

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSCC-241
DA Number	DA 1541/2021/JP
LGA	The Hills Shire Council
Proposed Development	Mixed Use Development Comprising of Two Residential Flat Buildings Containing 196 Apartments, Retail, Business, Indoor Recreation and Medical Uses and Basement Car parking
Street Address	40 Solent Circuit Norwest
Applicant/Owner	Mulpha Norwest Pty Ltd
Consultant/s	Calibre Professional Services – Planner Bates Smart and Smart Design Studio – Architects Aspect Studio – Landscape Design Australis Tree Management – Arborist Report Stantec – Civil Engineering and Stormwater Management Gennaoui Consulting – Traffic and Parking Douglas Partners – Geotechnical Assessment and Contamination Report Advisan – Site Investigation and Heritage Impact Statement McKenzie Group – BCA Assessment and Accessibility Report ADP Consulting – Acoustic, Infrastructure and BASIX Report Windtech – Pedestrian Wind Environment Statement Elephants Foot – Waste Management Finding Infinity – ESD Statement Core Engineering Group – Fire Safety Engineer MBM – Quantity Surveyors Report
Date of DA lodgement	28 April 2021
Number of Submissions	Five
Recommendation	Approval, subject to conditions
Regional Development Criteria (Part 2.4 and Schedule 6 of the SEPP (Planning Systems) 2021)	CIV exceeding \$30 million (\$157,708,753)
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 5 – Residential Flat Building • Part B Section 6 – Business • Part C Section 1 – Parking • Part C Section 3 – Landscaping • Part D Section 8 – Norwest Town Centre Residential Development • 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 report for the Panel's	<ul style="list-style-type: none"> • Plans • Design Excellence Panel Report

consideration	
Report prepared by	Cynthia Dugan - Principal Coordinator Development Assessment
Report date	March 2022 (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? **Yes**

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

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

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **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 proposal comprises two mixed use residential flat buildings that would facilitate Stage 1 construction works of a larger residential development known as “The Greens” development.
- A site specific planning proposal for “The Greens” site has been finalised by the Department of Planning, and Environment and site specific development controls have been adopted by Council.
- The proposal complies with all provisions of The Hills LEP 2019. Stage 1 of the development comprises a Floor Space Ratio (FSR) of 0.71:1 as calculated by the LEP definition with a gross floor area of 27,212m² over the site area of 3.824 ha. This complies with the maximum incentive FSR standard of 2.9:1 under Clause 7.11 of the LEP. The proposal comprises a maximum height of RL 133.7 for Building B and RL 168 for Building C which complies with the maximum RL 176 building height permitted on the site under the LEP.
- The proposal has been reviewed by Council's Design Excellence Panel (DEP). Amended plans and a further urban design report, landscape and public domain plan and a detailed response to all matters raised by the Design Excellence Panel has been provided by the Applicant with respect to Clause 7.7 of the LEP.
- The proposal has been assessed under the provisions of SEPP No 65 – Design Quality of Residential Apartment Development and the Apartment Design Guide. The proposal results in variations to the design criteria with respect to building separation for the podium level of Building C, natural cross ventilation for Building C, communal open space and balcony areas. Subject to conditions to ensure adequate private open space is provided for each unit, these variations are supported as the sufficient privacy mitigation measures have been implemented and appropriate residential amenity is provided.
- The proposal has been assessed under the provisions of The Hills DCP 2012 and variations have been identified with respect to site planning, front setbacks, landscaped area, building length, access and adaptability and car parking. These variations are supported as the proposal demonstrates that objectives of the site specific controls are met and the desired future character of residential flat buildings within a landscaped setting can still be achieved within the Norwest Eastern Residential Precinct.
- In accordance with the 88B Instrument, a 6m wide endeavour energy easement is located along the Spurway Drive front setback. Endeavour Energy raises objections to the proposal as the basement would be constructed to the edge and/or possibly encroach within the easement and the integrity of the nearby electricity infrastructure could be placed at risk. In particular, the anchor design and possible activities within the easement have not been adequately detailed with the application. In this regard, a deferred commencement condition is recommended that the Applicant is required to provide Endeavour Energy's Easements Officer with sufficient detail to assess all the proposed encroachments and/or activities within the easement.
- The application was notified for 14 days on two occasions and five submissions were received during the notification periods. The concerns raised primarily relate to the height, density, bulk and scale, traffic, parking, commercial land uses within a residential zone, design of buildings, necessity of an on-site detention system and

requests that vehicular access/egress of construction vehicles is not from Spurway Drive. These concerns are addressed in the report and do not warrant refusal of the application.

Deferred commencement is recommended subject to conditions.

BACKGROUND

The subject site is located within the Norwest Business Park. The Norwest Master Scheme was adopted on 2 September 1992 which identified the use of the site for medium density residential and part golf course. Amendment No. 64 to the Baulkham Hills Local Environmental plan 1991 was gazetted on 6 August 1999 and changed the entire site to a residential land use which is now known as the Norwest Residential Precinct.

A number of masterplans for the Norwest Residential Precinct were considered by Council between 2004 to 2007. These are detailed below:

- A report regarding Development Application 88/05/HC and draft DCP for a Masterplan for the Norwest Residential Precinct was considered by Council at its meeting on 14 September 2004. Council resolved that the matter be deferred to allow time for the DCP to be re-drafted limiting the height on residential apartment buildings to four storeys, a traffic study and plan for Bella Vista and Crestwood areas be undertaken and submitted to Council and funds for the preparation of the Traffic Study and Plan be identified in the Budget Review. This Development Application was withdrawn on 17 November 2004.
- A report regarding the draft Local Environmental Plan and draft Development Control Plan for the Norwest Residential Precinct was considered by Council at its meeting on 19 April 2005. Council resolved to not exhibit the draft DCP and LEP as they did not conform with the previous resolution of 14 September 2004 limiting the maximum building heights to four levels.
- Stage 1 Development Application 790/2006/HC for Norwest Town Centre Residential Precinct Master Plan was approved by Council at its meeting on 28 March 2006. The masterplan comprised a total of 518 dwellings over three precincts (West, Central and East) with medium density residential development in the West and Central Precinct and medium density residential flat buildings in the eastern and central precincts.

Subject to the approval of the Masterplan for the Norwest Town Centre Residential Precinct under DA 790/2006/HC, the following built form Development Applications were approved:

- DA 2378/2006/HC was approved on 5 April 2007 by Council's Development Assessment Unit (DAU) for 11 small lot integrated housing units, 12 town houses and a residential flat building comprising 12 apartments in the West Precinct on Fairway Drive. This is known as "The Lakes".
- DA 241/2008/HC was approved on 26 August 2008 by Council's Development Assessment Unit for the construction of the Central Residential Precinct.
- DA 993/2010/JP was approved on 23 September 2010 by the Joint Regional Planning Panel for the construction of an amended Central Residential Precinct development comprising 32 integrated housing units, and 54 attached townhouses. This is known as "Central Park Estate".

Planning Proposal 7/2012/PLP was lodged with Council in May 2012 seeking to amend the Norwest Residential Precinct Masterplan by increasing the LEP height limit within Eastern Precinct and the site specific DCP. The intent of this planning proposal was to introduce attached dwelling typologies to the approved residential flat building masterplan. Notwithstanding, Council at its meeting held on 27 November 2012 resolved not to proceed with the proposal.

DA 910/2013/JP was approved on 28 August 2013 by the Joint Regional Planning Panel (JRPP) to amend the Masterplan for the Eastern Precinct to provide 328 dwellings comprising 6 residential flat buildings and 88 attached dwellings. The JRPP supported Clause 4.6 variations to the maximum height standard and minimum lot size standard under the LEP. The approval of this application resulted in a built form outcome of not only residential flat buildings but also attached dwellings and increased the maximum density permitted on the site.

DA 936/2014/JP was approved on 7 August 2014 by the JRPP (Sydney West Region) for the construction of two residential flat buildings being 8 storeys (Block A1) and 9 storeys (Block A2) containing 100 apartments and 2 levels of basement car parking. This is known as The "Watermark Apartments".

The maximum building height for the Eastern Precinct was amended from 16m to RL 116 when The Hills Local Environmental Plan (Amended No 24) was notified on 17 July 2015.

DA 1347/2015/JP was approved on 26 November 2015 by the Joint Regional Planning panel (Sydney West Region) for a revised masterplan for the Norwest Town Centre Eastern Residential Precinct for 342 units (up to 12 storeys in height) and 66 attached dwellings. This revised masterplan introduced another residential flat building to replace 25 attached dwellings.

DA 1560/2015/JP was approved on 26 November 2015 by the Joint Regional Planning Panel (Sydney West Region) for the construction of a 12 storey residential flat building comprising 77 apartments, ground floor neighbourhood shops and three levels of basement car parking. This is known as The "Haven apartments".

Planning Proposal 5/2015/PLP was lodged with Council on 5 September 2014 seeking to increase floor space ratio and building height standards under the LEP to permit 864 dwellings and additional uses on the R4 zoned land to facilitate a mixed use development to provide 189 additional jobs to the subject site. On 17 June 2020, the Department of Planning and Environment gazetted amendments to the Hills LEP for the Amendments to THLEP – 40 Solent Circuit as part of 'tranche three' of the Government's Planning System Acceleration Program. The LEP amendment (Notification No. 421) was notified on the NSW legislation website and came into force and amended the LEP as follows:

- Increase the maximum building height from RL116 metres (10 storeys) to RL176 metres (26 storeys).
- Apply a maximum floor space ratio of 1:1 and a maximum incentivised floor space ratio of 2.9:1 (currently no maximum FSR applicable).
- Include the following additional permitted uses in Schedule 1 of the LEP: Business premises (maximum 1,500m²), Recreation facilities (indoors) (maximum 1,500m²), Restaurants or cafés (maximum 500m²) and Shops (maximum 1,000m²) applying to part Lot 2107 DP2126268.

Amendments to Part D Section 8 Norwest Town Centre Residential Precinct of The Hills DCP 2012 also came into force on 17 June 2020:

- Amendment of currently applicable density controls to increase the permitted density from 175 persons per hectare to 216 dwellings per hectare for the entire Eastern Precinct;
- Inclusion of a new control which limits site coverage to a maximum of 30%;
- Inclusion of new plans for the eastern precinct, including a building layout plan, building height plan and common open space plan, to secure key outcomes identified within the publicly exhibited concepts; and

- Remove the original eastern precinct street hierarchy plan which is no longer consistent with the expected development outcome on the site.

The planning proposal also facilitated a Voluntary Planning Agreement (9/2018/VPA). Refer Attachment 18. On 18 March 2020, Council entered into a Voluntary Planning Agreement with the Developer (Mulpha Norwest Pty Ltd) for the following works and obligations:

- Construction of 'The Hub', a publically accessible space – public access easement which is at least 2,000m².
- Upgrades to lighting and security measures around Norwest Lake
- The completion of a signalised intersection at Solent Circuit East and Norwest Boulevard
- \$5 million towards traffic facilities within the locality
- \$5.392 million towards land acquisition and works for new active open spaces
- \$2.5 million towards land acquisition works for new passive open space
- \$2.5 million towards a new local community centre and
- \$750,000 towards footpath and cycleway improvements

Council at its meeting on 8 March 2022 considered a report to vary the voluntary planning agreement between Council and Mulpha Norwest Pty Ltd relating to the subject site. The reason to vary the agreement was to expedite the completion date of the delivery of works required for lighting and security infrastructure around Norwest Lake. Under the executed VPA this is scheduled for completion by the end of 2022 however the Developer would like to start construction of their substantive works prior to this timeframe. In order to do this, Mulpha needs to vary the formal timing specified in the VPA. This will not have any impact on the scope of works or timing for practical completion of the infrastructure by the Developer.

Spurway Drive adjoins the subject site to the north. Whilst this road currently ends with a temporary turning head, Spurway Drive will be extended to connect to Stone Mason Drive and upgraded and dedicated as a public road as required under Development Consent 634/2017/ZB over Lot 2 DP 1246113. The modified masterplan for The Orchards under 736/2017/JP/A indicates that the extension of the road will occur as part of Stage 3 of the development approved under 46/2018/JP for a residential flat building comprising 330 units with basement car parking and associated community title subdivision.

The subject Development Application was lodged on 28 April 2021.

Requests for additional information were sent to the Applicant on 6, 15 and 18 July 2021 regarding environmental health, waste management and engineering matters. A further request for additional information letter was sent to the Applicant on 27 August 2021 regarding planning and landscaping matters.

The Design Excellence Panel (DEP) reviewed the proposal at pre-lodgement stage on 10 March 2021 and after lodgement of the Development Application on 9 June 2021 and 20 August 2021. At the latest DEP meeting, the Panel concluded that the application did not satisfy the requirements of design excellence however provided a number of recommendations. The key concern raised by the DEP relates to the lack of resolution of design excellence matters due to a comprehensive masterplan not being undertaken with the subject application. The Applicant has provided a response to all design excellence concerns raised by the DEP (refer Attachment 17) and this is addressed under Section 4b of this report.

Amended plans addressing all outstanding concerns raised by Council staff was provided by the Applicant on 10 February 2022.

On 22 July 2021, Council officers provided a briefing of the Development Application to the Sydney Central City Planning Panel. The key issues discussed included the following:

- The Design Excellence Panel (DEP) does not consider that the proposal exhibits Design Excellence.
- Unclear how the two proposed towers will integrate with development, landscaping and pedestrian linkages to the east of the proposal.
- Variations are sought to the DCP controls including reduced front setbacks and building lengths which are hard to assess without an understanding of the full intent of the site.
- Robust justification is required via a masterplan – concept plan for the entire land holding.
- Variations are sought to the ADG including building separation.
- A local VPA has been agreed with Council. A State VPA is still under negotiation.

The Panel noted:

- *The potential for well-designed open space and landscaping at the ground level within the front setbacks (which are site specific), and across the site in general, given the density on site*
- *The potential for active frontages in strategic locations, which should support activation of and surveillance over the public domain.*

The key issues are addressed below:

- Amended design changes have been made to address the concerns raised by the DEP. A detailed response regarding all concerns raised was provided by the Applicant. Refer to Attachment 17 and Section 4b of this report.
- The Applicant has provided further details regarding the interface of Stage 1 eastern boundary which indicates that a 1:3 temporary batter stabilised with hydro mulching will be provided in the interim and the stair connection and timber walkway will continue onto Stage 2.
- The proposal complies with the front setback DCP controls for Natura Rise and the west boundary however do not comply with the Solent Circuit and Spurway Drive setbacks. Building B results in point encroachments to the 10m Solent Circuit setback and 14m Solent Circuit setback. In addition, two, two storey circular podiums adjoin Building B which encroach within the 14m Spurway Drive setback. Variations to the front setbacks for Building B only relate to architectural elements that provide visual interest and diversity to the building.
- The three storey podium and a corner of the tower element in Building C results in encroachments to the 10m Solent Circuit setback control. This occurs at the curvature of the road. The submitted landscaping plans indicate that sufficient mature height canopy trees, shrubs and groundcovers would be planted within the front setback and the podiums would provide activation of the Solent Circuit frontage. In this regard, the variations to the front setback controls are supported. Refer to Section 6 for more detailed discussion.
- The Applicant has not requested that the built form development application is treated as a concept development application under Division 4.4 of the Environmental Planning and Assessment Act 1979. The proposal complies with all the relevant provisions as amended by the site specific planning proposal under the environmental planning instrument. As part of the planning proposal, site specific development controls were also implemented for the site which included desired future character controls and indicative building envelope diagrams. It is noted that the building envelopes and conceptual photomontages submitted with the planning proposal envisaged “sculptural” towers with full height glass facades on each level. However, during the detailed design process, the Applicant found that there were a number of challenges to these concepts including inadequate solar access to east/west facing habitable rooms as a result of the building orientation, inefficient apartment layouts which would be non-compliant with the apartment design guide criteria and DCP

controls, non-compliance with BASIX window to wall ratio and privacy issues due to extensive glazing.

- The variations to the apartment design guide criteria for building separation and natural ventilation is considered minor in nature and is assessed as satisfactory. It is considered that appropriate mitigation measures have been implemented and suitable amenity is provided within the public domain between the buildings. Refer Section 5 for further discussion on all variations to the apartment design guide criteria.
- Council has entered into a voluntary planning agreement with the developer. The works and obligations of the developer include construction of a public access easement, upgrades to local infrastructure and monetary contributions for open spaces, community centres and infrastructure improvements. The proposal is consistent with the agreement made under the VPA. The public access easement will be maintained under private ownership and details of the plans will be provided with a future subdivision application.
- The State Voluntary Planning Agreement is still being considered by the Department of Planning and Environment. As the proposal does not include subdivision, Clause 6.2 Arrangements for designated State public infrastructure does not apply and development consent can be granted for the application.

With regard to the Panel's notes, the following response is provided:

- *The potential for well-designed open space and landscaping at the ground level within the front setbacks (which are site specific), and across the site in general, given the density on site.*

Comment:

It is considered that the proposed front setbacks are suitable for the site, are consistent with adjoining development and meet the intent of the objective of the DCP setback control which is to provide setbacks that complement the landscape setting of the Norwest Business Park, provide privacy for future residents within a parkland setting and minimise overshadowing of communal open space areas. Amendments have been made to the original plans to increase the front setback of Building B at the western corner from a minimum 7.6m to 8.5m. Soft landscaping has been increased and pavement areas have been reduced.

It is noted that the front setbacks proposed and the quantum of landscaping provided is consistent with that as envisaged under the planning proposal for the western portion of the precinct identified as Stage 1 development in this Development Application. Stage 1 development comprises a publically accessible easement area and all the commercial uses are located within this stage of the wider site. The submitted urban design report, landscape and public domain plan and indicative master plan have demonstrated that the intent of the front setback control is met. Refer for more detailed discussion on the variation to the DCP setback control under Section 6 of this report.

- *The potential for active frontages in strategic locations, which should support activation of and surveillance over the public domain.*

Comment:

The uses proposed on the podium levels of Buildings B and C comprise of café/restaurants, shops, business premises, a gymnasium and medical centre. This is consistent with the additional permitted uses approved under the planning proposal. The public domain plan includes 5,571m² of active and passive publically accessible space, and the non-residential uses would support activation and surveillance over the public domain. A Landscape and Public Domain Strategy has been provided that demonstrates the non-residential land uses would support activation of and

surveillance over the public domain. It is considered that the proposal provides a well landscaped outcome and suitable activation to the Solent Circuit frontage.

DETAILS AND SUBMISSIONS

Zoning:	R4 High Density Residential
Area:	3.824 hectares
Existing Development:	Vacant land
Contributions	On 18 March 2021, Council entered into a Voluntary Planning Agreement with Mulpha Norwest Pty Ltd.
Notice Adj Owners:	Yes, 14 days on two occasions
Number Advised:	416
Submissions Received:	5 from 4 properties

PROPOSAL

The proposal is for a mixed used development comprising a total of 27,212m² GFA for two buildings (Buildings B and C) over a shared four level basement carpark. This development forms Stage 1 of the entire land holding at No. 40 Solent Circuit, known as “The Greens” site. The development area for Stage 1 is 9,450m² of the site.

The Stage 1 development would be constructed over two stages (1A and 1B).

Stage 1A would comprise:

- Removal of selected street trees and bulk excavation works.
- Bulk excavation for basement and temporary batter extending into future Stage 2 site area
- Construction of four level basement shared between the two buildings including on-site waste management, loading and storage facilities.
- Construction of Building B
- Construction of the podium of Building C (non-residential)
- Construction and embellishment of open space on the ground plane with the exception of the area required for construction access.
- Provision of on-site detention tank and stormwater drainage
- Provision of ingress and egress access driveway for car parking and a separate ingress and egress driveway for waste collection and loading.

Stage 1B:

- Construction of the residential component of Building C including rooftop podium communal open space.
- Provision of the remainder landscaping works and stormwater drainage works

The built form proposed is detailed below:

Building B would be 14 storeys in height and comprises:

- 81 residential apartments including 12 x 1 bedroom units, 54 x 2 bedroom units, 14 x 3 bedroom units and 1 x 4 bedroom units.
- 203m² GFA of shops, 230m² of restaurants/cafes, 378m² GFA of business premises, 229m² GFA for a medical centre occupying ground level and first level.

- Residential communal facilities and open space including lobby, function/lounge room and barbeque facilities.
- Amenities for non-residential uses.

Building C would be 24 storeys in height and comprises:

- 115 residential apartments, including 17 x 1 bedroom units, 59 x 2 bedroom units, 36 x 3 bedroom units and 3 x 4 bedroom units.
- 797m² GFA of shops, 270m² GFA of restaurants/cafes, 1,260m² GFA of indoor recreation occupying ground level to the second level.
- Residential communal facilities and open space including swimming pool, lobby, and function room, lounge room and barbeque facilities.
- Amenities for non-residential uses.

A total of 459 car parking spaces including 15 accessible spaces, 29 bicycle spaces and 10 motorcycle spaces would be provided.

Vehicular access is provided via Solent Circuit for car parking and separate access driveway for loading and waste collection.

The application also seeks consent for 5,571m² of land as a publically accessible easement and a pedestrian link is proposed to connect Spurway Drive to Solent Circuit. This is consistent with the planning agreement which requires the construction of a publically accessible space/ public access easement to be a minimum of 2,000m². Condition No. 40 has been recommended in the development consent requiring written evidence be submitted to Council prior to the issue of a Construction Certificate demonstrating that the relevant obligations in the planning agreement are satisfied.

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 includes shops, restaurant/cafes, a medical centre, an indoor recreation facility and business premises which would provide additional jobs and will be located close to where people live, ensuring 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, medical centres, a gymnasium, retail and business premises. The proposal is consistent with the aims of the Central City District Plan.

1. State Environmental Planning Policy (Planning Systems) 2021

Part 2.4 and Schedule 6 of SEPP (Planning Systems) 2021 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 \$157,708,753 (excluding GST) thereby requiring referral to, and determination by, a Regional Planning Panel.

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

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

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

Clause 7 of the SEPP states:-

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

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

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

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

Comment:

A Stage 1 Environmental Site Assessment has been undertaken by Douglas Partners. The investigation found that the site can be made suitable for the proposed development of the residential and commercial mixed use development subject to a number of recommendations being undertaken, including a target soil investigation in the western portion of the site, a more detailed inspection of the ground surface following the removal/cutting of the grass, confirmation of the preliminary waste classification and the development of an unexpected finds protocol to address any undiscovered contamination encountered during site works. Additionally, should dewatering be required during excavation of the basement levels, groundwater sampling may be required to assist with the development of suitable management options for the groundwater.

In this regard, condition 79 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.

3. State Environmental Planning Policy (Transport and Infrastructure) 2021

This Policy aims to facilitate the delivery of infrastructure and identify matters to be considered in the assessment of development adjacent to particular types of infrastructure development. Specifically the SEPP contains provisions relating to traffic generating development.

Traffic generating development

Clause 2.121 'Traffic-generating development' of the SEPP states:-

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

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

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

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

(3) 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.*

(4) 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.

(5) The consent authority must give the TfNSW 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 Transport for NSW where a development includes more than 200 car parking spaces. The proposed development results in a total of 459 car parking spaces.

The Development Application was referred to Transport for NSW for review. Transport for NSW raised no objection to the proposal and have provided the following comment:

TfNSW has reviewed the submitted application and notes the applicant has entered into a Voluntary Planning Agreement (VPA) with Council as part of the planning proposal of the site for monetary contribution towards regional transport infrastructure including traffic signals on Norwest Boulevard and the upgrade of Norwest Boulevard at the intersections of Solent Circuit East and West. TfNSW raises no objection to the proposed development. Council should ensure that the additional traffic as a result of the proposed development can be accommodated within the area road network.

Clause 7.11 of the LEP requires a minimum of 196 spaces for residents, 40 spaces for visitors and the DCP requires a minimum of 154 spaces for the non-residential land uses. In this regard, 390 spaces are required under Council's controls. 459 car parking spaces are provided for the development. Refer to Section 6 for further discussion.

A Traffic and Parking Study prepared by Gennaoui Consulting has been submitted with the application which demonstrates that sufficient parking will be provided to meet the needs of future users of the development. The submitted traffic study also notes that the RMS Technical Direction nominates 0.19 peak hour vehicles trips per unit during the AM peak period and 0.15 peak hour trips per unit during the PM peak hours and the following rates were determined for the non-residential uses:

- Business premises/retail - 9.9 trips per 100m² for the afternoon peak and 25% of the afternoon peak was adopted for the morning peak hour

- Gymnasium – 9.0 trips per 100m² which occur between 6pm – 7pm and a rate of 4.51 trips per hour during the morning and afternoon peak hour periods in accordance with the planning proposal 5/2015/PLP
- Restaurant – As the peak period of the restaurant/café use would be during the evenings and weekends and to a lesser extent the lunch time period, the trip generation rate of 0.1 trips per 100m² has been assumed.
- Medical – 1.5 trips during the peak morning and afternoon periods.

Overall, the mixed use development would generate approximately 135 trips per hour during the morning peak period and 215 trips per hour during the afternoon peak periods.

Council's Traffic Section has reviewed the Development Application and raises no objections to the proposal and concludes that the mixed use development will have minimal impacts in terms of its traffic generation potential on the local road network and sufficient parking has been provided for the proposed uses.

In this regard, the potential for traffic safety and road congestion of the development have been satisfactorily addressed and satisfies Clause 2.121 of SEPP (Transport and Infrastructure) 2021.

4. The Hills Local Environmental Plan 2019

a. Permissibility

The land is zoned R4 High Density Residential under Local Environmental Plan 2019. The proposal comprises uses defined as the following:

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

business premises means a building or place at or on which—

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

(b) a service is provided directly to members of the public on a regular basis,

and includes funeral homes, goods repair and reuse premises and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

Note—

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

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

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.

shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.

medical centre means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

Note—

Medical centres are a type of health services facility—see the definition of that term in this Dictionary.

Clause 2.5 of the LEP prescribes that development on particular land that is described or referred to in Schedule 1 may be carried out with development consent.

Schedule 1 Additional permitted uses prescribes the following:

18 Use of certain land at 40 Solent Circuit, Norwest

(1) This clause applies to land at 40 Solent Circuit, Norwest, being Lot 2107, DP 1216268, shown as “Item 12” on the [Additional Permitted Uses Map](#).

(2) Development for the following purposes is permitted with development consent—

- (a) business premises, but only if the total gross floor area of all business premises on the land does not exceed 1,500m²,
- (b) recreation facilities (indoor), but only if the total gross floor area of all recreation facilities (indoor) on the land does not exceed 1,500m²,
- (c) restaurants or cafes, but only if the total gross floor area of all restaurants and cafes on the land does not exceed 500m²,
- (d) shops, but only if the total gross floor area of all shops on the land does not exceed 1,000m².

The proposal provides business premises with a total gross floor area of 378m², recreational facilities (indoor) with a total floor area of 1,260m², restaurant/cafes (food and drink premises) with a total floor area of 500m² and shops with a total gross floor area of 980m².

A medical centre with a gross floor area of 229m² is also proposed. This land use is not prohibited within the R4 High Density Residential zone under the LEP and is also permitted under SEPP (Transport and Infrastructure) 2021.

The total gross floor area for non-residential land uses is 3,347m². This is below the maximum gross floor area of 4,500m² for all the non-residential additional permitted land uses under Schedule 1 of the LEP.

The proposed uses are permitted within the R4 High Density Residential zone under the provisions of LEP 2019 and SEPP (Transport and Infrastructure) 2021.

b. Development Standards

The following addresses the principal development standards of the LEP:

CLAUSE	REQUIRED	PROVIDED	COMPLIES
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4.1A Minimum Lot Size	4,000m ²	3.83 ha (no subdivision proposed)	Yes
4.3 Height	RL 176	Building B RL 133.7 Building C RL168	Yes
4.4 Floor Space Ratio	1:1 2.9:1 (Incentive)	0.71:1	Yes, refer to discussion below under Clause 7.11.
7.7 Design Excellence	Development consent must not be granted unless the development exhibits design excellence	Proposal referred to Council's Design Excellence Panel.	Refer to discussion below.
7.11 Development on certain land within the Sydney Metro Northwest Urban Renewal Corridor	An incentivised Floor Space Ratio can be applied if the development provides a specific mix, family friendly unit sizes and parking.	The proposal provides the required unit mix and sizes and parking in accordance with the Clause.	Yes, refer below for further discussion.

i) 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:

With regard to Clause 7.7(4)(a), the architectural design, building materials, building type and location is consistent with the desired future character of eastern precinct in the Norwest Town Centre Residential Precinct.

With regard to Clause 7.7(4)(b), the non-residential uses on the lower levels of the building and ground floor public space are north facing and framed by Building B and C which would protect the public space from noise and traffic from Solent Circuit. Habitable rooms also overlook the public domain to promote natural surveillance. These measures ensure 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 proposed development is unlikely to have a detrimental impact on any view corridors. While the subject development is located within the wider visual catchment of Bella Vista Farm Park, the development is located 1.4km from the farm and the height is well below the maximum RL176 height approved under the planning proposal which would have considered the associated impact on views to Bella Vista Farm Park.

With regard to Clause 7.7(4)(d), the proposal results in negligible impact on adjoining properties in terms of overshadowing. Refer shadow diagrams in Attachment 13.

With regard to Clause 7.7(4)(e), the proposed development has been assessed in detail against the provisions of the relevant development control plans. Refer Section 6 below.

With regard to Clause 7.7(4)(f), the development is considered suitable for the site and the proposed uses are generally consistent with that as envisaged under the planning proposal. The building separation, setbacks, amenity and urban form to future development within the wider site have the potential to be consistent with that as envisaged under the planning proposal. The podium levels and upper floor setbacks provide for human scale when viewed from street level.

An environmental sustainable design statement and pedestrian wind environment statement has been submitted with the development application. Balconies have been reconfigured and additional screening methods provided and additional landscaping provided on the ground level to ensure appropriate amenity is provided. A condition of development consent has been recommended requiring balcony areas to be increased in a number of the two bedroom units. Refer condition No.1. The configuration and design of public access areas, recreation areas and communal open space on the site allows for sufficient solar access, protection from wind and the level of soft landscaping has increased compared to that of the original plans lodged with the Development Application. In particular, the "Wild Green" is a publically accessible communal open space area which provides opportunities for active play for children which would provide improvements to the public domain.

With regard to Clause 7.7(4)(g), the design excellence of the proposal was considered by the Design Excellence Panel (DEP) at pre-lodgement stage on 10 March 2021 and after lodgement of the Development Application on 9 June 2021 and 20 August 2021. The findings of the DEP are provided for consideration in Attachment 16. The Applicant has provided a response to all concerns raised by the DEP. Refer Attachment 17. At its initial meetings, the

DEP recommended that given the size and scale of the development, it is best practice that a comprehensive masterplan be undertaken prior to ongoing design development. However this was not undertaken by the Applicant for the reasons listed below. In subsequent meetings, the DEP noted that without a masterplan, the DEP does not have any certainty that the issues identified including variations to the DCP controls could be addressed in a satisfactory manner or in a way that would achieve design excellence. At its final meeting, the DEP concluded the following:

The proposal in its current form, does not demonstrate design excellence. In particular, the Application has not demonstrated that the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain or that the following matters have been satisfactorily addressed:

- *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, bulk, massing and modulation of buildings,*
- *Environmental impacts such as sustainable design, overshadowing, wind and reflectivity,*
- *The achievement of the principles of ecologically sustainable development,*
- *The impact on, and any proposed improvements to, the public domain, and*
- *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.*

A summary of the Applicant's response is detailed below:

- The proposed development is a Stage 1 built form application and Clause 7.7 design excellence relates to development, and does not give rise for commentary on a masterplan under Section 4.22 of the Act for the remainder of the site as this is not proposed. The requirement of a masterplan should not be a pre-requisite to satisfy the design excellence clause.
- The site was subject to a site specific planning proposal which amended the LEP and implemented site specific DCP controls.
- The proposal responds to the adopted planning controls with proposed buildings meeting the height and scale envisaged under the planning proposal, Council's LEP and adopted DCP. Future building height and scale will be consistent with that indicated in the planning proposal, LEP and Council's DCP for the site.
- The design of the subject built form Development Application builds upon, refines and improves on what was originally envisaged under the planning proposal and site guidance contained in the DCP. The siting of the development generally remains the same adhering to development of tall slender towers maximizing the ground level landscaped, connected open space, exemplary public domain, amenity and services which will produce a vibrant and safe communal space of the public.
- Council's LEP and adopted DCP designates the East Precinct for high rise development as part of the larger Norwest Town Centre Residential Precinct which already comprises a diversity of built forms and housing choice with free standing town homes, low rise residential and apartment buildings. Diverse living choice opportunities are provided within each building including a range of apartment sizes and mix and communal open space areas.
- An urban design document outlining the rationale for progressing with the remainder of the development has been submitted with the application. The urban design statement demonstrates that the intent of the planning proposal which was for an expansive ground plane and highly embellished with soft landscaping including a large open space in the middle of the site can still be achieved. Future stages will be design in accordance with the intent of the planning proposal and will need to meet the objectives of the site specific DCP controls adopted for the Eastern Precinct.

- The design responds to the mixed use nature of the development set adjacent to high density residential and the commercial premises in the business park.
- Architectural diversity is achieved with Buildings B and C.
- The subject application delivers contemporary urban place making objectives with a design which incorporates a high quality landscaped, public and communal space supported by services and facilities, activating the ground floor plane and opportunities on upper floor levels. It is noted that the publically accessible open space indicated in the site specific DCP does not continue into future stages. Publically accessible, cross-site connectivity and permeability for residents and pedestrians is provided in the subject application and is to be extended for resident access as intended in the planning proposal and Council's adopted DCP in later stages.
- Information on setbacks was presented in the planning proposal which was endorsed by Council and informed the making of the LEP. The setbacks for the scheme were not included in the adopted DCP. The proposal demonstrates consistency with the planning proposal siting and setbacks, along with suitable planning justification for setback variations. The key concern regarding the reduction of the setback is with respect to deep soil provision. The proposal has not departed from the landscape strategy in the planning proposal and adopted DCP of siting buildings surrounded by a high-quality landscaped and open space setting to be established for the site with the provision of 17% (including the Endeavour Energy easement) or 11% deep soil for the Stage 1 development area. Extensive landscaping is still envisaged for the site. It should be highlighted that the deep soil plan from the scheme supported by the planning proposal indicates that the deep soil will be largely concentrated centrally within the site in future stages and identified a total of 35% deep soil (including the Endeavour Energy easement area). The Stage 1 development proposal is consistent with the deep soil plan supported with the planning proposal which indicates deep soil around the perimeter of the development.
- A Landscape and Public Domain Plan has been provided to detail the relationship of the Stage 1 development with the interface to the eastern portion of the site. This Plan also details the proposed improvements to the public domain.
- The variations to the building separation, setbacks, amenity, urban form, bulk, massing and modulation of buildings have been addressed in the Amended Architectural Report.
- Environmental impacts such as sustainable design, overshadowing, wind and reflectivity have also been addressed in the Architectural Report.

Comment:

The Applicant has not lodged a Development Application for a Concept Development Application under Section 4.22 of the Environmental Planning and Assessment Act 1979. The development is for the built form of Stage 1 of the development which includes Buildings A and B. All statutory matters have been addressed in the report including any variations to the SEPP 65 ADG design criteria or DCP controls. The proposal meets all the relevant provisions under the applicable environmental planning instruments including The Hills LEP 2019. More details have been provided as a response to the DRP comments including a Landscape and Public Domain Plan and Architectural Report which address the above concerns raised by the DRP.

It is considered that the matters under Clause 7.7 Design excellence have been satisfactorily addressed.

ii) Compliance with Clause 7.11 Development on certain land within the Sydney Metro Northwest Urban Renewal Corridor

The following table demonstrates compliance with this development standard.

Apartment Mix	LEP Standard	Development	Proposal	Compliance
One bedroom dwellings	25% to the nearest whole number of dwellings (Maximum)		15% (29 of 196 units)	Yes
Three or more bedroom dwellings	20% to the nearest whole number of dwellings (Minimum)		27.5% (54 of 196 units)	Yes

Apartment Diversity	LEP Standard	Development	Proposal	Compliance
Minimum internal floor area of 2 Bedroom dwellings is 110m ²	≥40%		40.7% (46 of 113 units)	Yes
Minimum internal floor area of 3 Bedroom dwellings is 135m ²	≥40%		78% (39 of 50 units)	Yes

Parking Type	LEP Standard	Development	Proposal	Compliance
1, 2, 3 & 4 Bedroom	1 car space per dwelling and 1 space per 5 units		196 resident spaces and 40 visitor spaces required. 276 resident car spaces and 40 visitor spaces provided.	Yes

The proposal complies with Council's local housing mix and diversity provision under Clause 7.11. Therefore, the incentive Floor Space Ratio of 2.9:1 can be applied to the proposed development.

The submitted Statement of Environmental Effects provides a FSR calculation based on the "site area" of 9,450m² for the Stage 1 application. However, Clause 4.5 of the LEP provides rules for calculation of the site area of development for the purpose of applying permitted floor space ratios. The Clause defines floor space ratio and site area as follows:

floor space ratio of buildings on the site is the ratio of the gross floor area of all buildings within the site to the site area.

Site area is taken to be –

- (a) If the proposed development is to be carried out on only one lot, or
- (b) If the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out has at least one common boundary with another lot on which the development is being carried out.

In addition the LEP defines gross floor area as:

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and

- (c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes—*
- (d) any area for common vertical circulation, such as lifts and stairs, and*
- (e) any basement—*
 - (i) storage, and*
 - (ii) vehicular access, loading areas, garbage and services, and*
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and*
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and*
- (h) any space used for the loading or unloading of goods (including access to it), and*
- (i) terraces and balconies with outer walls less than 1.4 metres high, and*
- (j) voids above a floor at the level of a storey or storey above.*

The subject Development Application does not seek subdivision and therefore the site area is taken to be the entire lot.

In accordance with the LEP definition, the proposed development provides a total Gross Floor Area of 27,212m² which results in a Floor Space Ratio of 0.71:1 for the subject site. In this regard, the proposal complies with Clause 7.11 of the LEP.

c. Other Provisions

The proposal has been considered against the relevant provision of LEP 2019. Specific regard has been given to Clauses:

- 5.9 Preservation of trees or vegetation;
- 5.10 Heritage conservation;
- 6.2 Public utility infrastructure and;
- 7.2 Earthworks

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

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

The required Design Verification Statements were prepared by William Smart, registration number 6381 of Smart Design Studio for Building B and Matthew Allen, registration number 8498 of Bates Smart Architects for Building C.

a. Design Quality Principles

In accordance with Clause 30(2) of the SEPP, a consent authority in determining a Development Application for a residential flat building is to take into consideration the design quality principles. The Development Application has been assessed against the relevant design quality principles contained within the SEPP as follows:

Principle 1: Context and neighbourhood character

The proposal is compatible with the existing and desired context and neighbourhood character of the Norwest precinct. The subject site is located to the north of the Norwest Business Park and is within 735m walking distance to the Norwest Metro Station. Norwest has been identified as a Strategic Centre in the Sydney Region Plan and Central City District Plan. The proposal seeks to respond to and contribute to the context of Norwest both in its present state as well as the desired future character and is consistent with the NSW Government's Corridor Strategy and The Hills Corridor Strategy.

The site is surrounded by 7 – 12 storey residential flat buildings to the north and west and Lakeview Private Hospital and commercial offices to the south. A residential flat building development up to 25 storeys in height has been approved to the east of the site at No. 7 Maitland Place. The future vision of “The Greens” site is for an increased scale of high density residential development as envisaged under planning proposal 5/2015/PLP. The proposal complies with all the LEP provisions as amended by the planning proposal. In this regard, the proposal is consistent with the existing and future desired character for the Norwest precinct.

Principle 2: Built form and scale

The proposal is consistent with the requirements of The Hills LEP 2019, and is appropriately articulated to minimise the perceived scale. The unique built forms, building separations and layering of façade elements assists in creating architectural diversity within the Norwest precinct. The non-residential land uses including business premises, shops, café/restaurants, a medical centre, gymnasium and associated pedestrian link and publically accessible plaza provides for an activated street frontage which enhances the development’s relationship with the public domain.

Principle 3: Density

The subject proposal provides for 196 dwellings for the site. The applicant sought consent for a site specific planning proposal to increase the floor space ratio and building height standards to permit 864 dwellings and additional uses to facilitate a mixed use development on the wider “The Greens” site. The proposal is “Stage 1” of this development and is consistent with the density as envisaged in the planning proposal. The density is consistent with the site’s strategic location and the surrounding character of adjoining development. It is considered that the proposal is appropriate for the site and future Norwest precinct.

Principle 4: Sustainability

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

Principle 5: Landscape

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

Principle 6: Amenity

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

Principle 7: Safety

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

The NSW Police have reviewed the Development Application and outlined a number of CPTED recommendations. Compliance with NSW Police recommendations will be recommended as a condition of consent. Refer condition 8.

Principle 8: Housing diversity and social interaction

The location of this development provides dwellings within a precinct that will provide in the future, a range of support services. The development complies with the family friendly unit mix and internal floor areas as required under Clause 7.11 of the LEP. The application includes 29 x 1 bedroom, 113 x 2 bedroom, 54 x 3 bedroom units and 4 x 4 bedroom units where at least 40% of two bedroom units contain a floor area of 110m² and at least 40% of three bedroom units contain a floor area of 135m².

Principle 9: Aesthetics

The proposal integrates two buildings with differing built forms and heights. Building B fronts Natura Rise and Spurway Drive and is 14 storeys in height with a unique architectural design at oblique angles. Building C fronts Solent Circuit and is 24 storeys in height with a three storey podium and is designed with a more rectilinear form. Both buildings are unique in their design, creating architectural diversity to the Norwest precinct. Recesses, projections, green walls, vertical features are designed into the facades of the structures to articulate the overall mass and form into smaller segments. The designs are minimalist in style and appropriate for the Norwest precinct.

b. Apartment Design Guide

The following table is an assessment of the proposal against the Design Criteria provided in the Apartment Design Guide as required under Clause 30(2) of the SEPP.

It is noted that the site area is 3.824ha for the entire land holding however the proposal is for Stage 1 of the development which comprises an area of 9,450m². For the purposes of calculating design criteria such as communal open space and deep soil zones, the area of "the site" will be taken to be the Stage 1 development area.

Clause	Design Criteria	Compliance
Siting		
Communal open space	25% of the site, with 50% of the area achieving a minimum of 50% direct sunlight for 2 hours midwinter.	No. 910m ² private communal open space is provided on the Level 2 podium for Building B and Level 3 podium for Building C. This equates to 8% of the development area. Notwithstanding, sufficient public communal open space is provided. Refer below for further discussion. The submitted solar access diagrams indicate that the principal usable part of the communal open space areas will receive at least 50% direct sunlight for 2 hours during midwinter.
Deep Soil Zone	7% of site area. On some sites it may be possible to provide a larger deep soil zone, being 10% for sites with an area of 650-1500m ² and 15% for sites greater than 1500m ² .	Yes. 15% or 1,415m ² of the development area is provided with deep soil zones as defined within the ADG.

Separation	For habitable rooms, 12m for 4 storeys, 18m for 5-8 storeys and 24m for 9+ storeys.	<p>No. Internal building separation between the podium level of Building C and the first four storeys of Building B does not comply.</p> <p>11.4m provided between the podium level of Building C and the first four storeys of Building B (where 12m is required).</p> <p>Refer below for further discussion.</p>
Visual privacy	Visual privacy is to be provided through use of setbacks, window placements, screening and similar.	<p>Yes.</p> <p>The visual privacy of the development has been duly considered with the placement of windows and balconies. Privacy screens/louvres have been incorporated to minimise direct overlooking of units facing each other in buildings B and C. The proposed development is considered to afford a reasonable degree of privacy for future residents and adjoining properties.</p>
Car parking	<p>Car parking to be provided based on proximity to public transport in metropolitan Sydney. For sites within 800m of a railway station or light rail stop, the parking is required to be in accordance with the RMS Guide to Traffic Generating Development which is:</p> <p>Metropolitan Sub-Regional Centres:</p> <p>0.6 spaces per 1 bedroom unit. (17.4) 0.9 spaces per 2 bedroom unit. (101.7) 1.40 spaces per 3 bedroom unit. (75.6) 1 space per 5 units (visitor parking). (39.2)</p>	<p>Yes.</p> <p>The site is located within 800m walking distance of the future Norwest Station. 234 Spaces would be required utilising the RMS rate. 459 spaces are provided (including 138 spaces for non-residential land uses).</p>
Designing the Building		
Solar and daylight access	1. Living and private open spaces of at least 70% of apartments are to receive a minimum of 2 hours direct sunlight between 9am and 3pm midwinter.	<p>Yes.</p> <p>The proposed development will achieve two hours solar access for 90% (176 of 196) of apartments between 9am and 3pm mid-winter.</p> <p>Building B 100% (81 of 81) of apartments will receive 2 hours of solar access between 9am – 3pm midwinter.</p>

	<p>2. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.</p>	<p>Building C 83% (95 of 115) of apartments will receive 2 hours of solar access between 9am – 3pm midwinter.</p> <p>Yes. All units will receive direct solar access between 9am and 3pm midwinter.</p>
Natural ventilation	<p>1. At least 60% of units are to be naturally cross ventilated in the first 9 storeys of a building. For buildings at 10 storeys or greater, the building is only deemed to be cross ventilated if the balconies cannot be fully enclosed.</p> <p>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	<p>No. When calculating the towers individually, Building B does not comply. However the proposal achieves 60% compliance for all units in the development. Refer discussion below.</p> <p>Building B 55% (27 out of 49) of units are naturally cross ventilated in the first 9 storeys</p> <p>Building C 69% (22 out of 32) of units are naturally cross ventilated in the first 9 storeys.</p> <p>N/A as no cross-through apartments proposed.</p>
Ceiling heights	<p>For habitable rooms – 2.7m. For non-habitable rooms – 2.4m. For two storey apartments – 2.7m for the main living floor and 2.4m for the second floor, where it's area does not exceed 50% of the apartment area. For attic spaces – 1/8m at the edge of the room with a 30° minimum ceiling slope.</p> <p>If located in a mixed use areas – 3.3m for ground and first floor to promote future flexible use.</p>	<p>Yes. Floor to ceiling height approx. 2.7 metres for all apartments.</p> <p>>3.3m provided for ground and first floor non-residential uses.</p>
Apartment size	<p>1. Apartments are required to have the following internal size:</p> <p>Studio – 35m² 1 bedroom – 50m² 2 bedroom – 70m² 3 bedroom – 90m²</p>	<p>Yes.</p> <p>1 bedroom 59 - 65m² 2 bedroom 76 -116m² 3 bedroom 125 - 163m²</p>

	<p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal areas by 5m² each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p> <p>2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</p>	<p>Where additional bathrooms are proposed, an additional 5m² has been provided.</p> <p>Four bedroom units are at least 102m² (158m² - 168m²).</p> <p>All habitable rooms have windows greater than 10% of the floor area of the dwelling.</p>
Apartment layout	<p>Habitable rooms are limited to a maximum depth of 2.5 x the ceiling height.</p> <p>In open plan layouts the maximum habitable room depth is 8m from a window.</p> <p>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow layouts.</p>	<p>Yes.</p> <p>All rooms comply.</p> <p>N/A no cross-through apartments.</p>
Balcony area	<p>The primary balcony is to be:</p> <p>Studio – 4m² with no minimum depth</p> <p>1 bedroom – 8m² with a minimum depth of 2m</p> <p>2 bedroom – 10m² with a minimum depth of 2m</p> <p>3 bedroom – 12m² with a minimum depth of 2.4m</p> <p>For units at ground or podium levels, a private open space area of 15m² with a minimum depth of 3m is required.</p>	<p>No for 28 x 2 bedroom units. Refer to discussion below.</p> <p>2 bedroom units Type 1c (units 05.02, 08.02, 11.02, 14.02, 17.02 and 20.02)</p> <p>2 bedroom units Type 2 (units 04.04, 05.04, 06.04, 07.04, 08.04, 09.04, 10.04, 11.04, 12.04, 13.04, 14.04, 15.04, 16.04, 17.04, 18.04, 19.04 and 20.04)</p> <p>2 bedroom units and study Type 1b (Units 7.01, 10.01, 13.01, 16.01 and 19.01)</p> <p>Yes. Units of podium levels are provided with a minimum private open space area of 15m² with a minimum depth of 3m.</p>
Common Circulation and Spaces	The maximum number of apartments off a circulation	Yes. Maximum 7 units for Building B and maximum 6 units for Building C.

	core on a single level is eight For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	Yes.
Storage	Storage is to be provided as follows: Studio – 4m ³ 1 bedroom – 6m ³ 2 bedroom – 8m ³ 3+ bedrooms – 10m ³ At least 50% of the required storage is to be located within the apartment.	Yes. Each unit contains the minimum storage within the apartment and exceed the overall storage requirements.
Apartment mix	A variety of apartment types is to be provided and is to include flexible apartment configurations to support diverse household types and stages of life.	Yes. The apartment mix accords with Clause 7.11 of The Hills LEP 2019 and is considered satisfactory.

a. Communal Open Space

The Apartment Design requires a minimum of 25% of the site to be provided with communal open space. The proposal provides 910m² private communal open space on the Level 2 podium for Building B and Level 3 podium for Building C. This equates to 8% of the stage 1 development area.

The Applicant is of the view that the proposal complies with the communal open space criteria as the ADG notes that some communal open space is accessible and usable by the general public. The Applicant has included 2,200m² of the ground level publicly accessible space in the principal usable part of the calculation of communal open space. This equates to a combined principle usable communal open space area of approximately 3,110m² or 33% of the Stage 1 development area.

The relevant objective of the design criteria is as follows:

An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.

Comment:

The proposal is for Stage 1 of The Greens site. This stage of the development is unique compared to the rest of the site as it comprises all the non-residential land uses such as restaurants/cafes, shops, business premises and a gymnasium to activate the lower levels of the buildings and includes a ground level publicly accessible open space area of 5,751m². This public open space area includes a children's play space known as "The Wild Green" which will be available for use by residents of the residential flat buildings.

It is noted that the ADG references that some communal open space is accessible and usable by the general public. If the ground level publicly accessible space was to be included in the principal usable part of the calculation of communal open space, the combined principle usable communal open space area of approximately 3,110m² or 33% of the Stage 1 development area. The submitted solar access diagrams also indicate that the principal usable part of the communal open space areas will receive at least 50% direct sunlight for 2 hours during midwinter.

It is considered that an adequate area of communal open space with sufficient solar access is provided to enhance residential amenity for future occupants of Buildings B and C and provides opportunities for an appropriate landscape outcome for this stage of development. In this regard, the objective of the design criteria is met.

b. Building Separation

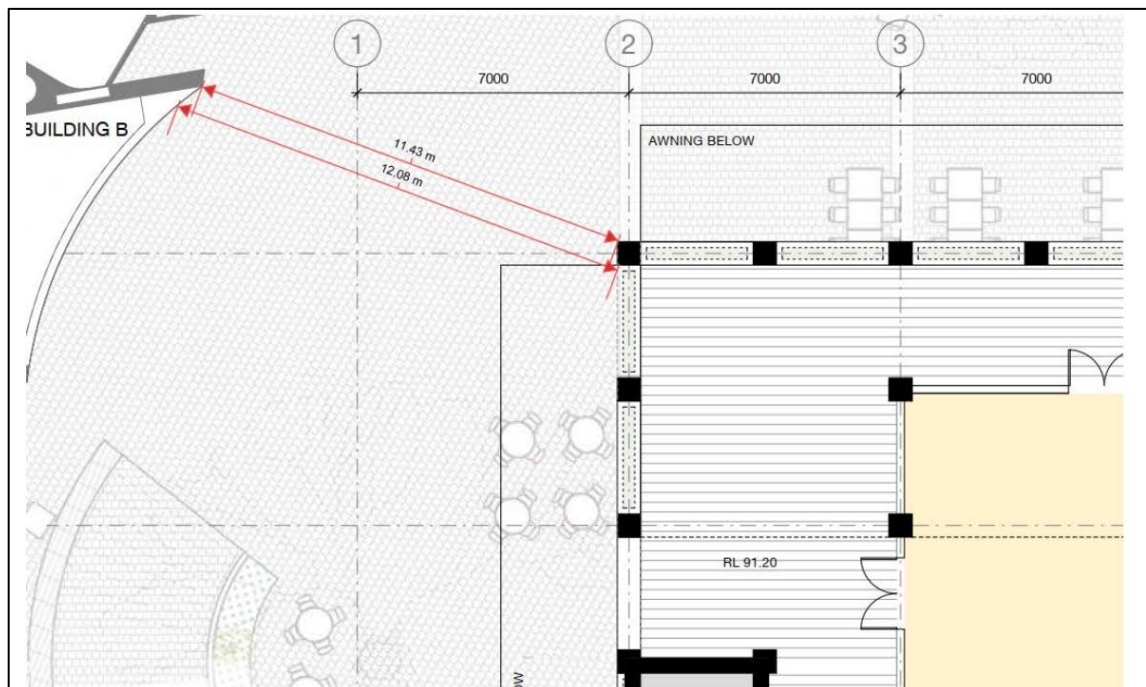
The Apartment Design requires that for habitable rooms and balconies, a 12m separation is required for 4 storeys, 18m for 5-8 storeys and 24m for 9+ storeys.

