
MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 28 May 2024

The Mayor advised in accordance with the Code of Meeting Practice that this meeting is being recorded.

ITEM 1 CONFIRMATION OF MINUTES

A MOTION WAS MOVED BY COUNCILLOR COX AND SECONDED BY COUNCILLOR BLUE THAT the Minutes of the Ordinary Meeting of Council held on 14 May 2024 be confirmed.

THE MOTION WAS PUT AND CARRIED.

209. RESOLUTION

The Minutes of the Ordinary Meeting of Council held on 14 May 2024 be confirmed.

APOLOGIES AND LEAVE OF ABSENCE

A MOTION WAS MOVED BY COUNCILLOR HODGES MP AND SECONDED BY COUNCILLOR BLUE THAT the apologies from Councillors Dr Burton, Hay OAM, Tracey, Ellis and De Masi be accepted and leave of absence granted.

THE MOTION WAS PUT AND CARRIED.

210. RESOLUTION

The apologies from Councillors Dr Burton, Hay OAM, Tracey, Ellis and De Masi be accepted and leave of absence granted.

PROCEDURAL MOTION

A MOTION WAS MOVED BY COUNCILLOR COX AND SECONDED BY COUNCILLOR BLUE THAT Item 3 - Post Exhibition – Castle Hill Strategic Centre Precinct Plan (FP225) be moved to the last item on the Business Paper due to there being a lack of quorum for that item.

THE MOTION WAS PUT AND CARRIED.

211. RESOLUTION

Item 3 - Post Exhibition – Castle Hill Strategic Centre Precinct Plan (FP225) be moved to the last item on the Business Paper due to there being a lack of quorum for that item.

**ITEM 2 PLANNING PROPOSAL, DRAFT DEVELOPMENT CONTROL
PLAN AND DRAFT VOLUNTARY PLANNING AGREEMENT – 27
VICTORIA AVENUE, CASTLE HILL (1/2022/PLP)**

Proceeding in brief

Patrick Hurley of PGH Environmental Planning (In Favour) addressed Council regarding this matter.

MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 28 May 2024

A MOTION WAS MOVED BY COUNCILLOR HODGES MP AND SECONDED BY COUNCILLOR COX THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY.

212. RESOLUTION

1. The planning proposal for land at 27 Victoria Avenue, Castle Hill (Lot 5, DP 261795) be submitted to the Department of Planning, Housing and Infrastructure for Gateway Determination.
2. Draft The Hills Development Control Plan 2012 Part D Section X – 27 Victoria Avenue, Castle Hill (Attachment 3) be publicly exhibited concurrent with the planning proposal.
3. Council accept, in principle, the draft VPA Letter of Offer (Attachment 4). A draft VPA consistent with the terms of the Offer be prepared and subject to legal review (at the cost of Proponent), updated in accordance with the recommendations of the legal review and subsequently placed on public exhibition concurrent with the planning proposal and draft Development Control Plan.

Being a planning matter, the Mayor called for a division to record the votes on this matter

VOTING FOR THE MOTION

Mayor Dr P Gangemi
Clr M Hodges MP
Clr M Blue
Clr J Brazier
Clr R Boneham
Clr J Cox
Clr R Jethi
Clr Dr M Kasby

VOTING AGAINST THE MOTION

None

MEETING ABSENT

Clr F De Masi
Clr V Ellis
Clr Dr B Burton
Clr R Tracey
Clr A Hay OAM

ITEM 4

**POST EXHIBITION DRAFT DEED OF AMENDMENT AND
ASSIGNMENT TO VOLUNTARY PLANNING AGREEMENT – 8
MAITLAND PLACE, NORWEST (9/2018/VPA)**

A MOTION WAS MOVED BY COUNCILLOR BLUE AND SECONDED BY COUNCILLOR COX THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY.

ITEM 2	PLANNING PROPOSAL, DRAFT DEVELOPMENT CONTROL PLAN AND DRAFT VOLUNTARY PLANNING AGREEMENT – 27 VICTORIA AVENUE, CASTLE HILL (1/2022/PLP)
THEME:	SHAPING GROWTH
MEETING DATE:	28 MAY 2024
	COUNCIL MEETING
GROUP:	SHIRE STRATEGY
	SENIOR TOWN PLANNER
AUTHOR:	EMMA LANGAN
RESPONSIBLE OFFICER:	MANAGER FORWARD PLANNING NICHOLAS CARLTON

PURPOSE

This report relates to the planning proposal for 27 Victoria Avenue, Castle Hill (1/2022/PLP). The application is being reported to Council for a decision on whether the planning proposal should be forwarded to the Department of Planning, Housing and Infrastructure for Gateway Determination.

A draft site-specific Development Control Plan and Voluntary Planning Agreement Letter of Offer are also provided for Council’s consideration and a decision on whether to concurrently exhibit these documents with the planning proposal, should a Gateway Determination be issued.



RECOMMENDATION

1. The planning proposal for land at 27 Victoria Avenue, Castle Hill (Lot 5, DP 261795) be submitted to the Department of Planning, Housing and Infrastructure for Gateway Determination.
2. Draft The Hills Development Control Plan 2012 Part D Section X – 27 Victoria Avenue, Castle Hill (Attachment 3) be publicly exhibited concurrent with the planning proposal.
3. Council accept, in principle, the draft VPA Letter of Offer (Attachment 4). A draft VPA consistent with the terms of the Offer be prepared and subject to legal review (at the cost of Proponent), updated in accordance with the recommendations of the legal review and

subsequently placed on public exhibition concurrent with the planning proposal and draft Development Control Plan.

IMPACTS

Financial

This matter has no direct financial impact upon Council's Adopted budget or forward estimates. The planning proposal is accompanied by a Voluntary Planning Agreement (VPA) letter of offer which seeks to secure contributions for infrastructure demand generated by the proposal. The VPA offer will require the developer to pay monetary contributions to Council which are equivalent to those payable under Contributions Plan No. 19 – Showground Precinct. The VPA offer is discussed further in Section 6 of this report.

Strategic Plan - Hills Future

The planning proposal, if supported, would contribute to employment growth in The Shire and facilitate the delivery of additional jobs, contributing to the overall Norwest Strategic Centre job targets. The proposal would protect the retention of light industrial uses and bulky good premises in the Showground Precinct, providing employment opportunities for the current and future population as well as supporting the service needs of residents in The Hills Shire.

LINK TO HILLS SHIRE PLAN

Strategy:

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

Outcomes:

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

LEGISLATIVE CONTEXT

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

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

The legislative framework for Planning Agreements (also known as 'VPAs') is established within Part 7, Division 7.1, Subdivision 2 of the *Environmental Planning and Assessment Act 1979* (Clauses 7.3 to 7.10). The Environmental Planning and Assessment Regulation 2021 includes further requirements relating to the making, amending and revocation of planning agreements, public notice and procedural requirements within Part 9, Division 1 (Clauses 202 to 206). This report seeks a decision of Council as to whether to support (in-principle) the draft VPA Offer submitted in support of the planning proposal.

PROPONENT

PGS Environmental Planning on behalf of Martis Investments Pty Ltd

OWNERS

Martis Investments Pty Ltd

POLITICAL DONATIONS

Nil Disclosed

EXECUTIVE SUMMARY

The planning proposal applies to land at 27 Victoria Avenue, Castle Hill and seeks to amend the planning controls applicable to the site under The Hills LEP to increase the applicable maximum height of building from 20 metres to 26 metres and increase the maximum floor space ratio from 1:1 to 1.98:1. The proposal seeks to facilitate redevelopment for 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, within a built form of 4-5 storeys.

The planning proposal generally aligns with the relevant strategic planning framework and would contribute to employment growth in The Shire, facilitating the delivery of additional jobs and contributing to the overall job targets for Norwest Strategic Centre. The proposal would contribute to the retention and growth of light industrial uses and bulky good premises in the Showground Precinct, providing employment opportunities for the current and future population and supporting the service needs of residents in The Hills Shire.

On 27 March 2024, the Local Planning Panel considered the planning proposal and agreed with the Council Officer's Technical Assessment Report and conclusion that the planning proposal is suitable to proceed to Gateway Determination, subject to the preparation of an accompanying site-specific Development Control Plan and appropriate infrastructure contribution mechanism. As detailed in this report, both of these matters have since been resolved.

The proposal is broadly consistent with Council's objectives for development in this locality and through further detailed design work as part of a future development application, the development is capable of achieving a positive and acceptable urban design outcome on the site. To ensure that future development is reflective of desired built form outcomes, a draft site-specific Development Control Plan (DCP) has been prepared to accompany the planning proposal. The proposed DCP controls seek to ensure that future development results in a positive built form, public domain and landscaping outcome, with appropriate carparking, access arrangements and stormwater and flood management provisions.

The associated draft VPA offer would secure infrastructure contributions valued at approximately \$1,845,000 reflecting the value of contributions that would be payable under Contributions Plan No.19 – Showground Precinct. This is considered to be a fair and reasonable contribution toward local infrastructure to support the future development.

Based on assessment against the strategic and site specific merit test, it is considered that the proposal demonstrates adequate merit to warrant progression to Gateway Determination.

1. STRATEGIC CONTEXT

A comparison between the outcomes envisaged under the current planning controls, Corridor Strategies, Draft Norwest Precinct Plan and the planning proposal is shown in Table 1 below:

	LEP 2019	NWRL Corridor Strategy	Hills Corridor Strategy	Draft Norwest Precinct Plan	Planning Proposal (Oct 2023)
Zone / Land Use	E3 Productivity Support	Bulky Goods	Light Industrial	Urban Support Services	E3 Productivity Support
Max. Height	3 storeys (20 metres)	2-3 storeys	2-3 storeys	2-3 storeys	5 storeys (26 metres)
Max. FSR	1:1	1:1	0.5 - 1:1	1:1 - 2:1*	1.98:1
Job provision**	210 jobs	210 jobs	210 jobs	210-421 jobs	421 jobs

Table 1

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

Notes: *The Draft Norwest Precinct Plan identifies the potential for FSR's of up to 2:1 for "urban services" development outcomes envisaged in this locality, such as those being proposed through this application.

**Based on assumed density in the Hills Corridor Strategy & LSPS of 1 employee per 38m² GFA.

2. HISTORY

13/08/2021	Planning proposal lodged with Council. The planning proposal sought to facilitate a commercial development comprising a range of uses, including specialised retail premises (bulky goods), serviced apartments and a hotel within a built form of 7-10 storeys and floor space ratio of 2.1:1.
05/10/2021	Proponent presented the planning proposal at a Councillor Briefing Session.
17/12/2021	Council Officer Preliminary Assessment Feedback Letter provided to Proponent. Concerns were raised regarding inconsistency with the strategic planning framework as well as built form, stormwater and traffic concerns.
21/12/2021	The Proponent requested the assessment of proposal be deferred to allow for the proposal to be amended in response to Council Officer comments.
07/06/2022	Meeting held between Council Officers and the Proponent to discuss potential amendments to the planning proposal.
14/09/2022	Further meeting held between Council Officers and the Proponent to discuss potential amendments to the planning proposal.
26/09/2022	The Proponent requested the Proposal be held in abeyance pending the progression of Council's Precinct Planning for Norwest.
01/11/2022	Council Officer Feedback Letter provided to Proponent. Comments provided on potential amendments to the planning proposal.
08/11/2022	Council considered the draft Norwest Precinct Plan and resolved to publicly exhibit the draft Precinct Plan for comment.

- 02/05/2023
31/07/2023

– Draft Norwest Precinct Plan publicly exhibited for comment.
- 30/10/2023

Amended planning proposal submitted. The planning proposal sought to facilitate a development more aligned with Council’s draft Norwest Precinct Plan, comprising a range of uses, including specialised retail premises (bulky goods), vehicle sales, vehicle repair station, centre based childcare facility, indoor recreation facility (gym) and medical centre within a built form of 5 storeys and floor space ratio of 1.98:1.
- 27/03/2024

Planning proposal reported to the Hills Local Planning Panel for advice. The Local Planning Panel advised that the planning proposal should proceed to Gateway Determination, subject to the preparation of an accompanying site-specific Development Control Plan and infrastructure contribution mechanism. This is discussed further in Section 6 of this report.
- 30/05/2024

Proponent submitted a letter of offer to enter into a VPA in association with the planning proposal.

3. THE SITE

The site is known as 27 Victoria Avenue, Castle Hill (Lot 5, DP 261795) and is outlined in red in the figure below. It is located within the Showground Station Precinct, approximately 1.1km walking distance from the Showground Metro Station. The site comprises one parcel of land approximately 8,094m² in size. It is a corner lot, with frontages to both Victoria Avenue to the west and Anella Avenue to the north.



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

The site is currently zoned E3 Productivity Support, with a maximum building height of 20m (approximately 3 storeys) and maximum floor space ratio of 1:1, which would allow a maximum Gross Floor Area (GFA) of 8,094m². The site is currently occupied by a single storey building with a floor area of approximately 2,500m² comprising predominantly specialised retail premises and urban services uses, with at grade car parking. The subject site is depicted in the depicted in the figure below.



Figure 2
Aerial View of Existing Development

The site benefits from a right of carriageway for access and car parking via the adjoining property 3 Anella Avenue, Castle Hill. Additionally, the site is encumbered by a 2-7m wide easement for drainage along the northern end, which Council is the benefited authority.

4. DESCRIPTION OF PLANNING PROPOSAL

The planning proposal seeks to facilitate redevelopment of the site, comprising 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.

All of the proposed uses are currently permitted in the E3 Productivity Support zone which applies to the land. Accordingly, the proposal does not seek to adjust the land use permissibility in any way. The proposal seeks to permit increased gross floor area of up to 16,026m² in a built form ranging from 4-5 storeys.

To enable this outcome, the application seeks to make the following amendments to The Hills LEP 2019:

- Increase the maximum floor space ratio from 1:1 to 1.98:1; and
- Increase the maximum building height from 20m to 26m.

The proposed LEP map amendments are shown in Figures 3 and 4 below.

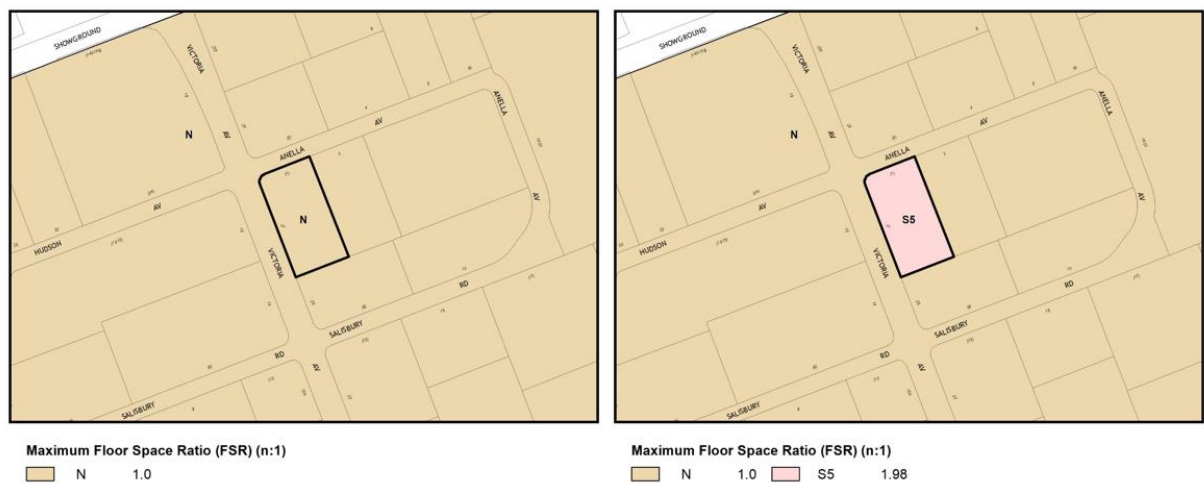


Figure 3
Existing (left) and proposed (right) maximum floor space ratio maps

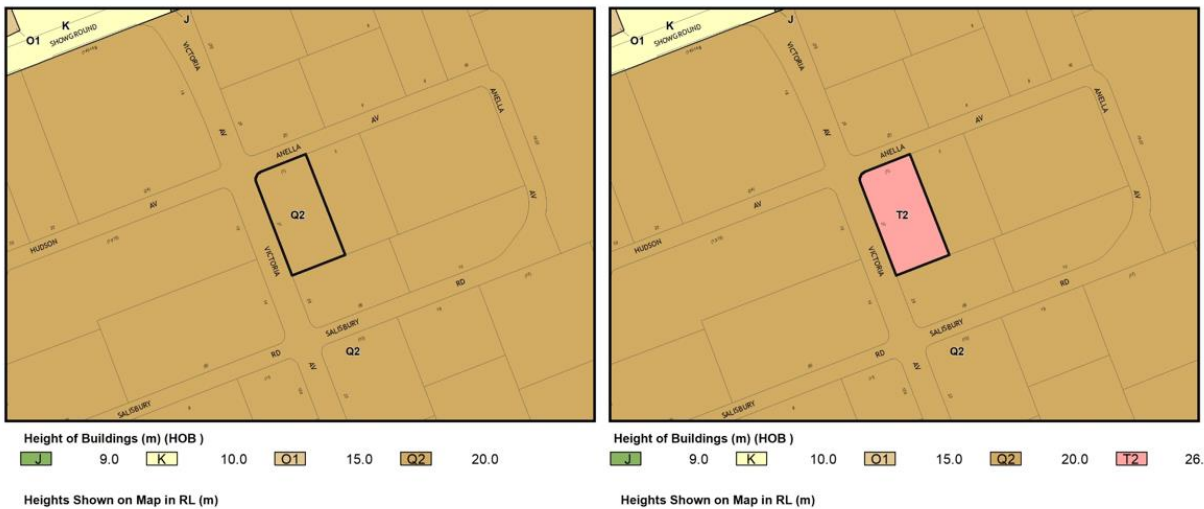


Figure 4
Existing (left) and proposed (right) maximum height of building maps

Extracts of the concept plans submitted by the Proponent are provided below.



