



IRF23/2606

Gateway determination report – PP-2023-2049

34-46 Brookhollow Avenue, Norwest – (1,989 jobs and 76 dwellings)

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A – Planning Proposal and Council request for Gateway Determination (18 September 2023)
Attachment B – Council Report and Minute (27 July 2021)
Attachment C – Proponent’s planning proposal (July 2023)
Attachments D, E, F and G – Local Planning Panel Reports (19 June 2019, 16 October 2019, 17 June 2020 and 17 September 2020)
Appendix A – Survey Plan (29 June 2023)
Appendix B – SEPP 65 and Apartment Design Guidelines Analysis (29 June 2023)
Appendix C – Shadow Analysis (29 June 2023)
Appendix D – Solar Access Analysis (29 June 2023)
Appendix E – Solar Impact Analysis (29 June 2023)
Appendix F – Traffic Report (30 June 2023)
Appendix G – Urban Design Report (28 July 2023)
Appendix H - Social Impact Assessment (August 2020)
Appendix I - Economic Impact Assessment (August 2020)

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	LGA name
PPA	The Hills Shire Council
NAME	34-46 Brookhollow Avenue, Norwest (1,989 jobs, 76 dwellings)
NUMBER	PP-2023-2049
LEP TO BE AMENDED	The Hills LEP 2019
ADDRESS	34-46 Brookhollow Avenue, Norwest
DESCRIPTION	Lot 1 DP 270106
RECEIVED	18/09/2023
FILE NO.	IRF23/2606
POLITICAL DONATIONS	A political donation disclosure statement has been provided and political donations have been made by Globe Group Holdings Pty Ltd and Globe Capital Administration Pty Ltd to the total sum of \$13,000 to the Liberal Party of Australia (NSW Division).
LOBBYIST CODE OF CONDUCT	The Department met with registered Third Party Lobbyist lemma Patterson Premier Advisory Group (IPPA) in regards to this proposal.

1.2 Objectives of planning proposal

The planning proposal (**Attachment A**) contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to facilitate:

- a mixed-use development comprising 38,306m² of commercial gross floor area across three separate buildings, ranging from 4 to 23 storeys to facilitate 1,989 jobs, and
- a 10-storey residential flat building comprising 9576m² of residential gross floor area with a maximum of 76 dwellings.

The planning proposal anticipates the redevelopment of the site primarily comprising commercial office space with complementary uses such as retail, a hotel and child care facility facilitating around 1,989 total jobs and 76 dwellings adjacent to the Norwest Metro Station.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend The Hills LEP 2019 per the changes below (**Table 3**):

Table 3 Current and proposed controls

Control	Current	Proposed
Maximum height of the building	RL 116 m	RL 112 -182 m
Floor space ratio	1:1	Base: 2.4:1 Incentive 3:1
Additional Permitted Uses (APU)	Nil	Residential flat buildings on part of site (Site A with a maximum of GFA of 9,567 sqm)
Key Sites Map	Nil	Identify the site as 'Area M' on Key Sites Map relating to the application of Clause 7.11
Floor Space Incentive Map	Nil	Identify the site as 'Area A' on the Floor Space Maps relating to a new site specific local provision detailed below
Number of dwellings	0	76
Number of jobs	816	1,989

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

In addition to the above, the planning proposal seeks to:

- Include an additional permitted use of residential flat buildings on part of the site. This would be limited so the residential yield does not exceed 76 dwellings or 9,576m² and ensure 5% of these dwellings are provided for affordable rental housing for 10 years.
- Introduce new local provision clauses which identifies a FSR incentive provided the consent authority is satisfied that there is:
 - a minimum 38,304m² is used for employment purposes,
 - a public plaza is included,
 - the mix and size of dwellings and number of car parking spaces for dwellings complies with the standards in clause 7.11(3) of The Hills LEP, and
 - a competitive design process is used for the development application.

1.4 Site description and surrounding area

The site is located within the Norwest Strategic Centre adjacent to the Norwest Metro Station. It includes a number of strata titled office buildings 2-3 storeys in height and has a total area of 15,960m² (**Figure 1**).

The site is generally bound by Norwest Boulevard to the north-west, Brookhollow Avenue to the north-east and has a direct interface to low density residential areas on its southern and western boundaries as shown below.

The site is located within the SP4 Enterprise zone and abuts land zoned R3 Medium Density Residential to the south and is within close proximity to the Norwest Marketown and Hillsong Church.

The site is affected by a stratum subdivision established as part of the Sydney Metro Northwest, where the rail and associated infrastructure runs beneath the site.



Figure 1 Subject site (source: Planning Proposal)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the height of buildings, maximum floor space ratio, key sites and additional permitted uses maps, which are suitable for community consultation. Current and proposed maps are shown below (**Figures 2-12**), noting no change is proposed to the zoning map, with the site to retain its SP4 Enterprise zone.

