

Greater Sydney, Place and Infrastructure

IRF19/5821

Gateway determination report

LGA	The Hills			
PPA	The Hills Shire Council			
NAME	Amend FSR, height of buildings, minimum lot size and			
	additional permitted uses at 25-31 Brookhollow Ave,			
	Norwest			
NUMBER	PP_2019_THILL_004_00			
LEP TO BE AMENDED	The Hills Local Environmental Plan 2019			
ADDRESS	25-31 Brookhollow Ave, Norwest			
DESCRIPTION	Lot 71 DP1252765			
RECEIVED	30/07/2019			
FILE NO.	IRF19/5821			
POLITICAL	There are no donations or gifts to disclose and a political			
DONATIONS	donation disclosure is not required			
LOBBYIST CODE OF	There have been no meetings or communications with			
CONDUCT	registered lobbyists with respect to this proposal			

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal **(Attachment A1)** seeks to amend The Hills Local Environmental Plan (LEP) 2019 to alter the development controls for land at 25-31 Brookhollow Avenue, Norwest by increasing the Floor Space Ratio and Height of Building controls, and reducing the minimum lot size for this land. The proposal also seeks to permit 'neighbourhood supermarkets' as an additional permitted use on the site.

The planning proposal aims to facilitate a commercial, retail and hotel development within three buildings with heights up to 11, 23 and 25 storeys providing for approximately 1,700 new jobs.

1.2 Site description

The planning proposal applies to land at 25-31 Brookhollow Avenue, Norwest (Figure 1 next page), which is legally described as Lot 71 DP1256725. The site is 9,404m² and is an irregular shape, fronting Brookhollow Avenue. The site previously contained two warehouse structures and onsite car parking, which were demolished between 2012 and 2013. The site is now cleared and vacant.

The site is owned by Sydney Metro and the original site included the Metro station, however, the land has been subdivided into separate lots for the Metro station and the subject site. Along the entire northwest facing boundary, the subject site adjoins the Norwest Metro Station.



Figure 1: Aerial view of the site.

1.3 Existing planning controls

Under The Hills LEP 2019, the following zoning and development controls apply to the site:

- Land zoning B7 Business Park (Figure 2 below);
- Maximum Floor Space Ratio 1:1;
- Maximum Building Height RL116; and
- Minimum Lot Size 8,000m².



Figure 2: Land zoning of the surrounding area.

1.4 Surrounding area

The site is bordered by the Norwest Metro Station on the northwest boundary and is bordered by Brookhollow Avenue on the southwest and southeast boundaries. The site is also located in the Norwest Business Park with commercial-retail premises to the northwest; the Hills Corporate Centre adjoining to the northeast and Hillsong Church Hills Campus and commercial premises to the west (Figure 3 below). Further to the south is R2 Low Density Residential and R3 Medium Density Residential zoned areas with single and double storey dwellings.



Figure 3: Site context.

1.5 Summary of recommendation

The planning proposal has strategic and site-specific merit and should proceed to Gateway subject to conditions. The site is a key site in the Norwest Metro Station Precinct, Sydney Metro North West Rail Link Corridor and Norwest Business Park. The site is also supported by the strategic framework as delivering high density commercial uses.

2. PROPOSAL

2.1 Objectives or intended outcomes

The objective of the planning proposal is to facilitate a commercial, retail and hotel development comprising three buildings with heights up to 11, 23 and 25 storeys.

2.2 Explanation of provisions

The planning proposal seeks to amend The Hills LEP 2019 as follows:

- increase the maximum FSR for the site from 1:1 to part 4.1:1 and part 6.5:1;
- increase the maximum building height of the site from RL 116 (approx. 8 storeys) to part RL 135.65 (11 storeys) and part RL 184.25 (25 storeys);
- decrease the minimum lot size for the site from 8,000m² to 3,500m²; and
- amend Schedule 1 and the associated Additional Permitted Uses Map to introduce 'neighbourhood supermarkets' as an additional permitted use on the site with a limit of up to 1,000m².