Figure 5
Proposed development façade, viewed from Victoria Avenue

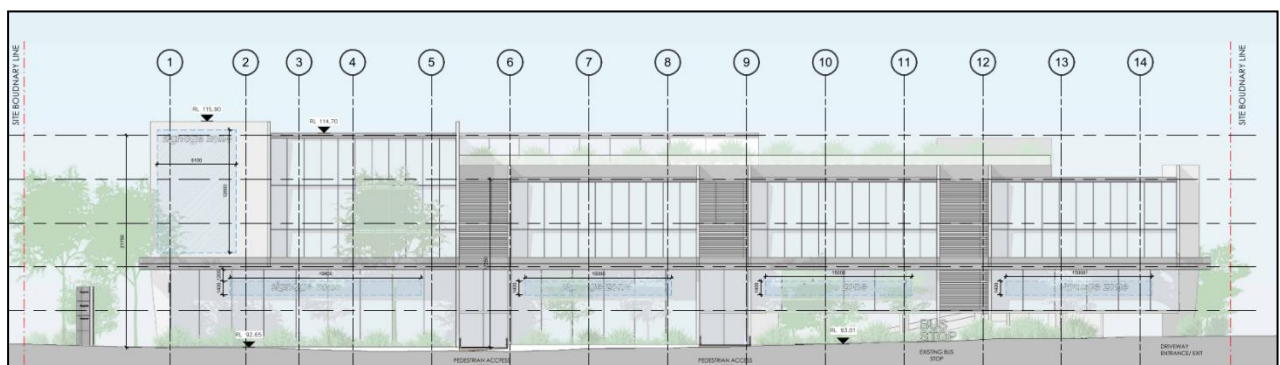


Figure 6
Front elevation of the concept design (view from Victoria Avenue)

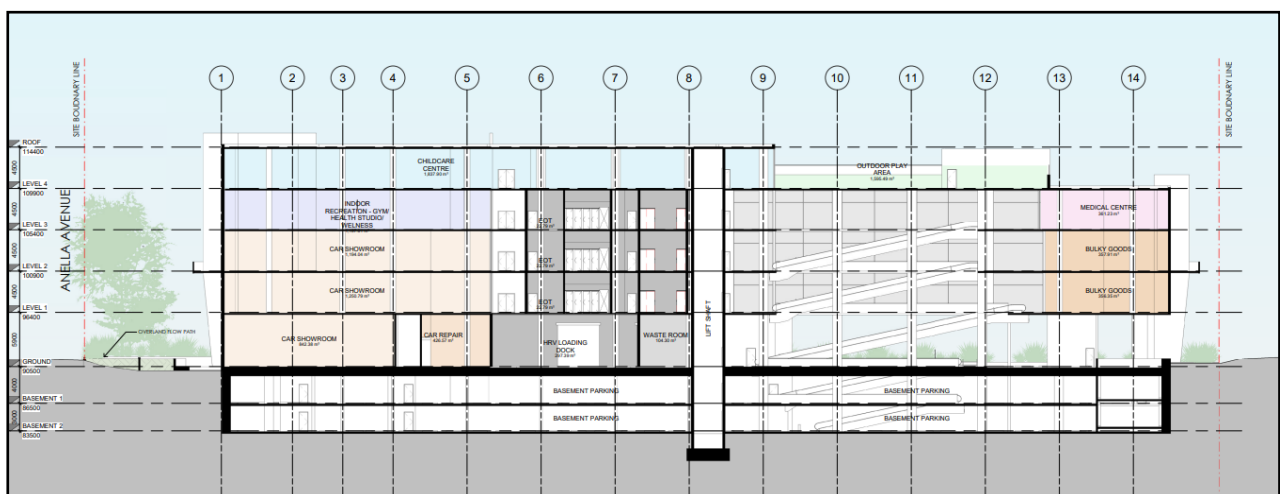


Figure 7
Cross section of concept design

The proposal was originally lodged in August 2021 and at that time, sought a floor space ratio of 2.1:1 and a maximum building height of 33m (approximately 7-10 storeys). Council officers provided feedback to the Proponent that these controls would facilitate a development outcome inconsistent with the strategic framework and Council's articulated vision for this site, noting that it is more than 1km walking distance from Hills Showground Station.

The Proponent considered this feedback and requested in September 2022 that the planning proposal be held in abeyance, to enable time for Council to consider and then exhibit its draft Norwest Precinct Plan, noting this could change the strategic framework relating to the proposal.

Following release of Council's draft Precinct Plan in mid-2023, the Proponent revised and resubmitted the proposal in October 2023 with a view to being more aligned with the outcomes articulated in Council's draft Precinct Plan. This amended proposal is the subject of this report.

The Proponent did not submit a site specific DCP as part of the application material, however, Council Officers have prepared a draft site specific DCP to accompany the planning proposal. Council is the responsible authority for the preparation, exhibition and adoption of Development Control Plans and as such Council can choose to prepare a draft DCP concurrently with a planning proposal. The DCP includes sections relating to built form, public domain, landscaping, carparking, access, stormwater and flood management.

The planning proposal is also accompanied by a letter of offer to enter into a VPA to address the infrastructure demand generated by the proposal. The VPA will require the developer to make contributions equivalent to Contributions Plan No.19. Further discussion with respect to the VPA offer is contained within Section 6 of this report.

5. LOCAL PLANNING PANEL ADVICE

On 27 March 2024, the planning proposal was presented to the Local Planning Panel for advice. The Panel issued the following advice with respect to the subject planning proposal:

1. The planning proposal applicable to land at 27 Victoria Avenue, Castle Hill demonstrates adequate strategic and site-specific merit to proceed to Gateway Determination, subject to the following matters being resolved to Council's satisfaction:

- a) A site-specific Development Control Plan should be prepared and considered alongside the planning proposal which secures the following key urban design, landscaping and public domain outcomes:*
 - i. Building articulation and the requirement for significant recesses and architectural diversity across the front façade of the building to Victoria Avenue;*
 - ii. Public domain interface and relationship to the street, including prioritisation and identification of entries and integration with the footpath;*
 - iii. Provision of landscaping and deep soil areas;*
 - iv. The location of car parking and application of revised parking rates to future development on this site, consistent with Council's draft Norwest Precinct Plan;*
 - v. The location of driveways and loading areas (retaining loading areas within the building footprint as currently proposed in the Proponent's concept); and*
 - vi. Stormwater and flood management.*
- b) A mechanism should be established to ensure fair and reasonable contributions are made towards new local infrastructure within the Norwest Precinct, noting the extent of uplift proposed is beyond that planned or catered for by The Hills Section 7.12 Contributions Plan which currently applies to the land. It may be more appropriate for contributions to be paid at similar rates to those established by Council's*

Contributions Plan No. 19 – Showground Precinct, which applies to the adjoining development area and details fair and reasonable contributions for non-residential development towards new local infrastructure upgrades that support development within this locality.

A copy of the Council Officer Assessment Report and Meeting Minutes are provided as Attachments 1 and 2 to this report, respectively.

The Panel agreed with Council officer’s recommendation that the planning proposal should proceed to Gateway Determination having regard to the strategic merit and site specific merit of the proposal, subject to the proposal being accompanied by a site-specific Development Control Plan and infrastructure contribution mechanism. As detailed in this report, both of these matters have since been resolved.

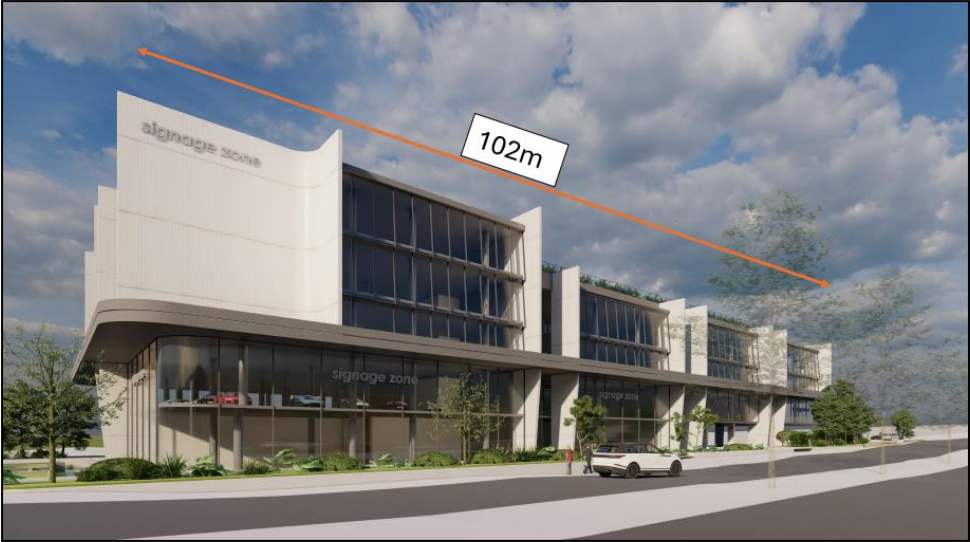
6. MATTERS FOR CONSIDERATION

A detailed technical assessment of the planning proposal is contained within the Council Officer Assessment Report to the Local Planning Panel, dated 27 March 2024 and provided as Attachment 1 to this report.

To avoid duplication, these matters are broadly summarised in the table below as the key technical matters that should be considered by Council in determining whether or not the planning proposal should proceed to Gateway Determination. For further detail on each of these matters, please refer to the Council Officer Assessment Report to the Local Planning Panel.

Key Consideration	Comment
Strategic Merit	<p>The planning proposal is generally consistent with the principles and priorities articulated in the relevant strategic planning framework. The planning proposal would contribute to employment growth in The Shire by facilitating the delivery of additional jobs, which would contribute to the job targets identified for Norwest Strategic Centre within the Region and District Plans.</p> <p>Council’s Local Strategic Planning Statement identifies that demand for urban services land will grow in conjunction with surrounding population and employment growth. The planning proposal would protect the retention of light industrial uses and bulky good premises in the Showground Precinct, providing employment opportunities for the current and future population and support the service needs of residents in The Hills Shire.</p> <p>The North West Rail Link Corridor Strategy and The Hills Corridor Strategy anticipate bulky goods and light industrial services on the subject site. The scale of the development included in the planning proposal is marginally higher than anticipated within these Strategies. However, the character and built form requirements for feasible industrial and urban service development outcomes has shifted significantly since the preparation of Government’s and Council’s Corridor Strategy, with industry trends and floor space requirements generally driving the need for more gross floor area and higher built forms.</p> <p>The draft Norwest Precinct Plan was considered by Council at its meeting on 8 November 2022 and was publicly exhibited between May 2023 to July 2023. Council officers are currently reviewing submissions and are in the process of preparing recommendations for Council’s consideration with respect to potential post-exhibition changes to the draft Norwest Precinct Plan.</p>

	<p>Under the draft Norwest Precinct Plan, the subject site falls within the Urban Support Services Focus Area which includes the bulky goods spine along Victoria Avenue and the existing light industrial areas. The proposal seeks to retain the existing E3 Productivity Support zoning and redevelop the site for uses which align with the land use outcomes articulated for this area within the draft Precinct Plan.</p> <p>The draft Norwest Precinct Plan does not propose any blanket increase in floor space ratio across this urban support services area. However, the draft Plan does indicate that a small amount of uplift on individual sites within the urban service area (of up to 2:1) may be warranted and could be considered, where it will promote new and feasible urban services redevelopment opportunities. The land use and FSR outcomes (1.98:1) sought by the Proponent through this planning proposal generally align with that vision.</p> <p>The proposed building height of 26m would facilitate building heights of approximately 5 storeys, which is slightly higher than the anticipated 2-3 storeys identified in the draft Precinct Plan. It is considered that there is merit in increasing the building height in order to secure appropriate urban services. This is discussed further below with respect to “Built Form Outcomes”.</p> <p>Detailed discussion with respect to the strategic merit of the proposal and alignment with the various layers of policy that form the strategic planning framework are contained within the Council Officer Assessment Report to the Local Planning Panel, provided as Attachment 1.</p>
<p>Built Form Outcomes</p>	<ul style="list-style-type: none"> ▪ <u>Building Height</u> <p>The proposed maximum height control of 26m (facilitating 5 storeys) is greater than the height identified in the draft Norwest Precinct Plan (3 storeys). However, it should be noted that in identifying this height limit, the draft Precinct Plan assumed that there would not necessarily be blanket FSR increases across this urban services area. The draft Precinct Plan does identify that there may be potential for increases in floor space controls on individual sites in order to promote increased and feasible urban services development. It is reasonable that increases in height on these sites would also need to be considered concurrent with increases to floor space ratio controls.</p> <p>The built form requirements for industrial and urban services development is changing, many industries are now moving away from a traditional 1-2 storey warehouse development. 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. In addition, advances in logistics technology and the need for vertical warehousing to meet the demand for next-day shipping are driving the industry to make more efficient use of land by going up, not out.</p> <p>The maximum building height proposed as part of this planning proposal is considered to be acceptable in this instance. It is expected that the proposed 5 storey outcome will present as an appropriate and logical transition which generally aligns with the existing built form on the opposite side of Victoria Avenue and which commences the transition of increased heights towards the station.</p> <p>The draft DCP includes a number of design controls aimed at ensuring the proposed height does not significantly impact public domain or surrounding developments and results in a high-quality design outcome.</p>

	<div><div>▪ <u>Bulk, Scale and Street Presentation</u></div><div>The concept plans illustrate a building with a length of 102m and a height of 20m fronting Victoria Avenue, which results in a very large front façade of 2,040m², with minimal articulation. This has the potential to be imposing on the public realm if the wall is not adequately designed, articulated or ideally broken. It is however acknowledged that the larger floor plate sizes which are typically required for urban services development will inevitably result in larger façade lengths than would otherwise be required for other forms of development.</div><div></div><div><p>Figure 8 Concept plans with building length</p></div><div>Given the size of the site and moderate FSR being sought it is considered that there will be sufficient flexibility through future design processes to resolve this issue and create a more sensitive and well-designed urban form which successfully integrates a large frontage into the public realm in the context of the other development and anticipated future development in this locality.</div><div>In order to ensure this is resolved as part of the detailed design and assessment of any future development application, the draft DCP includes design controls to ensure a design outcome that demonstrates appropriate building articulation, variety in architectural features and landscaping to soften the impacts of the building length.</div><div>The proposal identifies compliance with the existing street setback requirement of 15 metres which applies to this land under the Showground Station Development Control Plan. Compliance with these existing setback requirements will assist in mitigating the perception of building bulk and will also allow for sufficient vegetation to be planted to screen the building and reduce the potential for urban heat island effects resulting from the increase in site coverage. To ensure sufficient shade and screening, the draft site specific DCP includes controls relating to tree planting and landscaping.</div><div>Detailed discussion with respect to the site specific merit of the proposal and urban design outcomes are contained within the Council Officer Assessment Report to the Local Planning Panel, provided as Attachment 1.</div></div>
Flooding & Stormwater Management	<div>The subject site is identified as a flood prone lot under the Hills DCP 2012. The site contains a stormwater easement which ranges from 2m to 7m. The easement secures Councils right of access to ensure that stormwater infrastructure can be adequately repaired, replaced and maintained as required. The proposed concept</div>

design will require re-routing of the stormwater pipe along the perimeter of the site. At this stage, the re-routing of the pipe is a viable possibility and has satisfied Councils Stormwater Engineers, however further detail will be required in the future stages of the design. The location of the stormwater easement is depicted below:

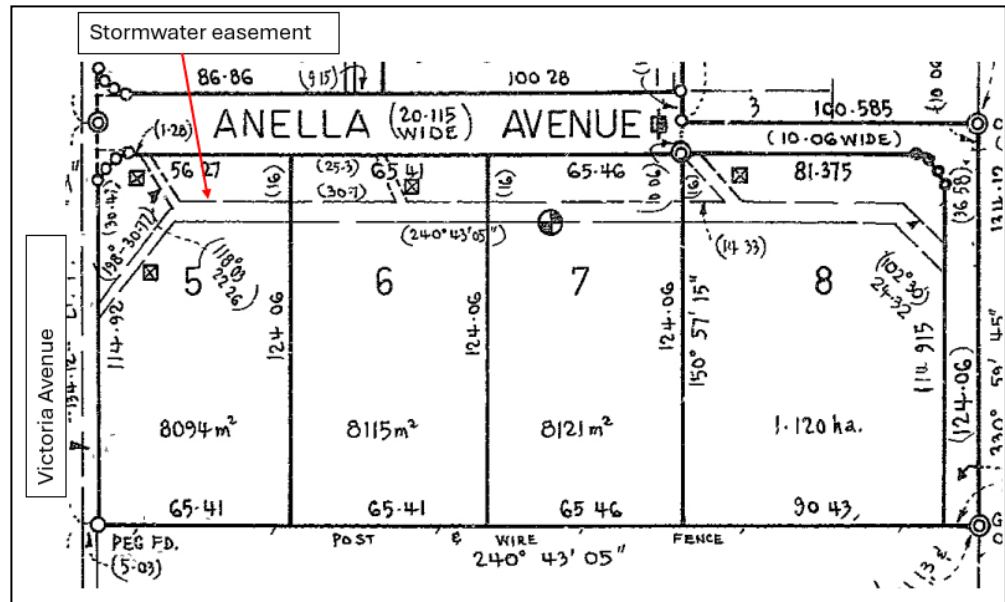


Figure 9
Location of stormwater easement

In order to develop the site without the constraint of the easement, it is proposed that the easement will be re-routed around the perimeter of the site as depicted in the figure below.

