

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSCC-229
DA Number	DA 1302/2020/JP/A
LGA	The Hills Shire Council
Proposed Development	Division 8.2 Review of Determination of DA 1302/2020/JP for a Commercial Development Including Offices, Showroom, Food and Drink Premises and Basement Carpark.
Street Address	Lot 4026 DP 873565, 8 Solent Circuit Norwest
Applicant	EBH Investments Pty Limited
Consultant/s	Calibre Consulting Stantec Gennaoui Consulting Bates Smart Australis Tree Management WT Partnership Arcadia SCP Consulting JK Geotechnics JK Environments McKenzie Group Morris Goding Access Consulting Renzo Tonin Cermak Peterka Petersen MRA Consulting Group DSA Consulting
Date of DA lodgement	09 March 2021
Number of Submissions	Nil
Recommendation	Approval, subject to conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	CIV exceeding \$30 million (\$117,040,000)
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy Infrastructure 2007 • State Environmental Planning Policy No 55 — Remediation of Land • The Hills Local Environmental Plan 2019 • The Hills Development Control Plan 2012 <ul style="list-style-type: none"> - Part B Section 6 – Business - Part C Section 1 – Parking - Part C Section 3 – Landscaping • Any relevant planning agreement that has been entered into under section 7.4 <ul style="list-style-type: none"> - Voluntary Planning Agreement
List all documents submitted with this	<ul style="list-style-type: none"> • Plans • Design Review Panel Report

report for the Panel's consideration	<ul style="list-style-type: none"> Transport for NSW submission
Report prepared by	Cynthia Dugan - Principal Coordinator Development Assessment
Report date	June 2021 (Electronic Determination)

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)? **No**
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**
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

EXECUTIVE SUMMARY

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

- The Applicant has requested a review of determination of Development Application 1302/2020/JP under Division 8.2 of the Environmental Planning and Assessment Act, 1979, which was refused by the Panel on 16 December 2020. As the original determination was made by the Panel, the Division 8.2 review application is referred to the Panel for consideration and determination.
- As amended by the the COVID-19 Legislation Amendment (Emergency Measures - Miscellaneous) Act 2020, the review period ends on 18 December 2021. The application is substantially the same development as originally proposed being a mixed use commercial building with basement car parking.
- The Panel's decision to refuse the original application did not relate to the built form of the commercial development however was associated with unresolved matters concerning the performance of the intersection at Solent Circuit and Inglewood Place which was identified to fail upon completion of the development. Whilst three options for a roundabout design was submitted with the application, a final preferred option was not agreed to by the Applicant and Council staff. Further, the Applicant did not agree to the contribution cost of the intersection improvements as specified in the Voluntary Planning Agreement between the Applicant and Council.
- The subject application has been amended to include the construction and dedication of land for a roundabout and associated works at no cost to Council. The construction of the roundabout would occur during Stage 1 of the development. Subject to recommended conditions of consent requiring approval by the Local Traffic Committee and Council, the proposed roundabout would satisfy the provisions under Section 68 of the Local Government Act and Section 138 of the Roads Act 1993.
- The roundabout works would also include land dedication of approximately 12.59m² from the land at Lot 2 DP1213270, 2 Century Circuit, owned by Christian Life Centre Limited (Hillsong). Owner's consent has been provided by Hillsong.
- The proposal has been assessed under the provisions of The Hills LEP 2019 and is considered to be satisfactory. The proposal comprises a maximum height of RL118.35 which complies with the maximum height standard of RL126 under the LEP. The proposal comprises a Floor Space Ratio (FSR) of 2.2:1 (gross floor area of 25,850m²) which complies with the maximum FSR standard of 2.2:1 under the LEP.
- The proposal has been reviewed by Council's Design Excellence Panel (DEP) and demonstrates design excellence in accordance with Clause 7.7 of the LEP.
- The proposal has been assessed under the provisions of The Hills DCP 2012 and variations have been identified with respect to setbacks, loading bays and car parking. These variations are supported as the proposal demonstrates that the objectives of the controls are still achieved.
- The proposal was referred to Transport for NSW in accordance with Clause 104 of SEPP (Infrastructure). Transport for NSW provided a submission to the proposal requesting the Applicant provide SIDRA modelling for a nearby intersection at Norwest Boulevard/Reston Grange/Solent Circuit to assess the impact and need for upgrading or improvement works (See Attachment 12). It is considered that this

request is not warranted as upgrades have already been identified for this intersection, strategic estimates for the upgrade works will be recommended upon completion of a full traffic analysis of the Norwest Business Park by the Project Coordination Group and the works will be partially funded by Contributions Plan 12.

- The application was notified for 14 days and no submissions were received during the notification period.

The application is recommended for approval subject to conditions.

BACKGROUND

A site specific planning proposal was submitted to Council on 11 January 2018 under 11/2018/PLP to increase the maximum FSR of the subject site by 120% (14,000m² gross floor area) from 1:1 to 2.2:1 and increase the maximum height from RL116 (approximately 8 storeys) to RL 126 (approximately 10 storeys). The Plan was gazetted on 28 February 2020. As part of the Planning Proposal, a Voluntary Planning Agreement (VPA) was entered into by Council and EBH Investments Pty Ltd (the Applicant) in May 2019. The VPA set out a monetary contribution of \$1.2 million to Council by the Developer, exempts the Developer from paying Section 7.11/7.12 contributions and stipulates that the Developer, at its cost, agrees to provide all road infrastructure required under the Development Consent.

The original Development Application was lodged on 8 April 2020. The Development Application did not include the construction of the roundabout or dedication of land required at Solent Circuit and Inglewood Place as part of the proposal.

On 16 December 2020, the Sydney Central City Planning Panel refused Development Application 1302/2020/JP for a Commercial Development including commercial office floor space, showrooms, food and drink premises and basement car parking over two stages.

The reasons for refusal were on the following grounds:

1. *The proposal is not in the public interest as the development would result in the failure of an existing intersection at Solent Circuit and Inglewood Place and no provision has been made for improvement works to be undertaken. Whilst concept roundabout design options were submitted by the Applicant, inadequate arrangements have been made to make that road infrastructure available when it is required.*

(Section 4.15(1)(e) of the Environmental Planning and Assessment Act, 1979).

2. *The proposal has not satisfactorily addressed the potential for traffic safety and road congestion of the traffic generating development and does not satisfy Clause 104 (3) of SEPP (Infrastructure) 2007.*

(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979).

3. *The proposal is contrary to the aims of The Hills Local Environmental Plan 2019 as the development does not result in balanced urban growth as the provision for efficient and safe transport infrastructure required to accommodate the development has not been resolved.*

(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979).

4. *The proposal is contrary to the provisions of The Hills Local Environmental Plan 2019 in regards to Clause 7.7 (4) Design Excellence. The proposal does not meet the provisions under as subclause (f)(x) which requires the development to address the impact on, and any proposed improvements to, the public domain.*

(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979).

5. *The proposal does not provide the required front setbacks under The Hills DCP Part B Section 6 – Business and further land acquisition for the upgrade works required for the intersection at Solent Circuit/Inglewood Place would further reduce the front setbacks proposed.*

(Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979).

6. *The proposal is not in the public interest as a result of its departure from the requirements under The Hills LEP 2019, SEPP (Infrastructure) 2007, The Hills DCP 2012 and submissions received from Transport for NSW.*

(Section 4.15(1)(d) and (e) of the Environmental Planning and Assessment Act, 1979).

The subject Division 8.2 Review of Determination for Development Application 1302/2020/JP was lodged on 8 March 2021.

Council officers provided a briefing of the application to the Panel on 21 April 2021. The Panel noted that a condition will be proposed that all roadworks must be undertaken as part of Stage 1 works before the commencement of Stage 2. The Panel also requested that any statutory requirements that may arise as a result of Council's ownership of the roads affected by this application are appropriately considered. Council staff have considered the relevant statutory requirements and have determined that recommended conditions requiring the design of the roundabout to be endorsed by the Local Traffic Committee and approved by Council (refer condition 25 d. and e.) would satisfy the provisions under Section 138 of the Roads Act 1993 and Section 68 of the Local Government Act.

The Design Excellence Panel (DEP) reviewed the original proposal on 10 June 2020. The Panel concluded that the application satisfies the requirements for the Design Excellence clause and exhibits design excellence, subject to Council's DA Officer being satisfied that the application has addressed the minor issues raised in this report. In particular, the DEP supported the proposed reduction in 20m setback for Building A at the south-eastern corner, in principle, provided that the roundabout design and safety of pedestrians and patrons around the retail corner are both resolved. As these issues have been resolved with the inclusion of the construction of the roundabout design as part of the subject application and an appropriate design and landscaping outcome has been achieved, it is considered that the amended application need not return to the DEP for further review.

Additional information relating to landscaping, traffic and engineering matters was requested on 7 and 27 May 2021. Additional information relating to these matters were received on 8 June 2021.

DETAILS AND SUBMISSIONS

Owner:	EBH Investments Pty Ltd
Zoning:	B7 Business Park
Area:	11,750m ²
Existing Development:	Two storey commercial office and warehouse building with associated at-grade

	car parking
Section 7.11 Contribution	No, however a Planning Agreement has been entered into between Council and EBH Investments Pty Ltd dated May 2019. The planning agreement sets out a monetary contribution of \$1.2 million to Council, exempts the Developer from payment of Section 7.11/7.12 contributions and stipulates that the Developer, at its cost, agrees to provide all required road infrastructure under the Development Consent
Notice Adj Owners:	Yes, 14 days.
Number Advised:	60
Submissions Received:	Nil

PROPOSAL

The proposal seeks a Review of Determination under Division 8.2 of the Environmental Planning and Assessment Act 1979 for a two staged commercial development which was refused by the Panel. The application has been amended to include intersection improvements at Solent Circuit and Inglewood Place. More specifically, the following additional works are proposed as part of the amended application:

- Construction of a mountable roundabout and reconfiguration of road to accommodate the roundabout design
- Two exit lanes from Inglewood Place
- Reshaping existing batters within 8 Solent Circuit
- Reshaping the existing median strips along Solent Circuit
- Provision of pedestrian crossing on Solent Circuit
- Provision of concrete islands for deflection
- Provision of line marking and traffic signage
- Minor public footpath and driveway crossing works over Lot 2 DP1213270 (Hillsong) due to the inclusion of the roundabout
- Relocation of existing infrastructure including:
 - Relocation of stormwater pits to new kerb lines
 - Relocation of existing water appurtenances/fittings behind new kerb line
 - Relocation of telecommunication pits into new verge

The construction of this roundabout will occur with Stage 1 of the proposed development. The proposed roundabout works require dedication of approximately 91.47m² from the subject site at 8 Solent Circuit and approximately 12.59m² from the land at Lot 2 DP1213270, 2 Century Circuit, owned by Christian Life Centre Limited (Hillsong). The construction and dedication of the required land for the roundabout and associated works are proposed at no cost to Council.

The original proposal for a commercial development to be completed in two stages remains as follows:

Stage 1:

- Demolition of existing office and warehouse premises
- Removal of selected trees on site
- Basement excavation/shoring works
- Construction of an 8 storey commercial building (Building A) consisting of:

- 10,432m² GFA of commercial office floor space
- 802m² GFA of ground floor showroom, ancillary to commercial office use
- 379m² GFA lower ground café
- End of trip facilities and rooftop plant
- Provision of embellished entry plaza, above ground lawn and pedestrian through-site link
- Other landscaping works including temporary landscaping over the Stage 2 site area
- Provision of lower ground café consisting of 93m² GFA below lawn
- Partial construction of five levels of shared lower ground and basement car parking consisting of 479 car parking spaces, 179 bicycle spaces and 32 motorcycle spaces
- Provision of a two-way ingress and egress driveway off Solent Circuit
- Provision of loading area including waste and recycling areas for Building A via Solent Circuit driveway

Stage 2:

- Removal of selected trees on site
- Excavation/shoring works to accommodate the remainder of the basement
- Construction of an 7-8 storey commercial building (Building B) consisting of:
 - 13,546 m² GFA of commercial office floor space
 - 416m² GFA of ground floor showroom, ancillary to commercial office use
 - 139m² GFA Ground floor café
 - Rooftop plant
- Remainder of landscaping works
- Construction of remainder of the five-level shared lower ground and basement car parking consisting of 419 car parking spaces and 14 motorcycle spaces
- Stormwater treatment works
- Provision of a two-way ingress and egress access driveway off Inglewood Place
- Construction of pick-up/drop off area within the Inglewood Place setback area
- Provision of loading area for Building B via Inglewood Place driveway

A maximum height of RL 118.35m is proposed.

The proposed total gross floor area of 25,879m² results in a floor space ratio of 2.2:1. A total of 882 car parking spaces (including 22 tandem spaces and 9 smaller spaces) are provided. 46 motorcycle bays and 179 bicycle spaces are also included on the plans.

The proposed development has a Capital Investment Value of \$117,040,000.

STRATEGIC PLANNING FRAMEWORK

a. Sydney Region Plan – A Metropolis of Three Cities

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

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

The proposed development would provide additional jobs and a choice of modern office space close to where people live, in a location that has good access to services. The proposal will enhance the global competitiveness of Norwest Business Park.

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

b. Central City District Plan

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

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

ISSUES FOR CONSIDERATION

1. Division 8.2 of the Environmental Planning and Assessment Act, 1979

Division 8.2 of the Environmental Planning and Assessment Act, 1979 allows an applicant to request a review of determination of a consent authority under Part 4 Development Assessment and consent. Section 8.3 requires that any determination or decision cannot be reviewed after the period within which any appeal may be made to the Court has expired if no appeal was made. As amended by the the COVID-19 Legislation Amendment (Emergency Measures – Miscellaneous) Act 2020, the review period is 12 months after the determination notification date during the 6 month period immediately before the prescribed period commencing on 25 March 2020 and ending on 25 March 2022.

The Development Application was refused by the SCCPP on 16 December 2020 and the decision was notified on 18 December 2020. In this regard, the review period ends on 18 December 2021 and the decision must be finalised before this date.

The review of determination made by a Sydney district or regional planning panel is also to be conducted by the panel. In this instance, as the original determination was made by the Sydney Central City Planning Panel, therefore the Division 8.2 review is referred to the Sydney Central City Planning Panel for consideration and determination.

On 16 December 2020, the original application was refused by the Sydney Central City Planning Panel for the reasons outlined in Attachment 15.

As permitted under Section 8.3 (3) of the Act, the applicant has amended the proposed development from the original application which includes the provision of a roundabout at the intersection of Solent Circuit and Inglewood Way. The reduced setbacks and amended landscaping and public domain interface is considered to be appropriately designed with respect to the public domain. The proposed mixed use commercial development is still considered to be substantially the same development as the original proposal. The matters raised in the reasons for refusal have subsequently been addressed in the amended proposal under the subject review application.

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

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

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

The proposed development has a capital investment value of \$117,040,000 thereby requiring referral to, and determination by, a Regional Planning Panel.

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

3. 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 JK Environments. The investigation found that the subsurface conditions including any heavy metals, TRH, BTEX,

PAHs, OCPs and OPPs, PCB's and asbestos were all below the Site Assessment Criteria. The investigation concludes that the site can be made suitable for the proposed development subject to a complete detailed site investigation to address the data gaps which would include additional soil sampling, groundwater sampling and waste classification assessment; and complete a hazardous building material assessment for the site structures.

In this regard, condition 22 is recommended in the development consent to ensure that the site is suitable for the proposed development with regard to land contamination and the provisions of SEPP 55.

4. State Environmental Planning Policy (Infrastructure) 2007

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

Traffic generating development

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

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

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

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

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

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

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

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

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

(b) take into consideration:

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

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

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

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

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

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

Comment:

The proposal is categorised as traffic generating development pursuant to Schedule 3 of the SEPP. The SEPP requires development to be referred to the Transport for NSW (previously Roads and Maritime Service) where a commercial premises results in a gross floor area of 10,000m². The proposed development results in a gross floor area of 25,850m².

The Development Application was referred to Transport for NSW for review. Transport for NSW have raised concerns regarding the impact of the proposed development on the nearby intersection at Norwest Boulevard/Reston Grange/Solent Circuit. Refer Attachment 14. The following concerns were raised:

- 1. It is noted from the traffic report provided by Gennaoui Consulting that a roundabout is proposed at the intersection of Solent Circuit/Inglewood Place to mitigate the impact of the development. The proposed roundabout would have potential impact at the intersection of Norwest Boulevard/Reston Grange/Solent Circuit due to close proximity of the two intersections. TfNSW advises that the intersection of Norwest Boulevard/Reston Grange/Solent Circuit should be modelled/assessed together with the proposed roundabout to understand the impact on the road network.*

The impact and the need/associated funding for upgrading or road improvement works should be investigated (if required).

- 2. The intersections should be modelled in SIDRA NETWORK for both existing and future year 2036 scenarios. The cumulative traffic impact of the development with other developments in the area should be assessed.*
- 3. Swept path plans should be provided for the longest vehicle using the roundabout for all turning movement at the intersection. The provided swept path analysis seems to be missing some turning movements.*

Since November 2005, Council's Infrastructure and Transport Planning section have been developing a Traffic Masterplan for various intersection improvements within the Norwest Business Park including the intersection at Norwest Boulevard/Solent Circuit/Reston Grange. Discussions relating to the design and funding of these improvement works

including upgrade works required at the intersection of Norwest Boulevard/Solent Circuit/Reston Grange have been held with the Network Planning Section in Transport for NSW (previously RTA) since the early stages of the master planning process. A Norwest Boulevard Corridor Investigation carried out for Transport RMS Network Sydney West Precinct Network Development was conducted in April 2017 which details road widening along Norwest Boulevard and intersection upgrades required at this intersection. In addition, the upgrade works to be carried out at this intersection have been referenced in letters from RMS for nearby Development Applications including DA 1170/2017/HA for a four storey commercial building at 2 Century Circuit, Baulkham Hills which was approved on 2 February 2018.

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

It is also noted that in recognition of the intersection upgrade required at Norwest Boulevard/Solent Circuit/Reston Grange, Council has included Contribution Item CP12BRT4 in the Balmoral Road Release Area Contributions Plan that provides partial funding for this intersection upgrade.

In this regard, the request for additional SIDRA modelling at this intersection in TfNSW's letter for the subject application is redundant as it is evident that the intersection is already approaching level of service F, strategic estimates for the upgrade works will be recommended by the Project Coordination Group and the works will be partially funded by CP12.

It is noted that the Applicant has provided additional swept path plans for the longest passenger, service and prime mover and semi-trailer using the roundabout for all turning movements at the intersection.

In this regard, the potential for traffic safety and road congestion of the development have been satisfactorily addressed and satisfies Clause 104 (3) of SEPP (Infrastructure) 2007.

5. The Hills Local Environmental Plan 2019

a. Permissibility

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

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

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

(a) a restaurant or cafe,

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

The proposal comprises office premises with ancillary showrooms and food and drink premises. It is noted that the showrooms are considered ancillary, and subservient to the dominant purpose of office premises. In this regard, the proposed uses are permitted within the B7 Business Park zone under the provisions of LEP 2019.

The subject proposal satisfies the provisions for permissibility with respect to LEP 2019.

b. Aims of Plan

The aims of the Plan are as follows:

- (a) to guide the orderly and sustainable development of The Hills, balancing its economic, environmental and social needs,*
- (b) to provide strategic direction and urban and rural land use management for the benefit of the community,*
- (c) to provide for the development of communities that are liveable, vibrant and safe and that have services and facilities that meet their needs,*
- (d) to provide for balanced urban growth through efficient and safe transport infrastructure, a range of housing options, and a built environment that is compatible with the cultural and natural heritage of The Hills,*
- (e) to preserve and protect the natural environment of The Hills and to identify environmentally significant land for the benefit of future generations,*
- (f) to contribute to the development of a modern local economy through the identification and management of land to promote employment opportunities and tourism.*

The proposal is contrary to the aims of LEP 2019 as the development does not result in balanced urban growth as the provision for efficient and safe transport infrastructure required to accommodate the development has not been resolved.

c. Zone Objectives

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

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

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

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

d. Development Standards

The following addresses the principal development standards of the LEP:

CLAUSE	REQUIRED	PROVIDED	COMPLIES
4.3 Height	RL 126	RL 118.35	Yes
4.4 Floor Space Ratio	2.2:1 25,850m ²	2.2:1 25,850m ²	Yes
7.7 Design Excellence	Development consent must not be granted unless the development exhibits design excellence	Proposal referred to Council's Design Excellence Panel.	Yes, refer to discussion below.

(i) Clause 7.7 Design Excellence

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

- (a) *whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
- (b) *whether the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain,*
- (c) *whether the development detrimentally impacts on view corridors,*
- (d) *whether the development detrimentally impacts on any land protected by solar access controls established under a development control plan,*
- (e) *the requirements of any development control plan to the extent that it is relevant to the proposed development,*
- (f) *how the development addresses the following matters:*
 - (i) *the suitability of the land for development,*
 - (ii) *existing and proposed uses and use mix,*
 - (iii) *heritage issues and streetscape constraints,*
 - (iv) *the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*
 - (v) *bulk, massing and modulation of buildings,*
 - (vi) *street frontage heights,*
 - (vii) *environmental impacts such as sustainable design, overshadowing, wind and reflectivity,*
 - (viii) *the achievement of the principles of ecologically sustainable development,*
 - (ix) *pedestrian, cycle, vehicular and service access, circulation and requirements,*
 - (x) *the impact on, and any proposed improvements to, the public domain,*
 - (xi) *the configuration and design of public access areas, recreation areas and communal open space on the site and whether that design incorporates exemplary and innovative treatments,*
- (g) *the findings of a panel of 3 or more persons that has been convened by the consent authority for the purposes of reviewing the design excellence of the development proposal.*

Comment:

The design excellence of the proposal was considered at two Design Excellence Panel meetings convened by Council and held on 13 November 2019 (prior to lodgment of the Development Application) and 10 June 2020. The meeting minutes of the Design Excellence Panel are included at Attachment 13. At the end of the last meeting, the Design Excellence Panel concluded that:

“The Panel is of the opinion that the application satisfies the requirements of the Design Excellence clause and exhibits Design Excellence. The Panel commends the design team for a well-conceived design that prioritises the pedestrian and worker experience; and contributes positively to the public domain and future character of the Norwest Business Park.

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

The following recommendations were made by the Design Review Panel:

1. The Panel noted the impact of cold prevailing winter winds on pedestrian comfort at the ground plan may require mitigation and further investigation is recommended.
2. The Panel notes the roundabout has not been incorporated into the development design documentation and recommends this be resolved to Council and authority satisfaction given potential impacts on the site and the proposal. The Panel supports the proposed reduction in 20m setback for Building A at the south-eastern corner, in principle, provided that the roundabout design and safety of pedestrians and patrons around the retail corner are both resolved.
3. The proposed roundabout at the intersection of Solent Circuit and Inglewood Drive may require land acquisition and consequential impacts upon the design of the corner element of the development. It is recommended further design and detail of the roundabout be progressed prior to the DA development to ensure the design intent is not compromised.
4. The Panel queried provision of open mezzanine terraces to Building A and not Building B noting that both buildings would potentially benefit from this breakout space provision.
5. The Panel sought clarification of the design intent of the stepped parapet planter profile over the car park entry from Solent Circuit.
6. All details for screening and placement of services are to be included in the DA documentation to Council Officer’s satisfaction.

The application has been amended to address the above recommendations. In particular the following is noted:

1. Further investigation regarding pedestrian comfort during winter winds at the ground plane of the Inglewood Lawn and pedestrian laneway has been undertaken. The Application has noted the following:

“The proposed tree provision will assist in mitigating wind and provide more protection and comfort for pedestrians...proposed trees above car parking are generally situated within the pedestrian laneway, which are small to medium sized

trees with a mature size of 14m high x 5m wide and are provided with minimum soil depths of 800mm in the pedestrian laneway. The typical section for the pedestrian laneway shows 950mm and 992mm soil depths can be achieved. The other tree at the end of the southern end of the pedestrian pathway over basement car parking is a Zelkova Green Vase, which has been provided with a minimum 1200mm soil depth”.

