



COUNCIL ASSESSMENT REPORT SYDNEY CENTRAL CITY PLANNING PANEL

| PANEL REFERENCE & DA NUMBER | PPSSCC-433 - DA 1356/2023/JP |
|---|--|
| PROPOSAL | Mixed Use Commercial Development Including Office premises, Food and Drink Premises and Function Hall |
| ADDRESS | 12 Norbrik Drive Bella Vista |
| APPLICANT | Georges Ground Pty Ltd |
| OWNERS | Georges Ground Pty Ltd |
| DA LODGEMENT DATE | 09 March 2023 |
| APPLICATION TYPE | Development Application |
| REGIONALLY SIGNIFICANT CRITERIA | Clause 2.19, Schedule 6 of the SEPP (Planning Systems) 2021: |
| ESTIMATED DEVELOPMENT COST | \$42,975,025.00 (excluding GST) |
| CLAUSE 4.6 REQUESTS | N/A |
| KEY SEPP/LEP | SEPP (Transport and Infrastructure) 2021 and The Hills LEP 2019 |
| TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS | Nil |
| | Statement of Environmental Effects – Urbis |
| | Heritage Impact Assessment – Urbis |
| | Architectural Plans – DEM |
| DOCUMENTS | Urban Design Report – DEM |
| SUBMITTED FOR CONSIDERATION | Landscape Plan – DEM |
| | Arboricultural Development Impact Assessment Report – Birds Tree Consultancy |
| | Traffic Impact Assessment - Stantec |
| | Structural Design Report – James Taylor |

| | Stormwater Management Report and Civil Drawings – Acor Operation Management Plan – Georges Ground Pty Ltd Due Diligence Contamination Assessment – Alliance Geotechnical Investigation – Geotechnique Pty Ltd Hospitality Report – SDG ESD Report – BSE Acoustic Impact Assessment - Resonate Access Report – MGAC BCA Assessment - Philip Chun Building Compliance Waste Management Plan – Gary Dickson Consulting QS Cost Summary Report – QPC & C CPTED Assessment – Precision Integrity Services |
|---|---|
| SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24) | N/A |
| RECOMMENDATION | Approval subject to conditions |
| DRAFT CONDITIONS TO APPLICANT | Yes |
| SCHEDULED MEETING DATE | Electronic Determination |
| PREPARED BY | Cynthia Dugan – Principal Coordinator |
| CONFLICT OF INTEREST DECLARATION | None Declared |
| DATE OF REPORT | 28 October 2024 |

EXECUTIVE SUMMARY

The Development Application is for the construction of a seven storey mixed use commercial development comprising a function hall on levels 1 and 2, commercial offices on levels 3 to 6 and a roof top terrace as a function hall and restaurant/bar. A total of 409 car parking spaces are proposed within two basement levels and ground level car park. 1m of land dedication within the Norbrik Drive frontage for road widening purposes is proposed to be dedicated at no cost to Council.

The proposal is located within the Circa Commercial Precinct which was subject to a site specific planning proposal (19/2015/PLP) to increase the permitted floor space ratio and heights on land under The Hills LEP 2019. The objective of the planning proposal was to increase employment opportunities for the Norwest Strategic Centre.

The proposal satisfies the site specific provisions for the Circa Commercial Precinct under Clause 7.20 of The Hills LEP 2019 (LEP) as concurrence from the Planning Secretary has been obtained. This Clause, despite its repeal, continues to apply by virtue of the savings provision under clause 4 of State Environmental Planning Policy Amendment (Housing and Productivity Contributions) 2023. Clause 7.20 was inserted in the LEP as part of the planning proposal to respond to concerns regarding the impact on the surrounding regional road network. To address these concerns, a State Voluntary Planning Agreement (SVPA2023-108) has been entered into between the Applicant and the Minister. The agreement will contribute to improvements to the regional infrastructure network including a monetary contribution of \$260,000 for the purposes of providing infrastructure in the locality. The State VPA has been exhibited for 28 days and is executed on the Title of the land.

The Circa Precinct planning proposal also included a local Voluntary Planning Agreement (1/2022/VPA) with a monetary contribution to be paid at a rate of 2.1% of the cost of future development. This will be allocated towards open space infrastructure improvements within the vicinity of the land. The local VPA has been executed and registered on the Title of the land.

The proposal has been assessed against the provisions under The Hills LEP 2019 and complies with the development standards. The proposal satisfies the provisions under Clause 5.10 Heritage Conservation of the LEP. As the site adjoins a heritage conservation area of state significance known as Bella Farm Homestead, a heritage impact statement and view analysis were submitted with the application that demonstrate the proposal would conserve the heritage significance and views of the Homestead which meet the objectives of the Clause.

The proposal has been reviewed by Council's Design Excellence Panel (DEP) and satisfies the provisions under Clause 7.7 Design Excellence of the LEP. The DEP raised initial concerns with the proposal including the urban design relationship with the proposed adjacent public park and heritage conservation area, architectural expression of the built form, landscape design, further analysis of the arrival and entry experience and office floor layouts. The Applicant has provided a design response to these concerns including incorporating design changes to the proposal. It is considered that the amended proposal meets the provisions under Clause 7.7 of the LEP.

The proposal has been assessed against the controls under The Hills DCP 2012 and generally complies with the controls with the exception of structures within heritage view cones, side setbacks and car parking. The application has demonstrated that the proposal would still meet the objectives of the controls as the heritage views would be protected and sufficient onsite parking will be provided. Therefore, the variations can be supported.

No submissions were received following the notification period.

The proposal is recommended for approval subject to conditions contained at **Attachment A** of this report.

1. THE SITE AND LOCALITY

The site is located on the northern bend of Norbrik Drive, Bella Vista and comprises an area of 8,000m² and a cross fall of approximately 9m from north to south. The site is zoned SP4 Enterprise, within the Circa Commercial Precinct in the Norwest Strategic Centre. The site is located approximately 1.3km south west of the Norwest Metro Station and 1.5km south east of the Bella Vista Metro Station. The site is approximately 500m from bus stops on Old Windsor Road.

The site is currently vacant and adjoins the Bella Vista Homestead Complex to the north which is a heritage conservation area of State Significance. Adjoining properties to the east, west and south comprise commercial developments and health services facilities including Norwest Private Hospital located on the southern side of Norbrik Drive.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The application is for the construction and use of a seven storey mixed use commercial development comprising the following:

- Function hall on Level 1 and Level 2 (Mezzanine),
- Four storeys of commercial office space on Level 3 Level 6, and
- Rooftop terrace as a function hall and bar.
- Three storey car park (including 2 x basement level and 1 x ground car park) accessed from Norbrik Drive, comprising:
 - 409 car parking spaces for commercial office, retail use, function hall,
 - 28 motorcycle parking spaces,
 - o 2 MRV spaces, and
 - Storage and services provisions.
- Provision of signage zones for building and business identification and wayfinding signage.
- Landscaping works including, ground plane perimeter landscaping along the site boundary, an internal Level 1 landscaped garden pavilion with stepped features and water features, landscaped terrace, and roof top garden at Level 7.
- Removal of 13 existing trees.
- 1m land dedication for road widening purposes along the Norbrik Road frontage is to be dedicated at no cost to Council.

The hours of operation proposed are:

- Ground level food and drinks premise 6 am to 11 pm Monday to Sunday,
- Level 1 function hall 11am until 12 midnight on Monday to Sunday and public holidays,
- Rooftop function hall 11am until 12 midnight on Monday to Thursday and 2am on Friday to Sunday and public holidays.
- Rooftop bar:
 - o 11am to 2am on Friday, Saturday and New Years Eve.
 - 11am to midnight on Sunday Thursday and public holidays.

The maximum number of patrons proposed is 780 patrons for the function hall (Level 1) and 560 patrons for the roof top function hall.

2.2 Background and Site History

Planning Proposal (19/2015/PLP)

The site formed part of a landowner (Mulpha) initiated planning proposal for the Circa Commercial Precinct which was finalised on 12 November 2021. The planning proposal is limited to the following land:



Figure 1: Circa Commercial Precinct Map

The amendment included the following changes to the LEP:

• Increase the maximum floor space ratio from part 1:1 and part 1.49:1 to part 1:1, part 2:1 and part 3:1;

• Increase the maximum building height from part RL108 and part RL116 to part RL103, part RL116 and part RL140;

• Rezone a portion of the land from B7 Business Park to RE1 Public Recreation (land to be dedicated to Council under the draft Voluntary Planning Agreement);

• Include a new clause (Clause 7.20) related to the provision of state infrastructure; and

• Include the site on the Clause Application Map.

The planning proposal also included a local Voluntary Planning Agreement to be paid at a rate of 2.1% of the cost of future development. This will be allocated towards public open space infrastructure improvements within the locality. Council also resolved to adopt draft amendments to The Hills DCP 2012 – Part D Section 22 – Circa Commercial Precinct, Part B Section 6 – Business and Part C Section 1 – Parking. These amendments to the Hills DCP 2012 are now in force.

Development Application History and Requests for Information

A prelodgement meeting (2/2023/PRE) was held prior to lodgement of the application on 22 July 2022.

This pre-lodgement application was reviewed by the Design Excellence Panel on 14 September 2022.

The Development Application was lodged on 9 March 2023.

A stop the clock letter was issued on 31 March 2023, requesting further information relating to heritage concerns, open space and recreation concerns, tree management and landscaping concerns.

Further information was requested on 4 April 2023 relating to acoustic concerns.

The Development Application was reviewed by the Design Advisory Panel on 10 May 2023.

On 11 May 2023, Council staff briefed the Sydney Central City Planning Panel regarding the application. The Panel raised a number of queries including proposed mix of uses, clarification on operational arrangements related to the daytime/nighttime use of the proposed function centre, acoustic impacts on surrounding uses and facilities, accessibility including proximity to the metro and public transport as well as pedestrian access, clarification of levels, noting that on some elevations it appears the proposed café is located below ground level and design response the adjoining heritage item. The Applicant has submitted a Plan of Management detailing the mix of uses and operational arrangements. A revised acoustic report has also been submitted to address any noise impacts to adjoining properties. Revised architectural plans have been provided to clarify the levels proposed and a heritage view corridor analysis has been submitted and reviewed by Council staff.

On 2 August 2023, the Applicant submitted amended architectural, landscape plans, a revised arborist report, a visual heritage impact response, amended acoustic report and a response to the design excellence panel report.

On 4 and 10 August 2023, further information was requested relating to landscaping and acoustic concerns.

On 16 August 2023, further information was requested relating to engineering concerns.

On 13 September 2023, a response was provided to address the engineering, landscaping concerns including the submission of amended engineering, landscape plans, arborist report and an amended traffic report.

On 14 September 2023, further information was requested relating to landscaping concerns.

Amended landscaping plans were received on 25 October 2023.

A revised acoustic report was submitted on 14 November 2023.

On 6 December 2023, further information was requested regarding acoustic concerns.

On 8 March 2024, further information was requested regarding engineering concerns relating to geotechnical, stormwater and traffic matters. A response to this request for information was provided on 10 May 2024.

On 4 June 2024, further information was requested regarding engineering concerns. A response to these concerns was provided on 19 June 2024.

On 23 August 2024, further information was requested regarding engineering concerns.

Amended landscape plans were provided on 9 July 2024.

Further engineering drawings were provided on 9 September 2024.

Amended landscape plans were provided on 12 September 2024.

A subdivision plan was submitted on 23 October 2024 to detail the land dedication proposed as part of the application.

Concurrence of the Planning Secretary/State VPA

On 17 March 2023, a referral was sent to the Department of Planning, Housing and Infrastructure (DPHI) requested concurrence from the Planning Secretary as required under Clause 7.20 of the LEP.

On 6 June 2023, a letter was received from DPHI advising that concurrence from the Planning Secretary cannot be issued until the impacts on regional infrastructure are addressed. The DPHI requested the Applicant to consider addressing these impacts via a State Voluntary Planning Agreement (SVPA).

On 12 December 2023, the DPHI confirmed that a letter of offer to enter into a State Voluntary Planning Agreement (SVPA) with the Minister had been submitted by the Applicant.

On 9 January 2024, the DPHI advised that the SVPA was being drafted by their legal team. DPHI also advised that concurrence of the Secretary is unlikely to be provided until mid-March, subject to internal approval and developer responsiveness.

On 25 January 2024, the DPHI advised that the drafting of the SVPA was nearing completion and the draft VPA should be ready for review and confirmation by the end of the following week. On 5 February 2024, the DPHI indicated that there was a delay with the drafting of the VPA by the legal team.

On 12 March 2024, correspondence was provided by the Applicant indicating that there were amendments to be made to the draft SVPA.

On 16 April 2024, correspondence was also provided by to Council staff from the DPHI indicating that concurrence of the Secretary will not be issued unit mid-June at the earliest. The Applicant also advised that the monetary contribution amount for the SVPA was still being negotiated with the DPHI.

On 25 June 2024, the DPHI advised that the Applicant had been unresponsive to their request for the required documents to finalise the execution and progress the SVPA. It was advised that concurrence would not be provided for at least 3-4 weeks.

On 31 July 2024, the Applicant provided the required documents to finalise the execution to progress the SVPA.

On 23 August 2024, the SVPA was executed. The DPHI advised that once the Applicant registers the SPVA on Title and provides the relevant Title searches, concurrence from the Planning Secretary could be issued.

On 26 September 2024, a Satisfactory Arrangements Certificate was issued by the DPHI to provide concurrence under Clause 7.20 of the LEP.

3. STATUTORY CONSIDERATIONS

When determining a Development Application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and*

Assessment Act 1979 ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

These matters are further considered below.

3.1 Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application

- State Environmental Planning Policy (Planning Systems) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Industry and Employment) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021; and
- The Hills Local Environmental Plan 2019.

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in the following table and considered in more detail below.

| EPI | Matters for Consideration | Comply (Y/N) |
|---|--|-----------------|
| Planning System SEPP | Section 2.19(1) declares the proposal as regionally significant development pursuant to Clause 3 of Schedule 6. | Y |
| Resilience and Hazards SEPP | Clause 4.6 Contamination has been considered in the Contamination Report and the proposal is satisfactory subject to conditions. | Y |
| Industry and Employment | Chapter 3 – Advertising and Signage | Y |
| Biodiversity and Conservation SEPP | Chapter 2 Vegetation in non-rural areas and Chapter 6 Water Catchments. | Y |
| Transport and | Clause 2.122 – Traffic generating development. | Y |
| Infrastructure SEPP | Clause 2.98 – Development adjacent to rail corridors | NA |

| LEP 2019 | Clause 4.1 – Lot size. Clause 4.3 – Height of Buildings Clause 4.4 – Floor Space Ratio Clause 5.10 – Heritage Clause 7.2 – Earthworks Clause 7.7 – Design Excellence Clause 7.20 – Development on certain land in Bella Vista | Y Y Y Y Y Y |
|----------|---|----------------------------|
|----------|---|----------------------------|

State Environmental Planning Policy (Planning Systems) 2021

State Environmental Planning Policy (Planning Systems) 2021 applies to the proposal as it identifies if development is regionally significant development. In this case, pursuant to Clause 2.19(1) of the SEPP, the proposal is a regionally significant development as it satisfies the criteria in Clause 2 of Schedule 6 of the SEPP as the proposal is development that has an estimated development cost of more than \$30 million. Accordingly, the Sydney Central City Planning Panel is the consent authority for the application.

State Environmental Planning Policy (Resilience and Hazards) 2021

The provisions of State Environmental Planning Policy (Resilience and Hazards) 2021 have been considered in the assessment of the development application. Clause 4.6 of the SEPP requires consent authorities to consider whether the land is contaminated, and 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.

A Site Contamination Investigation by Alliance Geotechnical & Environmental Solutions has been submitted which has concluded that there is no unacceptable land contamination human health exposure risks identified on site and based on the findings of the investigation, land contamination which may impact on the suitability of the site for the proposed development is unlikely to be present.

The report has been reviewed by Council's Senior Environmental Health Officer and no objections were raised to the proposal. Condition 28 is recommended in the draft development consent that should any new information come to light during construction works, which has the potential to alter previous conclusions about site contamination, notification is required immediately to Council's Manager – Environment and Health.

Subject to the above, it is considered that the site is suitable for the proposed development.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The aim of this plan is to protect the environment of the Hawkesbury-Nepean River Catchment by ensuring that the impacts of future land uses are considered in a regional context.

Through stormwater mitigation and erosion and sediment measures, the development is unlikely to have detrimental impacts on the health of the environment of the Hawkesbury and Nepean River Catchment.

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.

In accordance with Clause 2.122 of the SEPP, developments listed in Schedule 3 must be referred Transport for NSW prior to the determining of a development application and consider any matters raised, the accessibility of the site, traffic safety, road congestion or parking implications of the development. An assessment of the traffic, access, parking and road network is provided in the Traffic and Parking Report and has been assessed as satisfactory by Council's Traffic section.

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 commercial premises with access to a road exceed 10,000m² gross floor area and/or the development includes a car park for more than 200 car parking spaces. The proposal provides a commercial premises with a gross floor area of 16,000m² and comprises a carpark with 409 car parking spaces.

The Development Application was referred to Transport for NSW for review. Transport for NSW raised no objection to the proposal.

The potential for traffic safety and road congestion of the development have been satisfactorily addressed and satisfies Clause 2.122 of SEPP (Transport and Infrastructure) 2021.

State Environmental Planning Policy (Industry and Employment) 2021

The provisions of Chapter 3 Advertising and Signage of State Environmental Planning Policy (Industry and Employment) 2021 have been considered in the assessment of the development application.

The proposed signage zone is consistent with the size and nature of a commercial development within the Circa Commercial Precinct. Therefore, the signage is consistent with the aims of the SEPP as set out in Clause (3)(1)(a).

An assessment of the proposed signage zone has been undertaken with respect to Schedule 5 of the SEPP. The proposed signage zone is considered to satisfy all assessment criteria in Schedule 5 including consideration of the character of the area, special areas, views and vistas, streetscape, setting and landscape, site and building, illumination and safety. A detailed analysis will be undertaken when a detailed application is lodged for the sign.

The Hills Local Environmental Plan 2019

The site is zoned SP4 Enterprise (formerly B7 Business Park). The land uses are defined in LEP 2019 as follows:

function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

And

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

Note—

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

commercial premises means any of the following-

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

And

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.

Note-

Food and drink premises are a type of **retail premises**—see the definition of that term in this Dictionary.

And

business identification sign means a sign-

(a) that indicates—

(i) the name of the person or business, and

(ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and

(b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

Note—

Business identification signs are a type of *signage*—see the definition of that term in this Dictionary.

The proposed uses are located on land zoned SP4 Enterprise and are permissible in the zone.

a. Objectives of the Zone

The objectives of the SP4 Enterprise zone are:

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

The proposal is considered to be satisfactory in regard to the objectives in that the proposal will provide for a range of office uses and a function centre that would encourage additional employment opportunities. The food and drink premises would provide services that meet the day to day needs of workers in the area.

b. The Hills LEP 2019 Development Standards/Local Provisions

| LEP STANDARD | REQUIRED | PROVIDED | COMPLIES |
|---|---|---|--|
| Clause 4.1 Minimum subdivision lot size | 8,000m ² | 8,000m ² (existing) | NA |
| Clause 4.3 Height of Buildings | 116m (RL) | 116m (RL) | Yes |
| Clause 4.4 FSR | 2:1 (Max. GFA of 16,000m ²) | 2:1 (Max. GFA of 16,000m²) | Yes |
| LEP PROVISION | REQUIRED | PROVIDED | COMPLIES |
| Clause 5.10 Heritage conservation | Consider the effect of the proposed development on the heritage significance of the item or area concerned. | Heritage Impact Assessment and View Analysis provided. | Yes, refer discussion below. |
| Clause 7.2 Earthworks | Consideration of matters required for disruption of flooding or drainage patterns and soil stability, the effect on the future redevelopment of the land, quality of fill, effect on amenity of adjoining properties, appropriate measures to avoid, minimise and mitigate impacts of the development. | Considerations addressed in Statement of Environmental Effects. | Yes, sediment and erosion controls and property condition report recommended as draft conditions of consent (refer conditions 37 and 43). |
| Clause 7.7 Design Excellence | Development consent must not be granted unless the development exhibits design excellence. | Proposal referred to Design Advisory Panel and response provided by Applicant to address concerns raised by the Panel. | Yes, refer discussion below. |
| Clause 7.20 Development on certain land at Bella Vista | Development consent must not be granted unless the consent authority has obtained the concurrence of the Planning Secretary. | Concurrence from the Planning Secretary has been obtained. | Yes, refer discussion below. |

Further discussion on relevant provisions is provided below.

i. Clause 5.10 Heritage Conservation

Clause 5.10 prescribes that the consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.

The proposal adjoins Bella Vista Homestead which is identified as C2 heritage conservation area of State and local significance under Part 2, Schedule 5 of the LEP. The conservation area comprises a grouping of early farm buildings, surrounding parklands and a prominent row of Bunya Pines that sits above and overlooking the Circa Precinct and includes protection of key vistas to and from the Homestead. The proposal was notified to the NSW Government Environment and Heritage. No submissions were received from the Department.

The Applicant has provided the following to address the provision of Clause 5.10:

A Heritage Impact Statement (**HIS**) prepared by Urbis provides the heritage assessment of the proposed development. The HIS assessed the proposal in relation to the heritage significance of the conservation area.

The Statement concluded the following:

- The existing topography of the area is such that the development site is located considerably lower than the heritage item. This affords the proposed development additional height without incurring adverse impact to key visual markers including the prominent ridgeline and bunya pine avenue.
- The proposed development incorporates a reduced building footprint at the east elevation and a chamfered building from in order to retain required view corridors from mapped viewpoints under The Hills DCP 2012. Visual access to the homestead and surrounding undulating landscape is therefore retained from close range views.
- The Hills DCP 2012 contains mapped viewpoints to be conserved and identifies slot views and view corridors to be retained as part of future development of the Circa Commercial Precinct. The proposed development does not encroach on any of the documented view corridors or slot views to be retained. The proposed development conserves close range views from mapped viewpoints by incorporating mitigation measures including a reduced building footprint and comprehensive landscaping scheme at the adjoining interface (east elevation).
- The subject site is considerably distanced from the main collection of Bella Vista farm buildings, including the homestead. The proposed development is spatially separated from the heritage item by intervening landforms and is at no risk of overwhelming or obscuring heritage buildings or historic plantings.
- The proposed development is compliant with the following requirements under Part D, Section 22 Circa Commercial Precinct of The Hills DCP 2012:
 - Figure 1: Viewpoints, View Corridors and View Cones,
 - Figure 2: Illustrative Masterplan,
 - Figure 3: Maximum Permissible Building Height Planes,
 - Figure 4, Building Height Restrictions,
 - Figure 5: View Corridor B Building Setbacks,
 - Figure 6: View Corridor Diagram; and Future Intent Montages.

Accordingly, the proposed works will have no impact on the significance of the Bella Vista SHR item and the Bella Vista Homestead Complex Heritage Conservation Area.

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Comment:

The objective of Clause 5.10 is as follows:

- (a) to conserve the environmental heritage of The Hills,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

As part of the Circa Commercial Precinct planning proposal, the maximum height of building standard in the LEP and a site specific DCP were adopted by Council to ensure significant heritage views and key vistas to and from the Bella Vista Homestead are protected within the Circa Commercial Precinct. The proposal complies with the maximum height standard of RL116 under Clause 4.3 of the LEP. Compliance with the site specific heritage controls of the DCP are addressed in detail in section 3.3 of this report. The submitted Heritage Impact Statement and view analysis demonstrate that the development will result in negligible impacts upon important sightlines and key vistas.

The development has been specifically designed to protect the heritage significance of and views to and from Bella Vista Farm Homestead. As the proposal has adequately demonstrated that the heritage significance of the Bella Vista Homestead Conservation area including would be conserved, the proposal meets the objectives of the Clause and is considered satisfactory in this regard.

ii. Clause 7.7 Design Excellence

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

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

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

Comment:

The design excellence of the proposal was considered at two Design Excellence Panel meetings convened by Council and held on 14 September 2022 (prior to lodgment of the Development Application) and 10 May 2023. The meeting reports of the Design Excellence Panel are included at Attachment N. At the end of the last meeting, the Design Excellence Panel concluded as follows:

"Notwithstanding some of the positive improvements made, the Panel remains of the view that the proposal in its current form does not yet meet the requirements of design excellence in relation to its overall built form and landscape settings. The Panel's role is advisory only and as such, it would remain open for the Applicant to seek for the application to be determined in its current form. Alternatively, the Applicant may wish to further revisit the design of the proposal to respond to the matters detailed within this report, with a view to presenting a revised application to the Panel for further comment."

A number of recommendations were made by the Design Excellence Panel. Refer Attachment N. These included concerns related to urban design relationship with the proposed adjacent park and heritage context, impact to heritage view corridors, site arrangement and architectural and built form expression, length of office corridors, entry experience, landscaping setting and amenity, terracing of landscaping and more landscaping required within in the frontage and the colour palette on the northern façade should be more recessive.

The application has been amended to address the above concerns and recommendations. Refer to Applicant's response at Attachment O. Detailed built form and landscape context and urban design reports have been provided to support the Applicant's approach to the urban design relationship with the adjacent park and Bella Vista Homestead conservation area. Further view analysis has been provided to demonstrate that the heritage corridor and view cones will be protected. The podium facades have been designed to reflect the functions of the internal spaces, provide a high level of activation, public security, and amenity as well as provide a more appropriate human scale when viewed from Norbrik Drive and the future public park. The large areas of glass facades on the north eastern façade provides a sense of transparency to enhance the seamless indoor and outdoor relationship and provides a softer transparent interface with the heritage conservation area. Recommendations from the DEP have been applied including an amendment made to the framed balcony element colour from white to grey to provide a more recessive colour palette and an increase in extent of cascading planting on balconies on the northeast façade.

The design will provide legibility of building uses and the contiguous awning around the first floor function centre will reinforce pedestrian circulation and connectivity. The submitted Operational Management Plan details the arrival experience for all users. Most notably, access to the office space and function centres will be via separate lift access in the main lobby with lift 1 serving the offices and rooftop restaurant/bar and lift 2 serving staff and patrons of the function centre during standard business hours. A dedicated VIP/wedding drop off and building entry is located adjacent to lobby 2. A separate lobby at the rear of the building will be used for services and loading/delivery.

With regards to the landscaping of the site, an avenue of exotic trees, with year-round form and colour interest, is to enhance processional movement to and from the ceremonial wedding spaces, Indigenous and native species are to provide an understorey, and green edge to the future park and banded native shrub and ground-cover planting with contrasting foliage is to highlight the entry and street frontage. The ground level outdoor function centre space has taken into consideration the topography, irregular shape of the site and Council's Parks and Landscape Team's requirement that the site is to be fully fenced without a gate for access to adjoining open space areas. The landscape draws upon themes associated with a classical design aesthetic by adopting a structured layout, utilising changes of level for ceremonial stairs and cascading water features and will incorporate a lavering of ornamental and evergreen plants. The open spaces will include a gazebo and pergolas and the open nature of the Garden Pavilion optimises the functionality and accessibility of the space, including the unimpeded flow of people between indoor and outdoor areas. It allows for flexible seating arrangements and a range of catering opportunities. The processional walkway is enhanced by an avenue of exotic trees, with year-round form and colour interest, with an understorey of indigenous and native species to provide visual interest and a green buffer to the proposed public park. This position of the trees results in minimal impact to Heritage View Cone 5.

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

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

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

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

With regard to Clause 7.7(4)(e), the proposed development has been assessed in detail and addressed in Section 3.3 below.

With regard to Clause 7.7(4)(f), the development addresses the relevant matters in other sections of this report.

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

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

iii. Clause 7.20 Development on certain land at Bella Vista

Clause 7.20 is a site specific provision for land within the Circa Commercial Precinct. The Clause states as follows:

7.20 Development on certain land at Bella Vista

(1) This clause applies to land identified as Area 2" on the <u>Clause Application Map</u>.

(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority has obtained the concurrence of the Planning Secretary.
(3) In deciding whether to grant concurrence, the Planning Secretary must consider the potential effects of the development on existing and proposed future infrastructure in the locality.

(4) The Planning Secretary must notify the consent authority of the Planning Secretary's decision within 21 days of receiving the request for concurrence.

This Clause, despite its repeal, continues to apply by virtue of the savings provision under clause 4 of State Environmental Planning Policy Amendment (Housing and Productivity Contributions) 2023.

The concurrence of the Planning Secretary was obtained on 25 September 2024. Refer Attachment P. To address the potential effects of the development on existing and proposed future infrastructure in the locality, the Applicant has entered into a Voluntary Planning Agreement with the Minster. Refer 3.4 of this report. The agreement has been executed and registered on the Title of the land.

3.2 Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are no proposed instruments which have been the subject of public consultation under the Environmental Planning and Assessment Act 1979 that are relevant to the proposal.

3.3 Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The proposal has been assessed against the following provisions of DCP 2012;

Part B Section 6 - Business Part C Section 1 – Parking Part C Section 2 – Signage Part C Section 3 – Landscaping Part C Section 4 – Heritage Part D Section 22 – Circa Commercial Precinct

The proposed development achieves compliance with the relevant requirements of the above DCPs except for the following:

a. Part D Section 22 – Circa Commercial Precinct

i. Building Heights and Heritage

Heritage View Cones

The DCP requires that heritage viewpoints, view corridors and view cones are to be retained in any redevelopment of lands surrounding Bella Vista Farm Park as shown on the View Points, View Corridor and View Cones Drawing and Reference Photographs and Future Intent Montages in Appendix A of the DCP. Refer figure below:

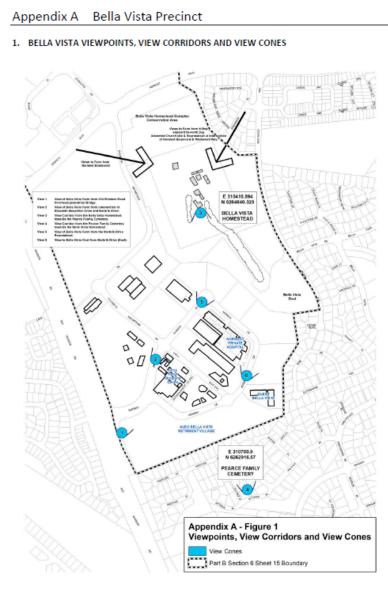


Figure 2: Appendix A of DCP 2012 - Part D Section 22 - Circa Commercial Precinct

The proposal includes the following encroachments within the view cones:

- Awning and roof encroaching on View Cone 2 (View of Bella Vista Farm from intersection of Elizabeth Macarthur Drive and Norbrik Drive);
- Awning and roof encroaching on View Cone 5 (View of Bella Vista Farm from the Norbrik Drive Roundabout).

The Applicant has provided a Heritage Impact Statement and further visual analysis at the request of Council staff and the DEP. The information provided demonstrates that there would be no impact to the view cones as detailed below.

The awning and roof encroachment on View Cone 2 is depicted below:

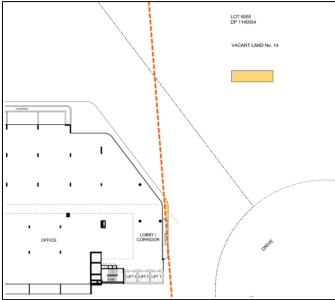


Figure 3: Encroachment on View Cone 2 (highlighted yellow)



Figure 4: Montage of encroachment on View Cone 2 (circled yellow)

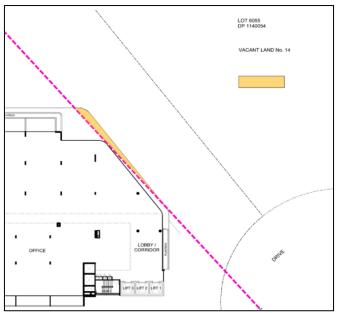


Figure 5: Encroachment on View Cone 5 (highlighted yellow)

The awning and roof structure encroachment of up to 1.5m is not visible when looking northeast along view cone 2 and 5. As such, the minor encroachment generates negligible impact on heritage views. The encroachment will not be visible to pedestrians and road users along the Norbrik Drive corridor.



Figure 6: Encroachment on View Cone 2 (indicated in red)



Figure 7: Encroachment on View Cone 2 (indicated in red)

Building height restrictions

The DCP also requires that no structures are to be erected within the hatched area marked 'A' on the building height restrictions map within Appendix A of the DCP and that the side setbacks to the public open space on Norbrik Drive are to be consistent with View Cone A and not less than 15m. The map indicating Appendix A is provided below.

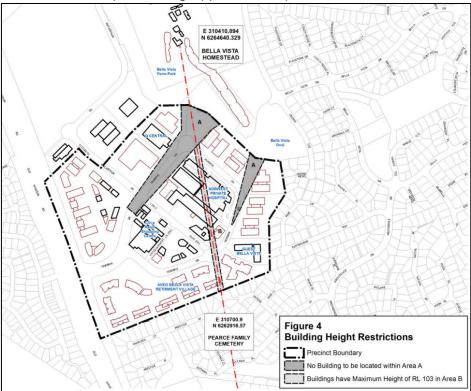


Figure 8: Appendix A in DCP 2012 - Part D Section 22 Circa Commercial Precinct

The proposal includes a gazebo, fencing and signage which are structures located within the hatched area marked 'A'. An assessment of these structures with respect to impact to preserving the heritage view corridor is detailed below.

