## PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: The Hills Shire Council

NAME OF PLANNING PROPOSAL: Proposed The Hills Local Environmental Plan 2012 (Amendment No.( )) – Proposed rezoning of Lot 1 DP 792565, No. 221 North Rocks Road, North Rocks from IN1 General Industrial to R3 Medium Density Residential.

ADDRESS OF LAND: Lot 1 DP 792565, No. 221 North Rocks Road, North Rocks

MAPS:

Attachment A: Locality and Zoning Map (existing zoning *The Hills LEP 2012*)

Attachment B: Proposed Zoning Map

Attachment C: Proposed Height of Buildings Map

Attachment D: Proposed Lot Size Map
Attachment E: Proposed Floor Space Ratio

#### SUPPORTING MATERIAL

Attachment F: Aerial Photograph of Subject Site

Attachment G: Council Report and Resolution - 27 November 2012 with

attachments:

Planning Proposal Final Report

Traffic Impact Statement

Preliminary Contamination Assessment

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

The objective of the proposed LEP is to rezone Lot 1 DP 792565, No. 221 North Rocks Road, North Rocks from IN1 General Industrial to R3 Medium Density Residential pursuant to The Hills Local Environmental Plan 2012 to permit residential development on the site since it is no longer suitable for use for industrial purposes.

## 2. PROVISIONS TO BE INCLUDED IN PROPOSED LEP:

The proposed LEP seeks to make the following changes to the site proposed to be zoned R3 Medium Density Residential (Attachments A-E):

- Reduce the building height from 16m to 9m;
- Delete a maximum FSR requirement of 1:1; and
- Reduce the minimum lot size from 4000m² to 700m².

## 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?

On 13 June 2012 Council received an application to rezone the subject site from IN1 General Industrial to R1 General Residential. The application was supported by a Planning Proposal Report, Traffic Impact Statement, Preliminary Contamination Assessment and concept architectural drawings (Attachment G) illustrating a combination of multi dwelling housing and residential flat buildings on the site.

The site is located on the periphery of the 46 hectare North Rocks Industrial Precinct and makes up 2.1 percent of the Precinct. The site has been used for industrial purposes for at least 50 years, with the most recent tenant vacating the property in March 2011. Since this time there has been no interest in leasing the large building located on the

property despite a reduction in rent. It has been estimated that the replacement cost of the industrial asset and anticipated yield after replacement, would not provide a positive return on the investment, therefore a residential rezoning is being pursued.

#### Planning Proposal Final Report and Council Report 27 November 2012

The proposal was considered by Council at a meeting on 27 November 2012. A residential zoning was supported for reasons outlined in the supporting Planning Proposal Report including:

- Isolation and disconnection The site is located on the periphery of the industrial area and is isolated from it by having direct access to North Rocks Road since most of the industrial properties are accessed via Loyalty and Trent Roads.
- Suburban locality & transport infrastructure The site is bounded on three sides by residential development ranging from single dwellings to multi dwelling housing. The site is within reasonable distance of major transport infrastructure including the M2, M7 and James Ruse Drive, and has access to frequent services.
- Right of Way access The site benefits from a right of way carriageway over an
  adjoining residential allotment used by the multi dwelling housing development to
  the rear of the site. The shared access of light industrial and residential development
  creates potential for conflict which would be eliminated if the site were rezoned to
  residential.
- Road weight limitations An 8 tonne weight limit applies to North Rocks Road which restricts the potential use of the site for freight logistics purposes.
- Vegetation and Topography The site is well vegetated along its western boundary
  which provides a visual buffer between the site and adjoining industrial development.
  The raised level of the site provides views across the industrial precinct rather than
  having a direct interface with daily industrial activity and its natural fall to the rear
  facilitates the provision of underground parking.
- Adjoining land to West The industrial building immediately adjoining the site to the
  West has received planning approval for a place of worship which further isolates the
  subject site from the remainder of the industrial area, and supports the need for a
  transitionary buffer between industrial land and lower density residential land in the
  east.
- Outdated building infrastructure the existing building on the site is nearing the end
  of its economic life and its redevelopment for industrial purposes is not financially
  feasible. Its position on the site with generous landscaped set back does not provide
  an obvious industrial presence which would assist in attracting a new tenant.

