

**ITEM-2** LOCAL PLANNING PANEL - FURTHER REPORT -  
**PLANNING PROPOSAL - 34-46 BROOKHOLLOW  
 AVENUE, NORWEST (9/2019/PLP)**

**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 OCTOBER 2019**  
 LOCAL PLANNING PANEL

**AUTHOR:** **SENIOR TOWN PLANNER**  
 JANE KIM

**RESPONSIBLE OFFICER:** **MANAGER – FORWARD PLANNING**  
 NICHOLAS CARLTON

<b>Proponent</b>	<b>MERC CAPITAL</b>
<b>Owner</b>	<b>BEAUMONT STRATA MANAGEMENT PTY LTD</b>
<b>Planning Consultant Economic Consultants Social Impact Assessment</b>	<b>HILL PDA CONSULTING</b>
<b>Urban Designer</b>	<b>PBD ARCHITECTS</b>
<b>Traffic Consultant</b>	<b>GTA CONSULTING</b>
<b>Site Area</b>	<b>15,960m<sup>2</sup></b>
<b>List of Relevant Strategic Planning Documents</b>	<b>GREATER SYDNEY REGION PLAN CENTRAL CITY DISTRICT PLAN S 9.1 MINISTERIAL DIRECTIONS LOCAL STRATEGY NORTH WEST RAIL LINK CORRIDOR STRATEGY THE HILLS CORRIDOR STRATEGY</b>
<b>Political Donation</b>	<b>YES</b>
<b>Recommendation</b>	<b>THAT THE PLANNING PROPOSAL NOT PROCEED TO GATEWAY DETERMINATION</b>

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**EXECUTIVE SUMMARY**

This report recommends that the planning proposal applicable to land at 34-46 Brookhollow Avenue, Norwest, which seeks to permit residential flat buildings as an additional permitted use on the site and increase the maximum permitted floor space ratio and building height to facilitate a high density mixed use development outcome, accommodating up to 224 residential units and 40,576m<sup>2</sup> of non-residential/commercial floor space, 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;
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.

A previous version of this proposal was considered by the Local Planning Panel on 19 June 2019, where the Panel advised that the proposal should not proceed to Gateway Determination. This is discussed further within Section 2 of this report.

### THE HILLS LOCAL ENVIRONMENTAL PLAN 2012

The planning proposal seeks to amend The Hills LEP 2012 as follows:

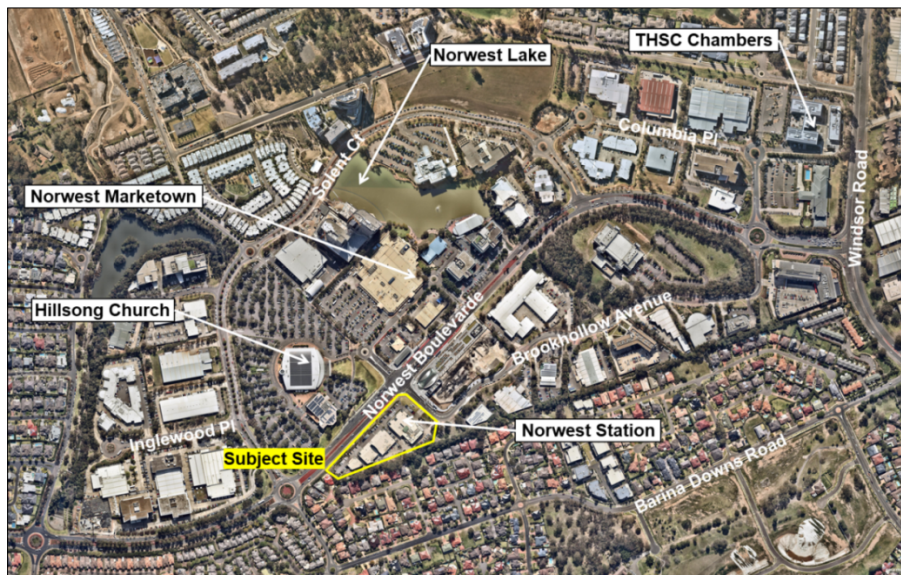
	Current	Original Proposal	Amended Proposal
Zone:	B7 Business Park	B4 Mixed Use	B7 Business Park
Additional Permitted Uses	N/A	N/A	'Residential flat buildings' with a maximum gross floor area of 28,258m <sup>2</sup> and 'Shops' with a maximum gross floor area of 1,500m <sup>2</sup> .
FSR	1:1 (would facilitate 15,960m <sup>2</sup> of commercial floor space)	5.8:1 (including 40,576m <sup>2</sup> of commercial floor space)	4.3:1 (including 40,576m <sup>2</sup> of commercial floor space)
Building Height:	RL116 (7 commercial storeys)	RL 222 metres (up to 45 residential storeys, although the Proponent's concept indicated 42 storey outcome including 6-8 storey commercial podium)	RL 182 metres (up to 30 residential storeys, although the Proponent's concept demonstrates 25 storey outcome including 3-8 storey commercial podium)
Min. Lot Size:	8,000m <sup>2</sup>	No change proposed	No change proposed

## REPORT

The purpose of this report is to present the planning proposal for 34-46 Brookhollow Avenue, Norwest to the Local Planning Panel for advice, in accordance with Section 2.19 of the *Environmental Planning and Assessment Act 1979*.

### 1. THE SITE

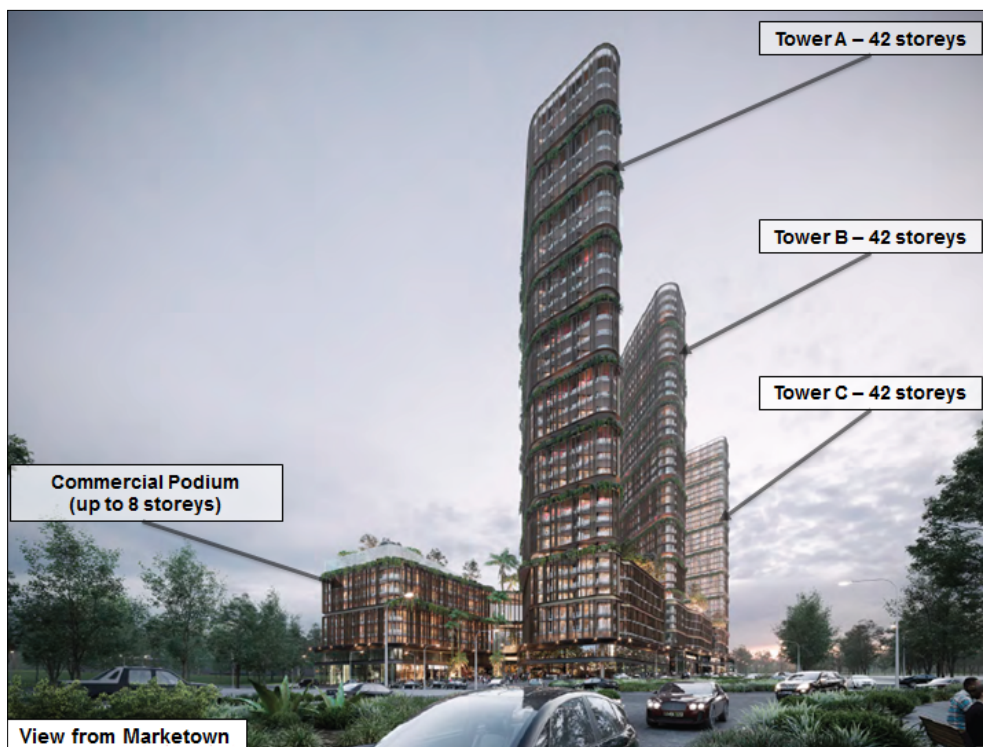
The site is known as 34-46 Brookhollow Avenue, Norwest (Lot 1 DP 270106), located within the Norwest Business Park. It includes a number of strata titled lots and has a total area of 15,960m<sup>2</sup>. The land is generally bound by Norwest Boulevard to the north-west and Brookhollow Avenue to the north-east, with low density residential development adjoining the site to the south and to the west.



**Figure 1**  
Aerial view of the site and surrounding locality

**2. PREVIOUS CONCEPT/PROPOSAL**

The planning proposal was originally submitted in March 2019 and sought to amend LEP 2012 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 metres (7 storeys) to RL 222 metres (42 storeys). The indicative concept submitted with the proposal illustrated 93,254m<sup>2</sup> of gross floor area comprising 52,678m<sup>2</sup> of residential floor space (approximately 530 residential units) and 40,576m<sup>2</sup> of non-residential floor space.



