

**ITEM 2 PLANNING PROPOSAL, DRAFT DEVELOPMENT CONTROL PLAN
AND DRAFT VOLUNTARY PLANNING AGREEMENT – NORWEST
MARKETOWN – 4-6 CENTURY CIRCUIT, NORWEST (4/2024/PLP)**

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

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY.

290. RESOLUTION

1. The planning proposal for land at 4-6 Century Circuit, Norwest (Lot 2 DP 1213272 and Lot 5080 DP 1008602) be submitted to the Department of Planning, Housing and Infrastructure for Gateway Determination.
2. Draft The Hills Development Control Plan 2012 Part D Section X – Norwest Marketown, 4-6 Century Circuit, Norwest (Attachment 5) be publicly exhibited concurrent with the planning proposal.
3. Council accept, in principle, the draft VPA Letter of Offer (Attachment 4) and progress with the preparation of a draft VPA consistent with the terms of the Offer. Once prepared, the draft VPA 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.

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 Blue
Clr J Brazier
Clr R Boneham
Clr Dr M Kasby
Clr V Ellis
Clr M Hodges MP
Clr J Cox
Clr Dr B Burton
Clr F De Masi
Clr A Hay OAM
Clr R Tracey

VOTING AGAINST THE MOTION

None

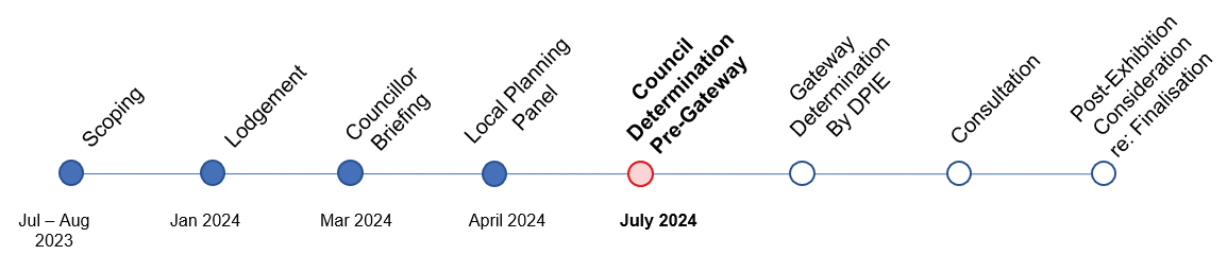
MEETING ABSENT

Clr R Jethi

ITEM 2	PLANNING PROPOSAL, DRAFT DEVELOPMENT CONTROL PLAN AND DRAFT VOLUNTARY PLANNING AGREEMENT – NORWEST MARKETOWN – 4-6 CENTURY CIRCUIT, NORWEST (4/2024/PLP)
THEME:	SHAPING GROWTH
MEETING DATE:	9 July 2024
	COUNCIL MEETING
GROUP:	SHIRE STRATEGY
AUTHOR:	SENIOR TOWN PLANNER EMMA LANGAN
RESPONSIBLE OFFICER:	MANAGER – FORWARD PLANNING NICHOLAS CARLTON

PURPOSE

This report relates to the planning proposal application submitted by Mulpha Pty Ltd for land at 4-6 Century Circuit, Norwest ('Norwest Marketown') (4/2024/PLP). The application is being reported to Council for a decision on whether to forward the planning proposal to the Department of Planning, Housing and Infrastructure for Gateway Determination. An associated draft site-specific Development Control Plan and Voluntary Planning Agreement Letter of Offer are also provided for Council's consideration and a decision on whether to accept, in principle, the Voluntary Planning Agreement Offer and exhibit the draft DCP and VPA documents concurrently with the planning proposal, should a Gateway Determination be issued.



RECOMMENDATION

1. The planning proposal for land at 4-6 Century Circuit, Norwest (Lot 2 DP 1213272 and Lot 5080 DP 1008602) be submitted to the Department of Planning, Housing and Infrastructure for Gateway Determination.
2. Draft The Hills Development Control Plan 2012 Part D Section X – Norwest Marketown, 4-6 Century Circuit, Norwest (Attachment 5) be publicly exhibited concurrent with the planning proposal.
3. Council accept, in principle, the draft VPA Letter of Offer (Attachment 4) and progress with the preparation of a draft VPA consistent with the terms of the Offer. Once prepared, the draft VPA 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.

IMPACTS

Financial

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

The planning proposal is accompanied by a Voluntary Planning Agreement (VPA) letter of offer which seeks to secure development contributions for the infrastructure demand generated by the proposal.

The Proponent has valued their offer at approximately \$35 million, comprising the construction of a new 3,000m² community facility (to 'cold-shell' standard) and dedication of the floor space to Council. The VPA offer also requires the provision of new publicly accessible open space, public domain works, monetary contributions towards active open space (\$2.5 million) and contributions towards a future 'first and last mile' travel initiative within Norwest (\$1 million). The VPA offer is discussed further in Section 6 of this report.

Strategic Plan - Hills Future

The planning proposal, if supported, would contribute to significantly to employment growth in The Shire and facilitate the delivery of additional jobs towards the achievement of the overall Norwest Strategic Centre job targets. It would also facilitate the revitalisation of the Marketown centre surrounding Norwest Lake and contribute to the creation of an active and vibrant locality with a range of retail and entertainment services. The planning proposal seeks to protect the strategically identified employment outcomes as well as deliver increased housing supply in a location which has long been identified as a mixed use local centre surrounding the lake with access to public transport.

LINK TO HILLS SHIRE PLAN

Strategy:

5.1 The Shire's natural and built environment is well managed through strategic land use and urban planning that reflects our values and aspirations.

Outcomes:

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

LEGISLATIVE CONTEXT

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

The legislative framework for DCPs is established within Part 3 Division 3.6 of the Environmental Planning Assessment Act 1979 (Clauses 3.41 to 3.46). Part 2 Division 2 (Clauses 12 to 21) of the Environmental Planning and Assessment Regulation 2021 provides further requirements relating to the forming, amending or repealing, and revocation of DCPs. This report seeks a decision of Council as to whether to publicly exhibit a draft site-specific DCP concurrent with the planning proposal.

The legislative framework for Planning Agreements (also known as 'VPAs') is established within Part 7, Division 7.1, Subdivision 2 of the Environmental Planning and Assessment Act 1979 (Clauses 7.3 to 7.10). The Environmental Planning and Assessment Regulation 2021 includes

further requirements relating to the making, amending and revocation of planning agreements, public notice and procedural requirements within Part 9, Division 1 (Clauses 202 to 206). This report seeks a decision of Council as to whether to accept (in-principle) the draft VPA Offer submitted in support of the planning proposal.

PROPONENT

Ethos Urban on behalf of Mulpha Ptd Ltd

OWNERS

Mulpha Ptd Ltd

POLITICAL DONATIONS

Nil Disclosed

EXECUTIVE SUMMARY

The planning proposal seeks to amend the planning controls applicable to Norwest Marketown (4-6 Century Circuit, Norwest) to enable redevelopment of the site for a high-density mixed-use outcome comprising 117,330m² of retail and commercial floor space (nearly 4,700 jobs) and up to 854 residential dwellings within a built form ranging from 5 to 36 storeys, as well as a new 5,700m² publicly accessible park adjoining Norwest Lake that would remain in private ownership and maintenance and a 3,000m² community facility that would be dedicated to Council. The redevelopment would occur in stages over a period of approximately 15-20 years with the employment and retail outcomes delivered in the earlier stages of the development, followed by the residential components in the later stages of the development.

The planning proposal is generally consistent with the principles, priorities and outcomes articulated in the relevant strategic planning framework and would deliver the strategically envisaged employment opportunities on the land. It would also facilitate increased retail opportunities and housing supply in a central location that has historically and consistently been identified as suitable for mixed use development surrounding the land, with access to employment opportunities, retail services, frequent bus services and the Northwest Metro Line.

The planning proposal is consistent with the vision and outcomes articulated within the draft Precinct Plan for Norwest Strategic Centre. The draft Precinct Plan envisages a genuine mixed-use development with a substantial contribution towards employment targets and a relatively balanced land use mix between employment, retail and residential land uses on the site. The site has an important role and function in the context of the Norwest Strategic Centre as the “local centre” of the Precinct and an area strategically located to provide an appropriate land use transition between the surrounding designated employment areas and the emerging high density residential area to the north of the site and Norwest Lake.

The application was submitted in January 2024 and Councillors received briefing on the Proposal in March 2024. Following the completion of Council Officer’s assessment, the proposal was reported to the Local Planning Panel on 17 April 2024. The Local Planning Panel agreed with the conclusions of the Council Officer’s Assessment that the planning proposal demonstrates strategic merit and is suitable to proceed to Gateway Determination, subject to resolution of a small number of site-specific issues aimed at reducing the potential visual dominance and bulk of the proposal and improving amenity outcomes. These elements related to floor plate sizes, building lengths, setbacks, tower setbacks (above podiums), separation, provision of communal open space and solar access.

In response to the advice provided by the Local Planning Panel, the Proponent submitted a revised development concept and further information in May 2024. The amended proposal and additional information generally resolves the identified built form issues, with the exception of tower setbacks, provision of communal open space and solar access. It is the view of Council officers that given the site is a large (4.65ha) relatively unconstrained landholding in single ownership which will be developed in stages over the next 15-20 years, there is ample opportunity for these remaining matters to be readily overcome within the FSR and height limits proposed, through further detailed design work as the matter progresses.

To ensure that future development is reflective of desired built form outcomes and required to resolve these matters, a draft site-specific Development Control Plan (DCP) has been prepared to accompany the planning proposal. The proposed DCP includes controls in relation to the desired future character, development principles, public domain and open space provision, built form, communal open space, active frontages, solar access and overshadowing, vehicle access and connectivity, landscaping, design excellence, sustainability and wind.

The planning proposal is also accompanied by a letter of offer to enter into a Voluntary Planning Agreement (VPA) to address the infrastructure demand generated by the proposal. The offer proposes a combination of public domain and open space works, the construction, fit out and dedication of a new 3,000m² community facility as well as monetary contributions towards active open space and a ‘first and last mile’ travel initiative. The Proponent has valued the works, land and monetary contributions at \$35 million. This is generally an accurate reflection of the public benefit value which would equate to a contribution of approximately \$20,000 per dwelling and 3% of the non-residential development cost of works. The VPA offer is considered a fair and reasonable contribution toward local infrastructure which is proportionate to the demand likely to be generated by the proposed development. The VPA would secure clear and significant public benefits for the future residents and workers within the Norwest Strategic Centre and provides Council with the opportunity to address a projected shortfall in community floor space in this locality by securing a new 3,000m² community facility in a key strategic location that will be available to service the needs of the future population from 2040 onwards.

It is the view of Council officers that the planning proposal demonstrates adequate strategic and site-specific merit to warrant progression to Gateway Determination, as detailed within this report.

1. STRATEGIC CONTEXT

A comparison between outcomes envisaged under the Local Strategic Planning Statement (LSPS), Corridor Strategies, draft Norwest Precinct Plan and planning proposal is shown below.

	LSPS	NWRL Corridor Strategy	Hills Corridor Strategy	Norwest Precinct Plan ¹	Proposed
Land Use	Mixed Use	Local Centre	Mixed Use	Mixed Use	MU1 Mixed Use SP2 Infrastructure (Drainage) (retained)
Height	N/A ²	N/A ²	22 storeys	8 – 35 storeys	5 – 36 storeys
FSR	N/A ²	2:1 - 4:1 ³	Minimum 4.5:1 - 5:1 53% employment / 47% residential	Up to 5:1 Min. 50% employment floor space	5:1 51% employment / 44% residential / 5% community
Employment GFA (Jobs)⁴	N/A ²	46,400 - 92,800m ² (1,860 - 3,710 jobs)	116,000m ² (4,640 jobs)	111,400m ² (4,460 jobs)	117,330m ² (4,690 jobs ⁵)
Residential GFA (Dwelling Yield⁶)	N/A ²	46,400 – 92,800m ² (460 – 930 dwellings)	102,600m ² (1,026 dwellings)	Up to 111,400m ² (1,110 dwellings)	102,523m ² (854 dwellings ⁷)

Notes:

¹ The figures above reflect the proposed post-exhibition version of the Precinct Plan being considered by Council on 9 July 2024, including post-exhibition amendments.

² The LSPS and NWRL Corridor Strategy do not articulate a specific yield or built form outcomes.

³ The NWRL Corridor Strategy does not stipulate a specified mix of residential, retail and commercial land uses. For comparison, a 50/50 split of residential and non-residential land uses is assumed.

⁴ Employment ratios are based on a rate of 1 job per 25m² of commercial GFA per the NWRL Corridor Strategy and Draft Norwest Precinct Plan Assumptions to allow for comparison.

⁵ The Proponent's material assumes a commercial job rate of 1 job per 16m² and retail/hotel job rate of 1 job per 30m² (6,190 jobs).

⁶ For comparison purposes, the dwelling yield assumptions are based on an average of 100m² of gross floor area per dwelling. This is the average gross floor area per dwelling for development that complies with Council's dwelling size and mix requirements.

⁷ While the application seeks to enable an amount of residential gross floor area generally aligned with the Hills Corridor Strategy and draft Norwest Precinct Plan, the number of dwellings achieved is less than articulated in these strategies as the Proponent has assumed an average of 120m² of gross floor area per dwelling, reflecting their intention to provide apartment sizes which are in excess of the minimum required under Council's housing mix and diversity provision.

Table 1

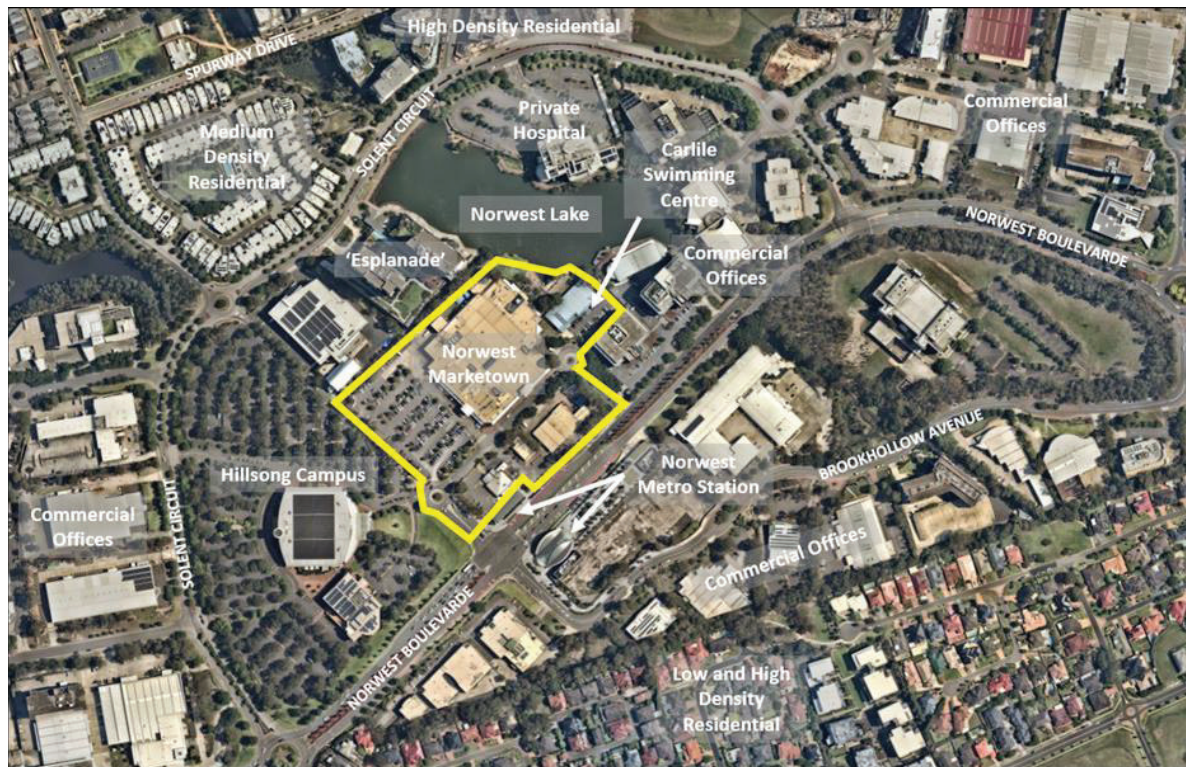
Comparison between subject planning proposal and outcomes envisaged under the strategic planning framework

2. HISTORY

Relevant history relating to the site and proposal is contained in Attachment 7.

3. THE SITE

The site is known as 4-6 Century Circuit, Norwest (Lot 2 DP 1213272 and Lot 5080 DP 1008602). It comprises two land parcels with a combined area of approximately 4.65 hectares and currently contains the Norwest Marketown shopping centre and Carlile Swimming Centre. The subject site and the surrounding context are depicted in Figure 1.

**Figure 1**

Aerial view of subject site (yellow) and surrounds

The site is surrounded by Norwest Lake to the north, the Esplanade mixed use development to the north west, Hillsong Campus to the south west and commercial office buildings to the east. To the south, the site directly adjoins the entrance to the Norwest Metro Station (with an underground pedestrian link beneath Norwest Boulevard). The site has a frontage of approximately 185m to Norwest Boulevard.

The existing Norwest Marketown development contains a ground floor retail shopping centre comprising a 4,000m² Coles supermarket, 1,500m² of smaller specialty retail shops and food and drinks premises, and approximately 1,400m² of non-retail land uses, basement car parking and childcare services. Additionally, there are several standalone businesses located on the southern portion of the site such as Shell Service Station and food and beverage premises. The Carlile Swimming Centre comprises an indoor swimming pool and associated facilities, as well as at grade car parking for the swimming centre. The subject site currently facilitates approximately 500 jobs.

4. DESCRIPTION OF PLANNING PROPOSAL

The planning proposal seeks to facilitate a high-density mixed-use development comprising 117,330m² of retail and commercial floor space and up to 854 residential dwellings within a built form of up to 36 storeys, as well as a 5,700m² publicly accessible park adjoining Norwest Lake. The development concept includes a hotel, childcare centre, learn to swim pool, recreation centre, community centre, exhibition space and public plazas.

The development concept includes basement car parking as well as a Lower Ground level that provides direct access between Norwest Lake and Norwest Metro Station via an underground pedestrian tunnel, with a variety retail and food and beverage opportunities.

Access to the development is proposed from the existing access points along Norwest Boulevard, through Century Circuit. The planning proposal includes upgrades to the

intersection of Century Circuit with Norwest Boulevard and retains the opportunity to facilitate a future northern road connection through to Fairway Drive, subject to future development outcomes by the adjoining landowner (Hillsong Campus), as currently set out in the draft Norwest Strategic Centre Precinct Plan.

A comparison between the existing and proposed controls under The Hills Local Environmental Plan 2019 (LEP 2019) is provided in the table below.

Planning Control	Existing	Proposed
Land Zone	E1 Local Centre SP2 Drainage	MU1 Mixed Use SP2 Drainage (retained)
Height of Building	RL 116 (approx. 9 storeys)	RL 216m (36 storeys)
Floor Space Ratio	1.49:1	5:1 (Incentivised)
Additional Permitted Uses	On SP2 land: none On E1 land: Residential Flat Buildings	On SP2 land: recreation area, retail premises, recreation facility (outdoor), water recreation structure, waterbody (artificial) and wharf or boating facilities. On MU1 Mixed Use land: none (as residential flat buildings are permitted on MU1 land, the current additional permitted use would be removed).

Table 3
Existing and proposed development controls under LEP 2019

The maximum FSR would be expressed as an incentivised FSR, whereby the maximum floor space would only be achievable subject to compliance with a new site-specific local clause, which sets out the following minimum employment floor space, maximum dwelling floor space and cap, housing mix and car parking provisions:

- Minimum employment FSR of 2.5:1 (50% of total floor space proposed).
- Maximum residential flat buildings and shop top housing FSR of 2.21:1 (44% of total floor space proposed).
- Maximum dwelling cap of 854 dwellings, compliant with the following:
 - No more than 25% of dwellings are to be 1-bedroom dwellings.
 - At least 20% of dwellings are to be 3 or more-bedroom dwellings.
 - At least 40% of all 2-bedroom dwellings will have a minimum floor area of 110sqm.
 - At least 40% of all 3-bedroom dwellings will have a minimum floor area of 135sqm.
- Car parking spaces compliant with the following:
 - Minimum 1 car space per dwelling.
 - Minimum 1 additional car space per twelve dwellings.
 - Maximum 1 space per 37m² of retail gross floor area.
 - Maximum 1 space per 100m² of commercial gross floor area.

The proposed housing diversity provisions are consistent with Council’s preferred housing size and mix under Clause 7.11 of LEP 2019, however it is noted that the Proponent intends to provide for larger apartments than required under Council’s provision.

The proposal indicates the intention to provide approximately 2,600 car parking spaces, based on the above parking rates.

The proposed LEP map amendments are shown in Figures 2-6 below.

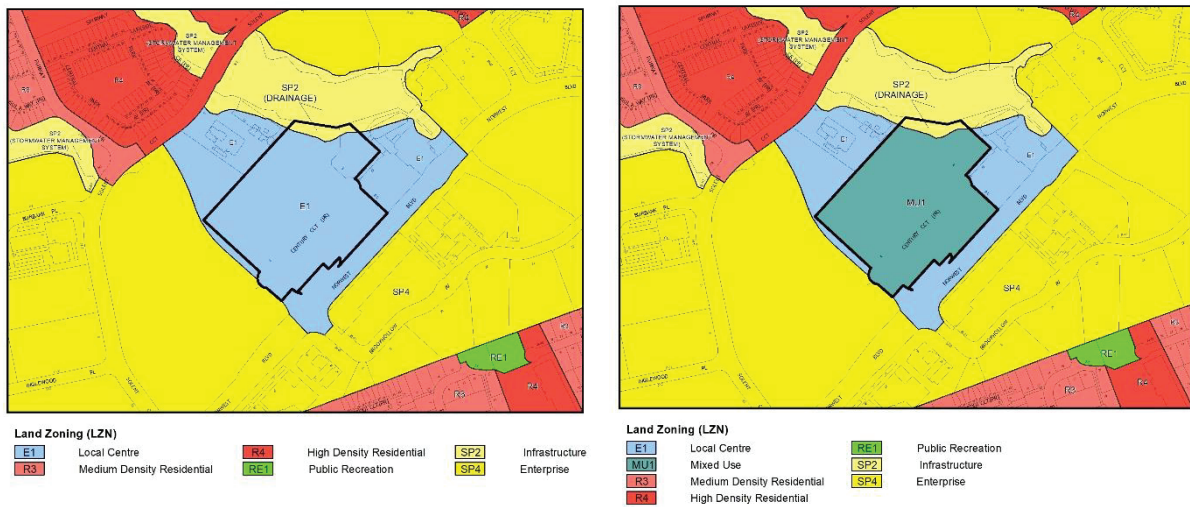


Figure 2
Existing (left) and proposed (right) land use zone maps



Figure 3
Existing (left) and proposed (right) maximum height of building maps

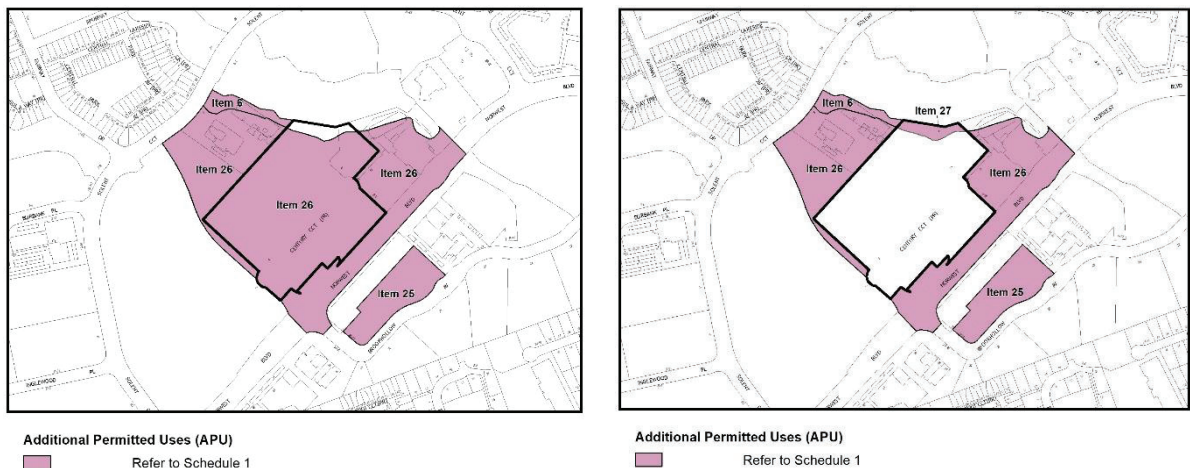


Figure 4
Existing (left) and proposed (right) additional permitted use maps

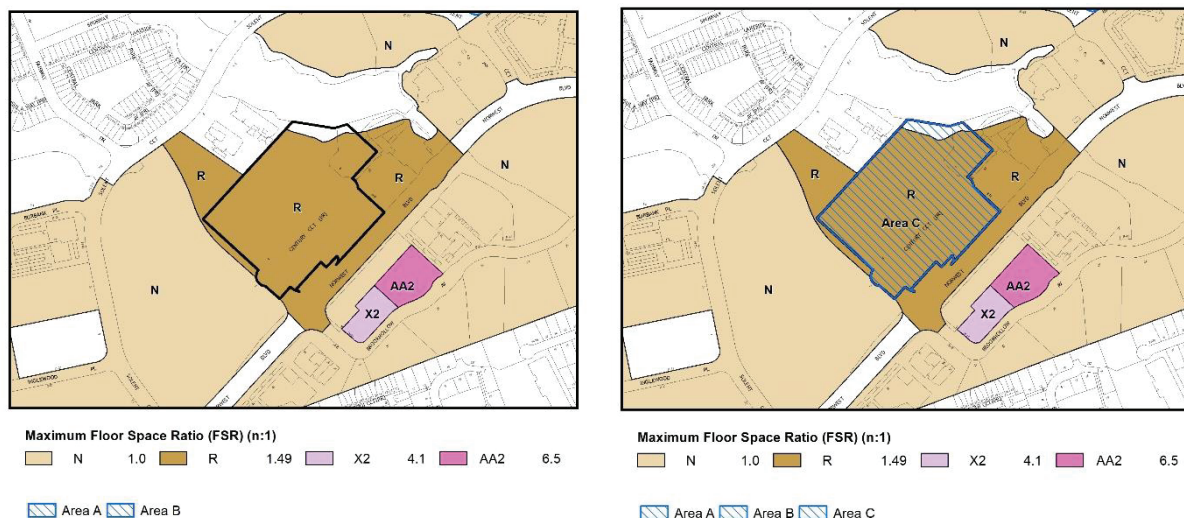


Figure 5
Existing (left) and proposed (right) maximum floor space ratio maps

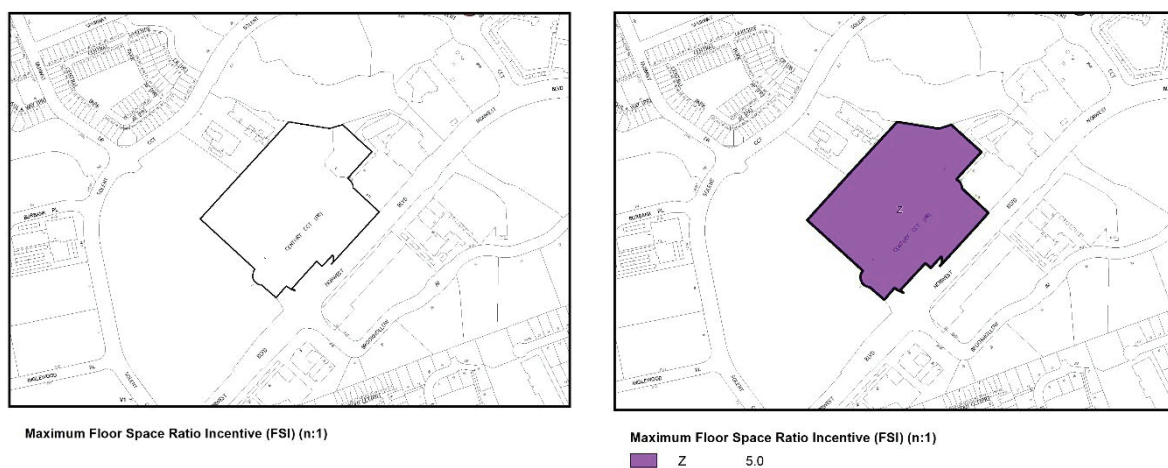


Figure 6
Existing (left) and proposed (right) maximum floor space ratio incentive maps

Extracts of the proposed development concept submitted by the Proponent in support of the planning proposal are provided in the following figures.



Figure 7

Aerial perspective looking north, depicting relationship to Hillsong Campus (lower left) and Norwest Station (mid right)

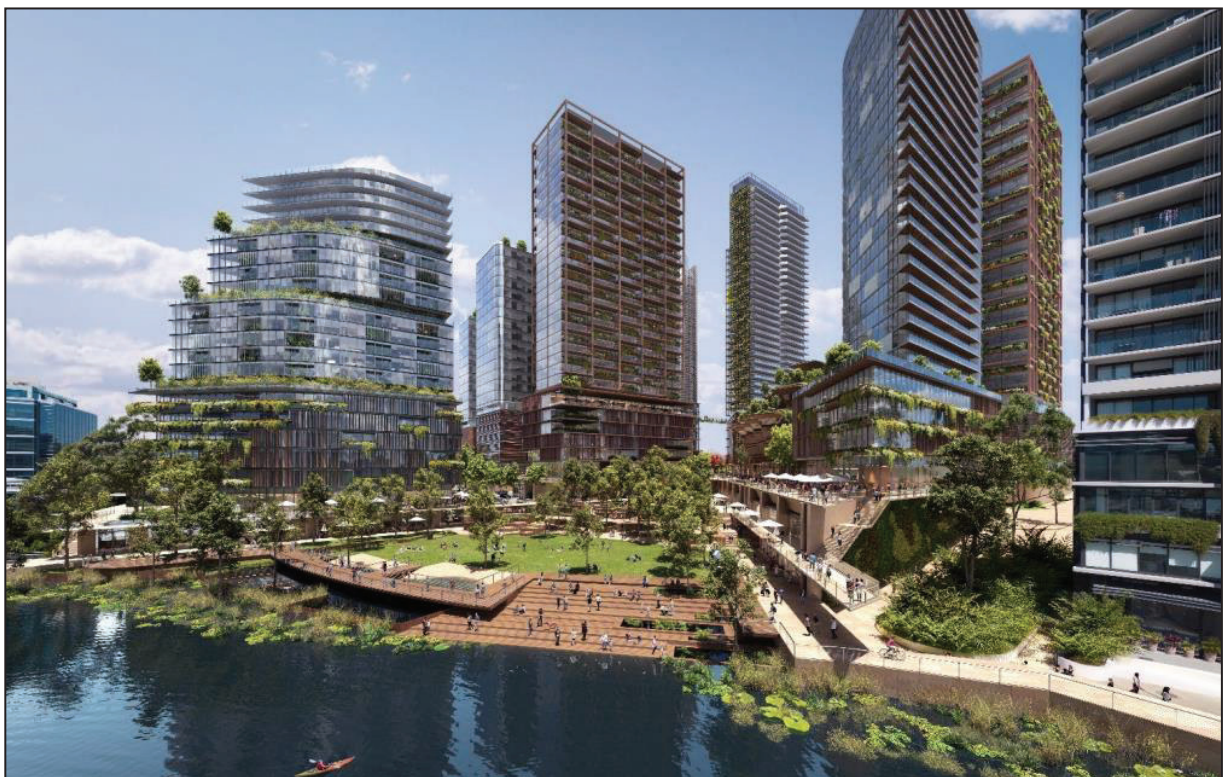


Figure 8

Development concept as viewed from Norwest Lake

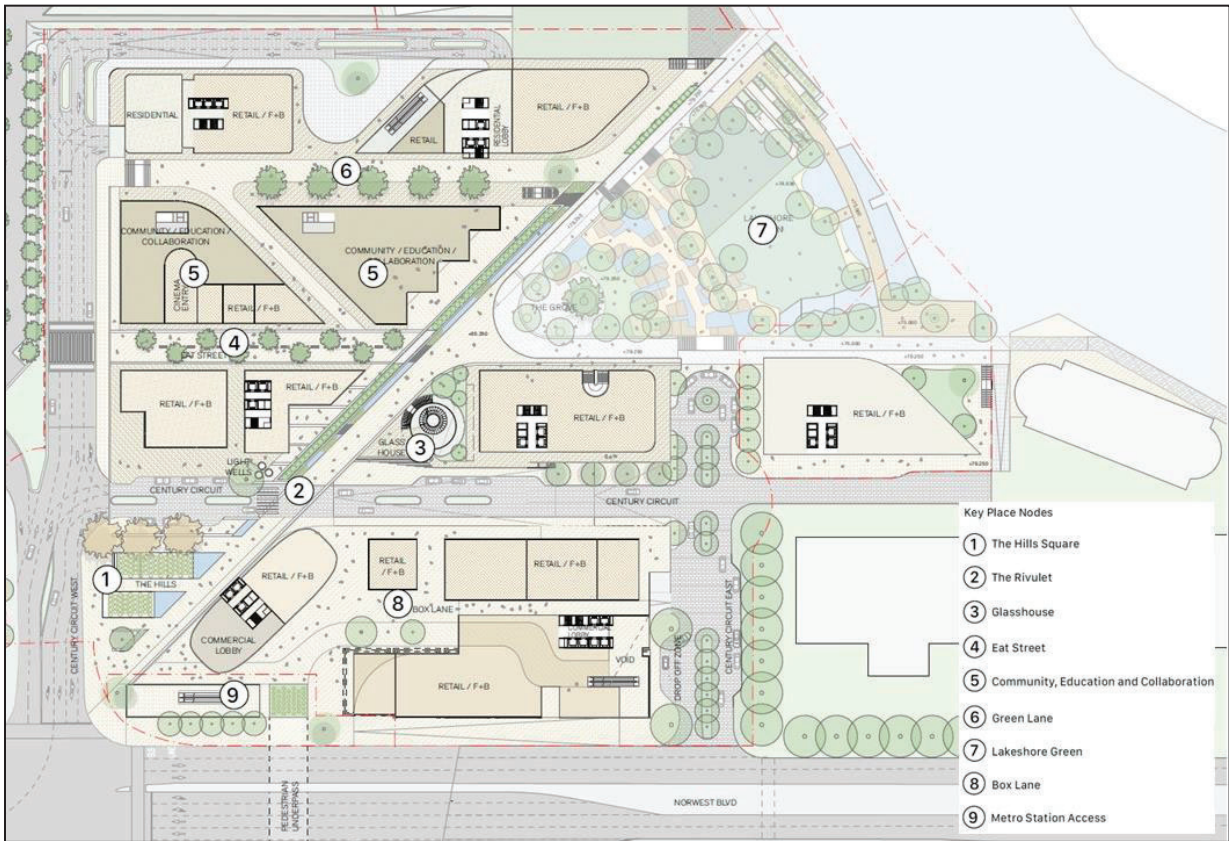


Figure 9
Ground Floor Plan depicting open space areas and plazas

The planning proposal is accompanied by a draft site-specific DCP to guide built form outcomes on the subject site. The draft DCP includes sections relating to urban context, desired future character, development principles, general controls, public domain and open space, built form, active frontages, communal open space, solar access and overshadowing, vehicle access and connectivity, landscaping, design excellence, sustainability and wind.