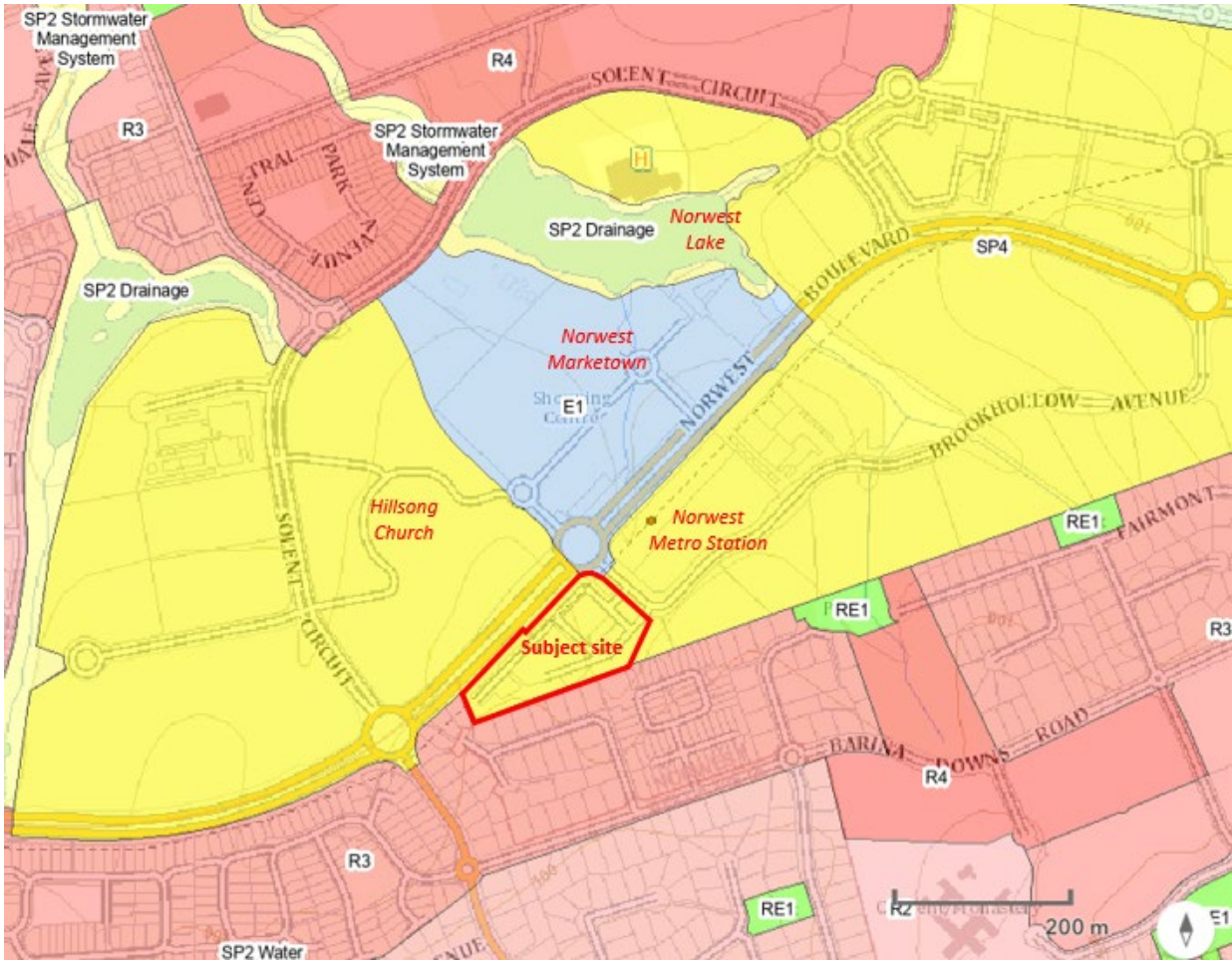


Figure 2 Current Zoning map

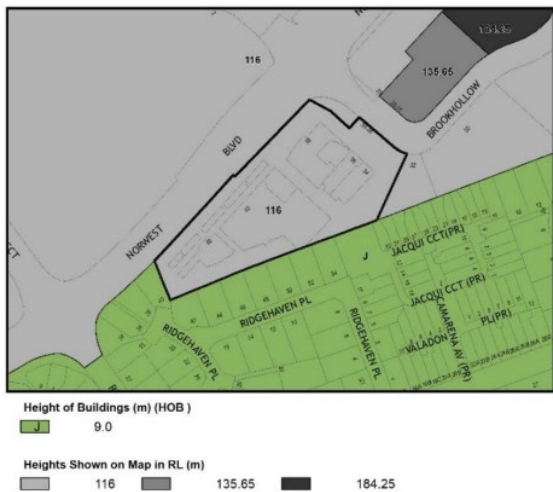


Figure 3 Current height of building map

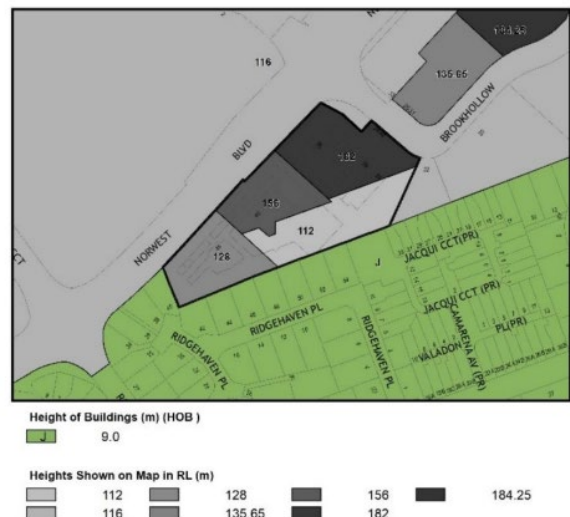


Figure 4 Proposed height of building map

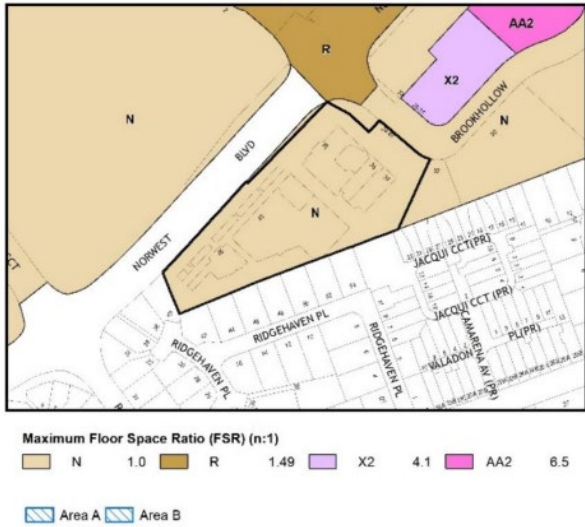


Figure 5 Current floor space ratio map

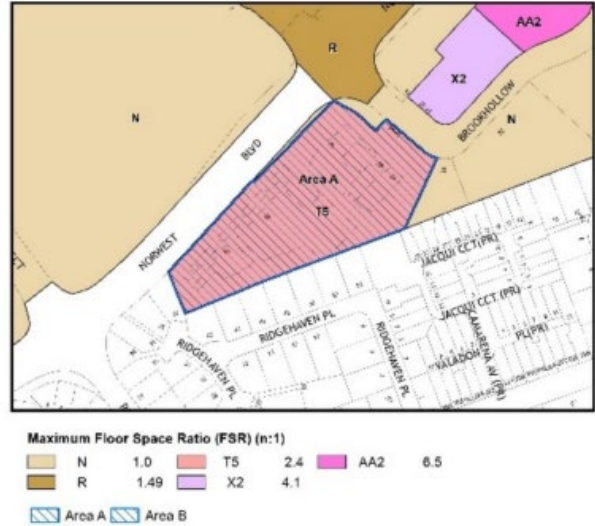


Figure 6 Proposed floor space ratio map

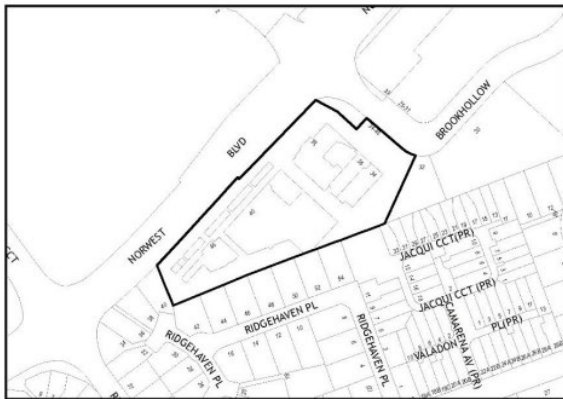


Figure 7 Current Floor Space Incentive map

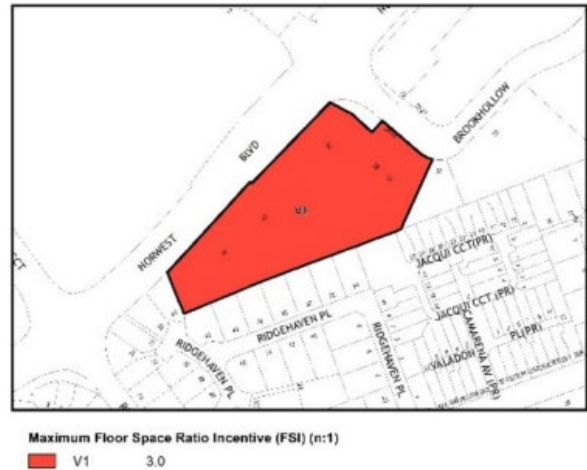


Figure 8 Proposed Floor Space Incentive map



Figure 9 Current Key Sites map



Figure 10 Proposed Key Sites map

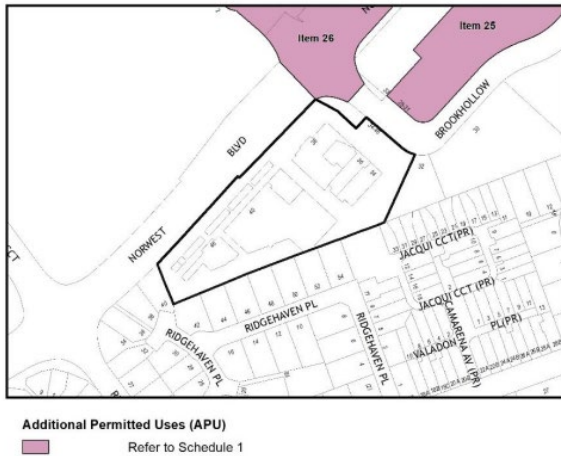


Figure 11 **Current** Additional Permitted Uses map

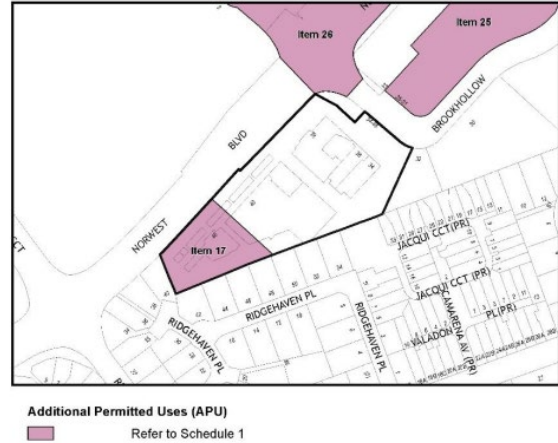


Figure 12 **Proposed** Additional Permitted Uses map

2 Need for the planning proposal

This planning proposal is not the result of any strategic study or report. It has been initiated by the proponent, acting on behalf of the landowners.

The planning proposal is considered the best way to achieve the intended outcomes for the site being an increase in commercial floorspace, retail, jobs and housing close to Norwest Metro Station. The proposed development controls will guide an appropriate built form outcome on the site and encourage transit orientated development. However, the Department does not support residential uses on the site as discussed in section 3.1. Accordingly, it is recommended that the proposed built form and associated documentation be updated to reflect a proposal without a residential component.

3 Strategic assessment

3.1 District Plan

The site is within the Central City District. The former Greater Sydney Commission released the Central City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The district plan identifies that the Norwest Business Park as a Strategic Centre and that the Sydney Metro Northwest and the new station at Norwest will provide the opportunity to transform the traditional 1990s-style business park model into a transit-oriented, more vibrant and diversified centre with higher employment densities and a mix of residential uses and supporting services. The plan identifies the Norwest area will see up to 53,000 jobs by 2036, which is an additional 20,600 jobs to the 2016 estimate of 32,440 jobs. The plan does not identify any residential growth numbers or locations within the centre.

The planning proposal gives effect to key planning priorities listed below:

District Plan Priorities	Justification
<p><i>Planning Priority C1:</i> Planning for a city supported by infrastructure</p> <p><i>Planning Priority C5:</i> Provide housing supply, choice and affordability, with access to jobs, services and public transport</p> <p><i>Planning Priority C9:</i> Delivering integrated land use and transport planning and a 30-minute city</p>	<p>The proposal seeks to facilitate job opportunities and housing close to public transport, being adjacent to the Norwest Metro Station to support the 30-minute city. The residential component of the proposal is broadly aligned to the objectives of priority C5 as the proposal seeks to increase diversity and supply of housing. However this priority also outlines the need to ensure housing is provided in the right places and it is considered that the location of this component is not appropriate as the residential use would limit commercial development opportunities. This inconsistency is not considered to be justified in the planning proposal.</p>
<p><i>Planning Priority C10:</i> Growing investment, business opportunities and jobs in strategic centres</p>	<p>The proposal supports commercial development opportunities and the principal underlying economic goal for strategic centres, employment growth and will contribute to meeting Norwest’s jobs target. However, the residential component of the proposal is inconsistent with this priority, as it will reduce commercial development opportunities.</p> <p>Council is of the view the inconsistency is justified as the proposal provides commercial opportunities for 80% of the site, and the site is adjoined by residential on two frontages providing a transition to the adjacent residential zone. Council notes it is unlikely that the same unique circumstances could be replicated on other land within the strategic centre and it is unlikely the proposal will create an undesirable precedent in allowing residential development.</p> <p>The Economic Impact Assessment supporting the planning proposal notes the need for residential that is located within close proximity to urban amenities such as commercial, hotel, retail and medical services. The residential use also leverages the benefits of transport sustainability, live/work synergies, improving work life balance and attracting high profile businesses with the delivery of high- quality living and working environment.</p> <p>The Department does not support Council’s justification of this inconsistency in the planning proposal for the following reasons:</p> <ul style="list-style-type: none"> • The proposed 20% residential development is not considered to be a minor variation to requirement to for the entire site to be made available for commercial development. • The circumstances of the site are not considered unique or unlikely to be replicated in the precinct. A number of other sites in the precinct are adjacent to a residential zone and close to the Metro station, particularly those along Brookhollow Avenue. There are also clear opportunity sites within the centre for which this proposal could act as a precedent for permitting residential uses. Additionally, the introduction of residential uses within this SP4 Enterprise zone could potentially create a precedent for other employment zones. • Council’s Draft Norwest Precinct Plan 2023 identifies potential residential development opportunities outside of the designated commercial area in the precinct, in the existing R3 Medium Density Residential zones adjoining this site. Other strategic

District Plan Priorities	Justification
	<p>residential opportunities are available in the nearby areas of Bella Vista, Showgrounds and Rouse Hill precincts.</p> <ul style="list-style-type: none"> Existing and planned residential development is, and will be, located within close proximity to urban amenities in the centre, particularly in Bella Vista and Baulkham Hills.

The Department is not satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The commercial component of the proposal is considered to be consistent with the plan. However, the residential component of the proposal is not considered to be consistent with the plan and is therefore recommended to be removed through a condition of the Gateway determination. With this amendment, the proposal will give effect to the District Plan.

3.2 Local

The planning proposal states that it is consistent with the local plans and endorsed strategies. However, the Department considers the proposal is inconsistent with The Hills LSPS and the draft Norwest Precinct Plan, which seeks to protect significant employment land in this centre, as discussed in the table below (**Table 4**).

Table 4 Local strategic planning assessment

Local Strategies	Justification
The Hills Local Strategic Planning Statement 2019 (LSPS)	<p>The LSPS was endorsed by the Greater Cities Commission on 4 March 2020 and outlines the Shire's 20-year vision for land use planning, population, housing, economic growth and environmental management.</p> <p>The planning proposal will give effect to the following relevant planning priorities of the LSPS:</p> <ul style="list-style-type: none"> Plan for sufficient jobs targeted to suit the skills of the workforce Build strategic centres to realise their potential Influence travel behaviour to promote sustainable choices <p>The LSPS identifies residential growth will occur around the Norwest precinct with an additional 2,100 dwellings and an additional 23,900 jobs in this area.</p> <p>The LSPS recognises whilst mixed use development creates active neighbourhoods, commercial office precincts such as Norwest are essential clusters of higher-order employment where business can agglomerate. It identifies that residential uses can detract from commercial functions and decrease the potential for agglomeration, which can decrease the viability and desirability of future commercial investment.</p> <p>The LSPS identifies that given that large parts of the Shire's strategic centres are already considered suitable for higher density residential development, there is no need for further residential development in significant employment land.</p> <p>The LSPS also identifies the need to prepare a precinct plan for Norwest strategic centre. Council recently exhibited the draft Norwest Precinct Plan which identifies this planning proposal and notes it is under assessment. The plan does not support residential uses on the site. The plan is discussed in greater detail below.</p> <p>The introduction of residential uses within the Norwest SP4 Enterprise zone is inconsistent with planning priority 2, which seeks to build strategic centres to realise</p>

Local Strategies	Justification
	<p>their potential and the vision to retain this area for employment uses as discussed in section 3.1. This inconsistency is not considered to be adequately justified in the planning proposal.</p> <p>The Department's assessment is that the proposal is inconsistent with this strategic plan noting residential uses on the site are not supported, as described in section 3.1. The removal of this aspect of the plan will ensure consistency with the strategic framework.</p>
<p>The Hills Community Strategic Plan (CSP)</p>	<p>The Hills Community Strategic Plan – 'Future Hills' aims to manage new and existing development with a framework of policies, plans and processes in accordance with community needs and expectations. The plan does not provide specific objectives for the Norwest centre.</p> <p>The planning proposal states the proposal is consistent with this plan as it will contribute to the realisation of Norwest as a strategic centre and commercial precinct within an appropriate built form. Further, the supporting site specific development control plan (DCP) will address interface issues with adjoining low-rise residential properties.</p> <p>The Department notes this assessment and acknowledges the CSP speaks to both growing employment opportunities and achieving livability outcomes. It is noted the CSP does not provide the same level of detail on how this will be achieved as the LSPS.</p>
<p>The Hills Shire Corridor Strategy 2015</p>	<p>The Hills Corridor Strategy outlines Council's response to land use development over 20 years for seven new Sydney Metro Northwest stations within or adjacent to the Hills Local Government Area. The strategy seeks to facilitate strategic priority outcomes including housing for existing and future population, jobs close to home and related infrastructure. The planning proposal is inconsistent with this Strategy.</p> <p>The proposal includes additional commercial floor space exceeding the minimum employment floor space ratio of 2:1 identified for the subject site. It also meets the vision for Norwest being the orderly expansion and intensification of the Business Park by delivering a built form that caters for employment activities. However, the proposal is inconsistent with the Norwest Precinct vision for a "<i>specialised employment, retail and entertainment centre with some opportunity for higher density residential living around the Norwest Lake precinct.</i>" (p34). The strategy identifies the location for employment opportunities on land adjacent the metro station, and residential development on land in the existing residential zones south of the site (R3 Medium Density Residential R3 and R4 High Density Residential) and north of Norwest Lake (R4 High Density Residential). This inconsistency is not considered justified as discussed in section 3.1.</p>

