will not exceed the recommended magnetic field public exposure limits.

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☐ **Dial Before You Dig**

Before commencing any underground activity the applicant is required to obtain advice from the **Dial before You Dig 1100** service in accordance with the requirements of the Electricity Supply Act 1995 (NSW) and associated Regulations. This should be obtained by the applicant not only to identify the location of any underground electrical and other utility infrastructure across the site, but also to identify them as a hazard and to properly assess the risk.

Further details are available by contacting Endeavour Energy's Safety & Environmental Services Branch on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm

☐ **Excavation**

The object of Section 49A 'Excavation work affecting electricity works' of the of Electricity Supply Act 1995 (NSW) covers the carrying out or proposed carrying out of excavation work in, on or near Endeavour Energy's electrical infrastructure.

With the increased number of developments incorporating basements often being constructed to the property boundaries or immediately adjacent to easements, the integrity of the nearby electricity infrastructure can be placed at risk.

If any excavation work affects Endeavour Energy's electricity infrastructure, prior contact must be made to Endeavour Energy's Easements Officer, Jeffrey Smith, on direct telephone 9853 7139 or alternately email [Jeffrey.Smith@endeavourenergy.com.au](mailto:Jeffrey.Smith@endeavourenergy.com.au).

☐ **Demolition**

Demolition work is to be carried out in accordance with Australian Standard AS 2601—2001: 'The demolition of structures'. All electric cables or apparatus which are liable to be a source of danger, other than a cable or apparatus used for the demolition works shall be disconnected ie. the existing customer service lines will need to be isolated and/or removed during demolition. Appropriate care must be taken to not otherwise interfere with any electrical infrastructure on or in the vicinity of the site eg. street light columns, power poles, overhead power lines and underground cables etc.

☐ **Public Safety**

Workers involved in work near electricity infrastructure run the risk of receiving an electric shock and causing substantial damage to plant and equipment. I have attached Endeavour Energy's public safety training resources, which were developed to help general public / workers to understand why you may be at risk and what you can do to work safely. The public safety training resources are also available via Endeavour Energy's website via the following link:

<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures>

☐ **Emergency Contact**

In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note the Emergencies Telephone is 131 003 which can be contacted 24 hours/7 days.

**11. Compliance with NSW Roads and Maritime Services requirements**

- A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Council prior to the issue of a Construction Certificate.
- The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) shall be in accordance with AUSTROADS.
- All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.

**12. Property Numbering and Cluster Mail Boxes for Integrated Housing, Multi Unit Housing, Commercial Developments and Industrial Developments**

The responsibility for property numbering is vested in Council.

Approved primary property address for this development is 7 Maitland Place, Norwest. The 2 buildings facing Spurway Drive will each be allocated a separate number however can't be provided at this time. Applicant is to contact Land Information prior to issue of Construction Certificate for street number allocation. The location of the letterbox banks will determine the street address(s) for the units.

Unit numbering provided on plans (as per Project No: 14067; Date: 14/12/2018; Rev: L; Drawing numbers: DA-110- 007, 008, 010, 030, 060, 070, 090, 100, 120, 130, 140, 170, 210 & Project No: 14067; Date: 04/02/2019; Rev: M; Drawing numbers: DA-110-020) lodged with the DA does not comply with Council Addressing Policy or NSW Address Policy (6.5.5) dated March 2015.

Approved unit numbering for this development based on plans provided and as per plans marked up with consent document is as follows (Unit numbers commenced at the tallest building and continued in a clockwise direction around the site. Within each building, Unit numbering was numbered clockwise when exiting the lift):

**Lower Ground** Shops LG01 onwards in sequential order, addressed to 7 Maitland Place

	<b>7 Maitland Place</b>			<b>Spurway Drive</b>	
	<b>Lift 1&amp;2</b>	<b>Lift 3&amp;4</b>	<b>Lift 5&amp;6</b>	<b>Lift 7</b>	<b>Lift 8</b>
<b>Ground</b>	G01-G04	-	G05-G11	G12	G13-G14
<b>Level 1</b>	101-105	106-109	110-117	118-121	122-125
<b>Level 2</b>	201-205	206-209	210-217	218-221	222-225
<b>Level 3</b>	301-305	306-309	310-317	318-322	323-327
<b>Level 4</b>	401-405	406-409	410-417	418-422	423-427
<b>Level 5</b>	501-505	506-509	510-517	518-522	523-527
<b>Level 6</b>	601-605	606-609	610-617	-	-
<b>Level 7</b>	701-705	706-709	710-717	-	-
<b>Level 8</b>	801-805	806-809	810-817	-	-
<b>Level 9</b>	901-906	-	907-913	-	-
<b>Level 10</b>	1001-1005	-	1006-1012	-	-
<b>Level 11</b>	1101-1105	-	1106-1112	-	-
<b>Level 12</b>	1201-1205	-	1206-1212	-	-
<b>Level 13</b>	1301-1305	-	-	-	-
<b>Level 14</b>	1401-1405	-	-	-	-
<b>Level 15</b>	1501-1505	-	-	-	-

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<b>Level 16</b>	1601-1605	-	-	-	-
<b>Level 17</b>	1701-1704	-	-	-	-
<b>Level 18</b>	1801-1804	-	-	-	-
<b>Level 19</b>	1901-1904	-	-	-	-
<b>Level 20</b>	2001-2004	-	-	-	-
<b>Level 21</b>	2101-2103	-	-	-	-
<b>Level 22</b>	2201-2203	-	-	-	-
<b>Level 23</b>	2301-2303	-	-	-	-

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

Under no circumstances are Unit numbers to be repeated or skipped throughout the development (within the same registered plan) – regardless of building name, number, street frontage or other identification.

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

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

#### Mail Boxes

Written correspondence from Australia Post certifying that they have agreed to the proposed location of cluster letterboxes must be supplied to Land Information Section of Council. Australia Post contact is Richard Arraiza at the Seven Hills Delivery Centre – email Richard.Arraiza@auspost.com.au or phone 02 9674 4027.

The number of mail boxes to be provided is to be equal to the number of units plus one (1) for the proprietors of the development and be as per Australia Post size requirements. The proprietors additional mail box is to be located within the cluster located at property address 7 Maitland Place.

### **13. Planning Agreement**

The obligations in the Planning Agreement between The Hills Shire Council and Maitland Square Holding dated 28 February 2017 (**Planning Agreement**) and attached to this development consent must be performed in accordance with the terms of the Planning Agreement including, but not limited to, the Dedication of Land identified in Schedule 1, the completion of Capital Works identified in Schedule 2 and the payment of Monetary Contributions identified in Schedule 3 of the Planning Agreement.

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

The recommendations of the *Preliminary Site investigation with Limited Sampling; 7 Maitland Place, Baulkham Hills* prepared by Environmental Investigations Australia, referenced as E22702AA, dated 14 October 2015 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

- ☐ Prepare a Hazardous Materials Survey prior to demolition of the existing structures;
- ☐ Implement an unexpected finds protocol following site demolition and during site excavation;
- ☐ Undertake further testing of groundwater if basement excavations intercept the groundwater which then requires dewatering – this will be required to determine appropriate dewatering / disposal methods; and
- ☐ Undertake appropriate waste classification for all materials to be removed from the site, in accordance with DECCW (2014) Waste Classification Guidelines.



**15. 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.

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

**16. Disposal of Surplus Excavated Material**

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

**17. 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.

**18. Commencement of Domestic Waste Service**

A domestic waste service must be commenced with Council and its Contractor. The service must be arranged no earlier than two weeks prior to occupancy and no later than first

occupancy of the development. All requirements of Council's domestic waste management service must be complied with at all times. Contact Council's Resource Recovery Team on (02) 9843 0310 to commence a domestic waste service.

#### **19. Commercial Waste and Recycling Collection Contract**

There must be a contract in place with a licenced contractor for the removal and lawful disposal of all waste generated by the neighbourhood shop. Written evidence of a valid and current collection and disposal contract must be held on site at all times and produced in a legible form to any authorised officer of the Council who asks to see it. All waste must be removed at regular intervals. The collection of waste must not interfere with the amenity of the surrounding area. Waste collection vehicles are not permitted to reverse in or out of the development.

#### **20. Construction of Central Garbage Holding Room and Garbage Rooms**

The central garbage holding room and five residential garbage rooms on lower ground must be designed and constructed in accordance with the following requirements. The central garbage holding room must be sized for a minimum of 54 x 660 litre bins. The garbage rooms must each provide minimum storage facility for 2 x 2-bin 660 litre linear conveyors and at least 2 x 660 litre bins.

1. The central garbage holding room and garbage rooms must be of adequate size to comfortably store and manoeuvre the total minimum required number of bins and associated waste infrastructure as specified above.
2. The layout of the central garbage holding room and garbage rooms must ensure that each bin is easily accessible and manoeuvrable in and out of the areas with no manual handling of other bins. Bins must not be stacked more than two deep and all internal walkways must be at least 1.5m wide.
3. The walls of the central garbage holding room and garbage rooms must be constructed of brickwork.
4. The floor of the central garbage holding room and garbage rooms must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer.
5. The central garbage holding room and garbage rooms 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 (preferred).
6. All doors of the central garbage holding room and garbage rooms, when fully opened, must be flush with the outside walls and must not block or obstruct car park aisles or footways. All doors must be able to be fixed in position when fully opened.
7. The central garbage holding room and garbage rooms must be adequately ventilated (mechanically). Vented waste storage areas should not be connected to the same ventilation system supplying air to the units.
8. The central garbage holding room and garbage rooms must be provided with a hose tap (hot and cold mixer), connected to a water supply. If the tap is located inside the rooms, it is not to conflict with the space designated for the placement of bins.
9. The central garbage holding room and garbage rooms must be provided with internal lighting such as automatic sensor lights.
10. The maximum grade acceptable for moving bins for collection purposes (between the central garbage holding room and garbage rooms) is 5%. Under no circumstance is this grade to be exceeded.

11. The central garbage holding room and garbage rooms must have appropriate signage (Council approved designs), mounted in a visible location on internal walls and are to be permanently maintained by the Owners Corporation.
12. Finishes and colours of the central garbage holding room and garbage rooms are to complement the design of the development.

**Bin Measurements (mm)**

660L: 850 (d) 1370 (w) 1250 (h)

**21. Neighbourhood Shop Garbage Holding Room**

The separate dedicated garbage holding room for the neighbourhood shop must be sized for at least 2 x 240 litre bins. The room must be provided with a door with a minimum clear floor width of 820mm. The dimensions of a 240 litre bin are 735mm deep, 580mm wide and 1080mm high.

**22. Construction of Bulky Waste Area**

The bulky waste area that opens directly onto the designated waste service bay must be designed and constructed in accordance with the following requirements.

1. The area must have a minimum floor area of 4m<sup>2</sup> per 50 apartments. Floor space must be rounded up to the nearest 50 apartments for best operational outcome
2. The floor of the area must be constructed of concrete with a smooth non-slip finish.
3. The area must have a suitable resident access door, with a minimum clear floor width of 2m (to allow access for large items). Suitable resident access doors are single or double swinging doors.
4. The resident access door, when fully open, must be flush with the outside wall and must not block or obstruct car park aisles or footways. The door must be able to be fixed in position when fully opened.
5. The area must be provided with lighting, such as automatic sensor lights.

**23. Provision of Waste Educational Signage**

Prior to any Occupation Certificate being issued, a complete set of English and traditional Chinese waste education signage (garbage, recycling and no dumping) must be installed in a visible location on every internal wall of the central garbage holding room, neighbourhood shop garbage holding room and the garbage rooms. Additionally, one set of English and traditional Chinese garbage and recycling signs must be provided above every chute opening on every floor. The signage must comply with the minimum specifications outlined below and be in accordance with Council's approved artwork. Contact Council's Resource Recovery Education Officer on (02) 9843 0505 to obtain artwork designs.

- ☐ Flat size: 330mm wide x 440mm high
- ☐ Finished size: 330mm wide x 440mm high. Round corners, portrait
- ☐ Material: Aluminium / polyethylene composite sheet 3.0mm, white (alupanel)
- ☐ Colours: Printed 4 colour process one side, UV ink
- ☐ Finishing: Over laminated gloss clear. Profile cut with radius corners and holes

**24. Provision of Waste Chute System**

The development must incorporate 5 x dual chute systems which allow chute disposal of garbage and recycling. Chute openings must be provided on every residential floor within the building corridors. The waste chutes must terminate into the five garbage rooms on lower ground. Garbage must be discharged into 660 litre bins housed on 2-bin 660 litre linear

conveyors with compaction (2:1) and recyclables must discharge into 660 litre bins housed on 2-bin 660 litre linear conveyors (no compaction).

#### **25. Provision of Bin Cupboards**

A separate bin cupboard must be provided next to chute openings on every residential floor to allow for the disposal of items unsuitable for chute disposal. The cupboards must be sized to store at least a single 240 litre bin. The dimensions of a 240 litre bin are 735mm deep, 580mm wide and 1080mm high.

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

Minimum vehicle access and loading facilities must be designed and provided in accordance with Australia Standard 2890.2-2002 for the standard 12.5m long Heavy Rigid Vehicle. The following requirements must also be satisfied.

1. All manoeuvring areas for waste collection vehicles must have a minimum clear vertical clearance of 4.5m. Any nearby areas where the clear headroom is less than 4.5m must have flexible striker bars and warning signs as per Australian Standard 2890.1 to warn waste collection contractors of the low headroom area.
2. The turntable must be suitable for use by a 12.5m long Heavy Rigid Vehicle (dimensions as per Australian Standard 2890.2-2002) and be able to withstand the loads imposed by a 28 tonnes gross vehicle mass.
3. All manoeuvring and loading areas for waste collection vehicles must be prominently and permanently line marked, signposted and maintained to ensure entry and exit to the site is in a forward direction at all times and that loading and traffic circulation is appropriately controlled.
4. Pedestrian paths around the areas designated for manoeuvring and loading of waste collection vehicles must be prominently and permanently line marked, signposted and maintained (where applicable) for safety purposes.
5. There must be no requirement for reversing on site to enable waste collection vehicles to enter and leave the site in a forward direction to service bins.
6. The loading area must have a sufficient level of lighting and have appropriate signage such as "waste collection loading zone", "keep clear at all times" and "no parking at any time".
7. Access to restricted loading areas (i.e. via roller shutter doors, boom gates or similar) must be via scanning from the cab of heavy vehicles, remote access or alternative solution which ensures there is no requirement for waste collection contractors to exit the cab. Copies of scan cards or remotes must be provided to Council upon the commencement of waste services.

#### **27. Tree Removal**

Approval is granted for the removal of Trees 1-48, 58-61 and 66, as numbered in Arborist report prepared by Naturally Trees dated 12 December 2017.

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.

#### **28. Planting Requirements**

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m<sup>2</sup>.

**29. 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.**

**30. 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.

**31. 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.

**32. Protection of Public Infrastructure**

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

**33. 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.
- ☐ The width of the parking aisle on the lower ground floor fronting the garbage room must be increased from 5.8m to 6.1m (minimum) as per AS/ NZS 2890.1 to account for the garage room/ wall and to provide sufficient access to the five spaces opposite.

**34. Vehicular Crossing Request**

Each driveway requires the lodgement of a separate vehicular crossing request accompanied by the applicable fee as per Council's Schedule of Fees and Charges. The vehicular crossing request must be lodged before an Occupation Certificate is issued. The vehicular crossing request must nominate a contractor and be accompanied by a copy of their current public liability insurance policy. Do not lodge the vehicular crossing request until the contractor is known and the driveway is going to be constructed.

**35. 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 proposed driveway must be built to Council's heavy duty standard.

The driveway must be as wide at the boundary as necessary to provide for the swept path for a Heavy Rigid Vehicle (HRV) to access/ exit the site as per the HRV swept path plan by

Traffic Revision B dated 21/03/2019. The driveway splay through the verge however must be limited to a maximum of 1m on either side as per the above document.

A separate vehicular crossing request 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. Specifically, this includes the removal of any existing laybacks, regardless of whether they were in use beforehand or not.

**c) Footpath Verge Formation**

The grading, trimming, topsoiling and turfing of the footpath verge fronting the development site is required to ensure a gradient between 2% and 4% falling from the boundary to the top of kerb is provided. This work must include the construction of any retaining walls necessary to ensure complying grades within the footpath verge area. All retaining walls and associated footings must be contained wholly within the subject site. Any necessary adjustment or relocation of services is also required, to the requirements of the relevant service authority. All service pits and lids must match the finished surface level.

**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.

**36. Staging Requirements/ Completion of Preceding Subdivision**

A building works Construction Certificate for this development cannot be issued until after a subdivision works Construction Certificate has been issued for the preceding subdivision approved by Development Consent 2267/2018/ZA.

An Occupation Certificate for this development cannot be issued until after a Subdivision Certificate has been issued for the preceding subdivision approved by Development Consent 2267/2018/ZA.

**37. Geotechnical Investigation**

The recommendations made in Geotechnical Report prepared by EI Australia dated 20 December 2017 including a detailed geotechnical subsurface investigation must be carried out prior to issue of Construction Certificate.

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

**38. Design Verification**

Prior to the release of the Construction Certificate design verification is required from a qualified designer to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in SEPP65.

**39. Acoustic - Protection of Internal Noise Levels**

Prior to any Construction Certificate being issued an acoustic statement is required to be submitted to Council's Manager - Environment certifying that the design of the development on the construction plans does ensure the following noise levels will be achieved:

- ☐ 35 dB (A) in any bedroom between 10pm and 7am.
- ☐ 40dB (A) anywhere else (other than garage, kitchen, bathroom and hallway) at any time.

In particular the acoustic statement shall detail that all recommendations contained within the *7 Maitland Place, Baulkham Hills DA Acoustic Assessment* prepared by Renzo Tonin & Associates, referenced as TK070-01F02DAReport(r1) and dated 18 December 2017, have been included in the construction plans of the development.

#### **40. Acoustic – Construction Noise Management Plan**

Prior to the issue of a construction certificate a Construction Noise Management Plan (CNMP) is to be prepared by a suitably qualified acoustic consultant in consultation with the applicant and submitted to Council's Manager – Environment and Health for review and if satisfactory, written acceptance. The CNMP is to demonstrate how compliance with the *Interim Construction Noise Guideline* published by the Department of Environment and Climate Change, 2009 will be achieved and provide practical recommendations on how to reduce noise impacts on nearby commercial and residential receivers.

Any accepted recommendations of the CNMP are to be implemented and maintained throughout the excavation and construction stage of the development.

#### **41. Acoustic – Mechanical Ventilation**

Prior to the issue of any Construction Certificate a noise assessment is to be undertaken as recommended in section 5.2.1 of *7 Maitland Place, Baulkham Hills DA Acoustic Assessment* prepared by Renzo Tonin & Associates, referenced as TK070-01F02DAReport(r1) and dated 18 December 2017.

The noise assessment is to be submitted to Council's Manager – Environment and Health for review, and if satisfactory, written acceptance will be provided.

#### **42. Internal Pavement and Turntable 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 and turntable. The pavement design and turntable specifications must be adequate to withstand the loads imposed by a loaded 12.5m long heavy rigid waste collection vehicle (i.e. 28 tonne gross vehicle mass) from the boundary to the waste collection point including any manoeuvring areas.

#### **43. Stormwater Management Requirements**

The following water sensitive urban design elements included as part of the civil works plans by AT&L Revision I dated 12/08/2019 and the civil report also by AT&L Revision 3 dated 17/12/2018 submitted with the development application must be provided as part of the development works.

- ☐ A vorsentry/ gross pollutant trap (or an approved equivalent).
- ☐ A jellyfish (or an approved equivalent).
- ☐ Enviropods/ pit inserts (or an approved equivalent).
- ☐ A 10,000 litre rainwater reuse tank.
- ☐ Two bio-retention systems with a combined surface treatment area of 72 square metres.

The civil works plans by AT&L Revision I dated 12/08/2019 and the civil report also by AT&L Revision 3 dated 17/12/2018 submitted with the development application are for development application purposes only and are not to be used for construction. The detailed design must reflect the approved concept plan and the following necessary changes:

- a) No pit inserts (where proposed) are to be installed along the street drainage.
- b) The external stormwater design and layout in Maitland Place must be amended to reflect the changes conditioned as part of Development Consent 2267/2018/ZA relating to the preceding subdivision.



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.

The design and construction of the stormwater management system must be approved by either Council or an accredited certifier. A Compliance Certificate certifying the detailed design of the stormwater management system can be issued by Council.

#### **44. 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.

#### **45. Erosion and Sediment Control/ Soil and Water Management Plan**

The detailed design must be accompanied by an Erosion and Sediment Control Plan (ESCP) or a Soil and Water Management Plan (SWMP) prepared in accordance with the Blue Book and Council's Works Specification Subdivision/ Developments.

A SWMP is required where the overall extent of disturbed area is greater than 2,500 square metres, otherwise an ESCP is required.

An ESCP must include the following standard measures along with notes relating to stabilisation and maintenance:

- ☐ Sediment fencing.
- ☐ Barrier fencing and no-go zones.
- ☐ Stabilised access.
- ☐ Waste receptacles.
- ☐ Stockpile site/s.

A SWMP requires both drawings and accompanying commentary (including calculations) addressing erosion controls, sediment controls, maintenance notes, stabilisation requirements and standard drawings from the Blue Book.

An ESCP is required for this development.

**46. Security Bond – Road Pavement and Public Asset Protection**

In accordance with Section 4.17(6) of the Environmental Planning and Assessment Act 1979, a security bond of \$137,280.00 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 \$88.00 per square metre based on the road frontage of the subject site (120m) multiplied by the width of the road (13m).

The bond must be lodged with Council before a Construction Certificate is issued for the building works.

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.

**47. Stormwater Pump/ Basement Car Park Requirements**

The stormwater pump-out system must be designed and constructed in accordance with AS/NZS 3500.3:2015 - Plumbing and Drainage - Stormwater drainage. The system must be connected to the Onsite Stormwater Detention system before runoff is discharged to the street (or other point of legal discharge) along with the remaining site runoff, under gravity. All plans, calculations, hydraulic details and manufacturer specifications for the pump must be submitted with certification from the designer confirming compliance with the above requirements.

**48. Notice of Requirements**

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

**49. Construction Management Plan**

A construction management plan must be submitted demonstrating how the potential for conflict between resident and construction traffic is to be minimised and managed. The construction management plan must be submitted before a Construction Certificate is issued and complied with for the duration of works. Where practicable, all construction vehicles are to enter via Maitland Place

**50. Tree Removal on Public Land**

Prior to the issue of a Construction Certificate, the applicant is required to contact Council's Infrastructure & Works team to coordinate the removal of existing trees which are located on the adjoining Nature strip which will be impacted by works associated with the development. All tree removal must be undertaken by the owner/applicant in accordance with the requirements of Council's Infrastructure & Works team.

**PRIOR TO WORK COMMENCING ON THE SITE**

**51. Details and Signage - Principal Contractor and Principal Certifying Authority**

**Details**

Prior to work commencing, submit to the Principal Certifying Authority (PCA) notification in writing of the principal contractor's (builder) name, address, phone number, email address and licence number.

No later than two days before work commences, Council is to have received written details of the PCA in accordance with Clause 103 of the Environmental Planning and Assessment Regulations 2000.

**Signage**

A sign is to be erected in accordance with Clause 98A(2) of the Environmental Planning and Assessment Regulations 2000. The sign is to be erected in a prominent position and show –

- a) the name, address and phone number of the PCA for the work,
- b) the name and out of working hours contact phone number of the principal contractor/person responsible for the work.

The sign must state that unauthorised entry to the work site is prohibited.

**52. Management of Building Sites**

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

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

**53. 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.

**54. 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.

**55. 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).

**56. 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 and receipt from Sydney Water Tap in™ (if not already provided) 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™, or telephone 13 20 92.

**57. Erosion and Sedimentation Controls**

The approved ESCP or SWMP measures must be in place prior to works commencing and maintained during construction and until the site is stabilised to ensure their effectiveness. For major works, these measures must be maintained for a minimum period of six months following the completion of all works.

**58. Site Water Management Plan**

A soil and water management plan is to be prepared and submitted to the Principal Certifying Authority. The plan shall be prepared in accordance with *"Managing Urban*

*Stormwater - Soils and Construction" (Blue Book)* produced by the NSW Department of Housing.

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

In addition, and as per the *Preliminary Site investigation with Limited Sampling; 7 Maitland Place, Baulkham Hills* prepared by Environmental Investigations Australia, referenced as E22702AA and dated 14 October 2015, should the basement excavations intercept the groundwater creating the need to dewater, testing is required to determine appropriate dewatering / disposal methods.

A copy of the plan is to be kept on site at all times and made available upon request. The plan is to be implemented throughout the excavation and construction stages of the development.

#### **59. Erosion & Sediment Control Plan Kept on Site**

A copy of the Erosion and Sediment Control Plan must be kept on site at all times during construction and available to Council on request.

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

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

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

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

#### **62. Construction and Demolition Waste Management Plan Required**

Prior to the commencement of works, a Waste Management Plan for the construction and demolition phases of the development must be submitted to and approved by Principal Certifying Authority. The plan should be prepared in accordance with The Hills Development Control Plan 2012 Appendix A. The plan must comply with the waste minimisation requirements in the relevant Development Control Plan. All requirements of the approved plan must be implemented during the construction and demolition phases of the development.

#### **63. Tree Protection Fencing**

Prior to any works commencing on site Tree Protection Fencing must be in place around trees or groups of trees nominated for retention. In order of precedence the location of fencing shall be a) As per Tree Protection Plan as per Arborist report for project or b) Tree Protection Zone (TPZ) as calculated under AS4970 (2009) Protection of trees on development sites c) A minimum of 3m radius from trunk.

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

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

**64. Tree Protection Signage**

Prior to any works commencing on site a Tree Protection Zone sign must be attached to the Tree Protection Fencing stating "Tree Protection Zone No Access" (The lettering size on the sign shall comply with AS1319). Access to this area can only be authorised by the project arborist or site manager.

**65. Mulching within Tree Protection Zone**

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

**66. Trenching within Tree Protection Zone**

Any trenching for installation of drainage, sewerage, irrigation or any other services or excavation shall not occur within the Tree Protection Zone of trees identified for retention under supervision of a project arborist.

Certification of supervision must be provided to the Certifying Authority within 14 days of completion of trenching works.

Root pruning should be avoided, however where necessary, all cuts shall be clean cuts made with sharp tools such as secateurs, pruners, handsaws, chainsaws or specialised root pruning equipment. Where possible, the roots to be pruned should be located and exposed using minimally destructive techniques such as hand-digging, compressed air or water-jetting, or non-destructive techniques. No roots larger than 40mm diameter to be cut without Arborist advice and supervision. All root pruning must be done in accordance with Section 9 of Australia Standard 4373-2007 Pruning of Amenity Trees.

**67. 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.

**68. Dilapidation Survey**

Prior to work commencing a practicing professional structural engineer shall carry out a dilapidation survey of the adjoining dwelling at No. 40 Solent Circuit and 2 – 6 Maitland Place and submit a copy of the survey both to Council and the property owner.

**69. Property Condition Report – Public Assets**

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

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

## **DURING CONSTRUCTION**

### **70. Hours of Work**

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

**Monday to Saturday - 7.00am to 5.00pm;**

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.

Upon receipt of justified complaint/s in relation to local traffic impacts arising from roadworks being carried out on existing public roads those roadworks will be restricted to between the hours of 9:00am and 3:00pm, Monday to Friday or as otherwise directed by Council staff. Requests to carry out roadworks on existing public roads during the night in order to avoid local traffic impacts will also be considered based on the circumstances of the site and must be approved in writing by Council's Manager – Subdivision and Development Certification.

### **71. Survey Report and Site Sketch**

A survey report and site sketch signed and dated (including contact details) by the registered land surveyor may be requested by the Principal Certifying Authority during construction. The survey shall confirm the location of the building/structure in relation to all boundaries and/or levels. As of September 2018 the validity of surveys has been restricted by legislation to 2 years after issue.

### **72. 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. 888231M\_02 is to be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate. A Section 4.55 Application **may** be required should the subsequent version of this BASIX Certificate necessitate design changes to the development. However, a Section 4.55 Application **will** be required for a BASIX Certificate with a new number.

### **73. Critical Stage Inspections and Inspections Nominated by the PCA**

Section 6.5 of the Environmental Planning and Assessment Act 1979 requires critical stage inspections to be carried out for building work as prescribed by Clause 162A of the Environmental Planning and Assessment Regulation 2000. Prior to allowing building works to commence the PCA must give notice of these inspections pursuant to Clause 103A of the Environmental Planning and Assessment Regulation 2000.

An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspection or other inspection required by the PCA is not carried out. Inspections can only be carried out by the PCA unless agreed to by the PCA beforehand and subject to that person being an accredited certifier.

### **74. Rock Breaking Noise**

Upon receipt of a justified complaint in relation to noise pollution emanating from rock breaking as part of the excavation and construction processes, rock breaking will be restricted to between the hours of 9am to 3pm, Monday to Friday.

Details of noise mitigation measures and likely duration of the activity will also be required to be submitted to Council's Manager – Environment and Health within seven (7) days of receiving notice from Council.

**75. Contamination**

The recommendations made in the submitted Preliminary Site Investigation with Limited Sampling Report prepared by Environmental Investigations Australia dated 14 October 2015 and Hazardous Materials Survey prepared by EI Australia dated 14 December 2017.

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.

Note: Contaminated soil, soil for which the contamination status is unknown, waste (including but not limited to concrete / bricks / demolition material) is prohibited from being buried, capped, contained or similar onsite (including under public or private roads and land which will become public).

**76. Asbestos Removal**

Asbestos containing material, whether bonded or friable, shall be removed by a licenced asbestos removalist. A signed contract between the removalist and the person having the benefit of the development application is to be provided to the Principle Certifying Authority, identifying the quantity and type of asbestos being removed. Details of the landfill site that may lawfully receive the asbestos is to be included in the contract.

Once the materials have been removed and delivered to the landfill site, receipts verifying the quantity received by the site are to be provided to the Principle Certifying Authority.

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

**77. Stockpiles**

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

**78. Dust Control**

The emission of dust must be controlled to minimise nuisance to the occupants of the surrounding premises by the development of a dust management plan. 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.

The dust management plan must be implemented until the site works are completed and the site is stable and covered in either vegetation or bonding agent. The dust management plan must be provided to any contractor involved in the demolition, excavation, or any other dust generating activity.

**79. Project Arborist**

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

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

**80. Dilapidation Report**

On completion of the excavation, the structural engineer shall carry out a further dilapidation survey at the properties referred to in condition 67 above and submit a copy of the survey both to Council and the property owner.

**PRIOR TO ISSUE OF ANY OCCUPATION AND/OR SUBDIVISION CERTIFICATE****81. Section 73 Certificate must be submitted to the Principal Certifying Authority before the issuing of an Occupation Certificate**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Building and developing > Developing your land > water Servicing Coordinator or telephone 13 20 92.

**The Section 73 Certificate must be submitted to the Principal Certifying Authority before occupation of the development/release of the plan of subdivision.**

**82. Design Verification Certificate**

Prior to the release of the Occupation Certificate design verification is required from a qualified designer to confirm that the development has been constructed in accordance with approved plans and details and has satisfied the design quality principles consistent with that approval.

**83. Internal Pavement Construction and Turntable**

Prior to any Occupation Certificate being issued, a Certified Practising Engineer (CPEng) must submit a letter to Council confirming that the internal pavement and turntable has been constructed in accordance to the approved plans, and is suitable for use by a 12.5m long waste collection vehicle when fully laden (i.e. 28 tonnes gross vehicle mass).

**84. Final Inspection of Garbage Rooms**

Prior to any Occupation Certificate being issued, a final inspection of the garbage rooms and associated management facilities must be undertaken by Council's Resource Recovery Project Officer. This is to ensure compliance with Council's design specifications and that necessary arrangements are in place for domestic waste collection by Council and its Domestic Waste Collection Contractor. The time for the inspection should be arranged at least 48 hours prior to any suggested appointment time.

**85. Waste Chute System Installation Compliance Certificate**

Prior to any Occupation Certificate being issued, a letter of compliance must be submitted to and approved by the Principal Certifying Authority. The letter must be prepared by the equipment supplier/installer confirming that the Council approved waste chute system, including all associated infrastructure, has been installed and is fully operational and satisfies all relevant legislative requirements and Australian standards.



