

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

11 June 2024

Ms Felicity No Director Metro Central/West/South Department of Planning, Housing and Infrastructure 4 Parramatta Square 12 Darcy Street PARRAMATTA NSW 2150

Our Ref: 4/2021/PLP

Dear Ms No

PLANNING PROPOSAL SECTION 3.34 NOTIFICATION

Proposed The Hills Local Environmental Plan 2019 (Amendment No. (#)) – to increase the maximum building height from 20m to RL 140.5m and increase the maximum floor space ratio from 1:1 to 2.3:1 for land at 21-23 Victoria Avenue, Castle Hill

Pursuant to Section 3.34 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), it is advised that Council has resolved to prepare a planning proposal for the above amendment.

The planning proposal seeks to facilitate a commercial and retail development including specialised retail, commercial offices, medical suites, a child care centre, business premises and gym, within a built form up to 12 storeys.

Please find enclosed the information required in accordance with the '*Local Environmental Plan Making Guideline*' issued under Section 3.33(3) of the EP&A Act. The planning proposal and supporting material is enclosed with this letter for your consideration.

Council is seeking delegation as the Local Plan Making Authority for this planning proposal.

Following receipt by Council of the Department's written advice, Council will proceed with the planning proposal. Any future correspondence in relation to this matter should quote reference number 4/2021/PLP.

Should you require any further information please contact Kayla Atkins, Strategic Planning Coordinator on 9843 0404.

Yours faithfully,

Megan Munari PRINCIPAL COORDINATOR – FORWARD PLANNING

Attachment 1: Planning Proposal (including attachments)

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PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: The Hills Shire Council

NAME OF PLANNING PROPOSAL: Draft The Hills Local Environmental Plan 2019 (Amendment No (#)) – Proposed amendments to increase the maximum building height from 20m to RL 140.5m and increase the maximum floor space ratio from 1:1 to 2.3:1 for land at 21-23 Victoria Avenue, Castle Hill.

STATUS: Pre-Gateway Determination

ADDRESS OF LAND: 21-23 Victoria Avenue, Castle Hill (Lot 1 DP 657013 and Lot 1 DP 660382)

SUMMARY OF EMPLOYMENT YIELD:

	EXISTING	PROPOSED	TOTAL YIELD
Jobs	570	1,273	+703

SUPPORTING MATERIAL:

Attachment A Attachment B Attachment C Attachment D Attachment E Attachment F	Assessment against State Environment Planning Policies Assessment against Section 9.1 Local Planning Directions Council Report and Minute, 10 October 2023 Further Council Report and Minute, 14 May 2024 Local Planning Panel Report and Advice, 16 November 2022 Draft The Hills DCP Part D Section X – 21-23 Victoria Avenue, Castle Hill
Attachment G	Public Authority Submission – Transport for NSW, 10 January 2024
Attachment H	Proponent's Planning Proposal Report, 4 August 2023
Attachment I	Urban Design Report, 4 August 2023
Attachment J	Concept Design Report, July 2023
Attachment K	Landscape Concept Design Report, July 2023
Attachment L	Traffic Impact Assessment, July 2023
Attachment M	Economic Impact Assessment, 31 July 2023
Attachment N	Flood Impact Assessment Report, 27 July 2023
Attachment O	Stormwater Assessment, 27 July 2023
Attachment P	Tree Assessment, 19 February 2013
Attachment Q	Preliminary Site Investigation, 10 December 2020
Attachment R	Build Over Rail Assessment, 17 December 2020

BACKGROUND:

At its Ordinary Meeting of 10 October 2023, Council considered the planning proposal applicable to land at 21-23 Victoria Avenue, Castle Hill and resolved that:

The matter be deferred to allow further consultation between Council and the Applicant and the matter be the subject of a future report to Council.

A copy of the Council Report and Minute is provided as Attachment C.

Between October 2023 and April 2024, further consultation was undertaken between Council and the Proponent in the form of further information submitted by the Proponent, written feedback letters provided by Council and meetings between Council officers and the Proponent Group.

