

2 June 2011



Mr Peter Goth
Regional Director
Department of Planning
3 Marist Place
PARRAMATTA NSW 2150

Our Ref: FP176

Dear Mr Goth,

PLANNING PROPOSAL SECTION 56 NOTIFICATION
Proposed Baulkham Hills Local Environmental Plan 2005 (Amendment No.(NO.)) - to allow for bulky goods premises, landscape supply establishments and office warehouses as additional permitted uses over Lots 1021 and 1022 DP1091484 Commercial Road, Rouse Hill.

Pursuant to Section 56 of *The Environmental Planning and Assessment Act 1979*, it is advised that Council has resolved to prepare a Planning Proposal for the above amendment.

Please find enclosed the information required in accordance with the guidelines '*A guide to preparing local environmental plans*' issued under Section 55(3) of *The Environmental Planning and Assessment Act 1979*, together with a locality map and Council's report on the matter.

Council is seeking the approval of the Director General to proceed despite an inconsistency with Local Planning Directions 4.4 Planning for Bushfire Protection and 6.3 Site Specific Requirements. These matters are addressed in the attached Planning Proposal. Following receipt by Council of the Department's written advice, Council will proceed with the Planning Proposal.

Any future correspondence in relation to this matter should quote reference number (FP 176). Should you require further information please contact Ben Creighton on 02 - 9843 0264.

Yours faithfully,

A handwritten signature in dark ink, appearing to read 'Stewart Seale'.

Stewart Seale
MANAGER – FORWARD PLANNING

- ATTACHMENT 1: Planning Proposal
- ATTACHMENT 2: Council Report of 10 May 2011 with attachment proposed draft amendment to insert Bulky Goods controls into Baulkham Hills Development Control Plan
- ATTACHMENT 3: Planning Proposal Report by Urbis Pty Ltd plus supporting documents including Traffic Report, Flora and Fauna Assessment, Indicative Schematics for adjacent land, and Contamination Investigation
- ATTACHMENT 4: Aerial Photograph of Subject Site
- ATTACHMENT 5: *Baulkham Hills LEP 2005* Zone Map Extract
- ATTACHMENT 6: *Draft The Hills LEP 2010* Zone Map Extract
- ATTACHMENT 7: Bushfire Prone Land Extract Map Extract
- ATTACHMENT 8: Bushfire Protection Assessment by Australian Bushfire Protection Planners Pty Ltd

[PLANNING PROPOSAL FOR HOME IMPROVEMENT CENTRE AND BULKY GOODS RETAILIN...](#)
[Attachment 1 - Proposed Bulky Goods Development Controls](#)
[Attachment 1 SA4316 Oxygen Rouse Hill Planning Proposal Report with Ap...](#)
[Application rezoning Commercial Road Rouse Hill](#)

PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: The Hills Shire Council

NAME OF PLANNING PROPOSAL: Proposed *Baulkham Hills Local Environmental Plan 2005* (Amendment No.(NO))* - to allow for bulky goods premises, landscape supply establishments and office warehouses as additional permitted uses over Lots 1021 and 1022 DP1091484 Commercial Road, Rouse Hill.

* Should *Draft The Hills LEP 2010* be gazetted before this Planning Proposal is made, the Planning Proposal will be discontinued. This is because *Draft The Hills LEP 2010* is consistent with the intent of the Planning Proposal.

ADDRESS OF LAND: Lots 1021 and 1022 DP 1091484 Commercial Road, Rouse Hill

MAPS:

- This Planning Proposal amends the Written Instrument only.

PHOTOS AND OTHER VISUAL MATERIAL:

1. Aerial Photograph of Subject Site
2. *Baulkham Hills LEP 2005* Existing Zoning Map Extract
3. *Draft The Hills LEP 2010* Zoning Map Extract
4. Bushfire Prone Land Map Extract

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

The objective of the proposed LEP is to enable bulky goods premises, landscape supply establishments and office warehouses as additional permitted uses over Lots 1021 and 1022 DP1091484 Commercial Road, Rouse Hill and establish the maximum floor space and building height in metres for future development.

