

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

Our ref: IRF24/1349

Attention: Megan Munari
Via email: mmunari@thehills.nsw.gov.au

Dear Ms Munari

Planning proposal (PP-2023-1863) to amend The Hills Local Environmental Plan 2019

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to increase the floor space and maximum building height for a retail and commercial development at 21-23 Victoria Avenue, Castle Hill.

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


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

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

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

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

Yours sincerely



17.10.24

Rukshan De Silva
Acting Director
Local Planning and Council Support (Metro Central, West and South)

Encl: Gateway determination
Plan making report template

Gateway Determination

Planning proposal (Department Ref: PP-2023-1863): allow for a retail and office development at 21-23 Victoria Avenue, Castle Hill

I, the Acting Director, Local Planning and Council Support at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to *The Hills Local Environmental Plan 2019* to allow for a retail and office development at 21-23 Victoria Avenue, Castle Hill should proceed subject to the following:

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

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

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

Gateway Conditions

1. The planning proposal is to be updated to:
 - Update documents within the planning proposal package that will be placed on exhibition so it is consistent with the planning proposal submitted by Council to the Department for Gateway determination. This includes removing the reference to 'shops' in any documentation.
 - Update how the planning proposal addresses the Section 9.1 Direction 4.1 Flooding, specifically (1)(a)-(d) of the Direction.
 - Update how the planning proposal addresses SEPP(Biodiversity and Conservation 2021), Part 6 Water Catchments.
 - Update the Traffic and Transport report to address Transport for NSW's submission dated 10 January 2024.
2. Prior to exhibition, the planning proposal is to be amended to address condition 1.
3. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local*

Environmental Plan Making Guideline (Department of Planning and Environment, August 2023).

4. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act:

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

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

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

Dated 17 October 2024



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

Delegate of the Minister for Planning and
Public Spaces

Department of Planning, Housing and Infrastructure

Our ref: PP-2023-1863 (IRF25/1318)

Your ref: 4/2021/PLP

Nicholas Carlton
Manager, Forward Planning
The Hills Shire Council
PO Box 7064
NORWEST NSW 2153

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

23 June 2025

Dear Mr Carlton

Planning proposal PP-2023-1863– Alteration of Gateway Determination

I refer to your letter in relation to your request seeking an extension of time for planning proposal PP-2023-1863 to amend *The Hills Environmental Plan 2019* to increase the maximum floor space ratio and height of building controls on land at 21-23 Victoria Avenue, Castle Hill.

I have determined as the delegate of the Minister, in accordance with section 3.34(7) of the Environmental Planning and Assessment Act 1979, to alter the Gateway determination dated 17 October 2024 for PP-2023-1863. The Alteration of Gateway determination is enclosed.

If you have any questions in relation to this matter please contact Gabrielle Coleman, Senior Planning Officer on (02) 9995 5247.

Yours sincerely,



Suzanne Wren
Manager Local Planning and Council Support (Central, West and South)

Department of Planning, Housing and Infrastructure

Encl: Alteration of Gateway Determination

Alteration of Gateway Determination

Planning proposal (Department Ref: PP-2023-1863)

I, Manager, Local Planning and Council Support (Central, West and South) at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 17 October 2024 for the proposed amendment to *The Hills Local Environmental Plan 2019* as follows:

1. Delete:

“The LEP should be completed on or before 27 June 2025”

and replace with:

“The LEP should be completed on or before 27 February 2026”

Dated: 23/6/2025



Suzanne Wren
Manager
Local Planning and Council Support
(Central, West and South)
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces

Attachment 5 – Authorised plan-making reporting template

Reporting template for authorised LEP amendments

Notes:

- The planning proposal number will be provided by the Department of Planning, Housing and Infrastructure following receipt of the planning proposal.
- The Department will fill in the details of Tables 1 and 3.
- The local plan-making authority is to fill in the details of Table 2.
- If the planning proposal is exhibited more than once, the local plan-making authority should add rows to **Table 2** to include this information.
- The local plan-making authority must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date.
- The plan should be signed using the following format:
[Name]
[Title]
[Council name]
Delegate of [Council name], the local plan-making authority [date]
- A copy of this completed report must be provided to the Department with the local plan-making authority's request to have the LEP notified.

Table 1: To be completed by the Department

Stage	Date/Details
Planning proposal number	PP_2023_1863
Date sent to DPIE under section 3.34(1)	14 June 2024
Gateway determination date	10 October 2024

Table 2: To be completed by the local plan-making authority

Stage	Date/Details	Notified regional office
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date draft LEP requested from PCO		
Date draft LEP received from PCO		
Date PCO Opinion requested		
Date PCO Opinion received		
Date GIS data or maps provided/requested		
Date ePlanning confirmed mapping is suitable and sent to PCO		
Date LEP finalised		

Stage	Date/Details	Notified regional office
Date sent to DPIE requesting notification		

Table 3: To be completed by the Department

Stage	Date/Details
Notification date and details	

Additional relevant information:



Gateway determination report – PP-2023-1863

21-23 Victoria Avenue, Castle Hill

October 24

Published by NSW Department of Planning, Housing and Infrastructure

dpie.nsw.gov.au

Title: Gateway determination report – PP-2023-1863

Subtitle: 21-23 Victoria Avenue, Castle Hill

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A – Planning Proposal
Attachment B – LPP report and minutes (16 November 2022)

Attachment C1 – Council Report and Minutes (10 October 2023)

Attachment C2 – Council Report and Minutes (14 May 2024)

Attachment D – Draft Site Specific Development Control Plan

Attachment E – Pre Gateway Comments from TFNSW

Attachment F – Flood Impact Assessment

Attachment G – Stormwater Assessment

Attachment H – Traffic Report

Attachment I – Preliminary Site Investigation

Attachment J – Tree assessment

Attachment K – Council Report and Minutes (25 June 2024)

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	The Hills
PPA	The Hills Shire Council
NAME	21-23 Victoria Avenue, Castle Hill (0 dwellings, 1273 jobs)
NUMBER	PP-2023-1863
LEP TO BE AMENDED	The Hills LEP 2019
ADDRESS	21-23 Victoria Avenue, Castle Hill,
DESCRIPTION	Lot 1 DP 657013 AND Lot 1 DP 660382
RECEIVED	14/06/2024
FILE NO.	IRF24/1349
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	Details of meetings and communications with registered lobbyists have been included. A meeting was held with Primary Communication, acting on behalf of the landowner, on 28 October 2020 with Department representatives.

