
MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 14 June 2022

The Mayor advised in accordance with the Code of Meeting Practice that this meeting is being recorded.

ITEM-1 CONFIRMATION OF MINUTES

A MOTION WAS MOVED BY COUNCILLOR TRACEY AND SECONDED BY COUNCILLOR JETHI THAT the Minutes of Ordinary Meeting of Council held on 24 May 2022 be confirmed.

THE MOTION WAS PUT AND CARRIED.

260 RESOLUTION

The Minutes of the Ordinary Meeting of Council held on 24 May 2022 be confirmed.

APOLOGIES AND LEAVE OF ABSENCE

A MOTION WAS MOVED BY COUNCILLOR HAY OAM AND SECONDED BY COUNCILLOR JETHI THAT the apologies from Councillors Brazier and Cox be accepted and leave of absence granted.

THE MOTION WAS PUT AND CARRIED.

261 RESOLUTION

The apologies from Councillors Brazier and Cox be accepted and leave of absence granted.

MAYORAL MINUTE NO. 10/2022 - QUEENS BIRTHDAY 2022 HONOURS LIST

A MOTION WAS MOVED BY THE MAYOR AND SECONDED BY COUNCILLOR BLUE THAT This Mayoral Minute be received.

THE MOTION WAS PUT AND CARRIED.

262 RESOLUTION

This Mayoral Minute be received.

**ITEM 2 FURTHER REPORT – PLANNING PROPOSAL – 14 - 16
BROOKHOLLOW AVENUE, NORWEST (2/2021/PLP)**

Proceedings in Brief

Simon Wilkes of Urbis Pty Ltd (in favour) addressed Council regarding this matter.

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

THE MOTION WAS PUT AND CARRIED.

263 RESOLUTION

1. The planning proposal applicable to land at 14-16 Brookhollow Avenue, Norwest (Lot 3 DP 1010849), be updated to include an LEP provision prescribing a minimum car parking rate of 1 space per 100m² of commercial gross floor area and a maximum car parking rate of 1 space per 75m² of commercial gross floor area for the site, as required by Transport for NSW.
2. The draft site specific DCP be updated to reflect the revised car parking rate required by Transport for NSW (minimum of 1 space per 100m² of commercial gross floor area and maximum of 1 space per 75m² of commercial gross floor area).
3. The Proponent be requested to submit updated planning proposal material which reflects the revised parking rate and an updated Transport Impact Assessment report that addresses the technical matters raised in Transport for NSW's submission.
4. The revised planning proposal be forwarded to the Department of Planning and Environment for their review and approval prior to public exhibition, in accordance with the conditions of the Gateway Determination.
5. Pending receipt of the Department's approval, the amended planning proposal and draft Development Control Plan proceed to public exhibition.

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 M Blue
Clr F De Masi
Clr R Jethi
Clr Dr M Kasby
Clr Dr B Burton
Clr A Hay OAM
Clr R Tracey

VOTING AGAINST THE MOTION

Clr V Ellis

ABSTAINED

Clr R Boneham

MEETING ABSENT

Clr J Brazier
Clr J Cox

**ITEM 2 FURTHER REPORT – PLANNING PROPOSAL – 14 -16
BROOKHOLLOW AVENUE, NORWEST (2/2021/PLP)**

THEME: **SHAPING GROWTH**

MEETING DATE: **14 JUNE 2022**

COUNCIL MEETING

GROUP: **SHIRE STRATEGY, TRANSFORMATION AND SOLUTIONS**

TOWN PLANNER

AUTHOR: **EMMA LANGAN**

**RESPONSIBLE
OFFICER:** **MANAGER – FORWARD PLANNING
NICHOLAS CARLTON**



PURPOSE

This report seeks a decision from Council as to whether or not to amend the planning proposal for land at 14-16 Brookhollow Avenue, Norwest to include revised car parking rates as required by the conditions of the Department of Planning and Environment's Gateway Determination and the subsequent consultation with Transport for NSW (TfNSW). It is noted that a further Council determination would not ordinarily be required at this point in the process, however the Department's Gateway Determination and subsequent consultation with TfNSW has prompted the need for Council to consider changes to the planning proposal (with respect to parking rates) in comparison to the version originally supported by Council.

RECOMMENDATION

1. The planning proposal applicable to land at 14-16 Brookhollow Avenue, Norwest (Lot 3 DP 1010849), be updated to include an LEP provision prescribing a minimum car parking rate of 1 space per 100m² of commercial gross floor area and a maximum car parking rate of 1 space per 75m² of commercial gross floor area for the site, as required by Transport for NSW.
2. The draft site specific DCP be updated to reflect the revised car parking rate required by Transport for NSW (minimum of 1 space per 100m² of commercial gross floor area and maximum of 1 space per 75m² of commercial gross floor area).

3. The Proponent be requested to submit updated planning proposal material which reflects the revised parking rate and an updated Transport Impact Assessment report that addresses the technical matters raised in Transport for NSW's submission.
4. The revised planning proposal be forwarded to the Department of Planning and Environment for their review and approval prior to public exhibition, in accordance with the conditions of the Gateway Determination.
5. Pending receipt of the Department's approval, the amended planning proposal and draft Development Control Plan proceed to public exhibition.

IMPACTS

Financial

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

Strategic Plan - Hills Future

The planning proposal is consistent with the desired outcomes of The Hills Future in that it would facilitate the delivery of approximately 876 jobs in close proximity to Norwest Metro Station. The revised parking rate reflects the intent to support appropriate development outcomes and sustainable travel behaviours along the Northwest Metro Corridor.

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

EXECUTIVE SUMMARY

On 27 July 2021, Council considered the planning proposal for land at 14-16 Brookhollow Avenue, Norwest. Council considered that the proposal demonstrated adequate strategic and site-specific merit and as such, resolved that the planning proposal should proceed to Gateway Determination and subsequently be placed on public exhibition along with the accompanying draft site specific Development Control Plan (DCP) and draft Voluntary Planning Agreement (VPA). A copy of the Council report and minute from the meeting of 27 July 2021 is provided as Attachment 1 to this report.

A Gateway Determination was subsequently issued by the Department of Planning and Environment (DPE) on 22 December 2021 (Attachment 2). The Gateway Determination required that, prior to public exhibition, the following must occur:

- Consultation with Transport for NSW (TfNSW), specifically with respect to application of a *maximum* car parking rate within the planning proposal;
- Amendment of the planning proposal to reflect the outcomes of this consultation with TfNSW; and

- Resubmission of the amended planning proposal to DPE for their review and approval

The planning proposal endorsed by Council in July 2021 did not contain an LEP provision relating to parking rates but rather, included a minimum car parking rate of 1 space per 60m² of commercial gross floor area (with no maximum rate) within the associated site specific DCP (as parking rates are typically regulated through Council's DCP, not LEP provisions).

In contrast to this, the culmination of the Gateway Determination and consultation with TfNSW is that for the planning proposal to progress to public exhibition, Council must agree to amend the proposal to include a new LEP provision specifying both a minimum and maximum parking rate for the development (minimum of 1 space per 100m² of commercial gross floor area and maximum of 1 space per 75m² of commercial gross floor area). The Proponent has advised Council officers that they do not object to the parking rates recommended by TfNSW or the required change to the planning proposal. The inclusion of the required parking rates represents a change to the LEP amendments that were previously endorsed by Council, in terms of parking rates, and as such this necessitates a further resolution of Council before Council officers can progress further with the proposal.

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. The site and surrounding locality is shown in the following figure.



Figure 1
Aerial view of the site and surrounding locality

The site is surrounded by low-rise commercial development on 3 frontages. The rear boundary adjoins Fairmont Avenue Reserve (zoned RE1 Public Recreation) and detached low density residential dwellings (zoned R3 Medium Density Residential) as pictured in Figure 2.

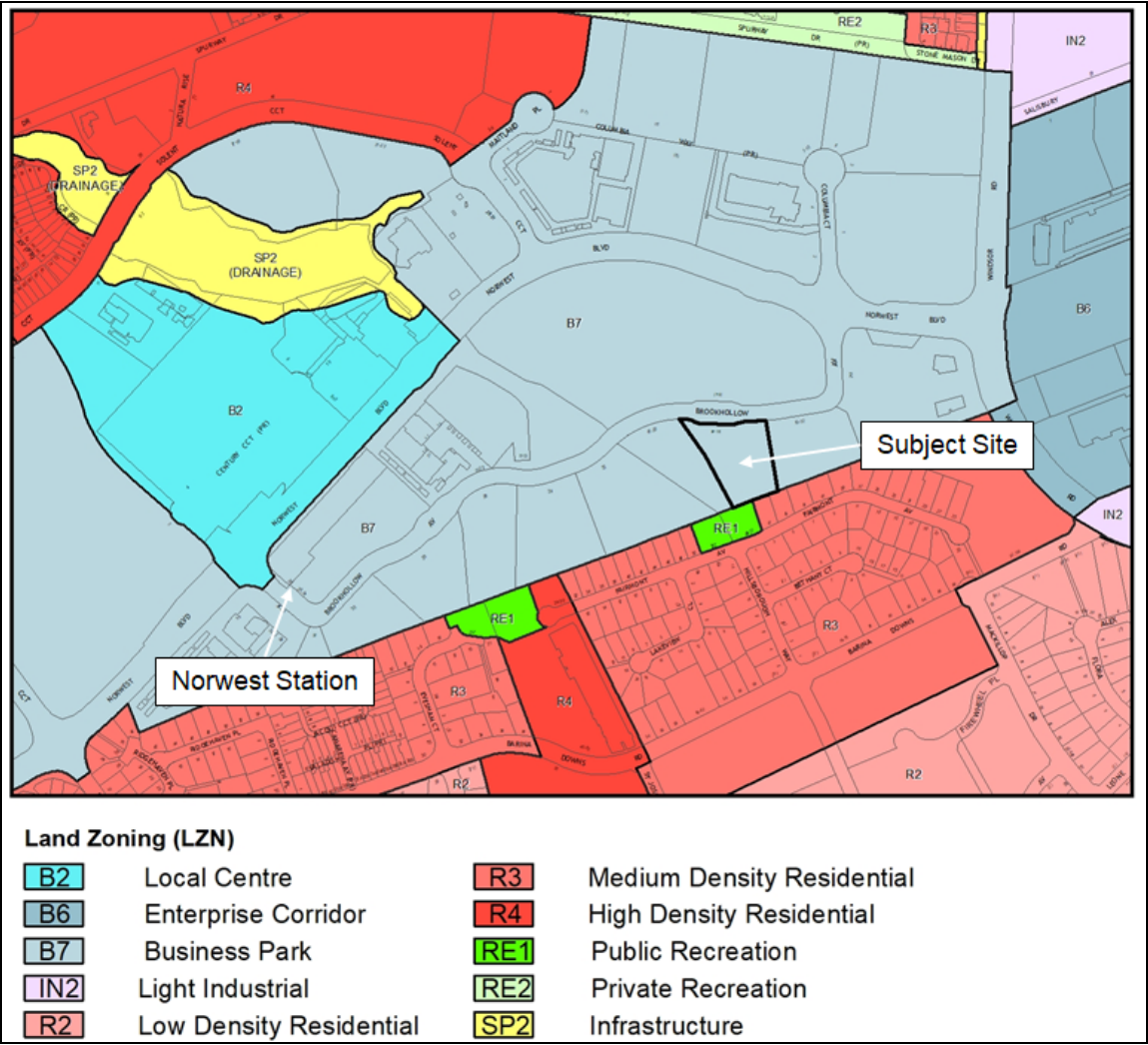


Figure 2
Existing Land Zone Map (LEP 2019)

2. PLANNING PROPOSAL

The planning proposal seeks to facilitate redevelopment of the site to accommodate a commercial development comprising 17,539m² of commercial GFA and 292 car parking spaces (at a rate of 1 space per 60m² of GFA) within 1 lower ground floor and 3 levels of basement parking. The design concept proposes a built form ranging between 6 to 10 storeys (including a 1 storey podium), with 45% of the site to be retained for landscaping.

To facilitate this development outcome, the planning proposal seeks to amend the Hills Local Environmental Plan 2019 (LEP 2019) to:

- Increase the maximum floor space ratio from 1:1 to 2.65:1; and
- Increase the maximum building height from RL116 to RL129.2 metres (approx. 10 storeys).

Table 1 below provides a comparison between the existing development standards, the relevant strategic framework and the proposed amendments that were endorsed by Council in July 2021.

	Current (LEP 2019)	NWRL Corridor Strategy	Hills Corridor Strategy	Endorsed Proposal (June 2021)
Zone	B7 Business Park	No Change	No Change	No Change
Max. Height	RL 116 metres (7 storeys)	8 -10 storeys	6-10 Storeys	RL 129.2 metres (up to 10 storeys)
Max. FSR	1:1	2:1 – 4:1	2:1 (<i>min</i>)	2.65:1
Min. Lot Size	8,000m ²	No change	No change	No change
Employment Yield*	6,620 m ² (331 jobs)	13,240m ² - 26,484m ² (662 – 1,321 jobs)	Min. of 13,240m ² (662 jobs)	17,539m ² (876 jobs)

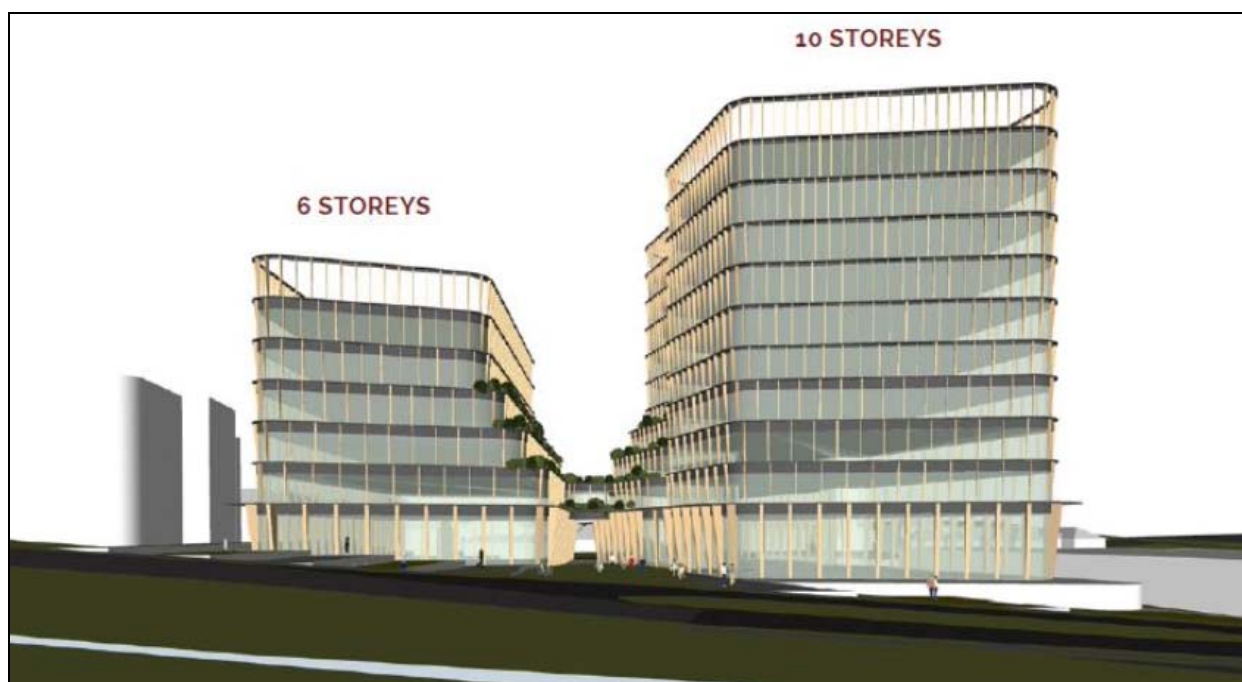
Table 1

Comparison of current controls, strategic framework and proposed LEP Amendments

Note: Employment ratio based on a rate of 1 job per 20m² of commercial GFA.*

The planning proposal seeks a reduction in the currently applicable minimum car parking rate of 1 space per 25m² GFA, to a minimum rate of 1 space per 60m² of GFA. In support of the planning proposal, the Proponent also submitted a site specific DCP and a Voluntary Planning Agreement.

The development concept and indicative site layout is shown in Figure 3 and Figure 4 below.

**Figure 3**

Indicative Development Concept (view from Brookhollow Avenue looking south)



Figure 4
Indicative Site Plan

On 27 July 2021, Council considered the planning proposal for 14-16 Brookhollow Avenue, Norwest and resolved that:

1. The planning proposal for land at 14-16 Brookhollow Avenue, Norwest (Lot 3 DP 1010849), seeking to increase the maximum height of building from RL116 metres to RL 129.2 metres and increase the floor space ratio from 1:1 to 2.65:1, be forwarded to the Department of Planning, Industry and Environment for Gateway Determination.
2. Prior to the proposal being forwarded to the Department for Gateway Determination, the Proponent be required to submit an updated Planning Proposal Report, Traffic Impact Assessment Report, Flood Study Report, Urban Design Report (including cross sections, elevations and floor plans) and Overshadowing Analysis, which seek to resolve the remaining site specific issues identified in this report.
3. Draft Hills Development Control Plan 2012 Part D Section X – 14-16 Brookhollow Avenue, Norwest (Attachment 3) be publicly exhibited concurrent with the planning proposal.

