

## Greater Sydney Place and Infrastructure

IRF19/7866

### Gateway determination report

<b>LGA</b>	The Hills Shire
<b>PPA</b>	The Hills Shire Council
<b>NAME</b>	Facilitate increase in commercial floor space at 2-4 Burbank Place, Norwest through an increase in Height of Buildings and Floor Space Ratio (689 jobs)
<b>NUMBER</b>	PP_2019_THILL_010_00
<b>LEP TO BE AMENDED</b>	The Hills Local Environmental Plan 2019
<b>ADDRESS</b>	2-4 Burbank Place, Norwest
<b>DESCRIPTION</b>	Lot 4054 DP1070487
<b>RECEIVED</b>	12/12/2019 (additional information provided 15 January, 5 February, 6 February)
<b>FILE NO.</b>	IRF19/7866
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1. INTRODUCTION

### 1.1 Description of planning proposal

The planning proposal (**Attachment A**) seeks to facilitate a 12-storey commercial building at 4 Burbank Place, Norwest (689 jobs). It proposes to amend The Hills Local Environmental Plan 2019 for land at 2-4 Burbank Place by:

- Increasing the height of buildings from RL116m to RL126m; and
- Increasing the Floor Space Ratio (FSR) from 1.4:1 to 2.8:1.

### 1.2 Site description

The site comprises of a single lot (Lot 4054 DP 1070487) with an approximate area of 13,897m<sup>2</sup>. It contains two office buildings of 4-6 storeys in height with a combined floor space area of 13,890m<sup>2</sup> and FSR of approximately 1:1. However, it is noted the proposal only seeks to enable redevelopment of part of the site at 4 Burbank Place (highlighted in red in **Figure 1**). The buildings front Burbank Place to the south. The north and west of the site contain dense vegetation which fronts the bordering Strangers Lake. The site adjoins low density residential to the west, and carparks and the Hillsong Church to the east (**Figure 1**).

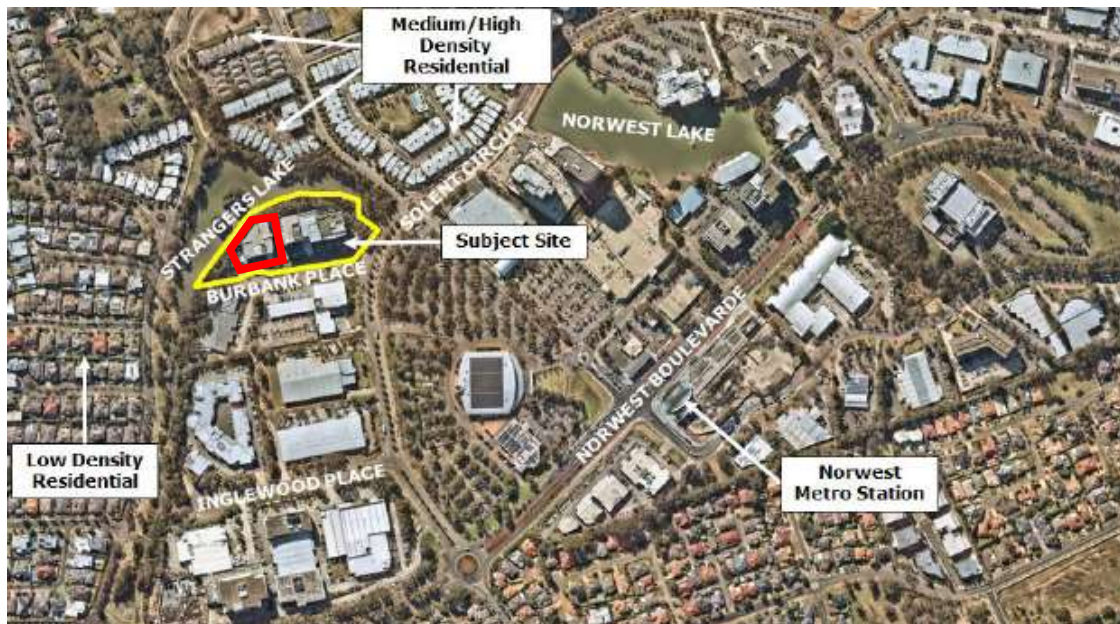


Figure 1: Site of 2-4 Burbank Place, Norwest (yellow outline) and portion of site at 4 Burbank Place where proponent is seeking to build up to RL126m building (red outline)

### 1.3 Existing planning controls

The site is predominantly zoned B7 Business Park, has a height of building of RL 116m, a floor space ratio of 1.4:1 and a minimum lot size of 8000 m<sup>2</sup>. A portion of the west, north and east of the site is zoned SP2 Infrastructure (Drainage) with a minimum lot size of 700 m<sup>2</sup> and no floor space ratio control (**Figure 2**).

