LOCAL PLANNING PANEL – THE HILLS SHIRE COUNCIL

DETERMINATION OF THE LOCAL PLANNING PANEL ON 16 NOVEMBER 2022 – DETERMINATION MADE ELECTRONICALLY

PRESENT:

Garry Fielding	Chair
Scott Barwick	Expert
Lindsay Fletcher	Expert
Kaavya Karunanithi	Community Representative

DECLARATIONS OF INTEREST:

Nil Disclosed

COUNCIL STAFF:

The Panel were briefed by the following Council Staff on 16 November 2022:

David Reynolds	-	Group Manager - Shire Strategy, Transformations & Solutions
Nicholas Carlton	-	Manager – Forward Planning
Megan Munari	-	Principal Coordinator, Forward Planning
Laura Moran	-	Senior Town Planner

ITEM 1: LOCAL PLANNING PANEL – PLANNING PROPOSAL – 21-23 VICTORIA AVENUE, CASTLE HILL (4/2021/)

COUNCIL OFFICER'S RECOMMENDATION:

That the planning proposal request for land at 21-23 Victoria Avenue, Castle Hill should not proceed to Gateway Determination in its current form.

PANEL'S ADVICE REGARDING THE PLANNING PROPOSAL:

1. The planning proposal, in its current form, should not proceed to Gateway Determination.

2. The proposal has not demonstrated adequate site-specific merit, having regard to the excessive bulk and scale that would result from the proposed suite of planning controls and a number of other key site planning issues (overland flow path, underground stormwater assets, through site pedestrian link, extent of above ground parking within the building envelope and size of floor plates above the specialised retail use levels);

3. The current proposal and application material submitted to date is yet to satisfy the strategic merit test, having regard to the currently unjustified inconsistency with Ministerial Direction 4.1 – Flooding;

4. Given the potential merits that a revised proposal may be able to demonstrate, the Panel recommends that prior the application being reported to Council for determination in its current form, the Proponent consider submission of a revised planning proposal, which materially resolves the following outstanding issues:

    a) Excessive bulk and scale: The Proponent should substantially reduce the bulk and scale of the proposed development, through a combination of:

        i) Reduced car parking rates for commercial and business uses, with a view to reducing both traffic generation and the extent of parking proposed within the building envelope above ground;

        ii) Investigations into opportunities to increase the amount of parking within basement levels, with a view to reducing the extent of parking proposed within the building envelope above ground;

        iii) A substantial reduction in floor plate sizes for any commercial or parking levels above the specialised retail uses, to deliver a more slender tower form;

        iv) A possible reduction in floor space ratio and gross floor area sought;

        v) Removal of the proposed “shop” component; and

        vi) Increased building separation and a substantial reduction in building lengths.

    b) Site planning: Reconfiguration of the site to provide a pedestrian through site link along the overland flow path, with active frontages facing the pedestrian link. The pedestrian link should be located at grade at both Victoria Avenue and the rear boundary of the site, to seamlessly integrate with the surrounding pedestrian and public domain network.

    c) Additional and updated flooding information should be submitted to reflect the revised planning proposal, including a Post-Development Flood Model and Flood Risk and Impact Assessment to the satisfaction of Council officers. This information should demonstrate that the proposal is consistent with the NSW Flood Plain Development Manual, that there is no increased flood impacts on adjacent properties and that there will be no reduction in available flood storage on the site. This would be necessary to justify any inconsistency with Ministerial Direction 4.1 – Flooding.

The Panel expects that in order for a revised proposal to overcome these issues, a material reduction in building bulk and the extent of above ground parking would be required, in comparison to the current planning proposal.

PANEL’S ADVICE REGARDING NORWEST GENERALLY:

The Panel recommends that Council considers undertaking an urban design study for the Norwest locality to guide future built form outcomes, preferably as part of the precinct planning work.

VOTING:

Unanimous

ITEM-1	**LOCAL PLANNING PANEL - PLANNING PROPOSAL – 21-23 VICTORIA AVENUE, CASTLE HILL (4/2021/PLP)**
THEME:	Shaping Growth
MEETING DATE:	**16 November 2022** LOCAL PLANNING PANEL
GROUP:	**SHIRE STRATEGY, TRANSFORMATION AND SOLUTIONS**
AUTHOR:	**SENIOR TOWN PLANNER** LAURA MORAN
RESPONSIBLE OFFICER:	**MANAGER – FORWARD PLANNING** NICHOLAS CARLTON

PURPOSE

This report presents the planning proposal for 21-23 Victoria Avenue, Castle Hill (4/2021/PLP), to the Local Planning Panel (LPP) for advice, in accordance with Section 2.19 of the *Environmental Planning and Assessment Act 1979*.

Planning Proposal Timeline

RECOMMENDATION

1. The planning proposal, in its current form, should not proceed to Gateway Determination.

2. The proposal has not demonstrated adequate site-specific merit, having regard to the excessive bulk and scale that would result from the proposed suite of planning controls and a number of other key site planning issues (overland flow path, underground stormwater assets, through site pedestrian link, extent of above ground parking within the building envelope and size of floor plates above the specialised retail use levels);

3. The current proposal and application material submitted to date is yet to satisfy the strategic merit test, having regard to the currently unjustified inconsistency with Ministerial Direction 4.1 – Flooding;

4. Given the potential merits that a revised proposal may be able to demonstrate, the Panel recommends that prior the application being reported to Council for determination in its

current form, the Proponent consider submission of a revised planning proposal, which materially resolves the following outstanding issues:

a) Excessive bulk and scale: The Proponent should substantially reduce the bulk and scale of the proposed development, through a combination of:

   i) A material reduction in floor space ratio and gross floor area sought;

   ii) Removal of the proposed “shop” component;

   iii) Reduced car parking rates for commercial and business uses, with a view to reducing both traffic generation and the extent of parking proposed within the building envelope above ground;

   iv) Investigations into opportunities to increase the amount of parking within basement levels, with a view to reducing the extent of parking proposed within the building envelope above ground;

   v) A substantial reduction in floor plate sizes for any commercial or parking levels above the specialised retail uses, to deliver a more slender tower form; and

   vi) Increased building separation and a substantial reduction in building lengths.

b) Site planning: Reconfiguration of the site to provide a pedestrian through site link along the overland flow path, with active frontages facing the pedestrian link. The pedestrian link should be located at grade at both Victoria Avenue and the rear boundary of the site, to seamlessly integrate with the surrounding pedestrian and public domain network.

c) Additional and updated flooding information should be submitted to reflect the revised planning proposal, including a Post-Development Flood Model and Flood Risk and Impact Assessment to the satisfaction of Council officers. This information should demonstrate that the proposal is consistent with the NSW Flood Plan Development Manual, that there is no increased flood impacts on adjacent properties and that there will be no reduction in available flood storage on the site. This would be necessary to justify any inconsistency with Ministerial Direction 4.1 – Flooding.

The Panel expects that in order for a revised proposal to overcome these issues, a material reduction in the floor space ratio, gross floor area and extent of above ground parking would be required, in comparison to the current application.

Proponent	Blueprint Australia
Owner	Spotlight Property Group
Planning Consultant	Ethos Urban
Architect	Bates Smart
Landscape Architect	Turf
Stormwater/Flood Engineer	Taylor Thomson Whitting
Economic Consultant	Deep End Services
Traffic and Transport	Colston Budd Rogers and Kafes
Tree Assessment	Eco Logical Australia
Preliminary Site Investigation	ERM
Build Over Rail Assessment	Douglas Partners
Site Area	21,048m^2
List of Relevant Strategic Planning Documents	Greater Sydney Region Plan Central City District Plan Section 9.1 Ministerial Directions North West Rail Link Corridor Strategy The Hills Corridor Strategy Local Strategic Planning Statement and supporting strategies
Political Donation	None disclosed

EXECUTIVE SUMMARY

This report concludes that the planning proposal application for land at 21-23 Victoria Avenue, Castle Hill, has not demonstrated adequate strategic or site-specific merit to warrant progression to Gateway Determination.

While the proposed commercial and retail outcome is broadly aligned with the relevant strategic planning policies and is generally supported, the planning proposal material submitted by the Proponent to date has not sufficiently justified the inconsistency of the proposal with Ministerial Direction 4.1 – Flooding. This Ministerial Direction requires consistency with the NSW Floodplain Development Manual in order to reduce impact of flooding and flood liability on property owners and reduce public and private losses resulting from floods.

The planning proposal application has not demonstrated that the suite of planning controls sought will facilitate a built form outcome that is appropriate in the context of the site. The

combination of significant site constraints, the quantum of gross floor area proposed, the amount of above ground parking proposed within the building envelope and the intended size of future floor plates is considered to result in an excessive bulk and scale.

It may be possible for the Proponent to overcome the range of issues identified within this report, however this would likely involve substantial amendments to the application, including a reduction in the floor space ratio control being sought. Council officers have provided feedback to the Proponent both prior to and following the lodgement of the application, including 5 formal feedback letters and 12 meetings with Council officers between 2017 and 2022. While the Proponent has submitted additional information and revised material over this period, the revised proposals have not materially addressed the issues raised or represented changes to the site planning approach for the land.

Council officers acknowledge the potential merits of appropriate redevelopment of the site and are now seeking the advice of the Local Planning Panel with respect to the current proposal, as well as a view from the Panel regarding the key matters which the Proponent should address in order to improve the application such that it may be supportable (as suggested within Item 4 of the Council officers recommendation to the Panel).

1. 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 bounded 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.

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.

The site is currently subject to a maximum building height of 20m (approximately 5 storeys) and a Floor Space Ratio control of 1:1, equating to the provision of a maximum of 21,048m² of gross floor area on the 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, equivalent to an FSR of 0.48:1. There is approximately 11,200m^2 of remaining development potential that could theoretically be delivered under the current planning controls.

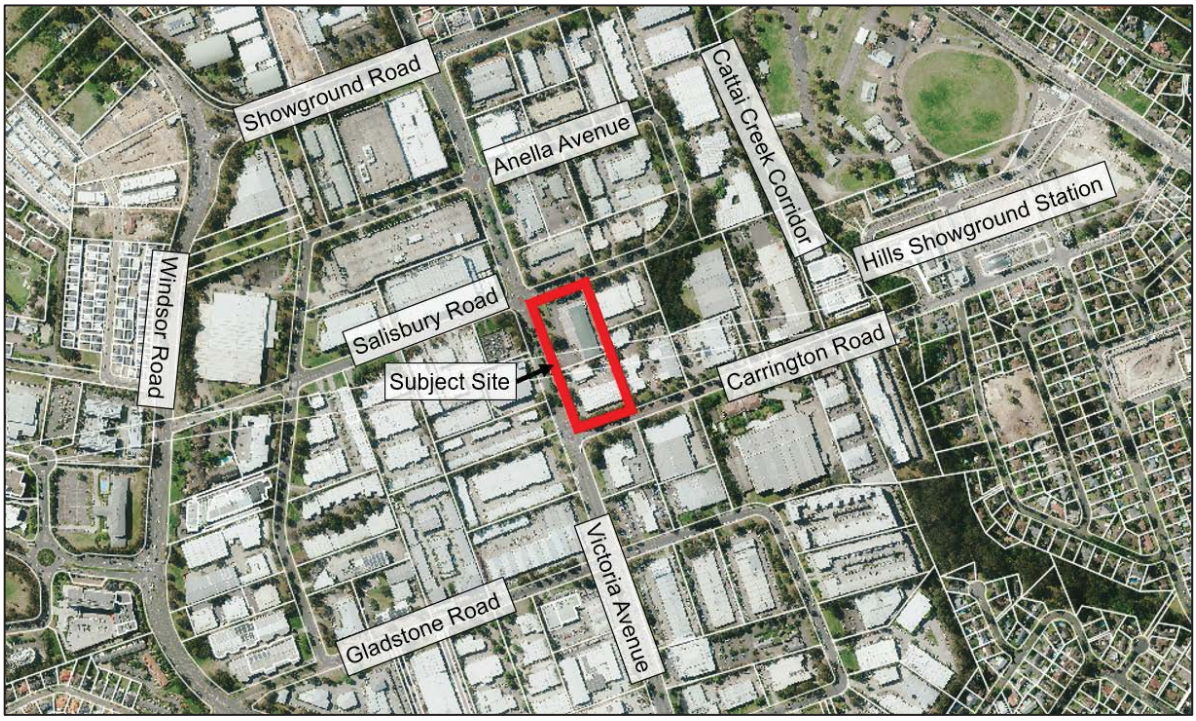

Figure 1
Site locality

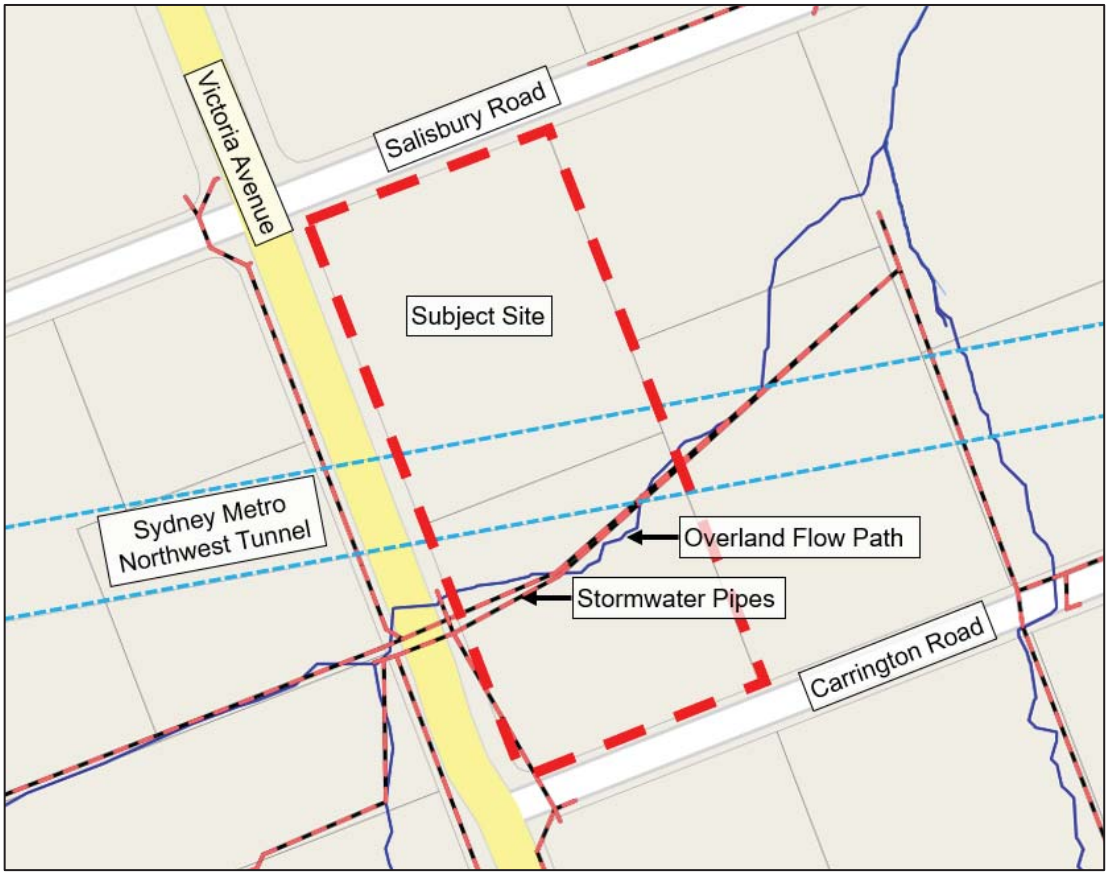

Figure 2
Subject Site and the Sydney Metro Northwest Tunnel, Stormwater Pipes and Overland Flow Path

2. DESCRIPTION OF PLANNING PROPOSAL

The planning proposal seeks to facilitate a commercial and retail development including specialised retail, commercial offices, shops, medical suites, a child care centre, business premises and gym, in a built form ranging in height from 5-13 storeys.

