

COUNCIL ASSESSMENT REPORT

SYDNEY CENTRAL CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSCC-493 - DA 426/2024/JP
PROPOSAL	Mixed Use Development Including a Hotel, Commercial Premises, Food and Drink Premises, Gymnasium and Childcare Centre
ADDRESS	14-16 Brookhollow Avenue Norwest
APPLICANT	ICH Corp Pty Ltd
OWNERS	BHA Corp Pty Ltd
DA LODGEMENT DATE	26 September 2023
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Clause 2.19, Schedule 6 of the SEPP (Planning Systems) 2021
ESTIMATED DEVELOPMENT COST	\$36,710,631.73 (excluding GST)
CLAUSE 4.6 REQUESTS	The Hills LEP 2019 Clause 4.3 Height of Buildings SP4 Enterprise
KEY SEPP/LEP	SEPP (Transport and Infrastructure) 2021 and The Hills LEP 2019
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	Nil
DOCUMENTS SUBMITTED FOR CONSIDERATION	Statement of Environmental Effects – Urbis Architectural Plans – Group GSA Architectural Design Report – Group GSA Landscape Plan – Vision Dynamics Traffic Impact Assessment – Stantec Acoustic Impact Assessment – Rodney Stevens Acoustics Heritage Impact Statement – Urbis Arboricultural Impact Assessment Report – Advanced Treescape Consulting

	CPTED Assessment – Group GSA Stormwater Concept Design – SCG Consulting Engineers Civil Engineering Works – SCG Consulting Engineers Fire Engineering Statement – Innova Services Australia BCA – Regulatory Compliance Report – McKenzie Group Accessibility advice – McKenzie Group Geotechnical Investigation – Green Geotechnics Contamination Assessment – Canopy Enterprises Waste Management Plan – Elephants Foot Plan of Management – Urbis Survey Plan – Ramsay Surveyors QS Cost Summary Report – Duotax Erosion and Sediment Control Plan – SGC Consulting Engineers
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	N/A
RECOMMENDATION	Approval
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	27 September 2024

EXECUTIVE SUMMARY

The Development Application is for the demolition of existing structures and construction of a seven and eleven storey mixed-use commercial development comprising office premises, food and drink premises, hotel accommodation, a function centre, centre based childcare facility, recreation facility (indoor) and building identification signage.

The application seeks to vary Clause 4.3 Height of Buildings of The Hills LEP 2019. The proposed maximum height of RL133.8 on the western tower exceeds the height limit of RL129.2 by a maximum of 4.6 metres or 12%. The Applicant submits that the variation is required to accommodate mechanical plant and equipment. A well-founded Clause 4.6 written submission has been submitted with the application. It is considered strict compliance is unreasonable and unnecessary in this instance and there are sufficient environmental

planning grounds to justify contravening the development standard, as the variation relates to upper-level service elements which are setback and recessive. In this regard, the variation can be supported.

The proposal has been reviewed by Council's Design Advisory Panel (DAP) and satisfies the provisions under Clause 7.7 Design Excellence of The Hills LEP 2019. The DAP raised initial concerns with the proposal including the legibility of wayfinding, safety and accessibility within the public pedestrian link, interface with future higher density residential development to the south, atrium design and the lack of landscaping. The Applicant has made substantial changes to the proposal including an improved public pedestrian link design to ensure accessibility whilst providing visual connectivity, navigation and continuous surveillance, a reduction in the number of storeys within the atrium from 6 to 3 and the provision of more landscaping with the overall tree canopy increasing from approximately 21% to 32%.

The proposal satisfies the car parking provisions under Clause 7.26 of The Hills LEP 2019 and concurrence from the Planning Secretary has been obtained for the site. This clause was inserted in the LEP as part of the site-specific planning proposal to respond to concerns regarding the impact on the surrounding regional road network. The application was referred to Transport for NSW and no objections were raised. The planning proposal included a local Voluntary Planning Agreement (VPA) with a monetary contribution to be paid at a rate of 3% of the cost of future development. This will be allocated towards local infrastructure and public domain improvements within the vicinity of the site and the broader Norwest Strategic Centre. The VPA has been executed and registered on the Title of the land.

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 southern side of Brookhollow Avenue, has an area of 6,621m² and a cross fall of 4.5m from east to west. The site is zoned SP4 Enterprise and is located within 600m of the Norwest Metro Station in the Norwest Strategic centre.

A two-storey commercial office and warehouse building with at-grade car parking currently exists on site. The building comprises office and business premises and a childcare centre at the rear of the property.

The properties to the east and west are similar commercial office buildings within the SP4 Enterprise zone. The properties to the south of the site are zoned RE1 public recreation and R3 Medium Density Residential. The residential properties directly adjoining the employment area have been identified as a focus area under Council's Norwest Strategic Precinct Plan for longer-term investigation sites, where additional uplift could be considered to encourage a transition throughout the Precinct.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

Demolition of existing structures and construction of a mixed-use commercial development comprising office premises, food and drink premises, hotel accommodation, a function centre, centre based childcare facility, recreation facility (indoor) and building identification signage.

The works comprise:

- An eleven storey building and a seven storey building, connected by a three storey central atrium;
- 17,545m² gross floor area at FSR 2.65:1 comprising of the following:
 - Hotel: 3,332m²
 - Commercial/office: 9,851m²
 - Café: 565m²
 - Child Care Centre: 879m²
 - Function Centre: 674m²
 - Gym: 729m²
 - Atrium: 1,055m²
- 317 basement carparking spaces, 9 of which are disabled parking;
- 60 basement bike parking spaces;
- 11 motorbike spaces;
- Loading dock with 2 x loading bays;
- 3 x service bays;
- 1,564m² of public open space area;
- 121 new trees, shrubs, permeable paving and plantings.

A ground level café is proposed in the western tower within the Brookhollow Avenue frontage. There are a maximum of 13 staff proposed. The hours of operation proposed are from 7am to 2am (Monday to Sunday).

The commercial offices are located on levels 1 – 9 in the western tower. The hours of operation proposed are from 8am to 5pm (Monday to Friday).

A function centre will be located on the ground level within the rear, western tower. There are a maximum of 260 seats and 13 staff proposed. The hours of operation proposed are from 7am to 2am (Monday to Sunday).

The proposed gymnasium will be in the eastern tower within the Brookhollow Avenue frontage. The gymnasium is located over two storeys (levels ground – 1) in the eastern tower. The hours of operation proposed are 24 hours, 7 days a week.

The hotel will be four-storeys (levels 2 – 5) in the eastern tower and will comprise 80 bed rooms including 4 that are accessible. There are a maximum of 20 staff proposed. The hours of operation proposed are 24 hours, 7 days a week.

The childcare centre will be located across two storeys (levels ground – 1) in the rear of the eastern tower and will comprise 122 children (61 x 3 - 6 year olds, 12 x 0 - 2 year olds & 49 x 2 - 3 year olds) and 20 staff. The hours of operation are proposed from 7am to 6pm and includes an acoustic wall around the perimeter of the outdoor play area.

An accessible pedestrian through site link from Brookhollow Avenue to the southern reserve is proposed via the front plaza, public atrium, rear plaza and amphitheatre. The pedestrian link, including the public atrium will be in operation 24 hours, 7 days a week.

An additional accessible pedestrian through site link will be provided from Brookhollow Avenue to the southern reserve and residential neighbourhood along the western site boundary.

CCTV is installed throughout the premises.

Business identification signage:

- *Top of building sign on building façade of the western tower*
3.3m x 2.2m powder coated steel with white acrylic lettering with LED illuminated warm white light.
- *Wall sign on building façade wall of the atrium*
3.3m x 2.2m, glass etched into the glass façade (non illuminated)
- *Free standing plinth sign within landscaped area at the front of the development*
1.1m x 5m, stainless steel and powder coated in bronze with a sandstone cladding finish for the base (non illuminated).

A Clause 4.6 written submission to vary Clause 4.3 Height of buildings development standard has been submitted with the development application.

2.2 Background and Site History

The site formed part of a site specific, landowner-initiated planning proposal 2/2021/PLP which was finalised on 3 February 2023.

The LEP amendments comprised the following specifications for the site:

- Increase the Height of Building from RL 116m to RL129.2m;
- Increase the Floor Space Ratio from 1:1 to 2.65; and
- Introduce a new local provision that stipulates the following requirements:
 - The requirement to obtain concurrence from the Planning Secretary with respect to regional infrastructure, prior development consent being granted on the land; and
 - A maximum car parking rate of 1 space per 75m² and a minimum car parking rate of 1 space per 100m² of commercial gross floor area.

The planning proposal also included a Voluntary Planning Agreement with a monetary contribution to be paid at a rate of 3% of the cost of future development. This will be allocated towards local infrastructure and public domain improvements within the vicinity of the site and the roader Norwest Strategic Centre. The VPA has been executed and registered on the Title of the land.

The new planning framework was also supported by a site specific DCP (THDCP - Part D Section 25) which is now in force.

A pre-lodgement meeting was held prior to the lodgement of the application on 20 January 2023.

This pre-lodgement application was reviewed by the Design Excellence Panel on 12 April 2023.

The Development Application was lodged on 26 September 2023.

On 19 October 2023, a request for further information letter regarding contamination, acoustic and food fit out, tree management and land and spatial information matters was uploaded on the NSW Planning Portal. Additional information was provided by the Applicant on 10 December 2023.

On 7 November 2023, Council staff forwarded a request for further information letter from Transport for NSW to the Applicant. A request for further information letter regarding Waterways/flooding issues was also sent to the Applicant.

On 23 November 2023, Council staff briefed the Sydney Central City Planning Panel (SCCPP) on the key issues for the application. The Panel asked for an explanation of intention to repurpose the childcare centre and the proposed transition from existing operations to the new build and noted that the natural ground level and boundaries could be more clearly defined on the plans. Amended plans have been provided to clarify the levels within the existing development.

On 19 December 2023, a request for further information letter regarding tree management/landscaping concerns was uploaded on the NSW Planning Portal.

The Development Application was reviewed by the Design Advisory Panel on 14 February 2024.

On 27 February 2024, a request for further information was sent to the Applicant regarding engineering and planning matters.

On 15 February 2024, a meeting was held with Applicant and Council staff to discuss outstanding issues for the Development Application.

On 14 March 2024, a request for further information regarding traffic matters was sent to the Applicant.

On 10 April 2024, a response to the Design Advisory Panel report was provided. An updated landscape plan was also provided on 10 April 2024 and 20 May 2024.

On 6 May 2024, further information was requested regarding engineering and acoustic matters.

On 17 July 2024, further information was requested regarding engineering, geotechnical, and stormwater matters was sent to the Applicant.

On 30 July 2024, 6 and 16 August 2024, a response was provided regarding traffic and parking matters.

On 21 August 2024, a meeting was held with Council staff and the Applicant to discuss the outstanding engineering issues for the Development Application.

On 23 August 2024, further information was requested from Council's Engineering section.

On 6 September 2024, a request for a revised Clause 4.6 written submission was sent to the Applicant. A revised Clause 4.6 written submission was provided on 12 September 2024.

On 12 September 2024, the Applicant agreed to a condition restricted access for vehicles longer than 6m to enter the site heading west on Brookhollow Avenue.

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 (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 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 and remediation 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 Infrastructure SEPP	Clause 2.122 – Traffic generating development. Clause 2.98 – Development adjacent to rail corridors	Y NA

LEP 2019	• Clause 4.1 – Lot size	Y
	• Clause 4.3 – Height of Buildings	N
	• Clause 4.4 – Floor Space Ratio	Y
	• Clause 5.10 – Heritage	Y
	• Clause 7.2 – Earthworks	Y
	• Clause 7.7 – Design Excellence	Y
	• Clause 7.26 – Development at 14-16 Brookhollow Ave, Norwest	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 Detailed Site Contamination Investigation by Canopy Enterprises has been submitted with the Application. Council's Environmental Health Officer has reviewed the investigation and additional information submitted with the application and has advised that the recommendations made can be supported subject to conditions requiring the monitoring of ground conditions during site works and when new evidence of contamination is found, a new site contamination is to be carried out in accordance with the SEPP. Refer condition 30.

Subject to the above condition, it is considered that the site will be 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.

a) Traffic Generating 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.

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. The proposal comprises a gross floor area that exceeds 10,000m².

The Development Application was referred to Transport for NSW for review. Transport for NSW requested the Applicant to provide additional information to include the traffic and transport study previously prepared to support the Norwest over-station development proposal. This report included traffic modelling of both Brookhollow Avenue intersections with Norwest Boulevard. The Applicant provided this information and TfNSW advised that the development will not have a detrimental impact on the surrounding classified road network and 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.

b) Child Care Centres

Chapter 3 of the SEPP aims to facilitate the effective delivery of educational establishments and early education and care facilities across the State. The SEPP determines that a consent authority must take into consideration the Child Care Planning Guidelines and National Quality Framework when assessing a development application for a centre-based child care facility.

The following table addresses the principal development standards of Chapter 3 of the SEPP (Transport and Infrastructure) 2021 relevant to the subject proposal:

Requirement	Proposal	Comply
<p>3.22 – Concurrence of the Regulatory Authority</p> <p>This clause applies to development for the purpose of a centre-based child care facility if:</p> <p>(a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or</p> <p>(b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space</p>	<p>A total number of 122 children are proposed. The proposal will need a minimum unencumbered indoor and outdoor space as follows:</p> <p>Indoor: 396.5m² Outdoor: 854m²</p> <p>The proposal provides unencumbered indoor and outdoor space as follows:</p> <p>Indoor: 439m² Outdoor: 892m²</p>	<p>The proposal complies with the required amount of indoor and outdoor play space and concurrence from the regulatory authority is not required.</p>

requirements) of those Regulations.		
<p>3.23 – Matters for Consideration by Consent Authorities</p> <p>Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.</p>	The proposal has been assessed against the relevant provisions of the Child Care Planning Guidelines.	Yes – refer to below for discussion.
<p>3.24 – Additional Matters for Consideration by Consent Authorities</p> <p>The consent authority must consider the following matters before determining a development application for development for the purpose of a centre-based child care facility on land in Zone IN1 General Industrial or Zone IN2 Light Industrial—</p> <p>(a) whether the proposed development is compatible with neighbouring land uses, including its proximity to restricted premises, sex services premises or hazardous land uses,</p> <p>(b) whether the proposed development has the potential to restrict the operation of existing industrial land uses,</p> <p>(c) whether the location of the proposed development will pose a health or safety risk to children, visitors or staff.</p>	N/A as the site is zoned SP4 Enterprise.	N/A
<p>3.25 – Floor Space Ratio</p> <p>Development consent must not be granted for the purposes of a centre-based child care facility in Zone R2 Low Density Residential if the floor space ratio for the building on the site of the facility exceeds 0.5:1.</p>	N/A as the site is zoned SP4 Enterprise.	N/A

<p>This section does not apply if another environmental planning instrument or a development control plan sets a maximum floor space ratio for the centre-based child care facility.</p>		
<p>3.26 – Non-Discretionary Development Standards</p> <p>(a) Location (b) Indoor and Outdoor Space (c) Site Area and Site Dimensions Colour of Building Materials or Shade Structures</p>	<p>The non-discretionary development standards subject of this clause including location, indoor and outdoor space in excess of the regulations, site area and dimensions, and building materials and finishes have been considered satisfactory during the assessment of the application.</p>	<p>Yes</p>
<p>3.27 – Development Control Plans</p> <p>A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) <u>does not apply</u> to development for the purpose of a centre-based child care facility:</p> <p>(a) operational or management plans or arrangements (including hours of operation), (b) demonstrated need or demand for child care services, (c) proximity of facility to other early education and care facilities, (d) any matter relating to development for the purpose of a centre-based child care facility contained in— (i) the design principles set out in Part 2 of the Child Care Planning Guideline, or (ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side</p>	<p>The proposal generally complies with the provisions of The Hills DCP.</p> <p>The provisions contained in THDCP 2012 pertaining to this clause have not been applied when assessing the proposed development.</p>	<p>Yes, refer Section 3.3 for further discussion.</p>

and rear setbacks or car parking rates).		
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Section 3.23 Compliance with Child Care Planning Guidelines

The Child Care Planning Guideline establishes the assessment framework to deliver consistent planning outcomes and design quality for centre based child care facilities in the State. Consideration of the applicable provisions of the guideline is addressed below:

i) Part 2 Design Quality Principles

The Guideline includes seven design quality principles that relate to context, built form, adaptive learning spaces, sustainability, landscape, amenity and safety.

The proposed centre based child care facility is designed within a mixed use commercial development which complements the Norwest Precinct and is in keeping with the planning framework established under the site specific planning proposal. Whilst the site adjoins a residential zone to the south, the development has been designed with acoustic fencing and landscaping to mitigate noise impacts to these properties. It is noted that a child care centre currently exists on the site which adjoins these properties and no submissions were received following the notification period for this development application.

The proposed development provides for sufficient indoor and outdoor play areas. The areas contribute positively to the amenity of the environment as well as provide comfortable, diverse and attractive spaces to learn, play and socialise. The building incorporates contemporary, high-quality finishes which are consistent with the architectural design of commercial developments within the Norwest Precinct.

The proposed development is considered to provide sufficient safety and security. It has clearly defined public and private spaces with controlled access for parents and children. It will also employ adequate passive surveillance throughout the design. Outdoor play areas utilise equipment, vegetation and landscaping that has a low health and safety risk.

The proposal results in a design that contributes positively to the visual amenity of the site and locality and meets the design quality principles in the Guideline.

ii) Part 3 Matters for consideration

The Guideline includes matters for consideration which support the design principles including site selection and location, local character, streetscape and the public domain interface, building orientation, envelope and design, landscaping, visual and acoustic privacy, noise and air pollution, hours of operation, traffic parking and pedestrian circulation. The proposal has been assessed against these matters for consideration and achieves compliance with the relevant requirements.

3.1 Site Selection and Location

The location of the child care centre is considered to be satisfactory and is easily accessible given its location within proximity to the Norwest Metro Station, local schools and other educational establishments. There are no obvious environmental hazards on the site. It is considered that the development will be compatible with adjoining uses, and the centre will service a growing population which has increased the demand for child care facilities. Acoustic and privacy impacts are managed with acoustic fencing and building setbacks. Appropriate parking is provided for on the site.

3.2 Local Character, Streetscape and Public Domain Interface

The child care centre is located at the rear of the mixed-use commercial building. Whilst the development faces a residential zone to the south, appropriate acoustic measures have been provided to mitigate detrimental amenity impacts from adjoining properties. A clear delineation is provided between the child care centre and the public domain with level changes, fencing and landscaping. The child care centre is an appropriate scale in relation to the size of the site.

3.3 Building Orientation, Envelope and Design

The proposed building is within a mixed-use commercial building which is of a form and scale that complements the future character of the Norwest Precinct. The building responds to the topography of the site and is compatible with the character of the area. The development optimises solar access and opportunities for shade whilst minimising impacts on adjoining buildings. The design demonstrates safety and accessibility has been considered for all users.

3.4 Landscaping

A detailed landscape plan demonstrates that the site will be well landscaped and will incorporate landscaping for play areas. The landscape design provides suitable amenity for both the childcare centre and to screen the development to adjoining properties.

3.5 Visual and Acoustic Privacy

Visual and acoustic privacy have been adequately considered in the design of the building which incorporates appropriate acoustic walls and landscaping to the satisfaction of Council's Health and Environment Staff.

3.6 Noise and Air Pollution

The building, has been utilised as a buffer from noise and air pollution. In particular, the upper level play area is now screened by the building and acoustic fencing is provided to reduce the impact to residential receivers.

3.7 Hours of Operation

The proposed hours of operation (7am to 6pm Monday-Friday) are consistent with normal hours of childcare facilities.

3.8 Traffic, Parking and Pedestrian Circulation

Off-street parking on the site complies with the DCP controls and accommodates all parking needs generated by the development. A Traffic and Parking Report submitted with the application has been reviewed by Council's Traffic Engineer and it is considered that the sight distance and traffic movements associated with the development are acceptable subject to conditions of consent. Pedestrian safety is adequately accommodated within the parking area.

iii) Part 4 Applying the National Regulations to development proposals

The Guideline includes descriptions of specific regulations that apply to the internal and external physical environments, a best practice example and a National Quality Framework Assessment Checklist. The proposal has been assessed against Part 4 of the Guideline. The proposal includes an unencumbered indoor play area of 439m² (where 396.5m² is required) and an unencumbered outdoor space of 829m² (where 854m² is required) which meet the requirements of the National Regulations for 122 children. It is noted that the upper-level play area has not been included in the calculation for either unencumbered indoor or outdoor play space which is already in surplus of the requirements under the National Regulations. The proposal has been assessed against the matters for consideration in the Guideline and found to achieve compliance with the relevant requirements.

The proposal meets the provisions under the Child Care Planning Guideline with regard to Parts 2, 3 and 4 of the Guideline and therefore complies with Clause 23 of the SEPP.

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 is consistent with the size and nature of a commercial development within the Norwest Station 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 zones has been undertaken with respect to Schedule 5 of the SEPP. The proposed signage 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.

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:

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

centre based child care facility means—

(a) a building or place used for the education and care of children that provides any one or more of the following—

- (i) long day care,
- (ii) occasional child care,
- (iii) out-of-school-hours care (including vacation care),
- (iv) preschool care, or
- (b) an approved family day care venue (within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#))...

And

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

And

hotel or motel accommodation means a building or place (whether or not licensed premises under the [Liquor Act 2007](#)) that provides temporary or short-term accommodation on a commercial basis and that—

- (a) comprises rooms or self-contained suites, and
 - (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,
- but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

And

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

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:

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- 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 satisfactory in regard to the objectives as the proposal will provide for a range of uses including offices, childcare centre, indoor recreational facility, hotel accommodation, function centre and food and drink premises that would encourage additional employment opportunities and provide facilities and 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	6,620m ² (existing – no subdivision proposed).	NA
Clause 4.3 Height of Buildings	129.2m (RL)	Western tower - 133.8m (Max. RL) Eastern tower – 119m (Max. RL)	No, Clause 4.6 provided. Refer discussion below.
Clause 4.4 FSR	2.65:1	2.65:1	Yes
LEP PROVISION	REQUIRED	PROVIDED	COMPLIES
Clause 5.10	Heritage considerations if development is within the vicinity of heritage item.	Heritage Impact Statement provided as site within distant vicinity of Bella Vista Homestead Complex.	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 24 and 62).
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 7.26 Development at 14-16 Brookhollow Ave, Norwest	<p>Development consent must not be granted unless –</p> <p>a) Concurrence is obtained from the Planning Secretary; and</p> <p>b) The number of car parking spaces provided for commercial premises will be a minimum of 1 space per 100m² GFA used for commercial premises and a maximum of 1 space per 75m² GFA used for commercial premises. Therefore, for commercial premises comprising 10,784m² GFA, a minimum of 108 spaces and a maximum of 144 spaces is required for the commercial premises</p>	<p>Concurrence from the Planning Secretary has been obtained.</p> <p>110 car parking spaces can be provided for the commercial premises component of the development.</p>	Yes, refer discussion below.
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Further discussion on relevant provisions is provided below.

i. Height of Buildings

Clause 4.3 of LEP 2019 limits the height of the development site to a maximum RL of 129.2 metres. The proposal seeks consent for a maximum building height of 133.80m, which represents a variation of 12% (4.6m). The applicant has provided a Clause 4.6 Variation which is provided at Attachment M.

On 1 November 2023, reforms commenced to Clause 4.6 Exceptions to Development Standards. In accordance with Schedule 6 of the Environmental Planning and Assessment Regulations 2021, the reforms apply only to a Development Application made on or after 1 November 2023. The subject application was lodged on 26 September 2023 and has been determined as if changes had not commenced.

Clause 4.6 allows consent to be granted for development even though the development contravenes a development standard imposed by the LEP. The clause aims to provide an appropriate degree of flexibility in applying certain development standards to achieve better outcomes for and from development. The maximum building height standard is not expressly excluded under Clause 4.6 of the LEP 2019 and thus the Clause can be applied in this instance.

In determining the appropriateness of the variation request, a number of factors identified by the Applicant have been taken into consideration to ascertain whether the variation is supportable in this instance. They include:

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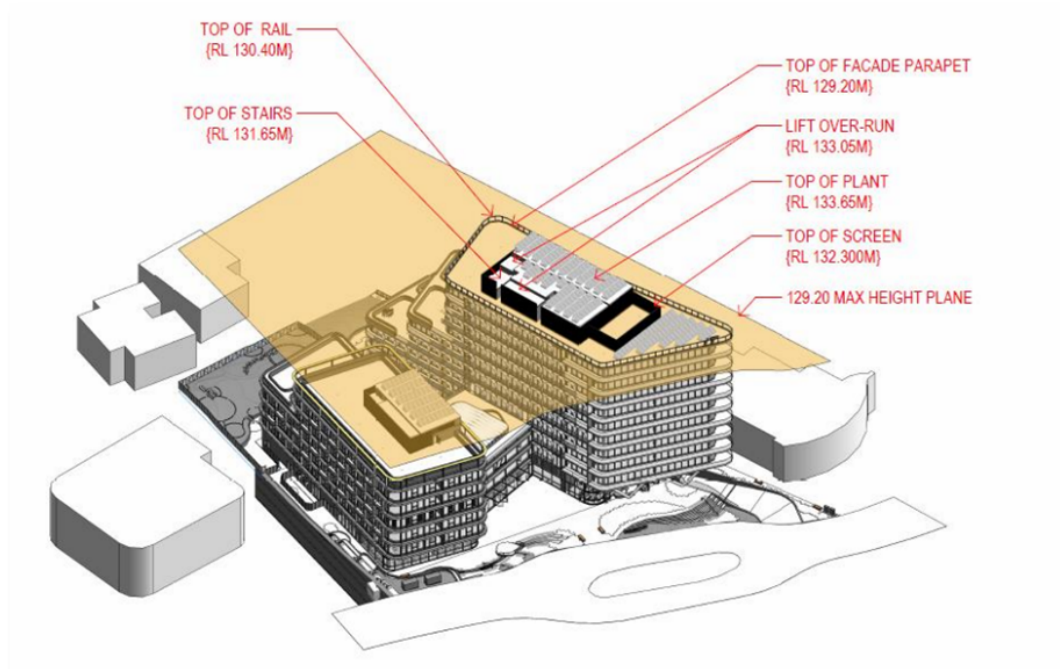
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- The development is consistent with the strategic intent of the Norwest Precinct Plan as the site context will continue to progress over time with increased heights/floor space ration identified for the balance of Brookhollow Avenue. The residential area to the south is also identified for review, with higher density residential form identified.
- The development is consistent with the overall streetscape of Brookhollow Avenue, representing a positive contribution.
- The objectives of the development standard are achieved, notwithstanding the non-compliance with the standard
- There are no overshadowing impacts arising from the height variation.
- There are no visual impacts arising from the height variation.
- There is no loss of privacy on adjoining properties.

The extent of the height variation is summarised in the table and figure below :

Building Component in Western Tower	Maximum Building Height Development Standard	Maximum Height	Proposed Height Exceedance and Extent of Variation
Top of roof access stairs	RL 129.2m	RL 131.65m	2.45 metres (6.4%)
Top of rail	RL 129.2m	RL 130.40m	1.2 metres (3.1%)
Lift overrun	RL 129.2m	RL 133.05m	3.85 metres (10.1%)
Top of plant	RL 129.2m	RL 133.65m	4.45 metres (11.6%)
Top of screen	RL 129.2m	RL 133.80m	4.6 metres (12%)



Source: GroupGSA

Figure: Image indicating extent of height exceedance

- That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

In accordance with the NSW LEC findings in the matter of *Wehbe v Pittwater Council*, one way in which strict compliance with a development standard may be found to be unreasonable or unnecessary is if it can be demonstrated that the objectives of the standard are achieved, despite non-compliance with the development standard. The objectives of Clause 4.3 Height of Buildings of the LEP are:

- *To ensure the height of buildings is compatible with that of adjoining development and the overall streetscape,*
- *To minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.*

The proposal will be compatible with that of adjoining development and the streetscape as the height variation only relates to a lift overrun and plant equipment within the western tower. These elements will not be visible from the streetscape. The eastern tower has a maximum height of RL 119m which is 10m less than the maximum height limit.

The impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas will be comparable to that of a development that fully complies with the height standard as envisaged under the site-specific planning proposal. The planning proposal increased the FSR and height of buildings standards to facilitate a commercial development on the site. The site is located on the periphery of a mixed-use strategic centre and employment precinct and adjoins a R3 medium density zone to the south. Despite the height exceedance for lift overruns and plant equipment, the development complies with the site-specific controls relating to rear setbacks and solar access to adjoining residential properties. The shadow diagrams submitted indicate that all private open space areas within neighbouring low density residential properties will continue to receive a minimum of 4 hours of sunlight access between 9am and 3pm midwinter and that those already receiving less than the minimum 4 hours will not have their solar access reduced. The shadow diagrams also indicate that the public open space known as Fairmont Avenue Reserve would receive a minimum of 50% sunlight coverage between 12pm and 2pm midwinter.

Despite the height variation, the proposal is consistent with the planning framework established under the planning proposal and will not cause adverse impacts on the amenity of adjoining properties with respect to overshadowing, privacy, view loss and perceived bulk and scale when viewed from the street. The applicant's written submission has satisfactorily demonstrated that the proposal will achieve consistency with the objectives of the building height development standard, and as such strict compliance is considered to be unreasonable and unnecessary in the circumstances of this application.

- *That there are sufficient environmental planning grounds to justify contravening the development standard.*

The applicant's submission states that there are sufficient environmental planning grounds to justify contravening the development standard as the development is consistent with the objects in Section 1.3 of the Environmental Planning and Assessment Act 1979 in that the proposed height variation is considered an orderly design outcome that responds to the site context and the variation will enable the building and associated services and lift overrun to be provided at roof level which is consistent with other development within the locality. In addition, the Applicant submits that there would be no impact on identified view corridors from Bella Vista Farm and Homestead which is located over 1.6km from the subject development and there will be no resulting impact on solar access, privacy or streetscape impacts. The Assessment Report: [426/2024/JP] [27/09/2024] Page 19

proposed development provides a high-quality outcome for the site, which has the capacity to provide a significant number of employment opportunities which is in accordance with the strategic direction of the Norwest Precinct Plan.

It is considered that the applicant's justification for non-compliance satisfactorily demonstrates that there are sufficient environmental planning grounds to justify contravention of the maximum building height development standard. It is considered that the applicant's written request has satisfactorily addressed the requirements under Clause 4.6(3) of LEP 2019.

Under the provisions of Clause 4.6(4) of LEP 2019, consent must not be granted to a proposal that contravenes a development standard unless that proposed development will be in the public interest because it is consistent with the objectives of the development standard and the objectives for development within the zone in which the development is to be carried out. The Clause 4.6 written submission has demonstrated that the objectives of the standard are achieved as addressed above.

Specifically, in relation to recent judgments of the Land and Environment Court, for the reasons identified in this report and the Applicant's Clause 4.6 Variation Request, it is considered that the variation can be supported as:

- The Applicant's request is well founded;
- The proposed variation results in a development that is consistent with the objectives of Clause 4.3 Height of Building and the SP4 Enterprise Corridor zone objectives;
- Compliance with the standard is unnecessary or unreasonable in this instance and there are sufficient environmental grounds to justify the contravention; and
- The proposed development will be in the public interest because it is consistent with the objectives of the development standard and the objectives for the development within the relevant zone.

Pursuant to Clause 4.6(4)(b) of LEP 2019, development consent must not be granted to a development that contravenes a development standard unless the concurrence of the Secretary has been obtained. In accordance with Planning Circular PS18-003 (dated 21 February 2018) issued by the NSW Department of Planning, the Secretary's concurrence may be assumed in this instance as the application relates to a development standard within an EPI that adopts Clause 4.6 of the Standard Instrument.

ii. 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 held on 12 April 2023 (prior to lodgment of the Development Application) and 14 February 2024. At the end of the last meeting, the Design Advisory Panel concluded that:

“The Panel does not support the proposal in its current form as the proposal does not meet the requirements of design excellence. It is recommended that the Applicant address the issues identified in this report and those raised by council officers prior to DA submission. If Council officers are satisfied the applicant has addressed the design issues raised in this report, the Applicant need not return to the Panel.”

A number of recommendations were made by the Design Advisory Panel. Refer Attachment N. These included concerns with the legibility of wayfinding and safety and accessibility within the public pedestrian link, interface with future higher density residential development to the south, atrium design and the provision of more landscaping.

The application has been amended to address the above concerns and recommendations. Refer to Applicant's response to the Design Advisory Panel minutes in Attachment N.

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Substantial changes have been made to the proposal including an improved public pedestrian link design to ensure accessibility whilst providing visual connectivity, navigation and continuous surveillance, a reduction in the number of storeys within the atrium from 6 to 3 and the provision of more landscaping with the overall tree canopy increasing from approximately 21% to 32%.

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

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

With regard to Clause 7.7(4)(c), the Applicant has adequately demonstrated that there would be negligible impacts to the Bella Vista Homestead complex which is listed as item 00754 on the NSW State Register and Item C2 under Schedule 5 of the LEP 2019.

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

With regard to Clause 7.7(4)(e), the proposed development has been assessed in detail and addressed in Section 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 Advisory Panel have been considered and the concerns raised have been satisfactorily addressed as above.

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

iii. Clause 7.26 Development at 14-16 Brookhollow Ave, Norwest

Clause 7.26 requires the following:

(1) This clause applies to Lot 3, DP 1010849, 14–16 Brookhollow Avenue, Norwest.

(2) Development consent must not be granted to development on land to which this clause applies unless—

(a) the consent authority has obtained the concurrence of the Planning Secretary, and

(b) the number of car parking spaces provided for commercial premises will be—

(i) at least 1 space for every 100m² of gross floor area used for commercial premises, and

(ii) no more than 1 space for every 75m² of gross floor area used for commercial premises.

(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 area.

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

With regard to (2)(a), concurrence of the Planning Secretary was obtained on 28 May 2024.

With regard to (2)(b), the proposal provides 317 car parking spaces for all land uses. The LEP defines commercial premises as business premises, office premises and retail premises. The development proposes 10,784m² commercial premises including 10,219m² of commercial office premises and 565m² of retail premises (food and drink premises). Therefore, a minimum of 108 spaces and a maximum of 144 spaces is required for the commercial premises. It is noted that the proposal includes other land uses that are not defined under the LEP as commercial premises including a function centre, centre based childcare facility, hotel accommodation and recreational facility (indoor). The proposal provides for 102 spaces for the commercial office premises and 44 unallocated spaces to be used for retail and gymnasium. 101 spaces are allocated to the function centre, 40 spaces to the childcare centre and 30 spaces to the hotel component.

