

ITEM-1	LOCAL PLANNING PANEL - PLANNING PROPOSAL - 14-16 BROOKHOLLOW AVENUE, NORWEST (2/2021/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:	19 MAY 2021 LOCAL PLANNING PANEL
AUTHOR:	TOWN PLANNER GIDEON TAM
RESPONSIBLE OFFICER:	MANAGER – FORWARD PLANNING NICHOLAS CARLTON

Proponent	TONY ISAAC C/- URBIS PTY LTD
Owner	BHA CORP PTY LIMITED
Planning Consultant	URBIS PTY LTD
Urban Designer	PBD ARCHITECTS
Traffic Consultant	GTA CONSULTANTS (NSW) PTY LTD
Site Area	6,620M²
List of Relevant Strategic Planning Documents	GREATER SYDNEY REGION PLAN CENTRAL CITY DISTRICT PLAN SECTION 9.1 MINISTERIAL DIRECTIONS THE HILLS LOCAL STRATEGIC PLANNING STATEMENT NORTH WEST RAIL LINK CORRIDOR STRATEGY THE HILLS CORRIDOR STRATEGY
Political Donation	NONE DISCLOSED BY THE PROPONENT
Recommendation	THAT THE PLANNING PROPOSAL NOT PROCEED TO GATEWAY DETERMINATION



EXECUTIVE SUMMARY

The planning proposal applicable to land at 14-16 Brookhollow Avenue, Norwest (Lot 3 DP 1010849) seeks to increase the maximum height of buildings from RL116 metres to RL150.8 metres and increase the floor space ratio from 1:1 to 4:1. It is acknowledged that the proposed development would deliver a commercial-only outcome with potential for approximately 1,000 additional jobs within the Norwest Precinct, in comparison to the current planning controls applicable to the site. It is also noted that 15,000m² of the proposed 26,484m² of commercial gross floor area (GFA) is subject to a signed heads of agreement with a future tenant, which provides greater certainty that future investment and development will occur on this site. However, it is ultimately the view of Council officers that the proposal, in the form submitted by the Proponent, does not demonstrate adequate strategic and site specific merit to warrant progression to Gateway Determination.

In terms of strategic merit, while the commercial-only outcome is supported, the proposal has not adequately justified the considerable variation in density proposed in comparison to the applicable strategic planning framework. As there are no particularly unique characteristics that distinguish this site from others within the Precinct, concern is raised that permitting an FSR of 4:1 on this site would create an unsustainable precedent of development densities within the Norwest Strategic Centre. This is especially true given the proposal is seeking uplift in advance of the completion of precinct planning and traffic and infrastructure analysis, which would ultimately be required to verify that the strategically identified yields can be appropriately accommodated, let alone densities which are double that originally anticipated.

In terms of site-specific merit, the site is currently under-sized with an area of 6,620m². This constraint, combined with the substantial FSR sought (4:1), appears to result in a development outcome which is beyond the built form capacity of the site. This is evidenced in a number of design and amenity issues identified with the proposed concept in relation to transition of building heights to the adjoining residential area and local park, overshadowing impacts on the adjoining local park, inadequate setback distances and excessive site coverage.

It is considered that a positive development outcome could be achieved on the site in the form of a commercial-only development with a marginally reduced FSR of between 2:1 - 3:1. Such an outcome would still enable substantial uplift in comparison to the current maximum density (1:1) and would more closely align with the strategic vision for the site and surrounding locality. It would also relieve substantial pressure from the proposed built form outcome to accommodate a density which is beyond the capacity of the site and allow for resolution of the identified site-specific issues. Council officers sought to work with the Proponent to attempt to resolve these issues to the point where a positive recommendation could be made, however the Proponent has advised that it is unwilling to reduce the density sought (4:1) and has requested that the proposal, in its current form, be put to the elected Council for determination.

THE HILLS LOCAL ENVIRONMENTAL PLAN 2019

The planning proposal seeks to amend LEP 2019 as follows:

	Current (LEP 2019)	NWRL Corridor Strategy	Hills Corridor Strategy	Planning Proposal
Zone	B7 Business Park	No Change	No Change	No Change
Max. Height	RL 116 metres (7 storeys)	8 -10 storeys ¹	6-10 Storeys ¹	RL 150.8 metres (up to 16 storeys)
Max. FSR	1:1	2:1 – 4:1 ²	2:1 (<i>min</i>) ³	4:1
Min. Lot Size	8,000m ²	No change	No change	No change
Employment Yield	6,620 m ² (331 jobs) ⁴	13,240m ² - 26,484m ² (662 – 1321 jobs) ⁴	Min. of 13,240m ² (662 jobs) ⁴	26,484m ² (1321 jobs) ⁴
¹ The NWRL and Hills Corridor Strategies do not include anticipated heights for the subject site. The abovementioned heights are indicative based on the anticipated character and FSR identified for the site. ² The NWRL Corridor Strategy does not include an anticipated FSR for the subject site. The abovementioned range indicates the FSR assumptions that were utilised across all Precincts along the Metro Corridor. ³ 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. ⁴ Employment ratio based on a rate of 1 job per 20m ² of commercial GFA.				

Table 1
Existing and Proposed Controls

HISTORY

29/03/2016	Previous planning proposal (13/2015/PLP), which sought to facilitate the delivery of a commercial and serviced apartment development outcome, was withdrawn prior to any formal consideration by Council.
24/06/2020	Pre-lodgement meeting held for the subject planning proposal. Council Officers provided subsequent advice to the Proponent indicating that the proposed FSR of 4:1 was significantly in excess of what is envisaged for the site under The Hills Corridor Strategy and that it may be difficult to justify progressing with such a significant variation in advance of precinct planning.
11/09/2020	Subject planning proposal lodged with Council.
17/11/2020	Planning proposal presented at Councillor Workshop.
16/12/2020	Preliminary assessment feedback provided to Proponent advising that the proposed FSR of 4:1 exceeds what is identified in the strategic framework. Site specific issues were raised and it was requested that the Proponent amend the proposal to better respond to adjoining residential development, reconsider the reduced parking rate and further justify the ability for the proposed uplift sought under the planning proposal to be serviced by local and regional infrastructure.
15/03/2021	Proponent submitted additional information, including revised plans and further justification with respect to the proposed density of 4:1 on the site. The revised architectural plans increased the building footprint, amended podium design and incorporated a through site link. There was no material change to the height or density being sought by the planning proposal.
30/03/2021	Meeting held with the Proponent to discuss the submission of a letter of

offer to enter into a Voluntary Planning Agreement (VPA).

12/04/2021 VPA letter of offer submitted to Council offering a monetary contribution equating to 3% of the cost of development.

20/04/2021 Meeting held with the Proponent to discuss the planning proposal and Council Officer feedback provided to date. Council Officers reiterated concerns with respect to the density proposed on the site, particularly in advance of precinct planning and detailed infrastructure analysis, as well as the built form issues identified. The proponent advised that they would not be making any further amendments to the proposal in response to Council officer comments and requested that the application, in its current form, be reported to Council for a decision expediently.

REPORT

The purpose of this report is to present the subject planning proposal to the Local Planning Panel for advice, in accordance with Section 2.19 of the Environmental Planning and Assessment Act 1979.

1. THE SITE

The site is known as 14-16 Brookhollow Avenue, Norwest (Lot 3 DP 1010849). It is located within the Norwest Strategic Centre and is approximately 600 metres walking distance from the Norwest Metro Station (see Figure 1 below). It has an area of 6,620m² and currently contains a 3 storey commercial building constructed in 1999.