2. PROVISIONS TO BE INCLUDED IN PROPOSED LEP:

The proposed draft LEP will rely on Clause 56 'Additional development allowed on certain land' and amend Schedule 6 of *Baulkham Hills Local Environmental Plan 2005* (BHLEP 2005) to enable bulky goods premises; landscape supply establishment; and office warehouse over Lots 1021 and 1022 DP1091484 Commercial Road, Rouse Hill. In addition to allowing the additional permitted uses over Lots 1021 and 1022 DP1091484 Commercial Road, Rouse Hill, the proposed LEP also establishes a maximum floor space ratio and height in metres for the subject site. Table 1 shows the proposed amendment to Schedule 6.

Both the range of uses and development standards are consistent with the future direction of Lots 1021 and 1022 DP1091484 Commercial Road, Rouse Hill as established in *Draft The Hills Local Environmental Plan 2010*.

Table 1: Schedule 6 Additional Development on certain land

Column 1	Column 2	Column 3
Lot 1021 and Lot 1022, DP 1091484, Commercial Road, Rouse Hill	Development for the purpose of a bulky goods premises, landscape supply establishment, and office warehouse.	1. The maximum floor space ratio is 1:1. 2. The maximum height of buildings is 16m.

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 Planning Proposal was submitted by Urbis Pty Ltd on behalf of Hydrox Pty Ltd for additional permitted uses – specifically a Home Improvement Centre and Bulky Goods Premises over lots 1021 and 1022 DP1091484 Commercial Road, Rouse Hill. Supporting information provided with the application includes (Attachment 3):

- Planning Proposal Report prepared by Urbis Pty Ltd (February 2011);
- Traffic Report prepared by Colston Budd Hunt and Kafes Pty Ltd (February 2011);
- Review of Flora and Fauna Assessment for Commercial Road, Rouse Hill prepared by Cumberland Ecology Pty Ltd (9 February 2011);
- Indicative schematics for the subject site and adjacent land prepared by Leffer Simes Architects; and
- Due Diligence Contamination Investigation prepared by Geo-Logic Pty Ltd (30 July 2010)

Council resolved at its meeting of 10 May 2011 to submit a Planning Proposal for Gateway Determination.

The Planning Proposal is consistent with the future direction for the site as established within the recently exhibited *Draft The Hills Local Environmental Plan 2010*. This draft LEP proposes to zone the subject site B5 Business Development (Attachment 6) which will permit the range of additional permitted uses proposed in this Planning Proposal.

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

The Planning Proposal is the most efficient manner of facilitating the use of the site in line with the future direction of *Draft The Hills LEP 2010*.

The Planning Proposal is in effect seeking to bring forward the range of land uses permissible under the future B5 Business Development zoning of the subject site under *Draft The Hills LEP 2010*. Possible other approaches include:

- Introducing the B5 Business Development Zone to BHLEP 2005;
- Introducing a Zone similar to the B5 Business Development Zone; or
- Amending Schedule 6 to enable additional permissible uses over the subject site.

Introducing the B5 Business Development Zone into BHLEP 2005 is problematic and would impact on all zones within the LEP. This is because it would effectively require the majority of existing definitions within BHLEP 2005 to be replaced with definitions from the *Standard Instrument (Local Environmental Plans) Order 2006*. This is a significant quantity of work to undertake for an LEP that will be repealed when the *Draft The Hills LEP 2010* comes into force. This approach is not considered to be appropriate in this instance given the quantity of work involved and the timing of *Draft The Hills LEP 2010*.

An alternative approach is to introduce a zone similar to the B5 Business Development Zone over the subject site. This approach would rely on existing land use terms within BHLEP 2005. However, if a new zone was to be introduced, it would be prudent to also include all other land that is proposed to be zoned B5 Business Development in the future *Draft The Hills LEP 2010*. This is a larger amendment than that proposed within the planning proposal. Likewise it is not considered prudent to

undertake such a significant amendment to BHLEP 2005 when it is soon to be replaced with *Draft The Hills LEP 2010*. As such this approach is also not desirable.