The proposal complies with building separation requirements to buildings external to the site however the internal building separation between the podium level of Building C and the first four storeys of Building B is 11.4m (where 12m is required).

The Applicant has provided the following justification for the variation:

A variation is proposed for the minor non-compliance with regard to not meeting the minimum of 12m required for up to 4 storeys. The minor non-compliance is only 0.6m or a 5% variation from the numerical control of 12m in the ADG. The building separation varies between each level up to four storeys with regard to the 12m minimum ADG control.

- *Level 1 separation between Building B and C is 15.5m complies with the minimum 12m building separation.*
- *Level 2 separation between Building B and C is 11.4m measured from the exterior of the buildings. The image below highlights the extents which do not comply with the minimum building separation of 12m, which is from a small corner of a balcony in Building B and a small corner of the external façade framing on Building C.*



It is considered that there would be negligible impact with regard to visual privacy as the non-compliance is very minor. A person standing at the north-western corner of Building C on this level would be separated by more than 12m from a person standing on the north-eastern corner of the balcony in Building B. It is also noted that the corner of the balcony in Building B is not useable space, with the principal useable area of the balcony located towards the centre of the balcony,

and as such a greater level separation will be achieved between residents in this particular unit in Building B with other users of the outdoor space (associated gym) on Building C.

- *Level 2 mezzanine with the swimming pool would be separated from the balcony on level 3 of Building B by 11.4m, measured from the exterior of the buildings. The minor non-compliance only impacts a small corner from each building. It is also noted that the corner of the balcony in Building B is not useable space, with the principal useable area of the balcony located towards the centre of the balcony, and as such a greater level separation will be achieved between residents in this unit to users of the swimming pool in Building C.*

The relevant objective of the design criteria is as follows:

Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.

Comment:

The variation to the building separation is only 0.6m or 5% to the external built between Buildings B and C and has been designed to avoid a direct line of site between apartments and balconies through the angled siting of Building B from Building C. The balconies on Building B have been configured to include blade walls which will mitigate privacy and sufficient screening is provided through the balustrades and a large canopy tree that would grow to a mature height of 25m is proposed on the ground level.

It is considered that adequate building separation is provided to achieve reasonable levels of visual privacy. In this regard, the objective of the design criteria is met.

c. Natural Ventilation

The Apartment Design Guide requires that at least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. In Building B, 55% (27 out of 49) of units are naturally cross ventilated in the first 9 storeys and in Building C, 69% (22 out of 32) of units are naturally cross ventilated in the first 9 storeys.

The Applicant has provided the following justification for the variation:

Both Buildings B and C combined now achieve 60.49% natural cross ventilation in the first nine storeys of the building which meets the ADG criteria of a minimum 60%.

Further we note that the ADG criteria specifies the below:

“Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed”.

All levels on Building B and C combined achieves a total of 76.5% natural cross ventilation (150/196 units, being 47/81 on Building B and 103/115 for Building C). Both Buildings B and C have no enclosure of balconies on levels 10 or more. Wind study modelling has demonstrated that wind conditions on these balconies are within the comfort level criteria. As such, they are hospitable and enabling occupants to open windows or doors to let the breeze in without causing discomfort.

The calculation of the natural ventilation combining both buildings is considered to be acceptable given the buildings are proposed under one development application and share common facilities including the basement. There have been precedents set in other development applications approved with regard to calculating natural ventilation

to account for all buildings in the DA rather than separate building despite what is stated in previous DEP minutes.

Regardless, the overall design of Building B considers residential amenity and does not deny future residents from a high amenity outcome in terms of comfort, solar access, visual and acoustic privacy and recreation space.

The relevant objective of the design criteria is as follows:

The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.

Comment:

Whilst Building B results in a shortfall of 5% of units (3 units) not meeting the cross ventilation design criteria for the first nine storeys, the building has been designed to provide a comfortable indoor environment for future occupants through the unique design of the building, blade walls/building indentations could capture prevailing breezes which could funnel into the habitable rooms. Air flow to single aspect units are maximised with appropriate apartment depths with central circulation corridors running north-south of the building. It is noted that each unit in Building B receives direct solar access and negligible privacy impacts arise from the siting of the Building in relation to Building C.

It is considered that despite the minor numerical non-compliance, a comfortable indoor environment is provided for the majority of residents. In this regard, the objective of the design criteria is met.

d. Balcony Areas

The Apartment Design Guide requires that the primary balcony is to be 4m² with no minimum depth for studios, 8m² with a minimum depth of 2m for 1 bedroom units, 10m² with a minimum depth of 2m for 2 bedroom units and 12m² with a minimum depth of 2.4m for 3 bedroom units.

The proposal includes 28 x 2 bedroom units (14.3% of units) that provide private open space areas of between 8m² - 9m² that do not meet this design criteria.

The Applicant has provided the following justification for the variation:

Further refinements to Building C have resulted in some reconfigurations to balconies being non-compliant. The balcony arrangements have been put forward in the interest of providing diversity in balcony arrangements to suit different buyer preferences and to create additional visual interest the design when viewed externally.

Despite this, it is considered that the proposed non-compliances are justifiable and can be varied...whilst not achieving the ADG balcony areas in a total of 28 units out of 115 units (24.34%), the minimum depth of 2m for 2 bedroom apartments are achieved.

The refinements to the balconies of Building C were a result of providing:

- *Better internal apartment layouts*
- *Additional screening on balconies in response to wind advice*
- *An increase in double height balconies on every second level, which provides a much better amenity outcome for more residents, particularly during instances such as a pandemic, with length periods of lockdown.*
- *Variances of balcony configuration and sizes over the height of the tower to enable more choice for future residents to select an apartment with larger or smaller balcony to suit their preferences.*

- More articulated façade than originally proposed.

The minor non-compliances are justified below and is considered to meet the objective of 4E-1, being to provide appropriately sized private open space and balconies to enhance residential amenity.

2 Bedroom Type 1c – have internal areas of 79m². The non-compliance is a minor variation of 2m² to only 5 units of this type and occurs every third level, as part of the articulation of the northern façade of Building C. This balcony has a depth of 2.35m which exceeds the 2m minimum depth required.

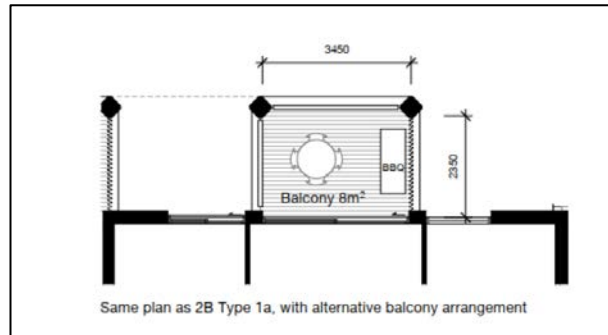


Figure 1

2 Bedroom Type 2 – has a usable balcony area of 9m² off the living room, which is a minor 1m² variation to the minimum of 10m², for 17 units of this type. This apartment type however has an additional secondary balcony off a bedroom which has a useable area of 8m². This balcony has a depth of 2.7m which exceeds the minimum 2m required.

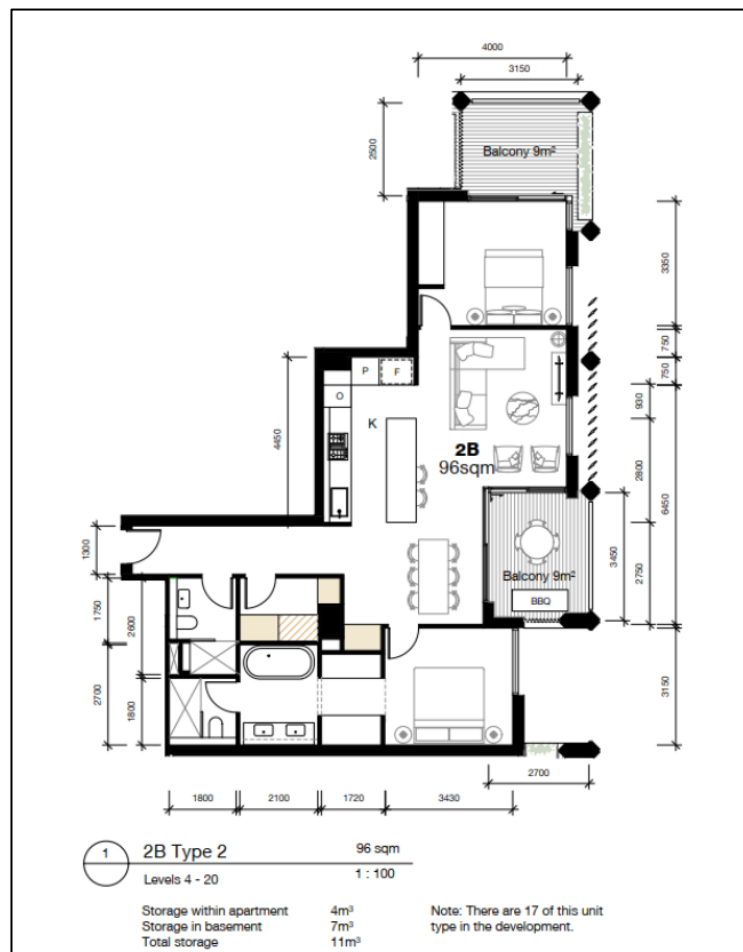


Figure 2

2 Bedroom + Study Type 1b – has a usable balcony area of 8m² off the living room, which is a minor 2m² variation for 5 units of this type. This apartment type also has an additional secondary balcony which has a useable area of 5m². This balcony has a depth of 2700mm with a depth of 2500mm for the secondary balcony, which exceeds the minimum 2m required.

The relevant objective of the design criteria is as follows:

Apartments provide appropriately sized private open space and balconies to enhance residential amenity.

Comment:

It is considered that the primary balcony sizes recommended in the ADG are minimum standards to ensure that appropriate residential amenity is provided. Whilst the Applicant has provided suitable justification for the variations to *2 Bedroom Type 2* as there is provision of a larger secondary balcony serving a bedroom resulting in an overall private open space area of 17m², the Applicant's justification for *2 Bedroom Type 1c* and *2 Bedroom + Study Type 1b* is not supported as there is no reason why the length of the balcony serving the living area cannot be extended to ensure full compliance with the design criteria without compromising the architectural framing on the northern facade. Refer red outline in Unit 11.02 (*2 Bedroom Type 1c*) and Unit 10.01(*2 Bedroom + Study Type 1b*) in figure 3 below.



Figure 3

In this regard, an amendment in red to condition 1 is recommended that the following units are increased in length to ensure that the balcony sizes are at least 10m²:

- 2 bedroom units Type 1c (units 05.02, 08.02, 11.02, 14.02, 17.02 and 20.02)
- 2 bedroom units and study Type 1b (Units 7.01, 10.01, 13.01, 16.01 and 19.01)

Subject to the above condition, only 17/196 units (8.7% of total units) would result in a variation to the design criteria compared to 28/196 units (14.3% of total units). This is considered a more suitable outcome for the development as only 8% of the development area is provided with private communal open space area as the development relies on public communal open space area on the ground level.

Subject to this condition, all apartments are considered to provide appropriately sized private open space and balconies to enhance residential amenity.

6. Compliance with The Hills Development Control Plan 2012

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

- Part D Section 8 Norwest Town Centre Residential Development
- Part B Section 5 Residential Flat Building
- Part B Section 6 Business
- Part B Section 8 Shop Top Housing and Mixed Use Development
- Part C Section 1 Parking
- Part C Section 3 Landscaping
- Part C Section 4 Heritage

It is noted that some standards such as density, number of storeys, unit mix, sizes and parking are superseded by the site specific provisions in the LEP under Clause 7.11. It is also noted that in the event of any inconsistency between Part D Section 8 Norwest Town Centre Residential Development and any other Section of the DCP, the provisions of the site specific Section shall prevail to the extent of the inconsistency.

In this regard, the proposed development achieves compliance with the relevant requirements of the development controls with the exception of the controls highlighted in the below table. Discussion on relevant controls is also provided below.

DEVELOPMENT CONTROL	THDCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE								
Part D Section 8 Norwest Town Centre Residential Development - 3.2.2 – A. Site Planning	(a) Future development is to be located generally in accordance with Figure 3 in Appendix 1. (c) Within East Precinct Area B (as shown in Figure 3, Appendix 1) the overall site coverage shall be a maximum of 30% of the site area.	Future development is generally in accordance with Figure 3 Appendix 1 for Stage 1 development. However Building C podium is slightly wider.	Yes, however the envelopes are different shapes and Building C podium is slightly larger in width.								
Part D Section 8 Norwest Town Centre Residential Development - 3.2.2 – C. Setbacks	a) The setbacks for the East Precinct shall be in accordance with the minimum setbacks outlined in Table 2 below. <table><caption>Table 2 Setbacks</caption><tr><td>Solent Circuit</td><td>10 metres</td></tr><tr><td>North boundary</td><td>14 metres</td></tr><tr><td>East boundary</td><td>12 metres</td></tr><tr><td>West boundary</td><td>(xii) metres</td></tr></table>	Solent Circuit	10 metres	North boundary	14 metres	East boundary	12 metres	West boundary	(xii) metres	Solent Circuit: Building B 8.5m Building C Podium 6.4m Tower 6.9m (corner tower component) – 17.5m North (Spurway Drive): Building B : 7.9m for circular shaped podiums. Tower elements comply Building C - complies	No, variation required to Solent Circuit and North Boundary (Spurway Drive). Refer discussion below.
Solent Circuit	10 metres										
North boundary	14 metres										
East boundary	12 metres										
West boundary	(xii) metres										

		<p>East – complies</p> <p>West N/A</p> <p>Natura Rise - Main entry road setback of 8m</p>	
Part D Section 8 Norwest Town Centre Residential Development - 3.2.2 – E. Open Space – Landscaped Area	(b) A minimum of 70% landscaped area shall be provided within area B (as shown in Figure 3, Appendix 1).	28% landscaped area as defined under LEP 2019.	No. Refer discussion below.
Part D Section 8 Norwest Town Centre Residential Development - 3.2.2 – E. Open Space – Private Open Space	e) Balconies are to have a total minimum area of 10m ² with a minimum depth of 2.4 metres for balcony areas directly outside the main living area of residential flat.	28 x 2 bedroom units do not provide 10m ² with a minimum depth of 2.4 for balcony areas.	No, however variation to ADG private open space/balcony requirements addressed under Section 4 above.
Part B Section 5 – Residential Flat Buildings 3.5 Building Separation and Treatment	12m minimum	Variation to internal building separation for podium of Building C and Levels 1 -4 in Building B. 11.4m proposed.	No, however building separation requirements addressed under ADG Design criteria. Refer Section 5 above.
Part B Section 5 – Residential Flat Buildings 3.7 Building Length	Maximum 50m	58m (including circular podiums fronting Spurway Drive)	No. Refer discussion below.
Part B Section 5 – Residential Flat Buildings 3.13 Open Space	<p>Private: Ground level – 4m x 3m (min)</p> <p>Above ground – min. 10m² with min. depth 2.5m</p> <p>Common: 20m² per dwelling</p> <p>For 196 dwellings, 3,920m² required.</p>	<p><u>Private</u> <u>Open</u> <u>Space:</u> The following 28 x 2 bedroom units do not comply (units 05.02, 08.02, 11.02, 14.02, 17.02, 20.02, 04.04, 05.04, 06.04, 07.04, 08.04, 09.04, 10.04, 11.04, 12.04, 13.04, 14.04, 15.04, 16.04, 17.04, 18.04, 19.04, 20.04, 7.01, 10.01, 13.01, 16.01 and 19.01</p> <p><u>Common</u> <u>Open</u> <u>Space</u> 980m² private</p>	No, however open space requirements are addressed under ADG Design criteria. Refer Section 4 above.

		communal open space provided on the podiums.	
Part B Section 5 – Residential Flat Buildings 3.21 Access and Adaptability	Accessible housing: 10% in a development >20 units	5% provided	No. Refer discussion below.
Part B Section 5 – Residential Flat Buildings 3.22 Pedestrian/Bicycle Links	<p><u>Local Pedestrian Links</u></p> <ul style="list-style-type: none"> - Where possible, a pedestrian link through the site must be provided as part of the development to increase the connectivity of the area for local pedestrians. The following factors should be considered when identifying the most appropriate location for the link of the pathway: - The link must be no less than 3m wide; - Should be a straight-line link through the site linking streets or other public spaces; and - Cannot include stairs and any ramps. Must have a reasonable gradient - refer to AS 1428.1 - 1988 Design for Access and - The design and layout of any building adjoining and landscaped spaces adjoining the pathway should ensure there is natural surveillance of the pathway to protect the amenity of users 	<p>Pedestrian link provided as required by the Voluntary Planning Agreement.</p> <p>The link is greater than 3m wide and links Spurway Drive to Solent Circuit.</p> <p>The link includes stairs however public lift access is provided in Building C.</p>	No, pedestrian link includes stairs however public lift access is provided. Refer discussion below.
Part C Section 1 – Parking – Schedule 1	<p>Required Minimum Provisions for car parking:</p> <p><u>Residential flat buildings and, dwellings in shop top housing and mixed use developments within the Sydney Metro Northwest Corridor:</u></p> <p>1 space per unit and 1 visitor space per 5 unit For 196 units, 196 residents and 40 visitors spaces required (236 spaces)</p>	<p>459 car spaces provided:</p> <p>Residents: 276 Visitors: 40 Share: 5 Non Residential 138</p> <p>2 loading bays provided.</p>	Yes, overall spaces comply however more residential space allocated than non-residential spaces. Refer discussion below.

	<p><u>Commercial premises (including business premises, office premises)</u> 1 space per 25m2 GFA For 378m2 GFA, 15.12 spaces required</p> <p><u>Shops (including shopping centres and general business retail)</u> 1 space per 18.5m2 GLFA For 980m2 GFA, 53 spaces required. 2 loading bays required.</p> <p><u>Restaurant or cafe within a retail shopping complex</u> 1 space per 18.5m2 of GLFA. For 500m2 GFA, 27.02 spaces required</p> <p><u>Gymnasiums/Fitness Centre*</u> 1 space per 25m2 of GFA For 1260m2 GFA, 50.4 spaces required</p> <p><u>Medical Centres, Health consulting rooms</u> 3 spaces per consulting room plus 1 space per support employee For 229m2 GFA and traffic and parking study assumes there would be 2 health consulting rooms and 2 support employees, therefore 8 spaces required.</p> <p>Total Min. Residents Spaces Required: 236 spaces</p> <p>Total Min. Non-Residential Spaces Required: 154 spaces</p> <p>Therefore 390 spaces required in total</p>		
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a. Site Specific Built Form Controls

i) Site Planning

Part D Section 8 Norwest Town Centre Residential Development of the DCP requires the following:

- Future development is to be located generally in accordance with Figure 3 in Appendix 1.
- Within East Precinct Area B (as shown in Figure 3, Appendix 1) the overall site coverage shall be a maximum of 30% of the site area.

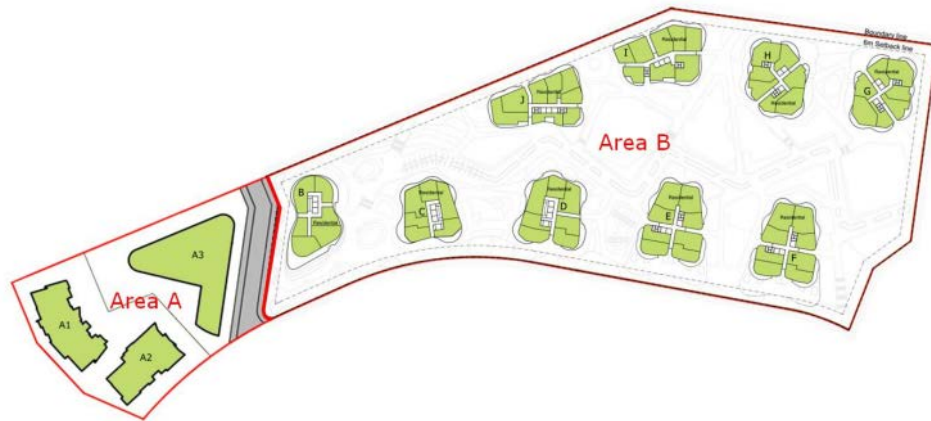


Figure 3 East precinct building layout plan

The proposal is generally in accordance with the above figure however the building envelopes are more rectilinear and the podium for Building C is wider than as shown above.

The Applicant has provided the following justification for the variation:

Building B maintains a configuration that is elongated in a north-south direction, located on the very western part of the site with a setback to Natura Rise not dissimilar to the figures in the DCP. Building C has been sited on the southern half of the Stage 1 site to have a Solent Circuit street presence. The main difference with Building C is the extended podium, which has narrowed the building separation between the two buildings; however the building separation is largely compliant with the ADG. The minor non-compliance to the building separation has been sufficiently justified in the response under the ADG RFI comments.

The reason the podium has notably changed since that originally envisaged in the planning proposal scheme is provided below:

- *Stage 1 as proposed carries the bulk of the additional permitted uses which are non-residential uses.*
- *Retail strategists/consultants have been on board since inception when this site was being revisited following the LEP amendment. Retail/commercial market investigations realised the advantages of having a supermarket/grocer and gym to be occupied in this portion of the site.*
- *These uses require a larger floor plate, which has been accommodated in podium of Building C.*
- *Other uses proposed include cafes/restaurants, medical centre and business premises, all of which have also been subject to investigations into the market.*
- *Under the additional permitted uses that can be accommodated within the site, all the allowable GFAs for the shops, cafes/restaurants have been absorbed within Stage 1, as well as the bulk of the indoor recreation GFA.*
- *The proposed podium now enables for large useable space for communal open space to be accommodated. The planning proposal scheme showed a tower with no communal open space being able to be accommodated within the building.*

Whilst the site planning control relates to the location of the development, rather than the architectural form, it is noted that sufficient discussion has been provided under the Statement of Environmental Effects, the architectural design reports with regard to the design intent behind these forms, which provide a range of benefits for users of the space and the locality...the proposal has been designed to relate the natural contours of the site. Refinements have been made to ensure the best possible outcome for the proposed development especially working with the large falls across the site.

With regard to Building B, the proposed orientation allows the building to step up along Natura Rise in relation with the natural ground level. This maintains visual connection between the proposed active uses on the lower podiums and the street. Along the western façade is a path immediately adjacent to the building and connecting through the planted verge to the public footpath beyond the site boundary. This path is bounded by a low wall to contain minor grading of the natural ground line and provide informal public seating. There are multiple paths connecting to these allowing different routes for pedestrians. The residential lobby entry is clearly delineated as the only double height space on the lowest part of the Stage 1 site, being the South-West corner facing both Solent Circuit and Natura Rise with circulation routes connecting to both. The development has also minimised ramping for accessibility. Where possible, the natural rise in ground level has been used to maintain level access.

Building C includes a four-level podium of predominantly non-residential uses, and the transition in the level change from Solent Circuit to the south up to the plaza to the north is successfully executed with a double-height shop (supermarket) opening onto Solent Circuit and café/restaurant tenancies on level 1 opening up onto the north-facing plaza, whilst overlooking the supermarket.

The entrance staircase off Solent Circuit has been improved to further mitigate the level change and ensure that it is a more pleasant experience for pedestrians. The proposal has been carefully considered in its placement on the site, in terms of topography, building footprint, neighbouring dwellings and future development.

The relevant objective of the control is as follows:

- *To achieve coherent site planning and development that relates to the natural contours of the site and contributes to the character of the area,*
- *To provide for the effective management of common open spaces within the development.*

Comment:

The building envelopes in Figure 3 of Appendix 1 of the site specific DCP were based on conceptual designs submitted with planning proposal 5/2015/PLP. A planning proposal sets out strategic justification for amending an environmental planning instrument including block/massing diagrams and building envelopes to justify the increase in provisions such as height or floor space ratio. The detailed design including built form and design excellence is not assessed as part of the planning proposal but under subsequent development applications. The photomontages submitted with the planning proposal include “sculptural” towers with full height glass facades on each level. Refer figure 4 below for photomontage submitted with the planning proposal. Whilst the photomontage indicates a lightweight, slender built form outcome, these are more reflective of commercial towers rather than residential towers.



Figure 4: Photomontage – View of the Development across Norwest Lake as submitted with Planning Proposal 5/2015/PLP.

The Applicant has provided an amended Architectural Design Report which indicates that during the detailed design stage of the development, a number of challenges arose from the concept design submitted with the planning proposal such as inadequate solar access to east/west facing habitable rooms as a result of the building orientation, inefficient apartment layouts which would be non-compliant with the ADG design criteria and DCP controls, non-compliance with BASIX window to wall ratio and privacy issues due to extensive glazing. In this regard, the proposal to the built form was amended to improve on these aspects.

The subject DA seeks consent for the built form of Buildings B and C. The built form is depicted in the below perspective.



Figure 5: Perspective of Building B and C from street level at the corner of Natura Rise and Solent Circuit

Whilst the building envelopes vary to those submitted with the planning proposal, the built form achieves compliance with the majority of SEPP 65 – ADG design criteria and DCP controls. All variations have been suitably justified or addressed in this report.

The site rises steeply from Solent Circuit to Spurway Drive with the highest point being approximately 10m above on Spurway Drive. It is considered that the site planning and development relates to the natural contours of the site as the obligations under the VPA require a pedestrian link to connect Solent Circuit and Spurway Drive and provide a publically accessible easement on the ground plane within the Stage 1 development site. It is noted that Stage 1 encompasses all the non-residential land uses including restaurants/cafes, shops, business premises and a gymnasium to activate the lower levels of the buildings and includes a ground level publicly accessible open space area of 5,751m². This is consistent with East precinct common open space plan in Figure 5 of the DCP.

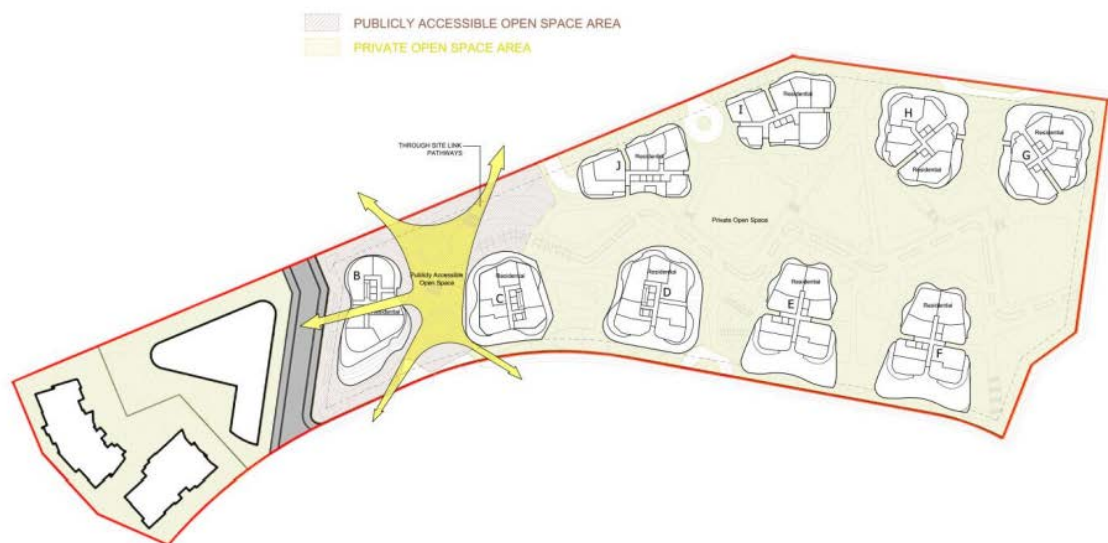


Figure 5 East precinct common open space plan

The extension of the podium for Building C results in the provision of private communal open space for future residents including a pool which would provide for better residential amenity. The podium also provides for a better connection with the pedestrian link including an internal lift access and open air forecourt leading into the proposed supermarket. The proposed building envelope for Building C also provides more opportunities for public communal open space to the north.

It is considered that despite the variation to the building envelopes under Figure 3 of Appendix 1, the proposal still meet the objectives of the control and the variation can be supported.

ii) Setbacks

Part D Section 8 Norwest Town Centre Residential Development of the DCP requires a minimum 10m front setback for Solent Circuit, 14m setback to North boundary on Spurway Drive, a 12m front setback to the east boundary and 12m setback to the west boundary.

Variations occur to the Solent Circuit and North boundary (Spurway Drive). Building B provides a minimum 8.5m setback to Solent Circuit and 7.9m to the North boundary (Spurway Drive). Building C provides a podium setback of 6.4m and corner tower setback of 6.9m to the Solent Circuit boundary.

The Applicant has provided the following justification for the variation:

Solent Circuit

The Solent Circuit non-compliances apply to the following areas in Building B and C

Building B: It is noted that since the original DA submissions, the setbacks for Building B have been increased from a minimum 7.6m to a minimum of 8.5m, which is a near 1m increase achieved. The non-compliance applies to two concerns, which are considered as an architectural detail. The western corner is setback 9.1m from the site boundary, which is a 0.9m shortfall. The eastern corner is setback 8.5m which is a 1.5m shortfall.

The non-compliance has negligible impact on the perceived bulk and scale of the building as the majority of the building is compliant with the minimum 10m setback. The corners form part of the balconies which are curved and provided with blade walls to achieve the sculptural form of building, as well as other benefits such as solar efficiency during winter and summer, and the enhancement of privacy. This architectural detail, whilst functional, assists in providing visual interest, articulation and modulation to the built form of Building B, to assist in breaking up the mass of the building.

It is noted that Level 0 (ground) and Level 1 complies with the minimum 10m setback as these levels are recessed to allow visual connection to the public domain in front of the building.

The proposed setback and façade treatment by creating pockets of areas for people to socialise is also in response to its corner location and place making objectives, as opposed to linear public space. Further the corner is provided with a setback of more than 22m allowing clear visibility.

Building C

The non-compliances for Building C apply to both the podium and the corner of the tower component. The tower component is a minor protrusion of the south-western corner of up to 6.9m from the required 10m setback. The projecting corner is primarily comprised of open balconies and articulated façade elements. Whilst the podium generally follows parallel to Solent Circuit, the tower has been rotated relative to the podium below to reduce the apparent built form and overshadowing to the south. This has also resulting in increasingly larger setbacks of up to 17.5m towards the other corner of the podium. The scale of the tower has been appropriately mediated by the creation of the below three storey podium at street level.

With regard to the podium, the non-compliance to the setback varies from a minimum of 6.4m. This is a variation of up to 3.6m from the required 10m setback to Solent Circuit. The western corner has a near compliant setback, reducing to 6.4m near the residential lobby entrance, and then increasing to 9m at the eastern corner of the podium, all of which is at a distance of 63m.

The podium has been located parallel to Solent Circuit to maintain a consistent street wall for pedestrians walking along Solent Circuit. The podium is only three storeys with rooftop communal open space. This communal open space was originally submitted with framing surrounding the exterior of the communal open space, however the design has since been revised to create a segmented podium facilitated by the removal of the external framing to the communal open space, which improves the visual bulk and scale of the development when viewed from Solent Circuit. Overall, the three-storey podium at street level is considered to be appropriate for the site in forming a human-scaled edge to the proposed public domain, diminishing the appearance of the height of the tower. The proposed façade complements the

surrounding area and does not detract from the existing development within the locality. The articulation of the façade is assisted by providing variations in the façade including angling of glazing on the third storey of the western segment of the podium. A consistent streetscape appearance is maintained with the podium of Building C reflective of the formation of the Watermark apartment building adjacent to the Haven development on 38 Solent Circuit.

Further, the setback proposed for the podium is considered to be acceptable in creating active, permeable edges, maximising pedestrian activity for retail uses located on the podium. It is noted that dwellings were not proposed on the street frontages, in order to maximise retail frontages for a site that is afforded with opportunities to create such settings. Solent Circuit also transitions into a curve here, which is also a key consideration that results in the proposal not meeting the setback required. If Solent Circuit ran in a straight configuration, then it is considered that the proposal could have met the required setback (noting if the eastern corner were slightly amended/ pushed back).

As discussed earlier in this response, the thinking behind the podium of Building C is underpinned by sizes of floorplates of proposed retail (shops, cafés/restaurants) and indoor recreation uses in particular. The proposed podium is provided with active uses that open up to the ground plane, whether it be on Level 0 or Level 1. This podium configuration with the length aligned to Solent Circuit and the length aligned to the principal publicly accessible space area, assists in maximising pedestrian activity through natural surveillance, and the variety and number of tenancies provided along these alignments. If the building was pushed further into the site (noting the floorplates and as such footprint of the podium required), then useable space for the plaza and Wild Green would be reduced. The benefits in this instance outweighs a slight reduction of space lost from the non-compliant setback, given this setback space is not useable space for the public. A much better outcome for the public is achieved by retaining a larger significant amount of consolidated useable principle open space on the ground plane for everyone to enjoy that is a protected pocket away from Solent Circuit. It would not likely be possible for a scenario whereby the podium retains its current position in relation to the main publicly accessible open space and also achieve a compliant setback. This would mean the frontage of Solent Circuit would need to be amended, which would result in a loss of communal open space and private open space from the podium, but also require in a reconfiguration of the tower component above, which has already been refined to achieve optimum amenity for the units and the required apartment sizes for the floorplates on each level. It is noted that landscaping of the overall development has been maximised in revised plans, which achieves the deep soil requirements that the DEP requires.

Spurway Drive

The Spurway Drive non-compliance applies to the following areas in Building B only. It is noted that Building C complies with the minimum setback of 14m, with a large distance of 34.85m achieved from its northern façade to the property boundary.

The two circular shaped podiums (which are two storeys in height and have a rooftop podium open space/garden) in Building B do not comply with the required 14m Spurway Drive setback. The proposed podiums are circular in shape, and therefore have a varying setback distance across the length of the podiums (28m).

It is noted that both storeys on Level 0 – Level 1 of the western podium have a minimum 10m setback. The outdoor communal open space on the rooftop has a minimum building line setback of 7.9m. This 7.9m is an increase in comparison to the setback originally submitted with the DA, which was at 6m.

The eastern podium is proposed with setbacks of minimum 7.9m on Level 1 and a minimum of 6m on Level 2. The rooftop garden on Level 3 for the eastern podium is also setback at a minimum of 6m from Spurway Drive.

Despite the non-compliance, the setbacks are considered suitable based on the following grounds:

- The proposed podiums are offset from one another and provide a beacon to the entry at the corner of Spurway Drive and Natura Rise. The podiums provide a feature to this corner, improves the appearance and brings visual interest to Building B and the streetscape, without impeding on amenity to the surrounding residential flat buildings as they are a total of two storeys in height.*
- The podiums promote good passive surveillance to the public domain and are appropriate for the non-residential uses contained within them, which are predominantly active uses. Setbacks that are closer to the street maximises pedestrian activity.*
- Suitable soft landscaping has been provided within the setbacks surrounding the podiums, as well as landscaping provided to their rooftops.*
- The podiums are located to the north and given they are low in height (less than 10m above natural ground level), they do not create any additional overshadowing impacts on adjoining properties.*
- The circular shape of the podiums provide articulation to the frontage of Building B, is not a continuous straight, flush wall, which minimises its perceived bulk and scale on the streetscape.*
- If it were compliant with the 14m setback, it would be noticeably inconsistent with the surrounding streetscape.*

With regard to the tower element of Building B, there is a minor protrusion of a corner into the 14m setback. It is believed that this non-compliance is acceptable given it is an architectural detail that serves a functional purpose as well as provide visual interest and modulation to the built form of Building B.

The relevant objective of the control is:

- Setbacks are to complement the Norwest Business Park setting and contribute to the landscaped character of the precinct while allowing flexibility in the siting of buildings.*

Comment:

Building B generally complies with the front setbacks controls with the exception of point encroachments for the tower element on Solent Circuit and Spurway Drive and a further encroachment for two circular podiums fronting Spurway Drive. The extent of variations are depicted in the below figures.

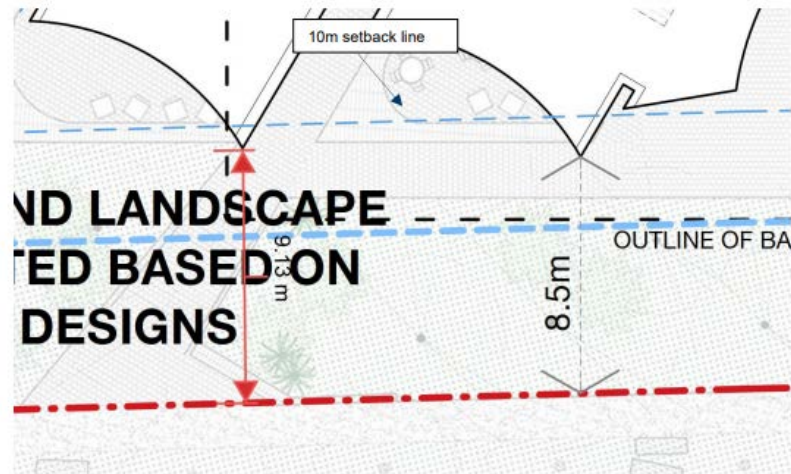


Figure 5: Building B plan indicating point encroachments to Solent Circuit front setback control.

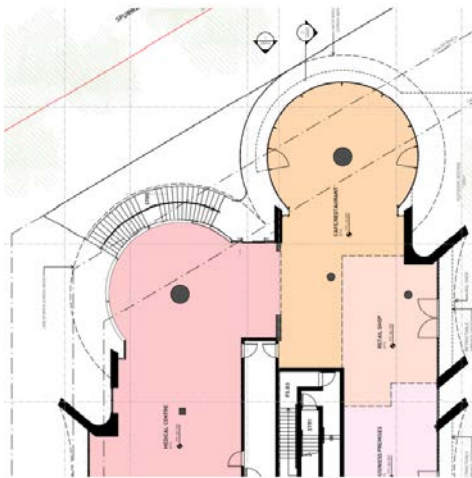


Figure 6 and 7: Building B Level 1 Plan and Western Elevation indicating encroachment to Spurway Drive setback

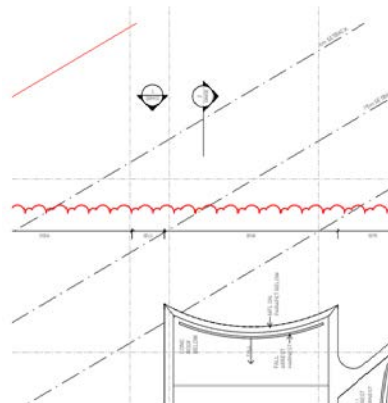


Figure 8 Corner of Building B tower encroaching within Spurway Drive Setback

It is considered that these encroachments are minor in nature and add to the architectural diversity of the building. The variations are consistent with surrounding residential flat buildings approved on Spurway Drive which comprise 6m front setbacks as highlighted below:

- The Sekisui development known as The Orchards at 47 Spurway Drive is located directly north of the site. The following developments within The Orchards site have been approved:
 - Development consent 779/2017/JP (Stage 1) for two 7 storey residential flat buildings comprising 121 apartments was approved with a 6m setback.

- It is also noted that the building envelopes approved under the planning proposal and as depicted in the DCP indicate a 6m setback line to the Spurway Drive boundary however the DCP table for the setback controls have not been amended to reflect this. It is considered that despite the variation to the 14m setback control for Spurway Drive, the proposed setbacks complement the existing and future character of the Norwest Business Park setting and contributes to the landscaped character of the precinct.

It is considered that the encroachment to the corner of the tower is negligible and as a result of the curvature of the street. Increasing the setback at this corner will result in negligible impacts to streetscape amenity and will result in a reduction of publically communal open space to the north of the building.

The podium encroachment is for three storeys with roof top communal open space. This communal open space area has been redesigned to delete the external framing at the edges which results in a more open and visibly landscaped area which results in the reduction in the visual bulk and scale of the podium when viewed from street level on Solent Circuit. The submitted landscape plan also indicates that 3 x Eumundi trees which reach a mature height of 10m, 2 x Illawarra Flame Trees which reach a mature height of 18m and 2 x Queensland Firewheel Trees which reach a mature height of 10m as well as shrubs and ground covers would be planted in front of the podium. In addition, 4 x Pin Oak trees which reach a mature height of 15m would be replanted along the nature strip in front of the podium which would provide for an appropriate landscape outcome.

The podium also provides human scale to the public domain to soften the impact of the taller tower located on top. The podium also promotes an active street frontage for the retail uses on ground levels. The proposal is also consistent with other developments approved on Solent Circuit including the Haven apartments under development consent 1560/2015/JP and Watermark apartments under development consent 936/2014/JP, both with 8.75m front setbacks. In this regard, the variation to the encroachment of Building C to the front setback on Solent Circuit is supported.

iii) Open Space – Landscaped Area

Part D Section 8 Norwest Town Centre Residential Development of the DCP requires a minimum of 70% landscaped area shall be provided within area B (as shown in Figure 3, Appendix 1). The LEP defines 'landscaped area' as follows:

landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

In accordance with this definition, the proposal provides 28% 'landscaped area' for the development area.

The Applicant has provided the following justification for the variation:

The 70% control in this instance is derived from the scheme which supported the planning proposal. As shown in the image below, it did not consider the LEP definition of landscaped area.

LANDSCAPED AREA = 27,537 m² (71.9%)
SITE AREA = 38,321 m²



The above plan is inconsistent with the LEP definition as it includes hard paved areas and included some podiums of buildings.

The control in this instance is commensurate to the site coverage requirement of 30%, rather than a control that seeks to guide the amount of hardscape on the site.

The landscaping scheme which accompanied the planning proposal illustrated a large amount of hardscape in Stage 1, despite the control of 70% and the Landscaped Area Plan which supported the Planning Proposal.



Notwithstanding, the proposal has sought to maximise the amount of soft landscaping located within Stage 1 of the site. The revised landscape plans demonstrates the following changes since that originally submitted with the DA:

- *Reduction of paved areas where possible including pathways within the central plaza and Wild Green, without impacting on ease of pedestrian navigation and connectivity within the site or on retail spill out areas for an activated ground plane.*
- *Deep soil has increased to 15% (excluding Endeavour Energy easement on northern boundary) through a reduction of paved areas, reduction of basement extent and revised planting strategy for mass planting with an elevated deck at the laneway area east of Building C.*
- *Overall soft landscaping has increased including over basement slab which include additional trees on mounded soil adjacent the retail spill out area of Building B and extension of the planted area for the feature tree in the central plaza.*
- *Despite the Endeavour Energy easement not considered to be deep soil area, this still provides for an extensive planting area on natural ground and should not be disregarded as a key area that provides extensive soft landscaping contributing towards the environmental benefits within the site.*
- *Total landscaped area in accordance with the LEP definition is now 27.77%.*

It is considered that the proposal has demonstrated a well-designed open space and landscaping on the ground level, including within the front setbacks to provide a highly desirable landscaped outcome that is appropriate within its surrounding context...the overall landscaping strategy has been designed with understanding the impact of change in density in what was traditionally suburban trees, to frame the public spaces and bring a more human scaled approach to the design of the landscaped area. Planting used is 100% native, and is multi-layered with form, texture, colour, scent and use, all informing the composition of the landscaped area. The proposed planting provides deep shadow and natural cooling through evapotranspiration with hard surfaces limited and generally positioned under shade. The landscape approach ensures the proposed development is an inviting space that is embedded with nature.

The relevant objectives of the control are:

- *To provide open space for recreation and for use by the future occupants of the new buildings.*
- *To enhance the quality of the built environment by providing opportunities for landscaping in a parkland setting.*

Comment:

The intent of the planning proposal was to ensure that the residential flat buildings within the East precinct are provided in a landscaped parkland setting and the development contributes to the landscaped character. Figure 3, Appendix 1 includes the hard and soft landscaping as part of the 70% landscaped area requirement which is inconsistent with the LEP definition.

Stage 1 of the development comprises all the non-residential land uses, a pedestrian link and publically accessible easement which increases the hard paved area for the site to ensure pedestrian connectivity. The proposal has been amended to reduce the amount of hard paved areas and increase the deep soil landscaping to 15% of the development area. The proposal provides for 30% of site coverage of the development area as defined under the LEP.

The proposal still provides suitable private and public communal open space areas for future occupants of the site and opportunities for landscaping in a parkland setting is still provided, particular for the remainder of the site which will only be for residential purposes. It is considered that the proposal is consistent with the landscape outcomes as envisaged under the planning proposal which was not defined as per the LEP definition. In this regard, the proposal meets the objectives of the control.

b. Building Length

Part B Section 5 Residential Flat Building of the DCP requires a maximum building length of 50m. The proposal results in a maximum building length of 57m.

The relevant objectives of the control are:

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

Comment:

The Building B tower comprises a maximum 45m building length however the variation to the 50m control occurs with the inclusion of the circular podiums on Level 1 - Level 3. Private communal open space is provided on the two storey high circular podiums which results in architectural diversity and interest when viewed from the Spurway Drive/Natura Rise frontages. The variation does not increase the visual bulk and scale of the residential flat building and contributes to the streetscape. In this regard, the variation can be supported.

c. Access and Adaptability

Part B Section 5 Residential Flat Building of the DCP requires 10% of all dwelling units to be adaptable or accessible dwellings. The proposal provides 5% accessible units.

The relevant objectives of the control are:

- *To ensure that developments provide appropriate and improved access and facilities for all persons (consistent with the provisions of Australian Standard AS1428.1).*
- *To encourage designers/developers to consider the needs of people who are mobility impaired and to provide greater than minimum requirements for access and road safety.*
- *To ensure that building design does not prevent access by people with disabilities.*
- *Incorporate design measures that are appropriate to people with disabilities.*

Comment:

DCP amendments to Access and Adaptability controls came into force on 21 May 2019 following Council resolution on 30 April 2019 to adopt the draft amendments as a response to requirements of The Hills Disability Inclusion Action Plan. The amendments include an increase in the percentage of adaptable/accessible housing from 5% to 10% under Part B Section 5 Residential Flat Buildings. The proposal was lodged after the adoption of the DCP.

The submitted Accessibility Report incorrectly refers to the previous 5% requirement which is not current. Therefore a condition is recommended that the development is to be amended to ensure that at least 10% or 20 dwellings are adaptable/accessible units. Refer amendment in red in condition 1.

d. Car Parking

Part C Section 1 Parking of the DCP requires a minimum of 236 residential car spaces and a minimum of 154 non-residential spaces for the development. Therefore the total number of spaces required is 390 car spaces. The proposal provides a total of 459 car spaces including 276 residential car spaces, 40 residential visitor spaces, 138 non-residential spaces and 5 share car spaces. Whilst the total number of spaces meets the control, the distribution of car parking spaces results in a shortfall of 16 non-residential spaces.

The Applicant has provided the following justification for the variation:

The relevant table from the Gennoui Addendum Report, which includes the calculation is Table 2, with an extract below:

Table 2: Proposed Parking Supply for Non-Residential Land Uses

	Internal	Outdoor	DCP Spaces		Discounted		
	GFA		Internal Area	Outdoor Area	Discount	Internal Area	Outdoor Area
Business	378		15		20%	12	
Gymnasium	1,260		50		25%	38	
Retail	1,000		54		25%	41	
Restaurant	500	433	27	23	20%	22	18
Medical	229		8		20%	7	
Total	3,367		154	23		120	18

As a result, some **138** spaces would be sufficient to cater for the non-residential component of the two buildings as noted in **Table 2**.

Should the full quota of non-residential car spaces be included, this would lead to an overall demand for 470 when resident parking (276 spaces) resident visitor spaces (40) and share spaces (5) are included as per DCP requirements...The overall allocation is within the DCP limits (under the current parking rates) and relies upon travel demand management as the full DCP allocation is not provided.

The parking totals in the final scheme submitted for Council's consideration has the following breakdown –

- Residential 276
- Visitor 40
- Share 5
- Non Residential 138
- Total 459

Note that in the final basement design which has reduced the overall number of small car spaces, there was a loss of one space to bring the total car spaces provided to 459, some 11 spaces shy of the DCP total of 470 spaces.

It is requested that the above allocation of spaces be reflected in the conditions of development.

The relevant objectives of the control are:

- *To provide sufficient parking that is convenient for the use of residents, employees and visitors of the development.*

Comment:

The DCP requires minimum provisions for car parking for the uses proposed. In particular, Clause 7.11 and Table 1 of Part C Section 1 requires a minimum of 1 space/dwelling for residents and 1 space/5 dwellings be provided for visitors. This equates to a minimum of 236 car parking spaces for the residential component of the development. The proposal provides for 276 residential and 40 visitors spaces which equates to 316 car parking spaces for the residential component of the development. This is a surplus of 80 spaces under the minimum provisions. In contrast, the car parking rates for the non-residential land uses as prescribed in the above table require that business premises and gymnasium be provided with a minimum rate of 1 space per 25m² GFA, shops and restaurants/cafes be provided with a rate of 1 space 18.5m² GLFA and medical centres be provided with 3 spaces per consulting room plus 1 space per support employee. Based on these rates, 154 non-residential car parking spaces would be required and therefore a minimum of 390 car spaces are required for the entire development.

The Applicant has requested the following allocation be reflected in the conditions of development consent:

*Residents: 276
Visitors: 40
Share: 5
Non Residential 138
Total: 459*

To ensure that sufficient parking is provided for the non-residential land uses on the site, it is recommended that 16 of the residential spaces be reallocated for non-residential uses. The allocation of car parking spaces would therefore be:

Residential: 260
Visitors: 40
Share: 5
Non Residential: 154
Total: 459

The above requirement would ensure full compliance with the minimum number of car parking spaces as required under the DCP. Refer recommended condition 7.

7. Issues Raised in Submissions

The application was notified for a period of 14 days on two occasions. In total, five submissions from four properties were received.

ISSUE/OBJECTION	COMMENT	OUTCOME
Height of buildings are not in keeping with the other residential apartment buildings in the immediate vicinity of the proposed development, particularly Building C.	The Greens site was subject to a site specific planning proposal (5/2015/PLP) that was finalised by the Department of Planning and Environment on 17 June 2020 as part of 'tranche three' of the Government's Planning Acceleration Program. The LEP amendments included an increase in the building height standards.	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
	<p>The proposal comprises a maximum height of RL 133.7 (14 storeys) for Building B and RL 168 (24 storeys) for Building C which complies with the maximum RL 176 building height permitted on the site under the LEP. It is noted that the adjoining eastern development on 7 Maitland Place has been approved under development consent 1235/2018/JP for residential flat building up to 25 storeys in height.</p>	
<p>Scale of development is not suitable for the precinct. Existing residents will have to “endure the resulting degradation of the precinct”.</p>	<p>As above, the site was subject to a site specific planning proposal which facilitated an increase to the floor space ratio and building height standards under the LEP to permit 864 dwellings and additional uses on the R4 zoned land for a mixed use development to provide 189 additional jobs to the subject site. The proposal is consistent with all provisions within the applicable planning instruments.</p>	<p>Issue addressed.</p>
<p>Residential density is greater than the existing apartment buildings within the immediate vicinity e.g. the Haven apartment buildings and the Esplanade.</p>	<p>As above, the site was subject to a site specific planning proposal which facilitated an increase to the floor space ratio under the LEP to permit 864 dwellings. The proposal is the Stage 1 development comprising 196 units which meets the incentive Floor Space Ratio provisions under Clause 7.11 of the LEP. The site specific DCP was also amended to allow a residential density of 226 dwellings per hectare in the East Precinct area B. The proposal results in 207.4 dwellings per hectare on the subject development area and therefore meets the density provisions under the DCP.</p>	<p>Issue addressed.</p>
<p>Commercial operations introduced in a residential zone.</p>	<p>As above, the site was subject to a site specific planning proposal which facilitated a mixed use development to provide 189 additional jobs to the subject site. The planning proposal facilitated additional permitted uses on the land under Clause 2.5 and Schedule 1 of the LEP. The proposal meets the provisions</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
	under the LEP.	
The design of the buildings is not aesthetically pleasing and is not in keeping with the other buildings on Spurway Drive.	An assessment has been undertaken under Clause 7.7 Design Excellence of the LEP. Refer Section 4 of this report.	Issue addressed.
Traffic congestion as a result of the commercial uses.	<p>A Traffic and Parking Study prepared by Gennaoui Consulting has been submitted with the application which demonstrates that negligible impacts will occur to the local road network as a result of the development. The submitted traffic study notes that the following rates were determined for the non-residential uses:</p> <ul style="list-style-type: none"> • Business premises/retail - 9.9 trips per 100m² for the afternoon peak and 25% of the afternoon peak was adopted for the morning peak hour • Gymnasium – 9.0 trips per 100m² which occur between 6pm – 7pm and a rate of 4.51 trips per hour during the morning and afternoon peak hour periods in accordance with the planning proposal 5/2015/PLP • Restaurant – As the peak period of the restaurant/café use would be during the evenings and weekends and to a lesser extent the lunch time period, the trip generation rate of 0.1 trips per 100m² has been assumed. • Medical – 1.5 trips during the peak morning and afternoon periods. <p>Overall, the mixed use development would generate approximately 135 trips per hour during the morning peak period and 215 trips per hour during the afternoon peak periods.</p> <p>Council's Traffic Section has reviewed the Development Application and raises no</p>	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
	<p>objections to the proposal and concludes that the mixed use development will have minimal impacts in terms of its traffic generation potential on the local road network and sufficient parking has been provided for the proposed uses.</p>	
<p>Parking for commercial uses is insufficient. Street parking on Solent Circuit is already over utilised.</p>	<p>459 car parking spaces are provided for the mixed use development with 138 spaces and 5 share spaces allocated to non-residential/commercial uses. Whilst the total number of car parking spaces meets the DCP controls, there is a shortfall of 16 spaces for the commercial uses. In this regard, a condition is recommended requiring that 16 residential spaces are to be relocated for use by the commercial uses.</p>	<p>Issue addressed. Refer condition 7 which requires 16 residential spaces be reallocated to commercial uses to meet full compliance with the car parking controls under the DCP.</p>
<p>Vehicular access and safety concerns from entering/exiting from Spurway Drive into Fairway Drive.</p>	<p>Vehicular access is not proposed via Spurway Drive. Vehicular access to the site is proposed via a 6m combined entry/exit driveway off Solent Circuit with turning movements restricted to left in left out due to the location of an existing median. The driveway location proposed and straight road configurations indicate that the sight distance is within the acceptable limits of AS 2890.1 and AS2890.2.</p>	<p>Issue addressed.</p>
<p>Vehicular access and safety concerns from entering/exiting from Natura Rise.</p>	<p>Vehicular access is proposed via Solent Circuit, not Natura Rise. Refer to above for comment regarding traffic impacts to local road network.</p>	<p>Issue addressed.</p>
<p>Construction/excavation vehicles should only enter via Solent Circuit and 'No Standing or Parking' be allowed on that section of Solent Circuit.</p>	<p>The Staging diagrams indicate that construction access would be provided off Solent Circuit. In addition, a condition is recommended in the development consent requiring that a construction management plan must be submitted demonstrating how the potential for conflict between resident and construction traffic is to be minimised and managed. The construction management plan must be submitted before a Construction Certificate is issued and complied</p>	<p>Issue addressed. Refer condition 53.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
	with for the duration of works. Where practicable, all construction vehicles are to access or egress via Solent Circuit only.	
Statements in the Traffic and Parking report are subjective, unproven and ambiguous e.g. percentage of workforce for the construction works will travel by the metro station, truck movements during excavation works and the location of the removal of 19 Pin Oak trees are inconsistent.	The Traffic and Parking report has been reviewed by Council's Traffic section. An assessment regarding traffic and safety has also been undertaken as required under Schedule 3 of SEPP (Transport and Infrastructure) 2021 for traffic generating developments. A construction traffic management plan condition has been recommended in the consent. Refer comment above. Council's Landscape Assessment Officer has reviewed the submitted Arborist Reports and associated documentation. No objections are raised, subject	Issue addressed.
The status of Spurway Drive is incorrect in the submitted documentation.	Spurway Drive is currently a private road that ends with a temporary turning head until Spurway Drive is extended to connect to Stone Mason Drive as required by the developer under Development Consent 634/2017/ZB. This development consent was approved on 29 August 2017 for the subdivision and creation of two residue lots including the new road (Lot 2) which is required to be upgraded and dedicated as a public road to Council. The modified masterplan for The Orchards under 736/2017/JP/A indicates that the extension of the road will occur as part of Stage 3 of the development approved under 46/2018/JP for a residential flat building comprising 330 units with basement car parking and associated community title subdivision.	Issue addressed.
Confirmation required as to whether all truck movements will be limited to Solent Circuit as indicated in the Statement of Environmental Effects under the Construction	A condition is recommended in the development consent requiring that a construction management plan must be submitted demonstrating how the potential for conflict between	Issue addressed. Refer to condition 53.