Figure 1
Aerial view of the site and surrounding locality

The site is surrounded by low-rise commercial development on three (3) frontages. The rear boundary adjoins an existing local park (zoned RE1 Public Recreation) and detached low density residential dwellings (zoned R3 Medium Density Residential).

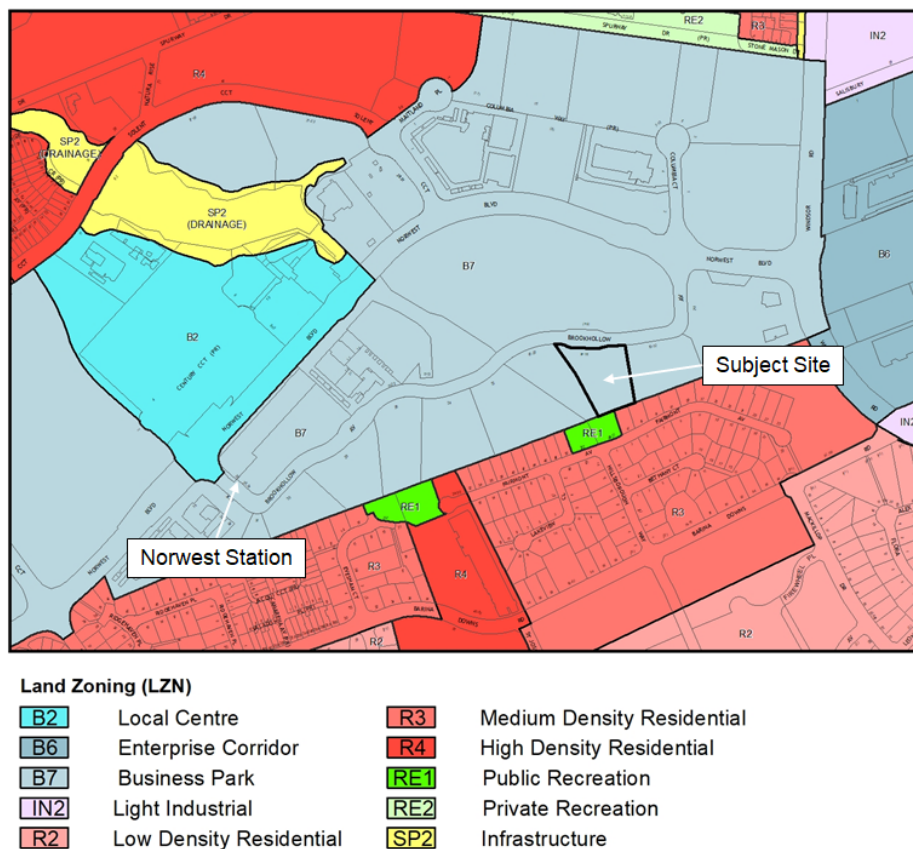


Figure 2
Existing Land Zone Map (LEP 2019)

2. DESCRIPTION OF THE PLANNING PROPOSAL

The planning proposal seeks to facilitate redevelopment of the site to accommodate a commercial development comprising 26,484m² of commercial gross floor area (GFA) and 380 car parking spaces within 3 levels of basement parking. The proposed built form ranges between 6 storeys and 16 storeys (including a 1 storey podium). The proposal identifies that 34% of the site would be retained for landscaping.

**Figure 3**

Indicative Development Concept (view from Brookhollow Avenue looking south)

Initially, the proposed development concept provided indicated a total GFA of 21,704m², which would only require an FSR of 3.28:1, despite the FSR of 4:1 being requested. The Proponent has subsequently amended the concept plans to rectify this, resulting in an enlargement in the building platform of the eastern building as shown in Figure 4 below. The increased floorplate results in a 10m extension of the building toward the rear boundary and subsequently, the rear setbacks and onsite open space are reduced.

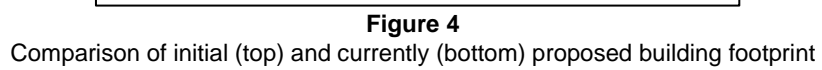




Figure 5
Indicative Site Plan

To facilitate this development outcome, the planning proposal seeks to amend LEP 2019 to:

- Increase the maximum building height from RL116 to RL150.8 metres (approx. 16 storeys); and
- Increase the maximum floor space ratio from 1:1 to 4:1.

The planning proposal also seeks a reduction in the current applicable car parking rate of 1 space per 25m² GFA to a rate of 1 space per 70m² of GFA. While a DCP has not been submitted in support of the planning proposal, the Proponent has suggested that a site specific DCP would be prepared to guide built form outcomes on the site, should the matter progress to Gateway Determination. Amendments to Part C Section 1 – Parking would also be required to facilitate the requested reduction in the car parking rate.

A letter of offer to enter into a Voluntary Planning Agreement (VPA) has been submitted in support of the planning proposal. The draft offer would require that in association with future development on the site, the developer would pay monetary contributions to Council valued at 3% of the cost of future development. As part of this offer, the Proponent has requested that at least one-third of the contribution (1% of the cost of future development) be allocated by Council towards infrastructure and public domain improvements within immediate proximity of the site, with the remaining contribution (2% of the cost of future development) being available for Council to expend, at its discretion, on new and upgraded local infrastructure within the Norwest Strategic Centre.

3. MATTERS FOR CONSIDERATION

The planning proposal requires consideration of the following matters:

- a) Strategic Context;
- b) Relationship with Surrounding Development;
- c) Urban Design and Built Form;
- d) Stormwater and Flooding;
- e) Traffic and Parking; and
- f) Voluntary Planning Agreement and Infrastructure Provision.

a) Strategic Context

A discussion on consistency with the strategic planning framework is provided below.

- Greater Sydney Region Plan and Central City District Plan

Objective 14 of the Greater Sydney Region Plan and Planning Priority C9 of the Central City District Plan seek 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 increased commercial employment opportunities within the Norwest Strategic Centre and 600 metres walking distance from the Norwest Metro Station.

Objective 22 of the Region Plan and Planning Priority C10 of the District Plan seek 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. Increased development opportunities on the site will support the Norwest Business Park realise its potential as one of nine specialised commercial office precincts within Greater Sydney, through the proposed commercial land use and increased commercial capacity sought under the planning proposal.

The planning proposal is largely consistent with these objectives as it would contribute approximately 883 additional jobs towards the 50,000 total job target identified for Norwest in the District Plan. However, the Plans also identify the need for high levels of amenity and attractiveness as being imperative to the success of strategic centres. The provision of increased commercial employment opportunities must occur in a sensitive manner that can be supported by the appropriate infrastructure and does not compromise the amenity of the Norwest Business Park as an attractive place to work.

Objective 2 of the Region Plan and Planning Priority C1 of the District Plan seek to ensure that infrastructure provision aligns with forecast growth. The planning proposal is seeking to progress in advance of precinct planning and detailed infrastructure analysis that would determine the infrastructure upgrades required to support the growth forecast for the Norwest Precinct under The Hills Corridor Strategy. It has not been verified that the proposed yield can be adequately serviced, in the context of future cumulative growth likely to occur within the Norwest Strategic Centre and as such, the planning proposal is partially inconsistent with this objective.

- North West Rail Link Corridor Strategy

The North West Rail Link Corridor Strategy Norwest Structure Plan proposes a commercial core adjacent to the station and around the perimeter of Norwest Lake (Figure 5). It is

envisaged that this area will comprise the highest density commercial office space and expanded retail opportunities. The Structure Plan identifies building heights of 8-10 storeys within the core.