2. The subject application has been amended to incorporate a roundabout into the development design documentation and is now resolved to Council officer's satisfaction. The reduced setback still provides an appropriate landscape and design outcome and provides safety of pedestrians and patrons around the retail corner by the installation of circular concrete bollards at the south-east corner.
3. Detailed design and documentation of the roundabout has been submitted with the amended application. The proposed roundabout works require dedication of approximately 91.47m² from the subject site at 8 Solent Circuit and approximately 12.59m² from the land at Lot 2 DP1213270, 2 Century Circuit, owned by Christian Life Centre Limited (Hillsong). Owners consent has been provided by Hillsong. The construction and dedication of the required land for the roundabout and associated works are proposed at no cost to Council.
4. The Applicant has indicated that the provision of open mezzanine terraces to Building A and Building B could be accommodated subject to future tenant requirements. The architect has confirmed that *“exact technical requirements of the mezzanine terraces can be further developed at CC stage to allow for drainage or other service requirements”*.
5. The architect has confirmed that *“the stepped planter design intent is to reduce the perceived wall height against the plaza by introducing a secondary element setback from the edge of the masonry parapet. The element will contain the soil build-up and allow for plants to ‘spill-over’ the parapet edge. The planter wall will be irrigated, contain hard species and maintained by building management to ensure long-lasting growth”*.
6. An amendment in red in condition No. 1 has been recommended requiring all utility services in the public domain are to be screened or as required by the relevant service provider.

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

With regard to Clause 7.7(4)(b), the building height of the roof level and pedestrian plaza and high level of architectural design ensures that the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain.

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

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

With regard to Clause 7.7(4)(e), the proposed development has been assessed in detail and addressed in Section 6 below.

With regard to Clause 7.7(4)(f), subclause (x) requires the development to address the impact on, and any proposed improvements to, the public domain. The application has been amended to include public domain improvements including the provision of a roundabout and associated works at the intersection of Solent Circuit and Inglewood Place.

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

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

6. Compliance with The Hills Development Control Plan 2012

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

DEVELOPMENT CONTROL	DCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
Part B Section 6 – Business Clause 2.5 Setbacks	<p>Front Setbacks for Corner Lot:</p> <p>Minimum 20m with no parking forward of the building line to the primary road frontage</p> <p>20m to the secondary road however parking is permitted to be provided forward of the building line (secondary road frontage) to a minimum setback</p> <p>Building setbacks on corner lots are to be splayed to provide adequate sight lines at road intersections.</p> <p>Side/Rear Setbacks: Minimum 10m except in the case of car parking where a 5m setback applies provided the first 5m is landscaped to screen car parking.</p>	<p>Solent Circuit: 6.7m – 45m (Building A) 10m (Upper ground lawn/internal car park entrance/café structure)</p> <p>Inglewood Place: 6.7m – 20m Inglewood Place</p> <p>Noted - splayed corner at Solent and Inglewood</p> <p>Western – 10m</p> <p>Northern – 5m</p>	No. The variation occurs to the south eastern corner of Building A and the upper ground lawn/café structure. This is further discussed below.
Part B Section 6 – Business Clause 2.18 Loading Docks	For offices (GFA), 1 loading bay is required for 1,860m ² , 1 for next 3,720m ² , 1 for next	2 loading bays and 6 courier bays upon completion of Stage 2.	No, however considered to be commensurate with size of mixed use

DEVELOPMENT CONTROL	DCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
and Part C Section 1 – Parking	3,720m ² and 1 for each extra 9,250m ² . Therefore, 5 bays required for office GFA of 25,196m ²		commercial development. Refer to discussion below.
Part C Section 1 - Parking	<p>Stage 1 <u>Commercial premises</u> require 1 space per 25m². Commercial GFA 10,432m². 418 spaces required.</p> <p><u>Ancillary Showroom</u> GFA 802m², no rate specified. Assessed on merit at 1 space per 40m² GFA. 20 spaces required.</p> <p><u>Restaurant or café</u> within commercial office building requires 1 space per 25m². For 472m² GFA, 19 spaces required.</p> <p>Total required for Stage 1: 457 spaces</p> <p>Stage 2 <u>Commercial</u> GFA 13,546m², 542 spaces required.</p> <p><u>Ancillary Showroom</u> GFA 416m², no rate specified. Assessed on merit at 1 space per 40m² GFA. 10 spaces required.</p> <p><u>Restaurant or café</u> within commercial office. For 139m² GFA, 6 spaces required.</p> <p>Total required for Stage 2: 558 spaces</p>	<p>Stage 1 LG/UB – 33 spaces B1 – 101 spaces B2 – 112 spaces B3 – 112 spaces B4 – 113 spaces</p> <p>Total spaces provided for Stage 1: 471 spaces (not including tandem spaces)</p> <p>Stage 2 LB/UG – 55 spaces B1 – 85 spaces B2 – 86 spaces B3 – 86 spaces B4 – 86 spaces</p> <p>Total spaces provided for Stage 2: 398 spaces (not including tandem)</p>	No, shortfall of 163 car parking spaces for the development. This is further discussed below.

DEVELOPMENT CONTROL	DCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
	Total car spaces required for both stages: 1,032 spaces	Total car spaces provided for both stages: 869 spaces (not including tandem spaces) or 882 spaces (including tandem and small car spaces)	

a. Setbacks

i) Front Setback

The DCP requires a 20m front setback to the primary road frontage and a 20m setback to the secondary road frontage. The subject proposal includes a 6.7m setback at the splayed corner of Solent Circuit (primary frontage) and Inglewood Place (secondary frontage) and a 10m setback for the upper ground lawn/internal car park entrance/café structure. The variation to the front setbacks are highlighted in red in the below figure:

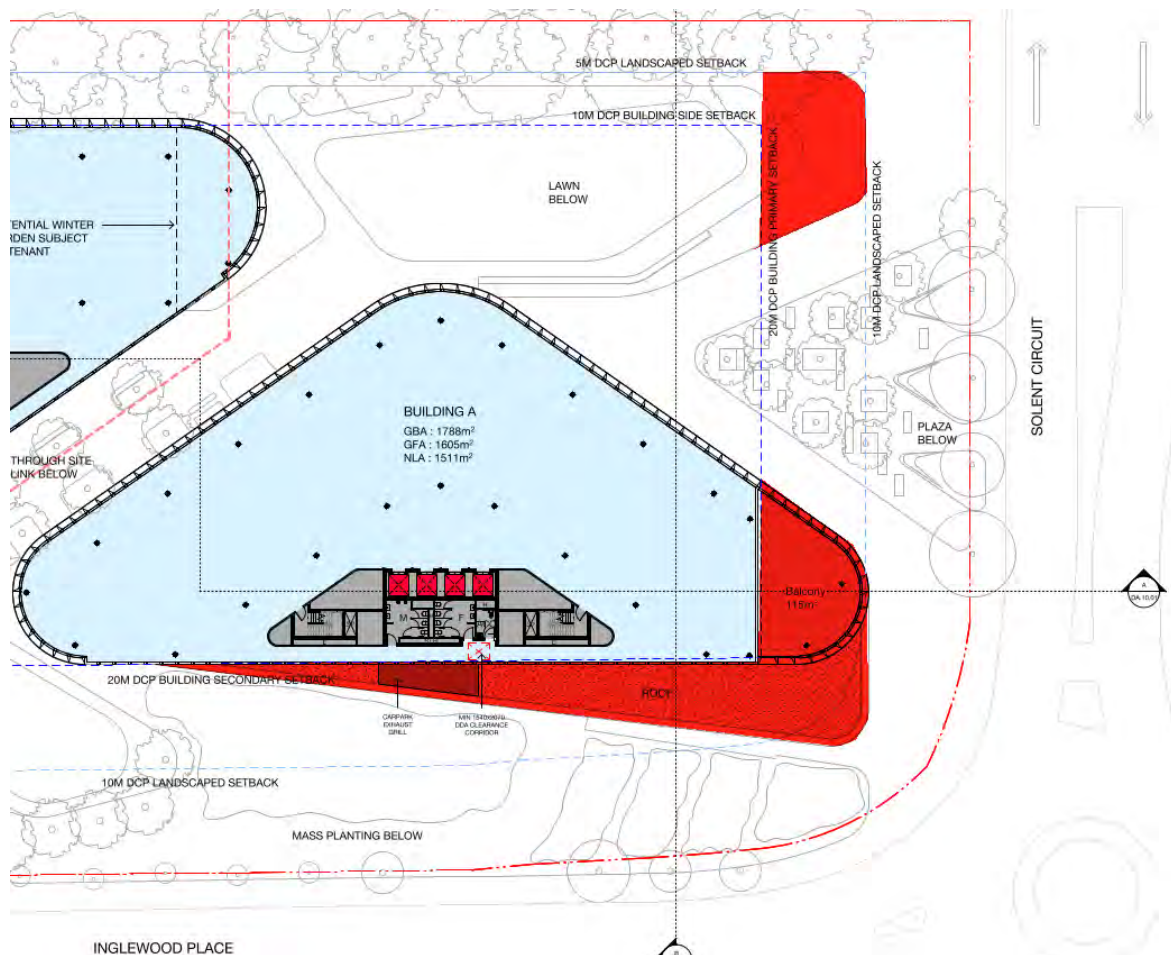


Figure 1: Diagram indicating variation to front setbacks for Building A

The Applicant has provided the following justification for the variation:

The variation to the setback control seeks to achieve a more open and welcoming frontage to Solent Circuit, and the creation of an activated and substantially landscaped plaza area with surrounding retail tenancies framing the plaza. Solent Circuit is now a highly attractive streetscape, and therefore has achieved a better public outcome.

The Design Report had detailed the design strategy which explains the manipulation of the permissible building envelope, to create a through site link and frame a public space that engages with the street. A broad frontage to Solent Circuit as sought to be avoided and therefore a portion of the volume of Building A was redistributed.

A 6.7m setback is achieved at the closest point of the building at the south-eastern corner of the site. The corner setback of the original development application was 10m.

It is noted that the Design Excellence Panel provided in-principle support for the original setback for building A at the south-eastern corner, "provided that the roundabout design and safety of pedestrians and patrons around the retail corner are resolved". It is believed that the proposed treatment to the south-eastern corner in the amended architectural drawings showing concrete bollards and the 450mm planter boxes in the soft landscaping area is an appropriate approach to mitigate concerns around the safety of pedestrians and patrons around the retail corner.

Whilst the setback has reduced slightly, it is believed that the proposed 6.7m setback as a result of the inclusion of the roundabout is supportable given this setback applies to a very small portion of the site. The 6.7m setback will not result in additional overshadowing or privacy impacts to adjoining properties than the previous 10m setback, given it is the property boundary not the siting of the building that has changed. Minimal landscaping has been impacted by the roundabout design and the streetscape is still visually pleasing.

With respect to the elevated lawn and café underneath, it was created to provide a sense of enclosure to the plaza area. The plaza area is intended to be an area accommodating higher levels of activity, with the above ground plaza being a quieter environment. Inglewood Place generally has a setback frontage of 20m. A minor variation is proposed to this setback as a portion of the lower ground and ground floor (podium) of Building A protrudes the 20m setback line to a variable setback of 11.585m. The podium, with the upper levels setback, creates additional articulation of the building. When viewing the corner of Solent Circuit and Inglewood Place, the projecting podium generates a strong visual interest to the building and draws the eye to the corner of the building...it is also noted that the proposed development has provided two separate buildings instead of one large building footprint, allowing the facilitation of a well-designed and integrated public domain for a work environment that is people oriented. Therefore there is significant public benefit as a result of the site arrangement and massing of the proposed development that outweighs the setback variation to the road frontages.

Comment:

The relevant objectives of Clause 2.5 Setbacks under Part B Section 6 Business are:

- *To provide an attractive streetscape and substantial areas for landscaping and screen planting.*
- *To ensure adequate sight distance is available for vehicles entering and leaving the site.*
- *To minimise overshadowing of adjoining properties.*
- *To protect privacy and amenity of any adjoining land uses.*
- *To provide a desirable and aesthetically pleasing working environment.*
- *To ensure endangered ecological communities are protected.*

Site plan of Building A showing internal layout, external plaza, and surrounding context. The plan includes rooms like CAFE GLAR, BLDG A SWITCH ROOM, COMMS, ACC LIFT, STORE, MDF ROOM, EOT MALE, EOT FEMALE, EOT PLANT, and CAFE GLAR. It also shows external features like a PLAZA, BOLLARDS, and a 450MM HIGH RAISED PLANTER. Red lines indicate distances of 10m, 25m, 31m, and 41m. The total building area is 515m². The plan is oriented with Solent Circuit to the right and a Boomgate to the top right.

With respect to the elevated lawn and café underneath, the variation only occurs to approximately 40m² Gross Floor Area of the café. Despite the variation, the proposal allows for a built form that encloses the plaza area and results in a well-designed and integrated public domain for a work environment. The landscape plans submitted indicate substantial

With respect to the elevated lawn and café underneath, the variation only occurs to approximately 40m² Gross Floor Area of the café. Despite the variation, the proposal allows for a built form that encloses the plaza area and results in a well-designed and integrated public domain for a work environment. The landscape plans submitted indicate substantial

deep soil areas and tall canopy trees would be planted within the street frontages to provide for an attractive landscaped setting. Refer figure 3 below.

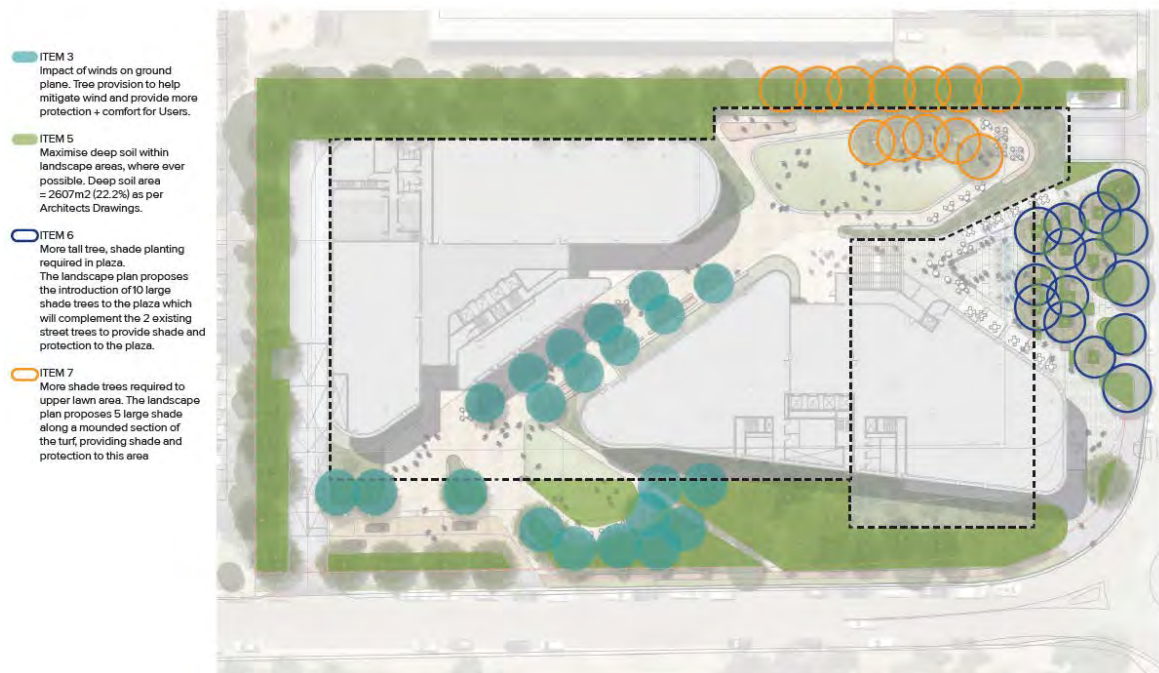


Figure 3: Landscape Design Diagram

It has been demonstrated that the proposed development can achieve an attractive streetscape and substantial areas for landscaping and screen planting, provides a safe, desirable and aesthetically pleasing working environment whilst maintaining the amenity of adjoining properties. In this regard, the variation to the front setbacks control is supported.

ii) Side Setback

The DCP requires a minimum 10m side setback to adjoining industrial or business uses except in the case of car parking where a 5m setback applies provided the first 5m is landscaped to screen car parking. The subject proposal includes an upper ground lawn and car parking entrance structure which encroaches to the northern side setback by 5m.

The Applicant has provided the following justification for the variation:

A 5-10m setback is provided at the lower ground and ground floor level, with the upper ground lawn and internal car parking entrance structure contributing to the minor setback variation, providing the 5m setback to the property boundary with 10 Solent Circuit. Building B maintains a 10m setback. This side setback of 5-10m is fully landscaped with mature trees to provide appropriate screening from the adjoining development. The adjoining development at No. 10 Solent Circuit, will not be adversely impacted with respect to overshadowing and privacy from the minor setback variation, given that the car parking entrance structure is low lying, with the height of the structure not more than 1 storey above existing ground level.

Comment:

As above, the relevant objective of the Setbacks control is to *minimise overshadowing of adjoining properties, protect privacy and amenity of any adjoining land uses and provide a desirable and aesthetically pleasing work environment.*

Given the location of the site being on a corner lot, the variation to the northern side setback would not result in further overshadowing of adjoining properties. With respect to the privacy and amenity of adjoining land uses, the upper lawn area known as “the Vista” would be adequately screened by dense vegetation along the northern side setback. The submitted landscape plans indicates that landscape screening including *eucalyptus scopria* and *eucalyptus saligna* trees which grow to a mature height of 10m and 30m respectively will be provided. This would ensure there is sufficient screening to protect the privacy and amenity of the adjoining commercial land use to the north at No. 10 Solent Circuit. In this regard, the variation to the side setback control is supported.

b. Loading and Delivery Requirements

The DCP requires that for offices, 1 loading bay is required for 1,860m² Gross Floor Area, 1 for the next 3,720m², 1 for next 3,720m² and 1 for each extra 9,250m². In accordance with this rate, 5 bays are required for office GFA of 25,196m². The proposal provides for 2 loading bays and 6 courier bays upon completion of Stage 2.

The Applicant has provided the following justification for the variation:

The development will provide eight service bays which comprise two loading docks which can both accommodate up to a Medium Rigid Vehicle (MRV) and six courier bays in the basement car park.

This is considered an adequate provision to serve the demands of the proposed development. As aforementioned, the development will predominantly be commercial/office spaces and the primary servicing requirements will be waste collection and small-scale deliveries (e.g. couriers). As such, five separate loading docks are considered to be excessive for a development of this size.

It is also expected that the largest vehicle, requiring access to the site, will be the refuse vehicle. The assessment undertaken by the Waste Management Report indicates that an MRV will be adequate to remove the estimated waste generated by the proposed development. As such, waste collection will be undertaken by a private contractor.

The showroom and small food/beverage premises are also not expected to require vehicles larger than an MRV to service its requirements.

Nevertheless, a loading dock management plan (LDMP) is recommended to be prepared, in due course, to manage the operation of the two loading docks and the courier bays.

Comment:

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

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

It is considered that the loading and delivery proposed with the development is sufficient for the mixed use development. The Applicant has indicated that a loading dock management plan could be prepared to manage the operation of the two loading docks and the courier bays. To avoid any vehicular conflicts and ensure the safe operation of loading docks condition 97 has been recommended in the consent requiring a Dock Management Plan to be prepared to the satisfaction of Council to promote safe and efficient operation of the proposed loading docks and to avoid approaching trucks having to wait on public roads. The plan must address the following:

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

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

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

c. Car Parking

The DCP requires that commercial premises and restaurants/cafes within commercial office buildings be provided with 1 car space per 25m² GFA. Application of these rates results in a requirement of 1,032 car parking spaces for the proposed development. The proposal provides 869 car parking spaces (not including tandem spaces) which results in a shortfall of 163 spaces.

The Applicant has provided the following justification:

It is acknowledged that the proposed car parking provision does not meet the DCP requirements; however it is considered appropriate for the following reasons:

- *The proximity of the site to the Norwest Metro Station is approximately 400m walking distance. This is well within the walking catchment for a rail station, typically 800m;*
- *The recommended rate for commercial/office and food and beverage premises is 1 space per 40m² GF (Bella Vista Station Precinct Recommended Development Control Plan Amendments – The Hills);*
- *Over the next few years, with the level of potential growth in commercial, retail and residential developments within the Norwest Business park and more particularly the Circa and Bella Vista Precincts following recent completion of Sydney Metro's Norwest line, the area will become considerably larger;*
- *A parking rate of 1 space per 25m² GFA does not encourage a mode shift away from private vehicles. It is important to encourage more sustainable modes of transport to and from the site; and*
- *A Green Travel Plan and Transport Access Guide can be prepared in due course to highlight the alternative travel mode options available to new employees, visitors and guests of the development, with the aim to achieve sustainable travel mode shifts.*

Comment:

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

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

The Applicant has indicated that 898 car parking spaces including 22 tandem spaces are provided however this figure is not reflected on the plans. The plans indicate 869 spaces (not including tandem spaces).

The DCP rate of 1 space per 25m² GFA applies to all commercial office and restaurant/cafes within commercial office buildings in the Hills Local Government Area. Whilst there is no DCP rate for showrooms, the uses are ancillary to commercial office spaces and a rate of 1 space per 40m² has been applied.

For Stage 1, the proposed commercial office, ancillary showroom and restaurant/cafe uses would require 474 spaces. The proposal includes 471 parking spaces which is a shortfall of 3 spaces. For Stage 2, the proposed commercial office, ancillary showroom and restaurant/café uses would require 558 spaces. The proposal includes 398 spaces for Stage 2 and 869 spaces for the entire development. At the completion of the development, there would be a shortfall of 163 spaces.

Notwithstanding, The DCP applies a rate of 1 space per 40m² GFA to commercial offices within the Centres of Castle Hill Major Centre, Baulkham Hills Town Centre and Rouse Hill Major Centre which is consistent with the rate recommended by RMS in their Guide for Traffic Generating Developments. The site is located within Norwest Business Park which has been identified as a strategic centre under the Sydney Region Plan. The subject development is located approximately 400m from Norwest Station. It is considered that this recommended rate by RMS could be applied.

If the rate recommended by RMS was to be applied, 630 parking spaces would be required for the commercial office and showroom (25,196m² GFA). This, in addition to the 42 car parking spaces required for food and drink premises under the DCP, 672 parking spaces would be required for both stages.

A Project Coordination Group consisting of Transport for NSW, Department of Planning and Environment, Roads and Maritime Services and Council officers are nearing completion of transport modelling for Norwest Business Park. This study will inform suitable parking rates for developments within Norwest Business Park. In the interim it is considered that in this instance, the rate proposed for the commercial component of 1 space per 30.5m² (between Council's existing DCP rate of 1 space per 25m² GFA and RMS' rate of 1 space per 40 GFA) is suitable for the mixed use development on the site.

The variation to car parking is supported as the proposal has demonstrated that sufficient parking is provided for the use of employees and visitors of the development and therefore meets the objectives of the control.

EXTERNAL REFERRALS:

TRANSPORT FOR NSW COMMENTS

The application was referred to the NSW Roads and Maritime Service as the proposal is for a commercial premises that results in a gross floor area over 10,000m² and is therefore categorised as traffic generating development pursuant to Schedule 3 of the SEPP (Infrastructure) 2007. A submission has been received by Transport for NSW requesting SIDRA modelling to be conducted for a nearby intersection at Norwest Boulevard/Solent Circuit/Reston Grange. This is discussed in detail in Section 4 above.

NSW POLICE COMMENTS

The application was referred to the NSW Police. No objections were raised to the proposal subject to condition 7.

ENDEAVOUR ENERGY COMMENTS

The application was referred to Endeavour Energy. No objections were raised to the proposal, subject to condition 6.

SYDNEY WATER COMMENTS

The application was referred to the Sydney Water due to the proximity to Sydney Water assets. No objections were raised to the proposal, subject to conditions 8 and 50.

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 if consent.

TRAFFIC MANAGEMENT COMMENTS

The application was referred to Council's Traffic Section. Initial concerns were raised regarding safety concerns with a pedestrian crossing proposed in close proximity to the north of the roundabout. However the Applicant has since deleted this from the final set of plans. No further objections were raised to the proposal, subject to condition 25 d and e recommending the design and construction of the roundabout be endorsed by the Local Traffic Committee and approved by Council.

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.

ENVIRONMENTAL HEALTH COMMENTS

The application was referred to Council's Environmental Health Officer. 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.

FORWARD PLANNING COMMENTS

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

CONCLUSION

The Development Application has been assessed under the relevant heads of consideration under Section 4.15 and Division 8.2 of the Environmental Planning and Assessment Act, 1979, The Hills Local Environmental Plan 2019, State Environmental Planning Policy (Infrastructure) 2007, The Hills Development Control Plan 2012 and is considered satisfactory.

It is considered that the proposal is consistent with the desired future character of the Norwest Precinct, provides for a unique, high quality architectural design, provides appropriate activation of the street frontages and amenity for future occupants of the site and adjoining properties. In addition, the proposal is in the public interest as the development provides for adequate road infrastructure including improvement works to the intersection at Solent Circuit and Inglewood Place.

The Division 8.2 review of determination is recommended for approval, 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 inconsistent with the planning principles, vision and objectives outlined within "Hills 2026 – Looking Towards the Future" as the proposed development does not provide for balanced urban growth as the provision for efficient and safe transport infrastructure required to accommodate the development has not been resolved.

