

ITEM 3 **PLANNING PROPOSAL, DRAFT DEVELOPMENT CONTROL PLAN AND DRAFT VOLUNTARY PLANNING AGREEMENT – 7-15 COLUMBIA WAY, NORWEST (3/2022/PLP)****THEME:** Shaping Growth**MEETING DATE:** **26 OCTOBER 2022**

COUNCIL MEETING

GROUP: **SHIRE STRATEGY, TRANSFORMATION AND SOLUTIONS****SENIOR TOWN PLANNER****AUTHOR:** GIDEON TAM**RESPONSIBLE OFFICER:** **MANAGER – FORWARD PLANNING**
NICHOLAS CARLTON**PURPOSE**

The planning proposal for land at 7-15 Columbia Way, Norwest is being reported to Council for a decision on whether or not to progress the planning proposal for Gateway Determination. A draft site-specific Development Control Plan and draft Voluntary Planning Agreement are also provided for Council's consideration and a decision on whether to concurrently exhibit these documents with the planning proposal, should a Gateway Determination be issued.

**RECOMMENDATION**

1. The planning proposal for land at 7-15 Columbia Way, Norwest (Lot 2015 DP 857690 and Lot 200 DP 877496) be submitted to the Department of Planning and Environment for Gateway Determination.
2. Draft The Hills Development Control Plan 2012 Part D Section X – 7-15 Columbia Way, Norwest (Attachment 3) be publicly exhibited concurrent with the planning proposal.

3. Council accept, in principle, the draft Voluntary Planning Agreement (Attachment 4). The draft VPA be subject to legal review (at the cost of the Proponent) and then updated, prior to exhibition, to reflect the recommendations of the legal review and encompass the various options for the upgrade of Columbia Way which will be further investigated by Council officers (including partial or full construction by the Proponent), as discussed within this report. Following this, the draft Voluntary Planning Agreement be placed on public exhibition concurrent with the planning proposal and draft Development Control Plan.
4. Council receive a further report following the completion of exhibition of the planning proposal, draft Development Control Plan and draft Voluntary Planning Agreement and resolution of the investigations relating to the options for the upgrade of Columbia Way, as discussed within this report.

IMPACTS

Financial

This matter has no direct financial impact upon Council's adopted budget or forward estimates. The planning proposal is accompanied by a draft Voluntary Planning Agreement (VPA) which, if supported by Council, would secure works and monetary contributions at a value of 2.8% of the cost of construction.

The value of contributions under the VPA will be a total of approximately \$9.25 million, which will be made up of a combination of:

- a) Payment of monetary contributions towards new and upgraded local infrastructure throughout Norwest Precinct, to be delivered by Council in the future; and
- b) Works to be completed by the Developer, being the construction of a new one-way road extending Columbia Court to Spurway Drive and the upgrade of Columbia Way (either partial or full construction – subject to further investigations).
- c) Dedication of land within the subject site for the new public roads, at no cost to Council. It is noted that while land dedication for the new public roads forms part of the VPA, no contribution value is assigned to this element given the achievable Gross Floor Area (GFA) will be eligible to be transferred elsewhere on the site as part of a future development application.

With respect to Item b) above, the Developer will complete the construction of a one-way northerly extension of Columbia Court (through to Spurway Drive) and dedicate this land to Council at no cost. However, specific arrangements for the upgrade of Columbia Way remain unresolved at this time. If Council is supportive of the planning proposal progressing to Gateway Determination and public exhibition, Council officers would undertake further investigations with respect to the following options:

- a) *Full construction of the Columbia Way upgrade by the Proponent:* This would involve Council officers approaching all landowners along Columbia Way and offering to accept dedication of the existing Columbia Way road reserve (which is currently in private ownership) at no cost. This would then enable the Proponent to construct the entire length and width of the Columbia Way upgrade as part of proposed development of the subject site. This would also relieve the existing landowners along Columbia Way of their current liability and burden to maintain Columbia Way as private road; or

- b) *Partial construction of the Columbia Way upgrade by the Proponent:* If Council officers are unable to secure the necessary land within the Columbia Way road reserve from the other landowners along Columbia Way, the Developer would be required to partially construct the portion of the Columbia Way upgrade within the boundaries of the subject site. The remaining portions would remain in private ownership, and Council could consider whether or not to progress with securing the remaining land and completing the construction work at a later stage, using funds collected under the VPA.

If Council is supportive of the planning proposal progressing to Gateway Determination, the Proponent has agreed to the VPA being updated, as part of the legal review process, to require the Developer to complete the works for the upgrade of Columbia Way, as either full-width and full-length construction of the entire road ("Option a") above – if Council is able to obtain the remaining land from private owners along Columbia Way to form the entire road corridor) or alternatively, partial construction of the portion of the Columbia Way upgrade within the boundaries of the subject ("Option b") above). In reflection of these additional works, the monetary contribution value component of the VPA would reduce accordingly, by the value of these additional works (to be determined by a Quantity Surveyor report).

It is noted that investigations could occur concurrent with the progression of the planning proposal. Council would have the opportunity to consider this matter again following the completion of the exhibition period. At that point, when Council is making a decision on whether or not to enter into the Voluntary Planning Agreement, Council officers will have completed the relevant investigations into these options and Council would then have greater certainty with respect to the specific arrangements for the construction of Columbia Way.

Council officers have not yet progressed with these investigations, as it is important that the elected Council first be provided with the opportunity to determine whether or not they are supportive of the planning outcome and intention to upgrade Columbia Way, before Council officers approach other landowners or expend further resources (Council and the Proponent) on this particular issue.

Importantly, the investigation of these options relates primarily to the management of the risks to Council associated with the process and responsibility for the reconstruction of Columbia Way. While this would lead to a shift in the composition of the contributions through the VPA (ie, an increase in the value of Works-in-Kind with an equivalent decrease in the value of monetary contributions), it is not anticipated that there would be any net reduction to the overall value of the contributions secured through the VPA (being the combined value of monetary contributions, works and land).

Strategic Plan - Hills Future

The planning proposal, if supported, would contribute to growth in Shire as it would facilitate the delivery of approximately 2,383 jobs, contributing to the overall Norwest Strategic Centre job targets. The supporting Development Control Plan will ensure the proposed urban design outcomes demonstrate a high level of amenity and the proposed built form will sensitively transition to the low density residential interface to the north.

LINK TO HILLS SHIRE PLAN

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.

Outcomes:

5 Well planned and liveable neighbourhoods that meets growth targets and maintains amenity

LEGISLATIVE CONTEXT

The legislative framework for Planning Proposals which amend a Council's Local Environmental Plan is established within Part 3, Division 3.4 of the Environmental Planning and Assessment Act 1979 (Clauses 3.31 to 3.37). This report seeks a decision of Council as to whether or not prepare and submit a planning proposal to DPE for Gateway Determination in accordance with Sections 3.33 and 3.34 of the Act.