**Figure 2**  
March 2019 Concept - proposed elevation from Norwest Boulevard showing 42 storey development

On 19 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.*

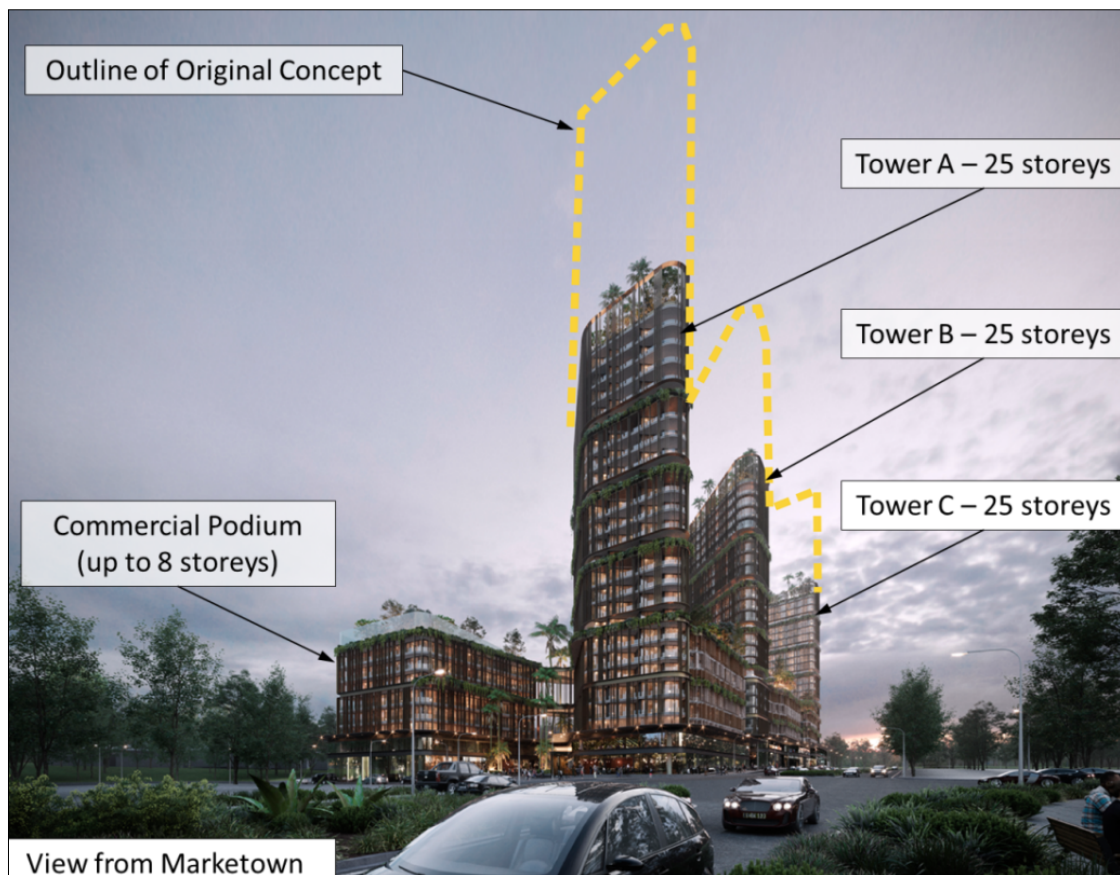
### 3. REVISED PLANNING PROPOSAL

Following the Local Planning Panel meeting on 19 June 2019, the Proponent requested an opportunity to submit additional information and amended plans and on 12 September 2019, a revised planning proposal was submitted. The revised proposal seeks to amend LEP 2012 to:

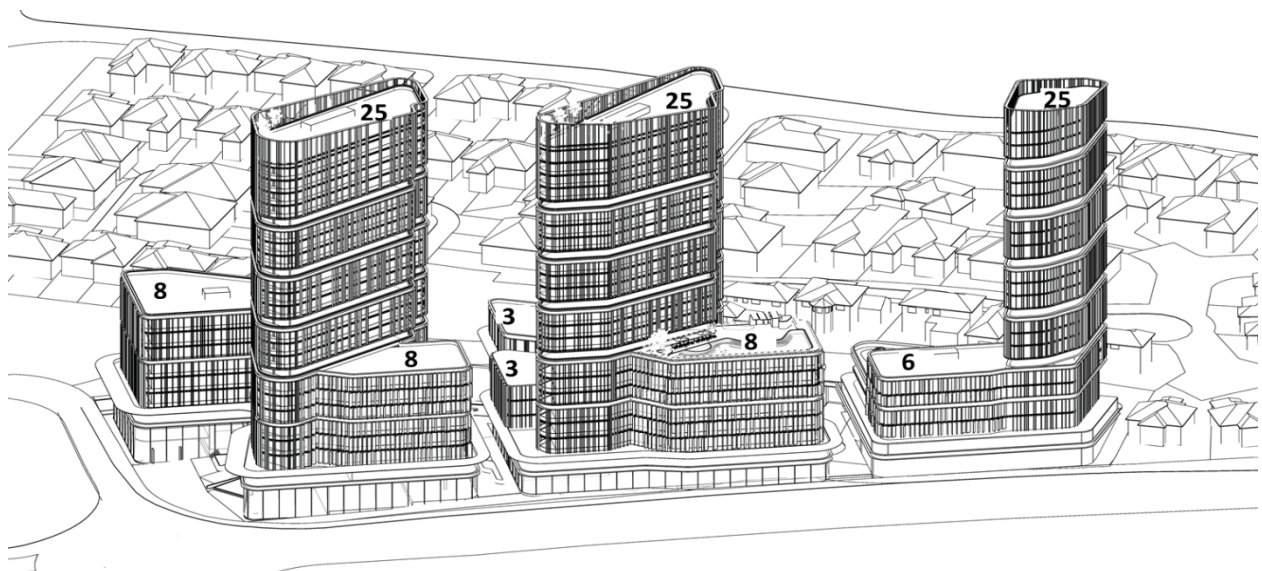
- Retain the existing B7 Business Park zoning and amend Schedule 1 – Additional Permitted Uses to permit the following uses on the site:
  - Residential Flat Buildings – with a maximum gross floor area of 28,258m<sup>2</sup>; and
  - Shops – with a maximum gross floor area of 1,500m<sup>2</sup>;
- Increase the maximum floor space ratio from 1:1 to 4.3:1; and
- Increase the maximum building height from RL116 metres to RL182 metres.

The Proponent's revised indicative development concept includes a potential development outcome that could be achieved under the proposed controls. The concept shows a high density mixed use development comprising a commercial podium (3-8 storeys), with three 25 storey towers. The indicative concept provides for a total of 68,838m<sup>2</sup> of gross floor area, representing a floor space ratio of 4.3:1 and comprising:

- 40,576m<sup>2</sup> of commercial floor space (offices, retail, child care centre and food and drinks premises); and
- 28,285m<sup>2</sup> of residential floor space (this quantity of residential floor space would potentially facilitate up to 282 residential units however the Proponent has identified a yield of 224 units).



**Figure 3**  
Perspective street view (from Norwest Boulevard)



**Figure 4**  
Concept diagram with indicative floor levels

As discussed further within Section 4(d) of this report, whilst the Proponent's concept details one potential development outcome, there is scope for variation and flexibility between the indicative concept and the development outcomes that could be achieved under the proposed planning controls.

#### 4. MATTERS FOR CONSIDERATION

The planning proposal requires consideration of the following matters:

- a) Strategic Framework;
- b) Impacts of Residential Development in the Business Park;
- c) Consistency with Zone Objectives;
- d) Certainty of Development Outcome;
- e) Scale of built form;
- f) Traffic and Parking; and
- g) Capacity of Local Infrastructure.

##### a) Strategic Framework

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

Under the Greater Sydney Region Plan and the Central City District Plan a hierarchy of Centres is established which reflects the varying sizes, roles, activities and locations of centres and how they contribute to the delivery of the metropolis of three cities. Under both documents Norwest is identified as a 'Strategic Centre', being the second centre typology in the hierarchy after Metropolitan Centres such as the Sydney CBD and Parramatta. There are 34 Strategic Centres within the Sydney Metropolitan Region and 8 Strategic Centres within the Central River City, all of which perform a critical role in attracting investment, business activity and jobs in-line with the 30 minute city vision of the Region Plan.

As shown in figure 5, of the 8 strategic centres within the Central River City, 3 are located within The Hills Shire (Norwest, Castle Hill and Rouse Hill). Norwest is identified as the Strategic Centre with the greatest potential to accommodate significant job growth and this is reflected in the jobs targets for Norwest which exceed any of the other strategic centres within the Central City District, including Sydney Olympic Park. The Plans articulate the opportunity presented by the Sydney Metro Northwest and the new station at Norwest to transform the business park into a more vibrant and diversified centre with faster and more reliable 'business-to-business' connections to other centres such as Macquarie Park. The District Plan estimates that there are 32,400 existing jobs within Norwest and sets a minimum target of 49,000 - 53,000 jobs by 2036 (being 16,600 - 20,600 new jobs). It promotes the retention and growth of the centre's commercial capacity to achieve these targets.

Consistency with Action 45(a) of the District Plan is of particular relevance to this proposal. The priority for the Norwest Strategic Centre is to strengthen the commercial viability of the centre through the retention of commercial floor space and growth of commercial capacity within the precinct. While the proposal would result in commercial uplift on the land, the delivery of residential accommodation on the site is considered to be inconsistent with this Action given that it would detract from the status of the site as employment land, decrease the desirability of the site (and surrounding land) for commercial investment and inhibit the ability of the land to accommodate any further intensification of employment uses at any point in the future, beyond what is currently proposed. It would also create a concerning precedent of allowing substantial residential development to occur on regionally significant employment lands.



In addition to the above, Action 37 of the Plan provides a key objective for Strategic Centres, particularly Norwest, of prioritising jobs, goods and services. While Sub-action '1' identifies that residential development may be appropriate within certain strategic centres (within 10 minutes of public transport), it continues by stating that this should not be at the expense of strengthening, growing and maintaining the ability and flexibility of a centre to attract jobs, retailing and services. This is particularly relevant given the abundance of opportunities for high density residential development which are already available (zoned and identified within the strategic framework) within 800 metres or 10 minutes walking distance from Norwest Station. The role of Norwest as a Strategic Centre and opportunities for residential development is discussed further below.

