



LOCAL PLANNING PANEL – The Hills Shire

Wednesday, 16 September 2020

Planning Proposal

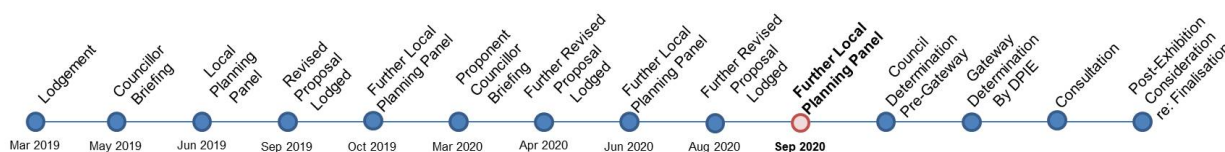
TO STRIVE FOR BETTER THINGS

ITEM	SUBJECT	PAGE
ITEM-1	LOCAL PLANNING PANEL - FURTHER REPORT - PLANNING PROPOSAL - 34-36 BROOKHOLLOW AVENUE, NORWEST (9/2019/PLP)	3

THEME:	Shaping Growth
OUTCOME:	5 Well planned and liveable neighbourhoods that meets growth targets and maintains amenity.
STRATEGY:	5.1 The Shire's natural and built environment is well managed through strategic land use and urban planning that reflects our values and aspirations.
MEETING DATE:	16 SEPTEMBER 2020 LOCAL PLANNING PANEL
AUTHOR:	SENIOR TOWN PLANNER ASHLEY ASCONE
RESPONSIBLE OFFICER:	MANAGER – FORWARD PLANNING NICHOLAS CARLTON

Proponent	VISY DIOR PTY LTD
Owner	ACGREW PTY LTD ACTION PARTNERS INC DEER VALE PTY LTD HILLSONG CITY CARE LTD MARTI'S INVESTMENTS PTY LTD MRS C E ELLIS MRS F PUPO PSALMSONE SUPERFUND PCT PTY LTD ROSARIO COLOSIMO PTY LTD TIHANA PTY LIMITED UNIT 2 38 BROOKHOLLOW PTY LTD WESCO GROUP PTY LTD
Planning Consultant Economic Consultants Social Impact Assessment	HILL PDA CONSULTING
Urban Designer	PBD ARCHITECTS
Traffic Consultant	GTA CONSULTANTS
Site Area	16,326m²

<p>List of Relevant Strategic Planning Documents</p>	<p>GREATER SYDNEY REGION PLAN CENTRAL CITY DISTRICT PLAN SECTION 9.1 MINISTERIAL DIRECTIONS NORTH WEST RAIL LINK CORRIDOR STRATEGY THE HILLS CORRIDOR STRATEGY THE HILLS LOCAL STRATEGIC PLANNING STATEMENT</p>
<p>Political Donation</p>	<p>YES</p>
<p>Recommendation</p>	<p>THAT THE PLANNING PROPOSAL PROCEED TO GATEWAY DETERMINATION, SUBJECT TO THE SUBMISSION OF ADDITIONAL INFORMATION PRIOR TO PUBLIC EXHIBITION</p>



EXECUTIVE SUMMARY

This report recommends that the planning proposal applicable to land at 34-46 Brookhollow Avenue, Norwest, which seeks to amend LEP 2019 to facilitate a high density commercial development with supplementary residential uses, proceed to Gateway Determination on the basis that:

1. The proposal will provide critical employment uplift, over and above that identified within the strategic framework, which will assist Council in meeting job targets within the Norwest Strategic Centre as identified in the Greater Sydney Region Plan, Central City District Plan and the *Hills Future 2036* Local Strategic Planning Statement; and
2. The proposed controls will facilitate an appropriate built form and density on the site, which reflect the location of the site adjoining both Norwest Station and existing residential areas, contribute to an appropriate urban structure and transition in height and respond to the current and future character of adjoining residential areas.

To achieve the desired outcomes, it is recommended that the planning proposal amend LEP 2019 as follows:

- Amend the maximum Height of Buildings from RL 116 to heights ranging from RL 112, RL 144, RL 178 and RL182;
- Amend the maximum Floor Space Ratio from 1:1 and introduce a ‘Base’ Floor Space Ratio of 3:1 and an ‘Incentive’ Floor Space Ratio of 3.8:1;
- Introduce a new site specific local provision to outline criteria which must be met in order to achieve the ‘Incentive’ Floor Space Ratio; and
- Amend Schedule 1 – Additional Permitted Uses to permit ‘Residential Flat Buildings’ with a maximum gross floor area of 12,407m² and a maximum yield of 91 dwellings on part of the site (Site A), subject to also meeting the ‘Incentive’ Floor Space Ratio criteria.

This planning proposal has been presented to the Local Planning Panel for advice on three (3) previous occasions, the most recent being 18 June 2020. In response to the Panel's advice, the Proponent has further revised their concept and made amendments to the proposal. This is now the fourth iteration of the proposal and the fourth time the matter has been presented to the Local Planning Panel.

The Council Officer Assessment Report presented to the Panel in June 2020 (with respect to the third iteration of the proposal) concluded that the proposal had demonstrated adequate strategic and site specific merit to progress to the next stage of the assessment process, being forwarding to the Department for Gateway Determination. Support for the proposal was to be contingent on the resolution of a number of matters prior to public exhibition of the proposal, through the submission of:

- Plans to demonstrate that the proposed FSR would result in an acceptable urban design outcome;
- Draft amendments to DCP 2012 that address key outcomes such as building layout and siting, building height, setbacks, through site links, plaza and common spaces, site coverage, landscaped area, solar access, parking, materials and finishes and wind. The draft site-specific DCP would be reported to Council for consideration prior to public exhibition of the planning proposal;
- An amended development concept which gives effect to the site coverage requirements of the Precinct and demonstrates better utilisation of vacant areas at the ground plane for more consolidated, functional and usable areas with opportunity for significant and mature landscaping;
- Further information demonstrating that the design requirements for residential flat building under SEPP 65 and Council's DCP can be achieved, despite the proposed site area for the residential component of the development being less than Council's minimum requirement of 4,000m²;
- A contamination assessment to consider whether the site is suitable for residential uses and whether any remediation work will be required; and
- Infrastructure analysis and identification of an appropriate mechanism to address the increased demand for local infrastructure within the Norwest Precinct as a result of the proposed uplift.

It was also noted that pending the outcomes of the Gateway Determination and any subsequent consultation periods, any finalisation (gazettal) of a planning proposal would be contingent on the outcomes of regional traffic modelling work for the Norwest Precinct which is currently underway and will continue to progress concurrently.

The revisions made in response to the Local Planning Panel's previous comments have generally reduced the density, building height (where interfacing with residential development), building footprints and quantum of residential yield sought, resulting in an improved proposal. The Council officer's technical assessment and recommendations relating to strategic and site specific merit contained within the previous report to the Local Planning Panel (provided as Attachment 1) remain materially unchanged. However, as the Proponent has revised the proposal in response to the Local Planning Panel's previous advice, the matter is being presented to the Panel again to provide an opportunity for further advice on the revisions made, prior to the matter being report to Council for a decision on whether or not to progress the proposal to Gateway Determination.

THE HILLS LOCAL ENVIRONMENTAL PLAN 2019

The planning proposal seeks to amend LEP 2019 as follows:

	Current (LEP 2019)	NWRL Corridor Strategy	Hills Corridor Strategy	Current Proposal (August 2020)
Zone	B7 Business Park	No Change	No Change	B7 Business Park
Additional Permitted Uses (APU)	N/A	N/A	N/A	Residential Flat Buildings (Site A - max. GFA 12,407m ²)*
Max. Height	RL 116 metres (7 storeys)	8-10 storeys	10 storeys	RL112 - RL 182 metres (4 – 23 storeys)
Max. FSR	1:1	4:1	2:1	Base: 3:1 Incentive: 3.8:1
Min. Lot Size	8,000m ²	No change	No change	No change
Residential Yield	Nil	Nil	Nil	12,407m ² (91 units)* (56 dw/ha)
Employment Yield	16,326m ² (816 jobs)**	65,304m ² (3,265 jobs)**	32,652m ² (1,088 jobs)**	48,289m ² (2,415 jobs)**
Total GFA	16,326m ²	65,304m ²	32,652m ²	60,696m ²

Table 1

Comparison of Existing and Proposed Controls under LEP 2019

* Whilst the material submitted with the planning proposal identifies a residential yield of 91 dwellings, the floor space ratio controls could permit up to 124 dwellings if compliant with Council's apartment size and mix controls.

** Employment ratio assumption of 1 job per 20sqm of commercial GFA used to calculate employment yield, with the exception of the Hills Corridor Strategy, which used an assumption of 1 job per 30m².

HISTORY

- 18/03/2019** Original planning proposal lodged with Council.
- 07/05/2019** Original planning proposal presented at Councillor Workshop.
- 19/06/2019** Original planning proposal considered by the Local Planning Panel. The Panel advised that the proposal should not proceed to Gateway Determination on the basis that it does not demonstrate adequate strategic merit, undermines the employment role of Norwest Business Park, comprises inappropriate built form and does not adequately consider impacts on local infrastructure.
- 24/06/2019** Proponent notified of Local Planning Panel advice on original proposal.

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- 12/09/2019** Revised planning proposal material submitted by Proponent (2nd iteration).
- 16/10/2019** Revised planning proposal considered by the Local Planning Panel. The Panel advised that the proposal should not proceed to Gateway Determination on the basis that it does not demonstrate adequate strategic merit, weakens the employment function of the site, is inconsistent with zone objectives, includes overly flexible development standards and inappropriate built form and does not adequately consider impacts on local infrastructure.
- 22/10/2019** *Hills Future 2036* Local Strategic Planning Statement and supporting Strategies adopted by Council.
- 30/10/2019** Proponent notified of Local Planning Panel advice on revised proposal.
- 30/04/2020** Revised proposal (3rd iteration) submitted by the Proponent.
- 17/06/2020** Revised planning proposal (3rd iteration) considered by the Local Planning Panel. The Panel advised that the proposal should not proceed to Gateway Determination on the basis that it does not demonstrate adequate strategic merit, does not include any public benefit to the community and the proposed development is inconsistent with the B7 zone objectives and the current and future character envisaged. A copy of the Local Planning Panel's advice is provided as Attachment 2 to this report.
- 23/06/2020** Proponent notified of Local Planning Panel advice.
- 01/07/2020** Meeting held with Proponent to discuss Panel's advice. The Proponent advised that it intended to submit a revised proposal which responded to the Panel's advice.
- 28/08/2020** Revised proposal (4th iteration) submitted by the Proponent. The Proponent's revised proposal and additional information is provided as Attachment 3 to this report.

REPORT

The purpose of this report is to present the revised planning proposal for land at 34-46 Brookhollow Avenue, Norwest (4th iteration, as submitted by the Proponent in August 2020) to the Local Planning Panel for advice, in accordance with Section 2.19 of the Environmental Planning and Assessment Act 1979.

1. THE SITE

The site is known as 34-46 Brookhollow Avenue, Norwest (Lot 1 DP 270106), located within the Norwest Strategic Centre. It includes a number of strata titled buildings and has a total area of 16,326m². The site is generally bound by Norwest Boulevard to the north-west, Brookhollow Avenue to the north-east and low and medium density dwellings directly adjoining to the south and west. Further information regarding the site is provided within the previous Council officer report to the Local Planning Panel, provided as Attachment 1.



Figure 1
Aerial view of the site and surrounding locality

2. DESCRIPTION OF THE PLANNING PROPOSAL

The Proponent’s revised proposal and additional information is provided as Attachment 3 to this report. An overview of the previous three versions of the planning proposal is contained within the Council officer report to the Local Planning Panel meeting on 17 June 2020, provided in Attachment 1.

Table 2 below provides a comparison of the four iterations of the planning proposal.

	Original Proposal (March 2019)	Revised Proposal (Sept 2019)	Revised Proposal (April 2020)	Revised Proposal (August 2020)
Zone	B4 Mixed Use	B7 Business Park	B7 Business Park	B7 Business Park
Additional Permitted Uses	N/A	Residential Flat Buildings (max. 28,258m ² GFA) and Shops (max. 1,500m ² GFA)	Residential Flat Buildings (Site A only - max. 14,000m ² GFA)	Residential Flat Buildings (Site A only - max. 12,407m ² GFA)
Max. Height	RL 222 (40 storeys)	RL 182 (25 storeys)	RL 112 - RL 178 (4 – 22 storeys)	RL 112 - RL 182 (4 – 23 storeys)
Max. FSR	5.8:1	4.3:1	Base: 3:1 Incentive: 4.1:1	Base: 3:1 Incentive: 3.8:1
Min. Lot Size	No change	No change	No change	No change
Residential Yield	52,678m ² (432 units)	28,258m ² (224 units)	13,966m ² (107 units)	12,407m ² (91 units)

	Original Proposal (March 2019)	Revised Proposal (Sept 2019)	Revised Proposal (April 2020)	Revised Proposal (August 2020)
	(275 d/ha)	(142 d/ha)	(66 d/ha)	(56d/ha)
Employment Yield	40,576m ² (2,029 jobs)*	40,576m ² (2,029 jobs)*	50,841m ² (2,543 jobs)*	48,289m ² (2,415 jobs)*
Total GFA	93,254m ²	68,838m ²	64,807m ²	60,696m ²

Table 2

Comparison of Proposed Concepts

*(Note *: Assumed employment ratio of 1 job per 20sqm of commercial GFA, across all scenarios)*

Following the Local Planning Panel meeting in June 2020, the Proponent requested the opportunity to further revise the proposal to address concerns raised by the Local Planning Panel. The revised proposal was submitted in August 2020 and is the subject of this report.

The current proposal seeks to amend LEP 2019 to:

- Retain the existing B7 Business Park zoning and amend Schedule 1 – Additional Permitted Uses to permit residential flat buildings on a portion of the site (Site A) with a maximum gross floor area of 12,407m² and maximum yield of 91 dwellings;
- Amend the maximum floor space ratio from 1:1 to introduce a base and incentive floor space ratio as follows:
 - Base FSR – 3:1
 - Incentive FSR – 3.8:1
- Amend the maximum building height from RL 116 metres (up to 7 storeys) to heights ranging from RL 112 metres (4 storeys) to RL182 (23 storeys) – refer to Figures below for distribution of maximum heights across the site.

The proposed Incentive FSR would be contingent on future development complying with the following requirements:

- The entire site being subject to one single Development Application (noting the ability for the development to be approved as a staged development);
- Development including a minimum Gross Floor Area of 48,000m² of employment uses;
- Development providing a minimum of 3,880m² of public plaza space;
- Compliance with Housing Diversity Provision (Clause 7.11 of LEP 2019); and
- Completion of a competitive design process by the Applicant.