The legislative framework for preparing and amending a Development Control Plan is established within Part 3, Division 3.6 of the Environmental Planning and Assessment Act 1979 (Clauses 3.41 to 3.46). This report seeks a decision of Council as to whether or not to progress with amendments to The Hills Development Control in accordance with Section 3.43 of the Act.

The legislative framework for Planning Agreements is established within Part 7, Division 7.1, Subdivision 2 of the Environmental Planning and Assessment Act 1979 (Clauses 7.4 to 7.10). The Environmental Planning and Assessment Regulation 2021 provides further requirements relating to the making, amending and revocation of planning agreements and public notice and procedural requirements within Part 9, Division 1 (Clauses 202 to 206).

EXECUTIVE SUMMARY

This report recommends that the planning proposal for land at 7-15 Columbia Way, Norwest, proceed to Gateway Determination. The Planning Proposal, as submitted by the Proponent, seeks to amend The Hills Local Environmental Plan 2019 to increase the maximum height of buildings from RL 116m to RL 155.8m and increase the maximum floor space ratio from 1:1 to 2.36:1 to facilitate a commercial development comprising 71,516m² of Gross Floor Area (GFA) with a built form outcome ranging from 5-15 storeys.

The planning proposal generally aligns with the relevant strategic planning framework and will facilitate a commercial-only outcome within the commercial core area of the Norwest Strategic Centre, contributing to employment targets and promoting the economic productivity of the Strategic Centre, in accordance with Council's adopted vision and objectives.

The proposal provides an important opportunity to facilitate the consolidation of two (2) smaller properties (both individually under 2 hectares in size) to create a single amalgamated site with sufficient area for a high-quality master planned outcome and a substantial contribution towards future commercial floor space (30,320m² GFA) and employment opportunities within Norwest Strategic Centre. It also presents the opportunity to plan for the future local road network in this locality and secure two important local traffic infrastructure upgrades (at no cost to Council) which will be necessary to facilitate increased development densities within this part of the Norwest Precinct.

The development concepts submitted by the Proponent demonstrate that the proposed planning controls (FSR and height) will be suitable to accommodate an acceptable built form and urban design outcome on the site. To ensure that future development is reflective of the positive and desired urban design outcomes detailed in the Proponent's Urban Design Report and Landscape Master Plan, a draft site-specific Development Control Plan (DCP) has been submitted in support of the planning proposal. The proposed DCP controls seek to ensure that visual amenity and privacy impacts on adjoining residential properties are minimised and an accessible, adequately landscaped ground plane is provided for workers and nearby residents.

While the proposed density could likely be achieved at a lower scale (for example, 8-10 storey buildings across the entire site), the proposal represents a superior built form outcome, with slightly taller buildings in select locations allowing for greater variation in building height across the site (including lower heights at sensitive interfaces) and greater areas of landscaping, setbacks and open space at the ground plane.

The associated draft VPA would secure infrastructure contributions valued at 2.8% of the cost of construction, comprising monetary contributions, road construction and land dedication associated with the upgrade of Columbia Way and the Columbia Court extension. The delivery of these upgrades will provide broader benefits beyond the subject site, servicing existing and future growth within Norwest and supplementing planned future traffic management conditions within the locality, in particular the anticipated future configuration of the Norwest Boulevard and Columbia Court intersection (which will restrict right hand turn movements and result in larger traffic volumes on Columbia Way and the new Columbia Court extension).

The value of the contributions that would be secured through the VPA are considered to be fair, reasonable and proportionate to the level of increased demand for local infrastructure that would result from the planning proposal. They are also in line with the value of contributions secured through other VPAs and recent Contributions Plans applicable in the Norwest Strategic Centre. The VPA would secure clear public benefits for the broader Norwest Strategic Centre. As detailed within this report, if the planning proposal is supported by Council, Council officers will undertake further investigations and negotiations with the Proponent and other landowners along Columbia Way, to crystallise the specific arrangements and obligations for the upgrade of Columbia Way.

On 18 August 2022, the Local Planning Panel considered the planning proposal and agreed with Council Officer's Assessment Report that the planning proposal is suitable to proceed to Gateway Determination.

PROPONENT

Sutherland & Associates Planning on behalf of GTL Properties Pty Ltd

OWNERS

GTL Properties Pty Ltd

CONSULTANTS

Refer to Attachment 1 Page 2 for a full list of associated consultants.

POLITICAL DONATIONS

Nil disclosures by Proponent

1. HISTORY

19/10/2021

Planning Proposal (first iteration) lodged with Council, to amend The Hills LEP 2019 by increasing the floor space ratio from 1:1 to 2.5:1 and the maximum height of buildings from RL 116 metres to RL 155.85 metres, to facilitate 75,800m² commercial GFA.

- 22/01/2022** Preliminary assessment feedback letter provided to Proponent raising concern with respect to the proposed density, height and built form outcomes such as interface with surrounding development, setbacks, landscaping, absence of a site-specific DCP, traffic and local infrastructure contributions.
- 16/03/2022** Planning proposal presented to Councillor Workshop by Proponent.
- 14/07/2022** Revised planning proposal submitted by Proponent including a draft site-specific Development Control Plan and VPA Letter of Offer. The revised planning proposal reduced the proposed height of buildings fronting Spurway Drive (adjoining residential properties) from 9 storeys to 7 storeys, reduced the proposed maximum FSR from 2.5:1 to 2.36:1 and reduced the footprint of buildings along the site's eastern boundary to enable the road extension of Columbia Court to Spurway Drive. A VPA offer was also submitted by the Proponent, which the Proponent advised had a contribution value of \$9.25 million (2.8% of the cost of development).
- 8/08/2022** Following a review of the draft VPA offer, a feedback letter was provided to Proponent with respect to the VPA offer, advising that the offer was considered to have a lower true public benefit contribution value of 2.59% (\$8.55 million), which was not considered to demonstrate a fair and reasonable contribution proportionate to the development uplift proposed and having regard to other comparable VPAs and contributions plans already established and accepted by Council for the Norwest Strategic Centre.
- 12/08/2022** Proponent submitted a revised VPA Letter of Offer, which addressed the comments raised within Council officer's letter dated 8 August 2022 and increased the value of monetary contributions offered, in addition to the half-width construction of the Columbia Court extension and land dedication for the Columbia Court upgrade and the Columbia Way extension (overall value of the revised offer was \$9.25 million).
- 18/08/2022** Planning proposal, draft DCP and revised VPA Offer reported to The Hills Local Planning Panel for advice. The Local Planning Panel advised that:
1. *The planning proposal applicable to land at 7-15 Columbia Way, Norwest (Lot 2015 DP 857690 and Lot 200 DP 877496) demonstrates adequate strategic and site-specific merit to warrant progression to Gateway Determination, on the basis that:*
 - a) *The proposal is consistent with the strategic planning framework as it seeks to facilitate commercial uplift in the vicinity of the Norwest Metro Station, contributing to identified job targets and reinforcing the role of the commercial core of Norwest as a specialised commercial office precinct.*
 - b) *The proposal demonstrates an appropriate balance between realising the additional commercial 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 lower-density residential areas; and*