Whilst the Council report recommended that a rezoning of the site for residential purposes be supported, the most appropriate zoning is considered to be R3 Medium Density Residential rather than R1 General Industrial since the R1 zone is typically applied to land adjoining town centres. The commercial uses permitted in the R1 zone are neither characteristic of the adjoining low to medium density residential zones, nor the adjoining industrial zone and the application of the R1 zone would be inappropriate in this location. The R3 zone is consistent with adjoining land to the north developed for multi dwelling housing, and provides an appropriate transition between the industrial precinct and existing low density residential development on land zoned R2 Low Density Residential to the east.

The associated amendments to provisions including the deletion of an FSR requirement, reduction of building height from 16 to 9m and minimum lot size from 4000m² to 700m² are consistent with the adjoining residential land.

#### Traffic Impact Statement

The Traffic Impact Statement submitted with the planning proposal found that:

- The scale of the proposed rezoning proposal presents negligible impact in terms of traffic generation potential on the surrounding road network.
- Heavy vehicle generation would significantly decrease.
- The existing access arrangements provide a satisfactory level of traffic safety as they both meet the required sight distance measurements.
- Residential parking may be accommodated underground due to the sloping site.
- The site is serviced by buses connecting to Epping and Parramatta.

#### Preliminary Contamination Assessment

The Preliminary Contamination Assessment submitted with the proposal assessed the site's potential risk to harm human health and/or the environment. The current land use and site conditions present only a low potential for contamination however it was recommended further sampling and testing be undertaken at the development stage to determine the level of remediation necessary to render the site suitability for residential development.

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

Yes. The planning proposal is required to permit the redevelopment of the site for residential purposes.

## 3. Is there a net community benefit?

Yes. The redevelopment of the site for medium density residential development will provide an appropriate transition between low density residential development in the east and the remainder of the North Rocks Industrial Precinct to the west. It will provide further housing choice in an established urban area with access to public transport. It will also eliminate the potential for land use conflict between industrial and residential uses that share the right of way over the site.

### 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)?

#### Metropolitan Plan for Sydney 2036

Actions E3.2 and E3.3 of the NSW Government's *Metropolitan Plan for Sydney 2036* state the value of 'identifying and retaining strategically important employment lands' and the need to 'strengthen existing freight and industry clusters and support emergence of new clusters, including eight significant freight industry clusters'.

The site is not identified as one of the eight significant freight industry clusters. The age of the building and the physical dislocation of the site from the remainder of the industrial area do not cause the site to be deemed strategically important.

The planning proposal is consistent with the Strategy as it will provide housing in an existing urban area, with access to bus routes and significant transport infrastructure.

#### **Draft North West Subregional Strategy**

The draft North West Subregional Strategy classifies the North Rocks industrial area as 'Category 1 land', which is employment land to be retained. However, the physical separation of the site from the industrial area significantly reduces its strategic importance.

The planning proposal is consistent with the draft strategy as it provides living opportunities within an established urban area that will capitalise on existing transport opportunities.

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

#### The Hills Shire Local Strategy

#### - Residential Direction

Council's Residential Direction demonstrates the Shire's existing planning framework has sufficient capacity to accommodate the North West Subregional Strategy housing targets of 36,000 dwellings in established and release areas. In this regard, the rezoning of the subject site for residential purposes is not required to meet housing targets. However, the planning proposal to rezone the site to R3 Medium Density Residential would be consistent with the Direction since it would contribute to a diversity of housing choice in an existing urban environment, in close proximity to services and transport infrastructure, and would be in keeping with the character of the surrounding development.

#### - Employment Lands Direction

The North West Subregional Strategy establishes an employment capacity target for the Shire from 2001 to 2031 of 47,000 jobs. The Employment Lands Direction demonstrates that there is capacity to meet this target with capacity for 55,574 additional jobs to 2031.