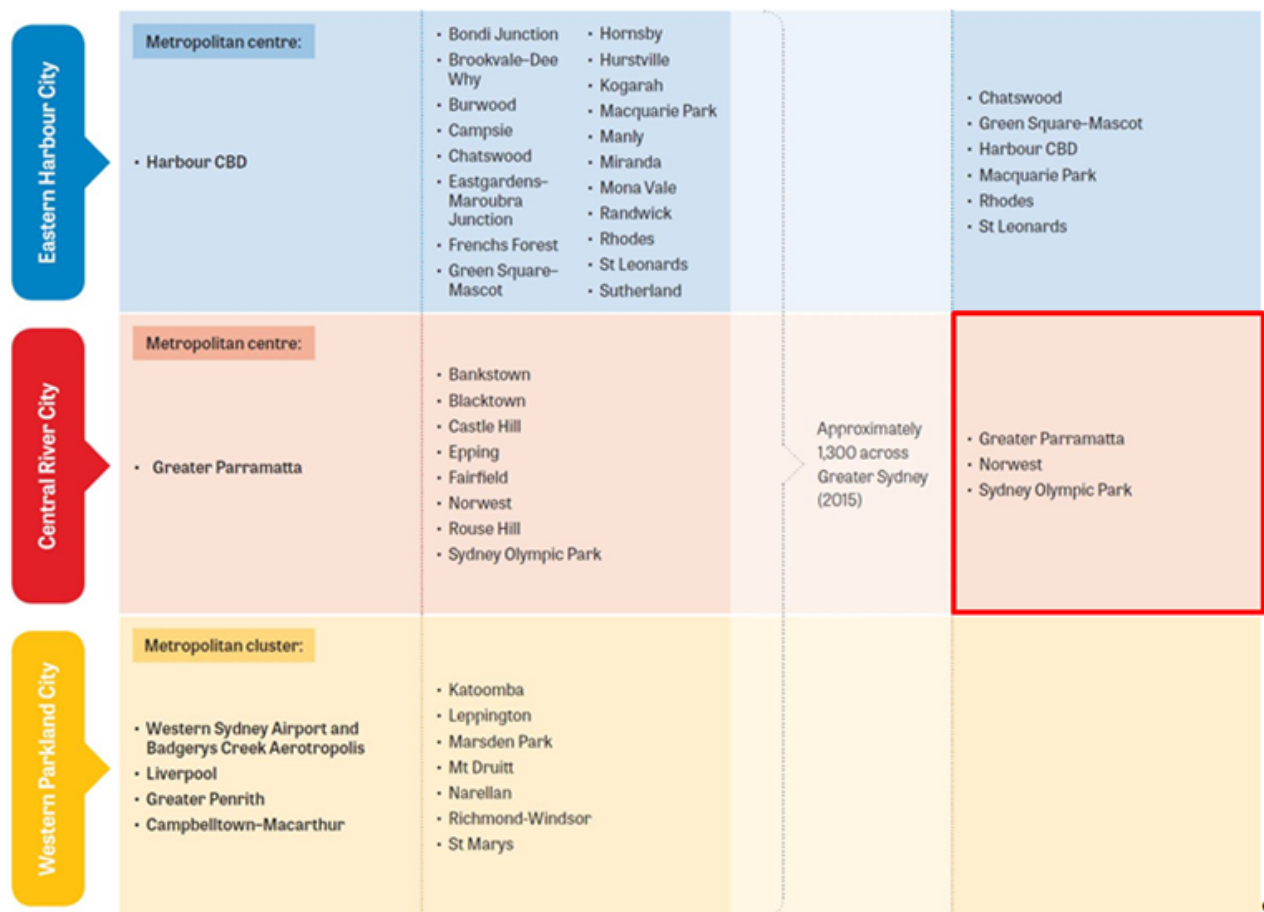
As detailed above, the proposal is inconsistent with the Plan and in particular, Action 37 and Action 45(a). The Region Plan and District Plan both provide clear direction that employment lands must be protected, retained and grown for the purpose of jobs, retailing and services in existing business parks and that this should take priority over the potential for residential development.

*Centres Hierarchy and the 'Norwest Strategic Centre'*

The broader Norwest Strategic Centre contains an area identified as the "Commercial Office Precinct", within which the subject site is located. The Commercial Office Precinct forms a critical component of the overall Norwest Strategic Centre and is of increasing importance to the Region's economic structure. The Commercial Office Precinct has been identified within the Region Plan as one of only 9 Commercial Office Precincts within the Greater Sydney Region, which are intended to accommodate standalone office buildings. An extract of the Centres Hierarchy from the Region Plan is included in Figure 5 below.



CENTRES			OTHER
METROPOLITAN	STRATEGIC	LOCAL	COMMERCIAL OFFICE PRECINCT
			
<p><b>ROLE</b></p> <p>Metropolitan centres are the economic focus of Greater Sydney, fundamental to growing its global competitiveness and where government actions and investment, including transport, will be focussed. The intent of these centres is to deliver very high levels of development and amenity. Metropolitan centres occur in two forms: single centres or a cluster of centres.</p>	<p>Strategic centres vary in size, location and mix of activities. They enable access to a wide range of goods, services and jobs.</p> <p>Strategic centres are expected to accommodate high levels of private sector investment, enabling them to grow and evolve. They will become increasingly important parts of the region's structure.</p>	<p>Local centres are important for day-to-day access to goods and services.</p>	<p>These precincts are components of metropolitan or strategic centres containing standalone office buildings. Generally commercial office precincts contain at least 100,000 square metres of office floor space.</p>



**Figure 5**  
Extract – Centres Hierarchy – Greater Sydney Region Plan

The planning proposal seeks to justify a mixed use outcome on the grounds that Norwest is identified as a Strategic Centre and as such the provision of a mixed use outcome on the site (including residential accommodation) would facilitate the transition of Norwest from a Business Park into a Strategic Centre. However, this approach is directly contrary to the Region Plan, which clearly identifies that the land currently zoned B7 Business Park (including the subject site) should specifically be retained as a core component of the broader Norwest Strategic Centre, “containing standalone office buildings” (refer to Figure 5). While it is acknowledged that Norwest is a Strategic Centre, it is clear that the intention of

the Strategic Framework is to retain a core commercial only office precinct within the Norwest Strategic Centre and facilitating residential development on this land would therefore be inconsistent with the intended role and function of the site and the Region and District Plans.

As detailed further below, the retention of a commercial only office precinct as a component of the broader Norwest Strategic Centre does not preclude the achievement of mixed use and Transit Oriented Development outcomes, when the Norwest Strategic Centre is considered holistically and at a strategic level.

#### Norwest as a Mixed Use Strategic Centre

There appears to be a common misconception and assertion that in order to create a mixed use centre, all individual land parcels within the centre must be capable of accommodating a mix of uses. This justification is often presented in conjunction with site-specific spot rezoning proposals which seek to increase the development potential of individual development sites by permitting residential development to occur in areas where it would not otherwise be permitted.

Contrary to this notion, a mixed use centre can in fact be achieved through a holistic plan for a broader precinct, which acknowledges a number of linked and supporting sub-precincts around a local centre or transport node, each of which accommodates specific uses and collectively facilitates a mixed use outcome for the broader centre. The origins of the current layout and planning framework for the Norwest Business Park as well as the vision for the future of this Precinct as a Strategic Centre articulated within the Region Plan, District Plan, North West Rail Link Corridor Strategy and Hills Corridor Strategy all support this philosophy.

The vision for the Norwest Precinct as contained within the North West Rail Link Corridor Strategy is to facilitate the orderly expansion and intensification of the Business Park by delivering commercial floor space with a focus on efficient, large floor plate, campus-style office spaces around a local centre (refer to Figure 6). The Strategy recognised that the Sydney Metro Northwest will also provide opportunities to increase residential densities within walking distance of the station by introducing a variety of housing types to ensure there is affordability and appropriate housing for all members of the community. This approach is supported by The Hills Corridor Strategy which sets a similar vision for the Norwest Precinct as *'a specialised employment, retail and entertainment centre with some opportunity for higher density residential living around the Norwest Lake precinct'* (refer to Figure 7).

As detailed earlier within this report, the Norwest Strategic Centre is not limited to the Commercial Office Precinct, where higher order office uses are encouraged. Rather, the Commercial Office Precinct (within which the subject site is located) forms a critical sub-precinct of the overall Norwest Strategic Centre. When viewed holistically, the Norwest Strategic Centre has land zoned and strategically identified within the catchment of the Norwest Station for the following mix of uses:

- Mixed Use Development – within the Local Centre (Marketown);
- Commercial Only Office Precinct (Commercial Core and Business Park areas);
- High Density Residential Areas;
- Medium Density Residential Areas; and
- Low Density Residential Areas.

With respect to residential development, the Norwest Strategic Centre already contains land zoned for 2,600 additional dwellings, with strategically identified potential for a further 3,000 additional dwellings on other sites within the Norwest Strategic Centre (outside of the commercial only office precinct). These sites will facilitate a combined yield of more than 5,600 additional dwellings and more than 11,200 additional residents, within the Norwest Strategic Centre. Given the strategic approach to planning for the Norwest Strategic Centre and having regard to the substantial areas of land within the Centre already identified for residential and mixed use outcomes, there is limited justification for compromising the integrity of land within the Commercial Office Precinct for the purpose of additional residential yield.

- 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 in the following table. It is noted that an employment ratio of 19.3m<sup>2</sup> GFA per employee has been applied to the commercial floor space as this reflects the job generation rate proposed within the Economic Impact Assessment prepared by Hill PDA (submitted in support of the planning proposal). Whilst this ratio is higher than what is expected within the broader Precinct, it has been applied across all scenarios to provide a like-for-like comparison.

	<b>Current Controls</b>	<b>NWRL Corridor Strategy</b>	<b>Hills Corridor Strategy</b>	<b>Original Proposal</b>	<b>Amended Proposal</b>
<b>Zone</b>	B7 Business Park	No change	No change	B4 Mixed Use	B7 Business Park (no change)
<b>Height</b>	RL 116 m (7 storeys)	8-10 storeys	10 storeys	RL 222 m (42 storeys)	RL 182 m (25 storeys)
<b>FSR</b>	1:1	4:1	2:1	5.8:1	4.3:1
<b>Employment GFA (Jobs)</b>	15,960m <sup>2</sup> (826 jobs)**	63,840m <sup>2</sup> (3,300 jobs)**	31,920m <sup>2</sup> (1,654 jobs)**	40,576m <sup>2</sup> (2,100 jobs)*	40,576m <sup>2</sup> (2,100 jobs)*
<b>Residential Yield (Density)</b>	Nil	Nil	Nil	432 Units based on concept (275 d/ha) 530 Units based on FSR (332 d/ha)	224 Units based on concept (142 d/ha) 282 Units based on FSR (180 d/ha)
* Based on Economic Impact Assessment, Hill PDA					
** Based on 19.3m <sup>2</sup> GFA per employee for commercial/office space					

