

<b>DATE OF DETERMINATION</b>	7 November 2024
<b>DATE OF PANEL DECISION</b>	6 November 2024
<b>PANEL MEMBERS</b>	Abigail Goldberg (Chair), David Ryan, Steve Murray, Brent Woodhams
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 4 November 2024.

#### **MATTER DETERMINED**

**PPSSCC-433 – The Hills Shire – 1356/2023/JP** – 12 Norbrik Drive, Bella Vista - Mixed Use Development Including Office and Retail Premises and a Function Hall.

#### **PANEL CONSIDERATION AND DECISION**

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at briefings and the matters listed at item 8 in Schedule 1.

#### **Development application**

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

The panel determined to approve the application for the reasons outlined in the council assessment report, summarised as follows:

- 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. 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 included a proposal for a local Voluntary Planning Agreement (1/2022/VPA) that has been executive and registered on the Title of the land. The monetary contribution associated with the VPA will be allocated towards open space infrastructure improvements within the vicinity 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 and 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.
- The proposal has been reviewed by Council's Design Excellence Panel (DEP) and following revisions satisfies the provisions under Clause 7.7 Design Excellence 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 however 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 are supported by council.

## CONDITIONS

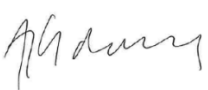



The development application was approved subject to the conditions uploaded to the NSW Planning Portal titled *1356\_2023\_JP\_Attachment A: updated draft conditions*, which are a revision of the original draft conditions provided by council as a result of discussion between the applicant and council to ensure usability of the mixed use spaces. The updated conditions are summarised below:

<b>Condition 8. Provision of Parking Spaces</b> - modified to include reference to Friday night and New Year's Eve.
<b>Condition 75. Hours of Operation</b> - modified to provide more flexible hours of operation for the commercial offices whilst ensuring sufficient car parking is provided for the function centre uses.
<b>Condition 76. Maximum Number of Patrons for the Function Centres</b> – modified to include/exclude reference to Friday night and New Year's Eve.
<b>Condition 69. Completion of Subdivision Works/Satisfactory Final Inspection</b> - deleted as there are no subdivision works proposed within the land to be dedicated.
<b>Condition 70. Subdivision Works – Submission Requirements</b> - deleted as there are no subdivision works proposed within the land to be dedicated.
<b>Condition 71. Completion of Engineering Works</b> - deleted as there are no subdivision engineering works proposed within the land to be dedicated.

The panel supports these changes.

## CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
Abigail Goldberg (Chair) 	David Ryan 
Steve Murray 	Brent Woodhams 

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-433 – The Hills Shire – 1356/2023/JP
2	PROPOSED DEVELOPMENT	Mixed Use Development Including Office and Retail Premises and a Function Hall.
3	STREET ADDRESS	12 Norbrik Drive, Bella Vista
4	APPLICANT/OWNER	Applicant: George Grounds Pty Ltd/Urbis Owner: George Grounds Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>State Environmental Planning Policy (Industry and Employment) 2021</li> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>The Hills Local Environmental Plan 2019</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>The Hills Development Control Plan 2012</li> </ul> </li> <li>Planning agreements: State Voluntary Planning Agreement (SVPA2023-108)</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 28 October 2024</li> <li>Draft conditions of consent: 1356_2023_JP_Attachment A_Updated Draft Conditions</li> <li>Written submissions during public exhibition: 0</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Kick Off Briefing: 11 May 2023 <ul style="list-style-type: none"> <li><u>Panel members</u>: Abigail Goldberg (Chair) Steve Murray, David Ryan, Brent Woodhams, Jarrod Murphy</li> <li><u>Council assessment staff</u>: Cynthia Dugan, Paul Osborne, Cameron McKenzie</li> <li><u>Applicant representatives</u>: Simon Wilkes, Jon Pizey</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	1356_2023_JP_Attachment A: updated draft conditions