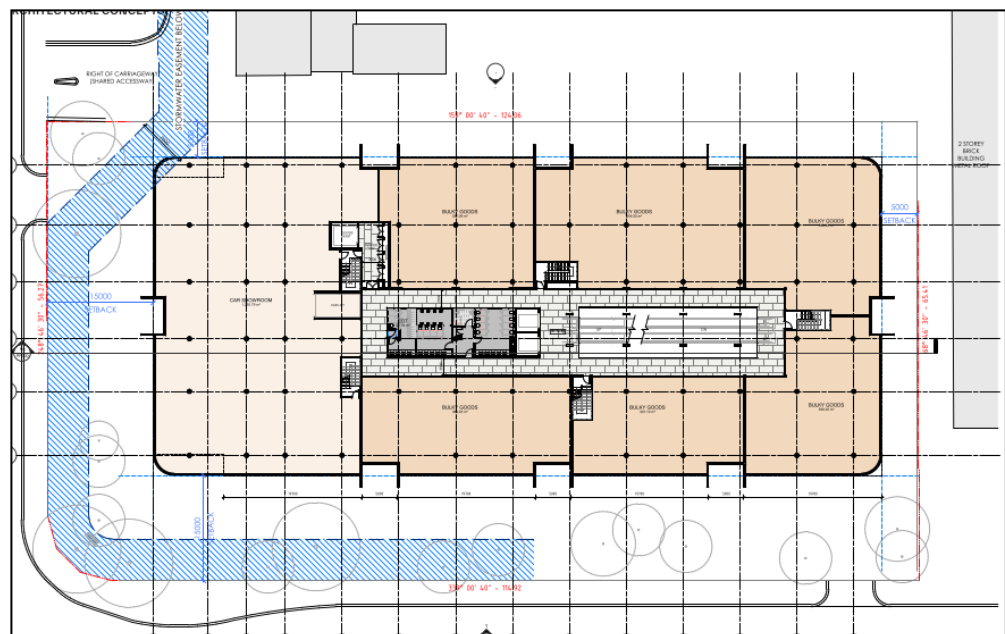


Figure 10
Diagram of re-routed stormwater pipes

In principle, the proposed arrangement is acceptable, however the stormwater system and overland flow requirements need to demonstrate that they can meet the requirements under The Hills Local Environmental Plan 2019 and The Hills DCP 2012 Part C Section 6 at the development application stage.

<p>Traffic, Access & Parking</p>	<ul style="list-style-type: none"> ▪ <u>Access</u> Vehicular access to the site is proposed to be provided from Victoria Avenue and Anella Avenue. Both vehicular entry points comprise of a single entry and exit lane on each road, providing access to the basement and at grade parking. This is generally considered acceptable, subject to detailed design and consideration of any future road upgrades and will also be subject to consultation with Transport for NSW. ▪ <u>Parking</u> The Proponent's material refers to the intent to provide between 339-344 car parking spaces (1 space per 47m²) to service the proposed development, in basement and at grade levels. The draft Norwest Precinct Plan envisages a minimum car parking rate of 1 space per 75m² and maximum of 1 space per 60m² for commercial developments and rates between a minimum of 1 space per 50m² and a maximum of 1 space per 25m² for retail development, for the subject site. Considering the location of the site in relation to the metro station, it would be reasonable to apply the reduced parking rate for <i>retail</i> development (1 space per 50m²) to the specialised retail components rather than the traditional rate of 1 space per 40m². This recognises that the proximity of this area to the station will result in some small reduction in car usage to access the site, whilst still being a predominantly car-reliant land use that does not warrant a more substantial car parking reduction, as has been proposed for other employment-generating uses within the precinct. If this concession was granted, the higher FSR of 1.98:1 sought through the proposal would generate the requirement for between 210-320 spaces, rather than up to 400 spaces based on the existing traditional parking rate for specialised retail. Any calculation of parking requirements on this site would ultimately need to be based on a final specific land use mix as part of a development application. This is difficult to predict in the absence of a specific development application, especially for land in the E3 Productivity Support zone where there is high flexibility in potential land use outcomes. Notwithstanding this, it is clear that the proposed uplift in FSR to 1.98:1 can reasonably be accommodated, in combination with a reduction in parking rates as proposed within Council's draft Norwest Precinct Plan, without any material net increase in parking on the site in comparison to the maximum theoretical development potential under the current controls with the current parking rates applied (which would result in around 320 parking spaces). To ensure appropriate car parking rates that account for improved accessibility associated with the metro and ensure that there is no net material increase in comparison to the maximum amount of parking that could be achieved under the current controls, the reduced parking rates for commercial development and retail development (within the draft Norwest Precinct Plan) are included within the draft site-specific DCP. ▪ <u>Traffic Generation</u> The traffic report provided by the Proponent includes very high-level analysis of the impacts of the proposal on the intersection of Showground Road and Victoria Avenue and the intersection of Anella Avenue and Victoria Avenue and concludes that the respective projected levels of service for each intersection will be unchanged irrespective of whether the planning proposal proceeds or not. The traffic report identifies that the planning proposal would result in additional vehicle movements from the site, but concludes that the increase in traffic would be minor in the context of the existing and future traffic volumes in roads immediately
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	<p>surrounding the subject site and that the infrastructure planning for all modes of transport to be delivered throughout the Hills Showground Station Precinct is expected to more than cater for the potential net traffic generation of the planning proposal compared to that which would be generated under the current zoning.</p> <p>While the minor nature of the increase from this individual site is noted, it is nonetheless appropriate to consider the accumulation of the developments that will result in minor increases, which when added together, become significant. Regional traffic modelling, commissioned by Transport for NSW and Council, is currently being finalised and will provide details of the necessary upgrades required within the Castle Hill and Norwest Strategic Centres and it is considered reasonable that if this planning proposal is to progress, consideration should be given to the increased traffic generation from the site in the context of this work, as part of consultation with TfNSW. This would occur if a Gateway Determination was issued.</p> <p>It is also considered reasonable that given this proposal seeks to rely on the impacts of upgrades planned within the broader locality, future development on this site should make a proportionate contributions towards the cost of these upgrades.</p>
Development Control Plan	<p>The Proponent did not submit a site specific DCP as part of the application material, however, Council Officers have prepared a draft site specific DCP to accompany the planning proposal. Council is the responsible authority for the preparation, exhibition and adoption of Development Control Plans and as such Council can choose to prepare a draft DCP concurrently with a planning proposal.</p> <p>The DCP includes controls relating to built form, public domain, landscaping, carparking, access, stormwater and flood management, which generally address the site specific and built form issues identified through the assessment process.</p> <p>The draft site specific DCP is considered appropriate to guide built form outcomes on the subject site as part of a future development application, should the planning proposal ultimately proceed to finalisation.</p>
Infrastructure Demand & Voluntary Planning Agreement	<p>The land is currently subject to The Hills Section 7.12 Contributions Plan, which levies small incremental growth across The Shire that is achievable under the current planning controls (in this case, up to 1:1 FSR on this site).</p> <p>As a result, the Section 7.12 Contributions Plan does not account for uplift that could be achieved through rezoning proposals or provide infrastructure that would address this level of increased demand.</p> <p>The proposal relies on a supporting traffic report, which indicates that there are necessary infrastructure upgrades associated with the Showground Precinct which will need to be known once the wider traffic modelling is completed. It is acknowledged that the increase in traffic generation from this redevelopment would be minor in the context of the existing and future traffic volumes. However, consideration needs to be given to the accumulation of this and similar developments that when, viewed cumulatively, will create the need for significant traffic and transport upgrades within the road network and locality.</p> <p>Accordingly, if the proposal was to proceed in any form, levying contributions on the site under the existing contributions framework is not considered a fair or reasonable solution to infrastructure demand, given that the uplift sought under the planning proposal was not anticipated under the current Plans and seeks to rely on traffic upgrades that will need to be funded by other nearby developments.</p> <p>Contributions Plan No.19 – Showground Precinct was adopted in anticipation of increased development potential in the locality and applies to the Showground Residential area as well as much of the existing industrial area between the subject</p>

	<p>site and Showground Station, however the Contribution Plan does not include the subject site.</p> <p>Contributions Plan No. 19 provides a highly reliable basis for determining the likely cost of servicing new development in this locality with new local infrastructure. The Contributions Plan currently establishes a contribution rate of \$136.41 / m² of non-residential floor area, associated with a range of transport and water management works (and land acquisition) that are identified for the locality.</p> <p>The Proponent has submitted a formal letter of offer to enter into a VPA with Council, in response to the Local Planning Panel's advice. The VPA offer seeks to deal with the infrastructure demand likely to be generated by the planning proposal.</p> <p>Under the terms of the offer, the VPA would require the developer to pay monetary contributions equivalent to those payable under Contributions Plan No.19 – Showground Precinct. The draft VPA offer would secure infrastructure contributions valued at approximately \$1,845,000 (as per the current contribution rates). The final value of the VPA offer is dependent on the proposed development floor space at the development application stage.</p> <p>The VPA offer would allow the developer to pay monetary contributions under the currently applicable Section 7.12 Contribution Plan, should the site develop under the current planning controls (FSR of 1:1) rather than the proposed LEP amendments facilitated by the planning proposal (FSR of 1.98:1). This approach is considered acceptable, as the infrastructure demand associated with development under the current planning controls has been accounted for under the existing contribution framework.</p> <p>This is considered to be a fair and reasonable approach to ensuring that this development makes a proportionate contribution towards future infrastructure upgrades within the locality (in particular traffic and drainage), if the planning proposal is to progress.</p>
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CONCLUSION

The planning proposal generally aligns with the relevant strategic planning framework and would contribute to employment growth in The Shire by facilitating the delivery of additional jobs and contributing to the overall job targets for Norwest Strategic Centre. The proposal would protect and enhance the provision of light industrial uses and bulky good premises in the Showground Precinct which support the service needs of residents in The Hills Shire. This type of uplift to support urban services in this locality is encouraged under Council’s draft Norwest Precinct Plan.

The proposed maximum Floor Space Ratio and Height of Buildings controls will facilitate an appropriate built form outcome on this site, in partnership with the supporting draft site specific DCP to ensure that future development implements key urban design outcomes.

The contributions that would be secured through the VPA offer are considered to be fair, reasonable and proportionate to the level of increased demand for local infrastructure that would result from the planning proposal.

It is the view of Council officers that the planning proposal satisfies both the strategic and site specific merit tests and includes an appropriate mechanism to secure fair and reasonable infrastructure contributions in association with future development of the land. For this reason, it is recommended that the planning proposal should proceed to Gateway Determination. The

associated draft site-specific Development Control Plan and a draft Voluntary Planning Agreement giving effect to the terms of the VPA offer submitted the Proponent should also be publicly exhibited concurrently with the planning proposal.

ATTACHMENTS

- 1) Council Officer Assessment Report – Local Planning Panel – 27 March 2024 (24 pages)
- 2) Local Planning Panel Minutes – 27 March 2024 (2 pages)
- 3) Draft The Hills Development Control Plan 2021 Part D Section X – 27 Victoria Avenue, Castle Hill (12 pages)
- 4) Voluntary Planning Agreement Letter of Offer – 30 April 2024 (3 pages)

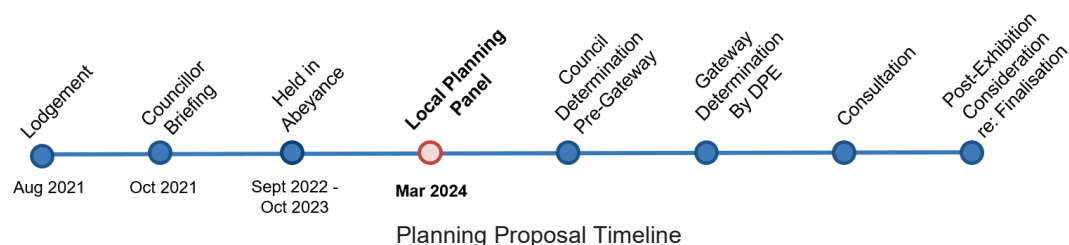
ATTACHMENT 1

ITEM **PLANNING PROPOSAL – 27 VICTORIA AVENUE,
CASTLE HILL (1/2022/PLP) – LOCAL PLANNING
PANEL****THEME:** Shaping Growth**MEETING DATE:** **27 MARCH 2024**

LOCAL PLANNING PANEL

GROUP: **SHIRE STRATEGY****PRINCIPAL COORDINATOR****AUTHOR:** MEGAN MUNARI**RESPONSIBLE** **MANAGER – FORWARD PLANNING**
OFFICER: NICHOLAS CARLTON**PURPOSE**

This report presents the planning proposal for 27 Victoria Avenue, Castle Hill (1/2022/PLP) to the Local Planning Panel (LPP) for advice, in accordance with Section 2.19 of the *Environmental Planning and Assessment Act 1979*.

**RECOMMENDATION**

1. The planning proposal applicable to land at 27 Victoria Avenue, Castle Hill demonstrates adequate strategic and site-specific merit to proceed to Gateway Determination, subject to the following matters being resolved to Council's satisfaction:
 - a) A site-specific Development Control Plan should be prepared and considered alongside the planning proposal which secures the following key urban design, landscaping and public domain outcomes:
 - i. Building articulation and the requirement for significant recesses and architectural diversity across the front façade of the building to Victoria Avenue;
 - ii. Public domain interface and relationship to the street, including prioritisation and identification of entries and integration with the footpath;
 - iii. Provision of landscaping and deep soil areas;
 - iv. The location of car parking and application of revised parking rates to future development on this site, consistent with Council's draft Norwest Precinct Plan;

- v. The location of driveways and loading areas (retaining loading areas within the building footprint as currently proposed in the Proponent's concept); and
 - vi. Stormwater and flood management.
- b) A mechanism should be established to ensure fair and reasonable contributions are made towards new local infrastructure within the Norwest Precinct, noting the extent of uplift proposed is beyond that planned or catered for by The Hills Section 7.12 Contributions Plan which currently applies to the land. It may be more appropriate for contributions to be paid at similar rates to those established by Council's Contributions Plan No. 19 – Showground Precinct, which applies to the adjoining development area and details fair and reasonable contributions for non-residential development towards new local infrastructure upgrades that support development within this locality.

Proponent	MARTIS INVESTMENTS PTY LTD
Owner	MARTIS INVESTMENTS PTY LTD
Planning Consultant	PGH Environmental Planning
Architect	PBD Architects
Landscape Architect	PBD Architects
Stormwater/Flood Engineer	Engineering Studio Civil and Structural
Economic Consultant	Hill PDA
Traffic and Transport	Positive Traffic
Site Area	8,094m ²
List of Relevant Strategic Planning Documents	<p>Greater Sydney Region Plan</p> <p>Central City District Plan</p> <p>Section 9.1 Ministerial Directions</p> <p>North West Rail Link Corridor Strategy</p> <p>The Hills Corridor Strategy</p> <p>Local Strategic Planning Statement and supporting strategies</p> <p>Draft Norwest Precinct Plan</p>
Political Donation	None disclosed

EXECUTIVE SUMMARY

This report provides a summary and assessment of the planning proposal applicable to land at 27 Victoria Avenue, Castle Hill for consideration by the Local Planning Panel. The proposal, as submitted by the Proponent, seeks to facilitate specialised retail, urban services and commercial floorspace on the site through the following amendments to the Hills LEP 2019:

- a) Increase the Maximum Height of Building from 20 metres to 26 metres.
- b) Increase the Maximum Floor Space Ratio from 1:1 to 1.98:1.

The proposal is broadly consistent with Council's objectives for development in this locality and through further detailed design work as part of a future development application, the controls are capable of achieving a positive and acceptable urban design outcome on the site. Based on assessment against the strategic and site specific merit test, it is considered that the proposal generally demonstrates adequate merit to warrant progression to Gateway Determination.

There are however a number of matters identified within this report which should be resolved prior to the matter being reported to Council for consideration. Specifically, if Council were to resolve to proceed to Gateway Determination, Council should first be satisfied that:

- a) A site-specific Development Control Plan will also progress concurrently alongside the planning proposal which secures the key urban design, landscaping and public domain outcomes detailed within the recommendation and discussed in Section 4(d) of this report; and
- b) A mechanism will be in place to ensure fair and reasonable contributions are made towards new local infrastructure within the Norwest Precinct, noting the extent of uplift proposed is beyond that planned or catered for by The Hills Section 7.12 Contributions Plan which currently applies to the land. It may be more appropriate for contributions to be paid at similar rates to those established by Council's Contributions Plan No. 19 – Showground Precinct, which applies to the adjoining development area and details fair and reasonable contributions for non-residential development towards new local infrastructure upgrades that support development within this locality.