ISSUE/OBJECTION	COMMENT	OUTCOME
Management heading. There is currently a locked access with double gates accessible via Spurway Drive east. This access should not be used during any construction works or for parking purposes. The Applicant has no legal right and/or access to the private road section of Spurway Drive, running east to west off Windsor Road nor any approval to use Spurway Drive as an alternative traffic route for excavation works.	resident and construction traffic is to be minimised and managed. The construction management plan must be submitted before a Construction Certificate is issued and complied with for the duration of works. Where practicable, all construction vehicles are to access or egress via Solent Circuit only.	
Necessity of an on-site detention system.	The application has been referred to Council's Engineering section. No objections were raised to the proposal subject to recommended conditions including onsite stormwater detention system have being required in accordance with Council's adopted policy for the Upper Parramatta River catchment area, the Upper Parramatta River Catchment Trust OSD Handbook. Refer condition 47.	Issue addressed.

8. External Referral Comments

Transport for NSW

The application was referred to the Transport for NSW for comment. It is noted that the NSW RMS Services is not a concurrence authority under the Environmental Planning and Assessment Act 1979. No objections were raised to the proposal. Refer Section 3 for TfNSW comments in relation to compliance with SEPP (Transport and Infrastructure) 2021.

NSW Police

The application was referred to the NSW Police. No objections were raised to the proposal, subject to recommended conditions of consent (refer condition No. 8).

Endeavour Energy

The application was referred to Endeavour Energy as the site contains a 6m wide easement along the northern property boundary. An objection was raised by Endeavour Energy as the Architectural and Landscape plans as lodged indicated that Building B would be constructed to the edge and/or possibly encroaching the easement. Due to the proximity of the development immediately adjacent to the easement, Endeavour Energy raised concerns regarding the integrity of the nearby electricity infrastructure being placed at risk. Endeavour Energy's preference is for no activities or encroachments to occur within its easements. However, if any proposed works or activities encroach/ affect Endeavour Energy's easements, contact must first be made with Endeavour Energy's Easements Officer.

Amended plans have been received indicating that Building B is outside the easement and the basement is 400mm south of the easement. However Endeavour Energy still raise objections

to the proposal as the building anchor design and possible activities within the easement have not been adequately detailed. In this regard, a deferred commencement condition is recommended that the Applicant is required to provide Endeavour Energy's Easements Officer with sufficient detail to assess all the proposed encroachments and/or activities within the easement. It is noted that some activities are prohibited whilst others are only allowed if they meet both the minimum safety requirements and controls for that type of easement and approved by Endeavour Energy's Easements Officer. Refer Deferred Commencement Condition A.

Subject to the satisfactory resolution of the above, no further objections were raised to the proposal. Conditions of development consent regarding network capacity/connection, network asset design, street lighting, site remediation and public safety have been recommended under condition No. 10.

Sydney Water

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 recommendation of condition No. 9.

9. Internal Referral Comments

Subdivision Engineering

The application was referred to Council's Subdivision Engineering Section. No objections were raised to the proposal, subject to conditions of consent. It is noted that a condition requiring the basement to be designed as a 'tanked basement' is required to ensure that any impacts of the seepage, groundwater or water table are negligible.

Traffic

The application was referred to Council's Traffic Management Section. Council's Traffic Section raises no objections to the proposal and concludes that the mixed use development will have minimal impacts in terms of its traffic generation potential on the local road network and sufficient parking has been provided for the proposed uses. Overall, the mixed use development would generate approximately 135 trips per hour during the morning peak period and 215 trips per hour during the afternoon peak periods. Refer Section 3 for TfNSW comments in relation to potential for traffic safety and road congestion compliance with SEPP (Transport and Infrastructure) 2021.

Tree Management and Landscaping

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

Environmental Health

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

Resource Recovery

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

Heritage

The application was referred to Council's Forward Planning Team for Heritage comments as the wider site adjoins the Castle Hill Country Club and Aracarias and Eucalypts trees which are an item of local environmental heritage (I25) under the LEP. The subject site is also located within a broader view corridor relating to Bella Vista Farm Park, which is a Heritage Conservation Area of State significance.

Notwithstanding, the subject application is for a Stage 1 development located at the north western portion of The Greens site and does not directly adjoin land containing the identified vegetation or lot containing the Castle Hill Country Club, being approximately 110m – 200m to the north and buffered by two residential flat buildings which are currently being constructed under development consent 779/2017/JP.

While the subject development is located within the wider visual catchment of Bella Vista Farm Park, the development is located 1.4km from the farm and the height is well below the maximum height approved under the planning proposal which would have considered the associated impact on views to Bella Vista Farm Park.

No objections were raised on heritage grounds.

Contributions

The application was referred to Council's Forward Planning Team for Contributions comments. Condition 40 is recommended that prior to issue of a construction certificate, written evidence demonstrating the obligations in the Planning Agreement between Mulpha Norwest Pty Ltd and The Hills Shire Council dated 18 March 2020, or any future variation of this Planning Agreement, must be satisfied in accordance with the terms of the Planning Agreement including but not limited to, the Payment of Monetary Contributions, Completion of Capital Works and Public Access Land as detailed within the Planning Agreement.

Land and Spatial Information

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

CONCLUSION

The proposal has been assessed having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979, SEPP (Infrastructure) 2007, SEPP (BASIX) 2004, SEPP 55, SEPP 65 Apartment Design Guide, LEP 2019 and The Hills Development Control Plan and is considered satisfactory.

The proposal has been assessed against SEPP 65 and the design criteria of the Apartment Design Guide. Subject to appropriate conditions, variations to the design criteria for communal open space, building separation, natural ventilation for Building B and balcony areas in Building C are supported as the proposal is considered to provide suitable residential visual and acoustic amenity.

The proposal has been assessed against the requirements of The Hills DCP 2012 and the variations identified with respect to site planning, front setbacks, landscaped area, building length, access and adaptability and car parking have been assessed as satisfactory, subject to recommended conditions to ensure the proposal meet the objectives of the controls.

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

Deferred commencement is recommended subject to conditions.

IMPACTS:

Financial

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

The Hills Future - Community Strategic Plan

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

Local Strategic Planning Statement

The Hills Shire Council's Local Strategic Plan (LSPS) is the framework for the direction of The Hills guides the future next five years. The LSPS was endorsed by Council on 22 October 2019 and was formally made on 6 March 2020. Council's LSPS identifies a significant need to provide diverse housing supply to cater for a broad range of household types and budgets. The strategy aims to deliver the right type of additional housing stock in areas that can be serviced with the right level of infrastructure and assist in creating liveable, walkable neighbourhoods. The development application is aligned with the objectives of the LSPS Housing Strategy as it provides additional housing to meet the required 38,000 dwellings across the Shire and 196 dwellings of the 2,100 dwellings required in Norwest by 2036. It also provides housing in a strategic centre which is serviced by public transport and close to mixed use developments to revitalise the commercial centre and activate the precinct.

The proposal will also meet the LSPS Productivity and Centres Strategy objective of planning for sufficient jobs, targeted to suit the skills of the workforce. The provision of supporting commercial uses would activate the site, provide more job opportunities and facilitate a mixed use development that will contribute to the safety and vibrancy of Norwest.

The site is also located on the outer ring of the Norwest Strategic Centre. Transit oriented development such as The Greens is encouraged by the LSPS and will provide access to jobs and public transport to a high number of residents. This meets the objectives of the Integrated Transport Strategy to build strategic centres to realise their potential, renew and create great places and influence travel behaviour to promote sustainable choices. In this regard, the proposal is consistent with the aims and objectives of the LSPS.

RECOMMENDATION

The Development Application be approved subject to the following:

DEFERRED COMMENCEMENT

Pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979 deferred commencement consent is granted subject to:

A. Endeavour Energy Requirements

Provide Endeavour Energy's Easement Officer with sufficient detail to assess all the proposed encroachments and/or activities within the Endeavour Energy easement along the Spurway Drive frontage. The applicant shall address the object of Section 49A 'Excavation work affecting electricity works' of the Electricity Supply Act 1995 (NSW) covering the carrying out or proposed carrying out of excavation work in, on or near Endeavour Energy's electrical infrastructure. It is noted that some activities are prohibited whilst others are only allowed if they meet the minimum safety requirements and controls for that type of easement and approved by Endeavour Energy's Easements Officer.

B. The applicant must provide Council with written evidence demonstrating that the matters listed under Part A above have been satisfactorily addressed no later than four weeks before the notice of expiry date.

C. Upon compliance with the requirements of Part A, a full consent will be issued subject to the following conditions:

GENERAL MATTERS

Note that all conditions apply to Stages 1A and 1B as indicated on the Staging Plan 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:

- The following units are increased in length to ensure that the balcony sizes are at least 10m²:
 - 2 bedroom units Type 1c (units 05.02, 08.02, 11.02, 14.02, 17.02 and 20.02)
 - 2 bedroom units and study Type 1b (Units 7.01, 10.01, 13.01, 16.01 and 19.01)
- At least 10% or 20 dwellings are to be adaptable/accessible units

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	PREPARED BY	REVISION	DATE
A22.201	Staging Diagrams	Bates Smart	A	14/04/2021
DA-154	B04 Plan	Bates Smart	D	25/01/2022
DA-153	B03 Plan	Bates Smart	D	25/01/2022
DA-152	B02 Plan	Bates Smart	D	25/01/2022
DA-151	B01 Plan	Bates Smart	E	14/03/2022
DA01.101	Site Plan – Roof Level	Bates Smart	B	30/09/2021
DA01.102	Site Plan – Level 1	Bates Smart	B	30/09/2021
DA01.103	Site Plan – Ground Level	Bates Smart	B	30/09/2021
DA-03.100	Ground Level Plan	Bates Smart	B	30/09/2021
DA-03.101	Level 1 Plan	Bates Smart	B	30/09/2021
DA-03.101M	Level 1 Mezzanine	Bates Smart	B	30/09/2021
DA-03.102	Level 2 Plan	Bates Smart	B	30/09/2021
DA-03.102M	Level 2 Mezzanine	Bates Smart	B	30/09/2021
DA-03.103	Level 3 Plan	Bates Smart	B	30/09/2021
DA-03.104	Level 4 Plan	Bates Smart	B	30/09/2021
DA-03.109	Floorplate Type A - Level 6, 9, 12, 15, 18	Bates Smart	B	30/09/2021
DA-03.110	Floorplate Type B – Levels 7, 10, 13, 16, 19	Bates Smart	B	30/09/2021
DA-03.111	Floorplate Type C Levels 5, 8, 11, 14, 17, 20	Bates Smart	B	30/09/2021
DA-03.121	Level 21 Plan	Bates Smart	B	30/09/2021
DA-03.122	Level 22 Plan	Bates Smart	B	30/09/2021

DA-03.123	Level 23 Plan	Bates Smart	B	30/09/2021
DA-03.124	Rooftop Plant Level	Bates Smart	B	30/09/2021
DA-03.125	Roof Plan	Bates Smart	B	30/09/2021
DA-09.001	North Elevation	Bates Smart	B	30/09/2021
DA-09.002	West Elevation	Bates Smart	B	30/09/2021
DA-09.003	South Elevation	Bates Smart	B	30/09/2021
DA-09.004	East Elevation	Bates Smart	B	30/09/2021
DA-10.001	Section A	Bates Smart	B	30/09/2021
DA-10.002	Section B	Bates Smart	B	30/09/2021
DA-10.003	Section C	Bates Smart	B	30/09/2021
DA-10.004	Section D	Bates Smart	B	30/09/2021
DA-10.005	Section E	Bates Smart	B	30/09/2021
DA-10.006	Section F	Bates Smart	B	30/09/2021
DA100	L00 Plan	Smart Design Studio	B	24/09/2021
DA101	L01 Plan	Smart Design Studio	B	24/09/2021
DA102	L02 Plan	Smart Design Studio	B	24/09/2021
DA103	L03 Plan	Smart Design Studio	B	24/09/2021
DA104	L04 – 12 Plan	Smart Design Studio	B	24/09/2021
DA113	L13 Plan	Smart Design Studio	B	24/09/2021
DA114	Roof Plant Plan	Smart Design Studio	B	24/09/2021
DA115	Roof Plan	Smart Design Studio	B	24/09/2021
DA400	North & West Elevations	Smart Design Studio	B	24/09/2021
DA401	South & East Elevations	Smart Design Studio	B	24/09/2021
DA450	Section A & B	Smart Design Studio	B	24/09/2021
LA-0160	Site Plan – Planting Plan	Aspect Studios	B	08/02/2022
LA-0161	Building B Podium – Planting Plan	Aspect Studios	B	08/02/2022
LA-0162	Building C Podium – Planting Plan	Aspect Studios	B	08/02/2022
LA-0169	The Wild Green – Planting Plan	Aspect Studios	B	08/02/2022

LA-0010	Planting Schedule	Aspect Studios	C	08/02/2022
LA-PD-100	Landscape Plan (Ground Floor)	Aspect Studios	B	01/10/2021
LA-PD-101	Landscape Plan (Level 3 – Podium)	Aspect Studios	B	01/10/2021
LA-PD-110	Level Plan Ground Floor	Aspect Studios	A	01/10/2021
LA-PD-111	Interface to Stage 2 Plan	Aspect Studios	A	01/10/2021
LA-PD-200	Landscape Section (Section A+B)	Aspect Studios	B	01/10/2021
LA-PD-201	Landscape Section (Section C+D)	Aspect Studios	B	01/10/2021
LA-PD-202	Landscape Section (Section G,H & I)	Aspect Studios	B	01/10/2021
-	Norwest Quarter Landscape & Public Domain Report (76 pages)	Aspect Studios	Revised Issue	October 2021
-	Amended Architectural Design Report including materials and finishes	Bates Smart and Smart Design Studio		Uploaded on the planning portal on 8/10/2021
DA100-113	Numbering Plans	Council's :Land Information Team	B	Dated 24/09/2021
A03.100-123	Numbering Plans	Council' Land Information Team	B	30/09/2021

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

2. External Finishes

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

3. Building Work to be in Accordance with BCA

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

4. Construction Certificate

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

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

5. Separate application for signs

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

6. Separate Development Application – Non-residential uses

A separate Development Application is required for the fit out of the approved non-residential uses including the business premises, recreational facility (indoor), shops, restaurants/cafes, medical centre unless allowed by the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

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

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

7. Provision of Parking Spaces

The development is required to be provided with 459 off-street car parking spaces at the completion of Stage 1A of the development. The following allocation of car parking spaces is required:

Residential: 260

Visitors for Residential: 40

Share: 5

Non-residential/commercial: 154

These car parking spaces shall be available for off street parking at all times.

At least 3% of non-residential spaces are to be provided for disabled persons. The basement levels are to be designed in accordance with AS 1428.1.

At least 8 motorcycle spaces and 15 bicycle spaces are to be provided within the basement levels.

A carpark management statement is to be submitted to Council prior to the issue of an Occupation Certificate. These requirements must be accounted for as part of any planned subdivision of the development later. Specifically, shared spaces across lots need easements and the shared use needs to be clearly explained in the management statement.

8. Compliance with NSW Police Requirements

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

Surveillance:

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

Lighting:

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

Territorial Reinforcement:

- All public access points are to be well marked.

Environmental Maintenance:

- Use of anti-graffiti building materials.

Access Control:

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

9. Compliance with Sydney Water Requirements

Water Servicing

- Potable water servicing should be available via watermain in Solent Circuit and Natura Rise.
- Amplifications or extensions to these mains may be required complying with the Water Services Association of Australia (WSAA) code – Sydney Water edition.

Recycled Water Servicing

- While the site lies just outside the Kellyville recycled water supply zone, 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 to the development.

Wastewater Servicing

- Wastewater servicing should be available via a 150mm VC wastewater main (laid in 2017) in the south-west corner of the site.
- Amplifications or extensions to this main may be required complying with the Water Services Association of Australia (WSAA) code – Sydney Water edition.
- Stormwater • Care should be taken that the quantity and quality of water runoff entering Strangers Creek adheres to the required conditions.
- The proponent should consider taking measures to minimise or eliminate potential flooding and/or degradation of water quality.

Stormwater

- Care should be taken that the quantity and quality of water runoff entering Strangers Creek adheres to the required conditions.
- The proponent should consider taking measures to minimise or eliminate potential flooding and/or degradation of water quality.

10. Compliance with Endeavour Energy requirements

• Network Capacity / Connection

The proposed padmount substation location to the Solent Circuit road frontage is required to be at ground level and have direct access from a public street (unless provided with appropriate easements for the associated underground cables and right of access). As shown in Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights', Figure A4.3 'Padmount easements and clearances', padmount substations require:

- Easement with a minimum size of 2.75 x 5.5 metres (single transformer).
- Restriction for fire rating which usually extends 3 metres horizontally from the base of the substation footing / plinth and 6 metres vertically from the same point.
- Restriction for swimming pools which extends 5 metres from the easement.

The easement should not cross property boundaries but the restriction/s may affect any adjoining property provided they are able to be registered on the title to that property. In addition the following matters also need to be considered in regard to the fire restriction:

- Personnel access doors and fire exit doors to a building are not permitted within the fire restriction area.
- Gas mains/pipes shall not pass through the fire restriction area.
- A 10 metre clearance distance shall be maintained between substation and fire hydrants, booster valves, and the like in accordance with AS2419.1 'Fire hydrant installations System design, installation and commissioning' as updated from time to time.
- Consideration should be provided to the appropriateness of the landscaping relative to the fire restriction for the substation. Any landscaping that potentially could transfer / provide connectivity for flame or radiant heat from a fire in the substation to a dwelling or building should be avoided.
- The storage of and / or use of flammable, combustible, corrosive or explosive material within the fire restriction should be avoided.

Generally it is the Level 3 Accredited Service Provider's (ASP) responsibility (engaged by the developer) to make sure that the substation location and design complies with Endeavour Energy's standards the suitability of access, safety clearances, fire ratings, flooding etc. As a condition of the Development Application consent Council should request the submission of documentary evidence from Endeavour Energy confirming that satisfactory arrangements have been made for the connection of electricity and the design requirements for the substation, prior to the release of the Construction Certificate / commencement of works.

The applicant for the proposed development of the site will need to submit an appropriate application based on the maximum demand for electricity for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Straightforward applications can be completed online and permission to connect may be provided immediately if submitting a complying application.

Depending on the outcome of the assessment, any required padmount substation/s will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Please refer to Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'. For more complex connections, advice on the electricity infrastructure required to facilitate the proposed development can be obtained by submitting a Technical Review Request to Endeavour Energy's Network Connections Branch, the form for which FPJ6007 is attached. The response to these enquiries is based upon a desktop review of corporate information systems, and as such does not involve the engagement of various internal stakeholders in order to develop a 'Connection Offer'. It does provide details of preliminary connection requirements which can be considered by the applicant prior to lodging a formal application for connection of load. Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on business days from 9am - 4:30pm on telephone: 133 718 or (02) 9853 6666 or on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link:

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

Alternatively the applicant may need to engage an Accredited Service Provider (ASP) of an appropriate level and class of accreditation to assess the electricity load and the proposed method of supply for the development. The ASP scheme is administered by Energy NSW and details are available on their website via the following link or telephone 13 77 88:

<https://energy.nsw.gov.au/government-and-regulation/legislative-and-regulatory-requirements/aspscheme-and-contestable-works>.

- **Network Asset Design**

Endeavour Energy's Company Policy 9.2.5 'Network Asset Design', includes updated requirements for electricity connections to new urban subdivision / development which will need to be complied with.

- **Street lighting**

With the likely increase in both vehicular and pedestrian traffic, although the existing street lighting is designed for an urban environment, the street lighting for the proposed development should be reviewed and if necessary upgraded to comply with the series of standards applying to the lighting of roads and public spaces set out in with Australian/New Zealand Standard AS/NZS 1158: 2010 'Lighting for roads and public spaces' as updated from time to time.

Whilst the determination of the appropriate lighting rests with the road controlling authority, Endeavour Energy as a Public Lighting Service Provider is responsible for operating and maintaining the streetlights on behalf of local councils, Roads and Maritime Services and other utilities in accordance with the NSW Public Lighting Code 2019 (Code) as updated from time to time. Endeavour Energy recognises that well designed, maintained and managed Public Lighting offers a safe, secure and attractive visual environment for pedestrians and drivers during times of inadequate natural light.

For any Code implementation and administration / technical matters please contact Endeavour Energy's Substation Mains Assets Section via Head Office enquiries on business days from 9am - 4:30pm on telephone: 133 718 or (02) 9853 6666 or email mainsenquiry@endeavourenergy.com.au .

- **Site Remediation**

Endeavour Energy has noted potential sources under Section 8. Preliminary Conceptual Site Model in the following in the Report on Preliminary Site Investigation. As indicated in the Statement of Environmental Effects 'It is noted that overhead power lines were installed along the northern boundary of the site which has since been relocated underground by 2015'.

Endeavour Energy's Environmental Business Partner Team have advised that the remediation of soils or surfaces impacted by various forms of electricity infrastructure is not uncommon but is usually not significant eg. transformer oil associated with leaking substations, pole treatment chemicals at the base of timber poles etc. The method of remediation is generally the removal of the electricity infrastructure, removal of any stained surfaces or excavation of any contaminated soils and their disposal at a licensed land fill. The decommissioning and removal of the redundant electricity infrastructure will be dealt with by Endeavour Energy's Network Connections Branch as part of the application for the connection of load for the new development – please refer to the above point 'Network Capacity / Connection'.

If the applicant has any concerns over the remediation works related to redundant electricity infrastructure they should contact Environmental Business Partner Team via Head Office enquiries on business days from 9am - 4:30pm on telephone: 133 718 or (02) 9853 6666.

- **Public Safety**

If the applicant has any concerns over the proposed works in proximity of the Endeavour Energy's electricity infrastructure to the road verge / roadway, as part of a public safety initiative Endeavour Energy has set up an email account that is accessible by a range of multiple stakeholders across the company in order to provide more effective lines of communication with the general public who may be undertaking construction activities in proximity of electricity infrastructure such as builders, construction industry workers etc. The email address is Construction.Works@endeavourenergy.com.au .

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

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

The overall property address for this development is: 40 Solent Circuit Norwest.

Building B: 40 Solent Circuit & 1 Natura Rise Norwest – Stage 1

Building C: 42 Solent Circuit Norwest – Stage 2 Residential Units

Approved unit numbering for Smart Design Studio **Building B** is as per plans submitted marked as DWG No: DA100-113, Rev: B, Dated 24/09/2021 and Bates Smart **Building C** is as per plans submitted marked as DWG No: A03.100-123, Rev: B, dated 30/9/2021 and marked up as 'Numbering Plans' by Council's Land Information Team within consent documentation; and as follows:

Level	Addresses for Building B	Building B	Building C
Ground	G02: 1 Natura Rise G01: 40 Solent Cir	G01-G02	G03
One	101: 1 Natura Rise 102-105: 40 Solent Cir	101-105	106-109
Two	1 Natura Rise	201-207	208
Three	1 Natura Rise	301-307	308-309
Four	1 Natura Rise	401-407	408-413
Five	1 Natura Rise	501-507	508-513
Six	1 Natura Rise	601-607	608-613
Seven	1 Natura Rise	701-707	708-713
Eight	1 Natura Rise	801-807	808-813
Nine	1 Natura Rise	901-907	908-913
Ten	1 Natura Rise	1001-1007	1008-1013
Eleven	1 Natura Rise	1101-1107	1108-1113
Twelve	1 Natura Rise	1201-1207	1208-1213
Thirteen	1 Natura Rise	1301-1304	1305-1310
Fourteen	-	N/A	1401-1406
Fifteen	-	N/A	1501-1506
Sixteen	-	N/A	1601-1606
Seventeen	-	N/A	1701-1706
Eighteen	-	N/A	1801-1806
Nineteen	-	N/A	1901-1906
Twenty	-	N/A	2001-2006
Twenty One	-	N/A	2101-2103
Twenty Two	-	N/A	2201-2204

Twenty Three	-	N/A	2301-2304
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These addresses shall be used for all correspondence, legal property transactions and shown on the final registered Deposited Plan/Strata Plan lodged with Land Registry Services NSW as required.

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

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

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

Mail Boxes

Approval from Australia Post is required to be submitted to Council regarding the approved positions of the Mail Rooms indicated on the plans, contact Australia Post, Gregory Dimmock, email:gregorydimmock@auspost.com.au.

Cluster mail boxes are to be located within the site on the public footpath boundary perpendicular to the street, within easy reach from a public road for the postal delivery officer. The number of mail boxes to be provided is to be equal to the number of units plus one (1) for the proprietors of the development and be as per Australia Post size requirements. The proprietors additional mail box is to be located within the cluster located at Building B - 1 Natura Rise Norwest.

Strata Developments

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

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

Please call 9843 0555 or email a copy of the final strata plan before it is registered at Land Registry Services NSW to council@thehills.nsw.gov.au 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.

12. Planning Agreement

The obligations in the Planning Agreement between Mulpha Norwest Pty Ltd and The Hills Shire Council dated 18 March 2020 (Planning Agreement), or any future variation of this Planning Agreement, must be satisfied in accordance with the terms of the Planning Agreement including but not limited to, the Payment of Monetary Contributions, Completion of Capital Works and Public Access Land as detailed within the Planning Agreement.

13. Management of Construction and/or Demolition Waste

Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to its reuse onsite or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. A separate dedicated bin must be provided onsite by the builder for the disposal of waste materials such as paper, containers and food scraps generated by all

workers. Building waste containers are not permitted to be placed on public property at any time unless a separate application is approved by Council to locate a building waste container in a public place.

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

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

14. 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.

15. Commencement of Domestic Waste Service

A domestic waste service must be commenced with Council and its Contractor. The service must be arranged no earlier than two days prior to occupancy and no later than seven days after occupancy of the development. All requirements of Council's domestic waste management service must be complied with at all times. Contact Council's Resource Recovery Team on (02) 9843 0310 to commence a domestic waste service.

16. Provision of Kitchen Waste Storage Cupboard

Waste storage facility must be provided in each unit/dwelling to enable source separation of recyclable material from residual garbage. Each unit/dwelling must have a waste storage cupboard provided in the kitchen with at least 2 removable indoor bins with a minimum capacity of 15 litres each. The bins provided should allow convenient transportation of waste from the kitchen to the main household bins or waste disposal point. The Principal Certifying Authority must visually confirm in person, or receive photographic evidence validating this requirement, prior to the issue of any Occupation Certificate.

17. Construction of Residential Waste Rooms

The residential waste rooms must be designed and constructed in accordance with the following requirements. The areas in Building B must provide minimum storage facility for 1 x 3-bin 1100 litre bin carousel system for garbage and 1 x 3-bin 1100 litre bin carousel system for recycling. Building C must provide minimum storage facility for 1 x 4-bin 1100 litre bin linear track system for garbage and 1 x 4-bin 1100 litre bin linear track system for recycling

- 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. Acceptable waste servicing doors are single or double swinging doors and roller doors (preferred).
- All doors of the waste storage areas, when fully opened, must be flush with the outside walls and must not block or obstruct car park aisles or footways. All doors must be able to be fixed in position when fully opened.
- 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 units.
- 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 areas, 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 mounted in a visible location on internal walls and are to be permanently maintained by Owners corporation
- Finishes and colours of the waste storage areas are to complement the design of the development.

Example Bin Measurements (mm)

1100L: 1245 (d) 1370 (w) 1470 (h)

18. Construction of Separate Waste Storage Areas

The development must incorporate separate dedicated waste storage areas, to facilitate the separation of residential waste and recycling from commercial material, designed and constructed in accordance with the following requirements. The central residential waste room must provide minimum storage facility for 22 x 1100 litre garbage and 22 x 1100 litre recycle bins. The central retail room must provide minimum storage facility for the total minimum required number of bins to service the premises including any waste infrastructure such as compactors for commercial components.

- 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 design of the waste storage areas must ensure that commercial tenants do not have access to the residential waste storage areas, and vice versa for residential occupants.
- 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 servicing door for the residential waste storage area must be supplied with a lock through Council's Waste Management Master Key System 'P3520'. See condition titled 'Installation of Master Key System to Waste Collection Room' for further details.
- The residential waste storage area must have a resident access door, which allows wheelchair access for adaptable sites. Suitable resident access doors are single or double swinging doors. The resident access door must be separate to the waste servicing door. If a loading dock is proposed in the development the resident access door must be located to ensure that residents do not have access to the loading dock to gain access to the waste storage areas.
- All doors of the waste storage areas, when fully opened, must be flush with the outside walls and must not block or obstruct car park aisles or footways. All doors must be able to be fixed in position when fully opened.
- 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 units.
- 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 areas, 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 (Council approved designs for residential and NSW EPA for commercial), 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)

19. Access and Loading for Waste Collection

Minimum vehicle access and loading facilities must be designed and provided on site in accordance with Australian Standard 2890.2-2002 for the standard 12.5m long Heavy Rigid Vehicle (minimum 4.5m clear vertical clearance). The following requirements must also be satisfied.

- All manoeuvring areas for waste collection vehicles must have a minimum clear vertical clearance of 4.5m. Any nearby areas where the clear headroom is less than 4.5m must have flexible striker bars and warning signs as per Australian Standard 2890.1 to warn waste collection contractors of the low headroom area.
- All manoeuvring and loading areas for waste collection vehicles must be prominently and permanently line marked, signposted and maintained to ensure entry and exit to the site is in a forward direction at all times and that loading and traffic circulation is appropriately controlled.

- Pedestrian paths around the areas designated for manoeuvring and loading of waste collection vehicles must be prominently and permanently line marked, signposted and maintained (where applicable) for safety purposes.
- The requirement for reversing on site must be limited to a single reverse entry into the designated waste service bay (typical three point turn).
- The designated waste service bay must allow additional space servicing of bins (wheeling bulk bins to the back of the waste collection vehicle for rear load collection).
- The loading area must have a sufficient level of lighting and have appropriate signage such as “waste collection loading zone”, “keep clear at all times” and “no parking at any time”.
- Access to restricted loading areas (i.e. via roller shutter doors, boom gates or similar) must be via scanning from the cab of heavy vehicles, remote access or alternative solution which ensures there is no requirement for waste collection contractors to exit the cab. Copies of scan cards or remotes must be provided to Council upon the commencement of waste services.

20. Communal Composting Areas

An area shall be incorporated in the landscape design of the development for communal composting. Whilst the operation of such a facility will depend upon the attitudes of occupants and their Owners Corporation, the potential to compost should exist.

21. Commercial Waste and Recycling Collection Contract

There must be a contract in place with a licenced contractor for the removal and lawful disposal of all commercial 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.

22. Provision of Waste Chute System

The development must incorporate a dual chute system in Building B and C for the disposal of both garbage and recycling. Chute openings must be provided on every residential floor within the building corridors. The waste chutes must terminate into the waste storage rooms. In Building B garbage must discharge into 1100 litre bins housed on a 3-bin carousel and recyclables must discharge into 1100 litre bins housed on 3-bin carousel. In Building C garbage must discharge into 1100 litre bins housed on a 4-bin linear track system and recyclables must discharge into 1100 litre bins housed on 4-bin linear track system. The waste chute system must be maintained in accordance with manufactory standards.

23. Provision of Bin Cupboards

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

24. Tree Removal on Public Land

Approval is granted for the removal of eighteen (18) street trees numbered 33-50 within the Arboricultural Impact Assessment prepared by Australis Tree Management dated 16/04/2021 located adjacent Solent Circuit, and two (2) additional street trees adjacent Spurway Drive as located in red on Site Plan Level 1 (DA01.102) revision B dated 30/09/2021 prepared by Bates Smart. The trees are located on the Council nature strips and 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.

25. Planting Requirements

All trees planted as part of the approved landscape plan pursuant to the Landscape Plan condition of this consent 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, 1m for medium trees and 800mm for small trees.
- 500-600mm for shrubs
- 200-450mm for groundcovers; and
- 200mm for turf.

26. Air Conditioner Location

The air-conditioning unit location is to be as shown on the approved plans or is to comply with the criteria of exempt development as outlined in the SEPP - Exempt & Complying Development Codes 2008.

You are reminded that the air conditioning must be designed so as not to operate:

- Between 7am and 10pm — at a noise level that exceeds 5 dB(A) above the ambient background noise level measured at any property boundary, or
- Between 10pm and 7am — at a noise level that is audible in habitable rooms of adjoining residences.

27. 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.

28. 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.

29. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by ADP Consulting Pty Ltd, referenced as SYD1476 Rev3, dated 16 Dec 2021 and submitted as part of the Development Application are to be implemented as part of this approval.

30. 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.

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.

31. Recycled Water – Rouse Hill/ Sydney Water

The subject site must be connected to Sydney Water's Rouse Hill Recycled Water Scheme, unless written evidence from Sydney Water is submitted advising that this service is not available.

32. 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.

33. 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.

34. 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.

35. Vehicular Access and Parking Stage 1A

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

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

Where conflict exists the Australian Standard must be used.

The following must be provided:

- All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- All driveways and car parking areas must be concrete or bitumen. The design must consider the largest design service vehicle expected to enter the site. 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.
- Basement 3 and 4 shall be restricted to residential parking only and a boom gate will need to be provided. This requirement shall be shown on architectural plans.
- A boom gate at the beginning of the dead-end aisle in B3 is required to stop the visitors from access the dead-end aisle in B3. This requirement shall be shown on architectural plans

- The proposed roller shutter for the service vehicle entry shall be relocated within the proposed RAMP to ensure that the HRV will wait on the ramp. Queuing on Solent Circuit will not be permitted.
- The proposed roller shutter for the carpark entry shall be removed or relocates within the proposed RAMP to ensure that the vehicles will wait on the Ramp. Queuing on Solent Circuit will not be permitted. This shall comply with section 3.4 and 3.5 of AS/ NZS 2890.1.
- A Loading dock management plan shall be prepared by a qualified traffic engineer to ensure that the entering vehicles through the service vehicle entry will have priority.
- A design compliance certificate prepared by a qualified traffic engineer satisfying the requirements above shall be reflected on the Construction Certificate plans and supporting documentation prior to the release of the Construction Certificate.

36. Vehicular Crossing Request Stage 1A

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.

37. 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) 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.

b) Footpath Verge Formation

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

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 at the front of the subject site. The proposed pipes connecting to the existing stormwater pit at the street shall be RCP or FRC. The outlet pipe size and details from the existing stormwater pit at the street shall be providing and the proposed pipes connecting to the existing stormwater pit shall be above the existing outlet pipe. These details shall be shown on the stormwater plans

38. Excavation/ Anchoring Near Boundaries stage 1A

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.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

39. Design Verification

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

40. Planning Agreement

Written evidence is to be submitted to Council prior to the issue of a Construction Certificate, demonstrating that the relevant obligations of the Planning Agreement between Mulpha Norwest Pty Ltd and The Hills Shire Council dated 18 March 2020 (Planning Agreement), or any future variation of this Planning Agreement, have been satisfied including, but not limited to, the Payment of Monetary Contributions, Completion of Capital Works and Public Access Land as detailed within the Planning Agreement.

41. Internal Pavement and Turntable Structural Design Certification

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

42. Landscape Plan

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

The plan must contain:

- a) site boundaries and dimensions surveyed;
- b) north point, and scale (1:200 desirable);
- c) existing and proposed levels;
- d) all trees, grassed areas, landscape features and main structures on the site (buildings, car parking, driveways, walls, fences, paving, etc);

- e) all landscape materials, such as landscape surfaces, retaining walls, fencing etc;
- f) a detailed planting plan indicating all proposed planting, which avoids the use of large planting 'mixes';
- g) a schedule of proposed planting, including botanical names, common names, quantities, pot size, expected mature height and staking requirements;
- h) landscape sections with associated section markers to demonstrate the minimum soil depths achieved over the basement slab and on podium planting;
- i) demonstration of depth of soil for planting over basement and podium indicated using finished slab levels, proposed levels, and Top of Wall levels. Depth of soil must meet the following depths without the use of steep mounding:
 - 1.2m for large trees, 1m for medium trees and 800mm for small trees.
 - 500-600mm for shrubs
 - 200-450mm for groundcovers; and
 - 200mm for turf;
- j) depth of soil consistent between landscape and architectural plans. Depth of soil achieved by the use of retaining wall height and/or deepened slabs are to be consistent between architectural and landscape plans submitted prior to construction certificate;
- k) demonstration that soil battering of no greater than 1:3 slopes are provided within landscaped areas; and
- l) planting to screen high retaining walls located between Building B and C which are visible from Solent Circuit.

43. 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).

44. Security Bond Requirements stage 1A

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

- Be in favour of The Hills Shire Council;
- Be issued by a financial institution or other accredited underwriter approved by, and in a format acceptable to, Council (for example, a bank guarantee or unconditional insurance undertaking);

- Have no expiry date;
- Reference the development application, condition and matter to which it relates;
- Be equal to the amount required to be paid in accordance with the relevant condition;
- Be itemised, if a single security bond is used for multiple items.

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

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

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

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

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

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

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

An SWMP is required for this development.

46. Construction Management Plan

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

47. Stormwater Management – Upper Parramatta River Catchment Area

Onsite Stormwater Detention (OSD) is required in accordance with Council's adopted policy for the Upper Parramatta River catchment area, the Upper Parramatta River Catchment Trust OSD Handbook.

The stormwater concept plan prepared by Stantec, Project Ref: 50226, Drawing Numbers: CI-520-03 and CI-526-01, both Revision E, both dated 04.02.22, Drawing Numbers: CI-526-02, Revision D, dated: 04.02.22, and the Stormwater Management Report, referenced 301350226, Revision 6: 006, dated 04.02.22 are 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 proposed pipes connecting to the existing stormwater pit at the street shall be RCP or FRC. The outlet pipe size and details from the existing stormwater pit at the street shall be providing and the proposed pipes connecting to the existing stormwater pit shall be above the existing outlet pipe. These details shall be shown on the stormwater plans.
- b) The OSD design, size and shape/layout, shall comply with the requirement above.

Water sensitive urban design elements, consisting of Rainwater tank, swales and Cartridges, OceanGuard Pit 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 MSUIC model shall be revised to reflect the amended site and landscape plan.

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

- 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.

48. Stormwater Pump/ Basement Car Park Requirements Stage 1A

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.

49. 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 \$177,660.00 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the per square metre rate set by Council's Schedule of Fees and Charges, with the area calculated based on the road frontage of the subject site plus an additional 50m on either side (210m) multiplied by the width of the road (9m).

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.

50. 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 Stantec, Project Ref: 50226, Drawing Numbers: CI-526-03, Revision E, dated: 04.02.22 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) Footpath Verge Formation

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

b) Disused Layback/ Driveway Removal

All disused laybacks and driveways must be removed and replaced with full kerb and gutter together with the restoration and turfing of the adjoining footpath verge area.

c) 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.

d) Earthworks/ Site Regrading

Earthworks and retaining walls are limited to those locations and heights shown on the concept engineering plan prepared by Stantec, Project Ref: 50226, Drawing Numbers: CI-100-01, Revision D, dated: 01.10.21 Where earthworks are not shown on the approved plan the topsoil within lots must not be disturbed. Retaining walls between lots must be located on the high side lot that is being retained, save the need for easements for support on the low side lot adjacent. Any 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

51. Waterproof Basement (tanked Basement) – Stage 1A

The subsurface structure/basement shall be designed with a waterproof retention system (ie tanking and waterproofing) with adequate provision for future fluctuation of the watertable plus 300mm. The subsurface structure/basement is required to be designed with consideration of uplift due to water pressure and "flotation" (buoyancy) effects. Subsoil drainage around the subsurface structure/basement must allow free movement of groundwater around the structure. The Subsoil drainage around the subsurface structure/basement must not be connected to the internal drainage system. The design of subsurface structure/basement, tanking and waterproofing, and subsoil drainage shall be undertaken by a suitably experienced Chartered structural Engineer.

Design details and construction specifications shall be included in the documentation accompanying the Construction Certificate.

Prior to the issue of the Construction Certificate, the consent holder must submit a design compliance certificate prepared by suitably experienced Chartered structural Engineer satisfying the requirements above to the Registered Principle Certifier. These requirements shall be reflected on the Construction Certificate plans and supporting documentation

52. 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.

53. Construction Management Plan

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

PRIOR TO WORK COMMENCING ON THE SITE

54. Details and Signage - Principal Contractor and Principal Certifier

Details

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

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

Signage

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

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

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

55. 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.

56. 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.

57. 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.

58. 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).

59. Sydney Water Building Plan Approval

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

A copy of the building plan approval and receipt from Sydney Water Tap in™ (if not already provided) must be submitted to the Principal Certifying Authority upon request prior to works commencing.

60. Waste Management Details Required

Prior to the commencement of works, the location of waste disposal and recycling for all construction and/ or demolition waste materials (bricks, concrete, timber and so on) must be submitted to and approved by the Principal Certifying Authority. Alternatively, details of an appropriately licensed skip bin hire company or site clean company can be provided where the company is engaged to undertake all works during construction of the development (collection, transportation and disposal).

61. Protection of Existing Trees

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

Tree protection fencing is not to encroach over the public pedestrian paths.

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

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

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

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

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

62. 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.

63. Site Water Management Plan

A Site Water Management Plan is to be prepared. The plan shall be in accordance with *"Managing Urban Stormwater - Soils and Construction" (Blue Book)* produced by the NSW

Department of Housing. The plan is to be kept on site at all times and made available upon request.

64. Erosion & Sediment Control Plan Kept on Site

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

65. Operational noise level limit

The project noise trigger level for the development shall be in accordance with the noise limits as outlined in the acoustic report prepared by ADP Consulting Pty Ltd referenced as SYD1476 Rev3 dated 16 Dec 2021. These noise limits are;

Location	Time period	Project noise trigger level LAeq15min
When measured at the boundary of the nearest residential receiver	Day (7am – 6pm)	52
	Evening (6pm – 10pm)	43
	Night (10pm – 7am)	38
Active recreational area	When in use	53
Commercial	When in use	63

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. Contractors Details

The contractor carrying out the subdivision 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.

68. Erosion and Sediment Control/ Soil and Water Management

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

69. Separate OSD Detailed Design Approval Stage 1A

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

70. Property Condition Report – Public Assets

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

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

DURING CONSTRUCTION

71. Hours of Work

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

Monday to Saturday - 7.00am to 5.00pm;

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

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work.

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

72. Survey Report and Site Sketch

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

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. Compliance with BASIX Certificate

Under clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all commitments listed in BASIX Certificate No. 1170288M_02 is to be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate. A Section 4.55 Application **may** be required should the subsequent version of this BASIX Certificate necessitate design changes to the development. However, a Section 4.55 Application **will** be required for a BASIX Certificate with a new number.

75. Critical Stage Inspections and Inspections Nominated by the Principal Certifier

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

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

76. 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)*.

77. Stockpiles

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

78. Dust Control

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

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

79. 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.

80. Standard of Works

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

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

81. Internal Pavement Construction

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

82. Final Inspection of Waste Storage Area(s)

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

83. Provision of Signage for Waste Storage Areas

Prior to any Occupation Certificate being issued, a complete full set of English and traditional Chinese waste education signage (garbage, recycling and no dumping) must be installed in a visible location on every internal wall of all waste storage areas. Additionally, one set of English and Chinese garbage and recycling signage must be provided above every chute opening on every floor. The signage must meet the minimum specifications below and must be designed in accordance with Council's approved artwork. Waste signage artwork can be downloaded from Council's website; www.thehills.nsw.gov.au.

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

84. Procurement of a Mechanical Bin Tug

Prior to an Occupation Certificate being issued, a mechanical bin tug, suitable for 1100 litre bins must be purchased and delivered to the site. The equipment procured must have capacity to move full bins over all ramps and slopes between the waste storage areas and waste collection point. All waste moving equipment must be lawfully handed into the ownership of the Owners Corporation.

85. Insect and Odour Control

Before the issue of an occupation certificate, Council's Resource Recovery Assessment Officer must be satisfied with the procurement of an insect control system installed in the central residential and retail waste room. The equipment procured must be an ultra violet fly trap with a UV lamp of at least 20W or higher. The fly trap must be an electric-grid style and mounted to the wall or chained to the ceiling. In addition, an air deodoriser must be installed from a reputable company to prevent the emission of all offensive odours from the premises.

86. Domestic Waste Collection Risk Assessment

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

87. Waste Chute System Installation Compliance Certificate

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

88. Installation of Master Key System to Waste Collection Room

The door/s servicing the waste bin collection room/s must be supplied with a lock through Council's Waste Management Master Key System 'P3520'. Waste servicing room doors are doors used by waste collectors to access bins for collection purposes. Installation of the locking system is to be completed prior to the issue of any Occupation Certificate. The Master Key lock is to be installed through Council's contractor at the cost of developer. Please contact Council's Resource Recovery Project Officer to make the necessary arrangements.

89. Landscaping Prior to Issue of any Occupation Certificate

Landscaping of the site shall be carried out prior to issue of an Occupation Certificate. The Landscaping shall be either certified to be in accordance with the approved plan pursuant to the Landscape Plan condition of this consent 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.

90. Trade Waste Systems

All wet rubbing, engine degreasing or vehicle washing is to be conducted in a vehicle wash bay connected to the sewer. This area is to be bunded to prevent wastewater entering the stormwater system.

The applicant is to contact Sydney Water, in regards to any requirements they may have and to obtain a Trade Waste Permit for this discharge.

91. 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.

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. 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.

94. 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.

95. Pump System Certification Stage 1A

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.

96. Stormwater Management Certification Stage 1A

The stormwater management system must be completed to the satisfaction of the Principal Certifier prior to the issuing of an Occupation Certificate. The following documentation is required to be submitted upon completion of the stormwater management system and prior to a final inspection:

- Works as executed plans prepared on a copy of the approved plans;
- For Onsite Stormwater Detention (OSD) systems, a certificate of hydraulic compliance (Form B.11) from a hydraulic engineer verifying that the constructed OSD system will function hydraulically;
- For OSD systems, a certificate of structural adequacy from a structural engineer verifying that the structures associated with the constructed OSD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime;
- Records of inspections; and
- An approved operations and maintenance plan.

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

97. Creation of Restrictions/ Positive Covenants

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

a) Restriction – Bedroom Numbers

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

b) Restriction/ Positive Covenant – Onsite Stormwater Detention

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.

c) 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.

d) Positive Covenant – Stormwater Pump

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

e) 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.

f) Positive Covenant – Maintenance/pedestrian link

A positive covenant must be placed on the title of the subject site to ensure the maintenance/repair of the pedestrian link using the “maintenance/ repair of shared access” terms included in the standard recitals.

g) Positive Covenant – Public Access - pedestrian link

A public access easement must be created within of the subject site over the pedestrian link using the “public access easement” terms included in the standard recitals.

98. Certification stormwater drainage Stage 2

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 conditions included within this consent, the requirements of AS/NZS 3500.3:2018, and Council's Design Guidelines Subdivision/Developments dated September 2011.

99. Waterproof Basement (tanked Basement) Stage 1A

Prior to the issue of any Occupation Certificate, a submission of written certification from a suitably qualified Chartered structural Engineer stating that subsurface structure/basement has been designed and constructed as a waterproof retention system (ie tanking and waterproofing) with adequate provision for future fluctuation of the watertable plus 300mm, and that the subsoil drainage around the subsurface structure/basement was not connected to the internal drainage system, in accordance with the approved Construction Certificate plans and the conditions included within this consent.

Prior to the issue of the Occupation Certificate, the consent holder must submit a design compliance certificate prepared by suitably qualified Chartered structural Engineer satisfying the requirements above to the Registered Principle Certifier. These requirements shall be reflected on the Occupation Certificate and supporting documentation.

100. Design Verification Certificate

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

THE USE OF THE SITE

101. Waste and Recycling Management

To ensure the adequate storage and collection of waste from the occupation and use of the premises, all garbage and recyclable materials emanating from the premises must be stored in the designated waste storage areas, which must include provision for the storage of all waste generated on the premises between collections. Arrangement must be in place in all areas of the development for the separation of recyclable materials from garbage. All waste storage areas must be screened from view from any adjoining residential property or public place. Ideally, waste storage containers should be kept inside the central and residential chute termination rooms and under no circumstances should waste storage containers be stored in locations that restrict access to any of the car parking spaces provided onsite. A caretaker must be appointed to manage waste operations on site including undertaking all instructions issued by Council to enable waste collection. Waste storage areas must be kept clean and tidy, bins must be washed regularly, and contaminants must be removed from bins prior to any collection.

102. Waste and Recycling Collection

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

103. 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*.

104. 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.

105. Final Acoustic Report

Within three months from the issue of an Occupation Certificate, an acoustical compliance assessment is to be carried out by an appropriately qualified person, in accordance with the NSW EPA's - Industrial Noise Policy and submitted to Council's Manager - Environment and Health for consideration.

This report should include but not be limited to, details verifying that the noise control measures as recommended in the acoustic report submitted with the application are effective in attenuating noise to an acceptable noise level and that the activities does not give rise to "offensive noise" as defined under the *Protection of the Environment Operation Act 1997*.

106. Management of Residential Waste and Recycling Collection

Waste vehicular access and loading for Council's Contractor must be provided and made available on the schedule day of collection as determined by Council. Shared access with commercial service and delivery vehicles must be managed operationally by Building

Management to ensure there is no conflict with Council's Contractor to access the site to service all residential waste collections.

107. Hours of operation for the loading dock/ waste collection services

The hours shall be restricted to the following times;

Monday to Saturday – 7.00am to 8.00pm

Sunday and public holidays – 8.00am – 8.00pm

Night / Evening period (6pm to 7am) on any day: the use is to be restricted to one truck entering during any one 15-minute period

108. 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*.

109. Active water play area

Signage is to be provided at the active water play area that reads (at minimum);

“This water play area drains to the stormwater system which flows directly to the local creek, please do not allow any pollution to enter drains”.

