
MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 12 November 2019

3. New bitumen road surface lies on the surround of the round-about at the intersection of Cook and Cross Streets Baulkham Hills. This round-about, one of the first constructed in the Shire now requires an upgrade to present day standards. This reconstruction not only completes council's upgrade, of particular importance, it provides the motorists with more safety and visibility by day and especially at night. Due to its location and safety, dark colouring in construction should be avoided.

ITEM-3 **POST EXHIBITION - PLANNING PROPOSAL - 'THE GREENS', 40 SOLENT CIRCUIT, NORWEST (5/2015/PLP)**

A MOTION WAS MOVED BY COUNCILLOR THOMAS AND SECONDED BY COUNCILLOR HASELDEN THAT the matter be deferred to a briefing session and for further consideration of the VPA.

THE MOTION WAS PUT AND CARRIED.

607 RESOLUTION

The matter be deferred to a briefing session and for further consideration of the VPA.

Being a planning matter, the Mayor called for a division to record the votes on this matter

VOTING FOR THE MOTION

Mayor Dr M R Byrne
Clr R Jethi
Clr S P Uno
Clr F P De Masi
Clr A N Haselden
Clr E M Russo
Clr Dr P J Gangemi
Clr B L Collins OAM
Clr M G Thomas
Clr R M Tracey

VOTING AGAINST THE MOTION

Clr A J Hay OAM
Clr J Jackson

MEETING ABSENT

Clr R A Preston

ITEM-2 **PLANNING PROPOSAL - 2-4 BURBANK PLACE, NORWEST (18/2018/PLP)**

A MOTION WAS MOVED BY COUNCILLOR JACKSON AND SECONDED BY COUNCILLOR HAY OAM THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED.

MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 12 November 2019

608 RESOLUTION

1. A planning proposal be forwarded to the Department of Planning, Industry and Environment for Gateway Determination, to amend LEP 2012 to permit a maximum floor space ratio of 2.8:1 and a maximum building height of RL 126 metres (12 storeys) on the portion of land at 2-4 Burbank Place, Norwest zoned B7 Business Park (Option 3).
2. Amendments to The Hills Development Control Plan Part C Section 1 – Parking to apply a reduced parking rate of 1 space per 60m² of commercial gross floor area to land at 2-4 Burbank Place, Norwest be prepared and publicly exhibited concurrently with the planning proposal.
3. Council proceed with discussions with the Proponent for the preparation of a draft Voluntary Planning Agreement which secures a fair and reasonable contribution from future development on the site towards infrastructure and public domain improvements in the Norwest Business Park. Council consider a further report on any proposed mechanism, prior to public exhibition of the planning proposal.

Being a planning matter, the Mayor called for a division to record the votes on this matter

VOTING FOR THE MOTION

Mayor Dr M R Byrne
Clr R Jethi
Clr S P Uno
Clr F P De Masi
Clr A N Haselden
Clr E M Russo
Clr B L Collins OAM
Clr M G Thomas
Clr R M Tracey
Clr A J Hay OAM
Clr J Jackson

VOTING AGAINST THE MOTION

Clr Dr P J Gangemi

MEETING ABSENT

Clr R A Preston

CALL OF THE AGENDA

A MOTION WAS MOVED BY COUNCILLOR JETHI AND SECONDED BY COUNCILLOR DE MASI THAT items 6, 7, 8, 9, 10, 11, 13 and 14 be moved by exception and the recommendations contained in the reports be adopted.

THE MOTION WAS PUT AND CARRIED.

609 RESOLUTION

Items 6, 7, 8, 9, 10, 11, 13 and 14 be moved by exception and the recommendations contained in the reports be adopted.

ITEM-2	PLANNING PROPOSAL - 2-4 BURBANK PLACE, NORWEST (18/2018/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:	12 NOVEMBER 2019 COUNCIL MEETING
GROUP:	SHIRE STRATEGY, TRANSFORMATION AND SOLUTIONS
AUTHOR:	SENIOR TOWN PLANNER KAYLA ATKINS
RESPONSIBLE OFFICER:	MANAGER FORWARD PLANNING NICHOLAS CARLTON

EXECUTIVE SUMMARY

Council has received a landowner initiated request to amend the primary LEP controls for 2-4 Burbank Place, Norwest. The current zoning for the site is B7 Business Park and SP2 Infrastructure with a maximum FSR of 1.4:1. The applicant seeks Council support to increase the maximum FSR to 2.5:1 to facilitate a development with 34,725m² of commercial floor area. The applicant has requested that the maximum permissible building height also be amended from RL 116 metres (10 storeys) to RL 141.5 metres (up to 16 storeys).

Council is responsible for determining whether or not the proposal should be submitted to the Department of Planning, Industry and Environment for Gateway Determination and in doing so, needs to consider whether or not the proposal has strategic merit and whether or not the proposed primary LEP controls would facilitate an appropriate development outcome on this specific site. The proposal is within the early stages of the planning proposal process and at this point, the application has not been publicly exhibited nor have relevant statutory authorities been formally asked to comment (that would occur if a Gateway Determination is issued for the proposal).

The site is part of the Norwest Business Park which has now had the benefit of two new metro stations. The site is within the walkable catchment of Norwest Metro Station and in 2013, the NSW Government prepared a Corridor Strategy for the metro corridor to identify opportunities for increased intensity around the metro stations. In 2015, Council prepared its own Corridor Strategy which also identified opportunities for uplift within metro precincts in its adjusted corridor strategy. The Government's 2013 Corridor Strategy and Council's 2015 Corridor Strategy both suggest an outcome of 2:1 over the site. The applicants requested FSR exceeds the Strategy by a further 0.5:1.

Both Corridor Strategies are strategic planning documents which articulate objectives and principles for future development, expected land use outcomes and provide an indication of potential densities and built form outcomes. The floor space ratio assumptions articulated within the Corridor Strategy were broadly expressed as average density outcomes across distinct sections of the Precinct. An in depth site by site analysis has not been undertaken and the strategic context represents a floor space ratio that matches character and intensity settings. For example, the broader area bound by Solent Circuit, Norwest Boulevard and Strangers Creek (within which this site is located) is expected to accommodate development with an average floor space ratio of 2:1.

These Corridor Strategies were intended to precede more detailed precinct planning and investigations which would ultimately inform changes to the primary LEP controls for individual sites – these detailed site investigations would also indicate whether or not some variation to the strategic settings is warranted and it is not unreasonable that detailed site investigations may result in the application of higher or lower floor space ratios to individual sites, having regard to the context and capacity of each parcel. Varying the standard cannot be dealt with lightly and it is important that a consistent and transparent decision to vary is made.

This site-specific planning proposal by its nature is able to identify an opportunity for Council to consider enabling commercial growth within the Norwest Business Park which is broadly consistent with the strategic planning framework, albeit ahead of the detailed work required to support broader changes to the primary LEP controls across the Norwest Precinct.

While the applicant's requested FSR exceeds the Corridor Strategy outcomes by 0.5:1, it is considered reasonable in the context of this specific site, given the following consideration of factors:

- The site specific planning proposal process and work completed by the applicant has enabled a detailed analysis of suitable outcomes on the land and the capacity of the site to accommodate uplift – this same extent of work has not been completed for other sites. Through site specific investigations, the Proponent has been able to demonstrate the merits and benefits of enabling a marginally higher employment FSR on this site and that such a density can be accommodated within an appropriate built form outcome:
- The land offers a large development site (nearly 14,000m²) in single ownership, with a coherent development scheme which would enable early uplift on commercial land in response to the opening of the Sydney Metro Northwest;
- The development site contains an area of land which is zoned SP2 Infrastructure. Despite this land contributing to the drainage function of Strangers Lake, it remains as undevelopable land in private ownership. This is a unique consideration for this particular parcel which results in a greater density on the developable portion of the land;
- The site is uniquely located adjoining the widest part of Strangers Lake, which provides substantial separation distance (110 metres) between this particular development site and the closest low density residential development fronting Edgewater Drive. Other site which front Strangers Lake/Creek within this area of the business park are in closer proximity to these low density residential areas (55-79 metres) and may be more limited in their ability to accommodate this scale; and

- The 2013 NSW Government's North West Rail Link Corridor Strategy identified two sites in the "Solent Circuit" Precinct that are strata titled, which is considered an impediment to redevelopment. To redevelop these sites a significant number of owners/lenders need to agree. This means it would be sometime in the future for these sites to redevelop to the suggested 2:1 floor space ratio and some adjoining sites are expected to remain unchanged in the short-term. This particular site can support the 2.5:1 FSR given its considerable setbacks to adjoining land uses and the contextual setting of being bound by Strangers Lake, Burbank Place and Solent Circuit. The additional FSR will enable a building of high quality to be erected.

It is clear that this site as well as nearby B7 zoned land along Solent Circuit provides opportunity for increased intensity of jobs within a walkable distance from the Metro and the applicant's request for this site would lift the current capacity of the site from 700 jobs to 1,389 jobs. However, if this same extent of uplift (double the intensity of jobs) was to be replicated throughout the entire Norwest Business Park, there would be obvious flow on effects relating to traffic generation, increased pedestrian traffic and increased demand on existing services and facilities.

This report contains analysis with respect to the demand for parking within walkable catchments of metro stations and through utilising a reduced parking rate, suggests an approach that would enable for the doubling of employment capacity on land within the business park without any significant increase in the number of parking spaces or the extent of traffic generated by commercial development in comparison to outcomes already permissible under the current controls. This would in turn allow for public benefits in association with proposals to be focussed not only on traffic upgrades, but also more broadly on improving the public domain and pedestrian connectivity throughout the Business Park.

This report recommends that Council prepare and submit a planning proposal to the Department of Planning, Industry and Environment to enable the density uplift sought by the applicant (34,725m² of commercial gross floor area) within a built form of up to 12 storeys in height (as opposed to the 16 storey height limit requested by the applicant). This lower scale built form would be facilitated through the application of a reduced parking rate and the subsequent removal of proposed above ground parking levels.

While the commercial density sought is marginally in excess of that anticipated within the Corridor Strategies, the proposal is broadly consistent with the strategic planning framework and the applicant has adequately demonstrated through site specific investigations that the proposed yield can be accommodated within an appropriate built form outcome.