**Table 1**

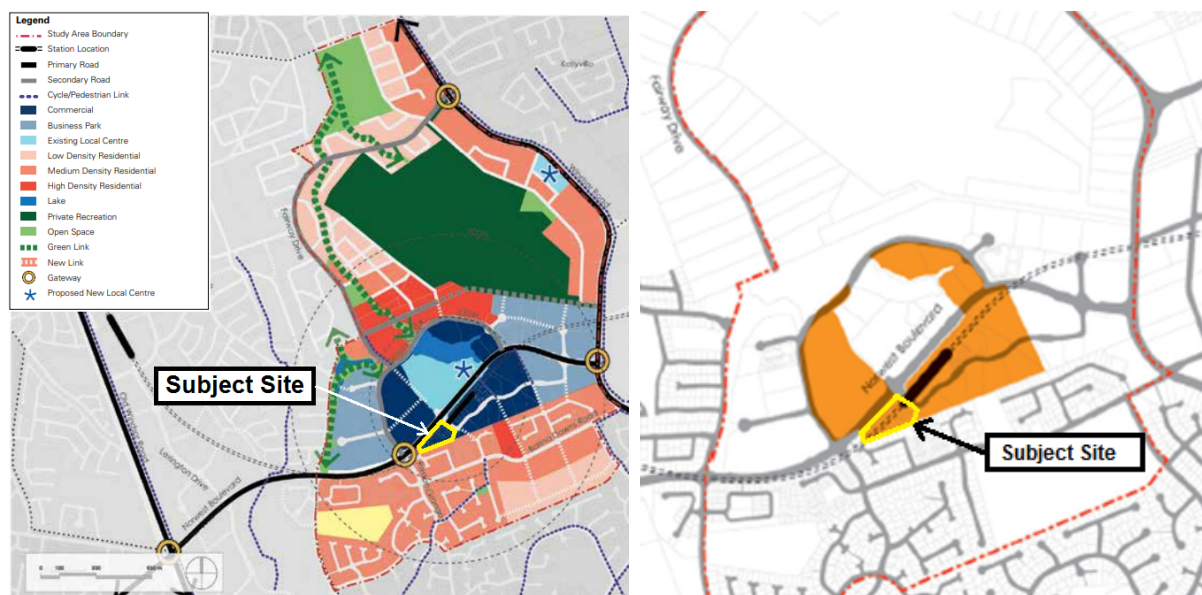
Comparison of Planning Proposal with Strategic Framework

#### North West Rail Link Corridor Strategy

The Department of Planning and Environment finalised the North West Rail Link (NWRL) Corridor Strategy and Structure Plans in September 2013. The Strategy was prepared to guide future development around the eight (8) new stations along the Sydney Metro Northwest Corridor and provides a vision for how the areas surrounding the railway stations could be developed to integrate new homes and jobs.

The Norwest Structure Plan projects that within the Norwest Precinct, an additional 13,200 jobs will be provided by 2036, including 1,000 retail jobs. When combined with jobs anticipated under the Bella Vista Structure Plan (10,500 jobs), the entirety of the Business Park is identified as having the potential for 46,200 jobs (additional 23,700 jobs).

The site is located within the 'Commercial Core' character area. The Strategy designates that this character area will accommodate 'A-Grade' commercial floor space contained within 8-10 storey commercial office buildings, integrated into the character of the area. The Structure Plan and Character Area Map are shown below.



**Figure 6**

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

The assumptions contained within the Strategy anticipate that these commercial buildings would comprise FSRs ranging from 2:1 to 4:1.

The highest densities under the Strategy within the Norwest precinct are to be located within the 'Commercial Core' area. As the subject site is located within this character area and in close proximity to the station, the highest density range would be anticipated, being a commercial FSR of 4:1. It is anticipated that this FSR would facilitate approximately 63,840m<sup>2</sup> of commercial floor space (3,300 jobs). It is noted that while the proposal seeks to apply an overall FSR of 4.3:1, the Proponent's submission only seeks to deliver 40,576m<sup>2</sup> of commercial floor space, which is equivalent to an FSR of 2.5:1 (delivering approximately 2,100 jobs).

The proposed 28,258m<sup>2</sup> of residential floor space would facilitate approximately 282 residential units with an equivalent floor space ratio of 1.8:1 (however the Proponent's concept indicates 224 units). This outcome would result in significant inconsistencies with the Strategy given that:

- In comparison to an anticipated commercial floor space ratio of 4:1, the proposal only delivers 2.5:1 of commercial floor space, with an additional 1.8:1 of residential floor space. Residential floor space is not anticipated within the 'Commercial Core' area. Noting the abundance of opportunities for high density residential development

elsewhere within the Precinct, there is no clear justification for enabling up to 282 unplanned dwellings on this site, nor has the strategic framework identified that this additional unplanned residential growth could be serviced by sufficient local infrastructure.

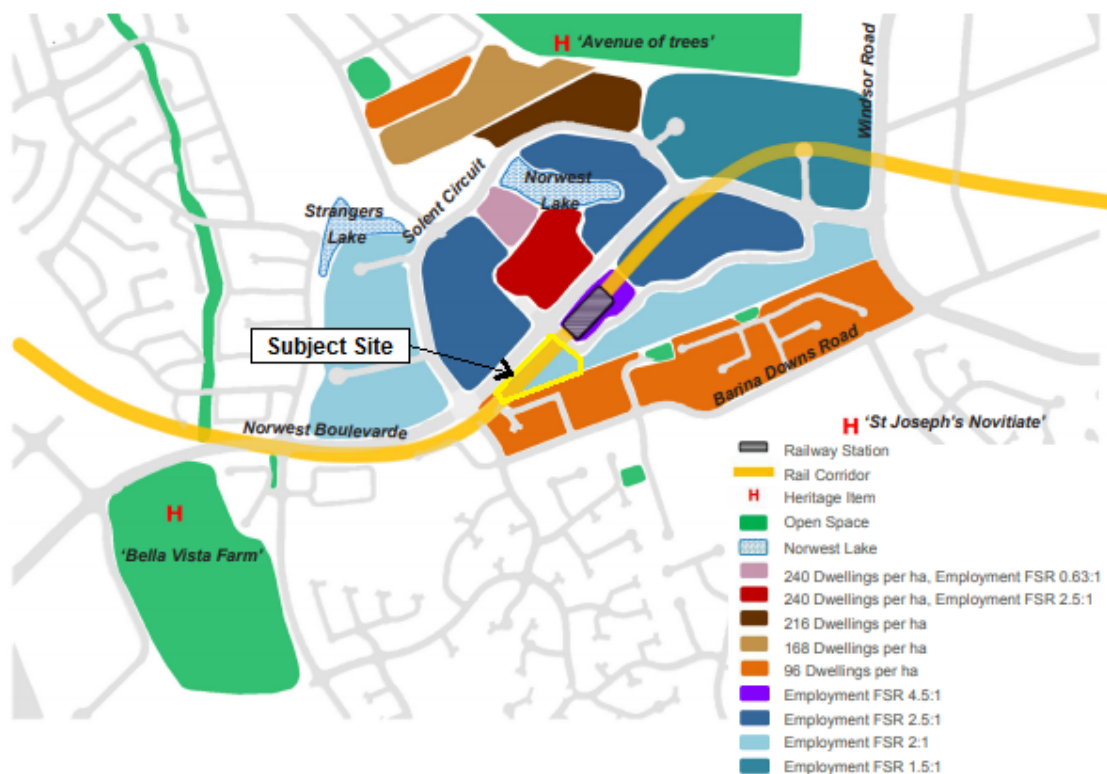
- The inclusion of residential dwellings in addition to the proposed commercial outcome results in additional floor space well beyond that anticipated for the site. This increases the scale of the built form, resulting in overdevelopment of the site, especially given that the site is located adjoining existing low density residential development (small lot/integrated housing). The Strategy anticipates a maximum built form of 10 storeys within the 'Commercial Core' area of the Business Park. Accordingly, the proposed built form is more than 2.5 times higher than anticipated under the Strategy.

A wholly commercial development, with a lower scale built form of up to 10 storeys would more appropriately align with the vision for the site under the Strategy. Subject to amenity impacts on sensitive adjoining sites being addressed, building heights marginally in excess of 10 storeys may be justified as part of a commercial only outcome.

#### The Hills Corridor Strategy

The Hills Corridor Strategy was adopted by Council on 24 November 2015 to build upon the platform established by the NSW Government's Corridor Strategy and articulate redevelopment opportunities arising from the Sydney Metro Northwest around each of the seven (7) stations that are within, or close to, the Shire. It is underpinned by guiding principles that reflect the long held strategic direction of Council that is embedded in Council's Local Strategy and Local Environmental Plan with the key being a hierarchy of zones which facilitate the greatest densities closer to transport and centres, while maintaining lower density development within peripheral locations.

The Strategy identifies Norwest Business Park as a major Specialised Centre and seeks to reinforce the centre as a key employment destination, becoming 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 the broader Norwest Precinct by 2036 (26,530 additional jobs within the Bella Vista and Norwest precinct combined which make up the Norwest Business Park). Objective 4.5 – "Jobs to Match Shire Needs" identifies that *'there is a need to protect this strategic employment location from residential development pressures and facilitate strong economic growth'*.



**Figure 7**  
Extract from The Hills Corridor Strategy

The Strategy identifies the subject site as appropriate for commercial development with a minimum employment FSR of 2:1, resulting in a built form of around 10 storeys. The Strategy does not anticipate any residential development on the subject site and identifies substantial areas elsewhere within the Precinct, to the north and south of the station, as being suitable to accommodate a diverse range of residential development. While the site is in close proximity to the station, the density anticipated for this land seeks to provide a balanced growth outcome, also noting that the site directly adjoins existing low density residential development.

The proposal indicates an intention to provide employment floor space with an equivalent floor space ratio of 2.5:1. This extent of employment yield is largely consistent with the Strategy and could be achieved within an appropriate built form outcome for the site. However, the provision of a further 1.8:1 of residential floor space is not anticipated from either a local infrastructure or built form perspective and is inconsistent with the Strategy.

