

5 December 2024

Ms Kiersten Fishburn
Secretary – Department of Planning & Environment
4 Parramatta Square, 12 Darcy Street
Parramatta, NSW, 2150

Attention: Ms Amy Watson- Acting Director, Social and Affordable
Assessments, Development Assessment & Infrastructure

Dear Amy,

REQUEST FOR INDUSTRY SPECIFIC SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS | 1 COLUMBIA COURT NORWEST

This letter has been prepared by Urbis Ltd (**Urbis**) on behalf of Visy Dior 2 Pty Ltd **C/-** Merc Capital (Applicant) to provide a detailed description of the proposed seniors housing development at 1 Columbia Court, Norwest.

It has been prepared to request industry-specific Secretary's Environmental Assessment Requirements ('**SEARs**') from the NSW Department of Planning, Housing and Infrastructure and (**The Department**). The following sections identify the applicant and describe the site and proposed development.

1. APPLICANT DETAILS

The applicant details for the proposed development are listed in the following table.

Table 1 Applicant Details

Descriptor	Applicant Details
Full Name(s)	Visy Dior 2 Pty Ltd C/- Merc Capital
Postal Address	Suite 706, 275 Alfred Street, North Sydney NSW 2060
ABN	55 390 901 239
Nominated Contact	Mark Hanna, Senior Legal Counsel
Contact Details	0430 245 835 mark.hanna@merccapital.com.au

2. SITE DESCRIPTION

The site is located at 1 Columbia Court, Norwest within The Hills local government area (LGA). The site is located on the corner of Windsor Road and Norwest Boulevard, Norwest. The site is legally described as Lot 1013 in Deposited Plan 863964. The location of the site is illustrated in Map 1.

Map 1 Local Context



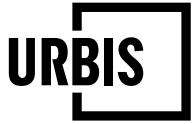
Source: sixmaps

The key features of the site which have the potential to impact or be impacted by the proposed development are summarised in the table below. Photographs of the site and locality are provided as **Figure 1**.

Table 2 Key Features of Site and Locality

Descriptor	Site Details
Land Configuration	The site is 2.27ha in area. The topography of the site slopes down from Windsor Road.
Land Ownership	The site is owned by Merc Capital.

Descriptor	Site Details
Existing Development	<p>The site is located in Norwest business park which is low density business park. The site is an “island” surrounded by Columbia Way to the north, Windsor Road to the east, Norwest Boulevard to the south, and Columbia Court to the west. The western portion features the Rydges Norwest hotel, a five- to six-storey building with 132 rooms. The eastern portion consists of a car park with 230 spaces. The remainder of the site includes general landscaping and trees.</p>
Local Context	<p>The surrounding locality is described below:</p> <p>North: On the opposite (northern) side of Columbia Way are two storey commercial developments including uses such as the Hills Shire Council, Rotary Club and the Hills Medical and Dental Centre.</p> <p>East: On the opposite (eastern) side of Windsor Road are two storey commercial developments including uses such as The Edge and The Hills Lodge.</p> <p>South: On the opposite (eastern) side of Norwest Boulevard is a seven storey commercial building including uses such as SMS International, Atlas Childcare and Virgin Active Gym.</p> <p>West: On the opposite (western) side of Columbia Court is a seven storey commercial building including uses such as Nexus and a two storey development for education uses which includes Bedford College.</p> <p>Photographs of the surrounding land uses are provided as Figure 1.</p>
Regional Context	<p>The site is located approximately 22km west of the Sydney Central Business District. The site is also located 11.7km from Parramatta Town Centre and is the Rouse Hill Town Centre (approximately 7.3km to the south).</p>
Infrastructure	<p>The site is adjacent to bus services on Windsor Road and Norwest Boulevard. It is within an established commercial area with availability to existing infrastructure and utility services.</p>
Site Access	<p>Pedestrian and vehicular access to the site from the local road network is available from Columbia Court.</p>
Services	<p>The site is within an established residential area with availability to existing infrastructure and utility services.</p>
Acid Sulfate Soils	<p>N/A</p>



Descriptor	Site Details
Contamination	Extensive environmental investigations and remediation works will need to be undertaken on the site to determine if any contamination.
Stormwater and Flooding	A stormwater and flooding report will be provided as part of the SSDA.
Bushfire Prone Land	The site is not identified as Bushfire Prone.
Flora and Fauna	It is understood given the business park use there are no flora and fauna elements of note.
Aboriginal Heritage	It is understood given the business park use there is no indication that items of Aboriginal heritage significance are likely to be present on the site. This will be determined at the SSDA stage.
European Heritage	The site is not a heritage item nor within a conservation area.