The proposal does not seek to amend the existing Land Use Zoning map.

The proposed amendments will enable the development of a mixed-use commercial core development centred around the new metro station. It seeks to facilitate three buildings with heights up to 11, 23 and 25 storeys providing approximately 39,455m² of office floor space, 3,900m² of retail floor space (including 1,000m² for a small format supermarket), and 8,645m² of short term accommodation (i.e. hotel) (Figure 4 below).



Figure 4: Proposed concept plan

The lot is proposed to be split into Site A (3,829m²) and Site B (5,575m²) (Figure 5 next page) with the different planning controls applying to each portion of the site. Table 1 (next page) identifies the proposed controls for each portion of the site. The proponent (Landcom) has indicated that there is no intention to subdivide the site

prior to sale. However, the reduction in minimum lot size will facilitate the subdivision of the site into two parcels in the future (as discussed further in this report).

It is recommended the Gateway includes a condition for the planning proposal to be updated to clearly identify "Site A" and "Site B" and the dimensions of each.



Figure 5: Proposed split into Site A and B.

Table 1: Comparison	of existing and proposed	provisions under the LEP

Control	Current	Site A	Site B
Floor Space Ratio	1:1	4.1:1	6.5:1
Height of Building RL	116m	135.65m	184.25m
Lot Size	8,000m ²	3,500m ²	3,500m²
Additional permitted uses	N/A	Additional permitted uses to permit 'neighbourhood supermarkets' (up to 1,000m ²)	

2.3 Mapping

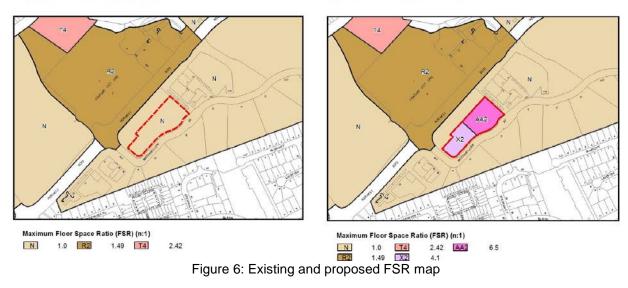
The planning proposal seeks to amend the following maps under The Hills LEP 2019:

- Minimum Lots Size Sheet LSZ_016;
- Floor Space Ratio Sheet FSR_016;
- Height of Building Sheet HOB_016; and
- Additional Permitted Uses Sheet APU_016

The planning proposal adequately shows the current maps and the proposed maps as shown in Figures 6-9 (next page).

Existing Floor Space Ratio Map

Proposed Floor Space Ratio Map



Existing Height of Buildings Map

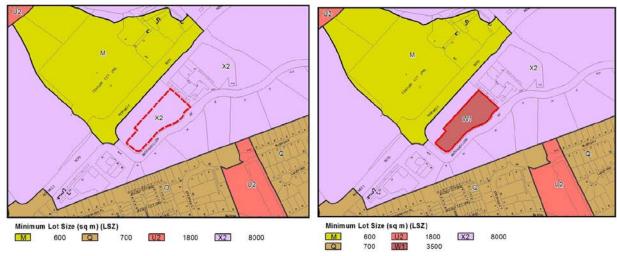
Proposed Height of Buildings Map

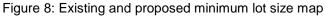


Figure 7: Existing and proposed building height map

Existing Minimum Lot Size Map

Proposed Minimum Lot Size Map





Proposed Additional Permitted Uses Map

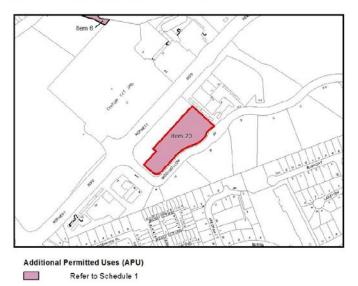


Figure 9: Proposed additional permitted uses map

2.4 Development Control Plan

Council has prepared a draft site-specific development control plan (DCP) (Attachment A6) for the proposal. The draft DCP outlines the desired future character and principles, and general controls for the following:

- building height and setbacks;
- active frontages and public domain;
- solar access and overshadowing;
- wind;
- sustainable design; and
- parking, loading and access.

