
MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 14 May 2024

MAYORAL MINUTE NO. 8/2024 – VALE RON PARNELL

A MOTION WAS MOVED BY THE MAYOR AND SECONDED BY COUNCILLOR DE MASI THAT

1. This Mayoral Minute be received.
2. A minute's silence be observed in remembrance of Ron.

THE MOTION WAS PUT AND CARRIED.

188. RESOLUTION

1. This Mayoral Minute be received.
2. A minute's silence be observed in remembrance of Ron.

A minutes silence was observed.

ITEM 3 FURTHER REPORT – PLANNING PROPOSAL – 21-23 VICTORIA AVENUE, CASTLE HILL (4/2021/PLP)

7.24pm *Councillor Jethi declared a pecuniary conflict of interest (owns property in the Victoria Avenue precinct) signed the Conflict-of-Interest Register, left the meeting for Item 3 and returned at 7.38pm at the start of Item 2.*

Proceedings in Brief

Travis Reid of Blueprint Australia, proponent, (in favour) addressed Council regarding this matter.

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

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY.

189. RESOLUTION

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

MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 14 May 2024

with Council to receive a further Report on this matter prior to commencement of any public exhibition of the planning proposal.

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

VOTING FOR THE MOTION

Mayor Dr P Gangemi
Clr F De Masi
Clr M Blue
Clr J Brazier
Clr R Boneham
Clr J Cox
Clr Dr B Burton
Clr R Tracey

VOTING AGAINST THE MOTION

None

ABSENT FROM THE ROOM

Clr R Jethi

MEETING ABSENT

Clr Dr M Kasby
Clr A Hay OAM
Clr V Ellis
Clr M Hodges MP

ITEM 2 PLANNING PROPOSAL, DRAFT DEVELOPMENT CONTROL PLAN AMENDMENTS AND DRAFT VOLUNTARY PLANNING AGREEMENT – 48 TERRY ROAD, BOX HILL (2/2024/PLP)

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

THE MOTION WAS PUT AND CARRIED.

190. RESOLUTION

1. Recognising the clear position of School Infrastructure NSW that the NSW Government will no longer be acquiring the land at 48 Terry Road, Box Hill for the purpose of a school, the planning proposal proceed to Gateway Determination, subject to the inclusion of a local provision which limits the density of future development on the site to a maximum of 30 dwellings per hectare.
2. Draft amendments to the Box Hill Development Control Plan 2018 (Attachment 3) be publicly exhibited concurrent with the planning proposal.
3. Council accept, in principle, the draft VPA Letter of Offer (Attachment 5). A draft VPA consistent with the terms of the Offer be prepared and be subject to legal review (at the cost of Proponent), updated in accordance with the recommendations of the legal review and subsequently placed on public exhibition concurrent with the planning proposal and draft Development Control Plan.

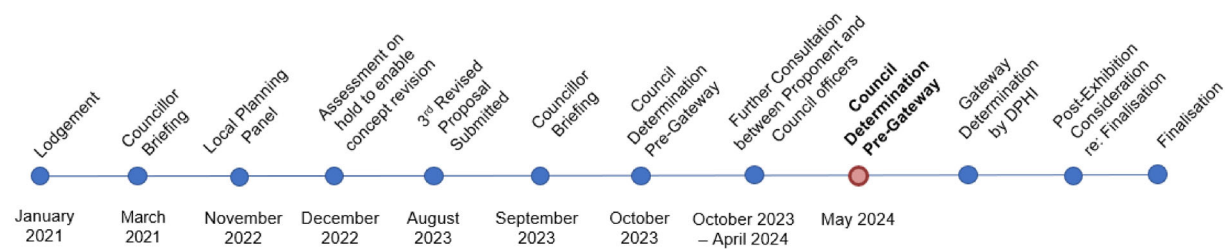
ITEM 3	FURTHER REPORT – PLANNING PROPOSAL – 21-23 VICTORIA AVENUE, CASTLE HILL (4/2021/PLP)
THEME:	SHAPING GROWTH
MEETING DATE:	14 MAY 2024
	COUNCIL MEETING
GROUP:	SHIRE STRATEGY
	STRATEGIC PLANNING COORDINATOR
AUTHOR:	KAYLA ATKINS
RESPONSIBLE OFFICER:	MANAGER – FORWARD PLANNING NICHOLAS CARLTON

PURPOSE

This report details the outcomes of further discussions and consultation with the Proponent, with respect to the planning proposal for land at 21-23 Victoria Avenue, Castle Hill. The planning proposal was previously reported to Council on 10 October 2023 for a decision on whether to submit the planning proposal to the Department of Planning, Housing and Infrastructure (DPHI) for Gateway Determination. At the request of the Proponent, Council resolved to defer the matter to enable further consultation to occur between the Proponent and Council officers.

Further consultation between Council officers and the Proponent has now been completed in accordance with Council’s resolution and the matter is being reported back to Council for a decision on whether to progress the planning proposal to Gateway Determination and endorse the associated draft site-specific Development Control Plan for concurrent exhibition.

The technical assessment and conclusion of Council officers with respect to the planning proposal application (being specifically the proposed changes to Council’s Local Environmental Plan) remain unchanged and it is recommended that the planning proposal proceed to Gateway Determination, *without* the requested inclusion of ‘shops’ as an additional permitted use on the land. A new draft site specific Development Control Plan has been prepared (Attachment 8) which differs to the version previously reported to Council in October 2023. This revised draft DCP accommodates *some* of the changes requested by the Proponent, in particular relating to vehicle access arrangements to and from the site and greater flexibility to redistribute building heights within the site as part of the detailed design process. However, a number of elements of the draft Development Control Plan remain unchanged on the basis that, despite further exchange of information, discussion and negotiation with the Proponent, the technical conclusion and recommendation of Council officers remains unchanged.



RECOMMENDATION

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

Financial

This matter has no direct financial impact upon Council's adopted budget or forward estimates. The infrastructure demand generated by the planning proposal is accounted for under Contributions Plan 19.

Strategic Plan - Hills Future

The planning proposal, if supported, would contribute to employment growth in Shire and facilitate the delivery of additional jobs, contributing to the overall Norwest Strategic Centre job targets. The supporting Development Control Plan will ensure the proposed urban design outcomes demonstrate a high level of amenity and the proposed built form will provide an appropriate transition between higher density commercial development and the existing specialised retail and light industrial uses in the Norwest Service Precinct.

LINK TO HILLS SHIRE PLAN

Strategy:

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

Outcomes:

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

LEGISLATIVE CONTEXT

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

The legislative framework for preparing and amending a Development Control Plan is established within Part 3, Division 3.6 of the Environmental Planning and Assessment Act 1979 (Clauses 3.41 to 3.46). This report seeks a decision of Council as to whether or not to progress with amendments to The Hills Development Control in accordance with Section 3.43 of the Act.

PROPONENT

Blueprint Australia

OWNER

Spotlight Property Group

POLITICAL DONATIONS

None disclosed by Proponent

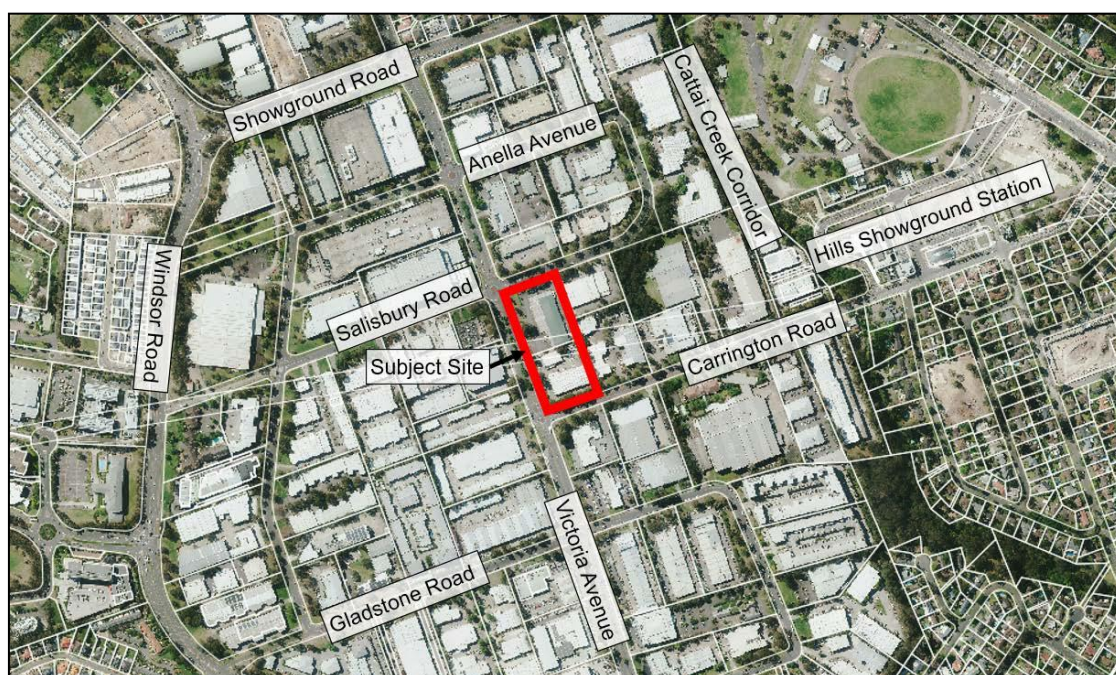
HISTORY

- 10/01/2021** Planning Proposal lodged with Council.
- 02/03/2021** Planning Proposal presented at Councillor Briefing.
- 01/04/2021** Feedback letter provided to Proponent regarding road widening, setbacks and landscaping, stormwater, flood and engineering, traffic, access and carparking, pedestrian links, bulk and scale and DCP amendments.
- 19/04/2021** First meeting with Proponent and Council officers to discuss flood levels.
- 22/06/2021** Additional information submitted by the Proponent.
- 08/10/2021** Second meeting with Proponent and Council officers to discuss flood levels.
- 19/11/2021** Third meeting with Proponent and Council officers to discuss flood levels.
- 23/11/2021** Additional information submitted by the Proponent.
- 30/11/2021** Meeting between Proponent and Council officers to discuss the proposal.
- 15/12/2021** Further correspondence provided to the Proponent addressing a number of questions raised by the Proponent regarding Council's original feedback letter relating to road widening, setbacks and landscaping, stormwater, flood and engineering, traffic, access and carparking, pedestrian links, bulk and scale and DCP amendments.
- 16/12/2021** Meeting between Proponent and Council officers to discuss the content of Council officers' further correspondence dated 15/12/2021.
- 01/03/2022** Meeting between Proponent and Council officers to allow the Proponent to present potential alternative concepts for submission.
- 14/03/2022** Feedback provided by Council officers to the Proponent following the meeting on 1/3/2022 relating to proposed pedestrian links, building envelopes and bulk and scale of the proposal.
- 08/08/2022** Updated planning proposal package submitted to Council by the Proponent.

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| 16/11/2022 | Updated planning proposal package considered by the Local Planning Panel. The Panel advised that the proposal should not proceed to Gateway Determination. |
| 30/11/2022 | Meeting between Proponent and Council officers to discuss the matters raised in the Local Planning Panel advice. |
| 20/04/2023 | Meeting between Proponent and Council officers to allow the Proponent to present potential alternative concepts for submission and key revisions to the proposal in response to the Local Planning Panel advice. |
| 09/05/2023 | Further correspondence to the Proponent from Council officers providing additional feedback on the alternative concepts presented in 20/4/2023 and pedestrian links, service roads, additional permitted uses and car parking. |
| 04/08/2023 | Revised planning proposal submitted to Council for consideration. This revised planning proposal is the subject of this report. |
| 05/09/2023 | Proponent presented proposal to Councillor Briefing Session. |
| 10/10/2023 | Proposal and draft DCP report to Council for decision on whether to progress to Gateway Determination. Proponent addressed the Council and requested the matter be deferred to enable a number of matters to be resolved. Council resolved to defer the matter to allow further consultation to occur between the Proponent and Council officers (Report and Minute provided as Attachment 1). |
| 15/11/2023 | Further information submitted by Proponent with respect to outstanding issues (Attachment 2). |
| 10/01/2024 | Pre-Gateway comments received from Transport for NSW (Attachment 3). |
| 25/01/2024 | Council officer feedback letter provided to Proponent (Attachment 4). |
| 31/01/2024 | Meeting held between Council officers and Proponent. |
| 15/02/2024 | Further information submitted by Proponent following meeting (Attachment 5). |
| 28/03/2024 | Post-meeting Council officer feedback letter provided to Proponent (Attachment 6). |
| 04/04/2024 | Letter received from Proponent confirming acknowledgement of outcomes of consultation with Council officers and acceptance of the matter being reported back to Council for pre-Gateway determination (Attachment 7). |
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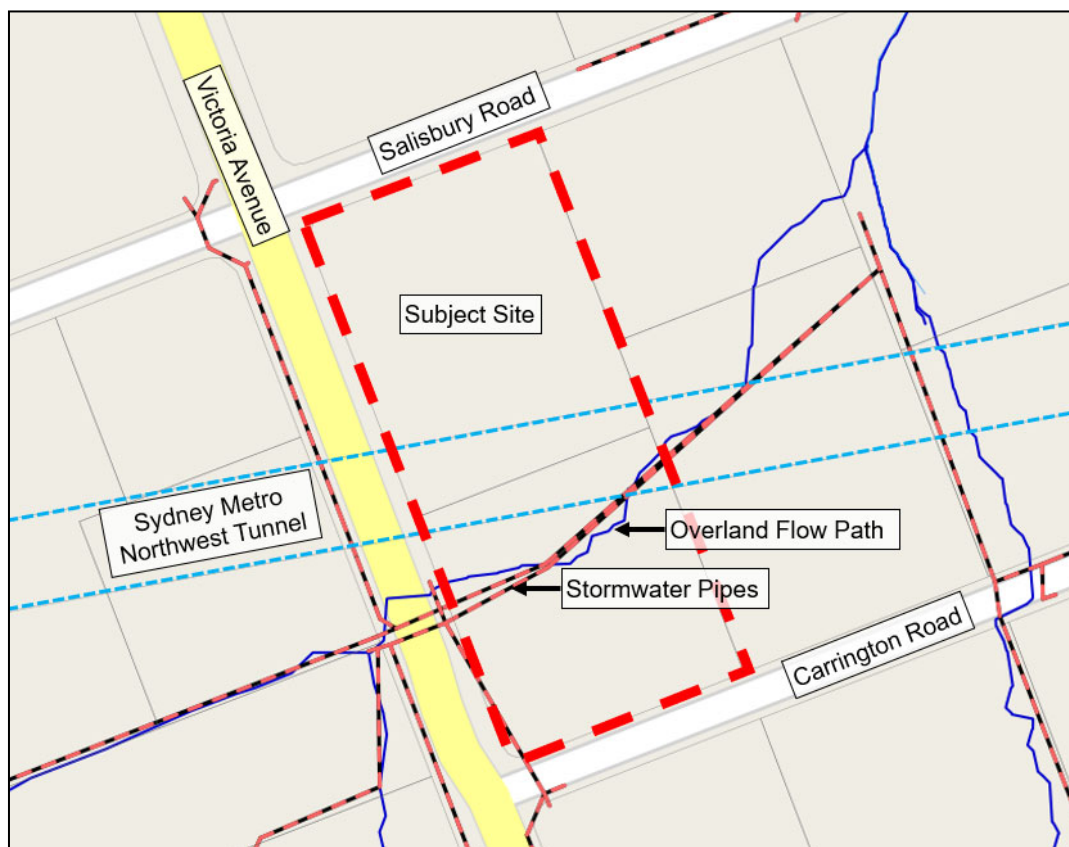
1. THE SITE

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

**Figure 1**

Aerial view of subject site and surrounding locality

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

**Figure 2**

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

The site is currently subject to a maximum Floor Space Ratio control of 1:1, which would permit a maximum of approximately 21,048m² of gross floor area on the site. The site is also subject to a maximum building height of 20 metres (approximately 5 storeys). It is noted that while the current building height limit is expressed in terms of metres above ground level, the Proponent’s application seeks to express the maximum building height limit as an RL (‘reduced level’), which is effectively a distance measured from the Australian Height Datum (mean sea level). This is discussed further in Section 4 – Built Form of this report however for reference, the current 20 metre height limit applicable to the land would generally equate to a maximum RL of 110 metres on this particular site.

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

2. 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 6-12 storeys.

To facilitate this development outcome, the planning proposal seeks to amend The Hills Local Environmental Plan 2019 (LEP 2019) as follows:

- Increase the maximum Height of Building to RL140.5 (which would allow for heights of up to 12 storeys on this land);
- Introduce a maximum Floor Space Ration of 2.3:1; and
- Introduce the additional permitted use ‘shop’, with a maximum of 3,300sqm to be permissible with consent.

A comparison between the current planning controls, outcomes articulated within the NWRL Corridor Strategy, The Hills Corridor Strategy, the Draft Norwest Precinct Plan and the proposed amendments to LEP 2019 are shown below. It is noted that the table includes the details of both the original proposal (as considered by the LPP) as well as the amended planning proposal submitted by the Proponent in August 2023 (which was submitted following receipt of the LPP’s advice and is the subject of the previous report to Council in October 2023 and this report).

	LEP 2019	NWRL Corridor Strategy	Hills Corridor Strategy	Draft Norwest Precinct Plan	Previous Proposal (Considered by LPP)	Amended Planning Proposal (Aug 2023)
Zone / Land Use	E3 Productivity Support and SP2 Local Road Widening	Bulky Goods	Employment	Employment	B5 Business Development* and SP2 Local Road Widening	E3 Productivity Support
Additional Permitted Use	N/A			N/A	Office Premises, Shops, Business Premises, Medical Centre	Shops

	LEP 2019	NWRL Corridor Strategy	Hills Corridor Strategy	Draft Norwest Precinct Plan	Previous Proposal (Considered by LPP)	Amended Planning Proposal (Aug 2023)
Max. Height	20 metres (3 storeys)	2-3 storeys	Approx. 8-12 storeys	6-12 storeys	RL 144.2 metres (55 metres) (13 storeys)	RL140.5 metres (52m) (12 storeys)
Max. FSR	1:1	1:1	Min. 2.5:1	2.3:1	2.61:1	2.3:1
Min. Lot Size	8,000m ²	N/A		N/A	8,000m ² (no change)	8,000m ² (no change)
Jobs **	570	570	1,426	1,200-1,900***	1,446*	1,273**

Table 1

Comparison of Existing and Proposed Standards under LEP 2019 and the Strategic Planning Framework
*Notes: * The B5 Business Development zone has since been translated to E3 Productivity Support under the Government's Employment Zone Reforms. ** Based on assumed density in the Hills Corridor Strategy & LSPS of 1 employee per 38m² GFA and having regard to the mixture of commercial and retail uses proposed. *** The job numbers in this area of the Precinct have potential for variation given the range of potential employment land uses anticipated and differing job densities of each.*

The planning proposal is supported by an indicative concept where specialised retail is located on the northern portion of the site within the ground and first floors and above ground car parking would be concentrated within four levels above (resulting in a 6 storey building). Two 12 storey commercial buildings would be located on the southern portion of the site. Activation of the ground floor level would be realised through restaurants, cafes and shops.

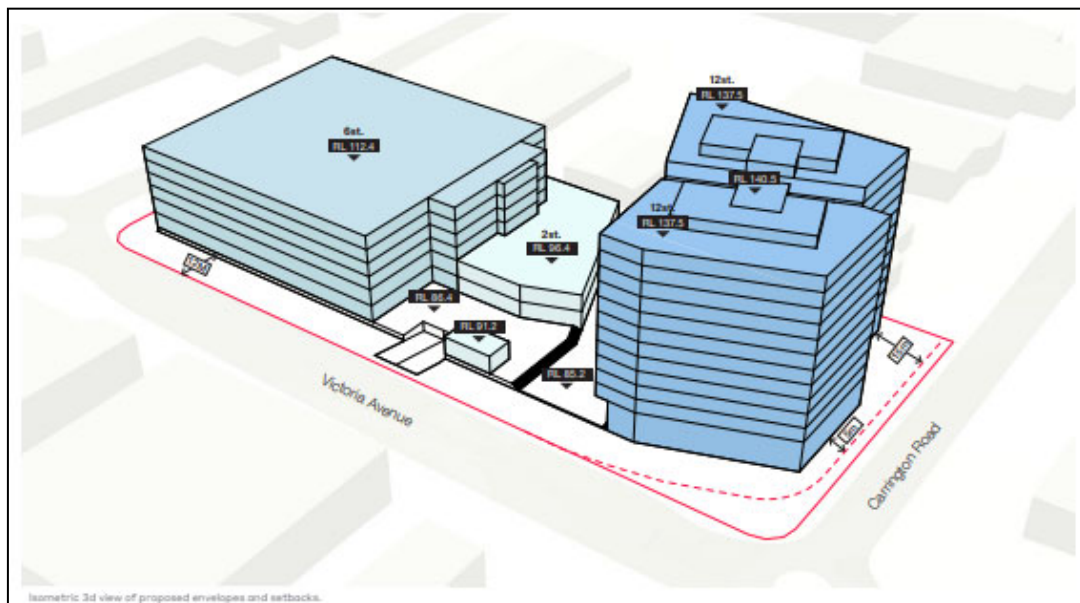
A number of public domain spaces are proposed including plazas, a through site link between Victoria Avenue and the adjoining site at 15 Carrington Road, as well as a 'Sky Terrace' intended to accommodate a communal garden and recreation facility open to workers in the precinct.

The planning proposal, as submitted, indicates that car parking would be provided in accordance with the current DCP car parking rates, resulting in approximately 1,344 car parking spaces, in a combination of basement parking as well as 4 above ground parking levels. 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 48,410m². The proposed distribution of this floor space between the proposed land uses is as follows:

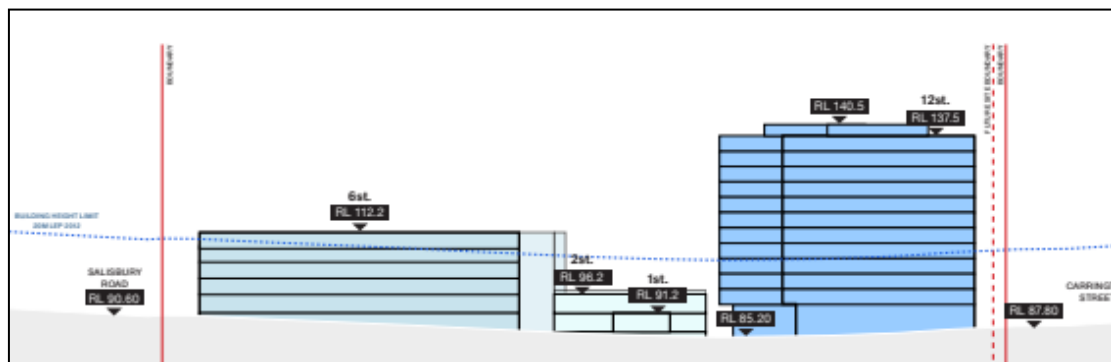
- Commercial office – 34,470m²
- Business premises – 205m²
- Gym, medical and child care – 1,440m²
- Specialised retail – 7,920m²
- Shops – 3,300m²
- Food and beverage – 950m²
- End of Trip – 125m²

The planning proposal has been revised three times since the initial lodgement in January 2021. The current revised planning proposal, as submitted in August 2023, is the subject of this report. The following figures indicate the proposed built form, site layout and indicative architecture.

**Figure 3**

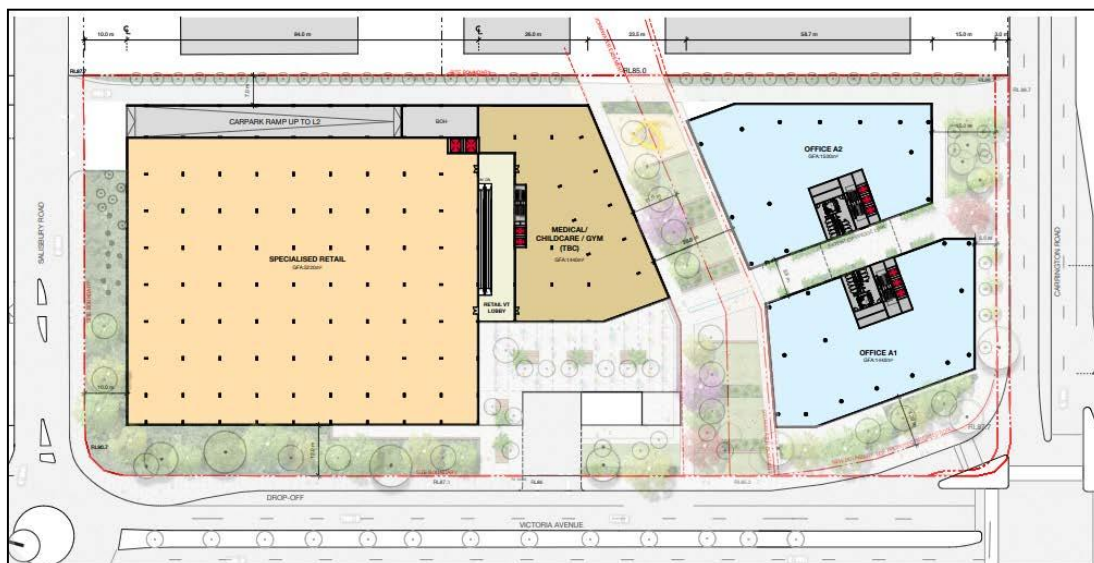
Current Proposal - Indicative building envelopes submitted by Proponent

It is noted that 4 of the 6 levels within the 6 storey building envelope are occupied by above-ground parking areas

**Figure 4**

Cross section of proposed development (view from Victoria Ave)

It is noted that 4 of the 6 levels within the 6 storey building envelope are occupied by above-ground parking areas

**Figure 5**

Current proposal - Indicative Site Plan



Figure 6

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



Figure 7

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

TO STRIVE FOR BETTER THINGS

The proposed LEP map amendments are shown below in the following figures.

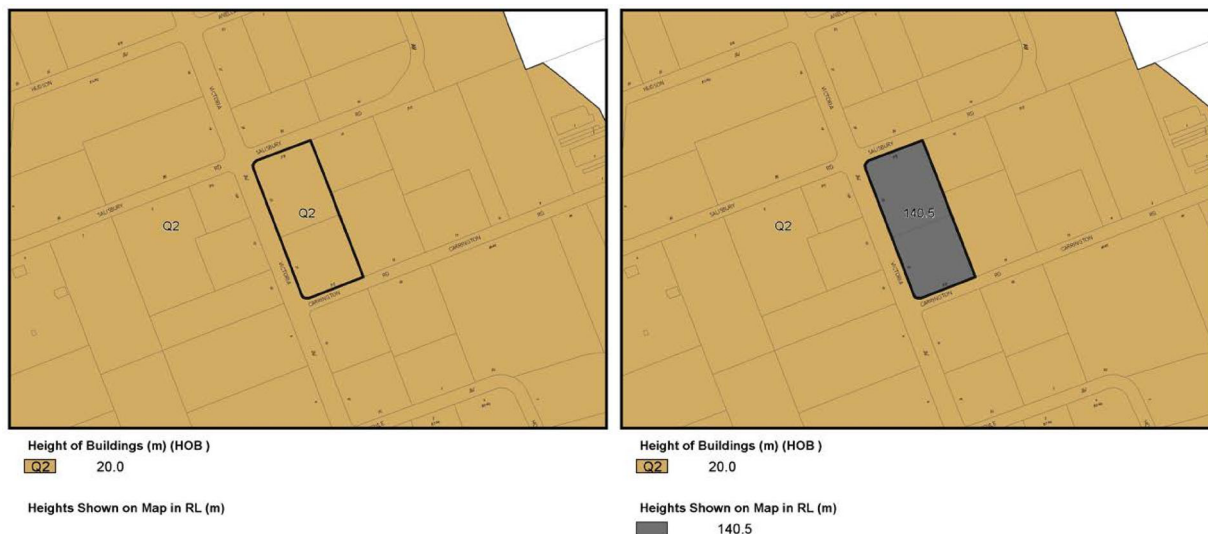


Figure 8
Existing (left) and proposed (right) maximum height of building maps

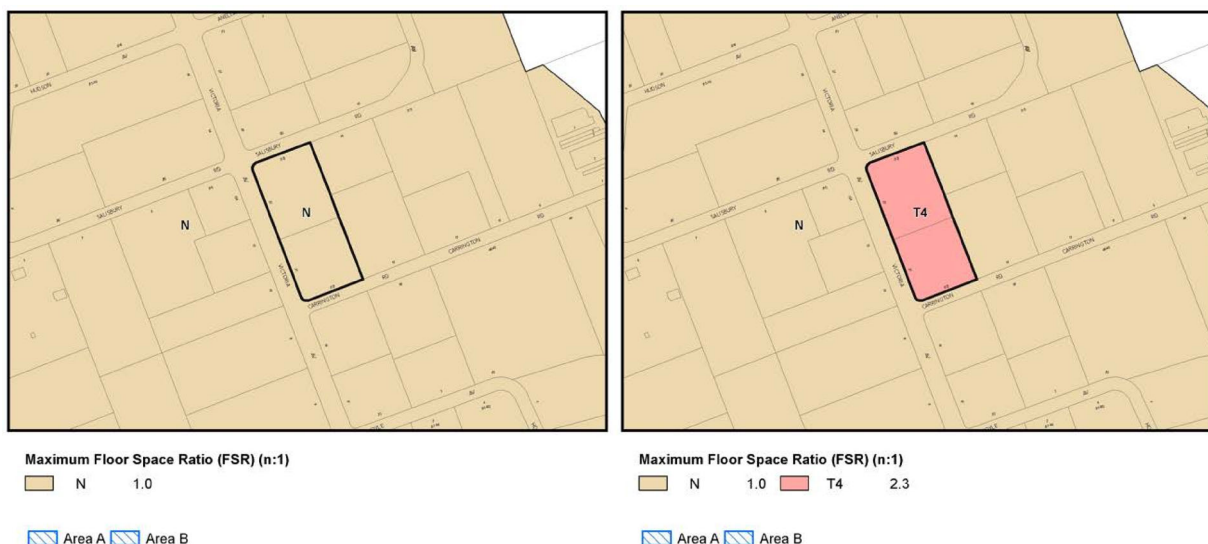


Figure 9
Existing (left) and proposed (right) maximum floor space ratio maps

3. PREVIOUS REPORT TO COUNCIL, 10 OCTOBER 2023

The planning proposal was previously reported to Council 10 October 2023 where the following was recommended by Council officers:

1. *The planning proposal applicable to land at 21-23 Victoria Avenue, Castle Hill (Lot 1 DP 657013 and Lot 1 DP 660382) proceed to Gateway Determination to amend LEP 2019 as follows:*
 - c) *Increase the maximum height of buildings from 20 metres to RL140.5.*
 - d) *Increase the maximum floor space ratio from 1:1 to 2.3:1.*

2. *Draft The Hills Development Control Plan 2012 Part D Section X – 21-23 Victoria Avenue, Castle Hill (Attachment 2) be publicly exhibited concurrently with the planning proposal.*
3. *Council and the Proponent continue discussions with respect to an appropriate mechanism to secure public benefits, including the dedication of the land necessary for the intersection upgrade at Victoria Avenue and Carrington Road, at no cost to Council, with Council to receive a further Report on this matter prior to commencement of any public exhibition of the planning proposal.*

In their address to Council during the public meeting, the Proponent requested that the matter be deferred for a future meeting as they were unsatisfied with Council officers' position on the following matters:

1. Not supporting the addition of 'Shops' as an additional permitted use on the site (*which is an LEP matter pertaining to the planning proposal application*);
2. A number of the development controls within the draft Site Specific DCP (*which pertains to the draft DCP which was also prepared for Council's consideration alongside the planning proposal application*):
 - Restricting vehicular access to the site from Victoria Avenue;
 - Reducing the number of storeys on the northern portion of the site from 6 to 4;
 - Limiting above ground carparking to 344 above ground parking spaces;
 - Increasing building separation requirement from 8m to 18m; and
 - Solar access requirements to the north-south through site link and linear park.

At the Proponent's request, Council subsequently resolved as follows:

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

Since this decision, the following further consultation between the Proponent and Council officers has occurred:

- Additional information submitted by Proponent, 15 November 2023 (Attachment 2);
- Pre-Gateway comments received from Transport for NSW, 10 January 2024 (Attachment 3);
- Council officer feedback letter provided to Proponent, 25 January 2024 (Attachment 4);
- Meeting held between Council and Proponent on 31 January 2024;
- Further information submitted by Proponent, 15 February 2024 (Attachment 5);
- Post-meeting Council officer feedback letter provided to Proponent, 28 March 2024 (Attachment 6); and
- Letter received from Proponent on 4 April 2024 (Attachment 7).

Importantly, the most recent letter received from the Proponent (Attachment 7) outlines appreciation for the additional consultation and consideration of the Proponent's issues. It acknowledges that while some matters were able to be resolved, the parties have been unable to reach an agreed position on other matters. Notwithstanding this, the letter accepts that the matter should now be reported back to Council for a decision on whether to progress to Gateway Determination.

The outcomes of the further consultation period since Council's resolution to defer the matter are outlined in the following section of this report. In particular, this has resulted in some changes to the draft site specific DCP which is being considered by Council concurrently with the

planning proposal, in comparison to the version originally presented to Council on 10 October 2023.

4. OUTCOMES OF FURTHER CONSULTATION

As detailed earlier within this report, the Proponent requested that the matter be deferred to resolve a number of key issues with the proposal.

This report should be read in conjunction with the technical assessment of the proposal contained within the previous report to Council dated 10 October 2023 (Attachment 1). This technical assessment has not been replicated within this report. This report focuses primarily on the key matters of contention raised by the Proponent and the outcomes of the further consultation that occurred since the matter was previously reported to Council in October 2023.

Each of the matters raised by the Proponent is discussed further below.

It is noted that there are a number of matters which have not been entirely 'resolved' on the basis that, despite further exchange of information, discussion and negotiations, Council officers and the Proponent remain in disagreement on these particular outcomes. The technical assessment and conclusions reached by Council officers on some of the key matters raised by the Proponent remain unchanged.

As such, each issue below contains discussion of the Proponent's views and supporting material, alongside Council Officers' concluding assessment and recommendation for Council's consideration and determination.

1. Removal of 'Shops' as an Additional Permitted Use within the LEP

The planning proposal as originally submitted by the Proponent sought to include an Additional Permitted Use on the land for 'Shops', with a gross floor area cap of 3,300 square metres. The original intent of this clause as stated within the Proponent's material was to allow for shops that would complement the proposed uses on the site, including a small scale supermarket.

As detailed within the Council Report and Minute from 10 October 2023, Council officers recommended that the planning proposal be amended to remove 'Shops' as a proposed Additional Permitted Use. Shops are not an appropriate land use to be provided in 'out-of-centre' locations as they undermine the Shire's established Centres Hierarchy. Shops should be located within traditional retail centres especially given that there are a number of emerging local and retail centres where shops are envisaged in the Shire. Permitting shops on the subject site (which is located in an industrial and employment centre), may threaten longer term viability of these designated retail centres and would create a precedent for out-of-centre retailing.

It was also considered inappropriate to provide a supermarket in the chosen location given that there are already areas strategically identified as more suitable and desirable locations for a supermarket to cater for demand from the anticipated future population, notably as part of the Showground Station development site.

As part of consultation with Council officers, the Proponent identified that it no longer intended to progress with a supermarket on the site. The Proponent suggested that supermarkets (a sub-term of the group land use term 'shops') could be prohibited in the DCP and that the proposed LEP amendment would reduce the cap on shops from 3,300m² (as originally proposed) to 1,000m² in order to alleviate Council's concerns with respect to the provision of a supermarket on the site.

With respect to prohibiting supermarkets through a DCP control, this would not be possible given the Environmental Planning and Assessment Act contains provisions that state that a DCP cannot be inconsistent with an environmental planning instrument, such as an LEP. Specifically, Clause 3.43 (5) states:

A provision of a development control plan (whenever made) has no effect to the extent that—

(a) it is the same or substantially the same as a provision of an environmental planning instrument applying to the same land, or

(b) it is inconsistent or incompatible with a provision of any such instrument.

As such, the DCP provision suggested by the Proponent would have no effect and is not a valid method of prohibiting particular types of ‘shops’ (notably a supermarket) on the land, if the overarching land use term ‘shop’ was permitted under the LEP.

Similarly, the proposed reduction in the floor space cap on ‘shops’ from 3,300m² to 1,000m² would have no material effect on prohibiting a supermarket on the site. It is noted that Council’s LEP already comprises a maximum size of 1,000m² for supermarkets where they are a permissible land use. As such, the Proponent’s intent to mirror this same provision does not effectively preclude the provision of a supermarket on the land. Furthermore, while much of the discussion has related to supermarkets as a particular type of shop, the views of Council officers’ with respect to the inappropriateness of ‘shops’ as an “out-of-centre” permitted use on this site remain and apply to all types of shops, not merely limited to supermarkets. It is also noted that while the Proponent has advised that it does not intend to progress with a supermarket on the site, if Council is to amend the permissibility on the land as requested, there is no guarantee that either this landowner or any future landowner would not seek to do so in the future if their commercial direction or aspirations for the site changed (at which point any type of “shop” would be a permitted outcome that could be pursued through a Development Application).

The Proponent subsequently advised Council officers that the intended use of the ‘shops’ floor space would not be utilised for a supermarket, but rather for a ‘Mountain Designs’ flagship store. Council officers understood that Mountain Designs is a retailer selling clothing items, camping, outdoor and recreation goods (such as tents) and sporting and leisure goods and accessories. However, the Proponent advised that in this particular instance, the Mountain Designs flagship store would only sell clothing items.

The Proponent’s justification with respect to the inclusion of ‘Shops’ within their planning proposal is provided within Attachments 2 and 5 of this report.

Council officers are of the view that the intended Mountain Designs store could potentially meet the definition of ‘specialised retail premises’, which is already a permitted land use on the site. However, the Proponent has disputed this and maintained that a Mountain Designs store meets the land use definition for a ‘shop’, especially noting their intention to only stock and sell clothing at this particular store. It is understood and appreciated that the Proponent has a range of different business offerings, however this is not a relevant matter for consideration under the Strategic Merit Test or a planning justification for permitting ‘shops’ on this site, especially given the broad range of outcomes that could be facilitated on the land within that land use term.

As part of recent planning reforms, the State Government revised the employment land zones within all NSW LEPs to consolidate these zones in order to provide greater flexibility for employment developments and businesses to expand. The subject site was subsequently zoned E3 Productivity Support as a result of the State Government's employment zone reforms.

Two relevant objectives of this zone are as follows:

- *To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.*
- *To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity*

While the intent of the employment zone reforms was to provide greater flexibility, even through this process the Government still acknowledged the distinct need to separate the role and function of some employment land from the activity that should occur in retail and commercial centres and of note, the Government did not opt to permit "shops" in the E3 Productivity Support zone, despite including a range of other permitted employment uses. These two objectives directly relate to the importance of prohibiting 'shops' in this subject location. It is therefore considered that the proposal should progress to Gateway Determination with any references to the inclusion of 'shops' on the site as an additional permitted use being removed.

2. Restricting vehicular access to the site from Victoria Avenue

The draft site specific DCP which was reported to Council concurrently with the planning proposal application intended to prevent vehicular access to the site from Victoria Avenue, given the anticipated traffic flows and queuing in this location especially in the AM and PM peak periods. As part of consultation with State Government relating to access arrangements in the locality as a result of regional traffic modelling inputs, TfNSW generally sought to discourage access arrangements relying on Victoria Avenue. Council officers' sought to enact this guidance and technical assessment noted that the site has frontage to Salisbury Road where access can be provided and that final access arrangements will ultimately be a matter determined by Transport for NSW should the proposal progress to Gateway Determination.

The Proponent raised concern with this draft control and stated that it was premature to adopt these controls without further consultation with TfNSW. It is fairly common practice for Council officers to draft a DCP based on a preliminary technical assessment and the known views of government agencies to date, following which the Gateway Determination and subsequent consultation phase would enable the draft controls to be scrutinised, tested and revised as necessary as a result of any public agency feedback received during the consultation period.

However, given the Proponent's level of concern, all draft controls relating to access arrangements to the site have been deleted from the DCP, with a drafting note instead stating:

[Controls related to vehicular access may be inserted here if necessary pending the outcomes of public agency consultation with Transport for NSW].

As part of this further consultation phase with the Proponent, Council officers wrote to Transport for NSW requesting preliminary comment on the proposal. Their submission is provided as Attachment 3 to this report.

TfNSW did not object to access from Victoria Avenue when pedestrian safety is maintained, however SIDRA modelling was also requested to better understand queuing impacts and congestion along the surrounding road network. It would remain open for TfNSW to revisit this position in light of this modelling as part of future agency consultation. Should TfNSW provide

further comment that it does not support access from Victoria Avenue to the site, Council officers would be required to reinsert these controls post-exhibition.

The Proponent has indicated that it is satisfied with this approach as a way to move forward with the proposal.

3. Reduced building heights on the northern portion of the site & above ground car parking

The concept submitted by the Proponent indicates a 6 storey built form on the northern portion of the site. While the planning proposal would be subject to a 12 storey LEP height limit across the entire site, the DCP drafted by Council officers sought to generally enforce with built form massing and siting proposed within the Proponent's development concept, albeit with a reduction on the northern portion of the site from a 6 storey built form to 4 storeys.

The intent of this draft control is to discourage the projection of large floor plate sizes typical of a specialised retail development up to 6 storeys in height for the purposes of above ground car parking, contributing to excessive building bulk that is filled with car parking rather than employment floor space. The deletion of 2 levels in this location is also a direct response to the reduction in car parking that will be required for the Proponent's development concept to comply with the lower car parking rates expressed in Council's draft Norwest Precinct Plan.

As part of further consultation, the Proponent sought to delete the draft controls and objectives relating to limiting the built form to 4 storeys and discouraging excessive floor plates and building bulk. Instead, the Proponent sought to include upper building level setbacks to reduce the perceived bulk and scale of development in this location. The Proponent also sought to delete the control that limits the amount of aboveground car parking on the site. It should also be noted that as part of this consultation, the Proponent agreed to accept Council's reduced parking rates in accordance with the draft Precinct Plan and issued a revised submission on the draft Precinct Plan exhibition to reflect this position (supporting the reduced parking rates).

Given that the Proponent accepted the adoption of the draft Norwest Precinct Plan car parking rates, the proposed limitation contained in the draft DCP on the amount of aboveground parking directly correlates with this same outcome. Specifically, the application of the reduced parking rates reduces the need for the extent of aboveground parking levels contained within the Proponent's concept.

With respect to the 4 storey height limit, the Proponent raised concern that it would reduce their flexibility to distribute floor space at the development application stage, in the event that they wish to amend their development concept and provide more employment floor space on this portion of the site.

This requirement for flexibility is acknowledged and there is no objection raised to the Proponent's aim of retaining flexibility to redistribute some commercial floor space to this location as part of the detailed design process, whilst still being compliant with the blanket 12 storey LEP height control that would apply across the entire site. In response to the Proponent's request, Council officers have developed a compromised solution and amended the draft DCP to include an additional control which provides flexibility for more than 4 storeys to be achieved at this location as follows:

Building heights in excess of 4 storeys may be considered on the northern part of the site, however the floor plate levels of any levels above the fourth storey shall not exceed 1,500m² of Gross Floor Area.

The inclusion of this control is a reasonable compromise noting the objectives of both Council officers and the Proponent. It would provide Council with some certainty with respect to the bulk and scale of future buildings and car parking provision on the site, and it would provide the Proponent with sufficient flexibility to consider redistributing floor space across the site at the development application stage, however only in an appropriate and more slender built form outcome that achieves the original objectives of the draft DCP, if the height exceeds 4 storeys.

4. Increased building separation between commercial buildings

The draft DCP comprised a control requiring 9m building separation between commercial buildings for the first 4 levels, and a minimum of 18m for levels above the 4th storey. The Proponent states that this requirement is unreasonable as it will reduce the floorplate sizes of commercial office buildings and visual privacy is not a core objective for this land use. The Proponent suggested amended controls that were more performance-based, rather than providing a numeric setback control.

While Council officers were open to revising the control, the Proponent was advised that the amended control would need to be numeric, rather than comprising only objective-based wording that would be difficult to enforce at the Development Application stage and subjective in terms of determining whether it has been complied with.

As part of the further consultation process, the Proponent included numerics and cited other areas in Sydney where lesser building separation was required, such as Macquarie Park, City of Sydney and Parramatta.

While reference to these other LGAs are noted, the draft controls originally proposed by Council officers reflect the desired local character of future development within The Hills, with a view to creating high amenity public domain areas, reducing the perceived bulk and scale of high density development and increasing solar access to the ground plane. It is reasonable to expect that the built form outcomes within the Showground Urban Services Precinct along Victoria Avenue would differ to those expected to occur within the City of Sydney or Parramatta CBD examples cited by the Proponent. The separation distance controls originally included within the draft DCP reported to Council are considered appropriate in the context of The Hills and this site.

By way of comparison, it is also noted that other commercial areas such as Macquarie Park have even greater building separation requirements than those proposed by Council officers (for example, Ryde Council's DCP for Macquarie Park requires building separation of 20 metres). The Proponent also sought to include additional performance-based criteria which would enable building separation controls to be further varied.

These amendments are not supported as they undermine the intent of the control, which is to provide a visual break and visual privacy between buildings, reduce the perceived bulk and scale of the built environment, provide a pleasant outlook from buildings and ensure adequate solar access to the public domain. Further, there remains concern with the subjective nature of these performance-based controls which creates uncertainty in enforcing the outcomes of the DCP. It is recommended that the building separation controls be retained as originally drafted by Council officers and reported to Council on 10 October 2023.

5. Solar access requirements to public domain

The draft DCP included controls that required a minimum of 4 hours solar access on 21 June.

The Proponent indicates that this level of solar access is typically required for large scale parks and open space which have a more square shaped, rather than a linear park as proposed. The Proponent indicates that the linear park will not be able to achieve this level of solar access as a result of the width of the park and the east-west alignment.

In the draft DCP controls suggested by the Proponent, the solar access control that requires 4 hours of direct sunlight between 9am and 3pm on 21 June would apply to a minimum of 50% of the through site link **only**, compared to Council's drafting which applies to 50% of the combined area of the through site link **and** the central publicly accessible open space.

Given the other changes that are required to the building design, the requirement to comply with the solar access requirements is appropriate and consistent with the objectives contained elsewhere in the draft DCP regarding amenity and solar access. Council officers are confident that if the other building design changes are made, the solar access controls will be achievable for the site and it is recommended that the solar access requirements in the draft DCP remain as follows:

Development is to achieve direct sunlight to a minimum 50% of the combined area of the central publicly accessible open space and 20m-wide through site link for a minimum of 4 hours between 9am and 3pm on the 21 June.