A comparison between the current planning controls, outcomes articulated within the NWRL Corridor Strategy and The Hills Corridor Strategy and the proposed amendments to LEP 2019 is shown below:

	LEP 2019	NWRL Corridor Strategy	Hills Corridor Strategy	Planning Proposal
Zone / Land Use	B5 Business Development and SP2 Local Road Widening	Bulky Goods	Employment	B5 Business Development (E3 Productivity Support***) and SP2 Local Road Widening
Additional Permitted Use	N/A			Office Premises, Shops, Business Premises, Medical Centre
Max. Height	16 metres (3 storeys)	2-3 storeys	Approx. 8-12 storeys	RL 144.2 metres (55 metres) (13 storeys)
Max. FSR	1:1	1:1	*Minimum* 2.5:1	2.61:1
Min. Lot Size	8,000m²	N/A		8,000m² (no change)
Job provision*	570	570	1,426	1,446**

Table 1

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

*Notes: * Based on assumed density in the Hills Corridor Strategy & LSPS of 1 employee per 38m^2 GFA*

***Based on the Proponent's stated total GFA within their written material*

**** Under the State Government Employment Zone Reforms, the B5 Business Development zone would translate to E3 Productivity Support. This is discussed further in Section 4 (a) of this report.*

The planning proposal is supported by an indicative concept which indicates a development outcome where specialised retail and above ground car parking would be concentrated within podium levels, whilst commercial floor space would be provided in towers over the podium. Activation of the ground floor level would be realised through restaurants, cafes and shops.

A number of public domain spaces are proposed including plazas on the lower and upper ground levels, a through site link between Victoria Avenue and the adjoining site at 15 Carrington Road, as well as a 'Sky Terrace' intended to accommodate a communal garden and recreation facility open to workers in the precinct.

The planning proposal indicates that car parking would be provided for up to 1,450 cars, within basement, at grade and upper level parking areas at an average parking rate across the site of 1 space per 38m² of gross floor area, resulting in approximately 52,000m^2 of car parking. Vehicular access to the site is proposed via all three frontages (Victoria Avenue, Carrington Road and Salisbury Road).

The Proponent's material indicates that the development concept will provide a total gross floor area of 54,961m^2. The proposed distribution of this floor space between the proposed land uses is as follows:

- Commercial office – 27,159m^2

- Specialised retail premises – 8,500m^2
- Hotel – 10,476m^2 (approximately 200 rooms)
- Shops – 4,743m^2
- Gym, medical and child care – 2,777m^2
- Business premises – 256m^2
- Food and beverage – 562m^2

It is noted that there is a discrepancy within the Proponent's planning proposal material between the total gross floor area stated and the amount of floor area distributed between the various uses on the site. There are further discrepancies between the written material and the floor space demonstrated within the architectural plans, as they relate to the proposed hotel space. The Proponent's stated total GFA of 54,961m² has been utilised throughout this report to assess the additional floor space and jobs created by the subject proposal, given that it more accurately aligns with the FSR amendment of 2.61:1 that is sought by the planning proposal.

Images of the development concepts submitted by the Proponent in support of the proposal are provided in the figures below.

Figure 3
Elevation perspective along Victoria Avenue

Figure 4
Development concept perspective (approach from the east on Carrington Road)

Prior to lodgement of the application, Council officers met with the Proponent on 6 separate occasions between 5 July 2017 and 27 August 2020 and provided feedback on preliminary material as the Proponent preparing their planning proposal. Council officers provided information and advice regarding the role of specialised retail premises along Victoria Avenue, preliminary versions of the Architectural Vision Package and Urban Design Study, lodgement of the proposal, status of Council's strategic planning processes and revised concepts prepared by the Proponents. Council officers provided written feedback on two occasions (12 September 2019 and 23 September 2020) (copies provided as Attachments 18 and 4).

Following lodgement of the proposal in January 2021, Council Officers have met with the Proponent on a further 6 occasions (19 April 2021, 8 October 2021, 19 November 2021, 30 November 2021 16 December 2021 and 1 March 2022 - three of these meetings were to discuss the flooding and stormwater issues affecting the site only). Council officers have also issued written advice to the Proponent on 3 further occasions since lodgement (dated 1 April 2021, 15 December 2021 and 14 February 2022). Ongoing discussion was also undertaken between the parties specifically with respect to flooding and stormwater issues.

Written advice provided to the Proponent related to the need for additional information and raised concerns in relation to:

- Road widening required on the corner of Carrington Road and Victoria Avenue and the associated impacts on the development in terms of setbacks and landscaping areas;

- Stormwater and flooding issues;

- Consideration of parking demand, potentially including a reduced car parking rate;

- Better delineation of pedestrian through site links and the need to deliver a portion of the continuous pedestrian link connecting Victoria Avenue to the Metro Station, Cattai Creek and Castle Hill Showground that falls within the subject site, in accordance with the DCP.

- Issues relating to the proposed service road along the rear boundary, which will hinder the quality of the through site link as identified in the DCP. Council officers advised that the service road should be removed and alternative vehicular movement arrangements be explored within the site.

- Reconsideration of the site layout to utilise the overland flow path for a dual-purpose, as a central through site link to provide pedestrian access through the site and convey water;

- The need for finer grain street address including smaller entries, smaller tenancies and outward facing uses, particularly on the ground floor.

- Concerns about the bulk, scale and design of the concept. Council officers suggested that the floor space ratio being sought should be reduced in order to allow for improved built form outcomes and overcome some key bulk and scale issues, including:

- Excessive building length (180 metres);
- Inadequate building separation (only 6 metres over a 180 metre building length);
- Excessively large floor plates (in excess of 1,200m2 to 2,000m2);
- Inadequate setbacks;
- Inadequate deep soil provision;
- Overall bulk and scale of the proposal in its context.

While the Proponent has submitted additional information and concepts since this time, there has not been material change to the overall approach to site planning or the floor space ratio sought since lodgement of the proposal in response to the issues raised by Council officers.

3. STRATEGIC MERIT CONSIDERATIONS

a) Greater Sydney Region Plan and Central City District Plan

Objective 14 of the Greater Sydney Region Plan and Planning Priority C9 of the Central City District Plan seek to integrate land use planning with transport and infrastructure corridors to facilitate a 30-minute city where houses, jobs, goods and services are co-located and supported by public infrastructure. The planning proposal is consistent with this objective as it seeks to facilitate additional commercial and retail floor space and increased employment opportunities within the Norwest Strategic Centre. The site is approximately 750m walking distance from Showground Metro Station and is in close proximity to bus stops, supporting the realisation of a 30-minute city.

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 33,913m^2 of additional commercial and retail floor space compared to what can be delivered under the current planning controls, providing approximately 1,446 jobs (876 jobs more than what is currently permitted on the site). This would contribute towards the 49,000 total job target identified for Norwest in the District Plan by 2036. The proposal will also retain and improve access to bulky good retail services within the Norwest Service precinct and add to the delivery of commercial floor space to correspond with the local workforce.

Objective 2 of the Region Plan and Planning Priority C1 of the District Plan seek to ensure that infrastructure provision aligns with forecast growth. The planning proposal is seeking to capitalise on the government investment in the Sydney Metro Northwest. Council has adopted Contributions Plan No.19 – Showground Station Precinct (‘CP19’), which collects contributions toward the local infrastructure necessary to support growth in the Showground Station Precinct (which forms part of the Norwest Strategic Centre). Future development of the site will make appropriate contributions toward local infrastructure in accordance with this contributions plan and is within the extent of development expected to occur within this locality and catered for by the planned infrastructure identified and funded through this plan.

A portion of the southern corner and boundary of the site adjoining the intersection of Carrington Road and Victoria Avenue is zoned as SP2 Local Road Widening, for the upgrade and signalisation of this intersection. Since the land was identified for this purpose, further work has been progressed by Council with respect to the preliminary design of the intersection, including the provision of a slip lane along the southern corner of the site. This requires more land take from the subject site than is currently identified on the land zone map. The Proponent has sought to accommodate this revised boundary within their plans, though it is noted that reduced building setbacks are proposed to the revised boundary,

shown in the figure below. Should the planning proposal proceed, further negotiations with the Proponent would be required regarding the delivery of tangible public benefits in association with the uplift, such as dedication of the land required for the slip lane to Council at no cost.

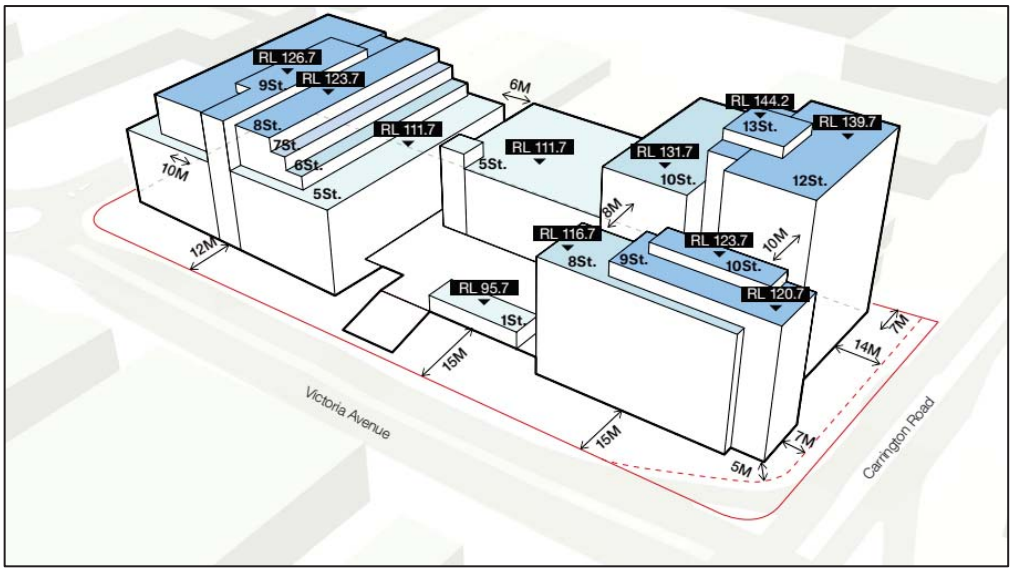

Figure 5
Revised site boundary for intersection upgrades and proposed setbacks

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 commercial development for this site, as further discussed Section 3c) of this Report. The level of uplift sought however is higher than anticipated by this strategy.

- 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 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 (refer to the figure below).

The subject site is burdened by an overland flow path as well as an easement that protects twin 1800mm diameter Council-owned stormwater pipes that traverse the centre of the site in an east to west direction. The easement secures Council's right of access to ensure that stormwater infrastructure can be adequately repaired, replaced and maintained as required. As such, Council does not allow any structure to encroach upon the pipes to ensure access is retained for this purpose.

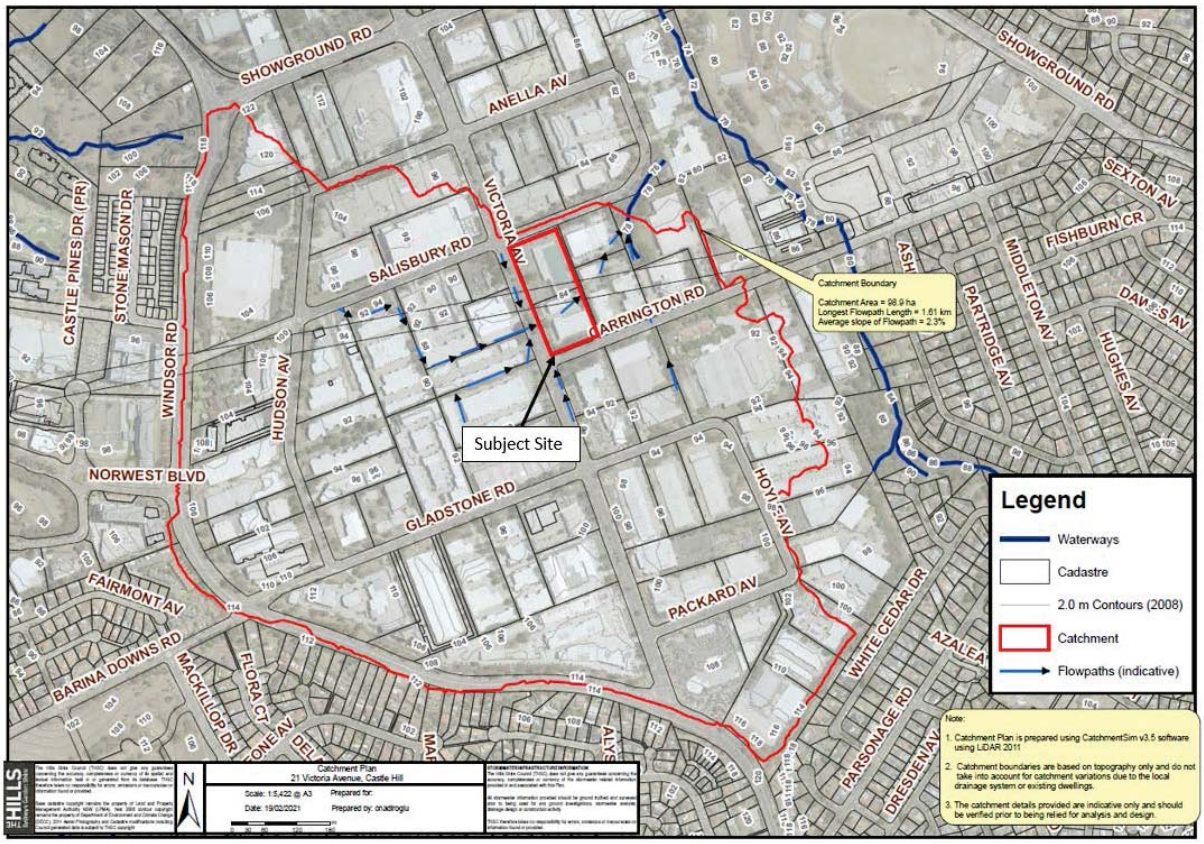

Figure 6
71 Ha impervious stormwater catchment (outlined in red)

While various figures throughout this report, including material submitted by the Proponent, seek to illustrate the overland flow path, these are for indicative purposes only. The exact extent of the overland flow path cannot be verified at this point in time in the absence of a post-development flood model, which is still required to be submitted by the Proponent. The planning proposal would permit development in the overland flow path and also the within the 1% Annual Exceedance Probability (AEP) flood affected area. The indicative extent of the flood area is depicted in the figure below.