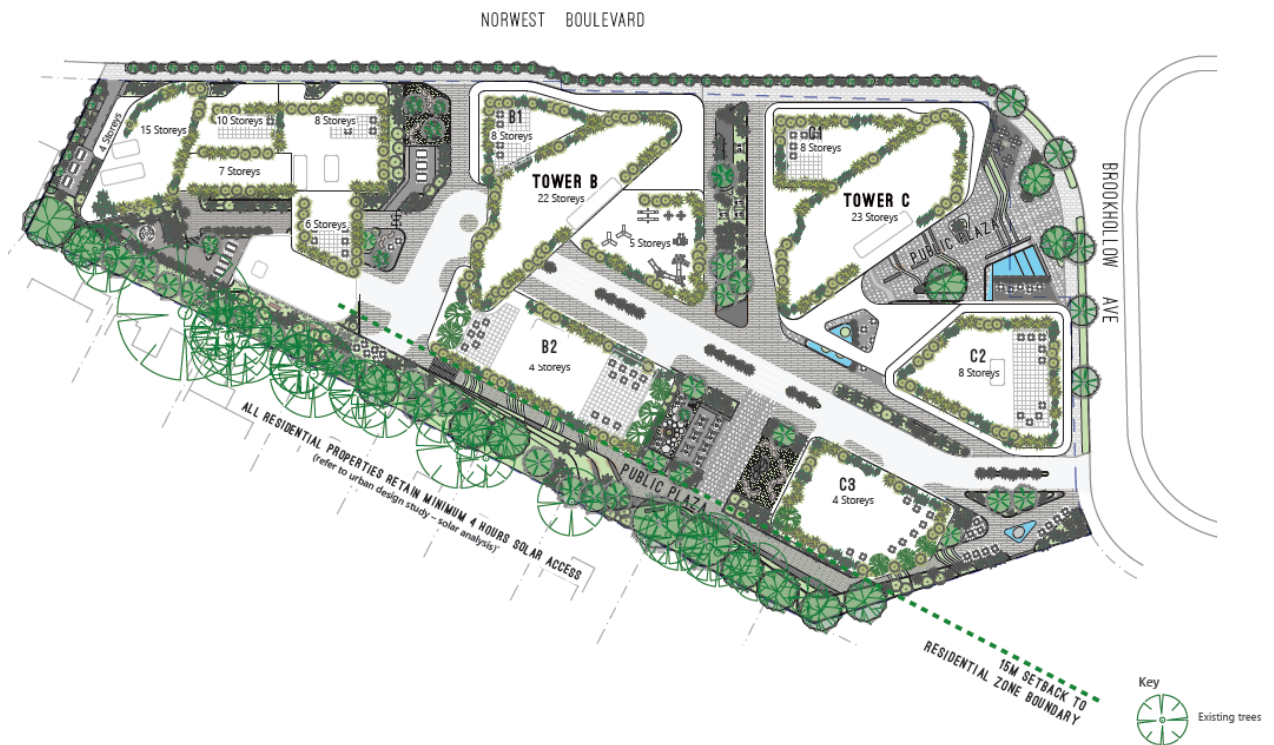


Figure 2
Concept Site Plan and Building Heights (August 2020 Concept)

Norwest Station Site			Subject Site			
21 STOREYS	25 STOREYS	11 STOREYS	4 STOREYS BUILDING B2	23 STOREYS	22 STOREYS	15 STOREYS
RL 173.65	RL 184.25	RL 135.65	RL 111.60	RL 181.10	RL 177.40	RL 143.60

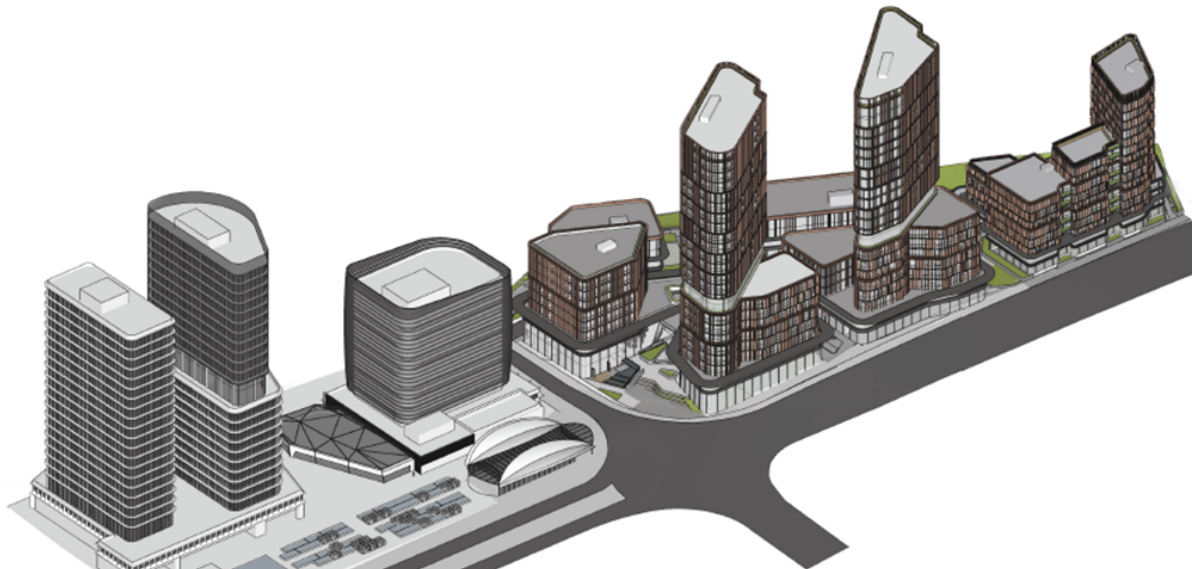


Figure 3
Elevation from Norwest Boulevard (August 2020 Concept)

3. MATTERS OF CONSIDERATION

The technical assessment and recommendations contained within the Council officer's report to the Local Planning Panel on 17 June 2020 remain materially unchanged. Accordingly, this current report should be read by the Panel in conjunction with the technical assessment contained within Section 4 of the previous report at Attachment 1.

In light of the previous Local Planning Panel advice and having regard to the revised proposal submitted by the Proponent, the following supplementary commentary is provided for the Panel's consideration. The discussion is structured based on the Panel's advice and relates to the following matters:

- a) Strategic Context;
- b) Public Benefit;
- c) Proposed Mechanism;
- d) Proposed Built Form;
- e) Affordable Housing; and
- f) Heritage Impacts.

a) Strategic Context

The advice provided by the Panel on 18 June 2020 (Attachment 2) stated that the proposal lacked strategic merit as it would not produce a commercial-only outcome on the site or protect commercial and employment lands from the encroachment of residential development. The Panel stated that allowing residential uses within 'Building A' on the site could weaken the intended commercial function of the site and reduce the viability and desirability of commercial investment, constraining any further commercial or retail uplift in the future, beyond that currently proposed.

In this regard, the Panel determined that the proposal was inconsistent with the objectives and relevant actions within the Greater Sydney Region Plan, Central City District Plan, North West Rail Link Corridor Strategy, The Hills Corridor Strategy, Ministerial Directions and The Hills Local Strategic Planning Statement.

The additional information submitted by the Proponent (August 2020) in response to the Panel's advice maintains that the achievement of strategic business and employment outcomes identified in the strategic framework is not undermined by the provision of supplementary residential land uses, which makes up approximately 20% of the total gross floor area. To ensure the residential component of this site can accommodate changing workplace practices (a shift towards flexible work arrangements and working from home) the Proponent is now seeking to include a study space within a minimum of 40% of residential apartments and a common room with a minimum of 80m² gross floor area for shared work space. It is anticipated that this would be reflected in the Additional Permitted Use clause.

While the Proponent's revised proposal still contains residential uses, the extent of residential GFA has been reduced marginally and the proposed job numbers to be accommodated within future development remains in excess of the employment outcomes envisaged under Council's The Hills Corridor Strategy.

While the encroachment of residential uses into the commercial core of the business park is specifically discouraged within the relevant strategic planning framework, Council officers remain of the view that there is a site-specific and logical case for permitting residential flat buildings on a small portion of this particular site, where it interfaces with existing and future residential land on two boundaries, in order to facilitate a more appropriate transition of land

uses across adjoining sites. As detailed further within Section 4(a) and (b) of Attachment 1 to this report, notwithstanding the technical inconsistency with the strategic planning framework, it is considered that the proposal demonstrates adequate strategic merit to progress to the next stage of the process, where further opportunities for refinement can be pursued and Government agency and community views can be sought.

b) Public Benefit and Local Infrastructure

The advice provided by the Panel on 18 June 2020 (Attachment 2) states that there are no defined public benefit outcomes for the community in conjunction with the proposed uplift nor has the proposal adequately addressed the impacts of the proposed development on local infrastructure and how the additional demand for local infrastructure generated by the uplift could be serviced.

In response to this advice, the Proponent has submitted that the 3,880m² public plaza, provision of community co-working hub, child care centre and design excellence competitive design process *are* key public benefits associated with the proposal. In addition, the Proponent has stated that they intend to make an offer to enter into a Voluntary Planning Agreement to define and secure further public benefits, to be negotiated with Council, should the planning proposal progress.

Discussion with respect to the proposal's need to address local infrastructure demand is provided in Section 4(h) of Attachment 1. This previous assessment by Council officers concludes that as the proposal precedes the completion of detailed precinct planning or infrastructure analysis for Norwest Precinct, the proposal would need to contribute to the cumulative demand for new local infrastructure within the Norwest Precinct, including but not limited to traffic upgrades, recreation facilities, public domain works and pedestrian connectivity throughout the business park.

It is acknowledged that components of development such as plazas and excellent design are largely base-level expectations associated with high density development of this nature, rather than 'material public benefits' for the community as cited by the Proponent. However, this does not mean that it is inappropriate to secure positive development outcomes through linking these to an incentive FSR provision, as suggested by the Proponent.

With respect to material public benefits and local infrastructure provision, it is acknowledged that a firm solution to address local infrastructure demand associated with the proposal has not yet been established by the Proponent. For this reason, if the planning proposal were to proceed to Gateway Determination, further discussions would be required between Council and the Proponent with respect to a mechanism to secure development contributions towards new local infrastructure and tangible public benefits within the Norwest Precinct, prior to any public exhibition of the proposal commencing.

It is not uncommon for further negotiations with respect to public benefits and local infrastructure contributions to take place following the issue of a Gateway Determination, as this allows for a Proponent to seek an in-principle (or otherwise) determination with respect to the strategic and site specific merits of a proposal through the Gateway Determination process, before incurring further costs associated with the preparation and legal drafting of Voluntary Planning Agreements and the like. Importantly, should the proposal receive Gateway Approval, it would be critical for an infrastructure solution and mechanism to be established, to Council's satisfaction, and publicly exhibited alongside the associated planning proposal.

c) Proposed Mechanism

The Panel's previous advice (18 June 2020 – Attachment 2) raises concern that the proposed mechanism to permit the residential development as an additional permitted use would be inconsistent with objectives of the B7 Business Park zone.

In response to this advice, the Proponent has submitted that the B7 zone objectives are achieved within the majority of the proposed development, with approximately 80% of the gross floor area accommodating commercial floor space and the achievement of the residential component (91 dwellings) being contingent on the delivery of approximately 48,000m² of commercial floor space.

To support the amended proposal, the Proponent has provided case law and submits that there is no legal requirement for the zone objectives to include a specific objective relating to every proposed use in a DA (in this case, being a residential component). The Proponent has also sought to rely on the B2 Local Centre zone objectives as an example, where the objectives are focused on employment and commercial outcomes, despite residential development being permitted within the zone.

Notwithstanding the Panel's advice and the Proponent's subsequent amendments and response, the Council officer's technical assessment and views contained within Section 4 of Attachment 1 remain unchanged. Specifically, that there is adequate strategic merit demonstrated for this proposal to progress to the Gateway Determination step of the process. At this time, an additional permitted use clause is considered the most appropriate planning mechanism to achieve the desired development outcome, noting that it would:

- Allow the B7 Business Park zone to be retained across the entirety of the site, ensuring that the zone objectives continue to reflect the strategic intent for this land and continuing to permit employment uses on all parts of the site;
- Provide flexibility for a future developer to respond to market forces and potentially deliver an employment outcome on all portions of the land, if demand for residential accommodation weakens; and
- Provide certainty that substantial employment opportunities will be delivered on the site, in excess of that envisaged within The Hills Corridor Strategy, and that residential uses (capped at a maximum of 91 dwellings) will only be permitted in conjunction with delivery of a certain amount of commercial floor space.

While it is important to consider the particular technical *mechanisms* that can be utilised to permit a planning outcome, there is scope for the mechanisms to be refined and reconsidered through the planning proposal process, if there is general consensus that the planning and development *outcome* being proposed is suitable. This is one of the key technical functions of the Gateway Determination, Agency consultation, community consultation and legal drafting processes which occur at different stages as a proposal progresses. If it is agreed that the proposed *outcome* demonstrates adequate strategic and site specific merit, the Department of Planning, Industry and Environment would ultimately need to assess and determine the suitability of the proposed additional permitted use mechanism and this next level of technical consideration would continue as part of the Gateway Determination process, should the matter proceed.

d) Proposed Built Form

The Panel's previous advice (18 June 2020 – Attachment 2) stated that the built form outcome proposed is inconsistent with the current and future character envisaged for the Business Park and land adjoining the site. Key issues raised by the Panel with respect to built form were:

- The proposed development fails to provide for an adequate built form transition to the residential land to the south;
- Building A does not appear to respect the spatial separation criteria of the Apartment Design Guide;
- The proposed commercial buildings will have adverse shadow impacts on the residential properties to the south and south west; and
- The linear open space on the southern edge of the development has poor solar access.

In response to the Panel's advice, the Proponent has made a number of amendments to the proposal, including stepping down in height at the interface with residential land, increasing building separation and setbacks to Building A and reducing the overall gross floor area and building footprint for all buildings on the site. These changes are detailed in Table 3.

	Previous Concept (April 2020)	Current Proposal (August 2020)	Difference
Building A (Residential)	13,966m ² GFA 107 apartments 20 storeys	12,407m ² GFA 91 apartments 15 storeys	-1,559m ² GFA -16 dwellings -5 storeys
Building B (Commercial)	20,486m ² GFA 20 storeys	20,407m ² GFA 22 storeys	-79m ² GFA +2 storey
Building C (Commercial)	30,355m ² GFA 22 storeys	27,882m ² GFA 23 storeys	-2,473m ² GFA +1 storeys
Total Commercial GFA (FSR)	50,841m ² GFA (3.18:1)	48,289m ² GFA (3:0:1)	-2,552m ² GFA (-0.18:1)
Total GFA (FSR)	64,807m ² GFA (4.1:1)	60,696m ² GFA (3.8:1)	-16,518m ² (0.3:1)
Ground level public open space	3,500m ²	4,510m ²	+1,010m ²
Car Parking Spaces	802	780	-22

Table 3
Comparison of Current and Previous Concepts

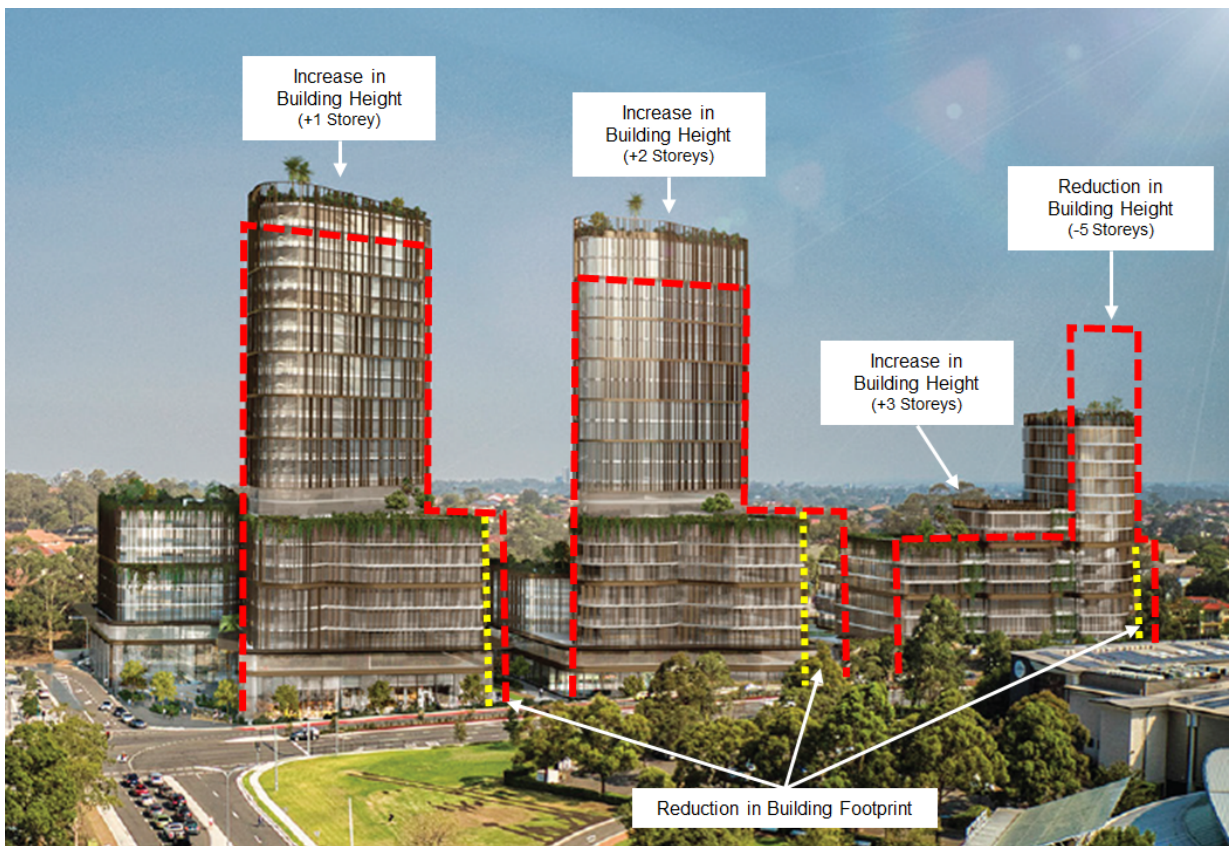


Figure 4
Elevation of Proposed Concept (view from Norwest Boulevard)
Note: Original concept building envelopes shown in red.