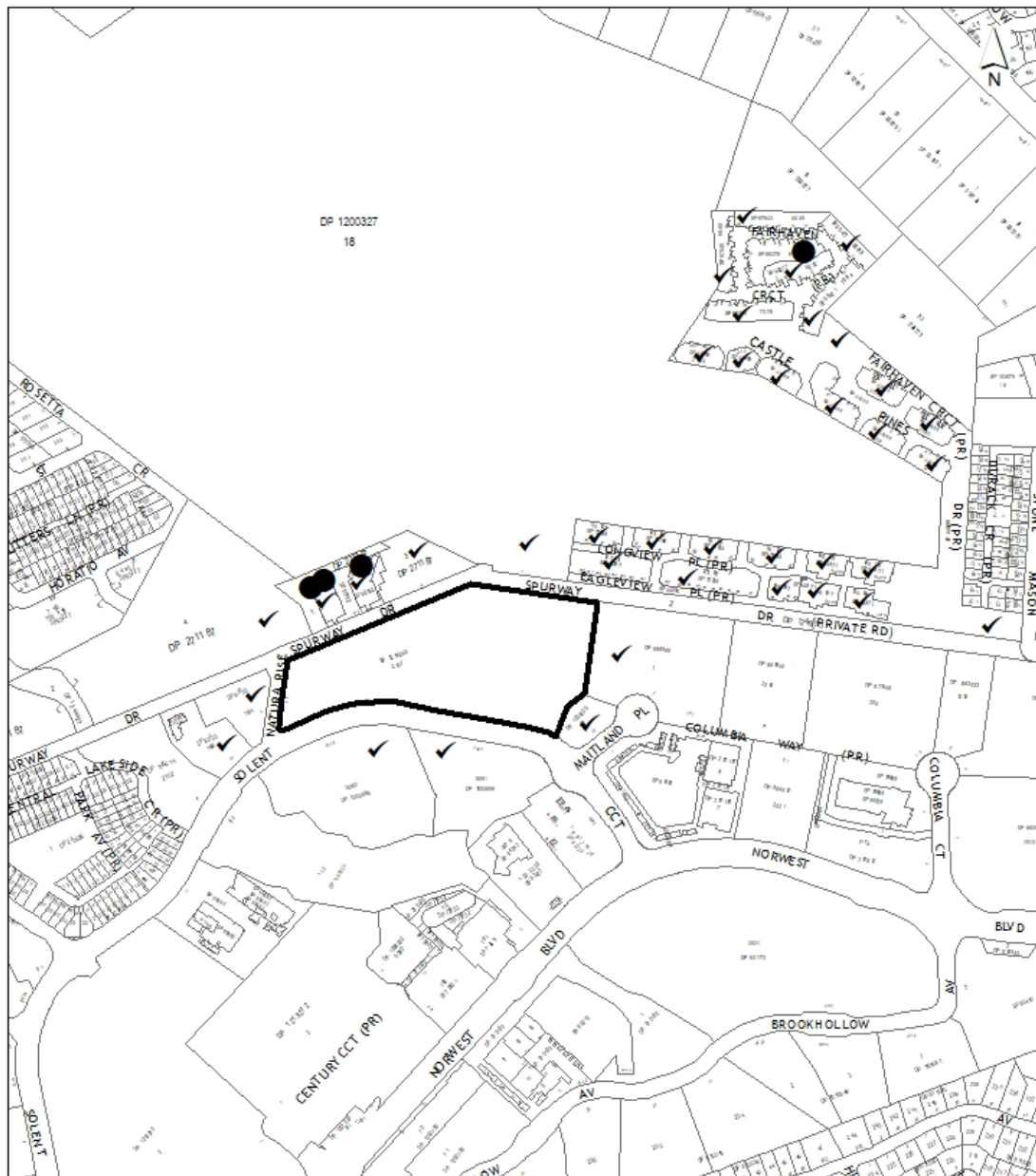
110. Acoustics – outdoor dining

- The proprietors of the venue shall be responsible at all times for the orderly dispersal of patrons from the venue.
- Patrons singing, yelling or generally causing a noise nuisance are required to be removed from the outdoor area and either seated inside the premises or required to leave the premises.
- No live music or entertainment shall be provided (without the prior approval of Council)
- Music is not to be played in the outdoor area (without the prior approval of Council)
- There are to be no external speakers at the premises (without the prior approval of Council)

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. LEP Zoning Map
4. LEP Height of Buildings Map
5. LEP Floor Space Ratio Map
6. LEP Floor Space Ratio Incentive Map
7. LEP Clause 7.11 Application Map
8. Site Plan
9. Staging Plan
10. Floor Plans
11. Elevations
12. Sections
13. Shadow Diagrams
14. Landscape Plan
15. Perspectives
16. Design Excellence Panel Meeting Reports
17. Applicant's Response to Design Excellence Panel Meeting Reports
18. Planning Agreement 40 Solent Circuit, Norwest
19. Endeavour Energy Submission

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSIONS RECEIVED


THE HILLS
Sydney's Garden Shire

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ATTACHMENT 2 – AERIAL PHOTOGRAPH



 SUBJECT SITE

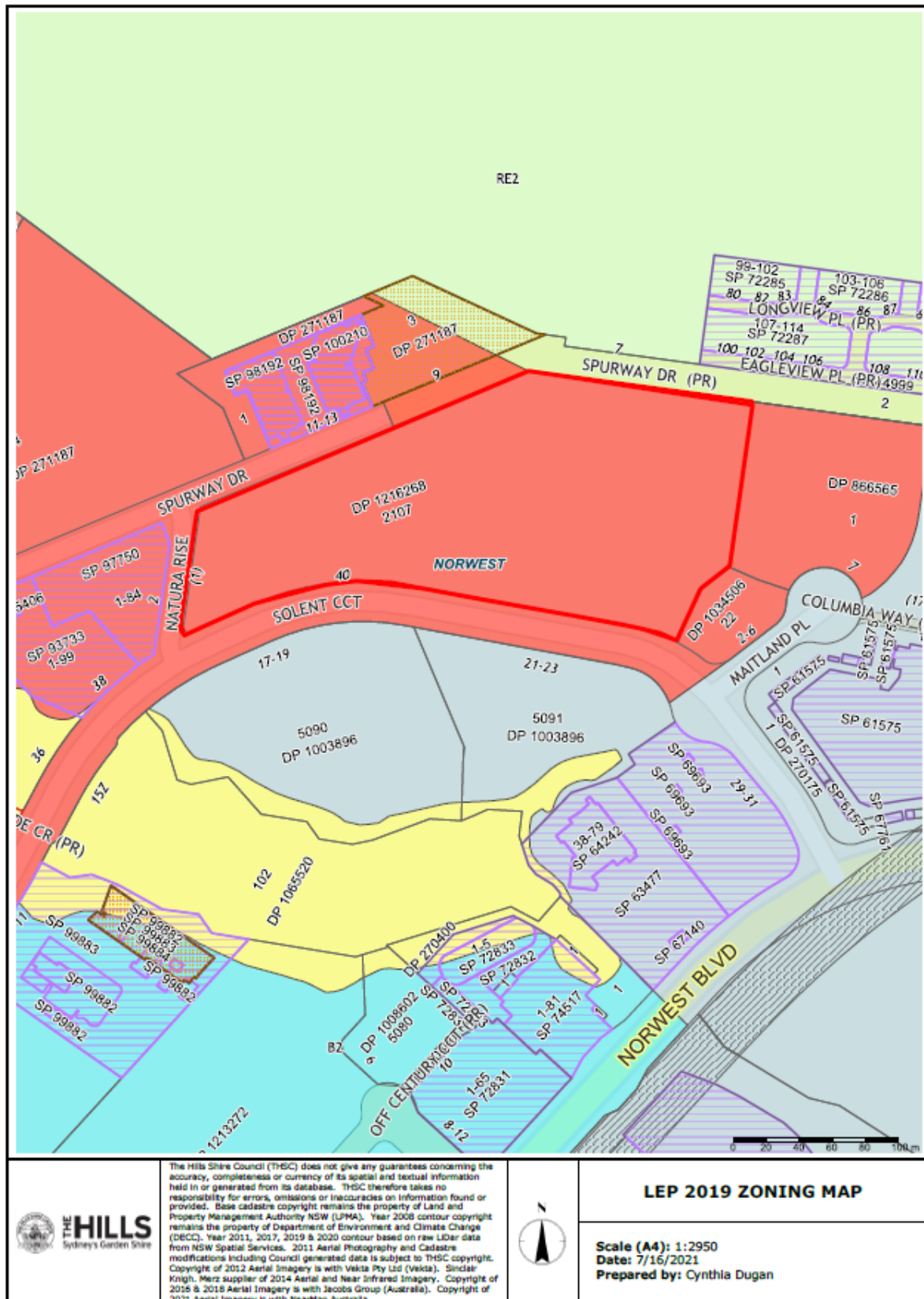
THE HILLS
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ATTACHMENT 3 – LEP ZONING MAP

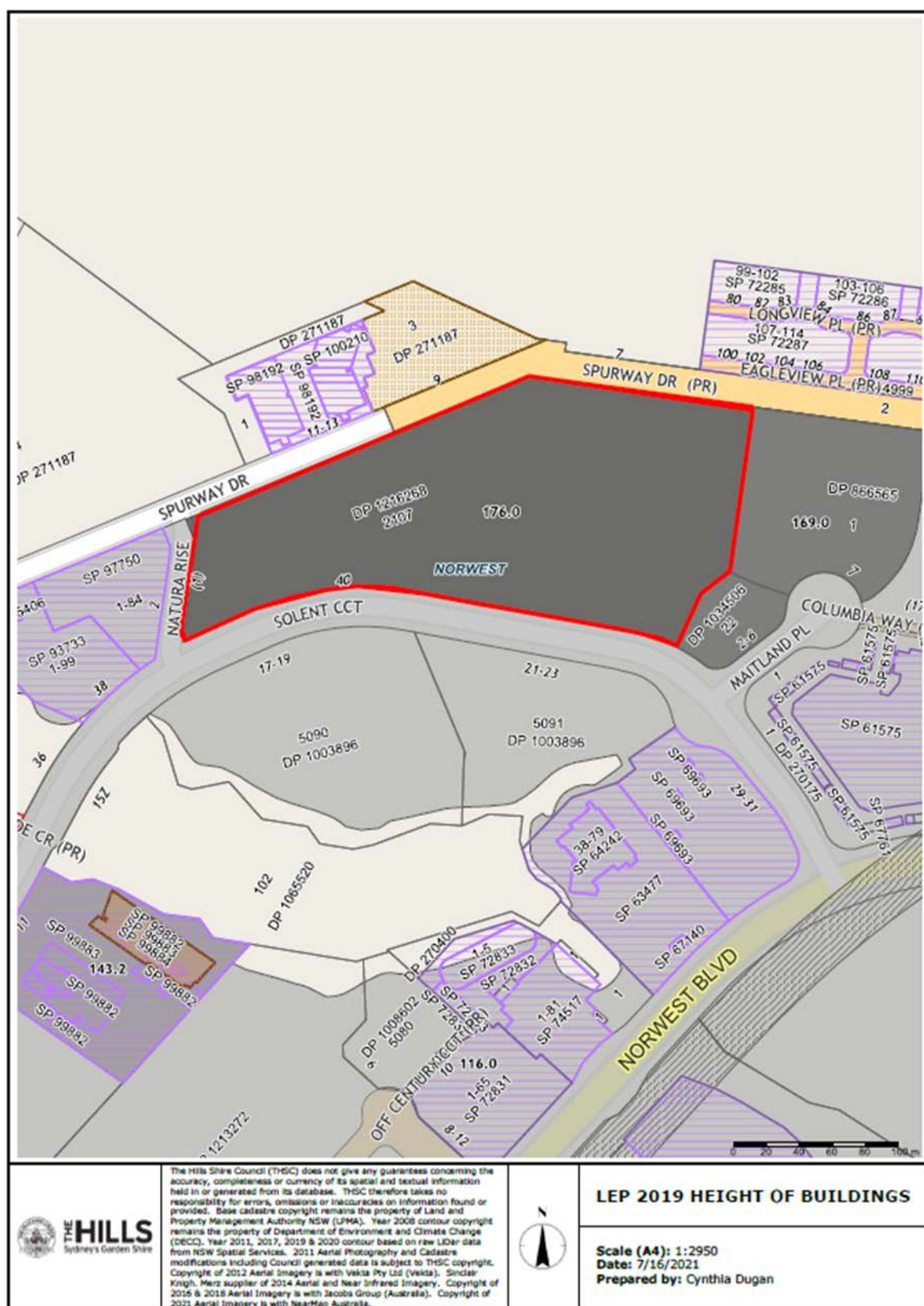


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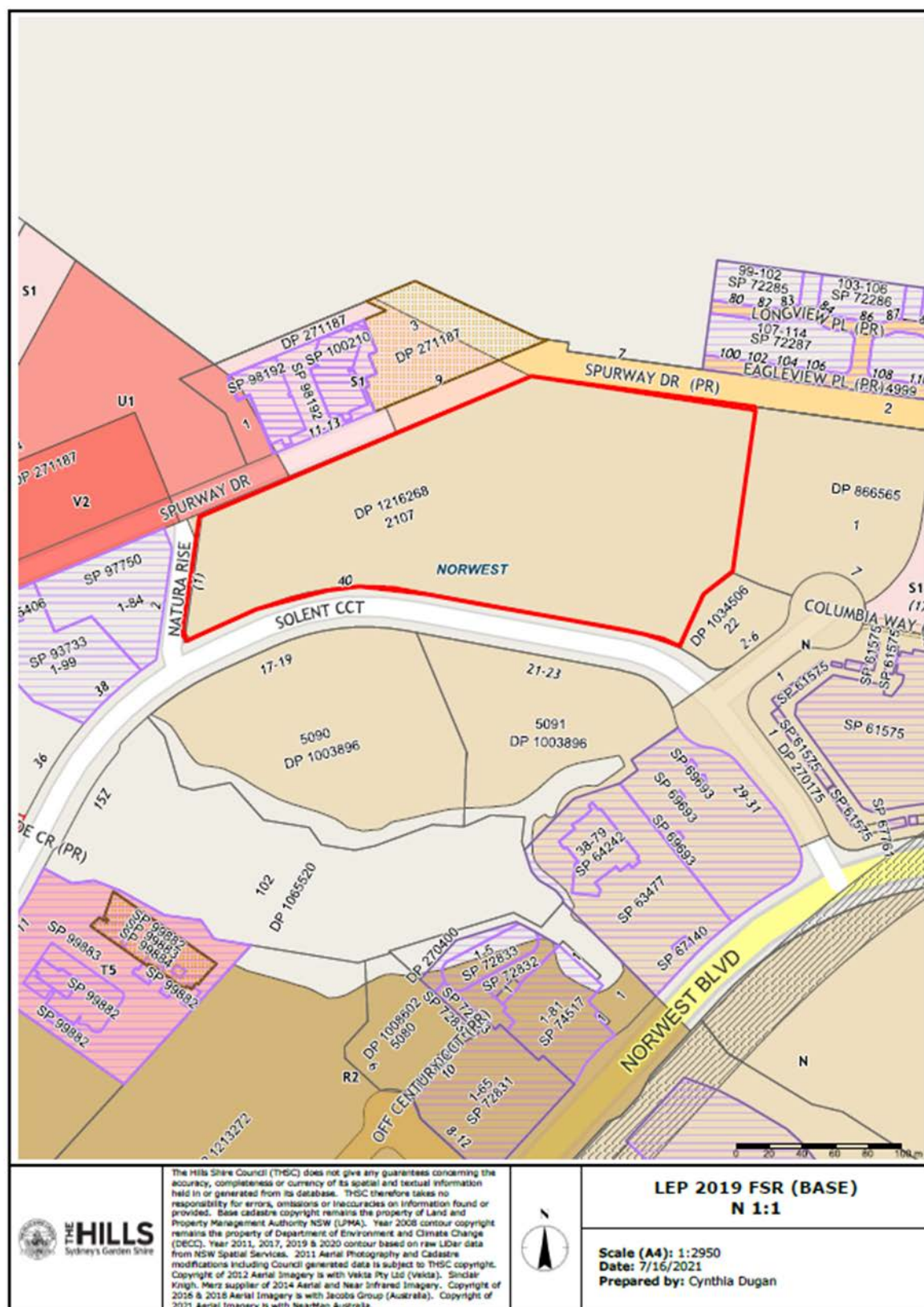


LEP 2019 ZONING MAP

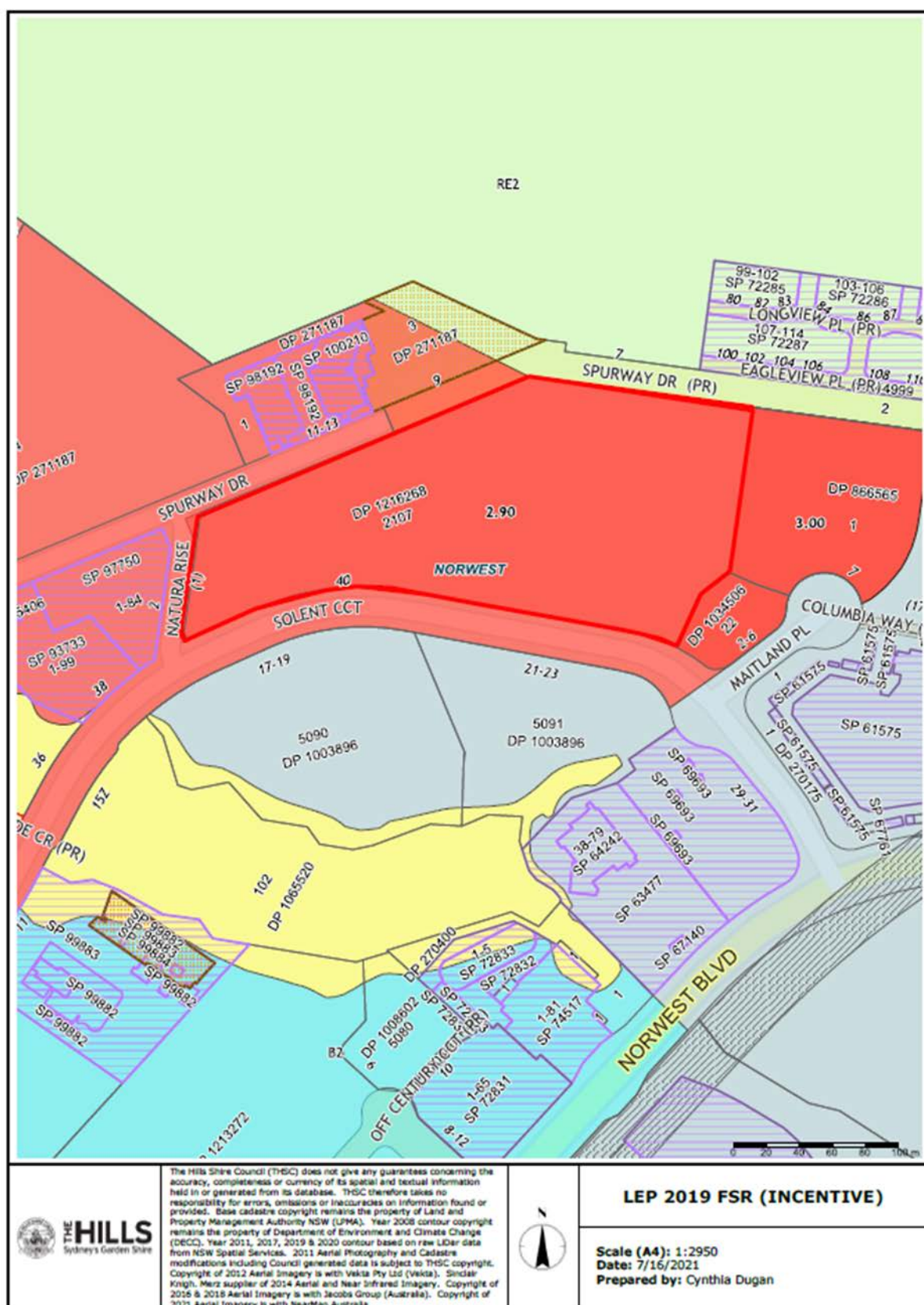
ATTACHMENT 4 – LEP HEIGHT OF BUILDINGS MAP



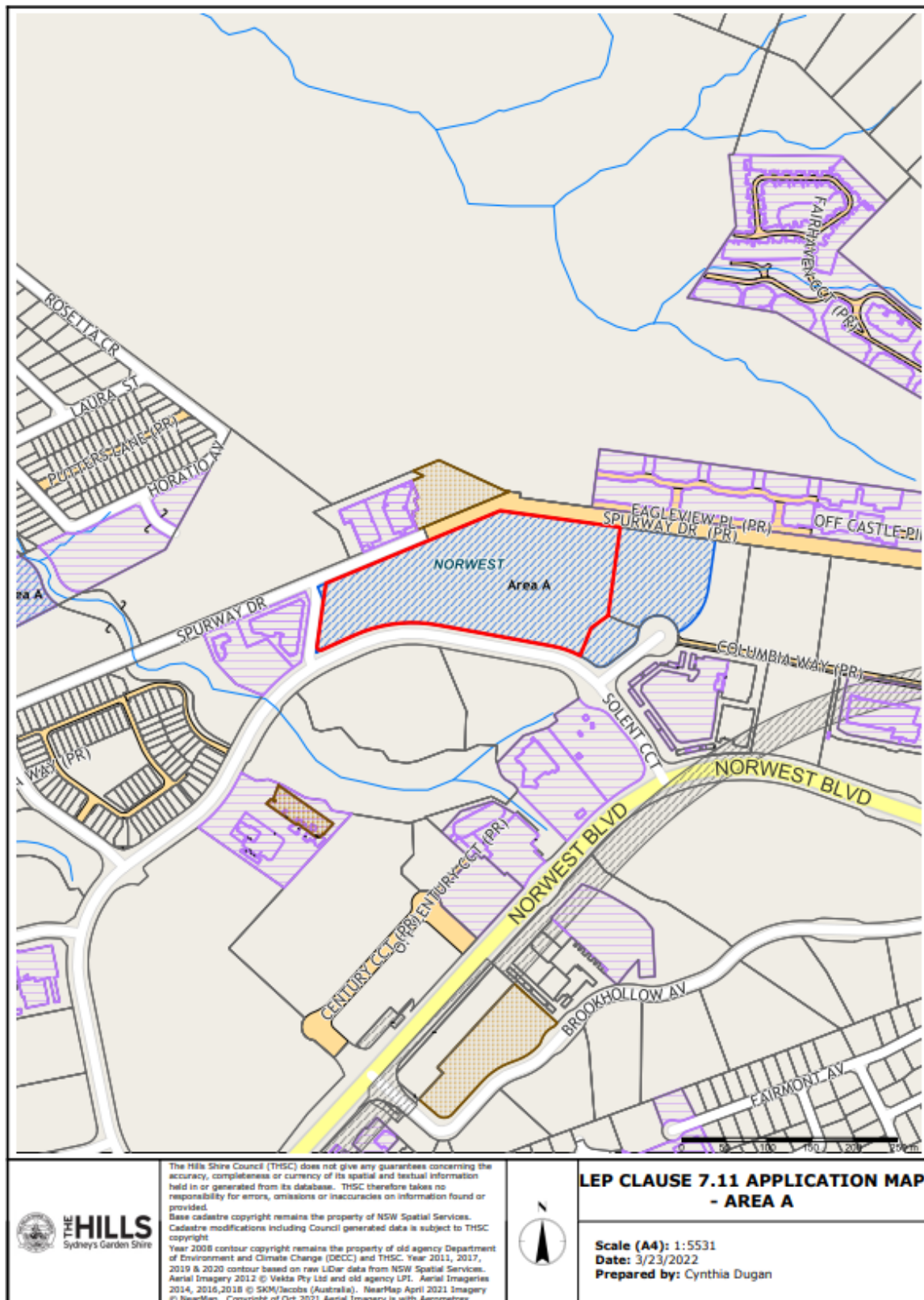
ATTACHMENT 5 – LEP FLOOR SPACE RATIO (BASE) MAP



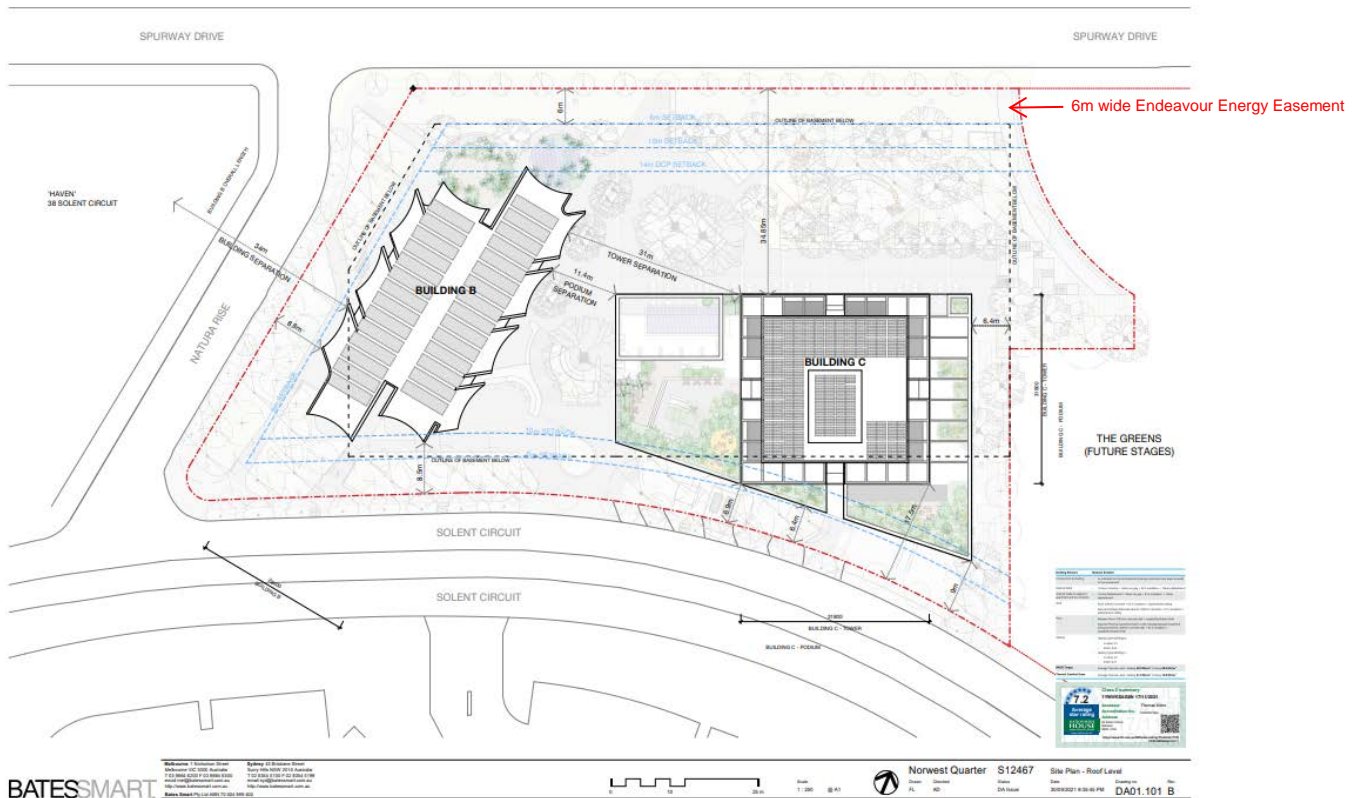
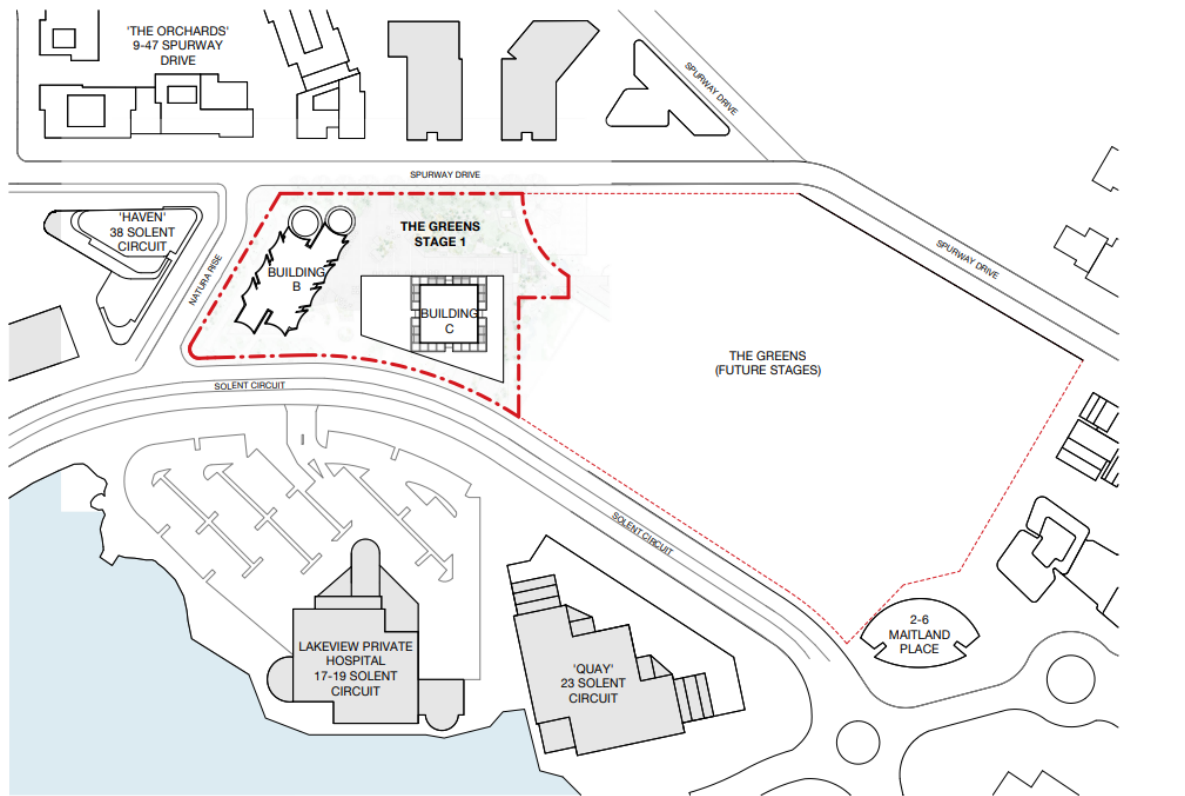
ATTACHMENT 6 – FLOOR SPACE RATIO INCENTIVE MAP



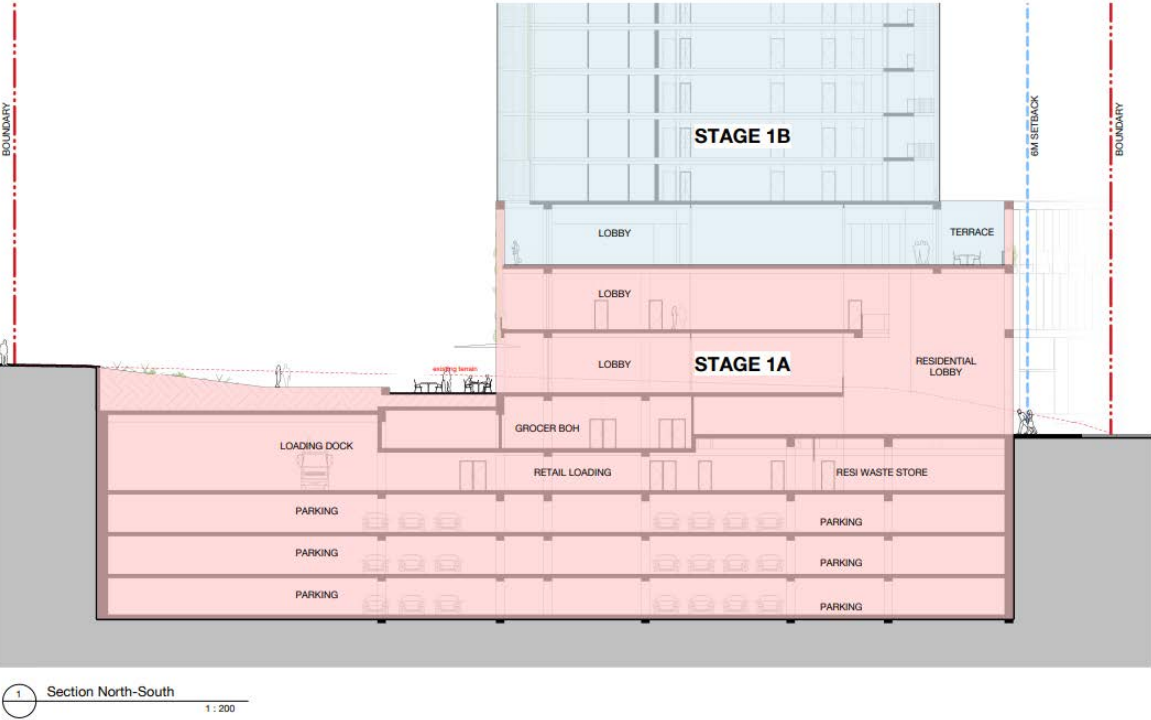
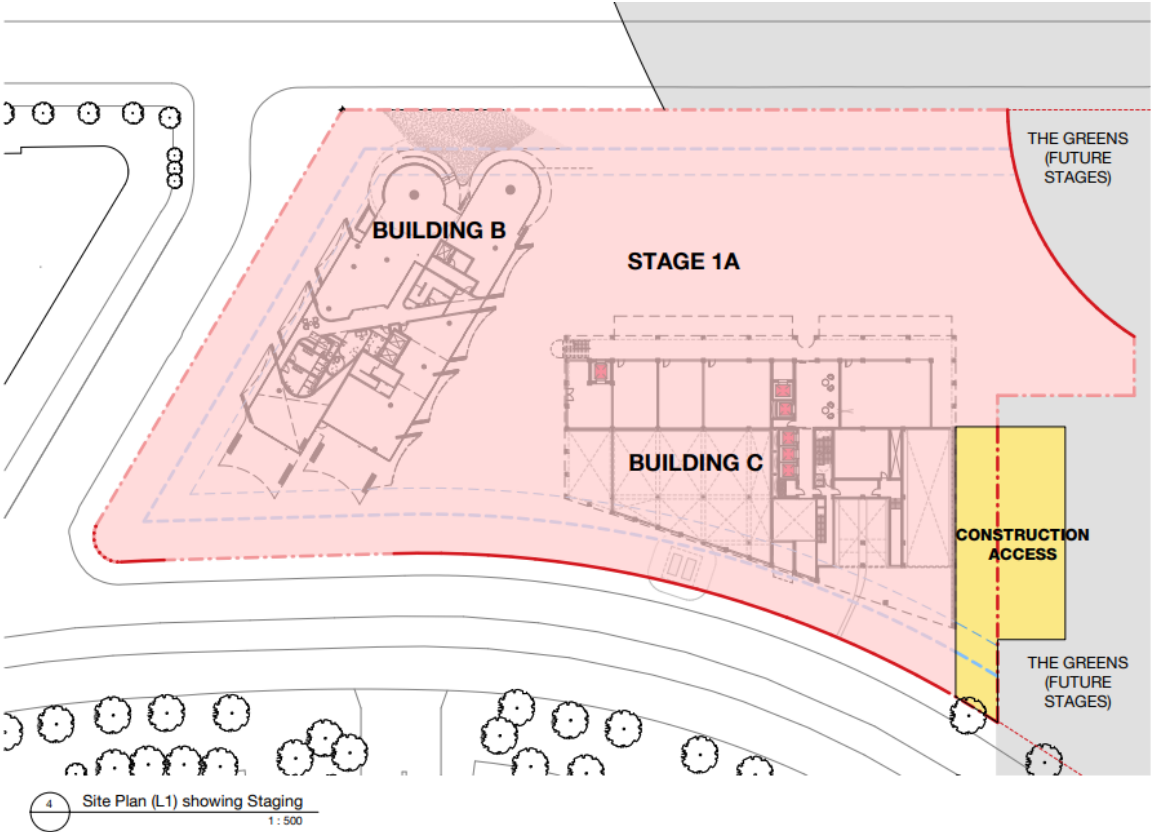
ATTACHMENT 7 – LEP CLAUSE 7.11 APPLICATION MAP

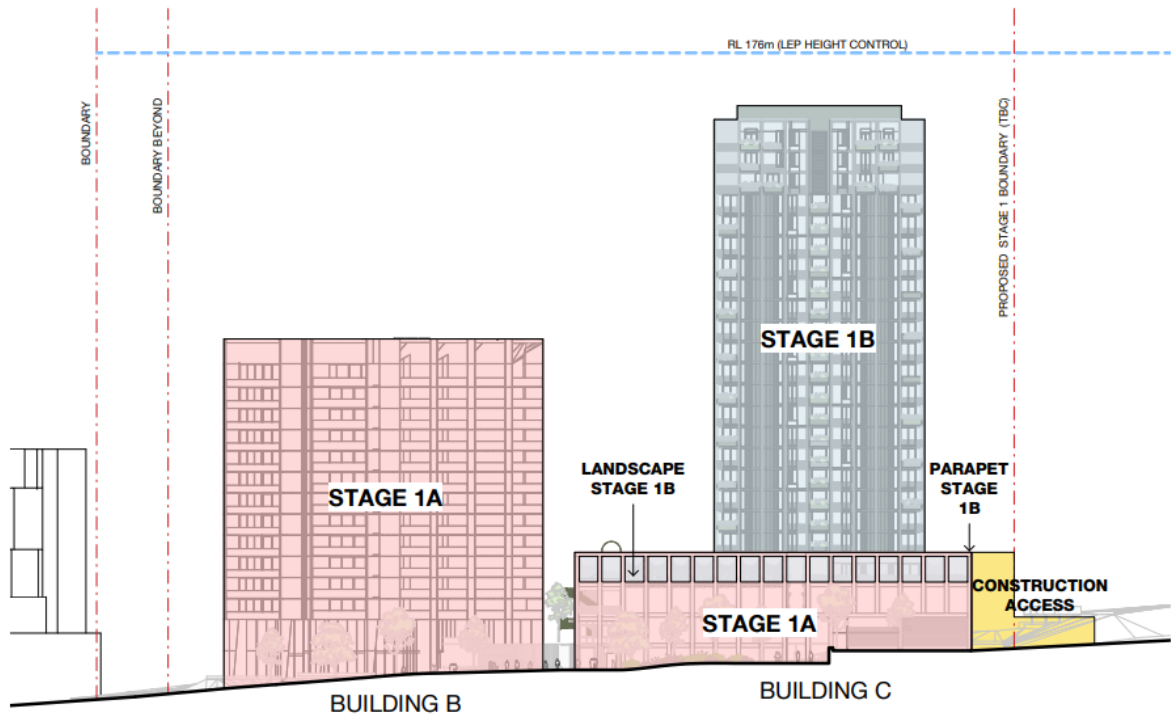


ATTACHMENT 8 – SITE PLAN

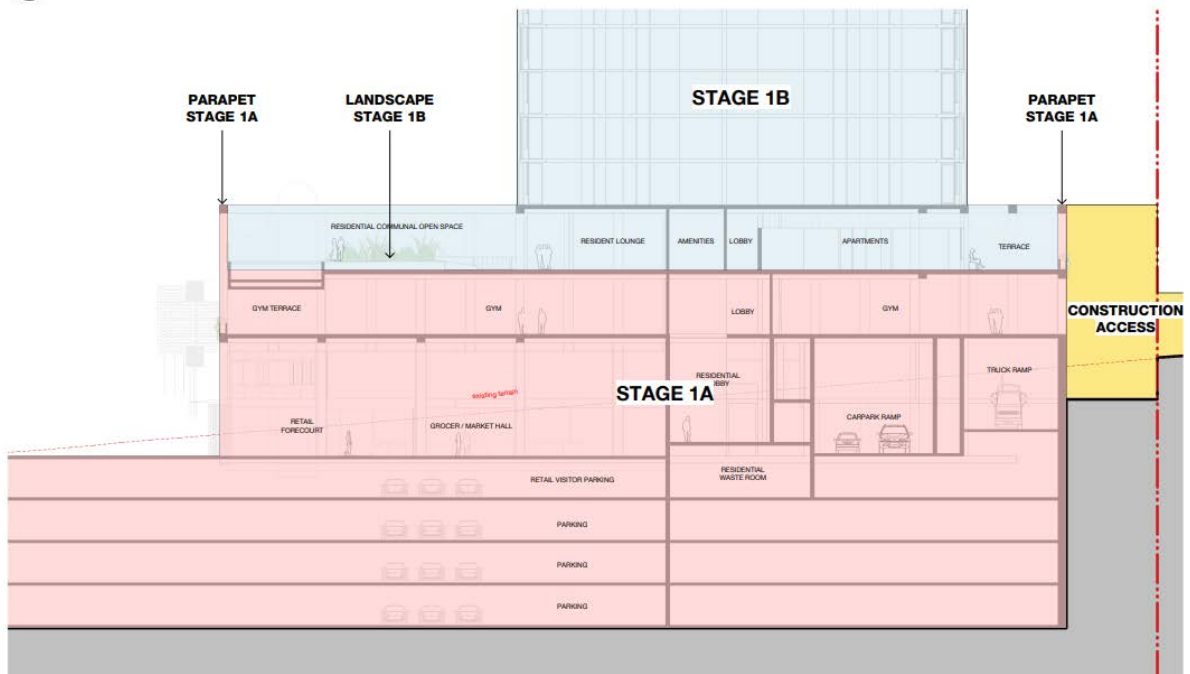


ATTACHMENT 9 – STAGING PLAN





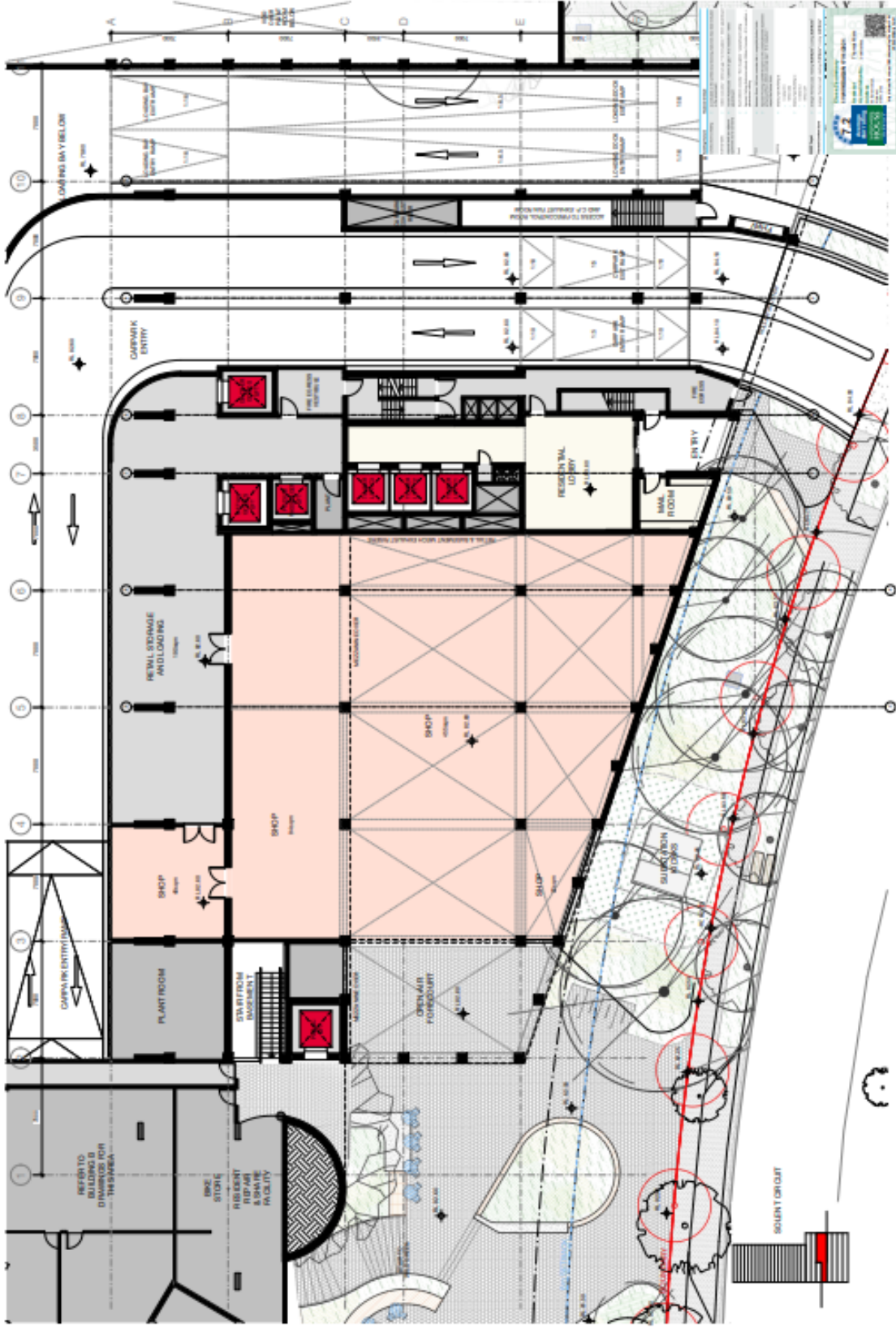
2 South Elevation - Staging
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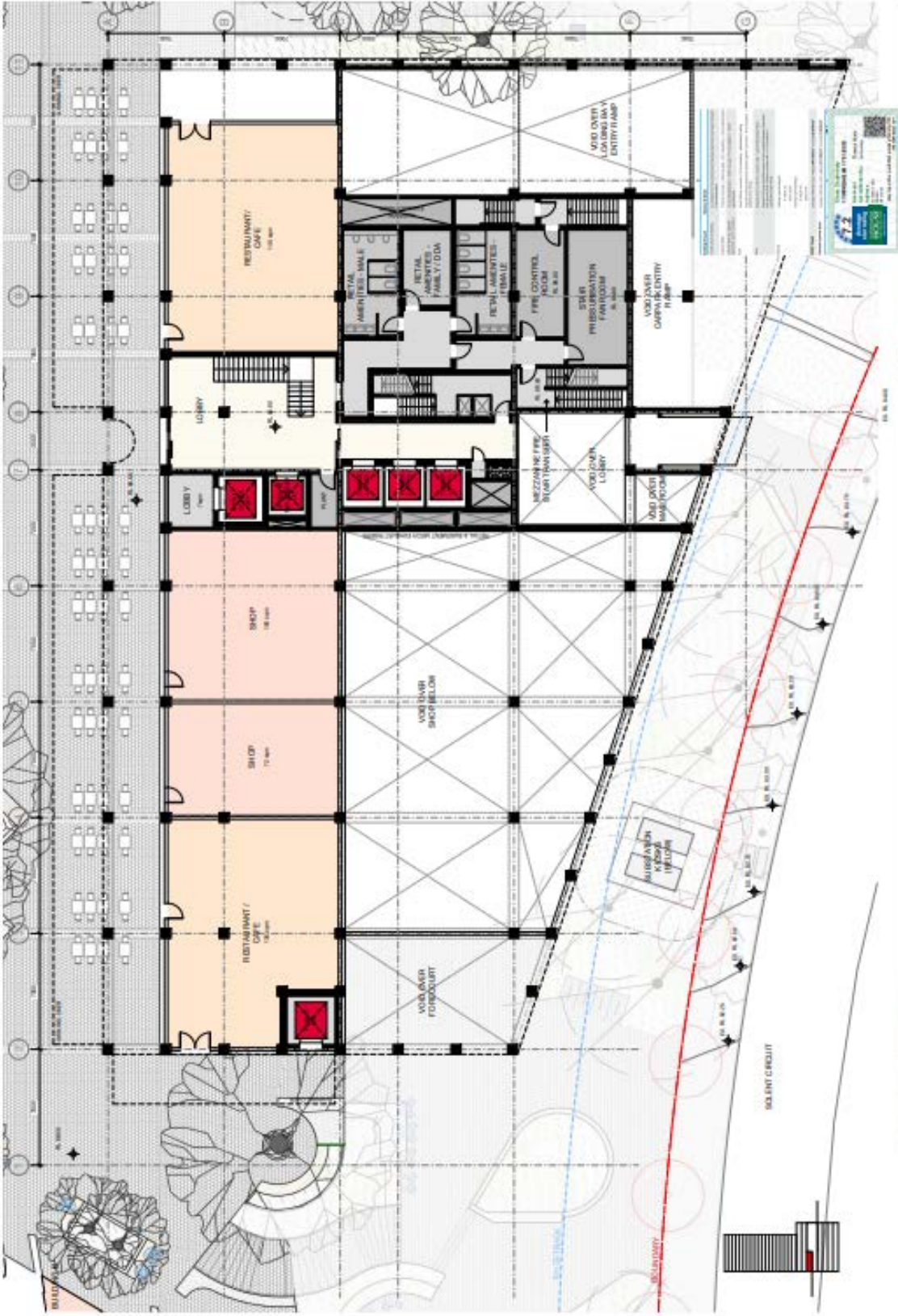


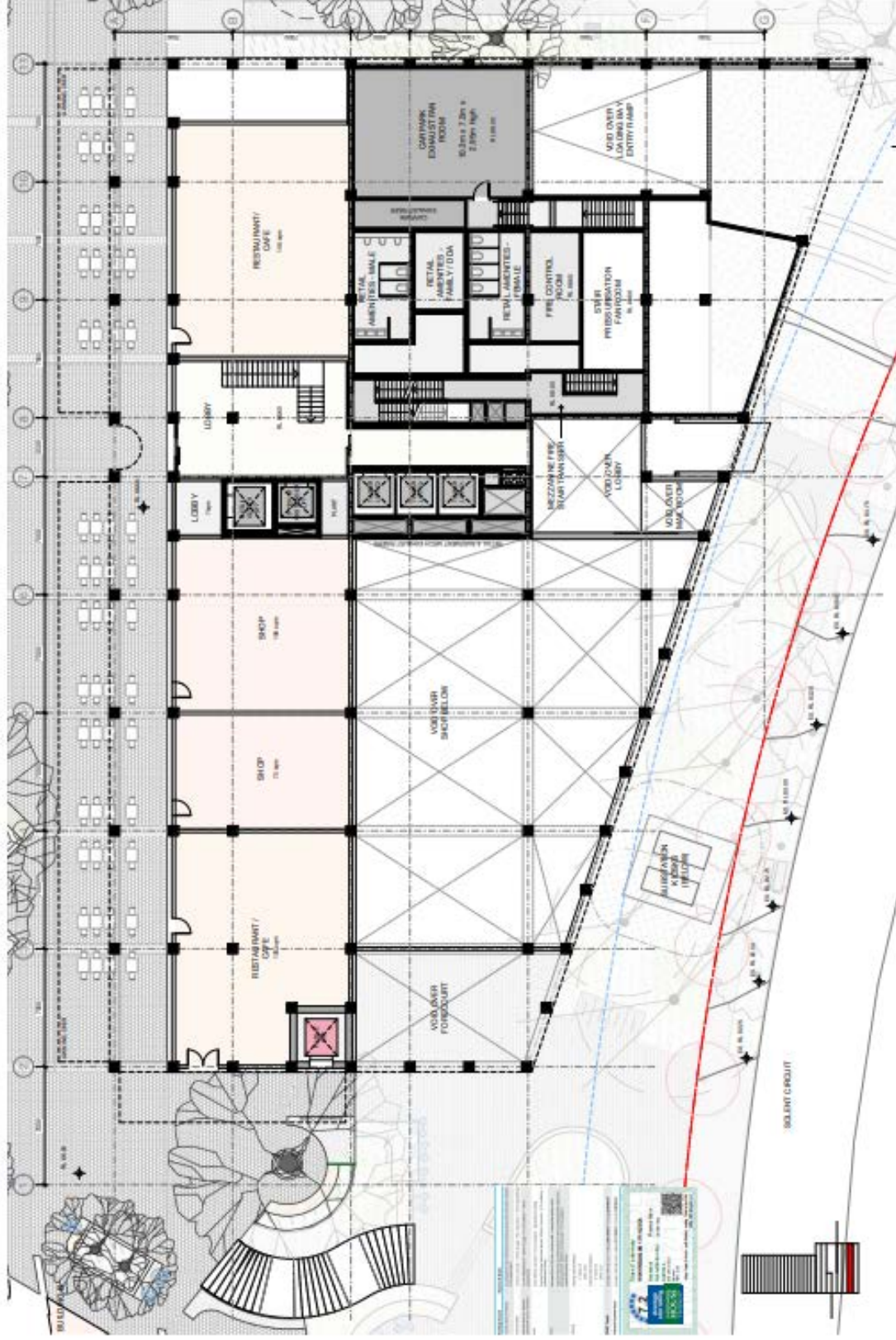
3 Section East-West
1 : 200

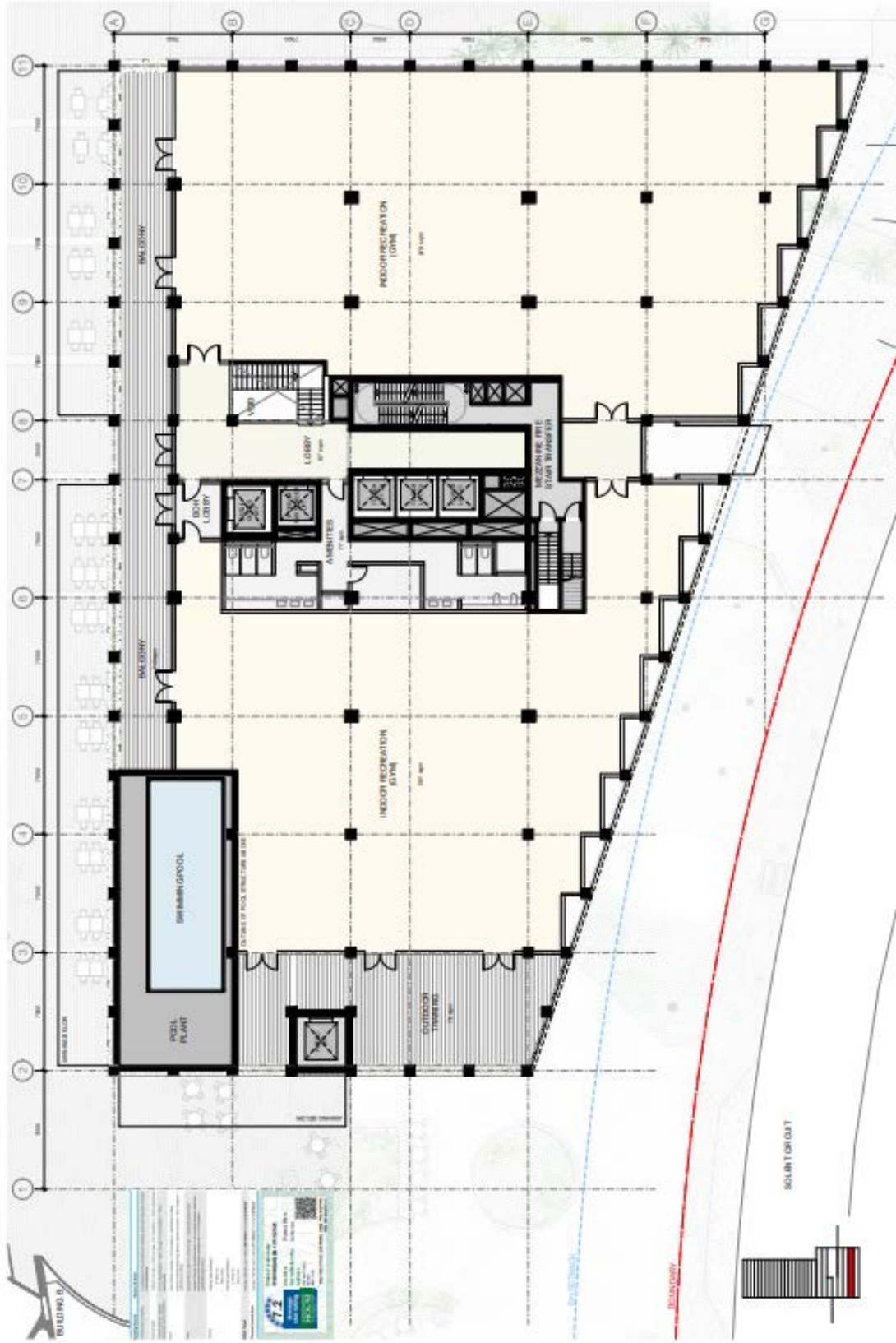
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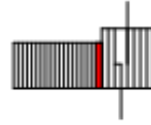
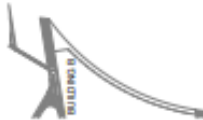












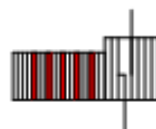
Note: Refer to Apartment Plans (S021-084-001) for detailed internal apartment dimensions.