1. THE SITE

The site is known as 27 Victoria Avenue, Castle Hill (Lot 5, DP 261795) and is outlined in red in the figure below. It is located within the Showground Station Precinct, approximately 1.1km walking distance from the Showground Metro Station. The site comprises one parcel of land approximately 8,094m² in size. It is a corner lot, with frontages to both Victoria Avenue to the west and Anella Avenue to the north.



Figure 1
Site Aerial – Subject Site and Surrounds

The site is currently zoned E3 Productivity Support, with a maximum building height of 20m and maximum floor space ratio of 1:1, which allows a maximum GFA of 8,094m². The site is currently occupied by a single storey building with a floor area of approximately 2,500m² comprising predominantly specialised retail premises and urban services uses, with at grade car parking.



Figure 2
Aerial View of Existing Development



Figure 3
Existing Development

The site benefits from a right of carriageway for access and car parking via the adjoining property 3 Anella Avenue, Castle Hill (refer to Figure 2). Additionally, the site is encumbered by a 2-7m wide easement for drainage along the northern end, which Council is the benefited authority.

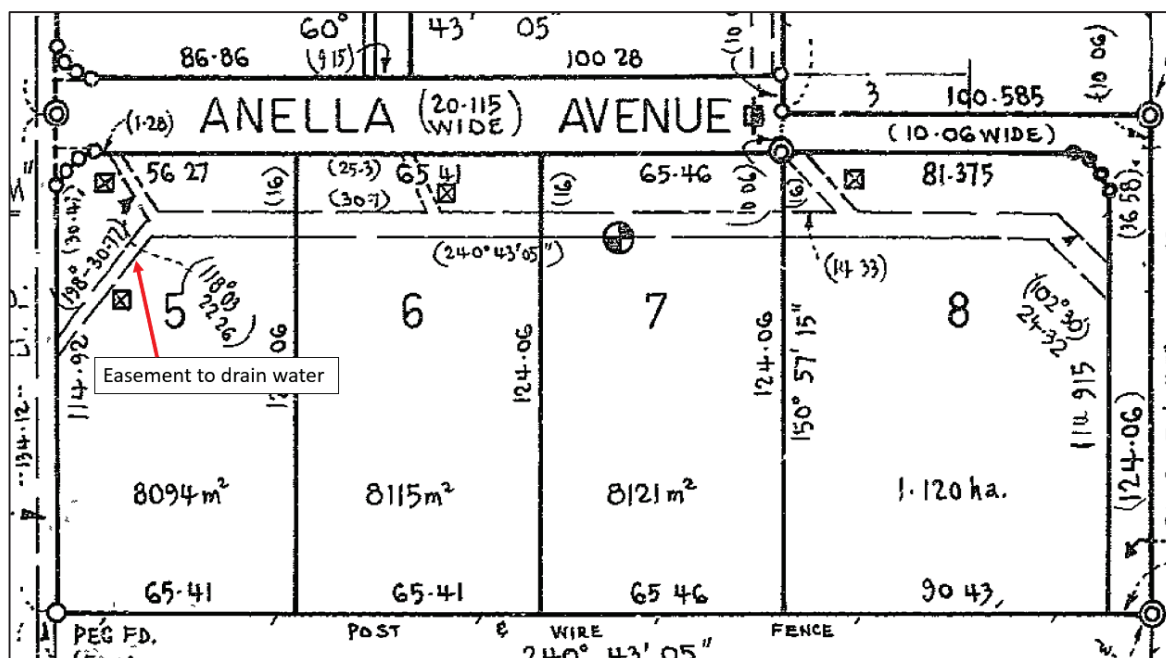


Figure 4
Easement for drainage

2. DESCRIPTION OF PLANNING PROPOSAL

The planning proposal seeks increased density and building height on the site to facilitate redevelopment comprising a range of uses, including specialised retail premises (bulky goods), vehicle sales, vehicle repair station, centre based childcare facility, indoor recreation facility (gym) and medical centre. All of the proposed uses are currently permitted in the E3 Productivity

Support zone which applies to the land. The proposal seeks to permit up to 16,026m² of Gross Floor Area within a built form ranging from 4-5 storeys.

To enable this, the application seeks to make the following amendments to The Hills LEP 2019:

- Increase the maximum floor space ratio from 1:1 to 1.98:1; and
- Increase the maximum building height from 20m to 26m.

The existing and proposed LEP maps are provided below:

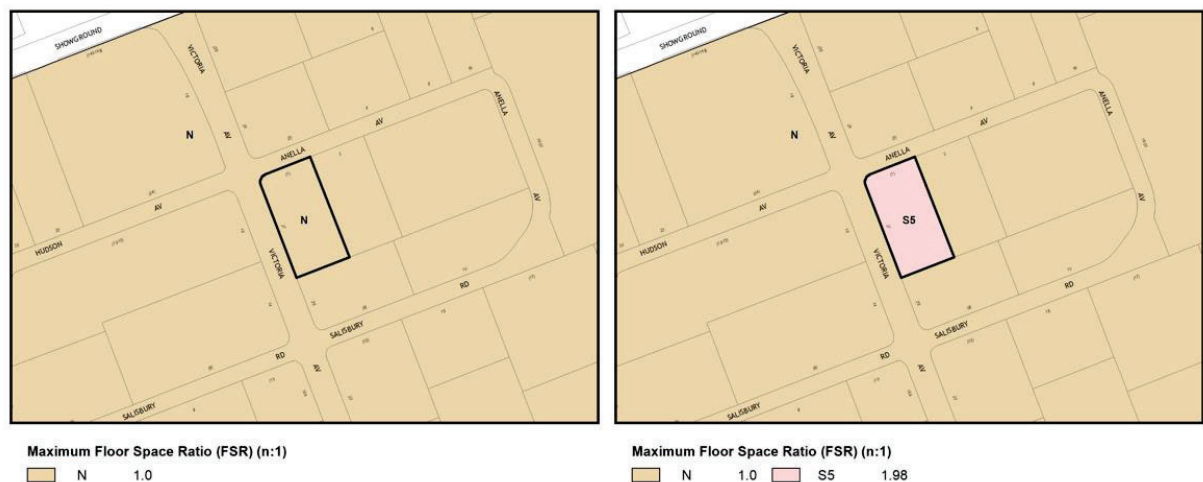


Figure 5

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

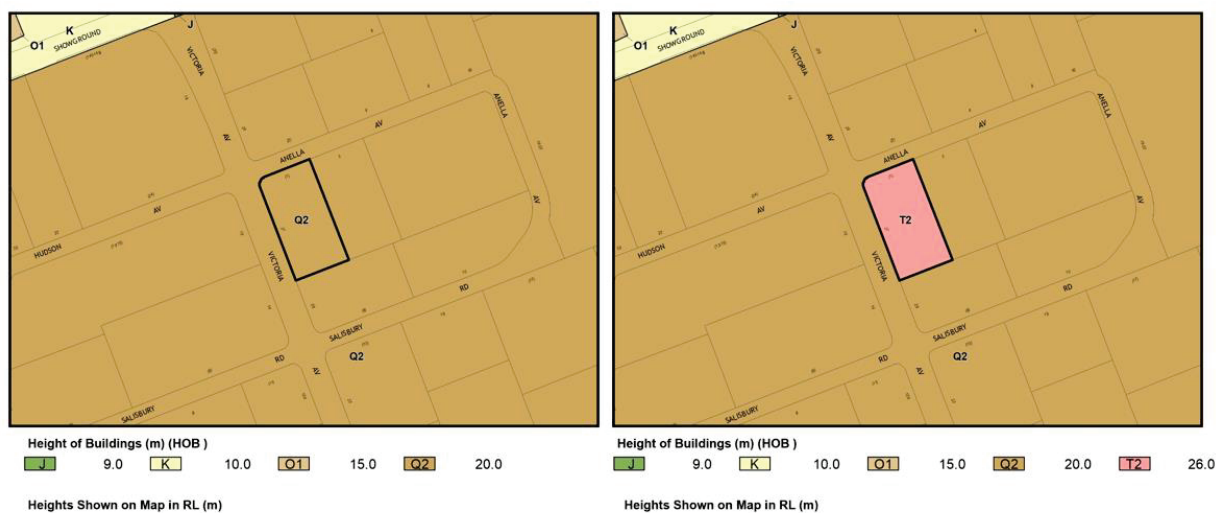


Figure 6

Existing (left) and proposed(right) maximum height of building map

Extracts of the concept plans submitted by the Proponent are provided below.



Figure 7
Proposed development façade, viewed from Victoria Avenue

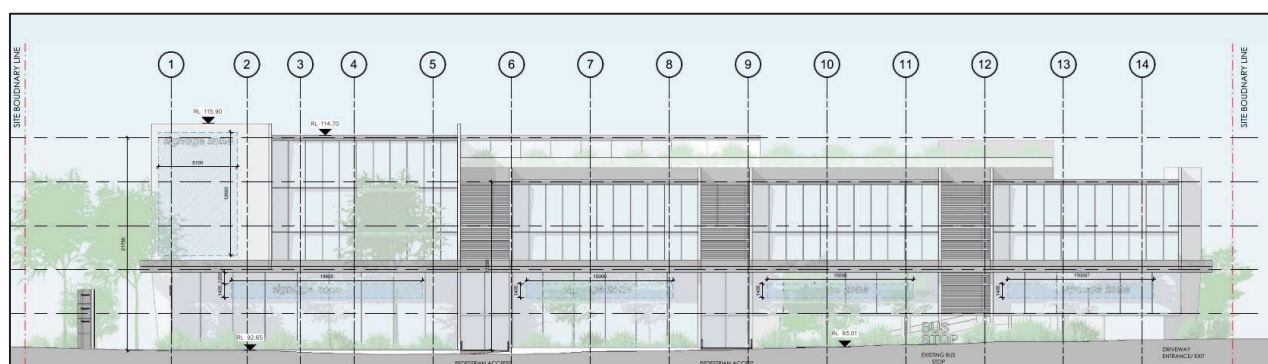


Figure 8
Front elevation of the concept design (view from Victoria Avenue)

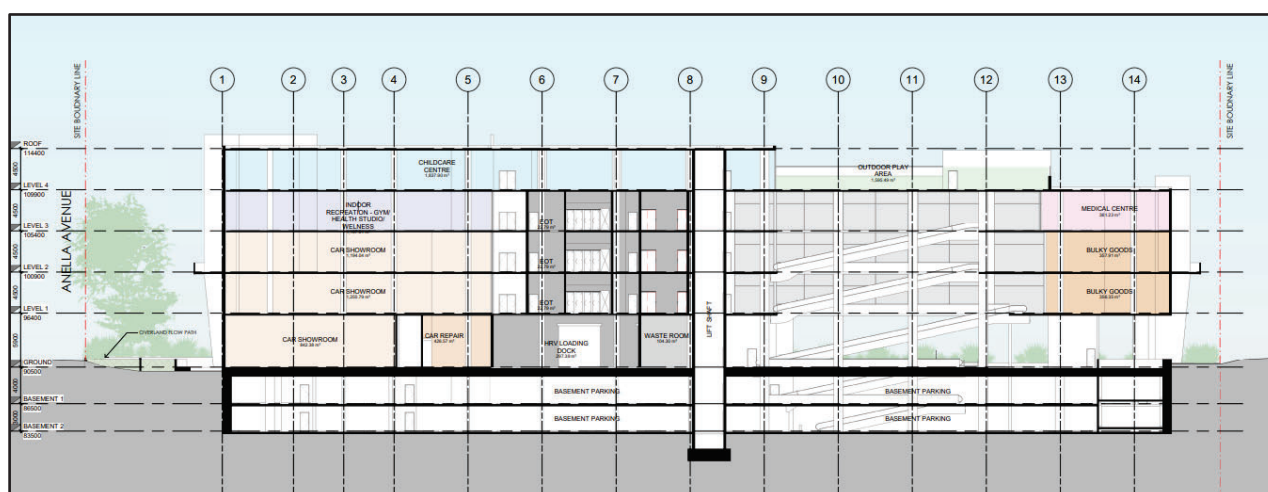


Figure 9
Cross section of concept design

A comparison between the current planning controls, outcomes articulated within the applicable strategic planning policies and the proposed amendments to LEP 2019 is shown below:

	LEP 2019	NWRL Corridor Strategy	Hills Corridor Strategy	Draft Norwest Precinct Plan	Planning Proposal (Oct 2023)
Zone / Land Use	E3 Productivity Support	Bulky Goods	Light Industrial	Urban Support Services	E3 Productivity Support
Additional Permitted Use	N/A				Nil
Max. Height	16 metres (3 storeys)	2-3 storeys	2-3 storeys	2-3 storeys	26 metres (5 storeys)
Max. FSR	1:1	1:1	0.5 - 1:1	1:1 - 2:1*	1.98:1
Min. Lot Size	8,000m ²	N/A		N/A	8,000m ² (no change)
Job provision**	210	210	210	210-421	421

Table 1

Comparison of Existing and Proposed Standards under LEP 2019 and the Strategic Planning Framework

*Notes: * The Draft Norwest Precinct Plan identifies the potential for FSR's of up to 2:1 for "urban services" development outcomes envisaged in this locality, such as those being proposed through this application.*

*** Based on assumed density in the Hills Corridor Strategy & LSPS of 1 employee per 38m² GFA.*

The proposal was originally lodged in August 2021 and at that time, sought a floor space ratio of 2.1:1 and a maximum building height of 33m (approximately 7-10 storeys). Council officers provided feedback to the Proponent that these controls would facilitate a development outcome inconsistent with the strategic framework and Council's articulated vision for this site, noting that it is more than 1km walking distance from Hills Showground Station.

The Proponent considered this feedback and requested in September 2022 that the planning proposal be held in abeyance, to enable time for Council to consider and then exhibit its draft Norwest Precinct Plan, noting this could change the strategic framework relating to the proposal.

Following release of Council's draft Precinct Plan in mid-2023, the Proponent revised and resubmitted the proposal in October 2023 with a view to being more aligned with the outcomes articulated in Council's draft Precinct Plan. This amended proposal is the subject of this report.

3. STRATEGIC MERIT CONSIDERATION

a) Greater Sydney Region Plan and Central City District Plan

Objective 23 of the Greater Sydney Region Plan and Planning Priority C11 of the Central City District Plan seek to protect industrial and urban services land (including specialised retail premises) from encroachment by other uses and maximise opportunities to attract advanced manufacturing and innovation in industrial and urban services areas.

The Greater Sydney Region Plan and Central City District Plan contain categories for the consideration of industrial and urban services land and categorise employment land within the Hills Shire as 'Review and Manage'. This categorisation indicated that a review would be appropriate to determine whether land is suitable for retention as industrial land. As part of the subsequent preparation of Council's Local Strategic Planning Statement, this review of industrial and urban services land was completed and all industrial and employment land in the Hills Shire was categorised as 'Retain and Manage'.

The planning proposal is broadly consistent with these objectives and planning priorities as it seeks to retain the existing zoning and increase the development potential of the land to facilitate investment and redevelopment of the site for uses that are generally industrial and/or urban services in nature.

At the time both these plans were published, the applicable zone framework under LEP 2019 was different than it is now. Specifically, the subject site was zoned B5 Business Development, which was intended to facilitate clusters of specialised retail premises. Office premises were generally not permitted in the same zones as urban services, industry and specialised retail premises. However, since this time, the State Government implemented its Employment Zone Reforms, which aimed to provide additional flexibility for a broader range of outcomes in employment land uses. This reform created the E3 Productivity Support zone, which now applies to the site and permits a broader range of office premises, urban services, light industry and specialised retail premises.

The additional flexibility in the zoning framework means that the market has greater flexibility to deliver employment outcomes across a broader range of permissible outcomes. Accordingly, increasing the proposed LEP height and floor space ratio control may inadvertently incentivise a commercial office type outcome in a location where this is not necessarily envisaged, rather than the industrial and urban services uses which Council has earmarked for this locality. However, this risk is relatively minor in both likelihood and implication and should not outweigh the positive opportunity and potential to promote increased investment more generally in employment outcomes and ideally urban services development. Notwithstanding this, some minor adjustments to the proposed height of building control (as well as a site specific DCP) are recommended to encourage the delivery of urban services uses, rather than a commercial office building on the site.

As the proposal seeks to deliver an outcome that is permitted within the current E3 Productivity Support zoning and does not include any changes to the permissible uses, it is considered consistent with this objective and planning priority.

Objective 14 of Greater Sydney Region Plan and C9 of Central City District Plan seek to integrate land use planning with transport and infrastructure corridors to facilitate 30-minute cities where houses, jobs, goods and services are co-located by public infrastructure. Having sufficient areas for feasible urban services development is a critical component of achieving this vision. The planning proposal seeks to increase development potential for urban services development in an area specifically identified for urban services outcomes and is therefore closely aligned with this objective. The site is located approximately 1.1km from the Hills Showground metro station, outside of the typical walkable catchment. Therefore, unlike sites in closer proximity to the station, a lower proportion of users of the site are expected to use the metro to access the site, particularly as some of the intended uses (such as the car dealership and bulky goods retailing) are car dependent. The level of uplift sought would however strike the right balance between providing these services in close proximity to the future worker and resident populations that will benefit from the provision of urban services and industrial land.

