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Our ref: IRF24/1714

Via email: [elangan@thehills.nsw.gov.au](mailto:elangan@thehills.nsw.gov.au)

Dear Mr Edgar

**Planning proposal (PP-2021-4715) to amend The Hills Local Environmental Plan 2019**

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) received on 8 July 2024 in respect of the planning proposal to increase the floor space ratio and building height controls at 27 Victoria Avenue, Castle Hill.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

I have also agreed, as delegate of the Secretary, the inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the Act 4.1 Flooding is justified in accordance with the terms of the Direction. No further approval is required in relation to this Direction.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The amendment to the LEP is to be finalised on or before 27 June 2025. Council should aim to commence the exhibition of the planning proposal as soon as possible.

Parliamentary Counsel's Office is not responsible for the drafting of map-only amendments to LEPs. Requests for legal drafting for map-only amendments must instead be sent to [mapinstrument.drafting@dpie.nsw.gov.au](mailto:mapinstrument.drafting@dpie.nsw.gov.au). The relevant Department of Planning, Housing and Infrastructure team contact should be copied into the request. The request must include the drafting instruction template, planning proposal and gateway determination.

Should you have any enquiries about this matter, I have arranged for Gabrielle Coleman, Senior Planner to assist you. Ms Coleman can be contacted on 9995 5247.

Yours sincerely



3 September 2024

**Rukshan de Silva**

**Acting Director, Local Planning (Metro Central, West and South)**

**Local Planning & Council Support**

Encl: Gateway determination  
Plan making reporting template

## Gateway Determination

**Planning proposal (Department Ref: PP-2021-4715):** to increase floor space ratio building height controls at 27 Victoria Avenue, Castle Hill.

I, the Acting Director, Local Planning (Metro Central, West and South) at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to *The Hills Local Environmental Plan 2019* to increase the floor space ratio and building height controls at 27 Victoria Avenue, Castle Hill should proceed subject to the following

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 27 June 2025.

### Gateway Conditions

1. Prior to exhibition, 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
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
  - Transport for NSW,

- NSW Department of Climate Change, Energy, the Environment and Water,
- Utility providers including Sydney Water and Endeavour Energy.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 3 September 2024



**Rukshan de Silva**  
**Acting Director**  
**Local Planning (Metro Central, West and South)**  
**Department of Planning, Housing and Infrastructure**

**Delegate of the Minister for Planning and Public Spaces**



IRF24/1714

## Gateway determination report – PP-2021-4715

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27 Victoria Avenue, Castle Hill

September 24

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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**

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Attachment A & B – Council’s Planning Proposal

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Attachment C – Council Report and Minutes 28 May 2024

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Attachment D – Local Planning Panel Report and Minute 27 March 2024

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Attachment E – Draft The Hills DCP 2012 Part D Section xx – 27 Victoria Avenue Castle Hill

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Attachment F – Proponent’s planning proposal 26 October 2023

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Attachment G – Traffic and parking report

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Attachment H – Urban Design Concept

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Attachment I – Engineering drainage plans

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Attachment J – Economic Impact Assessment

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Attachment K – Engineering Design Certificate

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Attachment L – Post exhibition Norwest Precinct Plan – submission response 9 July 2024

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Attachment M – draft VPA Letter of offer

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# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	The Hills Shire
<b>PPA</b>	The Hills Shire Council
<b>NAME</b>	27 Victoria Avenue, Castle Hill (211 additional jobs)
<b>NUMBER</b>	PP-2021-4715
<b>LEP TO BE AMENDED</b>	The Hills Local Environmental Plan 2019
<b>ADDRESS</b>	27 Victoria Avenue, Castle Hill
<b>DESCRIPTION</b>	Lot 5, DP 261795
<b>RECEIVED</b>	8/07/2024
<b>FILE NO.</b>	IRF24/1714
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Objectives of planning proposal

The objective of the planning proposal (**Attachment A**) is to facilitate redevelopment of the site into a range of uses, including specialised retail premises (bulky goods), vehicle sales, vehicle repair station, centre based childcare facility, indoor recreation facility (gym) and a medical centre.

The planning proposal contains an objective that is clear and adequate and adequately explains the intent of the proposal.