Due to trends relating to the decline in demand for industrial floor space, the North Rocks Industrial Precinct is identified in the direction as being vulnerable to vacancies and job losses, a situation that is currently evident with the site now being vacant for more than one year. The Direction also flags the Precinct as having potential for redevelopment and renewal. A residential zoning is considered the most appropriate option for the site.

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

The planning proposal is consistent with all applicable state environmental planning policies. Refer to Table 1 for a full list of SEPPs. Of the applicable State policies, *State Environmental Planning Policy No. 55 Remediation of Land* is relevant as detailed below.

State Environmental Planning Policy No. 55 Remediation of Land (SEPP 55) requires a Council, in rezoning land, to be satisfied that the land can be made suitable for the intended purpose. To comply with SEPP 55 and the State Government's Managing Land

Contamination Guidelines a rezoning application must consider contamination and remediation.

A Preliminary Contamination Assessment submitted with the proposal assessed the site's potential risk to harm human health and/or the environment. The current land use and site conditions present only a low potential for contamination however it was recommended further sampling and testing be undertaken at the development stage to determine the level of remediation necessary to render the site suitability for residential development. Should the planning proposal receive a Gateway determination it is anticipated that further investigations will be required.

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

The planning proposal is consistent with all applicable Section 117 Directions with the exception of a minor inconsistency with Direction 1.1 Business and Industrial Zones which is discussed below. Consistency with other relevant Directions 3.1, 3.4, 4.4, 6.1 and 7.1 is also described below. Refer to Table 2 for a full list of Section 117 Directions.

### 1.1 Business and Industrial Zones

The objectives of this direction are to:

- (a) encourage employment growth in suitable locations;
- (b) protect employment land in business and industrial zones; and
- (c) support the viability of identified strategic centres.

The planning proposal will have minimal impact on the capacity of employment lands as the site is under-utilised, being vacant and unable to attract an occupant for more than one year and forms just 0.3% of light industrial land in The Hills Shire and 0.02% of employment land in the North West Sub-Region.

The North Rocks Industrial Precinct is not identified as a strategic industrial location. Furthermore, the site's isolation on the periphery of the industrial area, shared access with residential development and typography, which physically separates the subject site from adjoining industrial land, provides sufficient merit to support a residential rezoning.

The non-compliance with this direction is considered to be minor in accordance with (5)(d) of the direction. The concurrence of the Director-General is sought in this regard.

### 3.1 Residential Zones

The objectives of this direction are to:

- (a) to encourage a variety and choice of housing types to provide for existing and future housing needs;
- (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services; and
- (c) to minimise the impact of residential development on the environment and resource

Rezoning the site for residential purposes would provide housing within the existing urban area which would make use of existing infrastructure and services. The planning proposal is consistent with this direction.

### 3.4 Integrating Land Use and Transport

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) improving access to housing, jobs and services by walking, cycling and public transport; and
- (b) increasing the choice of available transport and reducing dependence on cars, and reducing travel demand including the number of trips generated by development and the distances travelled, especially by car; and
- (c) supporting the efficient and viable operation of public transport services, and providing for the efficient movement of freight.

This Direction is applicable since it proposes to remove an industrial zone and create a residential zone. The subject site is located within a developed urban area with access to public transport (buses) and infrastructure, is within reasonable travel distance of the North Rocks Town Centre. The planning proposal is consistent with this direction.

#### 4.4 Planning for Bushfire Protection

The objectives of this direction are:

- (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas; and
- (b) to encourage sound management of bush fire prone areas.

As illustrated in Figure 1 below, part of the site is situated within the bushfire prone land vegetation buffer due to its proximity to the Excelsior Avenue Reserve. Whilst the site is within this buffer, it is noted that the land to the rear is already developed for multi dwelling housing. Should the proposal receive a gateway determination to proceed, the applicant would need to address the issue of bushfire threat and possible Asset Protection Zones for future development. The planning proposal is consistent with this direction.