The outcomes of this further consultation were subsequently reported back to Council at its Ordinary Meeting of 14 May 2024, where it was resolved that:

- 1. The planning proposal applicable to land at 21-23 Victoria Avenue, Castle Hill (Lot 1 DP 657013 and Lot 1 DP 660382) proceed to Gateway Determination to amend LEP 2019 as follows:
 - a) Increase the maximum height of buildings from 20 metres to RL140.5.
 - b) Increase the maximum floor space ratio from 1:1 to 2.3:1.
- 2. Draft The Hills Development Control Plan 2012 Part D Section X 21-23 Victoria Avenue, Castle Hill (Attachment 8) be publicly exhibited concurrently with the planning proposal.
- 3. Council and the Proponent continue discussions with respect to an appropriate mechanism to secure public benefits, including the dedication of the land necessary for the intersection upgrade at Victoria Avenue and Carrington Road, at no cost to Council, with Council to receive a further Report on this matter prior to commencement of any public exhibition of the planning proposal.

A copy of the Council Report and Minute is provided as Attachment D.

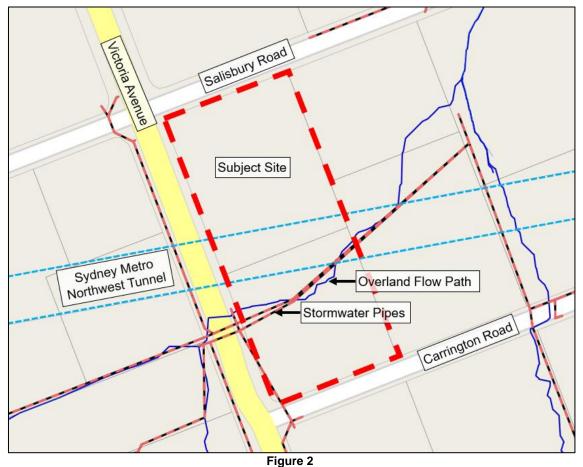
THE SITE:

The site is known as 21-23 Victoria Avenue, Castle Hill. It has an area of approximately 21,048m² and comprises two separate lots bound by Carrington Road to the south, Salisbury Road to the north and Victoria Avenue to the west. The site is currently occupied by specialised retail establishments with large floor plates and adjoining at-grade car parking. It is located approximately 700 metres walking distance from Showground Metro Station. The location of the site is shown in Figure 1 below.



Figure 1 Aerial view of subject site and surrounding locality

The site generally falls from west (front) to east (rear), however there is also a fall to the centre of the site where an overland flow path traverses the site, illustrated in Figure 2 below. The Sydney Metro Northwest tunnel and Council stormwater assets pass directly through the centre of the site below ground level.



Subject Site and the Sydney Metro Northwest Tunnel, Stormwater Pipes and Overland Flow Path

The site is currently subject to a maximum Floor Space Ratio control of 1:1, which would permit a maximum of approximately $21,048m^2$ of gross floor area on the site. The site is also subject to a maximum building height of 20 metres (approximately 5 storeys). It is noted that while the current building height limit is expressed in terms of metres above ground level, the Proponent's application seeks to express the maximum building height limit as an RL ('reduced level'), which is effectively a distance measured from the Australian Height Datum (mean sea level). This is discussed further in Section 4 – Built Form of this report however for reference, the current 20 metre height limit applicable to the land would generally equate to a maximum RL of 110 metres on this particular site.

There are three existing commercial buildings on the site ranging from 1-2 storeys that comprise light industrial uses such as homemaker stores, retail and a car servicing business. Combined, these buildings comprise approximately 10,200m² of gross floor area, which equates to an FSR of 0.48:1. There is therefore approximately 11,200m² of remaining development potential that could theoretically be achieved under the current planning controls, however the viability of redeveloping the existing buildings to achieve this additional extent of floor area may be questionable.

PART 1 OBJECTIVES OR INTENDED OUTCOME

The planning proposal seeks to facilitate redevelopment of the site to accommodate a commercial and retail development including specialised retail, commercial offices, medical suites, a child care centre, business premises and gym, within a built form up to 12 storeys.