The Hills Local Strategic Planning Statement

The Hills Future 2036 Local Strategic Planning Statement was made on 6 March 2020. The proposal has been considered against the outcomes planned within the Local Planning Strategic Planning Statement and Implementation Plan. In particular, Planning Priority 2 seeks to build strategic centres to realise their potential by planning flexible, diverse places targeted to attract high levels of private sector investment that will co-locate a range of activities within strategic centres. The proposal provides 25,850m² floor space for a mixed use commercial development comprising offices, showrooms and cafés which would not only increase employment opportunities but provide for a range of activities and services within the Norwest strategic centre. In this regard, the proposal is consistent with the outcomes planned under the The Hills Local Strategic Planning Statement.

RECOMMENDATION

Division 8.2 Review of Development Application 1302/2020/JP be approved for the reasons listed below and subject to the following conditions.

- The application can be determined within the review period which ends on 18 December 2021.
- The proposed amendments to the application is substantially the same development as originally proposed.
- The site is considered suitable for the development.
- The amended proposal adequately satisfy the relevant state and local planning provisions.
- The amended proposal will have no unacceptable impacts on the built or natural environments and provides for the provision of adequate road infrastructure.
- The amended proposal is in the public interest.

GENERAL MATTERS

Note that all conditions apply to both Stage 1 and 2 of the development unless otherwise specified.

1. Development in Accordance with Submitted Plans

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

The amendments in red require the following:

- All utility services in the public domain are to be screened or as required by the relevant service provider.

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	REVISION/ISSUE	DATE
DA.02.00	Demolition Plan	A	16/6/2021
DA.01.00	Site Proposed Plan	D	8/6//2021
DA.03.B2.S1	Basement 2/Basement 3 Plan – Stage 01 – Revised Batter	D	11/2/2021
DA.03.01 S1	Ground Floor Plan – Stage 01 – Revised Batter	E	8/6/2021
DA.09.00.S1	South Elevation (Inglewood Place) – Stage 01	B	30/3/2020
DA.09.01.S1	North Elevation – Stage 01	B	30/3/2020
DA.09.02.S1	East Elevation (Solent Circuit) - Stage 01	B	30/3/2020
DA.9.03.S1	West Elevation – Stage 01	A	27/2/2020
DA.24.01	Temporary Staging Section	C	20/8/2020
DA.03.00	Lower Ground/Upper Basement Plan	D	8/6/2021
DA.03.01	Ground Floor Plan	D	8/6/2021
DA.03.02	Typical Terrace Plan (L01, L03, L05)	B	11/2/2021
DA.03.03	Typical Floor Plan (L02, L04, L06)	B	11/2/2021
DA.03.04	Roof Plan	B	11/2/2021
DA.03.B1	Basement 1 Plan	C	11/2/2021
DA.03.B2	Basement 2/Basement 3 Plan	B	11/2/2021
DA.03.B3	Basement 4 Plan	B	11/2/2021
DA.09.00	South Elevation (Inglewood Place)	B	30/3/2020
DA.09.01	North Elevation	B	30/3/2020
DA.09.02	East Elevation (Solent Circuit)	B	30/3/2020
DA.09.03	West Elevation	A	27/2/2020
DA.10.01	Section AA	A	27/2/2020
DA.10.02	Section BB	A	27/2/2020

DA.10.03	Car Park Ramp Sections	A	27/2/2020
DA.23.01	Solent Circuit Perspective	A	27/2/2020
DA.23.02	Inglewood Place Perspective	A	27/2/2020
DA.23.03	Solent/Inglewood Intersection Perspective	A	27/2/2020
-	Landscape Development Application Report prepared by Arcadia	K	June 2020
-	Landscape Legend and Plant Schedule (page 101 of Landscape DA Report)	K	3/6/2021
-	Landscape Master Plan (page 102 of Landscape DA Report)	K	3/6/2021
-	Landscape Plans (pages 103 – 106 of Landscape DA Report)	K	3/6/2021
-	Landscape Staging Plan prepared by Arcadia	F	June 2021
-	Landscape Staging Plan – Planting Palette prepared by Arcadia	F	June 2021
20211796.1	Tree Protection Plan prepared by Australis Tree Management	-	7/6/2021
-	Colour Scheme and Façade Elevations (Development Application Design Report prepared by Bates Smart – pages 52-62)	-	February 2020
CI-050-11	Inglewood Place Roundabout - Existing Relocation and Demolition Plan	E	7/6/2021
CI-400-01	Inglewood Place Roundabout - Roadworks General Arrangement Plan	F	7/6/2021
CI-400-11	Inglewood Place Roundabout - Roadworks Alignment Plan Sheet 1	I	7/6/2021
CI-400-12	Inglewood Place Roundabout - Roadworks Alignment Plan Sheet 2	F	7/6/2021
CI-480-01	Inglewood Place Roundabout – Signage and Pavement Marking Plan	F	7/6/2021
-	Numbering Plan prepared by Council staff for 1302/2020/JP	-	Undated

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

2. Construction Certificate

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

3. 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. External Finishes

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

5. Compliance with NSW Police Requirements

Compliance with NSW Police requirements as outlined in their letters dated 11 June 2020 and 1 May 2021, attached to this consent.

6. Endeavour Energy Requirements

Compliance with Endeavour Energy Requirements as outlined in their letter dated 4 May 2020 and 16 March 2021, attached to this consent.

7. Compliance with Norwest Association Requirements

Compliance with the requirements of Norwest Association Limited as outlined in their letter dated 2 April 2020 and as amended on 5 March 2021.

8. Sydney Water Requirements

Water Servicing

- Potable water servicing should be available via a 150mm DICL watermain (laid in 197) on Inglewood Pl.
- Amplifications, adjustments, and/or minor extensions may be required.

Recycled Water Servicing

- While there is no existing Sydney Water recycled water supply to this area, Sydney Water is open to working in partnership with developers to consider recycled water servicing solutions that may offset potable water demands.
- Consideration should be given for rainwater capture and stormwater runoff reduction.
- The proponent is advised to contact their Sydney Water Account Manager to investigate the potential for a commercial arrangement to supply recycled water

Wastewater Servicing

- Wastewater servicing should be available via a 225mm VC wastewater main (laid in 1997) within the property boundary.
- Amplifications, adjustments, and/or minor extensions may be required.

Connection Information

As part of the Section 73 application it is requested that detailed information is provided regarding the servicing of the buildings. These could be, but shouldn't be limited to:

- Any new connections proposed,
- Proposal for dealing with existing connections, and
- Flow data justifying the size of any proposed connections.

9. Provision of Parking Spaces

The development (Stage 1 and 2) is required to provide 882 off-street car parking spaces (including 22 tandem spaces and 9 smaller spaces) at all times. At the completion of Stage 1, 471 spaces are required to be provided. Of these spaces, 19 spaces are to be allocated to café/restaurants approved under this consent. At the completion of Stage 2 of the development, 6 spaces are to be allocated to the café/restaurant approved under this consent.

10. 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.

11. Separate Development Application – Food and Drink Premises Occupations

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

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

- Hours of operation
- Delivery Details
- Staff Numbers
- Acoustic impacts
- Signage, and
- Parking Provision

12. Planning Agreement

The obligations in the Planning Agreement between The Hills Shire Council and EBH Investments Pty Ltd dated May 2019 (Planning Agreement) must be performed in accordance with the terms of the Planning Agreement including but not limited to, the payment of monetary contributions identified in Schedule 1 of the Planning Agreement.

13. Acoustic Requirements

The recommendations outlined within the Acoustic Assessment for Development Application report prepared by Renzo Tonin & Associates, referenced as TL161-01F02 Acoustic Report for DA (r2), dated 25 February 2020 and submitted as part of the Development Application are to be implemented as part of this approval.

14. Adherence to Waste Management Plan

All requirements of the Waste Management Plan submitted as part of the Development Application must be implemented except where contrary to other conditions of consent. The information submitted regarding construction and demolition wastes can change provided that the same or a greater level of reuse and recycling is achieved as detailed in the plan.

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.

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. Construction of Waste Storage Areas

The waste storage areas must be designed and constructed in accordance with the following requirements. The Waste Storage Area for Stage 1 must provide minimum storage facility for 5 x 1100 litre garbage bins and 6 x 1100 litre recycling bins. The Waste Storage Area for Stage 2 must provide minimum storage facility for 6 x 1100 litre garbage bins and 10 x 1100 litre recycling bins.

- The waste storage areas must be of adequate size to comfortably store and manoeuvre the total minimum required number of bins and associated waste infrastructure as specified above.
- The layout of the waste storage areas must ensure that each bin is easily accessible and manoeuvrable in and out of the areas with no manual handling of other bins. All internal walkways must be at least 1.5m wide.
- The walls of the waste storage areas must be constructed of brickwork.
- The floor of the waste storage areas must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer. The rooms must not contain ramps and must be roofed (if located external to the building).
- The waste storage areas must have a waste servicing door, with a minimum clear floor width of 1.5m. The door must be located to allow the most direct access to the bins by collection contractors. Acceptable waste servicing doors are single or double swinging doors and roller doors (preferred).
- The waste storage areas must have a staff access door, which allows wheelchair access for adaptable sites. Suitable staff access doors are single or double swinging doors. The staff access door can double up as the waste servicing door provided the clear floor width is at least 1.5m and not a roller door.
- All doors of the waste storage areas, when fully opened, must be flush with the outside wall(s) and must not block or obstruct car park aisles or footways. All doors must be able to be fixed in position when fully opened.

- The waste storage areas must be adequately ventilated (mechanically if located within the building footprint). Vented waste storage areas should not be connected to the same ventilation system supplying air to the commercial tenants.
- The waste storage areas must be provided with a hose tap (hot and cold mixer), connected to a water supply. If the tap is located inside the waste storage area(s), it is not to conflict with the space designated for the placement of bins.
- The waste storage areas must be provided with internal lighting such as automatic sensor lights.
- The maximum grade acceptable for moving bins for collection purposes is 5%. Under no circumstance is this grade to be exceeded. It is to allow the safe and efficient servicing of bins.
- The waste storage areas must have appropriate signage (EPA approved designs can be found on the NSW EPA website), mounted in a visible location on internal walls and are to be permanently maintained by the Owners Corporation.
- Finishes and colours of the waste storage areas are to complement the design of the development.

Example Bin Measurements (mm)

240L: 735 (d) 580 (w) 1080 (h) 660L: 850 (d) 1370 (w) 1250 (h) 1100L: 1245 (d) 1370 (w) 1470 (h)

18. Access and Loading for Waste Collection

Minimum vehicle access and loading facilities must be designed and provided on site in accordance with Australian Standard 2890.2:2018 for the standard 8.8m long Medium Rigid Vehicle. The following requirements must also be satisfied.

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

19. Waste and Recycling Collection Contract

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

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

The responsibility for property numbering is vested solely in Council.

The property address for this development is: 8 Solent Circuit Norwest

Property addresses for building is as follows:

Building A – 8 Solent Circuit Norwest

Building B – 3 Inglewood Place Norwest

Approved unit numbering for this development based on plans provided and as per plans marked up with consent document is as follows:

Level	Building A	Building B
Lower Ground	LG01- 02	N/A
Ground	G01 – G02	G03 – G05
Level 1	101	102
Level 2	201	202
Level 3	301	302
Level 4	401	402
Level 5	501	502
Level 6	601	602

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

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

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

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

Mail Boxes

Location of Cluster mail boxes are to be approved by Australia Post and copy of the approval is to be provided to Council. Please contact Richard Arraiza of Australia Post on (02) 9674 4027 or via email Richard.Arraiza@auspost.com.au

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.

Strata Developments

All approved developments that require subdivision under a Strata Plan, must submit a copy of the final strata plan to Council's Land Information Section before it is registered for the

approval and allocation of final property and unit numbering. This applies regardless of whether the PCA is Council or not. It is required that Lot numbers within the proposed strata plan are not duplicated and all run sequentially within the same level and building, commencing from the lowest level upwards to the highest level within the development.

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

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

21. Litter Control

A sufficient number of litter bins must be provided to the common areas of the premises for litter disposal.

22. Contamination Assessment & Site Remediation

The recommendations of the Preliminary Stage 1 Environmental Site Assessment prepared by JKE / JK Environments Pty Ltd, referenced as E32588Brpt Rev 1, dated 17 February 2020 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

- Complete a Detailed Site Investigation (DSI) to address the data gaps (identified in section 9.3). The DSI should include additional soil sampling, groundwater sampling and waste classification assessment; and
- Complete a Hazardous Building Material Assessment for the site structures.

23. Control of early morning noise from trucks

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

24. Control of Noise from Trucks

The number of trucks waiting to remove fill from the site must be managed to minimise disturbance to the neighbourhood. No more than one truck is permitted to be waiting in any of the streets adjacent to the development site.

25. Design and Construction of Proposed Roundabout (Stage 1)

- a. The proposed design of the roundabout and associate road and drainage works shall be completed in accordance with the concept civil plans prepared by Stantec, project No. 44941, Drawing Number C1-050-11, Rev E, Drawing Number C1-400-01, Rev F, and Drawing Number C1-400-11, Rev I, all dated: 07/06/21. The detailed civil design must reflect the stormwater concept plan and the following necessary changes:
 - The civil design shall include the proposed modification to the existing site access including widening the vehicular crossing, footpath, internal access/driveway, boom gate, and drainage pits and pipes for the Hillsong Church site known as Lot 2 DP 1213270 (2 Century Circuit) where impacted by the proposed civil works
 - The proposed location for the boom gate shall be relocated within Hillsong Church site known as Lot 2 DP 1213270 (2 Century Circuit) to achieve the same number of queuing area approved under DA- 634/2019/HA.
 - The existing stormwater pit impacted by the civil works shall be adjusted/modified. The two stormwater pits shall be located within the concrete medium island, not with the existing roadway.

- The private stormwater pit from Hillsong Church site known as Lot 2 DP 1213270 (2 Century Circuit) where impacted by the proposed civil works shall not be located within the road reserve.
 - The Applicant shall provide independent certification from a registered civil engineer, with appropriate skills and experience, that all roundabout designs comply with Austroads design requirements including the requirements above.
- b. Owners consent from Hillsong Church site known as Lot 2 DP 1213270 (2 Century Circuit) shall be provided acknowledging the detailed civil plans.
 - c. The design of the roundabout and associate road and drainage works must be provided for in accordance with Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments.
 - d. The detailed civil design for the roundabout requires endorsement of the Local Traffic Committee.
 - e. The works requires separate construction approval from Council beforehand, under Section 68 of the Local Government Act 1993, and Section 138 Permit of the Roads Act, 1993 where the works is proposed within the public road. The cost of application, approval and inspection fees are payable by the applicant in accordance with Council's Schedule of Fees and Charges.
 - f. Once the Civil work is complete a works as executed plan must be prepared in accordance with Council's Design Guidelines Subdivisions/ Developments and submitted to Council's Construction Engineer for written approval. The works as executed plans must be prepared by a registered surveyor. Similarly, Refer to condition titled "Subdivision Works – Submission Requirements" under this consent.
 - g. Prior to the issue of any construction certificate or the subdivision works, whichever precedes first/earlier, the Principal Certifier shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval for this roundabout and associate road and drainage works have been inspected, accepted and signed off by Council's Manager - Subdivision & Development Certification.
 - h. A Subdivision plan for the proposed land acquisition impacted by the civil works under this consent and fronting Hillsong Church site known as Lot 2 DP 1213270 (2 Century Circuit) shall be provided for council's review and approval

26. 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.

27. 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.

28. Protection of Public Infrastructure

Adequate protection must be provided prior to work commencing and maintained during building operations so that no damage is caused to public infrastructure as a result of the works. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site. The certifier is responsible for

inspecting the public infrastructure for compliance with this condition before an Occupation Certificate or Subdivision Certificate is issued. Any damage must be made good in accordance with the requirements of Council and to the satisfaction of Council.

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

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/s must be built to Council's medium duty standard.

The driveway accessing Solent Circuit must be a minimum of 7.5m wide at the boundary and splayed at the kerb to ensure compliant entry and exit of Medium Rigid Vehicles.

The driveway accessing Inglewood Place must be a minimum of 7.0m wide at the boundary and splayed at the kerb to ensure compliant entry and exit of Medium Rigid Vehicles.

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

Any grading, trimming, topsoiling and turfing of the footpath verge fronting the development site that is required must 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 fronting the site.

e) Service Conduits

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

30. Vehicular Access and Parking

The formation, surfacing and drainage of all driveways, parking modules, circulation roadways, width of the curved RAMPS 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. In rural areas, all driveways and car parking areas must provide for a formed all weather finish.
- All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

31. 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.

32. Excavation/ Anchoring Near Boundaries

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

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

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

33. Tree Removal

Approval is granted for the removal of fifty two (52) trees identified in the Arboricultural Impact Assessment prepared by Australis Tree Management dated 07/06/2021 as 9-21, 33, 36, 40, 44, 54-59, 62, 67, 72, 73, 75, 76, 88, 89, and 91-113.

Four (4) street trees numbered 19, 77, 78, and 87 are approved for removal in accordance with the Tree Removal of Public Land condition of this consent.

Median street tree removal required for roundabout construction is to be in accordance with Median Strip Tree Removal condition of this consent.

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.

34. 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/m².

For all planting on slab and planter boxes the following minimum soil depths must be achieved:

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

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

Planting to temporary batter and native meadow is to be in accordance with the Landscape Staging Plan and Planting Palette of approved Landscape Plan. The bank is to be stabilised using erosion control matting. Holes are to be cut in the matting to allow for installation of plants. Batter is to be kept weed free, undertaken from the flat sections of the embankment with the use of a harness for safety if where required.

35. Retention of Trees

Twenty-four (24) trees within the site boundaries numbered 22-25, 30, 31, 35, 37, 39, 40, 42-48, 50, 53, 64, 66, 68, 69, and 70 are to be retained and protected in accordance with the Arboricultural Impact Assessment prepared by Australis Tree Management dated 07/06/2021.

All trees on neighbouring properties including the following thirteen (13) trees numbered 26-29, 38, 41, 49, 51, 52, 60, 61, 63, and 71 are to be retained and protected in accordance with the Arboricultural Impact Assessment prepared by Australis Tree Management dated 07/06/2021.

The following twenty-one (21) trees on Council property numbered 1-8, 74, 79-86, and 114-117 are to be retained and protected in accordance with the Arboricultural Impact Assessment prepared by Australis Tree Management dated 07/06/2021.

No changes in soil levels are permitted within the northern setback to protect trees to be retained on site and in neighbouring properties.

Remedial work and Tree Protection for trees to be retained is to be carried in accordance with the Arboricultural Impact Assessment prepared by Australis Tree Management dated 07/06/2021 including the following:

- Pruning to Trees 30, 35, 37, and 69 in accordance with the report.
- Adherence with the following measured within the report:
 - 11.2 Tree protection Measures

- 11.3 Tree Monitoring Schedule
- 11.4 Root Pruning
- 11.5 Root Care
- 11.6 Project Arborist Monitoring
- 11.7 Project Arborist Supervision
- 11.8 Project Arborist Hold Points

36. Tree Removal on Public Land

Approval is granted for the removal of four (4) street trees numbered 19, 77, 78 and 87 located within the Arboricultural Impact Assessment prepared by Australis Tree Management dated 07/06/2021 that will be impacted by works associated with the development.

All tree works must be undertaken by the owner/applicant at their cost. Prior to any works commencing on site, the owner/applicant must provide the following details to The Hills Shire Council's Manager – Environment & Health:

- Time and date of when the tree works will occur;
- Full details of the contractor who will be undertaking tree works (Minimum AQF level 3 Arborist);
- Current copy of the contractors Public Liability Insurance (Minimum \$10,000,000).

Note: The owner/applicant is to keep a photographic record pre and post tree removal works of the tree and surrounding Council infrastructure (e.g. concrete footpath, kerb & gutter) and provide these to Council upon request. The grass verge must be reinstated with any holes filled to existing natural ground level.

37. Irrigation

An automated water system is to be installed as a minimum to all common areas, podium planting areas, and raised garden beds. Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be communicated to Council or Private Certifier prior to issue of the construction certificate.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

38. Amended Stormwater Drainage Plan

An amended ground level stormwater plan is to be prepared by the consulting Hydraulic Engineer and submitted to the satisfaction of Council's Manager Environment and Health for approval.

The storm water plan is to be revised to:

- Reflect the approved Architectural and Landscape Plans; and
- Locate stormwater pits within the northern setback outside of Tree Protection Zones (TPZs) of trees to be retained; and
- Remove trench drains from within TPZs of trees numbered 5, 6, 7 and 8 as identified in the Arboricultural Impact Assessment prepared by Australis Tree Management dated 07/06/2021; and
- Propose and detail tree sensitive trenching methods to be undertaken where trenching is to take place within the TPZs of Trees such as trees 22, 23, 24, 25, and 30 as identified in the Arboricultural Impact Assessment prepared by Australis Tree Management dated 07/06/2021.

39. Acoustic Report – Mechanical Ventilation

Prior to any Construction Certificate being issued the proposed mechanical ventilation is to be reviewed by an appropriately qualified acoustic consultant as recommended in Section 5.2 of the Acoustic Assessment for Development Application report, prepared by Renzo Tonin & Associates, referenced as TL161-01F02 Acoustic Report for DA (r2), dated 25 February 2020.

The assessment and any recommendations for acoustic attenuation are to be submitted to Council's Manager – Environment and Health for review and if satisfactory written approval will be provided.

40. Construction Noise and Vibration Management Plan

Prior to the issue of a construction certificate, a detailed construction noise and vibration management plan shall be prepared as per the recommendation outlined in the Acoustic Assessment for Development Application report, prepared by Renzo Tonin & Associates, referenced as TL161-01F02 Acoustic Report for DA (r2), dated 25 February 2020,

The detailed construction noise and vibration management plan shall be prepared in accordance with the NSW EPA Interim Construction Noise Guideline 2009 and Assessing Vibration: A Technical Guideline 2006. The Plan shall outline the construction methodologies, equipment and programs and the corresponding noise and vibration management protocols and treatments.

The detailed construction noise and vibration management plan shall be submitted to Council's Manager – Environment and Health for review and if satisfactory written approval will be provided.

41. Erosion & Sediment Control Plan

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

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

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

42. Public Road work/ Road Widening Dedication (Stage 1)

An Construction Certificate must not be issued until the Council issue the S138 permit for the proposed road work for the roundabout and roundabout and associate road and drainage works , and acquisition impacted by the civil works under this consent and fronting Hillsong Church site known as Lot 2 DP 1213270 (2 Century Circuit) has been registered with the Land Registry Services.

43. Carpark Line marking Plan

A detailed line marking plan must be prepared for the car parking access way from Solent Circuit from the boundary with the road reserve to the top/bottom of all initial ramps. There is limited sight distance and a number of points of conflict in this area including loading bay,

three ramps and boom gate. The line marking plan must be prepared by an appropriately qualified and experienced person and provide clear priorities and guidance to vehicles.

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. 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 \$319,600.00 (three hundred and nineteen thousand, six hundred) is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the per square metre rate set by Council's Schedule of Fees and Charges, with the area calculated based on the road frontage of the subject site plus an additional 50m on either side (340m) multiplied by the width of the road (10m).

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

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

46. 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 SWMP is required for this development.

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 a junction pit before runoff is discharged to the street (or other point of legal discharge) along with the remaining site runoff, under gravity. Where Onsite Stormwater Detention is required, the system must be connected to that Onsite Stormwater Detention system. 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. 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.

Engineering works can be classified as either "subdivision works" or "building works".

Works within an existing or proposed public road, or works within an existing or proposed public reserve can only be approved, inspected and certified by Council.

Depending on the development type and nature and location of the work the required certificate or approval type will differ. The application form covering these certificates or approvals is available on Council's website and the application fees payable are included in Council's Schedule of Fees and Charges.