Gazebo

The visual analysis submitted by the Applicant states that the gazebo structure will be kept at levels well below the top of the existing embankment to ensure minimal visual impact and that

the Bella Vista Farm grassed parkland would still be visible from the Norbrik Drive roundabout. No issues are raised with respect to the proposed gazebo.

Fencing

The visual analysis submitted by the Applicant states that the 1.8m high palisade fence is a requirement from Council's Open Space and Recreation Team to ensure that Bella Vista Farm can be secured for events. The visual analysis notes that an existing similar 1.8m high fence is already located along the top of the embankment and runs across the open grass area of the parkland and as such, is already visible in the current heritage view cone. On this basis, no objection is raised to the 1.8m high fencing in this location.

Signage

In response to Council's previous heritage comments, the signage wall proposed fronting Norbrik Drive has been relocated outside of the significant view cone. No objection is raised to the amended location of the signage wall as it will result in an improved heritage outcome.

As the additional information provided has demonstrated negligible impacts upon important sightlines and relocated the proposed signage, the variation to the control can be supported.

Ground Level Car Park'

The eastern part of the car park at the ground floor level encroaches within the view cone. Notwithstanding, this part of the car is located under the existing ground level and the landscaped part of the site and will not have any impact on the view corridor. In this regard, the variation to the control can be supported.

b. Part B Section 6 Business

i. Setbacks

The DCP requires a minimum 10m side setback except in the case of car parking where a 5m setback applies, provided the first 5m is landscaped to screen that car parking.

The building predominately complies with the side setback requirement to the southwestern property boundary, however a variation exists for the car park entrance which has a 4.5m side setback to the southwestern property boundary.

The relevant objectives of the control are:

- To provide an attractive streetscape and substantial areas for landscaping and screen planting.
- To protect privacy and amenity of any adjoining land uses.
- To provide a desirable and aesthetically pleasing working environment.

Despite the variation, the southwestern property boundary will be screened with 26 x Syzygium 'Cascade' (Lilly Pilly Cascade) trees which will reach a mature height of approximately 3m. Therefore, sufficient landscape screening will be provided to ensure the privacy and amenity of adjoining land uses are protected. The proposal meets the objectives of the control and the variation can be supported.

c. Part C Section 1 Parking

i. Car Parking

An assessment against the car parking under DCP Part C Section 1 – Parking is detailed below.

Car Parking

| Uses | Requirement | Provision of car parking spaces |
|----------------------------|---|---|
| Commercial Offices | Minimum 1 space per 75m ² of GFA and maximum 1 space per 60m ² (Outer Catchment within Norwest Strategic Centre - Innovation Precinct) Min. 118 spaces and max. 148 spaces required for a GFA of 8,840m ² | 148 spaces on Basement Level 2 are available for the commercial offices. |
| Food and Drink premises | 1 space per 25m² of GFA Rooftop Restaurant/Bar: 21 spaces for a GFA of 530m² Café: 5 spaces for a GFA of 115m² 26 spaces required | The submitted traffic and parking report indicates that 26 spaces (20 spaces on basement level 2 and 6 spaces within basement level 1) are available for use by staff associated with the rooftop restaurant and café. |
| Function Centre | Minimum 1 space per 3 seats, or 15 spaces per 100m ² of GFA, whichever is the greater. 354 spaces required for 1,060 seats. | The submitted traffic and parking report indicates that 235 spaces on the ground floor and basement 1 would be available on weekdays for use by visitors to the function space. |
| Total Car Spaces | 497 | 409 |

The applicant has submitted the following justification for a variation to the car parking controls:

As per the car parking provisions within the Hills Shire DCP, a minimum of 497 car spaces and maximum of 527 spaces are required, for the proposed uses being office premises, function centre, restaurant/bar and café. The proposed design provides for a total of 409 spaces (including 9 accessible spaces) allocated to the proposed land uses.

Whilst the proposed supply of 409 spaces does not meet the statutory requirements, the different land uses will not generate peak parking demand simultaneously, with the commercial office spaces generating bulk of the parking demand during standard weekday business hours and the function hall generating bulking of the parking demand during Friday

evenings and weekends. The parking demand on weekdays and weekend is broken down below.

- Weekday parking demand -
 - During the weekday, 148 parking spaces on basement level 2 are proposed to be reserved for use by commercial tenants. The remaining 20 spaces can be allocated to staff associated with the function, rooftop restaurant and café uses and would exceed likely staff parking demand.
 - On this basis, the remaining 241 spaces on the ground floor and basement 1 car parks would be available on weekdays for use by visitors to the function space and restaurant. These 241 spaces would be able to support up to about 720 people based on the DCP 2012 parking rate of one space per three seats.
 - Although peak parking demand associated with the function space is expected on Friday evenings and across the weekend, the above allocation of parking facilitates practical use of the same space on weekdays. These weekday corporate based events are expected to generate less demand than the larger evening events and weddings etc. On this basis, a maximum weekday capacity of 720 people is considered both appropriate and practical.
- Weekend parking demand
 - The commercial space is not expected to generate any (or very little) parking demand on weekends. This would allow the function space and restaurant to use all on-site parking, including basement 2 that is otherwise reserved for commercial tenants on weekdays.
 - On this basis, the 379 spaces as required by DCP 2012 for the function halls, restaurant/ skybar and café land uses is less than the available parking supply of 409 spaces. The remaining 30 spaces could be allocated for use by staff. As such, the proposed supply is adequate to meet the parking demand.

Comment:

The objective of the DCP is:

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

The proposal provides safe and convenient parking for patrons of the mixed-use development. The proposal provides 409 car parking spaces which is a shortfall of 88 spaces required under the DCP controls. This shortfall relates to the capacity of the function centre uses.

The function centre on the ground level and rooftop comprise a total of 1,060 seats which require a minimum of 354 car parking spaces in accordance with the DCP. Notwithstanding, the Applicant has indicated that the peak period for the function centre uses would be on the weekends and there would be a maximum weekday capacity of 720 patrons and staff. In accordance with the DCP rates, this would require 240 car parking spaces during the weekday. The Applicant has also indicated that on weekends, all 148 commercial office spaces on Basement Level 2 could be used for the function space and restaurant. These would provide 388 spaces for use of the function centre which would exceed the DCP requirement by 34 spaces.

To ensure sufficient parking is provided for all land uses during the weekday and weekends, condition 8 has been recommended requiring the development to be provided with 409 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times as indicated in the below table:

| Uses | Provision of car parking spaces |
|------------------------|---------------------------------|
| Commercial Offices | 143 spaces |
| Cafe | 5 spaces |
| Rooftop Restaurant/Bar | 21 spaces |
| Function Centre | 240 spaces |

Condition 8 also requires that the following specific provisions apply and are required to be prepared in a carpark management statement to be submitted to Council prior to the issue of an Occupation Certificate:

• At least 114 of the 143 spaces dedicated to the commercial offices are to be freely available after 6pm on weeknights and on weekends for exclusive use of the patrons of the function centres.

Condition 76 would also cap the maximum number of patrons for the function centre spaces on the ground level and rooftop space not to exceed 720 patrons on weekdays.

Subject to the above conditions, the proposed parking provision is considered satisfactory.

3.4 Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act

State Voluntary Planning Agreement (SVPA2023-108)

The Applicant has offered to enter into a planning agreement with the Minister administering the Environmental Planning and Assessment Act 1979 (the Minister) under Section 7.4 of the EP&A Act.

The planning agreement will contribute to improvements to the regional infrastructure network including a monetary contribution of \$260,000 (subject to indexation) for the purposes of providing infrastructure in the locality within the meaning of Clause 7.20 of The Hills LEP 2019.

The Development Contribution will be payable on or before 31 December 2025 in accordance with Schedule 4 of the Planning Agreement.

The Developer is required to provide a \$20,000 bank guarantee in accordance with Schedule 5 of the Planning Agreement.

The State VPA has been exhibited for 28 days and is executed on the Title of the land.

Condition 20 has been recommended in the draft development consent to ensure the contribution is paid in accordance with the Planning Agreement.

Local Voluntary Planning Agreement (1/2022/VPA)

Mulpha Norwest Pty Ltd has offered to enter into a planning agreement (1/2022/VPA) for the Circa Commercial Precinct under Section 7.4 of the EP&A Act. The subject site falls within this Precinct. The planning agreement secures a monetary contribution to be paid at a rate of 2.1% of the cost of future development for the embellishment and dedication of a new local park.

The draft planning agreement was publicly exhibited from 12 April to 12 May 2021 and was subject to legal review concurrent with the public exhibition period. On 13 July 2021 Council considered the findings of the post-exhibition report and resolved to enter into the planning agreement. The planning agreement has been executed and registered on the Title of the land.

The proposal is consistent with this Planning Agreement and conditions 19 and 36 have been recommended in the draft development consent to ensure the contribution is paid prior to the issue of a Construction Certificate.

3.5 Section 4.15(1)(a)(iv) - Provisions of Regulations

Clause 92(1) of the Regulation contains matters that must be taken into consideration by a consent authority in determining a development application. There are no relevant matters in regard to the subject application.

3.6 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

3.7 Section 4.15(1)(c) - Suitability of the site

The site has been subject to a site specific planning proposal to facilitate the development of a mixed use commercial development within the Circa Commercial Precinct. The proposal is a suitable development for the site consistent with the zone objectives and will be compatible with the adjoining state significant heritage listed item.

The proposal will provide for a commercial mixed development which will provide additional employment opportunities and additional services for workers and residents within the locality. The design of the building responds to the site characteristics and is considered to be a suitable development for the site.

3.8 Section 4.15(1)(d) - Public Submissions

No submissions were received following the notification period.

3.9 Section 4.15(1)(e) - Public interest

The development will provide additional employment opportunities and services for workers and residents within the immediate and broader locality. The site is located within an area which is serviced by public transport links including bus services and the Sydney Metro. On balance, the proposal is consistent with the public interest.

3.10 The Roads Act 1993

The application includes land dedication under Part 9 of The Roads Act 1993 which states as follows:

9 Public road created by registration of plan

(1) A person may open a public road by causing a plan of subdivision or other plan that bears a statement of intention to dedicate specified land as a public road (including a temporary public road) to be registered in the office of the Registrar-General.
(2) On registration of the plan, the land is dedicated as a public road.

A plan of subdivision has been submitted with the development application that indicates that 1m of land along the road frontage will be dedicated at no cost to Council as a public road. A condition is recommended in the draft consent requiring land dedication of Norbrik Drive for road purposes to occur prior to the issue of an occupation certificate. Refer condition 73.

4. Precinct Plan for Norwest Strategic Centre

The Precinct Plan for the Norwest Strategic Centre was adopted by Council on 9 July 2024. The Precinct Plan includes sections addressing connectivity, land use, density and built form considerations. The development is consistent with the aims and objectives of the employment area within the Precinct Plan.

The proposal is consistent with the strategic vision for future development of the precinct.

5. REFERRALS AND SUBMISSIONS

5.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

| Agency | Concurrence requirement | Comments | Resolved |
|--|--|---|----------|
| Referral/Consu | Itation Agencies | | |
| Planning Secretary (Department of Planning and Environment – as delegate) | Clause 7.26 of The Hills LEP 2019 prohibits development unless the consent authority obtains concurrence of the Planning Secretary. | Concurrence of the Planning Secretary has been obtained. Refer Section 3.1. | Y |
| Transport for NSW | Clause 2.122 - traffic generating development in Schedule 3 of State Environmental Planning Policy (Transport and Infrastructure) 2021 | The application was referred to TfNSW as the development exceeds the maximum commercial gross floor area requirement for traffic generating development. No | Y |

| | | objections were raised from TfNSW and no conditions have been recommended. | |
|-----------------------|---|---|---|
| Endeavour Energy | Clause 2.48 Determination of development applications of State Environmental Planning Policy (Transport and Infrastructure) 2021 | The proposal was referred to Endeavour Energy. The site adjoins an easement and restriction for fire rating for padmount substation no. 27480 and an easement for 11,000 volt / 11 kilovolt (kV) high voltage underground cables on 10 Norbrik Drive (SP 83109). Easement for 11 kV high voltage underground cables running near and parallel to the eastern side boundary over 14 Norbrik Drive (Lot 6055 DP 1140054). No objections were raised, subject to conditions. Refer condition 7. | Y |
| Castle Hill Police | Referral undertaken in accordance with the requirements of the "Safer by Design Guidelines" and the Protocol between The Hills Shire Council and Castle Hill Police. | with a CPTED Assessment. Condition 6 has been | Y |

Integrated Development (S 4.46 of the EP&A Act) – N/A – The Applicant has agreed to a recommended condition requiring tanking of the basement. In this regard, the application is not considered integrated development as an aquifer interference approval is not required under Section 91 of the Water Management Act 2000.

5.2 Council Referrals (internal)

The development application has been referred to various Council officers for technical review as outlined below:

| Officer | Comments | Resolved |
|-------------|--|----------|
| Engineering | Council's Principal Subdivision Engineer has reviewed the submitted plans and information. Initial concerns were raised regarding stormwater issues including ensuring the post development extent of stormwater surface flow path is contained within the existing easement on the adjoining lot at 14 Norbrik Drive, no MUSIC model for water quality control was lodged with the application, the geotechnical report did not address the groundwater take during and post construction and vehicle manoeuvring within the site and mitigation strategies in the event that the | Y |

| | roller shutter door does not raise for a vehicle entering the site. The Applicant has provided sufficient DRAINS modelling and an amended architectural design demonstrating the surface flow paths will be located solely within the existing drainage easement and confirmed the basement will be tanked to address the groundwater take concerns. A electronic MUSIC model was submitted with the application to confirm the water quality control targets have been met. Swept path diagrams have been submitted demonstrating compliance with AS 2890.1.2004. A Traffic Impact Statement provided by Stantec recommends the installation of an intercom near the roller shutter door to enable communication with building management to ensure the roller door will be opened remotely, in the event the roller shutter door does not raise automatically. To reinforce the above, conditions have been recommended for the application. | |
|---------------------------------|---|---|
| Open Space and Recreation | Council's Principal Coordinator reviewed the application. Concerns were raised with the original plans lodged with the application as a gate was indicated along the eastern boundary providing direct access to the park and Bella Vista Farm. The amended plans have been received indicating these gates have been deleted and there is no direct access to the park and Bella Vista Farm. | Y |
| Traffic | Council's Senior Traffic Engineer has reviewed the submitted plans and information and no objections were raised to the proposal subject to a cap on the number of patrons of the function centre use during weekdays and contributions to local and regional infrastructure being implemented via the local and state VPAs. | Y |
| Health | Council's Senior Environmental Health Officer has reviewed the submitted plans and information. Concern was raised regarding the hours of operation of the rooftop function centre originally proposed to 3am due to acoustic impacts to residential receivers. It was recommended that the entertaining trading would be limited to midnight and inaudible criteria including restricted access to the outdoor rooftop area after 10pm. | Y |
| | An amended acoustic report was provided by the Applicant and recommended the hours of operation be reduced to 2am and included a level 1 and level | |

| | 7 rooftop terrace plans depicting the following acoustic measures: | |
|--|---|--|
| | Level 1 Function Hall The Level 1 Function hall would operate internally up to midnight with all doors shut from 10pm with a sound limiter installed for the amplified/live music. There would be no direct access from any halls to the outdoor areas in the garden pavilion after 10pm. Restricted access would be managed through airlock zone areas within limited amount of patrons allowed at any one time. | |
| | Rooftop Terrace A 1.8m high glass acoustic screen would be installed around the outdoor terrace and there would only be restricted access permitted after 10pm with limited amount of patrons allowed at any one time and managed through airlock zones. | |
| | The rooftop function hall would operate internally up to midnight with all doors shut from 10pm with a sound limiter installed for the amplified/live music. The rooftop restaurant/bar would operate internally until 2am on Friday and Saturday and 12am on other days with all door shut from 10pm and with a sound limiter installed for the amplified/live music. | |
| | Council's Environmental Health Team have included the acoustic mitigation plan under condition 1 and noise management conditions including condition 75 which requires the following hours of operation: | |
| | Commercial Offices | |
| | 8am to 5pm on Monday to Friday | |
| | <u>Café (ground level):</u> | |
| | 6am – 11pm Monday to Sunday | |
| | Rooftop bar | |
| | 11am to 2am on Friday, Saturday and New Years Eve* | |
| | 11am to 12am on Sundays to Thursday and Public holidays* | |
| | Function Centres (Level 1 and rooftop) | |
| | 11am to 12am on Monday to Sunday* | |
| | *The outdoor rooftop terrace is to be fully enclosed from 10pm | |

| | No further objections are raised subject to conditions. | |
|------------------------------------|---|---|
| Waste | Council's Resource Recovery Project Officer has Y reviewed the submitted plans and information and raised no objections subject to conditions. | |
| Heritage | Council's Forward Planning Coordinator reviewed the submitted Heritage Impact Statement ('HIS'). Further information was requested include a view analysis of the encroachments within the heritage view cones under the site specific DCP. This information was reviewed, and no objections were raised to the proposal and no conditions were recommended. | |
| Tree Management/ Landscape | Council's Senior Landscape Officer has reviewed Y the submitted plans and information and raised no objections subject to conditions. | |
| Contributions | Council's Senior Forward Planner has reviewed the Y submitted plans and information and raised no objections subject to conditions. | |
| Land and Spatial Information | Council's Planning Information Officer has reviewed the submitted plans and information and raised no objections subject to conditions. | Y |

5.3 Community Consultation

The proposal was notified in accordance with the DCP/Council's Community Participation Plan from 16 March 2023 until 4 April 2023. No submissions were received following the notification period.

6. CONCLUSION

This Development Application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls and the key issues identified in this report, it is considered that the application can be supported.

The Development Application has been assessed against the relevant heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policy (Planning Systems) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, State Environmental Planning Policy (Industry and Employment) 2021, The Hills Local Environmental Plan 2019, and The Hills Development Control Plan 2012 and is considered satisfactory.

Approval is recommended subject to draft conditions at Attachment A.

7. RECOMMENDATION

That the Development Application be approved subject to the draft conditions of consent attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: Draft Conditions of consent
- Attachment B: Locality Plan
- Attachment C: Aerial Photograph
- Attachment D: LEP Zoning Map
- Attachment E: LEP Building Height Map
- Attachment F: LEP Floor Space Ratio Map
- Attachment G: Site/Roof Plan
- Attachment H: Subdivision Plan indicated Land Dedication
- Attachment I: Floor Plans
- Attachment J: Elevations
- Attachment K: Landscape Plans
- Attachment L: Shadow Diagrams
- Attachment M: Perspectives
- Attachment N: Design Excellence Panel Report
- Attachment O: Applicant's response to Design Excellence Panel Report
- Attachment P: Concurrence from the Planning Secretary
- Attachment Q: State Voluntary Planning Agreement
- Attachment R: Local Voluntary Planning Agreement

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

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

The amendments in red require the following:

• Installation of an intercom system near the roller shutter door to ensure that in the event of a vehicle arriving outside of business hours, communication with building management is enabled to allow the roller shutter door to be opened remotely.

| DRAWING NO. | DESCRIPTION | REVISION/ ISSUE | DATE |
|----------------|--|--------------------|------------|
| AR-002 | Proposed Subdivision Plan | A01 | 21/10/2024 |
| AR-0101 | Site Plan | A03 | 1/08/2024 |
| AR-1200 | Basement Level 2 Plan – Exclusive Use for Office/Authorised Car Park | A02 | 17/08/2023 |
| AR-1201 | Basement Level 1 Plan - Carpool | A02 | 17/08/2023 |
| AR-1202 | Ground Level Plan – Function Hall Car Park | A05 | 1/08/2024 |
| AR-1203 | Level 1 Plan – Function Hall | A03 | 1/08/2024 |
| AR-1203 | Level 1 Function Hall with Acoustic Mitigation Measures annotated on plans | A01 | 15/11/2022 |
| AR-1204 | Level 2 - Mezzanine | A01 | 15/11/2022 |
| AR-1205 | Level 3 Plan - Office | A01 | 15/11/2022 |
| AR-1206 | Level 4 Plan - Office | A01 | 15/11/2022 |
| AR-1207 | Level 5 Plan - Office | A01 | 15/11/2022 |
| AR-1208 | Level 6 Plan - Office | A01 | 15/11/2022 |
| AR-1209 | Level 7 Plan – Roof Terrace Restaurant and Function Hall | A01 | 15/11/2022 |
| AR-1209 | Level 7 Plan Roof Terrace Function Hall with Acoustic Mitigation Measures annotated on plans | A01 | 15/11/2022 |
| AR-1210 | Roof Plan | A01 | 15/11/2022 |
| AR-2200 | Section 1 | A01 | 15/11/2022 |
| AR-2201 | Section 2 and 3 | A02 | 15/11/2022 |
| AR-2601 | Northeast Elevation (including finishes schedule) | A01 | 15/11/2022 |
| AR-2602 | Southwest Elevation (including finishes schedule) | A01 | 15/11/2022 |
| AR-2603 | Southeast Elevation (including finishes schedule) | A01 | 15/11/2022 |
| AR-2604 | Northwest Elevation (including finishes schedule) | A01 | 15/11/2022 |
| AR-6801 | Kitchen Typical Details (Sheet 1) | A01 | 18/11/2022 |
| AR-6802 | Kitchen Typical Details (Sheet 2) | A01 | 18/11/2022 |
| ARSK5100 | Retaining Wall Detail Sections (Sheet 1) | A01 | 15/11/2022 |
| ARSK5101 | Retaining Wall Detail Sections (Sheet 2) A01 | | 15/11/2022 |

REFERENCED PLANS AND DOCUMENTS

| LA-CV00 | Landscape Architectural Drawings for DA - | A07 | 10/09/2024 |
|---------|---|-----|------------|
| | Cover Page | | |
| LA-0200 | Landscape Site Plan | A08 | 10/09/2024 |
| LA-0501 | Landscape Plan (Sheet 1 of 4) | A07 | 10/09/2024 |
| LA-0502 | Landscape Plan (Sheet 2 of 4) | A04 | 1/08/2024 |
| LA-0503 | Landscape Plan (Sheet 3 of 4) | A04 | 1/08/2024 |
| LA-0504 | Landscape Plan (Sheet 4 of 4) | A07 | 10/09/2024 |
| LA-3401 | Landscape Plan Levels 3 - 6 | A01 | 14/08/2023 |
| LA03402 | Landscape Plan Level 7 | A01 | 14/08/2023 |
| LA-8901 | Landscape Details | A03 | 14/08/2023 |
| LA-8902 | Landscape Details | A04 | 15/09/2023 |
| LA-8903 | Landscape Details | A01 | 10/09/2024 |
| | Numbering Plans (13 Pages – for numbering | | |
| | purposes only) | | - |

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

2. Construction Certificate

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

3. Building Work to be in Accordance with BCA

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

4. External Finishes

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

5. Compliance with Norwest Association Requirements

Compliance with the requirements of Norwest Association Limited in letter dated 12 January 2023, submitted with the Development Application unless other conditions in this consent expressly require otherwise.

6. Compliance with NSW Police Requirements

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

Licencing

- The venue is to adhere to all rules and regulations regarding the responsible service of alcohol.
- Management and staff will comply with the measures for the responsible service of alcohol.
- Water must be available at point of sale and all alcohol must be consumed on premises only.
- Consideration should be made for security guards to be present for larger functions.
- The Licensee must also become an active member of the local liquor accord.
- All staff should be aware of the plan of management.

Surveillance:

- Installation of a CCTV system with continuous recording capabilities to monitor the common open spaces throughout the development including function rooms, especially if no access control to the area is provided.
- Installation of CCTV to monitor entry/exit to the complex including loading docks.

- CCTV cameras need to be able to zoom in on a person of interest without loss of focus and/or quality.
- The owner should train all relevant staff of how to use the CCTV cameras.
- Vegetation to be kept trimmed at all times and a regular maintenance schedule needs to be implemented to ensure that the vegetation does not become overgrown.

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.
- Communal areas are well supervised, by allowing natural surveillance of these sites. Territorial Reinforcement:
- All public access points are to be well marked.
- Environmental Maintenance:
- Use of anti-graffiti building materials.
- A maintenance schedule to remove any graffiti or repair damaged property should be implemented.

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.
- 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 guality letter boxes that meet AS ISO9001:2008 are required. The letterboxes are to be under CCTV surveillance.
- Access points are to have the contact details for a site manager clearly visible.
- Access to the car park should be by controlled swipe card (or similar) or key pad.

7. Endeavour Energy Requirements

Compliance with the recommended Endeavour Energy requirements as outlined in their letter dated 22 March 2023, attached to this consent.

8. Provision of Parking Spaces

The development is required to provide 409 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times as follows:

| Uses | Provision of car parking spaces |
|------------------------|---------------------------------|
| Commercial Offices | 143 spaces |
| Cafe | 5 spaces |
| Rooftop Restaurant/Bar | 21 spaces |
| Function Centre | 240 spaces |

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

- 114 of the 143 spaces dedicated to the office component are to be freely available on weekends for exclusive use of the patrons of the function centres.
- Any security point obstructing access to the commercial office spaces needs to be open on weekends so that the car parking spaces are open/ available for the exclusive use of the patrons of the function centres.

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

9. Separate application for detailed signage

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

10. Separate Development Application – Food and Drink Premises

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

11. Approved Subdivision Plan (land dedication)

The subdivision including land dedication must be carried out in accordance with the approved plan of subdivision prepared by DEM Drawing No. AR-0102 Revision A01 dated 21/10/2024 and other supporting documentation.

12. Subdivision Certificate Preliminary Review

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

13. 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.

14. Adherence to Waste Management Plan

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

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

15. 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 for the standard 8.8m long Medium Rigid Vehicle (minimum 3.5m clear vertical clearance exception). The following requirements must also be satisfied.

- All manoeuvring areas for waste collection vehicles must have a minimum clear vertical clearance of 3.5m. Any nearby areas where the clear headroom is less than 3.5m must have flexible striker bars and warning signs as per Australian Standard 2890.1 to warn waste collection contractors of the low headroom area.
- All manoeuvring and loading areas for waste collection vehicles must be prominently and permanently line marked, signposted and maintained to ensure entry and exit to the

site is in a forward direction at all times and that loading and traffic circulation is appropriately controlled.

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

16. Waste and Recycling Collection Contract

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

17. 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.

18. 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.

19. Planning Agreement (Local VPA)

The obligations in the Planning Agreement (1/2022/VPA) between Mulpha Norwest Pty Ltd and The Hills Shire Council dated 7 September 2021 (Planning Agreement), or any future variation of this Planning Agreement, must be satisfied in accordance with the terms of the Planning Agreement, as specified in Clause 9 and Schedule 1 of the Planning Agreement. 20. Planning Agreement (State VPA)

The obligations in the Planning Agreement (SVPA 2023-108) between Georges Grounds Pty Limited and The Minister administering the Environmental Planning and Assessment Act 1979 dated 8th May 2024 (Planning Agreement), or any future variation of this Planning Agreement, must be satisfied in accordance with the terms of the Planning Agreement.

21. Construction of Waste Storage Area(s)

The waste storage area(s) must be designed and constructed in accordance with the following requirements.

- The waste storage area(s) must be of adequate size to comfortably store and manoeuvre the total minimum required number of bins.
- The layout of the waste storage area(s) 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 area(s) must be constructed of brickwork. •
- The floor of the waste storage area(s) must be constructed of concrete with a smooth • non-slip finish, graded and drained to sewer. The rooms must not contain ramps and must be roofed (if located external to the building).
- The waste storage area(s) 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.
- All doors of the waste storage area(s), when fully opened, must be flush with the outside wall(s) and must not block or obstruct car park aisles or footways. All doors must be able to be fixed in position when fully opened.
- The waste storage area(s) 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 area(s) must be provided with a hose tap (hot and cold mixer), connected to a water supply. If the tap is located inside the waste storage area(s), it is not to conflict with the space designated for the placement of bins.
- The waste storage area(s) must be provided with internal lighting such as automatic • sensor lights.
- The maximum grade acceptable for moving bins for collection purposes is 5%. Under no circumstance is this grade to be exceeded. It is to allow the safe and efficient servicing of bins.
- The waste storage area(s) must have appropriate signage (EPA approved designs can be found on the NSW EPA website) mounted in a visible location on internal walls and are to be permanently maintained by Owners corporation
- Finishes and colours of the waste storage area(s) 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)

22. Property Numbering and Cluster Mail Boxes for 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: - 12 Norbrik Drive, Bella Vista NSW 2153

Property and Unit Numbering is approved by Council's Land Information Team as per 'Numbering Plans' identifying unit numbers within consent documentation; and as follows:

| Level | Use | Approved Numbering | Approved Numbering Plan | | | | |
|--------|--------------------------------------|--------------------|--|--|--|--|--|
| Ground | Café | G01 | Project 4596-00; DWG ar-1202; Rev a01 | | | | |
| One | Function Hall | 101 - 102 | Project 4596-00; DWG ar-1203; Rev a01 | | | | |
| Тwo | Function Hall Bridal Suites | 201 – 202 | Project 4596-00; DWG ar-1204; Rev a01 | | | | |
| Three | Offices | 301 - 303 | Project 4596-00; DWG ar-1205; Rev a01 | | | | |
| Four | Offices | 401 – 406 | Project 4596-00; DWG ar-1206; Rev a01 | | | | |
| Five | Offices | 501 – 503 | Project 4596-00; DWG ar-1207; Rev a01 | | | | |
| Six | Offices | 601 – 603 | Project 4596-00; DWG ar-1208; Rev a01 | | | | |
| Seven | Function Hall & Garden Terrace | 701 - 702 | Project 4596-00; DWG ar-1209; Rev a01 | | | | |

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.

<u>Mailboxes</u>

Australia Post requires cluster mailboxes within a foyer to be as close to the footpath or road as possible.

Parking for Postal officer motorcycle/walk buggy is to be provided in a safe location that is viewable from foyer mailboxes to ensure the security of mail located on the vehicle. An intercom or doorbell is to be provided for each unit for the delivery of parcels.

Locations as provided on plans DWG No ar-1202 Rev a01 are to be approved by Australia Post for mail delivery. Plans are to be provided to Gregory Dimmock at the Seven Hills Delivery Centre via email <u>Gregory.dimmock@auspost.com.au</u> or phone 02 9674 4027. Australia Post approval is required to be provided to Council.

The number of mailboxes to be provided is to be equal to the number of flats/units/townhouses etc. plus one (1) for the proprietors of the development and be as per Australia Post size requirements.

Strata Developments

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

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 <u>before it is registered</u> at Land Registry Services NSW to <u>council@thehills.nsw.gov.au</u> for the approval of final Property and Unit numbering with corresponding Lot Numbers now required to be included within the registered Strata Administration sheet.

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

23. Tree Removal

Approval is granted for the removal of thirteen (13) trees numbered 14 and 19-30 as detailed in the Arboricultural Development Impact Assessment Report prepared by Birds Tree Consultancy dated 25/09/23.

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

24. Planting Requirements

All trees planted as part of the approved landscape plan pursuant to Condition 1 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 and ornamental grasses are to be minimum 150mm pot sizes. Any species that need substituting requires confirmation from Council.

25. Retention of Trees

All trees not specifically identified on the approved plans for removal are to be retained with remedial work to be carried out in accordance with the Arboricultural Development Impact Assessment Report prepared by Birds Tree Consultancy dated 25/09/23.

26. Irrigation

An automatic watering system to be installed as a minimum to all planter boxes on all levels. Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be communicated to Council or Private Certifier prior to issue of the construction certificate.

27. Tree Removal on Public Land

Approval is granted for the removal of one (1) street tree on Norbrik Drive numbered 14 on the Arboricultural Development Impact Assessment Report prepared by Birds Tree

Consultancy dated 25/09/23 the located on the Council nature strip that will be impacted by works associated with the development.

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

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

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

28. Contamination

Any new information, that may come to light during construction works, which has the potential to alter previous conclusions about site contamination, shall be immediately notified to Council's Manager – Environment and Health.

29. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Resonate Consultants, referenced as S220459RP1 Rev C, dated 10 May 2023 and further information letter referenced as S220459LT1B, dated 13 November 2023 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

- Hours of operation:
 - Ground level food and drink premises: 6am to 11pm Monday to Sunday
 - Level 1 and level 7 rooftop function halls: 11am to 12 midnight (the function halls are to be fully enclosed from 10pm)
 - Level 7 roof terrace (bar and restaurant): 11am to 2am on Friday, Saturday and New Years Eve and up to 12am on Sunday to Thursday (the level 7 roof terrace is to be fully enclosed from 10pm).
- The level 1 function halls, level 7 function hall and roof terrace (bar and restaurant) are to be fully enclosed from 10pm.
- The level 1 and level 7 outdoors areas are not to be used after 10pm, patrons are to be moved indoors and music is to be switched off. Music is not permitted in the level 1 outdoor area and level 7 outdoor area after 10pm.
- The use of the level 1 outdoor area and level 7 outdoor area is restricted access from 10pm for smoking only. No direct access from any halls to the roof terrace or garden pavilion outdoor areas after 10pm. Restricted access will be managed through airlock zone areas with limited amount of patrons allowed at one time;
 - Level 1 is restricted to no more than 50 patrons at any one time and entrance to the level 1 outdoor area will be via the breakout/ corridor only.
 - Level 7 is 40 patrons at any one time and entrance to the level 7 outdoor area will be via the lobby corridor only.
- 1.8m high noise barrier in the form of a glass parapet along the eastern boundary of the level 7 roof terrace. The noise barrier should be of solid construction with no gaps at joints or at the base of the barriers. The noise barrier should be constructed of materials that achieve an acoustic rating of at least Rw 25.