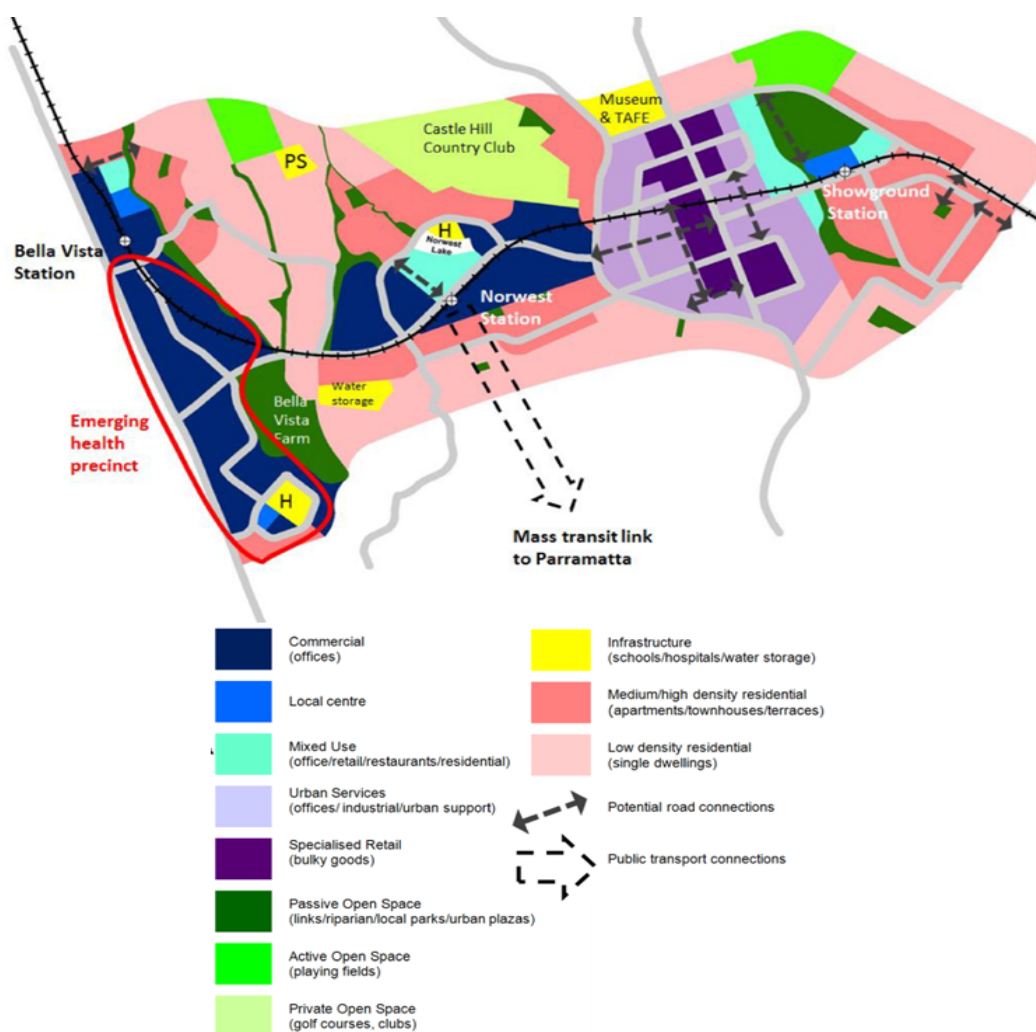
The proposal to include residential development on the site is inconsistent with the Strategy in that it would fail to protect identified employment land within the Norwest Business Park from the encroachment of residential development, would limit the commercial potential and flexibility of the site (both now and in the longer-term), would result in a built form which is more than 2.5 times that envisaged for the site (25 storeys rather than 10 storeys) and would result in up to 282 additional dwellings which have not been catered for by local infrastructure.

A wholly commercial development, with a built form of up to 10 storeys would more appropriately align with the vision for the site under the Strategy.

- Draft Local Strategic Planning Statement

Council’s draft Local Strategic Planning Statement (LSPS) identifies a significant need to preserve employment lands in support of future growth of the urban portion of the Hills Shire. The draft LSPS identifies Norwest as ‘premier employment location’ which will be subject to a transformation from a traditional business park to an integrated major employment precinct attracting knowledge intensive and innovative industries, large corporations and local businesses.

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 identified for commercial uses under the draft LSPS and the areas where there is a potential for increased commercial activities are anticipated to transition to more identifiable commercial core functions, to ensure that an appropriate number and mix of jobs can be provided in these locations.



**Figure 8**  
Norwest Strategic Centre – Structure Plan (Draft LSPS, July 2019)

Planning Priorities 1 and 2 of the draft LSPS strongly emphasise the retention of commercial lands for higher order commercial activities within the Norwest Strategic Centre. Whilst the draft LSPS acknowledges that a mix of different land uses including high density residential is important in creating walkable neighbourhoods and vibrant communities, these uses are planned to be accommodated within the broader Norwest Strategic Centre and the creation

of commercial only office precincts are essential in providing clusters of higher order employment which can take advantage of opportunities for businesses to agglomerate. In this regard, residential floor space is considered to potentially detract from the commercial function of the land and decrease the viability and desirability of future commercial investment. The proposal is considered to be inconsistent with the draft Local Strategic Planning Statement.

#### Section 9.1 Ministerial Directions

Section 9.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) enables the Minister for Planning and Public Spaces to issue directions that Councils must address when preparing planning proposals. The proposal is considered to be inconsistent with Directions 1.1, 3.1 and 5.9, as detailed 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 increase the potential gross floor area for employment uses (compared to the current controls), the proposal is ultimately inconsistent with this Direction as permitting residential towers would limit any future potential for the site to accommodate any further employment floor space, beyond what is currently proposed. Permitting residential uses and floor space on the site would ultimately detract from the intended commercial function of the land, decrease the viability and desirability of future commercial investment and result in an inappropriate built form. Accordingly, the proposal is considered to be inconsistent with this Direction.

- 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 is considered to be inconsistent with this Direction. Whilst the site has access to public transport services, the proposal would facilitate substantial residential growth on land which is not strategically identified or intended to accommodate such a use. As such, there is substantial uncertainty as to whether the proposed residential dwellings on the site would have appropriate access to infrastructure and services (such as playing fields, passive open space and community facilities), especially given the proposal precedes the completion of detailed precinct planning and infrastructure assessment for the Norwest Precinct.



- 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. The consistency of the proposal with the outcomes envisaged for the land under the Corridor Strategy is discussed previously within this report. Given the identified inconsistencies with the Corridor Strategy, the planning proposal is considered to be inconsistent with this Direction.

## **b) Impacts of Residential Development in the Business Park**

### Protection of Key Employment Land

The Norwest Business Park has traditionally offered campus style office and warehouse buildings and has grown substantially over the past two decades. It is the Shire's primary employment precinct and premier Business Park which serves a distinctly different purpose to centres such as Castle Hill and Rouse Hill.

As mentioned previously within this report the Central City District Plan projects that the Norwest Strategic Centre will accommodate over 53,000 jobs by 2036, representing 20,600 additional jobs over this period. In achieving these job targets it is anticipated that the Business Park will progressively evolve to offer higher order commercial outcomes including the delivery of an increasing amount of knowledge intensive employment opportunities.

Growth in the Commercial Office Precinct of the Norwest Strategic Centre is driven by the continued clustering of economic activity and is facilitated by the delivery of the Sydney Metro Northwest, improved accessibility and growing executive labour force. These economic clusters underpin Sydney's role as a global economic and advanced services centre and the strategic framework guiding future development within the Precinct including the Regional Plan, Central City District Plan, North West Rail Link Corridor Strategy and Hills Corridor Strategy all earmark this land for 'Business Park'/'Commercial Core' purposes all seek to preserve this land for future employment uses and job creation.

The proposal seeks to incorporate residential development on the site to facilitate a mixed-use outcome within the Commercial only office precinct/commercial core of Business Park. The additional unplanned residential yield is, in part, justified on the basis that the development already provides a significant quantum of employment space and as such, the residential yields do not compromise the employment role of the site or the centre. However, this justification understates the important role that standalone business parks play in the broader economy and fails to acknowledge the potential adverse impacts associated with residential development within a business park area.

Despite the planning proposal seeking to provide additional employment floor space compared with the existing development on the site, permitting residential floor space in areas identified as Commercial Office Precincts would ultimately detract from the intended commercial function of the land and would likely decrease the viability and desirability of future commercial investment. Specifically, the proposal to permit residential accommodation within the Business Park is considered inappropriate given:

- It would be inconsistent with all applicable strategic planning policies, as detailed earlier within this report.
- The availability of Business Park land within the Hills, Northwest Sydney and the Greater Sydney Region is increasingly under pressure from residential development, especially as a result of market conditions over the past 5-10 years. While commercial development activity during this period has been moderate, the demand for commercial development and employment floor space is subject to market fluctuations, the development cycle and the evolution and rejuvenation of individual business parks (such as Norwest). Only 8.7% of all urban purpose land within the Shire has an employment zoning and it is therefore critical that Council protect the availability, flexibility and integrity of core employment lands through all periods of the development cycle. This is especially true with respect to centres which are specifically and strategically identified as important commercial office precincts.
- In the short-term, despite the proposed intensification of commercial development, the provision of residential accommodation would weaken the intended function of the site as employment land and reduce the viability and desirability of commercial investment. The inclusion of strata titled residential development significantly increases the complexity of ownership and management of commercial land and may deter the scale and type of commercial investment required for the Norwest Business Park to achieve its anticipated role and function.
- Permitting residential accommodation within a Business Park creates significant potential to constrain commercial development opportunities and outcomes on adjoining and surrounding land, due to the increased sensitivity of residential development to amenity impacts. When designing and assessing development, careful consideration must be given to the impact of a development on any surrounding residential development, including overshadowing, solar access and visual impacts. The introduction of a sensitive residential use within the commercial office portion of the Norwest Strategic Centre, would effectively introduce a substantial constraint for future development on adjoining commercial sites, which would need to avoid any amenity impacts on the proposed residential development. This would potentially hinder the potential for these remaining commercial development sites within the Commercial Office Precinct to achieve their full development potential.
- In the longer-term, the inclusion of residential development (held in strata titled and fragmented ownership) inhibits any future intensification of the land for employment uses, beyond what is currently proposed. Despite the delivery of additional employment floor space through this proposal, residential development on the land would effectively create a cap on the employment potential of the land and would hinder the flexibility of this land to respond to changing demands and the longer-term evolution of the Norwest Business Park beyond the current planning horizon. Given the increasing scarcity of land reserved solely for employment purposes, a precautionary approach should be adopted, acknowledging that once residential development is allowed to encroach into these areas, it is unlikely that they will ever be regained for commercial-only purposes.
- Fluctuations in the property cycle and the varying market appeal of residential, commercial and industrial development often invokes pressure to develop one particular land use in zones reserved for another. An economic report prepared in 2014 by SGS Planning examined the ramifications of this trend by observing the

increase in high density residential development within commercial cores of the Chatswood CBD and Hornsby CBD. The report found that the unabated development of high density residential development at the expense of commercial floor space limited the viability and potential of the commercial cores of each respective CBD. It was found that a critical mass of commercial floor space was necessary for centres to maintain their attractiveness as a prestigious destination capable of sustaining businesses.

