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Gateway determination report – PP-2023-2869

4-6 Century Circuit, Norwest (Marketown)

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Acknowledgment of Country

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

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans **
Planning Proposal - Section 3.34 Report and Attachment A & B - Norwest Marketown_PP-2023-2869
Attachment C - Council Report and Minute (9 July 2024)_PP-2023-2869
Attachment D - Local Planning Panel Report and Minute (17 April 2024)_PP-2023-2869
Attachment E - Draft The Hills DCP 2012 Part D Section X - Norwest Marketown, 4-6 Century Circuit, Norwest_PP-2023-2869
Appendix A - Urban Design Report_PP-2023-2869
Appendix B - Landscape Strategy_PP-2023-2869
Appendix C - Sustainability Strategy_PP-2023-2869
Appendix D - Infrastructure Delivery Plan_PP-2023-2869
Appendix E - VPA Letter of Offer - Updated_PP-2023-2869
Appendix F - Workshop Presentation to Councillors_PP-2023-2869
Appendix G - Indicative Reference Scheme Drawings_PP-2023-2869
Appendix H - Draft Local Environmental Plans Maps_PP-2023-2869
Appendix I - Draft Development Control Plan_PP-2023-2869 - SUPERSEDED
Appendix J - Market Potential and Retail Impact Review_PP-2023-2869
Appendix K - Traffic and Parking Study_PP-2023-2869
Appendix K1 - Traffic Statement (May 2024)_PP-2023-2869
Appendix L - Community Benefits Analysis_PP-2023-2869
Appendix M - Social Impact Assessment_PP-2023-2869
Appendix N - Economic Impact Assessment_PP-2023-2869

Appendix O - Heritage Assessment Report_PP-2023-2869

Appendix P - Visual Impact Assessment_PP-2023-2869

Appendix Q - Preliminary Site Investigation_PP-2023-2869

Appendix R - Pedestrian Wind Environment Statement_PP-2023-2869

Appendix S - Stormwater Management Report_PP-2023-2869

Appendix S1 - Stormwater Statement (May 2024)_PP-2023-2869

Appendix T - Utilities Servicing Report_PP-2023-2869

Appendix U - Survey_PP-2023-2869

Appendix V - Initial Estimate Report_PP-2023-2869

Appendix W - Project Team_PP-2023-2869

** 'Appendix' refers to the Planning Proposal documentation. 'Attachment' refers to Council's planning proposal and supporting documentation.

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	The Hills Shire
PPA	The Hills Shire Council
NAME	4-6 Century Circuit, Norwest (Marketown)
NUMBER	PP-2023-2869
LEP TO BE AMENDED	The Hills Local Environmental Plan (LEP) 2019
ADDRESS	4-6 Century Circuit, Norwest
DESCRIPTION	Lot 2 DP 1213272 and Lot 5080 DP 1008602
RECEIVED	23/07/2024
FILE NO.	IRF24/1846
POLITICAL DONATIONS	A political donation disclosure statement has been provided to Council confirming no political donations have been made.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives or Intended Outcomes of planning proposal

The primary objective of the Planning Proposal is to facilitate the renewal and revitalisation of the existing Marketown shopping centre and Carlile Swimming Centre into a vibrant mixed-use hub for the Norwest Strategic Centre.

The proposal seeks to facilitate a high-density mixed-use development within 9 buildings varying from 5 to 36 storeys comprising of the following (as per the concept plan):

- 117,330 m² of employment generating floorspace comprising commercial, entertainment, retail and hotel accommodation;
- 102,523 m² of residential floorspace comprising up to a maximum of 854 apartments;
- 12,523 m² of community, indoor recreation, cinema, civic and education floorspace; and
- 6,000m² publicly accessible park adjoining Norwest Lake.

The redevelopment would occur in stages over a period of 15-20 years with the employment and retail outcomes delivered in the earlier stages of the development. Figure 1 shows the proposal from Norwest Lake.

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.



Figure 1 View from Norwest Lake (source: Urban Design Report, Fjcstudio)

1.3 Explanation of provisions

The planning proposal seeks to amend The Hills LEP 2019 per the changes below.

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	E1 Local Centre part SP2 Infrastructure (drainage)	MU1 Mixed Use part SP2 Infrastructure (drainage) (no change)
Maximum height of the building	RL116m (approx. 9 storeys)	RL216m (approx. 36 storeys)
Floor space ratio	1.49:1	No change however site to be identified as 'Area C' on FSR map
Floor space ratio incentive map	N/A	5:1 (maximum only to be achieved via local provision)
Minimum lot size	600m ²	No change

Number of dwellings	0	Maximum of 854
Number of jobs	500	4,690 (total)
Additional local provisions	Nil	<p>The additional local provision proposes to introduce:</p> <ul style="list-style-type: none"> • minimum FSR for ‘commercial premises’ and ‘entertainment facility’; • maximum FSR for ‘residential flat building’ and ‘shop top housing’; • dwelling cap;* • prescribed dwelling mix (cl 7.11 of The Hills LEP) and; • car parking rates.
Additional permitted uses	<p>Subject site is mapped as ‘item 26’ on the Additional Permitted Uses map. This corresponds to Clause 20 of The Hills LEP which permits residential flat buildings in the E1 Local Centre zone</p>	<ul style="list-style-type: none"> • Remove the site “item 26” on the additional permitted uses map. • Identify the SP2 Infrastructure (Drainage) as ‘item 27’ on the additional permitted uses map, supported by a clause in the LEP which permits water recreation structure, waterbody (artificial) and wharf or boating facilities in this area.

* The proposal includes a dwelling cap of 854 dwellings. The planning proposal is supported by an Infrastructure Delivery Plan (Appendix D) that is directly linked to assessing the impact of this number of dwellings on demand for infrastructure.

The planning proposal is also accompanied by:

- a draft site specific DCP to guide built form outcomes on the site (**Attachment E**) and includes controls in relation to 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.
- A letter of offer to enter into a Voluntary Planning Agreement (VPA) with Council (**Appendix E**) which 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 planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The subject site comprises two allotments, Lot 2 in DP 1213272 (4 Century Circuit) and Lot 5080 in DP1008602 (6 Century Circuit), being 4.6ha in area and irregular in shape. The site currently contains the following:

4 Century Circuit

- Norwest Marketown development ground floor retail shopping centre comprising of a Coles supermarket, speciality store and food and drink premises, and approximately 1,400m² of non-retail land uses, basement car parking and childcare services

- Shell service station with accompanying carwash, a Liquorland store and a food and beverage outlet.
- Open at-grade car parking is to the southwest of the shopping centre building.

6 Century Circuit

- A single storey building, Carlile Swimming Norwest, which accommodates an indoor pool and associated facilities and at-grade car parking.

Norwest Lake and the foreshore runs along the northern perimeter of the site and accommodates open space area along its eastern edge which consists of paving and grassed areas that terrace down towards the lake.



Figure 2 Subject site (source: NearMap)

The surrounding locality comprises a mix of residential, commercial, retail uses and open space and includes the following:

- To the north of the site is the existing Norwest Lake, with the Lakewood Private Hospital and other commercial development beyond. Further north beyond Solent Circuit are a number of recent high density residential developments, including The Orchards at 9-13 Spurway Drive, Watermark at 38 Solent Circuit and Haven at 2 Natura Rise Norwest.
- To the north-west of the site is a recent high density mixed use development, 'The Esplanade', at 11-13 Solent Circuit. This development also fronts Norwest Lake, including a commercial and residential podium, and two residential towers. To the direct west of the site is the Hillsong Church Epicentre and Chapel and at-grade car parking associated with the Church.
- To the south-west of the site, opposite Century Circuit is the Hillsong Church Hills Campus. To the south, at the corner of Century Circuit and Norwest Boulevard is the Norwest Metro station, with a number of commercial and light industrial uses, and the residential suburb of Baulkham Hills further beyond.