The planning proposal is also accompanied by a letter of offer to enter into a VPA to address the infrastructure demand generated by the proposal. The letter of offer includes details of infrastructure and public benefits the developer intends to deliver in association with the development. The letter of offer includes the following:

- Construction of a 3,000m² community facility and dedication of the associated floor space;
- Monetary contributions toward offsite active open space/sports fields (\$2.5 million) as well as ‘first and last mile’ travel initiative (\$1 million); and
- Open space and public domain works including a water park, foreshore recreation works and public plaza space.

The Proponent has valued the works, land and monetary contributions at \$35,000,000 in total, which would equate to a contribution of approximately \$20,000 per dwelling and 3% of the non-residential development cost of works. Further discussion with respect to the VPA offer is contained within Section 6 of this report.

5. LOCAL PLANNING PANEL ADVICE

On 17 April 2024, the planning proposal was presented to the Local Planning Panel and the following advice was issued by the Panel:

1. *The planning proposal has adequate strategic merit and the capability to demonstrate adequate site-specific merit to warrant progression to Gateway Determination, subject to the following matters being resolved to Council's satisfaction:*

- a) *Amendments to the proposed built form concepts to demonstrate achievement of the following urban design and amenity outcomes:*
 - (i) *Improved landscaping and public domain treatments along the site's interface with Norwest Boulevard, which may potentially require increased setback distance;*
 - (ii) *Maximum residential tower floor plate of 750m² (rather than 1,050m²);*
 - (iii) *Maximum podium length of 65 metres (rather than 84 metres);*
 - (iv) *Maximum tower length of 50 metres (rather than 63 metres);*
 - (v) *Minimum tower setbacks above podium of 5 metres (rather than 1.5 metres);*
 - (vi) *Minimum building separation of 24 metres above 8 storeys (rather than 20 metres);*
 - (vii) *Adequate private communal open space to service residential development, separate to the proposed publicly accessible open space;*
 - (viii) *Adequate solar access to Norwest Station Site, communal open space and public domain areas at the ground plane;*
- b) *Submission of a revised Flooding Assessment Study, which more accurately considers the stormwater catchment area (including taller building forms) as well as further information regarding proposed measures to improve the water quality of Norwest Lake.*
- c) *Submission of a revised Traffic Study that utilises an appropriate traffic generation model and assess the cumulative traffic impacts of surrounding planned developments.*
- d) *Revision of the draft site-specific Development Control Plan to include additional controls in relation to built form, landscaping, solar access and traffic, as well as the matters identified in Item 1 a) of this recommendation.*
- e) *Revision of the Voluntary Planning Agreement offer to provide further clarity and sufficiently address infrastructure demand arising from the planning proposal.*

A copy of the Council Officer Technical Assessment Report and the Panel's advice are provided as Attachments 1 and 2 to this report, respectively. The Panel agreed with Council officer's recommendation that the planning proposal should proceed to Gateway Determination having regard to the strategic merit and the capacity to demonstrate site-specific merit.

The Proponent has made amendments to their planning proposal material and submitted additional information that largely resolves the site-specific matters raised within the Local Planning Panel advice. These matters are discussed in more detail within Section 6 of this report.

6. MATTERS FOR CONSIDERATION

A detailed technical assessment of the planning proposal is contained within the Council Officer Assessment Report to the Local Planning Panel, dated 17 April 2024 and provided as Attachment 1 to this report.

It is noted that the development concept has been revised in comparison to the version reported to the Local Planning Panel, as the Proponent submitted an amended planning proposal package in May 2024 in response to the Panel's advice.

A summary and discussion of the key technical matters that should be considered by Council in determining whether or not the planning proposal should proceed to Gateway Determination

is provided in the table below. Further detail on each of these key considerations is also provided within the Council Officer Assessment Report to the Local Planning Panel, provided as Attachment 1.

Key Consideration	Comment
Strategic Merit	<p>Detailed discussion with respect to the strategic merit of the proposal and alignment with the various layers of policy that form the strategic planning framework are contained within the Council Officer Assessment Report to the Local Planning Panel (Attachment 1).</p> <p>The planning proposal is generally consistent with the principles and priorities articulated in the relevant strategic planning framework. The proposal would deliver the strategically envisaged employment opportunities as well as deliver increased housing supply in a central location with access to employment opportunities, retail services, frequent bus services and the Northwest Metro Line.</p> <p>The Central City District Plan states that the inclusion of residential uses in strategic centres should not constrain commercial and retail activities. With at least 50% employment floor space proposed on the site, the planning proposal demonstrates an effective balance between commercial and residential land uses whilst continuing to serve its critical function as a centre for residents and workers in the area.</p> <p>The site is a significant and large consolidated land holding containing the retail centre for the surrounding catchment and has an important role and function in the context of the Norwest Strategic Centre as it is strategically located to provide an appropriate land use transition between the surrounding employment areas and the emerging high density residential area to the north of the site and Norwest Lake. For this reason, the land has consistently been identified within local planning policies and the existing zoning framework as suitable to accommodate a combination of employment, retail, entertainment and residential uses.</p> <p>The planning proposal would assist in protecting the role and function of strategic centres and the extent of employment land by increasing employment opportunities and increasing housing supply, consistent with Council’s Local Strategic Planning Statement (LSPS). The planning proposal is consistent with the structure plan included in the LSPS in that it proposes a genuine mixed-use development with a relatively balanced land use split between employment and residential land uses. It is also noted that the Proponent intends to deliver the employment and retail outcomes on the site as part of the earlier stages of development and has proposed to include, as part of the local provision, the requirement for a minimum amount of employment floor space on the site to ensure the core employment objectives are achieved.</p> <p>The planning proposal is also generally consistent with the vision articulated within the draft Precinct Plan for Norwest Strategic Centre. The draft Norwest Precinct Plan was originally considered by Council at its meeting on 8 November 2022, publicly exhibited between May 2023 to July 2023 and recommended for adoption at the Ordinary Council of 9 July 2024.</p>

	<p>The draft Precinct Plan originally envisaged the Marketown site to have an FSR of up to 4.5:1 and the Carlile Swimming site an FSR of 2.5:1. The draft Norwest Precinct Plan, as exhibited, envisaged capacity for 100,700m² of employment GFA (4,030 jobs) and potential for residential uplift (970 dwellings) on the site within a built form of 8 – 35 storeys.</p> <p>Post-exhibition amendments to the Norwest Precinct Plan are being considered by Council at its meeting on 9 July 2024. Amongst a range of other changes, these amendments include increasing the proposed density for the subject site (Marketown) from a maximum 4.5:1 (as exhibited) to a maximum 5:1, to reflect the envisaged density under The Hills Corridor Strategy, ensure that the intended employment yield can be achieved and having regard to the detailed design work and testing which has been completed as part of the planning proposal. The rationale for this is discussed in more detail in the concurrent report to Council on the Precinct Plan.</p> <p>The planning proposal aligns with the FSR outcome (5:1) within the post-exhibition version of Norwest Precinct Plan and would facilitate the employment outcomes and objectives for the site in accordance with the Plan. It would also enable residential outcomes as identified within the Plan, albeit achieving a marginally lower dwelling yield than anticipated in the Precinct Plan.</p>
Built Form Outcomes	<p>Detailed discussion with respect to the site-specific merit of the proposal and urban design outcomes are contained within the Council Officer Assessment Report to the Local Planning Panel (Attachment 1).</p> <p>A revised development concept has been submitted by the Proponent which seeks to address some of the issues identified within the Local Planning Panel advice. The Proponent has also submitted a revised draft site-specific DCP to accompany the planning proposal, which includes built form and design controls.</p> <p>While the majority of the draft development controls submitted by the Proponent are supported, some controls have been adjusted by Council officers to ensure that future development is reflective of desired built form outcomes and that the urban issues identified within the Local Planning Panel advice are more fully resolved at this strategic planning stage. Specifically, further controls regarding building design have been introduced by Council officers in relation to tower setbacks, communal open space, solar access and landscaping.</p> <ul style="list-style-type: none"> ▪ <u>Building Height</u> <p>The built form outcomes articulated for Norwest in the draft Precinct Plan envisage a maximum indicative building height of 8-35 storeys on the existing Marketown site and 8-15 storeys on the Carlile Swimming site.</p> <p>The proposed outcomes for the existing Marketown site (36 storeys) and Carlile Swimming site (approximately 23 storeys) marginally exceed the built form outcomes in the draft Precinct Plan (up to 35 storeys).</p>

	<p>However, it is reasonable that these built form outcomes are considered as part of the site-specific planning proposal process, especially where presented as a single large consolidated landholding that allows for greater master-planning and flexibility and where the proposal is supported by detailed site analysis and design work that demonstrates the outcomes will be acceptable.</p> <p>In this instance, the application material has illustrated that marginally exceeding the identified building height outcomes in the draft Precinct Plan would be appropriate in order to allow for quality, elegant and slender developments with improved outcomes in the public domain and ground plane given the ability to have smaller (but taller) building envelopes and footprints. Furthermore, an increased height on the Carlile Swimming site would appear to provide a more appropriate transition in height from Norwest Metro Station and the Marketown site to surrounding developments.</p> <p>▪ <u>Floor Plates</u> The built form design principles included in the draft Norwest Precinct Plan, as exhibited, identify that residential tower floor plates should be a maximum GFA of 750m².</p> <p>The initial planning proposal lodged in January 2024 depicted residential tower floor plates exceeding the typical maximum residential floor plate size expected to result in slender towers. These larger tower floor plates contributed to the overall perceived bulk and scale of the development.</p> <p>However, the planning proposal concept has since been updated in response to Council officer feedback and the advice of the LPP to reflect maximum residential floor plates of approximately 750m² GFA. The draft site specific DCP also now includes a development control that residential floorplates are to be a maximum of 750m² GFA (with a maximum of 1,000m² GBA). This draft control will result in slender towers, compliant with the vision articulated within the draft Precinct Plan.</p> <p>▪ <u>Building Length</u> Council's DCP typically requires a maximum podium length of 65m and tower length of 50m. Additionally, it is expected that any building greater than 30m in length is separated into at least two parts by a significant recess or distinct building elements with individual architectural expression and features. The building lengths included in the concept plan generally demonstrate consistency with this design principle.</p> <p>▪ <u>Setbacks</u> The development concept depicts a minimum 4m setback from the proposed hotel to the site boundary and a 7.5m setback from the hotel to the kerb along Norwest Boulevard. Ideally, setbacks to Norwest Boulevard should be larger to ensure there is sufficient space for meaningful landscaping and to mitigate any potential acoustic impacts for future visitors.</p> <p>However, it is noted that the rationale for the siting of the hotel building on the land has been to maximise the amenity within the site with through site links and active street frontages at the internal ground plane and</p>
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thoroughfare from the Metro Station entrance to the future public open space adjoining the Lake.

The Proponent has since submitted further information and development concepts which demonstrate that even with this reduced setback, the site is still capable of accommodating street tree plantings along Norwest Boulevard. At the development application stage, further investigations will be required to ensure appropriate species selection for mature vegetation to grow in this area which will be subject to overshadowing from tall buildings on the site. This outcome is proposed to be reinforced within the site specific DCP. Having regard to the additional information submitted by the Proponent, this outcome is considered reasonable.

Generally, Council's DCP requires residential towers to be setback a minimum of 5m from the podium building envelope. The revised development concept submitted by the Proponent includes minimum tower setbacks of 3m and an additional 2m 'waistline' setback to the floor directly above the podium level along the long frontage of each building. This is demonstrated in the figures below.

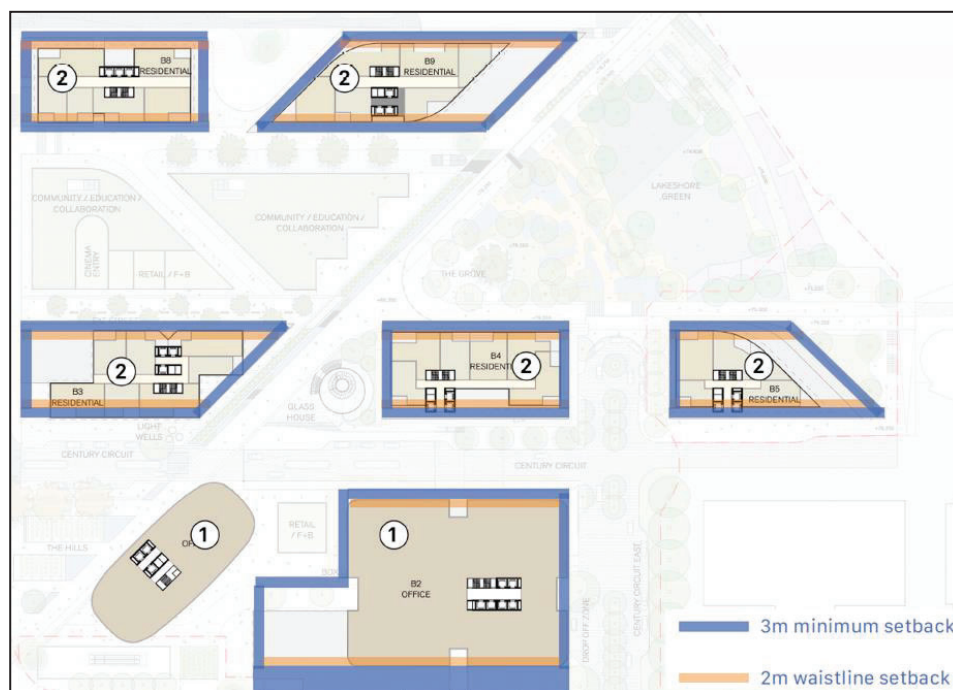


Figure 14

3m podium setback and 2m waistline setback

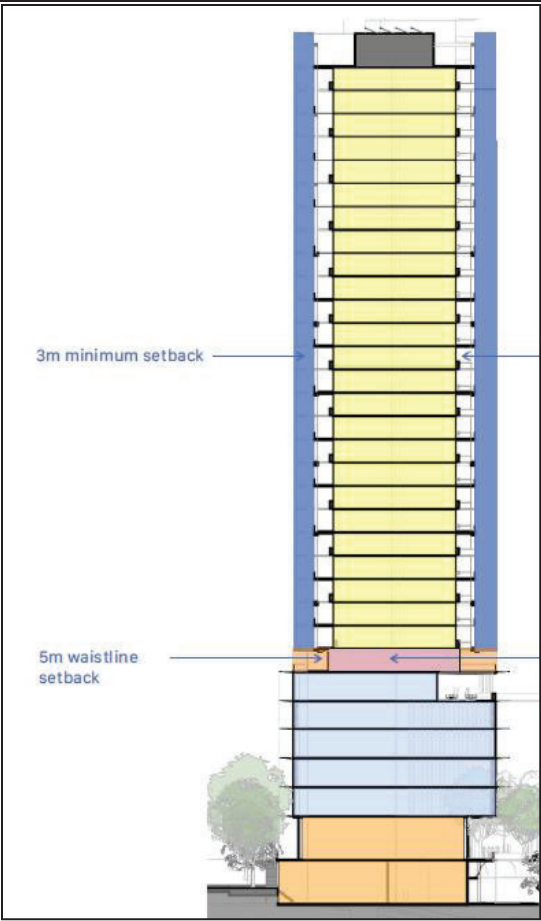


Figure 15

3m podium setback and 2m waistline setback

The Proponent submits that this approach balances the built form articulation and perceived bulk and scale of tower elements whilst still maximising the open space and public domain areas throughout the site.

This reduced tower setback is not supported as it contributes to the overall perceived bulk and scale of the development, as there is minimal differentiation between the podium element and the tower element above. The proposed “waistline” will assist in differentiating between the podium and tower from a distance, however is unlikely to be effective in reducing the perceived bulk and scale of development when viewed from the ground plane and public domain. Council officers remain of the view that a greater setback (of 5 metres) will be required to address the LPP’s advice and as such, the draft DCP has been amended to include a 5m tower setback requirement consistent with Council’s current DCP requirements. This control will appropriately manage perceived bulk and scale of tower elements.

Given the large size of the site and lack of significant constraints, future development will be capable of demonstrating compliance with this control as part of more detailed design processes. There is further scope for flexibility in development design throughout the remainder of the planning process, particularly as more detailed design work occurs at the development application stage. While Council officers remain of the view that a 5m setback is the appropriate development control and is able to be

	<p>accommodated on the site, it would remain open to the Proponent to make the case for variation to this control on merit as part of any future Development Applications.</p> <p>▪ <u>Building Separation</u> The Apartment Design Guide (ADG) provides controls in relation to building separation for residential developments. Adequate building separation increases solar amenity and reduces privacy concerns. The revised concepts submitted by the Proponent indicate that the development will be capable of complying with the ADG building separation requirements for residential developments at the development application stage.</p> <p>▪ <u>Communal Open Space</u> High density residential developments in the Hills in centre locations are required to provide 10m² of communal open space per dwelling, with a total of 25% of this to be provided at the ground level in a singular large parcel. This control is generally considered in the context of a standalone residential development, rather than a larger “centre” development site with a range of different uses and functions.</p> <p>When applied to the 854 dwellings proposed within the development concept in isolation, the application of these controls would require 8,540m² of communal open space in total, with approximately 2,135m² of that being provided at the ground level.</p> <p>In comparison to this, the Proponent proposes to provide 3,000m² of communal open space (not at ground level), 6,000m² of publicly accessible open space and plazas (at ground level, which would remain in private ownership) as well as communal rooms and kitchens within the developments.</p> <p>While the overall quantum and distribution of open space would comply with the requirement, this outcome is technically non-compliant on account of the ground level open space being accessible by the broader public, rather than exclusively for the residents within the development.</p> <p>This would not ordinarily be an acceptable solution as part of a standalone residential development, however it is considered appropriate for this specific site and development outcome to allow for a greater proportion of communal open space at the rooftop level, in order to ensure that the objectives for a vibrant, publicly accessible, well-connected, activated and high amenity public domain at the ground plane can be achieved. The isolation of sections of the ground plane for exclusive private use would not be conducive to the intent and vision for this particular site.</p> <p>It may be the case that the reduced provision of exclusive communal open space at the ground plane would place increased pressure on publicly accessible open spaces. However, it is noted that the proposal would include 6,000m² of publicly accessible park and urban plazas adjoining Norwest Lake, which will remain in private ownership and maintenance. While part of all of this park would be capable of satisfying the ground plane communal open space requirements of the DCP if it were isolated for exclusive use of residents, it is considered to be preferable for the</p>
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	<p>broader public to be able to access this space, benefit from its provision and contribute to the vibrancy of the foreshore adjoining the lake.</p> <p>Given that the publicly accessible park is not proposed to be dedicated to Council, but rather will remain in the Developer’s ownership and management with an easement for public access, it is considered appropriate in this instance for the publicly accessible park to be considered to partially offset the shortfall in communal open space provision within the site. Council would not be required to own or maintain this public park and as such, this is <i>not</i> a situation where a Developer is seeking to rely on publicly owned and managed land to offset a numerical deficiency in the provision of communal open space.</p> <p>The park will be extremely accessible and useable for residents on the site in addition the broader community. There is still some level of communal open space being provided exclusively for residents on the site at rooftop level, as well as additional communal kitchen and common room areas internal to the residential buildings.</p> <p>If the privately owned, publicly accessible park were to be accepted on this basis for inclusion in the communal open space calculation, the development would be providing approximately 9,000m² of communal open space, with 66% of this (6,000m²) being provided at the ground plane. This would be well in excess of the Council requirement in terms of both overall quantum and extent at the ground plane. Further, the open space at the ground plane will be highly functional for the purpose of both future residents of the site and the broader community.</p> <p>Under this scenario, approximately 65% of the total communal open space requirement would effectively be offset in recognition of the 6,000m² publicly accessible park and plaza space (rather than being provided exclusively for the private use of residents within the development).</p> <p>Given the unique context of the site and its intended function within the Norwest Strategic Centre, this is considered an acceptable outcome on balance, factoring in the publicly accessible public domain and ground plane outcomes that are envisaged for the site and are critical to the success of the centre’s vibrancy.</p> <p>The draft site specific DCP has been amended to include Council’s current communal open space requirements (10m² per dwelling with 25% of the total being provided at the ground plane), along with a provision that would allow for consideration of an exception to this requirement in the context of this site, in acknowledgement of the substantial amount of open space being provided within the development at the ground plane.</p>
Solar Access	<p>▪ <u>Norwest Station Site</u></p> <p>The Norwest Station Site is located directly across Norwest Boulevard from the subject site. The Station site includes significant public domain features on the ground plane and utilises the available solar access to illuminate the concourse and platform located below.</p>

The concept plans indicate that the Station Site is likely to experience overshadowing after 12pm on June 21. Considering the other surrounding sites are also likely to redevelop, the proposed building heights and orientations may require modification to improve solar access to the Norwest Station Site. As such, the draft site specific DCP includes a development control that any future development ensures adequate solar access to the Norwest Metro Station Site. While the concepts submitted to date have not demonstrated compliance with the draft DCP control, the site has a large area and is relatively free of environmental constraints. At the planning proposal stage, there is sufficient certainty that there is ample flexibility to redesign and adjust the development to the point that compliance with solar access requirements can be achieved. This can be further resolved in greater detail throughout the later stages of the planning process.

Should the development be unable to address compliance with this control as part of future detailed design, the development yield would need to be reduced to achieve the required solar access outcomes. However, there is reasonable certainty at this stage that the application can achieve compliance through further design work, which will occur over the next 15-20 years in line with the staging of the development and development assessment process.

▪ Public Open Space

The draft Norwest Precinct Plan includes a design principle for the built form to maximise solar access throughout the site and to public spaces. The solar access throughout the site is depicted below.

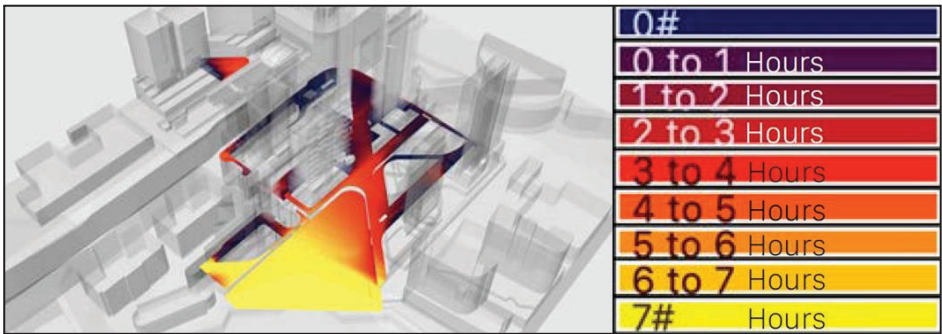


Figure 16
Solar access to Lakeshore Park and Public Spaces (viewed from Norwest Lake)

The concept plans demonstrate that the park adjoining Norwest Lake will receive reasonable access to sunlight during the lunchtime hours however the remainder of the ground floor public domain appears to receive significant overshadowing. Therefore, the draft site specific DCP has been amended to include a development control that any future development on the site ensures adequate solar access to the public domain.

While the concepts submitted to date have not demonstrated compliance with the draft DCP control, the site has a large area and is relatively free of environmental constraints. At the planning proposal stage, there is sufficient certainty that the development can be redesigned to demonstrate compliance with solar access requirements and this is most

	<p>appropriately undertaken in greater detail throughout the later stages of the planning process.</p> <ul style="list-style-type: none"> ▪ <u>Communal Open Space</u> <p>The planning proposal includes 3,000m² of rooftop gardens which could be utilised for communal open space for residents and employees. The Hills DCP 2012 requires a minimum of 4 hours of solar access to be provided to communal open space between the hours of 9am and 3pm on 21 June. The ADG requires developments to achieve a minimum of 50% direct sunlight to the principal useable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June.</p> <p>Portions of the proposed communal space experience significant overshadowing and are unlikely to be compliant with the ADG and The Hills DCP 2012. Communal open space that is constantly shaded will not sustain quality landscaping and will result in a cold unpleasant space, especially in the winter months.</p> <p>While the concepts submitted to date have not demonstrated compliance with the draft DCP control, the site has a large enough area and is relatively free of environmental constraints. At the planning proposal stage, there is sufficient certainty that the development can be redesigned to demonstrate compliance with solar access requirements and this is most appropriately undertaken in greater detail throughout the later stages of the planning process.</p>
Heritage Impact	<p>The planning proposal is within proximity to state heritage item 'Bella Vista Farm' The Proponent has submitted a Heritage Assessment Report in support of the planning proposal, which concludes that the proposal will have minimal impact on views from Bella Vista Farm.</p> <p>The subject site is located approximately 1km from Bella Vista Farm. The distance from the heritage item as well as the slender built forms depicted in the development concept would reduce the potential impact of the planning proposal on view corridors from Bella Vista Farm. Furthermore, as Norwest has been identified as a key strategic centre, the Norwest skyline and future views from Bella Vista Farm towards Norwest Station are likely to undergo significant transformation as a result of the role, function and growth targets and projections for this area under Government planning policies. Should the planning proposal proceed to Gateway Determination, further consultation would be undertaken with Heritage NSW.</p>
Water Quality & Flooding	<p>Norwest Lake is a central landscape feature as well as a significant stormwater basin used to manage flows from Norwest business park. The planning proposal seeks to introduce water recreation structure, waterbody (artificial) and wharf or boating facilities as additional permitted uses to the land zoned SP2 adjoining Norwest Lake. The water quality of Norwest Lake is currently in poor condition as a result of the lake's stormwater basin function and the existing large Carp population currently inhabiting the lake.</p> <p>The water quality of Norwest Lake does not currently meet the standards for primary contact, active recreational and sporting uses. The VPA offer</p>

	<p>which accompanies the planning proposal includes the requirement for the Developer to complete improvements to the water quality of Norwest Lake. However, the material submitted in support of the planning proposal does not provide a Water Quality Study or any detail regarding the proposed water quality measures.</p> <p>The subject site is identified as a flood control lot under the Hills Development Control Plan 2012. The development concept includes modification of the existing lakefront to accommodate the Lakeshore Park and proposed additional permitted uses to accommodate water recreation activities. The Proponent has submitted a Stormwater Management Report in support of the proposal, which concludes the development would not have a negative impact on the lake or any surrounding properties.</p> <p>The LPP advice concluded that the Stormwater Management Report should be amended to take into consideration the larger stormwater catchment areas of the proposed high-density development. Further information submitted by the Proponent in the form of a Stormwater Statement indicates that the total catchment assessment within the Stormwater Management Report has included consideration of the nature of higher density development. It also flags further flooding assessment required at the development application stage.</p> <p>With respect to water quality of Norwest Lake, the Stormwater Statement confirms that the water quantity and quality modelling has demonstrated that water quality impacts can be appropriately managed in line with Council's policies and community expectations. It is anticipated that as more detailed design occurs in the later stages of the planning process, the water quality strategy can be further refined as required. Should the planning proposal progress to Gateway Determination, further information will be required in relation to water quality to accommodate the proposed additional permitted uses.</p> <p>With respect to the strategic merit of the proposal, the additional permitted uses proposed are appropriate uses that could reasonably occur next to the publicly accessible open space in this location to assist in achieving the activation and vibrancy envisaged for the public domain on this site. The ability to facilitate these uses and obtain development consent to commence would be entirely contingent on improvements to water quality, which would be a matter that needs to be fully resolved as part of a future development application before any consent for the uses could be issued.</p>
Traffic, Transport Parking &	<p>▪ <u>Car Parking</u></p> <p>The concept plans depict a total of 2,597 basement car parking spaces. The planning proposal includes a clause that the incentive FSR is only achievable subject to compliance with the specified parking provisions. The clause includes the following parking rates:</p> <ul style="list-style-type: none"> – Minimum 1 car space per dwelling. – Minimum 1 additional car space per twelve dwellings. – Maximum 1 space per 37m² of retail gross floor area. – Maximum 1 space per 100m² of commercial gross floor area.