Figure 6
Commercial Core – Norwest Structure Plan

The subject site is located adjacent to the core within the identified 'Business Park' area (Figure 6). The Business Park area surrounds the Commercial Core on the eastern and western frame of the Norwest Precinct (Figure 7). Building heights are not specified for the Business Park, however the Structure Plan states that these sites must be carefully designed to integrate into the character of the area. It is also anticipated that this area would be of a lower density and scale to the Commercial Core, given the supporting peripheral function of this land and the increased distance from the Metro Station.

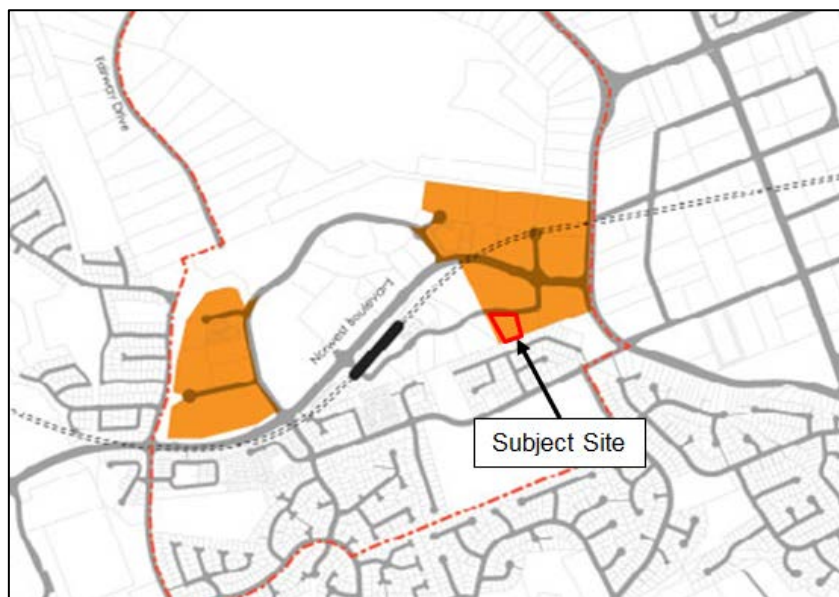


Figure 7
Business Park – Norwest Structure Plan

The FSR range of 2:1 – 4:1 was broadly stated by the Department as the general FSR range for all commercial development across *all* precincts along the Metro Corridor. Given this, it is anticipated that the relevant FSR assumption for the subject site would be on the lower end of the 2:1 – 4:1 FSR range, when factoring the more detailed site specific considerations, increased distance from the station and the character areas identified in the Norwest Structure Plan. Specifically, the anticipated heights of 8-10 storeys for the Norwest Commercial Core, the differing role and function of the Business Park area as distinct from the Commercial Core, the requirement for the Business Park area to be carefully designed to integrate with surrounding character and walking distance from the Metro station.

While the use of the site for commercial premises and the proposed increase in commercial floor space capacity are consistent with the Structure Plan, the scale and height of the proposed built form is beyond what is envisaged for the Business Park area. Given the principles of transit oriented development, transition of heights and density away from the Metro Station and centre of the Precinct, it is anticipated that the Business Park area would generally be of a lower scale than the proposed building heights of up to 16 storeys and FSR of 4:1 and as such, the proposal is ultimately inconsistent with the North West Rail Link Corridor Strategy.

- The Hills Corridor Strategy

The Hills Corridor Strategy identifies appropriate densities for development along the Metro Corridor to guide future precinct planning and planning proposals. It uses the principles of transit oriented development to identify the highest densities in the closest proximity to the stations. The Strategy envisages a minimum employment floor space ratio of 2:1 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. The identified FSR of 2:1 was identified as suitable to facilitate a built form that achieves an appropriate transition to surrounding residential development (Figure 7).

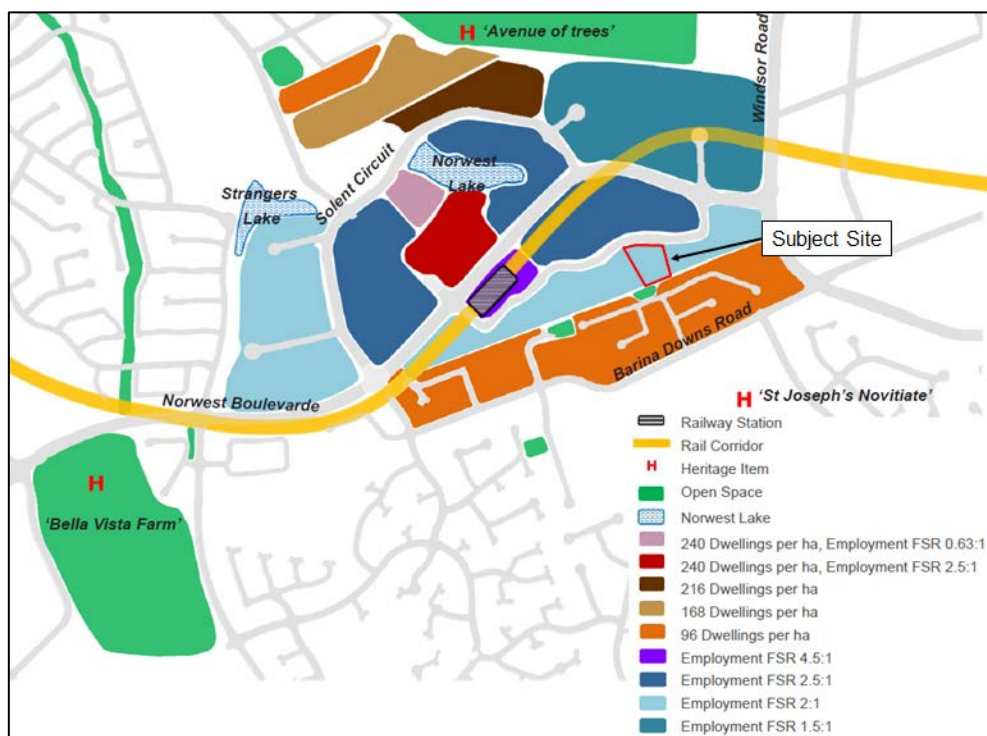


Figure 8

The Hills Corridor Strategy – Norwest Desired Outcomes

The planning proposal seeks an FSR of 4:1 for the subject site, which is double the anticipated density of 2:1. Further, the concept plans provided to support the planning proposal indicate a built form of 6-16 storeys which, as discussed further within this report, does not appear to achieve an appropriate built form outcome or transition and interface with residential development and public open space adjoining the site.

Both the North West Rail Link Corridor Strategy and The Hills Corridor Strategy are intended to inform detailed precinct planning for each station precinct, which is currently underway for the Norwest Strategic Centre. While a number of other planning proposals have progressed in advanced of this process, the outcomes sought through these applications were all largely consistent with outcome envisaged within The Hills Corridor Strategy. Given the substantial deviation from the outcomes articulated for this site, it would not be prudent strategic land use management to progress with this site-specific planning proposal ahead of more holistic precinct planning for Norwest.

- The Hills Local Strategic Planning Statement and Supporting Strategies

The key planning priorities within the Local Strategic Planning Statement (LSPS) that are relevant to this proposal are:

Planning Priority 1 – Plan for sufficient jobs, targeted to suit the skills of the workforce

The LSPS seeks to maintain an employment ratio of 0.8 jobs per resident worker as the population continues to grow. To do this, the LSPS seeks to protect existing and planned employment land and work with businesses to attract new investment. The planning proposal is consistent with this planning priority as it would significantly increase commercial floor space within the Norwest Strategic Centre and would align with the highly skilled professional workforce within The Hills.