To ensure compliance with the above clause, a condition is recommended in the development consent requiring that at all times, at least 110 car parking spaces are provided for the commercial premises including 102 commercial office spaces and 8 spaces for the food and drink premises. Refer condition 12.

iv. Clause 5.10 Heritage Conservation

Clause 5.10 prescribes that the consent authority, may, before granting consent to any development on land that is within the vicinity of a heritage item or heritage conservation area requires a heritage management document to be prepared to assess the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

The subject site does not contain or directly adjoin a State Significant heritage item. The proposal is located within the vicinity of Bella Vista Homestead Complex which is 1.6km south west of the site. Bella Vista Homestead Complex is a heritage conservation area of State and local significance, comprising a grouping of early farm buildings and surrounding parklands. The heritage listing of Bella Vista Homestead Complex includes the built form and the Bunya Pines and includes protection of key vistas to and from the Homestead. The proposed development will not impact the views and vistas from Bella Vista Homestead.

In this regard, the proposal is responsive to the heritage significance of the cultural significance of the Homestead, associated structures and plantings and is considered satisfactory with regard to the Clause.

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 3 – Landscaping

Part D Section 25 – 14-16 Brookhollow Ave, Norwest

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

a. Design and Built Form

DCP Part D Section 25 requires the building footprints and heights to be generally in accordance with Figure 4 below and incorporate a stepped design from the first to fourth storey (at a minimum) as shown in Figure 5 below. The Applicant is of the view that the proposal complies with this control. However, the proposal includes 11 storey and 7 storey buildings which do not incorporate a stepped design from the first to fourth storey.

The relevant objectives of the control are:

- a. *To promote an attractive commercial development on the site where built form and scale are appropriately integrated into the site's context.*
- b. *To ensure appropriate siting of building massing and heights across the site.*

The proposal has been reviewed by Council's Design Advisory Panel. The Applicant has provided a satisfactory response to the concerns raised by the Design Advisory Panel. Refer Attachment O. The built form and scale of the commercial development is consistent with the planning framework established under the site-specific planning proposal and will be an attractive commercial development, appropriately integrated into the site's context. The proposal complies with the building setbacks controls, the variation to the height standard is supported with a well-founded Clause 4.6 submission and the amenity impacts to adjoining residential properties are consistent with the planning proposal. In this regard, the proposal meets the objectives of the control and the variation can be supported.



Figure 4: Building Heights



Figure 5: Indicative Built Form

b. Public Domain and Pedestrian Amenity

DCP Part D Section 25 requires the development must provide a pedestrian site through linkage between Brookhollow Avenue with Fairmont Avenue Reserve that is to be generally consistent with Figure 6. The Applicant is of the view that the proposal complies with this control. However, the proposed pedestrian site linkage is through an enclosed space and adjoins another pedestrian link along the western side of the site which is a variation to the below figure.



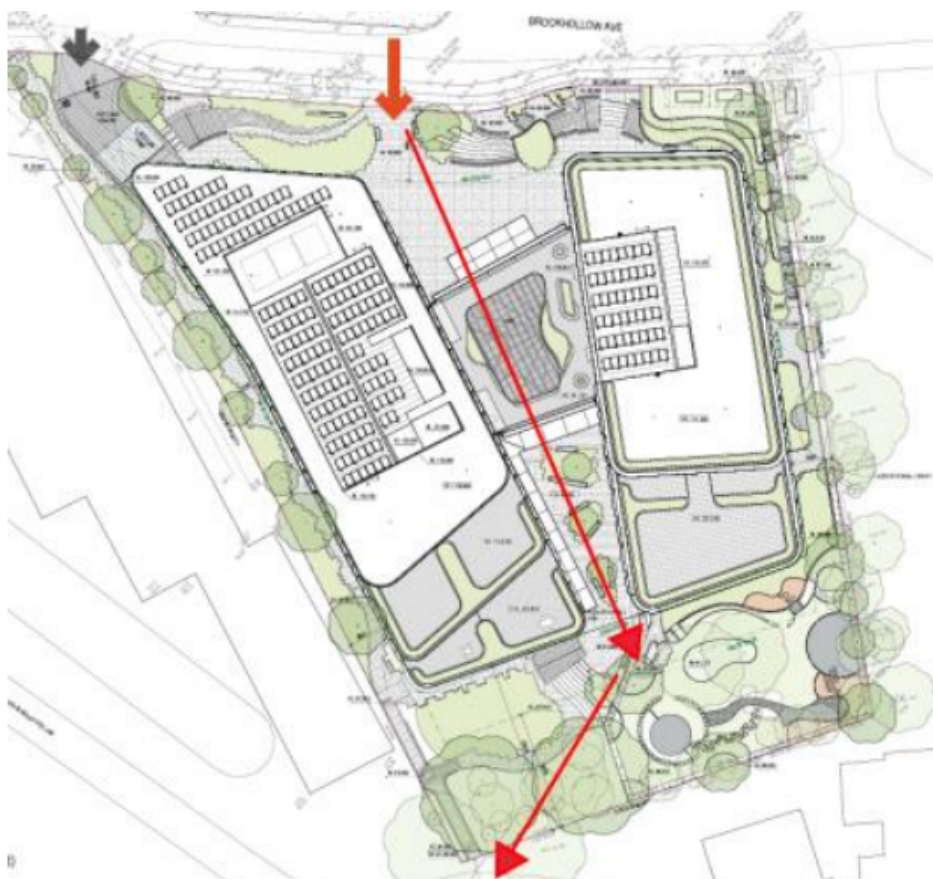
Figure 6: Indicative through-site link

The relevant objectives of the control are:

- a. To provide a highly permeable site that is accessible to all users.*
- b. To provide a north-south link through the site that is safe for pedestrians throughout the day and evening.*

The Applicant provides the following:

The proposed through site link through the central atrium offers a safe, legible, and comfortable environment which encourage pedestrian flow...the atrium offers a great solution for an active atrium 24/7 which further improves the legibility of the through site link.



The proposal will provide a pedestrian link that is accessible by the public 24 hours, 7 days a week and will maintain a closed-circuit television system on the premises to ensure safety for pedestrians. The pedestrian link provides an accessible path of travel with a chair left at the rear of the premises. In this regard, the proposal will meet the objectives of the control and the variation can be supported.

c. Car Parking and Bicycle Parking

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

Car Parking

Uses	Requirement	Provision of car parking spaces
Commercial Offices	<p>Minimum 1 space per 100m² of GFA and maximum 1 space per 75m² of GFA.</p> <p>A minimum of 102 spaces and maximum of 136 spaces is required for a GFA of 10,219m².</p>	102 spaces

Food and Drink premises	1 space per 25m ² of GFA 23 spaces required for a GFA of 565m ² however, 8 spaces required under Clause 7.26 of the LEP which prevails over any DCP control	Not allocated however 44 flexible spaces provided for food and drink premises and gymnasium use.
Child Care Centre	Minimum 1 space per employee, plus 1 space per 6 children enrolled for visitors and/or parent parking. 40 spaces required for 122 children and 20 staff	40 spaces
Hotel	Minimum 1 space per 1 guest room, plus 1 space per 2 employees in addition to any space generated by a public bar or restaurant. 30 spaces required for 80 rooms and 20 staff	30 spaces
Gymnasium	Minimum 1 space per 25m ² of GFA. 29 spaces required for a GFA of 729m ²	Not allocated however 44 flexible spaces provided for food and drink premises and gymnasium use.
Function Centre	Minimum 1 space per 3 seats, or 15 spaces per 100m ² of GFA, whichever is the greater. These rates apply to both indoor and outdoor seating. 101 spaces required for a GFA of 674m ²	101 spaces
Total Car Spaces	325	317

Bicycle Parking

Land Use	Requirement	Proposed
Commercial Offices	2 spaces plus 5% of the total number of car spaces required. 7 spaces required	60 spaces for all land uses
Gymnasiums/Fitness Centre	1 per 4 employees, plus 1 per 200m ² GFA 8 spaces required	60 spaces for all land uses

Note: There are no bicycle parking requirements for other land uses not listed in the above table.

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

The proposal includes 317 on-site parking spaces across four basement levels. Whilst this represents a shortfall of eight parking spaces compared to the minimum requirement, it is noted that the commercial and function space, which generate the most parking demand, experience peak demand at different times. The commercial component will experience peak parking demand during standard weekday business hours, whilst the function centre will experience peak demand during Friday evenings and weekends. During standard weekday business hours, events held in the function centre are expected to be smaller in size (e.g. corporate and industry events).

If the minimum 102 parking spaces are allocated for commercial use during standard weekday business hours, this will allow 93 parking spaces to be allocated for function centre use. On weekends, the commercial component is expected to generate minimal (if any) parking demand. This would allow the function centre to use the parking spaces that would otherwise be reserved for commercial tenants on weekdays.

The proposed provision of 317 parking spaces is considered appropriate and recognizes the need to deliver a practical parking supply across the day and week.

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 317 car parking spaces which is a shortfall of 8 spaces required to the DCP controls. Notwithstanding, the site specific LEP Clause 7.26 prohibits development unless a minimum of 1 car space per 100m² of GFA and maximum 1 car space per 75m² of GFA is provided for commercial premises. As food and drink premises are a type of retail premises which is defined as commercial premises under the LEP, this rate takes precedence over the above DCP control. For a GFA of 565m², a minimum of 7 and maximum of 8 spaces is to be provided for the food and drink premises. Considering this, 310 spaces would be required (including 8 spaces for the food and drink premises).

It is noted that the Applicant has provided 44 flexible spaces to be shared for the food and drink premises and gymnasium and notes that 93 of the 102 commercial office spaces would be allocated for function centre use after weekday business hours. This arrangement does not provided certainty that the development would meet the provisions under Clause 7.26. To ensure compliance with Clause 7.26 and sufficient parking is provided for all land uses, condition 12 has been recommended requiring the development to be provided with 317 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	102 spaces
Food and Drink premises	8 spaces

Child Care Centre	40 spaces
Hotel	30 spaces
Gymnasium	29 spaces
Function Centre	101 spaces
Unallocated for use	7 flexible spaces

Condition 12 also requires that 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:

- At least 15 of the 102 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 food and drink premises.

The proposal parking is considered satisfactory in that it has an efficient design and layout.

Disabled spaces are required at a rate of 3% of the total required car parking. The development requires 10 disabled spaces. Whilst 9 accessible spaces are recommended in the submitted Traffic and Parking Report, these are not indicated on the submitted plans. To ensure sufficient parking is provided for disabled persons, condition 5 is recommended that 10 disabled parking spaces are to be provided within the development.

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

d. Vehicular Access

DCP Part D Section 25 and DCP Part C Section 1 requires access driveway widths to comply with AS 28901-1993 Parking Facilities – Part 1: Off Street Car Parking. The application has not demonstrated compliance with the Australian Standard as the submitted swept path diagrams indicate there will be potential conflicts with a westbound vehicle longer than 6m, entering the site on Brookhollow Avenue and a B99 vehicle exiting the site.

The relevant objectives of the controls are as follows:

- (i) *To provide driveways with safe access and egress to and from properties.*
- (ii) *To reduce conflicts between entering and exiting street traffic and car park traffic. To provide the opportunity for an approved use to adequately identify the nature of the business conducted on the premises.*

To ensure there is safe access and egress to and from properties and there is reduction in conflicts between entering and exiting street traffic and car park traffic, condition 13 is recommended as follows:

Before the issue of a construction certificate, a detailed drawing of the signs and line markings associated with the development must be submitted for the endorsement of the Local Traffic Committee and Council approval. This includes a 'No Left Turn for Vehicles Over 6m' sign to be placed east of the property driveway on Brookhollow Avenue, to prevent vehicles longer than 6m from making a left turn into the site from the westbound direction.

If the Local Traffic Committee endorsement cannot be obtained, the driveway design must be revised to accommodate all vehicle movements.

Subject to this condition, the proposal will meet the objectives of the control.

e. Signage Design

Height and appropriateness of signage

DCP Part C Section 2 Signage requires projecting wall signs and flush wall signs shall not extend above the wall to which they are attached and prohibits rooftop signs. A proposed business identification sign is located on the rooftop balustrade and extends above this balustrade which does not comply with this control.

The relevant objectives of the controls are as follows:

- (iii) To provide the opportunity for an approved use to adequately identify the nature of the business conducted on the premises.*
- (iv) To ensure through design controls that the signage proposed is in sympathy with the building design and architectural treatment of the building.*
- (v) To limit the total advertising area of signage in proportion to the building design.*

To ensure that the business identification signage is sympathetic to the building design, architectural treatment of the building and is consistent with the established and future desired character of the Norwest Precinct, condition 5 is recommended that the rooftop balustrade IT sign is relocated one floor below, on level 9. Subject to this condition, the proposal will meet the objectives of the control.

Size of signage

DCP Part C Section 2 Signage requires free-standing pylon signs within business parks shall not exceed 2m in width, 10m in height and 12m² in area. The proposal includes a 5m wide x 1.288m high plinth sign with an area of 4.94m². This results in a variation to the maximum width control.

The relevant objectives of the controls are as follows:

- (vi) To provide the opportunity for an approved use to adequately identify the nature of the business conducted on the premises.*
- (vii) To ensure through design controls that the signage proposed is in sympathy with the building design and architectural treatment of the building.*
- (viii) To limit the total advertising area of signage in proportion to the building design.*

The above control relates to pylon signs rather than plinth signs. Notwithstanding, despite the variation to the width control, the proposed plinth sign complies with the area controls. The plinth sign adequately identifies the nature of the business conducted on the premises, is sympathetic with the building design and architecture of the building and meets the maximum area controls under the DCP. In this regard, the variation to the maximum width control can be supported.

Illumination

DCP Part C Section 2 Signage requires any illuminated signage shall not adversely impact upon adjoining properties and shall be designed to ensure that no light spills onto adjoining or

adjacent properties and any illumination of signage shall be switched off upon the closure of business each day.

The relevant objectives of the controls are as follows:

- (i) *To ensure that illuminated signage does not adversely impact on adjacent property owners or the amenity of the area.*

The proposed rooftop balustrade IT sign is illuminated with 3D LED front lit white acrylic lettering with powder coated fabricated steel surrounds with warm white light. To ensure that there are no adverse amenity impacts to adjoining residential properties to the south, condition 5 is recommended that the rooftop balustrade IT sign is relocated one floor below, on level 9 and condition 113 limits the illumination of signage to 9pm, 7 days a week. Subject to these conditions, the proposal would meet the objectives of the control.

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

The proponent has offered to enter into a planning agreement (2/2023/VPA) with Council for the development under Section 7.4 of the EP&A Act.

The planning agreement secures a total monetary contribution to be paid at a rate of 3% of the cost of the development. This will be allocated towards local infrastructure and public domain improvements within the vicinity of the site and the roader Norwest Strategic Centre. The VPA was executed on 31 October 2022 and is registered on the Title of the land.

The proposal is consistent with this Planning Agreement and condition 10 has been recommended in the draft development consent to ensure the contribution is paid as required under the agreement.

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 at the periphery of the employment zone within the Norwest Strategic centre. The proposal is a suitable development for the site and is consistent with the zone objectives.

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 provides for sufficient amenity to residential properties as envisaged under the planning proposal. In this regard, the development is considered suitable 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.

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 residential properties directly adjoining the site and employment area have been identified as a focus area under Council's Norwest Strategic Precinct Plan for longer-term investigation sites, where additional uplift could be considered to encourage a transition throughout the Precinct. It is expected that these investigation sites could potentially be developed for high density residential uses, at a density of 96 dwellings per hectare (equating to a floor space ratio of around 1:1).

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/Consultation Agencies			
Planning Secretary (Department of	Clause 7.26 of The Hills LEP 2019 prohibits development unless the consent authority	Concurrence of the Planning Secretary has been obtained. Refer Section 3.1.	Y

Planning and Environment – as delegate)	obtains concurrence of the Planning Secretary.		
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. Whilst additional information was requested, no further objections were raised from TfNSW and no conditions have been recommended.	Y
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 proposal includes two new substations. No objections were raised, subject to conditions. Refer condition 8.	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.	Comments have been provided with a CPTED Assessment. Condition 7 has been recommended.	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 Senior Subdivision Engineer has reviewed the submitted plans and information. Initial concerns were raised regarding restrictions on use of land and positive covenants, geotechnical matters, stormwater design, parking, modification to traffic islands and signposting in Brookhollow Ave. Conditions have been recommended for the application.	Y
Waterways	Council's Principal Coordinator reviewed the application. Whilst the site is not identified as a flood controlled lot, a gully formation exists near the southern boundary of the property which serves as a	Y

	<p>flow path for overland flows generated from the upstream properties to the east of the subject site. The application as lodged did not indicate an overland flow path on the plans. Initial concern was raised regarding whether the development would ensure overland flow paths are maintained or provisions are in place to capture and convey external flows through the property and discharged downstream. This has since been addressed with amended stormwater concept designs, and no further objections were raised to the proposal.</p>	
Traffic	<p>Council's Senior Traffic Engineer has reviewed the submitted plans and information and raised initial concerns regarding amendments proposed to the traffic island on Brookhollow Avenue. The Applicant has since confirmed that there are no changes proposed to this traffic island. No objections are raised subject to conditions requiring no left turn signage for vehicles over 6m from the westbound direction, traffic and parking signage and parking restrictions subject to approval of the Local Traffic Committee.</p>	Y
Health	<p>Council's Senior Environmental Health Officer has reviewed the submitted plans and information. Initial concern was raised regarding acoustic impacts to adjoining residential properties to the south. In particular, there was a first floor external play space located on the southern elevation. This has since been relocated further north so the building acts as a buffer to the southern properties. No objections are raised subject to conditions.</p>	Y
Waste	<p>Council's Resource Recovery Project Officer has reviewed the submitted plans and information and raised no objections subject to conditions.</p>	Y
Tree Management/ Landscape	<p>Council's Senior Landscape Officer has reviewed the submitted plans and information and raised no objections subject to conditions.</p>	Y
Contributions	<p>Council's Senior Forward Planner has reviewed the submitted plans and information and raised no objections subject to conditions.</p>	Y
Land and Spatial Information	<p>Council's Planning Information Officer has reviewed the submitted plans and information and raised no objections subject to conditions.</p>	Y

5.3 Community Consultation

The proposal was notified in accordance with the DCP/Council's Community Participation Plan from 4 October 2023 until 25 October 2023. No submissions were received following Assessment Report: [426/2024/JP] [27/09/2024] Page 35

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 applicant's Clause 4.6 written request to vary Clause 4.3 Height of Building development standard under The Hills Local Environmental Plan 2019 can be supported as it adequately justifies the contravention of the development standard having regard to the requirements of Clause 4.6(3). It is considered that the variation can be supported as compliance with the standard is unreasonable or unnecessary in this instance and there are sufficient environmental planning grounds to justify the contravention. The development is consistent with the objectives of the standard and the objectives for development within the zone.

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 426/2024/JP at 14-16 Brookhollow Ave, Norwest be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at **Attachment A**.

It is recommended that the applicant's Clause 4.6 written request to vary Clause 4.3 Height of Buildings development standard of The Hills Local Environmental Plan 2019 is supported as it adequately justifies the contravention of the development standards having regard to the requirements of Clause 4.6(3). It is considered that the variation can be supported as compliance with the standard is unreasonable or unnecessary in this instance and there are sufficient environmental planning grounds to justify the contravention. The development is consistent with the objectives of the standard and the objectives for development within the zone.

The following attachments are provided:

- Attachment A: Draft Conditions of consent
- Attachment B: Locality Plan
- Attachment C: Aerial Map
- Attachment D: LEP Zoning Map
- Attachment E: LEP Height of Buildings Map
- Attachment F: LEP Floor Space Ratio Map
- Attachment G: Site Plan

- Attachment H: Floor Plans
- Attachment I: Elevations
- Attachment J: Signage Plan
- Attachment L: Shadow Diagrams
- Attachment M: Clause 4.6 Request
- Attachment N: Design Advisory Panel Meeting Report
- Attachment O: Applicant's response to Design Advisory Panel Meeting
- Attachment P: Planning Secretary Concurrence
- Attachment Q: Finishes Schedule
- Attachment R: Perspectives

ATTACHMENT A – DRAFT CONDITIONS OF DEVELOPMENT CONSENT

ALL DEVELOPMENT TYPES GENERAL CONDITIONS

1.	Approved Plans and Supporting Documentation				
	Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.				
	Approved plans				
	Plan number	Revision number	Plan title	Drawn by	Date of plan
	A1000	I	Demolition Plan	Group GSA	20/05/2024
	A1101	K	Proposed Site Plan	Group GSA	23/05/2024
	A1102	I	Basement 1 Overall Plan	Group GSA	3/04/2024
	A1103	K	Ground Level Overall Plan	Group GSA	3/04/2024
	A2001	K	Basement 4 GA Plan	Group GSA	25/07/2024
	A2002	K	Basement 3 GA Plan	Group GSA	25/07/2024
	A2003	K	Basement 2 GA Plan	Group GSA	25/07/2024
	A2004	L	Basement 1 GA Plan	Group GSA	25/07/2024
	A2005	I	Basement 1 Mezzanine GA Plan	Group GSA	20/05/2024
	A2006	J	Ground Level GA Plan	Group GSA	20/05/2024
	A2007	I	Level 1 GA Plan	Group GSA	13/06/2024
	A2008	H	Level 2 GA Plan	Group GSA	7/12/2023
	A2009	H	Level 3 GA Plan	Group GSA	7/12/2023
	A2010	H	Level 4 GA Plan	Group GSA	7/12/2023
	A2011	H	Level 5 GA Plan	Group GSA	7/12/2023
	A2012	H	Level 6 GA Plan	Group GSA	7/12/2023
	A2013	H	Level 7 GA Plan	Group GSA	7/12/2023
	A2014	H	Level 8 GA Plan	Group GSA	7/12/2023
	A2015	H	Level 9 GA Plan	Group GSA	7/12/2023
	A2016	H	Roof Plant GA Plan	Group GSA	7/12/2023
	A2017	H	Roof GA Plan	Group GSA	7/12/2023
	A2120	B	Overall Evacuation Plan	Group GSA	3/04/2024
	A2121	C	Childcare Evacuation Plan	Group GSA	13/06/2024
	A2800	G	Building Signage	Group GSA	2/08/2023
	A3000	G	Elevation – North	Group GSA	2/08/2023
	A3001	J	Elevation – South	Group GSA	13/06/2024
	A3002	H	Elevation – East	Group GSA	7/12/2023
	A3003	I	Elevation – West	Group GSA	3/04/2024
	A3004	G	Section Elevation - Site Link - West	Group GSA	2/08/2023
	A3005	J	Section Elevation - Site Link - East	Group GSA	13/06/2024
	A3100	G	Section 1	Group GSA	2/08/2023
	A3101	H	Section 2	Group GSA	3/04/2024
	A3102	H	Section 3	Group GSA	13/06/2024
	A3103	I	Entry & Basement Ramp Sections	Group GSA	25/07/2024
	A3104	J	Site Sections	Group GSA	13/06/2024

A3105	G	Site Sections	Group GSA	2/08/2023
A5100	G	Kitchen Plans and Elevations	Group GSA	2/08/2023
A5500	I	Childcare Plans	Group GSA	13/06/2024
A5501	H	Childcare Sections and Elevations	Group GSA	13/06/2024
A5600	I	Window Schedule	Group GSA	13/06/2024
A6900	G	External Materials Finishes	Group GSA	2/08/2023
A6901	G	External Materials Finishes	Group GSA	2/08/2023
A6902	G	External Materials Finishes	Group GSA	2/08/2023
A6903	G	External Materials Finishes	Group GSA	2/08/2023
SK0001	G	External View	Group GSA	2/08/2023
SK0002	G	External View	Group GSA	2/08/2023
SK0003	G	External View	Group GSA	2/08/2023
SK0004	G	External View	Group GSA	2/08/2023
SK0005	G	External View	Group GSA	2/08/2023
SK0006	G	External View	Group GSA	2/08/2023
SK0007	G	External View	Group GSA	2/08/2023
SK0008	G	External View	Group GSA	2/08/2023
SK0009	G	External View	Group GSA	2/08/2023
18264 DA 2	E	Ground Level Landscape Layout Plan	Vision Dynamics	17/05/2024
18264 DA 3	E	Ground Level Planting Plan	Vision Dynamics	17/05/2024
18264 DA 3A	E	Ground Level Coloured Planting Plan	Vision Dynamics	17/05/2024
18264 DA 4	E	Level 1	Vision Dynamics	17/05/2024
18264 DA 5	E	Level 2	Vision Dynamics	17/05/2024
18264 DA 6	E	Level 3	Vision Dynamics	17/05/2024
18264 DA 7	E	Level 4	Vision Dynamics	17/05/2024
18264 DA 8	E	Level 6	Vision Dynamics	17/05/2024
18264 DA 9	E	Sections	Vision Dynamics	17/05/2024
18264 DA 10	E	Sections	Vision Dynamics	17/05/2024
18264 DA 11	E	Plant Schedule Images and Detail	Vision Dynamics	17/05/2024
18264 DA 12	E	Existing and Proposed Tree Canopy	Vision Dynamics	17/05/2024
-	-	Numbering Plans	The Hills Shire Council	-

Approved documents

Document title	Version number	Prepared for	Date of document
Plan of Management	Draft	ICH Corp	September 2023

	<p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>
2.	<p>Construction Certificate</p> <p>Before building works commence for the approved development, it is necessary to obtain a construction certificate. A construction certificate may be issued by Council or a Registered Certifier. Plans submitted with the construction certificate are to be amended to incorporate the conditions of the development consent.</p> <p>Condition reason: To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation, and to ensure compliance with the legislative requirements.</p>
3.	<p>Building Work to be in Accordance with BCA</p> <p>During building work, all building work must be carried out in accordance with the provisions of the Building Code of Australia as referenced by Section 69 of the Environmental Planning and Assessment Regulation 2021.</p> <p>Condition reason: To ensure compliance with the legislative requirements.</p>
4.	<p>Separate Application for Other Signs</p> <p>A separate application is required to be submitted to, and approved by Council prior to the erection of any advertisements or advertising structures other than the sign(s) approved in this consent.</p> <p>Condition reason: To ensure approval is provided for additional signs.</p>
5.	<p>Design Amendments</p> <p>Before the issue of a construction certificate, the certifier must ensure the construction certificate plans and specifications detail the following required amendments to the approved plans and documents:</p> <p>a) The IT sign located on the roof level is to be relocated to the floor below, on level 9.</p> <p>b) 10 disabled parking spaces are to be provided within the development.</p> <p>Condition reason: To require minor amendments to the plans endorsed by the consent authority following assessment of the development.</p>
6.	<p>Separate Development Application for Occupations</p> <p>Before occupation of the food and drink premises, gymnasium and function centre, a separate development application is required for the tenancies unless allowed by the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p>Condition reason: To assess intended use or occupation against relevant environmental planning instruments.</p>
7.	<p>NSW Police Requirements</p> <p>The following is required or as otherwise agreed by NSW Police and Council in writing:</p> <p>Surveillance:</p> <p>Installation of a security intercom system is required to access the basement car park and main lobbies. Each unit is to contain an intercom system to enable access for visitors to the basement car park and lobby. Security access is to be utilised at the entrance of the basement.</p>

	<p>CCTV coverage is required to be installed to monitor all common areas and entry/exits points. Use of height indicator stickers on entrance/exit doors is required on entry/exit doors.</p> <p>Vegetation close to pedestrian pathways is to be provided with 3-5m of cleared space located either side of residential pathways and bicycle routs. Thereafter, vegetation can be stepped back in height to maximise sightlines.</p> <p>Lighting:</p> <p>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.</p> <p>Territorial Reinforcement:</p> <p>All public access points are to be well marked.</p> <p>Environmental Maintenance:</p> <p>Use of anti-graffiti building materials.</p> <p>Access Control:</p> <p>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).</p> <p>Ensure improved strength and better-quality locking mechanism to security roller shutters/garage doors.</p> <p>Fire doors are to be alarmed and a magnetic strip is required so that the door will shut closed.</p> <p>Caged storage units are to be built up to the ceiling with a door with better quality locking mechanisms to be used.</p> <p>Ensure there are no outer ledges capable of supporting hands/feet and balustrades cannot provide anchor points for ropes.</p> <p>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.</p> <p>High quality letter boxes that meet AS ISO9001:2008 are required. The letterboxes are to be under CCTV surveillance.</p> <p>Park smarter signage to be installed around the car park.</p> <p>Signage to be installed in the car park warning residents to watch those who come in the entry/exit door behind them.</p> <p>Condition reason: To ensure compliance with NSW Police requirements.</p>
8.	<p>Compliance with Endeavour Energy Requirements</p> <p>The development shall comply with the requirements of Endeavour Energy as outlined in correspondence dated 5 October 2023 uploaded on the NSW Planning Portal and included in Attachment 1.</p> <p>Condition reason: To ensure compliance with Endeavour Energy requirements.</p>
9.	<p>Compliance with Norwest Association Requirements</p> <p>Before the issue of a construction certificate, the development shall comply with the requirements of Norwest Association as outlined within correspondence dated 19 September 2023, submitted with the Development Application, unless other conditions in this consent expressly require otherwise.</p> <p>Condition reason: To ensure compliance with Norwest Association requirements.</p>

10.	Planning Agreement															
	The obligations in the Planning Agreement between BHA Corp Pty Ltd and The Hills Shire Council dated 31 October 2022 (Planning Agreement), or any future variation of this Planning Agreement, must be satisfied in accordance with the terms of the Planning Agreement including but not limited to, the Payment of Monetary Contributions, Completion of Capital Works and Dedication of Land as detailed within the Planning Agreement.															
	Condition reason: To contribute towards public infrastructure for the area.															
11.	Tree Removal															
	Approval is granted for the removal of forty-four (44) trees numbered 1-12, 15-18, 22, 24-25, 27-28, 31-34, 36-37, 45, 50-53, 57-58, 60-62, and 64-70 as detailed in the Arboricultural Impact Assessment prepared by Advanced Treescape Consulting Issue 3 dated 26/07/2024. 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.															
	Condition reason: To provide details of trees approved for removal.															
12.	Provision of Parking Spaces															
	Before the issue of an occupation certificate, the development is required to be provided with 317 off-street car parking spaces and shall be labelled which spaces are for each land use prior to occupation of the premises. These car parking spaces shall be available for off street parking at all times unless otherwise stated in the below table.															
	<table border="1"> <thead> <tr> <th>Uses</th><th>Provision of car parking spaces</th></tr> </thead> <tbody> <tr> <td>Commercial Offices</td><td>102 spaces</td></tr> <tr> <td>Food and Drink premises</td><td>8 spaces</td></tr> <tr> <td>Child Care Centre</td><td>40 spaces</td></tr> <tr> <td>Hotel</td><td>30 spaces</td></tr> <tr> <td>Gymnasium</td><td>29 spaces</td></tr> <tr> <td>Function Centre</td><td>101 spaces</td></tr> <tr> <td>Unallocated for use</td><td>7 flexible spaces</td></tr> </tbody> </table> <p>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:</p> <ul style="list-style-type: none"> At least 15 of the 102 spaces dedicated to the commercial offices are to be freely available after 6pm on week nights and on weekends for exclusive use of the patrons of the food and drink premises. 	Uses	Provision of car parking spaces	Commercial Offices	102 spaces	Food and Drink premises	8 spaces	Child Care Centre	40 spaces	Hotel	30 spaces	Gymnasium	29 spaces	Function Centre	101 spaces	Unallocated for use
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	Condition reason: To ensure compliance with parking requirements.															
13.	No Left Turn Signage															
	Before the issue of a construction certificate, a detailed drawing of the signs and linemarkings associated with the development must be submitted for the endorsement of the Local Traffic Committee and Council approval. This includes a 'No Left Turn for Vehicles Over 6m' sign to be placed east of the property driveway on Brookhollow Avenue, to prevent vehicles longer than 6m from making a left turn into the site from the westbound direction.															

	<p>If the Local Traffic Committee endorsement cannot be obtained, the driveway design must be revised to accommodate all vehicle movements.</p> <p>Condition reason: To facilitate appropriate vehicular access to private sites, without disruption to pedestrian and vehicular traffic</p>								
14.	<p>Existing Traffic and Parking Signage</p> <p>While site work is being carried out, the existing No Stopping, 2P, Pedestrian Crossing and any other street signs along the site frontage on Brookhollow Avenue must not be removed, altered, or damaged. If the existing signage is conflicting with the development works, the sign(s) shall be relocated to an appropriate location agreed by Council at the full cost of the Developer.</p> <p>Condition reason: To ensure that existing traffic and parking signage are not compromised during works.</p>								
15.	<p>Parking Restrictions</p> <p>While site work is being carried out, existing public parking provisions in the vicinity of the site must be maintained at all times during works. The placement of any signs, barriers, traffic cones, obstructions or other device in the road shoulder or kerbside lane is prohibited without the prior written consent of Council. Changes to existing public parking facilities/restrictions must be agreed to by Council and will be assessed against Council policies and to ensure that road safety is not compromised. A detailed drawing of the signs and line marking associated with the development, showing any proposed change to parking restrictions shall be provided by the developer for the endorsement of the Local Traffic Committee and Council approval.</p> <p>The Developer will be held responsible for any breaches of this condition and will incur any fines associated with enforcement by Council regulatory officers.</p> <p>Condition reason: To ensure that existing kerbside parking provisions are not compromised during works.</p>								
16.	<p>Education and Care Services National Regulations</p> <p>The design and management of the childcare centre must conform to the requirements of the Education and Care Services National Regulations.</p> <p>Condition reason: To ensure compliance with the Regulations.</p>								
17.	<p>Property Numbering and Cluster Mailboxes for Multi Dwelling Housing, Residential Flat Buildings, Mixed Use Development, Commercial Developments and Industrial Developments</p> <p>The overall property address for this development is: 14-16 Brookhollow Avenue NORWEST NSW 2153</p> <p>Café – G01/14-16 Brookhollow Avenue NORWEST NSW 2153</p> <p>Function Centre – G02/14-16 Brookhollow Avenue NORWEST NSW 2153</p> <p>Childcare – G03/14-16 Brookhollow Avenue NORWEST NSW 2153</p> <p>Gym – G04/14-16 Brookhollow Avenue NORWEST NSW 2153</p> <p>Hotel – 212/14-16 Brookhollow Avenue NORWEST NSW 2153</p> <p>Offices – as below & per Numbering Plan</p> <p>Approved numbering is as per approved Numbering Plans and as follows:</p> <table> <tr> <td>Level</td><td>Unit Numbers</td></tr> <tr> <td>Ground</td><td>G01 – G04</td></tr> <tr> <td>One</td><td>101 – 111</td></tr> <tr> <td>Two</td><td>201 – 212</td></tr> </table>	Level	Unit Numbers	Ground	G01 – G04	One	101 – 111	Two	201 – 212
Level	Unit Numbers								
Ground	G01 – G04								
One	101 – 111								
Two	201 – 212								

Three	301 – 311
Four	401 – 409
Five	501 – 509
Six	601 – 607
Seven	701 – 707
Eight	801 – 807
Nine	901

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. 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 lobbies.