Objective 22 of the Region Plan and Planning Priority C10 of the District Plan seek to attract investment and business activity in strategic centres. The proposal is consistent with this objective as it would facilitate additional development potential in close proximity to the growth being experienced as a result of the metro and will provide necessary industrial and urban services facilities. The proposal will attract investment to the Norwest Strategic Centre, as well as support other businesses and future residents in the Strategic Centre, as the site is well positioned in relation to where the local population and businesses will locate. Although providing different services to the community, urban services and specialised retail both utilise industrial and urban service land, as it provides areas where the larger floorplates necessary for these uses can be located.

b) Section 9.1 Ministerial Directions

- Direction 1.16 North West Rail Link Corridor Strategy

This direction seeks to promote transit-oriented development and manage growth around the stations along the North West Rail Link (NWRL), and to ensure the NWRL corridor is consistent with the NWRL Corridor Strategy and precinct structure plans. The planning proposal is broadly consistent with this direction as it delivers specialised retail (bulky goods) and associated uses in an area identified for that outcome. The proposed floor space ratio is marginally higher than anticipated within the strategy however the development is consistent with the character description of bulky goods retail and service centres within a landscaped setting, with generous setbacks from the street (also refer to section 3c) of this report below). 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.

- Direction 4.1 Flooding

This direction seeks to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005. It also seeks to ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.

The subject site is identified as a flood prone lot under the Hills DCP 2012. The site contains a stormwater easement which ranges from 2m to 7m. The easement secures Council's right of access to ensure that stormwater infrastructure can be adequately repaired, replaced and maintained as required. The proposed concept design will require re-routing of the stormwater pipe along the perimeter of the site. At this stage, the re-routing of the pipe is a viable possibility and has satisfied Councils Stormwater Engineers to the extent that the planning proposal could progress, however further detail will be required in the future stages of the design and development application process.

The easement also aligns with an overland flow path, which has the potential for flooding during heavy rainfall. The proposal indicates that no development will occur in the overland flow path area. It is considered that the proposal can satisfy the Ministerial Direction. The impacts of flooding on the proposal are discussed further in section 4c) of this report.

- Direction 5.1 Transport and Infrastructure

Ministerial Direction 5.1 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. The proposal is generally consistent with this direction, as the site is located in a strategic centre, however it is acknowledged that many of the uses indicated on the concept plans will continue to be accessed primarily via car. Land in closer proximity to the station is better utilised for higher density uses in accordance with the principles of transit oriented development and in turn, land such as the subject site at more peripheral locations can be ideal remaining locations for urban services uses, noting they are still in the broader catchment of these transport services as well as the increased residential and worker populations that will re-locate into these areas as transit oriented development occurs.

- Direction 7.1 Business and Industrial Zones

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. The planning proposal is consistent with this direction as it will facilitate an industrial or urban services outcome. 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.

c) North West Rail Link Corridor Strategy

The North West Rail Link Corridor Strategy identifies a bulky goods spine area along Victoria Avenue. This character area is intended to provide vital retailing and services for a growing community who will increase demand for existing services. It is anticipated the precinct could accommodate bulky goods retail and service centres on sites that provide off street parking within a landscaped setting with generous setbacks from the street.

Given the flexibility of different employment, specialised retail and industrial uses permitted within the E3 Productivity Support zone which applies to the land, there is flexibility for a future developer of the land to determine the final composition of land uses within a development proposal as part of a specific development application in the future, within the range of permitted employment uses.

However, based on the concepts submitted by the Proponent in support of their proposal, the current intent of the developer would be to include specialised retail (bulky goods) as a component of the broader development outcome alongside other uses including a gym, child care centre and a medical centre. The development concept indicates that the future development will include 3,692m² of specialised retail floorspace. In this respect, the planning proposal is broadly consistent with the North West Rail Link Corridor Strategy and Showground Station Precinct Plan.

The proposed floor space ratio is marginally higher than anticipated within the strategy however the development is consistent with the character description of bulky goods retail and service centres within a landscaped setting, with generous setbacks from the street. 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.

d) The Hills Corridor Strategy

The Hills Corridor Strategy was adopted by Council on 24 November 2015 to build upon the platform established by the NSW Government's Corridor Strategy and articulates redevelopment opportunities arising from the Sydney Metro Northwest around each of the seven stations that are within, or close to, the Shire. The Hills Corridor Strategy identifies appropriate densities for development along the Metro Corridor to guide future precinct planning and planning proposals. It uses the principles of transit oriented development, locating the highest densities in the closest proximity to the stations.

The strategy projects that 13,691 additional jobs could be facilitated in the Showground Precinct by 2036. The strategy recognises the light industrial uses, bulky goods premises and other services in this locality and retains many of these uses to provide employment opportunities for the current and future population and support the service needs of residents. It identifies areas for higher density commercial buildings away from the subject site, along Carrington Road to accommodate most of the anticipated additional employment opportunities.

The subject site is located in the portion of the precinct identified to retain the existing built form with a minimum employment floor space ratio between 0.5:1-1:1 and is primarily intended to service the surrounding commercial and residential population.

The planning proposal is consistent with the outcomes envisaged for this location in terms the proposed uses, however the scale of the development is slightly higher than the expected outcome on the site. Notwithstanding this, the proposal now before Council is based on more detailed site specific analysis which seeks to demonstrate that the higher FSR sought can be appropriately accommodated (this is assessed further in Section 4 of this report).

It is also important to note that the character and built form requirements for feasible industrial and urban service development outcomes has shifted significantly since the preparation of Council's Corridor Strategy in 2015, with industry trends and floor space requirements generally driving the need for more gross floor area and higher built forms in comparison to traditional industrial and urban services development.

The proposal is considered generally consistent with the Hills Corridor Strategy, particularly noting the further strategic work that has been undertaken since this strategy was adopted (in particular Council's draft Norwest Precinct Plan, discussed further in Section 3 f) below).

e) Hills Future 2036 - Local Strategic Planning Statement

The key planning priority within the Local Strategic Planning Statement (LSPS) that is relevant to this proposal is C11 - Maximising opportunities to attract advanced manufacturing and innovation in industrial and urban services land. This priority identifies that demand for urban services land will grow in conjunction with surrounding population and employment growth. Once urban service land is lost to residential and retail uses, it is almost impossible to get back. The priority identifies that all industrial and urban service land in The Hills Shire is to be managed and retained.

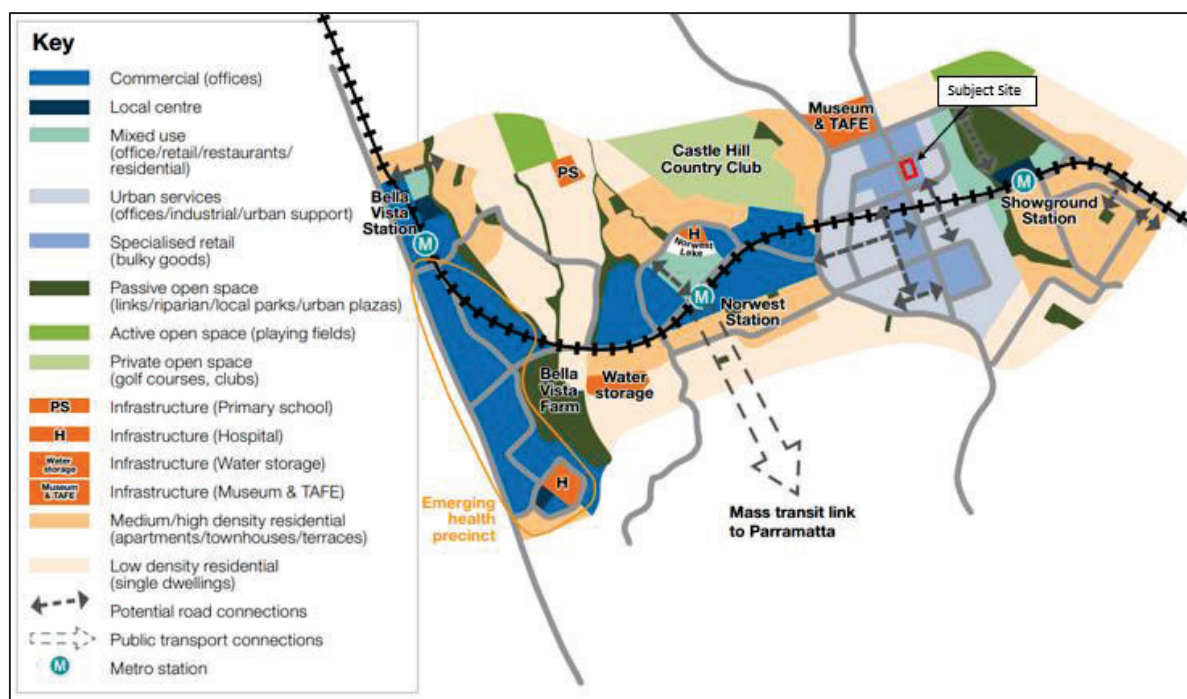


Figure 10
Norwest Structure Plan (Hills Future LSPS)

The LSPS identifies demand for an additional 93,730m² of specialised retail by 2036. To accommodate future floorspace demand for specialised retail these uses should be clustered within existing locations, such as the subject site where they are located near to centres to support their success. Specialised retail businesses generally seek large, more affordable sites within industrial areas, which provides an economic advantage over retailers within centres.

The plan states that when considering the expansion of specialised retail the following should be considered:

- Be located in an area that supports a major centre
- Proximity to public infrastructure including roads and public transport and pedestrian and cycling paths
- Access from local roads and no direct access from classified roads
- Compatibility with surrounding land uses
- Implications for the supply and affordability of employment and residential land
- The provision of an economic impact statement

The above criteria has been met by the planning proposal as it is located in an area within (and in support of) the broader Norwest Strategic Centre, in a locality specifically identified by the strategic planning framework for specialised retail and urban services development. Access will be available via the surrounding local road network and access from Victoria Road will be considered by TfNSW who will advise on the acceptability of this outcome in due course. Increasing floorspace at this location will promote development which remains compatible with the surrounding land uses and will not affect the affordability of identified employment and residential land as these outcomes are well planned and catered for in alternative locations.

f) Draft Norwest Precinct Plan

The draft Norwest Precinct Plan was exhibited in mid-2023. The draft Plan identifies the vision and future direction for the Norwest Precinct and articulates a series of actions to implement the outcomes identified in the plan.

Urban services and specialised retail are important for their ability to provide necessary day to day services, such as mechanics, panel beaters and storage spaces. Across Sydney there is threat to these services from the encroachment of other uses such as residential and higher order commercial development which can generate a higher financial return.

The strategic framework emphasises the importance of these services and the need for them to be located in close proximity to the population they serve. This has resulted in clear objectives and priorities in state and local planning policies to ensure the dwindling supply of land across Sydney for urban services and specialised retail is protected and retained. At this same time, the nature of urban services is evolving, with the changes in retailing seeing the need for additional distribution centres for last mile deliveries, as well as supporting and attracting advanced manufacturing.

Under the draft Norwest Precinct Plan, the subject site falls within the Urban Support Service Focus Area which includes the bulky goods spine along Victoria Avenue and the existing light industrial areas. The intent of the Plan is to protect these existing specialised retail and light industrial areas to ensure sufficient capacity for specialised retail and urban service uses (such as panel beaters, mechanics, lawn mower repairers, small scale manufacturing companies, children's play facilities, food preparation and catering facilities and gyms) to service the growing population of residents and works which will require these services. The proposal seeks to retain the existing E3 Productivity Support zoning and redevelop the site for uses which align with the land use outcomes articulated for this area within the draft Precinct Plan.

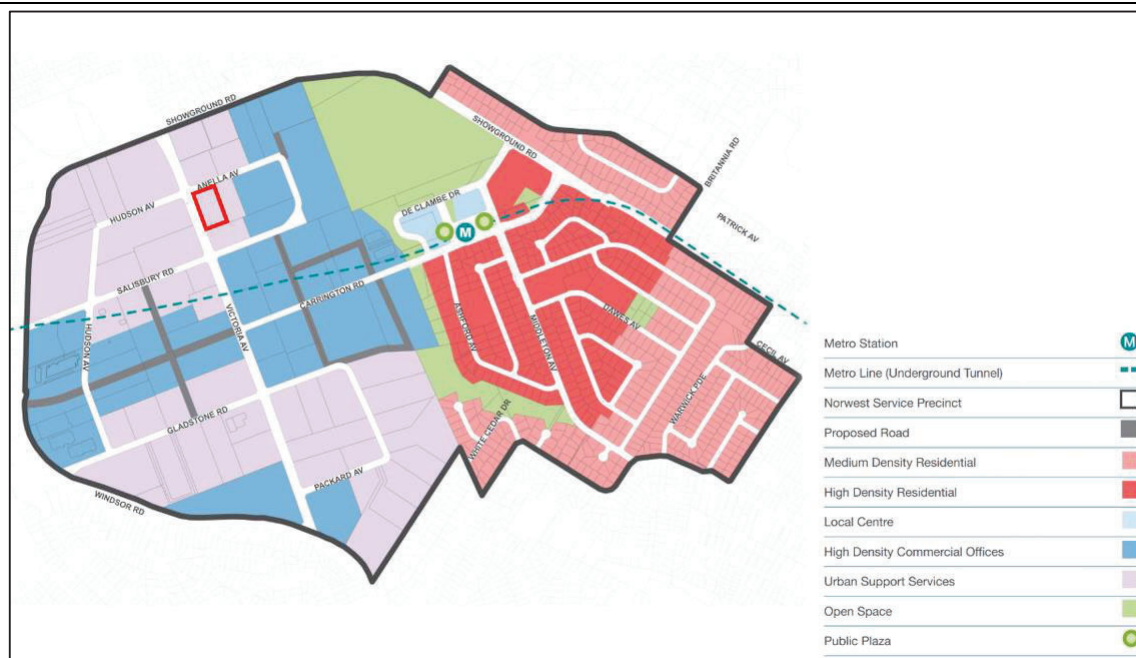


Figure 11
Draft Norwest Precinct Plan Structure Plan

The draft Precinct Plan does not propose any blanket increase in floor space ratio across this urban support services area, in comparison to the currently applicable floor space ratio control of 1:1. However, the draft Plan does indicate that a small amount of uplift on individual sites within the urban service area (of up to 2:1) may be warranted and could be considered, where it will promote new and feasible urban services redevelopment opportunities. The land use and FSR outcomes (1.98:1) sought by the Proponent through this application generally align with that vision.

The Victoria Avenue area is identified as a specialised retail location, to serve the nearby outer-metropolitan and metro corridor growth areas. Investigations undertaken to support the preparation of the draft Precinct Plan identifies that Norwest has a retail gap of approximately 11,400m² of specialised retail floorspace. This planning proposal would provide an opportunity for some of this gap to be filled through new development on this site. While some of the land uses suggested in the concept plans are less oriented toward urban services and specialised retail premises, they are acceptable ancillary uses which would contribute to the success of the site and urban services area more generally.

The proposed building height of 26m would facilitate building heights of approximately 5 storeys, which is slightly higher than the anticipated 2-3 storeys identified in the draft Precinct Plan. It is considered that there is merit to increasing the building height on this particular site slightly beyond the 2-3 storey outcome originally identified in the draft Precinct Plan, as discussed further in Section 4(a).

4. SITE SPECIFIC MERIT CONSIDERATIONS

The planning proposal requires consideration of the following matters:

- a) Built Form
- b) Flooding and Stormwater Management
- c) Traffic, Access and Parking
- d) Draft Development Control Plan
- e) Infrastructure

a) Built Form

Building Height

The proposed maximum height control of 26m (facilitating 5 storeys) is greater than the height identified as appropriate in the draft Norwest Precinct Plan (3 storeys). However, it should be noted that in identifying this height limit, the draft Precinct Plan assumed that there would not necessarily be blanket FSR increases across this urban services area. The draft Precinct Plan does identify that there may be potential for increases in floor space controls on individual sites in order to promote increased and feasible urban services development, however it does not identify any associated commensurate increases in building height to match this increase in floor space.

Accordingly, it stands to reason that on sites where this additional floor space allowance is sought by landowners (through a planning proposal) to facilitate urban services redevelopment, there would be an associated need for additional height, especially given the objectives of the draft Plan to retain areas at the ground plane of sites for landscaping and public domain outcomes. It would be reasonable for Council to consider flagging the need for a commensurate height increase for these sites as part of their post-exhibition consideration of the plan.

The maximum building height proposed as part of this planning proposal is considered to be acceptable in this instance. The floor level of the subject site sits below the road level, which mitigates some of the perceived height from the public domain and Victoria Avenue, ultimately giving the perception of a consistent building height form with the existing development on the opposite side of Victoria Avenue (refer to indicative image below).