Figure 1 Site and Locality Photographs



Picture 1 Rydges Hotel – on the site

Source: Google Maps



Picture 2 Car Park for Rydges Hotel – on the site

Source: Google Maps



Picture 3 2-8 Brookhollow Avenue (south)

Source: Google Maps



Picture 4 10 Hudson Avenue (east)

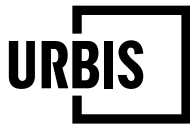
Source: Google Maps

3. DEVELOPMENT DESCRIPTION

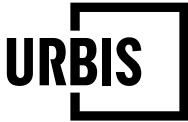
The key components of the proposed development are listed in the following table. A copy of the architectural concept drawings is submitted with the request for SEARs.

Table 3 Project Details

Descriptor	Project Details
Project Area	The site has a total area of 2.27hectares.
Project Description	<p>The Project comprises the demolition of existing structures and hardstand, site enabling works, and construction of the following:</p> <ul style="list-style-type: none"> ▪ Construction of four buildings comprising:



Descriptor	Project Details
	<ul style="list-style-type: none"> - independent living units - residential aged care beds - basement level car park - seniors housing associated retail spaces such as a café, hair salon, nail salon, and GP. - seniors housing administration facilities, including an exercise space, rehabilitation studio, and gym. <p>Key components of the seniors housing building include:</p> <ul style="list-style-type: none"> ▪ Maximum Building Height (15 storeys) ▪ Total FSR 2.1:1 ▪ Retail (SHAR) - 422sqm ▪ Communal - 923sqm ▪ Admin / Commercial - 450sqm ▪ Lobby - 235sqm ▪ Resi Care 2153sqm ▪ ILU - 42935sqm ▪ Shared Facilities - 723sqm ▪ Stage one - 211 ILU and 30 Resi Care ▪ Stage two - 182 ILU ▪ New landscaping associated with the development
Vehicle Access	Vehicle Access (entry) will be via the existing internal road network from the existing cross over from Columbia Court.
Permissibility	<p>The site is zoned SP4 Enterprise Zone pursuant to The Hills Local Environmental Plan 2019 (LEP).</p> <p>Under the Land Use Table for the SP4 Enterprise zone, seniors housing development is permissible in the zone. Notwithstanding this, seniors housing is permissible in this zone pursuant to Clause 81 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP).</p>



Descriptor	Project Details
Expected CIV	\$263,423,802
Staging/Phasing	<ul style="list-style-type: none"> <li data-bbox="470 611 1406 757">▪ Construction: Two staged development program over approximately 12 months. Conventional construction will be implemented using earth moving equipment, mobile cranes, concrete mixers, and other appropriate construction vehicles, facilitated by the appropriate trades and labour. <li data-bbox="470 779 1406 891">▪ Construction will occur generally within standard hours, with potential for specific activities (e.g. concrete pours) outside of standard hours to optimise climatic conditions for quality control. <li data-bbox="470 913 1102 947">▪ Operation: 24 hours per day, seven days a week.

4. PLANNING CONTEXT

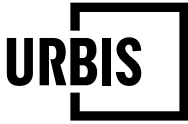
At its Council Meeting of 9 July 2024, Council resolved to adopt the Norwest Precinct Plan (place strategy), accordingly, the Norwest Precinct Plan has now been finalised. Under the Norwest Precinct Plan the site has been recommended to be FSR of 2.1:1 and an envisaged height of 8-15 storeys and that the updating of the controls is expected to be advanced within the next year by the Hills Shire – potentially involving a report to Council before the end of the 2024 calendar year. The SSDA is expected to run concurrently with the planning proposal.

4.1. STATUS OF NORWEST PLANNING PROPOSAL AND PREPARATION OF SSDA

As noted above, at its Council Meeting on 9 July 2024, Council resolved to adopt the Norwest Precinct Plan. The next step is for Council to prepare a planning proposal to rezone the site and adopt the anticipated planning controls. Urbis has liaised with The Hills Shire Council Strategic Planning team, who confirmed that the planning proposal is anticipated to commence in Quarter 1 of 2025 and typically would take 12 -14 months for gazettal, which is anticipated to be mid 2026 for finalisation.