6. Other matters

As part of the consultation process, the Proponent submitted information requesting a number of other changes in accordance with the above issues. However, it is also noted that some amendments requested by the Proponent related to changes or deletions of proposed DCP controls that were not flagged by the Proponent as a concern or a topic of discussion in their supporting material.

As such, for transparency, the following table provides a summary of all proposed DCP changes requested by the Proponent and a Council officer response to each change.

Proponent's Requested DCP Change	Council Officer Comment
Deleted wording describing the Urban Strategy Map.	Change not supported. The wording explains the role of the Urban Strategy Map within the DCP.
Deleted wording within height objectives with respect to providing solar amenity to the east-west through site link.	Change not supported as outlined within this report.
Amended building height wording to refer to Reduced Levels rather than Storeys as the height measurement.	Change not supported. The amendment is incorrect as the corresponding images express building heights as the number of storeys, rather than Reduced Levels (RLs). This control will work in tandem with the overarching height limit within the LEP.

Amended proposed building heights on the northern portion of the site from 4 storeys to 6 storeys, along with a general unspecified setback requirement for 5 th and 6 th levels.	Change not supported as outlined within this report.
Deleted reference to transfer of land for road widening and signalisation of Carrington Road and Victoria Avenue intersection.	Change not supported. This matter has not been raised by the Proponent as part of their planning proposal material or additional material submitted for further consultation. Council's assessment feedback letters have transparently identified that land-take will be required for this identified intersection upgrade and will be subject to further infrastructure discussions with the Proponent, if the planning proposal progresses.
Amended wording to allow car ramps to be permitted aboveground within setback areas.	Change not supported. This matter has not been raised by the Proponent as part of further consultation. Car parking structures should not be provided within setback areas, which seek to provide a high quality frontage to the public domain and enable sufficient landscaping, including mature planting.
Removed objectives relating to visual privacy between buildings and ensuring adequate solar access to the public domain.	Change not supported as outlined within this report.
Deleted building separation control of 20m between commercial and retail buildings.	Change not supported. This matter has not been raised by the Proponent as part of their planning proposal material or further consultation. The 20m separation control between commercial and retail buildings reflects the width of the overland flow path and through site link, which is reflected in the Proponent's planning proposal concept and general approach to siting development outside of the overland flow path and stormwater infrastructure.
Amended building separation controls between commercial buildings for 6m for the first 4 floors and 12m above the 4 th floor (compared to Council's 9m for the first 4 floors and 18m above the 4 th floor).	Change not supported as outlined within this report. A 9m building separation for the first 4 floors ensures an appropriate public domain at the ground floor and key corridor connection across the site, linking pedestrian movements between Carrington Road and Victoria Avenue. It also assists with visual privacy for the first 4 levels and separation of building bulk. The increased setback above the 4 th storey is an important element to achieve a range of other urban design and amenity outcomes, as set out earlier within this report.

Added additional flexibility to vary building separation requirements where certain criteria is met (building depth, amenity, daylight penetration, views to the sky, avoiding detrimental impacts on the microclimate of the publicly accessible open space and public domain).	Change not supported as outlined within this report. The criteria is subjective and unmeasurable, and undermines the intent of the building separation controls.
Included a new control allowing the two commercial towers to have a linking structure and therefore be excluded from building separation requirements.	Change not supported. Building separation controls should remain as drafted by Council officers and detailed within this report.
Deleted building design objectives which seek to ensure slender designs that do not overwhelm in bulk and scale and reduces the effects on public domain by controlling the size of upper level floor plates.	Change not supported as outlined within this report.
Included new building design controls requiring taller buildings above 6 storeys to demonstrate a response to surrounding context, façade treatment and articulation, vertical architectural expression at building entry points and a pedestrian desire line between Carrington Road and the linear park within the site.	Change supported and incorporated into draft DCP.
Included new control about integrating aboveground car parking into overall façade design and creating a good relationship to the public domain.	Change supported with amendments. The Proponent's drafting of this control duplicates another existing control. The control has been amended to incorporate the Proponent's additional wording into a single development control.
Introduced additional objective (but not subsequent corresponding development control) to permit shops on the site and prevent supermarkets.	Change not supported as outlined within this report.
Amended wording from 'must not' to 'should not' in relation to preventing access and fire services and loading docks within street frontages.	Change not supported. This matter was not raised by the Proponent as part of the further consultation process. The minor proposed wording weakens the requirement to comply with the control.
Deleted control requiring a minimum 9m wide pedestrian link between the commercial buildings and included revised wording regarding the provision of a north-south desire line.	Change not supported as outlined throughout this report with respect to building separation at the ground plane.

Amended wording of solar access control so that the requirement to provide 4 hours of direct sunlight between 9am and 3pm on 21 June only applies to a minimum of 50% of the through site link only , compared to Council's drafting which applies to 50% of the combined area of the through site link and the central publicly accessible open space.	Change not supported as outlined within this report.
Amended mature tree planting control from every 10m to every 10-20m.	Change not supported. This matter was not raised by the Proponent throughout this further consultation. Mature tree planting should be provided every 10m to ensure the development provides an attractive landscape that is keeping with the desired character of the locality.
Amended wording as it relates to encouraging green walls and roofs where appropriate.	Change not supported. The minor rewording weakens the intent of providing these outcomes, which are depicted within the Proponent's development concept.
Deleted control that seeks to limit the amount of above ground or at grade car parking to 344 spaces.	Change not supported as outlined within this report. This control was a key element of responding to and overcoming the advice of the Local Planning Panel, which identified a range of built form issues that were resulting from the extent of aboveground parking which the Proponent was including within building envelopes proposing within their concepts. It is also noting that the reduced parking rates proposed to apply to the site would negate the need for the extent of aboveground parking originally depicted by the Proponent in their concepts and compliance with this control should therefore be achievable.

Table 2

Comparison of Proponent's requested DCP changes and Council officer comment

OPTIONS

The following options are provided for Council's consideration.

Option 1 – Proceed to Gateway Determination without 'Shops' as an Additional Permitted Use (Council Officer Recommendation)

The conclusions of the Council officer assessment of the planning proposal is that the identification of "shops" as an additional permitted use on the site would not be an appropriate land use outcome in this out-of-centre location and would not align with Council's relevant local planning policies and hierarchy of centres.

It is also noted that employment zones within Council's LEP have recently been reformed by State Government to allow for greater flexibility in the types of land uses that are permitted on employment land. However, even through this process the Government's reforms still acknowledged the important role of retail centres as distinct from other employment-generating land. It is the view of Council officers that 'shops' should not be permitted on the site as it will potentially threaten the established centres hierarchy in the Hills, delay establishment of the planned future local retail centres on other better located sites and will create a precedent for out of centre retail activities. It is also reiterated that "shops" is a "group term" and therefore the inclusion of this land use as an additional permitted use would permit a wide variety of retail offerings on the site, with no ability for Council to prohibit certain types of shops which may not be desirable on the land.

The recommendation of this report reflects Option 1.

Option 2 – Proceed to Gateway Determination including 'Shops' as an Additional Permitted Use (Proponent's Preferred Option)

Having regard to the Proponent's submission and request, Council may wish to proceed with an alternative option, which would allow for the identification of "shops" as an additional permitted use on the site. This would reflect the Proponent's preferred option as submitted to Council.

The only difference in comparison to the Council officer recommendation (Option 1) would be the inclusion of the land use term 'shops' as an additional permitted use on the site under Schedule 1 of LEP 2019, with a maximum combined gross floor area of 1,000m². The reasons for the Proponent requesting this outcome are detailed within this report and submissions made by the Proponent provided as Attachments 2 and 5.

It is open to Council to support the Proponent's submission that shops should be permitted on the land. If so, an alternative resolution to achieve this outcome would be as follows:

1. *The planning proposal applicable to land at 21-23 Victoria Avenue, Castle Hill (Lot 1 DP 657013 and Lot 1 DP 660382) proceed to Gateway Determination to amend LEP 2019 as follows:*
 - a) *Increase the maximum height of buildings from 20 metres to RL140.5.*
 - b) *Increase the maximum floor space ratio from 1:1 to 2.3:1.*
 - c) *Introduce 'shops' as an additional permitted use with a combined maximum gross floor area of 1,000m² on the site.*
2. *Draft The Hills Development Control Plan 2012 Part D Section X – 21-23 Victoria Avenue, Castle Hill (Attachment 8) be publicly exhibited concurrently with the planning proposal.*
3. *Council and the Proponent continue discussions with respect to an appropriate mechanism to secure public benefits, including the dedication of the land necessary for the intersection upgrade at Victoria Avenue and Carrington Road, at no cost to Council, with Council to receive a further Report on this matter prior to commencement of any public exhibition of the planning proposal.*

CONCLUSION

This report details the outcomes of further consultation undertaken with the Proponent for the planning proposal applicable to land at 21-23 Victoria Avenue, Castle Hill. Council officers and the Proponent have reached agreement on a number of matters (particularly relating to the draft site specific DCP) and this has prompted some changes to facilitate requests made by the Proponent.

However, a range of other changes requested by the Proponent have not been accommodated on the basis that, despite further exchange of information, discussion and negotiation, Council officers' technical assessment and conclusions remain unchanged on these matters.

The matter is now being reported to Council for a decision on whether to progress the planning proposal to Gateway Determination.

It is recommended that the planning proposal, as outlined in this report, be progressed to Gateway Determination, the associated site specific DCP be publicly exhibited concurrently and Council and the Proponent continue negotiations regarding the necessary land dedicated for road widening.

ATTACHMENTS

1. Council Report and Minute, 10 October 2023 (96 pages)
2. Proponent Additional Information, 15 November 2023 (30 pages)
3. Pre-Gateway Comments from TfNSW, 10 January 2024 (3 pages)
4. Council Officer Feedback Letter, 25 January 2024 (3 pages)
5. Proponent Further Information, 15 February 2024 (21 pages)
6. Post-Meeting Council Officer Feedback Letter, 28 March 2024 (5 pages)
7. Letter from Proponent, 4 April 2024 (1 page)
8. Draft Site Specific Development Control Plan 21-23 Victoria Avenue, Castle Hill (21 pages)

ATTACHMENT 1

MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 10 October 2023

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

ITEM 1 CONFIRMATION OF MINUTES

A MOTION WAS MOVED BY COUNCILLOR BLUE AND SECONDED BY COUNCILLOR BRAZIER THAT the Minutes of the Ordinary Meeting of Council held on 26 September 2023 be confirmed.

THE MOTION WAS PUT AND CARRIED.

440. RESOLUTION

The Minutes of the Ordinary Meeting of Council held on 26 September 2023 be confirmed.

APOLOGIES AND LEAVE OF ABSENCE

A MOTION WAS MOVED BY COUNCILLOR TRACEY AND SECONDED BY COUNCILLOR DE MASI THAT the apologies from Councillors Hay OAM and Hodges MP be accepted and leave of absence granted.

THE MOTION WAS PUT AND CARRIED.

441. RESOLUTION

The apologies from Councillors Hay OAM and Hodges MP be accepted and leave of absence granted.

**ITEM 2 PLANNING PROPOSAL – 21-23 VICTORIA AVENUE, CASTLE HILL
(4/2021/PLP)**

Proceedings in Brief

Brad Nash, Director, of Blueprint Group Australia addressed Council regarding this matter.

A MOTION WAS MOVED BY COUNCILLOR DR KASBY AND SECONDED BY COUNCILLOR DE MASI THAT the matter be deferred to allow further consultation between Council and the Applicant and the matter be the subject of a future report to Council.

THE MOTION WAS PUT AND CARRIED.

442. RESOLUTION

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

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

VOTING FOR THE MOTION

Mayor Dr P Gangemi
Clr M Blue
Clr R Boneham
Clr F De Masi
Clr Dr B Burton

This is Page 3 of the Minutes of the Ordinary Meeting of The Hills Shire Council held on 10 October 2023

MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 10 October 2023

Clr J Cox
Clr V Ellis
Clr J Brazier
Clr Dr M Kasby
Clr R Tracey

VOTING AGAINST THE MOTION

Clr R Jethi

MEETING ABSENT

Clr A Hay OAM
Clr M Hodges MP

ITEM 3 POST EXHIBITION – DRAFT ECONOMIC GROWTH PLAN (FP273 AND FP272)

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

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY.

443. RESOLUTION

The Draft Economic Growth Plan (including post exhibition amendments set out in Section 7 of this report) be finalised and adopted by Council.

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

VOTING FOR THE MOTION

Mayor Dr P Gangemi
Clr M Blue
Clr R Jethi
Clr R Boneham
Clr F De Masi
Clr Dr B Burton
Clr J Cox
Clr V Ellis
Clr J Brazier
Clr Dr M Kasby
Clr R Tracey

VOTING AGAINST THE MOTION

None

MEETING ABSENT

Clr A Hay OAM
Clr M Hodges MP

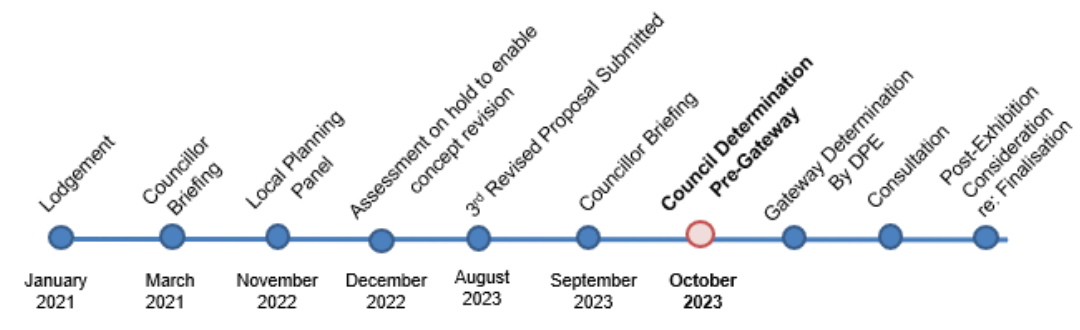
ORDINARY MEETING OF COUNCIL

10 OCTOBER 2023

ITEM 2	PLANNING PROPOSAL – 21-23 VICTORIA AVENUE, CASTLE HILL (4/2021/PLP)
THEME:	SHAPING GROWTH
MEETING DATE:	10 OCTOBER 2023
	COUNCIL MEETING
GROUP:	SHIRE STRATEGY
	SENIOR TOWN PLANNER
AUTHOR:	LAURA MORAN
RESPONSIBLE OFFICER:	MANAGER – FORWARD PLANNING NICHOLAS CARLTON

PURPOSE

This report provides a summary and assessment of the planning proposal applicable to land at 21-23 Victoria Avenue, Castle Hill. The planning proposal is being reported to Council for a decision on whether or not to submit the planning proposal to the Department of Planning and Environment (DPE) for Gateway Determination.



RECOMMENDATION

1. The planning proposal applicable to land at 21-23 Victoria Avenue, Castle Hill (Lot 1 DP 657013 and Lot 1 DP 660382) proceed to Gateway Determination to amend LEP 2019 as follows:
 - a) Increase the maximum height of buildings from 20 metres to RL140.5.
 - b) Increase the maximum floor space ratio from 1:1 to 2.3:1.
2. Draft The Hills Development Control Plan 2012 Part D Section X – 21-23 Victoria Avenue, Castle Hill (Attachment 2) be publicly exhibited concurrently with the planning proposal.

ORDINARY MEETING OF COUNCIL

10 OCTOBER 2023

3. Council and the Proponent continue discussions with respect to an appropriate mechanism to secure public benefits, including the dedication of the land necessary for the intersection upgrade at Victoria Avenue and Carrington Road, at no cost to Council, with Council to receive a further Report on this matter prior to commencement of any public exhibition of the planning proposal.

IMPACTS**Financial**

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

The infrastructure demand generated by the planning proposal is accounted for under Contribution Plan 19.

Strategic Plan - Hills Future

The planning proposal, if supported, would contribute to employment growth in Shire and facilitate the delivery of additional jobs, contributing to the overall Norwest Strategic Centre job targets. The supporting Development Control Plan will ensure the proposed urban design outcomes demonstrate a high level of amenity and the proposed built form will provide an appropriate transition between higher density commercial development and the existing specialised retail and light industrial uses in the Norwest Service Precinct.

LINK TO HILLS SHIRE PLAN**Strategy:**

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

Outcomes:

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

LEGISLATIVE CONTEXT

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

The legislative framework for preparing and amending a Development Control Plan is established within Part 3, Division 3.6 of the Environmental Planning and Assessment Act 1979 (Clauses 3.41 to 3.46). This report seeks a decision of Council as to whether or not to progress with amendments to The Hills Development Control in accordance with Section 3.43 of the Act.

ORDINARY MEETING OF COUNCIL

10 OCTOBER 2023

PROPONENT

Blueprint Australia

OWNER

Spotlight Property Group

POLITICAL DONATIONS

None disclosed by Proponent

HISTORY

- 10/01/2021** Planning Proposal lodged with Council.
- 02/03/2021** Planning Proposal presented at Councillor Briefing.
- 01/04/2021** Feedback letter provided to Proponent regarding road widening, setbacks and landscaping, stormwater, flood and engineering, traffic, access and carparking, pedestrian links, bulk and scale and DCP amendments.
- 19/04/2021** First meeting with Proponent and Council officers to discuss flood levels.
- 22/06/2021** Additional information submitted by the Proponent.
- 08/10/2021** Second meeting with Proponent and Council officers to discuss flood levels.
- 19/11/2021** Third meeting with Proponent and Council officers to discuss flood levels.
- 23/11/2021** Additional information submitted by the Proponent.
- 30/11/2021** Meeting between Proponent and Council officers to discuss the proposal.
- 15/12/2021** Further correspondence provided to the Proponent addressing a number of questions raised by the Proponent regarding Council's original feedback letter relating to road widening, setbacks and landscaping, stormwater, flood and engineering, traffic, access and carparking, pedestrian links, bulk and scale and DCP amendments.
- 16/12/2021** Meeting between Proponent and Council officers to discuss the content of Council officers' further correspondence dated 15/12/2021.
- 01/03/2022** Meeting between Proponent and Council officers to allow the Proponent to present potential alternative concepts for submission.
- 14/03/2022** Feedback provided by Council officers to the Proponent following the meeting on 1/3/2022 relating to proposed pedestrian links, building envelopes and bulk and scale of the proposal.
- 08/08/2022** Updated planning proposal package submitted to Council by the Proponent.
- 16/11/2022** Updated planning proposal package considered by the Local Planning Panel. The Panel advised that the proposal should not proceed to Gateway Determination.
- 30/11/2022** Meeting between Proponent and Council officers to discuss the matters raised in the Local Planning Panel advice.
- 20/04/2023** Meeting between Proponent and Council officers to allow the Proponent to present potential alternative concepts for submission and key revisions to the proposal in response to the Local Planning Panel advice.

TO STRIVE FOR BETTER THINGS

- 09/05/2023** Further correspondence to the Proponent from Council officers providing additional feedback on the alternative concepts presented in 20/4/2023 and pedestrian links, service roads, additional permitted uses and car parking.
- 04/08/2023** Revised planning proposal submitted to Council for consideration. This revised planning proposal is the subject of this report.

1. THE SITE AND BACKGROUND

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

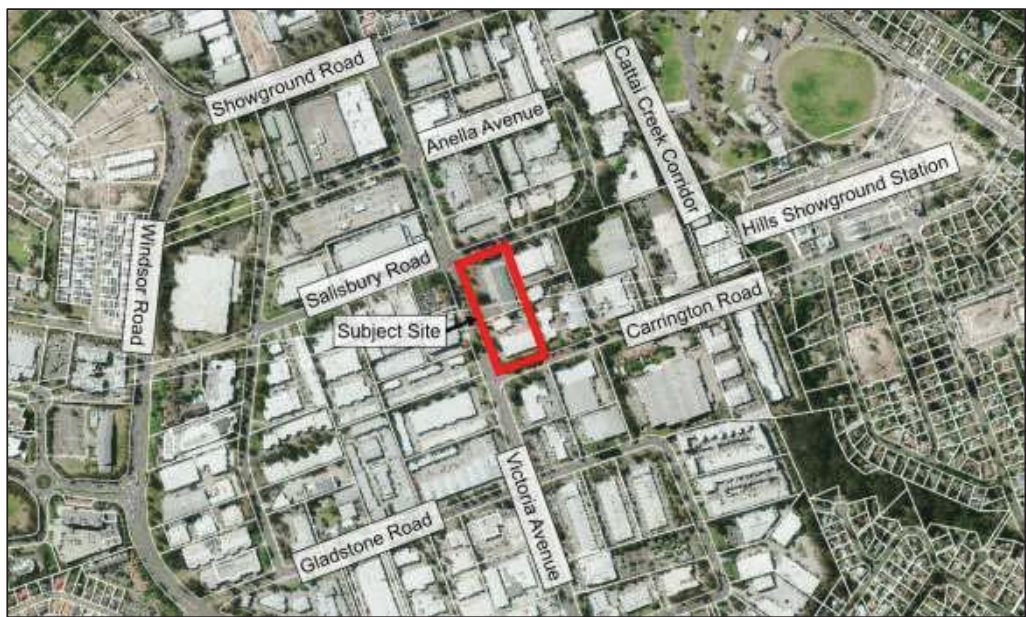


Figure 1
Aerial view of subject site and surrounding locality

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

TO STRIVE FOR BETTER THINGS

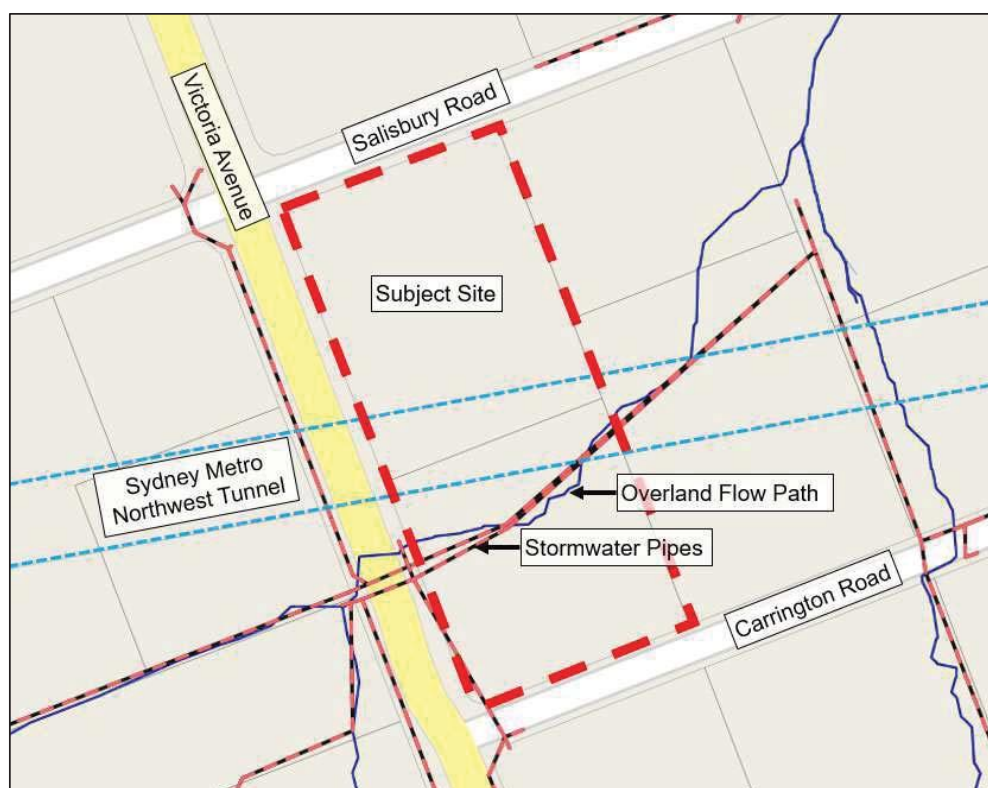


Figure 2

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

The site is currently subject to a maximum Floor Space Ratio control of 1:1, which would permit a maximum of approximately 21,048m² of gross floor area on the site. The site is also subject to a maximum building height of 20 metres (approximately 5 storeys). It is noted that while the current building height limit is expressed in terms of metres above ground level, the Proponent's application seeks to express the maximum building height limit as an RL ('reduced level'), which is effectively a distance measured from the Australian Height Datum (mean sea level). This is discussed further in Section 4 – Built Form of this report however for reference, the current 20 metre height limit applicable to the land would generally equate to a maximum RL of 110 metres on this particular site.

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

2. 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 6-12 storeys.

To facilitate this development outcome, the planning proposal seeks to amend The Hills Local Environmental Plan 2019 (LEP 2019) as follows:

- Increase the maximum Height of Building to RL140.5 (which would allow for heights of up to 12 storeys on this land);
- Introduce a maximum Floor Space Ratio of 2.3:1; and
- Introduce the additional permitted use ‘shop’, with a maximum of 3,300sqm to be permissible with consent.

A comparison between the current planning controls, outcomes articulated within the NWRL Corridor Strategy, The Hills Corridor Strategy, the Draft Norwest Precinct Plan and the proposed amendments to LEP 2019 are shown below. It is noted that the table includes the details of both the original proposal (as considered by the LPP) as well as the amended planning proposal submitted by the Proponent in August 2023 (which was submitted following receipt of the LPP’s advice and is the subject of this report).

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	LEP 2019	NWRL Corridor Strategy	Hills Corridor Strategy	Draft Norwest Precinct Plan	Previous Proposal (Considered by LPP)	Amended Planning Proposal (Aug 2023)
Zone / Land Use	E3 Productivity Support and SP2 Local Road Widening	Bulky Goods	Employment	Employment	B5 Business Development* and SP2 Local Road Widening	E3 Productivity Support
Additional Permitted Use	N/A			N/A	Office Premises, Shops, Business Premises, Medical Centre	Shops
Max. Height	20 metres (3 storeys)	2-3 storeys	Approx. 8-12 storeys	6-12 storeys	RL 144.2 metres (55 metres) (13 storeys)	RL140.5 metres (52m) (12 storeys)
Max. FSR	1:1	1:1	Min. 2.5:1	2.3:1	2.61:1	2.3:1
Min. Lot Size	8,000m ²	N/A		N/A	8,000m ² (no change)	8,000m ² (no change)
Jobs **	570	570	1,426	1,200- 1,900***	1,446*	1,273**

Table 1

Comparison of Existing and Proposed Standards under LEP 2019 and the Strategic Planning Framework
*Notes: * The B5 Business Development zone has since been translated to E3 Productivity Support under the Government's Employment Zone Reforms. ** Based on assumed density in the Hills Corridor Strategy & LSPS of 1 employee per 38m² GFA and having regard to the mixture of commercial and retail uses proposed. *** The job numbers in this area of the Precinct have potential for variation given the range of potential employment land uses anticipated and differing job densities of each.*

The planning proposal is supported by an indicative concept where specialised retail is located on the northern portion of the site within the ground and first floors and above ground car parking would be concentrated within four levels above (resulting in a 6 storey building). Two 12 storey commercial buildings would be located on the southern portion of the site. Activation of the ground floor level would be realised through restaurants, cafes and shops.

A number of public domain spaces are proposed including plazas, 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, as submitted, indicates that car parking would be provided in accordance with the current DCP car parking rates, resulting in approximately 1,344 car parking spaces, in a combination of basement parking as well as 4 above ground parking levels. 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 48,410m². The proposed distribution of this floor space between the proposed land uses is as follows:

- Commercial office – 34,470m²
- Business premises – 205m²
- Gym, medical and child care – 1,440m²
- Specialised retail – 7,920m²

- Shops – 3,300m²
- Food and beverage – 950m²
- End of Trip – 125m²

The planning proposal has been revised three times since the initial lodgement in January 2021. The current revised planning proposal, as submitted in August 2023, is the subject of this report. The following figures indicate the proposed built form, site layout and indicative architecture.

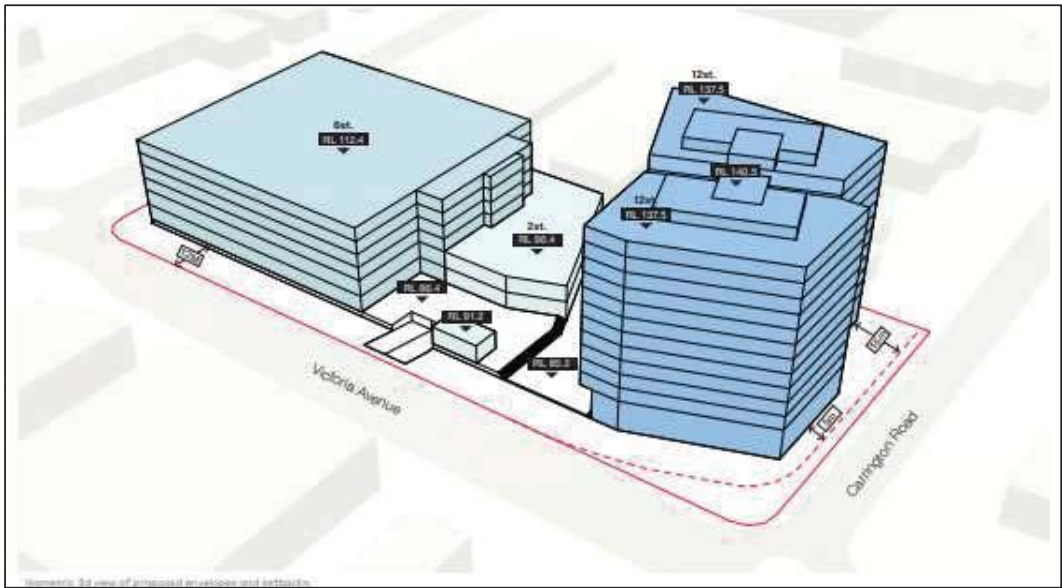


Figure 3

Current Proposal - Indicative building envelopes submitted by Proponent

It is noted that 4 of the 6 levels within the 6 storey building envelope are occupied by above-ground parking areas

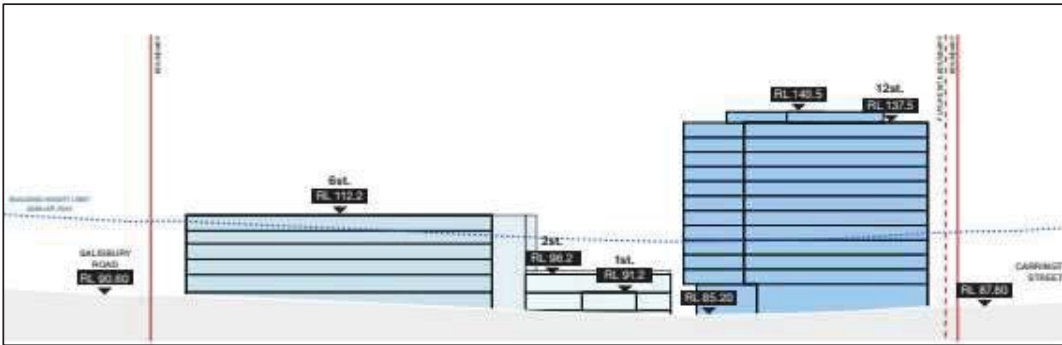


Figure 4

Cross section of proposed development (view from Victoria Ave)

It is noted that 4 of the 6 levels within the 6 storey building envelope are occupied by above-ground parking areas

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Figure 5
Current proposal - Indicative Site Plan



Figure 6
Perspectives / Photomontages of development concept and through-site link (from Victoria Ave)

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Figure 7

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

The proposed LEP map amendments are shown below in the following figures.

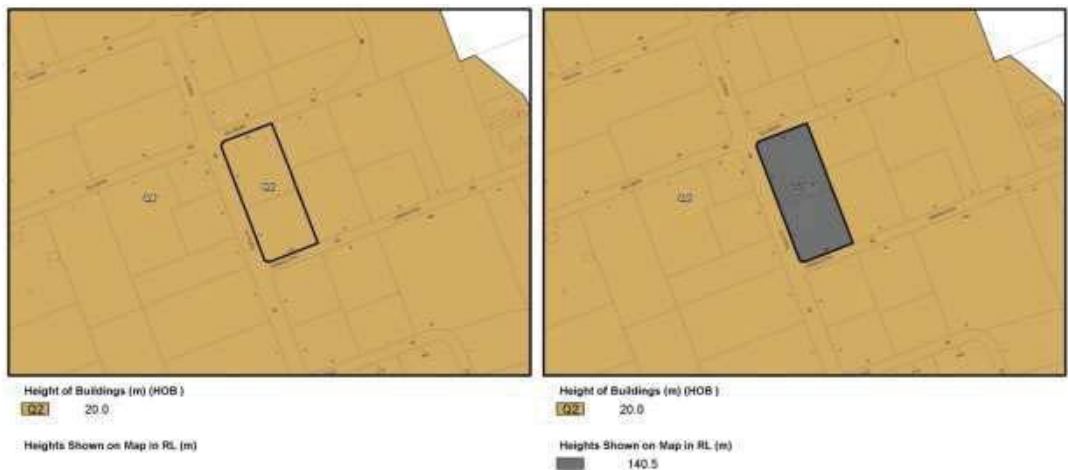


Figure 8

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

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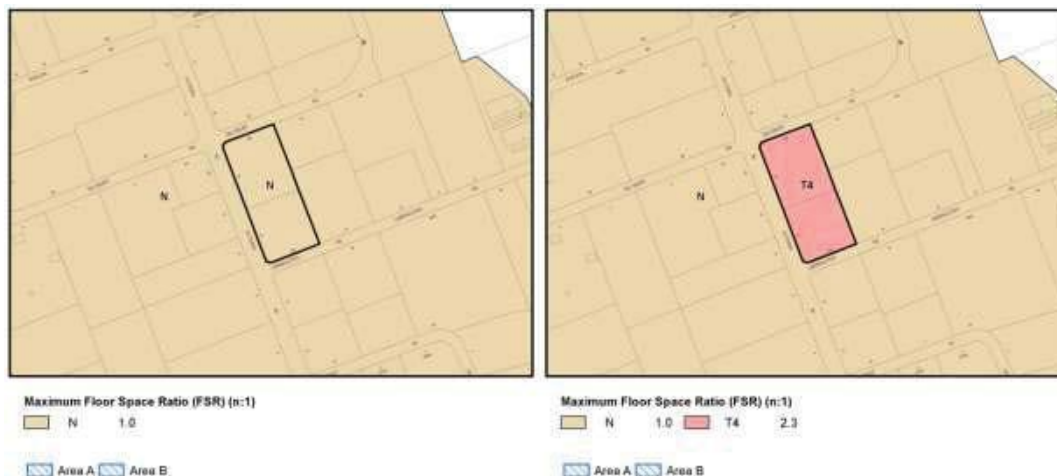


Figure 9

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

3. LOCAL PLANNING PANEL ADVICE

On 16 November 2022 the planning proposal was presented to the Local Planning Panel for advice. The Panel were not supportive of the proposal, due the undesirable outcomes resulting from the scale of the development and inadequate response to the overland flow path. The LPP's advice is provided below:

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.

It is noted that the version of the proposal considered by the Local Planning Panel was the 2nd revision of the proposal submitted by the Proponent. In response to the LPP advice, the Proponent subsequently amended their proposal and submitted a 3rd revision to Council in August 2023. The proposal that is the subject of this Report is the 3rd revision of the proposal, in which the Proponent amended a number of elements of the proposal in an effort to address the concerns raised by the LPP.

4. MATTERS FOR CONSIDERATION

A summary and discussion of key matters for consideration associated with the planning proposal is provided below. The full technical assessment of the proposal, as reported to the LPP in November 2022, is contained within Attachment 1. It is noted that the proposal has been revised by the Proponent since this time, in response to the LPP's advice and Council officer feedback. Accordingly, the table below also includes discussion on the particular elements of the proposal which have been revised since the matter was considered by the LPP.

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

	<i>station and improving access to jobs and specialised retail.</i> <i>The land use outcomes (being employment only) on the site align with TOD principles, as applied in the North West Rail Link Corridor Strategy and The Hills Corridor Strategy. The site's location, at the corner of Carrington Road and Victoria Avenue, forms a transition between industrial, commercial, and retail uses in this locality, whilst increasing density in proximity to the Hills Showground Metro Station. Land uses identified for the site are in accordance with what is envisioned under each of these strategic plans.</i> <i>The key planning priorities from the LSPS are Planning Priority 1 – Plan for sufficient jobs, targeted to suit the skills of the workforce, Planning Priority 2 – Build strategic centres to realise their potential, Planning Priority 10 – Provide social infrastructure and retail services to meet residents needs and Planning Priority 12 – Influence travel behaviour to promote sustainable choices. The proposal is consistent with Planning Priorities 1, 2 and 10, especially in that it would increase the quantum of employment floor space and extent of floor space for specialised retail in this location, which will assist in reducing a shortfall in the short to medium term and delivering commercial development, consistent with the outcomes envisaged in the draft Norwest Precinct Plan.</i> <i>The planning proposal is potentially inconsistent with Planning Priority 12, in its current form, as the proposal intends to provide car parking at the existing rates currently required by the Hills DCP 2012. These rates preceded the NSW Government investment in the Sydney Metro Northwest and do not take into account the opening or availability of high frequency public transport which is now available at this location, or any associated shift in travel behaviours. If provided at the current DCP car parking rates, the proposal would require approximately 1,334 car spaces. The provision of this extent of car parking within the walkable catchment of a metro station is not aligned with the principles of Transit Oriented Development and will place significant demand on local traffic infrastructure. It will also fail to encourage workers and visitors to utilise more sustainable and active transport options to access the site. This is considered to be an element of the proposal which could be rectified as the proposal progresses, through more appropriate parking controls specified in the associated site-specific DCP (this is discussed further below in the Traffic and Parking section).</i> <i>The draft Norwest Precinct Plan identifies the site for commercial uses and employment outcomes that will be a key contributor to increased jobs within the Strategic Centre. The site is identified for high density offices and bulky goods, with active ground floor uses that contribute to a vibrant ground plane. The FSR and height envisioned for the site under the draft Precinct Plan are 2.3:1 and 6-12 storeys respectively. The outcomes sought through the planning proposal are aligned with Council's vision for the land, as articulated within the draft Norwest Precinct Plan.</i>
Overland Flow Path	<i>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).</i>

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.

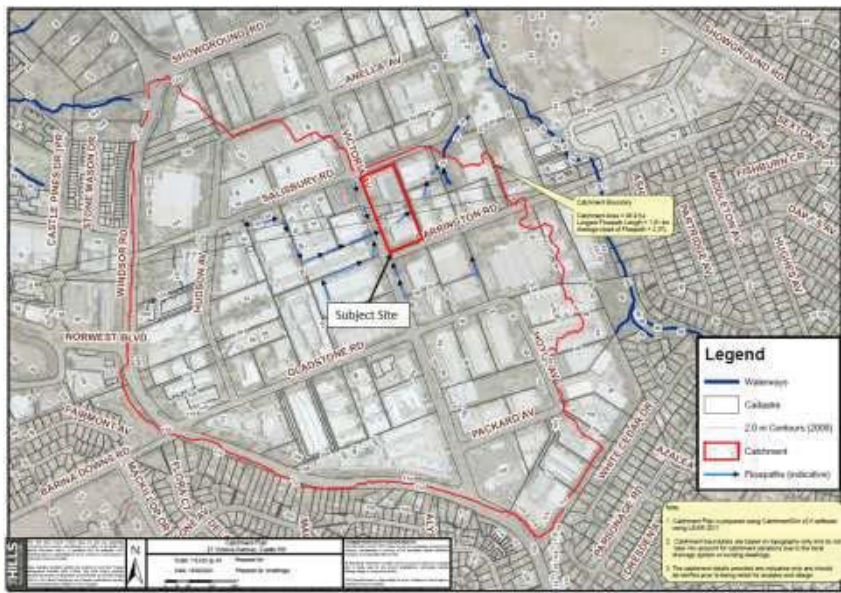


Figure 10
71 Ha impervious stormwater catchment (outlined in red)

The planning proposal and supporting information indicate that there is the potential for flash flooding to occur during a storm event.

The previous proposal, considered by the LPP, included development within the overland flow path. This is generally prohibited due to the risk of damage to property and human life. The previous site layout and management of flooding and stormwater risk was considered inadequate and formed part of the reason of the LPP in not supporting the proposal.

In the revised proposal submitted in August 2023, the Proponent has responded to Council officer and LPP advice and has amended the site layout to utilise the overland flow path for a 20-25m pedestrian through site link. This resolves the issues previously raised relating to stormwater management and overland flooding. Under the revised concept there is still potential for minor flood impact to neighbouring properties to occur and overland flows potentially entering below ground carparking levels. However, it is acknowledged that this is a conceptual design for the planning proposal phase and would need to be subject to further work and design at the Development Application stage. Based on the information submitted to date, it is considered that these remaining issues would be readily resolvable as part of these later phases of more detailed design and assessment, if the planning proposal was ultimately to proceed to

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finalisation.



Figure 11

Extract of Site Plan indicating the Proposed Through Site Link

Active uses are proposed to sleeve the pedestrian link to activate the ground floor plane. No building encroachment on the Stormwater Easement occurs as a result of the development and access to the pipes in the event that repair, or replacement is needed is maintained. Any minor works in the easement, such as street furniture, will be required to comply with Councils Design Guidelines for Subdivision and Development, and must not impact upon flood behaviour as it passes through the site. It is therefore considered that there are sufficient protections demonstrated within the Proponent's August 2023 revised proposal to mitigate any flood risk and the proposal is consistent with Ministerial Direction 4.1.

Additional permitted use – 'Shops'

The planning proposal seeks to permit shops as an additional permitted use. However, careful consideration of this is required as shops is a broad land use term that would enable a wide range of retailing to occur on the site, potentially out of alignment with Council's adopted centres hierarchy.

The proposal considered by the Local Planning Panel included approximately 4,700m² of shops floor space, with no cap or limit on the amount of space that could be developed as shops. In comparison, the Proponent's revised proposal (August 2023) indicates intent to accommodate approximately 3,300m² of floor space for the purpose of shops.

Importantly, it is noted that food and drink premises (including restaurants, cafés, take-away food and drink premises, pubs and small bars), 'neighbourhood shops', specialised retail premises, business premises and medical suites are all currently permitted in the E3 Productivity Support zone which applies to the land. Accordingly, the majority of land use outcomes within the Proponent's development concept are already permitted on the land and the 3,300m² of "shops" within the Proponent's

	<i>proposal would be in addition to these other already permitted uses.</i> <i>The Economic Impact Assessment provided with the revised planning proposal indicates that the floor space to be occupied by shops on the subject site would comprise a mid-sized supermarket (2,000m²) and supporting retail specialties (1,300m²).</i> <i>While the Proponent has submitted that these “shop” uses are intended to be complementary to the core uses of the site and aimed at visitors to the site and local workers, it is considered premature to permit supermarket spaces on the site, noting that the new retail centre at the Hills Showground Station is yet to be established. For reference, the new local centre at the Hills Showground Station (approved as a State Significant Development Application) proposes approximately 10,000m² of retail floor space, including a full line supermarket. The establishment of supermarket retail services at the metro station site will have a significant influence on the travel and shopping behaviour of future residents and workers in the precinct and would be aligned with Council’s strategic outcomes and centres hierarchy.</i> <i>In contrast, delivery of a supermarket on the subject site, towards the periphery of the walking catchment to the station, prior to the establishment of the retail services at the station, would be inconsistent with the principles of transit oriented development and the objectives of the strategic framework, as it would locate these retail services further away from public transport. This amount of traditional retailing on the subject site could also potentially challenge the established and emerging retail hierarchy in surrounding areas and have a particular impact on the establishment of new retail services at Hills Showground Station, where they would be more suitable. It would also create a risk of generating additional traffic to the subject site beyond what the currently permitted land uses would otherwise result in.</i> <i>It is considered that the current land uses permitted within the E3 Productivity Support zone enable a sufficient level of retailing to occur on the 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. The inclusion of ‘shops’ as an additional permitted use is therefore not supported.</i>
Built Form	<i>The bulk and scale of the previous proposal was considered excessive and the LPP provided some specific guidance regarding how the built form could be amended to result in a more appropriate outcome:</i> <i>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;</i> <i>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;</i> <i>iii) A substantial reduction in floor plate sizes for any commercial or parking levels above the specialised retail uses, to deliver a more</i>

	<i>slender tower form;</i> iv) <i>A possible reduction in floor space ratio and gross floor area sought;</i> v) <i>Removal of the proposed “shop” component; and</i> vi) <i>Increased building separation and a substantial reduction in building lengths.</i> <i>In response to LPP advice, the Proponent has revised the proposal and built form outcomes. The revised proposal submitted by the Proponent in August 2023 has a lower FSR (now 2.3:1 rather than 2.61:1), lower building heights, some reduction in floor plate sizes and a reconfigured site layout to provide additional building separation between the specialised retail and commercial buildings.</i> <i>Many of the LPP’s issues have now been addressed through material and positive changes by the Proponent. There are however some matters which remain in conflict with the LPP’s advice relating to the amount of above ground car parking (and subsequent bulk in the built form) and the inclusion of “shop” floor space (discussed in the previous section of this report).</i> <i>The key built form matters and changes in response to the LPP’s advice are discussed in further detail below.</i> <u><i>Reducing Building Bulk by Reducing Aboveground Car Parking</i></u> <i>Excessive building bulk was, in part, caused by the high quantum of car parking required and the Proponent’s intention to have a large proportion of this car parking in above ground parking levels, within the building envelope.</i> <i>Contrary to the LPP’s advice, the Proponent has increased the amount of carparking proposed on the site from 1,250 to 1,300 spaces. The Proponent has however relocated some of this parking to basement levels. Notwithstanding this change, the proposal still results in a significant amount of additional building envelope and bulk on the site, which is accommodating above ground car parking areas. For reference, the amount of area within the building envelopes dedicated to car parking is almost equivalent to the amount of commercial floorspace being sought on the site, meaning the buildings have a bulk and scale which is well beyond what would otherwise be expected to accommodate development at a density of 2.3:1.</i> <i>In retaining four levels of above ground parking, the Proponent has been able to keep the overall height of the proposal aligned with the proposed building heights (6-12 storeys) in the draft Norwest Precinct Plan, however this has resulted in significant floor plates for these parts of the development and excessive building lengths (in some cases presenting as an 83m unbroken wall).</i>
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	<i>The amount of above ground parking remains an issues in that it is resulting in an undesirable bulk and scale of development. Limiting the extent of above ground carparking spaces would significantly reduce the extent and visual impact of this bulk.</i> <i>Of the 1,331 spaces shown in the Proponent's development concept, 640 of these are located in basement levels and 691 of these are located in above ground car parking levels. Separate to the consideration of built form implications, this report contains further discussion with respect to parking rates from a traffic and transport perspective, which concludes that an appropriate provision of parking on this site would be around 938 spaces. If this lower rate of parking was to be applied to the development, there would only be a need for 298 spaces above ground (rather than 691 above ground spaces as currently proposed), which would significantly reduce the building bulk associated with the four levels of above ground car parking currently proposed.</i> <u><i>Building Heights and Scale</i></u> <i>The Proponents development concept indicates buildings ranging from 6 storeys to 12 storeys. These heights proposed align with the heights envisioned on the site under the Draft Norwest Precinct Plan as well as Council's earlier The Hills Corridor Strategy.</i> <i>There is now also adequate building separation between the buildings due to the 25m through site link. The bulk is therefore more evenly distributed across the site and conforms to the scale envisioned at this location having regard to the principles of transit oriented development and the prominent location of the site at the intersection of Victoria Avenue and Carrington Road. Heights transition downwards towards the northern end of the site, which distinguishes the scale of the commercial use (fronting Carrington Road) and the more car dependent specialised retail use (fronting Salisbury Road).</i> <i>In terms of the proposed heights at the site's boundaries, the proposal would allow for appropriate outcomes and interface and is generally consistent with the transition and built form outcomes envisaged for the adjoining sites and locality within Council's draft Precinct Plan for Norwest.</i> <i>To enable the proposed development concept, the Proponent seeks to amend the maximum building height control to RL 140.5m, which would permit buildings of up to 12 storeys on this land. Typically, maximum building heights across the LGA are expressed in metres, with the exception of Norwest Central, where RL heights (levels above the Australian Height Datum) are utilised to provide a more absolute height limit in areas of significant topography change and manage district view lines.</i> <i>There is no major objection raised to the Proponent's approach of seeking to apply an RL heigh control to this land, as it would appropriately limit the built form to the outcomes generally depicted in the development concepts. Should the matter progress to Gateway Determination, the Department may suggest that the height control to be amended to be expressed in metres to ensure a consistent approach with surrounding</i>
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sites. This would also be an acceptable outcome and if this was to occur, this would result in a maximum building height control of 53m being applied to the site, which would also permit buildings up to 12 storeys in height in accordance with the Proponent’s development concept.