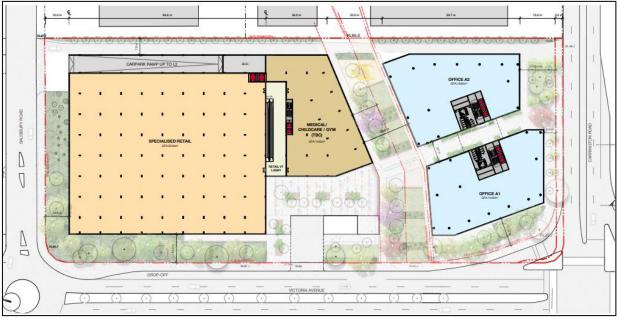


Figure 3 Indicative Site Plan



Figure 4 Perspectives / Photomontages of development concept and through-site link (from Victoria Ave)

PART 2 EXPLANATION OF THE PROVISIONS

The proposed outcome will be achieved by amending The Hills Local Environmental Plan 2019 as follows:

- 1. Increase the maximum height of buildings from 20 metres to RL 140.5m (allowing heights up to 12 storeys on the land); and
- 2. Increase the maximum floor space ratio from 1:1 to 2.3:1.

The planning proposal is also accompanied by a draft site specific Development Control Plan (DCP) to guide built form outcomes on the site. Council is currently in discussions with the Proponent with respect to an infrastructure mechanism to secure land dedication for the purpose of road widening and intersection upgrades adjoining the site.

PART 3 JUSTIFICATION

SECTION A - NEED FOR THE PLANNING PROPOSAL

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

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

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

Yes, the planning proposal is considered the best means of achieving the intended outcomes for the site. The proposed floor space ratio and building height will regulate an appropriate built form outcome and facilitate an increase in employment opportunities, consistent with Council's strategic vision for this land.

SECTION B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes, a discussion of consistency is provided below.

Greater Sydney Region Plan and Central City District Plan

The planning proposal is consistent with objectives and priorities of the Greater Sydney Region Plan and Central City District Plan, as they relate to the provision of employment floorspace and supporting the realisation of a 30-minute city. The proposal would facilitate 48,410m² of additional commercial and retail floorspace and provide an additional 703 jobs more than what can be delivered under current planning controls. The planning proposal capitalises on the government investment in the Sydney Metro Northwest, by increasing density within the walkable catchment of the station and improving access to jobs and specialised retail.

The land use outcomes (being employment only) on the site align with TOD principles, as applied in the North West Rail Link Corridor Strategy and The Hills Corridor Strategy. The site's location, at the corner of Carrington Road and Victoria Avenue, forms a transition between industrial, commercial, and retail uses in this locality, whilst increasing density in proximity to the Hills Showground Metro Station. Land uses identified for the site are in accordance with what is envisioned under each of these strategic plans.

Draft The Hills Shire Council Norwest Precinct Plan

The draft Norwest Precinct Plan identifies the site for commercial uses and employment outcomes that will be a key contributor to increased jobs within the Strategic Centre. The site is identified for high density offices and bulky goods, with active ground floor uses that contribute to a vibrant ground plane. The FSR and height envisioned for the site under the draft Precinct Plan are 2.3:1 and 6-12 storeys respectively. The outcomes sought through the planning proposal are aligned with Council's vision for the land, as articulated within the draft Norwest Precinct Plan.

4. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Yes, a discussion of consistency is provided below.

The Hills Local Strategic Planning Statement

The key planning priorities from the LSPS are Planning Priority 1 - Plan for sufficient jobs, targeted to suit the skills of the workforce, Planning Priority 2 - Build strategic centres to realise their potential, Planning Priority 10 - Provide social infrastructure and retail services to meet residents needs and Planning Priority 12 - Influence travel behaviour to promote sustainable choices. The proposal is consistent with these Planning Priorities, especially in that it would increase the quantum of employment floor space and extent of floor space for specialised retail in this location, which will assist in reducing a shortfall in the short to medium term and delivering commercial development, consistent with the outcomes envisaged in the draft Norwest Precinct Plan. It will also promote sustainable travel choices through the application of reduced car parking rates on the site.

The Hills Future Community Strategic Plan

The Hills Future Community Strategic Plan aims to manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations. The planning proposal seeks to better utilise the existing site to provide for additional employment opportunities, consistent with the Strategic Plan. The proposed floor space ratio and building height provisions will contribute to the realisation of Norwest as a strategic centre whilst achieving an appropriate built form outcome on the site.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. An assessment of the planning proposal against applicable State Environmental Planning Policies is provided in Attachment A.