Should the proposal proceed to Gateway Determination, this would provide the Proponent with an indication that Council is supportive of the strategic intent of the proposal and enable further work to be completed with respect to:

- Traffic upgrades required within the Norwest Precinct to support strategically identified uplift (this would be an outcome of regional traffic modelling work for the Norwest Precinct which is being funded by Transport for NSW); and
- Public benefits and contributions associated with the proposal including potential upgrades to public domain and pedestrian connectivity within Norwest.

The proposal could also then be subject to consultation with the community and any relevant State Government authorities to enable their views to be considered by Council.

Following any consultation period, Council would have further opportunity to consider the proposal having regard to the outcomes of regional traffic modelling work, negotiations with the applicant with respect to public benefits and feedback received from the community and State Government agencies. At that time, Council could determine whether or not the proposal is suitable to proceed to finalisation.

APPLICANT

Urbis Pty Ltd on behalf of GU Custodian Pty Ltd

OWNERS

GU Custodian Pty Ltd

POLITICAL DONATIONS

Nil disclosures by the Proponent.

THE HILLS LEP 2012 AND STRATEGIC PLANNING FRAMEWORK

Controls	Current Controls	NWRL Corridor Strategy	Hills Corridor Strategy	Proposed by Proponent (August 2019)	Council Officer Recommendation
Zone	B7 Business Park SP2 Infrastructure	No change	No change	B7 Business Park SP2 Infrastructure Additional Permitted Uses in SP2 Zone: Building Identification Signs, Business Identification Signs, Commercial Premises and Office Premises	B7 Business Park SP2 Infrastructure
Height	10 storeys (RL 116m)	8-10 storeys	6-12 storeys	16 storeys (RL 141.5m)	12 storeys (RL 126m)
FSR	1.4:1	2:1 (2.3:1 based on B7 zoned land only)	2:1 (2.3:1 based on B7 zoned land only)	2.5:1 (2.8:1 based on B7 zoned land only)	2.8:1 to B7 zoned land only.
Empl. GFA	17,300m ²	27,780m ²	27,780m ²	34,725m ²	34,725m ²
Jobs	700	1,111	1,111	1,389	1,389

Table 1
The Hills LEP 2012 and Strategic Planning Framework

HISTORY

- 2004** Existing development approved with a combined gross floor area of 13,890m² and 687 car parking spaces.
- 26/11/2013** 7th storey addition to the existing building at 2 Burbank Place approved, facilitating an additional 2,293m² of gross floor area (this consent was not acted upon and has since lapsed).
- 2/10/2015** Previous planning proposal for the site was finalised, permitting an increase in FSR from 1:1 to 1.4:1 and a total gross floor area of 17,300m². The uplift permitted by this previous planning proposal has not been achieved on the site, with the existing development comprising 13,890m² of gross floor area (equivalent to an FSR of 1:1).
- 29/05/2018** New planning proposal lodged with Council (18/2018/PLP) seeking to increase the FSR from 1.4:1 to 2.5:1 and increase the maximum building height to facilitate up to 22 storeys.
- 07/08/2018** Councillors briefed on the planning proposal at Councillor Workshop
28/09/2018 Additional information lodged which reduced the overall height of the proposed building by 5 metres, whilst still proposing a 22-storey built form.
- 15/05/2019** Planning proposal considered by the Local Planning Panel who advised that the proposal should not proceed to Gateway Determination. The Panel's advice is provided as Attachment 1 to this report. Following receipt of the Local Planning Panel's advice, the Proponent requested the opportunity to consider revisions to the proposal and submit additional information.
- 01/08/2019** Revised proposal submitted seeking to enable an FSR increase from 1.4:1 to 2.5:1 within a reduced built form of up to 16 storeys.
- 03/09/2019** Councillors briefed on the revised planning proposal at Councillor Workshop.
- 17/10/2019** Revised planning proposal and additional information considered by the Local Planning Panel who advised that a revised version of the proposal should proceed to Gateway Determination. The Panel's advice is provided as Attachment 2 to this report.

REPORT

The purpose of this report is to consider a planning proposal to amend The Hills LEP 2012 as it relates to land at 2-4 Burbank Place, Norwest.

1. THE SITE

The site is located within the Norwest Business Park. It is irregular in shape and has an area of approximately 13,897m². Access to the site is provided at three (3) different points along Burbank Place. It is approximately 750m walking distance from the Norwest Railway Station and is surrounded by commercial buildings and Strangers Lake, with low and medium density residential uses on the opposite side of the lake. Strangers Creek is located to the north of the site.

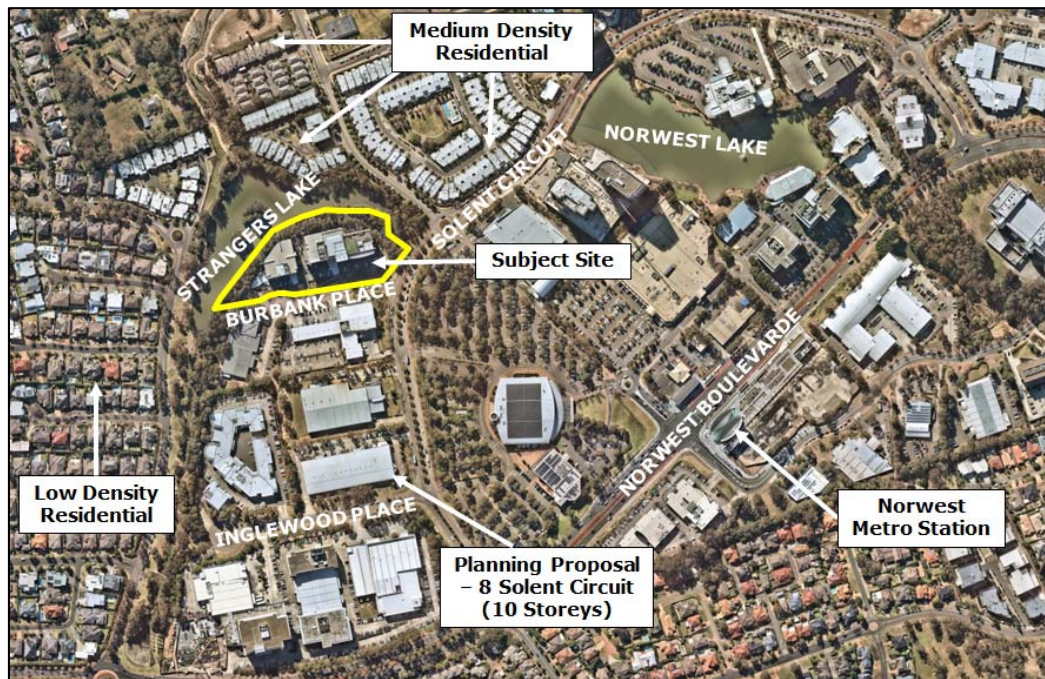


Figure 1
Site and locality (13,897m²)

The majority of the site is zoned B7 Business Park, with a small portion zoned SP2 Infrastructure Drainage (1,545m²) fronting Strangers Lake.

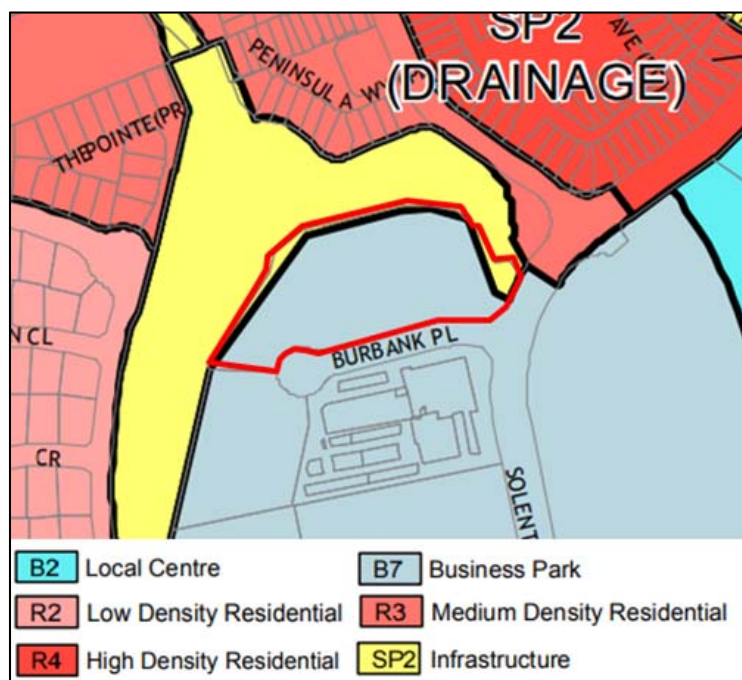


Figure 2
Current LEP 2012 zoning map

The subject site currently contains two office buildings which are 4-6 storeys in height, accommodating a combined gross floor area of 13,890m². The existing development outcome on the site has a floor space ratio of approximately 1:1. The existing development includes 687 parking spaces, which is equivalent to rate of 1 space per 20m² of gross floor area.

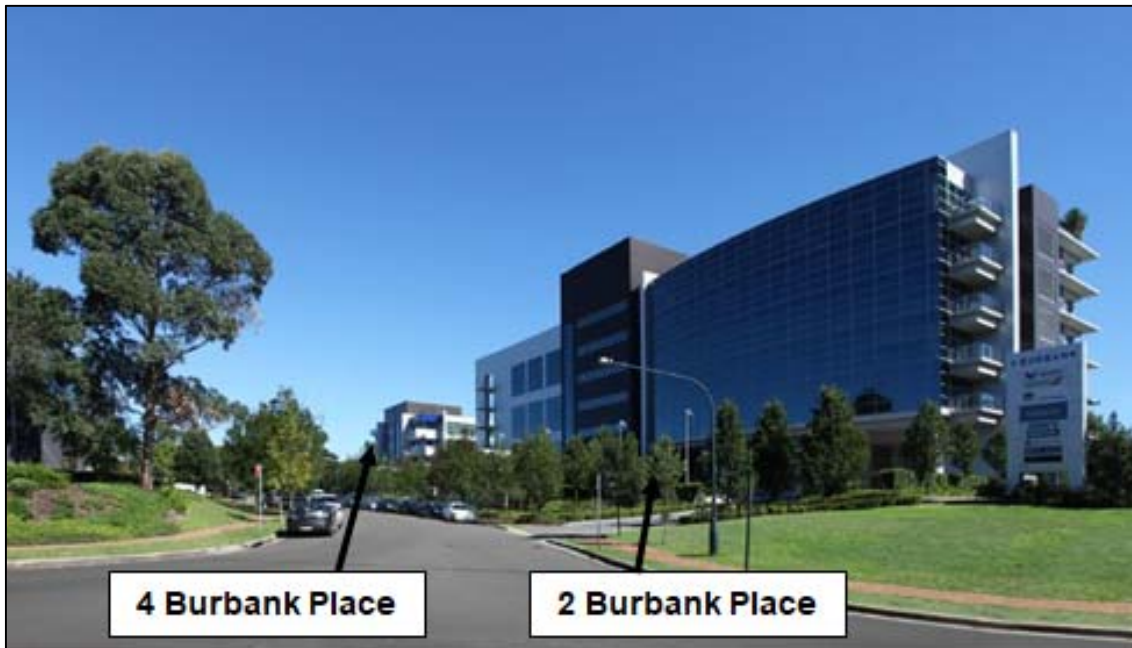


Figure 3
Existing development as viewed from Burbank Place



Figure 4
Existing development on the site viewed from across Strangers Lake

In 2013, development consent was issued for 2,293m² of additional commercial office space as a 7th floor addition to 2 Burbank Place however this was not constructed and the consent has since lapsed.