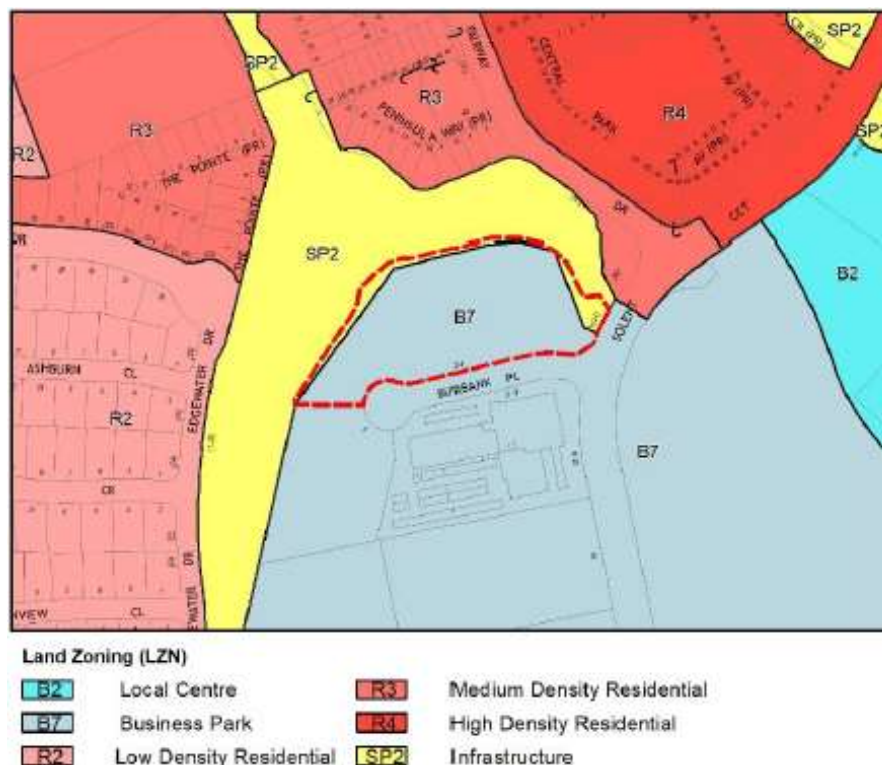


Figure 2: Existing site zoning

## 1.4 Surrounding area

The site is situated approximately 650 metres walk from Norwest Metro Station and 550 metres walk from Norwest shops within the Norwest Business Park.

Norwest is situated approximately 10km north-west of Parramatta and is identified as a Strategic Centre in the Central River City District Plan. Norwest Metro Station is part of the Metro North West Line which runs from Tallawong Station in the north-west to Chatswood in the south-east (**Figure 3**).



Figure 3: Surrounding area with site indicated by arrow

## 1.5 Summary of recommendation

It is recommended for the proposal to proceed to Gateway subject to conditions, including:

1. The Traffic Study and Green Travel Plan are to be updated prior to public exhibition;
2. Council is to consult with NSW Office of Water, Sydney Water and Transport for NSW prior to public exhibition; and
3. Update the assessment under State Environmental Planning Policy No. 55 – Remediation of Land.

## 2. PROPOSAL

### 2.1 Objectives or intended outcomes

The planning proposal seeks to amend The Hills Local Environmental Plan 2019 to facilitate a 12-storey commercial building at 4 Burbank Place. The planning proposal intends to facilitate the replacement of the existing four-storey building with a 12-storey building at 4 Burbank Place and retain the existing 6-storey commercial building at 2 Burbank Place.



## 2.2 Explanation of provisions

The planning proposal involves increasing the height of buildings from RL116m to RL126m (**Figures 4 and 5**) and Floor Space Ratio (FSR) from 1.4:1 to 2.8:1 (**Figures 6 and 7**) for the entire site at 2-4 Burbank Place.

