

## PLANNING PROPOSAL

**LOCAL GOVERNMENT AREA:** The Hills Shire Council

**NAME OF PLANNING PROPOSAL:** The Hills Local Environmental Plan 2019 (Amendment No (#) – Increase Floor Space Ratio to 2.7:1 at 21-23 Lexington Drive, Bella Vista (1/2019/PLP).

**STATUS:** Public Exhibition

**ADDRESS OF LAND:** 21-23 Lexington Drive, Bella Vista (Lot 7081 DP 1037626).

### SUMMARY OF EMPLOYMENT YIELD:

	EXISTING	PROPOSED	TOTAL YIELD
Jobs	680	918	+238

### SUPPORTING MATERIAL:

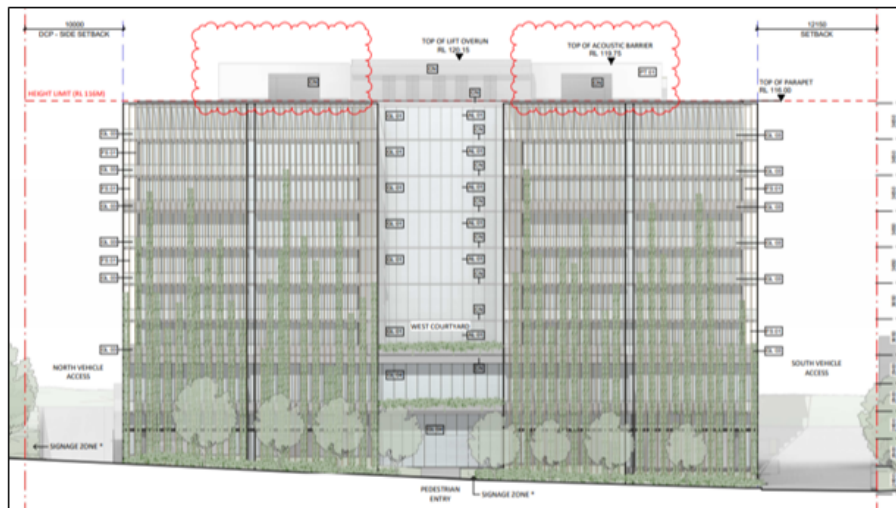
<b>Attachment A</b>	Assessment against State Environment Planning Policies
<b>Attachment B</b>	Assessment against Section 9.1 Local Planning Directions.
<b>Attachment C</b>	Council Report and Minute (28 September 2021)
<b>Attachment D</b>	Local Planning Panel Report and Minute (18 August 2021)
<b>Attachment E</b>	Gateway Determination (23 December 2021)
<b>Attachment F</b>	Draft Voluntary Planning Agreement
<b>Attachment G</b>	Draft The Hills DCP 2012 Part C Section 1 – Parking
<b>Attachment H</b>	Revised Planning Proposal Report
<b>Attachment I</b>	Architectural Plans
<b>Attachment J</b>	Landscape Design Report
<b>Attachment K</b>	Traffic & Parking Assessment
<b>Attachment L</b>	Strategic Transport Review
<b>Attachment M</b>	Market Demand Analysis

### BACKGROUND:

In December 2017, the Bella Vista Station Precinct (including the subject site) was rezoned as part of the NSW Government's Planned Precinct Program. At this time, the site was subject to an increased FSR from 1:1 to 2:1.

The subject planning Proposal (1/2019/PLP) was initially lodged in July 2018 seeking to permit a twelve to fourteen storey commercial building with a total gross floor area of 35,153m<sup>2</sup> and FSR of 3.45:1. However, the planning proposal was placed on hold at the request of the Proponent.

Following this, a Development Application (172/2021/JP) was lodged with Council in 2018 for the construction of an eleven storey commercial development, equating to an FSR of 2:1. The development comprised 16,500m<sup>2</sup> of commercial floor space as well as food and drink premises, an indoor recreation facility, serviced apartments and 753 car spaces. The development application was approved in June 2021 and Figure 1 below provides an elevation of the approved development.



**Figure 1**

Elevation of commercial building that received Development Consent (172/2021/JP)

Council received revised planning proposal documentation from the Proponent in January 2021, which sought to reduce the proposed maximum Floor Space Ratio under the planning proposal from 3.45:1 to 2.7:1.