Figure 5

Previously approved 7th Level at 2 Burbank Place not constructed (existing building envelope in red)

The site was subject to a previous planning proposal (8/2015/PLP) which was finalised in October 2015. This previous proposal amended the floor space ratio from 1:1 to 1.4:1 however this uplift has not yet been taken up.

2. PREVIOUS CONCEPTS/PROPOSALS

The planning proposal was originally submitted in May 2018. It sought to amend LEP 2012 to increase the maximum floor space ratio from 1.4:1 to 2.5:1 and increase the maximum building height from RL 116 metres (10 storeys) to RL 163 metres (22 storeys).

The proposed amendments were intended to facilitate a total commercial gross floor area on the site of 34,725m², through retention of the existing 6 storey building at 2 Burbank Place (including a 7th storey addition) and development of a new 22 storey building at 4 Burbank Place, comprising 11 storeys of commercial office space, a lobby and café, 9-10 levels of above ground parking and 2 levels of basement car parking. The original proposal sought to provide 1,197 parking spaces at a rate of 1 space per 29m².

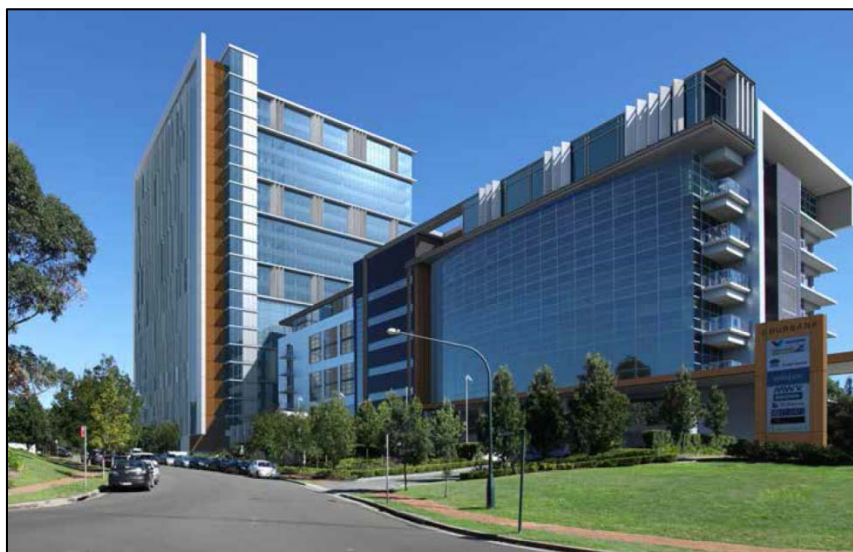


Figure 6

May 2018 Concept - proposed elevation from Burbank Place showing 22 storey development



Figure 7

May 2018 Concept - proposed view from Strangers Lake

In September 2018, the Proponent amended the concept to reduce the overall building height by 5 metres (the number of storeys proposed remained unchanged however the overall building height was reduced by replacing a number of proposed adaptable above ground car parking levels with standard/non-adaptable parking levels, which have reduced floor-to-ceiling heights).

3. DESCRIPTION OF THE PLANNING PROPOSAL

The Proponent submitted a revised proposal in August 2019. The revised concept proposes to retain the existing 6 storey building at 2 Burbank Place (including a 7th storey addition – as previously approved) and replace the existing building at 4 Burbank Place with a 16 storey office development comprising eleven (11) storeys of commercial office space, four (4) levels of above ground parking, a lobby and café, and two (2) levels of basement parking. The planning proposal would still enable a total gross floor area of 34,725m², albeit in a lower scale built form than originally proposed.

To achieve this development outcome, the proposal, as submitted by the Proponent, seeks to amend LEP 2012 as follows:

- Increase the maximum Floor Space Ratio applicable to the portion of the site zoned B7 Business Park from 1.4:1 to 2.5:1 and also apply a maximum Floor Space Ratio of 2.5:1 to the portion of the site zoned SP2 Infrastructure (currently no FSR applicable);
- Increase the maximum Height of Buildings from RL 116m (10 storeys) to RL 141.5m (16 storeys); and
- Permit building identification signs, business identification signs, commercial premises and office premises on the SP2 Infrastructure (Drainage) portion of the site under Schedule 1 – Additional Permitted Uses.

The proposals seeks to permit additional permitted use within the portion of the site zoned SP2 Infrastructure (Drainage) and apply an FSR of 2.5:1 to this area in order to enable the

Proponent to rely on this land area for the purpose of calculating the total permissible floor area. This approach would enable a floor space ratio which is equivalent to 2.8:1 when applied only to the developable area of the site (being the portion zoned B7 Business Park).

The proposal includes 872 parking spaces, based on the application of Council's Commercial Centres parking rate (1 space per 40m² of gross floor area).

The Proponent's development concept is provided below. It is noted that while the proposal seeks to amend the controls applicable to the entire site, the proposed redevelopment relates only to land at 4 Burbank Place.



Figure 8
Proposed height distribution across the site



Figure 9
Development concept - Elevation from Burbank Place



Figure 10
Development concept - Elevation from Strangers Lake

A comparison between the existing controls and the original (May 2018), revised (September 2018) and current (August 2019) versions of the proposal is provided below. It is noted that

the primary change relates to a reduction in the height of the building as a result of the removal of 6 levels of proposed above ground parking (325 spaces).

	Existing Controls	Original Proposal (May 2018)	Revised Proposal (September 2018)	Revised Proposal (August 2019)
Zone:	Part B7 Business Park and Part SP2 Infrastructure (Drainage)	No change	No change	No change
Maximum Height:	RL116 m (10 st)	RL163 m (22 st)	RL157.8 m (22 st)	RL141.5 m (16 st)
Maximum FSR:	1.4:1 (applied to B7 zoned land only)	2.5:1* (applied to B7 and SP2 zoned land) * Note: Equivalent to 2.8:1 if applied to B7 zoned land only	2.5:1* (applied to B7 and SP2 zoned land) * Note: Equivalent to 2.8:1 if applied to B7 zoned land only	2.5:1* (applied to B7 and SP2 zoned land) * Note: Equivalent to 2.8:1 if applied to B7 zoned land only
Schedule 1 Additional Permitted Uses:	None	In SP2 Infrastructure Zone: Building Identification Signs, Business Identification Signs, Commercial Premises and Office Premises		
Car Parking	1,389 spaces (1 space / 25m ²)	1,197 spaces (1 space / 29m ²)	1,197 spaces (1 space / 29m ²)	872 spaces (1 space / 40m ²)

Table 2
Proposed Amendments to LEP 2012

4. MATTERS FOR CONSIDERATION

The planning proposal requires consideration of the following matters:

- a) Density and Floor Space Ratio
- b) Additional Permitted Uses and Application of Floor Space Ratio
- c) Suitability of Built Form Outcome
- d) Traffic and Parking
- e) Relationship between Traffic, Parking, Built Form and Commercial Investment
- f) Strategic Context;
- g) Local Planning Panel.

a) Density and Floor Space Ratio

The planning proposal seeks to facilitate a Floor Space Ratio (FSR) of 2.5:1 across the entire site, which is equivalent to 2.8:1 when calculated based on the developable area of the site zoned B7 Business Park. This would allow for 34,725m² of commercial gross floor area to be achieved, with an anticipated employment yield of nearly 1,400 jobs (in comparison to the 700 jobs which could be achieved under the current controls).

It is noted that both the North West Rail Link Corridor Strategy and The Hills Corridor Strategy anticipate a slightly lower density of 2.3:1 for this site (based on the developable area zoned B7 Business Park). Notwithstanding this, the proposed density of 2.8:1 is considered appropriate in the context of this site, for the following reasons:

- The site is located within the Norwest Strategic Centre and within 750 metres of the newly opened Norwest Station. The proposed commercial development uplift will enable for the delivery of nearly 1,400 jobs on the site, within walking distance to high-frequency public transport. The additional commercial floor space will present growth opportunities for local businesses.
- The site is located within the Commercial Office Precinct of the Norwest Strategic Centre. The proposal is entirely consistent with the objectives of the B7 Business Park Zone and does not seek to introduce any residential or other incompatible uses on the site. The proposal would assist in reinforcing and protecting the role of strategically identified employment lands within Norwest and will promote the long term commercial viability of the Precinct.
- The North West Rail Link Corridor Strategy and The Hills Corridor Strategy are strategic documents which articulate high level outcomes. Both strategies are precursors to detailed precinct planning and site specific investigations, through which the anticipated outcomes can be verified and refined. The Proponent has completed these site specific investigations through the planning proposal process and as detailed within this report, has been able to satisfactorily demonstrate the merits and benefits of enabling a marginally higher employment FSR on this site.
- The densities anticipated under The Hills Corridor Strategy for this particular area of the Business Park reflected the potential for impacts on residential land beyond the Precinct boundary. The subject planning proposal has presented the opportunity to further assess and identify the most appropriate FSR in this location. In this instance, the site's proximity to Strangers Lake, existing vegetation screening (which will be retained) and its separation to nearby residential dwellings presents the opportunity to facilitate commercial uplift without adversely impacting on the amenity of residents (this is discussed further in Section 4(b) below).
- The site is also in singular ownership, which provides a level of certainty that this outcome would be delivered. The proposed uplift has been presented by the Proponent as a feasible development outcome which will enable the uplift to be achieved on the site, without major disruption to the existing commercial premises already operating on a portion of the site at 2 Burbank Place.

b) Additional Permitted Uses and Application of Floor Space Ratio

The planning proposal seeks to allow additional permitted uses over the portion of the site zoned SP2 Infrastructure and also apply an FSR of 2.5:1 to this land. While the proposal does not identify any intention to physically develop on this part of the site, this approach would enable the SP2 zoned land to be included for the purpose of calculating floor space potential on the developable portion of the site. This would recognise the fact that unlike the majority of SP2 zoned land, this portion of the site will be retained in private ownership and as such, the proponent is seeking to realise some development potential associated with this burden.