Planning Priority 2 – Build strategic centres to realise their potential

This LSPS priority supports the job target set by the District Plan of an additional 16,600 to 20,600 jobs by 2036 in the Norwest Strategic Centre. To ensure this target is met, a structure plan and phasing strategy outlines how the Strategic Centre is expected to grow and evolve. The subject site is identified for commercial (offices) and is anticipated to provide office and business uses to contribute to this job target (Figure 8). The planning proposal is consistent with this planning priority as it seeks to facilitate a wholly commercial development outcome.

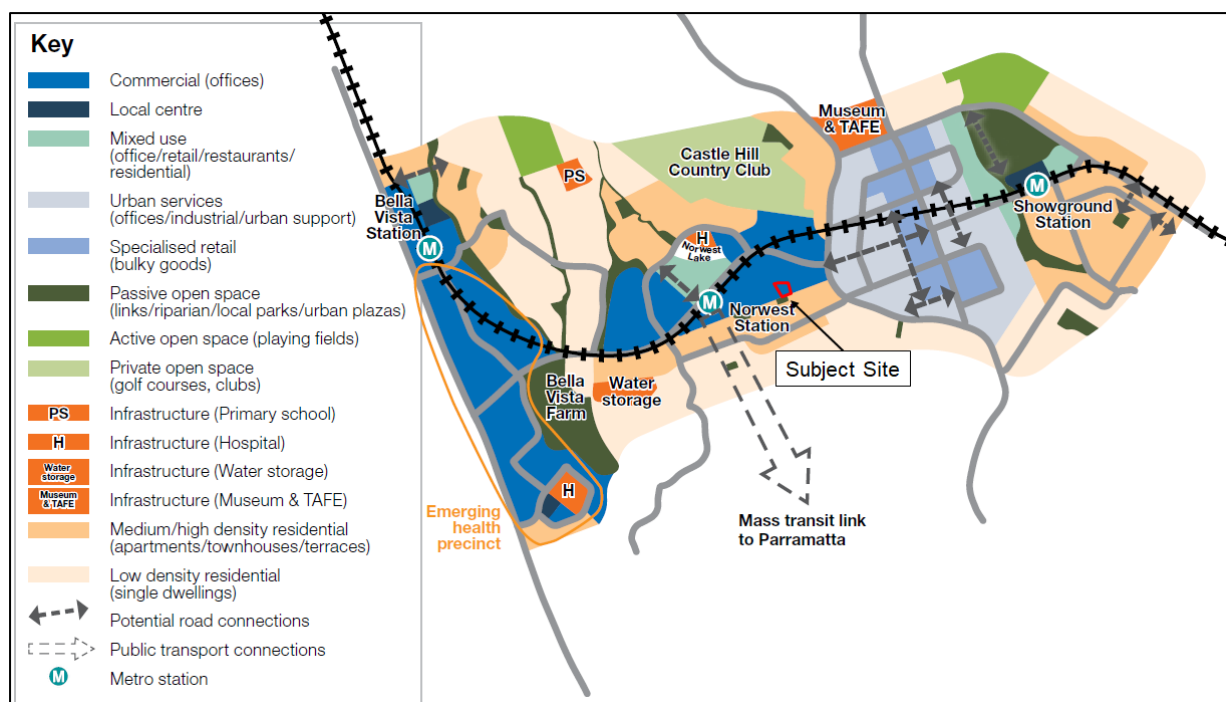


Figure 9

Local Strategic Planning Statement – Norwest Strategic Centre structure plan

However, the Phasing Strategy identifies key work that is required to support growth within the Norwest Strategic Centre. With respect to the subject site, key inputs include traffic modelling, commercial and retail market demand analysis, infrastructure investigations (including open space) and urban design and built form analysis. Given it is being considered in advance of the completion of detailed precinct planning for Norwest, the subject planning proposal is unable to adequately justify the extent of density and floor space sought in the context of cumulative development outcomes within the Strategic Centre and in the absence of detailed infrastructure analysis that assesses the development capacity of the Precinct having regard to cumulative growth expected across the entire Strategic Centre.

Planning Priority 12 – Influence travel behaviour to promote sustainable choices

The Hills has historically had high levels of car ownership due to fewer public transport options and relatively long distances to employment locations such as Parramatta, Sydney CBD and Macquarie Park. The LSPS seeks to influence travel behaviour through careful management of parking demand.

Under this planning priority, Council will review car parking rates for all centres. With respect to Norwest, it is anticipated that this review will be undertaken as part of the precinct planning process. The proposal is partially consistent with this priority as it seeks a reduced car parking rate for the site, from the currently applicable rate of 1 space per 25m² commercial GFA to a reduced rate of 1 space per 70m² commercial GFA. It is noted that Council has supported a reduced parking rate of 1 space per 60m² on the Norwest Station Site. Insufficient justification has been provided to warrant a lower rate on this site in comparison to the reduced rate supported on the Norwest Station Site. Traffic and parking impacts are discussed in further detail later in this Report.

- Section 9.1 Ministerial Directions

The following Directions issued by the Minister for Planning and Public Spaces under Section 9.1 of the Environmental Planning and Assessment Act 1979 require consideration:

Direction 1.1 Business and Industrial Zones

The planning proposal is consistent with this Direction as it seeks to encourage employment growth in an identified business zone in close proximity to the Norwest Metro Station, which would support the viability of the Norwest Business Park into the future.

Direction 3.4 Integrating Land Use and Transport

The planning proposal is consistent with this Direction as it seeks to improve access to jobs and reduce car dependence by co-locating higher density commercial employment opportunities in walking distance to public transport services.

Direction 4.3 Flood Prone Land

The planning proposal has the potential to be inconsistent with this Direction given that the application involves the intensification of development potential on a site that meets the definition of Flood Prone Land. The planning proposal material has not addressed flooding impacts and a Flood Assessment has not been submitted. Should the planning proposal proceed to Gateway Determination, further information would be required with respect to this matter.

Direction 5.9 North West Rail Link Corridor Strategy

This Direction aims to promote transit-oriented development and manage growth around the eight new train stations of the North West Rail Link (now known as Sydney Metro Northwest). It requires that proposals for development within the corridor are 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 inconsistent with this Direction as it proposes a density and character outcome well beyond what is identified in the Corridor Strategy, as discussed earlier in this Report.

b) Relationship with Surrounding Development and Precedent

As part of the Proponent's justification with respect to the proposed density and height provisions, it is submitted by them that the development concept is contextually appropriate having regard to a number of other high density development proposals in the locality. Namely, there are a number of sites within the Norwest Strategic Centre subject to separate planning proposals and development applications that have been approved or supported by Council to progress to the Gateway Determination process.

A discussion on these applications is provided below.

- 25-31 Brookhollow Avenue (Norwest Station Site (6/2019/PLP))

25-31 Brookhollow Avenue is located on the Norwest Metro Station Site. The Hills Corridor Strategy anticipates an employment FSR of 4.5:1 on the site. The site is currently subject to a planning proposal which in its current form proposes a 23 storey development (RL184 metres) with an FSR of part 6.5:1 to part 4.1:1 and part 1:1. It is noted that taking into account the entire station site (including the metro station), this proposal has an overall average FSR equivalent to 3.1:1. The planning proposal was issued a Gateway Determination on 20 February 2020 and is contextually appropriate as

it aligns with the strategic planning framework and the transit oriented development principle of locating the highest densities in closest proximity to public transport.