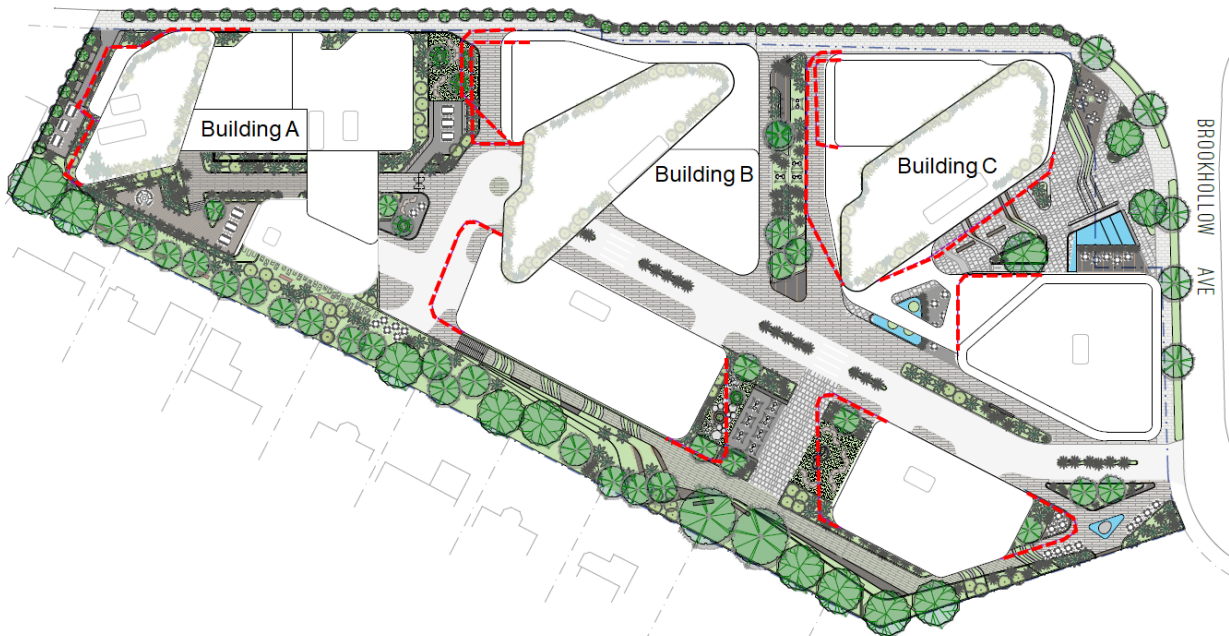


Figure 5
Concept Site Plan (previous building footprint outlined in red)

The planning proposal seeks to amend the primary planning controls applicable to the site (zoning/land use permissibility, floor space ratio and maximum building height). As detailed

in Section 4(c) of Attachment 1, Council officers had previously concluded that the primary controls sought through the previous iteration of the proposal would facilitate an appropriate height and density at this location, subject to further consideration with respect to detailed site and character outcomes such as layout and siting of buildings, setbacks, site coverage, landscaping, access and through-site links, plazas, common open spaces and materials and finishes and the preparation of a suitable site-specific DCP. These conclusions remain valid with respect to the revised proposal.

The overall built form and scale of the revised proposal has been reduced, noting in particular a reduction in the proposed density, building heights (at the interface with residential development) and building footprints. It is acknowledged that the revised concept demonstrates some improvement with respect to solar access to common open space and public domain on the site. Notwithstanding this, the scale of the proposed development would inevitably result in some overshadowing impacts on adjoining residents and as detailed within the Council officer's previous assessment report, further consideration should be given to refining the design and siting of buildings to minimise these impacts, should the proposal progress.

e) Affordable Housing

The Panel's advice (18 June 2020 – Attachment 2) encourages the provision of affordable housing consistent with the District Plan Targets, should Council determine that the matter proceed to Gateway Determination.

In response to the Panel's advice, the Proponent has advised that 5% of the total number of apartments (five of the 91 proposed dwellings) will be provided as affordable housing for key workers (Police, Nurses, Teachers etc.) for a period of 10 years.

Council's Local Strategic Planning Statement and draft Housing Strategy do not commit to the establishment of an Affordable Housing target at this time, rather it is noted that any scheme must be considered in conjunction with a diverse supply of housing, movement within existing affordable rental stock and supply and vacancy rates.

f) Heritage Impacts

The Panel's advice (18 June 2020 – Attachment 2) raises concern that the proposal does not include any assessment of the potential impact on significant views to and from Bella Vista Farm Park.

In response to this, the Proponent has provided further evidence to demonstrate that the subject site is not located within any identified view corridors. As shown below, the site is located outside of the key view corridor identified in The Hills Corridor Strategy (Figure 6).

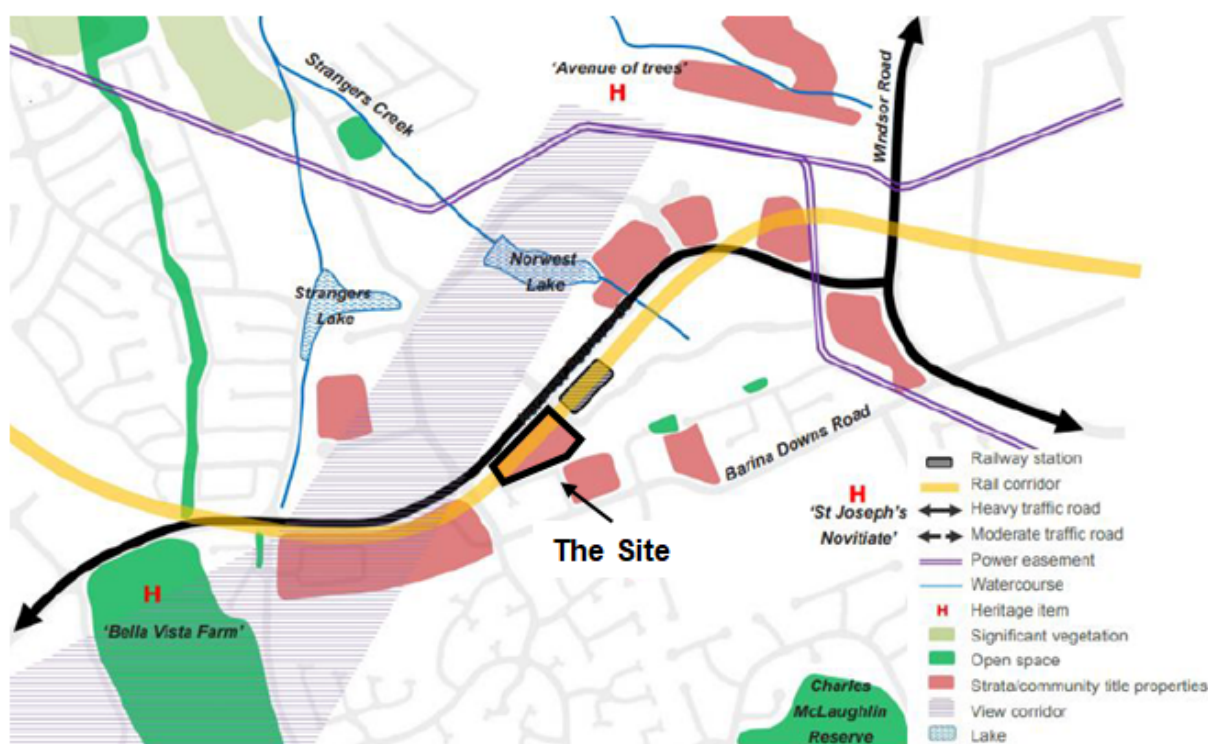


Figure 6

Extract from Hills Corridor Strategy showing the subject site not within the View Corridor

Discussion on the potential impact to the heritage view corridor is provided in Section 4(d) of Attachment 1, which concludes that the proposed development is unlikely to detrimentally impact on view corridors to and from Bella Vista Farm. However, it is also identified that consultation with the relevant State Government Agencies would likely be required as a condition of any Gateway Determination issued.

CONCLUSION

The proposal was originally lodged with Council in March 2019. It has been substantially amended and provided to the Local Planning Panel for advice on four occasions. In undertaking a technical assessment of the previous iteration of the proposal (April 2020), Council officers were of the view that the proposal demonstrated sufficient strategic and site specific merit to warrant progression to the next step in the process, Gateway Determination, subject to a range of conditions and further work which are clearly detailed in Attachment 1. Council officers were of the view that the Gateway Determination process would provide an appropriate pathway through which all outstanding issues outlined in the report could be resolved.

The Proponent has sought to further revise the proposal since this time in response to the Panel's advice. The revisions to the proposal are generally supported, with the Proponent ultimately reducing the overall density, building height (where interfacing with residential development), building footprints and quantum of residential yield sought.

The matter is being reported to the Panel to provide an opportunity for the Panel to supplement or amend its advice in response to the revisions to the Proponent's additional information and revised proposal. Following this, the revised proposal and Panel's advice will be reported to Council for a decision on whether to progress the proposal to Gateway Determination.

RECOMMENDATION

1. The planning proposal for land at 34-46 Brookhollow Avenue, Norwest proceed to Gateway Determination, to amend LEP 2019 as follows:
 - a) Amend the maximum Height of Buildings from RL 116 to heights ranging from RL 112, RL 144, RL 178 and RL182;
 - b) Amend the maximum Floor Space Ratio from 1:1 and introduce a 'Base' Floor Space Ratio of 3:1 and an 'Incentive' Floor Space Ratio of 3.8:1;
 - c) Introduce a new site specific local provision to outline criteria which must be met in order to achieve the 'Incentive' Floor Space Ratio; and
 - d) Amend Schedule 1 – Additional Permitted Uses to permit 'Residential Flat Buildings' with a maximum gross floor area of 12,407m² and a maximum yield of 91 dwellings on part of the site (Site A), subject to also meeting the 'Incentive' Floor Space Ratio criteria.
2. Should a Gateway Determination be issued, the Proponent be required to submit the following additional information, prior to public exhibition of the proposal:
 - a) Plans to demonstrate that the proposed base FSR would result in an acceptable urban design outcome;
 - b) An amended development concept which gives effect to the site coverage requirements of the Precinct and demonstrates better utilisation of vacant areas at the ground plane for more consolidated, functional and usable areas with opportunity for significant and mature landscaping;
 - c) Further information demonstrating that the design requirements for residential flat buildings under SEPP 65 and Council's DCP can be achieved; despite the proposed site area for the residential component of the development being less than Council's standard 4,000m²; and
 - d) A contamination assessment to consider whether the site is suitable for residential uses and whether any remediation work will be required.
3. Council and the Proponent proceed with the preparation of site specific development controls to guide future development outcomes on the site, including but not limited to building layout and siting, building height, setbacks, through site links, plaza and common spaces, site coverage, landscaped area, solar access, parking, materials and finishes and wind. The draft site-specific DCP would be reported to Council for consideration prior to public exhibition of the planning proposal.
4. Council and the Proponent enter into discussions with respect to establishing a mechanism to address the additional demand for local infrastructure arising from the proposed development uplift, with a further report to be considered by Council on this matter prior to public exhibition of the proposal.

ATTACHMENTS

1. Local Planning Panel – Council Officers Assessment Report, 17 June 2020 (34 pages).
2. Local Planning Panel Advice, 18 June 2020 (3 Pages)
3. Proponent's Amended Planning Proposal, 13 August 2020 (Separate Cover)

ATTACHMENT 1

LOCAL PLANNING PANEL MEETING 17 JUNE, 2020

THE HILLS SHIRE

ITEM-1 LOCAL PLANNING PANEL - FURTHER REPORT -
 PLANNING PROPOSAL - 34-46 BROOKHOLLOW
 AVENUE, NORWEST

THEME: Shaping Growth

OUTCOME: 5 Well planned and liveable neighbourhoods that meets growth targets and maintains amenity.

STRATEGY: 5.1 The Shire's natural and built environment is well managed through strategic land use and urban planning that reflects our values and aspirations.

MEETING DATE: 17 JUNE 2020
 LOCAL PLANNING PANEL

AUTHOR: SENIOR TOWN PLANNER
 ALICIA JENKINS

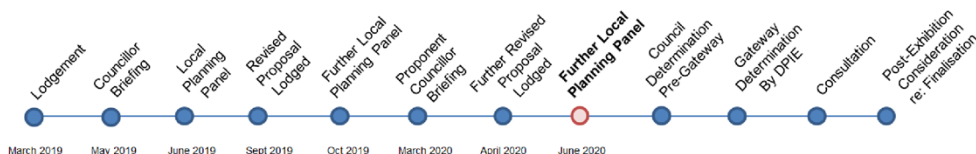
RESPONSIBLE OFFICER: MANAGER – FORWARD PLANNING
 NICHOLAS CARLTON

Proponent	VISY DIOR PTY LTD
Owners	ACGREW PTY LTD ACTION PARTNERS INC DEER VALE PTY LTD HILLSONG CITY CARE LTD MARTI'S INVESTMENTS PTY LTD MRS C E ELLIS MRS F PUPO PSALMSONE SUPERFUND PCT PTY LTD ROSARIO COLOSIMO PTY LTD TIHANA PTY LIMITED UNIT 2 38 BROOKHOLLOW PTY LTD WESCO GROUP PTY LTD
Planning Consultant Economic Consultants Social Impact Assessment	HILL PDA CONSULTING
Urban Designer	PBD ARCHITECTS

LOCAL PLANNING PANEL MEETING 17 JUNE, 2020

THE HILLS SHIRE

Traffic Consultant	GTA CONSULTANTS
Site Area	16,326m²
List of Relevant Strategic Planning Documents	<p>GREATER SYDNEY REGION PLAN CENTRAL CITY DISTRICT PLAN SECTION 9.1 MINISTERIAL DIRECTIONS NORTH WEST RAIL LINK CORRIDOR STRATEGY THE HILLS CORRIDOR STRATEGY LOCAL STRATEGIC PLANNING STATEMENT</p>
Political Donation	YES
Recommendation	THAT THE PLANNING PROPOSAL PROCEED TO GATEWAY DETERMINATION, SUBJECT TO THE SUBMISSION OF ADDITIONAL INFORMATION PRIOR TO PUBLIC EXHIBITION



EXECUTIVE SUMMARY

This report recommends that the planning proposal applicable to land at 34-46 Brookhollow Avenue, Norwest, which seeks to amend LEP 2019 to facilitate a high density commercial development with supplementary residential uses, proceed to Gateway Determination on the basis that:

1. The proposal will provide critical employment uplift, over and above that identified within the strategic framework, which will assist Council in meeting job targets within the Norwest Strategic Centre as identified in the Greater Sydney Region Plan, Central City District Plan and the *Hills Future 2036* Local Strategic Planning Statement; and
2. The proposed controls will facilitate an appropriate built form and density on the site, which reflect the location of the site adjoining both Norwest Station and existing residential areas, contribute to an appropriate urban structure and transition in height and respond to the current and future character of adjoining residential areas.