- The walls of the function halls (internal and outdoor areas) are to be lined with acoustic absorptive panels should have an NRC rating of at least 0.7
- Function centre management should ensure that unreasonable or excessive patron behaviour is not permitted in any outdoor area after 10pm.
- Patrons leaving the site will be managed and guided by the function centre operator as the operational management plan.
- Amplified and live music shall be managed by the use of a electronic frequency dependant limiting devices, the sound limiter device is to be installed to the sound systems used in the level 1 and level 7 function halls and bar and restaurant area to ensure that the amplified music in the internal areas are set to the limit levels set out in table 1 below;

| Area | Resultant L10 reverberant noise level at each octave band frequency -dB | | | | | | Overall L10dB(A) | | |
|---|---|-------|-------|-------|------|------|---------------------|------|-----|
| Function | 63Hz | 125Hz | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz | 8kHz | 100 |
| halls and bar / restaurant areas | 48 | 69 | 80 | 90 | 94 | 95 | 92 | 84 | 100 |

30. Security Bond Requirements

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

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

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

31. 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.

32. Vehicular Crossing Request

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

33. Vehicular Access and Parking

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

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

Where conflict exists the Australian Standard must be used.

The following must be provided:

- All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- All driveways and car parking areas must be concrete or bitumen. The design must consider the largest design service vehicle expected to enter the site. 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.

These requirements shall be reflected on the Construction Certificate plans and supporting documentation before the issue of a construction certificate.

34. Structures Adjacent to Piped Drainage Easements

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

35. 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.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

36. Planning Agreement (Local VPA)

Pursuant to the Planning Agreement (1/2022/VPA) between Mulpha Norwest Pty Ltd and The Hills Shire Council dated 7 September 2021 (Planning Agreement), a contribution of **\$902,475.53** shall be paid to Council prior to the issue of a Construction Certificate.

You are advised that the percentage of monetary contributions payable for the development under the Planning Agreement having a Capital Investment Value is within the range specified in the table below;

| CIV estimate for any Development Application | % Monetary Contribution Payable |
|---|---------------------------------|
| Up to \$100,000 | Nil |
| \$100,001 - \$200,000 | 0.5% |
| More than \$200,000 | 2.1% |

As per Council's exhibited Fees and Charges effective from 1 July 2022, **Council will no longer accept payments by cash or by cheque.** Payments will be accepted via Debit or Credit Card or Direct Debit from a bank account.

37. 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).

38. 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 \$154,440.00 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 (30m) plus an additional 50m on either side, multiplied by the width of the road (9m).

The bond must be lodged with Council before a Construction Certificate is issued. The amount of bond is to be confirmed by Council at time of lodgement of the bond in accordance with the applicable Fees and Charges.

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.

39. Groundwater Management

Prior to the issue of the construction certificate by the registered Certifier, the Applicant is to obtain A Water Supply Work/ or Water Supply License (WSL) to the satisfaction of WaterNSW:

1. demonstrate adequate groundwater entitlements can be obtained for the project's operational water take

2. ensure sufficient water entitlement is held in a Water Supply Work/ or Water Supply License (WSL) to account for the maximum predicted take for each water source prior to take occurring

3. develop a Ground Water Management Plan for the construction phase

4. develop a dewatering reporting schedule covering duration of construction

5. develop a proposed operational phase (after building completion) monitoring and reporting schedule

Design compliance certificate shall be prepared by suitably accredited qualified Geotechnical Engineer certificating that the requirements above have been satisfied. These requirements shall be reflected on the Construction Certificate and supporting documentation prior to the issue of the Construction certificate by the Registered Certifier.

40. Stormwater Pump/ Basement Car Park Requirements

The stormwater pump-out system must be designed and constructed in accordance with AS/ NZS 3500.3:2015 – Plumbing and Drainage – Stormwater drainage. 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.

41. 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 ACOR Consultants Revision E 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) Overland flow paths and swales

The development is to accept and cater for any surface runoff from the up-slope adjoining land in a 'failsafe' manner without affecting any other adjoining property(ies). This will require as a minimum the provision of overland flow paths along the northern boundary and grassed swales along the eastern boundary of the development site. Minimum dimensions of the grassed swales shall be 1.8m wide and 300mm deep. These measures must be designed for all storm events up to and including the 1 in 100 year ARI. These measures shall be designed and constructed wholly inside the property boundary.

b) Stormwater Management

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 ACOR Drawing C08-001 Revision E dated 6/5/24 is for development application purposes only and is not to be used for construction. The detailed design must reflect the stormwater concept plan and the following necessary changes:

• OSD is to be 50% of the normal on-site detention volume under the Upper Parramatta River Catchment Trust Guidelines.

c) 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.

d) Water Sensitive Urban Design Elements

Water sensitive urban design elements, consisting of Ocean Protect Cartridges, rainwater tank, Ocean Guard litter baskets, etc, are to be located generally in accordance with the plans and information submitted with the application.

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

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

All model parameters and data outputs are to be provided.

The design and construction of the stormwater management system must be approved by an accredited Certifier. 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

42. 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.

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

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

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

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

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

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

An ESCP is required for this development.

44. Excavation/ Anchoring Near Boundaries

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

45. Sydney Water Building Plan Approval

The approved plans must be submitted to the Sydney Water $\underline{\text{Tap in}^{\text{m}}}$ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water <u>Tap in™</u> online self-service replaces our Quick Check Agents as of 30 November 2015.

The <u>Tap in</u>^M service provides 24/7 access to a range of services, including:

• building plan approvals

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

Sydney Water's <u>Tap in</u>[™] online service is available at:

https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-watertap-in/index.htm

PRIOR TO WORK COMMENCING ON THE SITE

46. Tree Protection Fencing

Prior to any works commencing on site (including demolition) Tree Protection Fencing must be in place around trees or groups of trees nominated for retention. The location of fencing shall be as per the Tree Protection Plan prepared by Birds Tree Consultancy dated 25/09/23.

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

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

The location of tree protection fencing can only be altered by the Project Arborist. The temporary relocation or removal of tree protection fencing to undertake works within the TPZs of trees to be retained is strictly to be undertaken under supervision of the Project Arborist.

47. Tree Protection Signage

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

48. Mulching within Tree Protection Zone

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

49. Trenching within Tree Protection Zone

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

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

50. Engagement of a Project Arborist

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

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

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

51. 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.

52. Dilapidation Report

Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the Principal Certifier.

Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the Principal Certifier, that all reasonable steps were taken to obtain access to the adjoining properties.

No less than seven days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to Council (where council is not the principal certifier) at the same time.

53. Groundwater Management

All the future requirements issued by WaterNSW under the Water Supply Work/or Water Supply License (WSL) must be complied with including any monitoring and reporting

54. Separate OSD Detailed Design Approval

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

55. 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.

56. 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.

DURING CONSTRUCTION

57. Project Arborist

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

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

58. 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).*

59. Mechanical ventilation in Food Premises

Exhaust hoods are to be of a stainless steel construction with an internal 50mm x 50mm gutter and unscrewable drainage plug at one corner. They are to have removable grease filters for cleaning.

Documentation shall be submitted to the certifying authority that the ventilation system has been installed and is operating in accordance with:

- i. AS1668.1:2015 The use of ventilation and air conditioning in buildings Fire and smoke control in buildings; and
- ii. AS1668.2:2012 The use of ventilation and air-conditioning in buildings PART 2: mechanical ventilation in buildings.

60. Construction and Fit-out of Food Premises

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

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

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

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

61. Landscaping Prior to Issue of any Occupation Certificate

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

62. Food shop registration requirements

Prior to the issue of any Occupation Certificate, the food business shall be registered with The Hills Shire Council. To register with Council please complete and submit the 'registration of food business' form which is available on Council's website.

63. Food Premises Final Inspection

Prior to the issue of any Occupation Certificate, the food premises shall be inspected by an Authorised Officer of The Hills Shire Council under the Food Act 2003, to determine compliance with the Food Act 2003, Food Safety Standards and Australian Standard 4674:2004: Design Construction and Fit-out of Food Premises.

64. Post-construction dilapidation report

Before the issue of an occupation certificate a post- construction dilapidation report must be prepared by a suitably qualified engineer, to the satisfaction of the Principal Certifier, detailing whether:

- a. after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and
- b. where there has been structural damage to any adjoining buildings, that it is a result of the work approved under this development consent, and

a copy of the post-construction dilapidation report must be provided to Council (where council is not the principal certifier or a principal certifier is not required) and to the relevant adjoining property owner(s).

65. 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/ 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.

b) Restriction/ Positive Covenant – Water Sensitive Urban Design

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

c) Positive Covenant – Stormwater Pump

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

66. Groundwater Requirements management and discharge

Prior to the issue of the Occupation Certificate, the consent holder must submit a compliance certificate prepared by suitably accredited qualified Geotechnical Engineer certifying that the Groundwater and Management condition within this consent has been satisfied. The compliance certificate shall also certify that the Water Supply Work/ or Water Supply License (WSL) issued by WaterNSW have been satisfied.

These requirements shall be reflected on the Occupation Certificate and supporting documentation prior to the issue of the Occupation certificate by the Principal Certifier.

67. Pump System Certification

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

68. Stormwater Management Certification

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.

69. Completion of Subdivision Works/ Satisfactory Final Inspection

A Subdivision Certificate cannot be issued prior to the completion of all subdivision works covered by this consent. A satisfactory final inspection by Council's Construction Engineer is required.

70. Subdivision Works – Submission Requirements

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

- Works as Executed Plan
- Stormwater Drainage CCTV Recording
- Pavement Density Results
- Street Name/ Regulatory Signage Plan
- Pavement Certification
- Public Asset Creation Summary

- Concrete Core Test Results
- Site Fill Results
- Structural Certification

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

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

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

71. 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.

72. Subdivision Certificate Application

When submitted, the Subdivision Certificate application must include:

- One copy of the final plan.
- The original administration sheet and Section 88B instrument.
- All certificates and supplementary information required by this consent.
- An AutoCAD copy of final plan (GDA2020/ MGA Zone 56).

73. Public Road/ Road Widening Dedication

An Occupation Certificate must not be issued until the proposed public roads/ road widening have been dedicated in accordance with the undertaking submitted relating to 1m wide dedication within the Norbrik Road frontage.

74. 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.

THE USE OF THE SITE

75. Hours of Operation

The hours of operation being restricted to the following: -

Commercial Offices

8am to 5pm on Monday to Friday

Café (ground level):

6am – 11pm Monday to Sunday

Rooftop Bar and Roof top Function Centre

11am to 12am on Sundays to Thursday and public holidays*

11am to 2am on Friday, Saturday and New Years Eve*

*The outdoor rooftop terrace is to be fully enclosed from 10pm

Level 1 Function Centre

11am to 12am on Monday to Sunday and public holidays*

*The outdoor area is to be fully enclosed from 10pm

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

76. Maximum Number of Patrons for the Function Centres

The maximum number of patrons for both function centres are to be restricted to 720 at any given time during weekdays and 1,060 at any given time on weekends.

77. Waste and Recycling Management

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

78. 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.

79. 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.*

80. 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*.

81. 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.

82. Operational noise level limits

The operational noise limits for the development shall be in the accordance with the noise limits as outlined in the Acoustic Assessment and Report prepared by Resonate Consultants, referenced as S220459RP1 Rev C, dated 10 May 2023 and further information letter referenced as S220459LT1B, dated 13 November 2023.

These noise limits are:

| Location | Time period | Project noise level LAeq(15min) |
|------------------------------------|--------------------|------------------------------------|
| When measured at the boundary of | Day 7am – 6pm | 46 |
| the development of any residential | Evening 6pm – 10pm | 43 |
| premises | Night 10pm – 7am | 38 |
| Retirement village | Day 7am – 6pm | 58 |
| | Evening 6pm – 10pm | 48 |
| | Night 10pm – 7am | 43 |
| Norwest Hospital | All | 33 (internal) |
| | | 48 (external) |

Notwithstanding the criteria above, noise generated from the premises shall not be audible within any habitable room in any residential premises between the hours of 10pm and 7am.

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

Delivery of goods shall be restricted to the following times;

Monday to Saturday - 7.00am to 10.00pm

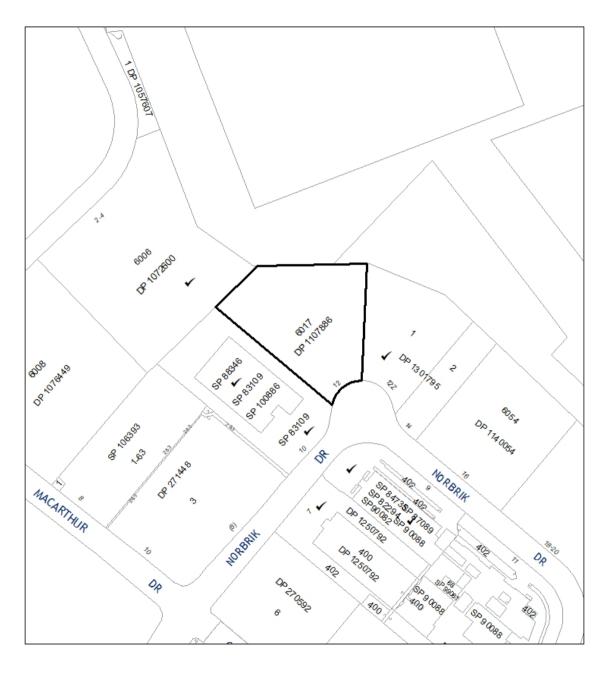
Sunday and public holidays - 8.00am - 10.00pm

84. Plan of Management

The land uses are to operate in accordance with the Plan of Management prepared by Georges Grounds Pty Ltd, submitted with the development application and as amended as follows:

- Building management to be contactable via an intercom located near the roller shutter doors to enable the roller shutters to open and shut outside of business hours.
- Acoustic mitigation measures annotated on plans for the Level 1 function hall and Level 7 Roof Top terrace function hall and restaurant as referenced under condition 1.

A copy of the plan of management is to be maintained at the premises and be made available for any Authorised Officer when requested.



SUBJECT SITE

✓ PROPERTIES NOTIFIED



THE HILLS SHIRE COUNCIL

THE HILLS SHIRE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE TEXTUAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE BASE CADASTRE COPYRIGHT LAND & PROPERTY INFORMATION NSW (LPI). CADASTRE UPDATE INCLUDING COUNCIL GENERATED DATA IS SUBJECT TO THSE COPYRIGHT.

ATTACHMENT C – AERIAL PHOTOGRAPH



SUBJECT SITE

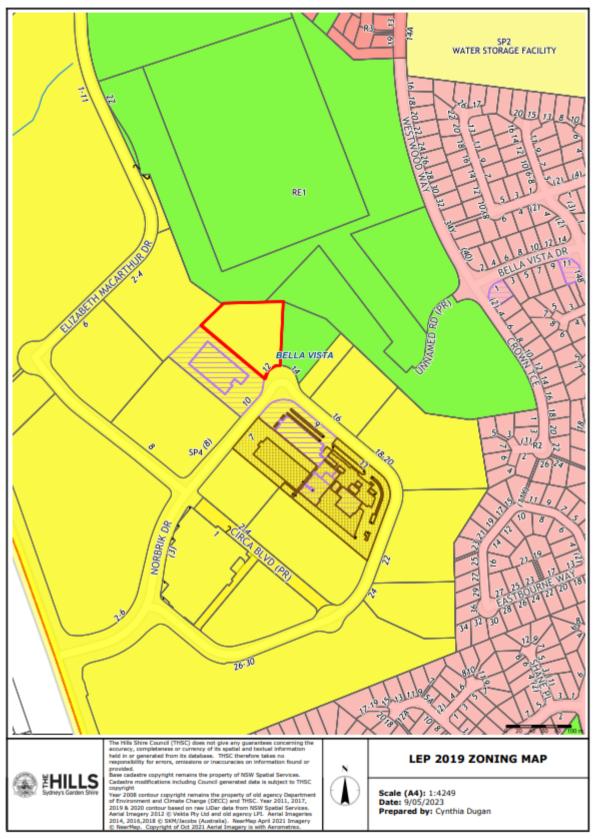


THE HILLS SHIRE COUNCIL

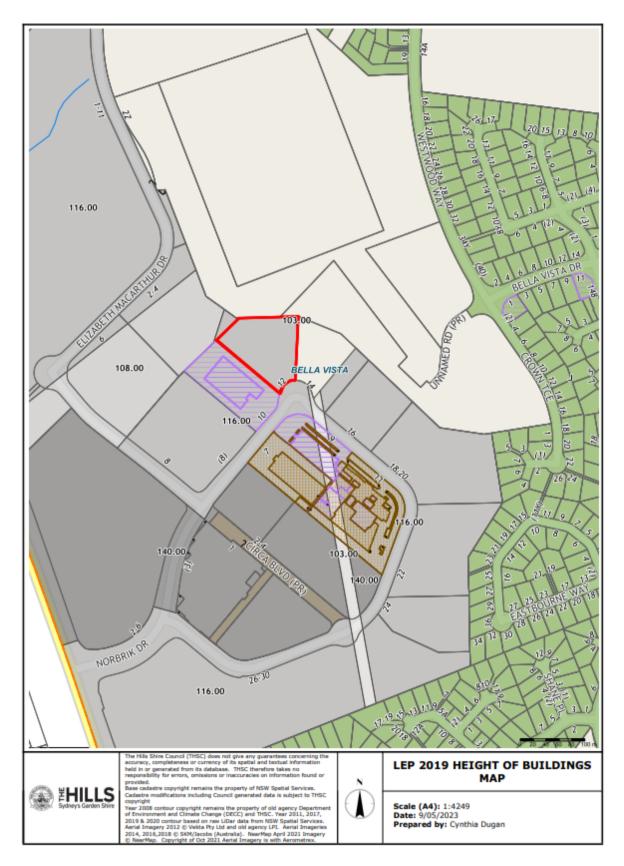
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 Bydney's Garden Shire
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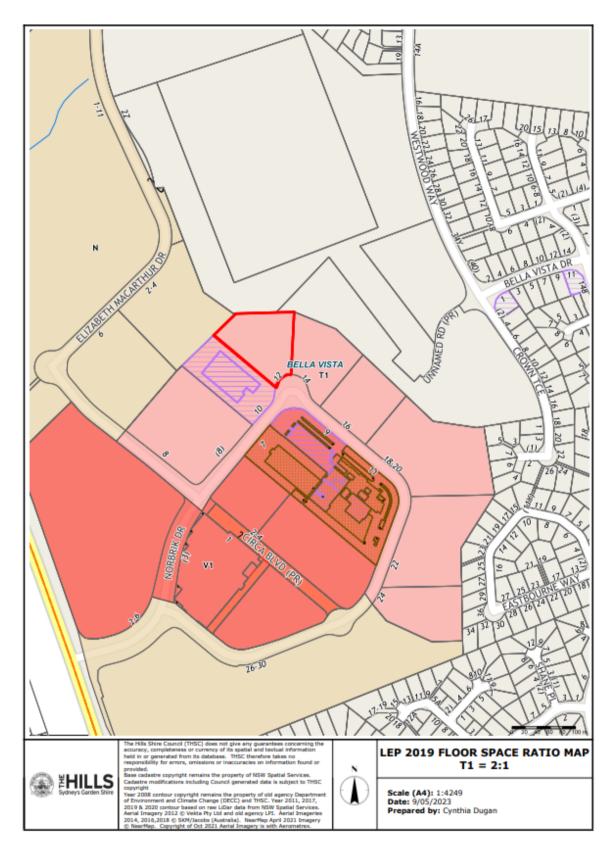
ATTACHMENT D – LEP ZONING MAP

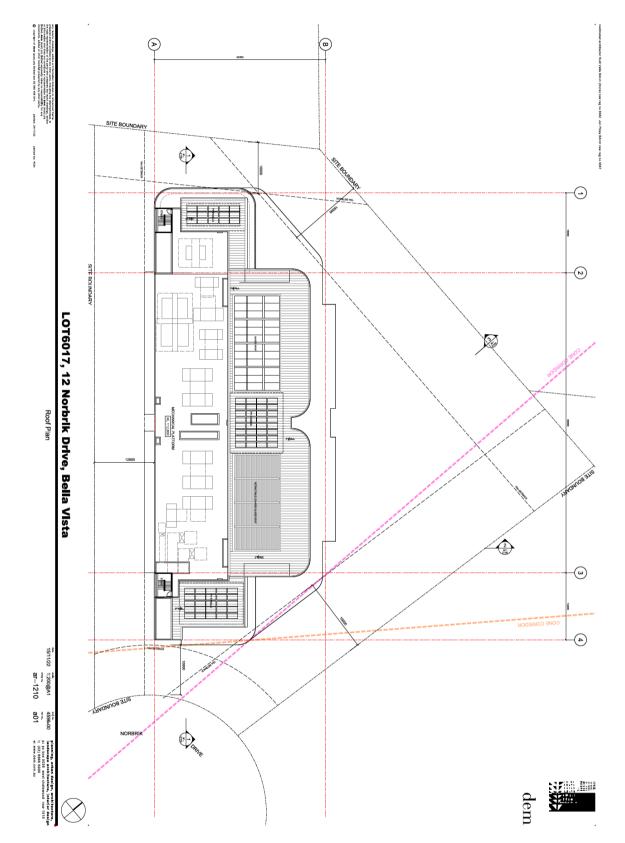


ATTACHMENT E – LEP BUILDING HEIGHT MAP



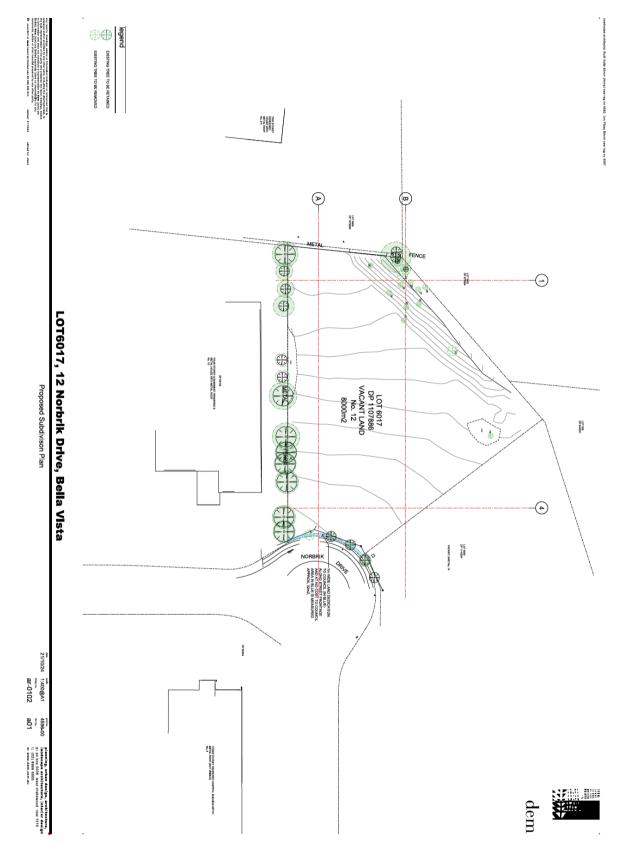
ATTACHMENT F - LEP FLOOR SPACE RATIO MAP