Local Strategies	Justification
The Hills Housing Strategy 2019	<p>The Housing Strategy establishes the basis for strategic planning of the residential component of the Shire's urban lands to 2036, including a mix of housing in the greenfield areas and station precincts along the Sydney Metro Northwest corridor.</p> <p>The Strategy recognises the Norwest area will contribute 2,100 dwellings to the 19,400 dwelling target by 2036. The number of new dwellings proposed would nominally contribute to this growth and provide a mix of apartment types as well as 5% as affordable housing. However, the planning proposal is inconsistent with the objectives and priorities of the strategy noting:</p> <ul style="list-style-type: none"> • the action within the Housing Strategy seeking to discourage planning proposals seeking to rezone industrial, employment or rural lands for residential purposes, and • the Draft Norwest Precinct Plan 2023, which was prepared by Council as a required action in the strategy does not identify the site for residential uses. <p>The Department's assessment is that the proposal is inconsistent with this strategy noting residential uses on the site are not supported, as described in section 3.1.</p>
Draft Norwest Precinct Plan 2023	<p>Council exhibited the draft Norwest Precinct Plan from 2 May 2023 – 31 July 2023 and submissions are currently being reviewed by Council. While the plan is yet to be finalised, it presents a contemporary vision of Council's aspirations for the precinct and broadly continues the strategic direction set by the LSPS.</p> <p>The subject site is located within the Norwest Central Precinct. The plan identifies Norwest Central Precinct, the area near the Metro Station, will provide a carefully planned balance of high density housing, people friendly public spaces with a diverse mix of retail, business, office, entertainment and community uses. The precinct will remain a key employment destination with a 'designated commercial area' close to the Metro Station and mixed-use area at Norwest Marketown with highest densities around these areas. These areas will be supported by surrounding residential uses outside of the designated commercial area. The plan identifies that the existing R3 Medium Density Residential development adjoining this site will transform to high density residential.</p> <p>The plan identifies the site within the designated commercial area, in the structure plan and key desired outcomes as 'high density commercial offices'. The plan also notes this planning proposal is under assessment. The Department notes that the proposed amendments of the proposal have not been incorporated into the structure plan or key desired outcomes.</p> <p>The proposal is consistent with many of the guiding principles of the plan to grow employment, deliver transit orientated development, diversity of housing and enhancing the public domain. However, it is inconsistent with the plan by permitting residential uses within the designated commercial area. Additionally, the plan has not been amended to incorporate additional residential uses on the site to support the proposal. This inconsistency is not considered justified as discussed in section 3.1.</p>

The planning proposal includes consideration of The Hills LSPS, The Hills CSP and The Hills Corridor Strategy. However, it does not consider The Hills Housing Strategy or the draft Norwest Precinct Plan. It is recommended the planning proposal be updated to consider the Norwest Precinct Plan once finalised.

3.3 Local planning panel (LPP) recommendation

The LPP has considered four revised versions of the planning proposal from 19 June 2019 – 17 September 2020, but has not commented on the latest version. On each of these earlier versions the LPP recommended the proposal should not proceed to Gateway determination due to the proposal not demonstrating sufficient strategic and site-specific merit. Concerns related to the introduction of residential uses within the commercial area, which is inconsistent with the strategic framework, impacts on local infrastructure and built form impacts on the adjoining area (**Attachments D, E, F and G**).

A report to prepared on the proposal noted there were site specific and logical grounds on which the inconsistency with the strategic framework could be justified, though several site specific issues would need to be resolved.

The latest version of the proposal has been revised to address earlier comments from the LPP, including a reduction in the overall FSR, residential yield, building height and site coverage as well as increased setbacks and separation between buildings. The table below summarises the changes that have been made to the planning proposal considered by the LPP from 2019-2020 and the latest version of the Planning Proposal (June 2021) and addressed the issues raised in the Council report in July 2021 (**Table 5**).

It is noted that the site is now zoned SP4 Enterprise zone due to the state-wide Employment zones reforms. The number of dwellings proposed has been reduced to 76 dwellings, however the overall residential yield of 9,576m² is maintained with larger dwellings being provided.

Table 5: Revised versions of planning proposal

	Original Proposal (March 2019)	Revised Proposal (Sept 2019)	Revised Proposal (April 2020)	Revised Proposal (August 2020)	Current Proposal (June 2021)
Zone	B4 Mixed Use	B7 Business Park	B7 Business Park	B7 Business Park	B7 Business Park
Additional Permitted Uses	N/A	Residential Flat Buildings (max. 28,258m ² GFA) and Shops (max. 1,500m ² GFA)	Residential Flat Buildings (Site A only - max. 14,000m ² GFA)	Residential Flat Buildings (Site A only - max. 12,407m ² GFA)	Residential Flat Buildings (Site A only - max. 9,576m ² GFA)
Max. Height	RL 222 (40 storeys)	RL 182 (25 storeys)	RL 112 - RL 178 (4 – 22 storeys)	RL 112 - RL 182 (4 – 23 storeys)	RL 112 - RL 182 (4 – 23 storeys)
Max. FSR	5.8:1	4.3:1	Base: 3:1 Incentive: 4.1:1	Base: 3:1 Incentive: 3.8:1	Base: 2.4:1 Incentive: 3:1
Min. Lot Size	No change	No change	No change	No change	No change
Residential Yield	52,678m ² (432 units) (275 d/ha)	28,258m ² (224 units) (142 d/ha)	13,966m ² (107 units) (66 d/ha)	12,407m ² (91 units) (56d/ha)	9,576m ² (91 units) (56d/ha)
Employment Yield	40,576m ² (2,029 jobs)*	40,576m ² (2,029 jobs)*	50,841m ² (2,543 jobs)*	48,289m ² (2,415 jobs)*	38,304m ² (1,882 jobs)*
Total GFA	93,254m ²	68,838m ²	64,807m ²	60,696m ²	47,880m ²

3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed in the table below (**Table 6**). Further information is required for Direction 1.4 Site Specific Provisions, 4.1 Flooding, Direction 4.4 Remediation of Land and Direction 5.1 Integrating Land Use and Transport to determine consistency with these directions.