BATESMART.

PROJECT INFORMATION
 PROJECT NAME: Northwest Quarter S12467
 PROJECT ADDRESS: 1200 N. 1st Avenue, Suite 100
 PROJECT CITY: Seattle, WA 98109
 PROJECT PHONE: (206) 461-1234
 PROJECT FAX: (206) 461-1235
 PROJECT EMAIL: info@batesmart.com



PROJECT INFORMATION
 PROJECT NAME: Northwest Quarter S12467
 PROJECT ADDRESS: 1200 N. 1st Avenue, Suite 100
 PROJECT CITY: Seattle, WA 98109
 PROJECT PHONE: (206) 461-1234
 PROJECT FAX: (206) 461-1235
 PROJECT EMAIL: info@batesmart.com

[illegible]

Note: Refer to Apartment Plans (90271-04/32) for detailed internal apartment dimensions.

BATESSMART.

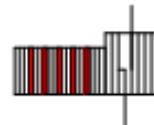
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Nonwest Quarter	S12467	Floplate Type A - Leads 8,9,12,15,16
Count	1000	Size
Lot	100	Inventory #
QTY	100	Manufacturer's Lot #
		DJ03-100 B



5

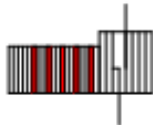


[illegible]

BATESSMART.

Fluxus	Serial	Index	Date	Fluxus to	Serial
FL	40	DA03	2000/01/01	DA03	100 B





NO BLOOD IN IT • Sodium is found naturally in many foods, but the sodium in processed foods is added. Sodium is essential for the body to function properly, but too much sodium can lead to high blood pressure and other health problems. The American Heart Association recommends limiting sodium intake to no more than 2,300 milligrams per day.

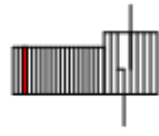
BATESSMSMART.

Nonwest Quarter	S12467	Flotplate Type C - Levels 5,6,11, 14, 17, 20	
Section	Section	Date	Survey no.
FL	40	FL	4003.111 B




1

Norwest Quarter S12467

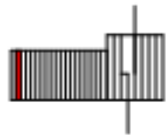


BATESSMART.®

DOI: 10.1002/for | Published online 11 May 2010 in Wiley InterScience (www.interscience.wiley.com). DOI: 10.1002/for.1010


Northwest Quarter S12467 Level 21 Plan Drawing by: Rev:

Issue:	Date:	3/20/2017 5:27:01 PM	DWG: 121 B
PL:	40'	DB Issue:	



BATESSMART.

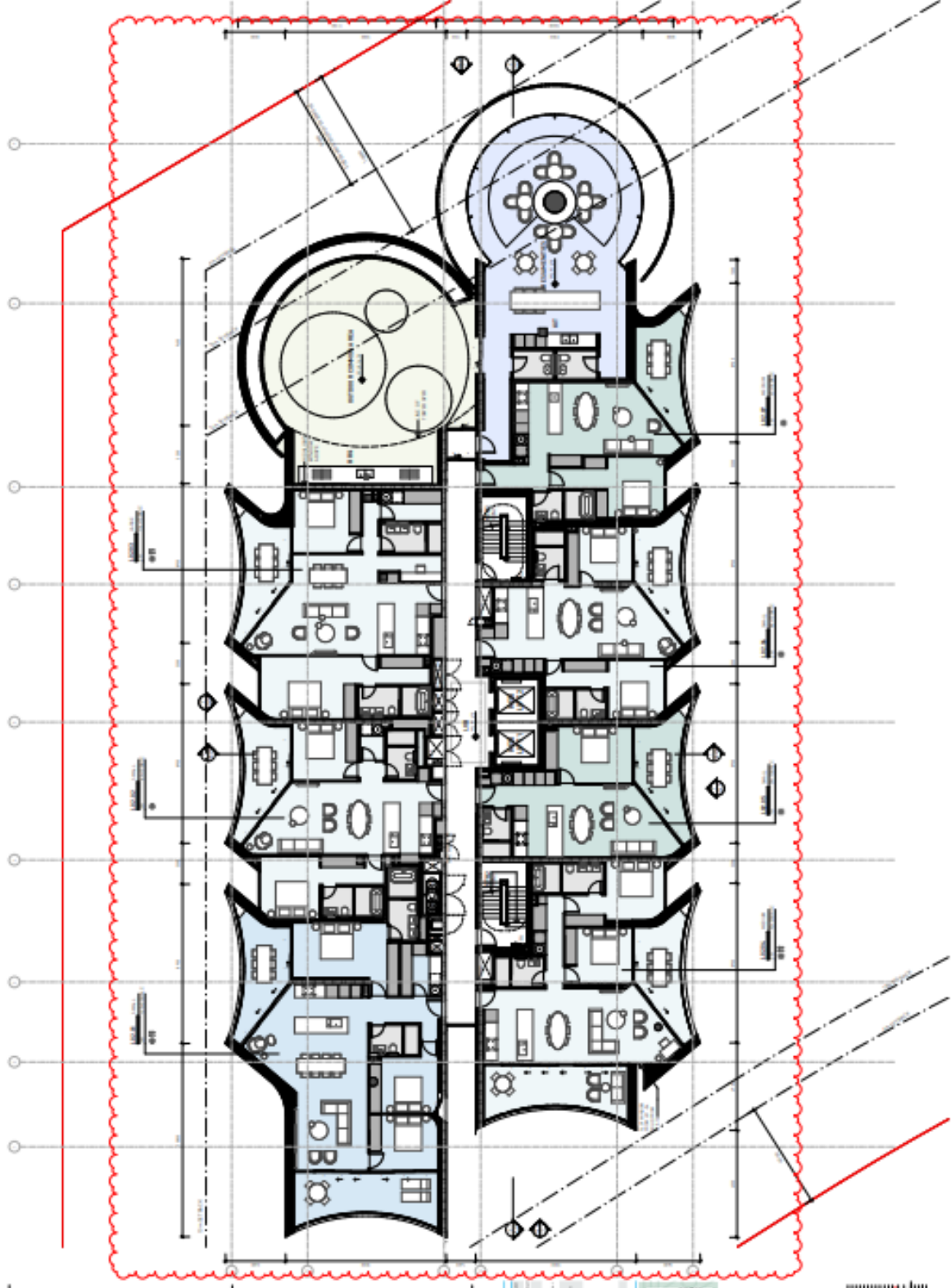
[illegible]

Northwest Quarter		S12467		Level 22 Plan	
Project	Site No.	Index	File	Drawn by	Sheet
PL	40	EN 10000	REINFORCEMENT PLAN	DA03	122 B









NOTES

PRELIMINARY

Project Information

Project Name	Project Location
Project Number	Project Date
Project Manager	Project Engineer
Project Architect	Project Designer

Project Description

Project Status

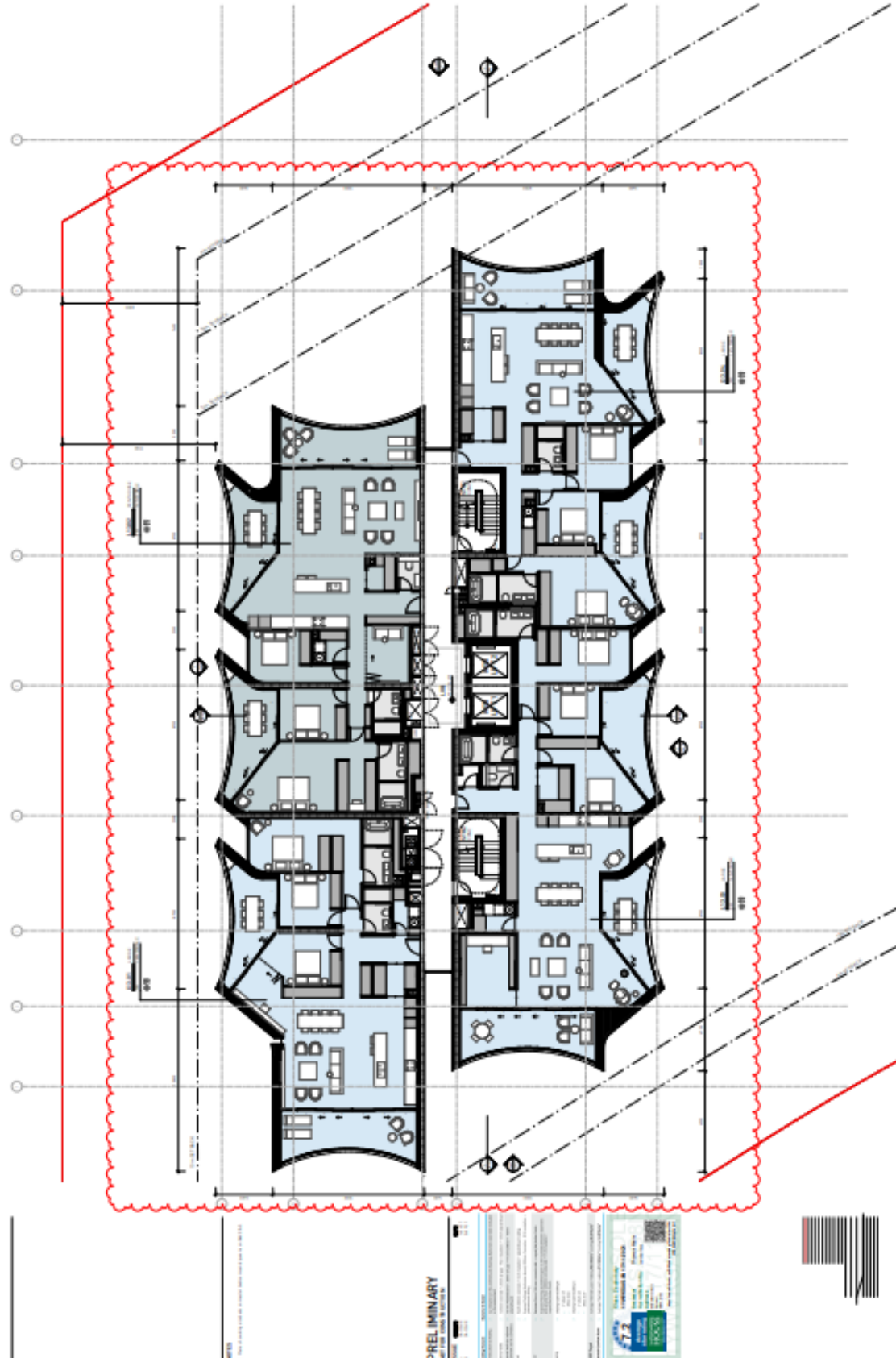
Project Budget

Project Timeline

Project Contact



smart design studio



PRELIMINARY

<p>PROJECT INFORMATION</p> <p>Project Name: [REDACTED]</p> <p>Client: [REDACTED]</p> <p>Location: [REDACTED]</p> <p>Site Area: [REDACTED]</p> <p>Building Area: [REDACTED]</p> <p>Number of Floors: [REDACTED]</p> <p>Completion Date: [REDACTED]</p>	<p>DESIGNER INFORMATION</p> <p>Designer: [REDACTED]</p> <p>Address: [REDACTED]</p> <p>Phone: [REDACTED]</p> <p>Email: [REDACTED]</p> <p>Website: [REDACTED]</p>
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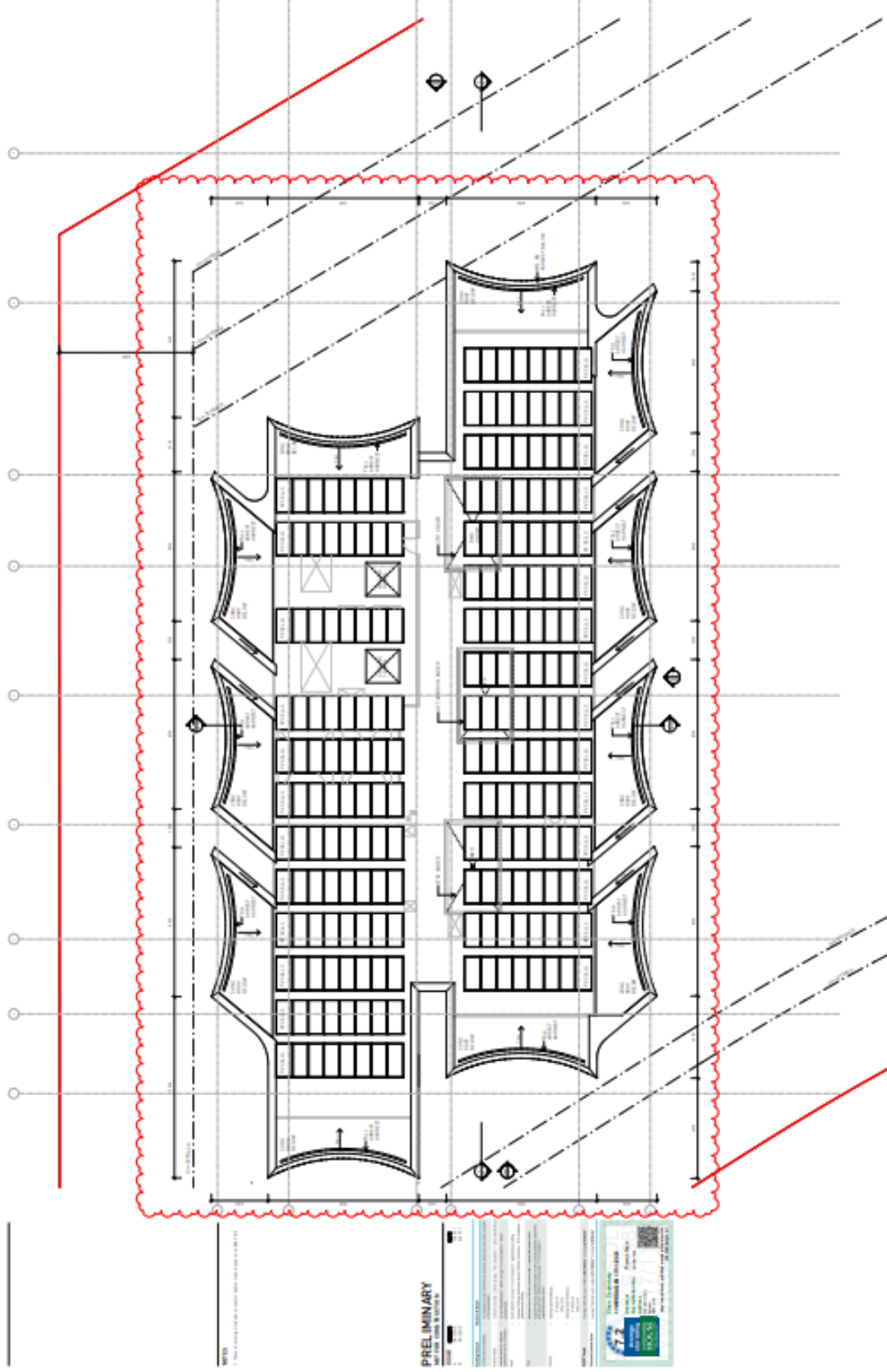


smart design studio

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smart design studio

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1



ATTACHMENT 11 – ELEVATIONS







BATESSMART.

Station	Classified	Station	South Elevation
FL	AD	DA 1141046	Date
Norwest Quarter S12467			30/03/2018 08:21 PM

Year	Q 41
1990	

DA09.003 B

PRELIMINARY

10/10/2023

10/10/2023

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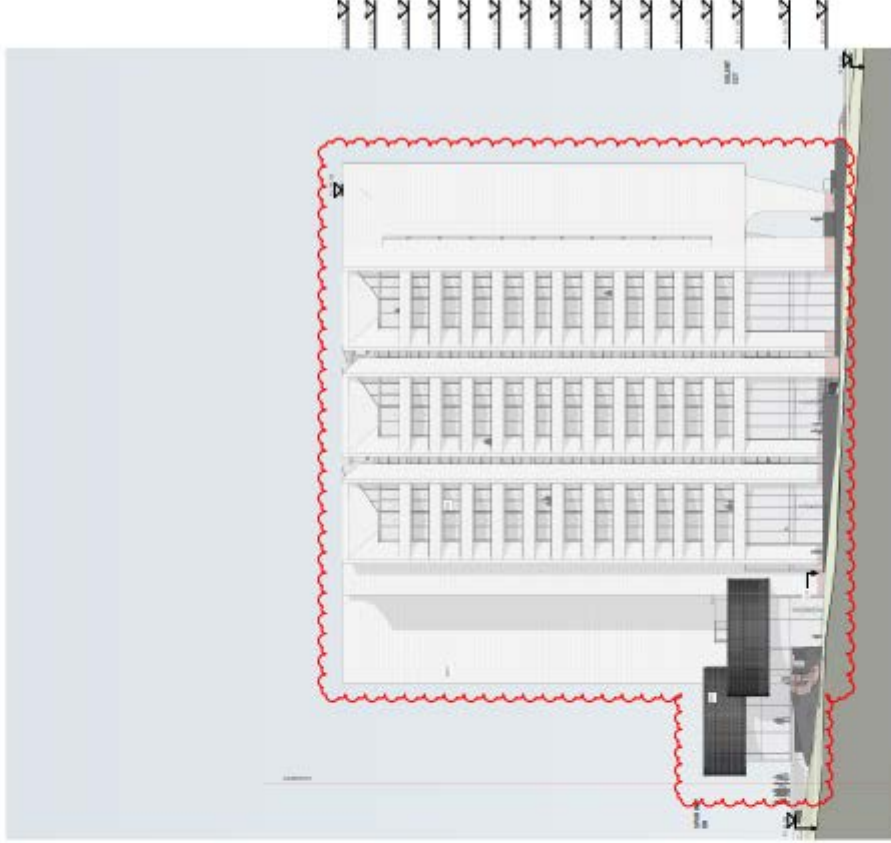
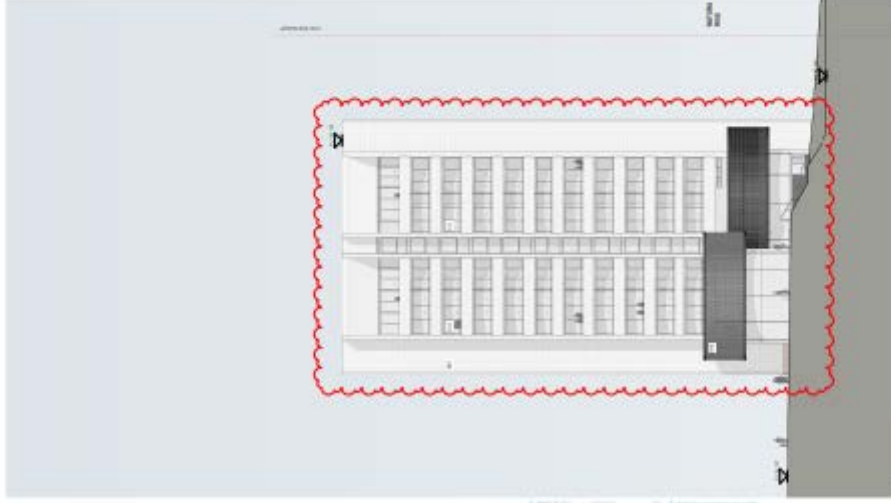
10/10/2023

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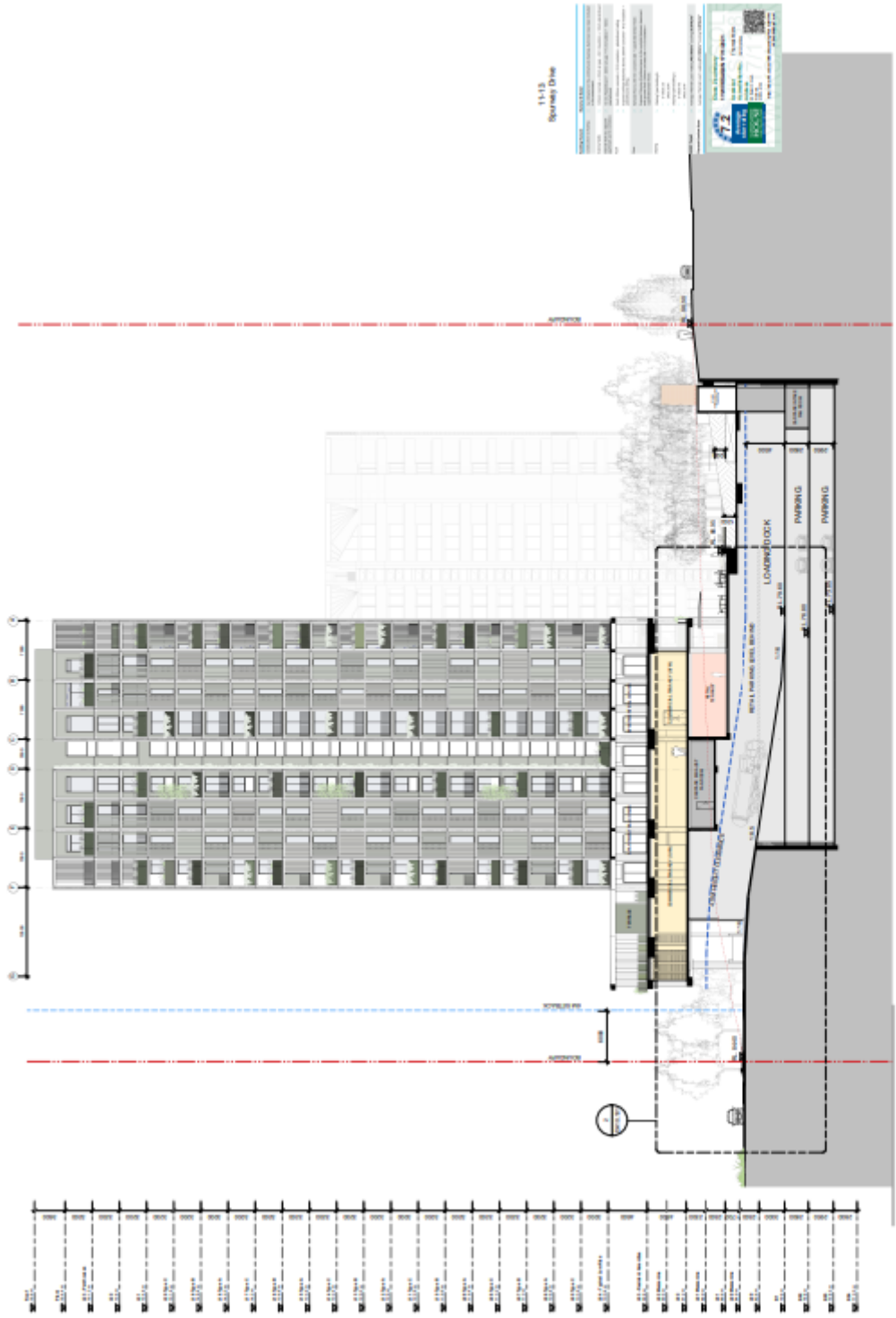
PRELIMINARY





BATES SMART.

	Northwest Quarter S12467	Section B	
Town:	Crowsfoot	Date:	MARCH 29 - 1897 PM
R.L.	NB	Drawing by:	DAVID C. B



11-13
Specialty Draw

72
HARRISBURG CITY
OFFICE OF THE
PLANNING & ZONING
COMMISSION
100 N. SECOND ST., 10TH FLOOR
HARRISBURG, PA 17102
TEL: 717.634.6000
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PLANNING & ZONING
COMMISSION
100 N. SECOND ST., 10TH FLOOR
HARRISBURG, PA 17102
TEL: 717.634.6000
WWW.HARRISBURGPA.GOV



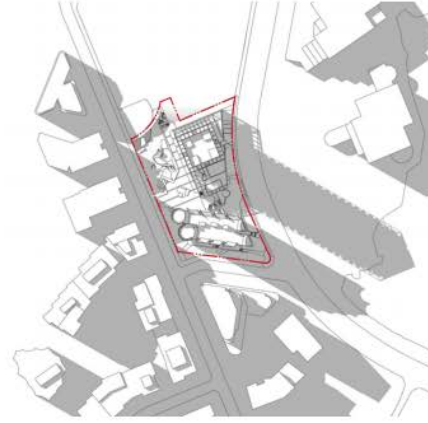
STAGE 01 SOLAR ACCESS

SHADOW STUDY FOR MIDWINTER 21 JUNE

It can be seen from the shadow diagrams that the siting of the two buildings minimises overshadowing to Building A 38 Solent Circuit as well as both proposed Buildings B and C. In addition there is significant natural light penetration to the public realm including the 'Deep Green', the main stair and the North-West corner of the site.



9 AM



10 AM



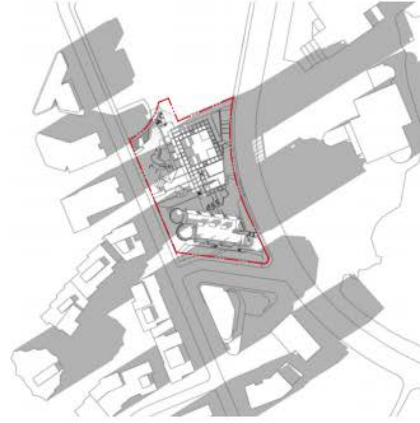
11 AM



12 AM



1 PM



2 PM



3 PM

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ATTACHMENT 15 – PERSPECTIVES







Building B Perspective



Building C Perspective

ATTACHMENT 16 – DESIGN EXCELLENCE PANEL MEETING REPORT



MEETING REPORT DESIGN EXCELLENCE PANEL

Date:	20/08/21	Time:	2.30pm
Location of Meeting:	Electronic meeting hosted by The Hills Shire Council		
Panel Members:	Chairperson – Nicholas Carlton, Manager Forward Planning, THSC Panel Member – David Reynolds, Group Manager THSC Panel Member – Tony Caro, Independent Design Expert Panel Member – Oi Choong, Independent Design Expert		
Councillors:	None Present		
Council Staff:	Paul Osborne, Cynthia Dugan, Marika Hahn		
Guests:	Mulpha Norwest – Applicant Tim Spencer – Executive General Manager Andrew Nichols – Project Director Jan van der Bergh – Senior Development Manager Michael Watt – Planning Manager Bates Smart – Architecture Matthew Allen – Director Alex Dircks – Associate Director Smart Design Studio – Architecture William Smart – Director Jillian Salter – Team Lead	Aspect Studios – Landscape Architecture Louise Pearson – Studio Design Director Terroir Gerard Reinmuth - Calibre – Planning Peter Lee – Planning Leader Emily Hou – Planner Bella Buddee - unknown	

BUSINESS ITEM AND MEETING REPORT

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 design quality. The Design Excellence Panel is an advisory Panel that comprises two Council staff members and two independent design experts with expertise in architecture, urban design and landscape architecture.

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

2. Declaration of interest

Nil

3. Confirmation of previous report

Confirmed by email

4. Presentations

Item 4.1	2.30pm – 3.30pm
DA Number	1541/2021/JP
Property Address	40 Solent Circuit, Norwest
Proposal	A mixed used development of 27,360sqm including two residential flat buildings, comprising 196 dwellings and mixed uses over a single 4 level structured basement car park providing 452 car spaces.
Applicant representative address to the Panel	Gerard Reinmuth William Smart Matthew Allen Louise Pearson

BACKGROUND

The development application is located within the Norwest Town Centre Residential East Precinct. The precinct has been recently rezoned for residential and supporting mixed uses. A Site Specific DCP describes a high level arrangement of nine *“residential flat buildings in a landscaped parkland setting”*, (Norwest DCP Part 3.2.1 - *Desired Future Character Statement*). All Panel members have visited the site. The Panel has previously reviewed applications/schemes relating to the land (a portion of Lot 2107, DP 1216268) on the following dates:

- 10th March 2021 **83/2021/PRE**
- 9th June 2021 **1541/2021/JP**

This is the third time the project has been before the Panel. This third meeting was facilitated by Council to allow the urban designer for the project to present the urban design strategy for Lot 2107, DP1216268, in response to prior comments of the Panel.

DOCUMENTATION

The Design Excellence Panel has previously reviewed the documents that were provided for the 10th March 2021 and 9th June 2021 Design Excellence Panel meetings. A full list of drawings is provided in previous Panel meeting reports.

The Design Excellence Panel reviewed the following drawings which were provided for the 20 August 2021 meeting:

- *The Greens Urban Design*, dated July 19 2021, prepared by various consultancies including; Bates Smart, Smart Design Studio, Terrior, Aspect Studios, Mulpha Norwest and Calibre Planning.

The applicant presented a revised presentation package during the meeting, which the Panel members did not have the opportunity to review or consider prior to the meeting.

PANEL COMMENTS

The Panel meeting commenced at 2.30pm with a 10 minute presentation given by the Urban Designer for the project, followed by a 10 minute presentation given by the Landscape Architect and a combined 10 minute presentation given by the two Architects for the respective buildings.

Council thanks the applicant and applicant consultant team for their presentations and acknowledges the design amendments made by the architectural consultancies to their respective buildings.

Comments from previous meetings have not been included in this meeting report, however, these comments remain highly relevant. It is recommended that the earlier DEP meeting reports regarding this matter be referred to in conjunction with the further comments below:

1. Overall Precinct Masterplan

The Panel previously recommended that *"a comprehensive masterplan responding to the commentary provided be prepared for presentation to Council and DEP prior to ongoing design development of the individual tower structures. It would be beneficial for the overall site masterplan and individual buildings and their landscape setting to be progressively reviewed at separate Panel meetings due to the size and complexity of this overall project"*.

The Panel noted that a comprehensive masterplan was not undertaken for Lot 2107-DP1216268 as recommended and the precinct structure remains unresolved. While it is acknowledged that an overall masterplan is not a requirement for the Development Application, given the size and scale of the development, preparation of a masterplan is considered best practice and would likely resolve a number of outstanding issues with respect to Design Excellence.

The presentation provided by the Urban Designer did not include any material additional information to that previously presented to the Panel. The Urban Designer noted that the Applicant team had been concerned with addressing the spatial relationships and urban design considerations between the two development blocks that comprise DA 1541/2021/JP. With respect to site planning, the Applicant also noted that consideration of future cross site links within Lot 2107-DP1216268 adjacent to DA 1541/2021/JP alongside the western boundary had been discussed with the Design team.

It is the Panel's view that the current DCP is not an appropriate substitute for a masterplan. Master planning would result in a number of benefits through resolving site planning and public domain issues prior to the documentation of individual buildings or development sites. In contrast to the Applicant's position that a master plan is too rigid and unable to respond to the market, the Panel's view is that a well-designed masterplan is dynamic and would allow for changes to occur.

The Panel also notes the Applicant's reliance on the DCP in satisfaction of the masterplan is at odds with the approach demonstrated in the current proposal which seeks to deviate from the DCP controls with respect to building envelope arrangement and siting, street setbacks, site coverage, landscaped area and the provision of communal open space at the ground plane. These are all planning issues that will need to be considered by the Development Assessment Officer.

It is acknowledged that some of the non-compliances and/or issues identified above would likely be able to be resolved within the broader site. However, with the current application, the Panel does not have any certainty that this would occur in a satisfactory manner, or in a way that would achieve design excellence. A key function of a comprehensive master plan application would be to properly demonstrate compliance, justify any non-compliance and provide certainty as to the outcomes to be delivered.

Concern is also raised given the potential for a future site subdivision (and the potential remaining portion of the lot to be on-sold) presenting a situation in which a shortfall in residential amenity for the future residents of the buildings that are proposed in the application DA 1541/2021/JP may arise.

The Panel is disappointed that much of the discussion within meeting centred around non-compliance with basic controls that have been devised with the sole purpose of enabling adequate site planning, amenity and place-making. The objective of the Design Excellence Panel is to discuss design excellence, rather than engage in debate with Applicants about the appropriateness or otherwise of individual non-compliances with statutory controls (being a matter for consideration by the Development Assessment Officer).

Notwithstanding this, there are a number of design issues that have not yet been addressed due to the persistent non-compliances that should firstly be addressed (these are discussed further within Section 2 below). It is noted that realisation of the maximum permitted FSR is not justification for non-compliance with planning controls and consideration of designing within the full suite of relevant

parameters defined by the controls to arrive at the most appropriate design outcome should underpin the design methodology.

In the absence of a masterplan that takes into consideration the current DA proposal and provides the context and framework for future development, it is difficult to assess the design excellence of the proposal in its context. The development of a large site through progressive individual Development Applications subject to construction cycles and the potential for market trends to change is not reflective of the orderly and efficient development of land, nor is it conducive to an excellent design outcome across the entire site.

2. DA 1541/2021/JP

During the meeting, the Panel was presented with a number of design amendments undertaken by the project consultants Smart Design Studio, Bates Smart and Aspect, responding to earlier Panel comments and as part of the design development of their respective projects. These include the refinement of the balcony interfaces in Building B, improvements to the public lift location and design of the communal open space in Building C and the through site link adjacent to Building C, increased tree canopy and additional deep soil areas in the public domain.

The Panel supports these changes, all of which are improvements to the individual consultants' projects.

The Panel previously commented that 'The Panel does not generally endorse encroachments into established setbacks. This includes underground basement car parking services, loading docks and services such as OSD tanks. The aim is to create a generous deep soil perimeter that enables provision of tall canopy trees and generous landscape elements. The existing and desired future character of the Norwest business park and the Hills Shire generally is one of buildings in a garden landscape setting, which is also consistent with the strategic direction of the Greater Sydney Regional Plan, 'City in a landscape.'

The Panel is concerned that non-compliance with statutory controls such as setbacks creates an undesirable precedent for future development throughout the Norwest Business Park. The Panel notes the function of the DCP is to set out controls that define the future character, built form and relationship with the existing context. This is an agreed context by both Council and the applicant that has resulted in the recent rezoning of the subject site and it is unclear why there are significant non-compliances with recently made controls.

If the Applicant wishes to proceed with the Development Application for a portion of Lot 2107 DP 1216268 only, in the absence of a masterplan, there are a number of outstanding design issues that remain unresolved:

- The extent of the site subject to DA 1541/2021/JP is unclear and measured dimensions that clearly articulate the location of the eastern boundary have not been provided. This interface is subject to continuing design development however the lack of clarity with the interface condition presents difficulty in reviewing the public domain outcomes;
- Site coverage is in excess of 30% which is the DCP stipulated maximum site coverage and should be revised;
- Landscape coverage does not meet the required 50% as stipulated in the DCP and should be revised;
- Natural ventilation per ADG Design criteria is not satisfied in either Building B or C. The Panel notes that during this period of lockdown as a result of the pandemic, access to natural ventilation in accordance with the minimum amenity benchmark is more critical and rightfully an expectation to attain Design Excellence, especially in the context of a large, vacant development site capable of being master planned;

- Solar access compliance is unclear and confirmation should be provided to the DA Officer through tables, illustrated floor plans per level and sun eye diagrams with tabulations per building not as an amalgamation of both building blocks;
- Distance separation between building blocks is not in compliance with ADG requirements. The DCP clearly characterises the site as a series of slender buildings within a landscaped setting. Insufficient building separation would appear to be contrary to this objective. It is unclear as to why adequate distance separation has not been achieved, given this is a large, vacant greenfield site with minimal constraints;
- The area of the site identified for deep soil is to be calculated to the Landscape Officer's satisfaction. The ADG provides clear guidelines that are expected to be followed. Underground utilities and easements for future infrastructure clearly discount a portion of the site from being included in the deep soil calculation;
- The setbacks are not compliant with the DCP controls (per DA officer advice):
 - o Setback to Solent Circuit – 10 metres required / 6.4 metres proposed;
 - o Setback to Spurway Drive - 14 metres required / 6 metres proposed;
 - o Setback to Natura Rise – 12 metres required / 8.8 metres proposed.

The Panel notes that the DCP has been made recently in consultation with the applicant and endorsed by Council. The DCP clearly sets out the setback requirements and the applicant has not provided any merit based justification as to why the required setbacks are not being provided. In contrast, the Panel was advised by the Applicant during the meeting that the proposal does comply with the required setback distances however this was not demonstrated and is contrary to the findings of the Development Assessment Officer.

- It is unclear whether the communal open space requirements are met. The numerical compliance is a matter for the DA Officer however the Panel is not satisfied that the communal open space provision for the residents of both Buildings B & C are being met. The experience of the Pandemic, with lengthy periods of lockdown, clearly demonstrates the need for the communal open space provisions of the ADG to be met. The applicant has not demonstrated that this design criteria can be satisfied in the context of the individual site subject to this DA application.

The Panel re-iterates previous advice that the ADG sets out the minimum criteria for residential flat buildings, and there is no legitimate reason why these cannot be achieved or exceeded on greenfield sites in the Norwest Town Centre East Precinct.

PANEL CONCLUSION

The Panel previously concluded that *"The Panel is of the view that the proposal, in its current form, is yet to fulfil the requirements of design excellence. It is recommended that the applicant revise the proposal to address the issues identified in this report and present a revised proposal to the Panel."*

The Panel's conclusion remains that the proposal, in its current form, does not demonstrate design excellence. In particular, the Application has not demonstrated that the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain or that the following matters have been satisfactorily addressed:

- 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, bulk, massing and modulation of buildings,
- environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
- the achievement of the principles of ecologically sustainable development,
- the impact on, and any proposed improvements to, the public domain, and
- the configuration and design of public access areas, recreation areas and communal open space on the site and whether that design incorporates exemplary and innovative treatments.

The Panel has previously provided extensive advice and recommendations to the Applicant. Unless these are meaningfully and substantially acted upon, it is considered that there is limited value in the Panel again considering this proposal.

As advised during the Panel meeting, the Panel does not 'approve' or 'endorse' proposals. Rather, the Panel is advisory only, with a primary focus on design excellence (urban design, landscape character and built form design quality). An applicant may elect to proceed with the DA application process without a further Panel meeting and the comments provided by the Panel to date would be considered by the consent authority when determining whether the proposal exhibits design excellence under Clause 7.7 of LEP 2019.

MEETING REPORT DESIGN EXCELLENCE PANEL

Date:	09/06/21	Time:	10.30am
Location of Meeting:	Electronic meeting hosted by The Hills		
Panel Members:	Chairperson – Nicholas Carlton, Manager Forward Planning, THSC Panel Member – David Reynolds, Group Manager THSC Panel Member – Tony Caro, Independent Design Expert Panel Member – Oi Choong, Independent Design Expert		
Councillors:	None Present		
Council Staff:	Cameron McKenzie, Paul Osborne, Cynthia Dugan, Marika Hahn		
Guests:	Mulpha Norwest – Applicant Tim Spencer – Executive General Manager Andrew Nichols – Project Director Jan van der Bergh – Senior Development Manager Michael Watt – Planning Manager Wallis Ip – Assistant Development Manager Bates Smart – Architecture Matthew Allen – Director Alex Dircks – Associate Director	Smart Design Studio – Architecture William Smart – Director Jillian Salter – Team Lead Aspect Studios – Landscape Architecture Louise Pearson – Studio Design Director Calibre – Planning Peter Lee – Planning Leader Emily Hou – Planner	

BUSINESS ITEM AND MEETING REPORT

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 design quality. The requirements for a development to achieve design excellence are found in Clause 7.7 'Design Excellence' of Local Environmental Plan 2019.

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

The Panel provides recommendations on the following:

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

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

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


2. Declaration of interest

"Nil"

3. Confirmation of previous report

Confirmed by email

4. Presentations

Item 4.2	12.15pm – 1.15pm	
DA Number	1541/2021/JP	
Property Address	40 Solent Circuit	
Proposal	<div></div> <p>A mixed used development of 27,360sqm including two residential flat buildings, comprising 196 dwellings and mixed uses over a single 4 level structured basement car park providing 452 car spaces.</p>	
Applicant representative address to the Panel	Tim Spencer William Smart Matthew Allen Louise Pearson Peter Lee	

DOCUMENTATION

On 10 March 2021 the Design Excellence Panel reviewed the following pre-DA drawings (83/2021/PRE):

The Greens Stage 1, February 2021, by The Greens Architecture and Urban Design.

The Greens Stage 01 DEP, March 10 2021, by The Greens Architecture and Urban Design.

The Design Excellence Panel subsequently reviewed the following drawings which were provided for the 09 June 2021 meeting:

Building B Stamped Plans, 14/04/2021, by Smart Design Studio
Building C Stamped Plans, 14/04/2021, by Bates Smart Pty Ltd
Landscape & Public Domain Report, 15/04/2021, by ASPECT Studios
Landscape Plans, 14/04/2021, by ASPECT Studios
Pedestrian Wind Environment Statement, 16/04/2021, by Windtech
Stage 1 Set of Plans, 16/04/2021, by Smart Design Studio
Statement of Environmental Effects, 16/04/2021, by Calibre Professional Services Pty Ltd
Urban Design Principles, 24/05/2021, by Terroir Pty Ltd

BACKGROUND

The development application is located within the Norwest Business park precinct in Baulkham Hills. The applicant previously presented a pre-DA for a portion of Lot 2107-DP1216268 to the Design Excellence Panel on 10 March 2021.

PANEL COMMENTS

The previous Panel report identified a wide range of design quality issues in relation to urban structure, site planning, contextual fit, sustainability, pedestrian circulation, accessibility, built form, amenity, landscape, communal open space provision and aesthetics, a number of which have been addressed in the amended scheme. The overarching issue relating to the precinct structure has not yet been resolved and the Panel expressed disappointment that no presentation was made by the urban designer.

For clarity, the following comments include the Panel's comments from the previous report dated 10 March 2021, (*repeated below in italics*). New comments do not necessarily supersede previous advice and as such should be read in conjunction with the previous DEP report/minutes. New comments from the meeting on 9 June 2021 are provided in [blue text](#).

The Panel thanks the applicant for presenting this Pre-DA submission, as it offers an opportunity to discuss design principles and planning strategies prior to undertaking the preparation of a full DA submission.

The Greens is a large and very significant project comprising nine "residential flat buildings in a landscaped parkland setting", as described in the Norwest DCP Part 3.2.1 - Desired Future Character Statement. The Panel understands that the project is intended to be delivered over three stages.

As a general comment, the final Masterplan outcome for the entire site appears to not yet be determined given the proposal deviates from the previously agreed outcomes for the site as depicted within the DCP (in particular, Appendix 1 – "East Precinct Building Layout Plan" and "East Precinct Common Open Space Plan"). There are a range of higher-level site planning issues that should be resolved in order to allow for more meaningful discussion on the detailed architecture of individual buildings.

The Panel notes that there was insufficient time at the meeting given the complexity of the project and recommends that the applicant prepare separate design excellence panel presentations focussed more specifically on key elements (firstly, the overall masterplan, followed by the individual buildings and their respective public domains).

Context / Character

1. *In order to achieve design excellence across the site, the Panel considers there would be significant value to the preparation of a masterplan that addresses:*
 - *A well-considered, holistic and realisable vision for the place. The Panel acknowledges the DCP objective for this site, which aims to deliver nine residential apartment towers of different designs in a landscape setting. However, the Panel would like further demonstration of how this approach will create an exemplary place-making outcome and in addition to the key outcomes articulated within Council's DCP, the Panel would like to see this project defined not by a cluster of tall object buildings, but rather by a creation of genuinely diverse contemporary*

living choices, easy access to amenities and services and a distinctive, rich, well-connected and green public domain.

New Comment: The Panel acknowledges that additional urban design-related information has been provided in the Urban Design Report provided, however it is indicative / diagrammatic and the above previous Panel comments generally remain relevant. The Panel welcome the opportunity to receive a further presentation from the applicant's Urban Designer on this matter, as discussed during the meeting.

- *Consideration should be given to further contemporary urban place making for this entire site, having regard to:*
 - *a high-quality network of connected public spaces,*
 - *a finer grain of permeability and improved access across the site for pedestrians,*
 - *a greater diversity of residential building typologies beyond apartments,*
 - *a greater variety of building heights and scales, and*
 - *greater architectural diversity.*

New Comment: The above advice remains relevant. Refer to:

- **GANSW Better Placed** – seven design objectives, in particular Objective 1. Better fit <https://www.governmentarchitect.nsw.gov.au/policies/better-placed>
 - **Apartment Design Guide**
 - part 1B Local character and context
 - part 1C Precincts and individual sites<https://www.planning.nsw.gov.au/apartmentdesignguide>
- *It is noted that some lower elements beginning to define and shape the public realm are indicated in the pre-DA Stage 1 submission, however these deviate from the previously agreed outcomes articulated within the DCP and an approach to the public realm should firstly be embedded in a holistic site masterplan.*

New Comment: As above.

- *Built form at different scales should create the spatial framework for the open space network across the site, which should be generously landscaped, accessible, responsive to the local climate, and safe for all users and residents.*

New Comment: The above comment remains relevant. The urban design vision and principles for this significant project should be presented to the Panel by its authors.

2. *The Panel does not generally endorse encroachments into established setbacks. This includes underground basement car parking services, loading docks and services such as OSD tanks. The aim is to create a generous deep soil perimeter that enables provision of tall canopy trees and generous landscape elements. The existing and desired future character of the Norwest business park and the Hills Shire generally is one of buildings in a garden landscape setting, which is also consistent with the strategic direction of the Greater Sydney Regional Plan City in a landscape.*

New Comment: The above comment remains relevant. The current development proposal as presented to the Panel restricts all deep soil provision to within street setback zones. Deep soil is essential to mitigate urban heat, support the sites natural hydrology, and to provide a suitable growing environment for tall canopy trees. Reduction in street setbacks, if and when considered reasonable for site planning reasons, does not automatically infer a commensurate reduction in deep soil provision. In such circumstances the reduction in deep soil area within the setback zone would need to be compensated for elsewhere within the site.

The Panel continues to advise that due to the lack of a holistic masterplan for the site (Lot 2107, DP1216268), any encroachment into street setbacks is not warranted on a merits basis, and this is further exacerbated by the lack of any provision for deep soil zones between this site and future stages to the north of this stage.

Some reduction in the street setback to Natura Rise may be reasonable, however this can only be considered in the context of a wider, agreed approach to deep soil provisions across the entire site as noted above. At present the eastern boundary of this stage is proposing a zero setback to the carparking basement.

Urban Structure

3. *As noted above, the overall urban structure of the development does not yet appear to be adequately resolved or documented to a level where the Panel is able to offer its support to the project. The diagrams suggest a relatively impermeable approach to the site with minimum cross-site connectivity, which is contrary to the objectives and outcomes for the site articulated through the previous planning proposal and reflected in the DCP. As currently presented, there is a risk that this development may be delivered as an island site that ultimately creates a gated private community. Such an outcome would be inconsistent with transit orientated development principles and contemporary urban design practice.*

New Comment: The above comment remains relevant. The Panel recommends that the applicant commit to, or resolve, the site's overall urban and open space structure, which is an essential process for surety of high-quality place-making outcomes.

4. *The Panel recommends the following:*

- *Review the design principles of TOD development (being the basis for the site development density uplift), and demonstrate how these principles are to be integrated into the overall structure of the precinct.*

Not addressed

- *Investigate other housing typologies beyond towers, to create a variety of scales and building types across the site. Consider terrace dwellings at street and public domain interfaces to assist in resolving the site levels.*

Not addressed

- *Prepare a ground plane drawing for the entire site that establishes a clear and legible framework of built form and its relationships with the public/communal/private spatial network.*

Not addressed

- *A landscape plan be prepared describing the design approach to each public space within the site and its curtilage.*

Partially addressed. Landscape plans prepared for Stage 1 only.

- *At key cross-site locations, illustrate cross-site pedestrian movements and connectivity with adjacent and wider parts of the Norwest precinct.*

Not addressed

- *Consider an open space program across the site to cater for all users, including families with young children.*

Partially addressed. Addressed for Stage 1 only

- *Indicate where ADG compliant communal open space provisions for each residential tower are to be provided.*

Not addressed – Required on site per development block

Consider a design approach to building and open space design that mitigates the hotter climate of north-west Sydney in summer.

Partially addressed. The Panel supports the façade elements, material selection and climate initiatives adopted in Building B and C (including the vertical landscaping) and the landscape initiatives and elements associated with cooling and shade. The water play associated with the Wild Green will be a positive inclusion. Further refinement is recommended to increase canopy cover and improve the site microclimate conditions

Consider the impact of urban heat generation and demonstrate how this is to be addressed.

Partially addressed – Further refinement recommended. The Landscape proposal includes trees at the perimeter, although the ability to have a continuous canopy is compromised by easements (as in Spurway Drive) and extensive driveways (Solent Circuit). The Panel notes that the DCP landscape requirement has not been fulfilled and the quantum of paving at the base of Building B (western pathway at base of building and area in the vicinity of the building entry to the south) appears to be unnecessarily extensive. The Panel recommends that the subject paving areas be reduced and reconfigured and that where possible, dimensions of walkways and driveways be kept to an optimum in order that the shade potential and soft landscape component is increased. Additional shade trees should also be considered at the edge of the square to the east of Building B.

- *Demonstrate how the public areas are to be designed for best environmental practice including WSUD, solar access, universal access, shade and wind protection and use of sustainable materials.*

Partially addressed.

- *Clearly differentiate soft landscaping provision from turfed areas and hardscape on the drawings.*

Partially Addressed, as per Landscape Report for Stage 1 only.

- *Provide accurate renderings of public areas within and adjacent to the site. All perspectives should be illustrated from the viewpoint of a pedestrian.*

Partially Addressed, as per Landscape Report for Stage 1 only.

Note: The following comments respond to more detailed aspects of the submitted Stage 1 documents.

Note: The Panel maintains that a detailed master plan for the entire site should be provided to Council officers satisfaction before returning to the Panel for further discussion.

Urban Grain

5. *The Panel acknowledges that whilst the primary built form is free-standing residential towers, the response to DCP urban grain and diversity objectives have yet to be presented. The documentation (and ideally, a site Masterplan) should address how the DCP principles are to be realised.*

New Comments: The above comment remains relevant. Whilst the Panel accepts in principle the architectural/aesthetic propositions for the two free-standing tower elements, the resolution of site planning at ground plane level may effect changes to the built form, in that successful contemporary place-making needs to resolve issues of human scale, place making and environmental amenity, including wind protection.

Density, Mix and Building Program

6. *FSR is a theoretical maximum capacity, rather than an entitlement and justification for breaching of other development standards (such as encroachment into site setbacks).*

New Comment: The above comment remains relevant.