1.2 Objectives of planning proposal

The objective of the planning proposal (**Attachment A**) is to facilitate the redevelopment of the site to accommodate a commercial and retail development including specialised retail, commercial offices, medical suites, a childcare centre, business premises and gym, within a built form up to 12 storeys.

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

1.3 Explanation of provisions

The planning proposal seeks to amend The Hills LEP 2019 per the changes below:

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	E3 Productivity Support	No change

Maximum height of the building	20m (approximately RL 110 for context)	RL 140.5m (approximately 12 storeys)
Floor space ratio	1.1	2.3:1
Minimum lot size	8,000 m ²	No change
Number of jobs	570 jobs	An additional 703 jobs, total of 1273 jobs

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

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 (see Figure 1). Activation of the ground floor level would be achieved through restaurants, cafes and shops.

It is noted that the indicative concept submitted by the proponent to support the planning proposal includes 'shops' facilitated by an additional permitted use provision. This amendment to the LEP was not supported by Council therefore not included in the planning proposal submitted for Gateway assessment.

The Gateway determination has been conditioned for documents within the planning proposal package that will be placed on exhibition to be updated so the package is consistent with the planning proposal submitted by Council to the Department for Gateway determination. This includes removing the reference to 'shops' in any documentation.

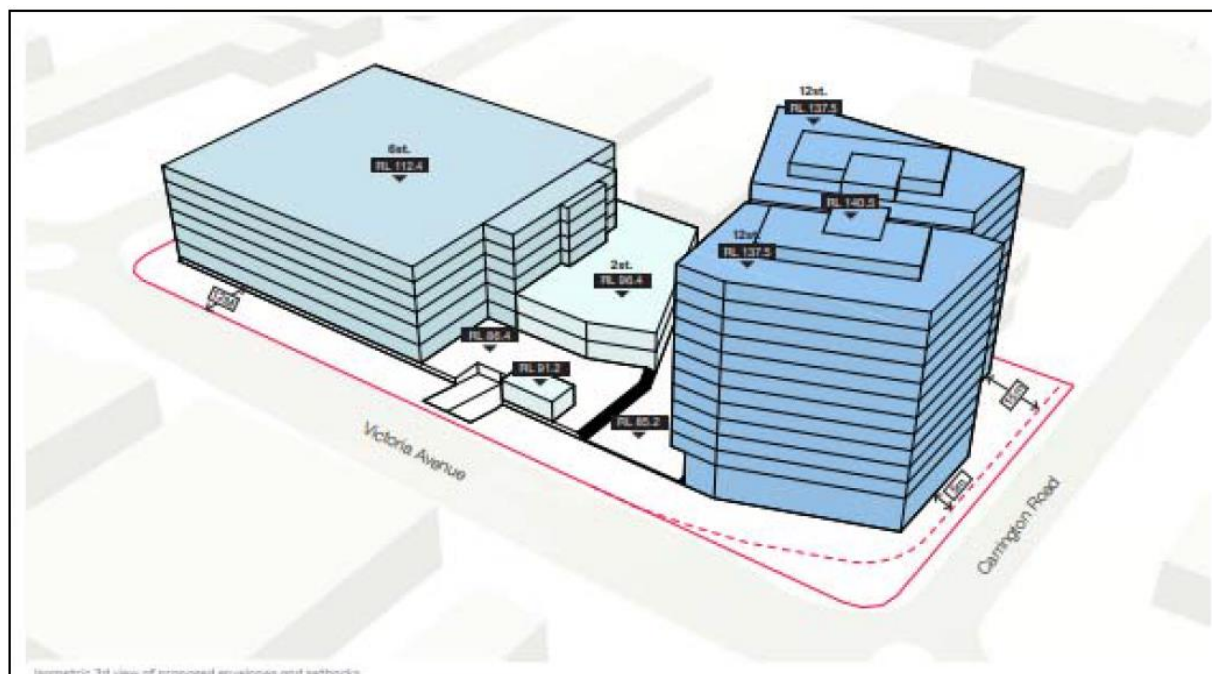


Figure 1 Indicative Building Envelopes (source: Council report 14 May 2024)

The concept plan includes a number of public domain spaces such as plazas, a pedestrian through site link between 20-25m in width 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. Active uses are proposed to sleeve the pedestrian link to activate the ground floor plane.



Figure 2 Indicative Site Plan (source: Council report 14 May 2024)

It's noted the planning proposal is also accompanied by a draft site specific development control (**Attachment D**) and a draft VPA (Council resolved on the 25 June 2024 to accept the VPA offer in principle – **Attachment K**).

1.4 Site description and surrounding area

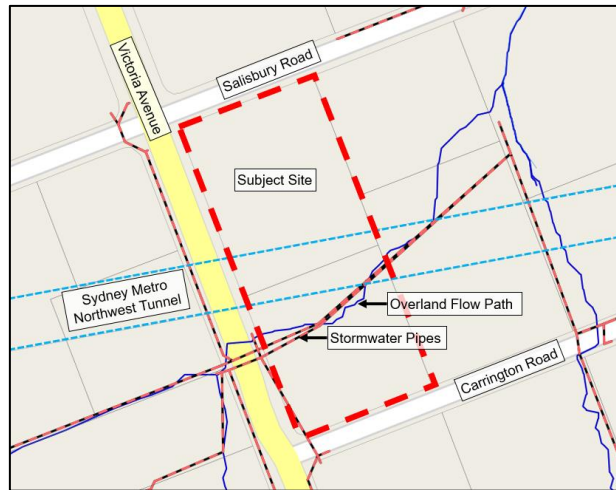
The subject site, 21-23 Victoria Avenue, Castle Hill, comprises of two separate lots with a total area of approximately 2.10ha. Due to the site consisting of two lots, the subject site has frontage to three roads including Salisbury Road to the north, Carrington Road to the south and Victoria Avenue to the west (see Figure 3 below).



Figure 3 Subject Site (source: NearMap 2024)

The site contains three existing buildings, 1-2 storeys in height, comprising of light industrial uses such as homemaker stores, retail and a car servicing business. At-grade car parking is provided on site.