## 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
Zoning	E3 Productivity Support	No change
Maximum height of the building	20m	26m (4-5 storeys)
Floor space ratio	1:1	1.98:1



Number of jobs	210 jobs	Total of 421 jobs
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The increase in development standards will increase the gross floor area from 8,094m<sup>2</sup> to 16,026m<sup>2</sup> GFA.

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

The planning proposal is also accompanied by a draft site specific DCP to guide built form outcomes on the site (**Attachment E**), and a letter of offer (**Attachment M**).

## 1.4 Site description and surrounding area

The site is known as 27 Victoria Avenue, Castle Hill (Lot 5, DP 261795), located within the Norwest Strategic Centre – Service and in proximity to the Showground metro station. The site comprises one parcel of land approximately 8,094m<sup>2</sup> in size and is a corner lot, with frontages to both Victoria Avenue to the west and Anella Avenue to the north.

The site is currently occupied by a single storey building with a floor area of approximately 2,500m<sup>2</sup> comprising specialised retail premises and urban services uses, with at grade car parking.

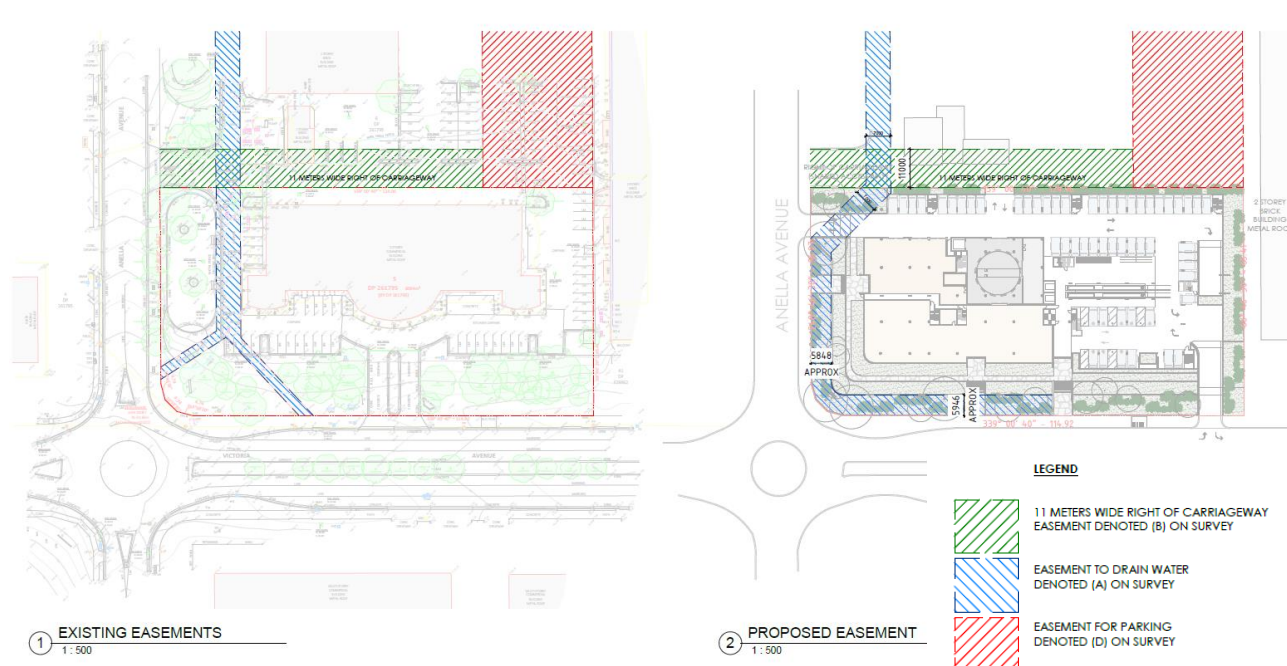


**Figure 1 Existing development on the subject site (source: Attachment C – Council report and minutes 28 May 2024).**

The site is affected by two easements as shown in the image on the following page:

- The site benefits from a right of carriageway for access and car parking via the adjoining property 3 Anella Avenue; and
- The site is encumbered by a 2-7m wide easement for drainage along the northern end, which Council is the benefited authority. The easement secures Council's right of access to ensure stormwater infrastructure can be managed as required.