- In seeking to include residential accommodation in addition to commercial development, the resulting 25 storey built form would be more than 2.5 times greater than what is envisaged for the site through the strategic planning framework. As detailed further within this report, the proposed built form is likely to result in a number of unacceptable built form outcomes given the location of the site at the periphery of the commercial core, adjoining existing lower density residential development.

#### Proliferation of Unplanned Residential Development

While the planning proposal only applies to an individual site, the strategic ramifications of accepting the Proponent's justification for the proposal and permitting the encroachment of residential development into the Commercial Office Precinct would be significant.

Within the Norwest Station Precinct there is approximately 58ha of land identified for Business Park (excluding land zoned B2 Local Centre and land within Bella Vista employment area). Irrespective of the extent of commercial development on this land, if a residential density similar to that being sought through this planning proposal (142 dwellings per hectare) were also permitted on other B7 Business Park land (and justified using a similar rationale as the current proposal), this would facilitate approximately 8,236 additional unplanned dwellings within the Norwest Precinct in addition to the 5,600 additional dwellings already anticipated.

This would increase the residential yield within the Norwest Precinct to over 13,800 additional dwellings, which would represent the highest residential yield in any Station Precinct along the Sydney Metro Northwest Corridor and would be equivalent to the scale of residential growth anticipated within the entire Box Hill Release Area, or the Castle Hill and Cherrybrook Station Precincts combined.

#### **c) Consistency with Zone Objectives**

Concern is raised that the planning proposal would facilitate development which is inconsistent with the objectives of the B7 Business Park zone, which are as follows:

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

The objectives of the zone are principally focused on facilitating employment uses, with some minor supporting uses to meet the day to day needs of workers. Whilst the proposal to retain the B7 Business Park zone for the site is appropriate (as it will ensure that its core employment function is retained), concern is raised that the identification of residential flat buildings as an additional permitted use on the site would be inconsistent and incompatible

with the objectives of the B7 Business Park zone. The Department's LEP Practice Note PN 11-002, which Council's must apply when preparing or amending a Standard Instrument LEP, stipulates the following with respect to the B7 Business Park zone:

***'B7 Business Park - this zone is intended for land that primarily accommodates office and light industrial uses, including high technology industries. Business Parks perform vital economic and employment roles in a certain region. Specialised functions must be protected for the long term and competing uses must not override the core activities in these centres.'***

*The zone also permits a range of ancillary facilities and services to support the day-to-day needs of workers, such as 'child care centres,' 'respite day care centres' and 'neighbourhood shops.' This zone should mainly be used for larger campus-style business parks, not isolated office buildings'.*

It is considered that the planning proposal to retain the B7 Business Park zone and identify residential flat buildings as an additional permitted use would facilitate a development outcome which is inconsistent with the zone objectives and the Departmental Practice Note guiding the application of land use zones under the Standard Instrument LEP.

#### **d) Certainty of Development Outcome**

It is noted that planning proposals seek to amend the planning controls that apply to land and the Standard Instrument LEP does not provide Council's with a mechanism to 'lock-in' a specific development outcome on a site or require continuity between the Proponent for this planning proposal and any future owner/developer of the site. Given this, concern is raised with respect to the lack of certainty with respect to future development outcomes on the site, should the planning proposal proceed.

The planning proposal seeks to permit additional permitted uses and increase the maximum height and floor space ratio applicable to the land. Accordingly, despite the development concepts submitted by the Proponent in support of the planning proposal, there would be significant uncertainty of final development outcome, especially with respect to the following matters:

##### Dwelling Yield

The proposed quantum of residential floor space being sought within the additional permitted uses provision, being 28,258m<sup>2</sup>, could likely facilitate up to 282 residential units. This is 58 units more than what is specified within the Proponent's development concept.

##### Number of Storeys

The maximum height limit being sought by the Proponent could facilitate building which are higher than those identified within the Proponent's development concept. The proposed maximum building height of RL 182 metres would form a height plane (absolute height) across the site and would effectively facilitate buildings which range in height from 86 to 94 metres. Whilst the design concept identifies 25 storey tower elements, a height of 94 metres would facilitate a 30 storey residential flat building. Subject to the final development outcome including commercial office space on a portion of the site, there would be no control which would prevent a 30 storey residential flat building from being delivered on the site.

##### Minimum provision of commercial floor space

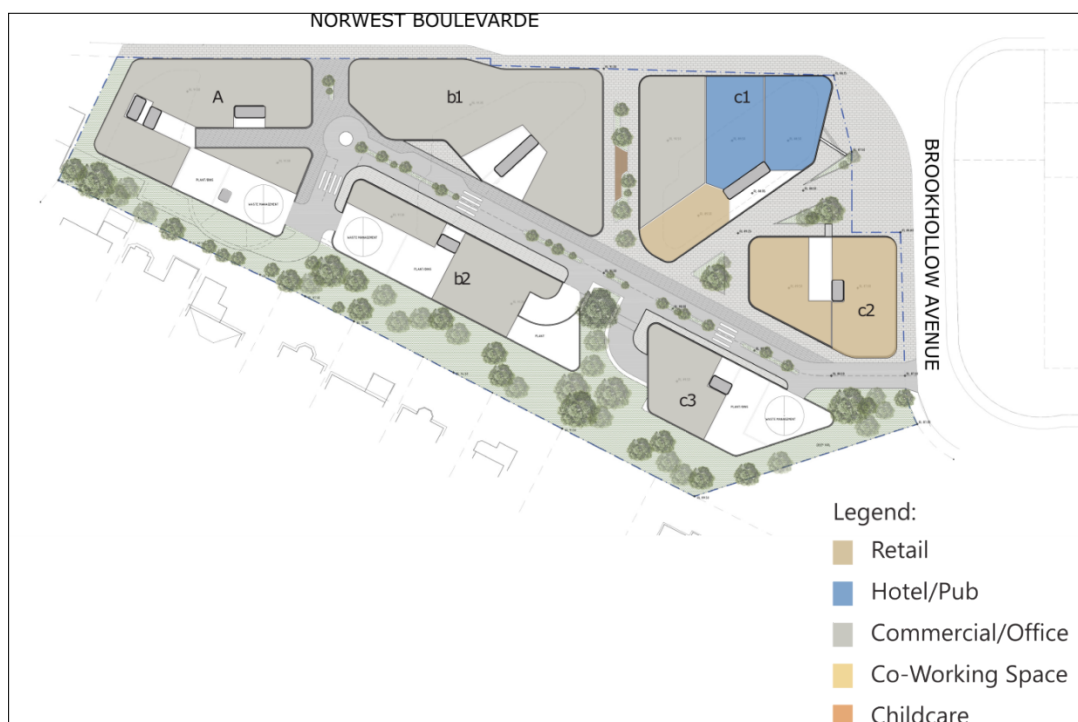
An FSR of 4.3:1 would permit a total gross floor area of 68,628m<sup>2</sup>. The proposal seeks to justify the inclusion of up to 28,285m<sup>2</sup> of residential gross floor area, with the criteria that the residential outcome must form part of a mixed use development which contains *more* commercial gross floor area than residential gross floor area. While the development concept submitted proposes 40,576m<sup>2</sup> of commercial floor space (2.5:1 FSR), there is no mechanism proposed to secure this minimum quantum of commercial floor space and the proposed controls would feasibly permit an outcome comprising 28,285m<sup>2</sup> of residential gross floor area (282 residential units) and 28,286m<sup>2</sup> of commercial gross floor area.

Design Excellence

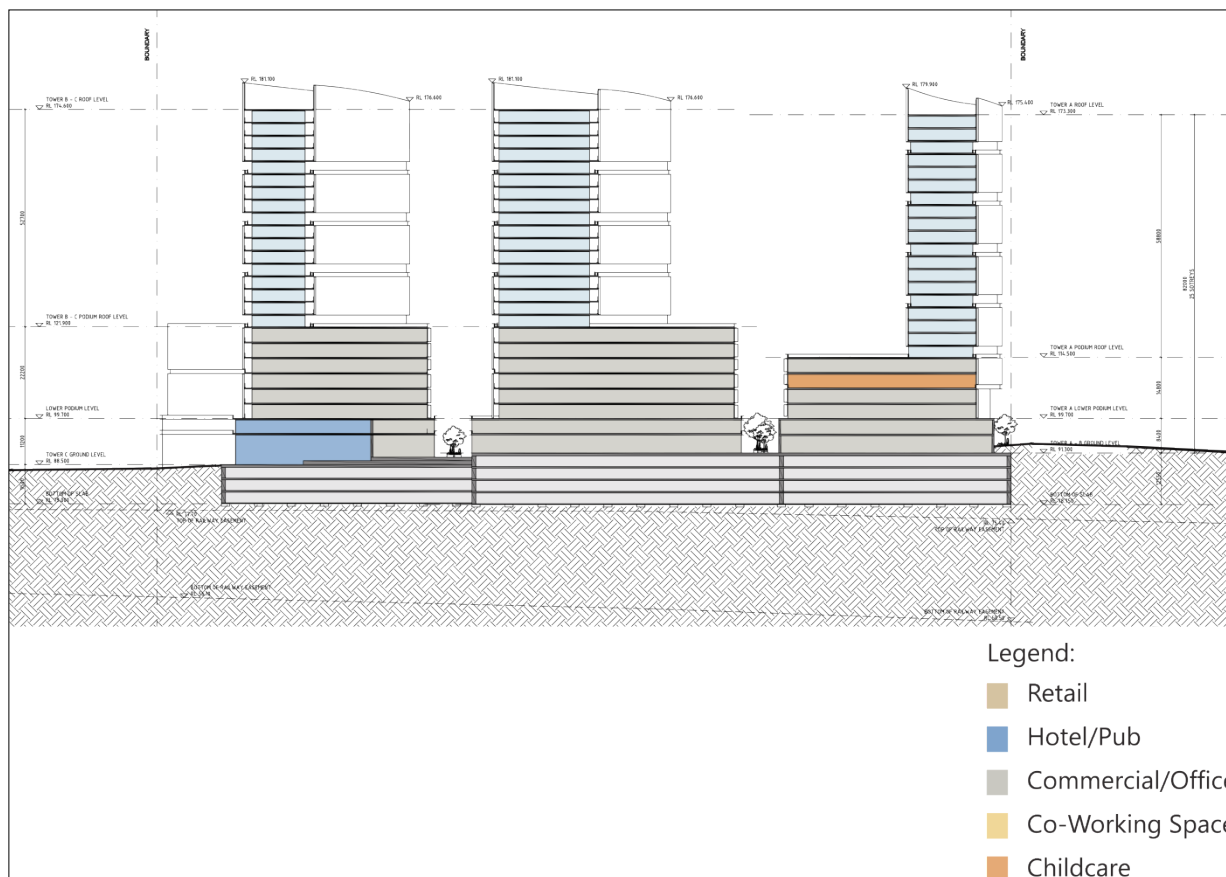
The Proponent has advised that the indicative design concepts submitted in support of the planning proposal are the outcomes of a Proponent-led design competition. While it is acknowledged that there are some sound architectural principles demonstrated within the indicate concept designs, these are solely for indicative purposes to demonstrate a potential outcome that could be achieved under the proposed planning controls. These may bear no resemblance to a new or alternate design scheme submitted by any future owner/developer of the land as part of a future development application process.

