

PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: The Hills Shire Council

NAME OF DRAFT LEP: Draft Baulkham Hills Local Environmental Plan 2005 (Amendment No.(NO)) -

ADDRESS OF LAND:

- Lots 1125 through to Lot 1138 DP 1029338
- Lots 1021 and 1022 DP 1091484
- Part Lot 5 DP 30916
- Lot 901 DP 1029336
- Prestwick Avenue, Rouse Hill

MAPS:

- Locality map showing the existing zoning of the site and surrounding land– Refer Attachment A.
- Proposed zoning for the site including Building Height Map and Floor Space Ratio Map - Refer Attachments B, C, D.

PHOTOS AND OTHER VISUAL MATERIAL:

- Aerial photo showing the land affected by the planning proposal – Refer Attachment E.

1. OBJECTIVE OF PROPOSED LOCAL ENVIRONMENTAL PLAN (LEP):

The purpose of the draft plan is to rezone privately owned land being Lots 1125 through to Lot 1138 DP 1029338, Lots 1021 and 1022 DP 1091484, Part Lot 5 DP 30916, Lot 901 DP 1029336 and Prestwick Avenue, Rouse Hill, currently zoned Residential 2 (c) (Tourist Village) and Light Industry 4 (b) to Business 3(a) (Retail) to accommodate retail, bulky goods enterprises and commercial development of the site.

2. PROVISIONS TO BE INCLUDED IN PROPOSED LEP:

As part of the implementation of the standardised template, along with the rezoning map the draft LEP will include Building Height and Floor Space Ratio controls, rather than providing these within a Development Control Plan (DCP).

3. JUSTIFICATION FOR THE PLANNING PROPOSAL:

A. Need for the planning proposal

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

The Hills Shire Council's Centres Direction was adopted on 23 June 2009 and identifies a demand for an additional 81,000m² of bulky goods floor space to meet the Shire's needs by 2031. A copy of the Centres Direction is included as Attachment F.

The Centres Direction indicates criteria for determining the location of bulky goods precincts. Considerations include:

- the opportunity to support major centres such as Rouse Hill;
- the provision of public infrastructure including roads and public transport;
- connections to and compatibility with surrounding land uses;
- traffic generation and accessibility with no direct access to classified roads;
- impacts on the supply and affordability of employment and residential land; and
- economic impact assessment.

The subject location satisfies the criteria as a suitable site for a bulky goods development, justifying the planning proposal to rezone the relevant land.

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

The subject site adjoins a major centre and under the Centres Typology and Hierarchy contained in the Centres Direction, is considered an appropriate location for bulky goods development.

3. *Is there a net community benefit?*

The provision of an additional 53,200m² of retail/commercial and bulky goods floor space has the potential to create more than 1,000 new jobs, increasing local employment opportunities. Based on information supporting the rezoning application, the direct effect of annual sales ranges from \$267m to \$300m.

Using this figure, the multiplier effect, calculated using Councils economic impact modeling software Remplan, developed by La Trobe University and Compelling Economics Pty Ltd, indicates the proposed rezoning and associated development of the site has the potential to create a further 3,000 jobs within the Shire, with an increased annual output of \$464m.

It is expected that the increase in bulky goods, retail and commercial floor space would support the viability of the existing Rouse Hill major centre by drawing an additional catchment population, employment and revenue to the area.

B. Relationship to strategic planning framework

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

Both the Metropolitan Strategy and the Draft North West Subregional Strategy include objective *B4.1 Concentrate retail activity in centres, business development zones and enterprise corridors*. The Metropolitan Strategy (Action B4.1.2) requires that retailing in industrial areas be limited to those uses which are ancillary to industrial uses or that have operating requirements or demonstrable off site impacts similar to industrial uses.

Rouse Hill is identified as a "Developing Town Centre" in the draft North West Subregional Strategy. The Strategy provides a number of actions for Council's in relation to centres and employment:

A1.1.2 - North West councils to prepare Principal LEPs which provide sufficient zoned and serviced commercial and employment land to meet the employment capacity targets

B3.4.1 - North West Councils to continue to support sufficient supply of commercial office sites in strategic centres, in line with employment targets, including through the use of the commercial core zoning in Principal LEPs where appropriate.

B4.1.2 - North West Councils to investigate appropriate locations for retail uses in centres, business development zones (supporting identified strategic centres) and Enterprise Corridors.

The rezoning of the site will enable future retail/commercial development, which will respond to these actions by providing appropriately situated retail and commercial floor space that will increase employment opportunities and support the viability of the

Rouse Hill major centre development. The planning proposal and likely resultant development is considered to be complementary to the current Town Centre and compatible with existing and future development of adjoining land.

Under Baulkham Hills Local Environmental Plan 2005 (BHLEP) the Business 3(a) (Retail) zone is the most appropriate zone to accommodate the proposed retail/commercial and bulky goods activities. The translation of the Business 3(a) zone under the current LEP to a new zone under the standardised template Shire LEP 2010 will be considered later in 2009. A preliminary review of the template zones has identified that Zone B5 Business Development would be the most appropriate zone to enable specialised retail uses that require a large floor area, in locations that are close to, and support the viability of centres.