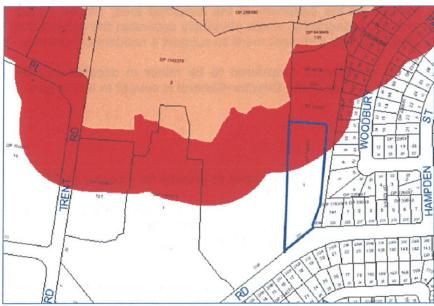


Figure 1: Bushfire affectation in the locality

## 6.1 Approval and Referral Requirements

The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. The planning proposal is consistent with this direction since it does not include provisions requiring the concurrence or referral of future applications to a Minister or public authority.

## 7.1 Implementation of the Metropolitan Strategy

The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the *Metropolitan Strategy 2036*. The planning proposal is consistent with the Strategy as it will provide housing in an existing urban area, with good access to bus routes and significant transport infrastructure.

## 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 site is currently occupied by an industrial building and car park and there are no likely or known threatened species or habitats on the site. The redevelopment of the site for residential development poses no threat in this regard.

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

The rezoning of the site for residential purposes is unlikely to have any environmental impacts. There is some potential for land use conflict between future residential development and the approved place of public worship on the adjoining land to the west due to noise. If a residential rezoning were to occur, appropriate mitigation measures would need to be considered for future development at the development application stage. Any potential conflict generated by a residential zoning is considered to be no more significant than potential conflicts that would be generated by the ongoing use of the site for industrial purposes and its relationship with adjoining dwellings.

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

The planning proposal is not anticipated to have any negative social or economic impacts on the locality. A medium density zoning is compatible with the surrounding area and the proposal will enable the provision of additional housing opportunities in an established area within reasonable distance of the North Rocks town centre.

The development of the site will impact on demand for public amenities and services. In this regard Council has a Section 94A Contributions Plan in place which will assist in responding to such demand.

### D. State and Commonwealth interests

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

The Traffic Impact Statement submitted with the planning proposal which was written in support of the applicant's preference for an R1 zone, found that a medium to high density residential redevelopment of the site would generate slightly less vehicular movements than the occupation of the existing industrial building. It is unlikely that any localised traffic improvements would be required however this would be addressed in detail at the development application stage.

All necessary services are already available to the site.

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

The planning proposal will be advertised in local newspapers and on display at Council's administration building, Baulkham Hills Library and Castle Hill Library. The planning proposal will also be made available on Council's website. In addition, letters will be issued to adjoining and nearby property owners advising them of the proposed rezoning. If required, resident information sessions may be arranged.