- 11-13 Solent Circuit (The Esplanade)

The constructed 18 storey (RL143 metres) mixed-used development at 11-13 Solent Circuit, known as the Esplanade, has a total FSR of 2.42:1. It is located approximately 440m walking distance from the Norwest Metro Station and is situated within the identified high density mixed use core of Norwest. The development outcome is contextually appropriate given that some of the highest densities for Norwest Precinct are anticipated to be provided around the high amenity area of Norwest Lake.

- 2-4 Burbank Place

The planning proposal for 2-4 Burbank Place proposes an FSR of 2.8:1 and a maximum building height of RL 126 metres. However, given the site is zoned part B7 Business Park and part SP2 Special Infrastructure (Drainage), the FSR equates to 2.5:1 when averaged across the entire site area. The site is located 750m walking distance from the Norwest metro station. The adjoining lake facilitates a 110 metre spatial separation buffer between the site and nearby low density residential development, which mitigates any potential built form impacts associated with the proposed density and FSR. The planning proposal was issued a Gateway Determination on 24 February 2020.

- 40 Solent Circuit (The Greens)

The planning proposal facilitated base FSR of 1:1 and incentivised FSR of 2.9:1, with building heights of between 8 to 26 storeys (RL 176 metres). The strategic planning framework anticipates this area to be high density residential development. While the FSR and building heights exceed those specified within The Hills Corridor Strategy, site specific consideration was given to varying these outcomes, particularly given that the proposal was able to demonstrate an improved urban design outcome in the form of slender towers and maximum 30% site coverage at the ground plane.

It is considered that the above proposals are all aligned with the density envisaged in the strategic planning framework (ranging in average FSR from 2.42:1 to 3.1:1) and have demonstrated strategic and site specific merit. While the Proponent has cited the above examples as precedent for the subject proposal, it is noted that the current proposed FSR of 4:1 is in excess of both the current strategic planning framework and all the other examples cited.

It is also noted that the site is under-sized as a commercial development site and there are no particularly unique site characteristics that set this site apart from all other landholdings along Brookhollow Avenue or within a 600 metre catchment from the station. Accordingly, if the proposal were supported, it could be perceived as a precedent decision to permit densities of this scale on other sites within the 600 metre catchment of the station (or potentially even greater densities as proximity to the station increases).

If Council were of a mind of progress this proposal, further consideration would be required on the potential precedent this may create and the resultant densities that would be significantly in excess of the strategic planning framework for land within 600 metres of Norwest station. This would be difficult to properly assess in the absence of holistic precinct planning and the completion of critical infrastructure analysis which assesses the impacts of cumulative growth within the Strategic Centre, including regional traffic modelling.

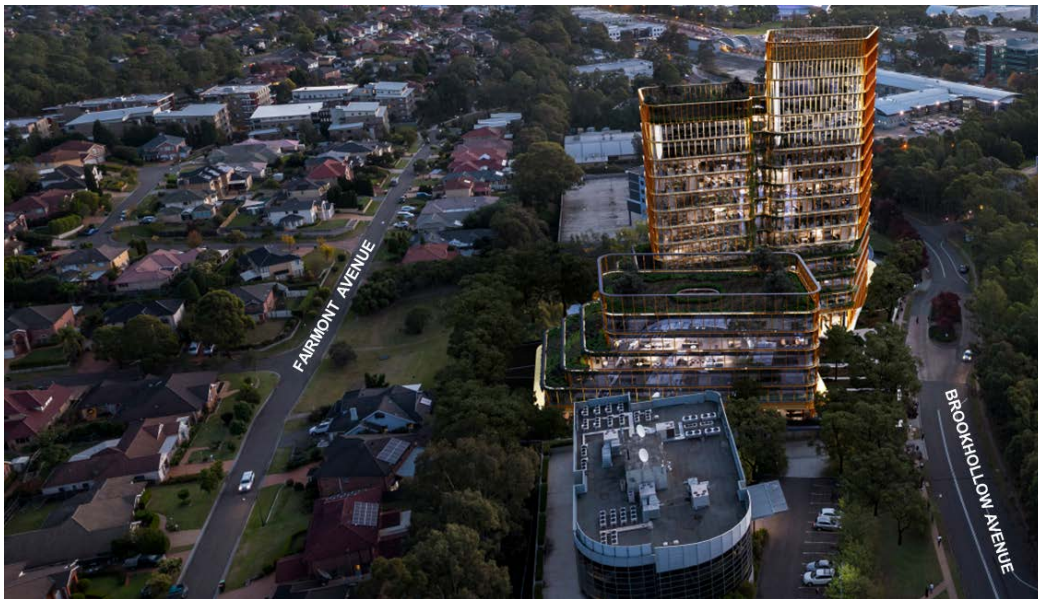
c) Urban Design and Built Form**▪ Building Height**

The planning proposal seeks to deliver a maximum 16 storey built form outcome fronting Brookhollow Avenue, that transitions to 6 storeys at the rear boundary of the site, adjacent to low density residential. It is noted that in an effort to reduce the overall building height whilst still achieving an FSR of 4:1, the design concept results in larger building footprints and site coverage than would otherwise be anticipated on the land.

The Proponent has provided a supporting Urban Design Response which seeks to demonstrate that the stepped building design, proposed plaza and existing vegetation along the southern boundary of the site would mitigate the amenity and visual impacts of the development on the adjoining detached residential dwellings. The residential properties to the south of the subject site currently contain low density residential dwellings however are identified for potential 3-6 storey residential flat building development under The Hills Corridor Strategy. The development concept indicates a setback of 16 metres from the rear boundary, with the existing low density residential development.

While this setback distance complies with the existing rear setback control between the business park and adjacent residential development (being 15 metres), this control has historically been imposed in the context of lower scale commercial development under the current FSR of 1:1 applicable to the majority of the business park. The traditional FSR of 1:1 sought to regulate building bulk, scale and mass such that development along Brookhollow Avenue could better arrange building heights in relation to the sensitive land uses to the south. For example, the siting of the Atlas building at 2-8 Brookhollow Avenue, Norwest is such that development to the south (adjoining the residential area) is limited to 2 storey carparking, with the taller elements of the building then shifted to the north of the site, away from the sensitive interface and uses. This ensures the development at the zone boundary has minimal impact on the adjacent residential development and the lower FSR control (1:1) provides greater flexibility in the siting and design of development to achieve the desired commercial and amenity outcomes.

While the development concept prepared by the Proponent attempts, in part, to follow this principle, the quantum of floor space proposed on an undersized lot results in bulky buildings that are of a height and scale likely to create an unacceptable impact on adjacent residential properties in terms of visual impact and overshadowing. The density proposed on the site is unable to be arranged within a built form that mitigates the visual impacts on the adjoining residential properties. For reference, Figure 9 below shows the visual relationship between the proposed 6 storey component of the development at the rear, with the adjacent low density residential development. It is acknowledged that the land to the rear may, in the future, accommodate low scale high density residential development, however given the age, quality, value and fragmented ownership of this housing stock, along with the substantial supply of land for high density residential development elsewhere within Norwest, this transition is not expected to occur in the short term. It is critical therefore that the proposal has regard to both the current and future character of the adjoining residential area.

**Figure 9**

Development concept illustrating interface with adjoining low-rise residential properties.

The Proponent has submitted that existing vegetation on the site would provide a sufficient buffer to soften the visual impact of the building when viewed from Fairmont Avenue. While landscaping and vegetation can have some softening effect on buildings, the provision of landscaping is not the appropriate tool to mitigate dominant and excessive bulk and scale of a built form.