The concept engineering plan prepared by SCP, Revision E dated 25-09-2020 with project number S191127, Drawing No. C2.01 is for development application purposes only and is not to be used for construction. The design and construction of the engineering works listed below must reflect the concept engineering plan and the conditions of consent.

a) Service Conduits

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

b) Earthworks/ Site Regrading

Earthworks and retaining walls are limited to those locations and heights shown on the concept engineering plan prepared by SCP revision E dated 25-09-2020 with project number S191127 (Council Reference ECM 19060450). The large retaining embankment required during stage 1 must be undertaken in accordance recommendations provided in Geotechnical Assessment of Temporary Batter Letter with reference 32588BletRev1 dated 21/08/20 (Council Reference ECM 19060444). Where earthworks are not shown on the approved plan the topsoil within lots must not be disturbed. The proposed retaining wall shall be designed to such that it accepts and caters for any surface runoff from the up slope adjoining land in a 'failsafe' manner without affecting any other property. No diversion or concentration of stormwater surface flows will be permitted. The proposed retaining wall including footing and subsoil drain shall be design and constructed fully inside the property boundary

c) Site Stormwater Drainage

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

49. Stormwater Management Plan

The stormwater concept plan prepared by SCP, Revision E dated 25-09-2020 with project number S191127, Drawing No. C2.01 is for development application purposes only and is not to be used for construction. The detailed design must reflect the stormwater concept plan and the following necessary changes:

- a) The pre-development and post development discharge rates are the same for all storms up to and including the 1 in 100 year design storm event
- b) The proposed pipe connecting to the existing kerb inlet pit shall not be greater than the existing drainage pipe from the subject site.
- c) Any redundant drainage pipe shall be detached and removed from the road reserve/stormwater pit.

Water sensitive urban design elements, consisting of Filters/ cartridge and Oceanguard, are to be located generally in accordance with the plans and information submitted with the application.

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

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

All model parameters and data outputs are to be provided.

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. Should OSD be required for this development, then Restriction/ Positive Covenant – Onsite Stormwater Detention must be registered on the title of the subject site via dealing/ request document or Section 88B instrument associated with a plan. The subject site must be burdened with a restriction and a positive covenant using the “onsite stormwater detention systems” terms included in the standard recitals.

The following must be included with the documentation approved as part of any Construction Certificate:

- Design/ construction plans prepared by a hydraulic engineer.
- A completed OSD Drainage Design Summary Sheet.
- Drainage calculations and details, including those for all weirs, overland flow paths and diversion (catch) drains, catchment areas, times of concentration and estimated peak run-off volumes.
- A completed OSD Detailed Design Checklist.
- A maintenance schedule.

49a. Median Strip Tree Removal

Prior to the Issue of Construction Certificate, the applicant is to provide an Arboricultural Impact Assessment prepared by a minimum AQF Level 5 Arborist to assess and propose the required tree removal within the central median strip of Solent Cct for the creation of a roundabout.

The report is to clearly locate trees to be removed and retained, and be submitted to the satisfaction of The Hills Shire Council’s Manager - Environment & Health.

PRIOR TO WORK COMMENCING ON THE SITE

50. 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.

51. Erection of Signage

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

- The name, address and telephone number of the Principal Certifier (Council);
- The name and telephone number (including after hours) of the person responsible for carrying out the works;
- That unauthorised entry to the work site is prohibited.

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

52. Contractors Details

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

53. 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.

54. 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.

55. 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.

56. 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).

57. 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.

58. 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.

59. Engagement of a Project Arborist

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

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

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

60. Erosion and Sedimentation Controls

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

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

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.

61. Soil and Water Management Plan

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

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

62. 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.

63. Property Condition Report – Public Assets

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

- Planned construction access and delivery routes; and

- Dated photographic evidence of the condition of all public assets.

64. Property Condition Report – Private Assets

A property condition report must be prepared and submitted by a structural engineer recording the condition of any buildings or ancillary structures on:

- Lot 4025 DP 873565 (10 Solent Circuit)
- Lot Common Property SP 66670 (5-7 Inglewood Place)
- Lot 2 DP 1213270 (2 Century Circuit) where impacted by the proposed civil works

Within the likely zone of influence from any excavation, dewatering or construction induced vibration.

65. Erosion and Sediment Control/ Soil and Water Management

The approved 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.

66. 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.

67. Trenching within Tree Protection Zone

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

The location of stormwater piping to the north and west of the site to be as close to the proposed development as possible, avoiding the TPZ of trees to be retained and protected. Where stormwater pipes and pits fall within the TPZ of existing trees to be retained, such as trees 22, 23, 24, 25, and 30 the excavation for their installation is to be undertaken by hand or via under boring. Details of the tree sensitive trenching method selected are to be provided with the Amended Stormwater Plan prior to Construction Certificate as required by this consent.

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

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 Australian Standard 4373-2007 Pruning of Amenity Trees.

68. Tree Protection Fencing

Prior to any works commencing on site Tree Protection Fencing must be in place around trees or groups of trees nominated for retention. The location of fencing and trunk protection shall be as per Tree Protection Plan prepared by Australis Tree Management dated 07/06/2021.

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.

No fence relocation is permitted without Project Arborist supervision.

Site shed locations must be located outside the TPZ of trees to be retained wherever possible. Due to site constraints, this may necessary within the Tree Protection Fencing area to the north. Site sheds must be installed on raised footings (no strip footings or trenching) to prevent damage and smothering root systems within TPZ's. Raised grated foot traffic platforms to access site sheds are to be installed through fenced TPZ areas. Trunk protection must be applied to any trees adjacent to any site sheds.

69. Sydney Water Building Plan Approval

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

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

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

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

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

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

DURING CONSTRUCTION

70. Survey Certificate

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

71. Project Arborist

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

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

The project arborist is to certify that tree protection fencing is installed to protect trees to be retained on site and in neighbouring sites.

The project arborist is to supervise any canopy pruning required of trees within the site.

The project arborist is to contact The Hills Shire Council's Manager – Environment and Health if any concerns relating to tree retention arise during construction.

72. Construction Noise

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

73. 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.

74. Contamination

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

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

75. Construction and Fit-out of Food Premises

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

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

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

76. Liquid Storage

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

77. Further contamination assessment

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

78. Ventilation for Basement Carpark

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

Certification of compliance shall be submitted to the Certifying Authority.

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

79. Spill Response Management Plan

Prior to the issue of any Occupation Certificate a spill response management plan is to be submitted to Council's Manager – Environment and Health for review, and if satisfactory written confirmation will be provided in support of an Occupation Certificate being issued. The spill response management plan is to include the following:

- Details of fuels and maximum quantities to be stored at the site;
- Identification of potentially hazardous situations;
- Procedure for incident reporting;
- Operational guidelines for the use of the aboveground fuel storage tanks;
- Emergency response details in case of fuel storage tank failure;
- Details of spill stations and signage;
- Containment and clean-up facilities and procedures.

It is recommended that the applicant review the Department of Environment and Climate Change NSW (2007) *Storage and Handling Liquids: Environmental Protection Participant's Manual* for recommendations for storage, handling and incident management / spill response when preparing their spill response management plan

80. Working Hours

All work must be restricted to between the hours of 7:00am and 5:00pm, Monday to Saturday. No work can occur outside the hours specified above on Sundays or public holidays. The contractor must instruct 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.

81. Standard of Works

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

82. Compliance with Critical Stage Inspections and Other Inspections Nominated by the Principal Certifier

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

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

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

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

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

83. Regulated Systems

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

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

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

84. Validation report

Should remediation be required a validation report shall be submitted to Council's Manager – Environment and Health and the Certifying Authority (if not Council). The validation report must include the following:

- The degree of contamination originally present;
- The type of remediation that has been completed; and
- A statement which clearly confirms that the land is suitable for the proposed use.

85. Public Road/ Road Widening Dedication (Stage 1)

An Occupation Certificate must not be issued until the road widening have been dedicated in accordance with the undertaking submitted relating to dedication of the land fronting Lot 2 DP 1213270 (2 Century Circuit) where impacted by the proposed civil works under this consent.

86. 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.

87. Landscaping Prior to Issue of any Occupation Certificate

Landscaping of the site shall be carried out prior to issue of an Occupation Certificate for Stage 1 and Stage 2 of the development. The Landscaping shall be either certified to be in accordance with the approved plans prepared by Arcadia Revision K dated 03/06/2021 (including the Landscape Staging Plans Revision F dated June 2021) by an Accredited Landscape Architect or be to the satisfaction of Council's Manager Environment and Health. All landscaping is to be maintained at all times in accordance with THDCP Part C, Section 3 – Landscaping and the approved landscape plan.

88. 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.

89. Pump System Certification

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

90. 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) 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.

b) 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.

c) Restriction – Bedroom Numbers

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

d) 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.

e) Restriction/ Positive Covenant – Onsite Stormwater Detention

Where applicable, the subject site must be burdened with a restriction and a positive covenant using the "onsite stormwater detention systems" terms included in the standard recitals.

91. Property Condition Report – Private Assets

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

92. Section 73 Compliance Certificate

A Section 73 Compliance Certificate issued under the Sydney Water Act 1994 must be obtained from Sydney Water confirming satisfactory arrangements have been made for the provision of water and sewer services. Application must be made through an authorised

Water Servicing Coordinator. The certificate must refer to this development consent and all of the lots created.

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

The only other exception to this is for services other than potable water supply, in which case the requirements of Flow Systems/ Box Hill Water as a network operator under the Water Industry Competition Act 2006 would apply. A separate certificate of compliance would need to be issued for those works.

93. Subdivision Works – Submission Requirements (Stage 1)

Once the subdivision works are complete the following documentation (where relevant/ required) must be prepared in accordance with Council's Design Guidelines Subdivisions/ Developments and submitted to Council's Construction Engineer for written approval:

- Works as Executed Plans
- Stormwater Drainage CCTV Recording
- Pavement Density Results
- Street Name/ Regulatory Signage Plan
- Pavement Certification
- Public Asset Creation Summary
- Concrete Core Test Results
- Site Fill Results
- Structural Certification

The works as executed plan must be prepared by a civil engineer or registered surveyor. A copy of the approved detailed design must underlay the works as executed plan so clearly show any differences between the design and constructed works. The notation/ terminology used must be clear and consistent too. For bonded/ outstanding work the works as executed plan must reflect the actual work completed. Depending on the nature and scope of the bonded/ outstanding work a further works as executed plan may be required later, when that work is completed.

All piped stormwater drainage systems and ancillary structures which will become public assets must be inspected by CCTV. A copy of the actual recording must be submitted electronically for checking.

A template public asset creation summary is available on Council's website and must be used.

94. Performance/ Maintenance Security Bond (Stage 1)

A performance/ maintenance bond of 5% of the total cost of the subdivision works is required to be submitted to Council. The bond will be held for a minimum defect liability period of six months from the certified date of completion of the subdivision works. The minimum bond amount is \$5,000.00. The bond is refundable upon written application to Council and is subject to a final inspection.

95. Certification stormwater drainage

Prior to the issue of any Occupation Certificate, a submission of written certification from a suitably qualified civil engineer stating that all stormwater drainage and related works within the subject site have been constructed in accordance with the approved Construction Certificate plans, the requirements of AS/NZS 3500.3:2018, and Council's Design Guidelines Subdivision/Developments dated September 2011.

96. Safe Operation of Loading Docks

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

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

THE USE OF THE SITE

97. Hours of Operation

The hours of operation being restricted to the following: -

Commercial Offices

Monday to Saturday 7am – 6pm

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

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

98. Grease Trap (Food Premises)

Sydney Water shall be contacted with regards to grease trap requirements.

99. 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*.

100. Hours of operation for waste collection, delivery / dispatch of goods

Delivery of goods shall be restricted to the following times;

Monday to Saturday – 7.00am to 10pm

Sunday and public holidays – 8.00am – 10.00pm

101. 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.

102. Liquid Spill Clean-up Equipment

A sufficient supply of appropriate absorbent materials and/or other spill cleanup equipment shall be kept on site to cover any liquid spillage. Liquid spills shall be cleaned up using dry methods only. Any contaminated materials are to be disposed of appropriately.

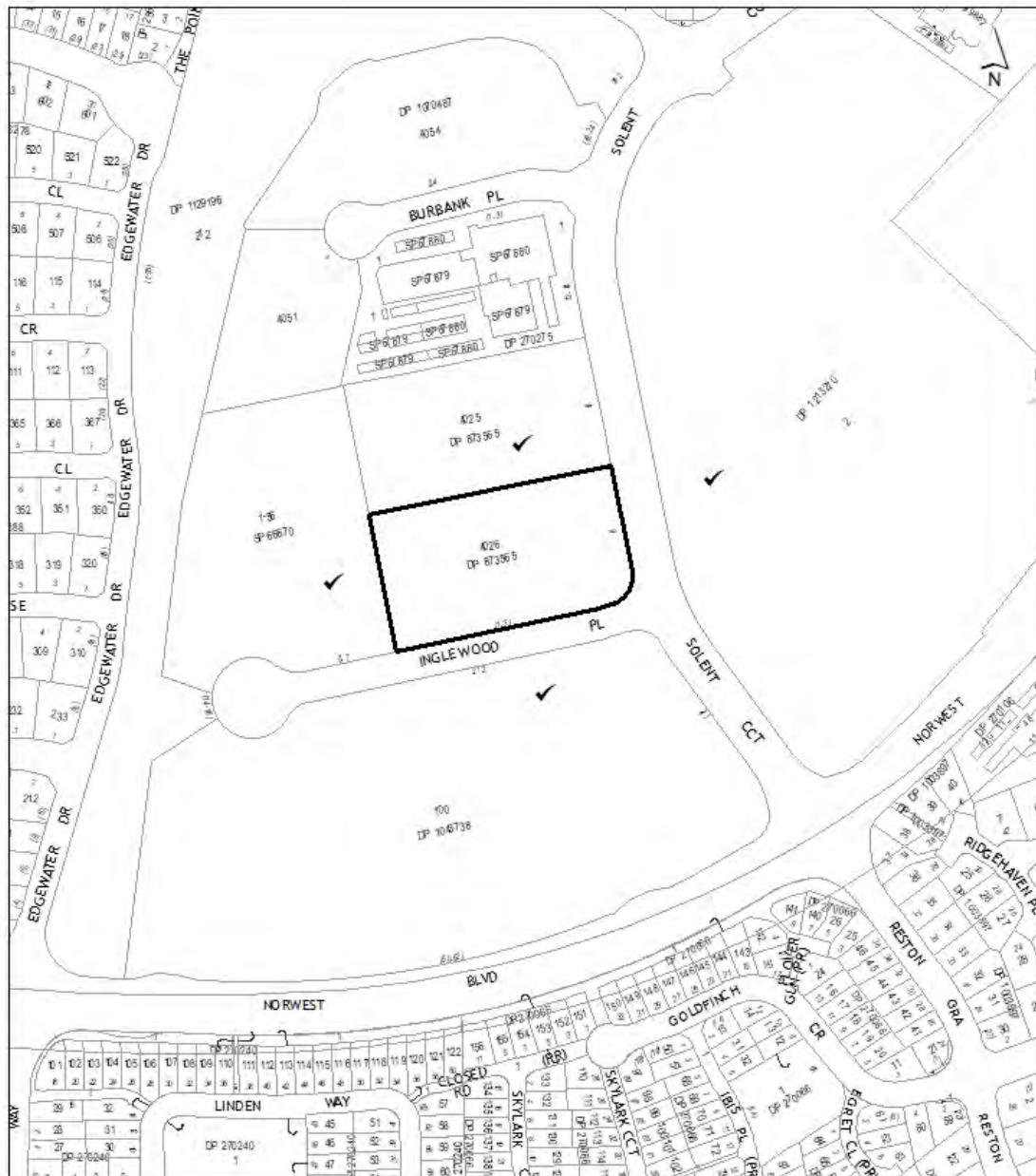
103. Operation of Regulated Water Cooling/Warm Water Systems

Regulated systems must be operated in accordance with *AS/NZS 3666:2011 Air handling and water systems of buildings – Microbial Control – Operation and Maintenance*.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. LEP Zoning Map
4. LEP Height of Buildings Map
5. LEP Floor Space Ratio Map
6. Site Plan
7. Staging Plan
8. Floor Plans
9. Elevations/Sections
10. Landscape Plan
11. Perspectives
12. Transport for NSW Submission
13. Design Excellence Panel Minutes
14. Roundabout design at Solent Circuit/Inglewood Place
15. SCCPP Determination and Statement of Reasons
16. Voluntary Planning Agreement

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED

THE HILLS
Sydney's Garden Shire


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ATTACHMENT 2 – AERIAL PHOTOGRAPH



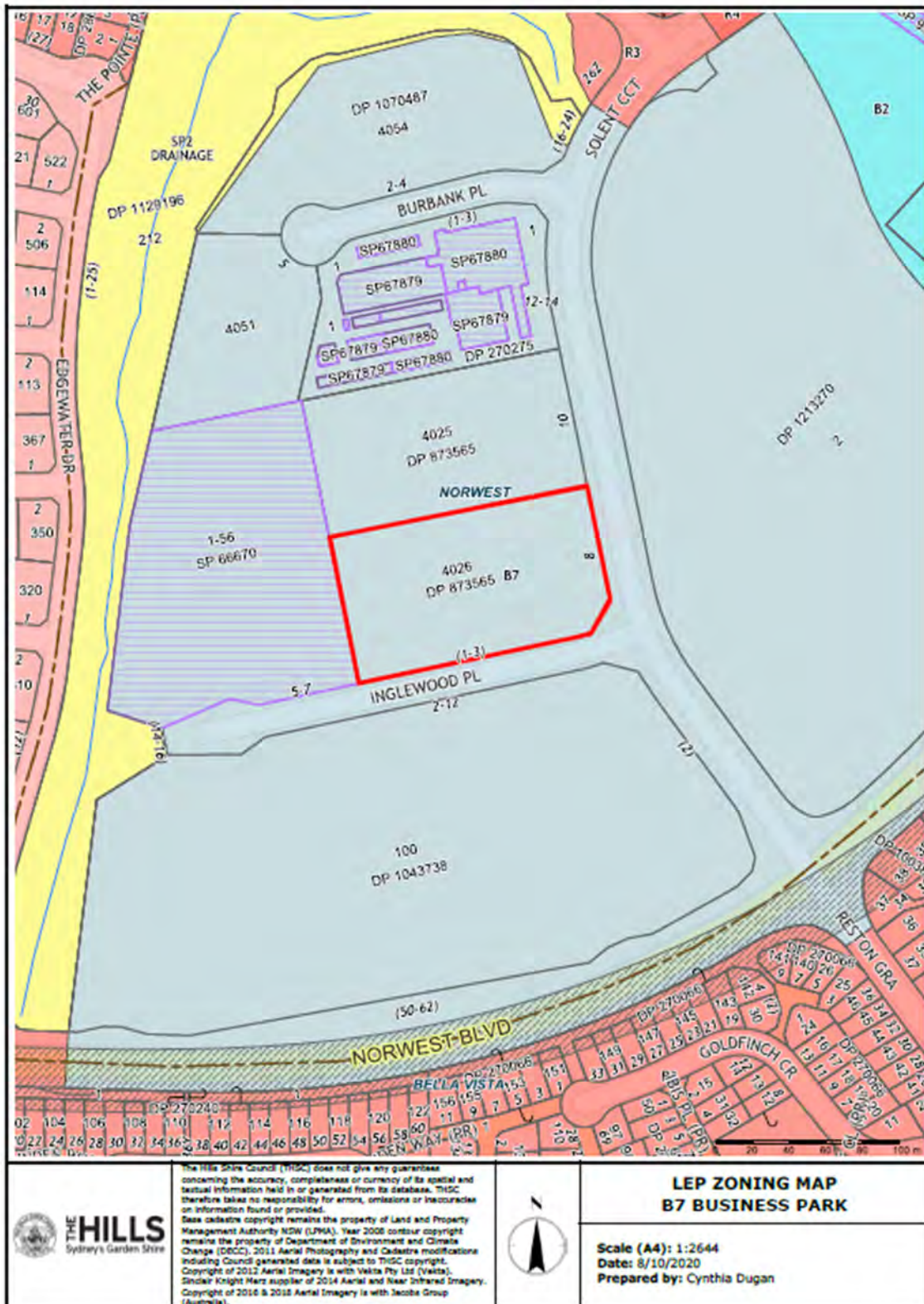
 SUBJECT SITE

THE HILLS
Sydney's Garden Shire

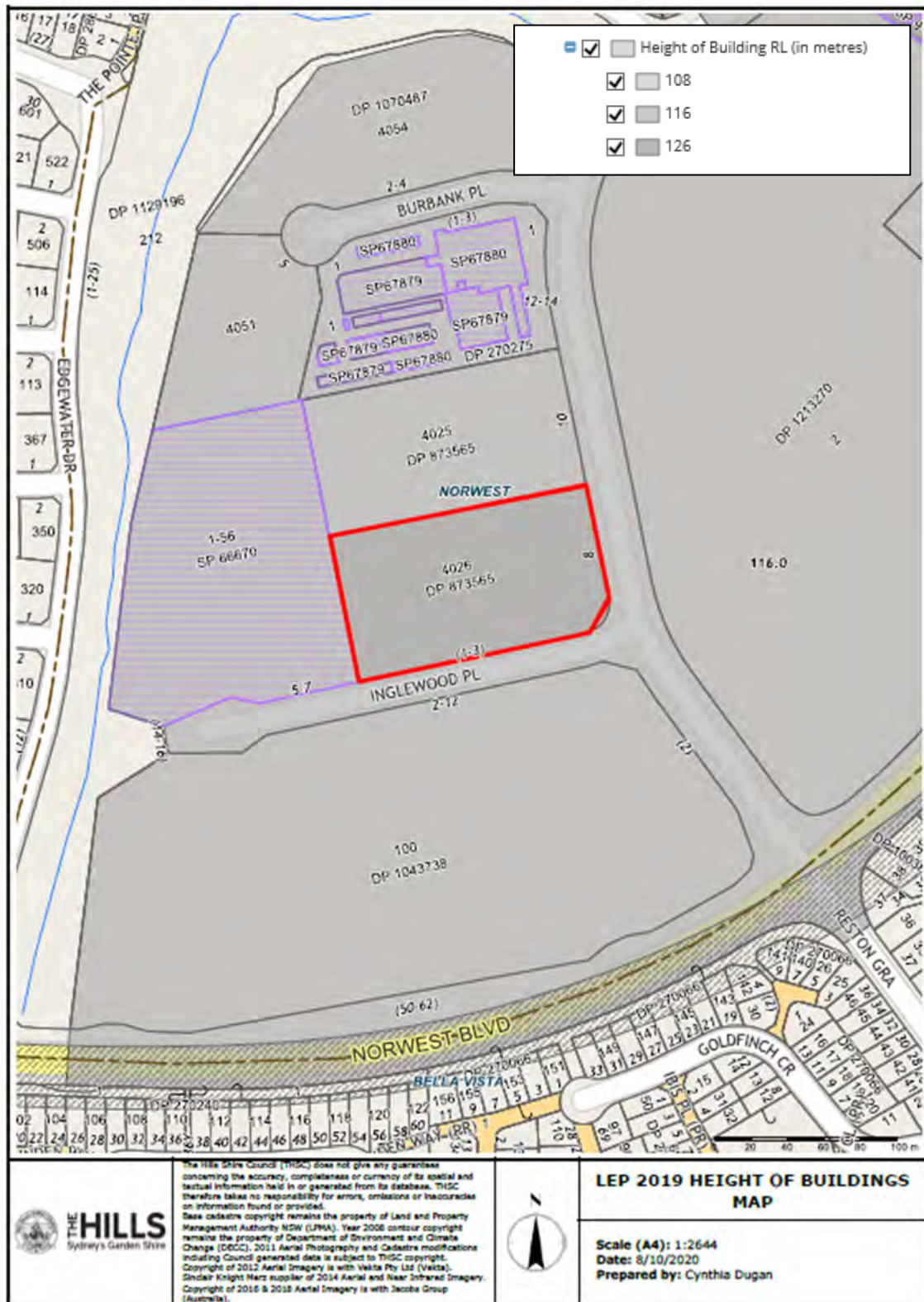
THE HILLS SHIRE COUNCIL

THE HILLS SHIRE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE TEXTUAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE
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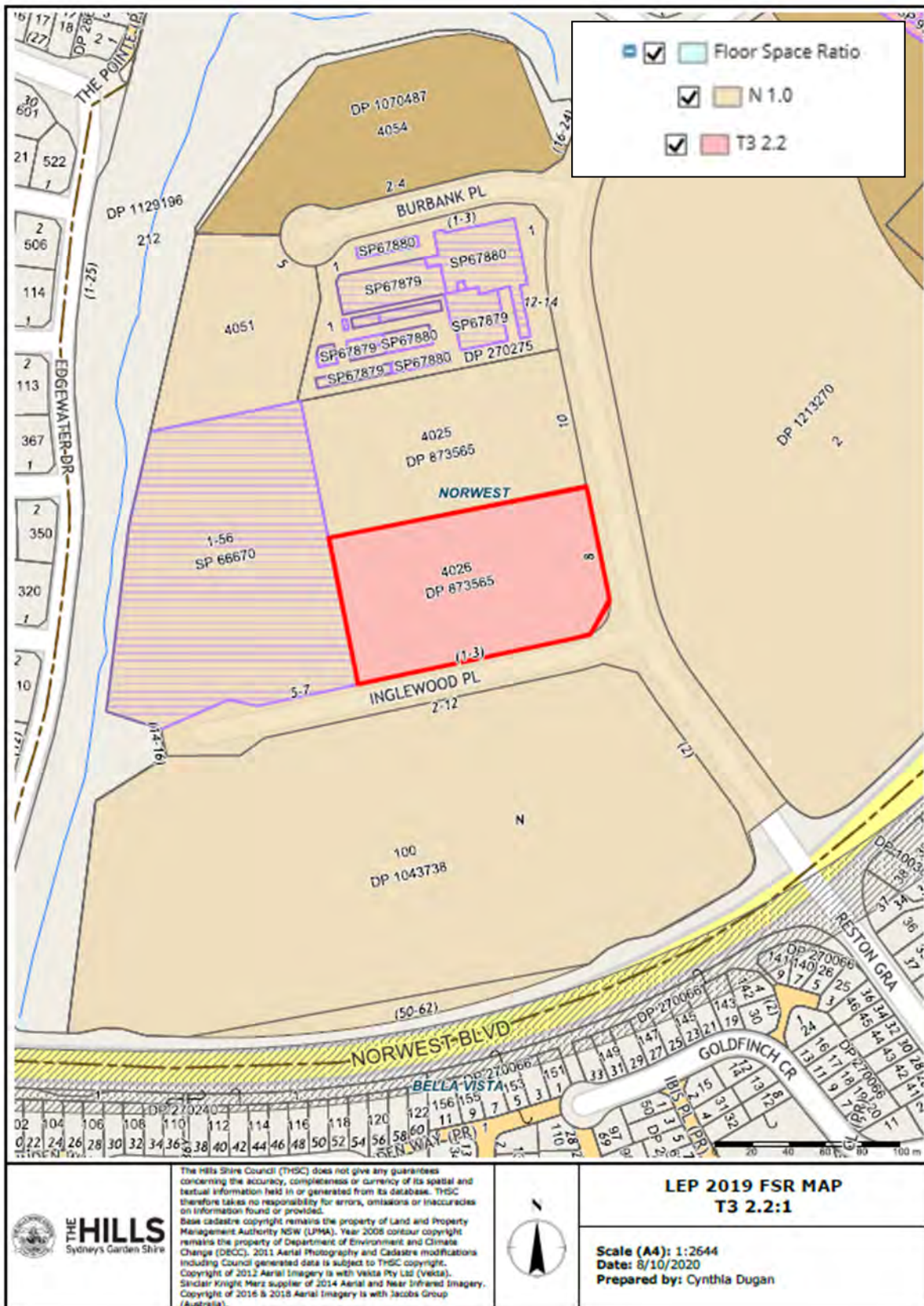
ATTACHMENT 3 – LEP 2019 ZONING MAP