To achieve the desired outcomes, it is recommended that the planning proposal amend LEP 2019 as follows:

- Amend the maximum Height of Buildings from RL 116 to heights ranging from RL 112, RL 159, RL 170 and RL178;
- Amend the maximum Floor Space Ratio from 1:1 and introduce a 'Base' Floor Space Ratio of 3:1 and an 'Incentive' Floor Space Ratio of 4:1;

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- Introduce a new site specific local provision to outline criteria which must be met in order to achieve the 'Incentive' Floor Space Ratio; and
- Amend Schedule 1 – Additional Permitted Uses to permit 'Residential Flat Buildings' with a maximum yield of 107 dwellings on part of the site (Site A), subject to also meeting the 'Incentive' Floor Space Ratio criteria.

It is considered that the proposal demonstrates adequate strategic and site specific merit to progress to the next stage of the assessment process, being forwarding to the Department for Gateway Determination. However, if a Gateway Determination is issued, there are a number of matters which would still need to be satisfactorily resolved throughout the subsequent process.

Specifically, should a Gateway Determination be issued, the Proponent should be required to submit the following additional information, prior to public exhibition of the proposal:

- Plans to demonstrate that the proposed 'base' FSR of 3:1 would result in an acceptable urban design outcome;
- Draft amendments to DCP 2012 that address, at a minimum, key outcomes such as building layout and siting, building height, setbacks, through site links, plaza and common spaces, site coverage, landscaped area, solar access, parking, materials and finishes and wind. The draft site-specific DCP should be reported to Council for consideration prior to public exhibition of the planning proposal;
- An amended development concept which demonstrates better utilisation of vacant areas at the ground plane for more consolidated, functional and usable areas with opportunity for significant and mature landscaping.
- Further information demonstrating that the design requirements for residential flat building under SEPP 65 and Council's DCP can be achieved; despite the proposed site area for the residential component of the development being less than Council's standard 4,000m²;
- A contamination assessment to consider whether the site is suitable for residential uses and whether any remediation work will be required; and
- Infrastructure analysis and identification of an appropriate mechanism to address the increased demand for local infrastructure within the Norwest Precinct as a result of the proposed uplift.

Following Council's consideration and support of any proposed draft DCP amendments and an appropriate mechanism to address local infrastructure, it is recommended that the abovementioned information be exhibited concurrently with the planning proposal should a Gateway approval be received.

Furthermore, pending the outcomes of the Gateway Determination and any subsequent consultation periods, it is anticipated that any finalisation (gazettal) of a planning proposal for the site would be contingent on the outcomes of regional traffic modelling work for the Norwest Precinct which is currently underway and will progress concurrently. This will include consideration of upgrades required to the surrounding road network to support cumulative growth within the Precinct and establishment of a mechanism to secure appropriate contributions to the State Government for regional infrastructure.

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THE HILLS LOCAL ENVIRONMENTAL PLAN 2019

The planning proposal seeks to amend LEP 2019 as follows:

	Current (LEP 2019)	NWRL Corridor Strategy	Hills Corridor Strategy	Current Proposal (April 2020)
Zone	B7 Business Park	No Change	No Change	B7 Business Park
Additional Permitted Uses (APU)	N/A	N/A	N/A	Residential Flat Buildings (Site A - max. GFA 14,000m ²)*
Max. Height	RL 116 metres (7 storeys)	8-10 storeys	10 storeys	RL112 - RL 178 metres (4 – 22 storeys)
Max. FSR	1:1	4:1	2:1	Base: 3:1 Incentive: 4.1:1
Min. Lot Size	8,000m ²	No change	No change	No change
Residential Yield	Nil	Nil	Nil	13,966m ² (107 units)* (66 dw/ha)
Employment Yield	16,326m ² (544 jobs)	65,304m ² (2,612 jobs)	32,652m ² (1,088 jobs)	50,841m ² (2,600 jobs)
Total GFA	16,326m ²	65,304m ²	32,652m ²	64,807m ²

Table 1

Comparison of Existing and Proposed Controls under LEP 2019

* Note: Whilst the material submitted with the planning proposal identifies a residential yield of 107 dwellings, the floor space ratio controls could permit up to 140 dwellings (compliant with Council's apartment size and mix controls).

HISTORY

- 18/03/2019** Original planning proposal lodged with Council.
- 07/05/2019** Original planning proposal presented at Councillor Workshop.
- 19/06/2019** Original planning proposal considered by the Local Planning Panel. The Panel advised that the proposal should not proceed to Gateway Determination on the basis that it does not demonstrate adequate strategic merit, undermines the employment role of Norwest Business Park, comprises inappropriate built form and does not adequately consider impacts on local infrastructure.
- 24/06/2019** Proponent notified of Local Planning Panel advice on original proposal.
- 12/09/2019** Revised planning proposal material submitted by Proponent.

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16/10/2019	Revised planning proposal considered by the Local Planning Panel. The Panel advised that the proposal should not proceed to Gateway Determination on the basis that it does not demonstrate adequate strategic merit, weakens the employment function of the site, is inconsistent with zone objectives, includes overly flexible development standards and inappropriate built form and does not adequately consider impacts on local infrastructure.
22/10/2019	<i>Hills Future 2036</i> Local Strategic Planning Statement and supporting Strategies adopted by Council.
30/10/2019	Proponent notified of Local Planning Panel advice on revised proposal.
03/03/2020	Further revision to the proposal presented to a Councillor Workshop.
30/04/2020	Further revision to the proposal submitted by the Proponent.

REPORT

The purpose of this report is to present the revised planning proposal for land at 34-46 Brookhollow Avenue, Norwest (Lot 1 DP 270106) (as submitted by the Proponent in April 2020) to the Local Planning Panel for advice, in accordance with Section 2.19 of the Environmental Planning and Assessment Act 1979.

1. THE SITE

The site is known as 34-46 Brookhollow Avenue, Norwest (Lot 1 DP 270106), located within the Norwest Strategic Centre. It includes a number of strata titled buildings and has a total area of 16,326m². The site is generally bound by Norwest Boulevard to the north-west, Brookhollow Avenue to the north-east and low and medium density dwellings directly adjoining to the south and west.

The site is located within the commercial core of the Norwest Precinct. In comparison to other sites within the commercial core (which are generally separated from residential uses by roads, creeks/lakes or landscaped corridors), this particular site is uniquely located adjoining the station *and* at the direct interface with adjoining residential areas at two property boundaries (residential zoned land adjoins the southern boundary and also wraps around the thin western portion of the site).

The site is affected by a stratum subdivision established as part of the Sydney Metro Northwest, where the rail and associated infrastructure runs beneath the site. The site, surrounding context and stratum lots are shown in the figures below.



Figure 1
Aerial view of the site and surrounding locality

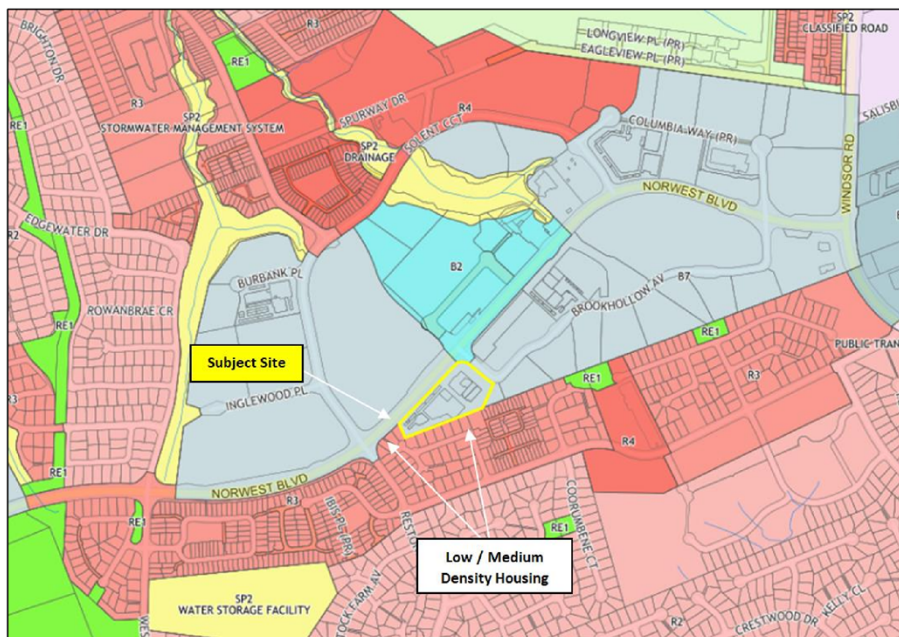


Figure 2
LEP 2019 Land Zoning Map



Figure 3
Subject site showing stratum lots (grey hatching)

2. PREVIOUS CONCEPTS/PROPOSALS

The current proposal is the third iteration of the planning proposal. A brief overview of the previous two (2) versions of the planning proposal is provided below.

a. Original Concept (March 2019)

The planning proposal was originally submitted in March 2019 and sought a high density mixed use development with a total of 93,254m² of gross floor area comprising 52,678m² of residential floor space (approximately 530 residential units) and 40,576m² of non-residential floor space. To facilitate this, the proposal sought to amend the LEP to:

- Rezone the site from B7 Business Park to B4 Mixed Use;
- Increase the maximum floor space ratio from 1:1 to 5.8:1; and
- Increase the maximum building height from RL 116 (7 storeys) to RL 222 (40 storeys).

The concept submitted with the original proposal is provided below.

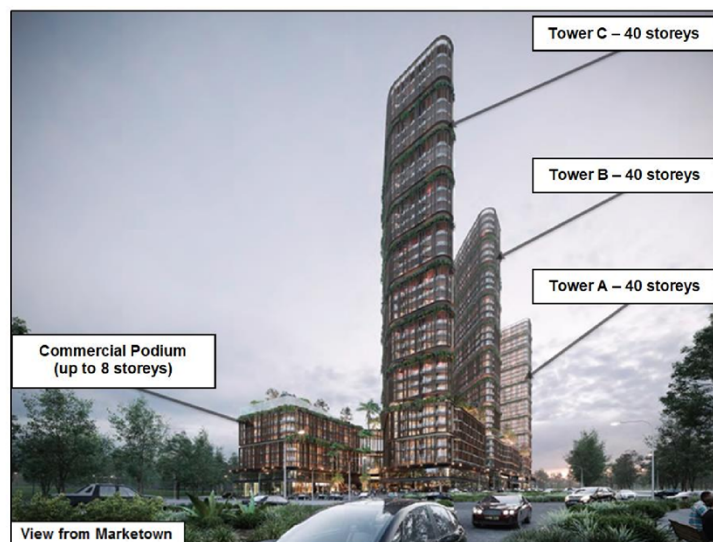


Figure 4

Original proposal (March 2019) - perspective from Norwest Marketown

In June 2019, the Local Planning Panel considered a report on the original proposal and recommended that the proposal should not proceed to Gateway Determination on the basis that:

- *The proposal does not demonstrate strategic consistency with the objectives of the Greater Sydney Region Plan, Central City District Plan, North West Rail Link Corridor Strategy, The Hills Corridor Strategy and Council's Local Strategy, all of which envisage commercial development on the site;*
- *The proposal undermines the employment character and integrity of the Business Park as it would facilitate the development of residential floor space on land that has been designated as employment land;*
- *The nominated zoning and development controls do not provide certainty that the site would be developed to provide for employment floor space or certainty that the proposed development outcome would be delivered;*
- *The built form outcome of the proposal is unsuitable for the current and future character envisaged for the Business Park and adjoining land surrounding the site; and*
- *The proposal has not adequately addressed the likely impacts of the proposed development on local infrastructure.*

b. Revised Concept (September 2019)

In response to concerns raised by Council Staff and the Local Planning Panel, the Proponent submitted a revised proposal in September 2019 which sought to amend the LEP to:

- Retain the existing B7 Business Park zoning and amend Schedule 1 – Additional Permitted Uses to permit the following uses on the site:
 - Residential Flat Buildings – with a maximum gross floor area of 28,258m²; and
 - Shops – with a maximum gross floor area of 1,500m²;
- Increase the maximum floor space ratio from 1:1 to 4.3:1; and
- Increase the maximum building height from RL116 (7 storeys) to RL182 (25 storeys).

The revised concept illustrated a high density mixed use outcome comprising a commercial podium (3-8 storeys) with three 25 storey towers. The indicative concept provided a total of 68,838m² of gross floor area, comprising 28,285m² of residential floor space (approximately 282 residential units) and 40,576m² of commercial floor space (comprising offices, retail, child care and food and drinks premises).

The concept submitted with the revised proposal is provided below.

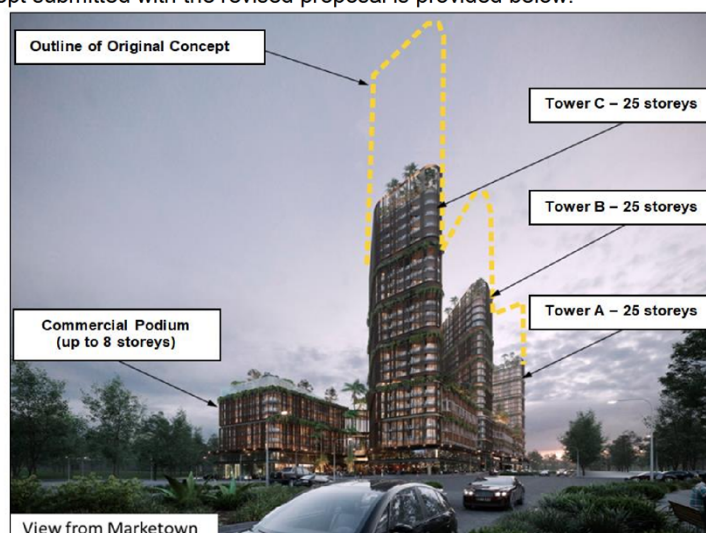


Figure 5

Revised proposal (September 2019) – perspective from Norwest Marketown
(Note: original concept outcomes identified in yellow for context)

In October 2019, the Local Planning Panel considered a report on the revised proposal and recommended that the proposal should not proceed to Gateway Determination on the basis that:

1. *The scale of uplift and proposed residential land use on the site lacks strategic merit and is inconsistent with the objectives and relevant actions within the Greater Sydney Region Plan, Central City District Plan, North West Rail Link Corridor Strategy, The Hills Corridor Strategy, Council's draft Local Strategic Planning Statement and Ministerial Directions, all of which envisage a commercial only outcome on the site and require the protection of commercial and employment lands from the encroachment of residential development. It is the view of the Panel that if a commercial only outcome were proposed, the North West Rail Link Corridor Strategy and The Hills Corridor Strategy provide a guide with respect to an appropriate level of uplift;*

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2. *The District Plan states that within Strategic Centres (such as Norwest), the delivery of housing should not constrain commercial and retail activities. The broader Norwest Strategic centre accommodates a mix of uses, with the subject site identified as being within the Commercial Office Precinct portion of the broader Strategic Centre. Notwithstanding the commercial uplift proposed, the proposal would allow for residential uses to encroach into strategically significant employment lands. This would potentially weaken the intended commercial-only function of the site and reduce the viability and desirability of commercial investment. It may also constrain any further commercial or retail uplift in the future, beyond that currently proposed;*
3. *The proposal to permit residential flat buildings as an additional permitted use on the site would permit a land use to occur which is inconsistent with the objectives of the B7 Business Park zone which applies to the land;*
4. *The planning proposal seeks to amend the land use permissibility and primary development controls (maximum floor space ratio and maximum building height) contained within LEP 2012. In spite of the indicative concepts submitted in support of the proposal, the proposed LEP amendments would allow for substantial flexibility in the final development outcome, with minimal certainty that the Proponent's indicative development outcomes would be delivered in terms of mix and quantum of land uses, dwelling yield, maximum number of storeys or design quality;*
5. *Despite the proximity of the site to the Norwest Station, the built form outcome of the proposal is unsuitable for the current and future character envisaged for the Business Park and adjoining land surrounding the site and fails to provide for an adequate built form transition to the adjoining residential land to the south; and*
6. *The proposal has not adequately addressed the impacts of the proposed development on local infrastructure or how the additional demand for local infrastructure generated by the proposed residential uplift could be serviced, especially noting that the proposed residential land use and yield is inconsistent with the outcomes anticipated under the strategic planning framework. This would be further exacerbated if the progression of this proposal were to create a precedent for enabling residential accommodation more broadly throughout the Norwest Business Park.*

Copies of the Minutes from the June and October 2019 Local Planning Panel Meetings are provided as Attachments 2 and 3, respectively.