**86. Landscaping Prior to Issue of any Occupation Certificate**

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

**87. 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.

**88. Property Condition Report – Public Assets**

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

**89. Creation of Restrictions/ Positive Covenants**

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

**a) Restriction – Bedroom Numbers**

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

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

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

**c) Positive Covenant – Stormwater Pump**

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

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

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

**90. 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.

**91. Pump System Certification**

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

**PRIOR TO ISSUE OF STRATA SUBDIVISION CERTIFICATE****92. Planning Agreement**

Written evidence is to be submitted to Council prior to the issue of a Strata Subdivision Certificate, demonstrating that the relevant obligations of the Planning Agreement have been satisfied including, but not limited to, the Dedication of Land identified in Schedule 1, the completion of Capital Works identified in Schedule 2 and the payment of Monetary Contributions identified in Schedule 3 of the Planning Agreement.

**THE USE OF THE SITE****93. Hours of operation of the loading dock**

Operation of the loading dock is restricted to the following hours:

Monday to Saturday – 7.00am to 10.00pm

Sunday and public holidays – 8.00am – 10.00pm

**94. Offensive Noise - Acoustic Report**

The use of the premises and/or machinery equipment installed must not create offensive noise so as to interfere with the amenity of the neighbouring properties.

Should an offensive noise complaint be received and verified by Council staff, an acoustic assessment is to be undertaken (by an appropriately qualified consultant) and an acoustic report is to be submitted to Council's Manager – Environment and Health for review. Any noise attenuation measures directed by Council's Manager - Environment and Health must be implemented.

**95. Acoustic – Project Specific**

As per the recommendations in *7 Maitland Place, Baulkham Hills DA Acoustic Assessment* prepared by Renzo Tonin & Associates, referenced as TK070-01F02DAReport(r1) and dated 18 December 2017 the project specific criteria  $L_{Aeq(15min)}$  (measured at any residential receiver) for the operation of mechanical plant (basement extraction, ventilation) at the subject site is:

- ☐ 42dB(A) during the day (7am – 6pm);
- ☐ 45dB(A) during the evening (6pm to 10pm); and
- ☐ 40dB(A) during the night (10pm – 7am).

**96. 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*.

**97. Domestic Waste Collection Risk Assessment**

Prior to any Occupation Certificate being issued, a risk assessment must be undertaken on site by Council's Coordinator Resource Recovery. The time for the assessment must be arranged when clear unobstructed circulation in and out of the site is available for Council's Domestic Waste Contractor to perform a mock collection run at the site.

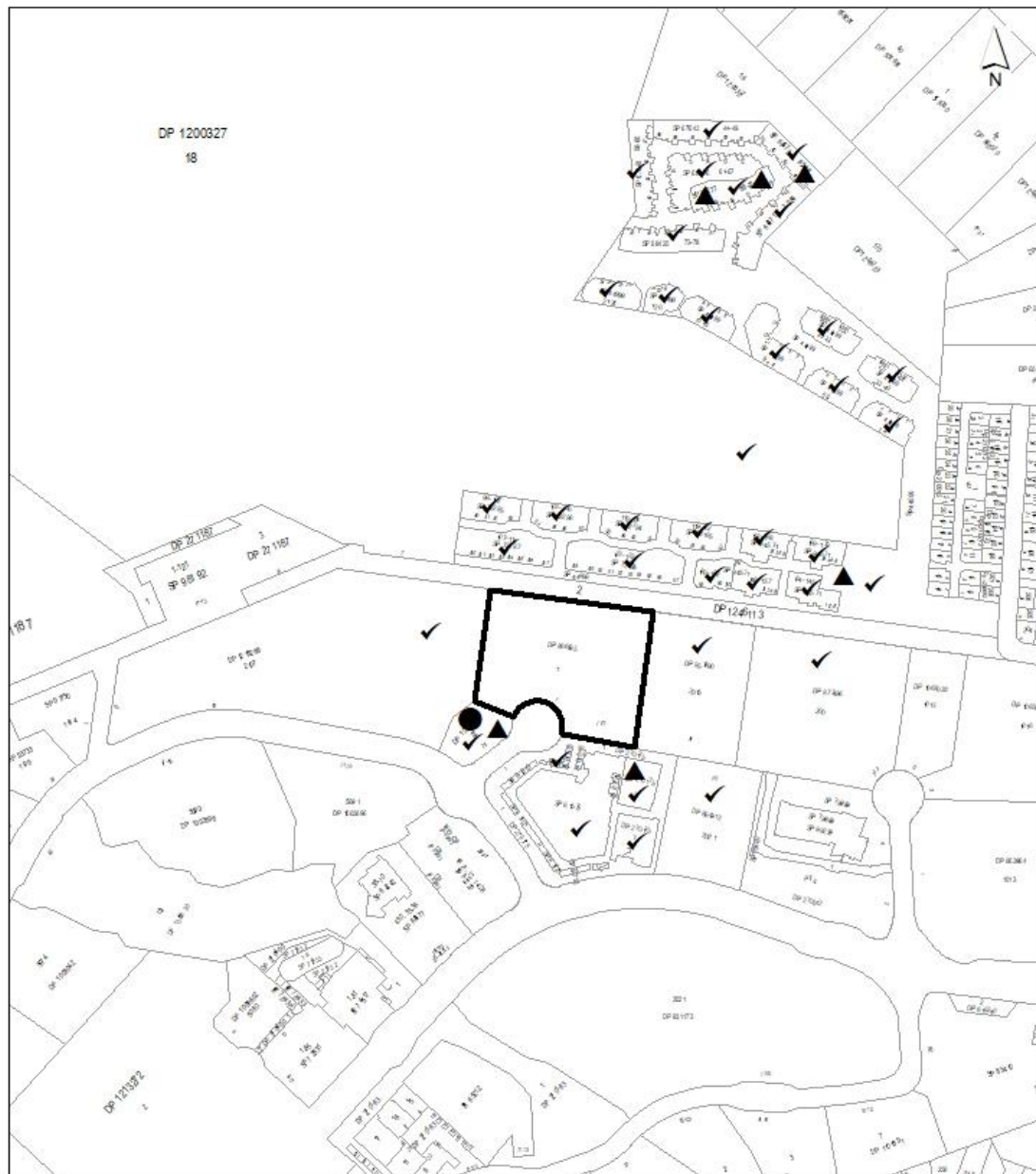
**98. Waste and Recycling Management**

To ensure the adequate storage and collection of waste from the occupation and use of the premises, all garbage and recyclable materials emanating from the premises must be stored in the designated garbage rooms, which must include provision for the storage of all waste generated on the premises between collections. A caretaker must be appointed to undertake all instructions issued by Council to enable waste collection. Additionally, the waste areas must be kept clean and tidy, full bins exchanged with empty bins underneath the chute termination points, bins are to be washed regularly, and visible bin contaminants must be removed prior to every collection. The waste chute system and turntable must be serviced in accordance with supplier recommendations and are to be permanently maintained and operational.

**ATTACHMENTS**

1. Locality Plan
2. Aerial Photograph
3. LEP Zoning Map
4. LEP Height of Buildings Map
5. LEP Floor Space Ratio Map
6. LEP Floor Space Ratio Incentive Map
7. Site Plan
8. Floor Plans
9. Elevations
10. Sections
11. Shadow Diagrams
12. Landscape Plan
13. Perspectives
14. Design Excellence Panel Minutes
15. Planning Agreement 7 Maitland Place, Baulkham Hills

## ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE  
 ✓ PROPERTIES NOTIFIED

- SUBMISSION RECEIVED  
1ST NOTIFICATION  
 ▲ SUBMISSIONS RECEIVED  
2ND NOTIFICATION

SUBMISSION RECEIVED  
 3RD NOTIFICATION FROM  
 THE HILLS DISTRICT HISTORICAL  
 SOCIETY OFF THE SCOPE OF THIS MAP

**THE HILLS**  
 Sydney's Garden Shire

**THE HILLS SHIRE COUNCIL**


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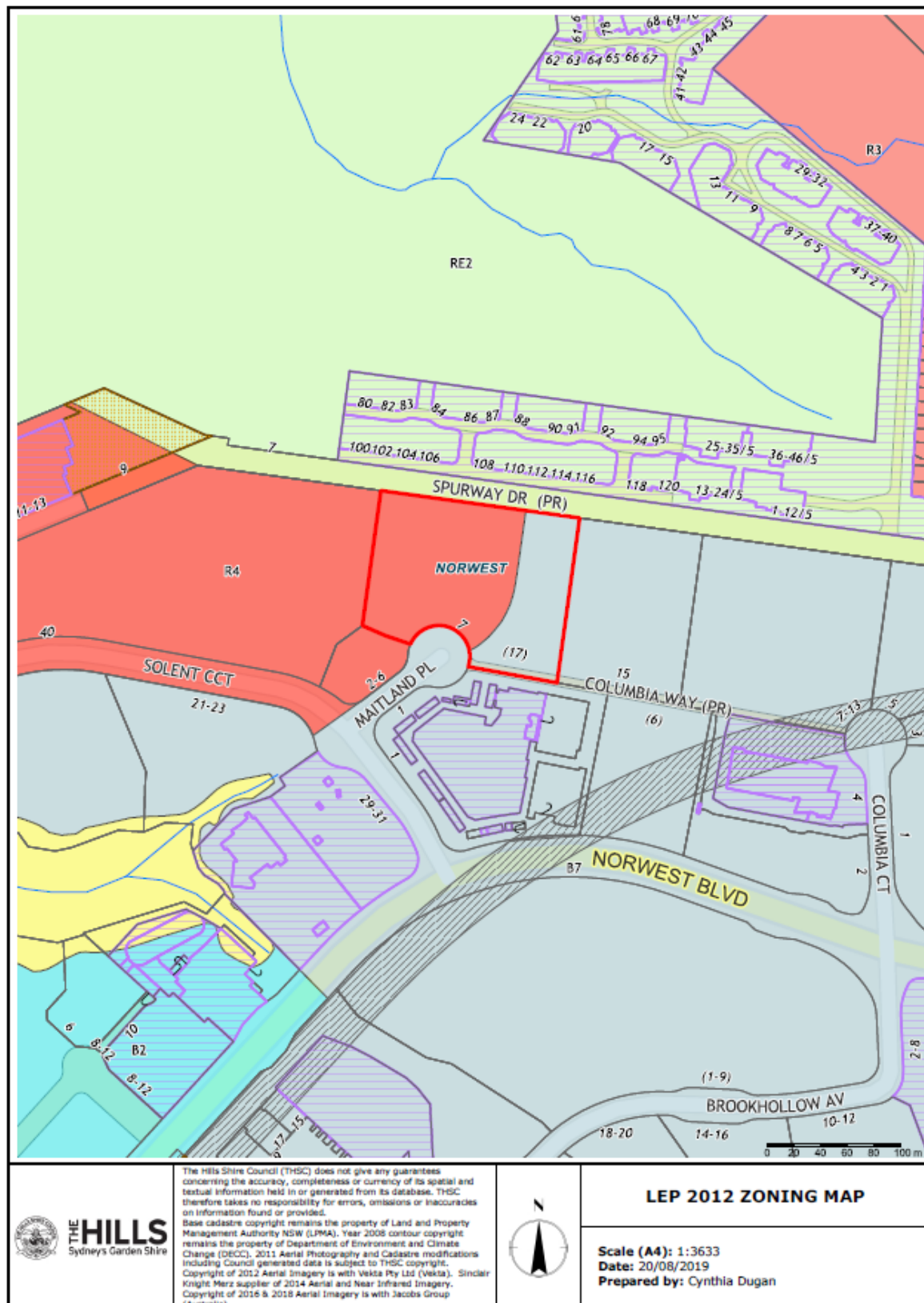


ATTACHMENT 2 – SITE PLAN



 SUBJECT SITE

## ATTACHMENT 3 – LEP 2012 ZONING MAP

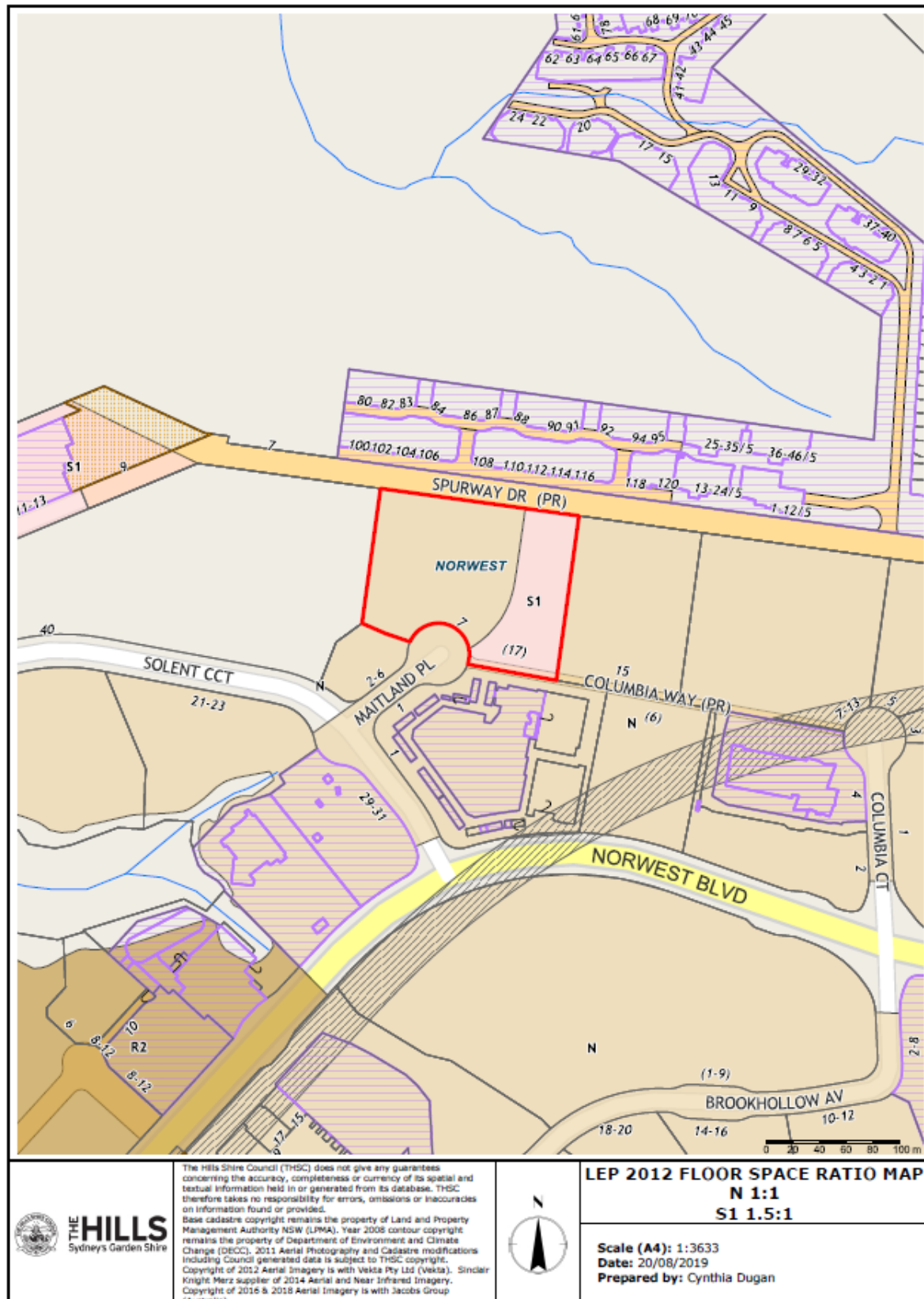




## ATTACHMENT 4 – LEP 2012 HEIGHT OF BUILDINGS MAP

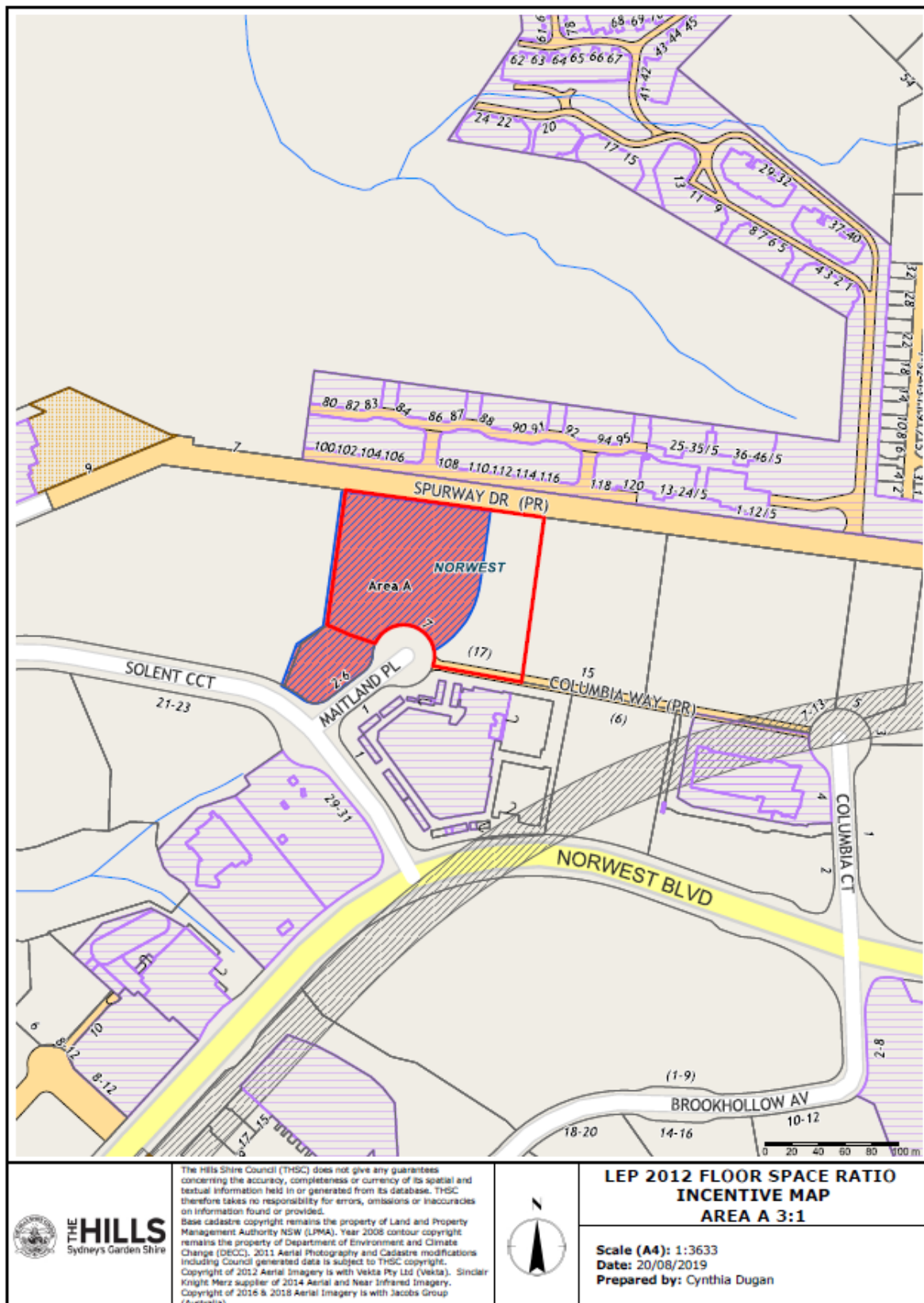


## ATTACHMENT 5 – LEP 2012 FLOOR SPACE RATIO MAP

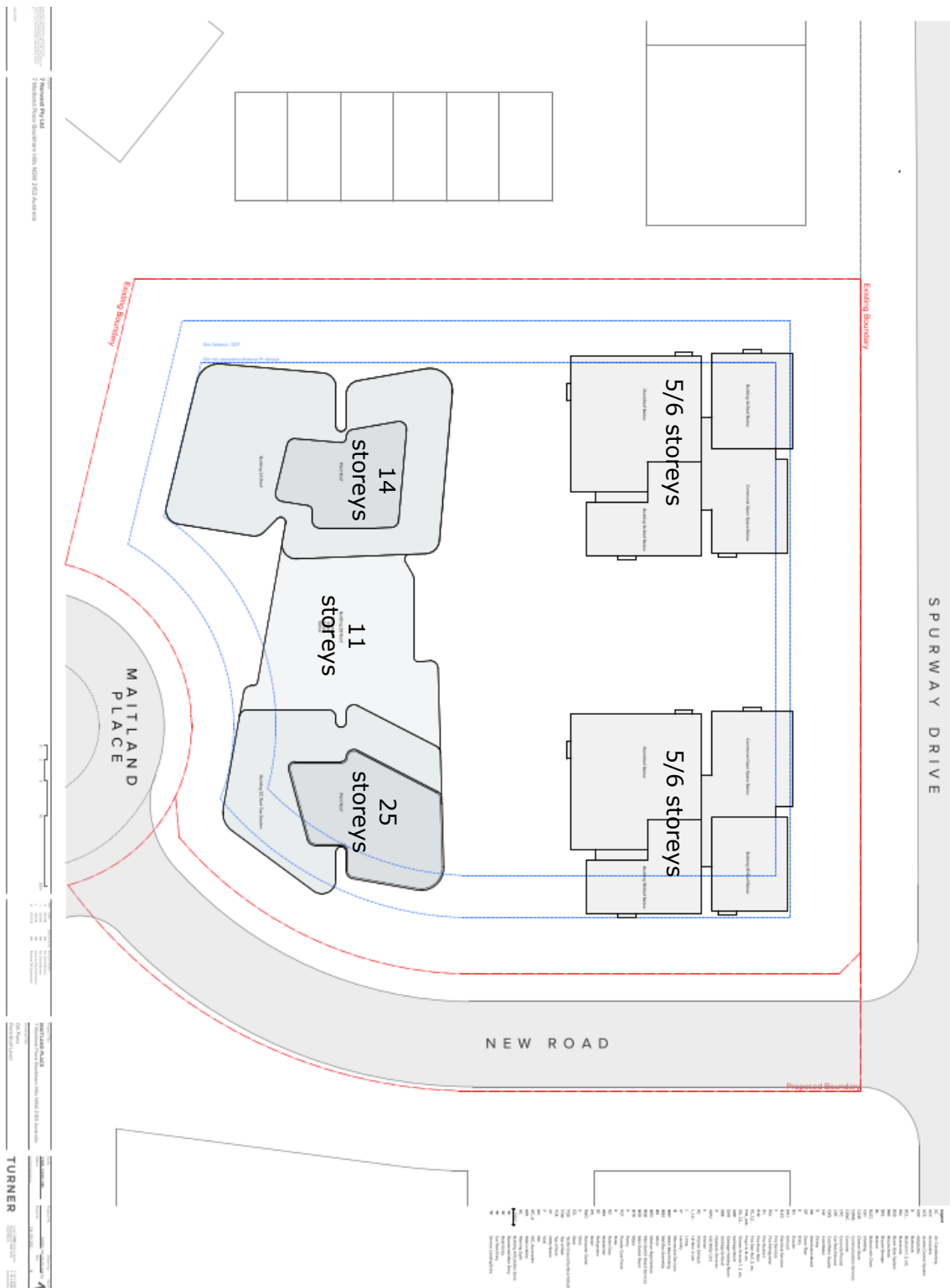




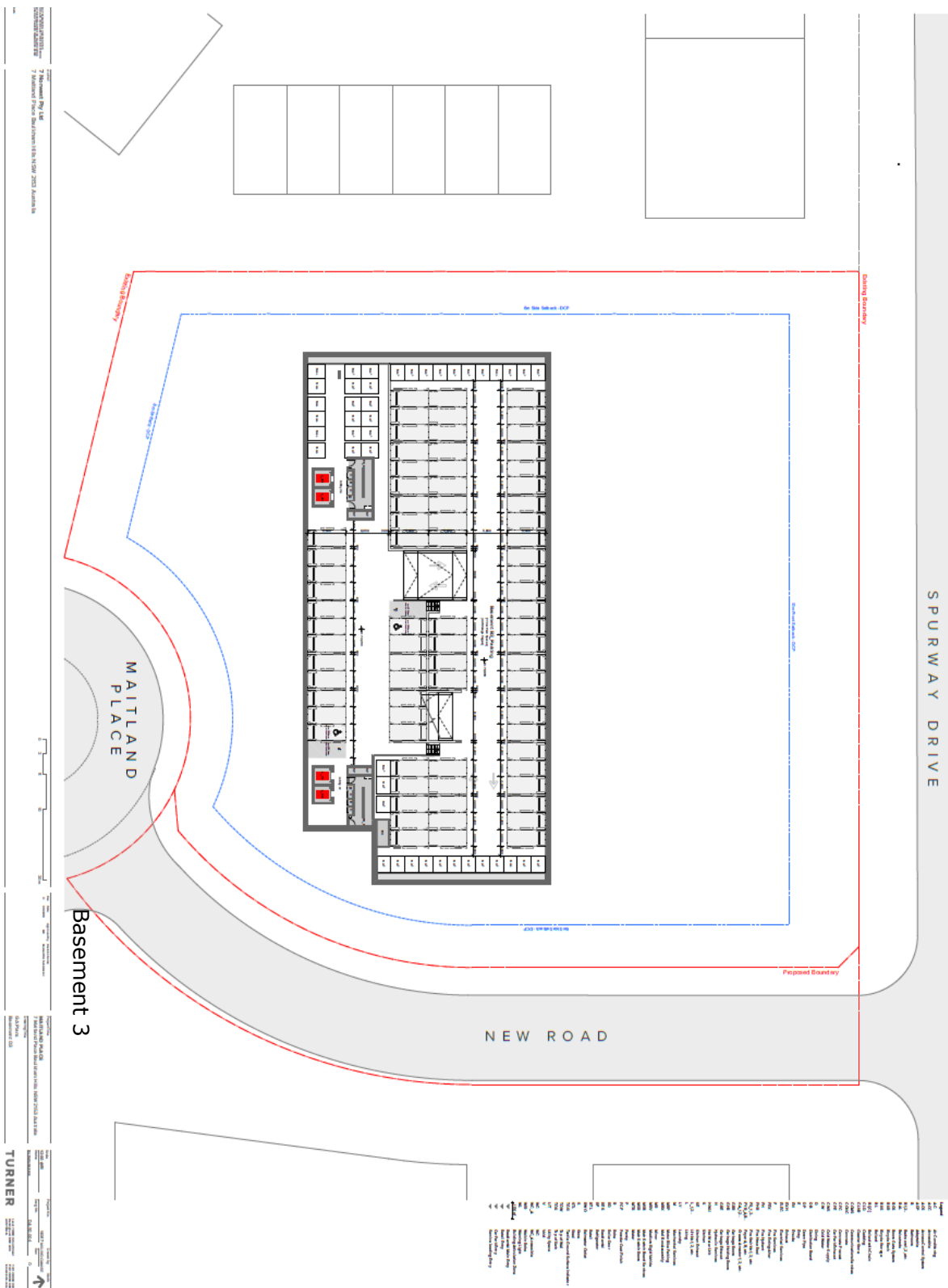
## ATTACHMENT 6 – LEP 2012 FLOOR SPACE RATIO INCENTIVE MAP