- To the east of the site are a number of commercial buildings associated with Norwest Business Park, fronting onto Norwest Boulevard. Further beyond, opposite Norwest Boulevard is the IBM Data Centre.



Figure 3 Subject site and surrounding context (source: Planning Proposal).

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to The Hills LEP 2019 maps, which are suitable for community consultation.

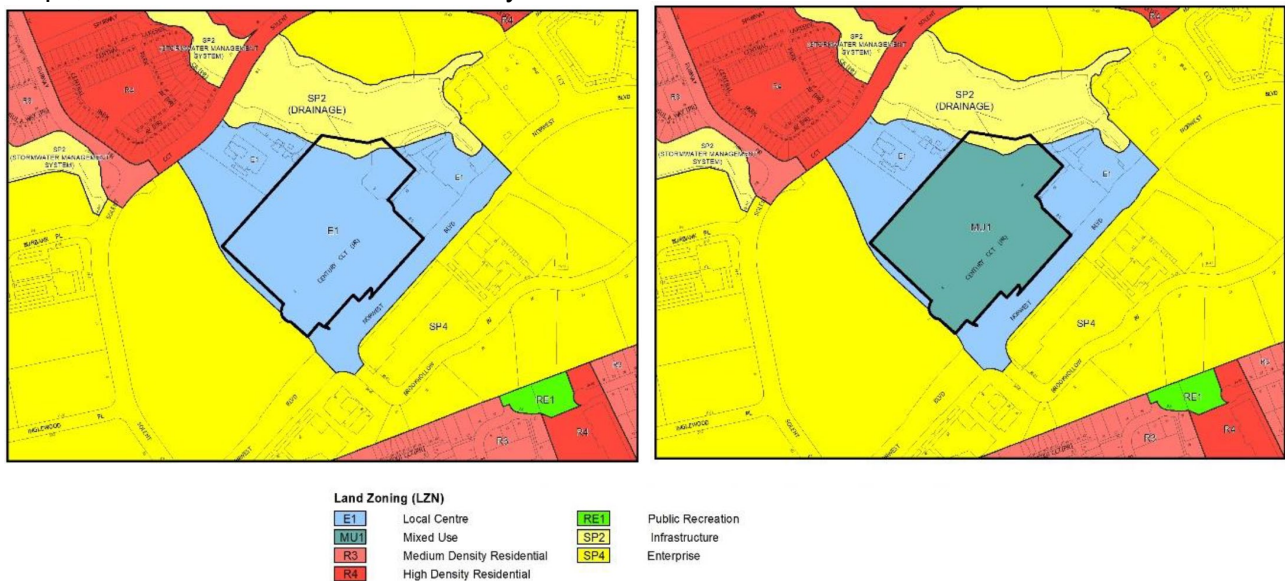


Figure 4 Existing land zoning map (L) and proposed land zoning map (R) (source: Planning proposal).



Figure 5 Existing height of buildings map (L) and proposed height of buildings map (R) (source: Planning Proposal).

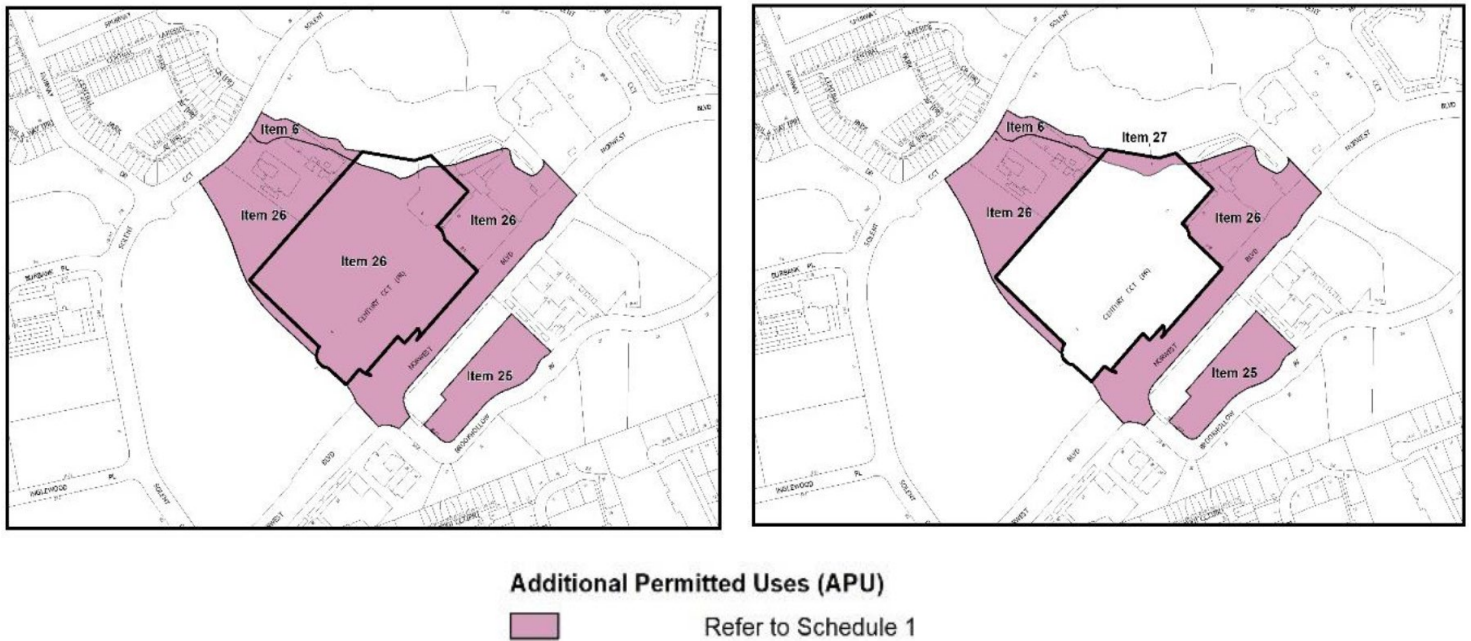


Figure 6 Existing additional permitted uses map (L) and proposed additional permitted uses map (R) (source: Planning Proposal).