It is reasonable for the proposal to recognise and facilitate development potential associated with the SP2 zoned land (albeit not physically on this land), however the mechanism proposed is inappropriate as it would not align with the objectives of the SP2 Infrastructure Zone and would remove protection against inappropriate development outcomes on flood prone land. It would also reduce the transparency of the controls applicable to the site, as an FSR of 2.5:1 (applied to the whole site) would actually enable a development outcome equivalent to an FSR of 2.8:1 on the developable portion of the land.

Accordingly, should the extent of commercial uplift proposed be supported, the planning proposal should simply and transparently apply a floor space ratio of 2.8:1 to the portion of the land zoned B7 Business Park. This more clearly represents the outcome demonstrated within the Proponent's development concepts which would be enabled by the planning proposal.

c) Suitability of Built Form Outcome

The proposed floor space ratio of 2.5:1 (equivalent to 2.8:1 if applied only to B7 Business Park zoned land) would typically be achievable within a built form ranging from 6-12 storeys in height (assuming redevelopment of the entire site).

In contrast, the proposal seeks to facilitate a taller 16 storey building at 4 Burbank Place as a result of the following factors:

- The proposed retention of the existing 6 storey building at 2 Burbank Place, resulting in the concentration of the additional gross floor area into one single building at 4 Burbank Place; and
- The proposed inclusion of 872 parking spaces, to be accommodated within 2 existing basement levels and 4 additional storeys of above ground car parking. The above ground car parking has been proposed in response to economic constraints, primarily the increased engineering requirements associated with providing any more than 2 levels of basement car parking adjoining the lake (which already exist and are proposed to be retained). Whilst an engineering solution to allow further basement car parking in close proximity to the lake may be achievable, there are substantial costs associated with such a design, including water proofing and specialised excavation and shoring measures. The Proponent has advised that these additional costs would be cost-prohibitive and render the commercial development uplift unviable.

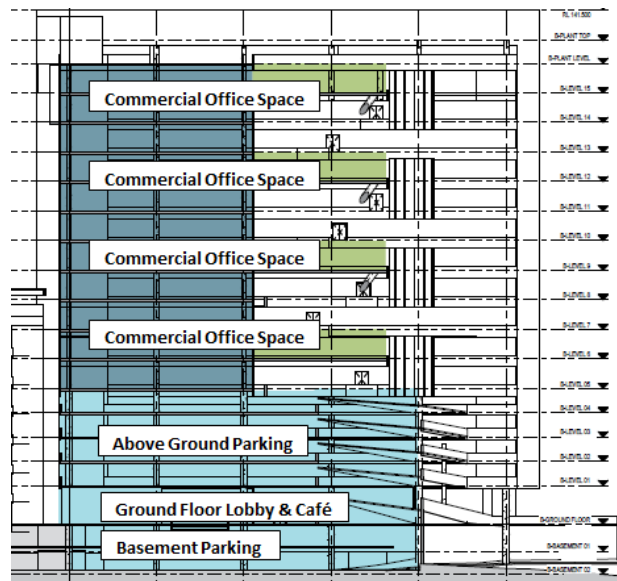


Figure 11
Proposed Building Elevation

While it is acknowledged that the proposed 16 storey outcome is marginally taller than previously anticipated under the strategic planning framework, it is considered to be appropriate on this specific site given:

- The site adjoins Strangers Lake, which provides substantial separation distance from nearby residential areas of 70 metres (from medium density and high residential development to the north) and 110 metres (from low density development fronting Edgewater Drive). As shown below, the extent of separation distance provided by Strangers Lake is relatively unique to this individual site and as such, the proposal would not set a precedent for similar outcomes on other sites at the periphery of the precinct which are substantially closer to nearby residential development.



Figure 12

Separation between low density residential development and medium/high density development at the periphery of Norwest Business Park

- While vegetation surrounding Strangers Lake provides visual screening of the first 5-6 storeys of the commercial development, the top of the existing building is already visible from nearby residential areas as it marginally exceeds the tree line. The current controls would already permit a 10 storey development outcome on this land and as such, any further commercial development uplift on the site (even under the current controls) would result in a built form that is visible from nearby residential areas. The site is located within the Norwest Business Park and Strategic Centre and as such, it is not unreasonable to expect that well-designed commercial office buildings will be visible on this and other nearby land, from nearby residential areas which have an outlook towards the Business Park.



Figure 13

Existing development at Burbank Place viewed from across Strangers Lake

- The proposal would be unlikely to have any unreasonable amenity or visual impacts on nearby residential development, noting the reasonable expectation that commercial buildings will be visible from residential developments which overlook the Norwest Business Park. Potential solar access impacts would be limited to some overshadowing of a number of nearby residential properties between 9am and 10am on the Winter Solstice, with no overshadowing impact on any residential dwellings from 10am onwards.



Figure 14

Shadow diagrams of proposed built form

- The proposed 16 storey outcome would align with the envisaged future character of commercial development within the surrounding locality, as expressed within the strategic planning framework and emerging through recent proposals for other sites. As demonstrated below, the absolute height of the proposed building would be approximately 42 metres less than the proposed height currently envisaged on the station site. For reference, the absolute height of the proposed 16 storey building would be similar to the finished level of “The Esplanade” development which is currently under construction (refer to ‘Site E’ in the figure below) and would be distinctly lower than the tallest buildings envisaged at and around the station site.

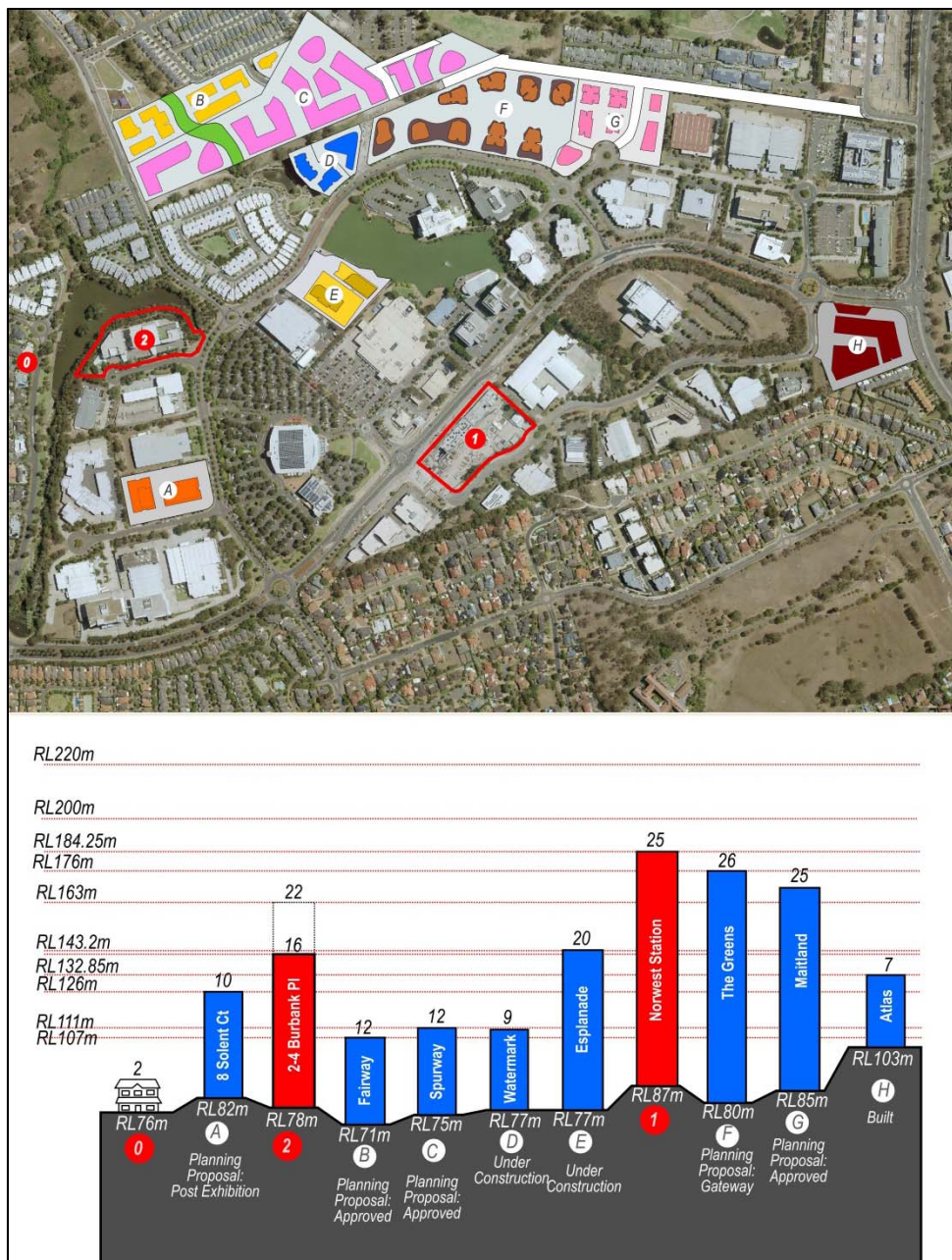


Figure 15

Comparison of heights for planning proposals that have been progressed in the Norwest Precinct

- The Bella Vista Homestead Complex is a state-significant heritage conservation area located approximately 640m from the subject site. The significance of the site is linked to its ridgetop location and the views to and from the site in the locality. The proposal is not located within any specifically identified view corridors however it would nonetheless impact on panoramic views from the Farm, along with all other strategically identified development uplift within the Norwest, Bella Vista and Kellyville station precincts. Should the planning proposal proceed, it is anticipated that consultation with the Department of Environment, Energy and Science would be required as a condition of any Gateway Determination issued.