- c) *The proposed development concept demonstrates an appropriate urban design outcome that responds to surrounding development, maintains visual amenity and the privacy of adjoining low-density residential properties, includes generous public open space, a highly accessible and permeable ground plane and soft landscaping, contributing to the urban tree canopy and landscaped character of Norwest Business Park.*
2. *The revised Planning Agreement offer submitted by the Proponent on 12 August 2022 (which was before the Panel) represents a fair and reasonable contribution towards local infrastructure and, if accepted by Council, should be publicly exhibited alongside the planning proposal and Development Control Plan.*
3. *Notwithstanding the above, before the proposal is suitable for submission for Gateway Determination, the site-specific Development Control Plan submitted by the Proponent should be further amended to include additional controls that would secure the key urban design, landscaping and public domain outcomes proposed within the Proponent's supporting material.*

23/08/2022

Proponent advised of Local Planning Panel advice.

07/10/2022

Proponent advised of their in-principle agreement for the VPA to be amended to include the construction of Columbia Way as an obligation of the Developer, as either full-width and full-length construction (subject to Council obtaining the remaining land from private owners along Columbia Way) or alternatively, partial construction of the portion of the Columbia Way upgrade within the boundaries of the subject site.

2. THE SITE

The site is known as 7-15 Columbia Way, Norwest, and is located within the commercial core area of the Norwest Strategic Centre. The site is zoned B7 Business Park under The Hills Local Environmental Plan 2019 and is approximately 830 metres walking distance from Norwest Station.

The site is a large single landholding with a total area of 3.3 hectares (33,320m²) and currently contains two warehouses and associated office premises, with an existing combined gross floor area (GFA) of approximately 13,201m². Under the existing planning controls, the site would be capable of achieving a total GFA of approximately 30,320m² (based on a floor space ratio of 1:1). Accordingly, there is an additional 17,119m² of unrealised development capacity on the site under the existing controls however the viability of redeveloping the site to achieve this incremental uplift is uncertain.

The site has a fall of approximately 13 metres from a ground level of RL 99 metres in the northeast corner to a ground level of RL 86 metres in the southwest corner.

Access to the site is via Columbia Way along the southern boundary (which is currently a private road). Spurway Drive runs along the rear (northern) boundary, however there is no current access from this frontage. The site adjoins Council's leased vehicle depot to the east and

commercial buildings to the south, which range from 2 to 6 storeys in height. To the site's north is Castle Hill Country Club and a low-rise seniors housing development, both of which are zoned RE2 Private Recreation. 7 Maitland Place, directly adjoining the site's western boundary, is subject to a recent development approval for a 6 to 8 storey commercial building.

Under Schedule 5 of The Hills Local Environmental Plan 2019, Spurway Drive is listed as an item of local heritage significance (Item 25). Its heritage significance relates to the avenue of mature trees along the road that provide evidence of European settlement and the use of this land since the early 19th century.



Figure 1

Aerial view of subject site (outlined in red) and surrounding locality

3. PLANNING PROPOSAL

The planning proposal seeks to enable redevelopment of the site for commercial purposes. The proposed outcome comprises five commercial buildings, ranging from 5 to 15 storeys in height, with a total GFA of 71,516m² (approximately 2,383 total jobs). The development concept submitted in support of the application includes commercial office space, with complementary uses such as food and drink premises, a health club, a 45 to 65-place childcare facility and 2,043 basement car parking spaces. The proposal does *not* seek to permit any residential outcomes on the site.

The application material indicates that building footprints would occupy no more than 30% of the site area, with substantial areas at the ground plane reserved for landscaping (including deep soil zones and tree canopy), publicly accessible open space/plaza area and through site links.

The Proponent has also submitted indicative plans for a new road link along the site's eastern boundary that would extend Columbia Way to connect Spurway Drive with Columbia Court. The Proponent would construct this road in a one-way direction that allows for traffic movement in a northerly direction and then dedicate the land to Council, at no cost. The proposal also includes dedication, at no cost to Council, of a 10 metre strip of land along the southern frontage of the

site to allow for the upgrade and widening of Columbia Way as well as contributions for the construction of this road (subject to further investigations as part of this proposal to determine the final arrangements and responsibility for delivery of the road upgrade).

To enable the proposed development outcome, the planning proposal seeks to amend The Hills LEP 2019 as follows:

- Increase the maximum Floor Space Ratio from 1:1 to 2.36:1; and
- Increase the maximum Height of Building from RL 116 to RL 155.85 (approx. 15 storeys).