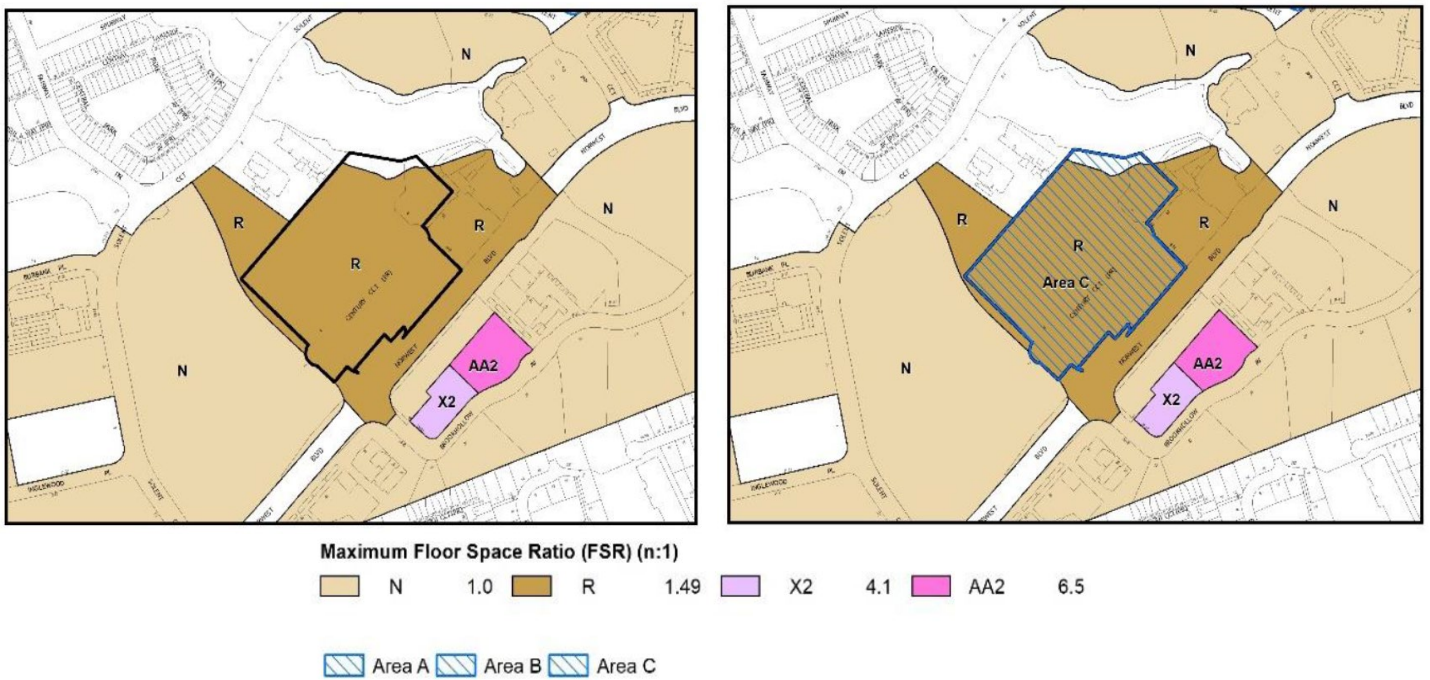


Figure 7 Existing floor space ratio map (L) and proposed floor space ratio map (R) (source: Planning Proposal).

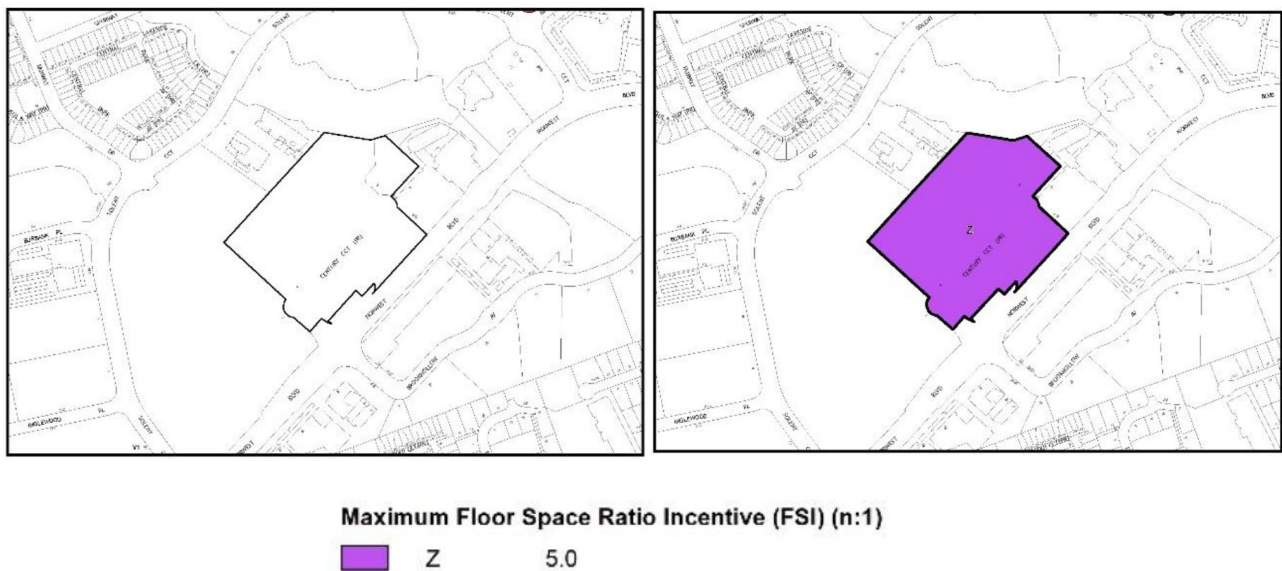


Figure 8 Existing maximum floor space ratio incentive map (L) and proposed maximum floor space ratio incentive map (R) (source: Planning Proposal).

1.6 Background

A previous iteration of the proposal was submitted to Council in December 2016 where officers recommended the proposal not proceed to Gateway. A detailed history of the proposal between this time and its current iteration is in Council's Local Planning Panel Report (**Attachment D**).

Of note in the proposal's background, the proponent lodged a rezoning review in 2017 with the Sydney West Central Planning Panel. The Panel recommended the proposal not progress to Gateway due to the proposal not demonstrating strategic merit. The Panel agreed with Council that the proposal had some strategic merit but had concerns about its height and scale.

In summary, the Panel considered:

- proposed height and density were inappropriate and did not include an urban design study to justify the proposed built form,
- there was an absence of detailed information surrounding the necessary upgrades to local and State infrastructure, and
- that there should be a requirement for a cumulative transport study prepared in consultation with Transport for NSW (TfNSW) and the Road and Maritime Services (RMS).

Since the original proposal, the following key events have occurred:

- the State Government published the Central City District Plan and Greater Sydney Region Plan,
- Council has prepared and adopted the Norwest Precinct Plan,
- Norwest Metro Station and rail line was constructed and in operation since 2019,
- 6 Century Circuit, Norwest is now included within the planning proposal, and
- further work has been undertaken to prepare a revised built form and cumulative traffic impact assessment.

2 Need for the planning proposal

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

No, the planning proposal is not a direct result of any strategic study or report. However, Council adopted the Norwest Precinct Plan in July 2024 which includes the subject site. The Precinct Plan identifies that changes to the planning framework for this site would be driven by landowner-initiated planning proposals, consistent with the strategic framework and Council's vision.

The application has been initiated by the Proponent, acting on the behalf the landowner. The planning proposal is broadly consistent with the outcomes envisaged for the site in the Norwest Precinct Plan.

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

Yes, the planning proposal is the best way to achieve the intended outcomes for the site.

3 Strategic assessment

3.1 Regional and District Plans

The Greater Sydney Region Plan – a metropolis of three cities (the Region Plan), released by the NSW Government in 2018, integrates land use, transport and infrastructure planning and sets a 40-year vision for Greater Sydney as a metropolis of three cities. The Region Plan contains

objectives, strategies and actions which provide the strategic direction to manage growth and change across Greater Sydney over the next 20 years.

Under section 3.8 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) a planning proposal is to give effect to the relevant District Plan. By giving effect to the District Plan, the proposal is also consistent with the Regional Plan. Consistency with the District Plan is assessed in section 3.2 below.

3.2 District Plan

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

The planning proposal is consistent with the priorities Liveability and Productivity as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes the Department's assessment of the planning proposal against relevant directions and actions.