Council resolved to concurrently exhibit the draft DCP with the planning proposal (Attachment A5).

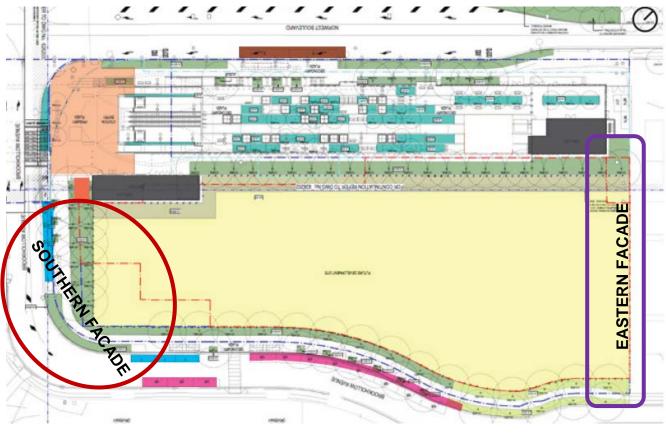
Department Comment - Key design matters

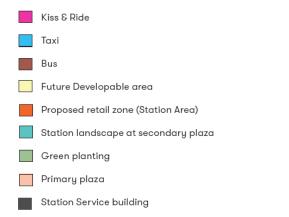
The Department has undertaken a design review of the proposal and encourages Council to consider updating the draft DCP to address the following design matters:

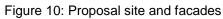
- the visual impacts and dominance of built form of the site and wider precinct (which potentially could accommodate towers in the future) can be effectively minimised and can be mitigated with tall slender towers;
- sufficient building separation between the proposed tower forms on the subject site can be achieved;
- the future built form and site interfaces with Norwest Metro will adequately be mitigated from potential impacts of noise and odour emissions station plant and equipment service areas, particularly on the short-term residential accommodation proposed future use of the site;

- future built form appropriately addresses the eastern boundary and adjoining site;
- future built form can adequately respond to the change in level across the site and will result in an appropriate built form and interface with the public domain;
- the future built form's overshadowing of the public domain and Brookhollow Avenue to the south is appropriately mitigated and that pedestrian amenity along the southern façade is maximised through a number of measures including landscaping and public domain treatments (Figure 10 below).

It is also necessary to ensure future retail areas will not be internalised and will be publicly accessible. It is recommended that the Gateway determination, if issued, includes a condition requiring Council to prepare an amendment to the Active Street Frontages mapping and the LEP.







2.5 Contributions Plan

Contributions for local infrastructure are the subject of ongoing discussions between Council and the proponent. As outlined in the Council Report of 11 June 2019, Council's Section 7.12 Contributions Plan, which currently applies to the land, is not sufficient to fund the anticipated extent of upgrades and improvements required to accommodate development uplift (both on the subject site and more broadly throughout the Norwest Precinct).

The proponent has been made aware that a mechanism to address increased demand for local infrastructure will need to be established and considered by Council, prior to Council placing the proposal on exhibition (as per Council Resolutions of 11 June 2019 and 23 July 2019 at **Attachments A4 and A5**).

Further, subject to the preparation of the cumulative traffic and transport study for the Norwest precinct, it is recommended the planning proposal is updated to include the application of a satisfactory arrangements clause to the site for contributions to State public infrastructure.