4. *Council accept, in principle, the draft Voluntary Planning Agreement (Attachment 4), with the VPA to be subject to legal review (at the cost of 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.*

The Council Report and Minute from 27 July 2021 is provided as Attachment 1. This contains the full technical assessment of the planning proposal demonstrating the achievement of strategic and site-specific merit, as well as the draft Development Control Plan and draft Voluntary Planning Agreement.

Since Council's resolution in July 2021, the Proponent has submitted a revised planning proposal package in November 2021 in response to Point 2 of Council's resolution. The VPA has also been subject to a legal review, in accordance with Point 4 of Council's resolution.

It is noted that this report does not seek to revisit the substantive matters previously considered by Council in relation to the planning proposal, DCP or VPA. Rather, it relates to the outcomes of pre-exhibition consultation with Transport for NSW and the subsequent impacts on the parking rate previously endorsed by Council.

3. GATEWAY DETERMINATION

DPE issued a Gateway Determination on 22 December 2021. A copy of the determination is provided as Attachment 2 to this Report. The Gateway Determination contained a number of conditions, including requirements for revised plans that demonstrate compliance with the draft DCP and a local provision requiring the concurrence of the Planning Secretary with respect to regional infrastructure. These conditions of the Gateway have been complied with and are not the subject of this Report.

The Gateway Determination also required that an updated traffic report be provided and that consultation with Transport for NSW be undertaken, prior to public exhibition, with respect to a maximum car parking rate applicable to the site. The Gateway Determination conditions require that planning proposal be updated to include a maximum parking rate that reflects the outcomes of consultation with TfNSW and that following this, the revised planning proposal be submitted to DPE for their review and approval prior to public exhibition.

The Proponent submitted an updated Traffic and Transport Assessment in March 2022, recommending that a car parking rate of between 1 space per 60m² of GFA and 1 space per 80m² of GFA would be appropriate. An updated design concept was also provided by the Proponent that demonstrated compliance with the front and rear setback requirements in the draft DCP.

Council referred the planning proposal and revised traffic assessment to TfNSW for comment on 25 March 2022. On 28 April 2022, TfNSW provided a submission recommending a minimum parking rate of 1 space per 100m² and a maximum parking rate of 1 space per 75m² of GFA. TfNSW recommends that this parking rate should be included as a local provision within Council's LEP, as opposed to a control within the draft DCP. The submission received from TfNSW is provided as Attachment 3.

4. REVISED CAR PARKING RATE

The table below provides a comparison between the currently applicable parking rate, the revised rate previously endorsed by Council for public exhibition and the rates required by TfNSW. It shows the associated number of car parking spaces that would be provided within

the development and the resultant driver mode share, which is the assumed percentage of employees traveling to work by private vehicle.

	Current Controls	Planning Proposal (July 2021)	TfNSW Recommendation	
			Maximum	Minimum
Car Parking Rate	Minimum of 1 space per 25m ² of GFA (no maximum limit)	Minimum of 1 space per 60m ² of GFA (no maximum limit)	1 space per 75m ² of GFA	1 space per 100m ² of GFA
Number of Car Parking Spaces¹	702	292	234	175
Driver mode share²	N/A ³	50%	40%	30%
¹ Car Parking Spaces based on a GFA of 17,539m ² . ² Driver mode share calculated utilising 1 employee per 30m ² of GFA. ³ Driver mode share not applicable under current controls as this parking rate applied prior to the commencement of the Sydney Metro Northwest				

Table 2
Comparison of proposed and recommended parking rates

The currently applicable parking rate of 1 space per 25m² of GFA was established prior to the availability of high-frequency public transport within the Norwest Business Park. It no longer accurately reflects the level of demand for parking within the precinct and the changing travel behaviours associated with the commencement of the Sydney Metro Northwest. In response to this, Council's consideration of the planning proposal in July 2021 included an amendment to Part C Section 1 – Parking of The Hills DCP 2012 to prescribe a minimum car parking rate of 1 space per 60m² of GFA or 292 car parking spaces. This rate effectively assumes that 50% of employees within the development will utilise private vehicle to drive to work.

However, the submission received from TfNSW requires a minimum parking rate of 1 space per 100m² (175 spaces) and a maximum parking rate of 1 space per 75m² (234 spaces). This would effectively reduce the provision of parking on the site by at least 58 spaces in comparison to the parking rate that was endorsed by Council in July 2021.

TfNSW has included these lower rates for the following reasons:

- The proposed minimum and maximum parking rate would more effectively encourage greater mode shift towards more sustainable modes of travel and support long term development of Norwest;
- The proposed parking rates better align with the principles of Transport Orientated Development (TOD) to reduce dependency on private cars around the Metro station and mitigate associated traffic impacts on the surrounding road network;
- The proposed rates are supported by Section 9.1 Ministerial Direction 1.16 North West Rail Link Corridor Strategy, which requires planning proposals to promote the principles of TOD; and

- Similar proposals within the Norwest Business Park, being Norwest Station Site (25-31 Brookhollow Avenue, Norwest) and Bella Vista Metro Station Precinct (1-7 Mawson Ave, Bella Vista and Lot 104 Unaipon Avenue, Bella Vista), have adopted or proposed maximum commercial parking rates of 1 space per 100m².

While Council already has a resolved position with respect to an appropriate reduction in the currently applicable parking rate on this site, there is merit in considering the further reduction required by TfNSW, for the following reasons:

- The principles underpinning Transport Oriented Development generally assume that sites located within a 10 minute walk from a high frequency rail station (800m) are likely to experience higher mode shift towards this public transport option. Analysis of other commercial centres found that on average, 30%-40% of employees drive to commercial destination sites within 10 minutes of stations. While, for a number of reasons, this shift has not yet occurred within Norwest, the parking rates recommended by TfNSW align with this extent anticipated mode shift over a longer term planning horizon.
- The parking rate resolved by Council of 1 space per 60m² of GFA assumes 50% of employees will drive to work. Given that the subject site is located approximately 600m from Norwest Metro Station, a driver mode share of 50% does not necessarily reflect the prevailing trend of the extent of public transport usage in other commercial centres in Sydney. TfNSW recommends parking be provided at a rate that accurately reflects the site's location in proximity to the Norwest Station, with access to the expanding Sydney Metro service.
- There is substantial growth anticipated to occur within the broader Norwest Precinct between now and 2056. Given the capacity of the local and regional road network, it is unlikely that this extent of growth will be able to be accommodated within Norwest, unless it is accompanied by a corresponding and significant change to the travel behaviour of future workers within the business park (ie, reduced reliance on private vehicles and increased utilisation of public transport options available). Reduction of parking rates is one of a number of tools that planning authorities can implement to seek to encourage modal shift away from private vehicle usage and towards public transport options.
- The car parking rates recommended by TfNSW are broadly consistent with other commercial parking rates for other development sites in Norwest and in the Sydney Metro Northwest corridor, including:

Location	Parking Rate	Mechanism
Norwest Station Site 25-31 Brookhollow Avenue, Norwest	Maximum of 1 space per 100m ² of GFA	LEP
Kellyville and Bella Vista Station Sites	Maximum of 1 space per 100m ² of GFA (proposed in SSDA)	SSDA Conditions
2-4 Burbank Place, Norwest	Minimum of 1 space per 60m ² of GFA	DCP
34-46 Brookhollow Avenue, Norwest (proposed)	Minimum of 1 space per 60m ² of GFA	Draft DCP
14-16 Brookhollow Avenue, Norwest (subject proposal)	Maximum of 1 space per 100m ² of GFA Minimum of 1 space per 75m ² of GFA	LEP

Table 3

Comparison of parking rates - nearby recent planning proposals and state significant development applications

- As shown above, the proposed parking rates are not dissimilar to the rates sought by other developers within the Norwest Business Park. The minimum and maximum range also provides the opportunity for the Developer to tailor the final parking provision as part of a future Development Application, having regard to the likely tenants and their needs at that time. The Proponent has advised Council officers that they support the parking rates recommended by TfNSW and on this basis, it is assumed that the revised parking rates will still enable a commercially viable development outcome to occur which can be marketed and sold and/or leased in the future. It is likely that the feasibility of the proposal is not impacted negatively by these rates. Rather, the proposed parking provisions would enable a reduced construction cost as a result of fewer spaces being required within the basement levels.
- In the view of Council officers, the imposition of a maximum parking rate as required by TfNSW is largely redundant and unlikely to have any material impact on the development of the site. The LEP states that any car parking necessary to meet the requirements of the consent authority is excluded from the calculation of gross floor area for the purpose of determining the floor space ratio of the development in a Development Application. Any parking spaces provided over and above that required to meet the consent authority requirement will then contribute to the gross floor area of the development for the purposes of calculating the floor space ratio. In simple terms, if a developer is to provide surplus parking spaces beyond the minimum requirement, this detracts from the amount of floor space that they can achieve in their development. In practical terms, this incentivises developers to provide a quantum of parking that essentially reflects the minimum car parking rates required in most instances. The only exception Council tends to see to this is where a developer believes they will achieve a higher market return if more than the minimum amount of parking is provided.

On this basis, it is considered that there are sufficient grounds for amending the planning proposal to apply the parking rates required by TfNSW. The submission received from TfNSW recommends that this parking rate be included as an amendment to LEP 2019, to give greater weight and enforceability to the control, as opposed to being included within a DCP. This approach has been utilised in recent planning proposals such as 25-31 Brookhollow Avenue, Norwest (Norwest Station Site) and the Castle Hill North Precinct. If Council was to agree to this amendment to the planning proposal, it is recommended that the site specific DCP applying to the subject land also be updated to reflect the revised parking rate and ensure consistency with the planning proposal.

The Gateway Determination conditions also require Council to consider whether the FSR control is required to be revised in light of the submission received from TfNSW. It is unclear why DPE included such a requirement, given the car parking rate will not have any bearing on the proposed floor space ratio for this site and therefore no revisions are necessary. As the proposal is for construction of a new building with provision of parking on the site proposed to be located within basement levels, a change in parking rates will not impact on the proposed height of building control or maximum floor space ratio. The developer would be required to demonstrate compliance with the suite of applicable controls as part of the detailed design during a future Development Application process.

It is noted that the planning proposal is still in the relatively early stages of the process, with the next step being community consultation. If Council agrees to amending the proposal to include the rates required by TfNSW, it would remain open to Council to consider these further following the exhibition period (and in light of any comments received from the community) and prior to finalisation of the proposal.

Should Council resolve not to agree to updating the planning proposal to reflect the recommended car parking rate and not to forward the revised proposal to the Department, the planning proposal would fail to meet the milestone timeframes specified within the Gateway Determination, which require the planning proposal to commence exhibition by the end of June 2022. Council would need to request a Gateway timeframe extension in order to enable more time to negotiate with the Proponent and Government with respect to parking rates. While Council and/or the Proponent could request a Gateway timeframe extension, the introduction of DPE's Planning Reform Action Plan has generally resulted in an inability for Council's (or Proponents) to obtain Gateway timeframe extensions.

It is possible that the Proponent could request that the Minister appoint an alternate Planning Proposal Authority ('PPA') to Council. If this were to occur, Council would no longer be responsible for facilitating the planning proposal process, including public exhibition, consideration of submissions or a final decision on whether to progress the proposal to finalisation in association with the draft VPA and DCP amendments. However, it should be noted that the process to request and appoint an Alternate PPA is also unlikely to be completed within the Gateway timeframes specified and would necessitate a Gateway timeframe extension.

Ultimately, given the Department's prevailing position with respect to Gateway timeframes, this means that any factor which causes material delay to the progression of a planning proposal is highly likely to lead to the Gateway Determination being revoked by the Department, on the basis that the timeframes have not been met (irrespective of the merits of a proposal or the nature of the delay being associated with the State Government agency consultation process). If the matter was to be delayed and the Gateway Determination revoked by the Department on the basis of inability to meet timeframes, either Council and/or the Proponent could subsequently seek a Gateway Review of the decision. This would trigger involvement from the Independent Planning Commission (IPC) to provide advice to DPE on whether the Gateway should be further altered to allow the progression of the proposal.

It is the view of Council officers that any scenario which leads to the revocation of the Gateway Determination on the basis of delays arising from consultation with TfNSW and the determination of future parking rates would be regrettable, given the broader strategic merit the proposal has clearly demonstrated and the planning merit associated with accepting the revised parking rates recommended by TfNSW, for the reasons outlined in this Report.

NEXT STEPS

Should Council resolve to accept the revised parking rates recommended by TfNSW:

- The planning proposal will be updated to prescribe a minimum parking rate of 1 space per 100m² and a maximum parking rate of 1 space per 75m² of commercial GFA. These rates would be reflected as a local provision within the LEP and the draft site specific DCP would also be updated to ensure consistency with the revised rate;
- The Proponent will be required to update the planning proposal material to reflect this parking rate. The Transport Impact Assessment will also need to address the technical recommendations in the submission received from TfNSW with respect to traffic generation impacts;
- The planning proposal will be forwarded to the Department of Planning and Environment for their review and approval; and

- Following DPE's review and approval, the revised planning proposal will be placed on public exhibition concurrently with the draft Voluntary Planning Agreement and draft (revised) Development Control Plan in accordance with Council's resolution on 27 July 2021.

ATTACHMENTS

1. Council Report and Minute, 27 July 2021 (88 pages)
2. Gateway Determination, 22 December 2021 (2 pages)
3. TfNSW Submission, 28 April 2022 (4 pages)

MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 27 July 2021**ATTACHMENT 1**

2. The Voluntary Planning Agreement be executed and registered on the title of the land prior to the planning proposal being progressed to finalisation.
3. Council write to the Department of Planning, Industry and Environment (DPIE) requesting confirmation, within a 14 day timeframe, on whether or not Government requires a Satisfactory Arrangements and/or Concurrence Clause to be applied to the planning proposal, in response to the submission received from Transport for NSW.
4. The planning proposal progress to finalisation in accordance with this Report, subject to the incorporation of a Satisfactory Arrangements and/or Concurrence Clause, if confirmation of this requirement is received from the Department of Planning, Industry and Environment within the 14 day timeframe. If no response is received from the Department of Planning, Industry and Environment within the 14 day timeframe, it will be assumed that no Satisfactory Arrangements and/or Concurrence Clause is required and the planning proposal will progress to finalisation in its current form.
5. Draft amendments to The Hills Development Control Plan 2012 Part C Section 1 – Parking (Attachment 2) be adopted and come into force at the time the associated planning proposal is notified.

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

VOTING FOR THE MOTION

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

VOTING AGAINST THE MOTION

None

ITEM-3**PLANNING PROPOSAL - 14-16 BROOKHOLLOW AVENUE, NORWEST (2/2021/PLP)****Proceedings in Brief**

Simon Wilkes of Urbis Pty Ltd (in favour) addressed Council regarding this matter.

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

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY.

This is Page 5 of the Minutes of the Ordinary Meeting of The Hills Shire Council held on 27 July 2021

MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 27 July 2021

385 RESOLUTION

1. The planning proposal for land at 14-16 Brookhollow Avenue, Norwest (Lot 3 DP 1010849), seeking to increase the maximum height of building from RL116 metres to RL 129.2 metres and increase the floor space ratio from 1:1 to 2.65:1, be forwarded to the Department of Planning, Industry and Environment for Gateway Determination.
2. Prior to the proposal being forwarded to the Department for Gateway Determination, the Proponent be required to submit an updated Planning Proposal Report, Traffic Impact Assessment Report, Flood Study Report, Urban Design Report (including cross sections, elevations and floor plans) and Overshadowing Analysis, which seek to resolve the remaining site specific issues identified in this report.
3. Draft Hills Development Control Plan 2012 Part D Section X – 14-16 Brookhollow Avenue, Norwest (Attachment 3) be publicly exhibited concurrent with the planning proposal.
4. Council accept, in principle, the draft Voluntary Planning Agreement (Attachment 4), with the VPA to be subject to legal review (at the cost of 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.

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

VOTING FOR THE MOTION

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

VOTING AGAINST THE MOTION

None

ITEM-5**HILLS OF CARMEL VOLUNTARY PLANNING
AGREEMENT (5/2018/VPA)****Proceedings in Brief**

Alex Rybak of Mugul Pty Ltd and Jundu Pty Ltd (against) addressed Council through the General Manager

ORDINARY MEETING OF COUNCIL

27 JULY, 2021

ITEM-3	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:	27 JULY 2021 COUNCIL MEETING
GROUP:	SHIRE STRATEGY, TRANSFORMATION AND SOLUTIONS
AUTHOR:	TOWN PLANNER GIDEON TAM
RESPONSIBLE OFFICER:	MANAGER – FORWARD PLANNING NICHOLAS CARLTON

**REPORT**

This report relates to a planning proposal applicable to land at 14-16 Brookhollow Avenue, Norwest. The application is being reported to Council for a decision on whether or not the planning proposal should be submitted to the Department of Planning, Industry and Environment for a Gateway Determination.