Once the SEARs for the seniors housing component are issued, it is anticipated that it will take the project team approximately 6-8 months to prepare the SSDA, given items such as the Aboriginal Cultural Heritage Assessment Report will need to be prepared, and 1 to 2 meetings with the State Design Review Panel will be required. We note there is a significant timeframes associated with SDRP meetings and an SDRP meeting cannot be requested without SEARs .Therefore, it is not anticipated that this SSDA would be lodged until midyear of 2025, which would align with the anticipated Gateway determination. At that point, the SSDA would be concurrently assessed with the Planning Proposal.

Given that the planning controls for the site under the current LEP are significantly less than those proposed under the planning proposal and the proposed plans , it is considered that the SSDA timings for determination would align with the gazettal of the Planning Proposal. This alignment would provide some level of comfort for the Department in terms of timing for the amended development standards.



4.2. PREVIOUS PLANNING PROPOSAL ON SITE

It is important to note that at its Ordinary Meeting on 14 November 2023, The Hills Shire Council considered the Planning Proposal – 1 Columbia Court, Norwest (11/2019/PLP) and resolved the following:

2. *The planning proposal identified as “Option E”, applicable to land at 1 Columbia Court, Norwest (Lot 1013 DP 863964), proceed to Gateway Determination subject to the following modifications:*
 - a) *Increase the maximum Height of Buildings from RL116 to RL175 (15 to 18 storeys);*
 - b) *Increase the maximum Floor Space Ratio from 1:1 to 2.3:1;*
 - c) *No change to the current land use zoning or additional permitted uses;*

*In accordance with the resolution, please submit a revised planning proposal and supporting material which reflects the amended Option E, as described in the Council resolution, by **9th February 2024** in order for the matter to be submitted for a Gateway Determination. Please note that, in accordance with the resolution, if the revised proposal is not received by this date, the matter will not proceed to Gateway Determination.*

This demonstrates that the Planning Proposal with an FSR of 2.3:1 and a height of 15-18 storeys was supported by Council and recommended to proceed to the Department for Gateway determinations. The reason this proposal did not proceed was that the Council decided to move forward with a Norwest Precinct Plan that included the site, which will then result in a Council led planning proposal, therefore leading the proponent to withdraw.

This Council resolution confirms that the Council supported the height and FSR in this location, which is consistent with the current Norwest Precinct Plan. It provides the Department with some assurance that this level of density proposed for the site in the Norwest Precinct Plan has previously been supported by Council.

5. STATE SIGNIFICANT DEVELOPMENT & RAPID FRAMEWORK ASSESSMENT

5.1. SSD CLASSIFICATION

Clause 28 within Schedule 1 of *State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)*, identifies seniors housing as state significant development if it meets the criteria outlined in that clause, as follows:

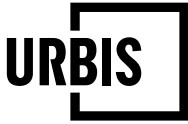
28 Seniors housing

Development for the purposes of seniors housing if-

(a) the seniors housing component has a capital investment value of-

*(i) for development on land in the Greater Sydney region—more than \$30 million,
or*

(ii) otherwise—more than \$20 million, and



(b) the seniors housing component includes a residential care facility, and

(c) other components of the proposed development are not prohibited on the land under an environmental planning instrument.

In respect to the above, we note:

- The seniors housing component is greater than \$30 million at \$263,423,802
- The seniors housing component incorporates a residential care facility
- All components of the proposed development are all permissible under the SP4 zoning.

*Note the retail such as café and hairdresser and administration uses proposed are for the residents and are all **ancillary** to the seniors housing component.*

5.2. PROPOSED USES

As noted above Schedule 1, Section 28 of *State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)* states that a 'seniors housing' development is considered State Significant Development (SSD) provided

.....

(c) other components of the proposed development are not prohibited on the land under an environmental planning instrument.

.....

The site is zoned SP4 Enterprise Zone under The Hills Local Environmental Plan 2019 (LEP). According to the Land Use Table for the SP4 Enterprise Zone, seniors housing development is permissible. However, retail and commercial uses are prohibited in this zone. Therefore, if these uses are proposed, the development could not be classified as state significant development (SSD).