Table 4 District Plan assessment

District Plan Priorities	Justification
Planning Priority C5. Providing housing supply, choice and affordability with access to jobs, services and public transport.	<p>The Planning Proposal gives effect to this planning priority as the priority identifies additional capacity for housing supply within the Sydney Metro Northwest Urban Renewal Corridor which includes Norwest. Figure 11 'Central City District future housing supply' identifies land around Norwest as an urban renewal area.</p> <p>The Planning Proposal seeks to rezone the site to provide a mixed use development including a significant number of residential dwellings adjacent to Norwest Metro Station with direct access to jobs, services and public transport options.</p> <p>Council has proposed to utilise the existing dwelling mix within Clause 7.11 Sydney Metro Northwest Urban Renewal Corridor of The Hills LEP to apply to the site and provide housing choice in the local area. It is noted within Council's report (Attachment X) that the proponent intends to provide for larger apartments than required under this provision.</p>
Planning Priority C6. Creating and renewing great places and local centres and respecting the District's heritage.	<p>The District's great places include local and strategic centres such as Norwest. The planning priority calls for more high quality public places in and around centres.</p> <p>The Planning Proposal facilitates renewal of the site's aging building stock into a mixed-use development containing residential, commercial, retail and community facilities. It will also provide new recreation opportunities along Norwest Lake. This will revitalise the site and contribute to the ongoing renewal of the Norwest centre.</p>
Priority C9. Delivering integrated land use and transport planning and a 30-minute city.	<p>The subject site is well serviced by public transport options. The site is adjacent to the Norwest Metro Station and has access to several bus routes to Parramatta, Rouse Hill, Seven Hills, Castle Hill, Kellyville, and Bella Vista.</p> <p>The proposal is in a suitable location given its proximity to public transport options integrating residential and employment outcomes, consistent with the principles of the 30-minute city.</p>
Planning Priority C10. Growing investment, business opportunities and jobs in strategic centres.	<p>This priority outlines that employment growth is the principal underlying economic goal for metropolitan and strategic centres. It acknowledges that housing within centres contributes to a sense of vibrancy; however, it should not constrain commercial and retail activities.</p> <p>The site is identified within local strategic planning documents as a mixed-use site that serves the function of a local centre for residents and workers in the area. With at least 50% employment floor space proposed on the site, the planning proposal contains 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>

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 5 Local strategic planning assessment

Local Strategies	Justification
Hills Future 2036 – Local Strategic Planning Statement	<p>The planning proposal will give effect to the following planning priorities in The Hills' Local Strategic Planning Statement (LSPS):</p> <p><i>Planning Priority 1: Plan for sufficient jobs, targeted to suit the skills of the workforce.</i></p> <p>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.</p> <p>The proposed commercial and retail floor space included in the planning proposal would result in approximately 117,330sqm of employment floorspace and 4,690 jobs. Compared to the existing development, the planning proposal would result in 4,193 additional job opportunities. The minimum employment FSR (50% of the total floor space) mechanism proposed within the application would assist in protecting the strategically identified employment land.</p> <p><i>Planning Priority 2: Build strategic centres to realise their potential.</i></p> <p>The LSPS supports the Regional and District Plan's vision for Norwest to be a Strategic Centre. This priority outlines that employment growth is the principal underlying economic goal for metropolitan and strategic centres. It acknowledges that housing within centres contributes to a sense of vibrancy; however, it should not constrain commercial and retail activities.</p> <p>The subject site is identified in Council's LSPS as being suitable for mixed use development (commercial/retail/residential) to enhance the existing local centre and hub around the Norwest Lake and improve connectivity to Norwest Metro Station.</p> <p>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 mixed-use development.</p> <p><i>Planning Priority 7: Plan for new housing in the right locations.</i></p> <p>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 supports the delivery of housing in a location with access to employment opportunities, retail services, frequent bus services and the Northwest Metro line. The subject site has consistently been identified in local strategic planning policies as suitable for a mixture of land use outcomes surrounding the lake.</p> <p><i>Planning Priority 8: Plan for a diversity of housing.</i></p> <p>The proposal seeks to rezone the site to allow for a mix of uses, including high density residential development. The draft site-specific clause includes a specified dwelling mix to ensure a variety of apartment sizes are delivered to cater to a diverse demographic.</p>

	<p><i>Planning Priority 10: Provide social infrastructure and retail services to meet residents' needs.</i></p> <p><i>Planning Priority 15: Provide new and upgraded passive and active open spaces.</i></p> <p>The proposal is accompanied by a letter of offer from the proponent to enter into a voluntary planning agreement (VPA) to dedicate a combination of public domain and open space works, the construction, fit out and dedication of a new community facility as well as monetary contributions towards active open space and a 'first and last mile' travel initiative.</p>
The Hills Corridor Strategy (2015)	<p>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.</p> <p>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.</p> <p>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.</p> <p>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 encourages 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.</p> <p>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. Detailed planning has also evolved in Norwest since the preparation of this Strategy, of which the scheme more closely responds to.</p>
The Hills Shire Council Norwest Strategic Centre Precinct Plan (2024)	<p>The Norwest Strategic Centre Precinct Plan is Council's detailed precinct plan for Norwest. The plan was adopted by Council on 9 July 2024.</p> <p>The subject site is located in 'Norwest Central.' The strategy and vision for Marketown and surrounds is in 'Focus Area 2.' The site is envisaged to transform into a vibrant mixed-use hub, providing a range of offices, retail, restaurants and residential opportunities. The Marketown site (4 Century Circuit) is anticipated to have an FSR of 4.5:1 – 5:1 and a built form of 8 – 35 storeys. The Carlile Swimming site (6 Century Circuit) anticipates an FSR of 2-2.5:1 and height of 8-15 storeys.</p> <p>The planning proposal departs from the indicative FSR and heights for the Carlile Swimming site in that the whole maximum FSR of 5:1 and height of building of RL216m applies. This is justified as:</p> <ul style="list-style-type: none"> the site being single ownership presents a unique opportunity to consider a holistic urban design response, demonstrated by the 6 Century Circuit site being included in the 'Mixed Use' character area,

- the precinct plan envisages the highest densities around the Marketown site and its surrounds, which the proposal in principle remains consistent with, and
- the draft provisions (subject to legal review) provide a framework for certain criteria to be met before the maximum FSR can be achieved.

The overall scheme is generally consistent with the Plan. It would facilitate the employment outcomes and objectives for the site and enable residential outcomes as identified within the Plan, albeit achieving a marginally lower dwelling yield than anticipated.

3.4 Local planning panel (LPP) recommendation

The planning proposal was referred to Council's Local Planning Panel (LPP) meeting on 17 April 2024 (**Attachment D**). The LPP supported the proposal to proceed to Gateway subject to resolution of several matters. These are summarised below.

- Urban design – the LPP report provided recommendations relating to the site's interface with Norwest Boulevard, and residential tower floor plates, podium length, tower length, building separation, solar access and setback standards. These were to be incorporated into the planning proposal and updated site-specific DCP.
- Flooding – submit a revised Flooding Assessment Study considering a larger stormwater catchment area and include measures to improve the water quality of Norwest Lake.
- Transport – submit a revised Traffic Study that utilises an appropriate traffic generation model and assess the cumulative traffic impacts of surrounding planned developments.
- Infrastructure – revised VPA offer to provide further clarity and sufficiently address infrastructure demand arising from the planning proposal.

The Panel's advice has been addressed within the planning proposal package as outlined below:

- Council officers have prepared a site specific DCP to be exhibited alongside the planning proposal.
- A supporting Stormwater Statement and Traffic Statement. The applicant's respective consultants provided a response to address the Panel's concerns, stating additional information is not required. This is discussed further in Section 4 of the report.
- A revised draft VPA Letter of Offer was endorsed by Council at its meeting on 9 July 2024. The offer addresses the infrastructure demand generated by the proposal.