Floorplates

A substantial reduction in commercial floorplates was recommended by the LPP to deliver more slender tower forms. In the previous development concepts, the taller commercial tower floorplates were 2,000m² – 3,000m², which contributed to the perception of excessive bulk. The updated concept now proposes two commercial towers with floorplates between 1,440m² – 1,530m², that are separated by an 8m pedestrian through site link. Although from an urban design perspective the towers would still benefit from some further reduction in footprint, the revised proposed does nonetheless reflect a meaningful change by the Proponent to address this built form issue whilst balancing the need to develop commercially feasible floorplates for future tenants.

The specialised retail floorplates are 5,220m², which is common for this type of land use and considered acceptable, especially given that only two levels of specialised retail use with this size floorplate is proposed. There is however a remaining issue of building bulk associated with extruding these large floor plates upwards to create an additional four levels of above ground car parking as demonstrated in the Figure below.

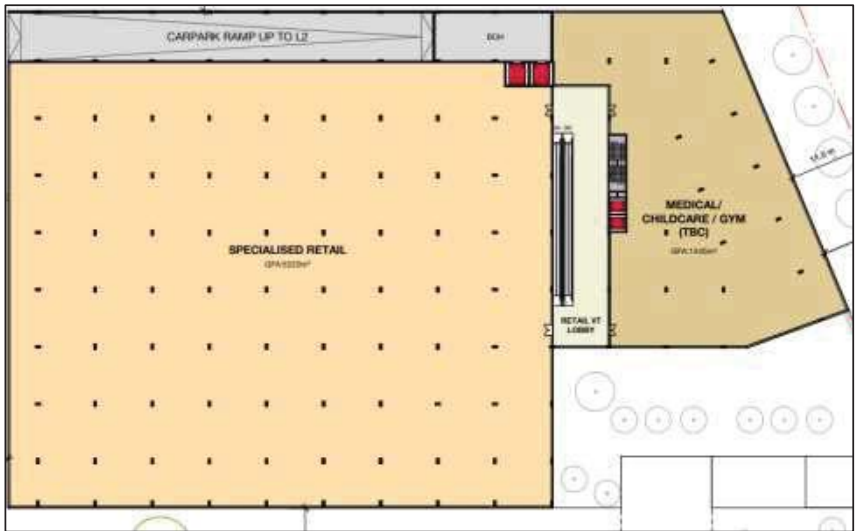


Figure 12
Specialised Retail floorplate (first 2 storeys)

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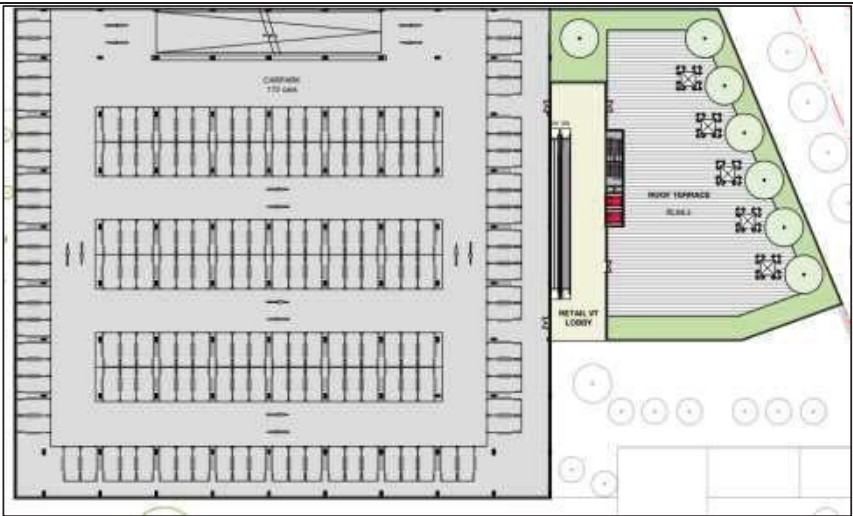


Figure 13
Carparking floorplate (3rd, 4th, 5th and 6th storey)

This element of the proposal is not supported as four levels of above ground parking with 5,220m² floorplates results in a visually overpowering bulk and scale that is not consistent with the future character envisaged for this locality. It is recommended that this issue could be resolved by further limiting the amount above ground carparking (as described above under the section titled Reducing Building Bulk by Reducing Aboveground Car Parking and discussed below under the section titled Traffic and Parking). As discussed further below, reducing the parking rates as recommended by Council officers in this report would have the effect of allowing for the footprint size of the 4 above ground parking levels to be halved or alternatively, allowing for the removal of 2 of the 4 above ground parking levels. While either of these changes would have a significant impact on the perceived bulk and scale of the development, the later is likely to be the more economically viable approach.

Building Separation

An increase to the building separation was recommended by the LPP to resolve bulk and scale issues. In response, the Proponent has amended the Proposal to provide increased separation between the specialised retail and commercial buildings, which ranges from 20m to 70m, and separation between the commercial towers of 8m.

Overall it is considered that there is now sufficient building separation between the commercial/retail component of the proposal. The proposal would benefit from further separation between the commercial towers and potentially a further reduction in the commercial floor plates, however this could likely be resolved and considered further as part of future detailed design processes.

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	<u>FSR</u> Issues identified with bulk and scale, building separation and excessive building length were partially reflective of excessive density being sought on the site (2.61:1) as part of the earlier version of the proposal, in combination with extent of above ground car parking. The LPP recommended the FSR be reduced as part of the redesign of the proposal. In response, the Proponent's revised proposal is now seeking a lower FSR of 2.3:1. Based on the revised plans submitted, it is considered that the Proponent has now been able to demonstrate that this lower density, in combination with reduced car parking rates, would be able to be accommodated on the site within a suitable built form outcome.
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. Vehicular access to and from the above-ground parking levels is proposed via ramps from Salisbury Road. Access from Victoria Road is not supported as it will likely create congestion and impact the flow of traffic in this location, especially at AM and PM Peak hours. As an alternative, limiting access to the site to the Salisbury Road entrance may mitigate this outcome. Should Council resolve that the planning proposal should proceed to Gateway Determination, this is a matter that would require further consideration and resolution in consultation with TfNSW as part of the subsequent Gateway and public authority consultation process.
Traffic and Parking	<u>Parking</u> The proposal considered by the LPP, which relied on the current DCP car parking rates, would have required 1,250 car parking spaces to service the development, as depicted in the supporting development concepts. There were a number of issues associated with this amount of car parking, including traffic generation and the bulk of buildings necessary to accommodate such a high level of car parking. The revised planning proposal retains the use of the current DCP car parking rates and although the reduced FSR results in less floor space than the previous version of the proposal, the proposed mix of uses and application of the car parking rates proposed by the Proponent results in a similarly high amount of car parking being required. The accompanying development concept plans include the provision of 1,331 car parking spaces within two basement levels and 4 above ground parking levels (compared to 1,250 car parking spaces in the concept plans the LPP considered). The Proponent has derived this parking rate from Council's current DCP rates and the TfNSW requirements stipulated within "A Guide to Traffic Generating Developments" (although does not seek to apply any revised rates as part of the planning proposal or the revised DCP).

	<i>It would be reasonable and appropriate 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 acknowledgement of the proximity to the Hills Showground Metro Station (which is also the justification for seeking increased density at this location). While it is acknowledged that some land uses within the development (such as specialised retail premises) will continue to be somewhat car dependent, it would still be appropriate to consider a more substantial reduction in the car parking proposed for other uses, such as office premises and business premises.</i> <i>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 the recommended parking rates are as follows:</i> <table><tr><th>Land Use</th><th>Minimum</th><th>Maximum</th></tr><tr><td>Commercial</td><td>1 space per 75m²</td><td>1 space per 60m²</td></tr><tr><td>Retail</td><td>1 space per 50m²</td><td>1 space per 25m²</td></tr></table> Table 2 Draft Norwest Precinct Plan Outer Walkable Catchment Parking Rates <i>If these parking rates were adopted for the proposed specialised retail, retail and commercial office floor space, the required car parking would be reduced to 938 car parking spaces.</i> <i>For reference, theoretical development of the site to its full development potential under the current LEP standards (1:1) and current DCP controls would result in around 841 parking spaces on the site. Accordingly, the application of the reduced parking rates recommended by Council officers in the draft Norwest Precinct Plan (and Table 2 above) would effectively allow for a doubling of development density on the site without any significant increase in the number of parking spaces on the site compared to the current planning framework and assumptions. This is an important outcome to achieve both on this individual site and within the areas surrounding the Metro Stations more broadly as it will be one of a number of important factors in limiting the number of vehicular trips and associated traffic impacts resulting from new development.</i> <i>In this context of this proposed development, it would also significantly relieve some of the bulk and scale associated with the building envelope necessary to accommodate 4 levels of above ground parking.</i> <i>To ensure issues with bulk, scale and traffic generation are resolved, the site specific DCP will restrict parking on the site to the ranges specified in Table 2 above, consistent with the position contained within Council's draft Norwest Precinct Plan.</i> <i>Given the flooding constraints, overland flowpath and Council stormwater assets which constrain development of this particular site, it is reasonable to concede that the Proponent would have no option but to accommodate some of the parking areas above ground. However, it is recommended that</i>	Land Use	Minimum	Maximum	Commercial	1 space per 75m ²	1 space per 60m ²	Retail	1 space per 50m ²	1 space per 25m ²
Land Use	Minimum	Maximum								
Commercial	1 space per 75m ²	1 space per 60m ²								
Retail	1 space per 50m ²	1 space per 25m ²								

to control the extent of this (and subsequent impact on the built form), the site specific DCP will also include additional controls that limit the maximum number of above ground car spaces on this site to 344.

Assuming minimal change to the basement parking areas as proposed by the Proponent, this combination of the reduced parking rates and limitation on the extent of above ground parking would effectively half the amount of above ground parking and associated building envelope compared to the current scheme. This means that the above ground parking levels could be expressed either as four levels of parking with smaller floorplates of approximately 2,025m² and 86 spaces on each level (see Figures 14, 15 and 16 below) or alternatively, two levels of parking with floorplates of approximately 6,440m² and 172 spaces on each level (See Figures 17 and 18 below). Either of these outcomes would represent a significant improvement to the development concept (and traffic generation outcome) by substantially reducing the perceived bulk and scale of this part of the development. It considered most likely that two levels of parking would be provided for reasons relating to feasibility and construction efficiency.



Figure 14
Indicative floorplate (in blue) of above ground parking with four levels and 344 spaces

TO STRIVE FOR BETTER THINGS

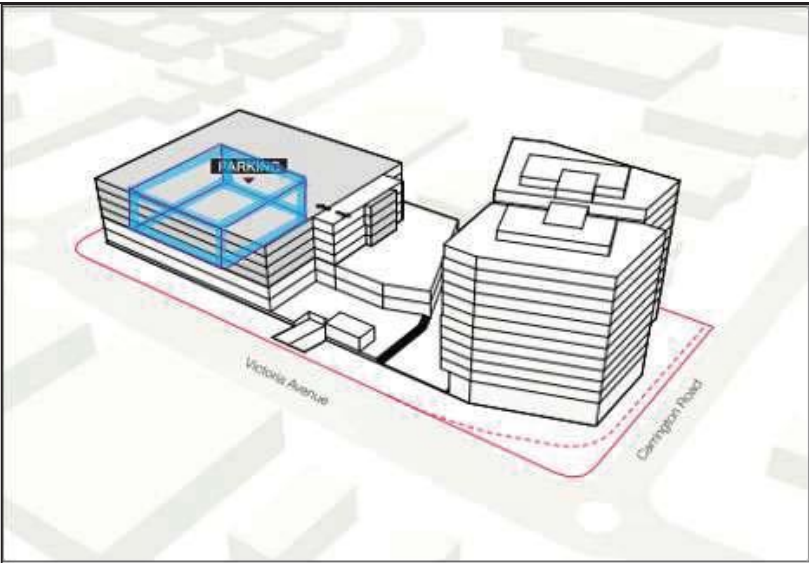


Figure 15
Indicative building envelope (in blue) of above ground parking with four levels and 344 spaces

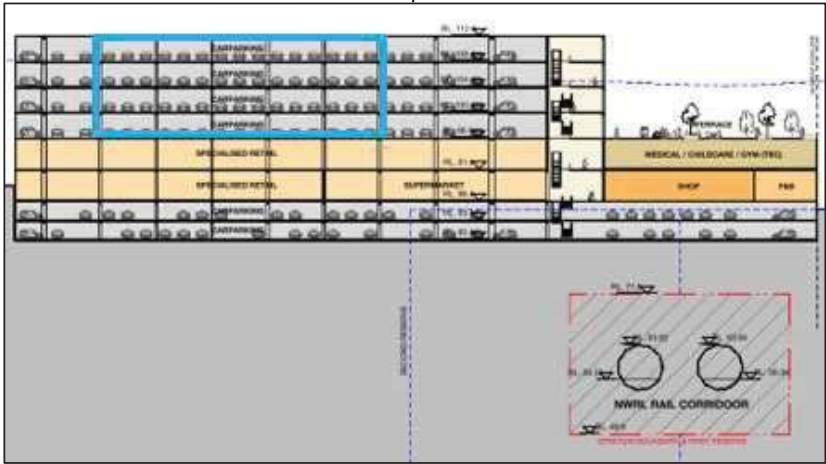


Figure 16
Indicative building envelope (in blue) of above ground parking with four levels and 344 spaces when viewed from Victoria Avenue

TO STRIVE FOR BETTER THINGS

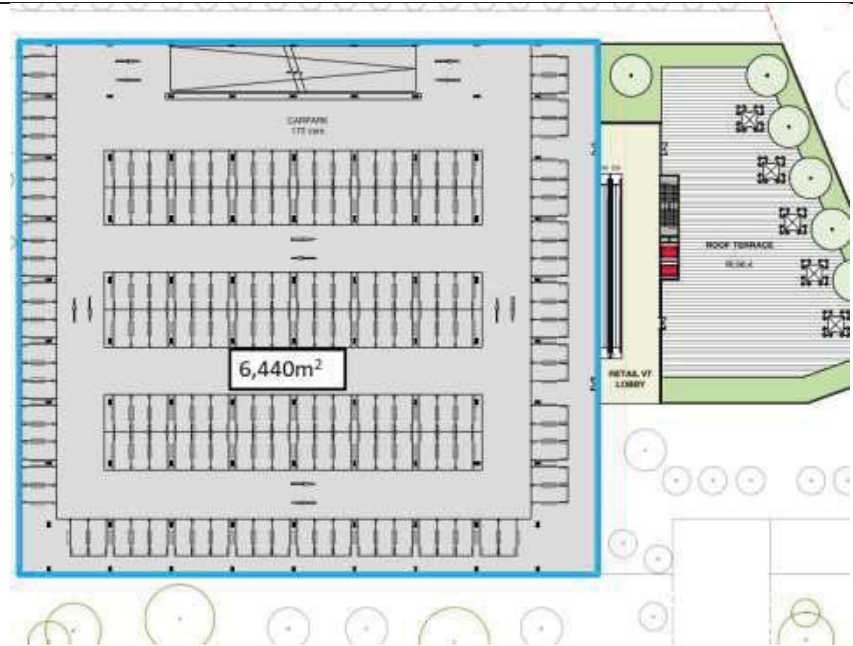


Figure 17
Indicative floorplate (in blue) of above ground parking with two levels and 344 spaces

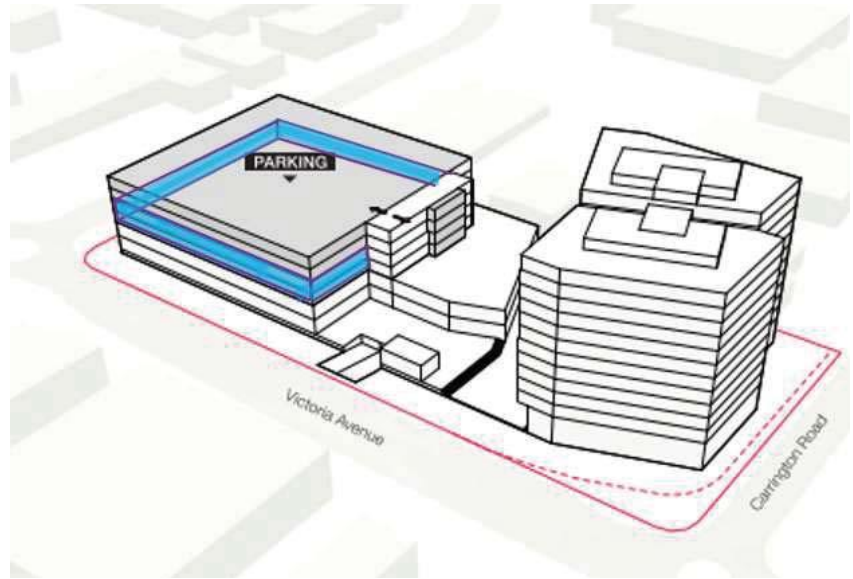


Figure 18
Indicative building envelope (in blue) of above ground parking with two levels and 344 spaces

TO STRIVE FOR BETTER THINGS

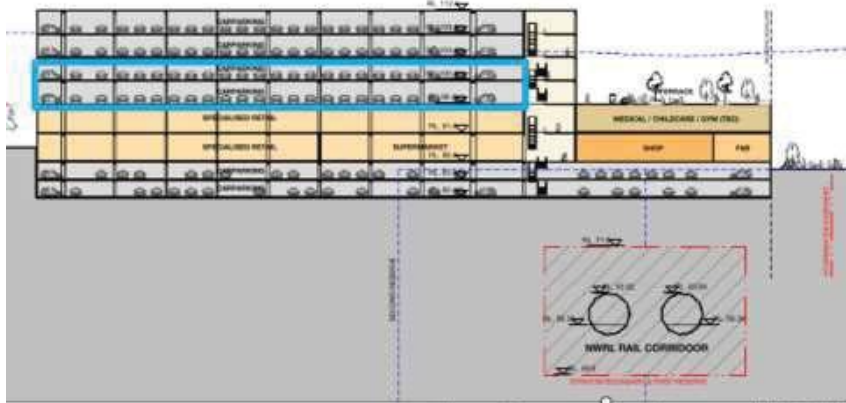


Figure 19
Indicative building envelope (in blue) of above ground parking with two levels and 344 spaces when viewed from Victoria Avenue

It should be acknowledged that the Proponent has also made a submission on the draft Northwest Precinct Plan, where they have advised that they do not support the adoption of the reduced parking rates outlined in Council's draft Precinct Plan. The submission indicates that this is a significant change relative to current DCP parking rates for this land use and could have the potential to substantially impact upon the marketability of commercial office floor space in this locality. This was supported by the findings of the Investment Attraction Study, where business owners and managers indicated that the availability of parking was an influential factor when choosing the location of their business.

It is acknowledged that there are many factors that influence the marketability and feasibility of a site. The draft Precinct Plan gives consideration to these factors which at times, can be at odds with one another. For example, the availability of parking affects site selection for new businesses, but it also impacts on feasibility of development, with the cost of providing parking in the estimated range of \$50,000 - \$60,000 per basement parking space. It also impacts on traffic generation rates and by association, the levels of congestion on the road network, leading to poorer amenity and liveability outcomes.

While it is acknowledged that the proposed rates represent a reduction compared to the current parking rates in Council's DCP, this is considered reasonable to recognise the change in circumstances and accessibility of a site which is now within high frequency public transport services. It also recognises the Government direction and need for planning policies to encourage behavioural change, especially noting a shift in travel behaviours will be critical if development uplift is to occur in this locality in a manner that does not result in unacceptable impacts on the surrounding road network.

The strategically identified development uplift is directly related to the provision of the Sydney Metro Northwest and increased opportunity for transit oriented development and people to access the site via public and active transport. The continued application of historical parking rates

TO STRIVE FOR BETTER THINGS

(which do not account for the availability of high-frequency mass public transport) would fail to take into account this change in circumstance. Furthermore, if replicated on other sites across the precinct which are also earmarked for development uplift, this would result in an unsustainable level of cumulative traffic increase resulting from new development at higher densities.

Reduced parking rates substantially reduce traffic generation and when coupled with road upgrades, they assist in minimising the impact of growth on the level of service of the road network. While the draft Precinct Plan identifies road and transport network upgrades to alleviate traffic congestion pressures that will be experienced by the anticipated growth, these upgrades alone will not resolve congestion impacts and as such, a change in travel behaviour (partly influenced by the availability of parking at the destination of any given trip) is also required. It is also noted that based on previous experience with TfNSW, it is extremely unlikely that the parking rates currently sought by the Proponent would be accepted and if the proposal was to proceed, it is expected that TfNSW will likely require a significant reduction in on-site parking compared to the Proponent's current scheme, generally consistent with the numbers recommended above by Council officers.

While the draft site specific DCP provided in support of the proposal includes the application of the current DCP car parking rates to the development, the draft Norwest Precinct includes an action to implement the revised car parking rates for non-residential development within the Strategic Centre, as a Council-led change. Noting that the Proponent has sought to lodge a planning proposal ahead of Council completing this action, the required car parking rates must be considered in association with this site-specific planning proposal.

It is therefore recommended that revised car parking rates, consistent with the draft Norwest Precinct Plan, should be included in the draft site-specific DCP. This would reflect the advent of the metro station, promote behavioural change, prevent unsustainable increases in traffic generation from the site and assist in reducing the amount of car parking that the Proponent is seeking to incorporate within the above ground building envelope, relieving some of the built form issues identified earlier.

Traffic

The traffic report submitted in support of the planning proposal identifies that the site would generate in the order of 650 vehicular trips during weekday peak periods and 600 vehicular trips on weekends.

Regional traffic modelling, commissioned by Transport for NSW and Council, is currently being finalised by an external Traffic Engineering Consultancy to assess capacity for growth and potential upgrades required within the Castle Hill and Norwest Strategic Centres. It is anticipated that the findings of this modelling will identify that if existing policy settings (such as current parking rates) are retained, the expected growth within the Strategic Centres will not be possible without unacceptable impacts on the road network and the failure of most surrounding intersections during both the AM and PM peak hours by 2036.

	<i>In response to this, the draft Precinct Plan identifies a number of upgrades to the regional road network as well as reduced parking rates and increase walkability and placemaking measures aimed at encouraging modal shift and reliance on public and active transport.</i> <i>One of the identified upgrades is the intersection upgrade at Victoria Avenue and Carrington Road. While part of the site is zoned SP2 Infrastructure, it is possible that additional land take beyond this zoned portion is also as a result of more detailed designs and TfNSW approval requirements. Further discussions would be required as part of the planning proposal to secure a mechanism that ensures any additional land required for the upgrade will be dedicated to Council.</i> <i>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.</i>
Development Control Plan	<i>The Proponent had 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. The draft DCP considered in association with the previous proposal by the LPP, aligned with the previous development concepts, and some of the concerns regarding the previous concepts were highlighted in the LPP report with respect to the proposed DCP controls. These related to setbacks and boundary interfaces and the pedestrian links.</i> <i>A revised draft DCP has since been provided by the Proponent, which reflects the revised development concepts. The revised development concepts have largely addressed the concerns regarding the pedestrian links through the site, by aligning the through site link with the overland flow path and stormwater easement and providing the link at approximately natural ground level.</i> <i>However further consideration is required of the setbacks and boundary interfaces, as well as car parking, landscaping, loading and access. These matters are discussed in more detail in Section 5 of this Report below.</i>
Infrastructure Demand and Public Benefit	<i>Future development on the site will make development contributions under Contributions Plan 19 – Showground Precinct. At the time of preparing and adopting CP19, the strategically identified commercial uplift within this area of the Norwest Strategic Centre was known and as such, CP19 has already accounted for an additional 551,527m² 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 within the extent of growth anticipated within this locality and planned for through CP19. The payment of contributions under CP19 is therefore appropriate in this instance.</i>

	<i>The Proponent's material has indicated that a public benefit associated with the proposal would be the dedication of land to Council to support the widening of Carrington Road and the intersection upgrade at Victoria Avenue and Carrington Road.</i> <i>The dedication of this land to Council at no cost would be a positive public benefit associated with the proposal and it is recommended that if the planning proposal is to progress to Gateway Determination, Council and the Proponent should continue discussions to establish an appropriate mechanism to secure the dedication of this land to Council at no cost. 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. The mechanism to secure this public benefit should be the subject of a further report to Council, prior to any public exhibition of the planning proposal, should it receive a Gateway Determination.</i>
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5. DEVELOPMENT CONTROL PLAN

A revised draft site specific Development Control Plan has been provided by the Proponent in support of the planning proposal. The draft DCP includes controls relating to building height, building setbacks, building design, active frontages, public domain, landscaping and deep soil, parking, loading and access and stormwater management. Overall, the controls reflect the revised development concept provided in support of the planning proposal.

While a majority of the draft development controls are supported, there are some key controls that Council officers have adjusted, compared with the version submitted by the Proponent, in order to align with the recommendations within this Report:

- a) Further controls regarding building design have been introduced to ensure that any above ground car parking floor plates do not contribute to unreasonable bulk and scale;
- b) Revised car parking rates have been included, reflecting the parking rates detailed within the draft Norwest Precinct Plan, to alleviate issues associated with traffic congestion and allow for reduced bulk of buildings by removing the majority of above ground car parking; and
- c) Additional numeric controls regarding the required landscaped area on the site have been included in addition to the required 10% deep soil zone.

The recommended draft DCP is provided as Attachment 2 to this Report. It is recommended that this draft DCP be publicly exhibited concurrently with the planning proposal, should it receive a Gateway Determination.

CONCLUSION

The Planning Proposal aligns with the relevant strategic planning framework and will enable the realisation of employment floorspace for the delivery of retail and commercial jobs. The proposed development is broadly consistent with the outcomes depicted for the site in the Draft Norwest Precinct Plan, in terms of land use outcome, density, built form, character and contribution towards the local pedestrian and traffic network. The revised proposal submitted

by the Proponent in August 2023 has also resolved the majority of site specific issues which were identified with the earlier versions of the proposal and raised within the LPP’s advice.

For the reasons set out within this report, it is recommended that the planning proposal applicable to land at 21-23 Victoria Avenue, Castle Hill, demonstrates adequate strategic and site-specific merit to warrant progression to Gateway Determination by the Department of Planning and Environment.

To resolve the remaining issues in relation to parking, traffic congestion and bulk and scale of the built form, this report recommends that the associated site specific DCP limit parking provision to the rates set out in Council’s draft Norwest Precinct Plan and also specify that a maximum of 344 spaces can be provided on the site above ground. As transit oriented development and proximity to the metro station is a primary justification for increased development density on the site, it is inappropriate to concurrently apply parking rates to that increased density which fails to recognise the need for workers and visitors to the site to rely more on active and public transport modes. Reducing the above ground carparking rate to 344 will also effectively resolve the remaining site-specific issues relating to excessive bulk.

ATTACHMENTS

- 1. Local Planning Panel Council Minutes and Report (44 pages)
- 2. Site Specific Development Control Plan (20 pages)

TO STRIVE FOR BETTER THINGS

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

16 November 2022

MEETING DATE: LOCAL PLANNING PANEL

GROUP: **SHIRE STRATEGY, TRANSFORMATION AND SOLUTIONS**

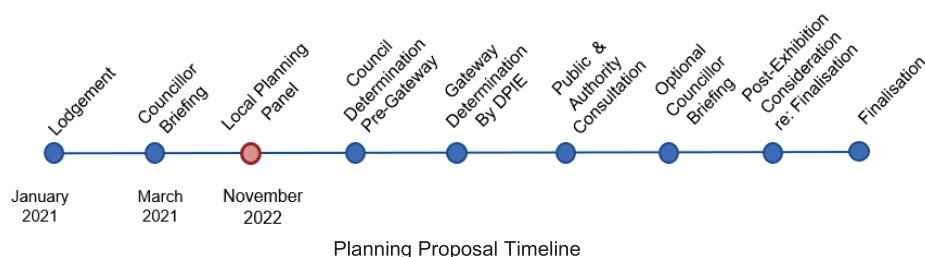
SENIOR TOWN PLANNER

AUTHOR: 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*.



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.

LOCAL PLANNING PANEL MEETING 16 NOVEMBER, 2022

THE HILLS SHIRE

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 11,200m² of remaining development potential that could theoretically be delivered under the current planning controls.

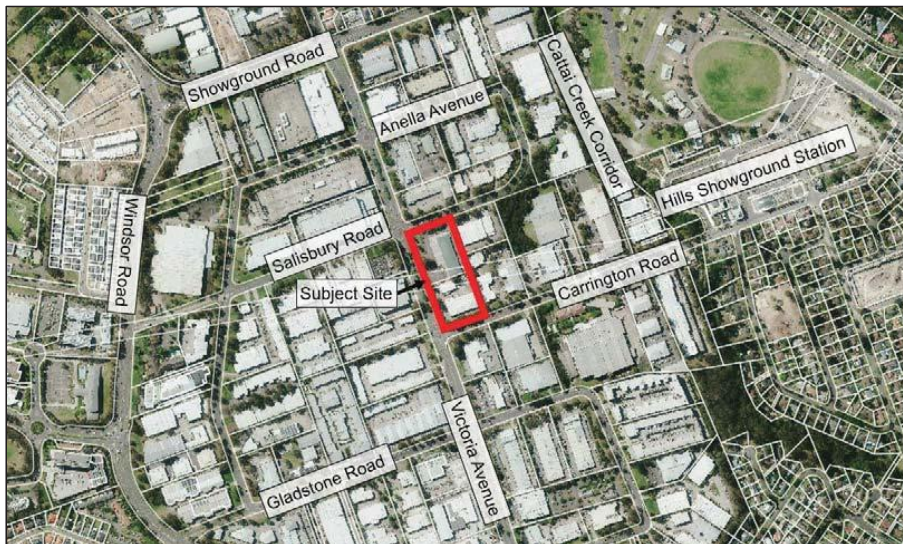


Figure 1
Site locality

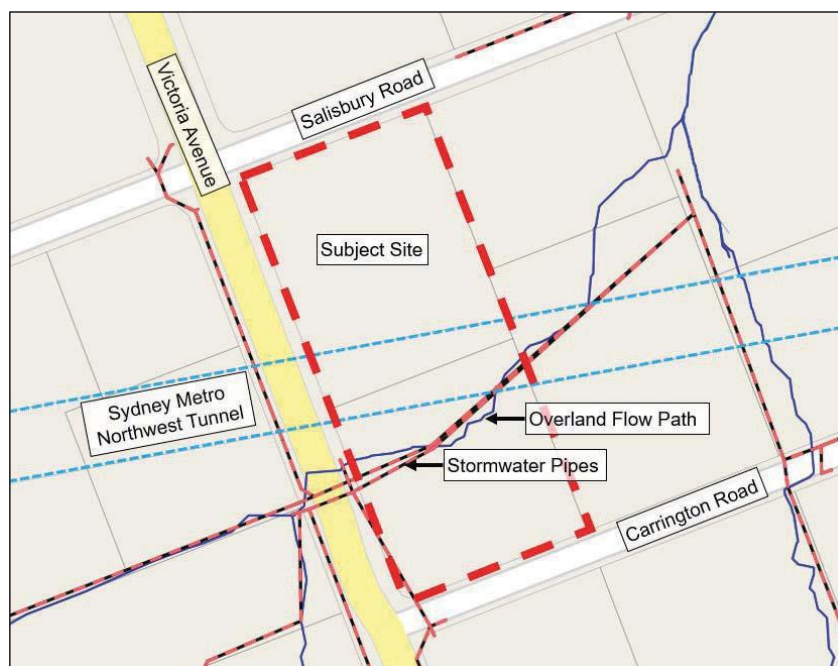


Figure 2
Subject Site and the Sydney Metro Northwest Tunnel, Stormwater Pipes and Overland Flow Path

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	8,000m ²	N/A		8,000m ² (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 38m² 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 52,000m² 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 54,961m². The proposed distribution of this floor space between the proposed land uses is as follows:

- Commercial office – 27,159m²

- Specialised retail premises – 8,500m²
- Hotel – 10,476m² (approximately 200 rooms)
- Shops – 4,743m²
- Gym, medical and child care – 2,777m²
- Business premises – 256m²
- Food and beverage – 562m²

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 33,913m² 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.

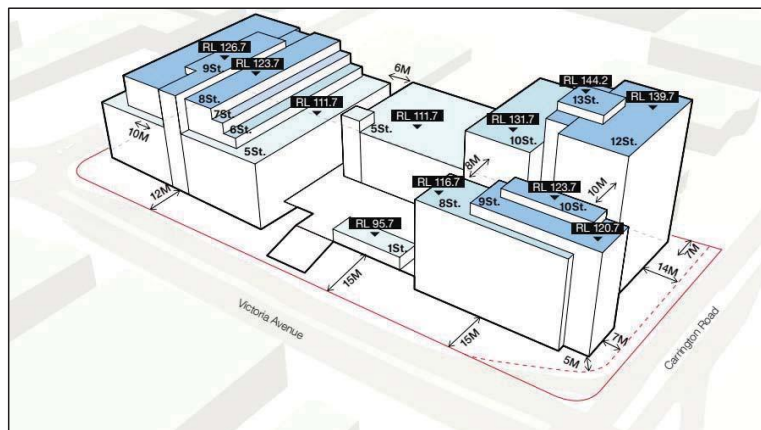


Figure 5

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.

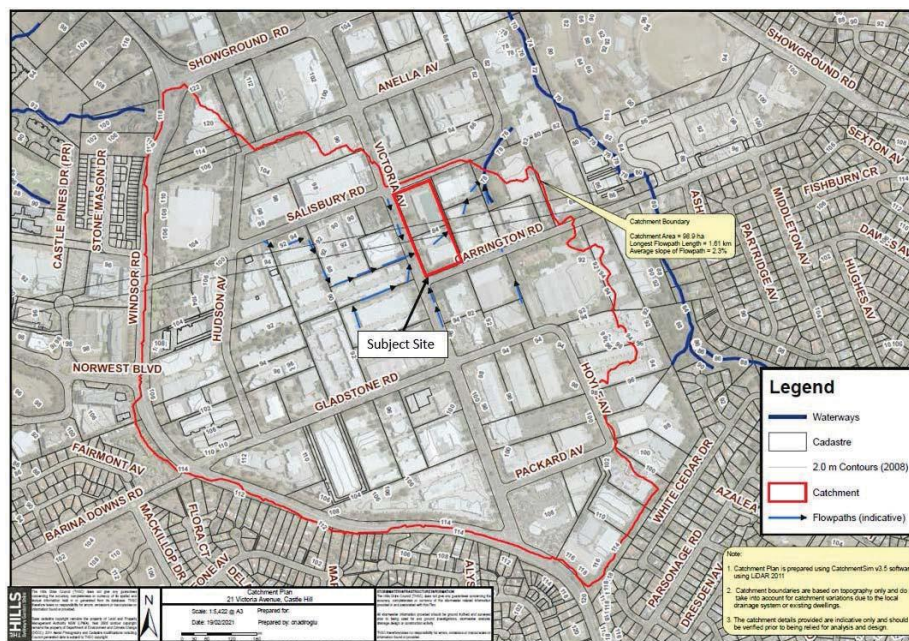


Figure 6

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.

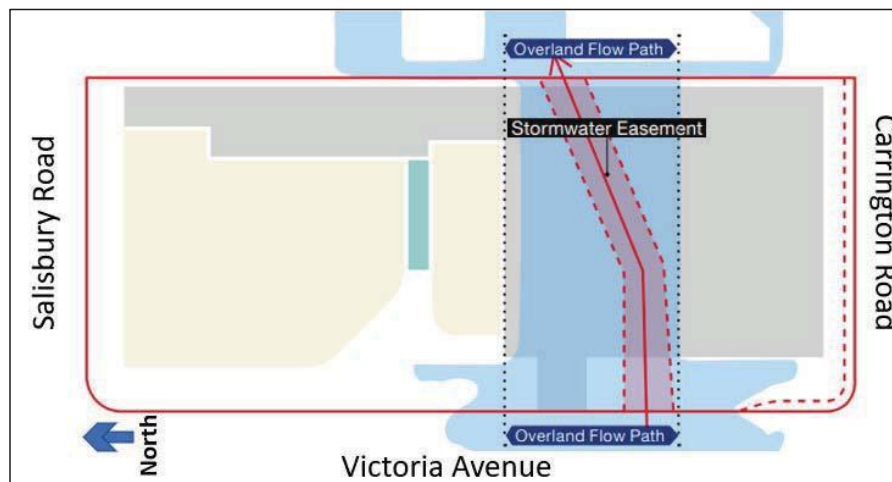


Figure 7

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 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 than 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 is 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 be 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 8,500m² 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.

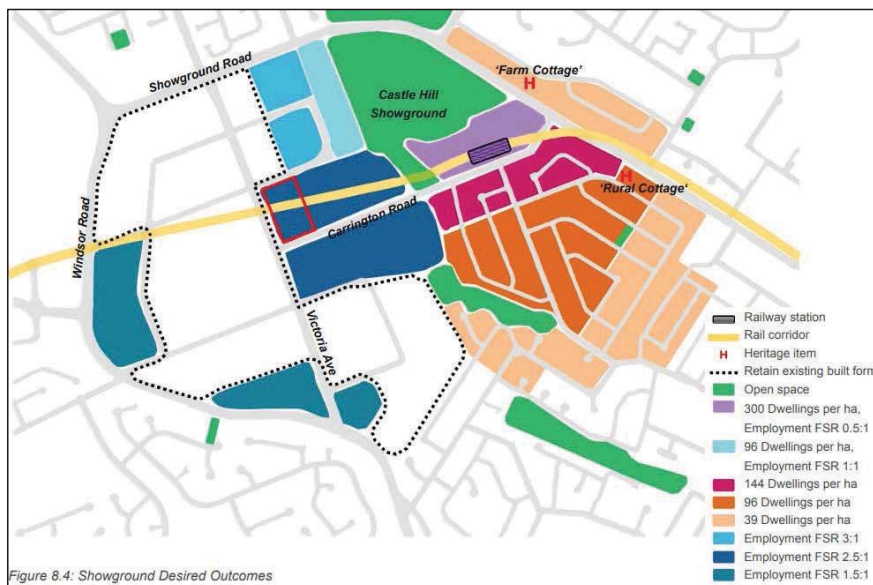


Figure 9
Extract from the Hills Corridor Strategy

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).