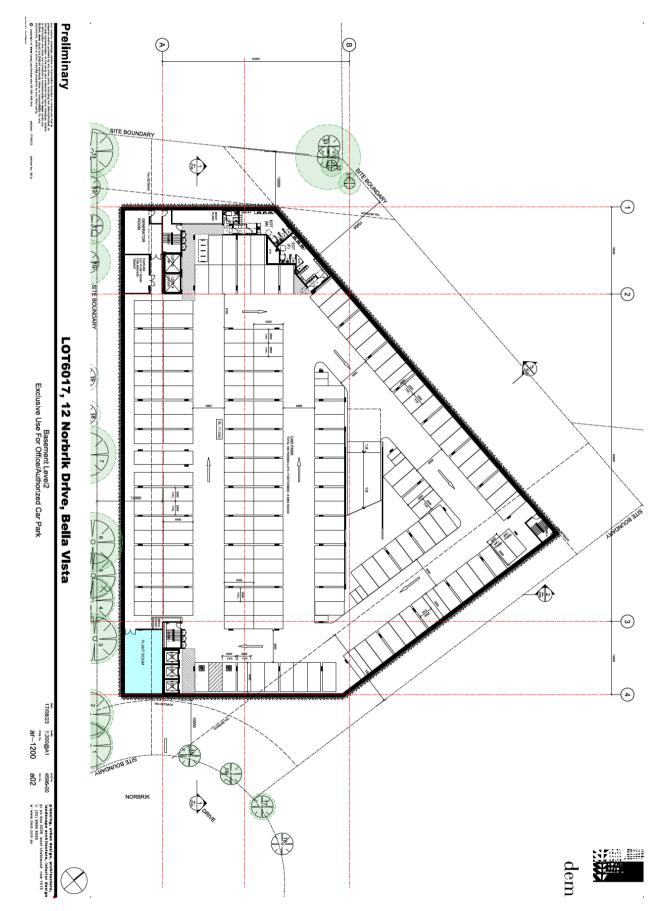




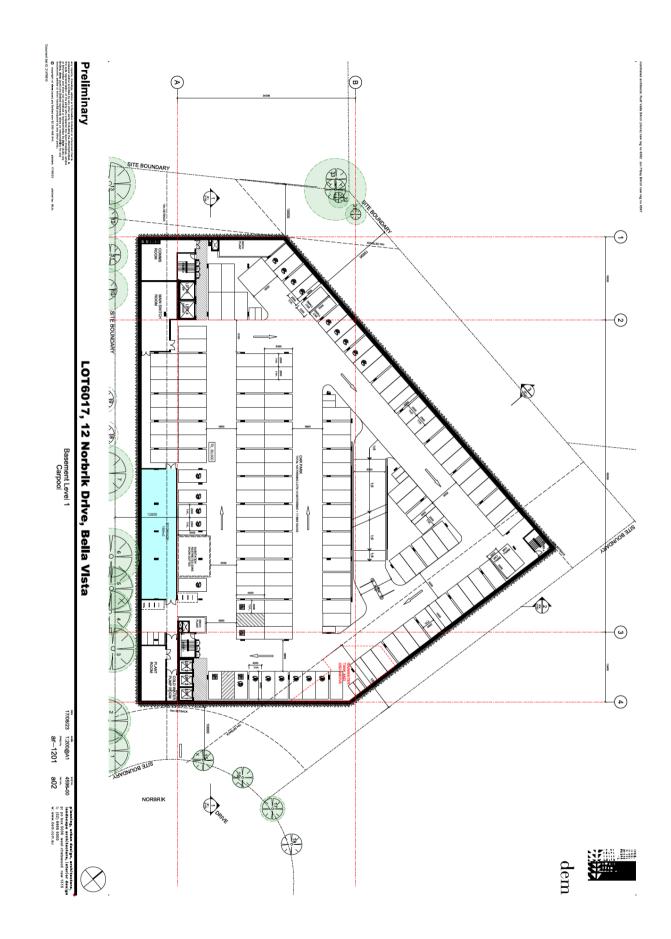
ATTACHMENT G -SITE/ROOF PLAN

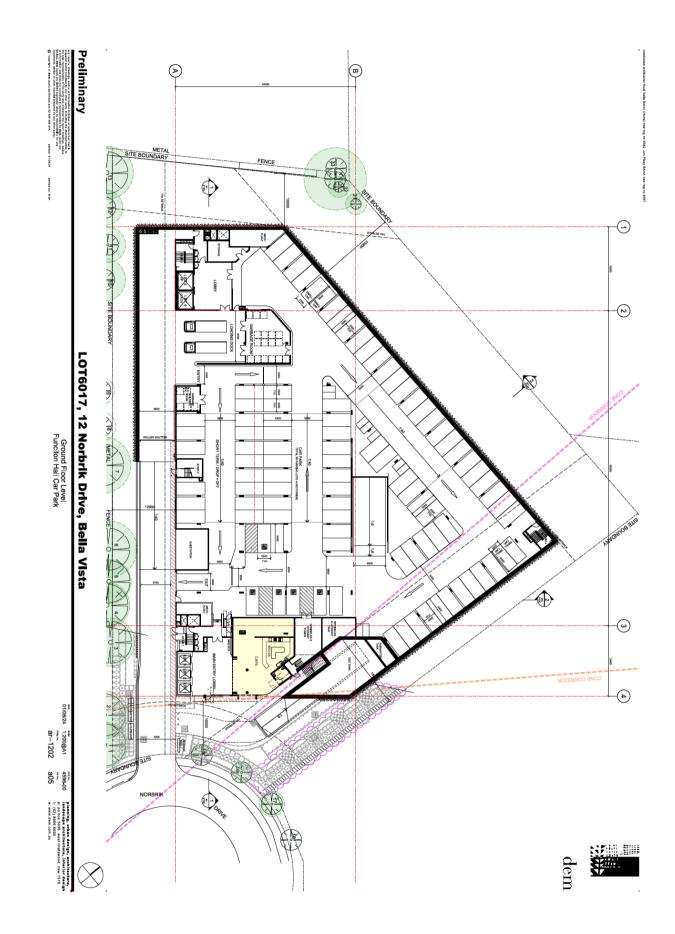
ATTACHMENT H – SUBDIVISION PLAN INDICATING LAND DEDICATION

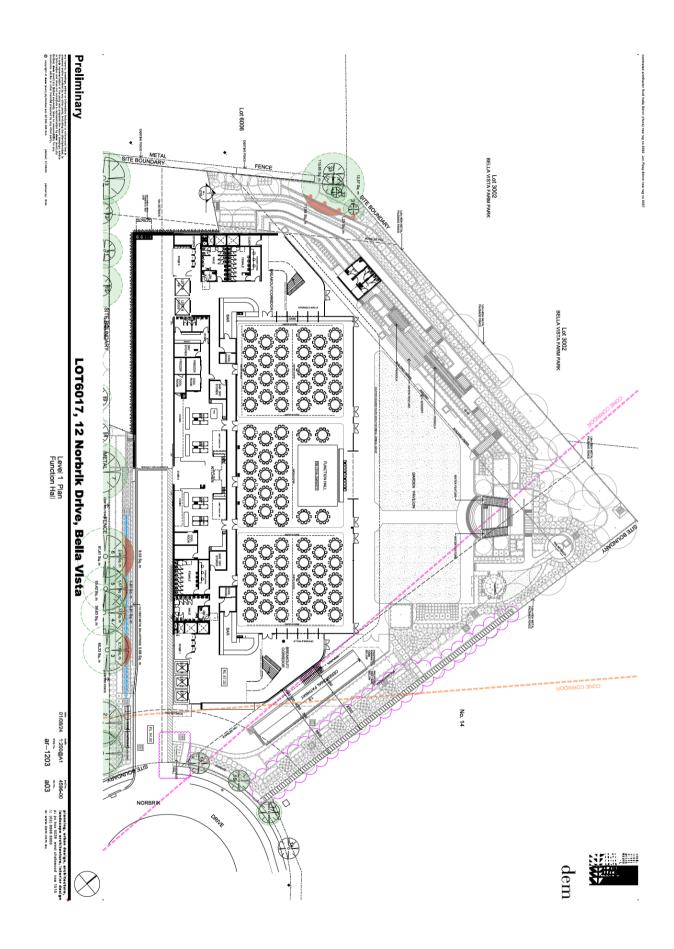


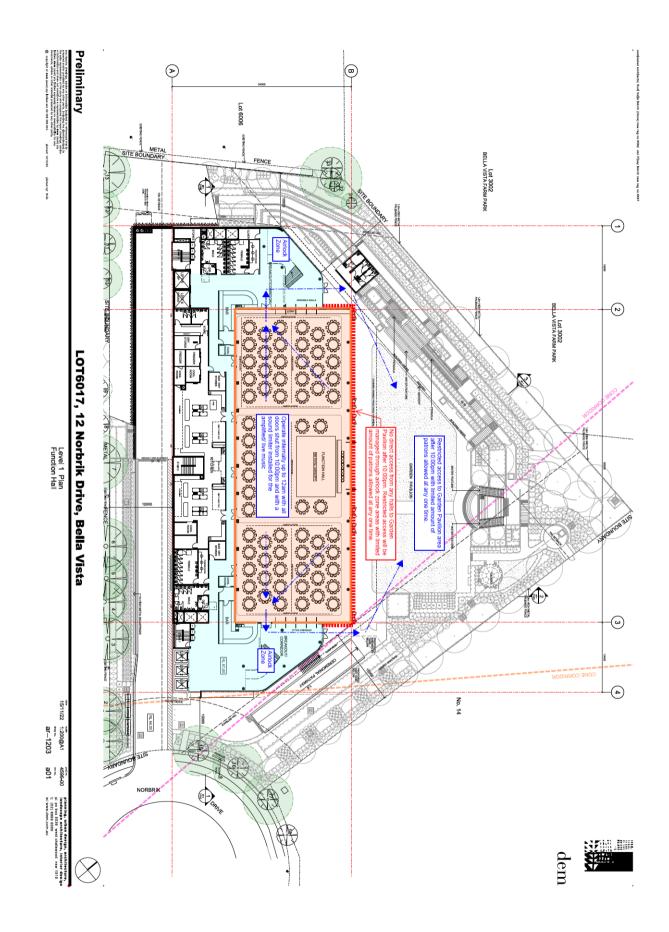


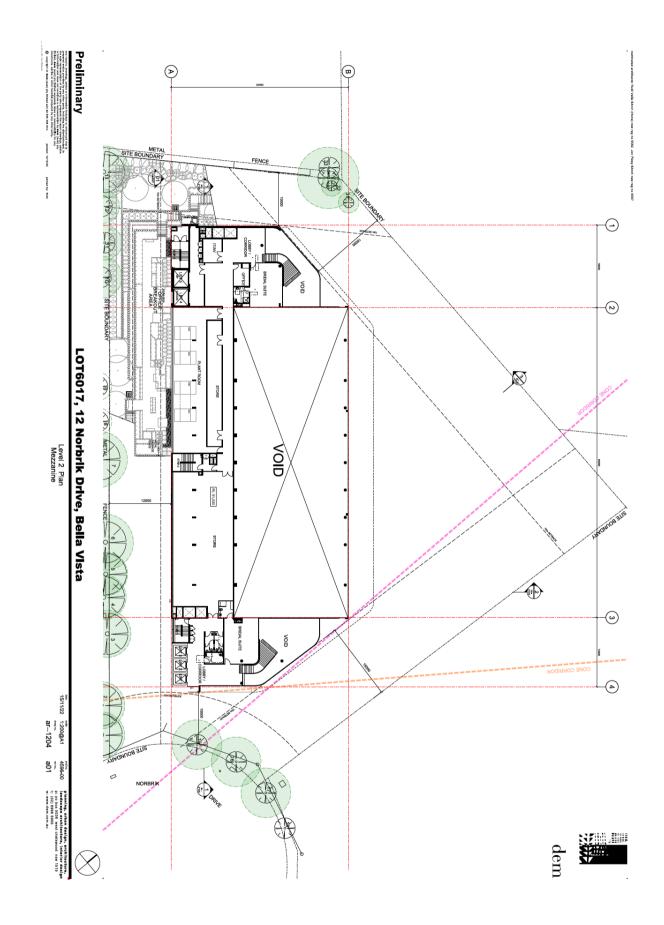
ATTACHMENT I - FLOOR PLANS

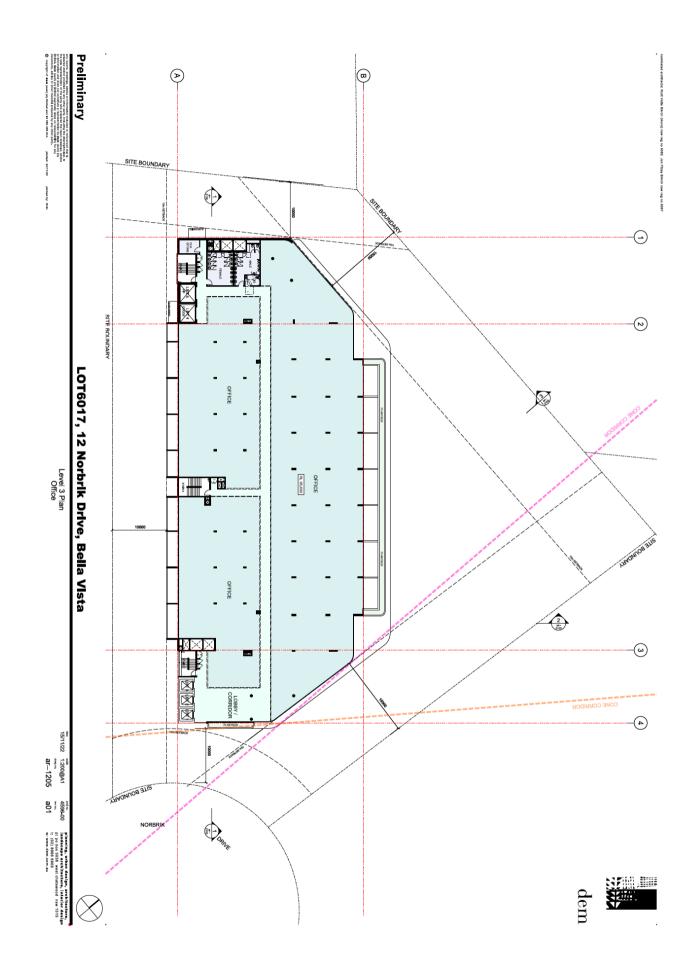


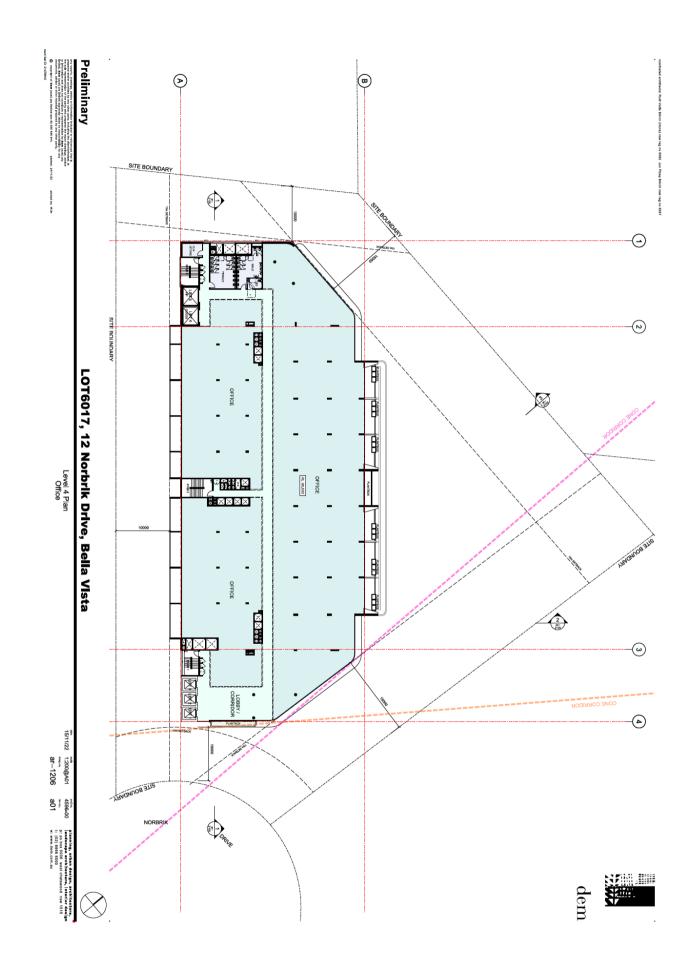


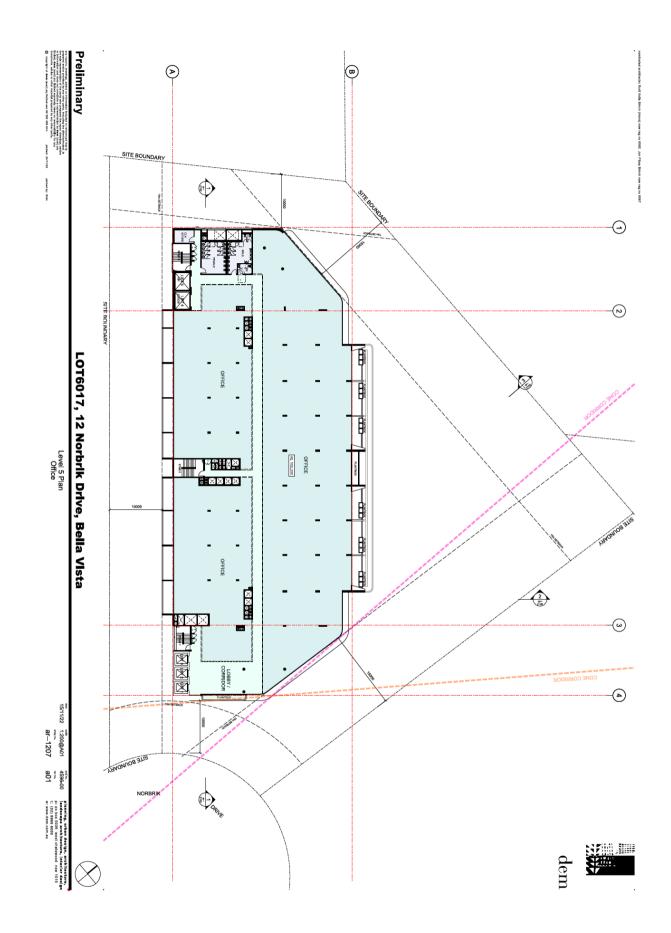


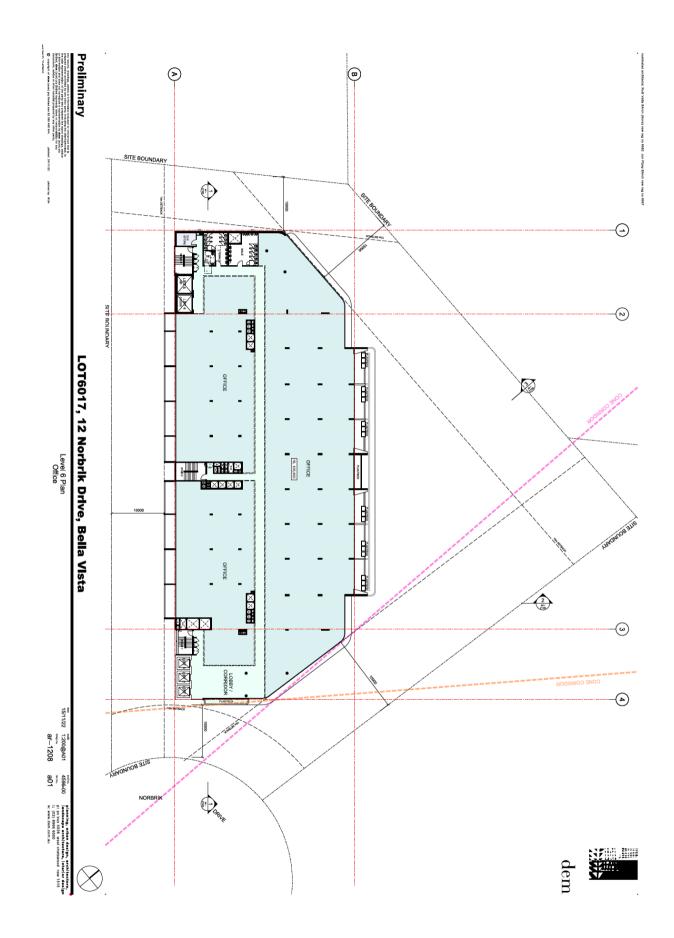


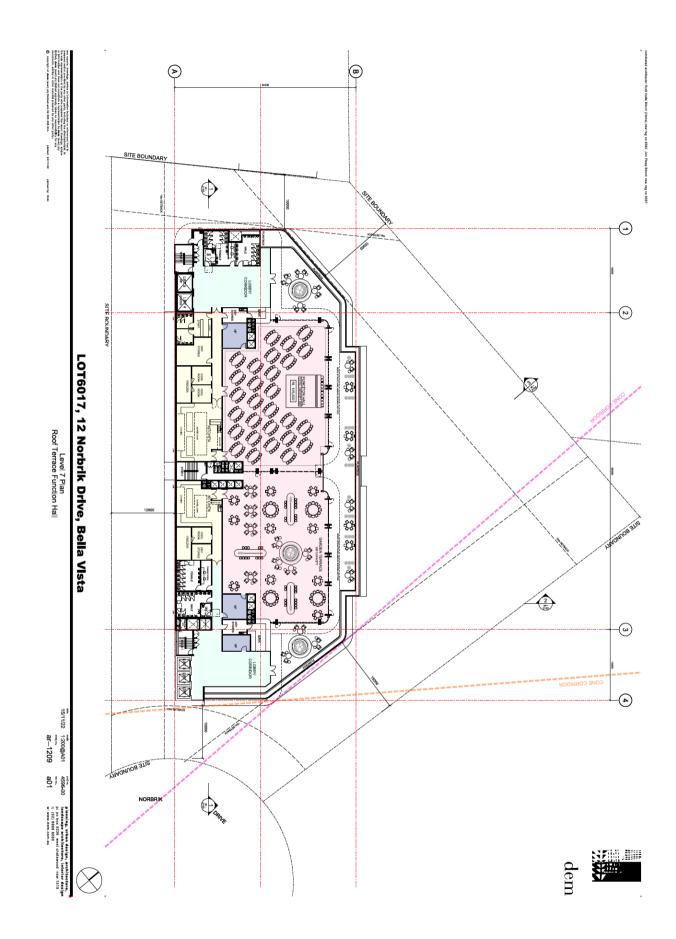


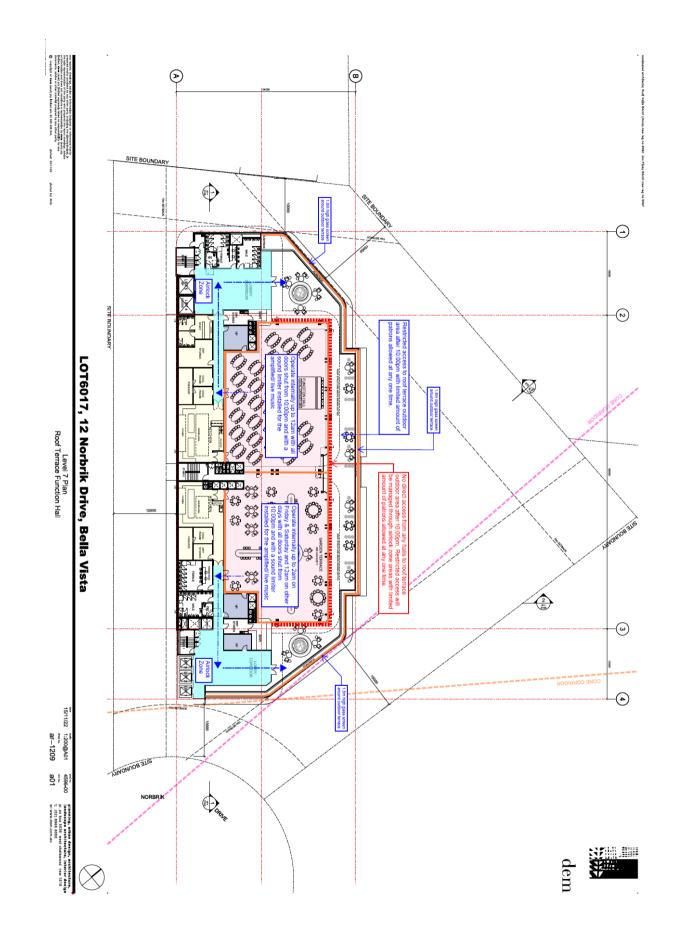


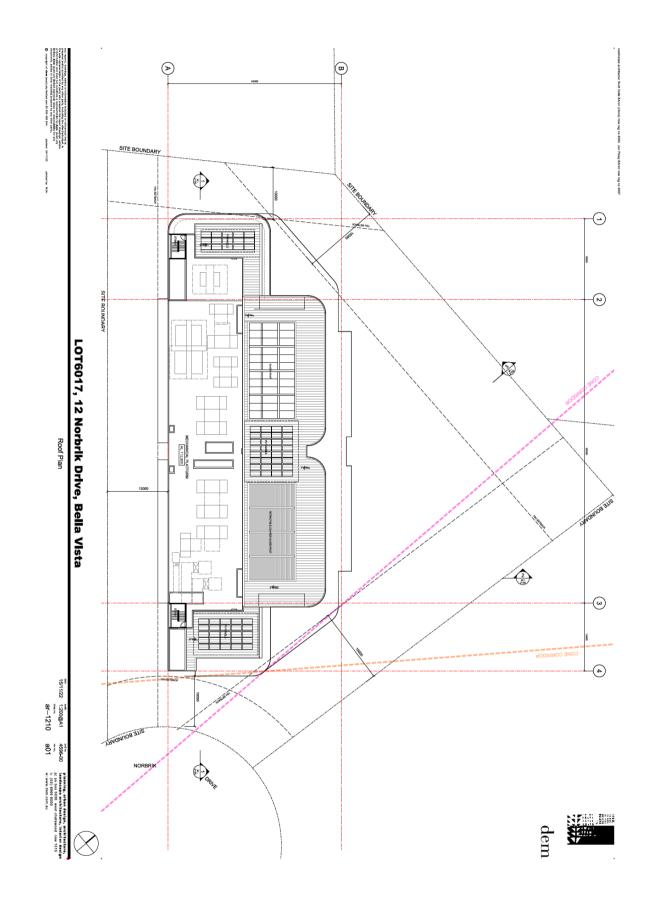


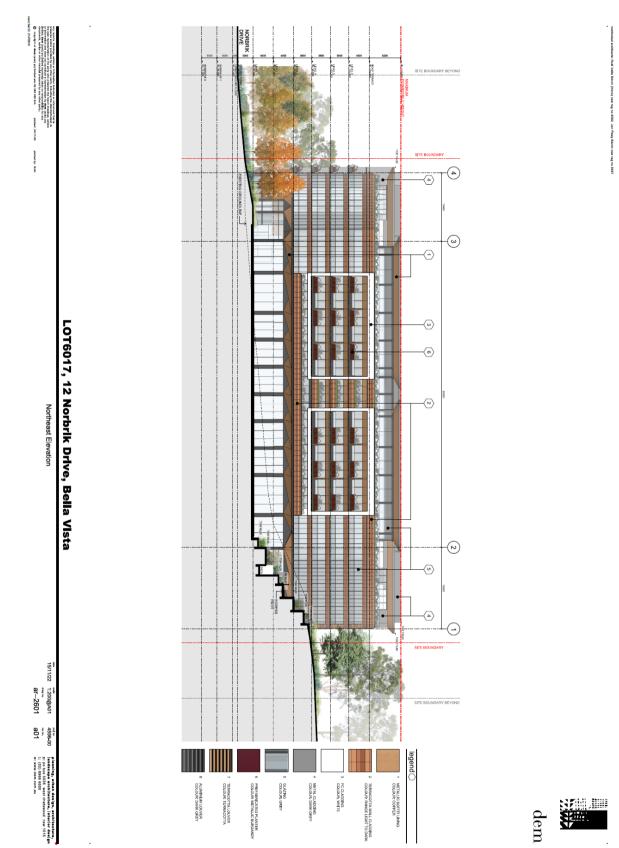




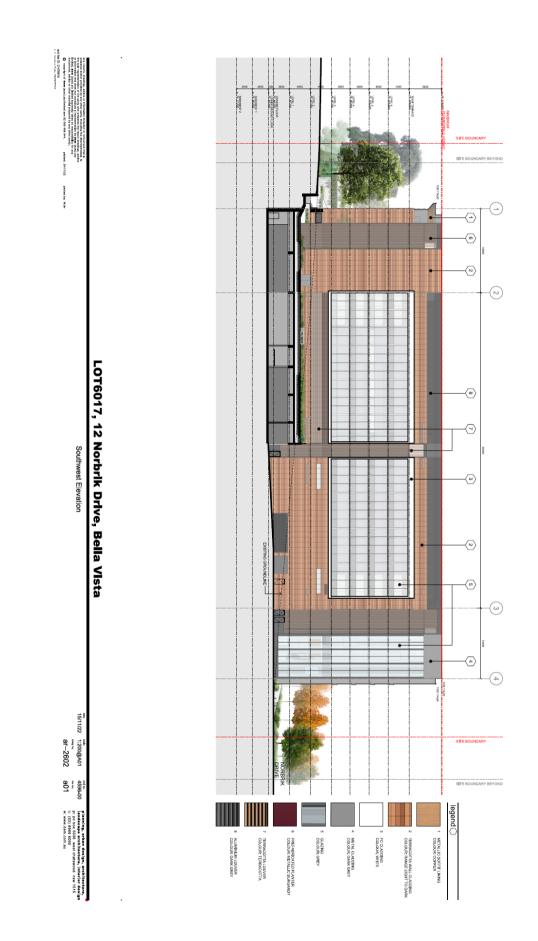






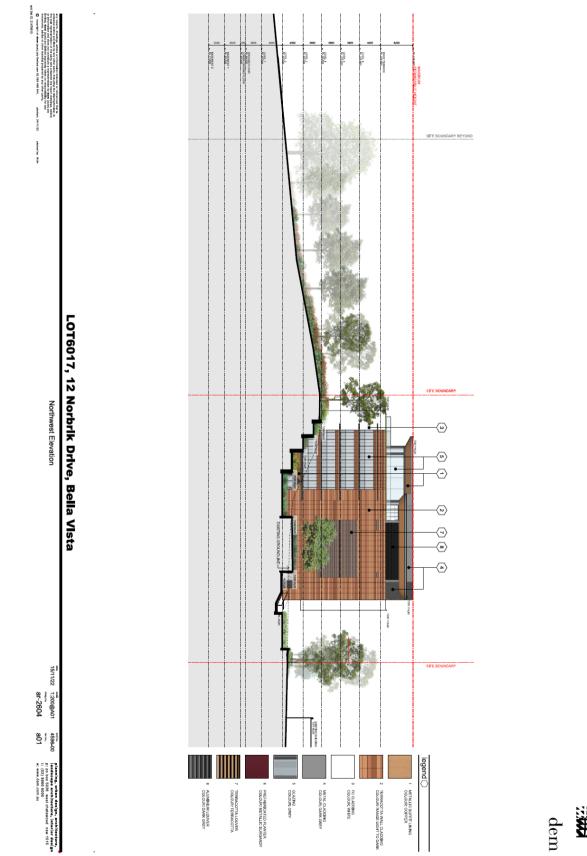


ATTACHMENT J – ELEVATIONS



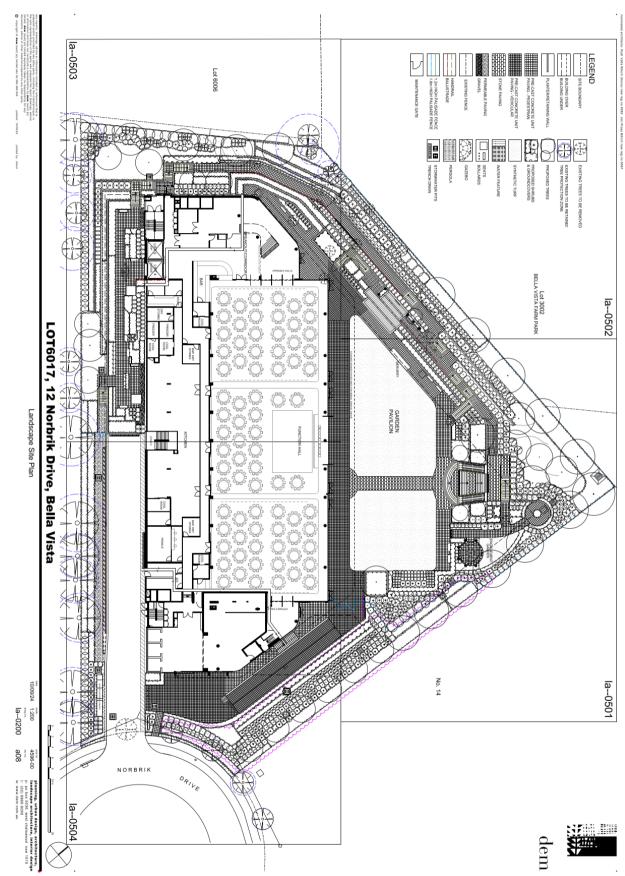






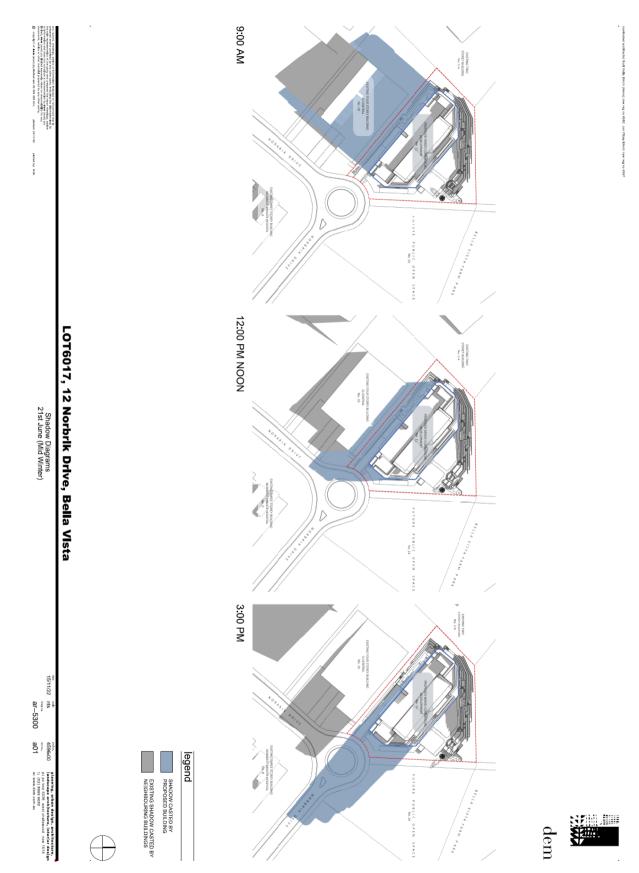
rrchitects: Rudi Valle EArch (Hons) naw reg no 5582. Jon Pitay Barch naw reg no 5567





ATTACHMENT K – LANDSCAPE PLANS

ATTACHMENT L - SHADOW DIAGRAMS



ATTACHMENT M – PERSPECTIVES



Revised Perspective View with Dark Grey Balcony Framed Element



Revised Perspective View with Dark Grey Balcony Framed Element



Revised Perspective View with Dark Grey Balcony Framed Element

ATTACHMENT N - DESIGN EXCELLENCE PANEL REPORT



MEETING REPORT DESIGN EXCELLENCE PANEL

| Date: | 10/05/23 | Time: | 11.45am |] | |
|-------------------------|--|---|-----------------------------|---|--|
| Location of Meeting: | Online meeting hosted by The Hills Shire Council | | | | |
| Panel Members: | Chairperson – Nicholas Carlton, Manager Forward Planning, THSC Panel Member – David Reynolds, Group Manager Shire Strategy THSC Panel Member – Paul Berkemeier, Independent Design Expert Panel Member – Oi Choong, Independent Design Expert | | | | |
| Councillors: | None Present | | | | |
| Council Staff: | Paul Osborne, Megan Munari, Marika Hahn, Cynthia Dugan, Myone Webber, James Pace, Kristy Chedid | | | | |
| Guests: | Simon Wilkes – As Harsha Yadav – P Michael Khatter – John Pizey – Grou Edmond Tang – D Wing Jin – Archite | Planner Urbi Client / App Ip Design F Pirector DEM | blicant Partner DEM A | | |

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

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

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.

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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

| . Fresentations | | | | |
|---|--|---|--|--|
| Item 4.2 | 11.45am – 12.25pm | | | |
| DA Number | 1356/2023/JP | | | |
| Property Address | Lot 6017 DP 1107886, 12 Norbrik Drive, Bella Vista | 1107886, 12 Norbrik Drive, Bella Vista | | |
| Proposal | | Commercial premises comprising a function / events facility and offices over structured carparking. | | |
| Applicant representative address to the Panel | Simon Wilkes – Associate Director Urbis John Pizey – Group Design Partner DEM | | | |

DOCUMENTATION

The Design Excellence Panel reviewed the following drawings:

DA Design Report, dated December 2022, by DEM (Aust) Pty Ltd Design Excellence Panel Meeting, 10th May 2023, by DEM (Aust) Pty Ltd Landscape Architectural Drawing for DA, dated 30/11/22, by DEM (Aust) Pty Ltd Statement of Environmental Effects (SEE), dated 15th December, by Urbis DCP Compliance Table, Appendix S - SEE, dated 15th December by Urbis Heritage Impact Statement, dated 16th December 2022, by Urbis Hospitality Report Plans, dated 15/11/22, by SDG Norwest Association Ltd Conditions of Consent, dated 12 January, By Norwest Association Limited Plan of Management, December 2022, by Georges Grounds PTY LTD Traffic report, 13th December 2022, by Stantec Previous Panel Meeting Report Doc. ID 20351902, Dated 13/09/22, issued by THSC.

PANEL COMMENTS

The Panel commenced at 11.45am with a presentation by the Applicant followed by questions from the Panel. The proponent highlighted areas where they felt they had responded to the recommendations of the previous Panel and provided additional information on the façade treatments, view analysis and arrival sequence.

For clarity, the following minutes are based on the Panel's previous meeting reports (repeated below in italics). New comments do not necessarily supersede previous advice and as such should be read in

Design Excellence Panel Meeting Report

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conjunction with the previous DEP report/minutes. New comments from the meeting on 10 May 2023 are indicated in blue.

Response to Context

 The Panel commented that a considered urban design relationship with the proposed adjacent public park and heritage context was not evident. These natural features and significant cultural association offer a unique opportunity for a distinctive venue location within a carefully crafted setting that would be further enhanced through engagement with the extensive borrowed landscape in the adjacent lot and Bella Vista Farm.

New Comment: This comment remains relevant.

Site planning and built form strategy

Bulk, Scale and Massing

The Panel considers the heritage context to be very significant in particular the view corridor looking east on Norbrick Drive.

New Comment: This comment remains relevant.

Site Coverage/ Landscaped Open Space

 The Panel recommends that a heritage visual impact statement and montage views be provided prior to the next Panel meeting. Visual impact images are to be in accordance with the requirements of Land and Environment Court Photomontage Policy.

New Comment: Provided in photomontages

 The Panel recommends that the existing built context be comprehensively illustrated and analysed in the drawings provided at the next Panel meeting.

New Comment: Provided in photomontages. The context is a locality undergoing transformation and the existing built form does not necessarily represent the future context and built form outcomes likely to occur on the adjacent sites. Further consideration of the desired future outcomes and character should be undertaken to demonstrate how the development will fit into the landscape as the evolution of the surrounding area and Norwest Strategic Centre continues.

Site planning and built form strategy

Program 1997

5. The Panel accepts the proposed commercial uses however recommends that the arrangement and expression of these be revisited. The function area requires height and column free space, and any transfer structure required to support the office floors above will be substantial. There is an opportunity to make this structure legible and memorable, however it will have significant cost implications that will need to be factored into the project commerce.

New Comment: This comment remains relevant.

6. The built form expression is quite conventional and bland. The lower and upper function centres should be architecturally distinguished from the intermediate commercial floors, which in turn should avoid relentless unprotected continuous perimeter glazing and consider the requirements of contemporary post-Covid workplaces with protected indoor/outdoor /landscaped communal work spaces along the perimeters.

New Comment: Although some improvements have been made, the comment remains relevant. The Panel notes the additional planting applied to the upper-level balconies and acknowledges that these positively add to the appearance of the façade. Whilst the Panel also supports, in principle, the use of a distinctive awning to distinguish between the function centre and offices above, the design of the awning should have some regard to the character of the garden.

7. A careful analysis of the arrival and entry and experience of user groups should also be undertaken. A separate entry to a function such as a wedding should be very apparent in the scheme, discreet from the commercial office building entry. Shared lift access is likely to result in significant operational problems for various users.

New Comment: This comment remains relevant.

- The Panel would like the design team to review and be able to describe the entry experience from the perspective of:
 - A Bridal party and guests arriving by car, including the journey from within the car park to the venue;
 - Conference attendees arriving by car or on foot;
 - Office workers;
 - Catering staff;
 - Deliveries and waste disposal and cleaning staff.

This would provide guidance for the allocation of use and spaces, and inform internal circulation so that the proposed uses can function concurrently or independently as the need arises.

New Comment: The Panel notes the changes made to the arrival sequence and separation of the multiple uses proposed for the venue, however concerns remain with:

- The proposed drop off for the Bridal party in the loading dock area. The Panel acknowledges the applicant's event-based expertise but queries whether this is an appropriate outcome.
- The volume of arrivals being dropped off at the roundabout before and after events.
- The capacity for turning circles for larger passenger vehicles such as stretch limousines.

The Panel recommends the entry to the site be thoroughly reviewed. The Panel believes with some design changes these concerns could be resolved. The garden as previously noted is extremely important and the reference to the Italianate Garden could be extended into the arrival sequence. This is addressed in greater detail in Item 24 -26 on the Landscape Design

Site planning

9. The Panel questioned if the site arrangement was the most appropriate, and why the built form was arranged against the contours. The Panel would appreciate being briefed on alternate site planning strategies that were considered by the design team, in order to better understand why this configuration is preferred.