6. Is the planning proposal consistent with applicable Ministerial Directions (s. 9.1 directions)?

Yes. The consistency of the planning proposal with the Section *9.1* Ministerial Directions is detailed within Attachment B. A discussion on the consistency of the proposal with each relevant Direction is provided below.

• 1.16 North West Rail Link Corridor Strategy

The North West Rail Link Corridor Strategy provides a structure plan for the Castle Hill Metro Station Precinct and envisages that the subject site will be utilised for bulky goods premises. It is noted that this Corridor Strategy was released by the NSW Government in 2013 and since this time, substantial reforms have been undertaken to employment zones in NSW, with the intent of merging employment zones to provide greater flexibility in the types of employment generating uses on a site.

The subject planning proposal is consistent with the Corridor Strategy as it will provide increased specialised retail (bulky goods) floor space on the site, as well as a range of other employment generating uses that are already permitted in the E3 Productivity zone.

4.1 Flooding

The site is located at the lowest point of a 71 Ha highly impervious stormwater catchment. Stormwater from this catchment flows either through pipes or above ground (overland flow) which is concentrated at the subject site.

The subject site is burdened by an overland flow path and supporting information submitted with he planning proposal indicates that there is potential for flash flooding to occur on the site. The Proponent's development concept layout utilises the overland flow path for a 20-25m pedestrian through site link. This resolves the issues previously raised relating to stormwater management and overland flooding however there is still potential for minor flood impact to neighbouring properties to occur and overland flows potentially entering below ground carparking levels.

However, it is acknowledged that this is a conceptual design for the planning proposal phase and would need to be subject to further work and design at the Development Application stage. Based on the information submitted to date, it is considered that these remaining issues would be readily resolvable as part of these later phases of more detailed design and assessment, if the planning proposal was ultimately to proceed to finalisation.

Active uses are proposed to sleeve the pedestrian link to activate the ground floor plane. No building encroachment on the Stormwater Easement occurs as a result of the development and access to the pipes in the event that repair, or replacement is needed is maintained. Any minor works in the easement, such as street furniture, will be required to comply with Councils Design Guidelines for Subdivision and Development, and must not impact upon flood behaviour as it passes through the site. It is therefore considered that there are sufficient protections demonstrated within the Proponent's proposal to mitigate any flood risk and the proposal is consistent with Ministerial Direction 4.1. Flooding impacts are further discussed within the Council Officer Technical Assessment Report to the Local Planning Panel (Attachment E) and the Council Report from 10 October 2023 (Attachment C).

• 5.1 Integrating Land Use and Transport

This Direction seeks to integrate land use and infrastructure to improve access to housing, jobs and services, reduce dependency on cars, reduce travel time, support the efficient operation of public transport and provide for the efficient movement of freight. The proposal is generally consistent with this direction, as the site is located in close proximity to the Hills Showground Metro Station which may encourage walking, cycling and public transport use for workers in the building. It is anticipated that the specialised retail uses on the site will continue to be accessed primarily via car.

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 a commercial and retail outcome. The proposal will increase the availability of commercial floor space in an area which is intended to support the viability of specialised retail, business and warehouse uses.

SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

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

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The planning proposal has appropriately responded to the environmental constraints present on the site. The development concept proposes the co-location of the through site link, overland flow path and stormwater easement, which will ensure that no buildings or structures will be located in this area. In addition to mitigating local flooding impacts, this outcome ensures that Council can retain access to its stormwater pits for ongoing maintenance of stormwater infrastructure.

There is still some potential for localised flooding impacts on the site, however preliminary flood modelling undertaken by the Proponent in association with their development concept indicates that this matter is readily resolvable through more detailed design that is most appropriately undertaken at the development application stage.

The Sydney Metro Northwest tunnel traverses under the centre of the site. The development concept has responded to this constraint through basement parking design and the provision of a portion of the required car parking spaces being located within aboveground parking levels within the development.

9. How has the planning proposal adequately addressed any social and economic effects?

The planning proposal will have positive economic benefits by contributing towards increased employment opportunities and local businesses in an area strategically identified for employment growth to support the local population. The development concept comprises public spaces such as an urban plaza and through site links for social gathering and pedestrian connectivity to the Metro Station.