The planning proposal is accompanied by a proposed amendment to the Hills DCP to apply Council's existing Commercial Centres parking rate of 1 car parking space per 40m<sup>2</sup> of commercial GFA, in comparison to the rate currently applicable to this site of 1 car parking space per 25m<sup>2</sup> of commercial GFA.

A draft Voluntary Planning Agreement (VPA) has also been submitted in association with the proposal. The VPA offer acknowledges that the existing development application (with an FSR of 2:1) has already been approved, with a contribution levy of 1% of the cost of works applied under the existing Section 7.12 Contributions Plan (which applied at the time of consent).

The draft VPA does not seek to amend this established contribution amount, however offers a monetary contributions at a rate of 2.8% of the cost of works, with respect to the additional commercial floor space, that would be facilitated through the planning proposal. This is intended to reflect the rate established under Council's Section 7.12 Norwest Innovation Plan.

The Planning Proposal was considered by the Local Planning Panel (LPP) in August 2021, and at its Ordinary Meeting of 28 September 2021, Council resolved as follows:

1. *The planning proposal applicable to land at 21-23 Lexington Drive Bella Vista (Lot 7081 DP 1037626) to increase the maximum floor space ratio from 2:1 to 2.7:1 proceed to Gateway Determination.*
2. *Draft amendments to The Hills DCP 2012, to apply the Commercial Centres Parking Rate to the site, be prepared and exhibited concurrently with the planning proposal.*
3. *Council accept, in principle, the draft Voluntary Planning Agreement (Attachment 4), with the VPA to be subject to legal review (at the cost of the Proponent), updated in accordance with the recommendations of the legal review and subsequently placed on public exhibition concurrent with the planning proposal and draft Development Control Plan.*

A Gateway Determination was issued by DPE on 23 December 2021 subject to the planning proposal being updated prior to public exhibition to include:

- 1) *Amend Part 2 – Explanation of provisions to include a clause that requires concurrence of the Planning Secretary to consider the potential effects of the development on existing and proposal future infrastructure on the area.*

The planning proposal has been updated to include this local provision.

Council was not issued delegation for making the Local Environmental Plan under the Gateway Determination.

On 24 January 2022, a modification application was lodged for the subject site. The application seeks to realise the additional commercial floor space to be facilitated through the planning proposal. The application is currently under assessment by Council.

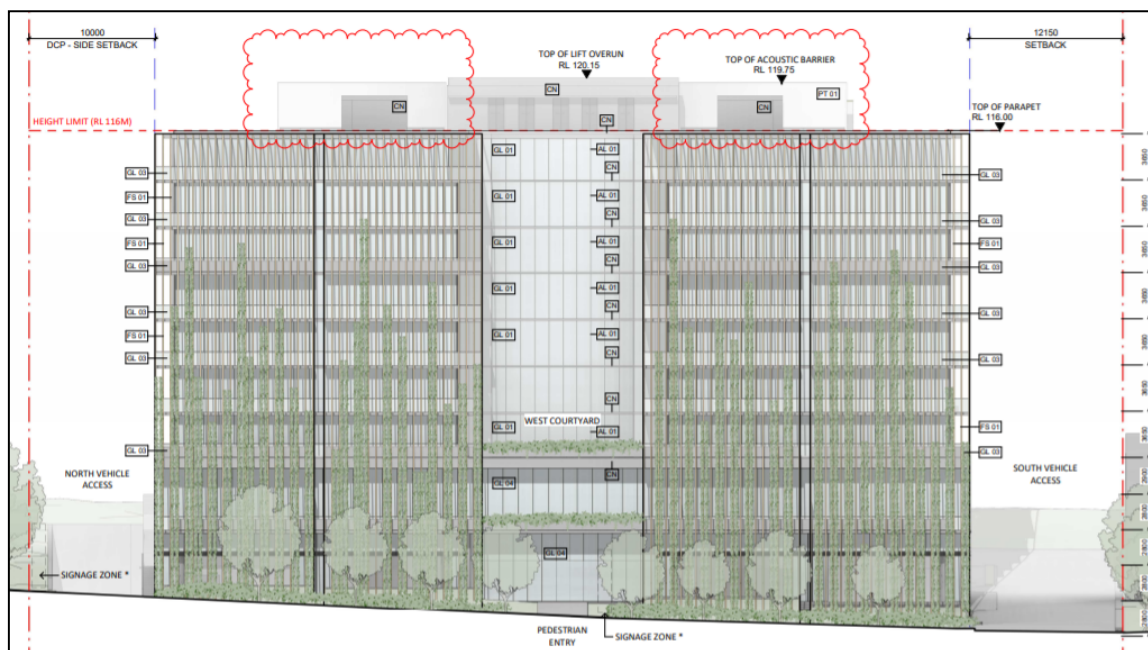
### THE SITE:

The site is located within the Bella Vista Station Precinct and is known as (Lot 7081 DP 1037626). It is irregular in shape with a site area of 1.02 hectares and is currently vacant. The land falls approximately 8m from the north-east to the south-west of the site, towards Lexington Drive. The land is located approximately 500m walking distance from the Bella Vista Metro Station. The Sydney Metro Northwest tunnel is located directly beneath the land. The site location and context is shown in Figure 2 below:



**Figure 2**  
Aerial view of the site and locality

The development application (172/2021/JP) was approved under the current planning framework and complies with the relevant development standards currently applicable to the land (including the maximum building height of RL 116m, maximum FSR of 2:1 and required parking rate of 1 space per 25m<sup>2</sup> of commercial GFA). The approval allows for an 11 storey commercial development with a total gross floor area of 20,400m<sup>2</sup> (FSR of 2:1) comprising 16,500m<sup>2</sup> of commercial floor space as well as food and drink premises, an indoor recreation facility, serviced apartments and 753 car spaces. The front façade is depicted in the figure below.



**Figure 3**

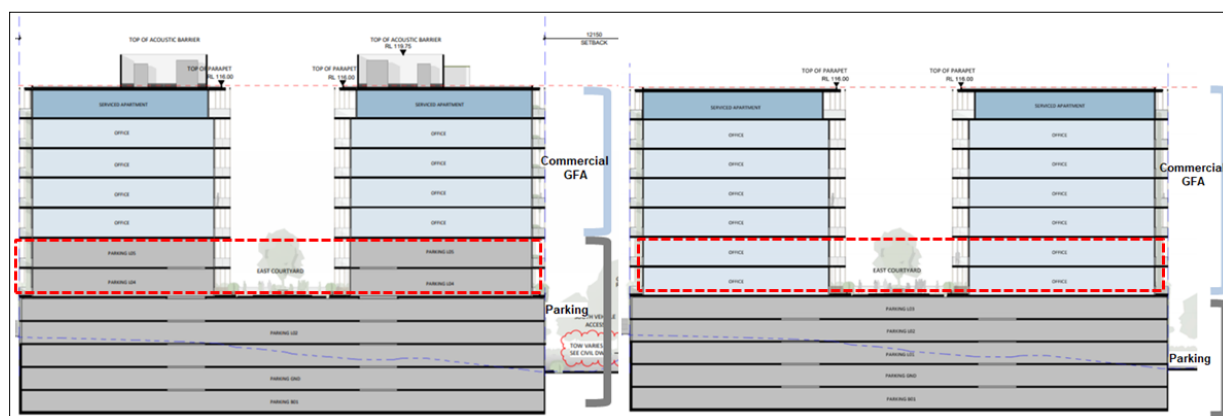
Approved built form Development Consent 172/2021/JP

## PART 1 OBJECTIVES OR INTENDED OUTCOME

The objective of the planning proposal is to facilitate additional commercial floor space on the site through amendments to the Floor Space Ratio Map under The Hills LEP 2019 and the applicable commercial car parking rate for the site under The Hills DCP 2012.

In combination, these amendments would enable the Proponent to preserve the recently approved building envelope (DA 172/2021/JP) whilst realising the additional commercial floor space by way of converting two levels of approved above ground car parking into additional office space.

Figure 4 below shows the section plan of the approved Development Application that highlights in red two levels of car parking proposed to be converted into commercial floor space.



**Figure 4**

Development Consent (left) and Planning Proposal Concept (right)  
Floors to be converted from parking to commercial space outlined in red

## PART 2 EXPLANATION OF THE PROVISIONS

The proposed outcome will be achieved by amending the Floor Space Ratio Map to increasing the applicable maximum FSR on the site from 2:1 to 2.7:1.