**e) Scale of built form**

The development concept submitted by the Proponent includes a commercial podium containing non-residential uses of up to eight (8) storeys, beneath three (3) residential towers up to 25 storeys in height. The proposed site plan and section are shown below.



**Figure 9**  
Ground Floor Plan

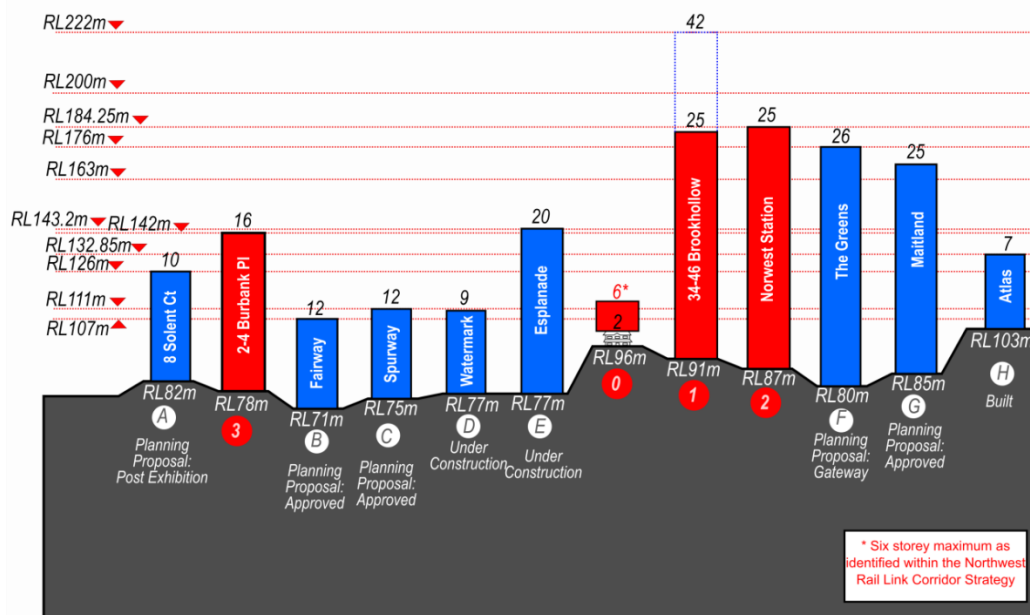


**Figure 10**  
Concept Section

**Transition of Building Heights**

The North West Rail Link Corridor Strategy and Hills Corridor Strategy anticipate that the highest densities and tallest buildings will be located within close proximity to the Norwest station, with building heights progressively transitioning downwards towards the periphery of each Precinct or at potentially sensitive interfaces.

A diagrammatic representation of the proposed built form in the context of the Norwest Precinct is provided in the figure below, which identifies the maximum RL and maximum number of storeys proposed. The buildings shown in red represent current planning proposals under assessment within Norwest. It is noted that that the Norwest Station Site proposal (Item 2 below) demonstrates a built form which is largely consistent with the strategic planning framework in terms of the height proposed and the location of the highest built form elements in the precinct on the station site.



**Figure 11**  
Building Height Comparison

It is acknowledged that the finished height of the revised proposal is now marginally lower than the outcome anticipated on the Norwest Station site. However, noting that the site is located at a sensitive interface with existing low density residential development (which is identified for a maximum future built form of 6 storeys), the proposal fails to provide a suitable transition in building heights between the Station Site and these lower scale residential areas to the rear of the site, along Barina Downs Road.

The subject site is a key location at which transition in heights must occur between the tallest buildings in the Precinct (on the Station site and Local Centre) and the adjoining lower scale residential areas. Under the relevant strategic policies, the highest density anticipated within the Precinct is to be the Norwest station site, with the subject site accommodating commercial buildings of approximately 10 storeys in height. This anticipated height limit, in part, acknowledges the location of the site at this sensitive interface.

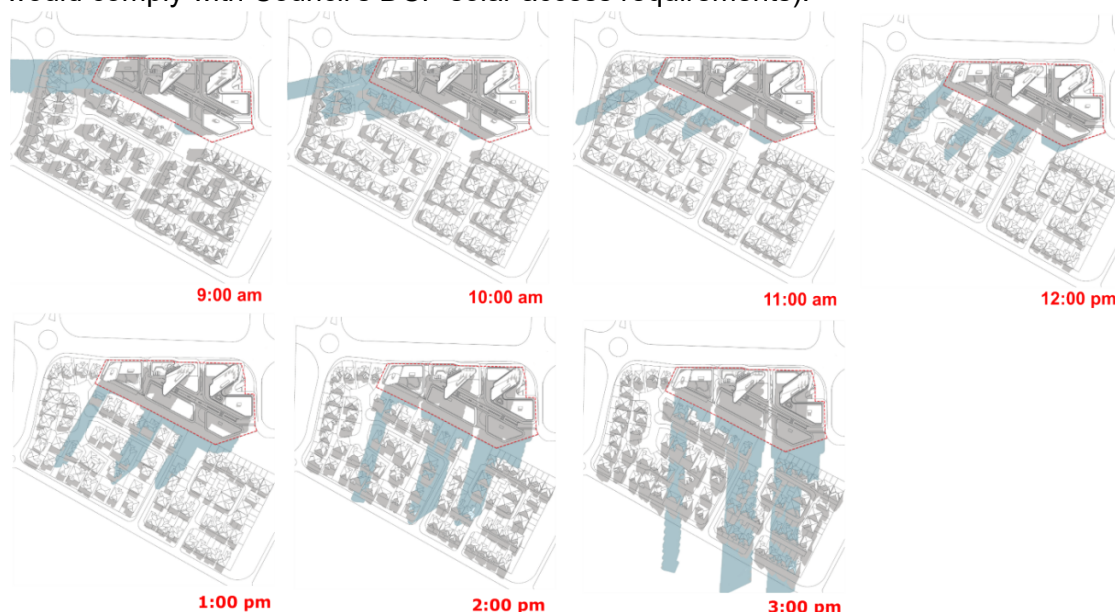
In contrast to this, the proposed 25 storey outcome is adjoining existing 2 storey residential development fronting Barina Downs Road. Even if this adjoining residential land were to redevelop to the 3-6 storey outcome anticipated under the North West Rail Link Corridor Strategy, this would still result in an unreasonable transition in height from 25 storeys to 3-6 storeys at this location.

#### Amenity Impacts on Adjoining Residential Land

As demonstrated above, the planning proposal would facilitate a built form outcome of up to 25 storeys adjoining an existing low density residential area along Barina Downs Road. While this adjoining area may be subject to future redevelopment, the applicable strategic framework anticipates that this would be limited to a maximum of 6 storeys in height.

The proposal to permit a 25 storey development adjoining an existing low density residential area (or future 6 storey residential area) would result in substantial and unreasonable amenity impacts on the adjoining residential land. In particular, the proposal would:

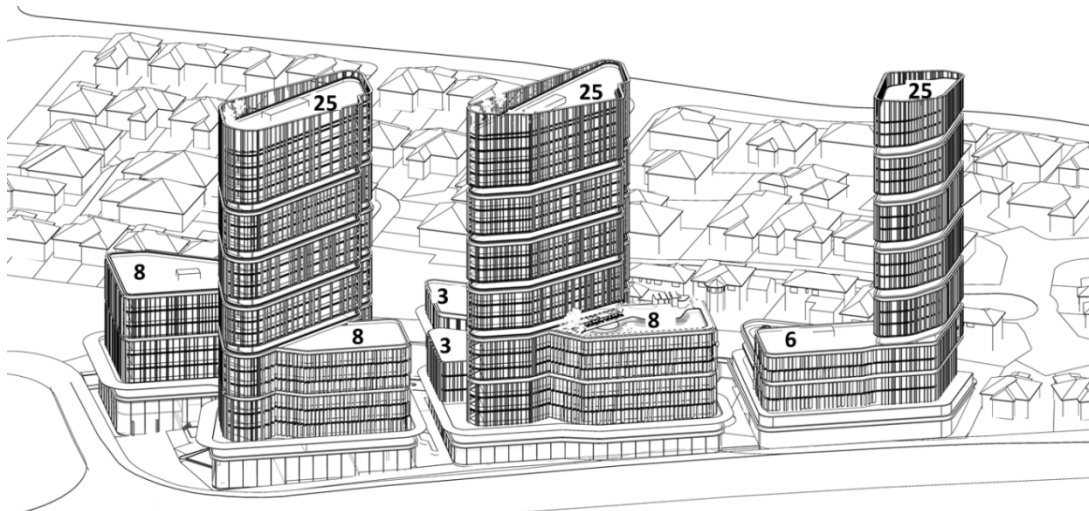
- Present as a dominant and intrusive built form, particularly when viewed from residential and public domain spaces to the rear of the site.
- Result in substantial loss in privacy for existing residents in adjoining residential areas to the south along Barina Downs Road, with the future residential towers likely to directly overlook private open spaces and living areas within residential development along Barina Downs Road.
- Result in significant overshadowing of adjoining residential land and internal common open space within the site (although the Proponent has advised that the proposal would comply with Council's DCP solar access requirements).