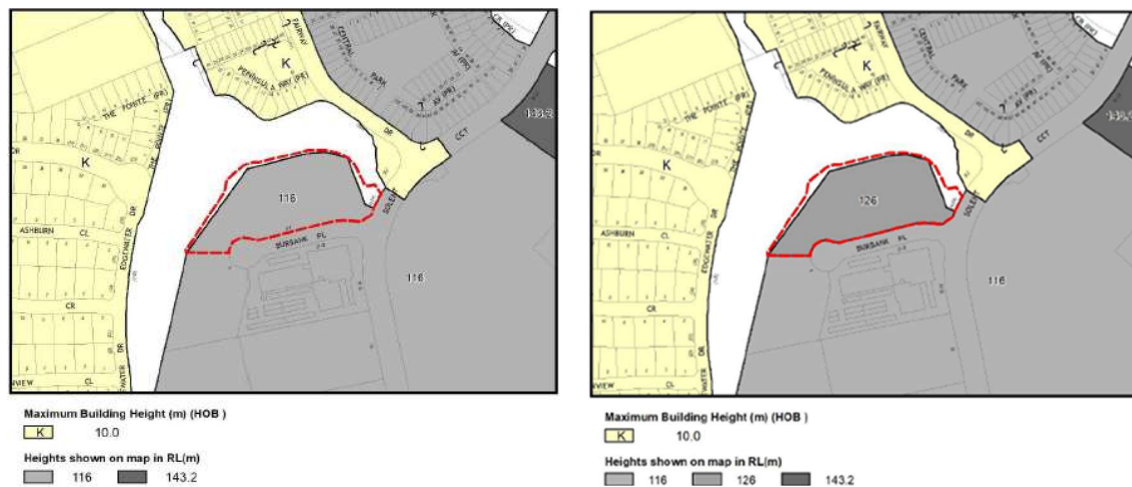


Figure 4 and 5: Existing site height of buildings (left) and proposed height of buildings (right)

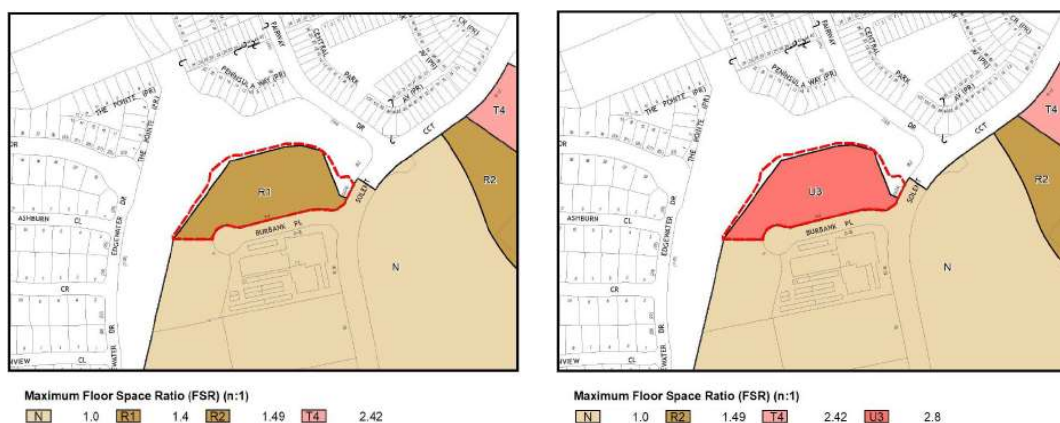


Figure 6 and 7: Existing site FSR (left) and proposed FSR (right)

## 2.3 Mapping

The proposal includes amendments to the floor space ratio and height of building maps in The Hills LEP 2019 for the subject site. Indicative changes to these maps have been included in the planning proposal and are clear for the purposes of public exhibition.

## 2.4 Background

The Local Planning Panel reviewed an earlier version of planning proposal on 15 May 2019 and resolved not to support the proposal due to the visual impact, height, the large amount of above ground parking and inconsistency with relevant strategic plans. The planning proposal was updated and reviewed again by the Local Planning Panel on 17 October 2019.

The Panel resolved to support the proposal with a 12-storey (RL126m) maximum height of building control and maximum FSR of 2.8:1 (excluding the SP2 land in calculation of FSR). Council supported the application to proceed to gateway on 12 November 2019.