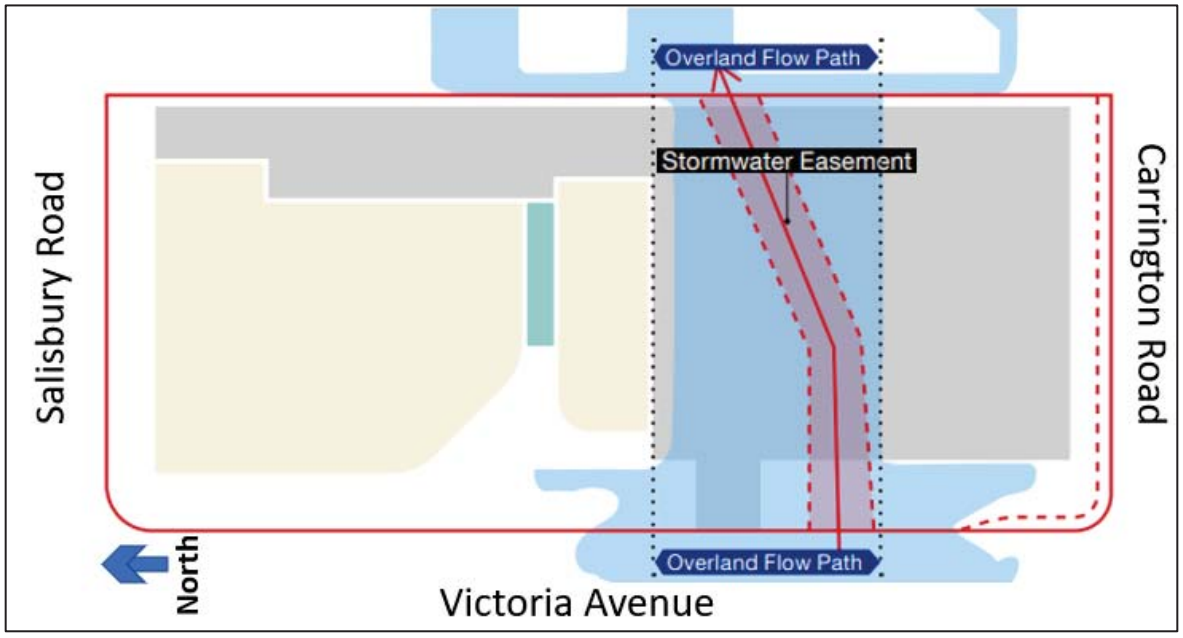

Figure 7
Stormwater easement and indicative overland flow path at 1% Annual Exceedance Probability (AEP)

Increased Density within Overland Flow Path and Stormwater Easement
Ministerial Direction 4.1 requires that planning proposals not contain provisions which permit a significant increase in development in the flood planning area, being the 1% AEP + 0.5m freeboard. The site is located in the flood planning area. The planning proposal would permit an increase in density on land identified in the flood planning area and is therefore inconsistent with this Direction.

The overland flow path which traverses the subject site is a result of its location at the base of a 71 Ha impervious stormwater catchment. Development in this location is generally prohibited due to the risk of damage to property and human life, however the planning proposal seeks to facilitate an increase in density over the overland flowpath.

Council is able to consider development in the flowpath in limited circumstances. A planning proposal would need to demonstrate that the enclosed carpark can be protected from inundation by flood waters up to 1% AEP level, and if 20 or more vehicles are at risk, protection shall be provided to 1% AEP + 0.5m freeboard level. While the Proponent has demonstrated that habitable floor levels are satisfactory, the concepts have not demonstrated that the basement carpark can be accommodated at the 1% AEP level + 0.5 metres. The basement car park is at a 1% AEP + 0.1 metre level and as such, the application material has not demonstrated that there would be no risk to life or property in the basement carpark in a flood event.

The Proponent has sought to justify the proposed development outcomes by elevating part of the building at the ground plane over the overland flow path, where water can pass through the site at a lower level. The Proponent indicates that this is an acceptable outcome as it is consistent with a previously approved Development Application (1/2014/JP) for the site (that has not been acted upon). A section of the approved DA is provided in the following figure.

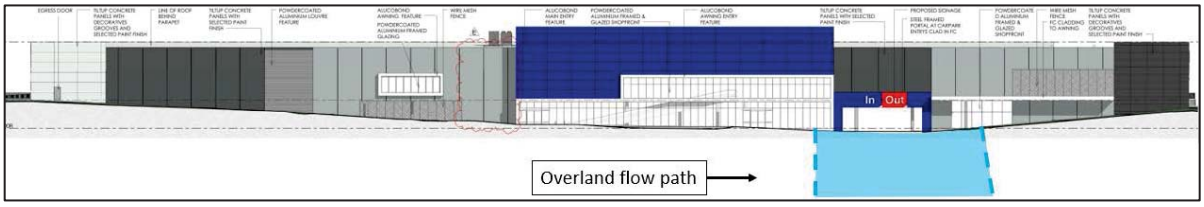

Figure 8
Location of the overland flow path within previously approved development application

Importantly however, there are a number of key differences between the previously approved development application and the current proposal in terms of management of flooding, stormwater and Council's stormwater assets. The approved Development Application comprised an undercroft, at grade car park with a large single level hardware and building supplies business above.

The Development Consent that was obtained for the site was subject to a number of conditions relating to stormwater and flooding that needed to be satisfied (in particular, Conditions 25, 28, 29, 31, 40, 70-73, 77 and 78). A copy of the consent is provided as Attachment 19 and a summary of these conditions is provided below:

- *Particular construction materials and methods below the Flood Planning Level;*

- *Provision of stormwater infrastructure access chambers (constructed as a junction pit across the twin 1800mm diameter pipes) for Council access to Council's stormwater infrastructure with vertical and horizontal clearance and no support piers or columns being located in the easement. The minimum overhead clearance of 4.3 metres must be maintained along the full length of the overland flowpath and easement for suitable maintenance access to the stormwater pipes. The effective clearance must be measured to the lowest projection from the roof, accounting for services, and must be confirmed at the detailed design stage;*

- *Future access to the Council stormwater infrastructure is to be facilitated by on-ground pavements designed and constructed with joints along the edge of the easement to drain water to allow slabs to be removed if required without interfering with the adjacent pavement;*

- *Structural elements of development below the Flood Planning Level are to be assessed and certified by a specialist structural engineer experienced in hydraulic processes;*

- *Certification from a suitably qualified structural and geotechnical engineer shall be provided confirming that the proposed development will not impart any loads greater than the pre-development loads upon the existing stormwater infrastructure or its excavation zones within the stormwater infrastructure's zone of influence;*

- *The ground conditions of the fill within the zone of influence above Council's stormwater pipe system through the proposed development is to be assessed by the Applicant for voids, subsidence and instability that may influence and limit the life of Council's stormwater asset. Detailed geotechnical investigations, consisting of but not limited to techniques such as dynamic cone penetration, hand augur boring and mechanical boring are to be carried out at frequent intervals within the surface area of the zone of influence associated with the pipe system, as well as detailed ground penetrating radar and seismic investigations;*

- *Any deformation or damage to Council's stormwater infrastructure as a result of the development is to be rectified by the developer;*

- *Preparation of a Flood Emergency Response Plan which details that all vehicles are to exit the site via Salisbury Road during a flood event, with access from Victoria Avenue and Carrington Road to be closed during a flood event, alternate flood free access to lower ground tenancies adjacent to the floodway, pedestrian access ramps to be closed during a flood event and lifts must be rendered inoperable during a flood event;*

- *Five new junction / access pits along the length of the pipeline are required, finished surface levels on the overland flowpath are to be maintained, the existing kerb inlet pipe on Victoria Avenue to be removed and replaced with a butterfly grate, finished levels adjacent to 15 Carrington Road must match existing levels;*

- *The final detailed design for a construction certificate is to be supported by appropriate detailed flood modelling that demonstrates the flood impacts are minimised and meet Council's development standards;*

- *The completion and registration of a deed of agreement acceptable to, and in favour of, Council preserving Council's right of access to pipelines and overland flow along the existing drainage easement. This deed of agreement must be registered on the title of the property via a positive covenant. Council has standard wording that is available upon request. The deed of agreement must be submitted to Council for checking along with payment of the applicable fee from Council's Schedule of Fees and Charges. As this process includes the preparation of a report and the execution of the documents by Council, sufficient time should be allowed.*

These conditions are extensive and if the consent was acted upon, would have required significant additional work to be undertaken by the Applicant to obtain a construction certificate and occupation certificate and demonstrate satisfactory outcome with respect to flooding, stormwater and the ongoing management of Councils stormwater assets.

In contrast, the planning proposal comprises a basement car park and multiple buildings on the site with a GFA of 54,961m², equating to a scale of development approximately 3.5 times more than what was approved for the Development Application and involving substantially more excavation that previously anticipated. Further, the development concept includes 1,450 additional car parking spaces within 2 basement and 4 aboveground levels within the proposed buildings, compared to 392 approved as part of the Development Application. This is equivalent to an additional 40,000m² floor space beyond the floor space allocated to the land uses. The development also has a resulting maximum building height of 55m, compared to 15.5m approved under the development application.

It is evident these two development outcomes are vastly different in scale and potential impacts on flooding, the overland flow path and Councils stormwater assets. The conditions of consent required substantial additional work following the issue of the consent to demonstrate that the structure of the pipes and their access were not compromised by the development, even for the substantially lower scale and yield anticipated at that time.

While some of these conditions can be resolved at the Development Application stage, there are a number of conditions of the consent that identify issues that need to be resolved at the planning proposal stage in order for Council to have comfort that a future Development Application could be approved. Specifically, the provision of access to manage and maintain

Councils stormwater assets, the development imparting any loads greater than the pre-development loads upon the existing stormwater infrastructure or its excavation zones and the preparation of a satisfactory Flood Emergency Response Plan.

Flood Impacts On Site and Adjoining Development

Ministerial Direction 4.1 states that a planning proposal must not contain provisions that increase flood impacts on surrounding properties. This includes whether the development will cause loss of flood storage and changes in flood levels and velocity caused by alterations to the flood conveyance. Should either of these occur, the proposal would not comply with the Ministerial Direction as it would be deemed to create unacceptable flooding outcomes.

Where loss of storage capacity occurs, neighbouring sites experience higher flood levels, and depending on the configuration of the building, flood velocities can occur at a speed higher than currently being experienced on neighbouring sites. To date, the Proponent has not demonstrated that flood storage on the site will not be significantly reduced as a result of the proposed development. The Proponent has been requested to provide this information on a number of occasions but unfortunately this information has not been forthcoming.

The planning proposal and supporting information indicate that there is the potential for flash flooding to occur during a storm event that presents a high risk of danger to pedestrians and cars in the basement parking level. The configuration of the carpark entry and landscaping would obstruct movement of flood waters from Victoria Avenue and consequently narrows the flood path, increasing flow velocities and preventing egress of vehicles. The configuration of buildings must allow passage of floodwaters downstream. The Proponent has put forward a solution of floodgates to prevent ingress of floodwaters into the lower building levels. However, floodgates are not supported as a sole solution, as they are electronically operated and could be subject to failure in the event of a power outage. Further, floodgates introduce a new barrier in the flowpath which could create additional flooding impacts on adjacent properties. The extent of flooding impacts on the site and adjoining sites has not been adequately demonstrated, given that the Proponent has not submitted a satisfactory post-development model that would demonstrate how flood impacts will change on the land and in the vicinity of the land once the proposed development is completed.

Outstanding Technical Studies and Modelling

In summary, the following supporting technical studies and modelling have not been prepared to a satisfactory standard:

- Post-Development Flood Model;
- Flood Risk and Impact Assessment; and
- Site Flood Emergency Response Plan.

Ministerial Direction 4.1 states that a planning proposal may be inconsistent with the Direction in certain circumstances. The key circumstances that the Proponent is seeking to rely on is that a '*supporting flood and risk impact assessment accepted by the relevant planning authority*' (Council). The report must be prepared in accordance with the principles of the Floodplain Development Manual 2005 and demonstrate consistency with Council's flood planning requirements. To date, a supporting flood and risk impact assessment has not been accepted by Council. Details of the current deficiencies in the information submitted to date is provided below:

- Post-Development Flood Model;

The post-development flood model has some outstanding items relating to the hydrology used and the flood storage scenarios, in particular demonstrating that the available flood storage on the site in not significantly reduced in the post development scenario. This is necessary to demonstrate that flooding within the site and adjacent upstream and downstream properties will not be worsened by the proposed development. In addition, confirmation is needed that the on-site stormwater detention (OSD) system proposed within the development will be adequate to manage the increased runoff leaving the site and not have an impact on downstream properties as a result of the proposed development.

- Flood Risk and Impact Assessment;

The preparation of a Flood Risk and Impact Assessment involves the planning and management of land subject to varying degrees of flood risk. The risk assessment must ensure development occurs in accordance with the site's flood exposure, specifically in regard to development in flood ways, evacuation and offsite flood impacts. The Proponent has not satisfactorily completed a Flood Risk and Impact Assessment at this time, given the outstanding information relating to the post development flood model and the development concept indicating that for some portions of the site, a free-board of only 0.1m can been achieved (rather than 0.5 metres required).

- Site Flood Emergency Response Plan;

A Site Flood Emergency Response Plan (SFERP) is required to be prepared when sections of the development are below the Probable Maximum Flood Level. The Site Flood Emergency Response Plan provided by the Proponent utilises flood barrier at the entrance of the lower basement car park to prevent flood water from entering the car parking during large flood events. A flood barrier is a possible solution in principle, however it should not be an alternative to complying with the minimum Flood Planning Level requirements and a backup plan must be in place in the event that the flood barrier mechanism fails (for example during a power outage). It is acknowledged however that a detailed review of the Site Flood Emergency Response Plan can be undertaken at the Development Application stage.