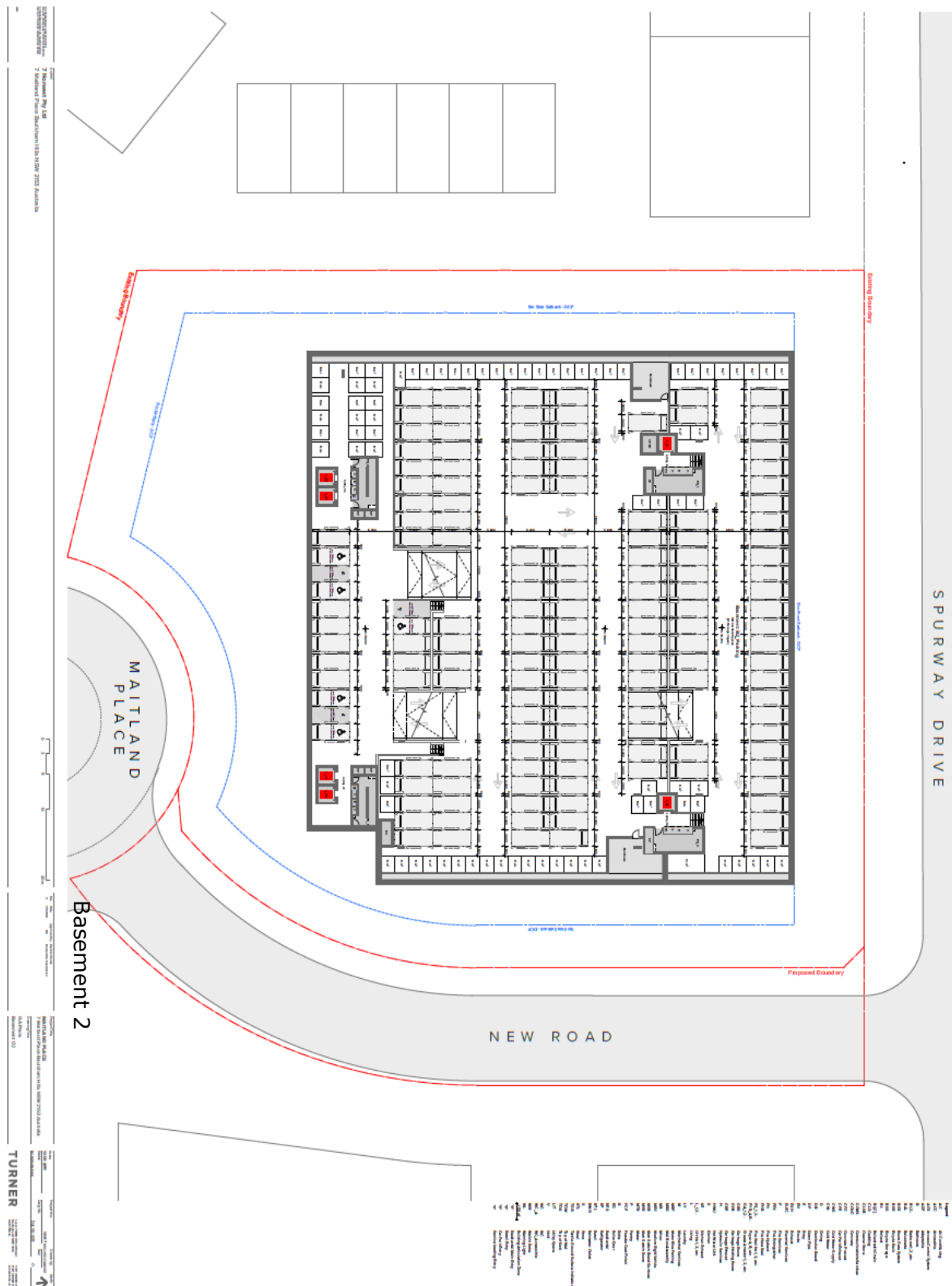


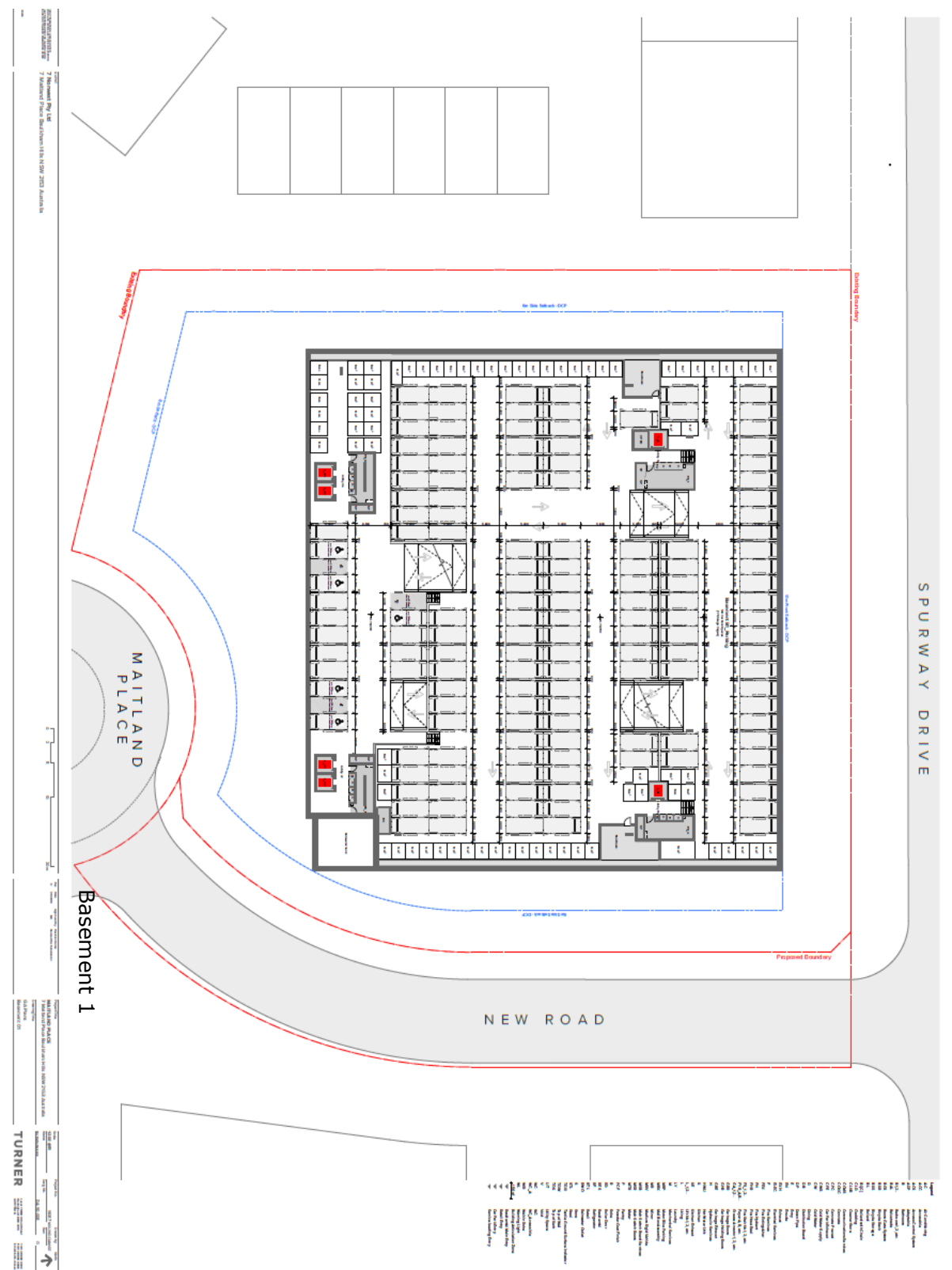
ATTACHMENT 7 – SITE PLAN

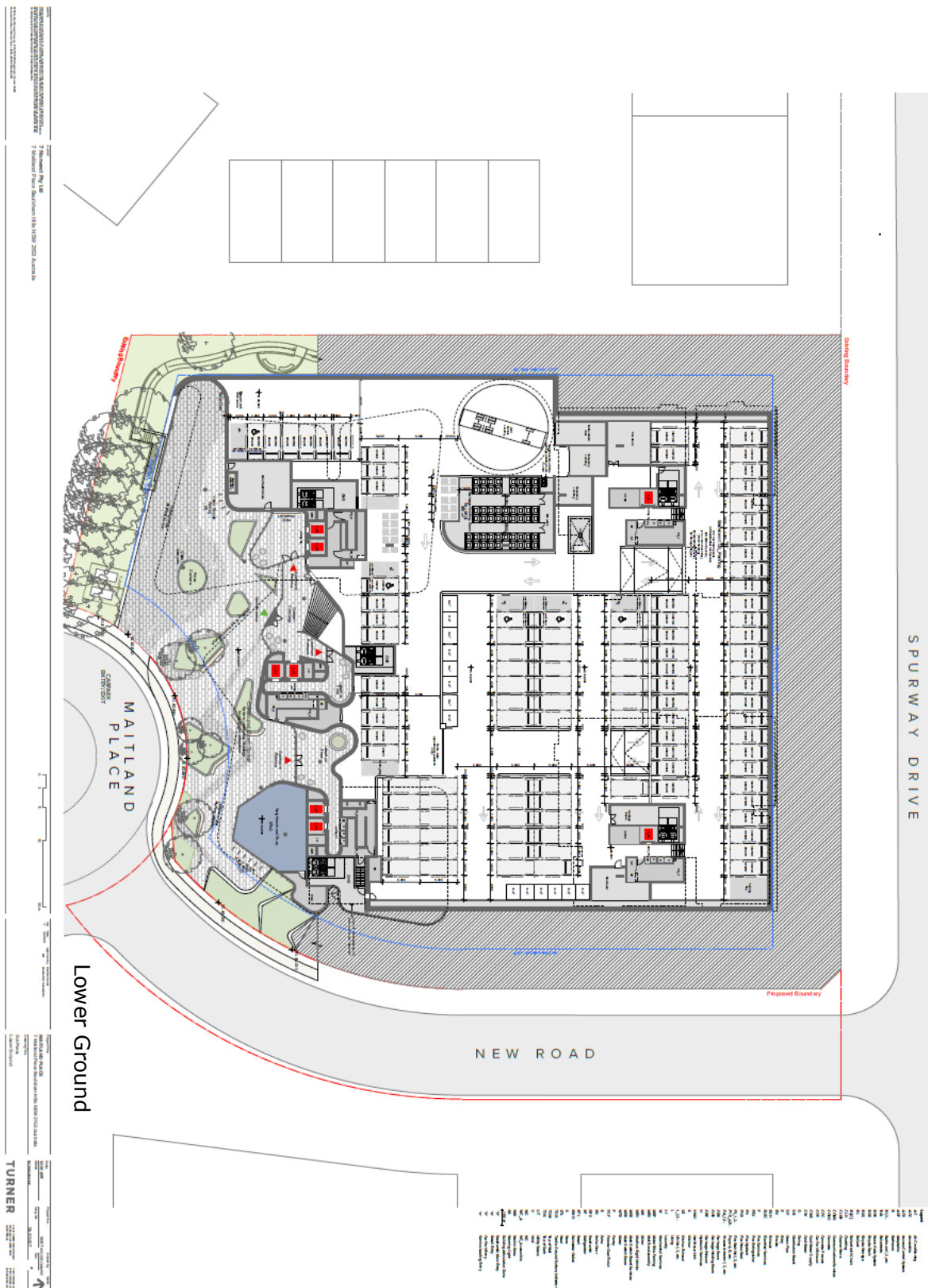


## ATTACHMENT 8 – FLOOR PLANS

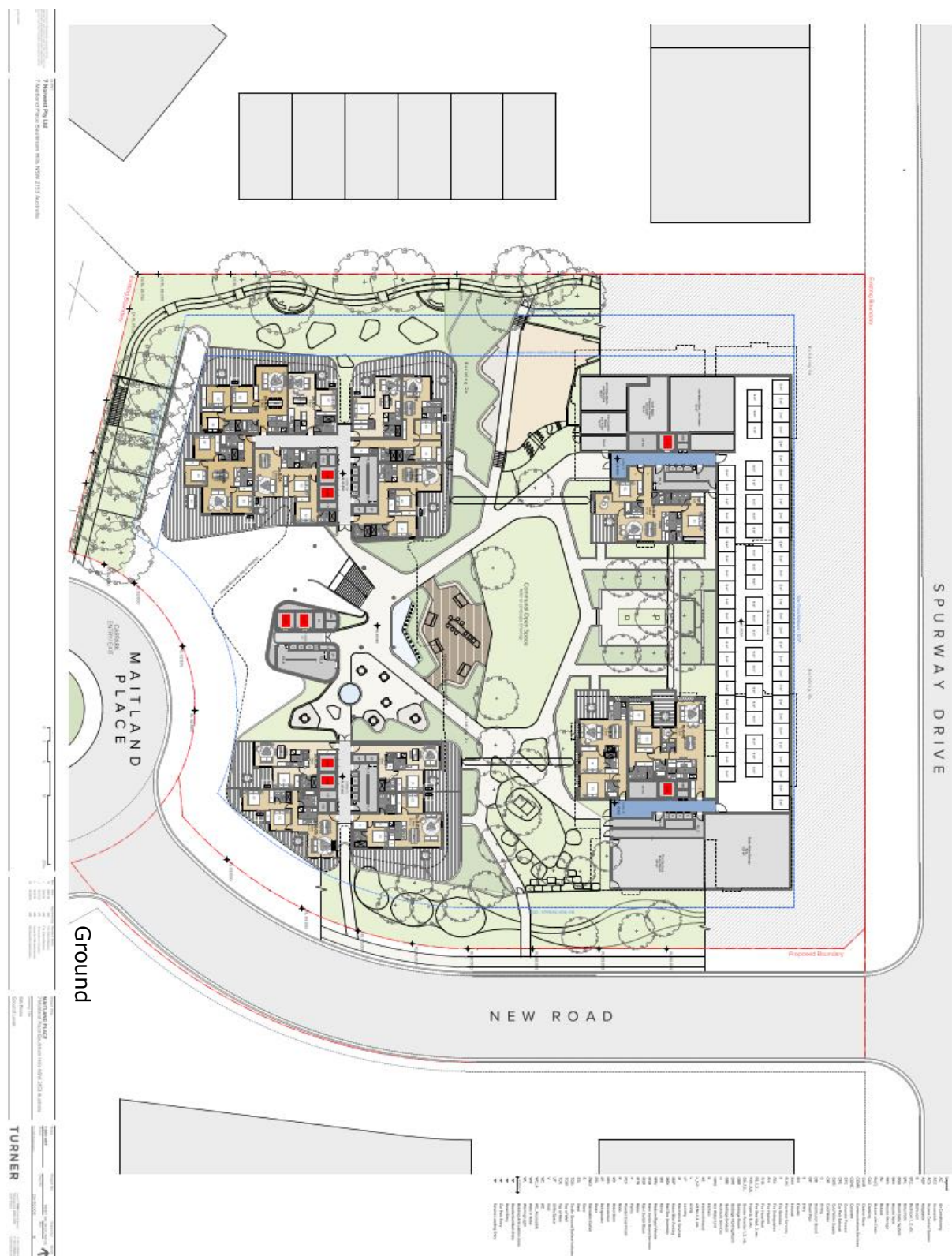






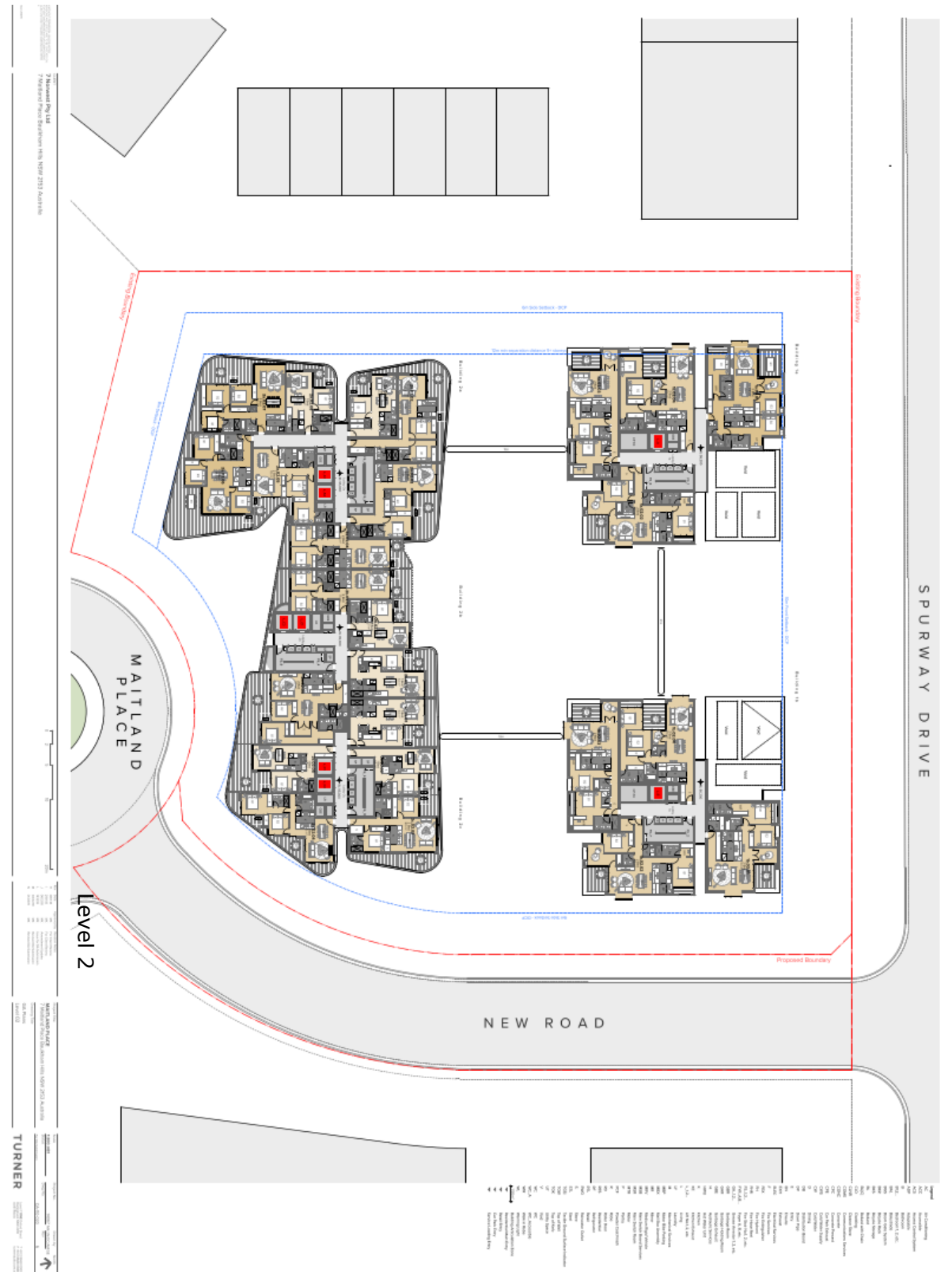


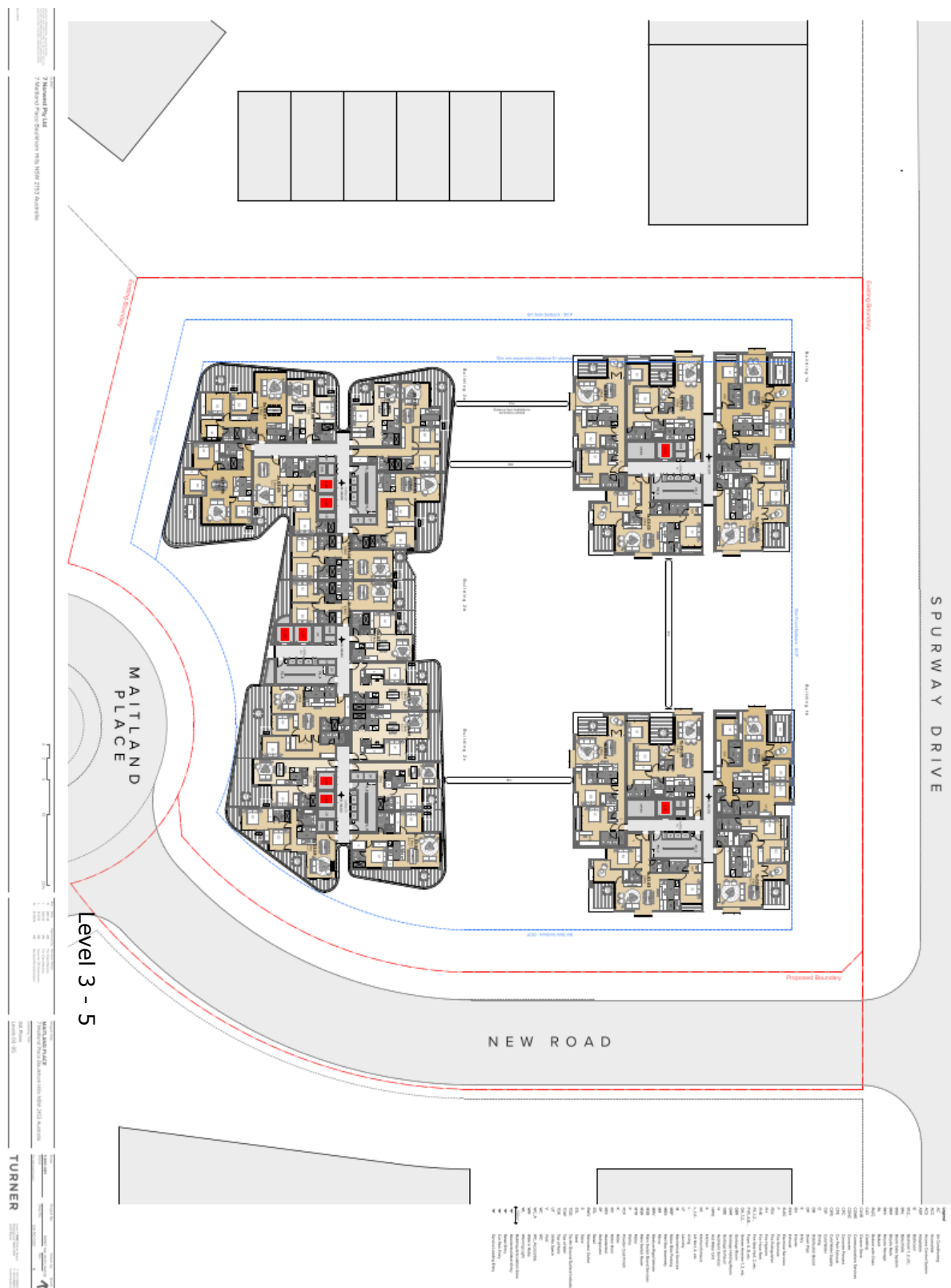




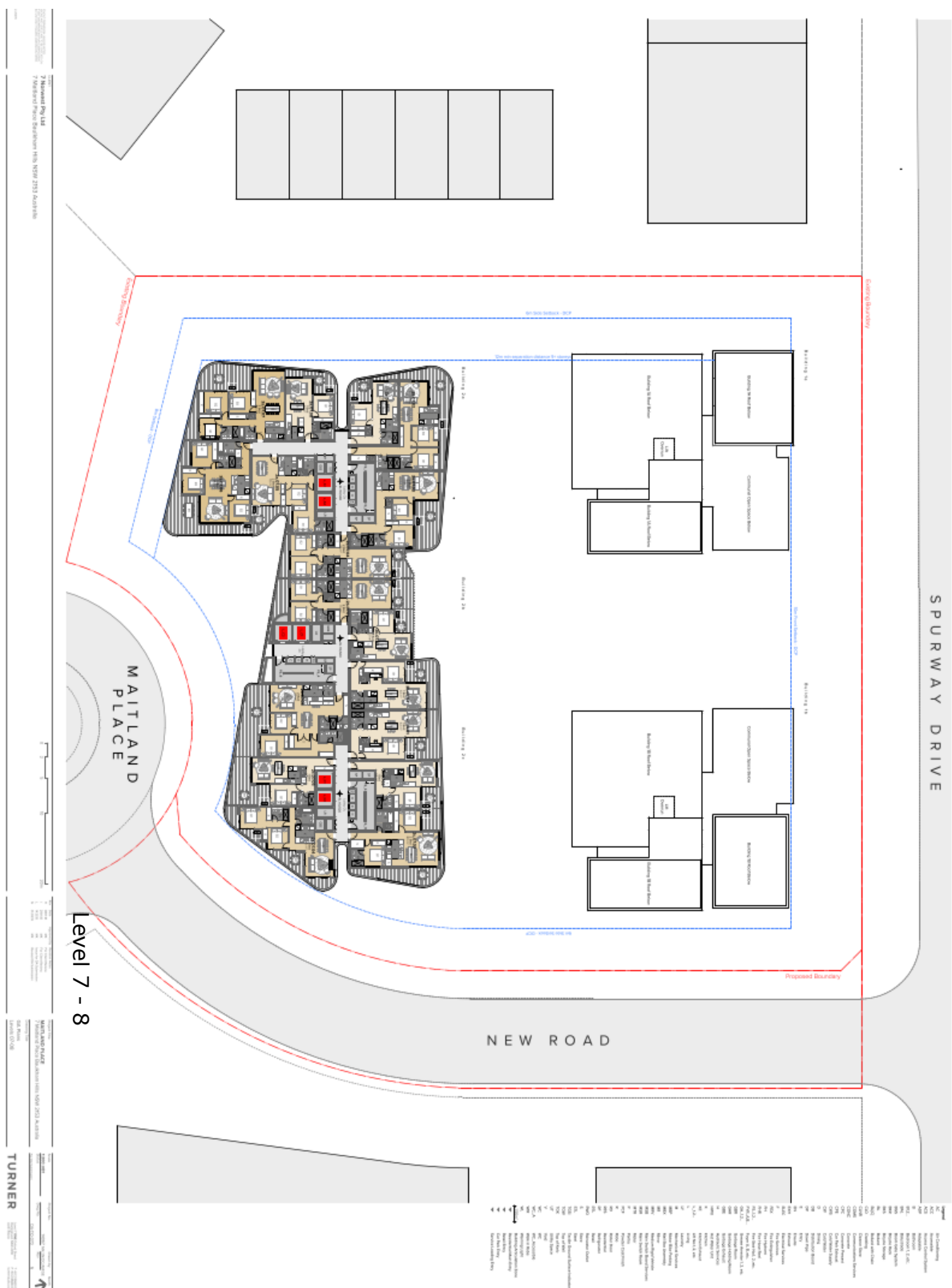


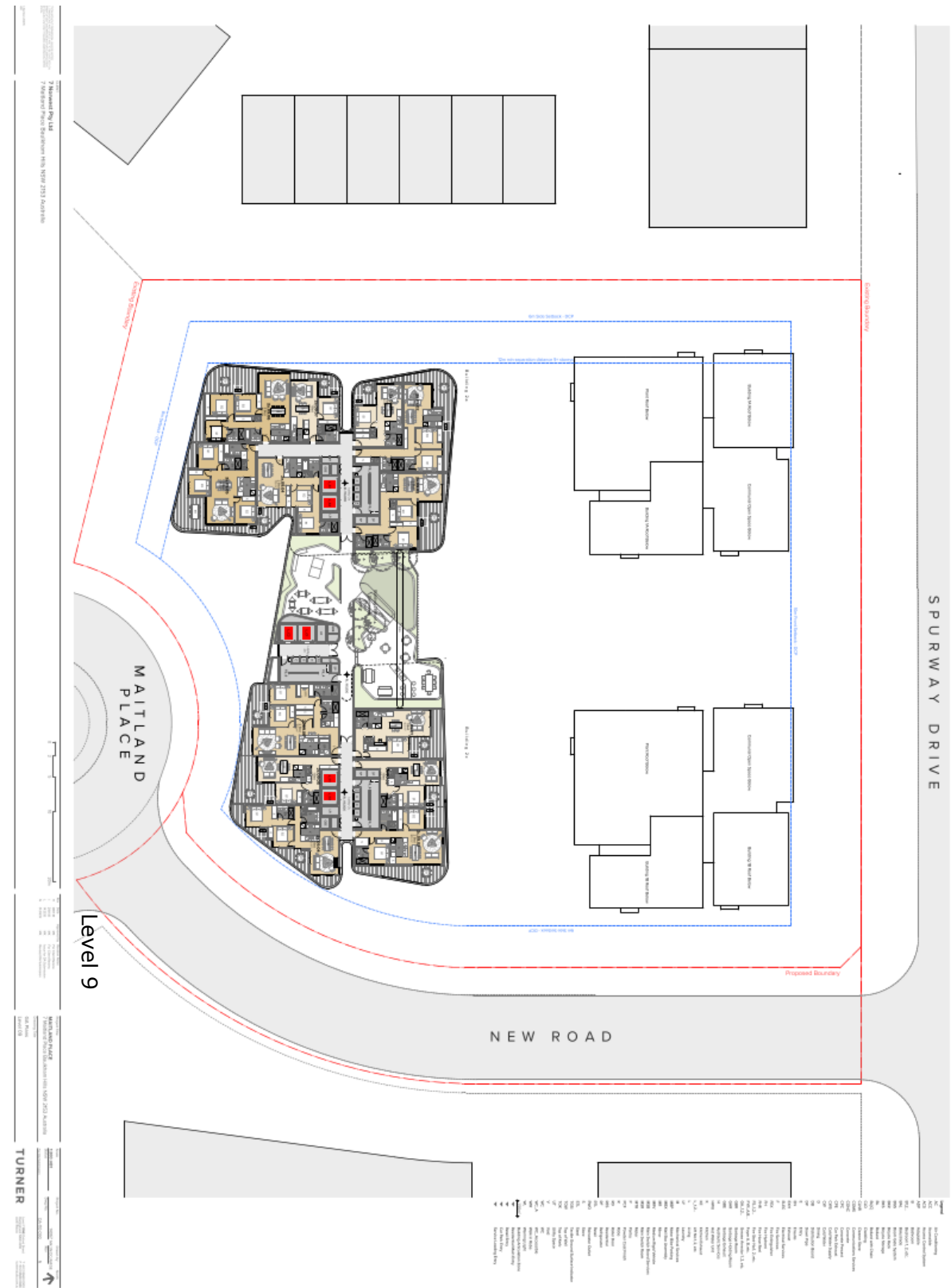




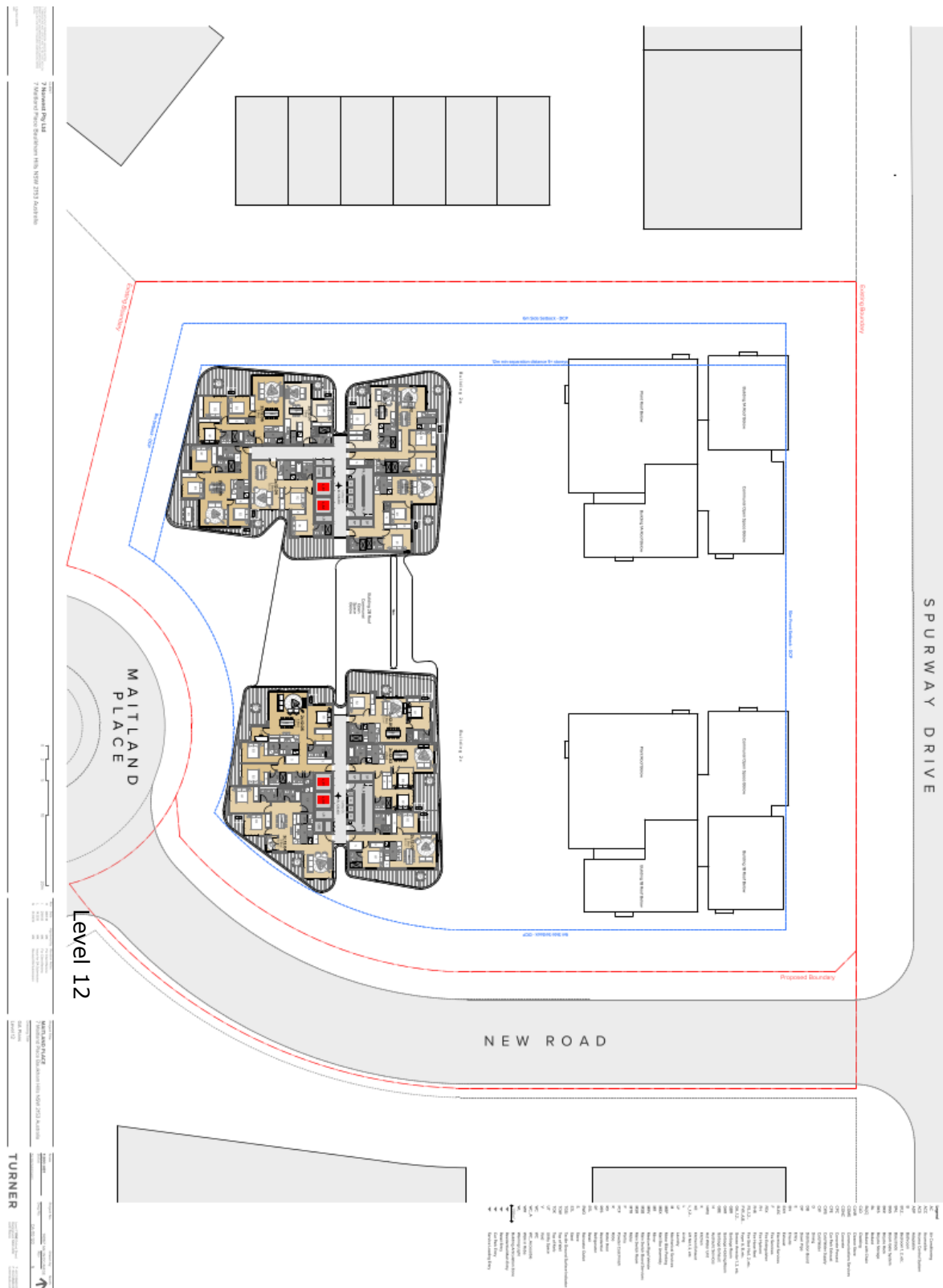








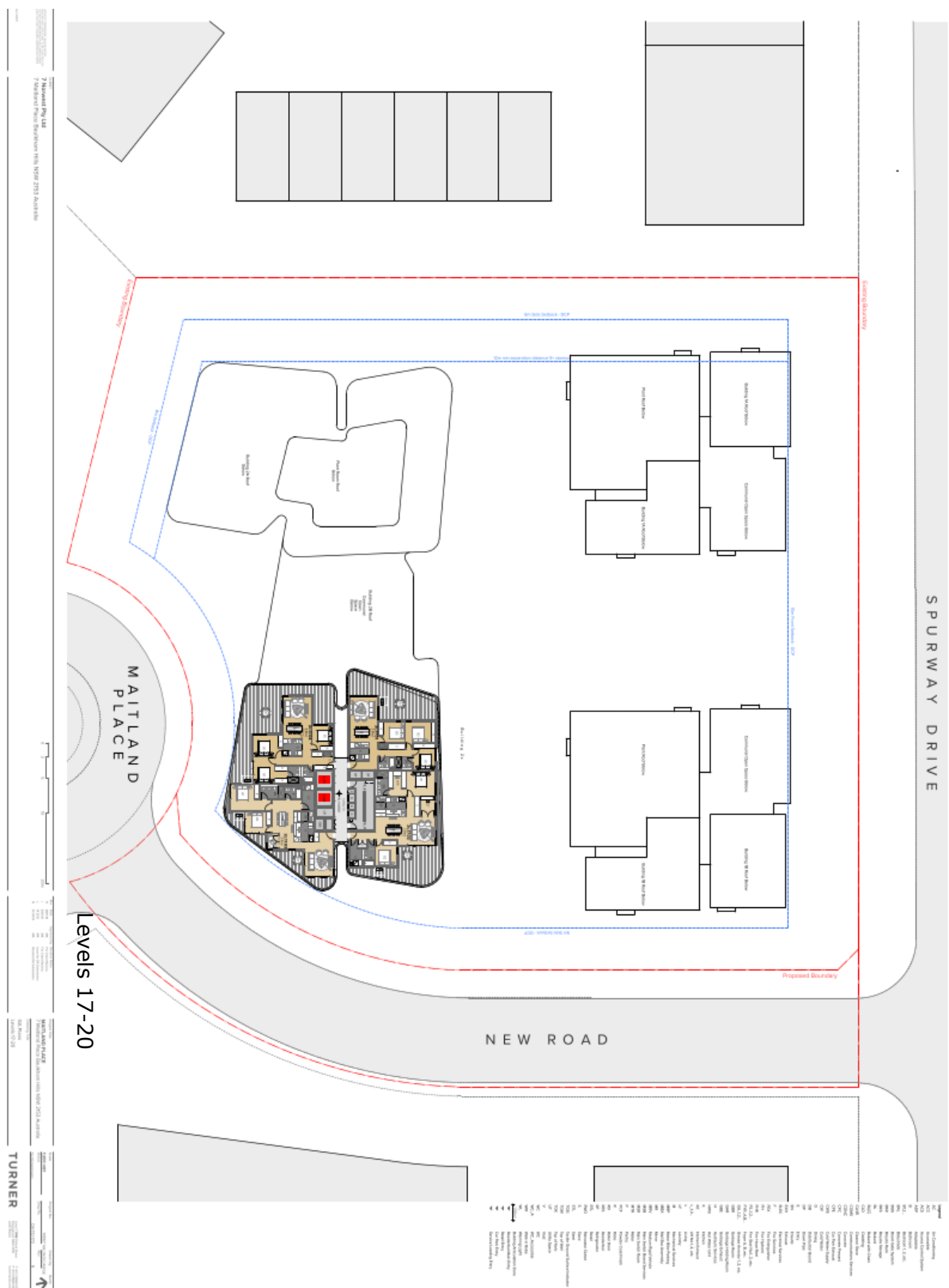




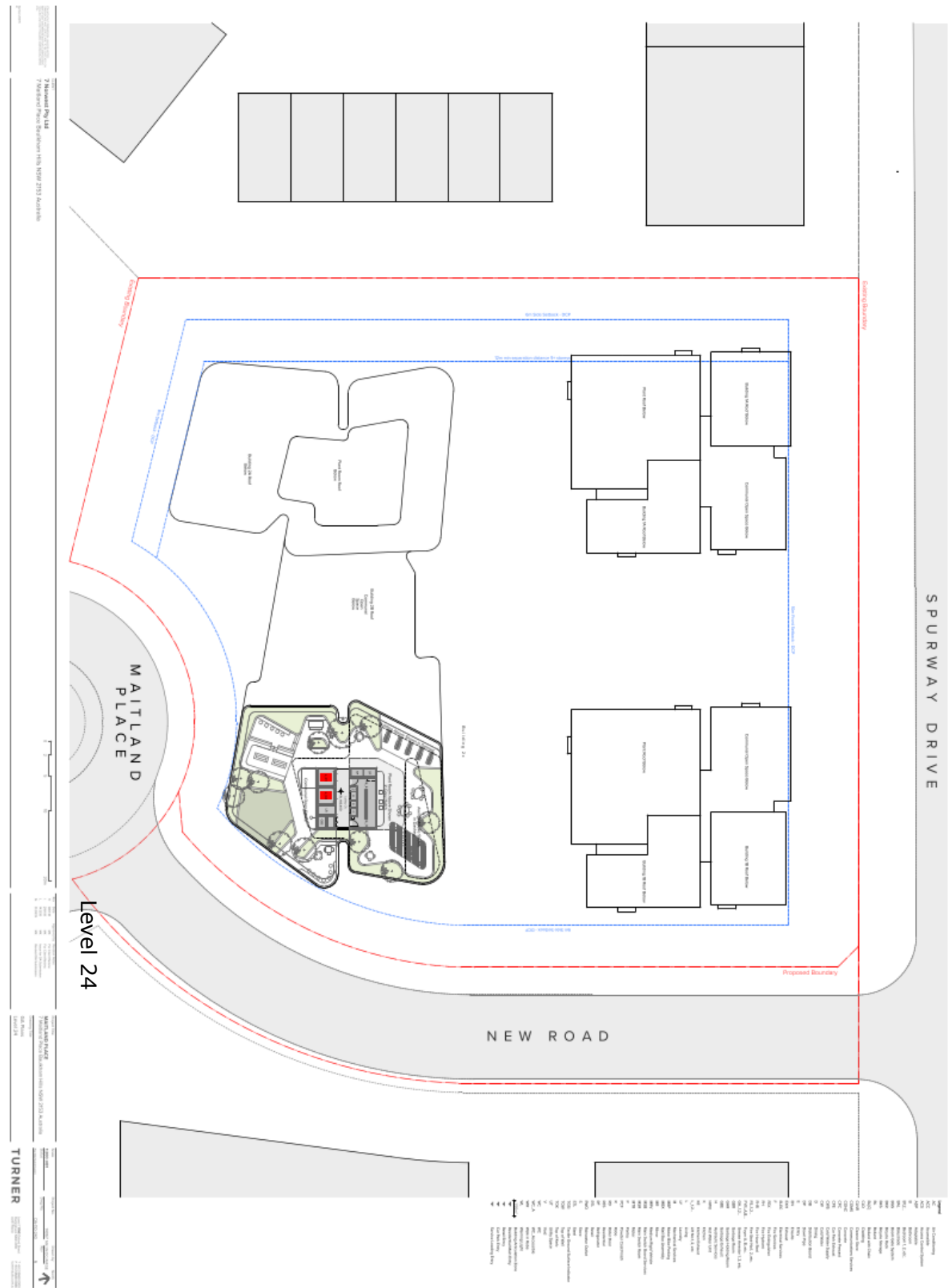








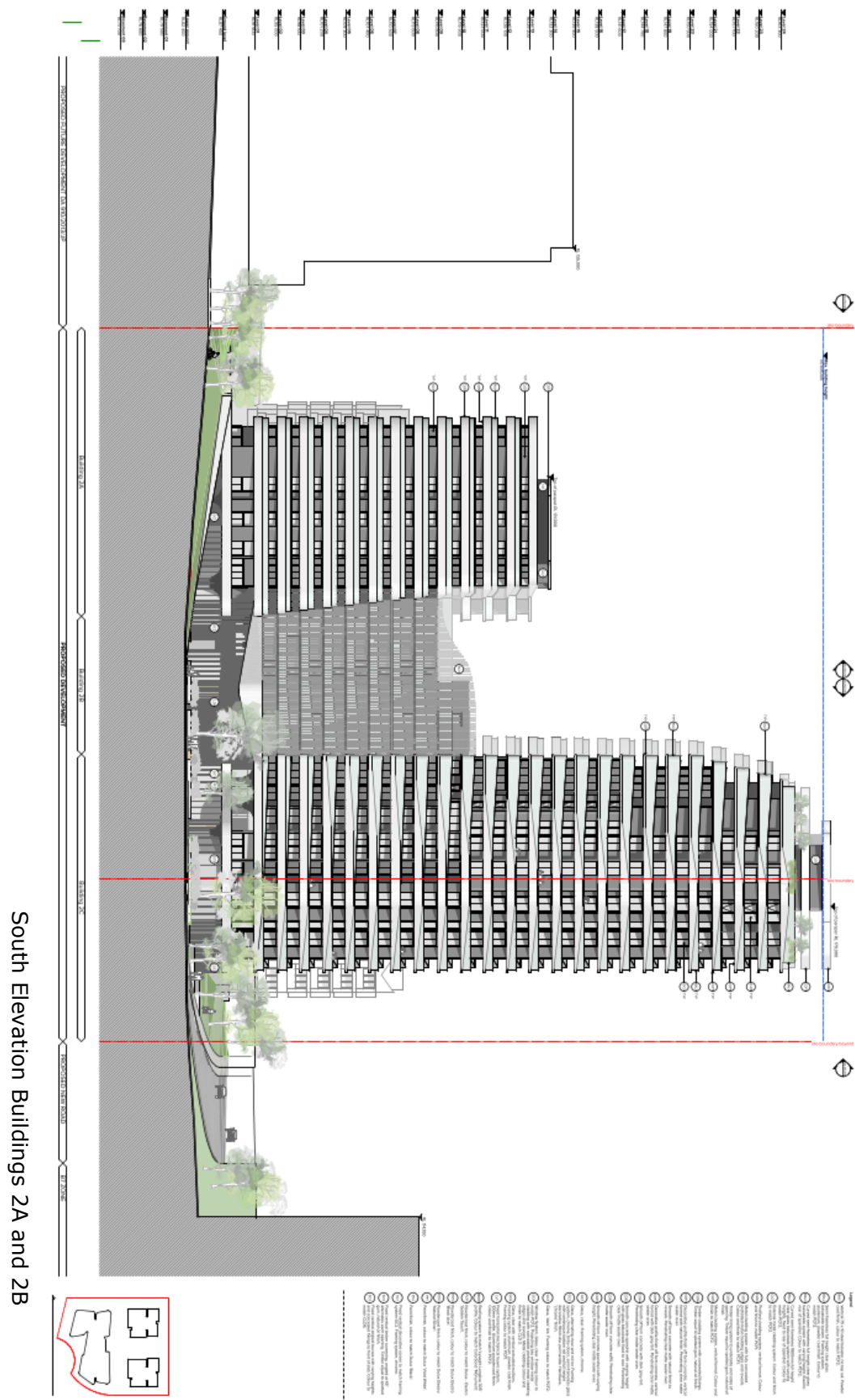




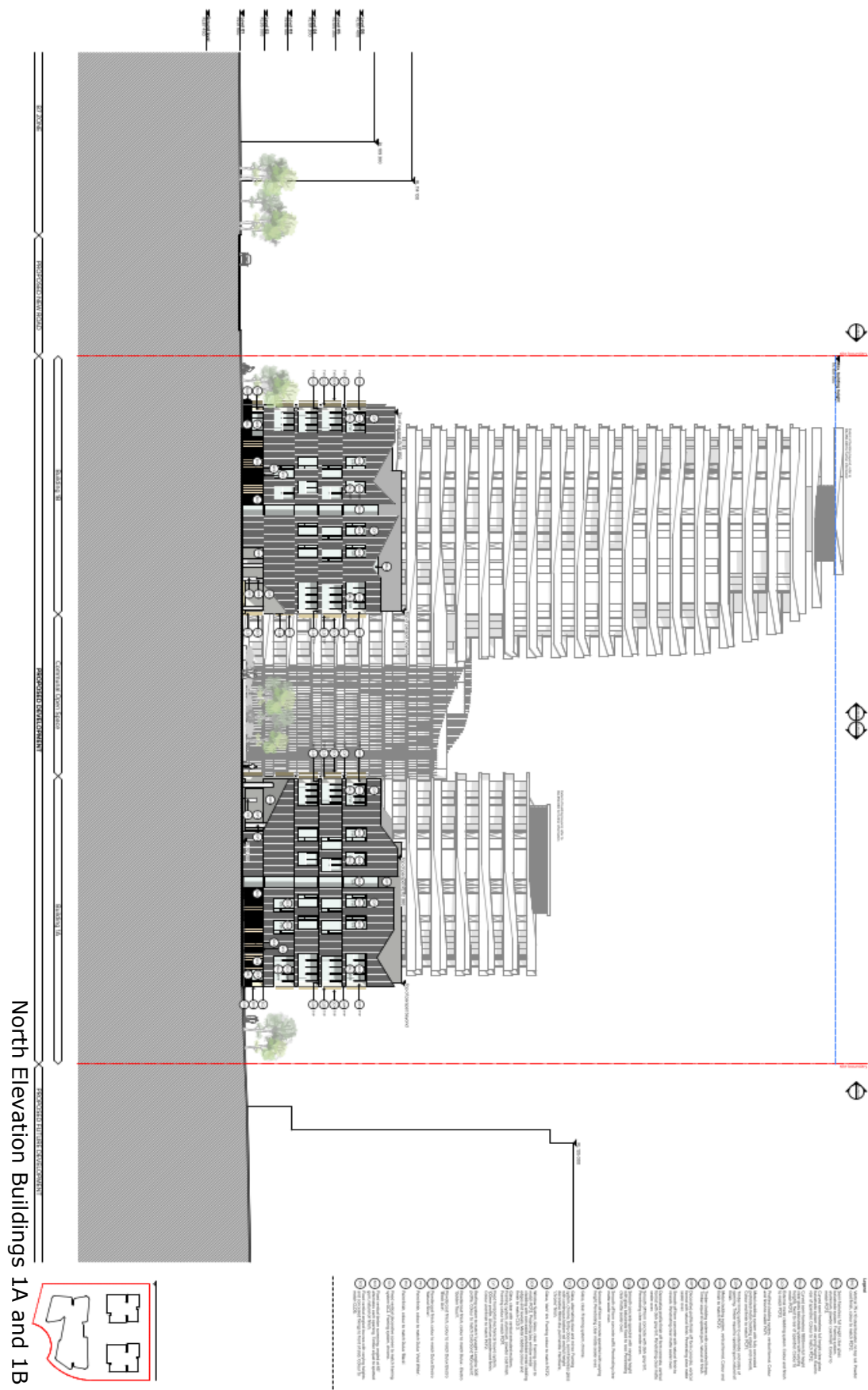


ATTACHMENT 9 – ELEVATIONS



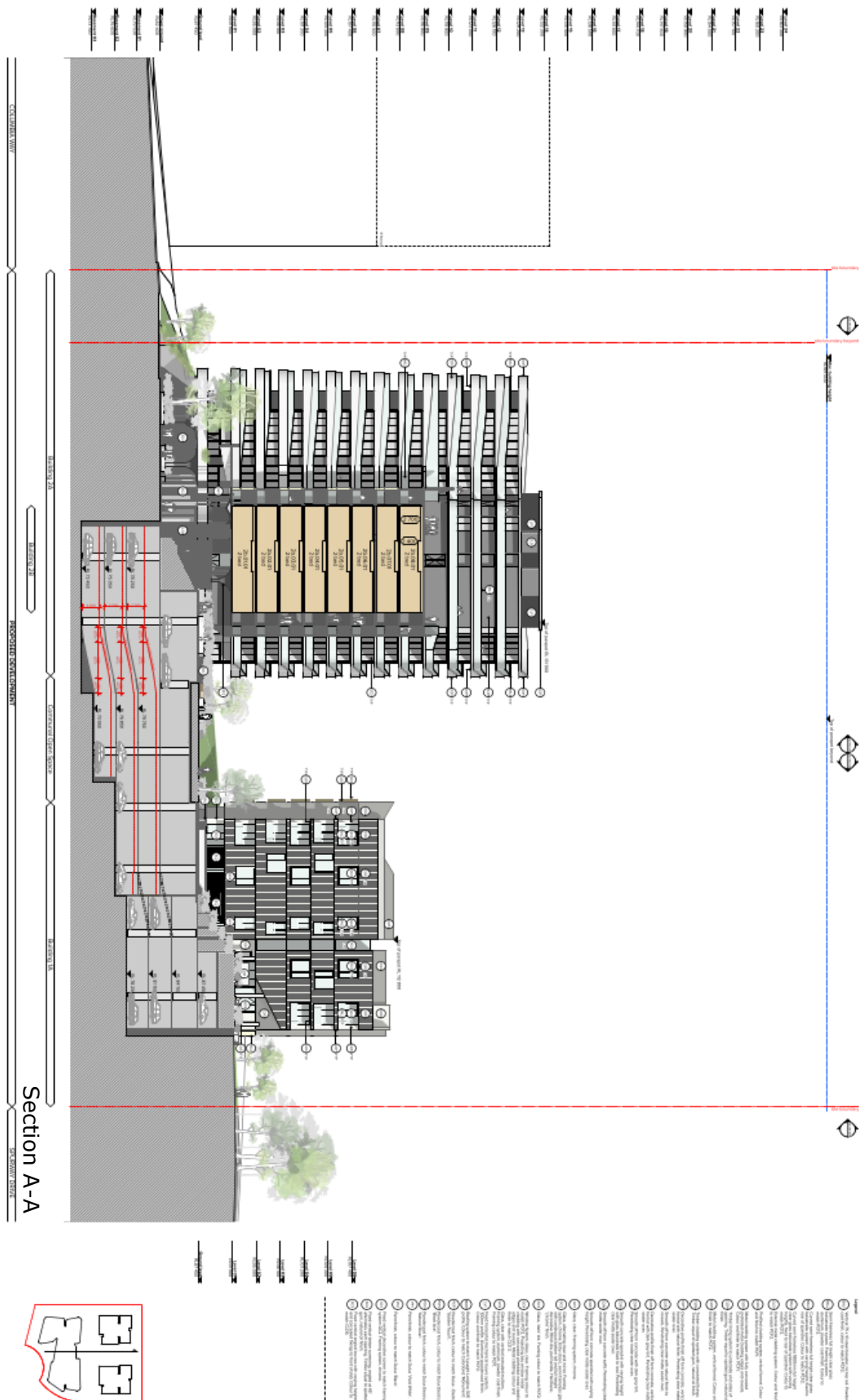




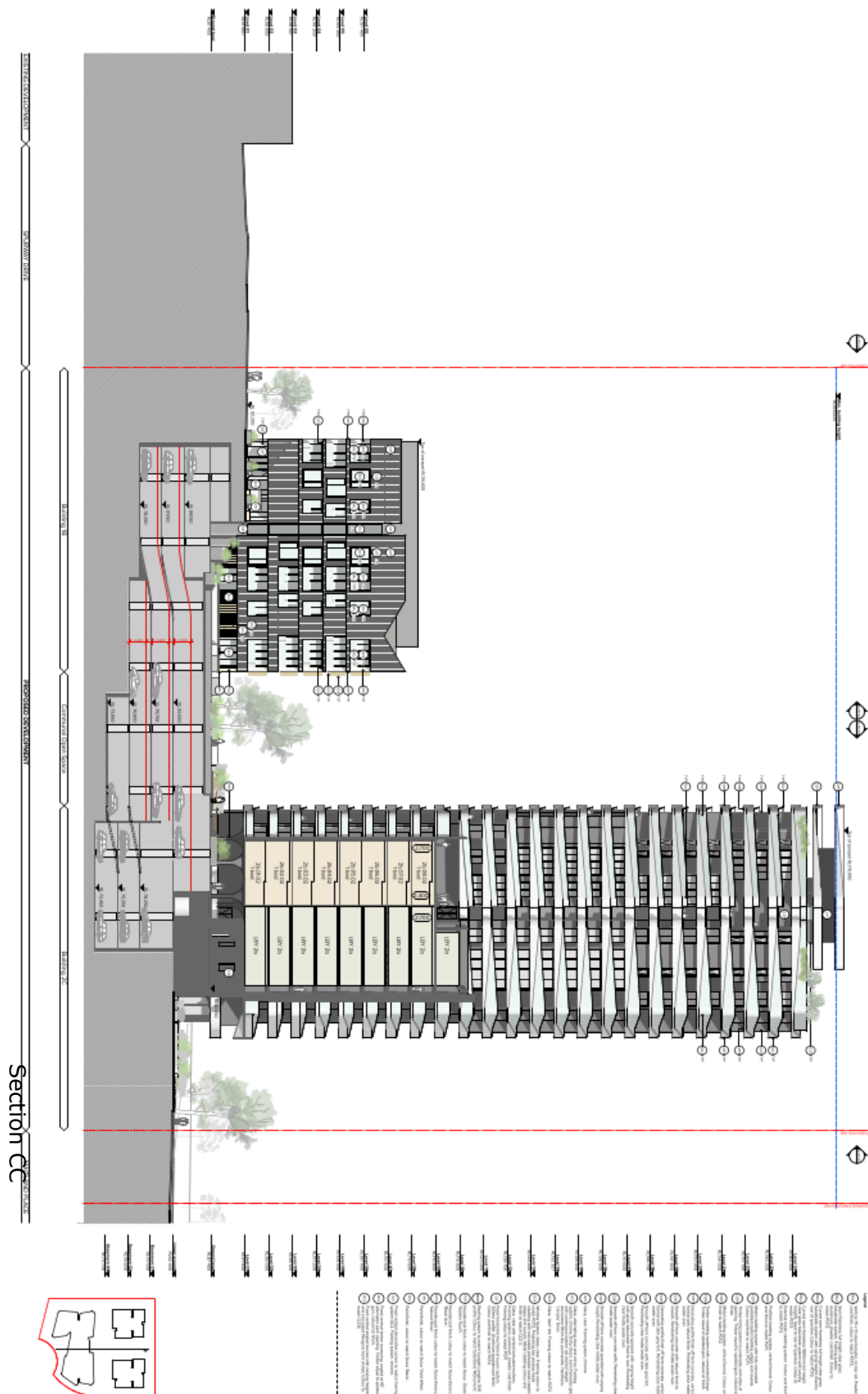




ATTACHMENT 10 – SECTIONS