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

The Hills 2026 Community Strategic Direction identifies the community's vision for the Shire and demonstrates how Council will align its delivery of services and facilities to support this vision. In accordance with the 2008-2012 delivery program working towards meeting the goals of Hills 2026, the rezoning and subsequent development of this site would contribute towards achieving the needs of the broader community, offering flexibility and better usage of existing land and infrastructure while providing increased service levels. The rezoning will provide a social benefit to the community through the generation of employment opportunities from both the retail and commercial development within the precinct.

Council's Centres Direction provides an overall strategic context for planning and management of the retail/commercial centres. The Direction makes an assessment of the current and future floor space requirements of the various retail needs in the Hills Shire. In respect of bulky goods style retailing, the Direction indicates a demand for an additional 81,000m² of floor space by 2031. Whilst some of this floor space is likely to be achieved in the Castle Hill Industrial Area, there is potential for these activities to be provided in other locations within the Shire. The most appropriate location for such activities is either within or adjacent to the existing centres.

The Centres Direction also establishes a hierarchy of centres throughout the Shire and identifies the Rouse Hill Centre as a major centre with the objectives of:

- Encouraging a mix of business, retail, residential and community uses within the core of the centre;
- Allowing height and FSR to reflect the centres role as a primary retail and commercial centre within the Shire by a taller commercial built form; and
- Encouraging land uses which include a broad range of retail, commercial, entertainment and community facilities.

The proposed development is adjacent to the yet to be developed northern frame of the Rouse Hill Centre and is considered to be appropriate location for bulky good activities on the fringe of the Centre, with good access by vehicle and public transport. It is also noted that previous advice from the Department of Planning supports the establishment of bulky good retailing in such locations.

3. *Is the planning proposal consistent with applicable state environmental planning policies?*

The plan is consistent with the relevant state environmental planning policies as indicated in Attachment G.

4. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

The plan is consistent with the relevant Ministerial Directions as outlined in Attachment H.

C. Environmental, social and economic impact

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

The majority of the subject site is substantially clear of vegetation, however, Council's vegetation map indicates that Lot 5 DP 30916 contains Cumberland Plain Woodland which is listed as an endangered ecological community in Part 3 of Schedule 1 of the *Threatened Species Conservation Act 1995* (TSC Act).

The Flora & Fauna Assessment submitted with the rezoning application concludes that native vegetation on the site consists of native dominated grassland, and an area of remnant woodland trees representative of the historical vegetation community River-flat Eucalypt Forest of the NSW North Coast, Sydney Basin and South East Corner bioregion which is an Endangered Ecological Community (EEC) listed under the NSW TSC Act. However, based on the highly degraded understorey (due to grazing) of the remnant patch, the report concludes that the patch no longer represents the historical vegetation community and its removal will therefore not impact upon any ECC. No threatened plant species were recorded on the site.

Council's Flora and Fauna Project Officer has reviewed the report and accepts the conclusion that the remnant stand of trees does not constitute an EEC due to the loss of understorey. However, based on the evidence provided, the remnant vegetation is likely to be more consistent with highly degraded Cumberland Plain Woodland (CPW) EEC, and likewise excluded from the TSC Act listing of the latter due to the level of degradation.

Justification for the removal of the remnant vegetation is based on the proposed extension of Green Hills Drive, which forms an important regional transport corridor for access to the Rouse Hill Town Centre.

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

Traffic

It is noted that rezoning of the site for the purposes of retail and commercial development will result in a significant increase in local traffic in the area. However, the rezoning provides an opportunity to complete the Green Hills Drive link, a vital piece of transport infrastructure that will contribute to the provision of local transport infrastructure for the current and future population.

A planning agreement has been drafted by the applicant to ensure that future development of the site provides for the construction of the transport link and the signalisation of the intersection of Green Hills Drive, Commercial Road and Caddies Boulevard. Based on the submitted traffic report, the proposed works will ensure that sufficient capacity exists to accommodate future traffic generation from the site.

Amenity Impacts

A concept proposal has been submitted with the rezoning application that identifies the development, main vehicular and pedestrian entries presenting to Commercial Road. A further vehicle entry will be provided along the Green Hills Drive frontage. Delivery

vehicles will gain access to the development from both Commercial Road and Green Hills Drive with the loading and unloading area at the rear of the building.

Whilst there is a significant separation proposed (25m landscaped buffer) between the development and residential lots on the northern side of Carnoustie Street, acoustic impacts will be addressed within the supporting amendment to Council's Baulkham Hills Development Control Plan Part C Section 8 – Business that proposes the loading/unloading facilities be fully enclosed to minimise potential noise impacts.