RECOMMENDATION

1. The planning proposal for land at 14-16 Brookhollow Avenue, Norwest (Lot 3 DP 1010849), seeking to increase the maximum height of building from RL116 metres to RL 129.2 metres and increase the floor space ratio from 1:1 to 2.65:1, be forwarded to the Department of Planning, Industry and Environment for Gateway Determination.
2. Prior to the proposal being forwarded to the Department for Gateway Determination, the Proponent be required to submit an updated Planning Proposal Report, Traffic Impact Assessment Report, Flood Study Report, Urban Design Report (including cross sections, elevations and floor plans) and Overshadowing Analysis, which seek to resolve the remaining site specific issues identified in this report.

ORDINARY MEETING OF COUNCIL

27 JULY, 2021

3. Draft Hills Development Control Plan 2012 Part D Section X – 14-16 Brookhollow Avenue, Norwest (Attachment 3) be publicly exhibited concurrent with the planning proposal.
4. Council accept, in principle, the draft Voluntary Planning Agreement (Attachment 4), with the VPA to be subject to legal review (at the cost of 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.

PROPONENT

Tony Isaac C/- Urbis Pty Ltd

OWNERS

BHA Corp Pty Limited

POLITICAL DONATIONS

Nil disclosures by the Proponent

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 3 frontages. The rear boundary adjoins Fairmont Avenue Reserve (zoned RE1 Public Recreation) and detached low density residential dwellings (zoned R3 Medium Density Residential).

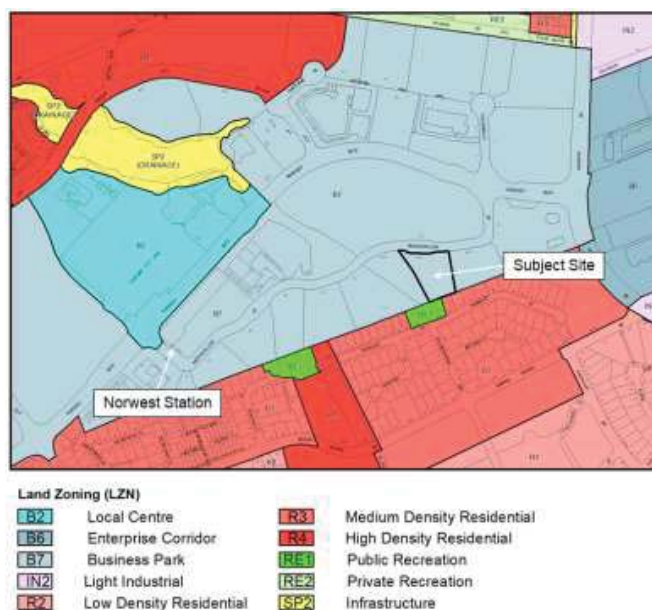


Figure 2
Existing Land Zone Map (LEP 2019)

2. DESCRIPTION OF PLANNING PROPOSAL APPLICATION

The planning proposal seeks to facilitate redevelopment of the site to accommodate a commercial development comprising 17,539m² of commercial gross floor area (GFA) and 293 car parking spaces within 4 levels of basement parking. The design concept proposes a built form ranging between 6 storeys to 10 storeys (including a 1 storey podium), with 45% of the site to be retained for landscaping.

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

- Increase the maximum floor space ratio from 1:1 to 2.65:1; and
- Increase the maximum building height from RL116 to RL129.2 metres (approx. 10 storeys).

Table 1 below provides a comparison between the existing development standards, the relevant strategic framework and the proposed amendments.

	Current (LEP 2019)	NWRL Corridor Strategy	Hills Corridor Strategy	Current Proposal (June 2021)
Zone	B7 Business Park	No Change	No Change	No Change
Max. Height	RL 116 metres (7 storeys)	8 -10 storeys	6-10 Storeys	RL 129.2 metres (up to 10 storeys)
Max. FSR	1:1	2:1 – 4:1	2:1 (<i>min</i>)	2.65:1
Min. Lot Size	8,000m ²	No change	No change	No change
Employment Yield*	6,620 m ² (331 jobs)	13,240m ² - 26,484m ² (662 – 1,321 jobs)	Min. of 13,240m ² (662 jobs)	17,539m ² (876 jobs)

Table 1

Comparison of current controls, strategic framework and proposed LEP Amendments
Note: Employment ratio based on a rate of 1 job per 20m² of commercial GFA.*

The planning proposal seeks a reduction in the currently applicable car parking rate of 1 space per 25m² GFA, to a rate of 1 space per 60m² of GFA. In support of the planning proposal, the Proponent has also submitted a site specific DCP (Attachment 3), which articulates built form, setback, landscaping and car parking development controls as reflective of the development concept submitted in June 2021.



Figure 3

Indicative Development Concept (view from Brookhollow Avenue looking south)



Figure 4
Indicative Site Plan

The Proponent has submitted a draft Voluntary Planning Agreement (VPA) in support of the proposal (Attachment 4). The draft VPA would require monetary contributions to be paid to Council in association with future development of the land, valued at 3% of the cost of 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. PREVIOUS ITERATION OF PROPOSAL AND LOCAL PLANNING PANEL

It is noted that the current proposal is the second iteration of the Proposal. The proposal, as originally submitted (September 2020), sought approval for a substantially higher floor space ratio (4:1) and building height (16 storeys), as detailed below.

	Current (LEP 2019)	NWRL Corridor Strategy	Hills Corridor Strategy	Original Proposal (September 2020)	Current Proposal (June 2021)
Zone	B7 Business Park	No Change	No Change	No Change	No Change
Max. Height	RL 116 metres (7 storeys)	8 - 10 storeys	6-10 Storeys	RL 150.8 metres (up to 16 storeys)	RL 129.2 metres (up to 10 storeys)
Max. FSR	1:1	2:1 – 4:1	2:1 (min)	4:1	2.65:1
Min. Lot Size	8,000m ²	No change	No change	No change	No change
Employment Yield*	6,620 m ² (331 jobs)	13,240m ² - 26,484m ² (662 – 1,321 jobs)	Min. of 13,240m ² (662 jobs)	26,484m ² (1,321 jobs)	17,539m ² (876 jobs)
Note* Employment ratio based on a rate of 1 job per 20m ² of commercial GFA.					

Table 2

Comparison of current controls, strategic framework and proposed LEP Amendments

With respect to the original proposal, Council officers had communicated to the Proponent a number of strategic and site specific concerns at the pre-lodgement stage (in July 2020), following the completion of the Council officer's preliminary assessment of the application (in December 2020) and in a meeting between Council officers and the Proponent in April 2021, prior to the matter being reported to the Local Planning Panel.

Despite Council officers' feedback, the Proponent advised at that time, that no further amendments would be made to the proposal and requested that Council officers expediently proceed with reporting the application, in its current form, to the Local Planning Panel for advice and elected Council for a determination.

On 19 May 2021, the original planning proposal (September 2020) was reported to the Local Planning Panel for consideration. A copy of the Council Officer's Assessment Report to the Local Planning Panel, which recommended that the planning proposal should not proceed to Gateway Determination, is provided as Attachment 1 to this report.

The Local Planning Panel advised 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, 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.*

A copy of the Minute from the Local Planning Panel meeting is provided as Attachment 2 to this Report.

Following the publication of the Panel's advice, the Proponent requested that Council officers defer reporting of the matter. Council officers met with the Proponent in June 2021 to discuss the planning proposal and reiterate the Council officer feedback to date, as well as the Local Planning Panel's advice. Council officers reiterated concerns regarding the proposed density and resulting built form and potential traffic impacts. It was again reiterated by Council officers that an FSR of closer to 2:1 would be more appropriate on the site and would be of a density whereby many of the site specific issues identified with the original proposal could likely be resolved.

On 25 June 2021 the Proponent submitted a revised planning proposal, which is the subject of this report (as detailed within Section 2). Key changes from the original planning proposal include:

- Reduced commercial GFA from 26,484m² to 17,539m²;
- Reduced FSR from 4:1 to 2.65:1;
- Reduced building heights from RL 150.8m (6-16 storeys) to RL 129.2m (6-10 storeys);
- Increased front setbacks; and
- Reduced site coverage and increased landscaped areas.


On 8 July 2021, the Proponent submitted further additional information with respect to potential traffic impacts of the proposal, provided as Attachment 5 to this report.

4. MATTERS FOR CONSIDERATION

A summary and discussion of the key technical considerations associated with the current proposal submitted by the Proponent (June 2021 – 2nd iteration) is provided below. The assessment has regard to and draws on the previous technical assessment of the original planning which is contained in the Council Officer's Assessment Report to the Local Planning Panel (Attachment 1 to this report) as well as the Panel's advice (Attachment 2 to this report).

Key Consideration	Comment
Strategic Context	<p>The planning proposal is generally consistent with the applicable strategic planning framework. It will facilitate a commercial-only development outcome within the "Commercial Office Precinct" of the Norwest Strategic Centre as designated under the Region Plan. The redevelopment of the site would accommodate approximately 876 jobs, which will contribute to the achievement of the job targets for the Norwest Strategic Centre within the District and Region Plans.</p> <p>It is important to note that whilst the NWRL Corridor Strategy stipulated a maximum FSR (being a range of 2:1 - 4:1), the Hills Corridor Strategy was developed based on <i>minimum</i> commercial FSRs (on this site, 2:1), intending to encourage commercial investment in the Station precincts. With this in mind, the proposed commercial-only FSR of 2.65:1 is within the range of density envisaged under both corridor strategies.</p>

Key Consideration	Comment
	<p>Noting that the Hills Corridor Strategy identifies a <i>minimum</i> commercial floor space ratio of 2:1, the proposed development would achieve a marginally greater employment yield than the minimum anticipated under Council's Strategy. Importantly, the minimum employment outcomes within the Corridor Strategy are not intended to place a cap on commercial investment or employment generating development. Achievement of an FSR higher than the minimum employment yield is not unreasonable or contrary to Council's Corridor Strategy, where a proposal can demonstrate the ability to appropriately accommodate this higher yield on the site having regard to the relevant strategic and site specific factors.</p> <p>Under the Government's NWRL Corridor Strategy, land within 800m walking distance from Norwest Metro Station is identified for uplift with an FSR range of between 2:1 to 4:1. The general principal is that the FSR applied to individual sites within these areas will increase incrementally, with higher FSRs in closer proximity to the station. In short, whilst not specifically mandated, it is assumed that sites at the periphery of this 800 metre walking distance range could likely achieve FSRs of closer to 2:1 and sites with the closest proximity to the station could likely achieve FSRs of 4:1, subject to completion of detailed investigations. The subject site is located approximately 600 metres from the station and given this, an FSR of marginally more than 2:1 (2.65:1) would sit appropriately within the 2:1 to 4:1 when based on walking distance from the station along Brookhollow Avenue.</p> <p>Having regard to the NWRL Corridor Strategy, the Hills Corridor Strategy and the proximity of the site to the station, the proposed commercial FSR of 2.65:1 is not an unreasonable density for this site, pending the ability to accommodate the yield within a suitable built form and urban design outcome. It is considered that the FSR of 2.65:1 sought through the revised proposal represents a more reasonable extent of development uplift in comparison to the FSR of 4:1 sought through the original proposal.</p> <p>With respect to heights envisaged on the site, the proposal has been amended to seek a maximum building height of 10 storeys, as opposed to the 16 storey heights depicted in the original proposal. The proposed height limit of 10 storeys aligns with the outcomes foreshadowed within both the Government and Council corridor strategies.</p>
Urban Design and Built Form	<p>▪ Building Height</p> <p>In comparison with the previous proposal, the height of the western building has been reduced from 16 storeys to 10 storeys, with the eastern building remaining at 6 storeys.</p> <p>A comparison is provided below between the original concept (photomontage) and the revised concept (outlined in yellow).</p>

Key Consideration	Comment
	 <p>Figure 5 Comparison of original concept (September 2020 - Photomontage) and current concept (June 2021 – yellow outline) and interface with adjoining land.</p> <p>As demonstrated, the reduction in building height sought does represent an improved outcome, which reduces the scale of the development when viewed from residential areas and the local park at the rear of the site.</p> <p>The Proponent submits that the combination of the stepped building design (from 10 storeys to 6 storeys), proposed common open space at the rear of the site, 35 metre building separation from residential properties and the existing vegetation along the southern boundary of the site will be sufficient to mitigate the adverse amenity and visual impacts of the development on the adjoining detached residential dwellings and public open space.</p> <p>It is acknowledged that adjoining land to the rear of the site may, in the future, accommodate higher density residential development, however, this transition is not expected to occur in the short term. Until this occurs, whilst a stepped building design does, in theory, facilitate a height transition, the proposed height, scale and design of the building at this location coupled with their proximity to the rear boundary will nonetheless likely result in amenity and visual impacts.</p> <p>It is reiterated that the proposed 10 storey building height aligns with the outcomes foreshadowed in Council's Corridor Strategy. However, as the density sought (2.65:1) is marginally higher than the baseline 2:1 FSR envisaged within Council's Strategy, there is some evident tension with typical site planning indicators such as setback distances, which are discussed further below. While reducing the density on the site to closer to 2:1 would allow for resolution of this tension, it could also potentially be addressed, at the requested FSR of 2.65:1, through further detailed design work.</p> <p>Ultimately, the revised concept as submitted by the Proponent is still likely to have amenity impacts on the adjoining properties, on account of the differing scale of the development forms and other elements of</p>

Key Consideration	Comment
	<p>the proposal which remain unchanged since the original concept (particularly with respect to the rear setback and building design). However, it is considered that the proposed density has now been reduced to an extent where there is likely to be sufficient flexibility for the remaining site specific design issues to be overcome through more detailed design. This may include, for example, consideration of marginally taller buildings (potentially 12 storeys), if this facilitated a slimmer built form, reduced building footprints, increased setbacks and ultimately a lesser visual impact overall.</p> <p>If Council resolves to proceed to Gateway Determination based on the revised concepts submitted, there would be the opportunity for the Proponent to complete further work as part of the suite of application documents which would need to be resubmitted in support of the revised proposal. The progression of the proposal would also allow for Government input and the views of the community to be considered.</p> <p>Should the proposal progress to the next stage, the Council would still have further opportunity following the public exhibition phase to determine whether or not the proposal should proceed to finalisation. At this time, if the remaining unresolved issues have not been adequately overcome, the Council could resolve not to proceed with the proposal or alternatively, to revisit the primary controls sought through the proposal (the FSR and maximum height control) and/or the accompanying DCP standards.</p> <p>▪ Bulk and Scale</p> <p>The planning proposal has made positive amendments to increase front setbacks, reduce site coverage and increase landscaping. Specifically, the revised proposal achieves 45% of the site as landscaped area, with a further 11% of the site (approximately) as plaza areas and only 44% occupied by building footprints.</p> <p>However, the development concept remains non-compliant with the minimum Hills DCP requirements for setbacks:</p> <ul style="list-style-type: none"> ▪ Front setbacks (15m proposed vs 20m required); and ▪ Side setbacks (5m proposed vs 10m required). <p>Further, the development concept retains a wide podium, which despite being partially broken up to accommodate a through-site link ultimately presents as a continuous mass when viewed from the adjoining Fairmont Avenue Reserve at the rear.</p> <p>Overall, the amended proposal does represent an improved outcome that is more contextually appropriate on the site, especially noting the site is undersized for a typical commercial development outcome in Norwest. While some bulk, scale and design issues remain, the development concepts are largely indicative at this point in the process and these issues could feasibly be resolved through further design work through the Gateway and planning proposal process and</p>