3. CURRENT PLANNING PROPOSAL (APRIL 2020)

Following the Local Planning Panel Meeting in October 2019, the Proponent requested the opportunity to further revise the proposal to address concerns of the Local Planning Panel and Council Officers. A revised proposal was submitted to Council in April 2020 and is now the subject of this report.

The current proposal seeks to amend LEP to:

- Retain the existing B7 Business Park zoning and amend Schedule 1 – Additional Permitted Uses to permit residential flat buildings on a portion of the site (Site A) with a maximum gross floor area of 14,000m²;
- Amend the maximum floor space ratio from 1:1 to introduce a base and incentive floor space ratio as follows:
 - Base FSR – 3:1
 - Incentive FSR – 4.1:1
- Amend the maximum building height from RL 116 metres (up to 7 storeys) to heights ranging from RL 112 metres (4 storeys) to RL178 (22 storeys) – refer to Figures below for distribution of maximum heights across the site.

The current concept illustrates a high density mixed use development comprising predominantly commercial, retail and community uses with a small and distinct residential building at the south western edge of the site (Tower A), at the interface with adjoining residential zoned which wraps around the site at this location.

The current concept divides the site into three areas being Sites A, B and C. The concept identifies a high density residential building on Site A comprising a 6-8 storey podium and 20 storey tower. Sites B and C are identified as comprising commercial buildings only with 4-8 storey podiums and 20 and 22 storey towers. The proposed site layout and building heights are shown in the figure below.

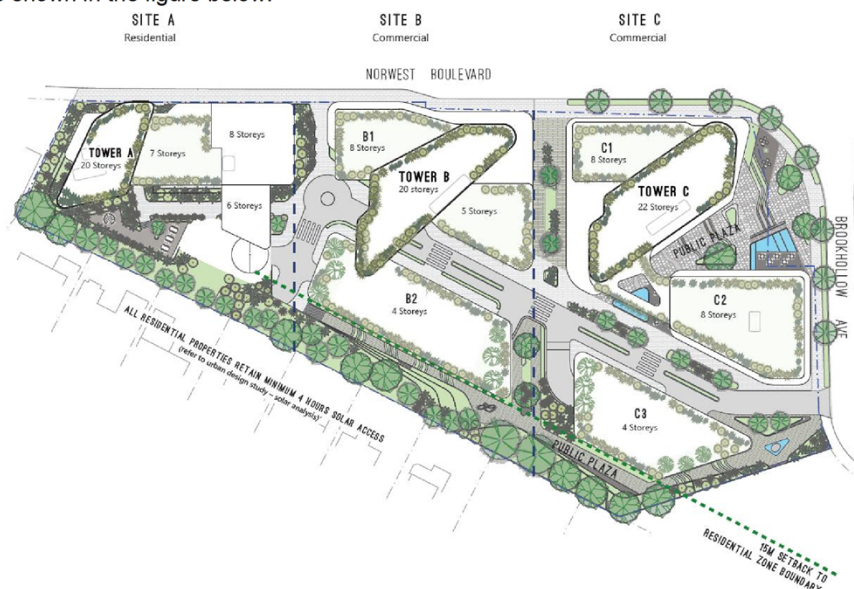


Figure 6
Concept Ground Floor Plan and Building Heights (April 2020 concept)

The revised concept identifies a total gross floor area of 64,807m² including 50,841m² of employment floor space (up to 2,600 jobs) comprising:

- 47,463m² commercial offices;
- 1,503m² hotel / pub;
- 1,101m² retail (neighbourhood shops and food and drink premises); and
- 774m² child care centre.

The revised concept also includes 13,966m² of residential gross floor area, which could facilitate approximately 140 units (however the Proponent has indicated the intention to provide a greater number of larger two and three bedroom apartments than required under Council's Housing Diversity Provision which would result in a lower yield of approximately 107 units).

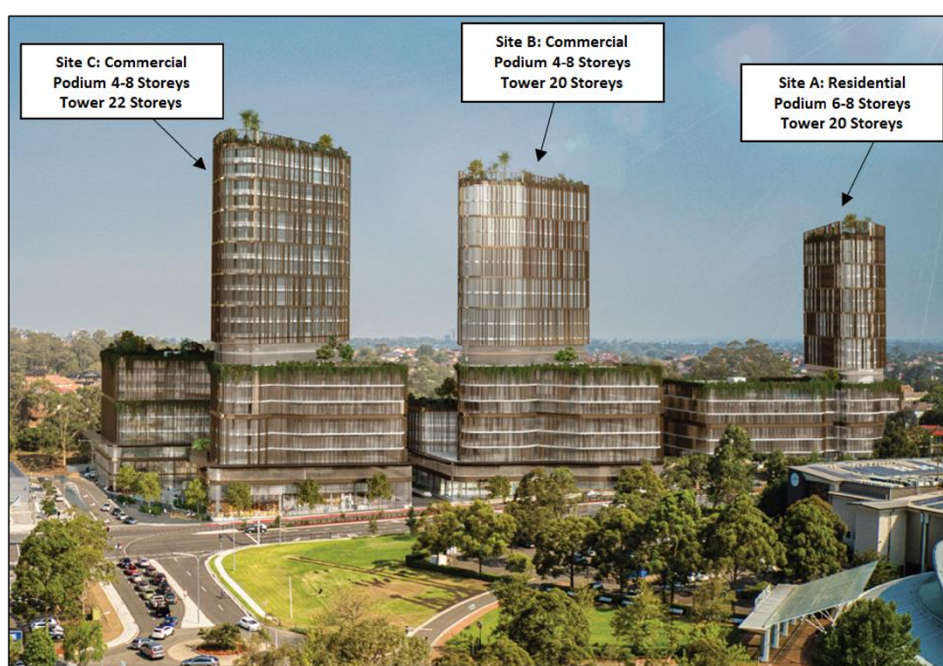


Figure 7

Perspective as viewed from Norwest Marketown (April 2020 concept)

Other elements of the revised concept include 3,500m² of combined public plaza spaces, 7,040m² of soft landscaped area, pedestrian through site links and basement parking for approximately 800 cars.

In order to protect and enhance the majority of the site as core commercial land, the proposal seeks to retain the existing B7 Business Park zoning and permit residential flat buildings as an additional permitted use on Site A only.

The proposed maximum FSR would be contingent on future development complying with the following requirements:

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- The entire site being subject to one single Development Application (noting the ability for the development to be approved as a staged development);
- Development including a minimum Gross Floor Area of 50,000m² of employment uses;
- Development providing a minimum of 3,500m² of public plaza space;
- Compliance with Housing Diversity Provision (Clause 7.12 of LEP 2019); and
- Completion of a competitive design process by the Proponent/Applicant.

For reference, the table below provides a comparison between the current controls, original proposal (March 2019), revised proposal (September 2019) and current proposal (April 2020).

	Current (LEP 2019)	Original Proposal (March 2019)	Revised Proposal (Sept 2019)	Revised Proposal (April 2020)
Zone	B7 Business Park	B4 Mixed Use	B7 Business Park	B7 Business Park
Additional Permitted Uses	N/A	N/A	Residential Flat Buildings (max. 28,258m ² GFA) and Shops (max. 1,500m ² GFA)	Residential Flat Buildings (Site A only - max. 14,000m ² GFA)
Max. Height	RL 116 (7 storeys)	RL 222 (40 storeys)	RL 182 (25 storeys)	RL 112 - RL 178 (4 – 22 storeys)
Max. FSR	1:1	5.8:1	4.3:1	Base: 3:1 Incentive: 4.1:1
Min. Lot Size	8,000m ²	No change	No change	No change
Residential Yield	Nil	52,678m ² (432 units) (275 d/ha)	28,258m ² (224 units) (142 d/ha)	13,966m ² (107 units) (66 d/ha)
Employment Yield	16,326m ² (544 jobs)	40,576m ² (2,100 jobs)	40,576m ² (2,100 jobs)	50,841m ² (2,600 jobs)
Total GFA	16,326m ²	93,254m ²	68,838m ²	64,807m ²

Table 2

Comparison of Existing and Proposed Controls under LEP 2019

4. MATTERS FOR CONSIDERATION

The planning proposal requires consideration of the following matters:

- Strategic Context;
- Loss of Employment Land;
- Built Form and Scale;
- Heritage View Corridor;
- Proposed Planning Mechanism;
- Traffic and Parking;
- Urban Design Outcomes and Development Control Plan; and
- Local Infrastructure.

a) Strategic Context

Discussion of the relevant strategic documents including the Greater Sydney Region Plan, Central City District Plan, North West Rail Link Corridor Strategy, The Hills Corridor Strategy and Ministerial Directions is provided below.

- Greater Sydney Region Plan and Central City District Plan

The Greater Sydney Region Plan outlines the key priorities and objectives that will guide Sydney’s growth over the next 20 years. The Plan seeks to provide for a more productive, liveable and better connected city focussed around key centres of employment, activity and services. Norwest is identified as a strategic centre under the Plan which is expected to provide:

- High levels of private sector investment;
- Flexibility for the private sector to choose when and where to invest;
- Co-location of a wide mix of uses including residential;
- High levels of amenity and walkability and being cycle friendly; and
- Areas identified for commercial uses and where appropriate, commercial cores.

Under the Region Plan, the area of Norwest currently zoned B7 Business Park (including the subject site) is designated as the “Commercial Office Precinct” and is envisaged to contain standalone office buildings.

The Central City District Plan further articulates the role and expectations for strategic centres. The District Plan includes a target of 49,000 to 53,000 total jobs across Norwest Strategic Centre (including Norwest Precinct, Bella Vista Employment, Circa Precinct and Castle Hill Industrial Area, as shown in the figure below) up to 2036. Action 45(a) relates specifically to the Norwest Strategic Centre and seeks to strengthen the centre by retaining and growing commercial capacity to achieve job targets and allow for supporting retail uses in appropriate locations.

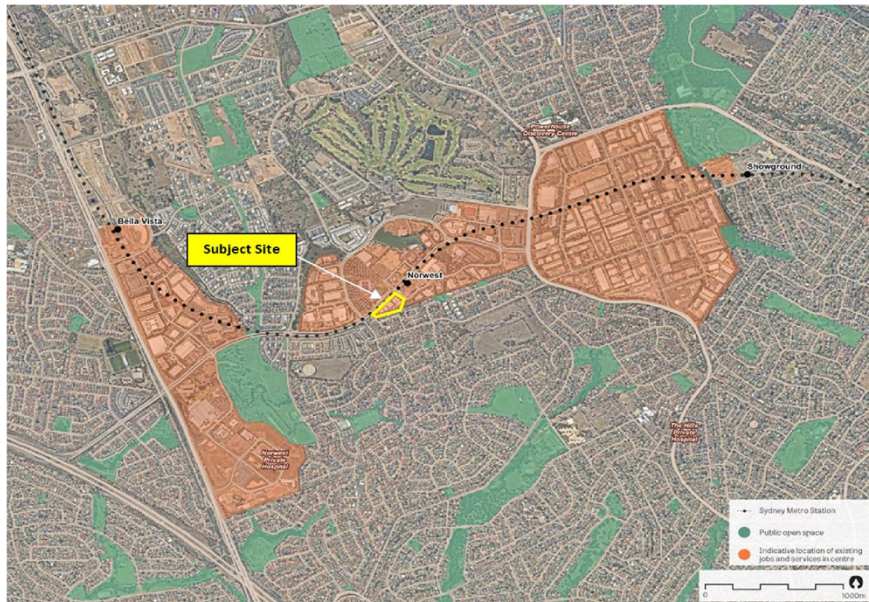


Figure 8
Norwest Strategic Centre as defined within the Central City District Plan

Both the Region and District Plan emphasise the importance of protecting, retaining and growing strategic centres for business investment and employment. Residential uses are encouraged in appropriate locations, but not at the expense of strengthening, growing and maintaining the ability and flexibility of the centre to attract jobs, retailing and services.

The previous proposals for the subject site, which sought an entirely mixed use outcome, were considered to be contrary to the Region and District Plans as they would have allowed residential uses to encroach into the core commercial area of the Norwest Business Park, likely reducing the capacity and attractiveness of the site to accommodate employment uses both now and into the future and constraining potential employment outcomes on other sites in the vicinity of the site given the need for development to protect residential amenity. Furthermore, the proposed 'blending' of commercial and residential uses across all components of the development would have resulted in a complex ownership pattern which would be likely to hinder any flexibility for the site to redevelop or expand in the future to accommodate further employment growth beyond the 2036 planning horizon.

Having regard to the feedback from the Local Planning Panel and Council on this matter, the revised proposal seeks to address these concerns by reducing the extent of residential development proposed, isolate the proposed residential use to a small portion (approximately 20%) of the site which already adjoins residential land uses on two frontages and retain underlying zoning of this land as B7 Business Park to ensure that commercial uses will continue to be permitted, should market demands dictate an alternate outcome to the residential component proposed.

Importantly, the area proposed to accommodate a small amount of residential development is at the edge of the site, the periphery of the established commercial core area and directly interfacing on two boundaries with land zoned for medium density residential uses (which is identified to transition to 3-6 storey residential flat buildings under the strategic planning framework). Importantly, the subject site is the only parcel within the commercial core area of the Norwest Precinct which adjoins existing and future residential areas on two (2) site boundaries.

The proposal seeks to protect and retain the majority of the site (80% - Sites B and C) for employment uses only, with the potential to accommodate over 50,000m² of commercial floor space and 2,600 jobs which will assist Norwest in achieving its role, function and targets under the Region and District Plans.

While the amended proposal better addresses issues relating to the protection and retention of employment lands, it nonetheless would permit a residential use on approximately 3,450m² of land within Norwest's designated commercial office precinct. Accordingly, notwithstanding the substantial employment uplift proposed on the remaining portions of the site (which is well in excess of the extent anticipated by 2036 under the relevant strategies), careful consideration is needed as to whether permitting residential uses on this part of the site appropriately aligns with the Region and District Plan outcomes and the strategic objectives of retaining and growing the commercial core of Norwest and whether it would create a precedent for other land within the precinct.

In the circumstances of this specific case, it is considered that there are site-specific and logical grounds on which the technical inconsistency with the strategic framework can be adequately justified, especially noting the substantial uplift proposed and the unique characteristics and location of this specific site whereby the thinnest portion of the site adjoins existing and future residential uses on two property boundaries.

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- North West Rail Link Corridor Strategy and The Hills Corridor Strategy

A comparison between the North West Rail Link Corridor Strategy and The Hills Corridor Strategy, as they relate to the subject site, is provided below.

	Current (LEP 2019)	NWRL Corridor Strategy	Hills Corridor Strategy	Current Proposal (April 2020)
Zone	B7 Business Park	No Change	No Change	B7 Business Park
Additional Permitted Uses (APU)	N/A	N/A	N/A	Residential Flat Buildings (Site A - max. GFA 14,000m ²)
Max. Height	RL 116 metres (7 storeys)	8-10 storeys	10 storeys	RL112 - RL 178 metres (4 – 22 storeys)
Max. FSR	1:1	4:1	2:1	Base: 3:1 Incentive: 4.1:1
Min. Lot Size	8,000m ²	No change	No change	No change
Residential Yield	Nil	Nil	Nil	13,966m ² (107 units) (66 dw/ha)
Employment Yield	16,326m ² (544 jobs)	65,304m ² (2,612 jobs)	32,652m ² (1,088 jobs)	50,841m ² (2,600 jobs)
Total GFA	16,326m ²	65,304m ²	32,652m ²	64,807m ²

Table 3
Comparison of Planning Proposal with Strategic Framework

The North West Rail Link Corridor Strategy projects that within the Norwest Station Precinct, an additional 13,200 jobs and 4,350 dwellings will be provided by 2036. The subject site is located within the 'Commercial Core' character area which is envisaged to accommodate 'A-Grade' commercial floor space contained within 8-10 storey commercial office buildings. The Structure Plan and Character Area Map are shown below:



Figure 9
North West Rail Link Corridor Strategy – Structure Plan (left) & Commercial Core Character Area (right)

The assumptions contained within the Strategy anticipate that commercial buildings within the Commercial Core would comprise FSRs ranging from 2:1 to 4:1. As the subject site is located in close proximity to the station, the highest density range would be anticipated, being a commercial FSR of 4:1. The Strategy anticipates that this FSR would facilitate approximately 65,304m² and 2,612 jobs at a rate of one (1) job per 25m² of Gross Floor Area.