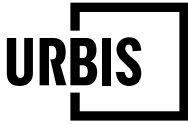
In the case of *Besmaw Pty Ltd v Secretary of the Department of Planning and Environment [2017] NSWLEC 74*, the court questioned whether the entire proposal could be considered state significant development, as some proposed uses might not be sufficiently related to the seniors housing component.

The proposal includes:

- Seniors housing associated retail spaces such as a café, hair salon, nail salon, and GP
- Seniors housing administration facilities, including an exercise space, rehabilitation studio, and gym

These spaces are considered ancillary because they support the primary function of the seniors housing by providing essential services and amenities that enhance the quality of life for the residents. Specifically:

Seniors housing associated retail spaces such as a café, hair salon, nail salon, and GP: These retail spaces offer convenient access to everyday services and social opportunities, which are crucial for the well-being and independence of the residents. They are not the main focus of the housing development but serve to complement and support the residents' needs.



Seniors housing administration facilities, including an exercise space, rehabilitation studio, and gym: These facilities provide necessary health and wellness services that are integral to the residents' physical and mental health. They support the primary residential function by ensuring that residents have access to fitness and rehabilitation resources, which are essential for maintaining their overall health and mobility.

In both cases, these spaces are designed to enhance the living experience within the seniors housing development, making them ancillary to its primary residential purpose. This will be demonstrated with more detail in the environmental impact statement.

This proposal represents an opportunity to attract meaningful investment and development in the precinct, facilitating housing and employment in the Norwest Precinct.

5.3. PROJECT ELIGIBILITY FOR INDUSTRY -SPECIFIC SEARS

The Department has introduced the Rapid Assessment Framework (**RAF**) to streamline the assessment of major projects. As part of implementing the RAF, the Department has prepared and introduced 'ready-made' industry-specific SEARs. The industry-specific SEARs apply to SSDAs that:

- are wholly permissible;
- do not meet thresholds for designated development; and
- are not a concept development application.

Industry-specific SEARs have been prepared for various types of development including 'seniors housing'. The *Standard Local Environmental Plan* defines 'seniors housing' as follows:

seniors housing means a building or place that is—

(a) a residential care facility, or

(b) a hostel within the meaning of State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 5, or

(c) a group of independent living units, or

(d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),

and that is, or is intended to be, used permanently for—

(e) seniors or people who have a disability, or

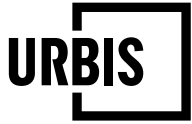
(f) people who live in the same household with seniors or people who have a disability,

or

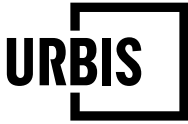
(g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

We submit that the proposed development is eligible for industry-specific SEARs:



- The proposal is for the construction and use of 'seniors housing' in accordance with the land use definitions under The Hills LEP 2019.
- The proposed seniors housing use is permissible with consent within the SP4 Enterprise Zone under The Hills LEP 2019.
- The proposal is not designated development as set out within the *Environmental Planning and Assessment Act 1979 (EP&A Act)*; and
- The proposed development is a detailed development application involving the 'carrying out of development' and is not for the purposes of a concept development application as described in section 4.22 of the EP&A Act.



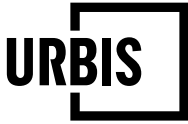
6. PRELIMINARY ASSESSMENT OF IMPACTS

In accordance with Section 4.15 of the EP&A Act, environmental, social, and economic impacts of the proposal will be assessed within an EIS. This section identifies key impacts to be further investigated and assessed, including the approach to assessing these matters. It also identifies matters in the scoping phase that are unlikely to result in significant impacts and do not warrant further assessment.

6.1. MATTERS REQUIRING FURTHER ASSESSMENT IN THE EIS

The following describes the relevant matters and impacts which will be addressed in detail within the EIS. It outlines the matters and impacts of particular concern to the community and other stakeholders