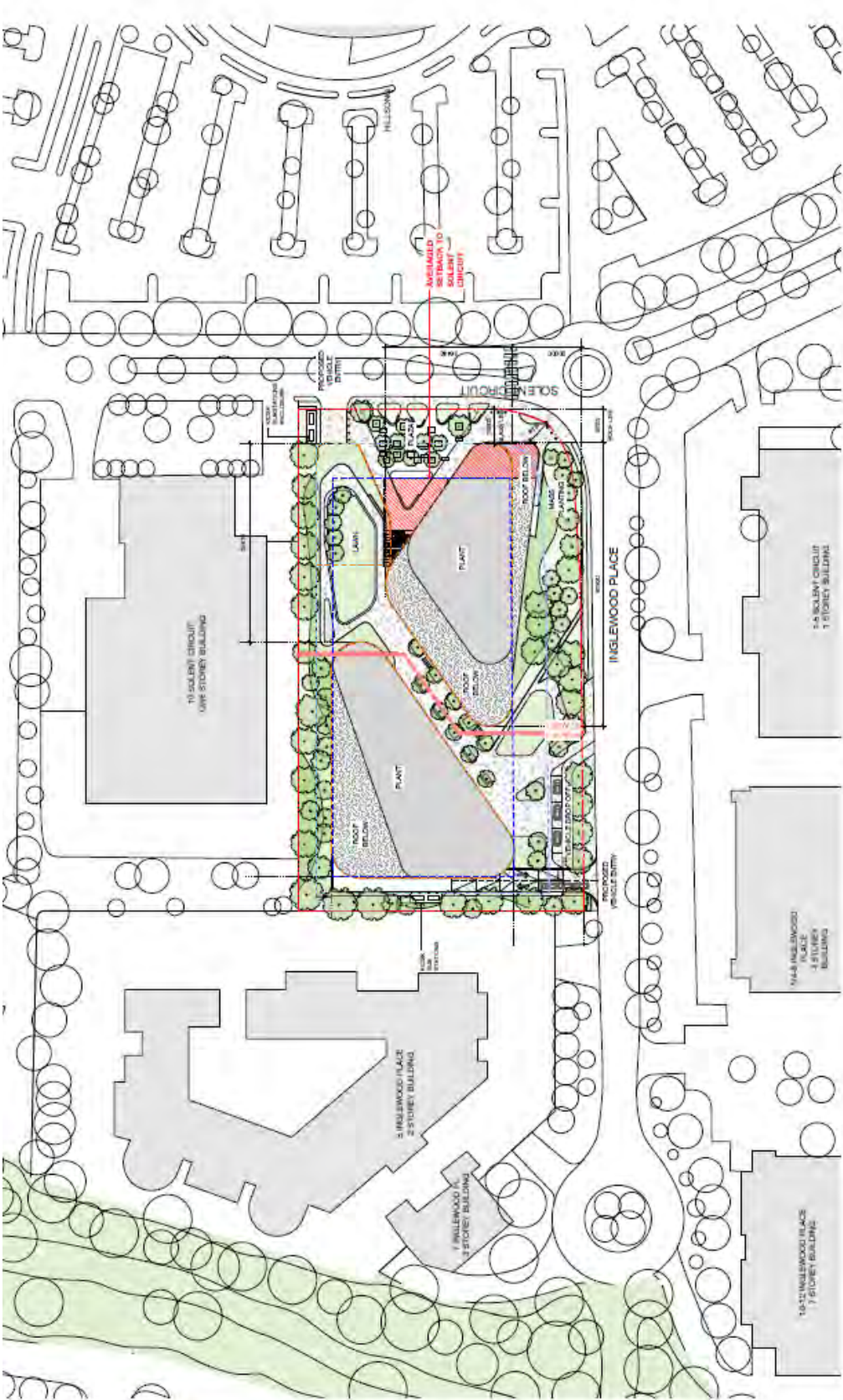
ATTACHMENT 4 – LEP 2019 HEIGHT OF BUILDINGS MAP



ATTACHMENT 5 – LEP 2019 FSR MAP



ATTACHMENT 6 – SITE PLAN



**8 Solent Circuit
Norwest**

Site (Proposed) Plan

DA.01.00 D

PROPOSED TREE RETENTION

Tree ID	Tree Name	Tree Size	Tree Age	Tree Condition
1	11.1M	11.1M	11.1M	11.1M
2	11.1M	11.1M	11.1M	11.1M
3	11.1M	11.1M	11.1M	11.1M
4	11.1M	11.1M	11.1M	11.1M
5	11.1M	11.1M	11.1M	11.1M
6	11.1M	11.1M	11.1M	11.1M
7	11.1M	11.1M	11.1M	11.1M
8	11.1M	11.1M	11.1M	11.1M
9	11.1M	11.1M	11.1M	11.1M
10	11.1M	11.1M	11.1M	11.1M
11	11.1M	11.1M	11.1M	11.1M
12	11.1M	11.1M	11.1M	11.1M
13	11.1M	11.1M	11.1M	11.1M
14	11.1M	11.1M	11.1M	11.1M
15	11.1M	11.1M	11.1M	11.1M
16	11.1M	11.1M	11.1M	11.1M
17	11.1M	11.1M	11.1M	11.1M
18	11.1M	11.1M	11.1M	11.1M
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25	11.1M	11.1M	11.1M	11.1M
26	11.1M	11.1M	11.1M	11.1M
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28	11.1M	11.1M	11.1M	11.1M
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99	11.1M	11.1M	11.1M	11.1M
100	11.1M	11.1M	11.1M	11.1M

PROPOSED TREE TO BE RETAINED

Tree ID	Tree Name	Tree Size	Tree Age	Tree Condition
1	11.1M	11.1M	11.1M	11.1M
2	11.1M	11.1M	11.1M	11.1M
3	11.1M	11.1M	11.1M	11.1M
4	11.1M	11.1M	11.1M	11.1M
5	11.1M	11.1M	11.1M	11.1M
6	11.1M	11.1M	11.1M	11.1M
7	11.1M	11.1M	11.1M	11.1M
8	11.1M	11.1M	11.1M	11.1M
9	11.1M	11.1M	11.1M	11.1M
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13	11.1M	11.1M	11.1M	11.1M
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71	11.1M	11.1M	11.1M	11.1M
72	11.1M	11.1M	11.1M	11.1M
73	11.1M	11.1M	11.1M	11.1M
74	11.1M	11.1M	11.1M	11.1M
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79	11.1M	11.1M	11.1M	11.1M
80	11.1M	11.1M	11.1M	11.1M
81	11.1M	11.1M	11.1M	11.1M
82	11.1M	11.1M	11.1M	11.1M
83	11.1M	11.1M	11.1M	11.1M
84	11.1M	11.1M	11.1M	11.1M
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86	11.1M	11.1M	11.1M	11.1M
87	11.1M	11.1M	11.1M	11.1M
88	11.1M	11.1M	11.1M	11.1M
89	11.1M	11.1M	11.1M	11.1M
90	11.1M	11.1M	11.1M	11.1M
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92	11.1M	11.1M	11.1M	11.1M
93	11.1M	11.1M	11.1M	11.1M
94	11.1M	11.1M	11.1M	11.1M
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96	11.1M	11.1M	11.1M	11.1M
97	11.1M	11.1M	11.1M	11.1M
98	11.1M	11.1M	11.1M	11.1M
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100	11.1M	11.1M	11.1M	11.1M

PROPOSED TREE TO BE RETAINED

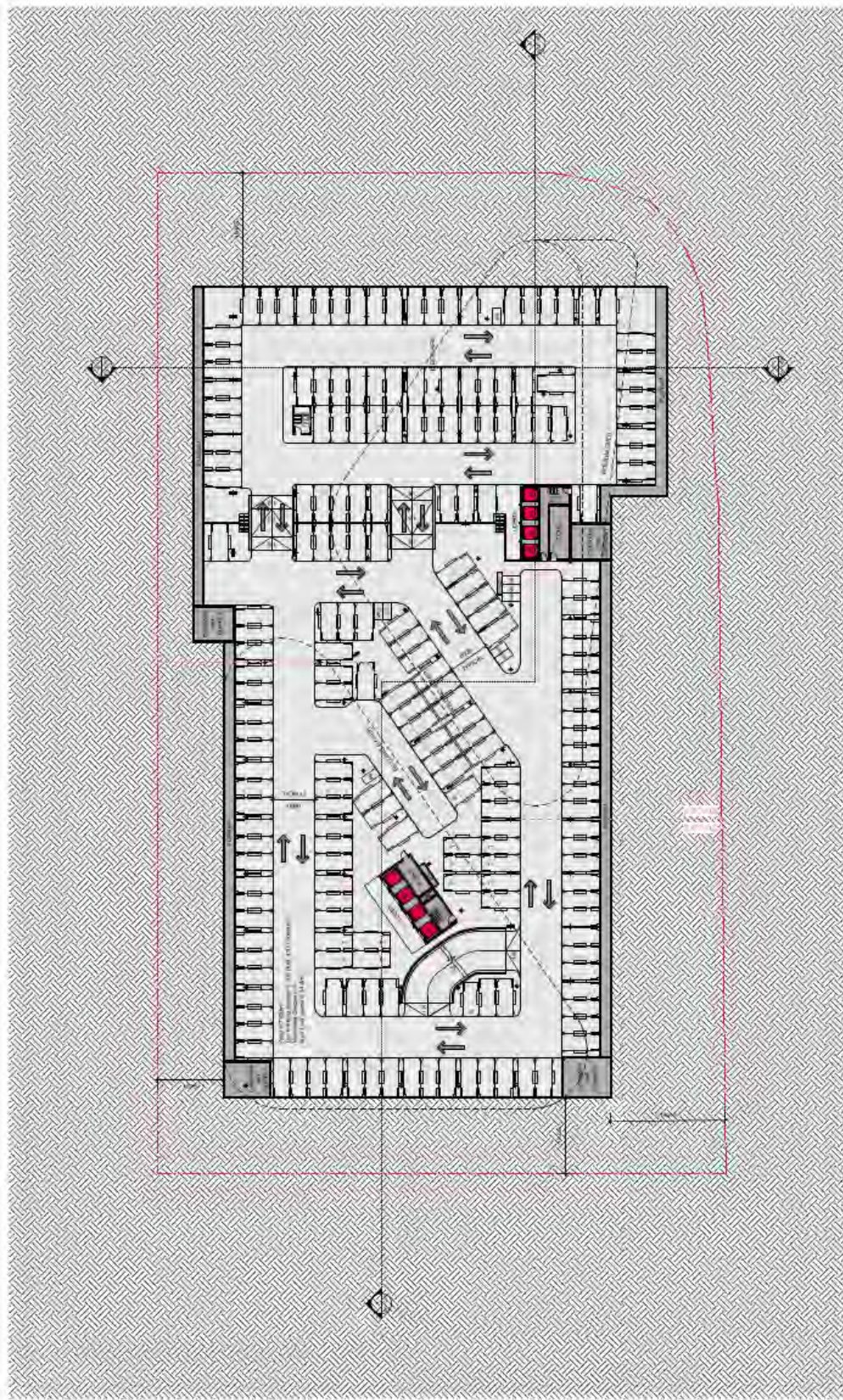
Tree ID	Tree Name	Tree Size	Tree Age	Tree Condition
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2	11.1M	11.1M	11.1M	11.1M
3	11.1M	11.1M	11.1M	11.1M
4	11.1M	11.1M	11.1M	11.1M
5	11.1M	11.1M	11.1M	11.1M
6	11.1M	11.1M	11.1M	11.1M
7	11.1M	11.1M	11.1M	11.1M
8	11.1M	11.1M	11.1M	11.1M
9	11.1M	11.1M	11.1M	11.1M
10	11.1M	11.1M	11.1M	11.1M
11	11.1M	11.1M	11.1M	11.1M
12	11.1M	11.1M	11.1M	11.1M
13	11.1M	11.1M	11.1M	11.1M
14	11.1M	11.1M	11.1M	11.1M
15	11.1M	11.1M	11.1M	11.1M
16	11.1M	11.1M	11.1M	11.1M
17	11.1M	11.1M	11.1M	11.1M
18	11.1M	11.1M	11.1M	11.1M
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21	11.1M	11.1M	11.1M	11.1M
22	11.1M	11.1M	11.1M	11.1M
23	11.1M	11.1M	11.1M	11.1M
24	11.1M	11.1M	11.1M	11.1M
25	11.1M	11.1M	11.1M	11.1M
26	11.1M	11.1M	11.1M	11.1M
27	11.1M	11.1M	11.1M	11.1M
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ATTACHMENT 7 – STAGING PLAN





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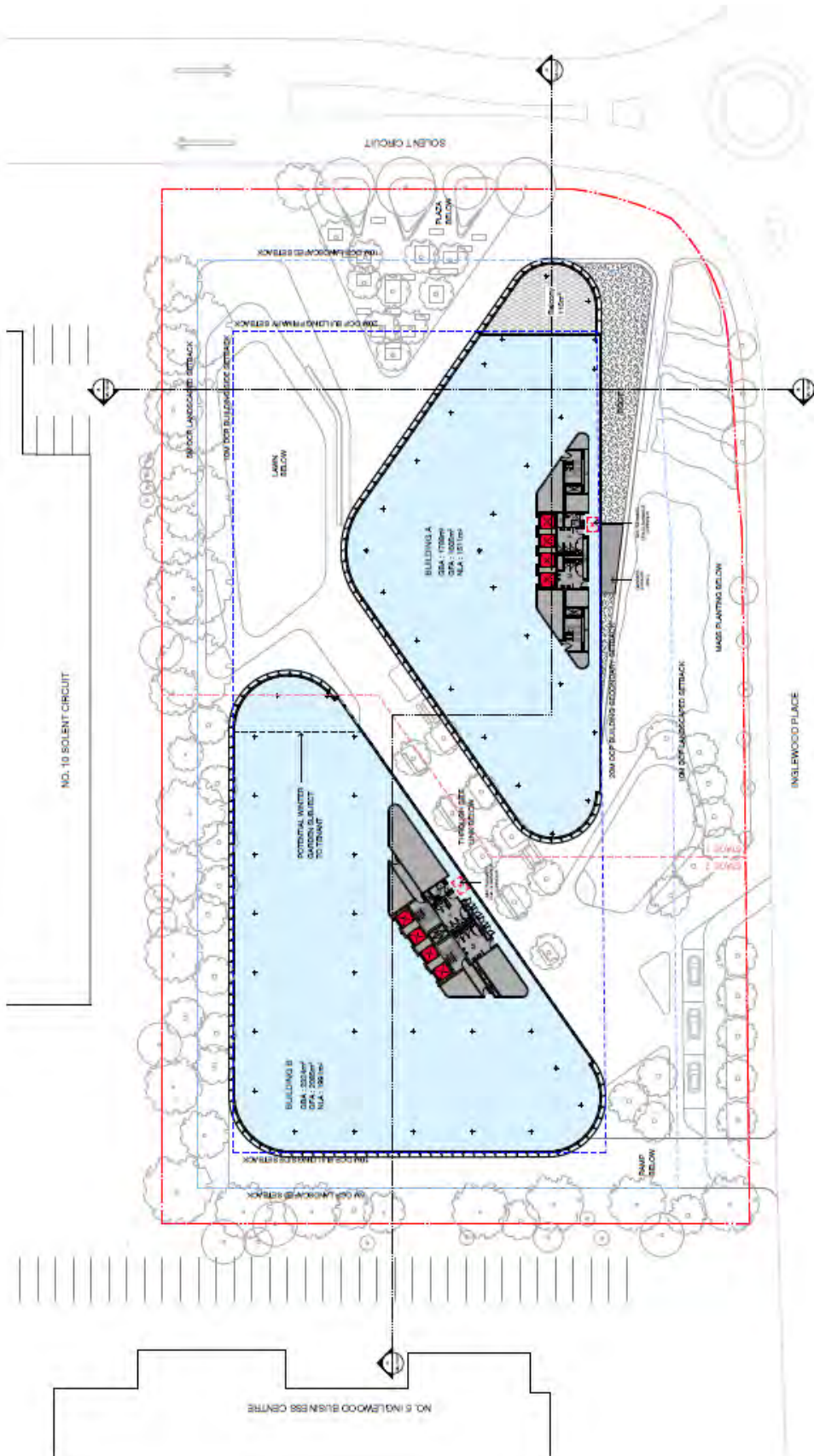
8 Solent Circuit
Newport

DA.03.B2 B

BATES SMART

STAGE 01	STAGE 02
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200	200

UNITS PARKING SPACE
TANDEM PARKING SPACE
COURTESY PARKING SPACE
SMALL PARKING SPACE



8 Solent Circuit Nonwest

Typical Template Plan (L1, L2, L3)

Scale: 1:1000

North Arrow

Scale Bar

Project: 8 Solent Circuit Nonwest

Client: Batesmart

Design: Batesmart

Drawn by: DA 03.02

Check by: B

Project: 8 Solent Circuit Nonwest

Client: Batesmart

Design: Batesmart

Drawn by: DA 03.02

Check by: B

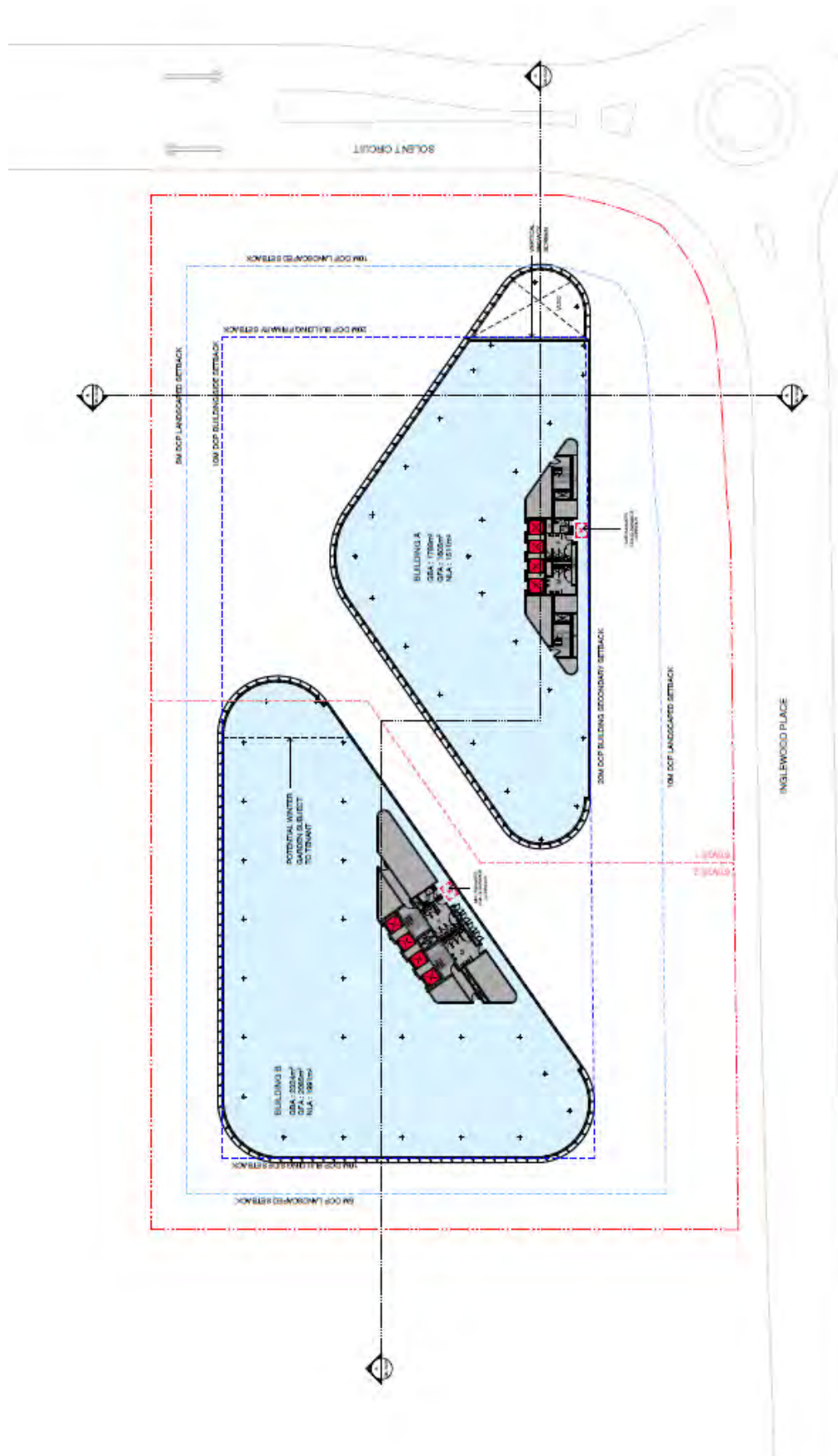
Project: 8 Solent Circuit Nonwest

Client: Batesmart

Design: Batesmart

Drawn by: DA 03.02

Check by: B



**8 Solent Circuit
Northwest**

Typical Floor Plan (LUA, LUB)