	<p>The proposed inclusion of maximum parking rates only for commercial and retail development is consistent with the range in the draft Norwest Precinct Plan. It is recommended that a minimum rate should also be included within this clause (consistent with the draft Norwest Precinct Plan) to allow the developer to tailor the final parking provision, having regard to the likely tenants and their needs at the time, while also ensuring appropriate minimum parking provision that prevents increased on-street parking, which impacts surrounding residents and road networks.</p> <p>Noting the public transport access and the mix of uses across the broader site, it may also be appropriate to reduce rates or consider shared arrangements, as it is likely that future employees and customers will utilise public transport to access employment opportunities and retail services and utilise multiple premises in a single trip.</p> <p>Council’s rate for residential development within the Sydney Metro Northwest Corridor (a minimum of 1 space per unit and 1 visitor space per 5 dwellings) as set out in Clause 7.11 of The Hills LEP 2019, is the result of substantial analysis of car ownership and parking demand within similar transit centres. However, given the scale and range of different uses that would occur on this site as part of the ultimate development scenario, there may be opportunities for visitors to utilise a shared use arrangement with other land uses (such as retail) during off peak periods and as such, the proposed visitor car parking rate of 1 space per 12 dwellings is appropriate.</p> <p>▪ <u>Road Network</u></p> <p>The Traffic and Parking Study, submitted by the Proponent, estimates that the proposed development would generate approximately 1,008 AM additional peak hour trips and 1,136 PM additional peak hour trips compared to the existing development.</p> <p>The Study indicates that the proposed development is likely to have an impact on the surrounding road network. Specifically, the intersection of Norwest Boulevard and Brookhollow Avenue/Century. As such, the planning proposal includes a variety of traffic upgrades to improve access to the site from Norwest Boulevard. The proposal includes:</p> <ul style="list-style-type: none">– The provision of an additional right turn lane on Norwest Boulevard into the subject site (which is already constructed but not yet in use);– Amendments to the internal road layout to remove the existing roundabout accessing the Hillsong Campus;– Extend the right turn lane from Century Circuit (within the site) onto Norwest Boulevard by 200m; and– The provision of an additional kerbside lane on Brookhollow Avenue for left hand turns onto Norwest Boulevard (however, it is unclear within the material whether the Proponent has committed to this traffic upgrade considering the upgrade would involve land that is not in the Proponent’s ownership). <p>These traffic infrastructure upgrades would improve the operation of the intersection of Norwest Boulevard with Brookhollow Avenue/Century Circuit. The following figure depicts the proposed layout of the intersection.</p>
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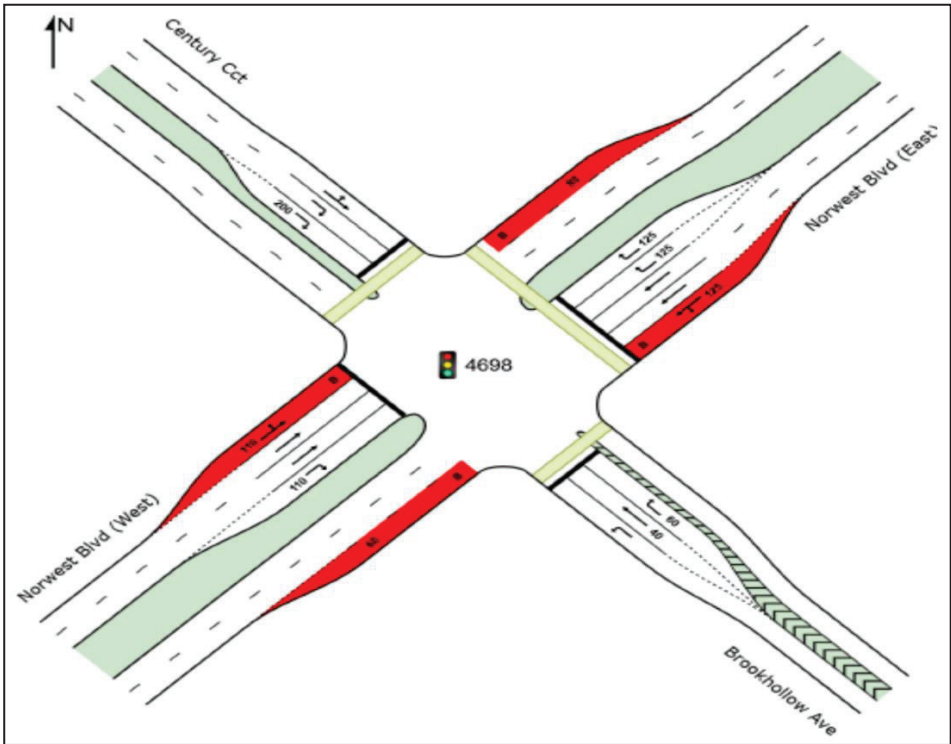


Figure 17
Proposed intersection layout

The planning proposal includes the staged opportunity to facilitate the future northern road connection between Norwest Boulevard towards Fairway Drive, as envisaged in the draft Norwest Precinct Plan. Should the connection eventuate, the link will provide access from Century Circuit through to Fairway Drive and improve connectivity in Norwest.

It is considered that the Traffic and Parking Study, as submitted by the Proponent, does not currently utilise the most appropriate traffic generation model and does not assess the cumulative traffic impacts of any surrounding planned developments.

Should the planning proposal progress to Gateway Determination, the Traffic Study and traffic impacts of the proposed development would need to be assessed by TfNSW, which would occur as part of the public agency consultation phase should a Gateway Determination be issued. This would also need to account for the outcomes of ongoing regional traffic modelling being completed by State Government, to confirm the necessary upgrades and apportionment of costs to this development.

The additional information submitted by the Proponent flags the intent to complete further work in this regard however that it is necessary for this to be with the benefit for further discussions with TfNSW regarding traffic modelling at the Gateway Determination stage. It is reasonable for this work to be undertaken at the Gateway Determination stage given that it will require consultation with TfNSW and is reliant on traffic studies that have not yet been made publicly available.

	<p>It is agreed that it is appropriate for the further information with respect to traffic and transport outcomes to be prepared and considered at the Gateway stage of the planning proposal process, whereby the views and input of TfNSW can be obtained concurrent with the completion of this work.</p> <p>The Proponent should also further clarify how they propose to undertake the provision of an additional kerbside lane along Brookhollow Avenue, given that this land is not within the Proponent's ownership or zoned for acquisition by any public authority. This outcome may not be achievable and it may be necessary to consider the extent of this upgrade in the broader context of all other upgrades identified as necessary within the locality as part of the Norwest Precinct Plan and Regional Traffic Modelling.</p>
Proposed Planning Mechanism	<p>The proposal includes a maximum incentive FSR control across the site of 5.0:1. The incentive FSR is only achievable subject to compliance with minimum employment floor space, maximum dwelling floor space and cap, housing mix and car parking provisions.</p> <p>The planning proposal also includes a maximum dwelling cap of 854 dwellings and a housing mix control to ensure residential development is compliant with Council's preferred dwelling size and mix. The control ensures a variety of apartment sizes beyond the requirements of SEPP 65, matching the future demographic of The Hills Shire. The dwelling cap ensures a fixed maximum dwelling yield on the site.</p> <p>Similarly, the requirement for a minimum employment FSR of 2.5:1 protects the future delivery of 50% of total floor space being utilised for employment opportunities. This planning proposal mechanism provides certainty that the site will operate as a key employment site as envisaged within the strategic framework.</p> <p>The planning proposal seeks to remove residential flat buildings as an additional permitted use on the Local Centre (E1) portion of the site. The existing additional permitted use was applied as part of the Department of Planning, Housing and Infrastructures (DPHI's) April 2023 Employment Zone Reforms, to ensure no change to the permitted use of the land when the site was rezoned from B2 Local Centre (where residential flat buildings were permitted) to E1. Residential flat buildings are already permitted within the MU1 zone and as such, if the site is rezoned to Mixed Use (MU1) then the additional permitted use would no longer be necessary.</p> <p>The proposal seeks to introduce recreation area, retail premises, recreation facility (outdoor), water recreation structure, waterbody (artificial) and wharf or boating facilities on the Drainage Land (SP2) on a small portion of the site to facilitate the Lakeshore Park and proposed water recreation activities.</p> <p>The proposed planning mechanisms are considered to be suitable and appropriate to achieve the intended development outcomes and strategic objectives for the land.</p>

Development Control Plan	<p>The Proponent has submitted a draft site-specific DCP which seeks to provide development controls for the proposed development. This was subsequently updated by the Proponent and resubmitted in order to address some of the issues raised by Council Officers and within the Local Planning Panel advice. The draft DCP includes controls in relation to desired future character, development principles, public domain and open space, built form, active frontages, solar access and overshadowing, vehicle access and connectivity, landscaping, design excellence, sustainability and wind.</p> <p>The objectives and controls articulated in the draft DCP are generally consistent with the design principles identified within the draft Norwest Precinct Plan.</p> <p>While a majority of the draft development controls are supported, there are some controls Council officers have adjusted, compared with the version submitted by the Proponent, to ensure that future development is reflective of desired built form outcomes, aligns with the recommendations within this report and more fully resolves the issues identified by the Local Planning Panel. Further controls regarding building design have been introduced in relation to tower setbacks, communal open space, solar access, landscaping, stormwater and traffic in the draft site-specific DCP.</p> <p>A copy of the draft DCP is provided as Attachment 5 to this report and it is recommended that this draft DCP be publicly exhibited concurrently with the planning proposal, should a Gateway Determination be received.</p>
Infrastructure Demand & Voluntary Planning Agreement	<p>It is crucial that any future development is matched by an adequate level of local and regional infrastructure that meets the needs of local residents and workers, including playing fields, community facilities and transport infrastructure.</p> <p>The Hills Section 7.12 Contributions Plan, which currently applies to the land and imposes a levy of 1% of the cost of development does not plan or cater for the uplift facilitated by the planning proposal.</p> <p>The Proponent has submitted a VPA letter of offer that seeks to deal with local infrastructure demand generated by the planning proposal (Attachment 6). The Proponent has valued their offer at \$35 million, which would equate to a contribution of approximately \$20,000 per dwelling and 3% of the non-residential development cost of works.</p> <p>The below table outlines the items in the VPA offer, the value assigned to these items by the Proponent and which stage of the proposed development each item will be delivered with.</p>

Item	Staging	Proponent's Value of Offer
Public domain works for The Hills Square including a public access easement	Stage 1	Excluded
Transport works associated with the delivery of Century Circuit and Norwest Boulevard	Stage 1	Excluded
Open space works associated with the delivery of the 5,700m ² Lakeshore Park	Stage 2	Excluded
Embellishment of the publicly accessible Lakeshore Park (which would remain under private ownership and maintenance)	Stage 2	\$1,500,000
Construction of a 3,000m ² community facility (cold shell)	Stage 3	\$25,500,000
Dedication of 3,000m ² of community floor space to Council	Stage 3	\$4,500,000
Monetary contribution towards offsite active open space/playing fields	Stage 3	\$2,500,000*
Monetary contribution towards 'first and last mile' travel initiative	Stage 3	\$1,000,000*
Total VPA Offer		\$35,000,000

Table 4
VPA items

* Note: Values to be indexed to account for inflation in accordance with quarterly CPI updates.

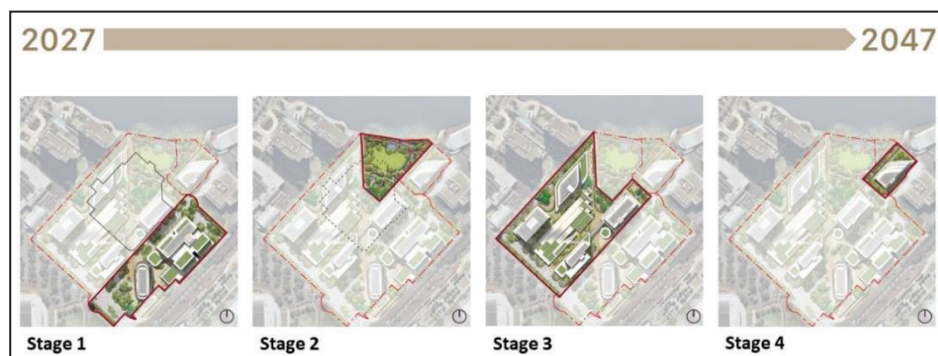


Figure 18

Proposed staging of development

▪ **Stage 1**

The infrastructure offer includes the construction of 1,770m² of public domain works (The Hills Square) and transport infrastructure upgrades to Century Circuit and Norwest Boulevard in association with Stage 1 of the development.

	<p>The Proponent has excluded these items from the total value of the VPA offer, considering these works are necessary to facilitate the proposed development.</p> <p>Whilst not represented in the overall value of the VPA offer, including these works within the VPA offer provides Council with certainty that these works will be delivered in association with the future development.</p> <p>Stage 1 of the development includes commercial and retail development only so it is reasonable that the infrastructure items that these uses generate demand for are provided in association with this stage.</p> <p>▪ <u>Stage 2</u></p> <p>The infrastructure offer includes the construction and embellishment of a 5,700m² publicly accessible lakeshore park which includes an outdoor fitness gym, BBQ facilities, water park, integrated play area and public art. The park is not intended to be dedicated to Council and as such Council would not be subject to the ongoing maintenance costs associated with park ownership. The park would service future residents, employees and visitors to the site.</p> <p>The open space works associated with the park are excluded from the value of the VPA by the Proponent, however the embellishment of the park and improvements to the water quality in Norwest Lake is valued at \$1.5 million.</p> <p>The improvements to water quality would enable the proposed water recreation activities on Norwest Lake and will predominantly benefit the development, rather than the general public.</p> <p>▪ <u>Stage 3</u></p> <p>The Letter of Offer includes the construction and dedication of a 3,000m² of community floor space, as well as a monetary contributions toward active open space (\$2.5 million) and a ‘first and last mile’ travel initiative (\$1 million) in association with Stage 3 of the development.</p> <p>The draft Norwest Precinct Plan identifies that the increased residential population within the Norwest Strategic Centre would generate demand for a new community facility and notes that the Norwest Marketown site is a potential opportunity for new community centre floor space. Accordingly, the Proponent’s offer responds to this strategic intention and direction of Council.</p> <p>The types of community facilities required to meet the needs of the community are changing, with increased demand for work and study spaces, hired community floorspace and indoor recreation facilities. The community centre included in the proposal is proposed to be delivered in conjunction with the residential component of the development, which is the final stage of the development and not intended to be delivered until approximately 2040 in accordance with the Proponent’s staging plan. As such, the specific type and nature of community centre required to service the community post-2040 is</p>
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somewhat difficult for Council to determine at this exact point in time. As such, as part of the drafting and legal review of the VPA it would be necessary to ensure that Council has full discretion to determine the final type and mix of community uses that this space is utilised for in the future as well as the timing for the completion of any fit-out and operation of the space.

However, it is nonetheless expected that physical community floor space (in some form) will remain an important element of Council's service provision for the community and the opportunity to secure 3,000m² of community floor space on this centrally located site within the core of the strategic centre, accessible via the Metro and near Norwest lake represents a significant public benefit that directly addresses a future shortfall identified in Council's policies.

Council is currently unable to fund the capital costs for community facilities via Contribution Plans. Under the VPA, the Proponent would construct the facility to a "cold-shell" standard and as such, Council would potentially be required to complete the final fit-out process in the future.

As the facility will not be dedicated until approximately 2040, there is ample time for Council to identify alternate funding mechanisms, which could include grant funding or contributions collected through VPAs from other development in Norwest which will also create demand for this facility.

The VPA offer includes monetary contributions towards active open space of \$2.5 million. This would equate to around \$3,000 per residential dwelling towards active open space. This contribution is marginally less than other active space contributions in similar VPAs and Contribution Plans. However, the value of this contribution needs to be considered in the context of the overall contribution offer. Specifically, the VPA proposed to contribution from this particular Developer towards community facilities infrastructure which is far greater than the demand that is generated by the proposed development towards community facilities in isolation.

Given the unique offering of community facilities infrastructure from this developer on this centrally located site, it is reasonable to acknowledge a shortfall in the value of the contribution towards active open space, in recognition of the disproportionately high contribution towards community facilities and unique opportunity to secure significant community floor space in this central location. In this context, it is considered that the lesser contribution towards active open space is fair and reasonable, and future developers on other sites within the Norwest Precinct will likely be in a position to contribute more towards active open space infrastructure in lieu of the full value of contributions towards community facilities infrastructure. Given this, as part of the drafting and legal review of the VPA it would be necessary to ensure that Council has full discretion to determine the particular active recreation outcomes that these funds are applied towards, having regard to broader active recreation priorities and

	<p>solutions to service cumulative growth within the locality and along the Metro corridor. This also acknowledges that this contribution will likely be pooled with other funds collected throughout the precinct, rather than spent in isolation.</p> <p>The VPA offer also includes monetary contributions of \$1 million towards a ‘first and last mile’ travel initiative. This is currently not well defined within the Proponent’s letter of offer and as such, as part of the drafting and legal review of the VPA it would be necessary to ensure that there is adequate flexibility for Council to expend these funds in an appropriate manner and on outcomes that do not create any longer term ongoing liability for Council beyond the initial \$1 million value.</p> <p>The VPA offer is considered to be a fair and reasonable contribution that is proportionate in value to the level of demand for new local infrastructure likely to be generated by the proposed development. The VPA offer would secure a significant public benefit that is relatively unique to this site given the opportunity to obtain 3,000m² of community floor space in this specific location.</p> <p>It is recommended that a draft VPA consistent with the terms of the offer be prepared and subject to legal review at the cost of the Proponent, updated in accordance with the recommendations of the legal review and subsequently placed on public exhibition concurrent with the planning proposal and draft Development Control Plan.</p>
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CONCLUSION

The planning proposal is generally consistent with the principles and priorities articulated in the relevant strategic planning framework, most notably Council’s draft Norwest Precinct Plan. The proposal would deliver the strategically envisaged employment opportunities as well as increased housing supply over the longer term in a central location with access to employment opportunities, retail services, frequent bus services and the Northwest Metro Line.

The planning proposal will deliver a genuine mixed-use and master planned development on this large, consolidated and significant site at the heart of Norwest Precinct, aligned with the outcomes that have consistently been earmarked for this land within multiple iterations of local planning policies and the land use planning framework.

The balanced land use split between employment and residential land uses is consistent with the outcomes envisaged in the draft Precinct Plan for Norwest Strategic Centre. The site will play an important role and function in the context of the Norwest Strategic Centre and is strategically located to provide an appropriate land use transition between the surrounding employment areas and the emerging high density residential area to the north of the site and Norwest Lake.

The revised development concept submitted by the Proponent in May 2024 in response to the Local Planning Panel’s Advice has generally resolved the site-specific issues that were identified, with the exception of tower setbacks, provision of communal open space and solar access. Given the site is a large and relatively unconstrained site in single ownership, it is considered that there is sufficient flexibility and opportunity to overcome the remaining identified issues through further detailed design within the built form and FSR parameters being sought for the site. The further information submitted by the Proponent in May 2024 also flagged further

work that is most appropriately undertaken at the next stage of the planning proposal process in consultation with relevant public authorities. It is the view of Council officers that the planning proposal demonstrates adequate strategic and site-specific merit to warrant progression to Gateway Determination.

The draft site-specific DCP that has been prepared to accompany the planning proposal will ensure that future development is reflective of desired built form outcomes. The draft DCP includes controls in relation to the desired future character, development principles, public domain and open space, built form, active frontages, common open space, solar access and overshadowing, vehicle access and connectivity, landscaping, design excellence, sustainability and wind.

The contributions that would be secured through the VPA are considered to be fair, reasonable and proportionate to the level of increased demand for local infrastructure that would result from the planning proposal. The VPA would secure clear public benefits for the broader Norwest Strategic Centre and provides Council with the opportunity to address the projected shortage of community facility floor space in a key strategic location that would service the needs of the future population post-2040.

ATTACHMENTS

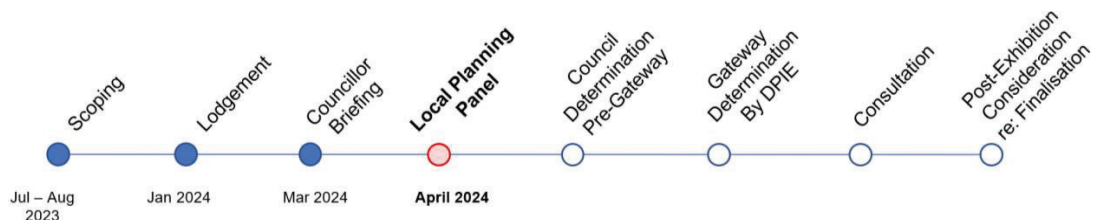
1. Council Officer Assessment Report – Local Planning Panel – 17 April 2024 (35 pages)
2. Local Planning Panel Minutes – 17 April 2024 (2 pages)
3. Council Officer Pre-lodgement Feedback Letter – 5 August 2022 (5 pages)
4. Council Officer Scoping and Pre-lodgement Feedback Letter – 6 December 2022 (7 pages)
5. Draft The Hills Development Control Plan 2012 Part D Section X – Norwest Marketown, 4-6 Century Circuit, Norwest (18 pages)
6. Draft Voluntary Planning Agreement Letter of Offer – 3 April 2024 (10 pages)
7. History of Planning Proposal (2 Pages)

ATTACHMENT 1

ITEM	LOCAL PLANNING PANEL – PLANNING PROPOSAL – NORWEST MARKETOWN – 4-6 CENTURY CIRCUIT, NORWEST (4/2024/PLP)
THEME:	Shaping Growth
MEETING DATE:	17 APRIL 2024
	LOCAL PLANNING PANEL
GROUP:	SHIRE STRATEGY
	SENIOR TOWN PLANNER
AUTHOR:	EMMA LANGAN
RESPONSIBLE OFFICER:	MANAGER – FORWARD PLANNING NICHOLAS CARLTON

PURPOSE

This report presents the planning proposal for land at 4-6 Century Circuit, Norwest ('Norwest Marketown') (4/2024/PLP) to the Local Planning Panel (LPP) for advice in accordance with Section 2.19 of the Environmental Planning and Assessment Act 1979. The planning proposal seeks to facilitate a high-density mixed-use development comprising 117,330m² of retail and commercial floor space and up to 854 residential dwellings within a built form of up to 36 storeys, as well as a 6,000m² publicly accessible park adjoining Norwest Lake.

**RECOMMENDATION**

1. The planning proposal has adequate strategic merit and the capability to demonstrate adequate site-specific merit to warrant progression to Gateway Determination, subject to the following matters being resolved to Council's satisfaction:
 - a) Amendments to the proposed built form concepts to demonstrate achievement of the following urban design and amenity outcomes:
 - (i) Improved landscaping and public domain treatments along the site's interface with Norwest Boulevard, which may potentially require increased setback distance;
 - (ii) Maximum residential tower floor plate of 750m² (rather than 1,050m²);
 - (iii) Maximum podium length of 65 metres (rather than 84 metres);
 - (iv) Maximum tower length of 50 metres (rather than 63 metres);
 - (v) Minimum tower setbacks above podium of 5 metres (rather than 1.5 metres);
 - (vi) Minimum building separation of 24 metres above 8 storeys (rather than 20 metres);

- (vii) Adequate private communal open space to service residential development, separate to the proposed publicly accessible open space;
- (viii) Adequate solar access to Norwest Station Site, communal open space and public domain areas at the ground plane;
- b) Submission of a revised Flooding Assessment Study, which more accurately considers the stormwater catchment area (including taller building forms) as well as further information regarding proposed measures to improve the water quality of Norwest Lake.
- c) Submission of a revised Traffic Study that utilises an appropriate traffic generation model and assess the cumulative traffic impacts of surrounding planned developments.
- d) Revision of the draft site-specific Development Control Plan to include additional controls in relation to built form, landscaping, solar access and traffic, as well as the matters identified in Item 1 a) of this recommendation.
- e) Revision of the Voluntary Planning Agreement offer to provide further clarity and sufficiently address infrastructure demand arising from the planning proposal.

Proponent	Ethos Urban on behalf of Mulpha
Owner	Mulpha
Planning Consultant	Ethos Urban
Urban Design and Architecture Consultant	Fjcstudio
Economic and Social Impact Consultant	WSP
Social Strategy Consultant	Cred Consulting
Visual Impact Consultant	AE Design Studio
Transport Consultant	Gennaoui Consulting
Landscape Consultant	Realm Studios
Utilities Consultant	J.Wyndham Prince
Geotechnical Consultant	Geotechnique
Stormwater Consultant	EGIS
Heritage Consultant	Advisian
Wind Consultant	Windtech
Infrastructure Consultant	GLN
Sustainability Consultant	Finding Infinity
Survey Consultant	Land Partners
Quantity Surveyor Consultant	Rider Levett Bucknall
Site Area	4.65 hectares
List of Relevant Strategic Planning Documents	Greater Sydney Region Plan Central City District Plan Section 9.1 Ministerial Directions North West Rail Link Corridor Strategy The Hills Corridor Strategy

	Local Strategic Planning Statement and Supporting Strategies Draft Norwest Precinct Plan
Political Donation	None Disclosed

1. STRATEGIC CONTEXT

A comparison between the outcomes envisaged under the Local Strategic Planning Statement (LSPS), Corridor Strategies, draft Norwest Precinct Plan and the planning proposal is shown in Table 1 below.

	LSPS	NWRL Corridor Strategy	Hills Corridor Strategy	Draft Norwest Precinct Plan¹	Proposed
Land Use	Mixed Use	Local Centre	Mixed Use	Mixed Use	MU1 Mixed Use SP2 Infrastructure (Drainage) (retained)
Height	N/A ²	N/A ²	22 storeys	8 – 35 storeys	5 – 36 storeys
FSR	N/A ²	2:1 - 4:1 ³	4.7:1 53% employment / 47% residential	2.5:1 – 4.5:1 Min. 50% employment floor space	5:1 (5.2:1 excluding SP2 Land) 51% employment / 44% residential / 5% community
Employment GFA (Jobs)⁴	N/A ²	46,400 - 92,800m ² (1,860 - 3,710 jobs)	116,000m ² (4,640 jobs)	100,700m ² (4,030 jobs)	117,330m ² (4,690 jobs ⁵)
Residential GFA (Dwelling Yield⁶)	N/A ²	46,400 – 92,800m ² (460 – 930 dwellings)	102,600m ² (1026 dwellings)	Up to 100,700m ² (1,010 dwellings)	102,523m ² (854 dwellings ⁷)

Notes:

¹ Draft Plan considered by Council on 8 November 2022 and publicly exhibited during May 2023 - July 2023.

² The LSPS and NWRL Corridor Strategy do not articulate a specific yield or built form outcomes.

³ The NWRL Corridor Strategy does not stipulate a specified mix of residential, retail and commercial land uses. For comparison, a 50/50 split of residential and non-residential land uses is assumed.

⁴ Employment ratios are based on a rate of 1 job per 25m² of commercial GFA per the NWRL Corridor Strategy and Draft Norwest Precinct Plan Assumptions to allow for comparison.

⁵ The Proponent's material assumes a commercial job rate of 1 job per 16m² and retail/hotel job rate of 1 job per 30m² (6,190 jobs).

⁶ For comparison purposes, the dwelling yield assumptions are based on an average of 100m² of gross floor area per dwelling. This is the average gross floor area per dwelling for development that complies with Council's dwelling size and mix requirements.

⁷ While the application seeks to enable an amount of residential gross floor area generally aligned with the Hills Corridor Strategy and draft Norwest Precinct Plan, the number of dwellings achieved is less than articulated in these strategies as the Proponent has assumed an average of 120m² of gross floor area per dwelling, reflecting their intention to provide apartment sizes which are in excess of the minimum required under Council's housing mix and diversity provision.

Table 1

Comparison between subject planning proposal and outcomes envisaged under the strategic planning framework

2. HISTORY

- 27/06/2017** Council considered a previous planning proposal (7/2017/PLP) for 4 Century Circuit (Marketown) and resolved that the proposal be held in abeyance, pending the submission of additional information from the Proponent including a cumulative traffic and parking study for the Norwest locality, a 3D model of the proposed development, detailed shadow diagrams, view analysis (particularly with respect to heritage views to and from Bella Vista Farm), additional details regarding ownership and access arrangements around the Norwest Lake and a draft VPA to address increased demand for local infrastructure. Following this, the Proponent lodged a Rezoning Review application on the basis of a “deemed refusal”.
- 21/09/2017** The Sydney West Central Planning Panel considered a rezoning review application and determined that the previous planning proposal (7/2017/PLP) should *not* be submitted for Gateway Determination, as it had not demonstrated strategic merit.
- While the Panel acknowledged the proposal has some strategic merit, there were concerns with respect to the height and scale of the development, its impact on local and state infrastructure and the absence of necessary information and justification to enable an appropriately informed decision to be made.
- 07/07/2022** Pre-lodgement meeting held with Council officers with respect to a new planning proposal application. The preliminary development concept included 900 dwellings and 110,000m² of commercial floor space.
- 05/03/2022** Council Officer pre-lodgement feedback letter provided to Proponent (Attachment 1). This letter included process and submission requirements for the formal Scoping and Pre-lodgement process. Concerns were also raised regarding the certainty of delivery of the commercial outcomes envisaged under the strategic framework.
- 08/11/2022** Council considered the draft Norwest Precinct Plan and resolved to publicly exhibit the draft Precinct Plan for comment.
- 28/11/2022** Formal Scoping and pre-lodgement meeting held with Council officers. The subject site area was expanded to include the Carlile Swimming Centre site.
- 06/12/2022** Council Officer Scoping and pre-lodgement feedback letter provided to Proponent (Attachment 2). This letter indicated that the proposal has the potential to demonstrate strategic merit. The letter also provided advice on submission requirements and further issues to resolve, such as infrastructure delivery and certainty of development outcomes within the proposed planning mechanisms.
- 02/05/2023 – 31/07/2023** Draft Norwest Precinct Plan publicly exhibited for comment.
- 22/01/2024** Planning proposal lodged with Council.
- 05/03/2024** Proponent presented the planning proposal at a Councillor Briefing session.

3. THE SITE

The site is known as 4-6 Century Circuit, Norwest (Lot 2 DP 1213272 and Lot 5080 DP 1008602). It comprises two land parcels with a combined area of approximately 4.65 hectares and currently contains the Norwest Markettown shopping centre and Carlile Swimming Centre. The subject site and the surrounding context are depicted in Figure 1.

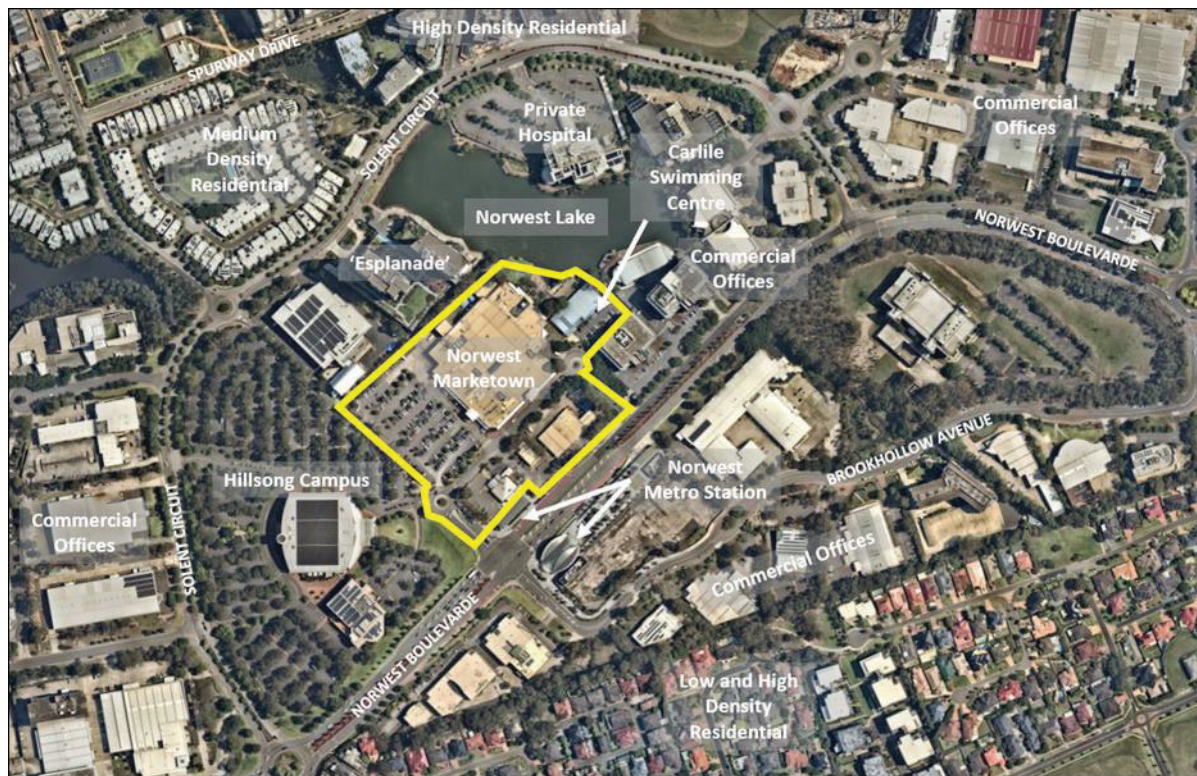


Figure 1
Aerial view of subject site (yellow) and surrounds

The site is surrounded by Norwest Lake to the north, the Esplanade mixed use development to the north west, Hillsong Campus to the south west and commercial office buildings to the east. To the south, the site directly adjoins the entrance to the Norwest Metro Station (with an underground pedestrian link beneath Norwest Boulevard). The site has a frontage of approximately 185m to Norwest Boulevard.

The existing Norwest Markettown development contains a ground floor retail shopping centre comprising a 4,000m² Coles supermarket, 1,500m² of smaller specialty retail shops and food and drinks premises, and approximately 1,400m² of non-retail land uses, basement car parking and childcare services. Additionally, there are several standalone businesses located on the southern portion of the site such as Shell Service Station and food and beverage premises. The Carlile Swimming Centre comprises an indoor swimming pool and associated facilities, as well as at grade car parking for the swimming centre. The subject site currently facilitates approximately 500 jobs.