New Comment: The Panel acknowledged that alternative strategies were described in the presentation and significant investment has been made in the development of the current layout. Notwithstanding this, the Panel notes that there remain substantial challenges with the existing topography and potential conflicts with the proposed site uses and circulation.

10. The Panel suggested that the western vehicular entry should enter the building via a ramp near the street, to free up more of the setback area for deep soil landscape plantings.

New Comment: This comment remains relevant. The Panel notes the additional amenity provided for office staff by the landscaping provided over the capped driveway.

Built form strategy

11. The proposed office floor plans lack structure and organisation, and the need for separate cores at each end was not sufficiently explained. A consolidated core along the western edge could be considered, as this would seem to have a number of benefits including better vertical transport systems, more efficient sub-division options, and natural light to the lobby arrival areas.

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New Comment: This comment remains relevant. The Panel notes that the office corridors are very long. Consideration of some relief, such as widening of the corridor in areas and potential for day light access into the corridor could improve this outcome.

12. These very deep office floor plates would likely require internal columns that will bear on the transfer structure of the function centre below, and these should be shown on drawings.

New Comment: This comment remains relevant. Columns are now illustrated, and potential internal planning options provided.

Bulk, Scale and Massing

13. The Panel questioned if the proposed building form and expression have adequately responded to the site topography, historical context and unique "borrowed landscape" opportunity.

New Comment: This comment remains relevant.

14. The proposal as submitted presents as a very large, unarticulated truncated/rectangular form that may maximise yield but in doing fails to respond to the outstanding opportunities of the proposed uses and the site context. The formal garden areas appear to be imposed on the site for a single use, when there are more diverse, inclusive strategies that could be considered through a design engagement with existing and future context.

New Comment: This comment remains relevant. The Panel notes the garden design is very important to the overall success of the project. Although the Panel's preference is for a more 'relaxed' landscape setting more in sympathy with the local heritage context, the Panel notes the proponent has chosen to retain the more formalised Italianate character proposed in the initial scheme.

Site Coverage/Landscaped Open Space

15. The applicant should clarify if paved areas are able to be counted as deep soil area. All landscape metrics should be confirmed with Council's landscape officer and amended if required prior to the next Panel meeting.

New Comment: This comment remains relevant.

16. Whilst the Panel appreciates the design challenges created by the steep site topography, the use of extensive retaining walls and terraces appears to be over-engineered and over-scaled against the heritage landscape backdrop and site context.

New Comment: This comment remains relevant. The Panel considers that there is potential for the terracing to be scaled back and refined to lessen environmental impacts and engineering and maintenance costs without compromising the aesthetic and amenity outcomes.

17. The landscape references to formal Renaissance buildings and their gardens highlight the principles of landscape composition, topographical progression, 'borrowed' vistas and the seamless relationship between buildings and their landscape setting. These principles are not reflected in the current site layout which, as mentioned elsewhere, appear at odds with the site context, building character and identity.

New Comment: This comment remains relevant. The processional walk could be enhanced to be more integral with the overall landscape setting, planting on both sides of the ramp and overarching trees for shade. In the spirit of an elegant Italian garden, there should also be a more elegant, less abrupt interface between the processional ramp and the entry forecourt.

18. The direction of the linear retaining walls also reinforces the triangular shape of the outdoor function area, resulting in a somewhat 'one-dimensional' experience of the garden.

New Comment: This comment remains relevant.

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19. The interface with the adjacent public park also appears abrupt. The opportunity to 'borrow' the park landscape backdrop to enhance the spatial qualities of the function garden should be explored to its fullest potential.

New Comment: This comment remains relevant. The Panel notes the inclusion of indigenous native trees at the site perimeter to facilitate a transition between the formal garden and parkland heritage landscape.

Setbacks

20. The Panel acknowledges that Council has determined street setbacks which impact upon the heritage vista of the Bunya Pine Avenue at Bella Vista Farm. Notwithstanding this, the applicant is encouraged to open up and preserve this outstanding vista as far as possible.

New Comment: This comment remains relevant. The Panel notes the increased setback to the southern side to mitigate impacts upon the existing trees.

21. The Panel is unlikely to support any encroachment into the newly defined view cones and corridors clearly illustrated in the THSC DCP Part D Section 22 Circa Commercial Precinct.

New Comment: This comment remains relevant. The Panel defers to Council for assessment and retention of view corridors and thanks the applicant for providing the montages that will help the DA officer with their assessment.

Compliance

Height

22. It is noted that the proposed development is at the maximum permissible height. The Panel does not support any additional height increase due to structural, insulation, construction requirements as a result of the proposed design being unresolved and inadequate contingency being provided to compensate for future design changes (for example: floor to floor heights, structural requirements, roof level landscape and drainage).

New Comment: This comment remains relevant.

Density

23. The density potentially exceeds the capacity of the site if this is the optimum built form layout. Encroachments into the view corridor occur and the maximum height is attained without any capacity for additional height increases to accommodate construction tolerances.

New Comment: This comment remains relevant.

Landscape Design

Public Domain and streetscape interface

24. The building is located at a pivotal location on the roundabout and as such, also acts as a signature 'gateway' to the adjacent parklands and beyond. The design of the public domain should not only address the arrival sequence to the building but also the relationship to the park.

New Comment: This comment remains relevant.

25. A very hard streetscape is presented to Norbrick Drive. The Panel notes that the building is extended to the setback. Although it is permissible, this curtails the ridgeline heritage vista of Bunya Pines.

New Comment: This comment remains relevant.

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26. The Panel does not support the quantum of hardscape currently dominating the front setback zone. The Panel was informed at the meeting that the redesign of this precinct is already being addressed by the design team.

New Comment: The Panel notes and supports the additional landscaping provided at the street interface. The forecourt paving could be extended across the driveway to improve pedestrian priority and safety, and further enhance the arrival sequence.

27. The Panel strongly supports the proposal to re-design the western boundary, front street setback, and east boundary landscape to increase the quantum of soft landscaping and improve on the park landscape/streetscape interfaces. This should also include details regarding any security gates and boundary fencing, and how their impacts could be ameliorated within the landscape setting.

New Comment: This comment remains relevant.

28. The paved roadway between the building and grassed function area appears intrusive and could be better integrated into the landscape as part of a well designed landscaped 'terrace'. Given the public nature of the ground floor, consideration should be given to additional landscape treatment to soften the edges of the building and roadway.

New Comment: The Panel notes the additional landscape treatment to the southern boundary. Consideration could also be given to the additional of climbers on wire frames on bare walls on the northern side of the driveway ramp.

29. As a consequence of the steep topography, slope orientation and drainage conditions to the north, the quantum of shade and potential drainage issues should be addressed in the pre-DA design phase.

New Comment: This comment remains relevant. Consideration should be given to the detailed design of drainage outlets to public areas and the ceremonial walkway to avoid trip hazards or traps for high heeled shoes.

30. The proposed development and views from higher vantage points around the site would be greatly enhanced with the addition of a roof garden and/or landscaped roofscape in conjunction with the upper function areas (Refer also Item 34). Given the pivotal location of the building, any opportunity to reinforce and celebrate the landscape setting is paramount.

New Comment: This comment remains relevant. The Panel reiterates and reinforces this recommendation.

Sustainability and Environmental Amenity

31. The Panel noted that the eastern façade has extensive unprotected glazing with significant heat loading. Refer to comments above in relation to office façade design. The adjacent office building by way of example has responded by providing shading to the eastern facade.

New Comment: This comment remains relevant. The Applicant notes the provision of double glazing and the potential for solar panels on the roof.

32. The Panel is interested in what sustainability and environmental measures have been incorporated into the design proposal over and above required government legislation.

New Comment: This comment remains relevant.

Architecture and Aesthetics

33. The Panel notes the architecture is yet to provide a convincing design response to the rapidly warming climate of north-western Sydney and the site's distinctive landscape. The Panel encourages the design team to further consider these matters in developing the design for the development application.

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New Comment: This comment remains relevant. The Panel notes the solid western wall treatment and the addition of vegetation to the northern façade. These are positive design considerations.

34. The Panel also recommends that more attention be given to the roofscape and design of the upper function areas, as it will be highly visible from both the public domain and the historical setting of Bella Vista Farm Park. The Panel suggests that an ensemble of connected built forms with a distinctive silhouette (rather than one large single form) set in a generous and distinctive landscape would be a good conceptual starting point to achieve this.

New Comment: This comment remains relevant. The Panel notes the additional articulation in the façade treatment but recommends the northern façade Colour palette be more recessive. The two large concrete frame elements with smooth white finish are unnecessarily assertive. The extent of planting to this façade could be increased so as to complement the garden setting of the outdoor function space and Bella Vista Estate beyond.

PANEL CONCLUSION

The Panel does not support the proposal in its current form as the proposal does not yet meet the requirements of design excellence in relation to its overall built form and landscape setting. It is recommended that the Applicant revise the proposal to address the issues identified in this report and present the revised application to the Panel.

New Comment: Notwithstanding some of the positive improvements made, the Panel remains of the view that the proposal in its current form does not yet meet the requirements of design excellence in relation to its overall built form and landscape settings. The Panel's role is advisory only and as such, it would remain open for the Applicant to seek for the application to be determined in its current form. Alternatively, the Applicant may wish to further revisit the design of the proposal to respond to the matters detailed within this report, with a view to presenting a revised application to the Panel for further comment.

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ATTACHMENT O – RESPONSE TO DESIGN EXCELLENCE PANEL REPORT

RESPONSES TO HSC DESIGN EXCELLENCE MINUTES

Response to Context

I. The Panel commented that a considered urban design relationship with the proposed adjacent public park and heritage context was not evident. These natural features and significant cultural association offer a unique opportunity for a distinctive venue location within a carefully crafted setting that would be further enhanced through engagement with the extensive borrowed landscape in the adjacent lot and Bella Vista Farm.

New Comment: This comment remains relevant.

DEM Response

 DEM has demonstrated a valid and appropriate urban design and landscape response for the relationship between the project site and the Heritage Belta Vista Park and future public open space that respects the historical integrity of the Belta Vista Farm as documented in The Belta Vista Farm Management Plan.

 Attrough the panel would like to see a strong physical and visual connection between the Function Centre and the Bella Vista Farm this approach is not in keeping with the existing or historical landscape context.

 Historically Bella Vista Farm consisted of a number of diverse vegetation systems which many are still are identifiable today. Including :

- Homestead Garden
- Inner and Outer Farmyards and Home Paddoch
- Burrya Pine Avenue and Drivew
- Bunya Pine Avenue and Driveways
- Pastures
 Cumberland Plain Woodland

 Each of these different vegetated systems are edged by mature tree planting, fencing and roads. A visual connection or borrowed indecome between each autom is and automation in the current context where he appendix does a closely does a dec

Iandscape between each system is not evident in the current context where by each area has a clearly define edge.
 Our urban design approach for the landscape transition between the project site and the Bella Vista Farm is to provide a defined edge to the site using native species, where by glimpses of the Bella Vista Park are possible. When viewed from the farm towards

edge to the site using native species, where by glimpses of the Beila Vista Park are possible. When viewed from the farm towards the site, the proposed formal landscape of the function Centre which will be located below the top of the embankment and will not be visible.

The in depth built form and landscape context studies and urban design approach is clearly articulated and illustrated in section 2 & 8 of the DA Design Report.

 DBM has also explained to the DEP that Council requested that the site be ferend with a pailsade fere without physical access to the Belia Vista Farm or future open space adjacent to Norbik Drive. This request is documented in HSC's Request for Additional Information 31st match . Refer to learn below.

"OPEN SPACE AND RECREATION

Council's Open Space and Recreation Team have reviewed the proposal and object to access to Bella Vista Farm Park directly from the development site and through the adjoining future open space park from Norbic Dive. This access is doned as Bella Vista Farm often hosts numerous ticketed events requiring access control in and out of the venue and direct access from this site may compromise the current 'set up', in this regart, you are requested to amend your application to remove direct access to Bella Vista Farm Park through the adjoining future open space park from Norbik Drive.'

I should also be noted that the item 1 comment was made at the Pre DA stage of the project prior to the site contrast studies being included in the Design Report. Our understanding of site context has since been illustrated in depth in the Design Report and was presented during the second DEP meeting where no thirthe concerns relating to learn where raised by panel members.

> Site planning and built form strategy Bulk, Scale and Massing

 2. The Panel considers the heritage context to be very significant in particular the view corridor looking east on Norbrick Drive.

New Comment: This comment remains relevant.

DEM Response

DEM was commissioned by Mulpha Nowst to provide the urban design and landscape input for the Workey Parsons Hertage Report. The Hills Development Control Pian 2012 - Part B Section 6 Business - Proposed Amendments report which reviewed the original view cones for the Circa Commercial Precinct and Bella Vista Farm and established amended view cones which have since been adopted in the HSC DCP.

There are three main view cones that impact the site:

- View Cone 2 which will provide a contained distant view of open space within the Bella Vista Farm as illustrated in fig 10 and fig 11. From this view point a portion of the heritage significant Bunya Pines are visible and a section of open green parkland. The objective of this viewpoint is to ensure a strong visual connection between Circa Commercial precinct and the Bella Vista The objective of this viewpoint is to ensure a strong visual connection between Circa Commercial precinct and the Bella Vista
- Fam Park is maintained. View Core 3, provides a visual connection between the Bella Visia Farm House and the Pearce family cemetery. This view will not be impacted by the proposed development.
- View Cone 5 (fig 1) provides a strong visual connection between Circa Commercial Precinct and the Bella Vista Farm. From this view point the entire line of culturally significant Bunya Pines is visible with an expanse of grass parkland where historic
- A Heritage Visual Impact study was included in Section 10 of the DA Design report and Appendix A of this document provides more

I detail of View Come 2 and 5 assessments. I should adve be noted that the assessment was made at the Pre DA stage of the project prior to the heritage wew cone studies here not adve to the noted that the heritage was made at the Pre DA stage of the project prior to the heritage wew cone studies here not adve to the noted that the heritage was made at the Pre DA stage of the project prior to the heritage wew cone studies here not adve to the noted that the heritage was not adve to the project prior to the heritage wew cone studies

being included in the sestion of the heritage view order studies have save and performing and many presented during the second DEP meeting where no further concerns relating to item 2 were raised by panel members.

Site Coverage/ Landscaped Open Space

• 3 The Panel recommends that a heritage visual impact statement and montage views be provided prior to the next Panel meeting. Visual impact images are to be in accordance with the requirements of Land and Environment Court Photomontage Policy.

New Comment: Provided in photomontages

DEM Response

No further comment required.

Site Coverage/ Landscaped Open Space

4. The Panel recommends that the existing built context be comprehensively illustrated and analysed in the drawings provided at the next Panel meeting

New Comment: Provided in photomontages. The context is a locality undergoing transformation and the existing built form does not necessarily represent the future context and built form outcomes likely to occur on the adjacent sites. Further consideration of the desired future outcomes and character should be undertaken to demonstrate how the development will fit into the landscape as the evolution of the surrounding area and Norwest Strategic Centre continues

DEM Response

 DEM has demonstrated a thorough understanding of the existing built form of both the Circa Commercial Core and the Bella Vista Farm.

 The existing built context of the Circa Commercial Precinct is articulated in section 2 of the DA Design Report and include such articulated on the Circa Commercial Precinct is articulated in section 2 of the DA Design Report and include such

attributes as:

- Large compact building footprints.
 Campus style landscape setting with defined vegetated edges with fences
- Generous vegetated setbacks.
- Building sustainable initiatives.
- Eacados havo transnaroncy and noutral parthy
- Facades have transparency and neutral earthy colour palettes.
- Large simple building forms and white solid facades for Norwest private hospital buildings.
- The built form context of the Bella Vista Farm has continually changed over time as building style and technology during 19th
- Century changed from the use of vemacular through to Colonial Georgian/ Regency to High Victorian Italianate styles.
- These built form changes reflected the increased wealth and status of the Pearce family over time.
- DEM was commissioned by Mulpha Norwest to prepare the Planning Proposal for the Circa Commercial Precinct and therefore
- very much aware of the desired future character for this area within the Norwest Business Park.
 The amondmonts to the HSC LEP and HSC DCP were adopted to create a more urban and nodestrian friendly precipit with
- The amendments to the HSC LEP and HSC DCP were adopted to create a more urban and pedestrian friendly precinct with facilities.
- As articulated in the Circa Core Precinct Planning Proposal, Urban Design Report prepared by DEM, the future desired character for the Circa Commercial Precinct will be predominantly office buildings, but which may include a range of other uses, which for the Circa Commercial Precinct will be predominantly office buildings, but which may include a range of other uses, which for the Circa Commercial Precinct will be predominantly office buildings, but which may include a range of other uses, which for the Circa Commercial Precinct age pedestrian activities and interaction, such as small scale shops, calles, restaurants promote ground level tearricities that encourses.
- bars, entertainment and recreation facilities, the area is expected to exhibit an intensity of built form with a more urban character and increase commercial activity and highly The area is expected to exhibit an intensity of built form with a more urban character and increase commercial activity and highly
- Utilised public spaces.
 The Circa Precinct community will be a vibrant community, sustainable, resilient and resourceful.
- Circa Precinct will be based around a mixed use urban environment which embraces, hamesses and builds on the skills, attributes, and shared backgrounds and experiences of its community.
- It will provide a quality lifestyle expected by modern communities with lifelong learning and an integrated intergenerational
- workforce that collectively sparks innovation and creativity.
- Circa's liveliness will stem from its mix of land uses, workers and residents, its activation through event management and through
 commitment to the establishment of one community.
- Our understanding of desired future character of the Circa Commercial core was clearly articulated during the second DEP meeting whereby DEM described their involvement assisting Mulpha Norwest to prepare the Circa Commercial Core Planning Proposal, Draft DCP and Hartlage View cone amendments.

Program

- 5. The Panel accepts the proposed commercial uses however recommends that the arrangement and factored into the project commerce. structure required to support the office floors above will be substantial. There is an opportunity to make this structure legible and memorable, however it will have significant cost implications that will need to be expression of these be revisited. The function area requires height and column free space, and any transfer
- New Comment: Provided in photomontages

DEM Response

- A full description of the built form aesthetic is provided in section 8.7 of the DA Design Report.
- halls and ground level screened car parking which will enhance visual interest when viewed from landscaped areas and the The podium facades are designed to reflect the functions of the internal spaces which include lobbies, cafe, first floor function
- The podium design will assist in moderating the urban scale to a more appropriate human scale when viewed from Norbrik adjacent public realm.
- The design will provide legibility of building uses including lobby spaces, cafe and function centre facilities Drive and the future public park.
- The unique design language of the awning will provide the function centre with a memorable image whilst its decorative form
- The contiguous awning around the first floor function centre will reinforce pedestrian circulation and connectivity. will be appropriate for weddings and other events
- building form. The decorative awning is designed as an integral part of the overall building form and articulates the structural integrity of the
- amenity of the public domain by encouraging pedestrian activity. The podium is designed to encourage a high level of activation, public security and passive surveillance whilst improving the
- of a contemporary commercial office. The facades proposed for the commercial offices are designed with an architectural language that reflects the functional space
- The design of these façades will provide a strong visual contrast to the podium to define the easily identifiable middle portion of
- the building form
- Facades are designed to provide excellent natural light, ventilation and view amenity for occupants.
- Extruded framed balconies are proposed for offices located within the central portion of the building with a northern or southern OTELLOID
- These balconies will create a place for informal entertainment and passive recreation.
- Balconies are to be integrated with landscape planters to connect internal offices spaces visually and physically with nature.
- DEM has provided documentation in the DA package including sections and elevations that clearly demonstrates how the transfer Balconies to have a combination of solid and transparent sections of balustrades to ensure privacy.
- through with a qualified registered structural engineer structure will be configured to provide the function centre column free space. The structural design adopted has been worked
- It should also be noted that the item 5 comment was made at the Pre DA stage of the project when the design had not had any to item 5 were raised by panel members at the second DEP meeting. engineers. The building sections and elevations have since been developed with structural engineering input. No concerns relating structural input. Since this meeting the building design had been developed with a full team of consultants including structural

RESPONSES TO HSC DESIGN EXCELLENCE MINUTES CIRCA FUNCTION CENTRE - LOT 6017 NORBRIK DRIVE, BELLA VISTA

Program

- 6. The built form expression is quite conventional and bland. The lower and upper function centres should be architecturally distinguished from the intermediate commercial floors, which in turn should avoid relentless unprotected continuous perimeter glazing and consider the requirements of contemporary post-Covid workplaces with protected indoor/outdoor /landscaped communal work spaces along the perimeters.
- notes the additional planting applied to the upper-level balconies and acknowledges that these positively add to the appearance of the façade. Whilst the Panel also supports, in principle, the use of a distinctive awning to New Comment: Although some improvements have been made, the comment remains relevant. The Panel distinguish between the function centre and offices above, the design of the awning should have some regard

to the character of the garden.

DEM Response

- A full description of the built form aesthetic is provided in section 8.7 of the DA Design Report
- The landscape design approach draws upon themes associated with a classical design aesthetic, however components have been re-imagined through use of simplified forms and contemporary materials.
- DEM is of the opinion that the proposed awning design will reflect the natural garden setting through it's geometric form and environment. The awning will appear to change in colour and form through the day and from season to season depending on the aesthetic and will appear to change when viewed from different angles creating a built form that feels to be part of the living garden
- angle of the sun and the amount of sun.
- the festive and celebration activities undertaken within the function centre below. The playful and dynamic geometric design will provide a strong delineation between the formality of the office component and
- The awning design will be further refined during the design development stage documentation. The geometric form has also been configured to integrate effectively with the internal function spaces
- The awning design has been illustrated in 3D artist renderings in section 8.1 of the DA design report

Program

 7. A careful analysis of the arrival and entry and experience of user groups should also be undertaken. A various users. separate entry to a function such as a wedding should be very apparent in the scheme, discreet from the commercial office building entry. Shared lift access is likely to result in significant operational problems for

New Comment: Provided in photomontages

DEM Response

- Section 6 of the DA Design Report sets out graphically and in writing each of the criteria for the project brief and space planning requirements for the building to function effectively.
- Georges Grounds will be the owner / operator and the building has been designed to address their functional requirements.
- The Operational Management Plan submitted with the DA lodgment explains in detail how Georges Grounds intends to operate the
- Section 8.8.1 of the DA Design Report graphically illustrates the user experience for the offices Centre and should be read in conjunction with the DA design report which graphically illustrates various procedures.
- Offices to use lift core 1.
- Direct pedestrian link between lift core 1 and Norbrik Drive.
- Good viability of lift core 1, ground floor lobby from Norbrik Drive
- Vehicle access via driveway to ground and basement parking.
- Drop off and pick up for lift core 1 located within ground level car park.
- Waste vehicle access via driveway to ground level delivery dock and waste collection area located adjacent to goods lift.
- Waste vehicle manoeuvring within dock and drive way area.
- core 2. Connection between offices and dedicated office breakout open space located on the north west of the building accessed by lift
- connection to Norbrik Drive Connection to public open space, including the future public park and Bella Vista Farm via lift core 1 and direct pedestrian
- Section 8.8.2 of the DA Design Report graphically illustrates the user experience for the Function Centre
- The Function Centre will utilise lift core 2 during work hours and both lift 1 and lift 2 cores after work hours
- Access/ egress to the Sky Restaurant and Bar will be via lift core 1 at all times
- Direct pedestrian link between lift core 1 and Norbrik Drive.
- Secondary pedestrian path to access ground level function spaces
- Good viability of lift core 1, ground floor lobby from Norbrik Drive
- Vehicle access via driveway to ground and basement parking.
- Drop off and pick up for lift core 1 land 2 located within ground level car park.
- A dedicated VIP / wedding drop off and building entry is located adjacent to lobby 2.
- Waste vehicle access via driveway to ground level delivery dock and waste collection area located adjacent to goods lift.
- Waste vehicle manoeuvring within dock and drive way area.
- Direct physical and visual connection to public open space, including
- The future public park and Bella Vista Farm via lift core 1 and direct
- Pedestrian connection to Norbrik Drive.
- A full description of how the building will function and managed has been included in the Management Plan submitted as part of the DA submission.

RESPONSES TO HSC DESIGN EXCELLENCE MINUTES CIRCA FUNCTION CENTRE - LOT 6017 NORBRIK DRIVE, BELLA VISTA

Program

- 8. The Panel would like the design team to review and be able to describe the entry experience from the
- perspective of:
- A Bridal party and guests arriving by car, including the journey from within the car park to the venue;
- Conference attendees arriving by car or on foot;
- Office workers;
- Catering staff,
- This would provide guidance for the allocation of use and spaces, and inform internal circulation so that the Deliveries and waste disposal and cleaning staff.
- proposed uses can function concurrently or independently as the need arises.
- New Comment: The Panel notes the changes made to the arrival sequence and separation of the multiple uses proposed for the venue, however concerns remain with:
- The proposed drop off for the Bridal party in the loading dock area. The Panel acknowledges the applicant's
- event-based expertise but queries whether this is an appropriate outcome.
- The volume of arrivals being dropped off at the roundabout before and after events
- The capacity for turning circles for larger passenger vehicles such as stretch limousines. The Panel recommends the entry to the site be thoroughly reviewed. The Panel believes with some design
- detail in Item 24 26 on the Landscape Design changes these concerns could be resolved. The garden as previously noted is extremely important and the reference to the Italianate Garden could be extended into the arrival sequence. This is addressed in greater

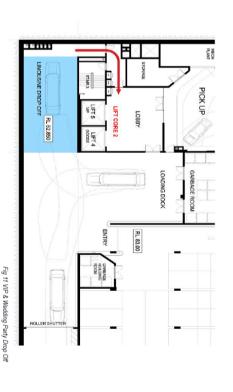
DEM Response

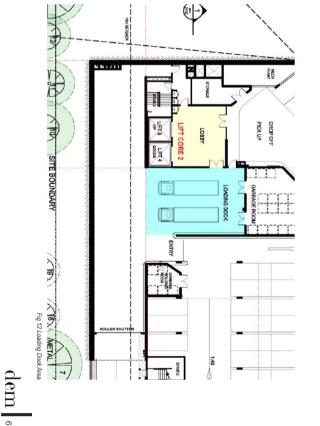
- The arrival experience for all visitors is explained in detail in the Operational Management Plan submitted with the DA lodgment and reflects how the owner /operator is intending to manage the Function Centre.
- WEDDING PARTY & VIP ARRIVALS:
- of the driveway A designated undercover wedding party / VIP drop off and pick up area will be located adjacent to loading dock area at the end
- located on the mezzanine level. There will be direct VIP access to lift core 2 where lifts will take the wedding party and VIPs to bridal suites and VIP rooms
- Wedding party arrivals will be managed by Function Centre coordinators to ensure that vehicles do not arrive together but will be staggered.
- The wedding party / VIP kerb-side drop off and pick up during events will be managed by staff and security
- The loading / delivery area will be left vacant during wedding party arrivals to ensure large vehicles such as limousines can turn around and leave the site in a forward direction.
- Staff and security will ensure that the loading dock will not be used at the times when wedding parties and VIPs are scheduled
- to arrive.
- (Refer to Fig. 11)
- Section 8.8.2 of the DA Design Report graphically illustrates the user experience for the Function Centre
- Section 8.8.1 of the DA Design Report graphically illustrates the user experience for the offices.

DEM Response Cont.

- LOADING AND DELIVERY AREA:
- The designated loading and delivery area is located adjacent to lift core 2 and is accessed from the driveway outside of the car park.
- Loading /delivery area has direct access to a service/goods lift located within lift core 2 to avoid disruption of office use and lift core 1.
- The service lift will access all floors and all function facilities so equipment will not be taken through ground floor building entrances and lobby areas.
- Delivery bump in times generally occur during the day on the same day as an event is scheduled, and usually involve around 4.5 suppliers (each with their own vans) per event.
- Defineries throughout the day will be managed by Function Certific coordinators to ensure that delivery vehicles do not arrive all together, but will be staggeted to arrive at least one hour apart from each other so as not to overcrowd the loading arrive and together.
- dock or car park driveway at any time. Garbage pickup and any large delivery, such as furniture removal access will be managed and scheduled outside function events operation hours.
- Waste removal for the Function Centre is via the rubbish chute located within in the kitchen or the service lift for the larger Items.
- Offices will use the service lift located in lift core 2 for delivenes of large items and to remove waste.
- Bins will be stored in the garbage holding rooms located on ground level adjacent to the loading and delivery area.
- Waste removal vehicles will use the loading dock to access birs from the bin store for removal.
- Waste removal vehicles will collect bins multiple times a week e.g.: Monday. Wednesday, or Friday during the early hours of the morning so as not to disrupt office activities, function events on the weekends, delivery vehicle bump in schedules. (Refer to Fig. 12)

 As noted by DEM during the DEP meeting. Georges Grounds will be an owner occupier and will be acting as the ongoing building manager. The building Operation Management Plan has been prepared to address their requirements based on their experience in operating other large scale wedding function venues.





RESPONSES TO HSC DESIGN EXCELLENCE MINUTES CIRCA FUNCTION CENTRE - LOT 6017 NORBRIK DRIVE, BELLA VISTA

Site planning

• 9. The Panel questioned if the site arrangement was the most appropriate, and why the built form was arranged against the contours. The Panel would appreciate being briefed on alternate site planning strategies that were considered by the design team, in order to better understand why this configuration is preferred.

New Comment: The Panel acknowledged that alternative strategies were described in the presentation and significant investment has been made in the development of the current layout. Notwithstanding this, the Panel notes that there remains substantial challenges with the existing topography and potential conflicts with the proposed site uses and circulation.

DEM Response

- The DEM multidisciplinary design team investigated a number of master plan alternatives in response to site investigations, the functional brief requirements and a review of heritage and visual impacts and reviewed the extent of overshadowing of public realm for each option. (Refer to section 7 of the Design Report.)
- It is our opinion, after undertaking these in-keight master plan option studies and reviewing all the design inherness, that the
 adopted master plan approach will provide the best master plan outcome. We acknowledge that this is a difficult and complex
 site, due to its topography, its irregular shape and its heritage context. However we are confident that the master plan decisions
 our team have made will provide to tight outcome and contribute to the future character of the Ctrca Commercial precinct and
 minimise impacts on the Heritage Belia Vista Farm.
- DEM appreciates that the panel would have preferred a site arrangement whereby the landscape open space was located at a
 higher level to provide a stronge physical and visual connection with Bella Vista Farm. however this approach would have major
 financial impacts on the visibility of the project and a physical relationship would not be permissible given Councils instruction to
 fully fence the site using a palisate force and to remove any gate to the Bella Vista Farm or future public open space as noted in
 HSC's Request for Additional Information 31st March below.

OPEN SPACE AND RECREATION

Council's Open Space and Recreation Team have reviewed the proposal and object to access to Belia Vista Farm Park directly from the development site and through the adjoining future open space park from Norbik Drive. The access is denied as Belia Vista Farm often hosts nurmerus bickede events requiring access control in and out of the venue and direct access from this site may compromise the ourcest "setup". In this regard, you are requested to amend your application to remove direct access to Belia Vista Farm Park through the adjoining future open space park from Norbik Drive."

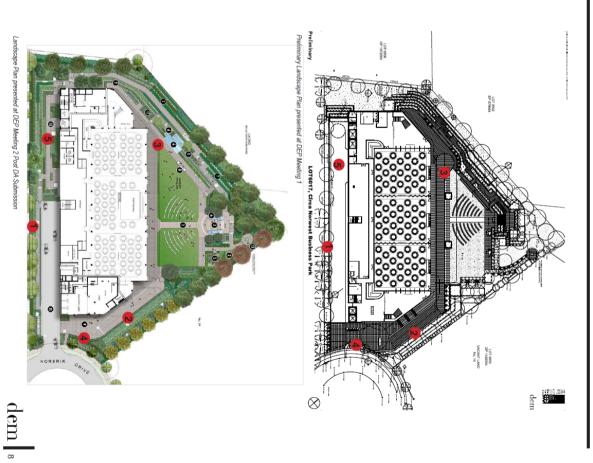
 It should also be noted that the item 9 comment was made at the Pre-DA stage of the project prior to the four master plan option studies being included in the Design Report. The master plan option assessment has since been illustrated in depth in the Design Report and all four muster plan options and Councils requirement to fully fence the site without a gate were presented in detail during the second DEP meeting.

Site planning

- 10. The Panel suggested that the western vehicular entry should enter the building via a ramp near the street, to free up more of the setback area for deep soil landscape plantings. Near formanat This commant ramping relevant The Panel notes the additional amonity provided for office.
- New Comment: This comment remains relevant. The Panel notes the additional amenity provided for office staff by the landscaping provided over the capped driveway.

DEM Response

- DEM explained during the Panel Meeting, not only was the additional landscaped breakout amenity provided for office staff but also the following improvements were adopted in response to DEP meeting No 1.
- The building was moved a further 2m away from the western boundary providing a more generous landscape buffer of 12m between the Function Centre and the adjacent Q Central property.
- The proposed vehicle access to the formal garden was removed and replaced with a narrower pedestran ceremonial walkway
 which increased the vegetated setback along the north-eastern boundary by 2 9m. This was a vital amounter to improving the
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 increased setback along the north-ea
- Interface between the Function Centre and the public realm which was not noted in the DEP meeting minutes.
 The grass area to be utilised by the Function Centre was increased in size and the proposed road and turning circle was removed.
- The hard paved forecourt fronting Norbrik Drive was reduced with the introduction of a more dense vegetated buffer addressing Norbrik Drive.
- The office breakout area located on the slab over the car park and loading area entry provides the opportunity to reduce the open cut along the southern boundary and improves the amenity along this boundary.



