

ITEM-4 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: **19 JUNE 2019**
LOCAL PLANNING PANEL

AUTHOR: **TOWN PLANNER**
JONATHAN TOLENTINO

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

Proponent	MERC CAPITAL
Owner	BEAUMONT STRATA MANAGEMENT PTY LTD
Planning Consultant	HILL PDA CONSULTING
Urban Designer	PBD ARCHITECTS
Traffic Consultant	GTA CONSULTING
Economic Consultants	HILL PDA CONSULTING
Site Area	15,960m²
List of Relevant Strategic Planning Documents	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
Political Donation	YES
Recommendation	THAT THE PLANNING PROPOSAL NOT PROCEED TO GATEWAY DETERMINATION

EXECUTIVE SUMMARY

This report provides a summary and assessment of the planning proposal applicable to land at 34-46 Brookhollow Avenue, Norwest for consideration by the Local Planning Panel. The proposal seeks to facilitate a high density mixed use development outcome, accommodating up to 530 residential units and 40,576m² of non-residential/commercial floor space.

Following consideration and assessment of the proposal, it is recommended that the planning proposal not proceed to Gateway Determination, on the basis that:

1. The scale of uplift and proposed residential land use 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 Local Strategy and Ministerial Directions, all of which envisage a commercial only outcome on the site and promote 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. 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 would also constrain any commercial or retail uplift in the future, beyond that currently proposed;
3. Notwithstanding 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
4. 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.

THE HILLS LOCAL ENVIRONMENTAL PLAN 2012

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

	Current	Proposed
Zone:	B7 Business Park	B4 Mixed Use
Floor Space Ratio:	1:1	5.8:1
Building Height:	RL116 metres (approx. 4-7 commercial storeys)	RL 222 metres (up to 33 commercial storeys or up to 45 residential storeys)
Minimum Lot Size:	8,000m ²	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 15,960m². The land is generally bound by Norwest Boulevard to the north-west and Brookhollow Avenue to the north-east, with low density residential adjoining the site to the south and to the west.



Figure 1

Aerial view of the site and surrounding locality

2. DESCRIPTION OF THE PLANNING PROPOSAL

The planning proposal seeks to amend The Hills 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 RL116 metres (4-7 commercial storeys) to RL222 metres (up to 33 commercial storeys or approximately 42 residential storeys).

The proponent has included an indicative development concept, demonstrating the potential development outcome under the proposed controls. The development concept shows a high density mixed use development outcome comprising a commercial podium (6-8 storeys), with three (3) 42 storey residential towers. The indicative concept provides for a total of 93,254m² of gross floor area, representing a floor space ratio of 5.8:1 and comprising:

- 40,576m² of commercial floor space (offices, retail, child care centre and food and drinks premises); and
- 52,678m² of residential floor space (the proponent identifies 432 units however this quantity of floor space would potentially enable up to 530 residential units).

Photomontages below demonstrate the use and location of the proposed built form.

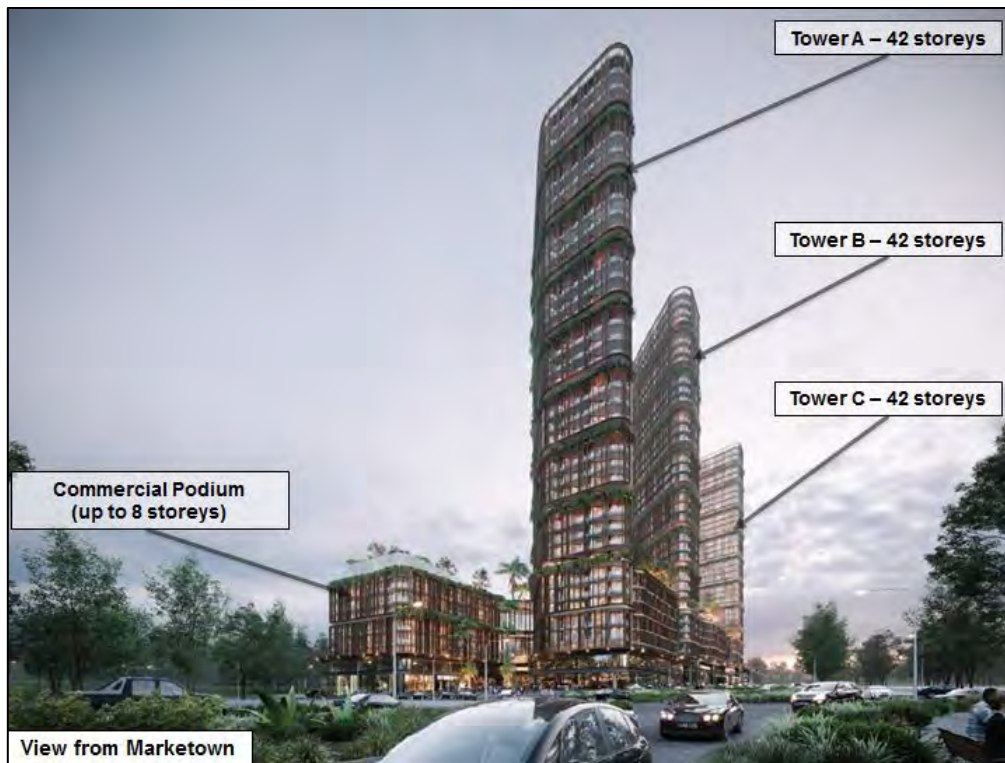


Figure 2
Perspective street view (from Norwest Boulevard)