The site generally falls from the west to east however there is also a fall to the centre of the site where an overland flow path traverses the site. Council-owned stormwater pipes are below the overland flow path (as shown in the figure below) and protected by an easement. The Flood Impact Assessment supporting the planning proposal states the site experiences flash flooding (overland flow) during the 1% AEP and PMF flood events.

**Figure 4 Stormwater infrastructure (source: The Hills Shire Council Meeting Agenda)**

The Sydney Metro Northwest tunnel also passed beneath the site as shown above and the site is located approximately 700m walking distance from Showground Metro station.

Cattai Creek is located approximately 450m east of the site and flows north towards the Hawkesbury River.

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Height of Buildings and Floor Space Ratio maps, which are suitable for community consultation.

**Figure 5 (L) Existing height of building map (R) Proposed height of building map**

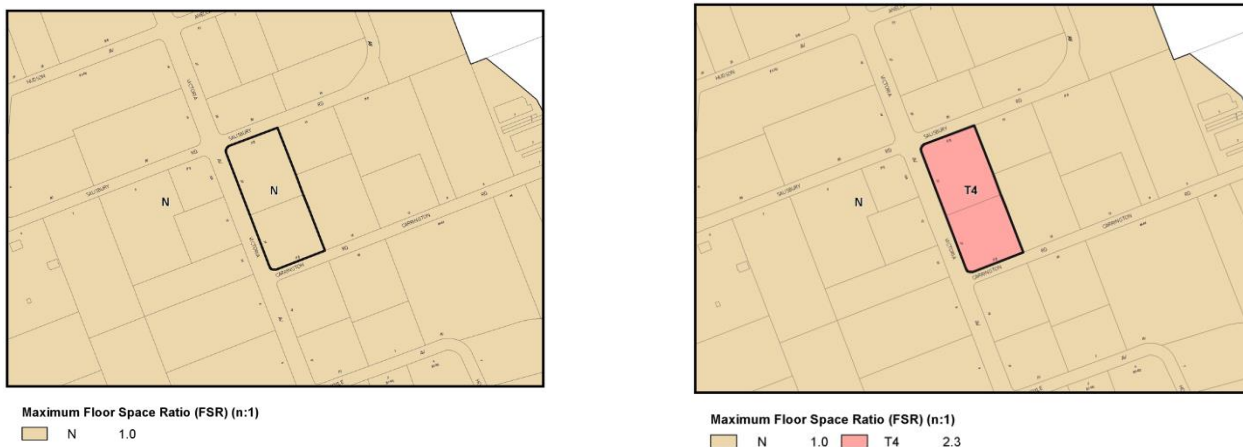


Figure 6 (L) Existing floor space ratio map (R) Proposed floor space ratio map

2 Need for the planning proposal

The planning proposal states that although there is remaining development potential on the site (approximately 11,200m²) that could be achieved under the current planning controls, the viability of redeveloping the existing buildings to achieve this additional extent of floor area may be questionable.

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

The planning proposal has been initiated by the proponent acting on behalf of the landowner.

The Department notes there is alignment between Council's recently adopted Norwest Precinct Plan and the outcomes sought in this planning proposal. This is discussed further in Section 3 of this report.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is considered the best means of achieving the intended outcomes for the site. The proposed floor space ratio and building height will regulate an appropriate built form outcome and facilitate an increase in employment opportunities.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Greater Sydney Regional Plan.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 4: Infrastructure use is optimised	The planning proposal will support an increase in employment floor space within 700m of the Showground metro station, promoting both employees and visitors to utilise public transport.

	The draft DCP replicates the reduced car parking rates for the site from the adopted Norwest Precinct Plan. The Precinct Plan identifies the site within the Outer Walkable Catchment of the Showground Metro Station. Reduced car parking rates will promote the utilisation of public transport.
Objective 22: Investment and business activity in centres	<p>The subject site is located within Norwest strategic centre (as per the Central City District Plan). The objective states there will be a need for additional retail and office floor space to support Sydney's growing population meaning existing centres will need to grow and new ones develop.</p> <p>This planning proposal will assist in increasing the additional floor space for retail and office premises within Norwest strategic centre which has good access to public transport. It will also support the job targets outlined in the District Plan.</p>
Objective 23: Industrial and urban services land is planned, retained and managed	<p>'Urban services' land is provided within certain employment land use zones including the former B5 – Business development which applied to the subject site prior to the employment land use zone reform. The subject site's current land use zone is the equivalent land use zone to B5.</p> <p>Urban services serve local communities and businesses, they're located close to their markets, including residential areas and commercial centres. The Hills LGA is identified as being within the 'review and manage' approach for industrial and urban services land. This approach supports, amongst other matters, appropriate controls to maximise business and employment outcomes. The planning proposal is consistent with this approach.</p>
Objective 37: Exposure to natural and urban hazards is reduced	<p>The objective states strategic land use planning can play a greater role in reducing exposing to hazards. One of the objective's strategies seeks to avoid locating new urban development in areas exposed to natural and urban hazards and consider options to limit the intensification of development in existing urban areas most exposed to hazards.</p> <p>Flooding is discussed under Section 4.1 of this report, the site is subject to flash flooding. The post development scenario reduces the flood affectation on the site in the 1 in 100 year flood event (peak duration 120 minutes) to be mostly contained within the pedestrian through-site link. It also provides refuge for people above the PMF (peak duration 30 minutes) via stairs to higher levels of the development.</p>

3.2 District Plan

The site is within the Central City District. The former Greater Sydney Commission released the Central City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The Department is satisfied the planning proposal gives to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 5 District Plan assessment