External directional signage is to be erected on site to ensure all numbering signage throughout the complex is clear to assist emergency service providers locate a destination easily & quickly.

Mailboxes

Australia Post Approval required: -

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 A2006 Issue J Dated 20/05/2024 are to be approved by Australia Post for mail delivery. Plans are to be provided to Sobhana Gangadharan at the Seven Hills Delivery Centre via email Sobhana.Gangadharan@auspost.com.au 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 Office spaces (73), plus 4 (one for Café, one for Function Centre, one for Childcare Facility, one for Gym), plus 1 for Hotel, plus 1 for the proprietors of the development. Total number of mailboxes to be provided is 79.

Mailboxes are to be per Australia Post size requirements.

Mailboxes for the Café, Function Centre, Childcare Facility, Gym, Hotel, and Proprietor are to be located within the mailbox cluster in the Ground Floor lobby at 14-16 Brookhollow Avenue NORWEST NSW 2153.

Strata Developments

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

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

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

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

	Condition reason: To ensure consistent addressing as per Australian Standard AS/NZS 4819 Rural and Urban Addressing, Council and Geographical Names Board guidelines. Final development can be located in the event of an emergency and for mail delivery.
18.	Occupation Certificate
	Before occupation and ongoing use of a building resulting from a change of use, the applicant is required to obtain an occupation certificate from Council or Private Certifier.
	Condition reason: To ensure compliance with the legislative requirements.

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

19.	Waste Management Plan – An Approved Document of this Consent
	Before the issue of a construction certificate, a waste management plan for the development must be provided to the principal certifier.
	Condition reason: To ensure resource recovery is promoted and local amenity protected during construction.
20.	Construction Site Management Plan
	Before the issue of a construction certificate, a construction site management plan must be prepared, and provided to Council's Manager – Subdivision and Development Certification. The plan must include the following matters:
	<ul style="list-style-type: none"> a) The location and materials for protective fencing and hoardings on the perimeter of the site; b) Provisions for public safety; c) Pedestrian and vehicular site access points and construction activity zones; d) Details of construction traffic management including: <ul style="list-style-type: none"> i. Proposed truck movements to and from the site; ii. Estimated frequency of truck movements; and iii. Measures to ensure pedestrian safety near the site; e) Details of bulk earthworks to be carried out; f) The location of site storage areas and sheds; g) The equipment used to carry out works; h) The location of a garbage container with a tight-fitting lid; i) Dust, noise and vibration control measures; j) The location of temporary toilets; k) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: <ul style="list-style-type: none"> i. AS 4970 – Protection of trees on development sites; ii. An applicable Development Control Plan; iii. An arborist's report approved as part of this consent.
	A copy of the construction site management plan must be kept on-site at all times while work is being carried out.
	Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

21.	Notice of Requirements
	Before the issue of a construction certificate, submit documentary evidence to the Certifying Authority, including a Notice of Requirements, from Sydney Water Corporation confirming that satisfactory arrangements have been made for the provision of water and sewerage facilities.
	Following an application, a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water / sewer extensions can be time consuming and may impact on other services and building, driveway, and landscape design.
	Condition reason: To ensure compliance with Sydney Water requirements.

BEFORE WORK COMMENCES

22.	Engagement of a Project Arborist
	Before site works commence, 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.
	Condition reason: To protect vegetation.
23.	Ground Protection within Tree Protection Zone
	Before site works commence, ground protection measures are required where any construction access or works are within the TPZ of any tree (s) identified for retention which include the following: a) Temporary access for machinery, vehicular and foot traffic within the TPZ of trees on the site and/or on adjoining Council site (s). A permeable membrane such as geo-textile fabric beneath a layer of mulch or crushed rock below rumble boards as per Clause 4.5.3 Ground protection AS4970-2009 Protection of trees on development sites.
	Condition reason: To protect trees.
24.	Erosion and Sediment Controls in Place
	Before site work commences, the certifying authority must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the NSW Department of Housing manual ‘Managing Urban Stormwater: Soils and Construction Certificate’ (the Blue Book) (as amended from time to time).
	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
25.	Management of Building Sites

	<p>Before building work commences, suitable fencing or other measures to restrict public access to the site and building works, materials or equipment when the building work is not in progress or the site is otherwise unoccupied is to be provided.</p> <p>The erection of a sign, in a prominent position, stating that unauthorised entry to the site is not permitted and giving an after hours contact name and telephone number.</p> <p>Condition reason: To protect workers, the public and the environment.</p>
26.	<p>Builder and Principal Certifier Details</p> <p>Before building work commences, the builders name, address, telephone and email information must be submitted to the Principal Certifier. Where Council is not the Principal Certifier, Council must be notified of the Principal Certifier in writing two days before building works commence in accordance with the Regulations.</p> <p>Condition reason: To ensure compliance with the legislative requirements.</p>
27.	<p>Consultation with Service Authorities</p> <p>Before building work commences, applicants are advised to consult with Telstra, NBN Co and Australia Post regarding the installation of telephone conduits, broadband connections and letterboxes as required.</p> <p>Applicants are advised to consult with the relevant electricity authority with respect to electricity supply and connection points to the site, or any other electrical infrastructure located in close proximity to the proposed works. Unimpeded access must be available to the electricity supply authority, during and after building, to the electricity meters and metering equipment.</p> <p>In the interest of health and safety, applicants are to contact before you dig Australia www.byda.com.au in order to protect damage to third party assets. It is the individuals responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the dial before you dig service in advance of any construction or planning activities.</p> <p>Condition reason: To ensure compliance with relevant service provider's requirements.</p>

DURING WORKS

28.	<p>Waste Management</p> <p>While site work is being carried out:</p> <ol style="list-style-type: none"> a) all waste management must be undertaken in accordance with the waste management plan, and b) upon disposal of waste, records of the disposal must be compiled and provided to the principal certifier, detailing the following: <ol style="list-style-type: none"> i. The contact details of the person(s) who removed the waste; ii. The waste carrier vehicle registration; iii. The date and time of waste collection; iv. A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill; v. The address of the disposal location(s) where the waste was taken; vi. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.
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	<p>c) If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and council.</p> <p>Condition reason: To require records to be provided, during site work, documenting the lawful disposal of waste.</p>
29.	<p>Protection of Tree Canopy</p> <p>While works are being carried out, care shall be taken when operating excavation machineries, cranes and similar equipment near trees to avoid damage to tree canopies (foliage and branches).</p> <p>Any damages to trees during the construction period must be inspected by a Project Arborist and remedial action is to be implemented and certified by the Project Arborist.</p> <p>Condition reason: To protect tree canopy.</p>
30.	<p>Notification of New Contamination</p> <p>During site works, ground conditions must be monitored and when new evidence including, but not limited to, imported fill, buried building materials, asbestos, odour and/or staining, works are to immediately cease and Council's Manager- Environment and Health is to be notified.</p> <p>A site contamination investigation is to be carried out in accordance with the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> and submitted to Council's Manager – Environment and Health for review.</p> <p>Approval from Council's Manager – Environment and Health must be obtained in writing prior to works recommencing on site.</p> <p>Condition reason: To ensure controls are in place for contamination management.</p>
31.	<p>Soil Management</p> <p>While site work is being carried out, the certifying authority must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:</p> <p>a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the certifying authority</p> <p>b) All fill material imported to the site must be:</p> <p>i. Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i>, or</p> <p>ii. a material identified as being subject to a resource recovery exemption by the NSW EPA, or</p> <p>iii. a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> and a material identified as being subject to a resource recovery exemption by the NSW EPA.</p> <p>Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.</p>
32.	<p>Dust Control</p> <p>During site works, dust suppression techniques must be used to minimise nuisance to surrounding properties. In the absence of any alternative measures, the following measures must be taken to control the emission of dust:</p> <p>a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the demolition and construction work;</p>

	<p>b) All dusty surfaces must be wet down and suppressed by means of a fine water spray. Water used for dust suppression must not cause water pollution; and</p> <p>c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.</p> <p>Condition reason: To prevent the movement of dust outside the boundaries of the development.</p>
33.	<p>Stockpiles</p> <p>During site work, stockpiles of topsoil, sand, aggregate or other material capable of being moved by water must be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.</p> <p>Condition reason: To protect waterways.</p>
34.	<p>Noise and vibration –an approved document of this consent</p> <p>While site work is being carried out:</p> <ul style="list-style-type: none"> i. the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times, and i. a copy of these plans must be kept on site at all times and made available to council officers upon request. <p>Condition reason: To protect the amenity of the neighbourhood during construction.</p>
35.	<p>Hours of Work</p> <p>Site work must only be carried out between the following times – For all works from 7:00am to 5:00pm on Monday to Saturday. No work to be carried out on Sunday or Public Holidays. Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.</p> <p>Condition reason: To protect the amenity of the surrounding area.</p>

ON COMPLETION OF WORKS

36.	<p>Removal of waste upon completion</p> <p>After completion of all site work: all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan, and written evidence of the waste removal must be provided to the satisfaction of the principal certifier.</p> <p>Condition reason: To ensure waste material is appropriately disposed or satisfactorily stored.</p>
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BEFORE ISSUE OF OCCUPATION/SUBDIVISION CERTIFICATE

37.	<p>Section 73 Certificate must be Submitted to the Principal Certifier Prior to Issue of Occupation Certificate</p> <p>Before the issue of an occupation certificate, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.</p> <p>Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.</p> <p>Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Building and developing > Developing your land > water Servicing Coordinator or telephone 13 20 92.</p> <p>The Section 73 Certificate must be submitted to the Principal Certifier before occupation of the development/release of the plan of subdivision.</p>
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	Condition reason: To ensure the development will be satisfactorily serviced by Sydney Water and that the requirements of Sydney Water have been complied with.
38.	Irrigation
	Before the issue of a construction certificate, an automatic watering system is to be installed as a minimum to all common areas and rooftop planters. Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be communicated to Council or Private Certifier.
	Condition reason: To ensure irrigation is provided.
39.	Provision of Electricity Services
	Before the issue of an occupation certificate, a compliance certificate from the relevant service provider must be submitted confirming satisfactory arrangements have been made for the provision of electricity services. This includes undergrounding of existing and proposed services where directed by Council or the relevant service provider.
	Condition reason: To ensure relevant utility and service providers requirements are provided to the certifier.
40.	Provision of Telecommunications Services
	Before the issue of an occupation certificate, a compliance certificate from the relevant telecommunications provider, authorised under the Telecommunications Act must be submitted confirming satisfactory arrangements have been made for the provision of, or relocation of, telecommunication services including telecommunications cables and associated infrastructure. This includes undergrounding of aerial telecommunications lines and cables where required by the relevant telecommunications carrier.
	Condition reason: To ensure relevant utility and service providers requirements are provided to the certifier.

OCCUPATION AND ONGOING USE

41.	Charcoal and solid fuel cooking prohibited
	No charcoal or solid fuel cooking activities are permitted on the premises.
	Condition reason: To manage odours and safety.
42.	Compliance with Plan of Management
	The development must operate in accordance with the Plan of Management dated September 2023 and as amended by the conditions of this development consent.
	Condition reason: To ensure the land uses operate in a manner that will mitigate amenity impacts to surrounding properties.
43.	Child and Staff Numbers (Child Care Facility)
	A maximum of 122 enrolled children are permitted to be at the childcare facility. Any change to the number of children will require an application to Council to modify this condition.
	<p>The maximum number of children within each age category is limited to the following:</p> <ul style="list-style-type: none"> • 0-2 years – 12 children.

	<ul style="list-style-type: none"> • 2-3 years – 49 children. • 3-5 years – 61 children. <p>The maximum number of staff at the childcare facility at any one time is limited to 20.</p> <p>Condition reason: To ensure compliance with the legislative requirements.</p>
44.	<p>Maximum number of seats in Function Centre</p> <p>A maximum of 260 seats are permitted in the function centre at any one time.</p> <p>Condition reason: To ensure adequate provision is provided to cater for the capacity of the premises.</p>
45.	<p>Maximum number of rooms in hotel</p> <p>A maximum of 80 rooms and 20 staff are permitted for the hotel at any one time.</p> <p>Condition reason: To ensure adequate provision is provided to cater for the capacity of the premises.</p>

DEMOLITION WORK BEFORE WORK COMMENCES

46.	<p>Notification of Asbestos Removal</p> <p>Before commencement of any demolition works involving asbestos containing materials, all adjoining neighbours, Council and WorkCover NSW must be given a minimum five days written notification of the works.</p> <p>Condition reason: To ensure compliance with legislation and ensure public and work safety.</p>
47.	<p>Asbestos Removal Signage</p> <p>Before demolition work commences involving the removal of asbestos, a standard commercially manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos.</p> <p>Condition reason: To alert the public to any danger arising from the removal of asbestos.</p>

DURING DEMOLITION WORKS

48.	<p>Handling of Asbestos During Demolition</p> <p>While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:</p> <ol style="list-style-type: none"> Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material; Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA online reporting tool WasteLocate. <p>Condition reason: To ensure that the removal of asbestos is undertaken safely and professionally.</p>
49.	<p>Trenching within Tree Protection Zone</p> <p>Whilst site works are being carried out, any trenching for installation of retaining walls, drainage, sewerage, irrigation or any other services shall not occur within the Tree Protection Zone of trees identified for retention without prior notification to the Certifier or Council (where a certifier is not required) or under supervision of a project arborist.</p> <p>If supervision by a project arborist is selected, certification of supervision must be provided to (the Certifier or Council (where a certifier is not required) within 14 days of completion of trenching works.</p>

	Condition reason: To protect trees during the carrying out of site work.
50.	<p>Management of Construction and/or Demolition Waste</p> <p>During works, waste materials are to be stored and secured in a designated waste storage area. Onsite, there must be:</p> <ul style="list-style-type: none"> a) A separate bin dedicated for disposal of waste created by builders; b) Source separation of metals, timber, masonry products and clean waste plasterboard; c) Receipts of all waste/recycling tipping that can be given to an authorised officer of Council. <p>Any materials moved offsite are to be transported in accordance with the Protection of the Environmental Operations Act 1993, including the transportation of asbestos waste.</p> <p>Condition reason: To ensure resource recovery is promoted, local amenity protected during construction and lawful waste disposal.</p>

BUILDING WORK GENERAL CONDITIONS

51.	<p>Vehicle Crossing Application</p> <p>Before the issue of any construction certificate, the consent holder must lodge a vehicular crossing application with council. Each driveway requires the lodgement of a separate gutter and footpath crossing application, accompanied by the applicable fee as per Council's Schedule of Fees and Charges.</p> <p>Driveways entry points must be located clear of all utility services. It is recommended that discussion be held with the relevant authorities before construction works commence. Council does not accept any responsibility towards these services. The applicant is to arrange with the appropriate service provider for any above ground service riser or access point to be constructed clear of any proposed or existing pedestrian footways, and if possible, located in recessed unobtrusive locations. Should any service provider require and/or insist the applicant/developer build a service riser that would create an obstruction and pose a potential safety hazard, then the applicant/developer should refer the request to Council for negotiation directly with the Service Network Authority.</p> <p>NOTE: The receipt shall be provided to the Certifier as evidence of lodgement.</p> <p>Condition reason: To ensure that the site has adequate access, and the vehicular crossing is not classing with other services.</p>
52.	<p>Road Opening Permit</p> <p>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.</p> <p>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.</p> <p>Condition reason: To protect the roads.</p>
53.	<p>Protection of Public Infrastructure</p> <p>Council must be notified of any damage to public infrastructure caused by the development. Adequate protection must be provided prior to work commencing and maintained during building operations. Any damage caused must be made good, to the satisfaction of Council, before an Occupation Certificate can</p>

	<p>be issued. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site.</p> <p>Condition reason: To document any damaged to public infrastructure during construction and subsequently any damage is to be made good prior to Occupation Certificate.</p>
54.	<p>Security Bond Requirements</p> <p>A security bond may be submitted in lieu of a cash bond. The security bond must:</p> <ul style="list-style-type: none"> a) Be in favour of The Hills Shire Council; b) 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); c) Have no expiry date; d) Reference the development application, condition and matter to which it relates; e) Be equal to the amount required to be paid in accordance with the relevant condition; f) Be itemised if a single security bond is used for multiple items. <p>Should Council need to uplift the security bond, notice in writing will be forwarded to the applicant 14 days prior.</p> <p>Condition reason: For information purposes only.</p>
55.	<p>Vehicular Access and Parking</p> <p>Before the issue of the relevant construction certificate, a suitably qualified engineer must review the plans which relate to parking facilities and provide written evidence, to the certifier's satisfaction that the formation, surfacing and drainage of all driveways, parking modules, circulation roadways, sight distance and ramps/circular ramps have been design and construction complying are in accordance with:</p> <ul style="list-style-type: none"> a) AS/ NZS 2890.1 b) AS/ NZS 2890.6 c) AS/ NZS 2890.2 d) DCP Part C Section 1 – Parking e) Council's Driveway Specifications <p>Where conflict exists, the Australian Standard must be used.</p> <p>The following must be provided:</p> <ul style="list-style-type: none"> f) 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. g) All driveways and car parking areas must be separated from landscaped areas by a low-level concrete kerb or wall. h) 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. i) All driveways and car parking areas must be graded, collected, and drained by pits and pipes to a suitable point of legal discharge. j) Adequate signposting to notify drivers that access to parking space P78 must be 'reverse in' only

	These requirements shall be reflected on the Construction Certificate plans and supporting documentation to the satisfaction of the Certifier before the issue of a construction certificate.
	Condition reason: To ensure parking facilities are designed in accordance with the Australian Standard and Council's DCP.
56.	External Finishes
	During occupation and ongoing use of the development, the external finishes and colours shall be in accordance with the details submitted with the development application and approved with this consent.
	Condition reason: To ensure quality built form of development.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

57.	Access and Loading for Waste Collection
	<p>Before the issue of a construction certificate, construction plans satisfied by the Certifier must demonstrate waste vehicle access and loading facilities designed and provided on site in accordance with AS 2890 for the minimum standard 8.8m long medium rigid vehicle (minimum 3.5m clear vertical clearance exception).</p> <p>The following requirements must also be satisfied:</p> <ol style="list-style-type: none"> 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 AS 2890.1. All manoeuvring and loading areas for waste collection vehicles must be clearly and permanently line marked, signposted and maintained. Pedestrian paths around the designated waste collection areas must be clearly and permanently line marked, signposted and maintained. 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. 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 a waste collection vehicle, remote access or alternative solution which ensures there is no requirement for waste collection contractors to exit the cab.
	Condition reason: To ensure safe and adequate loading facilities are provided for the waste vehicle to enter the site and service all waste collections.
58.	Construction of Waste Storage Area(s)
	<p>Before the issue of a construction certificate, construction plans are to be submitted to the certifier that demonstrate the waste storage areas are designed and constructed in accordance with the following requirements:</p> <ol style="list-style-type: none"> The area(s) must provide minimum storage facility for the total minimum number of bins as detailed in the operational waste management plan Report No. 4817 Revision D. The layout of the waste storage area(s) must ensure that each bin is easily accessible and manoeuvrable in and out of the areas. 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. The waste storage area(s) must have a staff access door. The staff access door must be separate to

	<p>the waste servicing door. If a loading dock is proposed in the development the staff access door must be located to ensure that staff do not have access to the loading dock to gain access to the waste storage area(s).</p> <p>g) 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.</p> <p>h) The waste storage area(s) must be ventilated. Vented waste storage areas must not be connected to the same ventilation system supplying air to the commercial units.</p> <p>i) 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), must not conflict with the space designated for the placement of bins.</p> <p>j) The waste storage area(s) must be provided with internal lighting.</p> <p>k) The maximum grade acceptable for moving bins for collection purposes is 5%.</p> <p>l) The waste storage area(s) must have appropriate signage mounted in a visible location on internal walls and are to be permanently maintained by Owners corporation.</p> <p>Condition reason: To ensure all developments provide adequate storage space for all bins allocated to the site and to promote efficient waste management with bins being out of site from public view or neighbour properties.</p>
59.	<p>Preparation of Construction and Fit Out Plans for Food and Drink Premises</p> <p>Before the issue of a construction certificate, detailed plans of all food and beverage preparation, installation of a commercial dishwasher, serving and storage areas (including for perishable stock, waste, chemicals and personal belongings) must be prepared by a suitably qualified person.</p> <p>The detailed plans must be prepared in accordance with the following editions in force on the date of determination and provided to the certifying authority:</p> <p>a) Food Standards Code (Australia) and Food Safety Standard</p> <p>3.2.3 – Food Premises and Equipment</p> <p>b) Food Act 2003 and Food Regulation 2015</p> <p>c) Australian Standard 4674:2004 :Design, Construction and</p> <p>Fit-out of Food Premises</p> <p>d) Plumbing Code of Australia and Australian Standard/New Zealand Standard AS/NZS 3500 series on Plumbing and Drainage</p> <p>e) Sydney Water commercial trade wastewater requirements for food premises, and</p> <p>f) any relevant Water Services Association of Australia codes of practice, guidelines, policies and requirements.</p> <p>Condition reason: To ensure detailed construction and fit out plans are submitted which comply with the relevant standards.</p>
60.	<p>Preparation of Mechanical Ventilation Plans</p> <p>Before the issue of a construction certificate, detailed plans of the mechanical exhaust ventilation system must be prepared by a suitably qualified person.</p> <p>The detailed plans must be in accordance with the following and submitted to the certifier:</p> <p>a) Australian Standard 1668: - The use of ventilation and air conditioning in buildings; and</p> <p>b) ensure all generate heated air, smoke, fumes, steam or grease vapours do not:</p> <p>i) cause a nuisance to persons within or nearby to the premises, or</p> <p>ii) cause air pollution as defined under the NSW Protection of the Environment Operations Act 1997</p> <p>Condition reason: To ensure that detailed professional plans of the approved mechanical ventilation system are submitted before the issue of a construction certificate.</p>

61.	<p>Security Bond – Road Pavement and Public Asset Protection</p> <p>The applicant must provide a security bond of \$286,044.00 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the rate of \$132.00 per square metre based on the road frontage of the subject site of 97 metres plus an additional 50m on either side along Brookhollow Avenue multiplied by the width of the road of 11 metres at the time this consent was issued.</p> <p>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.</p> <p>This requirement shall be reflected on the Construction Certificate plans and supporting documentation. The bond must be lodged with Council before the issue of a construction certificate or a subdivision work certificate, whichever precedes first/earlier. The bond amount is updated in accordance with Council's Fees and Charges relevant at the time of the actual payment.</p> <p>Condition reason: To ensure any damage to public infrastructure is rectified.</p>
62.	<p>Erosion and Sediment Control Plan</p> <p>Before the issue of a construction certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to THE CERTIFIER:</p> <ul style="list-style-type: none"> a) Council's relevant development control plan, b) the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time), and c) the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time). <p>Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.</p>
63.	<p>Onsite Stormwater Detention – Hawkesbury River Catchment Area</p> <p>Before the issue of a construction certificate or a subdivision work certificate, whichever precedes first/earlier, a suitably qualified civil engineer must prepare Onsite Stormwater Detention/Stormwater plan and provide written certification on the approved plans to satisfy the Certifier that:</p> <p>Onsite Stormwater Detention (OSD) has been designed in accordance with Council's adopted policy for the Hawkesbury River catchment area, the Upper Parramatta River Catchment Trust OSD Handbook, with amended parameters for the site storage requirement and permissible site discharge.</p> <ol style="list-style-type: none"> 1. The stormwater concept plan prepared by SGC Project no. 20210282, Drawing SW202/G, SW203/F, SW300/G, C201/D, dated 21/8/24 is for development application purposes only and is not to be used for construction. The detailed design must reflect the approved concept plan and the following necessary changes: <ul style="list-style-type: none"> a) Minimum required OSD volume is to be calculated on basis of the Upper Parramatta River Catchment Trust OSD calculation spreadsheet under drowned conditions for the impervious area exceeding 60% fraction impervious of the site area. 2. The design and construction of the OSD system must be approved by an accredited Certifier. The following must be included with the documentation approved as part of any Construction Certificate: <ul style="list-style-type: none"> a) Design/ construction plans prepared by an accredited OSD designer. b) A completed OSD Drainage Design Summary Sheet.

	<p>c) 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.</p> <p>d) A completed OSD Detailed Design Checklist.</p> <p>e) A maintenance schedule.</p>
	<p>Condition reason: To ensure runoff from the development do not impact local stormwater systems and waterways.</p>
64.	<p>Utilities and Services</p> <p>Before the issue of the relevant construction certificate, written evidence of the following service provider requirements must be provided to the certifier:</p> <p>a) a letter from Endeavour Energy demonstrating that satisfactory arrangements can be made for the installation and supply of electricity;</p> <p>b) a response from Sydney Water as to whether the plans accompanying the application for a construction certificate would affect any Sydney Water infrastructure, and whether further requirements need to be met;</p> <p>c) other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them.</p> <p>Condition reason: To ensure relevant utility and service providers' requirements are provided to the certifier.</p>
65.	<p>Stormwater Pump/ Basement Car Park Requirements</p> <p>Before the issue of a construction certificate, a suitably qualified civil engineer must review the stormwater pump-out system from the basement car parking and provide written certification on the approved plans to satisfy the certifier that:</p> <p>The stormwater pump-out system must be designed and constructed in accordance with AS/ NZS 3500.3:2015 - Plumbing and Drainage - Stormwater drainage. The system must be connected to the Onsite Stormwater Detention system before runoff is discharged to the street (or other point of legal discharge) along with the remaining site runoff, under gravity. All plans, calculations, hydraulic details and manufacturer specifications for the pump must be submitted with certification from the designer confirming compliance with the above requirements.</p> <p>Condition reason: To protect the Basement Car Park from surface runoff.</p>
66.	<p>Engineering Works and Design</p> <p>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.</p> <p>Engineering works can be classified as either "subdivision works" or "building works".</p> <p>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.</p> <p>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.</p> <p>The concept engineering plan prepared by SGC Revision G 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. Before the issue of a construction certificate or a subdivision work certificate, whichever precedes first/earlier, a suitably</p>

	<p>qualified civil engineer must review the Engineering design associated with this development and provide written certification on the approved plans to satisfy the certifier that:</p> <p>a) Water Sensitive Urban Design Elements</p> <p>Water sensitive urban design elements, consisting of porous paving, rainwater utilisation, etc, are to be located generally in accordance with the plans and information submitted with the application.</p> <p>Detailed plans for the water sensitive urban design elements must be submitted for approval.</p> <p>b) Acoustic wall</p> <p>Acoustic wall is to be designed and constructed to allow ingress of surface stormwater from upstream catchment(s) and must not impede flows within the swale.</p> <p>Details demonstrating compliance with the above must be submitted for approval.</p> <p>c) Swale</p> <p>Swale conveying stormwater runoff emanating from the upstream catchment is to be designed and constructed to cater for the all storm events up to and including the 1 in 100 year ARI storm.</p> <p>Rip rap rock protection at the downstream end of the swale is to be designed and constructed to reduce discharge to pre-developed flow rates.</p> <p>Walkway is to be designed and constructed to allow unimpeded stormwater flow along the swale for all storm events up to and including the 1 in 100 year ARI storm.</p> <p>Details demonstrating compliance with the above must be submitted for approval.</p> <p>d) Tanking/waterproofing of basement</p> <p>Basement area is to be permanently tanked or waterproofed.</p> <p>Details of waterproofing/tanking and certification stating the basement level is permanently waterproofed or tanked to prevent ingress of sub-surface flow or groundwater into the basement area are to be provided.</p> <p>Details demonstrating compliance with the above must be submitted for approval.</p> <p>Condition reason: To ensure that the engineering design associated with this development have been designed and completed in accordance with Australian standards, Council's relevant DCP and Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments.</p>
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BEFORE WORK COMMENCES

67.	Tree Protection Fencing
	Before any work begins on the site, 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 Arboricultural Impact Assessment prepared by Advanced Treescape Consulting Issue 3 dated 26/07/2024.
	Stockpiling of materials, placement of fill, parking of vehicles, compaction of soil, or washing of cement, other chemicals or fuel contaminants shall not occur within the designated root protection zone.
	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.
	Condition reason: To protect trees during the carrying out of site work.
68.	Tree Protection Signage

	<p>Before any work begins on the 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.</p> <p>Condition reason: To protect trees during the carrying out of site work.</p>
69.	<p>Mulching within Tree Protection Zone</p> <p>Before any work begins on the site, all areas within the Tree Protection Zone are to be mulched with composted leaf mulch to a depth of 100mm.</p> <p>Condition reason: To protect trees during the carrying out of site work.</p>
70.	<p>Compliance with hazardous materials survey</p> <p>Before work commencing, all of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the Hazardous Materials Survey Report prepared by Australian Geotechnical Pty Ltd dated 06/02/2019 (referenced AG-366-2) must be complied with. In particular:</p> <ul style="list-style-type: none"> • A competent and qualified person must conduct site investigations, sampling and NATA testing to ensure the vacant property is free from hazardous building material prior to bulk excavation works. • A clearance certificate must be provided to the Principal Certifier from a suitably qualified person confirming that all hazardous materials identified have been contained, managed or removed in accordance with the recommendations given in the approved Hazardous Materials Survey Report, and that the site is safe for future occupation in accordance with the approved use <p>Condition reason: To ensure safety for future occupants of the site.</p>
71.	<p>Dilapidation report</p> <p>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, to the satisfaction of the PRINCIPAL CERTIFIER.</p> <p>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.</p> <p>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.</p> <p>Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report</p>
72.	<p>Toilet Facilities</p> <p>Before building work commences, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.</p> <p>Each toilet provided:</p> <ol style="list-style-type: none"> a) must be a standard flushing toilet, and b) must be connected:

	<p>i. to a public sewer, or</p> <p>ii. if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the council, or</p> <p>iii. if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the council.</p>
	Condition reason: To ensure there are amenities provided to workers on site.
73.	<p>Erection of Signage – Supervision of Work</p> <p>Before works commencing on site the Certifier is to ensure a sign is erected in a prominent position displaying the following information:</p> <ul style="list-style-type: none"> • The name, address and telephone number of the Principal Certifying Authority; • The name and telephone number (including after hours) of the person responsible for carrying out the works; • That unauthorised entry to the work site is prohibited. <p>This signage must be maintained while the work is being carried out and must be removed upon completion.</p>
	Condition reason: To address requirements Environmental Planning and Assessment Regulations 2021.
74.	<p>Public Infrastructure Inventory Report</p> <p>Before works commencing on site the Principal Contractor must get a public infrastructure inventory report prepared and submitted to Council recording the condition of all public assets in the direct vicinity of the development site. This includes, but is not limited to, the road fronting the site along with any access route used by heavy vehicles. If uncertainty exists with respect to the necessary scope of this report, it must be clarified with Council before works commence. The report must include:</p> <p>a) Planned construction access and delivery routes; and</p> <p>b) Dated photographic evidence of the condition of all public assets.</p>
	Condition reason: To document the condition of public infrastructure prior to works commencing.
75.	<p>Traffic Control Plan</p> <p>Before the works commence on site a person with the relevant accreditation must complete and approve/sign a Traffic Control relevant to the site. A copy of the approved plan must be submitted to Council before being implemented.</p> <p>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.</p>
	Condition reason: To ensure safe movement of vehicles around/past the site.

DURING BUILDING WORKS

76.	<p>Retention of Trees</p> <p>While works are being carried out, only trees specifically identified for removal on the approved plans may be removed. Any remedial work is to be carried out in accordance with the Arboricultural Impact Assessment prepared by Advanced Treescape Consulting Issue 3 dated 26/07/2024.</p>
	Condition reason: To ensure retained trees are adequately protected during works.

77.	Project Arborist
	During site works, the Project Arborist must be on site to supervise any works within the Tree Protection Zone (TPZ). Supervision of the works shall be certified by the Project Arborist and a copy of such certification shall be submitted to the Principle Certifying Authority within 14 days of completion of the works.
	Condition reason: To protect trees during carrying out of site work.
78.	Control of Early Morning noise from trucks
	During works, trucks associated with the construction at the site that will be waiting to be loaded must not arrive at the site before 7am.
	Condition reason: To protect the acoustic amenity of the local area and of the development.
79.	Control of Noise from Trucks
	During works, the number of trucks waiting in adjacent streets to enter the site for the removal of fill shall not exceed 1 Trucks waiting shall not obstruct driveways and shall have their motors off if expected to wait more than 5 minutes.
	Condition reason: To protect the acoustic amenity of the local area and of the development.
80.	Construction Noise
	During building work, the emission of noise from the construction of the development shall comply with the <i>Interim Construction Noise Guideline published by the Department of Environment and Climate Change (July 2009)</i> .
	Condition reason: To protect residential amenity.
81.	Rock Breaking Noise
	During building work and upon receipt of a justified complaint in relation to noise pollution caused by rock breaking. Rock breaking will only occur between the hours of 9am to 3pm, Monday to Friday. No rock breaking is to occur Saturday – Sunday and on public holidays. Details of noise mitigation measures and likely duration of the activity must be submitted to Council’s Manager – Environment and Health within seven (7) days of receiving notice from Council.
	Condition reason: To minimise noise impacts on neighbouring properties.
82.	Odour Control
	During building work, the mechanical exhaust system must be fitted with sufficient control equipment to prevent the emission of all offensive odours from the premises.
	Condition reason: To protect air quality and local amenity.
83.	Construction and Fit-out of food premises
	During building work, the design, construction and fit-out of the food premises must comply with the <i>Australian Standard 4674-2004 – Design, construction and fit-out of food premises</i> and the Food Standards Code (Australia). Note: Copies of <i>Australian Standard 4674-2004</i> may be obtained from www.saiglobal.com by visiting the website: www.saiglobal.com and copies of the Food Safety Standards Code (Australia) may be obtained from Food Standards Australia New Zealand by visiting the following website www.foodstandards.gov.au .
	Condition reason: To ensure the food premises complies with relevant food safety legislation and standards.
84.	Mechanical ventilation in Food Premises
	During building work, exhaust hoods must be of stainless steel construction with an internal 50mm x 50mm gutter and unscrewable drainage plug at one corner. They must have removable grease filters for cleaning. Documentation shall be submitted to the principle certifying authority that the ventilation system has been installed and is operating in accordance with: a) <i>AS1668.1:2015 – The use of ventilation and air conditioning in buildings – Fire and smoke control in buildings</i> ; and b) <i>AS1668.2:2012 – The use of ventilation and air-conditioning in buildings PART 2: mechanical ventilation in buildings</i> .
	Condition reason: To protect the amenity of the local area.
85.	Acoustic Requirements

	<p>During the building works the recommendations of the Acoustic Assessment and Report prepared by Rodney Stevens Acoustics Pty Ltd, referenced as R230124R1, Revision 4, dated 20 May 2024 and submitted as part of the development application are to be implemented as part of this approval. In particular:</p> <ul style="list-style-type: none"> • Section 7.1 Gymnasium - glazing and floor material, and noise limiter • Section 7.2 Childcare centre - glazing, balustrade height and material, playground equipment height • Section 7.3 Café/bar - glazing, entry door • Section 7.4 Function room – glazing, entry door, speakers, curtain, ceiling, and noise limiter • Section 7.5 Acoustic barrier
	Condition reason: To protect the amenity of the local area.