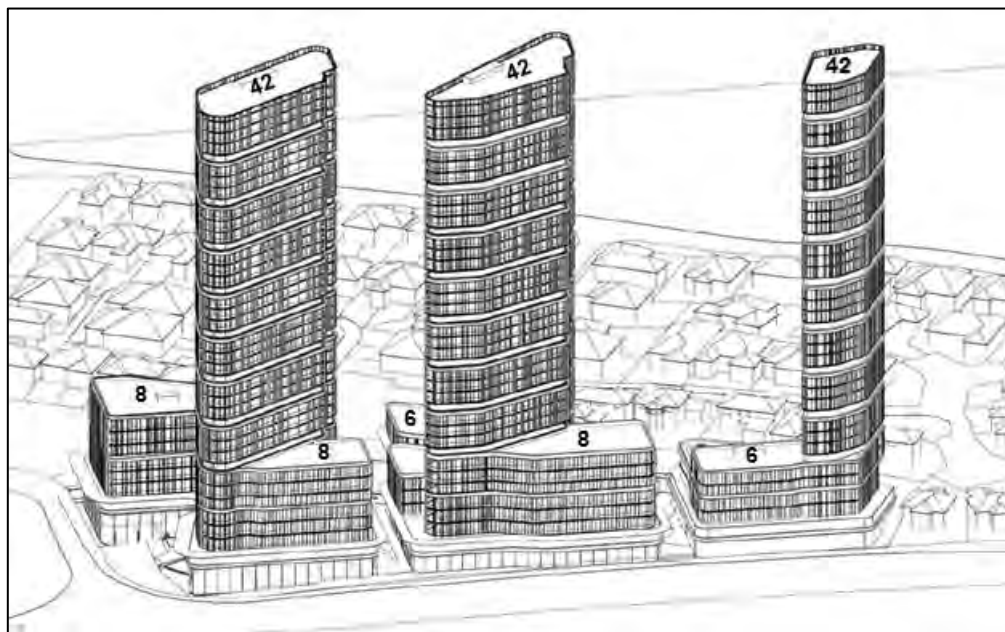


Figure 3
Concept diagram with indicative floor levels

The B4 Mixed Use zoning enables for a range of potential development outcomes and uses, including Residential Flat Buildings. While the proponent's concept details one potential development outcome, under the proposed controls there would be substantial scope for an alternative outcome to be achieved through the development application process.

3. MATTERS FOR CONSIDERATION

The planning proposal requires consideration of the following matters:

- a) Strategic Framework;
- b) Suitability of Residential Development in the Business Park;
- c) Appropriateness of Building Height, Density and Character;
- d) Traffic and Parking; and
- e) 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, 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.

Within the broader Norwest Precinct, the Norwest Business Park is of increasing importance to the Region's economic structure and has been identified within the Region Plan as one of only 9 commercial office precincts within the Greater Sydney Region, intended to accommodate standalone office buildings. An extract of the Centres Hierarchy from the Region Plan is included in Figure 4 below.

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 the Norwest from a Business Park into a Strategic Centre. It is noted that this approach is contrary to the Region Plan as the Norwest Business Park (comprising the subject site and other land currently zoned B7 Business Park) is specifically identified to be retained as a 'Commercial Office Precinct'. These Precincts are intended to accommodate standalone office buildings as identified in Figure 4. The proposal to rezone the land from B7 Business Park to B4 Mixed Use is inconsistent with the intended role and function for the land and the Business Park as specified under the Region Plan.

It is also important to note that there are 8 strategic centres identified within the Central River City, with 3 of them 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 jobs 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.

CENTRES	CENTRES			OTHER
	METROPOLITAN	STRATEGIC	LOCAL	COMMERCIAL OFFICE PRECINCT
ROLE	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.	Strategic centres vary in size, location and mix of activities. They enable access to a wide range of goods, services and jobs. 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.	Local centres are important for day-to-day access to goods and services.	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.



Figure 4
Extract – Centres Hierarchy – Greater Sydney Region Plan

Consistency with Action 45(a) of the District Plan is of particular relevance to this proposal. The priority for the Norwest Business Park 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 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 'i' 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) for the residential development within the broader Norwest Precinct (however not within the area identified for Business Park). Specifically, there is currently land zoned to facilitate a total of 2,600 dwellings within the Norwest Precinct, primarily concentrated in the northern part of the precinct. The strategic planning framework also identifies capacity for a further 3,000 dwellings, subject to detailed master planning, within the identified mixed use local centre and in the south of the precinct.

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.