4. DESCRIPTION OF PLANNING PROPOSAL

The planning proposal seeks to facilitate a high-density mixed-use development comprising 117,330m² of retail and commercial floor space and up to 854 residential dwellings within a built form of up to 36 storeys, as well as a 6,000m² publicly accessible park adjoining Norwest Lake. The development concept includes a hotel, childcare centre, recreation centre, community centre, library, exhibition space and public plazas. The land use mix included in the development concept is provided in the table below.

Land Use		Gross Floor Area	Proportion of Land Use
Employment	Commercial Office	80,591m ²	35%
	Retail	28,153m ²	12%
	Hotel Accommodation	8,584m ²	4%
Residential		102,523m ²	44%
Community	Indoor Recreation, Civic and Education	12,523m ²	5%
Total		232,374m ²	100%

Table 2
Land Use Mix

The development concept includes basement car parking as well as a Lower Ground level that provides direct access between Norwest Lake and Norwest Metro Station via an underground pedestrian tunnel, with a variety retail and food and beverage opportunities.

Access to the development is proposed from the existing access locations along Norwest Boulevard, through Century Circuit. The planning proposal includes upgrades to the intersection of Century Circuit with Norwest Boulevard and retains the opportunity to facilitate a future northern road connection through to Fairway Drive, subject to future development outcomes by the adjoining landowner (Hillsong Campus), as currently set out in Council's draft Norwest Strategic Centre Precinct Plan.

A comparison between the existing and proposed controls under The Hills Local Environmental Plan 2019 (LEP 2019) is provided in the table below.

Planning Control	Existing	Proposed
Land Zone	E1 Local Centre SP2 Drainage	MU1 Mixed Use SP2 Drainage (retained)
Height of Building	RL 116 (approx. 9 storeys)	RL 216m (36 storeys)
Floor Space Ratio	1.49:1	5:1 (Incentivised)
Additional Permitted Uses	On SP2 land: none On E1 land: Residential Flat Buildings	On SP2 land: recreation area, retail premises, recreation facility (outdoor), water recreation structure, waterbody (artificial) and wharf or boating facilities. On MU1 Mixed Use land: none (as residential flat buildings are permitted on MU1 land, the current additional permitted use would be removed).

Table 3
Existing and proposed development controls under LEP 2019

The maximum FSR would be expressed as an incentivised FSR, whereby the maximum floor space would only be achievable subject to compliance with a new site-specific local clause, which sets out the following minimum employment floor space, maximum dwelling floor space and cap, housing mix and car parking provisions:

- Minimum employment FSR of 2.5:1 (50% of total floor space proposed).
- Maximum residential flat buildings and shop top housing FSR of 2.21:1 (44% of total floor space proposed).
- Maximum dwelling cap of 854 dwellings, compliant with the following:
 - No more than 25% of dwellings are to be 1-bedroom dwellings.
 - At least 20% of dwellings are to be 3 or more-bedroom dwellings.

- At least 40% of all 2-bedroom dwellings will have a minimum floor area of 110sqm.
- At least 40% of all 3-bedroom dwellings will have a minimum floor area of 135sqm.
- Car parking spaces compliant with the following:
 - Minimum 1 car space per dwelling.
 - Minimum 1 additional car space per twelve dwellings.
 - Maximum 1 space per 37m² of retail gross floor area.
 - Maximum 1 space per 100m² of commercial gross floor area.

The proposed housing diversity divisions are consistent with Council's preferred housing size and mix under Clause 7.11 of LEP 2019.

The proposal indicates the intention to provide approximately 2,600 car parking spaces, based on the above parking rates.

The proposed LEP map amendments are shown in Figures 2-6 below.

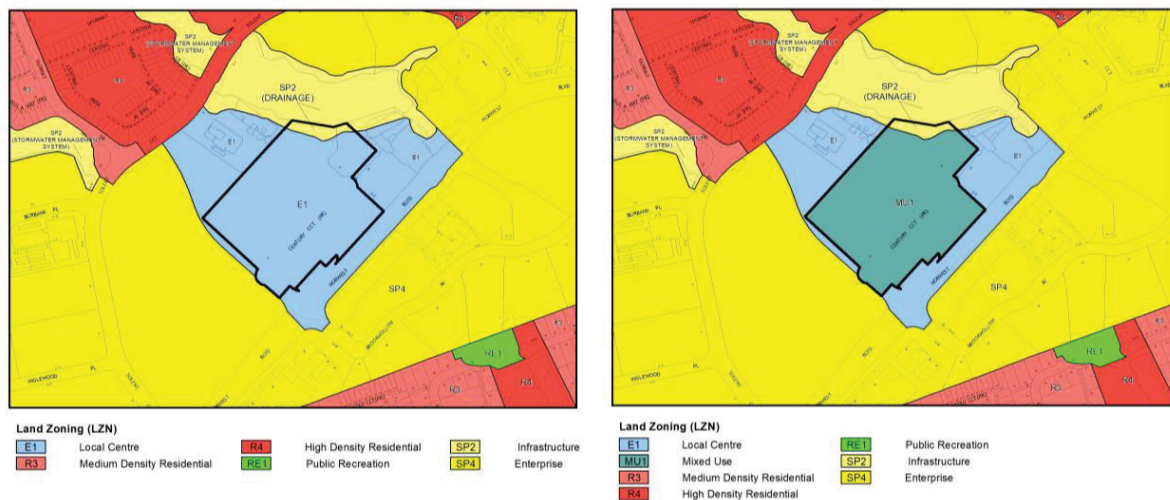
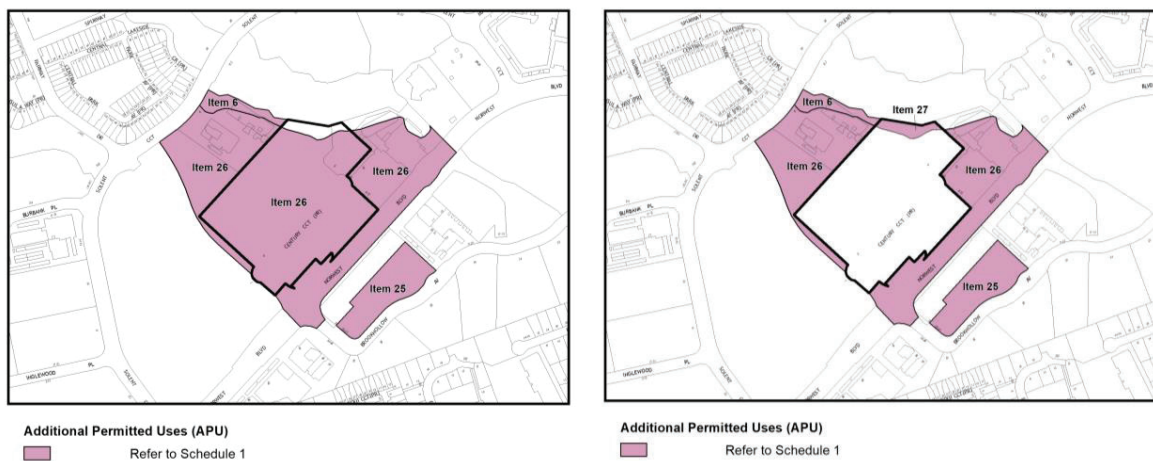


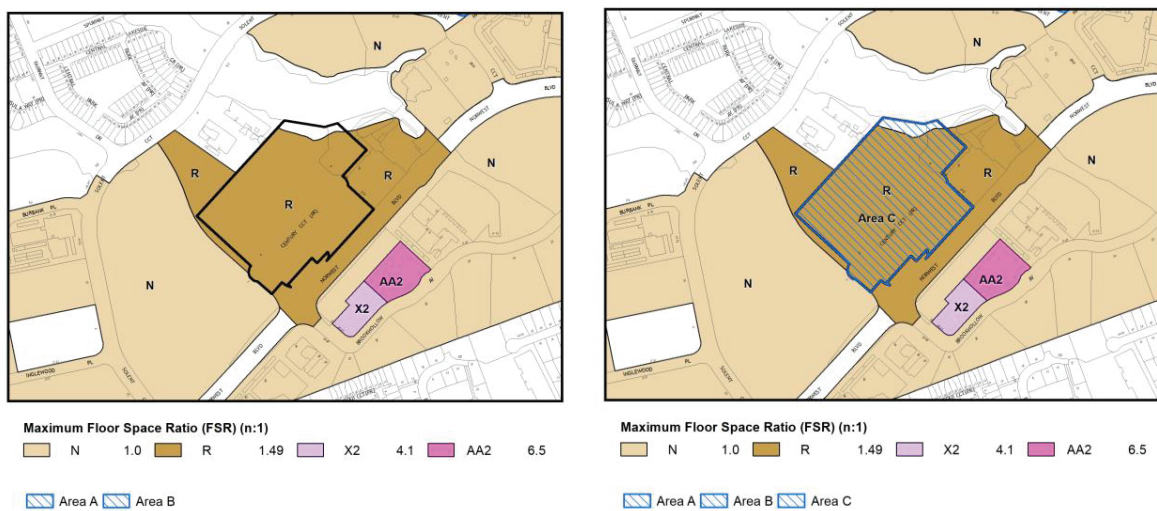
Figure 2
Existing (left) and proposed (right) land use zone maps



Figure 3
Existing (left) and proposed (right) maximum height of building maps

**Figure 4**

Existing (left) and proposed (right) additional permitted use maps

**Figure 5**

Existing (left) and proposed (right) maximum floor space ratio maps

**Figure 6**

Existing (left) and proposed (right) maximum floor space ratio incentive maps

Extracts of the proposed development concept submitted by the Proponent in support of the planning proposal are provided in the following figures.



Figure 7

Aerial perspective looking north, depicting relationship to Hillsong Campus (lower left) and Norwest Station (mid right)

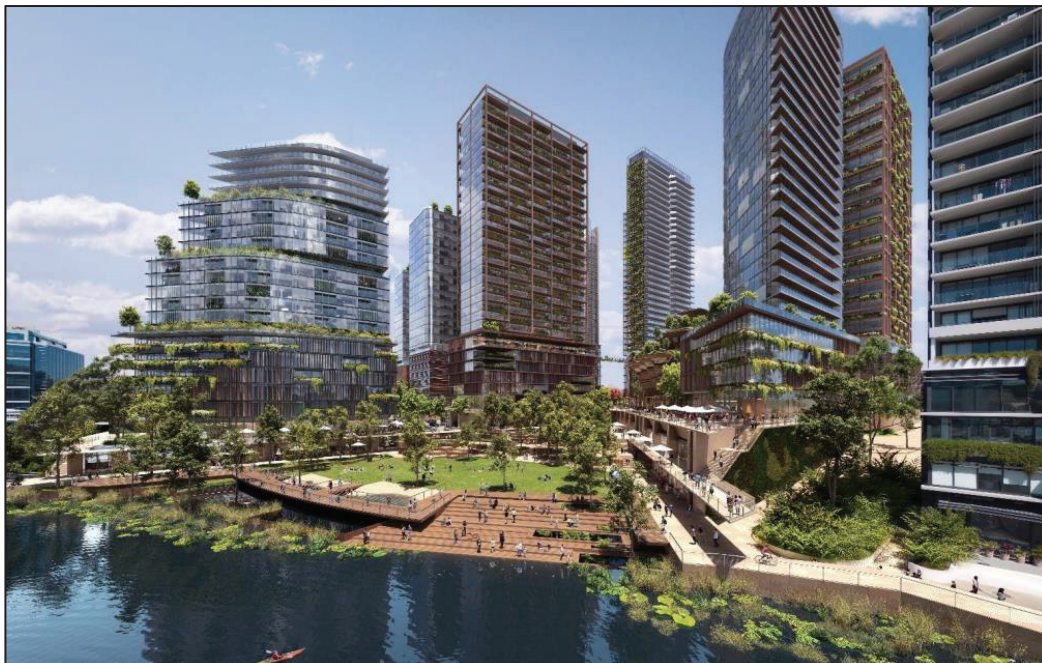


Figure 8

Development concept as viewed from Norwest Lake



Figure 9
Development concept depicting open space areas and plazas

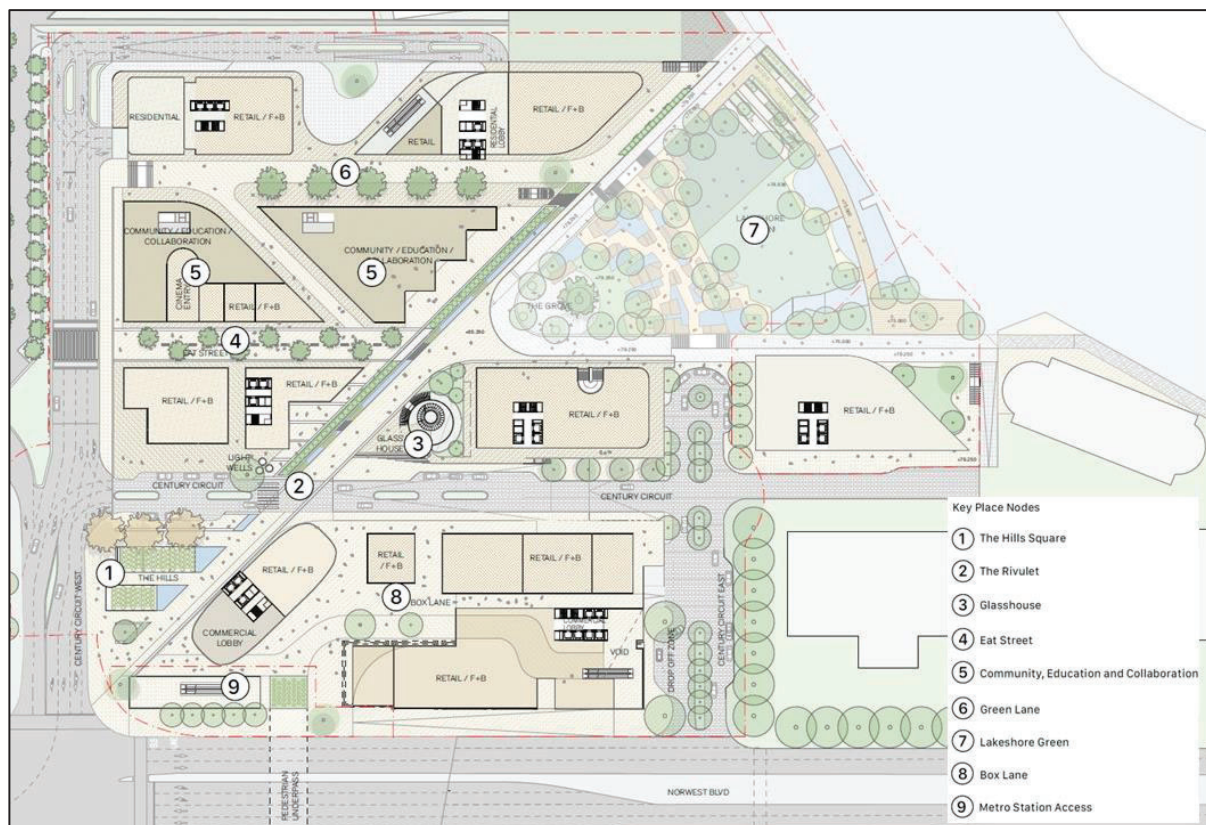


Figure 10
Ground Floor Plan depicting open space areas and plazas

The planning proposal is accompanied by a draft site-specific Development Control Plan (DCP) to guide built form outcomes on the subject site. The draft DCP includes sections relating to urban context, desired future character, development principles, general controls, public domain and open space, built form, active frontages, solar access and overshadowing, vehicle access and connectivity, landscaping, design excellence, sustainability and wind.

The planning proposal is also accompanied by a letter of offer to enter into a Voluntary Planning Agreement (VPA) to address the infrastructure demand generated by the proposal. The letter of offer includes preliminary details of infrastructure and public benefits the developer intends to deliver in association with the development. The letter of offer includes the following:

- Construction of a 3,000m² community facility and dedication of the associated floor space;
- Open space and public domain works including a water park, foreshore recreation works and public plaza space;
- Monetary contributions towards offsite active open space/sports fields; and
- A 'first and last mile' travel initiative.

The Proponent has valued the works, land and monetary contributions at \$35,000,000 in total. Infrastructure and contributions mechanisms are discussed further in Section 6 (h) of this report.

5. STRATEGIC MERIT CONSIDERATIONS

The planning proposal has been assessed having regard to the following strategic merit considerations:

- a) Greater Sydney Region Plan and Central City District Plan;
- b) North West Rail Link Corridor Strategy;
- c) The Hills Corridor Strategy;
- d) The Hills Future 2036 – Local Strategic Planning Statement and Supporting Strategies;
- e) Section 9.1 Ministerial Directions; and
- f) Draft Norwest Precinct Plan.

A discussion on the proposal's consistency with these strategic policies is provided below.

a) Greater Sydney Region Plan and Central City District Plan

Objective 22 of the Greater Sydney Region Plan and Planning Priority C10 of the Central City District Plan seek to grow investment, business opportunities and jobs in strategic centres. Objective 14 of the Region Plan and Planning Priority C9 of the 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.

Whilst Norwest is already an established commercial centre, the Sydney Metro Northwest is flagged as a key catalyst for growth that will enable the centre to transform into a thriving strategic centre offering diverse employment opportunities. The District Plan establishes a job target for Norwest Strategic Centre to contain at least 49,000 - 53,000 jobs by 2036. Based on Travel Zone data for 2016, achievement of this target would require an additional 16,600 – 20,600 jobs within Norwest.

Ensuring that Strategic Centres within an area have sufficient ability to accommodate new facilities, services and employment opportunities to keep pace with rapid residential growth is fundamental to achieving the 30-minute city vision. The planning proposal would increase employment opportunities in a central location in close proximity to Norwest Metro Station. The planning proposal seeks to provide 117,330m² of retail and commercial floor space and approximately 4,690 jobs. The subject site directly adjoins access to Norwest Metro Station and will include an underground pedestrian tunnel between the Station and the proposed development. The proposal seeks to integrate land use development with transport planning and a 30 minute city.

Objectives 10 and 11 of the Region Plan and Planning Priority C5 of the District Plan seek to encourage provision of greater housing supply that is diverse and affordable with access to jobs, services and public transport. The planning proposal would also deliver increased housing

supply, in a location with access to employment opportunities, frequent bus services and the Northwest Metro line.

The planning proposal includes the delivery of approximately 854 dwellings comprising high density residential apartments, which will benefit from access to the employment opportunities and retail services included within the planning proposal. The District Plan states that the inclusion of residential uses in strategic centres should not constrain commercial and retail activities.

The subject site has consistently been identified for mixed use development outcomes surrounding Norwest Lake, at the heart of the surrounding specialised office precinct in Norwest Strategic Centre. The site is centrally positioned within the suburb of Norwest, surrounding Norwest Lake and directly adjoining the Norwest Metro Station entrance, which allows the site to support the surrounding commercial core more broadly within the Strategic Centre through a combination of retail, commercial and residential land uses. The site has an important role and function in the context of the Norwest Strategic Centre and is strategically located to provide an appropriate land use transition between the surrounding employment areas and the emerging high density residential area to the north of the site and Norwest Lake.

With at least 50% employment floor space proposed on the site, the planning proposal demonstrates an effective balance between commercial and residential land uses whilst continuing to serve its critical function as a centre for residents and workers in the area. While other landholdings within Norwest are identified for employment outcomes only, the Norwest Marketown site has a unique designation and characteristics, which have led to its dual function as a local centre with retail and entertainment opportunities, supporting residential development and increased employment opportunities. These outcomes are appropriate (and have long been identified) for this specific site given its unique designation, function and location. It would not be appropriate for other sites within the adjoining designated employment area to provide similar retail offerings or residential outcomes.

The proposal is generally consistent with the Region and District Plan as the planning proposal seeks to deliver the strategically envisaged employment outcomes as well as deliver increased housing supply in a central location with good access to public transport.

b) North West Rail Link Corridor Strategy

The North West Rail Link Corridor Strategy seeks to promote transit-oriented development and manage growth along the Sydney Metro Northwest Corridor. The Corridor Strategy identifies the site as existing local centre, with the opportunity to integrate expanded retailing, community uses and cultural facilities.

The Corridor Strategy envisages approximately 92,800m² – 185,600m² of residential, commercial and retail GFA on the subject site. This is a result of the envisaged FSR ranging from between 2:1 – 4:1 for local centre land along the Metro Corridor, with the higher end of the density range being in closest proximity to the station and the lower end of the density range being on peripheral sites. The Strategy does not stipulate a building height outcome for this land or any specific mix of residential, retail and commercial land uses.

The planning proposal is consistent with the Corridor Strategy as it generally seeks to deliver the employment and residential outcomes identified under The Strategy.

c) The Hills Corridor Strategy

The Hills Corridor Strategy seeks to guide future development along the Sydney Metro Norwest Corridor. It was adopted in 2015 and is Council's response to the State Government's North West Rail Link Corridor Strategy.

The Hills Corridor Strategy envisages a mixed-use outcome and anticipates a minimum employment FSR of 2.5:1 and maximum residential density of 240 dwellings per hectare (approximately 2.4:1, being around 1,026 dwellings). The Corridor Strategy does not identify any residential uplift on the Carlile Swimming portion of the site. The Strategy anticipates higher density commercial and mixed-use development at a maximum of 22 storeys located closer to the station.

The planning proposal generally aligns with the land use mix and yield outcomes articulated within The Hills Corridor Strategy. It seeks to facilitate the minimum 2.5:1 employment FSR outcome on the site and does not exceed the extent of residential yield identified for this land.

The proposed height of development is beyond that anticipated in the Strategy (which identified 20-22 storeys in the immediate vicinity of the station). However, the Strategy does encourage distinctive buildings with a need for a transition of heights across the precinct to facilitate a varied and interesting skyline that also has regard to view corridors through the Precinct. The planning proposal is generally consistent with The Corridor Strategy, as it proposes a relatively similar mix of land uses, comprising commercial, retail and residential. Through site specific design, the planning proposal also demonstrates the potential benefits of achieving the density on the site with slightly taller built form outcomes, in order to prioritise improved outcomes at the ground plane and within the public domain. This is discussed further in Section 6(a) of this report.

d) The Hills Future 2036 – Local Strategic Planning Statement

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*

Council's LSPS seeks to promote the creation of local employment opportunities as the population continues to grow. The LSPS identifies that 23,900 additional jobs need to be created by 2036 in Norwest to ensure the rapid growth in residential population in the Hills Shire is matched with proportionate growth in local job opportunities.

Protecting the role and function of strategic centres and the extent of employment lands is a key objective of the LSPS as these Strategic Centres are the key areas where new employment opportunities of the necessary scale and type will occur. The proposed commercial and retail floor space included in the planning proposal would result in approximately 4,690 jobs. Compared to the existing development, the planning proposal would result in 4,193 additional job opportunities. The minimum employment FSR mechanism proposed within the application would assist in protecting the strategically identified employment land.

- *Planning Priority 2 – Build strategic centres to realise their potential*

The subject site is identified in Council's LSPS as being suitable for mixed use development (office/retail/restaurants/residential) to enhance the existing local centre and hub around the Norwest Lake and improve connectivity to Norwest Metro Station. Marketown is envisaged to be the vibrant and active heart of the strategic centre, with an enhanced network of footpaths, forecourts and boardwalks that creates an attractive environment for pedestrians and cyclists.

The desired outcomes for mixed use areas are articulated within Council's Productivity and Centres Strategy, which specifies that the appropriate provision of residential development for mixed use areas should not be at the expense of potential commercial

floor space. The planning proposal is consistent with the structure plan included in the LSPS, in that it proposes a genuine mixed-use development with a relatively balanced land use split between employment and residential land uses.

- *Planning Priority 7 – Plan for housing in the right locations*

The LSPS and supporting Housing Strategy identify that an additional 11,000 dwellings are anticipated within the Norwest Strategic Centre by 2036. The planning proposal will provide additional housing in Norwest which is consistent with this priority. Furthermore, the provision of residential development uplift on the site is not at the expense of providing employment floor space facilitating the job growth identified in Norwest Station Precinct. The planning proposal would support the delivery of housing supply, in a location with access to employment opportunities, retail services, frequent bus services and the Northwest Metro line. As detailed earlier within this report, this particular site comprises the local centre for the Norwest Central Precinct, which has consistently been identified as suitable for a mixture of land use outcomes surrounding the lake within the preceding strategic planning policies, as distinct from the remainder of the commercial and designated employment areas of Norwest.

The LSPS states that the Norwest Station Precinct will be subject to detailed precinct planning that considers the services that should support an uplift in housing and that Council will prepare a precinct plan for Norwest. The draft Norwest Precinct Plan, which constitutes this more detailed planning work, has since been prepared and is discussed later in this report.

- *Planning Priority 8 – Plan for a diversity of housing*

The LSPS identifies that diverse housing is required to support future populations. The planning proposal includes an LEP mechanism to ensure residential development is compliant with Council's preferred dwelling size and mix. The LEP mechanism ensures a variety of apartment sizes beyond the requirements of SEPP 65, matching the future demographic needs of The Hills Shire. The planning proposal is generally consistent with this planning priority.

In summary, the planning proposal is generally consistent within Council's LSPS in regard to the retention of employment land and delivery of housing supply. The planning proposal seeks to protect the strategically identified employment outcomes as well as deliver increased housing supply in a location which has long been identified as a mixed use local centre surrounding the lake with access to public transport.

e) Section 9.1 Ministerial Directions

- *Direction 1.1 Implementation of Region Plans & 1.16 North West Rail Link Corridor*

These Ministerial Directions seek to ensure that development is consistent with the applicable Region Plan and the North West Rail Link Corridor Strategy. A planning proposal must give effect to the vision, land use strategy and goals contained in the Region Plan and Corridor Strategy. As discussed earlier in this report, the planning proposal is generally consistent with the objectives, growth targets and proposed future character for the Precinct outlined within the Greater Sydney Region Plan and the North West Rail Link Corridor Strategy.

- *Direction 3.2 Heritage Conservation*

The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous significance. The site does not contain any heritage items. However, the proposed development is visible from the state heritage item Bella Vista Farm.

The Proponent has submitted a Heritage Assessment Report in support of the planning proposal.

The subject site is located approximately 1 kilometre from Bella Vista Farm. The distance from the heritage item as well as the slender built forms depicted in the development concept would reduce the potential impact of the planning proposal on view corridors from Bella Vista Farm. The potential heritage impacts of the proposal are discussed in further detail in Section 6(c) of this report.

▪ *Direction 4.1 Flooding*

This Direction ensures that planning proposals consider the potential flood impacts both on and off the subject land. The Hills Development Control Plan 2012 identifies the site as a flood control lot. The Proponent has provided a Stormwater Management Report in support of the proposal.

The Stormwater Management Report concludes that the proposed development would not have a negative impact on Norwest Lake or the surrounding properties. However, the Report has not considered the impact of the taller buildings on the stormwater catchment area. Therefore, an updated Stormwater Management Report will be required to confirm consistency with this Direction. The flooding impacts of the proposal are discussed further in Section 6(d) of this report.

▪ *Direction 4.4 Remediation of Contaminated Land*

The purpose of this Direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities. The site currently contains a Petrol Station adjoining Norwest Boulevard. The Proponent has submitted a Preliminary Contamination Assessment. The Report provides recommendations for remediating contamination and further assessment required at the development application stage that would render the site suitable for the proposed development. It is considered that the proposal is consistent with this Direction.

▪ *Direction 5.1 Integrated Land Use and Transport*

This Direction aims to improve access to housing, jobs and services by co-locating development with walking, cycling and public transport options. The redevelopment of the subject site for higher density mixed use development would be broadly consistent with this Direction as the site is well-located in close proximity to the Norwest Metro Station and seeks to promote transit-oriented residential and commercial development.

▪ *Direction 6.1 Residential Zones*

The objective of Direction 6.1 is to encourage a variety and choice of housing types to provide for existing and future housing needs. A planning proposal is expected to make efficient use of and provide appropriate access to existing infrastructure and services. The proposal is consistent with this Direction as the planning proposal seeks to provide a mix of housing typologies that will meet the needs of the family-dominated future demographic of The Hills Shire in a location with access to services and public transport.

▪ *Direction 7.1 Employment Zones*

This Direction aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified centres. The Direction specifically states that a planning proposal must '*not reduce the total potential floor area for employment uses and related public services in business zones.*' The proposal is

consistent with this Ministerial Direction. The land has historically been zoned to permit a mixture of employment, residential and retail uses, reflecting its status and role as the local centre for the Norwest Precinct. The proposal does not seek to reduce the strategically identified employment floor space potential on land.

f) Draft Norwest Precinct Plan

The draft Precinct Plan for Norwest Strategic Centre has been prepared in alignment with, and to give effect to the objectives, priorities and policy positions outlined within the existing state and local strategic planning policies, as they relate to the Norwest Strategic Centre. The draft Precinct Plan provides a vision for future development in Norwest over the next 20 years and beyond, with a focus on enabling investment in the provision of increased and diverse employment opportunities, continued housing delivery and improving infrastructure provision, connectivity, and amenity throughout the Centre.

The draft Norwest Precinct Plan was considered by the elected Council at its meeting on 8 November 2022 and was publicly exhibited between May 2023 and July 2023. Council officers are currently reviewing submissions and are in the process of preparing recommendations for the elected Council's consideration with respect to potential post-exhibition changes to the draft Norwest Precinct Plan.

The subject site is identified within Focus Area 2 (Norwest Marketown and Surrounds) in Norwest Central within the draft Precinct Plan. The site is envisaged to transform into a vibrant mixed use hub, providing a range of offices, retail, restaurants and residential opportunities. The draft plan identifies that future planning proposals should include a future vehicular and pedestrian connection between Norwest Boulevard through to Fairway Drive.

The Plan articulates the need for commercial and retail land within the subject site to remain the predominate outcome, representing no less than 50% of the total future floor space. Furthermore, the Plan anticipates taller buildings (up to 35 storeys) to be located towards Norwest Boulevard and Century Circuit to signify the entrance to the mixed use heart of the Precinct. The Indicative Layout Plan for Norwest Marketown and Surrounds is depicted in the Figure below.



Figure 11
Focus Area 2 – Norwest Marketown and Surrounds Indicative Layout Plan
(subject site outlined yellow)

The planning proposal is generally consistent with the vision articulated within the draft Norwest Precinct Plan. The Marketown site is anticipated to have an FSR of 4.0:1 - 4.5:1 and the Carlile

Swimming site an FSR of 2.5:1. The draft Norwest Precinct Plan, as exhibited, envisaged capacity for 100,700m² of employment GFA (4,030 jobs) and potential for residential uplift (970 dwellings) on the site within a built form of 8 – 35 storeys. In comparison, the planning proposal includes 117,330m² of employment GFA (4,690 jobs) and 854 dwellings in a built form of 5 – 36 storeys. Overall, this represents marginally more jobs than originally anticipated and marginally less residential dwellings, which is acceptable and consistent with the objectives for this land.

The planning proposal includes the opportunity to facilitate a future northern road connection to Fairway Drive, as set out in the draft Precinct Plan, in a staged manner and contingent on outcomes on the adjoining land parcel (Hillsong).

The Precinct Plan as exhibited, also includes built form design principles including maximum residential floor plates (750m² GFA) and maximum building lengths (65m). The built form outcomes of the planning proposal are discussed in more detail in Section 6(a) of this report.

The Norwest Precinct Plan is currently in draft form and Council officers are working through the submissions received in order to finalise the draft Plan. Any post-exhibition amendments to the draft Norwest Precinct Plan will not be finalised until considered and adopted by the elected Council.

6. SITE SPECIFIC MERIT CONSIDERATIONS

The planning proposal requires consideration of the following site-specific matters:

- a) Built Form Outcomes;
- b) Solar Access;
- c) Heritage Impact;
- d) Water Quality and Flooding;
- e) Traffic, Transport and Parking;
- f) Proposed Planning Mechanisms;
- g) Development Control Plan; and
- h) Infrastructure Demand & Voluntary Planning Agreement.

a) Built Form Outcomes

For reference, a summary and overview of the key built form and scale outcomes of each proposed building is detailed in the table below.