It is a condition of the Gateway Determination that concurrence with the Planning Secretary is sought to consider the potential effects of the development on existing and proposed future infrastructure in the area. The following clause is intended to be inserted in The Hills LEP 2019, Part 7 Local Provisions as follows:

**XX Development at 21-23 Lexington Drive, Bella Vista**

- 1) *This clause applies to the Lot 7081 DP 1037626, 21-23 Lexington Drive, Bella Vista.*
- 2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority has obtained the concurrence of the Planning Secretary.*
- 3) *In deciding whether to grant concurrence the Planning Secretary must consider the potential effects of the development on existing and proposed future infrastructure in the locality.*
- 4) *The Planning Secretary must notify the consent authority of the Planning Secretary's decision within 21 days of receiving the request for concurrence.*

\*Note: This clause is draft only and will be subject to legal review.

## **PART 3 JUSTIFICATION**

### **SECTION A - NEED FOR THE PLANNING PROPOSAL**

1. *Is the planning proposal a result of any strategic study or report?*

No, the planning proposal is not a result of any strategic study or report. It has been initiated by the Proponent.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Yes, the planning proposal is considered to be the best way to achieve the intended outcome. The higher employment yield can be accommodated on the site within the approved built form without any adverse built form or traffic impacts. The additional floor space will result in the creation of approximately 238 additional jobs.

### **SECTION B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK**

3. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

Yes, a discussion of consistency is provided below.

#### **▪ Greater Sydney Region Plan**

The relevant objectives of the Greater Sydney Region Plan are:

- Objective 14 A Metropolis of Three Cities – integrated land use and transport creates walkable 30-minute cities; and
- Objective 22 Investment and business activity in centres.

The planning proposal is consistent with the Greater Sydney Region Plan as it seeks to attract investment and business activity by facilitating additional commercial floor space and a greater number of jobs within an established strategic centre, and a specialised commercial office precinct. The provision of additional jobs will contribute to Sydney's global economic competitiveness. The proposal would also contribute to the 30-minute city by co-locating jobs in close proximity to Bella Vista Metro Station and nearby residential areas.

4. *Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?*

#### **▪ Central City District Plan**

The relevant objectives of the Central City District Plan are:

- Planning Priority C9 Delivering integrated land use and transport planning and a 30-minute city; and
- Planning Priority C10 Growing investment, business opportunities and jobs in strategic centres.

The planning proposal is consistent with the Central City District Plan as it would facilitate the opportunity to grow investment in the Norwest Strategic Centre and will generate increased business and employment opportunities within an identified specialised commercial office precinct. The site is located within 500m walking distance from the Bella Vista Metro Station and would therefore ensure the co-location of job opportunities with public transport services and a range of other residential and commercial uses. The proposal will result in the provision of approximately 238 additional jobs on the site towards the target of 49,000 to 53,000 total jobs identified for Norwest.

#### ▪ **The Hills Future Community Strategic Plan**

The Hills Future Community Strategic Plan 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 provide for additional employment opportunities, consistent with the Strategic Plan. The scale and built form of the development is consistent with what has been approved via development consent and is appropriate given the location of the site within the Norwest Strategic Centre and specialised commercial office precinct.

#### ▪ **The Hills Local Strategic Planning Statement**

Council's Local Strategic Planning Statement and supporting strategies were adopted by Council on 22 October 2019. They set the high-level strategic direction for the Shire within 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 relevant planning priorities of the Local Strategic Planning Statement are:

- Planning Priority 1 – Plan for sufficient jobs, targeted to suit the skills of our workforce;
- Planning Priority 2 – Build strategic centres to realise their potential; and
- Planning Priority 12 – Influence travel behaviour to promote sustainable choices.

The Norwest Business Park is a higher order employment park and the provision of commercial office space will facilitate the Shire's transition towards a more knowledge-based economy. The provision of these types of jobs is commensurate with the Shire's workforce, which is predominantly highly educated and highly skilled. Increased employment opportunities in this location will assist in realising the full potential of the Norwest Strategic Centre. Additionally, the reduced car parking rate of 1 space per 40m<sup>2</sup> is consistent with Council's priority to influence travel behaviour by encouraging sustainable transport choices.

#### *5. Is the planning proposal consistent with applicable State Environmental Planning Policies?*

Yes. An assessment of the planning proposal against applicable State Environmental Planning Policies is provided in Attachment A.

#### *6. Is the planning proposal consistent with applicable Ministerial Directions (s. 9.1 directions)?*

Yes. An assessment of the planning proposal against applicable Ministerial Directions is provided in Attachment B and below.

#### ▪ **Direction 7.1 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 and does not seek to reduce the amount of land zoned for employment purposes. In contrast, the planning proposal seeks to increase the potential for commercial floor space on the site and support the viability of Norwest as a strategic employment location. The proposal is therefore consistent with this Ministerial Direction.