BEFORE ISSUE OF OCCUPATION CERTIFICATE/SUBDIVISION CERTIFICATE

86.	Planting Requirements <p>Before the issue of an occupation certificate, the Landscaping shall be certified to be in accordance with the approved plans by an Accredited Landscape Architect or to the satisfaction of Council's Manager Environment and Health. All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m². Any species that need substituting requires confirmation from Council.</p> <p>Condition reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).</p>
87.	Completion of Landscape and Tree Works <p>Before the issue of an occupation certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.</p> <p>Condition reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).</p>
88.	Food Premises Final Inspection <p>Before the issue of an occupation certificate, the food premises shall be inspected by an Authorised Officer 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.</p> <p>Condition reason: To protect food safety.</p>
89.	Notice of food business <p>Before the issue of an occupation certificate, council and any other appropriate enforcement agency must be notified of the food business in accordance with the NSW Food Act 2003 and the Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements.</p> <p>Condition reason: To enable council to ensure compliance with the consent when the business is operating.</p>
90.	Food Premises Final Inspection <p>Before the issue of an 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.</p> <p>Condition reason: To enable council to ensure compliance with the Food Act 2003 before the business commences.</p>
91.	Certification of acoustic measures

	<p>Before the issue of an occupation certificate, a suitably qualified person must provide details demonstrating compliance to the principal certifier that the acoustic measures have been installed in accordance with the acoustic report approved under this consent.</p> <p>Condition reason: To protect the amenity of the local area.</p>
92.	<p>Noise limiter</p> <p>Before issue of the Occupation Certificate, use of the premises, all sound amplification equipment must comply with the following:</p> <p>(a) All sound amplification equipment and associated noise limiters shall be approved by a suitably qualified acoustic consultant* in accordance with the manufacturer's specification to ensure that resultant amplified sound complies criteria identified in the approved acoustic reports associated with this application.</p> <p>(b) The limiter and all post-limiter equipment including power amplifiers must be tamper proof and only operable by the acoustic consultant, licensee and business owner.</p> <p>*Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society.</p> <p>Condition reason: To protect residential amenity.</p>
93.	<p>Creation of Restrictions / Positive Covenants</p> <p>Before the issue of an Occupation Certificate the following restrictions/ positive covenants must be registered on the title of the subject site via a request document, Section 88B instrument associated with a plan or the like. Council's standard recitals must be used.</p> <p>a) Restriction/ Positive Covenant – Onsite Stormwater Detention</p> <p>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.</p> <p>b) Restriction/ Positive Covenant – Water Sensitive Urban Design</p> <p>The subject site must be burdened with a positive covenant that refers to the WSUD elements referred to earlier in this consent using the "water sensitive urban design elements" terms included in the standard recitals.</p> <p>c) Positive Covenant – Stormwater Pump</p> <p>The subject site must be burdened with a restriction and a positive using the "basement stormwater pump system" terms included in the standard recitals.</p> <p>Condition reason: To ensure appropriate restrictions, positive covenants and easements are created and legally binding to address, where relevant, conditions of consent.</p>
94.	<p>Pump System Certification</p> <p>Before the release of an Occupation Certificate, Certification that the stormwater pump system has been constructed in accordance with the approved design and the conditions of this approval must be provided by a suitably qualified hydraulic engineer</p> <p>Condition reason: To ensure pump system for stormwater discharge is suitable and installed/operation.</p>
95.	<p>Public Infrastructure Inventory Report - Post Construction</p> <p>Before the release of an Occupation Certificate an updated public infrastructure inventory report must be prepared and submitted to Council.</p>

	The updated report must identify any damage to public assets and the means of rectification for the approval of Council.
	Condition reason: To ensure protection and where required suitable remediation of public assets.

OCCUPATION AND ONGOING USE

96.	Waste and Recycling Collection Contract During the occupation and use, a private waste contract is to be in place with a licensed 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 an authorised officer of Council who asks to see it. Condition reason: To ensure a private waste contractor is engaged with by commercial premises to lawfully remove all waste generated onsite.
97.	Waste and Recycling Management During the occupation and use, all garbage and recyclable materials must be separated into dedicated waste collection containers and stored in a designated waste storage area. All waste storage areas must be screened from view from any adjoining residential property or public places. Waste storage containers must not be stored in locations that restrict access to any of the carparking spaces provided on site. 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. Condition reason: To ensure responsibility is placed upon the site's occupier or resident to management all waste generated on the site without it affected local amenity of neighbouring properties.
98.	Commercial Waste and Recycling Collection During the occupation and use of the site, the site owner is to ensure that: all waste and recycling generated on the site is removed on a regular basis, no less than once per week. a) Bins must not be placed on public property without the prior written approval of Council. b) Waste collection must not cause a nuisance or interfere with the amenity of the surrounding area. c) Waste collection vehicles servicing the development are not permitted to reverse in or out of the site Condition reason: To protect amenity of locality.
99.	Noise to Surrounding Area During occupation and ongoing use, there shall be no amplified music or speakers external to the building. Condition reason: To protect residential amenity.
100.	Offensive Noise During occupation and ongoing use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provisions of the <i>Protection of the Environment Operation Act 1997</i> . Condition reason: To protect the amenity of the local area.
101.	Managing noise with ongoing acoustic treatment During ongoing use of the premises, the premises must be operated in accordance with any approved acoustic report. Where the approved acoustic report recommends ongoing acoustic treatments, an acoustic implementation report from a suitably qualified person must be submitted to council within 3 months of the date of the issue of the occupation certificate. The report must confirm the implementation of acoustic treatment and demonstrate the external and internal noise levels satisfy the criteria nominated being 47dB(A) in accordance with the approved acoustic report. Condition reason: To ensure operational noise levels comply with the approved acoustic report and do not unreasonably impact on the amenity of adjoining and nearby premises.

102.	Acoustic – Maintenance During occupation and ongoing use, the operation of the premises all approved acoustic attenuation measures installed as part of the development are to be maintained at all times, in a manner that is consistent with the accepted acoustic reports, the consent and so that the noise attenuation effectiveness is maintained for the life of the development. This includes but is not limited to: a) Acoustic barriers are to remain solid and gap free. Condition reason: To protect the amenity of the local area.												
103.	Operational Noise Level Limits During occupation and ongoing use of the premises, the operational noise level limits for the development are as follows: <table><tr><td>Location of noise level compliance</td><td>Day (7am – 6pm)</td><td>Evening (6pm-10pm)</td><td>Night (10pm-7am)</td></tr><tr><td>At any residential property boundary</td><td>47 dB(A)_{L_{Aeq}} (15min)</td><td>43 dB(A)_{L_{Aeq}} (15min)</td><td>38 dB(A)_{L_{Aeq}} (15min)</td></tr><tr><td>At any different commercial tenancy</td><td colspan="3">63 dB(A)_{L_{Aeq}} (15min)</td></tr></table> These noise level limits are to be complied with at all times when the premises is in operation. Condition reason: To protect the amenity of the local area.	Location of noise level compliance	Day (7am – 6pm)	Evening (6pm-10pm)	Night (10pm-7am)	At any residential property boundary	47 dB(A) _{L_{Aeq}} (15min)	43 dB(A) _{L_{Aeq}} (15min)	38 dB(A) _{L_{Aeq}} (15min)	At any different commercial tenancy	63 dB(A) _{L_{Aeq}} (15min)		
Location of noise level compliance	Day (7am – 6pm)	Evening (6pm-10pm)	Night (10pm-7am)										
At any residential property boundary	47 dB(A) _{L_{Aeq}} (15min)	43 dB(A) _{L_{Aeq}} (15min)	38 dB(A) _{L_{Aeq}} (15min)										
At any different commercial tenancy	63 dB(A) _{L_{Aeq}} (15min)												
104.	Noise Management Signage During occupation and ongoing use noise management signage is to be installed in prominent locations within the premises and the carpark advising attendees to please consider neighbours and minimise noise when entering and exiting the premises. Condition reason: To protect the amenity of the local area.												
105.	Noise Management Plan to be kept on site During occupation and ongoing use of the premises, the approved noise management plan is to be complied with and kept on site at all times and is to be made available to Council Officers upon request. Condition reason: To protect the amenity of the local area.												
106.	Final Acoustic Report Within three months from the issue of an Occupation Certificate or when the childcare centre is at 90% capacity (whatever one comes first), 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 the project specific noise criteria of 47 dB(A) _{L_{Aeq}(15min)} at any residential property boundary and 63 dB(A) _{L_{Aeq}(15min)} at any commercial property boundary and that the activities does not give rise to “offensive noise” as defined under the <i>Protection of the Environment Operation Act 1997</i> and that the project specific criteria conditioned in this consent can be met. Condition reason: To protect the amenity of the local area.												
107.	Acoustic Requirements During the operation and the ongoing use of the premises the recommendations of the Acoustic Assessment and Report prepared by Rodney Stevens Acoustics Pty Ltd, referenced as R230124Ra, Revision 4, dated 20 May 2024 and submitted as part of the development application are to be implemented as part of this approval.												

	<p>The following noise control measures must be in place at all times when the centre is on operation to reduce the noise emission from the outdoor play areas:</p> <ul style="list-style-type: none"> • All 12 children of the 0-2 age group can engage in ground floor outdoor play area at any one time. • Only 36 children of the 2-3 age group can engage in ground floor outdoor play at area any one time. • Only 40 children of the 3-6 age group can engage in Level 1 covered outdoor play area any at one time. • No music is to be played in the outdoor areas. • Playground equipment that allows a child to be more than 0.5 above the ground level should not be used. • Children must be supervised at all times. <p>Condition reason: To protect the amenity of the local area.</p>
108.	<p>Noise Management Measures</p> <p>During occupation and ongoing use of the premises, the following noise management measures must be implemented as part of the operation of the childcare centre:</p> <p>a) No music should be played in any outdoor areas at any time.</p> <p>b) Toys and the like are not to be attached to any of the acoustic barriers.</p> <p>c) No play equipment within the outdoor play area is to be more than 0.5 metres from the ground level of the outdoor play area.</p> <p>Condition reason: To protect the amenity of the local area</p>
109.	<p>Loading dock hours of operation and condition of use</p> <p>The hours of operation of the loading dock is as follows;</p> <p>Deliveries to and from the loading dock is restricted to between 7:00am to 6:00pm, seven days per week.</p> <p>The servicing of the premises by Waste Vehicles/Garbage Trucks is restricted to between 7:00am to 6:00pm, seven days per week.</p> <p>The access way to the loading dock is to be blocked by way of a boom gate, steel gate, chain or bollards, outside of these hours to ensure that vehicles cannot access the dock outside of the approved hours.</p> <p>Any alteration to the approved hours of operation or use of the loading dock shall require a separate approval by Council.</p> <p>Condition reason: To protect the amenity of the local area.</p>
110.	<p>Loading dock - signage for stormwater drains</p> <p>During the operation of the premises, signs shall be displayed and maintained adjacent to all stormwater drains within the loading dock, clearly indicating "Clean Water Only – NO wastewater or rubbish."</p> <p>Condition reason: To protect the environment.</p>
111.	<p>Operating Hours</p> <p>During ongoing use of the premises, the hours of operation of the <u>childcare facility</u> are restricted to:</p> <p>Monday – Friday: 7am to 6pm</p>

	<p>During ongoing use of the premises, the hours of operation of the <u>office premises</u> are restricted to: Monday – Friday: 8am to 5pm</p> <p>During ongoing use of the premises, the hours of operation of the <u>café</u> is restricted to: Monday – Sunday: 7am to 2am</p> <p>During ongoing use of the premises, the hours of operation of the <u>gymnasium</u> is restricted to: 24 hours a day, 7 days a week</p> <p>During ongoing use of the premises, the hours of operation of the <u>hotel</u> is restricted to: 24 hours a day, 7 days a week</p> <p>During ongoing use of the premises, the hours of operation of the <u>function centre</u> is restricted to: Monday – Sunday: 7am to 2am (use of the outdoor area is restricted to 9am to 10pm)</p> <p>Condition reason: To protect the amenity of the local area.</p>
112.	<p>External Lighting During Ongoing Use</p> <p>During ongoing use of the premises, all lighting must be operated and maintained in accordance with the approved plans and the requirements of this consent.</p> <p>Condition reason: To ensure the safe operation of the premises and protect the amenity of the local area.</p>
113.	<p>Illumination of IT Signage</p> <p>During ongoing use of the premises, all illuminated signage is to be switched off at 9pm, 7 days a week.</p> <p>Condition reason: To protect the amenity of the local area.</p>

ATTACHMENT B – LOCALITY PLAN



SUBJECT SITE

**PROPERTIES NOTIFIED**

OFFICE OF ENV. & HERITAGE AND
SYDNEY WATER ALSO NOTIFIED

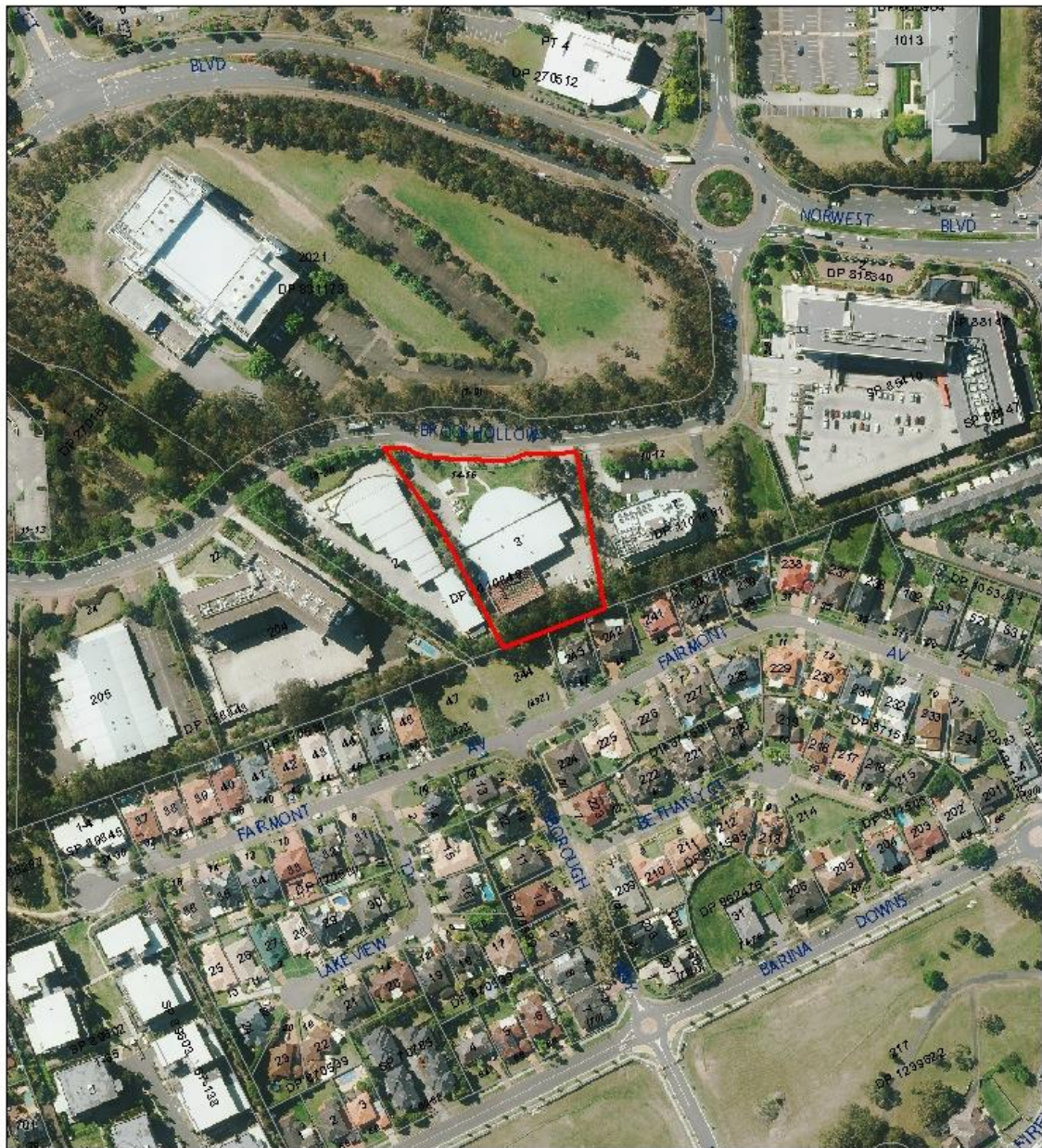
THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

THE HILLSHIRE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE TEXTUAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE

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ATTACHMENT C – AERIAL MAP



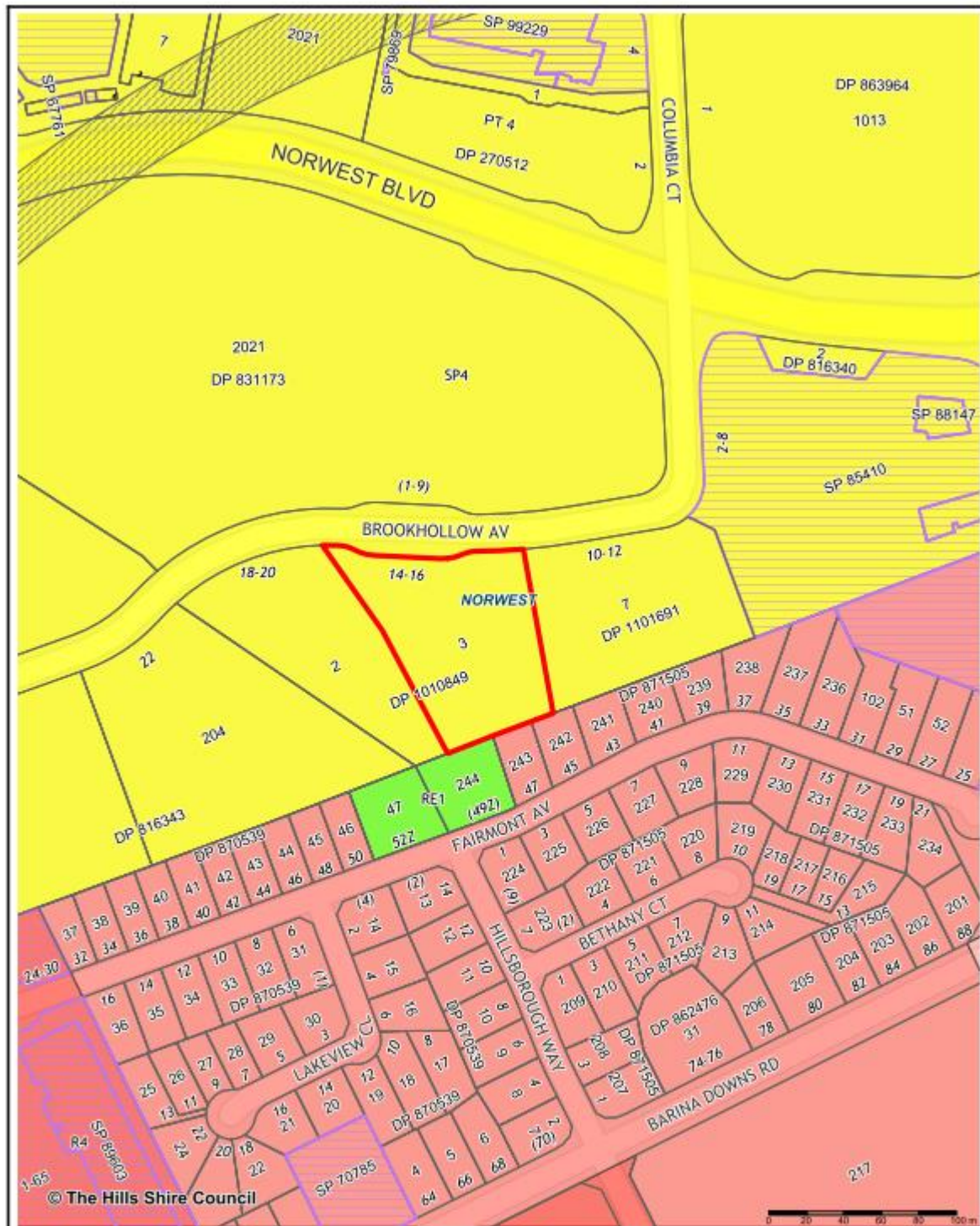
SUBJECT SITE

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

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



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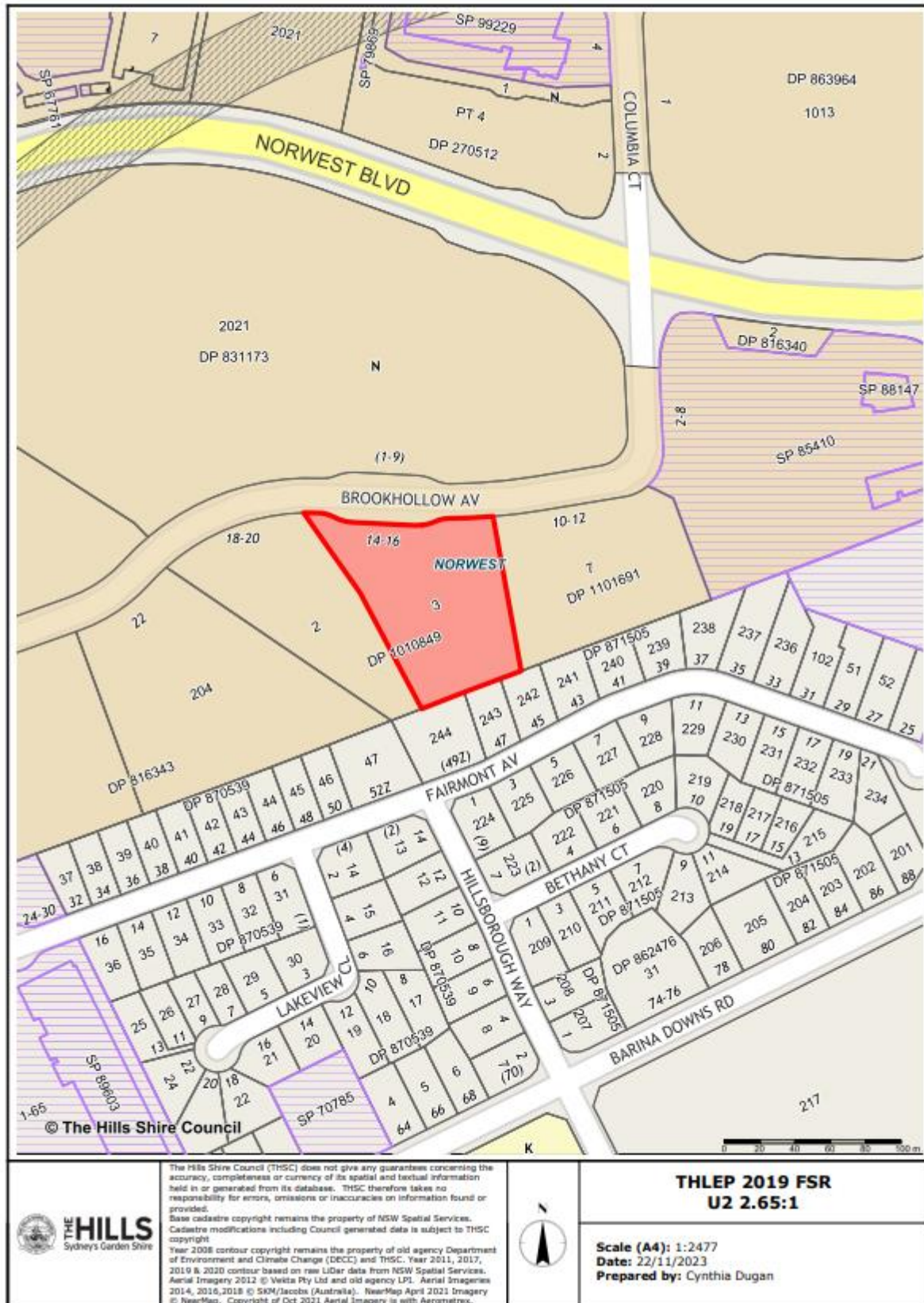
THLEP 2019 ZONING MAP

Scale (A4): 1:2477
Date: 22/11/2023
Prepared by: Cynthia Dugan

ATTACHMENT E – LEP HEIGHT OF BUILDINGS MAP

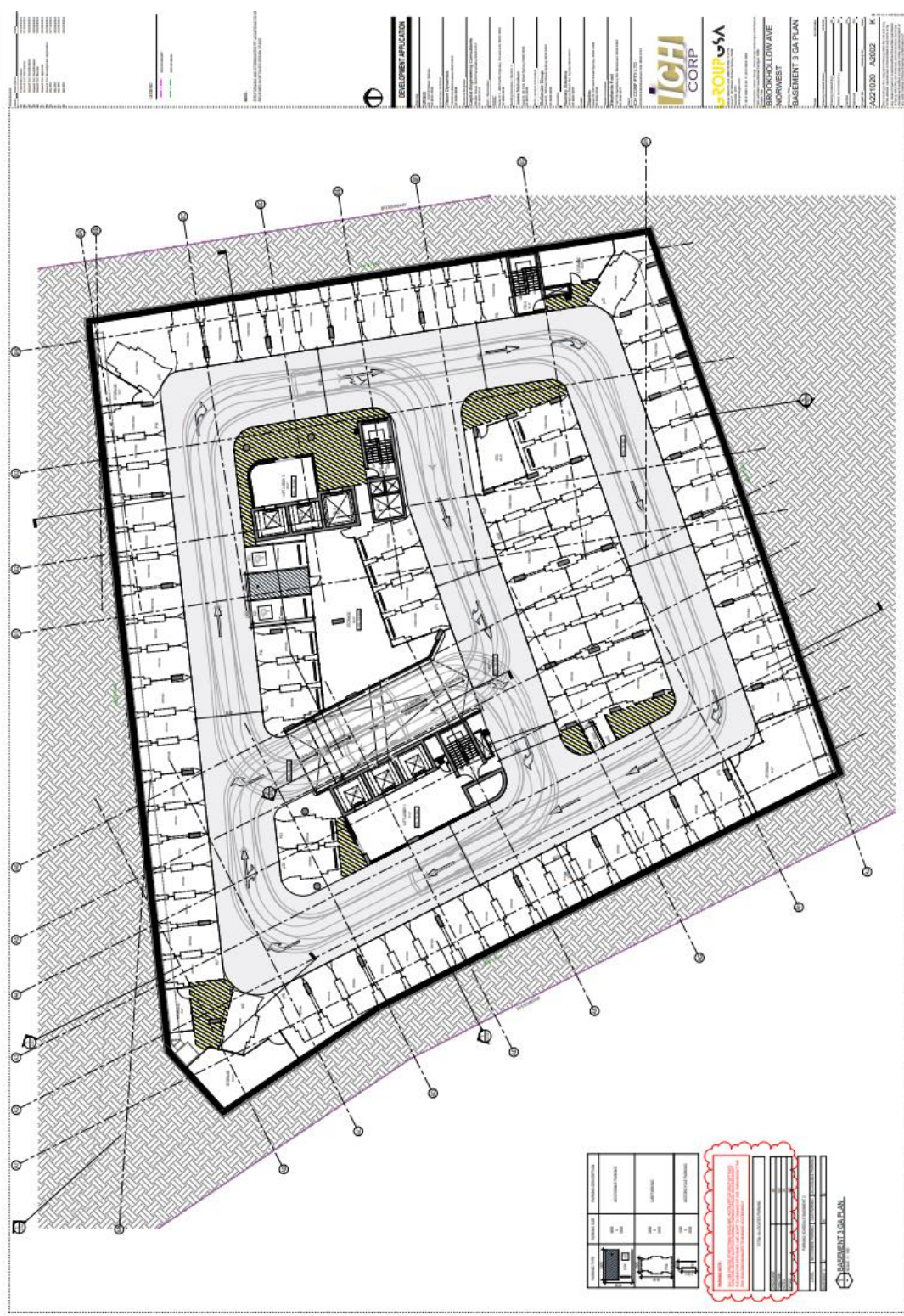


ATTACHMENT F – LEP FLOOR SPACE RATIO MAP



Architectural site plan for Brookhollow Ave N. Annex 1. The plan shows two large rectangular building footprints with internal room layouts, surrounded by parking spaces, landscaping with trees and shrubs, and a pedestrian path. A north arrow is located in the bottom right corner. The plan is titled "PROPOSED SITE PLAN" and includes a scale bar.