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 19.3m² GFA per employee has been applied to the commercial floor space. This reflects the job generation rate proposed within the Economic Impact Assessment prepared by Hill PDA and submitted in support of the planning proposal. Whilst this ratio is higher than what is expected within the Precinct, it has been applied across all scenarios to provide a like-for-like comparison:

	Current Controls	NWRL Corridor Strategy	Hills Corridor Strategy	Proposed
Zone	B7 Business Park	No change	No change	B4 Mixed Use
Height	RL 116 (4-5 storeys)	N/A	N/A	RL 222 (Up to 42 storeys)
Floor Space Ratio	1:1	2:1	1.5:1	5.8:1
Employment GFA (Jobs)	15,960m ² (826 jobs)**	63,840m ² (3,307 jobs)**	31,920m ² (1,653 jobs)**	40,576m ² (2,100 jobs)*
Residential Yield (Density)	Nil	Nil	Nil	530 Units (330 d/ha)
* Based on Economic Impact Assessment, Hill PDA ** Based on 19.3m ² GFA per employee for commercial/office space				

Table 1

Comparison of Planning Proposal with Strategic Framework

It is noted that the land zoning and development standards currently sought through the proposal are quite flexible. However, should Council seek to enable the proposed development outcome to occur, any planning proposal for Gateway Determination should include mechanisms to secure the development outcome submitted by the Proponent and ensure the delivery of a minimum provision of commercial floor space on the site. Potential measures could include the identification of residential accommodation as an additional permitted use or the application of a key site provision which permits a capped residential yield, only where a minimum amount of non-residential floor space delivered.

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 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.

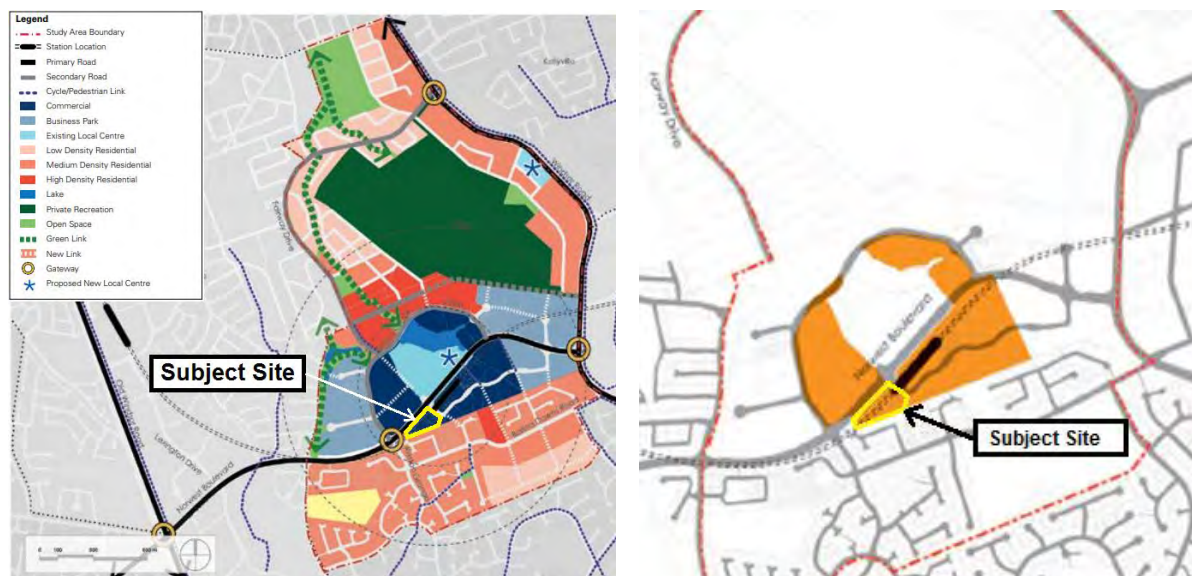


Figure 5

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 63,840m² of commercial floor space (3,755 jobs). It is noted that while the proposal seeks to apply an overall Floor Space Ratio of 5.8:1, the Proponent's submission only seeks to deliver 40,576m² of non-residential floor space, with an equivalent FSR of 2.5:1 (delivering approximately 2,386 jobs).

The proposed 52,678m² of residential floor space would facilitate approximately 530 residential units (with an equivalent floor space ratio of 3.3:1) and 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 3.3:1 of residential floor space. Residential floor space is not anticipated on this site 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 nearly 530 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 four (4) times higher than anticipated under the Strategy.

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.

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’*.