3. NEED FOR THE PLANNING PROPOSAL

A planning proposal is considered the best means for achieving the outcome for the proposed future of the site. The proposal seeks to support a compact, mixed-use commercial core development centred around the Norwest Metro Station. The existing height and FSR controls do not permit the site to achieve the development capacity desired in The Hills Shire Corridor Strategy 2015 or the Department's North West Rail Link Norwest Structure Plan 2013. The proposal has the potential to activate the Norwest Metro Station and to become a catalyst for redevelopment and renewal of the wider station precinct.

4. STRATEGIC ASSESSMENT

4.1 State

Sydney Metro Northwest Urban Renewal Corridor

The Strategy (September 2013) for the Sydney Metro Northwest Urban Renewal Corridor (formerly the North West Rail Link) identifies growth for eight station precincts across The Hills local government area (LGA) including the Norwest Station Precinct.

The Norwest Station Structure Plan (September 2013) identifies a centre precinct around the station and the objective of this area is to provide flexible mix of retail and commercial uses located in close proximity to the proposed station. The Plan envisions buildings up to 30 storeys close to the station subject to merit assessment (Figure 11 next page).

The planning proposal is consistent with this Plan as it seeks a maximum building height of 25-storeys comprising commercial and retail uses.

However, it is noted that the Urban Design Report's "Site Overview- Dynamics of Change" (Attachment A8) identifies new developments in the area including Norwest City Marketown and 26-30 Brookhollow Avenue, which have not been supported. Therefore, it is recommended that references these developments are removed from the Urban Design Report as they have not been supported and misleading in representing the change in the area.



Figure 11: Centre Precinct in the Norwest Station Structure Plan (highlighted orange).

4.2 District

Central City District Plan

The Greater Sydney Commission released the Central City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the Central City District while improving the district's social, economic and environmental assets.

Norwest is identified as a strategic centre and an urban renewal area under the District Plan with a target of providing up to 53,000 jobs by 2036. The District Plan states that the "new station at Norwest will provide the opportunity to transform the traditional 1990s-style business park model into a transit-oriented, more vibrant and diversified centre with higher employment densities and a mix of residential uses and supporting services". The planning proposal will assist in reinforcing and achieving this vision for Norwest as a strategic centre by preserving the site for employment uses, increasing jobs and providing supporting retail services for local workers and residents (Planning Priority C10). The proposal will also facilitate improved walking and cycling links to and from the station.

The planning proposal also supports integration of land use and transport by concentrating growth in commercial office jobs in a highly accessible location immediately adjoining Norwest Station. Draft development controls supporting the planning proposal will identify pedestrian through site links to improve walking and cycling connections between the station and surrounding areas (Planning Priority C9).

The Bella Vista Homestead Complex is a State heritage conservation area under The Hills LEP 2019 Schedule 5 Environmental Heritage and is located 1.2km from the site with a direct line of sight via its elevated position. A visual analysis supporting the planning proposal indicates that the proposal would retain and conserve significant views to and from Bella Vista Farm Park. Accordingly, it is considered that the proposal is unlikely to detrimentally impact on view corridors to and from this heritage item (Planning Priority C6). The Department is satisfied that the proposal generally gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.

4.3 Local

Draft Local Strategic Planning Statement 2036

The Hills Shire Council's vision for Norwest is to serve the new population with more knowledge intensive jobs in the area. It is noted, The Hills Shire has a target of 50,600 additional jobs by 2036. As noted in The Hills Draft LSPS, Norwest is forecast to deliver 23,900 jobs by 2036. The planning proposal is consistent with the LSPS (Figure 12 below).

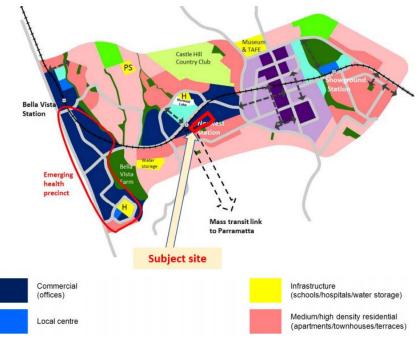


Figure 12: Structure plan from Draft LSPS

The Hills Corridor Strategy 2015

The Hills' Strategy vision for the Norwest Precinct is for the orderly expansion and intensification of the Business Park by delivering a built form that caters for employment activities via higher density commercial and mixed-use development located close to the station.