As detailed above, it is considered that the proposed 16 storey outcome can be appropriately accommodated on the site, without any unreasonable adverse impacts on nearby residential development. Furthermore, a 16 storey outcome would be compatible with the future character anticipated for the surrounding locality and broader Norwest Precinct.

Notwithstanding this, it is also noted that the same commercial uplift and density could be achieved on the site within a lower scale 12 storey built form, if a lower parking rate were applied to the site (enabling removal of 4 storeys of above ground parking). The merits of this alternative building height are discussed further in Sections 4(e) and 5 of this report.

d) Traffic and Parking

i. Traffic Generation

A traffic report has been prepared and submitted by the Proponent, based on the initial development concept of a 22-storey building with 1,197 car parking spaces (at a rate of 1 space per 29m² GFA). The assessment estimates that the proposed redevelopment of the site would generate an additional 330 AM trips and 250 PM trips and concludes that the proposed development will only marginally affect the Level of Service of all major approach roads to the site, stating that:

- The intersection of Solent Circuit between Norwest Boulevard and Inglewood Place would operate at Level of Service "B" or better;
- The intersection of Norwest Boulevard between Windsor Road and Columbia Place would operate as Level of Service "C";
- All other roads would continue to operate at their current levels of service;
- The proposed development would not affect the current operation of the intersection of Norwest Boulevard with Windsor Road;
- The proposed development would not affect the current operation of the intersection of Solent Circuit with Fairway Drive; and
- The provision of traffic signals at the intersection of Norwest Boulevard and Solent Circuit East as well as Norwest Boulevard, Solent Circuit West and Reston Grange would result in considerably improved conditions within the locality.

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

However, Transport for NSW has recently committed to funding the required regional traffic modelling work for the Castle Hill, Showground and Norwest Precincts and tendering for this work has commenced. This modelling will analyse the impacts of cumulative growth anticipated within the Norwest Precinct and identify any required traffic infrastructure

upgrades or improvements required to support this growth. Should the proposal proceed to Gateway Determination, it is anticipated that there would be further opportunities through the subsequent process to consider the proposal in light of the outcomes and findings of the regional traffic and transport modelling, once completed. Discussions with the Proponent would also be required to ensure that future development on the site makes a fair and reasonable contribution towards future traffic and public domain upgrades required to support growth within the Norwest Precinct.

ii. Car Parking

In May 2019, the Local Planning Panel raised significant concerns with respect to the original proposal to include 9-10 levels of above ground car parking. In response to this advice, the Proponent has reiterated the engineering and viability constraints to providing any more than two (2) basement parking levels and has amended the proposal to reduce the provision of car parking on the site, enabling the subsequent removal of 6 storeys of proposed above ground parking.

Based on the extent of commercial uplift sought, a comparison between existing and proposed parking rates, as well as the resultant built form outcome, is provided below.

	Existing DCP Requirement	Original Proposal (May 2018)	Revised Proposal (September 2018)	Revised Proposal (August 2019)
Car Parking	1,389 spaces (1 / 25m ² GFA)	1,197 spaces (1 / 29m ² GFA)	1,197 spaces (1 / 29m ² GFA)	872 spaces (1 / 40m² GFA)
Built Form	24 storeys	22 storeys	22 storeys	16 storeys

Table 3
Comparison of Parking Rates

The Proponent's revised proposal utilises Council's Commercial Centres parking rate, which was established prior to the opening of the Sydney Metro Northwest and has been applied to the centres of Castle Hill, Rouse Hill and Baulkham Hills in recognition of the availability of bus services to and from these centres. While the Commercial Centres rate has not been revisited following the opening of the Sydney Metro Northwest and does not currently apply to the Norwest Strategic Centre, information submitted by the Proponent justifies the application of this rate on the following grounds:

- The site is within easy walking distance of the now operational Sydney Metro Northwest. The current parking rates applicable to the Norwest Precinct were established prior to the availability of high-frequency public transport and no longer accurately reflect the level of demand for parking within this precinct;
- Departure from current DCP rates is considered appropriate at this early point in the planning proposal process, in parallel to concurrent traffic modelling for the Norwest Precinct which can be used to verify the adequacy of the rates prior to finalisation of the planning proposal;
- The traffic assessment (trip generation calculations and intersection performance) demonstrates satisfactory traffic outcomes when a parking rate of 1 space / 29m² GFA is applied. A further reduction in the number of parking spaces will therefore result in even lower trip generation from the proposed development; and

- The proposal is accompanied by a commitment to implement a Green Travel Plan which encourages and facilitates an increased mode shift towards public transport.

It is acknowledged that the parking rate currently applicable to the Norwest Precinct (1 space per 25m² of GFA) is broadly equivalent to 1 space for every employee within a development, which assumes that nearly 100% of workers will access the site using private vehicle and 0% of workers will utilise public transport. Accordingly, despite the strategically identified development uplift being directly related to the provision of the Sydney Metro Northwest, the continued application of this rate would fail to take into account any change to the travel behaviour of workers as a result of the site now being located within 750 metres walking distance of high frequency public transport.

The Proponent has proposed application of Council's Commercial Centres Rate, identifying that this is an alternative and lower rate which already applies to a number of other centres within The Shire. However, it is noted that Council's Commercial Centres parking rate was also established prior to the opening of the Sydney Metro Northwest and has typically been applied in recognition of the availability of bus services to and from the centres of Castle Hill, Rouse Hill and Baulkham Hills, not the availability of the Sydney Metro Northwest.

In order to investigate a more appropriate parking rate to apply to land within a walkable catchment of the Sydney Metro Northwest, detailed analysis of other high density employment centres which are serviced by high frequency public transport has been undertaken. These centres include Macquarie Park, St Leonards, Parramatta, Chatswood, Bondi Junction and North Sydney. Whilst these locations are not considered to be directly comparable to the site in terms of character, scale and built form, they are considered to provide a reasonable indication of future travel behaviour of workers, to assist with establishing an assumption regarding the likely future vehicular trips/parking requirements associated with development.

The analysis has considered 2011 Census Journey to Work data to determine the percentage of workers that drive to work by private vehicle (unfortunately, Journey to Work data derived from the 2016 Census is not available for specific employment areas). Based on the 2011 data, the percentage of workers that drove to a place of work within an approximate 800 metres radius from each station was as follows:

- St Leonards – 40%
- Parramatta – 43%
- Chatswood – 41%
- Bondi Junction – 32%
- North Sydney – 26%
- Macquarie Park – 64% (it is noted that as the operation of the Epping to Chatswood rail line (through Macquarie Park) only commenced in 2009, this figure may not accurately reflect increasing patronage of the railway over time and the longer term shift in travel behaviour).

On average, approximately 40% of workers within 800 metres of the above stations drove to work via private vehicle. If the data for Macquarie Park were to be excluded, the average of workers that drove to work via private vehicle would reduce to 36%. If it is assumed that a similar modal split is experienced within Norwest in the future, demand for parking spaces within the catchment of Norwest Station would be as follows:

- 1 space per 62.5m² of GFA, if 40% of workers arrive via private vehicle;
- 1 space per 71.4m² of GFA, if 35% of workers arrive via private vehicle; or

- 1 space per 83.3m² of GFA, if 30% of workers arrive via private vehicle.

Neither the existing parking rate applicable to the site nor the Commercial Centres parking rate has been updated to respond to the provision of the Sydney Metro Northwest. Further, both parking rates assume that over the longer term, despite the Metro, a substantially high proportion of workers (between 65%-100% of workers) will continue to access Norwest Business Park via private vehicle, in comparison to the data for other comparable centres where only 26%-43% of workers drive via private vehicle.

Having regard to the above, it is appropriate to consider a reduction in the minimum rate of parking required on the site, with the above data indicating that a more appropriate parking rate for commercial development within the Norwest Precinct would be in the range of between 1 space per 60m² of GFA and 1 space per 80m² of GFA.

While it is difficult to quantify the exact extent of modal shift to public transport only months after the commencement of Metro services, a rate of 1 space per 60m² would represent a reasonable reduction to parking requirements given the recent provision of the Sydney Metro Northwest, whilst still remaining conservative and providing sufficient parking to enable 40% of future workers to access the site via private vehicle. This rate would also align with Council's recent decision with respect to the planning proposal for the Norwest Station Site, where Council resolved to apply a reduced parking rate of 1 space per 60m² GFA.

It is recommended that if Council were to proceed with this reduced parking rate, it should be expressed as a minimum parking rate, which would result in the requirement for 579 spaces to be provided in association with the proposal. Parking requirements are currently specified as *minimum* rates within Council's DCP and are not mandated through primary controls contained within Council's LEP. When specified as *minimum* parking rates, individual developers would continue to have discretion to provide parking at a higher rate on any individual site, in response to market demands or the requirements of any specific tenants.

Further, as the planning proposal primarily relates to amendments to the primary controls under LEP 2012 (to increase the maximum FSR and building height), should the substantive elements of the planning proposal proceed to Gateway Determination, there would be further opportunity to re-assess parking requirements for this site and the broader Norwest Precinct through amendments to Council's DCP, as regional traffic modelling work for the Precinct is completed and further data on patronage of the Metro becomes available.

e) Relationship between traffic, parking, built form and commercial investment

Having regard to the recent opening of the Sydney Metro Northwest and the strategically anticipated uplift in development yields within the Norwest Business Park, it is critical to consider the inherent relationship between increased yield, car parking rates, traffic generation and the viability of commercial investment within the Norwest Precinct.

For example, the current maximum floor space ratio of 1:1 which broadly applies to the area of the Business Park bound by Norwest Boulevard, Solent Circuit and Strangers Creek (see below) would accommodate commercial development with approximately 3,672 jobs and approximately 3,672 associated car parking spaces (based on the minimum parking rate currently applicable under the DCP). The extent of traffic generated by a development is causally related to the availability (or otherwise) of car parking within that development and it can therefore be reasonably assumed that the capacity of the current road network surrounding this development area has been planned to accommodate the local traffic associated with up to 3,672 car parking spaces within this area.