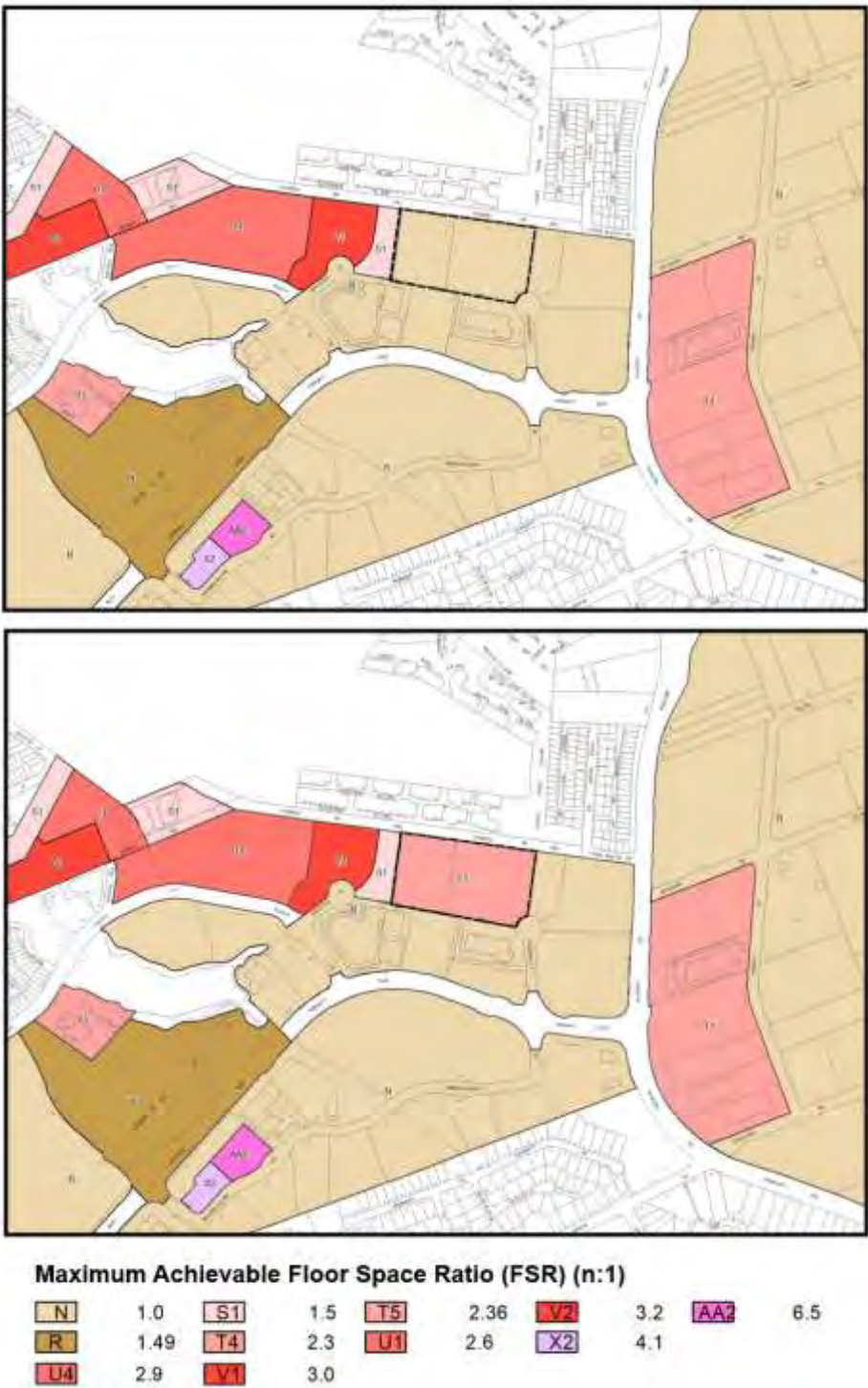


Figure 2
Existing (top) and proposed (bottom) maximum floor space ratio maps (site outlined in black)



Figure 3
Existing (top) and proposed (bottom) maximum height of buildings maps (site outlined in black)

The planning proposal seeks to rely on the current land use permissibility and zone objectives of the existing B7 Business Park zone which applies to the land and does not seek to amend the land use zoning, minimum lot size or introduce any additional permitted uses on the site.

Indicative development concepts submitted by the Proponent are provided in Figures 4, 5 and 6 below.

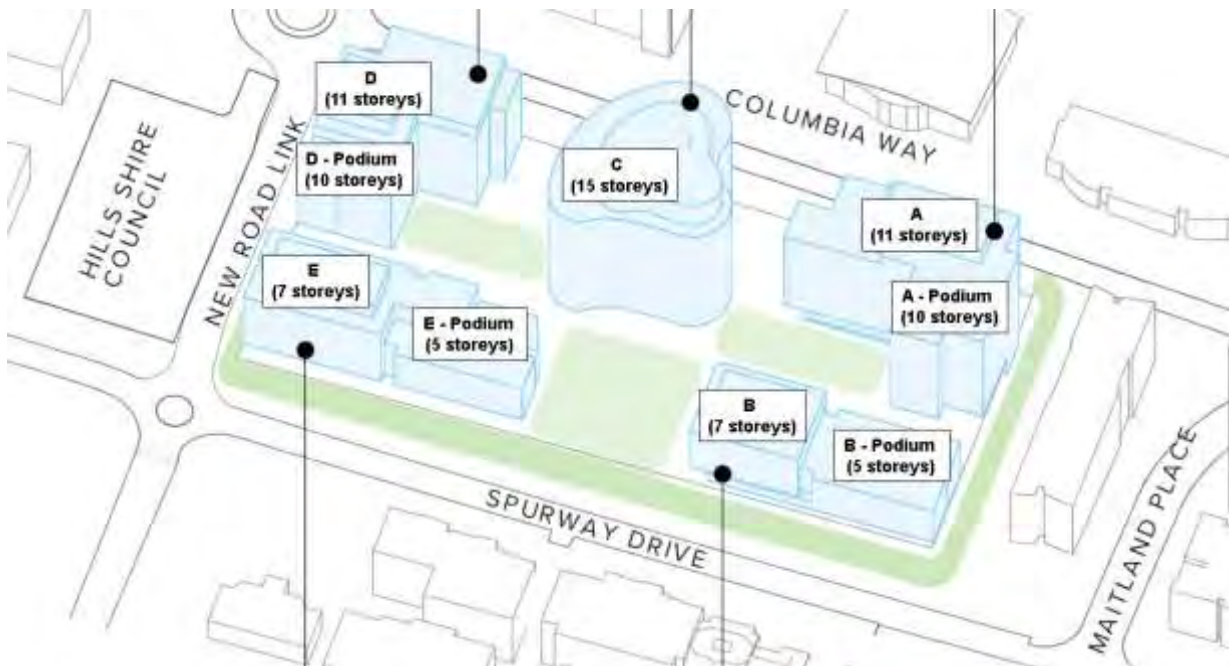


Figure 4
Proposed building massing (view from the north)



Figure 5
Proposed north/front elevation (view from Columbia Way)



Figure 6

Proposed south/rear elevation (view from Spurway Drive)

The table below provides a comparison between the current planning controls, outcomes envisaged under the Government and Council Corridor Strategies and the outcomes sought through the planning proposal.

	LEP 2019 (Current Controls)	NWRL Corridor Strategy	The Hills Corridor Strategy	Original Proposal (September 2021)	Current Proposal (July 2022)
Zone	B7 Business Park	No change			
Max. Height	RL 116 (7 storeys)	6-8 storeys ¹	4-8 storeys ¹	RL 155.85 (5-15 storeys)	RL 155.85 (5-15 storeys)
FSR	Max. 1:1	2:1 – 4:1	Min. 1.5:1 ²	Max. 2.5:1	Max. 2.36:1
Min. Lot Size	8,000sqm	N/A		No change	
Jobs³	30,320sqm (1,010 jobs)	Up to 121,280m ² (Up to 4,042 jobs)	At least 45,480m ² (1,516 jobs)	75,800m ² (2,526 jobs)	71,516m ² (2,383 jobs)
Car Parking	1,212 spaces ⁴	N/A		2,166 spaces ⁵	2,043 spaces ⁵

Table 1

Comparison of Existing and Proposed Standards under LEP 2019 and the Strategic Planning Framework

Notes to Table 1:

¹ The NWRL and Hills Corridor Strategies do not include anticipated heights for the subject site. The abovementioned heights are indicative based on anticipated character and FSR.

² The Hills Corridor Strategy expresses commercial floor space densities as **minimum** targets, subject to detailed precinct planning and site-specific considerations, rather than maximum limits.

³ Employment ratio based on a rate of 1 job per 30m².

⁴ Car parking provision based on a rate of 1 space per 25m² GFA (historical and current control).

⁵ Car parking provision based on a rate of 1 space per 35m² GFA (as requested by the Proponent).

MATTERS FOR CONSIDERATION

A full technical assessment of the proposal is contained within the Council Officer Assessment Report to the Local Planning Panel on 18 August 2022, provided as Attachment 1 to this report. A summary and discussion of key considerations associated with the planning proposal is provided below.