RESPONSES TO HSC DESIGN EXCELLENCE MINUTES CIRCA FUNCTION CENTRE - LOT 6017 NORBRIK DRIVE, BELLA VISTA

Built form strategy

11. The proposed office floor plans lack structure and organisation, and the need for separate cores at each end was not sufficiently explained. A consolidated core along the western edge could be considered, as this would seem to have a number of benefits including better vertical transport systems, more efficient subdivision options, and natural light to the lobby arrival areas.

New Comment: This comment remains relevant. The Panel notes that the Office corridors are very long. Consideration of some relief, such as widening of the corridor in areas and potential for day light access into the corridor could improve this outcome.

DEM Response

- Section 8.8.1 of the DA Design Report graphically illustrates the user experience for the offices.
- Offices to use lift core 1.
- Direct pedestrian link between lift core 1 and Norbrik Drive.
 Good viability of lift core 1, ground floor lobby from Norbrik Drive
- Vehicle access via driveway to ground and basement parking.
- Drop off and pick up for lift core 1 located within ground level car park.
- Waste vehicle access via driveway to ground level delivery dock and waste collection area located adjacent to goods lift.
- Waste vehicle manceuvring within dock and drive way area. Connection between offices and dedicated office breakout open space located on the north west of the building accessed by lift
- core 2. Connection to public open space, including the future public park and Bella Vista Farm via lift core 1 and direct podestrian connection to Morbrik Chre.
- The Operational Management Plan submitted with the DA also details how the office component will function and will be managed. The design learn has worked closely with the numer neurator of the building to ensure they can operate their business effectively.
- The design team has worked closely with the owner operator of the building to ensure they can operate their business effectively.
 However in response to the DEPP feedback, DEM will review varying the width of the central conidor during the design development stage of the project to improve internal amenity.
- It should also be noted that the item 11 comment was made at the Pre DA stage of the project when the design had not had any
 structural input. Since this meeting the building design had been developed with a full team of consultants including structural
 engineers. The office floor plans have since been developed with structural and mechanical engineering input.

Built form strategy

- 12. These very deep office floor plates would likely require internal columns that will bear on the transfer activities of the function party below and these should be been and described.
- structure of the function centre below, and these should be shown on drawings. New Commont This commont remains relevant Columns are now illustrated and notential inter
- New Comment: This comment remains relevant. Columns are now illustrated, and potential internal planning
 options provided.

DEM Response

- We are unsure why the comment remains relevant given that DEM has demonstrated clearly in the Design Report how the building Structure will work and also how medical suites, specialist sales / photography and fitting spaces and commercial offices spaces can be configured efficiency within the building to provide a high level of amenity including natural ventilation and sunlight. Refer to pages 59-61 of the Design Report.
- It should also be noted that the above item 12 comment was made at the Pre DA stage of the project prior to having structural
 engineering input in the design. The DA design has been prepared with structural engineering input and ingrous constructibility
 review and was presented during the second DEP meeting where no further concerns relating to item 12 were raised by panel
 members.

Bulk, Scale and Massing

 13. The Panel questioned if the proposed building form and expression have adequately responded to the site topography, historical context and unique "borrowed landscape" opportunity.

New Comment: This comment remains relevant.

DEM Response

- DEM has provided a clear and concise design logic for the proposed building form which is clearly anticulated in the design report and was presented to the DEP on the 10th of May.
- The building has been located on site to minimise impact on the heritage Bella Vista Farm and ensure that there is a generous open space interface between the haritage park and the building.
- · The building has been design with a legible base, middle and top.

Building Base

- The base contains the double height function hall and lobby spaces with direct access to the surrounding formal gardens. The unique aesthetic of the building base provides a human scale for the building when viewed from the ground level as well
- as provides legible way-finding and understanding of the building for visitors.

 The geometric awning design with columns provides an omate base to the building reflecting the function of celebration and events.
- The large areas of glassed lagades on the north eastern facade provides a sense of transparency to enhance the seamless indoor and outdoor relationship.
- The building base will be located below the existing embankment and will have minimal viability when viewed from Belia Vista Farm.
- The building base design reflects the desired future character of the Circa Commercial Precinct as it provides activation and visual interest to create a more urban mixed use environment with a strong sense of community. Refer to The DA Design Report Section 11 - Public Realm Visual Impact.
- .

Building Middle

- The middle of the building reflects the functionality of the commercial offices spaces and the desired future character of the Clinca Commercial Precinct.
- Building form is arranged to provide good sunlight amenity with balcony elements for natural ventilation.
 The protocling ordered balcony structure on the south-west and north-east elevations provide the opportunity for external
- The protruding gridded balcony structure on the south-west and north-east elevations provide the opportunity for external open space, shading of the harsh western sun in the afternoons and visually reduces the bulk and scale of the building.
 Views across Bella Vista Farm will be from all office levels which will provide a "borrowed landscape" opportunity, as articulated
- by the DEP.
 The north-west elevation is mostly solid wall to prevent overlooking into high security data centre facilities located on
- neighbouring properties.
- Facade articulation is predominately glass on the north-eastern facade addressing the heritage farm to provide a softer transparent interface with the heritage farm.
- Planters with vegetation are to be introduced on balconies to provide greening of this facade
- Horizontal sun shading is introduced to block the summer sun and encourage winter sun .

Building Top

- The top level of the building is set back to provide a building form that provides a strong built edge to the Circa Commercial and steps down towards the north east to ensure a sympathetic transition to the Bella Vista Farm.
- The building roots are configured to appear as a series of smaller building pavilions with a human scale when viewed from Bella Vista Farm.
- The building parapet appears broken in height and perspective visually reducing the massing and bulk of the overall building form
- Torm. The roof level restaurant bar and smaller function venue will have panoramic views across Bella Vista Farm providing the "homeward landscape" concentrative as an initial for the DED "homeward landscape" concentrative as a first land for the DED
- "borrowed landscape" opportunity, as anticulated by the DEP. • It should as be hoted that the item 13 comment was made at the Pre DA stage of the project prior to the developed building form and accurate the beneficient with the Design Covert. The history form and accurations have been developed and refined since and accurate the the second state of the Design Covert. The history form and accurations have been developed and refined since
- Instruction procedure there in the comment was made at the mean stage of the physic, particular property and units of the physic part of the physic part

RESPONSES TO HSC DESIGN EXCELLENCE MINUTES CIRCA FUNCTION CENTRE - LOT 6017 NORBRIK DRIVE, BELLA VISTA

Preliminary Building Form and Expression presented at DEP Meeting 1



Building form and expression presented at DEP Meeting 2 Post DA Submission

Bulk, Scale and Massing

14. The proposal as submitted presents as a very large, unarticulated truncated/rectangular form that may
maximise yield but in doing fails to respond to the outstanding opportunities of the proposed uses and the
site context. The formal garden areas appear to be imposed on the site for a single use, when there are more
diverse, inclusive strategies that could be considered through a design engagement with existing and future
context.

New Comment: This comment remains relevant. The Panel notes the garden design is very important to the overall success of the project. Although the Panel's preference is for a more 'relaxed' landscape setting more in sympathy with the local herizage context, the Panel notes the proponent has chosen to retain the more formalised Italianate character proposed in the initial scheme.

DEM Response

- The landscape design addresses both the unique functions of the site and its unique setting by providing both a high degree of amenity space for welding activities, and a sympathetic address to Bella Vista Farm Park and the proposed adjacent public park.
- Level charges throughout the garden areas have been utilised for coremonial stairs, cascading water features and intimate garden spaces in a manner which draws upon themes associated with a classical design aesthetic befitting with the usage of the space for weddings and receptions.
- Generous areas of informal, perimeter planting provide a soft, landscaped interface with Belia Vista Farm Park and the proposed
 adjacent public park thereby enhancing views towards the site from the north and east.
- As noted in the DA Design Report, whils providing spatial containment to key wedding venue areas, the placement and spacing of trees allows for visual connections between the Function Centre and Bella Vista Farm Park.
- The open nature of the Carden Pavilion optimises the functionality of the space and the flow of people between indoor and outdoor areas. It allows for flexible seating arrangements and a range of catering opportunities.

Site Coverage/ Landscaped Open Space

- 15. The applicant should clarify if paved areas are able to be counted as deep soil area. All landscape metrics should be confirmed with Council's landscape officer and amended if required prior to the next Panel meeting.
- New Comment: This comment remains relevant.

DEM Response

As noted in the DA Design Report the deep soil area covers 21% of the site. It excludes paved areas.

Site Coverage/ Landscaped Open Space

- 16 Whilst the Panel appreciates the design challenges created by the steep site topography, the use of
 extensive retaining walls and terraces appears to be over-engineered and over-scaled against the heritage
 landscape backdrop and site context.
- New Comment: This comment remains relevant. The Panel considers that there is potential for the terracing to be scaled back and refined to lessen environmental impacts and engineering and maintenance costs without compromising the aesthetic and amenity outcomes.

DEM Response

- Level changes throughout the garden areas have been utilised for coremonial starts, cascading water features and intimate garden spaces in a manner which draws upon themes associated with a classical design aesthetic befitting with the usage of the space for wordings and receptions.
- Shrubs and cascading groundcovers are incorporated on terraces between the retaining walls to provide an enhanced outlook from the Function Centre and garden areas.
- There will be minimal visibility of the retaining walls from Bella Vista Farm Park. Generous areas of informal, perimeter planting screen views of the site and provide a soft, landscaped interface with the Park.

Site Coverage/ Landscaped Open Space

- 17. The landscape references to formal Renaissance buildings and their gardrens libblight the principles of landscape composition, topographical progression, "borrowed" vistas and the seamless relationship between buildings and their landscape setting. These principles are not reflected in the current site layout which, as mentioned elsewhere, appear at odds with the site context, building character and identity.
- New Comment: This comment remains relevant. The processional walk could be enhanced to be more integral with the overall landscape setting, planting on both sides of the ramp and overarching trees for shade. In the spirit of an elegant Italian garden, there should also be a more elegant, less abrupt interface between the processional ramp and the entry forecourt.

DEM Response

- The design approach takes its cues from a formal italianate garden, however elements have been re-imagined through the use of simplified forms and contemporary materials.
- The landscape draws upon themes associated with a classical design assihibitic by adopting a structure diayout, utilising changes of level for ceremonial statis and cascading water features, and incorporating a rich tayering of ornamental and evergreen plants. The open spaces are further entrationed by inclusion of features, including a gazeto and pergoles.
- Central to the design is the Garden Pavilion a highly flexible grassed open space which is to accommodate wedding ceremonies
 and receptors ranging in size from grant, large-scale, events to smaller scale, bouldgue celebrations. Secondary spaces provide a
 and receptors ranging in size from grant, large-scale, events to smaller scale, bouldgue celebrations. Secondary spaces provide a
 and receptors ranging in size from grant, large-scale, events to smaller scale.
- range of event settings and photographic opportunities. The open nature of the Garden Pavilion optimises the functionality and accessibility of the space, including the unimpeded flow of
- people between indoor and outdoor areas. It allows for flexible seafing arrangements and a range of catering opportunities.
 The processional walkway is enhanced by an avenue of exotic trees, with year-round form and colour interest, with an understorey
- of indigenous and native species to provide visual interest and a green buffer to the proposed public park. This position of the trees results in minimal impact to Horitage View Cone 5.

Site Coverage/ Landscaped Open Space

 18 The direction of the linear retaining walls also reinforces the triangular shape of the outdoor function area, resulting in a somewhat 'one-dimensional' experience of the garden.
 New Comment: This comment remains relevant.

DEM Response

- The retaining walls are positioned to maximise outdoor social gathering space directly connected to the indoor areas of the
 Function Centre.
- The Garden Pavilion positioned adjacent to the building is to provide a highly flexible grassed open space to accommodate wedding ceremonies and receptors ranging in size from grand, large-scale events to smaller scale, bouldque celebrations.
- Level changes, associated with the retaining walls, are to be utilised for ceremonial stairs, cascading water features and intimate garden spaces to provide a range of event settings and photographic opportunities.

Site Coverage/ Landscaped Open Space

- P: The interface with the adjacent public park also appears abrupt. The opportunity to 'borrow' the park landscape backdrop to enhance the spatial qualities of the function garden should be explored to its fullest potential.
- New Comment: This comment remains relevant. The Panel notes the inclusion of indigenous native trees at the site perimeter to facilitate a transition between the formal garden and parkland heritage landscape.

DEM Response

- A range of native and exotic plants is to be incorporated within the development to reinforce the specialised nature of the outdoor space as a wedding venue.
- Planting adjacent to major and secondary spaces is to incorporate ornamental plants as well as everygeen species to provide a nch green backdrop to event activities and assist in visual definition of these important social gathering spaces.
- Whilst providing spatial containment to key wedding venue areas, the placement and spacing of trees also allows for visual
 connections between the Function Centre and existing and future parktand areas to the north and east.
- From adjoining parkiand areas, the perimeter vegetation is to provide a green buffer and partial screening of the development.
 Fonction is incremented almost the method and methodexises to memory across to Bolia Vista Farm Park in
- Fencing is incorporated along the northern and north-western boundaries to prevent access to Bella Vista Farm Park in accordance with Council requirements.

Setbacks

open up and preserve this outstanding vista as far as possible. vista of the Bunya Pine Avenue at Bella Vista Farm. Notwithstanding this, the applicant is encouraged to 20. The Panel acknowledges that Council has determined street setbacks which impact upon the heritage

New Comment: This comment remains relevant. The Panel notes the increased setback to the southern side to mitigate impacts upon the existing trees.

DEM Response

 DEM presented how the development will impact on the views of the Bunya Pine Avenue in the DA Design Report in section 10 - Heritage Visual impact study. This Heritage Visual impact study was presented at the DEP meeting in detail and further clarification of the above is attached in the Appendix A of this document

HERITAGE VIEW CONE 5

Fig. 1 illustrates the existing view from Heritage Viewpoint 5. The back drop to this view is the line of culturally significant Bunya Pines and the expanse of grass parkland

- in (Fig. 2). The montage of the proposed Function Centre facility illustrating minor encroachments into the heritage view cone is illustrated
- connection between the Circa Commercial Precinct and Bella Vista Farm Park, is maintained" The montage illustrates that the proposed development complys with the DCP objective" To ensure that a strong visual
- location. will be visible with an expansive grass parkland in front. This was the original purpose of setting Heritage View cone 5 at this The strong visual link will be maintained from Hentage Viewpoint 5 whereby the entire line of culturally significant Bunya Pines
- to ensure that the development is undertaken in a manner that has regard to the significance of the site. The proposed building will have marginal visual impact on the overall view from Viewpoint 5. In keeping with the DCP objective
- roundabout will remain unchanged. The foreground of the view consisting predominately of road pavement, formal paved pedestrian paths and vegetated
- embankment and the line of Bunya Pines located on ridge will remain unchanged. The distance views of the Bella Vista Farm consisting of open grass parkland informal tree planing along the top of the

HERITAGE VIEW CONE 2

- Fig. 4 illustrates the proposed building when viewed from Heritage Viewpoint 2. Fig. 3 is view from Heritage Viewpoint 2.
- Vista Farm Park is maintained. complies with the DCP objective to ensure that a strong visual connection between Circa Commercial precinct and the Bella The montage illustrates that from heritage Viewpoint 2 the view of the heritage significant Bunya Pines is maintained This
- visible and will have no impact on the heritage view. When viewed from Heritage Viewpoint 2, the proposed minor encroachments of awning elements into View Cone 2 will not be
- without. A moderate rating would still apply as the view is from the public realm. Visual Sensitivity of this view will be the same for a building with the proposed minor encroachments into View Cone 2 or
- Cone 2 or without Magnitude of Visual Effects of this view will be the same for a building with the proposed minor encroachments into the View
- The Visual Impact of the proposed building with or without these minor encroachments would be the same
- there would be no difference in the visual impact of the proposal with or without the minor encroachments. The significance of change is based on the sensitivity of the location or receptor and the scale or magnitude of the effect. As noted above these factors would remain the same if the proposal was to include the minor encroachments or not and therefore
- by panel members Design Report and was presented during the second DEP meeting where no further concerns relating to item 20 were raised It should also be noted that the Item 20 comment was made at the Pre DA stage of the project prior to the Heritage Visual Impact studies being included in the Design Report. The Heritage Visual Impact Study has since been illustrated in depth in the

CIRCA FUNCTION CENTRE - LOT 6017 NORBRIK DRIVE, BELLA VISTA RESPONSES TO HSC DESIGN EXCELLENCE MINUTES







Fig 3 Heritage View Cone 2 Existing View



Setbacks

 21. The Panel is unlikely to support any encroachment into the newly defined view cones and corridors clearly illustrated in the THSC DCP Part D Section 22 Circa Commercial Precinct.
 New Comment: This comment remains relevant. The Panel defers to Council for assessment and retention of view corridors and thanks the applicant for providing the montages that will help the DA officer with their assessment.

DEM Response
 No further comment required.

Compliance Height

22. It is noted that the proposed development is at the maximum permissible height. The Panel does not support any additional height increase due to structural, insulation, construction requirements as a result drainage). of the proposed design being unresolved and inadequate contingency being provided to compensate for future design changes (for example: floor to floor heights, structural requirements, roof level landscape and

New Comment: This comment remains relevant.

DEM Response

 DEM has provided adequate DA Documentation to demonstrate that the proposal does not exceed RL 116 and therefore complies with the HSC LEP height control. We are not seeking a non compliance on height.

 It should also be noted that the item 22 comment was made at the Pre DA stage of the project prior to mechanical and structural input for the design. Since then the building sections and plans have been developed and refined with structural and mechanic input and the design team is confident that we will comply with the LEP height control.

Density

23. The density potentially exceeds the capacity of the site if this is the optimum built form layout. additional height increases to accommodate construction tolerances. Encroachments into the view corridor occur and the maximum height is attained without any capacity for

New Comment: This comment remains relevant.

DEM Response

 DEM has provide adequate DA Documentation to demonstrate that the proposal does not exceed the FSR control of 2:1 and therefore complies with the HSC LEP density control. We are not seeking a non compliance on FSR.

 The minor encroachment into View Cone 5 has been fully documented and the impacts assessed. These encroachments were presented to the DEP where no further issues were raised. A full study of these encroachments has been included in the attached

It should be noted that these minor encroachments will not contribute to FSR as only small portions of awnings and external fin Appendix A of this document.

elements encroach into the view cones.

Encroachment into View Cone 5 (Fig. 7 - Appendix A)

The proposed building awnings located along the northeast facade and roof projection at the top of the building are proposed to be aligned and would partially encroach into Heritage View Cone 5 by a length ranging between 0 to 1.5m.

The extent of this minor encroachment is shaded in (Fig. 7).

Encroachment into View Cone 2 (Fig. 8 - Appendix A)

The proposed building awnings located along the northeast facade and roof projection at the top of the building are proposed to be aligned would partially encroach into Heritage View Cone 2 by a length ranging between 0 to 1.2m.

The extent of this minor encroachment is shaded in (Fig. 8).

 It should also be noted that the item 23 comment was made at the Pre DA stage of the project prior to mechanical and structural input and the design team is confident that we will comply with the LEP FSR control of 2:1. input for the design. Since then the building sections and plans have been developed and refined with structural and mechanic

Landscape Design Public Domain and streetscape interface

24 The building is located at a pivotal location on the roundabout and as such, also acts as a signature 'gateway' to the adjacent parklands and beyond. The design of the public domain should not only address the arrival sequence to the building but also the relationship to the park.

New Comment: This comment remains relevant.

DEM Response

The proposed public domain and streetscape landscape design is detailed in Section 9.2.3 of the DA Design Report.

- The development is to have a landscaped street frontage and planted interface with the proposed future park to the east.
- An avenue of exotic trees, with year-round form and colour interest, is to enhance processional movement to and from the ceremonial wedding spaces.
- Banded native shrub and ground-cover planting with contrasting foliage is to highlight the entry and street frontage. Indigenous and native species are to provide an understorey, and green edge to the future park.
- It should also be noted that the item 24 comment was made at the Pre DA stage of the project prior to the finalisation of the landscape design which has since been included in the DA Design Report. The revised landscape concept for this area of the ste was presented during the second DEP meeting where no further concerns relating to item 24 were raised by panel members.

Public Domain and streetscape interface

 New Comment: This comment remains relevant. 25. A very hard streetscape is presented to Norbrick Drive. The Panel notes that the building is extended to the setback. Although it is permissible, this curtails the ridgeline heritage vista of Bunya Pines.

DEM Response

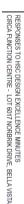
- DEM presented a revised landscape design for the interface with Norbrik Drive which was softer than the design previously detailed at the first DEP meeting.
- The hard paved forecourt fronting Norbrik drive was reduced by 1.8-3m with the introduction of a more dense vegetated buffer addressing Norbrik Drive consisting of trees, shrubs and groundcovers
- 2. The proposed vehicle access to the formal garden was removed and replaced with a narrower pedestrian ceremonial walkway interface between the Function Centre and the public realm which was not noted in the DEP meeting minutes. which increased the vegetated setback along the north-eastern boundary by 2.9m. This was a vital amendment to improving the
- The building was moved a further 2m away from the western boundary providing a more generous landscape buffer of 12m between the Function Centre and the adjacent Q Central property.
- was presented during the second DEP meeting where no further concerns relating to item 25 were raised by panel members. landscape design which has since been included in the DA Design Report. The revised landscape concept for this area of the site It should also be noted that the item 25 comment was made at the Pre DA stage of the project prior to the finalisation of the

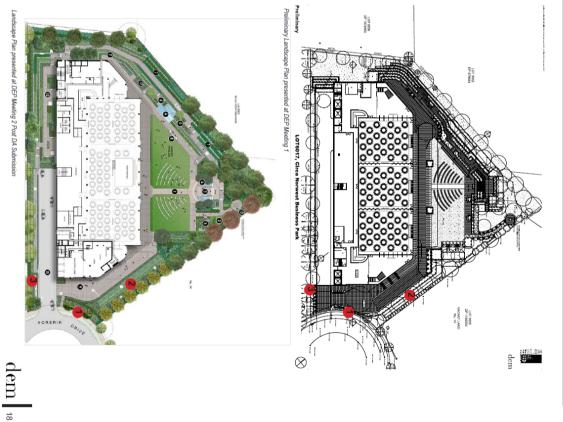
Public Domain and streetscape interface

- team 26. The Panel does not support the quantum of hardscape currently dominating the front setback zone. The Panel was informed at the meeting that the redesign of this precinct is already being addressed by the design
- enhance the arrival sequence. forecourt paving could be extended across the driveway to improve pedestrian priority and safety, and further New Comment: The Panel notes and supports the additional landscaping provided at the street interface. The

DEM Response

 DEM has welcomed the DEP's suggestion to create a paved threshold for the driveway and will consider this in the design development stage.





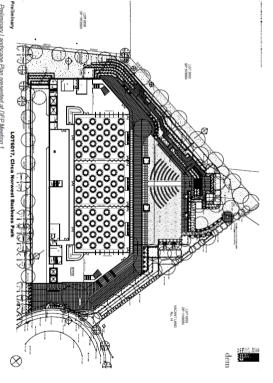
Public Domain and streetscape interface

27. The Panel strongly supports the proposal to *re-design* the western bundary, front street exback, and
east boundary landscape to increase the quantum of soft landscaping and improve on the park landscape/
streetscape interfaces. This should also include details regarding any security gates and boundary fencing,
and how their impacts could be ameliorated within the landscape setting.

New Comment: This comment remains relevant.

DEM Response

- The landscape plan included in the DA submission and presented at DEP Meeting 2 incorporated:
- 1. A substantial increase in the area of native and indigenous planting adjacent to the north-west boundary replacing a proposed area of turf.
- 2. Mass planting along the northern boundary replacing turf.
- 3. Increased planting in the north-east corner of the site due to realignment of the main ceremonial axis
- 4. An increase in the vegetated setback along the north-eastern boundary by 2.9m.
- An increased area of planting adjacent to the Norbrik Drive street frontage.
- 0 An office breakout area located on the slab over the car park and loading area entry incorporating a mix of native and exotic shade tolerant plants.
- processional walkway (7) minimising visibility from Norbrik Drive. Palisade fencing is incorporated along the northern and north-western boundaries with a security gate located at the top of the
- DA application was amended to remove access to the adjoining future open space. Fencing is provided to prevent access to Belia Visia Farm Park in accordance with Council requirements and in this regard the
- planting. Pallsade fencing is consistent with fencing in adjoining properties and its open nature allows for high visibility of adjacent







RESPONSES TO HSC DESIGN EXCELLENCE MINUTES CIRCA FUNCTION CENTRE - LOT 6017 NORBRIK DRIVE, BELLA VISTA



Public Domain and streetscape interface

28. The paved readway between the building and grassed function area appears intrusive and could be better integrated into the landscape as part of a well designed landscaped terrace. Given the public nature of the ground floor, consideration should be given to additional landscape treatment to soften the edges of the building and roadway.

New Comment: The Panel notes the additional landscape treatment to the southern boundary. Consideration could also be given to the additional of climbers on wire frames on bare walls on the northern side of the driveway ramp.

DEM Response

- DEM has welcomed the DEP's suggestion to provide additional climbers on whe frames on the bare waits on the northern face of the driveray Enouver it was presented as part of the landscape design that given the building and driverary were located 2m further away from the contin worstom burdrary a RENTIME to recarding and recovery were located 2m.
- further analyticm the scuth western boundary, a 600mm wide strip of cascading groundcovers are proposed along the top of the relating wall to provide greening of this wall.

Refer to drawing below.



RESPONSES TO HSC DESIGN EXCELLENCE MINUTES CIRCA FUNCTION CENTRE - LOT 6017 NORBRIK DRIVE, BELLA VISTA

Public Domain and streetscape interface

- 29. As a consequence of the steep topography, slope orientation and drainage conditions to the north, the quantum of shade and potential drainage issues should be addressed in the pre-DA design phase.
- Vew Comment: This comment remains relevant. Consideration should be given to the detailed design of
- drainage outlets to public areas and the ceremonial walkway to avoid trip hazards or traps for high heeled shoes.

DEM Response

- A stormwater management plan and stormwater details are included in the Civil Engineering DA package.
- Further consideration of the detailed design of drainage outlets to public areas will be given in the design development phase

Public Domain and streetscape interface

- 30. The proposed development and views from higher vantage points around the site would be greatly enhanced with the addition of a roof garden and/or landscaped rootscape in conjunction with the upper function areas (Refer also them 4). Given the pivotal location of the building, any opportunity to reinforce and celebrate the landscape setting is paramount.

New Comment: This comment remains relevant. The Panel reiterates and reinforces this recommendation.

DEM Response

The DA submission includes a Level 7 nori terrace that incorporates outdoor seating areas for activities associated with the
adjoining Function Hall. Sky Bar and restaurant.

Perimeter raised planters incorporate permanent green elements with contrasting foliage to provide year-round interest.

Cascading groundcovers provide a green edge to the terrace and softening of the building facade.



RESPONSES TO HSC DESIGN EXCELLENCE MINUTES CIRCA FUNCTION CENTRE - LOT 6017 NORBRIK DRIVE, BELLA VISTA

dem 21

Sustainability and Environmental Amenity

- 31. The Panel noted that the eastern façade has extensive unprotected glazing with significant heat loading. Refer to comments above in relation to office façade design. The adjacent office building by way of example has responded by providing shading to the eastern facade.
- New Comment: This comment remains relevant. The Applicant notes the provision of double glazing and the potential for solar panels on the roof.

DEM Response

- DEM presented the facade articulation in detail at the DEP meeting where amendments to the facades were identified to address shading and reduction in area of glazing.
- The facade design has been refined and developed with structural and ESD consultant input which has resulted in increased solid spandrels and reduced area of glazing, external horizontal strading devices as integrated built elements and the building's facade system with high-performance glazing system and good levels of insulation.
- It should also be noted that the item 31 comment was made at the Pre DA stage of the project prior to shoctural and ESD
 consultant input and facade amendments which have since been included in the DA Design and documented in the DA Design
 Report. The revised facade articulation was presented during the second DEP meeting where no further concerns relating to item

33 were raised by panel members.



Preliminary Building Elevation presented at DEP Meeting 1



Building elevation presented at DEP Meeting 2 Post DA Submission

dem 22

RESPONSES TO HSC DESIGN EXCELLENCE MINUTES CIRCA FUNCTION CENTRE - LOT 6017 NORBRIK DRIVE, BELLA VISTA

Sustainability and Environmental Amenity

- 32. The Panel is interested in what sustainability and environmental measures have been incorporated into the design proposal over and above required government legislation.
- New Comment: This comment remains relevant.

DEM Response

- The proposed function centre and commercial office development has been designed with a wide range of sustainable
 initiatives which will support the developments sustainability targets and result in high levels of environmental performance and
 improvement of occupants' health, productivity, confort, and satisfaction.
- A stainability management plan has been prepared by BSE as part of the DA documentation to deliver a low environmental forestrict from the building common time proceed EED initiations are represented in Continue 112 of the DA Docine control
- tootprint from a holistic perspective. Proposed ESD initiatives are summarised in Section 12.2 of the DA Design report. • It should also be noted that the item 32 comment was made at the Pre DA stage of the project prior to ESD consultant input which has since been included in the DA Design and documented in the DA Design Report. ESD initiatives were presented
- which has since been included in the DA Design and documented in the DA Design Report. ESD initiatives were presented during the second DEP meeting where no further concerns relating to item 32 were raised by panel members.

Architecture and Aesthetics

- 33. The Panel notes the architecture is yet to provide a convincing design response to the rapidly warming climate of north-western Sydney and the site's distinctive landscape. The Panel encourages the design team to further consider these matters in developing the design for the development application.
- New Comment: This comment remains relevant. The Panel notes the solid western wall treatment and the addition of
 vegetation to the northern façade. These are positive design considerations.

DEM Response

- The proposed function centre and commercial office development has been designed with a wide range of sustainable initialities which will support the developments sustainability targets and result in high levels of environmental performance and improvement of occupant's health, productivity, comfort, and satisfaction. In addition to these items passive initialities such as shafing and facade genery have been included.
- A sustainability management plan has been prepared by BSE as part of the DA documentation to deliver a low environmental footprint from a holistic perspective. Proposed ESD initiatives are summarised in Section 12.2 of the DA Design report.
- It should also be noted that the item 33 comment was made at the Pe DA stage of the project prior to ESD consultant input and facade amendments which have since been included in the DA Design and documented in the DA Design Report. ESD initiatives and revised ficacióe articulation was presented during the second DEP meeting where no further concerns relating to item 33 were raised by panel members.

Architecture and Aesthetics

- 34. The Panel also recommends that more attention be given to the roofscape and design of the upper function arreas, as it will be highly visible from both the public domain and the historical setting of Belly Visita Farm Park. The Panel suggests that an ensemble of connected built forms with a distinctive silhouette (rather than one large single form) set in a generous and distinctive landscape would be a good conceptual starting point to achieve this.
- New Comment: This comment remains relevant. The Panel notes the additional articulation in the façade treatment but recommends the northern façade Colour palette be more recessive. The two large concrete frame elements with smooth while finish are unnecessarily assertive. The extent of planting to this façade could be increased so as to complement the garden setting of the outdoor function space and Bella Vista

DEM Response

Estate beyond.

- DEM welcomes the DEP feedback on the building facades and has undertaken a further assessment of the framed balcony element colour to provide a more recessive colour palette. The colour study has been included on the next page of this document.
 DEM agrees that a more recessive colour palette will be more appropriate and has amended the colour of the framed element to a
- dark grey. This has been illustrated in the perspective images included in this document. • DEM has also increased the extend of cascading planting on balconies to increase the greenery on the north east facade which
- has also been included in the amended perspective images included in this document.
 DEM agrees that these two design amendments will provide a more sympathetic relationship with the Bella Vista Farm.







OPTION 2 - Light Grey Framed Balcony Element - North East Elevation

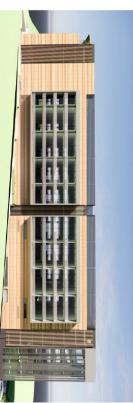


OPTION 3 - Dark Grey Framed Balcony Element - North East Elevation - (Preferred Option)

RESPONSES TO HSC DESIGN EXCELLENCE MINUTES CIRCA FUNCTION CENTRE - LOT 6017 NORBRIK DRIVE, BELLA VISTA



OPTION 1 - White Framed Balcony Element - South West Elevation - (as presented in the DA Design)





OPTION 3 - Dark Grey Framed Balcony Element - South West Elevation - (Preferred Option)



dem 25



Department of Planning, Housing and Infrastructure

SVPA2023-108

Secretary's Certificate

Satisfactory Arrangements for designated State public infrastructure

Development Application 1356/2023/JP (or as defined as per the definition of Development in the SVPA)

For the purposes of clause 7.20 of The Hills Shire Local Environmental Plan 2011 I, Kate Speare, Director, State Infrastructure, as delegate for the Secretary of the Department of Planning, Housing and Infrastructure, certify that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to:

| Development application number: | Development in the SVPA) |
|--------------------------------------|--|
| Address and Land Identifiers: | 12 Norbrik Drive, Bella ∨ista Lot 6017 DP1107886 |
| Development application description: | Development of the land for commercial, business office and retail purposes that will result in the total gross floor area of the buildings on the land of up to (but no more than) 16,000 square metres. |
| Subdivision Plan at Attachment A | Yes (Subject Site Plan) |

peare?