- **Direction 5.1 Integrating Land Use and Transport**

This Direction seeks to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve a number of objectives relating to improved active and public transportation access, increased transport choice, reduced car dependency and efficient freight movements.

The planning proposal is consistent with this Direction as it seeks to better utilise new public transport infrastructure, being the Sydney Metro Northwest. The planning proposal would facilitate an additional 238 jobs to the approved commercial development within 500m walking distance from Bella Vista Metro Station. The planning proposal is expected to generate public transport patronage and as such, a reduced parking rate of 1 space per 40m<sup>2</sup> is proposed for the site. This reduced parking rate is expected to encourage sustainable transport options and reflect the anticipated mode shift towards Metro patronage.

- **Direction 1.16 North West Rail Link Corridor Strategy**

This Direction promotes transit-oriented development and balanced growth around the eight train stations of the Sydney Metro Northwest. A planning proposal must be consistent with the structure plans, growth projections and proposed future character of the station precincts.

The planning proposal seeks to increase the applicable floor space ratio from 2:1 to 2.7:1, which remains within the FSR range identified in the North West Rail Link Corridor Strategy for commercial development within a station precinct (2:1 to 4:1).

While the planning proposal is consistent with this Ministerial Direction, it is important to note that the North West Rail Link Corridor Strategy was prepared in 2013. The strategic planning process for this area has since progressed by way of the Government's Planned Precinct program and the completion of detailed precinct planning for the Bella Vista Precinct in 2017. This more recent planning work takes precedence over the original outcomes and vision detailed within the North West Rail Link Corridor Strategy.

## **SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT**

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

No, Council's Vegetation Mapping identifies Gardens / Modified Vegetation Communities on the subject site. Further, there are no proposed changes to the building envelope approved under 172/2021/JF.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No. As described above, the development uplift can be accommodated within the approved built form and therefore would not create any additional environmental impacts.

9. *How has the planning proposal adequately addressed any social and economic effects?*

The proposal will contribute an additional 238 jobs to the local economy of Norwest and contribute towards increasing Greater Sydney's global economic competitiveness. The proposal will co-locate jobs near housing and major public transport contributing to the 30-minute city vision. The proposed reduction in the applicable car parking rate will reduce car dependency for users of the site and will encourage more sustainable and active forms of travel, including increased patronage of the public transport system. It is therefore considered that the proposal will not have any negative social or economic effects.

## **SECTION D - STATE AND COMMONWEALTH INTERESTS**

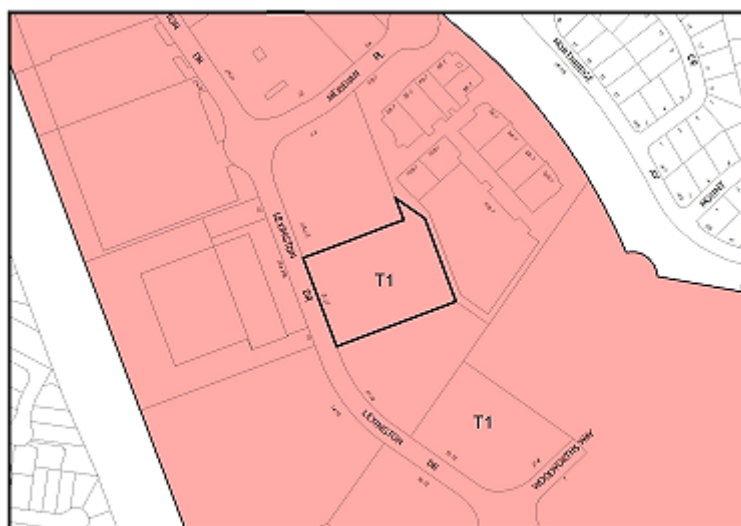
10. *What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?*

As a condition of the Gateway Determination, Council will consult the following public authorities during the public exhibition process:

- Transport for NSW (including Sydney Metro);
- Sydney Water; and

- ## PART 4 MAPPING

### Existing Floor Space Ratio Map



T1	2.0
----	-----

T1	2.0	U2	2.7
----	-----	----	-----

## PART 5 COMMUNITY CONSULTATION

Document Set ID: 19891342  
Version: 5, Version Date: 01/06/2022



## PART 6 PROJECT TIMELINE

STAGE	DATE
Commencement Date (Gateway Determination)	December 2021
Government agency consultation	June 2022
Commencement of public exhibition period (28 days)	June 2022
Completion of public exhibition period	July 2022
Timeframe for consideration of submissions & proposal post exhibition	July 2022
Report to Council on submissions	July/August 2022
Execution of Associated Voluntary Planning Agreement	September 2022
Date Council will forward to Department for notification	September 2022