	Building Height	Podium Land Use	Podium Building Length	Tower Land Use	Tower Building Length	Tower Floor Plate
B1	31 Storeys	Office & Retail	50m	Office	50m	1,097m ²
B2	23 Storeys	Hotel & Retail	63m	Office	63m	2,955m ²
B3	36 Storeys	Retail	77m	Residential	44m	1,050m ²
B4	33 Storeys	Office	54m	Residential	49m	980m ²
B5	23 Storeys	Residential	62m	Residential	41m	666m ²
B6	5 Storeys	Community	62m	N/A	N/A	N/A
B7	9 Storeys	Community	84m	N/A	N/A	N/A
B8	36 Storeys	Residential & Retail	52m	Residential	45m	886m ²
B9	29 Storeys	Office	65m	Residential	42m	984m ²

Table 4
Key built form and scale outcomes (approximate)

- Building Height

The built form outcomes articulated for Norwest in the draft Precinct Plan envisage the tallest building elements being located towards Norwest Boulevard and Century Circuit to signify the entrance to the mixed use centre of the Precinct. The draft Precinct Plan identifies a maximum indicative building height of 8-35 storeys on the existing Marketown site and 8-15 storeys on the Carlile Swimming site.

The proposed outcomes for the existing Marketown site (36 storeys) and Carlile Swimming site (approximately 23 storeys) marginally exceed the built form outcomes in the draft Precinct Plan (up to 35 storeys). However, it is reasonable to further consider these built form outcomes as part of a site-specific planning proposal, especially where presented as a single large consolidated landholding that allows for greater master-planning and flexibility and where the proposal is supported by more detailed site analysis and design. In this instance, the application material has illustrated that exceeding the identified building height outcomes in the draft Precinct Plan may be appropriate in order to allow for quality, elegant and slender developments. Furthermore, an increased height on the Carlile Swimming site would appear to provide a more appropriate transition in height from Norwest Metro Station and the Marketown site to surrounding developments.

- Floor Plates

The built form design principles included in the draft Norwest Precinct Plan, as exhibited, identify that residential tower floor plates should be a maximum GFA of 750m². The planning proposal concept depicts residential floor plates ranging between approximately 666m² and 1,050m², resulting in some exceeding the typical maximum residential floor plate size expected to result in slender towers. These larger tower floor plates contribute to the overall perceived bulk and scale of the development, however, it is acknowledged that the larger residential floor plates do include articulation, which may assist somewhat in mitigating the perception of building bulk.

The draft site specific DCP includes a development control that residential floorplates are to be a maximum of 750m² GFA and a maximum of 1,000m² GBA. This draft control is reasonable to achieve tower forms for taller buildings however as noted above, the Proponent's submitted design concept would need to be amended to demonstrate compliance with this control.

- Building Length

Council's DCP typically requires a maximum podium length of 65m and tower length of 50m. Additionally, it is expected that any building greater than 30m in length is separated into at least two parts by a significant recess or distinct building elements with individual architectural expression and features. The building lengths included in the concept plan are generally consistent with this design principle, with the exception of the community podium B3 (77m), retail podium B7 (84m) and commercial tower B2 (63m). These building lengths present as long, straight, continuous forms.

The site specific DCP should include the above maximum building length requirements and the Proponent's development concepts should be updated to demonstrate the ability to achieve compliance with these controls.

- Setbacks

The development concept depicts a minimum 4m setback between the proposed hotel and Norwest Boulevard. Ideally, setbacks to Norwest Boulevard should be larger to ensure

there is sufficient space for meaningful landscaping and to mitigate any potential acoustic impacts for future visitors. However, it is noted that the hotel building has been sited on the land to maximise internal amenity with through site links and active street frontages at the internal ground plane and thoroughfare from the Metro Station entrance to the future public open space adjoining the Lake. In this regard, the reduced setbacks of the hotel to Norwest Boulevard may be appropriate, however the Proponent's material should be amended to demonstrate the type of landscaping and public domain treatments that can be achieved along this façade within a reduced setback of 4m. In particular, it should be demonstrated how a row of street trees can be planted along the site's frontage to Norwest Boulevard, which is consistent with the established and desired future character of landscaping on other sites (including the Station site) along this main thoroughfare of the Norwest Precinct. Depending on the outcomes of this further work, it may be necessary to consider marginally increasing this setback distance to Norwest Boulevard in order to facilitate appropriate public domain and landscaping outcomes.

Generally, Council's DCP requires residential towers to be setback a minimum of 5m from the podium building envelope. The development concept includes minimum tower setbacks of 1.5m. This reduced tower setback is not supported as it contributes to the overall perceived bulk and scale of the development, as there is minimal differentiation between the podium element and the tower element above.

▪ Building Separation

The Apartment Design Guide (ADG) provides controls in relation to building separation for residential developments, with up to 4 storeys separated by a minimum of 12m, 5-8 storeys separated by 18m and 9 storeys and above separated by 24m. Adequate building separation increases solar amenity and reduces privacy concerns. The below figure demonstrates the building separation for residential towers within the draft concepts.

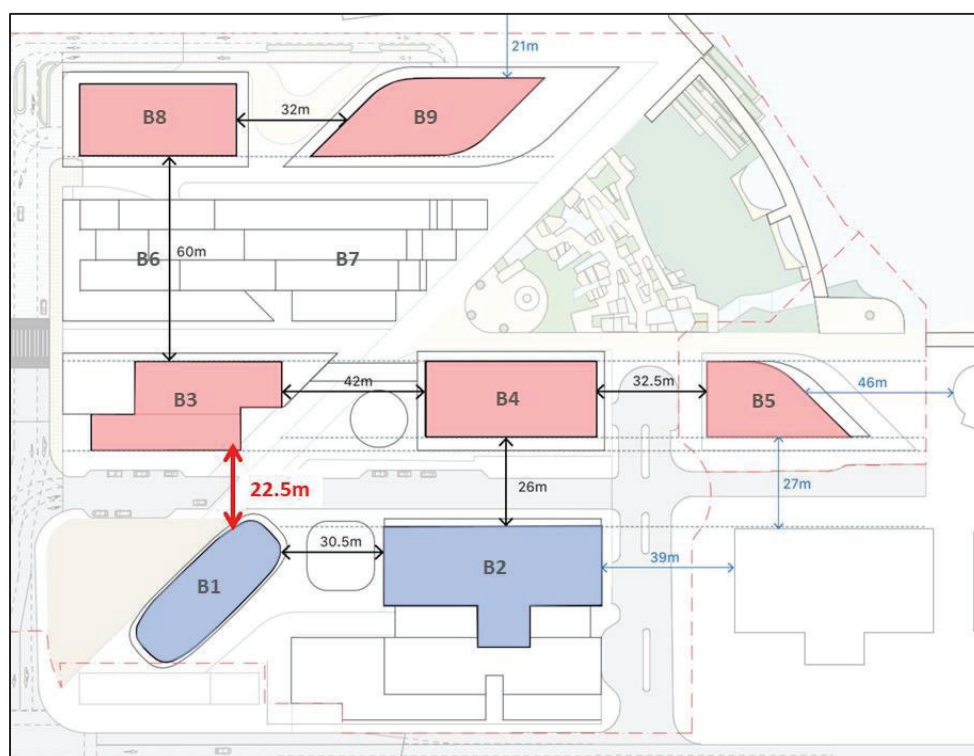


Figure 12

Building separation for residential towers (highlighted red)

The building separation for residential developments appears to comply with the ADG requirements with the exception of separation between the residential building B3 and commercial tower B1 which is a minimum ranging from 20m - 22.5m.

Should the planning proposal proceed to Gateway Determination the development concept should be amended to demonstrate the ability to achieve the minimum residential building separation of 24m for 9 storeys and above.

- Communal Open Space

The plans and reports supporting the planning proposal indicate that approximately 3,000m² of rooftop communal open space will be provided for residents. The draft DCP accompanying the proposal does not provide for specific controls for communal open space for residents. The planning proposal indicates that private communal open space areas will be detailed in future development applications.

Other high density residential developments in the Hills in centre locations are required to provide 10m² of communal open space per dwelling, with a total of 25% of this to be provided at the ground level in a singular large parcel. For the 854 dwellings proposed, similar controls would require 8,540m² of communal open space in total, with approximately 2,135m² of that being provided at the ground level.

The provision of only 3,000m² of rooftop space for the exclusive use of residents is likely to be insufficient to meet the needs of residents. If there is a reduced standard for the provision of communal open space, this would place increased pressure on public spaces. It is noted that there is a large publicly accessible park proposed as part of the planning proposal. The 'Lakeshore Green' park is approximately 6,000m² and provides an increase in public open space in the locality. However, the public benefits associated with the park would be reduced if the park is instead supplementing the lack of communal open space being provided in the development itself. The Proponent will need to address how the provision of communal open space is consistent with the standards, objectives and levels of service required by the Hills DCP and amend the draft DCP to provide clear controls regarding communal open space.

In comparison to other sites that accommodate high density residential development, this site is unique as it will accommodate such a broad range of land uses and will attract substantial public patronage due to its function as a local centre with a significant lake foreshore that will be publicly accessible. Given this, it may be appropriate in this unique instance for a greater proportion of residents' communal open space to be provided at the rooftop level, as opposed to requiring a minimum percentage to be provided at the ground level. This would recognise the site's multipurpose as a publicly accessible local centre with retail and commercial floor space and a strong focus on internal public domain, active and vibrant street frontages and publicly accessible through site connectivity between the Metro Station entrance, the retail centre, the large dedicated public open space at the lake foreshore and beyond the site to residential development in north of the Precinct. In this unique context, provision of private communal open space for residents at the ground plane could have the unintended impact of "privatising" and isolating key areas of the ground plane and undermining the vision for active and vibrant public domain outcomes, which can be enjoyed by residents and visitors to the site alike. Notwithstanding this, the overall quantum of communal open space should still be reconsidered and increased beyond the proposed area of 3,000m² to ensure that residents' open space needs are not being unreasonably supplemented by the broader public benefit of the public lakeside park.

Based on the development concept submitted by the Proponent, some aspects of the development could be improved, including floor plates, building lengths, setbacks and tower setbacks (above podiums), in order to reduce the potential visual dominance and bulk of the

proposal. It is recommended that revised concept plans be prepared that demonstrate the ability to comply with some key development controls, as follows:

- Improved landscaping and public domain treatments along the site's interface with Norwest Boulevard, which may potentially require increased setback distance;
- Maximum residential tower floor plate of 750m² (rather than 1,050m²);
- Maximum podium length of 65 metres (rather than 84 metres);
- Maximum tower length of 50 metres (rather than 63 metres);
- Minimum tower setbacks above podium of 5 metres (rather than 1.5 metres);
- Minimum building separation of 24 metres above 8 storeys (rather than 20 metres);
- Adequate private communal open space to service residential development, separate to the proposed publicly accessible open space;
- Adequate solar access to Norwest Station Site, communal open space and public domain areas at the ground plane;

It is the view of Council officers that given the site is a large and relatively unconstrained site in single ownership, these issues could be readily overcome with an appropriate built form outcome within the proposed FSR on the site.

b) Solar Access

- Norwest Station Site

The Norwest Station Site is located directly across Norwest Boulevard from the subject site. The Station site includes significant public domain features on the ground plane and utilises the available solar access to illuminate the concourse and platform located below. The overshadowing impact of the proposed development in relation to the Norwest Station Site is depicted below.

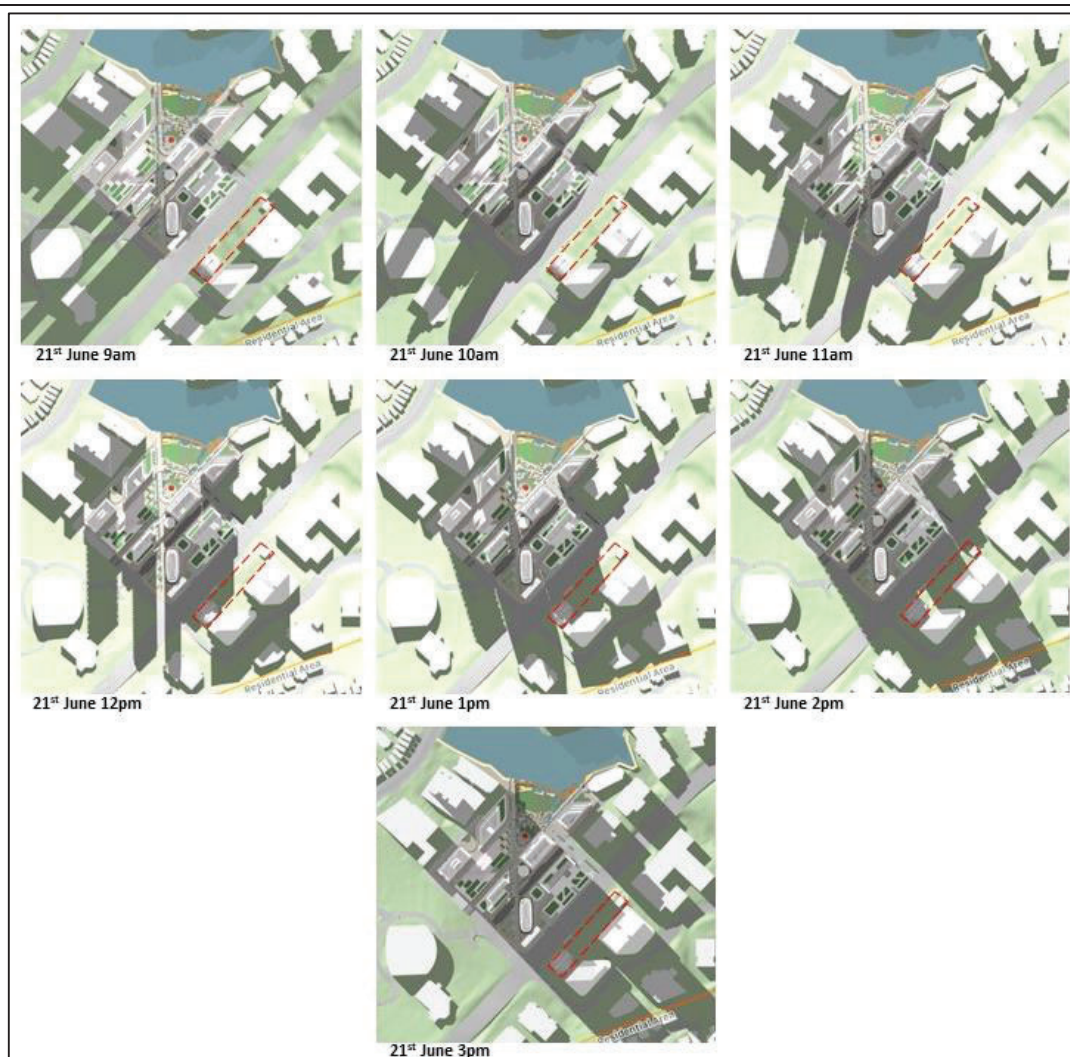


Figure 13
Overshadowing impact of proposed development between 9am and 3pm on June 21
(Station site highlighted in red)

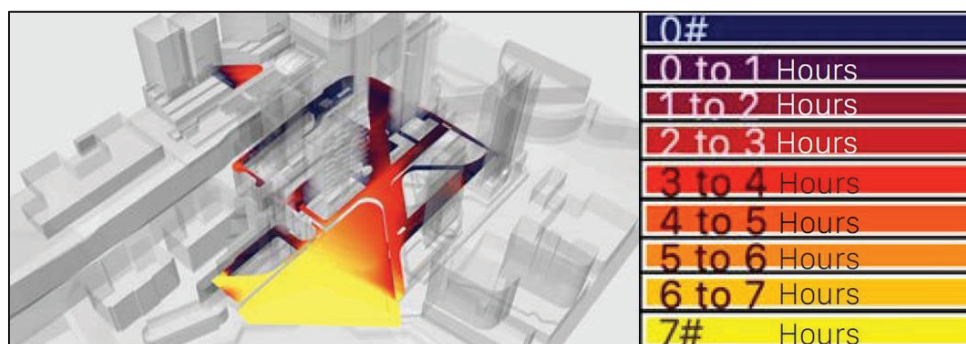
The concept plans indicate that the Station Site is likely to experience significant overshadowing. Considering the other surrounding sites are also likely to redevelop, the proposed building heights and orientations may require modification to improve solar access to the Norwest Station Site and it is recommended that additional controls are included in the site specific DCP to ensure appropriate solar access to the Station Site is retained.

▪ Public Open Space

The planning proposal proposes a 6,000m² publicly accessible lakeshore park. The proposed park includes an outdoor fitness gym, BBQ facilities, water park, integrated play area and public art. Development surrounding the public space should be able to demonstrate that at least 50% of the park receives solar access between 11am and 2pm.

The concept plans demonstrate that the lakeshore park would receive reasonable access to sunlight during the lunchtime hours. While the park is impacted by overshadowing after 2pm, the hours before 2pm all receive uninterrupted solar access.

The draft Norwest Precinct Plan includes a design principle for the built form to maximise solar access throughout the site and to public spaces. The solar access throughout the site is depicted below.

**Figure 14**

Solar access to Lakeshore Park and Public Space (viewed from Norwest Lake)

Whilst the Lakeshore Park receives sufficient solar access the remainder of the ground floor public domain appears to receive significant overshadowing. Lack of adequate solar access to the ground plane will impact the proposed landscaping and amenity of the outdoor areas. The proposed building heights and orientations may require modification to allow for increased solar access to the ground plane.

- Communal Open Space

The planning proposal includes 3,000m² of rooftop gardens which could be utilised for communal open space for residents and employees. The Hills DCP 2012 requires a minimum of 4 hours of solar access to be provided to communal open space between the hours of 9am and 3pm on 21 June. The ADG requires developments to achieve a minimum of 50% direct sunlight to the principal useable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June.

Portions of the proposed communal space experience significant overshadowing and are unlikely to be compliant with the ADG and The Hills DCP 2012. Communal open space that is constantly shaded will not sustain quality landscaping and will result in a cold unpleasant space, especially in the winter months.

- Solar and Daylight Access

The planning proposal material utilises a 3D analysis of the residential solar access to ascertain that 70% of apartments will receive more than 2 hours of direct sunlight in mid-winter. This is compliant with the solar access requirements contained within the ADG.

c) Heritage Impact

The planning proposal is within proximity to state heritage item 'Bella Vista Farm' as well as local heritage items 'Avenue of Trees to Castle Hill Country Club' (I25), 'St Joseph's Novitiate' (I7) and Windsor Road (I28). The Proponent has submitted a Heritage Assessment Report in support of the planning proposal. The Heritage Assessment concludes that the proposal will have minimal impact on the surrounding heritage items with the exception of modified views from Bella Vista Farm. The following figure shows the surrounding heritage items in relation to the site.

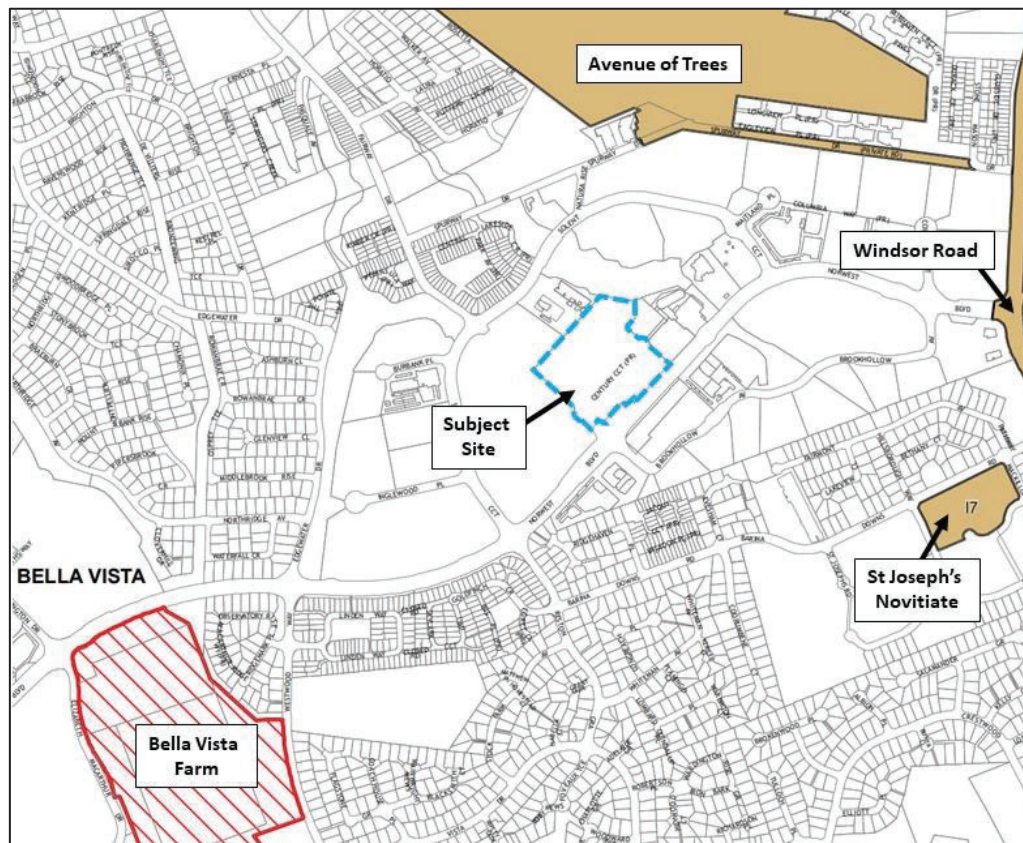


Figure 15
Surrounding heritage items

The State Heritage Listed Conservation Area Bella Vista Farm Park adjoins the Norwest Business Park and is a prominent cultural landmark with historical significance. Bella Vista Farm derives its significance from its deliberate and prominent siting and rural setting with vistas from the site and views into the site as well as its aesthetic values. The location of the Bella Vista Homestead is visible from a large visual catchment. In particular, views of the avenue of Bunya Pines planted on the site can be glimpsed from both within Norwest and from distant residential areas and roads. The visual impact of the planning proposal on views from Bella Vista Farm is demonstrated in the figure below.

**Figure 16**

View from Bella Vista Farm towards proposed development (north-east)

The subject site is located approximately 1km from Bella Vista Farm. The distance from the heritage item as well as the slender built forms depicted in the development concept would reduce the potential impact of the planning proposal on view corridors from Bella Vista Farm. Furthermore, as Norwest has been identified as a key strategic centre, the Norwest skyline and future views from Bella Vista Farm towards Norwest Station are likely to undergo significant transformation as a result of the role, function and growth targets and projections for this area under Government planning policies. Should the planning proposal proceed to Gateway Determination, further consultation would be undertaken with Heritage NSW.

The local heritage item 'Avenue of Trees to Castle Hill Country Club' (I25) includes rows of Aracarias and Eucalyptus street trees that line Spurway Drive that are evidence of European settlement. The identified heritage trees are located approximately 450m north-east of the subject site. Development has been approved between the site and the 'Avenue of Trees' and as such the proposed development is unlikely to have a significant visual impact on the heritage item.

The planning proposal is located a considerable distance from local heritage items 'St Joseph's Novitiate' and Windsor Road and is unlikely to have a significant impact on the heritage value of these items.

d) Water Quality and Flooding

Norwest Lake is a central landscape feature as well as a significant stormwater basin used to manage flows from Norwest business park. The planning proposal seeks to introduce water recreation structure, waterbody (artificial) and wharf or boating facilities as additional permitted uses to the land zoned SP2 adjoining Norwest Lake. The water quality of Norwest Lake is currently in poor condition as a result of the lake's stormwater basin function and the existing large Carp population currently inhabiting the lake.

The water quality of Norwest Lake does not currently meet the standards for primary contact, active recreational and sporting uses. To safely accommodate the proposed water recreation activities, the water quality of Norwest Lake would require significant improvements, including the potential removal of the existing Carp population.

The VPA offer which accompanies the planning proposal includes improvements to the water quality of Norwest Lake as a VPA item. However, the material provided in support of the planning proposal does not provide a Water Quality Study or any detail regarding the proposed water quality measures. Should the planning proposal progress to Gateway Determination, further information is required in relation to water quality to accommodate the proposed additional permitted uses.

The subject site is identified as a flood control lot under the Hills Development Control Plan 2012. The existing development on the site is predominantly impervious surfaces and the current stormwater runoff is considerably polluted from the existing ground level carparks which cover the site.

The development concept includes modification of the existing lakefront to accommodate the Lakeshore Park and proposed additional permitted uses to accommodate water recreation activities. The Proponent has provided a Stormwater Management Report in support of the proposal. The Stormwater Management Report concludes that without on-site detention, in a 1% Annual Exceedance Probability event, the planning proposal would increase flood levels in Norwest Lake by 10mm and would not have a negative impact on any surrounding properties.

High density developments result in an increased stormwater catchment as the taller buildings increase the aerial coverage for rain capture. The Stormwater Management Report should be amended to take into consideration the larger stormwater catchment areas of the proposed high-density development.

The planning proposal material is inconsistent in regard to the proposed stormwater detention and treatment measures. The Stormwater Management Report includes either two separated On-Site Detention (OSD) systems or a bioretention basin to treat stormwater before discharging into the Lake. Council typically prefers development to include one centralised or integrated OSD system to manage the quantity and quality of stormwater to facilitate easy monitoring and maintenance.

At the development application stage, further flooding and stormwater studies will be required to include higher potential flood events, further analysis on the existing storage capacity of the lake, consideration of existing Sydney Water sewer manholes located near the lakefront and a Flood Emergency Plan.

e) Traffic, Transport and Parking

▪ Car Parking

The planning proposal includes a clause that the incentive FSR is only achievable subject to compliance with the specified parking provisions. The clause includes the following parking rates:

- Minimum 1 car space per dwelling.
- Minimum 1 additional car space per twelve dwellings.
- Maximum 1 space per 37m² of retail gross floor area.
- Maximum 1 space per 100m² of commercial gross floor area.

The concept plans depict a total of 2,597 basement car parking spaces. The below table provides a comparison between the currently applicable parking rates, the rates included in the draft Norwest Precinct Plan and the parking rates included in the planning proposal.

	Current Controls	Draft Norwest Precinct Plan		Planning Proposal
	Minimum	Minimum	Maximum	

Unit	1 space per dwelling (854 spaces)	1 space per dwelling (854 spaces)	N/A	Minimum 1 space per dwelling (854 spaces)
Visitor	1 space per 5 units (171 spaces)	1 space per 5 units (171 spaces)		Minimum 1 space per 12 units (71 spaces)
Office	1 space per 25m ² GFA (3,224 spaces)	1 space per 100m ² GFA (806 spaces)	1 space per 75m ² GFA (1,075 spaces)	Maximum 1 space per 100m ² GFA (806 spaces)
Retail	1 space per 18.5m ² GFA (1,522 spaces)	1 space per 60m ² GFA (469 spaces)	1 space per 30m ² GFA (938 spaces)	Maximum 1 space per 37m ² GFA (761 spaces)
Hotel	1 space per room & 1 space per 2 employees (220 spaces)	1 space per room & 1 space per 2 employees (220 spaces)	N/A	0.48 space per room & 1 space per 2 employees (96 spaces)
Childcare Centre	1 space per employee & 1 space per 6 children enrolled (29 spaces)	1 space per employee & 1 space per 6 children enrolled (29 spaces)	N/A	1 space per employee & 1 space per 6 children enrolled (29 spaces)
Gym	1 space per 25m ² GFA (50 spaces)	1 space per 25m ² GFA (50 spaces)	N/A	1 space per 25m ² GFA (50 spaces)
Other (Pool, Cinema, Community Centre)	NA*	NA*	NA*	130 spaces
Total Car Parking Spaces	Minimum of 6,069 spaces	Minimum of 2,599 and Maximum of approximately 3,337 spaces		2,817 spaces (Concept Plans propose 2,597 spaces)

Table 5

Car parking rates

*Note: *Council's DCP does not articulate a specific car parking rate for a community centre, cinema or pool.*

It should be noted that majority of the currently applicable parking rates contained within Council's DCP have not been updated to reflect the construction of the Sydney Metro Northwest. The parking rates set out in Council's draft Norwest Precinct Plan provide a more appropriate indication of the appropriate parking requirements for development on this land. The proposed 2,597 car parking spaces depicted in the concept plans is a slight reduction in comparison to the minimum parking provisions included in the required spaces outlined in the Traffic and Parking Study provided with the planning proposal.

The proposed inclusion of maximum parking rates only for commercial and retail development is consistent with the range in the draft Norwest Precinct Plan. It is recommended that a minimum rate should also be included within this clause (consistent with the draft Norwest Precinct Plan) to allow the developer to tailor the final parking provision, having regard to the likely tenants and their needs at the time, while also ensuring appropriate minimum parking provision that prevents increased on-street parking, which impacts surrounding residents and road networks.

Noting the public transport access and the mix of uses across the broader site, it may also be appropriate to reduce rates or consider shared arrangements, as it is likely that future employees and customers will utilise public transport to access employment opportunities and retail services and utilise multiple premises in a single trip.

Council's rate for residential development within the Sydney Metro Northwest Corridor (a minimum of 1 space per unit and 1 visitor space per 5 dwellings) as set out in Clause 7.11 of The Hills LEP 2019, is the result of substantial analysis of car ownership and parking

demand within similar transit centres. However, given the mixed-use nature of the development, there may be opportunities for visitors to utilise a shared use arrangement with other land uses (such as retail) during off peak periods and as such, the proposed visitor car parking rate of 1 space per 12 dwellings is potentially appropriate.

▪ Road Network

The Traffic and Parking Study, submitted by the Proponent, estimates that the proposed development would generate approximately 1,008 AM additional peak hour trips and 1,136 PM additional peak hour trips compared to the existing development.

The Traffic and Parking Study, as submitted by the Proponent, does not utilise an appropriate traffic generation model and does not assess the cumulative traffic impacts of any surrounding planned developments. In particular, the SIDRA modelling will need to be undertaken as a network model, rather than individual intersections, in order to appropriately determine the impacts of the development. The study will need to specify appropriate signal phasing and cycle times and provide clarity regarding the future year scenarios and how the background traffic growth was calculated. Typically, TfNSW require 10 year and 20 year post development operation models, which has not been provided. The discounted traffic generation rates used for some of the uses have not been explained or justified and are not able to be supported without appropriate justification, such as comparisons to similar development. The level of service tables included in Appendix D require further explanation. Once a revised model is prepared, the SIDRA modelling file will need to be provided to Council for review.

Although the Traffic and Parking Study requires updates, the material presented has been reviewed. The Study indicates that the proposed development is likely to have an impact on the surrounding road network. Specifically, the intersection of Norwest Boulevard and Brookhollow Avenue/Century Circuit would operate at a poor level of service “F” (this intersection currently operates at level of service “C”). As such, the planning proposal includes a variety of traffic upgrades to improve access to the site from Norwest Boulevard. The proposal includes:

- The provision of an additional right turn lane on Norwest Boulevard into the subject site (which is already constructed but not yet in use);
- Amendments to the internal road layout to remove the existing roundabout accessing the Hillson Campus;
- Extend the right turn lane from Century Circuit (within the site) onto Norwest Boulevard by 200m; and
- The provision of an additional kerbside lane on Brookhollow Avenue for left hand turns onto Norwest Boulevard (however, it is unclear within the material whether the Proponent has committed to this traffic upgrade considering the upgrade would involve land that is not in the Proponent’s ownership).

These traffic infrastructure upgrades would improve the operation of the intersection of Norwest Boulevard with Brookhollow Avenue/Century Circuit and would result in a level of service ‘D’. The following figures depict the existing and proposed layout of the intersection.