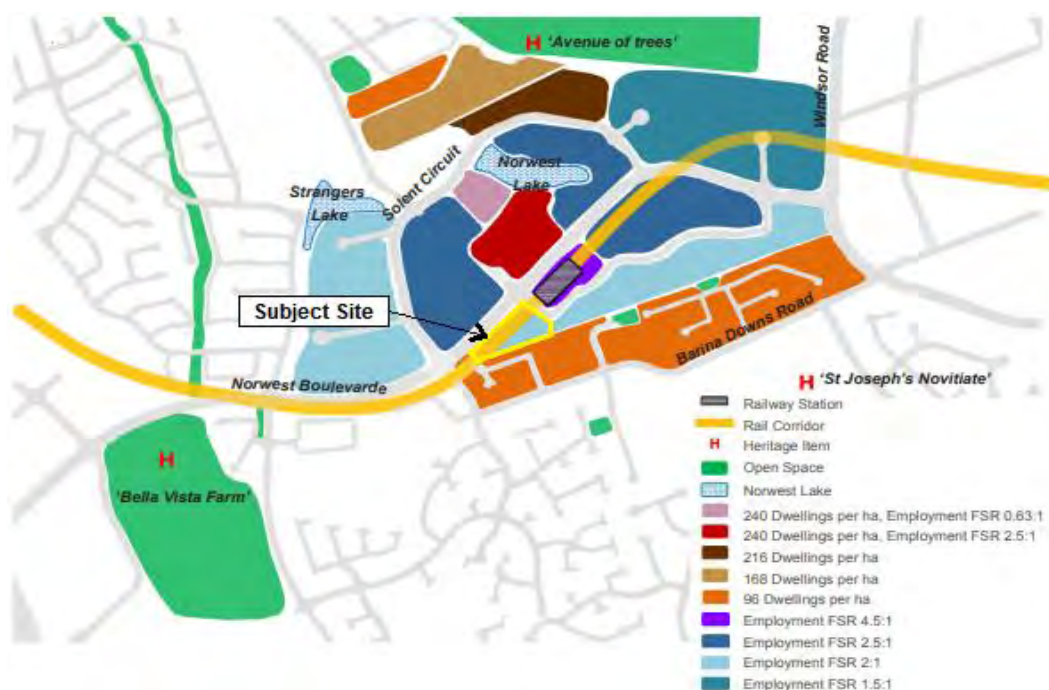


Figure 5
Extract from The Hills Corridor Strategy

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. It identifies 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 adjoining 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, being higher than that anticipated under the Strategy. While this marginal increase in employment yield could potentially be facilitated within an appropriate built form outcome, the provision of a further 3.3:1 of residential floor space is not anticipated from either a local infrastructure or built form perspective.

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 4 times that envisaged for the site (42 storeys rather than 10 storeys) and would result in approximately 530 additional dwellings not envisaged or 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.

Section 9.1 Ministerial Directions

Section 9.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) enables the Minister for Planning 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 of the site to accommodate any further employment floor space, beyond that 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. It would also limit any flexibility or opportunity for the land to undergo further employment growth beyond that currently proposed. Accordingly, the proposal is inconsistent with this Direction.

Whilst the concept submitted in support of the proposal identifies a substantial amount of commercial floor space, the land zoning and development standards currently sought through the proposal are quite flexible and would permit a range of development outcomes at the development application stage. Should Council seek to enable the proposed development outcome to occur, any planning proposal for Gateway Determination should include mechanisms to secure the development outcome submitted by the Proponent and ensure the delivery of a minimum provision of commercial floor space on the site. Potential measures could include the identification of residential accommodation as an additional permitted use or the application of a key site provision which permits a capped residential yield, only where a minimum amount of non-residential floor space delivered.

□ 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.

Whilst the site has access to public transport services, the proposal would facilitate substantial residential growth on land which is not intended to accommodate residential uses. This growth has not been planned for or catered for within any existing infrastructure contributions plan. 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 the detailed precinct planning and infrastructure assessment for the Norwest Precinct. Accordingly, the proposal is considered to be inconsistent with 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 North West Rail Link Corridor to ensure that development within the corridor 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 inconsistent with this Direction.

b) Suitability 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 mixed use 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 Business Park 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. 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 and 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 Business Park. This is proposed on the basis that the development provides a significant quantum of employment space and as such, the additional residential yields do not compromise the employment role of the site or the centre. This justification underestimates the important role that business parks play in the broader economy. Despite recent trends toward the delivery of mixed use residential outcomes throughout many Metropolitan areas, commercial office precincts such as the Norwest remain essential in providing clusters of higher order employment which can take advantage of opportunities for businesses to agglomerate. These economic clusters underpin Sydney's role as a global economic and advanced services centre.

Whilst the planning proposal would 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. The proposal to rezone the site to enable 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 identified as 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.
- 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.

- 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 42 storey built form would be more than 4 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 Residential Development within the Business Park

While the planning proposal only applies to an individual site, the strategic ramifications of permitting the encroachment of residential development within the Business Park would be significant. Within the Norwest Station Precinct there is more than 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 the land, if the residential density being sought through this proposal (330 dwellings per hectare) were similarly permitted on other currently zoned B7 Business Park land and justified using a similar rationale as the current proposal, this would in turn, facilitate approximately 19,140 additional unplanned dwellings within the Norwest Precinct. This would increase the residential yield within the Norwest Precinct to nearly 25,000 additional dwellings, being 4-5 times that anticipated. This would be equivalent to the scale of residential growth anticipated within the Showground Castle Hill and Cherrybrook Station Precincts combined and would represent the highest residential yield in any Station Precinct along the Sydney Metro Northwest Corridor.