Table 6 - 9.1 Ministerial Direction assessment

Directions	Reasons for Consistency or Inconsistency
1.4 Site Specific Provisions	<p>This direction applies as site specific local provisions are proposed.</p> <p>The planning proposal states it is consistent with this direction. The Department considers it to be inconsistent as it includes two additional local provisions for:</p> <ul style="list-style-type: none"> • an additional permitted use of residential flat buildings on part of the site, and • a new local provision clause for an FSR incentive. <p>Council is of the view that these two local provisions are necessary to ensure future development maintains and utilises the dominant employment use of the site, and the FSR incentive is only available to facilitate residential uses in conjunction with the delivery of a public space, minimum employment floor space, design excellence and the existing requirements in The Hills LEP relating to apartment sizes and car parking requirements.</p> <p>The Department notes that as residential uses are not supported, Council will need to review the approach to incentive floor space. As such, this direction remains unresolved.</p>
1.16 North West Rail Link Corridor Strategy	<p>This Direction applies as Norwest is included within the North-West Rail Link (NWRL) Corridor Strategy.</p> <p>The planning proposal states it is consistent with this direction. It states the proposal is consistent with the NWRL Corridor Strategy and precinct Structure Plans, as it will contribute to the identified employment targets for Norwest Station Precinct and proposes a height, density and character outcome consistent with the strategy. However, the planning proposal also acknowledges the proposed residential use is inconsistent with the envisaged commercial only outcome for the site. The inconsistency is justified by stating the site has unique characteristics which make residential development appropriate while retaining the intended predominant commercial use on the site. These characteristics include lot configuration, land use interface with existing residential development on part of the boundary and its proximity to the Metro station.</p> <p>The Department's assessment finds that the proposal is inconsistent with this direction as it seeks to introduce residential uses on land identified as 'commercial' in the NWRL Corridor strategy and fails to adequately justify the inconsistency. The inconsistency is not justified by an approved strategy, a study which gives consideration to the objective of the direction or a Sub-Regional Delivery Plan prepared by the Department, and it is not considered to be of minor significance.</p> <p>It is recommended that, subject to the removal of the residential component, the proposal is consistent with this Direction. It is recommended the planning proposal be updated accordingly prior to exhibition.</p>

Directions	Reasons for Consistency or Inconsistency
4.1 Flooding	<p>This Direction applies as the site contains an overland flowpath that traverses the eastern portion of the site and is identified as a Flood Controlled Lot in The Hills DCP 2012.</p> <p>Council has identified that consistency with the direction needs to be confirmed. Council has noted flooding is not an immediate concern in Norwest and the flood study can be considered post issuing the Gateway determination and prior to exhibition.</p> <p>The Proponent will need to submit a Flood Assessment report to demonstrate consistency with the Direction, as a requirement of the Gateway determination. It is considered appropriate that this Direction remains unresolved until further information is submitted.</p>
4.4 Remediation of Contaminated Land	<p>The Direction seeks to reduce the risk of harm to human health and the environment by ensuring contamination is considered.</p> <p>Council has identified that consistency with the direction needs to be confirmed. The planning proposal notes a preliminary investigation is needed for the land given the planning proposal involves a change of land use to residential and there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out. Council is requesting the Proponent submit a Contamination Assessment Report post Gateway determination.</p> <p>While the Department recommends the additional permitted residential use is removed from the planning proposal, the planning proposal indicates that a childcare facility may form part of a future redevelopment and allows for intensification of development on the site. It is considered appropriate that this Direction remains unresolved until further information is submitted.</p>

Directions	Reasons for Consistency or Inconsistency
5.1 Integrating Land Use and Transport	<p>This Direction requires this proposal to be consistent with the aims, objectives and principles of <i>Improving Transport Choice – Guidelines for planning and development</i>, and <i>The Right Place for Business and Services – Planning Policy</i>. It also seeks to ensure that development reduces travel demand including the number of trips generated and the distances travelled, especially by car.</p> <p>The planning proposal states it is consistent with this direction as it seeks to improve access to jobs and reduce car dependence by co-locating higher density commercial employment and residential opportunities in walking distance to public transport services. The planning proposal also notes that the proposed car parking rate differs from those identified in The Hills LEP. However, the rates are considered reasonable as an interim measure until such time as the outcomes of Council’s holistic parking rate review is finalised.</p> <p>The Department’s assessment is that this issue is unresolved as the Transport Impact Assessment (TIA) supporting the planning proposal identifies car parking rates below those prescribed in The Hills LEP and identify a residential car parking component. The residential component of the proposal is not supported by the Department, as described in section 3.1.</p> <p>Noting the proximity of the site to the metro station, and the removal of residential car parking, confirmation of an appropriate car parking rate is required. It is recommended that consultation occur with Transport for NSW to assist in determining the appropriate car parking rate. It is also recommended that the TIA and planning proposal be updated to reflect any updated car parking rates prior to exhibition. A detailed discussion of car parking issues is included in section 4.3.</p> <p>The proposal’s consistency with this Direction will be determined post consultation with Transport for NSW and it is considered appropriate that this Direction remains unresolved until this occurs.</p>
6.1 Residential zones	<p>This Direction applies as an additional permitted use of residential flat buildings is proposed, which will allow 76 residential dwellings.</p> <p>The planning proposal notes it is consistent with this direction as it includes a diversity of dwelling sizes in a location adjacent to the Norwest Metro Station including 5% of these dwellings to be used for affordable housing for 10 years.</p> <p>However, the inclusion of an additional permitted use of residential flat buildings on the site is not supported, as described in section 3.1.</p> <p>As residential uses on the site are not supported, this direction is no longer relevant to the assessment of the planning proposal. It is recommended the planning proposal be updated accordingly prior to exhibition.</p>