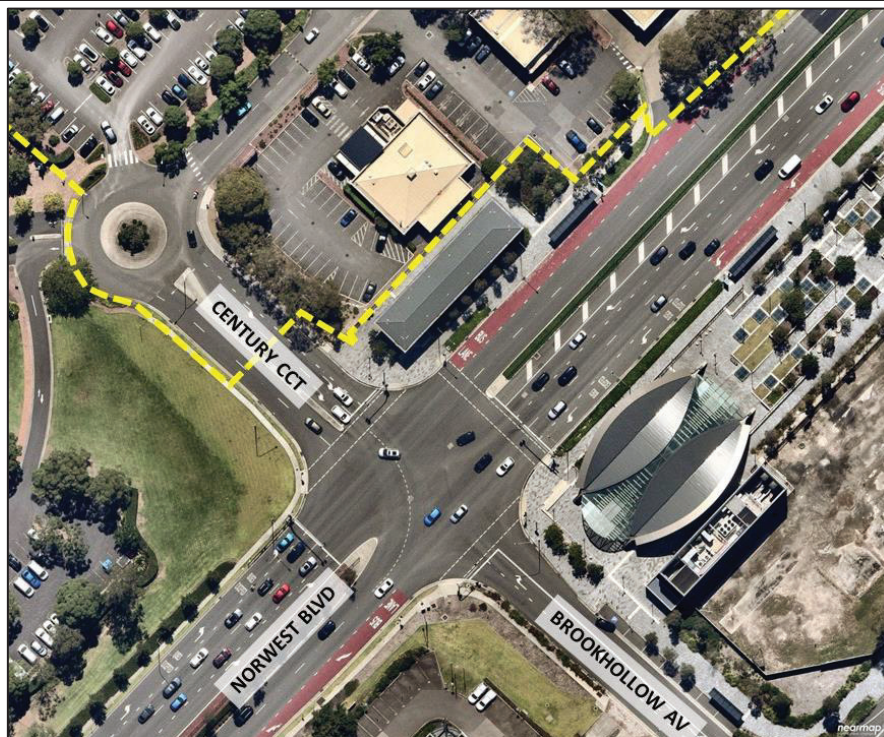


Figure 17
Existing intersection layout

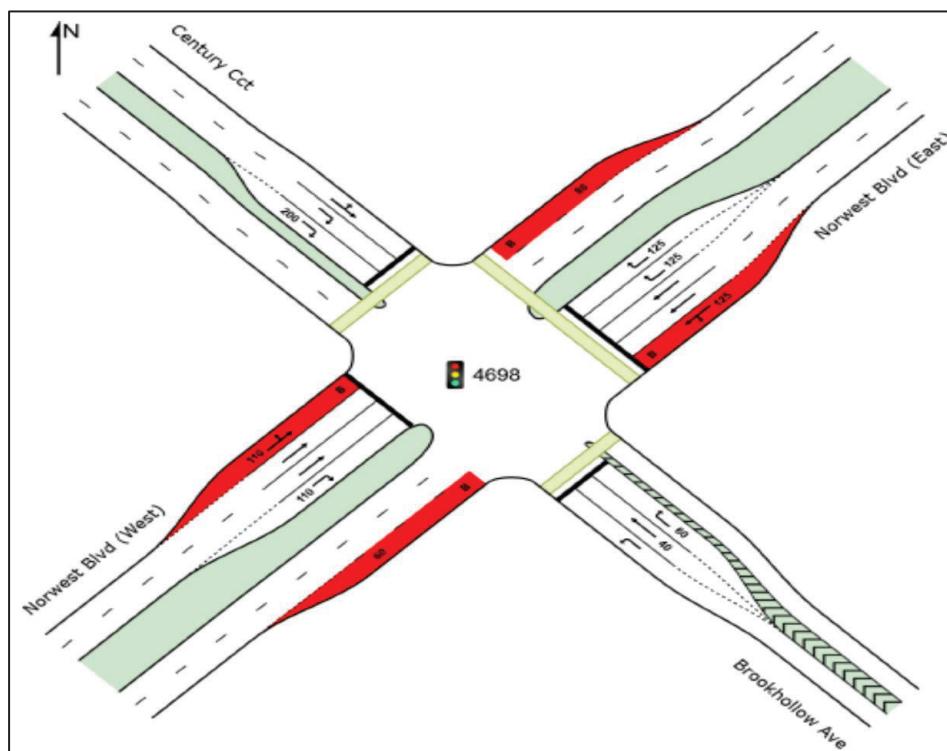


Figure 18
Proposed intersection layout

The planning proposal includes the staged opportunity to facilitate the future northern road connection between Norwest Boulevard towards Fairway Drive, as envisaged in the draft Norwest Precinct Plan. Should the connection eventuate, the link will provide access from Century Circuit through to Fairway Drive and improve connectivity in Norwest.

Should the planning proposal progress to Gateway Determination, an updated Traffic Study is required to further understand the impact of the proposed development on the surrounding road network. This would need to be prepared in consultation with, and assessed by, Transport for NSW, which would occur as part of the public agency consultation phase should a Gateway Determination be issued. This would also need to account for the outcomes of ongoing regional traffic modelling being completed by State Government, to confirm the capacity of the road network to accommodate this development, as well as the necessary upgrades and apportionment of costs to this development.

f) Proposed Planning Mechanisms

The proposal includes a maximum incentive FSR control across the site of 5.0:1. The incentive FSR is only achievable subject to compliance with minimum employment floor space, maximum dwelling floor space and cap, housing mix and car parking provisions.

The planning proposal also includes a maximum dwelling cap of 854 dwellings and a housing mix control to ensure residential development is compliant with Council's preferred dwelling size and mix. The control ensures a variety of apartment sizes beyond the requirements of SEPP 65, matching the future demographic of The Hills Shire. The dwelling cap ensures a fixed maximum dwelling yield on the site. For comparison, without the dwelling cap the proposal could potentially achieve 986 dwellings on the site within Council's preferred housing mix controls by reducing the average dwelling size, however it is noted that the Developer intends to provide apartment sizes which are in excess of the minimum required under Council's housing mix and diversity provision.

Similarly, the minimum employment FSR of 2.5:1 protects the future delivery of 50% of total floor space being utilised for employment opportunities. This planning proposal mechanism provides certainty that the site will operate as a key employment site as envisaged within the strategic framework.

The proposed incentive FSR control, includes the portion of the site zoned SP2 Local Drainage. However, under Clause 4.5 of the Hills LEP 2019, the calculation of site area for the purpose of calculating FSR must exclude land on which the proposed development is prohibited. As such, the SP2 land would be excluded from the site area calculation, as the zone prohibits residential flat buildings and commercial premises. This may result in a small reduction in the extent of gross floor area that could be achieved under the controls being sought by the Proponent.

The planning proposal seeks to remove residential flat buildings as an additional permitted use on the Local Centre (E1) portion of the site. The existing additional permitted use was in response to the Department of Planning, Housing and Infrastructures (DPHI's) April 2023 Employment Zone Reforms, to ensure no change to the permitted use of the land when the site was rezoned from B2 Local Centre to E1. Rezoning the land to Mixed Use (MU1) would permit residential flat buildings on the site and therefore the additional permitted use would no longer be necessary.

The proposal seeks to introduce recreation area, retail premises, recreation facility (outdoor), water recreation structure, waterbody (artificial) and wharf or boating facilities on the Drainage Land (SP2) on the site to facilitate the Lakeshore Park and proposed water recreation activities. As discussed in Section 6(d) further information is required in relation to water quality to accommodate the proposed additional permitted uses.

g) Development Control Plan

The Proponent has submitted a draft site-specific DCP which seeks to provide development controls for the proposed development. The draft DCP includes controls in relation to desired future character, development principles, public domain and open space, built form, active

frontages, solar access and overshadowing, vehicle access and connectivity, landscaping, design excellence, sustainability and wind.

The objectives and controls articulated in the draft DCP are generally consistent with the design principles identified within the draft Norwest Precinct Plan. However, the traffic section of the draft DCP is incomplete and will require further controls to be included.

The draft DCP should be amended to include further controls in relations to setbacks, tower setbacks, tower separation, solar access, landscaping, stormwater and traffic and will be considered by Council concurrently with the planning proposal.

h) Infrastructure Demand & Voluntary Planning Agreement

It is crucial that any future development is matched by an adequate level of local and regional infrastructure that meets the needs of local residents and workers, including playing fields, community facilities and transport infrastructure.

The site is currently capable of developing approximately 33,470m² (1,339 jobs) of non-residential floor space and 335 dwellings (assuming a 50/50 split of residential and residential outcomes), under the current planning controls.

The Hills Section 7.12 Contributions Plan, which currently applies to the land and imposes a levy of 1% of the cost of development does not plan or cater for the uplift facilitated by the planning proposal.

The planning proposal seeks to facilitate 854 residential dwellings, which would generate local infrastructure demand as follows:

- 42% of a new sports field;
- 42% of a local park;
- 42% of a netball court;
- 42% of a tennis court; and
- 17% of a local community centre.

The abovementioned benchmarks do not take into account the non-residential component of the development, which would place increased pressure on the passive open space network, roads and traffic facilities and public domain.

The Proponent has submitted an initial Voluntary Planning Agreement (VPA) letter of offer that seeks to deal with local infrastructure demand generated by the planning proposal. The Proponent has valued their offer at \$35 million, which would equate to a contribution of approximately \$20,000 per dwelling and 3% of the non-residential development cost of works. The below table outlines the items in the VPA, the value assigned to these items by the Proponent and which stage of the proposed development each item will be delivered with.

Item	Staging	Proponent's Value of Offer
Public domain works for The Hills Square including a public access easement	Stage 1	Excluded
Transport works associated with the delivery of Century Circuit and Norwest Boulevard	Stage 1	Excluded
Open space works associated with the delivery of the 5,700m ² Lakeshore Park	Stage 2	Excluded

Embellishment of the Lakeshore Park, including improvements to Norwest Lake water quality	Stage 2	\$1,500,000
Construction of a 3,000m ² community facility (cold shell)	Stage 3	\$25,500,000
Dedication of 3,000m ² of community floor space	Stage 3	\$4,500,000
Financial contributions towards offsite active open space/playing fields	Stage 3	\$2,500,000
'First and last mile' travel initiative	Stage 3	\$1,000,000
Total VPA Offer		\$35,000,000

Table 7
VPA items

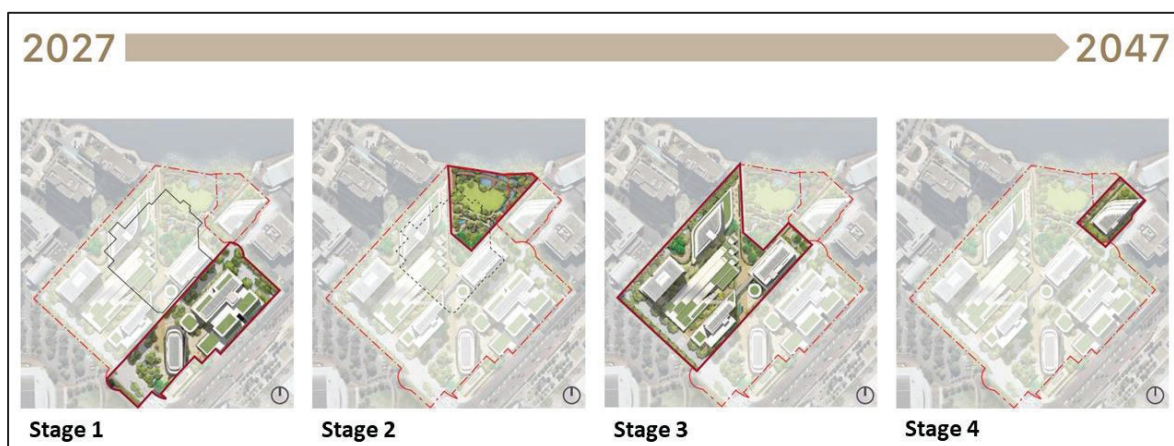


Figure 19
Proposed staging of development

– *Stage 1*

The infrastructure offer includes the construction of 1,770m² of public domain works (The Hills Square) and transport infrastructure upgrades to Century Circuit and Norwest Boulevard in association with Stage 1 of the development. The Proponent has excluded these items from the total value of the VPA offer, considering these works are necessary to facilitate the proposed development. Whilst not represented in the overall value of the VPA offer, including these works within the VPA offer provides Council with certainty that these works will be delivered in association with the future development.

Stage 1 of the development includes commercial and retail development only so it is reasonable that the infrastructure items that these uses generate demand for are provided in association with this stage.

– *Stage 2*

The infrastructure offer includes the construction and embellishment of a 6,000m² publicly accessible lakeshore park which includes an outdoor fitness gym, BBQ facilities, water park, integrated play area and public art. The park is not intended to be dedicated to Council and as such Council would not be subject to the ongoing maintenance costs associated with park ownership. The park would service future residents, employees and visitors to the site.

The open space works associated with the park are excluded from the value of the VPA by the Proponent, however the embellishment of the park and improvements to the water quality in Norwest Lake is valued at \$1.5million.

It should be noted that the park would potentially be supplementing the lack of communal open space for residents being provided elsewhere on the site in association with the residential flat buildings, discussed earlier within this report.

Further information is required with respect to the water quality treatment and the public benefits associated with improving the water quality beyond the current treatment. The supporting Stormwater Management Report indicates that there are existing water quality problems associated with disturbed upstream catchments and the presence of carp in the water bodies. It is unclear how any works associated with the proposal will resolve these issues.

Further, the Stormwater Quality Report notes that increased hard surface area resulting from the development would result in increased stormwater flow and poorer quality run off than from pervious surfaces. The treatment of stormwater is an expectation of undertaking development and would not be a public benefit or necessarily need to be included in a VPA. In addition, the Stormwater Management Report presents an option where part of the Lakeshore Park would be taken up with a stormwater quality detention basin, which would potentially reduce the land available for recreation at the park.

– *Stage 3*

The Letter of Offer includes the construction and dedication of a 3,000m² cold shell community facility, financial contributions toward active open space and a ‘first and last mile’ travel initiative in association with Stage 3 of the development.

With respect to the construction and dedication of the community facility, there is concern that following dedication, Council would not be able to fund the fit-out and ongoing maintenance costs (including strata fees) associated with the community facility.

The draft Norwest Precinct Plan identifies that the increased residential population would generate demand for a new community facility and library (within the Metro Corridor) and notes that the Norwest Marketown site is a potential opportunity for new community centre floor space.

While the VPA offer is broadly consistent with this approach, Council is unable to fund the capital costs for community facilities via Contribution Plans (as they are not on IPART’s Essential Works List), as such Council does not have a funding source for the fit out of a community centre cold shell. Considering the potential high costs in association with the fit out of cold shell developments, Council will need to consider alternatives to delivering community floor space, potentially including the completion of this work by the developer in addition to the dedication, or monetary contributions toward the construction and fit out of a community centre at an alternative location, rather than the dedication of floor space.

The VPA offer also includes monetary contributions towards active open space of \$2.5 million. The active space contributions would equate to \$2,930 per residential dwelling. This contribution is considerably less than comparable active space contributions in other similar VPAs and Contribution Plans. The monetary contributions towards active open space in isolation are considered inadequate, however the value of this contribution would need to be considered in the context of the overall contribution offer, which may represent a disproportionately higher contribution from this developer toward other infrastructure categories (such as community facilities) that could be balanced against this item. This will require further negotiation with the Proponent and consideration by Council.

The VPA offer includes a 'first and last mile' travel initiative. The planning proposal material does not provide sufficient detail regarding what elements would be included in the travel initiative. The Letter of Offer states that the travel initiative will be subject to further discussions with Council. Therefore, the public benefit and value associated with the travel initiative is currently unclear. It may be considered more appropriate that any 'first and last mile' initiatives be considered as initiatives that would benefit future residents and employees of the development and assist in mitigating the proposal's impact on the surrounding traffic network. As such, it may be considered appropriate to contribute the value of the travel initiative (\$1 million) towards the monetary contributions to active open space.

The VPA would exclude the application of The Hills Section 7.12 Contribution Plan to the site.

In considering the planning proposal, Council would need to consider and determine the adequacy of the VPA offer as a mechanism to address the increased demand for infrastructure. The overall value the Proponent's offer, as calculated by the Proponent, appears to be comparable with similar VPAs and Contribution Plans that have been prepared to support other high density residential and non-residential development throughout the Hills Shire. However, a number of elements/items within the VPA including the construction of the community facility, active space contributions and the travel initiatives require further assessment and negotiation in order to determine the reasonable value to attribute to these, and whether or not they adequately address the demand for new infrastructure proportionate to this development.

Given the above, further discussions with the Proponent are required to determine whether the planning proposal sufficiently addresses infrastructure demand. It is anticipated that these negotiations would occur prior to the planning proposal being reported to Council for determination, such that an infrastructure mechanism will be available for Council to consider concurrently with the planning proposal.

CONCLUSION

The planning proposal is generally consistent with the principles and priorities articulated in the relevant strategic planning framework. The proposal would deliver the strategically envisaged employment opportunities as well as deliver increased housing supply in a central location with access to employment opportunities, retail services, frequent bus services and the Northwest Metro Line.

Based on the development concept submitted by the Proponent, some aspects of the development could be improved, including floor plates, building lengths, setbacks and tower setbacks (above podiums), in order to reduce the potential visual dominance and bulk of the proposal. It is recommended that revised concept plans be prepared that demonstrate the ability to comply with some key development controls, at the FSR and density being sought, as follows:

- Improved landscaping and public domain treatments along the site's interface with Norwest Boulevard, which may potentially require increased setback distance;
- Maximum residential tower floor plate of 750m² (rather than 1,050m²);
- Maximum podium length of 65 metres (rather than 84 metres);
- Maximum tower length of 50 metres (rather than 63 metres);
- Minimum tower setbacks above podium of 5 metres (rather than 1.5 metres);
- Minimum building separation of 24 metres above 8 storeys (rather than 20 metres);
- Adequate private communal open space to service residential development, separate to the proposed publicly accessible open space;
- Adequate solar access to Norwest Station Site, communal open space and public domain areas at the ground plane;

It is the view of Council officers that given the site is a large and relatively unconstrained site in single ownership, these issues could be readily overcome with an appropriate built form outcome within the proposed FSR on the site, however it is nonetheless reasonable for the Proponent to submit adequate material to serve as a “proof of concept” that demonstrates the capacity of the site to accommodate this extent of FSR.

It is the view of Council officers that the planning proposal demonstrates adequate strategic and is capable of demonstrating adequate site-specific merit to warrant progression to Gateway Determination, subject to the resolution of built form issues, infrastructure contributions and submission of further information in relation to flooding and traffic, as detailed within this report. These matters should be resolved prior to Council considering whether to submitting the proposal for a Gateway Determination.

There will remain a number of matters that need to be further resolved throughout the course of this application and prior to finalisation of any rezoning. In part, the resolution of these is unable to occur without consultation with relevant State Government agencies such as Transport for NSW. Progressing to Gateway Determination would be an important next step that allows for these necessary public agency consultation processes to commence, as well as public exhibition of the planning proposal to obtain views of the community and stakeholders.

ATTACHMENTS (UNDER SEPARATE COVER)

1. Council Officer Pre-lodgement Feedback Letter (5 August 2022)
2. Council Officer Scoping and Pre-lodgement Feedback Letter (6 December 2022)
3. Planning Proposal Report
4. Urban Design Report
5. Landscape Strategy
6. Sustainability Strategy
7. Infrastructure Delivery Plan
8. VPA Letter of Offer
9. Workshop Presentation to Councillors
10. Indicative Reference Scheme Drawings
11. Draft Local Environmental Plan Maps
12. Draft Development Control Plan
13. Market Potential and Retail Impact Review
14. Traffic and Parking Study
15. Community Benefits Analysis
16. Social Impact Assessment
17. Economic Impact Assessment
18. Heritage Assessment Report
19. Visual Impact Assessment
20. Preliminary Site Investigation
21. Pedestrian Wind Environment Statement
22. Stormwater Management Report
23. Utilities Servicing Report
24. Survey
25. Initial Estimate Report
26. Project Team
27. Updated VPA Letter of Offer

ATTACHMENT 2

LOCAL PLANNING PANEL – THE HILLS SHIRE COUNCIL

DETERMINATION OF THE HILLS LOCAL PLANNING PANEL ON 17 APRIL 2024

PRESENT:

Pamela Soon	Chair
Elizabeth Kinkade	Expert
Patrick Hurley	Expert
Alan Haselden	Community Representative

DECLARATIONS OF INTEREST:

NIL

Elizabeth Kinkade declared a non-significant non-pecuniary interest for Item 2

COUNCIL STAFF:

The Panel were briefed by the following Council Staff on 17 April 2024:

Nicholas Carlton	-	Manager – Forward Planning
Megan Munari	-	Principal Coordinator, Forward Planning
Dragana Strbac	-	Senior Town Planner
Emma Langan	-	Senior Town Planner

ITEM 1: LOCAL PLANNING PANEL – PLANNING PROPOSAL – NORWEST MARKETOWN – 4-6 CENTURY CIRCUIT, NORWEST (4/2024/PLP)**COUNCIL OFFICER'S RECOMMENDATION:**

The planning proposal proceed to Gateway Determination.

PANEL'S ADVICE:

1. The planning proposal has adequate strategic merit and the capability to demonstrate adequate site-specific merit to warrant progression to Gateway Determination, subject to the following matters being resolved to Council's satisfaction:
 - a) Amendments to the proposed built form concepts to demonstrate achievement of the following urban design and amenity outcomes:
 - (i) Improved landscaping and public domain treatments along the site's interface with Norwest Boulevard, which may potentially require increased setback distance;
 - (ii) Maximum residential tower floor plate of 750m² (rather than 1,050m²);
 - (iii) Maximum podium length of 65 metres (rather than 84 metres);
 - (iv) Maximum tower length of 50 metres (rather than 63 metres);
 - (v) Minimum tower setbacks above podium of 5 metres (rather than 1.5 metres);
 - (vi) Minimum building separation of 24 metres above 8 storeys (rather than 20 metres);
 - (vii) Adequate private communal open space to service residential development, separate to the proposed publicly accessible open space;
 - (viii) Adequate solar access to Norwest Station Site, communal open space and public domain areas at the ground plane;
 - b) Submission of a revised Flooding Assessment Study, which more accurately considers the stormwater catchment area (including taller building forms) as well as further information regarding proposed measures to improve the water quality of Norwest Lake.
 - c) Submission of a revised Traffic Study that utilises an appropriate traffic generation model and assess the cumulative traffic impacts of surrounding planned developments.
 - d) Revision of the draft site-specific Development Control Plan to include additional controls in relation to built form, landscaping, solar access and traffic, as well as the matters identified in Item 1 a) of this recommendation.
 - e) Revision of the Voluntary Planning Agreement offer to provide further clarity and sufficiently address infrastructure demand arising from the planning proposal. The Panel notes that there is significant work remaining to resolve the infrastructure necessary to support the proposal and provide appropriate community infrastructure. The Voluntary Planning Agreement Offer should reflect the true value of the proposed items and provide clear differentiation between what is a public benefit associated with the proposal versus the works that are simply a consequence of undertaking development.

VOTING:

Unanimous

ATTACHMENT 3



THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL
3 Columbia Court, Norwest NSW 2153
PO Box 7064, Norwest 2153
ABN 25 034 494 656 | DX 9966 Norwest

5 August 2022

Mr Michael Watt
Planning Manager
Mulpha
Level 6, 99 Macquarie Street
SYDNEY NSW 2000

Via Email: Michael.Watt@mulpha.com.au

Our Ref: FP35

Dear Michael,

PRELIMINARY ADVICE & SCOPING REQUIREMENTS – NORWEST CITY MARKETOWN SITE

I refer to the above matter and thank you for submitting preliminary concepts to Council Officers on 7 July 2022. This letter provides high level feedback on the preliminary plans as well as the scoping and pre-lodgement process for planning proposals, in accordance with the Department of Planning and Environment's new *Local Environmental Plan Making Guideline*.

Please note that the comments contained within this letter are preliminary in nature and may be superseded by more detailed commentary that Council officers will be better placed to provide as part of the formal Scoping and Prelodgement process.

▪ **Scoping Proposal & Prelodgement Stage**

The Local Environmental Plan Making Guideline (LEPMG) came into force in December 2021. The updated guide stipulates new requirements for planning proposals, with a broader objective of reducing assessment timeframes and placing greater emphasis on resolving key issues earlier in the process. The Guideline also stipulates maximum benchmark timeframes for each stage of the application.

As part of the pre-lodgement process, a Scoping Proposal is required to be submitted to Council concurrently with a pre-lodgement meeting request. A Scoping Proposal should outline the proposal, key matters to be addressed, justification with respect to strategic and site-specific merit, identification of supporting studies and anticipated agencies and authorities that will need to be consulted. The LEPMG provides a template Scoping Proposal and this is attached for your reference.

Please note that in accordance with Council's adopted Fees and Charges for 2022-2023, a scoping fee of \$3,500 is required to be paid to Council at the time of submitting your scoping proposal. Council Officers will then proceed to review the submission and schedule a prelodgement meeting date and time. Please note that Council Officers will not schedule a meeting until both the fee and Scoping Report are received.

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Following the prelodgement meeting, detailed written feedback will be provided, including the applicable planning proposal category and application fee, and the required planning proposal documentation to be submitted.

▪ **Strategic Context**

A Scoping Proposal should consider the key objectives of the Greater Sydney Region Plan, Central City District Plan and Council's Local Strategic Planning Statement. These plans contain clear expectations for Strategic Centres to realise their potential and perform their intended function. Consideration should be given to how the proposed development will align with these expectations. Specifically, these policies identify ambitious employment targets, supplemented by higher density residential outcomes.

The subject site is identified in Council's LSPS as being suitable for mixed use (office/retail/restaurants/residential) to enhance the existing local centre and hub around the Norwest Lake and improve connectivity to Norwest Metro Station. Marketown is envisaged to be the vibrant and active heart of the strategic centre, with an enhanced network of footpaths, forecourts and boardwalks that creates an attractive environment for pedestrians and cyclists.

The preliminary material indicates that a planning proposal would seek to facilitate 'in excess of' 900 dwellings and up to 110,000m² of commercial floor space. This represents an approximate floor space ratio of 1.93:1 for residential development and 2.36:1 for commercial development. The preliminary material submitted indicates that the FSR control sought is 5:1. It is assumed that the remaining 0.71:1 would comprise community floor space for the identified gymnasium and recreation centre, childcare centre, library and potentially other entertainment and dining facilities. A future Scoping Proposal should clearly articulate the proposed floor space ratio control sought, including a breakdown of floor space for each land use proposed and the exact number of residential dwellings.

It is noted that The Hills Corridor Strategy identifies a *minimum* employment FSR of 2.5:1 on the site. It is recommended that the proposal ensure that this minimum employment target for the site is achieved. It will be difficult for Council to support the quantum of development sought (in particular with respect to non-employment generating uses), if the proposal does not deliver on the minimum expectations for employment. The Hills Shire is the only Metropolitan Council to achieve its 5-year dwelling target from 2016-2021 and is well placed to meet its residential target to 2036. A high proportion of residential development at the expense of commercial and retail yield will not fulfill the greater challenge for all strategic centres within The Hills, being the delivery of substantial employment floorspace and jobs growth.

Council is currently undertaking precinct planning for the Norwest Strategic Centre and this investigation will confirm the appropriate outcomes to be delivered on the land, as well as the serviceability of the yields and densities envisaged in Council's strategic policies to date. Consideration should be given to how a planning proposal lodged on the subject land will integrate with the precinct planning process, given that Council officers are working towards public exhibition of a draft Precinct Plan in late 2022/early 2023.

▪ **Built Form Outcomes and Proposed Land Uses**

Based on a high level review of the preliminary material, the proposed land uses appear to be generally aligned with the vision identified for the land within the strategic planning framework. The co-location of retail and commercial uses with residential development in this particular location will lead to the further activation of the Lake frontage and the geographic centre of Norwest, including night-time activity and vibrancy. Consideration should be given to how the siting of development, distribution of land uses and the corresponding built form across the site can facilitate increased activity at the ground level and improved pedestrian and cycling connectivity through to Norwest Metro Station.

It is noted that the material indicates a maximum building height control of RL242 metres, with the development concepts depicting a maximum of 40 storeys of built form. Preliminary analysis indicates that the proposed building height control is well in excess of the height limit that would be required to achieve this proposed built form (40 storeys) and the floor space cited elsewhere in the material. The Scoping Proposal should clarify and confirm the proposed building height and ensure consistency between the floor space and heights illustrated within the architectural material and the corresponding proposed height control sought through the LEP amendment.

Future built form on the site should demonstrate compliance with the following key urban design measures:

- Maximum building lengths of 65m;
- Maximum residential tower floor plates of 750m²;
- Compliance with the Apartment Design Guide with respect to building separation, solar access and landscaping requirements;
- Solar access to common open space of 4 hours between 9am and 3pm on 21 June; and
- High quality public domain and plaza areas integrated with key pedestrian movements within and beyond the site;

A site-specific development control plan will be required with a future planning proposal. The Scoping Proposal should identify key elements that will be addressed in a future draft DCP to be submitted at the time of lodgement.

Council has identified that the nature of retail within the Shire is changing over time and future development needs to consider how development can be flexible in order to accommodate these changes. While an Economic Growth Plan will be developed by Council concurrent with the Norwest Precinct Planning investigations, consideration should be given to retail and employment analysis that provides greater detail on the evolving nature of retail space and how the site will continue to function in the longer term.

For example, E-commerce directly competes with instore retail and has a major influence on the size and type of retail stores provided in commercial centres. Increasingly, retailers are heavily investing in their store's online offering, whilst providing unique experiential-based offerings in store. Leasing flexibility and retail leasing are changing from traditional long-term tenures. Due to the uncertainty being experienced in the retail sector both landlords and retail operators increasingly desire shorter more flexible arrangements to accommodate temporary and pop-up retail facilities within centres. Consideration should be given to the site's ability for retail uses to respond to these changing demands over time.

Consideration should be given to how a future planning proposal would align with the State Government's Employment Zones Reform, including the current roll out of revisions to employment zones to provide increased flexibility for businesses and landowners, boost economic growth and support productivity. The subject site is currently zoned B2 Local Centre and is envisaged to translate to E1 Local Centre following completion of the reforms later this year. The E1 Local Centre Zone will allow the same permitted uses that currently exist and will function as a local centre weighted towards retail, business, entertainment and community uses.

The MU1 Mixed Use as proposed within your preliminary material is almost identical to the existing B4 Mixed Use land zone, and places greater emphasis on the objective of integrating business, retail and residential land uses. Castle Towers in Castle Hill and Rouse Hill Town Centre are examples of B4 zoning which emphasise leisure and entertainment facilities and will likely convert to MU1 following completion of the reforms. The appropriateness of this particular zoning on the Marketown site, in the context of the Norwest Strategic Centre, is questioned however this is a matter that can be further explored through the Scoping and Prelodgement process.

Any application which seeks to rezone the land to B4 Mixed Use/MU1 Mixed Use would need to be accompanied by a planning mechanism that ensures the delivery of minimum non-residential

development outcomes on the land. Consideration should be given to a local provision that provides certainty with respect to the minimum amount of commercial floor space proposed to be delivered on the site. This certainty is crucial to ensuring the appropriate land use mix and distribution on the site to achieve the outcomes identified for the land within the strategic planning framework.

It is also expected that any future residential apartments on the land would be compliant with Council's preferred apartment size and mix as prescribed under Clause 7.11 of The Hills LEP 2019.

A future Scoping Proposal should identify potential mechanisms to achieve the above outcomes.

▪ **Infrastructure Demand**

Council's precinct planning investigations will involve detailed infrastructure analysis for uplift within the Strategic Centre and will determine the upgrades that are required to support growth. As part of this, regional traffic and transport modelling is currently being undertaken by the Department of Planning and Environment (DPE) and TfNSW. This modelling will confirm whether the outcomes envisaged under The Hills Corridor Strategy can be accommodated on the road network.

Residential development generates increased demand for a range of facilities, however the most challenging to deliver in recent years is active open space. The identification of appropriate sites for such facilities and the required funding continues to be a key challenge for redevelopment along the Sydney Metro Corridor within The Hills. These infrastructure challenges may be a key limiting factor in determining the amount of residential development that can be accommodated on the site and subsequently serviced by the necessary infrastructure.

Consideration should be given to how any future uplift on the site will be serviced appropriately, having regard to cumulative infrastructure impacts in the Norwest Strategic Centre in advance of detailed holistic precinct planning undertaken by Council. The Scoping Proposal should provide preliminary discussion on the infrastructure demand generated by the proposed uplift and identify an appropriate infrastructure solution. Ultimately, we will ask you to submit the infrastructure solution (for example, proposed Contributions Plan amendments or any offer to enter into a Voluntary Planning Agreement) at the same time as your planning proposal.

▪ **Lodgement and Assessment Process**

The Scoping Proposal should identify the studies required to be prepared and submitted upon formal lodgement of your planning proposal application. However, in advance of this and to assist as plan for commencement of these technical studies, we would expect at a minimum that the following information will form part of your planning proposal lodgement package:

- Application Form, Owners Consent and completed Political Donations forms;
- A Planning Proposal Report, which addresses the Department of Planning and Environment's *Local Environmental Plan Making Guideline* and the matters outlined in this letter;
- Master Plan/Structure Plan/Urban Design Report;
- Architectural Plans;
- Heritage Assessment Report;
- A draft Development Control Plan;
- Traffic, Parking and Accessibility Report;
- Environmental constraints reports (e.g. stormwater, flooding, biodiversity & bushfire);
- Residential Demand Analysis;
- Retail and Employment Demand Analysis;
- Utilities Servicing Report;
- Local Infrastructure Analysis – which considers the impacts of the proposal on the demand for local infrastructure and recommends a suitable development contributions framework in association with any development uplift on the land. It will be necessary to establish the proposed infrastructure contributions mechanism and submit details of this at the time of

lodging the planning proposal application (for example, any draft Contributions Plan or offer to enter into a Voluntary Planning Agreement); and

- Workshop presentation material for Councillor briefing session in accordance with Council's Planning Proposal Policy.