The planning proposal was received by the Department on 12 December 2019.

### 3. NEED FOR THE PLANNING PROPOSAL

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A planning proposal is considered the best means for achieving the objectives of the proposal to increase commercial floor space. There is sufficient strategic and site-specific merit to support an increase in floor space ratio in the area as it will provide for jobs and reinforce the role of Norwest as a Strategic Centre.

The planning proposal is not the result of any strategic report. The proposed increase in Floor Space Ratio and height of building controls is in line with the objectives and land use permissibility of the B7 Business Park zone.

The Hills Development Control Plan will also be altered by Council to provide for a lower parking rate of 1 per 60m<sup>2</sup> of commercial floor space given the location of the site close to Norwest Metro Station. The current rate in the Council Development Control Plan (2012) is 1 per 25m<sup>2</sup> of commercial floor space.

### 4. STRATEGIC ASSESSMENT

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#### 4.1 State

##### Sydney Metro Northwest Urban Renewal Corridor Strategy

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 the site as part of an area to provide for employment needs of a growing community and to encourage the emergence of a prominent employment area with direct access to Norwest Metro. The proposal is consistent with the Strategy.

#### 4.2 District

##### Central City District Plan

The site is within the Central City District. The Greater Sydney Commission (GSC) released the Central City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The proposal gives effect to the following planning priorities of the Plan:

- Planning Priority 1 Planning for a City Supported by Infrastructure and Planning Priority 9 Delivering integrated land use and transport planning and a 30-minute city

This Priority aims to ensure infrastructure provision aligns with forecast growth and adapts to future needs. The planning proposal will contribute to the delivery of jobs close to Norwest Metro, maximising the utility of existing infrastructure assets. The proposal gives effect to these Priorities.

- Planning Priority 4 Fostering healthy, creative, culturally rich and socially connected communities

This Priority aims to foster healthy, resilient and socially connected communities with diverse neighbourhoods through promotive active lifestyles and the arts. The proposal includes a Green Travel Plan (**Attachment A2** page 193) which details

initiatives to limit the number of staff who require access to their own private motor vehicle to travel to work. The proposal gives effect to this Priority.

- Planning Priority 10 Growing investment, business opportunities and jobs in strategic centres

This Priority aims to provide access to jobs, goods and services in centres, create new centres and prioritise strategic land use and infrastructure plans for growing centres.

The proposal is strategically aligned with the desire for increased commercial density with increases in FSR in the B7 zone of Norwest. Norwest is a Strategic Centre and jobs are created through this proposal, giving effect to this Priority.

- Planning Priority 15 Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes

This Priority aims to support biodiversity conservation, manage the urban-bushland fringe, identify scenic landscapes and protect scenic views. The planning proposal includes a view analysis which indicates that the scenic view to the Bella Vista Farm is maintained. The proposal gives effect to this Priority.

#### **4.3 Local**

##### **Draft Hills Local Strategic Planning Statement 2036**

The Hills Draft Local Strategic Planning Statement 2036 (LSPS) provides the land use vision for The Hills Shire and gives effect to the Greater Sydney Region Plan and Central City District Plan.

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.

In summary the planning proposal gives effect to the LSPS, as it:

- Plans for jobs and supports the growth of the Norwest Strategic Centre;
- Retains and manages valuable industrial and urban services land; and
- Promotes sustainable forms of transport to work and expands the potential for active transport.

#### **4.4 Section 9.1 Ministerial Directions**

##### **Direction 1.1 Business and Industrial Zones**

This Direction aims to protect industrial and employment lands. This Direction applies as land within an existing or proposed industrial or business zone will be altered.

The height of buildings and FSR will be increased but B7 zoning will remain and the planning proposal does not reduce total potential floor space area of the site for employment uses. The proposal will result in intensification of land use which will give effect to the objectives of this Direction as it will encourage employment growth, protect employment lands and support the viability of identified centres (Norwest).

##### **Direction 3.4 – Integrating Land Use and Transport**

The objectives of this Direction are to ensure that urban structures, building forms, land-use locations, development designs, subdivision and street layouts achieve the planning objectives that improve access, increase the choice of available transport, reduce travel demand, support public transport and provide efficient movement of freight. This

Direction applies as the proposal seeks an amendment to provisions relating to urban land.