Directions	Reasons for Consistency or Inconsistency
7.1 Employment Zones	<p>The planning proposal states it is consistent with this direction. The Department considers that it is inconsistent as it reduces the total potential employment floor space area for residential uses.</p> <p>The proposal seeks to justify the inconsistency stating it is of minor significance because the proposal protects and retains the majority of the site (80% - Sites B and C) for employment uses. The proposal seeks to introduce 9,576m² residential gross floor area, arguing this responds to the two frontages which adjoin residential zones and will provide a logical land use transition.</p> <p>The proposal retains the SP4 Enterprise zone and commercial uses will continue to be permitted for the whole site. The proposal states that it is unlikely that this unique circumstance could be replicated elsewhere and the residential use is adjacent to the Metro station.</p> <p>The Economic Impact Assessment supporting the planning proposal considers the residential need on the subject site and states the following:</p> <ul style="list-style-type: none"> - The subject site is next to the metro station, is in close proximity to Norwest Marketown and is within access to urban amenities. - The proposal meets many of the transit oriented development objectives such as reduced usage of private motor vehicles, increased use of public transport, increased liveability and within walking distance to local employment opportunities. <p>The Department finds the inconsistency of the proposal is not justified. The direction requires the justification of inconsistency to give consideration to the objectives of the direction, or to be of minor significance.</p> <p>The objectives of the direction are to:</p> <ul style="list-style-type: none"> (a) encourage employment growth in suitable locations, (b) protect employment land in employment zones, and (c) support the viability of identified centres. <p>The justification provided relates to the benefits of the proximity of development to existing infrastructure. However, it does not adequately consider the objectives to encourage and protect employments lands.</p> <p>Additionally, the proposed residential gross floor area (9,576m²) is approximately 20% of the quantity of proposed additional floor area (proposed employment gross floor area is 38,306m²). This is not a quantity which is considered to be of minor significance.</p> <p>Furthermore, the inclusion of an additional permitted use of residential flat buildings on the site is not supported, as described in section 3.1.</p> <p>Subject to the removal of the residential component, the proposal will be consistent with this Direction. It is recommended the planning proposal be updated accordingly prior to exhibition.</p>

3.5 State environmental planning policies (SEPPs)

The planning proposal includes a table of SEPPs, noting a number of SEPPs apply to The Hills LEP, the proposal has detailed that none of the SEPPs are relevant to the proposal. The proponent's planning proposal includes some more commentary on relevant SEPPs and includes consideration of how the planning proposals is consistent with SEPP No 65 – Design Quality of Residential Flat Buildings principles, as outlined in the Urban Design Report.

The inclusion of an additional permitted use for residential flat buildings on the site is not supported, as described in section 3.1. Accordingly, assessment of SEPP 65 is no longer relevant to the assessment of the planning proposal.

4 Site-specific assessment

4.1 Environmental

An assessment of the potential environmental impacts associated with the proposal is provided in the table below (**Table 7**).

Table 7 Environmental impact assessment

Environmental Impact	Assessment
Biodiversity	<p>The site is already developed and no impacts are anticipated on biodiversity. Council's Vegetation Mapping identifies Gardens / Modified Vegetation Communities only on the subject site.</p> <p>The Proponent's landscape plan indicates the provision of 8,700m² deep soil landscape to facilitate mature tree planting and the provision of 25% soft landscaping on the site. Council has requested should a Gateway Determination be issued, consultation be undertaken with the Environment and Heritage Group. However, it is considered that this level of detail can be assessed at the development application stage.</p>

Built form	<p>The planning proposal seeks to facilitate commercial development across three separate buildings ranging from 4 to 23 storeys in height and a 10 storey residential flat building and an FSR of up to 3:1.</p> <p>The planning proposal states that the proposed maximum building height of 23 storeys exceeds what is anticipated for the site in the Hills Corridor Strategy (8-10 storeys). However, the proposed commercial FSR of 2.4:1 is considered 'not an unreasonable' density given the site's proximity to the Metro Station. The proposed overall FSR is reflective of site specific constraints and proximity to lower density residential areas which may be sensitive to built form and amenity impacts. Additionally, the proposal built form carefully considers site planning and urban design and compliance with the proposed draft site specific DCP will provide a suitable outcome for the site. The planning proposal recommends that the draft DCP be exhibited with the planning proposal.</p> <p>The Department notes that the proposed built form of development has resulted from considerable negotiation between the proponent and Council staff. The built form has been amended from previous iterations with reduced and stepped building heights, and increased front, side and rear setbacks, as well as additional public open space areas.</p> <p>It is considered that the proposed built form and urban design is sensitive to the interface with adjoining residential (including solar access considerations) and that appropriate development can be managed through DCP controls. The proposal has been supported by an urban design report, as well as reports on solar and shadow analysis.</p> <p>The Department notes that, as residential uses on the site are not supported, the proposed maximum incentive FSR of 3:1 will no longer be achievable as proposed. It is recommended Council confirm if an incentive clause remains appropriate for the commercial development. It is also recommended that the urban design and shadow reports be updated accordingly prior to exhibition.</p>
Flooding	<p>The planning proposal identifies an overland flowpath traverses the eastern portion of the site and the land is identified as a Flood Controlled Lot in The Hills DCP 2012. Council notes the proponent will need to submit a Flood Assessment report in support of a future development application.</p>

4.2 Social and economic

Social

The planning proposal identifies that the site is well located and in close proximity to services and amenities and indicates a 100 place child care centre may also be delivered in a future development. It is supported by a Social Impact Assessment, noting this was based off 91 dwellings being proposed, as opposed to the current 76 dwellings. However, the inclusion of an additional permitted use of residential flat buildings on the site is not supported, as described in section 3.1. It is recommended that the Social Impact Assessment be amended to remove the assessment of the residential use prior to exhibition.

Economic

The planning proposal states there will be a positive economic impact through the increase in the number of jobs within Norwest commercial area which is in close proximity to the Norwest Metro Station. This results in 1,989 jobs, compared to 816 jobs under the current planning controls. This job growth will contribute towards the overall employment growth for Norwest identified within the Central City District Plan and within The Hills LSPS. The proponent's planning proposal is supported by an Economic Impact Assessment, which was prepared in 2020. Since this time the

commercial component and FSR for the site has been reduced and the overall number of jobs has been reduced. It is recommended that the Economic Impact Assessment be amended to reflect the amended proposal prior to exhibition.

4.3 Infrastructure

Local Infrastructure

The subject site is located in an established centre adjacent to the Norwest Metro station and within close proximity to the Norwest main centre. The site will have access to established connection to electricity, water and sewer and public transport services. Consultation with relevant service providers will be undertaken.

The planning proposal notes that it precedes detailed precinct planning and infrastructure analysis of Norwest and that it has not addressed the local infrastructure needed to support the growing strategic centre. However, the Proponent has stated their intention to enter into negotiations with Council for the preparation of a Planning Agreement, should the proposal progress to Gateway Determination.