The proposed building heights of 15m and 21m are considered appropriate on the site when taking into consideration existing and proposed development on adjoining land, in particular the Rouse Hill Town Centre to the south with an approved maximum building height of 26m.

It is considered that the proposed development concept and associated building heights of the development would be consistent with the nature and character of the surrounding Rouse Hill Precinct, providing a consistent built form throughout the area. The proposed maximum building height proposed for the site and FSR will be included in Baulkham Hills Local Environmental Plan 2005.

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

Based on an Economic Need Impact and Impact Assessment Report prepared by Leyshon Consulting, the direct effect of annual sales ranges from \$267m to \$300m with the potential to create more than 1000 jobs. Using this figure, the multiplier effect, calculated using Councils economic impact modeling software Remplan, developed by La Trobe University and Compelling Economics Pty Ltd, indicates the proposed rezoning and associated development of the site has the potential to create a further 3,000 jobs within the Shire, with an increased annual output of \$464m.

D. State and Commonwealth interests

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

The site is considered to be highly accessible by both private vehicles and public transport, being located on Commercial Road, adjacent to Windsor Road and within easy reach of the Town Centre. The site is also supported by an extensive road network including Windsor Road and the future Green Hills Drive extension.

Whilst the primary mode of accessing any future development on this site will be via private vehicles, public transport is likely to play a role in delivering employees and those wishing to shop and make use of home delivery option. The site is within 800 metres of the bus interchange and the future rail station at the Rouse Hill Centre and is within easy access to local bus services. The proximity of the site to a public transport network meets the aims of the *Integrating Land Use and Transport* policy and guidelines prepared by the State Government, by providing services that would ensure visibility and safety for users while ensuring the function of the site is viable and maximising the potential for multi-purpose trips.

The site is burdened by a transport corridor as identified by State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The origin of this corridor relates to SREP 18 Public Transport Corridor and proposals by T-Ways to provide bus priority corridors immediately north of the Rouse Hill Town Centre via Green Hills Drive.

This status is reflected by Council's BHLEP 2005 map which identifies the corridor as an Deferred Matter under the former Section 70(4) of the EP&A Act. Accordingly, the zoning of this corridor is Special Uses 5(a)(Public Transport Corridor) under Baulkham Hills Local Environmental Plan 1991.

Green Hills Drive will provide an important link for future development in the Shire, particularly taking into account the area of Box Hill which has been identified by the NSW Department of Planning for future residential and industrial development. The connection of the corridor at this location is only a small portion of the overall corridor and would ensure an increased level of public transport and vehicular connectivity throughout this section of the Shire. Furthermore the link will provide for the increase in population and vehicular movements that will be created by future development in the Box Hill area and will provide an important link between Box Hill and the Rouse Hill Town Centre increasing accessibility and public transport.

Future development of the site is dependent upon the construction of Green Hills Drive to provide access to the developments main car park, service access and vehicular access from the adjoining road network. Therefore to facilitate future development of the site as proposed, the construction of this portion of the transport link will be required as part of the future development of the site.

A planning agreement has been drafted to ensure that future development of the site provides for the construction of the transport link and the signalisation of the intersection of Green Hills Drive, Commercial Road and Caddies Boulevard. It is intended that the planning agreement be exhibited concurrently with the planning proposal.

The dimensions of the proposed corridor are likely to reflect the already built portion of Green Hills Drive to the north and is proposed to be completed (connecting the northern section of Green Hills Drive with Commercial Road) as part of the development on the site. The link, once completed will be subject to a rezoning to an appropriate template zone to be addressed as part of the Shire wide principle Template LEP.

Clause 16 of the Growth Centres SEPP outlines the matters to be considered for development within growth centres, which include a requirement for Council to consider whether the proposed development will hinder the orderly and co-ordinated provision of infrastructure that is planned for the growth centre. As indicated, the proposal would require the extension of Green Hills Drive ensuring the development complies with the SEPP.

2. *What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal? (Note: The views of State and Commonwealth Public Authorities will not be known until after the initial gateway determination. This section of the planning proposal is completed following consultation with those public authorities identified in the gateway determination.)*

Following the Gateway determination, the relevant agencies will be consulted. Any proposed variations to the planning proposal would be addressed in the submission following the consultation period.

4. DETAILS OF THE COMMUNITY CONSULTATION THAT IS TO BE UNDERTAKEN:

It is intended to advertise the proposed rezoning in local newspapers. The exhibited material will be on display at Council's administration building located at 129 Showground Road, Castle Hill between the hours of 8.30am to 4.30pm Monday to Friday and at Vinegar Hill Memorial Library located at 29 Main Street, Rouse Hill Town Centre NSW 2155 Monday, Tuesday, Wednesday and Friday 10am - 6pm, Thursday: 10am - 9pm, Saturday: 10am - 5pm and Sunday: 1pm - 5pm. The exhibition material will also be made available on Council's website. In addition, letters will be issued to adjoining property owners advising them of the proposed rezoning.

The Gateway determination will identify any additional consultation required.