TABLE 1: LIST OF STATE ENVIRONMENTAL PLANNING POLICIES

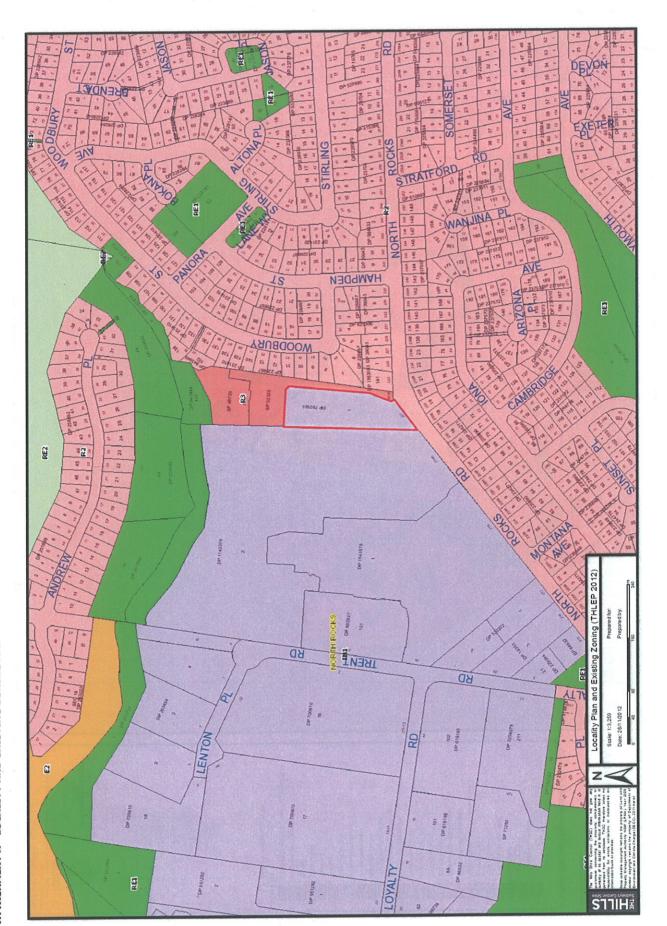
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STATE ENVIRONMENTAL PLANNING POLICY (SEPP)		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
No. 1	Development Standards	YES	NO	
No. 4	Development without Consent and Miscellaneous Exempt & Complying Development	YES	NO	•
No. 6	Number of Storeys in a Building	YES	NO	-
No. 14	Coastal Wetlands	NO	NO	•
No. 15	Rural Land sharing Communities	NO	NO	<b>**</b>
No. 19	Bushland in Urban Areas	YES	NO	
No. 21	Caravan Parks	YES	NO	
No. 22	Shops and Commercial Premises	YES	NO	
No. 26	Littoral Rainforests	NO	NO	. <b>-</b>
No. 29	Western Sydney Recreation Area	NO	NO	
No. 30	Intensive Agriculture	YES	NO	<u>.</u>
No. 32	Urban Consolidation (Redevelopment of Urban Land)	YES	NO	<b>-</b>
No. 33	Hazardous and Offensive Development	YES	NO	<b>-</b>
No. 36	Manufactured Home Estates	NO	NO	
No. 39	Spit Island Bird Habitat	NO	NO	
No. 41	Casino Entertainment Complex	NO	NO	
No. 44	Koala Habitat Protection	NO	NO	•
No. 47	Moore Park Showground	NO	NO	
No. 50	Canal Estate Development	YES	NO	
No. 52	Farm Dams and Other Works in Land and Water Management Plan Areas	NO	NO NO	-
No. 55	Remediation of Land	YES	YES	See question B3 of this planning proposal report.
No. 59	Central Western Sydney Regional Open Space and Residential	NO	NO	-
No. 60	Exempt and Complying	NO	NO	M4
No. 62	Sustainable Aquaculture	YES	NO	
No. 64	Advertising and Signage	YES	NO	-
No. 65	Design Quality of Residential Flat Development	YES	NO	•
No. 70	Affordable Housing (Revised Schemes)	YES	NO	
Affordab	le Rental Housing (2009)	YES	NO	
	Building Sustainability Index: BASIX 2004		NO	<b>H</b>
Exempt and Complying Development Codes (2008)		YES	NO	•
Housing for Seniors or People with a Disability (2004)		YES	NO	-
	Infrastructure (2007)		NO	
Kosciuszko National Park – Alpine Resorts (2007)		NO	NO	-
	Peninsula (1989)	NO	NO	-