Scale: 1:500

Project No: 4/2020/01

Client: Bates Smart

Design: Bates Smart

Drawn: Bates Smart

Checked: Bates Smart

Approved: Bates Smart

Project Manager: Bates Smart

Project Engineer: Bates Smart

Project Architect: Bates Smart

Project Designer: Bates Smart

Project Draftsman: Bates Smart

Project Surveyor: Bates Smart

Project Photographer: Bates Smart

Project Printer: Bates Smart

Project Binder: Bates Smart

Project Folder: Bates Smart

Project Box: Bates Smart

Project Bag: Bates Smart

Project Car: Bates Smart

Project Boat: Bates Smart

Project Plane: Bates Smart

Project Train: Bates Smart

Project Ship: Bates Smart

Project Truck: Bates Smart

Project Bus: Bates Smart

Project Caravan: Bates Smart

Project Motorhome: Bates Smart

Project Boat: Bates Smart

Project Plane: Bates Smart

Project Train: Bates Smart

Project Ship: Bates Smart

Project Truck: Bates Smart

Project Bus: Bates Smart

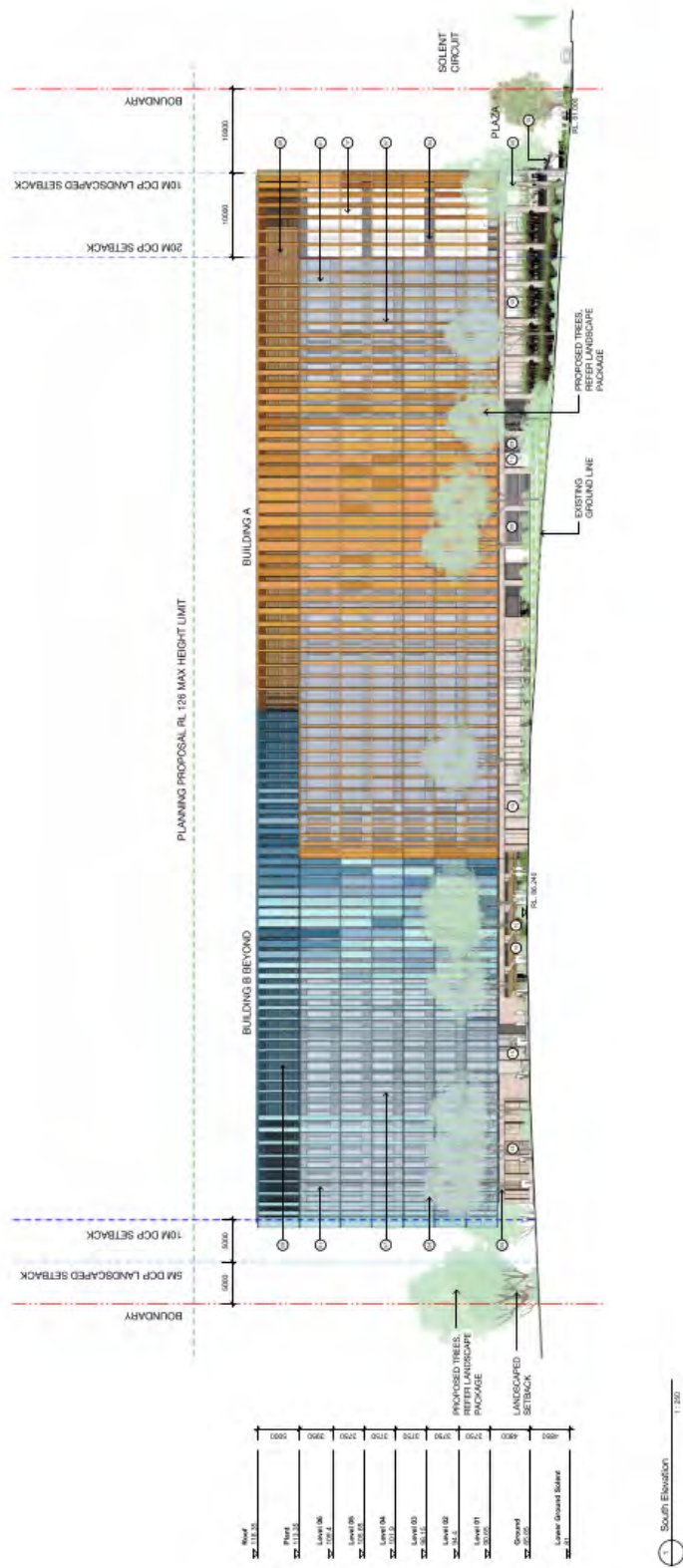
Project Caravan: Bates Smart

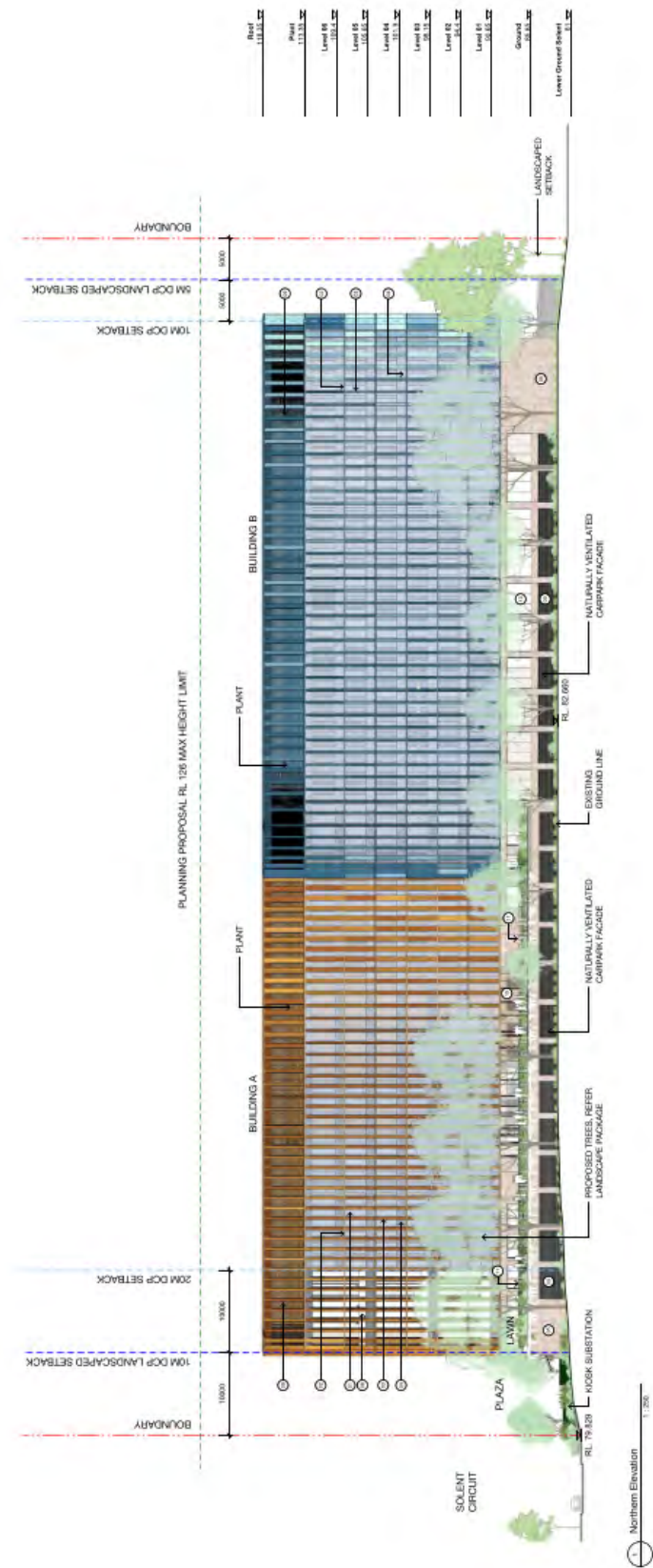
Project Motorhome: Bates Smart

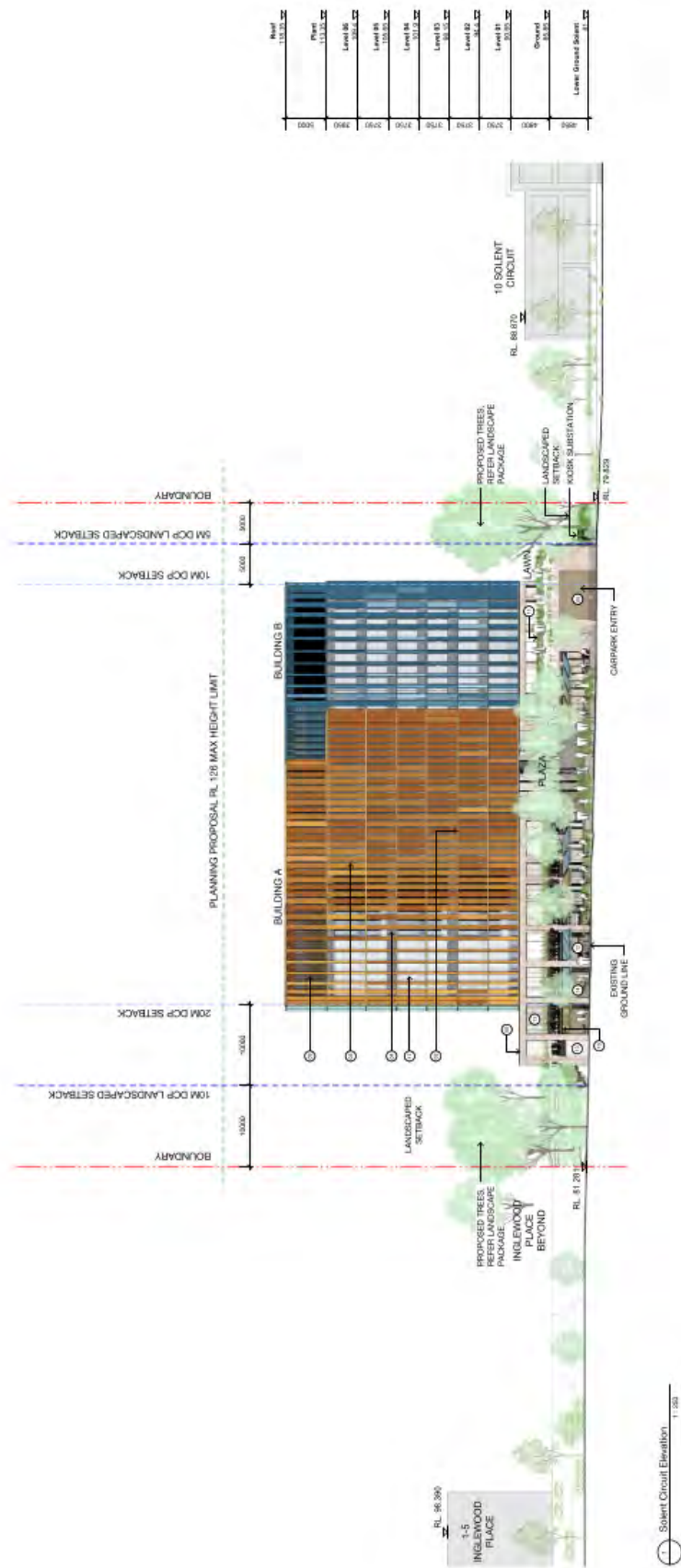
BATES SMART

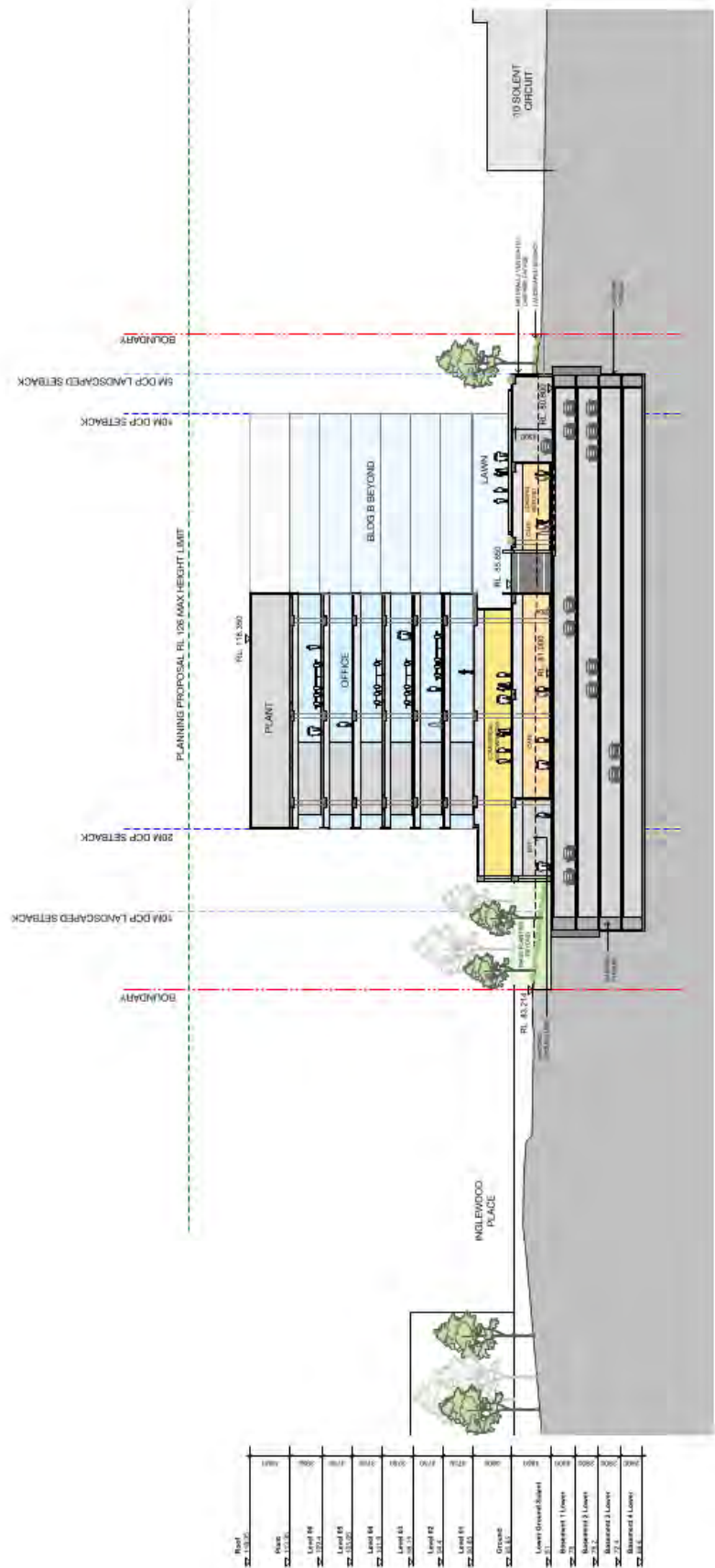
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ATTACHMENT 9 – ELEVATIONS/SECTIONS









ATTACHMENT 10 – LANDSCAPE PLAN



ARCADIA

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Melbourne VIC 3000 Australia
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Bates Smart: P/L Ltd ANZ 710 026 080 400

BATES^{SMART}

ATTACHMENT 12 – TRANSPORT FOR NSW SUBMISSION



Transport
for NSW

22 April 2021

TfNSW Reference: SYD20/00472/04 (A37222603)
Council Reference: 1302/2020/JP

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

Attention: Cynthia Dugan

Dear Sir/Madam,

REVIEW OF DETERMINATION - PROPOSED COMMERCIAL DEVELOPMENT AT 8 SOLENT CIRCUIT, NORWEST

Reference is made to Council's correspondence dated 16 March 2021, regarding the abovementioned application which was referred to Transport for NSW (TfNSW) for comment.

TfNSW has reviewed the submitted additional information and has the following comments for Council's consideration in the determination of the application:

1. It is noted from the traffic report provided by Gennaoui Consulting that a roundabout is proposed at the intersection of Solent Circuit/Inglewood Place to mitigate the impact of the development. The proposed roundabout would have potential impact at the intersection of Norwest Boulevard/Reston Grange/Solent Circuit due to close proximity of the two intersections. TfNSW advises that the intersection of Norwest Boulevard/Reston Grange/Solent Circuit should be modelled/assessed together with the proposed roundabout to understand the impact on the road network.

The impact and the need/associated funding for upgrading or road improvement works should be investigated (if required).

2. The intersections should be modelled in SIDRA NETWORK for both existing and future year 2036 scenarios. The cumulative traffic impact of the development with other developments in the area should be assessed.
3. Swept path plans should be provided for the longest vehicle using the roundabout for all turning movement at the intersection. The provided swept path analysis seems to be missing some turning movements.

Transport for NSW

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

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'Pahee Rathan', with a stylized flourish at the end.

Pahee Rathan
Senior Land Use Assessment Coordinator

ATTACHMENT 13 – DESIGN EXCELLENCE PANEL MINUTES

MEETING MINUTES DESIGN EXCELLENCE PANEL

Date:	10/06/20	Time:	9.50 am
Location of Meeting:	Electronic video conference meeting via Skype for Business		
Panel Members:	Chairperson – Nicholas Carlton, Manager Forward Planning, THSC Panel Member – Tony Caro, Independent Design Expert Panel Member – David Reynolds, Group Manager THSC		
Councillors:	None Present		
Council Staff:	Cameron McKenzie, Paul Osborne, Cynthia Dugan, Marika Hahn		
Guests:	Peter Lee - Calibre - Planner Stuart Vaughan - Winten – Applicant Partner Michael Upton – Eden Brae Homes – Applicant Phillip Vivian - Bates Smart - Architect Zoe Phillips - Bates Smart - Designer Michael Barnett – Arcadia – Landscape Architects		

BUSINESS ITEM AND MEETING MINUTES

1. Welcome and Opening

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

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

The Panel provides recommendations on the following:

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

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

Note: The Design Excellence Panel does not determine or endorse applications. The Design Excellence Panel provides design advice to applicants and council officers.

2. Declaration of interest

"Nil"

3. Confirmation of previous minutes

Confirmed by email

4. Presentations

Item 4.1	9.50am – 10.50am
DA Number	DA 1302/2020/JP
Property Address	8 Solent Circuit, Norwest
Proposal	 Commercial Development comprising; offices, showrooms, restaurants and other retail uses over basement parking.
Applicant representative address to the Panel	Phillip Vivian - Architect , Director Bates Smart Michael Barnett –Landscape Architect, Arcadia Peter Lee, Calibre Planning Michael Upton – Applicant

BACKGROUND

On 13/11/19, the DA (1302/2020/JP) was presented to the Design Excellence Panel as a pre-DA (52-2020-PRE). All Panel members have previously undertaken a site visit.

DOCUMENTATION

The Design Excellence Panel reviewed the following drawings:

Site Survey, dated August 2019, by Chadwick Cheng consulting Surveyors

Architectural Plans, dated 31/03/20, by Bates Smart

DA Design Report, dated February 2020, by Bates Smart

DEP Presentation, viewed 10/06/20, by Bates Smart

Landscape Development Application, dated February 2020, by Arcadia

Arborist Report, dated 19 February 2022, by Naturally Trees

ESD Concept Brief, dated 20/02/20, by DSA Consulting

Statement of Environmental Effects, dated 31/03/20, by Calibre

Wind Assessment, dated February 2020, by CPP

PANEL COMMENTS

The applicant has previously attended the Design Excellence Panel with a pre-DA for the subject site. The Panel notes that the site planning remains largely the same as the concept previously presented, with amendments made subject to Design Excellence Panel comments clearly articulated. The Panel commends the design team for the clear documentation and concise presentation.

For clarity, the following minutes are based on the Panel's previous comments (*repeated below in italics*).

Response to Context

1. *The application presents an appropriate response to the immediate context and could offer a precedent for contemporary transit orientated development within a traditional business park setting.*

Comment: Pedestrian amenity has improved as the project has developed and the original design concepts have become more resolved.

Bulk, Scale and Massing

2. *The change in colour of the building fabric and provision of two separate building forms assists in mitigating the overall bulk and scale of the development which is considered appropriate.*

Comment: No further comment.

3. *The Panel noted the impact of cold prevailing winter winds on pedestrian comfort at the ground plane may require mitigation and further investigation is recommended.*

Comment: The architects stated that a desktop study undertaken by a wind consultant had resulted in the introduction of landscape mitigation within the passageway between the development blocks. The Panel cautioned that the impact of strong south-west winter winds should be anticipated, and notes that the proposed large trees are above carparking, which may inhibit their growth and effectiveness.

4. *The height complies with the endorsed Planning Proposal which is currently awaiting finalisation.*

Comment: The Panel notes this compliance and minimisation of the visual impact on views to and from Bella Vista Farm. It is also noted that the planning proposal applicable to this land has since been finalised.

Site Coverage/ Landscaped Open Space

5. *The applicant has stated that site coverage is 43%. The Panel recommends maximising deep soil planting wherever possible within the proposed landscaped areas.*

Comment: No further comment.

6. *The removal of above ground car parking allows for a formal building address and entry plaza incorporating public domain and landscaping treatments. The Panel noted more tall tree shade planting may be required in the plaza area due to the extreme summer heat.*

Comment: The Panel strongly supports the generous provision of high canopy trees in deep soil across the front plaza area, and additional shade tree plantings on the landscaped terrace above vehicular entry from Solent Circuit (soil depth to be minimum 1200mm and/or to Council planning officers satisfaction).

7. *Noting that the design is undergoing further development the Panel suggested the upper level open grassed area is likely to be too exposed in summer and would benefit from additional landscape and treatments incorporating shading (and windbreaks if required).*

Comment: Refer Item 6 above.

Setbacks

8. *The Panel considers that the justification for the setback variation is sound and acknowledges the merit of the setback variation (and "averaging" approach) and positive attributes that this facilitates, including an improved relationship to Solent Circuit.*

Comment: The Panel notes the roundabout has not been incorporated into the development design documentation and recommends this be resolved to Council and authority satisfaction given potential impacts on the site and the proposal. The Panel supports the proposed reduction in 20m setback for Building A at the south-east corner, in principle, provided that the roundabout design and safety of pedestrians and patrons around the retail corner are both resolved.

9. *It is noted that the plans depict well-setback basement parking areas to enable significant deep soil planting along the Solent Circuit frontage within the public plaza.*

Comment: No further comment

10. *The proposed roundabout at the intersection of Solent Circuit and Inglewood Drive may require land acquisition and consequential impacts upon the design of the corner element of the development. It is recommended further design and detail of the roundabout be progressed prior to the DA development to ensure the design intent is not compromised.*

Comment: This comment remains relevant as noted in item 8.

Internal Planning

11. *The Panel supports the layouts of the commercial floor plates, which appear to accommodate a range of tenancy sizes.*

Comment: No further comment

12. *The Panel questioned access to the end of trip facilities noting this should be direct and not conflict with other ground floor uses. This may be resolved through amending plans to show the path of access from the plaza area to these facilities.*

Comment: The Panel notes the design changes which provide direct access to end of trip facilities and supports the arrangement.

13. *The Panel accepts the provision of dual access to the basement car parking from both Inglewood Drive and Solent Circuit, noting that Inglewood Drive would be the preferred vehicular access and egress.*

Comment: No further comment

14. *The Panel queried provision of open mezzanine terraces to Building 'A' and not Building 'B' noting that both buildings would potentially benefit from this breakout space provision.*

Comment: The architects described potential provision of a mezzanine area to Building B. The Panel noted a need to provide services and drainage to allow for future adaptation.

Public Domain

15. *The Panel supports public domain design that fosters street activation and is prioritised towards pedestrians. The provision of an accessible public plaza provides an attractive setting for passive recreation and is commended.*

Comment: No further comment.

16. *The two storey podium treatment provides an appropriate base for the tower elements viewed from the Solent Circuit address and appears well resolved with the topography of the site.*

Comment: No further comment

Private Domain

17. *The open mezzanine "breakout spaces" present as being closed. The Panel noted that some consideration should be afforded to providing greater engagement with the street and plaza areas*

Comment: The architects confirmed that full height glazing to south-east facades is required to block prevailing winds, with northern facades to be open with glazed balustrades.

18. *For 'future-proofing', the Panel suggested that adaptive re-use opportunities of the basements be considered should car parking areas become redundant in the future.*

Comment: Not discussed but possible future uses are noted.

Sustainability and Environmental Amenity

19. *Sustainability and environmental amenity appear to have been well considered with the provision of a pedestrian orientated well-scaled public domain, the demonstrated attention and research into solar gain on the building facades and proposed mitigation strategies, and the provision of*

deep soil zones for substantial soft landscaping treatments with the ability to support high canopy trees.

Comment: The Panel commends the work of the design team and noted the public domain has improved as the design has developed.

20. The proposal also demonstrates social and economic sustainability in the provision of uses such as restaurants, retail facilities, a shaded plaza and an open-air exercise area. This will promote an activated, attractive and lively street interface with places for social interaction, which will impact positively upon public perception of the business park.

Comment: No further comment.

21. The intent to achieve a 5 star Green Star building rating is commended.

Comment: No further comment.

Architecture and Aesthetics

22. The Panel noted that this development provides opportunity to elevate the image and presence of Norwest Business Park and suggested the corner element street interface at Inglewood Drive could become more prominent if the facade was generously landscaped and opened up to optimise engagement with the public domain. Further consideration should be given to the relationship between the proposal and the public domain along the Inglewood Drive frontage.

Comment: The Panel sought clarification of the design intent for the stepped parapet planter profile over the car park entry from Solent Circuit.

23. The Panel supports the proposed tower 'coloration strategy' and its integration with façade shading. The brick treatment of the podium is an appropriate material choice for the public domain interface.

Comment: No further comment.