- **Biodiversity:** Given the lack of any biodiversity values at (or surrounding) the site and the highly urbanised nature of the surrounding area, a BDAR waiver application is considered appropriate for this assessment and will be submitted following issue of the SEARs.
- **Compliance with strategic and statutory plans:** The proposed development is consistent with the character of surrounding land uses. The EIS will include a detailed assessment of the proposed development against the relevant strategic and statutory provisions previously identified.
- **Built form and urban design:** The concept architectural drawings (at **Appendix B**) explain the key design moves from the approved scheme and demonstrate the proposed building footprint and envelope. The final design will consider architectural appearance, façade articulation, materiality, and landscaping, to deliver a high-quality built form outcome.
- **Design quality and residential amenity:** Preliminary assessments against ADG demonstrate that the proposal meets the requirements for solar access, cross ventilation, and building separation. A detailed assessment against all relevant ADG requirements will be prepared as part of the EIS.
- **Solar access and overshadowing:** An analysis and assessment of the overshadowing impacts and solar impacts will be undertaken..
- **Noise and vibration:** A Noise and Vibration Impact Assessment will be prepared in accordance with EPA guidelines and Australian / International standards. The assessment will be undertaken in accordance with legislative requirements, policies, and guidelines.
- **Views and visual impact:** The SSDA will be accompanied by a Visual Impact Assessment (**VIA**) to assess the visual effects of the proposal on nearby sensitive receivers and public domain views from key surrounding locations. The VIA will assess cumulative impacts of the proposal and other developments in the surrounding area. The VIA will assess the proposed building and its potential visual impacts when viewed from the surrounding area. It will consider the architectural and landscape treatments of the proposal and its immediate surrounds, including an assessment of the proposed layout and design in accordance with industry principles and best-practice approaches.
- **Wind:** The impacts of the development on the pedestrian wind environment will be considered. A Wind Assessment will be prepared to assess impacts on pedestrians and surrounding areas. If required, measures will be incorporated within the detailed design to mitigate adverse impacts.
- **Traffic, parking, and access:** The EIS will be supported by a Transport Impact Assessment and a Green Travel Plan prepared by a qualified traffic consultant. A Construction Traffic Management Plan will be prepared to assess impacts during the construction phases of the project.
- **Aboriginal heritage:** In accordance with the standard requirement of SSDs, an Aboriginal Cultural Heritage Assessment Report (**ACHAR**) will be prepared. The ACHAR will document the process of



investigation, Aboriginal community consultation, and assessment of Aboriginal cultural heritage and Aboriginal archaeology. The ACHAR will be prepared in accordance with industry guidelines.

- **Waste management:** The proposal will generate several waste streams that will require management in accordance with relevant legislation and guidelines.
- **Infrastructure services:** The site is within an area with established infrastructure and services. The EIS will detail any augmentation works, including extensions, expansions, or augmentations required to meet infrastructure demands (for instance gas, electricity, or telecommunications).
- **Economic and social impacts:** The site is surrounded primarily by commercial uses. The EIS will be accompanied by a Social Impact Assessment (**SIA**) to assess the potential social and economic impacts of the proposal. The SIA will include an estimation of the employment generation associated with the construction and operational phases and broader economic benefits of the development. Other social amenity impacts would be assessed with the relevant amenity impact section of the EIS.
- **Environmentally sustainable design:** An Ecologically Sustainable Development (**ESD**) Report will be provided to describe the ESD principles incorporated into the design and operational phases of the proposed development. The ESD Report will identify potential measures to be implemented into the building design and construction to minimise the environmental footprint of the development, including opportunities to avoid or minimise the demand for water and electricity.

6.2. MATTERS REQUIRING NO FURTHER ASSESSMENT IN THE EIS

- **Bushfire:** The site is not mapped within a bushfire prone area or a buffer zone to a bushfire prone area. A bushfire assessment is not considered necessary due to the site's setting in a highly urbanised and developed area, devoid of remnant bushland and not within a bushfire prone area.
- **Air quality and odour:** The proposal is unlikely to generate any consequential air quality impacts related to atmospheric emissions, gases or particulate matter, or any ongoing odour sources.
- **Heritage:** The site is not heritage listed nor within a heritage conservation area.
- **Contamination and Flooding** -no further assessment in the EIS required.

7. CONCLUSION

We trust the information provided with this letter provides sufficient details to provide the Department with a comprehensive understanding of the proposed development to facilitate the issue of industry-specific SEARs.

If you require any further information, please do not hesitate to contact me on the details below or Simon Wilkes (Director) on 02 8233 7620 or swilkes@urbis.com.au.

Yours sincerely,

A handwritten signature in blue ink that reads "Belinda Thomas".

Belinda Thomas
Associate Director
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bthomas@urbis.com.au