Key Consideration	Comment
	<p>as part of a detailed development application in the future.</p> <p>A scheme that amalgamates with adjoining properties would allow for a more flexible and holistic design response and would ultimately be likely to result in a superior built form outcome, however is beyond the scope of the current proposal and ultimately would be a matter requiring further consideration through precinct planning for the Norwest Precinct.</p> <p>▪ Visual Privacy</p> <p>The original planning proposal presented visual privacy concerns for the adjoining residential properties at the rear of the site. In particular, given the building's height and proximity to these properties, there would be potential for occupants of the site to overlook the private open space of the existing dwellings. It was considered at this time that the proposed mitigation measures did not restrict view lines into adjacent residential properties.</p> <p>The reduced building height would assist with the resolution of this issue (along with potentially increased rear setbacks). Additionally, the Proponent has indicated that additional measures can be implemented and incorporated into the detailed design process of the building to further maximise visual privacy, including but not limited to the following:</p> <ul style="list-style-type: none"> ▪ The general layout and orientation of internal layouts, to focus on building outlook to the north, east and west; ▪ The location of key building elements, such as lift cores and services; ▪ Façade treatments, glazing, louvres to enclosed areas; and ▪ Vegetated screening to minimum heights to an unenclosed outdoor areas etc. <p>To facilitate the delivery of a sustainable and appropriate development of the scale proposed on a heavily constrained site, it is considered that any opportunity to maximise visual privacy of adjoining residential properties should be undertaken.</p> <p>Should the proposal proceed to Gateway Determination, it is recommended that the Proponent should complete further urban design work to resolve this issue, prior to public exhibition. The supporting site specific DCP includes provisions to facilitate appropriate design outcomes, including site coverage and landscaping requirements as well as privacy and amenity impacts.</p> <p>▪ Overshadowing</p> <p>Should Council resolve to forward the planning proposal for Gateway Determination, the supporting site specific DCP stipulates the requirement for solar access at Fairmont Avenue Reserve from 12pm</p>

Key Consideration	Comment
	<p>to 2pm and a minimum of 4 hours for private open space during the winter solstice.</p> <p>The solar access diagrams submitted in support of the revised scheme do not clearly demonstrate compliance with this control. As such, should the matter progress to Gateway Determination, further analysis would be required to demonstrate adequate solar access can be provided to the public park and adjoining development.</p> <p>Based on the information provided thus far, it is considered that the proposed development concept has the potential to further maximise solar access to the adjoining residential properties to the rear of the site and recent revisions to the proposal have sought to improve these outcomes.</p> <p>▪ Public Domain and Through Site Link</p> <p>The proposed development includes the provision of a plaza fronting Brookhollow Avenue, common open space toward the rear of the site and a through site pedestrian link connecting Brookhollow Avenue to Fairmont Avenue Reserve through the middle of the subject site. Notwithstanding this, the design concept indicates several flights of steps incorporated in the through site link, which may not be acceptable with respect to accessible design.</p> <p>As development within Norwest progresses, Brookhollow Avenue will become increasingly more active with pedestrians and cyclists. The site specific DCP comprises provisions that allow for accessibility of cyclists and the less mobile users. It is considered that this would be a viable initiative, if the rear setback was increased, as this would facilitate a reduced gradient from the rear boundary to Brookhollow Avenue.</p> <p>Whilst allowing for a reduced front setback would reduce the extent of front landscaping, it could be considered acceptable and reasonable in this particular instance that a reduced setback would increase opportunity for an active frontage along Brookhollow Avenue, whilst shifting front landscaped areas to the rear to retain the proposed 45% landscaping throughout the site and simultaneously ensure that adjoining residential properties receive adequate solar access and visual privacy.</p> <p>▪ Floor Space Ratio</p> <p>The FSR range of 2:1 – 4:1 stipulated in the NWRL Corridor Strategy was broadly stated by the DPIE as the general FSR range for <i>all</i> commercial development across <i>all</i> precincts along the Metro Corridor. It was anticipated that more detailed planning investigations would be informed by this indicative range in the NWRL Corridor Strategy.</p>

Key Consideration	Comment
	<p>The subject site is not located within the commercial core of the Norwest Precinct where the highest densities are envisaged. Rather, the site is located on the periphery of the core, in the area identified as 'business park', close to the maximum reasonable walking catchment from the Metro Station and directly interfaces with detached low density residential dwellings. It is therefore reasonably assumed that the subject site would be on the lower end of the 2:1 – 4:1 FSR range. In recognition of the sites location and constraints, a baseline FSR of 2:1 was identified for the site under The Hills Corridor Strategy.</p> <p>The site specific assessment undertaken as part of the original planning proposal (Attachment 1) provides further evidence that an appropriate outcome for the subject site would be on the lower end of the 2:1 – 4:1 FSR range, having regard to site specific factors. This is also, in part, due to the site size being less than the minimum lot size provision of 8,000m².</p> <p>In this respect, the proposed FSR of 2.65:1, which would deliver a total GFA of 17,539m², is considered more reasonable when compared to the originally proposed FSR of 4:1 (September 2020). The density proposed is generally consistent with the strategic planning framework. Despite a number of more minor site specific design issues that are still present in the revised concept, Council could resolve to progress the matter to Gateway Determination and address these issues to an extent within the site specific DCP and through further design work by the Proponent. Alternatively, Council could resolve not to proceed with the planning proposal, in acknowledgement that more rigorous investigations into the site and its surrounds could be completed as part of precinct planning, that would likely result in a superior urban design outcome in comparison to this spot-rezoning.</p> <p>▪ Development Control Plan</p> <p>In support of the planning proposal, a site-specific DCP has been submitted, which seeks to establish a building envelope for future development on the site, stipulate a commercial parking rate and other address other site planning requirements. The Proponent has indicated that the DCP can readily incorporate any other matters that are deemed required to provide an effective framework for the future of this site.</p> <p>As detailed in the above sections, the supporting site specific DCP includes the following controls to ensure an appropriate built form and development outcome is achieved on the site:</p> <ul style="list-style-type: none"> ○ 9m front setback; ○ 5m side setback; ○ 22m rear setback;

Key Consideration	Comment
	<ul style="list-style-type: none"> ○ 45% landscaped areas; ○ Though site link (accessible to pedestrians, cyclists and people with a disability); ○ Active frontage along Brookhollow Avenue; ○ Internal building layout, façade treatments and appropriate landscaping to maximise visual privacy; ○ Solar access requirement at Fairmont Avenue Reserve from 12pm to 2pm; ○ Minimum of 4 hour solar access for adjoining residential properties; and ○ Commercial car parking rate of 1 per 60m² <p>Should Council be of a mind to progress the planning proposal to Gateway Determination, it is recommended that the associated DCP (Attachment 3) also be exhibited concurrently with the planning proposal, to enable for community feedback on the proposed controls.</p>
Stormwater and Flooding	<p>The subject site is located on flood prone land and while a Flood Assessment has not been submitted in support of the application, preliminary analysis submitted by the Proponent indicates that the proposal will be able to achieve compliance with Council's DCP requirements for Flood Controlled Land. Should the planning proposal progress to Gateway Determination, a Flood Assessment will be required to be submitted prior to public exhibition to demonstrate compliance with Ministerial Direction 4.3 Flood Prone Land.</p> <p>With respect to stormwater impacts, the Proponent submits that the proposed development will not increase the extent of impervious surfaces on the site and as such, the associated stormwater impacts are likely to remain largely the same as current circumstances. It is therefore anticipated that the site can continue to meet Council's stormwater design requirements as part of future redevelopment of the site.</p>
Traffic and Parking	<p>▪ Traffic</p> <p>Concurrent with the Norwest Precinct Planning, along with TfNSW, Council has commissioned the preparation of detailed traffic and transport modelling for Norwest Station Precinct as well as the Bella Vista and Castle Hill Station Precincts. This modelling will assess the capacity of the road network and upgrades required to support strategically identified uplift with a key consideration being the extent of mode shift that is likely within the precinct. Council has only been advised that the relevant results of the study and modelling will now not be available until the end of 2021.</p> <p>The supporting Transport Infrastructure Analysis (TIA) for the previous development concept anticipates the development will generate 228 AM and 190 PM peak hour vehicle movement.</p>

Key Consideration	Comment
	<p>A revised TIA has not been submitted with the amended concept, however it is acknowledged that the significant floor space reduction proposed in the revised material would be reflected in reduced traffic generation rates. A further submission with respect to traffic was received from the Proponent on 8 July 2021, which is provided as Attachment 5 to this report.</p> <p>It is noted that while the planning proposal seeks to increase the maximum FSR on the site, the application of the reduced parking rate (discussed further below) would result in only a marginal increase in the parking spaces provided and the subsequent traffic generated by the proposal.</p> <p>Should Council resolve to progress the planning proposal to Gateway Determination, it is recommended that a revised TIA be submitted prior to public exhibition of the planning proposal. Alternatively, if the subject site were to be considered as part of the precinct planning process, the outcomes of the regional traffic modelling would be known at this time.</p> <p>▪ Parking</p> <p>The revised concept seeks the application of a reduced parking rate of 1 space per 60sqm and would result in the provision of 293 car parking spaces within the proposed development. For comparison purposes, under the currently applicable controls of an FSR of 1:1 and a parking rate of 1 space per 25sqm, the development would result in 265 parking spaces. The reduced parking rate proposed by the Proponent would allow for development uplift to be accommodated on the site with only a marginal increase in the parking spaces and subsequent trip generation associated with the development.</p> <p>It is acknowledged that there will be significant change in the travel behaviour within the Sydney metro precincts, and whilst it is difficult to quantify the extent of this shift prior or during the transition period, there is merit for Council to consider reduced parking rates for the site and more broadly, throughout the strategic centre. 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 60sqm and 1 space per 80sqm.</p> <p>The parking rate sought for the subject planning proposal is on the lower end of this rate and is consistent with adopted rates for other applications in the Norwest Business Park, specifically Norwest Station Site and 2-4 Burbank Place. The proposed parking rate is therefore considered contextually appropriate for the site having regard to strategic centre analysis, other adopted rates within the Precinct and the site's proximity to the Norwest Metro Station.</p>

Key Consideration	Comment
Voluntary Planning Agreement and Infrastructure Provision	<p>The Proponent has submitted a draft Voluntary Planning Agreement which includes a monetary contribution to Council valued at 3% of the cost of future development (equating to a monetary contribution of approximately \$2.5 million).</p> <p>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, 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.</p> <p>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 which is in line with comparable VPAs and contribution rates for commercial development elsewhere within the Norwest Precinct and Hills Shire area. The offer is considered to be commensurate with the proposal's impact on the cumulative local infrastructure needs of the Precinct, in the absence of more detailed infrastructure analysis as part of Precinct Planning.</p> <p>Should Council resolve to progress the planning proposal to Gateway Determination, it is recommended that the draft VPA be subject to legal review prior to exhibition, updated in accordance with the recommendations of the legal review and placed on public exhibition concurrent with the planning proposal and draft development control plan.</p>

Table 3
Key Matters for Consideration

OPTIONS

Having regard to the technical assessment of the key strategic and site specific issues, the following options are presented for Council's consideration.

- Option 1: Proceed to Gateway Determination

Council may choose to forward the planning proposal to the Department of Planning Industry and Environment for Gateway Determination, based on the June 2021 revised concept submitted by the Proponent. This would enable the proposal to progress to the next step in the process and for State Government views to be obtained. This option would acknowledge the strategic merits of the planning proposal, in the form submitted by the Proponent, in that it would facilitate commercial uplift, investment and additional employment opportunities within the Norwest Strategic Centre.

The proposed FSR of 2.65:1 is within the reasonable end of the FSR range of 2:1 to 4:1 under the NWRL Corridor Strategy, having regard to the walking distance of the site from the station (600 metres) relative to other land to which this FSR range applies (0 – 1,000 metres). It also achieves the minimum employment FSR of 2:1 specified within The Hills Corridor Strategy. Additionally, the proposed maximum building height of 10 storeys is consistent with the anticipated building height range of 6 to 10 storeys for the site under the strategies.

This option recognises that the revised proposal has managed to achieve a reasonable site coverage outcome, apply an appropriate car parking rate, provide a reasonable and fair contribution to local infrastructure and demonstrate a development outcome that does not generate undue traffic impact, in comparison to development outcomes already permitted under the current controls.

Notwithstanding this, there would be a need to further consider certain site-specific issues detailed within this report including solar access, through-site linkages and the ground plane, visual privacy and interface with residential development, which could be addressed through further work to be completed by the Proponent and incorporated within the associated site-specific Development Control Plan.

Should Council resolve that the proposal warrants progression to Gateway Determination, the Proponent should be required to submit an updated Planning Proposal Report, Traffic Impact Assessment Report, Flood Study Report, Urban Design Report (including cross sections, elevations and floor plans) and Overshadowing Analysis, which reflect the June 2021 revised concept and seek to resolve the remaining site specific issues detailed within this report.

While the revised concept does not necessarily represent the optimal built form outcome, it is considered that the proposed density has now been reduced to an extent where there is likely to be sufficient flexibility for the remaining site specific design issues to be overcome through more detailed design. This could occur as part of the preparation of the suite of updated application documents which would need to be resubmitted by the Proponent.

Should the proposal proceed to Gateway Determination, the Council would still have further opportunity following the public exhibition phase to determine whether or not the proposal should proceed to finalisation. At this time, if the remaining unresolved issues have not been adequately overcome by the Proponent, the Council could resolve not to proceed with the proposal or alternatively, to revisit the primary controls sought through the proposal (the FSR and maximum height control) and/or the accompanying DCP standards.

- Option 2: Not Proceed to Gateway Determination

Council may form the view that the planning proposal should *not* proceed to Gateway Determination, on the basis that the proposal is seeking to achieve uplift on a single parcel of land in advance of the completion of precinct planning for the broader Norwest Precinct and that the site-specific planning proposal process does not provide the ability to establish a more holistic and master planned solution for how this site could develop as part of a vision for the broader area (in particular, in an amalgamated and master planned manner with adjoining land).

It is the view of Council officers that the planning proposal, in its current form, has sufficient strategic and site specific merit to warrant progression to Gateway Determination and that the remaining site-specific issues detailed within this report can likely be resolved through

further work to be completed by the Proponent and the associated site specific DCP. However, it nonetheless remains accurate to assert that planning for the extent of uplift sought by the Proponent would be more appropriately completed as part of the precinct planning for the broader Norwest Strategic Centre, rather than in isolation as a site-specific planning proposal, and that precinct planning would likely offer the opportunity to secure superior outcomes on the site in comparison to those depicted in the planning proposal.

In accordance with Council's adopted Local Strategic Planning Statement, precinct planning for Norwest Strategic Centre is currently underway and will progress during the course of 2021, however does remain dependant on the regional traffic which has again been delayed as a result of the COVID-19 pandemic.

Given the above, and notwithstanding the recommendation of Council officers, it would be entirely reasonable for the Council to conclude that determination of outcomes for this site should be part of the precinct planning and resolve that the proposal should not proceed to Gateway Determination. A formal decision by Council to not proceed would provide certainty with respect to the application and would enable the Proponent to consider their options in terms of next steps and potential appeal pathways (rezoning review request).

While the avenue of precinct planning warrants consideration by Council, it should be further noted that Council has previously supported the progression of other planning proposals within the Norwest Strategic Centre to Gateway Determination ahead of precinct planning, including Norwest Station Site (6/2019/PLP), 2-4 Burbank Place (18/2018/PLP) and 8 Solent Circuit (11/2018/PLP), which all broadly align with the strategic planning framework in a similar manner as the subject application.

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 would 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 - Hills Future

The planning proposal is consistent with the desired outcomes of The Hills Future in that it would facilitate the delivery of approximately 876 jobs in close proximity to Norwest Metro Station. It is considered that the site-specific and interface issues which remain unresolved can likely be overcome through further design work by the Proponent and appropriate controls within the associated site specific DCP.

CONCLUSION

Based on the above assessment, 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 RL 129.2 metres and increase the floor space ratio from 1:1 to 2.65:1, has demonstrated sufficient strategic and site specific merit to warrant progression to Gateway Determination.

While a number of site specific issues remain, the density has been reduced to an extent where there is likely to be sufficient flexibility for the remaining site specific design matters to be overcome. It is considered that through further design work by the Proponent and appropriate controls within the supporting site specific DCP, an acceptable built form

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outcome can be achieved on the site. Should the proposal proceed to Gateway Determination, the Council would still have further opportunity following the public exhibition phase to determine whether or not the proposal should proceed to finalisation. At this time, if the remaining unresolved issues have not been adequately overcome by the Proponent, the Council could resolve not to proceed with the proposal or alternatively, to revisit the primary controls sought through the proposal (the FSR and maximum height control) and/or the accompanying DCP standards.

While an acceptable built form outcome is likely attainable through this proposal, this is by no means considered to be superior to what could potentially be achieved through the more holistic precinct planning process whereby consideration could be given to amalgamation of adjoining sites to provide larger master planned site, improved transition and interface between commercial and residential uses and greater opportunity for consideration of improved through-site linkages and permeability in the context of the broader precinct.

RECOMMENDATION

1. The planning proposal for land at 14-16 Brookhollow Avenue, Norwest (Lot 3 DP 1010849), seeking to increase the maximum height of building from RL116 metres to RL 129.2 metres and increase the floor space ratio from 1:1 to 2.65:1, be forwarded to the Department of Planning, Industry and Environment for Gateway Determination.
2. Prior to the proposal being forwarded to the Department for Gateway Determination, the Proponent be required to submit an updated Planning Proposal Report, Traffic Impact Assessment Report, Flood Study Report, Urban Design Report (including cross sections, elevations and floor plans) and Overshadowing Analysis, which seek to resolve the remaining site specific issues identified in this report.
3. Draft Hills Development Control Plan 2012 Part D Section X – 14-16 Brookhollow Avenue, Norwest (Attachment 3) be publicly exhibited concurrent with the planning proposal.
4. Council accept, in principle, the draft Voluntary Planning Agreement (Attachment 4), with the VPA to be subject to legal review (at the cost of 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.