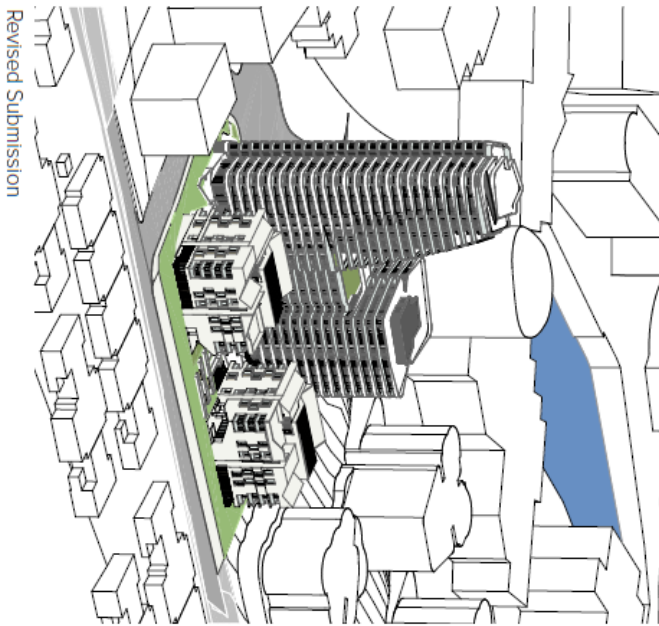
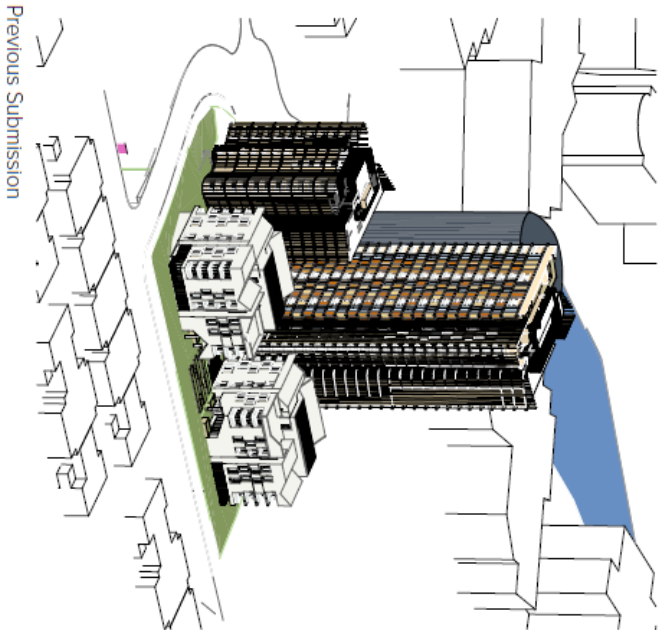








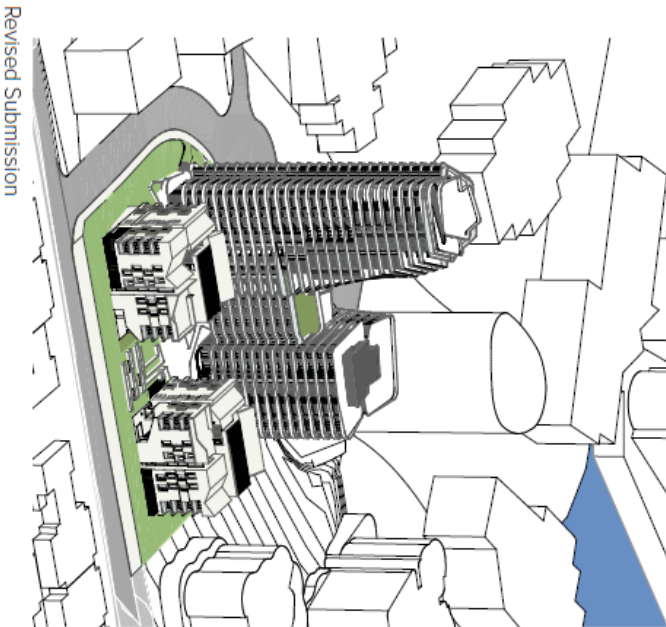
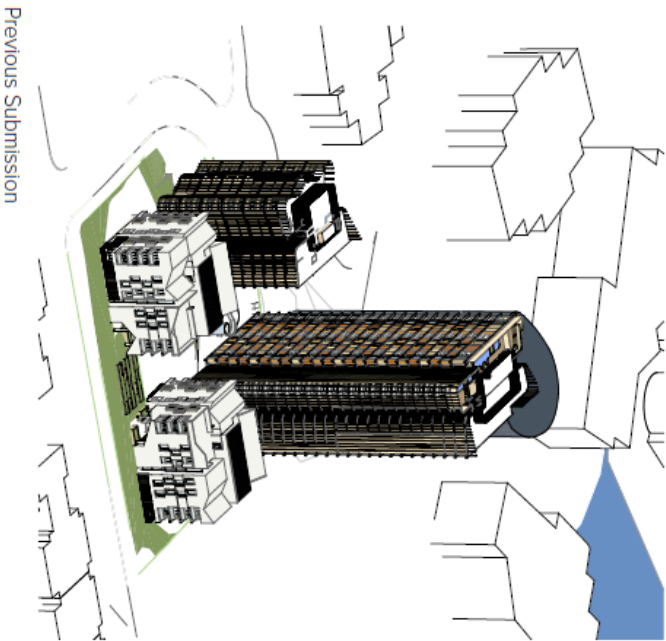
ATTACHMENT 11 – SHADOW DIAGRAMS



Solar access to adjacent site upper levels.

Views From the Sun\_9am

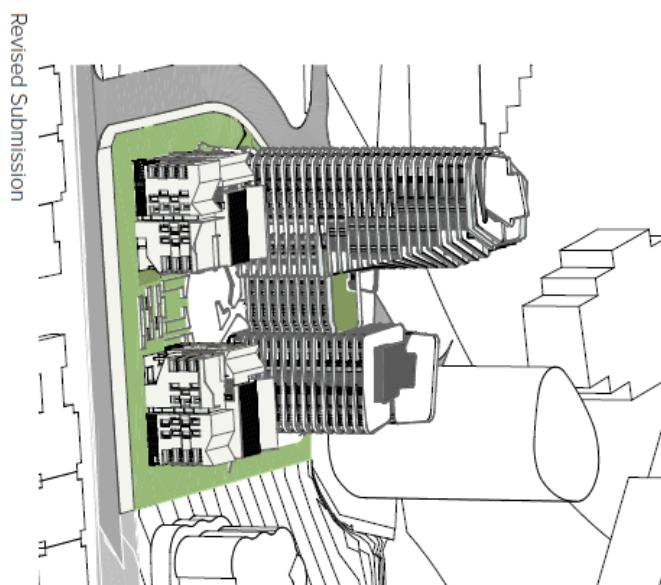
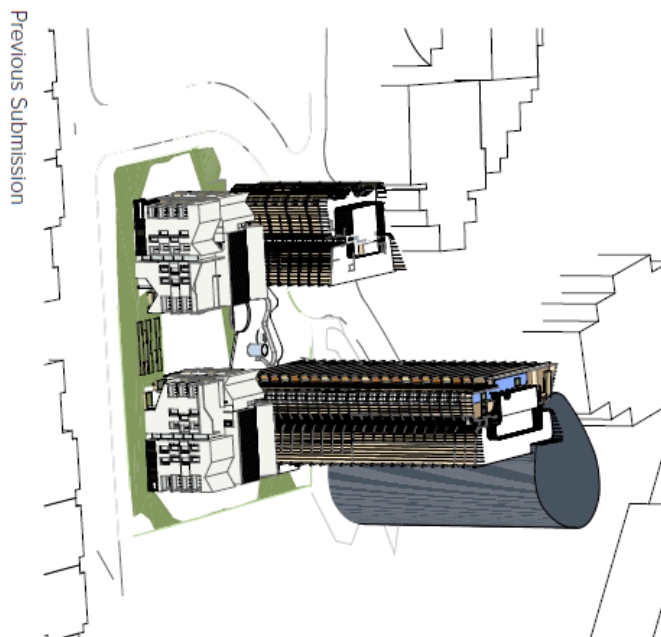




*Reduced building height highly improved solar access to adjacent site.*

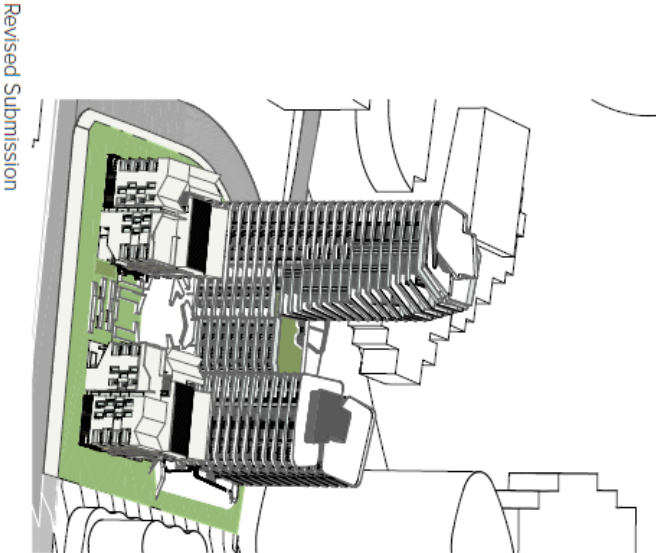
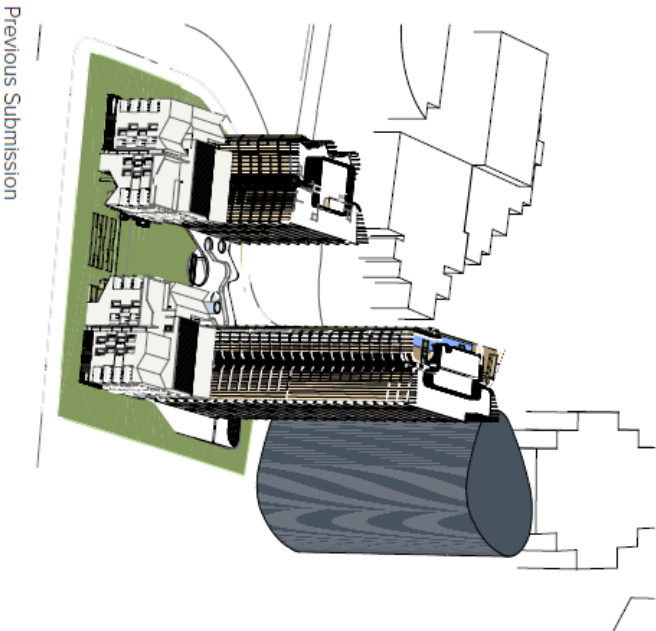
Views From the Sun\_10am

*Minimal solar impact to lower levels of adjacent site north-east corner.*



*Views From the Sun\_11am*

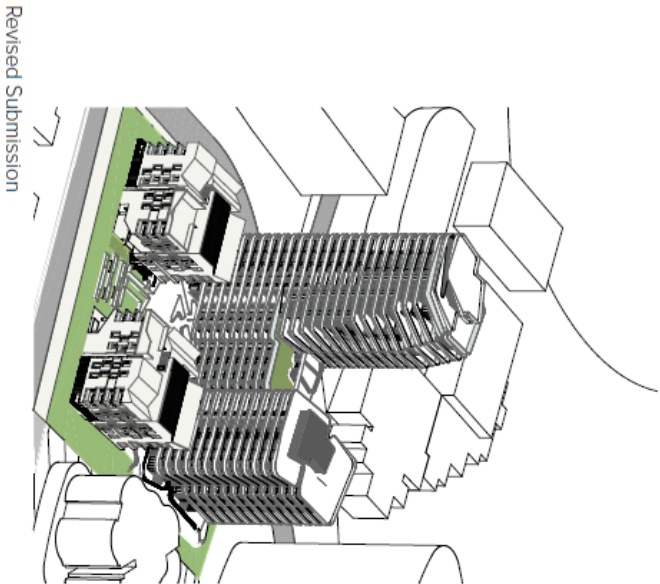
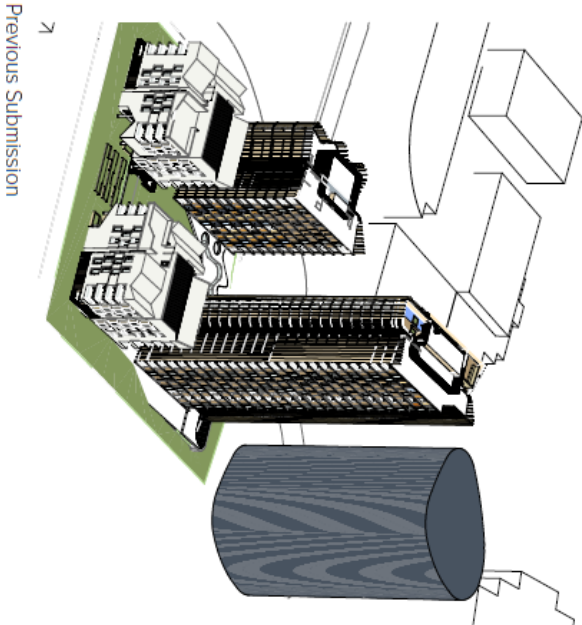
No solar impact to adjacent site from 12:30pm.