- *Bulk and Scale*

The development concept includes a wide podium, which is in part broken up for a through site link. However the development reads as a continuous mass when viewed from Fairmont Avenue Reserve.

**Figure 10**

View of the development concept from Fairmont Avenue Reserve

In addition, the development concept fails to comply with key Hills DCP requirements such as:

- Front setbacks (9m proposed instead of 20m required);
- Side setbacks (3m proposed instead of 10m required);
- Basement car parking setbacks (0m proposed instead of 10m required); and
- Site coverage (76% coverage proposed instead of maximum 50% required).

The inability of the development concept to meet the key DCP controls is a clear indication that the proposed development exceeds the built form capacity of the site. This issue is exacerbated by the irregular lot dimensions and configuration and relatively small lot size, which is less than the minimum lot size of 8,000m² that is typical within the Norwest Precinct.

▪ *Visual Privacy*

The planning proposal does not demonstrate how the development would ensure visual privacy to adjoining residential properties is maintained. The Urban Design Report depicts blade louvers along the building façade to restrict overlooking onto adjoining properties (to the west) as shown in Figure 10, however the louvers do not restrict view lines into adjacent residential properties.

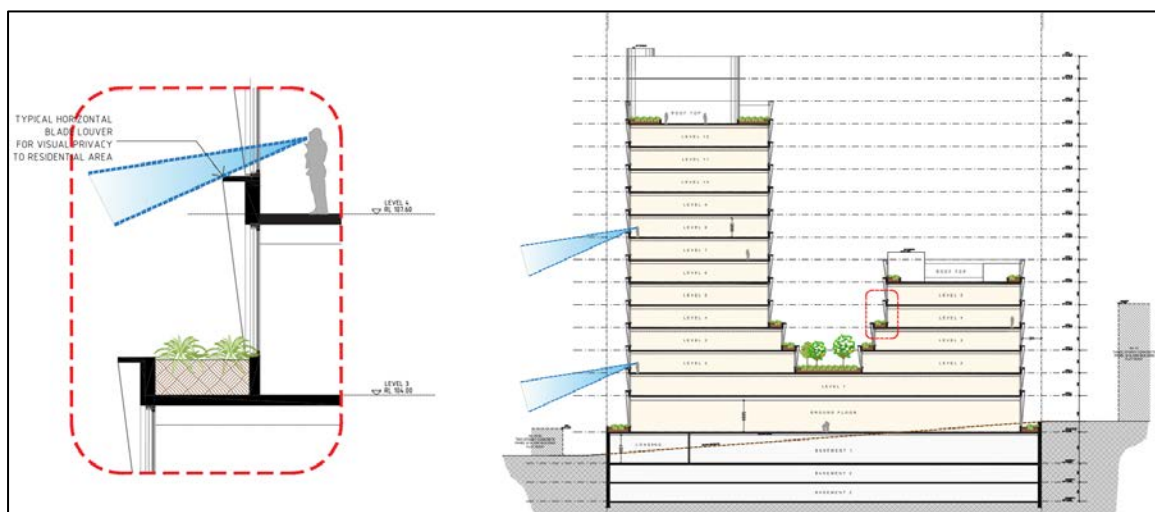


Figure 11

Line of sight from vantage points looking west
(Cross-section has not been updated to include a broken podium at ground floor).

The proposed commercial buildings will result in a large number building occupants that will potentially overlook the private open space of the existing dwellings. Adequate visual privacy for adjacent low density residential dwellings could be achieved through provision of additional setbacks between the residential and commercial development. However, the development concept is not able to incorporate additional rear setbacks without either reducing the FSR sought, further increasing building height, further increasing building footprints or further reducing front setbacks.

▪ *Overshadowing*

The original Urban Design Report submitted with the proposal indicates that the majority of adjoining residential properties will achieve the minimum 4 hours solar access. However this report and the solar access analysis does not account for the extended building platform as

illustrated in the revised plans provided in the Urban Design Response. As the building line is extended toward the rear boundary in the revised plans, it is likely that some properties to the south would receive less solar access than depicted in the original analysis as a result of the amendments to the building footprint.

Further, the adjoining local park (Fairmont Avenue Reserve) would be overshadowed as a result of the development during the peak lunch hours between 12pm to 2pm, during the winter solstice. While this reserve currently contains minimal embellishments, in the future it is likely to perform a higher order function in response to the increased density and activity in the strategic centre. It will be a key piece of public infrastructure to provide amenity and open space for commercial office workers and to provide pedestrian amenity and connectivity to the business park. Accordingly, it is imperative adequate that solar access to the existing open space is maintained to allow for the enjoyment by the public. The Urban Design Report including the solar access diagrams indicate an unacceptable level of overshadowing over the existing public open space.

- *Public Domain and Through Site Link*

The proposed development outcome includes a plaza fronting Brookhollow Avenue, a park toward rear of the site and a through site link from the lower ground floor to the first floor podium. The through site link is a positive response to the opportunity the site presents by connecting Brookhollow Avenue and Fairmont Avenue Reserve. However the site's topography makes an accessible through site link difficult and the imagery provided to support the proposal indicates several flights of steps are included in the through site link. A through site link would need to be accessible to all members of the community and further consideration needs to be given to the topography of the site and design and siting of the buildings in order to achieve this.

As the site is located within close proximity to the Norwest Metro Station and the employment opportunities within Norwest continue to grow, it is expected that Brookhollow Avenue will become more active with pedestrians and cyclists. The reduced front setback is unlikely to facilitate the landscaped character expected for Norwest and will not provide for any potential widening of Brookhollow Avenue if this, or future improvements to the public domain, are identified through precinct planning.

- *Floor Space Ratio*

The planning proposal seeks to apply an FSR of 4:1, which would deliver a development outcome with a total Gross Floor Area (GFA) of 26,484m². As discussed above, this extent of FSR on the site is considered to be excessive and beyond the built form capacity of the site, noting the inability for the development to comply with key DCP controls. As discussed earlier within the report, concern is raised that permitting such a high density and FSR on this site could also create an unsustainable precedent for other sites at the periphery of the Norwest Commercial Core and more broadly in the Precinct.

It is considered that a positive development outcome could be achieved on the site in the form of a commercial-only development with a marginally reduced FSR of between 2:1 - 3:1. Such an outcome would still enable substantial uplift in comparison to the current maximum density (1:1) and would more closely align with the strategic vision for the site and surrounding locality. It would also relieve substantial pressure from the proposed built form outcome to accommodate a density which is beyond the capacity of the site and allow for resolution of the identified site-specific issues.

- *Relationship to Precinct Planning*

Council's Local Strategic Planning Statement identifies an action for precinct planning for the Norwest Precinct to occur during the course of 2021. This work is currently underway and ultimately, is the most appropriate pathway for more holistic consideration of appropriate outcomes on this and all other sites within the Precinct. As distinct from the site-specific planning proposal process, precinct planning enables for greater consideration of surrounding properties, potential amalgamation opportunities to achieve a larger master planned outcome and consideration of built form outcomes with a broader foundation and understanding of the desired urban form of the Precinct. Given the deviation from the strategic planning framework and the range of issues identified with the proposal in its current form which have been unable to be resolved through the planning proposal process, it is considered more appropriate for outcomes for the site to be determined through the current precinct planning process underway for the broader precinct.

d) Stormwater and Flooding

The subject site is located on flood prone land and a Flood Assessment has not been submitted in support of this application. It is noted that Council does not currently have a flood study or flood mapping available for the site. In the ultimate developed scenario, the tributary catchment is approximately 16.6 hectares and will generate a reasonable volume of runoff through the site. Hence the overland flows and their movement within and through the site would determine the flood-related constraints that need to be considered in any redevelopment.