Key Consideration	Comment
Strategic Merit	<p>The planning proposal is generally consistent with the applicable strategic planning framework and provides a critical step towards achieving the desired vision, land use and employment outcomes for Norwest. The proposal will facilitate a commercial-only development outcome within the “Commercial Office Precinct” of the Norwest Strategic Centre, as designated under the Region and District Plan. The redevelopment of the site would accommodate approximately 2,383 jobs (1,943 additional jobs than what is currently provided on the site), which will contribute toward the 49,000 total jobs target identified for Norwest within the Region and District Plans over the next 10-15 years.</p> <p>Consistent with Council’s Local Strategic Planning Statement, the proposed increase in commercial office floor space within the commercial core of the Norwest Strategic Centre will facilitate increased investment and employment opportunities for The Hills’ highly skilled professional workforce. Promoting sustainable transport options, the proposed reduced car parking rate of 1 space per 35m² GFA (from the applicable 1 space per 25m² GFA) is considered reasonable for this site as an interim measure, until such time as the outcomes of Council’s holistic parking rate review has been finalised and pending any requirements of Transport for NSW as part of their review of the proposal.</p> <p>The North West Rail Link Corridor Strategy identifies the area generally between Spurway Drive and Brookhollow Avenue, including the subject site, as a “Business Park”. It is envisaged that this area would accommodate commercial offices that are carefully designed to integrate into the character of the area. The Strategy’s identified FSR range of 2:1 – 4:1 was broadly stated by the Department as the FSR range for all commercial development across all precincts along the Metro Corridor.</p> <p>The proposed FSR of 2.36:1 for the subject site is within, and at the lower end of, the 2:1 – 4:1 FSR range identified within the Strategy. When factoring the more detailed site-specific considerations, increased distance from the station and the character areas identified in the Norwest Structure Plan, it is considered appropriate for density on this site to be at the lower end of this spectrum and the proposed FSR is consistent with the Strategy.</p> <p>Similarly, the Hills Corridor Strategy envisages a <i>minimum</i> employment FSR of 1.5:1 for the site and emphasises the need to transition heights down across the Precinct, away from the Metro Station in order to reduce the visual impact on surrounding lower and medium density residential areas. Achievement of an FSR higher than the minimum employment yield is not unreasonable or contrary to Council’s Hills Corridor Strategy, where a proposal can demonstrate the ability to appropriately accommodate this higher yield having regard to the relevant strategic and site-specific factors.</p>
Urban Design and Built Form	<p>▪ Height, Bulk and Scale</p> <p>The proposed development would facilitate 5 commercial buildings on the site, varying in height from 5 to 15 storeys. While some of the taller building elements would exceed what would typically be anticipated for a development at a density of between 2:1 and 2.5:1, the proposal has been</p>

	<p>design in this manner to allow for a greater variation in building heights across the site, which allows for lower scale at the more sensitive interface at the northern boundary, a more interesting and varied skyline and substantially more space at the ground plane for open space and landscaping within the site. These are considered to be positive outcomes that the building heights would facilitate, in comparison to accommodating this yield at a lower height (resulting in bulkier buildings with increased site coverage and reduced setbacks, separation and landscaping).</p> <p>The proposed built form demonstrates an appropriate transition from Norwest Station to the periphery of the employment area, particularly with adjoining 2-storey residential properties along Spurway Drive. Ultimately, it is considered that the proposed built form demonstrates a design that appropriately integrates into the character of the area on the basis that:</p> <ul style="list-style-type: none"> ▪ Adjoining residential properties will not be overshadowed by the proposed development; ▪ Proposed public open space and landscaped areas will receive adequate solar access; and ▪ The proposed distribution of density and building heights mitigates any visual amenity and privacy impacts on adjoining residential properties. <p>▪ Landscaping and Public Domain</p> <p>The proposed development would require the removal of 45 existing trees. In response, the proposal seeks to facilitate the planting of an additional 193 trees to achieve tree replacement at a rate of 4:1 and approximately 25% total tree canopy cover throughout the site once developed.</p> <p>The submitted Landscape Masterplan identifies that only 29% of the site would be occupied by building footprints, with the remainder of the site comprising soft landscaping (31%), a large central (publicly accessible) plaza and accessways and through site links.</p> <p>The proposed 15m rear setback along the Spurway Drive frontage provides a vegetation buffer between the proposed development and adjoining seniors housing to further soften any visual impacts.</p> <p>Multiple through-site links are provided throughout the site, which will improve access and walkability for residents north of the Precinct to the Business Park and Norwest Metro Station.</p> <p>The proposal would provide more slender (and slightly taller) buildings in order to achieve these important ground plane outcomes, which is considered superior to the alternative of shorter, bulkier buildings with a greater extent of site coverage.</p> <p>▪ Development Control Plan</p> <p>A draft site-specific DCP has been prepared in support of the planning proposal, which seeks to establish a building envelope for future development on the site and identify land designated for public open space.</p> <p>The draft development controls (which have been amended following consideration by the Local Planning Panel and receipt of the Panel's advice) will ensure that future development onsite is reflective of the Proponent's submitted Urban Design Report and Landscape Master Plan. Key controls include:</p>
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	<ul style="list-style-type: none"> Maximum site coverage of 35%; Building height in storeys notated at key locations across the site (generally 5-15 storeys); Front, rear and side setbacks and active frontage requirements consistent with the submitted Urban Design Report; Vehicular accessways along Columbia Way and Spurway Drive; Access and connectivity (including through-site links) consistent with the submitted Landscape Master Plan; Landscaping requirements (31% soft landscaping, 25% tree canopy, 30% deep-soil landscaping); Minimum solar access requirements (solar access for at least 30% of landscaped areas between 11am to 2pm during the winter solstice and 50% for adjoining properties); Towers over podiums be designed to maximise solar access on adjoining properties; and Office parking rate of 1 space per 35m² GFA.
Heritage	<p>A portion of Spurway Drive is listed as an item of local heritage significance, known as the 'Avenue of Trees leading to Caste Hill Country Club'. Its significance relates to the planting of araucaria and mature eucalyptus trees along the road that provide evidence of European settlement and the use of this land since the early 19th century.</p> <p>The heritage listing does not relate to existing trees along the site's immediate boundary with Spurway Drive, or any trees physically located within the boundaries of the subject site. The proposed 5 to 7 storey building heights that are proposed along Spurway Drive as part of this proposal are similar to the existing height that is already permissible along this part of the site. Therefore, the resulting built form outcome will not result in any meaningful impact on the heritage significance of the item.</p> <p>It is further noted that the subject site is not within any identified view corridor nor is there an existing view corridor between the site and Bella Vista Farm. Therefore, important views and vistas to and from Bella Vista Farm Park will not be impacted.</p>
Stormwater and Flooding	<p>The subject site is identified as a Flood Control Lot under The Hills Development Control Plan 2012 (DCP). The Proponent's Flood Assessment Report concludes that development of the subject site is expected to be feasible and generally in accordance with the requirements of Direction 4.1 and the relevant provisions contained within The Hills LEP and DCP.</p> <p>Should the planning proposal ultimately proceed to finalisation, any future Development Application lodged for the site would need to include an updated flood model that reflects the development's footprint (as proposed by a DA following more detailed design), landscaping and road configuration. The model should determine more accurately the movement of flows through the site to establish appropriate flood planning levels and have further consideration to how the proposed built form (particularly basement car parking entry points) is configured to enable vehicles to be directed towards Spurway Drive for efficient evacuation in the case of major flood events,</p>