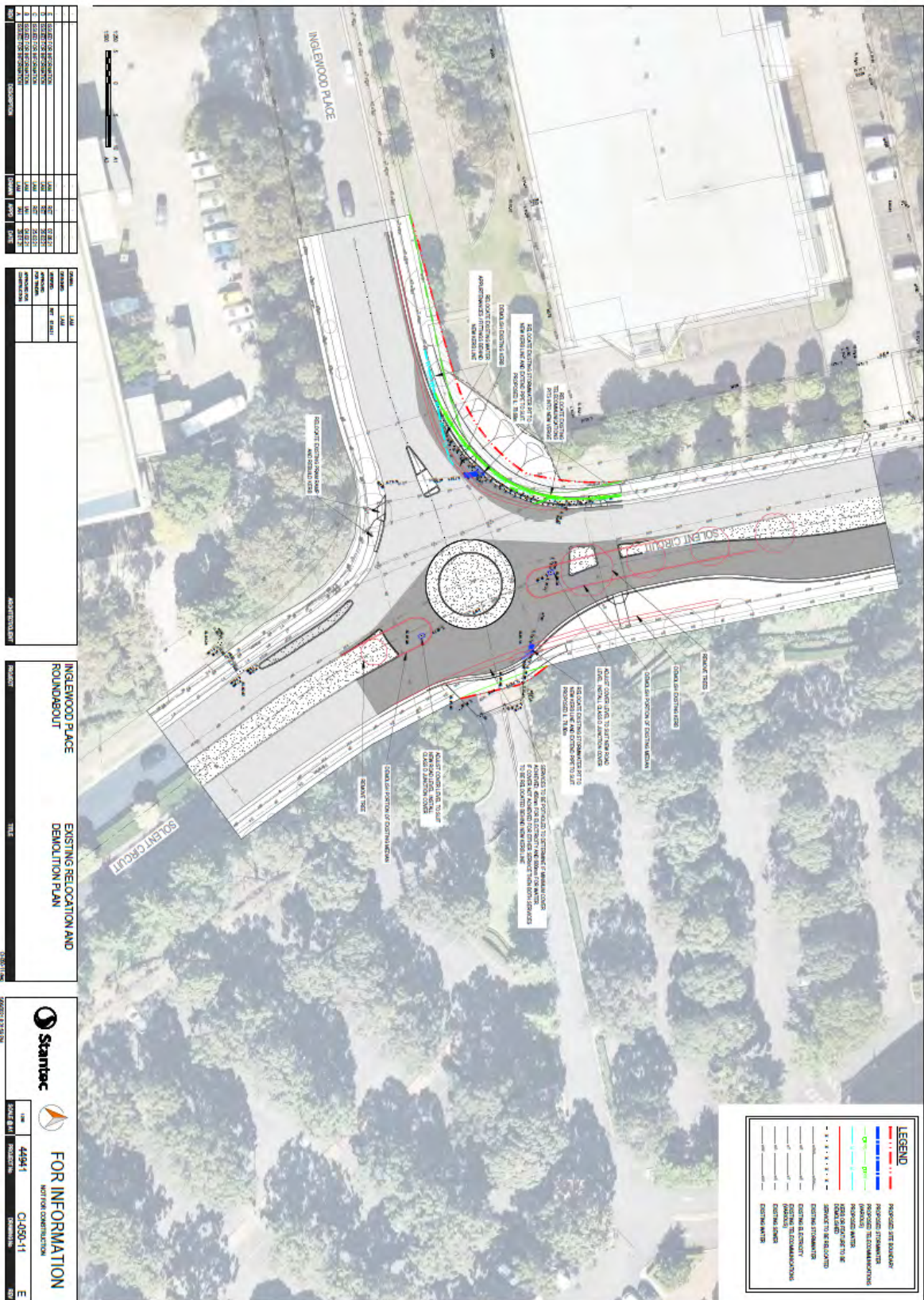
24. The Panel recommends that visible service provision including substations be carefully and substantially screened or integrated into the building fabric.

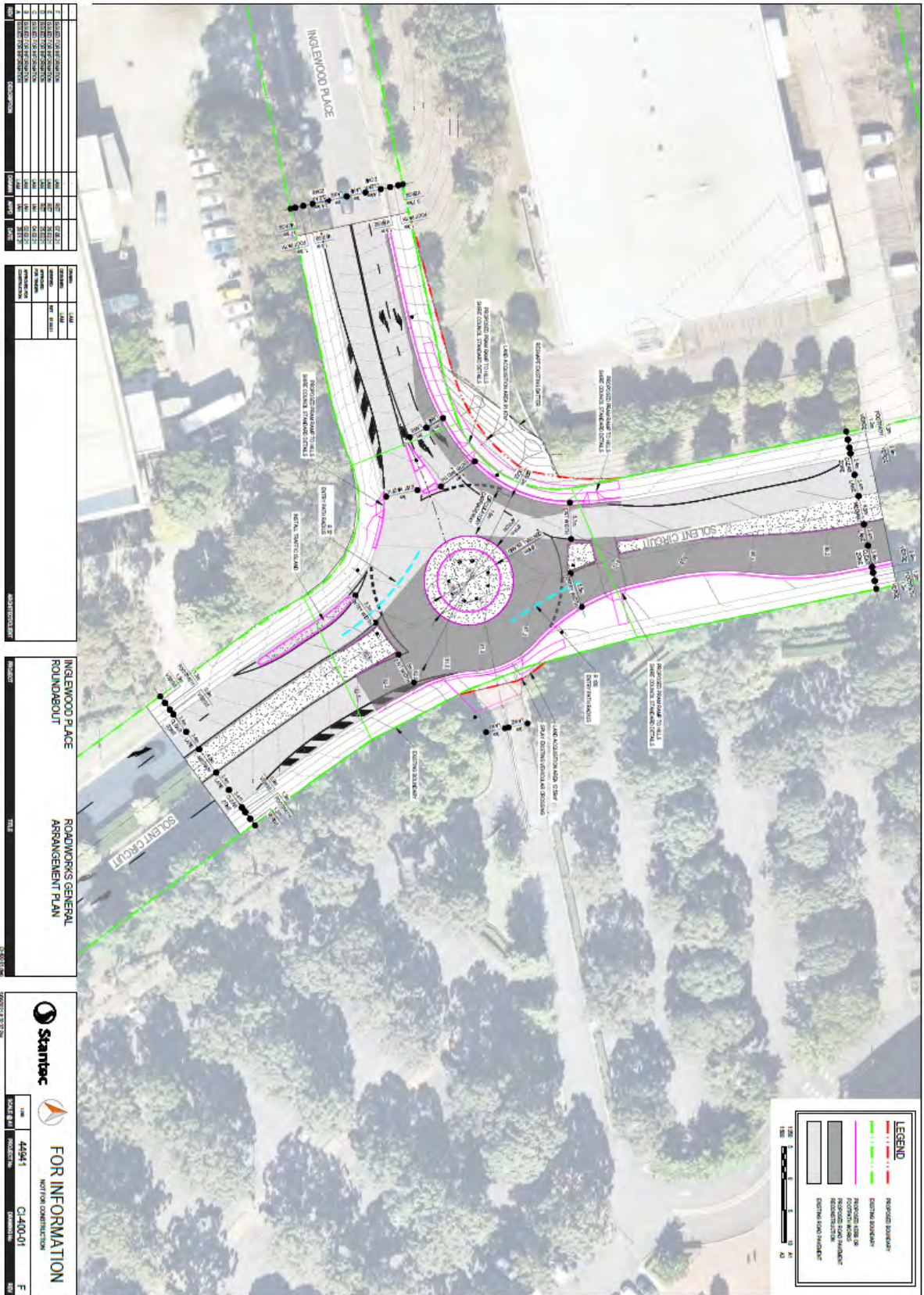
Comment: All details for screening and placement of services to be included in the DA documentation to council officer's satisfaction.

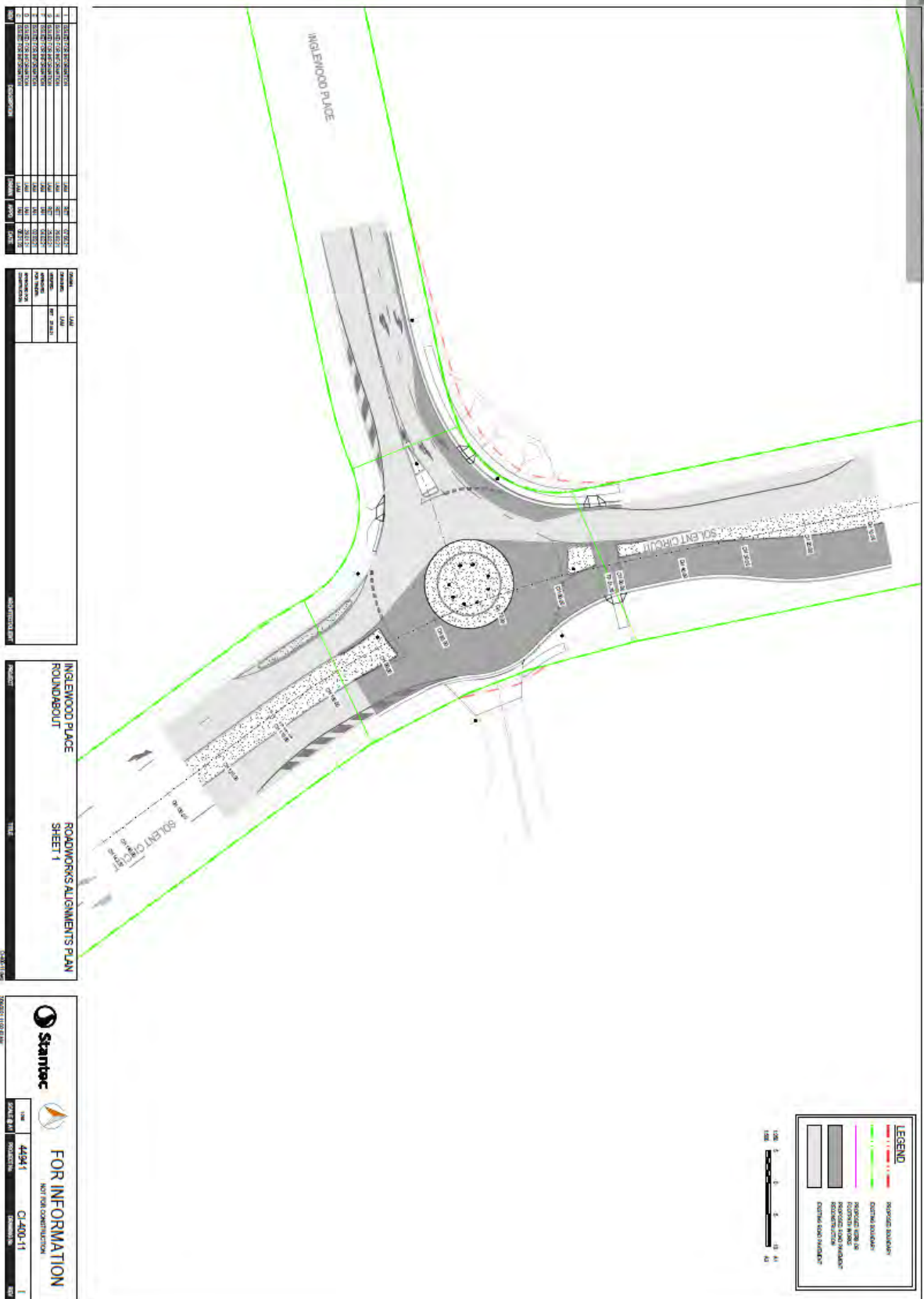
PANEL CONCLUSION

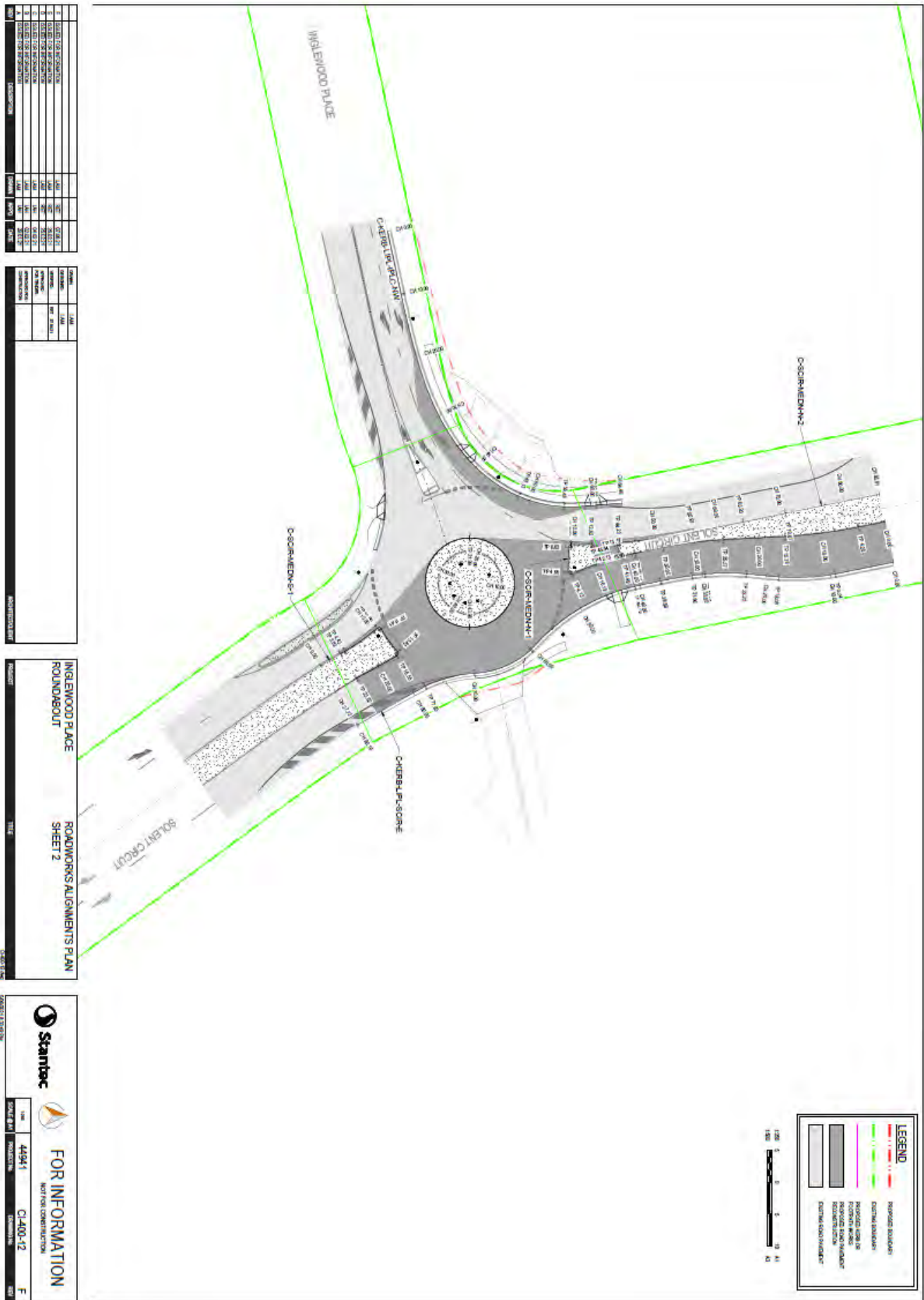
The Panel is of the opinion that the application satisfies the requirements of the Design Excellence clause and exhibits Design Excellence. The Panel commends the design team for a well-conceived design that prioritises the pedestrian and worker experience; and contributes positively to the public domain and future character of the Norwest Business Park.

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









ATTACHMENT 15 – DETERMINATION AND STATEMENT OF REASONS 1302/2020/JP



Planning
Panels

DETERMINATION AND STATEMENT OF REASONS SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	16 December 2020
PANEL MEMBERS	Abigail Goldberg (Chair), Mark Colburt, Noni Ruker and Ken McBryde
APOLOGIES	David Ryan
DECLARATIONS OF INTEREST	Chandi Saba advised that she has been involved in internal Council discussions regarding this project and as such has a conflict of interest and would not participate.

Papers circulated electronically on 2 December 2020. Supplementary information provided by applicant on 11 December 2020.

MATTER DETERMINED

PPSSCC-90 – The Hills Shire – 1302/2020/JP, 8 Solent Circuit, Norwest, Commercial Development including Offices, Showroom, Food and Drink Premises and Basement Carpark (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered and debated the matters listed at item 6 and the material listed at items 7 and 8 in Schedule 1.

The Panel determined to refuse the development application for the reasons outlined in the Council Assessment Report.

In reaching its conclusion, the Panel noted that:

- The *built form* has been supported by Council's Design Review Panel, subject to changes including setbacks, which have been executed.
- Unresolved matters of contention are:
 - Performance of the intersection at 8 Solent Circle
 - Design of the intersection
 - Contribution to the cost of the intersection
 - VPA.

With regard to the intersection at 8 Solent Circle, which the Panel considers integral to the application, the Panel observes that the site has recently been rezoned resulting in an increase of development potential. Council asserts that this upzoning is subject to the applicant providing all the required road infrastructure at their cost, as set out in the VPA, which states that

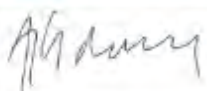

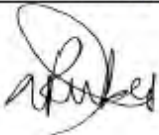
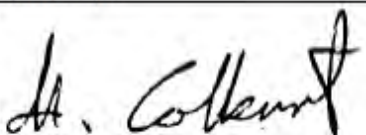
"The Developer, at its cost, agrees to provide all road infrastructure required to be provided under, and in accordance with, the Development Consent." (VPA, Clause 7 Road Infrastructure, pg 6)

Under these circumstances, the Panel considers that matters relating to the intersection must be resolved, but that the applicant has elected not to propose a conciliatory position despite Council making it clear that the proposal as submitted was not acceptable.

The decision to refuse was unanimous.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that there were no written submissions received during the public exhibition.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 Ken McBryde
 Noni Ruker	 Mark Colburt

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-90 – The Hills Shire – 1302/2020/JP
2	PROPOSED DEVELOPMENT	Commercial Development including Offices, Showroom, Food and Drink Premises and Basement Carpark
3	STREET ADDRESS	8 Solent Circuit, Norwest
4	APPLICANT/OWNER	EBH Investments Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	CIV exceeding \$30million
6	RELEVANT MANDATORY CONSIDERATIONS	Environmental planning instruments: <ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy Infrastructure 2007 • State Environmental Planning Policy No 55 — Remediation of Land • The Hills Local Environmental Plan 2019 <ul style="list-style-type: none"> ○ Draft environmental planning instruments: <ul style="list-style-type: none"> ○ The Hills Development Control Plan 2012 ○ Planning agreements: Nil ○ Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> ○ Coastal zone management plan: [Nil] ○ The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality ○ The suitability of the site for the development ○ Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations ○ The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 4 December 2020 • Written submissions during public exhibition: 0

		<ul style="list-style-type: none"> 11 December 2020 – Applicant response to Council Assessment Report (Stantec Memo re traffic matters) 14 December 2020 – Council email response to Panel queries regarding VPA and CP 14 December 2020 – Applicant written copy of submission made at briefing of 14 December 2020
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> Papers were circulated electronically on 2 December 2020. Site inspection - Site inspections have been curtailed due to COVID-19 precautions. Where relevant, Panel members undertook site inspections individually. 20 August 2020 – Council Briefing <u>Attendees:</u> Panel Members - Abigail Goldberg (Chair), David Ryan, Susan Budd and Mark Colburt (Suzie Jattan in attendance on behalf of the Panel Secretariat) Council Assessment Staff - Cameron McKenzie, Paul Osborne and Cynthia Dugan 14 December 2020 - Applicant Briefing to discuss Council's recommendation <u>Attendees:</u> Panel Members - Abigail Goldberg (Chair), Noni Ruker, Ken McBryde and Mark Colburt (George Dojas and Suzie Jattan in attendance on behalf of the Panel Secretariat) Council Assessment Staff - Cameron McKenzie, Paul Osborne and Cynthia Dugan, Rodney Pavitt and Michael Lathlean (traffic) Applicant Representatives – Peter Lee, Emily Hou, Michael Upton and Stuart Forman <u>Points discussed –</u> <ul style="list-style-type: none"> <i>Administrative matter:</i> name of the applicant as it appears on the determination Applicant response to Council's assessment and recommendation for referral, specifically: <ul style="list-style-type: none"> The <i>built form</i> has been supported by Council's Design Review Panel, subject to changes including setbacks, which have been executed. Matters of contention are: <ul style="list-style-type: none"> <i>Performance of the intersection at 8 Solent Circle.</i> The applicant contends in their submission of 11 December 2020 that this intersection is already failing. Council points out that they have had insufficient time to analyse the submission of 11 December, which includes new traffic modelling and assumptions not provided at the time of submission of the application. Council notes nevertheless that the same consultant who provided the 11 December Memo provided a report at the time of submission of the application which indicated that performance of the intersection

		<p>was satisfactory. Moreover, this consultant has advised on adjacent developments, so is fully informed of traffic performance in the precinct. Council staff noted that there had been no customer service requests received regarding under-performance of the intersection. Council staff observed that their own experience of the intersection indicated that it was not failing, noting that Council offices are also in Norwest Business Park, requiring them to traverse the intersection.</p> <ul style="list-style-type: none"> ▪ <i>Design of the intersection.</i> The applicant notes that they had proposed traffic signals but that this was not accepted by TfNSW. In the alternate, three design options were presented of which Option 2 was preferred by Council and Option 3 preferred by the applicant. A final preferred option has not been agreed. ▪ <i>Contribution to the cost of the intersection.</i> The applicant suggests that they will contribute 26% of the traffic utilizing the intersection, and should therefore be liable for 26% of costs only. Council notes that the site has been rezoned resulting in an 'upzoning' of the development potential, however this is subject to the applicant agreeing to provide all the required road infrastructure at their cost, as set out in the VPA, Clause 7 Road Infrastructure on page 6 which states that <p style="margin-left: 40px;"><i>"The Developer, at its cost, agrees to provide all road infrastructure required to be provided under, and in accordance with, the Development Consent."</i></p> ▪ <i>VPA:</i> the applicant asserts that the money agreed to in the VPA could cover the costs of the intersection improvements. Council notes that the VPA contribution is not for intersection improvements. Moreover, the preferred intersection design option has not been agreed, or costed. Council notes that in Norwest Business Park, site services have been located beneath the roadways and part of the cost would be relocating these services, which has not yet been estimated.
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A



THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL
3 Columbia Court, Norwest NSW 2153
PO Box 7064, Norwest 2153
ABN 25 034 494 656 | DX 9966 Norwest

18 December, 2020

EBH Investments Pty Limited
C/- Calibre Professional Services Pty Ltd
Level 2 2 Burbank Pl
NORWEST NSW 2153

Ref No.1302/2020/JP
Sydney Central City Planning Panel 16/12/2020

Dear Sir/Madam

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979
NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

Pursuant to Section 4.16 of the Environmental Planning and Assessment Act, 1979, notice is hereby given of the determination by the Sydney Central City Planning Panel of the Development Application described below.

APPLICANT:	EBH Investments Pty Limited
OWNER:	EBH Investments Pty Limited
PROPERTY:	Lot 4026 DP 873565 8 Solent Circuit, NORWEST NSW 2153
DEVELOPMENT:	Commercial Development including Offices, Showroom, Food and Drink Premises and Basement Carpark.
DECISION:	Refusal
ENDORSED DATE OF REFUSAL:	16 December, 2020

The Development Application has been refused on the following grounds:

1. The proposal is not in the public interest as the development would result in the failure of an existing intersection at Solent Circuit and Inglewood Place and no provision has been made for improvement works to be undertaken. Whilst concept roundabout design options were submitted by the Applicant, inadequate arrangements have been made to make that road infrastructure available when it is required.

(Section 4.15(1)(e) of the Environmental Planning and Assessment Act, 1979).

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2. The proposal has not satisfactorily addressed the potential for traffic safety and road congestion of the traffic generating development and does not satisfy Clause 104 (3) of SEPP (Infrastructure) 2007.

(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979).

3. The proposal is contrary to the aims of The Hills Local Environmental Plan 2019 as the development does not result in balanced urban growth as the provision for efficient and safe transport infrastructure required to accommodate the development has not been resolved.

(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979).

4. The proposal is contrary to the provisions of The Hills Local Environmental Plan 2019 in regards to Clause 7.7 (4) Design Excellence. The proposal does not meet the provisions under as subclause (f)(x) which requires the development to address the impact on, and any proposed improvements to, the public domain.

(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979).

5. The proposal does not provide the required front setbacks under The Hills DCP Part B Section 6 – Business and further land acquisition for the upgrade works required for the intersection at Solent Circuit/Inglewood Place would further reduce the front setbacks proposed.

(Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979).