Council Officers within the Waterways Team have continued to liaise with the Proponent with respect to flooding and stormwater management on the site since the planning proposal was lodged in January 2021. Council Officers have provided written and verbal feedback requesting the resolution of outstanding flooding issues, however there are some matters that are not entirely resolved.

The outstanding information and issues identified above may be resolvable through a combination of the submission of the required information and subsequent amendments to the proposed development outcome and planning controls sought.

Council officers have previously suggested the following options to the Proponent with respect to managing the stormwater and flooding issues on the site:

- Decommissioning the existing stormwater pipes and realigning and replacing them with a channelised drainage system in the existing location, constructed in a manner that facilitates maintenance and repairs. For instance, these channels can be

provided with removable grated lids that will allow easy monitoring and access and at the same time permit surcharging and ingress of flows into the system; or

- Relocating or rerouting stormwater pipes around the perimeter of the site, provided the invert levels of the existing drainage system allow for this to occur. The new pipes would run south along Victoria Avenue, then eastwards along Carrington Road and then northwards along the site's eastern boundary to re-join with the original pipe alignment.

The Proponent has not taken these suggestions on board and has retained materially the same development concept and stormwater management approach for the site since lodgement of the application.

Council officers and the Proponent have liaised on this matter for a period of more than 2 years, throughout the assessment of the proposal and have not yet reached a resolved position. Noting that there may be significant changes to the proposal required to fully resolve the flooding and stormwater issues (as well as other issues raised in this Report) and given the required level of information has not yet been provided to Council officers, it is difficult to conclude that the inconsistency with the Ministerial Direction is justified.

It is important to note that there is renewed focus on flooding assessment, particularly in light of recent severe flooding events and the Minister's Flooding Inquiry and that flooding issues have been elevated in the assessment process as a major strategic merit consideration.

While it may be possible for the Proponent to overcome these issues, the scale of amendments that would potentially be required to ensure the proposal satisfactorily addresses these issues (including alterations to site planning and layout of the development concept and reductions in the amount of gross floor area (and floor space ratio)) could be substantial, such that further assessment would be required before an informed recommendation could be made with respect to whether or not the proposal should proceed to Gateway Determination.

- 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 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.

- 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 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.

c) North West Rail Link Corridor Strategy

The North West Rail Link Corridor Strategy and Showground Precinct Plan identify a bulky goods character area along Victoria Avenue. This character area is intended to provide a vital retailing and service function for a growing community, in addition to public domain that provides safe and efficient access to employment areas for pedestrians and cyclists. Under this vision, 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. The subject site is located within this character area (refer to the figure below).

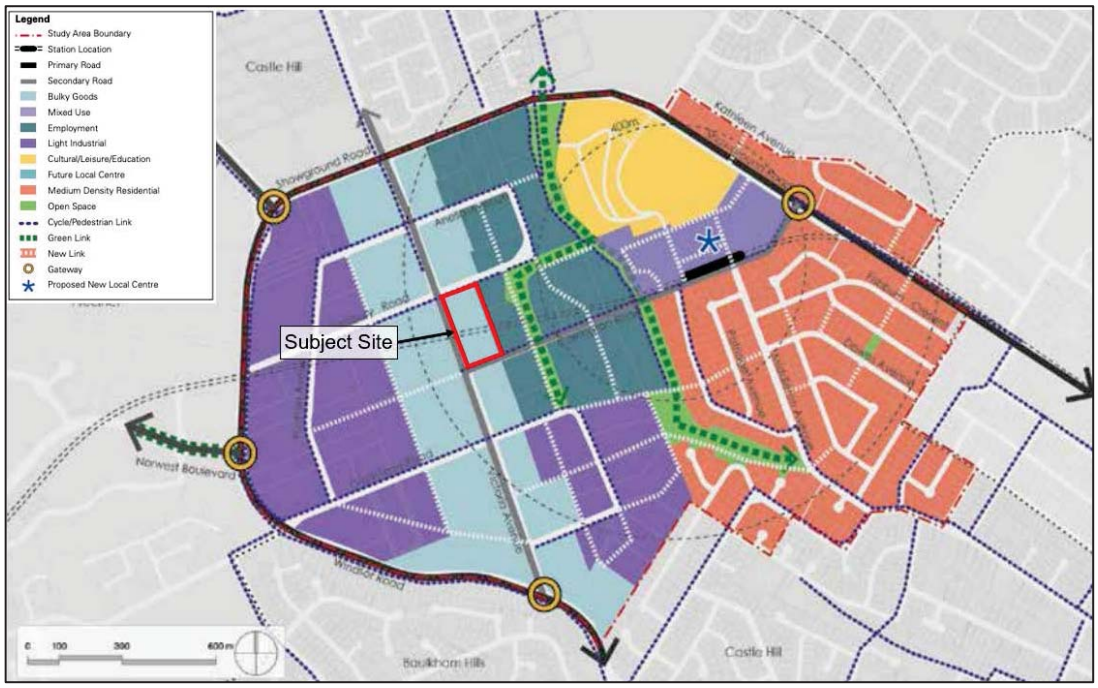

Figure 8
North West Rail Link Corridor Strategy – Showground Structure Plan

The planning proposal would facilitate increased development of bulky goods retail services, in addition to including new uses, being office premises, shops, business premises and medical centres. The development concept indicates that the future development will include 8,500m^2 of specialised retail floorspace. The planning proposal is broadly consistent with the North West Rail Link Corridor Strategy and Showground Station Precinct Plan, although the total scale and density sought is beyond that originally envisaged by this strategy.

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 articulate 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.

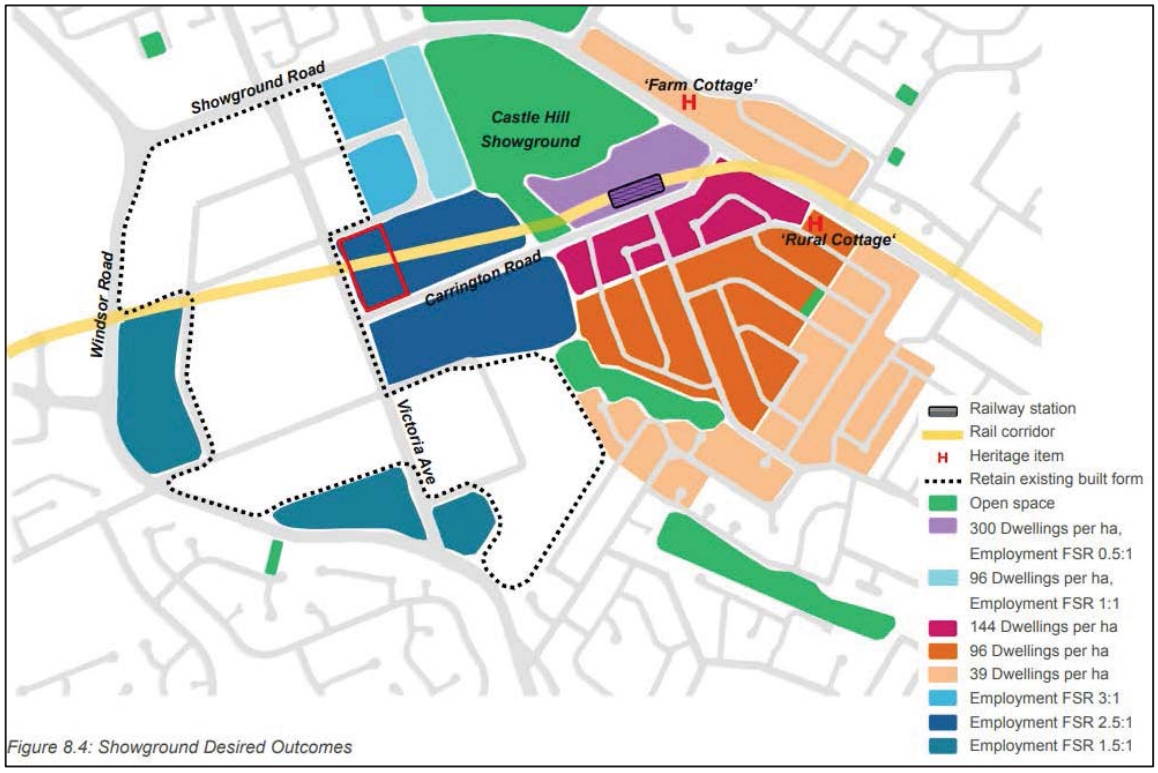

Figure 9
Extract from the Hills Corridor Strategy

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 along Carrington Road to provide additional employment opportunities. The subject site is located in this higher density commercial area and suitable to accommodate commercial development with a minimum employment floor space ratio of 2.5:1, which would contribute approximately 1,400 jobs toward the employment projection. The achievement of this density would be contingent on appropriately resolving any relevant site-specific issues and constraints.

The planning proposal does not include any residential development and is broadly consistent with the outcomes envisaged for this location in terms of the extent of commercial office development and the proposed bulky goods retail providing a transition to the existing light industrial and bulky goods uses surrounding.

e) Hills Future 2036 - Local Strategic Planning Statement

The key planning priorities within the Local Strategic Planning Statement (LSPS) that are relevant to this proposal are:

Planning Priority 1 – Plan for sufficient jobs, targeted to suit the skills of the workforce
This priority seeks to maintain an employment ratio of 0.8 jobs per resident worker as the population continues to grow. To do this, the LSPS seeks to protect existing and planned employment land and work with businesses to attract new investment. The planning proposal is consistent with this planning priority as it would increase commercial floor space and specialised retail within the Norwest Service Precinct and align the employment offering with the highly skilled professional workforce within The Hills.

Planning Priority 2 – Build strategic centres to realise their potential
This priority supports the job target set by the District Plan of an additional 16,600 to 20,600 jobs by 2036 in the Norwest Strategic Centre (including Norwest Service). To ensure this target is met, a structure plan (see figure below) and phasing strategy outlines how the Strategic Centre is expected to grow and evolve. The subject site is identified for urban services and is anticipated to provide new commercial development to contribute to this job target. The planning proposal is consistent with this planning priority as it seeks to facilitate a commercial and specialised retail development outcome that would provide 1,446 jobs (876 more jobs than what could be achieved under the current controls).

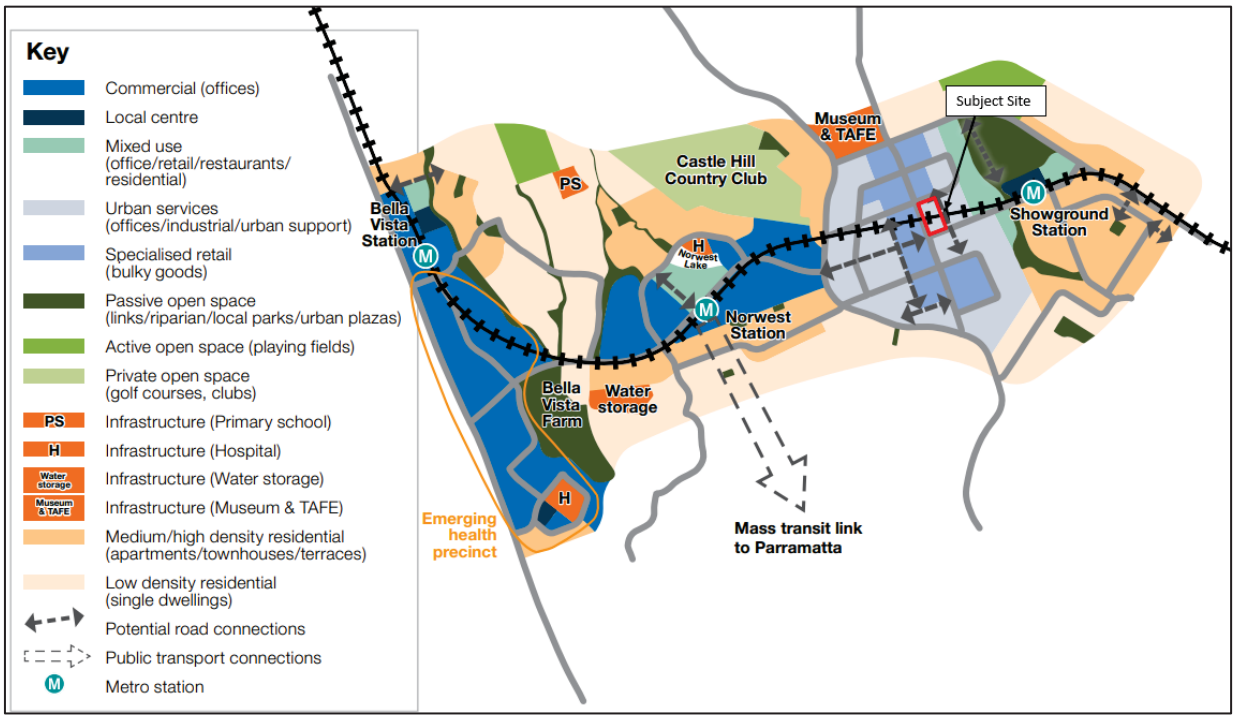

Figure 10
Norwest Structure Plan (Hills Future LSPS)

Planning Priority 10 – Provide social infrastructure and retail services to meet residents needs
This priority seeks to ensure that the provision of social infrastructure and retail services keeps pace with population growth and meets the needs of existing and future residents. With respect to specialised retail (bulky goods) the LSPS identifies the Norwest Service precinct as a key contributor to providing these retail services to the Shire. The LSPS also flags a potential shortfall in specialised retail floor space by 2036. The increase in floor space for specialised retail in this location will reduce this shortfall in the short to medium term.

Planning Priority 12 – Influence travel behaviour to promote sustainable choices
This priority seeks to influence travel behaviour through careful management of parking demand in the context of higher car ownership demographic in The Hills. Giving effect to this priority, Council's car parking rates for all employment centres are under review. Finalisation of this review is imminent and it is anticipated that the car parking rate in the Shire's strategic centres will need to be reduced in light of the recent opening of Sydney Metro Northwest.

The proposal is inconsistent with this priority, as it refers to providing car parking at the rates currently required by the Hills DCP 2012, which does not take the opening of the Sydney

Metro Northwest into account, or the parking required by the TFNSW publication 'Guide to Traffic Generating Developments'. The proposal would result in a range of potential car parking spaces from 1,141 to 1,436. The provision of such a substantial amount of car parking spaces is unlikely to be sustainable from a traffic perspective or encourage workers and visitors to utilise more sustainable and active transport options to access the site. Traffic and parking impacts are discussed in further detail in Section 4 d) of this Report.