The Strategy envisioned that the height of the 'landmark' buildings shall not exceed 20-22 storeys in the immediate vicinity of the station and are to have an FSR of approximately 4.5:1.

The planning proposal states that it is consistent with this strategy and that 25 storeys is an appropriate compromise between The Hills Corridor Strategy 2015 and North West Rail Link Corridor Strategy 2013 (which envisions 30 storeys).

The Department considers that the planning proposal is consistent with the intent of the Strategy. Given the proposed FSR is split between 4.1:1 for 'Site A' and 6.5:1 for 'Site B', the Department does not consider the proposal to be of a bulk and scale inconsistent with The Hills Corridor Strategy 2015 to the extent that it should be refused.

The proposal is generally consistent with the Strategy as it seeks to provide for the most prominent built form in the precinct to be located on the station site and the split of controls between 'Site A' and 'Site B' will provide further delineation in the built form.

The Strategy also notes the views to and from Bella Vista Farm ('Bella Vista Homestead Complex') are an extremely important aspect of the cultural significance of the farm and surrounding areas. Future development within the Precinct must demonstrate that significant views and vistas to and from Bella Vista Farm will be retained and conserved. As discussed in this report, it is recommended that the proposal is updated prior to exhibition to assess the extent of the impacts on the vistas from the heritage conservation area.

Local Planning Panel

The Hills Local Planning Panel considered the proposal at its meeting of 15 May 2019, where it resolved that the proposal should proceed to Gateway.

The Panel also recommended that Council prepare a draft DCP to guide future development outcomes on the site. The DCP should include the draft parking rates (last column in Table 2 below) with further consideration given to the proposed rates following the outcomes of the detailed traffic modelling for Norwest Precinct. Should the traffic and transport modelling identify the need for a lower rate of parking provision this should be adopted because of the location of the station and the provision of parking can itself generate traffic.

Land Use	Existing DCP Controls		Proponent Spaces		Recommended Provision (Table 4)	
	AM Trips	PM Trips	AM Trips	PM Trips	AM Trips	PM Trips
Office	395	247	109	68	192	120
Retail	84	84	12	12	12	12
Hotel	57	57	24	24	18	18
TOTAL	536	388	145	104	222	150

Table 2: Potential trips generated by the proposed concept.

Furthermore, the Panel recommended that Council and the proponent enter into discussions with respect to securing a fair and reasonable contribution towards local infrastructure improvements required to support the proposed development uplift.

It is noted that Council agreed with the Panel and has recommended that the car parking rates within the table be included within the draft DCP and be subject to further review following the outcomes of the traffic modelling for Norwest Precinct, prior to the finalisation of this proposal.

4.4 Consistency will North West Rail Link Corridor Strategy 2013 and The Hills Corridor Strategy 2015

Table 3 (next page) provides a comparison of the proposed planning controls with those envisioned for the site under the North West Rail Link Corridor Strategy 2013 – Norwest Station Structure Plan and The Hills Corridor Strategy 2015.

The proposed controls do not strictly match either of the strategies. However, it is noted both strategies are visionary documents which were always intended to be followed by detailed precinct planning.

As part of Council's assessment of the subject proposal, a height of 25 storeys was found to be acceptable as the proposal would not result in any unreasonable overshadowing impacts on residential land to the south and the height supports the strategic role of the site close to Norwest Metro Station.

Control	Current	Site A	Site B	NWRL	THCS
FSR	1.1	4.1:1	6.5:1	4.1	4.5:1
# of floors	Approx. 7*	23	25	30	22

Table 3: Comparison of existing and proposed provisions under LEP

*not including 1 storey for lift overrun

4.4 Section 9.1 Ministerial Directions

Inconsistent: The planning proposal is inconsistent with the following Section 9.1 Direction, as discussed below.