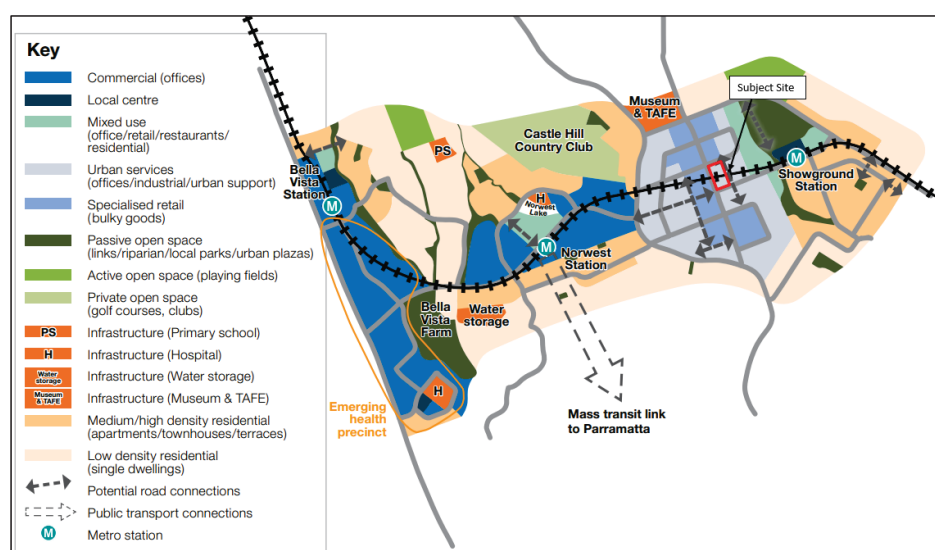


Figure 10
Norwest Structure Plan (Hills Future LSPS)

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 4,700m² 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 10,000m² 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 54,961m² 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 40,000m² 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)

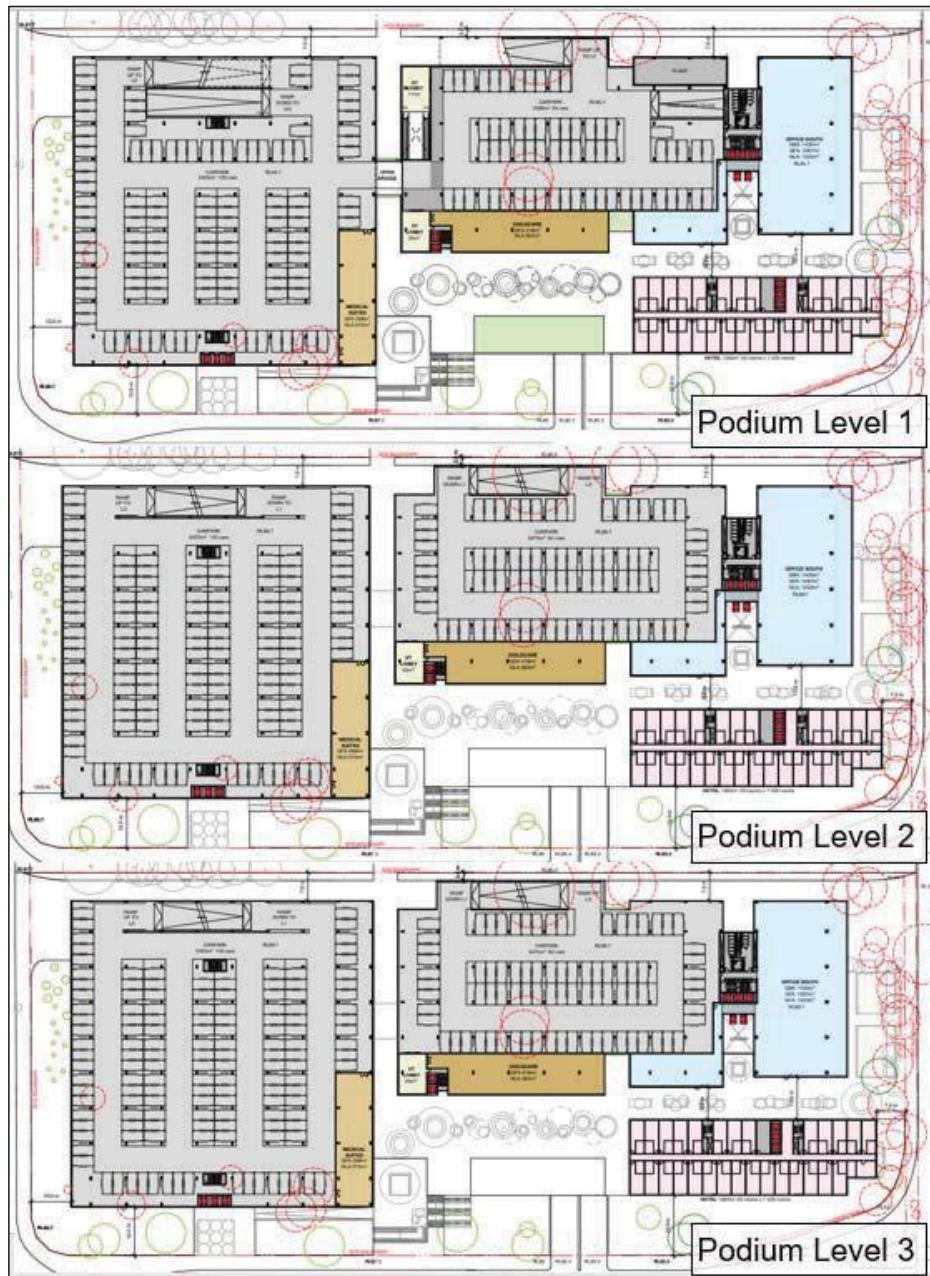


Figure 13
Floor Plans of Development Concept (Podium Levels 1-3)

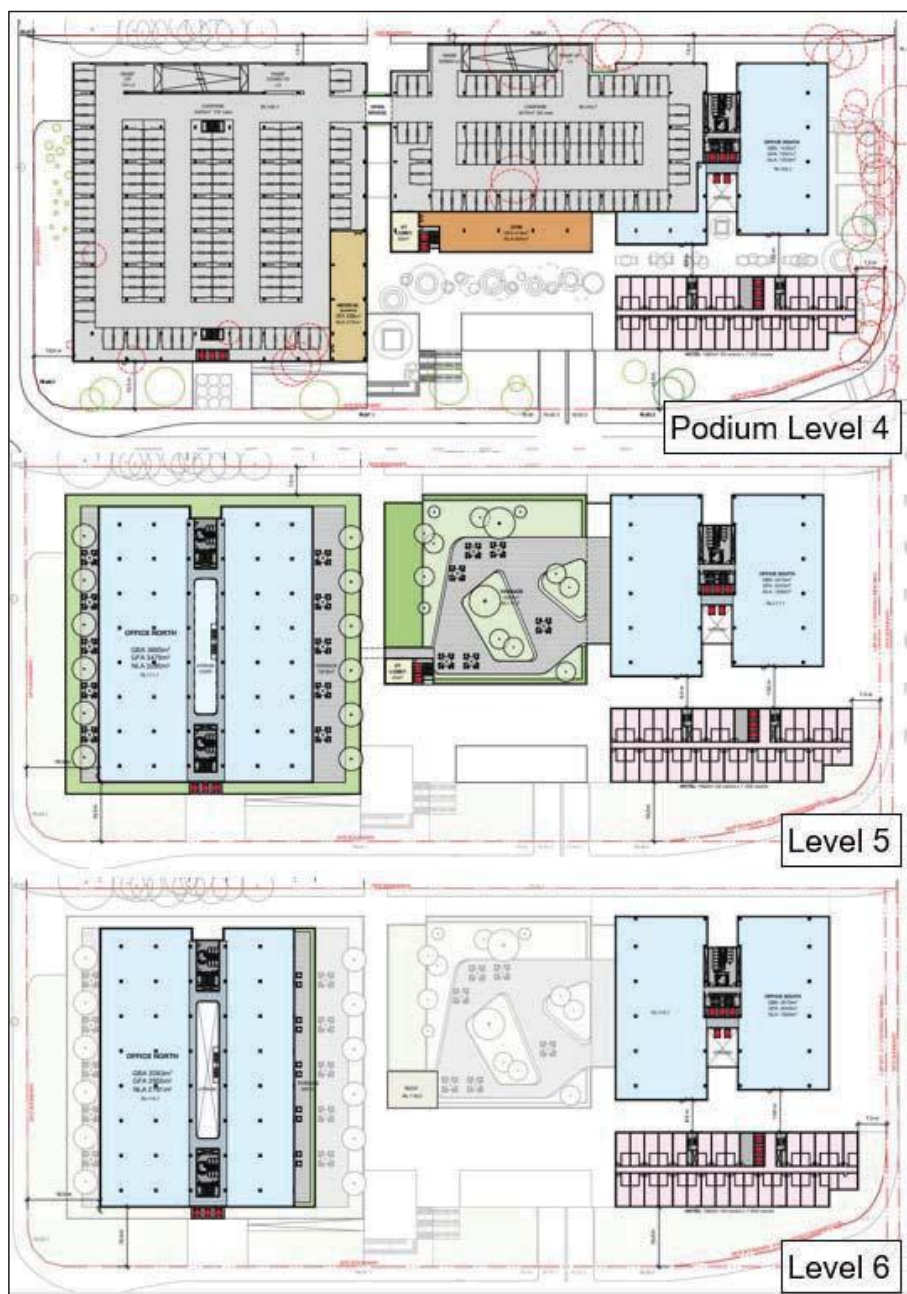


Figure 14
Floor Plans of Development Concept (Podium Level 4 to Level 6)

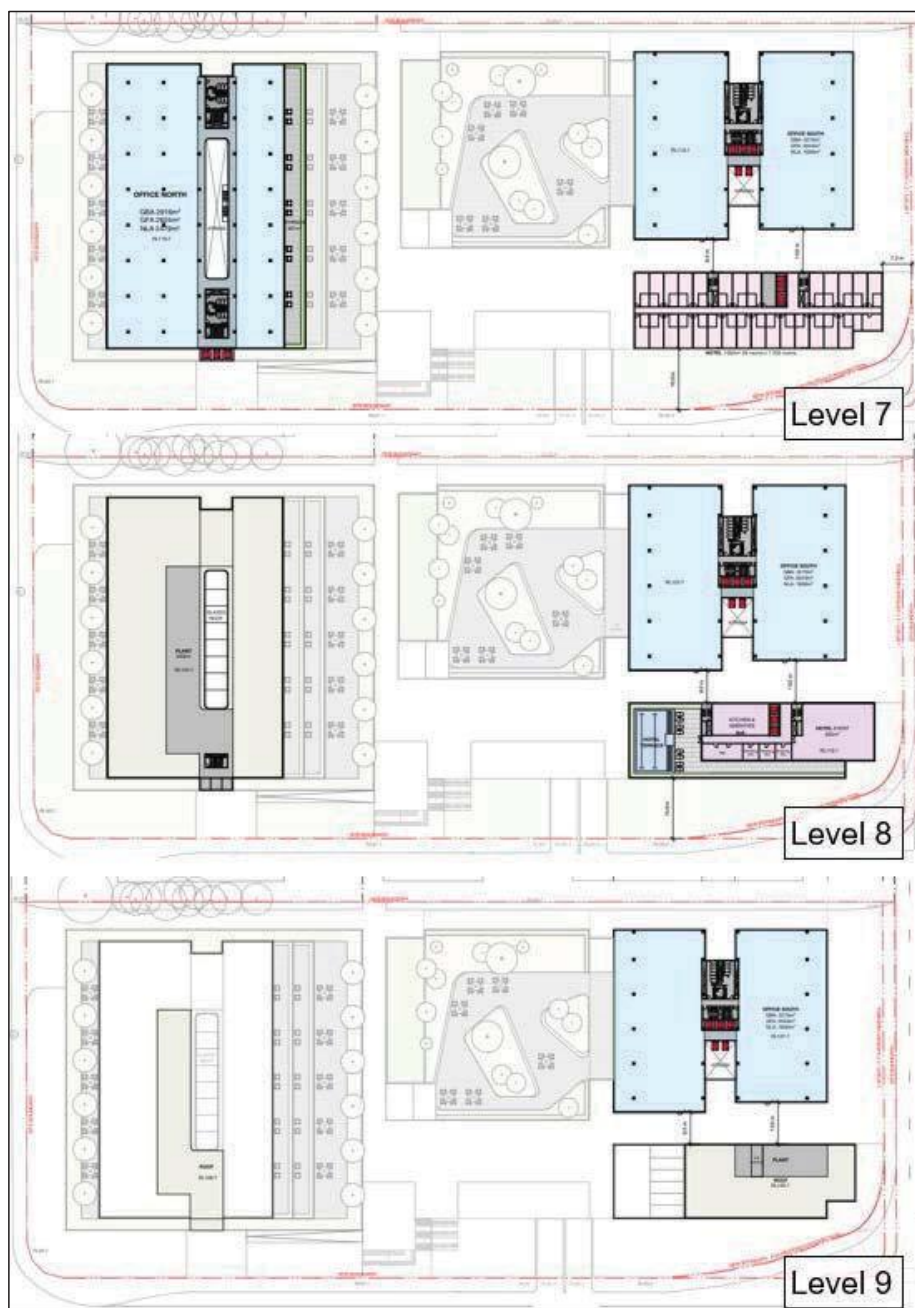


Figure 15
Floor Plans of Development Concept (Level 7 -9)

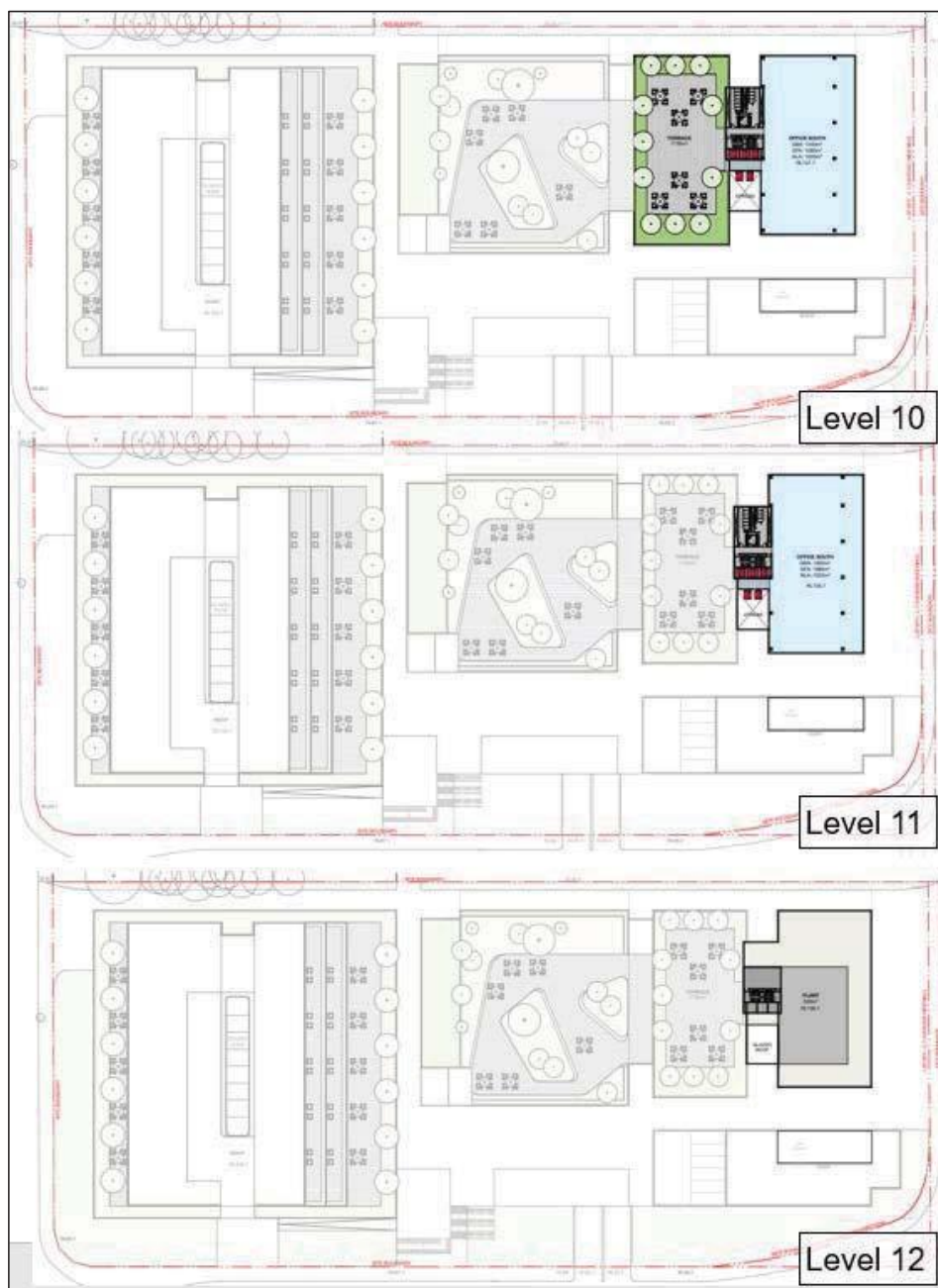


Figure 16
Floor Plans of Development Concept (Level 10 -12)

LOCAL PLANNING PANEL MEETING 16 NOVEMBER, 2022**THE HILLS SHIRE**

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 5,000m², 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 1,200m² in order to achieve more slender built form, the commercial floor plates proposed in the subject development concept are between 2,000m² to 3,000m².

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.

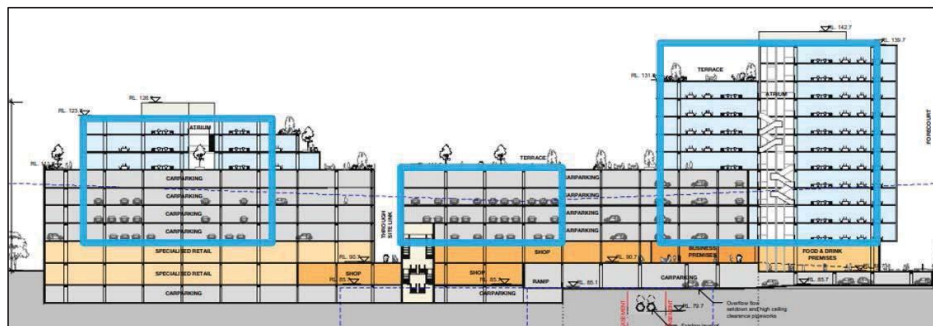


Figure 19
Section of development concept with potentially appropriate building forms outlined in blue

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 75m² minimum and 1 per 60m² maximum for the commercial and 1 space per 50m² minimum and 1 space per 25m² 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 70m² of commercial floor space.

Applying a rate of 1 space per 70m² 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 25m² of gross floor area). This would be reduced to 479 spaces if a rate of 1 space per 70m² 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).

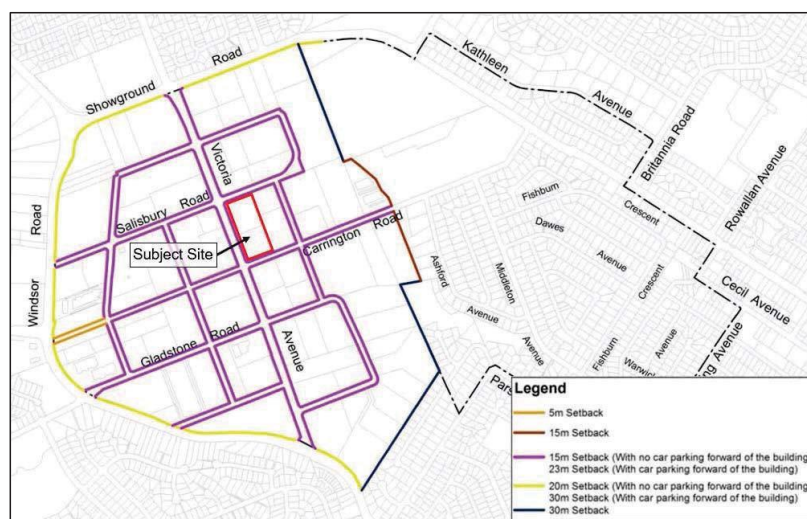


Figure 20
Existing setback controls within The Hills Showground Station Precinct DCP

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 require 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.

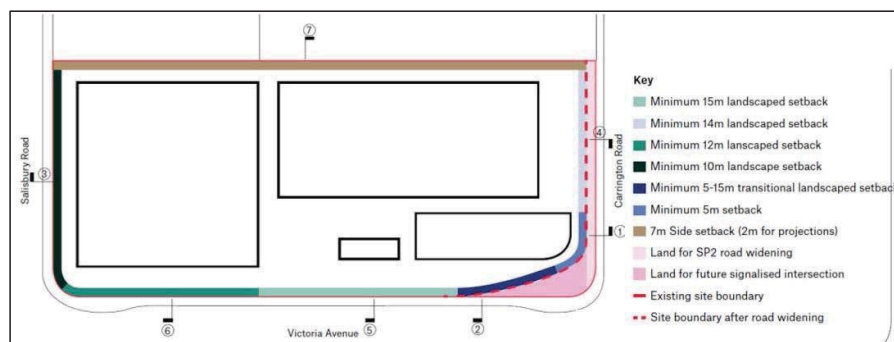


Figure 21
Proposed setback controls within Proponent's draft site specific DCP

- *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.

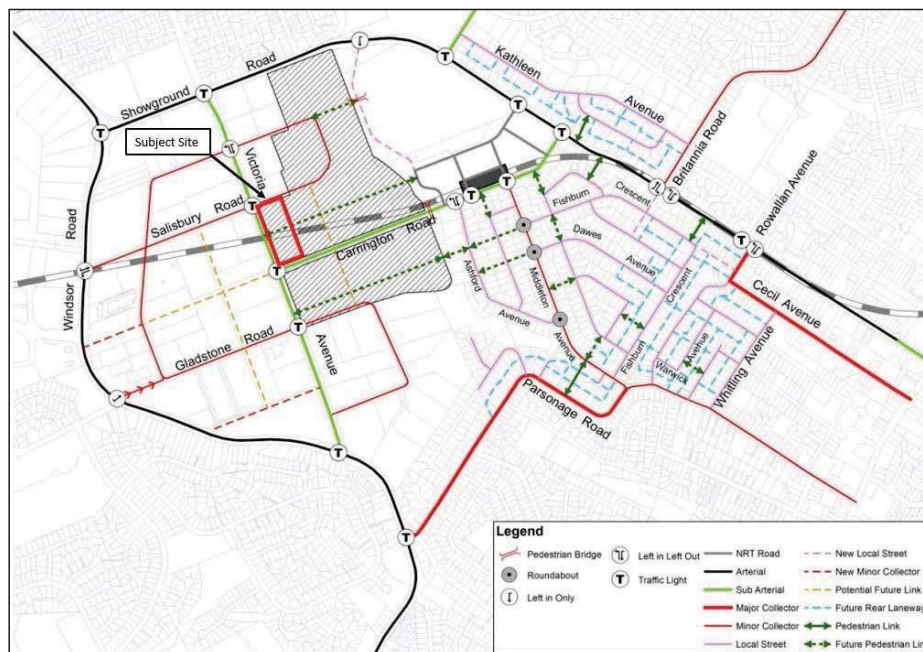


Figure 22
Showground Precinct DCP Indicative Street Layout
(future pedestrian link indicated in green dash through subject site (outlined in red))

The DCP requires that the through site links:

- be publicly accessible;
- have a width of 4-5 metres;
- include a minimum of 500mm of landscaping (maximum height of 800mm) along each side of the pedestrian link is desirable;
- be clearly identifiable as a publicly accessible pedestrian link;
- encourage pedestrians to move along the link and not linger;
- maintain the privacy of ground floor apartments which adjoin the link;
- ensure adequate passive surveillance is provided;
- have adequate lighting to improve safety; and
- 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.

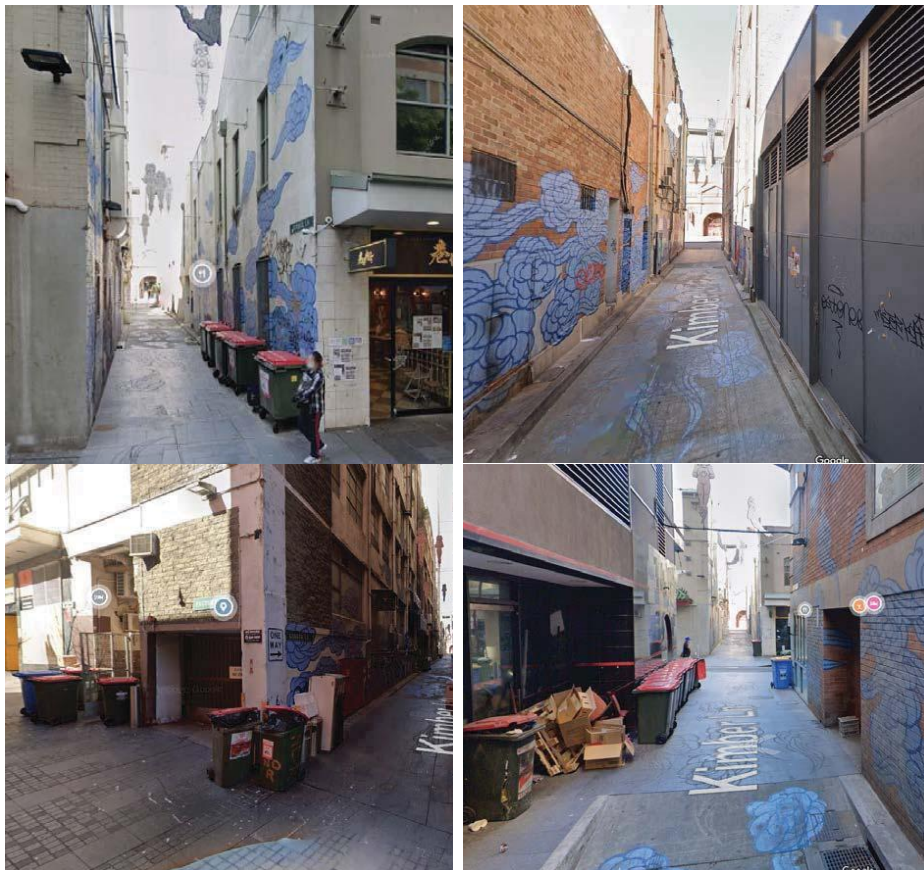


Figure 23
Images of Kimber Lane pedestrian through site link

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.

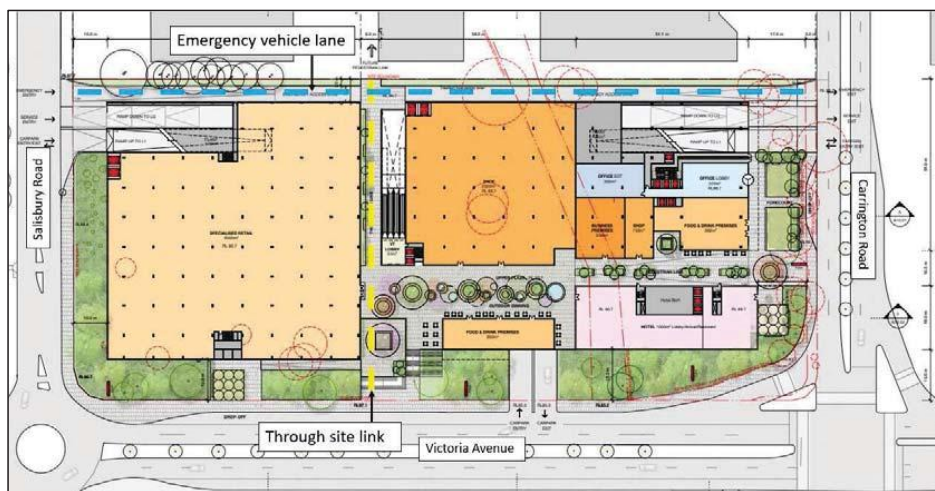


Figure 24

Through Site link intersected by emergency vehicle lane

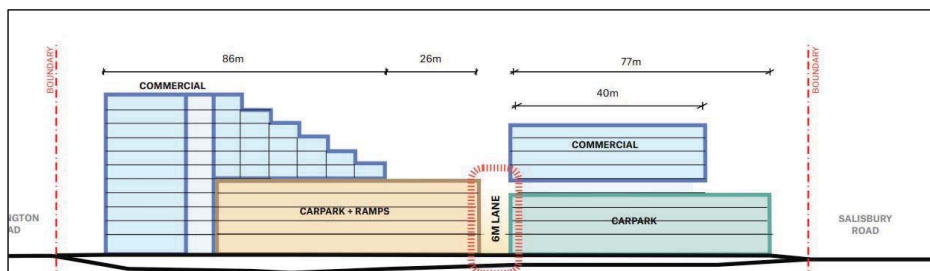


Figure 25

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 551,527m² 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/JF

ATTACHMENT 2

The Hills Development Control Plan (DCP) 2012

www.thehills.nsw.gov.au



Part D Section XX
21-23 Victoria Avenue Castle Hill

EXHIBITION DRAFT – (DATE)

In Force XXXXXXXX

Table of Contents

1 Introduction 1

1.1 Land to which this Section applies 1

1.2 Purpose of this Section 1

1.3 Relationship to other Sections of the DCP 2

2 Urban Context 3

3 Desired Future Character 4

4 General Controls..... 6

4.1 Height 6

4.2 Building Setbacks 7

4.3 Building Separation 11

4.4 Building design..... 12

4.5 Active Frontages 13

4.6 Public Domain..... 13

4.7 Wind 15

4.8 Landscaping and Deep Soil 16

4.9 Parking, Loading and Access..... 17

4.10 Stormwater Management 17

1 Introduction

This Section establishes a framework and controls to guide development on land at 21-23 Victoria Avenue, Castle Hill.

1.1 Land to which this Section applies

This section applies to land at 21 – 23 Victoria Avenue, Castle Hill (refer to **Figure 1**)

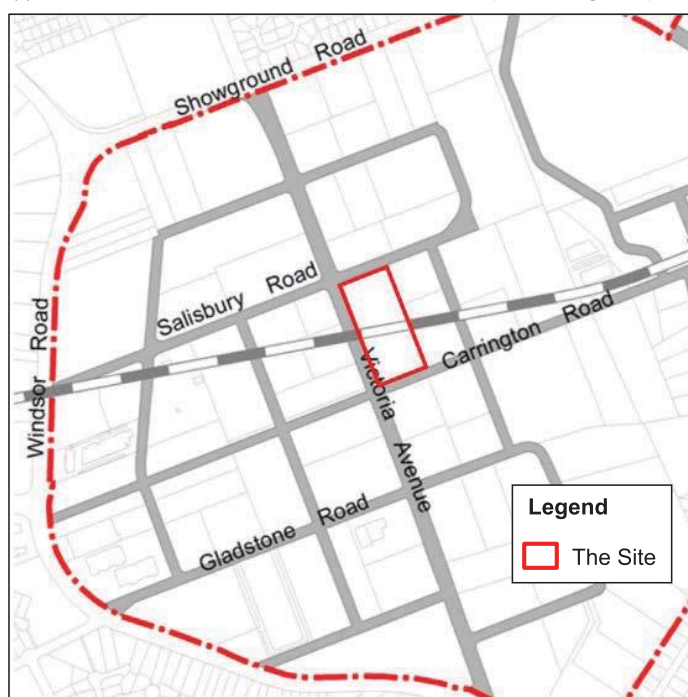


Figure 1
Land to which this Section

1.2 Purpose of this Section

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

1.3 Relationship to other Sections of the DCP

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

2 Urban Context

The Site is located within the suburb of Castle Hill and forms part of Norwest Service Sub-precinct in the Norwest Strategic Centre. The Site has a total area of approximately 21,048m², which is bordered by Victoria Avenue along its western frontage, Salisbury Road along its northern frontage, and Carrington Road to its south. Hills Showground Station is located approximately 620m to the east of the Site on Carrington Road and is frequently serviced by Sydney Metro Northwest services to the CBD, Epping and Tallawong. The surrounding land use and built form comprises a predominantly industrial, showroom and commercial character.

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

Specialised retail offerings (bulky goods) and light industrial areas will continue to be a mainstay for urban support services that meet the needs of the growing population base, whilst also providing opportunity for smaller businesses to establish and thrive. New commercial developments along Carrington Road extending towards Windsor Road will include taller office style buildings, enhanced by quality landscaping, landscaped medians, wide footpaths and mature street trees.

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

3 Desired Future Character

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

- To provide a landmark development that reinforces the significance of the site being at the core of Norwest Service Sub-Precinct.
- Development accommodates a dense mix of employment generating uses which may include offices and specialised retail (bulky goods) to support businesses and workers in the area.
- Buildings accommodating a mix of employment uses are arranged around a new publicly accessible plaza and a through site link incorporating an overland flow path and providing amenity for occupants, visitors and customers.
- An assortment of secondary public spaces, lanes and connections activated by buildings provide attractive and accessible places for occupants, visitors and customers.
- Publicly accessible spaces seamlessly respond to level changes across the site and avoid conflict with stormwater flows and loading areas.
- Permeability is enhanced with the provision of an east-west through-site link aligned with the overland flow path to support the delivery of a new pedestrian link from Victoria Avenue to Cattai Creek and Hills Showground Metro Station.
- The location, height and mass of buildings are considered with variation in facades and setbacks to lift the diversity and visual quality of the site.
- Taller office buildings define a new built form quality and commercial address on Carrington Road.
- Lower rise large format retail character addresses Victoria Avenue and Salisbury Road while providing generous landscaped setbacks.
- High quality landscaping complements the Shire's character and the nature of buildings, setbacks and spaces throughout the development.
- Loading and parking areas are located to support the operation of employment uses on the site.
- Parking is provided to align with transit oriented development principles, while responding to the site's environmental conditions.
- Development will incorporate sustainable design measures and urban greening.

Control

1. Development is to be generally in accordance with the Urban Strategy shown on **Figure 2: Urban Strategy Map** which provides a spatial representation of the desired future character.

21-23 Victoria Avenue, Castle Hill - Development Control Plan

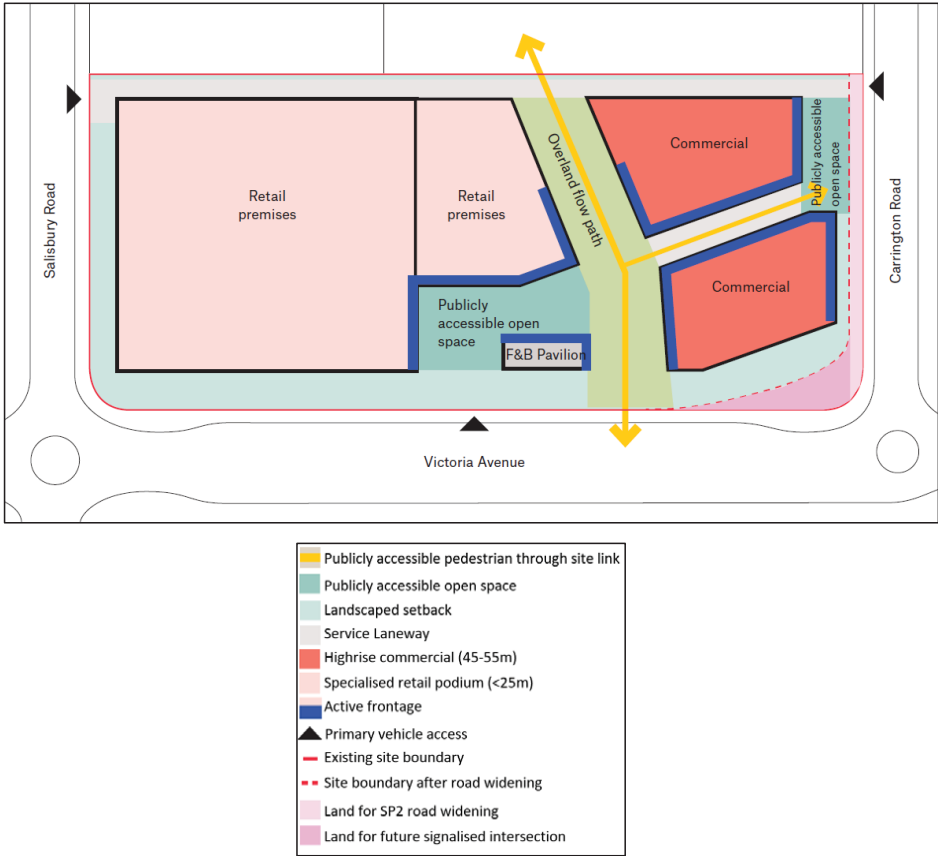


Figure 2
Urban Strategy Map

4 General Controls

4.1 Height

Objectives

- To focus taller building heights toward Carrington Road to reinforce the Carrington Road frontage.
- To provide an adequate level of solar amenity to the central publicly accessible space and east-west through-site link.
- To support a range of building and land use typologies.

Controls

- Maximum building heights are to comply with the maximum building height controls in The Hills Local Environmental Plan.

Note: Figure 3 and Figure 4 below demonstrate the application of the building height controls and corresponding maximum number of storeys that could be accommodated on the site.

- Tallest building heights are to be sited to address the Carrington Road frontage.
- Building heights are to transform to a lower scale 2-4 storey built form on the northern part of the site.



Figure 3
Indicative Building Heights Map

4.2 Building Setbacks

Objectives

- a. To ensure setbacks provide a high quality frontage and relationships to the public domain.
- b. To provide a landscaped setback along streets which reinforces the existing character of vegetated setbacks and mature planting.
- c. To provide attractive urban connections and arrivals into the site.
- d. To regulate the bulk and scale of buildings.

Controls

1. Building setbacks are to be in accordance with **Figure 4 Building Setbacks Map** and sections shown in **Figures 5-10**.
2. The setback area along Victoria Avenue and Carrington Road, Salisbury Road are to be landscaped to complement the urban streetscape and be clear of built obstructions including, parking and building overhangs.
3. Building setbacks are to be measured from the future revised site boundary following the transfer of land for road widening and signalisation of Carrington Road and Victoria Avenue intersection.
4. 60% of the street setback area is to be soft landscaping. Existing mature trees are to be retained.
5. Basement parking is not permitted to encroach into the front or side setback areas. Projection into deep soil areas is not permitted.
6. Above ground portions of basement car-parking structures in setbacks are not permitted.

21-23 Victoria Avenue, Castle Hill - Development Control Plan

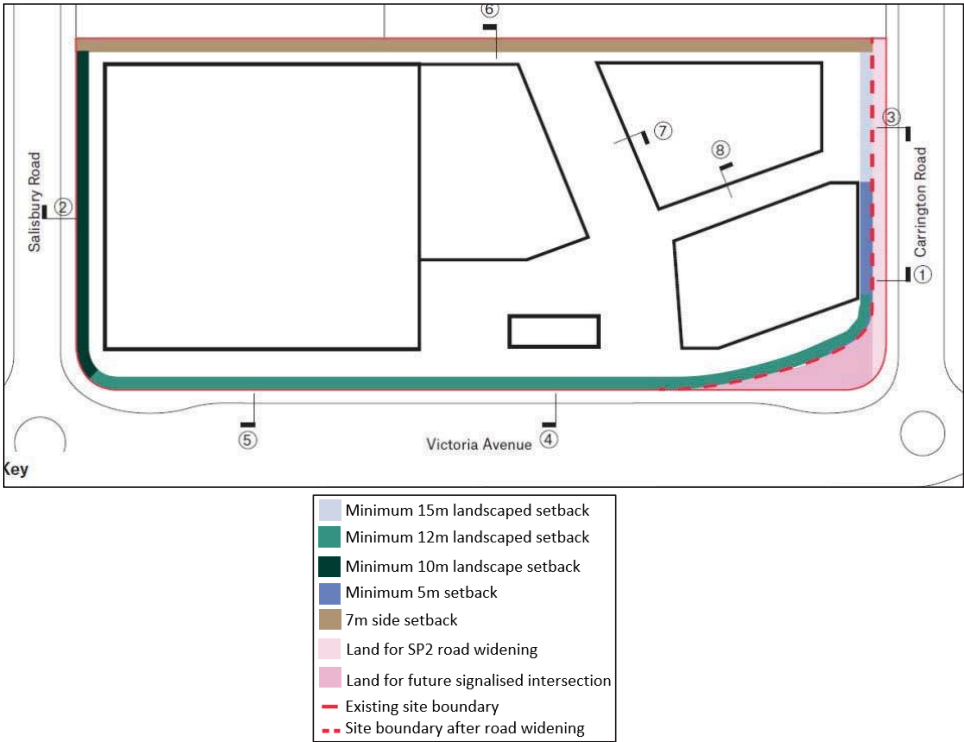


Figure 4
Building Setback Map

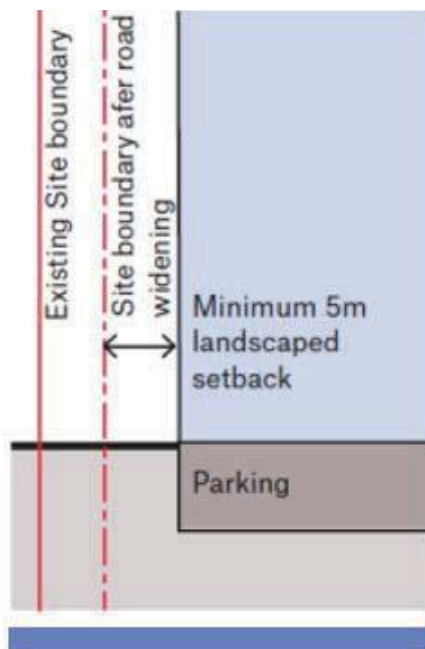


Figure 5
Section of Carrington Road Corner Setback

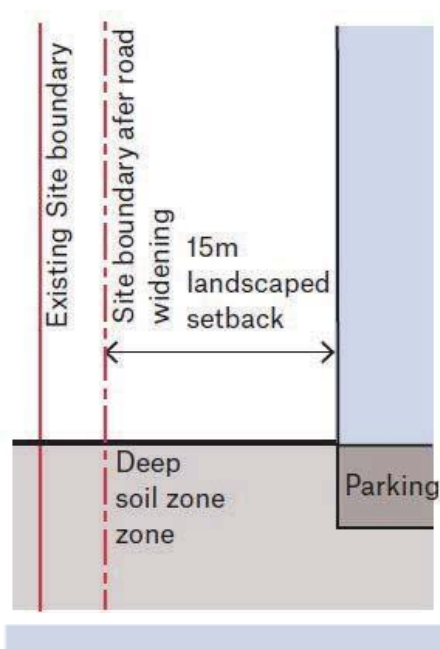


Figure 6
Section of Carrington Road Plaza Setback

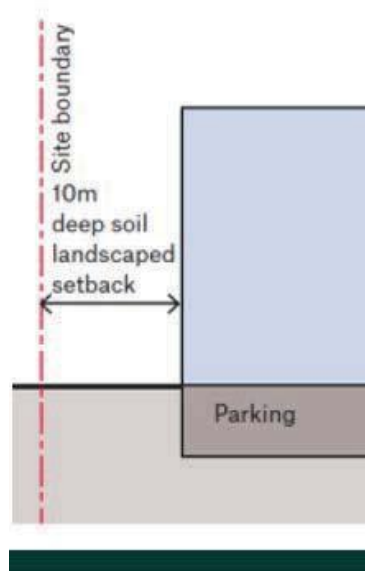


Figure 7
Section of Salisbury Road Landscaped Front Setback

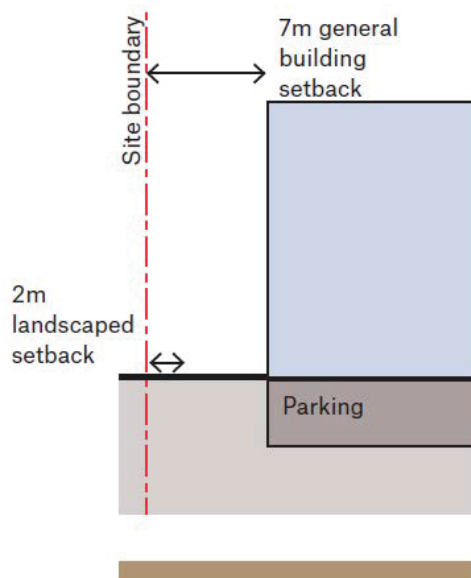


Figure 8
Section of Rear Setback

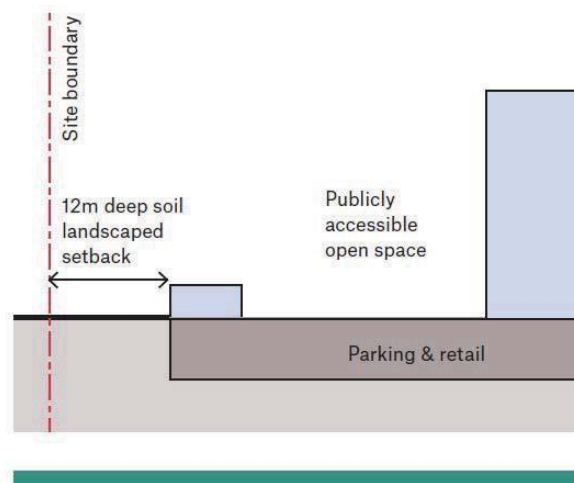


Figure 9
Section of Setback to Victoria Avenue Plaza

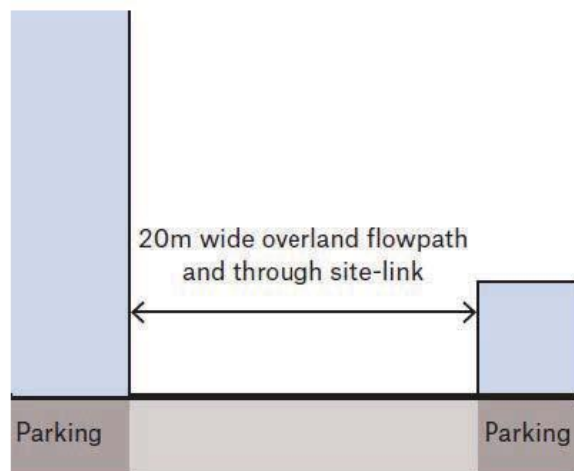


Figure 10
Section of the East-West Pedestrian Through Site Link

4.3 Building Separation

Objectives

- To provide a visual break between buildings and reduce the perceived bulk and scale of the built environment.
- To provide visual privacy between buildings.
- To provide a pleasant outlook from buildings.
- To ensure adequate solar access to the public domain.

Controls

- Provide a minimum of 9m separation on the first four floors between commercial buildings and a minimum of 18m for upper levels. Refer to Figures 11 and 12.
- Provide minimum 20m building separation between commercial and retail buildings. Refer to Figure 12.

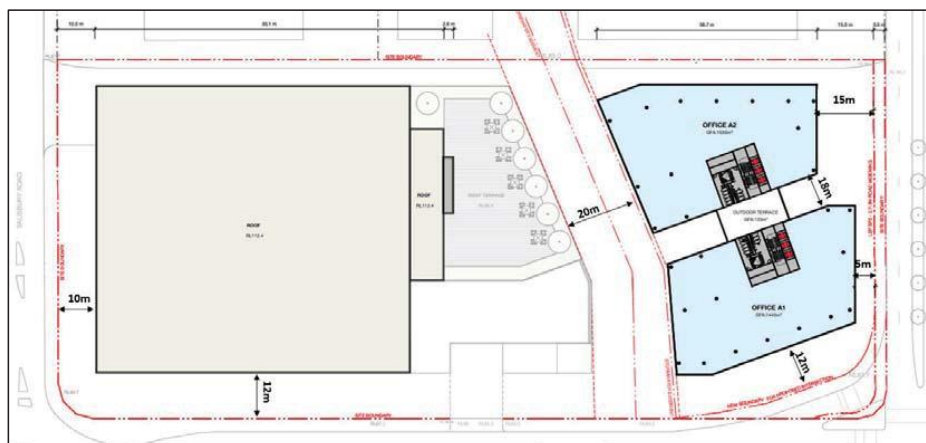


Figure 11
Building Separation Between Uses

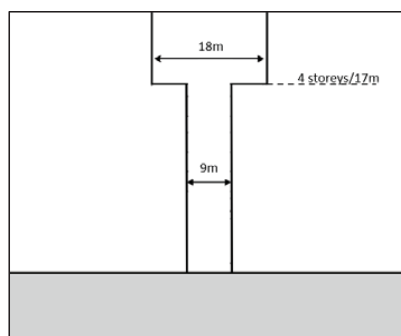


Figure 12
Building Separation Between Commercial Buildings

4.4 Building design

Objectives

- a. To ensure the design of buildings
 - Are responsive to the future desired character of the area.
 - create a positive streetscape and achieves a high quality architectural design that promotes commercial, retail and business activity.
 - Include slender design so as to not overwhelming in bulk and scale.
 - Allow for solar access to internal spaces and on adjoining sites.
 - Create an open, attractive and distinct skyline.
 - Create small, fast moving shadows.
 - Allow for view corridors between nearby towers.
- b. To improve the quality of the public domain and provide a comfortable street environment for pedestrians.
- c. To encourage the use of renewable energy, and minimise reliance on, and consumption of, fossil fuels and potable water supplies.
- d. Reduce the adverse affects on the public domain by controlling the size of upper level floorplates.

Controls

1. The façade design of development is to:
 - a. present the development as a series of separate and inter-related buildings.
 - b. be articulated using architectural elements and a variety of design languages and strategies for each buildings; and
 - c. use a variety of materials and finishes
2. Future development is to visually integrate any proposed above ground parking through creative design, architectural features and landscaping.
3. Building entries are street and are to have a street address. Building entries are to be located to be clearly identifiable from the street and publicly accessible spaces.
4. Loading docks and roller doors must not be visible from the street frontages, the through site link or public plaza.
5. Building are designed to:
 - a. Maximise access to natural light; and
 - b. include energy efficient design measures relating to air conditioning, building fabric and landscaping amongst others.
6. Prominent buildings on corner street locations must be visually prominent to parts of the façade (e.g. a change in building articulation, material or colour, or roof expression).

4.5 Active Frontages

Objectives

- a. To require active frontages along prominent street frontages and publicly accessible open spaces.
- b. To provide an attractive, safe and vibrant pedestrian environment.
- c. To create vibrant local activity on the ground plain of the development
- d. To encourage activity outside of commercial business hours

Controls

1. Active frontages are to be provided generally in accordance with **Figure 2: Urban Strategy Map**
2. Active frontages are defined as the one or more of the following.
 - a. Shop front;
 - b. Cafe or restaurant if accompanied by an entry from the street or public space;
 - c. Community and civic uses with a street entrance;
 - d. Recreation facilities with a street entrance; and
 - e. Commercial or residential lobbies with a street entrance not more than 20% of the total length of the buildings street or public space frontage
3. The following must not be located in street frontages
 - a. Essential building services;
 - b. Access for fire services;
 - c. Loading docks
4. Retail and commercial uses at ground level are to be designed so that the ground floor for at least part of the premises is at the same level as the finished footpath level of the adjacent street and/or open space.
5. Where an active frontage is required, a minimum of 80% of the building frontage is to be transparent (i.e. windows and glazed doors). The windowsill height must be a maximum 1200mm above ground level.
6. Awnings are to be provided over buildings entries. Continuous awnings are to be provided over the full length of active frontages, where appropriate.
7. For larger developments, building entrances should be provided on each street frontage.
8. Security grilles may only be fitted internally behind the shopfront. They are to be transparent and fully retractable.

4.6 Public Domain

Objectives

- a. To provide new publicly accessible spaces for the enjoyment of workers and visitors within the site and the surrounding Norwest Service Sub-precinct, which encourages interaction and improves the amenity of the area.
- b. To provide a highly permeable site that is easy to navigate and connected to surrounding streets.
- c. To create high quality publicly accessible spaces with landscaping that reinforces the urban character of the site.

21-23 Victoria Avenue, Castle Hill - Development Control Plan

- d. To deliver a new through site link that provides east-west pedestrian connectivity, overland flow path and outdoor amenity.
- e. Undergrounding of power lines to improve the appearance and liveability of the Precinct and to facilitate increased space within road reserves to install public domain improvements.