Kate Speare Director State Infrastructure

Date: 25/09/2024

(as delegate for the Secretary)

*the satisfactory arrangements certificate is being issued in relation to the above development application only.

4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150 Locked Bag 5022, Parramatta NSW 2124 www.dphi.nsw.gov.au



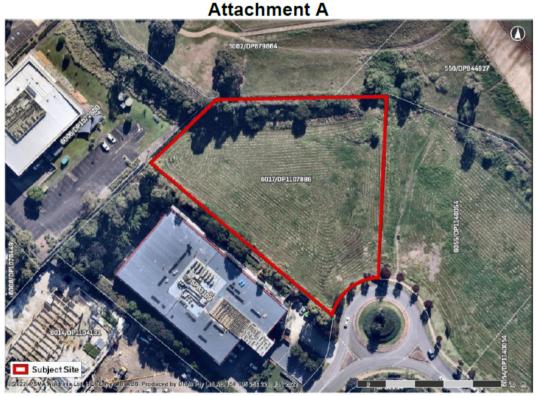
Department of Planning, Housing and Infrastructure

SVPA2023-108

Secretary's Certificate

Satisfactory Arrangements for designated State public infrastructure

Development Application 1356/2023/JP (or as defined as per the definition of Development in the SVPA)



Source: Urbis

4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150 Locked Bag 5022, Parramatta NSW 2124

www.dphi.nsw.gov.au

ATTACHMENT Q - STATE VOLUNTARY PLANNING AGREEMENT

Planning Agreement

Environmental Planning and Assessment Act 1979

12 Norbrik Drive, Bella Vista 2153

Bella Vista Area 1

Minister administering the *Environmental Planning and Assessment Act* **1979** (ABN 20 770 707 468)

Georges Grounds Pty Limited (ACN 652 536 288)

Electronic signature of Nawal Khattar affixed by Nawal Khattar on 8/5/2024

tor the

Electronic signature of Michael Khattar affixed by Michael Khattar on 8/5/2024

SVPA2023-108 - Georges Grounds Pty Limited (ACN 652 536 288)

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Electronic signature of Nawal Khattar affixed by Nawal Khattar on 8/5/2024 Electronic signature of Michael Khattar affixed by Michael Khattar on 8/5/2024

Page 4 of 25

This deed is dated Parties:

Parties:

Minister administering the Environmental Planning and Assessment Act 1979 (ABN 20 770 707 468) c/- NSW Department of Planning, Housing and Infrastructure of Level 11, 4 Parramatta Square, 12 Darcy Street, Parramatta, NSW 2150

Georges Grounds Pty Limited (ACN 652 536 288) of Suite 406, 29-31 Lexington Drive, Bella Vista NSW 2153

Introduction:

- A The Developer owns the Land.
- B The Developer proposes to carry out the Development on the Land.
- **C** The Developer has made a Development Application to the Consent Authority in respect of the Land.
- D In connection with the Development, the Developer has offered to enter into this deed with the Minister to provide the Development Contribution towards the Road Works, being infrastructure in the locality within the meaning of clause 7.20 of the LEP. This clause, despite its repeal, continues to apply to the Development Application by virtue of clause 4 of *State Environmental Planning Policy Amendment (Housing and Productivity Contributions)* 2023.

It is agreed:

1. Definitions and interpretation

1.1 Definitions

In this deed, unless the context clearly indicates otherwise:

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

Address for Service means the address of each party appearing in Schedule 2 or any new address notified by any party to all other parties as its new Address for Service.

Authority means any Federal, State or local government or semi-governmental, statutory, judicial or public person, instrumentality or department.

Bank Guarantee means an irrevocable and unconditional undertaking:

- (a) by an Australian bank which is an eligible financial institution for the purposes of Treasury Circular NSW TC14/01 dated 24 January 2014 as amended, supplemented or substituted from time to time; and
- (b) on terms acceptable to the Minister, in the Minister's absolute discretion,

to pay the face value of that undertaking (being such amount as is required under this deed) on demand.

Base CPI means the CPI number for the quarter ending 31 March 2021.

Business Day means any day that is not a Saturday, Sunday, public holiday or bank holiday in Sydney, and concludes at 5 pm on that day.

Consent Authority has the same meaning as in the Act.

Construction Certificate has the same meaning as in the Act.

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CPI means the Consumer Price Index (All Groups Index) for Sydney published by the Commonwealth Statistician, or if that index no longer exists, any similar index that the Minister specifies, in the Minister's sole discretion, for the purposes of this deed.

Current CPI means the CPI number as provided in clause 2(d) of Schedule 4.

Dealing means, in relation to the Land, to sell, transfer, assign, mortgage, charge, dispose, encumber or otherwise deal with the Land in whole or part.

Developer means the Landowner, unless otherwise specified in this deed.

Development means development of the Land for commercial, business office and retail purposes that will result in the total gross floor area of the buildings on the Land of up to (but no more than) 16,000 square metres, that is the subject of:

- (a) a Planning Application:
 - made before the Instrument Change took effect but was not determined until after the Instrument Change took effect and is amended or varied pursuant to section 37 of the Regulation; or
 - to modify an existing Development Consent (being a Development Consent that is in force as at the date the Instrument Change took effect),

but in any case only if the amendment, variation or modification (as the case may be) will result in the floor space ratio and/or building height applying to the Land in excess of the floor space ratio or building height (as the case may be) that was permitted under the LEP in force before the date the Instrument Change took effect; or

(b) a Planning Application that is made after the date the Instrument Change took effect.

Development Application has the same meaning as in the Act.

Development Consent has the same meaning as in the Act.

Development Contribution means the contributions to be provided by the Developer in accordance with Schedule 4.

ELNO has the same meaning as in the Electronic Conveyancing National Law (NSW).

Explanatory Note means the note exhibited with a copy of this deed when this deed is made available for inspection by the public pursuant to the Act.

General Register of Deeds means the land register maintained under the Conveyancing Act 1919 (NSW) and so titled.

GST means any form of goods and services tax payable under the GST Legislation.

GST Legislation means the A New Tax System (Goods and Services Tax) Act 1999 (Cth).

Instrument Change means the amendment to the LEP made by The Hills Local Environmental Plan 2019 (Amendment No 9) under the Act.

Insurance Bond means an irrevocable and unconditional undertaking:

- (a) by an Insurance Company which is an eligible financial institution for the purposes of Treasury Circular NSW TC14/01 dated 24 January 2014 as amended, supplemented or substituted from time to time; and
- (b) on terms acceptable to the Minister, in the Minister's absolute discretion,

to pay the face value of that undertaking (being such amount as is required under this deed) on demand.

Insurance Company means an insurance company authorised under the *Insurance Act* 1973 (Cth) and subject to prudential supervision by Australian Prudential Regulatory Authority.

Land means the land described in Schedule 3.

Landowner means the owner of the Land from time to time and includes the parties listed in Schedule 3.

LEP means The Hills Local Environmental Plan 2019.

Mediation Program means the Mediation Program of the Law Society of New South Wales as published on its website and as varied from time to time.

Minister means the Minister administering the Environmental Planning and Assessment Act 1979 and includes the Secretary and the Secretary's nominee.

Occupation Certificate has the same meaning as in the Act.

Planning Application means:

- (a) a Development Application; or
- (b) any other application required under the Act,

in relation to development on the Land.

Real Property Act means the Real Property Act 1900 (NSW).

Register means the Torrens title register maintained under the Real Property Act.

Regulation means the Environmental Planning and Assessment Regulation 2021.

Relevant Authority means any Authority that becomes responsible for the carrying out and completion of the Road Works;

Road Works means the intersection upgrade at Norwest Boulevard, Lexington Drive and Elizabeth Macarthur Drive, Bella Vista by the Relevant Authority.

Secretary means the Secretary of the Department of Planning, Housing and Infrastructure.

Security means a Bank Guarantee or an Insurance Bond.

Tax means a tax, duty (including stamp duty and any other transaction duty), levy, impost, charge and fee (including a registration fee) together with all interest, penalties, fines and costs concerning them.

1.2 Interpretation

In this deed unless the context clearly indicates otherwise:

- (a) a reference to this deed or another document means this deed or that other document and any document which varies, supplements, replaces, assigns or novates this deed or that other document;
- (b) a reference to legislation or a legislative provision includes any statutory modification, or substitution of that legislation or legislative provision and any subordinate legislation made under that legislation or legislative provision;

- (c) a reference to a **body** or **authority** which ceases to exist is a reference to either a body or authority that the parties agree to substitute for the named body or authority or, failing agreement, to a body or authority having substantially the same objects as the named body or authority;
- (d) a reference to the Department of Planning, Housing and Infrastructure continues to be a reference to the Department even if renamed and, if that Department is abolished or ceases to include the group of staff principally responsible for the administration of the Act, is a reference to any other Department or other Public Service agency (within the meaning of the Government Sector Employment Act 2013 (NSW)) that includes that group of staff, whether or not the change in relation to the Department occurs before or after the execution of this deed by the Minister;
- (e) a reference to the introduction, a clause, a schedule or an annexure is a reference to the introduction, a clause, a schedule or an annexure to or of this deed;
- (f) clause headings, the introduction and the table of contents are inserted for convenience only and do not form part of this deed;
- (g) the schedules and annexures form part of this deed;
- a reference to a person includes a natural person, corporation, statutory corporation, partnership, the Crown or any other organisation or legal entity;
- a reference to a natural person includes their personal representatives, successors and permitted assigns;
- (j) a reference to a corporation includes its successors and permitted assigns;
- a reference to a right or obligation of a party is a reference to a right or obligation of that party under this deed;
- an obligation or warranty on the part of 2 or more persons binds them jointly and severally and an obligation or warranty in favour of 2 or more persons benefits them jointly and severally;
- a requirement to do any thing includes a requirement to cause that thing to be done and a requirement not to do any thing includes a requirement to prevent that thing being done;
- (n) including and includes are not words of limitation;
- (o) a word that is derived from a defined word has a corresponding meaning;
- (p) monetary amounts are expressed in Australian dollars;
- (q) the singular includes the plural and vice-versa;
- (r) words importing one gender include all other genders;
- (s) a reference to a thing includes each part of that thing; and
- (t) neither this deed nor any part of it is to be construed against a party on the basis that the party or its lawyers were responsible for its drafting.

2. Operation and application of this deed

2.1 Operation

This deed commences on the date that this deed is signed by all the parties.

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2.2 Planning agreement under the Act

This deed constitutes a planning agreement within the meaning of section 7.4 of the Act and the parties agree on the matters set out in Schedule 1.

2.3 Application

This deed applies to:

- (a) the Land; and
- (b) the Development.

3. Application of development contributions provisions of the Act

The application of the following provisions of the Act to the Development is excluded (or not excluded) to the extent stated in Schedule 1:

- (a) sections 7.11 and 7.12;
- (b) Subdivision 4 of Division 7.1.

4. Development Contribution

4.1 Developer to provide Development Contribution

The Developer undertakes to provide to the Minister, or the Minister's nominee, the Development Contribution in accordance with the provisions of Schedule 4.

4.2 State infrastructure contribution

Not used.

4.3 Acknowledgement

The Developer acknowledges and agrees that:

- (a) subject to section 7.3 of the Act, the Minister:
 - has no obligation to use or expend, or require the Relevant Authority to use or expend, the Development Contribution for a particular purpose (such as the Road Works) despite any provision of this deed to the contrary and has no obligation to repay the Development Contribution; and
 - (ii) in circumstances where the Development Contribution is transferred to the Relevant Authority, has not made any representation or warranty that the Development Contribution will or must be used for a particular purpose by that or any other Authority.
- (b) the Development Contribution made under this deed is in respect of the Development only. No provision is made in this deed for development contributions which may be necessary in respect of development that results in the total gross floor area of the buildings on the Land exceeding 16,000 square metres.

5. Interest

5.1 Interest for late payment

(a) If the Developer fails to pay the Development Contribution (as indexed in accordance with Schedule 4) due to the Minister on the due date for payment, the Developer must also pay

to the Minister interest at a rate of 2% above the loan reference rate charged by the Commonwealth Bank of Australia from time to time.

(b) Interest is payable on the daily balance of amounts due from the due date for payment of those amounts until all outstanding amounts (including interest on those amounts) have been paid to the Minister.

6. Enforcement

6.1 Developer to provide Security

The Developer has agreed to provide security to the Minister for the performance of the Developer's obligations under this deed by providing the Security to the Minister in accordance with the terms and procedures set out in Schedule 5.

7. Registration

7.1 Registration of deed

- (a) Within 10 Business Days of receiving a copy of this deed executed by the Minister, the Developer at its own expense is to take all practical steps and otherwise do anything to procure:
 - (i) the consent of each person, as required by the Registrar-General, who:
 - (A) has an estate or interest in the Land registered under the Real Property Act; or
 - (B) is seized or possessed of an estate or interest in the Land,

to the registration of this deed on the title to the Land and to the terms of this deed; and

- (ii) the execution of any documents; and
- (iii) the electronic lodgement of this deed in a registrable form through an ELNO for registration by the Registrar-General in the relevant folio of the Register for the Land, or in the General Register of Deeds if this deed relates to land not under the Real Property Act.
- (b) The Developer will take all practical steps and otherwise do anything to procure the registration of this deed within three months of the date of this deed in the relevant folio of the Register for the Land, or in the General Register of Deeds if this deed relates to land not under the Real Property Act, including promptly responding to any requisitions made by the Registrar-General in respect of this deed and/or any ancillary documents.

7.2 Evidence of registration

- (a) The Developer must provide the Minister with evidence of the lodgement of this deed pursuant to clause 7.1(a)(iii) within 10 Business Days of such lodgement.
- (b) The Developer will provide the Minister with a copy of the relevant folio of the Register for the Land and a copy of the registered dealing containing this deed within 10 Business Days of registration of this deed.

7.3 Release and discharge of deed

The Minister agrees to do all things reasonably required by the Developer to release and discharge this deed with respect to any part of the Land upon the Developer satisfying all of its obligations under this deed in respect of that part of the Land.

7.4 Interest in Land

The Developer represents and warrants that it is:

- (a) the owner of the Land; and
- (b) legally and beneficially entitled to obtain all consents and approvals and to compel any person referred to in or contemplated by clause 7.1(a)(i) to assist, cooperate and to otherwise do all things necessary for the Developer to comply with its obligations under clause 7.

7.5 Right to lodge caveat

- (a) Subject to clause 7.5(b) until such time as this deed is registered on the title of the Land in accordance with clause 7.1, the Developer acknowledges that this deed confers on the Minister an interest in the Land and entitles the Minister to lodge and maintain a caveat on the title to the Land to prevent any Dealing in respect of the Land.
- (b) If the Minister lodges a caveat in accordance with clause 7.5(a), then the Minister will do all things reasonably necessary to:
 - (i) ensure that the caveat does not prevent or delay the registration of this deed; and
 - (ii) remove the caveat from the title to the Land promptly, following registration of this deed in accordance with clause 7.1.
- (c) If, after 10 Business Days of receipt of a copy of this deed executed by the Minister, the Developer has been unable to achieve the registration of this deed, the Developer must pay the Minister's reasonable costs and expenses, including legal costs, of exercising the Minister's rights under clause 7.5(a) to lodge and withdraw a caveat(s) (as applicable).

8. Dispute Resolution

8.1 Not commence

A party must not commence any court proceedings relating to a dispute unless it complies with this clause 8.

8.2 Written notice of dispute

A party claiming that a dispute has arisen under or in relation to this deed must give written notice to the other party specifying the nature of the dispute.

8.3 Attempt to resolve

On receipt of notice under clause 8.2, the parties must endeavour in good faith to resolve the dispute expeditiously using informal dispute resolution processes such as mediation, expert evaluation or other methods agreed by them.

8.4 Mediation

If the parties do not agree within 21 Business Days of receipt of notice under clause 8.2 (or any further period agreed in writing by them) as to:

- (a) the dispute resolution technique and procedures to be adopted;
- (b) the timetable for all steps in those procedures; or
- (c) the selection and compensation of the independent person required for such technique,

the parties must mediate the dispute in accordance with the Mediation Program. The parties must request the president of the Law Society of NSW or the president's nominee to select the mediator and determine the mediator's remuneration.

8.5 Court proceedings

If the dispute is not resolved within 60 Business Days after notice is given under clause 8.2 then any party which has complied with the provisions of this clause 8 may in writing terminate any dispute resolution process undertaken under this clause and may then commence court proceedings in relation to the dispute.

8.6 Not use information

The parties acknowledge the purpose of any exchange of information or documents or the making of any offer of settlement under this clause 8 is to attempt to settle the dispute. No party may use any information or documents obtained through any dispute resolution process undertaken under this clause 8 for any purpose other than in an attempt to settle the dispute.

8.7 No prejudice

This clause 8 does not prejudice the right of a party to institute court proceedings for urgent injunctive or declaratory relief in relation to any matter arising out of or relating to this deed.

9. GST

9.1 Definitions

Words used in this clause that are defined in the GST Legislation have the meaning given in that legislation.

9.2 Intention of the parties

The parties intend that:

- (a) Divisions 81 and 82 of the GST Legislation apply to the supplies made under and in respect of this deed; and
- (b) no additional amounts will be payable on account of GST and no tax invoices will be exchanged between the parties.

9.3 Reimbursement

Any payment or reimbursement required to be made under this deed that is calculated by reference to a cost, expense, or other amount paid or incurred must be limited to the total cost, expense or amount less the amount of any input tax credit to which any entity is entitled for the acquisition to which the cost, expense or amount relates.

9.4 Consideration GST exclusive

Unless otherwise expressly stated, all prices or other sums payable or consideration to be provided under this deed are exclusive of GST. Any consideration that is specified to be inclusive of GST must not be taken into account in calculating the GST payable in relation to a supply for the purposes of this clause 9.

9.5 Additional Amounts for GST

To the extent an amount of GST is payable on a supply made by a party (**Supplier**) under or in connection with this deed (the **GST Amount**), the recipient must pay to the Supplier the GST Amount. However, where a GST Amount is payable by the Minister as recipient of the supply, the Developer must ensure that:

- the Developer makes payment of the GST Amount on behalf of the Minister, including any gross up that may be required; and
- (b) the Developer provides a tax invoice to the Minister.

9.6 Non monetary consideration

Clause 9.5 applies to non-monetary consideration.

9.7 Assumptions

The Developer acknowledges and agrees that in calculating any amounts payable under clause 9.5 the Developer must assume the Minister is not entitled to any input tax credit.

9.8 No merger

This clause does not merge on completion or termination of this deed.

10. Assignment and transfer

10.1 Right to assign or novate

- (a) Prior to a proposed assignment or novation of its rights or obligations under this deed, the party seeking to assign its rights or novate its obligations (Assigning Party) must seek the consent of the Minister and:
 - satisfy the Minister (acting reasonably) that the person to whom the Assigning Party's rights or obligations are to be assigned or novated (Incoming Party) has sufficient assets, resources and expertise required to perform the Assigning Party's obligations under this deed insofar as those obligations are to be novated to the Incoming Party;
 - (ii) procure the execution of an agreement by the Incoming Party with the Minister on terms satisfactory to the Minister (acting reasonably) under which the Incoming Party agrees to comply with the terms and conditions of this deed as though the Incoming Party were the Assigning Party; and
 - satisfy the Minister, acting reasonably, that it is not in material breach of its obligations under this deed.
- (b) The Assigning Party must pay the Minister's reasonable legal costs and expenses incurred under this clause 10.1.

10.2 Right to transfer Land

- (a) The Developer must not sell or transfer to another person (Transferee) the whole or any part of the Land:
 - (i) on which this deed remains registered under section 7.6 of the Act; or
 - (ii) for which the Development Contribution required under this deed remains outstanding.
- (b) Notwithstanding clause 10.2(a), the Developer may sell or transfer the whole or any part of the Land to a Transferee if prior to the proposed sale or transfer the Developer:
 - satisfies the Minister, acting reasonably, that the proposed Transferee has sufficient assets, resources and expertise required to perform any of the remaining obligations of the Developer under this deed or satisfies the Minister, acting reasonably, that the

Developer will continue to be bound by the terms of this deed after the transfer has been effected;

- (ii) procures the execution of an agreement by the Transferee with the Minister on terms satisfactory to the Minister, acting reasonably, under which the Transferee agrees to comply with the terms and conditions of this deed as though the Transferee were the Developer; and
- satisfies the Minister, acting reasonably, that it is not in material breach of its obligations under this deed.
- (c) The Developer must pay the Minister's reasonable legal costs and expenses incurred under this clause 10.2.

10.3 Replacement Security

Provided that:

- (a) the Developer has complied with clause 10.1 and 10.2; and
- (b) the Transferee or Incoming Party (as the case may be) has provided the Minister with a replacement Security in accordance with the requirements of Schedule 5 and on terms acceptable to the Minister,

the Minister will promptly return the Security to the Developer.

11. Capacity

11.1 General warranties

Each party warrants to each other party that:

- this deed creates legal, valid and binding obligations, enforceable against the relevant party in accordance with its terms; and
- (b) unless otherwise stated, it has not entered into this deed in the capacity of trustee of any trust.

11.2 Power of attorney

If an attorney executes this deed on behalf of any party, the attorney declares that it has no notice of the revocation of that power of attorney.

12. Reporting requirement

- (a) By 1 September each year or as otherwise agreed with the Secretary, the Developer must deliver to the Secretary a report (in a format acceptable to the Secretary) for the period 1 July to 30 June of the preceding financial year which must include the following matters, as applicable:
 - details of all Development Consents, modifications of Development Consents, Construction Certificates and Occupation Certificates issued in relation to the Development;
 - a description of the status of the Development including a plan that identifies what parts of the Development have been completed, are under construction and are to be constructed;
 - (iii) a forecast in relation to the anticipated progression and completion of the Development;

- a compliance schedule showing the details of the Development Contribution provided under this deed as at the date of the report and indicating any noncompliance with this deed and the reason for the non-compliance; and
- (v) when the Developer expects to lodge the next Planning Application.
- (b) Upon the Secretary's request, the Developer must deliver to the Secretary all documents and other information which, in the reasonable opinion of the Secretary, are necessary for the Secretary to assess the status of the Development and the Developer's compliance with this deed.

13. General Provisions

13.1 Entire deed

This deed constitutes the entire agreement between the parties regarding the matters set out in it and supersedes any prior representations, understandings or arrangements made between the parties, whether orally or in writing.

13.2 Variation

This deed must not be varied except by a later written document executed by all parties.

13.3 Waiver

A right created by this deed cannot be waived except in writing signed by the party entitled to that right. Delay by a party in exercising a right does not constitute a waiver of that right, nor will a waiver (either wholly or in part) by a party of a right operate as a subsequent waiver of the same right or of any other right of that party.

13.4 Further assurances

Each party must promptly execute all documents and do every thing necessary or desirable to give full effect to the arrangements contained in this deed.

13.5 Time for doing acts

- (a) If:
 - (i) the time for doing any act or thing required to be done; or
 - (ii) a notice period specified in this deed,

expires on a day other than a Business Day, the time for doing that act or thing or the expiration of that notice period is extended until the following Business Day.

(b) If any act or thing required to be done is done after 5 pm on the specified day, it is taken to have been done on the following Business Day.

13.6 Governing law and jurisdiction

- (a) The laws applicable in New South Wales govern this deed.
- (b) The parties submit to the non-exclusive jurisdiction of the courts of New South Wales and any courts competent to hear appeals from those courts.

13.7 Severance

If any clause or part of any clause is in any way unenforceable, invalid or illegal, it is to be read down so as to be enforceable, valid and legal. If this is not possible, the clause (or where possible, the offending part) is to be severed from this deed without affecting the enforceability, validity or legality of the remaining clauses (or parts of those clauses) which will continue in full force and effect.

13.8 Preservation of existing rights

The expiration or termination of this deed does not affect any right that has accrued to a party before the expiration or termination date.

13.9 No merger

Any right or obligation of any party that is expressed to operate or have effect on or after the completion, expiration or termination of this deed for any reason, does not merge on the occurrence of that event but remains in full force and effect.

13.10 Counterparts

This deed may be executed in any number of counterparts. All counterparts taken together constitute one instrument.

13.11 Relationship of parties

Unless otherwise stated:

- nothing in this deed creates a joint venture, partnership, or the relationship of principal and agent, or employee and employer between the parties; and
- (b) no party has the authority to bind any other party by any representation, declaration or admission, or to make any contract or commitment on behalf of any other party or to pledge any other party's credit.

13.12 Good faith

Each party must act in good faith towards all other parties and use its best endeavours to comply with the spirit and intention of this deed.

13.13 No fetter

Nothing in this deed is to be construed as requiring the Minister to do anything that would cause the Minister to breach any of the Minister's obligations at law and without limitation, nothing in this deed shall be construed as limiting or fettering in any way the discretion of the Minister in exercising any of the Minister's statutory functions, powers, authorities or duties.

13.14 Explanatory note

The Explanatory Note must not be used to assist in construing this deed.

13.15 Expenses and stamp duty

- (a) The Developer must pay its own and the Minister's reasonable valuation costs, legal costs and disbursements in connection with the negotiation, preparation, execution and carrying into effect of this deed.
- (b) The Developer must pay for all costs and expenses associated with the giving of public notice of this deed and the Explanatory Note.
- (c) The Developer must pay all Taxes assessed on or in respect of this deed and any instrument or transaction required or contemplated by or necessary to give effect to this deed (including stamp duty and registration fees, if applicable).

- (d) The Developer must pay its own and the Minister's reasonable costs and disbursements in connection with the release and discharge of this deed with respect to any part of the Land pursuant to clause 7.3.
- (e) The Developer must provide the Minister with bank cheques, or an alternative method of payment if agreed with the Minister, in respect of the Minister's costs pursuant to clauses 13.15(a), (b) and (d):
 - where the Minister has provided the Developer with written notice of the sum of such costs prior to execution, on the date of execution of this deed; or
 - (ii) where the Minister has not provided the Developer with prior written notice of the sum of such costs prior to execution, within 30 Business Days of demand by the Minister for payment.

13.16 Notices

- (a) Any notice, demand, consent, approval, request or other communication (Notice) to be given under this deed must be in writing and must be given to the recipient at its Address for Service by being:
 - (i) hand delivered;
 - (ii) sent by prepaid ordinary mail within Australia; or
 - (iii) in the case of a Notice to be given by the Minister or Secretary, sent by email.
- (b) A Notice is given if:
 - hand delivered, on the date of delivery but if delivery occurs after 5pm New South Wales time or a day that is not a Business Day, is taken to be given on the next Business Day;
 - sent by prepaid ordinary mail within Australia, on the date that is 2 Business Days after the date of posting; or
 - (iii) sent by email:
 - (A) before 5 pm on a Business Day, on that Day;
 - (B) after 5 pm on a Business Day, on the next Business Day after it is sent; or
 - (C) on a day that it is not a Business Day, on the next Business Day after it is sent,

and the sender does not receive a delivery failure notice.

13.17 Electronic Execution

- (a) Each party consents to this deed and any variations of this deed being signed by electronic signature by the methods set out in this clause.
- (b) This clause applies regardless of the type of legal entity of the parties. If this deed or any subsequent variations are signed on behalf of a legal entity, the persons signing warrant that they have the authority to sign.
- (c) For the purposes of this clause, the parties agree that the following methods validly identify the person signing and indicate that person's intention to sign this deed and any variation of it:

- (i) insertion of an image (including a scanned image) of the person's own unique signature on to the deed;
- (ii) insertion of the person's name on to the deed; or
- (iii) use of a stylus or touch finger or a touch screen to sign the deed,

provided that in each of the above cases, words to the effect of '*Electronic signature of me*, [NAME], affixed by me on [DATE]' are also included on the deed;

- (iv) use of a reliable electronic signature and exchange platform (such as DocuSign or AdobeSign) to sign the deed; or
- (v) as otherwise agreed in writing (including via email) between the parties.
- (d) The parties agree that the above methods are reliable as appropriate for the purpose of signing this deed and that electronic signing of this deed by or on behalf of a party indicates that party's intention to be bound.
- (e) A signed copy of this deed transmitted by email or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original executed copy of this deed for all purposes.

Table 1 - Requirements under section 7.4 of the Act (clause 2.2)

The parties acknowledge and agree that the table set out below provides for certain terms, conditions and procedures for the purpose of the deed complying with the Act.

| This deed | |
|--|--|
| | |
| | |
| (a) No | |
| (b) Yes | |
| (c) N/A | |
| See Schedule 3 | |
| See definition of Development in clause 1.1 | |
| N/A | |
| See Schedule 4 | |
| The application of sections 7.11 and 7.12 of the Act to the Development is not excluded. | |
| The application of Subdivision 4 of Division 7.1 of the Act to the Development is excluded. | |
| No | |
| See clause 8 | |
| See clause 5, clause 6 and clause 7 | |
| See clause 13.13 | |
| | |

Table 2 – Other matters

| Requirement under the Act | This deed |
|--|--------------------|
| Registration of the Planning Agreement – (section 7.6 of the Act) | Yes (see clause 7) |
| Whether the Planning Agreement specifies that certain requirements of the agreement must be complied with before a construction certificate is issued – (section 21 of Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (NSW)) | No |
| Whether the Planning Agreement specifies that certain requirements of the agreement must be complied with before an occupation certificate is issued – (section 48 of Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (NSW)) | No |
| Whether the Planning Agreement specifies that certain requirements of the agreement must be complied with before a subdivision certificate is issued – (section 6.15(1)(d) of the Act) | No |

Address for Service (clause 1.1)

| Minister | |
|-----------|---|
| Contact: | The Secretary |
| Address: | Department of Planning, Housing and Infrastructure 4 Parramatta Square, 12 Darcy Street PARRAMATTA NSW 2150 |
| Email: | planningagreements@planning.nsw.gov.au |
| Developer | |
| Contact: | The Company Director(s) and Secretary |
| Address: | '29' Suite 406 29-31 Lexington Drive BELLA VISTA NSW 2153 |
| Email: | lpex.team@gmail.com |

Land (clause 1.1)

1. Lots proposed for development

| Lot/Deposited Plan | Folio Identifier | Landowner |
|---------------------------------------|------------------|---|
| Lot 6017 in Deposited Plan 1107886 | 6017/1107886 | Georges Grounds Pty Limited (ACN 652 536 288) |

Development Contribution (clause 4)

1. Development Contribution

(a) The Developer undertakes to provide the Development Contribution in the manner set out in the table below:

| Development Contribution | Value | Timing |
|-----------------------------|---------------------------------|--------------------|
| Monetary contribution | \$260,000 subject to indexation | Pursuant to clause |
| towards State | in accordance with clause 2 of | 2 of this Schedule |
| infrastructure | this Schedule 4 | 4 |

2. Payment of Development Contribution

- (a) The Developer must pay to the Minister or the Minister's nominee the Development Contribution on or before 31 December 2025.
- (b) The Developer must provide the Minister with not less than 10 Business Days' written notice of its intention to pay the Development Contribution.
- (c) The Development Contribution is to be adjusted, at time of payment, by multiplying the Development Contribution payable by an amount equal to the Current CPI divided by the Base CPI.
- (d) For the purposes of this clause 2, the Current CPI is:
 - (i) if the Development Contribution is paid between 1 January and 30 June (inclusive) in any calendar year – the CPI number for the quarter ending on 31 March in the preceding calendar year; and
 - (ii) if the Development Contribution is paid between 1 July and 31 December (inclusive) in any calendar year – the CPI number for the quarter ending on 31 March in that calendar year.

Security terms (clause 6)

1. Developer to provide Security

- (a) In order to secure the payment or performance of the Development Contribution the Developer has agreed to provide the Security.
- (b) The Security must:
 - (i) name the "Minister administering the Environmental Planning and Assessment Act 1979" and the "Department of Planning, Housing and Infrastructure ABN 20 770 707 468" as the relevant beneficiaries; and
 - (ii) not have an expiry date.
- (c) If an Administrative Arrangements Order (within the meaning of Part 7 of the Constitution Act 1902 (NSW)) is made affecting the Department of Planning, Housing and Infrastructure before the relevant Security is provided under this Schedule, the Security is to name the agency that the Secretary advises the Developer in writing is to be a beneficiary in addition to the Minister.

2. Security

- (a) At the time the Developer signs this deed, the Developer must provide the Security to the Minister having a face value amount of \$20,000 (Security Amount) in order to secure the Developer's obligations under this deed.
- (b) From the date of execution of this deed until the date that the Developer has provided the Development Contribution, the Minister is entitled to retain the Security.