The figure below shows the existing easements with the existing building footprint, along with the proposed concept which re-aligns the drainage easement.



**Figure 2 Existing easements on the subject site (L), proposed easements with indicative concept plan (R) (source: Attachment H – Proponent's planning proposal).**

The subject site is identified as a flood prone lot under the Hills DCP 2012 as part of the site is affected by the 1% AEP as per Council's Urban Overland Flow Study 2017. This is discussed further in Section 3.5 (Section 9.1 Directions) of this report.

In the surrounding locality, the site is:

- Adjacent to 'The Hills Super Centre,' a retail anchor in the Showground precinct.
- Adjacent to PP-2023-1863 21-23 Victoria Avenue, Castle Hill which seeks an increase in the floor space ratio and height development standards.
- 500m from Cattai Creek.
- 1.1km from the Showground Metro Station.
- 1.4km from Castle Hill showground.

The immediately surrounding area is characterised by light industrial, warehouse and specialised retail development on large lots.



Figure 3 Subject site and surrounds (source: Attachment C – Council report and minutes 28 May 2024).

## 1.5 Mapping

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

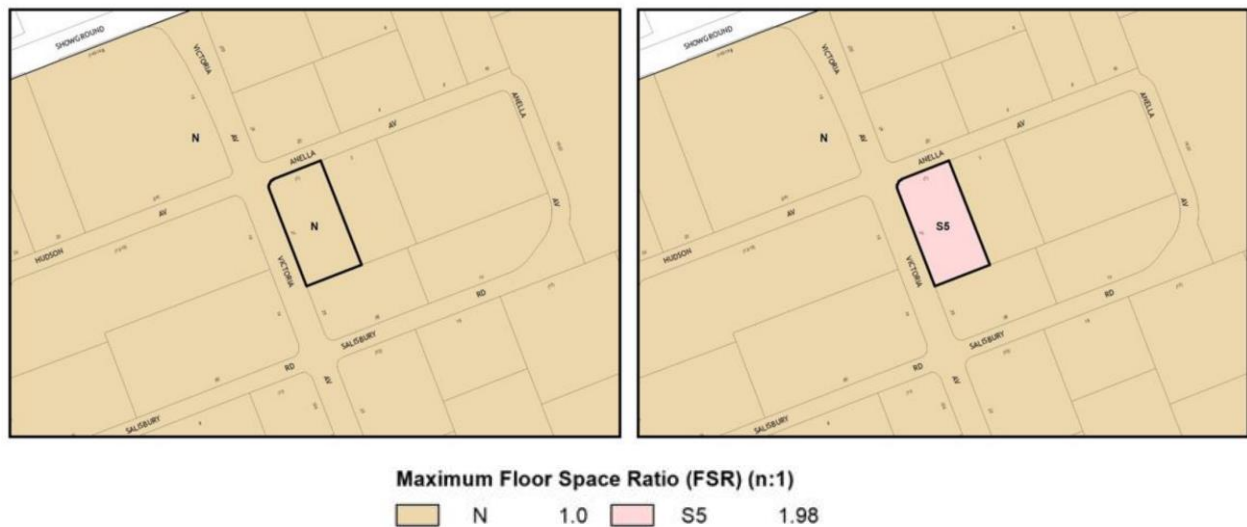
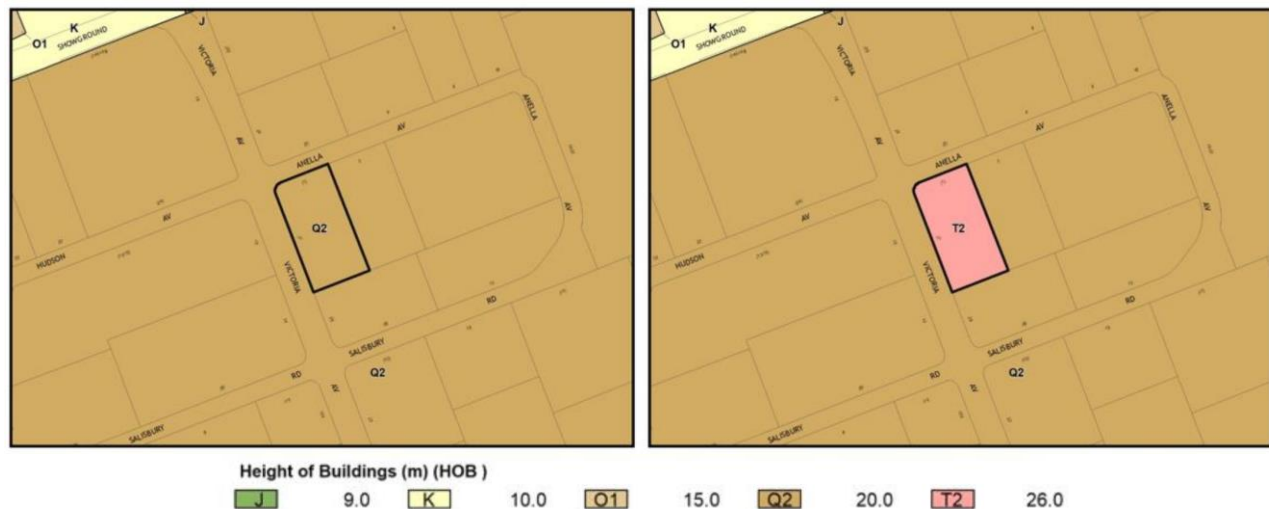