	rather than towards Columbia Way, where overland flooding could be hazardous in depth and speed of flows.
Traffic and Parking	<p>▪ Traffic</p> <p>Based on the proposed development concept of 71,516m² GFA with 2,043 car parking spaces, the supporting Transport Impact Assessment (TIA) anticipates that development will generate an additional 343-347 AM and 270-274 PM peak hour vehicle movements from what could be generated from the site under the current planning controls (594 AM trips and 400 PM trips).</p> <p>It is anticipated that through reductions in parking rates and continued behavioural change to increase reliance on public transport to access Norwest, these traffic generation rates would be less than projected. However, in the absence of the completed regional traffic modelling for Norwest (which is currently underway), it is difficult to definitively assess the likely traffic impacts at this time, and during a transitional period where behavioural change and modal shift is occurring amongst workers who access Norwest for employment.</p> <p>It is considered appropriate for the planning proposal to progress, noting that the uplift proposed is generally in accordance with the extent of growth envisaged within the strategic planning framework and given there will be scope to further consider traffic implications through the Gateway Assessment and public agency consultation phases, prior to any finalisation of the proposal and draft development controls.</p> <p>While the proposed upgrades to Columbia Way and Columbia Court will service the subject site, the upgrades will also have important public benefit that extends well beyond the site. These upgrades will greatly support the improved distribution of traffic for both the proposed development and the broader Norwest Precinct.</p> <p>It is anticipated that the intersection of Norwest Boulevard and Columbia Way will be modified in the future to respond to growth and higher traffic volumes accessing the strategic centre. Given the proximity of this intersection to the intersection of Norwest Boulevard and Windsor Road, it is expected that there will be a right turn restriction from Norwest Boulevard into Columbia Court in the future, to prevent traffic queues impacting on the operation of Windsor Road. In this likely scenario, traffic volumes along Columbia Way would increase, as this would be the key access route for all future development along Columbia Way and Columbia Court. The proposed upgrade of this road will ensure that it is able to adequately service diverted traffic from Windsor Road / Norwest Boulevard to access Columbia Court in the future.</p> <p>Additionally, future road and site access connection to Spurway Drive (via the Columbia Court extension) would also reduce reliance on Norwest Boulevard as it would further disperse traffic across the road network, with any additional traffic impacts on Norwest Boulevard intersections likely to be manageable noting the planned future upgrades to signalised intersections.</p> <p>▪ Parking</p> <p>The planning proposal seeks a reduced parking rate of 1 space per 35m² GFA, which would result in the provision of 2,043 car parking spaces. Previous analysis of other comparable strategic centres indicates that a reduced parking rate would be appropriate for Norwest in the range of between 1 space per 60m² and 1 space per 80m².</p>

	<p>It is reasonable for Council to consider reduced car parking rates for the site, given it is located approximately 830m walking distance from the Norwest Metro Station and 400m – 500m from the closest bus stops.</p> <p>While the proposed parking rate (1 per 35m² GFA) is lower than the currently required minimum (1 per 25m² GFA), it is higher than the rates endorsed by Council for other similarly located sites (1 per 60m²) and is higher than the rates enforced by Transport for NSW (for example, 14-16 Brookhollow Avenue, Norwest where TfNSW required a parking rate range of minimum of 1 per 100m² and maximum 1 per 75m²).</p> <p>It is noted that Council is currently undertaking a review of car parking rates for the Shire's Strategic Centres. Finalisation of this review is imminent and it is anticipated that the car parking rate in the Shire's strategic centres will need to be reduced in light of the recent opening of Sydney Metro Northwest. The scale of growth that is projected to occur over the next 20 years is unlikely to be able to be accommodated by the local and regional road network, if parking rates (and resultant traffic generation) are not reduced.</p> <p>Should the planning proposal proceed to Gateway Determination, it is anticipated that Transport for NSW will review and provide comments on the proposed car parking rates. On the basis of the site's location on the outer edge of the walkable catchment of Norwest Station, it is considered reasonable to apply the reduced parking rate sought by the Proponent as an interim measure, until the outcomes of Council's parking rate review have been finalised or alternatively, until TfNSW expresses a view with respect to parking provision on this site. It is anticipated that TfNSW will require an even lower parking rate than requested by the Proponent, based on similar precedents within Norwest. This would further reduce the likely traffic generation from the site.</p>
Local Infrastructure Demand and VPA Offer	<p>▪ Draft Voluntary Planning Agreement</p> <p>The Proponent has submitted a draft VPA in support of the planning proposal (Attachment 4). The VPA would be in lieu of the payment of contributions under the currently applicable Section 7.12 Plan (levied at 1% of the cost of works). The draft VPA seeks to address the additional infrastructure demand created by the proposed uplift in the context of the cumulative growth likely to occur within the broader precinct.</p> <p>The VPA offers contributions to Council valued at 2.8% of the cost of future development on the site. This equates to a value of approximately \$9.25 million, which will be made up of a combination of:</p> <ol style="list-style-type: none"> Payment of monetary contributions towards new and upgraded local infrastructure throughout Norwest Precinct, to be delivered by Council in the future; and Works to be completed by the Developer, being the construction of a new one-way road extending Columbia Court to Spurway Drive and the upgrade of Columbia Way (either partial or full construction – subject to further investigations). Dedication of land within the subject site for the new public roads, at no cost to Council. It is noted that while land dedication for the new public roads forms part of the VPA, no contribution value is assigned to this element given the achievable Gross Floor Area (GFA) will be eligible to be transferred elsewhere on the site as part of a future development application.

With respect to Item b) above, the specific arrangements for the upgrade of Columbia Way remain unresolved at this time. However, if Council is supportive of the planning proposal progressing to Gateway Determination and public exhibition, further investigations would progress with respect to the options set out within the Financial Impact section of this report. It is noted that the Proponent has agreed, in-principle, to include the construction of Columbia Way (either partial or full construction) as an additional obligation for the Developer under the VPA. These amendments to the VPA would occur as part of the legal review process, prior to public exhibition.

It is considered that the VPA offer, with a contribution value of 2.8% (excluding dedication of land for new and upgraded roads), demonstrates a fair and reasonable infrastructure contribution, comparable to other VPA offers/executed VPAs applicable to land in Norwest (as well as the recent Contributions Plan for the nearby Norwest Innovation Precinct), as set out below.