ATTACHMENTS

1. Council Officer Assessment Report – Local Planning Panel – 19 May 2021 (24 pages)
2. Local Planning Panel Minutes – 20 May 2021 (3 pages)
3. Draft The Hills Development Control Plan 2012 Part D Section X – 14-16 Brookhollow Avenue, Norwest (12 Pages)
4. Draft Voluntary Planning Agreement – 1 July 2021 (17 pages)
5. Additional Information – 8 July 2021 (10 pages)

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LOCAL PLANNING PANEL MEETING 19 MAY, 2021

THE HILLS SHIRE

ATTACHMENT 1

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	6,620M ²
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

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**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.

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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 (min) 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 20m² 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).

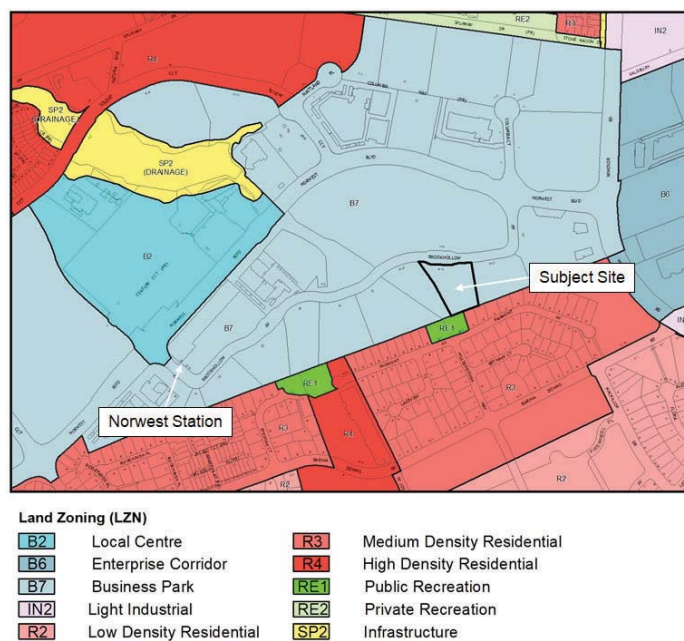


Figure 2
Existing Land Zone Map (LEP 2019)

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 4
Comparison of initial (top) and currently (bottom) proposed building footprint



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.

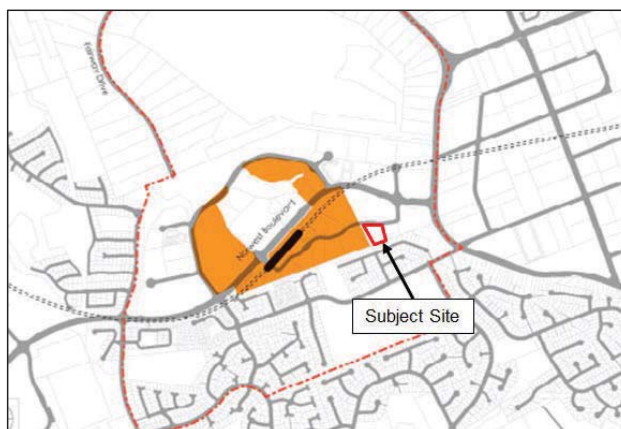


Figure 6
Commercial Core – Norwest Structure Plan

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.

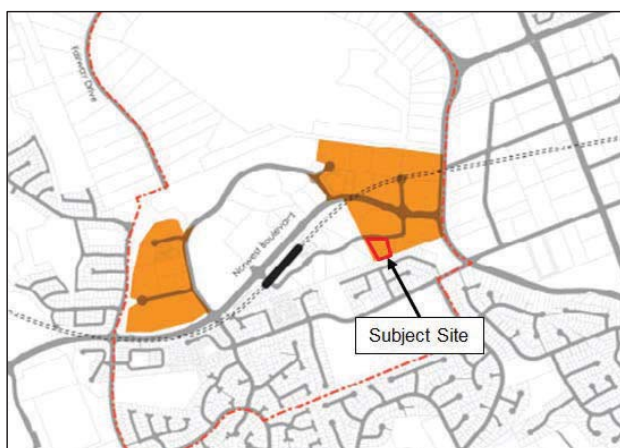


Figure 7
Business Park – Norwest Structure Plan

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).

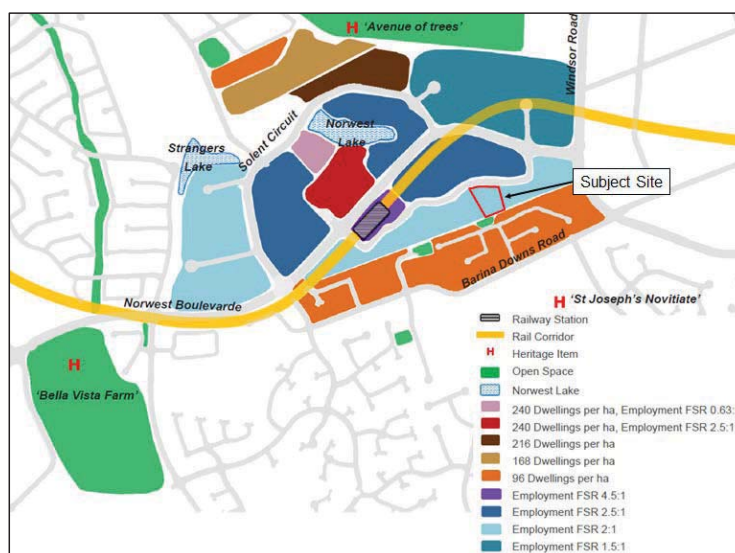


Figure 8
The Hills Corridor Strategy – Norwest Desired Outcomes

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.

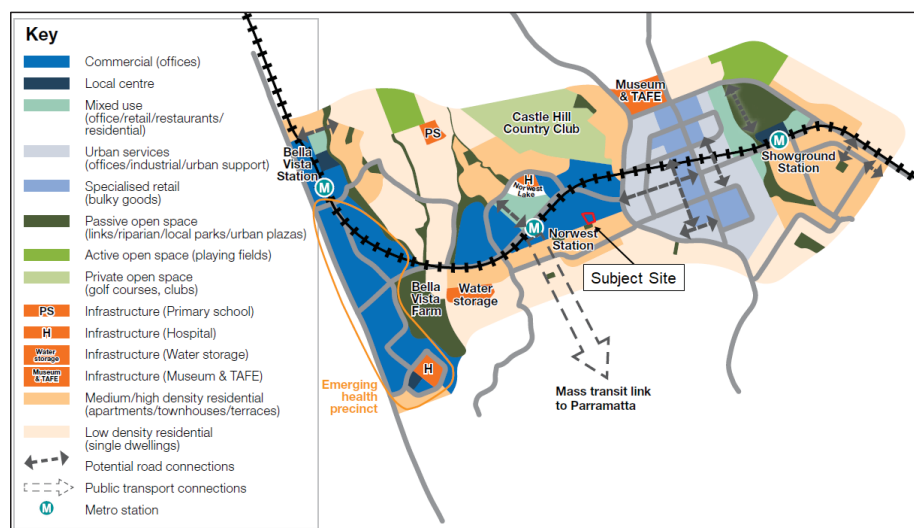


Figure 9
Local Strategic Planning Statement – Norwest Strategic Centre structure plan

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

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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.

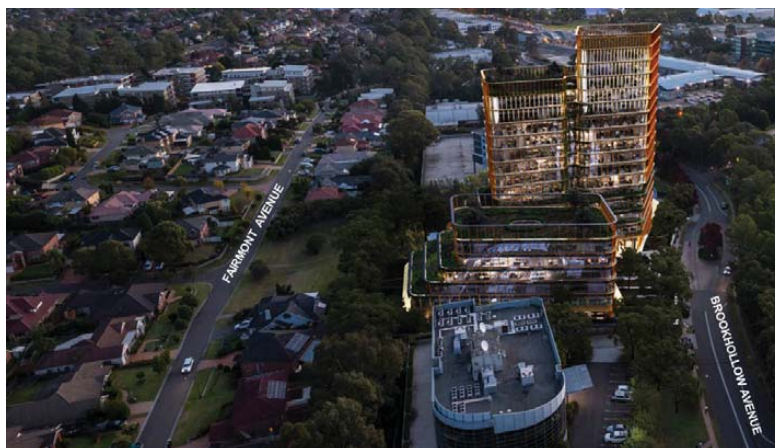
c) Urban Design and Built Form**▪ Building Height**

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.

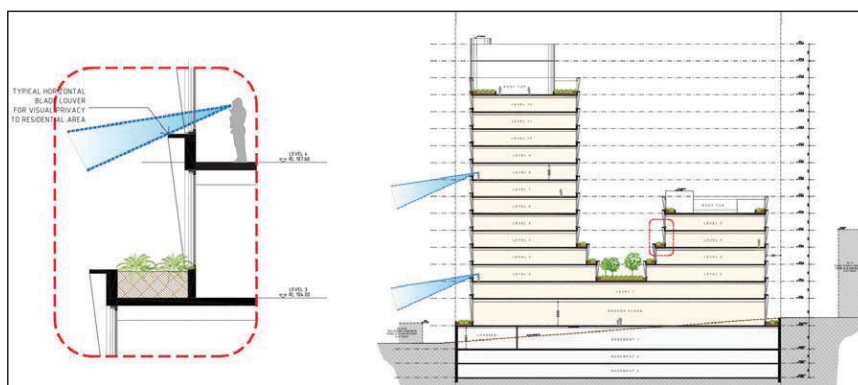


Figure 11

Line of sights 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.

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▪ *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

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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

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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

ATTACHMENT 3

THE HILLS
Sydney's Garden Shire

The Hills
Development Control
Plan (DCP) 2012

www.thehills.nsw.gov.au



Part D Section X

14-16 Brookhollow Avenue, Norwest

DXX

In Force XX XX XXXX

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1 Introduction

This Section of the DCP has been prepared to guide future commercial development on the site at 14-16 Brookhollow Avenue, Norwest.

1.1 Land to which this Section applies

This Section of the DCP applies to the area outlined in red, being land at 14-16 Brookhollow Avenue, Lot 3 DP 1010849 as shown in Figure 1 – Land to which the DCP applies.



Figure 1: Land to which this Section applies

1.2 Purpose of this Section

The purpose of this section of the DCP is to outline the desired character, land use and built form outcomes for the subject land. It seeks to ensure development is attractive, functional and sustainable within a high quality urban design outcome. It also encourages orderly development through site planning to address the site's sensitive interface with adjoining residential properties.

1.3 Relationship to other Sections of the DCP

This section forms part of The Hills Development Control Plan (DCP 2012). Development on the site shall have regard to this section of the DCP as well as other relevant sections within DCP 2012. In the event of any inconsistency between this section and other sections of DCP 2012, this section will prevail to the extent of the inconsistency.

2 Urban Context

The site has a total area of 6,621m² and is located on the periphery of the Norwest Business Park and Norwest Metro Station Precinct. With its primary frontage at Brookhollow Avenue, the site is accessible via Brookhollow Avenue's connection to Norwest Boulevard, a key thoroughfare between Windsor Road, Old Windsor Road and the M7 Motorway.

The site adjoins existing commercial development to the east and west, with Fairmont Avenue Reserve and low density residential properties adjoining the site to the south. Norwest Station is located approximately 600m walking distance from the site and will provide direct access to employment opportunities on the site.



Figure 2: Urban Context

3 Desired Future Character and Principles

The following principles outline the desired future character for the site:

- The site will accommodate a commercial development that will contribute to meeting Norwest's employment targets and increase the economic development of the Shire.
- Future development will be transit oriented by reducing car dependency and encouraging walking and cycling to and from the nearby Norwest metro station.
- Future development will be sensitively designed to respond to the site's location in the periphery of the Norwest Precinct and interface with existing low-rise and future mid-rise residential development through appropriate site planning and building height transition.
- Future development on the site will provide significant landscaping and public plaza space to maintain the campus-style and business park character of Norwest.
- Built form will generally comprise two (2) main buildings at the centre of the site, with a single storey podium.
- Built form will be sensitively designed to be sympathetic with adjoining low rise residential development and Fairmont Avenue Reserve, with respect to visual amenity, overshadowing and visual privacy.
- Development will be sited, angled and designed to provide high levels of solar access to the subject site and surrounding residential properties.
- The pedestrian through-site link will be accessible, attractive and activated, and will connect residential properties south of the site to the business park, whilst increasing the overall permeability of Norwest.

4 General Controls

4.1 Setbacks and Landscaping

Objectives

- a. To provide an attractive streetscape comprising substantial areas for landscaping and screen planting that contribute to the landscaped feel of Norwest Business Park.
- b. To protect privacy and amenity of adjoining land uses and reduce bulk and scale.
- c. To ensure adequate sight distance is available for vehicles entering and leaving the site.
- d. To encourage active urban edges where buildings meet the public realm.

Controls

1. Minimum building setbacks are to be provided in accordance with the setbacks illustrated in Figure 3.
2. 45% of site area is to be retained for landscaping, including 43% for deep soil landscaping
3. Landscaped areas are to have a minimum width of 2m. Areas less than 2m in width will be excluded from the calculation of landscaped area.
4. Native ground covers and grasses are to be used in garden beds and path surrounds (turf is to be confined to useable outdoor areas).
5. Deep soil zones are to allow for future planting of mature trees.
6. Where roof gardens are provided, consideration should be given to the Urban Green Cover in NSW – Technical Guidelines, published by the Office of Environment and Heritage.
7. Soft landscaping is to include a mix of mature and semi mature trees, shrubs, lawn turf and ground cover planting. Plant species are to be appropriate to the context and the specific microclimate within the development.
8. Drought tolerant plant species, and species that enhance habitat and ecology, are to be prioritised.

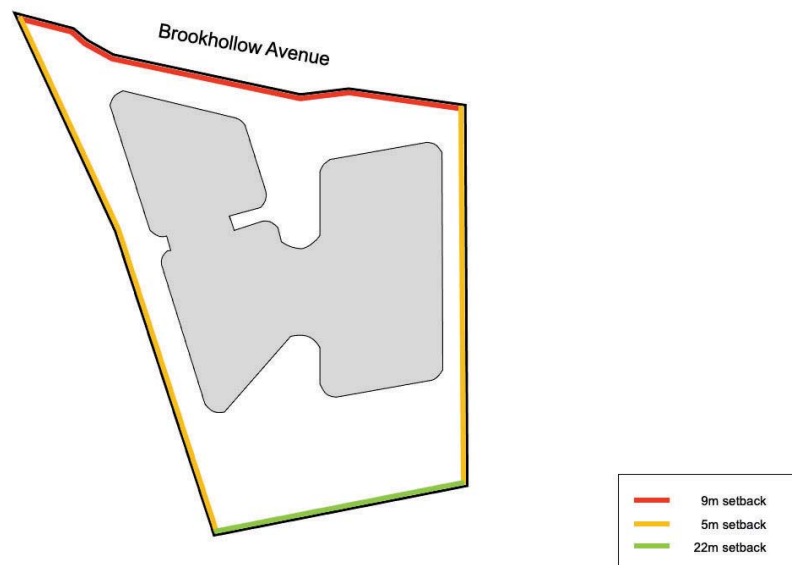


Figure 3: Building Setbacks

4.2 Design and Built Form

Objectives

- To promote an attractive commercial development on the site where built form and scale are appropriately integrated into the site's context.
- To ensure appropriate siting of building massing and heights across the site.

Controls

- The bulk and scale of the development is to be treated through the use of appropriate materials, colours and landscape treatment and with consideration of view corridors to and from surrounding areas.
- Building footprints and heights shall be generally in accordance with Figure 4 below.



Figure 4: Building Heights

3. Built form should incorporate a stepped design from the first to the fourth storey (at a minimum), as shown in Figure 5 below.
4. The built form, including levels, shall be in accordance with the flood planning requirements stipulated in Part C Section 6 – Flood Controlled Land of The Hills Development Control Plan 2012.