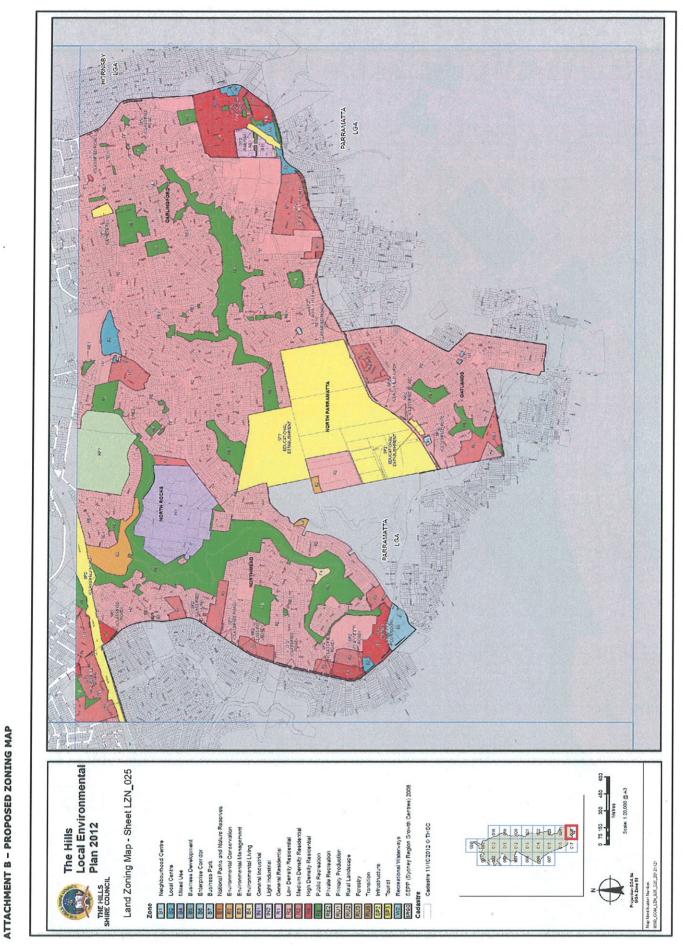
STATE ENVIRONMENTAL PLANNING POLICY (SEPP)	APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
Major Development (2005)	YES	NO	-
Mining, Petroleum Production and Extractive Industries (2007)	YES	NO	-
Rural Lands (2008)	NO	NO	<del></del>
SEPP 53 Transitional Provisions (2011)	NO	NO	*
Sydney Drinking Water Catchment (2011)	NO	NO	₩
Sydney Region Growth Centres (2006)	YES	NO	-
Temporary Structures (2007)	YES	NO	**
Urban Renewal (2010)	NO	NO	<b>+</b>
Western Sydney Employment Area (2009)	NO	NO	***
Western Sydney Parklands (2009)	NO	NO	***

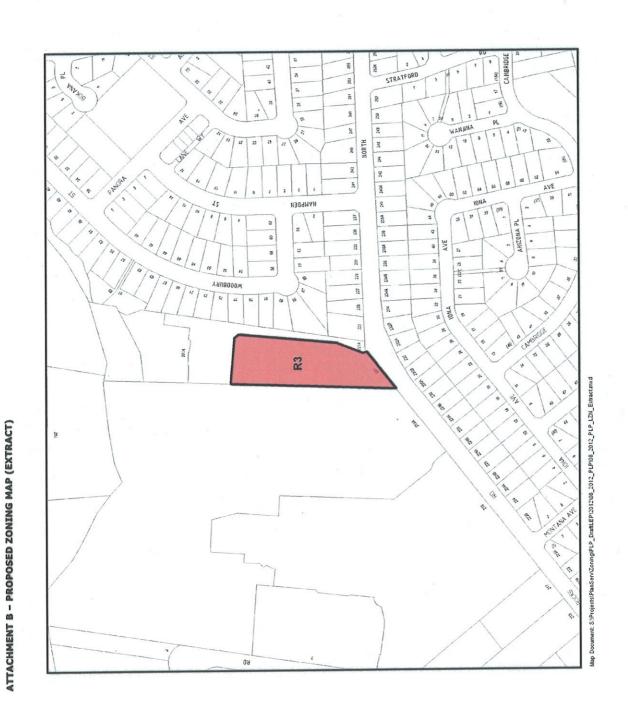
**TABLE 2:** LIST OF SECTION 117 DIRECTIONS