VPA	Rate	Details
8 Solent Circuit, Norwest VPA	3%	Monetary contribution as well as recognition of a further value of 1% for traffic works.
Circa Commercial Precinct, Bella Vista VPA	2.8%	2% monetary contribution as well as recognition of a further value of 0.8% for public open space embellishment and dedication.
2-4 Burbank Place, Norwest VPA	3%	3% monetary contribution.
14-16 Brookhollow Ave, Norwest VPA	3%	3% monetary contribution (accepted in principle by Council at its meeting on 27 July 2021).
Norwest Station Site VPA	3%	2.5% monetary contribution plus 0.5% in local infrastructure works.
Section 7.12 Norwest Innovation	2.8%	2.8% monetary contribution calculated at development application stage.

▪ **Columbia Way Upgrade**

Columbia Way is currently a private road, comprising multiple accessway easements for public access. Ownership of the road is currently split between the different properties that front Columbia Way (with each individual property generally owning the half-width portion of the road along each individual frontage).

Based on preliminary design work, it is anticipated that Columbia Way can be upgraded to a new public road, with all widening (in comparison to the current road reserve) occurring to the north, into the subject site. There would be minimal change needed to the current location of the southern verge, meaning that existing sites (and existing development) along Columbia Way would be unaffected by the upgrade and encroachment into existing properties beyond the current public access easements and verge areas would be limited to the subject site (which could be accommodated as part of redevelopment, noting the Proponent has agreed to dedicate this additional land to Council, at no cost).

While it may be possible to upgrade the road in sections, as individual redevelopment occurs along Columbia Way over a longer-term horizon, it would be most practical and cost efficient for the road to be reconstructed as one single project, rather than in a piecemeal manner by individual developers (as is the case within greenfield release areas). This would also produce a broader public benefit sooner for the community and workers accessing this area of the Strategic Centre.

	<p>However, in order to enable the Developer to complete this project, it would be reliant on agreement from the other landowners along Columbia Way, to dedicate to Council the land which is currently subject to the easement for public access. There would be considerable incentive for these landowners to agree to this proposition as it would relieve them of their current burden and liability for the maintenance of the road in perpetuity (including any closure of the road and rectification of defects in the future as traffic volumes along the road increase).</p> <p>It would not be appropriate for Council officers to make such enquiries of these landowners at this time, before the elected Council is first provided the opportunity to consider whether or not it supports the planning proposal and associated infrastructure solutions (in this case, specifically the proposal to upgrade Columbia Way as a public road).</p> <p>If Council resolves not to proceed with the planning proposal, no further investigations would be undertaken at this time. However, if Council does resolve to support the planning proposal and progress to Gateway Determination, Council officers would then undertake further investigations and negotiations with the relevant landowners and the Proponent with respect to the following options for the delivery of the upgrade of Columbia Way:</p> <ul style="list-style-type: none"> a) <i>Full construction of the Columbia Way upgrade by the Proponent:</i> This would involve Council officers approaching all landowners along Columbia Way and offering to accept dedication of the existing Columbia Way road reserve (which is currently in private ownership) at no cost. This would then enable the Proponent to construct the entire length and width of the Columbia Way upgrade as part of proposed development of the subject site. This would also relieve the existing landowners along Columbia Way of their current liability and burden to maintain Columbia Way as private road; or b) <i>Partial construction of the Columbia Way upgrade by the Proponent:</i> If Council officers are unable to secure the necessary land within the Columbia Way road reserve from the other landowners along Columbia Way, the Developer would be required to partially construct the portion of the Columbia Way upgrade within the boundaries of the subject site. The remaining portions would remain in private ownership, and Council could consider whether or not to progress with securing the remaining land and completing the construction work at a later stage, using funds collected under the VPA. <p>If supported, the draft VPA would be amended, prior to public exhibition, to encompass these potential options for the delivery of the upgrade of Columbia Way. While this will enable the proposal to continue progression to public exhibition, it is intended that Council officers' investigations into these options would progress concurrently and that greater clarity will be provided to the Council, prior to Council making any decision at the post-exhibition phase with respect to finalisation of the planning proposal or execution of the VPA. The Proponent has agreed to the VPA being amended, prior to exhibition, to include this obligation for the Developer to either partially or fully construct the Columbia way upgrade.</p> <ul style="list-style-type: none"> ▪ Columbia Court Extension At this stage, the proposed Columbia Court extension to Spurway Drive would be configured as a one-way (northbound only) road link. A northbound connection is considered most critical as it will provide another 'release valve' for the precinct and would be able to be secured in full (both land dedication
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	<p>and construction) through the current planning proposal and VPA, at no cost to Council or the community.</p> <p>A two-way road link would require acquisition of land on the adjoining site to the east (depot leased by Council) and relocation of the existing transmission lines which transverse that site. While this configuration would enable southbound entry and provide some benefits around improved connectivity, it is not critical from a traffic management perspective and is unlikely to be deliverable. Accordingly, a one-way road which provides an additional exit point for the Precinct is considered an acceptable outcome with substantial public benefit. This would be delivered entirely as part of this proposal and at no cost to Council.</p>
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OPTIONS

The following options are provided for Council’s consideration:

- Option 1 – Proceed to Gateway Determination

This report recommends that Council forward the planning proposal to the Department of Planning and Environment for Gateway Determination, on the basis that the proposal aligns with both the Government strategic planning framework and Council’s strategic policies. The proposal will facilitate a commercial-only outcome within the commercial core area of the Norwest Strategic Centre and this form and scale of development will be necessary if Council is to increase the opportunity for residents to find employment within the Shire, achieve its employment targets and promote the economic productivity of the Strategic Centre.

The proposed building heights and density controls will facilitate an acceptable built form and urban design outcome on the site. The supporting draft site-specific Development Control Plan (DCP) would ensure that visual amenity and privacy impacts on adjoining residential properties are minimised and an accessible, adequately landscaped ground plane is provided for workers and nearby residents. It is noted that the proposed density could likely be achieved at a lower height, however this would be a much more dense and bulky development outcome, with the additional height sought through this proposal allowing for reduced building footprints and increased landscaping and building separation, reducing the perceived bulk of the development.

The associated draft VPA would secure infrastructure contributions valued at 2.8% of the development cost, comprising monetary contributions, road construction and land dedication. The contributions that would be secured through the VPA are considered to be fair, reasonable and proportionate to the level of increased demand for local infrastructure that would result from the planning proposal.

While the specific arrangements for the upgrade of Columbia Way remain unresolved at this time, if Council is supportive of the planning proposal progressing to Gateway Determination and public exhibition, Council officers would concurrently continue further investigations and negotiations with landowners along Columbia Way, with respect to the following options:

- a) Full construction of the Columbia Way upgrade by the Proponent, contingent on Council securing the remaining areas of the Columbia Way road reserve subject to the public access easement along (in addition to the portion to be dedicated to Council as part of the subject proposal); or

- b) Partial construction of the Columbia Way upgrade by the Proponent, being the portion within the subject site only.