Given the above analysis of alternative approaches, it is evident that retaining the existing zoning but adding bulky goods premises, landscape supply establishment, and office warehouse as additional permitted uses within Schedule 6 of BHLEP 2005 is the most efficient method to facilitate the use of the subject site in the manner proposed. The advantage of this approach is that it will only apply to the subject site as opposed to a zone which could apply to multiple sites. This approach will have no impact on *Draft The Hills LEP 2010* as the proposed uses are all permissible in the future B5 Business Development zone. This will mean that there is no need to carry over land uses within Schedule 6 of BHLEP 2005 into Schedule 1 of *Draft The Hills LEP 2010*.

3. *Is there a net community benefit?*

Yes. The Planning Proposal is within an identified Major Centre. It provides employment and shopping opportunities within walking distance from both homes and public transport routes. Approximately 150 jobs will be created, in addition to those during the construction phase.

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

Within the *Metropolitan Plan for Sydney 2036*, Rouse Hill has been identified as a "Planned major centre". The role of the Rouse Hill planned major centre is to be the main shopping and business centre within the subregion, in addition to Castle Hill. The Planning Proposal is considered to be consistent with the *Metropolitan Plan for Sydney 2036* as it is providing employment and retail opportunities within the Rouse Hill Planned major centre. This is also consistent with the *Draft Centres Design Guidelines* which encourages large format retailers such as bulky goods to be located within identified centres or edge of centre locations.

The following objectives from the *Metropolitan Plan for Sydney 2036* are relevant to the Planning Proposal:

- ***B1 To focus activity in accessible centres***
The Planning proposal is located to the north of the major retail and commercial core of the Rouse Hill centre and in a location where bulky goods premises can form a consolidated industry cluster. The planning proposal is consistent with this objective as it seeks to locate bulky goods retail activity adjacent to the Rouse Hill centre which in turn supports the economic viability of the major centre area.
- ***B2 To strengthen major and specialised centres to support sustainable growth of the city***
The land subject to this Planning Proposal is within an identified major centre. It is consistent with this objective as it seeks to locate retail activities that require large floor areas adjacent to the retail and commercial core of the Rouse Hill centre. This ensures that the centre is strengthened through consolidating retail activity within close proximity to the Rouse Hill centre.
- ***E2 To focus Sydney's economic growth and renewal, employment and education in centres***

The proposal is consistent with this objective as it consolidates retail activity within an identified major centre.

Draft North West Subregional Strategy

The relevant chapter of this subregional strategy is *Centres and Corridors*. Within this chapter the following actions are relevant:

- *B1.2.1 Councils to implement the strategic employment capacity targets and plan for sufficient commercial, retail, industrial and business floor space within Principal LEPs.*
- *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.*

These objectives have been satisfied during the preparation of the Local Strategy and draft *The Hills LEP 2010* by the identification of a centres hierarchy and specific precincts to be zoned for bulky goods retailing. This Planning Proposal is consistent with these actions by virtue of it reflecting the future intent established in the Local Strategy and the recently exhibited *Draft The Hills Local Environmental Plan 2010*.

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

Hills 2026 Community Strategic Direction

The Hills 2026 Community Strategic Direction is the first 20 year outlook for the Hills Shire. It is a direction that creates a picture of where the Hills would like to be in the future. The direction is based on community aspirations gathered throughout months of community engagement and consultation with members of the community.

The planning proposal is consistent with the following Hills 2026 Community Outcomes, and relevant Key Directions:

- BUG 1 – I can get where I need to go
- BUG 2 – Lifestyle options that reflect our natural beauty
- BUG 3 – I can work close to home

In addition to the Community Strategic Direction, Council has adopted a draft Local Strategy together with a number of other Strategic Directions - Residential, Employment Lands, Environment & Leisure, Waterways, Centres, Integrated Transport and Rural Lands. The planning proposal is consistent with the relevant objectives and actions identified in these strategies.

Draft Local Strategy

Council's Draft Local Strategy was adopted on 10 June 2008. It is the principal document for communicating the future planning of the Shire and includes the objectives of longer term planning projects of the State Government as well as responding to, and planning for, local needs such as employment, housing and transport. The Strategy identifies a demand for 81,000m² of bulky goods floor space by 2031.

Centres and Employment Lands Directions

In June 2009 Council adopted its Centres and Employment Lands Directions – two of the seven pillars that together form the Local Strategy.

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 retailing, the Direction indicates a demand for an additional 81,000m² of floor space by 2031.