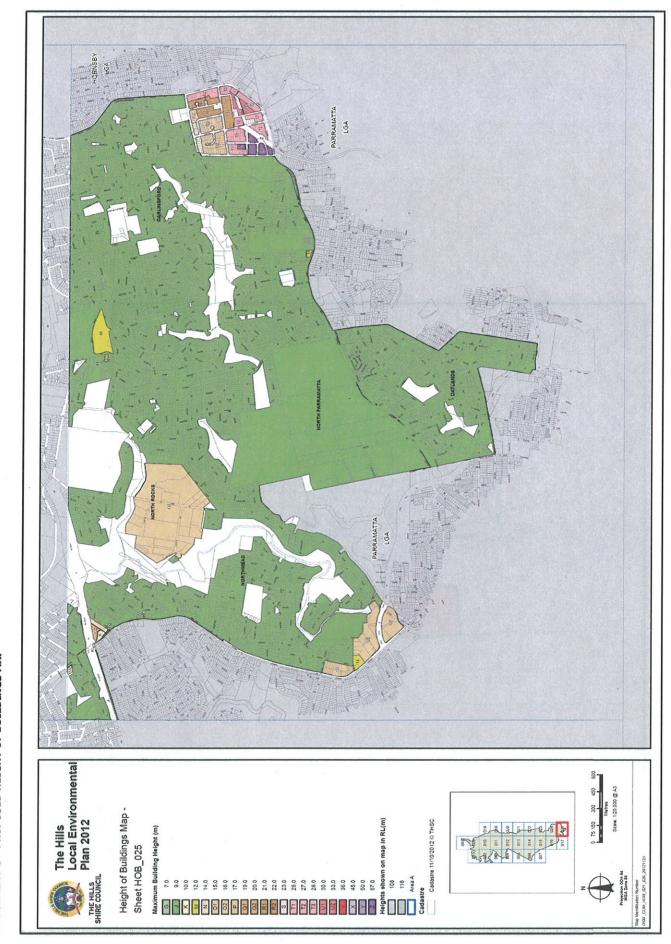
*	DIRECTION	APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/	
		J		CONSISTENT	
1. t	Employment and Resources				
1.1	Business and Industrial Zones	YES	YES	YES - See question B4 of this planning proposal report.	
1.2	Rural Zones	NO	NO	=	
1.3	Mining, Petroleum Production and Extractive Industries	NO	NO	-	
1.4	Oyster Aquaculture	NO	NO		
1.5	Rural Lands	NO	NO	*	
2. E	Invironment and Heritage				
2.1	Environment Protection Zone	YES	NO	_	
2.2	Coastal Protection	NO	NO	•	
2.3	Heritage Conservation	YES	NO		
2.4	Recreation Vehicle Area	YES	NO	-	
3. I	3. Housing, Infrastructure and Urban Development				
3.1	Residential Zones	YES	YES	YES – See question B4 of this planning proposal report.	
3.2	Caravan Parks and Manufactured Home Estates	YES	NO	-	
3.3	Home Occupations	YES	NO	<b></b>	
3.4	Integrating Land Use and Transport	YES	YES	YES – See question B4 of this planning proposal report.	
3.5	Development Near Licensed Aerodomes	NO	NO	-	
3.6	Shooting Ranges	NO	NO		
4. H	lazard and Risk				
4.1	Acid Sulfate Soils	NO	NO	······································	
4.2	Mine Subsidence and Unstable Land	NO	NO	<b>—</b>	
4.3	Flood Prone Land	NO	NO		
4.4	Planning for Bushfire Protection	YES	YES	YES – See question B4 of this planning proposal report.	
5. Regional Planning					
			N.	· · · · · · · · · · · · · · · · · · ·	
5.1	Implementation of Regional Strategies	NO	NO	•	
5.2	Sydney Drinking Water Catchment	NO	NO	AND	

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT		
5.3	Farmland of State and Regional Significance on the SNW Far North Coast	NO	NO	•		
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	NO	NO	<u>.</u>		
5.8	Second Sydney Airport: Badgerys Creek	NO	NO	-		
6. L	6. Local Plan Making					
6.1	Approval and Referral Requirements	YES	NO	YES – See question B4 of this planning proposal report.		
6.2	Reserving Land for Public Purposes	YES	NO	-		
6.3	Site Specific Provisions	NO	NO	**		
7. Metropolitan Planning						
7.1	Implementation of the Metropolitan Plan for Sydney 2036	YES	YES	YES – See question B4 of this planning proposal report.		