[illegible]







BASEMENT OVERALL PLAN

LEGEND

- EXISTING
- PROPOSED
- REMOVED

DEVELOPMENT APPLICATION

Project Name: [REDACTED]

Site Address: [REDACTED]

Owner: [REDACTED]

Architect: [REDACTED]

Engineer: [REDACTED]

Surveyor: [REDACTED]

Other: [REDACTED]

ICHI CORP

GROUP SA

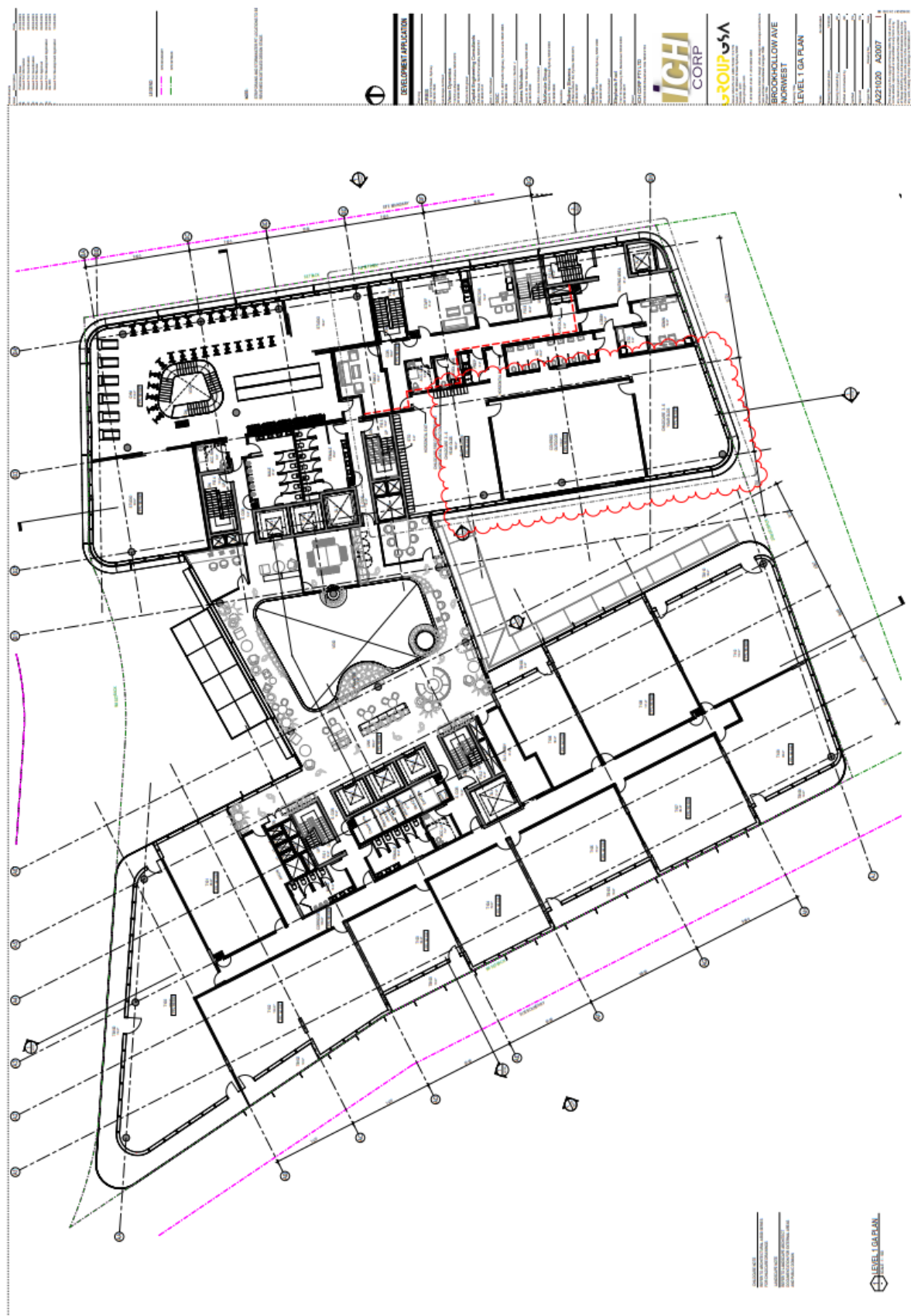
BASEMENT OVERALL PLAN

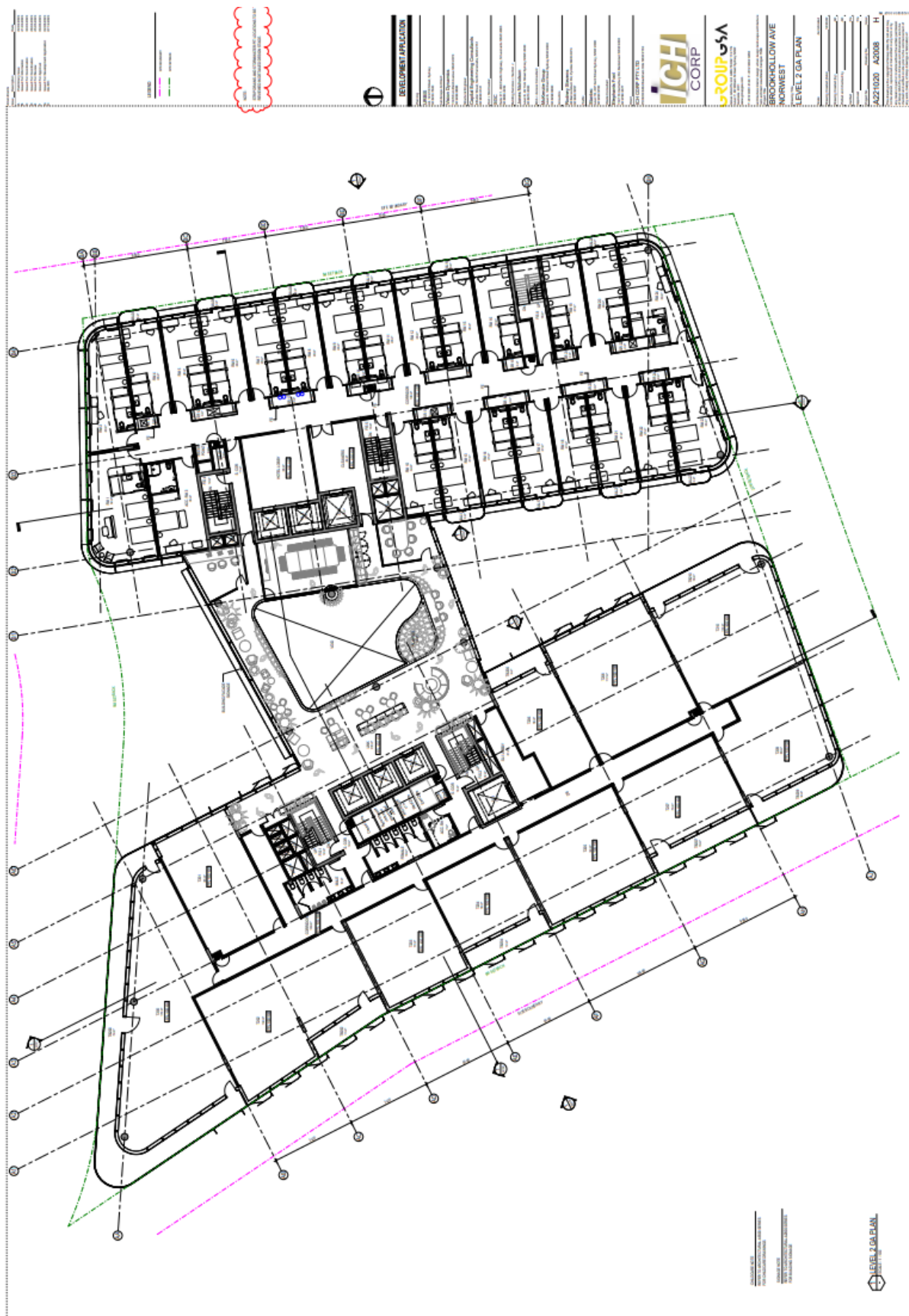
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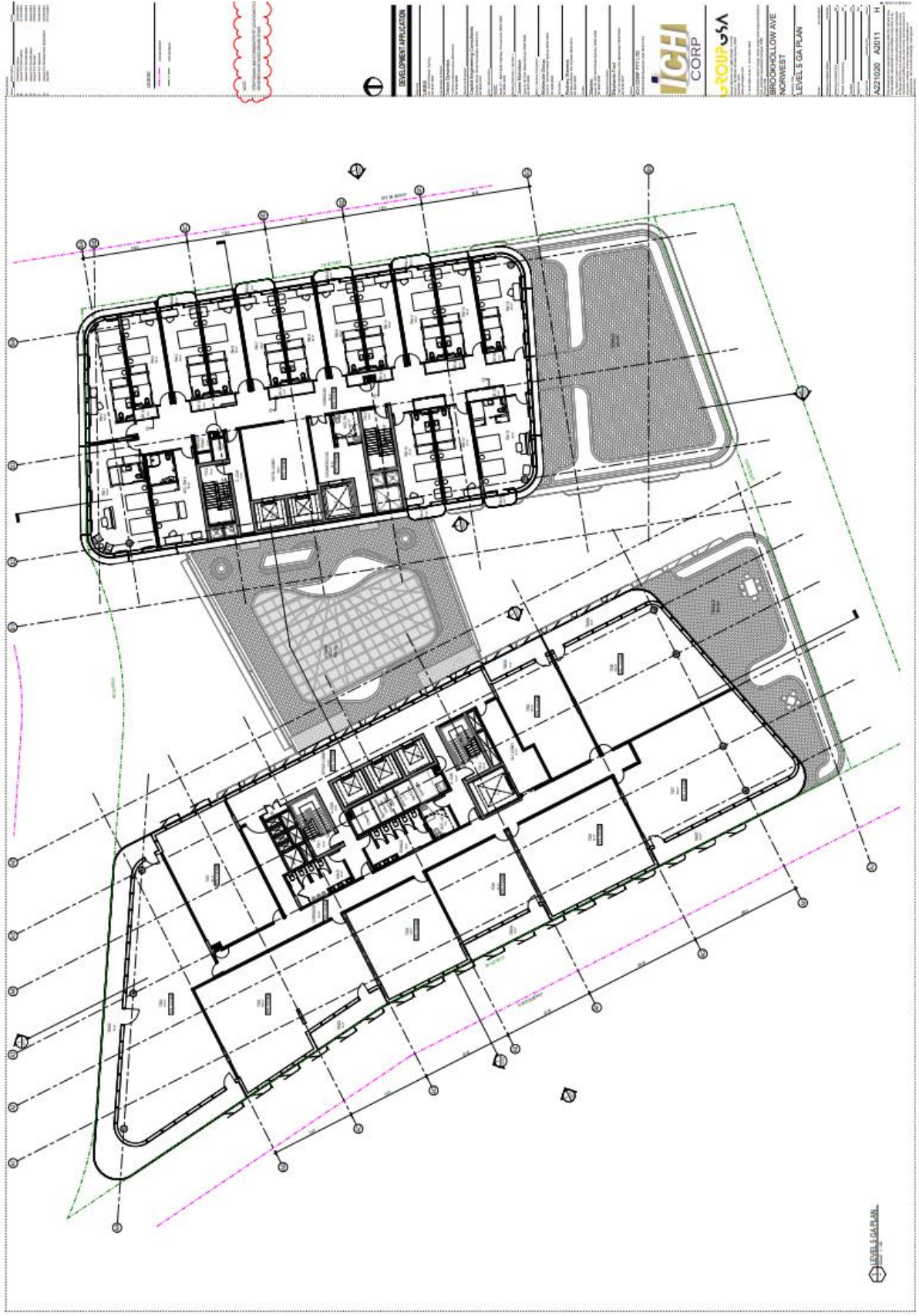
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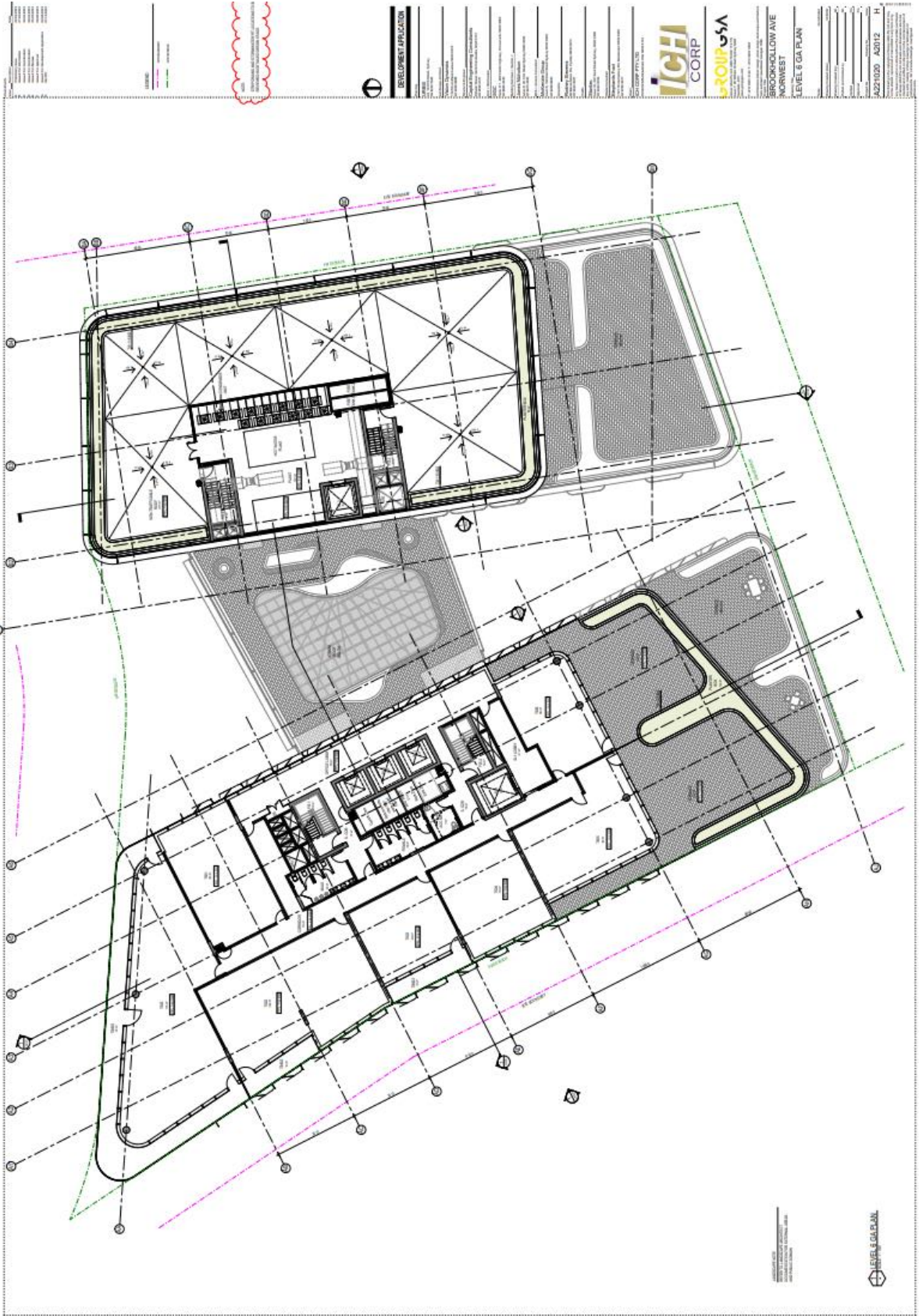


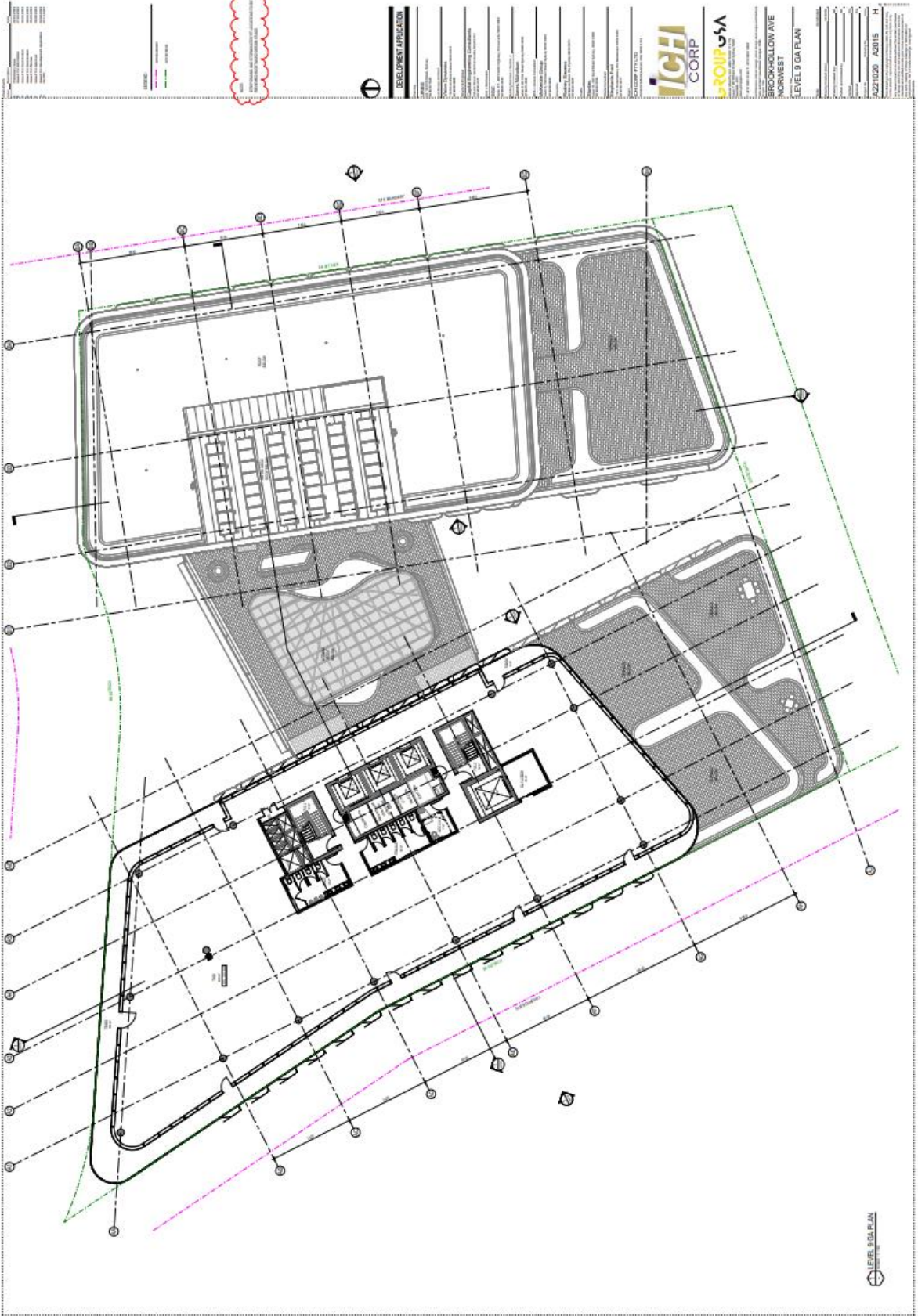


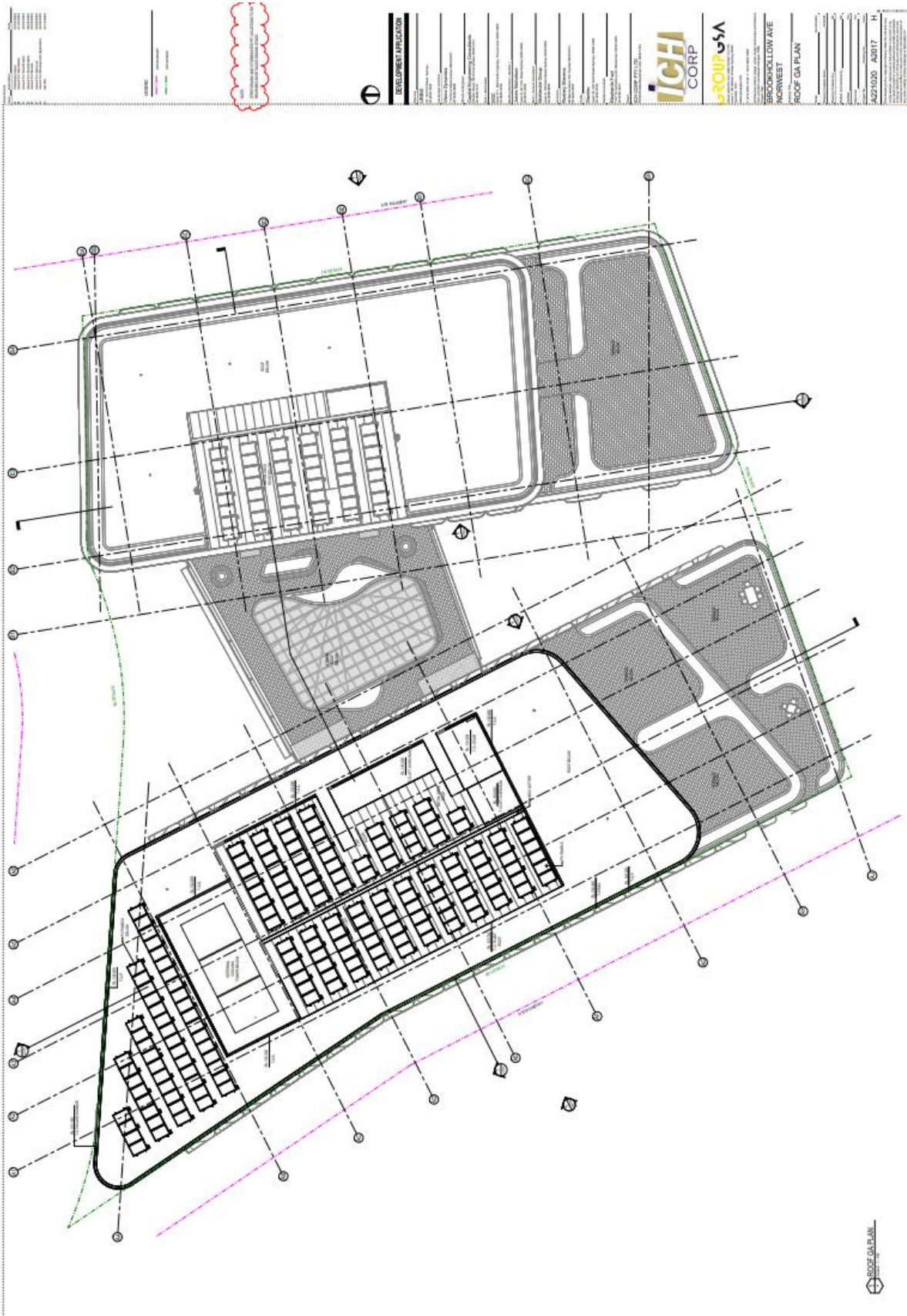


ARCHITECTURAL FLOOR PLAN
LEVEL 5 GA PLAN
BROOKHOLLOW AVE
NORWICH
LEVEL 5 GA PLAN
A221000 A2011
14

LEVEL 5 GA PLAN







DATE: 08/11/2020
DRAWN BY: J. HARRIS
CHECKED BY: J. HARRIS
PROJECT: BROOKHOLLOW AVE
SHEET: 1 OF 1

LEGEND

- 1. EXISTING
- 2. PROPOSED

REVISIONS

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	08/11/2020

PROJECT INFORMATION

**BROOKHOLLOW AVE
NORTHWEST
ROOF GA PLAN**

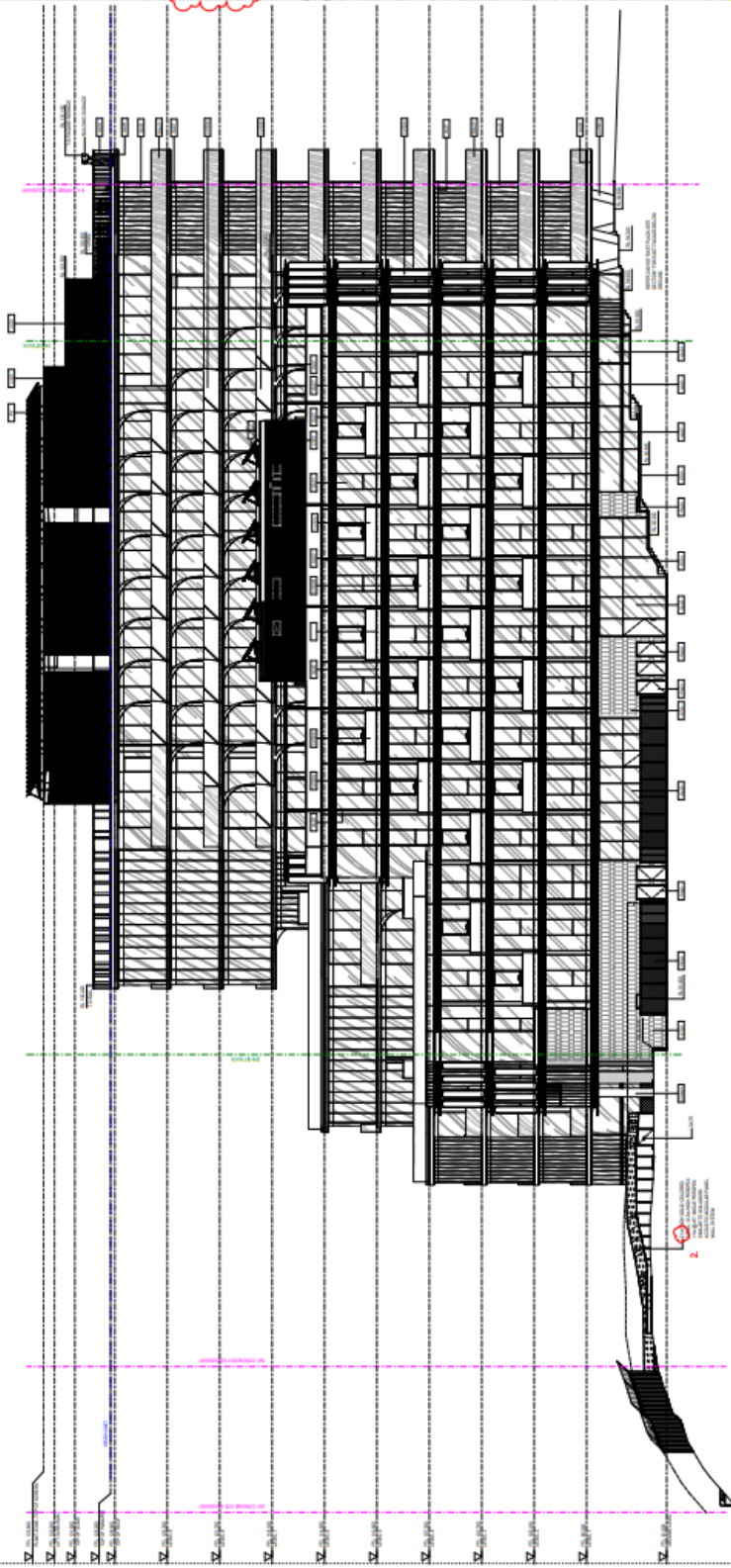
ICHI CORP
GROUP SA

PROJECT DATA

PROJECT NO.	221000
DATE	08/11/2020
SCALE	AS SHOWN
SHEET NO.	1
TOTAL SHEETS	1

[illegible]

NO.	REVISION	DATE	BY	CHKD
1	ISSUED FOR PERMIT	08/15/2023	ARCHITECT	ENGINEER
2	REVISION	08/15/2023	ARCHITECT	ENGINEER
3	REVISION	08/15/2023	ARCHITECT	ENGINEER
4	REVISION	08/15/2023	ARCHITECT	ENGINEER
5	REVISION	08/15/2023	ARCHITECT	ENGINEER
6	REVISION	08/15/2023	ARCHITECT	ENGINEER
7	REVISION	08/15/2023	ARCHITECT	ENGINEER
8	REVISION	08/15/2023	ARCHITECT	ENGINEER
9	REVISION	08/15/2023	ARCHITECT	ENGINEER
10	REVISION	08/15/2023	ARCHITECT	ENGINEER



① ELEVATION - EAST

- 1. EXISTING BUILDING
- 2. EXISTING BUILDING
- 3. EXISTING BUILDING
- 4. EXISTING BUILDING
- 5. EXISTING BUILDING
- 6. EXISTING BUILDING
- 7. EXISTING BUILDING
- 8. EXISTING BUILDING
- 9. EXISTING BUILDING
- 10. EXISTING BUILDING

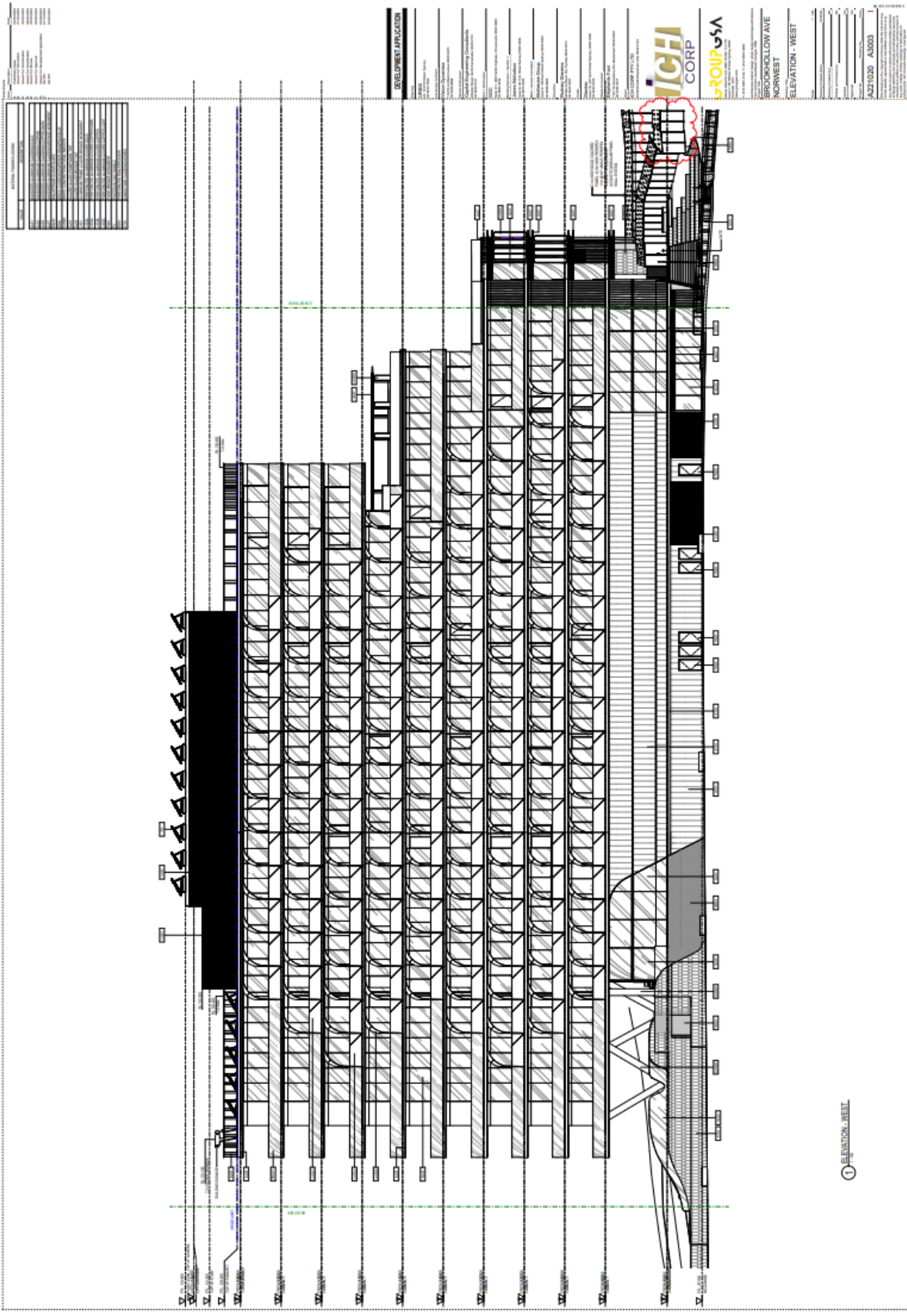
DEVELOPMENT APPLICATION

PROJECT NO. 2023-001
 PROJECT NAME: BROOKHOLLOW AVE
 PROJECT LOCATION: 1000 BROOKHOLLOW AVE, SUITE 100, BOSTON, MA 02108
 PROJECT OWNER: ICHH CORP
 PROJECT ARCHITECT: ICHH CORP
 PROJECT ENGINEER: ICHH CORP
 PROJECT DATE: 08/15/2023



BROOKHOLLOW AVE
 NORWEST
 ELEVATION - EAST

PROJECT NO.	2023-001
PROJECT NAME	BROOKHOLLOW AVE
PROJECT LOCATION	1000 BROOKHOLLOW AVE, SUITE 100, BOSTON, MA 02108
PROJECT OWNER	ICHH CORP
PROJECT ARCHITECT	ICHH CORP
PROJECT ENGINEER	ICHH CORP
PROJECT DATE	08/15/2023



① ELEVATION - WEST

MATHIA APPELLING	
DATE	12-27-20
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13	2017-2018 100% 100% 100% 100%
14	2016-2017 100% 100% 100% 100%
15	2015-2016 100% 100% 100% 100%
16	2014-2015 100% 100% 100% 100%
17	2013-2014 100% 100% 100% 100%
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DEVELOPMENT APPLICATION

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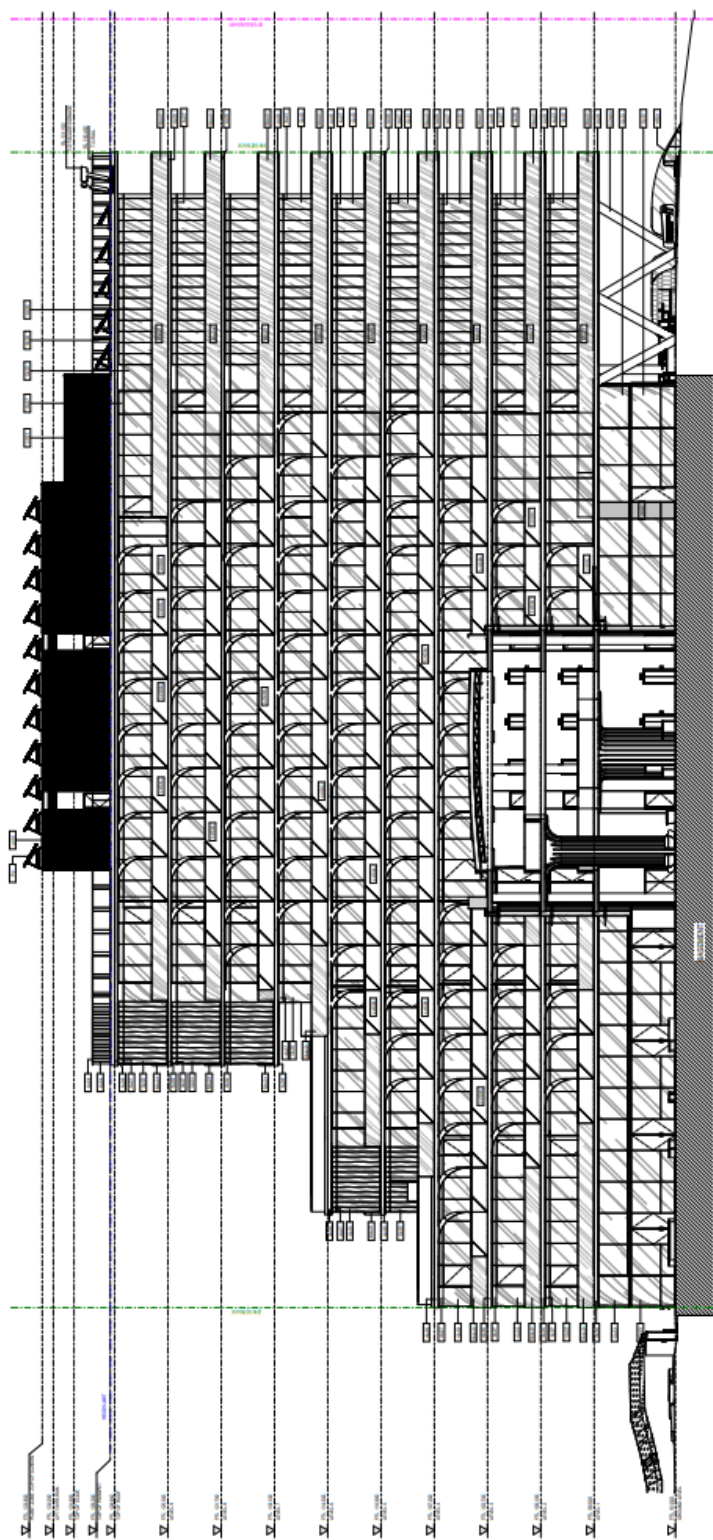


ROCKHOLLOW AVE

SECTION ELEVATION -

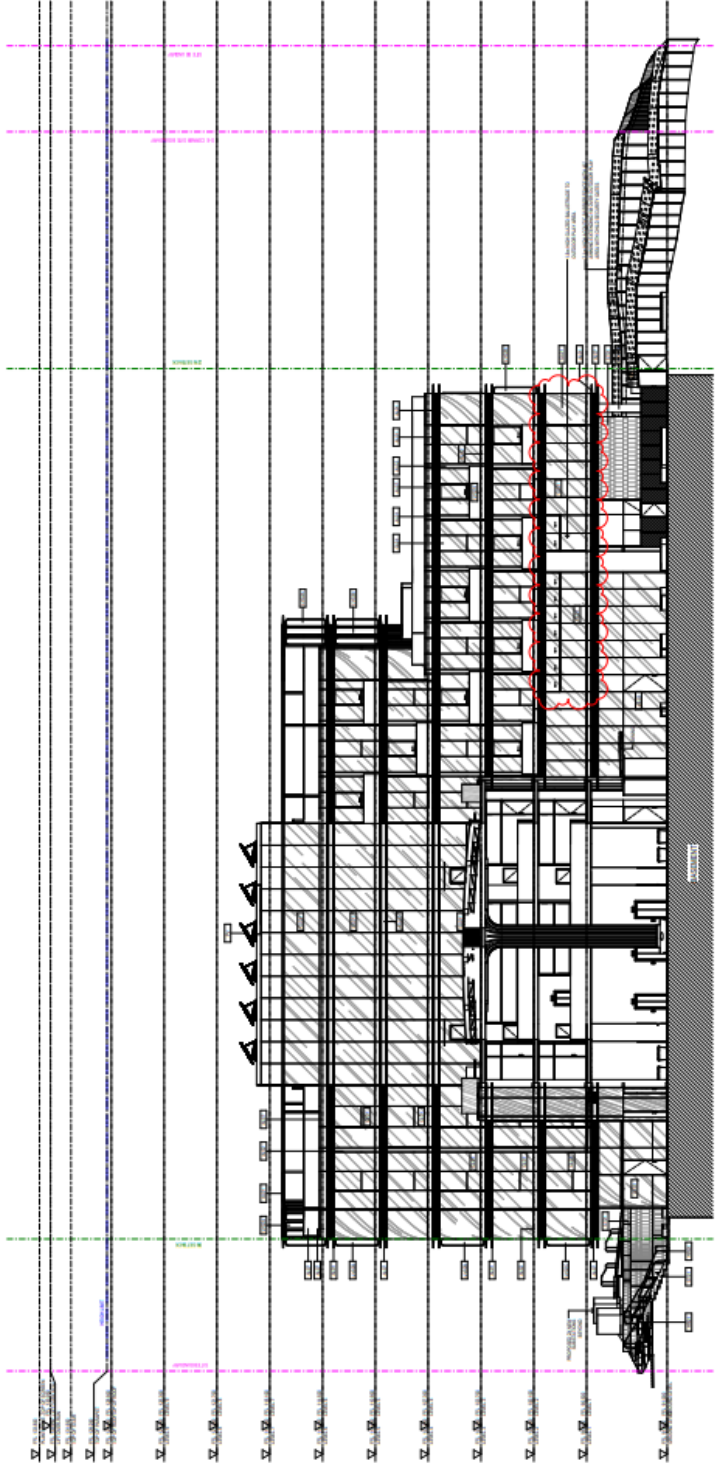
TE LINK - WEST

100



1 SECTION ELEVATION - PEDESTRIAN THROUGH SITE LINK LOOKING WEST

REVISION	DATE	DESCRIPTION
1	10/10/20	ISSUED FOR PERMIT
2	10/10/20	REVISIONS TO PERMIT
3	10/10/20	REVISIONS TO PERMIT
4	10/10/20	REVISIONS TO PERMIT
5	10/10/20	REVISIONS TO PERMIT
6	10/10/20	REVISIONS TO PERMIT
7	10/10/20	REVISIONS TO PERMIT
8	10/10/20	REVISIONS TO PERMIT
9	10/10/20	REVISIONS TO PERMIT
10	10/10/20	REVISIONS TO PERMIT



① SECTION ELEVATION - PEDESTRIAN THROUGH SITE LINK LOOKING EAST.