SECTION D - STATE AND COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the planning proposal?

Yes, the planning proposal will be levied under Contributions Plan No. 19 – Showground Station Precinct. At the time of preparing and adopting CP19, the strategically identified employment outcomes within this area of the Norwest Strategic Centre were known and as such, CP19 generally accounts for the uplift and extent of growth proposed on the site through the planning proposal. The payment of contributions under CP19 is therefore appropriate in this instance to address the local infrastructure demands associated with development of the land.

11. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

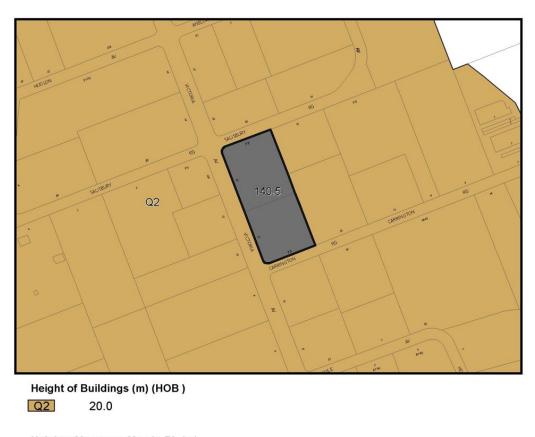
Should a Gateway Determination be issued, the public exhibition process will facilitate the opportunity to consult with relevant State agencies. It is anticipated that consultation with the following public authorities will be required:

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



Height of Buildings (m) (HOB) Q2 20.0

Heights Shown on Map in RL (m) Existing Height of Buildings Map



Heights Shown on Map in RL (m) 140.5

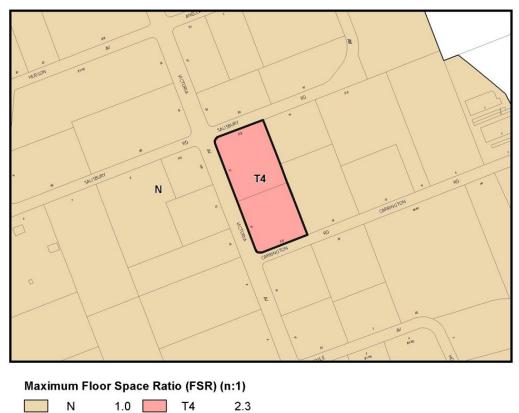
Proposed Height of Buildings Map



Maximum Floor Space Ratio (FSR) (n:1)

N 1.0

Existing Floor Space Ratio Map





Note: No instrument changes are proposed as part of the planning proposal. The amendments to the LEP relate to mapping changes only.

PART 5 COMMUNITY CONSULTATION

The planning proposal will be advertised in accordance with Council's Community Participation Plan and any requirements of the Gateway Determination.

PART 6 PROJECT TIMELINE

STAGE	DATE
Commencement Date (Gateway Determination)	July 2024
Council consideration of the Voluntary Planning Agreement Offer	July 2024
Compliance with pre-exhibition Gateway Determination conditions	August 2024
Completion of legal review of Voluntary Planning Agreement	September 2024
Government agency consultation	October 2024
Commencement of public exhibition period (28 days)	October 2024
Completion of public exhibition period	November 2024
Timeframe for consideration of submissions	December 2024
Timeframe for consideration of proposal post exhibition	January 2025
Report to Council post exhibition	February 2025
Planning Proposal to DPHI for review/PCO (map only amendment)	March 2025
Execution and registration of associated Voluntary Planning Agreement	April 2025
Date Council will make the plan	May 2025

ATTACHMENT A: LIST OF STATE ENVIRONMENTAL PLANNING POLICIES

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)	APPLICABLE TO THSC	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
Biodiversity and Conservation (2021)	YES	NO	-
Exempt and Complying Development Codes (2008)	YES	NO	-
Housing (2021)	YES	NO	-
Industry and Employment (2021)	YES	NO	-
Planning Systems (2021)	YES	NO	-
Precincts – Central River City (2021)	YES	NO	-
Precincts – Eastern Harbour City (2021)	NO	-	-
Precincts – Regional (2021)	NO	-	-
Precincts – Western Parkland City (2021)	NO	-	-
Primary Production (2021)	YES	NO	-
Resilience and Hazards (2021)	YES	NO	-
Resources and Energy (2021)	YES	NO	-
Sustainable Buildings (2022)	YES	NO	-
Transport and Infrastructure (2021)	YES	NO	-