Views From the Sun\_12pm

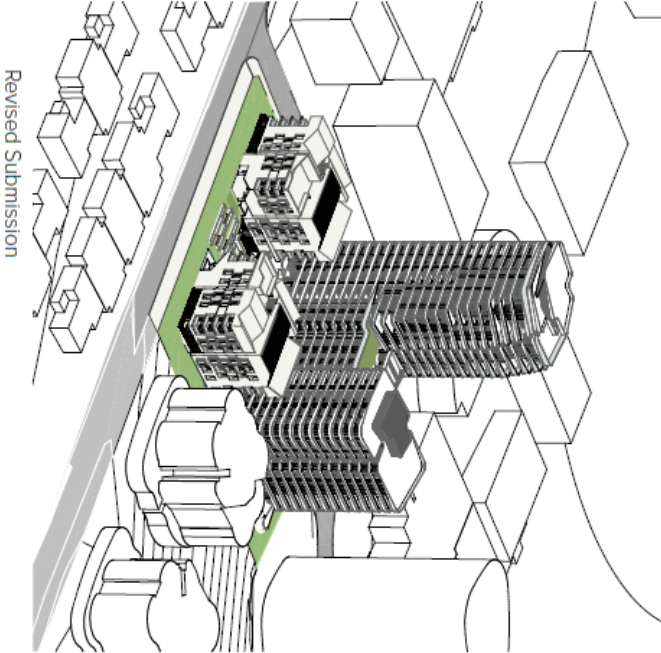
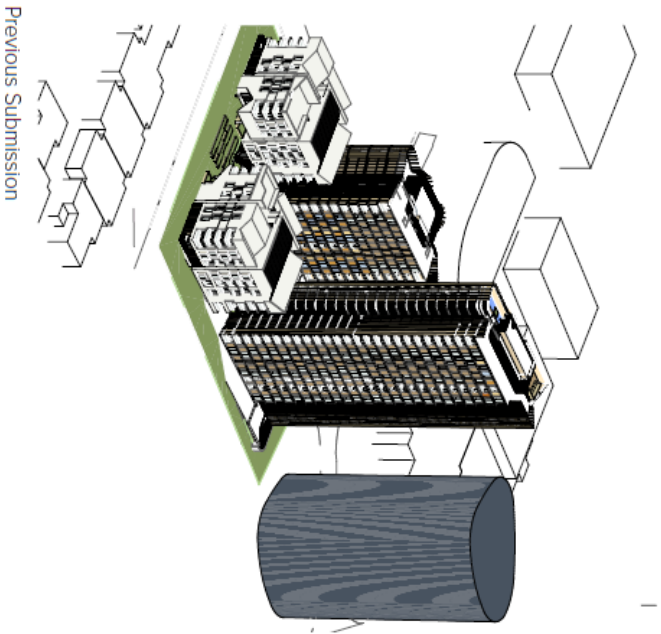


No overshadowing to adjacent sites from 12:30pm.



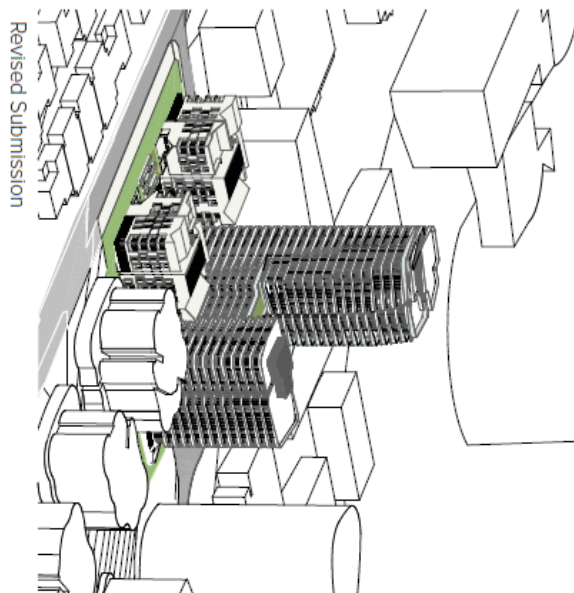
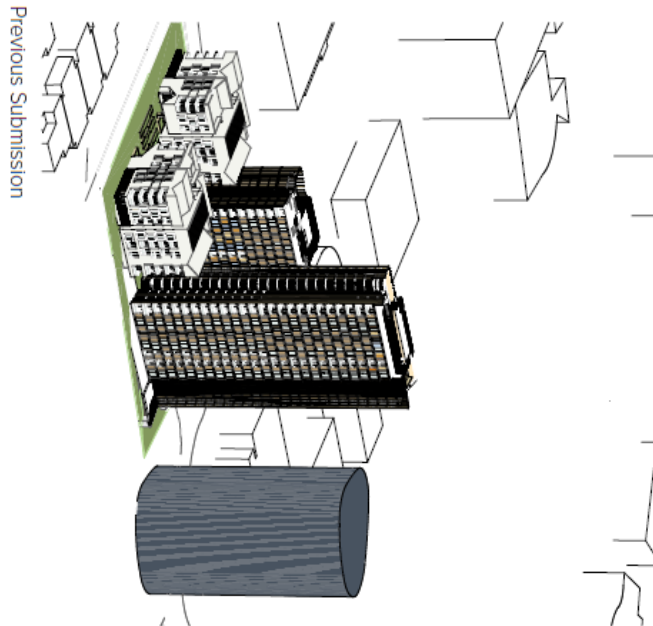
Views From the Sun\_1pm

No overshadowing to adjacent sites from 12:30pm.



Views From the Sun\_2pm

*No overshadowing to adjacent sites from 12:30pm.*



**Views From the Sun\_3pm**

## ATTACHMENT 12 – LANDSCAPE PLAN

## LANDSCAPE SITE PLAN - GL

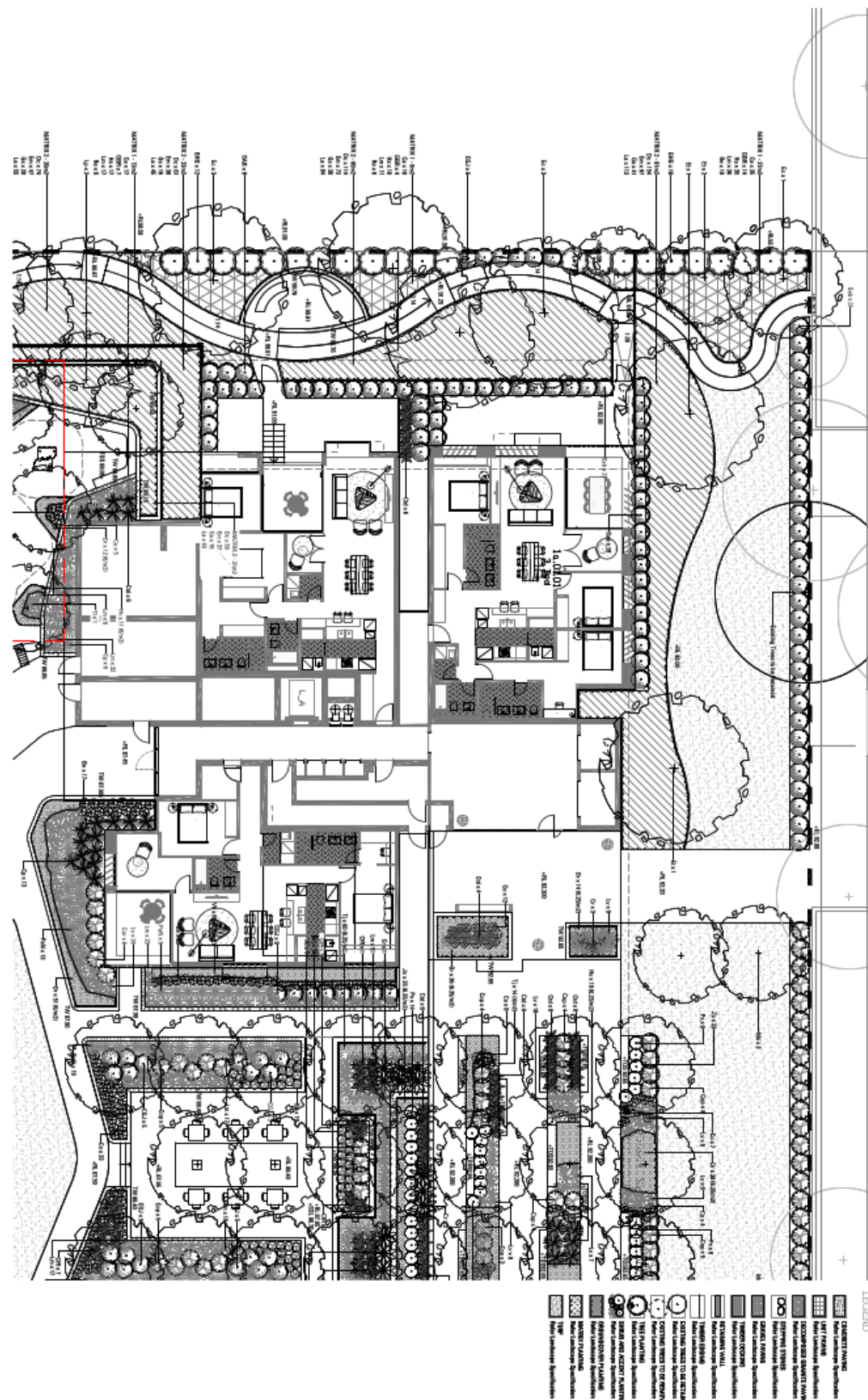
200





## DETAIL LANDSCAPE PLAN - GL

201



ARCADIA  
LANDSCAPE ARCHITECTURE

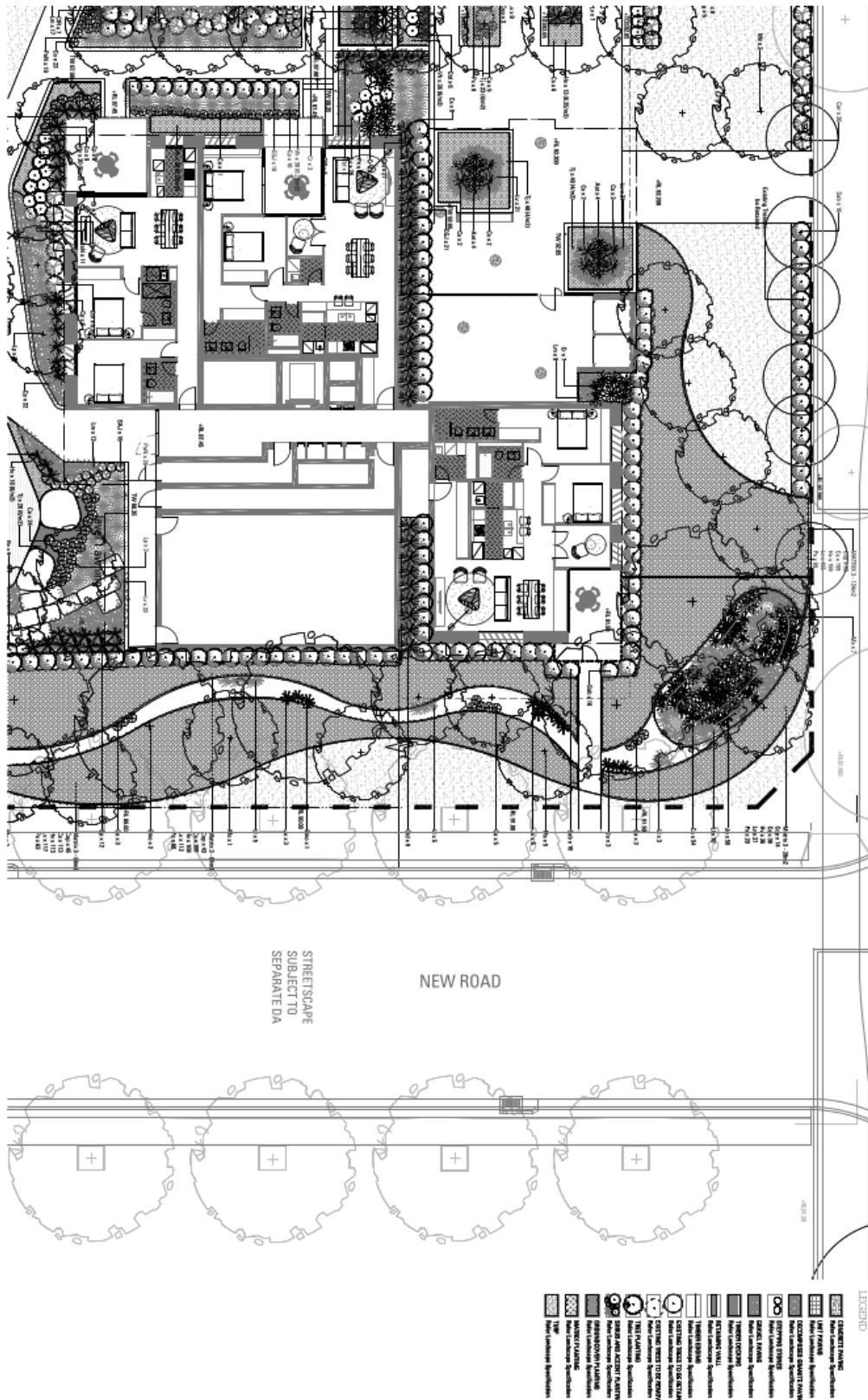
**7 MAITLAND PLACE**  
NORWEST BUSINESS PARK



**PREPARED BY** Arcotopia Landscape Architecture  
**CLIENT** BHL  
**ARCHITECT** TURNER  
**DATE** Aug 2018  
**SCALE** 1:100 @ A  
**ISSUE** H

# DETAIL LANDSCAPE PLAN - GL

202



# ARCADIA

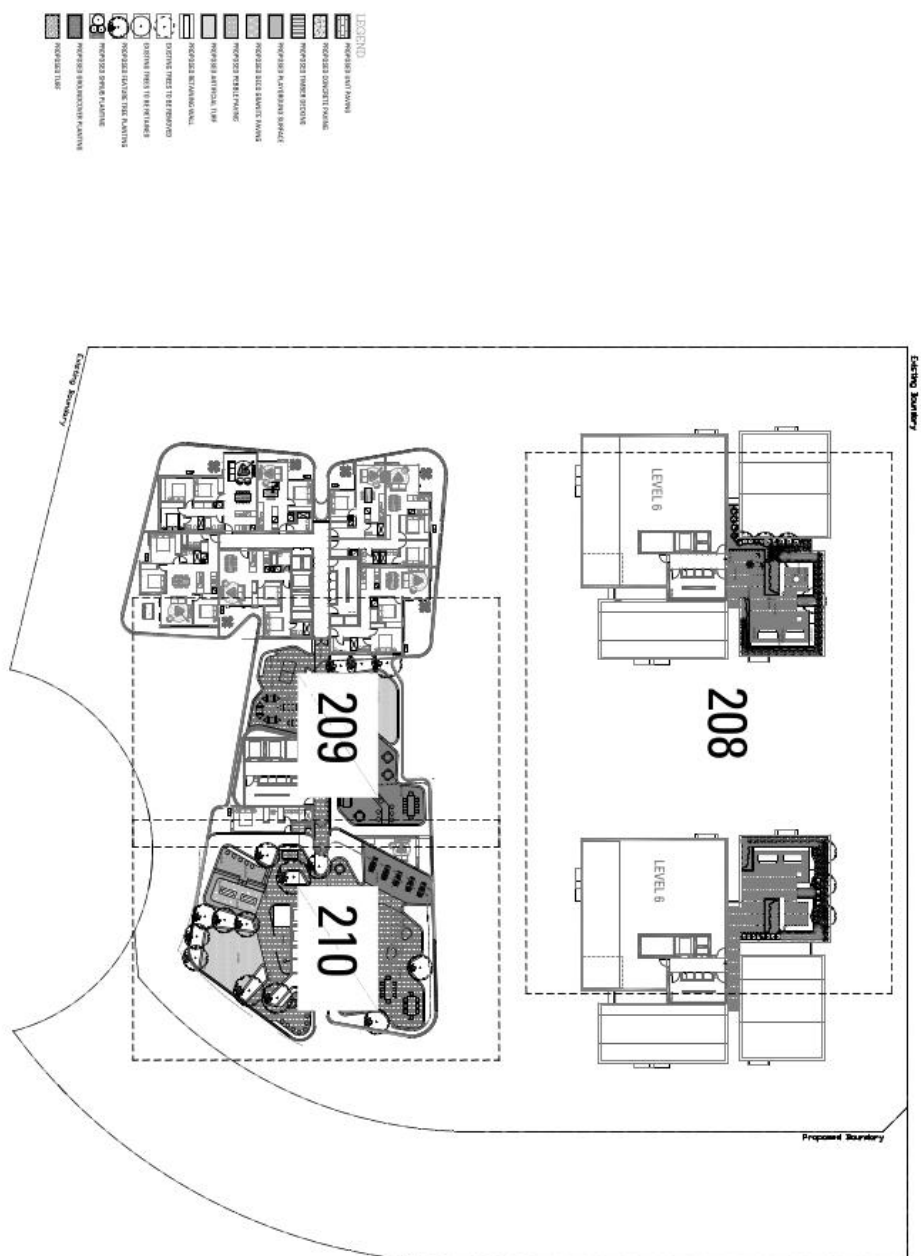
**7 MAITLAND PLACE**  
NORWEST BUSINESS PARK



PREPARED BY	DATE
CLIENT	Aug 2019
ARCHITECT	SCALE
TOWNR	1:100 @ A1
	ISSUE
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## LANDSCAPE SITE PLAN - UPPER LEVELS

207



15000 A)



ARCADIA

**7 MAITLAND PLACE**  
NORWEST BUSINESS PARK

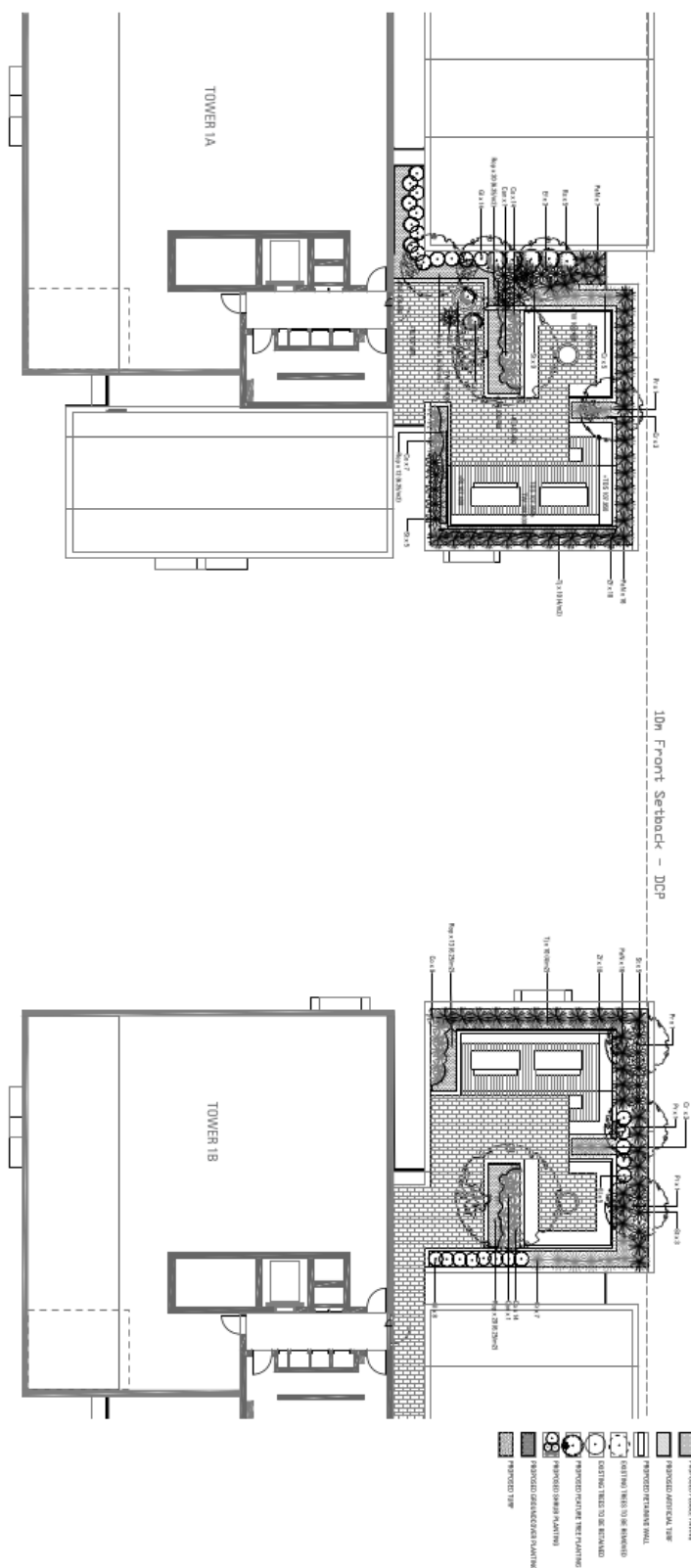


PREPARED BY: Accoradio Landscape Architecture  
CLIENT: Bill  
ARCHITECT: TYRONER  
DATE: MAR 20 2001  
SCALE: 1/20" = 1'  
ISSUE: G



## DETAIL LANDSCAPE PLAN - L6 ROOF TERRACES

208



ARCADIA  
LANDSCAPE ARCHITECTURE

**7 MAITLAND PLACE**  
NORWEST BUSINESS PARK

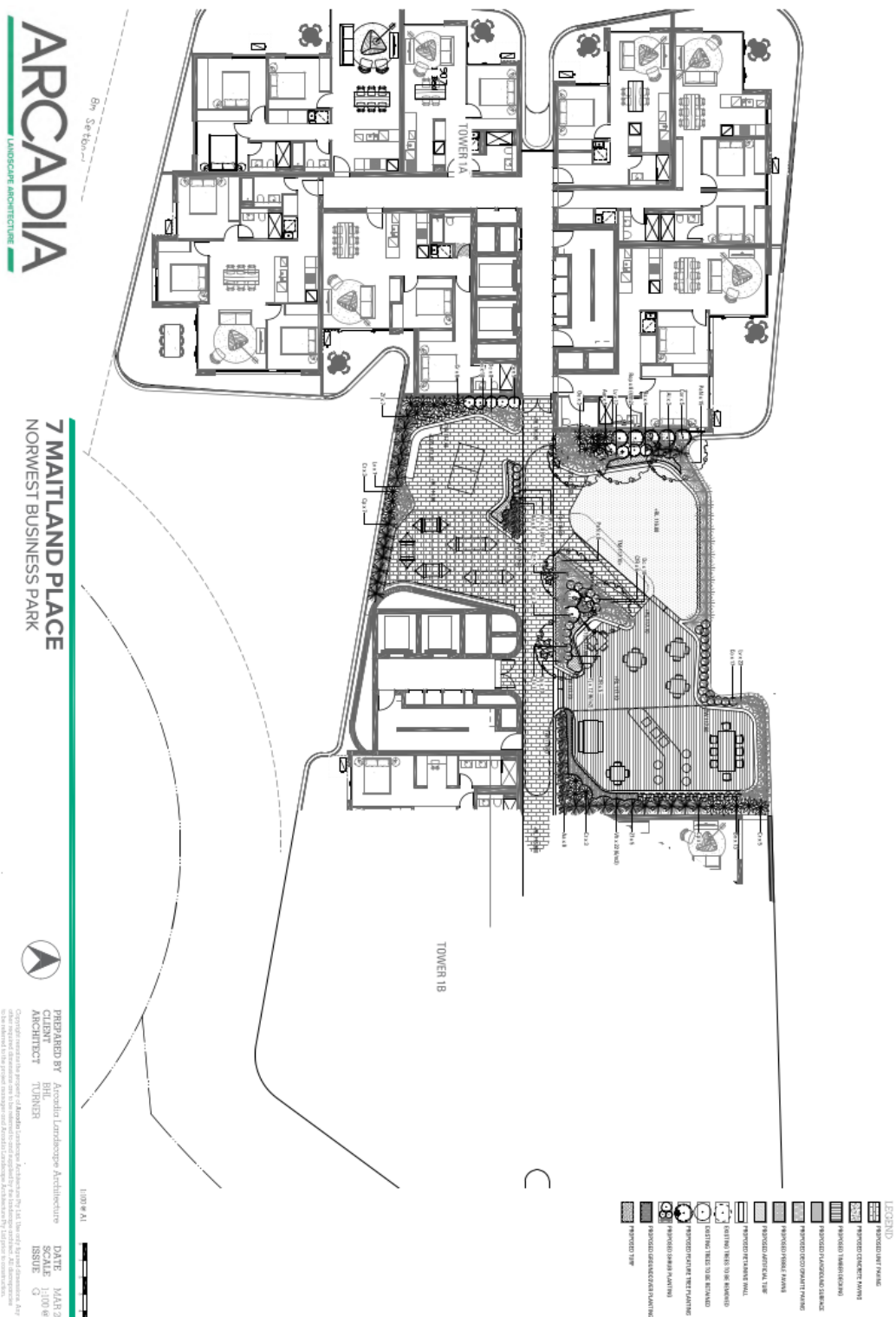


PREPARED BY	ARCHITECT	DATE
CLIENT	TURNER	MAR 20 1991
BHL		ISSUE
TURNER		G 00



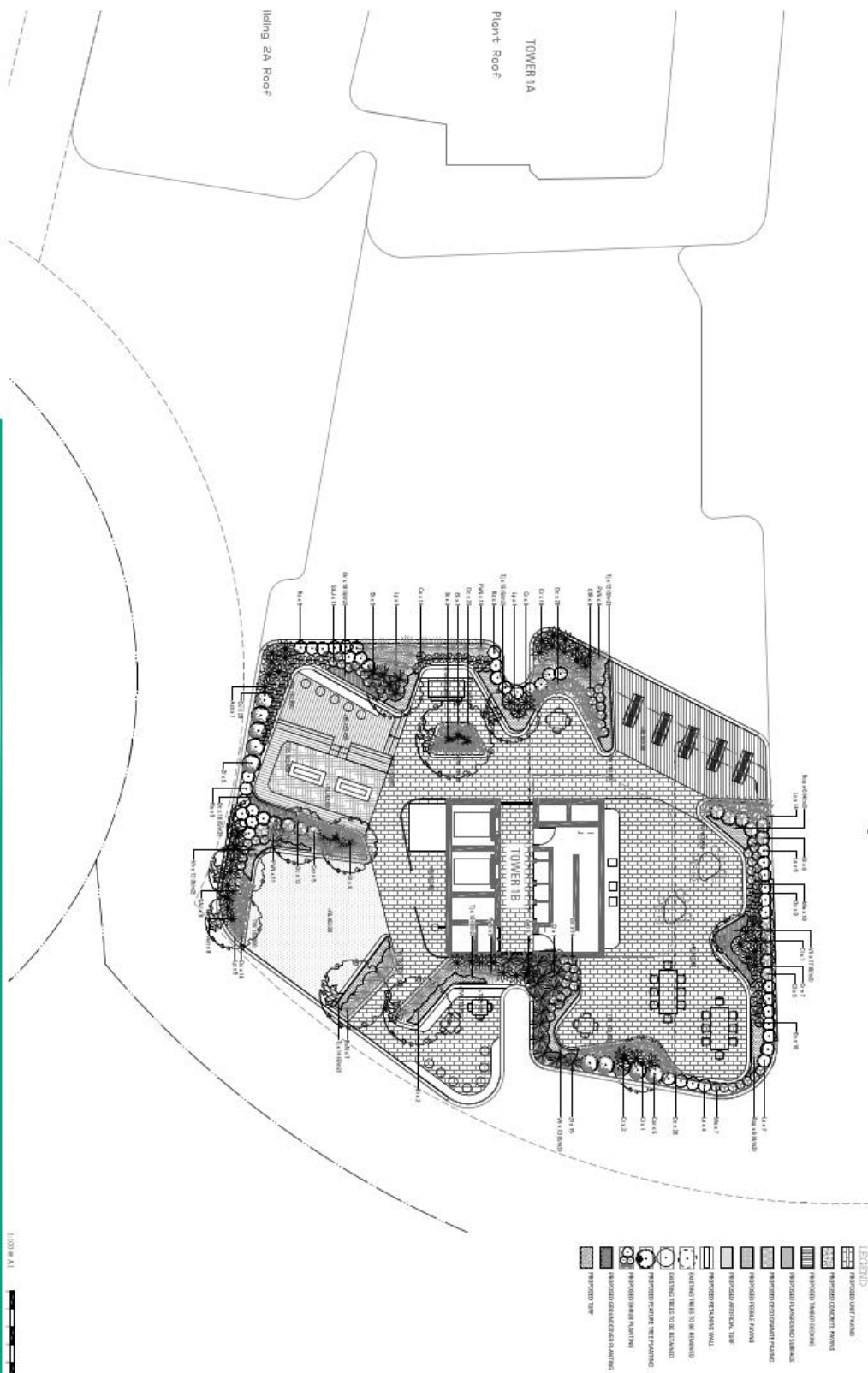
### DETAIL LANDSCAPE PLAN - L9 COMMUNAL GARDEN

209



DETAIL LANDSCAPE PLAN - L24 ROOF GARDEN

210



**ARCADIA**  
LANDSCAPE ARCHITECTURE

**7 MAITLAND PLACE**  
NORWEST BUSINESS PARK



PREPARED BY Arcadia Landscape Architecture  
CLIENT BHL  
ARCHITECT TURNER  
DATE MAY 2019  
SCALE 1:100 @ A1  
ISSUE Q

**ATTACHMENT 13 – PERSPECTIVES**



**Perspective view from Maitland Place and Columbia Way**



**Perspective view of entrance to Building 2**





View 01\_Spurway Drive



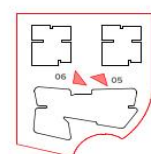
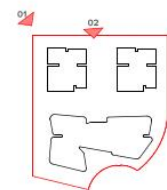
View 02\_Communal Open Space



View 05\_Communal open space



View 06\_Communal Open Space



**Perspective views as indicated in key plan**

## ATTACHMENT 14 – DESIGN EXCELLENCE PANEL MEETING MINUTES



## MEETING MINUTES DESIGN EXCELLENCE PANEL

<b>Date:</b>	29/03/18	<b>Time:</b>	1.30pm-3pm
<b>Location of Meeting:</b>	Training Rooms L2		
<b>Panel Members:</b>	<b>Chairperson</b> - Stewart Seale, Manager Forward Planning, THSC <b>Panel Member</b> - Tony Caro, Independent Design Expert <b>Panel Member</b> - Mark Colburt, Acting Group Manager THSC		
<b>Councillors:</b>	None in attendance		
<b>Council Staff:</b>	Paul Osborne, Cynthia Dugan, Marika Hahn, James Gibbeson, Henry Burnett, Nicholas Carleton		
<b>Guests:</b>	Dan Szwaj – Turner Studio ( architect) Melissa Koronel – Turner Studio ( architect) Greg Dowling – Dowling Urban (town planner) Robert Tasevski – BHL Group		

**Declaration of interest:**  
None

### BUSINESS ITEM AND MEETING MINUTES

#### 1. Welcome and Opening

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

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

The Panel provides recommendations on the following:

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

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

The Design Excellence Panel is an Independent Panel, not a SEPP 65 Panel and the absence of comment with reference to matters pertaining to SEPP 65 does not mean that matters assessed under SEPP 65 have been satisfactorily addressed.