**Figure 12**  
Overshadowing on adjoining residential development



- Potentially limit the achievable yields and built form outcomes on adjoining commercial land, due to the need to minimise residential amenity impacts on proposed residential units on the subject site (this same constraint would not exist if the subject site were developed for commercial purposes only); and
- Fail to deliver a suitable transition in height between the proposed 25 storey towers and adjoining low density dwellings, or any future 6 storey residential flat buildings.



**Figure 13**

Indicative levels of proposed development concept

#### **f) Traffic and Parking**

A Transport Assessment has been prepared by GTA Consultants in support of the planning proposal. The assessment projects that the development would generate 345 vehicle trips during the AM and PM peaks periods. This is a substantial increase from the existing traffic generation from the site which is 104 and 88 vehicle trips during AM and PM peak periods respectively.

Of the 241 additional vehicular trips during the AM peak, 149 (62%) are associated with the proposed commercial uplift on the land, with 44 (18%) due to the proposed residential component. Of the 257 additional vehicular trips during the PM peak, 123 (46%) are associated with the proposed commercial uplift on the land, with 43 (17%) due to the proposed residential component.

#### **Traffic Impact Assessment**

The traffic study has indicated that given the proximity of the site to the Norwest Station and likelihood that the Metro will substantially shift travel behaviour of the existing and future workforce and residents, the road network would experience a significant shift and reduction in congestion within the Norwest Business Park.

The traffic report does not take into consideration the potential impacts of the proposal in light of the cumulative growth and development anticipated across the broader Norwest locality in the future. The absence of this regional and local modelling means that a holistic assessment of the traffic impacts associated with this proposal in the context of the broader Norwest Precinct cannot be completed at this time.

However, Transport for NSW has recently committed to funding the required regional traffic modelling work for the Castle Hill, Showground and Norwest Precincts and it is anticipated that tendering for the completion of this work will commence shortly. This modelling will analyse the impacts of cumulative growth anticipated within the Norwest Precinct and identify any required traffic infrastructure upgrades or improvements required to support this growth.

If the proposal were to progress, it would be without any certainty that sufficient road upgrades can be delivered to support the broader growth expected within the Norwest Precinct. This is especially problematic considering the proposal is inconsistent with the Regional Plan, Central City District Plan, North West Rail Link Corridor Strategy and Hills Corridor Strategy.

#### Car Parking Provision

Under Council's current centres parking rate, the development would be required to provide 1,318 parking spaces. The proposed urban design concept submitted with the Proposal seeks to incorporate 876 parking spaces across three basement car parking levels (with 332 spaces for residential component and 544 for the remaining non-residential component). The 544 non-residential spaces are allocated as 467 for the commercial component, 22 for retail component, 31 for child care component and 24 for the hotel component, as demonstrated below.

Land Use	Council Requirement		Proposed
Residential (SEPP 65)	1 space per unit plus 1 visitor space per 5 dwelling	269	332*
Office (Centres Rate)	1 space per 40m <sup>2</sup>	934	467
Retail	1 space per 18.5m <sup>2</sup>	60	22
Hotel	1 space per 1 room plus 1 space per 2 employees	24	24
Child Care	1 space per employee plus 1 space per 6 children enrolled for visitors and/or parent parking	31	31
<b>TOTAL</b>		<b>1,318</b>	<b>876</b>
<p><i>* It is noted that the residential parking provision within the revised concept would reflect a yield of 287 residential units, rather than the 224 residential units (as stated within the planning proposal). It is also noted that the achievable yield under the FSR being sought would facilitate in a yield of approximately 282 residential units.</i></p>			

**Table 2**  
Parking Provision

Given the close proximity of the site to the Norwest Station, it is acknowledged that there may be merit in applying reduced car parking rates with respect to the commercial components of the development.

#### **g) Capacity of Local Infrastructure**

A potential yield of 224 residential dwellings (based on the Proponent's indicative concept yield) would typically generate the need for approximately:

- 11.2% of a new playing field;
- 11.2% of a local park; and
- 4.5% of a local community centre.

The residential yield would not, in isolation, generate the need for new social infrastructure. However, the cumulative impact of increased density on local infrastructure provision has not been fully addressed. This is an important consideration because this planning proposal seeks to achieve residential uplift on a site which is not identified for residential uses, in advance of the completion of detailed precinct planning and infrastructure assessment for the broader Precinct.

#### Active Open Space

It is noted that the broader Norwest Precinct is likely to accommodate around 5,600 additional dwellings on land which has been identified as having potential for residential development within the strategic framework. This strategically anticipated growth would generate demand for 2.8 new playing fields. Possible sites are being investigated as part of the broader precinct planning process and through the preparation of the draft Local Strategic Planning Statement. However, to date, no decision has been made on future playing field locations.

It is important to note that Council is currently assessing another planning proposal (11/2019/PLP) which applies to 1 Columbia Court, Norwest. This proposal is strategically similar to the current proposal and is also seeking to rezone land within the Norwest Precinct from B7 Business Park to B4 Mixed Use in order to facilitate a mixed use development containing residential accommodation (311 dwellings). Collectively, these 2 proposals would facilitate at least 535 unplanned dwellings which would bring the overall projected yield within the Norwest Precinct to around 6,135 dwellings, reducing the level of service to the point where an additional playing field may be required.

Even if monetary contributions were to be made by the proponent towards active open space, there is no certainty at this time that additional playing fields could even be delivered to service this scale of residential growth. This would be inconsistent with the principles established within the Hills Corridor Strategy which seek to ensure that the delivery of new and augmented infrastructure occurs in-line with population growth so that new residents have access open space, recreation and community facilities in-line with the lifestyle enjoyed by existing residents.

#### Community Facilities

The unplanned residential yield on the site would generate demand for community facility floor space. The broader precinct planning for the Norwest Precinct will need to assess the cumulative growth within the Precinct and outline possible measures to address the increased demand. As the precinct planning of the broader precinct has not been completed, if the proposal were to proceed to Gateway Determination, further negotiations would need to be undertaken with the Proponent to ensure that an appropriate contribution is made toward the delivery of new community facilities within the vicinity of the Precinct.

#### Contribution to Local Infrastructure

If the planning proposal were to proceed to Gateway Determination, further discussions would be required between Council and the Proponent with respect to development contributions towards new local infrastructure within the Norwest Precinct. It is noted that consideration of infrastructure improvements will be informed by the detailed traffic modelling for the Precinct and subsequent detailed precinct planning, which may provide greater certainty with respect to fair and reasonable contributions for individual developments.

It is noted that a number of other planning proposals within the Norwest Precinct have been progressed by Council to Gateway Determination and/or finalisation (for example, the recent

proposal permitting commercial uplift at 8 Solent Circuit, Norwest). In these instances, the proposals were progressed concurrent with individual Voluntary Planning Agreements which secure monetary contributions from the development towards future local infrastructure.

Critically, the planning proposals which have progressed are generally in accordance with the applicable strategic planning framework which guides development within Norwest. Accordingly, there is a greater level of certainty and reasonable expectation that the uplift enabled through these proposals can be catered for by future local infrastructure. Conversely, as this proposal would enable a residential land use and yield which is beyond that anticipated under the strategic planning framework, the resolution of local infrastructure issues may prove more difficult. Even if a 'fair and reasonable' contribution associated with this proposed development was secured, this does not guarantee that Council could actually find 'solutions' to meet the infrastructure demands of this 'unplanned' growth (such as additional playing fields).

## **IMPACTS**

### **Financial**

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

### **Strategic Plan - Hills Future**

The planning proposal is inconsistent with the outcomes and strategies of The Hills Future Community Strategic Plan as it would undermine the integrity of the Norwest Business Park by facilitating encroachment of residential floor space into areas intended for high density commercial office buildings. Furthermore the proposal would deliver a built form outcome that would fail to contribute to an appropriate transition of height across the precinct and would likely result in an unreasonable interface with adjoining low density residential dwellings. Accordingly, the proposal does not reflect responsible planning or good management of the Shire's natural and built environment.

## **RECOMMENDATION**

That the planning proposal for land at 34-46 Brookhollow Avenue, Norwest (9/2019/PLP) 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;
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.

#### **ATTACHMENTS**

1. Planning Proposal (Under Separate Cover)
2. Urban Design Report (Under Separate Cover)
3. Transport Assessment (Under Separate Cover)
4. Social Impact Assessment (Under Separate Cover)
5. Economic Impact Assessment (Under Separate Cover)
6. Memo from Hill PDA - Notes on Previous Council Reports to Local Planning Panel (LPP) (Under Separate Cover)

**LOCAL PLANNING PANEL – THE HILLS SHIRE COUNCIL**

**DETERMINATION OF THE LOCAL PLANNING PANEL ON THURSDAY,  
17 OCTOBER 2019 - DETERMINATION MADE ELECTRONICALLY**

**PRESENT:**

Garry Fielding	Chair
Heather Warton	Panel Member
Richard Thorp AM	Panel Member
Rohan Toner	Community Representative

**DECLARATIONS OF INTEREST:**

None declared

The Panel were briefed by the following Council staff on 16 October 2019:

David Reynolds	Group Manager - Shire Strategy Transformation & Solutions
Nicholas Carlton	Manager – Forward Planning
Megan Munari	Principal Coordinator Forward Planning
Brent Woodhams	Principal Coordinator Forward Planning
Bronwyn Inglis	Coordinator Forward Planning
Kayla Atkins	Senior Town Planner

**ITEM 2: LOCAL PLANNING PANEL - FURTHER REPORT - PLANNING PROPOSAL - 34-46 BROOKHOLLOW AVENUE, NORWEST (9/2019/PLP)**

**COUNCIL OFFICER'S RECOMMENDATION:**

That the planning proposal not proceed to Gateway Determination.

**PANEL'S ADVICE:**

That the planning proposal for land at 34-46 Brookhollow Avenue, Norwest (9/2019/PLP) 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;
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.

**VOTING:**

Unanimous