District Plan Priorities	Justification
C1: Planning for a city supported by infrastructure	<p>The priority states planning decisions need to support new infrastructure. In the Central City District, many areas have already been identified for, or are experiencing, significant growth such as planned precincts along the Sydney Metro Northwest Corridor. These areas need to be linked to a variety of employment opportunities, infrastructure and services.</p> <p>The planning proposal is supporting this objective by increasing employment opportunities and services in proximity to Showground metro station and the surrounding residential planned precinct.</p>
C9: Delivering integrated land use and transport planning and a 30-minute city	<p>The objective encourages the growth of strategic and local centres to reduce the need for people to travel long distances to access jobs and services.</p> <p>This planning proposal will assist in increasing the additional floor space for retail and commercial premises within Norwest strategic centre which has good access to public transport.</p>
C10: Growing investment, business opportunities and jobs in strategic centre	<p>The subject site is within the Norwest Strategic centre. The objective states employment growth is the principal underlying economic goal for strategic centres, creating opportunities to attract retail and office development locally bringing jobs closer to homes. Job targets have been set for each strategic centre, Norwest's job target ranges from 49,000 to 53,000 by 2036.</p> <p>The objective outlines principles for growing existing centres, through considering building heights and outward growth. The planning proposal is consistent with this objective as it increases the amount of retail and commercial floor space on the site by amending development standards and in turn increasing the number of jobs.</p>
C20: Adapting to the impacts of urban and natural hazards and climate change	<p>The objective states effective planning can reduce the exposure to natural and urban hazards and builds resilience to shocks and stresses. It calls for a risk based approach that considers the full range of flood sizes and avoid locating new urban development in areas exposed to natural and urban hazards, limit the intensification of development in existing urban areas most exposed to hazards.</p> <p>As discussed in Table 4 above, the planning proposal is consistent with this planning priority as it decreases the affectation of a 1 in 100 year flood event to mostly within the pedestrian through-site link, and provides refuge for people during a PMF event via stairs.</p>

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
The Hills Local Strategic Planning Statement (2019)	<p>The planning proposal will give effect to the following planning priorities in The Hills Local Strategic Planning Statement (LSPS):</p> <ul style="list-style-type: none"> • 1 – Plan for sufficient jobs targeted to suit the skills of the workforce. The proposal will increase the number of jobs and also protect the function of the centre. • 2 – Build strategic centres to realise their potential. The proposal will increase the number of jobs to assist in meeting the job target for Norwest strategic centre with built form outcomes consistent with Norwest structure plan. • 10 – Provide social infrastructure and retail services to meet resident's needs. The LSPS identifies the current supply of speciality retail shops is lower than expected based on Sydney-wide ratios. Additional specialised retail floor space is needed, the proposal will increase the amount of specialised retail floor space in the centre. • 12 – Influence travel behaviour to promote sustainable choices. The draft DCP includes reduced car parking rates to reflect the site being identified within the Outer Walkable Catchment of the Showground Metro Station.
Productivity and Centres Strategy (2019)	<p>This strategy supported Council's LSPS. It identifies the site as being within the 'Norwest Service', including specialised retail, commercial and light industry land uses. The strategy highlights there will be likely longer-term demand for specialised retail floorspace by 2036. Consideration of additional floorspace should be based on the identified demand and be clustered with existing specialised retail precinct.</p>
The Hills Norwest Precinct Plan	<p>The precinct plan identifies the site for high density offices and bulky goods, with active ground floor uses that contribute to a vibrant ground plane. The envisaged FSR and height for this site is 2.3:1 and 6-12 storeys respectively. The outcomes sought through the planning proposal are aligned with Council's vision for the land.</p>
The Hills Future Community Strategic Plan	<p>The Hills Future Community Strategic Plan aims to manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations. The planning proposal seeks to better utilise the existing site to provide for additional employment opportunities, consistent with the Strategic Plan.</p>

3.4 Local planning panel recommendation

On the 16th of November 2022, The Hills Local Planning Panel (LPP) (**Attachment B**) considered a previous revision of the planning proposal. It advised the planning proposal should not proceed to Gateway Determination for the following reasons.

The proposal does not demonstrate adequate strategic merit as it is inconsistent with:

- *This was partially because it had not demonstrated adequate site-specific merit, having regard to the excessive bulk and scale that would result from the proposed suite of planning controls.*

- Presented 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);
- The proposal did not address the inconsistency with Ministerial Direction 4.1 – Flooding.
- The removal of the shop component was also requested.

The proponent was asked to consider a revised planning proposal to resolve bulk and scale and other site-specific issues. Additional and updated flooding information was requested to reflect the revised planning proposal.

Council's report on 10 October 2023 (**Attachment C1**) states in response to the LPP advice, the proponent subsequently amended their proposal and submitted a revised proposal in August 2023. This is the latest version considered by Council and informed the planning proposal Council forwarded to the Department for Gateway assessment (**Attachment A**).

Department comment

The Department has reviewed the advice provided by local planning panel in November 2022 and the updated planning proposal provided by the proponent in August 2023 which informed Council's planning proposal currently under assessment by the Department.

It is considered that the concerns raised by the Panel in respect of strategic merit have been adequately addressed within the current planning proposal.

3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistency	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistent	<p>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p> <p>As discussed in Section 3.1, the planning proposal is consistent with the regional plan to deliver and increase in additional retail and commercial floor space within Norwest strategic centre.</p>
1.16 North West Rail Link Corridor Strategy	Consistent	<p>The objectives of this direction are to promote transit-orientated development and manage growth around the stations along the North West Rail Link and to ensure development within the corridor is consistent with the North West Rail Link Corridor Strategy and precinct structure plans.</p> <p>The proposal seeks to increase commercial and retail floor space within Norwest strategic centre, and determined to be within the outer walkable catchment for Showground Metro Station. As such, the draft site-specific DCP includes reduced car parking rates promoting the use of public transport options.</p> <p>The subject site is identified within the Showground Road structure plan in the NWRL corridor strategy. It is identified as bulky goods (specialised retail). The proposal is consistent with the NWRL corridor strategy.</p>
4.1 Flooding	Justifiably inconsistent	<p>The NSW Flood Prone Land Policy is set out in the <i>Floodplain Development Manual: the management of flood liable land</i> (April 2005).</p>

The *Flood Risk Management Manual* was gazetted in June 2023 and replaced the Floodplain Development Manual 2005. A series of flood risk management guidelines support the manual providing extra technical advice to support councils to understand and manage flood risk.

The *Flood Risk Management Manual* 2023 set out 10 flood risk management principles to achieve the primary objective of the policy, to reduce the impacts of flooding and flood liability on communities.

Principle 9: Manage flood risk effectively is a relevant consideration to this planning proposal.