The growth in bulky goods retailing has been catered for through identification of specific B5 Business Development zones under draft *The Hills LEP 2010*. Council's Centres Hierarchy and Draft *The Hills LEP 2010* identifies the following bulky goods precincts to accommodate the demand for bulky goods floor space:

- Celebration Drive, Bella Vista;
- Victoria Avenue, Castle Hill; and
- Commercial Road, Rouse Hill.

The Planning Proposal relates to the Commercial Road bulky goods precinct which is adjacent to the yet to be developed northern frame of the Rouse Hill centre. This is considered to be an appropriate location for bulky good activities given its accessibility and proximity to the Rouse Hill centre. The type of retailing proposed and its location ensure that it will support and complement the commercial and retail core of the Rouse Hill centre.

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

The Planning Proposal is consistent with all applicable State Environmental Planning Policies (Table 2) except for:

- *State Environmental Planning Policy No.55 (Remediation of Land)*

The proposal is inconsistent with this SEPP as the *Due Diligence Contamination Investigation* does not contain the required information to comply with SEPP 55 and the State Government's *Managing Land Contamination Guidelines*.

The *Due Diligence Contamination Investigation* does however provide enough certainty that the site can be made suitable for the intended future purpose. In addition, a future development application can provide the more detailed information relating to land contamination and its remediation.

In light of the above, this inconsistency is considered to be minor and justifiable.

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

The Planning Proposal is consistent with all applicable Section 117 Directions Planning Policies (Table 3) except for:

- *4.4 Planning for Bushfire Protection*

A slither of the south east corner of the site with frontage to Commercial Road is identified as containing a 30m bushfire buffer area (Attachment 7). Neither Category 1 nor Category 2 land is located on site.

A Bushfire Hazard Report prepared by *Australian Bushfire Protection Planners* for a previous Planning Proposal (Your Reference: P09/00182) on the same land concluded that there is no likelihood of either direct or indirect bushfire attack (Attachment 8).

The inconsistency with this Section 117 Direction is justifiable as there is no bushfire risk.

- *6.3 Site Specific Provisions*

This inconsistency is considered to be minor as the Planning Proposal is effectively bringing forward the height and floor space ratio standards of *Draft The Hills LEP 2010*. The inconsistency is therefore justifiable.

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?*

No. A Flora and Fauna Report submitted with the Planning Proposal concluded that the site did not contain any endangered ecological communities or threatened flora or fauna. In addition, the report identified that the site did not provide suitable habitat for threatened species within the wider area.

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

There are no other likely environmental effects as a result of the Planning Proposal.

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. To ensure that the development does not impact the residential amenity of dwellings to the north, an amendment to Baulkham Hills DCP is proposed (Attachment 2). These controls establish setback and acoustic buffer requirements for development. Additional controls are proposed to ensure that any future development better integrates into its context as part of the Rouse Hill Major Centre.

The Planning Proposal will also provide the opportunity for people to live, work and shop within a close distance to home, public transport routes and a major centre. In addition to the social and environmental benefits, the Planning Proposal seeks to concentrate economic activity within an identified Major Centre which provides an increase in jobs and economic activity in accessible areas. This is considered to have positive social, environmental and economic effects.

D. State and Commonwealth interests

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

The Rouse Hill area is well equipped with public infrastructure included essential services, connections such as Windsor Road and the T-way which provides public transport connectivity.

The Planning Proposal application (Attachment 3) includes correspondence with the RTA which establishes the requirements for intersection design along Commercial Road.

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.)*

Views of public authorities will be determined following Gateway Determination if required.

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

Community Consultation will occur in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*.

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 and nearby property owners advising them of the proposed rezoning.