It is noted that large areas within the Norwest Precinct have already been identified as suitable to accommodate sufficient high density residential development, without the need for the progressive encroachment of residential development into regionally significant employment land.

Certainty of Outcome

The planning proposal seeks to rezone the site from B7 Business Park to B4 Mixed Use zone. A comparison of the objectives for both zones is included in the following table.

B7 Business Park	B4 Mixed Use
<ul style="list-style-type: none"> □ 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. 	<ul style="list-style-type: none"> □ To provide a mixture of compatible land uses. □ To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. □ To encourage leisure and entertainment facilities in the major centres that generate activity throughout the day and evening.

B7 Business Park	B4 Mixed Use
	<input type="checkbox"/> To provide for high density housing that is integrated with civic spaces.

Table 2

Comparison of Planning Proposal with Strategic Framework

The amendment being sought would fundamentally change the objectives for development of the land and would provide no assurance to the community that the extent of employment floor space demonstrated within the development concept (40,576m²) will ultimately be delivered. The current B7 Business Park zone provides substantial protection for employment land, whereas the B4 Mixed Use zone provides limited protection as it incorporates the provision of high density housing as a zone objective and identifies residential flat buildings as a permitted land use.

The proposal does not provide certainty of outcome for Council or the community and it does not 'lock-in' any development concept for the site. This means that future development applications could be lodged under the proposed controls which vary from the proponent's development concept and include a substantially larger percentage of residential floor space to that identified. Further, as the site has an area of nearly 16,000m² and a minimum lot size requirement of 8,000m², the site could potentially be subject to a future Torrens title subdivision and separate development of 2 individual lots. Any future development applications for this land would likely be determined by the Sydney Central City Planning Panel based on the planning controls applicable at that time.

c) Appropriateness of Building Height, Density and Character

The development concept submitted by the Proponent includes a commercial podium containing non-residential uses up to eight (8) storeys, beneath three (3) residential towers up to 42 storeys in height. The proposed concept is shown in the following figures.



Figure 6
Ground Floor Plan

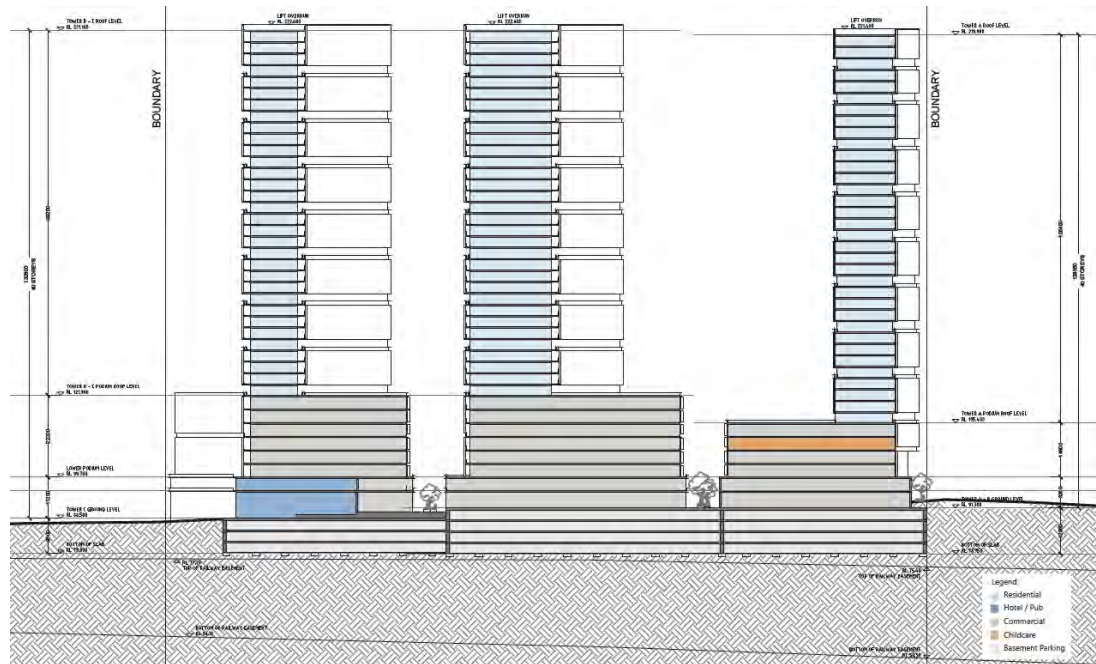


Figure 7
Concept Section

Transition of Building Heights

The built form outcomes sought as part of the North West Rail Link Corridor Strategy and Hills Corridor Strategy are for the highest densities and tallest buildings to 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 Figure 8, which identifies the maximum RL and maximum number of storeys being proposed. The buildings shown in red represent three current planning proposals under assessment within Norwest, being this proposal, Norwest Station Site proposal and the proposal for land at 1 Columbia Court, 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.