The Hills Corridor Strategy identifies that Norwest will evolve into a major Specialised Centre and the largest employment centre for Sydney’s North West. The Hills Corridor Strategy identifies opportunity for around 5,320 additional dwellings and 14,450 additional jobs within Norwest Precinct by 2036.

The Strategy identifies the subject site as appropriate for commercial development with an employment FSR of 2:1, resulting in a built form of around 10 storeys. Based on the FSR and employment ratios identified within the strategy the site would be expected to accommodate 32,652m² of floor space and approximately 1,088 jobs.

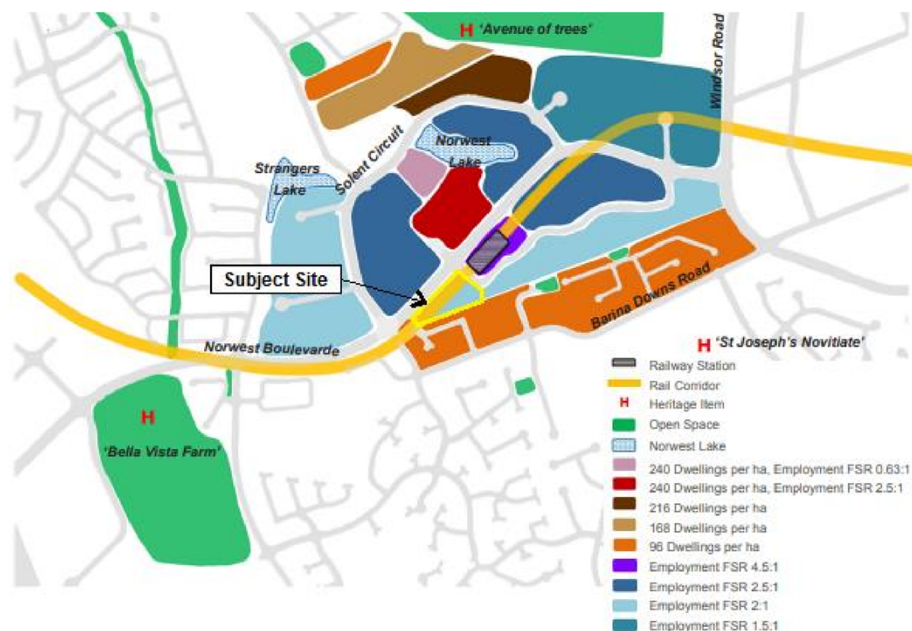


Figure 10
Norwest Structure Plan from The Hills Corridor Strategy

The previous concepts submitted by the Proponent were identified as being inconsistent with the envisaged land use and built outcomes identified under the State and local corridor strategies. However, previous assessments also acknowledged that there could be justification for taller buildings in this location given the strategic role of the site and proximity to Norwest Station, subject to consideration of impacts on residential land to the south.

The revised proposal has sought to address previous concerns by 'quarantining' the majority of the site to accommodate commercial only development and limiting the extent of residential uses to Site A only via the introduction of an Additional Permitted Uses clause in LEP 2019. The revised proposal has significantly increased the commercial GFA on the site and is proposing to deliver an additional 12,000 – 18,000sqm of commercial floor space on Sites B and C beyond that anticipated under the two Corridor Strategies. The scale of built form has also been reduced to a maximum of 22 commercial storeys and 20 residential storeys. Subject to further detailed design and consideration of the interface with existing residential areas to the west and south, it is considered that the proposed heights could be appropriately accommodated on the site and, having regard to the location of the site directly adjoining the Norwest Station, would not be inconsistent with the future urban structure and height transition anticipated throughout the Norwest Precinct.

Whilst the revised development outcome represents a departure from the intended 10 storey commercial only outcome envisaged under the State and local corridor strategies, the proposed density (floor space ratio) of 4:1 and employment yield of approximately 2,600 jobs does align with the outcomes anticipated under the State Government corridor strategy. The proposed density of 4:1 is greater than anticipated in Council's corridor strategy and would result in nearly 1,600 more new jobs than anticipated, as well as a small amount of residential yield (107 units). Noting that the proposal aligns with the State Government's

expressed view and having regard to the strategic location of the site, the Panel's advice is sought with respect to the reasonableness of the variation to Council's corridor strategy, prior to reporting the matter to Council for a decision.

- Local Strategic Planning Statement

Council's Local Strategic Planning Statement (LSPS) identifies a need to preserve employment lands in support of future growth of the urban portion of the Hills Shire. Norwest is identified as 'premier employment location' which will be subject to transformation from a traditional business park to an integrated major employment precinct attracting knowledge intensive and innovative industries, large corporations and local businesses. The LSPS strongly emphasises the employment role and function of Norwest and the need to protect its employment land for higher order commercial activities.

Planning Priority 7 of the LSPS also identifies a need to plan for new housing in the right locations. Such locations include well supported areas with access to jobs, services and transport. While the subject site would meet these criteria, the LSPS emphasises that future growth should be limited to existing and planned residential zoned areas, with the existing commercial core are to be retained for commercial only development.

Consistent with the District Plan, the LSPS identifies a target of 16,600 to 20,600 additional jobs across Norwest Strategic Centre to 2036. The LSPS also identifies a target of 2,100 additional dwellings within the Norwest Station Precinct to 2036 (contained to existing and planned residential areas).

A structure plan has been included for the Norwest Strategic Centre which identifies the planned distribution of a mix of land uses within the centre. The subject site is located within the 'commercial (offices)' character area which is earmarked to accommodate commercial office uses to ensure that an appropriate number and mix of jobs can be provided to meet the Shire's needs.

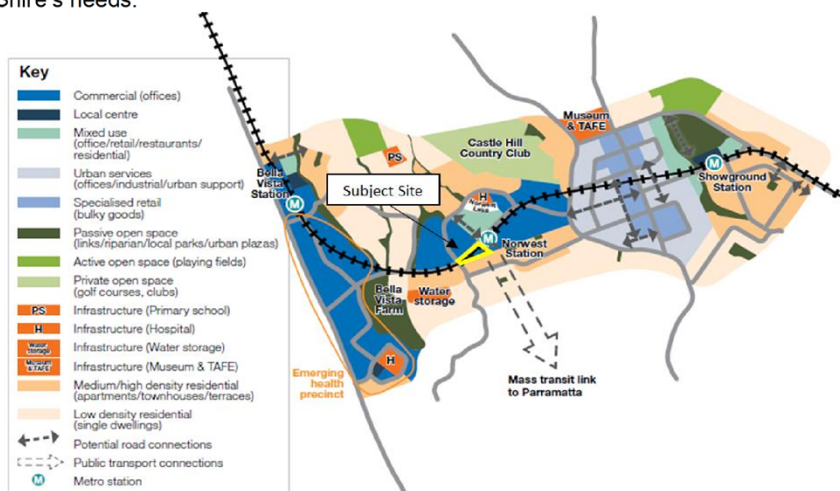


Figure 11

Norwest Strategic Centre – Structure Plan (Hills Future Local Strategic Planning Statement)

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The proposal is technically inconsistent with the LSPS in that it would permit residential uses outside of existing and planned residential land and would permit residential development on a small portion of the site which is specifically identified for commercial (office) uses. Notwithstanding this, the LSPS identifies a need to undertake detailed precinct planning which would further investigate the appropriateness of the identified land uses and built form outcomes for Norwest.

As the proposal has been submitted in advance of the completion of precinct planning for Norwest, it is difficult to assess the appropriateness of the proposal in the context of a holistic and detailed plan for the entire centre at this time. Notwithstanding this, Council is required to assess and consider individual planning proposals based on their strategic and site specific merits and as detailed within this report, it is considered that the unique circumstances and strategic merit of this particular proposal warrant progression of the proposal to Gateway Determination.

- Section 9.1 Ministerial Directions

An assessment of the proposal against key relevant Ministerial Directions is provided below.

- Direction 1.1 – Business and Industrial Zones

The objectives of this direction are to encourage employment growth in suitable locations, protect employment land in business and industrial zones and support the viability of identified centres. It requires that planning proposals must not reduce the total potential floor space area for employment uses and related public services in business zones.

While the proposal would permit some residential uses on a small portion of land zoned B7 Business Park, the proposal has demonstrated site-specific and logical reasons for permitting a residential use on a small portion of the site. Specifically, unlike any other land within the commercial core of the Norwest Precinct, the site has an interface with existing and future residential development which wraps around and directly adjoins two boundaries of the thinnest portion of the site.

From a strategic perspective, the proposal seeks to permit substantial commercial uplift (nearly 35,000m² of additional commercial floor space) on the remaining areas of the site, which would more than offset the potential loss of any employment floor space on Site A. Further, the proposal seeks to retain the existing business park zone across the entirety of the site, which would mean that commercial development would remain permissible and flexibility would remain for employment uses across the entire site subject to market demand and developer interest. Limiting the additional permitted residential uses to a minor peripheral area of the site will ensure that the majority of the site is protected and retained for commercial purposes only, reducing potential land use conflicts and the potential to hinder future commercial investment, viability and flexibility on the majority of the site.

Having regard to the relevant factors and the extent of commercial uplift proposed (in excess of growth targets under the relevant strategic framework), it is considered that on balance, the proposal's inconsistency with this Ministerial Direction can be adequately justified.

- Direction 2.6 – Remediation of Contaminated Land

This direction applies when a proposal seeks to permit residential development and/or other sensitive uses on land for which there is no knowledge (or incomplete knowledge) of whether contaminating uses have been carried out. Given the current and previous zoning of the site which permit industrial uses identified under the Contaminated Land Planning

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Guidelines, it is recommended that a contamination assessment be prepared to assess whether the site is suitable for residential uses and whether any remediation work will be required. The preparation of this report should be a requirement of any Gateway Determination (if issued), prior to public exhibition.

- Direction 3.1 – Residential Zones

This direction applies when a proposal is prepared that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary) or any other zone in which significant residential development is permitted or proposed to be permitted. The objectives of the Direction are:

- To encourage a variety and choice of housing types to provide for existing and future housing needs;
- To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services; and
- To minimise the impact of residential development on the environment and resource lands.

The proposal will provide a range of apartment types and sizes that will meet the existing and future needs of Hills community and will provide a suitable transition of land uses between existing and future residential areas (directly adjoining two boundaries of the site) and the commercial core development which will be the predominant outcome of the development. The proposal will also make efficient use of existing infrastructure being in close proximity to the Sydney Metro Northwest.

Given the site has not been strategically identified for residential growth, opportunities have not yet been identified to service residential uplift on this land with critical infrastructure and services such as playing fields, passive open space and community facilities. Should the proposal proceed, further discussions will be undertaken with the Proponent to establish a mechanism to secure a fair and reasonable contribution towards local infrastructure required to service this development.

Subject to the resolution of infrastructure contributions, it is considered the proposal meets the key aims and objectives of this Direction.

- Direction 5.9 – North West Rail Link Corridor Strategy

The Direction aims to promote transit-oriented development and manage growth around the eight new train stations of the Sydney Metro Northwest Corridor to ensure that development is consistent with the Corridor Strategy and precinct Structure Plans. A planning proposal must give effect to the objectives and growth projections for land as identified within the relevant Station Structure Plan.

Consistency of the proposal with the outcomes envisaged under the North West Rail Link Corridor Strategy is discussed previously within this report. Whilst the proposal does not precisely align with the intended land use and built form outcomes identifies under the State Government's corridor strategy, the proposal will meet and exceed the job targets identified for the site under this strategy and facilitate high quality commercial buildings on land within the commercial core of Norwest. The proposal's inconsistency with this Direction is therefore considered to be reasonable and justified.

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b) Loss of Employment Land

The proposal seeks to permit 'residential flat buildings' on approximately 3,450m² (approximately 20%) of the site which would otherwise be envisaged to accommodate an employment only outcome.

The following table provides a comparison of the amount of employment floor space and jobs that could be achieved for the subject site under the current controls, under the State and local corridor strategies and the planning proposal (with reduced land area).

	Current (LEP 2019)	NWRL Corridor Strategy	Hills Corridor Strategy	Current Proposal
Commercial Yield	16,326m ²	65,304m ²	32,652m ²	50,841m ²
Jobs (approx.)	544	2,612	1,088	2,600

Table 4
Employment Floor Space and Jobs

As demonstrated above, the planning proposal would facilitate significant employment growth above and beyond that achievable under the current controls and the Hills Corridor Strategy, and commensurate with that envisaged under the NWRL Corridor Strategy. However, it should be noted that the State and local corridor strategies assume lower employment densities for commercial and retail uses (25-38m²/ job) than those identified in the Proponent's supporting material (19-27m²/ job). If the densities assumed within those strategies were applied to the planning proposal, the proposal would yield approximately 1,689 – 2,007 jobs which is still commensurate with the jobs anticipated for the site under The Hills Corridor Strategy.

It is considered that the proposal represents a unique circumstance whereby, despite the proposal to permit residential uses on a portion of the land, the integrity and function of the core employment lands within Norwest Business Park can be protected and retained, with significant employment uplift to contribute to the availability of jobs in Norwest. Further, by retaining the existing B7 Business Park zoning, the entire site would remain available for commercial development, should market demand dictate this outcome.

While the encroachment of residential uses into the commercial core of the business park is specifically discouraged within the relevant strategic planning framework, there is a site-specific and logical case for permitting residential flat buildings on a small portion of the site which interfaces with existing and future residential land on two boundaries in order to facilitate a more appropriate transition of land uses across adjoining sites.

c) Built Form and Scale

The Proponent's original concept sought a maximum building height of RL 222 (40 storeys) which was reduced to RL 182 (25 storeys) following consideration of the proposal by the Local Planning Panel in June 2019. The Proponent has since further reduced the proposed heights to a maximum of RL 178 (22 storeys) with a view to achieving a more appropriate transition to surrounding areas and reducing potential amenity impacts on residential land to the south.

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The revised concept identifies building podiums ranging from 4-8 storeys, with two 20 storey towers and a 22 storey tower at the corner of the site at Norwest Boulevard and Brookhollow Avenue (opposite the Norwest Station). Lower buildings with a maximum height of 4 storeys are proposed at the interface with residential development to the south of the site.

In comparison to a 'blanket' height limit, the Proponent is now proposing to apply a range of building height controls across the site (RL112, RL 159, RL 170 & RL 178 being equivalent to approximately 4 – 22 storeys) to provide greater certainty with respect to height outcomes at key locations on the site and to ensure variation and transition of heights is reflected in any future development application.

The Norwest Precinct is an area that will undergo significant change over coming years and the subject site is uniquely located at a point where rapid built form transition will occur between the station site (which is anticipated to accommodate the tallest buildings in the precinct) and areas of low density residential development to the south and west of the site. While the residential land adjoining the site is identified as having potential for high density development in the future, it is important that development controls also have regard to the transitional and long-term nature of redevelopment and the existing residential outcomes and amenity in this locality.

The proposed heights within the current concept are considered to represent a balanced solution to capitalising on the need for high-density development directly adjoining the Norwest station, whilst also respecting the existing and future character envisaged for adjoining residential properties.

The current concept illustrates an increased variety of heights providing greater diversity and visual interest for the site and the precinct skyline more broadly. Having regard to future development on the Norwest Station site, the current concept provides an improved transition of height from the adjoining Norwest Station Site which is intended to have the tallest buildings in the precinct, to identify the station as the focal point of Norwest. The Station Site is proposed to have a maximum height of RL 184.25 (25 storeys). The transition of height from the Station Site to the subject site is shown in the figure below.