Figure 4 Existing floor space ratio map (L), proposed floor space ratio map (R) (source: Planning Proposal)





**Figure 5 Existing Height of Buildings Map (L), proposed Height of Buildings Map (R) (source: Planning Proposal)**

## 2 Need for the planning proposal

**Q1. Is the planning proposal a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?**

No, the planning proposal is not a result of any strategic study or report. The application has been initiated by the Proponent, acting on the behalf the landowner.

**Q2. 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. The proposed floor space ratio and building height will regulate an appropriate built form outcome and facilitate an increase in specialised retail and industrial floor space and increase employment opportunities. The site's proximity to Showground Metro Station aligns with the principles of transit-oriented development.

## 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 for 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 an assessment of the planning proposal against relevant directions and actions.

**Table 4 District Plan assessment**

District Plan Priorities	Justification
Planning priority C9: Delivering integrated land use and transport planning and a 30-minute city	<p>The objective encourages the growth of strategic and local centres to reduce the need for people to travel long distances to access jobs and services.</p> <p>The planning proposal seeks to increase floor space for urban services and specialised retail premises within Norwest strategic centre. The site is close to future worker and resident populations that will benefit from the provision of additional urban services and industrial floor space.</p>
Planning priority C10: Growing investment, business and job opportunities in strategic centres	<p>The subject site is within the Norwest strategic centre. The objective states employment growth is the principal underlying economic goal for strategic centres, creating opportunities to attract retail and office development locally bringing jobs closer to homes. Job targets have been set for each strategic centre, Norwest's job target ranges from 49,000 to 53,000 by 2036.</p> <p>The objective outlines principles for growing existing centres, through considering building heights and outward growth. The planning proposal is consistent with this objective as it increases the amount of retail and commercial floor space on the site by amending development standards and in turn increasing the number of jobs.</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 following table:

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> <ul style="list-style-type: none"> <li>• 1 – Plan for sufficient jobs targeted to suit the skills of the workforce. The proposal will increase the number of jobs and also protect the function of the centre.</li> <li>• 2 – Build strategic centres to realise their potential. The proposal will increase the number of jobs to assist in meeting the job target for Norwest strategic centre with built form outcomes consistent with Norwest structure plan.</li> <li>• 10 – Provide social infrastructure and retail services to meet resident's needs. The LSPS identifies the current supply of speciality retail shops is lower than expected based on Sydney-wide ratios. Additional specialised retail floor space is needed, the proposal will increase the amount of specialised retail floor space in the centre.</li> <li>• 12 – Influence travel behaviour to promote sustainable choices. The draft DCP (<b>Attachment E</b>) includes reduced car parking rates to reflect the site being identified within the Outer Walkable Catchment of the Showground Metro Station.</li> </ul>
The Hills Shire Council Norwest Precinct Plan	<p>The Norwest Precinct Plan, adopted by Council on 9<sup>th</sup> July 2024, identified the site as part of the specialised retail/ bulky goods spine along Victoria Avenue and the existing light industrial areas.</p> <p>Investigations undertaken to support the preparation of the precinct plan identified that Norwest has a retail gap of approximately 11,400m<sup>2</sup> of specialised retail floorspace. This planning proposal would provide an opportunity to fill that gap.</p> <p>The Plan envisages an FSR of up to 2:1 and height of 2-3 storeys applying to the subject site. The proposed building height of 5 storeys is slightly higher than anticipated under the precinct plan, however the following amendments were made to the site as part of the finalisation process of the precinct plan (<b>Attachment L</b>):</p> <ul style="list-style-type: none"> <li>▪ Amendments to 'Focus Area 8 – Protecting and Encouraging Urban Services' to flag that increased building heights may be considered as part of site-specific planning proposals to facilitate the delivery of urban support uses; and</li> <li>▪ Notations that flag that a site-specific planning proposal is currently underway for this site and that the final land use, density, and height outcomes will be determined through that process, should the proposal proceed to finalisation.</li> </ul> <p>Considering the above, there is merit in increasing the building height in order to secure appropriate urban services. The proposal's increase in development standards above what's envisaged in the plan is discussed further under Section 4.4 of this report.</p> <p>The proposal is otherwise consistent with the finalised Plan.</p>
The Hills Future Community Strategic Plan	<p>The planning proposal is consistent with this plan as the proposal will contribute to the realisation of Norwest as a strategic centre and key office precinct within an appropriate built form. The supporting site specific DCP will address interface issues with adjoining properties.</p>

### 3.4 Local planning panel recommendation

The planning proposal was referred to The Hills Shire Council Local Planning Panel (the Panel) meeting on 27 March 2024. The Panel determined the proposal demonstrated adequate site-specific and strategic merit to proceed to Gateway Determination subject to the following matters being resolved to Council's satisfaction:

- Preparation of a site specific DCP to secure urban design, landscaping and public domain outcomes. These include building articulation, public domain interface, provision of landscaping and deep soil areas, location of car parking and driveways and stormwater and flood management.
- Securing fair and reasonable contributions noting the proposed uplift is beyond that planned for in The Hills Section 7.12 contributions plan. The Panel suggested contributions be paid at a similar rate to those in Contributions Plan No. 19 – Showground Precinct. The site is outside the application area for CP19.

#### Department comment

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 post Gateway.
- The proponent submitted a letter of offer (**Attachment M**) to enter into a voluntary planning agreement (VPA) to support the proposal. This is further discussed under Section 4.3 of this report.

### 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
1.1 Implementation of Regional 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"> <li>• Objective 4: Infrastructure use is optimised. The draft DCP includes reduced car parking rates for the site from the adopted Norwest Precinct Plan. These rates reflect the site being within the Outer Walkable Catchment of the Showground Metro station. Reduced car parking rates will promote the utilisation of public transport</li> <li>• Objective 22: Investment and business activity in centres. This planning proposal will assist in increasing the additional floor space for retail premises within Norwest strategic centre.</li> <li>• Objective 23: The Hills LGA is identified as being within the 'review and manage' approach for industrial and urban services land. This approach supports, amongst other matters, appropriate controls to maximise business and employment outcomes. The planning proposal is consistent with this approach.</li> </ul>