## 2. Declaration of interest

"Nil"

## 3. Confirmation of previous minutes

Confirmed

## 4 Presentations

<b>Item 4.2</b>	<b>1.30pm-3.0pm</b>
<b>DA Number</b>	1235/2018/JP
<b>Property Address</b>	Lot 1 DP 866565, 7 Maitland Place
<b>Proposal</b>	 <p>Residential flat building development comprising 287 apartments. The site layout comprises four residential flat buildings with 5 to 6 storey low rise buildings to Spurway Drive and 14 to 25 storey high rise buildings to the south addressing Maitland Place.</p>
<b>Applicant representative address to the design review Panel</b>	Dan Sz waj – Turner Studio (architect) Melissa Koronel – Turner Studio ( architect)
<b>Background</b>	The site was inspected by the Panel: 9.05am - 10.00am March 29/03/18
<b>Key Issues</b>	Public Domain street interface Building Separation between towers within development lot Potential overshadowing of adjacent lot to the south Status of Civil infrastructure and associated Road Works DA required as part of VPA.

## PANEL COMMENT

### DA 1235/2018/JP – 7 Maitland Place, Baulkham Hills.

1. The applicant confirmed the Development Application for the civil works and new road was close to being submitted, (including the subdivision plan). Note: this is a requirement of the VPA.
2. The applicant confirmed the GFA calculations excluded the area of the proposed road to be dedicated to Council.
3. SEPP 65 items to be clarified and or amended:
  - The Panel suggested that the extent of communal open space at both ground level and roof top be accurately defined on the drawings including ADG solar



access compliance. Note: setback areas should not be included as part of the communal open space.

- The applicant advised that the development complies with ADG Solar Access requirements to private living areas for each building and as an overall development.
  - The Panel requested that the hourly increments between the hours of 9am and 3pm of the built form solar views be provided.
  - Building separation between the 6 storey buildings 1a + 1b and the taller buildings 2a + 2b do not appear to strictly comply with ADG guidelines and that some changes to the bedroom fenestration is required to be acceptable. Recommendations included for blocks 1a + 1b to re-plan affected master bedrooms to corners to overlook the street and courtyard, to provide an angled window to the second bedrooms so that direct sightlines across to buildings 2a + 2b are avoided.
  - ADG natural cross ventilation compliance to some central units was questioned by the Panel. Further detail is required for these mid – block ‘corner’ apartments in the building 2a and 2b.
  - The amenity of the communal open space at the ground plane was questioned with respect to the wind down-draft.
4. The applicant confirmed that the basement car parking was constrained within the building footprint, thereby providing for deep soil planting within all setback areas.
  5. In response to security of communal open space, the applicant advised that security cards would be individually programmed to provide restricted access to roof top amenity.
  6. The Panel questioned the provision of a single lift per each six storey building block as six storeys is difficult to manage if a lift goes out of service. It was suggested the applicant consider providing a second lift per building.
  7. The Panel commented that the required ‘larger’ apartments ( particularly 3 bedroom) would significantly benefit from the provision of a secondary living space through a more economical planning for corridors and utility spaces.
  8. Utility /storage areas to provide adequate space for sorting of washing and storage of brooms and vacuum cleaners to improve amenity of apartments.
  9. The Panel is concerned with the character and amenity of the developments street interfaces with the adjacent public domain. Council requires a fine grain street address for the 2 levels closest to the street for all new developments in Station Precincts.

The following suggested revisions were made:

- The development is visually isolated itself from Maitland Place because the main lobby and entry are approximately 5m above the footpath level. Consideration should be given to providing an on-grade common entry to a lower lobby level, with integrated stair and lift, and possibly a retail provision (convenience store and/or café). This could integrate with a relocated porte-cochere area, which is presently too close to the loading area.
- The fire sprinkler hydrant at the entry detracts from the presentation of the development and ideally should be relocated elsewhere, or screened and integrated into the street frontage so as to cause minimal visual impact. This comment will apply to all required street level utility service provisions. All services which have the potential to be visually detracting are to be appropriately screened.



10. The Panel queried the rationale for departure from the approved planning proposal layout with the southern towers being swapped in height as shown below. The applicants response in summary:

- Planning proposal is for a change in height and density not a built form envelope.
- Swapping over of the southern tower heights enabled ADG compliant solar access to the 9 storey building which was not achievable in the layout as originally proposed.
- The planning proposal was for the lots as shown below which have subsequently come under different ownership
- Setting the taller building more to the west minimised overshadowing to the public domain areas to the other commercial developments opposite located on the roundabout.
- The shadow diagrams provided demonstrated that the new layout did not adversely impact upon the lot to the south and that the development would still have the required minimum ADG solar access to the private living areas.
- The lot to the south has also changed in form and bulk since the planning proposal and has expanded in length and bulk across its site.
- It was clarified that the applicant for the lot to the south also owns the lot to the immediate west of the subject site.



Whilst the Panel acknowledges these comments, it is recommended that the applicant demonstrate through further solar modelling that the development to the south of the subject site is no worse off from the planning proposal modelling as shown above.

The Panel is concerned that the re-arrangement of the taller buildings on the site present a compromised amenity for the future residents of both 7 Maitland Place and 2-6 Maitland Place. Whilst ADG compliance may be achieved, the ADG is a guideline and a greater distance separation between the tower structures as shown in the planning proposal layout above is more desirable than the application as submitted.

In addition, there is also significant concern that as a result of the closer proximity of the taller buildings, there is a perception of wider bulk and mass when viewed from nearby and distant surrounding areas. On balance the Panel is yet to be convinced that the proposed height arrangement is an improvement to the planning proposal.

**SPECIFIC CLAUSE 7.7 Part 4 Matters for Consideration****External appearance**

Refer to previous comments and item (v).

**Built form**

Refer to comment 9.

**Visual Impact**

The development does not detrimentally impact on view corridors and has lowered the proposed height to Spurway drive to provide a more compatible street interface.

**Solar Access Impact**

The applicant is required to provide more documentation to substantiate that the solar access to the development site to the south 2-6 Maitland Place receives no less solar access than what they would previously achieved, had the built form arrangement of the towers been maintained.

**Adherence to Council DCP controls**

The proposal encroaches into the 6m street setback on the New Road. No encroachments into any street setback are acceptable to council.

**How does the development address the following matters:***iii) heritage issues and streetscape constraints,*

The applicant has ensured development including all roof top facilities is below the prescribed height control and does not impact upon any heritage view corridors.

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

The Panel recognises the challenges in achieving a high quality development outcome at the proposed density of FSR of 3:1 for this site, and that the proposed heights are necessary if this density is to be successfully realised. In acknowledging this, the development is considered to be generally appropriate given its proximity to the new rail station. It has provided a sympathetic response to the existing built form across Spurway Drive to the north, however a further consideration of the street level interface scale and activation at Maitland Place is recommended.

*v) bulk, massing and modulation of buildings,*

The closer proximity of the towers results in an aggregated bulkier form and the following suggestions were made to alleviate the overall bulk:

- Place a greater emphasis on verticality to accentuate the appearance of tall and slender buildings.
- The overt visual width of the tallest building is accentuated by the continuous horizontal slab edge expression and this could be relieved by changing the façade treatment at the plan offsets, possibly by extending the vertical fin treatment of the end facades (as discussed at meeting).
- Consideration of varying colour and materiality for one of the taller buildings to visually enhance their individual identity.

*vi) street frontage heights,*

The street frontage has not been defined in this locality however a more human-scaled urban response to the street is recommended. Refer to item no. 9.

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

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

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

The report is to be prepared by a suitably qualified engineer.

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

Greater emphasis and detail on WSUD in the landscape proposal is to be provided.

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

Refer above comments

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

The Panel was generally satisfied with the design of the communal open spaces and supports the emphasis on creating communal facilities provided on the roof top terraces.

#### SUMMARY OF PANEL RECOMMENDATIONS

- Provide solar access view and showdown diagrams at hourly intervals between the hours of 9am -3pm on June 21<sup>st</sup> to demonstrate that the adjacent proposal at 2-6 Maitland Place is no worse off from the planning proposal site layout.
- Provide a public domain interface that creates an active human-scaled, urban character and addresses the street.
- Provide equitable access from the street level to each portion of the development.
- Provide drawings which clearly define communal open space areas and ADG solar access compliance.
- Provide built form solar views of the development at hourly intervals between the hours of 9am -3pm on June 21<sup>st</sup> as shadow diagrams presented were incomplete.
- Clarify all built form separations and non-compliances with ADG guidelines, and identify measures to achieve compliance.
- Consider more efficient internal planning of required larger apartments.
- Remove all encroachments into street setbacks.
- Consider placing a greater emphasis on verticality on the tower developments.
- Consider the varying of colour and materiality of one of the taller buildings to provide variety and enhance individual identity of the development.
- Provide perspective views from key local viewpoints to illustrate the proposed massing of this proposal and existing and likely future adjacent built form.
- Provide a wind assessment as previously noted to ensure adequate pedestrian amenity in circulation and communal public open spaces.
- Provide greater detail on WSUD treatments.

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

**PANEL CONCLUSION**

The Panel does not support the proposal in its current form, and considers that the building heights/locations nominated in the approved planning proposal are further investigated and drawn to allow a more direct comparison with this amended proposal.

It is recommended that the applicant addresses the issues identified in this report and presents a revised application to the Panel.

**5. Next Design Excellence Panel meeting to be held on May 9<sup>th</sup>, 9am - 5pm**

**6. Close**





## MEETING MINUTES DESIGN EXCELLENCE PANEL

<b>Date:</b>	11 July 2018	<b>Time:</b>	11am
<b>Location of Meeting:</b>	Council		
<b>Panel Members:</b>	<b>Chairperson - Stewart Seale, Manager Forward Planning, THSC</b> <b>Panel Member - Tony Caro, Independent Design Expert</b> <b>Panel Member - Steven Coleman, Acting Group Manager THSC</b>		
<b>Councillors:</b>	Nil		
<b>Council Staff:</b>	Paul Osborne Justin Keene Cameron McKenzie Rebecca Templeman Ellen McCormack		
<b>Guests:</b>	Melissa Koronel – Turner Studio Dan Szwaj – Turner Studio Greg Dowling – Dowling Urban		

### BUSINESS ITEM AND MEETING MINUTES

#### 1. Welcome and Opening

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

The Panel provides recommendations on the following:

- any development which contains a building with a height of 25 metres or more; or

- Any strategic planning matters for which design excellence is relevant.

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

## 2. Declaration of interest

"Nil"

## 3. Confirmation of previous minutes

Confirmed

## 4 Presentations

<b>Item 4.1</b>	11am – 12.30pm
<b>DA Number</b>	1235/2018/JP
<b>Property Address</b>	Lot 1 DP 866565, 7 Maitland Place
<b>Proposal</b>	Residential flat building development comprising 287 apartments. The site layout comprises four residential flat buildings with 5 to 6 storey low rise buildings to Spurway Drive and 14 to 25 storey high rise buildings to the south addressing Maitland Place.
<b>Applicant representative address to the design review panel</b>	Dan Szwaj – Turner Studio (architect) Melissa Koronel – Turner Studio (architect)
<b>Background</b>	The application has been previously assessed by the Panel at its meeting of 29 March 2018. This meeting is to consider amendments made to the proposal to address the Panels comments.
<b>Key Issues</b>	A development application was previously brought before the panel at its meeting of 29 March 2018. At this time the panel made the following recommendations: <ul style="list-style-type: none"> <li>Provide solar access view and shadow diagrams at hourly intervals between the hours of 9am -3pm on June 21st to demonstrate that the adjacent proposal at 2-6 Maitland Place is no worse off from the planning proposal site layout.</li> <li>Provide a public domain interface that creates an active human-scaled, urban character and addresses the street.</li> <li>Provide equitable access and clear wayfinding from both street footpaths to the main lobbies of each separate building within the development.</li> <li>Provide drawings which clearly define communal open space areas and ADG solar access compliance.</li> <li>Clarify all built form separations and non-compliances with ADG guidelines, and identify measures to achieve compliance.</li> <li>Consider more efficient internal planning of required larger apartments.</li> <li>Remove all encroachments into street setbacks.</li> <li>Consider placing a greater emphasis on verticality of the tower</li> </ul>

	<p>developments.</p> <ul style="list-style-type: none"> <li>• Consider alternative colours and materiality of one of the taller buildings to provide variety and enhance individual identity of the buildings within the development.</li> <li>• Provide perspective views from key local viewpoints to illustrate the proposed massing of this proposal and existing and likely future adjacent built form.</li> <li>• Provide a wind assessment as previously noted to ensure adequate pedestrian amenity in circulation and communal public open spaces.</li> <li>• Provide greater detail on WSUD treatments.</li> </ul>
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## PANEL COMMENTS

### Built Form and Massing

1. The applicant stated that the built form envelopes in the approved planning proposal were indicative only and the approval provided scope to vary it. Notwithstanding the Panel considers that any substantial change to massing is only acceptable if an overall improvement in design quality is demonstrated.
2. The applicants rationale for the revised built form massing is:
  - a. it provides improved visual permeability between the site and Norwest town centre,
  - b. it is consistent with proposed built form of "The Greens" - a major residential development proposed to the immediate west.
  - c. it provides a more even graduation in building heights between the anticipated built form on land to the west at 40 Solent Circuit and the existing B7 zoned land to the east.
  - d. it improves view and outlook from a tower at 2-6 Maitland Place.
  - e. the building forms developed for the planning proposal are unlikely to meet ADG requirements.
  - f. that it locates the tallest building (building 2a) where it would be screened by the proposed building at 2-6 Maitland Place when viewed from the Norwest town centre, which is as important view corridor.
3. The applicant stated that the building footprints in the current application are smaller in floor area than the concept in the planning proposal. The panel questions this, as the proposed building plans appear to exclude the area of the deep recesses shown for typical floor plans. The requested 3D views of the proposed forms demonstrate that the revised proposal is bulkier than the comparative approved envelopes, in no small part due to the elongated plan of building 2a as described in Item 5 below.
4. In regards to the relationship between the subject site and the adjoining site at 2-6 Maitland Place, the applicant stated that there is more flexibility available to 2-6 Maitland Place to adjust the placement of their building compared to the subject site, due to the relationship between 2-6 Maitland Place and 40 Solent Circuit.
5. The Panel noted that elongated north-south floor plan of building 2a has halved the distance between buildings 2a and 1a. Even though the floor area may have been reduced, visually it appears to be a larger mass from east and west due to its elongated plan form.
6. The Panel acknowledged the status of the building massing associated with the planning proposal, reiterating that the massing from the planning proposal responded well to the site.
7. The massing is generally not supported as on balance it does not improve the visual relationships between adjacent buildings or improve residential amenity (outlook, privacy and solar access). The relationship of building 2a to proposed development at 2-6 Maitland Place and potential development at 40 Solent Circuit has not been well considered in relation to an optimised, well balanced outcome. Whilst it is acknowledged that the separation distances between buildings may meet ADG minimum requirements, these minimums difficult to justify in terms of both the existing and anticipated future contexts of the LGA. The development



yield proposed for this site is a challenge, and may only be realised if high quality urban design and amenity outcomes are achieved. The Panel considers that the case for the revised envelopes is not justified, and retaining the tallest building to the east of the site as per planning proposal remains the preferred option as it maximises separation between it and a tall building at 2-6 Maitland Place.

#### Views

8. The applicant produced a series of panorama photographs showing view impacts from the proposed building on the 2-6 Maitland Place site, at heights of 9 and 21 storeys.
9. The applicant stated that the relatively narrow southern elevation of building 2a (when compared to the planning proposal) improved view sharing between the respective developments. The Panel notes that to achieve this narrow width, building 2a is much closer to 2-6 Maitland Place. It should also be noted that any building on the east side of the subject site will have substantially less frontal impact than a building on the western side.
10. The applicant stated that views were available to all aspects and that the building massing would ensure that views were maintained to 310 degrees from the proposed building at 2-6 Maitland Place, with only views over the golf course being restricted by building 2a.
11. The Panel reiterated that the question of views relates back to the potentially poor relationship between building 2a and the proposed building at 2-6 Maitland Place. It was suggested that diagonally offsetting the two towers would enable each to look past the other, rather than directly into each other.

#### Solar Access

12. It was noted by the applicant that the planning proposal massing would have difficulty in achieving compliant solar access, and that the design complies with ADG solar access requirements.
13. The Panel indicated that whilst that may or may not be the case, the distances between tall buildings in the planning proposal are more appropriate to the anticipated Hills future context, and could also produce a compliant solar access outcome.

#### Street Level Interface

14. The applicant detailed changes made to the street interface including lowering the primary residential address and foyer to Maitland Place and creation of a landscaped upper courtyard area flowing through to the northern buildings, with connection to the internal foyer and changes to the driveway layout to facilitate ease of movement. A retail space has been introduced at ground level to help activate the street frontage.
15. The organic awning form has been extended and lowered to street level.
16. The Panel strongly supports these changes, although there is concern that wind testing may necessitate substantial changes to the design, and the detailed landscape proposal of the south facing forecourt must take this into account.

#### Façades

17. The applicant described changes to the façade treatments including the use of a warm/earthy colour palette to differentiate between buildings. Façade glazing in single and double heights has been introduced to modulate scale and respond of available views.
18. The Panel is concerned that the extent of solid elements on some facades is creating poor impacts on internal planning. It is likely that glazing area will increase, resulting in a substantial change to the appearance of affected facades. (refer Item 21 below)
19. The Panel is generally satisfied with the revised façade design/s.

#### Apartment Layouts

20. The applicant provided revised drawings of proposed changes to apartment floor plans.
21. The Panel is generally supportive of the overall approach to apartment types and planning, although there are some larger apartments where primary living areas (living/dining/kitchen) will lack access to natural light due to the extent of solid walls along the façade. The architect acknowledged that the floor plans would be substantially reviewed and refined during design development.

#### Landscape Plan

22. The Panel noted that the landscape plan will need to be adjusted to the finalised building footprint.
23. The Panel drew attention to the modest size and the need for good passive surveillance of the children's play area. There is concern that the area nominated on the submitted plans is concealed and therefore unlikely to be an attractive play space for families.

#### **SUMMARY OF PANEL RECOMMENDATIONS**

- The relationship between building 2a and the proposed building at 2-6 Maitland Place is problematic. Whilst the status of the building massing presented with the planning proposal is acknowledged, it is still considered preferable to the current proposal and likely to achieve improved outcomes in terms of solar access, view sharing and visual amenity. It is recommended that the building massing be redesigned to locate the tower to the east of the site consistent with the planning proposal.

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

#### **PANEL CONCLUSION**

The Panel acknowledges the amendments made to the original application and the project teams response to many of the matters raised at the previous Panel meeting.

The Panel is yet to be convinced that that the proposed built form massing is improving design quality and recommends that further study is undertaken to retain the tallest element within the eastern portion of the site, consistent with the massing in the planning proposal.

This development is considered to be of particularly high significance in shaping the future character and amenity of a denser, taller and more urbanised Hills Shire. Compliance with ADG includes provision of built form that responds well to site attributes and existing/future context, and the Panel recommends that distances between tall buildings within the LGA must be substantially more than ADG minimums, which are more appropriate to existing higher density urban centres.

It is suggested that the proposal be reconsidered to address this matter, and if so, returned to the Panel for further discussion.

5. Next Design Excellence Panel meeting to be held on August 8<sup>th</sup>, 9am - 5pm

6. Close



## MEETING MINUTES DESIGN EXCELLENCE PANEL

<b>Date:</b>	10/10/18	<b>Time:</b>	1.30 pm
<b>Location of Meeting:</b>	Community meeting Rooms 1+2		
<b>Panel Members:</b>	<b>Chairperson - Stewart Seale, Manager Forward Planning, THSC</b> <b>Panel Member - Tony Caro, Independent Design Expert</b> <b>Panel Member - David Reynolds, Group Manager THSC</b>		
<b>Councillors:</b>	None present		
<b>Council Staff:</b>	Paul Osborne, Cynthia Dugan		
<b>Guests:</b>	Dan Szwaj – Turner Studio ( architect) Melissa Koronel – Turner Studio ( architect) Greg Dowling – Dowling Urban (town planner) Robert Tasevski – BHL Group		

### BUSINESS ITEM AND MEETING MINUTES

#### 1. Welcome and Opening

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

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

The Panel provides recommendations on the following:

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

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

Excellence Panel is an Independent Panel, not a SEPP 65 Panel and the absence of comment with reference to matters pertaining to SEPP 65 does not mean that matters assessed under SEPP 65 have been satisfactorily addressed.


## 2. Declaration of interest

"Nil"

## 3. Confirmation of previous minutes

Confirmed

## 4 Presentations

Item 4.2	1.45pm – 3.00pm
DA Number	1235/2018/JP
Property Address	Lot 1 DP 866565, 7 Maitland Place, Norwest Business Park
Proposal	 <p>Residential flat building development comprising approximately 287 apartments. The site layout comprises four residential flat buildings with 5 to 6 storey low rise buildings to Spurway Drive and 14 to 25 storey high rise buildings to the south addressing Maitland Place. The application is for site planning and built form layout.</p>
Applicant representative address to the design review panel	<p>Dan Szwaj – Turner Studio (architect)</p> <p>Melissa Koronel – Turner Studio (architect)</p>
Background	The panel has previously inspected the site.
Key Issues	<p>A development application was previously before the panel at its meeting of 29/03/18 and 11/07/18.</p> <p>At panel hearing of 11/07/18 the panel made the following recommendation:</p> <ul style="list-style-type: none"> <li>The relationship between building 2a and the proposed building at 2-6 Maitland Place is problematic. Whilst the status of the building massing presented with the planning proposal is acknowledged, it is still considered preferable to the current proposal and likely to achieve improved outcomes in terms of solar access, view sharing and visual amenity. It is recommended that the building massing be redesigned to locate the tower to the east of the site consistent with the planning proposal.</li> <li>Note: The Summary of Panel recommendations for the March Panel meeting are generic and are expected to be taken into consideration and addressed in the documentation of the revised design.</li> </ul>

## INTRODUCTION

The Panel thanks the applicant for the presentation of the development proposal and the work put into the consideration of the Panel's recommendations from previous meetings. The site is a significant site in the Norwest Precinct and will set the precedent for future development within the Norwest Precinct. The site offers opportunity for a high quality residential development of exemplary



architectural design and quality; enabling an urban design outcome that positively contributes to the transforming urban character of this precinct.

#### SUBJECT SITE BACKGROUND SUMMARY

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



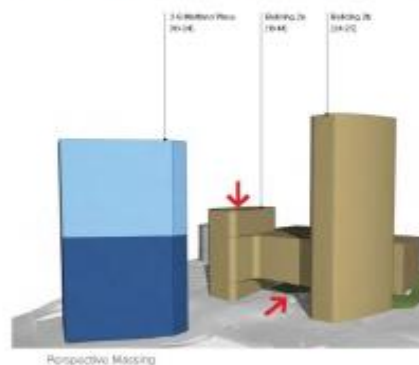
#### PANEL COMMENT

DA 1235/2018/JP – 7 Maitland Place

The Panel commenced with the chair asking the applicant to present the amended massing of the development with commentary on how the recommendations from the past Design Excellence Panels had been considered, and whether the GFA had been impacted.

1. The applicant affirmed the GFA was consistent with previous development scenarios presented with a 3:1 FSR.
2. The applicant presented three scenarios demonstrating how the Panels recommended built form and height allocation across the site had been achieved.

The applicant has provided a revised option that is more consistent with the original planning proposal and the Panels preference. The two buildings addressing Spurway Drive remain unchanged at 5/6 stories, the building to the south east is 24/25 stories and the building to the south west is lowered to 13/14 stories. There is a 11 storey link building between the southern towers.



3. The applicant stated that the revised massing achieves 73% solar access prior to 1.15pm with no solar access impact after 1.15pm to the proposed development to the south of 7 Maitland Place at 2-6 Maitland Place.
4. The applicant clarified that the 13/14 and 24/25 nomenclature was a result of the site cross fall.
5. The Panel questioned compliance with the ADG part 4 Amenity 4A Solar and daylight access and the applicant stated that the proposal would comply with ADG requirements.
6. The Panel considers the proposed changes in the facade and materiality for the revised buildings at this schematic design level was supported. The applicant affirmed that the buildings fronting Spurway Drive had been left at the previously presented heights as Council did not want them any higher and the articulation hadn't changed. Whilst the Panel is satisfied with this it is noted that a revision to the solar footprint of these lower buildings to widen the space between them and allow more solar access to the ground plane would be highly desirable.
7. The applicant stated the pool had been removed and a larger communal BBQ area had been provided.
8. The Panel queried the landscape and character of the entry spaces and presentation of development to Maitland Place. The applicant stated that the intent was still to provide a highly vegetated and landscaped courtyard area but were waiting approval for the revised massing before proceeding with documentation.
9. During the presentation the applicant showed drawings that indicated filtered glass screens between the forecourt and lobby, and whether this still retained appropriate privacy and safety for residents. The applicant stated that the intent was to provide a high quality landscaped hotel-like experience in the presentation of the courtyard to the street.
10. The applicant emphasised their ambition is to provide increased building separation between the buildings and the adjacent proposals stating that the encroachment into the setback( no less than a 6m setback) along the new road would enable the northeast building block to move to the east allowing more solar access into the development. The Panel stated that the approach was acceptable and that the SEPP65 minimum separation was inadequate for developments of this bulk and scale.
11. The Panel concluded that the revised massing, materiality of the development and public domain concept was more acceptable and this revised schematic layout provides a sound basis from which to move forward. Previous panel comments in relation to other aspects of the proposal are still relevant and should be addressed.

#### SEPP 65 items to be clarified and or amended:

##### 2F Building Separation

The Panel was satisfied that the Design Objectives of ADG 2F Building Separation had been addressed between the internal building blocks and adjacent developments.

##### 4A Solar and daylight access

The applicant stated that the proposed development would receive solar and daylight access in compliance with ADG and that the development application to the south of the proposal at 7 Maitland Place had the capacity to achieves adequate solar access in the built form as proposed in both the planning proposal and their submitted development application.

#### SPECIFIC CLAUSE 7.7 Part 4 Matters for Consideration

##### External appearance

Refer to Panel comments 7 + 11.

##### Built form

Refer to Panel comments 11, 12.

##### Visual Impact

The development does not detrimentally impact on view corridors and has lowered the proposed height to Spurway drive to provide a more compatible street interface.

#### Solar Access Impact

Once more detailed documentation has been undertaken the applicant is required to provide Council with clearly notated shadow diagrams demonstrating solar and daylight access to common open areas and a 3D model view of the development illustrating daylight access to the main living areas between the hours of 9am and 3pm.

#### Adherence to Council DCP controls

DA officer to address

#### **How does the development address the following matters:**

##### *i) the suitability of the land for development,*

The zoning of the subject site is R4 and residential uses are appropriate. Importantly this development is considered to be of particularly high significance in shaping the future character and amenity of a denser, taller and more urbanised Hills Shire.

##### *ii) existing and proposed uses and use mix,*

The proposed use is appropriate for the site.

##### *iii) heritage issues and streetscape constraints,*

The development does not present any heritage issues. The applicant has ensured development including all roof top facilities is below the prescribed height control and does not impact upon any heritage view corridors.

As a general note: All services and service provision visible from the street, public domain and nearby taller buildings are required be carefully and substantially screened in a manner to match the aesthetic of the proposed development.

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

Refer to Panel comments 11, 12.

##### *v) bulk, massing and modulation of buildings,*

Refer to Panel comments 11, 12.

##### *vi) street frontage heights,*

The Panel is generally satisfied the issues of streetscape have been addressed and a more human scale public domain interface is able to be achieved.

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

Refer to Panel comment of 29/03/18

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

Refer to Panel comment of 29/03/18

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

In principle the Panel is satisfied that the circulation patterns have been refined to minimise conflicts and will achieve greater amenity for the future residents and members of the general public.

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

The provision of a street level façade and activation of the courtyard space to provide an activated more human scaled urban response to the street is welcomed. Further detail is required to fully understand the intent. Refer to Panel Comments 7, 9 & 10. The Panel is generally supportive of the



revised ground plane public domain treatments but maintain that this design approach needs to be followed through.

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

In principle the Panel are supportive of the applicant's design approach. Greater detail is required on how the communal spaces will be detailed, designed and landscaped. The applicant is required to liaise with council's landscape architect on submission requirements and provide fully documented drawings (at DA level) to the DA officer to aid in assessment.

#### SUMMARY OF PANEL RECOMMENDATIONS

(note: previous Panel recommendations for other aspects of the proposal remain relevant)

- The Panel recommends that the proposed massing arrangement presents a better urban design outcome and the proposal should proceed to the next stage.
- Provide solar access view and shadow diagrams at hourly intervals between the hours of 9am -3pm on June 21st to demonstrate that the adjacent proposal at 2-6 Maitland Place is no worse off compared to the planning proposal site layout.
- Demonstrate that the revised public domain interface creates an active human-scaled, urban character and addresses the street.
- Provide equitable access from the street level to each portion of the development.
- Provide drawings which clearly define communal open space areas and ADG solar access compliance.
- Provide built form solar views of the development at hourly intervals between the hours of 9am -3pm on June 21st to demonstrate solar and daylight access as required by ADG.
- Clarify all built form separations and non-compliances with ADG guidelines, and identify measures to achieve compliance where required.
- Consider more efficient internal planning of required larger apartments as noted at previous Panel meetings.
- Provide a wind assessment as previously noted to ensure adequate pedestrian amenity in circulation and communal public open spaces.
- Provide details of preventative measures recommended as a result of the wind assessment to the DA officer prior to resubmission of DA package.
- Provide detail on WSUD treatments as part of DA package.
- Provide screening details of any services provision which is visible from the public domain.

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

#### PANEL CONCLUSION

The Panel acknowledges the amendments made to the original application and the project teams response to many of the matters raised at the previous Panel meetings.

Within the context of the density allowable on this site, the Panel supports the general direction of the revised massing and arrangement of the building blocks.

It is recommended that the applicant presents the revised DA application to the Panel.

5. Next Design Excellence Panel meeting to be held on November 14<sup>th</sup>, 9am - 5pm.

6. Close



## MEETING MINUTES DESIGN EXCELLENCE PANEL

<b>Date:</b>	13/02/19	<b>Time:</b>	1.00pm
<b>Location of Meeting:</b>	The Hills Shire Council Community Meeting Rooms 1+2		
<b>Panel Members:</b>	<b>Chairperson:</b> Nicholas Carlton, Acting Manager Forward Planning <b>Panel Member:</b> Tony Caro, Independent Design Expert <b>Panel Member:</b> Stewart Seale, Acting Group Manager, THSC  <b>Apologies:</b> David Reynolds, Group Manager THSC		
<b>Councillors:</b>	None Present		
<b>Council Staff:</b>	Cynthia Dugan, Paul Osborne, Cameron McKenzie, Marika Hahn		
<b>Guests:</b>	Dan Sz waj – Turner Studio ( architect) Melissa Koronel – Turner Studio ( architect) Greg Dowling – Dowling Urban (town planner) Robert Tasevski – BHL Group		

### BUSINESS ITEM AND MEETING MINUTES

#### 1. Welcome and Opening

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

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

The Panel provides recommendations on the following:

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

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


**2. Declaration of interest**

"Nil"

**3. Confirmation of previous minutes**

Confirmed

**4 Presentations**

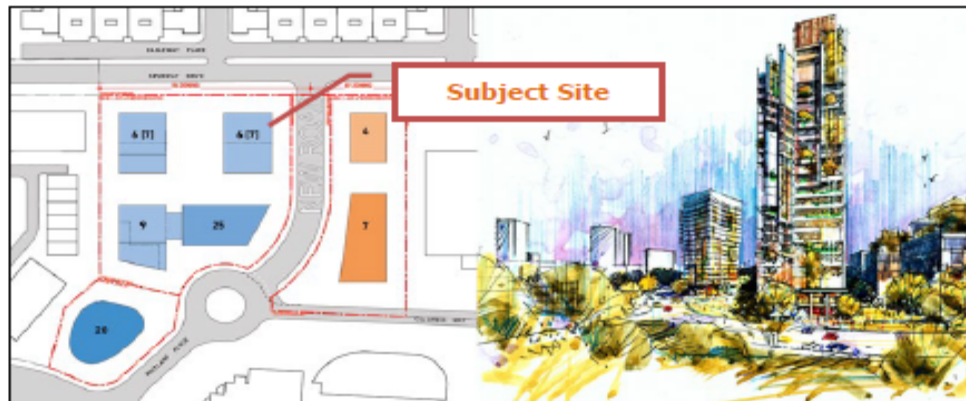
<b>Item 4.2</b>	1pm – 1.55pm
<b>DA Number</b>	1235/2018/JP
<b>Property Address</b>	Lot 1 DP 866565, 7 Maitland Place, Norwest Business Park
<b>Proposal</b>	 <p>The proposal is for a residential flat building development comprising 290 apartments and an ancillary neighbourhood shop. The development would comprise 2 x 5 to 6 storey, a 13 storey and a 25 storey residential flat buildings.</p>
<b>Applicant representative address to the design excellence panel</b>	<p>Melissa Koronel – Turner Studio ( architect)</p> <p>Dan Szwaj – Turner Studio ( architect)</p>
<b>Background</b>	The Panel has previously inspected the site. This development application was previously reviewed by the Panel at its meetings of 29/03/18, 11/07/18, and 10/10/18.
<b>Key Issues</b>	Key issues raised by the Panel in previous meetings have been substantially addressed.