Controls

- 1. Development is to be generally in accordance with **Figure 13: Public Domain Map**, and is to provide:
 - a. a central publicly accessible open space fronting Victoria Avenue with a minimum area of 850 sqm.
 - b. a southern publicly accessible open space fronting Carrington Road with a minimum area of 350 sqm.
 - c. a minimum 20m wide overland flow path containing a publicly accessible through-site link.
 - d. A minimum 9m wide pedestrian link between the commercial buildings fronting Carrington Road and the publicly accessible through site link.
- 2. Development is to achieve direct sunlight to a minimum 50% of the combined area of the central publicly accessible open space and 20m-wide through site link for a minimum of 4 hours between 9am and 3pm on the 21 June.
- 3. Council requires underground electricity reticulation and telecommunications for all urban development. Council will require as a condition of any development consent that any existing aboveground electricity reticulation service be relocated underground with the exception of main transmission lines
- 4. Publicly accessible open spaces are required to be embellished with the following high quality treatments:
 - a. integrated seating and other furniture;
 - b. bins;
 - c. landscaping;
 - d. adequate shading;
 - e. signage; and
 - f. adequate lighting to promote safety.
- 5. Pedestrian through site links are to be provided generally in accordance with **Figure 13: Public Domain Map** and the following:
 - a. be publicly accessible;
 - b. include a minimum of 500mm of landscaping (maximum height of 800mm) along each side of the pedestrian link is desirable;
 - c. is designed to be attractive high amenity spaces that incorporate landscaping treatments;
 - d. is to implement well integrated public art, pavement design and other appropriate elements to enhance the pedestrian experience;
 - e. be clearly identifiable as a publicly accessible pedestrian link;
 - f. encourage pedestrians to move along the link and not linger;
 - g. ensure clear sightlines from one end to the other so passive surveillance is provided;
 - h. have adequate lighting to improve safety; and

21-23 Victoria Avenue, Castle Hill - Development Control Plan

- i. are to have prioritisation of movement when intersecting other elements of the movement network.

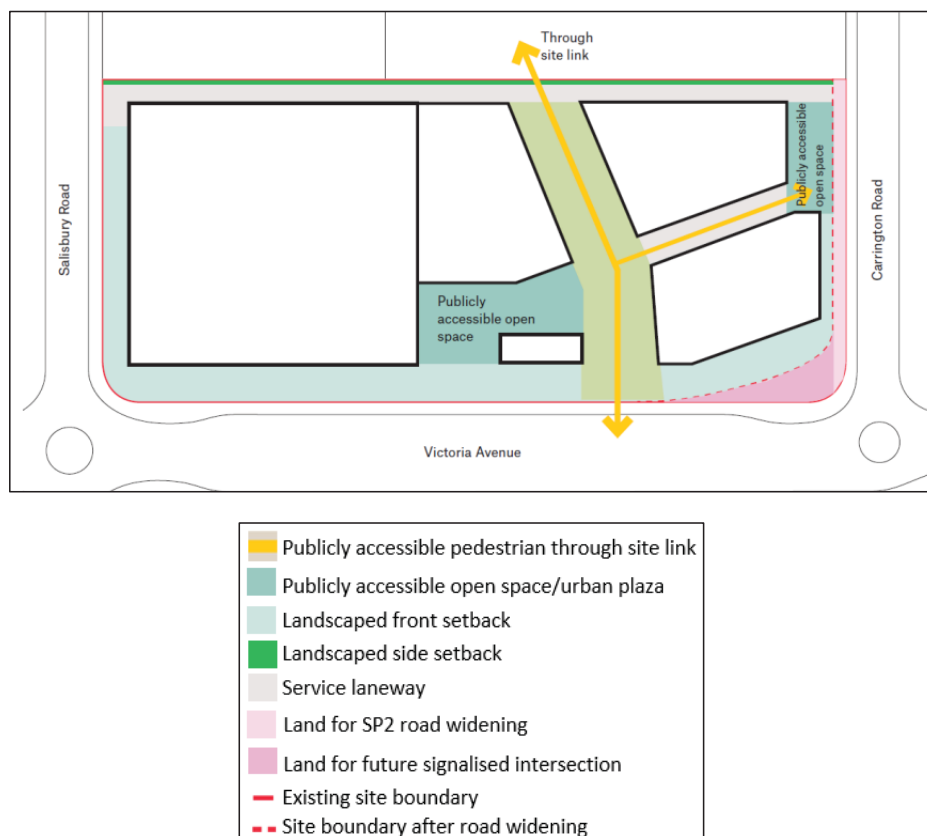


Figure 13
Public Domain Map

4.7 Wind

Objectives

- To ensure comfortable and safe wind settings in the public domain.
- To ensure differences in building heights do not cause high wind loads.
- To ensure the built form does not provide adverse wind conditions which will impact upon the amenity of pedestrian comfort in streets and public and private open spaces.

Controls

- Buildings over 8 storeys (or 25m) must be accompanied by a wind tunnel study, which demonstrated the following

- In open areas to which people have access, the annual maximum gust speed should not exceed 23 metres per second;
- In walkways, pedestrian transit areas, streets where pedestrians do not general stop, sit, stand, window shop and the like, annual maximum gust speed should not exceed 16 metres per second;
- In areas where pedestrians are involved in stationary short-exposure activities such as window shopping, standing or sitting (including areas such as bus stops, public open space and private open space), the annual maximum gust speed should not exceed 13 metres per second;
- In areas for stationary long-exposure activity, such as outdoor dining, the annual maximum gust speed should not exceed 10 metres per second; and
- The report is to be prepared by a suitably qualified engineer.

4.8 Landscaping and Deep Soil

Objectives

- a. To support landscaping that complements the building form and contributes to the surrounding landscaped character.
- b. To encourage the establishment and healthy growth of mature trees along Victoria Avenue.
- c. To support landscaping on structure that contributes to mitigating heat island effect and micro-climate conditions.
- d. To enhance the amenity of streets and publicly accessible spaces.
- e. Maximise the use of use landscape and built form materials treatments that minimise urban heat island and contribute to the amenity of people using open space.

Controls

1. Landscape design is to:
 - a. include a diverse range of plant species and is to be in accordance with the recommended species list in Part C Section 3 of The Hills DCP;
 - b. be compatible with flood risk and avoid dense planting in a flow path
 - c. incorporate understorey planting and permeable surfaces to reduce the extent of paved areas and to enhance the amenity of the streetscape environment; and
 - d. enhance the appearance of the building and car parking areas without creating opportunities for concealment.
2. The minimum amount of deep soil area, meaning an area of natural ground with relatively natural soil profiles and excluding areas above underground structures, is to 10% of the site area.
3. Deep soil landscaped setbacks are to accommodate existing mature trees and allow for new tree planting every 10m that are capable of growing to a mature size.
4. Canopy trees are to be planted within street verges to provide shade and reduce pavement surface temperatures.
5. Planting on structure is to:
 - a. ensure soil depth, soil volume and soil area appropriate to the size of the plants to be established; and
 - b. be designed to have appropriate soil conditions, drainage and irrigation methods.

7. The incorporation of green walls and roofs into the development is encouraged. Where suitable, building facades should incorporate landscaping features to soften the visual bulk of buildings and to improve streetscape quality.

4.9 Parking, Loading and Access

Objectives

- a. To provide sufficient car parking spaces for the development and encourage public transport use.
- b. To reflect the Transit Oriented Development principles underpinning all outcomes at the site.
- c. To ensure that appropriate bicycle parking and end of trip facilities are provided for workers and visitors to the development.
- d. To ensure vehicles enter and exit the developments in a safe and efficient manner.
- e. To ensure appropriate separation of loading and parking functions from public spaces for people.

Controls

1. Vehicular access is to be provided generally in accordance with Figure 2: Urban Strategy Map.
2. All vehicles are to enter and leave the site in a forward direction.
3. No parking is permitted in the landscape setback.
4. Vehicular exit from Carrington Road is to be limited to left-out only with treatments such as median islands and signage provided to prevent right turn movements into and out of the site.
5. Vehicular access must only be provided from Salisbury Road. Access from Victoria Avenue or Carrington Road is not permitted.
6. The design of the servicing lane is to:
 - a. incorporate traffic management and safety measures to slow servicing vehicles to 10km/h; and
 - b. Limit the width of driveway footpath crossings to 9m.
 - c. Ensure the width of pedestrian crossing is at least 20m and provides a clear path of travel.
 - d. prioritise pedestrian crossover movements at the intersection of the central east-west through site link by:
 - i. providing a safe and accessible pedestrian point
 - ii. implementing safety measures that indicate pedestrian crossing priority
 - iii. continuing the type of footpath material and grade of the through site link.
7. Car parking is to be provided in accordance with the following rates:

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

8. The amount of parking spaces provided in at-grade or above ground parking areas shall not exceed 344 car spaces.

4.10 Stormwater Management

Objectives

- a. To prevent development over stormwater pipes.

21-23 Victoria Avenue, Castle Hill - Development Control Plan

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

Controls

- 1. Building and structures including footings must not encroach into the zone of influence of existing stormwater pipes.
- 2. Building foundations are not to be constructed in the existing stormwater easement and should provide a 1m minimum offset from the easement.
- 3. A Development Application for new buildings on the site is to be supported by a structural engineering statement prepared by a suitably qualified structural engineer that confirms that the proposal will not impart a load on the pipe in the easement.
- 4. Existing access chambers are to be maintained with suitable access provided for inspections and maintenance of stormwater pipes.
- 5. On ground pavements are to be designed to facilitate maintenance and replacement of pipes if required.
- 6. The provisions of Councils Flood Controlled Land DCP are to be applied.
- 7. A stormwater Management Plan is to be prepared considers sustainable water management practices and minimal development impact.
- 8. Stormwater runoff must be treated on the development site before it discharges to a public drainage system.
- 9. All stormwater drainage designs are to comply with the most up to date revision of Council's Design Guidelines Subdivision/Developments.



15 November 2023

2200717

Michael Edgar
General Manager
The Hills Shire Council
PO Box 7064,
Norwest NSW 2153

Via email: LMoran@thehills.nsw.gov.au

Attention: Laura Moran (Senior Town Planner, Forward Planning)

Dear Michael,

Re: Planning Proposal - 21-23 Victoria Avenue, Castle Hill (4/2021/PLP)

We write on behalf of Castle Hill Spotlight Property 2 Pty Ltd (the 'Spotlight Property Group'), the proponent for the Planning Proposal (4/2021/PLP) for 21-23 Victoria Avenue, Castle Hill. This in response to your letter dated 18 October 2023 advising on the resolution of Council at its Ordinary Meeting of 10 October 2023 that:

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

As you are aware, the Proponent expressed its concerns at the Council Meeting regarding the updates made to the Planning Proposal and site-specific Development Control Plan (DCP) that was put forward to Council without input from the proponent. Specifically, key matters of concern for the proponent, include:

- The removal of 'Shop' with 3,300 sqm floor space cap as a proposed additional permitted use in the Hills Local Environmental Plan 2019
- The following updates made to the site-specific DCP, including:
 - preventing vehicular entry from Victoria Ave and Carrington Rd altogether, with vehicular entry allowed from Salisbury Rd only
 - the reduction of number of storeys for the northern portion of the site from 6 storeys to 4 storeys
 - the proposed limit of 344 car parking spaces above ground
 - the increase of minimum building separation from 8m to 18m for the commercial buildings to the south
 - the solar access requirements for the east-west through-site link / linear park.

The purpose of this letter is to highlight areas of key concern relating to Council's revisions, and outline an alternate solution to these matters for discussion with Council. The alternate solutions put forward as part of this letter aim to address the intended outcomes behind Council's changes highlighted in its Council officer report, however, provides scope for flexibility in the controls to allow for a range of solutions to be considered during detailed design at the Development Application stage.

Please find attached to this letter:

- A table summary of requested key changes to the LEP amendments and site-specific DCP (**Attachment A**)
- A track changes version of Council's site-specific DCP incorporating the proponent's proposed changes (**Attachment B**).
- An architectural package containing potential alternate built form outcomes to demonstrate the range of design solutions for the site and the need for flexibility in the proposed planning controls prepared by Bates Smart (**Attachment C**)
- Technical advice regarding appropriate access arrangements for the future development of the site prepared by CBRK (**Attachment D**)

Ethos Urban Pty Ltd
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Gadigal Land

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Brisbane QLD 4000
Turrbal, Jagera and Yugara Land

Key areas of concern to Council's updates and recommendations

1. Removal of 'Shop' with 3,300 sqm floor space cap as an additional permitted use

As Council is aware the original planning proposal sought to include an Additional Permitted Use for 'Shops' with a gross floor area cap of 3,300 square metres. It is recognised that at the time resubmitting the planning proposal (August 2023), the intention of this clause was to allow for shops that would complement the proposed uses on the site, including a small-scale supermarket (1,500-2,000sqm). We understand from the Council Officer's report that it would be premature to permit 'shops' on the site enabling a small supermarket due to competition with surrounding centres, as noted by Council below.

*"While the Proponent has submitted that these "shop" uses are intended to be complementary to the core uses of the site and aimed at visitors to the site and local workers, **it is considered premature to permit supermarket spaces on the site, noting that the new retail centre at the Hills Showground Station is yet to be established.**" (Hills Council Meeting Agenda, pg. 36) (**Emphasis added**)*

Given Council's concern regarding the potential for a supermarket on the site, we propose to remove the potential for a supermarket use on the site. However, we still seek to permit other forms of "shop" as an Additional Permitted Use to be accommodated within the site (up to 3,000 sqm of GFA).

We have provided a summary of the potential shops (and GFA requirements) that are part of, or aligned, with Spotlight Group's retail business offering and other population serving businesses typically located within specialised retail precincts, and still seek potential for these uses on the site (detailed in **Table 1** below). The proposed mix and quantum of these forms of shops are yet to be confirmed (likely at the Development Application stage) but consider a 3,000 sqm limit on "shop" uses to be a suitable cap for the site. Importantly, we consider these proposed shops are unlikely to have any discernible impact on surrounding centres which was previously raised as a concern by Council in its assessment report.

To prevent supermarkets from being delivered on the site, we propose to include a provision in the draft site-specific DCP to prohibit the utilisation of the allocated 3,000sqm of GFA for "shop" for a supermarket. Given the absence of a suitable definition in the LEP for a supermarket (except for "neighbourhood supermarket") we consider a provision in the DCP would be the most appropriate pathway to preventing supermarkets on the site. The proposed drafting of this provision is described below.

(1) Development for the purpose of a supermarket is not permitted on the site.

Supermarket means a premises with the principal purpose of which is the sale of groceries and foodstuff to provide for the needs of people who live or work in the local area

This provision would resolve Council's concern regarding the potential for a supermarket on the site, while still providing opportunities for complementary shop uses that align with Spotlight Group's core retail business offering.

Table 1 Types of shop uses being sought as part of the planning proposal

Proposed business	Type of use	LEP land use definition	Gross Floor Area required
Harris Scarfe	Homewares plus a range of clothing	Shop	Approximately 2,000 sqm
Mountain Design	Outdoor clothing and equipment	Shop	Approximately 5000 sqm
Chemist	Chemist	Shop	Approximately 500 sqm

2. Changes to the site-specific Development Control Plan

We have undertaken a review of the Council officer's amendments to the draft site-specific DCP that was presented to Council. While we accept many of Council's amendments to the DCP (e.g. Council's revised car parking rates), we raise significant concerns over the following changes:

- preventing vehicular entry from Victoria Ave and Carrington Rd altogether, with vehicular entry allowed from Salisbury Rd only
- the reduction of number of storeys for the northern portion of the site from 6 storeys to 2-4 storeys
- the proposed limit of 344 car parking spaces above ground
- the increase of minimum building separation from 8m to 18m for the commercial buildings to the south
- the solar access requirements for the east-west through-site link / linear park.

Further commentary of our concerns and proposed solution to the changes is detailed in the sections below, however a general key concern is the limited scope for flexibility for various development outcomes to be considered at the detailed design stage for the site. From our understanding, the above changes put forward by Council are in response to the concept reference design. We would like to reiterate to Council that the reference design presented as part of the Planning Proposal was to demonstrate one potential development outcome for the site and is not intended to be the only potential development outcome that may be explored further at the Development Application stage.

We strongly encourage that the planning controls of the site-specific DCP are flexible enough to allow for the exploration of alternate built form and land use outcomes on the site at the Development Application stage, while still maintaining the core development principles and features i.e. maximum building height, FSR, setbacks and linear park/through site link.

From review of other site-specific DCPs under The Hills DCP 2012 for similar commercial sites, a generally more flexible performance-based approach to the planning controls for built form and design has been adopted, allowing for further detailed design solutions to be resolved at the DA stage. We also highlight that the Design Advisory Panel will provide further input to these detailed design matter as part of its role in evaluating and critiquing design aspects of proposed development throughout the Hills Shire, and providing recommendations on how the development can achieve design excellence. We believe this same approach can be adopted for this site, without the need for overly prescriptive design controls being implemented.

Based on the above, we have outlined a proposed alternative approach to these matters in the following sections, which aim to build in flexibility in the site-specific DCP while still addressing Council's core requirements.

Deletion of site entry from Victoria Ave and Carrington Rd altogether and deletion of site egress on to Victoria Ave. All site entry from Salisbury Rd only

The Council officer's update to the site-specific DCP limits vehicular access into the site from Salisbury Road only, with access from Victoria Avenue or Carrington Road not permitted. Site egress on to Victoria Ave is also not permitted. We consider this to be a fundamental change to the proposal without Council providing any substantial evidence to support this outcome. As such, we consider it to be premature to adopt such a control until further consultation is undertaken with Transport for NSW and regional traffic modelling is completed. For this reason, we seek for this control to be removed from the site-specific DCP for time being, until further consultation with Transport for NSW and its position with regard to this matter clearly outlined.

Further, a Traffic Statement has been prepared by Colston Budd Rogers and Kafes Pty Ltd (**Attachment D**) which notes it is appropriate to provide access to the development from all three street frontages for the following reasons:

- the proposed development will be a significant development with multiple uses, and different access points will better manage and separate the multiple uses
- parking may be provided in various areas within the site
- separate and secure parking will be required for some users
- efficient planning for the site would appropriately provide multiple access points, consistent with the principles in AS 2890.1:2004
- multiple access points would provide for efficient site access as well as ensuring that traffic from the development is not concentrated in one location on the adjacent road network.

We recognise Council officers have now written to Transport for NSW to seek their preliminary views on the application. It is important to note that the receipt of Transport for NSW's views on the site access arrangement should not delay progressing the planning proposal and site-specific DCP to Gateway review with DPE, and that this matter can be addressed accordingly during the Gateway review process prior to public consultation.

Reduction of number of storeys for the northern portion of the site from 6 storeys to 2-4 storeys

The Council Officer's update to the site-specific DCP has reduced the number of storeys on the northern portion of the site from 6 storeys to 2-4 storeys. This change moves away from the desired built form outcome of the Draft Norwest Precinct Plan (shown as 6 storeys on the northern portion of the site and surrounding precinct and 12 storeys on the southern portion of the site). Additionally, the reduced heights will ultimately lead to this portion of the site being out of character to the future built form character of its surroundings, which are earmarked for 6 storey heights under the Draft Norwest Precinct Plan. In particular, the retention of the 6-storey height limit will align with the future built form outcome intended for sites adjacent to the east, which are identified for up to 6 storeys and further east sites are identified for up to 8 storeys.

Furthermore, applying the reduced height limit to this portion of the site would ultimately reduce the scope to explore alternate built form outcomes for the site at the detailed design stage, which may deliver a superior outcome to that shown by the reference design and those explored in the Council Officer's assessment report.

Proposed limit of 344 car parking spaces above ground

Updates to the DCP include a provision to limit above ground car parking spaces to a nominal 344 parking spaces. Again, we consider this to be an overly prescriptive control for the site in response to the reference design presented as part of the planning proposal. We believe matters relating to the extent of above-ground parking spaces should be resolved at the Development Application stage, where the detailed design and any potential above ground parking elements would be interrogated by the Design Advisory Panel to ensure future development on this site will achieve design excellence. Further supporting this outcome, the site-specific DCP contains provisions to ensure future development visually integrates any proposed above ground parking through creative design, architectural features and landscaping in order to mitigate visual impact.

Notwithstanding the above, the proponent intends to adopt the reduced parking rates proposed by Council under the Draft Norwest Precinct Plan. With the reduced parking rates applied to the site, this will reduce the number of carparking spaces provided on site and ultimately reduce the need for above ground parking.

Given this above, we recommend the provision to limit above ground car parking spaces to a maximum 344 parking spaces is deleted from the DCP.

Proposed increase of building separation from 8m to 18m for the commercial building

The Council Officer's update to the site-specific DCP has increased building separation between commercial buildings from 8m to 9m for the first four floors and 18m for floors five to twelve. The Proponent views this requirement unreasonable for commercial towers as it will reduce the floorplate sizes of the commercial office buildings and ultimately hinders the opportunity to deliver commercial floorspace on the site, a key outcome of the draft Norwest Precinct Plan. We reiterate that commercial office buildings require larger floorplate sizes to accommodate A-grade floor space and flexibility to meet different tenant requirements. This is key to supporting the types of commercial tenants that are being sought for the Norwest Precinct.

We understand that the proposed separation distances aim to ensure visual privacy, view corridors and pleasant outlooks from the commercial building. However, we note:

- for commercial buildings, visual privacy is not a core objective for this land use where it is sited well away from other residential areas
- we are not aware of any identified view corridors through the site that are required to be retained
- the proposed separation distances will do little for providing pleasant outlooks, as the proposed buildings on this portion of the site will have 360-degree outlooks given its taller heights (up to 12 storeys) and lower scale built form surrounds.

Furthermore, we have reviewed comparative commercial sites within the Norwest Precinct to highlight Council's previous approach for commercial built form outcomes, the site-specific DCPs reviewed, include (refer to **Table 2**):

- Part D Section 22 – Circa Commercial Precinct
- Part D Section 23 – Norwest Station Site
- Part D Section 25 – 14-16 Brookhollow Avenue, Norwest.

Based on the above examples, Council's approach to controls for commercial built form outcomes typically do not include specific building separation requirements between commercial buildings (except for Norwest Station Site DCP which notes a minimum building separation of 12-32m for the purpose of preserving an area for a public plaza).

Further, these example DCPs highlight there are no controls prescribing a maximum floorplate size, with Council rather referring to a high-level section drawing of the built form that future development is 'to be generally in accordance with'. Importantly, the controls nor the figures identify specific separation distances between commercial buildings, providing a level of flexibility has been embedded in the DCP controls to allow alternative development outcomes.

As a potential alternative to prescribing minimum separation distances, we recommend the revised draft site-specific DCP adopt performance-based control which will support the objectives drafted by Council. The performance-based control is provided as follows:

- (1) *Taller buildings on the site are to be designed to:*
- demonstrate that the building design appropriately responds to its surrounding context*
 - avoid detrimental impacts to the microclimate of publicly accessible space and public domain*
 - include façade design which incorporates articulation, or the like, that effectively reduces the visual bulk and mass of the building*
 - be positioned and oriented to maximise visual outlooks from the building.*

The adoption of this performance-based control will importantly provide scope for a range of building form options to be investigated at the DA stage to align with a development outcome being sought by a developer. Such examples of varying building form approaches that may be appropriate to be investigated further at the DA stage are shown in the Bates Smart Building Massing Diagrams (**refer to Attachment C**). These options shown by Bates Smart are not exhaustive but important to show the scope of flexibility required. This is critical for when establishing planning controls for employment areas which need flexibility to adapt to ongoing shift in demand for different industry sectors over time, while enabling future development outcomes that can meet varying operational requirements.

We also note future development applications will be subject to the Design Advisory Panel to ensure future development on this site will achieve design excellence and the opportunity for proposed building separation distances and floorplate sizes to be further interrogated and resolved.

Table 2 *Review of built form controls in comparative commercial sites in Norwest Precinct*

Site-Specific DCP	Council's built form approach
D22 – Circa Commercial Precinct	- There are no specific controls or reference for minimum separation distances. - Built form is controlled by Building Height and Building Setback controls with a reference to a figure where future development is to be 'generally in accordance with'. - The building height in storeys figure shows floorplates for future buildings, however there are no dimensions, and presents larger floorplates.
D23 – Norwest Station Site	- Built form is controlled by Building Height and Building Setback controls with a reference to a figure where future development is to be 'generally in accordance with'. - Minimum separation distance for two buildings is identified on the building setbacks figure and is to be achieved through the provision of varied width 12-32m public plaza. - The figures show two notional towers to 19 and 25 floors above a single podium and does not prescribe or dimension a minimum building separation. - There are no dimensions for building floorplates and large floorplates are presented in the figures.
D25 – 14-16 Brookhollow Avenue, Norwest	- There are no specific controls or reference for minimum separation distances. - Built form is controlled by Building Height and Building Setback controls with a reference to a figure where future development is to be 'generally in accordance with'. - An indicative reference scheme is presented in the DCP, which notes built form is to be generally in accordance with. There are no dimensions for the separation distance or areas for the floorplate sizes. - An indicative through-site link is identified to be provided between the two commercial buildings, however there are no dimensions for the width of the link.

Change to the solar access requirements for the east-west through-site link / linear park

The Council Officer's update to the DCP adopts a minimum of 4 hours of direct sunlight at mid-winter to 50% of the combined area of the linear park and central plaza. It is noted that this level of solar access is typically adopted for larger-scale parks which have a more traditional geometry (i.e. squared). Furthermore, review of solar access requirements for public spaces in other commercial sites site-specific DCPs within the Norwest Precinct, typically require a minimum of 2 hours of direct sunlight at mid-winter for plazas.

Notwithstanding the above, we recognise the potential role of the east-west through-site link acting as a linear park and providing a significant public benefit to the Norwest Services Sub-Precinct which will require a high-level of

amenity for its users. Given this, we propose to adopt the sun access protection hours for the linear park (excluding the central plaza), as described below:

- (1) *Development is to achieve direct sunlight to a minimum 50% of the 20m-wide linear park for a minimum of 4 hours between 9am and 3pm on the 21 June.*

This level of solar access has been tested by Bates Smart to confirm these hours of sun access protection can be achieved with a 6-storey built form on the northern portion of the site.

No sun access controls will apply to the central plaza, which is consistent to the approach to sun access protection for the southern plaza fronting Carrington Road.

Conclusion

We would like to thank Council for the opportunity to allow us to highlight our concerns with the amended planning proposal and site specific DCP as an initial step toward finding a resolution on these matters. While we accept many of Council's amendments to the DCP (e.g. Council's revised car parking rates), we raise concern over the following matters:

- preventing vehicular entry from Victoria Ave and Carrington Rd altogether, with vehicular entry allowed from Salisbury Rd only
- the reduction of number of storeys for the northern portion of the site from 6 storeys to 2-4 storeys
- the proposed limit of 344 car parking spaces above ground
- the increase of minimum building separation from 8m to 18m for the commercial buildings to the south
- the solar access requirements for the east-west through-site link / linear park.

Based on these matters and the reasons set out in this letter, we would like to recommend the following changes be adopted for the planning proposal and the draft site-specific DCP, as follows:

- re-instate 'Shop' as an additional permitted use on the site to allow complementary businesses that are a core part of Spotlight Group's retail business offering such as Mountain Designs and Harris Scarfe. To ensure that no supermarkets are delivered on the site, we propose to introduce a provision in the draft site-specific DCP to prevent the utilisation of the allocated 3,000sqm of GFA for 'Shop' for a potential supermarket
- maintain access from Salisbury Road and restricted access from Victoria Avenue and Carrington Road, until further consultation with Transport for NSW has been undertaken, while noting the receipt of Transport for NSW's views on this matter shouldn't delay progressing the planning proposal and site-specific DCP to Gateway review with DPE
- revert the number of storeys for the northern portion of the site from 4 to 6, to be aligned with the desired built form outcome under the Draft Norwest Precinct Plan and allow scope for flexibility for future development and built form outcomes
- adopt parking rates proposed under the Draft Norwest Precinct Plan and delete provision limiting above ground parking to 344 spaces
- introduce performance-based controls to inform building separation and commercial floorplate sizes, instead of controls prescribing a specific outcome
- amend the minimum direct sunlight during mid-winter for the east-west through site link/ linear park to - a minimum 50% of the 20m-wide linear park for a minimum of 4 hours between 9am and 3pm on the 21 June.

A more detailed summary of the proposed provisions is provided in **Attachment A**, with a revised site-specific DCP including mark ups in tracked changes provided at **Attachment B**.

Once Council has reviewed the above matters, we would like to arrange a meeting with Council's officers to discuss these matters further and seek to find an agreed pathway forward for the planning proposal. Should you have any queries in the meantime, please do not hesitate to contact me on 0424 425 462.

Yours sincerely,



David Attwood
Associate Director
dattwood@ethosurban.com
0424 425 462

Attachment A – Summary of recommended updates to planning proposal and site-specific DCP

Table 1 Response to Council's DCP and PP Revisions

No.	Item	Council's Amendments	Recommended revision
Planning Proposal Revision			
1	Removal of 'Shop' with 3,300 sqm floor space cap as an additional permitted use	Delete 'Shop' use from Planning Proposal	- Re-instate 'Shop' as an additional permitted use on the site to allow core retail businesses in the Spotlight Group including Mountain Designs and Harris Scarfe, and complementary retail including chemist and the like - Reduce the maximum gross floor area (GFA) for 'shop' to 3,000 sqm - To ensure that no supermarkets are delivered on the site, we propose to introduce a provision in the draft site-specific DCP to prevent the utilisation of the allocated 3,000 sqm of GFA for 'Shop' for a potential supermarket - A definition of 'supermarket' will be included in the DCP to provide clarity and certainty that a supermarket will not be delivered. Recommended Change/ Provisions: Insert - - Development for the purpose of a supermarket is not permitted on the site. Supermarket means a premises with the principal purpose of which is the sale of groceries and foodstuff to provide for the needs of people whole live or work in the local area
Site-specific DCP Amendments			
2	Carparking rate	Include new parking rates from Draft Norwest Precinct Plan	The Proponent will accept the parking rates proposed under the draft Norwest Precinct Plan, as drafted by Council in the revised DCP.

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Level 4, 180 George Street,
Sydney NSW 2000
Cadigal Land

Level 8, 30 Collins Street,
Melbourne VIC 3000
Wurundjeri Woi Wurrung Land

Level 4, 215 Adelaide Street,
Brisbane QLD 4000
Turrbal, Jagera and Yugara Land

3	Site access	Council's amended DCP limits vehicular access into the site from Salisbury Road only and is supported by the following provisions: 4. <i>Vehicular exit from Carrington Road is to be limited to left-out only with treatments such as median islands and signage provided to prevent right turn movements into and out of the site.</i> 5. <i>Vehicular access must only be provided from Salisbury Road. Access from Victoria Avenue or Carrington Road is not permitted.</i>	- We note that the any future development application on the site will require a detailed transport assessment to demonstrate the merit of a proposed development, which will take into consideration appropriate access arrangements for the site. - We recommend that the DCP reinstates in/out access from Victoria Avenue, Carrington Road and Salisbury Road, until further consultation with TfNSW has been undertaken. Site access at Victoria Avenue and Carrington Road should be restricted to left-in/left-out as per Council's previous advice. - It is premature to apply this restriction without the input of TfNSW and a resolved detailed design scheme for the site which is typically detailed at the development application stage. Recommended Change/ Provision: Replace with – <i>Vehicular access from Carrington Road and Victoria Avenue are to be limited to left-in left-out only with treatments such as median islands and signage provided to prevent right turn movements into and out of the site.</i>	- We note that the any future development application on the site will require a detailed transport assessment to demonstrate the merit of a proposed development, which will take into consideration appropriate access arrangements for the site. - We recommend that the DCP reinstates in/out access from Victoria Avenue, Carrington Road and Salisbury Road, until further consultation with TfNSW has been undertaken. Site access at Victoria Avenue and Carrington Road should be restricted to left-in/left-out as per Council's previous advice. - It is premature to apply this restriction without the input of TfNSW and a resolved detailed design scheme for the site which is typically detailed at the development application stage. Recommended Change/ Provision: Replace with – <i>Vehicular access from Carrington Road and Victoria Avenue are to be limited to left-in left-out only with treatments such as median islands and signage provided to prevent right turn movements into and out of the site.</i>
4	Building height reduction to the north	The Council Officer's update to the DCP has reduced the number of storeys on the northern portion of the site from 6 storeys to 2-4 storeys, as supported by the following provision and update to figure. 3. <i>Building heights are to transform to a lower scale 2-4 storey built form on the northern part of the site.</i>	Figure 3 Indicative Building Heights Map	- Revert the number of storeys for the northern portion of the site from 2-4 to 6, to be aligned with the desired built form outcome under the Draft Norwest Precinct Plan and allow scope for flexibility for future development and built form outcomes. Recommended change/provision: - Update figure 3 to show 6 storeys on northern portion of the site - Replace Control 3 with – 3. <i>Building heights are to transform to a lower scale 6 storey built form on the northern part of the site.</i>

5	Number of above ground car parks	Council officer's update to the DCP has included the following control to limit above ground parking to 344 car spaces: 8. <i>The amount of parking spaces provided in at-grade or above ground parking areas shall not exceed 344 car spaces.</i>	- We believe an arbitrary limit for above-ground parking is unnecessary and limits flexibility for future development. We also consider the number of carparking spaces a matter that is to be resolved at the DA phase and is likely to undergo a design review panel process. - The Proponent is willing to accept the parking rates proposed under the Draft Norwest Precinct Plan. In principle the reduced parking rates under the Draft Norwest Precinct Plan will decrease the number of car parks holistically, and thereby the number of spaces required above ground. - The DCP contains provisions to visually integrate any proposed above ground parking through creative design, architectural features and landscaping in order to mitigate visual impact. Recommended change/ provision: - Delete control 8 proposed limit on above ground carparking.
6	Commercial building separation	The Council Officer's update to the DCP has increased building separation between commercial buildings from 8m to 9m and to 18m above four floors which are supported by the following provisions: 1. <i>Provide a minimum of 9m separation on the first four floors between commercial buildings and a minimum of 18m for upper levels. Refer to Figures 11 and 12.</i> 2. <i>Provide minimum 20m building separation between commercial and retail buildings. Refer to Figure 12.</i>	- The Proponent is of the view the building separation distance requirements are unreasonable for commercial towers as it will reduce the floorplate sizes and required flexibility to accommodate different tenant requirements. - We recommend the revised draft site-specific DCP should put in place performance-based controls which will support the objectives drafted by Council, instead of controls that prescribe a specific outcome. - The recommendation to introduce performance-based controls goes beyond Council 'previous approach for other commercial sites within the Norwest Strategic Centre. - This gives greater flexibility for alternative design approaches that can achieve the objectives of the Building Separation section of the DCP. Recommended change/provision - Retain Council officer's objectives for building separation Replace Controls 1 and 2 with – <i>Taller buildings on the site are to be designed to:</i> <i>demonstrate that the building design appropriately responds to its surrounding context</i> <i>avoid detrimental impacts to the microclimate of publicly accessible space and public domain</i> <i>include façade design incorporates articulation or the like to reduce perceived bulk and mass of the building</i>

		- provide a vertical expression at building entry points fronting Carrington Road and the linear park - incorporate a pedestrian desire line between Carrington Road and the linear park - be positioned and oriented to maximise visual outlooks from the building.	
7	Solar access to open space	The Council Officer's update to the DCP adopts a minimum of 4 hours of direct sunlight at mid-winter, with the following provision proposed: 2. <i>Development is to achieve direct sunlight to a minimum 50% of the combined area of the central publicly accessible open space and 20m-wide through site link for a minimum of 4 hours between 9am and 3pm on the 21 June.</i>	- This level of solar access is typically adopted for large-scale parks which have a more traditional geometry (i.e. squared). It is not appropriate to adopt this requirement for the linear park, which will be unable to achieve this outcome due to its width and east-west alignment. - Notwithstanding the above, the Proponent recognises the potential role of the east-west through-site link acting as a linear park and providing a significant public benefit to the Norwest Services Sub-Precinct which will require a high-level of amenity for its users. Given this, we propose to adopt the sun access protection hours for the linear park only (excluding the central plaza). Recommended change/provision Replace Control 2 with – <i>Development is to achieve direct sunlight to a minimum 50% of the 20m-wide linear park for a minimum of 4 hours between 9am and 3pm on the 21 June.</i>
Minor DCP Amendments			
8	Retention of existing mature trees	The Council Officer's update to the DCP includes a provision that requires all mature trees to be retained and new trees to be separated by 10m. 3. <i>Deep soil landscaped setbacks are to accommodate existing mature trees and allow for new tree planting every 10m that are capable of growing to a mature size.</i>	- The Proponent wishes to accept the Council Officer's change, however wishes to add 'where practical' to the control to provide flexibility where the retention of existing trees is not possible. Recommended change/provision Replace Control 3 with – 3. <i>Deep soil landscaped setbacks are to accommodate existing mature trees (where practical) and allow for new tree planting every 10-20m that are capable of growing to a mature size.</i>
9	North-south through site link	Council officer's refer to the laneway between the commercial buildings fronting Carrington Road as a 9m through site link. d. <i>A minimum 9m wide link between the commercial buildings fronting Carrington Road and the publicly accessible through site link.</i>	The Proponent wishes to change reference to the through site link between the commercial buildings fronting Carrington Road to the 'north south pedestrian desire line', as well as remove the minimum width dimension. This change is being sought as the design of the commercial buildings is not resolved at this point in time and we would

		like scope to allow for alternative design approaches to delivering a pedestrian link in this location. Recommended change/provision <i>d. A north south pedestrian desire line between Carrington Road and the east west linear park.</i>
10	Services on street frontages	The Council Officer's update to the DCP has amended the active frontage controls which includes prohibiting the location of services and or fire services along the street frontage. <i>4. The following must not be located in street frontages</i> <i>A. Essential building services;</i> <i>B. Access for fire services</i> <i>C. Loading docks</i> Recommended change/provision Add 'where possible' to control 4b Change 'must' to 'should' ; <i>4. The following should not be located in street frontages</i> <i>A. Essential building services;</i> <i>B. Access for fire services (where possible);</i> <i>C. Loading docks</i> The Proponent proposes a minor update to the control to permit fire service and some services where alternatives are not possible, to provide greater flexibility for future development. The Proponent agrees with Council officers that the preferable location of services is not along the street frontage, however scope for flexibility of the location is required and it likely the location of services will be assessed on merit and further resolved in a design review panel process during the DA stage.
11	Servicing Lane	The Council Officer's update to the DCP has included a prescribed maximum 9m wide driveway footpath crossover. <i>B. Limit the width of driveway footpath crossings to 9m.</i> The Proponent has reviewed this control and wishes to replace it with the provision below to provide additional flexibility for future development on the site and for alternative solutions to be explored. Recommended change/provision <i>b. minimise the width of driveway footpath crossings and maximise the width of pedestrian clear paths of travel.</i>

The Hills Development Control Plan (DCP) 2012

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Part D Section XX
21 – 23 Victoria Avenue
Castle Hill

DXX

EXHIBITION DRAFT – (DATE)

In Force XXXXXXXX

Table of Contents

1	Introduction	3
1.1	Land to which this Section applies	3
1.2	Purpose of this Section	3
1.3	Relationship to other Sections of the DCP	3
2	Urban Context	4
3	Desired Future Character	5
4	General Controls	7
4.1	Height	7
4.2	Building Setbacks	1
4.3	Building Design	3
4.4	Land Use and Active Frontages	4
4.5	Public Domain	5
4.6	Wind	7
4.7	Landscaping and Deep Soil	8
4.8	Parking, Loading and Access	9
4.9	Stormwater Management	10

1 Introduction

This Section establishes a framework and controls to guide development on land at 21-23 Victoria Avenue, Castle Hill.

1.1 Land to which this Section applies

This section applies to land at 21 – 23 Victoria Avenue, Castle Hill (refer to **Figure 1**)

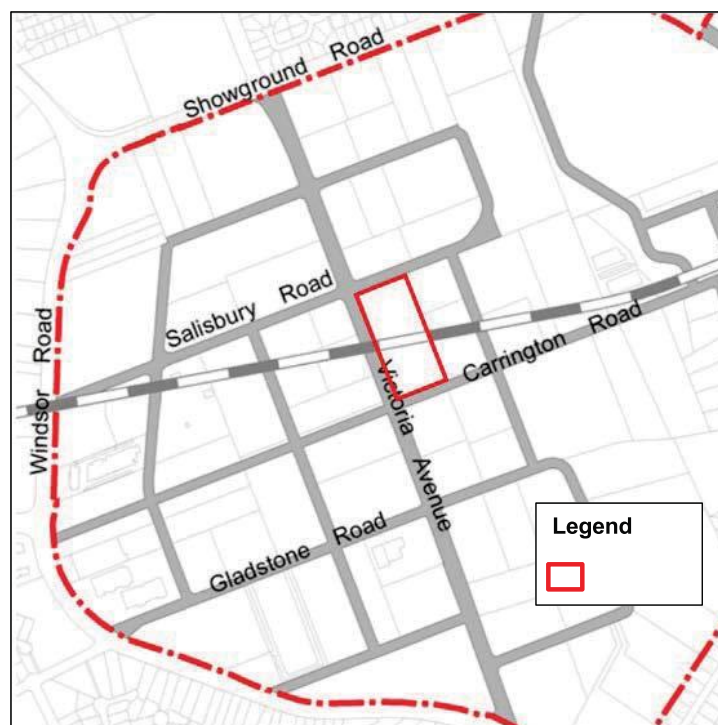


Figure 1

Land to which this Section

1.2 Purpose of this Section

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

1.3 Relationship to other Sections of the DCP

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

2 Urban Context

The Site is located within the suburb of Castle Hill and forms part of Norwest Service Sub-precinct in the Norwest Strategic Centre. The Site has a total area of approximately 21,048m², which is bordered by Victoria Avenue along its western frontage, Salisbury Road along its northern frontage, and Carrington Road to its south. Hills Showground Station is located approximately 620m to the east of the Site on Carrington Road and is frequently serviced by Sydney Metro Northwest services to the CBD, Epping and Tallawong. The surrounding land use and built form comprises a predominantly industrial, showroom and commercial character.

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

Specialised retail offerings (bulky goods) and light industrial areas will continue to be a mainstay for urban support services that meet the needs of the growing population base, whilst also providing opportunity for smaller businesses to establish and thrive. New commercial developments along Carrington Road extending towards Windsor Road will include taller office style buildings, enhanced by quality landscaping, landscaped medians, wide footpaths and mature street trees.

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

3 Desired Future Character

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

- To provide a landmark development that reinforces the significance of the site being at the core of Norwest Service Sub-Precinct.
- Development accommodates a dense mix of employment generating uses which may include offices and specialised retail (bulky goods) to support businesses and workers in the area.
- Buildings accommodating a mix of employment uses are arranged around a new publicly accessible plaza and a through site link incorporating an overland flow path and providing amenity for occupants, visitors and customers.
- An assortment of secondary public spaces and connections activated by buildings provide attractive and accessible places for occupants, visitors and customers.
- Publicly accessible spaces seamlessly respond to level changes across the site and avoid conflict with stormwater flows and loading areas.
- Permeability is enhanced with the provision of an east-west through-site link aligned with the overland flow path to support the delivery of a new pedestrian link from Victoria Avenue to Cattai Creek and Hills Showground Metro Station.
- The location, height and mass of buildings are considered with site responsive variation in facades and setbacks to lift the diversity and visual quality of the site.
- Taller office buildings define a new built form quality and commercial address on Carrington Road.
- Lower rise large format retail character addresses Victoria Avenue and Salisbury Road while providing generous landscaped setbacks.
- High quality landscaping complements the Shire's character and the nature of buildings, setbacks and spaces throughout the development.
- Loading and parking areas are located to support the operation of employment uses on the site and efficient operation of the road network.
- Parking is provided to align with transit oriented development principles, while responding to the site's environmental conditions.
- Development will incorporate sustainable design measures and urban greening.

Control

1. Development is to be generally in accordance with the Urban Strategy shown on **Figure 2: Urban Strategy Map**.

21-23 Victoria Avenue, Castle Hill – Development Control Plan

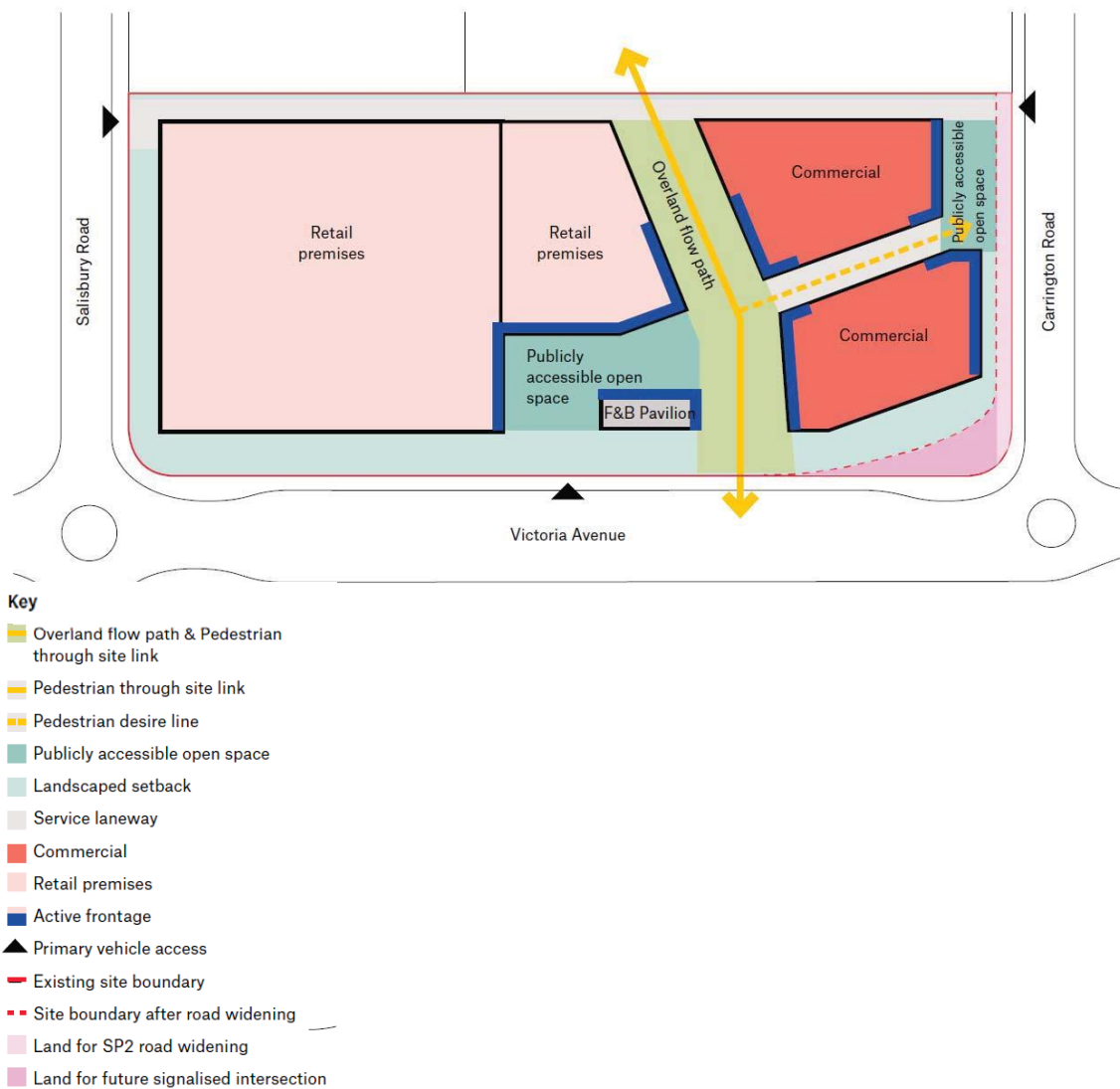


Figure 1 Urban Strategy Map

4 General Controls

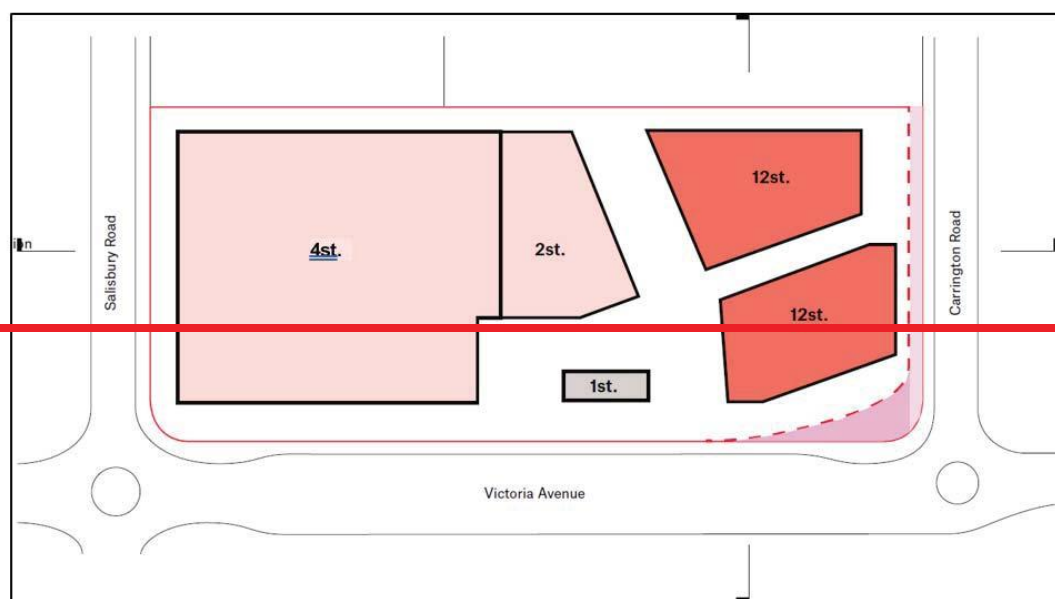
4.1 Height

Objectives

- To focus taller building heights toward Carrington Road to reinforce the Carrington Road frontage.
- To provide an adequate level of solar amenity to key publicly accessible space.
- To support a range of building and land use typologies.