7. *The proposed Stage 1 building program of non-residential uses is seemingly inconsistent with the zoning. Although the Panel acknowledges in principle the merits of these uses, this is a land use planning matter that must first be resolved with Council staff.*

New Comment: The above comment remains relevant.

8. *The application for increased height and FSR as a function of electing to satisfy the requirements of CI 7.11 of LEP 2019 is to be confirmed with and demonstrated to the planning officer.*

New Comment: The above comment remains relevant.

9. *Communal open space provisions for residents are not yet adequately described within the documentation. The Panel recommends that compliance should be required for each individual building, without reliance on averages across stages or the entire site (especially in the absence of a holistic Masterplan and/or Concept DA for the site).*

New Comment: The above comment remains relevant. Provision of compliant communal open space for residents is essential, however the current proposal does not appear to meet the objectives of the design criteria within the ADG. The area and amenity of required communal open space is to be provided for each building. Without the benefit of a holistic masterplan for the site, reliance on outcomes beyond the scope of this DA in order to meet criteria and standards is not supported.

10. *The residential density and GFA of the development should be confirmed with Council's DA officer prior to DA submission.*

New Comment: The above comment remains relevant.

Height and Massing

11. *It is noted that the Stage 1 built form as presented locates building footprints with less separation than previously shown in the planning proposal and DCP. The tower element separation of Building B and Building C is indicated at 31.8m on the plans. This exceeds the 26m nominated in the planning proposal and is improved by the towers being relatively positioned to avoid direct adjacency in order to improve outlook and privacy. However, the buildings are separated by 10.7m at podium level where the adjacent uses are non-residential. It is noted that one retail space has its sole frontage to the staircase up to the plaza.*

New Comment: A site plan should be prepared for this stage, including site dimensions and area that demonstrates compliance with the prescribed 30% maximum site coverage. Without the benefit of a holistic masterplan for the site, reliance on outcomes beyond the scope of this DA in order to meet criteria and standards is not supported.

12. *Wind impacts on open spaces should be identified and resolved prior to the DA submission.*

New Comment: The above comment remains relevant. This was mentioned in the meeting but not explained in detail. Design changes necessary to mitigate wind impacts should be incorporated into the proposal documents prior to the next meeting.

Apartment Mix and Size

13. *The applicant should provide complete/fully compliant apartment mix schedules to Council Planning Officers requirements prior to the DA presentation to the DEP.*

New Comment: The above comment remains relevant.

Landscape Design

Site Coverage/ Landscaped Open Space

14. *The Panel is concerned that the entire site may eventually be covered with a single basement (excluding the required deep soil perimeter set back zones. This stands in contrast to the provided renderings and submitted diagrams, which clearly indicate a paradigm of towers set in a generous, treed landscape.*

New Comment: Apart from planting in the natural ground levels adjacent to the three surrounding streets, the Panel notes that the proposed landscaping is generally achieved by building up the soil levels on slab. Whilst the Panel accepts this approach for the active play garden in Stage 1, there is concern that a single basement will compromise landscape opportunities and create adverse environmental impacts in relation to groundwater flows. The Panel recommends contiguous areas of deep soil be provided in between the basement car parks of the separate stages.

15. *The size of this site warrants genuine deep soil zones beyond the perimeter, and it is strongly recommended that the site is treated as three discreet development zones aligned to proposed staging, with substantial deep soil provided between Stages 1 and 2, and Stages 2 and 3 where cross site pedestrian connections are likely to occur.*

New Comment: In the absence of a precinct-wide masterplan, this comment remains relevant.

16. *Clarity is required as to intent of site coverage within the recommended masterplan as it is unclear if the proposal will be in excess of the DCP control. As the staged sites exceed 1500 sqm in area, a minimum of 15% of each site area is required to be unencumbered deep soil in accordance with ADG guidelines.*

New Comment: The above comments remain relevant.

17. *Final site coverage and landscaped open space, communal open space and deep soil zone provisions should be provided to the Council's Landscape and DA Officers. It is recommended that clear diagrams be provided to clearly demonstrate where these areas are located. The minimum requirements in the ADG (eg 6m width and no paving or structures being present) should be adhered to with regards to calculating the deep soil zone.*

New Comment: Diagrams illustrating the site coverage, landscaped open space, communal open space and deep soil zone provisions are provided in the Landscape report. The Panel notes the electrical easement along Spurway Street may remove that portion of the setback from ADG calculations.

18. *Details should be provided to show how trees can be established and thrive above the extensive slabs.*

New Comment: Cross sections, general soil depths and typical details are provided in the Landscape Report to illustrate the above. Whilst the Panel is generally satisfied with the approach, further refinement of the details is required and the cross sections should be dimensioned.

The Panel notes that in general, singular trees in elevated planter pots are not acceptable unless integrated with seating and attendant landscaping, and deep soil provision should be provided by dropping the slab or the removal of car spaces below the tree location.

Public Domain

19. *The Public domain is unclear and requires further explanation. The relationship between the square and the continuity of the public domain to the east is not shown. It is not clear how future pathways, levels, and communal open spaces will be integrated to create the contiguous 'green spine' in the Planning Proposal.*

New Comment: The above comments remain relevant. The Landscape Report provides comprehensive information on Stage 1 but remains deficient on the integration with future stages.

20. *The Panel recommends the provision of a comprehensive public domain plan which illustrates accessible paths of travel and a series of clearly cross-referenced sections to explain level changes at the next Panel meeting. An appropriate planting palette and the landscape character of each of the perimeter landscaped spaces should also be more clearly defined.*

New Comment: Notwithstanding the issue of the site setbacks, the Panel is generally supportive of the public domain and landscape principles, planting palette and landscape character outlined in the Stage 1 Landscape Plans and report.

Whilst outside the site boundary, the Council land at the junction of Spurway Drive and Natura Rise could be integrated into the overall public domain experience as a little gateway park with seating.

It is recommended that tall, open canopy Eucalypts be included in the landscaped setback along Natura Rise to provide scale and partial screening to Building B.

Pedestrian crossings should be shown at intersections including consideration of mid-block crossings along Solent Circuit and Spurway Drive (subject to traffic safety assessments).

21. *The Panel is interested in the public domain interface with the podiums. Significant elevation changes are apparent but were not clearly illustrated. The Panel recommends a series of cross site sections cross referenced in plan per standard drawing convention to clearly explain the design intent.*

New Comment: Cross sections have been provided but would be more useful if more dimensions relating to soil depths are provided. Details relating to the landscape transition, elevated walkway and stairs in the east boundary remain vague and further information is required to satisfy the Panel's ongoing concerns relating to landscape and public domain integration with future stages.

22. *A way-finding CPTED compliance strategy should be included in the masterplan.*

New Comment: The above comment remains relevant.

Private Domain

23. *The landscape drawings provided presented minimal landscape provision for private use by residents within the proposed development.*

New Comment: The podium level communal open space provisions in each building remain limited, especially in relation to soft surfaces and grassed areas for relaxation. Without the benefit of a precinct-wide landscape masterplan, it is difficult for the Panel to ascertain the adequacy and full merit of the private landscape provisions for Stage 1.

24. *The Panel noted useability of external balconies to apartments with regards to furniture placement and constructability/cleaning of sharp/acute angles.*

New Comment: The Panel was shown built examples of similar balcony designs for Building B in inner Sydney and accepts the amenity and flexibility that could be offered by the design.

Streetscape

25. *The Panel notes the setback encroachment - refer to previous comments on this matter.*

New Comment: The above comment remains relevant.

26. *Main entries should be visible from the street with clear sight lines between the foyer and external public domain areas.*

New Comment: Generally satisfactory although concern was raised regarding the visibility and access to the public lift in Building C.

27. *The streetscapes in the reference images provided have a distinctly urban character. As mentioned, a softer and more verdant approach in keeping with the Hills' "city in a garden" vision is recommended.*

New Comment: The Wild Green is an improvement; however the above comment remains relevant, especially in the visually prominent south west corner of the site which should have a more relaxed residential and less civic character.

28. *The location of services that typically occur in the street setbacks should be carefully located and designed to minimise visual impact. Locations and screening details should be included in the DA documentation to DA officer's satisfaction and notated in the DEP DA submission. Refer to council fact sheet:*

www.thehills.nsw.gov.au/files/sharedassets/public/ecm-website-documents/page-documents/fact-sheets-guides/fact-sheet-building-design-site-facilities-services.pdf

SEPP 65 items to be clarified or revised

29. *SEPP 65 was not discussed in detail at the meeting. However, as this is a large vacant site located in outer metropolitan Sydney, compliance with SEPP 65 and the ADG is considered a minimum standard guideline, and does not in itself satisfy design excellence.*

New Comment: The above comment remains generally relevant, noting that further detail was provided by the architects in the updated submission provided for the meeting.

30. *Council will require that compliant ADG and public open space solar access design criteria be satisfied for each individual development residential block, irrespective of whether it shares a common basement with another building.*

New Comment: The above comment remains relevant. Note: SEPP65 defines individual development blocks as separate buildings. Compliance with solar access, natural cross ventilation and communal open space provisions are to be achieved for each building block and not averaged across building blocks.

31. *Natural cross ventilation that relies on engineered solutions to achieve compliance is not deemed to meet the ADG natural cross ventilation criteria.*

New Comment: The above comment remains relevant – refer to ADG 4B Natural Ventilation for methodology, also confirm only floors up to level nine are included in cross ventilation calculations.

Sustainability and Environmental Amenities

32. *A statement regarding urban resilience and how urban heat gain will be minimised as a consequence of developing a greenfield site should be provided.*

New Comment: The above comment remains relevant. The ground plane appears to be largely paved in lieu of a soft landscape outcome as required by the DCP. Closer alignment with the DCP controls is recommended.

33. *Compliance with ADG sustainability design criteria must be achieved.*

New Comment: The above comment remains relevant.

34. *A well-considered application of passive solar design principles was evident in both presentations and in the design of the building plans and facades. This was evident in both architectural presentations, and should be further demonstrated in the DA design report.*

New Comment: The above comment remains relevant. This was presented to the Panel's satisfaction. The Panel recommends the screening fenestration to Building C be provided with details and conditioned.

35. *The Panel recommends careful consideration of shade provision in all open spaces and adjacent to footpaths, including generous street tree planting.*

New Comment: The above comment remains relevant.

PANEL CONCLUSION

The Panel appreciates the opportunity to provide input into the design of the scheme at this early stage in its design evolution. As described in the report, it is recommended that a comprehensive masterplan responding to the commentary provided be prepared for presentation to Council and DEP prior to ongoing design development of the individual tower structures. It would be beneficial for the overall site masterplan and individual buildings and their landscape setting to be progressively reviewed at separate Panel meetings due to the size and complexity of this overall project.

The Panel is of the view that the proposal, in its current form, is yet to fulfil the requirements of design excellence. It is recommended that the applicant revise the proposal to address the issues identified in this report and present a revised proposal to the Panel.

New Comment: The Panel notes that the Landscape Report, Urban Design Report and design adjustments to both Buildings are an improvement on the previous plans, as detailed through this report. However, in the absence of a comprehensive, precinct-wide concept masterplan showing more detail on the updated built form, public domain and open space provisions, the Panel's consideration of the proposal and conclusion remains generally consistent with that from the previous meeting and it is recommended that the remaining comments within this report be addressed.

ATTACHMENT 17 – APPLICANT’S RESPONSE TO DESIGN EXCELLENCE PANEL MEETING REPORT

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Our Ref: 20-000717

8 October 2021

Cynthia Dugan
Principal Coordinator Development Assessment
The Hills Shire Council
PO Box 7064
Norwest NSW 2153

Attention: Cynthia Dugan

Dear Cynthia

Response to Design Excellence Panel Minutes from 20 August 2021 Meeting

Reference is made to the latest Design Excellence Panel meeting held on 20 August 2021 in relation to DA 1541/2021/JP.

This letter provides a response to the Design Excellence Panel meeting minutes provided on 13 September 2021 in relation to the last meeting and is supplementary to Council's RFI dated 27 August 2021.

It is noted that a comprehensive response has been provided with the response to Council's RFI in relation to these DEP comments, which should take precedence over the comments provided below. This letter is provided to ensure completeness.

1. Overall Precinct Masterplan

- *The Panel previously recommended that "a comprehensive masterplan responding to the commentary provided be prepared for presentation to Council and DEP prior to ongoing design development of the individual tower structures. It would be beneficial for the overall site masterplan and individual buildings and their landscape setting to be progressively reviewed at separate Panel meetings due to the size and complexity of this overall project".*

The Panel noted that a comprehensive masterplan was not undertaken for Lot 2107-DP1216268 as recommended and the precinct structure remains unresolved. While it is acknowledged that an overall masterplan is not a requirement for the Development Application, given the size and scale of the development, preparation of a masterplan is considered best practice and would likely resolve a number of outstanding issues with respect to Design Excellence.

The presentation provided by the Urban Designer did not include any material additional information to that previously presented to the Panel. The Urban Designer noted that the Applicant team had been concerned with addressing the spatial relationships and urban design considerations between the two development blocks that comprise DA 1541/2021/JP. With respect to site planning, the Applicant also noted that consideration of future cross site links within Lot 2107-DP1216268 adjacent to DA 1541/2021/JP alongside the western boundary had been discussed with the Design team.

Comment: The applicant appreciates and acknowledges the DEP comments, however as discussed in the response to Council's RFI, the proposed development is Stage 1 and clause 7.7 design excellence relates to development, and does not give rise for commentary on a masterplan for the remainder of the site.

The Panel has stated that "while it is acknowledged that an overall masterplan is not a required for the Development Application, given the size and scale of the development, preparation of a masterplan is considered best practice and would likely resolve a number of outstanding issues with respect to Design Excellence".

It is noted that as demonstrated in the RFI response, the design excellence clause relates to the proposed development at hand, and there are no matters for consideration in clause 7.7 that should be relevant for a concept masterplan (under section 4.22 of Act) to be provided as a pre-requisite to satisfy the design excellence clause.

Stage 1 forms the first stage of the development as a mixed use development, in close proximity to Norwest Metro Station and Norwest Marketown. It includes well-designed residential apartments and supporting conveniences and services for future residents in the site and surrounding sites. Terroir have been engaged early on in the process to undertake urban design studies of the whole site and begin with undertaking an in-depth analysis to devise optimal built form arrangement that is considerate of a number of factors.

The response to the RFI demonstrates the thinking and design intent behind the proposed development under DA 1541/2021/JP.

Submitted with the RFI response is an urban design document which outlines the rationale for progressing with the remainder of the development. This shows how the applicant intends to still remain true to the intent of the planning proposal which was for an expansive ground plane and highly embellished with soft landscaping including a large open space in the middle of the site.

Future stages will propose further built form and landscaping within the remainder of the site in line with this vision. As stated in the RFI response, any future DAs will have regard to previous stages (as future stages will have to tie in with previous development approved and address residential amenity between stages / buildings), and the vision and key objectives of the DCP adopted for the Eastern Precinct.

- *It is the Panel's view that the current DCP is not an appropriate substitute for a masterplan. Master planning would result in a number of benefits through resolving site planning and public domain issues prior to the documentation of individual buildings or development sites. In contrast to the Applicant's position that a master plan is too rigid and unable to respond to the market, the Panel's view is that a well-designed masterplan is dynamic and would allow for changes to occur.*

The Panel also notes the Applicant's reliance on the DCP in satisfaction of the masterplan is at odds with the approach demonstrated in the current proposal which seeks to deviate from the DCP controls with respect to building envelope arrangement and siting, street setbacks, site coverage, landscaped area and the provision of communal open space at the ground plane. These are all planning issues that will need to be considered by the Development Assessment Officer.

Comment: The DCP controls have been discussed in great detail in the RFI response. The proposed building form and arrangement, setbacks and landscaped area has also been extensively discussed in the RFI response, which would provide clarity for the Panel. It is considered that the relevant planning issues for the development assessment of this application has been adequately addressed in the RFI response.

The RFI response has also outlined the reasons why a concept masterplan is not suitable particularly if developing the site long term. The RFI response has also outlined that this site has been subject to numerous masterplanning already (under 3 separate DA approvals and the recent planning proposal to amend the LEP). There have been a number of sites approved under a concept masterplan where development of future stages has effectively stalled for a number of years i.e. AVEO site, Woolworths Campus.

As stated previously, a concept masterplan under section 4.22 of the Act should not be a pre-requisite to the development application at hand. Stage 1 is provided with the required communal open space requirements and substantial residential amenity.

- *It is acknowledged that some of the non-compliances and/or issues identified above would likely be able to be resolved within the broader site. However, with the current application, the Panel does not have any certainty that this would occur in a satisfactory manner, or in a way that would achieve design excellence. A key function of a comprehensive master plan application would be to properly demonstrate compliance, justify any non-compliance and provide certainty as to the outcomes to be delivered.*

Comment: The function of the Design Excellence Panel is to comment on the development being proposed at hand being Stage 1 - it is not to debate the certainty of future development occurring in satisfactory manner. Future development will occur in a satisfactory manner by way of future development applications having to tie up with previous development approved.

Regardless of the non-compliances that the Panel has stated, we have provided a comprehensive response to the non-compliances under Council's Development Assessment RFI. The non-compliances are a development assessment matter, and the DEP should be providing advice regard to specifics of the design excellence clause, including how it relates to the two buildings and open spaces proposed under Stage 1.

It is noted that the urban design document provided with the RFI demonstrates that future development including siting of buildings can occur in a satisfactory manner. Council is able to refer to this document in the conditions.

- *Concern is also raised given the potential for a future site subdivision (and the potential remaining portion of the lot to be on-sold) presenting a situation in which a shortfall in residential amenity for the future residents of the buildings that are proposed in the application DA 1541/2021/JP may arise.*

Comment: On-selling should not be a matter that the DEP should comment on in relation to design excellence. All development sites, whether big or small give rise to potential for a future site subdivision (if the relevant planning controls allow it). The applicant is also committed to developing the whole site as it is a long term project that the applicant has invested in time and time again since the first masterplan approval.

Regardless, there is no unacceptable shortfall in residential amenity for residents of Buildings B and C as demonstrated in the RFI response. The residential amenity for Stage 1 has been achieved on its own with regard to (but not limited to) privacy, solar access, natural ventilation, communal open space and landscaping. Given a concept masterplan was not sought, the Stage 1 DA has been set up in a way to not rely on outcomes in future development in the remainder of the site.

- *The Panel is disappointed that much of the discussion within meeting centred around non-compliance with basic controls that have been devised with the sole purpose of enabling adequate site planning, amenity and place-making. The objective of the Design Excellence Panel is to discuss design excellence, rather than engage in debate with Applicants about the appropriateness or otherwise of individual non-compliances with statutory controls (being a matter for consideration by the Development Assessment Officer).*

Comment: The response to the RFI provides clarity with regard to the site-specific development control plan which is believed to not have established adequate controls that relate / speak to the scheme which supported the planning proposal in the first instance, which is partly where the confusion lies. Regardless, the non-compliances with the statutory controls have been heavily discussed with the RFI response and it is demonstrated that there are sufficient environmental planning grounds to justify the contraventions to the ADG and DCP, which results in a better planning outcome than a strictly compliant development in the circumstances of this particular case. The proposal has substantial benefits to the local community, with all non-compliances demonstrating minimal environmental impact to the locality.

The applicant would have also appreciated if the DEP focused on design excellence discussion on the relevant development proposed at hand under DA 1541/2021/JP, including advice with regard to specifics of the two

buildings and open spaces proposed under Stage 1. However, much of the meeting minutes was focused on the masterplan or the remainder of the site, which is not a requirement to be considered under clause 7.7 design excellence nor is it a pre-requisite for the development application.

- *Notwithstanding this, there are a number of design issues that have not yet been addressed due to the persistent non-compliances that should firstly be addressed (these are discussed further within Section 2 below). It is noted that realisation of the maximum permitted FSR is not justification for non-compliance with planning controls and consideration of designing within the full suite of relevant parameters defined by the controls to arrive at the most appropriate design outcome should underpin the design methodology.*

Comment: The design issues discussed in section 2 are statutory planning / development assessment matters and not matters that require the DEP to comment on. Sufficient justification to the non-compliances has been provided in the RFI response which demonstrate that the proposed development has been well-designed.

Further, the RFI response has clarified the FSR calculation with regard to calculating in accordance with the site area definition prescribed under clause 4.4 of the LEP. In this instance, the maximum permitted FSR has not been realised.

In relation to the site area for Stage 1, the proposed total GFA has not been used as justification for non-compliance with planning controls. The design matters have been addressed in the response to the RFI, in particular refer to the discussion regarding setbacks and building separation.

The urban design document provided with the RFI response demonstrates that an appropriate design outcome would work across the remainder of the site.

- *In the absence of a masterplan that takes into consideration the current DA proposal and provides the context and framework for future development, it is difficult to assess the design excellence of the proposal in its context. The development of a large site through progressive individual Development Applications subject to construction cycles and the potential for market trends to change is not reflective of the orderly and efficient development of land, nor is it conducive to an excellent design outcome across the entire site.*

Comment: Orderly development is a development assessment matter rather than a design excellence matter to be addressed under clause 7.7. It is noted that orderly development can occur with the site. Successive DAs will need to demonstrate how it will tie in with development already approved. Further, subdivision has not been proposed with the site, however as with many sites, subdivision DAs can be submitted after built form has been approved. In the case of Stage 1, a separate subdivision application will be submitted following DA consent for DA 1541/2021/JP.

It is considered that the proposed development being Stage 1 under DA 1541/2021/JP demonstrates design excellence regardless of whether a concept masterplan is submitted or not.

It is noted that an urban design document has been submitted with the response to the RFI which demonstrates that the remainder of the site would be able to achieve an expansive ground plane, appropriate building setbacks and building separation.

2. DA 1541/2021/JP

- During the meeting, the Panel was presented with a number of design amendments undertaken by the project consultants Smart Design Studio, Bates Smart and Aspect, responding to earlier Panel comments and as part of the design development of their respective projects. These include the refinement of the balcony interfaces in Building B, improvements to the public lift location and design of the communal open space in Building C and the through site link adjacent to Building C, increased tree canopy and additional deep soil areas in the public domain.

The Panel supports these changes, all of which are improvements to the individual consultants' projects.

Comment: The applicant appreciates the DEP for considering the refinements made with regard to Buildings B and C as well as the public domain / landscape strategy. These changes have been adopted in the amended plans being formally submitted to Council.

- The Panel previously commented that 'The Panel does not generally endorse encroachments into established setbacks. This includes underground basement car parking services, loading docks and services such as OSD tanks. The aim is to create a generous deep soil perimeter that enables provision of tall canopy trees and generous landscape elements. The existing and desired future character of the Norwest business park and the Hills Shire generally is one of buildings in a garden landscape setting, which is also consistent with the strategic direction of the Greater Sydney Regional Plan, 'City in a landscape.'

Comment: The comments made in the DEP Response dated 2 August 2021 has made it very clear with regard to the deep soil as well as the character of the overall site and Stage 1 in particular. This has also been addressed in the response to planning and landscaping RFI comments.

The variation to the setbacks has been discussed in great detail in the RFI response. Whilst the basement does encroach into the setbacks, the objectives of the setback controls are not diminished by the proposal, and deep soil achieves 15% (with easement area excluded). Further, the OSD tank as well as the loading dock is outside of the minimum setbacks established under Table 3 of the DCP.

As stated in the response to the RFI, it is considered that the proposal has demonstrated a well-designed open space and landscaping on the ground level, including within the front setbacks to provide a highly desirable landscaped outcome that is appropriate within its surrounding context and for a transit-oriented development embedded in nature. The overall landscaping strategy has been designed with understanding the impact of change in density in what was a traditional suburban business park environment. The proposed development has maximised landscaping where possible and the details are in the response to the RFI. It is considered that the proposed development is consistent with the desired future character of Norwest, The Hills Shire as a 'garden shire' and a 'city in a landscape'. In addition to the landscaping on the ground plane, the proposal also provides for vertical landscaping.

- The Panel is concerned that non-compliance with statutory controls such as setbacks creates an undesirable precedent for future development throughout the Norwest Business Park. The Panel notes the function of the DCP is to set out controls that define the future character, built form and relationship with the existing context. This is an agreed context by both Council and the applicant that has resulted in the recent rezoning of the subject site and it is unclear why there are significant non-compliances with recently made controls.

Comment: Precedents have already been set within the Business Park as well as the Balmoral Road Precinct with regard to non-compliance with statutory controls. Further, as stated earlier, the DCP that was amended with the amendment to the LEP did not relate to the planning proposal at all and had inconsistencies with LEP definitions. The RFI response provides clarity on the building setbacks and demonstrates achievement of the DCP setback controls.

- If the Applicant wishes to proceed with the Development Application for a portion of Lot 2107 DP 1216268 only, in the absence of a masterplan, there are a number of outstanding design issues that remain unresolved:

- *The extent of the site subject to DA 1541/2021/JF is unclear and measured dimensions that clearly articulate the location of the eastern boundary have not been provided. This interface is subject to continuing design development however the lack of clarity with the interface condition presents difficulty in reviewing the public domain outcomes;*

Comment: The interface has been addressed in the response to Council's RFI under the planning and landscaping comments. A plan has been supplied with the amended landscape drawings which shows the final intended outcome around the interface, as well a plan showing the interim works associated with the temporary batter.

- *Site coverage is in excess of 30% which is the DCP stipulated maximum site coverage and should be revised;*

Comment: Site coverage is not in excess of 30% if measured against the Stage 1 site area of 9,450m². Refer to pg. 27 of design report of Building C.

- *Landscape coverage does not meet the required 50% as stipulated in the DCP and should be revised;*

Comment: The DCP stipulates that this site is to have 70% landscaped area. Meeting 70% landscaped area is not achievable if it were in accordance with the LEP definition of landscape area. However, when measured against the landscaped area plan which supported the planning proposal, which is where the 70% control is derived from, the proposal is in accordance with that calculation, meeting 70.1%. As discussed in the response to RFI, this control fails to control hardscape / paved surfaces, and rather is commensurate to a site coverage control. It is noted that paved surfaces have been minimised where possible without impeding on ease of pedestrian navigation or retail spill out areas, with landscaped area maximised to 32.5% in accordance with the LEP definition.

- *Natural ventilation per ADG Design criteria is not satisfied in either Building B or C. The Panel notes that during this period of lockdown as a result of the pandemic, access to natural ventilation in accordance with the minimum amenity benchmark is more critical and rightfully an expectation to attain Design Excellence, especially in the context of a large, vacant development site capable of being master planned;*

Comment: The minimum required natural ventilation has been achieved – refer to the RFI response. Further, the proposed development is designed around maximising interaction of the indoors with the outdoors and has demonstrated the provision of high residential amenity. Refer to Design Reports from both architects.

- *Solar access compliance is unclear and confirmation should be provided to the DA Officer through tables, illustrated floor plans per level and sun eye diagrams with tabulations per building not as an amalgamation of both building blocks;*

Comment: Solar access compliance has already been demonstrated, including the provision of the relevant solar access diagrams and tables in the design report. The RFI from Council did not specify that this was required to be clarified.

- *Distance separation between building blocks is not in compliance with ADG requirements. The DCP clearly characterises the site as a series of slender buildings within a landscaped setting. Insufficient building separation would appear to be contrary to this objective. It is unclear as to why adequate distance separation has not been achieved, given this is a large, vacant greenfield site with minimal constraints;*

Comment: The minor non-compliance to the building separation between Buildings B and C have been discussed in the response to the RFI. The non-compliance affects only a minor portion of the proposed development, being a small corner of both buildings in two storeys between podiums and it has been demonstrated in the response to RFI that despite the non-compliance, it still meets the objectives of the particular criteria under the ADG, with no undue impacts to the amenity of future residents within the site. The proposal is consistent with the desired future character of the Eastern Precinct as described in pg. 68-69 of the SEE.

- *The area of the site identified for deep soil is to be calculated to the Landscape Officer's satisfaction. The ADG provides clear guidelines that are expected to be followed. Underground utilities and easements for future infrastructure clearly discount a portion of the site from being included in the deep soil calculation;*

Comment: Deep soil has been addressed with the response table dated 2 August 2021 to the previous DEP meeting minutes of 6 June 2021. The proposal provides 15% deep soil (excluding northern boundary easement) which exceeds the ADG requirements.

- *The setbacks are not compliant with the DCP controls (per DA officer advice):*
 - o *Setback to Solent Circuit – 10 metres required / 6.4 metres proposed;*
 - o *Setback to Spurway Drive - 14 metres required / 6 metres proposed;*
 - o *Setback to Natura Rise – 12 metres required / 8.8 metres proposed.*

The Panel notes that the DCP has been made recently in consultation with the applicant and endorsed by Council. The DCP clearly sets out the setback requirements and the applicant has not provided any merit based justification as to why the required setbacks are not being provided. In contrast, the Panel was advised by the Applicant during the meeting that the proposal does comply with the required setback distances however this was not demonstrated and is contrary to the findings of the Development Assessment Officer.

Comment: It is noted that the applicable minimum setback to Natura Rise has already been clarified. The minimum setback for Natura Rise is 8m as identified in Table 3 of the DCP. Building B is setback a minimum of 8.8m to Natura Rise.

With regard to the other setbacks, the non-compliances have been extensively discussed under the response to the RFI, with merit based justification. The response has demonstrate that despite the non-compliances to the setbacks, the proposal is still considerably within the public interest, with no significant benefits in maintaining the setback standard. It is believed that the flexible application of this clause as allowed under the DCP setback performance criteria will enable a better planning outcome to be achieved for this site that will not generate any unreasonable environmental impacts.

- *It is unclear whether the communal open space requirements are met. The numerical compliance is a matter for the DA Officer however the Panel is not satisfied that the communal open space provision for the residents of both Buildings B & C are being met. The experience of the Pandemic, with lengthy periods of lockdown, clearly demonstrates the need for the communal open space provisions of the ADG to be met. The applicant has not demonstrated that this design criteria can be satisfied in the context of the individual site subject to this DA application.*

The Panel re-iterates previous advice that the ADG sets out the minimum criteria for residential flat buildings, and there is no legitimate reason why these cannot be achieved or exceeded on greenfield sites in the Norwest Town Centre East Precinct.

Comment: As stated in the DEP response table dated 2 August, the SEE and the response to RFI, the communal open space proposed meets the ADG required percentage. Residents of both Buildings B and C will have access to each other's communal open space on the podium as well as be provided with high quality communal open space on the ground plane.

- **PANEL CONCLUSION**

The Panel previously concluded that "The Panel is of the view that the proposal, in its current form, is yet to fulfil the requirements of design excellence. It is recommended that the applicant revise the proposal to address the issues identified in this report and present a revised proposal to the Panel."

The Panel's conclusion remains that the proposal, in its current form, does not demonstrate design excellence. In particular, the Application has not demonstrated that the form, arrangement and external appearance of the

development will improve the quality and amenity of the public domain or that the following matters have been satisfactorily addressed:

- 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, bulk, massing and modulation of buildings,
- environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
- the achievement of the principles of ecologically sustainable development,
- the impact on, and any proposed improvements to, the public domain, and
- the configuration and design of public access areas, recreation areas and communal open space on the site and whether that design incorporates exemplary and innovative treatments.

The Panel has previously provided extensive advice and recommendations to the Applicant. Unless these are meaningfully and substantially acted upon, it is considered that there is limited value in the Panel again considering this proposal.

As advised during the Panel meeting, the Panel does not 'approve' or 'endorse' proposals. Rather, the Panel is advisory only, with a primary focus on design excellence (urban design, landscape character and built form design quality). An applicant may elect to proceed with the DA application process without a further Panel meeting and the comments provided by the Panel to date would be considered by the consent authority when determining whether the proposal exhibits design excellence under Clause 7.7 of LEP 2019.

Comment: Despite the DEP's comments, it is considered that the proposal does demonstrate design excellence, in accordance with clause 7.7(4), namely the following:

b) whether the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain,

The proposed development's form, arrangement and external appearance will significantly improve the quality and amenity of the public domain. The proposed development appropriately responds to the shape of the site and ensures that an activated public domain through the provision of retail edges around the buildings proposed. Habitable rooms overlooking the public domain have been maximised to promote natural surveillance. The proposed development has ensured that no space on the public domain is left unused to promote optimum levels of activity and engagement with the ground plane. The proposed built form is believed to be appropriate for the future and existing Solent Circuit, Natura Rise and Spurway Drive streetscapes.

Further, the below was provided in the Statement of Environmental Effects.

"The siting and massing of the proposal was determined by investigating the street character, adjoining development (existing and future) for overshadowing and privacy, level changes within the site, north facing elements for maximising solar access, wind conditions for increased comfort, any potential conflicts in vehicular access with adjoining sites, and key views. Buildings B and C frame the main publicly accessible area to the north-east of the Stage 1 site. This area is highly protected from winds, noise from traffic on Solent Circuit and Norwest Boulevard and is provided with significant solar access due to its north-facing position.

Further, the proposal is appropriate in its setting fronting Solent Circuit, Natura Rise and Spurway Drive, with the appropriate setbacks provided to enable the provision of a pleasantly shaded and green environment for pedestrians, evidenced by the lush setback buffer planting. The facades of Building C are also lined with soft landscaping including planter boxes on balconies and a green facade, softening the external appearance of the building and contributing to the overall 'Naturehood' experience for residents and visitors of The Greens.

The arrangement of the buildings and landscaping to the publicly accessible ground plane has resulted in extensive cross-site permeability for pedestrians, whilst not interfering on the provision of ample soft landscaping and the delivery of a varied space to accommodate a range of activities for passive and active recreation.

Overall, the form, arrangement and external appearance of the development have been integrated to achieve a high level of engagement with the landscaped outdoors and the public domain."

f) how the development addresses the following matters

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

The relationship between the urban form, building separation and setbacks have been discussed in the response to the RFI to promote an engaged and high-quality public domain without impact to residential amenity within and on neighbouring properties or pedestrian amenity on the ground plane. The proposed built form has been demonstrated to be compatible with the existing streetscape.

Building separation between Buildings B and C have been designed to facilitate a sense of arrival for pedestrians, through the reveal of the main publicly accessible area when approaching from Solent Circuit. Building B provides a consistent street wall along Natura Rise that is in line with the adjacent building opposite Natura Rise (Haven at 38 Solent Circuit). Solent Circuit is also provided with a consistent street wall via the podium for pedestrians walking along Solent Circuit, ensuring that there is a human-scaled edge and activated edges to draw in pedestrians. Setbacks on Solent Circuit and Spurway Drive are compatible with existing development that surrounds the site. All buildings proposed provide appropriate separation with existing development to the north, west and south of the development, with no unacceptable privacy or overshadowing impacts.

Overall, the relationship with the existing and proposed development has been well-considered.

Whilst the clause does not apply to future development within the site, it is noted that it has been demonstrated in the RFI response that future development will still be able to occur in a manner that allows for appropriate siting of buildings within the site.

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

The Statement of Environmental Effects have provided a substantial response to this on pgs (58-59), particularly with regard to sustainable design (also refer to ESD Statement supporting the DA).

There are no adverse overshadowing impacts to within and to the surrounding properties, particularly to any communal open space as discussed within the RFI response.

A pedestrian wind environment statement also accompanies this DA which recommends wind mitigation measures. It is noted that the proposed development has been further enhanced following wind advice. The result includes some re-configured balconies to Building C and additional screening measures including providing additional landscaping treatment to the ground plane.

With regard to reflectivity, glazing has remained minimal and is substantially reduced in comparison to that shown to the buildings in the scheme which supported the planning proposal.

viii. the achievement of the principles of ecologically sustainable development,

Council has the following principles of ecologically sustainable development. The proposal meets these objectives as outlined below.

- a. *ESD 1 – To apply the precautionary principle where development is likely to cause short or long-term irreversible or serious threats to the environment.*

The precautionary principle is generally used when uncertainty exists regarding potential environmental impacts. Part A Introduction of The Hills DCP 20212 has a definition of the precautionary principle for extractive industries being:

"instances where there are threats of serious or irreversible damage, a lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation."

In this instance, there are no serious or irreversible environmental impacts perceived from the proposed development which is a mixed-use development on a site that is deemed suitable for this type of development. Therefore, the precautionary principle is not relevant to the proposed development.

- b. *ESD 2 – To allow for broad community involvement in respect to issues of concern throughout the development process*

Board community involvement in respect of this development has occurred via:

- Notification of the development during the exhibited period after the DA was lodged. Only 2 submissions were received, which raised items that can be easily addressed.
- The applicant had undertaken their own community engagement program prior to the DA submission. The applicant had facilitated a workshop informing interested residents from neighbouring residential flat buildings of the development and gained significant insight into any key issues they had. There was also active input from these residents into shaping the proposed development.

- c. *ESD 3 – To ensure during the design, construction and operation of the development, that water is utilised efficiently and that water leaving the site is of a quality and quantity comparable to that which is received.*

Water will be utilised efficiently and any water leaving the site is of a quality and quantity comparable to that which is received. The proposal provides for the following water saving measures:

- Recycled water to provide for non-potable supply for landscape irrigation, toilet flushing and laundries.
- Recycled water to be provided to cooling towers in lieu of potable water, which has been addressed previously under separate RFI to be suitable as the treatment process is rigorous and suitable for commercial applications, including cooling towers.
- Rainwater is also collected and re-used in apartments for non-potable uses such as washing machines and toilet flushing.
- Efficient showers and tap fittings to reduce water consumption

It is noted that an ESD statement that has been prepared by the project's sustainability consultant and a stormwater management plan accompany this Development Application. The stormwater management strategy details appropriate water quality measures proposed for the treatment of stormwater.

- d. *ESD 4 – To ensure that biodiversity and the integrity of ecological processes are not compromised by the development.*

The biodiversity and integrity of ecological processes are not compromised by the development. There are no significant or threatened species within this portion of the site.

- e. *ESD 5 – To promote the following during the design, construction and operation of development*
- i. *the use of energy efficient materials and designs*
 - ii. *utilisation of renewable energy & materials; and*
 - iii. *energy efficient technology.*

The proposed development significantly promotes the use of energy efficient materials and design, utilisations of renewable energy and materials and energy efficient technology throughout the design, construction and operation of the development including but not limited to:

- high performance insulation to the walls, floors and rooves that reduces heating and cooling demands,
- high efficiency window glazing that are more energy efficiency than typical windows, preventing large amounts of heat lost through typical glazing
- optimise the amount of glazing in buildings with regard to winter heat gains, heat losses in summer, daylight and ventilation
- on-site electric vehicle charging station
- 100% renewable energy facilitated through a green power purchase agreement
- Rooftop solar panels are provided over both buildings, and as such each building can generate their own energy
- Energy efficient lighting and appliances will be provided throughout

- f. *ESD 6 – To follow the principles of the 'Waste Hierarchy' (reduce, reuse, recycle) in the use of materials and the design of waste recovery and disposal systems throughout the development process.*

Reduce, reuse and recycle is facilitated through the Construction and Operational Waste Management Plan provided with the DA. The built form has also been designed to make it easy for residents to separate and dispose of waste correctly by providing built in bin separation and a container system for the retail. Worm farms, composting or anaerobic digesters will be used to maximise potential for organic waste to be treated on site. The builder will also be contracted to ensure optimum avoidance of construction waste.

Further, the applicant has committed to designing the apartments using non-toxic materials such as red-list materials or materials containing Volatile Organic Compounds.

- g. *ESD 7 – To protect neighbourhood amenity and safety in the design and construction and operation of the development.*

The design, construction and operation of the development will be delivered in a way to protect neighbourhood amenity and safety. A preliminary construction management plan has been provided and measures have been implemented throughout the design to ensure optimum amenity and safety is achieved.

- h. *ESD 8 – To encourage the long-term economic viability and health of the community in the development process.*

The long-term economic viability and health of the community has been considered in the development process as demonstrated by the type of development proposed which includes a

range of employment generating uses and ensuring ESD principles are embedded to ensure the longevity of the development.

- i. *ESD 9 – To encourage the use of public transport, bicycles and pedestrian trips in the development and design process.*

The proposed development encourages the use of public transport and active transport through:

- The site's convenient location being serviced by frequent Norwest Metro and bus services
- Green travel plan that will be implemented which includes initiatives to encourage the use of alternative modes of transport
- The applicant has an Integrated Transport Strategy which applies to all of their developments in Norwest
- Proposal provides for bicycle parking and end of trip facilities
- Extensive cross-site connectivity with pedestrian pathways and access points to and from the site

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

The approach towards the configuration and design of public access areas, recreation areas and communal open space has been mainly driven by maximising the amount of the useable publicly accessible ground plane, solar access, deep soil and soft landscaped area, whilst ensuring their privacy and protection from noise (including from traffic) and wind. The design of these spaces has incorporated innovative and exemplary treatments with regard to planting strategy, the variety of active and passive recreational activity that can be accommodated in these spaces, as well as the use of water to cool the space. Of note, the Wild Green is an exemplary form of communal open space providing the social heart of the site, being designed for incidental nature play, allowing for moments of reveal and delight. Native planting is layered within the Wild Green to provide a deep shadow and natural cooling through evapotranspiration. A woven edge is a feature that twists and turns to shape spaces for different uses along its edge such as a seating edge, to an amphitheatre to a sand pit and then to water play, allowing for people to sit, meet, play and gather. The sand pit is fitted with a water pump to enable children and adults alike to shape their own sand creations. The small amphitheatre supports local performance, with active retail edges bringing further life and activity to the public domain. The proposal has been configured to enable residents to overlook the public spaces, enabling a high level of engagement with their community.

The RFI response provides much of the clarity sought with regard to these DEP minutes. Council are requested to rely on the response and the additional information submitted to make an appropriate assessment of DA 1541/2021/JP.

Should Council have any questions, please do not hesitate to contact the undersigned or Tom Foster at 8808 5000.

Yours faithfully

Calibre Professional Services Pty Ltd



Peter Lee
Planning Manager

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Item	DEP Comments	Response
1.	<p><i>In order to achieve design excellence across the site, the Panel considers there would be significant value to the preparation of a masterplan that addresses:</i></p> <ul style="list-style-type: none"> <i>A well-considered, holistic and realisable vision for the place. The Panel acknowledges the DCP objective for this site, which aims to deliver nine residential apartment towers of different designs in a landscape setting. However, the Panel would like further demonstration of how this approach will create an exemplary place-making outcome and in addition to the key outcomes articulated within Council's DCP, the Panel would like to see this project defined not by a cluster of tall object buildings, but rather by a creation of genuinely diverse contemporary living choices, easy access to amenities and services and a distinctive, rich, well-connected and green public domain.</i> <p>New Comment: The Panel acknowledges that additional urban design-related information has been provided in the Urban Design Report provided, however it is indicative / diagrammatic and the above previous Panel comments generally remain relevant. The Panel welcome the opportunity to receive a further presentation from the applicant's Urban Designer on this matter, as discussed during the meeting.</p>	<p>The foundation for the "creation of genuinely diverse contemporary living choices, easy access to amenities and services and a distinctive, rich, well-connected and green public domain" has been a focus of Mulpha's vision for The Greens as documented by The Planning Proposal and supported Council's LEP and DCP amendments for the site. These amendments capture not only the strategic thinking behind Council's Hills Corridor Strategy but see the Norwest developing into the key strategic centre as envisioned by State Planning directions and benefits in delivering opportunities for residents to live and work close to transport, connected to jobs and services.</p> <p>The design of the Stage 1 Development Application builds upon, refines and improves on what was originally envisioned under the Planning Proposal and site guidance contained in the DCP through a strong focus on design excellence. The siting of the development generally remains the same adhering to development of tall slender towers maximising the ground level landscaped, connected open space, exemplary public domain, amenity and services which will produce a vibrant and safe communal space for the public.</p> <p>This can be clearly seen with what Stage 1 is proposing by the quality of the ground plane, ensuring that it is activated with a range of activities accommodated within the site to be enjoyed by the public.</p> <p>Council's LEP and adopted DCP designates the East Precinct for high rise development as part of the larger Norwest Town Centre Residential precinct which already comprises a diversity of building form and housing choice with free standing town homes, low rise residential and apartment buildings.</p> <p>Diverse contemporary living choice opportunities are available in the high rise built form of Stage 1 as demonstrated by the proposed unit layouts for each building, including a range of apartment mixes and sizes that are commensurate to improving the quality of life. The communal open spaces provided within each building also accommodate for a variety of passive and active recreation.</p> <p>Future residents will enjoy easy access to amenities and services within the site as a range of land uses are proposed. The site is also within walking distance (mere minutes) to the town centre of Norwest and access to the Metro services which link to other strategic centres within the Metro line, and future connectivity to the City and Southwest.</p> <p>Stage 1 provides a distinctive, rich, green public domain that is connected to the wider Norwest area and will be linked to future green open spaces in the remainder of the site.</p> <p>As our Urban Design presentation will show there are opportunities for refinement of the Planning Proposal and DCP as design evolves progressively responding to the uniqueness of place over the site, but keeping true to the original principles of high rise built form and landscaped open space.</p>
	<ul style="list-style-type: none"> <i>Consideration should be given to further contemporary urban place making for this entire site, having regard to:</i> <ul style="list-style-type: none"> <i>a high-quality network of connected public spaces,</i> <i>a finer grain of permeability and improved access across the site for pedestrians,</i> <i>a greater diversity of residential building typologies beyond apartments,</i> <i>a greater variety of building heights and scales, and</i> <i>greater architectural diversity.</i> 	<p>The Planning Proposal and DCP have been prepared to enable the achievement of contemporary, urban place making objectives for the entire site.</p> <p>The Stage 1 development application delivers on these contemporary urban place making objectives with a design which incorporates:-</p> <ul style="list-style-type: none"> A high quality landscaped, public and communal space supported by services and facilities activating the ground floor plane and opportunities on upper floor levels. It is noted that as per Figure 5 of the site-specific DCP, the publicly accessible open space does not continue into future stages. Publicly accessible, cross-site connectivity and permeability for residents and pedestrians is provided in Stage 1 and to be extended for resident access as intended in the Planning Proposal and Council's adopted DCP in later stages;

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	<p>New Comment: The above advice remains relevant. Refer to:</p> <ul style="list-style-type: none"> GANSW Better Placed – seven design objectives, in particular Objective 1. Better fit https://www.governmentarchitect.nsw.gov.au/policies/better-placed Apartment Design Guide o part 1B Local character and context o part 1C Precincts and individual sites https://www.planning.nsw.gov.au/apartmentdesignguide 	<ul style="list-style-type: none"> The Greens site forms part of the overall Norwest Town Centre Residential Development Area. This comprises three precincts: Western, Central and Eastern deliberately planned to provide a variety of housing built form and density commensurate with the development of Norwest as a vibrant strategic centre. The Western and Central precincts provide low rise free standing, medium density town homes and low rise apartments (or example The Lakes and Central Park). The Eastern Precinct has evolved over the years since the original DCP with the Planning Proposal that amended the site's height & FSR, and permitted additional permitted uses to accommodate higher density housing development with a range of compatible land uses to support a growing population in close proximity to the town centre services and transport. The Stage 1 development application responds to Council's adopted planning controls with proposed buildings meeting the height and scale as envisioned in Planning Proposal, Council's LEP and adopted DCP. Future building height and scale will be consistent with that indicated in the Planning Proposal, LEP and Council's DCP for the site. The proposed development sets a high standard of architectural design, materials and detailing appropriate to the building type and location as demonstrated in the architectural drawings and design report provided by Bates Smart and Smart Design Studio. The design responds to the mixed use nature of the development set adjacent to high density residential and the commercial premises in the business park. The architectural strategy, materials used and detailing responds to residential needs, workers in the area and the public who will visit the development. Stage 1 achieves architectural diversity as demonstrated with Buildings B and C. <p>Accompanying this DA are the architectural design reports at Appendix C and the landscape design report at Appendix E to demonstrate design excellence.</p> <p>Better Placed and ADG <i>"Better Placed is a policy for our collective aspirations, needs and expectations in designing NSW. It is about enhancing all aspects of our urban environments, to create better places, spaces and buildings, and thereby better cities, towns and suburbs. To achieve this, good design needs to be at the centre of all development processes from the project definition to concept design and through to construction and maintenance."</i> Better Placed, May 2017</p> <p>The Stage 1 Development Application builds upon, refines and seeks to improve on the Planning Proposal design goals and DCP and achieves by design, conformance with the seven distinct objectives in Better Placed. This is demonstrated in our SEE, Urban Design, Building reports and Landscape Design which ensures our buildings, open space and public domain remain healthy, responsive, integrated, equitable and resilient.</p> <p>With regard to Objective 1 of Better Placed & ADG Part 1B Local Character and Context, the context of this site has been briefly explored above and is elaborated in more detail in the Statement of Environmental Effects. Further, the Norwest Town Centre Residential Development DCP provides context and has been informed by the Planning Proposal which established the vision for change within this site.</p> <p>The proposal occupies a greenfield site situated in an urbanised developing strategic centre, within walking distance of Norwest Town Centre and Norwest Metro Station and is representative of a Transit-Oriented Development. Reliance on older built form and landscaping style of the Business Park and surrounds is not appropriate given the do not meet 'contemporary urban place making'.</p> <p>The Greens makes a significant contribution to maintaining the landscaped character of the area as demonstrated in the landscape and architectural plans, high proportion of open space, and by integrating landscaping both on the ground plane and built form.</p>
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	<ul style="list-style-type: none"> <i>It is noted that some lower elements beginning to define and shape the public realm are indicated in the pre-DA Stage 1 submission, however these deviate from the previously agreed outcomes articulated within the DCP and an approach to the public realm should firstly be embedded in a holistic site masterplan.</i> <p>New Comment: As above.</p>	<p>As indicated above, the Stage 1 Development Application builds upon, refines and improves on the Planning Proposal design goals and DCP by positioning the tower buildings to create a safe, protected and inviting multi-level public realm, integrated with services and amenities, with through-site connectivity and high-quality landscaped spaces. This attention to detail is demonstrated in our SEE, Urban Design, Building and Landscape Design reports. The DCP, informed by the Planning Proposal shows how these principles apply to the whole site and in this regard, the design response in the Stage 1 development Application is consistent with the DCP objectives which apply to the whole site.</p> <p>Of necessity, the shape of the public realm has undergone minor deviation in response to more detailed design to achieve the agreed DCP outcomes, as will further detail design for future stages of the site's development.</p> <p>The proposed development builds upon the layout plan included in the DCP. The podiums proposed particularly for Building C was a result of taking into account the appropriate land uses to be located within that podium, and associated market research. For example, a large floor space is required for a supermarket / grocer to be accommodated within the podium. This enables locating a large communal open space on the podium rooftop, which is more accessible and enjoys suitable protection from winds, rather than having it located on the rooftop of the tower. The podium communal open space also enjoys direct access from an internal communal lounge area adding to resident and visitor amenity and comfort.</p>
	<ul style="list-style-type: none"> <i>Built form at different scales should create the spatial framework for the open space network across the site, which should be generously landscaped, accessible, responsive to the local climate, and safe for all users and residents.</i> <p>New Comment: The above comment remains relevant. The urban design vision and principles for this significant project should be presented to the Panel by its authors.</p>	<p>Informed by the Planning Proposal and DCP, The Stage 1 Development Application provides a high-quality open space that is generously landscaped, responsive to the local climate and safe for all users and residents. It sets the scene for the open space network across the whole site that will be realised in the remaining stages.</p> <p>As our Urban Design presentation will show there are opportunities for refinement of the Planning Proposal and DCP as design evolves progressively responding to the uniqueness of place over the site in keeping true to the original principles of high rise built form and landscaped open space.</p>
2.	<p><i>The Panel does not generally endorse encroachments into established setbacks. This includes underground basement car parking services, loading docks and services such as OSD tanks. The aim is to create a generous deep soil perimeter that enables provision of tall canopy trees and generous landscape elements. The existing and desired future character of the Norwest business park and the Hills Shire generally is one of buildings in a garden landscape setting, which is also consistent with the strategic direction of the Greater Sydney Regional Plan City in a landscape.</i></p> <p>New Comment: The above comment remains relevant. The current development proposal as presented to the Panel restricts all deep soil provision to within street setback zones. Deep soil is essential to mitigate urban heat, support the sites natural hydrology, and to provide a suitable growing environment for tall canopy trees. Reduction in street setbacks, if and when considered reasonable for site planning reasons, does not automatically infer a commensurate reduction in deep soil provision. In such</p>	<p>Information on setbacks was presented in the Planning Proposal which was endorsed by Council and informed the gazetted LEP. The setbacks from the scheme were not included in adopted DCP. The Stage 1 Development Application SEE and supporting documents show consistency with the Planning Proposal siting and setbacks, along with justification for the setback variations now under assessment by Council.</p> <p>The SEE addresses the objectives of the setback controls and that the proposal is not contrary to those objectives with regard to the landscaped setting of the Business Park, privacy or overshadowing. It appears that the key concern regarding the reduction of the setback is with respect to deep soil provision, which has been addressed in paragraphs below.</p> <p>As shown in the Urban Design and Landscape reports the Stage 1 development has not departed from the landscape strategy in the Planning Proposal and adopted DCP of siting buildings surrounded by a high-quality landscaped and open space setting to be established for this site, within Norwest Business Park, and therefore consistent with the Greater Sydney Regional Plan City in a landscape.</p> <p>The proposed development as it stands currently provides 17.2% of deep soil including the extent of northern boundary Endeavour Energy easement. It would be 11% of deep soil without the easement area, which is more than the minimum requirement of 7% from the ADG. It is noted that the easement area provides for an extensive planting area on natural ground and should not be dismissed as a key area that provides extensive soft landscaping contributing towards the environmental benefits within the site.</p>