The proposal will continue to provide jobs within walking distance of public transport, including the North West Metro. This, along with the Green Travel Plan (**Attachment A2** page 193), is likely to encourage public transport use and is therefore consistent with this Direction.

#### Direction 4.3 – Flood Prone Land

This Direction aims to ensure that development on flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 and considers potential flood impacts.

The Direction is unlikely to apply as the planning proposal does not alter provisions that affect flood prone land. Council has indicated that only the part of the site zoned SP2 Infrastructure aligns with a 100-year ARI flood risk. However, as this land is proximate to 4 Burbank Place, it is recommended for the Gateway determination if issued to require consultation occurs with the Department of Planning, Industry and Environment - Water and Sydney Water before community consultation to ensure consistency with this Direction.

#### Direction 5.9 North-West Rail Link Corridor Strategy

Direction 5.9 aims to promote transit-orientated development and manage growth around the stations of the North West Rail Link (now North West Metro). It requires that planning proposals are consistent with the North West Rail Corridor Strategy and precinct structure plans. The proposal is consistent with this Direction as it promotes job growth in the Norwest Precinct. The land use aligns with the commercial land use identified in the Norwest Precinct Structure Plan.

### **4.5 State environmental planning policies (SEPPs)**

#### SEPP No. 55 – Remediation of Land

The object of this Policy is to provide for a State-wide planning approach to the remediation of contaminated land. 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**

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### **5.1 Social**

The proposal will increase the site's capacity to meet the needs of the local community for employment in an area well serviced by public transport and a diverse range of residential lands. The proposal is supported by a Green Travel Plan which will support a healthy and active community. There will be no adverse impacts on heritage vistas/view corridors as the proposal sufficiently demonstrates that it is not within the key view-line of the heritage listed Bella Vista Farm.

### **5.2 Environmental**

Council advise that the part of the site zoned SP2 Infrastructure aligns with the 100-year ARI flood extent. The B7 Business Park component of the site is not affected. No development permissibility on flood affected SP2 land will be conferred through this planning proposal. Furthermore, the Proponent will be required to submit a Flood Assessment at the stage of any future development application. However, it is



recommended for the Gateway determination if issued to require consultation with Department of Planning, Industry and Environment - Water and Sydney Water before community consultation.

As noted in the proposal (**Attachment A1**), Council's vegetation mapping identifies gardens / modified vegetation communities on the subject site. However, it is noted that this matter can be assessed as part of any future development application stage.

### 5.3 Built Form

Updated shadow diagrams were provided to the Department on 6 February 2020 (**Attachment A3**) show that the maximum range of possible shadow the built envelope resulting from the proposed amendments sought (**Figures 10 and 11**) in this planning proposal is minor with overshadowing of an hour or less of detached houses to the west of the subject site in the morning (**Figures 8 and 9**).



Figure 8: Site shadow diagrams winter solstice 9am for possible impact based on building envelope





Figure 9: Site shadow diagrams winter solstice 10am for possible impact based on building envelope

The Urban Design Review (**Attachment A2**) states that the proposed envelope of the development resulting from the planning proposal is contextually appropriate and the proposed urban form will not adversely impact on the surrounding community.



Figure 10: Aerial view of the site (red dashed line)



Figure 11: Proposed built form of the site, 12-storey building at 4 Burbank Place at the rear

The Department notes if the proposed increase in height and FSR was applied to the entire site, the remainder of the site would have potential for greater height but be limited by the FSR. This could potentially encourage further planning proposals to increase FSR in order to realise this potential height. Further, a precedent of 2.8:1 FSR in the area may be established.

However, the planning proposal and supporting documentation sufficiently demonstrates site specific and strategic merit and consideration has been given to the bulk, density, vistas and overshadowing if the entire lot was to be redeveloped. Further, the Department encourages Council to ensure any site-specific outcomes through an amendment to the Development Control Plan.

#### **5.4 Economic and Infrastructure**

The proposal is likely to have beneficial economic impacts through the provision of 689 local jobs and the possibility for contributions to be applied to community and transport infrastructure.