3. Claims under Security

- (a) The Minister may:
 - call upon the Security where the Developer has failed to pay the Development Contribution for the Development on or after the date for payment under this deed; and
 - (ii) retain and apply such monies towards the Development Contribution or any costs and expenses incurred by the Minister in rectifying any default by the Developer under this deed.
- (b) Prior to calling upon the Security the Minister must give the Developer not less than 10 Business Days written notice of his or her intention to call upon the Security.
- (c) If:
 - (i) the Minister calls upon the Security; and
 - (ii) applies all or part of such monies towards the Development Contribution or any costs and expenses incurred by the Minister in rectifying any default by the Developer under this deed; and
 - (iii) has notified the Developer of the call upon the Security in accordance with clause 3(b) of this Schedule 5,

then the Developer must provide to the Minister a replacement Security to ensure that at all times until the date that the Security is released in accordance with clause 4 of this Schedule 5, the Minister is in possession of Security for a face value equivalent to the Security Amount.

4. Release of Security

If:

- (a) the Developer has satisfied all of its obligations under this deed secured by the Security; and
- (b) the whole of the monies secured by the Security has not been expended and the monies accounted for in accordance with clause 3 of this Schedule 5,

then the Minister will promptly return the Security (less any costs, charges, duties and taxes payable), or the remainder of the monies secured by the Security (as the case may be), to the Developer.

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Electronic

signature

of Nawal

affixed by

Khattar on

8/5/2024

Khattar

Nawal

Execution page

Executed as a deed

Signed, sealed and delivered by the Minister administering the Environmental Planning and Assessment Act 1979 (ABN 20 770 707 468) in the presence of:

.....

Signature of witness

Signature of delegate of the Minister administering the Environmental Planning and Assessment Act 1979

Name of witness in full

..... Name of delegate of the Minister administering the Environmental Planning and Assessment Act 1979

Address of witness

*By signing this deed, the witness states that they witnessed the signing of this deed by:

.....

(being the name of the Minister's delegate) over audio visual link (and signed as a witness in counterpart if applicable) in accordance with section 14G of the Electronic Transactions Act 2000 (NSW).

| | Signed, sealed and delivered by Georges Grounds Pty Limited (ACN 652 536 288) in |
|------------|---|
| Electronic | accordance with section 127(1) of the |
| signature | Corporations Act 2001 (Cth) by: |
| of Michael | 1 |
| Khattar | 1 A |

signa of Mi Khatt affixed by Michael Khattar on 8/5/2024

Signature of Director

MICHAEL KHATTAR Name of Director in full

Signature of Director/Secretary

NAWAL KHATTAR

Name of Director/Secretary in full

MO MILLS OAKLEY

has him had

PLANNING AGREEMENT

BETWEEN

Mulpha Norwest Pty Limited

AND

The Hills Shire Council

FOR

Circa Commercial Planning Proposal

Elizabeth Macarthur Drive and Norbrik Drive, Bella Vista

Lot 700 DP 1198639

Lot 6017 DP 1107886

Lot 6055 DP 1140054

Lot 6053 DP 1140054

Lot 6052 DP 1140054

Lot 6 DP 270592

Lot 4 DP 270592

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MO MILLS OAKLEY

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 Limited 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 700 DP1198 | 639 |
| | Lot 6017 DP 1107886 | |
| | Lot 6055 DP 114 | 40054 |
| | Lot 6053 DP 114 | 40054 |
| | Lot 6052 DP 1140054 Lot 6 DP 270592 | |
| | | |
| | Lot 4 DP 270592 | 2 |
| Planning Proposal | The Planning Proposal (19/2015/PLP) to amend The Hills Local Environmental Plan 2019 as it relates to the Land, to: | |
| | RL116 to approxim and increase locations rezone a | the maximum building height from RL108 and b RL103, RL116 and RL140 (which would allow lately eight (8) to seventeen (17) storey buildings); the maximum floor space ratio, in specific to 2:1 and 3:1; and portion of Lot 6055 DP1140054 from B7 Business RE1 Public Recreation. |
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Proposed Development The development of the Land for the purpose of:-. Subdivision of any of the Land into relevant parcels; The construction of commercial offices, ancillary and • associated development on or related to any of the Land; . **Dedication Lands** See Schedule 1 **Monetary Contributions** See Schedule 1 Location Plan See Schedule 2 Security Amount Not Applicable - See Clause 8 Application of S7.11 and ss7.11 and 7.12 Not Applicable - See Clause 10 S7.12 of the Act Registration

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Applicable - See Clause 16

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Planning Agreement

Dated August 2021

Parties

The Hills Shire Council ABN 25 034 494 656 of 3 Columbia Court, Norwest New South Wales 2154 (Council)

Mulpha Norwest Pty Limited 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 Development Applications in respect of the Land.
- C. The Developer offers to:
 - (a) dedicate the Dedication Lands; and
 - (b) provide Monetary Contributions

as 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 at the back of this Agreement.

2. Planning agreement under the Act

The Parties agree that this document is a planning agreement within the meaning of **subdivision 2, Division 7.1, Part 7** of the Act.

3. Application of this document

This document is made in respect of the Proposed Development and applies to the Land.

4. No restriction on Council's Powers

This Agreement or anything done under this Agreement:

- (a) is not to be taken as approval or consent by Council as a regulatory authority; and
- (b) does not in any way inhibit, deter or prejudice Council in the proper exercise of its functions, duties or powers,

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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 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
- 5.2 When this Agreement operates it is a binding contract between the parties.

6. Caveat on Dedication Lands

- (a) The Developer agrees that its obligations under this Agreement creates a caveatable interest in the Dedication Lands and prior to subdivision as a separate lot(s), the lot(s) of which the Dedication Lands form part.
- (b) The Developer must at the request of Council provide Council with survey plans for the Dedication Lands within 30 days of such a request being made in writing.
- (c) The Developer must not object to, seek to withdraw or issue a lapsing notice for a caveat lodged by Council in respect of the Dedication Lands.
- (d) Council must not unreasonably withhold its consent to the registration of any dealing by a mortgagee that would not have a material adverse effect on Council's interest in the Dedication Lands.
- (e) Council will give to the Developer a withdrawal of caveat within 7 days of this document being validly terminated.

7. Dedication

- 7.1 The Developer must at its cost Dedicate to Council the Dedication Lands in accordance with Schedule 1 of this Agreement and any other provision of this Agreement relating to the Dedication of Lands.
- 7.2 The Dedication will be effected when:
 - (a) a plan of subdivision is registered dedicating the Dedication Lands to Council; or
 - (b) Council becomes the registered proprietor of existing lots which encompass the whole of the Dedication Lands as a result of the registration of a transfer of land.
- 7.3 Where an existing lot forming part of the Dedication Lands is to be transferred to Council:
 - (a) the Developer will deliver to Council the following:
 - (i) a transfer in registrable form signed by the registered proprietor of the lot;
 - (ii) the Certificate of Title for the lot; and
 - (iii) a discharge of mortgage, surrender of lease or other document to release the lot from any mortgage or lease.
 - (b) Council will on receipt of these documents arrange for the following:

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- (i) stamping of the transfer; and
- lodgement of the transfer and other documents at the office of NSW Land Registry Services for registration.
- 7.4 The Developer is to ensure that land Dedicated to Council under this Agreement is free of all encumbrances and affectations (whether registered or unregistered and including without limitation any charge or liability for rates, taxes and charges) except as otherwise agreed in writing by Council.
- 7.5 Council must provide the Developer with a tax invoice for its reasonable expenses incurred in relation to the Dedication of the Dedication Lands including its legal costs and disbursements (including any registration fees).
- 7.6 The Developer must pay to Council the amount invoiced for expenses within 14 days of receipt of the invoice.
- 7.7 The Developer must pay Council on reasonable notice the stamp duty (if any) on the Dedication of the Dedication Lands. The Parties acknowledge that Section 277 Duties Act 1997 (NSW) provides generally that duty under that Act is not chargeable on dutiable transactions where Council is liable to pay the duty.
- 7.8 After the Dedication Lands are transferred to Council, Council will use the land for public purposes being the provision of public open space and such other public purposes in the future as Council may consider appropriate.

8. Provision of Security

- 8.1 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.

9. Monetary Contributions

9.1 Payment

- (a) The Developer must pay the Monetary Contributions in accordance with Schedule 1 of this Agreement and any other provision of this Agreement relating to Monetary Contributions on or before the date for payment specified in Column 3 of Schedule 1 of this Agreement.
- (b) Payment of the Monetary Contributions may be made by bank cheque in favour of Council or electronic funds bank transfer to Council's nominated bank account.
- (c) A Monetary Contribution will be taken to have been made when Council notifies the Developer in writing that the bank cheque has been received (for Monetary Contributions paid by cheque) or that cleared funds have been deposited in Council's nominated bank account (for Monetary Contributions paid by electronic transfer).

9.2 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

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Council from time to time and Council will apply the Monetary Contributions for those purposes. Despite the description and location of the works specified in Columns 1 and 2 of Schedule 1 of this Agreement, Council may at its full discretion apply the Monetary Contributions towards another public purpose specified in this Agreement or a public purpose (including but not limited to works or land acquisition) it deems appropriate to service new development within the Circa Commercial Precinct if Council reasonably considers that the public interest would be better served by applying the Monetary Contributions towards that other purpose rather than the purpose so specified.

9.3 Developer Infrastructure Contributions

(a) The Developer will pay Monetary Contributions which are a percentage of the capital investment value (CIV) of any Development Application submitted for the Proposed Development or any part of the Proposed Development by way of a Developer Infrastructure Contribution, as outlined in Schedule 1 of this Agreement. These contributions will be calculated and payable as follows:

| CIV estimate for any Development Application | % monetary contribution payable | | |
|---|---------------------------------|--|--|
| Up to \$100,000 | NIL | | |
| \$100,001 - \$200,000 | 0.5% | | |
| More than \$200,000 | 2.1% | | |

- (b) The Developer covenants and agrees that it will submit with each Development Application for the Proposed Development a written assessment of the CIV of the particular Development Application by an independent, suitably qualified and registered quantity surveyor (QS Report).
- (c) The CIV for the purposes of the Monetary Contributions payable under this clause is the amount as assessed in the QS Report submitted with the particular Development Application in relation to the Proposed Development or any part of the Proposed Development.

10. Application of sections 7.11 and 7.12 of the Act

- 10.1 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 Applications for the Proposed Development.
- 10.2 Monetary contributions payable under this Agreement will not be subject to any further review under s7.12 of the Act and no additional contributions are payable under s7.12 of the Act at any time in the future in relation to the Proposed Development.
- 10.3 For the avoidance of doubt, this clause does not exclude the application of Section 7.11 and 7.12 to development on the Land that is not the Proposed Development.

11. Termination and Application of this Agreement

11.1 Planning Proposal

This Planning agreement will terminate in the event that the Land the subject of this Planning Agreement is not rezoned in accordance with the Planning Proposal.

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11.2 Development Consents

If Development Consent is granted by the Council with respect to a particular Development Application submitted for the Proposed Development, this Agreement will no longer apply with respect to that particular Development Consent only, in circumstances where:

- (a) the Development Consent lapses; or
- (b) the Development Consent is formally surrendered; or
- (c) on the final determination by a Court of competent jurisdiction issuing a declaration that the particular Development Consent is invalid.
- 11.3 This Agreement will continue to apply to all other Development Applications submitted for the Proposed Development that have not lapsed, have not been formally surrendered or finally determined by a Court of competent jurisdiction by way of a declaration that the Development Consent is invalid.

12. Consequences

- 12.1 On the date of termination or rescission of this document, subject to the following subparagraphs 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.
- 12.2 Termination or rescission of this document does not release either party from any obligation or liability arising under this document before termination or rescission.

13. 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.

14. Dispute Resolution

14.1 Notice of Dispute

If a party claims that a dispute has arisen under this document (**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 14.1.

14.2 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.

14.3 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

Document Set ID: 21355853 Version: 6, Version Date: 28/10/2024 ii. use reasonable endeavours to settle or resolve the dispute within 15 business days after they have met.

14.4 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 14.5.

14.5 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 14.5 must:
 - i. have reasonable qualifications and practical experience in the area of the dispute; and
 - 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) the parties 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.

14.6 Litigation

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If the dispute is not finally resolved in accordance with this clause 14, either party is at liberty to litigate the dispute.

14.7 Continue to Perform Obligations

Each party must continue to perform its obligations under this document, despite the existence of a dispute.

15. Enforcement

15.1 Restriction on the issue of Certificates

In accordance with section 6.8 of the Act and clause 146A of the Regulation the obligation to pay Monetary Contributions under this Agreement must be satisfied prior to the issue of any Construction Certificate for any Development Application for the Proposed Development or any part of the Proposed Development if such a Construction Certificate is required.

15.2 General Enforcement

- (a) This Agreement may be otherwise enforced by either Party in any court of competent jurisdiction.
- (b) For the avoidance of doubt, nothing in this Agreement prevents:
 - i. a Party from bringing proceedings in the Land and Environment Court to enforce any aspect of this Planning Agreement or any matter to which this Planning Agreement relates; and
 - ii. the Council from exercising any function under the Act or law relating to the enforcement of any aspect of this Agreement or any matter to which this Agreement relates.

16. Registration of document on Title

16.1 Registration of this Agreement

- (a) The Developer agrees to procure the registration of this Agreement under the Real Property Act 1900 (NSW) in the relevant folios of the Register of the Land in accordance with section 7.6 of the Act within thirty (30 days) of execution of this Agreement.
- (b) Council must promptly execute any document and perform any action necessary to effect the registration of this Agreement.

16.2 Release from Registration

Council will at the request of the Developer release the Land from registration of this document when the Land Dedication has occurred and the Monetary Contributions have been received by Council and no other money is owing to Council under this Agreement. The obligations of the Council are satisfied when Council provides the Developer with a signed Request in registrable form for the release of registration of this document.

16.3 Registration Expenses

The Developer must pay Council's reasonable expenses including registration fees, any stamp duty, legal costs and disbursements, for the registration of this document and the subsequent removal of registration.

17. Costs

17.1 The Developer shall bear Council's costs directly related, and incidental to negotiating, preparing, executing, stamping and registering the Agreement, including any costs of lodging/removing caveats on the title to the Land.

18. GST

18.1 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.

19. General

19.1 Assignment

- (a) The Developer must not transfer any right or liability under this document without the prior consent of Council. This clause 19.1(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 16 of this Agreement.
- (b) In the event that the Developer enters into a contract for the sale of the Land the subject of the Proposed Development, the Developer (as vendor) shall disclose to the purchaser the existence of this Agreement.

19.2 Governing law and jurisdiction

- (a) This document is governed by and construed under the law in the State of New South Wales.
- (b) Any legal action in relation to this document against any party or its property may be brought in any court of competent jurisdiction in the State of New South Wales.
- (c) Each party by execution of this document irrevocably, generally and unconditionally submits to the non-exclusive jurisdiction of any court specified in this provision in relation to both itself and its property.

19.3 Amendments

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

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19.4 Pre-contractual negotiation

This document:

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

19.5 Further assurance

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

19.6 Continuing performance

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

19.7 Waivers

Any failure by any party to exercise any right under this document does not operate as a waiver and the single or partial exercise of any right by that party does not preclude any other or further exercise of that or any other right by that party.

19.8 Remedies

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

19.9 Counterparts

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

19.10 Party acting as trustee

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

of the trust. Nothing releases the party from any liability in its personal capacity. The party warrants that at the date of this document:

- (a) all the powers and discretions conferred by the deed establishing the trust are capable of being validly exercised by the party as trustee and have not been varied or revoked and the trust is a valid and subsisting trust;
- (b) the party is the sole trustee of the trust and has full and unfettered power under the terms of the deed establishing the trust to enter into and be bound by this document on behalf of the trust and that this document is being executed and entered into as part of the due and proper administration of the trust and for the benefit of the beneficiaries of the trust; 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.

19.11 Representations and warranties

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

19.12 Severability

If a clause or part of a clause of this document can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this document, but the rest of this document is not affected.

20. Definitions and interpretation

20.1 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;

Consumer Price Index means the All Groups Consumer Price Index applicable to Sydney published by the Australian Bureau of Statistics or if this price index is discounted then such price index as Council may select.

Contribution Value means the amount specified in Column 5 of Schedule 1.

Dedication means the creation or transfer of an estate in fee simple.

Dedication Lands means the parts of the Land specifically identified for dedication to Council in Schedule 1 of this Agreement.

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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 to the Development Application.

Encumbrance includes any mortgage or charge, lease, (or other right of occupancy) or profit a prendre.

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.

Land means Lot 700 DP 1198639, Lot 6017 DP 1107886, Lot 6055 DP 1140054, Lot 6053 DP 1140054, Lot 6052 DP 1140054, Lot 6 DP 270592 and Lot 4 DP 270592.

Location Plan means the plan contained in Schedule 2.

Monetary Contributions means a monetary contribution to be made by the Developer pursuant to clause 9 of this Agreement and identified as payable to Council in Schedule 1 of this Agreement.

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

Planning Proposal means the Planning Proposal (19/2015/PLP) to amend The Hills Local Environmental Plan 2019 as it relates to the Land, to:

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- (a) increase the maximum building height from RL108 and RL116 to RL103, RL116 and RL140 (which would allow approximately eight (8) to seventeen (17) storey buildings); and
- (b) increase the maximum floor space ratio, in specific locations to 2:1 and 3:1; and
- (c) rezone a portion of Lot 6055 DP1140054 from B7 Business Park to RE1 Public Recreation.

Proposed Development means the development of the Land for the purpose of:

(a) subdivision of any of the Land into relevant parcels;

construction of commercial offices, ancillary and associated development on the Land.

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

Security means a Bank Guarantee or bond in favour of the Council on terms satisfactory to the Council, or such other form of security as the Council may require in its absolute discretion.

20.2 Interpretation

In this document unless the context otherwise requires:

- (a) clause and subclause headings are for reference purposes only;
- (b) the singular includes the plural and vice versa;
- (c) words denoting any gender include all genders;
- (d) reference to a person includes any other entity recognised by law and vice versa;
- 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;
- 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;

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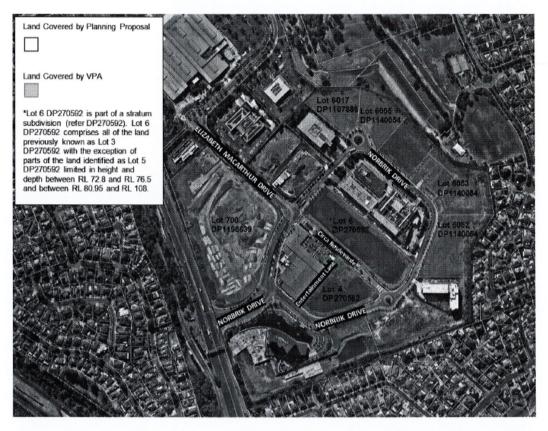
- (I) an agreement, representation or warranty on the part of two or more persons is for the benefit of them jointly and severally;
- (m) reference to an exhibit, annexure, attachment or schedule is a reference to the corresponding exhibit, annexure, attachment or schedule in this document;
- (n) reference 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.

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|---|---|--|--------------------------------|---|
| Dedication of Land and Monetary Contributions | Area | Hand-Over Date or date of payment of Monetary Contributi ons | Defects Liability Period | Contribution Value |
| Dedication of Land to Council for Public Open Space | 5,600 sq m open space link to Bella Vista Farm Park for the purposes of a public park (Part Lot 6055 DP 1140054) | 1 February 2024 | N/A | \$5,600,000 |
| Monetary contribution for Park Embellishment payable to Council | 5,600 sq m open space link to Bella Vista Farm Park for the purposes of a public park (Part Lot 6055 DP 1140054) | 1 February 2024 | N/A | \$1,000,000.00 |
| Monetary contribution by way of Developer Infrastructure Contribution payable to Council (clause 9.3 of the Agreement) | Monetary contribution to be used by Council towards provision of infrastructure | Prior to the issue of a Construction Certificate for the Developmen t Application to which the contribution relates | | % of the CIV of the proposed development (as set out in clause 9.3 of the Agreement) |
| Total | | | | \$5.6 million (land dedication) + \$ 1 million monetary contribution for the Park Embellishment + Developer Contributions payable as a % value of the CIV of any Development Application |

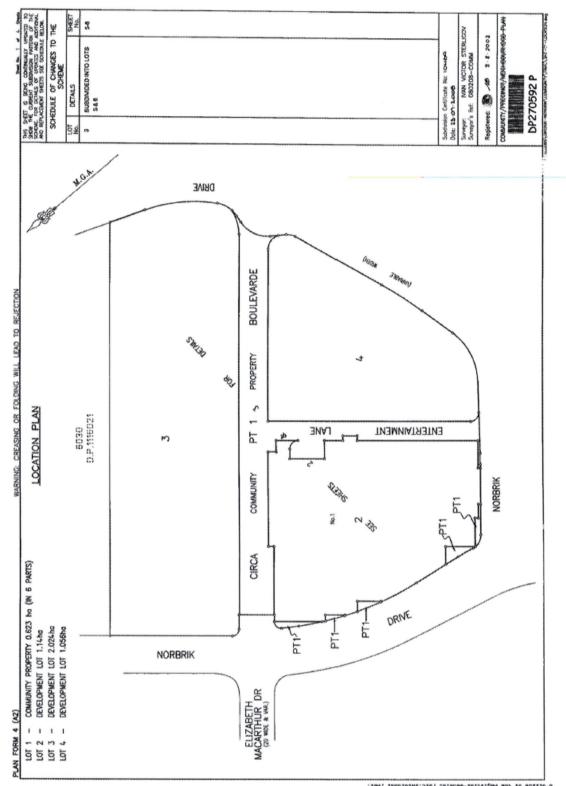
SCHEDULE 1 - DEVELOPMENT CONTRIBUTIONS

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SCHEDULE 2 - LOCATION PLAN

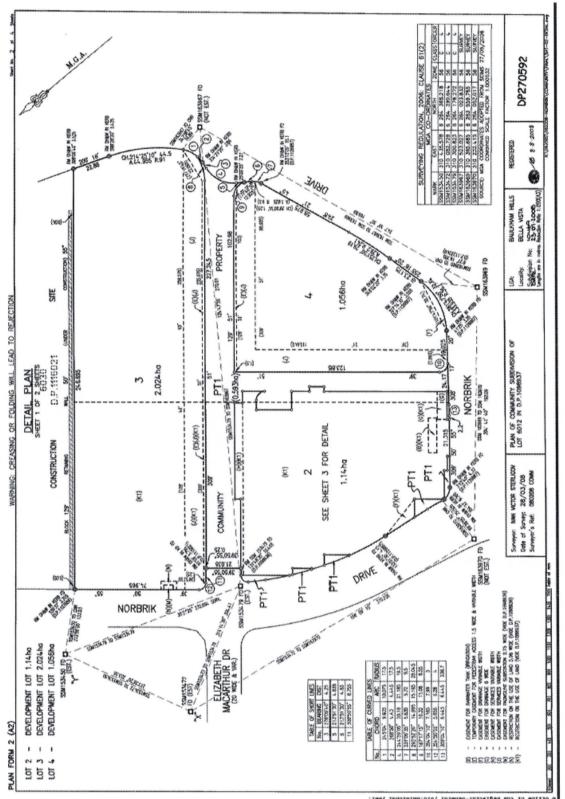


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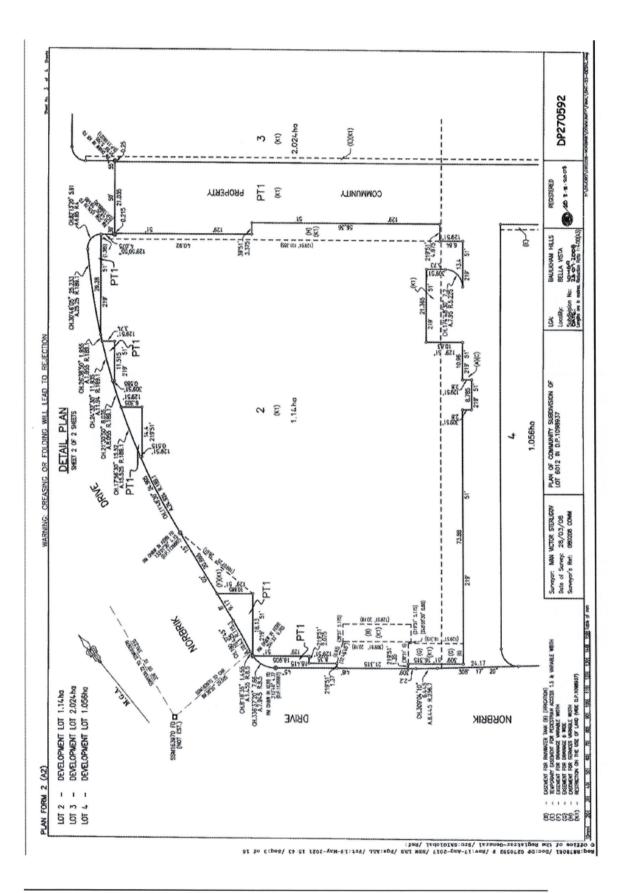


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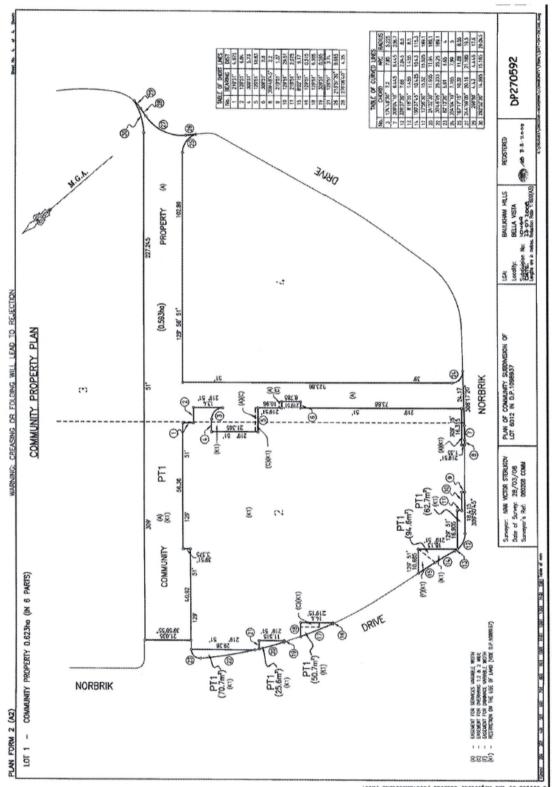
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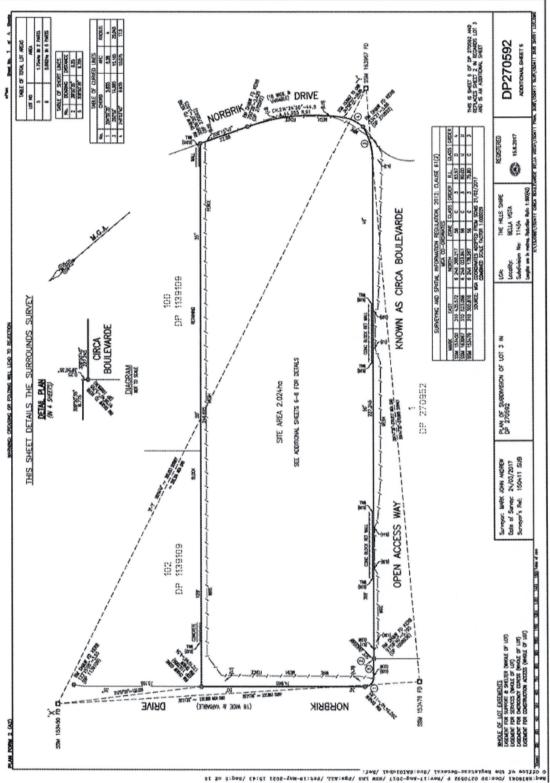


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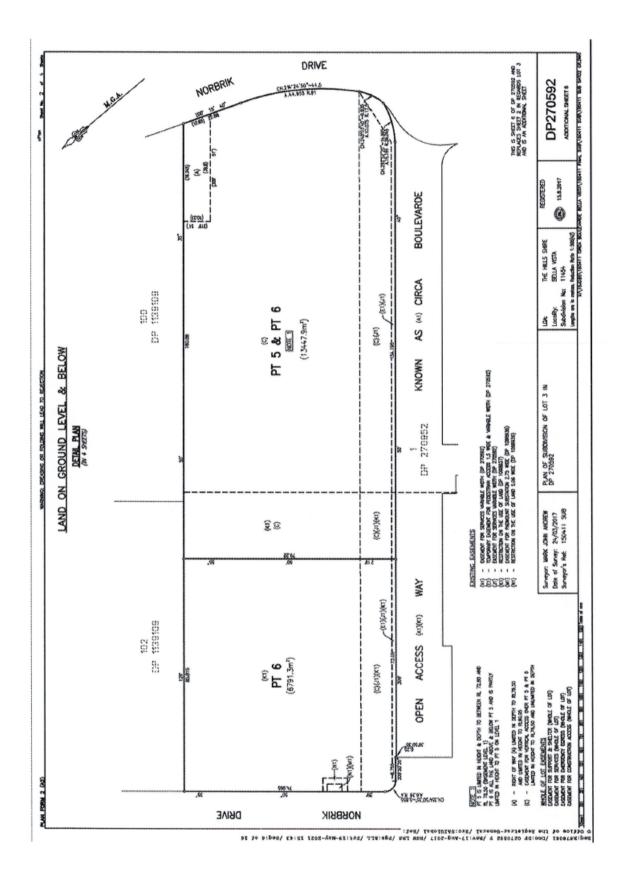


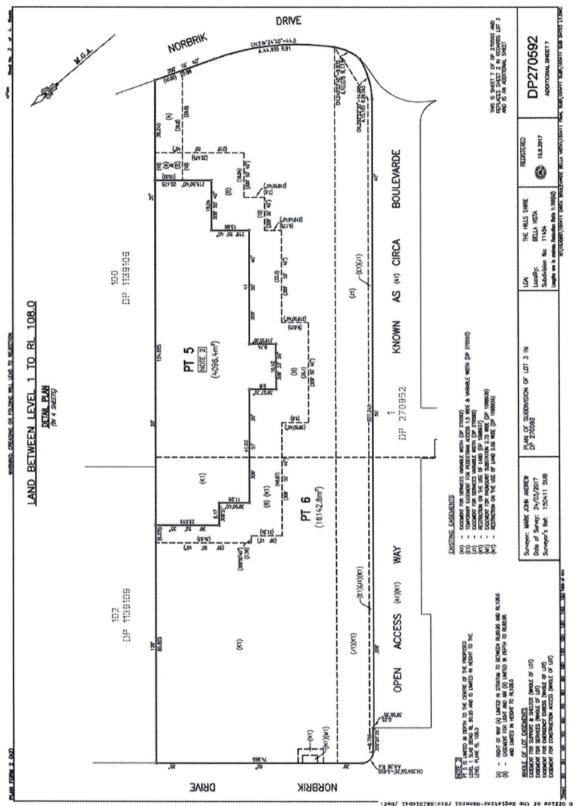
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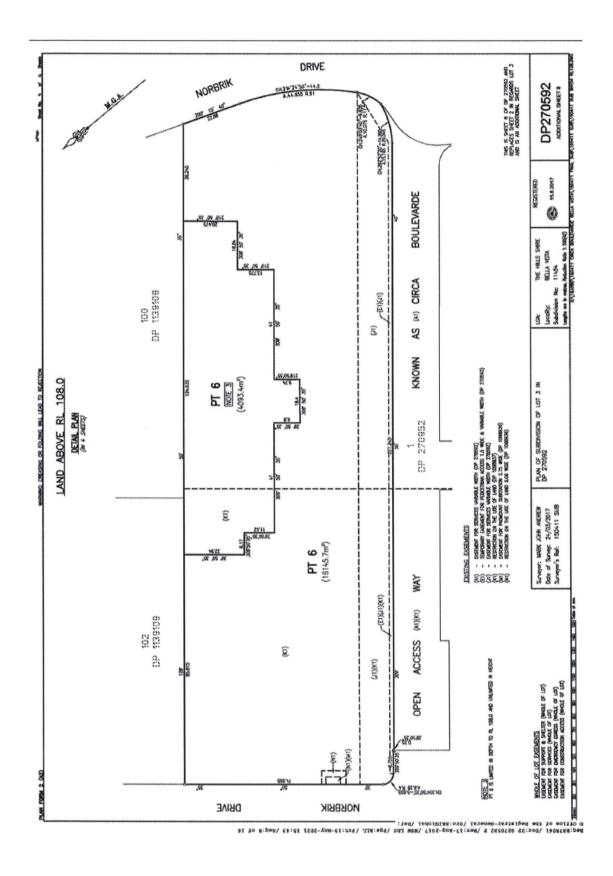
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The common seal of **The Hills Shire Council** was affixed under a resolution passed by council on I3 July 2021 in the presence of:

General Manager

Witness

SHIRE CO Common THE Spal * Muhellenoy Mayor

Shart

SHAW

Witness

Executed by Mulpha Norwest Pty Limited (ABN 27 000 004 633) in accordance with s127 of the *Corporations Act 2001* (Cth):

KACP

Secretary/Director

NAOHI MGARE Print name

Print name

Directe

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