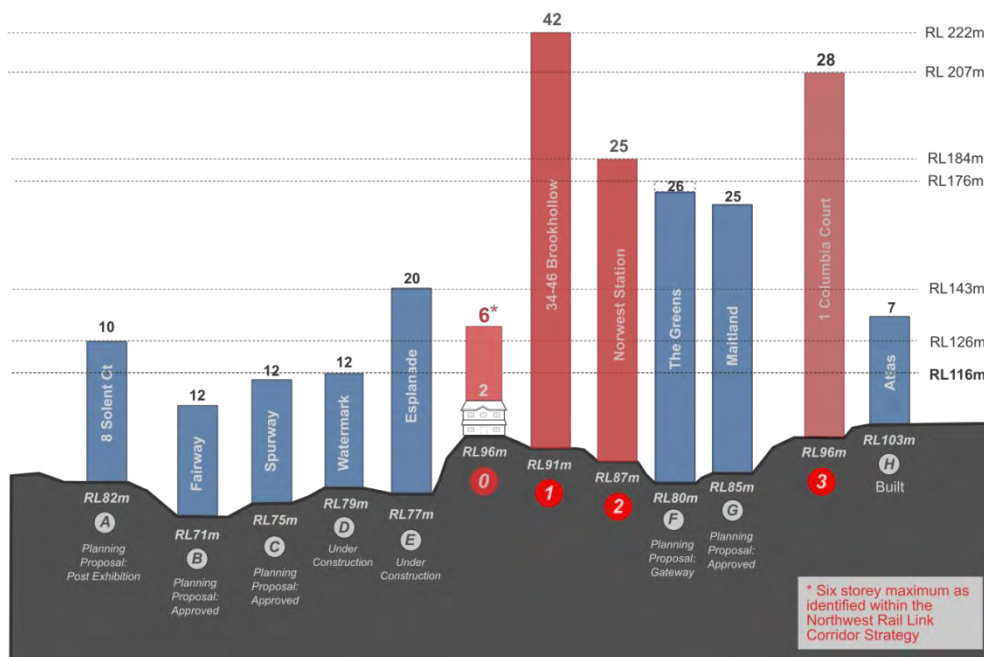


Figure 8
Building Height Comparison

As demonstrated above, the scale of the buildings proposed are well in excess of the projected heights and density of future development on the station site and within the Norwest Local Centre (being the sites where the highest densities are anticipated). The proposal would fail to provide a suitable transition in building heights between the Station Site and lower scale residential areas to the rear of the site, along Barina Downs Road. It would also result in a scale of building which is inconsistent with the current and future character anticipated for the Norwest Station Precinct and Norwest Business Park.

This particular site is an important component in providing for a transition of heights between the tallest buildings in the Precinct (on the Station) and adjoining 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 no greater than 10 storeys in height. In contrast to this, the proposal does not conform to the anticipated urban structure of the Precinct and would permit 42 storey buildings on the land, directly 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 inappropriate interface and unreasonable lack in height transition between these two areas.

Amenity Impacts on Adjoining Residential Land

As demonstrated above, the planning proposal would facilitate a built form outcome of up to 42 storeys directly 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 42 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 (the proponent has indicated that the proposal would comply with Council's DCP solar access requirements).