1.16 North West Rail Link Corridor Strategy	Consistent	<p>This direction applies when a relevant planning authority prepares a planning proposal for land within the North West Rail Link Corridor, as identified in the NWRL Corridor Strategy and Structure Plans. The site is located in the Showground Road Structure Plan and is identified for bulky goods.</p> <p>The proposed floor space ratio is higher than anticipated within the strategy however the proposed development is consistent with the character description of bulky goods retail and service centres within a landscaped setting, with generous setbacks from the street.</p> <p>Furthermore, the character and built form requirements for feasible industrial and urban service development outcomes has shifted significantly since the preparation of the Government's Corridor Strategy in 2012, in response to trends and floor space needs within this segment of the industry.</p> <p>As the proposal does not change the zoning, 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. Given the time lapse since the preparation of the strategy, and that the proposal is supported by appropriate justification, this increase is considered reasonable.</p>
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4.1 Flooding	Justifiably inconsistent	<p>This Direction applies when a planning proposal creates, removes or alters a zone or provision that affects flood prone land. The subject site's road frontages are affected by the 1% AEP as per Council's Urban Overland Flow Study 2017.</p> <p>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.</p> <p>As the proposal permits a significant increase in the development of the land (being double the amount of floorspace and jobs) within the flood planning area, the planning proposal is inconsistent with this Direction (3)(d).</p> <p>The inconsistency is considered to be of minor significance due to:</p> <ul style="list-style-type: none"> <li>the flood affectation being contained along the site's road frontages,</li> <li>the proposal indicates no development will occur in the overland flow path,</li> <li>flood affectation appearing to be approximately 1m in depth or less,</li> <li>the topography of the site and proposed amendments to stormwater infrastructure would assist in mitigating any potential flooding impacts,</li> <li>Council's statement that with modification of the building concept design, the development will be able to meet the required flood planning levels.</li> <li>The flood planning levels include: habitable floor levels are to be at 1% AEP level plus 0.5m freeboard, and non-habitable floor levels to be equal to or higher than the 1% AEP level, or otherwise no lower than 5% AEP level unless justified by a site-specific assessment.</li> </ul> <p>A Gateway condition has been included for the planning proposal to be updated to consider the Department's consistency assessment above.</p>
5.1 Integrating land use and transport	Consistent	<p>This Direction seeks to integrate land use and infrastructure to improve access to housing, jobs and services, reduce dependency on cars, reduce travel time, support the efficient operation of public transport and provide for the efficient movement of freight.</p> <p>The proposal will facilitate an increase in employment generating floorspace within a strategic centre and in proximity to the Showground Metro station. It is acknowledged that many of the uses indicated on the concept plans will continue to be accessed primarily via car. However, the draft DCP provides reduced car parking rates suitable for the site's location. This will promote the usage of public transport options.</p> <p>The proposal is generally consistent with this Direction.</p>

7.1 Employment zones	Consistent	<p>This Direction aims to encourage employment growth in suitable locations, protect employment land and support the viability of identified centres. It requires that planning proposals must not reduce the total potential floor space area for employment uses and related public services in business zones.</p> <p>The proposal will increase the availability of urban services floor space in an area which is intended to support the viability of specialised retail, industrial and urban services uses.</p> <p>The planning proposal is consistent with this Direction as it will facilitate an industrial or urban services outcome.</p>
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### 3.6 State environmental planning policies (SEPPs)

The planning proposal states that no SEPPs are applicable to this proposal. The proponent's proposal (**Attachment F**) assesses the proposal against the following SEPPs:

- State Environmental Planning Policy (Transport and Infrastructure) 2021,
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008,
- State Environmental Planning Policy (Industry and Employment) 2021, and
- State Environmental Planning Policy (Resilience and Hazards) 2021.

The proposal's assessment concludes that future development on the site can demonstrate consistency with the abovementioned SEPPs at the development application stage.

The Department is satisfied that future development can demonstrate consistency with the relevant SEPPs at DA stage.

## 4 Site-specific assessment

### 4.1 Environmental

Flooding and stormwater impacts have been addressed under the Section 9.1 Direction 4.1 Flooding. It's noted the planning proposal states the proposal is to be referred to the NSW Department of Climate Change, Energy, Environment and Water. This has been conditioned as part of the Gateway determination.

In terms of other environmental impacts, the proposal is unlikely to have an impact on vegetation as Council's mapping identifies the site as containing modified vegetation communities/gardens.

### 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 planning proposal will also support the retail and service needs of surrounding residents.

### 4.3 Local Infrastructure

Council considered and resolved to accept, in principle, a letter of offer supporting this planning proposal at its meeting on 28 May 2024 (**Attachment M**).

The letter of offer provides for monetary contributions in accordance with the Council's Contribution Plan No.19 – Showground Road Precinct.