Extensive analysis provided in the Council Report to the Local Planning Panel October 17, 2019 (**Attachment D2**) indicated that a parking rate of 1 per 60 m<sup>2</sup> was appropriate for this site. This is lower than the current rate in The Hill Development Control Plan 2012 of 1 per 25m<sup>2</sup>. The planning proposal also seeks to update the DCP Part C, Section 1 to adopt the proposed lower parking rate. Given the site's proximity to the Norwest Metro, it is considered there may be site-specific merit to include a reduced parking rate. However, it is recommended if a Gateway determination is issued for the site that consultation is required with Transport for NSW prior to public exhibition.

A Traffic and Parking Report written on behalf of the proponent by TDG (**Attachment A2**) indicates that the roundabout located at the intersection of Norwest Boulevard and Solent Circuit will require upgrade due to the combined



effect of all developments in the area regardless of the effect of this proposed development. Any improvements to the intersection are to be considered at the stage of any future development application.

Since the completion of the Traffic Study in June 2017, traffic and transport patterns have changed for two reasons. Firstly, the parking rate is now lower than that stipulated in the Traffic Study, and secondly, Norwest Metro Station has opened since the Traffic Study was done. It is likely that there is an increase in active and public transport opportunities for the subject site which may not have been accounted for. It is considered that the Traffic Study and Green Travel Plan should be updated prior to public exhibition to reflect any changes.

It is also suggested that Transport for NSW are consulted prior to community consultation and if necessary, finalisation is conditional on the outcomes of regional transport and traffic modelling which is anticipated to occur in relation to the Norwest area with TfNSW, DPIE and Council.

## 6. CONSULTATION

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### 6.1 Community

The planning proposal will be advertised in local newspapers and on display at Council's administration building and Castle Hill Library. The planning proposal will also be made available on Council's website. This is considered appropriate for this proposal and an exhibition period of 28 days is recommended.

### 6.2 Agencies

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

- Transport for NSW;
- Department of Planning, Industry and Environment - Water; and
- Sydney Water.

## 7. TIME FRAME

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Council proposes to forward the planning proposal to the Department for notification in November 2020. The proposed timeframe is shown below. It is considered appropriate for this planning proposal. 12 months is considered an appropriate timeframe in which to make the LEP.

STAGE	DATE
Commencement Date (Gateway Determination)	February 2020
Commencement of agency consultation and public exhibition (28 days)	May 2020
Completion of public exhibition period	June 2020
Timeframe for consideration of submissions	July 2020
Timeframe for consideration of proposal post exhibition	August 2020
Report to Council on submissions	September 2020
Planning Proposal to PCO for opinion	October 2020
Date Council will make the plan (if delegated)	November 2020
Date Council will forward to department for notification (if delegated)	November 2020

Figure 12: Proposed timeframes



## **8. LOCAL PLAN-MAKING AUTHORITY**

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Council have requested to be the local plan-making authority, it is considered that Council should be authorised to be the local plan-making authority due to the local nature of the proposal.

## **9. CONCLUSION**

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The planning proposal is supported to proceed with conditions as it has strategic and site-specific merit. The proposal supports 689 jobs in a key employment centre, Norwest.

Studies support that the resulting urban form will not result in any adverse local impacts. The maximum range of possible overshadowing of residential areas resulting from the proposal is insignificant in extent and duration. The proposed height of buildings does not adversely impact heritage views/vistas to and from Bella Vista Farm.

It is recommended for the Gateway to require an updated Traffic Report to be prepared and for Transport for NSW to be consulted prior to public exhibition. Further, detailed assessment under SEPP 55 is required and any potential flooding impacts on the subject site are to be commented on by Department of Planning, Industry and Environment - Water and Sydney Water prior to public exhibition.

## **10. RECOMMENDATION**

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It is recommended that the delegate of the Secretary:

1. note that the inconsistency with Section 9.1 Direction 4.3 Flood Prone Land is unresolved until further justification has been provided.

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) update the Traffic Study and Green Travel Plan;
  - (b) note the cumulative traffic and transport study underway for the Norwest Precinct and address the findings when available
  - (c) update the assessment under State Environmental Planning Policy No. 55 – Remediation of Land.
2. Consultation is required with the following public authorities prior to public exhibition:
  - Department of Planning, Industry and Environment – Water;
  - Sydney Water; and
  - Transport for NSW.
3. The planning proposal should be made available for community consultation for a minimum of 28 days.
4. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.

5. Given the nature of the planning proposal, Council should be the local plan-making authority.



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