**ATTACHMENT A: LIST OF STATE ENVIRONMENTAL PLANNING POLICIES**

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)	APPLICABLE TO THSC	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
Biodiversity and Conservation (2021)	YES	NO	-
Building Sustainability Index: BASIX (2004)	YES	NO	-
Exempt and Complying Development Codes (2008)	YES	NO	-
Housing (2021)	YES	NO	-
Industry and Employment (2021)	YES	NO	-
No. 65 – Design Quality and Residential Apartment Development	YES	NO	-
Planning Systems (2021)	YES	NO	-
Precincts – Central River City (2021)	YES	NO	-
Precincts – Eastern Harbour City (2021)	NO	-	-
Precincts – Regional (2021)	NO	-	-
Precincts – Western Parkland City (2021)	NO	-	-
Primary Production (2021)	YES	NO	-
Resilience and Hazards (2021)	YES	NO	-
Resources and Energy (2021)	YES	NO	-
Transport and Infrastructure (2021)	YES	NO	-



**ATTACHMENT B: ASSESSMENT AGAINST SECTION 9.1 MINISTERIAL DIRECTIONS**

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
<b>0. Planning Systems</b>				
1.1	Implementation of Regional Plans	YES	NO	-
1.2	Development of Aboriginal Land Council land	NO	-	-
1.3	Approval and Referral Requirements	YES	NO	-
1.4	Site Specific Provisions	YES	NO	-
<b>1. Planning Systems – Place-based</b>				
1.5	Parramatta Road Corridor Urban Transformation Strategy	NO	-	-
1.6	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	YES	NO	-
1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	NO	-	-
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	NO	-	-
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	NO	-	-
1.10	Implementation of the Western Sydney Aerotropolis Plan	NO	-	-
1.11	Implementation of Bayside West Precincts 2036 Plan	NO	-	-
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	NO	-	-
1.13	Implementation of St Leonards and Crow Nest 2036 Plan	NO	-	-
1.14	Implementation of Greater Macarthur 2040	NO	-	-
1.15	Implementation of Pyrmont Peninsula Place Strategy	NO	-	-
1.16	North West Rail Link Corridor Strategy	YES	YES	CONSISTENT Refer Part 3 Section B
1.17	Implementation of the Bays West Place Strategy	NO	-	-
<b>2. Design and Place</b>				
<b>3. Biodiversity and Conservation</b>				
3.1	Conservation Zones	YES	NO	-
3.2	Heritage Conservation	YES	NO	-
3.3	Sydney Drinking Water Catchments	NO	-	-
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs 26	NO	-	-
3.5	Recreation Vehicle Areas	YES	NO	-

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
<b>4. Resilience and Hazards</b>				
4.1	Flooding	YES	NO	-
4.2	Coastal Management	NO	-	-
4.3	Planning for Bushfire Protection	YES	NO	-
4.4	Remediation of Contaminated Land	YES	NO	-
4.5	Acid Sulfate Soils	YES	NO	-
4.6	Mine Subsidence and Unstable Land	YES	NO	-
<b>5. Transport and Infrastructure</b>				
5.1	Integrating Land Use and Transport	YES	YES	CONSISTENT Refer Part 3 Section B
5.2	Reserving Land for Public Purposes	YES	NO	-
5.3	Development Near Regulated Airports and Defence Airfields	YES	NO	-
5.4	Shooting Ranges	NO	-	-
<b>6. Housing</b>				
6.1	Residential Zones	YES	NO	-
6.2	Caravan Parks and Manufactured Home Estates	YES	NO	-
<b>7. Industry and Employment</b>				
7.1	Business and Industrial Zones	YES	YES	CONSISTENT Refer Part 3 Section B
7.2	Reduction in non-hosted short-term rental accommodation period	NO	-	-
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	NO	-	-
<b>8. Resources and Energy</b>				
8.1	Mining, Petroleum Production and Extractive Industries	YES	NO	-
<b>9. Primary Production</b>				
9.1	Rural Zones	YES	NO	-
9.2	Rural Lands	NO	-	-
9.3	Oyster Aquaculture	YES	NO	-
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	NO	-	-