DEVELOPER APPLICATION

Project Name: **BROOKHOLLOW AVE**

Project Address: **PORTNERS**

Project Description: **SECTION ELEVATION - SITE LINK - EAST**

Project Number: **A271020 A3005**

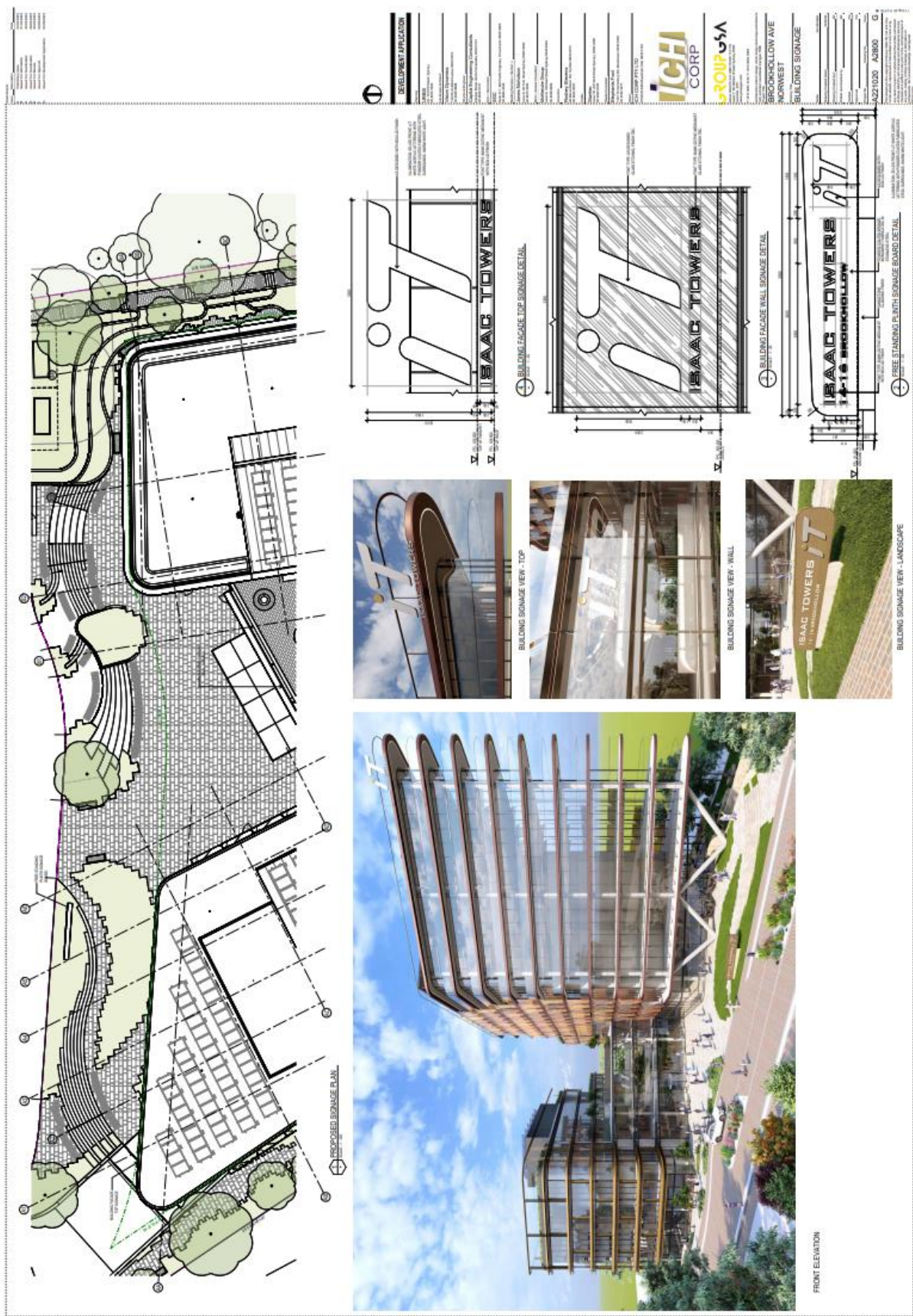
Project Date: **10/10/20**

Project Status: **ISSUED FOR PERMIT**

ICHI CORP

GROUP SA

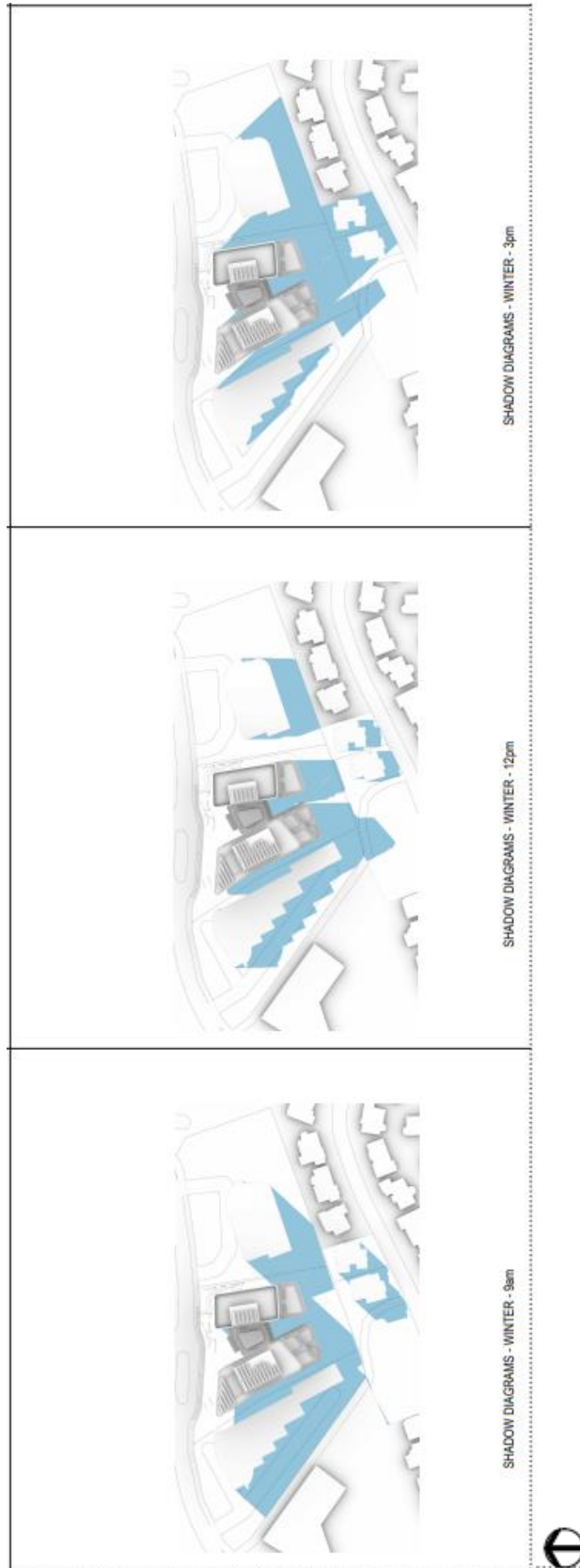
ATTACHMENT J – SIGNAGE PLAN

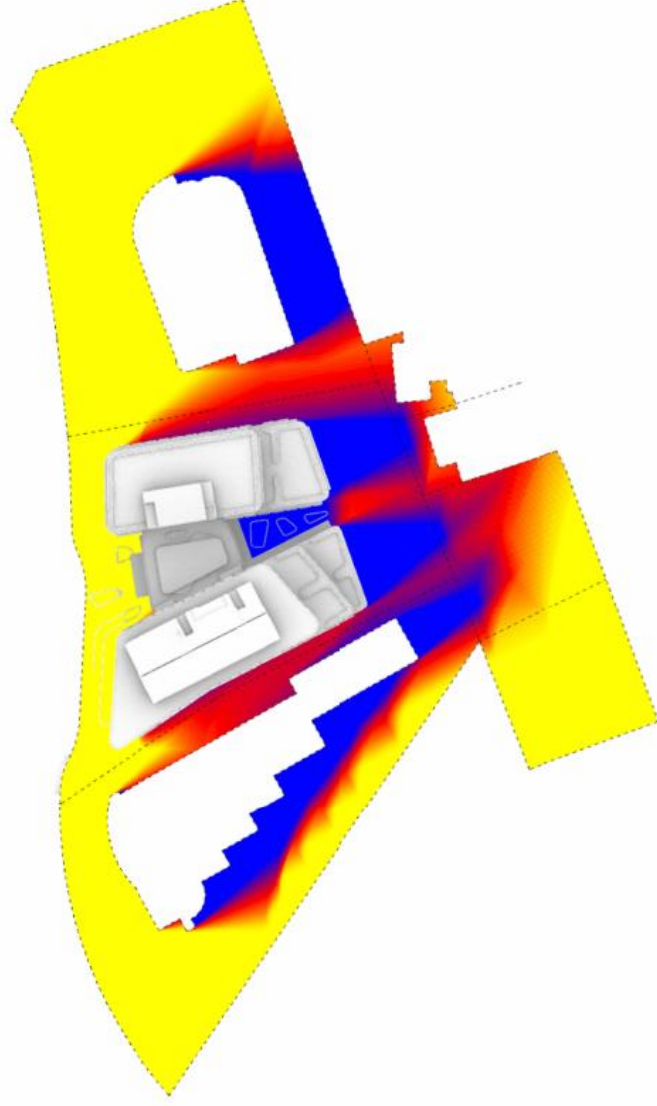


ATTACHMENT K – LANDSCAPE PLAN



ATTACHMENT L – SHADOW DIAGRAMS





PUBLIC SPACE AREA WITHIN THE SITE AS FOLLOWS:

895M2 – FRONT PLAZA – MAIN KEY PUBLIC AREA – 100% SOLAR

669M2 – REAR SIDE – MAIN KEY PUBLIC AREA

126M2 – EASTERN SIDE

162M2 - WESTERN SIDE

TOTAL 1564M2 APPROX.

SOLAR PERCENTAGE FROM MAIN KEY PUBLIC SPACES ABOVE: 57.22%

JUNE 21ST 12-2PM SOLAR ACCESS & OVERSHADOWING DIAGRAM



North Point

DEV

Planning

URBIS

• L8, 123 Pitt St
• 02 8233 7620

Landscape A

Vision D

• 112/55 Lindfield
• 02 9499 8886

Structural En

Capital E

• 8 Buller Street
• 02 9630 012

Civil + Storm

SGC

• Suite 311, 48
• 02 8883 4239

Building Sen

Jones Ni

• Level 8, 49 Y
• 02 8973 2000

BCA + Accel

McKenzi

• Level 6, 189
• 02 8298 6800

Acoustics

Rodney

• 48 Bannockburn
• 02 9943 5005

Traffic

Stantec

• Level 16, 20,
• 02 9493 9700

Waste Conn



CLAUSE 4.6 SUBMISSION

14-16 Brookhollow Ave,
Norwest

Prepared for
ICH CORP

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Associate Director	Simon Wilkes
Consultant	Zachary Quintal
Project Code	P16753
Report Number	1. For lodgement – Norwest 2. For lodgement – Hills Shire 3. Updated – Sept 2024

Urbis acknowledges the important contribution that Aboriginal and Torres Strait Islander people make in creating a strong and vibrant Australian society.

We acknowledge, in each of our offices, the Traditional Owners on whose land we stand.

All information supplied to Urbis in order to conduct this research has been treated in the strictest confidence. It shall only be used in this context and shall not be made available to third parties without client authorisation. Confidential information has been stored securely and data provided by respondents, as well as their identity, has been treated in the strictest confidence and all assurance given to respondents have been and shall be fulfilled.

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You must read the important disclaimer appearing within the body of this report.

urbis.com.au

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1. INTRODUCTION

This Clause 4.6 Variation Request ('the Request') has been prepared on behalf of ICH Corp ('the applicant') and accompanies a Development Application ('DA') for the proposed mixed-use development at 14-16 Brookhollow Avenue, Norwest.

The Request seeks an exception from the Height of Building standard prescribed for the site under clause 4.3 of The Hills Shire LEP 2019. The variation is request is made pursuant to clause 4.6 of The Hills Shire LEP 2019. This report should be read in conjunction with the Statement of Environmental Effects prepared by Urbis Pty Ltd and dated August 2023.

The following sections of the report include:

- **Section 2:** description of the site and its local and regional context, including key features relevant to the proposed variation.
- **Section 3:** brief overview of the proposed development as outlined in further detail within the SEE and accompanying drawings.
- **Section 4:** identification of the development standard which is proposed to be varied, including the extent of the contravention.
- **Section 5:** outline of the relevant assessment framework for the variation in accordance with clause 4.6 of the LEP.
- **Section 6:** detailed assessment and justification of the proposed variation in accordance with the relevant guidelines and relevant planning principles and judgements issued by the Land and Environment Court.
- **Section 7:** summary and conclusion.

2. SITE CONTEXT

2.1. SITE DESCRIPTION

The site is located on the southern side of Brookhollow Avenue and Norwest Business Park and backs on to low density residential development to the South/ The key features of the site are summarised in the following table.

Table 1 Site Description

Feature	Description
Street Address	14-16 Brookhollow Avenue, Norwest
Legal Description	Lot 3 in DP1010849
Site Area	6,621m ²
Site Dimensions	Frontage: 100m Depth: 82m (east) 118m (west) Rear boundary: 55m
Site Topography	Generally sloping from east to west
Flood affectation	Nil

Figure 1 Aerial photo of subject site



2.2. SITE CONTEXT

The site currently contains a 2-storey office and warehouse building with at-grade car parking and landscaping throughout the site. The existing building has a GFA of approximately 2,742sqm.

Access to the site is from Brookhollow Avenue, just off Norwest Boulevard, the main arterial road through Norwest Business Park. There are currently 40 at grade car spaces on the site. The existing building on the site is not heritage listed, nor is the site located in a heritage conservation area.

The site slopes moderately from east down to west, having an RL of 92.73 on the eastern boundary and an RL of 88.16m on the western boundary representing a fall of 4.57m. There are established trees and landscaping throughout the site, particularly along both side boundaries and rear boundary.

Figure 2 Site Photos



Picture 1 Existing development as viewed from Brookhollow Avenue



Picture 2 Existing vehicular entrance on eastern side of the site. Adina Hotel in background to the west.

2.3. LOCALITY CONTEXT

The subject site is located in the Norwest Business Park, Baulkham Hills and is within The Hills Shire Council Local Government Area (LGA). Baulkham Hills is located 27km north west of the Sydney CBD and 14km north-west of Parramatta CBD.

Norwest is identified as a Strategic Centre due to its access to mass transit services and its role of providing a high proportion of Greater Sydney's jobs. The site and locality have good access to existing and future transport connections including the new Norwest Metro Station which has been recently completed as part of the first stage of Sydney Metro. The area is also well connected to several major roads including the M7 Motorway as well as Old Windsor Road which connects to Parramatta CBD.

The locality has a range of land uses including large low-rise commercial and office buildings, warehouses and low-density residential properties. Key land uses surrounding the subject site include:

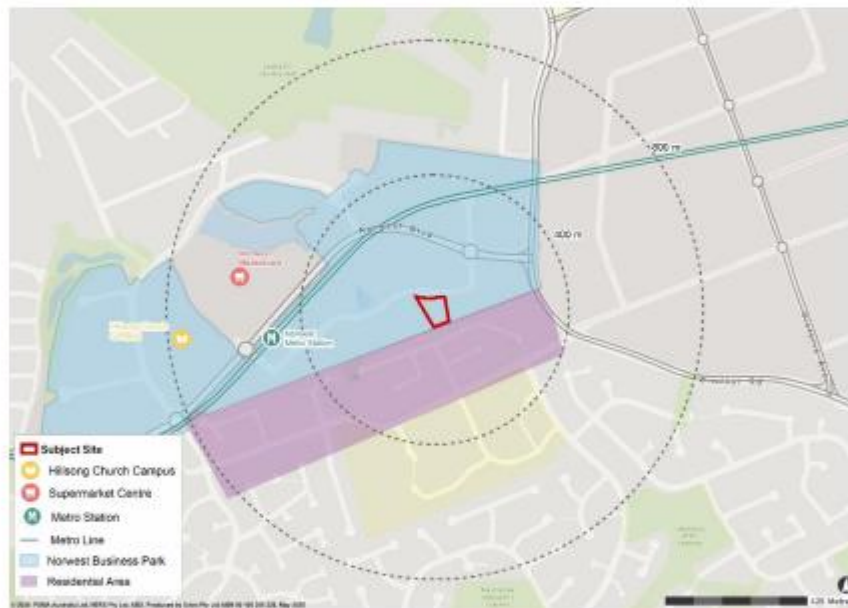
- **Commercial:** The site is surrounded by an agglomeration of commercial offices and warehouses within the Norwest Business Park
- **Retail:** The site is located within 800m of the Norwest Marketown Shopping Centre, to the West.
- **Education/Community:** Hillsong Church campus, including place of worship, administrative and educational uses is located further West;
- **Hotel/Leisure:** A number of hotels, gyms and leisure facilities such as a public swimming pool are located within Norwest Business Park.

- **Low density residential:** Low density residential uses are located to the south;
- **Open Space:** There are existing open space areas within the Norwest Business Park including the small reserve to the rear of the site. BellaVista Farm is to the south-west which is of State and local heritage importance and has significant view corridors across the area; and
- **Transport:** The site is located within 600m of the Norwest Metro Station to the east.

The immediately surrounding development includes:

- **North:** Existing Data Centre on a large parcel of land at 3 Brookhollow Avenue.
- **East:** Existing Data Centre at 10-12 Brookhollow Avenue. Further east is a 7-storey mixed use development at 2 Brookhollow Avenue comprising commercial offices, retail space and a gym.
- **South:** Low density residential development addressed to Fairmont Avenue. Zoned R3 Medium Density Residential.
- **West:** Two-storey commercial building at 18-20 Brookhollow Avenue. Further west is a 7-storey mixed-use building comprising Adina serviced apartments and retail uses.

Figure 3 Site Context Map



Source: Urbis

3. PROPOSED DEVELOPMENT

This Clause 4.6 Variation Request has been prepared to accompany a DA for a mixed-use development. The proposed development consists of the following:

- A 10 storey building and a six storey building, connected by a three storey central atrium;
- Development height; Top of roof parapet RL129.200; Top of plant RL133.800 -
- 17,545m² gross floor area at FSR 2.65:1;
- 308 basement carparking spaces;
- 60 basement bike parking spaces;
- 11 motorbike spaces;
- Loading dock with 2 x loading bays;
- 3 x service bays for vans and utes;
- A four-storey hotel including 80 beds with 4 accessible;
- A 823m² childcare centre across two storeys in the rear of the six storey tower with 122 children; 61 3-6 year olds, 12 0-2 year olds & 49 2-3 year olds including an acoustic wall around the perimeter of the outdoor play area;
- 2,875m² of site coverage area - representing 43% of site area;
- 3,005m² of landscape area - representing 45% of site area;
- 2,916m² of deep soil area – representing 44% of site area;
- 1,044m² of north plaza area – representing 15.76% of site area;
- 1,564m² of public open space area; with 57.22% solar access on June 21st between 12-2pm of main public key areas;
- 121 new trees, shrubs, permeable paving and plantings;
- Active retail frontage to Brookhollow Avenue with a proposed Gym over two levels in the six storey tower and one level Cafe in the 10 storey tower.
- Active accessible pedestrian through site link from Brookhollow Avenue to the southern reserve via the front plaza, public atrium, rear plaza & amphitheatre.
- Passive accessible pedestrian through site link from Brookhollow Avenue to the southern reserve and residential neighbourhood along the western site boundary.

Figure 4 Proposed Development



A detailed description of the proposed development is provided in the Statement of Environmental Effects prepared by Urbis Pty Ltd and dated August 2023. The proposal is also detailed within the architectural, engineering and landscape drawings that form part of the DA.

A summary of the key features of the proposed development is provided in the table below

Table 2 Numeric Overview of Proposal

Descriptor	Proposed
Land Use Activity	Hotel: 3,332m ² Commercial/office: 9,851m ² Café: 565m ² Childcare centre: 879m ² Function centre: 674m ² Gym: 729m ² Atrium: 1,055m ² Total: 17,545m ²
Height of Building	6 and 10 storeys
Floor Space Ratio	2.65: 1
Landscaped Area	3,005m ²
Car Parking Spaces	308

4. VARIATION OF HEIGHT OF BUILDING STANDARD

This section of the report identifies the development standard which is proposed to be varied, including the extent of the contravention. A detailed justification for the proposed variation is provided in **Section 6** of the report.

4.1. DEVELOPMENT STANDARD

Clause 4.3 of The Hills Shire LEP 2019 controls the height of development. Part 2 states that

"The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map".

Figure 5 Hills Shire LEP 2019 – Height of Building Standard.



To date, thirteen (13) site-specific planning proposals have been advanced across the Norwest Business Park – progressively implementing the general recommendations of the Hills Shire Corridor Strategy for increased heights and floor space ratios. The outcomes from the site-specific planning proposals has also been reflected in Council's draft Precinct Plan for Norwest – which was adopted by Council in late 2022.

The subject land forms part of 'Focus Area 1' within the draft Precinct Plan, with an intent set out as follows:

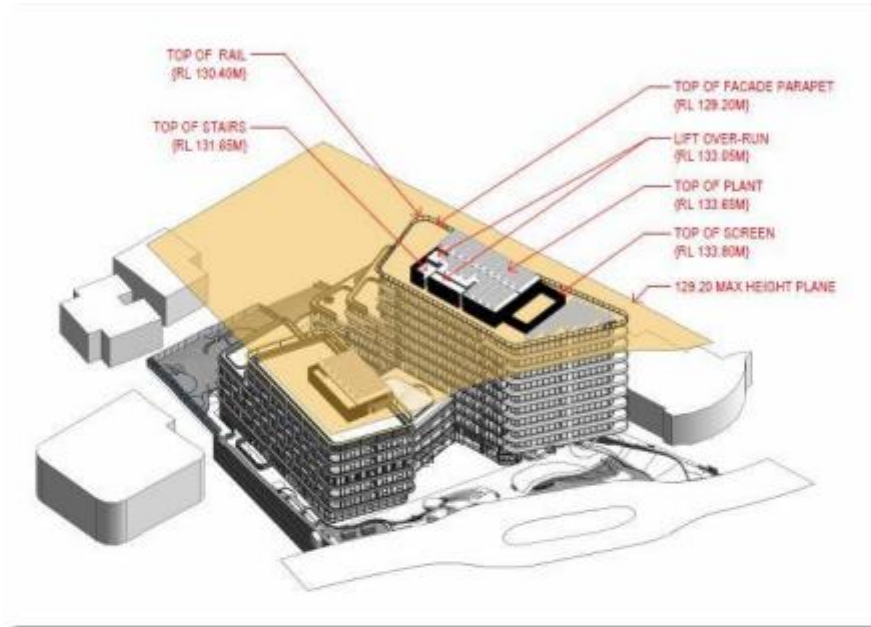
"With economic growth being the principal underlying economic goal for the Norwest Strategic Centre, this Precinct Plan establishes a framework within which diverse local employment opportunities can grow, that are tailored to the needs of our highly skilled residents."

The proposed development is entirely consistent with this strategic intent. The site context will also continue to evolve/progress over time, with increased heights/floor space ratio identified for the balance of Brookhollow Avenue. The residential area to the South is also identified for review, with high density residential form identified.

4.2. PROPOSED VARIATION TO HEIGHT OF BUILDING (HOB) STANDARD

This Clause 4.6 Variation requests seeks approval to vary the maximum building height for the site. The extent of the proposed variation is shown in the drawings below.

Figure 6 Building Height Plane



Source: GroupGSA

Building Component	Proposed RL Level	Height Variation (to LEP RL129.2m)	Approx % variation (based on ground FFL at RL91.0m)
Top of roof access stairs	RL 131.65m	2.45m	6.4%
Top of rail	RL 130.40m	1.2m	3.1%
Top of façade parapet	RL 129.20	Nil	0%
Lift-overrun	RL 133.05m	3.85m	10.1%
Top of plant	RL 133.65m	4.45m	11.6%
Top of screen	RL 133.80m	4.6m	12.0%

5. RELEVANT ASSESSMENT FRAMEWORK

Clause 4.6 of The Hills Shire Council (THSC) LEP 2019 includes provisions that allow for exceptions to development standards in certain circumstances. The objectives of clause 4.6 of THSC LEP 2019 are:

“(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances”.

Clause 4.6 provides flexibility in the application of planning provisions by allowing the consent authority to approve a DA that does not comply with certain development standards, where it can be shown that flexibility in the particular circumstances of the case would achieve better outcomes for and from the development.

In determining whether to grant consent for development that contravenes a development standard, clause 4.6(3) requires that the consent authority to consider a written request from the applicant that seeks to justify the contravention of the development by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(a) that there are sufficient environmental planning grounds to justify contravening the development standard.

For the purposes of clause 4.6(3)(a), the ways in which compliance with a development standard can be shown to be unnecessary (in that it is achieved anyway) or unreasonable (in that no purpose would be served) are as follows:

1. The objectives of the development standard are achieved notwithstanding non-compliance with the standard.
2. Under this approach development standards are viewed not as the planning objectives, but as a means to achieve those objectives. If there is an alternative means to achieve the objective, then the objective would be achieved anyway (and hence compliance with the standard is unnecessary) and there is no purpose served by requiring compliance with the standard (and hence compliance would be unreasonable). This tends to be the most common way of establishing that compliance is unreasonable or unnecessary.
3. To establish that the underlying objective or purpose of the standard is not relevant to the development, and hence compliance with the standard is unnecessary.
4. To establish that the underlying objective or purpose of the standard would be defeated if compliance was required, and hence compliance with the standard is unreasonable.
5. To establish that the development standard has been virtually abandoned or destroyed by Council's own decisions departing from the standard, and hence compliance with the standard is unnecessary or unreasonable.
6. To establish that the zoning of the particular land was an anomaly or inappropriate, and as a result the development standard applying to zoning are also an anomaly or inappropriate, and hence compliance with the standard is unnecessary or unreasonable. (Wehbe v Pittwater Council (2007) 156 LGERA 446

Clause 4.6(4)(a) requires the consent authority to be satisfied that the applicant's written request adequately addresses each of the matters listed in clause 4.6(3). The consent authority should also be satisfied that that the proposed development will be in the public interest because it is consistent with the objectives of the standard and the objectives for development within the zone in which it is proposed to be carried out.

This request focuses on the first method of showing that compliance is *unreasonable or unnecessary* as outlined below.

Clause 4.6(4)(b) requires the concurrence of the Secretary to have been obtained. In deciding whether to grant concurrence, subclause (5) requires that the Secretary consider:

(b) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

The concurrence of the Secretary can be assumed to have been granted for the purpose of this variation request in accordance with the Department of Planning Circular PS 18-003 'Variations to development standards', dated 21 February 2018. This circular is a notice under section 55(1) of the Environmental Planning and Assessment Regulation 2021 and provides for assumed concurrence. A consent granted by a consent authority that has assumed concurrence is as valid and effective as if concurrence had been given.

The Secretary can be assumed to have given concurrence if the matter is determined by an independent hearing and assessment panel or a Sydney district or regional planning panel in accordance with the Planning Circular. Whilst the subject development application will be determined by the Land and Environment Court of New South Wales, Clause 8.14 of the Environmental Planning and Assessment Act 1979 (as amended) states that:

"In addition to any other functions and discretions that the Court has apart from this subsection, the Court has, for the purposes of hearing and disposing of an appeal under this Division, all the functions and discretions which the consent authority whose decision is the subject of the appeal had in respect of the matter the subject of the appeal".

This clause 4.6 request demonstrates that there are sufficient environmental planning grounds to justify the requested variation and that the approval of the variation is in the public interest because it is consistent with the development standard and zone objectives.

In accordance with clause 4.6(3), the applicant requests that the height development standard be varied.

6. ASSESSMENT OF CLAUSE 4.6 VARIATION

The following sections of the report provide a comprehensive assessment of the request to vary the development standards relating to the height of building standard in accordance with clause 4.3 of THSC LEP 2019

Detailed consideration has been given to the following matters within this assessment:

- Varying development standards: A Guide, prepared by the Department of Planning and Infrastructure dated August 2011.
- Relevant planning principles and judgements issued by the Land and Environment Court.

The following sections of the report provides detailed responses to the key questions required to be addressed within the above documents and clause 4.6 of the LEP.

6.1. IS THE PLANNING CONTROL A DEVELOPMENT STANDARD THAT CAN BE VARIED? – CLAUSE 4.6(2)

The maximum building height control prescribed by clause 4.3 of the THSC LEP 2019 is a development standard. The proposed variation is not excluded from the operation of clause 4.6(2) as it does not comprise any of the matters listed within clause 4.6(6) or clause 4.6(8) of the THSC LEP (2019). Accordingly, the standard is capable of being varied under clause 4.6(2).

6.2. IS COMPLIANCE WITH THE DEVELOPMENT STANDARD UNREASONABLE OR UNNECESSARY IN THE CIRCUMSTANCES OF THE CASE? – CLAUSE 4.6(3)(A)

Historically, the most common way to establish a development standard was unreasonable or unnecessary was by satisfying the first method set out in *Wehbe v Pittwater Council* [2007] NSWLEC 827. This method requires the objectives of the standard are achieved despite the non-compliance with the standard.

This was recently re-affirmed by the Chief Judge in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 at [16]-[17]. Similarly, in *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 at [34] the Chief Judge held that "establishing that the development would not cause environmental harm and is consistent with the objectives of the development standards is an established means of demonstrating that compliance with the development standard is unreasonable or unnecessary".

This Request addresses the first method outlined in *Wehbe v Pittwater Council* [2007] NSWLEC 827. This method alone is sufficient to satisfy the 'unreasonable and unnecessary' requirement.

The Request also addresses the third method, that the underlying objective or purpose of the development standard would be undermined, defeated or thwarted if compliance was required with the consequence that compliance is unreasonable (*Initial Action* at [19] and *Linfield Developments Pty Ltd v Cumberland Council* [2019] NSWLEC 131 at [24]). Again, this method alone is sufficient to satisfy the 'unreasonable and unnecessary' requirement.

The Request also seeks to demonstrate the 'unreasonable and unnecessary' requirement is met because the burden placed on the community by not permitting the variation would be disproportionate to the non-existent or inconsequential adverse impacts arising from the proposed non-complying development. This disproportion provides sufficient grounds to establish unreasonableness (relying on comments made in an analogous context, in *Botany Bay City Council v Saab Corp* [2011] NSWCA 308 at [15]).

- ***The objectives of the standard are achieved notwithstanding non-compliance with the standard*** (the first method in *Wehbe v Pittwater Council* [2007] NSWLEC 827 [42]-[43])

The specific objectives of the Height of Building standard as specified in clause 4.3 of THSC LEP 2019 are detailed in **Table 2** below. An assessment of the consistency of the proposed development with each of the objectives is also provided.

Table 3 Assessment of Consistency with Clause 4.3 Objectives

Objectives	Assessment
(a) to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape,	<ul style="list-style-type: none"> The built form is entirely consistent with desired future character for this part of the Norwest Business Park and more specifically along Brookhollow Avenue. The proposed development is consistent with the overall streetscape for Brookhollow Avenue, representing a positive contribution.
(b) to minimise the impact of overshadowing, visual impact and loss of privacy on adjoining properties and open space areas	<p>The proposed variation to the height of building standard results in:</p> <ul style="list-style-type: none"> There are no overshadowing impacts arising There are no visual impacts arising. There is no loss of privacy on adjoining properties and open space areas arising.

The objectives of the development standard are achieved, notwithstanding the non-compliance with the standard in the circumstances described in this variation report.

6.3. ARE THERE SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS TO JUSTIFY CONTRAVENING THE DEVELOPMENT STANDARD? – CLAUSE 4.6(3)(B)

The Land & Environment Court judgment in *Initial Action Pty Ltd v Woollahra Council* [2018] NSWLEC 2018, assists in considering the sufficient environmental planning grounds. Preston J observed:

“...in order for there to be ‘sufficient’ environmental planning grounds to justify a written request under clause 4.6, the focus must be on the aspect or element of the development that contravenes the development standard and the environmental planning grounds advanced in the written request must justify contravening the development standard, not simply promote the benefits of carrying out the development as a whole; and

...there is no basis in Clause 4.6 to establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development”

Furthermore, in *Initial Action*, the Court stated that the phrase “environmental planning grounds” is not defined but would refer to grounds that relate to the subject matter, scope and purpose of the Environmental Planning and Assessment Act 1979, including the objects in Section 1.3 of the Act.