3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 6 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
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1.1 Implementation of Region Plans	Consistent	<p>The proposal is generally consistent with the Greater Sydney Region Plan. The proposal supports the following objectives:</p> <ul style="list-style-type: none"> • Objective 10: Greater housing supply and Objective 11: Housing is more diverse and affordable. The planning proposal contributes to increasing housing supply by facilitating high density residential development. • Objective 14: Integrated land use and transport creates walkable and 30-minute cities. The proposal contributes to achieving the 30-minute city vision by locating housing and jobs within close proximity to Norwest Metro station and high frequency bus services. • Objective 22: Investment and business activity in centres. This planning proposal will result in additional floor space for commercial and retail premises within Norwest strategic centre.
1.16 North West Rail Link Corridor Strategy	Consistent	<p>This Direction seeks to ensure development within the NWRL corridor is consistent with the proposals set out in the <i>NWRL Corridor Strategy (2013)</i> and precinct Structure Plans. The site is located in the Norwest Precinct Structure Plan and is identified as 'existing local centre' with the opportunity to integrate expanded retailing, community uses and cultural facilities.</p> <p>The Corridor Strategy envisages an FSR range between 2:1 – 4:1 for the site. The Strategy does not stipulate a building height outcome for this land or any specific mix of residential, retail and commercial land uses.</p> <p>The proposed floor space ratio of a maximum 5:1 is higher than anticipated within the strategy. Council has since undertaken more recent and detailed precinct planning in the Norwest Precinct Plan, of which the proposed FSR is consistent with.</p> <p>The proposed development is consistent with the character description of integrating expanded retailing, community uses and cultural facilities. The Strategy also envisions, "opportunities to increase residential densities within walking distance of the station." The proposal responds to this aspect of the vision.</p> <p>The proposal will remain consistent with the character of the site envisaged in the strategy. It is noted the proposal seeks a development outcome that is higher than anticipated than under the strategy but is consistent with Council's latest precinct planning. Given the proposal is supported by appropriate justification, this increase is considered reasonable.</p>

3.2 Heritage conservation	Consistent	<p>The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous significance.</p> <p>The planning proposal is supported by a Heritage Assessment Report. The site does not contain any heritage items, however the proposal is in the vicinity of:</p> <ul style="list-style-type: none"> • Avenue of trees leading to Castle Hill Country Club - 7 and 9 Spurway Drive and Castle Hill Country Club, Spurway Drive (local item I25) • Windsor Road from Baulkham Hills to Box Hill - Windsor Road from Baulkham Hills to Box Hill (local item I28) • Bella Vista Homestead Complex ('Bella Vista Farm') - Old Windsor Road, Baulkham Hills (Heritage Conservation Area C2) • Bella Vista ('Bella Vista Farm') - Elizabeth Macarthur Drive, Bella Vista (State Heritage Register No.00754) • St Joseph's Novitiate – Mackillop Drive (local item I7) <p>The proposal is not located within the curtilage of a heritage item or heritage conservation area and, therefore, does not result in direct impacts on the heritage significance of any nearby heritage items or heritage conservation area.</p> <p>The proposed development is visible from the state heritage item Bella Vista Farm. 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.</p> <p>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.</p> <p>The proposal is consistent with this Direction as it will not impact on the conservation of identified heritage items in the vicinity of the site. However, as the proposal will impact on the views from Bella Vista Farm, a State heritage item, a condition is included on the Gateway to refer the proposal to Heritage NSW for comment.</p>
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4.1 Flooding

Justifiably
inconsistent

This Direction applies as the proposal seeks to alter a zone that affects flood prone land. A small portion of the northern part of the subject site is affected by the 1% AEP (flood planning area)(see Section 4.1.2 Flooding of this report).

The proposal is seeking to rezone land affected by the flood planning area from E1 Local Centre to MU1 Mixed Use is not in itself inconsistent with the Direction. However, this land use zone change will significantly increase the development and/or dwelling density of the land and therefore is inconsistent with this Direction.

The inconsistency is considered to be of minor significance and justified as the concept plans show the land to be affected by the 1% AEP to be retained as open space.

In terms of the other parts of the Direction that are applicable, the planning proposal does not address a part of the direction requiring a planning proposal to give effect to and be consistent with the NSW Flood Prone Land Policy, principles of the Floodplain Development Manual 2005, considering flooding in land use planning guideline 2021, and any adopted flood study/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 ((1)(a)-(d)). A gateway condition has been included to require the planning proposal be updated to consider (1)(a)-(d) of the direction. The Department has undertaken its own assessment to determine consistency.

The NSW Flood Prone Land Policy is set out in the *Floodplain Development Manual: the management of flood liable land* (April 2005). The *Flood Risk Management Manual* was gazetted in June 2023 and replaced the Floodplain Development Manual 2005. A series of flood risk management guidelines support the manual providing extra technical advice to support councils to understand and manage flood risk.

The *Flood Risk Management Manual* 2023 set outs 10 flood risk management principles to achieve the primary objective of the policy, to reduce the impacts of flooding and flood liability on communities. Principle 9: Manage flood risk effectively is a relevant consideration to this planning proposal.

It states effective management of flood risk to the community requires a flexible merit-based approach to decision-making which supports sustainable use and development of the floodplain. The following matters are relevant to the planning proposal:

- managing flood risk to the existing community. In the context of this planning proposal, it relates to the impacts of this development proposal to adjoining properties. The post development scenario shows the flood path and flood extent for the 1% AEP remains the same as the pre-development scenario.
- limiting increases in flood risk related to new and modified development. In the context of this planning proposal, it relates to how the proposed development responds to flood risk on the site. A small portion of the site is flood affected in

		<p>the 1% AEP, however this area aligns with some of the open space fronting Norwest Lake in the concept plan.</p> <p>Considering how the proposal responds to the principle, manage flood risk effectively discussed above, it is considered the proposal demonstrates consistency with the primary objective of the NSW Flood prone land policy and Flood Risk Management Manual being:</p> <ul style="list-style-type: none"> - Reduce the impacts of flooding and flood liability on communities - Avoid causing an increase in the threat to personal safety and property and any unwarranted increase in potential damage to public property and service.
4.4 Remediation of contaminated land	Consistent	<p>The objective 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.</p> <p>A preliminary site investigation supports the planning proposal (Appendix Q). Part of the site is currently used as a service station which are referred to in Table 1 Some activities that may cause contamination in the Managing Land Contamination Planning Guidelines.</p> <p>The planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land. The Preliminary Site Investigation recommends that prior to the redevelopment of the site, a series of actions be undertaken. The report concludes that based on the site observations and desktop review, the site is suitable for the intended land use.</p>
5.1 Integrating land use and transport	Consistent	<p>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.</p>
6.1 Residential zones	Consistent	<p>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.</p>

7.1 Employment zones	Consistent	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 ' <i>not reduce the total potential floor area for employment uses and related public services in business zones.</i> ' 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.
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3.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 7 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Resilience and Hazards) 2021	Chapter 4 – Remediation of Land	Consistent	<p>The SEPP aims to promote the remediation of contaminated land and sets out matters for a planning authority to consider when rezoning land that is or is potentially contaminated.</p> <p>A preliminary site investigation supports the planning proposal (Appendix Q). Part of the site is currently used as a service station which are referred to in Table 1 Some activities that may cause contamination in the Managing Land Contamination Planning Guidelines.</p> <p>The planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land. The Preliminary Site Investigation recommends that prior to the redevelopment of the site, a series of actions be undertaken. The report concludes that based on the site observations and desktop review, the site is suitable for the intended land use.</p>
SEPP (Housing 2021)	Chapter 4 - Design of residential apartment development	Consistent	Not directly relevant to proposed LEP amendment, however will apply to future DAs and accordingly, Indicative Reference Scheme has been designed to meet the provisions of the ADG.

4 Site-specific assessment

4.1 Environmental

4.1.1 Biodiversity

There is little to no likelihood of the planning proposal impacting on threatened species, populations or ecological communities and their habitats. The site is located in a highly urbanised location and is largely cleared of vegetation.

4.1.2 Flooding

The issue of flooding needs consideration due to the intensification of development on the site and its proximity to Norwest Lake and Strangers Creek. The development concept includes modification of the existing lakefront to accommodate the Lakeshore Park.

The Stormwater Management Report (Appendix S) provides an analysis of flood model (TUFLOW) results for existing site conditions and proposed site conditions. The modelling has been carried out to analyse the possible impact in flood level downstream of the site both with and without on-site Detention. The 1% AEP and event is described in the table below.