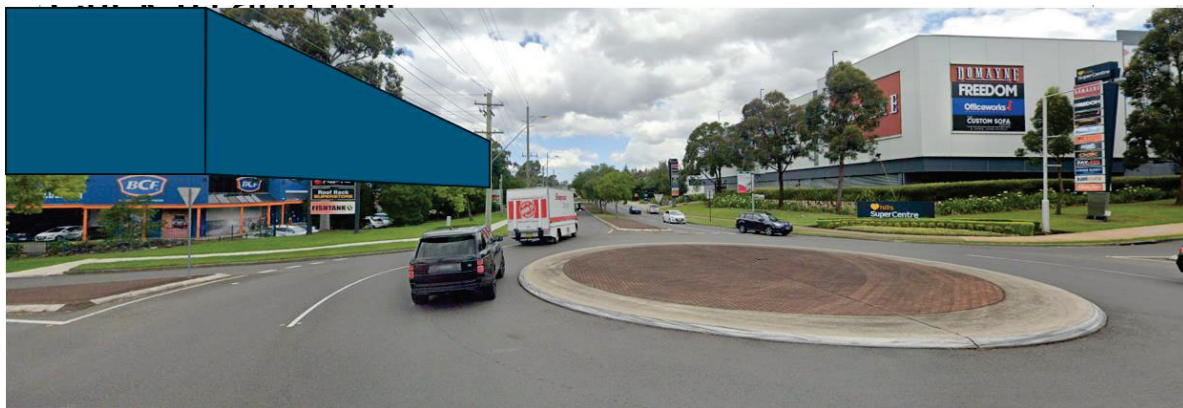


Figure 12

Block massing of proposed controls at 27 Victoria Avenue and existing development at 16 Victoria Avenue

It is also important to acknowledge that the built form requirements for industrial and urban services development is changing. While the existing built form on the site and within the locality is an example of traditional suburban urban services development, many industries are now moving away from this traditional 1-2 storey warehouse development. 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. In addition, advances in logistics technology and the need for vertical warehousing to meet the demand for next-day shipping are driving the industry to make more efficient use of land by going up, not out. Where such outcomes are not detrimental to the locality, planning controls should keep up with the needs of future businesses to continue to encourage these uses to operate in close proximity to the populations they serve and grow the economy in the locality.

The subject site is separated from any sensitive uses (such as residential outcomes) which would be susceptible to impacts associated with increased building heights. This in part is the

rationale for having distinct areas for dedicated land use outcomes, so that the presence of sensitive uses such as residential does not stifle or inhibit the potential of the land to accommodate the necessary and desired employment and urban services outcomes. Furthermore, it is expected that taller buildings will become more prevalent in this locality, particularly as proximity to the station and associated development density increases. As the subject site is on the periphery of the walkable catchment of the station, it is expected that the proposed 5 storey outcomes will present as an appropriate and logical transition which generally aligns with the existing built form on the opposite side of Victoria Avenue (refer to Figure 12 above) and which commences the transition of increased heights towards the station.

Having consideration for the context and individual characteristics of this site it is considered that the density (1.98:1) and height limit (up to 5 storeys) sought will facilitate reasonable development outcomes. Final development outcomes will ultimately be the result of further detailed design and assessment as part of any future Development Application for the land. It is appropriate to progress with site-specific DCP controls concurrent with the planning proposal which relate to the design of the building and interface with the public domain to ensure a high quality outcome, with positive impacts on the public domain, is achieved as part of these later processes. This is discussed further in Section 4(d) below.

Bulk, Scale and Street Presentation

The concept plans illustrate 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 2040m², with minimal articulation. This has potential to be imposing on the public realm if the wall is not adequately designed, articulated or ideally broken. It is however acknowledged that the larger floor plate sizes which are typically required for urban services development will inevitably result in larger façade lengths than would otherwise be required for other forms of development.

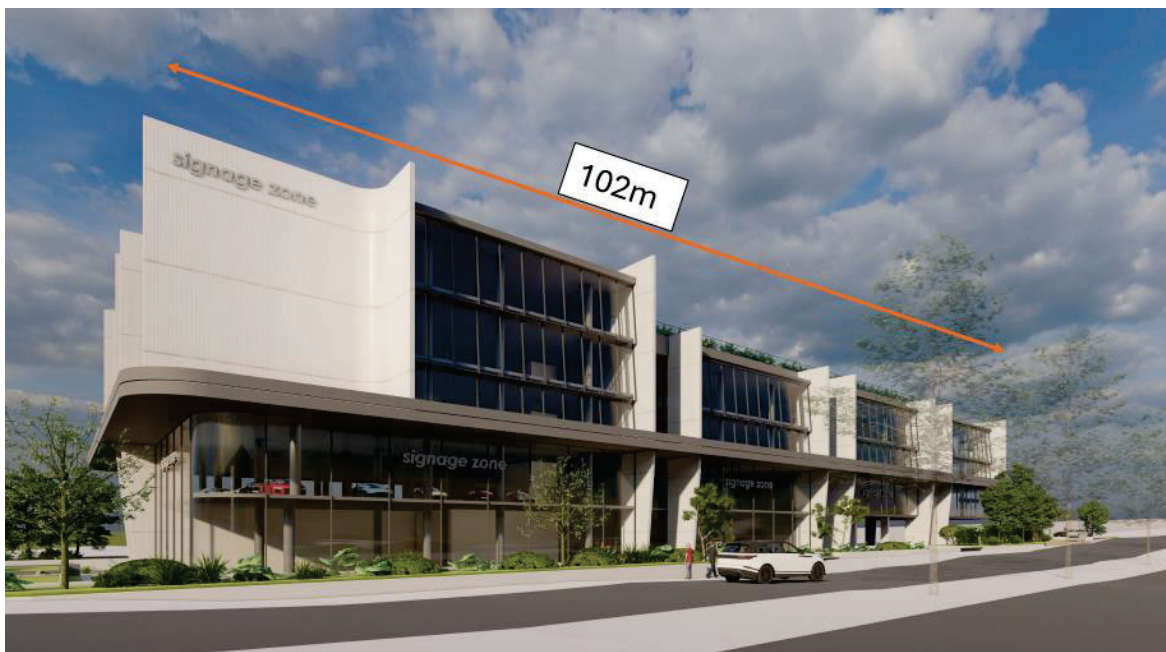


Figure 13
Concept plans with building length

Given the size of the site and moderate FSR being sought (less than 2:1) it is considered that there will be sufficient flexibility through future design processes to resolve this issue and create a more sensitive and well-designed urban form which successfully integrates a large frontage into the public realm in the context of the other development and anticipated future development in this locality. In order to ensure this is resolved as part of the detailed design and assessment

of any future development application, it is recommended that a Development Control Plan with site-specific controls be prepared and progressed concurrently with the planning proposal. This should require a design outcome that demonstrates appropriate building articulation, variety in architectural features and landscaping to soften the impacts of the building length. This is discussed further in section 4(d) of this report.

Setbacks

The proposal identifies compliance with the existing street setback requirement of 15 metres which applies to this land under the Showground Station Development Control Plan. Compliance with these existing setback requirements will assist in mitigating the perception of building bulk and will also allow for sufficient vegetation to be planted to screen the building and reduce the potential for urban heat island effects resulting from the increase in site coverage. To ensure sufficient shade and screening, a site specific DCP should also include further controls related to tree planting and landscaping (discussed further in 4 (d)).

b) Flooding and Stormwater Management

The subject site is identified as a flood prone lot under the Hills DCP 2012. The site contains a stormwater easement which ranges from 2m to 7m. The easement secures Councils right of access to ensure that stormwater infrastructure can be adequately repaired, replaced and maintained as required. The proposed concept design will require re-routing of the stormwater pipe along the perimeter of the site. At this stage, the re-routing of the pipe is a viable possibility and has satisfied Councils Stormwater Engineers, however further detail will be required in the future stages of the design. The location of the stormwater easement is depicted below:

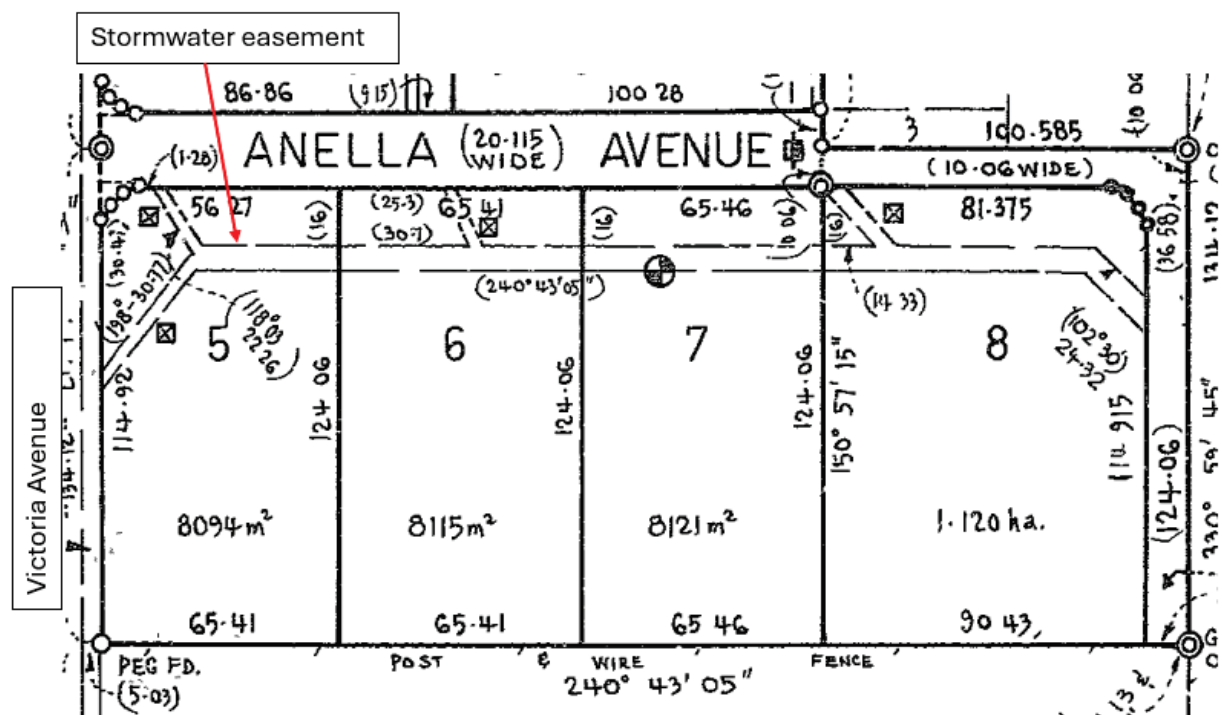


Figure 14
Location of stormwater easement

In order to develop the site without the constraint of the easement, it is proposed that the easement will be re-routed around the perimeter of the site (see Figure 15 below).

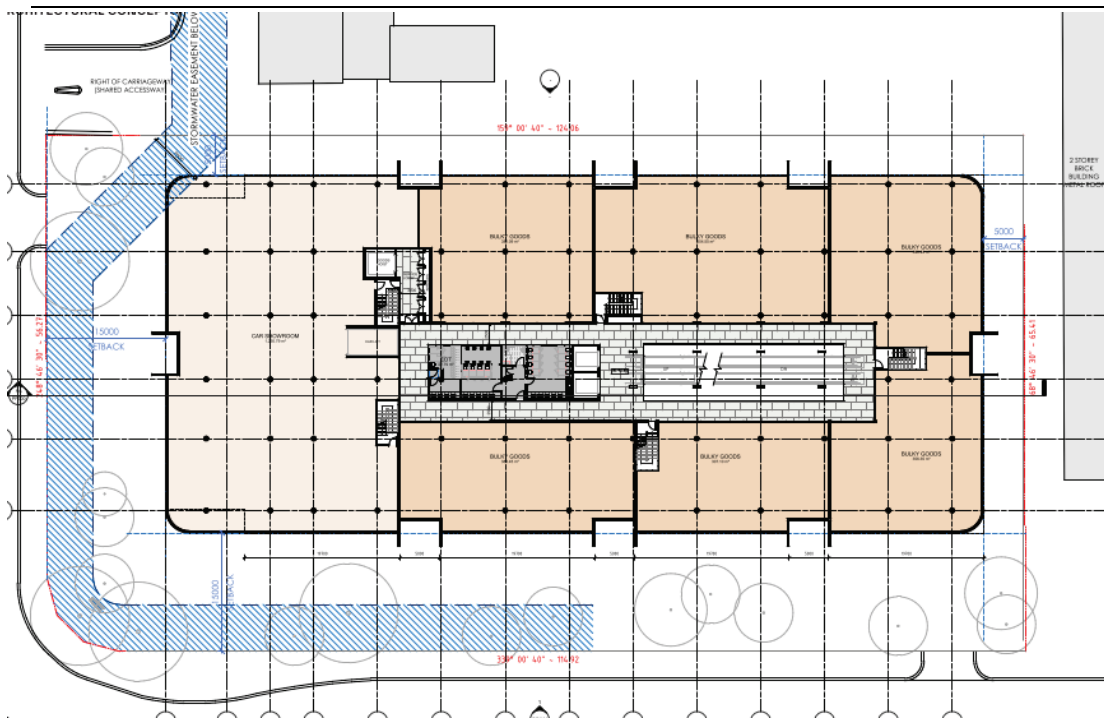


Figure 15
Diagram of re-routed stormwater pipes

In principle, the proposed arrangement is acceptable, however the stormwater system and overland flow requirements need to demonstrate that they can meet the requirements under The Hills Local Environmental Plan 2019 and The Hills DCP 2012 Part C Section 6 at the development application stage.

To be able to carry out the proposed development a future development application will need to demonstrate 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. The architectural plans show the Lower Ground Floor set at RL 90.50 and the crest of the driveway leading into the lower carparking from Anella Avenue at RL 92.30. Further detailed design will need to demonstrate that the required flood planning levels can be achieved, however with some modification it is expected that this will be possible.

c) Traffic, Access and Parking

Access Arrangements

Vehicular access to the site is proposed to be provided from Victoria Avenue and Anella Avenue. Both vehicular entry points comprise of a single entry and exit lane on each road, providing access to the basement and at grade parking. This is generally considered acceptable, subject to detailed design and consideration of any future road upgrades and will also be subject to consultation with Transport for NSW.

Parking

To establish a 'baseline' scenario, it is noted that if the site was developed to its maximum potential under the current planning controls (including both land use, density and current parking requirements), it would generate the need for between 162-320 parking spaces, depending on the specific mix of uses pursued by the developer.

In comparison to this, the Proponent's material refers to the intent to provide between 339-344 car parking spaces to service the proposed development (at the higher FSR proposed of 1.98:1), in basement and at grade levels.

As part of Council's precinct planning for the Norwest Strategic Centre, the draft Precinct Plan envisages a reduced car parking rate for future development within the catchment of stations. The site falls within the Outer Walkable Catchment of the Showground Metro Station, where parking rates of between 1 space per 75m² (minimum) and 1 per 60m² (maximum) are proposed for commercial development and rates of between 1 space per 50m² (minimum) and 1 space per 25m² (maximum) for retail development are proposed. It is relatively unique within the context of the Shire to have urban service areas within the catchment of a metro station (albeit at the periphery / outer walkable edge as is the case in Showground Precinct), however there is good strategic rationale for these areas being protected and strengthened.

In these instances, it would be reasonable to apply the reduced parking rate for *retail* development (1 space per 50m²) to specialised retail components rather than the traditional rate of 1 space per 40m². This proposed parking rate is a marginal reduction from the current parking rate. It recognises that the proximity of this area to the station will result in some small reduction in car usage to access the site (in comparison to other urban service areas throughout the Shire which are less proximate to public transport), whilst still being a predominantly car-reliant land use that does not warrant a more substantial car parking reduction, as has been proposed for other employment-generating uses within the precinct. If this concession was granted, the higher FSR of 1.98:1 sought through the proposal would generate the requirement for between 210-320 spaces, rather than up to 400 spaces if the existing traditional parking rate for specialised retail was applied.

Any calculation of parking requirements on this site would ultimately need to be based on a final specific land use mix as part of a development application. This is difficult to predict in the absence of a specific development application, especially for land in the E3 Productivity Support zone where there is high flexibility in potential land use outcomes. Notwithstanding this, it is clear that the proposed uplift in FSR to 1.98:1 can reasonably be accommodated, in combination with a reduction in parking rates as proposed within Council's draft Norwest Precinct Plan, without any material net increase in parking on the site in comparison to the maximum theoretical development potential under the current controls (around 320 parking spaces).

To ensure appropriate car parking rates that account for improved accessibility associated with the metro and ensure that there is no net material increase in comparison to the maximum amount of parking that could be achieved under the current controls, it is recommended that the reduced parking rates for commercial development and retail development (to be applied to specialised retail in this instance) within the draft Norwest Precinct Plan be included within a site-specific DCP concurrent with this planning proposal. This is discussed further in Section 4(d).

Traffic Generation

The traffic report provided by the Proponent provides estimates of the traffic generation from the site, if it were developed to its maximum development potential under the current controls (but utilising a mix of uses based on their concept plans, proportionally reduced). Utilising these estimates, the traffic report estimates that the planning proposal will result in the following additional vehicle movements.

	Developed under Current Controls	Planning Proposal	Net Increase
Weekday AM Peak	105	214	109
Weekday PM Peak	214	432	218
Weekend AM Peak	172	348	176

Weekend PM Peak	29	56	27
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Table 2
Comparison of traffic generation

The traffic report provides very high-level analysis of the impacts of the proposal on the intersection of Showground Road and Victoria Avenue and the intersection of Anella Avenue and Victoria Avenue and concludes that the respective projected levels of service for each intersection will not be unchanged irrespective of whether the planning proposal proceeds or not. The report then indicates that a site-specific assessment of the potential impacts of the planning proposal on specific intersections is not considered necessary.