4. SITE SPECIFIC MERIT CONSIDERATIONS

The following matters require further consideration as part of the site-specific merit assessment of the proposed development:

a) Proposed Land Use and Floor Space;
b) Bulk and Scale;
c) Flooding and Stormwater Management;
d) Traffic, Access and Parking; and
e) DCP Controls.
f) Infrastructure

a) Proposed Land Use and Floor Space

The planning proposal includes the introduction of four additional land uses, being office premises, shops, business premises and medical centres. The site is currently zoned B5 – Business Development and includes a wide range of uses, including light industry, specialised retail premises and food and drink premises. Under the Employment Zones Reform, being led by the Department of Planning and Environment, the subject site is proposed to be rezoned to E3 Productivity Support.

Of the four additional land uses indicated by the Proponent above, the material exhibited by the State Government in mid-2022 indicated that office premises, business premises and medical centres will become permitted in the E3 Productivity Support zone when it is implemented. However, it is noted that an alternative approval pathway is already available under the State Environmental Planning Policy (Transport and Infrastructure) 2021 for 'medical centres' in the B5 zone, irrespective of the permissibility in Council's LEP. It should also be noted that DPE's Employment Zones Reform has not yet been finalised and could be subject to further amendments by the State Government prior to its implementation.

The inclusion of shops as an additional permitted use requires careful consideration, as this use is a broad term that would enable a wide range of retailing to occur on the site. The supporting information provided with the planning proposal indicates that approximately 4,700m^2 of floor space would be shops (in addition to the food and drink premises, specialised retail premises, business premises and medical suites). As a comparison, the new local centre at the Hills Showground Station (approved as a State Significant Development Application) proposes approximately 10,000m^2 of retail floor space, including a full line supermarket.

The Economic Impact Assessment provided with the planning proposal indicates that the floor space to be occupied by shops on the subject site would comprise a mid-sized supermarket and supporting retail specialties. This amount of traditional retailing on the site could potentially challenge the established and emerging retail hierarchy and have a particular impact on the establishment of new retail services at Hills Showground Station.
The Economic Impact Assessment states that '*the future Showgrounds centre, which is proposed to include a full-line supermarket, will become the main focus for the surrounding*

residential catchment, …. The shop uses at Carrington Square will occupy a lower-order role given its location within a largely commercial precinct... The contribution from catchment residents to support the convenience retail elements is relatively minor in the context of total catchment spending, representing a market share of around 5.0%. All other things being equal, this represents the average impact across all affected centres, although higher impacts of up to around 8-10% may be experienced at individual centres, including for example the proposed centre at Showgrounds station. Nevertheless, the trading effects at the local level are not significant in an area where substantial population growth is expected to occur.'

It is noted that food and drink premises (including restaurants, cafés, take-away food and drink premises, pubs and small bars) as well as 'neighbourhood shops' are currently permitted in the B5 Business Development zone that applies to the site. These uses will continue to remain permitted with consent in the E3 Productivity Support zone under the Government's Employment Zones Reforms. It is considered that these uses enable a sufficient level of retailing to occur on site (in addition to the food and drink premises) as a convenience service for workers on the site (and visitors to the site) without challenging the established and emerging retail hierarchy.

Should the planning proposal progress to Gateway Determination, the proposed amendments to the Additional Permitted Uses Schedule should include office premises and business premises only. Shops are not appropriate to be permitted in this location as identified above, and the inclusion of medical centres is not required given the existing planning approval pathway under the Infrastructure and Transport SEPP. The need for these amendments should also be monitored in accordance with the progress of the State Government's Employment Zone Reforms, as they would be unlikely to be required if the E3 Productivity Support zone is applied to the land in the same form as exhibited by Government.

b) Bulk and Scale

The LEP regulates bulk and scale of development through applying floor space ratio and maximum building height controls. The objective of the floor space ratio development standard is to ensure development is compatible with the bulk, scale and character of existing and future surrounding development.

The planning proposal seeks a floor space ratio control of 2.61:1 across the entire site and a maximum building height of up to 13 storeys. At a *strategic* level, these floor space ratio and building height parameters are broadly consistent with the strategic framework and considered to be reasonable, in terms of the density of development and the transit-oriented development principles that guide development around the Sydney Metro Northwest stations.

However, when assessing a planning proposal and amending the planning controls that apply to an individual site, the next layer of finer grain consideration is required in the context of this specific site. In this instance, it is evident that the suite of planning controls sought through this application will not necessarily result in an appropriate site-specific development outcome.

This site is impacted by a number of relatively unique constraints, being:

- The Sydney Metro Northwest tunnel underneath the site;
- The stormwater infrastructure (pipes) underneath the site;
- The location of the site within the flood planning area; and
- The overland flow path running through the middle of the site.

One of the most material implications of these site constraints is the limited ability for future development on the site to accommodate parking space within basement levels. This has resulted in the proposal identifying the need to accommodate a significant number of parking spaces above ground, within the building envelope. While these above ground parking areas within the envelope do not contribute to the calculation of gross floor area or floor space ratio, they do nonetheless contribute substantially to the bulk and scale of the development.

Specifically, the planning proposal seeks to facilitate approximately 54,961m^2 of gross floor area on the subject site, which equates to a floor space ratio of around 2.61:1. However, the development concept identifies the requirement for a further 40,000m^2 of 'floor space' within the building envelope, for the dedicated purpose of car parking (in addition to the gross floor area). As a result, the supporting development concept demonstrates a built form outcome that is far more substantial in terms of bulk and scale than would be expected for a development at 2.61:1, being more equivalent to a floor space ratio of 4:1.

To illustrate this, Figure 11 below shows a section plan of the development, identifying the extent of parking areas proposed to be located within the building envelope.

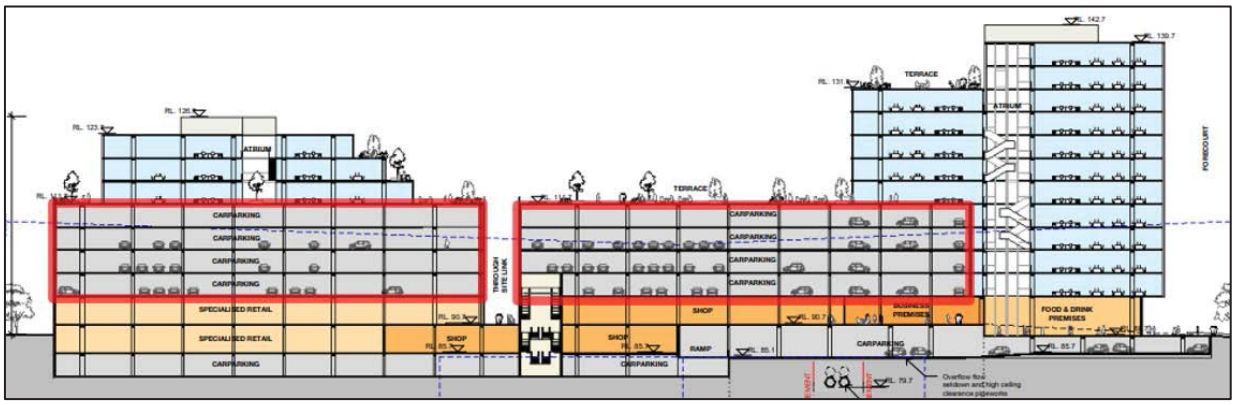

Figure 11
Section of development concept marking up the above ground car parking outlined in red

Typically, other bulky goods developments in this locality are limited in scale (1-3 storeys) and provide car parking in either basement levels or at grade with landscaping. This means that the parking provided does not contribute to the bulk and scale of the development. Similarly, future high density commercial development (especially those in the realm of 2:1 and above) are generally expected to provide car parking in basement levels, not as part of the above ground building envelope, to minimise the bulk and scale of these developments.

While it is acknowledged that the proposed approach to the provision of car parking on this site has been driven by the site constraints, it nonetheless results in a bulky development that is visually imposing, out of character with the current and future character of the area and fails to create a positive streetscape with impacts affecting the quality of architectural design. The site constraints are a well-known factor which impact the site and must therefore be paramount in the planning and consideration of appropriate outcomes. In our view, the

existence of these constraints does not justify the progression of an inferior planning and urban design outcome.

The following figures provide a level by level representation of the intended uses, which depicts the extent of building envelope that would need to be occupied by car parking if the proposed changes to the planning controls, as submitted by the Proponent, were to progress. As can be observed, this includes 4 storeys of large floorplates between the 3rd and 6th storey.

Figure 12
Floor Plans of Development Concept (Basement to Upper Ground)

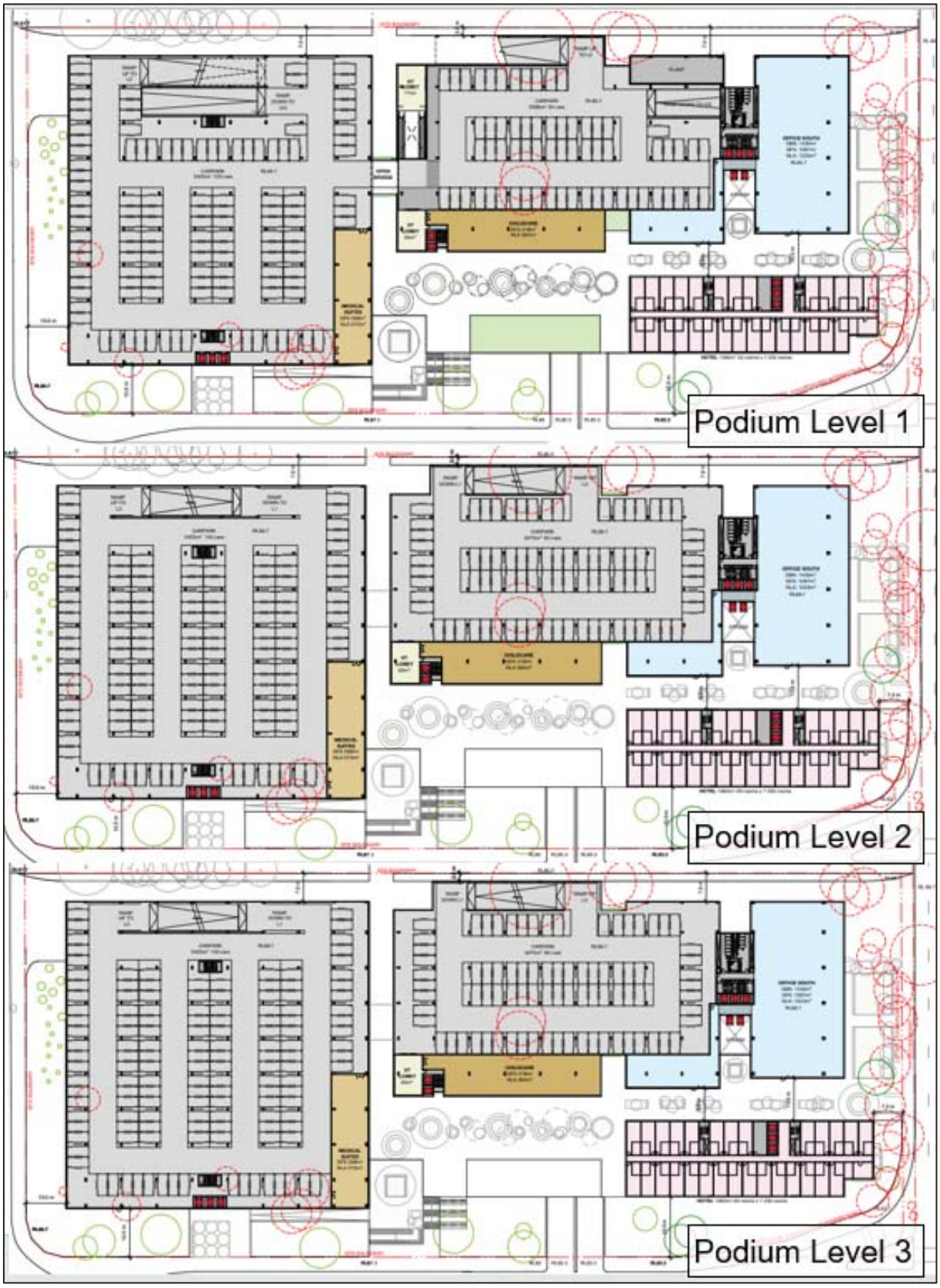

Figure 13
Floor Plans of Development Concept (Podium Levels 1-3)

Figure 14
Floor Plans of Development Concept (Podium Level 4 to Level 6)

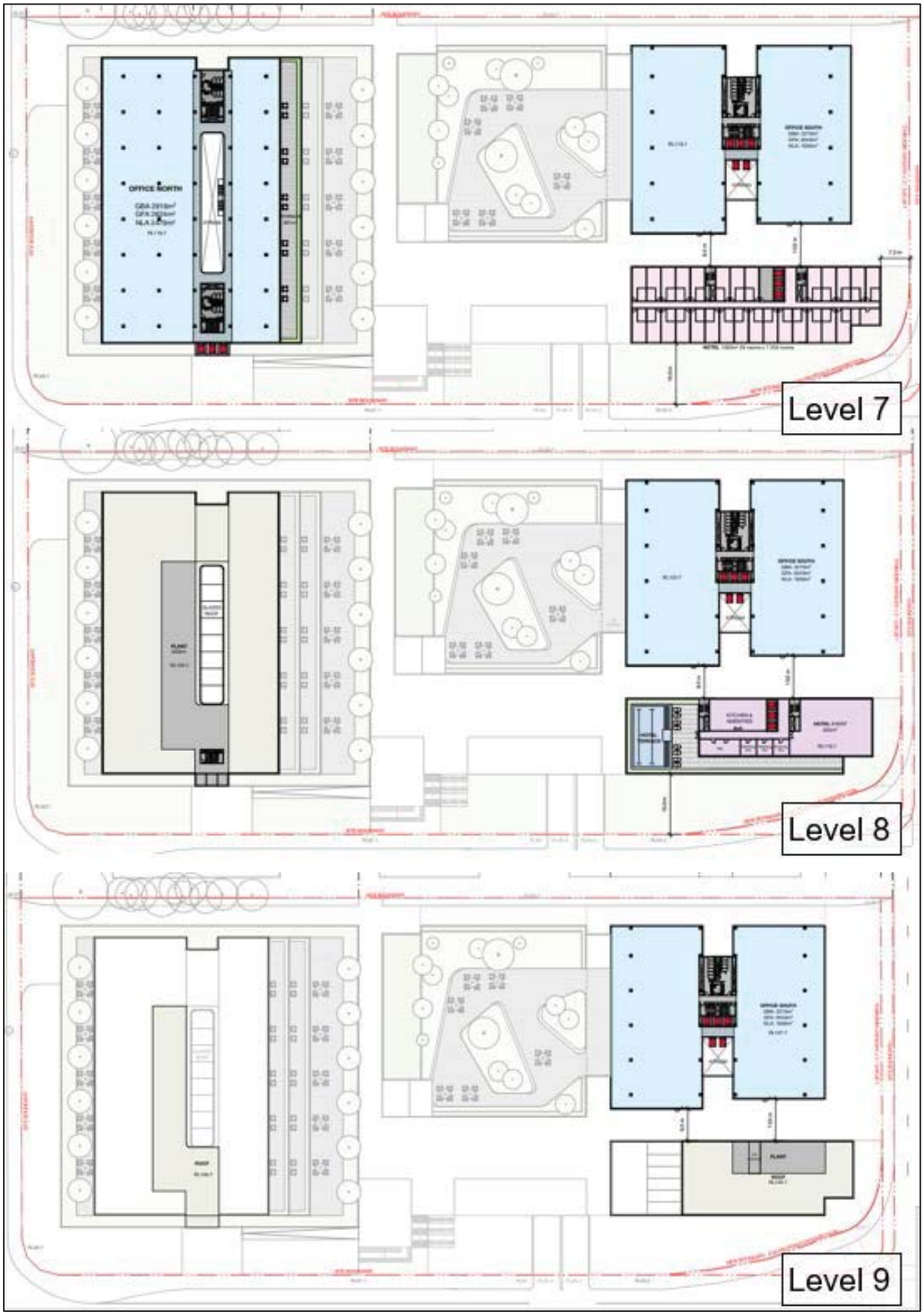

Figure 15
Floor Plans of Development Concept (Level 7 -9)