6. The proposal is not in the public interest as a result of its departure from the requirements under The Hills LEP 2019, SEPP (Infrastructure) 2007, The Hills DCP 2012 and submissions received from Transport for NSW.

(Section 4.15(1)(d) and (e) of the Environmental Planning and Assessment Act, 1979).

Right of Review

Division 8.2 of the Environmental Planning and Assessment Act 1979 allows an applicant the right to review a determination subject to such a request being made within six months of the determination date except as amended by the COVID-19 Legislation Amendment (Emergency Measures – Miscellaneous) Act 2020. Division 8.2 does not permit a review of determination in respect of designated development or Crown development (referred to in Division 4.6).

Right of Appeal

Division 8.3 of the Environmental Planning and Assessment Act 1979 allows an applicant who is dissatisfied with the determination of an application by the consent authority the right to appeal to the NSW Land and Environment Court within six months after receipt of this determination except as amended by the COVID-19 Legislation Amendment (Emergency Measures – Miscellaneous) Act 2020.

Should you require any further information please contact Cynthia Dugan on 9843 0334.

Yours faithfully

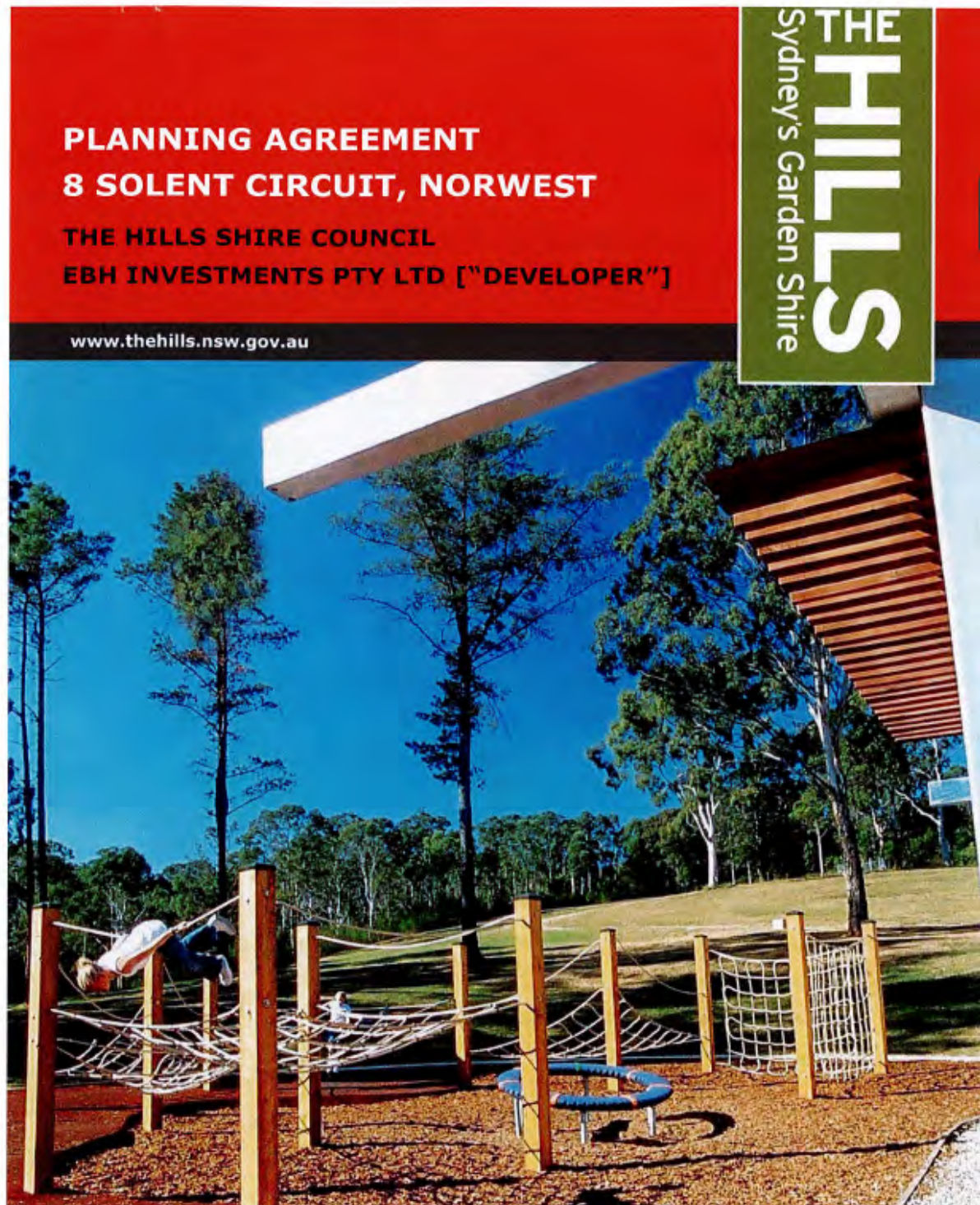


Paul Osborne

MANAGER-DEVELOPMENT ASSESSMENT

ATTACHMENT 1: STATEMENT OF REASONS FOR THE DECISION

ATTACHMENT 2: SCCPP DETERMINATION AND STATEMENT OF REASONS



The Hills Shire Council

May 2019

3 Columbia Court, Norwest NSW 2153
PO Box 7064, Norwest BC 2153 Phone (02) 9843 0555

8604165_1

**Planning Agreement
Summary Sheet**

Council	Name	The Hills Shire Council
	Address	3 Columbia Court Norwest, NSW 2153
	Telephone	(02) 9843 0555
	Facsimile	(02) 9843 0258
	Email	council@thehills.nsw.gov.au
	Representative	Mr Michael Edgar – General Manager
Developer	Name	EBH Investments Pty Limited (ABN 44 619 483 573)
	Address	Level 3, 22 Brookhollow Ave Norwest, NSW 2153
	Telephone	02 8860 9292
	Email	mupton@edenbraehomes.com.au
	Representative	Michael Upton
Land	Lot 4026 in Deposited Plan 873565 known as 8 Solent Circuit, Norwest.	
Instrument Change	The amendment of The Hills Local Environmental Plan 2012, as it relates to the Land, to increase the maximum floor space ratio from 1:1 to 2:2:1 and increase the permissible maximum building height from RL116 metres (approximately 8 storeys) to RL126 metres (up to 10 storeys).	
Planning Proposal	Planning Proposal (11/2018/PLP).	
Monetary Contribution	See Schedule 1.	
Security Amount	Nil.	

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Planning Agreement

Dated

Parties

The Hills Shire Council ABN 25 034 494 656 of 3 Columbia Court, Norwest, NSW 2153
(Council)

EBH Investments Pty Limited ABN 44 619 483 573 of Level 3, 22 Brookhollow Avenue,
Norwest, NSW 2153.

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 registered proprietor of the Land.
- C. Through lodgement of the Planning Proposal, the Developer has made an application to the Council for the Instrument Change so as to enable an application to be made to the Council for Development Consent.
- D. The Developer acknowledges that if the Development Consent is granted and the Proposed Development carried out it is likely to increase the demand for the provision of infrastructure improvements in the Precinct and its vicinity.
- E. As a consequence of the matters set out above, the Developer has offered to provide the Development Contributions on, and subject to, the terms set out in this Agreement if the Instrument Change occurs.

Operative provisions

1. Defined meanings

Words used in this document and the rules of interpretation that apply are set out and explained in the definitions and interpretation clause at the back of this Agreement.

2. Planning agreement under the Act

The Parties agree that this document is a planning agreement within the meaning of **subdivision 2, Division 7** of the Act.

3. Application of this document

This document 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 Council as a regulatory authority, and

- (b) does not in any way inhibit, deter or prejudice 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

5.1 Subject to clause 5.2, this Agreement operates from the date it is executed by both parties.

5.2 The following clauses of this Agreement will only operate if and when Council grants the Development Consent: Clauses 6 and 7

6. Monetary Contributions

6.1 Payment

The Developer must pay the Monetary Contribution as varied in accordance with clause 6.2 to Council by the time specified in Schedule 1. Payment of the Total Monetary Contribution may be made by cheque or electronic bank transfer to Council's nominated bank account.

6.2 Annual Increases

- (a) On 30 June each year ("the Review Date") each of the Monetary Contributions specified in Schedule 1 will be varied in accordance with the formula below.

$$\text{IMC} = \$600,000 \times \frac{B}{A}$$

Where:

IMC represents the Monetary Contribution to be paid by the Developer during the period of one year immediately following the relevant Review Date

B represents the Producer Price Index Number ("Number") for the June quarter in the year immediately preceding the date when the relevant Monetary Contribution specified in Schedule 1 is paid to the Council

A represents the Number for the June 2018 quarter

- (b) In the event that the Producer Price Index is discounted or abolished the Council may at its absolute discretion nominate another index to determine any inflationary impact upon the value of the Monetary Contributions since June 2018.

- (c) If the reference base for the Producer Price Index is changed, regard shall be had only in terms of the new reference base or to index numbers converted to the new reference base in accordance with an arithmetical conversion factor specified by the Australian Statistician.

6.3 Public Purpose

The Monetary Contribution is to be applied by Council towards the public purpose specified in Schedule 1.

7. Road Infrastructure

The Developer, at its cost, agrees to provide all road infrastructure required to be provided under, and in accordance with, the Development Consent.

8. Application of s7.11 and s7.12 of the EPAA

- 8.1 For the purpose of section 7.4(5) this document excludes the operation of sections 7.11 and section 7.12 to the Proposed Development except to the extent set out in clause 8.2 below.
- 8.2 Nothing in this document excludes the Council from imposing a condition of Development Consent with respect to the Proposed Development under s7.11 which requires the Developer to dedicate land within the Site for the purpose of road infrastructure.
- 8.3 Further to clause 8.2, the parties acknowledge and agree that nothing in this document prohibits the Council in any way from imposing a condition in a Development Consent in accordance with s4.17(1)(f) of the Act for the Proposed Development which requires the Developer, at its expense, to provide road infrastructure identified by the RMS or by Council.

9. Modifications

- 9.1 In the event that the Proposed Development is changed, modified or amended prior to completion of the development, and a further development or modification application is made for the development of the Land, then any Development Contribution made pursuant to this Agreement shall, to the extent that it is lawful:
- (a) be taken into account as part of any development contribution for the purpose of any planning agreement relating to a later application in respect of the Land; and
 - (b) be taken into account in determining any development contribution under section 7.11 and s7.12 of the Act; and
 - (c) be taken into account in determining whether or not any planning agreement excludes the operation of section 7.11 and/or section 7.12 of the Act; and
 - (d) be taken into account for the purposes of section 7.11(6) of the Act; and
 - (e) be taken into account for the purposes of section 4.15 of the Act.

10. Termination

10.1 Development Consents

If Development Consent is granted by the Council with respect to the Development Application(s), this document terminates with respect to that particular Development Consent:

- (a) on the lapse of the Development Consent; or

- (b) on the formal surrender of the Development Consent; or
- (c) on the final determination by a Court of competent jurisdiction issuing a declaration that the Development Consent is invalid.

10.1 Bankruptcy & Insolvency

This Agreement will immediately terminate if:

- (a) Any company officer of the Developer becomes subject of bankruptcy proceedings or becomes a bankrupt.
- (b) The Developer becomes subject of external administration or insolvency proceedings.

11. Consequences

- 11.1 On the date of termination or rescission of this document, subject to the following sub-paragraphs each party releases each other from any obligation to perform any term, or any liability arising out of, this document after the date termination.
- 11.2 Any unapplied Monetary Contribution, bond or Bank Guarantee that has been provided to Council will be refunded to the Developer as soon as practicable after the date of termination.
- 11.3 Termination or rescission of this document does not release either party from any obligation or liability arising under this document before termination or rescission.

12. Private Certifiers

Where Council is not the certifying authority for any aspect of the Proposed Development the Developer must on the appointment of a private certifier provide a copy of this Agreement to the private certifier.

13. Notices

- 13.1 Any notice to or by a party under this document must be in writing and signed by the sender or, if a corporate party, an authorised officer of the sender.
- 13.2 Any notice may be served by delivery in person or by post or transmission by facsimile to the address or number of the recipient specified in the Summary Sheet or most recently notified by the recipient to the sender.
- 13.3 Any notice is effective for the purposes of this document upon delivery to the recipient or production to the sender of a facsimile transmittal confirmation report before 4.00pm local time on a day in the place in or to which the written notice is delivered or sent or otherwise at 9.00am on the next day following delivery or receipt.

14. Breach Notice and Rectification

- 14.1 If the Developer is, in the opinion of Council, in breach of a material obligation under this document, Council may provide written notice of the breach to the Developer and require rectification of that breach within a reasonable period of time (**Breach Notice**).

14.2 Unless there are compelling reasons to extend or abridge the period of time permitted for rectification, a reasonable period of time is taken to be twenty eight days from receipt of written notification of the breach.

14.3 If the breach is not rectified within the time specified in the Breach Notice, or otherwise agreed between the Parties, Council may rectify the breach as the agent of the Developer and at the risk of the Developer. The Developer must pay all reasonable costs incurred by the Council in remedying the breach.

15. **Dispute resolution**

15.1 Disputes

If there is any dispute, difference of opinion or failure to agree relating to or arising from this document that dispute must be referred for determination under this clause.

15.2 No legal proceedings

The Parties must not bring or maintain any action on any Dispute (except for urgent injunctive relief to keep a particular position) until it has been referred and determined as provided in this clause.

15.3 Notice of disputes (Dispute Notice)

A Party referring a Dispute for determination must do so by written notice to the other parties which must specify the nature of the Dispute and a nominated officer of the referring party with sufficient authority to determine the Dispute.

15.4 Negotiated resolution and selection of expert

(a) On service of the Dispute Notice the receiving Parties must refer the Dispute to an officer with sufficient authority to determine the Dispute. The nominated officers of each Party must meet at least once and use reasonable endeavours to resolve the Dispute by negotiation within seven days of service of the Dispute Notice. Any resolution must be recorded in writing and signed by each nominated officer. By agreement, the nominated officers may employ the services of a mediator to assist them in resolving the Dispute.

(b) If the nominated officers are unable to resolve the Dispute within seven days of service of the Dispute Notice they must endeavour within the following seven-day period to appoint an expert by agreement. That appointment must be recorded in writing and signed by each nominated officer.

(c) If the nominated officers do not record the appointment of an expert within that second seven day period, the expert must be appointed, at the request of any party, by the President for the time being (or if none, the senior elected member) of the Law Society of New South Wales.

15.5 Assistance to the Expert (the Expert)

(a) Once the Expert has been appointed (the Expert), the Parties must:

- (i) each use their best endeavours to make available to the Expert all information the Expert requires to settle or determine the Dispute; and
- (ii) ensure that their employees, agents or consultants are available to appear at any hearing or enquiry called by the Expert.

- (b) The Parties may give written submissions to the Expert but must provide copies to the other Parties at the same time.

15.6 Expert's decision

- (a) The decision of the Expert must:
 - (i) be in writing and give reasons; and
 - (ii) be made and delivered to the parties within one month from the date of submission of the dispute to the Expert or the date of completion of the last hearing or enquiry called by the Expert, if later.
- (b) The Expert may conduct the determination of the Dispute in any way it considers appropriate but the Expert may, at its discretion, have regard to the Australian Commercial Disputes Centre's guidelines for expert determination of disputes or such other guidelines as it considers appropriate.
- (c) The Expert's decision is final and binding on the parties.
- (d) The Expert must act as an expert and not as an arbitrator.

15.7 Expert's costs

- (a) The Expert must also determine how the expenses relating to the reference of the Dispute (including the Expert's remuneration) should be apportioned between the parties and in default of a decision by the Expert those expenses must be borne by the parties equally.
- (b) In determining the apportionment of costs the Expert may have regard to what the Expert, in its reasonable opinion, considers to be a lack of good faith or a failure to use reasonable endeavours by any party in assisting the Expert or resolving the dispute between the parties' nominated officers as required by this clause.

15.8 Continual performance

Each Party must continue to perform its obligations under this document while any dispute is being determined under this clause.

16. Registration of document on Title

16.1 Acknowledgement

The Developer acknowledges that Council requires registration of this document under section 7.6 of the Act on the Lands and on registration by the Registrar-General the document will be binding on and enforceable against the owners of the Lands from time to time as if each owner for the time being had entered into this document. The Developer must assume carriage of such registration, subject to the provisions of this Clause 16.

16.2 Consents to Registration

This document must be registered on the title of the Land as soon as practicable after it is made. Each Party must promptly execute any document and perform any action necessary to affect the registration of this document on the title of the Land.

16.3 Release from Registration

Council will within five (5) business days of receiving a written request from the Developer, release part of the Land from registration of this document where the Development Contributions have been made including completion of the Works and no other money is owing to Council under this document. The obligations of the Council are satisfied when Council provides the Developer with a signed Request in registrable form for the release of registration of this document.

16.4 Registration Expenses

The Developer must pay all expenses including registration fees, any stamp duty, legal costs and disbursements, for the registration of this document and the subsequent removal of registration, on an indemnity basis.

The Developer will be entitled to the benefit of any special or discounted rates charged to Council by its consultants and legal advisers and will be entitled to seek assessment of any legal costs, as a third party payer under s 350(2) of the *Legal Profession Act 2004* (NSW).

17. Costs

17.1 The Developer is to pay to the Council the Council's costs associated with the negotiation, preparation, exhibition, legal review, execution and registration of this Agreement within 7 days of a written demand by the Council for such payment.

17.2 Each Party must bear its own costs arising from or in connection with the entry into this Agreement.

18. GST

If any payment made by one party to any other party under or relating to this document constitutes consideration for a taxable supply for the purposes of GST or any similar tax, the amount to be paid for the supply will be increased so that the net amount retained by the supplier after payment of that GST is the same as if the supplier was not liable to pay GST in respect of that supply. This provision is subject to any other agreement regarding the payment of GST on specific supplies, and includes payments for supplies relating to the breach or termination of, and indemnities arising from, this document.

19. General

19.1 Assignment

- (a) A party must not transfer any right or liability under this document without the prior consent of each other party, except where this document provides otherwise.
- (b) In the event that the Developer enters into a contract for the sale of the Land the subject of the Development Consent, the Developer (as vendor) shall disclose to the purchaser the existence of this Agreement.

19.2 Governing law and jurisdiction

- (a) This document is governed by and construed under the law in the State of New South Wales.

- (b) Any legal action in relation to this document against any party or its property may be brought in any court of competent jurisdiction in the State of New South Wales.
- (c) Each party by execution of this document 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.

19.3 Amendments

Any amendment to this document has no force or effect, unless effected by a document executed by the parties.

19.4 Third parties

This document confers rights only upon a person expressed to be a party, and not upon any other person.

19.5 Pre-contractual negotiation

This document:

- (a) expresses and incorporates the entire agreement between the parties in relation to its subject matter, and all the terms of that agreement; and
- (b) supersedes and excludes any prior or collateral negotiation, understanding, communication or agreement by or between the parties in relation to that subject matter or any term of that agreement.

19.6 Further assurance

Each party must execute any document and perform any action necessary to give full effect to this document, whether before or after performance of this document.

19.7 Continuing performance

- (a) The provisions of this document do not merge with any action performed or document executed by any party for the purposes of performance of this document.
- (b) Any representation in this document survives the execution of any document for the purposes of, and continues after, performance of this document.
- (c) Any indemnity agreed by any party under this document:
 - (i) constitutes a liability of that party separate and independent from any other liability of that party under this document or any other agreement, and
 - (ii) survives and continues after performance of this document.

19.8 Waivers

Any failure by any party to exercise any right under this document 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.

19.9 Remedies

The rights of a party under this document are cumulative and not exclusive of any rights provided by law.

19.10 Counterparts

This document may be executed in any number of counterparts, all of which taken together are deemed to constitute one and the same document.

19.11 Party acting as trustee

If a party enters into this document as trustee of a trust, that party and its successors as trustee of the trust will be liable under this document 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 document:

- (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 document on behalf of the trust and that this document 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.

19.12 Representations and warranties

The Parties represent and warrant that they have power to enter into this document and comply with their obligations under the document and that entry into this document will not result in the breach of any law.

19.13 Severability

If a clause or part of a clause of this document 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 document, but the rest of this document is not affected.

20. Definitions and interpretation

In this document unless the context otherwise requires:

Act means the *Environmental Planning and Assessment Act 1979* (NSW)

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;

Construction Certificate has the same meaning as in the Act;

Development Application means the development application for the Development Consent.

Development Consent means a development consent for the Proposed Development.

Development Contributions means the Monetary Contribution.

Dispute Notice means written notice provided by a Party referring a dispute for determination, specifying the nature of the dispute and a nominated officer of the referring party with sufficient authority to determine the dispute.

Environment has the same meaning as set out in the Dictionary to the *Protection of the Environment Operations Act 1997* (NSW).

GST means any tax, levy, charge or impost implemented under the *A New Tax System (Goods and Services Tax) Act 1999* (Cth) (**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;

Monetary Contributions means the monetary development contribution required to be paid to the Council in accordance with this agreement and as specified in Schedule 1.

Occupation Certificate has the same meaning as in the Act;

Party means a party to this document, including their successors and assigns.

Precinct means:

- (a) upon the adoption of a Contributions Plan under the Act for the area within which the Land is located, the area to which that Plan applies and any area of land in the general vicinity of such area;
- (b) prior to the adoption of any Contributions Plan of the nature referred to in (a), the area known as the Norwest Business Park including all commercial, retail, business, residential, public and recreational areas thereof and any areas in the general vicinity of such area within which the Council proposes to provide public amenities and/or public services.

Producer Price Index means Producer Price Index Number 3101 – Road and bridge construction New South Wales published by the Australian Bureau of Statistics.

Proposed Development means the redevelopment of the Land, largely in accordance with the outcomes sought to be facilitated by the Planning Proposal.

Regulation means the *Environmental Planning and Assessment Regulation 2000* (NSW).

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 Council may require in its absolute discretion.

Tower 1 means the first office building to be constructed as part of the Proposed Development to be undertaken.

Tower 2 means the second office building to be constructed as part of the Proposed Development to be undertaken.

20.2 Interpretation

In this document unless the context otherwise requires:

- (a) clause and subclause headings are for reference purposes only;
- (b) the singular includes the plural and vice versa;
- (c) words denoting any gender include all genders;
- (d) reference to a person includes any other entity recognised by law and vice versa;
- (e) where a word or phrase is defined its other grammatical forms have a corresponding meaning;
- (f) any reference to a party to this document includes its successors and permitted assigns;
- (g) any reference to a provision of an Act or Regulation is a reference to that provision as at the date of this document;
- (h) any reference to any agreement or document includes that agreement or document as amended at any time;
- (i) the use of the word **includes** or **including** is not to be taken as limiting the meaning of the words preceding it;
- (j) the expression **at any time** includes reference to past, present and future time and the performance of any action from time to time;
- (k) an agreement, representation or warranty on the part of two or more persons binds them jointly and severally;
- (l) an agreement, representation or warranty on the part of two or more persons is for the benefit of them jointly and severally;
- (m) reference to an exhibit, annexure, attachment or schedule is a reference to the corresponding exhibit, annexure, attachment or schedule in this document;
- (n) reference to a provision described, prefaced or qualified by the name, heading or caption of a clause, subclause, paragraph, schedule, item, annexure, exhibit or attachment in this document means a cross reference to that clause, subclause, paragraph, schedule, item, annexure, exhibit or attachment;
- (o) when a thing is required to be done or money required to be paid under this document on a day which is not a Business Day, the thing must be done and the money paid on the immediately following Business Day; and
- (p) reference to a statute includes all regulations and amendments to that statute and any statute passed in substitution for that statute or incorporating any of its provisions to the extent that they are incorporated.

Schedule 1 – Monetary Contributions

Public Purpose	Timing of Payment	Amount of payment
Public infrastructure improvements within the Precinct and in its vicinity.	Prior to the issue of a Construction Certificate in respect of Tower 1.	\$600,000.
Public infrastructure improvements within the Precinct and in its vicinity.	Prior to the issue of a Construction Certificate in respect of Tower 2.	\$600,000

Execution Page

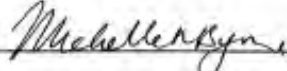
Executed as an agreement

The common seal of **The Hills Shire Council** was affixed under a resolution passed by council on 9 APRIL 2019 in the presence of:




General Manager

MICHAEL EDWARDS
Print Name

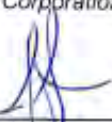

Mayor


MICHELLE BYRNE
Print Name


Witness

NICHOLAS CARLTON
Print Name

Executed by the Developer in accordance with s127 of the *Corporations Act 2001* (Cth):


Secretary/Director
TODD SYMONS
Print name


Director
MICHAEL UPTON
Print name