ATTACHMENT B: ASSESSMENT AGAINST SECTION 9.1 MINISTERIAL DIRECTIONS

	DIRECTION	APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
1. P	lanning Systems			
1.1	Implementation of Regional Plans	YES	NO	-
1.2	Development of Aboriginal Land Council land	NO	-	-
1.3	Approval and Referral Requirements	YES	NO	-
1.4	Site Specific Provisions	YES	NO	-
1.4A	Exclusion of Development Standards from Variation	NO	-	-
1. P	lanning Systems – Place-based			
1.5	Parramatta Road Corridor Urban Transformation Strategy	NO	-	-
1.6	Implementation of North West Priority Growth Area Land Use and	YES	NO	-
1.7	Infrastructure Implementation Plan Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	NO	-	-
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	NO	-	-
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	NO	-	-
1.10	Implementation of the Western Sydney Aerotropolis Plan	NO	-	-
1.11	Implementation of Bayside West Precincts 2036 Plan	NO	-	-
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	NO	-	-
1.13	Implementation of St Leonards and Crow Nest 2036 Plan	NO	-	-
1.14	Implementation of Greater Macarthur 2040	NO	-	-
1.15	Implementation of Pyrmont Peninsula Place Strategy North West Rail Link Corridor	NO	-	
1.16	Strategy Implementation of the Bays West	YES	YES	CONSISTENT
1.17	Place Strategy Implementation of the Macquarie	NO NO		-
1.10	Park Innovation Precinct Implementation of the Westmead	NO NO	_	-
1.19	Place Strategy Implementation of the Camellia-	NO	_	
1.20	Rosehill Place Strategy Implementation of South West	NO		-
	Growth Area Structure Plan		-	-
1.22	Implementation of the Cherrybrook Station Place Strategy	YES	NO	-

	DIRECTION	APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
2. D	esign and Place		· · · ·	
3. B	iodiversity and Conservation			
3.1	Conservation Zones	YES	NO	-
3.2	Heritage Conservation	YES	NO	-
3.3	Sydney Drinking Water Catchments	NO	-	-
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs 26	NO	-	-
3.5	Recreation Vehicle Areas	YES	NO	-
3.6	Strategic Conservation Planning	NO	-	-
3.7	Public Bushland	YES	NO	-
3.8	Willandra Lakes Region	NO	-	-
3.9	Sydney Harbour Foreshores and Waterways Area	NO	-	-
3.10	Water Catchment Protection	NO	-	-
4. R	esilience and Hazards	YES	YES	CONSISTENT
4.1 4.2	Coastal Management	NO	-	CONSISTENT
4.2 4.3	Planning for Bushfire Protection	YES	NO	
4.3 4.4	Remediation of Contaminated Land	YES	NO	-
4.4 4.5	Acid Sulfate Soils	YES	NO	-
4.5 4.6	Mine Subsidence and Unstable Land	YES	NO	-
5.1	ransport and Infrastructure Integrating Land Use and Transport	YES	YES	CONSISTENT
5.2	Reserving Land for Public Purposes	YES	NO	-
5.3	Development Near Regulated Airports and Defence Airfields	YES	NO	-
5.4	Shooting Ranges	NO	-	-
6. H	ousing			
6.1	Residential Zones	YES	NO	-
6.2	Caravan Parks and Manufactured Home Estates	YES	NO	-
7. In	ndustry and Employment			
7.1	Business and Industrial Zones	YES	YES	CONSISTENT
7.2	Reduction in non-hosted short-term rental accommodation period	NO	-	-
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	NO	-	-
8. R	esources and Energy			
	Mining, Petroleum Production and	YES	NO	-

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
9.1	Rural Zones	YES	NO	-
9.2	Rural Lands	NO	-	-
9.3	Oyster Aquaculture	YES	NO	-
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	NO	-	-