Table 8 1% AEP Flood event existing and proposed site conditions

Flood Event	Existing Site Conditions	Proposed Site Conditions/ impacts on neighbouring properties
1% AEP (critical storm duration of 10 minutes)	<ul style="list-style-type: none"> The flooding affects a minor section of the open space in the northern part of the site (see Figure below). 1% AEP storm event is RL 75.35 and less than 1m in height. Flood velocity can reach up to 3.5m/s 	<ul style="list-style-type: none"> The post development scenario shows the flood path, flood extent and flood velocity for the 1% AEP remains the same as the pre-development scenario. The flood level in Norwest Lake has the potential to be increased by 10mm if no on-site detention is proposed from the proposed development into Norwest Lake. This will not have a negative impact to neighbouring properties.

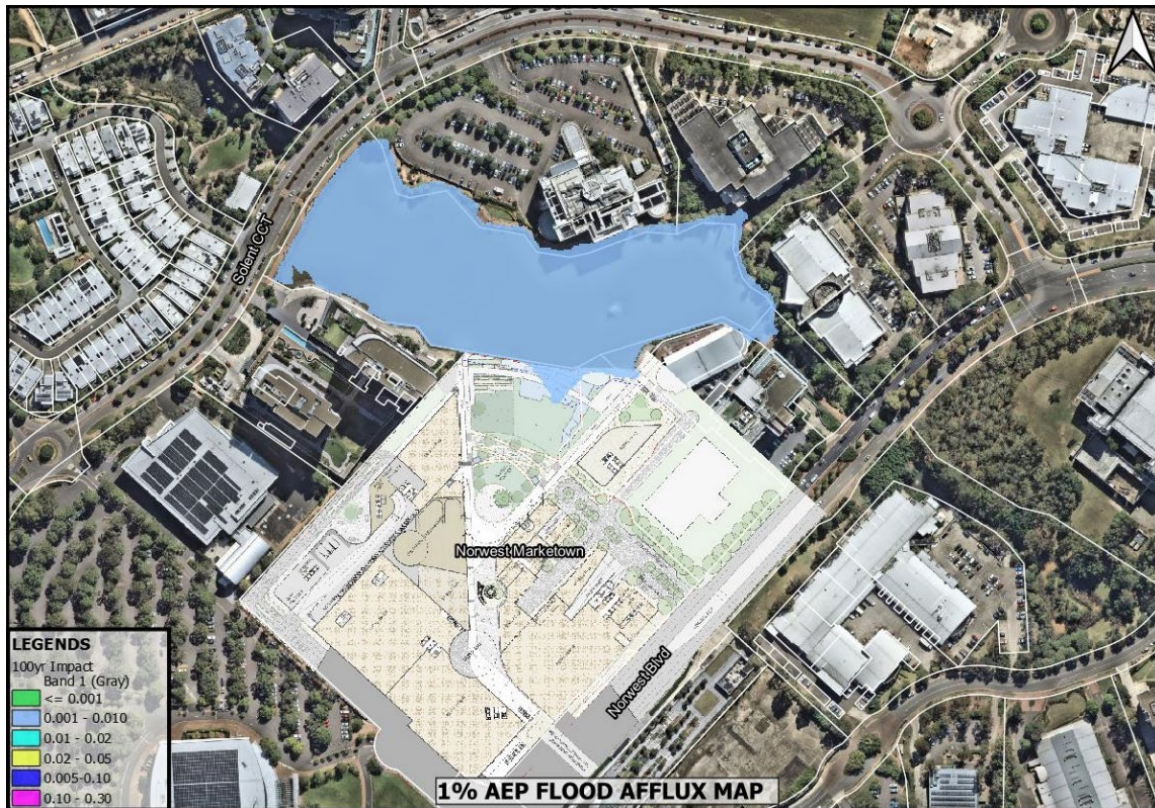


Figure 9 1% AEP post development map showing flood extent (source: Stormwater Management Report figure 13).

As per Section 3.4 of this report, the Local Planning Panel recommended a revised Stormwater Management Report be provided as the existing report has not accounted for the increase in stormwater catchment, as taller buildings increase the aerial coverage for rain capture. Based on the recommendation of AS/NZS 3500.3, the effective catchment area considered in the hydrologic calculations is to be increased by 50% of the exposed building walls.

The applicant's consultant provided a response (Appendix S1) stating the existing report assesses the total catchment, any diversions as a result of vertical walls is captured in the total catchment assessment. The assessment is considered sufficient to address stormwater management at this stage, additional details will be provided as part of the design process.

The Department supports this position.

4.1.3 Water quality

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. Council's report states the water quality 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.

In respect of controlling water quality associated with the subject site, the Stormwater Management Report (Appendix S) includes two options for stormwater quality treatment options including filter cartridges within OSD tanks in a few upstream pits or bioretention basin for treating stormwater

from whole site. The Stormwater Statement (Appendix S1) 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.

4.2 Social and economic

The planning proposal will have positive economic benefits by contributing towards increased employment opportunities and local businesses in an area strategically identified for employment growth to support the local population.

The draft VPA letter of offer supporting the proposal also includes the construction and dedication of a community centre.

4.3 Urban design

4.3.1 Floor Space Ratio and Height

The proposed FSR to apply across the whole site is 5:1. This is a maximum floor space ratio that is only achievable subject to compliance with minimum employment floor space, maximum dwelling floor space and cap, housing mix and car parking provisions. The maximum number of dwellings on the site is 854 dwellings with a dwelling density on the site approximately 185 dwellings per hectare.

The indicative built form scheme comprises of nine (9) towers of varying heights ranging from 5 to 36 storeys. In designing the towers, the distribution of mass and scale has been considered, to reduce the scale of the envelopes towards the north adjacent to the public domain and Norwest Lake. The massing increases to the south towards Norwest Station, with the largest towers concentrated along Norwest Boulevard adjacent to the transport hub.

The proposed FSR and height controls are considered acceptable as an urban design response for the site as the impacts are either minor or can be addressed through further detailed design at the DA stage.

4.3.2 Height

The indicative built form scheme comprises of nine (9) towers of varying heights ranging from 5 to 36 storeys. In designing the towers, the distribution of mass and scale has been considered, to reduce the scale of the envelopes towards the north adjacent to the public domain and Norwest Lake. The massing increases to the south towards Norwest Station, with the largest towers concentrated along Norwest Boulevard adjacent to the transport hub.

4.3.3 Solar access and overshadowing

The Urban Design Report contains a solar access and overshadowing analysis. Key aspects of the analysis are summarised below.

- Norwest Station 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 Station Site is likely to experience overshadowing after 12pm on June 21.
- Public open space. 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.
- 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.

To address the impacts above, Council's assessment indicates controls are included in the draft site specific DCP (Attachment E) to ensure that adequate solar access is maintained.

Additional considerations

The Department noted that due to the proposed tower orientation, there is a risk that 30% of apartments may receive less than 2 hours of sunlight or none at all. To mitigate this, it is recommended Council consider incorporating ADG solar control guidelines into the site specific DCP, a maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.

4.3.4 Floor plate, building length, setbacks and building separation.

Council's LPP report (Attachment D) provides an assessment of floor plate size, building length, setbacks and building separation.

- Floor plate size. The proposal complies with Council's DCP controls that residential tower floor plates should be a maximum GFA of 750m².
- 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 generally demonstrate consistency with this design principle.
- Setbacks. The proposal remains non-compliant with Council's DCP controls for setbacks along Norwest Boulevard and podiums. 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. 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.
- Building separation. The proposal indicates that the development will be capable of complying with the ADG building separation requirements for residential developments at the development application stage.

Where non-compliances remain, 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.