**INTRODUCTION**

The Panel thanks the applicant for the presentation of the development proposal and the work put into the consideration of the Panel's recommendations from previous meetings. This significant site is in the Norwest Precinct and will set an important precedent for future development within the area. The site offers an opportunity for a high quality residential development of exemplary architectural design and quality; enabling an urban design outcome that positively contributes to the transforming urban character of this precinct.

**SITE BACKGROUND SUMMARY**

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



#### PANEL COMMENTS

##### DA 1235/2018/JP – 7 Maitland Place

The applicant presented a revised development proposal based on recommendations from the previous Design Excellence Panel (October 2018). This has resulted in a built form massing that is more consistent with the original planning proposal.

1. The applicant was asked to explain why the architectural articulation of the development had moved considerably away from previous submissions, which had a much more prominent vertical emphasis in the tower element façade fenestration. The applicant responded by stating that this was an interpretation of previous minutes, however review of the minutes does not support this:

29/03/18 page 6

- Consider placing a greater emphasis on verticality on the tower developments.
- Consider the varying of colour and materiality of one of the taller buildings to provide variety and enhance individual identity of the development.

11/07/18 page 4

- 19. The Panel is generally satisfied with the revised façade design/s.

10/10/18. page 4

- 11. The Panel concluded that the revised massing, materiality of the development and public domain concept was more acceptable and this revised schematic layout provides a sound basis from which to move forward. Previous panel comments in relation to other aspects of the proposal are still relevant and should be addressed.

2. Notwithstanding the above, the Panel generally accepts the revised proposal for the tower element/s with the following qualifications and comments:

- The revised built form of the towers provides a simple, strong sculptural quality that is appropriate to this new level of density in the precinct and the strong landscape and topography of the setting.
- The tapered profiles of the tower elements ameliorates the perceived sense of scale and bulk.
- To reduce the apparent visual bulk and perceived façade length of the southern built form facing Maitland Place, investigate an alternative, recessive character for the north and south facades of the lower central section. It was suggested that the punched façade character of the Spurway Drive buildings could be considered to achieve this.
- Resolve awkward/difficult triangular corners in balconies where the curvilinear façade alignment is close to or touching the serrated orthogonal plan layouts..



- The high-quality, stream-lined appearance of the balconies as indicated on the photo-montages must be implemented in the built work. The use of curvilinear frameless solid and glazed elements is considered to be fundamental to the visual quality of the final built form. A change for example to faceted metal-framed elements would diminish the proposed design character to an unacceptable degree, and the consent should be conditioned to reflect this.
3. The applicant demonstrated that the proposed tower to the south of the development receives no overshadowing from the subject development from 12.30pm onwards. The Panel is satisfied the applicant has provided a suitable massing and built form arrangement with respect to the overshadowing concerns of the applicant to the south of the subject site at 2-6 Maitland Place.
  4. The applicant noted that the majority of services traditionally found in the front setbacks that impact upon the visual appearance of the public domain and the development had been arranged in a centrally located core. Notwithstanding the Panel notes that some services are subject to Fire Department requirements and if required to be located such that they are visible from the public domain, they are to be screened.
  5. The Panel is generally supportive of the revised public domain street interface at Maitland Place.
  6. The applicant noted that building separation had been increased between buildings in response to previous panel comments and that the low rise buildings shifted to enable the retention of a significant tree.
  7. Items on balconies such as A/C condensers should ideally be co-located within plantrooms on each floor or centralised on roofs. The design of balustrades should consider the unsightly visual impact of these and other fixtures such as BBQs, clothes drying lines and pushbikes, particularly where extensive use of clear glazing is proposed.
  8. The Panel commented that the proposed floating roof element to the tower was acceptable subject to height control compliance – to be confirmed by the DA officer.

#### SEPP 65 items to be clarified and or amended:

Earlier Panel meetings have commented on compliance with 2F Building Separation and 4A Solar and daylight access. The Panel is satisfied that the applicant has generally complied with ADG objectives. DA officer to confirm.

- The Panel notes its ongoing concern with significant cross privacy issues arising from the re-entrant unit stack 2a.xx.05.

#### SPECIFIC CLAUSE 7.7 Part 4 Matters for Consideration

##### *a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*

The visual fluidity created by shifting balcony details, the changing curvilinear form of the tower facades juxtaposed with the punched compositional form of the lower buildings creates potential for a high level of design quality of the built form.

The tower buildings offer an abstracted sculptural quality that is well-suited to the landscape setting, topography and envisioned ongoing environmental character of the LGA.

##### *b) whether the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain,*

The applicant has redesigned the previous entry to address previous Panel comment. The entry from Maitland Place is more accessible and engaged with the street and more pedestrian friendly. The entryway to Spurway drive has been enhanced with landscape treatment and retention of an existing landmark tree.

##### *c) whether the development detrimentally impacts on view corridors,*

The development does not detrimentally impact on view corridors and has lowered the proposed height to Spurway drive to provide a more compatible street interface.

*d) whether the development detrimentally impacts on any land protected by solar access controls established under a development control plan,*

The development provides appropriate solar access to the common open spaces.

*e) the requirements of any development control plan to the extent that it is relevant to the proposed development,*

The applicant has modified to proposal in response to reflect previous Panel comments and removed encroachments from setback frontages.

*f) how the development addresses the following matters:*

*i) the suitability of the land for development,*

The zoning of the subject site is R4 and has capacity for significant increase in density through the provisions of Councils generous incentivised FSR provisions. Importantly this development is considered to be of particularly high significance in shaping the future character and amenity of a denser, taller and more urbanised Hills Shire.

*ii) existing and proposed uses and use mix,*

The proposed use is appropriate for the site.

*iii) heritage issues and streetscape constraints,*

Subject to DA officer's review.

All services and service provision visible from the street, public domain and nearby buildings are required to be substantially screened to match the aesthetic character of the proposed development. It is noted that a substation occurs within the building frontage and that screening details are to be provided to the DA officer for review prior to consent.

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

The applicant has minimised impacts by providing appropriate setbacks and building separation to development on the subject site and adjacent sites.

*v) bulk, massing and modulation of buildings,*

The applicant has modified the street address to present a more human scaled frontage integrated with the public domain so that the development does not appear as being gated.

*vi) street frontage heights,*

The street frontage to Spurway Drive of 4 to six storeys is an acceptable transition from the high rise towers of Norwest Business Park to the lower rise two storey dwellings opposite. The Panel notes the applicant has lowered the height of the development fronting Spurway Drive from six to seven storeys to four to six storeys.

The tower development presents a two storey podium level appearance to Maitland Place. This is an activated frontage which provides a suitable base for the tower structure above.

The Panel is generally satisfied the issues of streetscape have been addressed and a more human scale public domain interface is able to be achieved.

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

The applicant has modified the development to achieve sustainable design outcomes through provision of adequate building separation and an improvement in solar access and natural cross ventilation. In addition the provision of landscaped roof top communal open spaces provides sustainability benefits from environmental and social perspectives.

The applicant has undertaken Pedestrian Wind Tunnel Tests as requested and provided design solutions that should provide a comfortable pedestrian environment. Subject to applicant discretion wind protection at the higher levels is a consideration.

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

The development presents a good application of sustainable design initiatives through the provision of generous deep soil planting, integration of WSUD into the landscape strategy and the sustainable objectives of the ADG.

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

The scheme provides clear pedestrian circulation and access to public and communal open spaces. The impacts of service and vehicular access are well resolved.

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

The development presents a significant improvement to the public domain treatments with respect to previous submissions.

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

The provision of communal open space at ground level is well considered with seating arrangements and a series of "places" allowing for passive and active recreation.

The range of different gardens and spaces on varying roof tops provides high amenity landscapes and communal open spaces for defined user groups.

**SUMMARY OF PANEL RECOMMENDATIONS**

- Investigate alternative facade differentiation for the central built form between the tower elements.
- The substation and any visible utility service provision located at footpath level are to be visually integrated with the built form and landscape aesthetic of the development. The applicant should provide 1:50 annotated details to the DA officer prior to consent.
- Provide strategy for visual concealment of items on balconies as noted in Report.
- Provide details of preventative measures recommended as a result of the wind assessment to DA officer prior DA consent.

Council officer to place conditions on:

- Screening of services provision visible from any public frontage and the public domain.
- Screening of air-conditioning to all units such that it is not visible from the public domain.
- Provide 1:20 façade details including balustrades to confirm design quality and character as illustrated in the approved DA photo-montages
- Provision of landscape details as provided in the submitted documentation (subject to council landscape officer's approval).
- Provision of 1.8m translucent balcony provision at outdoor terrace levels as recommended for wind protection, in provided Pedestrian Wind Tunnel Test Report, 2018.

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

**PANEL CONCLUSION**

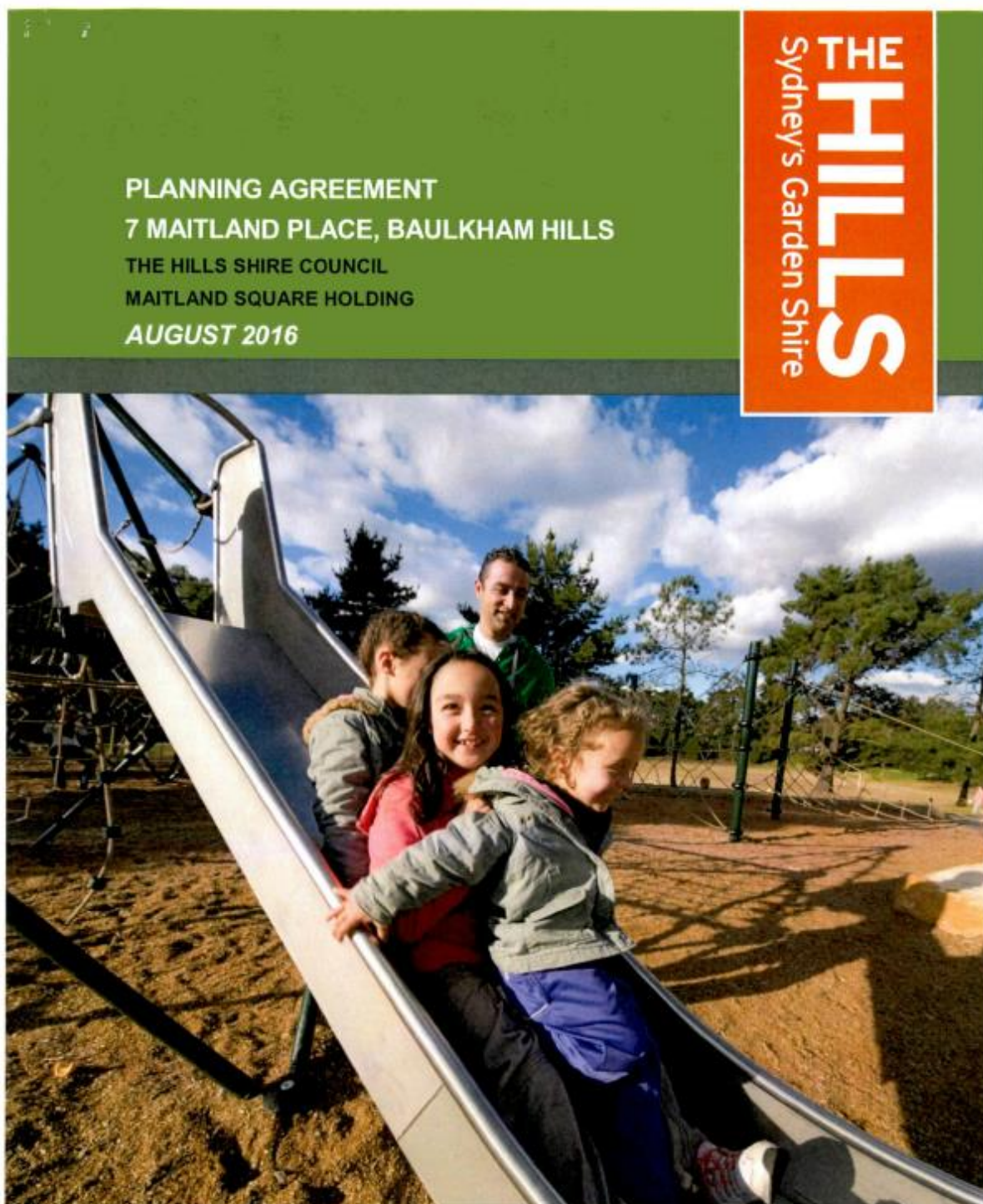
The Panel supports the proposal on proviso that the applicant addresses all matters identified in this report. The project is not required to return to the Panel for further consideration.

5. Next Design Excellence Panel meeting to be held on March 13<sup>th</sup>, 9am - 5pm

6. Close



**ATTACHMENT 15 – PLANNING AGREEMENT 7 MAITLAND PLACE,  
BAULKHAM HILLS**



**Summary Sheet****Date of Agreement**

Name	The Hills Shire Council
Address	3 Columbia Court, Baulkham Hills NSW 2153
Telephone	(02) 9843 0555
Facsimile	(02) 9843 0409
Email	council@thehills.nsw.gov.au
Representative	Mr Dave Walker – General Manager

**Developer**

Name	Maitland Square Holding
Address	<i>Suite 703, Level 7, 5 Rider Blvd, Rhodes NSW 2138</i>
Telephone	<i>02 9096 9177</i>
Facsimile	<i>02 9096 9198</i>
Email	<i>jpan@haisheng.com.au</i>
Representative	<i>Jonathan Pan</i>

**Land**

Lot 1 DP866565 (known as 7 Maitland Place, Baulkham Hills)

**Planning Proposal**

The proposal made pursuant to Part 3 of the Act to amend The Hills Local Environmental Plan 2012 to rezone the Land at 7 Maitland Place, Baulkham Hills from B7 Business Park to part R4 High Density Residential and part B7 Business Park, or such other zoning that will permit the Land to be developed for the Proposed Development.

**Dedication Land**

See Schedule 1

**Works**

See Schedule 2

**Monetary Contributions**

See Schedule 3

**Proposed Development**

See Schedule 4

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**Planning Agreement****Dated****Parties**

**The Hills Shire Council** ABN 25 034 494 656 of 3 Columbia Court, Baulkham Hills NSW 2153  
(Council)

**Maitland Square Holding** ABN 602 095 090 of Suite 703, Level 7, 5 Rider Blvd, Rhodes New South Wales, 2138 (Developer)

**Background**

- A. Council is the consent authority pursuant to the *Environmental Planning and Assessment Act 1979* (NSW) (**Act**) for the Proposed Development.
- B. The Developer is the owner of the Land known as 7 Maitland Place, Baulkham Hills and has lodged a Planning Proposal in respect of land located at 2-7 Maitland Place, Baulkham Hills NSW 2153.
- C. At the Ordinary Meeting of 22 March 2016, Council considered the Planning Proposal and resolved that:
  1. A planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination to amend Local Environmental Plan 2012 as follows:
    - a) Rezone land at 7 Maitland Place, Baulkham Hills from B7 Business Park to part R4 High Density Residential and part B7 Business Park;
    - b) Apply a "base floor space ratio" of 1:1 and an "incentivised floor space ratio" of 3:1 to land at 2-6 Maitland Place, Baulkham Hills and the proposed R4 High Density Residential portion of land at 7 Maitland Place, Baulkham Hills;
    - c) Increase the maximum floor space ratio from 1:1 to 1.5:1 for the proposed B7 Business Park portion of land at 7 Maitland Place, Baulkham Hills;
    - d) Increase the maximum building height from RL 116 metres to RL 169 metres for land at 2-6 Maitland Place, Baulkham Hills and the proposed R4 High Density Residential portion of land at 7 Maitland Place, Baulkham Hills;
    - e) Reduce the minimum lot size from 8,000m<sup>2</sup> to 4,000m<sup>2</sup> for land at 7 Maitland Place, Baulkham Hills;
    - f) Identify 2-6 and 7 Maitland Place, Baulkham Hills as "Key Site M" on the Key Site Map; and
    - g) Include a local provision which ensures that the "incentivised floor space ratio" for residential development can only be achieved where the proposed development complies with Council's apartment size, mix and car parking requirements and provides the proposed local road through the site;
  2. Council proceed with discussion with the Applicant to prepare a draft Voluntary Planning Agreement which secures the delivery of the proposed local road, pedestrian linkages and public domain improvements and resolves how the Applicant will address the increased demand for local infrastructure generated by the proposed increase in residential density; and
  3. Following the preparation of the draft Voluntary Planning Agreement, and prior to any public exhibition of the planning proposal, a report on the draft Voluntary Planning Agreement be submitted to Council for consideration.

- D. In association with the Planning Proposal, the Developer has made an offer to Council to dedicate the Dedication Land (Schedule 1), provide the Works (Schedule 2) and pay the Monetary Contributions (Schedule 3) as set out in this Agreement.

#### **Operative provisions**

##### **1. Defined meanings**

In this document unless the context otherwise requires:

**Act** means the *Environmental Planning and Assessment Act 1979*;

**Additional Monetary Contribution** means the amount determined by multiplying the Additional Monetary Contribution Rate specified in Schedule 3 by the number of dwellings in addition to the Anticipated Dwellings on the Land approved for the Proposed Development;

**Anticipated Dwellings** means the dwellings anticipated on the Land (7 Maitland Place, Baulkham Hills) in the Proposed Development as set-out in Schedule 4;

**Bank Guarantee** means a written guarantee without a time limit acceptable to Council issued by an Australian Bank;

**Business Day** means a day that is not a Saturday, Sunday, public holiday or bank holiday in New South Wales;

**Dedication** means the creation or transfer of an estate in fee simple free of any mortgage, lease, easement or other encumbrance of a lot registered under the Real Property Act;

**Dedication Land** means the parts of the Land specifically identified for dedication to Council in Schedule 1 as illustrated on the site plan (Figure 1);

**Development Application** means a development application for the Proposed Development;

**Development Consent** means the approval of the Development Application;

**Encumbrance** includes any mortgage or charge, lease, (or other right of occupancy) or profit a prendre;

**GST** means any tax, levy, charge or impost implemented under the *A New Tax System (Goods and Services Tax) Act (GST Act)* or an Act of the Parliament of the Commonwealth of Australia substantially in the form of, or which has a similar effect to, the GST Act;

**Land** comprises the whole of the land identified as Lot 1 DP866565, known as 7 Maitland Place, Baulkham Hills;

**Monetary Contribution** means the amount specified in Schedule 3;

**Party** means a party to this document, including their successors and assigns;

**Proposed Development** means the proposed development as described in Schedule 4;

**Planning Proposal** means the planning proposal made pursuant to Part 3 of the Act to amend The Hills Local Environmental Plan 2012 to rezone the Land at 7 Maitland Place, Baulkham Hills from B7 Business Park to part R4 High Density Residential and part B7 Business Park, or such other zoning that will permit the Land to be developed for the Proposed Development;

**Price Index** means All Groups Consumer Price Index applicable to Sydney published by the Australian Bureau of Statistics or, if this price index is discontinued or abolished or if the items or weighting of the items whose prices are considered varied so as to change the basis of the price index, then such price index as Council may select that, as nearly as practicable, serves the same purpose;

**Security** means a Bank Guarantee or bond in favour of the Council on terms satisfactory to the Council, or such other form of security as the parties may agree.

**Works** means the works identified in Schedule 2.

2. **Planning agreement under the Act**

The Parties agree that this document is a planning agreement within the meaning of section 93F of the Act.

3. **Application of this Agreement**

This Agreement is made in respect of the Proposed Development and applies to the Land.

4. **No restriction on Council's powers**

This Agreement or anything done under this Agreement:

- (a) is not to be taken as approval or consent by the Council as a regulatory authority; and
- (b) does not in any way inhibit, deter or prejudice the Council in the proper exercise of its functions, duties or powers,

pursuant to any legislation including the Act, the *Roads Act 1993* (NSW) and the *Local Government Act 1993* (NSW).

5. **Operation of this Agreement**

This Agreement operates when:

- (a) the Land is rezoned in order to allow for the Proposed Development to be carried out and the amending Local Environmental Plan is published on the NSW Legislation Website; and
- (b) the Concept Development Consent is granted and implemented by way of any Detailed Development Consent and a Notice of Commencement pursuant to section 81A of the Act for that Detailed Development Consent has been submitted to Council notifying that a principal certifying authority has been appointed and work is to commence.

6. **Works**

- 6.1 The Developer must carry out the Works identified in Schedule 2 at its own expense. The estimated value of the Works is provided for information purposes only and the Developer must carry out the Works regardless of the actual costs involved.
- 6.2 The Works must be completed to the reasonable satisfaction of Council prior to the issue of the first Strata Subdivision Certificate for the Proposed Development;
- 6.3 The Developer's obligation under clause 6.1 exists irrespective of whether the Developer:



- (a) carries out the Works itself, or
- (b) enters into an agreement with another person under which the other person carries out the Works on the Developer's behalf.

#### 6.4 Design of Works

- 6.4.1 Before the Developer commences the Works, the Developer, at its own cost, is to prepare and submit to the Council or a person specified by the Council, detailed plans and specifications in relation to the Item of Work.
- 6.4.2 The Developer is not to commence the Works unless the Council or the person specified by the Council has given the Developer written approval of the plans and specifications relating to the item (in its capacity as a party to this Agreement, not as a consent authority), such approval not to be unreasonably withheld.

#### 6.5 Approvals

- 6.5.1 The Developer must, at their cost, obtain all relevant approvals and consents for the Works to be constructed in accordance with the Approved Design whether from the Council or other relevant government agency, including but not limited to any necessary road opening permit or road occupancy certificate from the Roads and Maritime Service.
- 6.5.2 Before commencing the Works, the Developer must give Council copies of all approvals and consents for the Works.

#### 6.6 Construction

- 6.6.1 The Developer is to carry out and complete the Works by reference to Council's standards in a good and workmanlike manner having regard to the intended purpose of the Works and otherwise to the satisfaction of Council acting reasonably, in accordance with:
  - (a) the applicable Development Consent, and
  - (b) all applicable laws, including those relating to occupational health and safety, and
  - (c) this Agreement to the extent that it is not inconsistent with the Development Consent or an applicable law, and
  - (d) the written approval given under clause 6.4.2;
- 6.6.2 In the event of an inconsistency between this Agreement and an applicable development consent or any applicable law, the development consent or the law prevails to the extent of the inconsistency.

- 6.7 It is the Developer's responsibility to ensure that everything necessary for the proper performance of its obligations under this Agreement is supplied or made available.

#### 6.8 Insurance

- 6.8.1 The Developer must in respect of the Works take out and maintain the following insurances:
  - (a) public liability insurance for at least \$20,000,000 for each accident or event or for such other amount as Council may reasonably notify;

- (b) construction all risk insurance for the replacement value of the Works; and
- (c) insurance against death or injury to persons employed in relation to undertaking the Works.

6.8.2 All insurance policies must:

- (a) be with a reputable insurer acceptable to Council;
- (b) have endorsed upon them the rights and interests of Council;
- (c) have no exclusions, endorsements or alterations unless consented to by Council; and
- (d) include a cross liability clause providing that the 'insured' applies to Council and the other insured persons as though a separate policy had been issued for each person.

6.8.3 The Developer must submit a copy of a certificate of currency of the insurance to Council prior to commencement of the construction of the Works and when otherwise reasonably requested by Council.

6.8.4 If any loss or damage arises from any cause covered by these insurance policies, the Developer must immediately apply for the insurance money and expend it together with the Developer's money to promptly rectify the loss or damage.

6.9 The Developer is to permit the Council, its officers, employees, agents and contractors to enter the Land at any time, upon giving reasonable prior notice, in order to inspect, examine or test any of the Works.

6.10 Works Completion

6.10.1 When, in the opinion of the Developer, the Works have reached completion, the Developer must notify Council in writing and must include in that notice:

- (a) a statement from the person with the responsibility, carriage and supervision of the construction that in their opinion the Works have reached completion; and
- (b) copies of any warranties, guarantees, maintenance, information or other material reasonably required for the ongoing maintenance of the Works; and
- (c) at least 3 sets of 'as built' drawings of the Works in such formats as Council may require,

**(Completion Notice)**

6.11 Inspection by Council

6.11.1 Council must inspect the Works within 14 days after receipt of the Completion Notice and must by written notice to the Developer:

- (a) concur that the Works have been completed; or
- (b) disagree that the Works have been completed and identify the errors or omissions required to be rectified for completion of the Works.

- 6.11.2 The Developer must take into account the errors or omissions identified by Council (if any) and re-submit the Completion Notice.

#### 6.12 Completion Date

- 6.12.1 The date of completion of the Works will be the date specified in the Completion Notice to which Council concurs, the date the Parties otherwise agree or if the matter is referred to Dispute Resolution the date determined by an Expert.

#### 6.13 Non completion of Works

- 6.13.1 If the Developer fails to complete the Works as required by this document by the Completion Date Council may:
  - (a) accept the Works as completed; and
  - (b) arrange for the necessary further construction or rectification to complete the Works in accordance with this document at the cost of the Developer.

#### 6.14 Rectification of Defects

- 6.14.1 If Council notifies the Developer of a defect in the Works within the Defects Liability Period, the Developer must promptly remedy that defect to the satisfaction of Council.
- 6.14.2 Defects Liability Period means the period of 6 months from the date of completion of the Works or acceptance by Council of the incomplete Works.
- 6.14.3 This clause does not limit any other right, power or privilege of Council with or arising under this document or any other document or otherwise at law in respect of any defect in the Works.

#### 6.15 Provision of Monetary Security

- 6.15.1 This clause does not apply if the Council, by notice in writing to the Developer, has otherwise waived compliance by the Developer with this clause;
- 6.15.2 No later than 7 days prior to the commencement of the Works in accordance with a Development Consent, the Developer must provide to Council either the payment of a bond or Bank Guarantee for \$1,374,128 (being the value of the work + 15% contingency) (**Security**) as Security for the due, prompt and proper observance and performance by the Developer of its obligations under this Agreement;
- 6.15.3 The Developer is not to commence the construction of the Works unless it has given the relevant Security to the Council;
- 6.15.4 In the event of any material failure by the Developer to comply with its obligations in relation to the Works, Council may without notice to the Developer call on the Security for any amount payable to Council;
- 6.15.5 If the Council calls on the Security in accordance with this Agreement, the Council may, by notice in writing to the Developer, require the Developer to provide a further Security, provided that, when the further Security is added to the amount already called on by the Council and any unused portion of any existing Security, the sum of these amounts does not exceed the Security Amount which on the date of this Agreement is the amount specified in the Summary Sheet;



6.15.6 On completion of the Works and Dedication of the Land to Council:

- (a) the Council must return the relevant Security to the Developer; and
- (b) the Developer's obligations, and the Council's rights, under this clause 26 to that item of Works will cease.

## 7. Land Dedication

- 7.1 The Developer must at its cost Dedicate to Council the Land identified in Schedule 1.
- 7.2 The Land must be Dedicated to Council following completion of the Works specified in Schedule 2 in accordance with clause 6 of this Agreement and prior to the issue of the first Strata Subdivision Certificate for the Proposed Development;
- 7.3 The Dedication will be effected when a plan of subdivision is registered dedicating the Land to Council.
- 7.4 The Developer will deliver to Council the following:
  - (a) Transfer in registrable form signed by the registered proprietor of the lot.
- 7.5 Council will on receipt of these documents arrange the following:
  - (a) Lodgement of the transfer and other documents at the office of Land and Property Information for registration.
- 7.6 Council must provide the Developer with a tax invoice for its reasonable expenses incurred in relation to the Dedication of the Dedication Land including its legal costs and disbursements (including any registration fees).
- 7.7 The Developer must pay to Council the amount invoiced for expenses under clause 7.4 within 14 days of receipt of the invoice.
- 7.8 The Developer must not during the term of this Agreement sell, transfer, mortgage, charge or grant a lease or license or any other right of occupancy to any person over the Dedication Land without first obtaining the Council's consent in writing. Council must not unreasonably withhold or delay its consent or give consent subject to unreasonable conditions.

## 8. Monetary Contributions

- 8.1 The Developer must pay the Monetary Contribution and any applicable Additional Monetary Contribution (**Total Monetary Contribution**). Payment of the Total Monetary Contribution may be made by cheque or electronic bank transfer to Council's nominated bank account.
- 8.2 If the Development Consents approve dwellings on the Land in addition to the Anticipated Dwellings on the Land then the Developer must pay the Additional Monetary Contribution, as specified in Schedule 3;
- 8.3 The Monetary Contributions must be paid to Council prior to the issue of the first Strata Subdivision Certificate for the Proposed Development;
- 8.4 On each anniversary of the date of this document the Total Monetary Contribution applicable immediately prior to that anniversary will be increased by the same percentage as the annual percentage increase, if any, in the Price Index most recently

published prior to the relevant anniversary. The increased Total Monetary Contribution will be the Total Monetary Contribution in the subsequent 12 months.

- 8.5 The Total Monetary Contribution will be expended on the provision of public benefits, amenities and/or infrastructure as determined by the General Manager of Council from time to time.

**9. Application of s94, s94A and s94EF of the Act**

- 9.1 For the purpose of section 93F(5) of the Act, this Agreement excludes the operation of section 94 of the Act in relation to the Proposed Development or any part thereof and excludes the operation of section 94A of the Act in relation to any residential component of the Proposed Development;
- 9.2 For the purpose of section 93F(5) of the Act, this Agreement does not exclude the operation of section 94A of the Act in relation to any non-residential component of the Proposed Development. The Developer agrees that any Development Consent issued for the Proposed Development will require the payment of contributions under The Hills Section 94A Contributions Plan with respect to any non-residential component of the Proposed Development. This will be calculated based on a Quantity Surveyor estimate which must be submitted with any Development Application for the Proposed Development, which clearly identifies the Development Cost associated with the non-residential component of the Proposed Development;
- 9.3 For the purpose of section 93F(5) of the Act, this Agreement does not exclude the operation of section 94EF of the Act in relation to the Proposed Development or any part thereof;

**10. General Provisions**

**10.1 Registration of Agreement on Title**

- 10.1.1 The Developer acknowledges that Council intends to register this Agreement under section 93H of the Act on the Lands and on registration by the Registrar-General the Agreement will be binding on and enforceable against the owners of the Land from time to time as if each owner for the time being had entered into this Agreement.

**10.2 Assignment**

- 10.2.2 A party must not transfer any right or liability under this Agreement without the prior consent of Council (such consent not to be unreasonably withheld or delayed);
- 10.2.3 In the event that the Developer enters into a contract for the sale of the Land, the Developer (as vendor) shall disclose to the purchaser the existence of this Agreement and any contract of sale must ensure that any future land owner or Developer will undertake the performance of the obligations under the Agreement in the same terms and to the same conditions agreed to by the Developer;

**10.3 Governing law and jurisdiction**

- 10.3.1 This Agreement is governed by and construed under the law in the State of New South Wales.
- 10.3.2 Any legal action in relation to this Agreement against any party or its property may be brought in any court of competent jurisdiction in the State of New South Wales.

10.3.3 Each party by execution of this Agreement irrevocably, generally and unconditionally submits to the non-exclusive jurisdiction of any court specified in this provision in relation to both itself and its property.

10.4 Amendments

Any amendment to this Agreement has no force or effect, unless effected by a document executed by the parties.

10.5 Third parties

Except as provided for by clauses 10.1 and 10.2, this Agreement confers rights only upon a person expressed to be a party, and not upon any other person.