Direction 6.3 Site Specific Provisions

The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls. This Direction applies as the proposal seeks to introduce an additional permitted use clause for the site to enable the development of a neighbourhood supermarket limited to 1,000m².

The planning proposal is inconsistent with this Direction as it seeks to impose further planning controls in addition to those already contained in that zone.

However, the inconsistency is considered to be justified as a minor significance as the proposed supermarket is a complementary use for the commercial uses on the site and the strategic centre.

Consistent: The planning proposal is inconsistent with the relevant Section 9.1 Directions including the following outlined 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. This direction applies to the planning proposal as the site contains B7 Business Park zoned land. The planning proposal is consistent with this Direction as it seeks to increase the potential floor space area for employment uses on the site.

Direction 2.3 Heritage Conservation

The objective of this Direction is to conserve locations of environmental and indigenous significance. Bella Vista Homestead Complex is a State heritage conservation area and is 1.2km from the site.

The Urban Design Report **(Attachment A8)** includes an indicative view corridor analysis of the proposal from the Homestead (on pages 58 & 59). Figure 13 (next page) demonstrates the proposal will be visible from Bella Vista Farm. However, this view of the skyline will continue to change over time as the neighbouring land to the site is densified as part of the State strategy for the Sydney Metro Northwest Urban Renewal Corridor.



Figure 13: View of proposal from Bella Vista Farm.

Direction 3.4 Integrating Land Use and Transport

The objective of this Direction is to improve access to housing, jobs and services by walking, cycling and public transport; and reducing travel demand including the number of trips generated by development. The proposal is consistent with this Direction as the site is adjacent to the Norwest Metro Station.

Direction 5.9 North West Rail Link Corridor Strategy

The objectives of this Direction are to promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL) and ensure development within the NWRL corridor is consistent with the proposals set out in the NWRL Corridor Strategy and precinct Structure Plans. The proposal is consistent with this Direction as it is generally consistent with the Structure Plan as noted in section 4.1 of this report.

4.5 State environmental planning policies (SEPPs)

The planning proposal states it is consistent with all SEPPs. However, the Department notes inconsistencies with relevant SEPPs as follows:

SEPP No. 55 - Remediation of Land

The object of this Policy is to provide for a Statewide planning approach to the remediation of contaminated land. The site previously contained two warehouse structures and onsite car parking, however, there is no commentary in the planning proposal as to whether the planning authority has considered whether the land is contaminated. It is recommended that the Gateway determination requires a land contamination report to be prepared prior to exhibition.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social and Economic

The planning proposal will likely have positive social and economic outcomes; as the proposal will provide mixed retail and employment opportunities, facilitating approximately 1,700 jobs; comprising office, retail and hotel jobs.

The planning proposal from Council identifies potential uses including some 8,645m² of short-term accommodation (hotel). The 8,645m² GFA of proposed short-term accommodation uses could potentially deliver some 73 semi-permanent residential apartments as part of the proposal. It is noted that if this short-term accommodation floor space was delivered in the future instead as traditional commercial floor space, the office space would equate to approximately 500 additional new jobs.

5.2 Environmental

The planning proposal is unlikely to create any adverse impacts on critical habitat, threatened species, populations or environmental communities. The site does not contain any significant vegetation or trees. Identified remnants of Cumberland Plain Woodland is identified south of the site, however it will not be affected by the subject proposal.

5.3 Parking and Traffic

The planning proposal's illustrative Development Concept will accommodate 360 parking spaces. As noted in the planning proposal **(Attachment A1)** The Hills Shire Council DCP 2012 requires 1,367 spaces (four times the proposed amount). The proponent justifies this as the best approach to promote sustainable travel and maximise the potential of the location at Norwest Station. Council notes in their planning proposal in recognition of the strategic role of the site and its location immediately adjoining a metro station, a reduced rate is considered appropriate. As part of assessing the proposal, an analysis was undertaken of Journey to Work data for other high-density employment centres which are serviced by high frequency public transport (Council reports from 11 June 2019 and 23 July 2019 at **Attachments A4 and A5**). Based on this, Council states a provision of approximately 724 parking spaces was found to be more appropriate.