While this does not necessarily require that the proposed development should be consistent with the objects of the Act, nevertheless, in Table 4 we consider how the proposed development is consistent with each object, as and if relevant, notwithstanding the proposed variation of the building height development standard.

Table 4 Objects of the EP&A Act

Object	Comment
(a) To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources	<p>The proposed development promotes the social and economic welfare of the local community and the wider area, as well as a better environment, through the demolition of the existing structures and buildings that detract from the quality of the area, and the delivery of a contemporary commercial/mixed use development.</p> <p>The development will create a significant number of employment opportunities during the construction and operational phases – supporting the overall strategic employment and community outcomes established for the Norwest Strategic Centre.</p>
(b) To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment	<p>The proposal will satisfy the required standards of ecologically sustainable development including through various initiatives proposed on site, including the use of solar panels on the roof of the proposed building, energy efficient lighting, water conservation and stormwater control provisions, passive design, and the provision of cycle parking facilities.</p> <p>Further, the proposed minor height variation will have no significant negative impact on environmental and social considerations. The proposed height variation will not result in undue overshadowing to, or harm the amenity of, neighbouring properties.</p>
(c) To promote the orderly and economic use and development of land	<p>The proposed development promotes the orderly and economic use and development of the site by demolishing the existing buildings and structures and delivering a new commercial development (with a mix of tenancies) which will provide a significant number of employment opportunities within the Norwest Strategic Centre, which aligns with the Council's aims and ambitions for the area.</p> <p>The proposed minor height variation is considered an orderly design outcome that responds to the site context. The variation will enable the building and associated services and lift overrun to be provided at roof level, which is consistent with other recent approvals and constructed developments in the locality.</p>
(d) To promote good design and amenity of the built environment	<p>The proposed development is of a high quality and sustainable design that will enhance and activate an important site within the Norwest area. The proposed development will provide an active frontage onto Brookhollow Avenue in a form that is entirely consistent and in-keeping with the desired future character for the area. A series of design principles have guided the form of the development – these are set out in detail within the accompanying architectural design report.</p>

In addition to considering the variation against the objects of the Act, we provide additional assessment as guided by *Initial Action* above, summarised as follows

- There is no resulting impact on identified view corridors
- There is no resulting impact on heritage values.
- There is no resulting impact on solar access
- There is no resulting impact on privacy
- No impact on streetscape.

These specific circumstances of the proposal and the site constitute sufficient environmental planning grounds which justify the proposed variation to the development standard. Further detail is provided below.

No impact on identified view corridors

Bella Vista Farm has a number of identified significant view corridors and vistas mapped and described in Part D Section 22, Appendix A of The Hills Development Control Plan 2012

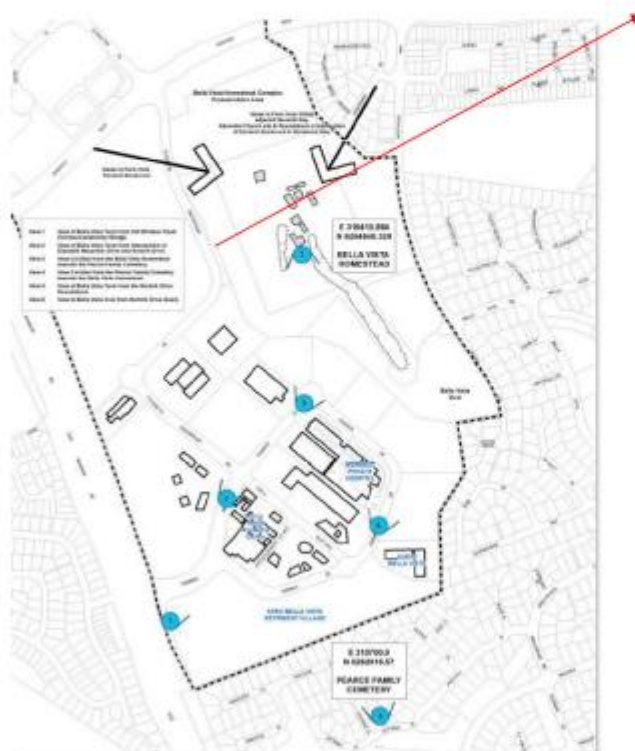


Figure 7 Bella Vista viewpoints, view corridors and view cones. Direction of subject site shown in red, with the site being significantly distanced from Bella Vista farm.

Source: Part D Section 22, The Hills DCP 2012

Figure 8 Extract of view corridor plan



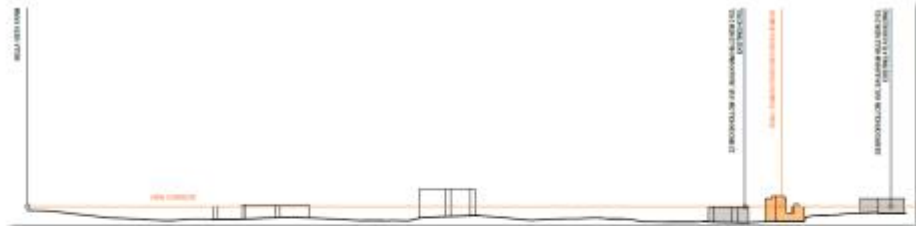
Source: Group GSA 2023

Figure 9 Extract of view corridor plan



Source: Group GSA 2023

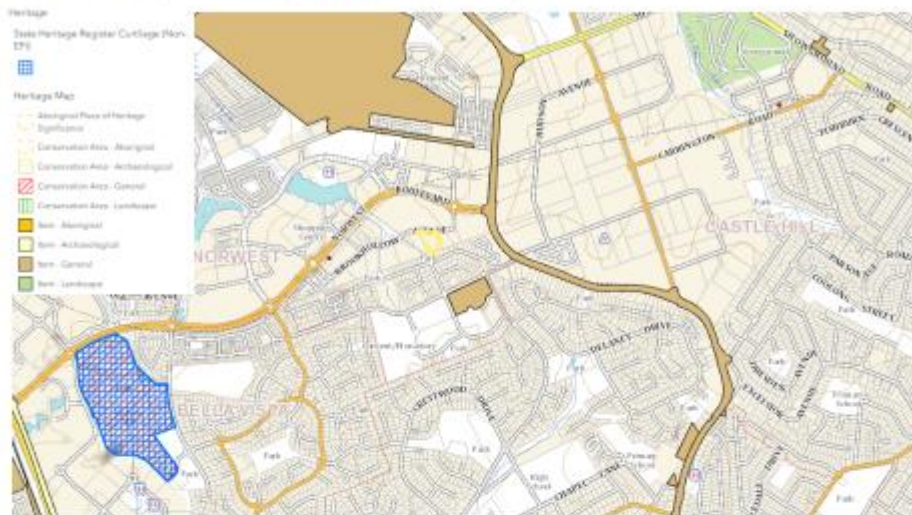
Figure 10 Extract of view corridor plan



Source: Group GSA 2023

There is no impact on identified heritage values

Figure 11 Heritage Map – subject site outlined in dashed yellow lines



The heritage impact assessment for the project confirms that the proposed development has not impact on identified heritage values across the broader business park.

No impact on privacy

There are no privacy impact result from the proposed variation to development standard. There are no habitable spaces above the established height standard. The locations of the development components beyond the height plane are also well separated from any nearby residential area.

No impact on solar access

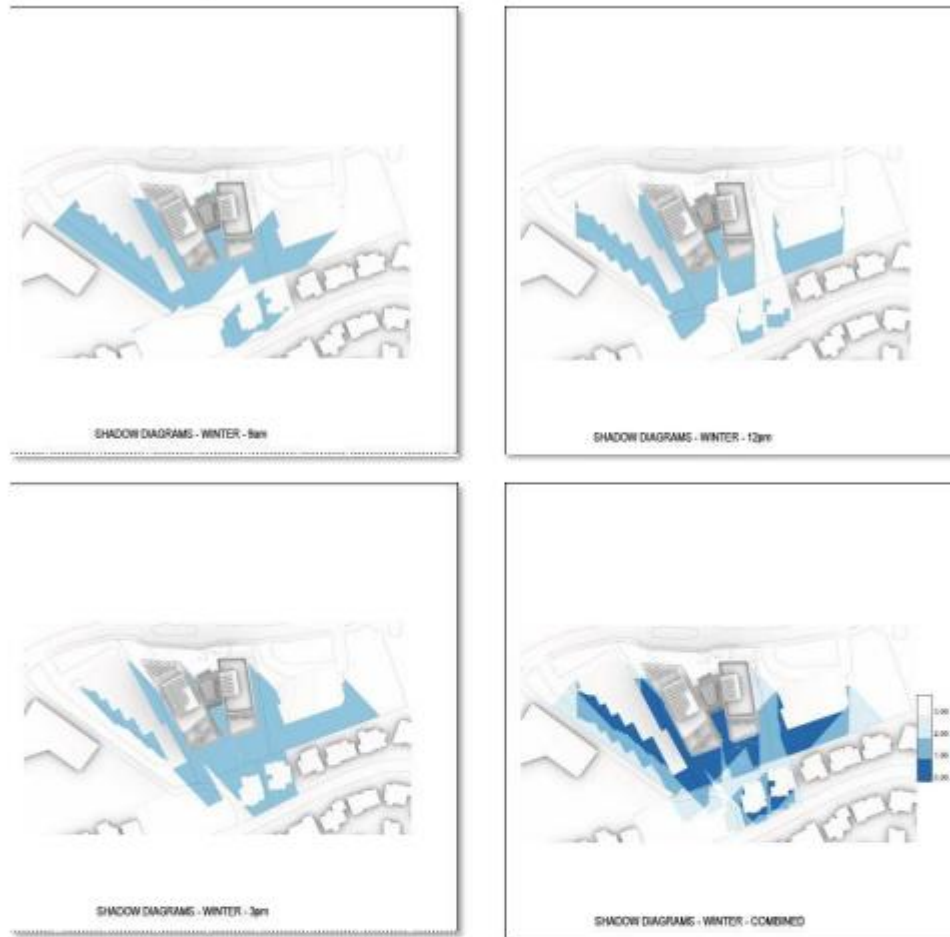
The potential shadow impacts from the area of height exceedance effectively 'drop' only onto the roof areas of the proposed development only and consequently do not compromise solar access either within the development itself nor for adjoining properties.

Figure 12 shadow diagrams.



Source: GroupGSA (full resolution in design report)

Figure 13 Shadow diagrams



Source: [insert source]

Source: GroupGSA
(refer Architectural Drawing A6030 for full resolution)

No adverse impact on streetscape

The proposed height exceedance for plant and equipment has no adverse impact on the streetscape, as illustrated in the figure below. The built form has been established through careful consideration of a number of design principles that are set out in the architectural design report. None of these are compromised by the HOB exceedances.

Figure 14 Extract of proposed render



Source: GroupGSA

Consistency with site-specific recommendations/DCP.

A set of site-specific recommendations for the site have been previously established, which have again been the subject of public exhibition and finalisation. An overview is set out in Table 3 below.

Clause	Provision	Proposed	Complies
4.1 Setbacks and Landscaping	1. Minimum building setbacks are to be provided in accordance with the setbacks illustrated in Figure 3	As shown in the Architectural Plans included as an attachment the following setbacks have been provided: <ul style="list-style-type: none">▪ Front setback: 9m▪ Side setback: 5m▪ Rear setback: 22m.	Yes

Clause	Provision	Proposed	Complies
	2. 45% of site area is to be retained for landscaping, including 43% for deep soil landscaping	3,005m ² of the site which equates to 45% of the site area will be landscaped. 2,916m ² of the site which equates to 44% of the site area will be provided for deep soil landscaping.	Yes
	3. Landscaped areas are to have a minimum width of 2m. Areas less than 2m in width will be excluded from the calculation of landscaped area.	The landscaped areas will have a minimum width of 2m.	Yes
	4. Native ground covers and grasses are to be used in garden beds and path surrounds (turf is to be confined to useable outdoor areas).	The landscape plan shows that native ground covers and grasses will be used in garden beds and path surrounds.	Yes
	5. Deep soil zones are to allow for future planting of mature trees.	The landscape plan shows that deep soil zones are provided to allow for the planting of mature trees.	Yes
	6. Where roof gardens are provided, consideration should be given to the Urban Green Cover in NSW – Technical Guidelines, published by the Office of Environment and Heritage.	Noted. In the roof gardens on Level 3, 4 and 6, the Urban Green Cover in NSW – Technical Guidelines has been considered.	Yes
	7. Soft landscaping is to include a mix of mature and semi mature trees, shrubs, lawn turf and ground cover planting. Plant species are to be appropriate to the context and the specific microclimate within the development.	As detailed by the plant schedule, plant species have been selected considering the context and microclimate of the development.	Yes
	8. Drought tolerant plant species, and species that enhance habitat and ecology, are to be prioritised.	As detailed by the plant schedule, drought tolerant plant species have been included.	Yes

Clause	Provision	Proposed	Complies
4.2 Design and Built Form	1. The bulk and scale of the development is to be treated through the use of appropriate materials, colours and landscape treatment and with consideration of view corridors to and from surrounding areas	An external material and finishes schedule have been provided with the Architectural Plans.	Yes
	2. Building footprints and heights shall be generally in accordance with Figure 4 below.	The proposed building footprint and heights are generally in accordance with Figure 4. The proposal now includes an atrium between the two towers.	Yes
	3. Built form should incorporate a stepped design from the first to the fourth storey (at a minimum), as shown in Figure 5 below.	The proposed built form includes a stepped design as shown in Figure 5.	Yes
	4. The built form, including levels, shall be in accordance with the flood planning requirements stipulated in Part C Section 6 – Flood Controlled Land of The Hills Development Control Plan 2012.	The built form and levels have been designed to be in accordance with the flood planning requirements stipulated in the Hills DCP.	Yes
4.3 Parking and Vehicular Access	1. Car parking shall be provided in accordance with the following rates: <ul style="list-style-type: none"> a minimum rate of 1 space per 100m² of commercial gross floor area; and a maximum rate of 1 space per 75m² of commercial gross floor area. 	As discussed in Section 7.6, the proposal will provide a shortfall of 8 parking spaces. However, this is considered appropriate given the peak demand usage of the different land uses on site.	Minor variation.
	2. Access to parking areas shall be established in accordance with the requirements set out in Part C Section 1 – Parking of The Hills Development Control Plan 2012.	Access to parking areas will be established in accordance with the requirements of the DCP.	Yes

Clause	Provision	Proposed	Complies
4.2 Design and Built Form	1. The bulk and scale of the development is to be treated through the use of appropriate materials, colours and landscape treatment and with consideration of view corridors to and from surrounding areas	An external material and finishes schedule have been provided with the Architectural Plans.	Yes
	2. Building footprints and heights shall be generally in accordance with Figure 4 below.	The proposed building footprint and heights are generally in accordance with Figure 4. The proposal now includes an atrium between the two towers.	Yes
	3. Built form should incorporate a stepped design from the first to the fourth storey (at a minimum), as shown in Figure 5 below.	The proposed built form includes a stepped design as shown in Figure 5.	Yes
	4. The built form, including levels, shall be in accordance with the flood planning requirements stipulated in Part C Section 6 – Flood Controlled Land of The Hills Development Control Plan 2012.	The built form and levels have been designed to be in accordance with the flood planning requirements stipulated in the Hills DCP.	Yes
4.3 Parking and Vehicular Access	1. Car parking shall be provided in accordance with the following rates: <ul style="list-style-type: none"> a minimum rate of 1 space per 100m² of commercial gross floor area; and a maximum rate of 1 space per 75m² of commercial gross floor area. 	As discussed in Section 7.6, the proposal will provide a shortfall of 8 parking spaces. However, this is considered appropriate given the peak demand usage of the different land uses on site.	Minor variation.
	2. Access to parking areas shall be established in accordance with the requirements set out in Part C Section 1 – Parking of The Hills Development Control Plan 2012.	Access to parking areas will be established in accordance with the requirements of the DCP.	Yes

Clause	Provision	Proposed	Complies
	3. On-site car parking is to be provided in a basement form only	The on-site parking will only be provided in the basement.	Yes
	4. Basement car parking is to be provided at a maximum of 4 levels.	There are 4 basement levels of car parking.	Yes
	5. Carpark access should not adversely affect pedestrian movement or the visual amenity of the public domain on Brookhollow Avenue.	The location of the driveway and carpark access does not affect pedestrian movement or the visual amenity of the public domain.	Yes
	6. Basement car parking is to protrude above ground level for ventilation purposes only to a maximum of 1.2 metres and is not to reduce the potential for deep rooted planting and effective landscaping on the site.	The basement car parking does not protrude above ground level.	Yes
	7. Carpark ventilation point must not be directed towards adjoining residential dwellings.	The carpark exhaust riser is located internally within the venting at the top of the roof away from any adjoining sites and/or residential buildings.	Yes
4.4 Public Domain and Pedestrian Amenity	1. The development must provide a minimum of one (1) public plaza fronting Brookhollow Avenue and totalling at least 11% of the site area.	A ground level plaza fronting Brookhollow Avenue and it is 1,044m ² which accounts for 16% of the site area.	Yes
	2. The development must provide a pedestrian site-through linkage between Brookhollow Avenue with Fairmont Avenue Reserve that is to be generally consistent with Figure 6.	A pedestrian through-site link has been provided between Brookhollow Avenue and Fairmont Avenue Reserve that is generally consistent with Figure 6.	Yes
	3. The development shall provide opportunities for casual surveillance, enhancing safety of pedestrians moving within the site and must be provided with adequate lighting to improve safety.	The development generally consists of glazing which provides opportunities for passive surveillance. Adequate lighting will also be provided throughout the site to improve safety.	Yes

Clause	Provision	Proposed	Complies
	4. Street furniture is provided in the through-site link, including a high quality, durable and co-ordinated selection of paving, seating, lighting, rubbish bins, and directional signage	Street furniture will be provided in the through-site link.	Yes
	5. On level access, paved pathways or lifts are to be provided to allow for the equitable movement of people across the site.	Paved pathways or lifts will be provided for on level access to allow for equitable movement of people across the site.	Yes
	6. Signage and wayfinding is to be incorporated within the public domain where possible.	Building identification signage has been incorporated into the public domain with a sign located in the landscaped area in front of the building.	Yes
4.5 Solar Access and Overshadowing	1. All private open space within neighbouring low density residential properties are to continue to receive a minimum four (4) hours of sunlight access between 9am and 3pm on 21st June. Note: Where these are already receiving less than the minimum 4 hours, the proposed development shall not further reduce the level of solar access.	The neighbouring residential properties to the south of the site continue to receive a minimum 4 hours of sunlight access between 9am – 3pm on 21 June.	Yes
	2. Public open space (located within and adjoining the site) is to receive a minimum of 50% sunlight coverage between 12pm and 2pm on 21st June.	57% of the public open space within the site will receive sunlight coverage between 12pm and 2pm on 21 st June.	Yes
	3. Development shall achieve direct sunlight to the principal usable part of the public plaza and other key public areas for a minimum of 2 hours between 9am and 3pm on 21 June.	The solar access diagrams confirms that the public plaza can receive a minimum of 2 hours direct sunlight between 9am – 3pm on 21 June.	Yes

6.4. HAS THE WRITTEN REQUEST ADEQUATELY ADDRESSED THE MATTERS IN SUB-CLAUSE (3)? – CLAUSE 4.6(4)(A)(I)

Clause 4.6(4)(a)(i) states that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3).

Each of the sub-clause (3) matters are comprehensively addressed in this written request, including detailed consideration of whether compliance with a development standard is unreasonable or unnecessary in the circumstances of the case. The written request also provides sufficient environmental planning grounds, including matters specific to the proposal and the site, to justify the proposed variation to the development standard.

6.5. IS THE PROPOSED DEVELOPMENT IN THE PUBLIC INTEREST? – CLAUSE 4.6(4)(B)(II)

Clause 4.6(4)(a)(ii) states development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied the proposal will be in the public interest because it is consistent with the objectives of the development standard and the objectives for the zone.

Meaning of 'consistent'

A development that is consistent with zone objectives does not need to promote the objective concerned strictly, but it encompasses development which may be complementary or ancillary to development which promotes the objective concerned. A development is not consistent with zone objectives if it is antipathetic development to those objectives: *Coffs Harbour Environment Centre Inc v Coffs Harbour City Council* (1991) 74 LGRA 185. It follows that the test of consistency is low.

Consistency with Maximum Height Standard

The consistency of the development with the objectives of the maximum height development standard is demonstrated in Table 2 above. As the development achieves the objectives it is plainly consistent with those objectives.

Consistency with Land Use Zoning Standard

The proposal is also consistent with the land use objectives that apply to the site under THSC LEP 2019. The site is located within the SP4 – Enterprise zone. The proposed development is consistent with the relevant land use zone objectives as outlined in Table 4 below.

Table 5 Assessment of Compliance with Land Use Zone Objectives

Objective	Assessment
To provide for development and land uses that support enterprise and productivity	<p>The is within 600m walking distance of Norwest Metro Station. The proposal has strategic merit, in that</p> <ul style="list-style-type: none">▪ it seeks to facilitate job opportunities while reducing car parking close to public transport▪ it supports commercial opportunities within an identified office precinct within a strategic centre

Objective	Assessment
	<ul style="list-style-type: none"> it supports the principal underlying economic goal for strategic centres, employment growth it shall contribute to meeting Norwest's jobs target.
To encourage economic growth, business investment and employment opportunities	The proposal shall contribute to the realisation of Norwest as a strategic centre and key office precinct within an appropriate built form.
To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.	The proposed mixed uses within the development seeks to provide both facilities and services that meeting the daily needs of works in the area, providing office floorspace, hospitality, child care etc.
To provide a range of office and light industrial uses.	The proposal seeks to provide a considerable amount of office floorspace in a mixed-used configuration
To make provision for high technology industries that use and develop advanced technologies, products and processes.	The proposal helps to support the continued evolution and progression of Norwest, towards its 2041 goal, being... <i>a prime location for knowledge intensive businesses focused on health, education, science, technology, finance and advanced manufacturing.</i>

6.6. HAS THE CONCURRENCE OF THE PLANNING SECRETARY BEEN OBTAINED? – CLAUSE 4.6(4)(B) AND CLAUSE 4.6(5)

The Secretary can be assumed to have concurred to the variation under Department of Planning Circular PS 18–003 'Variations to development standards', dated 21 February 2018. This circular is a notice under 55(1) of the *Environmental Planning and Assessment Regulation 2021*

The Secretary can be assumed to have given concurrence as the matter will be determined by the Land and Environment Court of New South Wales. The Land and Environment Court have all the functions and discretions which the consent authority whose decision is the subject of the appeal had in respect of the matter the subject of the appeal.

The matters for consideration under clause 4.6(5) are considered below.

6.7. CLAUSE 4.6(5)(A) – DOES CONTRAVENTION OF THE DEVELOPMENT STANDARD RAISE ANY MATTER OF SIGNIFICANCE FOR STATE OR REGIONAL ENVIRONMENTAL PLANNING?

The proposed variation to the maximum building height development standard will not raise any matter of significance for State or regional environmental planning. It has been demonstrated that the proposed variation is appropriate based on the specific circumstances of the case and would be unlikely to result in an unacceptable precedent for the assessment of other development proposals.

6.8. CLAUSE 4.6(5)(B) - IS THERE A PUBLIC BENEFIT OF MAINTAINING THE PLANNING CONTROL STANDARD?

The proposed development achieves the objectives of the maximum building height development standard and the land use zone objectives despite the technical non-compliance. The additional height proposed has been demonstrated to be appropriate and supportable in the circumstances of the case.

The additional height will enable additional office floorspace for creative industries to be provided within the site. This will provide additional employment opportunities for local people and support the broader strategic objectives set out for the Norwest Business Park. Conversely, a compliant development scheme would significantly reduce the quantum of creative office floorspace that could be provided and the number of jobs generated by the development.

There is no material impact or benefit associated with strict adherence to the development standard and there is no compelling reason or public benefit derived from maintenance of the standard.

6.9. CLAUSE 4.6(5)(C) – ARE THERE ANY OTHER MATTERS REQUIRED TO BE TAKEN INTO CONSIDERATION BY THE SECRETARY BEFORE GRANTING CONCURRENCE?

Concurrence can be assumed, however, there are no known additional matters that need to be considered within the assessment of the Clause 4.6 Variation Request prior to granting concurrence, should it be required.

7. CONCLUSION

For the reasons set out in this written request, strict compliance with the maximum height development standard contained within clause 4.3 of The Hills Shire Local Environmental Plan 2019 is unreasonable and unnecessary in the circumstances of the case. Further, there are sufficient environmental planning grounds to justify the proposed variation and it is in the public interest to do so.

It is reasonable and appropriate to vary the maximum height development standard to the extent proposed for the reasons detailed within this submission.

For the reasons outlined above, the clause 4.6 request is well-founded. The development standard is unnecessary and unreasonable in the circumstances, and there are sufficient environmental planning grounds that warrant contravention of the standard. In the circumstances of this case, flexibility in the application of the maximum height development standard should be applied.

DISCLAIMER

This report is dated September 2023 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of ICH (**Instructing Party**) for the purpose of Clause 4.6 submission (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.


In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

ATTACHMENT N – DESIGN ADVISORY PANEL MEETING REPORT

DESIGN ADVISORY PANEL DESIGN ADVISORY PANEL MEETING REPORT 14th FEBRUARY 2024

Item 3.2	11.00am – 12 noon
DA Number	DA 426/2024/JP
DA Officer	Cynthia Dugan
Applicant	Tony Isaac
Planner	Simon Wilkes – Urbis
Property Address	14-16 Brookhollow Avenue, Norwest
Proposal	 <p>Mixed use commercial development comprising, an 80 key hotel, dining, gym, childcare for 122 children and offices over structured basement car parking.</p>
Design Review	First review of Development Application (Reviewed pre-DA stage 51/2023/PRE)
Site Inspection	The site was inspected by the Panel on 14/02/24
Architect to Address the Panel	Noura Thaha – Group GSA
Key Issues	<p>Summary of key issues discussed:</p> <ul style="list-style-type: none"> • Legibility and 24 hour access feasibility of through site links • Retention of established trees and green buffer to the rear • Light spill and acoustic impacts of function centre • Childcare play areas
Panel Location	THSC Community Room 6
Panel Members	<p>Chairperson – Paul Berkeimer</p> <p>Panel Member – Stephen Pearse</p> <p>Panel Member – Jared Phillips</p>
Declaration of Interest	No declarations made by Panel members.
Councillors	None present
Council Staff	Paul Osborne, Cynthia Dugan, Marika Hahn, Megan Munari, Shaylah Powles
Attendees	<p>Tony Isaac – Owner</p> <p>Simon Wilkes – Urbis (planner)</p> <p>Lisa-Maree Carrigan – Group GSA (architect)</p> <p>Noura Thaha – Group GSA #10167 (architect/urban design)</p>

GENERAL

The Hills Shire Council is committed to achieving design excellence in the built environment and ensuring new developments exhibit the highest standard of architectural, urban and landscape design. The Hills Shire Design Advisory Panel (The Panel) is an Independent Advisory Panel, approved by the Government Architect, 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 consideration of development applications subject the Hills Local Environmental Plan clauses; 7.7, 8.6 and 9.5.

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

SUBJECT SITE AND BACKGROUND

The subject site is located in Norwest, in close proximity to the Norwest metro station. The site currently contains a low scale commercial building.



Location plan (THSC)

DOCUMENTATION

For the meeting of 14th February 2024 the Panel reviewed the Pre-DA documentation (51/2023/PRE) provided for the meeting of 12th April 2023.
Documentation submitted for the current DA 426/2024/JP submission

Statement of Environmental Effect, dated August 2023, by Urbis
Heritage Impact Statement, dated 17 July 2023, by Urbis
Development Application Design Report, by Group GSA (provided on 14 February 2024)
Full set of plans – floor plans only, dated 1 August 2023 by Group GSA
Amended set of Plans incorporating sections and landscape detail, dated 8 December 2023 (noting that some dates vary), by Group GSA
Summary slide for DAP Meeting, January 2024, by Group GSA
Colour Schedule, dated 1 August 2023, by Group GSA
Section J – J1V3 Assessment Report, dated 31 July 2023, by JN Responsive Engineering

PANEL COMMENTS

DA: 426/2024/JP – 14-16 Brookhollow Avenue, Norwest

The Panel meeting commenced at 11.30am

For clarity, the following minutes are based on the Panel's previous meeting report from 2 February 2023 (*repeated below in italics*). New comments do not necessarily supersede previous advice and as such should be read in conjunction with the previous DEP report. New comments from the meeting on 14th February 2024 are indicated in [blue](#).

Response to Context

1. *The response to Country and context requires further consideration and development.*

New Comment: This comment remains relevant. Whilst the report contains reference to the Bidjigal people, contextual relationships to the existing riparian context to the rear of the site would be more relevant to the place and the landscape design.

2. *The site slopes down to the west, however the proposed extent of level ground plane throughout the site has led to some undesirable interface relationships, such as the extent of retaining walls along the street boundary (particularly in front of the gym). The Development Application plans should demonstrate the height of all retaining walls along the street boundary, with an aim to minimise their impact and activate/integrate the development with the street, rather than separate it.*

New Comment: This comment remains relevant.

Site planning and built form strategy

Site planning

3. *The Panel is concerned that no clearly accessible public pedestrian cross site link has been provided. The future character statement identified in the DCP (refer part 4.4) indicates that this is an integral part of the desired site planning strategy and has yet to be addressed to the Panel's satisfaction.*

New Comment: This comment remains relevant. The Panel reiterates that the wayfinding is not immediately legible and that the central building link needs to present as being available as 24/7 public access. The Panel suggests that the Applicant give further consideration to the 2 options for through site links, as both are demonstrating mixed success with respect to safety and accessibility. It may be worth further exploring how through site links on the site can meet the objectives of the DCP requirement in providing the link and test the validity of both options.

The Panel advised that the southern link presents some CEPTD issues. Both links should be fully accessible as cross site links.

4. *There are a range of strategies that could achieve a successful public 24/7 pedestrian cross site link adjacent to tall buildings and also allow sunlight to enter into the public spaces at ground level. The proposal must demonstrate that what is proposed is a superior outcome to other options that may have been considered.*

New Comment: This comment remains relevant.

5. *The Development Application should provide plans with measurements indicating the minimum building separation between building blocks A and B*

New Comment: This comment remains relevant. The Panel notes this information has been provided.

6. *The Development Application should demonstrate how prevailing wind and downdraft mitigation is to be achieved, supported by a qualified consultant wind report that justifies the proposal. Any analysis/presumptions must take into consideration future development of surrounding sites.*

New Comment: This comment remains relevant. The Panel notes that no wind assessment report had been provided and may be required by the DA officer at a later stage in order to complete their assessment.

In relation to the integration of the child care centre with other uses including hotel/office the Panel questions how potential conflicts will be resolved in regard to overlooking and acoustic cross privacy.

New Comment: This comment remains relevant. The Panel notes that Council concerns must be resolved. The Panel clarified that the door entry notated on the plans that accesses the southern cross site link is for fire egress purposes only and is not part of the childcare entry.

Bulk, Scale and Massing

7. *The bulk and massing of the development is accentuated by the scale of the proposed central atrium portion of the building. The resultant built form presents as a single building spanning the width of the site, rather than two discrete buildings that are linked by a low podium building (as envisaged by the site DCP). The DCP images indicate elegant tower-like structures over a single connective level connective podium, which would result in more acceptable bulk and massing that is more likely to exhibit design excellence.*

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Bulk, Scale and Massing

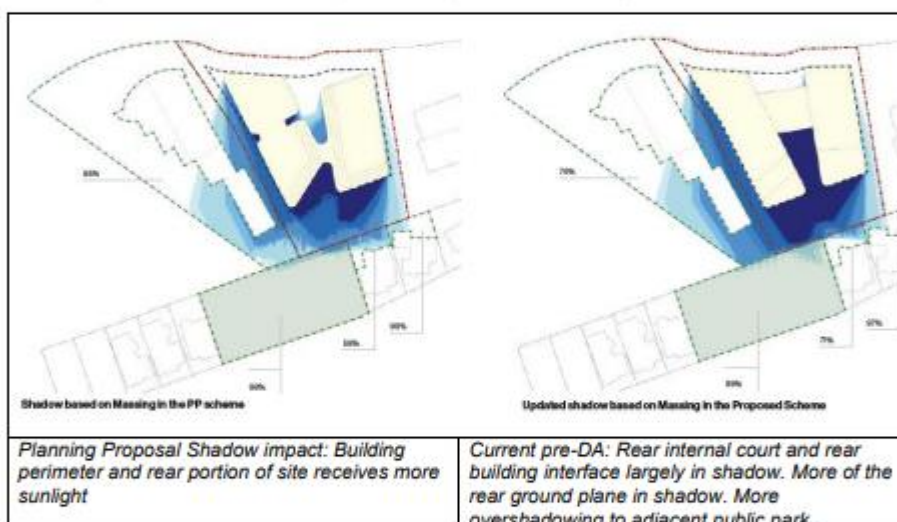
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New Comment: This comment remains relevant. The Panel advises that the removal of stepped floorplates and facades from the central atrium portion of the buildings will better present the development as being two discrete buildings rather than one single large mass. Although not meeting compliance with the DCP controls, this improves the impact of the bulk scale and massing of the built form.

The Panel raised concerns that no massing studies of future potential uses on adjacent sites and to the rear /south R3 zone were presented. The potential future uplift of adjacent sites is considered an important component of this sites development potential, and form shaping. The sites to the south are likely to increase in scale and density and some modelling around the success for solar, acoustic and visual privacy would be appropriate in testing the proposed solution.

8. *The Panel is yet to be convinced that the proposed stepping of the southern façade results in a better design outcome. The interface between the two blocks is more confronting and the change in location and height of the proposed atrium link element between blocks A and B places more of the ground floor plane in shadow. Also the diagram below indicates that there is negligible difference in shadow impact to the existing residential R2 precinct to the south.*

New Comment: This comment remains relevant. The Panel is now satisfied with the simplification of the façade. The Panel advises that more consideration be given to solar access to the properties and the public open space to the south of the development such that the development potential of the adjacent sites is not adversely impacted by the overshadowing of the development.



9. *The proposed child-care facility does not appear to receive sunlight to the allocated external play area at any time of the day. Noting the trees proposed to be retained and the desire for some solar access to this space, the Panel recommends this be reconsidered to ensure compliance with the Child Care Planning Guidelines.*

New Comment: This comment remains relevant.