It states effective management of flood risk to the community requires a flexible merit-based approach to decision-making which supports sustainable use and development of the floodplain. The following matters are relevant to the planning proposal:

- managing flood risk to the existing community. In the context of this planning proposal, it relates to the impacts of this development proposal to adjoining properties. As discussed in Section 4.1, the post development scenario shows that there is a negligible (+/- 20mm) impact to existing upstream and downstream properties.
- limiting increases in flood risk related to new and modified development. In the context of this planning proposal, it relates to how the proposed development responds to flood risk on the site. As discussed in Section 4.1, the post development scenario reduces the 1% AEP affectation on the subject site. While flood affectation on the site during a PMF remains largely the same as the existing site conditions, flood refuge up the PMF levels will be available on the proposed higher levels of the development via internal stairs. The PMF peak storm duration is 30 minutes.

Considering how the proposal responds to the principle, manage flood risk effectively discussed above, it is considered the proposal demonstrates consistency with the primary objective of the NSW Flood prone land policy and Flood Risk Management Manual being:

- Reduce the impacts of flooding and flood liability on communities
- Avoid causing an increase in the threat to personal safety and property and any unwarranted increase in potential damage to public property and service.

The planning proposal does not address a part of the direction requiring a planning proposal to give effect to and be consistent with the NSW Flood Prone Land Policy, principles of the Floodplain Development Manual 2005, considering flooding in land use planning guideline 2021, and any adopted flood study/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 ((1)(a)-(d)). A gateway condition has been included to require the planning proposal be updated to consider (1)(a)-(d) of the direction.

The planning proposal must not contain provisions that apply to the flood planning area which permit a significant increase in the development of

		<p>that land (3)(d). The proposal is inconsistent with this part of the direction.</p> <p>This inconsistency is considered to be of minor significance due to the post development scenario flood modelling demonstrating the site to be relatively flood free and improving the flood risk on the site compared to existing conditions (discussed further in Section 4.1).</p>
4.4 Remediation of contaminated land	Consistent	<p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p> <p>A preliminary site investigation supports the planning proposal (Attachment I). The site has historically been used for agricultural, pharmaceutical and automotive land uses which are referred to in Table 1 Some activities that may cause contamination in the Managing Land Contamination Planning Guidelines.</p> <p>The planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land. The Preliminary Site Investigation recommends that prior to the redevelopment of the site, a series of actions be undertaken. The report concludes that based on the site observations and desktop review, the site is suitable for the intended land use.</p>
5.1 Investigating Land Use and Transport	Consistent	<p>The objectives of this direction aim to improve access to housing, jobs, and services by co-locating development with walking, cycling and public transport options.</p> <p>The proposal will facilitate an increase in employment generating floorspace in proximity to the Showground Metro station, with the draft DCP providing reduced car parking rates suitable for the site's location. This will promote the usage of public transport options.</p>
7.1 Employment Zones	Consistent	<p>The objectives of this direction are to encourage employment growth in suitable locations, protect employment land in employment zones and support the viability of identified centres. It requires a planning proposal not to reduce the total potential floor space area for employment uses and related public services in business zones.</p> <p>This planning proposal seeks to retain and increase the floor space within the E3 Productivity Support zone and supports the viability of Norwest as a strategic centre.</p>

3.6 State environmental planning policies (SEPPs)

The planning proposal states that no SEPPs are applicable to this proposal. The Department finds the SEPP (Biodiversity and Conservation) 2021 is relevant. The Flood Impact Assessment (**Attachment F**) states the site falls within the Cattai Creek Catchment which is a sub-catchment of Hawkesbury River catchment.

The planning proposal needs to address Part 6 Water Catchments of the SEPP and has been conditioned accordingly. While the planning proposal needs to address Chapter 6 of the SEPP, the Department considers the proposal consistent with the SEPP as it includes stormwater management measures to mitigate impacts of the future development on the land.

4 Site-specific assessment

4.1 Environmental

Trees

The proposal is unlikely to have an impact on vegetation as Council's mapping identifies the site as containing modified vegetation communities/gardens. A Tree assessment supporting the planning proposal (**Attachment J**) identifies the trees on the site as predominately Australian natives with species being both indigenous and non-indigenous to the area. The tree species found are not listed as threatened under NSW State or Commonwealth legislation.

Sydney Metro Northwest tunnel

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

Flooding

The issue of flooding needs consideration due to the intensification of development on the site and the existing overland flow path across the site.

The concept plan supporting the planning proposal incorporates the overland flow path, which includes an easement, into a pedestrian through site link. 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 to retained.

The Flood Impact Assessment (**Attachment F**) provides an analysis of flood model results for existing site conditions and proposed site conditions. The proposed site conditions take into consideration the proposed stormwater design to support the redevelopment of the site. This includes two on site detention tanks to capture the site runoff and to be discharged into the existing twin pipes (**Attachment G**).

The 1% AEP and PMF events are described in the table below.

Flood Event	Existing Site Conditions	Proposed Site Conditions
1% AEP (peak storm duration 120 minutes)	<ul style="list-style-type: none"> The vast majority of stormwater runoff is conveyed within the twin 1800mm pipes that run east through the site and discharged to a tributary of Cattai Creek Minor flood affectation of the site is generally due to minor overland flows overtopping Victoria Avenue into the site via the western site boundary (Victoria Avenue) as well as local overland flows onsite which puddle across the low laying areas of the site. Flood depths at a few areas reach up to around 1.2m deep due to local trapped depressions within the site. 	<ul style="list-style-type: none"> The site remains relatively flood free apart from minor overland flow over the low point at Victoria Avenue and on the eastern property boundary within the overland flow path. The entrance to the basement car park remains flood free. All openings and penetrations to the lower ground levels are to be protected up to the 1% AEP + 0.5m freeboard Flood hazards across the site are generally low based on NSW provisions hazard category The proposal complies with Council's DCP which requires a flood planning level of 1%