The traffic report identifies that the planning proposal would result in additional vehicle movements from the site, but concludes that the increase in traffic would be minor in the context of the existing and future traffic volumes in roads immediately surrounding the subject site and that the infrastructure planning for all modes of transport to be delivered throughout the Hills Showground Station Precinct is expected to more than cater for the potential net traffic generation of the planning proposal compared to that which would be generated under the current zoning.

While the minor nature of the increase from this individual site is noted, it is nonetheless appropriate to consider the accumulation of the developments that will result in minor increases, which when added together, become significant. Regional traffic modelling, commissioned by Transport for NSW and Council, is currently being finalised and will provide details of the necessary upgrades required within the Castle Hill and Norwest Strategic Centres and it is considered reasonable that if this planning proposal is to progress, consideration should be given to the increased traffic generation from the site in the context of this work, as part of consultation with TfNSW. This would occur if a Gateway Determination was issued.

Importantly, the traffic report seeks to rely on infrastructure planning for all modes of transport to cater for the minor increased demand, without proposed to make any appropriate contributions toward these improvements or infrastructure. While it is not appropriate to require a single developer that is contributing a minor increase in traffic to resolve issues with the broader road network, it is appropriate that all development that generates increased traffic make a fair and proportionate contributions toward the necessary infrastructure to ensure the road network operates adequately and the funding burden is distributed reasonably. This is discussed further in Section 4(e) of this report.

d) Draft Development Control Plan

The subject site is currently subject to Part D Section 19 - Showground Precinct of the Hills DCP 2012, which contains controls relating to industrial and business development in the locality. However, this DCP does not provide specific controls for development of this scale or reflect the changing nature and form of urban services development.

The Proponent has not submitted a site specific DCP as part of the application material, however as Council is the responsible authority for the preparation, exhibition and adoption of Development Control Plans, Council can choose to prepare a draft DCP concurrently.

Having regard to the site-specific matters detailed earlier within this report, it is considered appropriate for Council to prepare and progress concurrently a site-specific DCP that contains controls relating to:

- Building articulation and the requirement for significant recesses and architectural diversity across the front façade of the building to Victoria Avenue;
- Public domain interface and relationship to the street, including prioritisation and identification of entries and integration with the footpath;
- Provision of landscaping and deep soil areas;

- The location of car parking and application of revised parking rates to future development on this site, consistent with Council's draft Norwest Precinct Plan;
- The location of driveways and loading areas (retaining loading areas within the building footprint as currently proposed in the Proponent's concept); and
- Stormwater and flood management.

It is considered appropriate for these site specific DCP controls to be prepared and considered by the Council alongside the planning proposal. If the planning proposal does progress, then the site specific DCP should progress concurrently such that these more detailed design controls would be put in place for consideration as part of any future development application.

e) Infrastructure

The land is currently subject to The Hills Section 7.12 Contributions Plan, which levies small incremental growth across The Shire that is achievable under the current planning controls (in this case, up to 1:1 FSR on this site). As a result, the Section 7.12 Contributions Plan does not account for uplift that could be achieved through rezoning proposals or provide infrastructure that would address this level of increased demand (for example, achieving an FSR of 1.98:1 on the subject site rather than 1:1 under the current controls).

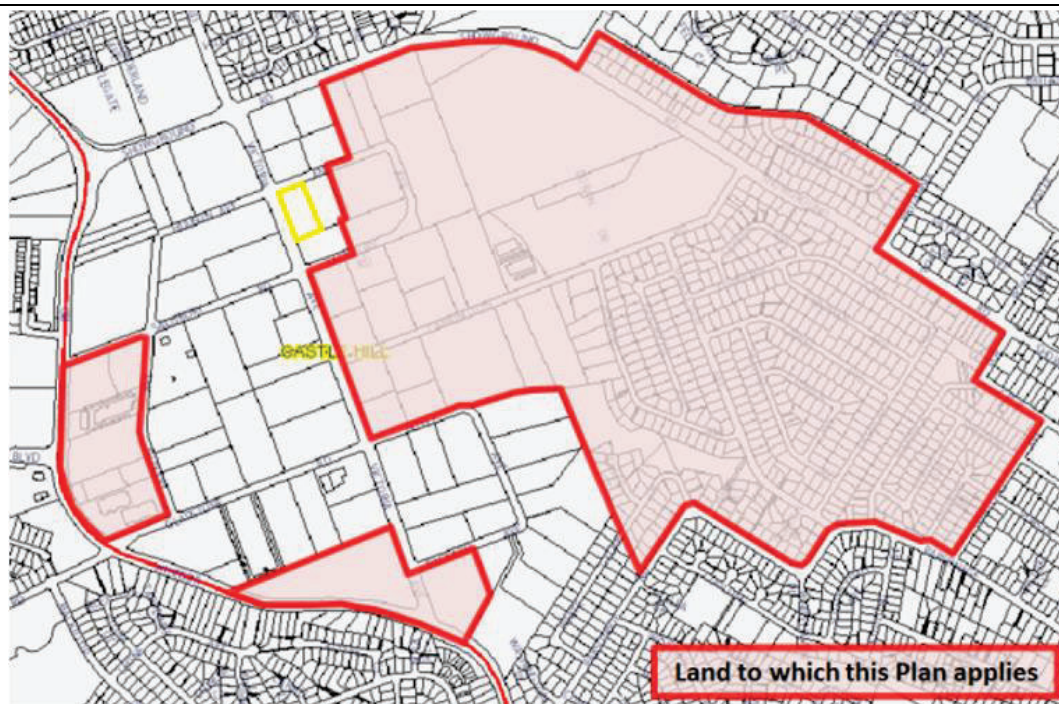
The Proponent has submitted that most local infrastructure categories are not applicable to this development, as there are no residential uses proposed. It is the view of Council officers that this is not accurate and that the Proponent has not proposed an adequate mechanism to make proportionate contributions towards additional local infrastructure that would respond to the demand from this development.

For example, the proposal relies on a supporting traffic report, which indicates that there are necessary infrastructure upgrades associated with the Showground Precinct which will need to be known once the wider traffic modelling is completed.

It is acknowledged that the increase in traffic generation from this redevelopment would be minor in the context of the existing and future traffic volumes. However, consideration needs to be given to the accumulation of this and similar developments that when, viewed cumulatively, will create the need for significant traffic and transport upgrades within the road network and locality (including improvements to public domain and pedestrian connectivity that will be relied on to improve pedestrian access to sites within the catchment of the station).

It is important that planning proposals which seek to achieve a level of uplift beyond that envisaged (or prior to the completion of infrastructure planning and analysis) make adequate and proportionate contributions towards the increased demand for new local infrastructure, so that future development within a locality or the broader rate-base of The Hills is not responsible for subsidising these infrastructure costs retrospectively.

Contributions Plan No.19 – Showground Precinct was adopted in anticipation of increased development potential in the locality and applies to the Showground Residential area as well as much of the existing industrial area between the subject site and Showground Station (refer to extract below). This site was *not* included in this plan at the time of preparation, as it was not anticipated to receive any uplift in development potential (this site was identified for continued use or redevelopment under the current planning controls only).

**Figure 16**

Land to which Contributions Plan No. 19 – Showground Precinct applies (subject site identified in yellow)

Contributions Plan No. 19 provides a highly reliable basis for determining the likely cost of servicing new development in this locality with new local infrastructure. The Contributions Plan currently establishes a contribution rate of \$136.41 / m² of non-residential floor area, associated with a range of transport and water management works (and land acquisition) that are identified for the locality.

As the planning proposal is seeking to achieve uplift that will create demand for these same infrastructure upgrades within the locality, it is considered fair and reasonable for future development to make contributions at the same rates as other development sites nearby which are subject to this existing Contributions Plan. It is noted that this could potentially be achieved through amendments to the Contributions Plan to include the subject site (concurrent with the planning proposal, although likely to be protracted as a result of the IPART review process for contributions plans) or through a separate Voluntary Planning Agreement which 'mirrors' these existing contribution rates.

CONCLUSION

This report recommends that the planning proposal submitted by the Proponent has demonstrated sufficient merit to warrant proceeding to Gateway Determination. The planning proposal satisfies a majority of the relevant components of the strategic merit test by proposing an increase to urban service and specialised retail floorspace within the Norwest Strategic Centre and along the Victoria Avenue Bulky Goods Spine. Although the proposed development does not reflect built form outcomes depicted for the site in the Draft Norwest Precinct Plan, it does in terms of land use outcome, and character. When considering the Draft Plan's allowance for uplift up to 2:1 where Urban Services are the intended outcome, the proposed application once again reflects the precinct plan.

The assessment of the proposed FSR and building height will facilitate an appropriate built form outcome on the site. The issue remains that the built form proposed may encourage the unintended expansion of the Cattai Creek West Keyhole Site, however as the proposal would only result in one additional commercial storey compared to what is achievable under current

controls, the opportunity for additional specialised retail and urban service floorspace is considered to outweigh the risk that the site becomes a commercial office space.

The planning proposal, in its current form, has satisfied the strategic tests and mostly satisfied the site-specific merit tests and as such, the matter will be reported to Council who will determine whether the proposal can progress to Gateway Determination.

ATTACHMENTS

1. Planning Proposal Report
2. Traffic and Parking Report
3. Urban Concept Design
4. Engineering Drainage Plans
5. Economic Impact Assessment
6. Engineering Design Certificate

ATTACHMENT 2

LOCAL PLANNING PANEL – THE HILLS SHIRE COUNCIL

DETERMINATION OF THE HILLS LOCAL PLANNING PANEL ON 27 MARCH 2024

PRESENT:

Pamela Soon	Chair
David Furlong	Expert
Eugene Sarich	Expert
Ken Willimott	Community Representative

DECLARATIONS OF INTEREST:

NIL

COUNCIL STAFF:

The Panel were briefed by the following Council Staff on 27 March 2024:

Nicholas Carlton	-	Manager – Forward Planning
Megan Munari	-	Principal Coordinator - Forward Planning

**ITEM 1: PLANNING PROPOSAL – 27 VICTORIA AVENUE, CASTLE HILL
(1/2022/PLP) – LOCAL PLANNING PANEL****COUNCIL OFFICER'S RECOMMENDATION:**

The planning proposal proceed to Gateway Determination.

PANEL'S ADVICE:

1. The planning proposal applicable to land at 27 Victoria Avenue, Castle Hill demonstrates adequate strategic and site-specific merit to proceed to Gateway Determination, subject to the following matters being resolved to Council's satisfaction:
 - a) A site-specific Development Control Plan should be prepared and considered alongside the planning proposal which secures the following key urban design, landscaping and public domain outcomes:
 - i. Building articulation and the requirement for significant recesses and architectural diversity across the front façade of the building to Victoria Avenue;
 - ii. Public domain interface and relationship to the street, including prioritisation and identification of entries and integration with the footpath;
 - iii. Provision of landscaping and deep soil areas;
 - iv. The location of car parking and application of revised parking rates to future development on this site, consistent with Council's draft Norwest Precinct Plan;
 - v. The location of driveways and loading areas (retaining loading areas within the building footprint as currently proposed in the Proponent's concept); and
 - vi. Stormwater and flood management.
 - b) A mechanism should be established to ensure fair and reasonable contributions are made towards new local infrastructure within the Norwest Precinct, noting the extent of uplift proposed is beyond that planned or catered for by The Hills Section 7.12 Contributions Plan which currently applies to the land. It may be more appropriate for contributions to be paid at similar rates to those established by Council's Contributions Plan No. 19 – Showground Precinct, which applies to the adjoining development area and details fair and reasonable contributions for non-residential development towards new local infrastructure upgrades that support development within this locality.

VOTING:

Unanimous

The Hills Development Control Plan (DCP) 2012

www.thehills.nsw.gov.au

ATTACHMENT 3

Sydney's Garden Shire
THE HILLS



Part D Section XX
27 Victoria Avenue, Castle Hill

EXHIBITION DRAFT – (DATE)

In Force XXXXXXXX

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1 Introduction

This Section establishes a framework and controls to guide development on the site at 27 Victoria Avenue, Castle Hill.

1.1 Land to which this Section applies

This section of the DCP applies to land at 27 Victoria Avenue, Castle Hill, Lot 5 DP 261795 (refer to **Figure 1**).

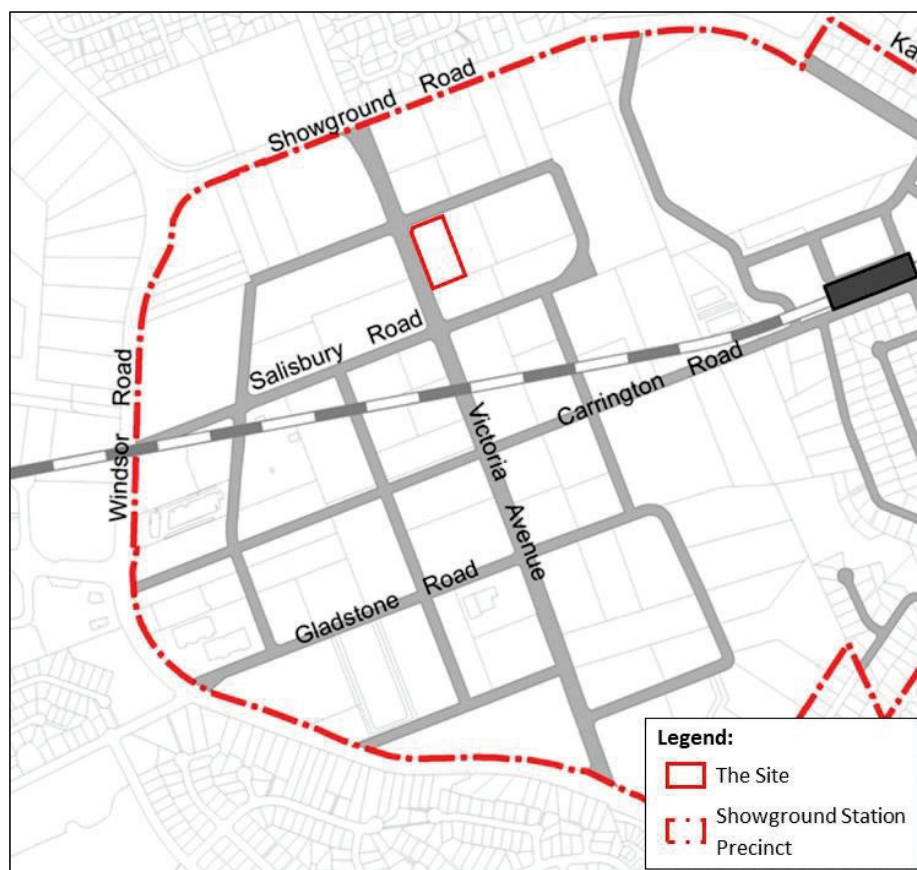


Figure 1
Land to which this Section Applies

27 Victoria Avenue, Castle Hill - Development Control Plan

1.2 Purpose of this Section

The purpose of this section of the DCP is to outline the desired character, land use and built form outcomes for the subject land. It seeks to ensure development is attractive, functional, sustainable, achieves high quality urban design and place-making outcomes, and supports employment growth within Norwest Strategic Centre.

1.3 Relationship to other Sections of the DCP

This section forms part of The Hills Development Control Plan 2012 (DCP 2012). Development on the site will need to have regard to this section of the DCP as well as other relevant controls in DCP 2012. In the event of any inconsistency between this section and other sections of DCP 2012, this section will prevail to the extent of the inconsistency.

2 Urban Context

The site is located within the suburb of Castle Hill and forms part of Norwest Service Sub-precinct in the Norwest Strategic Centre. The site has a total area of approximately 8,094m², which is bordered by Victoria Avenue along its western frontage and Anella Avenue along its northern frontage. Hills Showground Station is located approximately 1.1km walking distance to the southeast of the Site on Carrington Road and is frequently serviced by Sydney Metro Northwest services to the CBD, Epping and Tallawong. The surrounding land use and built form comprises a predominantly industrial, showroom and commercial character.

The Norwest Service Precinct will become an attractive and well-connected neighbourhood with diverse housing and employment opportunities. It will be a vibrant, safe and desirable place to live and work, valued for convenient access to the station, shops, cafes, Castle Hill Showground and supported by new schools, new road connections, pathways and quality landscaped surrounds. With a focus on transit oriented development, the highest densities and tallest buildings (of up to 21 storeys) will be located near the Metro Station, transitioning to lower density areas.

Specialised retail offerings (bulky goods) and light industrial areas will continue to be a mainstay for urban support services that meet the needs of the growing population base, whilst also providing opportunity for smaller businesses to establish and thrive.

These areas will also be complemented by recreational areas such as the Cattai Creek Corridor and Castle Hill Showground.

3 Desired Future Character

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

- The site will accommodate a range of uses including bulky goods and light industrial development.
- Future development will contribute to meeting employment targets for Norwest Strategic Centre and increase economic development in The Shire.
- Future development will contribute to the bulky goods spine and light industrial areas along Victoria Avenue servicing the future population in The Shire.
- Future development will be sensitively designed to respond to the site's location along Victoria Ave on the periphery of the walking catchment from the Hills Showground Station.
- Built form will be well-designed to sensitively integrate the large frontage onto the public realm and ensure a high quality outcome in the context of the other development and anticipated future development in the surrounding locality.