The Proponent has agreed to the VPA being amended, prior to exhibition, to include this additional works obligation for the Developer to either partially or fully construct the Columbia way upgrade (depending on the outcomes of the above investigations by Council officers). Further discussion of these potential outcomes is contained within the “Financial Impact” and “Matters for Consideration - Local Infrastructure Demand and VPA Offer” sections of this report

Under this Option, the proposal could progress to Gateway Determination and public exhibition. Council would consider a further Report following the completion of the exhibition period, by which time Council officers’ investigations would be completed and greater clarity will be provided to the Council to inform their final decision with respect to finalisation of the planning proposal and execution of the VPA.

It is recommended that the planning proposal warrants progression to Gateway Determination (Option 1).

- Option 2 – Not Proceed

The Council may resolve that the proposal not proceed to Gateway Determination. Should this occur, there would be an opportunity for the Proponent to seek a “rezoning review” of Council’s decision, which would then be determined by the Sydney Central City Planning Panel having regard to an assessment of the strategic and site-specific merits of the proposal. If the Panel was to make a favourable determination and overturn Council’s decision, the proposal could then potentially progress in isolation from the draft VPA and associated benefits which have been put forward by the Proponent at this time.

CONCLUSION

The planning proposal aligns with the relevant strategic planning framework and will facilitate a commercial-only outcome within the commercial core of the Norwest Strategic Centre, increasing employment opportunities and the economic productivity of the Strategic Centre. The proposed maximum Floor Space Ratio and Height of Buildings will facilitate an appropriate built form outcome on the site, and the supporting draft DCP will ensure that future development is reflective of a high quality urban design outcome as detailed in the Proponent’s Urban Design Report and Landscape Master Plan.

The contributions that would be secured through the VPA are considered to be fair, reasonable and proportionate to the level of increased demand for local infrastructure that would result from the planning proposal. The VPA would secure clear public benefits for the broader Norwest Strategic Centre, notwithstanding the need for further investigations to resolve the specific arrangements for the upgrade of Columbia Way.

It is the view of Council officers that the planning proposal satisfies both the strategic and site-specific merit tests and includes an appropriate mechanism to secure fair and reasonable infrastructure contributions in association with future development of the land, including substantial benefits for the future road network in this part of the Norwest Strategic Centre. For this reason, it is recommended that the planning proposal should proceed to Gateway Determination (Option 1).

This would recognise the alignment of the proposal with the applicable state and local strategic policies and allow for progression of the proposal to the next step (Gateway Determination), whilst Council officers complete concurrent investigations to determine the most optimal and feasible delivery pathway for the future upgrade of Columbia Way. As detailed within this report, these further investigations are not material to the planning outcome (from a strategic or site-specific merit perspective), nor will they impact on the value of contributions secured through the VPA. Rather, they relate primarily to the management of the risks to Council associated with the process and how best to determine responsibility for the reconstruction of Columbia Way. It is appropriate that these investigations be able to proceed concurrent with the proposal, with the outcomes of these investigations then able to inform Council's final decision on the planning proposal and draft VPA at a later date, alongside any feedback received from public authorities and the community.

ATTACHMENTS

1. Council Officer Assessment Report to Local Planning Panel, 18 August 2022 (27 pages)
2. Local Planning Panel Advice, 18 August 2022 (5 pages)
3. Draft The Hills Development Control Plan 2012 Part D Section X – 7-15 Columbia Way, Norwest (19 Pages)
4. Draft Voluntary Planning Agreement – 7-15 Columbia Way, Norwest – 23 August 2022 (29 pages)

MEETING ABSENT

Clr M Blue
Clr J Brazier
Clr V Ellis
Clr Dr M Kasby

ITEM 3 PLANNING PROPOSAL, DRAFT DEVELOPMENT CONTROL PLAN AND DRAFT VOLUNTARY PLANNING AGREEMENT – 7-15 COLUMBIA WAY, NORWEST (3/2022/PLP)

A MOTION WAS MOVED BY COUNCILLOR HODGES AND SECONDED BY COUNCILLOR DE MASI THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED.

502 RESOLUTION

1. The planning proposal for land at 7-15 Columbia Way, Norwest (Lot 2015 DP 857690 and Lot 200 DP 877496) be submitted to the Department of Planning and Environment for Gateway Determination.
2. Draft The Hills Development Control Plan 2012 Part D Section X – 7-15 Columbia Way, Norwest (Attachment 3) be publicly exhibited concurrent with the planning proposal.
3. Council accept, in principle, the draft Voluntary Planning Agreement (Attachment 4). The draft VPA be subject to legal review (at the cost of the Proponent) and then updated, prior to exhibition, to reflect the recommendations of the legal review and encompass the various options for the upgrade of Columbia Way which will be further investigated by Council officers (including partial or full construction by the Proponent), as discussed within this report. Following this, the draft Voluntary Planning Agreement be placed on public exhibition concurrent with the planning proposal and draft Development Control Plan.
4. Council receive a further report following the completion of exhibition of the planning proposal, draft Development Control Plan and draft Voluntary Planning Agreement and resolution of the investigations relating to the options for the upgrade of Columbia Way, as discussed within this report.

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

VOTING FOR THE MOTION

Clr M Hodges
Clr F De Masi
Clr R Boneham
Clr J Cox
Clr R Jethi
Clr A Hay OAM

VOTING AGAINST THE MOTION

Mayor Dr P Gangemi
Clr Dr B Burton
Clr R Tracey

MEETING ABSENT

Clr Dr M Kasby
Clr V Ellis
Clr M Blue
Clr J Brazier

**ITEM 4 GREATER CITIES COMMISSION – THE SIX CITIES REGION
DISCUSSION PAPER (FP25)**

A MOTION WAS MOVED BY COUNCILLOR TRACEY AND SECONDED BY COUNCILLOR COX THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY.

503 RESOLUTION

Council make a submission to the Greater Cities Commission in response to the exhibition of the Six Cities Region Discussion Paper, as set out within this report and associated attachments.

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

VOTING FOR THE MOTION

Mayor Dr P Gangemi
Clr M Hodges
Clr F De Masi
Clr R Boneham
Clr J Cox
Clr R Jethi
Clr Dr B Burton
Clr R Tracey
Clr A Hay OAM

VOTING AGAINST THE MOTION

None

MEETING ABSENT

Clr M Blue
Clr J Brazier
Clr V Ellis
Clr Dr M Kasby

CALL OF THE AGENDA

A MOTION WAS MOVED BY COUNCILLOR HAY OAM AND SECONDED BY COUNCILLOR HODGES THAT items 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 be moved by exception and the recommendations contained therein be adopted.

THE MOTION WAS PUT AND CARRIED.