### 4.3.1 Traffic and transport

Council's Local Planning Panel report (**Attachment D**) provides commentary drawing on the Traffic and Parking Assessment (**Attachment G**) and proponent's planning proposal (**Attachment F**). The key points are noted below:

- Access to the site is proposed from both Victoria Avenue and Anella Avenue. This will be subject to consultation with Transport for NSW.
- Reduced car parking rates in line with the finalised Norwest Precinct Plan are applied in the draft site specific DCP (**Attachment E**).
- The proposal will have a negligible impact on the projected level of service of the Showground Road/Victoria Avenue and Anella Avenue/Victoria Avenue intersections.
- Regional traffic modelling currently underway will provide details of the necessary upgrades required within the Castle Hill and Norwest strategic centres. Consideration should be given to the increased traffic generation from the site in the context of this work. This will be subject to consultation with Transport for NSW.

## 4.4 Urban Design

The following table provides a summary of the key urban design considerations raised in Council's report and how they have been rationalised.

### 4.4.1 FSR and height

The proposal has been reduced from 6 storeys to 4-5 storeys (26m height limit) and the FSR increased from 1.7:1 to 1.98:1.

The adopted Norwest Precinct Plan notes that under 'Focus Area 8 – Protecting and Encouraging Urban Services' increased building heights may be considered as part of site-specific planning proposals to facilitate the delivery of urban support uses.

Council's assessment of the proposed FSR and height controls deem these controls appropriate as:

- The site is separated from any sensitive uses (such as residential outcomes) which would be susceptible to impacts associated with increased building heights (e.g. overshadowing of habitable rooms).
- It is expected taller buildings will become more prevalent in this locality, particularly as proximity to the station and associated development density increases.
- The ground floor level sits below the road level, therefore reducing the visual impact when viewed from the street.
- Improvements in technology and increases in efficiency are necessitating a different type of built form to facilitate urban services development. Characteristics of this include the co-location of uses and increased floor to ceiling heights.
- Street setback of 15m will be implemented through the site specific DCP to comply with existing controls in the Showground Station Precinct. This offsets the visual impact of the built form.

#### Department comment

Council's assessment provides a satisfactory justification for the proposed FSR and height controls.

#### 4.4.2 Building articulation and street presentation

The concept plans provided with the proposal (**Attachment H**) a building with a length of 102 m and a height of 20m fronting Victoria Avenue, which results in a very large front façade of 2,040m<sup>2</sup>, with minimal articulation.

Council's report recommends that the site specific DCP be updated with measures to facilitate appropriate building articulation.

##### Department comment

The proposal is accompanied by a draft site specific DCP (**Attachment E**) and includes objectives and controls to facilitate appropriate façade treatments.

## 5 Consultation

### 5.1 Community

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

### 5.2 Agencies

The planning proposal suggests consultation is required with the following agencies:

- Transport for NSW
- NSW Department of Climate Change, Energy, the Environment and Water
- Utility providers including Sydney Water, Endeavour Energy

The Department agrees with the above list of agencies and requires Council provide 30 working days to comment:

## 6 Timeframe

The planning proposal (**Attachment A&B**) suggests the LEP will be completed by May 2025. Due to the delays in issuing a Gateway determination, this timeframe is extended to June 2025. The Gateway determination refers to this timeframe.

## 7 Local plan-making authority

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

As the planning proposal is of a local nature the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

## 8 Assessment summary

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

- The proposal has demonstrated strategic merit being consistent with objectives and priorities of the Central River City District Plan and The Hills Shire Local Strategic Planning Statement.
- It is not considered to have significant adverse impacts including environmental, social, economic, traffic and infrastructure impacts.

- The proposal will facilitate uplift in commercial and retail floor space, incentivising redevelopment of the site.
- The proposal will have a positive economic impact by contributing employment floor space and jobs within close proximity to Hills Showground Metro Station.

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) to (d) and update the consistency of the proposal with the Direction to consider the Department's assessment.

## 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.
2. Prior to community consultation, the planning proposal is to be revised to address condition 1.
3. Consultation is required with the following public authorities:
  - Transport for NSW,
  - NSW Department of Climate Change, Energy, the Environment and Water,
  - Utility providers including Sydney Water and Endeavour Energy.
4. The planning proposal should be made available for community consultation for a minimum of 20 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 27 June 2025 be included on the Gateway.

The timeframe for the LEP to be completed is on or before 27 June 2025.



02.09.24

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3 September 2024

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