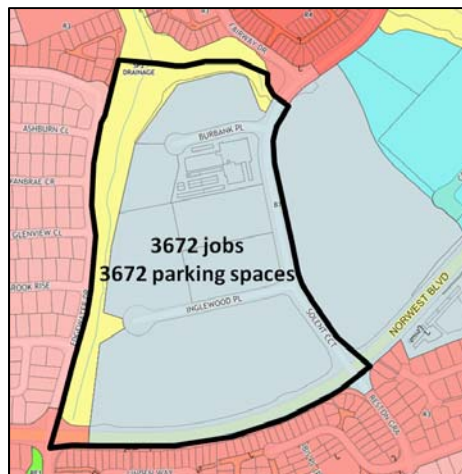


Figure 16

Potential jobs (and parking spaces) under current controls within the western frame of Norwest Business Park

As a result of the Sydney Metro Northwest, the Strategic Framework (The North West Rail Link Corridor Strategy and The Hills Corridor Strategy) now anticipates significant uplift in development potential, broadly equivalent to a doubling of the existing maximum floor space ratio applicable to this land (from 1:1 to 2:1).

While it is acknowledged that any uplift in development potential will require associated improvements to the surrounding traffic network (to be further identified through regional traffic modelling for the Precinct), the parking rates that Council chooses to apply in association with the anticipated development uplift will ultimately be a key determinative factor in the extent of increased traffic and scale (and cost) of upgrades required. A high-level analysis of the increased number of parking spaces (and traffic generation) that would be associated with anticipated development uplift dependent on the application of different parking rates is provided below.

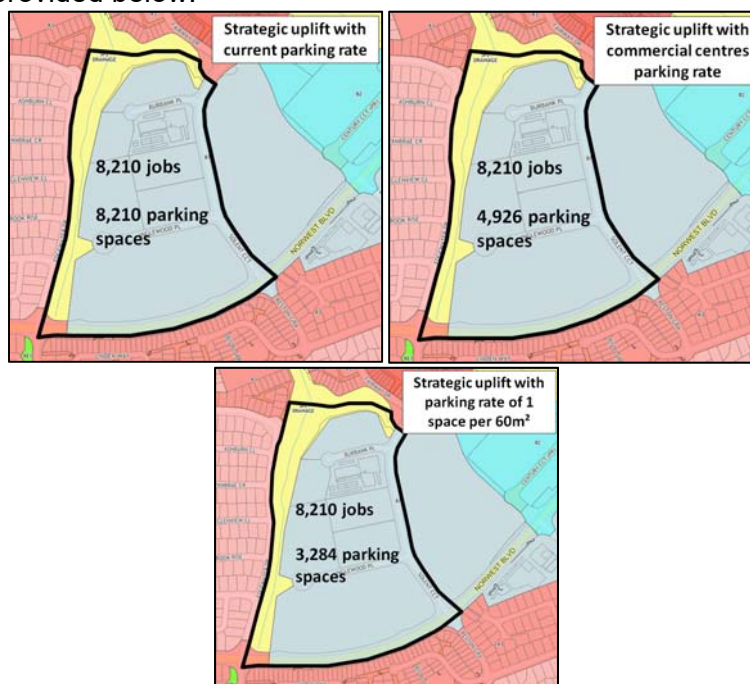


Figure 17

Parking spaces required in association with uplift anticipated under The Hills Corridor Strategy

Having regard to the discussion and analysis above, the following is noted:

- An average increase in the maximum floor space ratio applicable to this area from 1:1 to 2:1, with continued application of the existing DCP parking requirement (1 space per 25m²), would result in double the number of parking spaces within this area and as a result, double the potential extent of traffic generation compared with development permitted under the current controls.
- An average increase in the maximum floor space ratio applicable to this area from 1:1 to 2:1, with application of the Council's Commercial Centres Rate (1 space per 40m²), would result in a 34% increase in the number of parking spaces within this area and as a result, a potential increase of 34% in the extent of traffic generation associated with employees compared with development permitted under the current controls.
- An average increase in the maximum floor space ratio applicable to this area from 1:1 to 2:1, with application of a reduced parking rate of 1 space per 60m² of GFA, would result in a net decrease of 10.6% in the number of parking spaces within this area and as a result, no major increase in the extent of traffic generation associated with employees compared with development permitted under the current controls.
- The high cost of providing car parking, high minimum parking rates and need for improvements to the public domain and walkability within the Norwest Precinct are often cited as key barriers to attracting commercial investment. In comparison to the current DCP parking rate of 1 space per 25m², the application of a reduced parking rate of 1 space per 60m² of GFA would reduce the potential cost of development within this area of the Precinct by up to \$250-\$300 million (assuming an average cost of between \$50,000 and \$60,000 per space). This would greatly reduce the barrier to financial investment in Norwest and enable a greater contribution from development towards improving the public domain within the Precinct.

In proceeding with precinct planning for the Norwest Precinct and in the assessment of site-specific planning proposals, it is critical to consider the balance between:

- a) Enabling strategically identified development uplift and capitalising on the Sydney Metro Northwest to increase the provision of jobs within the Shire;
- b) Minimising the potential traffic generation associated with strategically anticipated development uplift, to avoid exacerbating existing road congestion or incurring unfeasible infrastructure upgrade costs;
- c) Ensuring an adequate provision of *minimum* parking rates to align with forecast changes in travel behaviour within the catchment of the Norwest Station; and
- d) Reducing financial barriers to commercial investment within the Norwest Precinct as a result of high minimum car parking rates, whilst still retaining the flexibility for individual developers to provide parking at a higher rate in response to market demands and feedback.

With respect to specific outcomes for the proposal at 2-4 Burbank Place, a number of scenarios are provided below which demonstrate the general relationship between parking, traffic, built form and cost of development on the site:

Scenario 1 – Current Controls (Maximum Potential)

FSR	GFA	Jobs	Parking	Potential Employee Vehicle Trips	Indicative Cost of Parking	Height (storeys)
1.4:1	19,446m ²	778	778 spaces (1 / 25m ²)	778	\$38.9 million	9-10 storeys

Scenario 2 – Proposed Uplift to 2.8:1 on B7 zoned land, with current parking rate

FSR	GFA	Jobs	Parking	Potential Employee Vehicle Trips	Indicative Cost of Parking	Height (storeys)
2.8:1	34,725m ²	1,389	1,389 (1 / 25m ²)	1,389	\$69.5 million	24 storeys

Scenario 3 – Proposed Uplift - 2.8:1 on B7 zoned land, with Commercial Centres parking rate

FSR	GFA	Jobs	Parking	Potential Employee Vehicle Trips	Indicative Cost of Parking	Height (storeys)
2.8:1	34,725m ²	1,389	872 (1 / 40m ²)	872	\$43.6 million	16 storeys

Scenario 4 – Proposed Uplift - 2.8:1 on B7 zoned land, with parking rate of 1 space per 50m²

FSR	GFA	Jobs	Parking	Potential Employee Vehicle Trips	Indicative Cost of Parking	Height (storeys)
2.5:1	34,725m ²	1,389	695 (1 / 50m ²)	695	\$34.8 million	14 storeys

Scenario 5 – Proposed Uplift - 2.8:1 on B7 zoned land, with parking rate of 1 space per 60m²

FSR	GFA	Jobs	Parking	Potential Employee Vehicle Trips	Indicative Cost of Parking	Height (storeys)
2.8:1	34,725m ²	1,389	579 (1 / 60m ²)	579	\$30 million	12 storeys

Based on the above analysis, it is considered that Scenario 5 is the most appropriate and balanced outcome for the site, having regard to the strategically identified uplift, analysis of other comparable centres and the strategic relationship between parking, traffic, commercial investment and scale of resultant built form.

f) Strategic Context

- **Greater Sydney Region Plan**

Objective 14 of the Greater Sydney Region Plan seeks to integrate land use planning with transport and infrastructure corridors to facilitate a 30-minute city where houses, jobs, goods and services are co-located and supported by public infrastructure. The planning proposal is consistent with this objective as it seeks to facilitate additional commercial floor space and a greater number of jobs in an identified strategic centre and a specialised commercial office precinct. Objective 22 of the Greater Sydney Region Plan seeks to attract investment and business activity in strategic centres. The retention and growth of existing and new commercial office precincts is essential to grow jobs and in turn, Sydney's global competitiveness.

- **Central City District Plan**

Planning Priority C9 seeks to deliver the 30-minute city by integrating land use and transport planning. The planning proposal is consistent with this priority in that it seeks to locate employment opportunities within a 750m walking distance from the Norwest railway station.

Planning Priority C10 seeks to grow investment, business opportunities and jobs in strategic centres. The subject site seeks to facilitate additional commercial office space that will

support the viability of the centre as a commercial office precinct. Action 45 of the District Plan requires growth in commercial capacity in Norwest in order to achieve the centre's job targets. This action is the responsibility of Council along with other planning authorities and State agencies. The planning proposal will contribute approximately 700 additional jobs (1,400 total) towards the target of 49,000 to 53,000 total jobs identified for Norwest in the Plan.

▪ **North West Rail Link Corridor Strategy and The Hills Corridor Strategy**

A comparison between the existing controls, the proposal and the outcomes anticipated under the North West Rail Link Corridor Strategy and The Hills Corridor Strategy is provided within Table 1, earlier within this report.

North West Rail Link Corridor Strategy

The Structure Plan envisages a business park area surrounding the commercial core on the eastern and western frame of the Norwest Precinct (see figure below). As demonstrated below, the site is located within the identified "business park" area. This area will provide for the employment needs of the growing population and strengthen the prominence of the employment area. Future development in this area of the Precinct should integrate into the character of the area, with density, building bulk and scale transitioning downwards to integrate into low density areas adjoining the edge of the Precinct.