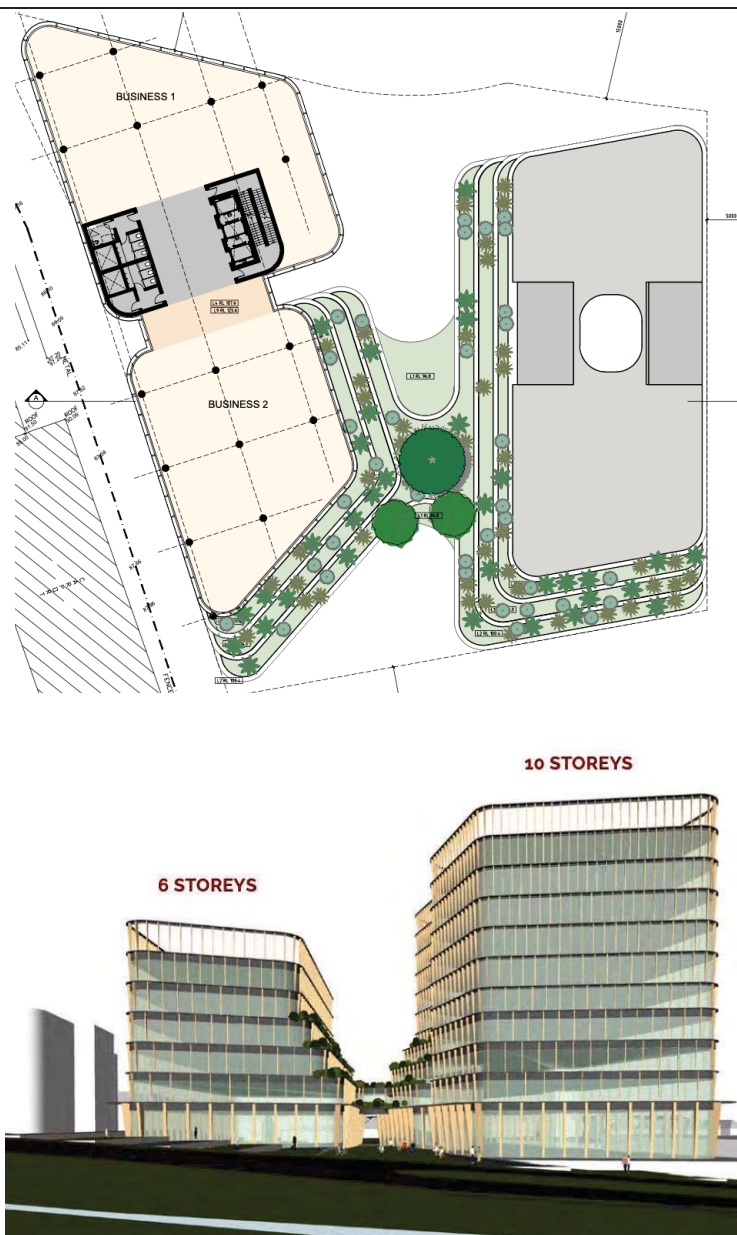


Figure 5: Indicative Built Form

4.3 Parking and Vehicular Access

Objectives

- To minimise adverse traffic impacts and improve the flow and function of the local road network.
- To provide sufficient parking spaces for development while encouraging public transport use.
- To ensure that car parking is appropriately located within the site and allows for increased landscaping opportunities.

Controls

1. Car parking is to be provided at a minimum rate of 1 space per 60m² commercial gross floor area.
2. Access to parking areas shall be established in accordance with the requirements set out in Part C Section 1 – Parking of The Hills Development Control Plan 2012.
3. On-site car parking is to be provided in a basement form only.
4. Basement car parking is to be provided at a maximum of 4 levels.
5. Carpark access should not adversely affect pedestrian movement or the visual amenity of the public domain on Brookhollow Avenue.
6. Basement car parking is to protrude above ground level for ventilation purposes only to a maximum of 1.2 metres and is not to reduce the potential for deep rooted planting and effective landscaping on the site.
7. Carpark ventilation point must not be directed towards adjoining residential dwellings.

4.4 Public Domain and Pedestrian Amenity

Objectives

- a. To provide a highly permeable site that is accessible to all users.
- b. To provide a north-south link through the site that is safe for pedestrians throughout the day and evening.

Controls

1. The development must provide a minimum of one (1) public plaza fronting Brookhollow Avenue and totalling at least 11% of the site area.
2. The development must provide a pedestrian site-through linkage between Brookhollow Avenue with Fairmont Avenue Reserve that is to be generally consistent with Figure 6.
3. The development shall provide opportunities for casual surveillance, enhancing safety of pedestrians moving within the site and must be provided with adequate lighting to improve safety.
4. Street furniture is provided in the through-site link, including a high quality, durable and co-ordinated selection of paving, seating, lighting, rubbish bins, and directional signage.
5. On level access, paved pathways or lifts are to be provided to allow for the equitable movement of people across the site.
6. Signage and wayfinding is to be incorporated within the public domain where possible.



Figure 6: Indicative through-site link

4.5 Solar Access and Overshadowing

Objectives

- a. To ensure key areas of the public domain both on the subject site and on adjoining sites receive adequate solar access.

Controls

1. All private open space within neighbouring low density residential properties are to continue to receive a minimum four (4) hours of sunlight access between 9am and 3pm on 21st June.

Note: Where these are already receiving less than the minimum 4 hours, the proposed development shall not further reduce the level of solar access.


2. Public open space (located within and adjoining the site) is to receive a minimum of 50% sunlight coverage between 12pm and 2pm on 21st June.
3. Development shall achieve direct sunlight to the principal usable part of the public plaza and other key public areas for a minimum of 2 hours between 9am and 3pm on 21 June.

ATTACHMENT 4

THE HILLS
Sydney's Garden Shire

PLANNING AGREEMENT
14-16 Brookhollow Avenue, Norwest
THE HILLS SHIRE COUNCIL
BHA CORP PTY LIMITED "DEVELOPER"

www.thehills.nsw.gov.au



The Hills Shire Council
3 Columbia Court, Norwest NSW 2153
PO Box 7064, Norwest BC 2153 Phone (02) 9843 0555

[INSERT DATE]

**Planning Agreement
Summary Sheet**

Council	Name	The Hills Shire Council
	Address	3 Columbia Court Norwest, NSW 2153
	Telephone	(02) 9843 0555
	Email	council@thehills.nsw.gov.au
	Representative	Mr Michael Edgar – General Manager
Developer	Name	BHA CORP PTY LIMITED
		ACN 92 738 619 339
	Address	14-16 Brookhollow Avenue, NSW 2153
	Telephone	02 7200 7515
	Email	tony@ichomes.com.au
	Representative	Tony Isaac
Land	Lot 3 in DP 1010849 known as 14-16 Brookhollow Avenue, Norwest	
Amendment to the LEP	Amendment to The Hills Local Environmental Plan 2019 as it relates to the Land.	
Planning Proposal	Planning Proposal 2/2021/PLP	
Dedication Land	Not applicable	
Works	Not applicable	
Monetary Contributions	See Schedule 1	
Security Amount	nil	

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Planning Agreement**Dated****Parties**

The Hills Shire Council ABN 25 034 494 656 of 3 Columbia Court, Norwest, NSW 2153
(Council)

BHA CORP PTY LIMITED ABN 92 738 619 339 of 14-16 Brookhollow Avenue, NSW 2153
(Developer)

Background

- A. Council is the consent authority pursuant to the *Environmental Planning and Assessment Act 1979* (NSW) (**Act**) for the Proposed Development.
- B. The Developer is the registered proprietor of the Land.
- C. The Developer has lodged a Planning Proposal with Council in respect of the Land seeking the Instrument Change so as to enable application(s) to be made for Development Consent.
- D. Upon approval of the Planning Proposal, the Developer proposes to lodge Development Application(s) in respect of the Land.
- E. The Developer has offered to make Development Contributions in the nature of Monetary Contributions if the Instrument Change occurs on the terms set out in this Agreement.

Operative provisions**1. Defined meanings**

Words used in this document and the rules of interpretation that apply are set out and explained in the definitions and interpretation clause at the back of this Agreement.

2. Planning agreement under the Act

The Parties agree that this document is a planning agreement within the meaning of **subdivision 2, Division 7.1, Part 7** of the Act.

3. Application of this document

This document is made in respect of the Proposed Development and applies to the Land.

4. No restriction on Council's Powers

This Agreement or anything done under this Agreement:

- (a) is not to be taken as approval or consent by Council as a regulatory authority; and
- (b) does not in any way inhibit, deter or prejudice Council in the proper exercise of its functions, duties or powers,

pursuant to any legislation including the Act, the *Roads Act 1993* (NSW) and the *Local Government Act 1993* (NSW).

5. Operation of this Agreement

5.1 This Agreement operates from the date it is executed by both parties.

5.2 When this Agreement operates it is a binding contract between the parties.

6. Monetary Contributions

6.1 Payment

- (a) The Developer must pay the Monetary Contributions in accordance with Schedule 1 of this Agreement and any other provision of this Agreement relating to Monetary Contributions on or before the date for payment specified in Column 2 of Schedule 1 of this Agreement.
- (b) Payment of the Monetary Contributions may be made by bank cheque in favour of Council or electronic funds bank transfer to Council's nominated bank account.
- (c) A Monetary Contribution will be taken to have been made when Council notifies the Developer in writing that the bank cheque has been received and cleared funds have been deposited in Council's nominated bank account.

6.2 Public Purpose

- (a) The Monetary Contributions are required for the funding of the construction of, or improvements to local infrastructure and the public domain in the vicinity of the Land, as determined by the General Manager of Council from time to time and Council will apply the Monetary Contributions for those purposes.
- (b) Despite the description and location of works specified in Column 1 of Schedule 1 of this Agreement, Council may at its full discretion apply the Monetary Contributions towards another public purpose specified in this Agreement or a public purpose (including but not limited to works or land acquisition) it deems appropriate to service new development within the Precinct if Council reasonably considers that the public interest would be better served by applying the Monetary Contributions towards that other purpose rather than the purpose so specified.

7. Application of s7.11 and s7.12 of the Act

For the purpose of section 7.4(5) of the Act, this document excludes the application of sections 7.11 and section 7.12 of the Act in relation to the Development Application(s) for the Proposed Development.

8. Termination

This Agreement will terminate in the event that the Instrument Change as it relates to the Land does not occur.

9. Consequences

9.1 On the date of termination or rescission of this Agreement, subject to the following sub-paragraph each party releases each other from any obligation to perform any term, or any liability arising out of, this document after the date termination.

9.2 Termination or rescission of this Agreement does not release either party from any obligation or liability arising under this Agreement before termination or rescission.

10. Private Certifiers

Where Council is not the certifying authority for any aspect of the Proposed Development the Developer must on the appointment of a private certifier provide a copy of this Agreement to the private certifier.

11. Notices

11.1 Any notice to or by a party under this Agreement must be in writing and signed by the sender or, if a corporate party, an authorised officer of the sender.

11.2 Any notice may be served by delivery in person or by post or transmission by email to the address or number of the recipient specified in the Summary Sheet or most recently notified by the recipient to the sender.

11.3 Any notice is to be treated as given or made at the following time:

- (a) if it is delivered, when it is left at the relevant address;
- (b) if it is sent by post, two (2) Business Days after it is posted;
- (c) if it is sent by email, at the time it is sent.

11.4 If any notice is delivered on a day that is not a business day, or if on a business day, after 5.00pm on that day on the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

12. Breach Notice and Rectification

12.1 If the Developer is, in the opinion of Council, in breach of a material obligation under this document, Council may provide written notice of the breach to the Developer and require rectification of that breach within a reasonable period of time (**Breach Notice**).

12.2 Unless there are compelling reasons to extend or abridge the period of time permitted for rectification, a reasonable period of time is taken to be fourteen days from receipt of a Breach Notice.

12.3 If the breach is not rectified within the time specified in the Breach Notice, or otherwise agreed between the Parties, Council may rectify the breach as the agent of the Developer and at the risk of the Developer. The Developer must pay all reasonable costs incurred by Council in remedying the breach.

13. **Dispute resolution**

13.1 **Disputes**

If a party claims that a dispute has arisen under this document (Claimant), it must give written notice to the other party (Respondent) stating the matters in dispute and designating as its representative a person to negotiate the dispute (Claim Notice). No party may start court proceedings (except for proceedings seeking interlocutory relief) in respect of a dispute unless it has first complied with this clause 13.1.

13.2 **Response to Notice**

Within 10 business days of receiving the Claim Notice, the Respondent must notify the Claimant of its representative to negotiate the dispute.

13.3 **Negotiation**

The nominated representative must:

- a) meet to discuss the matter in good faith within 5 business days after service by the Respondent of notice of its representative; and
- b) use reasonable endeavours to settle or resolve the dispute within 15 business days after they have met.

13.4 **Further Notice if Not Settled**

If the dispute is not resolved within 15 business days after the nominated representatives have met, either party may give to the other a written notice calling for determination of the dispute (**Dispute Notice**) by mediation under clause 13.5.

13.5 **Mediation**

If a party gives a Dispute Notice calling for the dispute to be mediated:

- a) the parties must agree to the terms of reference of the mediation within 3 business days of the receipt of the Dispute Notice (the terms will include a requirement that the mediation rules of the Institute of Arbitrators and Mediators Australia (NSW Chapter) apply);
- b) the Mediator will be agreed between the parties, or failing agreement within 3 business days of receipt of the Dispute Notice, either party may request the President of the Institute of Arbitrators and Mediators Australia (NSW Chapter) to appoint a mediator;
- c) the Mediator appointed pursuant to this clause 13.5 must:

- i. have reasonable qualifications and practical experience in the area of the dispute; and
 - ii. have no interest or duty which conflicts or may conflict with his function as mediator, he being required to fully disclose any such interest or duty before his appointment;
- d) the Mediator will be required to undertake to keep confidential all matters coming to his knowledge by reason of his appointment and performance of his duties;
- e) the parties must within 5 business days of receipt of the Dispute Notice notify each other of their representatives who will be involved in the mediation;
- f) the parties agree to be bound by a mediation settlement and may only initiate judicial proceedings in respect of a dispute which is the subject of a mediation settlement for the purpose of enforcing that mediation settlement;
- g) the parties must convene and attend the mediation within 21 days of the date of the Dispute Notice;
- h) in relation to costs and expenses:
 - i. each party will bear their own professional and expert costs incurred in connection with the mediation; and
 - ii. the costs of the Mediator will be shared equally by the parties unless the Mediator determines a party has engaged in vexatious or unconscionable behaviour in which case the Mediator may require the full costs of the mediation to be borne by that party.

13.6 Litigation

If the dispute is not finally resolved in accordance with this clause 13, either party is at liberty to litigate the dispute.

13.7 Continual performance

Each Party must continue to perform its obligations under this Agreement while any dispute is being determined under this clause.

14. Enforcement

14.1 Restriction on the issue of Certificates

In accordance with section 6.8 of the Act and clause 146A of the Regulation the obligation to pay Monetary Contributions under this Agreement must be satisfied prior to the issue of any Occupation Certificate for any Development Consent for the Proposed Development or any part of the Proposed Development if such an Occupation Certificate is required.

14.2 General Enforcement

- (a) This Agreement may be otherwise enforced by either Party in any court of competent jurisdiction.

- (b) For the avoidance of doubt, nothing in this Agreement prevents:
 - i. a Party from bringing proceedings in the Land and Environment Court to enforce any aspect of this Agreement or any matter to which this Agreement relates; and
 - ii. the Council from exercising any function under the Act or law relating to the enforcement of any aspect of this Agreement or any matter to which this Agreement relates.

15. Registration of Agreement on Title

15.1 Registration of this Agreement

- (a) The Developer agrees to procure the registration of this Agreement under the *Real Property Act 1900* (NSW) in the relevant folios of the Register of the Land in accordance with section 7.6 of the Act within thirty (30) days of execution of this Agreement.
- (b) The Developer will promptly after the execution of this Agreement take all practical steps, and otherwise do anything that Council reasonably requires to procure:
 - i. the consent of each person who:
 - (A) has an estate or interest in the Land registered under the *Real Property Act 1900* (NSW); or
 - (B) is seized or possessed of an estate or interest in the Land.
 - ii. an acceptance of the terms of this Agreement and an acknowledgement in writing from an existing mortgagee in relation to the Land that the mortgagee will adhere to the provisions of this Agreement if it takes possession of the Land as mortgagee in possession;
 - iii. the execution of any documents; and
 - iv. the production of the relevant duplicate certificates of title.
- (c) The Developer will take all practical steps, and otherwise do anything that Council reasonably requires:
 - i. to procure the lodgment of this Agreement with the Registrar-General as soon as reasonably practicable after this Agreement comes into operation, but in any event, no later than 10 Business Days after that date; and
 - ii. to procure the registration of this Agreement by the Registrar-General in the relevant folios of the Register for the Land as soon as reasonably practicable after this Agreement is lodged for registration.

15.2 Release from Registration

Council will at the request of the Developer release the Land from registration of this document when the Monetary Contributions have been received by Council and no other money is owing to Council under this Agreement. The obligations of Council

are satisfied when Council provides the Developer with a signed Request in registrable form for the release of registration of this Agreement.

15.3 Registration Expenses

The Developer must pay Council's reasonable expenses including registration fees, any stamp duty, legal costs and disbursements, for the registration of this Agreement and the subsequent removal of registration.