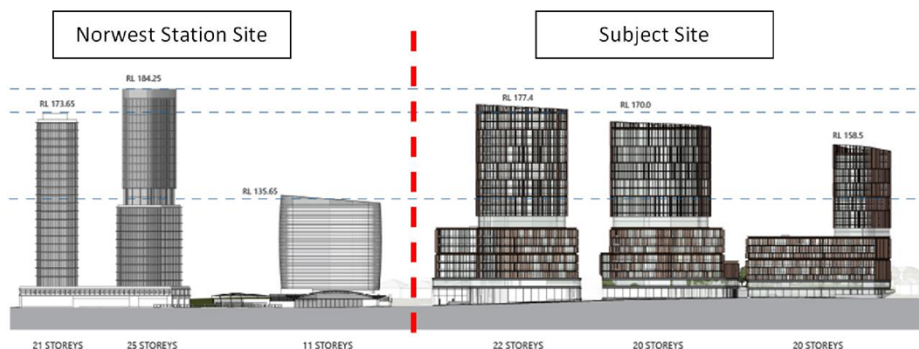


Figure 12
Concept section showing adjacent buildings on Norwest Station Site

The current proposal also achieves an improved outcome in terms of its transition and interface with lower density residential uses to the south east and south west of the site. By reducing the proposed maximum building heights and proposing a lower scale (4 storey)

outcome along the southern boundary of the site, the revised proposed has reduced the extent of potential overshadowing, overlooking and visual impacts on existing residential properties. The siting of slender towers ensures that shadows which are cast move quickly, with the proposal achieving compliance with Council's DCP which requires a minimum of 4 hours solar access to surrounding properties on 21 June.

Shadow diagrams of the current proposal are provided in the figure below.



Figure 13

Shadows of current proposal at 9am, 12pm and 3pm on 21 June

Overall, it is considered the proposal provides a high quality built form outcome in terms of bulk, scale and siting of buildings. The form, arrangement and external appearance of the development will improve the quality and amenity of the urban form within Norwest and the public domain. It will enable through-site links through permeable podiums and slender towers that transition to lower heights away from the station and maximise opportunity for solar access to surrounding areas, whilst still permitting substantial development to occur on the site.

The Proponent is also proposing that future development on the site be subject to a competitive design process, which is supported. Given the proposed built form will exceed 25 metres, any Development Application would also be referred to Council's own Design Excellence Panel to ensure the proposed development exhibits design excellence.

It is noted that 'Site A' which contains the residential component of the site has an area of approximately 3,450m² which is under Council's minimum lot size for residential flat buildings (4,000m²). However, given Site A forms part of the larger site, outcomes would be considered holistically as part of any future Development Application. The Proponent has submitted preliminary concept plans which indicate that the proposal is capable of achieving compliance with Apartment Design Guide criteria and Council's apartment size and mix requirements. However, should the proposal proceed, the Proponent should be required to submit more detailed information which demonstrates how the design requirements for a residential flat building under SEPP 65 and Council's DCP can be achieved.

It is noted that the planning proposal seeks to amend the primary planning controls applicable to the site (zoning, floor space ratio and maximum building height). While it is considered that these primary LEP controls which are subject of the planning proposal application will facilitate an appropriate height and density at this location, further consideration will be required with respect to detailed site and character outcomes such as layout and siting of buildings, setbacks, site coverage, landscaping, access and through-site links, plazas, common open spaces and materials and finishes. As discussed further within Section 4(g) of this report, if a Gateway Determination is issued for this proposal, these particular matters would need to be considered in the preparation of a site-specific DCP, to be reported to Council prior to any public exhibition of the planning proposal.

d) Heritage View Corridor

Bella Vista Farm Park is a State Listed Heritage Item which adjoins the Norwest Business Park and is a prominent cultural landmark. Bella Vista Farm derives its significance in part from its deliberate and prominent siting and rural setting with views and vistas to and from the site and its aesthetic values, including its sense of place. The Conservation Management Plan prepared for Bella Vista Farm Park (2000) recognises views to and from the farm as an extremely important aspect of the cultural significance of the place, and the importance of carefully controlled development so that it does not impact on these qualities. The Hills DCP 2012 (Part B Section 6 – Business) also provides controls relating to view corridors to and from Bella Vista Farm.

The Proponent has not submitted information which would assess the impact of the proposal on significant views to and from Bella Vista Farm Park. Whilst it is considered that the proposal is unlikely to detrimentally impact on view corridors to and from Bella Vista Farm, consultation with the relevant State Government Agencies is likely to be required as a condition of any Gateway Determination issued.

e) Proposed Planning MechanismHeight of Buildings

The Proponent is seeking to apply individual height limits to Sites A, B and C consistent with the maximum tower proposed for each site, as well as a maximum height of RL 112 along the southern boundary of the site to limit the scale of buildings in this location to 4 storeys.

The approach of applying varied height limits across the site reflects the indicative development concept and would ensure that a transition of heights to sensitive interfaces is secured. The proposed height of buildings map is provided below.

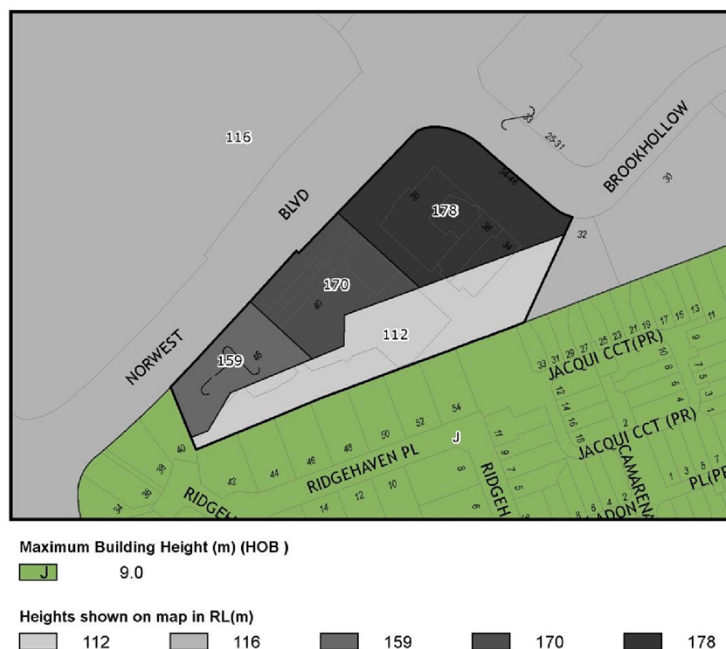


Figure 14
Proposed Height of Buildings Map

Floor Space Ratio

The Proponent is seeking to apply a ‘base’ (3:1) and ‘incentive’ (4.1:1) FSR. The Proponent is seeking to exclude a section of the site which is subject to stratum subdivision associated with Sydney Metro Northwest infrastructure (which runs beneath the site). However, this land is under the Proponent’s control and is proposed to be developed as a public plaza in association with the proposal. Accordingly, it will contribute to the area of the site for the purpose of calculating floor space ratio and permissible GFA and it is not considered appropriate to exclude this area of the site. Based on the total GFA of 64,807m² and increased site area of 16,326m², an ‘incentive’ FSR of 4:1 would be required to facilitate the Proponent’s concept.

The approach of a ‘base’ and ‘incentive’ FSR seeks to give certainty that the maximum development potential on the site can only be achieved if key planning requirements are delivered. It is considered appropriate that the achievement of the ‘incentive’ FSR be contingent on delivery of the key benefits put forward as justification for this proposal. Further discussion on the key benefits to be delivered is provided in the ‘Key Site Local Provision’ section below.

If the site were developed at the ‘base’ FSR (3:1) this would equate to 48,978m² of employment floor space. This is commensurate with the amount of employment floor space proposed under the ‘incentive’ FSR scenario, however without the addition of any residential uses. While there is merit in the application of a ‘base’ and ‘incentive’ FSR, with the ‘incentive’ linked to key public benefits, the Proponent has not provided any information to demonstrate the development outcome that would be expected at the ‘base’ FSR of 3:1 only.

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Accordingly, should the proposal proceed, it is recommended that additional information (including concept drawings and a height of building outcomes as a minimum) be submitted prior to exhibition to demonstrate that a development compliant with the proposed 'base' FSR of 3:1 would result in a high quality outcome.

The proposal would apply 'blanket' maximum floor space ratio controls across the site and rely on the maximum building height controls to guide the maximum building form at each location. The concept submitted demonstrates reasonably equal distribution of density across the three sites (Site A, Site B and Site C) and as such, this approach is considered reasonable.

Key Site Local Provision

The proposal seeks to apply a key site provision which details key site requirements that must be satisfied in order to achieve the higher 'incentive' FSR. These outcomes are as follows:

- The entire site is subject to a single development application;
- The provision of at least 50,000m² GFA of employment uses;
- Provision of 3,500m² public plaza space;
- Compliance with Council's Housing Diversity Provision (Clause 7.12 of LEP 2019); and
- Future development application to be subject to a competitive design process.

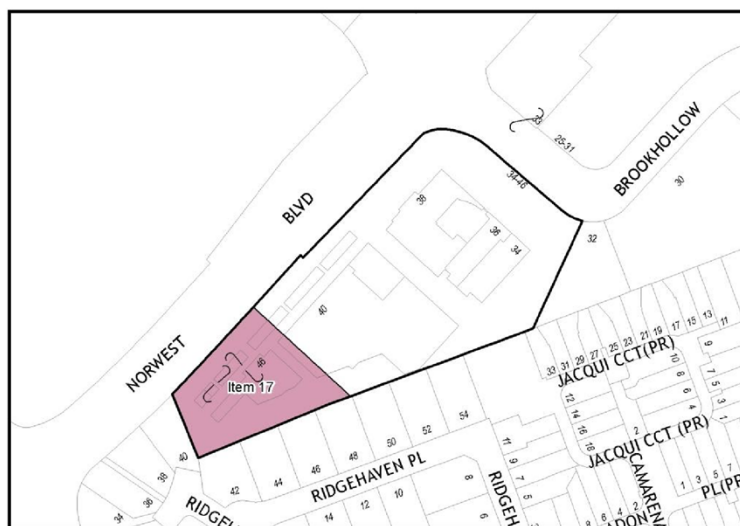
The above requirements will secure some of the key benefits put forward in support of the proposal including holistic design process, minimum employment GFA, public domain areas, compliance with housing diversity and excellent design. Despite the requirement for a competitive design process (which was stipulated by the Proponent) any future development application exceeding 25 metres (approximately 6-7 storeys) would also be referred to Council's Design Excellence Panel to ensure the proposed development meets Council's design excellence standards.

Additional Permitted Use

The original proposal (March 2019) sought to permit residential uses across the entirety of the site by way of rezoning the land to B4 Mixed Use. The revised proposals (September 2019 and April 2020) have also sought to permit residential uses across the entirety of the site, but through an alternative mechanism being an additional permitted use clause.

An additional permitted use clause considered to be the most appropriate planning mechanism given the unique circumstances of this proposal. This approach will allow the B7 Business Park zone to be retained across the entirety of the site, ensuring that the zone objectives continue to reflect the strategic intent for this land and continuing to permit employment uses on all parts of the site and thereby providing flexibility for a future developer to respond to market forces. An additional permitted use clause (as opposed to rezoning) is also necessary to ensure that a full range of employment uses can be developed across the entirety of the site should a future developer decide to pursue a commercial-only development at the 'base' FSR.

Whilst the Proponent's suggested mechanism is supported, it is recommended that the clause and associated map only be applied to 'Site A' (where residential uses have been identified in the Proponent's concept), in order to provide certainty that residential uses will only be delivered on the small portion of the site identified as suitable for this purpose. Namely, this is the portion of the site at the edge of the commercial core of the existing business park land and interfacing with medium density residential land on two boundaries (which is also identified for high density residential development in the future under the strategic planning framework). The proposed Additional Permitted Uses Map is shown in the figure below.



Additional Permitted Uses (APU)
 Refer to Schedule 1

Figure 16
 Proposed Additional Permitted Uses Map

While the maximum GFA proposed to be specified for residential uses could facilitate approximately 140 units (based on Council’s apartment size and mix requirements), it is recommended that the APU clause instead ‘cap’ the permissible number of residential units at 107 dwellings, consistent with the Proponent’s concepts, plans and yields identified within the planning proposal application. This would provide certainty that if residential outcomes were to occur, the yield and density would not be greater than that specified within the Proponent’s planning proposal application to Council.

f) Traffic and Parking

Traffic

The Proponent has submitted a revised traffic report prepared by GTA Consultants dated March 2020. The report projects that the proposal in its entirety would result in 383 vehicle trips during the AM and PM peak periods. This represents a significant increase to existing traffic generation from the site which is currently 104 and 88 vehicle trips during the AM and PM peak periods, respectively. The report concludes that assessing this traffic generation against current conditions would not provide meaningful results given the level of redevelopment expected in the locality and the need for traffic modelling to consider all other planned and future growth.

Council has recently commissioned the preparation of detailed traffic and transport modelling for Norwest Station Precinct as well as the Bella Vista and Castle Hill Station Precincts. This modelling will assess the capacity of the road network and upgrades required to support strategically identified uplift with a key consideration being the extent of mode shift that is likely within the precinct. In the absence of this modelling, a holistic assessment of the traffic impacts associated with this individual proposal in the context of the broader Norwest

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Precinct cannot be completed at this time. It is noted that the impact of COVID-19 has delayed the progress of this work, and more specifically, the traffic surveys which underpin it, as current traffic levels are irregular and do not accurately reflect the normal baseline.

Notwithstanding the above, it is considered the proposal demonstrates sufficient strategic merit to proceed to Gateway Determination ahead of the completion of traffic modelling. Should a Gateway Determination be issued further consideration of traffic impacts and consultation with State Government Agencies and the community would occur. Ultimately, any finalisation (gazettal) of a planning proposal for this site would be contingent on the completion of the precinct-wide traffic modelling (estimated by the end of 2020) and the establishment of an appropriate contributions mechanism to secure a reasonable contribution toward future road infrastructure. Should there be any delays in the completion (or if amendments to the modelling are required) as a result of this proposal, it is recommended that they be undertaken at cost to the Proponent.

Parking

Under Council's current centres parking rate, the proposal would be required to provide approximately 1,429 parking spaces. The proposed urban design concept indicates an intention to provide 800 parking spaces. A comparison of the existing and proposed parking requirements is provided in the table below:

Land Use	Existing Rate	Existing Requirement	Proposed Rate	Proposed Requirement
Commercial	1 per 40m ² (centres rate)	1,187	1 per 83m ²	572
Retail	1 per 18.5m ²	60	1 per 50m ²	22
Hotel	As per existing DA consent	24	As per existing DA consent	24
Child Care	1 per 6 children and 1 per employee	31	1 per 6 children and 1 per employee	31
Residential	1 per dwelling and 1 per 5 dwellings for visitors	128	1 per dwelling (1-2 bedrooms) 2 per dwelling (3 bedrooms) and 1 per 5 dwellings for visitors	151
TOTAL		1,429		800 (-630)

Table 5

Comparison of existing and proposed parking rates

The proposal seeks to provide 630 less parking spaces than would be required under existing DCP controls. However, assessment of other recent planning proposals in Norwest has indicated there is merit in considering a reduced parking rate for commercial and retail development, in recognition of the proximity to Norwest Station and mode shift likely to occur now that the Sydney Metro Northwest has commenced operation.

Specifically, lower parking rates have been supported by Council for two other recent planning proposals in the vicinity of this site including:

- Norwest Station Site (6/2019/PLP):
 - Commercial: 1 space per 60m²
 - Retail: Nil customer spaces
- 2-4 Burbank Place (18/2018/PLP):
 - Commercial: 1 space per 60m²

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Having regard to the above, with respect to commercial parking, it is considered appropriate to apply a similar rate of 1 space per 60m² for commercial development, noting that the site is highly accessible being directly adjacent to Norwest Station.

With respect to retail parking, it is important to recognise the nature and role of the proposed retail offer. The intended retail uses are a mix of convenience retailing, business services and food and drink premises which will predominantly serve the local working population during business hours. This scale of retail offering is unlikely to attract a wider catchment during business hours, nor would this be desirable from a traffic generation perspective. Accordingly, it may be suitable to consider the reduced retail parking rate (which exceeds that recently supported on the Norwest Station Site) proposed by the Proponent. Opportunity should be investigated for food and drink premises to utilise vacant commercial parking spaces outside of business hours, when parking demand for this use may be higher.

The proposed residential parking provision exceeds the requirements under Council's Housing Diversity Provision (which is proposed to apply to this site) however this is a minimum requirement rather than a cap and while this is likely to be acceptable, this would be contingent on the completion of further traffic modelling for the broader Norwest Precinct.