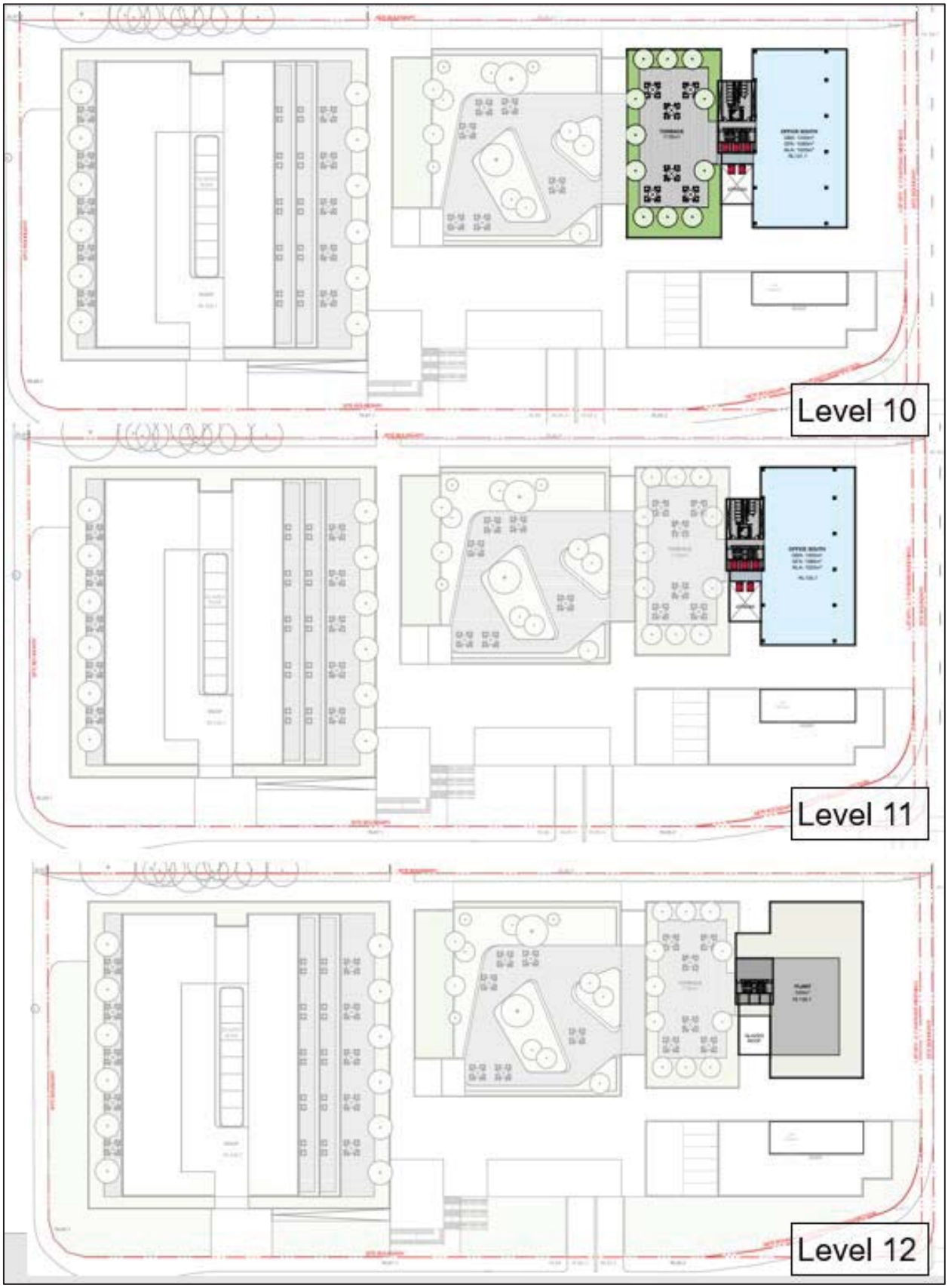

Figure 16
Floor Plans of Development Concept (Level 10 -12)

The floor plates associated with the proposed bulky goods retail uses (lower ground and upper ground) are very large, in the order of up to 5,000m^2, which is typical for bulky goods retail. The provision of these floor plate sizes to accommodate the continuation of retail outcomes on the site is supported. However, the extrusion of these floor plates for an additional 4-5 storeys, to accommodate car parking within the building envelope is problematic from a bulk and scale perspective.

In addition to this, the proposed tower floor plates that are intended to accommodate commercial uses (above the car parking levels) also appear to be quite large, contributing to the bulk and scale of the development. For reference, in comparison to other commercial developments in the Norwest Strategic Centre, which have floorplates of approximately 1,200m^2 in order to achieve more slender built form, the commercial floor plates proposed in the subject development concept are between 2,000m^2 to 3,000m^2.

As identified earlier in this report, shops are not considered to be an appropriate additional use to be permitted on the site. The removal of the shops component would result in a reduction of approximately 4,743m² of gross floor area on the site, or the equivalent of approximately 0.23:1 FSR. This would assist in partially addressing some of the built form issues described above.

It is noted that there are some portions of the development concept that present well. In particular, the Carrington Road presentation shows two buildings with widths of 19 metres and 44 metres, separated by 10.5 metres, as shown below.

Figure 17
Carrington Road view photomontage

However, in comparison, the east elevation montage below demonstrates the very long building lengths and minimal building separation which results from the above ground

parking and proposed floor plates detailed above. The east elevation at the ground plane demonstrates a total building length of approximately 190 metres, with only 6 metres of separation between the two buildings at the location of the through site link.

Figure 18
East elevation view photomontage

Council officers have marked up a diagram below to indicate potentially appropriate tower building envelopes that could result in a more acceptable built form outcome in this context of this site and the current and future character of the locality. It is noted however that this outcome would accommodate substantially less gross floor area (and associated parking areas) within the building envelopes in comparison to that being sought by the Proponent. The Proponent has previously been advised that consideration should be given to reducing the extent of FSR sought in order to relieve these built form issues.

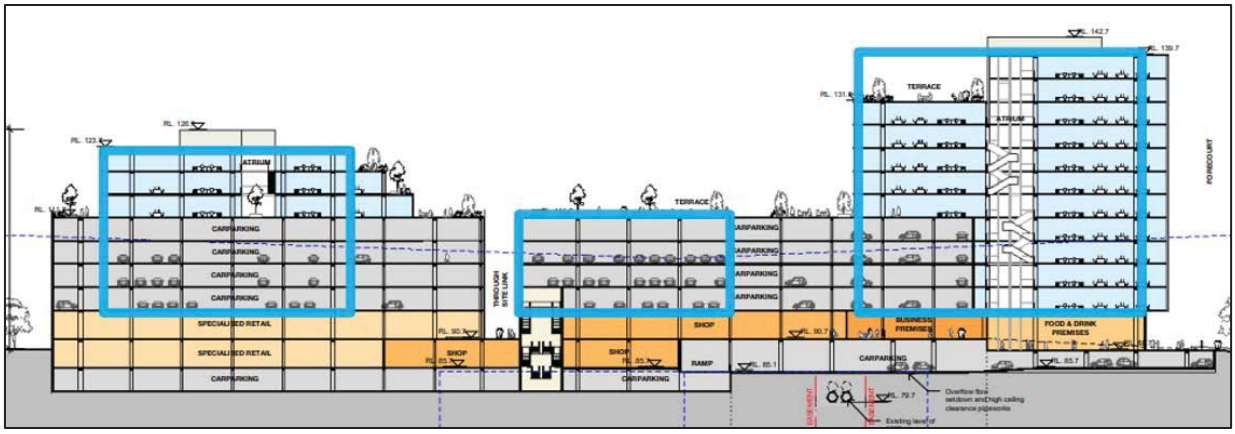

Figure 19
Section of development concept with potentially appropriate building forms outlined in blue

It is acknowledged that the planning proposal application does not seek approval for a specific development outcome. However, development concepts are required to be submitted as a 'proof of concept', to demonstrate that the planning control amendments being sought are likely to result in an acceptable development scheme and outcome at the development assessment stage. Based on the indicative concepts submitted by the Proponent to date, it is the view of Council officers that the suite of planning control amendments sought, combined with the unique constraints affecting the site, would likely lead to an excessive built form outcome in the context of this site.

c) Flooding and Stormwater Management

Discussion of flooding and stormwater management is contained within Section 3b) of this report, under "Direction 4.1 Flooding". All of the issues identified within this section *may* be resolvable through a combination of the submission of the required information and subsequent amendments to the proposed development outcome and planning controls sought as discussed elsewhere in this report.

d) Traffic, Access and Parking

Access Arrangements

Vehicular access to the site is proposed to be provided from Victoria Avenue, Carrington Road and Salisbury Road. The primary vehicular entry point is proposed to be from Victoria Avenue, with 2 entry and 2 exit lanes providing access to the basement parking area and the hotel. Vehicular access to and from the above-ground parking levels is proposed via ramps from Carrington Road.

As detailed earlier in this report, additional land take is required from the southern boundary of the site as part of the signalised upgrade of Carrington Road and Victoria Avenue. While the final amount of land required for the provision of a slip lane will be determined at a later stage and as part of a separate design process for the intersection, the planning proposal concept seeks to account for the revised site boundary in this respect. It is recommended that if the planning proposal was to proceed, further negotiations with the Proponent should be undertaken regarding a mechanism for the transfer of the land required for the intersection (in addition to that identified as SP2 Local Infrastructure zone), at no cost to Council.

Parking

The material provided by the Proponent indicates a range of different parking rates, based on both Councils DCP parking rates and the TfNSW 'Guide to Traffic Generating Developments'. Council officers have calculated the car parking rates in the table below:

Land Use	The Hills DCP 2012 – Part C Section 1 Parking		TfNSW 'Guide to Traffic Generating Developments'	
Office and Business (General (Non-centre) Parking Rate	1 space per 25m^2 GFA	1086	1 space per 40m^2 GFA	679
Bulky Goods (Specialised Retail Premises)	1 space per 40m^2 GFA	213	3.9 space per 67m^2 GFA	495
Shops	1 space per 18.5m^2 GFA	256	4.5/100sqm	213
Food and Beverage	1 space per 18.5m^2 GFA	30	1 space per 22.2m^2 GLFA	25
Child Care	1 space per 6 children	17	1 space per 4 children	25
	1 space per employee	16		
Medical Centre	3 spaces per consulting room	48	4 spaces per 100m^2 GFA	1
	1 space per employee	16		
Business Premises	1 space per 25m^2 GFA	10	1 space per 40m^2 GFA	6
Gym	1 space per 25m^2 GFA	33.4	1 space per 33.3m^2 GFA	25
Hotel	1 space per 2 employees	10	1 space per 4 guest rooms	51
	1 space per guest room	203		
Total Spaces	**1,939**		**1,520**	

Table 2
Comparison of Council DCP and TfNSW car parking rates

The Proponents material refers to the provision of 1,200-1,300 car parking spaces. The development concept plans include the provision of 1,255 car parking spaces in the basement and above ground levels.

The planning proposal is not accompanied by a proposed reduction in the car parking rates via an amendment to the Hills DCP 2012. The draft DCP provided with the planning proposal indicates that car parking is intended to be provided consistent with Part C Section 1 Parking of the Hills DCP 2012 and could potentially utilise Clause 2.1.3 Dual Use Parking, which enables uses that do not operate concurrently to share car parking spaces and reduce the total car parking spaces on site. Without utilising this clause, the proposed development would generate the demand for 1,939 car parking spaces, despite this not being shown within the Proponents concepts. It is noted that the bulk and scale issues raised in Section 4 b) above have been identified in the context of nearly 700 spaces less than required under the current controls being shown in the concept.

It would be reasonable for a planning proposal on this site to seek a reduction in the car parking rates via an associated amendment to the Hills DCP 2012 in response to the proximity to the Hills Showground Metro Station. While it is acknowledged that some land uses within the development (such as specialised retail premises) will continue to be car dependent uses, it would be appropriate to consider a reduction in the car parking proposed for other uses, such as office premises and business premises.

As part of Council's precinct planning for the Norwest Strategic Centre, the draft Precinct Plan envisages a reduced car parking rate for the subject site. The site falls within the Outer

Walkable Catchment of the Showground Metro Station where parking rates are recommended of 1 space per 75m^2 minimum and 1 per 60m^2 maximum for the commercial and 1 space per 50m^2 minimum and 1 space per 25m^2 maximum for retail uses. Given the mix of uses proposed and varying level of activity throughout different times of the day and night, there may be a case for careful consideration of dual use parking on the site to further reduce the amount of parking provision. A reduction in the proposed car parking provision would not only reduce the number of vehicular trips and associated traffic impacts resulting from the development but would also relieve some pressure from the building envelope, as detailed earlier in this report.

Council has considered a number of other planning proposals for commercial development in proximity to rail stations and adopted reduced car parking rates in acknowledgement of the Sydney Metro Northwest. Sites within the 800m walking distance to the Sydney Metro Stations, similar to this site, have adopted car parking rates of approximately 1 space per 70m^2 of commercial floor space.