4 General Controls

4.1 Building Setbacks

Objectives

- To ensure setbacks provide a high quality frontage and relationship to the public domain.
- To provide a landscaped setback along streets which reinforces the existing character of vegetated setbacks and mature planting.
- To provide attractive urban connections and arrivals into the site.

Controls

- Minimum building setbacks are to be provided in accordance with the setbacks illustrated in Figure 2.
- The setback area along Victoria Avenue and Anella Avenue is to be landscaped to complement the urban streetscape and be clear of built obstructions, including parking.
- The extent of basement or at grade parking is not permitted to encroach into the setback areas to Anella Avenue and Victoria Avenue.

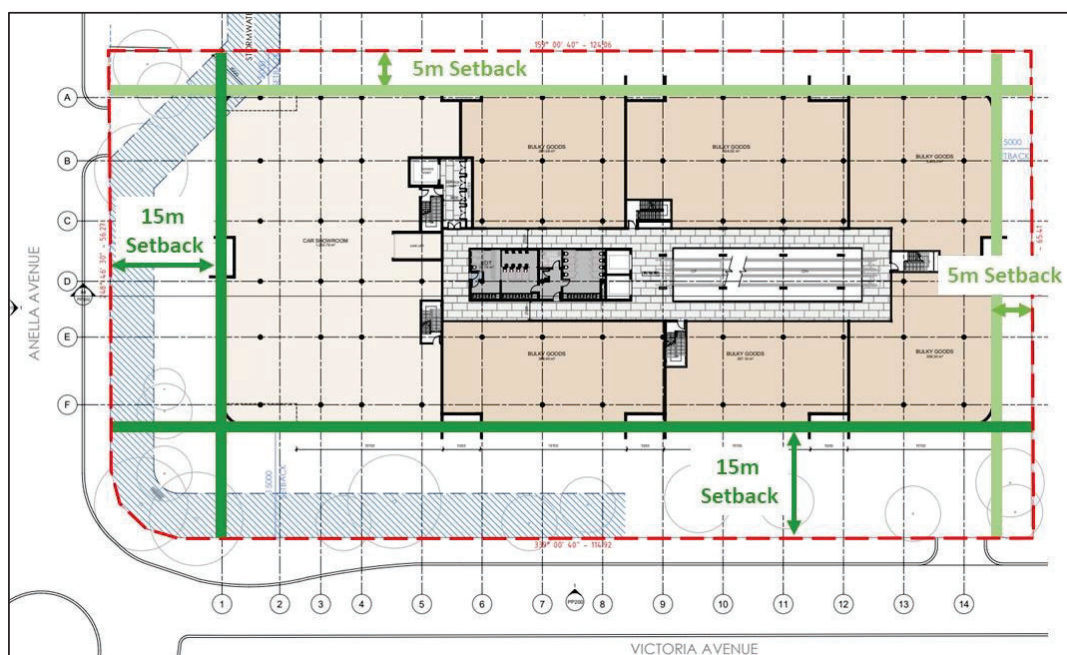


Figure 2
Building Setbacks

4.2 Design and Built Form

Objectives

27 Victoria Avenue, Castle Hill - Development Control Plan

- a. To ensure the design of future development is responsive to the future desired character of the area.
- b. To encourage high quality architectural design that promotes retail and business activity.
- c. To improve the quality of the public domain, create a positive streetscape and provide a comfortable street environment for pedestrians.
- d. To reduce any adverse effects on the public domain.

Controls

1. The facade design is to include building articulation, significant recesses and architectural diversity across the front facade of the building to Victoria Avenue.
2. Buildings are to be designed with a strong relationship to the street through glazing. Extensive blank walls are discouraged.
3. Future development is to visually integrate any proposed above ground parking into the overall facade design through creative design, architectural features and landscaping to create a good relationship to the public domain.
4. Building entries are to face the street and are to have a street address. Building entries are to be clearly identifiable from the street and publicly accessible spaces.
5. Loading docks and roller doors must not be visible from Anella Avenue or Victoria Avenue.
6. Future development should be designed to maximise access to natural light and include energy efficient design measures relating to air conditioning, building fabric and landscaping amongst others.
7. The built form shall be designed in accordance with the flood planning requirements stipulated in Part C Section 6 – Flood Controlled Land of The Hills Development Control Plan 2012.

4.3 Public Domain and Landscaping

Objectives

- a. To support landscaping that complements the building form and contributes to the surrounding landscaped character.
- b. To encourage the establishment and healthy growth of mature trees along Victoria Avenue.
- c. To enhance the amenity of streets and publicly accessible spaces.
- d. To maximise the use of landscape treatments and built form materials that minimise urban heat island and contribute to the amenity of people using the public domain.

Controls

1. Landscape design is to:
 - a. include a diverse range of plant species and is to be in accordance with the recommended species list in Part C Section 3 of The Hills Development Control Plan 2012;
 - b. be compatible with flood risk and avoid dense planting in a flow path;
 - c. incorporate understorey planting and permeable surfaces to reduce the extent of paved areas and to enhance the amenity of the streetscape environment; and
 - d. enhance the appearance of the building and car parking areas without creating opportunities for concealment.
2. 60% of the street setback area is to be soft landscaping. Existing mature trees along Victoria Avenue and Anella Avenue should be preserved.

27 Victoria Avenue, Castle Hill - Development Control Plan

3. The minimum amount of deep soil area, meaning an area of natural ground with relatively natural soil profiles, is to be 10% of the site area.
4. Canopy trees are to be planted within street verges to provide shade and reduce pavement surface temperatures.
7. The incorporation of green walls and roofs into the development is encouraged. Where suitable, building facades should incorporate landscaping features to soften the visual bulk of buildings and to improve streetscape quality.

4.4 Parking, Loading and Access

Objectives

- a. To provide sufficient car parking spaces for the development and encourage public transport use.
- b. To reflect the Transit Oriented Development principles underpinning all outcomes at the site.
- c. To ensure vehicles enter and exit the developments in a safe and efficient manner.
- d. To ensure appropriate separation of loading and parking functions from public spaces for people.
- e. To ensure that the perceived bulk and scale of buildings on the site is not exacerbated by the provision of above ground parking.

Controls

1. Vehicular access is to be provided generally in accordance with Figure 3.
2. All vehicles are to enter and leave the site in a forward direction.
3. No parking is permitted in the landscaped setbacks.
4. Car parking is to be provided in accordance with the following minimum rates:

Land Use	Minimum	Maximum
Commercial	1 space per 75m ²	1 space per 60m ²
Retail/Specialised Retail	1 space per 50m ²	1 space per 25m ²

5. Car parking is to be provided predominantly underground. The amount of parking spaces provided in at-grade or above ground parking areas shall not exceed 55 car spaces.
6. Basement car parking is not permitted to encroach into the setback areas to Anella Avenue and Victoria Avenue so as to reduce the potential for deep rooted planting and effective landscaping on the site.

27 Victoria Avenue, Castle Hill - Development Control Plan

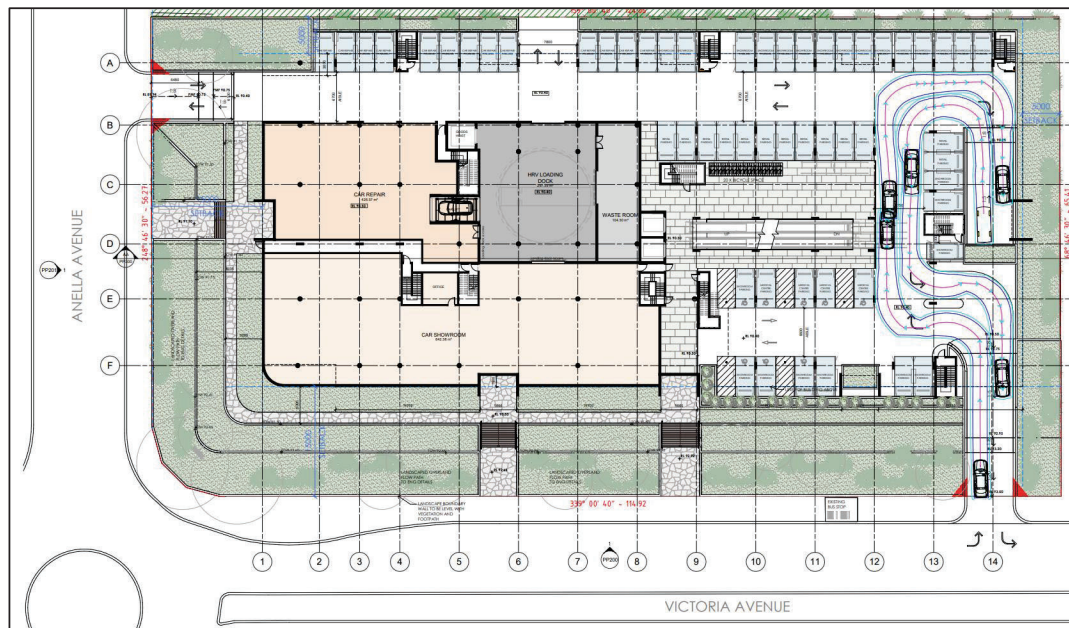


Figure 3
Access Arrangements

4.5 Stormwater Management

Objectives

- To prevent development over stormwater pipes.
- To ensure protection of existing stormwater pipes prior, during and after construction of the development.
- To ensure appropriate access into stormwater pipes for inspection and maintenance is maintained.
- To ensure appropriate access for construction vehicles is provided for any future pipe replacement works.
- To ensure adequate flood emergency response from the development where necessary.

Controls

- Stormwater easements should be provided generally in accordance with Figure 4.
- Building foundations are not to be constructed in the stormwater easement and should provide a 1m minimum offset from the easement.
- Building and structures including footings must not encroach into the zone of influence of stormwater pipes.
- Development applications for new buildings on the site are to be supported by a structural engineering statement prepared by a suitably qualified structural engineer that confirms that the proposal will not impart a load on the pipe in the easement.
- Access chambers are to be maintained with suitable access provided for inspections and maintenance of stormwater pipes.

27 Victoria Avenue, Castle Hill - Development Control Plan

6. On ground pavements are to be designed to facilitate maintenance and replacement of pipes if required.
7. Development should comply with Part C Section 6 - Flood Controlled Land of The Hills DCP 2012.
8. A Stormwater Management Plan is to be prepared which considers sustainable water management practices and minimal development impact.
9. Stormwater runoff must be treated on the development site before it discharges to a public drainage system.
10. All stormwater drainage designs are to comply with the most up to date revision of Council's Design Guidelines Subdivision/Developments.
11. Landscaping and structural elements that potentially obstruct or impact the movement of floodwaters along Victoria Avenue and Anella Avenue frontages should be avoided.
12. Development should include water sensitive urban design.

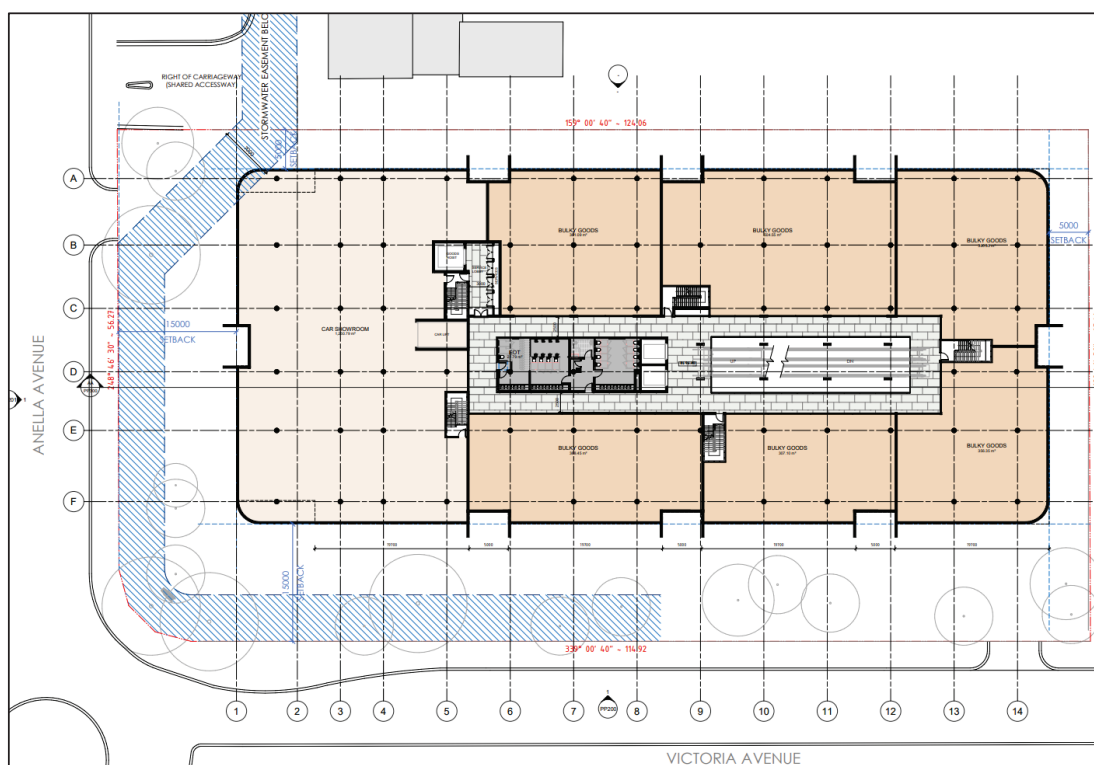


Figure 4
Indicative Stormwater Easement (highlighted blue)

ATTACHMENT 4

Our Ref: PGH: 20-0864 ID:328

6 May 2024

The General Manager
The Hills Shire Council
PO Box 7064
Norwest 2153

Attention Megan Munari

Dear Megan

Offer to Enter into a Voluntary Planning Agreement

Property: Lot 5 DP261795, No.27 Victoria Avenue Castle Hill (Planning Proposal 1/2022/PLP)

We refer to Council's recent correspondence of 28 March 2024 in respect of the subject property and in particular item 1(b) which advised (in part) as follows:

A mechanism should be established to ensure fair and reasonable contributions are made towards new local infrastructure within the Norwest Precinct, noting the extent of uplift proposed is beyond that planned or catered for by The Hills Section 7.12 Contributions Plan which currently applies to the land.

On behalf of my client, Marti's Investments Pty Ltd, we wish to make an offer to enter into a Voluntary Planning Agreement (VPA) under section 7.4 of the *Environmental Planning and Assessment Act 1979*.

Parties

- a) Marti's Investments Pty Ltd; and
- b) The Hills Shire Council.

Description of the Land (s7.4(3)(a)).

Lot 5 DP261795, No.27 Victoria Avenue, Castle Hill NSW 2154 (the site).

Description of the change to the environmental planning instrument to which the planning agreement applies (s7.4(3)(b)(i)).

The Planning Proposal seeks to amend the allowable height of buildings and floor space ratio provisions for the site under LEP 2019, as follows:

- a) Amend the Floor Space Ratio (FSR) control from 1:1 to 1.98:1.
- b) Amend the Height of Building (HOB) control from 20metres to 26metres.

Nature and extent of the provision to be made by the developer under the planning agreement, the time or times by which the provision is to be made and the manner by which the provision is to be made (s7.4(3)(c)).

Payment of monetary contribution in accordance with Council's Contribution Plan (CP) No.19 – Showground Road Precinct in addition to 'The Hills Section 7.12 Contributions Plan' which presently applies the land.

Development on the land that does not exceed 1:1 FSR or 20 metres in building height would be levied in accordance with The Hills Section 7.12 Contributions Plan.

Where any development exceeds 1:1 FSR or 20 metres in building height on the site, payment of contributions at rates equivalent to CP19 for non-residential development (indexed annually based on the Producer Price Index) for all gross floor area on the site (excluding the existing GFA on the site as at the date of this letter of offer (6 May 2024), but including floor space below 1:1 FSR / 20 metres building height as well as in excess of 1:1 FSR / 20 metres in building height) would be payable.

Payment of the applicable contributions would be made prior to the release of a Construction Certificate as nominated in a condition of development consent for the development of the site.

Whether the planning agreement wholly or partly excludes the application of section 7.11 or section 7.12 contributions (s7.4(3)(d)).

The Planning Agreement does not propose to exclude the application of section 7.11 or section 7.12 contributions.

If the planning agreement does not exclude the application of section 7.11 to development, whether benefits under the planning agreement are or are not to be taken into consideration in determining a development contribution under section 7.11 (s7.4(3)(e)).

Benefits are not to be taken into account in determining the section 7.11 contributions.

Details of intended dispute resolution procedures (s7.4(3)(f)).

The dispute resolution mechanism set out in Council's Planning Agreement Template will be included in the planning agreement.

Details of the enforcement measures to enable Council to enforce the planning agreement by suitable means, in the event of a breach and how these are intended to operate e.g. securities or bank guarantees (s7.4(3)(g)).

The planning agreement involves the payment of applicable contributions in accordance with conditions of consent prior to the release of a Construction Certificate. In our opinion the imposition of the monetary contributions as a condition of consent is legally enforceable (s 4.17(1)(h)(iii)) and consequently we do not envisage the need to include any additional enforcement or security measures.

Identify if the planning agreement will require an amendment to an existing adopted contributions plan.

The planning agreement will not require amendments to an existing adopted contributions plan.

Please contact me should you need to discuss. We look forward to a favourable response from Council including confirmation of the next steps in the process.

Yours faithfully

PGH Environmental Planning



Patrick Hurley

Director