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	<p>circumstances the reduction in deep soil area within the setback zone would need to be compensated for elsewhere within the site.</p> <p>The Panel continues to advise that due to the lack of a holistic masterplan for the site (Lot 2107, DP1216268), any encroachment into street setbacks is not warranted on a merits basis, and this is further exacerbated by the lack of any provision for deep soil zones between this site and future stages to the north of this stage.</p> <p>Some reduction in the street setback to Natura Rise may be reasonable, however this can only be considered in the context of a wider, agreed approach to deep soil provisions across the entire site as noted above. At present the eastern boundary of this stage is proposing a zero setback to the carparking basement.</p>	<p>Whilst the DEP insists that 15% deep soil is the minimum percentage required (per their point no. 16), the ADG design guideline is provided below:</p> <p>"On some sites it may be possible to provide larger deep soil zones, depending on the site area and context:</p> <ul style="list-style-type: none"> 10% of the site as deep soil on sites with an area greater than 650m²-1,500m². 15% of the site as deep soil on sites greater than 1,500m²." <p>It is noted that the DEP has previously referred the applicant to Part 1B Local Context of the ADG. The site is situated within a defined strategic centre, being Norwest as identified under the Greater Sydney Region Plan / Central City District Plan and The Hills Shire Local Strategic Planning Statement. Strategic centres under Part 1B of the ADG require consideration of complex relationships with adjacent buildings, impact of taller building types, privacy between commercial and residential uses, parking demand, high site coverage, limited deep soil, reliance on quality public streets and places and overshadowing. What is proposed under Stage 1 is highly considerate of all the factors listed above and seeks to minimise site coverage and maximise deep soil where possible.</p> <p>The DEP's insistence on a minimum of 15% deep soil planting as the accepted planning control is unreasonable. The minimum required deep soil should be 7% and it would be reasonable to consider that a range between 7-15% would be an appropriate benchmark.</p> <p>Deep soil zones are proposed within the perimeter of the street setback zones as it cannot be located in the Wild Green due to the required basement location. Aspect Studios have previously stated that sufficient soil depth has been provided above basement slab in order for the trees to grow and thrive. The DEP has also accepted the approach for the soil depths proposed for the Wild Green (note DEP point 14).</p> <p>The urban design presentation for the 4 August DEP meeting highlights that an extensive landscaped area is still envisioned for the site. The development of the remaining stages will remain consistent with the DCP siting of buildings whereby the communal open spaces will be centrally located within the site surrounded by buildings.</p> <p>It should be highlighted that the deep soil plan from the scheme which supported the Planning Proposal indicates that deep soil will be largely concentrated centrally within site in future stages and identified a total of 35% of deep soil (including easement area) throughout the overall site, largely concentrated within a central open space area. The deep soil plan supporting the planning proposal also shows Stage 1 with deep soil around the perimeter, which reflects the vision for Stage 1 to accommodate the active urban and active play areas (as noted in the landscape concept strategy supporting the planning proposal). This does not differ to what is being proposed for the ground plane for Stage 1 as a publicly accessible area.</p> <p>It should be noted that following investigations into the proposal's basement efficiency, OSD requirements and landscaping strategy, additional deep soil areas can be accommodated within the site. The basement layout will be amended, slightly reducing the basement footprint extent. The OSD tank can still be accommodated within the amended basement layout and has reduced in size. The reduced basement extent has allowed for additional deep soil or soft landscaping. Further, reduced paving will also ensure that there is additional deep soil. The revised figure is expected to be 15.44%, excluding the Endeavour Energy easement area. Amended architectural plans will be submitted to Council following the next 4 August DEP meeting and will demonstrate the extent of additional deep soil. As such, this amount of deep soil significantly exceeds the minimum 7% of deep soil required by the ADG.</p> <p>Withholding a merits-based assessment on the basis on "the lack of a holistic masterplan for the site" for the variations to the setbacks is not warranted, given what has been discussed above in response to this point.</p>
3.	<p><i>As noted above, the overall urban structure of the development does not yet appear to be adequately resolved or documented to a level where the Panel is able to offer its support to the project. The</i></p>	<p>Information on urban structure was presented in the Planning Proposal which was endorsed by Council and informed the gazetted LEP and adopted DCP amendments (noting that setbacks in the scheme were not adopted</p>

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	<p>diagrams suggest a relatively impermeable approach to the site with minimum cross site connectivity, which is contrary to the objectives and outcomes for the site articulated through the previous planning proposal and reflected in the DCP. As currently presented, there is a risk that this development may be delivered as an island site that ultimately creates a gated private community. Such an outcome would be inconsistent with transit orientated development principles and contemporary urban design practice.</p> <p>New Comment: The above comment remains relevant. The Panel recommends that the applicant commit to, or resolve, the site's overall urban and open space structure, which is an essential process for surety of high-quality place-making outcomes.</p>	<p>as stated previously). The Stage 1 Development Application SEE and supporting documents show consistency with those plans along with justification for any variations.</p> <p>Key principles regarding the urban and open space structure as noted in the DCP will be maintained in the development of the remaining stages. It is noted that the publicly accessible connectivity is limited to the western portion of the site / Stage 1 as shown in DCP. The remainder of the site will focus on pedestrian connectivity from a resident access perspective.</p> <p>Figure 5 of the site-specific DCP shows no less than 5 key pedestrian areas of public access to the common public space connecting through the site to three street frontages, all of which have been provided in the Stage 1 Development Application. On this basis the design responds to achieving the right balance to meeting and exceeding the DCP objectives for pedestrian permeability, connectivity access, safety, security, and landscaped open space.</p> <p>It is submitted that "the site's overall urban and open space structure" is resolved in Council's adopted plans, and the Stage 1 Development Application demonstrates Mulpha's vision for and commitment to creating a high-quality place-making outcome.</p>
4.	<p>The Panel recommends the following:</p> <ul style="list-style-type: none"> Review the design principles of TOD development (being the basis for the site development density uplift), and demonstrate how these principles are to be integrated into the overall structure of the precinct. Not addressed 	<p>This comment was addressed in the SEE submitted (refer to section 6.2.3). Stage 1 is the closest portion of the site to Norwest Town Centre and proposes a mix of land uses to support the growing population within walking distance to Norwest Metro Station. Stage 1 is highly accessible to and from the station. Future links to Stage 2 are also present within the DA documentation. Stage 1 presents a pedestrian friendly site that is highly walkable, permeable and activated, commensurate to a TOD development. The transition from publicly accessible to resident only open space structure will be explored in the next stage. As stated previously, Stage 1 is the only publicly accessible component of this overall site. The remainder of the stages will focus on a connectivity from a resident access perspective.</p>
	<ul style="list-style-type: none"> Investigate other housing typologies beyond towers, to create a variety of scales and building types across the site. Consider terrace dwellings at street and public domain interfaces to assist in resolving the site levels. Not addressed 	<p>There are generally no residential uses on the lower podiums. A mix of non-residential uses are proposed in the lower podiums to generate an activated ground plane. Further, information on apartment housing form was presented in the Planning Proposal which was endorsed by Council and informed the gazetted LEP and adopted DCP amendments. The Desired Future Character Statement for the East Precinct "is to provide residential flat buildings in a landscaped parkland setting". Terraces at street level are not contemplated in the Planning Proposal for this site or Council's adopted DCP.</p>
	<ul style="list-style-type: none"> Prepare a ground plane drawing for the entire site that establishes a clear and legible framework of built form and its relationships with the public/communal/private spatial network. Not addressed 	<p>Information on the framework for ground plane was presented in the Planning Proposal which was endorsed by Council and informed the adopted DCP amendments. Figure 5 of the DCP depicts a clear delineation between the public and private communal open spaces. The remainder of the ground plane is to be further evolved over future stages of development as shown in the Urban Design presentation and be consistent with the DCP. Stage 1 is consistent with the DCP by providing a publicly accessible open space area. Further, refer to previous responses namely in response to DEP points no. 1 and no. 3.</p>
	<ul style="list-style-type: none"> A landscape plan be prepared describing the design approach to each public space within the site and its curtilage. Partially addressed. Landscape plans prepared for Stage 1 only. 	<p>The Stage 1 Development Application details a responsive landscape for this activated public realm. Detailed design for the landscaping approach to each open space within the remainder of the stages will be addressed in future DAs. The urban design presentation provides information with regard to the vision for different types of open space activity that can be accommodated within the site. It should be stated again that as envisioned in the DCP, Stage 1 accommodates the only publicly accessible public space component in the overall site. The remainder of the stages are centred around resident communal open space that is not publicly accessible.</p>

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	<ul style="list-style-type: none"> At key cross-site locations, illustrate cross-site pedestrian movements and connectivity with adjacent and wider parts of the Norwest precinct. Not addressed 	<p>Information on pedestrian connectivity was presented in the Planning Proposal which was endorsed by Council and informed the adopted DCP amendments. The Stage 1 Development Application shows consistency with those plans (see DCP Figures 5 and 12), with Stage 1 providing sufficient cross-site pedestrian movements for that portion of the site and its connectivity to the wider parts of the Norwest precinct. This is to be further evolved over future Stages of development as shown in the Urban Design presentation and consistent with the DCP. Also refer to previous responses namely in response to DEP point no. 3.</p>
	<ul style="list-style-type: none"> Consider an open space program across the site to cater for all users, including families with young children. Partially addressed. Addressed for Stage 1 only 	<p>Information on the open space strategy was presented in the Planning Proposal which was endorsed by Council and informed the adopted DCP amendments. This is to be further evolved over future Stages of development as shown in the Urban Design presentation and consistent with the DCP. The site aims to accommodate different types of activity as indicated by the urban design presentation, which would therefore cater to a variety of users.</p>
	<ul style="list-style-type: none"> Indicate where ADG compliant communal open space provisions for each residential tower are to be provided. Not addressed – Required on site per development block 	<p>The communal open space provision has been addressed in the SEE (table 5.3) and indicated on a diagram in the landscape design report (pg. 20) The communal open space calculations were undertaken by combining the communal open spaces inside the buildings and the principal useable publicly accessible area on the ground plane, which exceeds the minimum 25% required by the ADG by proposing 33.1% over the Stage 1 site. Refer SEE in section 6.2.3 and Table 5.3.</p> <p>It is also noted that the communal open space has been reviewed along with other refinements to the podium of Building C. The communal open space on Building C podium has been revisited with a more efficient configuration by removing the circulation space to the north and redesigning the pool to increase in size and face north. Amended plans and revised calculations will be submitted to Council following the next DEP meeting.</p>
	<ul style="list-style-type: none"> Consider a design approach to building and open space design that mitigates the hotter climate of north-west Sydney in summer. Partially addressed. The Panel supports the façade elements, material selection and climate initiatives adopted in Building B and C (including the vertical landscaping) and the landscape initiatives and elements associated with cooling and shade. The water play associated with the Wild Green will be a positive inclusion. Further refinement is recommended to increase canopy cover and improve the site microclimate conditions 	<p>It appears that the approach to Stage 1 built form regarding mitigating the hotter climate has been addressed. With regard to canopy cover, there are substantial large trees along the setbacks (with exception to the northern easement, however shading is provided here from the street trees) and extensive trees proposed in The Wild Green. When these trees are matured, they will provide extensive canopy cover. It is believed that the provision of canopy cover is appropriate for Stage 1, as it is noted that Stage 1 provides the publicly accessible ground plane / open space.</p> <p>It is noted that further investigations into the landscaping strategy has resulted in a reduction of hardscape and an increase in deep soil and soft landscaping overall. Trees on mounded soil adjacent the retail spill out area of Building B (plaza area) is also being investigated. Amended plans will be provided to Council for consideration following the next DEP meeting.</p>
	<ul style="list-style-type: none"> Consider the impact of urban heat generation and demonstrate how this is to be addressed. Partially addressed – Further refinement recommended. The Landscape proposal includes trees at the perimeter, although the ability to have a continuous canopy is compromised by easements (as in Spurway Drive) and extensive driveways (Solent Circuit). The Panel notes that the DCP landscape requirement has not been fulfilled and the quantum of paving at the base of Building B (western pathway at base of building and area in the vicinity of the building entry to the south) appears to be unnecessarily extensive. The Panel recommends that the subject paving areas be reduced and reconfigured and that where possible, dimensions of walkways and driveways be kept to an optimum in order that the shade potential and soft landscape component is increased. Additional shade trees should also be considered at the edge of the square to the east of Building B. 	<p>Trees are provided not only in the perimeter, but elsewhere including the Wild Green and the staircase from Solent Circuit. A response to the previous DEP deep soil comments have been provided under point no. 2.</p> <p>Whilst the easement restricts canopy cover, it is a constraint that is outside of the applicant's control and significant soft landscaping is provided here. Further shading to this area would be provided by the street trees along Spurway Drive and the Wild Green. The proposed driveways are also at the required sizes for the relevant vehicles that would be accessing the development.</p> <p>Hardscape / paving will be reduced to provide for either additional deep soil or soft landscaping (i.e. areas where deep soil cannot be achieved due to structures / slabs underneath). A reduction in basement car parking would assist with additional deep soil area. Further, trees on mounded soil adjacent the retail spill out area of Building B (plaza area) is also being investigated. Mass planting with an elevated deck at the laneway area east of Building C is also being investigated.</p>

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	<ul style="list-style-type: none"> Demonstrate how the public areas are to be designed for best environmental practice including WSUD, solar access, universal access, shade and wind protection and use of sustainable materials. Partially addressed. 	This has been addressed with Stage 1, and details for the remainder of the stages will be addressed in subsequent DAs.
	<ul style="list-style-type: none"> Clearly differentiate soft landscaping provision from turfed areas and hardscape on the drawings. Partially Addressed, as per Landscape Report for Stage 1 only. 	This has been addressed with Stage 1, and details for the remainder of the stages will be addressed in subsequent DAs.
	<ul style="list-style-type: none"> Provide accurate renderings of public areas within and adjacent to the site. All perspectives should be illustrated from the viewpoint of a pedestrian. Partially Addressed, as per Landscape Report for Stage 1 only. 	This has been addressed with Stage 1, and details for the remainder of the stages will be addressed in subsequent DAs.
	<p>Note: The following comments respond to more detailed aspects of the submitted Stage 1 documents.</p> <p>Note: The Panel maintains that a detailed master plan for the entire site should be provided to Council officers satisfaction before returning to the Panel for further discussion.</p>	<p>Information on the approach towards the masterplanning of the overall site was presented in the Planning Proposal which was endorsed by Council and informed the gazetted LEP and adopted DCP amendments. The Stage 1 Development Application SEE and supporting documents show consistency with those plans and the vision for this precinct in terms of built form, public domain, connectivity, landscape character and open space.</p> <p>Based on this background of extensive planning investigation and collaboration with Council, Council's LEP and DCP provide clear planning objectives, standards and guidance for the development of the precinct. This suite of planning measures provides the direction for what is to be achieved by a staged development in the Eastern Precinct over the short, medium and long terms.</p> <p>In these circumstances a detailed masterplan for the entire site is not required. The development of the site builds upon and improves on the scheme that supported the Planning Proposal. There is no requirement under the Act that requires applicants to submit masterplans nor is there a control in the DCP that requires the applicant to submit a masterplan DA. Any future DAs will have regard to previous stages, the vision and the key objectives of the DCP adopted for the Eastern Precinct. As such the DA for Stage 1 should not be held up on the basis of submitting a masterplan for the entire site.</p>
5.	<p>The Panel acknowledges that whilst the primary built form is free-standing residential towers, the response to DCP urban grain and diversity objectives have yet to be presented. The documentation (and ideally, a site Masterplan) should address how the DCP principles are to be realised.</p> <p>New Comments: The above comment remains relevant. Whilst the Panel accepts in principle the architectural/aesthetic propositions for the two free-standing tower elements, the resolution of site planning at ground plane level may effect changes to the built form, in that successful contemporary place-making needs to resolve issues of human scale, place making and environmental amenity, including wind protection.</p>	<p>The Norwest Town Centre Residential Area has been previously discussed which includes the Central and Western Precincts that have been developed with medium density residential housing. The Stage 1 DA responds to the objectives of the DCP which defines the desired future character of the Eastern Precinct, being "to provide residential flat buildings in a parkland setting".</p> <p>Stage 1 demonstrates the consideration that has been given in terms of human scale, place making and environmental amenity and is what is envisioned for the quality of future stages. This includes detailed consideration of scale, activated spaces, wind, landscaping, place making and environmental amenity. Stage 1 is believed to provide a high quality treatment to the publicly accessible ground plane.</p> <p>It should also be noted that following further refinement of the architectural design, the Building C podium will be reduced in scale and fragmented into smaller elements which will further improve the overall bulk and scale when viewed from the street and by pedestrians within the site. Details will be provided to Council for consideration following the next DEP meeting.</p>
6.	<p>FSR is a theoretical maximum capacity, rather than an entitlement and justification for breaching of other development standards (such as encroachment into site setbacks).</p>	Under Council's LEP, FSR is a development standard with the following objectives:

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	<p>New Comment: The above comment remains relevant.</p>	<ul style="list-style-type: none"> ensure development is compatible with the bulk, scale and character of existing and future surrounding development, and to provide for a built form that is compatible with the role of town and major centres. <p>The lawful maximum FSR over the site is 2.9:1, which is an incentivised FSR that can be utilised if clause 7.11 is achieved.</p> <p>The variation to the setbacks has been addressed in the SEE and is not a result of trying to reach the maximum FSR.</p> <p>Further, it is noted that information on setbacks was presented in the Planning Proposal which was endorsed by Council and informed the gazetted LEP. The setbacks presented in the planning proposal was meant to be adopted in the DCP, however were not adopted and therefore there is a discrepancy between the figures shown in the DCP and the setback distances in the DCP. The Stage 1 Development Application show consistency with the scheme that supported the planning proposal along with justification for setback variations.</p> <p>The variations sought to the setbacks are appropriate and consistent with developing a more cohesive and compact urban setting for an active ground plane whilst in keeping with the landscaped setting of the area, active street frontage and increased the publicly accessible open space in the plaza, and not as a result of seeking maximum FSR.</p>
7.	<p>The proposed Stage 1 building program of non-residential uses is seemingly inconsistent with the zoning. Although the Panel acknowledges in principle the merits of these uses, this is a land use planning matter that must first be resolved with Council staff.</p> <p>New Comment: The above comment remains relevant</p>	The extent of non-residential is allowed on the site as addressed in the SEE. The uses are consistent with the additional permitted uses identified for the site under Schedule 1 of LEP.
8.	<p>The application for increased height and FSR as a function of electing to satisfy the requirements of Cl 7.11 of LEP 2019 is to be confirmed with and demonstrated to the planning officer.</p> <p>New Comment: The above comment remains relevant.</p>	The proposed apartment mixes and sizes are compliant with clause 7.11 of LEP. Refer section 5.1.2 of SEE.
9.	<p>Communal open space provisions for residents are not yet adequately described within the documentation. The Panel recommends that compliance should be required for each individual building, without reliance on averages across stages or the entire site (especially in the absence of a holistic Masterplan and/or Concept DA for the site).</p> <p>New Comment: The above comment remains relevant. Provision of compliant communal open space for residents is essential, however the current proposal does not appear to meet the objectives of the design criteria within the ADG. The area and amenity of required communal open space is to be provided for each building. Without the benefit of a holistic masterplan for the site, reliance on outcomes beyond the scope of this DA in order to meet criteria and standards is not supported.</p>	<p>Communal open space calculation was based on all the communal open space in the buildings and the publicly accessible open space as a percentage of the Stage 1 site as addressed in SEE and previously discussed in response to point no. 4. The provision of communal open space exceeds ADG requirements.</p> <p>The objectives of the criteria are for 'an adequate area of communal open space provided to enhance residential amenity and to provide opportunities for landscaping'. Whilst there will be further additional communal open space in the remainder of the site, this was not relied upon in the calculations. It is believed that the proposed communal open space provision meets the objectives of that criteria given the variety of passive and active recreation offered by the considered design of the podium and ground plan open spaces catering for a mix of users. Landscaping opportunities are realised by providing a large area of planting on natural ground (including deep soil), planting on slab and planting on built form.</p> <p>Council also views this particular publicly accessible open space / plaza to be largely internalised to the development rather than serving a broader function as open space benefitting a whole Precinct (refer pg. 280 of Council Ordinary Meeting Agenda 22 June 2021) and therefore it is believed that including this area in the communal open space calculations is reasonable. Further, only the principal useable part of it was included in the calculations (i.e. excluding retail spill out area and the area near the entry stairs). The ADG also states that some publicly accessible open spaces can also be counted as communal open space.</p>

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10.	<p><i>The residential density and GFA of the development should be confirmed with Council's DA officer prior to DA submission.</i></p> <p>New Comment: The above comment remains relevant.</p>	<p>The residential density and GFA of the development are demonstrated in the SEE and DA submission.</p>
11.	<p><i>It is noted that the Stage 1 built form as presented locates building footprints with less separation than previously shown in the planning proposal and DCP. The tower element separation of Building B and Building C is indicated at 31.8m on the plans. This exceeds the 28m nominated in the planning proposal and is improved by the towers being relatively positioned to avoid direct adjacency in order to improve outlook and privacy. However, the buildings are separated by 10.7m at podium level where the adjacent uses are non-residential. It is noted that one retail space has its sole frontage to the staircase up to the plaza.</i></p> <p>New Comment: A site plan should be prepared for this stage, including site dimensions and area that demonstrates compliance with the prescribed 30% maximum site coverage. Without the benefit of a holistic masterplan for the site, reliance on outcomes beyond the scope of this DA in order to meet criteria and standards is not supported.</p>	<p>It is noted that the original comments pertained to the building separation with respect to Buildings B and C, and the positioning of the buildings was accepted by the DEP.</p> <p>With regard to the new DEP comment, the site coverage for this stage is 30%. Refer to pg. 27 of Building C Design Report. Reliance on outcomes beyond the scope of the DA is not being proposed with regard to meeting criteria and standards including site coverage.</p>
12.	<p><i>Wind impacts on open spaces should be identified and resolved prior to the DA submission.</i></p> <p>New Comment: The above comment remains relevant. This was mentioned in the meeting but not explained in detail. Design changes necessary to mitigate wind impacts should be incorporated into the proposal documents prior to the next meeting.</p>	<p>Any design changes for mitigating wind impacts will be addressed once Council's RFIs are received in order to address cohesively. It is noted that the swimming pool reconfiguration as a result of a redesign of the Building C podium communal open space will incorporate improved wind mitigation. There is also further wind protection (screening) provided to the corner balconies of Building C following wind advice. Details will be provided following 4 August DEP meeting.</p>
13.	<p><i>The applicant should provide complete/fully compliant apartment mix schedules to Council Planning Officers requirements prior to the DA presentation to the DEP.</i></p> <p>New Comment: The above comment remains relevant.</p>	<p>Fully compliant apartment mix schedules have been provided in the DA submission including SEE (refer table 5.2) and supporting architectural plans and design reports.</p>
14.	<p><i>The Panel is concerned that the entire site may eventually be covered with a single basement (excluding the required deep soil perimeter set back zones. This stands in contrast to the provided renderings and submitted diagrams, which clearly indicate a paradigm of towers set in a generous, treed landscape.</i></p> <p>New Comment: Apart from planting in the natural ground levels adjacent to the three surrounding streets, the Panel notes that the proposed landscaping is generally achieved by building up the soil levels on slab. Whilst the Panel accepts this approach for the active play garden in Stage 1, there is concern that a single basement will compromise landscape opportunities and create adverse environmental impacts in relation to groundwater flows. The Panel recommends contiguous areas of deep soil be provided in between the basement carparks of the separate stages.</p>	<p>Deep soil and basement car parking has been previously addressed and based on these DEP comments, the DEP accepts the approach for the Wild Green. The deep soil diagram that formed part of the scheme that supported the Planning Proposal identified the bulk of deep soil centrally located within the site at later stages. Stage 1 was always envisioned with minimal deep soil provision in comparison to the remainder of the site, given the ground plane is identified in the DCP as a publicly accessible area. Refer to response provided under point no. 2.</p> <p>The scheme that supported the Planning Proposal showed the extent of basement whereby the basements fronting Solent Circuit were linked, and basements fronting Spurway Drive being linked, enabling deep soil to be located centrally within the site. This demonstrates that deep soil can be accommodated internally in the overall site, not just in the perimeter. Future basement considerations will be guided by the DCP envisioned outcomes along with detailed building design investigations for future Stages, not yet commenced.</p>
15.	<p><i>The size of this site warrants genuine deep soil zones beyond the perimeter, and it is strongly recommended that the site is treated as three discreet development zones aligned to proposed staging, with substantial deep soil provided between Stages 1 and 2, and Stages 2 and 3 where cross site pedestrian connections are likely to occur.</i></p> <p>New Comment: In the absence of a precinct-wide masterplan, this comment remains relevant.</p>	<p>As stated previously, the deep soil diagram that formed part of the scheme that supported the Planning Proposal identified the bulk of deep soil centrally located within the site at later stages, which is also consistent with Figure 5 of the site-specific DCP with regard to the locations of the publicly accessible and private ground plane open space. This diagram identified 35% deep soil across the whole site (including northern boundary easement).</p> <p>Future basement considerations will be guided by DCP envisioned outcomes, along with detailed building design investigations for future Stages, not yet commenced.</p>

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16.	<p><i>Clarity is required as to intent of site coverage within the recommended masterplan as it is unclear if the proposal will be in excess of the DCP control. As the staged sites exceed 1500 sqm in area, a minimum of 15% of each site area is required to be unencumbered deep soil in accordance with ADG guidelines.</i></p> <p>New Comment: The above comments remain relevant.</p>	<p>Addressed in SEE and in previous responses in the table, in particular in response to point no. 2.</p>
17.	<p><i>Final site coverage and landscaped open space, communal open space and deep soil zone provisions should be provided to the Council's Landscape and DA Officers. It is recommended that clear diagrams be provided to clearly demonstrate where these areas are located. The minimum requirements in the ADG (eg 6m width and no paving or structures being present) should be adhered to with regards to calculating the deep soil zone.</i></p> <p>New Comment: Diagrams illustrating the site coverage, landscaped open space, communal open space and deep soil zone provisions are provided in the Landscape report. The Panel notes the electrical easement along Spurway Street may remove that portion of the setback from ADG calculations.</p>	<p>It is noted that the ADG states in relation to deep soil:</p> <p>"Deep soil zones have important environmental benefits, such as allowing the infiltration of rainwater to the water table and reducing stormwater runoff, promoting health growth of large trees with large canopies and protecting existing mature trees which assist with temperature reduction in urban environments. Deep soil zones may be constrained by the size of the lot or the location of a proposed development."</p> <p>Endeavour Energy does not allow planting of trees within the easement, and therefore shrubs and groundcovers are proposed. However, this area does not prevent the infiltration of rainwater to the water table and assists in reducing stormwater runoff. The soft landscaping proposed here in combination with all other soft landscaping proposed in this development assists with the temperature reduction.</p> <p>It has been noted previously that additional deep soil area will be provided following investigations into basement efficiency, OSD requirements and the landscaping strategy. When amended plans are provided to Council following the DEP meeting, the diagrams will be amended to be reflective of any additional deep soil accommodated within the revised design. Also refer to response under point no. 2.</p>
18.	<p><i>Details should be provided to show how trees can be established and thrive above the extensive slabs.</i></p> <p>New Comment: Cross sections, general soil depths and typical details are provided in the Landscape Report to illustrate the above. Whilst the Panel is generally satisfied with the approach, further refinement of the details is required and the cross sections should be dimensioned.</p> <p>The Panel notes that in general, singular trees in elevated planter pots are not acceptable unless integrated with seating and attendant landscaping, and deep soil provision should be provided by dropping the slab or the removal of car spaces below the tree location.</p>	<p>Details regarding cross sections can be addressed pending receipt of Council's RFI relating to landscaping matters in order to adequately address.</p> <p>It is noted that the tree in the middle of the plaza is provided with sufficient soil depth in order for the tree to thrive with a total of 1.2m soil depth that is 900mm clear to the basement. It would not be practical, nor would it be an appropriate approach to drop the slab further or remove the car spaces below the tree location given the tree is located above the centre of the basement and would therefore impact on the efficiency of the basement design.</p>
19.	<p><i>The Public domain is unclear and requires further explanation. The relationship between the square and the continuity of the public domain to the east is not shown. It is not clear how future pathways, levels, and communal open spaces may be integrated to create the contiguous 'green spine' in the Planning Proposal.</i></p> <p>New Comment: The above comments remain relevant. The Landscape Report provides comprehensive information on Stage 1 but remains deficient on the integration with future stages.</p>	<p>Details on landscaping for future stages will be addressed when Development Applications are submitted for these stages. Future stages will be guided by the previous background documents in the planning proposal and open space configuration shown in Figure 5 of the DCP including the central open space area which is the 'green spine' referred to by the DEP. Stage 1 drawings depict the landscaping interface with the east to continue to Stage 2. Refer to SEE addressing these comments in section 6.2.3.</p> <p>It is noted that the only publicly accessible / public open space portion within the whole site is within Stage 1 as per site-specific DCP.</p>
20.	<p><i>The Panel recommends the provision of a comprehensive public domain plan which illustrates accessible paths of travel and a series of clearly cross-referenced sections to explain level changes at the next Panel meeting. An appropriate planting palette and the landscape character of each of the perimeter landscaped spaces should also be more clearly defined.</i></p>	<p>Comments noted along with the following response:</p> <ul style="list-style-type: none"> Tall Eucalypts are already proposed in the landscaped setback along Natura Rise – refer to Building Interfaces Planting Strategy in Landscape Design Report supporting this DA.

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	<p>New Comment: Notwithstanding the issue of the site setbacks, the Panel is generally supportive of the public domain and landscape principles, planting palette and landscape character outlined in the Stage 1 Landscape Plans and report.</p> <p>Whilst outside the site boundary, the Council land at the junction of Spunway Drive and Natura Rise could be integrated into the overall public domain experience as a little gateway park with seating.</p> <p>It is recommended that tall, open canopy Eucalypts be included in the landscaped setback along Natura Rise to provide scale and partial screening to Building B.</p> <p>Pedestrian crossings should be shown at intersections including consideration of mid-block crossings along Solent Circuit and Spunway Drive (subject to traffic safety assessments).</p>	<ul style="list-style-type: none"> Pedestrian crossings may be proposed separately at a later stage subject to Local Traffic Committee endorsement and are not required to be included the Stage 1 DA pending discussions with Council.
21.	<p><i>The Panel is interested in the public domain interface with the podiums. Significant elevation changes are apparent but were not clearly illustrated. The Panel recommends a series of cross site sections cross referenced in plan per standard drawing convention to clearly explain the design intent.</i></p> <p>New Comment: Cross sections have been provided but would be more useful if more dimensions relating to soil depths are provided. Details relating to the landscape transition, elevated walkway and stairs in the east boundary remain vague and further information is required to satisfy the Panel's ongoing concerns relating to landscape and public domain integration with future stages.</p>	<p>Aspect Studios have proposed appropriate soil depths and have indicated elevated walkways and stairs to the eastern boundary. Any further details will be addressed once RFI comments from Council regarding landscaping has been received.</p>
22.	<p><i>A way-finding CPTED compliance strategy should be included in the masterplan.</i></p> <p>New Comment: The above comment remains relevant.</p>	<p>The way finding strategy is provided in page 27 of the landscape design report and was acknowledged by the Panel during the previous meeting. The DA will be referred to NSW Police for comment. Further details may be provided pending any request for further information from Council.</p>
23.	<p><i>The landscape drawings provided presented minimal landscape provision for private use by residents within the proposed development.</i></p> <p>New Comment: The podium level communal open space provisions in each building remain limited, especially in relation to soft surfaces and grassed areas for relaxation. Without the benefit of a precinct-wide landscape masterplan, it is difficult for the Panel to ascertain the adequacy and full merit of the private landscape provisions for Stage 1.</p>	<p>Information on the approach towards the communal open space provision and overall landscape structure of the site was presented in the Planning Proposal which was endorsed by Council and informed the adopted DCP amendments. The Stage 1 Development Application SEE and supporting documents show consistency with the vision and intent for Stage 1 to be accommodating a publicly accessible ground plane. The provision of communal open space for residents is shown in the DCP (refer Figure 5) to be located centrally within the site at later stages and the planning proposal scheme envisioned grassed areas at that area.</p> <p>It is believed that the provision of podium level communal open spaces is sufficient given the extensive ground plane communal open space proposed which includes a number of places for people to relax. The combination of both Buildings B and C+ principal useable open space on the ground plane exceeds the ADG requirements. Further as stated in the SEE, the majority of the dwellings are provided with large private open spaces that significantly exceeds the minimum requirements. The site is nearby / within walking distance to a number of grassed areas such as behind the sales office at 36 Solent Circuit, Fairway Drive Park and the new Balmoral Road Reserve and Bella Vista Farm. The DEP has also previously stated under point no. 4 that the proposed Stage 1 open space program caters for a range of users within the site.</p> <p>There are a number of private areas already provided for residents to relax in the proposed development as shown in the landscape design report. The proposal has provided a number of soft surfaces for relaxation which are provided with shade and equipment / furniture for passive recreation.</p> <p>It is noted that the podium communal open space on Building C has been refined and will incorporate a larger swimming pool facing north – there will also be a larger deck for people to bask in the sun and relax. The balconies in Building C will also increase in size following a reduction of planter box sizes, and these private open spaces can also act as areas for relaxation. Details will be provided with amended plans following the 4 August DEP meeting.</p>

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24.	<p><i>The Panel noted useability of external balconies to apartments with regards to furniture placement and constructability/cleaning of sharp/acute angles.</i></p> <p>New Comment: The Panel was shown built examples of similar balcony designs for Building B in inner Sydney and accepts the amenity and flexibility that could be offered by the design.</p>	<p>Whilst it appears the Panel has accepted the balcony configuration originally proposed for Building B, one of the outcomes of refining the Building B architectural design was further improving the useability / functionality of the balconies and amenity to residents of the building. As such, minor changes will be proposed to Building B by removing the inefficient corners of the balcony to the habitable rooms by 'squaring' it, resulting in increased window sizes to the habitable rooms and additional useable area on the balconies. Further, the 'slot' area between each balcony will be improved by increasing their width and reducing their depth to increase the window size of the bedrooms, improving their outlook. Details will be provided following the 4 August DEP meeting.</p>
25.	<p><i>The Panel notes the setback encroachment - refer to previous comments on this matter.</i></p> <p>New Comment: The above comment remains relevant.</p>	<p>Addressed with previous comments made regarding setbacks (including in response to point no. 2 and point no. 6).</p>
26.	<p><i>Main entries should be visible from the street with clear sight lines between the foyer and external public domain areas.</i></p> <p>New Comment: Generally satisfactory although concern was raised regarding the visibility and access to the public lift in Building C.</p>	<p>In response, refinements to the development have resulted in:</p> <ul style="list-style-type: none"> Improved legibility of residential entry on Solent Circuit Pedestrian navigation to public lift improved by relocation of the lift <p>Details will be provided to Council following the 4 August DEP meeting.</p>
27.	<p><i>The streetscapes in the reference images provided have a distinctly urban character. As mentioned, a softer and more verdant approach in keeping with the Hills' 'city in a garden' vision is recommended.</i></p> <p>New Comment: The Wild Green is an improvement; however the above comment remains relevant, especially in the visually prominent south west corner of the site which should have a more relaxed residential and less civic character.</p>	<p>The publicly accessible open space is concentrated in Stage 1 as per the DCP and as such the ground plane treatment reflects a more cohesive urban character. It is believed that the treatment here is an appropriate gateway marker with the ground plane in Stage 1 therefore reflecting higher levels of pedestrian movement, attraction to conveniences and amenities and increased connectivity and visibility for through-site movement. Stage 1 offers a distinct ground plane that is unlike the remainder of the overall site, adjacent multi-storey residential developments, or larger commercial office developments elsewhere in the Business Park and Norwest area.</p> <p>Every opportunity is being taken to introduce 'green' into the site including opportunities to increase landscaping at the gateway marker entry at the corner of Natura Rise and Solent Circuit, with details to be provided following the next DEP meeting.</p>
28.	<p><i>The location of services that typically occur in the street setbacks should be carefully located and designed to minimise visual impact. Locations and screening details should be included in the DA documentation to DA officer's satisfaction and notated in the DEP DA submission. Refer to council fact sheet:</i></p> <p>Error! Hyperlink reference not valid. www.thehills.nsw.gov.au/files/sharedassets/public/ocm-website-documents/pagedocuments/fact-sheets-guides/fact-sheet-building-design-site-facilities-services.pdf</p>	<p>Comments noted and reflected the service design location in the Stage 1 Development Application. Where possible, a balance between service access, design integration and landscaping screening will be sought through the assessment process.</p>
29.	<p><i>SEPP 65 was not discussed in detail at the meeting. However, as this is a large vacant site located in outer metropolitan Sydney, compliance with SEPP 65 and the ADG is considered a minimum standard guideline, and does not in itself satisfy design excellence.</i></p> <p>New Comment: The above comment remains generally relevant, noting that further detail was provided by the architects in the updated submission provided for the meeting.</p>	<p>The site is located within Norwest Business Park which is a key strategic centre located within a highly urbanised business, commercial, light industrial and residential environment, only 9 kms from Parramatta. Norwest's central position is more fittingly described and identified in the Greater Sydney Region Plan / Central City District Plan and The Hills Local Strategic Planning Statement rather than as "in outer metropolitan Sydney".</p> <p>The Stage 1 Development Application SEE and supporting documents show consistency with the ADG along with justification for any variations, now under assessment by Council. The variations sought are believed to appropriately address and be consistent with a design response that is considered worthy of design excellence as per clause 7.7 of the LEP, as is addressed under the SEE in Section 5.2 and Section 6.2.3.</p>

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30.	<p><i>Council will require that compliant ADG and public open space solar access design criteria be satisfied for each individual development residential block, irrespective of whether it shares a common basement with another building.</i></p> <p>New Comment: The above comment remains relevant. Note: SEPP85 defines individual development blocks as separate buildings. Compliance with solar access, natural cross ventilation and communal open space provisions are to be achieved for each building block and not averaged across building blocks.</p>	<p>Variations have been proposed for the non-compliances and appropriately addressed. The SEE is set out in accordance with each building.</p> <p>Each building complies with ADG solar access requirements. Communal open space provision is based on both buildings combined having access to each building's podium communal open space.</p>
31.	<p><i>Natural cross ventilation that relies on engineered solutions to achieve compliance is not deemed to meet the ADG natural cross ventilation criteria.</i></p> <p>New Comment: The above comment remains relevant – refer to ADG 4B Natural Ventilation for methodology, also confirm only floors up to level nine are included in cross ventilation calculations.</p>	<p>The SEE has addressed Building B not achieving natural ventilation (and also calculated with floors up to level nine). A variation to the natural cross ventilation controls was proposed with justification. Natural ventilation is maximised by reduced unit depths, large window and door openings, with all habitable rooms aligned along the façade. Further, the improvements to the balconies and the 'slot' areas of Building B as discussed previously would further maximise natural ventilation to the apartments.</p>
32.	<p><i>A statement regarding urban resilience and how urban heat gain will be minimised as a consequence of developing a greenfield site should be provided.</i></p> <p>New Comment: The above comment remains relevant. The ground plane appears to be largely paved in lieu of a soft landscape outcome as required by the DCP. Closer alignment with the DCP controls is recommended.</p>	<p>It is noted that the DCP controls for 'landscaped area' are not appropriate and did not consider definition of landscaped area in accordance with LEP definition as addressed in the SEE and supporting landscape design report. The landscaped area control under the DCP rather closely aligns with the site coverage control.</p> <p>Minimising the urban heat island has also been considered with a number of sustainability initiatives provided with the DA documentation including the ESD Statement and has been addressed SEE (refer section 5.1.2 which addresses design excellence clauses for sustainable design and ESD). The documents supporting the DA incorporate a commitment to urban resilience and heat gain incorporating built form solar design and materiality considerations with both buildings, landscape planting on the ground plane with mature trees for shading, vertical planting on Building C, podium soft landscaping on both buildings, and a number of direct energy, water and waste sustainability measures.</p> <p>It should be noted that following further refinement of the development, a reduction in pavement will be proposed under amended plans to be provided following the DEP meeting. This would further contribute to the proposal's urban resilience and minimisation of heat gain.</p>
33.	<p><i>Compliance with ADG sustainability design criteria must be achieved.</i></p> <p>New Comment: The above comment remains relevant.</p>	<p>The sustainability criteria have been addressed with the DA submission including in the SEE addressing clause 7.7 of LEP, the ESD Statement by Finding Infinity and the Design Reports prepared by the architects.</p>
34.	<p><i>A well-considered application of passive solar design principles was evident in both presentations and in the design of the building plans and facades. This was evident in both architectural presentations, and should be further demonstrated in the DA design report.</i></p> <p>New Comment: The above comment remains relevant. This was presented to the Panel's satisfaction. The Panel recommends the screening fenestration to Building C be provided with details and conditioned.</p>	<p>The DEP's comments are noted. The screening fenestration to Building C will be provided with details following the next DEP meeting and pending receipt of Council's RFI.</p>
35.	<p><i>The Panel recommends careful consideration of shade provision in all open spaces and adjacent to footpaths, including generous street tree planting.</i></p> <p>New Comment: The above comment remains relevant.</p>	<p>Ample shade provision has been provided where possible as shown in the DA documentation. Further, refer to Section 6.2.3 of SEE addressing this comment.</p> <p>The Stage 1 DA shows large trees planted on all planting zones interfacing the open space and pathways, except on Spurway Drive due to the easement restriction, however the site is north facing and the provision of the Brush</p>

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		<p>Boxes (Lophostemon confertus) on the Council verge should provide substantial shading (when matured) to the footpath.</p> <p>Additional landscape planting for shade provision is being reviewed such as trees on mounded soil adjacent the retail split out area of Building B (plaza area) is being investigated. Amended plans will be provided to Council following next DEP meeting.</p>
	<p>PANEL CONCLUSION</p> <p><i>The Panel appreciates the opportunity to provide input into the design of the scheme at this early stage in its design evolution. As described in the report, it is recommended that a comprehensive masterplan responding to the commentary provided be prepared for presentation to Council and DEP prior to ongoing design development of the individual tower structures. It would be beneficial for the overall site masterplan and individual buildings and their landscape setting to be progressively reviewed at separate Panel meetings due to the size and complexity of this overall project.</i></p> <p><i>The Panel is of the view that the proposal, in its current form, is yet to fulfil the requirements of design excellence. It is recommended that the applicant revise the proposal to address the issues identified in this report and present a revised proposal to the Panel.</i></p> <p>New Comment: The Panel notes that the Landscape Report, Urban Design Report and design adjustments to both Buildings are an improvement on the previous plans, as detailed through this report. However, in the absence of a comprehensive, precinct-wide concept masterplan showing more detail on the updated built form, public domain and open space provisions, the Panel's consideration of the proposal and conclusion remains generally consistent with that from the previous meeting and it is recommended that the remaining comments within this report be addressed.</p>	<p>As indicated in 5 above, information towards the masterplanning of the overall site was presented in the Planning Proposal which was endorsed by Council and informed the gazetted LEP and adopted DCP amendments. The Stage 1 Development Application SEE and supporting documents show consistency with those plans and the vision for this precinct in terms of built form, public domain, connectivity, landscape character and open space.</p> <p>Based on this background of extensive planning investigation and collaboration with Council, Council's LEP and DCP provide clear planning objectives, standards and guidance for the development of the precinct. This suite of planning measures provides the direction for what is to be achieved by a staged development in the Eastern Precinct over the short, medium and long terms.</p> <p>In these circumstances a detailed masterplan for the entire site is not required. The development of the site builds upon and improves on the scheme that supported the Planning Proposal. There is no requirement under the Act that requires applicants to submit masterplans nor is there a control in the DCP that requires the applicant to submit a masterplan DA. Any future DAs will have regard to previous stages, the vision and the key objectives of the DCP adopted for the Eastern Precinct. As such the DA for Stage 1 should not be held up on the basis of submitting a masterplan for the entire site.</p> <p>The Stage 1 development application builds upon and by design refines the scheme delivering a high-quality landscaped urban place near services, jobs, and public transport. Information submitted with the development application addresses Council's design excellence clause (clause 7.7 of LEP) and it is considered that the proposal demonstrates design excellence.</p>



Voluntary Planning Agreement

February 2020

PLANNING AGREEMENT

BETWEEN

Mulpha Norwest Pty Ltd (ABN 27 000 004 633)

AND

The Hills Shire Council

FOR

Part 40 Solent Circuit
Norwest NSW 2153

Lot 2107 DP 1216268

MILLS OAKLEY LAWYERS
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SYDNEY NSW 2000
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Ref: AJWS/AYCS/3210130

Summary Sheet

Council	Name	The Hills Shire Council
	Address	3 Columbia Court NORWEST NSW 2153
	Telephone	(02) 9843 0555
	Facsimile	(02) 9843 0409
	Email	council@thehills.nsw.gov.au
	Representative	Mr Michael Edgar – General Manager
Developer	Name	Mulpha Norwest Pty Ltd ABN 27 000 004 633)
	Address	99 Macquarie Street, Sydney NSW
	Telephone	02 9239 5500
	Facsimile	02 9270 6199
	Email	enquiry@mulpha.com.au
	Representative	Mr Tim Spencer - Executive General Manager
Land	Lot 2107 DP 1216268	
Planning Proposal	<p>The Proposal (5/2015/PLP) to amend The Hills Local Environmental Plan 2019, as it relates to the Land, to:</p> <ul style="list-style-type: none"> ▪ Permit additional land uses on the Land zoned R4 High Density Residential namely uses permitted in the B1 Neighbourhood Centres Zone - business premises, child care centres, health consulting rooms, medical centres, recreation facilities (indoors), restaurants, cafes and shops; ▪ Increase the maximum permissible building height from RL 116 metres to RL 176 metres; and ▪ Provide a maximum permissible floor space ratio (FSR) of 2.9:1 on the Land. 	
Proposed Development	<p>The development of the Land is for the purposes of:-</p> <ul style="list-style-type: none"> ▪ Provision for approximately 864 residential apartments in nine towers, with construction to generally be undertaken in accordance with the Staging Plan. 	



Public Access Lands	See Schedule 1
Works	See Schedule 1
Monetary Contributions	See Schedule 1
Security Amount	Not Applicable – See Clause 20
Application of S7.11 S7.12 and S7.24 of the Act	Not Applicable – See Clause 22
Registration	Applicable – See Clause 28

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Planning Agreement

Dated February 2020

Parties

The Hills Shire Council ABN 25 034 494 656 of 3 Columbia Court, Norwest, New South Wales 2153 (**Council**)

Mulpha Norwest Pty Ltd ABN 27 000 004 633 of 99 Macquarie Street Sydney New South Wales 2000 (**Developer**)

Background

- A. Council is the consent authority pursuant to the *Environmental Planning and Assessment Act 1979* (NSW) (**Act**) for the Proposed Development.
- B. The Developer is the owner of the Land and has lodged a Planning Proposal with Council in respect of the Land. Upon approval of the Planning Proposal, the Developer proposes to lodge a Development Application in respect of the Land.
- C. The Developer offers to:
 - (a) provide public access to the Public Access Land known as 'The Hub' which will be landscaped and embellished providing public access with a pedestrian link, water play, community gardens adjacent to feature stream, café terrace, restaurants and seating;
 - (b) carry out all necessary works for the installation of traffic lights at Solent Circuit (east) and provide lighting and security for public areas around Norwest Lake; and
 - (c) pay the Monetary Contributions to Council for additional active open space, landscaping, community and pedestrian/cycleway facilities, traffic lights at the intersection of Norwest Boulevard and Solent Circuit (west), and for land acquisition and works.

in accordance with the terms set out in this Agreement.

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 31 of this Agreement.

2. Planning agreement under the Act

The Parties agree that this Agreement is a planning agreement within the meaning of **subdivision 2, Division 7.1, Part 7** of the Act.

3. **Application of this document**

This Agreement is made in respect of the Proposed Development, including Staged Development Applications, Development Applications and any other Development Applications required for 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 The planning agreement operates when:

- (a) The Land is rezoned in order to allow for the Proposed Development to be carried out and the amending Local Environmental Plan is published on the NSW Legislation Website; and
- (b) Development Consent is granted for the Proposed Development

5.2 When this Agreement operates it is a binding contract between the parties.

6. **Public Access Lands**

6.1 The Developer must at its cost register the appropriate encumbrance on title creating easements for public access over the Public Access Lands on the Hand-Over Date.

6.2 The Council acknowledges and agrees that any dimensions and location of Public Access Lands as at the date of this Agreement, as indicated in Schedule 1, are approximate only and will be finalised upon submission of the relevant Development Application by the Developer to Council.

7. **Obligation to Carry Out Works**

7.1 The Developer is to carry out and complete the Works in Schedule 1 on the Land at the locations shown on the Location Plan in Schedule 2, and generally in accordance with the program of works provided for in the Staging Plan in Schedule 3.

7.2 The Developer's obligation under clause 7.1 exists irrespective of whether the Developer:

- (a) carries out the Works itself, or
- (b) enters into an agreement with another person under which the other person carries out the Works on the Developer's behalf.

- 7.3 Before the Developer commences an Item of Works, the Developer will, at its own cost, prepare and submit to the Council or a person specified by the Council, detailed plans and specifications in relation to the Item of Works.
- 7.4 Council, acting reasonably, may request that the Developer amend the detailed plans and specifications, and if it makes that request, the Developer must amend and resubmit the detailed plans and specifications with Council for approval under this clause.
- 7.5 The Developer is not to commence an Item of Works unless the Council or the person specified by the Council has given the Developer written approval of the plans and specifications relating to the Item of Works.
- 7.6 The Developer is to carry out and complete all Works in a good and workmanlike manner having regard to the intended purpose of the Works and otherwise to the satisfaction of Council, acting reasonably, in accordance with:
- (a) the Development Consent; and
 - (b) all applicable laws, including those relating to occupational health and safety; and
 - (c) this Agreement to the extent that it is not inconsistent with the Development Consent or an applicable law; and
 - (d) the written approval given under clause 7.5.
- 7.7 In the event of an inconsistency between this Agreement and the Development Consent or any applicable law, the Development Consent or the law prevails to the extent of the inconsistency.
- 7.8 It is the Developer's responsibility to ensure that everything necessary for the proper performance of its obligations under this Agreement is supplied or made available.
- 7.9 Each Item of Works is to be Handed-Over to the Council:
- (a) by no later than the Hand-Over Date for the Item of Works, and
 - (b) otherwise in accordance with this Agreement.

8. Staging of Works

The Proposed Development, including the preparation and lodgement of the relevant Development Applications, will generally be undertaken in accordance with the Staging Plan provided for at Schedule 3 of this Agreement.

If, due to market conditions and/or development factors at the relevant time, the Developer may, at its discretion, vary the terms of the Staging Plan if it considers reasonably necessary. The Council cannot unreasonably withhold any relevant consent, or object to such a variation. The Developer must, if so requested by the Council, provide evidence of the market conditions or other such legitimate factors that support the subject variation of the Staging Plan.

9. Ownership of Works

- 9.1 Ownership of the Works is transferred to Council on Hand-Over and nothing in, or done under, this Agreement gives the Developer, after Hand-Over any right, title or interest in the Works.

10. Access to the Land and location of Works

- 10.1 The Developer is to permit the Council, its officers, employees, agents and contractors to enter the Land at any time, upon giving reasonable, and no less than 7 days, prior notice in writing, in order to inspect, examine or test any Item of Works.
- 10.2 In the event that the Works are located on land owned by the Developer, other than the Land, Council land or a public road, the Developer is to permit the Council, its officers, employees, agents and contractors access to that land.

11. Protection of People, Property and the Environment

- 11.1 The Developer is to ensure in relation to the carrying out of the Works that:
- (a) all reasonable measures are taken to protect people, property and the Environment;
 - (b) unnecessary interference with the passage of people and vehicles is avoided;
 - (c) nuisances and unreasonable noise and disturbances are avoided; and
 - (d) all relevant laws and regulations with respect to water, air, noise and land pollution (including 'pollution incidents') as defined under the *Protection of the Environment Operations Act 1997* (NSW) are adhered to.

12. Damage and Repairs to the Works

- 12.1 The Developer, at its own cost, is to repair and make good to the satisfaction of the Council, acting reasonably, any loss or damage to the Works which occurs prior to the date on which the Works are Handed-Over to the Council.

13. Variation of Works

- 13.1 The Works are not to be varied by the Developer unless:
- (a) the Parties agree in writing to the variation; and
 - (b) any consent or approval required under the Act or any other law to the variation is first obtained; and
 - (c) the Developer bears all of the Council's reasonable costs of and incidental to agreeing to and approving the variation, except in respect of any variation arising in accordance with Clause 13.3 of this Agreement.
- 13.2 For the purposes of clause 13.1(a) a variation may relate to any matter in relation to the Works that is dealt with by this Agreement.
- 13.3 If Council requests a variation to the Works after Council has given its written approval under clause 7, then the Council shall be liable to pay to the Developer an

amount equal to the increase in the costs of completing the Works, which results from the variation requested by the Council.