4.3.5 Open Space

The draft site specific DCP (Attachment E) requires that open space is to be generally in accordance with the following provisions (see figure below):

- Approximately 3,000m² of rooftop communal open space will be provided for residents.
- Publicly accessible open space adjoining Norwest Lake with a minimum area of 5,700 m².
- Publicly accessible plaza with a minimum area of 1,770 m².



Figure 3
Public Domain Plan

Figure 10 Public Domain Plan (source: Draft site specific DCP)

High density residential developments in centre locations in The Hills LGA 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 (under Council's standard DCP controls). 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.

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.

In this case, the non-compliance is justified for the following reasons:

- The open space and plazas adjacent to Norwest Lake will be accessible for public usage. It is more beneficial for the broader public to be able access this space, rather than restrict it for exclusive use by residents to satisfy DCP requirements.
- The developer will retain ownership and management of the public open space. Council would not be required to own or maintain this public park and as such, this is not 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 which will not result in increased cost and resource burden on Council's existing public space. This can be considered to partially offset the shortfall in communal/private open space.
- Communal open space can be provided in other ways such as common room areas within the residential buildings.

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.

Additional considerations

Council's assessment of open space is largely focussed on the quantity. It is noted the Stormwater Management Report indicates a portion of the open space may be flood affected during a 1% AEP flood event (see section 4.1.2 of this report). Council may consider including site specific controls to ensure flooding does not affect the quality open space along the Norwest Lake foreshore and also consider whether this be wholly counted as usable open space.

The Department recommends Council consider incorporating controls in the site specific DCP that consider:

- 50% site coverage to be dedicated to publicly accessible space
- Canopy cover target for public open space
- Solar access requirements for public open space
- Provision of local park and kids play area in the controls
- Incorporate the canopy cover targets from the Landscape Strategy and Urban Design Report.

4.4 Infrastructure

4.4.1 Utilities

The proponent's planning proposal and accompanying Utility Servicing Report (Appendix T), indicate the following utility services that are available and what will need to be augmented to accommodate development.

- Wastewater services are available to the site. Some minor amplification would be required which can be achieved via an additional line to the northern side of the site.
- Potable water services are available to the site and could supply the development. As Sydney Water do not reserve capacity based on feasibility assessment, should additional supply be needed at time of redevelopment, this could be provided via a branch main from trunk mains which are approximately 380 metres from the site.
- Recycled water services are near to the site, however, are part of the Rouse Hill Development Servicing Plan (DSP) Area. The site is not included as part of the Rouse Hill DSP. An application would need to be made to Sydney Water for the supply of recycled water from Rouse Hill DSP area. Supply would be over a distance of approximately 400m – 450m to site.
- Electrical supply is available via Endeavour Energy's existing network. At the time of redevelopment, should additional supply be needed, this can be provided via a new feeder from Endeavour Energy's Bella Vista Zone Substation.
- Telecommunications are available via NBN Co. which already services the site.
- Natural gas is available at Norwest Boulevard. Jemena can supply the site with gas which is expected to be used in restaurants, food and beverage.

Consultation with the relevant utility providers has also been included on the Gateway determination.

4.4.2 Transport

A Traffic and Parking Study has been prepared by Gennaoui Consulting and is included at Appendix K.

Car parking

The concept plans indicate a total of 2,597 basement car parking spaces to be provided. Council indicates the maximum incentive FSR is achievable subject to compliance with the following parking provisions. The table below indicates the source of the parking rates.

Table 9 Proposed parking rates.

Parking rate	Source
Minimum 1 car space per dwelling.	The Hill DCP 2012 Clause 7.11 - 3 (e) The Hills LEP 2019.
Minimum 1 additional car space per twelve dwellings.	This is a deviation from Clause 7.11 of The Hills LEP of one visitor space per five dwellings. This rate reflects the scale and range of different uses that would occur on this site, there may be opportunities for visitors to utilise a shared use arrangement with other land uses (such as retail) during off peak periods.
Maximum 1 space per 37m ² of retail gross floor area.	Norwest Precinct Plan rates for Inner Walkable Catchment of Norwest Metro Station.
Maximum 1 space per 100 m ² of commercial gross floor area.	Norwest Precinct Plan rates for Inner Walkable Catchment of Norwest Metro Station.

It is understood that Transport for NSW provided comment on the reduced car parking rates for retail and commercial land uses that informed the Norwest Precinct Plan. However, Transport's position on the 1 space per dwelling provision is unclear. Consultation with Transport is required pre-exhibition and has been conditioned accordingly. Outcomes of the consultation are required to be submitted to the Department for review.

Road network

The Study indicates the proposed development will impact on the surrounding road network. The impacts are summarised in the table below.

Table 10 Impact of proposed development on surrounding intersection performance.

Intersection	Impact
Norwest Boulevard/Windsor Road	LOS C and LOS D during morning and afternoon peak period respectively.
Roundabout at intersection of Norwest Boulevard, Columbia Court and Brookhollow Avenue.	Continue to operate at LOS B however the queue length likely to be generated along Norwest Boulevard at Windsor Road will be longer (~250m) than the distance between Windsor Road and the roundabout (125m) thus extending well beyond the roundabout and affecting its operation. The proponent's planning proposal notes that TfNSW is planning the replacement of the roundabout with traffic signals with the banning of right turning movements from Norwest Boulevard.
Norwest Boulevard and Solent Circuit	LOS B in morning and afternoon peak periods.

Intersection	Impact
Norwest Boulevard and Solent Circuit/Reston Grange	LOS D
Fairway Drive and Solent Circuit	LOS B
Norwest Boulevard and Brookhollow Avenue/Century Circuit	LOS F

Upon consideration of the impacts above, 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 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).

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.

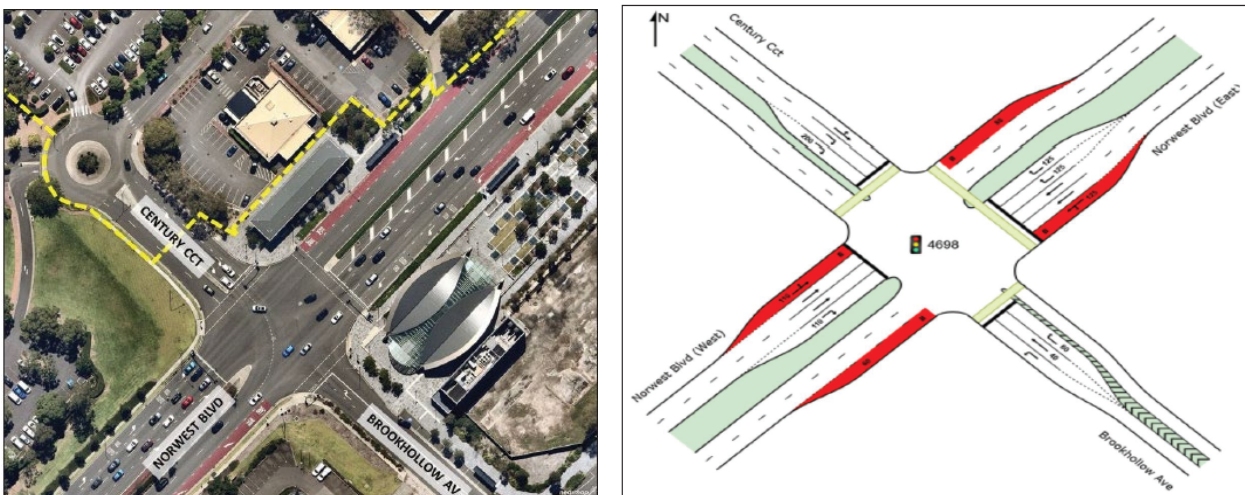


Figure 11 Existing intersection layout (L) and proposed intersection layout (R) (source: Traffic & Parking Study)

Notwithstanding the assessment above, Council notes the Traffic and Parking Study and supporting modelling requires the following updates:

- The study 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 Department agrees with Council that an updated Traffic Study is required to further understand the impact of the proposed development on the surrounding road network and has been conditioned accordingly. The proponent should also clarify the traffic upgrades it intends to deliver considering upgrades include land not within the proponent's control.