Controls

- Maximum building heights are to comply with the RLs in The Hills Local Environmental Plan.
Note: Figure 3 and Figure 4 below demonstrates the application of the RLs and corresponding number of storeys that could be accommodated on the site.
- Tallest buildings heights are to be sited to address the Carrington Road frontage.
- Building heights are to transition to a lower scale 6-storey built form on the northern part of the site.



21-23 Victoria Avenue, Castle Hill – Development Control Plan

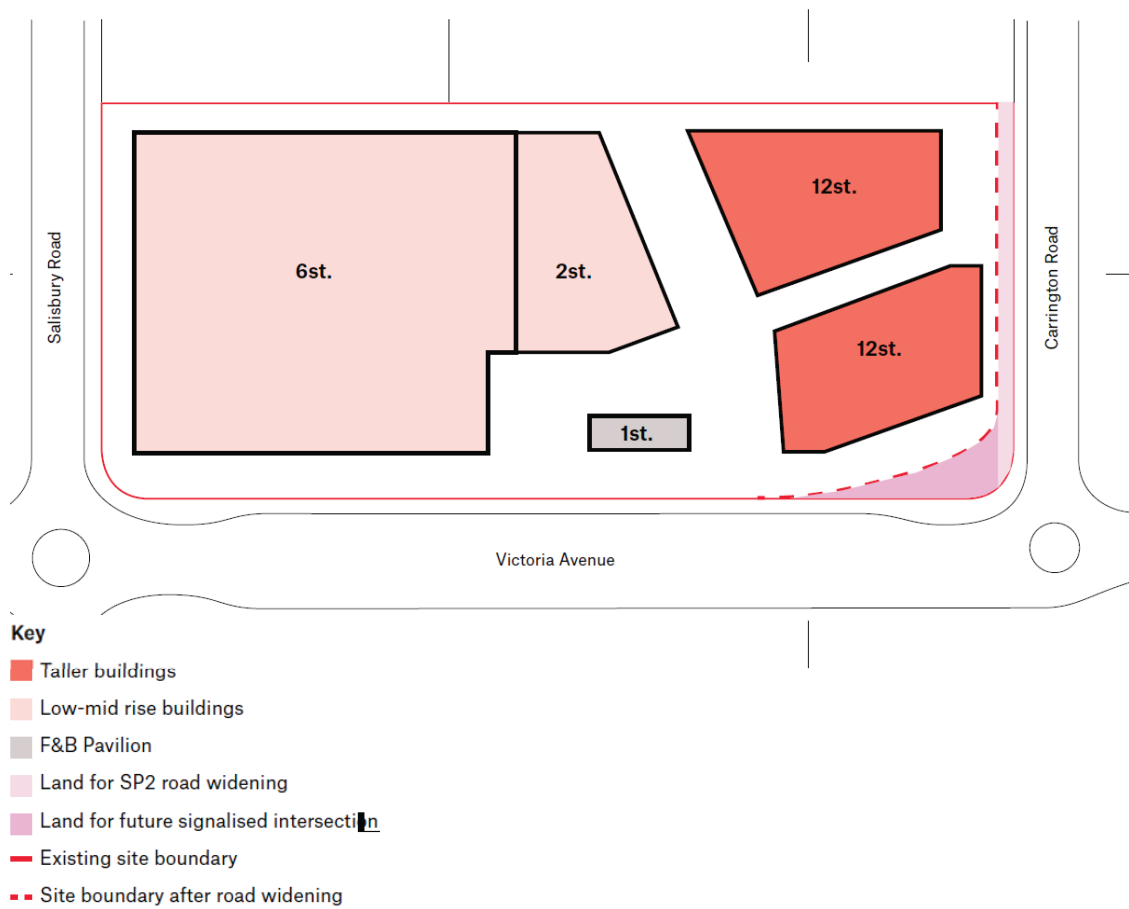


Figure 3 Indicative Building Heights Map

4.2 Building Setbacks

Objectives

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

Controls

1. Building setbacks are to be generally in accordance with **Figure 4 Building Setbacks Map** and sections shown in **Figures 5-10**.
2. The setback area along Victoria Avenue and Carrington Road, Salisbury Road are to be landscaped to complement the urban streetscape and be clear of built obstructions including, parking and building overhangs.
3. Building setbacks are to be measured from the future revised site boundary following road widening and signalisation of Carrington Road and Victoria Avenue intersection.
4. 60% of the street setback area is to be soft landscaping. Existing mature trees are to be retained where practical.
5. Basement parking is not permitted to encroach into the front or side setback areas. Projection into deep soil areas is not permitted.
6. Above ground portions of basement car-parking structures in setbacks, excluding ramps are not permitted.

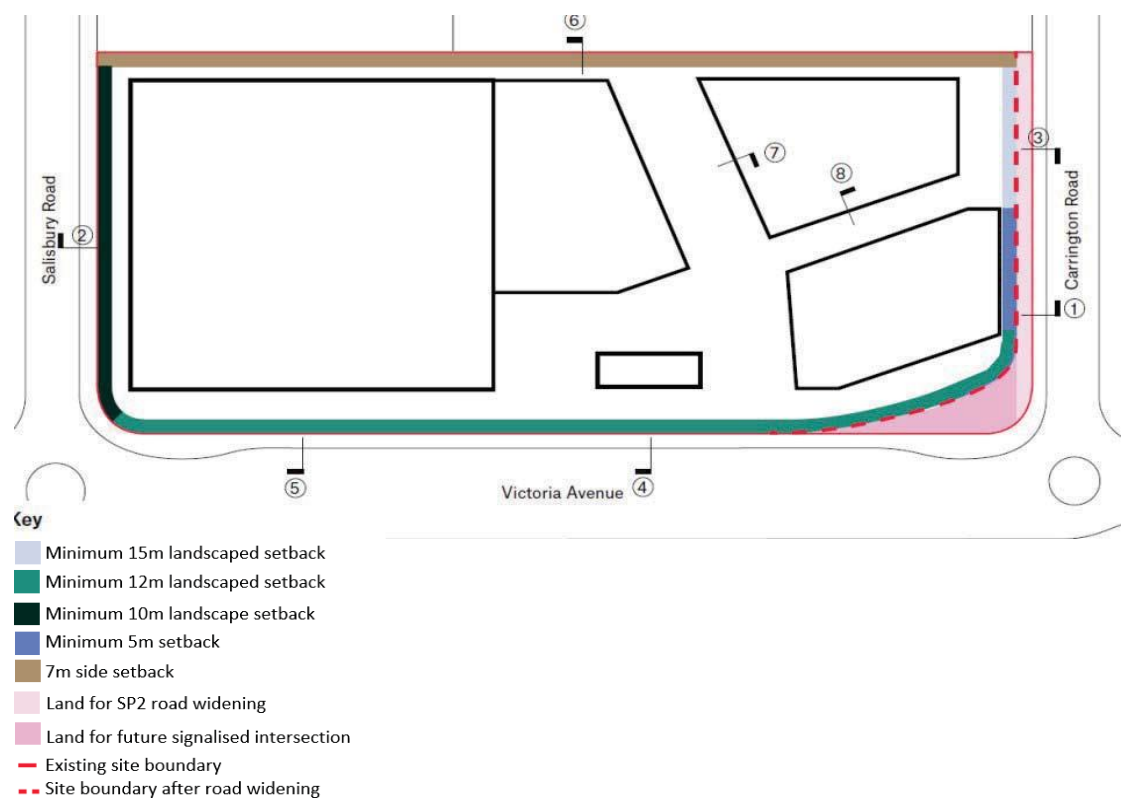


Figure 4 Building Setbacks Map

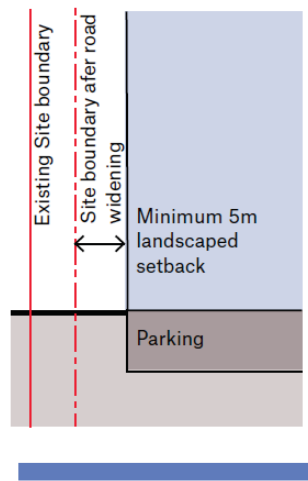


Figure 5 - Section Carrington Road corner front setback

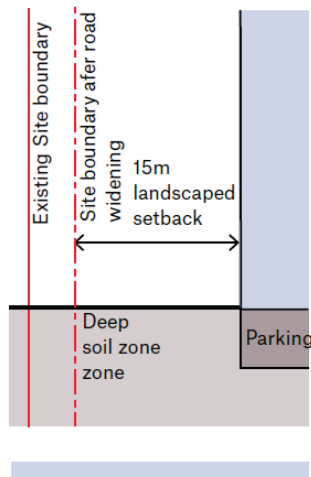


Figure 6 – Section Carrington Road plaza front setback

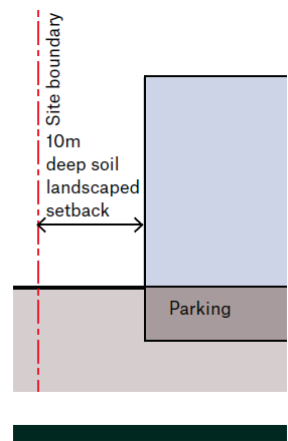


Figure 7 –Section Salisbury Road landscaped front setback

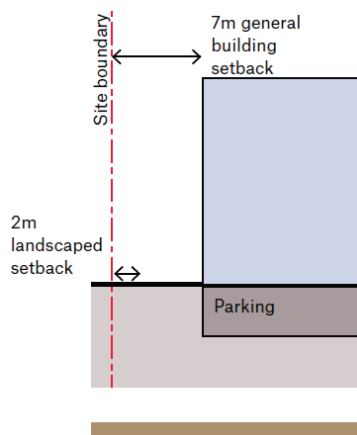


Figure 8 – Section 6: Side setback 1

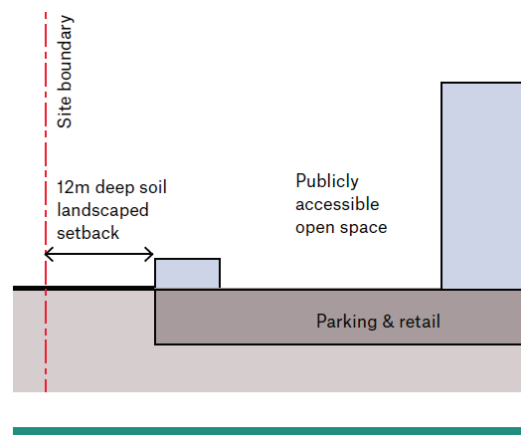


Figure 9 – Section Victoria Avenue plaza front setback

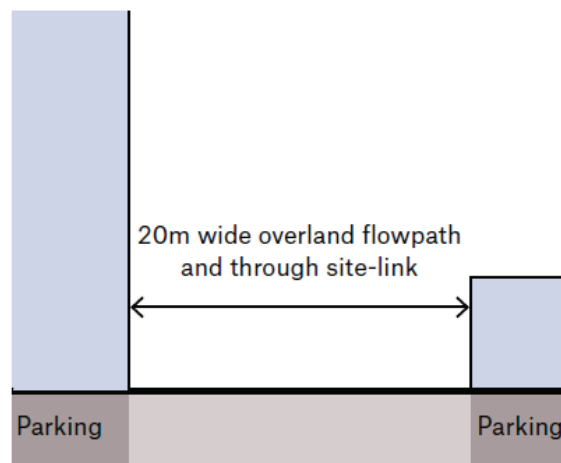


Figure 2 – Section 7: East-West pedestrian through-site link

4.3 Building Design

Objectives

- a. To ensure the design of buildings
 - Are site responsive to the future desired character of the area.
 - create a positive streetscape and achieves a high quality architectural design that promotes commercial, retail and business activity.
 - Allow for solar access to internal spaces and on adjoining sites.
 - Reduce the perceived bulk and scale of the built environment.
 - Create an open, attractive and distinct skyline.
 - Create small, fast moving shadows.
 - Provide visual privacy and breaks between buildings.
- b. To improve the quality of the public domain and provide a comfortable street environment for pedestrians.

21-23 Victoria Avenue, Castle Hill – Development Control Plan

- c. To encourage the use of renewable energy, and minimise reliance on, and consumption of, fossil fuels and potable water supplies.

Controls

1. The façade design of the development is to:
 - a. present the development as a series of separate and inter-related buildings.
 - b. be articulated using architectural elements and a variety of design languages and strategies for each buildings; and
 - c. use a variety of materials and finishes
2. Future development is to visually integrate any proposed above ground parking through creative design, architectural features and landscaping.
3. Where above ground parking cannot be avoided due to site conditions, it must be well integrated into the overall façade design and create a good relationship to the public domain.
4. Building entries are street and are to have a street address. Building entries are to be located to be clearly identifiable from the street and publicly accessible spaces.
5. Loading docks and roller doors must not be visible from the street frontages, the through site link or public plaza.
6. Building are designed to:
 - a. maximise access to natural light; and
 - b. include energy efficient design measures relating to air conditioning, building fabric and landscaping amongst others.
7. Taller buildings (above 6 storeys) on the site are to:
 - a. demonstrate that the building design appropriately responds to its surrounding context
 - b. avoid detrimental impacts to the microclimate of publicly accessible space and public domain
 - c. include a façade design that incorporates articulation or the like to reduce perceived bulk and mass of the building
 - d. provide a vertical expression at building entry points fronting Carrington Road and the linear park
 - e. incorporate a pedestrian desire line between Carrington Road and the linear park
 - f. be positioned and oriented to maximise amenity building occupants.

Prominent buildings on corner street locations must be visually prominent to parts of the façade (e.g. a change in building articulation, material or colour, or roof expression).

4.4 Land Use and Active Frontages

Objectives

- a. To prevent supermarkets on the site which may compete with surrounding centres.
- b. To require active frontages along prominent street frontages and publicly accessible open spaces.
- c. To provide an attractive, safe and vibrant pedestrian environment.

21-23 Victoria Avenue, Castle Hill – Development Control Plan

- d. To create vibrant local activity on the ground plane of the development
- e. To encourage activity outside of commercial business hours

Controls

1. Development for the purpose of a supermarket is not permitted on the site.
Note: *Supermarket* means a premises for the principal purpose of which is the sale of groceries and foodstuff to provide for the needs of people who live or work in the local area
2. Active frontages are to be provided generally in accordance with Figure 2: Urban Strategy Map
3. Active frontages are defined as the one or more of the following.
 - a. Shop front;
 - b. Cafe or restaurant if accompanied by an entry from the street or public space;
 - c. Community and civic uses with a street entrance;
 - d. Recreation facilities with a street entrance; and
 - e. Lobbies with a street entrance not more than 20% of the total length of the buildings street or public space frontage
4. The following should not be located in street frontages
 - a. Essential building services;
 - b. Access for fire services (where possible);
 - c. Loading docks
5. Retail and commercial uses at ground level are to be designed so that the ground floor for at least part of the premises is at the same level as the finished footpath level of the adjacent street and/or open space.
6. Where an active frontage is required, a minimum of 80% of the building frontage is to be transparent (i.e. windows and glazed doors). The windowsill height must be a maximum 1200mm above ground level.
7. Awnings are to be provided over buildings entries. Continuous awnings are to be provided over the full length of active frontages, where appropriate.
8. For larger developments, building entrances should be provided on each street frontage.
9. Security grilles may only be fitted internally behind the shopfront. They are to be transparent and fully retractable.

4.5 Public Domain

Objectives

- a. To provide new publicly accessible spaces for the enjoyment of workers and visitors within the site and the surrounding Norwest Service Sub-precinct, which encourages interaction and improves the amenity of the area.
- b. To provide a highly permeable site that is easy to navigate and connected to surrounding streets.
- c. To create high quality publicly accessible spaces with landscaping that reinforces the urban character of the site.
- d. To deliver a new through site link that provides east-west pedestrian connectivity, overland flow path and outdoor amenity.

21-23 Victoria Avenue, Castle Hill – Development Control Plan

- e. Undergrounding of power lines to improve the appearance and liveability of the Precinct and to facilitate increased space within road reserves to install public domain improvements.

Controls

1. Development is to be generally in accordance with **Figure 11: Public Domain Map**, and is to provide:
 - a. a central publicly accessible open space fronting Victoria Avenue with a minimum area of 850 sqm.
 - b. a southern publicly accessible open space fronting Carrington Road with a minimum area of 350 sqm.
 - c. a minimum 20m wide overland flow path containing a publicly accessible through-site link.
 - d. A north south pedestrian desire line between Carrington Road and the east west linear park..
2. Development is to achieve direct sunlight to a minimum 50% of the 20m-wide linear park for a minimum of 4 hours between 9am and 3pm on the 21 June.
3. Council requires underground electricity reticulation and telecommunications for all urban development. Council will require as a condition of any development consent that any existing aboveground electricity reticulation service be relocated underground with the exception of main transmission lines
4. Publicly accessible open spaces are required to be embellished with the following high quality treatments:
 - a. integrated seating and other furniture;
 - b. bins;
 - c. landscaping;
 - d. adequate shading;
 - e. signage; and
 - f. adequate lighting to promote safety.
5. Pedestrian through site links are to be provided generally in accordance with **Figure 11: Public Domain Map** and the following:
 - a. be publicly accessible;
 - b. include a minimum of 500mm of landscaping (maximum height of 800mm) along each side of the pedestrian link is desirable;
 - c. is designed to be attractive high amenity spaces that incorporate landscaping treatments;
 - d. is to implement well integrated public art, pavement design and other appropriate elements to enhance the pedestrian experience;
 - e. be clearly identifiable as a publicly accessible pedestrian link;
 - f. encourage pedestrians to move along the link and not linger;
 - g. ensure clear sightlines from one end to the other so passive surveillance is provided;
 - h. have adequate lighting to improve safety; and

- i. are to have prioritisation of movement when intersecting other elements of the movement network.

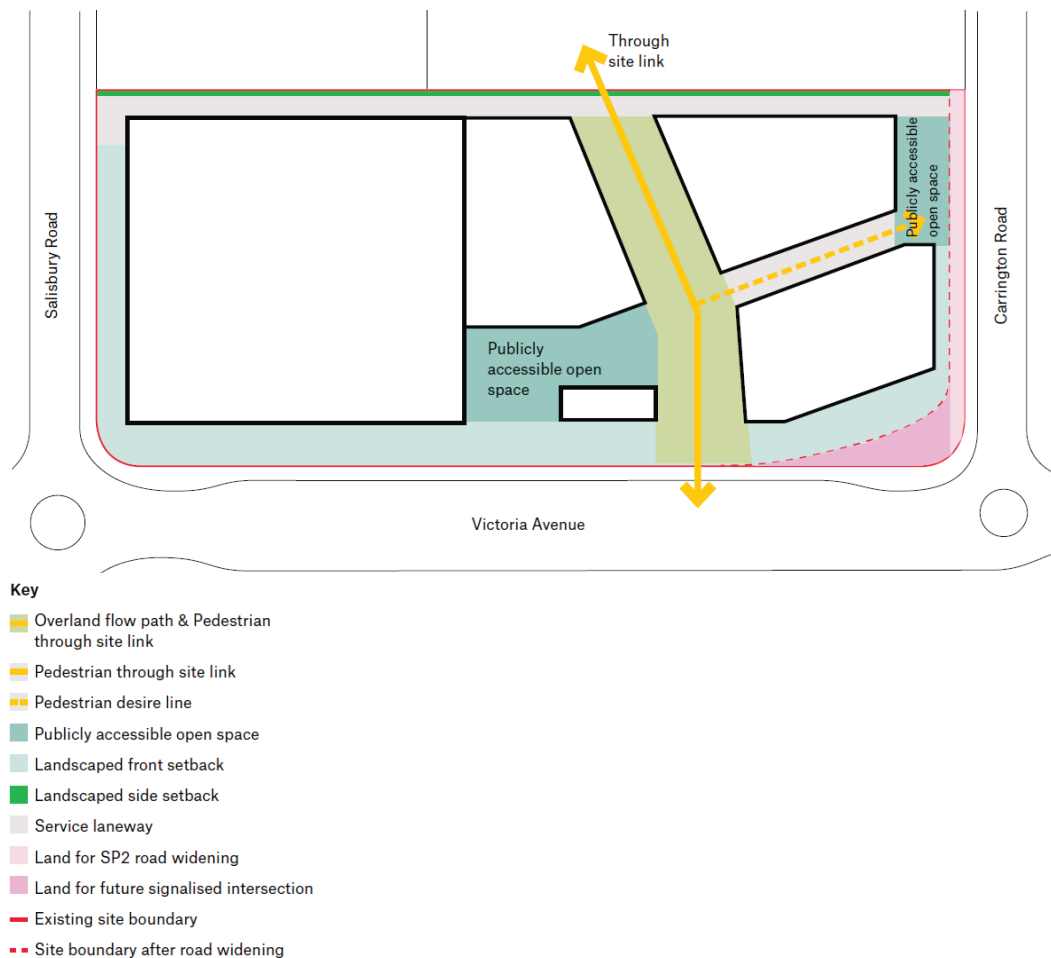


Figure 11 Public Domain Map

4.6 Wind

Objectives

- a. To ensure comfortable and safe wind settings in the public domain.
- b. To ensure differences in building heights do not cause high wind loads.
- c. To ensure the built form does not provide adverse wind conditions which will impact upon the amenity of pedestrian comfort in streets and public and private open spaces.

Controls

1. Buildings over 8 storeys (or 25m) must be accompanied by a wind tunnel study, which demonstrated the following
 - a. In open areas to which people have access, the annual maximum gust speed should not exceed 23 metres per second;

21-23 Victoria Avenue, Castle Hill – Development Control Plan

- b. In walkways, pedestrian transit areas, streets where pedestrians do not general stop, sit, stand, window shop and the like, annual maximum gust speed should not exceed 16 metres per second;
- c. In areas where pedestrians are involved in stationary short-exposure activities such as window shopping, standing or sitting (including areas such as bus stops, public open space and private open space), the annual maximum gust speed should not exceed 13 metres per second;
- d. In areas for stationary long-exposure activity, such as outdoor dining, the annual maximum gust speed should not exceed 10 metres per second; and
- e. The report is to be prepared by a suitably qualified engineer.

4.7 Landscaping and Deep Soil

Objectives

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

Controls

- 1. Landscape design is to:
 - a. include a diverse range of plant species and is to be in accordance with the recommended species list in Part C Section 3 of The Hills DCP;
 - b. be compatible with flood risk and avoid dense planting in a flow path
 - c. incorporate understorey planting and permeable surfaces to reduce the extent of paved areas and to enhance the amenity of the streetscape environment; and
 - d. enhance the appearance of the building and car parking areas without creating opportunities for concealment.
- 2. The minimum amount of deep soil area, meaning an area of natural ground with relatively natural soil profiles and excluding areas above underground structures, is to 10% of the site area.
- 3. Deep soil landscaped setbacks are to accommodate existing mature trees (where practical) and allow for new tree planting every 10-20m that are capable of growing to a mature size.
- 4. Canopy trees are to be planted within street verges to provide shade and reduce pavement surface temperatures.
- 5. Planting on structure is to:
 - a. ensure soil depth, soil volume and soil area appropriate to the size of the plants to be established; and
 - b. be designed to have appropriate soil conditions, drainage and irrigation methods.

21-23 Victoria Avenue, Castle Hill – Development Control Plan

6. The incorporation of green walls and roofs into the development is encouraged where appropriate. Where suitable, building facades should incorporate landscaping features to soften the visual bulk of buildings and to improve streetscape quality.

4.8 Parking, Loading and Access

Objectives

- a. To provide sufficient car parking spaces for the development and encourage public transport use.
- b. To reflect the Transit Oriented Development principles underpinning all outcomes at the site.
- c. To ensure that appropriate bicycle parking and end of trip facilities are provided for workers and visitors to the development.
- d. To ensure vehicles enter and exit the developments in a safe and efficient manner.
- e. To ensure appropriate separation of loading and parking functions from public spaces for people.

Controls

1. Vehicular access is to be provided generally in accordance with Figure 2: Urban Strategy Map.
2. All vehicles are to enter and leave the site in a forward direction.
3. No parking is permitted in the landscape setback.
4. Vehicular access from Carrington Road and Victoria Avenue are to be limited to left-in left-out only with treatments such as median islands and signage provided to prevent right turn movements into and out of the site.
5. The design of the servicing lane is to:
 - a. incorporate traffic management and safety measures to slow servicing vehicles to 10km/h
 - b. minimise the width of driveway footpath crossings and maximise the width of pedestrian clear paths of travel
 - c. ensure the width of pedestrian crossing is at least 20m and provides a clear path of travel
 - d. prioritise pedestrian crossover movements at the intersection of the central east-west through site link by:
 - i. providing a safe and accessible pedestrian point
 - ii. implementing safety measures that indicate pedestrian crossing priority
 - iii. continuing the type of footpath material and grade of the through site link.
6. Car parking is to be provided in accordance with the following rates:

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

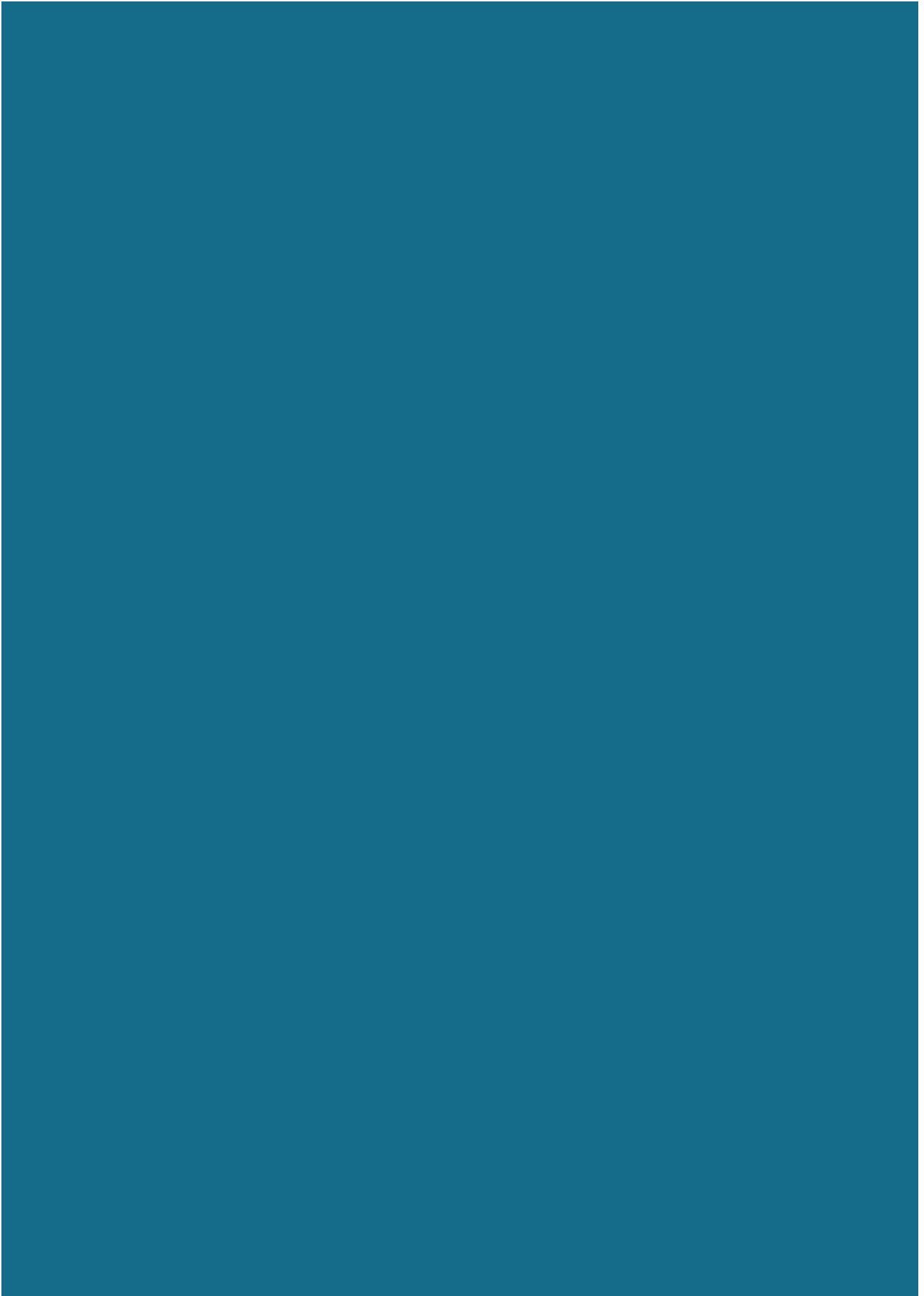
4.9 Stormwater Management

Objectives

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

Controls

1. Building and structures including footings must not encroach into the zone of influence of existing stormwater pipes.
2. Building foundations are not to be constructed in the existing stormwater easement and should provide a 1m minimum offset from the easement.
3. A Development Application for new buildings on the site is to be supported by a structural engineering statement prepared by a suitably qualified structural engineer that confirms that the proposal will not impart a load on the pipe in the easement.
4. Existing access chambers are to be maintained with suitable access provided for inspections and maintenance of stormwater pipes.
5. On ground pavements are to be designed to facilitate maintenance and replacement of pipes if required.
6. The provisions of Council's Flood Controlled Land DCP are to be applied.
7. A stormwater Management Plan is to be prepared considers sustainable water management practices and minimal development impact.
8. Stormwater runoff must be treated on the development site before it discharges to a public drainage system.
9. All stormwater drainage designs are to comply with the most up to date revision of Council's Design Guidelines Subdivision/Developments.



ATTACHMENT 3

Transport for NSW

10 January 2024

TfNSW Reference: SYD23/01165/01



Mr Michael Edgar
General Manager
The Hills Shire Council
PO Box 7064
Norwest, NSW 2153

Attention: Laura Moran

PLANNING PROPOSAL TO AMEND THE HILLS LOCAL ENVIRONMENTAL PLAN 2019 – TO FACILITATE THE DELIVERY OF A NEW MIXED USE PRECINCT AT 21-23 VICTORIA AVENUE, CASTLE HILL.

Dear Mr Edgar,

Transport for NSW (TfNSW) appreciates the opportunity to provide comment on the Planning Proposal ('proposal') for 21 to 23 Victoria Avenue Castle Hill (the 'site') referred to us in Council's correspondence dated 18 October 2023.

TfNSW notes that the Proposal seeks to amend The Hills Local Environmental Plan (LEP) 2019 to:

- Amend Schedule 1 Additional permitted uses to include development for the purposes of 'shop' (up to 3,300 sqm of GFA) to be permissible with consent.
- Increase the maximum permissible building height on the Site to allow for buildings up to RL140.5 metres AHD (equivalent to 12 storeys above existing ground level); and
- Increase the maximum permissible floor space ratio (FSR) on the Site to 2.3:1.

It is understood that the Planning Proposal amendments would also be supported by a draft site specific DCP that would include further details and controls in relation to:

- Building height / setbacks / design.
- Active frontages.
- Public domain.
- Landscaping and deep soil.
- Parking, loading and access, and
- Stormwater management

TfNSW's detailed comments are provided in **TAB A**. It is requested that the comments provided are satisfactorily addressed and/or considered by the proponent and Council in the preparation of a planning proposal for the site, *prior* to any submission of the planning proposal to the Department of Planning, Housing and Infrastructure (DPHI) for Gateway determination.

Should you have any questions or further enquiries in relation to this matter, Jeanne Roach, Land Use Planner would be pleased to receive your call on phone 0459 880 838 or via email: development.sydney@transport.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Peter Mann'.

Peter Mann
Senior Manager Strategic Land Use
Planning and Programs, Greater Sydney Division

OFFICIAL

Level 4, 4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

W transport.nsw.gov.au

PO Box 973 Parramatta CBD NSW 2124

TAB A – Detailed TfNSW Comments**Traffic and Transport Matters**

Should this proposal receive Gateway Approval, an updated Traffic and Transport Study should be prepared to support the Planning Proposal which addresses the following matters:

- While it is acknowledged that Council are currently undertaking precinct master planning and modelling for this locality, the traffic generation of the site is substantial enough, that at minimum, localised SIDRA network modelling should be undertaken for adjacent intersections along Victoria Avenue and access points to the development. This should be conducted for the Thursday PM Peak and Weekend Peak (i.e. existing and existing plus development uplift scenarios). Also, noting that the signalised intersection of Showground Road / Victoria Avenue / Green Road causes significant traffic congestion along Victoria Avenue (particularly in the weekday PM peak) therefore we would recommend that this intersection also be included to ensure traffic queues and congestion along Victoria Avenue are reasonably replicated.

NOTE: A key reason for this modelling is to determine whether future mitigating intersection upgrades need to be accelerated to accommodate this development and the fact that Council's broader precinct wide modelling has only examined the weekday peaks.

- The submitted traffic report notes that the peak hour traffic generation for the planning proposal is likely to be in the vicinity of 650 vehicles on the weekday PM peak and 600 on the weekend peak. Noting that the existing site currently generates traffic, the updated report needs to also identify the additional net increase in traffic generation as a result of this Planning Proposal.
- The modelling needs to take into account any future planned committed and funded intersection and corridor upgrades that are contained within Council's S7.11 and S7.12 Contributions Plans.
- Council needs to be satisfied that traffic assessment accompanying this proposal does not exceed the expectations of the projected land uses for this location. It is noted that TfNSW is working in consultation with Council in this aspect.
- The requested modelling results would also provide insight into queueing impacts at significant intersections to the Site and any potential accessibility issues they present.

Intersection Design and Proposed Land Acquisition

- TfNSW is supportive of land acquisition for the intersection upgrade outlined in the concept plan, **Victoria Ave Salisbury Road TfNSW Design.pdf** as this layout has been tested in the broader regional precinct wide modelling due to the projected growth in the area. The modelling clearly show a considerable congestion along Victoria Avenue and all the way up to and including the Showground Road/Green Road/Victoria Avenue intersection especially in the PM peak in 2036 scenario even after the proposed upgrades at the intersection.
- Victoria Avenue and Salisbury Road intersection upgrade designs should consider the preference for continuous bus lanes for current and future bus movements in an active transport supportive environment.

Accessing the Site

- From a safety perspective, consideration should be given to addressing locations where pedestrian desire lines would intersect vehicular traffic accessing the Site.
- Visibility from all access points shall be maintained between any opposing traffic and pedestrian flows.
- Considerations for loading bay requirements should be met and considered to ensure separation from other vehicles/pedestrians where possible. Details should align with relevant guidelines (i.e. TfNSW Freight and Servicing Last Mile Toolkit).
- Interaction, road and pedestrian safety, and accommodation of the adjacent bus stop to Victoria Ave fronting the development should be considered.

Parking

The planning proposal provides some conflicting information within the package of reports provided. It refers to the generous parking provision with reference regards to the likely parking requirements based off Part C, Section 1 of The Hills Development DCP (2012) and TfNSW's Guide to Traffic Generating Development parking requirements. It also states that at this stage it does not commit to a specific parking rate for the planning proposal but states that this will be resolved at the Development Application Stage. It is recommended that parking provision is to consider proximity to Hills Showground Metro Station, available alternative sustainable transport systems available and the draft Norwest Precinct Plan proposed parking rates when determining parking provision for the planning proposal.

However, we also acknowledge that the Draft Site Specific Development Control Plan (4.2021) specifies the following proposed car parking rates below:

Car parking is to be provided in accordance with the following rates:

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

The amount of parking spaces provided in at-grade or above ground parking areas shall not exceed 344 car spaces.

The abovementioned draft Site Specific DCP car parking rates align with the recently exhibited The Hills Shire Council Transit Centres – Car Parking Requirements Report and draft Norwest Precinct Plan which encourages lower car mode share. TfNSW has provided correspondence to Council supporting these proposed car parking rates and would recommend the use of these proposed car parking rates within the draft Site Specific DCP. Therefore, the updated Traffic and Transport Study and Planning Proposal Report should include further details of the total parking and parking breakdowns based off these proposed car parking rates within the draft Site Specific DCP.

Sydney Metro

- Please note that the Sydney Metro Second Reserve appears to be incorrect as shown on page 6 of *Appendix K – Preliminary Impact Assessment Proposed New Development 21-23 Victoria Avenue, Castle Hill, prepared by Douglas Partners dated 17 December 2020*. Please ensure this is updated / addressed as part of any future Planning Proposal (post Gateway) and for any future DA lodgements.
- Documentation should be provided demonstrating compliance with the Sydney Metro Underground Corridor Protection Guidelines and/or Sydney Metro At Grade and Elevated Sections Corridor Protection Guidelines as applicable (<https://sydneymetro.info/sites/default/files/2021-09/SM-Underground-Corridor-Protection-Technical-Guidelines.pdf>).
- The applicant is to engage in ongoing discussions with Sydney Metro in relation to the location and nature of substratum structures (including but not limited to critical loading). Please ensure this is updated / addressed as part of any future Planning Proposal (post Gateway) and for any future DA lodgements.

Transit Oriented Development

- The proposal is located approx. 650m (suitable walking distance) from the Hills Showground Metro station with great opportunities to deliver a transit-oriented development (TOD) by taking advantage of the high frequency transport service offered by Sydney Metro. The updated Traffic and Transport Study should also include the following key items for investigation:
 - It is recommended the planning proposal will need to consider the necessary facilities within the development to support a transit-oriented development principles, including mechanisms to support parking demands, bicycle parking, associated active transport links to surrounding nodes and active transport facilities (including end of trip facilities), car share, motorcycle parking and public transport travel modes; and
 - Development of a Green Travel Plan to further encourage and monitor the objectives of a sustainable TOD.



THE HILLS
Sydney's Garden Shire

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

25 January 2024

Travis Reid
Blueprint Australia
1A, 100 Market Street
South Melbourne VIC 3205

Our Ref: 4/2021/PLP

Dear Travis,

PLANNING PROPOSAL – 21-23 VICTORIA AVENUE, CASTLE HILL (4/2021/PLP)

The following information is provided in response to material submitted on 15th November 2023.

– ‘Shop’ as an Additional Permitted Use

The material submitted requests that the land use ‘shop’ be permitted on the land under LEP 2019, with a new DCP included that indicates that supermarkets are prohibited. This would not be possible given the Environmental Planning and Assessment Act contains provisions that state that a DCP cannot be inconsistent with an environmental planning instrument, such as an LEP. Specifically, Clause 3.43 (5) states:

A provision of a development control plan (whenever made) has no effect to the extent that—

- (a) it is the same or substantially the same as a provision of an environmental planning instrument applying to the same land, or*
- (b) it is inconsistent or incompatible with a provision of any such instrument.*

A DCP provision as described in your material would have no effect and is not a valid method of prohibiting particular types of ‘shops’ (notably a supermarket) on the land, if the land use ‘shop’ was permitted under the LEP.

It remains the view of Council officers that ‘shops’ and the retail outcomes permitted under that land use definition are not appropriate in an out of centre location such as the subject site. Premises that meet the definition of ‘shop’ should be located in traditional retail centres and not in industrial/business areas. Notwithstanding the information submitted, Council officers do not support the inclusion of ‘shop’ as an additional permitted use on the subject site.

You have advised that the intent of seeking to permit ‘shops’ is to allow space for the sale of “Mountain Designs” products on the site. It is suggested that you instead consider the inclusion of space within a larger specialised retail tenancy such that this clothing component is secondary to the principal sale of other goods. Furthermore, you may wish to consider whether the quantity or

size of the goods proposed to be sold would in fact meet the definition of specialised retail premises, even as a standalone tenancy. Either of these options would seemingly enable the outcome which you have stated you wish to achieve, without also permitting the full range of other unintended retail land uses on the site.

– *DCP Controls*

The draft Development Control Plan (draft DCP) that was reported to Council was prepared to respond to the advice of the LPP and to demonstrate to the elected Council how the outstanding issues that remained with your planning proposal application at that time might be addressed, in order to allow the matter to proceed positively to the next phase of the process. The controls included in the draft DCP enabled Council officers to make a positive recommendation to Council regarding the planning proposal with a level of comfort that the unresolved issues raised by the Local Planning Panel could be overcome.

Given the DCP is a Council document, it is common practice for Council officers to amend a draft DCP submitted by a Proponent or to prepare an entirely new draft DCP in association with a planning proposal. These controls are initially prepared as draft controls, and then are refined as the process continues, in response to any feedback from Government during the Gateway process or submissions from public authorities and the community during the public exhibition phase.

It is recommended that any further changes to the draft DCP be undertaken following the issue of a Gateway Determination and public exhibition, to ensure all amendments in response to submissions can be included in the draft DCP and to avoid any further delays in the process. Notwithstanding this, Council officers have prepared some brief comments on the changes proposed in your most recent submission, some of which may be able to be accommodated in a revised draft DCP and further report to Council.

○ *Vehicular Access*

Noting your concerns and comments, Council officers can remove controls from the draft DCP which prevented access from Victoria Avenue. Particularly when considering the high level comments recently provided by TfNSW, who have not objected to access from Victoria Avenue when pedestrian safety is maintained. However, as SIDRA network modelling has been requested to better understand queuing impacts and congestion along the surrounding network, it would remain open for TfNSW to revisit this position in light of this modelling as part of future agency consultation.

As previously advised, these types of discussions and consultation with TfNSW and other agencies would normally occur as part of the Gateway Determination process and subsequent public exhibition and agency consultation phase. Accordingly, please be advised that if TfNSW provides comments that it does not support access from Victoria Avenue to the site, Council officers would be required to reinsert these controls post-exhibition.

○ *Building Height Controls in the DCP*

The building height controls were established in direct response to the LPP advice which stated that the proposal exhibited excessive bulk and scale. The LPP recommended increasing the extent of below ground parking and reducing floorplate sizes levels above the specialised retail uses. This also aligned with the assessment and views of Council officers. Despite the feedback provided, the building envelopes presented in the updated package submitted before reporting to Council continued to propose 5000m² floorplates for 4 storeys, which continued to exhibit the excessive bulk and scale. This outcome is not supported and it is considered that the draft DCP controls included by Council officers were the most transparent way to resolve this matter whilst still permitting the LEP amendments which were being sought through your application.

○ *Above Ground Car Parking Cap*

Similar to the above comment, a cap on the amount of above ground parking was created to ensure that the building envelope results in an acceptable built form outcome and that the extent of above ground parking was limited on the site. A reduction in the above ground parking was a recommendation of the LPP to reduce the bulk and scale of the development. This additional DCP control directly responds to the advice of the Local Planning Panel and conclusions of the Council officer assessment.

- *Building Separation*

The proposed controls you have submitted for building separation are potentially acceptable, however concerns are raised that they are subjective and lack clear numeric standards, which will be difficult to implement and will not provide clear guidance on whether a proposed design is acceptable at the development application stage. Council officers are open to amending these controls in the draft DCP (either now or as part of the post-exhibition consideration), however the alternative controls will need to include measurable numeric controls that are supported by more detailed design analysis.

- *Tree Retention*

Tree retention is critical to the character of the locality and the proposed change is therefore not supported. Variations to this control can be considered at the development application stage based on merit and more detailed site planning and design, as with all other DCP controls.

- *Services In Active Frontages and Service Lane Width*

These controls seek to ensure an adequate level of amenity within these areas and the proposed change is therefore not supported. Some of the outcomes you have flagged within your submission may well be reasonable in the context of the final design for the site and variations to this control can be considered at the development application stage based on merit and more detailed site planning and design, as with all other DCP controls.

I trust this clarifies Council officer's position on these matters and outlines the extent to which Council officers agree to some of the changes which you have requested (in particular, removal of controls restricting access from Victoria Avenue and adjustments to controls relating to building separation and overshadowing).

Following review of the additional information submitted, Council officer's views remain unchanged with respect to some of the other matters raised within your submission (in particular, the permissibility of 'shops' and changes to controls relating to above ground parking).

It may be the case that further meeting to discuss these matters does not result in any further change to the respective positions of the parties, however we remain willing to meet with you to discuss these matters further on 31st January 2024 as arranged.

Should you wish to discuss any of the matters raised in this letter, please contact Laura Moran Senior Town Planner on 9843 0581.