Applying a rate of 1 space per 70m^2 for commercial offices and some associated uses would have a positive impact on the planning proposal. It would reduce the potential traffic generation and the building bulk associated with above ground car parking. The commercial office and business premises uses in the planning proposal generate the need for 1,417 car parking spaces under the current DCP car parking rates (approximately 1 space per 25m^2 of gross floor area). This would be reduced to 479 spaces if a rate of 1 space per 70m^2 were applied. This would result in an overall reduction in car parking from 1,939 to 1,002 car parking spaces (however it is noted that this is only a 200-300 space reduction in comparison to the outcome depicted in the Proponent's concepts).

Traffic Generation
The traffic report submitted in support of the planning proposal identifies that the site would generate in the order of 850 vehicular trips during weekday peak periods and 800 vehicular trips on weekends.

Regional traffic modelling is currently underway for the Castle Hill, Hills Showground, Norwest and Bella Vista Station Precincts. This modelling will consider the impacts of strategically identified uplift and upgrades required to support this growth to 2036. Initial results from the regional traffic modelling are expected to be available by late-2022, at which point the traffic impacts of the proposal within the context of development across the broader Showground Precinct could be considered in more detail.

The impact to the local road network from some increased traffic from this site has been accounted for under Contribution Plan 19 – Showground Precinct (CP19) and is planned for in the infrastructure scheduled under this plan. Appropriate regional traffic upgrades will need to be identified by TfNSW as a result of the planning proposal should it progress.

If the planning proposal was to progress to Gateway Determination, further consultation could occur with TfNSW and it is anticipated that any decision post-exhibition would be informed by the outcomes of the Regional Traffic Modelling currently underway.

e) DCP Controls

The Proponent has provided a site specific DCP for consideration alongside the planning proposal. The draft DCP contains controls relating to building height distribution on the site, building setbacks, building design, active frontages, public domain, landscaping and deep soil, parking, loading and access and stormwater management. Overall, the controls reflect

the development concept provided in support of the planning proposal. Should the planning proposal proceed the draft DCP will need to be refined. However, there are some key matters that should be considered in the assessment of the planning proposal, as discussed below:

- *Setbacks and Boundary Interface Conditions*

The Hills Development Control Plan 2012 Part D Section 19 – Showground Station Precinct requires 15m setbacks to the street (where a site is affected by road widening the setback is measured from the new alignment of the road).

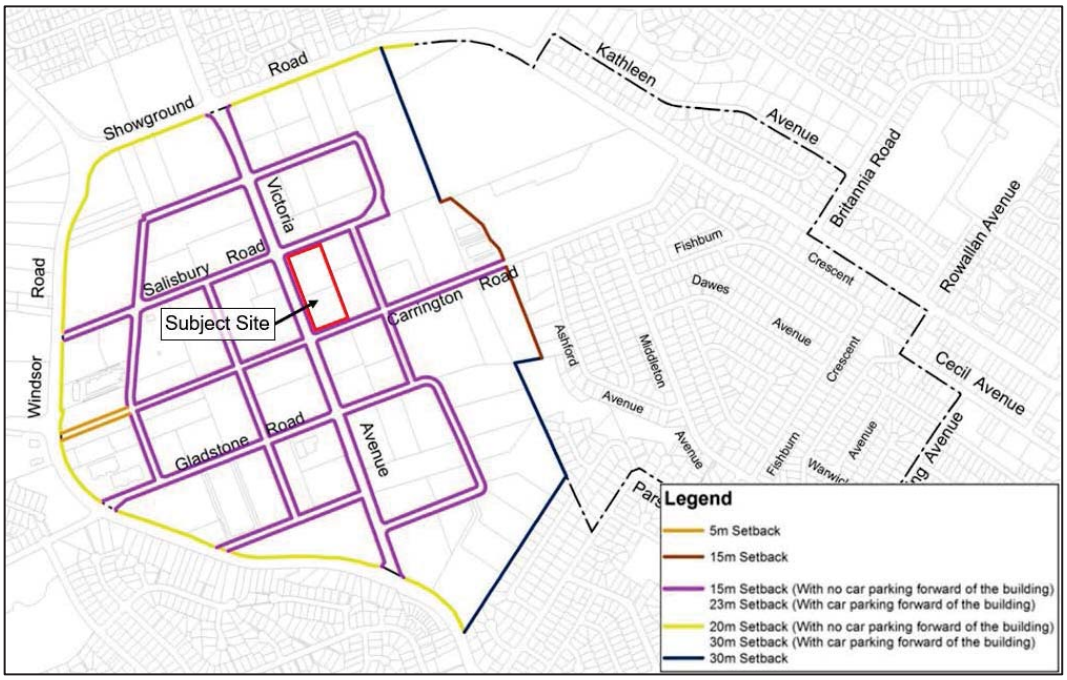

Figure 20
Existing setback controls within The Hills Showground Station Precinct DCP

The development concept indicates setbacks of 10m-15m to the street, as shown below. Consistent setbacks have been applied throughout the locality to deliver a consistent streetscape with substantial landscaping and an attractive public domain. The proposed DCP controls would result in a development that is inconsistent with the controls that neighbouring development would be required to comply with. However, as the planning proposal will result in change of character across the site from industrial/specialised retail premises to high density commercial, it is considered potentially appropriate that the front and side setback outcomes are reduced marginally, because of the role they play transitioning uses along Victoria Road.

The proposal also seeks to provide a 7m setback to the rear boundary with 2m for projections (when the Industrial DCP would requires 5 metres). The rear setback is considered to be sufficient for creating building separation to the neighbouring development at the lower levels, however when considering the rear interface in its entirety, it is overcome by the impacts of excessive height, length and building bulk, as detailed previously in the report.

The planning proposal would be improved by DCP controls requiring greater building separation, more detailed articulation zones, visual analysis to illustrate perceived bulk from

the pedestrian level and an extension of the active street frontages (including uses such as neighbourhood shops, food and drink premises and lobby entries for the buildings above which are all permitted on the land) along the pedestrian link.

Visual interest along the lower ground level would improve the pedestrian experience by enhancing the relationship between the development and public realm. As the rear interface will be accessed via the future pedestrian link, lower ground levels require detailed facades combined with frequent vertical articulation to create a pleasant environment. Sleeving the rear boundary with smaller outward facing tenancies and detailed architectural treatment to activate the edges and setting back the upper levels would be controls that could reduce the impact of the development on the ground floor and demonstrate a fine grain appearance and an improvement to the development outcomes on the site.

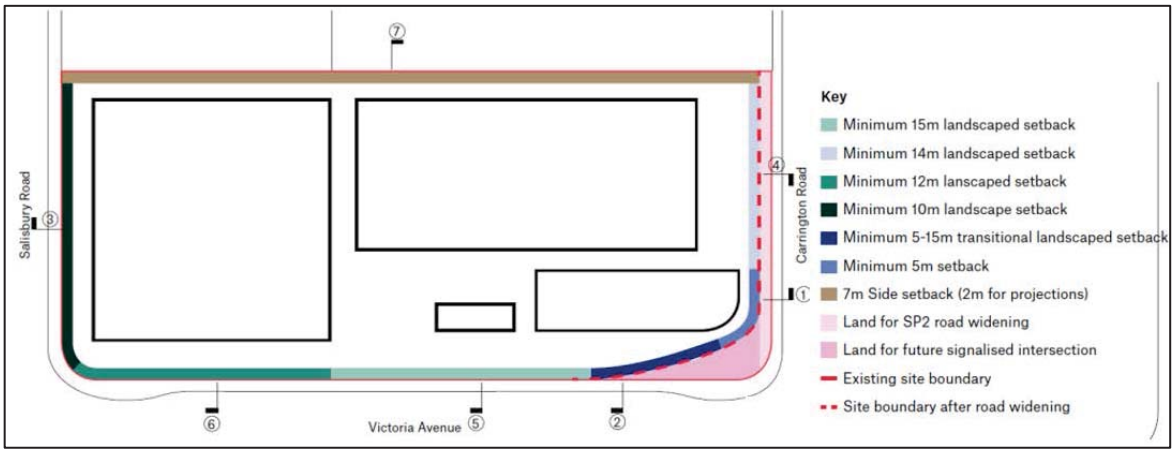

Figure 21
Proposed setback controls within Proponent's draft site specific DCP

- *Pedestrian Links*

The Hills Development Control Plan 2012 Part D Section 19 – Showground Station Precinct identifies a through site link across the subject site which connects Victoria Avenue to the eastern side of the subject site. This forms part of a broader link planned for this locality to provide pedestrian accessibility between Victoria Avenue to the Hills Showground Metro Station. The inclusion of this in the Development Control Plan seeks to ensure that orderly development can occur, with individual sites able to coordinate the location of the link as they redevelop. The purpose of the link is to encourage walking and cycling to the station, recreation areas and shops.

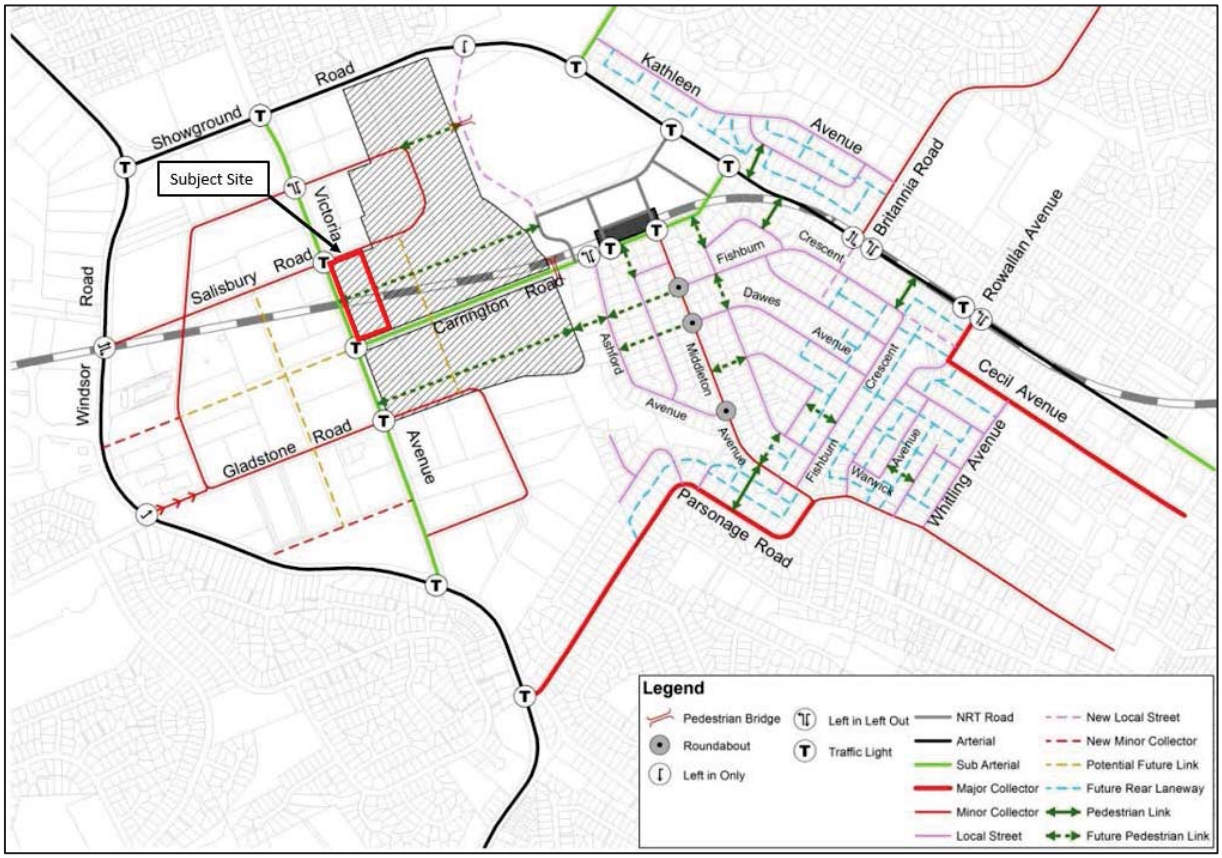

Figure 22
Showground Precinct DCP Indicative Street Layout
(future pedestrian link indicated in green dash through subject site (outlined in red))

The DCP requires that the through site links:

a. *be publicly accessible;*
b. *have a width of 4-5 metres;*
c. *include a minimum of 500mm of landscaping (maximum height of 800mm) along each side of the pedestrian link is desirable;*
d. *be clearly identifiable as a publicly accessible pedestrian link;*
e. *encourage pedestrians to move along the link and not linger;*
f. *maintain the privacy of ground floor apartments which adjoin the link;*
g. *ensure adequate passive surveillance is provided;*
h. *have adequate lighting to improve safety; and*
i. *building setbacks to the pedestrian links are to be assessed on their merits*

Council officers have raised concerns with the through site link as proposed in the material provided by the Proponent. The issues relate to:

- The level of the through site link. The development concept indicates a through site link on the Upper Ground level. The Upper Ground level is shown at RL 90.7, however the adjacent site to the north has a ground level of RL 85.0 (5.7 metres below). The level difference of over 5 metres will be difficult for the adjacent developer to reconcile with their development and will result in the through site link being elevated above ground, rather than at grade.

- The proposed through site link is inconsistent with the design criteria in the Showground Station Precinct DCP controls, including being clearly identifiable as a publicly accessible pedestrian link, encouraging pedestrians to move along the link and not linger; ensuring adequate passive surveillance is provided, having adequate lighting to improve safety and appropriate building setbacks.

- The through site link is intersected by a service/emergency access road along the rear boundary of the site, which will inhibit pedestrian movements and potentially be dangerous as pedestrians will interact with delivery, service or emergency vehicles.

The Proponent has provided some examples of the way that through site links and service roads could interact. Kimber Lane in Haymarket is provided to demonstrate how the subject site could deliver a service road and through site link. However, Kimber Lane is narrow and lacks adequate lighting or passive surveillance. It does not appear to encourage pedestrians to use the link as it contains rubbish bins, service entries and various discarded items. This is not the outcome envisaged in the Showground DCP for providing direct pedestrian prioritised connections to the Metro Station from Victoria Avenue.