	<ul style="list-style-type: none"> Flood hazards across the site are generally low based on NSW hazard category. 	<p>AEP + 500mm of freeboard for habitable commercial floors</p> <ul style="list-style-type: none"> The proposed development (including ancillary structures, facades, stairs and barriers) will be constructed with flood compatible materials below the 1% AEP + 500mm freeboard
<p>PMF & 0.2% AEP</p> <p>(peak storm duration PMF 30 mins)</p>	<p>PMF modelled only</p> <ul style="list-style-type: none"> Substantial overland flow from the upstream catchment flows from the west across Victoria Avenue and continues east through the development site towards Cattai Creek. Flood depths at the site reach up to around 2.9m deep during the PMF event due to local trapped depressions within the site. Flood hazards over the site are generally high based on NSW provision hazard category 	<p>0.2% AEP (1 in 500 year flood event)</p> <ul style="list-style-type: none"> Overland flows across the overland flow path are shallow and low hazard. No material overland flow enters the basement car parks. Minimum building floor level is 300mm above the 0.2% AEP flood levels <p>PMF</p> <ul style="list-style-type: none"> Overland flows across the overland flow path are as deep as 1.1m and high hazard. Flood flows enter the basement car parks Flood refuge up the PMF levels will be available on the proposed higher levels via internal stairs

Offsite flood impacts

The post development scenario shows that there is a negligible (+/- 20mm) impact to existing upstream and downstream properties. There is a slight localised increase in flood levels (less than 40mm) over a small area of the existing flow path on the downstream property however this will be addressed during the detail design stage by providing more flood storage onsite.

Flood modelling confirms there is no significant upstream or downstream impact on adjacent properties and does not prejudice development options for these properties. There is also no increase in flood hazard within Victoria Avenue or around the development site and the flood hazard remains low in the post development scenario.

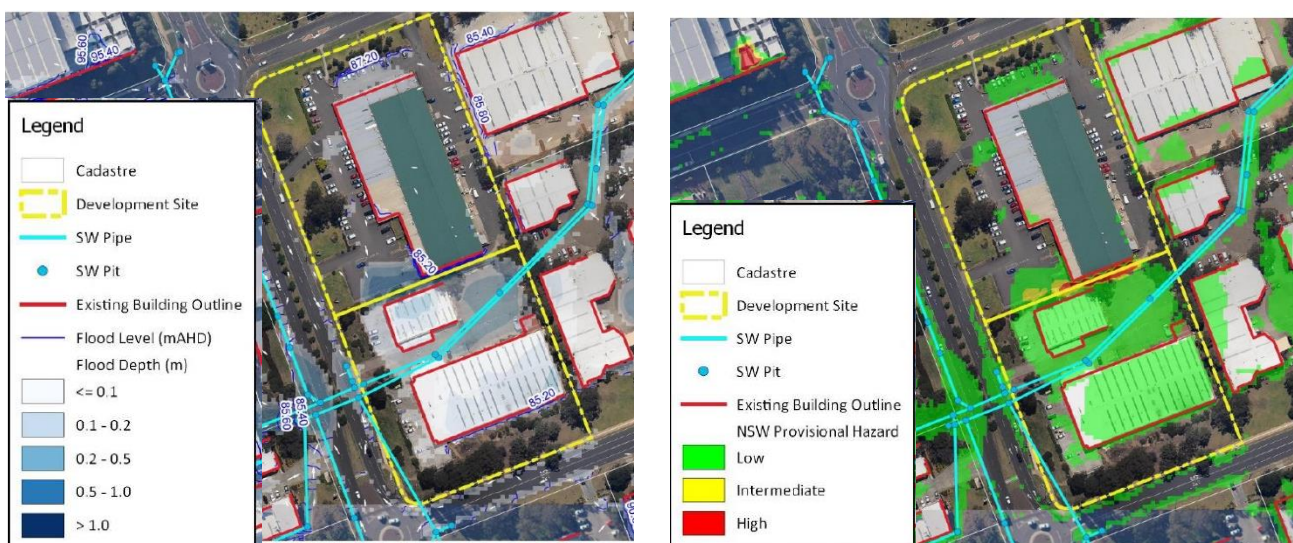


Figure 7 Updated existing conditions, (L) 1% AEP flood level and depth, (R) flood hazard (Source: Flood Impact Assessment Report, Figures 13 and 15)