Yours faithfully,



Nicholas Carlton
MANAGER - FORWARD PLANNING



15 February 2024

2200717

Michael Edgar
General Manager
The Hills Shire Council
PO Box 7064
Norwest NSW 2153

Via email: LMoran@thehills.nsw.gov.au

Attention: Laura Moran (Senior Town Planner, Forward Planning)

Dear Michael,

Re: Planning Proposal - 21-23 Victoria Avenue, Castle Hill (4/2021/PLP)

We write on behalf of Castle Hill Spotlight Property 2 Pty Ltd (the 'Spotlight Property Group'), the proponent for the Planning Proposal (4/2021/PLP) for 21-23 Victoria Avenue, Castle Hill. This in response to our recent meeting on 31 January 2024 discussing the proponent's requested changes to the planning proposal put forward as part of Spotlight Property Group's letter to Council (dated 15 November 2023) and responses provided in Council's letter (dated 25 January 2024).

An action from this meeting was for SPG to provide further information regarding its updated position on matters related to:

- 'Shop' being an additional permitted use on the site
- Vehicle access to the site
- Building height to the northern portion of the site
- Building separation between commercial buildings.

An overview of SPG's current position on the above matters and requested updates to the planning proposal is detailed below.

Please also find attached to this letter a track changes version of Council's site-specific DCP incorporating the proponent's proposed changes (**Attachment A**).

1. Permissibility of 'Shop' as an additional permitted use with a 1,000 sqm floor space limit

SPG still seek to permit 'shop' uses on the site to allow SPG the opportunity to deliver shops that align with Spotlight Group's core retail business offering, such as Harris Scarfe and Mountain Design. As noted in the meeting, these businesses, which sell clothing and homewares, do not neatly fit within the definition of specialised retail premises, and will likely have the risk of being legally challenged (e.g. by its competitors) should SPG proceed to submit a development application seeking consent of these uses under the definition of specialised retail premises.

Recognising Council's position on 'shops' and the retail outcomes located outside of existing and emerging centres, SPG request that 'shops' are permitted as an additional permitted use but with a reduced gross floor area limit of 1,000 square metres (reduced from 3,300 square metres previously proposed). An example of where a similar provision has been successfully implemented is Clause 7.23 of the Sydney Local Environmental Plan 2012¹. City of Sydney Council adopted this clause in order to protect the economic strength of its emerging centre (Green Square) along with its other planned centres, which has been in place for over 15 years to limit the extent of retail floor space delivered outside of its centres.

¹ Clause 7.23 of Sydney Local Environmental Plan 2012 - <https://legislation.nsw.gov.au/view/html/inforce/current/epi-2012-0628#sec.7.23>

Furthermore, with the reduced gross floor area limit of 1,000 square metres for 'shops', the risk of adverse impacts of competition with surrounding centres would be negligible. This would be due to the majority of this floorspace limit being absorbed by a Harris Scarfe and/or Mountain Design tenancy, with any remaining balance of GFA for shop uses likely taken up by food and drink premises, which is already a permitted use in the E3 Productivity Support zone.

2. Vehicle access to the site

We note that the recent correspondence from Transport for NSW (TfNSW) on the planning proposal did not object to the proposed access arrangements shown in the reference design.

We recognise that Council officers have agreed to remove the control in the draft DCP preventing access from Victoria Avenue. This removal is supported. However, we note that this removal should also extend to the proposed access on Carrington Road (left-in/left-out). As Council has indicated itself, should TfNSW stipulate that it does not support access from any of the frontages to the site during Gateway and/or public exhibition, Council officers would be required to consider the reinserting of this control post-exhibition. For this reason, we request that this control, in its entirety, be removed from the site-specific DCP for the time being.

3. Building height to the northern portion of the site

We recognise Council Officer concerns regarding the perceived bulk and scale of the original 6-storey built form on the northern portion of the site, comprising four storeys of parking levels above two storeys of specialised retail floorplates. This resulted in the Council Officer's update to the site-specific DCP which has reduced the number of storeys on the northern portion of the site from 6 storeys to 2-4 storeys, despite the Draft Norwest Precinct Plan's desired outcome for 6 storeys on this portion of the site.

We highlight that as part of the Council Officer's report to Council (10 October 2023), a four-storey built form comprising large floor plates was noted to represent a significant improvement to the development concept by substantially reducing the perceived bulk and scale of this part of the development.

Taking onboard Council's comments, we recommend that an alternate approach is adopted where the built form north of the linear park adopts an upper-level setback for levels above a four-storey podium (up to six storeys), as drafted below and in the attached updated DCP (**Attachment A**).

9. For buildings north of the linear park, the building form is to:

a. provide a 4-storey podium

b. set back upper levels above the podium (up to 6 storeys) from the street wall alignment to reduce the visual bulk and scale of the building from the public domain.

We believe this is an acceptable alternative that would deliver a similar outcome in terms of perceived bulk and scale of a four storey built form, while remaining aligned with the recommended built form heights of the Draft Norwest Precinct Plan.

4. Building separation between commercial buildings

Council have noted that the revised controls provided in SPG's previous email are potentially acceptable, however concerns are raised that they are subjective and lack measurable numeric controls. In response to this, we request the following numeric building separation distances are applied, as detailed in the attached updated DCP (**Attachment A**):

- a minimum 6 metres provided to the first four floors between commercial buildings; and
- a minimum 12 metres provided for upper levels above four (4) storeys

The proposed 6 metre building separation distance at the first four levels reflects the typical dimension of through-site links in the Hills LGA. While the proposed 12-metre building separation distance for upper levels reflects typical upper level building separation distances for commercial buildings in the City of Sydney LGA (10 metres) and the City of Parramatta LGA (12 metres).

In addition to the above, a new control has been inserted into the attached updated DCP (**Attachment A**) to allow consideration of variations to the separation distances between commercial tower forms, where it is demonstrated that the buildings:

- have a building depth, bulk and separation distance which creates a building form that protects amenity, daylight penetration, and views to the sky
- avoid detrimental impacts to the microclimate of publicly accessible space and public domain.

This will allow for due consideration to be made to possible variations to the nominated building separations distances at the Development Application stage.

We would like to thank Council for the opportunity to allow us to provide further detail on our requested changes to the planning proposal and site-specific DCP. Should you have any queries in the meantime, please do not hesitate to contact me on 0424 425 462.

Yours sincerely,



David Attwood
Associate Director
dattwood@ethosurban.com
0424 425 462

The Hills Development Control Plan (DCP) 2012

www.thehills.nsw.gov.au

THE
HILLS
Sydney's Garden Shire



Part D Section XX
21 – 23 Victoria Avenue
Castle Hill

DXX

EXHIBITION DRAFT – (DATE)

In Force XXXXXXXX

Table of Contents

1 Introduction 0

1.1 Land to which this Section applies 0

1.2 Purpose of this Section 0

1.3 Relationship to other Sections of the DCP 0

2 Urban Context 1

3 Desired Future Character 2

4 General Controls 4

4.1 Height 4

4.2 Building Setbacks 5

4.3 Building Design 7

4.4 Land Use and Active Frontages 9

4.5 Public Domain 9

4.6 Wind 11

4.7 Landscaping and Deep Soil 12

4.8 Parking, Loading and Access 13

4.9 Stormwater Management 14

1 Introduction

This Section establishes a framework and controls to guide development on land at 21-23 Victoria Avenue, Castle Hill.

1.1 Land to which this Section applies

This section applies to land at 21 – 23 Victoria Avenue, Castle Hill (refer to **Figure 1**)

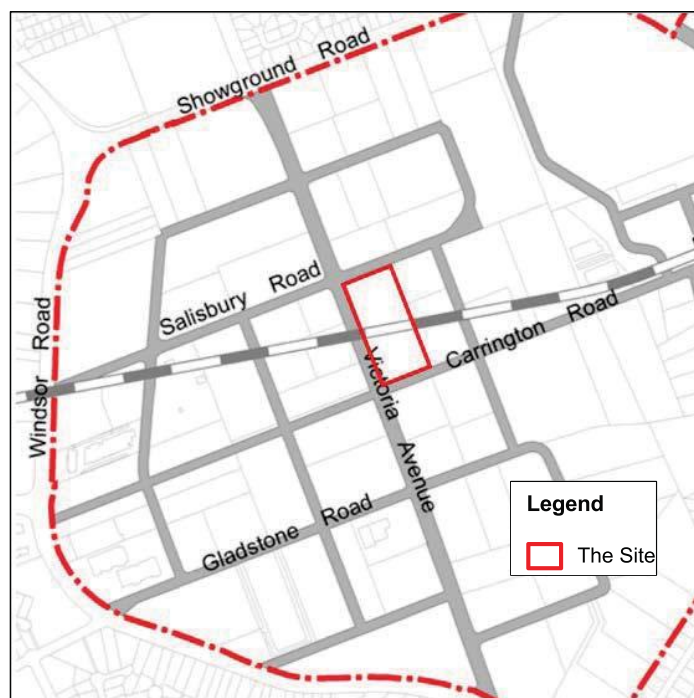


Figure 1 - Land to which this Section applies

1.2 Purpose of this Section

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

1.3 Relationship to other Sections of the DCP

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

2 Urban Context

The Site is located within the suburb of Castle Hill and forms part of Norwest Service Sub-precinct in the Norwest Strategic Centre. The Site has a total area of approximately 21,048m², which is bordered by Victoria Avenue along its western frontage, Salisbury Road along its northern frontage, and Carrington Road to its south. Hills Showground Station is located approximately 620m to the east of the Site on Carrington Road and is frequently serviced by Sydney Metro Northwest services to the CBD, Epping and Tallawong. The surrounding land use and built form comprises a predominantly industrial, showroom and commercial character.

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

Specialised retail offerings (bulky goods) and light industrial areas will continue to be a mainstay for urban support services that meet the needs of the growing population base, whilst also providing opportunity for smaller businesses to establish and thrive. New commercial developments along Carrington Road extending towards Windsor Road will include taller office style buildings, enhanced by quality landscaping, landscaped medians, wide footpaths and mature street trees.

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

3 Desired Future Character

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

- To provide a landmark development that reinforces the significance of the site being at the core of Norwest Service Sub-Precinct.
- Development accommodates a dense mix of employment generating uses which may include offices and specialised retail (bulky goods) to support businesses and workers in the area.
- Buildings accommodating a mix of employment uses are arranged around a new publicly accessible plaza and a through site link incorporating an overland flow path and providing amenity for occupants, visitors and customers.
- An assortment of secondary public spaces and connections activated by buildings provide attractive and accessible places for occupants, visitors and customers.
- Publicly accessible spaces seamlessly respond to level changes across the site and avoid conflict with stormwater flows and loading areas.
- Permeability is enhanced with the provision of an east-west through-site link aligned with the overland flow path to support the delivery of a new pedestrian link from Victoria Avenue to Cattai Creek and Hills Showground Metro Station.
- The location, height and mass of buildings are considered with site responsive variation in facades and setbacks to lift the diversity and visual quality of the site.
- Taller office buildings define a new built form quality and commercial address on Carrington Road.
- Lower rise large format retail character addresses Victoria Avenue and Salisbury Road while providing generous landscaped setbacks.
- High quality landscaping complements the Shire's character and the nature of buildings, setbacks and spaces throughout the development.
- Site access, loading and parking areas are located to support the operation of employment uses on the site and efficient operation of the road network.
- Parking is provided to align with transit oriented development principles, while responding to the site's environmental conditions.
- Development will incorporate sustainable design measures and urban greening.

Control

1. Development is to be generally in accordance with the Urban Strategy shown on **Figure 2: Urban Strategy Map**.

21-23 Victoria Avenue, Castle Hill – Development Control Plan

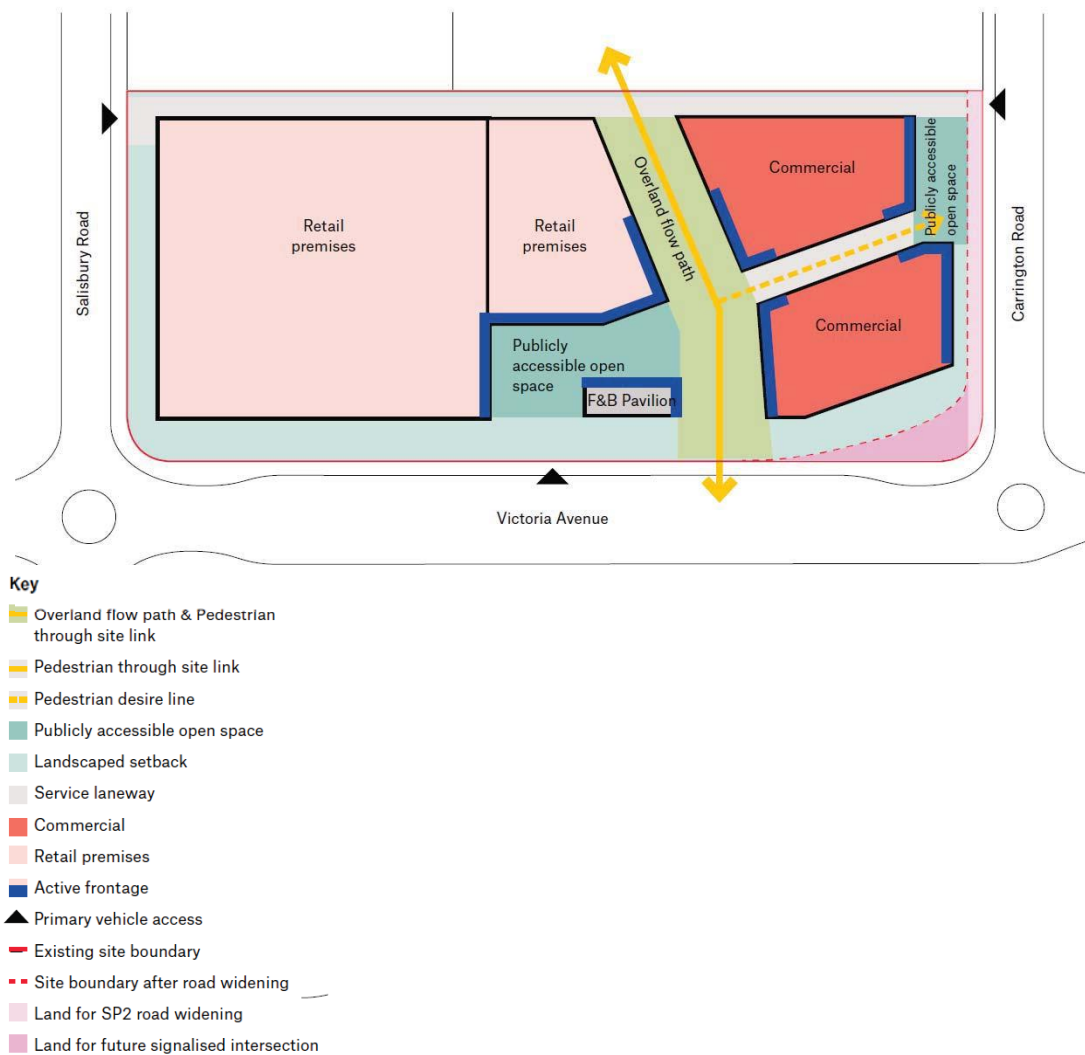


Figure 2 - Urban Strategy Map

4 General Controls

4.1 Height

Objectives

- To focus taller building heights toward Carrington Road to reinforce the Carrington Road frontage.
- To provide an adequate level of solar amenity to key publicly accessible space.
- To support a range of building and land use typologies.

Controls

- Maximum building heights are to comply with the RLs in The Hills Local Environmental Plan.
Note: Figure 3 and Figure 4 below demonstrates the application of the RLs and corresponding number of storeys that could be accommodated on the site.
- Tallest buildings heights are to be sited to address the Carrington Road frontage.
- Building heights are to transition to a lower scale 6-storey built form on the northern part of the site.

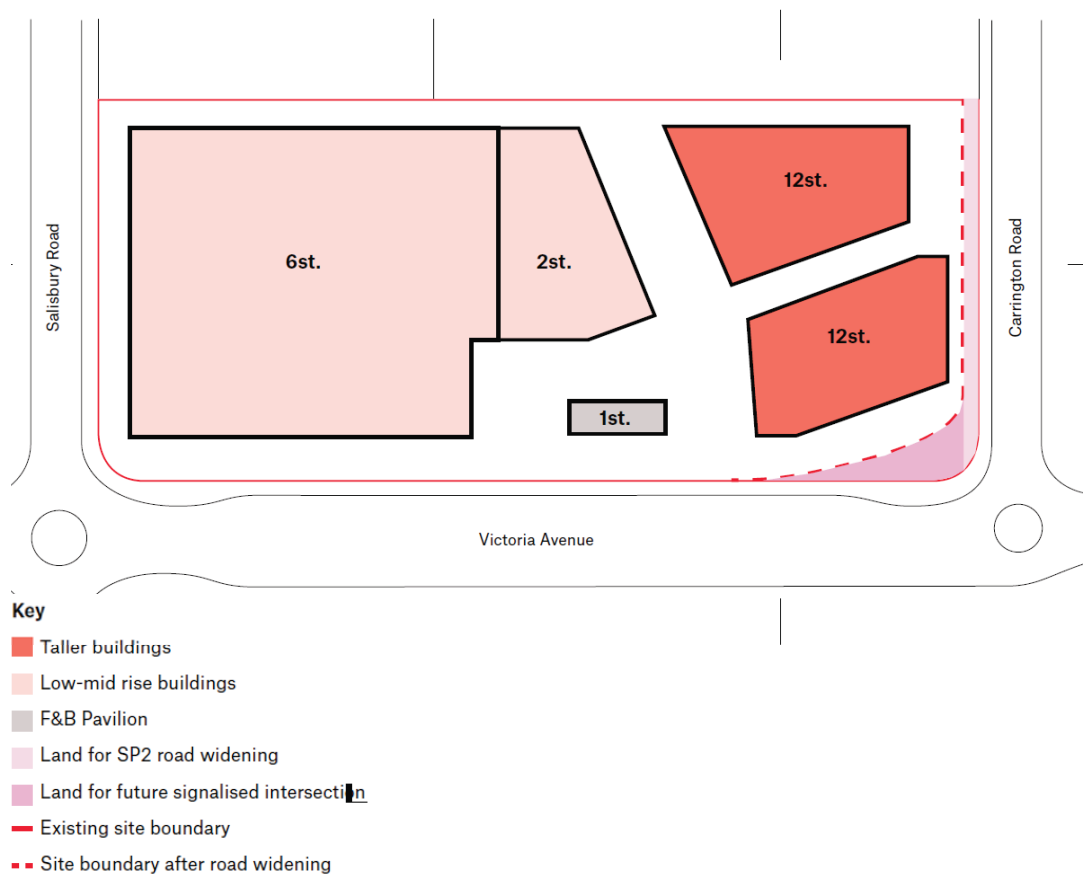


Figure 3 - Indicative Building Heights Map

4.2 Building Setbacks

Objectives

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

Controls

- Building setbacks are to be generally in accordance with **Figure 4 Building Setbacks Map** and sections shown in **Figures 5-10**.
- The setback area along Victoria Avenue and Carrington Road, Salisbury Road are to be landscaped to complement the urban streetscape and be clear of built obstructions including, parking and building overhangs.
- Building setbacks are to be measured from the future revised site boundary following road widening and signalisation of Carrington Road and Victoria Avenue intersection.
- 60% of the street setback area is to be soft landscaping. Existing mature trees are to be retained.
- Basement parking is not permitted to encroach into the front or side setback areas. Projection into deep soil areas is not permitted.
- Above ground portions of basement car-parking structures in setbacks, excluding ramps are not permitted.

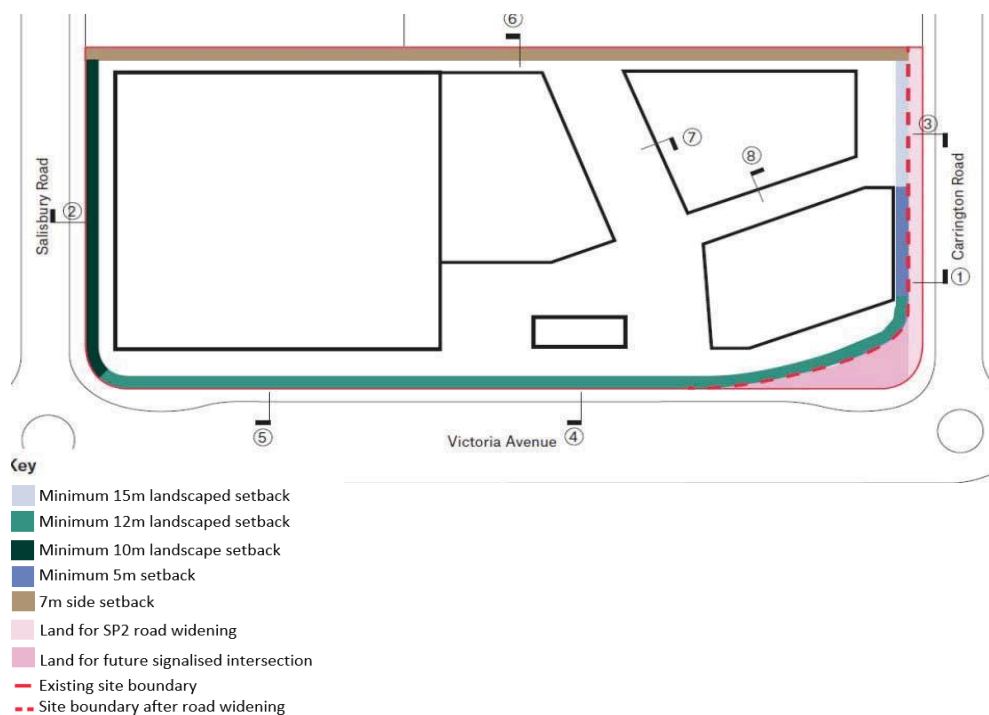


Figure 4 - Building Setbacks Map

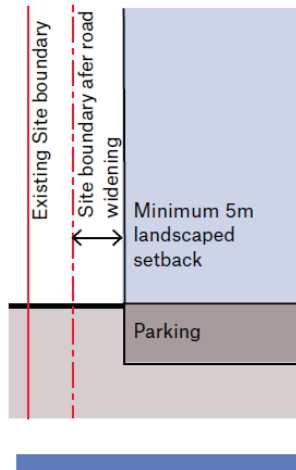


Figure 5 - Section Carrington Road corner front setback

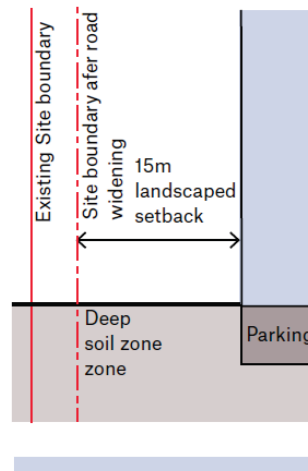


Figure 6 - Section Carrington Road plaza front setback

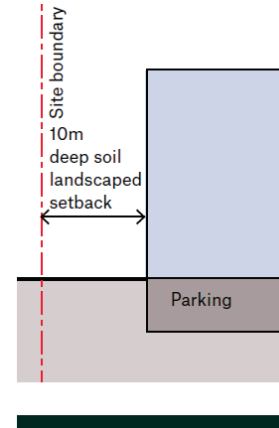


Figure 7 - Section Salisbury Road landscaped front setback

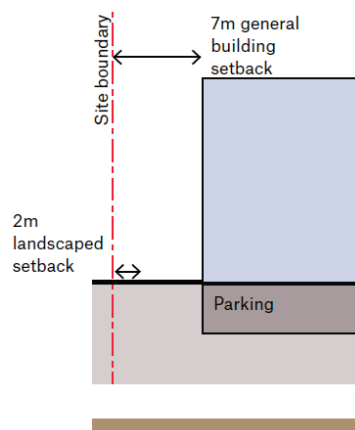


Figure 8 - Section 6: Side setback 1

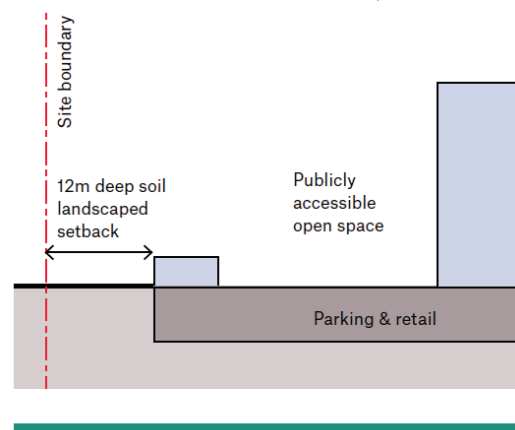


Figure 9 - Section Victoria Avenue plaza front setback

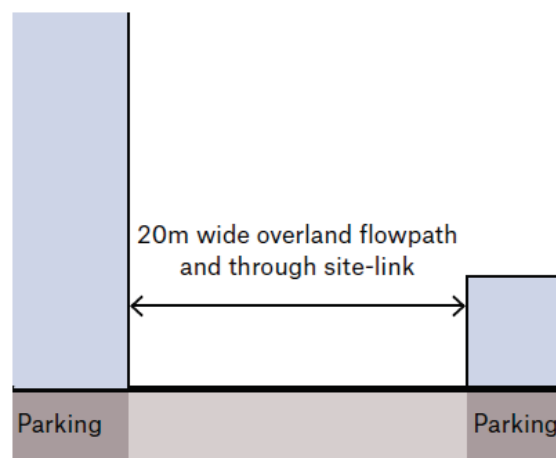


Figure 10 - Section 7: East-West pedestrian through-site link

4.3 Building Design

Objectives

- a. To ensure the design of buildings
 - o Are site responsive to the future desired character of the area.
 - o Create a positive streetscape and achieves a high quality architectural design that promotes commercial, retail and business activity.
 - o Allow for solar access to internal spaces and on adjoining sites.
 - o Reduce the perceived bulk and scale of the built environment.
 - o Create an open, attractive and distinct skyline.
 - o Create small, fast moving shadows.
 - o Provide visual privacy and breaks between buildings.
- b. To improve the quality of the public domain and provide a comfortable street environment for pedestrians.
- c. To encourage the use of renewable energy, and minimise reliance on, and consumption of, fossil fuels and potable water supplies.

Controls

1. The façade design of the development is to:
 - a. present the development as a series of separate and inter-related buildings.
 - b. be articulated using architectural elements and a variety of design languages and strategies for each buildings; and
 - c. use a variety of materials and finishes
2. Building entries are street and are to have a street address. Building entries are to be located to be clearly identifiable from the street and publicly accessible spaces.
3. Loading docks and roller doors must not be visible from the street frontages, the through site link or public plaza.
4. Buildings are to be designed to:
 - a. maximise access to natural light; and
 - b. include energy efficient design measures relating to air conditioning, building fabric and landscaping amongst others.
5. Taller buildings (above 6 storeys) on the site are to:
 - a. demonstrate that the building design appropriately responds to its surrounding context
 - b. avoid detrimental impacts to the microclimate of publicly accessible space and public domain
 - c. include a façade design that incorporates articulation or the like to reduce perceived bulk and mass of the building
 - d. provide a vertical expression at building entry points fronting Carrington Road and the linear park
 - e. incorporate a pedestrian desire line between Carrington Road and the linear park
 - f. be positioned and oriented to maximise amenity for building occupants.

6. For separate commercial tower forms (above 6 storeys):
 - a. a minimum building separation distance of 6m is provided to the first four floors between commercial buildings; and
 - b. a minimum building separation distance of 12 metres is to be provided for levels above four (4) storeys (Refer to Figures 11)
7. Despite Control 4.3(6), variations to minimum building separation distances for commercial tower forms may be considered, where it is demonstrated that the buildings:
 - a. have a building depth, bulk and separation distance which creates a building form that protects amenity, daylight penetration, and views to the sky
 - b. avoid detrimental impacts to the microclimate of publicly accessible space and public domain.
8. Commercial tower forms that are modulated into discrete elements are not considered as separate towers for purposes of these controls.
9. For buildings north of the linear park, the building form is to:
 - a. provide a 4-storey podium
 - b. set back upper levels above the podium (up to 6 storeys) from the street wall alignment to reduce the visual bulk and scale of the building from the public domain.
10. Future development is to visually integrate any proposed above ground parking through creative design, architectural features and landscaping.
11. Where above ground parking cannot be avoided due to site conditions, it must be well integrated into the overall façade design and create a good relationship to the public domain.
12. Prominent buildings on corner street locations must be visually prominent to parts of the façade (e.g. a change in building articulation, material or colour, or roof expression).

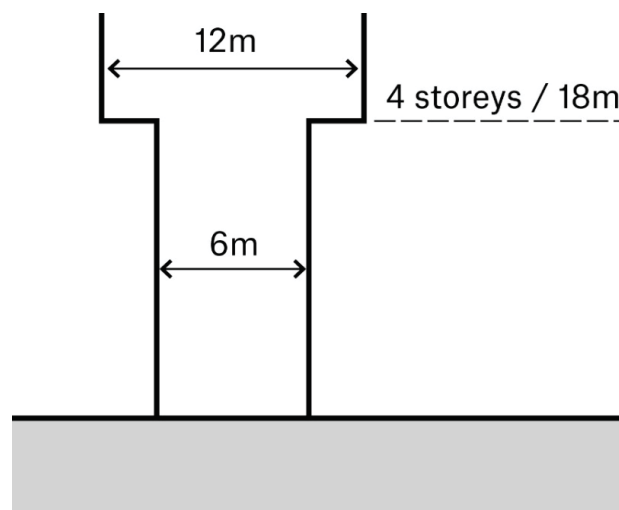


Figure 11- Building Separation Between Commercial Buildings above 6 storeys

21-23 Victoria Avenue, Castle Hill – Development Control Plan

4.4 Land Use and Active Frontages

Objectives

- a. To prevent supermarkets on the site which may compete with surrounding centres.
- b. To require active frontages along prominent street frontages and publicly accessible open spaces.
- c. To provide an attractive, safe and vibrant pedestrian environment.
- d. To create vibrant local activity on the ground plane of the development
- e. To encourage activity outside of commercial business hours

Controls

1. Active frontages are to be provided generally in accordance with Figure 2: Urban Strategy Map
2. Active frontages are defined as the one or more of the following:
 - a. shop front;
 - b. cafe or restaurant if accompanied by an entry from the street or public space;
 - c. community and civic uses with a street entrance;
 - d. recreation facilities with a street entrance; and
 - e. lobbies with a street entrance not more than 20% of the total length of the buildings street or public space frontage.
3. The following should not be located in street frontages:
 - a. essential building services;
 - b. access for fire services (where possible);
 - c. loading docks.
4. Retail and commercial uses at ground level are to be designed so that the ground floor for at least part of the premises is at the same level as the finished footpath level of the adjacent street and/or open space.
5. Where an active frontage is required, a minimum of 80% of the building frontage is to be transparent (i.e. windows and glazed doors). The windowsill height must be a maximum 1200mm above ground level.
6. Awnings are to be provided over buildings entries. Continuous awnings are to be provided over the full length of active frontages, where appropriate.
7. For larger developments, building entrances should be provided on each street frontage.
8. Security grilles may only be fitted internally behind the shopfront. They are to be transparent and fully retractable.

4.5 Public Domain

Objectives

- a. To provide new publicly accessible spaces for the enjoyment of workers and visitors within the site and the surrounding Norwest Service Sub-precinct, which encourages interaction and improves the amenity of the area.
- b. To provide a highly permeable site that is easy to navigate and connected to surrounding streets.

21-23 Victoria Avenue, Castle Hill – Development Control Plan

- c. To create high quality publicly accessible spaces with landscaping that reinforces the urban character of the site.
- d. To deliver a new through site link that provides east-west pedestrian connectivity, overland flow path and outdoor amenity.
- e. Undergrounding of power lines to improve the appearance and liveability of the Precinct and to facilitate increased space within road reserves to install public domain improvements.

Controls

- 1. Development is to be generally in accordance with **Figure 12: Public Domain Map**, and is to provide:
 - a. a central publicly accessible open space fronting Victoria Avenue with a minimum area of 850 sqm;
 - b. a southern publicly accessible open space fronting Carrington Road with a minimum area of 350 sqm;
 - c. a minimum 20m wide overland flow path containing a publicly accessible through-site link;
 - d. A north south pedestrian desire line between Carrington Road and the east west linear park.
- 2. Development is to achieve direct sunlight to a minimum 50% of the 20m-wide linear park for a minimum of 4 hours between 9am and 3pm on the 21 June.
- 3. Council requires underground electricity reticulation and telecommunications for all urban development. Council will require as a condition of any development consent that any existing aboveground electricity reticulation service be relocated underground with the exception of main transmission lines
- 4. Publicly accessible open spaces are required to be embellished with the following high quality treatments:
 - a. integrated seating and other furniture;
 - b. bins;
 - c. landscaping;
 - d. adequate shading;
 - e. signage; and
 - f. adequate lighting to promote safety.
- 5. Pedestrian through site links are to be provided generally in accordance with **Figure 12: Public Domain Map** and the following:
 - a. be publicly accessible;
 - b. include a minimum of 500mm of landscaping (maximum height of 800mm) along each side of the pedestrian link is desirable;
 - c. is designed to be attractive high amenity spaces that incorporate landscaping treatments;
 - d. is to implement well integrated public art, pavement design and other appropriate elements to enhance the pedestrian experience;
 - e. be clearly identifiable as a publicly accessible pedestrian link;

21-23 Victoria Avenue, Castle Hill – Development Control Plan

- f. encourage pedestrians to move along the link and not linger;
- g. ensure clear sightlines from one end to the other so passive surveillance is provided;
- h. have adequate lighting to improve safety; and
- i. are to have prioritisation of movement when intersecting other elements of the movement network.

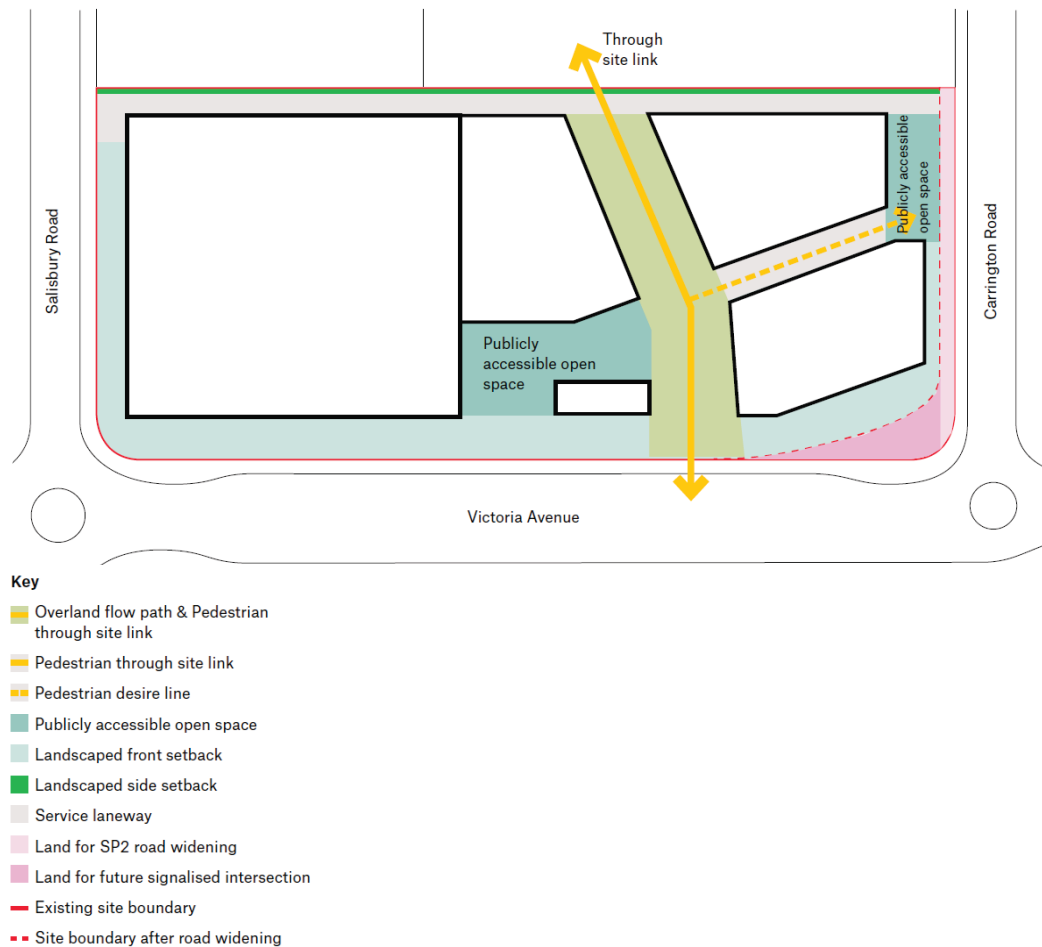


Figure 12 - Public Domain Map

4.6 Wind

Objectives

- a. To ensure comfortable and safe wind settings in the public domain.
- b. To ensure differences in building heights do not cause high wind loads.
- c. To ensure the built form does not provide adverse wind conditions which will impact upon the amenity of pedestrian comfort in streets and public and private open spaces.

21-23 Victoria Avenue, Castle Hill – Development Control Plan

Controls

1. Buildings over 8 storeys (or 25m) must be accompanied by a wind tunnel study report, which demonstrates the following:
 - a. in open areas to which people have access, the annual maximum gust speed should not exceed 23 metres per second;
 - b. in walkways, pedestrian transit areas, streets where pedestrians do not general stop, sit, stand, window shop and the like, annual maximum gust speed should not exceed 16 metres per second;
 - c. in areas where pedestrians are involved in stationary short-exposure activities such as window shopping, standing or sitting (including areas such as bus stops, public open space and private open space), the annual maximum gust speed should not exceed 13 metres per second;
 - d. in areas for stationary long-exposure activity, such as outdoor dining, the annual maximum gust speed should not exceed 10 metres per second; and
2. The wind tunnel study report is to be prepared by a suitably qualified engineer.

4.7 Landscaping and Deep Soil

Objectives

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

Controls

1. Landscape design is to:
 - a. include a diverse range of plant species and is to be in accordance with the recommended species list in Part C Section 3 of The Hills DCP;
 - b. be compatible with flood risk and avoid dense planting in a flow path
 - c. incorporate understorey planting and permeable surfaces to reduce the extent of paved areas and to enhance the amenity of the streetscape environment; and
 - d. enhance the appearance of the building and car parking areas without creating opportunities for concealment.
2. The minimum amount of deep soil area, meaning an area of natural ground with relatively natural soil profiles and excluding areas above underground structures, is to 10% of the site area.
3. Deep soil landscaped setbacks are to accommodate existing mature trees and allow for new tree planting every 10-20m that are capable of growing to a mature size.
4. Canopy trees are to be planted within street verges to provide shade and reduce pavement surface temperatures.

21-23 Victoria Avenue, Castle Hill – Development Control Plan

5. Planting on structure is to:
 - a. ensure soil depth, soil volume and soil area appropriate to the size of the plants to be established; and
 - b. be designed to have appropriate soil conditions, drainage and irrigation methods.
6. The incorporation of green walls and roofs into the development is encouraged where appropriate. Where suitable, building facades should incorporate landscaping features to soften the visual bulk of buildings and to improve streetscape quality.

4.8 Parking, Loading and Access

Objectives

- a. To provide sufficient car parking spaces for the development and encourage public transport use.
- b. To reflect the Transit Oriented Development principles underpinning all outcomes at the site.
- c. To ensure that appropriate bicycle parking and end of trip facilities are provided for workers and visitors to the development.
- d. To ensure vehicles enter and exit the developments in a safe and efficient manner.
- e. To ensure appropriate separation of loading and parking functions from public spaces for people.

Controls

1. Vehicular access is to be provided generally in accordance with Figure 2: Urban Strategy Map.
2. All vehicles are to enter and leave the site in a forward direction.
3. No parking is permitted in the landscape setback.
4. Vehicular access from Carrington Road and Victoria Avenue are to be limited to left-in left-out only with treatments such as median islands and signage provided to prevent right turn movements into and out of the site.
5. The design of the servicing lane is to:
 - a. incorporate traffic management and safety measures to slow servicing vehicles to 10km/h
 - b. minimise the width of driveway footpath crossings and maximise the width of pedestrian clear paths of travel
 - c. limit the width of driveway footpath crossings to 9m.
 - d. ensure the width of pedestrian crossing is at least 20m and provides a clear path of travel
 - e. prioritise pedestrian crossover movements at the intersection of the central east-west through site link by:
 - i. providing a safe and accessible pedestrian point
 - ii. implementing safety measures that indicate pedestrian crossing priority
 - iii. continuing the type of footpath material and grade of the through site link.

21-23 Victoria Avenue, Castle Hill – Development Control Plan

6. Car parking is to be provided in accordance with the following rates:

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

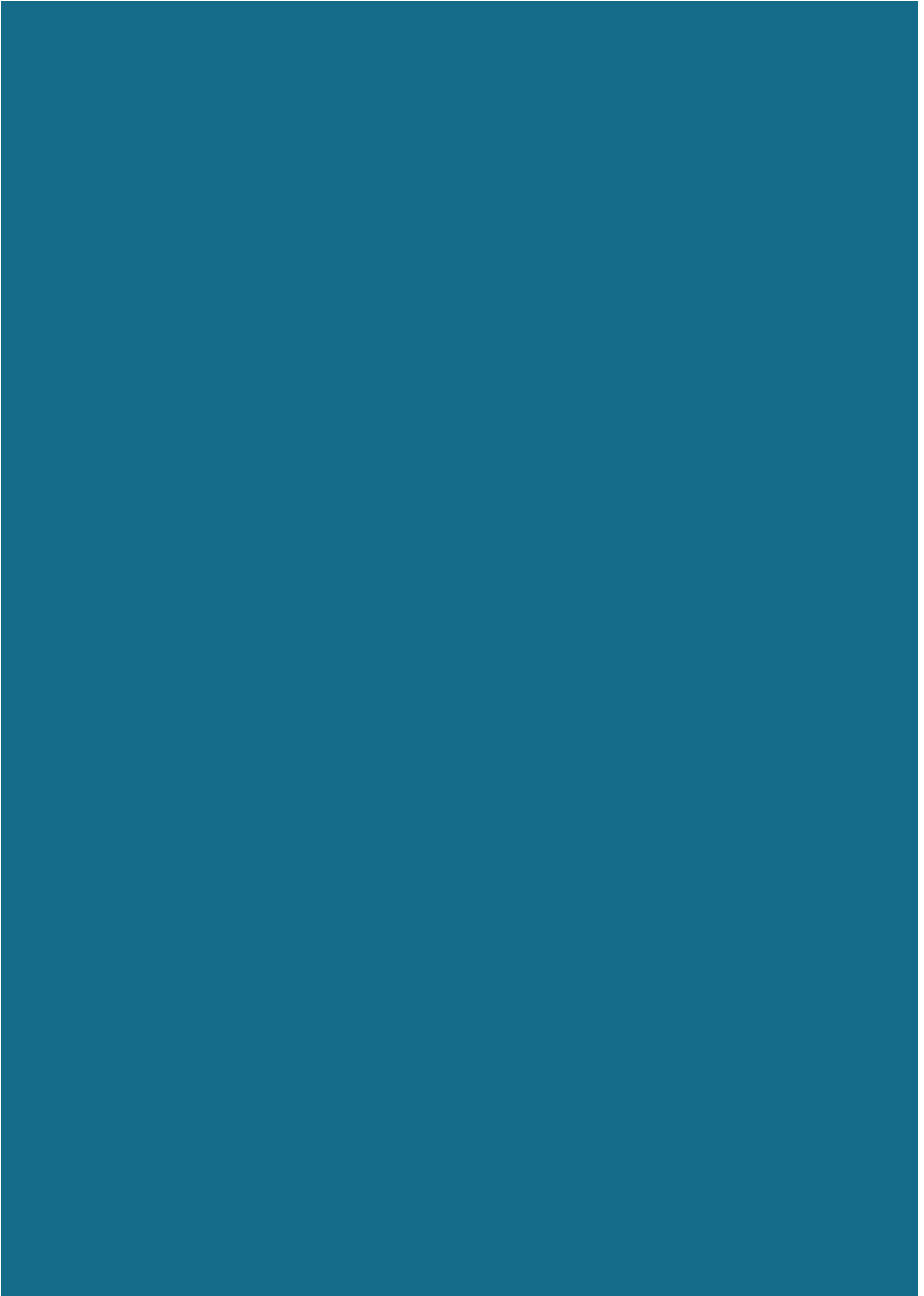
4.9 Stormwater Management

Objectives

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

Controls

- Building and structures including footings must not encroach into the zone of influence of existing stormwater pipes.
- Building foundations are not to be constructed in the existing stormwater easement and should provide a 1m minimum offset from the easement.
- A Development Application for new buildings on the site is to be supported by a structural engineering statement prepared by a suitably qualified structural engineer that confirms that the proposal will not impart a load on the pipe in the easement.
- Existing access chambers are to be maintained with suitable access provided for inspections and maintenance of stormwater pipes.
- On ground pavements are to be designed to facilitate maintenance and replacement of pipes if required.
- The provisions of Council's Flood Controlled Land DCP are to be applied.
- A stormwater Management Plan is to be prepared considers sustainable water management practices and minimal development impact.
- Stormwater runoff must be treated on the development site before it discharges to a public drainage system.
- All stormwater drainage designs are to comply with the most up to date revision of Council's Design Guidelines Subdivision/Developments.



ATTACHMENT 6



THE HILLS
Sydney's Garden Shire

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

28 March 2024

Travis Reid
Blueprint Australia
1A, 100 Market Street
South Melbourne VIC 3205

Our Ref: 4/2021/PLP

Dear Travis,

PLANNING PROPOSAL – 21-23 VICTORIA AVENUE, CASTLE HILL (4/2021/PLP)

On 10 October 2023, Council resolved to defer consideration of the abovementioned planning proposal, at your request. It is acknowledged that your request for Council to defer the planning proposal was to enable further discussions with Council officers with respect to the permissibility of “shops” on the land, as well as matters relating to the associated draft Development Control Plan.

Since this time, the following has occurred:

- You submitted further information to Council on 15 November 2023;
- A response letter was provided from Council Officers on 25 January 2024;
- Council Officers met with you and the Proponent Team on 31 January 2024; and
- You submitted additional information to Council on 15 February 2024.

This letter responds to the additional information you have submitted as well as the key matters discussed in our meeting on 31 January 2024.

- **Permissibility of “Shops”**

It is acknowledged that your letter dated 15 February 2024 amends the proposal to seek to include ‘shops’ as an additional permitted use, subject to a maximum floor space limit of **1,000m²** (rather than 3,300m² as proposed in the original submission).