Site Coverage/ Landscaped Open Space

10. *The Development Application should include clearly notated diagrams that illustrate all proposed paving and that demonstrate the required deep soil requirement is attained.*

New Comment: The Panel advises that diagrams requested have been provided and contribute to the understanding of the application.

11. *A publicly accessible plaza is to front Brookhollow Avenue comprising 11% of the site area is required by the DCP. This is to be clearly demonstrated in the Development Application plans. Areas that comprise circulation routes, setbacks and main entries should not be considered as part*

of the plaza. The plaza should be at least partially defined by active edges and offer areas of protected open space with generous sitting and shade within a verdant landscaped setting.

New Comment: This comment remains relevant. The provision of shaded areas is considered satisfactory.

Setbacks

12. The setbacks appear largely compliant with the intent of the DCP. The Panel would support more generous landscaping in the setbacks.

New Comment: This comment remains relevant. Refer to the following DCP excerpt. The landscape would benefit from some tall canopy trees.

Compliance

Height

13. The Panel supports compliance with the maximum building height control. The Panel is not convinced of the purpose or utility of the proposal for Level 6 to be an unenclosed covered area. This level is noted on the plans as being an open food and beverage facility. Whilst supportive of this amenity, the Panel recommends that this level should be at least partially enclosed and one level removed to ensure height compliance. If it is to be pursued it may also be better with additional ceiling height given proposed use, although it is noted that this would potentially increase the overall height of the buildings.

New Comment: This comment remains relevant. The Panel notes the Applicant will need to resolve impacts on adjacent residential properties, particularly with respect to acoustic impacts. The Panel notes that little description was provided with respect to the utility of Level 6. Some perspectives of the proposed use may assist council officers in their determination.

Landscape Design

Public Domain

14. The Panel is of the opinion that the design of the public domain and landscape for the development is still at a preliminary stage and that the opportunities for enhancing the landscape setting and site amenity have not yet been realised and should be further developed with the Development Application submission.

New Comment: The Panel strongly recommends that the existing trees to the rear of the subject site be retained to provide visual privacy to the residences to the immediate south of the application.

15. The Panel recommends the preparation of a clear set of design principles for the public domain and landscape including the circulation hierarchy, and clarification of areas that are publicly accessible on a 24/7 basis (e.g. through site link, hotel foyer etc), areas that are semi private (child care open space, sky terraces etc.) and private (if any). More information is required in relation to the landscape character and amenity provisions for publicly accessible open space on Level 6.

New Comment: This comment remains relevant. the Panel advises that the central link should present as the primary publicly accessible link. Further detail regarding the use of Level 6 should be provided.

- a) The design of the site frontage should have greater regard for the existing site context and future streetscape character, at the same time creating a more engaging and welcoming experience for pedestrians and visitors.

New Comment: The Panel supports the changes made in the revised design to the Brookhollow street frontage but recommends that final details be reviewed with Council officers.

- b) The planted embankments and retaining walls fronting Brookhollow Avenue currently act as a barrier which could be re-designed to be more permeable and softened by landscaped steps and planting. Existing and proposed street trees, proposed footpath crossings and taxi/car set down and drop off areas should also be addressed to enhance the broader public domain experience.

New Comment: This comment remains relevant. The Panel notes the design has advanced and provides more wayfinding cues, however the provision of two cross site links could be confusing.

- c) Along with the integration of the plaza as an activated space and landscaped 'threshold' to the complex (refer Item 11), the Panel also encourages the design team to include more turf, landscaping and places for seating and passive recreation at the ground plane.

New Comment: This comment remains relevant.

- d) *Although clearly articulated in the site planning principles, the through-site link is not reflected in the landscape plan. The design of the through-site link should address the relationships between the adjacent uses, in particular the childcare centre and the requisite security, safety, privacy and acoustic measures in place.*

New Comment: This comment remains relevant. The Panel questions the fencing treatment between the uses and recommends that more design consideration be given to the materials and privacy.

- e) *The addition of long sections and site levels would assist in greater understanding of the public domain design and landscape progression through the site.*

New Comment: The Panel notes these have been provided.

New and Existing Trees

16. *The Panel recommends the retention of as many trees on site as possible.*

- a. *An arborist report by a qualified and certified arborist is to accompany the development application and the recommended measures for tree retention and protection incorporated into the design.*

New Comment: This comment remains relevant. The Panel reiterates that the existing trees to the rear should be preserved where possible, advising this would add value to the proposal with a 'ready-made' landscaped setting and preserve privacy to the rear development.

- b. *The Panel advises that new trees should be planted 'in ground' and not only in raised planters as shown on the landscape plans. To avoid the extensive use of intrusive, over-scaled raised planters for trees, investigate dropping the slab where possible along the through-site link to incorporate an extended planter below the slab,*

New Comment: This comment remains relevant.

- c. *The childcare outdoor play area is located within the southern boundary setback under the canopy of existing trees. More details are required to demonstrate how this can be achieved without compromising the long term health and viability of the trees and canopy.*

New Comment: This comment remains relevant. The Panel raised concerns with the location of the children's play area.

- d. *It is preferable that setbacks are dedicated to deep soil and a strong landscape character of mature indigenous species.*

New Comment: This comment remains relevant.

Atrium

17. *The purpose of the proposed intermediate five-storey 'Atrium' was not made clear in the material provided or at the presentation. It is strongly recommended that this space be reconsidered and if it is to be pursued, it will need to be supported by further details regarding its use, environmental and design impacts, fit-out, management, security and information regarding how the hotel and commercial offices will share the space.*

New Comment: This comment remains relevant. The Panel supports the presented design changes that move away from a bland corporate interior to a more exciting and inviting internal space for all user groups.

18. *Although the Panel acknowledges that an atrium can be a useful way of providing orientation and gathering spaces, the Panel does not support the height, current configuration, forward location and scale of the facility, the collective impact of which creates the impression of a privatised space within a singular building. The reliance on over-scaled planters for tree establishment (as shown in the landscape cross sections) is visually and functionally intrusive and should be kept to a minimum, or preferably deleted.*

New Comment: This comment remains relevant. The Panel advises that the atrium appears to be an effective solution to accommodate the multiple programming requirements. The Panel notes the material changes to the structure within the atrium, noting this provides a more human based response to the space.

19. The Panel recommends other more imaginative ways of introducing greenery to the atrium such as exploring the use of climbers on wire frames, green walls, planter boxes with trailing plants and living art.

New Comment: This comment remains relevant. The Panel notes the planter boxes contain an Olive Tree species which is perhaps not the most appropriate species for the proposed use. The Panel suggests exploring other tree species which may be suitable for use in an atrium space.

Sky terraces

20. If pursued, the scale and configuration of the sky terraces will need to provide a generous area for greening which will add to the visual, social and environmental amenity of the building complex. The Panel looks forward to the next iteration of the landscape design for these outdoor landscapes.

New Comment: This comment remains relevant.

21. The Panel has queries in relation to the scale, relationship and functionality of the combined Level 6 sky terraces and requests more information regarding the landscape character and amenity provisions for this level. An appropriate level of ongoing maintenance will be required to keep up the landscape quality and amenity of these substantial above ground spaces.

New Comment: This comment remains relevant. The Panel notes the atrium has been reduced in scale to a 3-storey outcome.

Sustainability and Environmental Amenity

22. The Panel encourages the consideration of additional soft landscaping on the ground plane and publicly accessible spaces, particularly within the front setback to better manage stormwater, provide shade and habitat, and to contribute to reduction of urban heat.

New Comment: This comment remains relevant.

23. The Panel encourages further consideration of the façade, in particular the use of unshaded glazing. Western Sydney is generally warmer than other parts and it is important for new development to mitigate urban heat impacts.

New Comment: This comment remains relevant. The Panel supports the design revisions and material selections presented, noting the resolution of the glazing solution is very important.

Architecture and Aesthetics

24. A high quality, accessible and lively public domain supported by appropriate built form and architecture is a key urban design objective for the future character of the Norwest Precinct, in order to support increased pedestrian activity. Thoughtful design integration with the street is required to encourage pedestrians to enter the site and use the through site link.

New Comment: This comment remains relevant.

25. Noting that this is one of the first new buildings to be considered in this precinct, the Panel encourages the design team to further consider relevant building typologies and an architecture that are more considered and tailored to reflect the existing and desired future character of Norwest in terms of the broader urban landscape, as well as the social, cultural profiles and environmental/climatic realities of The Hills LGA.

New Comment: This comment remains relevant. The Panel questions the planning of the large function room on the ground floor and if the use might conflict with the adjacent childcare facility. The Panel also questions the proposed use of the glazed area to the southwest corner indicated on drawing sheet "BASEMENT1 MEZZANINE GA PLAN". The space may have potential to link to the function space above and connect to the adjacent gardens.

PANEL CONCLUSION

The Panel thanks the Applicant for presenting the proposal and for the opportunity to provide input into the design of the scheme at an early stage in the process.

Based on the information presented to the Panel, the current design would not be considered to exhibit design excellence. However, the Panel acknowledges that the Applicant has actively sought its input at this point in the process. It is recommended the Applicant consider the advice from this Panel meeting and incorporate into revised concepts for the development.

The Panel will be required to review the development once submitted as a Development Application. However, should the applicant wish to present revised concepts to the Panel for further comment prior to the lodgement of a DA, the Panel would welcome this opportunity.

New Comment: The Panel does not support the proposal in its current form as the proposal does not meet the requirements of design excellence. It is recommended that the Applicant address the issues identified in this report and those raised by council officers prior to DA submission. If Council officers are satisfied the applicant has addressed the design issues raised in this report, the Applicant need not return to the Panel.

ATTACHMENT O – APPLICANT’S RESPONSE TO DESIGN ADVISORY PANEL MEETING REPORT

GROUPGSA

03rd April 2024

The Hills Shire Council
3 Columbia Court, Norwest

Attn: Cynthia Dugan

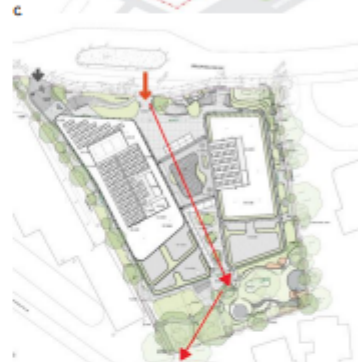
RE: The Hills Design Advisory Panel Report Response
Subject Premise: 14-16 Brookhollow Avenue, Norwest
Development Application: 426/2024/JF

Item	Original Comment from Panel	New Comment from Panel 14.02.24	Response
1 The response to Country and	The response to Country and context requires further consideration and development.	This comment remains relevant. Whilst the report contains reference to the Bidjigal people, contextual relationships to the existing riparian context to the rear of the site would be more relevant to the place and the landscape design.	The building designs refer to the existing and past ecological character of the site. This is continued in the landscape design using vertical green in the atrium and through the selection of plant species. The planting selection relates to the existing site character as well as the ecological context. The design proposes to increase the existing site canopy cover. Refer to Tree Canopy drawing no. 18264-1 DA 12.
2	The site slopes down to the west, however the proposed extent of level ground plane throughout the site has led to some undesirable interface relationships, such as the extent of retaining walls along the street boundary (particularly in front of the gym). The Development Application plans should demonstrate the height of all retaining walls along the street boundary, with an aim to minimise their impact and activate/integrate the development with the street, rather than separate it.	This comment remains relevant.	As noted by the Design review panel the revised design creates more engaging and inviting street interface to Brookhollow. The use of amphitheatre, terraced landscape, grand seating areas etc, limits the presence of retaining walls and creates more active areas along the Brookhollow Avenue. Image below shows the Brookhollow interface. This was supported by the Panel, refer item 15 a.
	Site planning and built form strategy		
3	The Panel is concerned that no clearly accessible public pedestrian cross site link has been provided. The future character statement identified in the DCP (refer part 4.4) indicates that this is an integral part of the desired site planning strategy and has yet to be addressed to the Panel's satisfaction.	This comment remains relevant. The Panel reiterates that the wayfinding is not immediately legible and that the central building link needs to present as being available as 24/7 public access. The Panel suggests that the Applicant give further consideration to the 2 options for through site links, as both are demonstrating mixed success with respect to safety and accessibility. It may be worth further exploring how through site links on the site can meet the objectives of the DCP	The proposed through-site link is positioned centrally, offering direct on-grade access to Brookhollow Avenue and seamlessly traverses through the active atrium space towards the rear of the property, with a potential connection to Fairmont Avenue. This design ensures accessibility, providing visual connectivity to various activities throughout the site. It creates a safe, easily navigable, and comfortable environment, encouraging pedestrian traffic with continuous surveillance 24/7. Additionally, an alternative emergency access along the western boundary is included. Please refer to the image below for an overview of the overall concept and site plan.



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requirement in providing the link and test the validity of both options. The Panel advised that the southern link presents some CEPTD issues. Both links should be fully accessible as cross site links.



4	There are a range of strategies that could achieve a successful public 24/7 pedestrian cross site link adjacent to tall buildings and also allow sunlight to enter into the public spaces at ground level. The proposal must demonstrate that what is proposed is a superior outcome to other options that may have been considered.	This comment remains relevant	The proposed through site link through the central atrium offers a safe, legible, and comfortable environment which encourage pedestrian flow. Refer drawing no. A6020 for the solar amenity of the through site link. Furthermore, as the Panel noted in the item no. the atrium offers a great solution for an active atrium 24/7 which further improves the legibility of the through site link. Refer item no. 18.
5	The Development Application should provide plans with measurements indicating the minimum building separation between building blocks A and B	This comment remains relevant. The Panel notes this information has been provided.	As noted by the Panel the requested information is provided and this item is closed out
6	The Development Application should demonstrate how prevailing wind and downdraft mitigation is to be achieved, supported by a qualified consultant wind report that justifies the proposal. Any analysis/presumptions must take into consideration future development of surrounding sites.	This comment remains relevant. The Panel notes that no wind assessment report had been provided and may be required by the DA officer at a later stage in order to complete their assessment.	The panel notes that the DA officer may require a wind assessment only and flags as such. A wind assessment has not been identified as being required for this site/for this DA – based on the building height. The requirement for a wind assessment is typically only for significantly taller buildings and established as a requirement in the DCP – an example being 25-31 Brookholow Ave (overstation development) at up to 25 storeys

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		There is no indication that recommended/common wind comfort levels will be exceeded with the proposed design. Rather than opposite, the design seeks to provide effective protection – including from southerly winds.
	In relation to the integration of the child care centre with other uses including hotel/office the Panel questions how potential conflicts will be resolved in regard to overlooking and acoustic cross privacy.	<p>This comment remains relevant. The Panel notes that Council concerns must be resolved. The Panel clarified that the door entry notated on the plans that accesses the southern cross site link is for fire egress purposes only and is not part of the childcare entry.</p> <p>The functional and operation aspects of childcare is well separated from the hotel. This includes dedicated parking area, Lift access and Lobby.</p>
	Bulk, Scale and Massing	
7	<p>The bulk and massing of the development is accentuated by the scale of the proposed central atrium portion of the building. The resultant built form presents as a single building spanning the width of the site, rather than two discrete buildings that are linked by a low podium building (as envisaged by the site DCP). The DCP images indicate elegant tower-like structures over a single connective level connective podium, which would result in more acceptable bulk and massing that is more likely to exhibit design excellence.</p>	<p>This comment remains relevant. The Panel advises that the removal of stepped floorplates and facades from the central atrium portion of the buildings will better present the development as being two discrete buildings rather than one single large mass. Although not meeting compliance with the DCP controls, this improves the impact of the bulk scale and massing of the built form.</p> <p>The Panel raised concerns that no massing studies of future potential uses on adjacent sites and to the rear /south R3 zone were presented. The potential future uplift of adjacent sites is considered an important component of this sites development potential, and form shaping. The sites to the south are likely to increase in scale and density and some modelling around the success for solar, acoustic and visual privacy would be appropriate in testing the proposed solution.</p> <p>Although there have been some design refinements made, the building maintains the DCP setback requirement, building height and built form requirements. There are no DCP non-compliance for the built form.</p>

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8	<p>The Panel is yet to be convinced that the proposed stepping of the southern façade results in a better design outcome. The interface between the two blocks is more confronting and the change in location and height of the proposed atrium link element between blocks A and B places more of the ground floor plane in shadow. Also the diagram below indicates that there is negligible difference in shadow impact to the existing residential R2 precinct to the south.</p>	<p>This comment remains relevant. The Panel is now satisfied with the simplification of the façade. The Panel advises that more consideration be given to solar access to the properties and the public open space to the south of the development such that the development potential of the adjacent sites is not adversely impacted by the overshadowing of the development.</p>	<p>The proposed development is compliant to the DCP controls for the site. There is no material impact to the adjoining site and is still compliant to overshadowing controls in the DCP. Refer to the details shadow diagrams, A6030</p>
9	<p>The proposed child-care facility does not appear to receive sunlight to the allocated external play area at any time of the day. Noting the trees proposed to be retained and the desire for some solar access to this space, the Panel recommends this be reconsidered to ensure compliance with the Child Care Planning Guidelines.</p>	<p>This comment remains relevant</p>	<p>Refer to drawing A6020</p>
Site Coverage/ Landscaped Open Space			
10	<p>The Development Application should include clearly notated diagrams that illustrate all proposed paving and that demonstrate the required deep soil requirement is attained.</p>	<p>The Panel advises that diagrams requested have been provided and contribute to the understanding of the application.</p>	<p>Noted</p>
11	<p>publicly accessible plaza is to front Brookhollow Avenue comprising 11% of the site area is required by the DCP. This is to be clearly demonstrated in the Development Application plans. Areas that comprise circulation routes, setbacks and main entries should not be considered as part of the plaza. The plaza should be at least partially defined by active edges and offer areas of protected open space with generous sitting and shade within a verdant landscaped setting.</p>	<p>This comment remains relevant. The provision of shaded areas is considered satisfactory.</p>	<p>As noted, North Plaza Diagram on drawing no. A6010, confirms the compliance to the plaza area requirements.</p>

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Setbacks		
12	<p>The setbacks appear largely compliant with the intent of the DCP. The Panel would support more generous landscaping in the setbacks.</p>	<p>This comment remains relevant. Refer to the following DCP excerpt. The landscape would benefit from some tall canopy trees.</p>
Compliance		
13 Height	<p>The Panel supports compliance with the maximum building height control. The Panel is not convinced of the purpose or utility of the proposal for Level 6 to be an unenclosed covered area. This level is notated on the plans as being an open food and beverage facility. Whilst supportive of this amenity, the Panel recommends that this level should be at least partially enclosed and one level removed to ensure height compliance. If it is to be pursued it may also be better with additional ceiling height given proposed use, although it is noted that this would potentially increase the overall height of the buildings.</p>	<p>This comment remains relevant. The Panel notes the Applicant will need to resolve impacts on adjacent residential properties, particularly with respect to acoustic impacts. The Panel notes that little description was provided with respect to the utility of Level 6. Some perspectives of the proposed use may assist council officers in their determination.</p> <p>There is no perceived impact on the neighbouring properties with the existing childcare which occupies much closer location to the rear boundary. Notwithstanding this we have improved the existing condition by increasing the rear setback, maintaining the vegetation buffer and proposing the acoustic treatment to indoor and outdoor play area using acoustic fence.</p>
Landscape Design		
14 Public Domain	<p>The Panel is of the opinion that the design of the public domain and landscape for the development is still at a preliminary stage and that the opportunities for enhancing the landscape setting and site amenity have not yet been realised and should be further developed with the Development Application submission.</p>	<p>The Panel strongly recommends that the existing trees to the rear of the subject site be retained to provide visual privacy to the residences to the immediate south of the application.</p> <p>The rear 22m setback have no build form encroachment that affects the deep soil. A few trees are proposed for removal to provide landscape resolutions which involves the accessible pathway for through site link and the swale to mitigate stormwater overland flow, as advised by the Council. New trees are proposed along the rear boundary as the replacement and to further improve the tree canopy along the southern boundary. In addition, vegetation buffers are added along the southern boundary for increasing visual privacy. Overall, the tree canopy on site has been increased from 21.6% (existing) to 32.4% (proposed).</p>

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15	<p>The Panel recommends the preparation of a clear set of design principles for the public domain and landscape including the circulation hierarchy, and clarification of areas that are publicly accessible on a 24/7 basis (e.g. through site link, hotel foyer etc), areas that are semi private (child care open space, sky terraces etc.) and private (if any). More information is required in relation to the landscape character and amenity provisions for publicly accessible open space on Level 6.</p>	<p>This comment remains relevant. the Panel advises that the central link should present as the primary publicly accessible link. Further detail regarding the use of Level 6 should be provided.</p>	<p>As the panel has noted, the main access to the site, along with the through-site link, is strategically placed at the center. The diverse activities planned for the central atrium will naturally establish a continuous, accessible central link 24/7. Regarding the comment on level 6, it pertained to the previous design featuring a negative storey with an undercroft outdoor area. The revised design addresses this by eliminating the undercroft space and replacing it with commercial tenancies.</p>
a)	<p>The design of the site frontage should have greater regard for the existing site context and future streetscape character, at the same time creating a more engaging and welcoming experience for pedestrians and visitors.</p>	<p>The Panel supports the changes made in the revised design to the Brookhollow street frontage but recommends that final details be reviewed with Council officers.</p>	<p>Noted.</p>
b)	<p>The planted embankments and retaining walls fronting Brookhollow Avenue currently act as a barrier which could be re-designed to be more permeable and softened by landscaped steps and planting. Existing and proposed street trees, proposed footpath crossings and taxi/car set down and drop off areas should also be addressed to enhance the broader public domain experience.</p>	<p>This comment remains relevant. The Panel notes the design has advanced and provides more wayfinding cues, however the provision of two cross site links could be confusing.</p>	<p>The Brookhollow interface is improved and supported as noted by the Panel. Please refer the comments under 2, 3 and 15.</p>
c)	<p>Along with the integration of the plaza as an activated space and landscaped 'threshold' to the complex (refer Item 11), the Panel also encourages the design team to include more turf, landscaping and places for seating and passive recreation at the ground plane. Design Advisory Panel Meeting Agenda Item 3.2 14/02/24 Page 6</p>	<p>This comment remains relevant</p>	<p>Vegetation along Brookhollow is increased compared to the existing condition. This includes the revised landscape along the plaza. Refer Landscape Planting plan revision D and Tree Canopy plan Rev. D</p>

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	d)	Although clearly articulated in the site planning principles, the through-site link is not reflected in the landscape plan. The design of the through-site link should address the relationships between the adjacent uses, in particular the childcare centre and the requisite security, safety, privacy and acoustic measures in place.	New Comment: This comment remains relevant. The Panel questions the fencing treatment between the uses and recommends that more design consideration be given to the materials and privacy.	Fencing details will be further developed during the Design development stage prior to CC.
	e)	The addition of long sections and site levels would assist in greater understanding of the public domain design and landscape progression through the site.	The Panel notes these have been provided.	Noted.
New and Existing Trees				
16		The Panel recommends the retention of as many trees on site as possible.		Refer to response to item no. 14.
	a)	An arborist report by a qualified and certified arborist is to accompany the development application and the recommended measures for tree into the design.	This comment remains relevant. The Panel reiterates that the existing trees to the rear should be preserved where possible, advising this would add value to the proposal with a 'ready-made' landscaped setting and preserve privacy to the rear development.	Refer to item 28.
	b)	The Panel advises that new trees should be planted 'in ground' and not only in raised planters as shown on the landscape plans. To avoid the extensive use of intrusive, over-scaled raised planters for trees, investigate dropping the slab where possible along the through-site link to incorporate an extended planter below the slab.	This comment remains relevant.	
	c)	The childcare outdoor play area is located within the southern boundary setback under the canopy of existing trees. More details are required to demonstrate how this can be achieved without compromising the long term health and viability of the trees and canopy.	New Comment: This comment remains relevant. The Panel raised concerns with the location of the children's play area.	Refer to letter from Arborist.

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	d)	It is preferable that setbacks are dedicated to deep soil and a strong landscape character of mature indigenous species.	This comment remains relevant.	All setbacks are maintained as deep soil. Refer the Deep soil diagrams on drawing no. A6010.
Atrium				
	17	The purpose of the proposed intermediate five-storey 'Atrium' was not made clear in the material provided or at the presentation. It is strongly recommended that this space be reconsidered and if it is to be pursued, it will need to be supported by further details regarding its use, environmental and design impacts, fit-out, management, security and information regarding how the hotel and commercial offices will share the space.	This comment remains relevant. The Panel supports the presented design changes that move away from a bland corporate interior to a more exciting and inviting internal space for all user groups.	Noted.
	18	Although the Panel acknowledges that an atrium can be a useful way of providing orientation and gathering spaces, the Panel does not support the height, current configuration, forward location and scale of the facility, the collective impact of which creates the impression of a privatised space within a singular building. The reliance on over-scaled planters for tree establishment (as shown in the landscape cross sections) is visually and functionally intrusive and should be kept to a minimum, or preferably deleted.	This comment remains relevant. The Panel advises that the atrium appears to be an effective solution to accommodate the multiple programming requirements. The Panel notes the material changes to the structure within the atrium, noting this provides a more human based response to the space.	Noted.
	19	The Panel recommends other more imaginative ways of introducing greenery to the atrium such as exploring the use of climbers on wire frames, green walls, planter boxes with trailing plants and living art.	This comment remains relevant. The Panel notes the planter boxes contain an Olive Tree species which is perhaps not the most appropriate species for the proposed use. The Panel suggests exploring other tree species which may be suitable for use in an atrium space.	This has been updated in the landscape plans. Refer to Planting plan Rev D and Planting schedule Rev D.
Sky terraces				

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Sustainability and Environmental Amenity	20	If pursued, the scale and configuration of the sky terraces will need to provide a generous area for greening which will add to the visual, social and environmental amenity of the building complex. The Panel looks forward to the next iteration of the landscape design for these outdoor landscapes.	This comment remains relevant.	Further details are provided in the revised landscape drawings.
	21	The Panel has queries in relation to the scale, relationship and functionality of the combined Level 6 sky terraces and requests more information regarding the landscape character and amenity provisions for this level. An appropriate level of ongoing maintenance will be required to keep up the landscape quality and amenity of these substantial above ground spaces	This comment remains relevant. The Panel notes the atrium has been reduced in scale to a 3-storey outcome.	Noted.
	22	The Panel encourages the consideration of additional soft landscaping on the ground plane and publicly accessible spaces, particularly within the front setback to better manage stormwater, provide shade and habitat, and to contribute to reduction of urban heat.	This comment remains relevant.	Refer Item 14 C
	23	The Panel encourages further consideration of the façade, in particular the use of unshaded glazing. Western Sydney is generally warmer than other parts and it is important for new development to mitigate urban heat impacts.	This comment remains relevant. The Panel supports the design revisions and material selections presented, noting the resolution of the glazing solution is very important.	Noted.
Architecture and Aesthetics				

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24	A high quality, accessible and lively public domain supported by appropriate built form and architecture is a key urban design objective for the future character of the Norwest Precinct, in order to support increased pedestrian activity. Thoughtful design integration with the street is required to encourage pedestrians to enter the site and use the through site link.	This comment remains relevant.	Refer item 2.
25	Noting that this is one of the first new buildings to be considered in this precinct, the Panel encourages the design team to further consider relevant building typologies and an architecture that are more considered and tailored to reflect the existing and desired future character of Norwest in terms of the broader urban landscape, as well as the social, cultural profiles and environmental/climatic realities of The Hills LGA.	This comment remains relevant. The Panel questions the planning of the large function room on the ground floor and if the use might conflict with the adjacent childcare facility. The Panel also questions the proposed use of the glazed area to the southwest corner indicated on drawing sheet "BASEMENT1 MEZZANINE GA PLAN". The space may have potential to link to the function space above and connect to the adjacent gardens.	The current design does not seek connectivity between function room and the rear setback zone. There is no access proposed from Basement 1 mezzanine to southwest corner of the site. The glazing in the basement 1 mezzanine only to provide natural light to basement areas. Function room is connected only to atrium.

Yours sincerely



Signed on behalf of Group GSA Pty Limited ABN 76 002 113 779 by its duly authorised representative.

Noura Thaha
Associate Director
GroupGSA Pty Ltd

Nominated Architect | Lisa-Maree Carrigan
NSWARB 7568

ATTACHMENT P – PLANNING SECRETARY CONCURRENCE

Department of Planning, Housing and Infrastructure



IRF24/1176
CNR-60788
A-73212
DA 426/2024/JP

Secretary's Concurrence Development Application DA 426/2024/JP

For the purposes of 7.26 (repealed) in *The Hills Local Environmental Plan 2019*, I, Kate Speare, as the delegate for the Secretary of the Department of Planning and Environment, grant concurrence to the development described in Part A.

Part A - Development

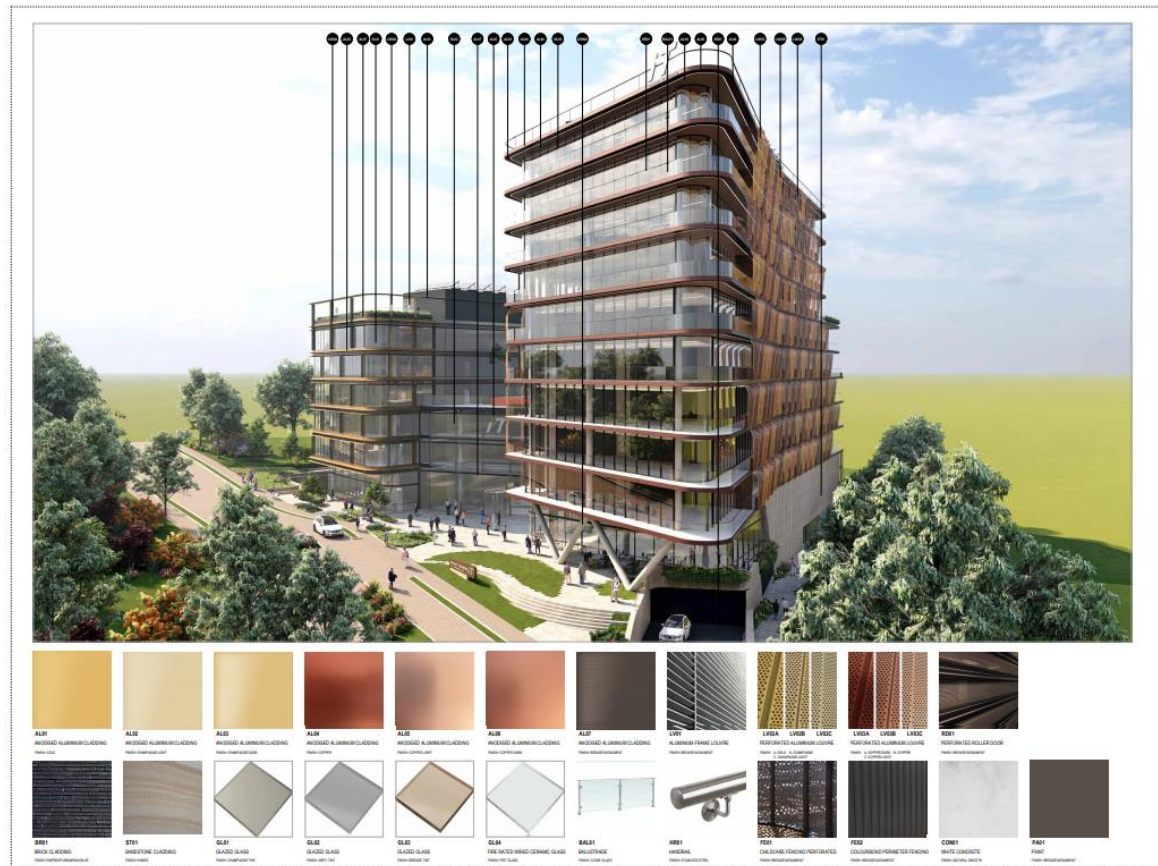
Development application number:	DA 426/2024/JP lodged with the Hills Shire Council by Urbis Pty Ltd on behalf of ICH CORP PTY LTD
Address:	14-16 Brookhollow Ave, Norwest legally known as Lot 3 DP 1010849.
Development description:	<p>A mixed-use development comprising but not limited to:</p> <ul style="list-style-type: none">• A connected 10 storey building and a six storey building,• 17,545m2 gross floor area,• 317 car and 60 bike basement parking spaces,• A four-storey hotel including 80 beds with 4 accessible• A 823m2 childcare centre across two storeys, and• Land scaping, open space, vegetation, retail frontage and pedestrian connections.

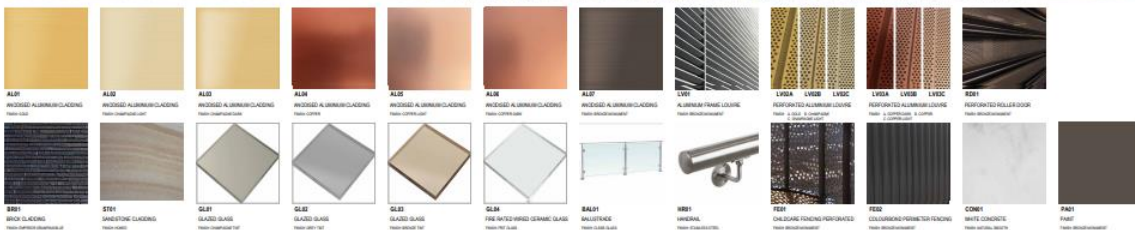
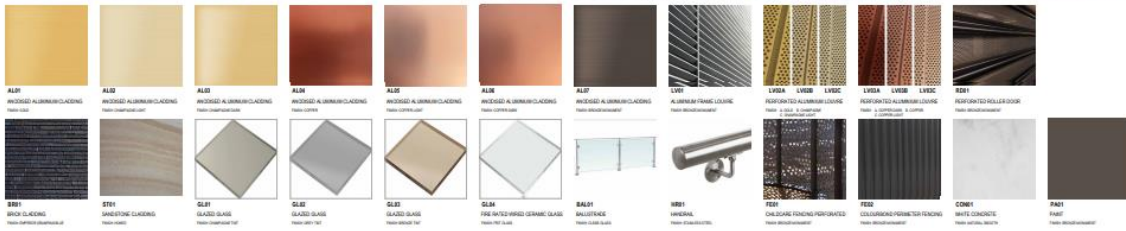
A handwritten signature in black ink that reads "K Speare".

Kate Speare
Director
State Infrastructure
(as delegate for the Secretary)

Date: 28 May 2024

ATTACHMENT Q – FINISHES SCHEDULE





ATTACHMENT R – PERSPECTIVES