16. Costs

The Developer is to pay to Council, the Council's costs associated with the negotiation, preparation, exhibition, legal review, execution and registration of this Agreement within 7 days of a written demand by Council for such payment.

17. GST

If any payment made by one party to any other party under or relating to this document constitutes consideration for a taxable supply for the purposes of GST or any similar tax, the amount to be paid for the supply will be increased so that the net amount retained by the supplier after payment of that GST is the same as if the supplier was not liable to pay GST in respect of that supply. This provision is subject to any other agreement regarding the payment of GST on specific supplies, and includes payments for supplies relating to the breach or termination of, and indemnities arising from, this document.

18. General

18.1 Assignment

- (a) A party must not transfer any right or liability under this document without the prior consent of each other party, except where this document provides otherwise.
- (b) In the event that the Developer enters into a contract for the sale of the Land the subject of the Proposed Development, the Developer (as vendor) shall disclose to the purchaser the existence of this Agreement.

18.2 Governing law and jurisdiction

- (a) This document is governed by and construed under the law in the State of New South Wales.
- (b) Any legal action in relation to this document against any party or its property may be brought in any court of competent jurisdiction in the State of New South Wales.
- (c) Each party by execution of this document irrevocably, generally and unconditionally submits to the non-exclusive jurisdiction of any court specified in this provision in relation to both itself and its property.

18.3 Amendments

Any amendment to this document has no force or effect, unless effected by a document executed by the parties.

18.4 Third parties

This document confers rights only upon a person expressed to be a party, and not upon any other person.

18.5 Pre-contractual negotiation

This document:

- (a) expresses and incorporates the entire agreement between the parties in relation to its subject matter, and all the terms of that agreement; and
- (b) supersedes and excludes any prior or collateral negotiation, understanding, communication or agreement by or between the parties in relation to that subject matter or any term of that agreement.

18.6 Further assurance

Each party must execute any document and perform any action necessary to give full effect to this document, whether before or after performance of this document.

18.7 Continuing performance

- (a) The provisions of this document do not merge with any action performed or document executed by any party for the purposes of performance of this document.
- (b) Any representation in this document survives the execution of any document for the purposes of, and continues after, performance of this document.
- (c) Any indemnity agreed by any party under this document:
 - (i) constitutes a liability of that party separate and independent from any other liability of that party under this document or any other agreement; and
 - (ii) survives and continues after performance of this document.

18.8 Waivers

Any failure by any party to exercise any right under this document does not operate as a waiver and the single or partial exercise of any right by that party does not preclude any other or further exercise of that or any other right by that party.

18.9 Remedies

The rights of a party under this document are cumulative and not exclusive of any rights provided by law.

18.10 Counterparts

This document may be executed in any number of counterparts, all of which taken together are deemed to constitute one and the same document.

18.11 Party acting as trustee

If a party enters into this document as trustee of a trust, that party and its successors as trustee of the trust will be liable under this document in its own right

and as trustee of the trust. Nothing releases the party from any liability in its personal capacity. The party warrants that at the date of this document:

- (a) all the powers and discretions conferred by the deed establishing the trust are capable of being validly exercised by the party as trustee and have not been varied or revoked and the trust is a valid and subsisting trust;
- (b) the party is the sole trustee of the trust and has full and unfettered power under the terms of the deed establishing the trust to enter into and be bound by this document on behalf of the trust and that this document is being executed and entered into as part of the due and proper administration of the trust and for the benefit of the beneficiaries of the trust;
- (c) no restriction on the party's right of indemnity out of or lien over the trust's assets exists or will be created or permitted to exist and that right will have priority over the right of the beneficiaries to the trust's assets.

18.12 Representations and warranties

The Parties represent and warrant that they have power to enter into this document and comply with their obligations under the document and that entry into this document will not result in the breach of any law.

18.13 Severability

If a clause or part of a clause of this document can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this document, but the rest of this document is not affected.

19. Definitions and interpretation

In this document unless the context otherwise requires:

Act means the *Environmental Planning and Assessment Act 1979* (NSW).

Agreement means this Planning Agreement.

Business Day means a day that is not a Saturday, Sunday, public holiday or bank holiday in New South Wales.

Development Application means any development application made under Part 4 of the Act for the Proposed Development.

Development Consent means any development consent granted by the Council under section 4.16 of the Act for the Proposed Development.

Development Contributions means the Monetary Contributions.

GST means any tax, levy, charge or impost implemented under the *A New Tax System (Goods and Services Tax) Act 1999* (Cth) (**GST Act**) or an Act of the Parliament of the Commonwealth of Australia substantially in the form of, or which has a similar effect to, the GST Act.

Instrument Change means amendment to The Hills Local Environmental Plan 2019 as it relates to the Land as a result of the Planning Proposal.

Land means Lot 3 in DP 1010849 known as 14-16 Brookhollow Avenue, Norwest

Monetary Contributions means a monetary contribution to be made by the Developer pursuant to clause 6 of this Agreement and identified as payable to Council in Schedule 1 of this Agreement.

Occupation Certificate means the same thing as in the Act.

Party means a party to this document, including their successors and assigns.

Planning Proposal means planning proposal Planning Proposal 2/2021/PLP

Precinct means:

- a) upon the adoption of a Contributions Plan under the Act for the area within which the Land is located, the area to which that Plan applies and any area of land in the general vicinity of such area;
- b) prior to the adoption of any Contribution Plan of the nature referred to in (a) above, the area in the general vicinity of the Land but within the Norwest Business Park and within which Council proposes to provide public amenities and/or public services.

Proposed Development means any redevelopment of the Land, including but not limited to, the outcomes sought to be facilitated by the Planning Proposal and the Instrument Change.

Regulation means the *Environmental Planning and Assessment Regulation 2000* (NSW).

19.1 Interpretation

In this document unless the context otherwise requires:

- (a) clause and subclause headings are for reference purposes only;
- (b) the singular includes the plural and vice versa;
- (c) words denoting any gender include all genders;
- (d) reference to a person includes any other entity recognised by law and vice versa;
- (e) where a word or phrase is defined its other grammatical forms have a corresponding meaning;
- (f) any reference to a party to this document includes its successors and permitted assigns;
- (g) any reference to a provision of an Act or Regulation is a reference to that provision as at the date of this document;

- (h) any reference to any agreement or document includes that agreement or document as amended at any time;
- (i) the use of the word **includes** or **including** is not to be taken as limiting the meaning of the words preceding it;
- (j) the expression **at any time** includes reference to past, present and future time and the performance of any action from time to time;
- (k) an agreement, representation or warranty on the part of two or more persons binds them jointly and severally;
- (l) an agreement, representation or warranty on the part of two or more persons is for the benefit of them jointly and severally;
- (m) reference to an exhibit, annexure, attachment or schedule is a reference to the corresponding exhibit, annexure, attachment or schedule in this document;
- (n) reference to a provision described, prefaced or qualified by the name, heading or caption of a clause, subclause, paragraph, schedule, item, annexure, exhibit or attachment in this document means a cross reference to that clause, subclause, paragraph, schedule, item, annexure, exhibit or attachment;
- (o) when a thing is required to be done or money required to be paid under this document on a day which is not a Business Day, the thing must be done and the money paid on the immediately following Business Day; and
- (p) reference to a statute includes all regulations and amendments to that statute and any statute passed in substitution for that statute or incorporating any of its provisions to the extent that they are incorporated.

Schedule 1 – Monetary Contributions

Column 1	Column 2	Column 3
Public Purpose	Timing of Payment	Amount of Payment
Local infrastructure and public domain improvements within the Precinct and its vicinity.	Prior to grant of an Occupation Certificate for each Development Consent for the Proposed Development	2% of the estimated construction cost of the Proposed Development as stated in the corresponding Development Application for the Development Consent
<p>Infrastructure and improvements within the immediate proximity to the Land including (in order of preference):</p> <ul style="list-style-type: none"> a) Public domain improvements to Fairmont Avenue Reservice including walking tracks, light and landscaping; b) New cycle ways connecting to Brookhollow Avenue; and c) Public domain and streetscape improvements to Brookhollow Avenue. 	Prior to grant of an Occupation Certificate for each Development Consent for the Proposed Development	1% of the estimated construction cost of the Proposed Development as stated in the corresponding Development Application for the Development Consent

Execution Page

The common seal of **The Hills Shire Council**
was affixed under a resolution passed by council
on insert date in the presence of:

General Manager

Mayor

Print Name

Print Name

Witness

Print Name

Executed by the BHA CORP PTY LIMITED ABN
92 738 619 339 in accordance with s127 of the
Corporations Act 2001 (Cth):

Secretary/Director

Director

Print name

Print name

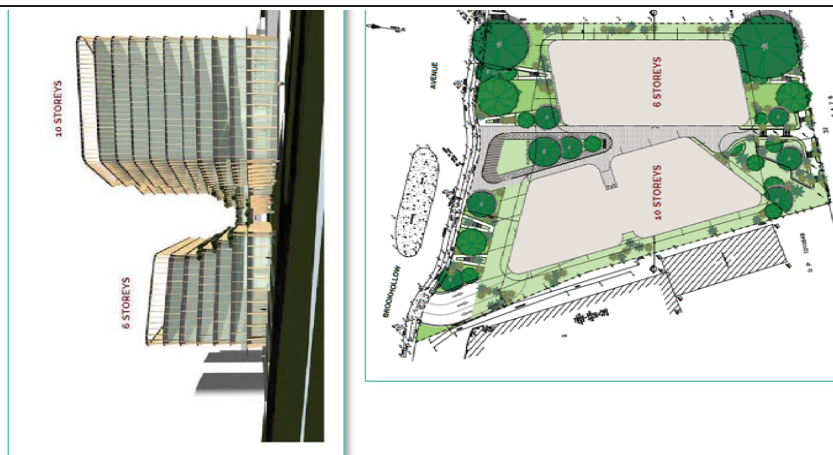
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**14-16 BROOKHOLLOW
AVENUE, NORWEST**

Strategic Transport Review of Revised
Proposal – July 2021.

Commissioned by BHA Corp for submission to The Hills Shire Council.



PURPOSE + CONTEXT

A revised development scheme has been prepared for 14-16 Brookhollow Ave which seeks to:

- Deliver an FSR of 2.65:1 (reduced from 4:1)
- Deliver a reduced building height of RL129.2 (reduced from RL 150m)
- Deliver increased front setback min 15 (up from 9m)
- Deliver increased landscape area (now approx 55%)
- Deliver a revised car parking rate of 1:60 (previously 1:70)

The intended commercial-only development remains, in an area of high level of accessibility and amenity.

A traffic impact assessment was prepared by GTA for the original scheme, which did not raise any major concerns.

This summary advice, prepared by Urbis + Stantec/GTA, seeks to:

1. Review the transport implications arising from the revised proposal,
2. Consider the broader transport context for the precinct, including consideration of cumulative impacts of development yields beyond the minimum floorspace recommendation in the Hills Corridor Strategy – eg FSR of 2.65:1 vs 2:1
3. Consider the intended outcome, relative to the current controls and the traffic modelling that is currently underway



A focus on integrated land use and transport planning, with a focus on liveability and accessibility. All in a day at Norwest and generally within 5-10m walk of the site



STRATEGIC TRANSPORT REVIEW CONCLUSIONS

Considering current FSR, Hills corridor strategy recommendation (FSR 2:1) and the revised proposal (FSR 2.65:1) *Taking into account both 14-16 Brookhollow Ave as well as broader precinct, if further developed – ie. the cumulative impacts*

- **Intersection performance at Brookhollow Ave/Norwest (upgraded to signals)** - Based on modelling for over-station development = 9 sec current delay at with over-station development = 12 seconds and therefore 35,000m² = +3 seconds. Additional 11,000m² at 14-16 Brookhollow Ave unlikely to have a material Intersection upgrades have been designed to cater for ultimate development outcomes within precinct.
- **On-street Parking Recommendations** - The introduced time-limited restrictions, including for example 2P along Brookhollow, are considered to remain entirely appropriate.
- **Off-street parking should be planned for in a restrained manner (eg 1:60m² vs current 1:25 under DCP)** - This appropriate is considered to remain entirely as part of efforts to support travel-mode shift and providing alternative travel options.
- **On-road cycle improvements on Norwest Boulevard** - Although not yet established in full, the recommendations remain appropriate catering for future growth facilitating the achievement of travel targets. Additional bike parking at each development will further assist.
- **Opportunity to increase profile of North-South cycle linkage (Reference: Station PP)**. This currently lacks signage etc, would seem to be a clearly opportunity
- **Opportunity for off-road cycle path on north side of Brookhollow**. Again a further opportunity for upgrades, if needed in the future.
- **Green travel plans will remain important for business** – This includes education, incentive, access to car-sharing facilities etc. This remains critical and aligns with planning for the planning around the two station precincts within the Norwest Business Park. 14-16 Brookhollow Ave is no different and the new FSR does not change this.
- **A continued focus on co-location of land uses will be important** - eg childcare + office, allowing for parents + children on same site, with walkable access
- **A continued focus on increased local job opportunities will be important** - less need to travel further afield, per the District Plan recommendations for a 'vibrant local economy'
- **Bike parking/end of trip facilities on site** – this considered to be a 'new normal' expectation for commercial developments and a critical factor for attracting investment
- **3% VPA contribution** – this remains the best estimate, consistent with officer recommendations + estimates for Norwest.

Based on the above, the (revised) planning proposal continues to not present any strategic risk and is consistent with orderly and proper planning for Norwest.

STRATEGIC TRANSPORT REVIEW – PRELIMINARY CALCULATIONS

- The traffic and parking impacts would not materially change with minor differences in FSR
 - 2:1 FSR would result in 160 and 215 vehicle trips in any peak hour based on the precinct wide traffic model.
 - 2.65:1 FSR would result in 210 and 280 vehicle trips in any peak hour based on the precinct wide traffic model.
 - 1:1 FSR would result in 80 and 105 vehicle trips in any peak hour based on the precinct wide traffic model.
- When comparing 2.65:1 and 2:1, between 50 and 65 more vehicle trips evenly split between the two Brookhollow intersections on Norwest Boulevard one extra trip every two minutes. This is a really minor change
- The revised planning proposal considers traffic generation based on turnover of parking supply rather than GFA given changing parking rates a park on-street.
- Based on industry standard rates of between 0.5 and 0.6 trips per car space for Norwest, and a parking rate of one space per 60m², around 150 trips would be generated by 290 spaces at 2.65:1 FSR. This is either equal or better to that already allowed for in the precinct traffic model [1]
- A scheme at 1:1 FSR with a floor space of 6,621m² and one per 25m² parking rate would result in about 265 spaces. Adopting the 0.6 trip rate results in about 265 trips.

[1] based on the information currently available, as at July 2021.

STRATEGIC TRANSPORT REVIEW – PRELIMINARY CALCULATIONS

- Consideration has been given to similar uplift across the surrounding 2:1 Brookhollow precinct important in understanding total traffic. Some initial calculations/assumptions are set out below:
 - 100,000m² GFA and 2:1 FSR = 200,000m². 2.65:1 FSR = 265,000m² (based on approx precinct of 10ha, refer overleaf)
 - Potential 60% uptake of development opportunity (per corridor strategy) = 120,000m² and 160,000m² respectively
 - 120,000m² = 1,450 to 1,920 trips that has likely already been allowed for in the precinct traffic model [1]
 - 165,000m² = 1,350 to 1,600 trips based on one space per 60m² and trip rate of 0.5-0.6 trips per car space.
 - The precinct traffic model is understood to already consider future traffic that may already allow for greater FSR than present [1]
 - Some drop-off and pick-up activity is also expected though likely limited to 5% of future users
 - On-street parking restrictions naturally limit on-street parking demand to short term visitor activity, not all-day staff parking
 - Traffic generation is best linked to turnover of parking given changing parking rates, rather than GFA
- [1] based on the information currently available, as at July 2021.

In summary, having considered both the strategic context and preliminary analysis, it is our considered view that:

- The proposed development uplift, including an FSR in the range of 2.65:1 does not present any significant impediments from a transport perspective.
- The proposal is consistent with the orderly and proper planning of Norwest, as an identified and evolving strategic centre.