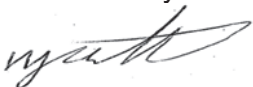
Please note that the above list is not exhaustive and is subject to any other matters that arise from your detailed site investigations and further consideration during the Scoping and Prelodgement phase.

The Department of Planning and Environment has implemented its Planning Reform Action Plan, which seeks to fast track planning proposal assessment timeframes and provides minimal opportunity to obtain timeframe extensions. Council is expected to determine whether or not a planning proposal will proceed to Gateway Determination within 120 working days of a proposal being lodged. This change in the planning proposal process means that detailed consideration of infrastructure, design or other technical matters can no longer be deferred to the post-Gateway stage, nor is there substantial opportunity to negotiate and revise elements of a proposal following formal lodgement.

For this reason, Council officers are happy to continue to work through technical matters with you throughout the scoping/prelodgement phase to enable submission of a holistic package of supporting documentation that will allow expedient and full assessment and reporting to be completed.

I trust this information is sufficient to assist you in preparing a Scoping Proposal. Should you require further information or wish to commence the prelodgement stage of a planning proposal application, please contact Kayla Atkins, Strategic Planning Coordinator on 9843 0404 or at katkins@thehills.nsw.gov.au.

Yours faithfully



Nicholas Carlton
MANAGER – FORWARD PLANNING

ATTACHMENT 1: SCOPING PROPOSAL TEMPLATE

ATTACHMENT 4



THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL
3 Columbia Court, Norwest NSW 2153
PO Box 7064, Norwest 2153
ABN 25 034 494 656 | DX 9966 Norwest

6 December 2022

Mr Michael Watt
Planning Manager
Mulpha
Level 6, 99 Macquarie Street
SYDNEY NSW 2000

Via Email: Michael.Watt@mulpha.com.au

Our Ref: 1/2023/PPLP

Dear Michael,

PRELIMINARY SCOPING MEETING – NORWEST CITY MARKETOWN SITE (1/2023/PPLP)

I refer to the above matter and thank you for submitting a scoping report and attending the scoping meeting on 28 November 2022. This letter provides feedback on the scoping report and planning proposal, in accordance with the Department of Planning and Environment's *Local Environmental Plan Making Guideline*.

Please note that the comments contained within this letter are preliminary in nature and may be superseded following the submission and assessment of the planning proposal and supporting documentation. They should also be read in conjunction with the previous advice on this proposal provided by Council officers dated 5 August 2022.

1. Recommended Changes to the Scope of the Proposal

The following amendments are recommended to the scope of the planning proposal to ensure clarity and certainty on the outcomes depicted within the scoping proposal and to improve road network design.

- a) In calculating a minimum of 50% of the floor space proposed on the site to be allocated towards 'commercial premises' (which comprises business premises, office premises and retail premises), this should not include other proposed non-residential uses, such as community and recreation facilities.
- b) The planning proposal should propose clear LEP mechanisms that achieve the delivery of the minimum quantum of employment and community floor space, and the maximum quantum of residential dwellings;
- c) The planning proposal should include a clear LEP mechanism for the achievement of Council's preferred dwelling size and mix requirements under Clause 7.11 of LEP 2019 – it is noted however that you advised of your intention to seek variation to this and submit further justification in support of your application;
- d) Floor space calculations should comprise a breakdown of floor space for each land use proposed and include the exact number of residential dwellings proposed.

- e) The planning proposal should clearly identify the proposed car parking rates and provide a breakdown of parking spaces per land use, including any proposed shared use arrangements;
- f) The roundabout at the entrance to the site on Century Circuit (adjoining Hillsong Campus) should be replaced or amended to result in less traffic queuing into the intersection with Norwest Boulevard. Queuing already occurs in this location on the site and will likely worsen as a result of the proposed development;
- g) The left in left out access arrangement on the northern intersection of Century Circuit and Norwest Boulevard (north of the Petrol Station) should be retained. The scoping material is unclear and inconsistent with respect to whether right turn access is proposed to be provided in this location. It is considered unnecessary to facilitate right turn movements in this location given that this access is already provided at the southern intersection of the site. Further, it is unlikely to be supported by TfNSW;
- h) The planning proposal should demonstrate how it will deliver the portion of the road link identified in the draft Norwest Precinct Plan between Norwest Boulevard and Solent Circuit to Fairway Drive. The proposal should consider how this would occur in terms of orderly development, given that the remaining portion of the road link traverses the adjoining Hillsong Campus site; and
- i) Any plans to relocate the foreshore water line should consider existing public access easements along the lake edge, as well as any impacts on the volume and depth in the lake, which functions as an on-site detention basin. Any openings need to be set 500mm above the Flood Plain Level (FPL).

2. Nomination of the Planning Proposal Category & Council Assessment Fees

In accordance with the Local Environmental Plan Making Guideline the planning proposal falls within the category of 'Complex'. In accordance with the Hills Shire Council adopted fees and charges, a 'Complex' proposal will be subject to a lodgement fee of \$177,850.

3. Consultation Requirements and Assessment Timeframes

Should Council resolve to support the planning proposal and progress to Gateway Determination, it is anticipated that formal consultation with government agencies will occur following the issue of a Gateway Determination, concurrent with public exhibition of the planning proposal. Public exhibition and consultation will occur in accordance with the Gateway Determination and for a minimum of 28 days.

The Department of Planning and Environment has implemented its Planning Reform Action Plan, which seeks to fast track planning proposal assessment timeframes and provides minimal opportunity to obtain timeframe extensions. As such, Council is unable to defer consideration of critical elements such as infrastructure solutions or a draft development control plan to the post-Gateway stage. It is envisaged that these elements will be reported to the Local Planning Panel and Council concurrently with the planning proposal.

Council has forwarded the scoping material to TfNSW for preliminary comment, however no comments have been received to date. It is considered appropriate for you to continue with your intended scheduled for lodgement irrespective of this, and should any comments be received, these will be forwarded to you in due course.

4. Recommended Investigations and Studies to Support the Proposal

At a minimum, the following information should be submitted as part of your planning proposal lodgement package:

- Application Form, Owners Consent and completed Political Donations forms;
- A Planning Proposal Report, which addresses the Department of Planning and Environment's *Local Environmental Plan Making Guideline*;

- Master Plan/Structure Plan/Urban Design Report;
- Full set of Architectural Plans;
- Heritage Assessment Report;
- A draft Development Control Plan;
- Traffic, Parking and Accessibility Report;
- Environmental constraints reports (stormwater and flooding);
- Residential Demand Analysis;
- Retail and Employment Demand Analysis;
- Utilities Servicing Report;
- Local Infrastructure Analysis, which considers the impacts of the proposal on the demand for local infrastructure and recommends a suitable development contributions framework in association with any development uplift on the land. It will be necessary to establish the proposed infrastructure contributions mechanism and submit details of this at the time of lodging the planning proposal application (for example, any draft Contributions Plan or offer to enter into a Voluntary Planning Agreement); and
- Presentation material for Councillor briefing session in accordance with Council's Planning Proposal Policy (attached).

Please note that the above list is not exhaustive and is subject to any other matters that arise from your detailed site investigations.

5. Preliminary Advice as to Whether the Proposal has Strategic and Site-Specific Merit

Preliminary commentary is provided below with respect to the potential strategic and site-specific merits of a future proposal. Please note that these comments are preliminary officer level comments only, based on the scoping material submitted. The comments below do not represent the final views of Council officers, which can only be established following thorough assessment of your full application and supporting technical studies. Furthermore, these preliminary comments do not impact the discretion of the elected Council to form a different view with respect to the proposal, once lodged and reported to Council for Determination.

Strategic Merit

- *Give effect to the relevant plans and demonstrate consistent with the relevant LSPS*

Strategic Framework	Comment
Greater Sydney Region Plan	The proposal has the potential to be consistent with this Plan, particularly with respect to priorities that seek to align infrastructure with growth, grow business investment opportunities to help strategic centres realise their potential and contribute to a 30 minute city through transit oriented development principles.
Central City District Plan	The proposal has the potential to be consistent with this Plan, notably through its contribution towards growing the commercial capacity of Norwest Strategic Centre through the achievement of 49,00 – 53,000 jobs by 2036. The proposal seeks to integrate land use development with transport planning and a 30 minute city.
The Hills Local Strategic Planning Statement	The proposal has the potential to be consistent with the LSPS as it seeks to plan for sufficient jobs that are targeted to suit the skills of the workforce, build Norwest Strategic Centre to realise its potential and deliver a mixed use (office, retail, restaurants and residential) development in line with the Norwest Structure Plan. While the LSPS does promote the retention of a commercial core within Norwest, the Marketown

	Local Centre is currently (and has historically been) identified distinctly as a mixed use local centre surrounding the lake and adjoining the Station.
North West Rail Link Corridor Strategy	The proposal has the potential to be consistent with the Norwest Structure Plan which envisages neighbourhood scale retailing and a mixed commercial and retail core within the local centre on this site.
The Hills Corridor Strategy	The proposal has the potential to be consistent with the Corridor Strategy, which envisages a maximum of 240 dwellings per hectare and a minimum employment FSR of 2.5:1 on the site.
Draft Norwest Precinct Plan	The proposal has the potential to be consistent with the Draft Precinct Plan, as it envisages a mixed use development comprising a minimum of 50% commercial uses within a built form of 8 to 35 storeys and a density of 4 - 4.5:1. A key vehicular link from Norwest Boulevard to Fairway Drive is also identified to be delivered over a portion of the site.
Section 9.1 Ministerial Directions	The proposal has the potential to be consistent with these Directions, specifically as they relate to the implementation of the NWRL Corridor Strategy, integrating land use and transport, encouraging a variety and choice of housing types and supporting the viability of identified centres through employment growth. The proposal will need to demonstrate consistency with Direction 4.1 – Flooding.
State Environmental Planning Policies	<p>The proposal has the potential to be consistent with SEPP65 and the Apartment Design Guide, though it is difficult to determine at the Scoping Phase based on the level of plans submitted at this time. Development controls are recommended in Section 6 of this letter which should assist in the demonstration of compliance with SEPP65.</p> <p>The proposal has the potential to comply with the requirements of SEPP (Resilience and Hazards) 2021 as they relate to the remediation of land associated with the existing petrol station on site. However, further information would be required upon lodgement to demonstrate this.</p>

It is important to note that the ability of the planning proposal to meet the strategic merit test is contingent on sufficient certainty being provided with respect to the achievement of minimum commercial floor space delivered on the site. The proposed LEP mechanisms will be critical in this regard, given the strong strategic vision with respect to the employment generation on this site, within a mixed use development.

It will also be necessary for any proposal to demonstrate the development outcomes and uplift sought can be appropriately serviced by local and state infrastructure, as this is also an important strategic merit consideration.

- *Respond to a change in circumstances that has not been recognised by the existing planning framework, such as a key infrastructure investment, Government priorities or changes in population or demographic trends.*

The planning proposal responds to the commencement of the Sydney Metro Northwest, the release of the Greater Sydney Region Plan and Central City District Plan, Council's Local Strategic Planning Statement and the draft Norwest Precinct Plan (yet to be exhibited). The planning proposal would respond to a change in circumstances arising from these factors, which are not recognised by the existing planning controls.

Site Specific Merit

- *the natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources or hazards)*

The Hills Development Control Plan 2012 identifies the site as a flood control lot. A flooding and stormwater report will be required to identify the extent of the flood affected land and flood levels, the pre-development and post-development flood scenario and demonstrate that the development can occur safely, in accordance with the Floodplain Development Manual and Council's Development Control Plan, and not affect any other properties in terms of flooding.

- *the built environment, social and economic conditions*

The Norwest Precinct is undergoing a significant amount of change in response to the delivery of the Sydney Metro Northwest and the identification of Norwest as a strategic centre with a significant job target. While increased height and density is expected at this location, broadly in line with that being proposed, the planning proposal and supporting material will need to explain and justify the merit of the built form proposal in detail.

Following a review of the plans submitted with the scoping report, the following matters should be addressed:

- Consideration of connecting the below ground retail levels to the pedestrian underpass to Norwest Metro Station;
 - Consideration of the solar impacts on adjacent properties, particularly the public plaza areas on the station site across Norwest Boulevard;
 - Building shapes that facilitate regular internal spaces in buildings (sharp corner architectural features may result in poorly configured internal spaces);
 - Clear identification of private communal open space areas for residents and public open space areas; and
 - Clear identification of deep soil areas (not above a basement).
- *existing, approved and likely future uses of land in the vicinity of the land to which the proposal relates; and/or*

The Norwest Precinct is undergoing a significant amount of change and there are a number of recent developments, finalised planning proposals and approved development applications that indicate the likely future uses and development of land in the vicinity.

Further, Council will be commencing consultation on the draft Norwest Precinct Plan in early 2023 that, if adopted by Council, will provide further guidance on the future uses of land in the vicinity of the proposal.

- *services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision*

The current contributions framework applicable to the site does not cater for the planning proposal and as such a new infrastructure mechanism will be required to deliver the infrastructure necessary to support the uplift in development potential. Contributions towards active and passive open space, drainage infrastructure, traffic infrastructure, pedestrian connections and community facilities will be

necessary to support the proposal. Further information about the infrastructure solution is provided below in item 7 of this letter.

6. Development Control Plan

A site-specific development control plan will be required to be submitted as part of your planning proposal lodgement package. The planning proposal and development control plan are to be consistent in their representation of the outcomes for the site and the required development standards and development controls to achieve this outcome. The draft development control plan should include development controls to achieve the following key urban design criteria:

- Maximum building lengths of 65m;
- Maximum residential tower floor plates of 750m²;
- Compliance with the Apartment Design Guide with respect to building separation, solar access and landscaping requirements;
- Solar access to common open space of 4 hours between 9am and 3pm on 21 June;
- Setbacks should be provided that ensure a balance between appropriate tower separation and an active ground plane;
- Podium heights should seek to reduce the perceived building bulk from the ground plane and seek to provide fine grain urban facades;
- Commercial tower floor plates should facilitate tall and slender buildings that distinctly mark the core of the strategic centre;
- Taller buildings are to be strategically located towards Norwest Boulevard and Century Circuit to signify the entrance to the mixed use core;
- Shorter buildings are to be provided adjacent to public spaces, to sympathetically frame these areas and reduce visual impacts;
- Building articulation is to be provided to soften visual impact of the towers and develop a pedestrian scale;
- High quality public domain and plaza areas integrated with key pedestrian movements within and beyond the site. This should also include public art and informative way finding signage;
- The proposed public park should create a well defined and comfortable public space around Norwest Lake for casual recreation and relaxation;
- A pedestrian friendly environment should be created for movements both within and through the site. Publicly accessible pedestrian through site links and active ground floor uses should create a desirable and vibrant streetscape;
- Landscape and deep soil area requirements should be clearly defined and include objectives for tree retention and canopy cover targets; and
- Waste management design should be undertaken in accordance with the existing requirements of Council's DCP.

7. Infrastructure Solution

The planning proposal should be accompanied by an infrastructure solution that will ensure the delivery of appropriate infrastructure to support the proposed development.

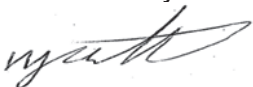
Council's precinct planning investigations have involved detailed infrastructure analysis for uplift within the Strategic Centre and consideration of the upgrades that are required to support the growth envisaged under the draft Precinct Plan. As part of this, regional traffic and transport modelling is currently being undertaken by the Department of Planning and Environment (DPE) and TfNSW. This modelling will confirm whether the outcomes envisaged under The Hills Corridor Strategy can be accommodated on the road network. The draft Precinct Plan comprises a number of items that are identified for future regional road upgrades in anticipation of the findings of the regional traffic modelling. In this regard, the scoping proposal has been referred to TfNSW for comment and we are still awaiting their preliminary submission. Any advice received from TfNSW will be forwarded to you for your consideration in the preparation of your planning proposal material for lodgement.

Residential development generates increased demand for a range of facilities, however the most challenging to deliver in recent years is active open space. The identification of appropriate sites for such facilities and the required funding continues to be a key challenge for redevelopment along the Sydney Metro Corridor within The Hills. These infrastructure challenges may be a key limiting factor in determining the amount of residential development that can be accommodated on the site and subsequently serviced by the necessary infrastructure.

Consideration should be given to how any future uplift on the site will be serviced appropriately, having regard to cumulative infrastructure impacts in the Norwest Strategic Centre in advance of detailed holistic precinct planning undertaken by Council. Your local infrastructure analysis should provide preliminary discussion on the infrastructure demand generated by the proposed uplift and identify an appropriate infrastructure solution. I would also refer you to my previous written advice provided to GLN Planning dated 11 November 2022 and encourage you to consider this guidance when formulating a proposed infrastructure solution.

I trust this information is sufficient to assist you in preparing a planning proposal. Should you require further information, please contact Kayla Atkins, Strategic Planning Coordinator on 9843 0404 or at katkins@thehills.nsw.gov.au.

Yours faithfully



Nicholas Carlton
MANAGER – FORWARD PLANNING

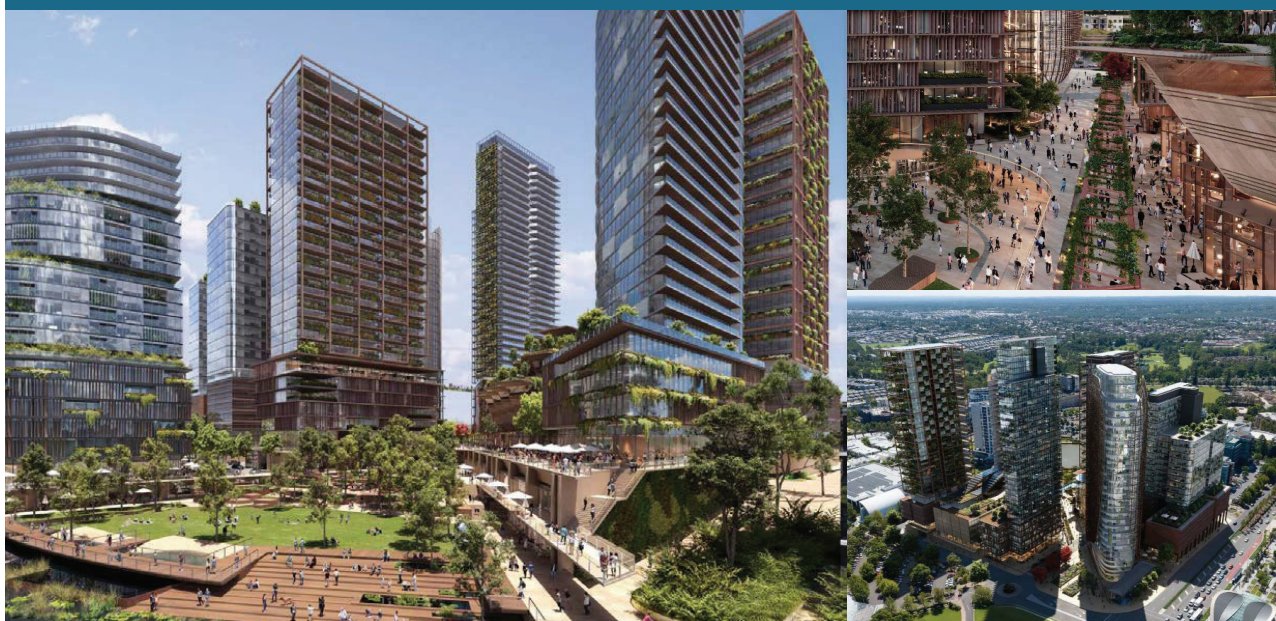
ATTACHMENT 1: THSC PLANNING PROPOSAL POLICY

The Hills Development Control Plan (DCP) 2012

www.thehills.nsw.gov.au

ATTACHMENT 5

THE
HILLS
Sydney's Garden Shire



Part D Section XX

Norwest Marketown – 4-6 Century Circuit, Norwest

EXHIBITION DRAFT – (DATE)

In Force XXXXXXXX

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1 Introduction

This Section of the DCP establishes a framework and controls to guide future development on the site at 4-6 Century Circuit, Norwest. The subject site is referred to as the 'Norwest Markettown Precinct' throughout this document.

1.1 Land to which this Section applies

This section applies to land at 4 and 6 Century Circuit, Norwest (outlined in red in **Figure 1**) being Lot 2 in DP 1213272 and Lot 5080 in DP1008602, respectively.

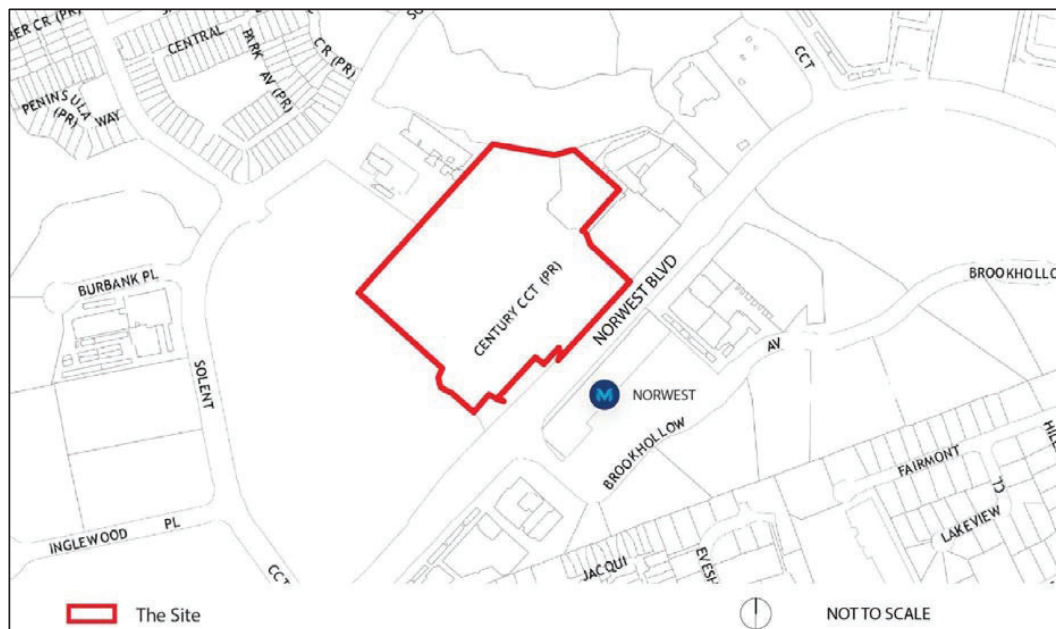


Figure 1
Land to which this Section Applies

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 the future transit-oriented development is attractive, functional and sustainable and achieves a high quality urban design outcome for the subject site. It also encourages orderly development through site planning to address the site's interface with adjoining properties which varies in character and complexity.

Norwest Marketown, 4-6 Century Circuit, Norwest- Development Control Plan

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 will need to 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.

Norwest Marketown, 4-6 Century Circuit, Norwest- Development Control Plan

2 Urban Context

The Marketown Precinct is located within the north-eastern portion of Norwest Business Park and directly adjacent the Norwest Metro Station Precinct. It has a total area of 46,455m² and is generally bounded by Norwest Lake to the north, Norwest Boulevard and the Norwest Metro Station to the south and east, with the Hillsong Church and Hillsong College located directly west of the site.

Norwest is currently undergoing a significant degree of change in response to the delivery of the Sydney Metro Norwest Station and the identification of Norwest as a strategic centre. The area has experienced substantial uplift in the past few years, with the business park transitioning into a strategic specialised centre, supporting higher densities for commercial and residential uses.

The Marketown Precinct will reinforce the strategic vision for Norwest by providing a vibrant mixed-use, transit-oriented precinct that supports increased employment-generating land uses, high density residential housing, commercial, retail, visitor accommodation and essential services within immediate proximity to high frequency public transport. Marketown will create a new urban environment at the heart of the Norwest Strategic Centre that is connected to transport, technology and landscape.

Marketown will provide a range of essential services, community facilities, new and expanded public plaza and open space areas. Best practice design, which is consistent with the Draft Norwest Precinct Plan, will realise an attractive transit-oriented development precinct with high amenity.

3 Desired Future Character and Principles

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

- The Norwest Marketown Precinct will deliver an urban hub which will form the centre of activity for the broader Norwest Strategic Centre.
- Future development will integrate with the adjoining Norwest Metro Station and improve connectivity within and beyond the site.
- Future development will be of the highest quality and will respond to the existing surrounding local character including Norwest Lake.
- The Precinct will achieve a true mixed-use approach to land use that carefully balances diversity and optimises the strength of the surrounding business park and minimises land use conflict to successfully integrate commercial business and housing growth.
- Future development on the site will enable a diversity of dwelling types to meet the changing needs of the growing population.
- Built form will be sensitively designed to respond to the site's location and interface with existing low-rise surrounds and future and more immediate high rise development interfaces.
- Built form will comprise a variety of heights and scales that appropriately responds to the hierarchy of streets and open spaces, residential amenity and solar access.
- Built form is designed to minimise wind impact and overshadowing to the public domain through modulation of building setbacks and podiums.
- Future development in the Precinct is coordinated and effectively managed to provide appropriate publicly accessible open space and community facilities as required.
- The public domain will be an attractive, safe, accessible and permeable network of streets, lanes and pedestrian links. The ground plane will respond to key desire line connections for walking and cycling across the precinct.
- Significant landscaping and large street tree species will provide shade, amenity and contribute to the management of stormwater quality and the implementation of contemporary water sensitive urban design measures.
- The Precinct will deliver open space and public plazas including a square and urban park fronting Norwest Lake.
- Future development will achieve a strong and consistent landscape character throughout the precinct. Established trees will be retained and protected where possible and will be supplemented with new native plantings.
- Appropriate technical considerations will be implemented, such as acoustic mitigation measures, wind management and solar access principles.

Norwest Marketown, 4-6 Century Circuit, Norwest- Development Control Plan



Figure 2
Vision for Norwest Marketown Precinct

4 General Controls

4.1 Public Domain and Open Space

Objectives

- a. To provide a pleasant, permeable and safe environment for the enjoyment of pedestrians and cyclists which encourages interaction and improves the amenity of the area for residents, workers, and visitors.
- b. To ensure seamless integration between pedestrian and cycle links and vehicle movements throughout the site.
- c. To provide an open and legible pattern of pedestrian dominant streets, lanes, vertical transition between levels and generous footpaths that respond to key connections to the broader Norwest Strategic Centre and Marketown Precinct.
- d. To promote the use of the Metro Station and the site as an efficient interchange of movement nodes through the delivery of permeable pedestrian links and clear desire lines connecting Norwest Square and Station to the Norwest Lake.
- e. To strengthen Norwest's identity through the incorporation of public art and informative wayfinding signage.
- f. To create well-defined and comfortable public spaces for casual recreation and encourage people gathering and relaxation.
- g. To ensure consistent and accessible design of public open space areas and landscaping.

Controls

1. Development is to be generally in accordance with **Figure 3: Public Domain Plan**, and is to provide:
 - a. a publicly accessible open space adjoining Norwest Lake with a minimum area of 5,700m².
 - b. a publicly accessible plaza with a minimum area of 1,770m².
 - c. active frontages within the retail lane areas.



Figure 3
Public Domain Plan

2. Publicly accessible open spaces are required to be embellished with the following high quality treatments:
 - a. integrated seating and other furniture;
 - b. bins;
 - c. landscaping;
 - d. adequate shading;
 - e. signage; and
 - f. adequate lighting to promote safety.
3. All public spaces are designed to be inclusive and universally accessible, to cater for all ages, enrich the community and provide infrastructure that promotes causal recreation, relaxation and maximises social interaction.
4. Public spaces will be embellished with public art where appropriate.
5. Meeting places, points of interest, shade and grouped social seating opportunities are to be located at predicted nodes of activity throughout the site.

4.2 Communal Open Space

Objectives

- a. To provide sufficient communal open space for the enjoyment of residents.
- b. To ensure that communal open spaces:
 - i. Are accessible, useable and safe;
 - ii. Enhance the attractiveness of the development;
 - iii. Provide opportunities for social interaction; and
 - iv. Create pleasantly shaded outdoor areas.

Controls

1. A minimum of 10m² per dwelling shall be provided as communal open space.
2. The publicly accessible park is permitted to be included for the purpose of calculating the area of communal open space to be provided on the site.
3. A minimum of 25% of the required communal open space must be located at ground level.
4. A minimum of 3,000m² of the required communal open space must be provided at rooftop level within the development, with an appropriate portion to be provided in each residential tower.
5. External common open space areas are to be capable of accommodating substantial vegetation and should be designed to incorporate active and passive recreation facilities.
6. External common open space areas are to be located and designed to:
 - a. Be seen from the street between buildings;
 - b. Provide for active and passive recreation needs for all residents;
 - c. Provide landscaping;
 - d. Where provided at rooftop level, present as a private area for use by residents only;
 - e. Include passive surveillance from adjacent internal living areas and/or pathways; and
 - f. Have a northerly aspect where possible;
7. Internal open space areas are to provide opportunities for larger communal gathering and/or active recreation.

4.3 Built Form

Objectives

- a. To provide a range of building heights, types and architectural styles to create diversity and visual interest.
- b. To provide building heights that contribute to the physical definition of the existing and proposed street network.
- c. To ensure built form design is compatible with the desired future character of the Norwest Precinct as a Strategic Centre.
- d. To ensure building mass is varied and well-articulated at key interfaces within and beyond the site.

- e. To ensure podium building heights are designed at a pedestrian scale to reduce visual bulk and deliver fine grain frontages.

Controls

1. Prior to the issue of consent for the first building on the site, a plan for the entire site should be provided to the consent authority outlining proposed setbacks, street frontage heights and building massing for the Marketown Precinct.
2. Buildings are to be setback from the site boundary with Norwest Boulevard a minimum of 4m to ensure appropriate space is available for tree planting and pedestrian movements.
3. Podiums are to have a maximum floorplate length of 65m. Where a building has a length greater than 65m it is to be separated into at least two parts by a significant recess, projection or other distinct architectural expressions and features.
4. Residential towers are to have maximum floorplate length of 50m. Where a building has a length greater than 30m it is to be separated into at least two parts by a significant recess, projection or other distinct architectural expressions and features.
5. The facade design is to include distinct elements of building articulation, significant recesses and architectural diversity.
6. Residential tower floorplates are to be a maximum area of 750m² Gross Floor Area (GFA) and a maximum area of 1,000m² Gross Building Area (GBA).
7. With the exception of the signature commercial tower on the site, tower elements are to be setback 5m from the podium envelope.
8. The signature commercial tower should include floorplates that facilitates tall and slender form that distinctly mark the core of the strategic centre.
9. Tower elements are to be strategically positioned to maximise solar access, natural ventilation and views both into and through the site and from key vantage points of the public domain.
10. Taller buildings are to be located towards Norwest Boulevard and Century Circuit to create a distinct entrance and arrival point for the Norwest Marketown precinct.
11. Shorter buildings are to be provided adjacent to public spaces to sympathetically frame and public open space and reduce visual impacts.
12. Future development to have regard to the location and use of neighbouring development located adjacent to the Norwest Marketown Precinct.

4.4 Active Frontages

Objectives

- a. To encourage a vibrant urban environment that facilitates community activity, safety, natural surveillance and territoriality.
- b. To encourage continuous active urban edges where buildings meet the public realm.

Controls

1. Building frontages are to activate the public realm through the following measures:
 - a. Providing fine grain retail tenancies that cater to a diverse range of businesses including retail, entertainment, and restaurants and cafes.
 - b. Establishing high activity areas such as seating overlooking the public domain.
 - c. Incorporating large doors or windows.

- d. Locating activities and uses which are conducive to a positive public interaction.
- 2. An active frontage is not required for any part of a building that is used for the following:
 - a. Entrances and lobbies;
 - b. Access for fire services; and
 - c. Vehicular access.
- 3. Active frontages are to be provided along key connection routes and desire lines between the Norwest Metro Station and Norwest Lake.
- 4. Building design features, such as awnings, are to be provided where possible to ensure adequate protection for pedestrians from the elements, architectural quality and landscaping.
- 5. Active frontages are to incorporate large areas of transparent glazing or other openings that enable clear sightlines between the public domain and internal areas, in particular those with high levels of activity such as reception, seating and dining areas.