TABLE 2

	SEPPs	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
SEPP 1 —	Development Standards	NO	
SEPP 4 —	Development Without Consent and Miscellaneous Exempt and Complying Development	NO	
SEPP 6 —	Number of Storeys in a Building	NO	
SEPP 14 —	Coastal Wetlands	NO	
SEPP 15 —	Rural Landsharing Communities	NO	
SEPP 19 —	Bushland in Urban Areas	NO	
SEPP 21 —	Caravan Parks	NO	
SEPP 22 —	Shops and Commercial Premises	NO	
SEPP 26 —	Littoral Rainforests	NO	
SEPP 29 —	Western Sydney Recreation Area	NO	
SEPP 30 —	Intensive Agriculture	NO	
SEPP 32 —	Urban Consolidation (Redevelopment of Urban Land)	NO	
SEPP 33 —	Hazardous and Offensive Development	NO	
SEPP 36 —	Manufactured Home Estates	NO	
SEPP 39 —	Spit Island Bird Habitat	NO	
SEPP 41 —	Casino Entertainment Complex	NO	
SEPP 44 —	Koala Habitat Protection	NO	
SEPP 47 —	Moore Park Showground	NO	
SEPP 50 —	Canal Estate Development	NO	
SEPP 52 —	Farm Dams and Other Works in Land and Water Management Plan Areas	NO	
SEPP 53 —	Metropolitan Residential Development	NO	
SEPP 55 —	Remediation of Land	YES	INCONSISTENT
SEPP 59 —	Central Western Sydney Regional Open Space and Residential	NO	
SEPP 60 —	Exempt and Complying Development	NO	
SEPP 62 —	Sustainable Aquaculture	NO	
SEPP 64 —	Advertising and Signage	NO	
SEPP 65 —	Design Quality of Residential Flat Development	NO	
SEPP 70 —	Affordable Housing (Revised Schemes)	NO	
SEPP 71 —	Coastal Protection	NO	
SEPP	(Affordable Rental Housing) 2009	NO	
SEPP	(Building Sustainability Index: BASIX) 2004	NO	
SEPP	(Exempt and Complying Development Codes) 2008	NO	
SEPP	(Housing for Seniors or People with a Disability) 2004	NO	
SEPP	(Infrastructure) 2007	YES	CONSISTENT

SEPPs		RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
SEPP	(Kosciuszko National Park—Alpine Resorts) 2007	NO	
SEPP	(Kurnell Peninsula) 1989	NO	
SEPP	(Major Development) 2005	NO	
SEPP	(Mining, Petroleum Production and Extractive Industries) 2007	NO	
SEPP	(Rural Lands) 2008	NO	
SEPP	(Sydney Drinking Water Catchment) 2011	NO	
SEPP	(Sydney Region Growth Centres) 2006	NO	
SEPP	(Temporary Structures) 2007	NO	
SEPP	(Urban Renewal) 2010	NO	
SEPP	(Western Sydney Employment Area) 2009	NO	
SEPP	(Western Sydney Parklands) 2009	NO	
Relevant Deemed SEPPs			
SREP 18 -	Public Transport Corridors	YES	CONSISTENT
SREP 19 -	Rouse Hill Development Area	YES	CONSISTENT
SREP 20 -	Hawkesbury-Nepean River (No 2—1997)	YES	CONSISTENT