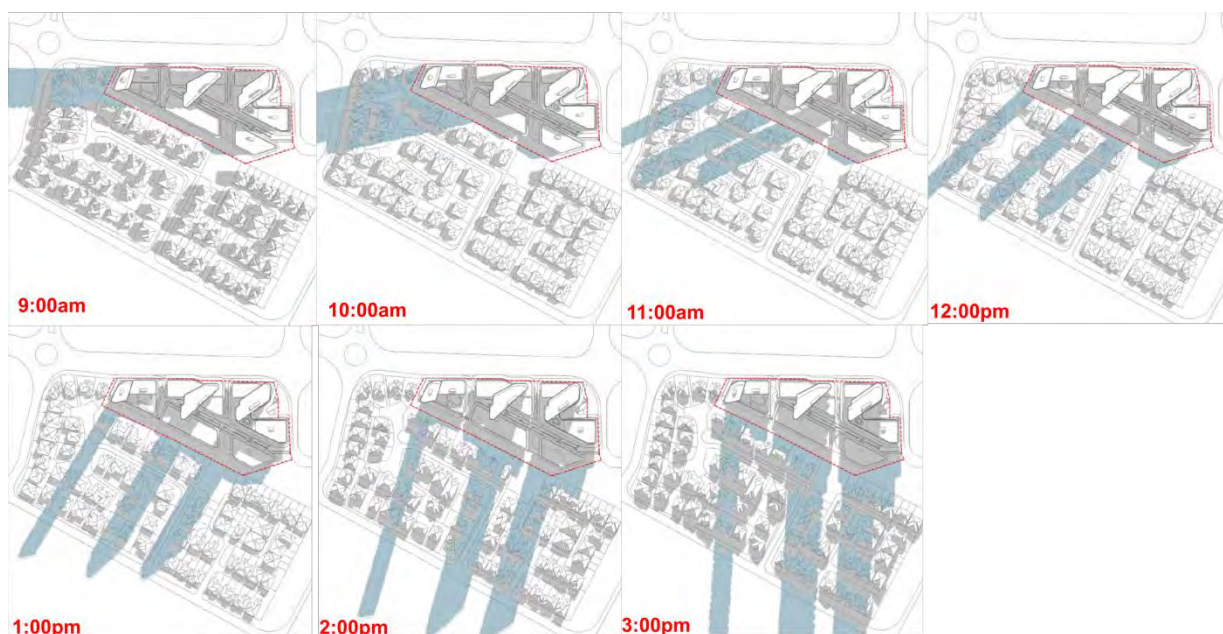


Figure 9
Overshadowing on adjoining residential development

- 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 42 storey towers and adjoining low density dwellings, or any future 6 storey residential flat buildings.



Figure 10

Proposed development and adjoining low density residential development along Barina Downs Road

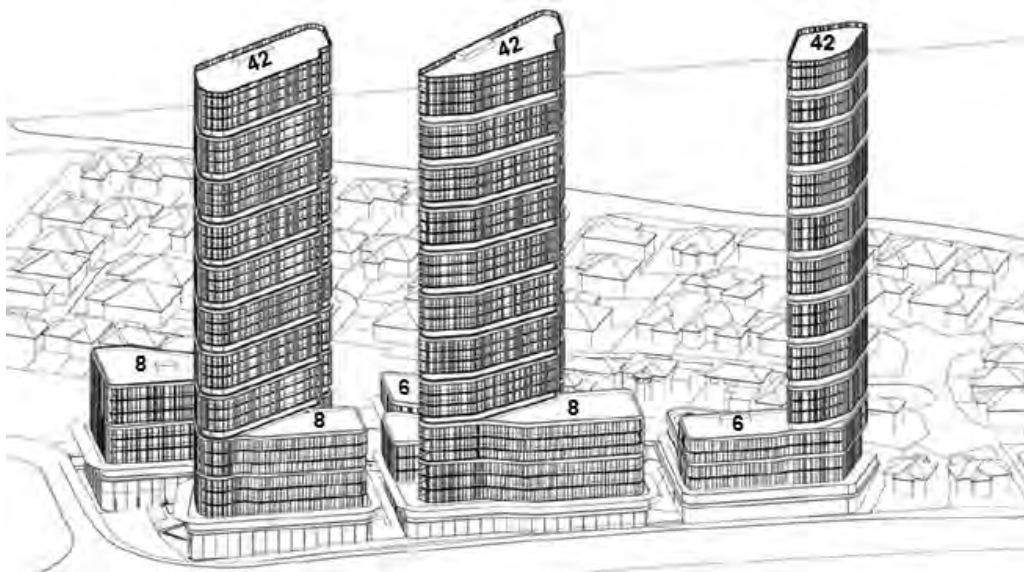


Figure 10

Indicative levels of proposed development concept

d) 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 400 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 296 additional vehicular trips during the AM peak, 196 (66%) are associated with the proposed commercial uplift on the land, with 86 (29%) due to the proposed residential component. Of the 312 additional vehicular trips during the PM peak, 162 (52%) are associated with the proposed commercial uplift on the land, with 84 (27%) due to the proposed residential component.

Traffic Impact Assessment

The traffic study submitted in support of the planning proposal 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.

While Norwest Station will provide alternative travel methods to residents and workers of the Norwest Business Park, the proposal does not include any assessment of the current or future performance of the surrounding road network on the basis that precinct-wide traffic modelling is not publicly accessible.

The study is correct that the traffic impact of the proposal cannot be assessed in isolation of the broader growth within the Precinct, however the lack of publicly accessible data does not negate the need to properly consider the potential impacts of the proposal on the surrounding local and regional road network, especially given the proposed yield and residential land uses are not consistent with the applicable strategic planning framework.

Precinct Planning and Regional Traffic Modelling

Discussions are underway between the Department of Planning and Environment, Transport for NSW, RMS and Council with respect to the preparation of detailed regional traffic and transport modelling for the Castle Hill, Showground and Norwest Precincts (including Circa and Bella Vista Employment Area). The preparation of this modelling is only in its preliminary stages, however is intended to identify both regional and local infrastructure required to support growth within each Precinct. This work will inform assumptions regarding future mode shift associated with the Sydney Metro Northwest.

The planning proposal precedes the completion of detailed regional traffic and transport modelling for the Norwest Precinct which would include a holistic consideration of all traffic management improvements required throughout the Precinct. The absence of this modelling means that an adequate assessment of the traffic impacts associated with this proposal cannot currently be completed. 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 1,999 parking spaces. The proposed urban design concept submitted with the Proposal seeks to incorporate 1,168 parking spaces across three basement car parking levels (with 620 spaces for residential component and 548 for the remaining non-residential component). The 548 non-residential spaces are allocated as 471 for the commercial component, 22 for retail component, 31 for child care component and 24 for the hotel component (which currently has approval for the occupation and fitout for a Pub). It is noted that the existing hotel approval does not comprise residential accommodation.