4.5 Solar Access and Overshadowing

Objectives

- a. To ensure residential apartments have a good level of solar access and residential amenity.
- b. To ensure development results in a good level of sunlight to communal open space, public spaces and neighbouring properties.
- c. To ensure the growth of mature public landscaping.

Controls

- 1. Development is to achieve direct sunlight to the publicly accessible open space and plaza for a minimum of 4 hours between 9am and 3pm on the 21 June.
- 2. Residential development must comply with solar access requirements in accordance with the Apartment Design Guidelines.
- 3. Development should be sensitively designed to ensure all public domain areas and the Norwest Metro Station receive adequate solar access.
- 4. All development applications must include solar access diagrams that demonstrate, at a minimum, compliance with the ADG including plans.

4.6 Vehicle Access, Parking and Connectivity

Objectives

- a. To ensure that the demand for transport and parking generated by development is managed in a sustainable manner.
- b. To facilitate a transit oriented development outcome by reducing car dependency and encouraging walking and cycling to and from the nearby Norwest Metro Station.
- c. To provide for vehicular network improvements within and adjoining the site.
- d. To prioritise suitable traffic management measures that prioritise pedestrian movements throughout the site.

Controls

Norwest Marketown, 4-6 Century Circuit, Norwest- Development Control Plan

1. A pedestrian only connection should be provided from the intersection of Norwest Boulevard and Century Circuit (West) through to Norwest Lake.
2. A vehicular link should be provided along the western boundary of the site to facilitate a future road connection to Fairway Drive.
3. Vehicular access should prioritise pedestrian movements and vehicular ramps should be discretely located and screened to maintain the visual amenity of the public domain.
4. Vehicular driveways and crossovers are to be clearly visible and include active safety measures.
5. Access to loading and unloading areas is to be designed to minimise conflict with residential and commercial car parking traffic.
6. Loading, storage, refuse areas and building services should be concealed and integrated into the building design to minimise the visible impact to public areas.
7. Car parking is to be provided in accordance with the following rates:

Land Use	Minimum	Maximum
Commercial	1 space per 100m ² GFA	1 space per 75m ² GFA
Retail	1 space per 60m ² GFA	1 space per 37m ² GFA

8. Any proposed integrated car parking arrangements for retail and commercial uses should be supported by a parking management strategy.
9. Car parking is to be provided underground. Basement car parking is not to reduce the potential for deep rooted planting and effective landscaping on the site.
10. End of trip facilities such as change rooms, showers and secure areas for bicycle parking should be provided within the site.
11. Development applications shall be accompanied by a Green Travel Plan prepared in accordance with the requirements in Appendix A.

4.6 Landscaping

Objectives

- a. To ensure Norwest Marketown has adaptive and climate resilient infrastructure, a focus on the human and natural scale, a network of memorable urban places, a clarity of civic space and connectivity to the broader community.
- b. To provide an attractive streetscape and accommodate landscaping that contributes to delivering high amenity within the Norwest Strategic Centre.

Controls

1. Landscape design is to:
 - a. include a diverse range of plant species that respond to the solar access conditions and is to be in accordance with the recommended species list in Part C Section 3 of The Hills DCP;
 - b. be compatible with flood risk and avoid dense planting in a flow path;
 - c. incorporate understorey planting and permeable surfaces to reduce the extent of paved areas and to enhance the amenity of the streetscape environment; and

- d. enhance the appearance of buildings and car parking areas without creating opportunities for concealment.
2. Open space fronting Norwest Lake should provide deep soil area zones.
3. The minimum amount of deep soil area, meaning an area of natural ground with relatively natural soil profiles and excluding areas above underground structures, is to be 15% of the total site area.
4. Landscaping and planting opportunities on podiums should be provided where appropriate.
5. Planting on structures is to:
 - a. ensure soil depth, soil volume and soil area appropriate to the size of the plants to be established; and
 - b. be designed to have appropriate soil conditions, drainage and irrigation methods.
6. The incorporation of green walls and roofs into the development is encouraged. Where suitable, building facades should incorporate landscaping features to soften the visual bulk of buildings and to improve streetscape quality.
7. Substations are to be integrated into the design of buildings and landscaped where appropriate, to minimise their visibility and intrusion in the public domain.
8. Development should achieve a 40% increase in canopy tree cover on the site.

4.7 Design Excellence

Objectives

- a. To deliver a high standard of architectural and urban design.
- b. To facilitate development that will improve the quality and amenity of the public domain.

Controls

1. Future development must provide diversity and contribute to architectural character of the precinct. Buildings that are located adjacent or opposite one another are not to be of the same or similar design.
2. Buildings are to create a distinct visual feature and exhibit a high standard of architectural design, materials and detailing.
3. Large development blocks which have multiple buildings or building cores are to be designed to provide individual character so that each core is recognisable from the street (including different architectural languages for elements such as building entrances, balconies and balustrades, awnings, planters, pergolas, boundary walls and fences).

4.8 Sustainability

Objectives

- a. To create a low-carbon precinct that contributes to the NSW Government's target of 50% emissions reduction by 2030 and net zero emissions by 2050.
- b. To ensure development achieves best practice sustainability and environmental performance measures having regard to energy and greenhouse gas emissions.

Norwest Marketown, 4-6 Century Circuit, Norwest- Development Control Plan

- c. To ensure that the design, construction and operation of development minimises adverse impacts on the natural environment.
- d. To provide capability for natural ventilation within parts of buildings suitable for their intended function and use.
- e. To minimise the urban heat island effect and contribute to the public amenity within the Precinct.
- f. To improve resilience to potential shocks and stresses, including flooding, heat, storm and bushfire events.

Controls

- 4. Prior to issuing consent for the first building on the site, a Norwest Marketown Sustainability Strategy should be submitted that incorporates the principles of Ecologically Sustainable Development and outlines best practice targets.
- 5. Any development application for new buildings on the site are to be supported by an Ecologically Sustainable Development Strategy.
- 6. Waste management and loading should be designed in accordance with Part B of the DCP.

4.9 Wind

Objectives

- a. To ensure the built form does not provide adverse wind conditions which will impact upon the amenity of pedestrian comfort in public open spaces.
- b. To ensure differences in building heights do not cause high wind loads.

Controls

- 1. Prior to issuing consent for the first building on the land, a Norwest Marketown Wind Study is to be completed, which demonstrates the following:
 - a. In open areas to which people have access, the annual maximum gust speed should not exceed 23 metres per second;
 - b. In walkways, pedestrian transit areas, streets where pedestrians do not generally stop, sit, stand, window shop and the like, annual maximum gust speed should not exceed 16 metres per second;
 - c. In areas where pedestrians are involved in stationary short-exposure activities such as window shopping, standing or sitting (including areas such as bus stops, public open space and private open space), the annual maximum gust speed should not exceed 13 metres per second; and
 - d. In areas for stationary long-exposure activity, such as outdoor dining, the annual maximum gust speed should not exceed 10 metres per second.
- 2. The wind tunnel study report is to be prepared by a suitably qualified engineer.

4.10 Staging and Implementation

Objectives

Norwest Marketown, 4-6 Century Circuit, Norwest- Development Control Plan

- a. To ensure the redevelopment of Marketown Precinct is coordinated in an orderly manner to ensure the activities on adjacent sites and amenity of residential neighbours are not adversely impacted on.
- b. To secure high quality, legible and useful public domain at the earliest opportunity.
- c. To ensure that as far as practicable, the development of sites can occur independently, without reliance on infrastructure from adjacent sites.
- d. To provide safe and convenient pedestrian and vehicular access during the construction phase of the site.
- e. To address infrastructure service provision upon commencement of construction works and to ensure all services are reliable and operational to adjoining and adjacent development.

Controls

- 1. Prior to the issue of consent for the first building on the site, a Staging Strategy is to be submitted to the consent authority.
- 2. Development density is to align and be commensurate with the delivery of public space and infrastructure across the Precinct.
- 3. Development is to ensure any necessary flood / stormwater management solutions or required decontamination / remediation works are co-ordinated appropriately across each stage of development.
- 4. A Construction and Implementation Plan of Management detailing arrangements for construction zones, operational access points, private and public accessibility zones is to be prepared and submitted as part of any detailed development application associated with redevelopment of the site.

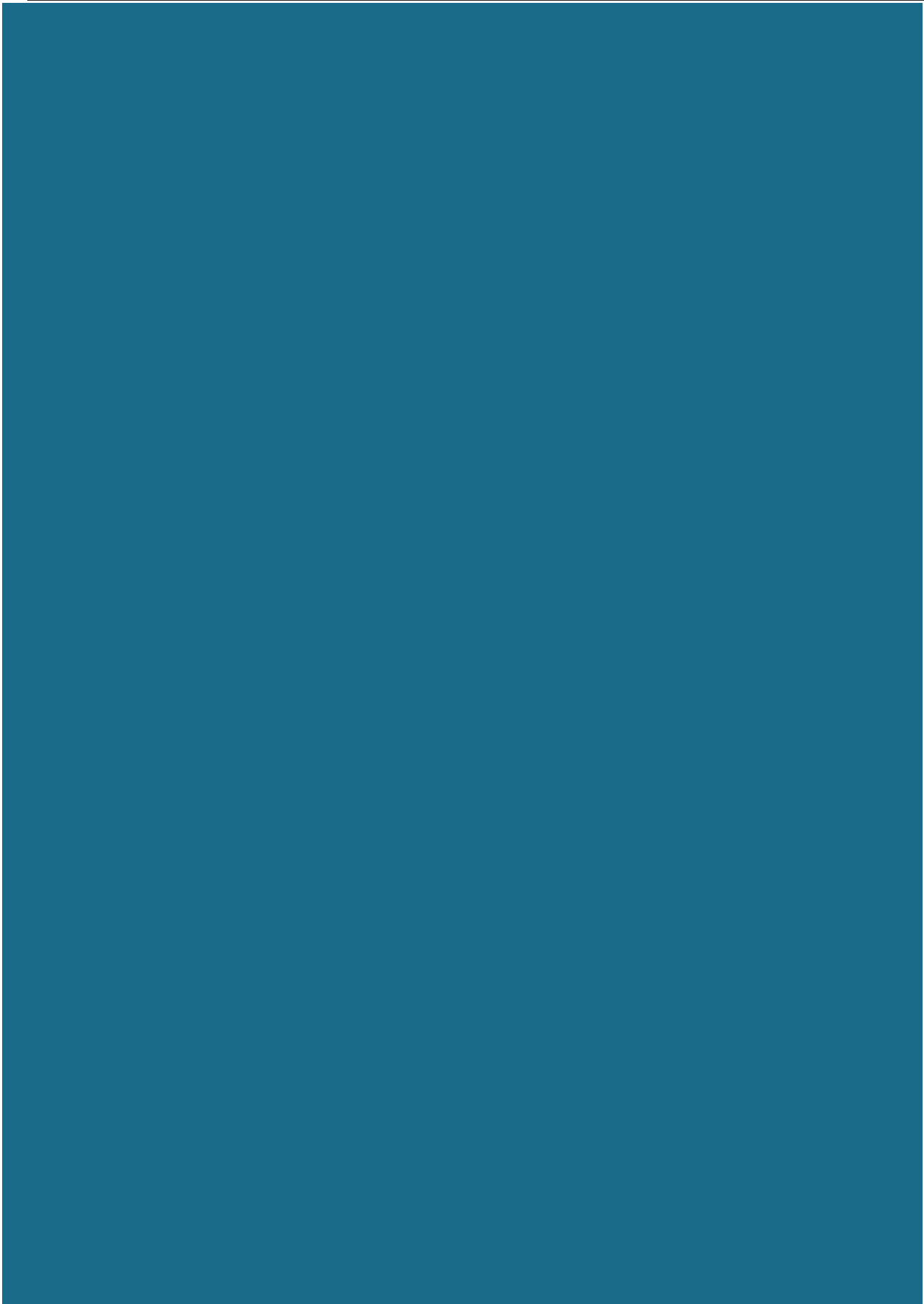
Norwest Marketown, 4-6 Century Circuit, Norwest- Development Control Plan

Appendix A – Green Travel Plan Requirements

Preparing and implementing a Green Travel Plan is an important part of managing the transport demand generated by the development. The Green Travel Plan should be based on the findings of a Transport Impact Study prepared in association with the proposed development. The Green Travel Plan should include a series of measures that promote and facilitate more sustainable modes of travel with a view to reducing private motor vehicle use.

The following detail at a minimum is to be included within the Green Travel Plan:

1. Data from available and up-to-date sources including:
 - a. most recent traffic data on the Norwest Business Park;
 - b. quantification of expected occupancy of the site, including workers and visitors;
 - c. comprehensive audit of current transport services including On Demand services; and
 - d. relevant transport strategies and proposed network changes.
2. Aspirational, achievable and specific mode share targets, including targets for the different sustainable modes of transport.
3. Details and maps of end of trip (EoT) facilities, access points and site permeability for active travel, including number and location of all secure bike parking, casual bike parking, showers and lockers.
4. Details the number of any on-site car-share parking spaces and how they will be managed.
5. Consideration of connectivity with nearby cycling and walking facilities and public transport stops and how the development can contribute to improvement.
6. Identification of lighting or other issues (like lack of shade) around access points and routes from nearby public transport stops and other points of interest.
7. Active travel champions for different companies on the site.
8. Innovative approaches to information boards with real time information screens and/or interactive screens in common spaces.
9. Exploration of innovative management strategies for parking with incentives for arriving and leaving out of peak hours and reducing parking demand.
10. Consideration of opal top up facilities onsite.
11. Comprehensive communications strategy with assignment of responsibility for each action.
12. A completed Transport Analysis Guidance (TAG) which has maps of End of Trip facilities and connectivity with public transport and active transport networks.
13. Details regarding existing and additional resources required including how the Travel Plan Coordinator will be appropriately trained and resourced.
14. Details of on-going monitoring mechanisms and the minimum number of years that annual performance reports are provided.





3 April 2024

The General Manager
The Hills Shire Council
3 Columbia Court
Norwest, NSW, 2153
Attention: Michael Edgar

Dear Mr Edgar,

OFFER TO ENTER INTO PLANNING AGREEMENT - NORWEST MARKETOWN PLANNING PROPOSAL

4-6 CENTURY CIRCUIT, NORWEST

I write to make an irrevocable offer on behalf of Norwest City PTY Limited (**Mulpha**) to enter into a planning agreement with The Hills Shire Council (**Council**) to undertake works, dedicate land free of cost and make a monetary contributions to Council in connection with our planning proposal for the site at 4-6 Century Circuit, Norwest.

Our offer is informed by the Infrastructure Delivery Plan prepared by GLN Planning and submitted with the Planning Proposal. This letter addresses key matters a planning agreement must address under section 7.4(3) of the Environmental Planning and Assessment Act 1979 (**EP&A Act**) including a description of the land and proposed development to which the agreement will apply, and details of development contributions proposed to be provided as part of the offer.

We understand that, subject to support by Council staff, this offer will provide the basis for drafting a formal agreement that would be publicly exhibited and reported back to Council after the exhibition for execution.

1 Background

Mulpha Norwest has lodged the Norwest Marketown Planning Proposal with Council seeking to amend *The Hills Local Environmental Plan 2019* (**The Hills LEP**) to revise the planning controls for the land associated with this letter of offer.

To support the Norwest Marketown Planning Proposal, and in consultation with Council, GLN Planning prepared an Infrastructure Delivery Plan (**IDP**) identifying the local infrastructure demands, establishing a suitable development contributions framework and appropriate mechanisms to address these demands.



The key local infrastructure identified under the IDP to support the proposed development included the following:

- Works – construction of a 3,000 m2 community facility, high quality open space and public domain including Lakeshore Green, water park, foreshore recreation works, and The Hills Square public domain.
- Land – dedication of land (floor space) associated with the community facility above.
- Monetary contribution – towards offsite active open space / sports fields and a ‘first and last mile’ travel initiative.

The IDP also identified the appropriate mechanisms to secure the infrastructure requirements for the precinct. Given the site is under complete ownership of Mulpha Norwest, the IDP recommended that a planning agreement rather than a site-specific local infrastructure contribution plan be used to address the local infrastructure demands that will be generated from the planning proposal and associated future development. As noted, this offer has been informed by GLN’s analysis and recommendations.

2 Parties

The proposed parties to this agreement are:

- The Hills Shire Council
- Norwest City PTY Limited (ABN 26 695 958 023).

3 Land

The land which is the subject the proposed agreement is referred to as 4 Century Circuit (Lot 2 in DP 1213272) and 6 Century Circuit (Lot 5080 in DP 1008602), and any lot subsequently created by the subdivision of those lots (**the site**).

The land subject to the proposed planning agreement is shown in **Attachment A**.



4 Planning Proposal

The Planning Proposal seeks the following changes to THLEP 2019:

- Rezone the site from E1 Local Centre to MU1 Mixed Use;
- Increase in overall height within the site from RL116 to RL216;

Increase the Floor Space Ratio from 1.49:1 to 5.0:1, comprising a minimum 'commercial premises' and 'entertainment facility' FSR of 2.5:1 and a maximum 'residential flat buildings', 'shop top housing' and 'boarding houses' FSR of 2.21:1 and 854 dwellings;

- Dwelling size and mix requirements consistent with THLEP 2019 and Council's strategic goals for housing;
- Car parking provisions in relation to dwellings, dwelling visitors, retail and commercial uses;
- Additional Permitted Uses (Schedule 1) to allow for the land uses of: recreation area, retail premises, recreation facility (outdoor), water recreation structure, waterbody (artificial) and wharf/boating facilities, within the land zoned SP2 Infrastructure within the site; and
- Corresponding site-specific DCP amendments.
- Increase the Floor Space Ratio from 1.49:1 to 5.0:1, comprising a minimum 'commercial premises' and 'entertainment facility' FSR of 2.5:1 and a maximum 'residential flat buildings', 'shop top housing' and 'boarding houses' FSR of 2.21:1 and 854 dwellings;
- Dwelling size and mix requirements consistent with THLEP 2019 and Council's strategic goals for housing;
- Car parking provisions in relation to dwellings, dwelling visitors, retail and commercial uses;
- Additional Permitted Uses (Schedule 1) to allow for the land uses of: recreation area, retail premises, recreation facility (outdoor), water recreation structure, waterbody (artificial) and wharf/boating facilities, within the land zoned SP2 Infrastructure within the site; and
- Corresponding site-specific DCP amendments.

5 Indicative Reference Scheme

The Norwest Marketown Indicative Reference Scheme, as prepared by FJC Studio, represents an optimised and refined reference scheme, to guide best practice design and the preparation of detailed planning controls to achieve an attractive transit-oriented development precinct with high amenity.

Key features of the Norwest Marketown Indicative Reference Scheme are:

- A master planned urban design of new building blocks, public streets, squares and open spaces;
A total development density of up to 232,375 m² Gross Floor Area (GFA) comprising a Floor Space Ratio of 5.0:1. This includes the following components:-



- 117,330 m² of employment generating floorspace comprising commercial, retail and hotel accommodation;
 - 102,523 m² of residential floorspace comprising approximately 854 apartments; and
 - 12,523 m² of community, indoor recreation, civic, entertainment and education floorspace.
- Building heights above ground ranging from 5 storeys to 36 storeys;
- A Lower Ground level providing a direct connection to Norwest Metro through to Norwest Lake at grade with retail, food and beverage opportunities;
- Basement parking, loading, and servicing across 5 subterranean levels, with spaces for some 2,600 cars, which are intended to be allocated by way of a parking management system;
- Substantial open space provisions including:-
 - The Rivulet – pedestrian linkage connecting Norwest Boulevard to Norwest Lake;
 - Lakeshore Green – cascading open space, providing an enhanced Norwest Lake Foreshore; and
 - The Hills Square – local passive open space and alfresco dining.
- Significant enhancements to the existing Century Circuit, including intersections with Norwest Boulevard, the provision of internalised local streets within a pedestrian priority environment and opportunity for a future connection to Fairway Drive.
- Complementary on and off-site infrastructure to be delivered by way of a future planning agreement.

An Indicative Landscape Masterplan for the future intended development of the site is provided in **Attachment B**.

6 Development Staging

An indicative staging plan for the future intended development of the site is provided in **Attachment C**.

The staging and sequencing of development (and corresponding delivery of infrastructure) may be refined and updated throughout the planning proposal process. The indicative development staging will form part of a future development application.



7 Planning Agreement Offer

Mulpha Norwest proposes to dedicate land free of cost to Council, carry out works, and provide monetary contribution as outlined in the table below. The location of land and works offered is shown in **Attachment D**. This offer is made in accordance with Clause 7.4 of the EP&A Act as Mulpha have sought a change to the Hills LEP.

Table 1: Offer – Key Terms

Item	Contribution	Staging	Value*
Dedication of land			
1	<u>Community floor space</u> – dedication of approximately 3,000 m ² land at no cost to Council for the purposes of a community facility	Stage 3	\$4,500,000*
Carrying out of work			
2	<u>Community facility</u> - construction of a community facility including a cold shell	Stage 3	\$25,500,000*
3	<u>Open space / public domain</u> - 5,700 m ² of open space works associated with the delivery of Lakeshore Green	Stage 2	Excluded
4	<u>Open space / public domain</u> – Embellishment of Lakeshore Green and Norwest Lake water quality to establish a District Level Offering including water park, outdoor fitness gym, family bbq facilities, integrated wild landscape play and public art	Stage 2	\$1,500,000*
5	<u>Open space / public domain</u> – 1,770 m ² of public domain works associated with The Hills Square, including a public access easement.	Stage 1	Excluded
6	<u>Transport</u> – works associated with the delivery of Century Circuit and Norwest Boulevard	Stage 1	Excluded
Monetary contributions			
7	<u>Active open space</u> – payment of monetary contributions for the purposes of active open space / playing fields**	Stage 3	\$2,500,000*
8	<u>Transport</u> – 'First and last mile' initiative, to be agreed with Council	Stage 3	\$1,000,000
Total			\$35,000,000

*Values as at October 2023. Values to be indexed for inflation in accordance with quarterly CPI updates.

**Works / principles to be agreed e.g., location, timing, distance from site. Potential opportunity includes active recreation upgrades to Bella Vista Farm.



8 Costs of Preparing Agreement

Mulpha Norwest offers to reimburse costs incurred by Council associated with preparing the agreement, such as external legal adviser costs and public notification costs, but excluding staff costs, at cost up to a maximum of \$10,000.

9 Other Matters

The agreement would wholly exclude the application of section 7.11 and 7.12 per section 7.4(3)(d) of the EP&A Act.

Other terms (for example, dispute resolution) would be agreed during drafting of the formal agreement. We expect these would be generally in accordance with Council's standard requirements and planning agreement template.

10 Public Benefit

Mulpha Norwest's offer as outlined in this letter, if accepted by Council, will provide significant public benefits as follows:

- Support realisation of Council's long-term vision for the development of the Norwest Strategic Centre as a vibrant, mixed use, transit location contributing to long term employment, social, economic and sustainability benefits in the region.
- Ensure infrastructure will be provided to accommodate and meet the demands of future developments and mitigates the potential impacts of the development on existing Council infrastructure.
- Relieve Council of the financial burden of providing the community facility and open space works to help meet the future residents' needs.
- Ensure that the works are provided concurrently with the development – so there will not be a lag between the residents moving into the area and the community facility being provided.
- Support the proper management, development, and orderly and economic use of land.
- Enable the land to be developed in a timely and efficient manner, with associated economic development and employment opportunities.
- Provide increased certainty as to provision of contributions.



- Provide an opportunity for involvement and participation by members of the community – through the ability to provide their comments and feedback in connection with the public exhibition of the draft planning agreement.

11 Conclusion

This letter outlines Mulpha Norwest's offer to enter into a planning agreement with Council to undertake works, dedicate land free of cost and make a monetary contribution to Council. The offer as outlined will address infrastructure demands arising from the planning proposal and provide a significant public benefit.

We would be grateful if Council could consider our offer as outlined above at its earliest convenience.

We understand that if our offer is supported it would provide the basis for preparing a draft planning agreement reflecting agreed terms. The draft agreement would need to be approved by Council for the purposes of public exhibition, publicly exhibited, amended as necessary to address any submission issues, and reported back to Council for approval to execute the agreement under delegation. This assumes any post-exhibition amendments, if any, are minor and do not need to be re-exhibited.

If you require any further information, or to discuss next steps, please contact Michael Watt – Planning Manager 0448 076 361 or at Michael.Watt@ Mulpha.com.au.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Tim Spencer', written over a horizontal line.

Tim Spencer

Head of Developments

MULPHA

Encl.

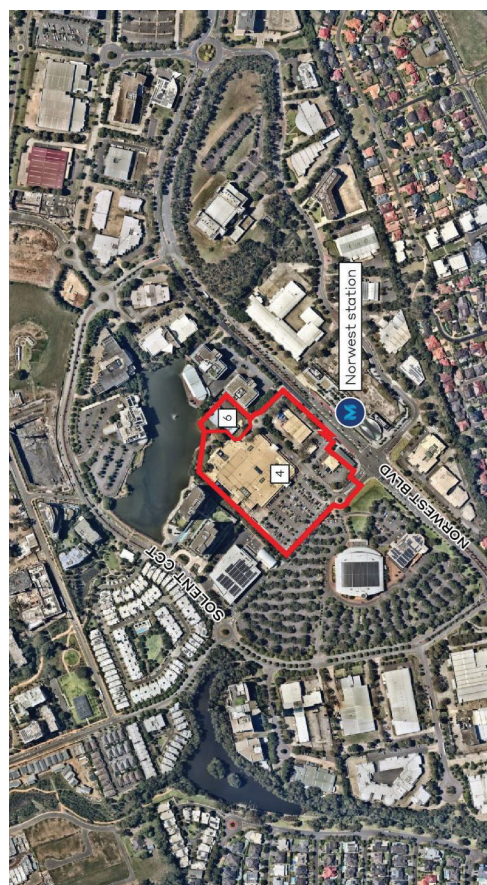
Attachment A: Land subject to proposed Planning Agreement

Attachment B: Indicative Landscape Masterplan

Attachment C: Development Staging

Attachment D: Location of land and works offered

ATTACHMENT A: LAND SUBJECT TO PROPOSED PLANNING AGREEMENT



 The Site  NOT TO SCALE

Site aerial photograph, showing extent of the site. Source: Nearmap, edits by Ethos Urban

ATTACHMENT B: INDICATIVE LANDSCAPE MASTERPLAN



Norwest Marketown, Indicative Landscape Masterplan – Source: Realm



ATTACHMENT C: DEVELOPMENT STAGING

Development Staging

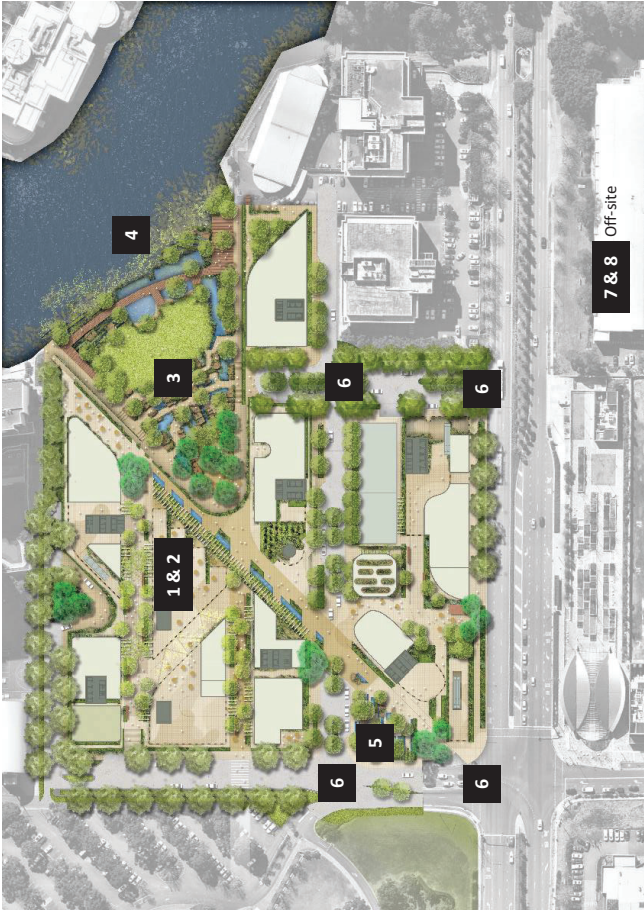
Delivering a project of this magnitude over an extended time frame can only be accomplished with a partnership mindset between all stakeholders, especially Council and the Parent Developer.

The development will be staged over a period of time and final realization of the Masterplan vision circa 2047. Factors influencing development include economic and market conditions, population growth and sector demand for commercial, retail, residential and community facilities.



Source: FIC, 2023
Letter – VPA Offer – Mulpha – April - 2024

ATTACHMENT D: LOCATION OF LAND AND WORKS OFFERED



Indicative Landscape Masterplan showing location of works offered from Table 1.

Item	Contribution
Dedication of land	
1	Community floor space – dedication of approximately 3,000 m² land at no cost to Council for the purposes of a community facility
Carrying out of work	
2	Community facility - construction of a community facility including a cold shell
3	Open space / public domain - 5,700 m² of open space works associated with the delivery of Lakeshore Green
4	Open space / public domain – Embellishment of Lakeshore Green and Norwest Lake water quality to establish a District Level Offering including water park, outdoor fitness gym, family bbq facilities, integrated wild landscape play and public art
5	Open space / public domain – 1,770 m² of public domain works associated with The Hills Square, including a public access easement.
6	Transport – works associated with the delivery of Century Circuit and Norwest Boulevard
Monetary Contribution	
7	Active open space – payment of monetary contributions for the purposes of active open space / playing fields
8	Transport – ‘First and last mile’ initiative, to be agreed with Council

Extract from Table 1 Offer- Key Terms

10
Letter – VPA Offer – Mulpha – April – 2024

HISTORY OF PLANNING PROPOSAL

- 27/06/2017** Council considered a previous planning proposal (7/2017/PLP) for 4 Century Circuit (Marketown) and resolved that the proposal be held in abeyance, pending the submission of additional information from the Proponent. Following this, the Proponent lodged a Rezoning Review application on the basis of a “deemed refusal”.
- 21/09/2017** The Sydney West Central Planning Panel considered a rezoning review application and determined that the previous planning proposal (7/2017/PLP) should *not* be submitted for Gateway Determination, as it had not demonstrated strategic merit.
- While the Panel acknowledged the proposal has some strategic merit, there were concerns with respect to the height and scale of the development, its impact on local and state infrastructure and the absence of necessary information and justification to enable an appropriately informed decision to be made.
- 07/07/2022** Pre-lodgement meeting held with Council officers with respect to a new planning proposal application. The preliminary development concept included 900 dwellings and 110,000m² of commercial floor space.
- 05/03/2022** Council Officer Pre-lodgement Feedback Letter provided to Proponent (Attachment 3). This letter included process and submission requirements for the formal Scoping and Pre-lodgement process. Concerns were also raised regarding the certainty of delivery of the commercial outcomes envisaged under the strategic framework.
- 08/11/2022** Council considered the draft Norwest Precinct Plan and resolved to publicly exhibit the draft Precinct Plan for comment.
- 28/11/2022** Formal scoping and pre-lodgement meeting held with Council officers. The subject site area was expanded to include the Carlile Swimming Centre site.
- 06/12/2022** Council Officer Scoping and Pre-lodgement Feedback Letter provided to Proponent (Attachment 4). This letter indicated that the proposal has the potential to demonstrate strategic merit. The letter also provided advice on submission requirements and further issues to resolve, such as

infrastructure delivery and certainty of development outcomes within the proposed planning mechanisms.

- 02/05/2023 – 31/07/2023** Draft Norwest Precinct Plan publicly exhibited for comment.
- 22/01/2024** Planning proposal lodged with Council.
- 05/03/2024** Proponent presented the planning proposal at a Councillor Briefing session.
- 17/04/2024** Planning proposal reported to the Hills Local Planning Panel for advice. The Local Planning Panel advised that the planning proposal should proceed to Gateway Determination subject to amendments to the built form and the submission of further information. The Council Officer's Technical Assessment Report is provided as Attachment 1 and the Panel's advice is provided as Attachment 2. The Local Planning Panel's advice is discussed further in Section 5 of this report.
- 09/05/2024** Meeting held with Council officers and Proponent to discuss advice from the Local Planning Panel.
- 20/05/2024** Further meeting held with Council officers and Proponent to discuss the Voluntary Planning Agreement.
- 24/05/2024** The Proponent submitted a revised development concept and further information in response to the Local Planning Panel advice.
- X/05/2024** The Proponent submitted a revised VPA Letter of Offer.