PRELIMINARY TRAFFIC CALCULATIONS

A precinct of approx 10ha recommended to move from FSR of 1:1 to minimum of 2:1 under Corridor Strategy



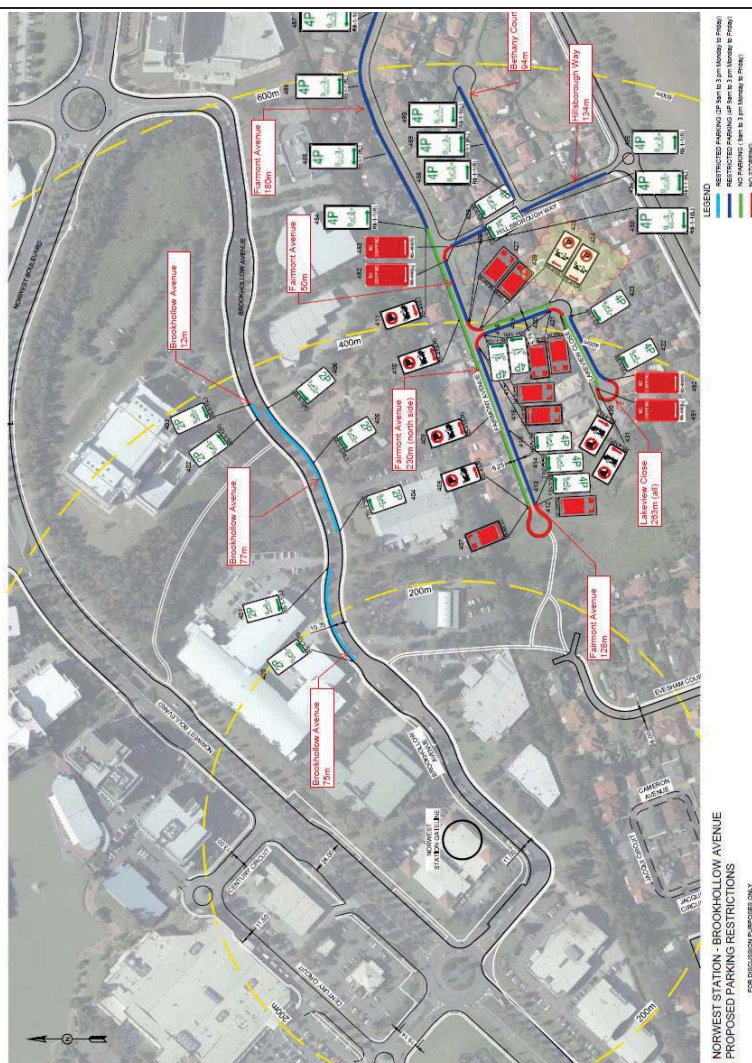
This review has been informed by:

- Latest information available in respect of regional traffic modelling
- Hills Corridor Strategy recommendations/assumptions
- Detailed traffic impact assessment completed for the 'over-station'
- Parking strategy reports and recommendations for Norwest Static
- Preliminary assessments completed for 14-16 Brookhollow Ave
- Reports to Council in terms of VPA estimates and reasonable co:
- A formal cumulative assessment may be required as part of Gate providing further opportunity to verify these initial findings. A similar also be taken with other PPs.
- Based on expected timeframes for a PP, regional modelling expected prior to finalisation – providing further opportunity to verify.

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8/07/2021

ON-STREET PARKING MEASURES

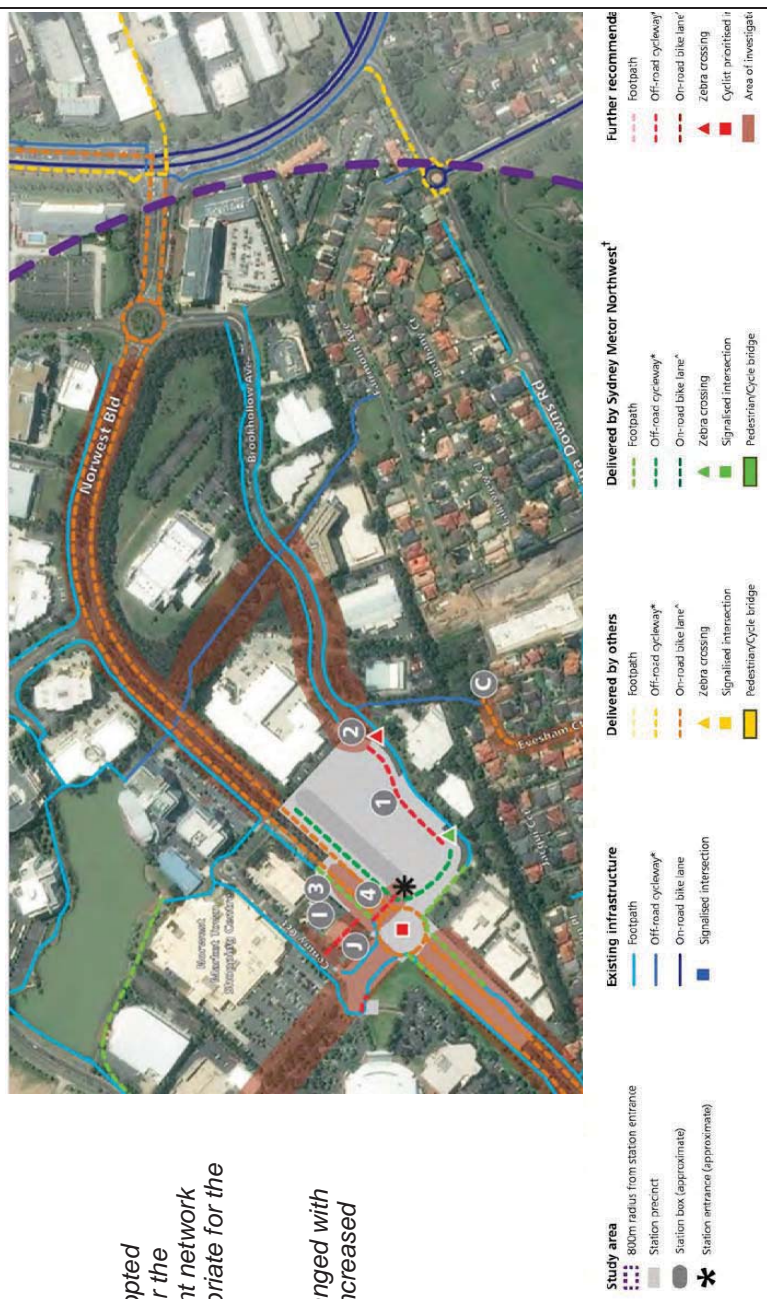
The specific and adopted recommendations for parking remain highly appropriate for the precinct - including with development to an increased FSR of 2.65:1



PEDESTRIAN MOVEMENT

The specific and adopted recommendations for the pedestrian movement network remain highly appropriate for the precinct.

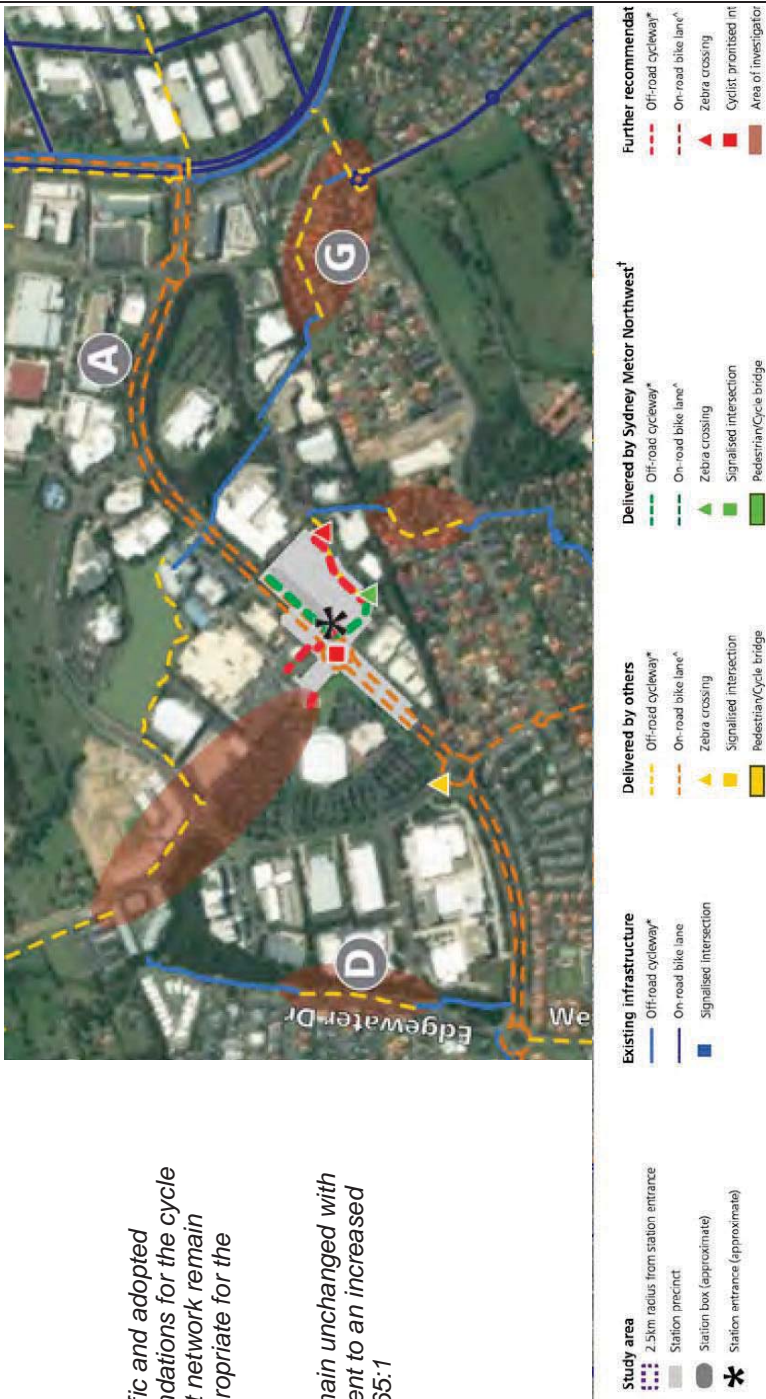
These remain unchanged with development to an increased FSR of 2.65:1



CYCLE MOVEMENTS

The specific and adopted recommendations for the cycle movement network remain highly appropriate for the precinct.

These remain unchanged with development to an increased FSR of 2.65:1





Gateway Determination

Planning proposal (Department Ref: PP_2021_7237): to increase the floor space ratio and building height for 14-16 Brookhollow Avenue, Norwest

I, the Executive Director, Central River City & Western Parkland City at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to The Hills Local Environmental Plan (LEP) 2019 to increase the floor space ratio and building height for 14-16 Brookhollow Avenue, Norwest should proceed subject to the following conditions:

1. Prior to public exhibition the planning proposal is to be updated to:
 - (a) Update the Traffic and Transport Assessment to include recommendations for a maximum car parking rate based on similar centres and transport infrastructure accessibility. TfNSW is to be consulted on the maximum car parking rates and the outcomes are to be reflected in the updated planning proposal.
 - (b) Amend Part 2 – Explanation of provisions to include a maximum car parking rate, following the completion of condition 1(a), as a local provision within the LEP to apply to commercial development on the site.
 - (c) Consider whether an updated floor space ratio is appropriate for the site given the outcomes of the car parking review and amend Part 2 – Explanation of provisions accordingly.
 - (d) 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 in the area.
 - (e) Amend the design concept supporting the planning proposal to demonstrate compliance with the draft development control plan.The updated planning proposal is to be forwarded to the Department for review and approval.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (f) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (g) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in the *Local Environmental Plan Making Guideline* (Department of Planning, Industry and Environment, December 2021).

3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:

- Transport for NSW
- Environment, Energy and Science Group
- Utility providers including Sydney Water, Endeavour Energy

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
- (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination. The proposal must be exhibited by June 2022 and reported to Council post exhibition by October 2022.

Dated 22nd day of December 2021.



Catherine Van Laeren
Executive Director, Central River City
& Western Parkland City
Greater Sydney, Place &
Infrastructure
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces

Transport for NSW

ATTACHMENT 3

28 April 2022

TfNSW Reference: SYD22/00364/01
Council Reference: 2/2021/PLP

Mr Michael Edgar
General Manager
The Hills Shire Council
3 Columbia Court, Norwest NSW 2153
PO Box 7064, Norwest NSW 2153

Dear Mr Edgar,

RE: PLANNING PROPOSAL FOR 14-16 BROOKHOLLOW AVENUE, NORWEST

Transport for NSW (TfNSW) appreciates the opportunity to comment on the above proposal, which was referred to us by Council in correspondence dated 25 March 2022, noting that the Gateway Determination requires consultation to be undertaken with Transport for NSW with respect to the revised traffic assessment, prior to public exhibition of the planning proposal.

TfNSW has reviewed the planning proposal and supporting studies. We note that the proposal for the site seeks to amend *The Hills Local Environmental Plan 2019* (the LEP) to:

- Amend the **Maximum Building Height (HOB)** control for the site from RL116 to RL129.2 metres (approx. 10 storeys).
- Amend the **Maximum Floor Space Ratio (FSR)** from 1:1 to 2.65:1.

In support of the Planning Proposal, we note that it is accompanied by draft amendments to The Hills Development Control Plan 2012 (DCP 2012) which will guide built form outcomes on the site and a draft Voluntary Planning Agreement (VPA). The draft VPA seeks to secure a monetary contribution equating to 2.8% of the cost of development for gross floor area over and above the approved Development Application on the site.

As a result of recent feedback from Council, TfNSW's previous correspondence dated 14 April 2022 should be superseded and replaced with TfNSW's detailed comments provided in **Attachment A**. It is requested that the comments provided are satisfactorily addressed and/or considered by Council *prior* to any amendments to *The Hills Local Environmental Plan 2019* proceeding.



Should you have any questions or further enquiries in relation to this matter, please don't hesitate to contact Senior Land Use Planner – Andrew Popoff on 0413 459 225 or via email: Andrew.Popoff@transport.nsw.gov.au

Yours sincerely

Peter Mann
A / Senior Manager Strategic Land Use
Land Use, Network & Place Planning, Greater Sydney Division

**Attachment A: TfNSW comments on the Planning Proposal at 14-16 Brookhollow Avenue Norwest**

(28 April 2022)

Comment – Car Parking:

- The current Hills DCP parking rate is not considered sustainable for future development in Norwest with the proposed vision for Norwest being a Strategic Centre and does not encourage a mode shift towards more sustainable modes of travel. Specific to the site, 14-16 Brookhollow Avenue is less than a 600-metre walk from Norwest Station and justifiably triggers consideration for parking to be provided at a rate that accurately reflects its location, the expanding high frequency Sydney Metro services, encouraging the use of more sustainable modes of transport such as walking, cycling and public transport, and the changing demographics of the area more broadly.
- The Transport Impact Assessment report's suggestion of recommending commercial/office parking be provided at a lower rate of 1 space per 60m² is positively welcomed. However, we strongly recommend a further review of the proposed car parking rate so it aligns better with TOD principles to reduce dependency on private cars, particularly around the Metro station. This is supported by the Section 9.1 Ministerial direction 5.9(4)(c) *North West Rail Link Corridor Strategy*. This helps in the reduction of demand for car parking, developer's cost for construction and maintenance, mitigating traffic impacts on the surrounding road network, as well as delivering positive place outcomes that benefit the community as a whole.
- We note that *The Hills Local Environmental Plan 2019 - Additional Local Provisions - 7.22 Development at 25-31 Brookhollow Avenue, Norwest* has adopted a commercial parking rate of 1 space per 100m² (maximum) and the post exhibition response to submissions SCT Consulting Technical Memorandum for the Kellyville and Bella Vista Station Precinct Concept Proposals has also recommended a commercial parking rate of 1 space per 100m² (maximum). Please refer to weblink below:

<https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=EXH-2568%2120200728T041325.187%20GMT>

- In addition, Section 6.2 of the Transport Impact Assessment report states the following: *"It is understood that Council recognises the significant change in the travel behaviour within the Sydney metro precincts and is of the view that a reduced parking rate in the range of between one space per 60 and one space per 80 square metres would be appropriate for Norwest"*.

Therefore, based on recent analysis of travel behaviour and parking demand around transit centres and the information above, TfNSW would recommend that commercial/office parking rates for this site be provided within the range of 1 space per 100m² and maximum of 1 space per 75m² GFA.

Recommendation:

- To address the abovementioned concerns, TfNSW recommends that the supporting Planning Proposal reports be amended to reflect the abovementioned car parking rates for the site and that a clause should be implemented within *Part 7 Additional Local Provisions* of *The Hills Local Environmental Plan 2019* for this site regarding commercial/office parking rates being provided within the range of 1 space per 100m² and a maximum of 1 space per 75m² GFA.



Comment – Traffic Generation Assessment:

- Noting the abovementioned changes to the car parking provision, this will subsequently result in some minor changes to the traffic generation impacts within the draft Transport Impact Assessment report.

Recommendation:

- Minor changes will be required to be made within Sections 7.1 and 7.2 of the draft Transport Impact Assessment report to highlight the following information:
 - The total AM / PM peak traffic generation of the Planning Proposal based on the recommended lower parking provision.
 - Information on the estimated AM / PM peak traffic generation of the existing site.
 - The net AM / PM peak traffic generation increase the Planning Proposal will have (i.e. over and above the existing site).
 - The numerical AM / PM peak traffic generation impact (the abovementioned increase) will have on the intersections of Norwest Blvd / Brookhollow Ave / Century Cct and Norwest Blvd / Brookhollow Ave / Columbia Court.