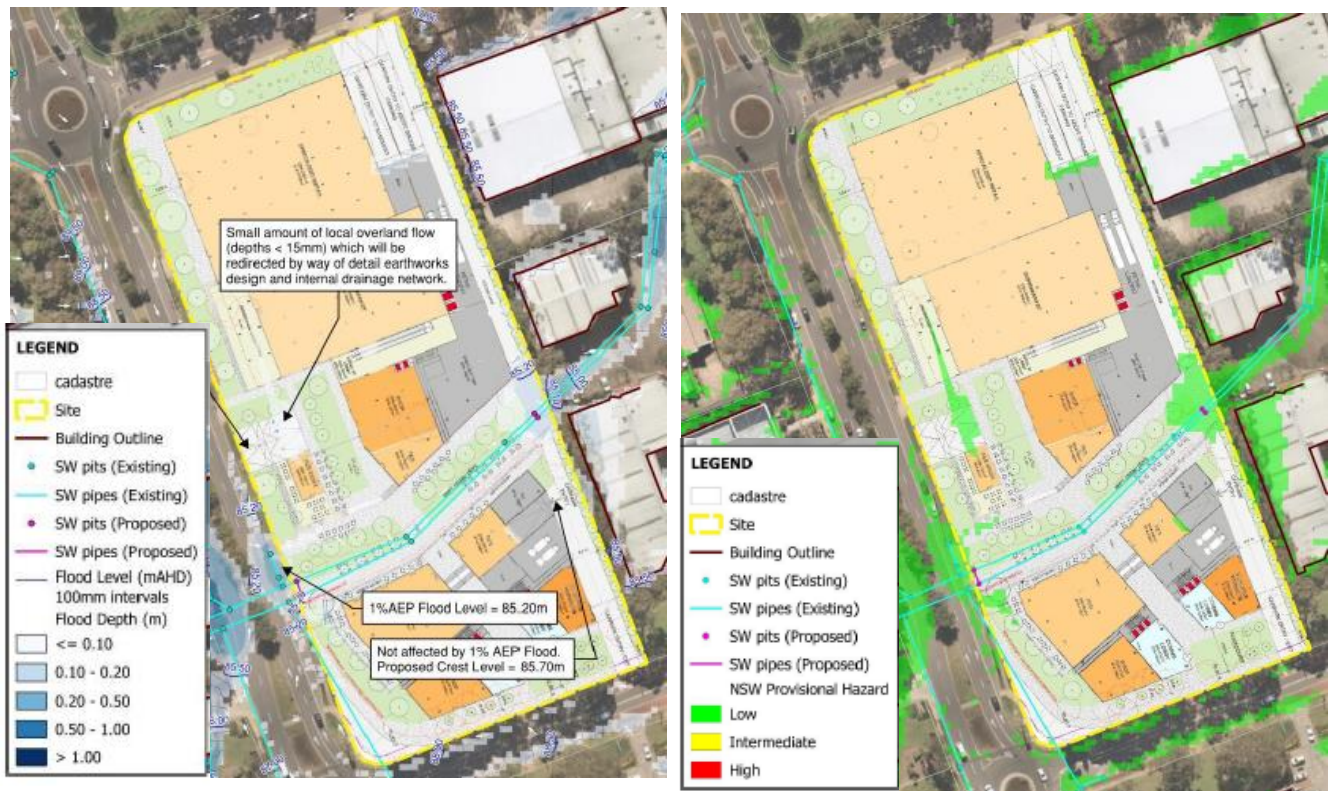


Figure 8 Post development conditions, (L) 1% AEP flood levels & depths, (R) 1% AEP flood hazard (Source: Flood Impact Assessment Report, Figures 21 and 23)

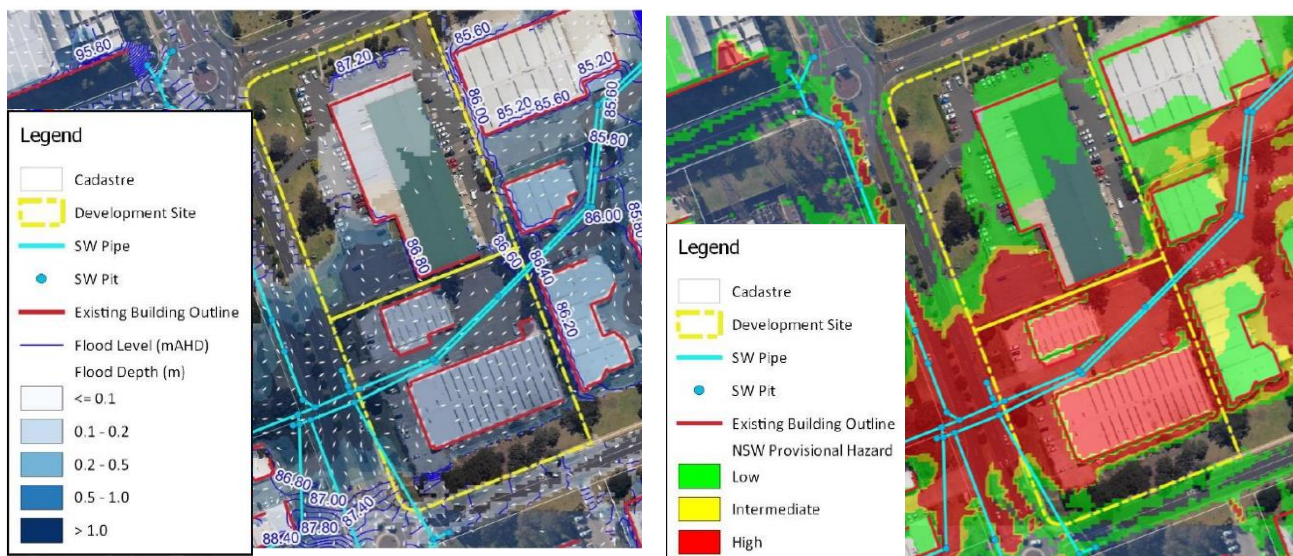


Figure 9 Updated existing conditions, (L) PMF flood level & depth (R) flood hazard (Source: Flood Impact Assessment Report, Figures 16 and 18)