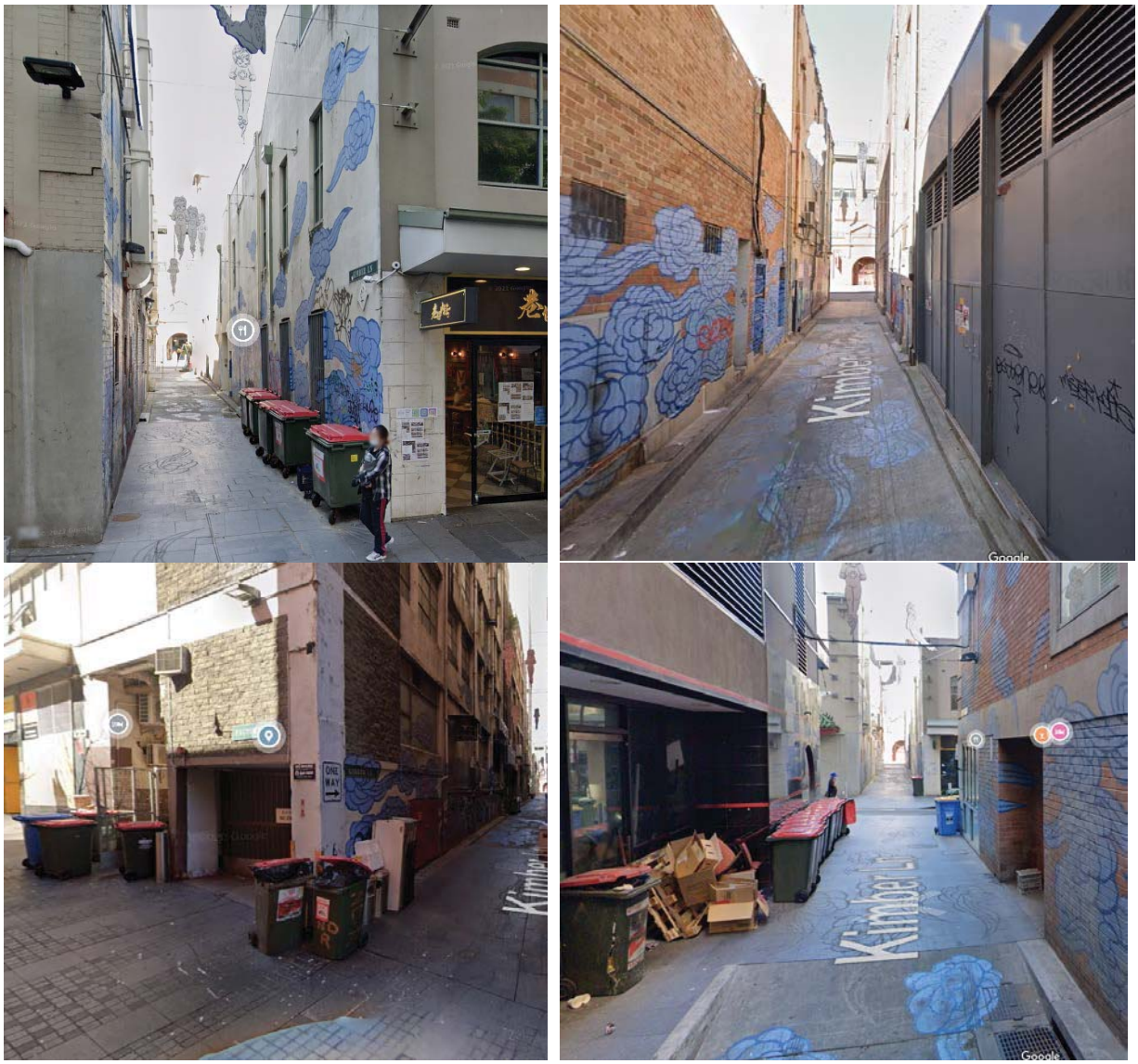

Figure 23
Images of Kimber Lane pedestrian through site link

Any revised proposal should provide a through site link that demonstrates consistency with the Showground DCP, is at grade, does not intersect with a service road, be accessible for people with a disability or in wheelchairs and be easily identifiable, welcoming and encourage pedestrian use. Further consideration and prioritisation of the through site link in the design of the development is needed to positively contribute to the pedestrian infrastructure and permeability. The management of the service land and its relationship with the through site link could potentially be addressed through measures such as timed service vehicle access or boom gates, however this would be a last resort to rectifying the site planning issues identified within this report as part of the planning proposal application. Furthermore, the viability of this type of arrangement would likely depend on the final make-up of uses within a future Development Application.

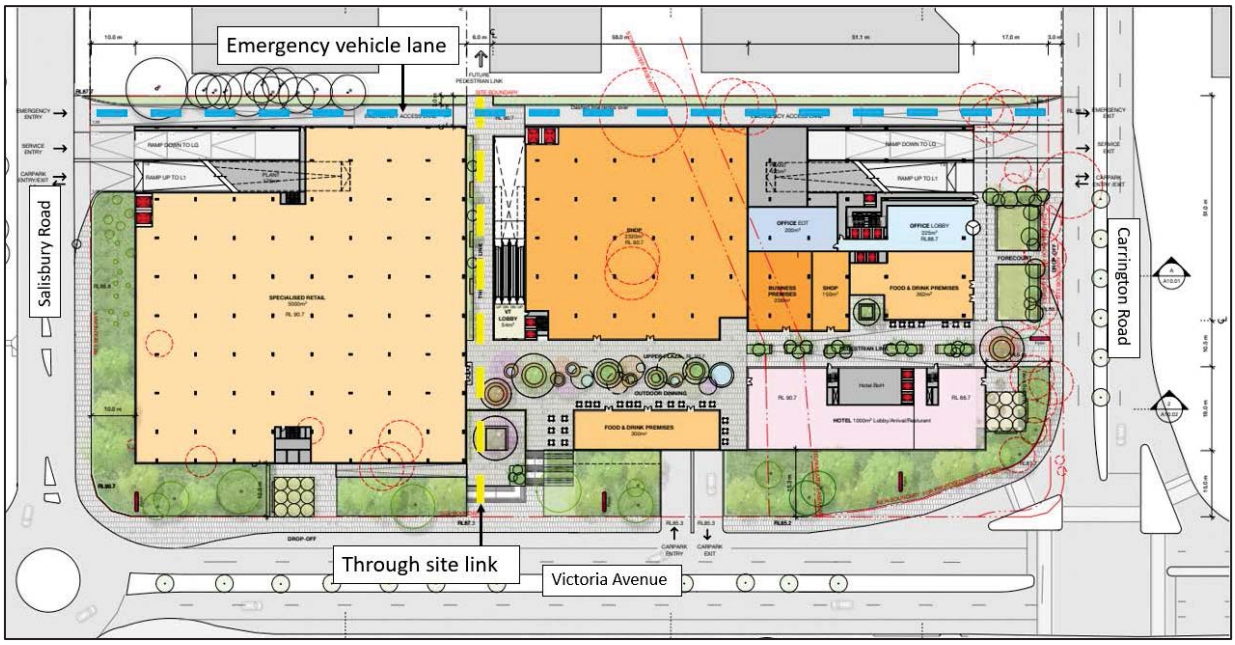

Figure 24
Through Site link intersected by emergency vehicle lane

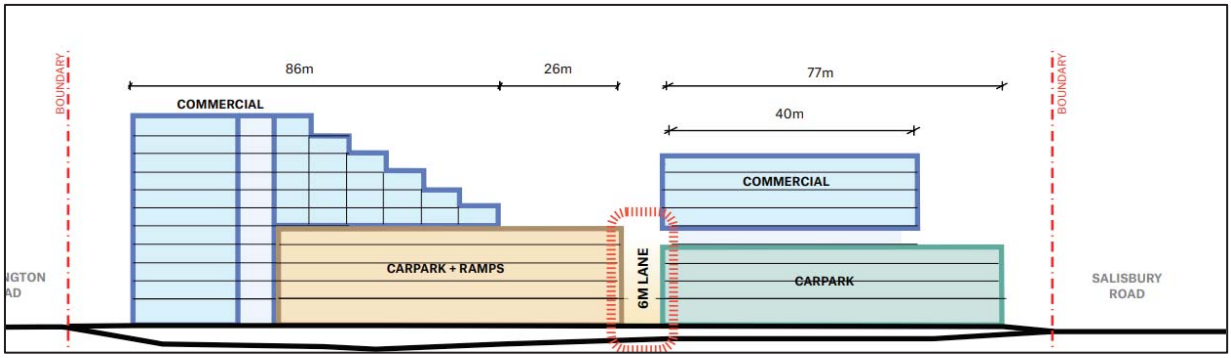

Figure 25
Eastern section of pedestrian through site link

f) Infrastructure

Future development on the site will make development contributions under Contributions Plan 19 – Showground Precinct. CP19 has accounted for an additional 551,527m^2 of commercial floor space in Showground Precinct based on key development standards applicable to the land and yields identified in the strategic planning framework. The extent of gross floor area proposed through this planning proposal is broadly consistent with the amount of growth anticipated within this locality and planned for through CP19.

However, it is recommended that if the planning proposal was to progress in any form, Council and the Proponent should further discuss a mechanism to secure the land necessary for the intersection upgrade at Victoria Avenue and Carrington Road, at no cost to Council. The planning proposal phase is the appropriate time in the process to identify the land necessary for the infrastructure to support development and provide certainty over the ability for the works to be delivered.

CONCLUSION

- *Strategic Merit*

The planning proposal satisfies a majority of the relevant components of the strategic merit test, proposing an increased density commercial and specialised retail outcome within the Norwest Strategic Centre and walkable catchment of the Hills Showground Station. From a strategic perspective, the land uses, floor space ratio and height of buildings sought through the application is generally consistent with the outcomes envisaged under Council's The Hills Corridor Strategy and Local Strategic Planning Statement (noting that achievement of such outcomes would be contingent on finer grain assessment and satisfactory resolution of site-specific issues and constraints).

Notwithstanding this, the proposal, as submitted by the Proponent, has not yet satisfied the strategic merit test, as a result of unresolved issues relating to flooding and inconsistency with Ministerial Direction 4.1 (as discussed in Section 3(b) of this report). It is acknowledged that these issues may not be an insurmountable barrier to some form of redevelopment of the site. However, the application material provided to date has not adequately resolved these issues in the context of the uplift being sought and the planning proposal material provided.

- *Site Specific Merit*

While it is acknowledged that the floor space ratio and building height controls sought through the application are generally aligned with the *strategic* settings for this locality, when assessing a planning proposal to amend planning controls that apply to an individual site, the next layer of finer grain consideration is required in the context of that specific site. In this instance, it is evident that the suite of planning controls sought through this application will not necessarily result in an appropriate site-specific development outcome.

This site is impacted by a number of relatively unique constraints, being:

- The Sydney Metro Northwest tunnel underneath the site;
- The stormwater infrastructure (pipes) underneath the site;
- The location of the site within the flood planning area; and
- The overland flow path running through the middle of the site.

The most material implication of these site constraints is the limited ability for future development on the site to accommodate the proposed parking spaces within basement levels. This has resulted in the proposal identifying the need to accommodate a significant number of parking spaces above ground, within the building envelope. While these above ground parking areas within the envelope do not contribute to the calculation of gross floor area or floor space ratio, they do nonetheless contribute substantially to the bulk and scale of the development, resulting in a built form reflective of approximately a 4:1 development outcome (rather than the 2.61:1 floor space ratio control in the planning proposal).

The bulk and scale created by the extent of above ground parking proposed within the building envelopes is further accentuated by the extrusion of the large specialised retail floor plates (required for the lower levels of the development) upwards to 6 storeys in height, as opposed to having more slender towers and floor plates for the commercial uses within the proposal.

Further, the development concept, in Council officers view, fails to respond appropriately to the location of the overland flow path and the opportunity to co-locate the flooding and drainage infrastructure and the pedestrian through site link in line with the overland flow path. This would create an opportunity for substantial building separation, landscaping through the centre of the site and seamless integration of the pedestrian through site link with the existing and future public domain and pedestrian infrastructure.

The planning proposal, in its current form, does not demonstrate an appropriate site-specific response could be achieved within the suite of planning controls sought.

- *Next Steps*

The planning proposal, in its current form, has not satisfied the strategic or site-specific merit tests and as such, progression to Gateway Determination is not able to be supported. However, there are nonetheless many positive elements of the proposal and alignment with some key planning objectives for this area, especially with respect to the proposal commercial / retail only land use within the Norwest Strategic Centre.

Given the potential merits that a revised proposal may be able to demonstrate, it is proposed that the Panel recommends that prior the application being reported to Council for determination in its current form, the Proponent consider submission of a revised planning proposal, which materially resolves the following outstanding issues:

a) Excessive bulk and scale: The Proponent should substantially reduce the bulk and scale of the proposed development, through a combination of:

    i) A material reduction in floor space ratio and gross floor area sought;

    ii) Removal of the proposed “shop” component;

    iii) Reduced car parking rates for commercial and business uses, with a view to reducing both traffic generation and the extent of parking proposed within the building envelope above ground;

    iv) Investigations into opportunities to increase the amount of parking within basement levels, with a view to reducing the extent of parking proposed within the building envelope above ground;

    v) A substantial reduction in floor plate sizes for any commercial or parking levels above the specialised retail uses, to deliver a more slender tower form; and

    vi) Increased building separation and a substantial reduction in building lengths.

b) Site planning: Reconfiguration of the site to provide a pedestrian through site link along the overland flow path, with active frontages facing the pedestrian link. The pedestrian link should be located at grade at both Victoria Avenue and the rear

boundary of the site, to seamlessly integrate with the surrounding pedestrian and public domain network.

c) Additional and updated flooding information should be submitted to reflect the revised planning proposal, including a Post-Development Flood Model and Flood Risk and Impact Assessment to the satisfaction of Council officers. This information should demonstrate that the proposal is consistent with the NSW Flood Plan Development Manual, that there is no increased flood impacts on adjacent properties and that there will be no reduction in available flood storage on the site. This would be necessary to justify any inconsistency with Ministerial Direction 4.1 – Flooding.

It is appropriate that the Panel also expects that in order for a revised proposal to overcome these issues, a material reduction in the floor space ratio, gross floor area and extent of above ground parking would be required, in comparison to the current application. If the proposal was to proceed, in any form, the Proponent should consider the submission of a mechanism to enable dedication of the land required for the intersection upgrade at Victoria Avenue and Carrington Road to Council at no cost, to facilitate appropriate infrastructure to support development in the locality.

ATTACHMENTS (UNDER SEPARATE COVER)

1. Proponents Planning Proposal Report
2. Urban Design Report
3. Landscape Concept Design Report
4. Pre-Lodgement Feedback Letter to Proponent, 23 September 2020
5. Traffic and Transport Assessment
6. Economic Impact Assessment
7. Flood Impact Assessment
8. Stormwater Assessment
9. Tree Assessment
10. Preliminary Site Investigation
11. Build Over Rail Assessment
12. Site-Specific Development Control Plan
13. Response to Councils Request for Further Information
14. TTW Flood Modelling Updates and Flood Impact Assessment
15. Letter to Proponent – Request for Additional Information, 1 April 2021
16. Letter to Proponent – Response to Questions, 15 December 2021
17. Post Meeting Letter, 14 April 2022
18. Pre-Lodgment Feedback Letter to Proponent, 12 September 2019
19. Development Consent DA 1/2014/JP