Regional infrastructure

A traffic assessment has been undertaken by the proponent. The assessment 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. The planning proposal notes that regional traffic and transport modelling for the Norwest Precinct (including the subject site) is currently in progress by Transport for NSW and Council. Road and transport upgrade requirements will be identified for the area. It is recommended consultation with Transport for NSW be undertaken.

Car parking

The planning proposal contains an error referring to 2,043 car parking spaces for the development. Council has advised that the correct figure is 743 spaces. The proposal notes that the car parking rate being sought is reasonable as an interim measure until such time as the outcomes of Council's holistic parking rate review is finalised.

The Department supports the reduction in car parking for sites in close proximity to a metro station and it is recommended that car parking rates be revised should this parking review be finalised prior to finalisation of the planning proposal.

The Hills LSPS acknowledges that reducing car parking rates for residential and commercial developments close to public transport could influence travel behaviour, reduce construction costs and potentially increase development viability and there is a need to review car parking rates.

It is noted the Norwest Metro Station site (clause 7.22 of The Hills LEP) which is adjacent to this proposal, includes controls for car parking, with no more than the following number of car parking spaces being provided:

- For hotel/motel accommodation – 1 space for every 4 rooms
- For commercial premises – 1 space per every 100m² of GFA, and
- For retail premises – 1 space for every 60m² of GFA

In comparison, the current planning proposal seeks car parking rates of:

- For commercial/office – 1 space per 60²m
- For retail – 1 space per 50²m
- For child care – 1 space per 6 children and 1 space per employee
- For the hotel – 24 spaces

The proposal recommends 119 spaces for the residential component of the benefit which is identified as a compromise between The Hills DCP requirement of 170 spaces and the Guide to Traffic Generating Developments rate of 93 spaces. However, as the inclusion of an additional permitted use of residential flat buildings on the site is not supported the proposal recommendation will require amendment.

The Hills Shire has prepared a Transit Centres Car Parking Requirements Report. This recommends car parking rates of a minimum of 1 space per 100m² and a maximum of 1 space per 60m² for commercial areas, a minimum of 1 space per 60m² and maximum of 1 space per 30m² within inner walkable catchments.

It is recommended that consultation occurs with Transport for NSW on the proposed car parking rates and that the planning proposal be updated to include consideration of Transport for NSW's comments.

5 Consultation

5.1 Community

The planning proposal is categorised as standard under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

5.2 Agencies

As noted above it is recommended that Transport for NSW is consulted on this proposal prior to public exhibition, specifically to seek their input into traffic impacts and the proposed car parking rates.

The site is affected by a stratum subdivision which could impact on any proposed basement. It is recommended that Council consult with Sydney Metro on the proposal to understand any impact the stratum subdivision may have on the future design of this proposal.

Council also requested consulting with Environment and Heritage Group to discuss the landscape plan provision of deep soil, tree planting and soft landscaping. However, it is considered that this level of detail can be assessed at the development application stage. Council has also requested consultation with School Infrastructure NSW to inform them about the residential growth occurring for planning schools in the area. However the residential component of the proposal is not supported and consultation with SINSW can be conducted at the development application stage if required.

The Department agrees with the agencies nominated by Council and they should be given 30 days to comment:

- Transport for NSW;
- Sydney Metro; and
- Utility providers such as Endeavour Energy and Sydney Water.

6 Timeframe

Council proposes a minimum time frame of 12 months to complete the LEP to allow for outstanding matters to be resolved with respect to infrastructure solutions and a draft planning agreement.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as standard.

The Department recommends an LEP completion date of 21 February 2025. A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal involves both local and State issues the Department recommends that Council not be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The proposal will facilitate additional commercial and employment capacity within the Norwest Strategic Centre, adjacent to the Norwest metro station, with the provision of 1,989 jobs.
- The proposed commercial component is generally consistent with the Central City District Plan, The Hills Local Strategic Planning Statement and other strategies in its focus on contribution towards the growth targets for the Norwest centre and the focus on transit orientated development.
- The inclusion of an additional permitted use of residential flat buildings on the site is not supported. This component of the proposal is considered inconsistent with the District Plan, The Hills LSPS and other strategies, and not adequately justified, as described in section 3. It is recommended that the planning proposal be amended to remove this component prior to exhibition.
- The proposal, excluding the residential component, and supporting documentation sufficiently demonstrate it is unlikely to result in any adverse environmental, social, economic or infrastructure impacts, and the development will result in positive impacts for the Norwest centre.

As discussed in the previous sections 4 and 5, the proposal should be updated before consultation to:

- Remove the proposed inclusion of an additional permitted use of residential flat buildings on the site and update other proposed clauses relating to the residential use.
- Include consideration of comments from Transport for NSW on potential impacts on the road network and car parking rates to address section 9.1 Direction 5.1 Integrating Land Use and Transport.
- Include a contamination assessment to address section 9.1 Direction 4.4 – Remediation of Land.
- Include a flood assessment to address section 9.1 Direction 4.1 – Flooding.

9 Recommendation

It is recommended the delegate of the Minister:

- Agree that any inconsistencies with section 9.1 Directions 1.16 North West Rail Link Corridor Strategy and 7.1 Employment Zones are justified once residential uses are removed.

- Note that the consistency with section 9.1 Directions 1.4 Site Specific Provisions, 4.1 Flooding, 4.4 Remediation of Contaminated Land and 5.1 Integrating Land Use and Transport are unresolved and will require justification.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. The planning proposal is to be updated to:
 - a) remove the proposed inclusion of an additional permitted use of residential flat buildings on the site,
 - b) confirm approach to the proposed FSR incentive provision on the site,
 - c) provide a flood assessment,
 - d) provide an updated assessment relating to the draft or finalised Norwest Precinct Plan and justify any inconsistencies with these Plan,
 - e) update supporting documentation to address the amended planning proposal,
 - f) update the car parking rates after consultation with Transport for NSW,
 - g) update the project timeline to reflect the requirements of the Gateway determination.
2. Prior to community consultation, the planning proposal is to be revised to address condition 1 and then forwarded to the Department for review and approval.
3. Consultation is also required with the following public authorities:
 - Transport for NSW
 - Sydney Metro
 - Utility providers such as Endeavour Energy and Sydney Water
4. The planning proposal should be made available for community consultation for a minimum of 20 working days.

22 March 2024

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18 April 2024

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