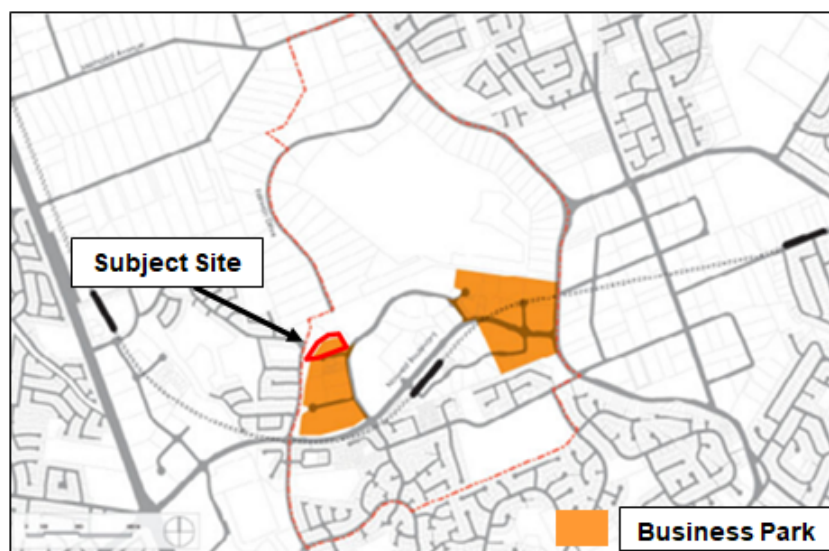


Figure 18

Business Park – Norwest Structure Plan

The proposed commercial use of the site and the increase in commercial floor space capacity are consistent with the Structure Plan. The Plan does not specify an indicative height range for the Business Park, however it does specify the need for carefully designed buildings that integrate into the character of the area. Further discussion with respect to the proposed built form outcome is contained within Section 4(c) of this report.

The Hills Corridor Strategy

The Hills Corridor Strategy identifies appropriate densities for development in the rail corridor to guide future precinct planning and planning proposals. It uses the principles of transit oriented development to identify where the highest densities should be located. The Strategy envisages the highest commercial density to be located in closest proximity to Norwest Station. It envisages an employment floor space ratio of 2.3:1 on the portion of the site

zoned B7 Business Park, which would broadly translate to a built form ranging from 6 to 12 storeys, if the floor space was evenly spread across the site.

In comparison, the planning proposal would enable an FSR of 2.8:1 on the portion of the site zoned B7 Business Park. While the proposed density is marginally higher than that anticipated for the site within the Corridor Strategy, it is considered appropriate as it will facilitate commercial floor space uplift in an appropriate built form which reinforces the role of Norwest Strategic Centre as a specialised commercial office precinct. This is discussed further within Section 4(a) and 4(c) of this report.

It is noted this report recommends an alternative outcome which would result in building heights on the site ranging from 7-12 storeys, consistent with outcomes anticipated under the Strategy.

Critically, the planning proposal positively demonstrates the viability of commercial development as a standalone product, without the introduction of residential or other mixed uses on the site. This is consistent with the vision for this land articulated within all levels of the strategic planning framework and as such, the additional uplift on this site is considered to be an appropriate and desirable outcome.

▪ **Local Strategic Planning Statement**

Council's Local Strategic Planning Statement and supporting strategies were recently publicly exhibited and adopted by Council on 22 October 2019. They are currently subject to the Greater Sydney Commission's "Assurance" process and have not yet been endorsed. They set the high-level strategic direction for the Shire with a framework for managing anticipated growth and delivering associated infrastructure to 2036. It is anticipated that the Shire's strategic centres will contribute 32,000 additional jobs, which is 23%-30% of the target for the Central City District. Norwest Business Park is the Shire's only specialised commercial office precinct, one of nine (9) across Greater Sydney.

The planning proposal is consistent with Planning Priority 1 – Plan for sufficient jobs, targeted to suit the skills of our workforce. The provision of commercial office space will facilitate the Shire's transition towards a more knowledge-based economy with a workforce that is predominantly highly educated and highly skilled. Planning Priority 2 seeks to build our strategic centres to realise their potential, particularly in Norwest, Castle Hill and Rouse Hill. The Norwest Business Park comprises significant employment land that facilitates a cluster of higher order employment. Within the business park, the Norwest Central Precinct is envisaged to facilitate enhanced office and business capacity. The planning proposal is consistent with this priority and vision.

Notably, the planning proposal is consistent with Council's strategic planning framework as it will provide commercial floor space only, rather than a mixed use residential outcome. Noting the mix of uses (and significant residential growth potential within the broader Norwest Station Precinct and Strategic Centre), the strategic framework clearly stipulates that residential floor space on the existing B7 Business Park areas would detract from the commercial function of employment lands, change land pricing signals, reduce investor confidence and undermine the retention, viability and flexibility of commercial development over the longer term. The planning proposal clearly demonstrates the viability of commercial office development without the introduction of other mixed uses on the site.

▪ **Section 9.1 Ministerial Directions**

Section 9.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) enables the Minister for Planning and Public Spaces to issue directions that Councils must address

when preparing planning proposals. An assessment of the proposal against the relevant Directions is provided below.

Direction 1.1 Business and Industrial Zones

This Direction seeks to encourage employment growth in suitable locations, protect employment land in business and industrial zones and support the viability of identified centres. The planning proposal is consistent with this Direction in that it seeks to facilitate additional commercial floor space within an existing business zone. The additional commercial office space will reinforce and support the viability of Norwest as a specialised commercial office precinct within Greater Sydney.

Direction 4.3 Flood Prone Land

The objectives of this Direction are to ensure 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. A planning proposal must not rezone land within the flood planning areas to:

- increase development potential or contain provisions that permit development in floodway areas;
- allow development that will result in significant flood impacts to other properties;
- permit a significant increase in the development of that land; or
- result in a substantially increased requirement for government spending on flood mitigation services, infrastructure or services.

The planning proposal, as submitted by the Proponent, is partly inconsistent with this Direction in that it seeks to permit additional uses within the SP2 Infrastructure – Drainage portion of the site. This part of the lot forms part of the drainage function associated with Strangers Lake and the 100 year ARI flood event. The proposed amendment to Schedule 1 Additional Permitted Uses would permit development on parts of the flood prone lot where it is currently prohibited and this element of the proposal is not supported. The use of Schedule 1 Additional Permitted Uses is discussed further in Section 4(c) of this report and should the planning proposal proceed to Gateway Determination, it is recommended that it should be amended to relate only to the portion of the site zoned B7 Business Park, which would result in consistency with this Direction.

Direction 5.9 North West Rail Link Corridor Strategy

This Direction aims to promote transit-oriented development, manage growth around the eight new train stations of the North West Rail Link (now known as Sydney Metro Northwest) and ensure that development within the corridor is consistent with the Corridor Strategy and precinct Structure Plans. A planning proposal within the Corridor must give effect to these objectives and be consistent with growth projections and proposed future character for each Precinct. The planning proposal is consistent with the principles of this Direction and is largely in line with the outcomes envisaged by the Strategy, especially noting the significant contribution towards job growth within the Norwest Business Park.

g) Local Planning Panel

The Hills Local Planning Panel has considered the proposal on two occasions. At its meeting on 15 May 2019, the Panel considered the originally proposed 22 storey outcome and advised that the proposal should not proceed to Gateway Determination. The Panel also advised that further consideration should be given to the potential to facilitate increased employment density on the land within an alternative and lower-scale built form to that

proposed (potentially ranging from 8-12 storeys, subject to further investigations, including traffic and transport modelling).

The revised proposal for a 16 storey outcome was considered by the Panel at its meeting on 17 October 2019. The Panel advised that a revised version of the proposal would be suitable to proceed to Gateway Determination, which enables the proposed uplift in density (floor space ratio of 2.8:1) to be achieved within a 12 storey built form through reducing the parking rate applicable to this site to 1 space per 60m² of gross floor area.

The minutes of the Local Planning Panel Meetings are provided as Attachments 1 and 2 of this report.

5. OPTIONS

The following options are presented for Council's consideration:

Option 1

The planning proposal not proceed to Gateway Determination as it exceeds the density and built form anticipated within the applicable strategic planning framework and precedes the completion of detailed precinct planning for Norwest, including regional traffic modelling.

Option 2 – 16 Storey Outcome (as submitted by the Proponent)

A planning proposal proceed to Gateway Determination to enable the outcome as submitted by the Proponent through applying a maximum Floor Space Ratio of 2.8:1 to the portion of the site zoned B7 Business Park and increasing the maximum building height to RL 141.5 metres (16 storeys). This would rely on the application of Council's Commercial Centres Parking rate of 1 space per 40m² and would enable the development outcome depicted below. The proposed elevation view of a 16 storey building across Strangers Lake is provided below.



Figure 19
Indicative Development Concept (16 storeys)

Option 3 – 12 Storey Outcome

A revised version of the planning proposal proceed to Gateway Determination to apply a maximum Floor Space Ratio of 2.8:1 to the portion of the site zoned B7 Business Park and increase the maximum building height to RL 126 metres (12 storeys). This would rely on the application of a reduced parking rate of 1 space per 60m², as recommended within this report. The proposed elevation view of a 12 storey building across Strangers Lake is provided below, along with a comparison of building heights within the Norwest Precinct.



Figure 20
Indicative Development Concept (12 storeys)