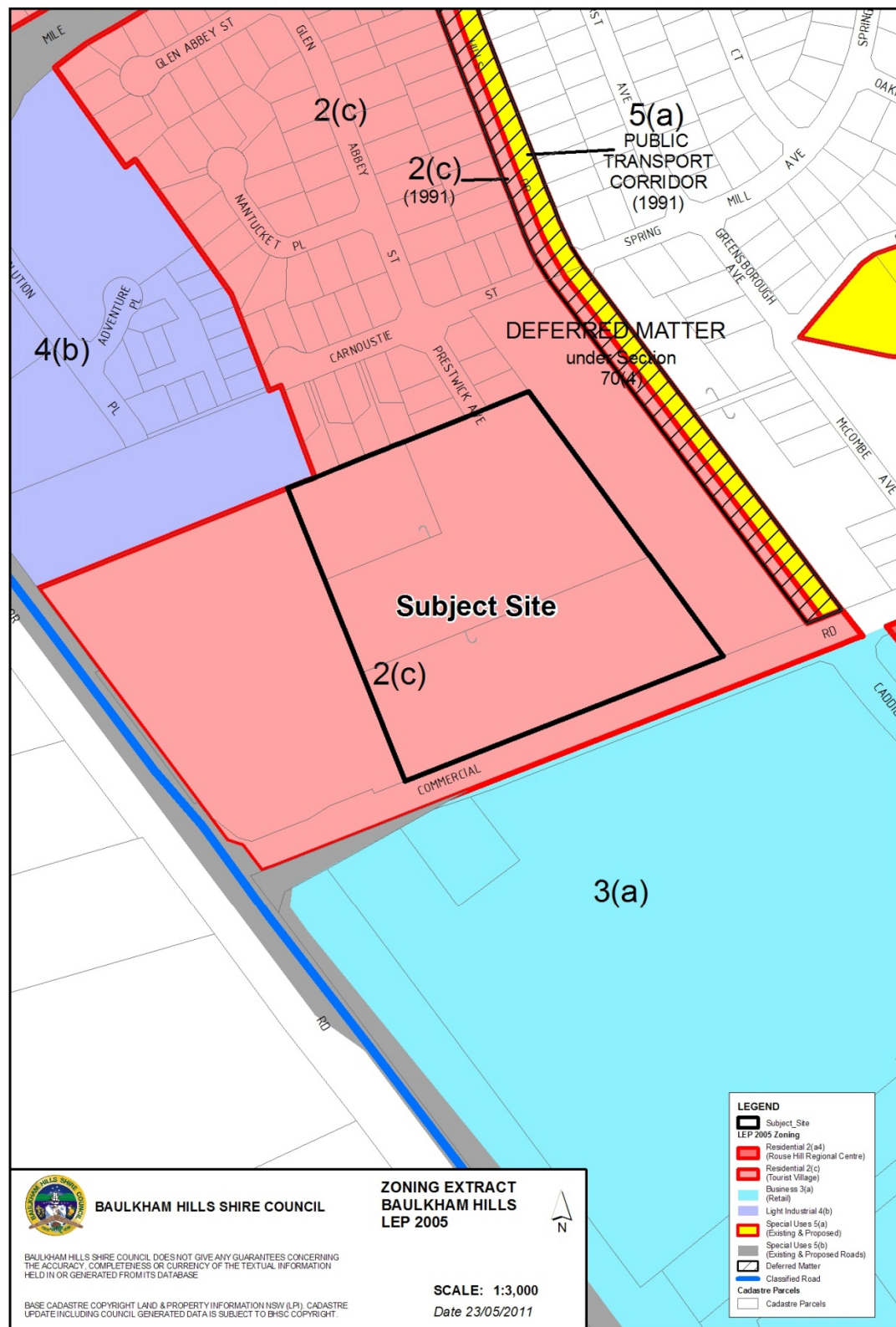
TABLE 3

<u>S117(2) MINISTERIAL DIRECTIONS</u>		RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
1.	Employment and Resources		
	1.1 Business and Industrial Zones	YES	CONSISTENT
	1.2 Rural Zones	NO	
	1.3 Mining, Petroleum Production and Extractive Industries	NO	
	1.4 Oyster Aquaculture	NO	
	1.5 Rural Lands	NO	
2.	Environment and Heritage		
	2.1 Environmental Protection Zones	NO	
	2.2 Coastal Protection	NO	
	2.3 Heritage Conservation	NO	
	2.4 Recreation Vehicle Areas	NO	
3.	Housing, Infrastructure and Urban Development		
	3.1 Residential Zones	YES	CONSISTENT
	3.2 Caravan Parks and Manufactured Home Estates	NO	
	3.3 Home Occupations	NO	
	3.4 Integrating Land Use and Transport	NO	
	3.5 Development Near Licensed Aerodromes	NO	
4.	Hazard and Risk		
	4.1 Acid Sulphate Soils	NO	
	4.2 Mine Subsidence and Unstable Land	NO	
	4.3 Flood Prone Land	YES	CONSISTENT
	4.4 Planning for Bushfire Protection	YES	INCONSISTENT
5.	Regional Planning		
	5.1 Implementation of Regional Strategies	NO	
	5.2 Sydney Drinking Water Catchments	NO	
	5.3 Farmland of State and Regional Significance on the NSW Far North Coast	NO	
	5.4 Commercial and Retail Development along the Pacific Highway, North Coast	NO	
	5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	NO	
	5.6 Sydney to Canberra Corridor	NO	
	5.7 Central Coast	NO	
	5.8 Second Sydney Airport: Badgerys Creek	NO	
6.	Local Plan Making		
	6.1 Approval and Referral Requirements	YES	CONSISTENT
	6.2 Reserving Land for Public Purpose	NO	
	6.3 Site Specific Provisions	YES	INCONSISTENT