10.6 Further assurance

Each party must execute any document and perform any action necessary to give full effect to this Agreement, whether before or after performance of this Agreement.

10.7 Waivers

Any failure by any party to exercise any right under this Agreement does not operate as a waiver and the single or partial exercise of any right by that party does not preclude any other or further exercise of that or any other right by that party.

10.8 Remedies

The rights of a party under this Agreement are cumulative and not exclusive of any rights provided by law.

10.9 Counterparts

This Agreement may be executed in any number of counterparts, all of which taken together are deemed to constitute one and the same document.

10.10 Party acting as trustee

If a party enters into this Agreement as trustee of a trust, that party and its successors as trustee of the trust will be liable under this Agreement in its own right and as trustee of the trust. Nothing releases the party from any liability in its personal capacity. The party warrants that at the date of this Agreement:

- (a) all the powers and discretions conferred by the deed establishing the trust are capable of being validly exercised by the party as trustee and have not been varied or revoked and the trust is a valid and subsisting trust;
- (b) the party is the sole trustee of the trust and has full and unfettered power under the terms of the deed establishing the trust to enter into and be bound by this Agreement on behalf of the trust and that this Agreement is being executed and entered into as part of the due and proper administration of the trust and for the benefit of the beneficiaries of the trust;
- (c) no restriction on the party's right of indemnity out of or lien over the trust's assets exists or will be created or permitted to exist and that right will have priority over the right of the beneficiaries to the trust's assets.

10.11 Representations and warranties



The Parties represent and warrant that they have power to enter into this Agreement and comply with their obligations under the document and that entry into this Agreement will not result in the breach of any law.

#### 10.12 Severability

If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

### Schedule 1 — Dedication Land

The Land to be dedicated to Council is shown on Figure 1.

Details of the Dedication Land is provided below.

Lot	DP	Owner	Area to be dedicated (m <sup>2</sup> )	Timing of Dedication
Part of Lot 1	866565	8 Eights Pty Ltd	Area identified for "new road" connecting Spurway Drive to Maitland Place with an area of approximately 2,289m <sup>2</sup> (subject to detailed design and completion of the Works).	Following completion of the Works specified in Schedule 2 in accordance with clause 6 of this Agreement and Prior to the issue of a Strata Subdivision.

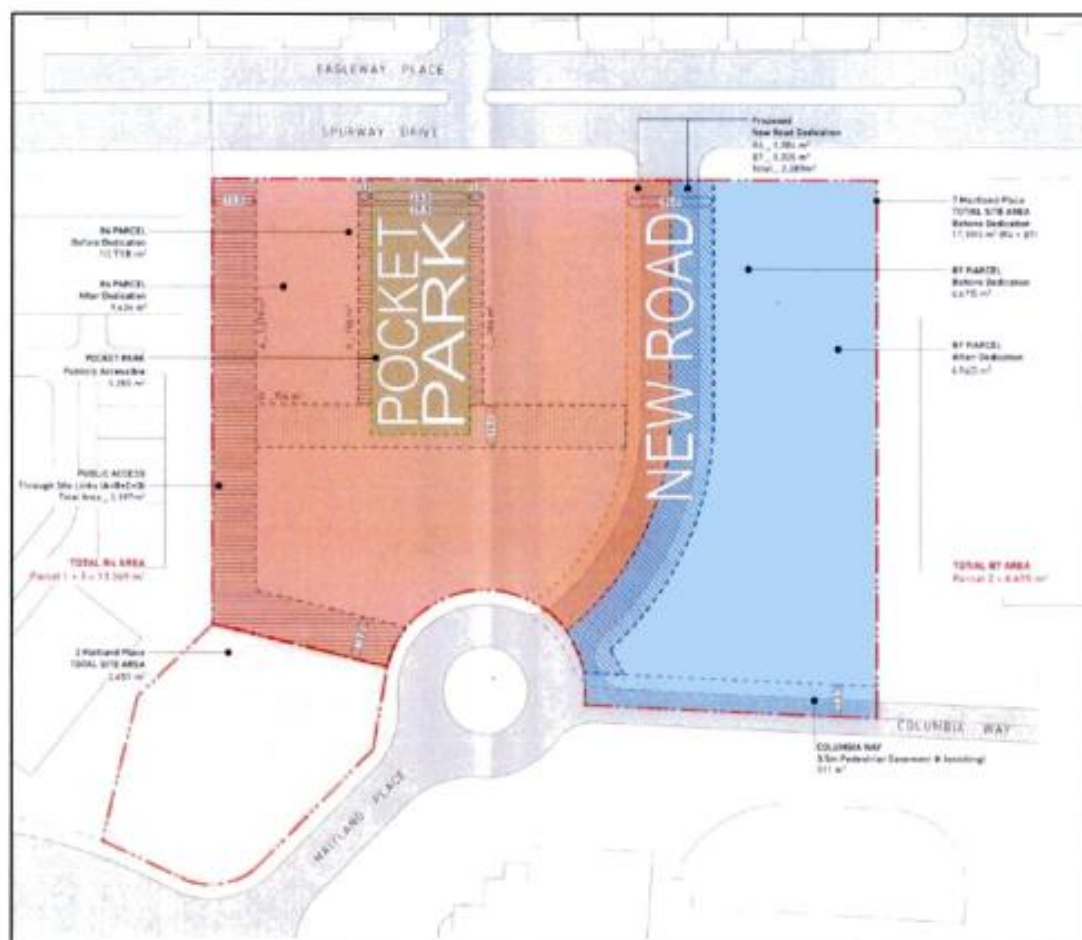


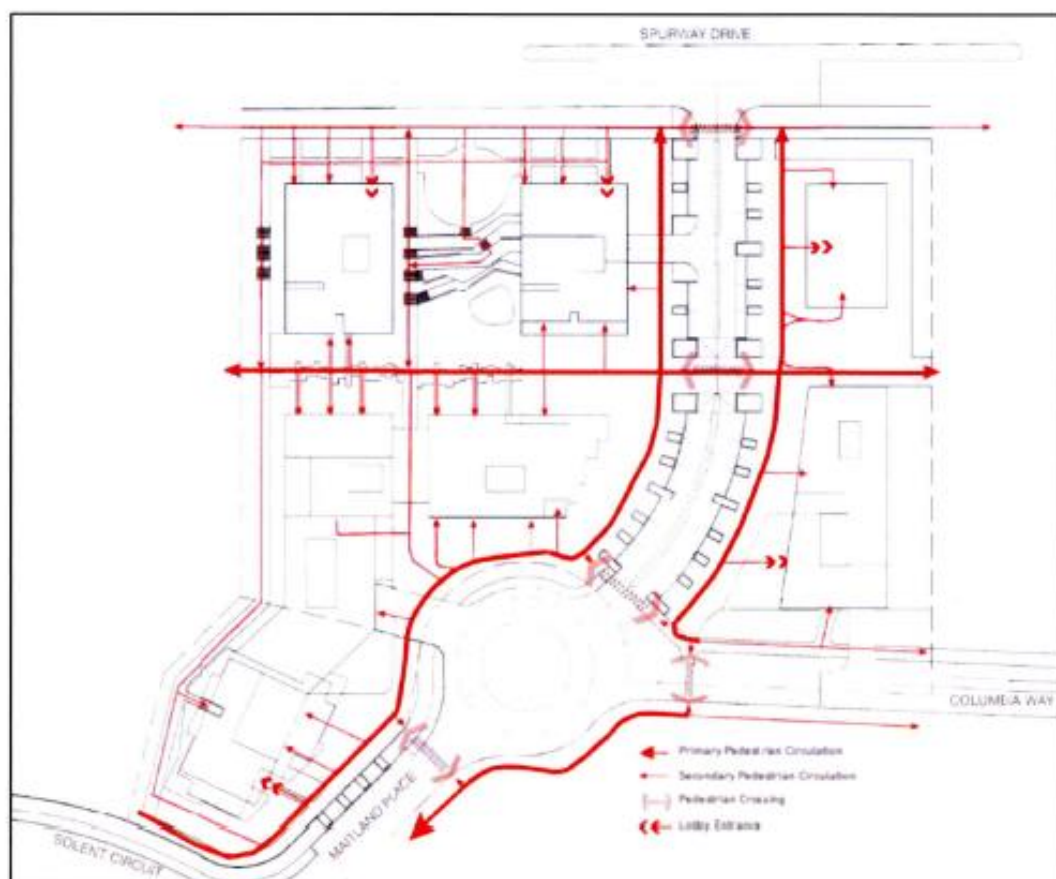
Figure 1 - Dedication Land

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**Schedule 2 — Works**

The Works to be completed is the construction of a new local road connection from the roundabout intersection of Maitland Place and Columbia Way in the south to Spurway Drive in the north as illustrated in Figure 1 (above) and Figure 2 (below), subject to preparation of detailed designs, the requirements under clause 6.4 and the conditions of any Development Consent.

The estimated cost of the Works is \$1,194,894.19



**Figure 2 – Proposed Road**

## Schedule 3 — Monetary Contributions

Total Monetary Contribution	Value \$	Timing
Monetary Contribution	\$4,532,719.03	Prior to the issue of a Strata Subdivision Certificate
Additional Monetary Contribution	Calculated using Additional Monetary Contribution Rates below	Prior to the issue of a Strata Subdivision Certificate
<b>Additional Monetary Contribution Rates</b>		
Monetary rate per 1 bedroom unit	\$7,832.89	
Monetary rate per 2 bedroom unit	\$12,653.12	
Monetary rate per 3+ bedroom unit	\$16,268.30	

**Schedule 4 — Proposed Development**

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Subject to Development Consent, demolition of existing structures and construction of a mixed used development at 2-6 and 7 Maitland Place, Baulkham Hills with approximately:

- 370 residential units; and
- 5,000m<sup>2</sup> of non-residential gross floor area.

Based on the maximum permissible floor space ratio sought by the Planning Proposal, the maximum residential yield anticipated on the Land (7 Maitland Place, Baulkham Hills) is 300 dwellings.

**Anticipated Dwellings on the Land (7 Maitland Place, Baulkham Hills): Up to 300 units\***

\* In accordance with clause 8.2 of this Agreement, an Additional Monetary Contribution calculated in accordance with Schedule 3 must be paid with respect to any additional dwellings approved on the Land above this yield.

## Execution Page

The common seal of **The Hills Shire Council** was  
affixed under a resolution passed by council on  
~~28 FEBRUARY~~.....2017 in the presence of:



A1 General Manager

MICHAEL EDGAR

Print Name

Mayor

WONNE KLINE

Print Name

Witness

KATRINA REEVES

Print Name

Executed by the Developer in accordance with  
s127 of the Corporations Act 2001 (Cth):

Secretary/Director

CHRISTINA BIAN

Print name

Director

Print name



## ATTACHMENT 2 – COUNCIL TRAFFIC ENGINEER REPORT



**THE HILLS**  
Sydney's Garden Shire

### Internal Memorandum

TO: MANAGER – DEVELOPMENT ASSESSMENT - PAUL OSBORNE

FROM: MANAGER - INFRASTRUCTURE PLANNING

SUBJECT: SCCPP PANEL DECISION 1235/2018/JP 7 MAITLAND PLACE NORWEST

DATE: 18 OCTOBER 2019

COPIES TO: MANAGER – DEVELOPMENT ASSESSMENT

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I am aware that the SCCPP Panel discussed the above DA in September and determined as follows:

*"The Panel is not satisfied with the assessment provided on the impacts of the application on Spurway Drive. Accordingly, the Panel defers determination of the application until it receives a further report from Council's traffic specialists on the impacts of this development application on traffic on Spurway Drive. The report is to consider both operational and environmental impacts in the pre and post upgrading conditions on Spurway Drive.*

*When this information has been received, the Panel will hold another public determination meeting."*

Having considered the traffic and transport report that accompanied the DA, and having provided comments on several other mixed use development proposals in that area over the last five years, I offer the following comments:

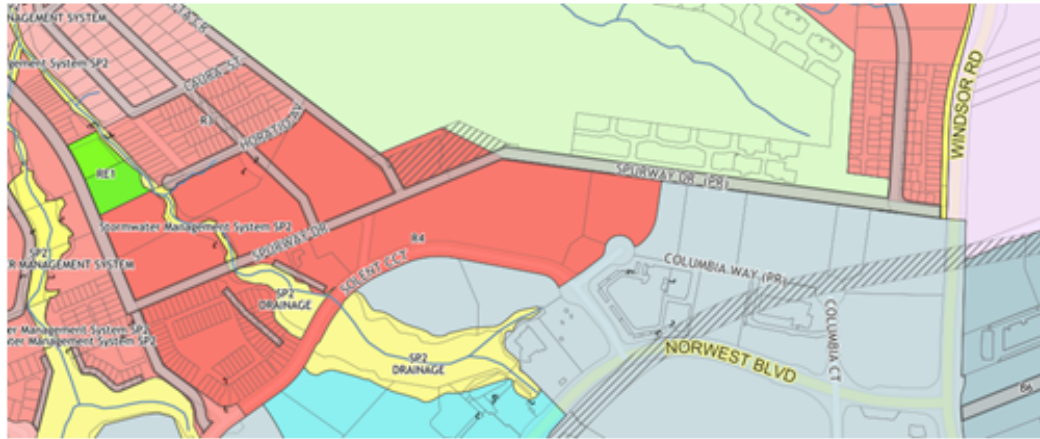
1. Spurway Drive is a minor collector road that will ultimately connect Windsor Rd to Fairway Drive. The connection at Fairway Drive will permit all turning movements, but the intersection at Windsor Rd will only ever be a left in / left out arrangement as can be seen in the accompanying aerial photos.





This is because Windsor Road already has a right turn facility opposite the Spurway Drive intersection, and that right turn lane provides storage capacity for the entry into Norwest Boulevard. It would be impossible to construct another right turn lane facility within the existing right turn lane.

2. As a result Spurway Drive will not become an alternative entry to the wider Business Park precinct, so the morning peak traffic volume will be comparatively low. A different situation will exist in the afternoon peak where Spurway Drive will provide an alternative exit for motorists to leave the Business Park. However as the intersection will not have traffic signals, that exit will be affected by the traffic signals at Norwest Boulevard to the south. In simple terms, traffic exiting Spurway Drive will have limited opportunities because of the heavy afternoon north bound flows along Windsor Rd. The expected daily traffic volume for Spurway Drive under these conditions will be around 5,000 movements, which is well within the environmental capacity of a minor collector road (3,000 to 8,000 daily movements).
3. Spurway Drive does not connect to Fairway Drive as a through route at present, so traffic volumes remain very low. The future final connection between each half of Spurway Drive is dependent on the development of additional apartment buildings near the golf club, and no time frame has been given for that connection. However the proposed link from Maitland Place to the eastern half of Spurway Drive will effectively supply the link that allows the largest proportion of expected traffic leaving the Business Park in the afternoon peak, to access this local road. This connection will result in the daily traffic volume reaching 3,000 movements almost immediately. When the missing section of Spurway Drive is also built, the daily volume will increase steadily over time to the 5,000 movements projected, mostly due to local residents heading home from Windsor Road to the adjacent precincts.
4. When the road network is complete, there will be two intersections along the southern side of Spurway Drive – one at Natura Rise already exists, and the second is proposed to be built as an extension to Maitland Place. There one existing intersection on the northern side of the road at Stonemason Drive, and three existing entry points to the retirement village. At full development there will be two further road connections on the northern side of Spurway Drive (Rosetta Cr and Walker Av) as can be seen on the zoning plan below. However these additional connections will have little impact on traffic volumes in the street, particularly the eastern half of Spurway Drive, because of the right turn restrictions at Windsor Rd – Spurway Drive simply does not provide a significant “short cut” for through traffic, but will provide access for local residents travelling home in the afternoon peak from the south – as was planned for this minor collector road.



5. Intersection safety has been investigated at all existing junctions along Spurway Drive, and there are no issues with safe intersection sight distance for the General Urban Speed Limit of 50 km per hour. Most of the intersections have sufficient sight distance for well beyond that speed limit. The future connections of Rosetta Cr and Walker Ave will also have to satisfy that criteria when they are built. There will be opportunities to provide physical constraints to traffic speed in the form of LATM should the need arise when Spurway Drive is fully connected, but this will be assessed in the future, in full consultation with local residents.
6. Pedestrian access has been addressed both in the short term and long term with a concrete footpath (1.5m wide) and a shared path (2.5m wide) adjacent to the new road carriageway. Opportunities will again exist in the future to provide priority pedestrian crossing facilities at critical locations along Spurway Drive, notably adjacent to the retirement village, when the adjacent residential development is complete.

AK9

**ANDREW KING**  
**MANAGER - INFRASTRUCTURE PLANNING**



## ATTACHMENT 3 – APPLICANT’S TRAFFIC ENGINEER REPORT



Our Ref: 19382

8 October 2019

dowling urban  
Suite 302  
4-14 Buckingham Street  
Surry Hills NSW 2010

Attention: Greg Dowling

Dear Greg,

**RE: 7 MAITLAND PLACE, NORWEST**

I understand that the Sydney Planning Panel require additional information on the impacts of the development application on traffic on Spurway Drive and in particular the Castle Pines Retirement Village. The report is to consider both operational and environmental impacts in the pre- and post-upgrading conditions on Spurway Drive.

### Maitland Place

The development of the site highlighted in yellow is subject to a Voluntary Planning agreement between Hills Shire Council and the owners of the site at 1 to 7 Maitland Place made during rezoning to construction and a new local road through the site to connect to Spurway Drive at no cost to Council.



The extension of Maitland Place would be constructed in its entirety to an enhanced collector public road standard (with a 13m wide carriageway) between Maitland Place (existing) and Spurway Drive. This would be dedicated to Council as a public road. It is noted that physical connection to Spurway Drive (currently a private road) will not occur until Spurway Drive is upgraded and dedicated as a public road.



I note the top part of the blue site above (which is residential) is 1 Maitland Pl and is the land subject to this DA.

The bottom half of the blue residential site is 2-7 Maitland Place and is owned by Mulpha. The orange part is owned by BHL but is not part of this Development Application (DA) – at this stage, it is planned to be the next DA for commercial offices.

The trip generation for the whole of the rezoned site was assessed and approved at Planning Proposal stage. At that time, the anticipated development of 1 to 7 Maitland Place comprised.

- A maximum residential yield of 400 units;
- Retail Gross Floor Area (GFA) of 300 m<sup>2</sup>
- A health and fitness centre with a GFA of 600 m<sup>2</sup>
- A medical and allied health clinic with a combined GFA of 2,990 m<sup>2</sup>
- Business Suites with a GFA of 1140 m<sup>2</sup>
- A childcare centre with an expected internal GFA of 1500 m<sup>2</sup>.

Based on the above assumptions the site, including all components, would generate approximately 358 vehicle trips per hour during the AM peak and 474 vehicle trips per hour during the PM peak period with the following directional splits:

- 161 in, 197 out per hour during the AM peak
- 251 in, 223 out per hour during the PM peak

This DA represents part of the rezoned site being 1 Maitland Place that is zoned residential and comprises 290 apartments and a 100m<sup>2</sup> local neighbourhood shop. The traffic report supporting the DA estimated that the subject site would generate 55 vehicle trips (11 in, 44 out) during the AM peak hour and 44 vehicle trips (35 in, 9 out) during the PM peak hour.

This traffic will distribute in a number of ways with traffic travelling to

- Solent Circuit
- Norwest Boulevard
- Windsor Road and
- Spurway Drive

As the dominant employment locations for journey to work are generally to the east, south and west, Norwest Boulevard and Windsor road would be the dominant directions.

Even if we assume that 20% of traffic from the subject development travelled onto Spurway Drive, this would result in an additional 11 vehicle trips (2 in and 9 out) using the Maitland Drive extension and around 9 additional vehicle trips (7 in and 2 out) in the PM peak hour.

Of this traffic, it is then likely to split onto Spurway Drive left and right (conservatively saying 50% each way).

Spurway Drive is a pre-planned collector road located to the north of the site and is aligned in an east-west direction. It is a two-way road configured with a two-lane, 7m wide carriageway, set within an approximately 18m wide road reserve. Spurway Drive currently terminates at the Castle Hill Country Club and provides access to its at-grade parking area. The existing Spurway Drive has a 50km/h speed limit and carries approximately 900 vehicles per day.

Table 2.1: Spurway Drive Average Daily Traffic Volumes

Time Period	Eastbound Traffic	Westbound Traffic	Two-way
Weekday Average	407	492	885
Weekend Average	353	405	758

It is noted that two new connecting roads will join to Spurway Drive, these being:-

- Lucinda Avenue extension connecting to Spurway Dr from Horation Ave.
- Natura Rise connecting Spurway to Solent Crescent.



### The Orchards

In order to determine the volume of traffic generated by The Orchards proposal, we have inspected the GTA report dated 14<sup>th</sup> October 2016.

The report shows that the development will generate the following levels of traffic.

Table 7.1: Traffic Generation Estimates

Period	No. of Apartments	Design Generation Rate	In	Out	Total
AM Peak	1300	0.25 trips per apartment	65/ hr	260/ hr	325/ hr
PM Peak			227/ hr	98/ hr	325/ hr

Table 7.2: Traffic Directional Splits

Period	Inbound	Outbound
AM Peak	20%	80%
PM Peak	70%	30%

Figure 7.2: Weekday AM Peak Hour plus Site Generated Traffic Volumes

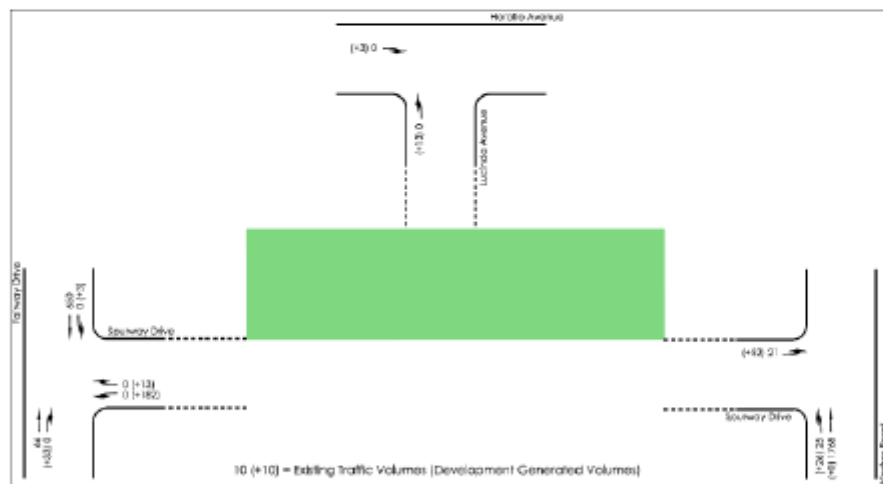


Figure 7.3: Weekday PM Peak Hour plus Site Generated Traffic Volumes

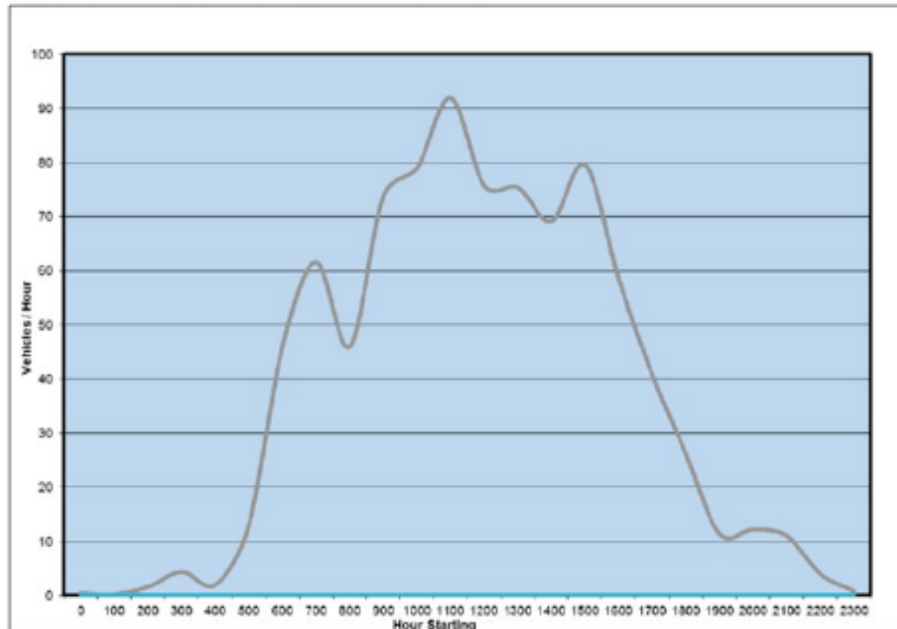


This suggests that The Orchards development will add around 195 vehicle trips out of Spurway Drive / 36 vehicle trips into Spurway Drive in the AM peak hour and 74 vehicle trips out of Spurway Drive / 25 vehicle trips into Spurway Drive) in the PM peak hour at the Fairway Drive end of the road. It can be seen that most of the Orchards traffic is directed to Fairway Drive.

At the Windsor Road end of Spurway Drive, The Orchards development will add around 76 vehicle trips in the AM peak hour and 111 vehicle trips in the PM peak hour.

We have noted the existing 2-way flows on Spurway Drive are around 60 vehicle trips in the AM peak and 80 vehicle trips in the PM peak.

Figure 2.6: Spurway Drive Weekday Average Daily Traffic Volumes



At the Windsor Road end of Spurway Drive, the addition of traffic from The Orchards will be 76 vehicle trips in the AM peak and 111 vehicle trips in the PM peak which will take the 2-way flows on Spurway Drive to around 136 in the AM peak and 191 in the PM peak.

#### Total Traffic Flows on Spurway Drive

The two-way traffic flow on Spurway Drive in the vicinity of the Maitland Place connection can therefore be calculated as

- Existing – 60 AM and 80 PM
- Existing + Orchards (i.e. when Spurway Road is opened up) – 136 AM and 191 PM
- Existing + Orchards + Proposed Residential Site - 147 AM and 200 PM.

#### Theoretical Capacity of Spurway Drive

As Spurway Drive will be a 2-lane undivided road and assuming that Level of Service D is an acceptable level of service, then the theoretical capacity of Spurway Drive assuming one lane in each direction would be 900 vehicles per lane / per hour (i.e. 1800 in total)

**Table 4.3**  
**Typical mid-block capacities for urban roads with interrupted flow**

Type of Road	One-Way Mid-block Lane Capacity (pcu/hr)	
Median or inner lane:	Divided Road	1,000
	Undivided Road	900
Outer or kerb lane:	With Adjacent Parking Lane	900
	Clearway Conditions	900
	Occasional Parked Cars	600
4 lane undivided:	Occasional Parked Cars	1,500
	Clearway Conditions	1,800
4 lane divided:	Clearway Conditions	1,900

**Table 4.4**  
**Urban road peak hour flows per direction**

Level of Service	One Lane (veh/hr)	Two Lanes (veh/hr)
A	200	900
B	380	1400
C	600	1800
D	900	2200
E	1400	2800

The anticipated traffic levels are therefore significantly lower than the theoretical operational capacity of Spurway Drive.

Furthermore, it is well below the Environmental Capacity of a collector road as expressed in the RMS Guide to Traffic Generating Developments. Spurway Drive being a collector road has an Environmental Capacity of 300 (environmental Goal) and 500 maximum. The anticipated 200 vehicle trips in the peak hour is well below both figures.

**Table 4.6**  
Environmental capacity performance standards on residential streets

Road class	Road type	Maximum Speed (km/hr)	Maximum peak hour volume (veh/hr)
Local	Access way	25	100
	Street	40	200 environmental goal
			300 maximum
Collector	Street	50	300 environmental goal
			500 maximum

Finally, the traffic generated by the subject site represents less than 1 vehicle movement per minute from the site and this will result in no adverse impacts on the Maitland Drive/Spurway Drive intersection

#### Conclusion

It is clear therefore that following the completion of Orchards and the subject site at Maitland Drive, Spurway Drive will have ample capacity to accommodate the anticipated levels of traffic.

The increase in traffic movements in the vicinity of the Castle Pines Retirement Village as a result of the subject development is likely to be no more than 11 in the AM peak and 9 in the PM peak.

It should also be noted that since the traffic counts were undertaken Sydney Metro has opened affording the opportunity for people living and working in this area to use the Metro rather than the car (N.B. Transurban has suggested that traffic on the M2 and Lane Cove Tunnel has reduced by about 2%. Other studies show that train travel in the stations close to the recently opened metro corridor has increased by nearly 20%). It is likely therefore that the estimates above represent a worst-case scenario.

I trust this is clear but feel free to contact me should you have any queries.

Yours sincerely,



Ken Hollyoak  
Director

Encl. Terms & Conditions of Engagement  
TTPP Staff Curriculum Vitae



## ATTACHMENT 4 – RECORD OF DEFERRAL – SCCPP



**Planning  
Panels**

### RECORD OF DEFERRAL

SYDNEY CENTRAL CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	19 September 2019
<b>PANEL MEMBERS</b>	Paul Mitchell (Acting Chair), Mary-Lynne Taylor and Lindsay Fletcher
<b>APOLOGY</b>	Nil
<b>DECLARATIONS OF INTEREST</b>	Chandi Saba advised that she was involved with a VPA on this site and as such she assumed it would be a conflict to attend. Mark Colburt advised that he was a member of the Design Excellence Panel for the March review.

Public meeting held at The Hills Shire Council on Thursday 19 September 2019 opened at 3.35pm and closed at 5.15pm.

#### MATTER DEFERRED

2018SWC028 - The Hills Shire – DA1235/2018 AT Lot 1 DP 866565, 7 Maitland Place, Bella Vista (AS DESCRIBED IN SCHEDULE 1)

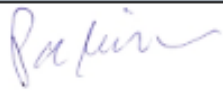
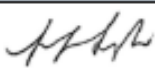

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

#### REASONS FOR DEFERRAL

The Panel is not satisfied with the assessment provided on the impacts of the application on Spurway Drive. Accordingly, the Panel defers determination of the application until it receives a further report from Council's traffic specialists on the impacts of this development application on traffic on Spurway Drive. The report is to consider both operational and environmental impacts in the pre and post upgrading conditions on Spurway Drive.

When this information has been received, the Panel will hold another public determination meeting.

The decision to defer the matter was unanimous.

PANEL MEMBERS	
 Paul Mitchell (Acting Chair)	 Mary-Lynne Taylor
 Lindsay Fletcher	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SWC028 - The Hills Shire – DA1235/2018
2	PROPOSED DEVELOPMENT	Construction of four 6-25 storey residential flat buildings comprising 290 units, a neighbourhood shop and 4 levels of basement car parking.
3	STREET ADDRESS	Lot 1 DP 866565, 7 Maitland Place, Bella Vista
4	APPLICANT/OWNER	7 Norwest Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	CIV exceeding \$30million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development</li> <li>• State Environmental Planning Policy Infrastructure 2008</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• The Hills Local Environmental Plan 2012</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>• The Hills Development Control Plan 2012</li> </ul> </li> <li>• Planning agreements: Nil <ul style="list-style-type: none"> <li>• <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> </ul> </li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report – 19 September 2019</li> <li>• Written submissions during public exhibition: 7</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Support – Nil</li> <li>○ Object – Mike Bradley, Tony Knight (on behalf of the Owners Corporation)</li> <li>○ On behalf of the applicant – Robert Tasevski, Greg Dowling, Karl May and Kedar Ballurkar</li> <li>○ On behalf of Council – Cynthia Dugan and Paul Osborne</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE	<ul style="list-style-type: none"> <li>• Site Inspection – 19 September 2019 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Paul Mitchell (Acting Chair), Mary-Lynne Taylor</li> </ul> </li> </ul>

	<b>PANEL</b>	<p>and Mark Colburt</p> <ul style="list-style-type: none"> <li>○ <u>Council assessment staff</u>: Cynthia Dugan and Paul Osborne</li> <li>• Final briefing to discuss council's recommendation, 19 September 2019, 3.00pm.</li> <li>• Public Meeting – 19 September 2019</li> </ul> <p>Attendees:</p> <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Paul Mitchell (Acting Chair), Mary-Lynne Taylor and Lindsay Fletcher</li> <li>○ <u>Council assessment staff</u>: Cynthia Dugan, Robert Buckham and Paul Osborne</li> </ul>
<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	Approval
<b>10</b>	<b>DRAFT CONDITIONS</b>	Attached with Council assessment report