4.4.3 Local voluntary planning agreement (VPA)

The proposal includes an offer to enter into a voluntary planning agreement with Council to offset section 7.11 and 7.12 contributions. The items in the offer are shown in the figures below. The value of the VPA offer is approximately \$20,000 per dwelling and 3% of the non-residential development cost of works. Council deems 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.

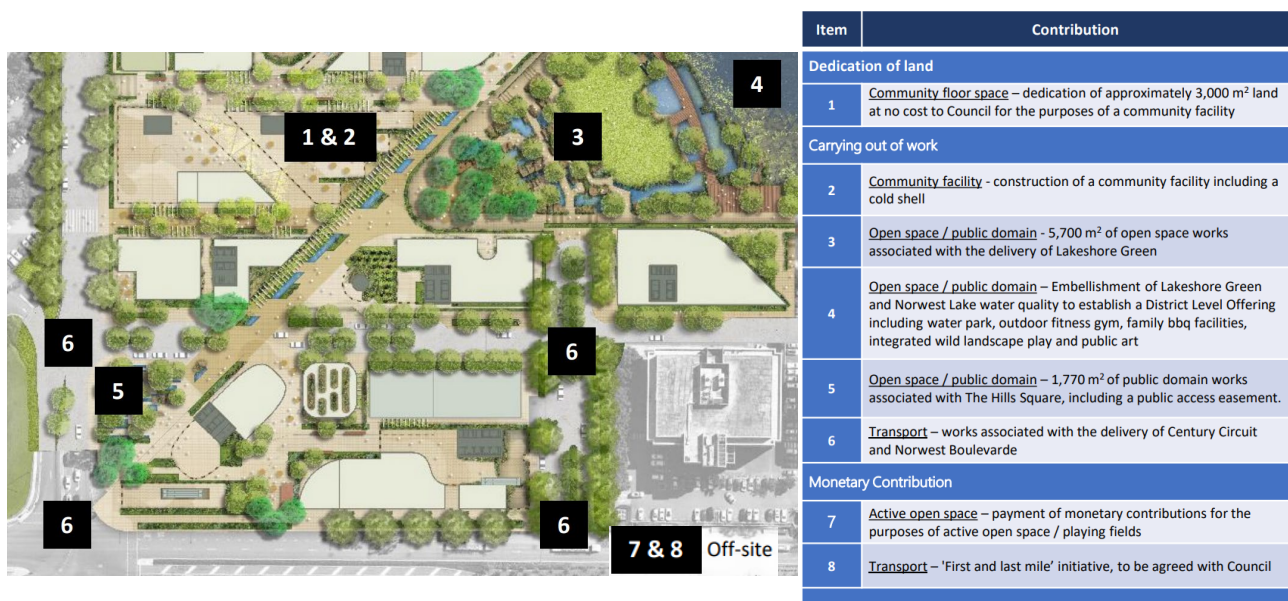


Figure 12 Indicative masterplan showing location of works offer in adjacent table (source: VPA Letter of Offer).

4.4.4 State infrastructure

The Infrastructure Delivery Plan indicates the need to upgrade the intersection of Norwest Boulevard (State Road) and Brookhollow Avenue. The Plan indicates the proponent will undertake the works, in consultation with Transport for NSW and potentially offset the cost against the Housing and Productivity Contribution. The Department notes the following:

State Planning Agreement for critical enabling infrastructure

A State Planning Agreement may be required prior to rezoning where a rezoning requires infrastructure upgrades in order to provide sufficient capacity and/or safe access for the first stage(s) of development (referred to as critically enabling infrastructure). The Planning Agreement

may secure the delivery of works or a contribution toward its delivery. A Planning Agreement that only secures critically enabling infrastructure will not provide for an offset against future HPC obligations.

The Department will consider technical and strategic planning studies and consult with State agencies to determine whether there is any critically enabling infrastructure associated with the proposed rezoning.

Delivery of works as HPC Works-in-Kind

The developer may seek to deliver infrastructure to offset any HPC obligations via a HPC Works-in-Kind agreement. A guideline is expected to be exhibited in Q3/Q4 2024 to inform the criteria to enter into such an arrangement.

5 Consultation

5.1 Community

The planning proposal is categorised as a complex under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 30 working days is recommended and this forms part of the conditions to the Gateway determination.

5.2 Agencies

Council has nominated the public agencies to be consulted about the planning proposal.

- Transport for NSW;
- NSW Department of Climate Change, Energy, the Environment and Water;
- School Infrastructure NSW;
- Heritage NSW; and
- Endeavour Energy.

The Department agrees with the above list of agencies and also suggests other utility providers including Sydney Water, NBN Co, and Jemena. A condition has been included on the Gateway and requires Council provide 30 working days to comment.

6 Timeframe

Council proposes a 12 month time frame to complete the LEP.

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

The Department recommends an LEP completion date of 20 October 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has requested delegation as the Local Plan Making Authority.

The Department recommends that Council is authorised to be the local plan-making authority for this proposal. Outstanding issues are of local significance and can be resolved by Council prior to finalisation.

8 Assessment summary

- The proposal is generally consistent with the Greater Sydney Regional Plan – A Metropolis of Three Cities, the Central River City District Plan and The Hills Shire Local Strategic Planning Statement.
- The proposal will facilitate uplift in commercial, retail and residential floor space, incentivising redevelopment of the site.
- The proposal will have a positive economic impact by contributing employment floor space and housing jobs within close proximity to Norwest Metro Station.
- The proposal demonstrates it is unlikely to result in adverse environmental, social, economic or infrastructure impacts. Where impacts are anticipated, the proposal contains appropriate mitigation measures.

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- Address Section 9.1 Direction 4.1 Flooding to provide an assessment against provisions (1)(a)-(d) and update the consistency of the proposal with the Direction to consider the Department's assessment.
- Consult with Transport for NSW regarding:
 - the preparation of an updated Traffic Study to further understand the impact of the proposed development on the surrounding road network and address Council's concerns; and,
 - an appropriate car parking rate for dwellings.
- Prepare an updated Traffic study following consultation with Transport for NSW, which addresses Council's concerns.
- Clarify the traffic upgrades the proponent intends to deliver, considering upgrades are located on land not within the proponent's control.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that the inconsistency with section 9.1 Direction 4.1 Flooding is minor and justified.

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

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

1. The planning proposal is to be updated to:

- Address Section 9.1 Direction 4.1 Flooding to provide an assessment against provisions (1)(a)-(d) and update the consistency of the proposal with the Direction to consider the Department's assessment.
- Consult with Transport for NSW regarding:
 - the preparation of an updated Traffic Study to further understand the impact of the proposed development on the surrounding road network; and,
 - an appropriate car parking rate for dwellings.
- Prepare an updated Traffic study following consultation with Transport for NSW, which addresses Council's concerns.
- Clarify the traffic upgrades the proponent intends to deliver, considering upgrades are located on land not within the proponent's control.

2. Prior to community consultation, Council is to submit the outcomes of consultation with Transport for NSW on car parking provisions for dwellings for the Department's review.
3. Consultation is required with the following public authorities:
 - Transport for NSW;
 - NSW Department of Climate Change, Energy, the Environment and Water;
 - School Infrastructure NSW;
 - Heritage NSW; and
 - Utility providers including Sydney Water, Jemena Gas, Endeavour Energy and NBN Co.
4. The planning proposal should be made available for community consultation for a minimum of 30 working days.

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 20 October 2025 be included on the Gateway.

The timeframe for the LEP to be completed is on or before 20 October 2025.

Kimbell

11.10.24

Elizabeth Kimbell

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21 October 2024

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