13.4 Council shall repay the amount referred to in clause 13.3 to the Developer after the Works are complete, and within 28 days of receipt of:

- (a) a tax invoice for the amount claimed by the Developer; and
- (b) documentation which demonstrates to Council's satisfaction, acting reasonably, that the increase in costs is a result of the variation requested by the Council.

14. Hand-Over of Works

14.1 The Developer is to give the Council not less than 20 days written notice of:

- (a) the date on which it proposes to Hand-Over any Works to the Council, being a date not later than the Hand-Over Date; and
- (b) the Items of Work the subject of the notice.

14.2 The Council may, at any time before the date specified in the notice referred to in clause 14.1(a), direct the Developer in writing:

- (a) to carry out certain work reasonably necessary for the Works to be completed in accordance with the approval referred to in clause 7.5 of this Agreement, before it is Handed-Over to the Council; and
- (b) to Hand-Over the Works to the Council by a specified date, irrespective of whether that date is later than the Hand-Over Date.

14.3 The Developer is to comply with a direction according to its terms and at the Developer's own cost.

14.4 Before the Works are Handed-Over to the Council, the Developer is to remove from the Land:

- (a) any rubbish or surplus material; and
- (b) any temporary works; and
- (c) any construction plant and equipment, relating to the carrying out of the Works as the case requires.

14.5 The Works are taken to be Handed-Over to the Council when the Developer has completed the Works in accordance with its obligations under this Agreement and gives the Council written notice to that effect and Council confirms in writing that the Works have been completed in accordance with this Agreement.

15. Failure to Carry Out and Hand-Over Works

15.1 The parties agree that the Hand-Over Date may be extended due to:

- (a) any Force Majeure Event;

- (b) any delay caused by any civil commotion, riot or industrial action beyond the control of the Owner or the Developer which prevents the development the subject of this Agreement from proceeding;
 - (c) any delay caused by court order, including an injunction;
 - (d) any delay caused by the bankruptcy or insolvency of any contractor or sub-contractor engaged by Developer for the purpose of the works the subject of this Agreement;
 - (e) any reasonable delay caused by rain, wind or incremental weather;
 - (f) any delay arising for any amendment to the law governing this Agreement;
 - (g) any delay arising from any reasonable request for an extension of term to any building contract between the Developer and any contractor or sub-contractor entered into to carry out the works the subject of this Agreement;
 - (h) any delay arising from any reasonable suspension by the Developer or any contractor or sub-contractor hired to carry out the works the subject of this Agreement;
 - (i) any delay caused by any act or omission of a contractor or sub-contractor engaged by the Developer to carry out the works the subject of this Agreement;
 - (j) any delays on the part of any government authority (including the Council) in granting any approval, consent, licence or permit necessary for the Works to be completed; or
 - (k) any direction the Council gives extending the Hand-Over Date.
- 15.2 If the Council considers that the Developer is in breach of any obligation under this Agreement relating to the carrying out of the Works, the Council must give the Developer a notice requiring:
- (a) the breach to be rectified to the Council's satisfaction; or
 - (b) the carrying out of the Works to immediately cease, except in relation to the rectification of the breach, and the breach to be remedied to the Council's satisfaction.
- 15.3 A notice given under clause 15.2 is to allow the Developer a reasonable period (and in any case not less than 60 days) to remedy the breach.
- 15.4 If the Developer fails to remedy the breach the subject of a notice given under clause 15.2, the Council may carry out and complete or make safe the Works.
- 15.5 Despite clauses 15.2, 15.3 and 15.4 of this Agreement, if urgent action is necessary to protect the Works, other property or people and the Developer fails to take the action then, in addition to any other remedies of the Council, the Council may take the necessary action without the need to provide notice (although Council will use all reasonable endeavours to provide a reasonable amount of notice in the circumstances).
- 15.6 For the purposes of clause 15.4 and clause 15.5:
- (a) the Developer must allow the Council, its servants, agents and contractors to enter the Land for the purpose of completing the Works; and

- (b) the costs incurred by the Council in carrying out, completing, or making safe the Works or taking the necessary action, may be recovered by the Council from the Developer as a debt due in a court of competent jurisdiction.

16. Works-As-Executed-Plan

- 16.1 No later than 60 days after a notice is given under clause 14.5, the Developer is to submit to the Council a full Works-As-Executed-Plan in respect of the Works the subject of the notice.
- 16.2 The Developer shall provide with the Works-as-Executed Plan(s) all appropriate certificates to verify that the Works have been carried out in accordance with relevant standards.

17. Rectification of Defects

- 17.1 During the Defects Liability Period the Council may give to the Developer a Rectification Notice in relation to the Works specifying:
 - (a) the Works requiring rectification;
 - (b) the action required to be undertaken by the Developer to rectify those Works; and
 - (c) the date on which those Works are to be rectified, being a reasonable time after the Rectification Notice is given to the Developer having regard to the scope, nature and extent of Works requiring rectification.
- 17.2 The Developer must comply with a Rectification Notice at its own cost according to the terms of the Notice.
- 17.3 When the Developer considers that rectification is complete, the Developer may give to the Council a Rectification Certificate relating to the Works the subject of the relevant Rectification Notice.
- 17.4 A Rectification Certificate discharges the Developer from any further obligation to comply with the relevant Rectification Notice.
- 17.5 If the Developer does not comply with a Rectification Notice, the Council may do such things as are necessary to rectify the defect

18. Cost of Works carried out by the Council

- 18.1 The Parties acknowledge and agree that where, in accordance with this Agreement, the Council incurs a cost in carrying out, completing or rectifying a defect in the Works, the Council may recover from the Developer in a court of competent jurisdiction its full costs.
- 18.2 The Council's costs of carrying out, completing or rectifying the Works in accordance with this Agreement include:
 - (a) the reasonable costs of the Council's servants, agents and contractors reasonably incurred for that purpose;
 - (b) all fees and charges necessarily or reasonably incurred by the Council in order to have the Works carried out, completed, made safe or rectified; and

- (c) without limiting the generality of the preceding sub-clause, all legal costs and expenses reasonably incurred by the Council, by reason of the Developer's failure to comply with this Agreement.

19. Indemnity and Insurance

19.1 The Developer is to take out and keep current the following insurances in relation to the Works up until the relevant date of Hand-Over to Council:

- (a) contract works insurance, noting the Council as an interested party, for the full replacement value of the Works (including the cost of demolition and removal of debris, consultants' fees and authorities' fees), to cover the Developer's liability in respect of damage to or destruction of the Works;
- (b) public liability insurance for at least \$10,000,000 for a single occurrence, which covers the Council, the Developer and any subcontractor of the Developer, for liability to any third party;
- (c) workers compensation insurance as required by law; and
- (d) any other insurance required by law.

19.2 If the Developer fails to comply with clause 19.1, the Council may effect and keep in force such insurances and pay such premiums as may be necessary for that purpose and the amount so paid shall be a debt due from the Developer to the Council and may be recovered by the Council as it deems appropriate including:

- (a) recovery as a debt due in a court of competent jurisdiction.

19.3 The Developer is not to commence to carry out the Works unless it has first provided written evidence to the Council of all the insurances specified in clause 19.1.

20. Provision of Security

20.1 This clause does not apply if:

- (a) the Summary Sheet at the front of this Agreement contains the words "Not Applicable" in relation to the Security Amount.

21. Monetary Contributions

21.1 Payment

The Developer must pay the Monetary Contributions on or before the date for payment specified in Column 3 of Schedule 1. Payment of the Monetary Contributions may be made by cheque or electronic bank transfer to Council's nominated bank account.

21.2 Annual Increases

On each anniversary of the date the amending Local Environmental Plan (giving effect to the Planning Proposal) is published on the NSW Legislation Website, the Monetary Contribution applicable immediately prior to that anniversary will be increased in accordance with the Relevant Index. The increased Monetary Contributions will be the Monetary Contributions in the subsequent 12 months.

21.3 Public Purpose

- (a) The Monetary Contributions are required for the funding of the provision of new infrastructure and improvements, as determined by the General Manager of Council from time to time and Council will apply the Monetary Contributions for those purposes. The description and location of the works specified in Columns 1 and 2 of Schedule 1 are for indicative purposes only and Council may, at its full discretion, apply the Monetary Contributions towards any works (or land acquisition) for a public purpose which it deems appropriate to service new development within the Norwest Station Precinct.
- (b) Clause 21.3(a) shall not apply to the Monetary Contributions identified in Schedule 1 as 'Monetary Contribution towards regional road and transport infrastructure'. Those Monetary Contributions are to be held and maintained by the Council until such time as they are called upon by Transport for New South Wales, at which time the Council must duly transfer those moneys into an account specified in writing by Transport for New South Wales, so that they may be applied towards the public purpose of funding any regional road and transport infrastructure within The Hills Shire Council Local Government Area, as determined at the absolute discretion of Transport for New South Wales.

21.4 Pro Rata Increase of Monetary Contributions

In the event that the Proposed Development approved under the Development Consent achieves a yield in excess of 864 residential apartments (**Approved Apartments**) the Monetary Contributions payable by the Developer in accordance with this Agreement will increase on a pro rata basis (**Increased Monetary Contribution**) using the following formula:

$$\text{Increased Monetary Contribution} = (\text{Contribution Value} \div 864) \times \text{number of Approved Apartments}$$

22. Application of sections 7.11, 7.12 and 7.24 of the Act

- 22.1 For the purpose of section 7.4(5) of the Act, this Agreement excludes the application of sections 7.11 and 7.12 of the Act in relation to the Development Application for the Proposed Development.

23. Termination

23.1 Planning Proposal

This Agreement will terminate in the event that Local Environmental Plan which applies to the Land is not amended generally in accordance with the Planning Proposal.

23.2 Development Consents

If Development Consent is granted by the Council with respect to the Development Application, 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.

24. Consequences

- 24.1 On the date of termination or rescission of this Agreement, subject to the following sub-paragraphs each party releases each other party from any obligation to perform any term, or any liability arising out of, this document after the date termination.
- 24.2 Termination or rescission of this Agreement does not release either party from any obligation or liability arising under this document before termination or rescission.

25. 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.

26. Dispute Resolution

26.1 Notice of Dispute

If a party claims that a dispute has arisen under this Agreement (**Claimant**), it must give written notice to the other party (**Respondent**) stating the matters in dispute and designating as its representative a person to negotiate the dispute (**Claim Notice**). No party may start court proceedings (except for proceedings seeking interlocutory relief) in respect of a dispute unless it has first complied with this clause 26.1.

26.2 Response to Notice

Within 10 business days of receiving the Claim Notice, the Respondent must notify the Claimant of its representative to negotiate the dispute.

26.3 Negotiation

The nominated representative must:

- i. meet to discuss the matter in good faith within 5 business days after service by the Respondent of notice of its representative; and
- ii. use reasonable endeavours to settle or resolve the dispute within 15 business days after they have met.

26.4 Further Notice if Not Settled

If the dispute is not resolved within 15 business days after the nominated representatives have met, either party may give to the other a written notice calling for determination of the dispute (**Dispute Notice**) by mediation under clause 26.5.

26.5 Mediation

If a party gives a Dispute Notice calling for the dispute to be mediated:

- a) the parties must agree to the terms of reference of the mediation within 3 business days of the receipt of the Dispute Notice (the terms will include a requirement that the mediation rules of the Institute of Arbitrators and Mediators Australia (NSW Chapter) apply);

- b) the Mediator will be agreed between the parties, or failing agreement within 3 business days of receipt of the Dispute Notice, either party may request the President of the Institute of Arbitrators and Mediators Australia (NSW Chapter) to appoint a mediator;
- c) the Mediator appointed pursuant to this clause 26.5 must:
 - i. have reasonable qualifications and practical experience in the area of the dispute; and
 - ii. have no interest or duty which conflicts or may conflict with his function as mediator, he being required to fully disclose any such interest or duty before his appointment;
- d) the Mediator will be required to undertake to keep confidential all matters coming to his knowledge by reason of his appointment and performance of his duties;
- e) the parties must within 5 business days of receipt of the Dispute Notice notify each other of their representatives who will be involved in the mediation;
- f) the parties agree to be bound by a mediation settlement and may only initiate judicial proceedings in respect of a dispute which is the subject of a mediation settlement for the purpose of enforcing that mediation settlement;
- g) must convene and attend the mediation within 21 days of the date of the Dispute Notice;
- h) in relation to costs and expenses:
 - i. each party will bear their own professional and expert costs incurred in connection with the mediation; and
 - ii. the costs of the Mediator will be shared equally by the parties unless the Mediator determines a party has engaged in vexatious or unconscionable behaviour in which case the Mediator may require the full costs of the mediation to be borne by that party.

26.6 Litigation

If the dispute is not finally resolved in accordance with this clause 26, either party is at liberty to litigate the dispute.

26.7 Continue to Perform Obligations

Each party must continue to perform its obligations under this document, despite the existence of a dispute.

27. Registration of document on Title

27.1 Acknowledgement

The Developer acknowledges that Council intends to register this document under section 7.6 of the Act on the Land and on registration by the Registrar-General the document will be binding on and enforceable against the owners of the Land from time to time as if each owner for the time being had entered into this document.

27.2 Consents to Registration

This Agreement 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 effect the registration of this Agreement on the title of the Land.

27.3 Release from Registration

Council will at the request of the Developer execute and provide any necessary document (in registrable form) and perform any action necessary to remove this Agreement from the title of the Land where the Development Contributions have been made (including completion of the Works), no other money is owing to Council under this Agreement and the Developer is not in breach of any of its obligations under this Agreement.

27.4 Registration Expenses

The Developer must pay Council's reasonable expenses including registration fees, any stamp duty, for the registration of this document and the subsequent removal of registration.

28. Costs

The Developer will bear all of Council's reasonable costs associated with the negotiation, preparation, exhibition, legal review, execution and registration of this Agreement.

29. GST

- 29.1 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.

30. General

30.1 Assignment

- (a) The Developer must not transfer any right or liability under this Agreement without the prior consent of Council. This clause 30.1(a) will not operate in the event that the Developer enters into a contract of the sale of the Land the subject of this Agreement, and this Agreement has been registered on title in accordance with clause 27 of this Agreement.
- (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.

30.2 Governing law and jurisdiction

- (a) This Agreement 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.

30.3 Amendments

Any variation or amendment to this Agreement has no force or effect, unless documented in writing and executed by the parties.

30.4 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.

30.5 Further assurance

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

30.6 Continuing performance

- (a) The provisions of this Agreement 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 Agreement 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.

30.7 Waivers

Any failure by any party to exercise any right under this Agreement does not operate as a waiver and the single or partial exercise of any right by that party does not preclude any other or further exercise of that or any other right by that party.

30.8 Remedies

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

30.9 Counterparts

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

30.10 Party acting as trustee

If a party enters into this Agreement as trustee of a trust, that party and its successors as trustee of the trust will be liable under this Agreement in its own right and as trustee of the trust. Nothing releases the party from any liability in its personal capacity. The party warrants that at the date of this Agreement:

- (a) all the powers and discretions conferred by the deed establishing the trust are capable of being validly exercised by the party as trustee and have not been varied or revoked and the trust is a valid and subsisting trust;
- (b) the party is the sole trustee of the trust and has full and unfettered power under the terms of the deed establishing the trust to enter into and be bound by this 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; and
- (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.

30.11 Representations and warranties

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

30.12 Severability

If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as severed from this Agreement but does not affect the validity of the remaining Agreement.

31. Definitions and interpretation

31.1 In this document unless the context otherwise requires:

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

Agreement means this Planning Agreement.

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;

Contribution Value means the amount specified in Column 5 of Schedule 1.

Dedication means the creation or transfer of an estate in fee simple at no cost to Council.

Development Application means a development application made under Part 4 of the Act for the Proposed Development.

Development Consent means a development consent granted by the Council under section 4.16 of the Act for the Proposed Development.

Development Contributions means the Monetary Contributions, dedication of land or the provision of a material public benefit including the Works, under this Agreement and as set out in Schedule 1.

Defects Liability Period means the period specified in Column 4 of Schedule 1 in relation to the Works specified in Column 1 of that Schedule commencing on the date a Hand-Over Notice is given in relation to those Works.

Encumbrance includes any mortgage or charge, lease, (or other right of occupancy) easement, or profit a prendre.

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

Force Majeure Event means any event or circumstance, or a combination of events or circumstances:

- (a) which arises from a cause beyond the reasonable control of a party, including:
 - (i) an act of God;
 - (ii) strike, lockout, other industrial disturbance or labour difficulty;
 - (iii) war (declared or undeclared), act of public enemy, blockade, revolution, riot, insurrection, civil commotion;
 - (iv) lightning, storm, flood, fire, earthquake, explosion, epidemic, quarantine;
 - (v) embargo, unavailability of any essential equipment or materials, unavoidable accident, lack of transportation; or
 - (vi) anything done or not done by or to a person, except the party relying on force majeure;
- (b) which the Developer takes all reasonable precautions to protect itself against, and uses all reasonable endeavours to mitigate the consequences of (which does not require the Developer to settle a labour dispute if, in the Developer's opinion, that is not in its best interests); and
- (c) which the Developer notifies the Council of, as soon as practicable after becoming aware of the event or circumstance.

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.

Hand-Over means the hand-over to the Council of the Works in accordance with this Agreement.

Hand-Over Date means the date specified in Column 3 of Schedule 1 in relation to the Works specified in Column 1 of that Schedule corresponding to that date, subject to any extension of that date.

Hand-Over Notice means a notice issued by the Council under clause 14.

Item of Works means an item of the Works.

Land means the land specified in the Summary Sheet.

Location Plan means the plans contained in Schedule 2

Monetary Contributions means the monetary contributions specified in Schedule 1.

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

Planning Proposal means the 'Planning Proposal' specified in the Summary Sheet

Proposed Development means the 'Proposed Development' specified in the Summary Sheet.

Public Access Land means any parcel of land identified in Schedule 1 of this Planning Agreement as 'Public Access Land' and which will be burdened by a restriction of title permitting public access.

Rectification Certificate means a compliance certificate within the meaning of section 6.4(e) of the Act to the effect that work the subject of a Rectification Notice has been completed in accordance with the notice.

Rectification Notice means a notice in writing that identifies a defect in the Works and requires rectification of the defect within a specified period of time.

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

Relevant Index means the index specified in column 6 of Schedule 1.

Staging Plan means the plan contained in Schedule 3. The Staging Plan contained in Schedule 3 is indicative for the purpose of clarifying the timing identified in Column 3 of Schedule 1 of this Agreement only.

Works means the works specified or described of Schedule 1 and includes any Item of Works and any part of any Item of Works.

Works-As-Executed-Plan means detailed plans and specifications of the completed Works.

31.2 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 Development Contributions

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Items of Works	Area	Hand-Over Date (or date of payment for Monetary Contributions)	Defects Liability Period	Contribution Value	Indexation source (for purposes of Clause 21.2)
Public Access Land					
'The Hub' publicly accessible space – public access easement	Area to be defined with Development Application for buildings B and C – stage 1 (not less than 2,000m ²)	Registration of easement prior to issue of buildings B and C - stage 1 occupation certificate	N/A	Contribution to public amenity – through site link and pedestrian connectivity	N/A
Works					
Norwest Lake lighting & security	A minimum of 20 smart light poles around Norwest Lake covering the pedestrian boardwalk, paths and public domain areas. The smart poles shall, at a minimum, include Smart Wireless LED Street Area Lighting, 4G/5G and WIFI connectivity, CCTV, Power Outlets, Signage and capacity for additional functions over time.	Prior to Construction Certificate for stage 1	12 months from Hand-Over Date	\$1,000,000.00	N/A
Solent Circle (East) and Norwest	Traffic lights at intersection	Operational April 2018	12 months from Hand-Over Date	\$1,500,000.00	N/A

Boulevard traffic lights	on Norwest Boulevard				
Monetary Contributions					
Additional Passive open space and landscaping	Council to determine	Prior to Construction Certificate for Stage 1 (as per the Staging Plan)	N/A – Council responsible for defects	\$2,500,000.00	ABS PPI Non-residential Building Construction for NSW #3020
Contribution towards community facilities	Council to determine	Prior to Construction Certificate for Stage 2 (as per the Staging Plan)	N/A – Council responsible for defects	\$2,500,000.00	ABS PPI Non-residential Building Construction for NSW #3020
Pedestrian path and cycleway connection improvements	Council to determine	Prior to Construction Certificate for Stage 1 (as per the Staging Plan)	N/A – Council responsible for defects	\$750,000.00	ABS PPI Road and Bridge Construction for NSW #3101
Contribution towards traffic facilities	Traffic lights at intersection on Norwest Boulevard	Prior to Construction Certificate for Stage 3 (as per the Staging Plan)	N/A – Council responsible for defects	\$5,000,000.00	ABS PPI Road and Bridge Construction for NSW #3101
Contribution towards Active Open Space	Council sports field, local park, netball court, tennis court				
	Land Council sports field, local park, netball court, tennis court	Prior to Construction Certificate for Stage 4 (as per the Staging Plan)	N/A – Council responsible for defects	\$4,515,000.00	ABS Sydney Established House Price Index #6416
	Works Council sports field, local park, netball court, tennis court	Prior to Construction Certificate for Stage 5 (as per the Staging Plan)	N/A – Council responsible for defects	\$877,200.00	ABS PPI Non-residential Building Construction for NSW #3020



Voluntary Planning Agreement
Part 40 Solent Circuit, Baulkham Hills

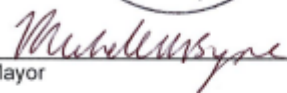
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Execution Page

The common seal of **The Hills Shire Council** was affixed under a resolution passed by council on 10 DECEMBER 2019 2020 in the presence of:




General Manager

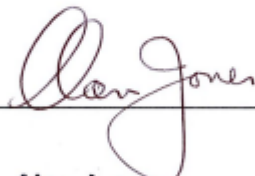

Mayor

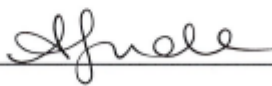

Witness
NICHOLAS CARLTON



Witness
NICHOLAS CARLTON

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


Secretary/Director
Gregory Shaw
Print name


Director
Alan Jones
Print name


Witness


Witness

ATTACHMENT 19 – ENDEAVOUR ENERGY SUBMISSIONS

From: Jeff Smith [<mailto:Jeffrey.Smith@endeavourenergy.com.au>]
Sent: Wednesday, 23 March 2022 1:18 PM
To: Cynthia Dugan
Cc: Cornelis Duba; Easements
Subject: RE: DA 1541/2021/JP 40 Solent Circuit, Norwest - Endeavour Energy Submission

Dear Cynthia,

Thank you for your email.

RE: LOT 2105 DP1201899 HN 40 SOLENT CIRCUIT, BAULKHAM HILLS.

From the supplied plan, the advice includes that 'Building B is outside of the easement and the basement is 6.4m from the property boundary (0.4m from the Endeavour Energy easement)' which is shown in the following extract of Plan E attached to the email, but there doesn't appear to be any detail of the building anchor design. As per the attachments, this design was previously not approved.



There does not appear to be a landscape plan provided also.

I have concerns relating to the possible activities within the easement, so scenario 2 must be added to your assessment report.

A deferred commencement condition is recommended that the Applicant is required to provide Endeavour Energy's Easements Officer with sufficient detail to assess all the proposed encroachments and/or activities within the easement. It is noted that some activities are prohibited whilst others are only allowed if they meet both the minimum safety requirements and controls for that type of easement and approved by Endeavour Energy's Easements Officer.

1

Regards

Jeff Smith
Easement Management Officer
Property Services
Endeavour Energy
D: 02 98537139
F: 02 98537100
M: 0408665193
T: 131 081
E: Jeffrey.Smith@endeavourenergy.com.au

43 Glendenning Road, Glendenning. NSW 2761.
www.endeavourenergy.com.au



From: Jeff Smith <Jeffrey.Smith@endeavourenergy.com.au>
Sent: Monday, 26 July 2021 11:51 AM
To: John Manahan
Cc: Jimmy Li
Subject: RE: DA 1541/2021/JP - 40 Solent Circuit Norwest - Endeavour Energy Easement

Dear John,

Thank you for your email.

RE: LOT 2105 DP1201899 HN 40 SOLENT CIRCUIT.

The high capacity 132kv Underground and associated Pilot Protection Cables, traversing through lot 2105 is protected by a registered 6 metre easement.

This associated easement is a crucial asset for Endeavour Energy, that may be needed for future capacity development within the area and as of such, no encroachments will be allowed or approved.

This has been communicated to Jimmy previously.

Regards



Jeff Smith
Easement Management Officer
Transmission Northern Region
Endeavour Energy
D: 02 98537139
F: 02 98537100
M: 0408665193
T: 131 081
E: Jeffrey.Smith@endeavourenergy.com.au

43 Glendenning Road, Glendenning. NSW 2761.
www.endeavourenergy.com.au



From: John Manahan <jmanahan@rcp.net.au>
Sent: Friday, 23 July 2021 2:52 PM
To: Jeff Smith <Jeffrey.Smith@endeavourenergy.com.au>
Cc: Santi Mantarro <santi.mantarro@parkview.com.au>; Ivan Agusti <ivan.agusti@parkview.com.au>; Anthony Sakkal <Anthony.Sakkal@parkview.com.au>; Remo Veneran <remo.veneran@bgeeng.com>; Michael Frawley <michael.frawley@parkview.com.au>; Sarah McMahon <S.McMahon@adpconsulting.com.au>; Jimmy Li <J.Li@adpconsulting.com.au>; Jan van der Bergh <JvanderBergh@mulphanorwest.com.au>; Nick Bouziotis <Nick.Bouziotis@mulpha.com.au>; s.bell@adpconsulting.com.au; Joseph Scro <joseph.scro@bgeeng.com>
Subject: DA 1541/2021/JP - 40 Solent Circuit Norwest - Endeavour Energy Easement

Hi Jeff,

Thanks for returning my call yesterday.

As per the voice mails, see attached mark-up which shows the extent of our basement anchor design and the easement superimposed. Note, in plan view, the anchors will be approximately 2.4m spacings.

Please review the attached and provide any feedback you may have. We can have a quick Teams catch-up if required.

I also believe Jimmy should have requested the locations of the earthrods and the RL of transmission lines so that we create a more accurate mark-up? Please send through if you require to see this information included on our plans.

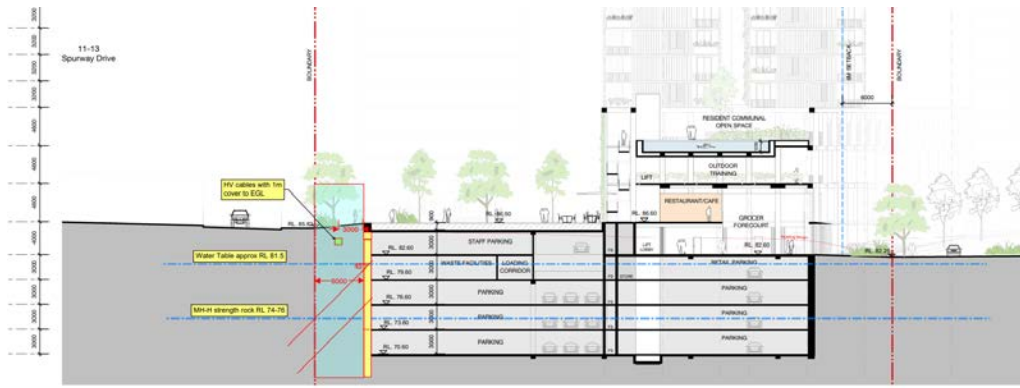
Regards

John Manahan
Senior Project Manager
E jmanahan@rcp.net.au
M 0452 522 402

2020 – AIB National Professional Excellence Award Winner – [GPO Exchange, Adelaide](#)
2020 – AIB SA Professional Excellence Award Winner – [GPO Exchange, Adelaide](#)
2020 – AIPM SA Project Winner – [GPO Exchange, Adelaide](#)
2020 – AIB QLD Professional Excellence in Building Award Winner – [Atlas Apartments Stages 1 & 2, Brisbane](#)

Project Management - Development Management - Project Programming - Delay Claim Advisory
Resource Co-ordination Partnership Pty Ltd (t/a RCP)
Level 8, 50 Clarence Street, Sydney NSW 2000
T +61 2 8234 8000 E rcp@rcp.net.au W www.rcp.net.au ACN 010 285 757 ABN 14 697 171 937 QBCC Licence No. 1147410
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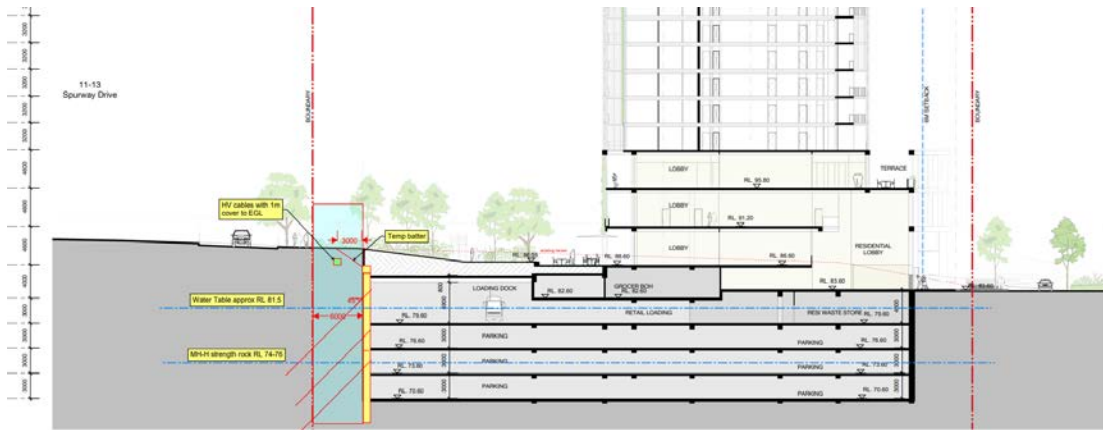


ART

Wellbourne 1 Nicholson Street Melbourne VIC 3000 Australia
T 03 9594 0000 F 03 9594 0000
www.wellbourne.com.au

Spryng 43 Brindley Street Sydney NSW 2015 Australia
T 02 9250 1100 F 02 9250 1100
www.spryng.com.au

The Greens S12467 Section A
Author: [Name] Checker: [Name] Date: 14/04/2021 3:04:40 PM
Drawing No: A10.001 Rev: A

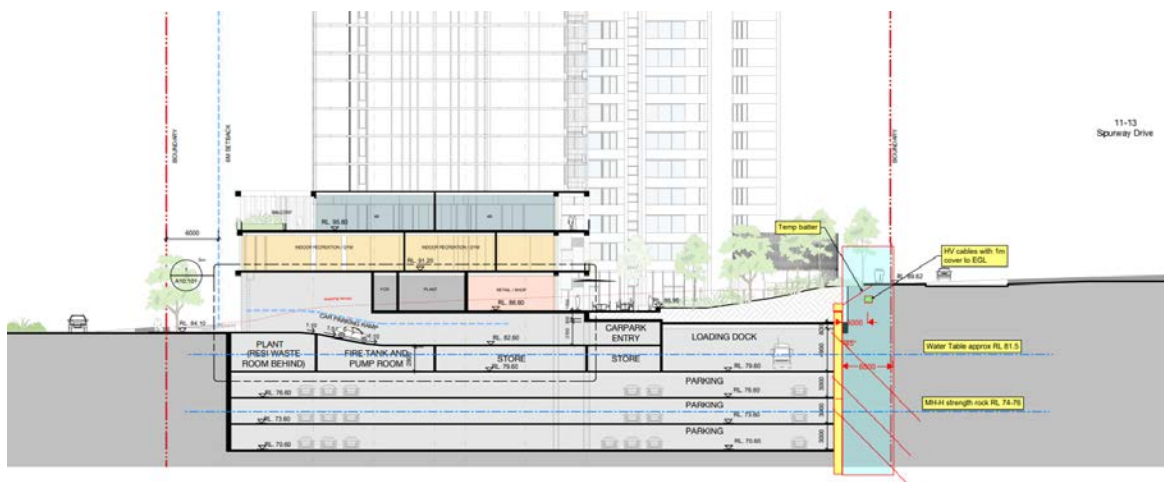


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www.spryng.com.au

The Greens S12467 Section B
Author: [Name] Checker: [Name] Date: 14/04/2021 7:31:50 PM
Drawing No: A10.002 Rev: A



ART

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T 03 9594 0000 F 03 9594 0000
www.wellbourne.com.au

Spryng 43 Brindley Street Sydney NSW 2015 Australia
T 02 9250 1100 F 02 9250 1100
www.spryng.com.au

The Greens S12467 Section C
Author: [Name] Checker: [Name] Date: 14/04/2021 9:05:52 PM
Drawing No: A10.003 Rev: A



Sydney 43 Brisbane Street
Durr Hill NSW 2010 Australia
T 02 8254 3100 F 02 8254 5199
email sp@lakesmart.com.au
<http://www.lakesmart.com.au>

Smart TVs: Is it safe to use your old TV?



Section D

Drawn: _____
 Author: _____

Section D
Date
14/04/2021 9:0

Drawing no.
A10.004

A

The General Manager
The Hills Shire Council

4 May 2021

ATTENTION: Cynthia Dugan

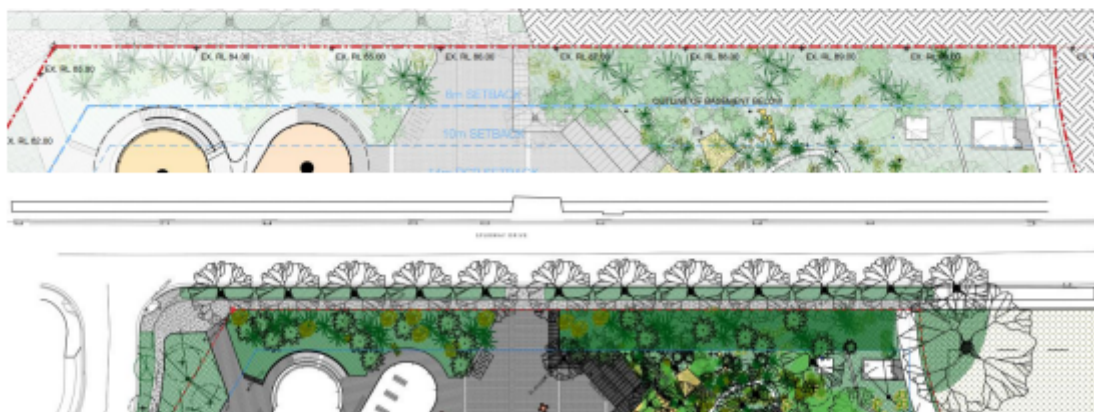
Dear Sir or Madam

I refer to the referral of 3 May 2021 from NSW Planning, Industry & Environment regarding NSW Government concurrence and referral request CNR-21623 for The Hills Shire Council Development Application 1541/2021/JP at 40 SOLENT CIRCUIT NORWEST 2153 (Lot 2107 DP 1216268) for 'Proposed mixed use development comprising 196 residential apartments and supporting retail, business, indoor recreation and medical uses with basement car parking constructed over two stages'. Submissions need to be made to Council by 24 May 2021.

Please find attached a copy of Endeavour Energy's previous submission made to Council via email on 1 June 2018 regarding Planning Proposal 5/2015/PLP at 40 Solent Circuit, BAULKHAM HILLS NSW 2153 (Part Lot 2105 DP 1201899) for 'Draft Development Control Plan amendments and draft Voluntary Planning Agreement to facilitate a mixed use development comprising nine (9) towers, ranging in height from 8 to 26 storeys and accommodating approximately 864 residential units and 6,000m² of commercial floor space'. The recommendations and comments provided therein essentially remain valid.

Endeavour Energy has noted that whilst the Statement of Environmental Effects mentions 'A 6m wide and variable electricity easement runs adjacent to the northern property boundary for an Endeavour Energy 132kV underground transmission line', it does not appear to address any of the encroachments or activities proposed within the easement.

From the following extracts of the Architectural Plans and the Landscape Plans it appears that Building B and the basement is proposed to be constructed to the edge (and possibly encroaching) the easement?



51 Huntingwood Drive, Huntingwood, NSW 2148
PO Box 811, Seven Hills, NSW 1730
T: 133 718

endeavourenergy.com.au

ABN 11 247 365 823

As previously advised Endeavour Energy's preference is for no activities or encroachments to occur within its easements. However, if any proposed works or activities (other than those approved / certified by Endeavour Energy's Network Connections Branch as part of an enquiry / application for load or asset relocation project) will encroach / affect Endeavour Energy's easements, contact must first be made with the Endeavour Energy's Easements Officer, Jeffrey Smith, on business days on direct telephone 9853 7139 or alternately email Jeffrey.Smith@endeavourenergy.com.au or Easements@endeavourenergy.com.au.

The applicant should also be aware of the following object of Section 49A 'Excavation work affecting electricity works' of the of *Electricity Supply Act 1995* (NSW) covering the carrying out or proposed carrying out of excavation work in, on or near Endeavour Energy's electrical infrastructure.

Electricity Supply Act 1995 No 94

Current version for 1 July 2019 to date (accessed 24 October 2019 at 14:19)

Part 5 > Division 2 > Section 49A



49A Excavation work affecting electricity works

- (1) This section applies if a network operator has reasonable cause to believe that the carrying out or proposed carrying out of excavation work in, on or near its electricity works:
 - (a) could destroy, damage or interfere with those works, or
 - (b) could make those works become a potential cause of bush fire or a potential risk to public safety.
- (2) In those circumstances, a network operator may serve a written notice on the person carrying out or proposing to carry out the excavation work requiring the person:
 - (a) to modify the excavation work, or
 - (b) not to carry out the excavation work, but only if the network operator is of the opinion that modifying the excavation work will not be effective in preventing the destruction or damage of, or interference with, the electricity works concerned or in preventing those works becoming a potential cause of bush fire or a potential risk to public safety.
- (3) A notice under subsection (2) must specify the excavation work that is to be modified or not carried out.

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

Accordingly the applicant will need to provide Endeavour Energy's Easements Officer with sufficient detail to be able to assess all the proposed encroachments and / or activities within the easement. Some activities are prohibited whilst others are only allowed if they meet both the minimum safety requirements and controls for that type of easement and approved by Endeavour Energy's Easements Officer.

Given the significance of the 132 kV high voltage underground cables, rather than the granting by Council of a conditional consent, Endeavour Energy's preference is to clarify the situation beforehand. Whilst Endeavour energy is not necessarily opposed to the proposed development, due to the foregoing it objects to the Development Application.

Subject to the satisfactory resolution of the foregoing and the following recommendations and comments Endeavour Energy will have no further objection to the Development Application. However please note that this does not constitute or imply the granting of permission by Endeavour Energy to any or all of the proposed encroachments and / or activities within the easement.

- **Network Capacity / Connection**

Endeavour Energy has noted the following in the Statement of Environmental Effects addressing whether electricity services are available and adequate for the development.

5.1.2 Assessment Against the Provisions of The Hills LEP 2019

This application has been assessed against the relevant provisions of The Hills LEP 2019.

- Clause 6.3 Public utility infrastructure

This clause specifies that development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.

Public utility infrastructure that is essential for the proposed development will be available when it is required.

An Infrastructure Report prepared by ADP Consulting (refer Appendix T) specifies the following (for the entire development site of The Greens):

- Existing infrastructure surrounding and serving the site from in-ground services:
 - Power – Endeavour Energy
- Estimated new infrastructure associated with the development
 - Power – design of new substations and main switch rooms. It is noted that ADP Consulting liaised with Council during March regarding a proposed substation along Solent Circuit to service the proposed development. Council have stated that they are satisfied with the proposed location of the substation indicated in the architectural and landscape plans.

The proposed padmount substation location to the Solent Circuit road frontage is shown in the following extract of the Architectural Plans.

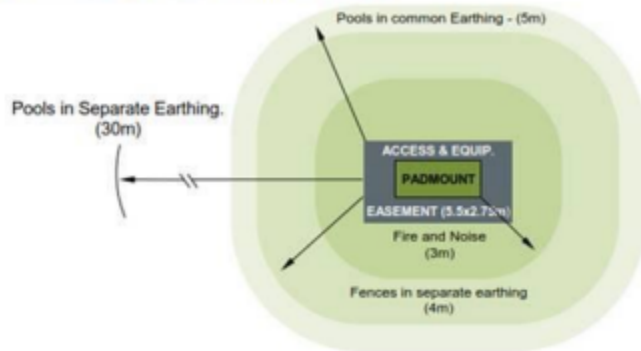


From Endeavour Energy's perspective the fact that provision is being made for a padmount substation is a positive. Endeavour Energy's general requirements is for a padmount substation to be at ground level and have direct access from a public street (unless provided with appropriate easements for the associated underground cables and right of access).

As shown in the following extract of Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights', Figure A4.3 'Padmount easements and clearances', padmount substations require:

- Easement with a minimum size of 2.75 x 5.5 metres (single transformer).
- Restriction for fire rating which usually extends 3 metres horizontally from the base of the substation footing / plinth and 6 metres vertically from the same point.
- Restriction for swimming pools which extends 5 metres from the easement.

A4.3 - Padmount easements and clearances



The easement should not cross property boundaries but the restriction/s may affect any adjoining property provided they are able to be registered on the title to that property. In addition the following matters also need to be considered in regard to the fire restriction:

- Personnel access doors and fire exit doors to a building are not permitted within the fire restriction area.
- Gas mains/pipes shall not pass through the fire restriction area.
- A 10 metre clearance distance shall be maintained between substation and fire hydrants, booster valves, and the like in accordance with AS2419.1 'Fire hydrant installations System design, installation and commissioning' as updated from time to time.
- Consideration should be provided to the appropriateness of the landscaping relative to the fire restriction for the substation. Any landscaping that potentially could transfer / provide connectivity for flame or radiant heat from a fire in the substation to a dwelling or building should be avoided.
- The storage of and / or use of flammable, combustible, corrosive or explosive material within the fire restriction should be avoided.

Generally it is the Level 3 Accredited Service Provider's (ASP) responsibility (engaged by the developer) to make sure that the substation location and design complies with Endeavour Energy's standards the suitability of access, safety clearances, fire ratings, flooding etc. As a condition of the Development Application consent Council should request the submission of documentary evidence from Endeavour Energy confirming that satisfactory arrangements have been made for the connection of electricity and the design requirements for the substation, prior to the release of the Construction Certificate / commencement of works.

The applicant will need to progress through the 'Next Steps' as detailed in the following extract of the Infrastructure Report.

3.3 Next Steps

The following items will be required to be addressed as part of the electrical connection works on site:

- > Connection application to be submitted to Endeavour Energy based on the increase in demand.
- > ADP to liaise with Endeavour Energy for the approval to connect, as a result of an application. ADP will hold further discussions with Endeavour Energy to minimise the effect of the substation design on the building, and to confirm the exact supply requirement.
- > Once confirmation is received from Endeavour Energy of their acceptance of the ADP proposal, the ASP level 3 design shall be progressed, and submitted on behalf of the client for design approval.

Approved design will be provided to the builder for tendering and construction.

In due course the applicant for the proposed development of the site will need to submit an appropriate application based on the maximum demand for electricity for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Straightforward applications can be completed online and permission to connect may be provided immediately if submitting a complying application.

Depending on the outcome of the assessment, any required padmount substation/s will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Please refer to Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'.

For more complex connections, advice on the electricity infrastructure required to facilitate the proposed development can be obtained by submitting a Technical Review Request to Endeavour Energy's Network Connections Branch, the form for which FPJ6007 is attached. The response to these enquiries is based upon a desktop review of corporate information systems, and as such does not involve the engagement of various internal stakeholders in order to develop a 'Connection Offer'. It does provide details of preliminary connection requirements which can be considered by the applicant prior to lodging a formal application for connection of load.

Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on business days from 9am - 4:30pm on telephone: 133 718 or (02) 9853 6666 or on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link:

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

Alternatively the applicant may need to engage an Accredited Service Provider (ASP) of an appropriate level and class of accreditation to assess the electricity load and the proposed method of supply for the development. The ASP scheme is administered by Energy NSW and details are available on their website via the following link or telephone 13 77 88:

<https://energy.nsw.gov.au/government-and-regulation/legislative-and-regulatory-requirements/asp-scheme-and-contestable-works> .

- **Network Asset Design**

Endeavour Energy's Company Policy 9.2.5 'Network Asset Design', includes the following updated requirements for electricity connections to new urban subdivision / development.

5.11 Reticulation policy

5.11.1 Distribution reticulation

In order to improve the reliability performance of and to reduce the operating expenditure on the network over the long term the company has adopted the strategy of requiring new lines to be either underground cables or where overhead is permitted, to be predominantly of covered or insulated construction. Notwithstanding this strategy, bare wire overhead construction is appropriate and permitted in some situations as detailed below.

In areas with the potential for significant overhanging foliage, CCT is used to provide increased reliability as it is less susceptible to outages from wind-blown branches and debris than bare conductors. CCT must only be used in treed² areas as the probability of a direct lightning strike is low. In open areas where the line is not shielded from a direct lightning strike, bare conductors must generally be used for 11kV and 22kV reticulation.

Non-metallic Screened High Voltage Aerial Bundled Cable (NMSHVABC) must be used in areas which are heavily treed and where it is not practicable to maintain a tree clearing envelope around the conductors.

² A "treed" area is one with a substantial number of trees adjacent to the line, in each span. In these situations CCT is used to provide increased reliability as it is less susceptible to outages from wind-blown

5.11.1.1 Urban areas

Reticulation of new residential subdivisions will be underground. In areas of low bushfire consequence, new lines within existing overhead areas can be overhead, unless underground lines are cost justified or required by either environmental or local council requirements.

Where underground reticulation is required on a feeder that supplies a mixture of industrial, commercial and/or residential loads, the standard of underground construction will apply to all types of load within that development.

Where ducting is used, adequate spare ducts and easements must be provided at the outset to cover the final load requirements of the entire development plan.

Extensions to the existing overhead 11kV/22kV network must generally be underground. Bare wire will be used for conductor replacements and augmentations except in treed areas where CCT or NMSHVABC must be used.

Extensions to the existing overhead LV network and augmentations must either be underground or ABC. Conductor replacements greater than 100m in route length must utilise aerial bundled cable.

- **Streetlighting**

With the likely increase in both vehicular and pedestrian traffic, although the existing streetlighting is designed for an urban environment, the streetlighting for the proposed development should be reviewed and if necessary upgraded to comply with the series of standards applying to the lighting of roads and public spaces set out in with Australian/New Zealand Standard AS/NZS 1158: 2010 'Lighting for roads and public spaces' as updated from time to time.

Whilst the determination of the appropriate lighting rests with the road controlling authority, Endeavour Energy as a Public Lighting Service Provider is responsible for operating and maintaining the streetlights on behalf of local councils, Roads and Maritime Services and other utilities in accordance with the NSW Public Lighting Code 2019 (Code) as updated from time to time. Endeavour Energy recognises that well designed, maintained and managed Public Lighting offers a safe, secure and attractive visual environment for pedestrians and drivers during times of inadequate natural light.

For any Code implementation and administration / technical matters please contact Endeavour Energy's Substation Mains Assets Section via Head Office enquiries on business days from 9am - 4:30pm on telephone: 133 718 or (02) 9853 6666 or email mainsenquiry@endeavourenergy.com.au.

- **Site Remediation**

Endeavour Energy has noted the following in the Report on Preliminary Site Investigation.

8. Preliminary Conceptual Site Model

Potential Sources

Based on the desktop study and site walkover, the following potential sources of contamination and associated contaminants of potential concern (COPC) have been identified.

- S1: Fill: Associated with levelling and site formation purposes particularly for the temporary site compound in the western portion of the site and where excavation works occurred for the installation of the underground electricity cables.
 - o COPC include metals, TRH, BTEX, PAH, PCB, OCP, OPP, phenols and asbestos.

As indicated in the Statement of Environmental Effects 'It is noted that overhead power lines were installed along the northern boundary of the site which has since been relocated underground by 2015'.

Endeavour Energy's Environmental Business Partner Team have advised that the remediation of soils or surfaces impacted by various forms of electricity infrastructure is not uncommon but is usually not significant eg. transformer oil associated with leaking substations, pole treatment chemicals at the base of timber poles etc. The method of remediation is generally the removal of the electricity infrastructure, removal of any stained surfaces or excavation of any contaminated soils and their disposal at a licensed land fill. The decommissioning and removal of the redundant electricity infrastructure will be dealt with by Endeavour Energy's Network Connections Branch as part of the application for the connection of load for the new development – please refer to the above point 'Network Capacity / Connection'.

If the applicant has any concerns over the remediation works related to redundant electricity infrastructure they should contact Environmental Business Partner Team via Head Office enquiries on business days from 9am - 4:30pm on telephone: 133 718 or (02) 9853 6666.

- Public Safety

If the applicant has any concerns over the proposed works in proximity of the Endeavour Energy's electricity infrastructure to the road verge / roadway, as part of a public safety initiative Endeavour Energy has set up an email account that is accessible by a range of multiple stakeholders across the company in order to provide more effective lines of communication with the general public who may be undertaking construction activities in proximity of electricity infrastructure such as builders, construction industry workers etc. The email address is Construction.Works@endeavourenergy.com.au.

I appreciate that not all the foregoing issues may be directly or immediately relevant or significant to the Development Application. Endeavour Energy's preference is to alert proponents / applicants of the potential matters that may arise should development within closer proximity of the existing and/or required electricity infrastructure needed to facilitate the proposed development on or in the vicinity of the site occur.

Please note that Endeavour Energy can only assess the Development Application based on the information provided by the applicant and Council. Due to time and resource constraints it is not possible to refer all development application notifications to the relevant internal stakeholders for review and advice or to request additional information from the applicant or Council. Applicants should be providing proper detailed plans of the electricity infrastructure / easements on or near the site and address the potential impacts of the proposed development thereon in the Statement of Environmental Effects. The provision of inadequate detail may result in Endeavour Energy objecting to the Development Application – as it has in this instance.

Could you please pass on a copy of this submission and the attached resources to the applicant? Should you wish to discuss this matter, or have any questions, please do not hesitate to contact me or the contacts identified above or in Endeavour Energy's previous submission in relation to the various matters. Due to the high number of development application / planning proposal notifications submitted to Endeavour Energy, to ensure a response contact by email to property.development@endeavourenergy.com.au is preferred.

With the easing of the current COVID-19 health risk, whilst a significant number of Endeavour Energy staff are returning to the office they are at times still working from home. Although working from home, access to emails and other internal stakeholders can still be somewhat limited and as a result it may take longer than usual to respond to enquiries. Thank you for your ongoing understanding during this time.

Yours faithfully

Cornelis Duba

Development Application Specialist

Network Environment & Assessment

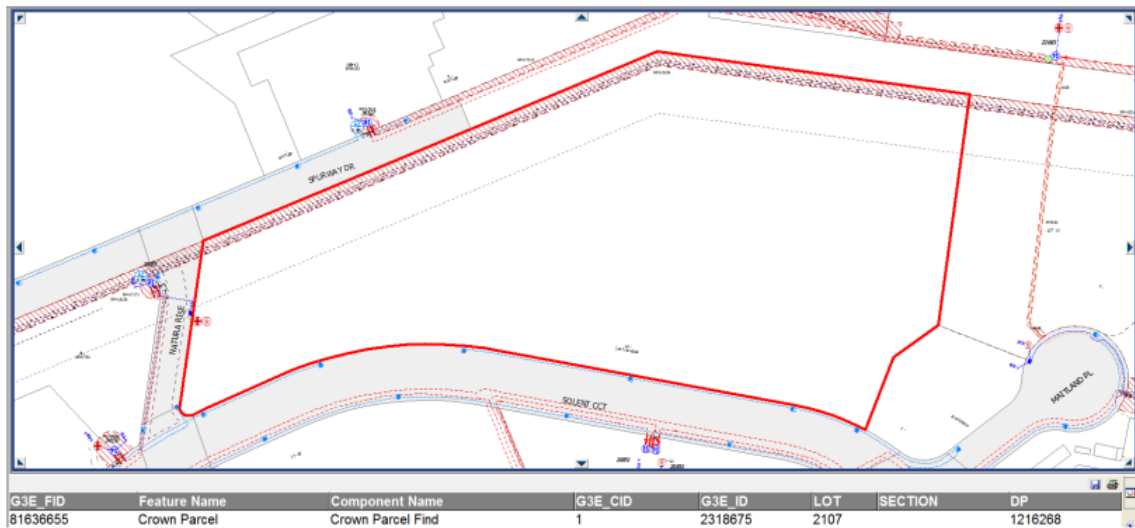
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Please note the location, extent and type of any electricity infrastructure, boundaries etc. shown on the plan is indicative only. In addition it must be recognised that the electricity network is constantly extended, augmented and modified and there is a delay from the completion and commissioning of these works until their capture in the model. Generally (depending on the scale and/or features selected), low voltage (normally not exceeding 1,000 volts) is indicated by blue lines and high voltage (normally exceeding 1,000 volts but for Endeavour Energy's network not exceeding 132,000 volts / 132 kV) by red lines (these lines can appear as solid or dashed and where there are multiple lines / cables only the higher voltage may be shown). This plan only shows the Endeavour Energy network and does not show electricity infrastructure belonging to other authorities or customers owned electrical equipment beyond the customer connection point / point of supply to the property. This plan is not a 'Dial Before You Dig' plan under the provisions of Part 5E 'Protection of underground electricity power lines' of the [Electricity Supply Act 1995](#) (NSW).