The adjoining property at 10-12 Brookhollow Avenue drains through the subject site. The subject planning proposal has not considered the maintenance of overland flow paths or implementation of measures to capture and convey external flows through the property and discharged downstream. The potential need for on-site stormwater detention (OSD) has not been investigated by the Proponent and a Flood Assessment has not been submitted. As such, the stormwater and flooding impacts have been inadequately justified by the planning proposal. Should the planning proposal proceed to Gateway Determination, further Flood Assessment and investigations would be required.

e) Traffic and Parking

- *Traffic*

Council, Transport for NSW and the Department of Planning, Industry and Environment, have commissioned regional traffic modelling to be undertaken for Norwest, Bella Vista and Showground Station Precincts. This work is underway, but not yet complete. The findings of the traffic modelling will ultimately identify the capacity of the local and regional road network to support growth within the Precinct and identify the extent of upgrades required. It is likely that the capacity of the road network will be a key limiting factor to the scale of development that can be accommodated within the broader Norwest Precinct. However, this would also depend on the extent of modal shift towards public transport usage during the early years of operation of the Sydney Metro.

The modelling assumes an anticipated yield of 13,420m² on the subject site, which is based on the 2:1 FSR outcome envisaged within the Hills Corridor Strategy. The capacity for the local and regional road network to accommodate the level of growth anticipated within the strategic planning framework (or be feasibly upgraded to the necessary extent through collection of local and regional infrastructure contributions) has not yet been verified.

The planning proposal seeks to progress in advance of the completion of these investigations with a substantially greater density development outcome for the site, that has not been tested or investigated as part of the traffic modelling or precinct planning process which looks at cumulative growth across the entire precinct.

The supporting Transport Infrastructure Analysis (TIA) anticipates the development will generate 228 AM and 190 PM peak hour vehicle movements. The TIA concludes that existing traffic conditions are not representative of future conditions and that an assessment based on current conditions and intersection configurations would not provide meaningful results to inform the planning proposal.

Insufficient consideration has been given to the impact of this proposal and the associated traffic generated by the development within a precinct that is already congested during peak periods. Further, the planning proposal has not addressed or undertaken analysis on the impact of this on the local and regional traffic network, in the context of all cumulative growth anticipated within the Norwest Precinct. In fairness to the Proponent, 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 due to the outstanding traffic modelling. For this reason, it would be prudent to await the results of the modelling prior to determining an application to increase density beyond that envisaged within the strategic framework and currently being tested by the modelling.

- *Parking*

The supporting Transport Impact Assessment (TIA) considers Council's parking rates (1 space per 25m²) to be high and state that Council's DCP 2012 does not take into consideration the significant improvements in public transport provision with respect to the site's proximity to the Norwest metro station and implementation of on-demand buses. By comparison, other commercial/office parking rates, such as Bella Vista, Macquarie Park Corridor, Parramatta CBD, Green Square and Rhodes average 1 car parking space per 110m². The TIA proposes a parking rate of 1 space per 70m² of floor space, resulting in a provision of 380 car parking spaces. Under Council's existing parking rate, the proposed development would require 1,059 car parking spaces.

It is acknowledged that over time there is likely to be significant change in travel behaviour (mode shift) within the Sydney metro precincts. While it is difficult to quantify the extent of this shift prior to or during this transition period, it is anticipated that there will be an overall increase in the percentage of workers that will utilise public transport to get to and from their place of employment. For this reason, it is reasonable for Council to consider reduced parking rates within its Strategic Centres.

However, the TIA's analysis of commercial/office car parking rates of other centres across Sydney is not reasonably comparable to Norwest strategic centre and the site in terms of the character, scale and built form envisaged throughout the precinct. Norwest Precinct attracts workers from a broader catchment that is not entirely supported by a well-established rail network or public transport infrastructure (including the Shire's north and beyond, as well as Blacktown and Hawkesbury LGAs).

There is merit for a reduction in Council's current parking rate of 1 per 25m² for the subject site, given the site is in close proximity to the Norwest metro station. Council has supported a car parking rate of 1 space per 60m² of gross floor area for a planning proposal at the Norwest Station site (6/2019/PLP) and at 2-4 Burbank Place, Norwest (18/2018/PLP). The

results of the regional traffic modelling underway for Norwest would better inform the most appropriate parking rates.

f) Voluntary Planning Agreement and Infrastructure Provision

An analysis of appropriate infrastructure required to service future demand on the site will be undertaken as part of the Precinct Planning for Norwest, which is currently underway. The currently applicable Section 7.12 Contributions Plan is intended to be applied to infill development under the traditional planning settings for Norwest and does not plan or cater for the uplift and growth anticipated as a result of the Sydney Metro Northwest. Accordingly, future contributions payable once Precinct Planning has been undertaken are likely to be greater than the 1% of Capital Investment Value currently required.

In recognition of this, on 12 April 2021, the Proponent submitted a letter of offer to enter into a Voluntary Planning Agreement in support of the planning proposal. The draft offer would require that in association with future development on the site, the developer would pay monetary contributions to Council valued at 3% of the cost of future development (equating to a monetary contribution of approximately \$2.5 million).

As part of this offer, the Proponent has requested that of the 3% contribution, one-third be allocated towards infrastructure within the vicinity of the site, including upgrade works within the adjoining Fairmont Avenue Reserve (such as walking tracks, lighting and landscaping), a shared pedestrian and cycleway connecting Fairmont Avenue Reserve to Brookhollow Avenue and public domain and streetscape improvements to Brookhollow Avenue. The remaining contribution (2% of the cost of future development) would be available for Council to expend, at its discretion, on new and upgraded local infrastructure within the Norwest Strategic Centre.

The tables below provide a comparison of the VPA offer associated with this planning proposal and other comparable VPA offers/executed VPAs and Contributions Plans.

Example	Local Contribution	Regional Contribution	Total Contribution (as % of Devt. Cost)
8 Solent Circuit, Norwest (Executed)	3% of development cost (2% monetary contribution + 1% for traffic works to be completed by the Developer).	0%	3%
25-31 Brookhollow Avenue, Norwest (Draft)*	4.6% of development cost (2% monetary contribution + 2.6% for other local site specific works)*	0%*	4.6%*
Circa Commercial Precinct VPA (Draft)	2.7% (2.1% monetary contribution + 0.6% for dedication of land for a new local park)	0.5%	3.2%
2-4 Burbank Place, Norwest (Draft)	3% (3% monetary contribution)	TBC **	≥ 3% **
14-16 Brookhollow Avenue (subject offer)	3% (3% monetary contribution)	TBC **	≥ 3% **
* Note: Figures shown for 25-31 Brookhollow Avenue, Norwest reflect Council's resolution on this matter dated 10 November 2020.			
** Note: Public authority consultation has not yet been completed with respect to these proposals. Should the proposals proceed to this stage, the State Government may also require contributions from the developer towards regional infrastructure upgrades, in addition to the local contributions secured through a VPA with Council.			

Table 2
Comparison of VPAs for commercial-only development

Having regard to the above, the local contribution to Council offered through the draft VPA of 3% is comparable to the value of local contributions accepted by Council through other VPAs for commercial-only development within Norwest.

Table 3 below provides a comparison of contribution rates that are applicable to non-residential development elsewhere in the Shire under the relevant Contributions Plans.