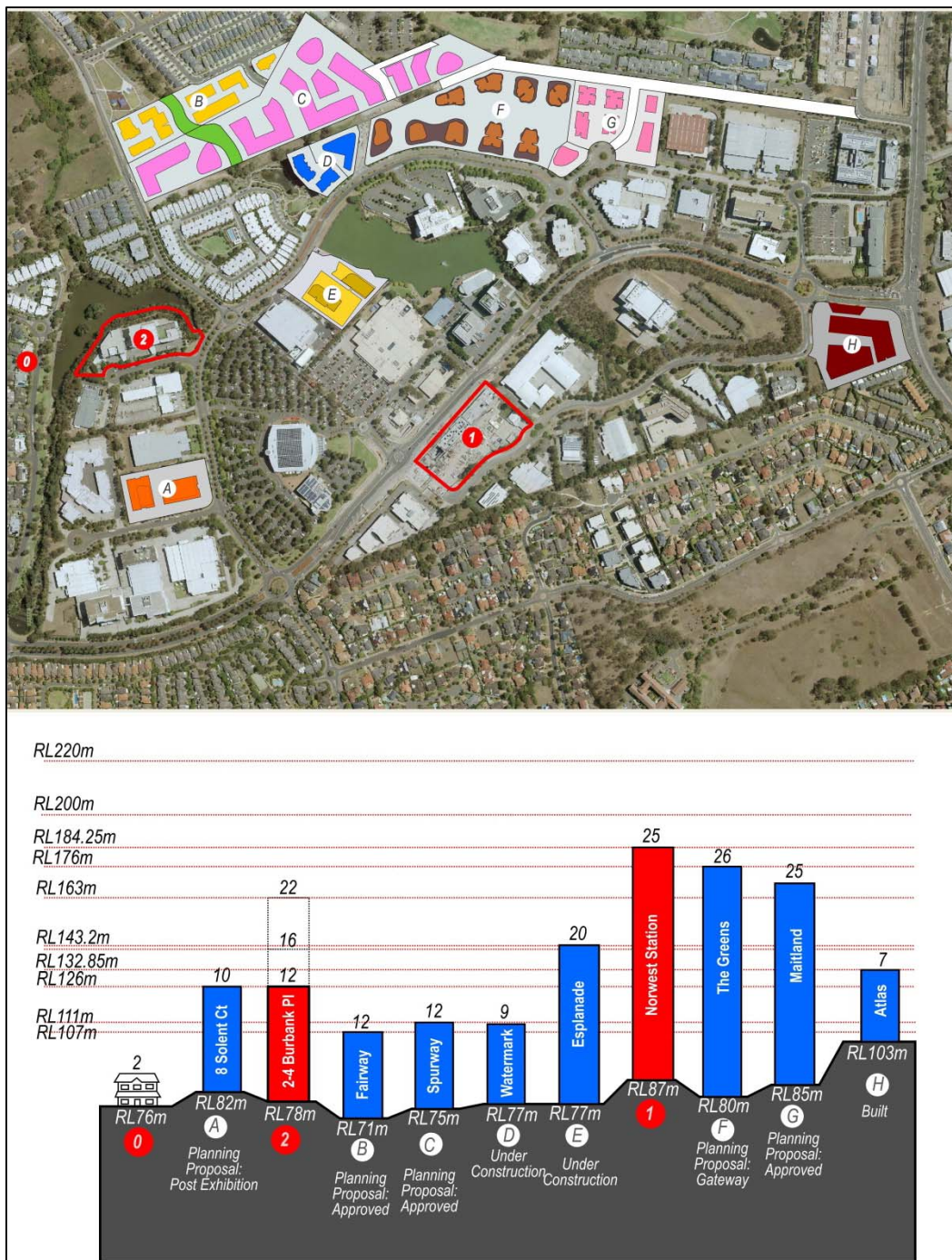


Figure 21

Comparison of heights for planning proposals that have been progressed in the Norwest Precinct

Option 4 – 14 Storey Outcome

A revised version of the planning proposal proceed to Gateway Determination to apply a maximum Floor Space Ratio of 2.8:1 to the portion of the site zoned B7 Business Park and increase the maximum building height to RL 134 metres (14 storeys). This would rely on the application of a reduced parking rate of 1 space per 50m². The proposed elevation view of a 14 storey building across Strangers Lake is provided below.



Figure 22

Indicative Development Concept (14 storeys)

Option 5 – Request Further Amendments

If Council is unable to be persuaded on the height and floor space ratio controls canvassed by either the Applicant or the Council report, the matter be deferred to allow for an alternative proposal to be considered at a floor space ratio no greater than 2:1 as identified in both the NSW Government's 2013 North West Rail Link Corridor Strategy and the 2015 Hills Corridor Strategy.

IMPACTS

Financial

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

Strategic Plan – The Hills Future

The Hills Future aims to manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations. The planning proposal seeks to better utilise the existing site to provide for additional employment opportunities, consistent with the Strategic Plan. The revised scale and built form of the development is considered appropriate given the location of the site within the Norwest Strategic Centre and specialised employment precinct.

RECOMMENDATION

1. A planning proposal be forwarded to the Department of Planning, Industry and Environment for Gateway Determination, to amend LEP 2012 to permit a maximum floor space ratio of 2.8:1 and a maximum building height of RL 126 metres (12 storeys) on the portion of land at 2-4 Burbank Place, Norwest zoned B7 Business Park (Option 3).
2. Amendments to The Hills Development Control Plan Part C Section 1 – Parking to apply a reduced parking rate of 1 space per 60m² of commercial gross floor area to land at 2-4 Burbank Place, Norwest be prepared and publicly exhibited concurrently with the planning proposal.
3. Council proceed with discussions with the Proponent for the preparation of a draft Voluntary Planning Agreement which secures a fair and reasonable contribution from

future development on the site towards infrastructure and public domain improvements in the Norwest Business Park. Council consider a further report on any proposed mechanism, prior to public exhibition of the planning proposal.

ATTACHMENTS

1. Local Planning Panel Minutes, 15 May 2019 (2 pages)
2. Local Planning Panel Minutes, 17 October 2019 (2 pages)

ATTACHMENT 1

MINUTES – LOCAL PLANNING PANEL, 15 MAY 2019

ITEM 4	PLANNING PROPOSAL - 2-4 BURBANK PLACE, NORWEST (18/2018/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:	15 MAY 2019 LOCAL PLANNING PANEL
AUTHOR:	TOWN PLANNER KAYLA ATKINS
RESPONSIBLE OFFICER:	ACTING MANAGER – FORWARD PLANNING NICHOLAS CARLTON

Proponent	URBIS PTY LTD ON BEHALF OF GU CUSTODIAN PTY LTD
Owner	GU CUSTODIAN PTY LTD
Planning Consultant	URBIS
Architect	SCOTT CARVER
Urban Designer	SJB URBAN
Traffic Consultant	TDG AUSTRALIA
Site Area	13,890m²
List of Relevant Strategic Planning Documents	GREATER SYDNEY REGION PLAN CENTRAL CITY DISTRICT PLAN NORTH WEST RAIL LINK CORRIDOR STRATEGY MINISTERIAL DIRECTIONS HILLS CORRIDOR STRATEGY LOCAL STRATEGY
Political Donation	NONE DISCLOSED
Recommendation	THAT THE PLANNING PROPOSAL NOT BE FORWARDED TO THE DEPARTMENT OF PLANNING AND INDUSTRY FOR A GATEWAY DETERMINATION

SPEAKERS:

Simon Wilkes, Associate Director, Urbis (Proponent)

COUNCIL OFFICER'S RECOMMENDATION:

That the Planning Proposal not proceed to Gateway determination.

LOCAL PLANNING PANEL DECISION:

The Panel agreed with the Council officer's report that the Planning Proposal not proceed to Gateway determination on the basis that:

1. The planning proposal for land at 2-4 Burbank Place, Norwest not proceed to Gateway Determination, on the basis that:
 - a) The proposal is inconsistent with the desired future built form outcomes envisaged in the Norwest Precinct, as reflected in the North West Rail Link Corridor Strategy and The Hills Corridor Strategy. The height and scale proposed is excessive at this location on the periphery of the Precinct and fails to contribute to an appropriate transition in building heights, away from the centre of the Precinct;
 - b) The proposal would facilitate an inappropriate interface with adjoining low density residential development and public domain areas. It would result in unacceptable visual impacts that are unsympathetic to the current and future character of surrounding land, including low density areas beyond the boundary of the Norwest Precinct; and
 - c) The proposal may set an undesirable precedent for height and scale on the remainder of the site (if subject to future redevelopment) and similar sites on the periphery of the Norwest Business Park. Such outcomes would have unreasonable cumulative impacts and enable densities that may exceed the capacity of local and regional infrastructure.
 - d) The inclusion of 9 storeys of above ground car parking contributes significantly to the excessive scale of the proposal. Any future proposal should seek to minimise the amount of above ground car parking
2. Further consideration should be given to the potential to facilitate increased employment density on the land within an alternative and lower-scale built form to that proposed (potentially ranging from 8-12 storeys, subject to further investigations, including traffic and transport modelling).
3. The Panel supports the priority progression of traffic and transport modelling for Norwest to enable Council to strategically set height, density and car parking controls across the precinct which enable the significant investment in the North West Rail Line to be realised.

REASONS

For the reasons outlined in the Council officer's report. The Panel included the additional point 1(d) above to reflect its concern that aboveground car parking to the extent proposed is inappropriate. The Panel made a number of minor amendments to the recommended reasons for refusal.

VOTING:

Unanimous.

ATTACHMENT 2

LOCAL PLANNING PANEL – THE HILLS SHIRE COUNCIL

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

PRESENT:

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

DECLARATIONS OF INTEREST:

None declared

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

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

ITEM 3: LOCAL PLANNING PANEL - FURTHER REPORT - PLANNING PROPOSAL - 2-4 BURBANK PLACE, NORWEST (18/2018/PLP)

COUNCIL OFFICER'S RECOMMENDATION:

That the planning proposal proceed to Gateway Determination.

PANEL'S ADVICE

1. It is recommended that a planning proposal to amend LEP 2012 to apply a maximum floor space ratio of 2.8:1 and maximum building height of RL 126 metres to the portion of land at 2-4 Burbank Place, Norwest zoned B7 Business Park (as per Option 3 in Section 5 of the Officer's report) proceed to Gateway Determination for the following reasons:
 - a) The proposal is consistent with the strategic planning framework as it seeks to facilitate additional commercial development uplift in close proximity to the Norwest Metro Station, contributing to job targets and reinforcing the role of Norwest as a specialised commercial office precinct. The proposal does not seek to introduce any residential or other mixed uses on the site and as such, would support the retention and long term viability of strategically identified employment lands;
 - b) The proposal demonstrates an appropriate balance between realising the additional commercial development uplift envisaged by the strategic planning framework and enabling an appropriate built form outcome at this location within the business park, at the interface with public domain and low density residential areas; and
 - c) The proposal has appropriately responded to concerns previously raised regarding excessive building height which was driven by the substantial quantity of above ground car parking levels previously proposed. It is considered that the application of a reduced parking rate of 1 space per 60m² is appropriate given the site is located within the Norwest Station Precinct, 750 metres walking distance from the Norwest Metro Station.
2. Council should consider amendments to The Hills Development Control Plan Part C Section 1 – Parking to apply a reduced parking rate of 1 space per 60m² of commercial gross floor area to land at 2-4 Burbank Place, Norwest. It is the view of the Panel that this parking rate should be expressed as a maximum parking rate.
3. Council should proceed with discussions with the Proponent for the preparation of a draft Voluntary Planning Agreement which secures a fair and reasonable contribution from future development on the site towards infrastructure and public domain improvements in the Norwest Business Park.

VOTING:

Unanimous