It is noted that appropriate parking provision for the site, traffic volumes for the Norwest precinct and mode shift with the operation of Norwest Metro are to be informed by the detailed traffic modelling for the Norwest Precinct. This detailed modelling has commenced with a cumulative traffic and transport study; that has been funded by Transport for NSW.

It is recommended for the Gateway determination to require the cumulative traffic and transport study for Norwest to be delivered and assessed in relation to the subject proposal by Roads and Maritime Services (RMS) prior to finalisation and for RMS to be consulted with prior to exhibition.

6. CONSULTATION

6.1 Community

A public exhibition period of 28 days is considered an appropriate amount of time to gauge the response by the community.

6.2 Agencies

At a minimum, referral to the following agencies prior to exhibition is recommended:

- Transport for NSW; and
- Roads and Maritime Services.

During the exhibition period, as a minimum, referral to the following agencies is recommended:

- Heritage, Department of Premier and Cabinet;
- Telstra;
- Endeavour Energy; and
- Sydney Water.

7. TIME FRAME

The Department considers that given the significant nature of this proposal and the proposal reliance on the delivery of the cumulative traffic and transport study for the Norwest precinct, 18 months is considered an appropriate timeframe in which to make the LEP.

8. LOCAL PLAN-MAKING AUTHORITY

Council has not requested plan-making delegation. As this planning proposal is owned by Landcom and is a matter of State interest, it is recommended that planmaking delegation is not issued to Council in this instance.

9. CONCLUSION

The proposal has the potential to activate the Norwest Metro Station and to become a catalyst for redevelopment and renewal of the wider station precinct. An amendment to the current land use planning controls is the best way of achieving the land use outcomes of this site.

The planning proposal has merit and should proceed subject to conditions as it will enable high density commercial uses in close proximity to Norwest Metro Station and will provide for approximately 1,700 jobs, consistent with the vision outlined in the North West Rail Link Corridor 2013 Norwest Structure Plan and The Hills Corridor Strategy 2015.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistency with section 9.1 Direction 6.3 Site Specific Provisions is minor or justified.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

- 1. Prior to undertaking public exhibition, the planning proposal and supporting documentation is to be amended as follows:
 - (a) replace references to The Hills Local Environmental Plan 2012 to The Hills Local Environmental Plan 2019;
 - (b) under Part 2 Explanation of provisions:
 - i. include a satisfactory arrangements provision for contributions to State public infrastructure; and

- ii. include an amendment to the Active Street Frontage mapping and LEP provisions to ensure future retail areas on site are not internalised and will be publicly accessible;
- (c) note the cumulative traffic and transport study underway for the Norwest Precinct and address the findings when available;
- (d) remove the references to Norwest City Marketown and 26-30 Brookhollow Avenue from the Urban Design Report;
- (e) prepare a Land Contamination Report and update the assessment under State Environmental Planning Policy No. 55 Remediation of Land;
- (f) consult Transport for NSW and Roads and Maritime Services on the proposal prior to public exhibition; and
- (g) concurrently exhibit the draft site specific development control plan for the site with the planning proposal.
- 2. The planning proposal should be made available for community consultation for a minimum of 28 days.
- 3. Consultation is required with the following public authorities:
 - Heritage, Department of Premier and Cabinet;
 - Telstra;
 - Endeavour Energy; and
 - Sydney Water.
- 4. The time frame for completing the LEP is to be 18 months from the date of the Gateway determination; and
- 5. Given the nature of the planning proposal, Council is not granted plan-making authority to make this plan.

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