A comparison of existing and recommended parking rates (as detailed above) is provided below. It is considered that the Proposed Rates identified within the below table are reasonable and would be consistent with other recently supported proposals:

Land Use	Existing Rate	Existing Requirement	Proposed Rate	Proposed Requirement
Commercial	1 per 40m ² (centres rate)	1,187	1 per 60m ²	791
Retail	1 per 18.5m ²	60	1 per 50m ²	22
Hotel	As per existing DA consent	24	As per existing DA consent	24
Child Care	1 per 6 children and 1 per employee	31	1 per 6 children and 1 per employee	31
Residential	1 per dwelling and 1 per 5 dwellings for visitors	128	1 per dwelling (1-2 bedrooms) 2 per dwelling (3 bedrooms) and 1 per 5 dwellings for visitors	151
TOTAL		1,429		1,019 (-410)

Table 6
Proposed parking rates and spaces

Parking rates are a matter for inclusion within the draft Development Control Plan which should be prepared, considered by Council, and publicly exhibited concurrently with the proposal, should a Gateway Determination be issued.

g) Urban Design Outcomes and Development Control Plan

While it is considered that the proposed LEP controls which are subject of the planning proposal application will facilitate an appropriate height and density at this location, further consideration will be required with respect to more detailed urban design outcomes on the site.

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Norwest is currently characterised by campus style office developments with reduced building footprints, large setbacks and reduced site coverage with extensive areas of the ground plane occupied by landscaping and above-ground parking areas. This contributes to an open, spacious and 'green' character which is currently enjoyed by residents and workers. As Norwest evolves into a higher density urban and strategic centre, it is important that key character elements be retained in order to create a great and desirable place for workers and business growth and investment. A key component of this will be continued limitation of building footprints to ensure future development provides significant and mature landscaping, common and public open spaces and ample areas of pedestrian access and movement.

The Proponent's concept illustrates the extent of building footprints being limited to a site coverage of approximately 50%, with an intention to provide 3,500m² of plaza space. However, the concept designs show undeveloped areas of the ground plane in form of smaller disjointed and linear areas across the site which lack synergy, usability and opportunities for quality embellishments such as lighting, seating, outdoor dining, landscaping and public art. Should a Gateway Determination be issued, it is recommended that the Proponent undertake further urban design work with a view to better maximising the vacant areas of the ground plane for more consolidated, functional and usable areas at the ground level.

Should the proposal receive a Gateway Determination, the Proponent has indicated an intention to prepare DCP controls to guide future development and built form outcomes on the site. Any such DCP would need to be considered by Council and exhibited concurrently with the planning proposal. The DCP would need to cover key matters such as site layout, building height, setbacks, through site links, plaza and common spaces, site coverage, landscaped area, solar access, parking, materials and finishes and wind.

h) Local Infrastructure

Given the proposal precedes the completion of detailed precinct planning or infrastructure analysis for Norwest Precinct, it is difficult to quantify a fair and reasonable contribution towards required infrastructure upgrades.

Currently, development in Norwest is subject to Council's Section 7.12 plan which caters for minor incremental development under the current controls and does not envisage or cater for the extent of uplift proposed on the site, nor does it include the range of infrastructure upgrades required to service the uplift anticipated under the strategic framework for the Norwest Precinct. Accordingly, levying contributions under the existing framework is not considered a fair or reasonable solution to infrastructure demand.

The Proponent has not indicated a mechanism to ensure future development on the site makes a fair and reasonable contribution towards future local infrastructure improvements that will be required to support increased commercial and residential yields on this site and more broadly throughout the Business Park.

Based on Council's standard benchmarks, the extent of residential uplift proposed on the site (107 dwellings) would typically generate the need for the following local infrastructure:

- 5% of a new sports field;
- 5% of a local park;
- 5% of a netball court;
- 5% of tennis court; and
- 2% of a local community centre.

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While the residential development, in and of itself, will not generate the demand for any entirely new facilities, it would contribute unanticipated yield which is not planned or catered for under any of Council's contributions plans. Further, there are currently no opportunities identified to provide additional infrastructure such as playing fields to service any demand which has not been identified under the strategic framework.

The commercial component of the development would also contribute to the cumulative demand for new local infrastructure within the Norwest Precinct, including but not limited to traffic upgrades, public domain works and pedestrian connectivity throughout the business park.

If the planning proposal were to proceed, discussions would be required between Council and the Proponent with respect to a mechanism to secure development contributions towards new local infrastructure within the Norwest Precinct. It is noted that consideration of road infrastructure improvements will be largely informed by the detailed traffic modelling for the Precinct and subsequent detailed precinct planning, which may provide greater certainty as to the adequacy of any contributions offered by the Proponent.

3. FURTHER INFORMATION REQUIRED

It is considered that the proposal demonstrates adequate strategic and site specific merit to progress to the next stage of the assessment process. However, there are a number of matters which require further consideration to ensure the proposal achieves exemplary design and an appropriate mechanism is established to address increased demand for local infrastructure generated by the proposal.

Accordingly, should a Gateway Determination be issued, the Proponent should be required to submit the following additional information, prior to public exhibition of the proposal:

- Plans to demonstrate that the proposed 'base' FSR of 3:1 would result in an acceptable urban design outcome;
- Draft amendments to DCP 2012 that address, at a minimum, key outcomes such as building layout and siting, building height, setbacks, through site links, plaza and common spaces, site coverage, landscaped area, solar access, parking, materials and finishes and wind. The draft site-specific DCP should be reported to Council for consideration prior to public exhibition of the planning proposal;
- An amended development concept which demonstrates better utilisation of vacant areas at the ground plane for more consolidated, functional and usable areas with opportunity for significant and mature landscaping.
- Further information demonstrating that the design requirements for residential flat building under SEPP 65 and Council's DCP can be achieved; despite the proposed site area for the residential component of the development being less than Council's standard 4,000m²;
- A contamination assessment to consider whether the site is suitable for residential uses and whether any remediation work will be required; and
- Infrastructure analysis and identification of an appropriate mechanism to address the increased demand for local infrastructure within the Norwest Precinct as a result of the proposed uplift.

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IMPACTS

This matter has no direct financial impact upon Council's adopted budget or forward estimates. However, a mechanism to secure development contributions towards new local infrastructure upgrades will need to be established to ensure there is not a shortfall in funding for critical infrastructure required to service future development on the site and within Norwest Precinct more broadly.

Strategic Plan – Hills Future

The proposal will contribute significantly to employment growth within a strategic centre which benefits from direct access to Norwest Station. The provision of supporting residential uses will support a balanced mix of uses on the site which transitions between the commercial core of the business park and adjoining residential land which abuts two boundaries of the site.

RECOMMENDATION

1. The planning proposal for land at 34-46 Brookhollow Avenue, Norwest proceed to Gateway Determination, to amend LEP 2019 as follows:
 - a) Amend the maximum Height of Buildings from RL 116 to heights ranging from RL 112, RL 159, RL 170 and RL178;
 - b) Amend the maximum Floor Space Ratio from 1:1 and introduce a 'Base' Floor Space Ratio of 3:1 and an 'Incentive' Floor Space Ratio of 4:1;
 - c) Introduce a new site specific local provision to outline criteria which must be met in order to achieve the 'Incentive' Floor Space Ratio; and
 - d) Amend Schedule 1 – Additional Permitted Uses to permit 'Residential Flat Buildings' with a maximum yield of 107 dwellings on part of the site (Site A), subject to also meeting the 'Incentive' Floor Space Ratio criteria.
2. Should a Gateway Determination be issued, the Proponent be required to submit the following additional information, prior to public exhibition of the proposal:
 - a) Plans to demonstrate that the proposed 'base' FSR of 3:1 would result in an acceptable urban design outcome;
 - b) An amended development concept which gives effect to the site coverage requirements of the Precinct and demonstrates better utilisation of vacant areas at the ground plane for more consolidated, functional and usable areas with opportunity for significant and mature landscaping.
 - c) Further information demonstrating that the design requirements for residential flat building under SEPP 65 and Council's DCP can be achieved; despite the proposed site area for the residential component of the development being less than Council's standard 4,000m²; and
 - d) A contamination assessment to consider whether the site is suitable for residential uses and whether any remediation work will be required.

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3. Council and the Proponent proceed with the preparation of site specific development controls to guide future development outcomes on the site, with Council to consider a site-specific Development Control Plan for the site, prior to public exhibition of the proposal.
4. Council and the Proponent enter into discussions with respect to establishing a mechanism to address the additional demand for local infrastructure arising from the proposed development uplift, with a further report to be considered by Council on this matter prior to public exhibition of the proposal.

ATTACHMENTS

1. Planning Proposal Report (April 2020) (under separate cover)
2. Urban Design Report, PBD Architects (April 2020) (under separate cover)
3. Concept Plans, PBD Architects (April 2020) (under separate cover)
4. Economic Impact Assessment, Hill PDA (March 2020) (under separate cover)
5. Social Impact Assessment, Hills PDA (April 2020) (under separate cover)
6. Traffic Assessment, GTA Consulting (March 2020) (under separate cover)
7. Competitive Design Process, Merc Capital (April 2020) (under separate cover)
8. Owner's Consent (2019) (under separate cover)
9. Local Planning Panel Minute, 19 June 2019 (under separate cover)
10. Local Planning Panel Minute, 17 October 2019 (under separate cover)

ATTACHMENT 2

LOCAL PLANNING PANEL – THE HILLS SHIRE COUNCIL

DETERMINATION OF THE LOCAL PLANNING PANEL ON THURSDAY, 18 JUNE 2020
- DETERMINATION MADE ELECTRONICALLY

PRESENT:

Julie Walsh	Chair
Alf Lester	Expert
Scott Barwick	Expert
Rohan Toner	Community Representative

DECLARATIONS OF INTEREST:

Nil disclosed

COUNCIL STAFF:

The Panel were briefed by the following Council Staff on 17 June 2020:

David Reynolds	Group Manager – Shire Strategy, Transformation & Solutions
Nicholas Carlton	Manager – Forward Planning
Bronwyn Inglis	A/Principal Coordinator Forward Planning
Alicia Jenkins	Senior Town Planner

ITEM 1: LOCAL PLANNING PANEL - FURTHER REPORT - PLANNING PROPOSAL - 34-46 BROOKHOLLOW AVENUE, NORWEST**COUNCIL OFFICER'S RECOMMENDATION:**

That the planning proposal proceed to Gateway Determination.

PANEL'S ADVICE:

That the planning proposal for land at 34-46 Brookhollow Avenue, Norwest should not proceed to Gateway Determination on the basis that:

1. The scale of uplift together with the proposed residential land use on the site lacks strategic merit and is inconsistent with the objectives and relevant actions within the Greater Sydney Region Plan – A Metropolis of Three Cities, Central City District Plan, North West Rail Link Corridor Strategy, The Hills Corridor Strategy, Council's draft Local Strategic Planning Statement and Ministerial Directions, all of which envisage a commercial-only outcome on the site and require the protection of commercial and employment lands from the encroachment of residential development. It is the view of the Panel that if a commercial only outcome was proposed, the North West Rail Link Corridor Strategy and The Hills Corridor Strategy provide a guide with respect to an appropriate level of uplift;
2. The Panel notes that there is no proposal for any defined public benefit outcome to the Community in conjunction with the proposed uplift;
3. The District Plan states that within Strategic Centres (such as Norwest), the delivery of housing should not constrain commercial and retail activities. The broader Norwest Strategic Centre accommodates a mix of uses, with the subject site identified as being within the Commercial Office Precinct portion of the broader Strategic Centre. Notwithstanding the commercial uplift proposed, the proposal would allow for residential uses (within Building A) to encroach into strategically significant employment lands. This would potentially weaken the intended commercial-only function of the site and reduce the viability and desirability of commercial investment. It may also constrain any further commercial or retail uplift in the future, beyond that currently proposed;
4. The proposal to provide for a residential flat building as an additional permitted use on the site would permit a land use to occur which is inconsistent with the objectives of the B7 Business Park zone which applies to the land;
5. Despite the proximity of the site to the Norwest Station, the built form outcome of the proposal is inconsistent with the current and future character envisaged for the Business Park and land adjoining the site and also fails to provide for an adequate built form transition to the residential land to the south. In particular:
 - (a) The proposed Building A does not appear to respect the spatial separation criteria set out in the Apartment Design Guide nor the requirements for built form to step down at land use zone interfaces.
 - (b) The proposed commercial buildings will have adverse shadow impacts on the residential properties to the south and south west.
 - (c) The Panel is concerned at the poor quality solar access afforded to the proposed linear open space on the southern edge of the development.

6. The Panel is concerned at the lack of any tangible and defined public benefit that is clearly linked to the potential increase from a base FSR of 3:1 to the "incentive" FSR of 4:1.
7. If Council decides to proceed with the proposal including Building A as residential, the Panel would encourage the provision of affordable housing consistent with the District Plan Targets.
8. The proposal has not adequately addressed the impacts of the proposed development on local infrastructure or how the additional demand for local infrastructure generated by the proposed residential uplift could be serviced.
9. The Panel is concerned that the proposal does not include any assessment of the potential impact on significant views to and from Bella Vista Farm Park.

VOTING:

Unanimous

LOCAL PLANNING PANEL – THE HILLS SHIRE COUNCIL

**DETERMINATION OF THE LOCAL PLANNING PANEL ON 17 SEPTEMBER 2020
– DETERMINATION MADE ELECTRONICALLY**

PRESENT:

Julie Walsh	Chair
Richard Thorp AM	Expert
Penny Holloway	Expert
Alison Turner	Community Representative

DECLARATIONS OF INTEREST:

Nil Disclosed

COUNCIL STAFF:

The Panel were briefed by the following Council Staff on 16 September 2020:

David Reynolds	Group Manager – Shire Strategy, Transformation & Solutions
Nicholas Carlton	Manager – Forward Planning
Megan Munari	Principal Coordinator Forward Planning
Ashley Ascone	Senior Town Planner

ITEM 1: LOCAL PLANNING PANEL – FURTHER REPORT – PLANNING PROPOSAL – 34-46 BROOKHOLLOW AVENUE, NORWEST

COUNCIL OFFICER’S RECOMMENDATION:

That the planning proposal proceed to Gateway Determination, subject to the submission of additional information prior to public exhibition.

PANEL’S ADVICE:

That the planning proposal for land at 34-36 Brookhollow Avenue Norwest should **not** proceed to gateway determination for the following reasons:

1. The proposed residential land use on the site lacks strategic merit and is inconsistent with the Greater Sydney Region Plan - A Metropolis of Three Cities, Central City District Plan, The Hills Local Strategic Planning Statement October 2019, and Ministerial Directions, all of which envisage a commercial only outcome on the site and require the protection of commercial and employment lands from the encroachment of residential development.
2. The District Plan states that within Strategic Centres (such as Norwest) the delivery of housing should not constrain commercial and retail activities. The broader Norwest Strategic Centre accommodates a mix of uses, with the subject site identified as being within the Commercial Office Precinct portion of the broader strategic centre. The proposal would allow for residential uses to encroach into strategically significant employment lands. This would potentially weaken the intended commercial – only function of the site and reduce the viability and desirability of commercial investment. It may also constrain any further commercial or retail uplift in the future, beyond that currently proposed. It would also set an undesirable precedent.
3. The proposal to provide for residential uses on the site would permit a land use to occur which is inconsistent with the objectives of the B7 Business Park zone which applies to the land.
4. Although there is an argument for an uplift in FSR to 3:1 having regard to the recommendations of the NWRL Corridor Strategy (4:1) and Hills Corridor Strategy (2:1) and the context of the site near the Metro Station, the possibility of a maximum FSR of 3.8:1 utilizing an incentive provision should be linked to tangible and defined public benefits which is not apparent from the proposal put forward.
5. More consideration needs to be given to the interface of the development with the R3 zoned residential properties to the south and west, which have a maximum height limit of 9 metres, particularly in terms of visual bulk and overshadowing.
6. The proposal has not adequately addressed the impacts of the proposed uplift on local infrastructure, nor has it proposed any defined public benefit outcome to the community in conjunction with the proposed uplift.

VOTING:

Unanimous