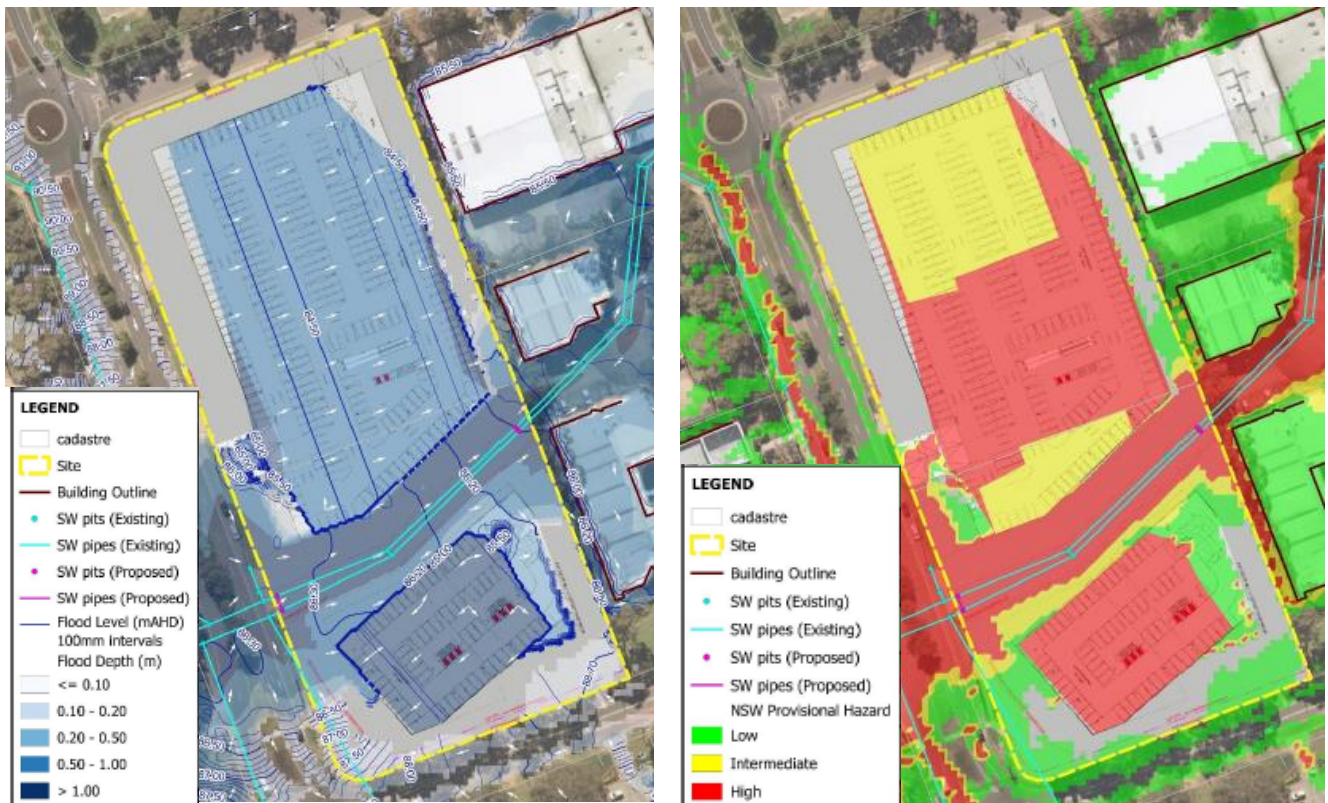


Figure 10 Post development conditions, (L) PMF flood levels & depths, (R) PMF flood hazard (Source: Flood Impact Assessment Report, Figures 27 and 29)

4.2 Social and economic

The proposal is considered to have positive economic outcomes by contributing towards increased employment opportunities and local businesses. The supporting development concept includes public spaces such as an urban plaza and through site links for pedestrian connectivity.

4.3 Local Infrastructure

Council considered and resolved to accept, in principle, a draft voluntary planning agreement offer supporting this planning proposal at its meeting on 25 June 2024 (**Attachment K**).

The draft VPA will require the developer to dedicate approximately 676m² of the site to Council to facilitate the widening of Carrington Road and upgrade of the intersection of Victoria Avenue and Carrington Road.

The VPA is in addition to development contributions required under Contributions Plan No 19 – Showground Precinct. It is noted that CP19 generally accounts for uplift and extent of growth proposed on the site through the planning proposal.

4.3.1 Traffic and Transport

A Traffic Impact assessment (**Attachment H**) supports the planning proposal. It states the development would require some 1,200 to 1,400 parking spaces. However, it is noted the Council report from 10 October 2023 refers to updated car parking rates which are replicated in the draft DCP (**Attachment D**). The updated rates would reduce the car parking spaces to 938.

Council's report to the local planning panel (**Attachment B**) has provided the following commentary, drawing on inputs from the Traffic Impact Assessment supporting the planning proposal:

- Vehicle access to the site is proposed to be provided from the site's three road frontages, with the primary vehicular entry point proposed from Victoria Avenue (2 entry and 2 exit lanes providing access to the basement parking area)
- Regional traffic modelling is 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 growth to 2036.
- Consultation with Transport for NSW is proposed to be undertaken to understand any regional traffic upgrades required as a result of the planning proposal.

Council requested pre-Gateway comments from Transport for NSW on 10 January 2024 to address concerns regarding access to the development from Victoria Avenue (as proposed by the proponent) compared with Council officer's preference from a lower order road. Transport's response (**Attachment E**) did not object to access from Victoria Avenue when pedestrian safety is maintained, however requested SIDRA modelling to better understand queuing impacts and congestion along the surrounding road network.

Transport's submission included the following advice relevant for the Department's assessment at Gateway:

- An updated Traffic and Transport Study be prepared to support the planning proposal. The traffic generation for this site is substantial enough, that at a minimum, localised SIDRA network modelling should be undertaken for adjacent intersections along Victoria Avenue and access points to the development. This includes Showground Road, Victoria Avenue/Green Road.
- 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 side modelling has only examined the weekday peaks.
- Transport provides a number of matters to be considered in the updated Traffic and Transport study.
- Transport is supportive of land acquisition for the intersection upgrade outlined in the concept plan Victoria Ave Salisbury Road TfNSW Design.pdf
- Transport supports the minimum and maximum car parking rates listed in the draft site specific DCP and draft Norwest Precinct Plan (now adopted) including commercial land use 1 space per 75m² (min), 1 space per 60m² (max), and retail land use 1 space per 50m² (min) and 1 space per 25m² (max).
- Ensure any Sydney Metro assets are correctly shown in the documentation

The Gateway determination has been conditioned to provide an updated Traffic and Transport study and planning proposal addressing Transport for NSW's submission dated 10 January 2024.

5 Consultation

5.1 Community

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

5.2 Agencies

The proposal recommends consultation occur for the following agencies:

- Transport for NSW

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

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

6 Timeframe

Council proposes to complete the LEP by May 2025.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as standard.

The Department recommends an LEP completion date of 27 June 2025 due to the delay in issuing a Gateway determination. A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

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

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

8 Assessment summary

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

- It is consistent with the objectives and priorities of the Central City District Plan
- It is consistent with The Hills Shire Council's Local Strategic Planning Statement
- It is not considered to have significant adverse impacts overall including environmental, social, economic, traffic and infrastructure impacts.

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- Update documents within the planning proposal package that will be placed on exhibition so it is consistent with the planning proposal submitted by Council to the Department for Gateway determination. This includes removing the reference to 'shops' in any documentation.
- Update how the planning proposal addresses the Section 9.1 Direction 4.1 Flooding, specifically (1)(a)-(d) of the Direction.
- Update how the planning proposal addresses SEPP(Biodiversity and Conservation 2021), Part 6 Water Catchments.
- Update the Traffic and Transport report to address Transport for NSW's submission dated 10 January 2024.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Direction 4.1 Flooding are minor and justified

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

1. The planning proposal is to be updated to:
 - Update documents within the planning proposal package that will be placed on exhibition so it is consistent with the planning proposal submitted by Council to the Department for Gateway determination. This includes removing the reference to 'shops' in any documentation.
 - Update how the planning proposal addresses the Section 9.1 Direction 4.1 Flooding, specifically (1)(a)-(d) of the Direction.
 - Update how the planning proposal addresses SEPP(Biodiversity and Conservation 2021), Part 6 Water Catchments.
 - Update the Traffic and Transport report to address Transport for NSW's submission dated 10 January 2024.
2. Prior to community consultation, the planning proposal is to be revised to address condition 1.
3. Consultation is required with the following public authorities:
 - Transport for NSW
 - Department of Climate Change, Energy, the Environment and Water
 - Utility providers including Sydney Water, Endeavour Energy
4. The planning proposal should be made available for community consultation for a minimum of 20 working days.

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 27 June 2025 be included on the Gateway.

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



09.10.24

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17.10.24

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