Overall, the development proposes a shortfall of 831 spaces when compared to Council's centres parking rate. The breakdown of the required and proposed parking provision is shown in the following table. It is noted that there is an existing development approval on the subject site for a pub – this is represented as the Hotel parking component.

Land Use	Council Requirement (Control)	Council Requirement (no.)	Proposed Parking
Residential	1 space per dwelling plus 1 visitor space per 5 dwelling	943	620
Office (Centres Rate)	1 space per 40m ²	941	471
Retail	1 space per 18.5m ²	60	22
Hotel	1 space per 1 guest room plus 1 space per 2 employees	24	24 (currently approved DA)
Child Care	1 space per employee plus 1 space per 6 children enrolled for visitors and/or parent parking	31	31
TOTAL		1,999	1,168

Table 2
Parking Provision

Given the close proximity of the site to the Norwest Station, there may be merit in applying Council's centres parking requirement to the proposed development or further considering a reduced parking rates, as proposed by the Proponent. In the event that the proposal is progressed to Gateway Determination, this matter would need to be further investigated as part of the preparation of any associated Development Control Plan for the site.

e) Capacity of Local Infrastructure

A potential yield of 530 residential dwellings (which could be accommodated based on the residential floor space proposed) would typically generate the need for approximately:

- 27% of a new playing field;
- 27% of a local park; and
- 10% 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 not identified for residential uses, in advance of the completion of detailed precinct planning and infrastructure assessment for the broader Norwest Precinct.

Active Open Space

It is noted that the broader Norwest Precinct is likely to accommodate around 5,500 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 3 new playing fields and 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 743 unplanned dwellings which would bring the overall projected yield within the Norwest Precinct to around 6,300 dwellings, reducing the level of service to the point where a fourth playing field would 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 can 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 (11/2018/PLP)). 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, these 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 well 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 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 Local Strategy and Ministerial Directions, all of which envisage a commercial only outcome on the site and promote 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. 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 would also constrain any commercial or retail uplift in the future, beyond that currently proposed;
3. Notwithstanding 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

4. 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)

LOCAL PLANNING PANEL – THE HILLS SHIRE COUNCIL

MINUTES OF THE LOCAL PLANNING PANEL MEETING HELD AT THE HILLS SHIRE COUNCIL ON WEDNESDAY, 19 JUNE 2019

PRESENT:

Julie Walsh	Chair
Alf Lester	Expert
Damian Kelly	Community Representative

COUNCIL STAFF;

Cameron McKenzie	Group Manager – Development & Compliance
David Reynolds	Group Manager – Shire Strategy, Transformation & Solutions
Paul Osborne	Manager – Development Assessment
Claro Patag	Development Assessment Co-ordinator
Nicholas Carlton	Manager – Forward Planning
Megan Munari	Principal Co-ordinator – Forward Planning

TIME OF COMMENCEMENT:

2:06pm

TIME OF COMPLETION:

4:25pm

APOLOGIES:

Scott Barwick was an apology.

DECLARATION OF INTEREST:

There were no declarations of interest. The Chair noted that all Panel Members have completed and signed the Declaration of Interest form.

ITEM 3: PLANNING PROPOSAL – 1 COLUMBIA COURT, NORWEST (11/2019/PLP)

SPEAKERS:

- Andrew Wilson, Planning Consultant on behalf of the applicant

COUNCIL OFFICER’S RECOMMENDATION:

That the Planning Proposal not proceed to Gateway Determination.

LOCAL PLANNING PANEL ADVICE:

The Local Planning Panel’s advice is not to proceed to Gateway determination.

The Panel determined not to accede to the applicant’s late request for a deferral to allow the planning proposal to be amended. The Panel’s reasons were based on the lateness of the request, the fact that the Panel members had already carefully considered the Council officer’s comprehensive report on the Planning Proposal, the nature of the foreshadowed amendments and that the role of the Panel is an advisory one only.

REASONS:

The Panel generally agrees with the Council Officer’s report.

VOTING:

Unanimous.

ITEM 4: PLANNING PROPOSAL – 34-36 BROOKHOLLOW AVENUE, NORWEST (9/2019/PLP)

SPEAKERS:

- Andrew Wilson, Planning Consultant on behalf of the applicant

COUNCIL OFFICER’S RECOMMENDATION:

That the Planning Proposal not proceed to Gateway Determination.

LOCAL PLANNING PANEL ADVICE:

The Local Planning Panel’s advice is not to proceed to Gateway determination.

The Panel determined not to accede to the applicant’s late request for a deferral to allow the planning proposal to be amended. The Panel’s reasons were based on the lateness of the request, the fact that the Panel members had already carefully considered the Council officer’s comprehensive report on the Planning Proposal, the nature of the foreshadowed amendments and that the role of the Panel is an advisory one only.

REASONS:

The Panel generally agrees with the Council Officer’s report.

VOTING:

Unanimous.