Contribution Plan	Contribution Rate	Equivalent % Contribution as Value of Cost of Works
The Hills S7.12 (currently applies to the site)	1% of cost of works	1%
CP11 Annangrove Road Employment Area	\$91.76/m ²	Approx. 3% - 3.5%
CP15 Box Hill Precinct (Non Residential)	\$111.32/m ²	Approx. 3.2% - 3.7%
CP19 Showground Precinct (Non Residential)	\$126.67/m ²	Approx. 3.4% - 3.9%
<i>Draft S7.12 Norwest Innovation</i>	<i>2.8% of cost of works</i>	<i>2.8%</i>

Table 3

Rates for commercial development under existing Contribution Plans

Having regard to Table 3 above, the local contribution to Council offered through the draft VPA of 3% is broadly comparable to the value of local contributions that would be payable through other contributions plan which apply to non-residential development. Of particular relevance, the contribution offered is proximate to the contribution rate recently established under Council's Draft Section 7.12 Plan for the nearby Norwest Innovation Sub-Precinct of the Norwest Strategic Centre, which is the closest representation of likely contribution rates within Norwest available to Council at this time.

In the absence of a completed precinct plan which would determine the local infrastructure required to support anticipated redevelopment within the precinct, the offered monetary contribution of 3% of the total cost of works is considered to be a fair and reasonable infrastructure contribution offer. However, this is ultimately a secondary consideration to the determination of the strategic and site specific merits of the proposal.

It is the view of Council officers that the planning proposal, in its current form, does not demonstrate adequate strategic and site specific merit to warrant progression to Gateway Determination and as such, it is recommended that the VPA offer not be pursued at this time. However, if the Council were to determine that the planning proposal should proceed to Gateway Determination, it is recommended that further discussions continue with the Proponent resulting in the preparation of a draft VPA for Council's formal consideration, prior to any public exhibition of the proposal.

IMPACTS

Financial

The determination of the planning proposal has no direct financial impact to Council. However, should Council resolve to proceed with the planning proposal and at some point in the future, enter into a draft VPA with the Proponent, this result in the payment of monetary contributions to Council. Based on the current VPA offer submitted by the Proponent, the contributions would be calculated at a rate of 3% of the cost of future development, with a total estimated value of approximately \$2.5 million.

Strategic Plan – The Hills Future

The planning proposal is inconsistent with the desired outcomes of The Hills Future in that it would facilitate a development outcome which deviates from the current and planned future character of the site and adjoining land. The proposal seeks to permit a density which is beyond the built form capacity of the site, which is likely to create an undesirable precedent for sites at the periphery of the Precinct and at the interface with residential areas.

RECOMMENDATION

The planning proposal applicable to land at 14-16 Brookhollow Avenue, Norwest (Lot 3 DP 1010849), seeking to increase the maximum height of building from RL116 metres to RL150.8 metres and increase the floor space ratio from 1:1 to 4:1, not proceed to Gateway Determination.

ATTACHMENTS

1. Letter from Proponent to Council (7 pages)
2. Planning Proposal Report (50 pages)
3. Urban Design Report (52 pages)
4. Transport Impact Assessment (39 pages)
5. Urban Design Response (23 pages)
6. Proponent's VPA Letter of Offer (4 pages)

LOCAL PLANNING PANEL – THE HILLS SHIRE COUNCIL

DETERMINATION OF THE LOCAL PLANNING PANEL ON 21 MAY 2021 – DETERMINATION MADE ELECTRONICALLY

PRESENT:

Julie Walsh	Chair
Scott Barwick	Expert
Alf Lester	Expert
Rohan Toner	Community Representative

DECLARATIONS OF INTEREST:

Nil Disclosed

COUNCIL STAFF:

The Panel were briefed by the following Council Staff on 19 May 2021:

David Reynolds	-	Group Manager - Shire Strategy, Transformations & Solutions
Nicholas Carlton	-	Manager – Forward Planning
Megan Munari	-	Principal Coordinator, Forward Planning
Kayla Atkins	-	Strategic Planning Coordinator
Gideon Tam	-	Town Planner

**ITEM 1: LOCAL PLANNING PANEL – PLANNING PROPOSAL – 14-16
 BROOKHOLLOW AVENUE, NORWEST (2/2021/PLP)**

COUNCIL OFFICER’S RECOMMENDATION:

That the planning proposal request for land at 14-16 Brookhollow Avenue, Norwest (Lot 3 DP 1010849), which seeks to increase the maximum height of buildings development standard from RL116 metres to RL150.8 metres and to increase the floor space ratio development standard from 1:1 to 4:1, not proceed to Gateway Determination.

PANEL’S ADVICE:

The planning proposal request for land at 14-16 Brookhollow Avenue, Norwest (Lot 3 DP 1010849), which seeks to increase the maximum height of buildings development standard from RL116 metres to RL150.8 metres and to increase the floor space ratio development standard from 1:1 to 4:1, not proceed to Gateway Determination, for the following reasons:

- a) The planning proposal does not demonstrate adequate strategic merit as it is inconsistent with the applicable strategic planning framework as follows:
 - Greater Sydney Region Plan and District Plan – the proposal fails to address the provision of infrastructure that would be required to service the additional uplift sought;
 - North West Rail Link Corridor Strategy (NWRL) – the proposal doubles the anticipated density for the subject site and would result in a proposed built form that would fail to integrate appropriately with the built form intended for the locality;
 - The Hills Corridor Strategy – the proposal doubles the identified FSR of 2:1 for the subject site and does not provide for an appropriate building height transition and fails to appropriately address the interface with adjoining low density residential development;
 - The Hills Local Strategic Planning Statement – the proposal precedes the completion of detailed precinct planning of Norwest (including associated traffic modelling, and infrastructure and employment analysis) as identified in the LSPS and as such the Planning Proposal request is premature to the completion of the broader precinct planning currently under way;
 - Section 9.1 Ministerial Directions – the proposal does not adequately address flood impacts, does not facilitate sustainable transit-oriented development outcomes and proposes a density and character outcome inconsistent with the NWRL Corridor Strategy and is therefore inconsistent with Direction 4.3 and Direction 5.9.
- b) The planning proposal has provided insufficient justification for the considerable increase in floor space potential that has been envisaged under the applicable strategic planning framework, which, if supported, would set an unsustainable precedent of development densities within the Norwest strategic centre;
- c) The planning proposal seeks to progress change, in advance of the completion of detailed precinct planning and infrastructure analysis, which is a key input required to determine the appropriate level of uplift that can be supported in the Norwest

strategic centre. The density anticipated under the applicable strategic planning framework underpins the infrastructure investigations currently underway. The density included in the planning proposal is not accounted for in infrastructure capacity modelling;

- d) The proposed planning controls would result in an overdevelopment of the site and design and built form issues, particularly with respect to transition of building heights, bulk and scale of buildings, insufficient setbacks, high site coverage, lack of visual privacy, inaccessible through site link, and unacceptable impact on solar access to the nearby residential properties and public park;
- e) The planning proposal has not adequately addressed flooding impacts that may be associated with re-development of the site;
- f) The planning proposal has insufficiently considered potential traffic impacts generated by the development in the context of all cumulative growth anticipated within the Norwest precinct; and
- g) The built form analysis provided is based upon documentation which would achieve an FSR of approximately 3.2:1 which is significantly less than the requested 4:1 FSR. Given that the analysis is based upon a lesser FSR than that sought, it is likely that the proposed FSR will result in further unacceptable built form outcomes that have not been appropriately assessed.

VOTING:

Unanimous