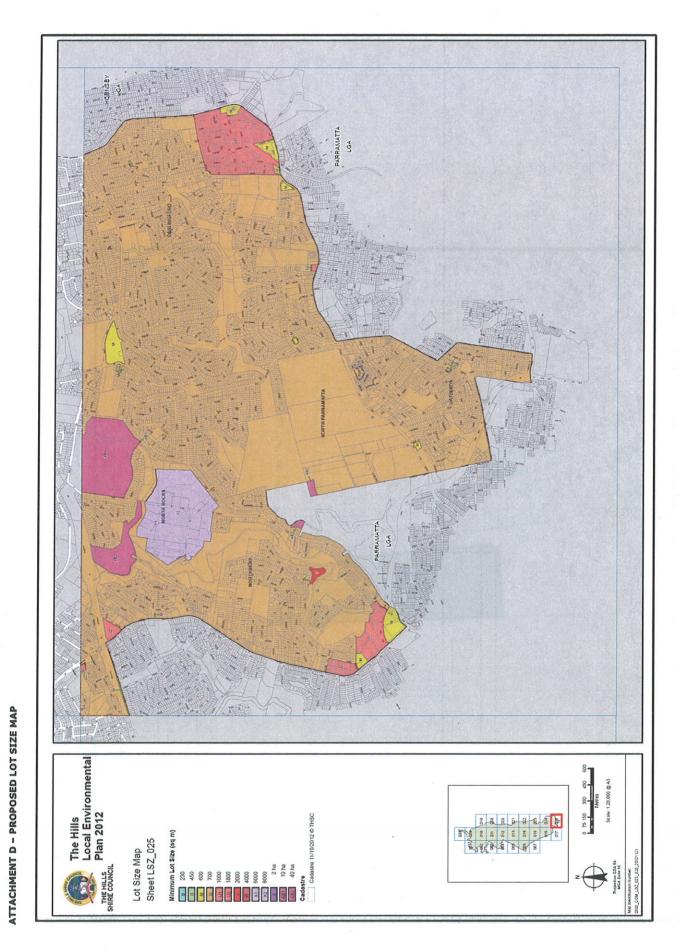




ATTACHMENT C - PROPOSED HEIGHT OF BUILDINGS MAP

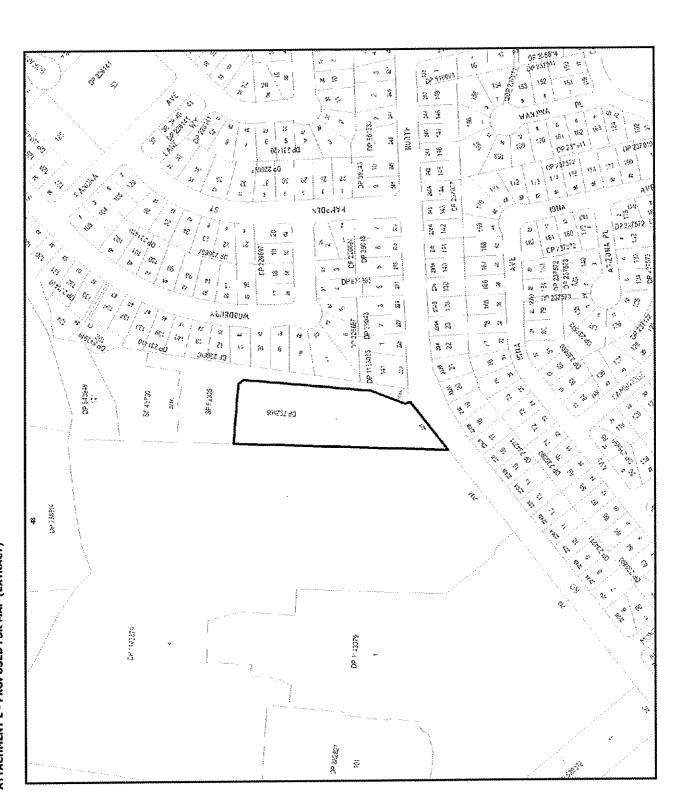


ATTACHMENT C - PROPOSED HEIGHT OF BUILDINGS MAP (EXTRACT)





ATTACHMENT E - PROPOSED FLOOR SPACE RATIO MAP



ATTACHMENT E - PROPOSED FSR MAP (EXTRACT)