Having reviewed the additional information submitted, Council officers appreciate that Spotlight Group has a range of different business offerings, some of which would take the form of retail stores that you consider are potentially unable to meet the definition of ‘specialised retail premises’. However, the core retail business offering of the Spotlight Group is not a relevant matter for consideration under the Strategic Merit Test or a planning justification for permitting ‘shops’ on this site, especially given the broad range of outcomes within that land use term.

As previously advised, the planning framework (being the LEP and DCP) does not provide Council with any ability to mandate which types of “shops” can or cannot occur on the site, if

the land use term is permitted. Accordingly, notwithstanding your stated intent to specifically accommodate a “Mountain Designs” store, the planning proposal application relates to the permissibility of uses on the land and there is no certainty for Council that either you or a future landowner would not seek to include any type of shop permitted by the land use term as part of a future development.

There are a number of emerging local and retail centres where shops are envisaged and permitting these uses outside of these locations may threaten their longer term viability and would create a precedent for out of centre retailing. Premises that meet the definition of ‘shop’ and are unable to be defined as ‘specialised retail premises’ should be located in traditional retail centres.

Having regard to your additional information submitted in November 2023 and February 2024 and discussions during our meeting in January 2024, Council officers remain of the view that it would not be appropriate to permit “shops” as an additional permitted use in an out of centre location such as the subject site. Council officers remain of the view that the planning proposal should progress to Gateway Determination, *without* the proposed additional permitted use.

Despite further negotiations and discussions, the parties have been unable to reach an agreed position on this particular issue. However, the position you have put forward in your application and further information will be clearly articulated within the upcoming report to Council so that the elected Council can fully understand and consider your views on this matter, alongside the views of Council officers, before making a decision.

- **Draft Development Control Plan Matters**

Responses to the key matters raised with respect to the draft Development Control Plan are provided below.

o *Vehicle Access from Victoria Avenue and Carrington Road*

Having regard to the additional information submitted and discussions in our meeting on 31 January 2024, Council officers agree with your request to remove controls from the draft DCP which would prevent or limit access from Victoria Avenue or Carrington Road.

In recognition of the need for further consultation with TfNSW, a drafting note will instead be inserted indicating that controls relating to access to and from the site may be inserted pending the outcomes of further consultation with TfNSW. This approach will align with your request to delete the controls, whilst also ensuring the draft DCP document for public exhibition is suitably transparent.

As previously advised, if TfNSW provides comments that it does not support access from Victoria Avenue or Carrington Road to the site, Council officers would be required to insert appropriate controls post-exhibition. If no controls are necessary, the drafting note would be deleted post-exhibition.

o *Building Heights and Above Ground Parking*

Your additional information requests that the draft DCP control that limits the amount of car parking to be provided above ground be deleted, along with corresponding control objectives relating to limiting bulk and scale of buildings and controlling the size of upper level floor plates.

Your requested amendments also seek to reinstate a maximum DCP control of 6 storeys on the northern portion of the site, which aligns with your original concept, rather than the Council officers’ recommendation of 4 storeys. While you have suggested the inclusion of a control which requires upper level setbacks, this would not provide sufficient certainty that

any floors above the 4th storey would be substantially smaller in footprint than the podium below.

It is reiterated that these controls were included within the draft DCP originally reported to Council in direct response to the feedback received from the Local Planning Panel, as the means of overcoming the built form issues which remained within your concept plans and allowing the proposal to be positively recommended to Council. Specifically, the controls aim to reduce the overall parking provision within the development and minimise the adverse impacts of excessive above ground parking provision within the building envelope on the overall building bulk and scale.

The draft DCP acknowledges and encourages compliance with the blanket LEP height control, which is equivalent to 12 storeys across the entire site. However, it seeks to discourage the projection of floor plate sizes typical of a specialised retail development up to 6 storeys in height for the purposes of above ground car parking.

Your submission accepts the adoption of the draft Norwest Precinct Plan car parking rates. The proposed limitation contained within the DCP on the amount of aboveground parking directly correlates with this same outcome. Specifically, the application of the reduced parking rate reduces the need for the extent of above ground parking levels contained within your concepts.

Notwithstanding the above, it is acknowledged that you are seeking greater flexibility in the way that the northern part of the site can be redeveloped and aim to retain the option to redistribute some commercial floor space to this location as part of the detailed design process, whilst still being compliant with the blanket 12 storey LEP height control. Council officers are agreeable to this objective and as such, we proposed to include an additional control which provides flexibility for more than 4 storeys to be achieved at this location, as follows:

4. Building heights in excess of 4 storeys may be considered on the northern part of the site, however the floor plate of any levels above the fourth storey shall not exceed 1,500m² of Gross Floor Area.

The Building Heights Map within the draft DCP will continue to illustrate a 2-4 storey outcome on the northern part of the site, along with the associated control that limits the number of above ground or at grade car parking to 344 spaces. This will ensure that the contribution of aboveground parking to excessive building bulk and scale is limited.

However, the additional control above, in conjunction with the prevailing LEP height limit (12 storeys) will provide sufficient flexibility and criteria to vary the DCP building height in this location, should you wish to deviate from your planning proposal concept and redistribute floor space across the site.

The inclusion of this control results in a reasonable compromise noting the objectives of both parties, whereby Council has certainty with respect to the bulk and scale of future buildings and car parking provision on the site, and the Proponent has sufficient flexibility in redistributing floor space within the blanket LEP height limit at the development application stage, within an appropriate and more slender built form that still achieves the original objectives of Council's local policies.

- *Building Separation*

Building separation was discussed in our meeting on 31 January 2024, where you requested that Council consider reducing the numerical standards for building separation, citing other areas in Sydney where lesser building separation was required, such as Macquarie Park, City of Sydney and Parramatta.

Your subsequent letter requests the application of the following numerical building separation controls, noting that the proposed upper-level setbacks reflect typical controls applicable for commercial buildings in City of Sydney and City of Parramatta:

- *a minimum 6 metres provided to the first four floors between commercial buildings (as opposed to 9 metres within the draft DCP previously reported to Council); and*
- *a minimum 12 metres provided for upper levels above four (4) storeys (as opposed to 18 metres within the draft DCP previously reported to Council).*

While reference to these other LGAs are noted, the draft controls originally proposed by Council officers reflect the desired local character of future development within The Hills, with a view to creating high amenity public domain areas, reducing the perceived bulk and scale of high density development and increase solar access to the ground plane. It is reasonable to expect that the built form outcomes within the Showground Urban Services Precinct along Victoria Avenue would differ to those expected to occur within the City of Sydney or Parramatta CBD. The separation distance controls originally included within the draft DCP reported to Council are considered appropriate in the context of The Hills and this site.

By way of comparison, it is also noted that other commercial areas such as Macquarie Park have even greater building separation requirements than those originally proposed by Council officers (Ryde Council's DCP for Macquarie Park requires building separation of 20 metres).

Your letter also requests the inclusion of additional controls which allow for variation to the building separation requirements. These are considered unnecessary as there will remain scope for due consideration to be made to possible variations to the nominated building separations distances at the Development Application stage.

While some of the changes requested have been made, Council officers do not agree that all of the changes you have requested are appropriate. Accordingly, a revised draft Development Control Plan has been prepared which incorporates some, but not all, of the requested changes. This is attached for your reference. This version of the draft DCP will be reported to Council for consideration alongside the planning proposal. It is reiterated that if Council resolves to proceed with the planning proposal and draft DCP, there will be further opportunity for discussion and negotiation with respect to these matters as part of the subsequent public exhibition and finalisation process.

Next Steps

Council officers have carefully considered the additional material submitted and have adjusted our position accordingly on some matters. There are however other matters where, following careful consideration of your additional information, the views and conclusions of Council officers remain unchanged from those previously set out within our report to Council on 10 October 2023.

Despite the extensive discussions which have occurred to date, there are obviously some remaining matters where Council officers and the Proponent are unable to reach a common view or agreement. It is therefore considered prudent at this time for the matter to be reported to the elected Council for their consideration and determination. Council officers are intending to report this matter to the Council at an upcoming meeting in May 2024 for determination.

Council officers will provide copies of your letters to the Councillors and will clearly articulate your position within the upcoming report to Council so that the elected Council has a clear understanding of the divergent views of Council officers and the Proponent on these outstanding matters. You will also be able to address the Council during the public meeting.

A notification letter will be sent to you closer to the Council meeting date. Should you require any further clarification please feel free to contact Megan Munari, Principal Coordinator – Forward Planning on 9843 0407.

Yours faithfully,



Nicholas Carlton
MANAGER - FORWARD PLANNING

**ATTACHMENT 7**

4 April 2024

2200717

Michael Edgar
General Manager
The Hills Shire Council
PO Box 7064
Norwest NSW 2153

Via email: MMunari@thehills.nsw.gov.au

Attention: Megan Munari (Principal Coordinator, Forward Planning)

Dear Michael,

Re: Planning Proposal - 21-23 Victoria Avenue, Castle Hill (4/2021/PLP)

We write on behalf of Castle Hill Spotlight Property 2 Pty Ltd (the 'Spotlight Property Group'), the proponent for the Planning Proposal (4/2021/PLP) for 21-23 Victoria Avenue, Castle Hill. This in response to Council's letter dated 28 March 2024 responding to the additional information submitted by the proponent as well as the key matters discussed in our meeting on 31 January 2024.

Firstly, we would like to outline our appreciation of the Council officers' consideration of the additional matters presented to them between January and February 2024. In particular, we support Council's decision to remove controls in the draft DCP which would prevent or limit access from Victoria Avenue or Carrington Road.

Notwithstanding the above, it is acknowledged that the proponent and Council officers are still unable to reach an agreed position on matters relating to the permissibility of Shops, building height and above ground parking for the northern part of the site, and building separation. Despite this, the proponent accepts the Council officers' position to progress the planning proposal to the upcoming Council meeting in May 2024 for determination on advancing the planning proposal to Gateway with the Department of Planning, Housing and Infrastructure.

In good faith, Brad Nash, Director of Blueprint will be at the Council meeting to make representations on behalf of the proponent reiterating the process undertaken between Council and the proponent since the last Council meeting and support for the planning proposal progressing to Gateway in its current form to avoid any further delays to the process.

We would like to thank Council again for the opportunity to allow us to provide further detail on our requested changes to the planning proposal and site-specific DCP. Should you have any queries in the meantime, please do not hesitate to contact me on 0424 425 462.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D. Attwood', with a long horizontal stroke extending to the right.

David Attwood
Associate Director
dattwood@ethosurban.com
0424 425 462

ATTACHMENT 8

The Hills Development Control Plan (DCP) 2012

www.thehills.nsw.gov.au

THE
HILLS
Sydney's Garden Shire



Part D Section XX
21-23 Victoria Avenue Castle Hill

EXHIBITION DRAFT – (DATE)

In Force XXXXXXXX

Table of Contents

1	Introduction	1
1.1	Land to which this Section applies	1
1.2	Purpose of this Section	1
1.3	Relationship to other Sections of the DCP	2
2	Urban Context	3
3	Desired Future Character	4
4	General Controls.....	6
4.1	Height	6
4.2	Building Setbacks.....	7
4.3	Building Separation	11
4.4	Building Design	12
4.5	Active Frontages	13
4.6	Public Domain.....	14
4.7	Wind	16
4.8	Landscaping and Deep Soil	16
4.9	Parking, Loading and Access.....	17
4.10	Stormwater Management	18

21-23 Victoria Avenue, Castle Hill - Development Control Plan

1 Introduction

This Section establishes a framework and controls to guide development on land at 21-23 Victoria Avenue, Castle Hill.

1.1 Land to which this Section applies

This section applies to land at 21 – 23 Victoria Avenue, Castle Hill (refer to **Figure 1**)

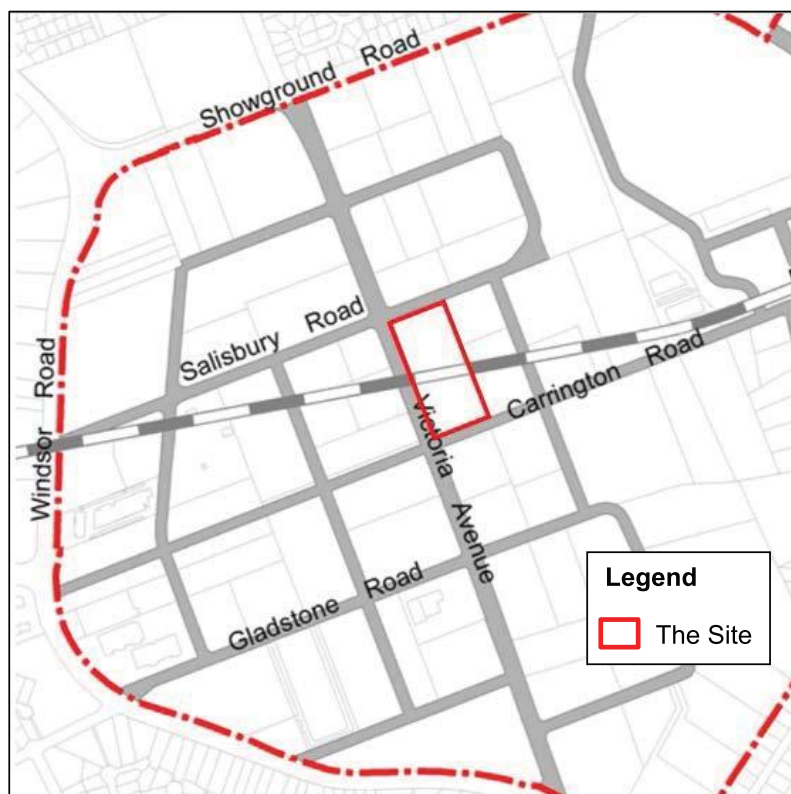


Figure 1
Land to which this Section

1.2 Purpose of this Section

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

21-23 Victoria Avenue, Castle Hill - Development Control Plan

1.3 Relationship to other Sections of the DCP

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

2 Urban Context

The Site is located within the suburb of Castle Hill and forms part of Norwest Service Sub-precinct in the Norwest Strategic Centre. The Site has a total area of approximately 21,048m², which is bordered by Victoria Avenue along its western frontage, Salisbury Road along its northern frontage, and Carrington Road to its south. Hills Showground Station is located approximately 620m to the east of the Site on Carrington Road and is frequently serviced by Sydney Metro Northwest services to the CBD, Epping and Tallawong. The surrounding land use and built form comprises a predominantly industrial, showroom and commercial character.

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

Specialised retail offerings (bulky goods) and light industrial areas will continue to be a mainstay for urban support services that meet the needs of the growing population base, whilst also providing opportunity for smaller businesses to establish and thrive. New commercial developments along Carrington Road extending towards Windsor Road will include taller office style buildings, enhanced by quality landscaping, landscaped medians, wide footpaths and mature street trees.

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

3 Desired Future Character

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

- To provide a landmark development that reinforces the significance of the site being at the core of Norwest Service Sub-Precinct.
- Development accommodates a dense mix of employment generating uses which may include offices and specialised retail (bulky goods) to support businesses and workers in the area.
- Buildings accommodating a mix of employment uses are arranged around a new publicly accessible plaza and a through site link incorporating an overland flow path and providing amenity for occupants, visitors and customers.
- An assortment of secondary public spaces, lanes and connections activated by buildings provide attractive and accessible places for occupants, visitors and customers.
- Publicly accessible spaces seamlessly respond to level changes across the site and avoid conflict with stormwater flows and loading areas.
- Permeability is enhanced with the provision of an east-west through-site link aligned with the overland flow path to support the delivery of a new pedestrian link from Victoria Avenue to Cattai Creek and Hills Showground Metro Station.
- The location, height and mass of buildings are considered with variation in facades and setbacks to lift the diversity and visual quality of the site.
- Taller office buildings define a new built form quality and commercial address on Carrington Road.
- Lower rise large format retail character addresses Victoria Avenue and Salisbury Road while providing generous landscaped setbacks.
- High quality landscaping complements the Shire's character and the nature of buildings, setbacks and spaces throughout the development.
- Loading and parking areas are located to support the operation of employment uses on the site.
- Parking is provided to align with transit oriented development principles, while responding to the site's environmental conditions.
- Development will incorporate sustainable design measures and urban greening.

Control

1. Development is to be generally in accordance with the Urban Strategy shown on **Figure 2: Urban Strategy Map** which provides a spatial representation of the desired future character.

21-23 Victoria Avenue, Castle Hill - Development Control Plan

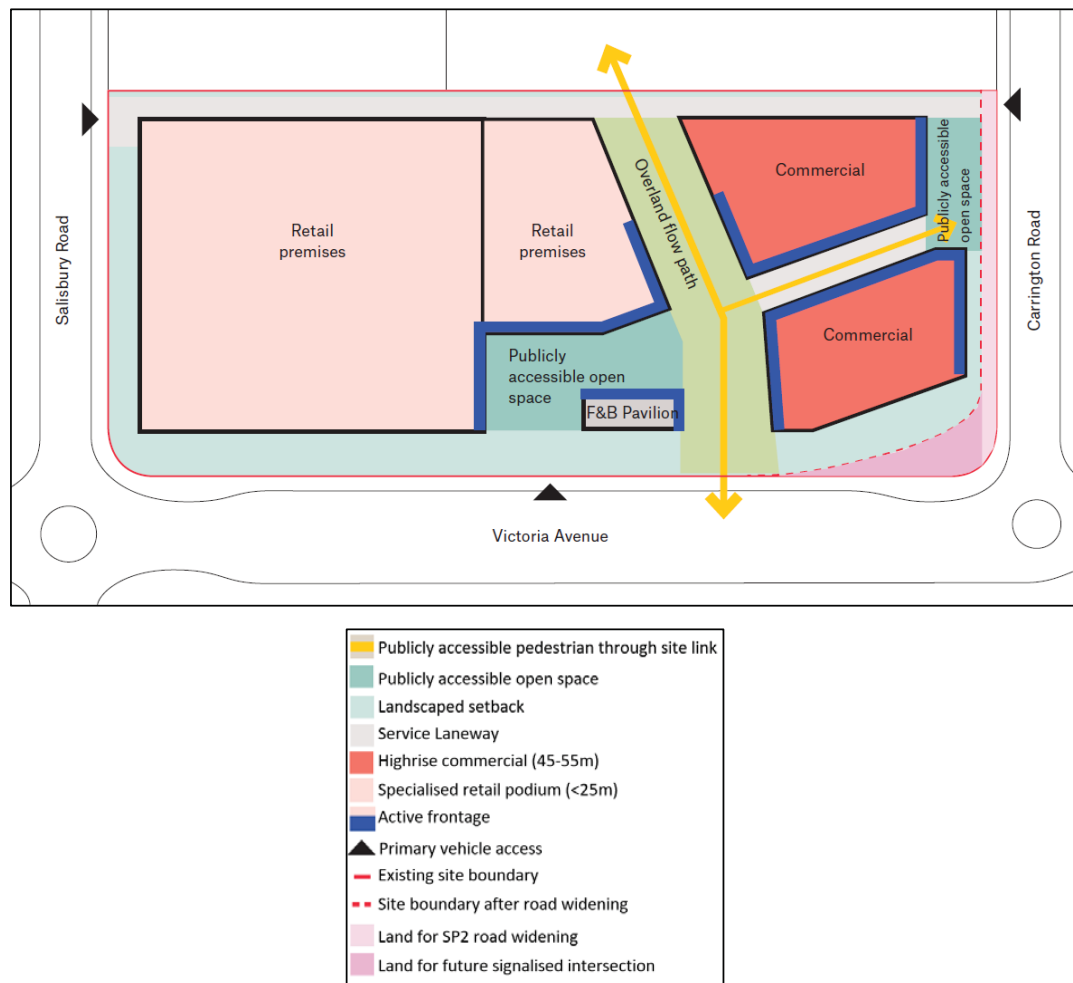


Figure 2
Urban Strategy Map

4 General Controls

4.1 Height

Objectives

- a. To focus taller building heights toward Carrington Road to reinforce the Carrington Road frontage.
- b. To provide an adequate level of solar amenity to the central publicly accessible space and east-west through-site link.
- c. To support a range of building and land use typologies.

Controls

1. Maximum building heights are to comply with the maximum building height controls in The Hills Local Environmental Plan.
2. Tallest building heights are to be sited to address the Carrington Road frontage.
3. Building heights are to transform to a lower scale 2-4 storey built form on the northern part of the site.
4. Building heights in excess of 4 storeys may be considered on the northern part of the site, however the floor plate of any levels above the fourth storey shall not exceed 1,500m² Gross Floor Area.

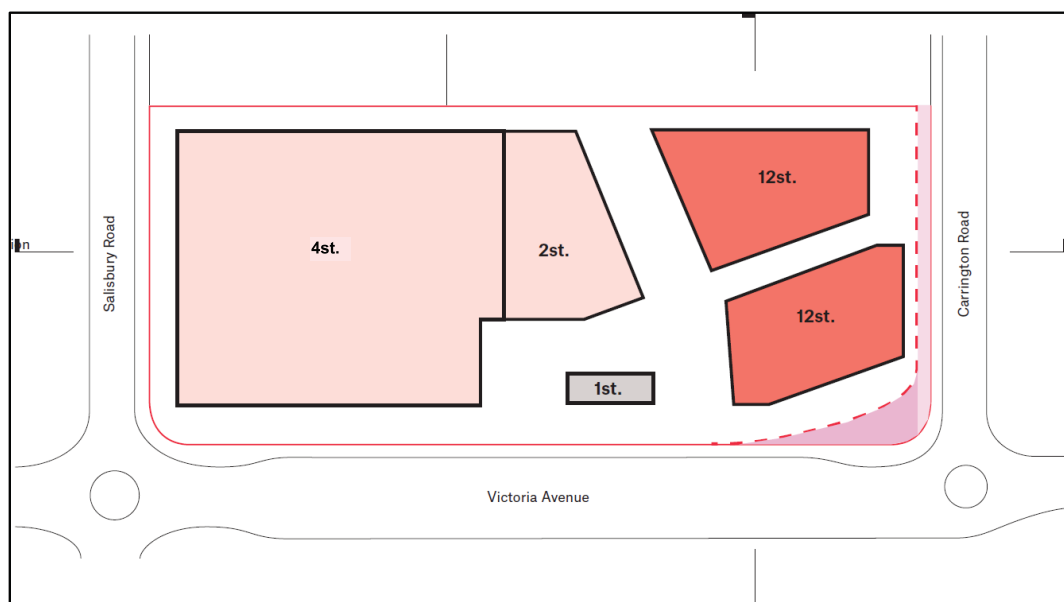


Figure 3
Indicative Building Heights Map

4.2 Building Setbacks

Objectives

- a. To ensure setbacks provide a high quality frontage and relationships to the public domain.
- b. To provide a landscaped setback along streets which reinforces the existing character of vegetated setbacks and mature planting.
- c. To provide attractive urban connections and arrivals into the site.
- d. To regulate the bulk and scale of buildings.

Controls

1. Building setbacks are to be in accordance with **Figure 4 Building Setbacks Map** and sections shown in **Figures 5-10**.
2. The setback area along Victoria Avenue and Carrington Road, Salisbury Road are to be landscaped to complement the urban streetscape and be clear of built obstructions including, parking and building overhangs.
3. Building setbacks are to be measured from the future revised site boundary following the transfer of land for road widening and signalisation of Carrington Road and Victoria Avenue intersection.
4. 60% of the street setback area is to be soft landscaping. Existing mature trees are to be retained.
5. Basement parking is not permitted to encroach into the front or side setback areas. Projection into deep soil areas is not permitted.
6. Above ground portions of basement car-parking structures in setbacks are not permitted.

21-23 Victoria Avenue, Castle Hill - Development Control Plan



Figure 4
Building Setback Map

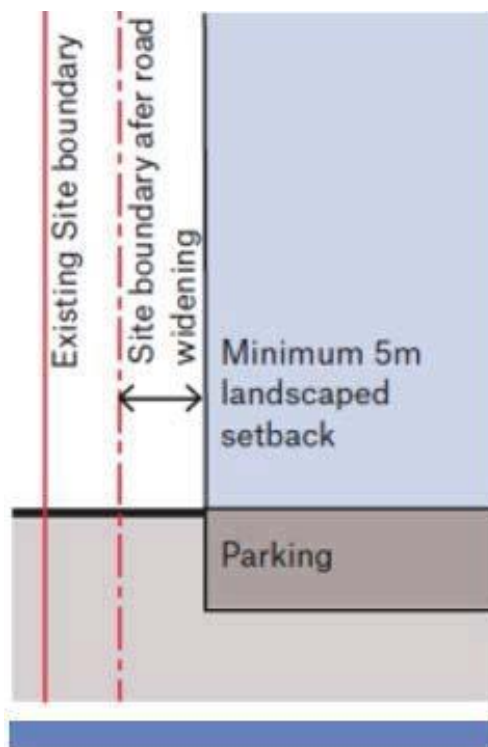


Figure 5
Section of Carrington Road Corner Setback

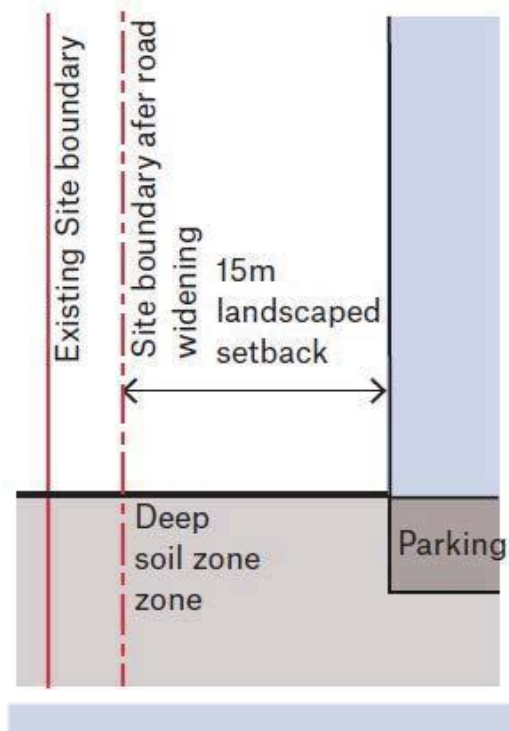


Figure 6
Section of Carrington Road Plaza Setback

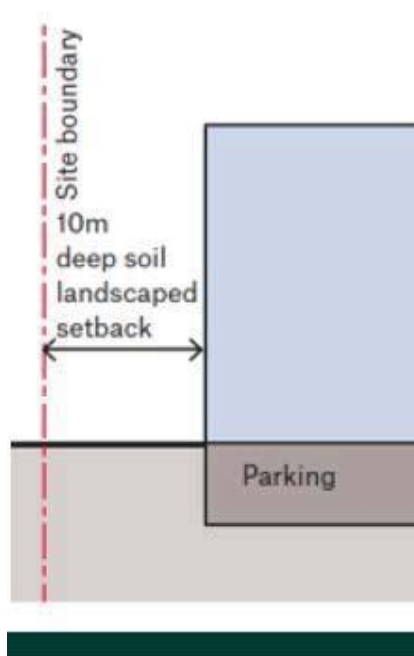


Figure 7
Section of Salisbury Road Landscaped Front Setback

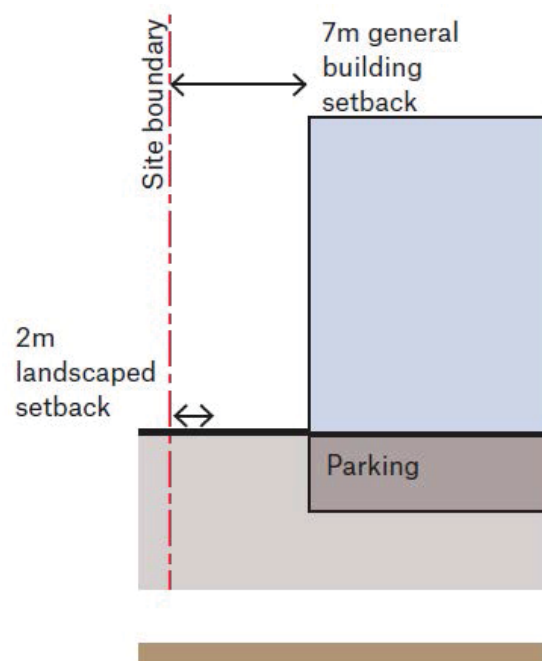


Figure 8
Section of Rear Setback

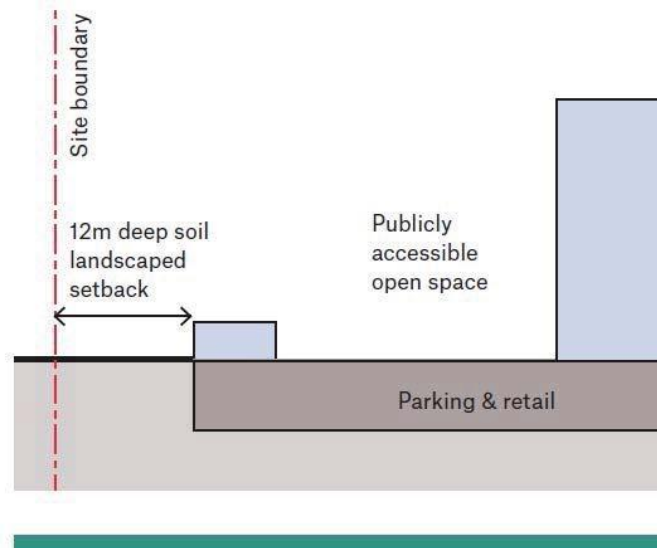


Figure 9
Section of Setback to Victoria Avenue Plaza

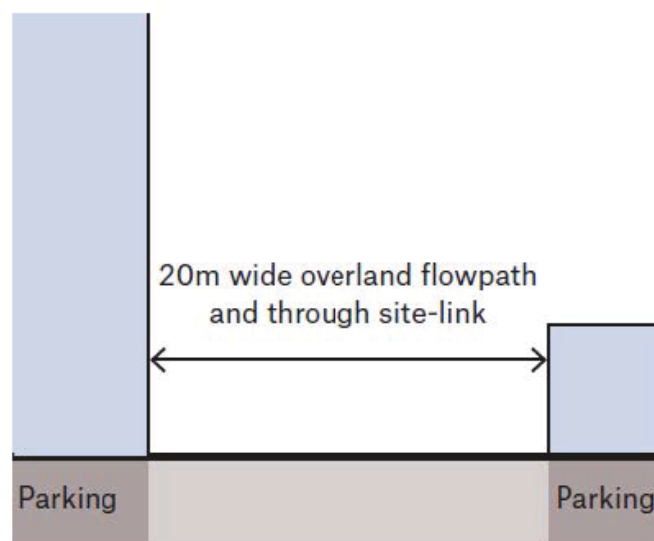


Figure 10
Section of the East-West Pedestrian Through Site Link

4.3 Building Separation

Objectives

- To provide a visual break between buildings and reduce the perceived bulk and scale of the built environment.
- To provide visual privacy between buildings.
- To provide a pleasant outlook from buildings.
- To ensure adequate solar access to the public domain.

Controls

- Provide a minimum of 9m separation on the first four floors between commercial buildings and a minimum of 18m for upper levels. Refer to Figures 11 and 12.
- Provide minimum 20m building separation between commercial and retail buildings. Refer to Figure 12.

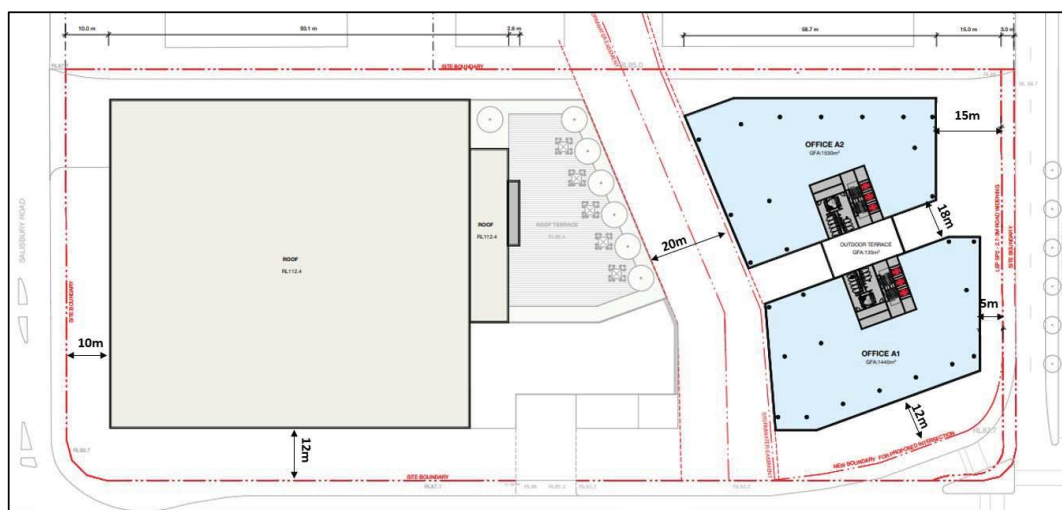


Figure 11
Building Separation Between Uses

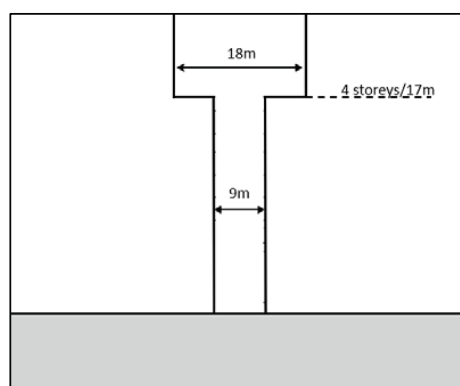


Figure 12
Building Separation Between Commercial Buildings

4.4 Building Design

Objectives

- a. To ensure the design of buildings
 - Are responsive to the future desired character of the area.
 - create a positive streetscape and achieves a high quality architectural design that promotes commercial, retail and business activity.
 - Include slender design so as to not overwhelm in bulk and scale.
 - Allow for solar access to internal spaces and on adjoining sites.
 - Create an open, attractive and distinct skyline.
 - Create small, fast moving shadows.
 - Allow for view corridors between nearby towers.
- b. To improve the quality of the public domain and provide a comfortable street environment for pedestrians.
- c. To encourage the use of renewable energy, and minimise reliance on, and consumption of, fossil fuels and potable water supplies.
- d. Reduce the adverse effects on the public domain by controlling the size of upper level floorplates.

Controls

1. The façade design of development is to:
 - a. present the development as a series of separate and inter-related buildings.
 - b. be articulated using architectural elements and a variety of design languages and strategies for each buildings; and
 - c. use a variety of materials and finishes
2. Future development is to visually integrate any proposed above ground parking into the overall façade design through creative design, architectural features and landscaping to create a good relationship to the public domain.
3. Building entries are to face the street and are to have a street address. Building entries are to be located to be clearly identifiable from the street and publicly accessible spaces.
4. Loading docks and roller doors must not be visible from the street frontages, the through site link or public plaza.
5. Buildings are designed to:
 - a. Maximise access to natural light; and
 - b. include energy efficient design measures relating to air conditioning, building fabric and landscaping amongst others.
6. Prominent buildings on corner street locations must be visually prominent to parts of the façade (e.g. a change in building articulation, material or colour, or roof expression).
7. Taller buildings (above 6 storeys) on the site are to:
 - a. demonstrate that the building design appropriately responds to its surrounding context;
 - b. avoid detrimental impacts to the microclimate of publicly accessible space and public domain;

- c. include a façade design that incorporates articulation or the like to reduce perceived bulk and mass of the building;
- d. provide a vertical expression at building entry points fronting Carrington Road and the linear park;
- e. incorporate a pedestrian desire line between Carrington Road and the linear park; and
- f. be positioned and oriented to maximise amenity for building occupants.

4.5 Active Frontages

Objectives

- a. To require active frontages along prominent street frontages and publicly accessible open spaces.
- b. To provide an attractive, safe and vibrant pedestrian environment.
- c. To create vibrant local activity on the ground plane of the development.
- d. To encourage activity outside of commercial business hours.

Controls

- 1. Active frontages are to be provided generally in accordance with **Figure 2: Urban Strategy Map**
- 2. Active frontages are defined as the one or more of the following:
 - a. Cafe or restaurant if accompanied by an entry from the street or public space;
 - b. Community and civic uses with a street entrance;
 - c. Recreation facilities with a street entrance; and
 - d. Commercial lobbies with a street entrance not more than 20% of the total length of the building's street or public space frontage.
- 3. The following must not be located in street frontages:
 - a. Essential building services;
 - b. Access for fire services;
 - c. Loading docks
- 4. Retail and commercial uses at ground level are to be designed so that the ground floor for at least part of the premises is at the same level as the finished footpath level of the adjacent street and/or open space.
- 5. Where an active frontage is required, a minimum of 80% of the building frontage is to be transparent (i.e. windows and glazed doors). The windowsill height must be a maximum 1200mm above ground level.
- 6. Awnings are to be provided over buildings entries. Continuous awnings are to be provided over the full length of active frontages, where appropriate.
- 7. For larger developments, building entrances should be provided on each street frontage.
- 8. Security grilles may only be fitted internally behind the shopfront. They are to be transparent and fully retractable.

4.6 Public Domain

Objectives

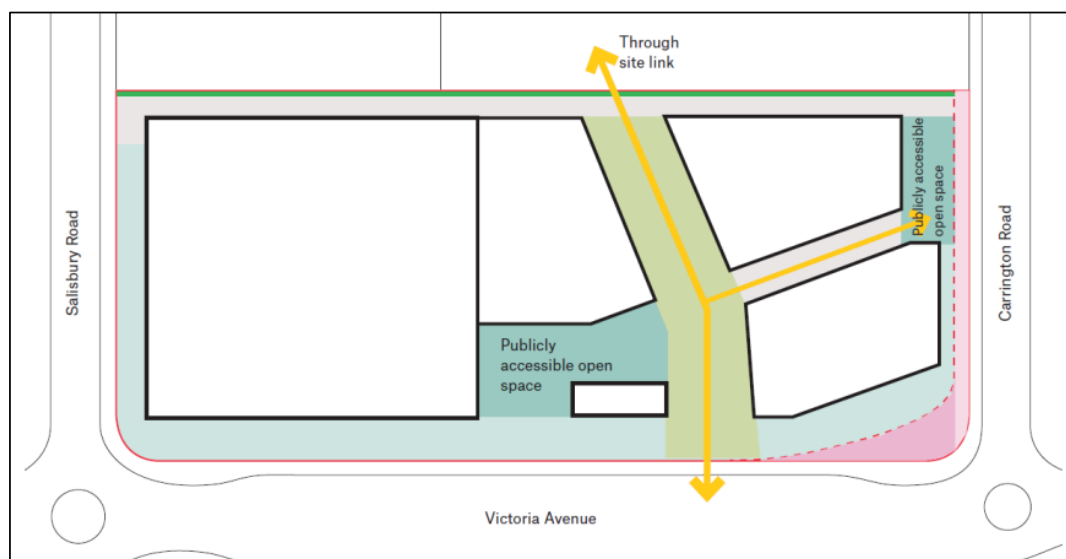
- a. To provide new publicly accessible spaces for the enjoyment of workers and visitors within the site and the surrounding Norwest Service Sub-precinct, which encourages interaction and improves the amenity of the area.
- b. To provide a highly permeable site that is easy to navigate and connected to surrounding streets.
- c. To create high quality publicly accessible spaces with landscaping that reinforces the urban character of the site.
- d. To deliver a new through site link that provides east-west pedestrian connectivity, overland flow path and outdoor amenity.
- e. Undergrounding of power lines to improve the appearance and liveability of the Precinct and to facilitate increased space within road reserves to install public domain improvements.

Controls

1. Development is to be generally in accordance with **Figure 13: Public Domain Map**, and is to provide:
 - a. a central publicly accessible open space fronting Victoria Avenue with a minimum area of 850 sqm.
 - b. a southern publicly accessible open space fronting Carrington Road with a minimum area of 350 sqm.
 - c. a minimum 20m wide overland flow path containing a publicly accessible through-site link.
 - d. A minimum 9m wide pedestrian link between the commercial buildings fronting Carrington Road and the publicly accessible through site link.
2. Development is to achieve direct sunlight to a minimum 50% of the combined area of the central publicly accessible open space and 20m-wide through site link for a minimum of 4 hours between 9am and 3pm on the 21 June.
3. Council requires underground electricity reticulation and telecommunications for all urban development. Council will require as a condition of any development consent that any existing aboveground electricity reticulation service be relocated underground with the exception of main transmission lines.
4. Publicly accessible open spaces are required to be embellished with the following high quality treatments:
 - a. integrated seating and other furniture;
 - b. bins;
 - c. landscaping;
 - d. adequate shading;
 - e. signage; and
 - f. adequate lighting to promote safety.
5. Pedestrian through site links are to be provided generally in accordance with **Figure 13: Public Domain Map** and the following:
 - a. be publicly accessible;
 - b. include a minimum of 500mm of landscaping (maximum height of 800mm) along each side of the pedestrian link is desirable;

21-23 Victoria Avenue, Castle Hill - Development Control Plan

- c. is designed to be attractive high amenity spaces that incorporate landscaping treatments;
- d. is to implement well integrated public art, pavement design and other appropriate elements to enhance the pedestrian experience;
- e. be clearly identifiable as a publicly accessible pedestrian link;
- f. encourage pedestrians to move along the link and not linger;
- g. ensure clear sightlines from one end to the other so passive surveillance is provided;
- h. have adequate lighting to improve safety; and
- i. are to have prioritisation of movement when intersecting other elements of the movement network.



	Publicly accessible pedestrian through site link
	Publicly accessible open space/urban plaza
	Landscaped front setback
	Landscaped side setback
	Service laneway
	Land for SP2 road widening
	Land for future signalised intersection
	Existing site boundary
	Site boundary after road widening

Figure 13
Public Domain Map

21-23 Victoria Avenue, Castle Hill - Development Control Plan

4.7 Wind

Objectives

- a. To ensure comfortable and safe wind settings in the public domain.
- b. To ensure differences in building heights do not cause high wind loads.
- c. To ensure the built form does not provide adverse wind conditions which will impact upon the amenity of pedestrian comfort in streets and public and private open spaces.

Controls

1. Buildings over 8 storeys (or 25m) must be accompanied by a wind tunnel study, which demonstrates the following:
 - In open areas to which people have access, the annual maximum gust speed should not exceed 23 metres per second;
 - In walkways, pedestrian transit areas, streets where pedestrians do not generally stop, sit, stand, window shop and the like, annual maximum gust speed should not exceed 16 metres per second;
 - In areas where pedestrians are involved in stationary short-exposure activities such as window shopping, standing or sitting (including areas such as bus stops, public open space and private open space), the annual maximum gust speed should not exceed 13 metres per second; and
 - In areas for stationary long-exposure activity, such as outdoor dining, the annual maximum gust speed should not exceed 10 metres per second;
2. The wind tunnel study report is to be prepared by a suitably qualified engineer.

4.8 Landscaping and Deep Soil

Objectives

- a. To support landscaping that complements the building form and contributes to the surrounding landscaped character.
- b. To encourage the establishment and healthy growth of mature trees along Victoria Avenue.
- c. To support landscaping on structures that contributes to mitigating heat island effect and micro-climate conditions.
- d. To enhance the amenity of streets and publicly accessible spaces.
- e. Maximise the use of landscape treatments and built form materials that minimise urban heat island and contribute to the amenity of people using open space.

Controls

1. Landscape design is to:
 - a. include a diverse range of plant species and is to be in accordance with the recommended species list in Part C Section 3 of The Hills DCP;
 - b. be compatible with flood risk and avoid dense planting in a flow path;
 - c. incorporate understorey planting and permeable surfaces to reduce the extent of paved areas and to enhance the amenity of the streetscape environment; and
 - d. enhance the appearance of the building and car parking areas without creating opportunities for concealment.

21-23 Victoria Avenue, Castle Hill - Development Control Plan

2. The minimum amount of deep soil area, meaning an area of natural ground with relatively natural soil profiles and excluding areas above underground structures, is to be 10% of the site area.
3. Deep soil landscaped setbacks are to accommodate existing mature trees and allow for new tree planting every 10m that are capable of growing to a mature size.
4. Canopy trees are to be planted within street verges to provide shade and reduce pavement surface temperatures.
5. Planting on structures is to:
 - a. ensure soil depth, soil volume and soil area appropriate to the size of the plants to be established; and
 - b. be designed to have appropriate soil conditions, drainage and irrigation methods.
7. The incorporation of green walls and roofs into the development is encouraged. Where suitable, building facades should incorporate landscaping features to soften the visual bulk of buildings and to improve streetscape quality.

4.9 Parking, Loading and Access

Objectives

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

Controls

1. Vehicular access is to be provided generally in accordance with Figure 2: Urban Strategy Map.
2. All vehicles are to enter and leave the site in a forward direction.
3. No parking is permitted in the landscape setback.
4. *[Drafting Note: Controls related to vehicular access may be inserted here if necessary pending the outcomes of public agency consultation with Transport for NSW]*
5. The design of the servicing lane is to:
 - a. incorporate traffic management and safety measures to slow servicing vehicles to 10km/h;
 - b. Limit the width of driveway footpath crossings to 9m;
 - c. Ensure the width of pedestrian crossing is at least 20m and provides a clear path of travel;
 - d. prioritise pedestrian crossover movements at the intersection of the central east-west through site link by:
 - i. providing a safe and accessible pedestrian point;
 - ii. implementing safety measures that indicate pedestrian crossing priority; and
 - iii. continuing the type of footpath material and grade of the through site link.
6. Car parking is to be provided in accordance with the following rates:

21-23 Victoria Avenue, Castle Hill - Development Control Plan

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

7. The amount of parking spaces provided in at-grade or above ground parking areas shall not exceed 344 car spaces.

4.10 Stormwater Management

Objectives

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

Controls

1. Building and structures including footings must not encroach into the zone of influence of existing stormwater pipes.
2. Building foundations are not to be constructed in the existing stormwater easement and should provide a 1m minimum offset from the easement.
3. A Development Application for new buildings on the site is to be supported by a structural engineering statement prepared by a suitably qualified structural engineer that confirms that the proposal will not impart a load on the pipe in the easement.
4. Existing access chambers are to be maintained with suitable access provided for inspections and maintenance of stormwater pipes.
5. On ground pavements are to be designed to facilitate maintenance and replacement of pipes if required.
6. The provisions of Council's Flood Controlled Land DCP are to be applied.
7. A Stormwater Management Plan is to be prepared which considers sustainable water management practices and minimal development impact.
8. Stormwater runoff must be treated on the development site before it discharges to a public drainage system.
9. All stormwater drainage designs are to comply with the most up to date revision of Council's Design Guidelines Subdivision/Developments.