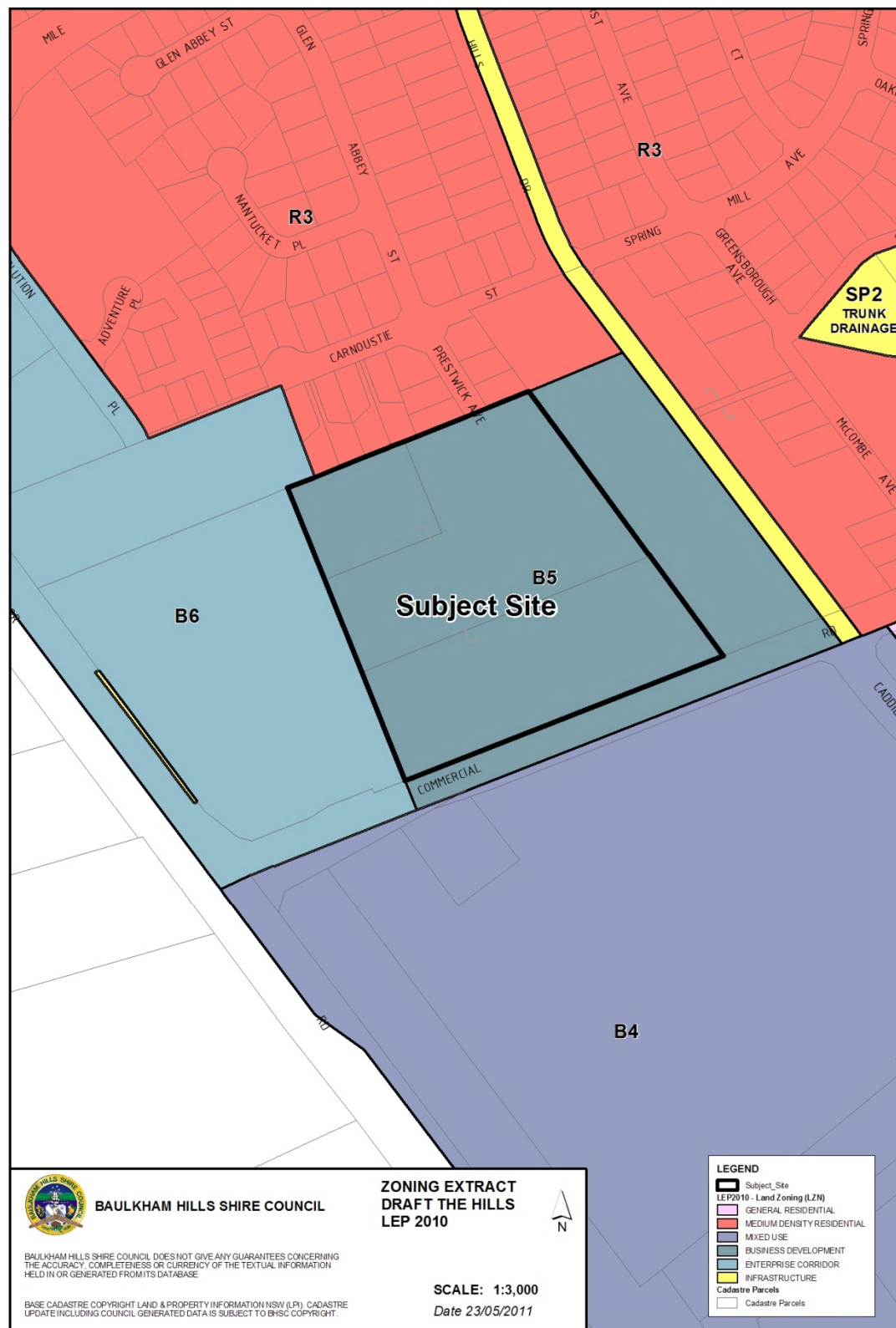
Attachment 4



Attachment 5



Attachment 6



Attachment 7

